



Australian Standards

Policy Background

- Standards Australia have developed several thousand Australian Standards, which have been published by SAI Global, with many standards now relied on as black letter regulation and de facto regulation.
- The National Construction Code (NCC) calls up over 1,400 standards through primary, secondary and tertiary references.
- Businesses are obliged to comply with all these standards. The flood of standards places a heavy compliance burden on builders and contractors. A copy of the NCC, inclusive of reference standards, can cost over \$1500 and needs to be purchased annually. Standards should be readily available to the small businesses which need them.
- State and local government planning and building regulations reference Australian Standards not called up by the NCC in an adhoc manner and without regulatory impact assessment in accordance with COAG principles for good regulation.
- There has been a trend towards using unreferenced standards as de facto regulation. Courts and building tribunals appear to be increasingly relying on failure to comply with standards as a cause of action, despite the standard not being referenced in the NCC.

Policy Issues

- For many years, Australian Standards provided cost effective technical guidance for industry, reflecting industry practice.
- Recently standards have become defacto building regulations, aimed at driving "best practice" outcomes, with little regard for the cost impact on housing affordability.
- With the creation of Standards Australia as a private company, its public good role appears to have been overshadowed by the commercial pressure to recover costs, leading to more and more standards being produced.
- The enthusiasm for "best practice" standards sits uneasily with minimum effective regulation. It is contrary to Standards Australia's obligations under its Memorandum of Understanding (MOU) with the Commonwealth which requires the company to develop minimum effective solutions. It conflicts with the objective of the NCC to set minimum acceptable technical requirements for ensuring the health, safety, amenity and sustainability of new buildings.
- The status of draft standards and standards published out of sequence with the NCC annual publication is causing confusion in the industry. HIA is firmly of the view that only standards referenced in the NCC should be legally enforceable. It is unreasonable to expect builders and contractors to be aware of unreferenced or draft standards.

HIA's Policy Position on Australian Standards

- All standards to be referenced in the National Construction Code (NCC) must undergo a comprehensive regulatory impact assessment by the Australian Building Codes Board to prove a demonstrable need for the standard and a cost benefit to building owners.
- New standards should be developed according to the COAG principles for good regulatory practice.
- The decision to develop a standard should be made at arm's length from Standards Australia, reflecting a strong demonstrable need and industry-wide consensus.
- Standards Australia must accept greater accountability for standards, ensuring appropriate cost/benefit analysis and public consultation, as part of their development.
- The separation of the public good and commercial operations of Standards Australia and SAI Global must be effective. Standards Australia should not be driven by commercial returns.
- Government funding for the development of any "public good" standards should be provided to ensure that the all interests are appropriately considered.
- Australian Standards should be accessible at no cost, as has been general practice with all other Australian legislation. The entire text of all new standards, and any amendments to existing standards, should be available online free of charge, where the Standard is called up by any Federal, State or Local legislation or regulation.
- Compliance with a referenced standard should be a defence in court or tribunal proceedings. Reliance on standards that are not referenced in regulation or are not agreed to as part of the building contract should not have weight in building dispute arbitration.
- The Australian Building Codes Board should provide direction to all state administrations and local government, on the position of unreferenced standards in building regulation.



INFORMATION SHEET

BUILDING SERVICES

Ref: NAT BCA 11-04
Current at: May 2013

AS 2870 – RESIDENTIAL SLABS & FOOTINGS UPDATED

This information sheet has been prepared to update members on the changes to **AS 2870 – 2011: Residential Slabs and Footings**. The previous edition of the Standard was published in 1996.

The new edition of AS 2870 - 2011 will not be called up in the BCA until 2012. Therefore members are not required to adopt the new requirements until 2012, however this information is provided to assist members in understanding the changes and make any adjustments necessary in your businesses in the interim.

The objective of AS 2870 is to specify performance criteria and specific designs for footing systems for foundation conditions commonly found in Australia and to provide guidance on the design of footing systems by engineering principles.

This Standard places particular emphasis on design for reactive clay sites that are susceptible to significant ground movement due to moisture changes. The Standard takes into account the following:

- a) swelling and shrinkage movements of reactive clay soils due to moisture changes;
- b) settlement of compressible soils or fill;
- c) distribution to the foundation of the applied loads; and
- d) tolerance of the superstructure to movement.

Changes to the 1996 edition are as follows:

- (a) Revision of the overall Standard, such as:
 - new Clause 1.6 on Articulation Requirements
 - changes to definitions in Clause 1.8
 - new Clause 2.3 on Estimation of the Characteristic Surface Movement
 - Section 3 on Standard Designs has been updated
 - new Clause 3.4 on Waffle Rafts introduced
 - Section 4 on Design by Engineering Principles has been revised
 - updated Clause 4.5 on Simplified Method for Raft Designs
 - new Clause 5.5 on Requirements for Aggressive Soils has been introduced.
- (b) It should be noted that Site Class H has been split into Class H1 and Class H2.
- (c) There is a new Appendix H on Guide to Design of Footings for Trees.

The notes that are included are for clarification and general advice only and are not part of the mandatory provisions of the Standard.

A Commentary to the Standard has been included at the back of the document. The Commentary is also for information and advice only and does not form part of the mandatory provisions of the Standard.

The layout of the Commentary follows that of the Standard. The numbering differs only in that its clauses, figures and tables are prefixed by the letter "C". For example, Clause C3.2.1 of this Commentary refers to Clause 3.2.1 of the Standard. Clause numbers are not consecutive because where there is no commentary to a clause then it does not appear.

HIA members can contact HIA Building Services staff for more information on 1300 650 620 or hia_technical@hia.com.au.

DISCLAIMER - The above is intended to provide general information in summary form. The contents do not constitute specific advice and should not be relied upon as such. Formal specific advice should be sought by members with respect to particular matters before taking action.

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INFORMATION SHEET

BUILDING SERVICES

Ref: BCA 13-06
Current at: April 2013

WHEN DO YOU NEED TO USE AUSTRALIAN STANDARDS?

This information sheet explains how Australian Standards are referenced in building legislation and provides advice on how builders decide whether or not a particular standard needs to be referenced on your contract documents.

When do standards apply to your building work?

There are hundreds of Australian Standards but only a very limited number are referenced in the National Construction Code including the Building Code of Australia (BCA) Volumes 1 & 2, State building legislation and/or your building contract documents.

Standards referenced in building approval documents and the contract will be legally binding and failure to comply could result in a dispute. It may come as a surprise to some of our members that secondary standards – standards that are referenced in the primary standard – are also legally binding, thus creating a seemingly endless array of technical documents.

It is not uncommon for a building consultant to allege defects because the work does not comply with an obscure clause in an Australian Standard that you were not aware of but was clearly referenced in the specification or drawings.

To demonstrate the extent of how standards have become an unquestioned part of the way our industry does business, review a set of contract documents for a recent project and note how many standards are explicitly referenced. The number can sometimes be overwhelming.

Builders who prepare their own plans and specifications, or who arrange preparation as part of their service, will have more discretion over the use of standards than a builder working off documents supplied by the owner or the owner's agent such as an architect.

How to manage references to Australian Standards in your project

To reduce unnecessary risks, builders need to critically review their documentation and design processes.

Firstly, identify any standards that are not referenced in the BCA, Volume 2 – Housing Provisions and question their value in the outcome of the project, deleting as appropriate. This should include the plans, specifications and contracts and may also involve discussing with the designer, engineer or other consultants on the necessity of a particular standard that they have referenced. It is worth remembering that consultants may be simply utilising a list of standard references used for all their projects.

Secondly, determine if the particular part of a design can comply with the relevant Acceptable Construction Practice (ACP) in the BCA. For example, masonry can either comply with the Acceptable Construction Manual (ACM) that references AS 3700 – Masonry structures or comply with the ACP, being the more traditional deemed to satisfy building techniques.

Adopting the ACP will, for the most part, eliminate the need to comply with AS 3700 and its 60-odd secondary references. That doesn't mean standards don't apply - the ACP for masonry will generally refer to parts of a standard, such as wall ties, which must be classified in accordance with AS/NZS 2699.1 (a secondary reference).

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Often the ACP (deemed to satisfy) has some limitations and cannot be used in all cases. For example, with masonry the ACP cannot be used if the proposed building is to be located in an area with a design wind speed greater than W41 or in an alpine area. In these instances, the design would need to then comply with the AS 3700 or an Alternative Solution.

Finally, ensure that if an ACP is adopted, rather than an Australian Standard (ACM), that it is noted on contract documents, including consultants' documents, before submitting for approval with the building surveyor. Failure to do this will compromise all the work you have done in reducing your exposure to unnecessary standards and may result in disputes.

Builders tendering off documents supplied by the owner, do not have the luxury of deleting standards or adopting the ACP as described previously. They have rather limited options with equally limited success.

A commercial option is to withdraw from the tender process or submit a tender that is qualified by advising that it specifically excludes particular standards or adopts the ACP in lieu of the ACM for particular parts of the design.

The latter strategy has a high element of risk if the builder is not conversant with building legislation. Alternatively you can challenge the relevance of a particular standard during the tender stage. Amendments post the contract stage are difficult to achieve as these would be deemed variations to the contract and subject to approval by the owner or their agent.

It is important that builders take time to review their plans, specifications and contracts before work starts to ensure that only those Australian Standards you want to use and referenced. This can help to avoid confusion between you and the customer, along with making sure the designer, engineers and building consultants are all aware of what standards you plan to use during the building work.

What is an Australian Standard?

An Australian Standard is a document written by Standards Australia and published and sold by a separate company, SAI Global. Just because a standard has been published that does not make it law. There are several hundred Australian Standards that apply to residential building work. These are legally enforced by being listed in the Building Code of Australia (BCA) – Volumes 1 and 2. Standards are updated from time to time, but only have legal effect if they are referred to by the BCA or a piece of state planning or building legislation.



INFORMATION SHEET

BUILDING SERVICES

Ref: BCA 13-07
Current at: 1 May 2013

NEW REQUIREMENTS FOR GARAGE DOORS IN CYCLONIC AREAS

In 2012, *AS 4505: 2012 Garage doors and other large access doors* was amended to update the construction requirements for garage doors in cyclonic regions. AS 4505 now outlines specific requirements for the design, construction and installation of garage doors and other large access doors not more than 3 metres in height.

This new version of the standard has now been referenced by the Building Code of Australia (BCA) 2013, which commenced on 1 May 2013.

These changes affect buildings in **wind regions C and D in Queensland, Northern Territory and Western Australia**. Wind region C includes:

- Areas located north of 25 degrees latitude (includes Bundaberg)
- Areas located less than 50km from the coast.

Wind region D applies to a smaller region on the coast of Western Australia.

Members building in these regions should be aware of the existing building requirements for cyclonic regions. These changes add to the existing requirements.

What do the changes mean?

The reference to AS 4505 in the BCA now brings garage doors into line with all other claddings for residential buildings, including windows, to ensure that they withstand the wind loading specific to the site. Effectively garage doors will now come with wind locks to prevent buckling and dislodgement of the door.

Why has the Standard changed?

There was significant evidence from Cyclones Larry and Yasi in North Queensland that homes designed to meet the current building standards for cyclones survived the events well. However, the garage doors failed to withstand the wind loads and were damaged or completely removed leading to damage to the home and surrounding buildings.

How will I know if the garage door is cyclone rated?

The garage door needs to be labelled as suitable for wind region C or D (as appropriate) and also state that they're designed in accordance with AS 4505: 2012. If this information is not available from the supplier of the door, or there are no labels, then you should presume that the door does not comply.

How do I know if the building site is located in wind region C?

The differing wind regions for Australia are illustrated in the BCA 2013, volume 2, page 424. A copy of this map is provided below. However as the map covers all of Australia, it isn't very helpful when determining whether specific towns such as Gin Gin or Atherton are in wind region C or wind region B (do not require the cyclone rated doors); as they're both very close to the wind region boundaries.

As such you should consult the following website which can assist with calculating latitude of the building site which, if north of 25 degrees latitude, falls within wind region C:

<http://locates.com.au/gps.html>

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Furthermore, to be classified as region C the site must also be within 50km of the coast, which you can calculate with the following website:

<http://www.daftlogic.com/projects-google-maps-distance-calculator.htm>

Does it affect buildings currently under construction?

No, buildings currently under construction are not affected. Furthermore, the changes do not affect buildings where plans were lodged with the certifier prior to May 1st 2013. In both circumstances you can still proceed to install a garage door that isn't cyclone rated and the certifier has to accept that garage door.

What happens if I've signed the contract before May 1st but haven't lodged plans with a certifier as yet?

Then compliance with the new regulation is required. However the contractor will not be prevented from claiming associated cost increases in ensuring compliance with the BCA, essentially because the cost was an 'unknown' at the time of entering into the contract.

How do I claim the additional costs?

The *Domestic Building Contracts Act 2000* (the Act) in Queensland, generally prohibits the use of cost escalation clauses associated with increases in costs of materials. However, the Act does not prohibit the right of a building contractor to recoup costs associated with 'cost increases resulting from the introduction of new, or changes to existing, government taxes or charges'.

Similar requirements apply to contracts in the Northern Territory and Western Australia.

All HIA contracts provide building contractors the right to pass on additional costs resulting from changes in building regulation, via the 'other costs' clause of the contract.

What happens if I've signed the contract after May 1st?

Then compliance with the new regulation is required. You will need to have included the price of cyclone rated doors in the contract. If you haven't included the additional cost of supplying a cyclone rated door then the client does not have an obligation to accept a contract variation.

Need help?

If you have questions about these change or the additional cost that may affect your building contract, a HIA members can contact the Workplace Adviser or Building Services Advisor in your region.

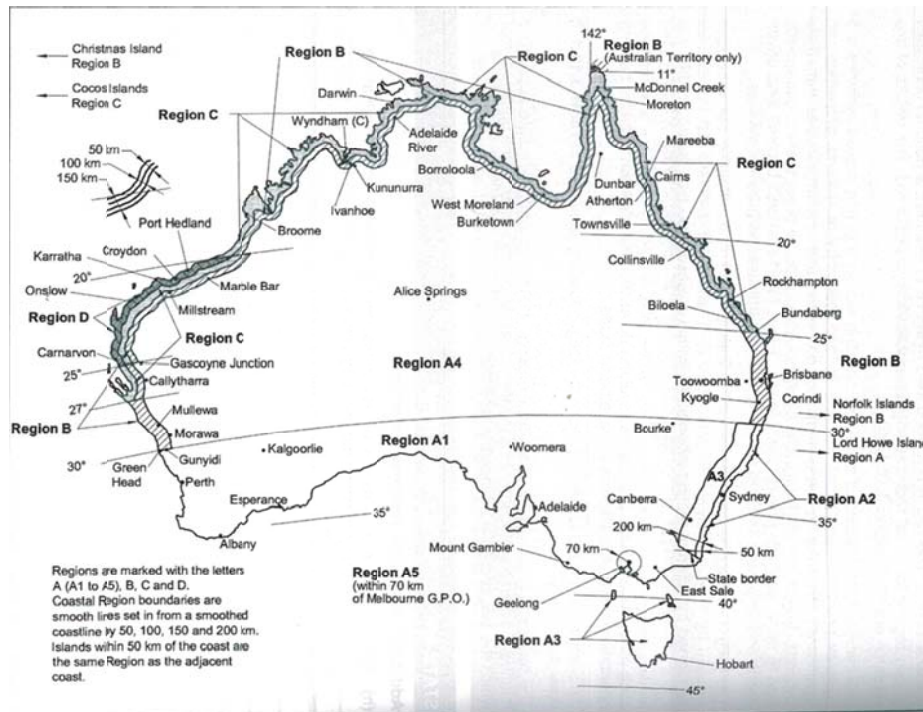


Figure 3.10.1.4 - Wind Regions (extract from BCA 2013, Volume 2)



the voice of the industry

FOR IMMEDIATE RELEASE

30 May 2014

MEDIA RELEASE

Housing Industry Welcomes Building Code Free Online

The Housing Industry Association (HIA) has welcomed today's decision by the Building Minister's Forum to deliver the National Construction Code, which includes the Building Code of Australia (BCA), free online from 2015.

"Today's decision is a win for common sense and a significant outcome for cutting red tape in housing. Having access to the building code is a necessity for everyone in the building industry," said HIA's Kristin Brookfield, Senior Executive Director, Building Development & Environment.

"The building code should always have been freely available online in the same manner as other state and territory regulation."

"To require builders and plumbers to pay for access to the most important compliance document for the industry is contrary to achieving the delivery of affordable housing at the highest possible standard."

"It is hard to think of any other sector where this is the case."

"The establishment of a national building code in 1996 was one of the most successful examples of harmonisation across states and territories we have seen. However the failure to deliver the code for free at that time was a significant oversight."

"After almost 20 years of having to pay every year for a new version of the building code, this agreement is a win for home builders and housing affordability. More importantly, this move will open the door to removing the need to update the code every year and avoid the 'churn' in building regulation that builders currently face," said Ms Brookfield.

Delivering the BCA free online was a key issue addressed in HIA's *Housing Australians* federal election priorities and has been the subject of ongoing representations by the organisation for over a decade.

"The federal government should be congratulated for co-ordinating this outcome."

Today's announcement is a first step in the overall goal of cutting red tape on home builders. The Australian Building Codes Board now must focus on the plethora of related Australian Standards that will still be required to be purchased.

"HIA is hopeful that this change will create a greater impetus to now complete the reforms and improve builder's access to these other standards," concluded Ms Brookfield.

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