

Annexure W:


Design Excellence Policy

DRAFT Design Excellence Policy

Sydney Olympic Park

October 2024





Acknowledgement of Country

The Sydney Olympic Park Authority acknowledges the Traditional Owners, Knowledge-holders and Custodians of the land and pays respect to Elders past, present and future.

We recognise First Nations Peoples' unique cultural and spiritual relationships to place and the rich contribution made to society.

Published by Sydney Olympic Park Authority

sopa.nsw.gov.au

DRAFT Design Excellence Policy

First published: October 2024

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TMP-MC-R-WC-V1.2

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1 About the Policy

The Sydney Olympic Park Design Excellence Policy (the Policy) establishes the process an applicant is required to undertake to demonstrate that a proposed development can achieve design excellence.

The Policy sets out the approved processes for delivering design excellence through:

1. Design Competitions
2. Design Review Panel

Sydney Olympic Park Authority (the Authority) actively promotes a high quality of design for the future development of Sydney Olympic Park. The Authority envisages a diverse, liveable and inclusive town centre that seamlessly integrates residential, commercial, retail and educational development with the existing major event venues and network of public spaces.

Exemplary design is a fundamental consideration in the assessment of all development proposals within Sydney Olympic Park. New built forms and connecting urban spaces need to respond sensitively to their context while also demonstrating innovation, sustainability, exceptional public amenity and visual attractiveness.

The *Sydney Olympic Park Master Plan 2050* (Master Plan 2050) strives to promote developments achieving a high standard of architectural design, built form and materiality. It aims to provide a diversity of architectural styles and built expression throughout the precinct.

Clause 30 of Appendix 4 of the *State Environmental Planning Policy (Precincts - Central River City) 2021* (CRC SEPP 2021) specifies the types of development that are required to undertake a design competition.

A bonus floor space allocation of up to 10 per cent (10%) may be recommended if design excellence can be demonstrated to be able to be delivered on a proposal. The quantum of bonus floor space would be subject to assessment based on urban design and amenity impacts of any increase, which means the full 10% bonus may not be recommended in all circumstances.

This Policy was adopted by [INSERT] on [INSERT DATE] and came into effect on [INSERT DATE].

1.1 Policy objectives

The objectives of the Policy are to:

1. outline the steps an Applicant is to undertake for a design competition
2. clarify the responsibilities and timing of design processes in relation to the development application process
3. establish the requirements for further assessment by the Authority's Design Review Panel and/or alternative design processes
4. detail the approach for assessment, decision-making and dispute resolution within the design processes
5. ensure high quality design outcomes are achieved for proposals on key sites within Sydney Olympic Park
6. support innovative design options to achieve design excellence
7. ensure that design excellence integrity is continued into the detailed design and construction of proposals
8. clarify the rationale for granting an additional 10% additional floor space if design excellence is achieved

1.2 Relationship to other Policies

This Policy supersedes *Sydney Olympic Park Design Excellence Policy* (POL17/05) (endorsed February 2018).

1.3 Where does this Policy apply

The Master Plan 2050 requires an architectural design competition is held for a proposed development involving:

- The erection of a new building with a building height greater than 42m above ground level (existing) on any site,
- The erection of a new building on a design competition site identified in **Figure 1**.

An applicant may also elect to undertake an architectural design competition, subject to the approval of the Authority's Chief Executive Officer.

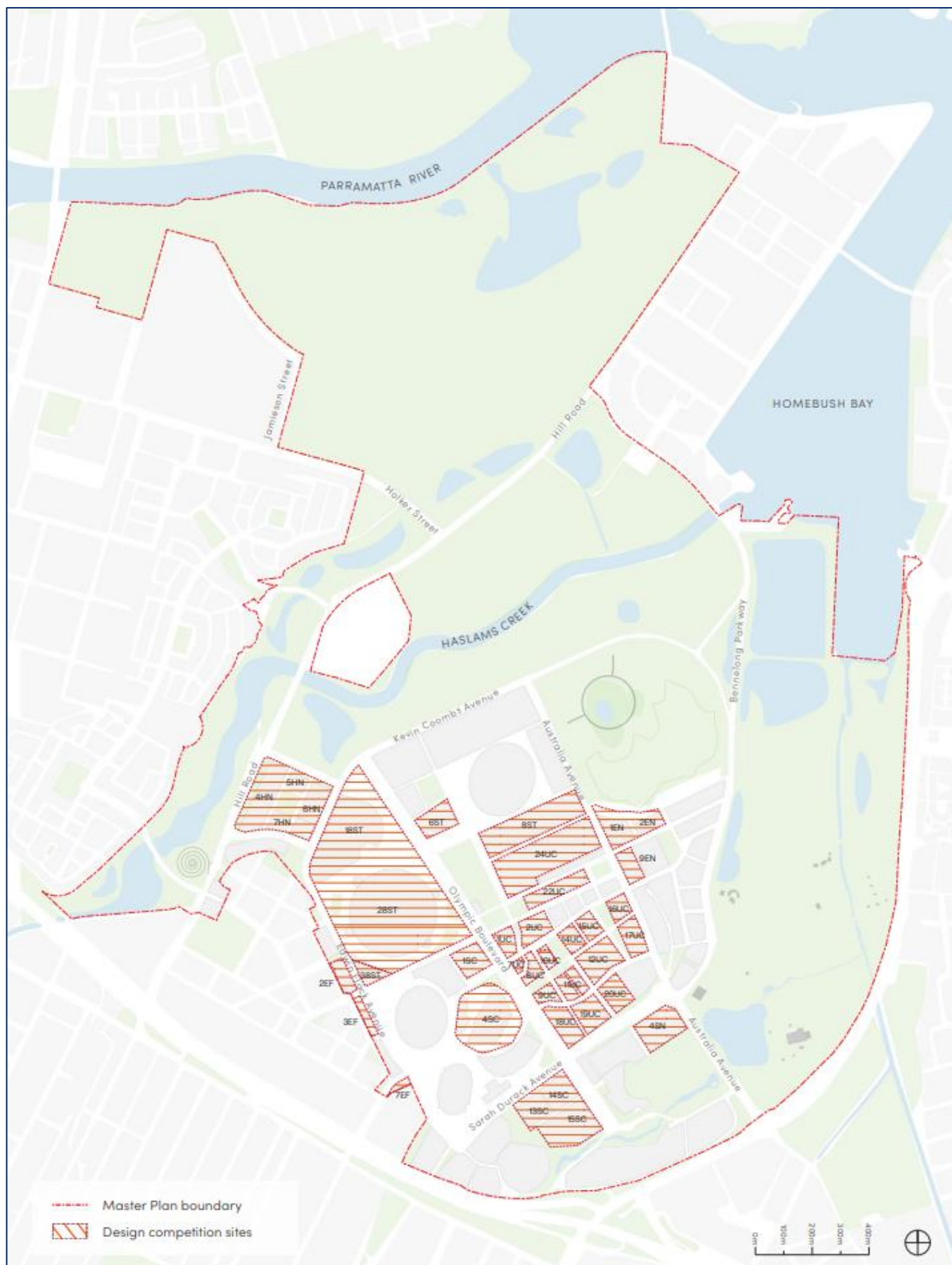


Figure 1: Design Competition Sites (Source: SOP Master Plan 2050, SOPA, 2024)

2 Design Competition

2.1 Design Competition & Bonuses

- 2.1.1 A design excellence competition is a process in which an organisation that intends on constructing a new building or facility invites architects and design teams to submit design proposals on a competitive basis. The competition is to be undertaken prior to the detailed development application stage. The designs are judged by an independent panel of expert design professionals who make up the jury. The competition winner is determined by the jury.
- 2.1.2 Should the competition jury resolve that design excellence has been achieved on a winning design, a bonus floor space allocation of up to 10% may be recommended.
-

2.2 Design Excellence

- 2.2.1 The design excellence standards adopted by the Authority are the seven Design Objectives outlined in the Government Architect NSW's *Better Placed: An integrated design policy for NSW*, being:
1. Better fit – contextual, local and of its place
 2. Better performance – sustainable, adaptable and durable
 3. Better for community – inclusive, connected and diverse
 4. Better for people – safe, healthy and comfortable
 5. Better working – functional, efficient and fit for purpose
 6. Better value – creating and adding value
 7. Better look and feel – engaging, inviting and attractive
- 2.2.2 Applicants and competition architects should review these objectives as detailed in the document above together with other relevant design and liveability policies and guidelines:
- For residential development, assessment of the design in accordance with Chapter 4 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), including the *Apartment Design Guide* (ADG).

- Green Building Council Australia (GBCA) – *Green Star Buildings v1*. Competition sites must register with GBCA for a 6-star rating for commercial uses and/or a 5-star rating for retail, hotel or residential uses.

2.2.3 Proposals must ensure that the requirements of Master Plan 2050 and all of the Authority's relevant policies and guidelines such as, but not limited to the *Stormwater Management and Water Sensitive Urban Design Policy* (v2.3, 2021), *Access Requirements* (Fifth Edition, 2017), and *Urban Elements Design Manual* (2009, or most recent version) can be addressed at the development application stage.

2.3 Competition Administration

- 2.3.1 Design competitions are to be governed to ensure fairness, equity and integrity and encourage Applicants to follow the *Model Conditions for an Architectural Competition* (Australian Institute of Architects, 2016).
- 2.3.2 The Applicant is responsible for the administration and organisation of the design competition process from initiation of the competition and preparation of the brief, through to the provision of support for the panel of judges, competition report and award of the commission.
- 2.3.3 The design competition is to be fully funded by the Applicant including, but not limited to, all aspects of preparation, marketing and remuneration of entrants and jurors.
- 2.3.4 Scale of fees and payments awarded to competition participants should generally consider the project size, level of complexity and also take into account the scope of work required to meet the competition deliverables outlined in the brief.
- 2.3.5 A minimum of three (3) entrants must be sought for each competition.

2.4 Expression of Interest

- 2.4.1 An Expression of Interest (EOI) process must be used as a first stage to invite potential participants to submit details of their relevant qualifications, background and experience. The competition will likely deliver better results when the competitors are from a diverse background. This diversity can take the form of variation in the size of the design practices participating, the extent and type of their previous experience, or their location. Competitions can also allow emerging firms to compete alongside more established practices, encouraging fresh thinking and new approaches.

- 2.4.2 The EOI stage must not require the submission of design proposals, it is a process that the Applicant can undertake to help select a number of suitably qualified design entrants to progress to the competition.
- 2.4.3 The Applicant must open an EOI for a minimum of 28 days to allow a thorough response by potential participants. The Applicant must notify all parties that submit an EOI within 21 days of whether they are chosen to participate in the design competition.

2.5 Competition Brief

- 2.5.1 The design excellence competition is to be undertaken in accordance with a competition brief. The Applicant is responsible for preparing the competition brief. All details pertaining to the competitive process for the nominated site are to be contained within the competition brief and no other document/s.
- 2.5.2 The competition brief must be endorsed by the Authority's Director – Urban Renewal and Environment, prior to its distribution to competition entrants. The Authority will engage an independent reviewer to provide advice on the adequacy of the competition brief prior to any such endorsement. Applicants are encouraged to engage an appropriately qualified third party professional to prepare the competition brief.
- 2.5.3 Submissions should only be prepared by independent professional architects or firms that can demonstrate relevant experience in the design of high-quality built environments.
- 2.5.4 The competition brief must include:
- A description of the proposal and purpose of the design competition
 - Details of the Applicant and contact information of the competition convenor
 - Describe the proposed uses within the proposed development, the percentage of each use, the proposed gross floor area (GFA) and FSR of the building, estimated project budget and construction costs
 - A description of the site, including any environmental, heritage, contamination or infrastructure constraints
 - An outline of the planning framework, including identification of the Consent Authority, relevant legislation and other statutory planning requirements
 - Objectives for the proposal including planning, design, sustainability, social amenity, accessibility, commercial and innovation objectives
 - Details of the design excellence criteria on which the submission will be assessed

- An outline of the competition procedures, eligibility, timeframes, communication, lodgement, locations and justifications for any disqualification
- Final submission requirements, detailing the types of plans and drawings to be included, and any necessary reporting and compliance documentation
- Details regarding the assessment process, including the assessment criteria, the presentation procedures, site visits, reviews (including if required at mid-point) and timeframes
- Details regarding the scope of technical advice to be made available to the competitors
- Instructions on how the fee proposal is to be submitted
- Key dates for the competition process including submission date
- The appointment process following the jury's decision
- Confirmation of competition fees for entrants (including any other fees such as commissions or bonuses)
- Confidentiality and copyright arrangements

2.5.5 The schedule of the competition preparation phase must be fair and reasonable and reflect the project size, complexity and scope of deliverables required in the competition brief. It would be expected that the minimum timeframe for competitors to complete their designs would be 4 weeks.

2.6 Jury Composition

2.6.1 The competition jury is to:

- Comprise a minimum three (3) and maximum five (5) member quorum
- Be selected through a clear transparent process and documented for the public record
- Be Chaired by the Government Architect, or their nominee
- Comprise an equal number of jury members each nominated by the Applicant and the Authority (one or two each depending on the quorum)
- Comprise of appropriately qualified design experts in relevant disciplines for the type of development proposed.

2.6.2 The Authority will select its jury members from its 'pool' of design experts.

2.6.3 The Consent Authority (in most cases the NSW Department of Planning and Environment (DPE)) will not form part of the judging process, however will be invited to attend the competition jury day as an observer.

2.6.4 Jury members must:

- Not have a pecuniary interest in the development proposal;
- Not be an owner, shareholder or manager associated with the Applicant or Applicant's companies;
- Not be a Board or staff member of the Authority.

2.6.5 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 and within 28 days.

2.7 Assessment

2.7.1 A copy of submissions will be distributed to jury members at least one week in advance of the jury meeting. The competitors must present their entry to the jury in person. The presentation must be no longer than 30 minutes followed by questions from the jury.

2.7.2 In assessing whether a proposed development exhibits design excellence, the jury must consider the merits of the design evaluated against the design excellence criteria outlined in the brief including:

- The seven objectives of GANSW's *Better Placed: An integrated design policy for NSW*
- For residential development, assessment of the design in accordance with SEPP 65
- Demonstrate how the design will achieve a 6-Star Green Star Buildings rating

2.7.3 Technical advisers may be called upon during the competition process to provide specialist advice to the jury. A technical adviser would be a known expert in the field of discipline relevant to the project.

2.7.4 Where the advice is being provided to the jury, advisers may attend the competition as an observer, but may not be invited to provide design commentary or to judge the competition.

2.7.5 Technical advisers are paid by the Applicant.

2.7.6 The decision of the jury will not fetter the discretion of the consent authority in its determination of any subsequent development or project application associated with the development site that is the subject of the competition.

- 2.7.7 In the event that a winner is not selected, the jury may recommend that further refinements be made to one or more of the submissions. For these submissions they will list the design issues for the first and second ranked scheme and request they redesign their entry and represent the entry within 21 days of the initial presentation. Upon completion of the second presentation to the jury, the jury will rank the competition submissions (first and second).
- 2.7.8 The jury may decline to declare a winner of the architectural design competition if none of the entries exhibit design excellence. If the jury declines to declare a winner, the jury may recommend that none of the entries exhibit design excellence and accordingly end the process.
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2.8 Observers

- 2.8.1 Observers may be present during the jury presentation and deliberation process. Observers permitted to be present include representatives from, the Authority, the Applicant's team, landowners and the future consent authority. The Competition convenor must be advised of all observers prior to the competition day.
- 2.8.2 Observers must not make any comment or participate in any way in the judging of the submissions.
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2.9 Competition Report

- 2.9.1 The jury's overall assessment, considerations and recommendations will be recorded in a competition report. The report shall:
- Summarise the competition process and include a copy of the competition brief
 - Outline the assessment of the design merits of each of the competition entries
 - Present the jury's decision, including an assessment against the design criteria included in the competition brief and the rationale for selection of the preferred design, and if applicable, description of the key design elements that support the achievement of design excellence and justification for how design excellence has, or can be achieved
 - Resolve if the bonus floor space can be recommended
 - Justify and provide reasons if none of the entries can be supported
- 2.9.2 The recommendations of the jury with regards to any bonus do not represent approval of that bonus. Approval remains with the consent authority and the recommendations of the jury will not fetter their independence.
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- 2.9.3 The jury must provide a final decision and recommendations within 14 days of the competition presentations and the competition report must be made available to all entrants within 28 days of competition close.
- 2.9.4 Each jury member is required to acknowledge the final competition report and the competition Chair is required to sign the final report before being distributed to the competition entrants.

2.10 Appointment of the Architect of the Preferred Proposal

- 2.10.1 The Applicant has the sole discretion to decide whether or not to proceed with the winning entry. The Applicant must advise the Authority in writing within ten (10) days of its intention to appoint the architect of the winning entry as selected by the jury.
- 2.10.2 The architectural commission is expected to include (without limitation):
- Preparation of a development application
 - Preparation of the architectural and public domain interface design drawings
 - Other associated information for a construction certificate
- 2.10.3 If the Applicant decides not to proceed with the winning entry, a new design competition will be required.

2.11 Disqualification

- 2.11.1 Applicants may be disqualified in the following circumstances:
- If an entry is received after the nominated closing time and date
 - If a competitor discloses their identity (in an anonymous competition), or inappropriately tries to influence the jury's decision, or
 - If the design is found to not be the original work of the declared competitor.
- 2.11.2 In other circumstances, for example where competitors do not meet other submission requirements, disqualification may also be considered but is not encouraged. Recommendations will come from a probity adviser.
- 2.11.3 The jury must review any recommendation for disqualification but may choose not to support it. The decision rests with the jury.

2.12 Managing Disputes

2.12.1 In the event that:

- The jury does not reach a decision
- The Applicant is not satisfied with the nomination
- The Applicant 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 Applicant or the consent authority may request that the Competition Jury reconvene and make a recommendation as to what further competitive process or requirements would be necessary to permit an alternative or revised design to satisfy the design excellence provisions.

2.12.2 The cost of the review will be covered by the Applicant.

2.13 Probity

2.13.1 To ensure probity, the consent authority may require the competition process and procedures to be audited by an independent person or body.

2.14 Copyright

2.14.1 Subject to the other conditions of this brief, copyright for each submission shall remain in the ownership of the original author(s) unless separately negotiated between the Applicant and the winning architect.

2.15 Confidentiality

2.15.1 The Applicant, observer(s) and competition Jurors shall observe complete confidentiality in relation to all submissions received, prior to a decision in relation to the competition that is made public.

3 Design Review Panel

3.1 Role of the Design Review Panel

- 3.1.1 The Design Review Panel (DRP) has been established to provide credible and independent expert advice during the review of project proposals to ensure high quality development and a high quality cohesive, safe and easily legible public domain at Sydney Olympic Park in line with Master Plan 2050.
- 3.1.2 The role of the DRP is to provide expert advice to the Authority and the Board on urban design, landscape, architecture, sustainability and other general design issues and to evaluate proposals objectively.
- 3.1.3 Specifically, the DRP will:
- review design proposals for major projects in accordance with the criteria outlined in this Policy within Sydney Olympic Park (intended to be undertaken by either the private sector or the Authority) to ensure that design excellence and high-quality buildings and public domain are achieved
 - review design proposals for consistency with the design excellence objectives and intent of the Master Plan 2050 and relevant planning policies
 - offer feedback and recommend refinement to design proposals to improve the outcome (and not to re-design projects)
 - participate as a jury member of the design competition process from time to time; and
 - monitor the implementation of design principles particularly in the public domain.
- 3.1.4 The DRP is an advisory panel and does not play a development assessment approval role.
- 3.1.5 No member of the DRP has the delegation of power or functions of the Authority.

3.2 Proposals Subject to Design Review

- 3.2.1 The following proposals must be assessed by the DRP:
- Winning 'Design Excellence Competition' designs
 - State Significant Development (SSD) projects that are not subject to the Design Competition process (proposals over \$10M)

- Authority projects as identified and nominated by the Director, Urban Renewal and Environment.

- 3.2.2 For winning 'Design Excellence Competition' designs, the same jury from the Competition is to be used for the DRP, subject to availability.
- 3.2.3 At the detailed design stage of a proposal that has been through a Design Competition, and prior to lodging a development application, the proposal must be referred to the DRP to ensure that the design integrity of the winning design has been maintained. If there is a significant divergence from the winning design intent, the DRP may recommend to the Chief Executive Officer, Sydney Olympic Park Authority, that the design be rejected.
- 3.2.4 The Authority may also require other projects, not included above, to be referred to the DRP for advice and assessment. This will be at the discretion of the Director, Urban Renewal and Environment.
- 3.2.5 Projects should be presented to the DRP prior to lodgement of a development application. An Applicant may be required to attend more than one Panel review meeting depending on the significance of the project and the recommendations of the DRP.
- 3.2.6 Generally, a project should not require more than two Panel meetings, unless the recommendations of the Panel are not being addressed adequately by the Applicant.

3.3 DRP Members

- 3.3.1 The DRP is made up of a pool of twenty-five (25) experts from varying built design professions from which a sitting panel will be drawn for each project review.
- 3.3.2 The Authority is responsible for determining whether a quorum of 3 or 5 members is required depending on the project. The quorum is to be drawn from the 'pool' and chaired by the Government Architect or their nominee.
- 3.3.3 A Panel Facilitator for each project will be assigned. The Panel Facilitator will be a staff member from the Authority. The role of the Facilitator is to ensure site visits and Panel meetings are conducted in an orderly and efficient manner, document recommendations and decisions and provide a record of meeting minutes to the Panel members for endorsement prior to distributing to the Applicant.
- 3.3.4 The Government Architect (or delegate) will be nominated as the Panel Chair for each project. The Chair is responsible for leading the meetings, ensuring all agenda items are addressed and summarising the views of the Panel. The Chair will also approve the final minutes of the meeting.

3.4 Assessment

3.4.1 Submission requirements

The following documentation must be provided in electronic PDF form only, to the Authority 10 days prior to the DRP meeting:

- Survey plan
- Architectural plans (or sketches at pre- development application)
- Landscape plans (or sketches at pre- development application)
- An assessment / justification against relevant Design Quality principles
- A compliance table addressing the relevant planning controls including the Authority's relevant policies and guidelines.

3.4.2 Site Visit

If required, the Panel Facilitator will arrange a site inspection for the project prior to the Panel meeting. This will generally occur after the submission has been received and just prior to the Panel meeting.

3.4.3 Project Presentation

The Panel meeting requires the Applicant and/ or their representatives to present the project to the Panel members. The Applicant's architect or designer must attend this meeting.

The Applicant must present their project to the Panel and provide rationale for the design and justification for the outcomes. This enables the Panel to understand the design process and allows an opportunity for the exchange of information and ideas.

Typically, a Panel meeting will have four stages:

- Applicant to present for 30 minutes
- Panel questions for 10 minutes
- Panel to discuss project privately for 20 minutes
- Panel to provide feedback to Applicant (20 minutes).

3.5 Recommendation

3.5.1 The DRP advice sheet must be finalised within 14 days of the Panel meeting.

- 3.5.2 The final recommendations and any further actions required must be clearly outlined and the advice sheet is to be signed by the DRP Chair following agreement from all Panel members.

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