

## WHY NOT ONE SET OF BUILDING LAWS?

**One set of fire regulations that applied across Australia would save \$200 million a year, a building review says.**

**- Andrew Stewart**

Relief is in sight for property buyers and builders who are now paying a collective \$1.5 billion a year to cope with a maze of different regulations.

A task force that was set up last October to look for ways of standardising Australia's building codes has already identified one area - fire regulations - in which it says up to \$200 million could be saved each year.

"I can't see why the standards applying to a high-rise building and its fire services should be any different in Sydney from Melbourne, Perth or Cairns - or Auckland for that matter," says task force chairman Dr John Nutt, who is also chairman of engineering consultancy Ove Arup.

Fire regulations are just one area being looked at. The review covers rules set by federal, state and local governments. It is running in parallel with Justice Rae Else-Mitchell's inquiry into local government, which actually handles most of Australia's building regulations.

"There's a lot of frustration not just about the amount of regulation, but also the variation between states and councils," Nutt says.

"If you're just building houses across Sydney, let alone nationally, the variation in building regulations can be very time-consuming, costly and leads to all sorts of inefficiencies.

"The situation for commercial buildings is probably worse. There are a lot of engineers, architects and quantity surveyors just handling the variations in regulations."

Nutt says that in Victoria alone building regulations involve 106 acts, 210 sets of regulations, 14 ministries and more than 300 local and statutory authorities - and that this situation is repeated in every state.

"It's not just the difference in regulations that is costly, it's also the differences in the systems for applications, approval times and inspections," he says.

"The problem is that every regulator tries to lay down very explicit rules, supposedly so they are clear to follow. But these often tie builders down to older technologies.

"The builder or developer then has to go through the process of getting new regulations written or getting a ruling by exception, which only further complicates the interpretation of regulations."

The Building Code of Australia has finally been introduced after 10 years, which has been some improvement but has still been circumvented by many local exceptions and procedures.

The task force has looked at the review of building regulations in New Zealand as a guide to what is possible. The New Zealand inquiry found that the cost of regulations accounted for more than 5% of the cost of construction.

Nutt says the lesson is to design a regulatory system that makes clear the objective of the regulations.

"If a council says every building will have concrete rat walls because the regulation says so, then the builder just complies because it is a regulation," he says.

"But if the regulation stated that the architect, engineer and builder had to eliminate the possibility of rats breeding

in buildings, then that allows a greater variety of solutions.

"How long is it since anyone tested the effectiveness of concrete rat walls in any case, or have they just been required because they've been in the regulations for so long? And how do other areas of Australia with a rat problem cope without the rat walls that Brisbane requires?"

"We're trying to make regulations on a performance criterion rather than prescriptive. The intention of the regulation should be so transparent that people can see what it is trying to achieve."

A new system of performance-oriented regulations will require council building inspectors with the technical skills to assess new ideas and different building solutions, rather than just check plans against current regulations.

One of the options is to give qualified private inspectors the power to check that regulations have been adhered to, rather than councils having it.

One of the task force's 11 members, Ross Bonthron, says a single standard should be possible for the structure of high-rise buildings around Australia.

Bonthron, as deputy mayor of Sydney City Council and principal architect for Lend Lease, has seen both sides of getting approval for high-rise, retail and industrial buildings.

"With \$1 million a week in holding costs on CBD sites in Sydney, the cost of red tape in building and planning regulations is just immense," he says.

"Everyone has just got jack of the situation. It is easy for developers these days to invest overseas or in more flexible council areas - and they have been rather than go through the frustration caused by building regulations.

"I've been part of the process of trying to sort out the mess of planning and building regulations covering Sydney. It's now much improved, but having similar regulations and processes around Australia, especially for standard commercial buildings and houses, seems so sensible that it shouldn't be resisted."

One of the task force's first jobs has been to tackle the very expensive muddle of regulations covering fire protection.

It has engaged Sydney University's Warren Centre for Advanced Engineering to research fire-safety design.

If fire regulations could be standardised, then up to three quarters of the building regulations for commercial and retail buildings will be standard. It has been estimated this alone could save up to \$200 million a year.

The task force has also convened a National Housing Code Forum, chaired by task force member Paul Smith who, as deputy director of the Queensland Department of Local Government and Housing, initiated a statewide home building code.

"There is a real feeling for a change and uniform standards. That's why we're getting stuck into this review as fast as possible. We hope to ride that feeling to get some very concrete changes made to regulatory system - and increase the efficiency of the building industry dramatically," Nutt says.

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