

Building Regulation News Updates are issued as and when necessary, to keep the Tasmanian Building Industry informed of developments occurring in the industry, Building Code of Australia (BCA) and its referenced documents and legislation.

## *Building Act 2000*

### **The architectural design of proprietary kit sheds, carports, and garages**

#### **Accreditation requirements for designers**

##### **Purpose**

The purpose of this News Update is to clarify the accreditation requirements and the obligations of persons responsible for the architectural and engineering design of proprietary sheds, carports, garages and the like.

##### **All responsible designers now need to have Accreditation under the *Building Act 2000*.**

The *Building Act 2000* requires the accreditation of designers (other than owner builders who design their own building work) who prepare designs for building work that requires a building permit and the value when completed exceeds \$5,000.00. Designer is a category of building practitioner, which includes architects, engineers, and building designers.

##### **Do the designers of proprietary kit sheds, carports and garages require accreditation?**

Yes, unless the cost of a proprietary shed, garage, or carport including the labour to erect it is valued at less than \$5,000 or it is a small outbuilding and does not require a building permit.

##### **What types of outbuildings need a building permit?**

All outbuildings require a building permit unless they are exempted by the Building Regulations. The types of outbuildings that are exempt from obtaining building permits are described in the *Building Regulations 2004*:

- 4 (a) an outbuilding if –
- (i) it is the only building of its type on the site; and
  - (ii) the total area does not exceed 9 square metres; and
  - (iii) no side is longer than 3 metres; and
  - (iv) no part is more than 2.4 metres above the ground;

##### **Roles of accredited designers**

The work of designers differs according to their accreditation category, class and scope of work:

- Architects and building designers prepare architectural drawings, and their designs must comply with all the Building Code of Australia (BCA). They also prepare the site plan.

- Engineers are a specialised type of designer who prepares structural drawings (engineering design). They prepare drawings and calculations that take into account the structural provisions of the BCA such as resistance to a combination of wind loads, dead loads and live loads etc. These drawings are submitted to support the architectural design. However, these structural drawings are not architectural drawings.

### **Computer Aided Designs (CAD)**

Modern CAD software allows franchisees, retailers, or distributors to “customise” generic shed designs with the addition or omission of walls, doors, windows, openings, skylights and so on. Many nation-wide franchisees of sheds rely on generic structural plans prepared initially by an engineer. At the end of the process a unique design is created. Therefore, the person customising the initial design effectively becomes the architectural designer, and they should be accredited to perform this type of architectural design work and prepare the architectural drawings and specifications. It cannot be said that the “designer” is the software product, as someone has to be responsible for the input to the program. The site layout should also be done by an accredited architectural designer.

Note: An owner-builder can do his or her own architectural design.

### **Preparation of designs and specifications:**

The submission of design drawings and specifications to a building surveyor for a certificate of likely compliance may be achieved in one of the following ways.

#### *Option one: Owner builder*

A) If the owner builder prepares the architectural drawings, specifications and site plan, they would be considered an owner-builder who designs their own building work. The owner will be responsible for submission of those drawings to the building surveyor for a certificate of likely compliance. This must be then included in the application for a building permit from the Permit Authority (Council).

**Or**

B) The owner-builder buys the kit garage/shed product and simply goes to an accredited architect or accredited building designer to prepare appropriate architectural drawings and site plans. The architect or building designer will be responsible for the architectural design. The consumer can still be an owner-builder, without the added responsibility of becoming an “owner-builder who designs his or her own building work”.

An owner or architect or building designer may use an accredited engineer’s structural drawings to support the architectural drawings. The building surveyor will then survey the architectural drawings and the accredited engineer’s drawings and may accept a “certificate of others” from the accredited engineer.

#### *Option two: Accredited Builder*

The shed/garage company can supply detailed architectural drawings that have been prepared by an accredited building designer to their customers to take straight to a building surveyor to get a certificate of likely compliance (and then to a permit authority for a building permit). The supplied architectural drawings can be supported by the drawings for the structural elements provided by an accredited engineer. The architectural design will be in accordance with the requirements of the Building Code of Australia, and will take into account other important elements such as siting, sanitary facilities, plumbing, and foundations, if applicable.

Note:

- A director, partner or an employee of the shed/garage company may be accredited as an architect or building designer – architectural (if they have the qualifications and experience) so that the company can offer this full design service in-house. **Or** the company may contract with accredited architects or building designers to prepare their plans and drawings.
- If the shed/garage company has used the services of an accredited engineer in the past, who has undertaken architectural design work, that engineer could also seek accreditation as a building designer – architectural. The engineer would have to prove that they have the relevant competencies and experience. (Engineers, architects and building designers have to be accredited in Tasmania for their designs to be accepted.)

### **Why does the *Building Act 2000* insist on accreditation of all designers?**

- For consumer protection – all designers who contract directly with clients to design or construct building work valued at over \$5,000 and that work requires a building permit, now need to be accredited. Accreditation will mean that the designer is competent and insured.
- The Building Act introduces proportionate liability – meaning that a wrongdoer only pays for what they are responsible for, and not for the mistakes of others. People who are preparing designs cannot shift their liability onto an interstate “generic” designer who may have no knowledge of a particular design project or local conditions.

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