



**BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA**

4th May 2021

The Hon. Jamie Parker, MP
NSW Member for Balmain

RE: SUBMISSION REGARDING THE PROPOSED DESIGN AND PLACE SEPP

I am writing to you in my capacity as Chairman for the Sydney Chapter of the Building Designers Association of Australia regarding the proposed Design and Place State Environmental Planning Policy. The Sydney Chapter of the BDAA represents over 400 members and the BDAA nationally, several thousand Building Designers.

D&P SEPP PROPOSAL

The new Design & Place legislation is proposed to replace the current SEPP 65 and amalgamate the current NSW BASIX residential energy efficiency program.

In many ways, the proposed legislation is an improvement on what it is proposed to replace.

There is however much needed clarification to provide Building Designers within NSW assurance that their current business operations and opportunities will not be restricted.

The concern specifically relates to Section 3.11 of the proposed D&P SEPP EIE which identifies a requirement *“that developments that are three or more storeys, open space over 1000m², and precincts and significant development, are designed by suitably qualified design professionals”*.

It further states *“Qualified designers are defined by cl.50 of the EP&A Regulation”* and *“The Design and Place SEPP proposes aligning with the existing requirements for qualified designers with the NSW Design and Building Practitioners Act 2020.”*

Another strong concern raised by BDAA members is the proposal to replace the current BASIX certification system with a report eligible to be completed by non-specialist engineers and/or architects. The current BASIX assessment system is based on rigorous science and data, not opinion.

Under the currently recognised NatHERS or Passive House assessment pathways, BASIX certification is subject to independent audit which is a critical aspect of accountability and is administered by the highly respected Australian Building Sustainability Association (ABSA).

The changes within the D&P SEPP propose to remove this standardised and independent oversight.

The BDAA supports continuous improvement of the BASIX system, but affirms it should remain a standalone energy efficiency certification system with assessments conducted by suitably qualified parties who are accredited, audited and accountable. Allowing non-specialised designers and engineers to undertake energy efficiency assessments would represent a step significant step backward in encouraging sustainable construction practices in NSW.

INCONSISTENCY IN DEFINITIONS

Currently, the EP&A Regulation defines a “qualified designer” as “a person registered as an architect in accordance with the Architects Act 2003” and does not acknowledge the role of Building Designers as suitably qualified design professionals.

Meanwhile, the new NSW Design and Building Practitioners Regulation 2020 recognises the qualifications and skills of Building Designers under the category of “Design practitioner—building design (restricted)”, further delineated into low-rise and medium-rise categories.

Like the D&BP Act, the new Housing Diversity Code within the SEPP (Exempt and Complying Development Codes) 2008 recognises qualified Building Designers and Registered Architects by requiring Design Verification Statements be prepared by either a “qualified designer” or “a Building Designer that is Accredited by the Building Designers Association of Australia”.

COMMENT & RECOMMENDATION

Whilst the undertaking of design works by suitably qualified design professionals is fully supported by the BDAA, alongside many of my fellow members and as a Qualified, Licensed (medium-rise through QBCC in QLD) and Accredited (medium-rise through BDAA in NSW) Building Designer practicing in NSW, there is great concern over the ambiguity of the above “qualified designer” statement and we seek to ensure that Qualified Building Designers and their skills are appropriately recognised in the proposed D&P SEPP.

Currently, a large number of developments of the type and scale captured under the new D&P SEPP, are designed by suitably qualified Building Designers. Where the definition of a “suitably qualified design professional” is not clarified and does not include Building Designers, the impacts will certainly at a minimum include:

- a significant new restriction on trade within NSW for Building Designers,
- further inconsistency with the regulations of other states and other existing NSW regulations,
- a very real prospect of a severe services shortage in NSW where only registered architects are able to prepare and verify designs for small and medium sized developments, a large proportion of which are currently designed by accredited Building Designers.

To achieve consistency across NSW SEPP’s and avoid the likely outcomes listed above, it is imperative that qualified Building Designers be recognised and included as suitably qualified design professionals under the new Design and Place SEPP as they already are under both the D&BP Act 2020 and SEPP (Exempt and Complying Development Codes) 2008.

On behalf of the members of the BDAA, I ask you to convey our members concerns to the Minister for Planning and Public Spaces and the Minister for Better Regulation and Innovation.

Yours Sincerely

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