

27<sup>th</sup> April 2021

**Re: Policy on Exhibition 'Design and Place State Environmental Planning Policy (SEPP)'**

Thank you for your consideration of our submission in regards to the Policy on Exhibition 'Design and Place State Environmental Planning Policy (SEPP)'.

**We are writing to make a submission in regards to the proposed new planning regulation 'Design and Place State Environmental Planning Policy (SEPP)' which was previewed in February and on exhibition until 28<sup>th</sup> April 2021. As outlined below we are asking that suitable experienced Accredited Building Designers be included as Qualified Design Professionals within the proposed 'Design and Place State Environmental Planning Policy (SEPP)'. That is, Building Designers Accredited by the Building Designers Association of Australia with a medium rise and open level of Accreditation.**

This legislation is proposed to repeal and replace both 'SEPP No 65- Design Quality of Residential Apartment Development (2002)' and 'SEPP (Building Sustainability Index: BASIX) 2004'. The content of both SEPP will be repealed and relocated into the proposed 'Design and Place State Environmental Planning Policy (SEPP)' with some revisions to be incorporated as part of this process.

In some ways the proposed SEPP will be an improvement on what it is set to replace however there is a large omission in the draft documents which proposes to restrict our business opportunities.

I have been a practicing Building Designer for 19 years including a four-year apprenticeship. I have, for the past few years, been a part owner of the local Building Design business Davy Watt and Associates (formally George Watt and Associates). I am a Chartered member of the Building Designers Association of Australia (BDAA) and have a Medium Rise Level of Accreditation. I have been involved in well over 1500 projects. George, has been a practicing Building Design for 37 years and established George Watt and Associates in 1984. He is a Chartered member of the Building Designers Association of Australia (BDAA) and has Medium Rise Level of Accreditation. George has been involved in well over 3500 projects. Our business is involved with a wide range of building design work including residential alterations and additions, new homes, dual occupancies, multi dwelling projects through to large multimillion dollar commercial and school projects. These projects fall across all Classes of Building and Construction Types. Our business has an excellent reputation for customer service and design excellence. It was established in 1984 and has completed well over 3500 projects.

The proposed 'Design and Place State Environmental Planning Policy (SEPP)' will apply to all new developments in New South Wales. It will prevent our business from designing all buildings which are three or more storey's and multiresidential projects with four or more dwellings. It would require these buildings to be designed by a qualified design professional. It defines qualified designer as a registered architect. One of the main aims of the proposed SEPP in this regard is *"To ensure places and spaces are designed by suitably qualified design professionals"*. It is here where we believe members of the Building Designers Association of Australia (BDAA) with appropriate accreditation would be suitably qualified and fulfill this role.

SEPP 65 currently only applies to residential apartment buildings which are three or more storeys. The proposed 'Design and Place State Environmental Planning Policy (SEPP)' unnecessarily expands the restriction on requiring a qualified designer (in regards to SEPP 65 defined as a registered architect) to all buildings three or more storey's and multiresidential projects. This expansion also contradicts planning instruments already in place including the Low Rise Medium Density Housing Code and the Design and Building Practitioners Regulations 2021.

Accredited members of the Building Designers Association (BDAA) have been preparing designs and documentation for buildings which fit into these categories for many years in our local area and across our state. In recent years the Building Designers Association of Australia has worked alongside of state and federal authorities towards normalizing building regulation across state and territory borders and advocating for design professionals who are appropriately qualified and accredited to complete building design work. This recognition can be seen where accredited building designers are listed alongside qualified designers in several pieces of new legislation including:

**Environmental and Planning Assessment Regulations 2000 Schedule 1 Part 2 49(n)-**

*"development involves the erection or alteration of, or an addition to, a dual occupancy, manor house or multi dwelling housing (terraces)—a statement (in the form approved by the Planning Secretary) by a qualified designer or a person accredited as a building designer by the Building Designers Association of Australia"*.

**NSW Government Low Rise Housing Diversity Design Guide-**

*"1.3 Obtaining Approval*

*The development should be designed by a registered architect or an accredited building designer. A Design Verification Statement should be provided to illustrate how the Design Criteria in Section 2 of the Design Guide has been achieved."*

In relation to Dual Occupancy (attached or detached), Manor Houses (three or four dwellings two story plus basement), Multidwelling Houses (three or more attached or detached dwellings one a single lot), Multidwelling Houses (Terrace). *"A qualified designer or a building designer that is accredited by the Building Designers Association of Australia is to certify that the design of the development is consistent with the Design Criteria in the Design Verification Statement."*

*"4.2 development applications*

*Design Verification Statement*

*The Design Verification Statement is to be prepared by the qualified designer or building designer accredited by the Building Designers Association of Australia who directed the design of the development."*

## **Design & building Practitioners Regulations 2021**

Medium rise building means the following classes of building, but does not include a building that is Type A construction for the purposes of a class 4, 5, 6, 7a, 7b and 8 building—

(a) a class 2 building or a building containing a part of a class 2 building that has a rise in storeys of no more than 3,

(b) for a building in relation to which the ground level or first storey of the building is classified as a class 7a building—a class 2 building or a building containing a part of a class 2 building that has a rise in storeys of no more than 4.

The Design & Building Practitioners Regulations 2021 where Building Designers are permitted to design buildings up to and including three (3) storeys.

We believe it is important that only suitable qualified designers are able to design the buildings which are to be covered by the proposed 'Design and Place State Environmental Planning Policy (SEPP)'. We believe members of the Building Designers Association of Australia (BDAA) with appropriate accreditation would be suitably qualified to fulfill this role. You can view the Building Designs Association of Australia website at [bdaa.com.au](http://bdaa.com.au) and you will see that accreditation and education are fundamental to our association.

There is also a provision in the proposed 'Design and Place State Environmental Planning Policy (SEPP)' which allows for members of Australian Institute of Architects or Engineers Australia, or a Nationwide House Energy Rating Scheme (NatHERS) accredited assessor to carry out assessments on buildings outside of the BASIX tool. BASIX is a tool which has taken over a decade to develop and is based on science and hard data. According to the NSW Governments own data the BASIX tool has improved performance of housing in regards to water use, energy use, and thermal comfort and made significant savings to the infrastructure cost for the State of New South Wales. Whilst there are energy efficiency provisions in the NCC BCA there is no other planning instrument in elsewhere within Australia which achieves the results and outcomes which the BASIX system has. This is not the time for us to turn our back on improving the sustainability of our housing stock. **We believe that BASIX must remain the stand-alone gateway for development. That said, if alternative provisions are to be made people who are undertaking these assessments on buildings must be appropriate trained, accredited, audited and accountable.**

**Thank you for taking the time to read our letter and we ask again that consider our concerns in regards to the Policy on Exhibition 'Design and Place State Environmental Planning Policy (SEPP).**

Yours Faithfully,



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