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“WELL” BUILDING’S RATING SYSTEM

INTRODUCTION

This newsletter looks at a building's rating system called “Well”.

Buildings have a significant impact on people's health and well-being because people spend most of their time in indoor areas. Building rating tools and certificates are designed to analyse how efficient buildings perform in terms of the health and wellbeing of the people.

The *National Construction Code (NCC) 2019* sets out the requirements for the design and construction of a building in Australia, including plumbing and drainage. It sets the minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings.¹ (Refer to Annexure 1)

The environmental regulatory framework is governed in Australia by both Commonwealth and state/territory legislation. The Commonwealth Environmental legislation is the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*. Under the EPBC act WELL Health-Safety seal is not currently mandated by any regulatory health agencies. In NSW the relevant environmental statute is the *New South Wales (NSW) Protection of the Environment Operations Act 1997*, under the NSW act the rating system is also voluntary however, it may be changed in the future.

WELL is an optional energy rating system that demonstrates industry excellence, and a building that has achieved sustainability goals.² The rating attempts to drastically reduce a building's carbon footprint as well as attempt to improve the health and wellbeing of its occupants.³

Building Sustainability

“In practice, building sustainability means living in harmony with the natural environment, considering the social, environmental and economic aspects of decisions, and reducing our footprint through a less energy, water and material intensive lifestyle. Social sustainability is also important and working towards a healthy and safe community is often interconnected with economic and environmental endeavours.”⁴

WELL Health Safety rating focuses on the design, operations, maintenance, and emergency plans of buildings to reveal how they impact human health and wellbeing.

¹ ABCB, Australian Building codes Board website, at: <https://abcb.gov.au/homeowners>.

² Oliver Health, design Guide, Well Building standard “Creating Positive Spaces,” using the Well Building standard”, p.11, at: http://interfaceinc.scene7.com/is/content/InterfaceInc/Interface/EMEA/eCatalogs/Brochures/Well%20Building%20Design%20Guide/English/ec_eu-wellbuildingguide-en.pdf

³ WELL Health-Safety Rating website, <https://v2.wellcertified.com/en/health-safety/overview> .

⁴ Australian Building association (ABCA), What is Building Sustainability?, at: <https://www.absa.net.au/about-building-sustainability/what-is-building-sustainability/>

WELL is an evidence-based system (medical and scientific research to harness the built environment as a vehicle to support human health) for measuring, certifying and monitoring the performance of building features that may impact health and wellbeing.⁵

WELL Health-Safety Rating Scope

The WELL Health-Safety Rating includes more than 20 features across the following core areas, a minimum of 15 of which need to be met:⁶

1. Cleaning and Sanitization Procedures
2. Emergency Preparedness Programs
3. Health Service Resources
4. Air and Water Quality Management
5. Stakeholder Engagement and Communication

The advantages of the WELL Health-Safety Rating are numerous, for instance: attracting and retaining employees, clients, and investors; building brand equity through leadership and innovation; and promoting employee health and well-being and in doing so, maximizing productivity.⁷

Environmental law

Australia has a federal legal system with an environmental regulatory framework governed by both Commonwealth and state/territory legislation.⁸ The key piece of Commonwealth Environmental legislation is the Environment Protection and *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* which outlines the legal framework for managing significant impacts on matters of national environmental significance. Currently there are provision under the federal legislation for using rating system as mandatory tole.

The National Australian Built Environment Rating System (NABERS) is a national rating system administered by the New South Wales government and it used to measure the environmental performance of Australian buildings, tenancies and homes.

While NABERS is voluntary, the Commonwealth's regulatory Commercial Building Disclosure programme requires office building owners to disclose a NABERS Energy rating to prospective tenants and buyers. WELL is one of the performance-based system for measuring, certifying and monitoring features of the built environment that impact human health and wellbeing.⁹

⁵ Building WELL: An introduction to and update on the WELL Building Standard, Feb 1, 2016, at: <https://resources.wellcertified.com/articles/building-well-an-introduction-to-and-update-on-the-well-building-standard/>

⁶ See 10 above.

⁷ Janet Morra, "Embracing WELL Health-Safety Rating for the Return to the Office", October 11,2021, at: <https://gbdmagazine.com/well-health-safety-rating/>

⁸ Parliament of Australia website,"Environmental law Review", at: https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook46p/EnvironmentalLaw.

⁹ Environmental law and practice in Australia: overview, Claire Smith, Clayton Utz, Law stated as at 01-Apr-2021.

The application of “Well” to the Engineer’s code of practice

The *Design and Building Practitioners Regulation 2021* in schedule 4- Code of practice, imply a Duty to act professionally and abide by standards expected by the community registered professional engineer (see s9 of the act).

A registered professional engineer must take all reasonable steps to inform a client of the professional engineer of the social, environmental or economic impacts of the carrying out of professional engineering work that may affect the client (see s13 of the act).

WELL rating system may provide a good tool for engineers to comply with their duties and commitments to take all reasonable steps to inform their clients of any potential environmental impacts.

To summarise, WELL rating system is a voluntary rating tool, however, compliance with WELL rating system may ensure the satisfaction of the environmental legislation requirements and assist to manage t significant impacts on the built environment.

Annexure 1

The National Construction Code (NCC) was amended in 2019 and requires solutions that seek more savings in energy and greenhouse gas emissions in the construction industry.

Part 2.6 of the National Construction Code (NCC) 2019 states as follows (not apply in NSW)

“Energy Efficiency”

Objective

O2.6 “The Objective is to reduce greenhouse gas emissions”

Functional statements

F2.6

To reduce greenhouse gas emissions, to the degree necessary –

(a) a building, including its domestic services, is to be capable of efficiently using energy; and

(b) a building’s domestic services for heating are to obtain their energy from –

(i) a low greenhouse gas intensity source; or

(ii) an on-site renewable energy source; or

(iii) another process as reclaimed energy.

Explanatory information

The greenhouse gas intensity of energy sources vary. For example, natural gas has a low greenhouse gas intensity compared with electricity generated from coal. 2. For the purposes of F2.6, the renewable energy source must be on-site (so not Greenpower) and includes, but is not limited to, solar, wind, hydroelectric, wave action and geothermal.

Performance Requirements

P2.6.1 Building

A building must have, to the degree necessary, a level of thermal performance to facilitate the efficient use of energy for artificial heating and cooling appropriate to—

- (a) the function and use of the building; and*
- (b) the internal environment; and*
- (c) the geographic location of the building; and*
- (d) the effects of nearby permanent features such as topography, structures and buildings; and*
- (e) solar radiation being—
 - (i) utilised for heating; and*
 - (ii) controlled to minimise energy for cooling; and**
- (f) the sealing of the building envelope against air leakage; and*
- (g) the utilisation of air movement to assist cooling*

P2.6.2 Services

Domestic services, including any associated distribution system and components must, to the degree necessary—

- (a) have features that facilitate the efficient use of energy appropriate to—
 - (i) the domestic service and its usage; and*
 - (ii) the geographic location of the building; and*
 - (iii) the location of the domestic service; and*
 - (iv) the energy source; and**
- (b) obtain heating energy from—
 - (i) a source that has a greenhouse gas intensity that does not exceed 100 g CO₂-e/MJ of thermal energy load; or*
 - (ii) an on-site renewable energy source; or*
 - (iii) another process such as reclaimed energy**