



Australian
Institute of
Architects

QLD

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Cr Adam Allen
Chair City Planning and Suburban Renewal
Brisbane City Council
Via email: northgate.ward@bcc.qld.gov.au

CC

Ms Peta Harwood
General Manager, Development Services
Brisbane City Council
via email: Peta.Harwood@brisbane.qld.gov.au

Wednesday, 22 November 2023

RE: Unusually worded conditions of approval relating specifically to Architects

Dear Cr Allen and Ms Harwood,

I write to you as the President of the Queensland Chapter of the Australian Institute of Architects ('The Institute') to both bring to your attention and seek your assistance in addressing a matter of importance to our members after recently raised concerns in relation to some unusually worded conditions of approval relating specifically to architects.

The concern is that some recent **conditions demand that architects certify either demolition or engineered aspects of a development such as bracing.**

Our members understand the importance of preserving and protecting Brisbane's built heritage and character housing and therefore understand the intent behind the kinds of conditions that attempt to provide a level of certainty beyond the approved plans and documentation that the development will be carried out in accordance with those plans.

An example of the condition in question:

A006160666

Submit Certification

Submit to Development Services certification by a Registered Architect / Building Designer (holding a Queensland Building and Construction Commission Licence appropriate to the scale of the approved development) confirming that the partial demolition has been carried out in accordance with the requirements of this condition.

Timing: Prior to issue of Certificate of Occupancy/Final Inspection Certificate or prior to commencement of use

The issue raised with us is not that Council would like to ensure that the approvals are followed, and that building fabric is protected, but that **architects are not necessarily the correct professional to 'certify' this or enforce this on Council's behalf.** Currently, an architect may not be engaged to administer a building contract and would rarely be in a position to provide absolute assurance that building works had been carried out exactly as they had been documented unless specific milestones for doing so formed part of the building contract and the architect's commission.

Building contracts require that building sites are in the possession of the builder during construction and architects do not oversee every building element, or even have the right to enter the building site except as specifically stated within the contract. If a builder, developer, project manager, owner, etc. has not engaged the architect for contract administration services, it would likely not be possible for the architect to provide the required certifications.

SECURITY LABEL: OFFICIAL

Even more of a concern is that the architect may not even be privy to the conditions of the approval and that the asset owner may not be aware of the implications of the condition until it is too late to involve the architect or building designer in a professional manner.

Further, there is no standard form of "certification" that could be submitted to satisfy the condition in the way that there is for building certification or for an engineer to certify the structural elements of a building. It is already the responsibility of a Private Certifier to certify that a development has been completed in accordance with a development approval which would include demolition plans and engineering design plans which should indicate bracing walls. It is a private certifier, not an architect, who would trigger the timing associated with this example condition – Certificate of Occupancy / Final Inspection Certificate – as these are provided by a Private Certifier.

The condition demands the Architect inspect building/demolition works carried out by others and provide certification of those works. Such a certification is outside an architect's typical scope of services and an architect's professional indemnity insurance is unlikely to cover this. An issue of compliance for the building owner and Council will arise when architects refuse to sign off or provide 'certification'.

Ideally, representatives of the relevant professional body should be engaged when Council seeks to put an additional task or onus on its members prior to such conditions being imposed. The Institute would be happy to meet with Development Services officers to discuss and clarify this issue from The Institute's perspective and work towards an effective outcome.

The Institute is very interested in assisting Council in its goal to ensure that protected building fabric is retained and safeguarded during construction and at completion of a building project. However, the method for doing so must be firstly correct in law, professional, fair to all parties, and enforceable.

To this end, representative members from The Institute would warmly welcome the opportunity to assist Council with developing more appropriate conditions for the protection of Traditional Building Character and Heritage Places during construction.

Architects have a unique perspective within the development Industry being at times engaged to provide services to developers (of all scales and types) and builders (contractors) and with this understanding of the pressures on development across different phases of project delivery. Architects have valuable information that could be used by Council to ensure good development for the benefit of the broader community. Not just in relation to the protection of Traditional Building Character and Heritage Places but also maintaining quality of design and design integrity beyond a development approval; streamlining approval processes and could assist Council to develop strategies addressing housing affordability and Brisbane's growing population and how sensitively this must be approached especially in established neighbourhoods.

I look forward to hearing from you about these concerns raised by our members and would appreciate the opportunity to meet with you in person to discuss how The Institute can work with Council to improve development outcomes for the city.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Amy Degenhart', with a stylized flourish extending to the right.

Amy Degenhart LFRAIA
Queensland Chapter President
Australian Institute of Architects