

# Director General's Design Excellence Guidelines

## Introduction

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-designed building that fits sensitively into the streetscape.

The Design Excellence provisions of the City Centre Local Environment Plan (LEP) may require or provide the opportunity for a landowner to hold an 'architectural design competition' for the design of a building or larger site containing more than one building. That process may lead to a design based 'bonus' in building height and/or floor space ratio (FSR) and in that circumstance this document provides the guidelines for such competitions.

An architectural design competition has the potential to achieve design excellence and encourage innovation without delaying the development approval process. The key to success is to commence pre-planning at an early stage in the development process. The design competition should be undertaken prior to the lodgement of a formal development application.

Design competitions can reduce the potential for delay in the development application process by providing more certainty of the final development outcome to both the landowner and the community.

## The Purpose of the Design Competition

The purpose of an architectural design competition is to promote innovative design solutions that achieve high quality buildings and spaces within the city centre. In recognition of the additional cost and effort required by a competitive process, a successful design competition that achieves design excellence can result in a development bonus in relation to building height and/or floor space.

## Objectives of the Design Competition

Design competition objectives include:

- To achieve a diversity of architectural response;
- To achieve a high standard of architectural excellence;
- To encourage flexibility within the urban design controls to allow for newer or unexpected solutions;
- To provide incentive through greater FSR and/or height; and
- To encourage a sense of civic pride.

## The Design Competition Process

### Competition Initiation and Requirements

An architectural design competition is required where;

- A building is over a particular height specified in the LEP,
- The building is on a specified key site,
- The competition is required as a condition of a Part 3A approval; or
- The landowner (or their agent) elects to have a competition.

The landowner, or an appointed agent of the landowner, is to be nominated as the 'proponent' for the purpose of the competitive process.

The proponent is responsible for the running and the costs associated with the competition process from initiation and preparation of the brief, through to release of the jury's decision.

### Levels of Design Competition

There are two levels of design competition: *invited* and *open*.

#### *Invited*

For most projects, the proponent will invite a minimum shortlist of three architectural/design firms to participate in a design competition and supply them with the competition brief, which has been previously endorsed by the consent authority.

### *Open*

In some circumstances, such as landmark redevelopment sites or exceptionally taller buildings an open competition may be conducted. This will require the proponent to advertise and call for expressions of interest (EOI). A short list of entrants would be selected in accordance with a process outlined in the EOI brief. The short listed entrants would then be supplied with the endorsed competition brief and invited to participate. In keeping with the scale of the project, between three and six separate architectural/design firms would be selected, in consultation with the consent authority, from the respondents to the EOI.

### *Large Sites with Multiple Buildings*

Where a large site has a number of buildings or is subdivided into 'super lots', it may be desirable for a variety of architects to undertake the design of different buildings to ensure a diversity of architectural expression is achieved. In such circumstance, the consent authority is to endorse how the project may be phased, the role of individual architects, and any requirement for a coordinating 'master' architect. However, it is not intended that the master planning of a precinct (that is, multiple blocks) should necessarily be subject to the competitive process.

### *Exceptions Clause*

The requirement for a minimum of three architectural / design firms to submit designs may be waived by the Director-General where it can be demonstrated design excellence will be achieved, such as where concept drawings are submitted for a manifestly outstanding building, and the architect has a reputation for delivering buildings of the highest quality. In such a case, a design integrity panel may be appointed to oversee implementation.

## **The Competition Brief**

The proponent of a design competition will prepare the design competition brief.

The Director General of the Department Planning (DOP) requires the design competition brief to include the following:

- Describe the type of competition (open or invited), the role of the proponent and the competition process;
- For an open competition, include details of the process / criteria for short listing entrants responding to the call for expressions of interest.
- Include details of the relevant planning controls (LEP and DCP) and any requirements of an adopted Concept Approval under Part 3A of the Environmental Planning and Assessment Act (the Act);
- Where a site includes a heritage item, is located within a conservation area or in the vicinity of a heritage item, include a heritage impact assessment and advise competitors to consider any conservation guidelines set out in the document;
- Describe the proposed uses within the building, the percentage of each use, the proposed gross floor area (GFA) and FSR of the building, estimated project budget and construction costs;
- Indicate the level of documentation required for the submissions. The documentation should be sufficient to explain the design merits of the proposal and may include elevations, plans, montages and digital representations. The extent of documentation should relate to the scale of the project and should not be excessive;
- Provide the terms of reference of the competition jury including the nomination of a jury Chair;
- Make it clear that the competition is a public process and confirm that all entrants' names must be clearly visible on entries;
- State that the copyright of any entry to a design competition remains with the originator of the work;
- State the fees to be paid to each of the entrants and, as appropriate, the awarding of any prizes, commissions or bonus to a successful entrant. Fees paid to entrants must be appropriately scaled to recompense entrants for the extent of work undertaken; and
- Allow a minimum period of 28 days for the preparation of submissions by entrants.

The consent authority will assess the brief according to the above requirements and may require the brief be amended prior to its endorsement and issue to the entrants. If the brief is not endorsed, the consent authority must give its reasons to the proponent within 14 days of the lodgement of the brief.

## Design Competition Criteria

The following criteria apply to the design competition:

A minimum of three competitive submissions are to be considered.

- The submissions are to be prepared by bone fide independent architects or firms that can demonstrate experience in the design of high quality buildings.
- Each submission will document:
  - The contextual analysis and rationale for the design;
  - Compliance with the competition brief and the statutory planning requirements;
  - How the design is an economically feasible development option; and
  - The manner in which design excellence is achieved.

Designs do not need to be documented to the level necessary for a full development application.

## The Competition Jury

The competition jury will comprise a minimum of three and not more than five members.

At least one member will be a nominee of each of the following:

- The proponent; and
- The consent authority; and
- The Director General of the Department of Planning.

There will be equal proportionate representation from the proponent and consent authority plus the DOP representative. Where the DOP is the consent authority, the Local Council will be invited to nominate a jury member.

Jury members must:

- Not have a pecuniary interest in the development proposal;
- Not be an owner, shareholder or manager associated with the proponent or proponent's companies;
- Not be a staff member or councillor with an approval role in council's development assessment process.

Members of the jury should have relevant design expertise and experience.

If the proposed development includes a heritage item or is within a heritage conservation area the consent authority's heritage adviser should provide a heritage assessment of the proposal to the jury. The proponent will bear the cost of such advice.

The jury will convene for the review of the competition submissions as soon as possible following the close of the competition.

If subsequent meetings are required for the jury to complete its deliberations these should follow as early as possible.

The competition jury will be convened by the consent authority, including the provision of administrative and secretarial services for the recording of the jury proceedings and preparation of the Design Competition Report. The proponent will be responsible for reimbursing the consent authority for the secretarial services, to a fee of up to \$1,000.

## The Jury's Decision and Design Competition Report

Entrant's submissions will be graded by the jury and its considerations and decision recorded in a Design Competition Report.

The Report will:

- Summarise the competition process incorporating a copy of the competition brief;
- Outline the assessment of the design merits of each of the entries;
- Present the jury's decision, including the rationale for the choice of a nominated design and how this exhibits design excellence; and
- Outline any recommended design amendments or propose conditions of development consent that are relevant to the achievement of design excellence.

The Report may:

- Nominate the winning submission and recommend a height and/or floor space bonus, up to the maximum 10 percent available under the provisions of the LEP; or
- Indicate the highest graded submission and recommend design quality improvements that could be made to permit the awarding of a bonus; or
- Decline to endorse any entry and not recommend any bonus height or floor space.

The decision of the jury will not fetter the discretion of the consent authority in its determination of any subsequent development application.

## Reporting Timeframe

Once the Jury's decision is made, their report will be lodged with the consent authority within 14 days.

The proponent may commission the winning designer/architect to prepare and submit a development application (DA) based on the winning submission.

When the DA is placed on public exhibition, the consent authority will also advise the Director General (via the relevant DOP Regional Office), as follows:

- whether it endorses the competition outcome as per the Design Competition Report; and
- if it requests the Director General's concurrence to award the recommended bonus building height and/or floor space.

The Regional Office will review the request for concurrence, assess the consistency of the DA with the Design Excellence Report and, within 14 days, submit a summary recommendation to the Director General.

These activities can occur concurrently with the DA exhibition period.

In determining whether to award bonus height and/or floor space, the Director General must consider:

- Whether the design competition has been undertaken in accordance with these competition guidelines; and
- The recommendations of the design competition report.

Once the Director General's decision is made, the consent authority will be notified within 14 days.

## Post Competition Process

### Design Integrity

To ensure that design quality continues from the development application stage through construction drawings and into physical completion of the building the competition jury will recommend a process to monitor design integrity.

Generally, this will require the designer of the winning submission be nominated as the design architect. In some cases, the Jury may recommend a Design Integrity Panel monitor design excellence.

Certification that the design is substantially the same and retains the design excellence exhibited in the winning submission will be required at key project milestones, including lodgement of the DA, issue of construction certificate and at completion of the project.

## Request for Review

In the event that;

- the Jury does not reach a decision,
- the proponent is not satisfied with the nomination
- the proponent wishes to make a substantive modification,
- the consent authority considers the project submitted for approval (or as subsequently modified) to be substantially different, or
- the consent authority indicates it will not grant consent to the design nominated,

either the proponent or the consent authority may request that the Jury reconvene and make a recommendation as to what further competitive processes or requirements would be necessary to permit an alternative or revised design to satisfy the design excellence provisions of the LEP.

The Jury shall make such recommendation as it sees fit within 28 days of such a request.

The cost of such review shall be born by the proponent.

Completion of design competition process

A requirement in a LEP that a design competition be held in relation to the proposed development is deemed to be satisfied upon:

- the issue of a report by the competition jury, or
- the completion of any further competitive processes recommended by the Jury following a requested review, or
- should the Jury make no further recommendations, 28 days after such a request for review is made, in which case the competition requirement is considered discharged with no award of bonus height or floor space.