



# Landscape Outlook

Issue 94 • Summer 24

**Paul Bangay shares his  
'Journeys into Design'**

**Right Plant,  
Right Place**

**LDI Studio:  
Insurance & Law**

**Vive La Difference:  
The French way**



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## editor's message

Both LDI and *Landscape Outlook* are evolving rapidly driven by growing membership and member needs. The big news is the move of Western Australia's former WALDA members under the LDI umbrella which promises more strength and information exchange to everyone, and even more resource to growing the sector's recognition and value. We also continue to welcome New Members (see right) including from the Education sector and the Student body – our Designers of tomorrow. LO continues to introduce readers to our outstanding Designers for inspiration and cross pollination of ideas. While even more inspiration will be available very soon through the LDI's Member 2023 Awards event which will feature landscape luminaries including Paul Bangay, Costa Georgiadis and Fleur Flannery as well as the best designs identified in all key categories. Our response to Members' real world needs is an expanded LDI Studio section with informative articles on legal matters, insurance and business structures. It all looks good from this outlook.

*John F*

John Fitzsimmons, editor

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## New Members

- |                        |                         |
|------------------------|-------------------------|
| <b>Members</b>         | Leahna Harvey (NSW)     |
| Ryan Donald (NSW)      | Ilse Baker (NSW)        |
| Nadia Cole (VIC)       | Natasha Donovan (VIC)   |
| Kylie Brinfield (WA)   | Alexander Bading (NSW)  |
| Tom Easton (SA)        | Sophie White (NSW)      |
| Bowie Wong (NSW)       | Odile Conroy (NSW)      |
| Luke Roodenburg (NSW)  | Jenny-Ann Dixon (NSW)   |
| Carissa Toy Peche (WA) | Yin Lee (NSW)           |
| Yolanda Contreras      | Victoria Ivachoff (NSW) |
| Tamayo (NSW)           |                         |
| Melissa Oliver (WA)    | <b>Education</b>        |
| Bryce Rudd (NSW)       | James Munley (NSW)      |
|                        | Lisa Hall (WA)          |
| <b>Students</b>        |                         |
| Timothy Tomic (NSW)    |                         |
| Stephanie Medway (NSW) |                         |

**Editor:** John Fitzsimmons M: 0418 552541  
E: [landscapeoutlook@ldi.org.au](mailto:landscapeoutlook@ldi.org.au)  
**Advertising:** Gabe Mostafa M: 0433 745 004  
E: [gabe.mostafa@greenerpublishing.com.au](mailto:gabe.mostafa@greenerpublishing.com.au)  
Paul Cogger M: 0402 120 038  
E: [paul@postscriptprint.com.au](mailto:paul@postscriptprint.com.au)  
**LDI Administrator:** Courtney Roebuck  
E: [courtney@ldi.org.au](mailto:courtney@ldi.org.au)  
**Address:** Landscape Design Institute,  
P.O. Box 3648, Red Hill Rockhampton QLD 4701  
**Phone:** 0422 970 618 **Email:** [hello@ldi.org.au](mailto:hello@ldi.org.au)  
**Website:** [www.ldi.org.au](http://www.ldi.org.au)  
**Subscriptions:** LDI Executive Office  
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**Editorial contributions are welcome:**  
E: [landscapeoutlook@ldi.org.au](mailto:landscapeoutlook@ldi.org.au)  
M: PO Box 2248, Clovelly NSW 2031

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**Cover Photo:** Water feature in a French garden – Uzès. Image: Colin Dagger

# PUBLICATIONS DIRECTOR'S MESSAGE

STORY: COL DAGGER, LDI DIRECTOR

*Christmas is done and dusted! A fresh new year is upon us, and plenty to be excited about in LDI and the broader industry.*

## AGM WELCOMES IN A NEW BOARD

The Annual General Meeting held in November last year elected a team of nine directors, with Paul Stein, Eva Porter and Tig Crowley leaving the board and we thank them for the incredible amount of work they gave to LDI.

New to the board is Kylie Brinfield, from Western Australia, Josh Arky and Riley Cooper from Victoria, and Nicola Cameron from NSW. You can read more about our new team in this issue.

## WALDA JOINS LDI AND WHAT IT MEANS FOR US

WALDA – the West Australian Landscape Design Association, has chosen to combine forces with LDI to complete a stronger nationwide association. This makes for a more responsive and more powerful operation dedicated to help the Landscape Design Industry. More on this in Landscape Outlook as we have an in-depth with Kylie, our new Perth based Director of LDI and former WALDA Director.

## MIDLANDS INSURANCE RENEWS SPONSORSHIP

We are always excited when existing sponsors renew their partnerships with LDI. It gives me great pleasure to advise that Midland Insurance has once again joined forces with us to provide the best offerings in insurance to our members. This year we expect great things from our alliance as Midland supports us with new initiatives to support our work and we will, within LO, pull apart the best bits in the policies to explain where the risks are and how best we can manage those. Welcome to the Midland team once again and look out for the team at our Awards Day!

## OZBREED JUST ALWAYS SEEMS TO LEAD THE WAY!

Todd Lyat and the team at Ozbreed are such an exceptional organisation. I am pleased to announce they have again chosen to partner with us. In working with Ozbreed, we have planned some of the most exciting plant innovations for the year ahead.

## LDI DESIGN AWARDS

Our amazing awards event is set down for 22 February and with Paul Bangay as our special guest. Paul has impressed with some simply amazing designs throughout his successful career. We will be engaging with Paul, hearing his insights and the added bonus of hearing about his latest venture in the launching of his new book.

Honestly, how much more could anyone ask for than Paul Bangay talking landscape. But this year we will also have another distinguished guest in TV personality and Landscape Architect Costa Georgiadis. So our afternoon is bound to be one to remember.

My advice is; make your booking for you and your team because I can't imagine anything landscape better this year. Tickets will be in demand so don't wait or suffer FOMO.

## LO-STUDIO

This is a key section of our magazine, where we delve into everything that makes our business work. In this issue we have Dari Law educate us on the legal aspects of our business with the first of a number of informative articles.

## ALWAYS INTERESTED

Got something interesting to share, an article or something to say? Contact me we will get you started on how to submit a credible article and even help you write it. So please enjoy LO Summer edition, happy reading.

 VECTORWORKS

# Design Day

12-Micron, Barangaroo, Sydney  
19 March 2024

Connect with other professionals in the interiors, architecture, and landscape industries as you dive into success stories and the latest from Vectorworks. Stay tuned while we finalise the details for this event.



Scan to secure your spot.

# INDUSTRY STARS TAKE 'JOURNEYS INTO DESIGN'

LDI is excited to announce the much-anticipated event for the 2023 National Landscape Design Awards winners presentation, 'Journeys into Design'.

Prepare for a day of inspiration, accolades, and ground breaking landscape design, as we embark into the realm of design excellence. This year we are proud to introduce the theme of the awards – Journeys into Design – a celebration and exploration of the creativity and science that shape our landscape designs.

We are thrilled to announce our Guest Presenter for LDI's National Landscape Design Awards event 'Journeys into Design' is the one and only Costa! Costa Georgiadis is excited to be joining us for the afternoon of

22nd February to connect with his landscape architecture roots and present awards to our fabulous finalists!

Plus Paul Bangay will be sharing with us his 'Journeys into Design'. And joining us in this riveting conversation is none other than Fleur Flannery, the visionary curator of the Australian Landscape Conference. Together, they will engage in a compelling dialogue that promises to unveil the depths of Paul's artistic journey and the evolution of his landscape design.

Prepare to be entertained, enlightened, and inspired as we gather to celebrate excellence in landscape design. Don't miss out on this opportunity to mix with the who's who in our industry.



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## JOURNEYS INTO DESIGN

**DATE:** Thursday 22nd February  
**TIME:** 12:30pm – 4:30pm  
**WHERE:** 12-Micron, Barangaroo, Sydney

Thank you to our 2023 Award Event and Category Sponsors:

- Ozbreed: Sponsor of the Public Space Design – Commercial Award Category and Public Space Design – Master Planning Category
- Midland Insurance: Sponsor of the Residential – Regional/Rural Gardens Category
- Alpine Nurseries: Sponsor of the Plantscape – Small/Mid or Large Size Residential Garden Category
- Vectorworks: Sponsor of the Emerging Designers Award Category and Best Documentation of the Year by an Emerging Landscape Designer Prize – 12 month Subscription to Vectorworks Landmark
- Exotic Nurseries: Sponsor of the Residential Design – Small Garden Category

1. Paul Bangay style, 'Stonehaven' Victoria  
 2. Greenlife softens modern hardscape



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## FINALISTS: NATIONAL LANDSCAPE DESIGN AWARDS 2023

- **Adam Robinson Design**, Adam Robinson: Coastal Oasis, Seaside Sanctuary
- **Bayon Gardens**, Sean Dowling: Mount Eliza Project, Woodlands Project
- **Botanical Traditions**, Ruth Czermak: Killester College
- **Clark & Granger**, Jez Clark: Mount View
- **COS Design**, Steve Taylor: Eaglemont Project, Hawthorn Project, Mornington Project
- **Creswell Design**, Hamish Williamson: Thornbury Project
- **Diamantina Design**, Mary Scanlan: R&B Garden
- **Drift Landscape Studio**, Patrick O'Neil: Emu Point, Potters Well, Upland Farm
- **Exotic Living**, Mitch Kushturian: Elevated Entry, Moroccan Oasis, Natural Elements, Outdoor Living, Tropical Corridor
- **Fluid Design**, Justin Dibble: Kellyville Project, Kenthurst Project
- **Formation Landscapes**, Chris Weiss: Caulfield North
- **Green Ink Garden Design**, Michelle De Winter: Bracken Ridge
- **Growing Rooms Landscapes**, Oliver Sizeland: Tropical Tranquillity
- **Liminal Landscape Design**, Tim McBurney: Carramar
- **My Verandah**, Johanna MacMinn: Indooroopilly, Teneriffe
- **Outhouse Design**, Steve Warner: Captains Piper, Corunna Street, Denison Street, Henrietta Street, Hurstville Grove
- **Paperbark Landscape Design**, Michael Bligh: Modern Country
- **Pepo Botanic Design**, Nicola Cameron: Haberfield House
- **Saunders Havill Group**, Robert McIlroy: Lightwood Park
- **Sundays Landscape Design**, Brenda Mancuso: Bronte Glow
- **The Gardenmakers**, Daniel Kavanagh: Maureen Oliver Reserve
- **Urban Landscape Projects**, George Adams: Eastern Creek CC, St Paul of the Cross
- **Vogue & Vine**, Deb Meyer: Queens Park

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# LDI, WA NOW ON THE SAME PAGE

ARTICLE: JOHN FITZSIMMONS



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Western Australian Landscape Designers can now be part of a nationally recognised institute with significantly expanded networks and presence as the Western Australian Landscape Design Association (WALDA) has turned a new leaf, joining with the Landscape Design Institute (LDI).

This is a positive change for the design industry in WA, as WALDA members are warmly welcomed to a larger pool of resources for support, advocacy and national recognition for our talented WA Designers.

LDI (formerly known as AILDLM) has been supporting landscape professionals for nearly 30 years across Australia and is deeply committed to helping its members grow and thrive in the industry, as well as promoting

the importance of landscape design and ecological sustainability for a positive impact on our collective environment.

LDI's Board is excited at being able to represent WA Designers moving forward and support their professional and personal growth.

Former WALDA Board Member, now LDI Director Kylie Brinfield is extremely positive about this significant industry development.

"After a strong history in WA, WALDA decided to close its doors in December 2023 and make way for our national body to support the WA design industry. We agreed that it would be advantageous to our WA designers to pool resources with LDI and we are encouraging our designers and sponsors to join the expanded LDI."

- 1. Skippers Row by Garden Insight, image and installation by Lukes Landscaping**
- 2. A circular pool entices in Perth sunshine**
- 3. Mosman Park by Garden Insight, designed for WA's outdoor lifestyle including contemporary edibles**

"The move will immediately give our members access to national and international professional networking opportunities while allowing us to better serve our WA members. With administrative resources freed more focus on local events and building community will be possible."

Kylie was quick to assure WA members that, while they were moving to a national association, it will not be at the expense of local community and cohesion. In fact there will be more resources and focus on building and strengthening the local Landscape Design sector.

With the broader focus there are also opportunities to expand our support to designers in regions beyond Perth, and promote engagement in larger projects and developments.

While our WA Landscape Designers will now be part of a national organisation we expect to maintain close relationships with local industry bodies such as Landscape Industries Association of Western Australia (LIAWA) who not only represent the construction and maintenance side of the industry but also advocate for quality design.



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## GARDEN INSIGHT: DESIGN 'FOR LIFESTYLE' IN WA

West Australian and LDI Director Kylie Brinfield grew up in the natural bushland of the Perth Hills. Her love of the outdoors and green spaces – especially her love and respect for trees – strongly reveals itself in her landscape designs. Director and owner of the award-winning design studio Garden Insight, Kylie is an accomplished designer with creative flair. She comes with a background in corporate project management and landscape construction and, with this toolkit, has developed a deep understanding of the built form, material selection and installation methods. Working with a select group of architects and construction companies, her clients benefit from receiving a high-end product, professionally delivered, with a personal feel.

“Design to me is far more than a show off design skills, or ticking a client’s wishlist. It is about creating a lifestyle, an easy to use space for people to live and connect with their families, with themselves, and to nature. Memories are created there and when designed well, this has the power to transform the way people live, connect and play at home,” she says.

Kylie knows that, with its sunny climate, catering for the all-year indoor-outdoor lifestyle of Perth is important. “Yet for months of the year it is very hot, glary and dry “so appropriate plant and material selection is vital to keep the outdoors inviting and accessible.”

Often working with a broad brief, Kylie maintains she has no one distinctive design



Left: Kylie Brinfield, owner of Garden Insight and LDI Director

style and she is a focused listener and interpreter to deliver unique outcomes.

“I am building framework for lifestyle each individual client and their family, so function and comfort is at the centre of every design.”

“Engagement with property developers in the early stages is really important – as greenspace advocates Landscape Designers can encourage the construction industry to design innovatively and sensitively to the environment, preserving our trees and making space for trees of the future. People move from place to place, often making irreversible changes to their environment as they go, when trees need time and space to grow – they add such enormous value to our lifestyle, to property, and to the environment as a whole.”

“Choosing the right species and designing sensitively around them is critical for long term, sustainable outcomes.”



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“There are also more opportunities for student members through events like the Beat Up national webinar, plus mentoring opportunities for young designers. Online capabilities now mean a lot can be achieved despite being at distance.”

“WA will also benefit from national backing and input into policy change. For example in education we are seeing many TAFE graduates come out far from ‘job ready’, Kylie observed. WALDA has collaborated with TAFE in the past and seen how hand tied they are by national policy and funding. The result is that our courses struggle to give students the full in-depth training that they need, essentially structured as an ‘add on’ to Horticulture and Landscape Construction.”

In WA we have limited face-to-face alternatives for upcoming designers, so national advocacy in this area will be helpful, Kylie explained.

“With more importance being placed on the external environment we really need Landscape Design to be seen as essential part of construction and planning.”

Too often the Landscape Designer is brought into a building project after the keys have been handed over and there is no money left, with landscaping budgets re-allocated to extras, especially as building costs have skyrocketed, she observed.

“A good working relationship between the builder and the Landscape Designer will deliver the client a far superior outcome inside and out,” she summarised.

- 1. Character home, Peppermint Grove
- 2. Cottage charm, West Leederville

My intention is to continue to build these partnerships particularly with joint ventures in education and local events.

“I look forward to more knowledge sharing Australia-wide. Already – through discussions with other LDI Directors, I have benefitted hugely from the pool of knowledge, from business ideas to products that haven’t yet made the trek over to Perth. With our unique and varied climate in WA I think we have a lot to offer in terms of climate appropriate and innovative design. Each state can learn from each other and leverage that to grow our industry.”

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# RIGHT PLANT, RIGHT PLACE

**ARTICLE: ARTICLE: OZBREED  
PART 1 OF A 4 ARTICLE SERIES**

**R**ight Plant, Right Place' is a basic principle in landscape design that seems intuitive, yet is often overlooked. Finding that perfect match helps you create gardens that thrive long after the construction crew leave the site.

**Below: Some plants are almost bulletproof, and they'll thrive just about anywhere. This fan flower cultivar is one of them. Pink Fusion™ Scaevola spp. 'PFS200' PBR**

## WHY DOES "RIGHT PLANT, RIGHT PLACE" MATTER?

Choosing the wrong plant for a given location can result in stunted growth, lack of blooms, pests and diseases, and often plant death.

It can also disrupt the ornamental value of a garden. A plant that grows too large for a space can obscure views and overshadow other plantings, while one that's too small may appear lost within the landscape.



**Above: Most Westringias hate wet feet, but this low-growing cultivar thrives in serious flooding. It also thrives in drought, so it's a good choice for your bio basins. Mundi™ Westringia fruticosa 'WES05' PBR**

## FACTORS TO CONSIDER WHEN CHOOSING THE RIGHT PLANT

### Soil type and quality

Different soil types have different properties and dictate which plants will thrive in a bed. If you haven't learned the difference between clay, silt and soil particles, perhaps you should revisit your TAFE notes. Organic matter helps soils form a healthy structure. It acts like a sponge to hold moisture in sandy soils while also helping clayey soils drain. On top of this, it feeds the microbes that keep our plants healthy.

### Light requirements and sun exposure

Some plants are fussy with their sunlight requirements, while others will tolerate a variety of light amounts. Planting sun-lovers in shade will stunt them and prevent them from flowering, while planting shade-lovers in full sun will burn them alive.

### Watering needs and drainage

Water is life for plants, but too little or too much can be detrimental. While some plants demand specific moisture levels, there are some "buffer plants" which are resilient to both drought and flooding conditions. These are the best plants for places that receive differing rainfall amounts.

Root rot diseases like phytophthora are a curse in any landscape, and sadly all too common when we plant dry-loving plants in wet conditions.

### Growth patterns and space limitations

Make sure plants have enough room to reach their full potential without encroaching on other plants or structures. Too often, designers and landscape architects specify plants that look great on day one, but will cause issues as they mature.

### Climate preferences

Some plants have very specific temperature, humidity, and weather requirements, which must be considered to promote their optimal health and growth. Check plant labels or online information for climate preferences.

Ozbreed have clearly labelled the Australian states where each of our plants work on our website ([ozbreed.com.au](http://ozbreed.com.au)). Simply Google search the cultivar in question, or browse our "find plants" drop menu.

Remember that the climate can change from year to year. If you planted succulents in Brisbane because it was dry last year, they're probably struggling with all the rain we've had this year.

We also want to consider varieties that will be resilient in the face of climate change, so focusing on hardy varieties like we breed here at Ozbreed is a good idea.

### Micro-climates

Even within a single garden, conditions can vary dramatically, which leads to individual microclimates. Trees and structures can change the sunlight, temperature, and wind levels. Dips and mounds change the way moisture moves in the soil profile. Plant arid varieties on mounds, and moisture-lovers in the dips.

### Conclusion

Forget the fussy plants that need to be micro-managed. Forget the pretty plants that are attractive but don't grow well in your climate. Instead, focus on plants that were born for the spaces you specify them for. Remember, every misstep is an opportunity for learning. Visit your old gardens to see what's thriving, and what's not. Talk to the maintenance crews that take care of them and see what insights they can offer.



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# LANDSCAPE DESIGNER PROFILE

ARTICLE: EVA PORTER/PORTER DESIGNS

**Q: What education or life experiences brought you to Landscape Design?**

A: As a child, my family embarked on countless road trips across Australia, traversing the vast landscape in a series of vehicles, from Fords to Holdens and Peugeots. These journeys were my early education in the beauty and diversity of the Australian landscape. Exploring the Bungle Bungles, kayaking alongside freshwater crocs at Boodjamulla National Park (Qld) with our indigenous guide, swimming with crocs at Lake Argyle, and gazing in wonder at the Aboriginal rock art in Kakadu National Park—these experiences left an indelible mark on my soul. They were the classrooms I never had in traditional school settings,

as I grappled with dyslexia and ADHD, often finding myself gazing out of classroom windows, talking too much and being the class clown.

My journey into Landscape Architecture wasn't a straightforward one. After high school, I applied to study fashion or interior design, with landscape architecture as my last resort. I was initially rejected from fashion design, and my grades weren't high enough for interior design. Thus, I found myself reluctantly accepting an offer to study landscape architecture, with the intention of transitioning to interior design at the earliest opportunity.

My first day at university was a far cry from what I had imagined. Our inaugural class activity involved heading to the city botanical gardens to sketch blades of grass in our sketchbooks. It felt unusual and somewhat surreal. However, over the following weeks, I connected with wonderful friends at university, and something unexpected happened—I fell in love with landscape architecture. The art of designing outdoors, working with nature and plants, and witnessing my designs evolve and grow in beauty over time captivated my heart and mind. It was in the world of landscape design that I found my true passion, and my journey began.

**Q: What landscape education pathway/s did you travel, and were there any challenges in the 'system'?**

A: I embarked on my landscape education journey at the Queensland University of Technology, where I pursued a Bachelor of Design with a major in Landscape Architecture and a minor in Urban Planning and Interior Design. This academic path proved to be a transformative experience in many ways. Not only did it equip me with the necessary knowledge and skills, but it also introduced me to a community of like-minded individuals who shared my passion for creativity and design. These friendships endure to this day, serving as a testament to the lasting bonds forged during my time at university.

Being in an environment surrounded by fellow creatives was a refreshing change from my earlier experiences in a traditional school setting. In school, I often felt like an outlier due to my propensity for new ideas and unconventional ways of thinking. However, in the university setting, I finally found a community of individuals who appreciated and embraced this uniqueness. It was a place where my creativity was not only welcomed but encouraged.

The realm of design is inherently subjective, and the evaluation of design work often hinges on the personal tastes and preferences of instructors. This subjectivity was most evident during what I affectionately referred to as 'design interrogations.' These moments were more than just presentations; they were opportunities to defend and justify our creative visions. They required us to articulate our ideas, withstand critique, and demonstrate our commitment to the project.

Looking back, I realise that these experiences, though daunting at times, played a crucial role in my development as a landscape designer. They taught me the value of resilience, the ability to learn from criticism, and the strength to rise after setbacks. As challenging as these moments were, they were instrumental in shaping me as a designer and preparing me for the real world of landscape design, where adaptability and persistence are essential qualities.

**Q: How do you find and/or attract new clients?**

A: Initially, I faced challenges in client acquisition but adopted a 'fail forward' approach frequently trialling new ideas. Seeking professional assistance from an accounting firm and a marketing expert helped refine my business strategy and made a very big difference to my business.

Networking events and industry relationships have been instrumental. Over time, I've earned trust, leading to client referrals within my network. My website and social media (Facebook, Instagram, LinkedIn) serve as valuable sales channels.

Building a reputation and attracting clients is an ongoing journey, requiring patience, dedication, and adaptation to industry changes. My commitment to client satisfaction and excellence guides my approach.

**Q: What differences do you find between private and commercial clients?**

A: I work with both private and commercial clients, providing a diverse array of projects and client interactions. Commercial clients often offer repeat business, streamlining the sales process and fostering long-term relationships. In contrast, private clients, like homeowners, don't provide frequent repeat opportunities but often refer others. Designing gardens for private clients allows for personalised, cherished landscapes, while commercial projects prioritise low-maintenance, hardy plants for durability.

**Q: What is the hardest client request to deal with?**

A: One of the most challenging client requests I've encountered was the demand for a mosquito-free garden. This request presented a formidable challenge, especially in subtropical Brisbane, where mosquitoes are a year-round presence. Balancing the client's desire with the natural environment can be a delicate task.

In response to this request, I recommend practical measures to make the garden more enjoyable. These include the removal of plants that attract mosquitoes, such as bromeliads, and suggesting the use of mosquito-repelling solutions like candles, coils, or bug zappers. While I cannot promise a complete absence of mosquitoes, I advise options to reduce their presence.

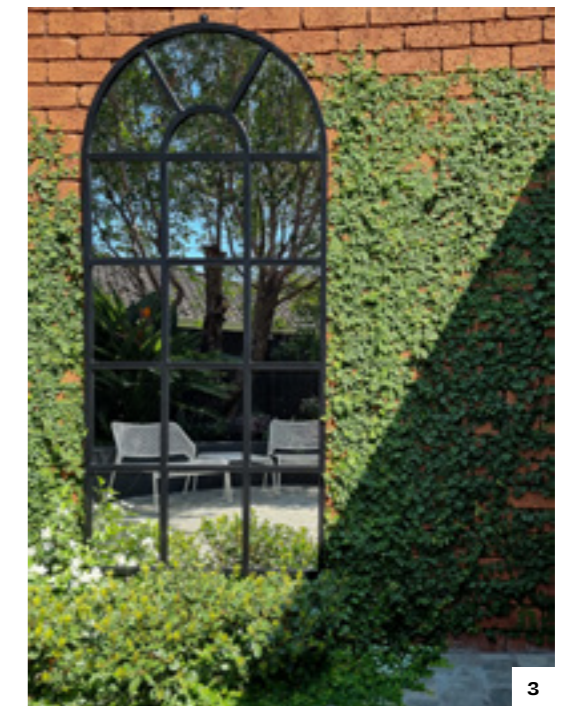
Another intriguing request I once received was the desire for a garden free of flies. These unique client requests add an interesting dimension to my work, requiring creative solutions to align their vision with the realities of the natural world.

**Q: Is there a trend or pattern in client requests today?**

A: In today's landscape design requests, a prevalent trend in residential projects is the desire to seamlessly extend indoor living spaces into the great outdoors. Clients seek to create multi-functional outdoor areas that harmonise with their interior spaces. This trend manifests in several common elements, including the incorporation of fire pits or fireplaces for warmth and ambiance, the addition of pools for recreation and aesthetics, the development of outdoor entertainment zones with kitchens and seating, the inclusion of turf areas for various activities, and the creation of secluded 'garden rooms' for moments of tranquility. The overarching theme is the transformation of outdoor spaces into versatile extensions of the home, where functionality and aesthetics converge to elevate the outdoor living experience.



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1. Eva Porter has observed the trend to seamlessly extend indoor living spaces into the great outdoors

2. Mediterranean Garden Toowoomba (QLD)

3. The use of a latticed mirror and ivy-covered wall visually extends a smaller space.





**Q: Is there a priority, key or starting point in your design solutions?**

A: In residential design, I initiate the process with a Brief Development Consultation, primarily aimed at attentive listening to the client's ideas and preferences for the space. During this meeting, my involvement is intentionally minimal to encourage full client engagement. Subsequently, the Design Consultation follows, where I introduce inspiration images and design concepts for discussion. This collaborative approach integrates the client's vision with my professional expertise to craft a garden design that is both unique and tailored to their needs and personality

**Q: Where/how do you get design inspiration?**

A: Design inspiration flows from my extensive travels within Australia and abroad, including New Zealand, the United Kingdom, Argentina, Chile, Italy, and Switzerland. In addition, I draw inspiration from interactions with fellow designers, social media, garden and nursery visits, dreams, and moments of contemplation, whether I'm in my garden, showering, or engaged in deep thought. My creative mind is constantly at work, even when I'm not in the studio, as it's always pondering and crafting new design ideas.

**Q: What do you think clients consider to be Landscape Design value for money (and is 'value' an issue at all?)**

A: Is the client financially capable of paying for your service? Sometimes, they may not be. Alternatively, they might possess more than enough financial resources but may not place a sufficient value on your expertise and what you provide to engage your services. Value for money varies from client to client, and it's a key determinant of whether someone aligns with my ideal client profile. It's not just about affordability but also about the client's appreciation for the benefits of landscape and nature. When a client has the means to invest in a design and deeply values the impact of landscape, that's where I find true value for money in our collaboration.



**1 & 2. Tropical Birch (Betula nigra), Loropetalum 'Plum Gorgeous' and scented eucalyptus Murraya Min a Min feature in an engaging lunch area at Toowoomba Christian School. Note the wheelchair accessible tables.**

**Q: If you could influence clients generally – what would you change?**

A: If I had the opportunity to influence clients more broadly, my primary recommendation would be to encourage them to reconsider the placement of pools in relation to fences. Instead of situating the pool right against the fence, I'd suggest setting it 1.5 metres or 2 metres away from the boundary. This adjustment allows for the creation of a more spacious and aesthetically pleasing pool garden, enhancing the overall landscape design. Often, pools are already installed according to the original design, leaving limited space for the development of a beautiful pool garden room.

**Q: How do you see the current state/health of the Landscape Design sector?**

A: I perceive the current landscape design sector as one of growth and evolving potential. It's noteworthy that many people I encounter still lack awareness of what a Landscape Architect does. As designers, we hold a vital role in bridging the connection between individuals and their environment, nurturing a deeper appreciation for nature and the landscape. I am optimistic that with time, our nation will come to recognise our profession's potential in addressing environmental, physical and mental health challenges, both on a backyard scale and in larger-scale master planning.

**Q: Anything else or comment you wish to make?**

A: I recently came across a quote by Eddie Jaku from his book, *The Happiest Man on Earth*, that deeply resonated with me: 'Give something, something will come back. To grow a flower is a miracle: it means you can grow more. Remember that a flower is not just a flower; it is the start of a whole garden.' One of my core values for leading a fulfilling life is the act of giving, offering my time and energy to help others without expecting anything in return. This act of giving brings me immense happiness.

I find joy in giving back to our industry by volunteering with LDI, and I also enjoy acknowledging my peers' work on social media to celebrate their achievements. Furthermore, I actively seek opportunities to inspire and guide young individuals by speaking at schools about our profession and encouraging them to explore the world of design. I invite you to explore how giving in our industry can also bring you profound happiness.

ADVERTORIAL

# PAVING THE WAY TO SUSTAINABLE LANDSCAPES

Anston Architectural Products, a leading manufacturer of locally crafted luxury concrete pavers, has recently launched its latest innovation – the EcoPebble concrete range. EcoPebble offers the strength, durability and aesthetic appeal of premium concrete while helping designers and specifiers achieve project sustainability goals via its usage of local and recycled materials. Crafted with performance and sustainability in mind, EcoPebble is the perfect choice for those seeking to enhance their outdoor spaces while minimizing their environmental footprint.

## THE DEVELOPMENT OF ECOPEBBLE

The creation of EcoPebble stemmed from Anston's desire to create architectural concrete products with lower environmental impacts than standard concrete, offering a sustainable solution without compromise to product quality, longevity, or appearance.

EcoPebble is an upgraded version of Anston's pre-existing Pebble range, a popular selection of four earthy colours featuring a subtle exposed aggregate finish. Using the Pebble colours as a starting point, the mixes were redesigned to incorporate recycled materials and low carbon cement, effectively reducing CO2 emissions and diverting waste out of landfill. Visually, the EcoPebble colours look almost identical to their Pebble predecessors, allowing for a seamless uptake.

## EXCEPTIONAL PERFORMANCE AND DURABILITY

The EcoPebble mix designs satisfy all requirements for aesthetics and functionality, achieving full compliance with the Australian Standard with increased compressive strength and breaking load. Their resistance to weather conditions and heavy foot traffic makes them a durable choice for both residential and commercial landscaping applications.

Anston concrete products are high-quality investments designed to last in the built environment for decades. At the end of their long lifespan, EcoPebble products can be recycled for reuse as crushed road base, contributing zero waste.

## SUSTAINABLE, INNOVATIVE MATERIALS

EcoPebble contains special ingredients that promote circularity and waste reduction, including:

- Recycled plastic aggregate material replacing a portion of stone aggregate, made from post-consumer soft plastic waste such as plastic bags, food wrappers and cling wrap.

Each square metre of EcoPebble paving contains the equivalent of 200 pieces of soft plastic waste.

- Manufactured quartz sand, a by-product of quarry processing. This allows significant reduction in the consumption of virgin sands, a finite natural resource.
- Slag, a hazardous by-product of iron ore production, allowing a 20% reduction of standard cement. This reduces the amount of embodied carbon compared to a mix produced with 100% standard cement.
- Reclaimed rainwater, harvested onsite at Anston's manufacturing premises, reducing potable mains water use for manufacturing activities.

## APPLICATION IN DESIGN

The EcoPebble colours are available across the full Anston suite of architectural concrete products including pavers, pool coping, steppers, cladding and landscape elements such as spheres and concrete furniture.

Whether you prefer a classic look or a more contemporary feel, EcoPebble can complement any architectural style or landscape design.

## JOIN THE SUSTAINABLE LANDSCAPING MOVEMENT

Anston invites homeowners, designers, and contractors to join the sustainable landscaping movement by choosing EcoPebble for their next project. Customers can enhance the beauty of their outdoor spaces while contributing to a more sustainable and responsible future.

For more information, visit <https://anston.com.au>.



# FRANCE – VIVE LA DIFFERENCE

A very long overdue trip promised to my wife over the last 30 years finally culminated in eight weeks immersing ourselves in everything French. We recently toured the country from a base in the traditional town of Uzes, about 700 kilometres south of Paris in the Occitanie region of Southern France.

Uzes was created when the Romans came to conquer Europe as we know it. This little town is very much the postcard of cobbled alleys and a town square surrounded by brasseries and dress shops.

Plants and anything possibly fitting the description of 'green' is scarce - trees in sidewalks are pretty much it.

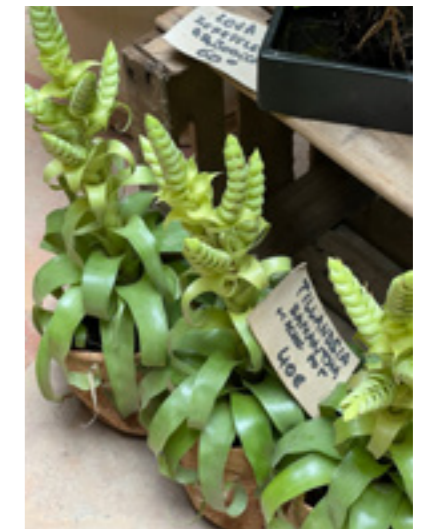
In discovering the little nooks, dress shops, brasseries and places to buy food(!) we stumbled across a quaint little nursery. As designers, arborist and horticulturists, walking past a nursery on holidays should mean 'head down and walk straight past' for my wife and I. But you're kidding. It's just too

hard to pass up our love for the game and in we went like kids in a lolly shop. What we found was so interesting I thought it valuable to share, including the price differences between Sydney and Uzes.

Walking into this shop felt like walking into a lifestyle shop. It was all pots etc. But there the locals are very much into the indoor plant space. It is kind of a phenomena there - with no back gardens and almost no balconies the slightest touch of green is adored.

This shop had the narrow entrance with the typical curved ceiling, creating a tunnel-like experience, which then exploded out into a courtyard with a sky ceiling adding light and an almighty amount of volume. Designers often try to contrive this effect but on this day it was an ancient reponse to delivering light into the centre of a large building before the arrival of electric light.

The courtyard itself linked to other shops including one selling way to many bottles of red. Common in the courtyards are solid



wooden shutters over windows which are used to block the sun out and keep the cool in. The heat island effect is much more serious when all you have is stone and cobbles as the surfaces with sparing amounts of shade. By 4-5pm it can get to 30-38°C in summer most days.

Closer-in? The plants, the plants, the plants! With prices in Euro it is best to just double the Euro to get Aussie dollars and you will quickly realise that our nurseries are delivering us some great value for money!

One plant that caught my eye was *Hoya kerrii*. This little guy with just a leaf struck off the vine planted creating the cutest of heart shaped plants. It is one of their best sellers that jumps off the table at €15 for a 90mm pot (A\$30.00). The more natural form of the plant in vine form in a 120mm pot and 900mm of vine is asked €85 euro (A\$150.00). It strikes me as the Uzes version of the humble Porthos with its super star price tag.

*Tillandsia samantha* is a bit of an old school favourite of mine. This bromeliaceae is really an indoor plant in France and at €40 (A\$80.00) for a 180mm plant in a pot has raised my eyebrows.



Also popular are the Kalenchoes as desktop indoor plants for the office.

Other plants of note included a plated *Ficus larata* standard (400mm) in a pot standing 1.4m high for €1,000 (A\$2,000) and a range of cacti.

Looking at the scene in France, the value of our style of work is highly regarded even though the amount of residential gardens, by population, is incredibly small.

# TOP CHALLENGES FOR AUSTRALIAN SMALL BUSINESS

ARTICLE: CHRIS O'CONNELL, MIDLAND INSURANCE

Small business owners in Australia face a challenging and ever-changing landscape, from economic uncertainty and fierce competition to regulatory compliance and cybersecurity threats. While these pressures can seem overwhelming, there are proven solutions to mitigate the risks. Here we explore the top five concerns for small business owners in Australia.

## ECONOMIC UNCERTAINTY

Economic uncertainty can be a significant concern for Australian business owners, particularly in times of market volatility or global economic instability. Uncertainty around government policy changes, interest rates, and consumer spending can impact businesses of all sizes, making it difficult to plan for the future and make informed business decisions.

In a survey conducted by the Small Business Association of Australia, economic

uncertainty is the primary worry for small business owners in the country. The survey found that 65% of respondents were worried about economic conditions, with 29% citing the risk of a recession or economic downturn as their biggest concern.

To navigate economic uncertainty, businesses may need to adopt a flexible and agile approach to their operations. This could involve diversifying their product or service offerings, exploring new markets, or investing in technology and innovation to stay ahead of the curve.

## CASH FLOW

Maintaining a healthy cash flow is essential for any business, but it can be particularly challenging for small and medium-sized enterprises (SMEs). Cash flow issues can arise due to a variety of factors, such as fluctuations in revenue, late payments from customers, or unexpected expenses.

The Australian Securities and Investments Commission (ASIC) states that cash flow is a key concern for small business owners. Cash flow issues can be particularly acute for SMEs, which may have limited access to financing or credit facilities.

To manage cash flow, businesses may need to adopt a range of strategies, such as implementing more rigorous invoicing processes, negotiating payment terms with suppliers, or seeking out alternative funding sources such as government grants or loans.

## FIERCE COMPETITION

Competition is a fact of life for businesses in Australia, and staying competitive is crucial for maintaining long-term success. Competition can come from a variety of sources, including domestic and international players, new entrants to the market, or changes in consumer preferences.

Small businesses in Australia face tough competition, as noted by the Australian Trade and Investment Commission. To stay competitive, businesses may need to invest in research and development, marketing and

branding, or operational efficiencies. Building strong relationships with customers and suppliers can also be crucial for maintaining a competitive edge.

## REGULATORY COMPLIANCE – OPERATING WITHIN THE LAW

Compliance with government regulations can be complex and time-consuming, and non-compliance can lead to penalties, fines, or legal action. Australian businesses are subject to a wide range of regulations at the federal, state, and local levels, covering areas such as taxation, employment law, and health and safety.

Small business owners in Australia may find government regulations to be a source of stress, particularly if they are new to the industry, according to Australian Government Business, with respondents identifying regulation as a significant concern. To manage regulatory compliance, businesses may need to invest in specialised expertise or seek out external advice from legal or accounting professionals. Implementing robust compliance processes and staying up-to-date with changes in regulations can also be essential.



Left: There are many causes of economic uncertainty - the primary worry for Australian small business owners

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## CYBERSECURITY THREATS

In Australia, a majority of businesses (62%) have reported experiencing a cyber security incident, indicating the prevalence and severity of this issue.

Such incidents, which include cyber attacks, data breaches, and other forms of cyber threats, can result in severe financial losses, reputational harm, and legal and regulatory liabilities. To manage cybersecurity risks, businesses may need to invest in specialised expertise, implement robust IT security protocols, and stay up to date with emerging threats and best practices.

Cybercrime statistics make for sobering reading, with a 75 per cent rise in ransomware attacks in the 2021-22 financial year and up to 200,000 vulnerable routers in Australian homes and small businesses.

A recent Australian Cyber Security Centre's (ACSC) annual report states medium-sized businesses with between 20 and 199 employees are the most at risk of attack, with the average cost of an attack for a business of this size being \$88,407.

While the risk of cyberattack remains high, there are many preventative measures businesses can put in place to reduce the risk of attack and, should one happen, reduce its severity.

1. **Make a plan:** Your approach to cyber security should have a clearly articulated strategy that's regularly revisited. This should guide the actions taken by the business to ensure it adopts the latest cyber risk mitigation techniques. ACSC recommends adopting eight security controls to help prevent attacks. This framework is useful for directing a business's actions around cyber security. The controls include taking away unnecessary network administration privileges from employees who don't need them and putting in place multi-factor authentication for access to the network. These are described in more detail below.



Above: Cybersecurity threats are rising fast

2. **Secure the business' internet connections:** Make sure all the points at which the business connects to the public internet, such as remote desktop applications, file sharing software and webmail, are secure and not vulnerable to penetration by hackers. It pays to work alongside an experienced IT professional through this step.
3. **Safeguard all devices:** All the common tools your team uses to connect back to the business such as their laptops, tablets and smart phones also need to be secured to ensure they are not a back door through which criminals can enter a business and exploit its weaknesses.
4. **Configure automatic updates for software:** The business should be fully protected for viruses and spam through the protections of a suite of leading anti-virus anti-spam (AVAS) software solutions and intrusion detection systems. Make sure any patches and updates are automatically installed so you're protected from emerging threats.
5. **Automate back ups:** Like software updates, data should be automatically and regularly backed up offsite to a system of servers not connected to the business. That way, if criminals do infiltrate the system, they cannot access back-ups through it and delete them. This means in the event of an attack, the business can be up and running in no time, having accessed the most recent back-up. These systems should also be regularly tested, well before an attack occurs.
6. **Implement multi-factor authentication:** It should be nearly impossible for criminals to get into a system if it has the right protocols in place. These can include, but are not limited to, multi-factor authentication and mandatory regular password updates. As a minimum, passwords should include a mix of lettering, numbers, symbols and cases. Passphrases are even better than passwords, as they can be harder to crack yet easier to remember.
7. **Audit third parties:** Criminals can gain access to your system through external parties such as suppliers if they can access your systems remotely. Regularly audit their cyber security protocols to identify and fix and insecurities through which hackers and scammers could access your business.
8. **Train staff quarterly:** Cyber security training should be a routine aspect of staff professional development. At least each quarter, train staff about the latest threats and run simulations to identify staff who are at risk of opening phishing emails.
9. **Respond immediately to threats:** Make sure to put protocols in place, so in the event of an attack, you can lockdown the system and stop criminals misusing it further.
10. **Put in place a cyber insurance policy:** Cyber policies can help businesses recover from an attack by paying for associated costs and helping to mitigate the effects. Your Insurance Broker can help you identify and address the cyber risks in your business.

## LDI STUDIO



Above: Documentation and Agreements are important parts of how you trade

# LDI LAW 101

ARTICLE: BY DARI LEVY, PRINCIPAL SOLICITOR – LEVY & W

## LEGAL DOCUMENTS

Having professionally drafted agreements is by far the most underrated business asset, in fact, most business owners don't even regard a brilliant contract as an asset, not believe that drafting one requires a specialist trained skill.

However if someone offered you to invest in a business asset which paid itself off over the life of your business at around 50 cents per client:

- that would protect your business and mitigate your exposure to risk;
- ensure you don't waste valuable time and stress dealing with issues
- ensure you don't have to write off your time or costs to resolve disputes
- prevent you from being liable for things you are not even the slightest bit responsible for
- deter clients from late payment, non-payment or no payment
- charge for additional time and services with ease
- retain the rights to your IP, including access to images, and being credited correctly
- were able to execute and deliver your services in a streamlined and systematic process,
- with inbuilt solutions so you didn't have to think on your feet every time something

went wrong; that you were not accountable after the fact; or for other people's mistakes

- you could prevent bad reviews on-line
- being sued
- .....and that there were repercussions – a client terminating or breaching the contract leaving you out of pocket;
- that gave you the upper hand, empowered you in your business dealings providing peace of mind and confidence to take those more sophisticated jobs or higher value clients..... would you do it?

Moreover, does this sound like something you should know how to, or could put together yourself? Saving money on your business' legal work is like choosing to save on a cheap set of breaks for your car, albeit fitting them yourself. A proposal consisting of a fee schedule and scope of works is not a contract.

Copying and pasting from other people's agreements is also not the solution. You are breaching copyright laws by copying someone else's intellectual property, or worse the IP of the lawyer who drafted it. Templates are less costly, yes, but unless it's drafted by a sophisticated lawyer, it will not be tailored to your business.



**Above: Employees and Contractors have different legal rights and obligations**

Regardless, how would you determine if it is a good, legally sound document that would serve your business? How do you know what terms you absolutely require to be in that agreement and how would you ascertain which provisions are not beneficial or appropriate for you and what the implications of including them are?

How do you know what to add in or take out so that you are completely covered, or so that it won't bite you on the...? The answer is you couldn't know. The question is why you are gambling?

It is true some people have more luck in business, they cruise through with no major issues and debunk my arguments but, without wishing ill on anyone, it will only ever take one bad job, or one bad client for the tables to turn.

It is without doubt that in every Court room, every legal issue and every lawyer's job is to sort out the messes that could have largely been prevented with sound documents or good advice. In the end it's just not worth the risk, the costs and the investment in

stepping up is worth its weight in gold.

This is not a sermon; it's a message directly from years working firsthand on that factory floor.

## CLIENT ENGAGEMENT AGREEMENT

This document should be your business blueprint. It defines the relationship between you and your client, sets out the terms and conditions under which you provide your services as well as covering the extent of your relationships with third parties.

The agreement should include but not limited to; the nature of the services, transparency of services, the delivery of services (including digital), and the limitations to what you will assume responsibility for, especially in relation to third party suppliers and contractors and supervision or management.

It should cover additional fees for additional services (including revisions, consultations, site visits, and anything outside of the original scope of work) procurement processes, hourly rates, commissions, trade discounts and product warranties.

The agreement should stipulate the client obligations, working hours, a communication, variations, delivery, delays, completion, disputes, termination, insurance, confidentiality, privacy, liability, consumer warranties, indemnity and the standard regulatory commercial terms.

In addition your fee structure, fees, and payment terms must be set out clearly, consistent with lead times, the work undertaken, and the invoicing system you use and any failures to meet these obligations.

It should include strong protections for your intellectual property, acquiring images of your work and authorisation for the use of IP.

## DISCLAIMERS

It is important to have a legal disclaimer to protect your liability for any advice or recommendations you make during a consultation (as well as the copyright in any materials provided), prior to entering into an agreement for your services.

Your designs document should include a visible professional disclaimer and copyright notice to protect your intellectual property and liability and a short-form version for your schedules, digital documents.

For emails with clients, suppliers and anyone whom you deal with on behalf of your business, you should have an email disclaimer to protect the privacy, copyright in your professional communications.

## WEBSITE LEGAL NOTICES

Whereas the client agreements are between you and the client, the website legal notices are essentially the agreement between you and the public. It is therefore important your business website has professional terms and conditions (T&Cs) which have references to commercial and consumer legislation, and the correct digital protections, which also extend to any social media platforms linked to the website. The T&Cs also include disclaimers for content:

- to protect your on-line information, or that you share via social media, as well as to ensure any references to products, third parties and testimonials are classified correctly;
- a services disclaimer;
- and a regulatory disclaimer with the relevant parts of the legislation and other regulatory and statutory provisions, such as the building and construction regulation, work health & safety, fair trading.

For intellectual property that you display on the website (such as images or designs) you should have a stringent copyright notice to protect people from copying your designs and content, and to acknowledge you are not breaching the copyright of others.

In addition, a privacy policy is now mandatory for the use of forms and contact messaging via the website, as well as other forms of data collection, including the client's personal details for the project.

## EMPLOYEES

By law, employees are required to have employment contracts which meet the legislative provisions for casual, part-time or full-time workers. Notwithstanding, it is extremely important you to protect yourself against intellectual property theft, termination, confidentiality and restraint of trade, including taking clients from the business.



## CONTRACTORS

Contractors are independent providers who run their own business. If you are engaging a contractor the key provisions of the agreement cover the nature of the relationship, the working arrangement, remote and in-office hours, responsibilities, deliverables, specifics regarding the project, intellectual property protection, privacy and confidentiality, insurance, tax, super, payment and invoicing.

If you contract your services out as a contractor to another designer, the most important provision is to limit your liability only to the design work provided to the designer and to meet any obligations to the client or for the finished product.

Outsourcing agreements are an agreement usually used for a specific project between a business and a service entity for the provision of a once off service in exchange for a fee such as virtual services or IT or social media.

Often the more casual the arrangement the more likely that things will go wrong, so deliverables and key terms are essential. These agreements are especially important when you provide the outsourced entity with your company intellectual property or access to confidential information.

A non-disclosure agreement should be used with anyone who you have not entered into an agreement with that you share your ideas, such as collaborations. You can also have a disclaimer on your brief or proposal when sending to clients to protect them from saving a copy of your work without engaging you.

**Above: The job is incomplete. The Designer, Contractor, Suppliers and the Client could all be involved**

# GET BUSINESS RIGHT WITH THE RIGHT STRUCTURE

ARTICLE: JOHN FITZSIMMONS

Especially if you love the work you do, many people starting their own business just want to get on with things and leave 'admin' until later, or to someone else! Yet whatever scale you operate on, or plan or hope to operate on, one of the basics of your own business is the 'structure' that you at least start out with.

Just how you structure your business can make a big difference to your tax liability, how any debts might impact your business or your personal situation (especially personal liability), and your business needs in terms of staff or computer resources – just to name a few. You don't want to run up unmanageable tax liabilities, risk the family home, or find your accounting system or computer network are inadequate or unsuited to the task. Setup and operating costs (and demands) can also vary significantly.

Other things to consider might include the licenses, registrations or permits that may be required, how much control you want or actually have over the business's activities and direction, and the ongoing costs and volume of 'paper work'.

Whether or not you're deemed to be an employee, contractor, or the owner of the business, is a major consideration in these times of the 'gig economy'. Once it was common to be regarded as 'freelance' which gave some freedom to the 'employee' in terms of personal time allocation and movement, earning potential and working conditions. However that approach is under challenge as some companies (especially some rooted in a vastly different pay rate and staff welfare jurisdiction) are being seen as treating 'employees' like 'contractors' and

**Below: Like physical structures, business structures are important for lasting success**



avoiding worker protections like WorkCover, holidays and holiday pay, insurance and superannuation, and reasonable remuneration.

So get it right at the start but remember you can change things later if your business or personal needs change also.

First step is to do some homework and get sound, credentialed, local advice; avoid unqualified advice from sources based or experienced in non-Australian jurisdictions. Such sources may offer useful general business, marketing or motivational inputs but our legal, regulatory and tax system is the environment you operate in.

Nevertheless there is plenty of sound, valid information online – especially from the Australian Government (e.g. business.gov.au or ato.gov.au), most state and territory governments, and sometimes from Local Government. This can occasionally be supported by online or in-person seminars, conferences or expos. Personal mentors can also be a great asset. Larger industry groups may include some level of information or general advice in membership packages.

However, ultimately, you should end up at the door of a suitable accountant and a legal adviser. They should be compatible with you in terms of the working relationship which can include professional skills, availability when needed, charging rates, understanding of your operating scale and environment, ethics and personality. Collectively you need to know, accept and understand your rights and obligations, and the legal and regulatory boundaries you should operate in. Remember, these boundaries can change regularly. Nor is there any sign that they will become less complex any time soon; (because) every time something goes 'wrong' there is a cry that 'there outta be a law...' and there is little tendency to remove the old, existing or superceded ones.

## STARTING OUT

Firstly, this article is written from the viewpoint of someone who has worked for, worked in and owned small businesses for many years. There is little shared perspective with larger corporate enterprises (despite employment experience) that tend to accrue considerable knowledge resource and experience both in-house and beyond.

The first rung on the ladder is a Sole Trader – just you doing your thing. You might choose to operate under an Australian Registered Business Name (ARBN) but you don't have to; you can operate or trade under your own name. You should do a search first to ensure your preferred ARBN is not already taken and/or in use by others. This is not unusual.



You might have to make some subtle or minor changes to find an acceptable alternative, OR you might have to come up with something completely different and new. As an example, the regional Victorian hardware business David O Jones Mitre 10 is clearly not the national retail department store David Jones Ltd.

In the digital age this issue has broadened such that holding an ARBN 'John Smith' does not entitle you to the website 'johnsmith.com.au' (\*a hypothetical creation), nor does it come with the right to sell 'John Smith' branded products or services. These are the subject of separate website Registrant and Trademark/Intellectual Property (IP) requirements. Note that registration of a website needs to be done properly to secure your ownership otherwise it could default to a third party involved in its setup. Social media identities and marketing are an even wider subject to discuss another time.

Starting out you will likely need an Australian Business Number (ABN) and you will need (but probably already have) a Tax File Number (TFN).

However if your annual business activity is \$75,000 or more (\*correct at time of writing, or if offering taxi or rideshare services) you must Register for GST (Goods & Services

**Above: Different business structures suit different approaches and resources applied for similar outcomes**

Tax). You then must usually add 10% GST to your invoices for work done or goods supplied. If you are registered for GST you will have to submit a regular Business Activity Statement (BAS) to the Australian Tax Office (ATO). While you are effectively collecting GST for the ATO when your tax invoices get paid, your liability to forward this tax is reduced by the GST you have already paid to suppliers on inputs. That is the simple equation, purpose and background to your BAS. This is quite separate and different to the Income Tax Return/s to still be submitted to the ATO for you/your business. The sum and payment schedules for your tax liability/liabilities is best clarified by your accountant.

Otherwise, as a Sole Trader, you can hire staff, rent premises, travel for business purposes and do broadly all the usual working activities. It is a format that is simple and low cost to set up, with modest tax and legal obligations. Additional reporting and administration is not required and a separate bank account is unlikely to be necessary. However – the business decisions and commitments are yours, and any debts or losses also fall on you.

## PARTNERSHIPS

Partnerships are common in smaller businesses, especially involving husbands and wives, children/siblings, extended families, and collaborative colleagues. Like any group of business individuals, they often work best when complementary synergies are present – one doing the work while another runs the administration, a good technical operator combined with a good marketer and a good administrator, good designers working with good constructors, as examples.

The costs, responsibilities and loads are similar to those of Sole Trader except the cost and complexity of setting up are higher (“medium to moderate”), and responsibility for business decisions, debts and losses is shared by the partners. A separate bank account is also required.

The challenges usually come when one or more partners think they are not getting their expected ‘fair share’ – of decision making, of reward, or of recognition. A breakdown of trust between one or more partners, or financial inequality are also notable causes of partnership failure, as are power imbalances, value differences and personal behaviours. Obviously the more partners – ‘balls to juggle’ – the harder to keep everything in balance. Example – how many bands have broken up due to ‘musical differences’? If harmony can be maintained then the partnership can be successful.

## COMPANY

Next step up the structural ladder is the Company, or ‘incorporation’. The costs and complexity of setting up a company are significantly higher than for simpler structures, as are the legal and tax obligations. For example, An Australian Company Number (ACN) is a unique nine-digit number issued by the Australian Securities and Investments Commission (ASIC), if you set your business up as a registered company. An ACN is not needed if you are operating your small business as a Sole Trader.

A Company is owned by shareholders who may, or may not, also be actively employed by the Company. Responsibility for business decisions is taken by the Company’s directors who, likewise, may or may not be shareholders or employees as such. Certainly separate bank account/s and even more reporting and administration is needed.

Generally the Company as an entity takes responsibility for debts or losses; this however is a qualified statement as laws change to prevent company directors escaping repercussions for leaving unrecoverable debts or losses in their wake as they set up another (often similar) business entity, often referred to as ‘phoenixing’.

Because of the higher bar/s for establishing a Company the chances of success are generally higher than those for smaller less regulated structures. Nevertheless it does happen with the main reasons being acknowledged as:

- **A lack of research and/or a Business Plan.** The Bank of Queensland comments: “One of the most common reasons for start-up businesses to fail is that there is no market need for their product or service. So, one of the most important first steps you need to take when you are setting up a business is to conduct research into everything from the existing market, current and future trends in your industry, to who your competitors are, who your target audience is and what will motivate them to do business with you. Writing a business plan is an important step towards setting up your new business and achieving your business goals. On the flipside, without a plan your business is vulnerable to one of the most common reasons for small businesses to fail – mismanagement. Having a business plan will also help you stay focused and on track. A good business plan can help you get clear on the direction of your business, identify strategies and an action plan for you to achieve your business goals, and help you secure the financial backing you need to start or grow”.
- **Not having adequate business funding, and financial mismanagement:** BOQ: “Running out of cash or not understanding what costs are involved in setting up and keeping a business running are a common trap for many small business owners. And the reality is that not every small business owner has the capital to cover the costs associated with starting a new business”.
- **Poor marketing:** BOQ: “Unfortunately, many start-ups think it is a case of ‘build it and they will come’ when it comes to promoting their new business. A thriving small business needs a regular stream of sales and customers – and you need a marketing plan to do that. Depending on the nature of your business and who your target audience is, a good marketing strategy will have the right balance when it comes to attracting new customers (acquisition) and building a base of loyal existing customers (retention)”.
- **Failing to adapt.** Not keeping abreast of customer needs or the competition. Meet your customers’ needs. Recognise trends. Be aware of your competitors’ activities. Be ready to respond to unexpected events in the broader economy, your operating environment and personal life. BOQ: “The most important thing in this context is to stay attuned to what is happening inside and outside your business and be ready to respond – quickly!”
- **Growing too quickly and not asking for support**
- **Failing to hire and retain the right people**

## TRUSTS

Trusts are financial structures that are usually more relevant at the ‘serious’ end of business. They are usually implemented to protect accumulated assets (e.g. property) or income streams and usually put you at arm’s length from common risks or threats. The usual driver is essentially protecting income by reducing tax obligations. Income can be apportioned to various family members, for example, and

individual tax obligations could be therefore reduced.

A trust is a separate legal entity, meaning you can access a certain level of protection if you face financial difficulty or legal action.

The definition goes something like: “In a trust structure, a trustee holds your business for the benefit of others (the beneficiaries). A trustee can be a person or a company, and is responsible for everything in the trust, including income and losses. Trust structures are expensive and complicated to set up, and are generally used to protect the business assets for beneficiaries. The trustee decides how business profits should be distributed to the beneficiaries. If you operate your business as a trust, the trustee is legally responsible for its operations. A trustee of a trust can be a company, providing some asset protection.” (Ref. *Australian Government*)

So, putting you and/or your business at arm’s length also might imply reduced control over some of your assets, and Trusts are regarded as being difficult to dissolve or make changes to once established.

ATO: “The trustee must lodge an annual trust tax return. Who pays tax on the trust’s income is determined by how the trust income is distributed and who it is distributed to. Generally, the beneficiaries will be responsible for paying tax on the trust net income distributed to them. The trustee is liable to pay tax on any undistributed income and may be liable to pay tax on behalf of certain beneficiaries, like non-residents or minors. If the trust makes a loss, it cannot be distributed to the beneficiaries and they cannot claim it as a loss against their income. However, the trust may be able to carry forward losses and offset them against future income it earns.”

For example, some advisers suggest setting up a family trust if you run a family business and profits are growing, the business is expanding, and your average tax rate is approaching 30% (\*subject to individual circumstances and tax rules at the time).

Note that all advice stresses the cost and complexity of establishing a Trust, and the careful consideration needed before doing so.

Ultimately most people who own and operate their own enterprise are usually often rewarded by the freedom to make decisions, to change directions, and to gain recognition for their skills, application and personal being. Financial remuneration helps of course – especially if it facilitates the things that make living worthwhile. But to do this there are ways and means, opportunities and obligations, and frameworks. It is the latter that has been introduced above.

## POSTSCRIPT

Recent reports from the UK and North America suggest there is a new generation of people, including many ‘influencers’ and GIG economy workers, who appear ignorant or in denial about business structures and tax or reporting obligations. Regulators across a number of jurisdictions are now actively pursuing those who choose to work outside the rules and conventions.

*This article is general information only and not specialist advice for your situation or needs. Specialist professional advice in relevant areas is recommended.*



Above: Community and public domain projects require a high level of professionalism

# Calendar

## FEBRUARY

15 FEBRUARY  
**PHOTOGRAPHY WORKSHOP**  
Queensland

22 FEBRUARY  
**JOURNEYS INTO DESIGN**  
LDI Awards Presentation  
plus Special Guest  
Speaker Paul Bangay,  
Sydney

## MARCH

TBC  
**LANDSCAPE BEAT-UP**  
National Online

TBC  
**LANDSCAPE KNOWLEDGE**  
National

14 MARCH  
**BUSINESS & BREWS**  
Queensland

20-24 MARCH  
**MELBOURNE INTERNATIONAL FLOWER & GARDEN SHOW (MIFGS)**  
Melbourne

## APRIL

18 APRIL  
**BCC CRACKING THE CODES**  
Queensland

## MAY

TBC  
**LANDSCAPE BEAT-UP**  
National online

11 MAY  
**AUTUMN IN TOOWOOMBA**  
Queensland

## JUNE

6 JUNE  
**BUSINESS & BREWS**  
Queensland

18 JUNE  
**DESIGN SOIREE**  
Queensland

## JULY

TBC  
**LANDSCAPE BEAT-UP**  
National Online

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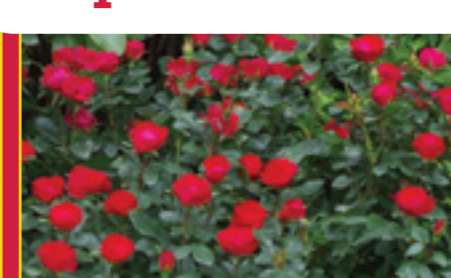
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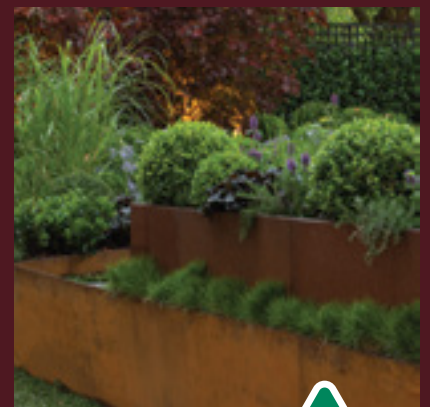
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