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To whom it may concern

Public consultation on the Design and Building Practitioners Regulation 2020

The City of Sydney Council (City) supports the State government's commitment to lift compliance and construction standards in new residential apartment development. However, the City is concerned that the Design and Building Practitioners Regulation 2020 (Regulation) does not fully address persistent issues relating to thermal performance of apartment buildings.

Poor compliance in thermal performance modelling is creating safety issues for residents of single occupancy units (SOU) as the frequency of heatwaves and extreme heat days increases.

The Regulation provides an efficient and effective opportunity to address 15 years of poor regulation and compliance with thermal performance assessment requirements in the Class 2 sector.

Recommendations

1. That BASIX and National House Energy Rating Scheme (NatHERS) assessments should be referenced in the Regulation
2. The Regulation should make specific reference to thermal performance assessment and the minimum documentation and professional competency requirements to undertake this work

Background

- The energy efficiency and thermal performance standards of Class 2 buildings in NSW are regulated under the BASIX SEPP and associated EPAA regulations. Current BASIX policy settings require thermal performance assessment via the National House Energy Rating Scheme (NatHERS) scheme, for Class 2 buildings
- NatHERS thermal performance assessment for SOUs in NSW can currently only be undertaken by Accredited [thermal performance] Assessors as defined under NatHERS
- Thermal performance compliance issues have clear implications for occupant safety because of the increasingly frequent extreme heat days and heatwave conditions experienced in NSW
- There has been a long history of non-compliant modelling practices by accredited thermal performance assessors for thermal performance for SOUs. This is

documented, most comprehensively by Pitt and Sherry in a report funded by the Commonwealth, State and Territory Governments

(https://energymining.sa.gov.au/data/assets/pdf_file/0019/315415/NEEBP-final-report-November-2014.pdf)

- The non-compliant practices in thermal performance modelling, including poor documentation, leads to subsequent non-compliance at the construction stage where builders, working with inadequately marked plans, may standardize insulation and glazing across whole buildings even if the thermal performance assessment has modelled different insulation / glazing treatments to demonstrate compliance for different SOUs depending on, for example, dwelling and glazing orientation, floor area, construction materials and wind exposure.
- BASIX Certificates and NatHERS assessments provide a link between thermal performance and fabric and systems design. The assessment is procedural but complex and documentation is opaque making the link between modelled, approved and final built form almost impossible to interrogate by planners and building certifiers.

This submission has been made by the Strategic Planning and Urban Design Unit in consultation with City sustainability assessment experts.

Yours sincerely

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