

Supplementary Information submitted to the Productivity Commission Regarding the Reform of Building Regulation Draft Report

Australian Conservation Foundation
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The following comments are provided to expand and clarify the arguments presented in the formal Australian Conservation Foundation submission.

- We strongly agree with the inclusion of the term 'environment' rather than 'sustainability' in the mission statement of the ABCB (or its replacement). Delivering environmental outcomes should be seen as part of the core work of the ABCB in the same way as 'health', 'safety' and 'amenity'. There are less vagaries in the term 'environment' than 'sustainability' and this will make the mission of the ABCB clearer to all parties.
- Given the removal of the explicit reference to meeting 'community expectations' in the mission statement, community representation at the Board level is crucial. Currently there is a community representative on the energy efficiency advisory committee, but more central representation would not only provide a sounding board to the ABCB on a broader range of community concerns, but also a more efficient conduit to engaging community groups working on the built environment.
- As stated in the formal submission, an MOU with the Department of Industry Tourism and Resources should be agreed to deliver more effective and efficient policy making. An MOU should be agreed with the Department of Environment and Heritage to research and develop technical environmental performance requirements and deemed-to-comply provisions to assist the ABCB in the development of the Building Code of Australia. This would make use of the substantial expertise of the department in the environmental performance of buildings developed through the Government initiated National Australian Built Environment Rating System (NABERS). A similar process and assistance was provided by the Australian Greenhouse Office for the development of the energy efficiency provisions of the Building Code of Australia.
- The goal of national consistency will not be achieved through lowest common denominator approaches at the national level, nor through the reining in of local government planning controls. As discussed in the draft report, there will always be a need for regional and local variations due to climatic variations, differing levels of background noise etc. Rather, the ABCB should encourage planning and building regulations, and different jurisdictions to complement each other as much as possible by using similar approaches in performance based methodology. A higher national standard will alleviate the need of local governments to introduce standards of their own accord.
- Planning is an appropriate tool to complement building requirements for at least two reasons: (1) because planning approvals provide separate trigger for environmental standards to be considered early in project planning (which is the most cost effective phase for environmental objectives to be considered); and (2) there are many examples where surrounding buildings or transport planning needs to be taken into account. For example: carparking and bike parking provisions, overshadowing of passive light wells and solar panels, biodiversity implications of a particular development. Heritage considerations of environmental features of buildings are another reason why planning is an appropriate tool. The key recommendation should be that building, planning,

and for that matter plumbing codes should complement each other as much as possible.

- The concern raised, by parts of the industry sector, that local governments do not conduct adequate consultation when introducing minimum standards through local government planning provisions, can only be described as unfounded. In most cases consultation, and the time taken to develop standards has taken place over several years. The recent introduction of minimum standards at the City of Melbourne took over three years to develop. Furthermore, the development of such policies by Council takes considerable resources from an already under-resourced jurisdiction of Government. It would not be without strong community support, and considerable caution that local authorities would take the path of introducing environmental requirements for buildings. It should also be noted that this is not an aberration from international trends – local jurisdictions are showing considerable leadership in introducing minimum building standards. The suggestion that local governments should conduct a full regulatory impact assessment process does not take into account the limited number of buildings that are given approval by local authorities, and the considerable flexibility in existing provisions. Rather, the Productivity Commission should recommend that in line with the polluter pays principle, developers should provide the case for exemption from environmental requirements proposed by local authorities. Alternatively, research conducted by the ABCB, or other Government body, on the broad costs and benefits of environmental standards could be provided to other jurisdictions to address this industry concern.

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