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Australian Institute of Architects

Department of Local Government,
Sport and Cultural Industries
Local Government Act 1995 Review
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Attention: Luke Stephens

Local Government Act 1995 Review - Submission

Thank you for the opportunity to provide comment on the review of the Local Government Act 1995.

As you would be aware, the Australian Institute of Architects (the Institute) is the peak body for the architectural profession in Australia, representing 11,000 members. The Institute works to improve our built environment by promoting quality, responsible, sustainable design. Through its members, the Institute plays a major role in shaping Australia's future.

The following comments relate to the procurement section of the Financial Management discussion paper and offer suggestions relating to improving the procurement practices of local authorities and hence improving the outcomes for local communities in terms of value for money.

Architects interact with local government in three key ways:

- *Architects as Proponents*

Architects are the lead consultants in the majority of development applications made to various local authorities, participating at all scales of development, from single and multi-residential, institutional, commercial, retail, mixed use and civic and regularly need to negotiate local government approvals processes.

- *Architects as Service Providers*

Architects participate in the delivery of developments procured by local government and need to interact with Councils initially through the tendering process, and on to the complete delivery of projects.

- *Architects as Experts*

Architects are largely involved helping set the vision for towns and cities, through participation in master planning, authoring guidelines and sitting on various design review panels.

Architects as Proponents

The Western Australian planning system is unusual in as much as scheme texts vary widely between various local authorities, many having multiple local policies and regulations. This inherently makes the system confusing and unwieldy. Ideally, a model scheme text would be created to standardise development requirements. An obvious benefit of this would be that it allows more mobility of planning staff.

As an observation, architects regularly deal with complex and expensive projects, which require a great deal of technical expertise. Planning staff, who are typically statutory planners, do not have the skills to evaluate these projects. Our experience is that jurisdictions that employ architects on staff can greatly expedite the approvals approval. Given the training that architects undertake in their five-year degree and two-year post-graduation registration process, it seems that either self-certification of planning applications for smaller projects, and peer assessment of larger schemes would relieve the work load of planning staff and expedite approvals generally.

Architects as Service Providers

One of the complaints our members make centres on the inconsistency of local government procurement practices, which vary between different municipalities, and which can be quite unrealistic in terms of requiring our members to provide detailed tenders, when quite often, the project scope has not been finalised. This is not surprising that the procurement of projects requires experience and some detailed knowledge of the project type, and also of the design and construction process. The skill sets required to procure complex projects are unlikely to exist in a local authority, as these projects are typically one-off and not core business of the staff employed. This situation exposes local authorities to unwarranted risk, can be extremely wasteful, and is in urgent need of reform.

The Institute propose reforms that we believe can greatly enhance this process.

Firstly, local authorities should ensure there has been adequate consultation to undertake a proper needs analysis and formulate a full brief with associate cost plan and business case. This will greatly improve the quality of the brief and the accuracy of the tenders received.

Secondly, the Institute has recently completed research relating to this issue and have produced a guideline for EOIs and RFTs for the procurement of architectural services (attached).

The Guidelines set out general guidance and specific actions in preparing EOI and RFT documents, to ensure quality-based selection focused upon attributes most important to the client and their project. Individual guidelines explain the types of questions and information clients can include in their EOI and RFT documents.

The Institute is not alone in seeking to clarify and improve the methods by which clients engage consultant teams. Analysis of guidelines from industry peak bodies and government departments clearly indicates the challenges of procurement processes are widespread and similar in nature across all types of projects and sectors. The research revealed five recurring themes:

1. Clarity
2. Equality and opportunity
3. Risk
4. Quality
5. Time and cost

The fifth concern, the time and cost of production and evaluation of an EOI or RFT, is a direct product of the first four issues. Without clear and concise tender processes that provide equal opportunity, a fair distribution of project risk and a focus on quality design, clients can squander precious time and public resources in the procurement of architectural services and undermine the potential quality of their built project.

We would encourage all local authorities to align their procurement practices with the guidelines.

The Western Australian Chapter is also in the process of drafting a procurement proforma that we believe will greatly assist local government in tendering and procuring projects.

We look forward to continued dialogue on this issue.

Architects as Experts

Architects spend their working careers striving to improve the built environment. Local authorities should see the architectural community as a rich asset to be mined. Architects can value add in so many ways, from the delivery of precinct and masterplans, the authorship of design guidelines and the participation on design review panels.

The Institute advocate that all cities have a City Architect to undertake early assessment and help negotiate win-win outcomes for both the community and development proponent.

As issues of urban infill and density become more and more contentious, architects are the obvious profession for local government to turn to for advice.

In conclusion, the Institute is more than happy to meet and contribute to these on-going discussions and reforms.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Hobbs', with a large, sweeping flourish above the name.

Peter Hobbs FRAIA

Western Australia Chapter President

Australian Institute of Architects