

## Board advice to architects in Regard to their responsibilities under the State Environment Plan 65 (SEPP 65)

SEPP 65 is the only area of practice in NSW that is restricted to architects. The SEPP aims to improve the design quality of residential apartment development in New South Wales. It recognises that the design quality of residential apartment development is of particular importance and public interest due to the economic, environmental, cultural and social benefits of high quality design.

The SEPP achieves this by ensuring that multi-unit residential apartment building proposals achieve an acceptable minimum standard of design quality.

The architect has obligations under the SEPP.

In preparing a development application that relates to residential apartment building, an architect must provide a *design verification*, being a written statement, in which the architect verifies that:

- he or she **designed (or immediately directed the design)** of the residential apartment building proposal, and
- the 10 design quality principles set out in the SEPP are achieved for the residential apartment building.

It has come to the Board's attention that there are circumstances when an architect while working in association with a building designer may potentially be in breach of the above SEPP provision relating to design verification.

Architects are reminded of their obligations set out in the NSW Architects Code of Professional Conduct, specifically:

*3 The objectives of the Code are as follows:*

*(c) to promote community confidence in the architectural profession.*

*And*

*20 Representations concerning architectural work*

*(1) An architect should not, in the course of the architect's professional practice; sign as checked, approved or supervised any drawings or other documents that the architect has not in fact checked. Approved or supervised.*

*(2) An architect should not, in the course of the architect's professional practice, permit the architect's name to be used in relation to any work, document or publication in a manner that misleadingly implies authorship of, responsibility for, or agreement with the content or form of, the work, document or publication.*

Architects are reminded that in circumstances where an architect and a building designer are working in association on a project defined under SEPP 65, they should have regard to their obligations under the Code as indicated above.

Further, architects are advised that in circumstances where the architect is providing partial services in a project defined under the SEPP they should be aware of their obligations under:

*Section 7 Client agreements... The architect should ensure that the written agreement : ( a ) specifies the scope and nature of, and requirements for, the service to be provided.*

Architects should also make themselves aware of the potential for an invalid *design verification* to be in breach of the SEPP and the NSW Environmental Planning and Assessment Act.