



Building Services Board Policy

Owner-builder approval – request to waive six year requirement – hardship

OBJECTIVE

The objective of this policy is to guide members of the Building Services Board (the Board), officers with powers delegated by the Board and Licensing Services staff in making appropriate, consistent and legally defensible decisions in relation to requests to waive the six year requirement to obtain a further owner-builder approval under the *Building Services (Registration) Act 2011*, specifically on the grounds of “hardship”.

SCOPE

The policy applies to all applications for owner-builder approval made under section 45(1) of the *Building Services (Registration) Act 2011* where the applicant has been granted a building permit as an owner-builder within the preceding six years.

CONTEXT

In relation to owner-builder approvals, the *Building Services (Registration) Act 2011* provides as follows:

45. Application for owner-builder approval

- (1) The Building Services Board must grant an owner-builder approval if it is satisfied that —
...
 - (d) in the six years preceding the application the applicant has not been granted or issued with a building permit as an owner-builder;...
- (2) The Board may waive the requirement in subsection (1)(d) if the Board is satisfied that —
 - (a) The building permit was to carry out owner builder work on the land to which the application relates; or
 - (b) The circumstances of the applicant have changed since the building permit was issued and the applicant would suffer hardship if the application were refused.

TERMS USED

Six year requirement

The requirement at s.45(1)(d) of the Act that to be eligible to be granted an owner-builder approval, an applicant for owner-builder approval must not have been granted or issued with a building permit as an owner-builder within the past six years.

Circumstance	A fact or condition connected with or relevant to an event or action; a modifying or influencing factor.
Hardship	A condition that is difficult to endure; adversity.
Waiver	In relation to an application for owner-builder approval, a decision by the Building Services Board to waive the six-year requirement.

POLICY PRINCIPLES

Generally

The following policy does not constrain the Board's capacity to depart from this policy as appropriate in the circumstances for any particular owner-builder approval application.

Limits on frequency of owner-building approvals

Owner-builder approval can only be granted once every six years from the date the related building permit was issued, unless a waiver is granted by the Board.

Hardship

Applicants seeking a further owner-builder approval within 6 years on the basis of hardship will be provided an opportunity to describe their change in circumstances and the hardship they would suffer if the application were refused.

An applicant's claim of hardship shall generally be self-evident and taken to satisfy the requirements of s.45(2), if it is clear that there has been a change (of any kind) to their circumstances and they describe any form of hardship if their application is refused.

Examples of a change of circumstances that have led to an applicant applying for an owner-builder approval within six years from the last one may include relocation for work purposes, divorce, and birth of a child. Examples of hardship may include financial strain or not having enough space in the house to accommodate the family.

POLICY IMPLEMENTATION

Licensing Services will process owner-builder applications in a manner which confirms to this policy and inform applicants of this policy.

Resolved by the BSB	Meeting Date 13 December 2018	Item Number 3.6
Chairperson	Signature 	Date 13/12/18
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