



Australian Institute of Architects

14 July 2016

Steven Ehrlich
Building Advisory Committee Chairperson
Northern Territory Building Advisory Committee
GPO Box 1680
DARWIN NT 0801
bac@nt.gov.au

Dear Steven

Re: Review of Deemed to Comply Manual (Ref. DDLPE2014/1080-001)

Thank you for the invitation to provide comment on the experience of our members with regard to the Deemed to Comply Manual, and their assessment of its value in practical terms both to business and the consumer in the Northern Territory.

1. Context

The Institute is aware of the changes proposed by the NT Government with respect to the *Building Act*, as part of a suite of changes which also included proposed changes to the *Architects Act* (c. August 2015). Whilst we continue to recognise and support Government's policy objective to create efficiencies for both business and the consumer by minimising red tape, we believe that the proposal to phase out the Deemed to Comply Manual (DTCM) is founded upon a number of false efficiencies, and is therefore not advisable.

The NT (as do other cyclonic areas) has onerous environmental conditions to deal with, that are not covered terribly well by national codes which are largely documented with respect to colder temperate climates. The DTCM is an efficient and effective means of adjusting requirements to suit the tropics.

2. Weaknesses with the proposal to phase out the DTCM

We identify the following weaknesses in the proposal to phase out the DTCM.

- (i) It is understood that the DTCM would be phased out over three years, and the role assumed by the proposed Building Industry Board. We are not however aware of any details as to the remit or composition of this proposed Board, or how it would exercise oversight with respect to assessing matters of compliance that would heretofore have been addressed by the DTCM.
- (ii) Despite the proposed removal of the DTCM, we understand that the requirement to demonstrate compliance would be ongoing. Under the current arrangements, costs associated with certifying compliance for products covered by the DTCM are primarily borne by suppliers. Phasing out the DTCM, with no ready replacement but an ongoing requirement to demonstrate compliance, would create a vacuum in which costs would necessarily need to be redistributed.
- (iii) Regarding the order of costs, the DTCM provides a streamlined service which is relatively cost effective for both business and consumer. In contrast, the market serviced by the DTCM is relatively small, and there is a relatively limited quantity of professionals available to provide independent assessment of solutions. Removal of a systems approach would likely lead to duplication of effort, and therefore seems inherently inefficient. It also seems highly likely that the consumer/client would bear a significant portion of the resultant cost.
- (iv) Risk assessment would conceivably be redistributed. We would potentially see a move from a situation in which the majority of products have been tested under rigorous conditions, to one in which it is the opinion of an independent assessor that determines compliance. Whilst we support the ability of professionals to apply their expertise in an appropriate manner, this does not make best use of the available body of knowledge. By way of contrast, as a form of consumer protection, the DTCM would seem to provide confidence both in the form of the professional (with their knowledge), as well as the system specified (and its inherent knowledge).
- (v) Dissolution of the DTCM would remove an existing instrument that efficiently ensures compliance with standards that are deemed to be in the community's best interests. The DTCM would also seem to be good for business, who can rely on the quality of the system.

3. Specific member feedback with respect to the questions provided

Under what circumstances (e.g: types of building work) do you refer to the DTCM in your design work?

- *In documentation of building renovations and new buildings.*
- *All building types.*
- *Not usually in sketch design.*
- *We refer to the DTCM more when detailing a building. If we are proposing a product the first place we go is to the register to see if products are listed. If the exact product is not listed, we look to see what alternatives are then make decisions about the cost implications of going with something not on the list.*

Apart from the DTCM, what methods do you use in your design work to demonstrate compliance with Performance Requirement P2.1.1 of the Building Code of Australia, e.g. for non-residential building work or under Part 3.10.1 (high wind areas)? In particular, if you have used Codemark products or manufacturer's technical specifications, under what circumstances have you used them?

- *We always use DTCM. Have not used code mark or manufacturers' specification, only DTCM.*
- *Occasionally engineers refer to a manufacturers spec for a product like epoxy paint to the parts of steel in contact with the ground.*

Does obtaining information from the DTCM for your design work involve different processes, or effort, from other methods you use? If so, are the processes or effort (generally) more or less? (If you can quantify in terms of hours or dollars spent, that would be useful.)

- *Use of DTCM is effortless. We go online, look up the product type and go forthwith to the number and check spacing of supports. Very easy to use.*
- *Each time product research is carried out via product manufacturers for cyclonic areas the correspondence is slow to nonexistent, painful, so annoying.*
- *The beauty of the DTCM is that there are lists of product manufacturers who already understand the cyclonic wind requirements and have invested in it. So sensible.*

If you could not reference the DTCM in your design work, what would you use/reference to demonstrate Code compliance? What would the cost (to the consumer) of this other method be and how does it compare to the cost if you reference the DTCM, i.e: more/less/about the same?

- *Can only rely on the engineer's advice, since product manufacturers are not overly helpful, and are largely uninformed about cyclonic wind requirements.*
- *Much more cost to consumer, as more time would be required for the design team to research from a group of suppliers. This would be a terrifying waste of time, place a greater reliance on engineers, an increase in insurance for engineers and so an increase in cost to everyone.*

What information would you need to issue a "section 40 certificate" under the *Building Act* for a structural design in a cyclonic region? (i.e: if the DTCM did not exist)

- *Whatever the engineers request to satisfy their PI requirements.*

Do you consider there are sufficient suitably experienced architects/designers/engineers to meet the demand for structural design work in cyclonic regions?

- *The only professionals able to sign off structural work for cyclonic regions are engineers. Architects and designers will always have to defer to engineers as it is impossible to get a building permit without a section 40 for the structural design.*

What do you consider are the costs and benefits of the DTCM to your business? (if you can quantify in dollar terms, that would be useful)

- *Benefit of keeping & expanding DTCM would be reflected in time saving of 10% per job. Every time a nice looking window or sliding door or garage door appears on new product lists, we research it only to find it can't be used here because the testing has not been done. (currently we are doing the research into products we used a few months ago only to find most DTC that did once exist have been withdrawn)*
- *Cost to shut it down and rely on alternatives; 30% + increase in time to jobs, to be passed on to clients.*
- *The DTCM is the best and only tool to save time for designers in our region, It enables saving costs for clients and keeps innovation flowing by stocking a tool kit of interesting cyclone resistant products that are 'readily available' and pre-tested so that structural engineers can sign-off on to meet stringent insurance requirements.*

What do you consider are the costs and benefits of the DTCM to your clients? (if you can quantify in dollar terms, that would be useful)

- *Benefit of keeping & expanding DTCM would be reflected in time saving of 10% per job. (given that currently we are doing the research only to find most DTCM have been withdrawn, so anticipating a reverse of this time*

waste, currently being born by the office but soon to be added into fees if the DTCM is scrapped). say \$10,000 fee job, add \$1,000.

- Cost to shut it down and rely on alternatives; 30% + increase to jobs, to be passed on to clients. Say \$10,000 fee project; add \$3,000. Huge costs.

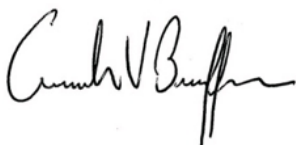
What do you consider are the costs and benefits of the DTCM to the public/community generally? (if you can quantify in dollar terms, that would be useful)

- *The beauty of the DTCM is that there are lists of product manufacturers who already understand the cyclonic wind requirements and have invested in it. So sensible. Time is saved from the outset of design since the availability of products is more likely known from the start. Thus our tool kit of tricks is large and fun. Without the DTCM design in the tropics will be more difficult, tedious and frustrating.*
- *It is already more expensive to build here, if the DTCM is removed the costs of professional fees will be completely unaffordable for most typical households, so innovative tropical designs will be reduced to a tiny percentage of a tiny percentage; only for the very wealthy niche.*
- *Please save the DTCM.*

4. The problem is not the system itself, but the *state of the system*

For the reasons listed above, we are in favour of retaining the DTCM, notwithstanding that the DTCM in its current form could be improved. The DTCM system and application process is regarded as cumbersome, and there is the risk of suppliers who try to access via the “back door”. We are also aware that suppliers need to complete a significant amount of work to be admitted to the register. Yet none of these are terminal issues. Rather, the DTCM needs to be updated on a regular basis, and the mechanisms for entering a product into the Manual could be reviewed. In our view, a review of the operational procedures of the DTCM would seem to be a more prudent way forward than wholesale change.

Yours sincerely,



Andrew Broffman RAIA

NT Chapter President
Australian Institute of Architects

This submission was prepared by Joshua Morrin (NT Chapter Manager) with contributions from Andrew Broffman, Jo Rees, Jenny Culgan, and Robert Foote.

Contact:

Joshua Morrin
NT Chapter Manager
joshua.morrin@architecture.com.au
+61 8 8936 1820