



Australian Institute of
Landscape Architects

5/05/2025

Attn:

Amanda Cohn

The Director, Inquiry into Public Toilets,

Parliament House, Macquarie Street, Sydney NSW 2000

PortfolioCommittee8@parliament.nsw.gov.au

Dear Amanda Cohn,

AUSTRALIAN INSTITUTE OF LANDSCAPE ARCHITECTS (AILA)

Submission to the Parliament of NSW Inquiry into public toilets – Question on Notice

ABOUT US

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 work of landscape architects is recognised for creating liveable cities and sustainable design outcomes for everyone, our members help shape many projects across Australia, creating the vibrant community spaces for all.



We believe that AILA, through its advocacy, will significantly contribute to a better-informed urban development decision-making process, the enhancement of our urban greenspaces, and long-term community wellbeing.

QUESTION ON NOTICE

Question:

Is the National Construction Code an Australian standard? Is that part of the standard system?

Answer:

The National Construction Code (NCC) is not itself an Australian Standard. It is a performance-based code that sets minimum building requirements for safety, health, amenity, accessibility and sustainability. It sits above Australian Standards in the regulatory hierarchy and refers to Australian Standards where technical detail is needed.

Source: <https://ncc.abcb.gov.au/>: "The National Construction Code is Australia's primary set of technical design and construction provisions for buildings.

As a performance-based code, it sets the minimum required level for the safety, health, amenity, accessibility and sustainability of certain buildings. The Australian Building Codes Board, on behalf of the Australian Government and each State and Territory government, produces and maintains the National Construction Code."

Question:

Are you aware of what legislation, if any, those Australian standards rest upon or rely on their authority for?

Answer:

The Australian Standards (AS) gain authority when they are referenced in legislation or codes like the National Construction Code (NCC). The NCC is given legal effect through State and Territory, or other statutory authority, building and plumbing legislation. These Acts and Regulations set out the legal framework and administration mechanisms for the NCC to support the design and construction of buildings.

The dates of adoption of the NCC are determined by State and Territory building and plumbing administrations.

So, NCC is referred to in legislation and is above an Australian Standards.

Within NCC it refers to Australian Standards which must be adhered to for different trades or materials.

Australian Standards tend to be very technical. If the issue is when or where to provide public toilets, that is better covered through the State Government policy, not through an Australian Standard.



Question

If there can be an Australian standard promulgated, what limits there might be on the content of it - for example, is it dependent upon a Federal piece of legislation and can only speak to things authorised by the Act? Would an Australian Standard on public toilets be able to address the full range of matters that you've been talking about, for example?

Answer:

Australian Standards cover a wide range of topics, but they only carry legal weight if they are mentioned in laws or codes like the National Construction Code (NCC). The Australian Standards are not directly limited by federal laws, but their use depends on being adopted by governments through legislation or policy.

Because Australian Standards are very technical, they are mostly used to explain how something should be built or installed - not when or why. So, a Standard on public toilets might cover technical details like design or accessibility, but decisions about when or where to build public toilets are better handled by State Government policy.

CONCLUSION

Currently, the National Construction Code (NCC) and Australian Standards (AS) do not comprehensively cover where, how many, or how equitably public toilets should be provided across communities. Their focus is more on the technical design, accessibility and construction of facilities once they are planned.

Due to the absence of clear guidance or policy on the provision and design requirements for public toilets from the NSW Government, most local councils have developed their own guidelines for the design and construction of public amenities and toilets. These are supported by the relevant Australian Standards.

Australian Standards cover a wide range of building elements. Some are mandatory and referenced in the National Construction Code (NCC), while others are triggered by specific material selections. For example, when using glazed windows, the relevant standard is AS 1288:2021 – Glass in Buildings – Selection and Installation. There are also standards for materials like concrete and plumbing. For accessibility under the Disability Discrimination Act (DDA), the key standard is AS 1428.1, which outlines the design requirements to ensure access for people with disabilities.

To ensure consistent, inclusive and well-planned public toilet facilities across NSW, there is a clear need for state-wide guidance that goes beyond technical design and construction. A coordinated policy framework should address not only how toilets are built, but also where and how many are provided - ensuring fair and equitable access for all members of the NSW community.



Sincerely yours,

David Moir

AILA NSW President

SUBMISSION TEAM: Sarika Shasidharan

ATTACHMENT

1. Corrections to transcripts and responses to Question on Notice (QoN) and supplementary questions.
2. AILA - Australian Institute of Landscape Architects submission