

MASTER BUILDERS

ROMINA DE SANTIS, technical adviser at Master Builders WA, answers your questions about home building



THE QUESTION

We would like to build a carport at the front of our home. We are not sure if it is permitted, but we would match it to our home with brick piers and a tiled roof. We have contacted a number of builders, but they either want the plans ready to build or only build homes. What would be the best approach to building it ourselves?

THE ANSWER

There is a number of builders that specialise in small additions that would be happy to assist in the design and construction of your carport.

Because you would like a carport that matches your home, it can become quite complicated to find matching bricks and roof tile profiles, so you may need to check if these are still available, or if there are selections that would match closely to what you have.

If you are still considering using a registered builder, I suggest you look at the Find a Member link on the Master Builders WA website.

You can narrow your search according to estimated cost, type of building work and location of the building work.

You should be able to narrow down to the most suited builders to contact for advice and quotation.

To build the carport yourselves, you will need to start with the drawings.

If you have copies of your building plans, you may be able to use these to get started.

A good designer will be able to advise on the planning requirements of the location of the carport in front of your home and on vehicle access requirements.

Depending on street trees and service and drainage locations on the road and within the property, the location or size of the carport may be restricted.

Residential design codes and local planning policies apply to development on residential lots and may include limitations or requirements for the design.

Once you are confident you can build the carport, you will need to document for a building permit. This requires documentation that is ready for construction.

It is prudent to have your site surveyed by a licenced land surveyor to check the location of the lot boundary, vegetation and structures and site levels, and a structural engineer to check site conditions and provide the structural design.

You may also wish to use a private building surveyor to review your plans and certify they meet applicable building standards before lodging to the permit authority for the approval.

Where the value of work exceeds \$20,000 (this is the value of the building work including materials, labour, services, fees, overheads, and profit - regardless of the portion of work you will do yourself), you will need approval as an owner/builder from the Building Commission.

Information on the application requirements and costs are available on the website www.commerce.wa.gov.au/building-commission. You will need to demonstrate knowledge of the duties and responsibilities of an owner/builder.

If you would like to manage the project yourself, you have the same responsibilities and obligation for compliance as registered builders for building and safety standards.

Owner/builders are responsible for the building work for a minimum of six years.

If you decide to sell your home within seven years of the approval being granted, you must obtain home indemnity insurance which covers subsequent owners if there are any problems with the building work.

For more information about building, visit the Master Builders A-Z Building Information Directory at www.mbawa.com. If you have any questions about home building or purchase issues, email romina@mbawa.com

BEWARE OF COPYRIGHT

Designing the plans and layout of your new home requires the special skills of a designer or architect. Master Builders director Michael McLean explains how and why these skills are protected by copyright.

ONCE you decide to build your own home you will need to decide what your home will look like externally and how it will link together in a functional way internally. The experts who translate your ideas to paper or online are either architects, designers, draftspersons or builders.

They usually have copyright in the plans they draw up even if the plans are not marked with the copyright symbol.

Copyright is an extremely important issue in the housing industry, as it helps prevent builders, other designers or prospective homebuyers from copying or reproducing other people's creations in any material form, without first obtaining their consent.

Most builders guard their individual designs very strongly and consider it like a stealing offence for their intellectual property to be used by their competitors or a member of the public without their approval.

Builders go to great effort and expense to develop unique home designs and often showcase them via a new display home.

These same builders protect their intellectual property from being used or adapted by others.

Even small changes to a design can breach copyright laws.

There is no minimum percentage of change to the original design that alleviates your obligations.

Should a builder or designer find their design is being used without their written permission, they can take legal action against the homeowner, builder and other designer.

A simple example is Mr & Mrs Smith taking Bob the Builder's floor plan to Ben

the Builder because Ben says he can build the Smiths' home more cheaply.

In this example, Ben the Builder and the Smiths breach the copyright laws if they use Bob's plans.

If Ben changes the floor plans slightly, the issue becomes whether a substantial part of the floor plan is recognisable in the finished house.

Most homeowners wouldn't be aware of the laws relating to copyright, so builders and designers must be aware of the copyright laws and regulations and inform their clients of the serious consequences of being prosecuted.

If clients are not sure, they should ask the original builder or designer for permission or seek legal advice.

Legal practice Jackson McDonald has expertise in this area of the law.

If you are found guilty of copyright breach by the courts, damages awarded can be considerable, not to mention the legal costs if you were to lose.

Copyright ensures those talented individuals who create fantastic designs to construct new homes are properly paid for their work.

For everyone's benefit, it encourages skilled individuals to continue to design first-class drawings.

The best advice to builders and homebuyers is if in doubt, ask and seek advice.

Builders have their reputation to protect and homebuyers shouldn't be exposed to potentially costly litigation.

The building process is in most cases a smooth one because most people involved play by the rules.

Copyright laws help you to do so.

