

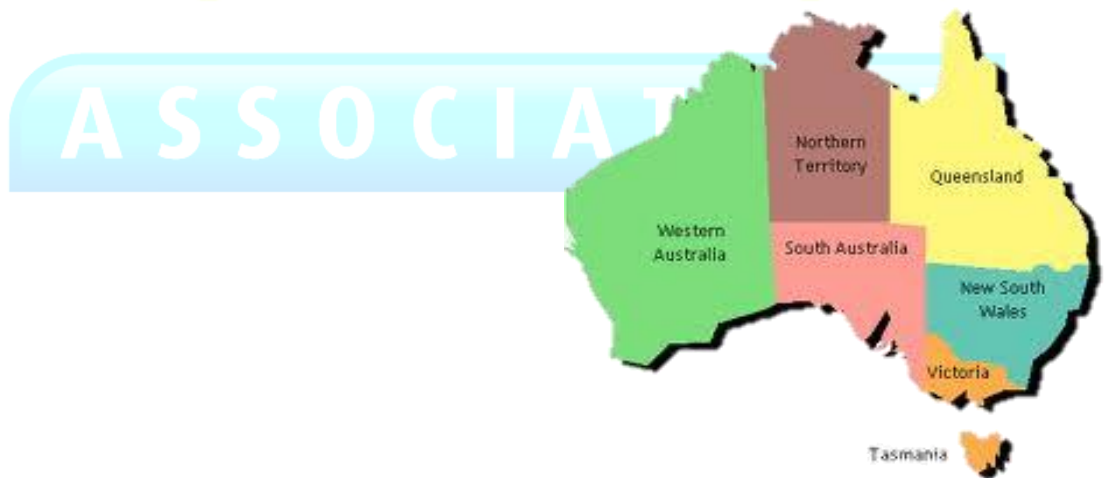
LICENCES

for Shade Sail and Structure installers

Australia in 2013

TABLE OF CONTENTS

NSW	2
Victoria	3
Queensland	4
Western Australia	5
Tasmania	6
Northern Territory	7
ACT	8
South Australia	9



1. Licence Needed

A Contractor licence is required to undertake residential building work over \$1,000 in the licence class of Minor Trade Work - Shade Sails & Shade Systems.

A Qualified supervisor certificate is required to carry out the work as described on the licence.

The distinction between the two categories is that a contractor license holder can contract directly with the customer. A supervisor can do the work but is unable to contract directly with the customer. A contractor must nominate a supervisor to carry out the work. Both licences are desirable.

2. Commercial or Residential

There is no licensing requirement to contract for commercial shade sail and shade systems in NSW. Head contractors on commercial projects often have extensive legislative and building code compliance conditions which they will impose upon a sub contractor if they are to undertake a commercial project.

3. Qualifications for licensing.

Either TAFE course Certificate II in Blinds and Awnings or Certificate I in Construction plus specific modules is required qualification for licensing.

Practical experience no longer qualifies for obtaining a licence. Previous licence holders are exempt from requiring formal qualifications.

Evidence of Home Owners Warranty (HOW) Insurance or exemption endorsing a project limit of \$20,000 on licence.

4. Building approvals.

Local Councils require Development Approval and Construction Certificates for shade structures.

This

ensures the structure complies with building codes and local council standards. Shade structures over 20sm generally require council

building approval and a construction certificate unless classed as an exempt development.

Exempt developments. The exempt development code was introduced in 2009 by NSW Department of Planning to reduce red tape associated with Council Development Approvals for small projects in residential, commercial and industrial developments. Installers must check exemptions with their local council. The exemptions extend to shade structures if they generally are

- Less than 20m² for domestic purposes or 30m² for any other purpose,
- Not higher than 3m from ground level,
- Not less than 900mm from the boundary,
- If connected to a fascia have engineer's specifications for connection,
- Not interfere with the functioning of existing drainage fixtures or flow paths,
- If on bush fire prone land be constructed of non-combustible material and
- If in a heritage effected area is located in the rear yard.

5. Penalties

Unlicensed operators risk fines to \$22,000 for individuals and \$110,000 for companies.

6. Licensing Regulator

NSW Department of Fair Trading.

7. Web Links

<http://www.fairtrading.nsw.gov.au> for further information

Secondary Link

http://www.fairtrading.nsw.gov.au/Tradespeople/Home_building_licensing/Licence_classes_and_qualifications/Minor_trade_work.html

1. Categories -Domestic and Residential.

A Registered Building Practitioner licence RBP held by a person, not a company is required to build shade sails and erect shade structures.

There are two categories:

- Commercial Limited or Unlimited (CB-L or CB-U) or
- Domestic Limited (DB-L project limit \$12,000) or Unlimited (DB- U)

An RBP is not required for domestic work under \$5,000 unless a building permit is necessary from local government.

2. Qualifications to obtain a licence

Commercial Unlimited Licence requires a degree or diploma in building from a University or TAFE College.

Commercial Limited (CB-L) – Shade Structures. No formal qualifications are required however you need to demonstrate adequate knowledge and experience in

- Building technology
- Building Works Management – both operational and supervision
- Legislation and
- Provide evidence and references to support the application.

A Domestic Builder is issued with a certificate by the board and is examined and show adequate knowledge and experience to carry out, manage or arrange building work.

Evidence of builders insurance is required as part of application.

3. When is a licence required

Many shade structures require a building permit to be issued prior to beginning construction. In order to obtain a building permit in Victoria:

- You must be a currently Licensed Registered Building Practitioner in Victoria (either Limited or Unlimited - permit must apply to area of speciality)

- A Certificate of Compliance Design (Form 1507) specific to the site of works signed by a practicing engineer registered in Victoria

Circumstances relevant to Shade Structures where a Building Permit is required are:

- a) Any structure attached to a dwelling or other building requires a Building Permit.
- b) A free standing unroofed structure less than 3.6m high and less than 10 square metres in floor area and not in front of a dwelling does not require a Building Permit. Anything outside these parameters will require a Building Permit.
- c) Shade cloth structure attached does require a Building Permit.
- d) Any structure that sheds water and is greater than 10 square meters in area does require a Building Permit.
- e) Folding Awnings when attached to a building technically do require a Building Permit.
- f) Retractable umbrellas technically don't need a Building Permit.

4. Government Regulator

Building Practitioners Board (as part of the Building Commission).Tel 1300 815 127

5. Web Links

www.buildingcommission.com.au for further information

Queensland

1. Licence Needed

A licence is required to erect shade sail structures where the value of the structure is in excess of \$3,300. The value of the structure is the fair commercial market cost of labour and materials, even if the materials were supplied by the owner or the labour done for less than the market rate.

Erection of a shade sail where an engineering design is required

Builder restricted to Special Structures (shade sails),
Builder restricted to Structural Landscaping

Builder Open, Builder – Medium Rise, Builder—Low Rise, Structural Landscaping (Trade)

*Structural Metal Fabrication and Erection,
*Carpentry

Note: If a concrete slab or footings are required as part of the construction, the trade contractor licensees * mentioned above will also need to hold a Concreting licence. However, a licensed Carpenter is able to place footings and slabs (to a maximum size of 20m²) under the Carpentry licence. BSA Licence number must be displayed on all company promotional material and quotations.

2. Commercial or residential

Commercial Projects. A written contract is needed whenever the work requires a licence. The obligation to have a written contract that complies with the legislation rests with both parties—the head contractor and the client

Residential Projects. If the contract price for the work (including labour, materials and GST) exceeds \$3300, the contractor must use a written contract signed by both parties which complies with the requirements of the DBC Act. (Minor works contract)

3. Qualifications to obtain a licence

- (a) Successful completion of
- An apprenticeship in Textile Fabrication or Carpentry or

- Certificate 111 in Textile Fabrication LMT30407 or
 - Certificate 111 in Carpentry CPC30208 or
 - A course the Authority considers is at least equivalent to a course mentioned in subparagraphs (1) to (3) or
- (b) A recognition certificate as a qualified canvas and sail maker tradesperson or a qualified carpentry tradesperson
- plus either
- Successful completion of competencies from Certificate IV in Building and Construction (Building) CPC40110 or
 - Successful completion of a course, or competencies of a course, the Authority considers is at least equivalent to the competencies mentioned in paragraph (a)

4. Previous experience

The experience requirements are the following-

- (a) For a person who has a technical qualification within the building trade 2 years experience in
- (1) The scope of work for the class: or
 - (2) Other work the authority is satisfied is at least equivalent to experience in the scope of work for the class:
- (b) Otherwise 4 years experience in
- (1) The scope of work for the class: or
 - (2) Other work the authority is satisfied is at least equivalent to experience in the scope of work for the class

5. Financial Requirements

The relevant financial requirements in the board's policies are required.

6. Government Regulator

Queensland Building Services Authority 1300 272 272

7. Web Links

www.bsa.qld.gov.au for further information

Western Australia

1. Registration Needed

Registration is needed for building work that is

- Over \$20,000,
- Where a permit is needed from the local authority and
- In one of the 122 prescribed areas of the State.

If above applies register with Building Commission of WA as a Building Practitioner to work as a supervisor and/or obtain a Building Services Contractor Licence to contract with consumers.

2. Exemptions

Registration is not required to build incidental structures under definitions in Building Act 2011 S3.

Shade structures may fall into this category but need to be confirmed by the local permit issuing authority.

3. Commercial or Residential

There is no distinction for domestic or commercial registration.

4. Application process

Complete and lodge application forms and fees. Permits and Certificates

A permit from the local authority is needed if work involves the construction, erection, assembly or placement of a building or an incidental structure.

Certificate of Design Compliance determines classification under the Building Code of Australia and ensures structure complies with building standards. This is issued by a building surveyor or the local authority and is needed for a permit.

5. Qualifications for registration

A Diploma of Building & Construction and five years experience is generally the minimum requirement.

Builders previously registered under the *Builders' Registration Act 1939* are automatically registered.

6. Government Regulator

Building Commission of WA and the local authority.

7. Web Links

<http://www.buildingcommission.wa.gov.au/licensing> for further information

Secondary Link

http://www.buildingcommission.wa.gov.au/docs/building-act-related/building_act_2011_overviewapr_2012.pdf

Tasmania

1. Licence Needed

Builder's accreditation is needed if work is

- Over \$5,000 and
- A local authority permit is needed.

2. Application process

Complete and lodge application forms and fees.

3. Qualifications to obtain a licence

Base qualification for builder Low Rise is Certificate 1V Building and Construction.

Accreditation is available without Certificate 1V for a limited scope of works e.g. shade structures, if that is the work undertaken and references can be obtained to attest to building skills.

4. Previous experience

Shade structure installer can rely on previous experience

5. Government Regulator

Workplace Standards Tasmania
Justice Department

6. Web links

<http://www.wst.tas.gov.au/industries/building/bp>

[a](#) for further information

ASSOCIATION

Northern Territory

1. Certification and Permits

A shade structure does not require a building permit if

- Under 30sm
- Is totally free standing and
- No closer than 50mm to an existing building.

Installers of shade structures over 30sm require building certification, building permits and insurance but do not have to be a registered builder.

Self certifiers

Some shade manufacturers act as self certifiers and can certify structures to 60sm.

Self certifiers will certify their shade sail products, issue plans and can build approved shade structures on residential property. Upon completion, the self certifier signs and issues an occupancy permit.

2. Structures of >\$50,000

The Northern Territory government requires CAL accreditation as a prequalification for most contractors and sub contractors seeking work above the value of \$50,000.

S40 certificates required for design and construct after 1 May 2012

3. Qualifications for obtaining a licence

4. Government Regulator

Building Advisory Services Branch

5. Web links

<http://www.nt.gov.au/lands/building/regulations>

for further information and fact sheets

SPECIALISED
TEXTILES
ASSOCIATION



1. Licence Needed

You must be licensed to build.

Shade structures fall within a basic Class D licence category which is defined as a broad based non structural licence.

This licence can be endorsed as restricted to include structural shade structures. Categories may be

- To build only class 10a or 10b structures - Building Code of Australia
- Commercial and/or domestic structures

A company must appoint a nominee to be eligible for licensing.

The licences available are;

- Construction practitioner Licence- individual or
- Construction practitioner Licence – organisation.

Some shade structures within class 10a may be exempt from building development approval if they are;

1. Less than 25sm in roof area
2. Have no walls
3. Are less than 3m above ground.
4. Do not span more than 4m.

The licence is renewable every 3 years.

5. Qualifications to obtain a licence

Documentary evidence of at last 3 years building experience in the category requested.

6. Mutual recognition

Complete mutual recognition form.

7. Government Regulator

The ACT Planning and Land Authority (ACTPLA) reviews and approves development applications. (02) 6207 1923.

Licences are assessed under the Construction Occupations Licensing Act 2004 Regulation 32.

8. Web links

<http://www.actpla.act.gov.au/home> for further information

Secondary link:

http://www.actpla.act.gov.au/topics/hiring_licensing/licence_registration/builders

South Australia

1. Licence Needed

Persons intending to contract or sub-contract for building work must obtain a Building Work Contractors Licence and/or Building Works Supervisor Registration. You can apply if you are

- Not suspended from practicing
Have not been insolvent in the last ten years
- Have sufficient business knowledge to undertake work in the licence category
- Fit and proper person and
- Have sufficient financial resources

2. Penalty

Operating without a licence up to \$20,000

3. Commercial or residential

Can apply for a combined or only a commercial licence

4. Mutual Recognition

Upon application a current registration/licence holder in a State or Territory of Australia or New Zealand can practice in South Australia in an equivalent registered occupation.

5. Qualifications to obtain a licence

- Certificate IV in Building SA or Cert IV in Small Business Management

In addition to the above in order to undertake residential work must also have

- Insurance and
- \$10,000 in asset backing. If financial requirements are not met can obtain licence to contract to licenced builders

The application process involves a verbal questionnaire, complete application, provide supporting documentation and fee

6. Previous experience

Holder of interstate Licence accepted

7. Government Regulator

In South Australia, Consumer and Business Services administers the Building Work Contractors Act 1995

8. Web Links

<http://www.ocba.sa.gov.au/licensing/> for further information

ASSOCIATION

ⁱ This information is supplied as a guide for STA members. Please refer to the state regulator for precise and current requirements. A web listing is supplied as a contact point for each state regulator. Links were current at the date of publishing.

ⁱⁱ The nationalising of occupations is being progressively undertaken by the Federal Government. For more information refer to website <http://nola.gov.au/> . Shade Structures licensing is yet to be nationalised.