



strata
community
association®
NSW

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PREPARED BY: SCA (NSW)

Design and Building Practitioners Regulation 2020 Regulatory Impact Statement(RIS)

Submitted 11 January 2021

Introduction

Strata Community Association (NSW) is the peak industry body for Strata and Community Title Management in New South Wales. Membership includes strata managers, support staff, committee members and suppliers of products and services to the industry. SCA (NSW) has in excess of 3,000 members who help oversee, advise or manage a combined property portfolio with an estimated replacement value of over \$400 Billion. In the same way that our members act as professional advisers and advocates for owners' corporations, SCA (NSW) proudly fulfils the dual roles of a professional institute and consumer advocate.

Based on the 2020 Australasian Strata Insights Report, more than 2.2 million people live in flats and apartments in Australia, the vast majority being strata titled.¹ This figure does not include other forms of strata title such as townhouses and community titled developments. Nor does it include businesses operating in strata titled commercial buildings. The estimated value of property under strata title in 2020 exceeds \$1.3 trillion.²

As the growth of apartment and strata living has intensified over the last decade, the strata management strata services industry has grown in lock step to serve it. Strata managers navigate through a maze of Commonwealth, State and Territory legislation and regulation ranging from actual strata specific legislation, regulation, workplace, health and safety issues and building codes as well as measures applicable to the management of body corporate funds.

A strata manager is expected to be knowledgeable on a range of issues relating to the management of a scheme which, crucially to SCA's feedback on the *Design and Building Practitioners Regulation 2020* includes knowledge of, and interaction with trades, services, building, design and construction.

¹ Hazel Easthope, Sian Thompson and Alistair Sisson, *Australasian Strata Insights 2020*, City Futures Research Centre, UNSW, Accessed at <https://cityfutures.be.unsw.edu.au/research/projects/2020-australasian-strata-insights/>

² Ibid, p6

SCA's Response to the Design and Building Practitioners Regulation 2020 Regulatory Impact Statement (RIS)

SCA Endorsement of the Design and Building Practitioners Regulation 2020

SCA recognises and acknowledges the overall intention of the *Design and Building Practitioners Regulation 2020* to implement recommendations flowing from the [Building Confidence Report](#) (BCR).

SCA welcomes the opportunity to provide feedback to the *Design and Building Practitioners Regulation 2020*.

SCA recognises that, if the regulation properly incorporates feedback and recommendations from stakeholders following this RIS, and is implemented in a coordinated fashion that it has the potential to create:

- Greater compliance
- Better builds
- Better record keeping
- Greater transparency
- A better chain of responsibility
- More informed strata managers.

Background: SCA National Submission to the Australian Building Codes Board (ABCB) on National Registration Framework for Building Practitioners

SCA National provided a detailed submission to the ABCB on the first two recommendations of the BCR in August this year, which can be accessed by visiting the SCA National advocacy page [here](#).

Here is a quick summary of the recommendations from that submission for context of SCA National's position:

- The National Registration Framework (NRF) should explore ways to expand the current licencing to include more fields and professions that carry out maintenance work, to achieve the NRF's stated goals across construction, design *and* maintenance.
- Where a maintenance function is not carried out by a licenced trade, and is within the scope of building legislation, the NRF be expanded to include that trade.
- 'Approved NCC training', as referred to in the NRF Taxonomy Table for each profession, or any other training carried out for registration under the NRF, should include training specifically related to, and case studies specifically detailing defects and non-conforming building products. Training should have a focus on the type of defects that result in the most non-conforming products.
- The Australian Building Codes Board (ABCB) through the NRF should allow adequate timeframes for existing contractors to attain new certifications and, if they have not met them in time, give a short deferral notice period for them to attain the relevant qualifications.
- Strata managers and professionals who engage contractors can easily learn or obtain information about who is registered or who is completing registration for the NRF in fields that have new requirements as a result of the NRF.
- Ensure that proper records are maintained and passed to managers who will be carrying out maintenance by creating regulations for documents to be passed or handed over to the new owners in the form of a building manual or another system that, in consultation with the strata sector, satisfied the needs of future actions such as maintenance works.
- The NRF should make it as easy as possible to ensure that hired professionals comply with the registration framework, and this information is readily accessible.
- Clarify under the NRF specific areas of certification that are not held under a builders' licence.

Maintenance work and the regulations

Strata management and related strata services are working on buildings post their completion date, so our focus is to ensure that as many design professions are registered as possible, their work in certified and maintenance professionals can interpret their work over the life of the building.

The RIS contains a good coverage of design professionals, but should be reviewed with the following building components in mind to ensure all design professionals are included:

- Lifts and escalators
- Interior design
- Landscape design
- Safe access systems
- HVAC systems
- Communications systems including telephone, internet and television
- General maintenance.

This item relates to Questions 5 – 11 of the RIS.

Design lodgement

SCA (NSW) agrees that construction issued regulated designs should be lodged before building works can commence and that the Building Practitioner should be primarily responsible for lodging those documents.

This is in line with the strata industry constantly striving to improve the quality and consistency of documentation throughout the building process and then handed to bodies corporate at the completion of projects.

This item related to Questions 19-20.

Registration, Continuing Professional Development (CPD) and ongoing fees

SCA (NSW) agrees with the pathways proposed in the RIS in line with our position that all design practitioners are included, and their qualifications reflect all of the building's components and their ongoing maintenance.

We support transitional arrangements that are not too burdensome on the industry but have a well-planned timeline for the transition to be carried out. In other jurisdictions, this has been approximately a four-year period with milestones along the way.

CPD should be coordinated with existing professional bodies but regulated closely for quality when more than one organisation is offering CPD, to avoid a race to attain the 'easiest' CPD.

Exempt Development (RIS Appendix 2, p65)

Appendix 2 of the RIS lists examples of work that is exempt from the new regulation.

In line with the strata industry's role to maintain building items and replace defects, SCA (NSW) would like to see as many items covered by the regulations as possible that will need to be maintained in the future.

From the list below, the following examples of work should not be exempt from the new regulation:

- Air-conditioning units
- Balconies
- Evaporative cooling units (roof mounted)
- Swimming pool fences
- Hot water systems
- Pathways
- Rainwater tanks
- Skylights
- Stairways

Subdivision	Topic
1	Access Ramps
2	Aerials, antennae and communication dishes
3	Air-conditioning units
3A	Animal shelters
3B	Automatic teller machines
4	Aviaries
5	Awnings, blinds and canopies
6	Balconies, decks, patios, pergolas, terraces and verandahs
7	Barbecues and other outdoor cooking structures
8A	Bollards
9	Cabanas, cubby houses, ferneries, garden sheds, gazebos and greenhouses
10	Carports
10A	Change of use of premises
10B	Change of use of places of public worship
10C	Charity bins and recycling bins
11	Clothes hoists and clothes lines
12	Container recycling equipment
13	Demolition
14	Driveways and hard stand spaces
15	Earthworks, retaining walls and structural support
15AA	Emergency work and repairs
15A	Evaporative cooling units (roof mounted)
16	Farm buildings (other than stock holding yards, grain silos and grain bunkers)
16A	Stock holding yards not used for sale of stock
16B	Grain silos and grain bunkers
17	Fences (certain residential zones and Zone RU5)

17A	Fences for swimming pools (certain residential zones and Zone RU5)
18	Fences (certain rural zones, environment protection zones and Zone R5)
19	Fences (business and industrial zones)
20	Flagpoles
20A	Footpaths—outdoor dining
21	Fowl and poultry houses
21AA	Fuel tanks and gas storage
21A	Garbage bin storage enclosure
22	Home businesses, home industries and home occupations
23A	Hot water systems
24	Landscaping structures
25	Letterboxes
25A	Maintenance of buildings in draft heritage conservation areas
26	<p>Minor building alterations (internal)</p> <p>(1) A minor internal building alteration for the replacement or renovation of -</p> <ul style="list-style-type: none"> (a) a doorway, wall, ceiling or floor lining, or (b) a deteriorated frame member, including stairs and stairwells, or (c) a bathroom or kitchen, or (d) a built-in fixture such as a vanity, a cupboard or a wardrobe, or (e) an existing sanitary fixture, such as a grease trap or the like, or (f) shelving or racking that is not higher than 2.7m, or (g) a workstation or counter, <p>is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.</p>
27	<p>Minor building alterations (external)</p> <p>A minor external non-structural building alteration, such as the following —</p> <ul style="list-style-type: none"> (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work, (b) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land), (c) the repair to or replacement of a non-structural wall or roof cladding.

27A	Mobile food and drink outlets
28	Pathways and paving
29	Playground equipment
30	Portable swimming pools and spas and child-resistant barriers
31	Privacy screens
32	Rainwater tanks (above ground)
33	Rainwater tanks (below ground)
33A	Roller shutter doors adjoining lanes
35	Screen enclosures (of balconies, decks, patios, pergolas, terraces and verandahs)
36	Shade structures of canvas, fabric, mesh or the like
36A	Shipping containers (temporary installation and use for storage purposes following a bush fire)
36B	Shipping containers and portable offices (temporary installation and use for existing commercial and industrial purposes)
37	Skylights, roof windows and ventilators
37A	Stairway
37B	Street library
38	Subdivision
39	Sculptures and artworks
39B	Tennis courts
39C	Waste storage containers
40	Water features and ponds
40A	Waterways structures - minor alterations
41	Windmills