



Australian Institute of  
Landscape Architects

## **Design and Building Practitioners Regulation 2020**

Policy and Strategy, Better Regulation Division,  
NSW Department of Customer Service  
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### **Submission to the Draft Design and Building Practitioners Regulation 2020 by the Australian Institute of Landscape Architects (AILA) NSW Chapter**

The Australian Institute of Landscape Architects (AILA) is the peak national body for the Landscape Architecture. AILA champions quality design for public open spaces, stronger communities, and greater environmental stewardship. We provide our members with training, recognition, and a community of practice, to share knowledge, ideas and action. With our members, we anticipate and develop a leading position on issues of concern in landscape architecture. Alongside government and allied professions, we work to improve the design and planning of the natural and built environment.

In operation since 1966, AILA represents over 3,500 landscape architects and promotes excellence in planning, design, and management for life outdoors. Committed to designing and creating better spaces in Australia, landscape architects have the skills and expertise to improve the nation's liveability through a unique approach to planning issues via innovative integrated solutions. In doing so, landscape architects contribute towards better environmental, social and economic outcomes for all Australians.

The Australian Institute of Landscape Architects (AILA) welcomes the NSW Government's initiative in improving the quality, standards and accountability of the design, building and construction sector through the Design and Building Practitioners Bill. Our members have a vested interest in the regulations and welcome the opportunity to contribute and improve industry practice.

## PREFACE

Through the Design and Building Practitioners Bill 2019, a raft of regulatory reforms are to be adopted to improve the quality and compliance of design documentation across the design, building and construction sector, to strengthen accountability. Landscape Architects play a key role in the process of the design, documentation and construction of the built environment and the Australian Institute of Landscape Architects (AILA) supports the intent of the Design and Building Practitioners Bill. The AILA NSW Chapter acknowledge that Landscape Architects are currently not required to be a registered Design Partitioner, and that work we perform on a building is 'exempt' due to the considered 'low risk' to the quality and performance of a building. However, as a key stakeholder in the design, building and construction sector, AILA NSW would like to take this opportunity to make a submission to the Draft Design and Building Practitioners Regulation 2020.

## CLARIFICATIONS AND RECOMMENDATIONS

The following list is based on our understanding of the Design and Building Practitioners Bill following a review of the draft documents and discussions with Australian Institute of Architects (AIA)

- We understand that Landscape Architects do not need to be registered Design Practitioners (DP) but are required to support the DP by providing clear and concise documentation. AILA will continue to work with AIA and use the tools developed by AIA to ensure landscape documentation conforms and produced to a quality standard.
- We understand that Landscape Architects are required to provide 'compliance declaration certification' to the DP that the documentation complies to relevant BCA and Australian Standards. More clarification is required around the responsibility and liability around 'compliance declaration' of the documentation on the Landscape Architect. Should there be additional costs due to increased insurance premiums or extra administrative work, then a review of fees and charges should be undertaken to accommodate the extra costs.
- It is understood that the DP is responsible for all 'certified' documentation and takes on additional risk. We anticipate that additional insurance costs for the Practitioner may be incurred which should be reimbursable through higher fees for Registered Design Practitioners.
- There is significant risk to the DP when taking on variations to work prepared by another DP. AILA strongly recommends the Regulations support the original DP, along with the other specialist consultants, be novated for the 'life' of the project.
- It should be acknowledged that the BCA currently does not fully cover new technologies and associated issues which may impact fire, waterproofing and structural integrity. Examples include;
  - o Fire risk associated with green walls due to the highly flammable materials used in the systems as well as highly flammable plant material should the irrigation system fail.
  - o Understanding of dynamic loadings on multi-level landscape terraces such as wind loads on different vegetation types and densities, the wetting and drying of soils and

replacement of landscaping without an understanding of the original structural loads and design.

How are these new technologies going to be covered in the BCA and what are the risks to the specialist consultant who is responsible for 'certifying' the design and workmanship?

- It is recommended that the Government advocates for additional fees for design professionals involved in the design and documentation of Class 2 buildings that apply to the Design and Building Practitioners Bill.
- It is understood the Design and Building Practitioners Bill 2019 is for Class 2 buildings only at this stage, and that other building Classes will more than likely be added in the future. AILA seeks clarification whether it is anticipated that Landscape Architects will need to become registered under the scheme, and if so, whether the AILA current registration process is suitable.

#### NEXT STEPS

AILA understands the importance of the Design and Building Practitioners Bill and its objectives and have committed to the following next steps;

- AILA will continue to work closely with AIA to ensure our members understand the process and obligations required of the Design and Building Practitioners Regulations.
- AILA will continue to work closely with AIA to ensure our members understand necessary documentation required when supporting the DP.
- AILA welcomes the opportunity to work with the NSW Government to better identify and understand impacts of new technologies

We seek clarification on the above matters and look forward to your response. Please do not hesitate to contact us should you wish to clarify any of the points we have raised or if you have any questions.

Yours faithfully,

**Lee Andrews**

President of AILA NSW

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