

12 Design excellence and competitive processes

DCP Amendment No.15

12.1 Competitive process

Strategy

Good building design should positively contribute to the overall architectural quality of the city and provide buildings appropriate to their context. In some circumstances, this contribution may be as an iconic or landmark building, but more typically it is as a well-mannered building that fits sensitively into the streetscape.

To improve the design quality of city buildings, for development applications where a development plan or stage 1 development application is in force, the provisions of clause 28D of LEP 1996 require the consent authority to consider whether a proposed development has been designed as a result of a 'competitive process'. The competitive process can be undertaken at either the development plan stage or the development application stage.

This DCP provides details of two options available to the applicant to satisfy the requirements of the competitive process. The options are:

- a) undertake a design competition, in accordance with the provisions LEP 1996 and this section of the DCP; or
- b) prepare design alternatives on a competitive basis, where architects from different architectural firms generate feasible alternative designs.

In exceptional circumstances, the applicant may propose a different process, provided that it achieves the aims and objectives of the LEP and facilitates design excellence. The commission or proposed commission of an eminent or "high quality" architect or designer is not sufficient reason to invoke the "special circumstance" provision outlined in Clause 12.1.6 of this DCP.

Objective

To improve the design quality of city buildings through competitive processes.

Provisions

- 12.1.1 In determining a development application, Clause 28D(1) of LEP 1996 requires the consent authority to consider whether the proposed development exhibits design excellence.
- 12.1.2 For a development application where a development plan is in force, Clause 28D(2)(c) of LEP 1996 requires the consent authority to consider whether the design of the building is the result of a 'competitive process' that facilitates design excellence.
- 12.1.3 An applicant can demonstrate a competitive process in accordance with these DCP guidelines, by:
 - a) undertaking a design competition; or
 - b) preparing alternative designs on a competitive basis.
- 12.1.4 A competitive process can be undertaken at either the development plan stage or the development application stage.

- 12.1.5 If the proponent of a development is an architect or designer, they shall be ineligible to take part in the 'competitive design alternatives' process. In these circumstances, a 'design competition' is the preferred process, but the composition of the competition jury is varied from the normal arrangements set out in section 12.2 of this DCP.
- 12.1.6 In its consideration of a development, the consent authority may, in exceptional circumstances, accept an alternative process if it is satisfied that:
- a) the aims and objectives of the LEP have been achieved, and
 - b) a feasible design option has been prepared for the development of the site; and
 - c) the development will exhibit design excellence.

12.2 Design competitions

Strategy

In preparing a development plan or development application for a site, and in order to satisfy competitive process requirements, an applicant may use a formal design competition to generate design alternatives for a development site.

The purpose of a design competition is to generate high quality solutions which address the constraints and opportunities of a site and achieve design excellence.

In recognition of the rigour involved in undertaking a successful design competition that achieves design excellence, the applicant may be eligible for a 50% reduction in the allocation of Heritage Floor Space.

Objective

To encourage high quality design solutions through the use of design competitions.

Provisions

- 12.2.1 An applicant may choose to demonstrate design excellence by undertaking a design competition. Where a design competition is undertaken, it must be in accordance with the provisions of clause 28D of LEP 1996 and this section of the DCP.

Competition initiation and requirements

- 12.2.2 For the purposes of this DCP, a design competition is a 'competitive process' undertaken in accordance with the planning provisions and requirements of Cl.28D of LEP 1996 and subject to these competition guidelines.
- 12.2.3 The decision to undertake a design competition is one taken by the owner or the owner's agent, who for the purpose of these guidelines, is referred to as the 'promoter'.
- 12.2.4 The promoter must accept sole responsibility for the organisation of the design competition process, from initiation of the competition and preparation of the brief, through to jury decision and the award of prizes.
- 12.2.5 To ensure probity, the design competition promoter should ensure that the documentation of the competition process and procedures is

sufficient to enable an audit to be carried out by an independent person or body such as the Royal Australian Institute of Architects, if required by the consent authority.

Competition type

- 12.2.6 A promoter can undertake either an 'open' or 'invited' design competition:
- a) In an 'open' competition, the promoter is required to publicly notify the design competition and call for expressions of interest. Respondents are then supplied with the endorsed competition brief and invited to participate.
 - b) In a 'invited' competition, the promoter invites a minimum shortlist of five (5) entrants to participate in a design competition and supplies them with the endorsed competition brief.
- 12.2.7 The call for expressions of interest for an 'open' competition shall describe the form and purpose of the design competition, state any prizes to be awarded and the minimum submission requirements.

The competition brief

- 12.2.8 The consent authority requires the promoter of any design competition to prepare the competition brief fully in accordance with the design competition guidelines set out in this DCP and generally in accordance with a model brief prepared after consultation with the RAIA. The content and procedural requirements of the design competition brief may only be varied with the agreement of the consent authority.
- 12.2.9 The competition brief establishes the parameters of a design competition and is required to:
- a) describe the type of competition (open or invited) and the role of the promoter;
 - b) describe the competition objectives and process;
 - c) state that a 'statement of compliance' with Central Sydney Planning Controls (LEP 1996, HLEP 2000 and DCP 1996) and any adopted development plan or Stage 1 development application, prepared by a suitably qualified person, is required as part of the competition submission;
 - d) unless determined otherwise by Council, the CSPC, the Lord Mayor or the Director of City Development, provide competitors with a Council approved Conservation Plan for competition sites that include a heritage item within the site, and state that competitors are to have due regard to the conservation guidelines set out in the plan;
 - e) describe the proposed uses, floor area, construction methodology, estimated project budget and construction costs, and any special building requirements, state the judging criteria and clearly emphasise the importance of excellence in building design;
 - f) articulate minimum submission requirements for the competition;
 - g) provide a site history and contextual/site information;
 - h) state any prizes to be awarded to the winner and runners up;
 - i) describe the options available to the promoter following the

- jury's decision;
- j) state the composition of the competition jury;
 - k) state that the competition process is not to be anonymous and that competitors names can be clearly visible on entries;
 - l) state that the copyright of any entry to a design competition remains with the originator of the work;
 - m) include a disclaimer stating that the jury's decision will not fetter the discretion of the consent authority as they will not form part of the judging process
 - n) allow a minimum period of 28 days for the preparation of entries by competitors;
 - o) state that competition entries are required to:
 - be of a quality suitable for public exhibition;
 - include perspectives and photo-montages;
 - provide a materials/finishes board; and
 - provide a 1:500 scale model, suitable for insertion into Council's City Model.

12.2.10 The consent authority, must assess, and if necessary, amend the competitor's brief prior to its endorsement and release. If the brief is not endorsed, the consent authority must give its reasons within 14 days of the lodgement of the brief.

The competition jury

12.2.11 The competition jury is to equally represent the promoter and the consent authority.

12.2.12 The jury of six representatives, is to comprise:

- a) 3 (three) representatives nominated by the promoter; and
- b) 3 (three) representatives nominated by the consent authority, who have no pecuniary interests in the development proposal or involvement in approval processes.

12.2.13 The composition of the jury should represent the public interest, be appropriate to the type of development proposed and include persons who have expertise and experience in the design and construction professions and industry, including a number of architects.

12.2.14 If the proposed development includes a building listed on Schedule 1 and a committee is likely to be required under Clause 12(2) of Central Sydney Heritage LEP 2000, then at least two members of the competition jury shall be selected by the consent authority for that committee, unless the consent authority resolves otherwise.

Architect or designer as competition promoter

- 12.2.15 If the proponent of a development is an architect or designer, a 'design competition' is the preferred competitive process. In these circumstances the composition of the competition jury is varied to comprise:
- a) 2 (two) representatives nominated by the promoter;
 - b) 1 (one) representative from an independent third party such as the Royal Australian Institute of Architects; and
 - c) 3 (three) representatives nominated by the consent authority, who have no pecuniary interests in the development proposal or involvement in approval processes.

The Jury's Decision

- 12.2.16 The consent authority will not form part of the judging process.
- 12.2.17 The decision of the jury will not fetter the discretion of the consent authority in its determination of any subsequent development application associated with the development site the subject of the competition.
- 12.2.18 Competitor's submissions are to be graded (ie 1st, 2nd, 3rd) by the jury.
- 12.2.19 Following the jury's decision, the consent authority may require the promoter to hold a public exhibition of the design competition entries.

Design Competition Report

- 12.2.20 Following its determination, the jury is required to prepare a Design Competition Report. The Design Competition Report shall:
- a) describe the competition process incorporating a copy of the competition brief;
 - b) include an assessment of the design merits of each of the entries; and
 - c) set out the rationale for the choice of preferred design, and how this exhibits design excellence.
- 12.2.21 The Design competition Report must be lodged with the consent authority within 10 days of the Jury's decision and prior to the lodgement of the relevant development plan application or development application.
- 12.2.22 The Consent Authority may advise the promoter whether it endorses the competition process and outcome in the form of pre development plan or pre development application advice.

Appointment of the architect

- 12.2.23 In order to achieve design excellence, the consent authority expects the promoter of a design competition to appoint the architect who submitted the preferred design as selected by the competition jury ("the architect"). The architect may work in association with other architectural practices.

- 12.2.24 The architect is expected to:
- a) prepare a DA for the preferred design;
 - b) undertake full project design and documentation; and
 - c) maintain continuity during the construction phases, through to the completion of the project.
- 12.2.25 The promoter will be required to consult with the consent authority in order to determine a process which will achieve design excellence, if,
- a) the jury does not reach a decision; or
 - b) the promoter does not proceed with the preferred design; or
 - c) the consent authority objects to the preferred design that is the subject of a development application.

Design integrity and design development

- 12.2.26 For development applications that are the consequence of a design competition undertaken in accordance with the requirements of LEP 1996 and DCP 1996, the consent authority shall require a Design Integrity Assessment to be undertaken. An independent panel may undertake the assessment, if considered necessary by the consent authority.
- 12.2.27 A Design Integrity Assessment would typically be undertaken:
- a) as part of the Stage 2 development application assessment;
 - b) when a S.96 development application is submitted for design changes to an approved development.
- 12.2.28 The purpose of the Design Integrity Assessment is to inform the consent authority on the integrity of design development, and whether the proposal is equivalent to, or an improvement upon the design excellence qualities of the preferred competition scheme and/or the approved development.

Design Competition incentive

- 12.2.29 In determining whether a development application achieves design excellence and can be awarded a reduction in the allocation of Heritage Floor Space, the consent authority must consider:
- a) whether the design competition has been undertaken in accordance with the competition guidelines set out in this DCP; and
 - b) whether the subject development application exhibits design excellence; and
 - c) the recommendations of a Design Integrity Assessment.
- 12.2.30 The consent authority will only award a reduction in the allocation of HFS, if the quality of building design is considered to be equivalent or an improvement upon the preferred competition scheme and exhibits design excellence.

- 12.2.31 Where the consent authority determines that the design excellence considerations have been met as part of an approved development application, it may award an incentive equivalent to a 50% reduction in the allocation of HFS.

Refer to LEP 1996 cl.28D and cl.45

12.3 Competitive design alternatives

Strategy

In satisfying competitive process requirements, an applicant may choose to commission a minimum of three alternative design approaches to the development of the site. This competitive process will enable the applicant and the consent authority to better understand the possible design alternatives for a site and to determine which provides the best overall design solution.

The submission accompanying the development application or development plan application is to fully document the alternative designs, set out the rationale for the choice of preferred design and clearly demonstrate how this better exhibits design excellence.

Objective

To encourage high quality design through the generation of alternative design solutions, which best address the constraints and opportunities for a site.

Provisions

- 12.3.1 Where an applicant chooses to commission design alternatives, the consent authority requires the applicant to provide a minimum of 3 (three) competitive design alternatives for a development proposal.
- 12.3.2 The design alternatives are to be prepared by different architectural firms, which can demonstrate experience in the design of high quality buildings. Each alternative should provide at a minimum, an indicative design solution for the site, with sufficient detail to demonstrate that it is a feasible development option and can achieve design excellence.
- 12.3.3 The consent authority will require the opportunity to review the brief issued to the architects and nominate at least one independent person as observer of the selection process. Such observer must be provided with reasonable notice to attend all meetings involved with the architectural selection process.

Competitive Design Alternatives Report

- 12.3.4 When competitive design alternatives have been prepared, the consent authority requires the applicant to submit a Competitive Design Alternatives Report prior to the submission of the relevant development plan application or development application.
- 12.3.5 The Competitive Design Alternatives Report shall:
- Include each of the design alternatives considered;
 - Include an assessment of the design merits of each alternative; and
 - set out the rationale for the choice of preferred design and clearly demonstrate how this better exhibits design excellence and functionality in accordance with the clause 28C of LEP 1996.

d) Include a copy of the brief issued to the architectural firms.

12.3.6 The consent authority may advise the applicant whether it endorses the process and outcome in the form of pre development plan or pre development application advice.