

28 April 2021

Mr Ryan Park

MP (Legislative Assembly)

Member for Keira

Shadow Minister for Health

Shadow Minister for Housing and Homelessness

Shadow Minister for the Illawarra and South Coast

Australian Labor Party member

Dear Sir

RE: Explanation of intended effect for a Design and Place SEPP

I am writing to you requesting that you make representations to the ministers with oversight of a proposed new planning regulation, the Design and Place State Environmental Planning Policy (D&P SEPP), previewed in February.

This legislation is proposed to replace SEPP 65 and to absorb BASIX.

In many ways, the proposed legislation is an improvement on what it is set to replace. However, there is clarification required on aspects of the D&P SEPP to be able to provide me assurance that my professional career and my business opportunities are not restricted.

I practice as a building designer in your electorate and from my main studio in Caringbah. I employ 4 people in my practice. Of concern in the proposed D&P SEPP is the restriction on whom can design and document buildings encompassed within the D&P SEPP. The current definition of a qualified designer within the SEPP is 'a registered architect (qualified designer, same definition as presently used) will be required for all buildings with three or more storeys, and in the case of multi-residential buildings, four dwellings'. I design and document buildings of this type. This definition of 'qualified designer' is a restriction of trade for those building designers who have the qualifications, skills and recognized experience to design and document buildings of this type. It appears that the Government Architect office is deliberately restricting whom can practice through this SEPP it is developing for the benefit of its own.

I also have NSW colleagues who design such buildings. Many interstate members of Building Designers Association of Australia (BDAA) have been exclusively involved in designing multi-story, multi-dwelling buildings for their entire careers.

I am a member of the Building Designers Association of Australia. (BDAA). It is extremely important that after two decades of work BDAA executives have put into normalising building regulation across state and territory borders is not wiped out with the stroke of a legislative pen:

Members of the BDAA do not seek for everyone to be authorised to design buildings covered by the D&P SEPP, only those suitably experienced and qualified to do so. A quick look at our association's website, <https://bdaa.com.au/> will show you that accreditation and education are fundamental to our association.

Another concern of mine is the proposal to replace BASIX with a report that can be done by engineers and architects. The BASIX tool is based on rigorous science and hard data, not opinion. The thermal performance (energy consumption) assessment using the NatHERS or Passive House pathways are subject to independent audit - a critical point in the accountability of the proponent, as currently provided by Australian Building Sustainability Association (ABSA).

BASIX should remain a standalone pass/fail gateway to development.

I, once again, ask you to convey my concerns to the Minister for Planning and Public Spaces and the Minister for Better Regulation and Innovation.

Yours sincerely

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