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RE: Green Building Council Feedback on Draft Research Report 'Reform of Building Regulation'

The Green Building Council of Australia was pleased to have been invited to provide comment on the Draft Research Report on Reform of Building Regulation.

The Green Building Council supports whole-heartedly the new Mission Statement, the Revised Objectives, the scope of the Future Work Agenda and the negotiation of an Intergovernmental Agreement.

The following is provided as feedback to the Productivity Commission on its Draft Research report 'Reform of Building Regulation, August 2004'.

Key objectives identified by the Green Building Council are:

- To change the Building Code of Australia to a performance-based Code throughout with reduced prescriptive requirements;
- To obtain national consistency with all jurisdictions supporting the Building Code Australia;
- To introduce appropriate environmental factors into the Building Code of Australia;
- To strengthen fire aspects of Asset Protection;
- To replace the Australian Building Code Board with an Australian Building Regulation Board and at the same time to ensure that regulation is limited to essential matters (with the consequence of not adopting mandatory solutions for some matters made explicit);
- To negotiate an Intergovernmental Agreement to support the above.

The Green Building Council would be very pleased to provide any assistance during the Future Work Agenda, particularly in the area of 'performance-based' and 'sustainability and energy efficiency' elements and in the achievement of Objective 4 concerning non-mandatory guidelines and training matters. In this regard Green Building Council also believes that the Building Code Australia should acknowledge the extensive use of environmental rating schemes and tools as a means of driving market-based mechanisms for better buildings. These provide measurable targets and defined outcomes for building occupation and management and are supported by well-structured and proven professional development programs.

The Draft Report makes little reference to Greenhouse Gas Emissions abatement and focuses on energy efficiency. There is growing application of transitional and alternative energy systems including solar panels and solar hot water heating, consideration of using wind turbines on buildings, transitional gas fired turbines, battery and other energy storage systems and grid connection facilities for sending power back to the grid. It is thus necessary to consider health, safety and environmental issues associated with these.

The Draft Report makes no reference to water use, management and efficiency. Water is now the undeniable first priority for all property development and thus should be included with energy efficiency as a sustainability/environmental concern.

A further concern for Green Building Council is that of Indoor Environmental Quality is not adequately addressed in the Draft Report. Australia does not match other countries such as North America and Europe in relation to best practice Indoor Environment Quality and the responsibilities for planning, commissioning and monitoring building services systems to guarantee design intent. These have significant impacts on health and amenity of occupants and should therefore be covered within Building Code of Australia and brought up common OECD practice.

The following comments are provided with specific reference to sections within the Draft Report.

Section 6 – Code Content and Coverage

- 6.7 Sustainability.** Productivity Commission has considered the use of the word sustainability but prefers to use environmental objectives as covering sustainable design.

The Green Building Council supports consideration of and the use of the wording ‘environmental objectives’ not the use of the word ‘sustainability’.

Draft Recommendation 6.6. Note this would assess whether mandatory requirements for environmental objectives should be added/increased in Building Code Australia. Revised Objectives Section 11.3 recommends as Objective 4 that consideration should be given to of non-mandatory requirements.

The Green Building Council supports Section 11.3 Proposed Objective 4
Pages 132 and 133 ‘The case for intervention’ the Productivity Commission states that it prefers market mechanisms for encouraging sustainability and not regulatory intervention.

The Green Building Council supports both mandatory and market mechanisms for improving the environmental and human health impact of building development.

- 6.8 Energy Efficiency.** Productivity Commission has noted the lack of national consistency despite the universal use of Australian Building Greenhouse Rating

as a rating scheme. Note Box 6.1 on page 135 has no reference to greenhouse gas emissions and reduction from renewable sources.

The Green Building Council suggests that Table 6.1 include Greenhouse Gas Emissions from commercial office buildings which is being applied through Local and State Government planning approval using the Australian Building Greenhouse Rating Scheme.

Draft Recommendation 6.7. This recommends assessment of mandatory standards for energy efficiency. Discussion indicated that climatic conditions would influence regulation around Australia. There was no discussion on what minimum performance such as Australian Building Greenhouse Rating 4 Star etc should be targeted.

6.9 Asset Protection. Productivity Commission notes difference between Building Code Australia fire protection provisions and those of the Fire Brigade legislation. The Building Code Australia focuses on safe evacuation of occupants rather than on protection of the building and occupants a probable focus of insurance companies and others. Refer to comments from Arup Fire on page 141 and from the Fire Protection Association Australia at top of page 144.

Draft Recommendation 6.8. This recommends that except for stand-alone dwellings Building Code Australia should be brought into line with the requirements of fire brigades and insurance companies.

The Green Building Council supports the Draft Recommendation for stand-alone dwellings Building Code Australia should be brought into line with the requirements of fire brigades and insurance companies.

Section 11 – Assessment and New IGA (Intergovernmental Agreement)

11.2 New Mission Statement. Note the addition of 'environment' to the statement and the objective of seeking greater national consistency. Also note that "efficient" is regarded as meaning "cost-effective". Thus "efficient" design implies "cost effective" design.

Draft recommendation 11.1. This reads:

"In addressing issues relating to health, safety, amenity and the environment, to provide for efficiency in the design, construction and use of buildings through the creation of nationally consistent building codes and standards and effective regulatory systems."

The Green Building Council supports the proposed changes to the ABCB mission.

Some notes for consideration are:

"Safety" should address both life and property safety but this is not clear.

“Amenity” should address workplace comfort and therefore covers noise problems but also presumably also indoor air quality and other indoor environment quality issues.

The Green Building Council strongly recommends the code be updated to include indoor environment quality provisions:

- ***ventilation effectiveness***
- ***carbon dioxide monitoring and control***
- ***Daylighting***
- ***Daylight Glare Control***
- ***High Frequency Ballasts***
- ***Electric Lighting Levels***
- ***External Views***
- ***Individual thermal comfort control***
- ***Asbestos***
- ***Thermal Modeling***
- ***Internal Noise Levels***
- ***Indoor Air Pollutants***

11.3 Revised Objectives. Note the 4 objectives.

Draft recommendation 11.2. The 4 objectives are:

Proposed Objective 1. Establish building codes and standards that are the minimum necessary to address efficiently relevant health, safety, amenity and environmental concerns. In determining the area of regulation and the level of requirements, the Board should ensure that:

- there is a rigorously tested rationale for the regulation;
- the regulation would generate benefits to the community greater than the costs (i.e. net benefits);
- there is no regulatory or non-regulatory alternative (whether available to the Board or not) that would generate higher benefits.

Proposed Objective 2. Ensure that, to the extent practicable, mandatory requirements are:

- consistent across the States and Territories;
- performance based;
- based on international standards;
- expressed in plain language.

Proposed Objective 3. Identify and seek implementation of improvements to compliance and enforcement systems for building regulation.

Proposed Objective 4. Identify and seek to implement ways to reduce reliance on regulation by exploring alternative mechanisms for delivering outcomes, including:

- non-mandatory guidelines;
- training to increase skill levels of building practitioners and certifiers.

11.6 New Intergovernmental Agreement (IGA).

Draft recommendation 11.3 is for a change of name and scope for the ABCB to the Australian Building Regulation Board to reflect the word “regulation”. To enable this concept to proceed and to achieve an appropriate national consistency.

The Green Building Council supports this recommendation.

Draft Recommendation 11.4 is for the establishment of an Intergovernmental Agreement that will define the whole process of uplift of the Building Code Australia by the Australian Building Regulation Board.

The Green Building Council strongly supports this recommendation
