



Australian  
Institute of  
Architects

# Draft Design Excellence Competition Guidelines

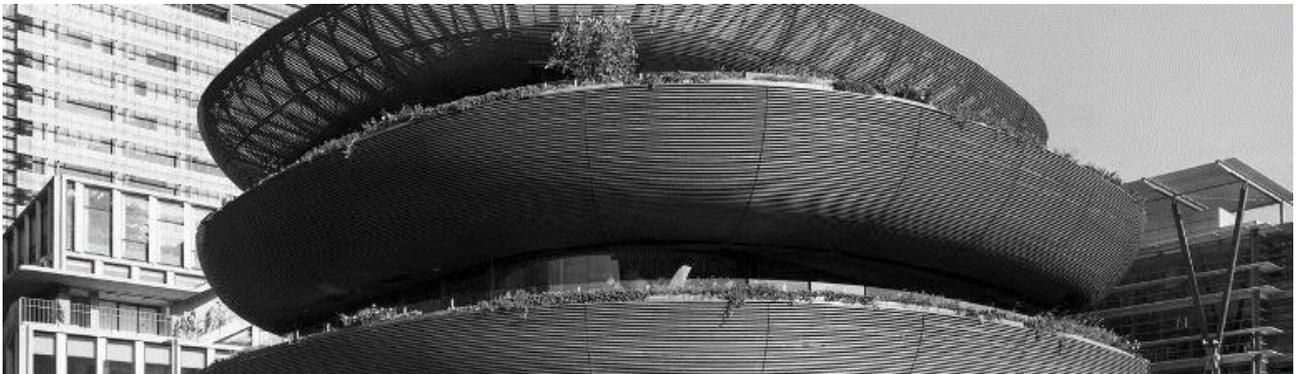
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Submission to

Government Architect NSW

Submission issued

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NSW Chapter

Tusculum, 3 Manning St

Potts Point NSW 2011

## SUBMISSION BY

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Australian Institute of Architects – NSW Chapter  
ABN 72 000 023 012

Tusculum, 3 Manning Street  
POTTS POINT NSW 2011  
Telephone: 02 9246 4055  
Email: [nsw@architecture.com.au](mailto:nsw@architecture.com.au)

## PURPOSE

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This submission is made by the NSW Chapter of the Australian Institute of Architects to GANSW in response to the Draft Government Architect's Design Excellence Guidelines.

At the time of the submission the office bearers of the NSW Chapter (Australian Institute of Architects) are: Andrew Nimmo (President), Shaun Carter (Immediate Past-President), Elizabeth Carpenter, Liz Westgarth, Kathlyn Loseby, David Tickle, Gemma Savio, Monica Edwards, Callantha Brigham, Jacqui Connor, Sam Crawford, Michael Tawa, Tricia Helyar, Peter Kemp and Chloe Rayfield. The Executive Director for the NSW Chapter is Joshua Morrin.

This submission was prepared by Kate Concannon and Joshua Morrin for the NSW Chapter Council.

## INFORMATION

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The Australian Institute of Architects (Institute) is the peak body for the architectural profession in Australia. It is an independent, national member organisation with around 12,000 members across Australia and overseas. More than 3,000 of these are based in NSW.

The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of architects and architecture to the sustainable growth of our communities, economy and culture.

The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design.

## 1. Overview

The Australian Institute of Architects (the Institute) appreciates the opportunity to comment on the *Draft Government Architect's Design Excellence Competition Guidelines* (the Guidelines), replacing the Director General's Design Excellence Guidelines, 2011.

With growing use of design competitions as a procurement method, we believe these updated Guidelines will be of increasing value and importance for architects, proponents, consent authorities and the wider public, as well as for the quality and character of the built environment.

We are pleased to see this positive step to support a framework for design excellence competitions that ensures the requirements of consent authorities are balanced with both the objectives of proponents and the needs of entrants for procedural fairness and reasonable compensation.

We are also pleased to see the appropriate emphasis the Guidelines place on design integrity, which is an essential factor in assuring the progression of a proposal's design excellence from winning submission to built outcome.

It is the Institute's firm view that, done well, Design Excellence Competitions can lead to very positive outcomes, in terms of built forms and public interest more generally. However, their success depends up considered preparation and committed implementation that ensures:

- clear and genuine objectives that form the criteria against which entries will be evaluated are articulated in the competition brief;
- procedural fairness, including transparency of the jury's decision;
- submission requirements are proportional to the project and participant fees;
- remuneration for entrants and jurors is fair and clearly outlined in the competition brief;
- design integrity is supported by and throughout the process; and
- emphasis is placed on the ideas presented in submitted designs, rather than a high degree of resolution.

The Institute's feedback on the Guidelines is expressly intended to promote these competition conditions, strengthening provisions already present in some cases and recommending additional provisions in others.

We have arranged this feedback in a sequence consistent with the draft document's order, which we consider reflects a sound and logical structure.

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## 2. Feedback

### 1. Introduction

#### 1.2 What is Design Excellence?

<b>Recommendation</b>	<b>1.2.1 Defining design excellence</b> – While we note that the list of references provided in furnishing a description of design excellence is not intended to be comprehensive, we recommend it be extended to include amenity and functionality, which are always critical criteria for design excellence.
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### 2. Purpose of this document

#### 2.4 When to use these Guidelines?

<b>Recommendation</b>	<b>2.4.1 Use by local councils</b> – We suggest including a recommendation that local councils with their own policy/guidelines (1) compare the provisions of their own with those presented in the Guidelines and (2) consider amendments that stand to create better alignment with the balance of consent authority, proponent and entrant requirements and interests enshrined in the Guidelines.
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### 3.3 The Entrant

<b>Recommendation</b>	<b>3.3.1 Entrant diversity</b> – We support the stated approach to entrant diversity, which encourages the development of emerging architects and, we believe, results in better design outcomes. However, the clause would benefit from some definition of ‘emerging’. We acknowledge that this is a contested term however propose that a working definition might be characterised by the possession of skill that exceeds experience, rather than by the age of practitioners or the scale of the practice.
	<b>3.3.2 International participation</b> – The Institute recommends that the guidelines stipulate a limit on the proportion of international practices participating in any given competition. We strongly advise that no more than 50% of entrants should be international practices, including Australian practices assisting an international practice. We also advise that, where international entries are permitted, the competition brief

provides an explanation of what value international participation is anticipated to bring.

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### 3. Competition roles

#### 3.4 The Jury

##### Comment

**Juror eligibility** – We support the prescribed eligibility criteria for jury members, particularly those requiring that jurors:

- possess appropriate design skills and expertise;
- represent the public interest;
- have no pecuniary interest in the proposal; and
- have no role in the consenting authority’s development assessment process.

**Jury size and composition** – We support the proposed Jury size(s) and composition, with equal numbers of jurors nominated by the proponent and consent authority, and with a single member nominated by GANSW.

##### Recommendation

**3.4.1 Jury size and composition** – We recommend that at least one juror must have demonstrated achievement of design excellence in the building type. Additionally, just as the Guidelines encourage diversity among entrants in order to achieve the best results, so too should they encourage diversity among jurors, particularly diversity in age and gender.

**3.4.2 Juror role and responsibilities** – We recommend that an additional clause be added describing the role and responsibilities of jurors, and that this reflect the extended role we propose be applied as standard to help ensure both:

- quality of the brief at the front end of the competition, and
- design integrity at the later stages. Such a clause might include the following:

*The role of jurors is to provide independent expert advice in preparing the Competition Brief, evaluating submissions, and in developing and ensuring the design integrity of the winning scheme. The role of jurors therefore transitions from brief consultant to impartial judge, and then joint custodian of the vision presented by the selected scheme.*

*Typically, jurors are expected to:*

- review and provide feedback on the competition brief as a critical step in its development*
- review competition submissions*

- *prepare preliminary analysis of competition submissions and review with the proponent and/or consenting authority*
- *attend competitor presentations*
- *evaluate submissions with reference to the objectives and parameters outlined in the brief as well as public interest*
- *participate in jury assessment*
- *contribute to the jury report, which should clearly identify the elements of a scheme that are considered essential components in design excellence, as well as areas requiring additional consideration and/or resolution*
- *participate on the Design Integrity Panel (unless the State Design Review Panel is called upon to act as the Design Integrity Panel, in which case only some members of the jury may be required)*
- *review pre-submission design (for DA or other as required)*
- *coordinate comments on pre-submission to consenting authority.*

*In all cases, jurors are required to evaluate submissions impartially and with reference to the objectives and parameters outlined in the brief as well as public interest.*

**3.4.3 Juror fees** – It would be appropriate to provide some guidance around juror fees, and these should be commensurate with the augmented role (and hours involved) we recommend the jury play throughout the process, ie before and after the submission evaluation phase.

### 3.5 The Jury Chair

#### Comment

The odd number rule for jury panels together with the appointment of the GANSW nominee to the Chair role provide a sound and logical mechanism for resolving a conflicted jury.

### 3.8 Technical advisers to the Jury and to Entrants

#### Comment

Members of the Institute report that access to proponent commissioned consultants is often too limited, necessitating the engagement by entrants of their own consultants. As the upfront costs of this would otherwise be prohibitive, entrants typically rely on securing unpaid services provided by the

consultant with the intention of securing paid work should the entry be successful. This is challenging however when the proponent has its own consultant team and there is minimal likelihood of ongoing work for the entrant-engaged consultant.

Members also report that they have had problems with proponent commissioned technical advisers 'leaking' information among entrants.

<b>Recommendation</b>	<p><b>3.8.1</b> The challenges practices experience around obtaining their own consultants would be mitigated if the proponent provided greater access to technical advice. Alternatively, by establishing deliverables that emphasise ideas, rather than requiring highly resolved designs, the need for additional technical advice during the competition submission preparation phase would be reduced.</p> <p><b>3.8.2</b> Robust probity in the provision of technical advice to participants is critical to procedural fairness. We recommend including an additional statement within this clause to the effect that Technical Advisers are required to maintain strict vigilance in all dealings with entrants to ensure they do not inadvertently or otherwise transfer confidential information.</p>
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#### 4. Competition processes

##### 4.2 Design Excellence competition types

<b>Comment – type rules</b>	<p>It is appropriate that different competition types should apply depending on factors including the project's size, complexity, public impact, cultural significance and capital investment value. The Guidelines' three proposed types correspond appropriately to the ranges of projects for which competitions are anticipated to be held. However, we consider the following provisions and requirements should also be included in these frameworks.</p>
<b>Recommendation</b>	<p><b>4.2.1</b> For Type B and Type C competitions, the Competition Adviser should be required to inform entrants who are unsuccessful in progressing to Stage Two (or other shortlist) of that fact at the time the successful entrants are informed of their progression.</p> <p><b>4.2.2</b> Where a shortlist is created from entrants in a single stage competition or Stage Two entrants in any other competition, this shortlist should consist of no more than two entrants. If additional material is required to be submitted by entrants at</p>

this stage, additional fees commensurate with the work should be made payable.

- 4.2.3** A Design Excellence Masterplan Competition should be mandated for proposals over a certain size, which the Guidelines' competition type should specify.

**Comment – deliverables**

The type descriptions as they stand make no mention of deliverables, but expectations around deliverables are a key problem for entrants across all competition types; the cost burden of deliverables required is significant for practices and pressure to 'over-produce' with fully resolved schemes is high. In addition to the resource waste of several schemes being developed to development application level, the cost burden can limit practices' ability to participate in competitions and can place pressure on design and resourcing through the life of a successful project as the practice works to recover the entry costs – outcomes that are detrimental both to the achievement of design excellence and its realisation in built form.

**Recommendation**

- 4.2.4** It would be instructive to provide some general guidance in each type description as to what level of submission requirements is appropriate.

**Comment – fees**

We are pleased to see the Guidelines require that all entrants in a Type A or Stage Two phase of Type B or C are paid. We support the view that some in kind reimbursement of the time and resources invested by entrants not proceeding beyond Stage One should be made, such as publicity or submission exhibition.

Recent research by the Institute shows the cost of competition participation for entrants is typically much higher than the fees earned. This creates significant financial pressure for many practices, especially smaller and emerging practices, which limits their ability to participate and in turn can lead to reduced diversity and poorer design outcomes from competitions.

**Recommendation**

- 4.2.5** On the matter of publication/exhibition of submissions, we recommend that entrants must not be bound by any confidentiality clause preventing them from publishing their own submissions. This is in the interest of both competition transparency and entrants' fair use of their own work for promotional purposes.
- 4.2.6** There are two ways the fee/participation cost issue can be addressed: by providing clear guidance to proponents on fairer (ie higher) fees; and/or encouraging reduced submission requirements alongside an emphasis on the value of

competitions for eliciting the best concepts and ideas, rather than highly resolved designs.

In either case, we recommend that fee guidelines be included in this section. These guidelines may be developed from any of a number of calculations, eg benchmarking of actual participation costs, a reasonable percentage of expected construction value or proponent uplift, the extent of deliverables or the duration of the submission preparation period (eg \$12,000 per week).

### 4.3 The Design Excellence Competition Process (step-by-step)

#### Step 01: Developing the Design Excellence Competition Strategy

**Comment** Reference designs have in some cases been seen as debasing the profession, as well as the spirit of design competition, by effectively limiting the design outcome to ‘sticking a facade on it’.

**Recommendation** **4.3.1** We recommend including in this step advice that the reference design must not be utilised to substantively establish or limit the design approach.

#### Step 02: Writing the Competition Brief

**Recommendation – Competition Brief development and inclusions** **4.3.21** In addition to the competition brief requiring review and endorsement by GANSW and/or the consent authority, we recommend that the jury be given the opportunity to review the brief and provide feedback before it is finalised and distributed to entrants. The competition brief is critical in setting out the requirements against which the jury is to assess submissions, and jurors can flag potential issues.

**4.3.22** In addition to the listed inclusions of the brief, it is the Institute’s view that the brief documentation should include:

- the proponent’s objectives – while the design competition process should encourage new ideas introduced by entrants, it is incumbent upon the Proponent to present entrants with pre-established goals and priorities for the development (eg yield targets, performance aspects, sustainability, material innovation etc) against which the jury will then assess submissions. The Guidelines should address the importance of the proponent having developed clearly considered objectives for the proposed development that can be articulated in design criteria.

- the fee scale – the brief should clearly outline what fees are payable and when, for successful and unsuccessful entrants
- a clear statement on how materials in excess of specified deliverables will be received/treated. We support the position of the Guidelines on this point, which state: *The Competition Advisor should ensure that only the materials requested in the competition brief are included in the judging process to ensure equity for the Entrants and clarity for the Jury. Entrants must not be encouraged to submit more than has been asked for in the submission requirements.* (4.3 Note: Submission requirements)

**4.3.23** As part of the Competition Brief development, there should be an independent assessment of the brief versus the budget to ensure that the two are aligned.

#### Note: Submission requirements

#### Comment

Members frequently report that submission requirements are often not only excessive in proportion to the fees payable, but that the extent of resolution and documentation required leads to significant wastage, with multiple submissions being developed to DA level and significant opportunity lost by practices while preparing submissions at this level of technical resolution. We support the Guidelines' statement that *'Submission requirements should be the minimum sufficient to explain the design merits of a proposal'*.

**4.3.24** This note on submission requirements provides important guidance on several key considerations with significant impact on entrants and the viability of participation. As such, we suggest this content be given greater prominence in the document.

**4.3.25** One of these considerations is the relationship between submission requirements and fees – a relationship entrants frequently report as being notably unbalanced. We suggest that the word 'relate' in the phrase *'submission requirements...must relate to the scale of the project and the fee paid to the Entrants'* be replaced with the phrase ***'be properly commensurate'***.

**4.3.26** We also recommend that this note explicitly promotes the development of competition briefs that emphasise the value of submissions' ideas, rather than high levels of design resolution.

This creates fairer conditions for entrants, and also leads to better design outcomes.

### Step 03: Competition Review and Judging

<b>Comment</b>	We support the Guidelines' position that requests for additional information should be avoided wherever possible and that entrants are to be paid where additional work is required.
<b>Recommendation</b>	<b>4.3.31</b> We recommend supplementing the phrase ' <i>Entrants must be paid</i> ' with ' <b><i>additional fees commensurate with the work requested</i></b> ', as well as adding strong advice that, unless there are exceptional circumstances, only two entrants should be invited to submit additional materials.

### Stage 05: Completion of a Design Excellence Competition process

<b>Recommendation</b>	<b>4.3.51</b> For consistency, this step should be referred to as 'Step 05', rather than 'Stage 05'.
	<b>4.3.52</b> We recommend including an additional step (Step 6) for ensuring transparency of the completed competitive process. This should include a debrief to entrants as standard and a recommendation, wherever possible, to hold a public exhibition of entries. This promotes transparency and confidence in the competition process and can provide instructive feedback for unsuccessful entrants.
	<b>4.3.53</b> The matrix of steps and competition types should be amended such that the post competition processes are allocated their own numbered step (Step 7). This gives appropriate emphasis to this stage of proceedings, which is critical in ensuring the initial competitive process is carried through to a realised vision of design excellence.
	<b>4.3.54</b> We recommend that the Guidelines should also note that all entrants should be free to publish their own submitted work from a suitable time indicated in the competition briefing documents.

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## 5. Post competition: maintaining design integrity

**Comment**

We are pleased to see the strong emphasis the Guidelines place on this phase of the process, which is critical for ensuring that the elements of a winning design that enshrine design excellence are carried through further developments of the design and into built form.

We strongly support the Guidelines' position that the designer of the winning submission is to be nominated as the Design Architect for the duration of the project (regardless of whether the site is sold). This continuity is also essential for ensuring design integrity.

We also support the Guidelines' requirements that, for consistency, the Design Integrity Panel should consist of competition jurors or, in the case that a State Design Review Panel is established, that this Panel must include some representative(s) from the competition jury.

**Recommendation**

The Institute recommends strengthening the emphasis on ensuring design integrity by mandating either a design integrity phase or design integrity assessment as part of the requirement for obtaining final statutory recognition that a competition has been fully completed.

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**6. Managing disputes in Design Excellence Competitions****6.1 Disqualification****Comment**

The conditions for disqualification are fair and appropriate. We particularly support disqualification in the case that an entry is received after a competition's nominated closing date and time. We also support the Guidelines' position that disqualification of entrants for not meeting all submission requirements is not encouraged.

**Recommendation**

**6.1.1** We would add that outstanding materials submitted late should not be accepted nor considered by the jury in evaluating the entry.

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**Glossary****Reference design****Correction**

Typographical error in Reference Design: two commas after 'floor space and height'.

We thank GANSW for the opportunity to give feedback on the draft Guidelines and look forward to the next iteration.

If any clarification around the feedback we have provided is required, please contact the Institute on 02 9246 4055 or email [nsw@architecture.com.au](mailto:nsw@architecture.com.au).

Yours faithfully



Andrew Nimmo  
**NSW Chapter President**  
Australian Institute of Architects

## Reference Documents

The Australian Institute of Architects' *Architectural Competition Policy*  
[https://repository.architecture.com.au/download/archive/documents\\_and\\_files/national-policy/Architectural-Competitions\\_Policy\\_Final\\_Adopted\\_17\\_Apr\\_-2015.pdf](https://repository.architecture.com.au/download/archive/documents_and_files/national-policy/Architectural-Competitions_Policy_Final_Adopted_17_Apr_-2015.pdf)

The Australian Institute of Architects' *Guidelines for the Conduct of Architectural Competitions*  
[https://repository.architecture.com.au/download/archive/documents\\_and\\_files/national-policy/Architectural\\_Competition\\_Guidelines\\_Feb\\_2016.pdf](https://repository.architecture.com.au/download/archive/documents_and_files/national-policy/Architectural_Competition_Guidelines_Feb_2016.pdf)

The Australian Institute of Architects' *Guidelines for the Conduct of Architectural Competitions*  
[http://sitefinity.architecture.com.au/docs/default-source/policy-advocacy/aia\\_architectural\\_competition\\_model\\_conditions\\_feb\\_2016.pdf?sfvrsn=2](http://sitefinity.architecture.com.au/docs/default-source/policy-advocacy/aia_architectural_competition_model_conditions_feb_2016.pdf?sfvrsn=2)