

# Design Competition Guidelines

Government Architect NSW

September 2023  
[planning.nsw.gov.au](http://planning.nsw.gov.au)





# Acknowledgement of Country

The Department of Planning and Environment acknowledges the Traditional Custodians of the land and pays respect to Elders past, present and future. We honour Australian Aboriginal and Torres Strait Islander peoples' primary cultural and spiritual relationships to place and their rich contribution to our society. To that end, all our work seeks to uphold the idea that if we care for Country, it will care for us.

The Rock Nature Reserve – Kengal  
Aboriginal Place. Photo: Destination NSW.



Cover image: Phive –Parramatta Civic Hub by Manuelle Gautrand Architecture in partnership with Lacoste + Stevenson and Design Inc. Photo: Brett Boardman

Published by NSW Department of Planning and Environment  
[planning.nsw.gov.au](http://planning.nsw.gov.au)

Title: Design Competition Guidelines

#### Acknowledgements

DPE and Government Architect New South Wales (GANSW) images only, unless otherwise captioned.

© State of New South Wales through Department of Planning and Environment 2023. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 2023) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

About these guidelines	4
------------------------	---

## 1. Understanding design competitions 5

1.1 What is a design competition?	5
1.2 Benefits of design competitions	5
1.3 What is design excellence?	5
1.4 Who are the participants in a design competition?	5

## 2. Establishing a design competition 6

2.1 Competition settings	6
2.2 Roles and responsibilities	6
2.3 Jury composition	10
2.4 Selecting design teams	10
2.5 Cultural safety	11
2.6 Reference designs	11
2.7 Exhibiting the competition schemes and community engagement	11

## 3. Five steps of a design competition 12

3.1 Step 1: Design excellence strategy	12
3.2 Step 2: Competition brief	13
3.3 Step 3: Design competition – responses and presentation	13
3.4 Step 4: Competition report	14
3.5 Step 5: Design integrity process	15

## 4. Relationship of competitions to planning assessment 16

4.1 Integration with planning application	16
4.2 Role of competition reports and design integrity panels	17
4.3 Community involvement in the competition process	17
4.4 When a competition is not required	17

## 5. Governance and commercial considerations 18

5.1 Setting fees for the design response	18
5.2 Design fees for ongoing work	18
5.3 Budgets and commercial outcomes	18
5.4 Disqualification	18

### Abbreviations

DA	development application
DIP	design integrity panel
EOI	expression of interest
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	environmental planning instrument
ESD	environmentally sustainable design
GANSW	Government Architect NSW
LEP	local environmental plan
SDRP	State Design Review Panel
SEPP	State environmental planning policy
SSDA	State significant development application

### GOVERNMENT ARCHITECT NEW SOUTH WALES

This document was prepared by GANSW for the Department of Planning and Environment.

# About these guidelines

These guidelines give practical advice on how to plan and deliver a fair and successful design competition that meets the requirements contained within an environmental planning instrument (EPI).

It is intended that these guidelines be applied and adapted to particular situations subject to the endorsement of the relevant decision maker (see Table 2).

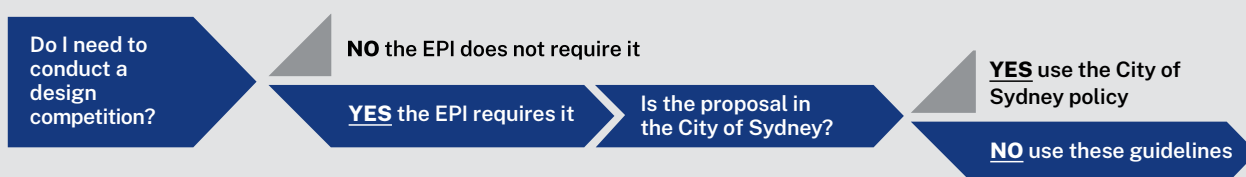
Good design is NSW Government policy. These Design Competition Guidelines are part of a suite of documents produced by the Department of Planning and Environment and Government Architect NSW (GANSW) to support good design.

## Who should use these guidelines

The guidelines are for:

- all participants in a design competition
- consent authorities determining a development application (DA) where a design competition is required by an EPI
- competition managers seeking guidance on the design competition process
- councils guiding the design competition processes required by their local environmental plan (LEP).

**Figure 1:** How to determine if these guidelines should be used in running a design competition



## How to use these guidelines

- Part 1** explains design competitions and the benefits of conducting them.
- Part 2** gives guidance on how to establish a design competition.
- Part 3** provides detail on how a design competition is run.
- Part 4** outlines the relationship between competitions and the NSW planning system.
- Part 5** advises on governance and commercial considerations.

## When to use these guidelines

These guidelines apply when an EPI relevant to the development requires a competitive design process to be carried out in accordance with the DPE Design Competition Guidelines 2023.

These guidelines do not apply to development in the City of Sydney where the city's Competitive Design Policy continues to apply.

## Legislative context

The NSW planning system is guided by the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act), the Environmental Planning and Assessment Regulation, and various SEPPs and LEPs.

### ***Environmental Planning and Assessment Act 1979***

Design quality is integrated within this legislative framework through the objects of the EP&A Act which include 'to promote good design and amenity of the built environment'.

### **State environmental planning policies**

Some SEPPs require developments that meet certain criteria to undergo a design competition as part of the design excellence process.

### **Local environmental plans**

Many LEPs include what is commonly called a 'design excellence clause'. Usually, this clause will refer to design competitions, design review, or both, as ways of improving the quality of the built environment for certain developments.



## Part one

# Understanding design competitions

## 1.1 What is a design competition?

Design competitions are a well-established process used nationally and internationally to improve the design quality of our built environment. A design competition is a competitive process involving the submission of design responses by a minimum of 3 design teams for a proposed development. The best design response is selected by a jury on the basis of design-related criteria. Design competitions can be run by a public or private organisation and for any size or type of development including buildings, master plans of larger areas, landscaped areas and the public domain. They can also be conducted for projects that do not intend to have a built outcome for a specific site, such as an ideas competition for a new housing type.

For the purposes of these guidelines, a design competition is one that is required by an EPI and contains the following 5 steps:

1. design excellence strategy
2. competition brief
3. design response and jury presentation
4. competition report
5. design integrity process.

These are described in more detail in 'Part 3 – Five steps of a design competition'.

## 1.2 Benefits of design competitions

Design competitions are a well-tested and successful model for delivering a high quality of design thinking and innovation. Competitions generate a range of responses to each design challenge, allowing the comparative evaluation of different approaches. This enables participants to analyse the relative merits of different design responses to a brief and builds confidence in the selected design as the best response.

## 1.3 What is design excellence?

In NSW the definition of design excellence is broadly consistent across planning legislation, where it is often summarised as 'the highest standard of architectural, urban and landscape design.' It also describes a variety of requirements and processes that are intended to support this. Design excellence clauses in EPIs vary in their detail, but often include mandatory considerations such as context, accessibility, public domain, streetscape, massing and sustainability.

## 1.4 Who are the participants in a design competition?

A design competition process has many participants, including:

- the council
- the consent authority (where this is not the council)
- the applicant
- design teams
- competition jurors and chair
- competition manager
- probity adviser
- technical advisers
- observers.

For more information about participants see '2.2 Roles and responsibilities'.

# Establishing a design competition

## 2.1 Competition settings

A design competition required by an EPI should complete each of the 5 steps described in [Part 3](#), however, some of the settings within each step may be varied to fit the scale, complexity and significance of the development. Details such as the number of design teams invited to participate and how they are selected, the period of time allowed for the design response to be submitted, and the size of the jury may be adapted to suit each project.

Generally, the more significant a project, the more open to participants the competition process should be. Table 1 provides an example of how settings may be adjusted to suit different development types. Context is also a consideration, for example, a relatively small public project may be highly significant to a local community.

**Table 1:** Examples of how a competition can be customised to respond to the scale, complexity and significance of a project

Scale and complexity	Number of design teams	Method for selecting design teams	Design team	Jury size	Design response time
Small-scale, simple, common building type	3	By invitation	Architects	3	4 weeks
Public building of local significance	3–5	Open expression of interest (EOI)	Architects, landscape architects	3–5	4–6 weeks
Medium-scale common building type	3–5	Invited EOI to 8–10 design teams or direct invitation	Architects, landscape architects	3–5	4–6 weeks
Large-scale and/or complex building or precinct	5	Open EOI or invited EOI to 10–12 design teams	Architects, landscape architects, other specialists	5	8 weeks
Large-scale and significant public building or precinct	6	Open EOI	Architects, landscape architects, urban designers, structural and environmental engineers, specialist consultants	5 +	12 weeks +

## 2.2 Roles and responsibilities

All participants have an important role to play in a successful design competition process.

### Applicant

The applicant in this context refers to the owner, developer or agency seeking consent to a development application and initiating and funding the design competition.

The applicant generally leads the competition process and is responsible for ensuring it proceeds in accordance with these guidelines and any relevant EPI clauses. The applicant may provide overall direction for the competition through the:

- design excellence strategy
- competition brief, including nominating the design teams to compete in the competition and some members of the jury.

The applicant chooses and engages a competition manager and technical advisers.

The applicant usually funds the competition including costs associated with the competition manager, the design teams, technical advisers and jury, and expenses related to the jury presentation day.

### Competition manager

The competition manager coordinates the competition process, guides the applicant, and provides advice and services in relation to each stage.

The competition manager balances the interests and requirements of the applicant with those of the design teams and any statutory requirements.

To avoid conflicts of interest, the competition manager should not be:

- an owner, staff member or shareholder associated with any of the participating design teams
- an owner, staff member or shareholder associated with the applicant or the applicant's companies
- a staff member or councillor with a role in the development assessment process for the project.

The competition manager's role should include:

- preparing the design excellence strategy and competition brief
- preparing a list of professional appointments including jurors and technical advisers appropriate for the competition

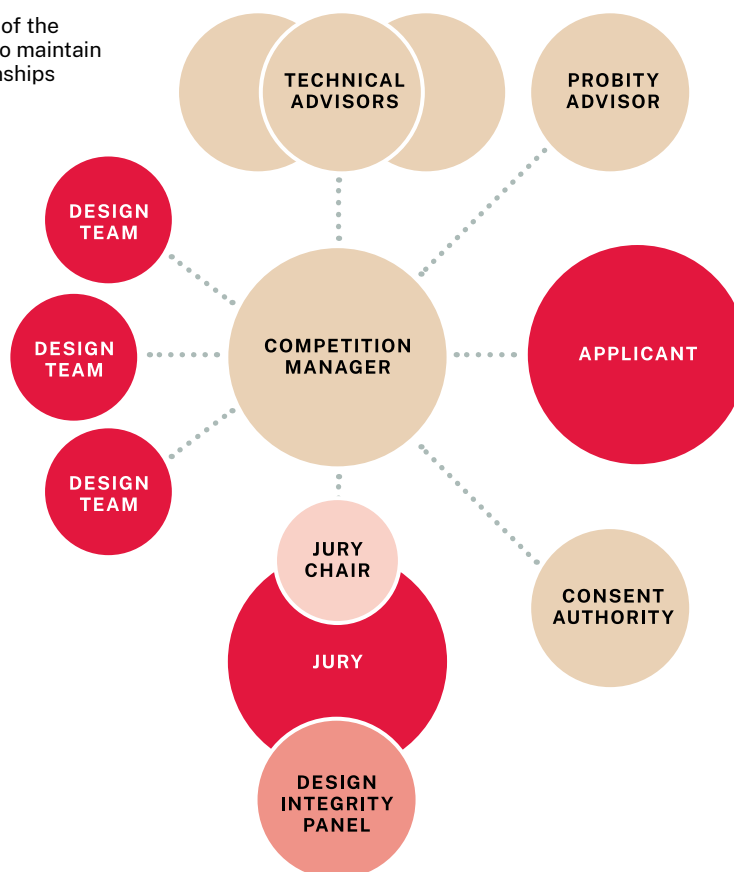
- ensuring all design teams have agreed fee arrangements in place for work to complete the project should they be nominated as the winners
- engaging with the consent authority and council (where different) and GANSW (where necessary)
- managing responses to questions from design teams during the competition process
- preparing the competition report and design integrity reports for the jury members to endorse and sign
- provide confidentiality agreements and a copy of the code of conduct to all relevant parties.

### Design teams

A design team is a group of professional designers who collaborate to create a design response to the competition brief. A design team is usually led by an architect, and may include architects, landscape architects, First Nations design consultants, urban designers, heritage architects, structural or environmental engineers and other design experts.

Each design team presents its design response following the submission requirements set out in the competition brief.

**Figure 2:** Part of the role of the competition manager is to maintain and facilitate the relationships between all participants



### Competition jury

The competition jury is a panel of qualified design experts selected to evaluate design competition submissions and choose the winning design response.

A jury is impartial, expert and knowledgeable, and able to commit sufficient time to the deliberation process. It is recommended that a majority of the jurors have industry-recognised design qualifications and be registered in their profession. See '[2.3 Jury composition](#)' and '[3.3 Choosing the winner](#)'.

All jurors:

- represent the public interest
- have relevant design expertise and are recognised advocates for design excellence
- complete a confidentiality agreement and maintain the confidentiality of the competition process.

The jury:

- chooses a winning design response through the comparative evaluation of all submissions against the evaluation criteria
- reviews and endorses the competition report
- in some cases, participates in the design integrity process (see '[3.5 Step 5: Design integrity](#)').

### Jury chair

The jury chair is a member of the competition jury nominated to facilitate and lead the jury discussions. See '[3.3 Choosing the winner](#)'.

The jury chair usually performs the following functions and:

- is nominated by the council for a local DA and by the department for an SSDA
- formally convenes the jury
- is responsible for ensuring discussions are relevant to the competition brief and project
- approves the attendance of observers during jury presentations and design integrity panel sessions
- is responsible for the final endorsement of the competition report.

It is recommended that the jury chair be available to clarify and explain the jury's advice to the consent authority's development assessment officers during the DA assessment process and until the application has been determined. This may include providing advice to planning panels if invited. See '[4.2 Role of competition reports and design integrity panels](#)' for more information.

### Probity adviser

A probity adviser is a consultant independent of all competition processes who will monitor that all participants are acting ethically, appropriately and in line with applicable codes of conduct.

A probity adviser is recommended for large, complex, or high-value projects, especially those involving public funds, or developments that are unusual or contentious.

### Technical advisers

Technical advisers are suitably qualified professionals who provide specialist, independent advice during the competition process to the design teams, the applicant or the jury. They may include structural and environmental engineers, quantity surveyors and other subject-matter experts.

Technical advisers can provide:

- input to the brief
- capital investment value information and fee bands for ongoing work
- feedback to design teams at the mid-point review
- a summary report on design responses, to be issued to the jury
- briefings to the jury on the presentation day
- answers to questions during the jury deliberations.

Technical advisers are chosen and paid for by the applicant. They are required to maintain the confidentiality of the competitive design process and not discuss the design teams' work with other staff within their own organisation or any other person before a decision on the winning scheme is made public. It is recommended that all technical advisers be provided with an agreed code of conduct and that they complete a confidentiality agreement provided by the competition manager.

### Heritage advice

If the proposed development includes a heritage item, or is within a heritage conservation area, it is recommended that a heritage adviser approved by the consent authority be one of the technical advisers engaged by the applicant.

### Observers

Observers are individuals attending a jury session only to observe the process. An observer is not involved with the judging of the submissions and is excluded from private deliberations of the jury. Observers can be present during the mid-point reviews, jury presentation day and design integrity process.



Observers may be part of the applicant's team, stakeholders, representatives of the consent authority or relevant council, researchers or other relevant parties. They may have an ongoing role in the project or be observing for their own professional development.

All observers should have their attendance approved by the jury chair.

The jury chair may ask an observer specific questions, but otherwise observers do not make any comment or participate in any way in the judging of the submissions.

### **Council**

The council provides expertise including advice on planning, heritage and other locality-specific matters relevant to the development.

When these guidelines apply, and the council is not the consent authority, it is recommended that the council be invited to provide feedback on the design excellence strategy and the competition brief before its endorsement. When these guidelines apply, and the council is the consent authority, it is recommended that the council should both review and endorse the design excellence strategy and competition brief.

In all cases, representatives from the council should attend the jury presentation as observers.

### **Consent authority**

The consent authority is the entity responsible for determining the DA. This may be the council, Minister, the Independent Planning Commission, or a local, Sydney district or regional planning panel. The consent authority may change during the development application process, particularly if an application is referred to a planning panel after an application is submitted.

For State significant developments, representatives from the department and the relevant council should attend the jury presentation and design integrity panel sessions as observers. This is to provide advice to the jury (where asked to do so by the chair) and to facilitate a smoother development assessment process by ensuring all parties are well-informed. Similarly, for local projects, a council planner should attend the jury presentation and design integrity panel sessions.

## **GANSW**

### **For State significant developments**

For State significant developments, GANSW supports the department in administering the competition processes set out in these guidelines by:

- reviewing and endorsing the design excellence strategy and competition brief
- consulting with the council to obtain its feedback on the design excellence strategy and competition brief
- nominating the competition jury chair
- after the competition, endorsing the overall competition process has met the requirements for a competitive design process, including any nominated design integrity processes (see [3.4 Competition Report](#)).

In competition processes for State significant development where a council competition policy applies, GANSW will administer the competition process in accordance with that policy.

### **For developments**

In council areas where these guidelines apply, GANSW may:

- provide comment on the design excellence strategy and competition brief where requested
- provide assistance as agreed with the consent authority.

## 2.3 Jury composition

The composition of the jury is critical. It must engender the respect of the design and development community and –in the case of an open EOI–it plays a significant role in generating interest in the project and participation from design teams. In establishing a jury, the applicant and other bodies nominating jury members should work together to ensure gender equity (wherever possible) and the inclusion of a range of design expertise, such as urban design and landscape architecture relevant to the project. For some developments, inclusion of jurors with cultural expertise and Indigenous knowledge appropriate for the project type or site should be considered.

The jury should have 3 members or 5 members, as appropriate for the scale and complexity of the project.

### 3-person jury

For a 3-person jury, one juror is usually nominated by each of the following:

- GANSW –as the jury chair
- the applicant
- the council

To avoid conflicts of interest, members of a 3-person jury may not be:

- an owner, staff member or shareholder associated with the applicant or the applicant's companies, or any of the participating design teams
- a staff member or councillor with an approval role in the development assessment process.

### 5-person jury

A 5-person jury has the same composition as a 3-person jury, and may also include:

- one juror nominated by the applicant (i.e. the applicant nominates 2 jurors overall)
- one juror nominated by the consent authority.

In a 5-person jury, one of the jurors nominated by the applicant may be an owner, shareholder or senior employee with the applicant or the applicant's companies, and if so, should be a design professional, or have demonstrated experience in the delivery of high-quality design projects.

Larger jury sizes may be appropriate for projects where additional expertise is necessary. The total number of jurors should be an odd number to avoid a stalemate.

## 2.4 Selecting design teams

Selection of design teams to prepare a design response for the competition is critical to the success of any competition. Design teams are endorsed by the consent authority (see Table 2). When shortlisting design teams, the applicant should consider the following:

- Diversity of experience and approach across teams will facilitate a range of responses to the competition brief and ensure the best value from the competition process.
- Emerging architects or design teams that have not worked in the relevant building type extensively can bring value through introducing new ways of thinking.
- Competitions provide opportunities for local design teams to expand their skills and capacity. While a proportion of international design teams may be considered, the consent authority must be confident their inclusion will bring value to the competition and the project outcome.
- The applicant must be confident they can work with any of the selected design teams through to the completion of the development, should they win.
- Prior experience of the relevant project type should not be the only selection criteria. Experience in projects of equivalent complexity will ensure a more diverse selection.
- Design teams should demonstrate the capacity to deliver the project, within their own organisation or by partnering with other practices.

### EOI process

Where design teams are being selected using an open EOI process, it is recommended the competition jury be engaged in the selection process. This is particularly valuable for high-profile projects where the selection of teams may be guided by those with an in-depth knowledge of the design industries.

### Open 2-stage design competitions

Open 2-stage competitions are often considered for projects seeking to attract broad public interest and promote high levels of design innovation. Competitions of this type may provide opportunities for lesser-known and emerging design teams to compete against more established design teams based on design response alone.

### Stage 1: design team selection (or short-listing)

- Open to all (some limitations such as the requirement for local professional registration may apply)
- Submission requirements: capability statement and task appreciation
- Competition jury selects the shortlist

## **Stage 2: concept design development**

—Short-listed design teams are paid to develop a design response for presentation to the jury.

### **Lead and supporting designers**

The design team will often include various disciplines such as architecture, landscape architecture, urban design and others, with a nominated lead designer, usually an architect. It is recommended that the applicant state in the design excellence strategy which disciplines are needed as part of the design team. Unless stated otherwise in the competition brief, all disciplines should continue with the project if their team is selected as the winner of the competition.

### **Emerging practices**

The term 'emerging practice' refers to a practice in the early stages of establishment, generally within ten years, or one that – while well-established and with a reputation for design excellence in different, smaller or less complex project types – is yet to undertake or is just beginning to undertake work of a larger, different or more complex type. Emerging practices can bring fresh thinking and new perspectives to design challenges.

## **2.5 Cultural safety**

Where there are First Nations jurors or design team participants, or other participants who are providing First Nations knowledge and understanding, it is important to follow cultural protocols and address any cultural safety issues raised by First Nations participants.

## **2.6 Reference designs**

A reference design is a preliminary design that tests the capacity of a site to accommodate permissible uses, floor space and height, taking into consideration amenity and environmental impacts. A reference design can also provide useful information on yield targets and performance aspects of a brief.

The reference design can be used to test and develop the brief and can provide confidence for the applicant that access, circulation and amenity requirements can be achieved within planning controls. It is recommended a reference design be developed for every competition. A reference design is not the same as a concept plan or stage 1 envelope.

A detailed reference design generally should not be included in the competition brief as it can hinder innovation and create the impression there is a preferred solution. It is recommended that key elements of the reference design be described in the brief using diagrams or text, as appropriate, where these are critical to the functional operation of the development. The consent authority may allow inclusion of a basic reference design as an appendix to the competition brief if it is considered essential to the understanding of the brief.

A design team that has developed a reference design may be included in the later competition stage. If the design team is to be excluded, they must be notified by the applicant before undertaking reference design work.

## **2.7 Exhibiting the design responses**

After the winning design response is announced, public exhibition of all competition entries is recommended, particularly for public-funded and prominent projects. Public exhibition supports transparency of the competition process and is an important way to acknowledge the effort and output of participating design teams. It also builds capacity across the design and development industries through the sharing of design responses. Entries may be physically exhibited in a public space or online via a public-facing website alongside the names of their authors.



## Part three

# Five steps of a design competition

This part outlines 5 recommended steps to be followed for a design competition under these guidelines.

They are:

1. design excellence strategy
2. competition brief
3. design responses and jury presentation
4. competition report
5. design integrity process.

The time required to complete each step of the competition process varies, depending on the complexity and scale of the development.

**Table 2:** Endorsement of Process and Jury Chair Nomination

Local DA or SSDA	Consent authority	DES / brief / design teams endorsement	Chair nomination
Local Development	Council or Local Planning Panel	Council	Council
Regionally Significant Development	Sydney District and Regional Planning Panel	Council	Council
State Significant Development	Minister or IPC	GANSW	GANSW

## 3.1 Step 1: Design excellence strategy

A design excellence strategy outlines how a proposal will achieve design excellence and sets out the details of the competition process. It usually includes:

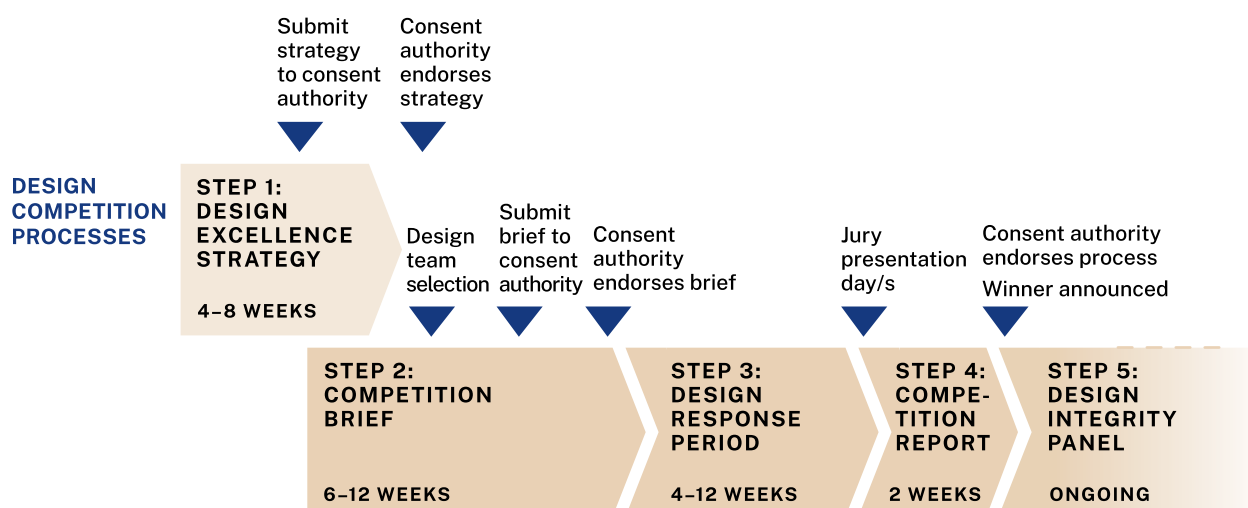
- the aims of the competition
- a short description of the site and program
- the capital investment value of the development
- the planning framework
- an outline of the competition process including key dates
- how the process will meet the relevant planning controls and align with these guidelines
- the number of design teams required to participate
- the disciplines to be included within design teams
- how design teams will be selected
- the number of jurors
- an outline of the design integrity process.

The design excellence strategy is procured by the applicant and typically prepared by the competition manager. It is reviewed and then endorsed by the council or GANSW as set out in Table 2 to ensure that the strategy appropriately explains the design excellence process for the development.

Where a 2-stage DA is to be prepared, the design excellence strategy should be included as part of the first stage (stage 1 or concept DA).

During the development of the design excellence strategy, the applicant will also usually be developing the reference design, gathering technical information to support the brief, and preparing the stage 1 DA (where relevant).

**Figure 3:** Time frames and milestones of a design competition



## 3.2 Step 2: Competition brief

The competition brief describes the competition process in full and contains all the information the design teams will need to complete their design responses. The competition brief is usually produced by the competition manager and then reviewed and endorsed by the council or GANSW as set out in Table 2. This ensures that the brief is suitable for the project and addresses all necessary considerations before its distribution to the design teams. In compiling the competition brief, the following items are generally addressed:

### Competition details

- Description of the competition process
- The names of the design teams, including all collaborators
- Key dates, including:
  - design response period start date and submission deadline
  - site visits and briefings
  - mid-point reviews (where relevant)
  - jury presentation days
  - issuing of the competition report
  - announcement of the competition winner
- Names and qualifications of all jurors and the jury chair
- Detailed description of the design integrity process; see ‘3.5 Design integrity’
- Relevant Design Excellence considerations in any applicable EPIs and alignment with the competition design brief
- Fees to be paid to each of the design teams and, as appropriate, the awarding of any prizes, commissions, or bonuses to winning design teams
- Identity of the applicant
- Name and contact details of the competition manager.

### Competition design brief

- Vision and principles for the development
- Capital investment value
- Planning framework and relevant controls, including draft or pending EPIs that may influence the project
- Proposed uses, gross floor areas and floor space ratios
- Functional and technical brief
- Details of environmentally sustainable design (ESD) targets and other benchmarks or standards that are to be achieved
- Site information including a detailed site survey, flood and bushfire studies where relevant, details of sun access planes, information about existing buildings, heritage information and any relevant supporting reports or policies
- Options for distributing any bonus floor space area or building height which may be granted by the consent authority for demonstrating design excellence through a

design competition

- Summary reports of any stakeholder or community consultation which has been undertaken
- The endorsed design excellence strategy.

### Submission requirements

Provide a clear list of the submission requirements for the design response, defined by a maximum page and word count. It is recommended that submission requirements for the design response be limited to matters that are necessary to explain the design response to the jury at a concept design stage.

The extent and level of detail of the submission requirements will influence the fees paid to design teams, the length of the design response period, the fees paid to jurors to review the design responses, and the amount of time required for jury presentations.

### Governance

The competition brief describes the governance framework for the competition, such as:

- the process for the submission of fees by the design teams to complete the project following the competition; see ‘5.2 Design fees for ongoing work’
- the scope of services that will be required of the winning design team
- the process for clarifications and questions during the competition period, including those questions arising from a mid-point review
- a statement that all design teams’ names be clearly visible on entries, or that submissions are anonymous, and no identification of design teams is allowed
- a statement that the copyright and intellectual property rights of any entry to the competition remains with the originator of the work, and the originator is free to publish or exhibit the work after a stated date or milestone
- a statement that the jury’s decision will not fetter the consent authority in the assessment and determination of any subsequent development application
- a conflict-of-interest declaration signed by each member of the jury and a confidentiality agreement.

## 3.3 Step 3: Design competition – responses and presentation

The design competition response is the scheme developed and submitted by each design team in accordance with the requirements outlined in the competition brief. It is generally presented by representatives of the design team to the jury on the jury presentation day.

### Design competition response period

Design teams have a set period to prepare

their design responses. During this time the competition manager may field questions from any of the design teams. Answers to these questions are generally made available to all design teams so that all teams have access to the same information.

#### **Mid-point review**

The applicant may elect to hold a mid-point review to monitor the progress of the designs against technical and financial aspects of the competition brief. It is recommended that the technical advisers and the applicant's quantity surveyor be available for a short session where design teams may request feedback on the developing design responses. It is also recommended that the competition manager and probity adviser (where relevant) be present during mid-point reviews as observers. Jurors do not attend mid-point reviews. Any information given to one design team must be distributed to all design teams so that all have access to the same information.

#### **Jury presentation day**

The jury presentation day is when each competing team presents its design competition response to the jury. Time is usually allowed for briefings from technical advisers, questions and clarifications from the jury, and for the jury to discuss each proposal in private after all presentations have concluded. The jury chair will usually ask all observers, except those representing the council and consent authority, to leave the room while these discussions are taking place. For larger competitions the jury presentations may run over consecutive days.

It is recommended that the jury presentation day be convened by the competition manager within 2 weeks of the close of the competition response period. The jurors should receive a copy of submissions and technical reports at least one week before the jury presentation day and be allowed enough time to review all the submissions during that period. The competition manager should exclude materials that are additional to the requested submission documents, such as extra renders or models, to ensure equity for the design teams and clarity for the jury.

The jury should seek to complete its deliberations on the final jury presentation day.

#### **Choosing the winner**

The jury chair will generally try to negotiate a consensus decision on the winner, however, a majority vote may be used to decide a final outcome. In the unusual case of an even-numbered jury, the chair will have a deciding

vote. Judging will generally be against the evaluation criteria outlined in the brief.

The jury may, in exceptional circumstances, decline to declare a winner of the design competition if, in its opinion, none of the submissions have the potential to achieve design excellence. As this would require a new competition to be held this outcome is discouraged.

#### **When deciding the winner is delayed**

There are 2 scenarios where a jury may take longer to reach a conclusion:

- the jury has not reached a decision on the winner and the jury chair believes further discussion is necessary; the jury should try to reconvene within a week of the jury presentation day and make a decision during this meeting
- the jury cannot decide between 2 of the schemes and requires more information to make a decision. The jury should try to avoid this scenario wherever possible.

Where the jury cannot make a decision, and asks for additional material, the same questions should be issued to both design teams and a period of no less than 2 weeks allowed for responses. It is expected that both design teams be paid for this extra work. It is recommended that any design teams that have not been asked to provide additional information be informed that they have not been successful in the competition.

### **3.4 Step 4: Competition report**

The competition report contains a summary of the competition process and documents the jury's decision including determination of the winner and the jury's recommendations. The competition report is usually prepared by the competition manager and reviewed and endorsed by all jury members.

The competition report usually includes:

- a summary of the competition process and a copy of the competition brief
- feedback on each of the design responses, outlining the merits and the weaknesses
- nomination of one design response as the winner of the competition and the winning design team for the purposes of design integrity
- a statement that the winning design response has the potential to achieve design excellence
- the rationale for the choice of the winning design and the qualities and attributes that must be retained to achieve design excellence
- areas that require further design development to achieve design excellence
- any ongoing requirements of the design integrity process; see '[3.5 Design integrity](#)' and '[4.2 Role of competition reports and design integrity panels](#)'



- a statement confirming the competition process has been carried out in accordance with requirements of the relevant EPI.

### **Competition feedback sessions**

Unsuccessful design teams may request further feedback on their design response in addition to the competition report. This may take the form of a meeting with the jury chair and competition manager. Applicants and juries are encouraged to provide feedback to unsuccessful teams. It is recommended that feedback acknowledges the time and effort expended by design teams in participating in the competition and gives constructive advice for future opportunities.

## **3.5 Step 5: Design integrity**

Design integrity is a process that ensures the design intent and design quality of the winning scheme is maintained or improved through subsequent design and development stages and through to construction. An overview of the various design integrity processes is provided below. The processes for ensuring design integrity are set out in the design excellence strategy and confirmed in the competition brief and report.

### **Engagement of the winning design team through to completion**

The design team of the winning design response is to be appointed for the duration of the project, through to completion. The scope of design services provided by the winning team should be agreed and should include:

- preparation of drawings for a development application
- preparation of drawings for a construction certificate
- preparation of drawings/material for contract documentation
- continuity of design leadership through construction to occupation certificate.

The engagement of the winning design team is generally not affected if the site is sold. Some EPIs state that development consent must not be granted until a design competition has been held. A design competition is considered to have been held at the point when the winning design team has been engaged by the applicant.

After the competition, in the further design development and construction of the project, the consent authority may ask the lead designers at any time to confirm they have maintained a significant role in the process of developing the design.

In exceptional circumstances, the applicant and the nominated lead designers may agree the lead designers cannot continue with the project. In this case the applicant will most

likely need to reconvene the jury to establish a suitable solution to support delivery of design excellence and maintain the design integrity of the winning scheme. This may include convening a new design competition.

### **Design integrity panel**

A design integrity panel (DIP) is a quorum of the competition jury engaged to review whether the project retains design integrity. A DIP should be formed from a minimum of 3 of the competition jury, using the same composition as a 3-person jury and including the chair. The DIP may then be convened by the applicant with assistance from the competition manager, with membership approved by the chair.

The DIP may then review the design to ensure the key design excellence attributes noted in the competition report are retained or improved upon through the development of the design, and that areas noted as requiring further design refinement are appropriately addressed.

It is recommended that DIP reviews occur before:

- lodgement of the DA
- lodgement of Response to Submissions
- lodgement of any significant design modification application.

In some cases, assessment officers or the consent authority may request further review of the project by the DIP. For further guidance on post-lodgement processes see ‘4.2 Role of competition reports and design integrity panels’.

The cost of running a DIP is usually borne by the applicant.

### **Design integrity reports**

Each meeting of the DIP should be documented in a design integrity report. The report should include a statement confirming that the design retains or improves upon the design qualities exhibited in the competition-winning submission, and retains the potential to achieve design excellence. The report should specify whether further DIP sessions are recommended. Specific reference to advice and recommendations from the competition report and earlier DIP meetings should be made in each subsequent design integrity report to ensure all matters are addressed.

Design integrity reports are usually prepared by the competition manager and reviewed and endorsed by the DIP.

The competition report and design integrity reports are submitted to the consent authority with the DA and may inform the assessment of the planning application. For further guidance on post-lodgement processes see ‘4.2 Role of competition reports and design integrity panels’.

## Part four

# Relationship of competitions to planning assessment

## 4.1 Integration with planning application

The 5 steps of a design competition generally take place during the different stages of the preparation and assessment of a development application.

The following section describes how the steps outlined for the design competition relate to different types of planning applications.

It is recommended that the competition brief and subsequent steps not take place before the approval of a planning proposal or concept DA for the relevant site (where this is required). Design competitions should not be used as a way of promoting development envelopes outside existing controls.

Further, it is recommended that throughout the development assessment process, the considerations and requirements of the specific design excellence clause in the EPI that applies to the site be addressed and responded to. In some cases, this may involve negotiations with the consent authority to ensure the proposed timing of the competition is supported.

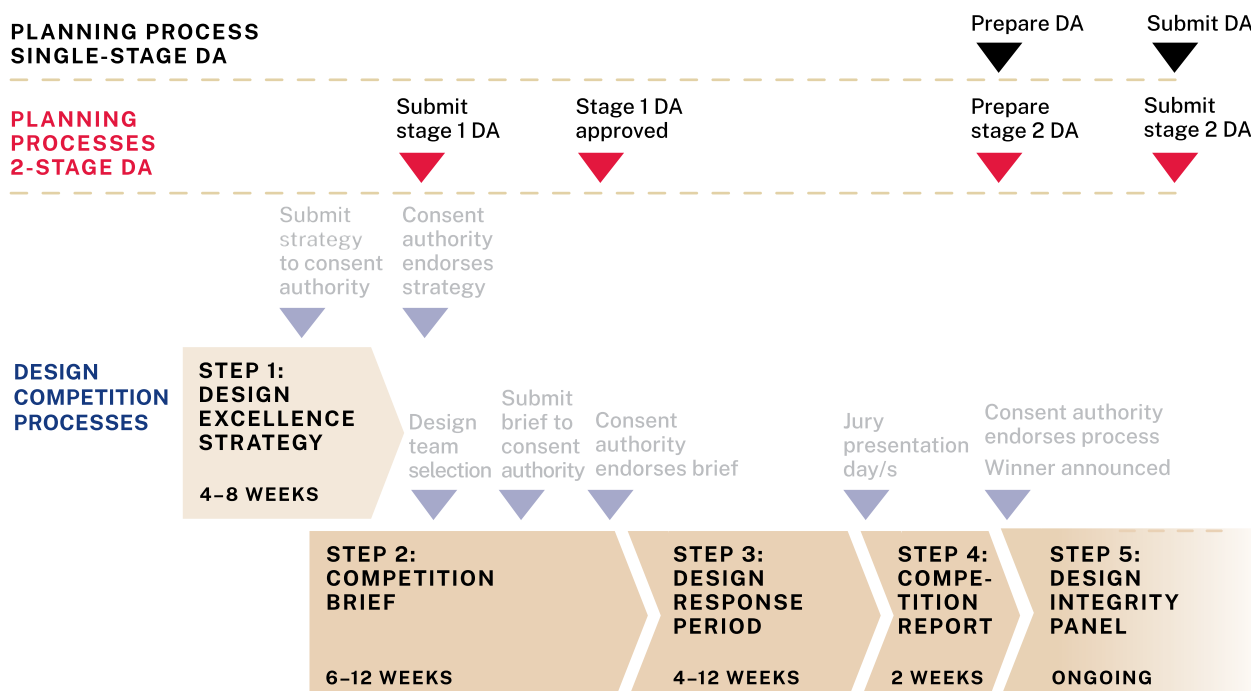
### DA or State significant DA

For a DA or State significant DA (SSDA), the first 4 steps of the design competition are usually completed before lodgement of the DA.

### Staged DA or concept DA

It is recommended that where there is a staged DA or concept DA, the design excellence strategy be submitted with the initial application. The remaining steps in the design competition should generally proceed after the approval of the initial stage or concept plan though this will depend on the requirements of any relevant EPI. The competition report and DIP reports will usually be submitted with any further staged DAs subject to the requirements of the relevant EPI. It is recommended the applicant discuss and agree the timing of the competition with the consent authority before commencing the 5 step competition process.

**Figure 4:** How the design competition process aligns with typical single-stage and 2-stage DA process



### **Planning envelopes**

A concept DA or staged DA usually describes a planning envelope including controls such as heights, floor space ratios and setbacks the proposed development will be constructed within; this is often required for large and complex development. Where a concept DA or staged DA exists, the concept approval should be provided to design teams in the competition brief.

### **Planning proposals**

Where a planning proposal is prepared with a DA, the design excellence strategy should be submitted with the planning proposal. It is recommended the remaining steps in the design competition process be held after the planning proposal has been approved in line with the steps outlined above.

## **4.2 Role of competition reports and design integrity panels**

In assessing a development application, assessment officers and consent authorities are to consider the competition and DIP reports, which will assist when:

- assessing requests to vary development standards where an application does not strictly comply with the planning controls and the applicant has submitted that, for design reasons, such variations may achieve better outcomes
- establishing whether the recommendations of the jury and the DIP have been addressed
- the advice of the jury and DIP has not been adopted by the applicant, to establish whether this is an appropriate ground for refusal of the DA because the proposed development is not capable of achieving design excellence.

In some instances, assessment officers and consent authorities may require additional design quality advice to finalise their recommendations or to make a determination. They may refer the project back to the DIP if the application requires significant modification to achieve design excellence and the extent and nature of the changes require additional advice from the DIP.

The project is usually not referred back to the DIP during assessment if:

- the application does not reflect the DIP's advice and design excellence has not been achieved; the application is refused
- the application achieves design excellence but requires minor modifications which can be managed via the conditions imposed on the development consent.

Conditions of consent may require further review by the DIP to resolve outstanding design excellence matters, for example review of external materials, facade prototypes, or other design-related features.

## **4.3 Community involvement in the competition process**

While the competition process (Steps 1 to 5) is not open to the public, the community may comment on the winning scheme following lodgement of the DA or SSDA. The competition report (which includes the competition brief) and DIP report form part of the DA or SSDA submission. These may be viewed during the public exhibition stage of the assessment process which is managed by the consent authority.

## **4.4 When a competition is not required**

Some EPIs contain a clause noting that in specific circumstances a design competition may not be required.

If the applicant's development application is subject to such a clause and the applicant wishes to take advantage of it, they will generally need to ensure the development complies with any requirements in the particular EPI clause and submit a written request to the decision maker in the clause seeking confirmation that a design competition is not required. Any such correspondence should set out all criteria contained within the relevant EPI and show how these criteria have been satisfied.



# Governance and commercial considerations

## 5.1 Setting fees for the design response

Design teams must be paid reasonably for the work involved in preparing a design response.

The design competition fee is influenced by the:

- extent and detail of submission requirements
- design response period
- complexity of the project
- number of specialist consultants and collaborators that are required as part of the design team
- the value of the design work provided to the applicant.

Design teams may decline to enter the competition if they consider the design response fee is inadequate to cover the work required.

## 5.2 Design fees for ongoing work

The winning design team is to be appointed on an ongoing basis to complete the design through to construction and project completion.

It is recommended that design teams be given a sample of the terms of engagement or contract and an indicative fee band that states the acceptable minimum and maximum amounts for ongoing fees. This fee band is usually provided by the applicant's cost consultant with consideration given to industry benchmarks, the scope of work and the quality of architectural services required.

Design teams may decline to enter the competition if they consider the fee band is inadequate to cover the work required.

To ensure the fees for ongoing work are competitive, fee proposals for completing the project are recommended to be submitted by each design team before the commencement of step 3 (see '3.3 Step 3: Design competition: responses and presentation'). To ensure fees play no role in selecting the winning scheme, appropriate probity measures should be adopted to ensure that fee proposals are not opened or shown to the applicant until after the winning scheme has been chosen.

## 5.3 Budgets and commercial outcomes

Design teams should try to provide a design response that has the potential to be delivered within the stated construction budget and that satisfies the commercial requirements of the brief. To help design teams meet budgets, the applicant may make the services of a cost consultant available during the preparation of submissions. Project budgets must try to be realistic and consider development complexity and the need to deliver design excellence.

Competition submissions represent a very early design stage, and design development may need to allow for significant refinement of the design to meet budgets. The jury will generally consider cost estimates when evaluating the design responses and may provide advice on how the design responses could be developed to address budget risks, where identified.

Cost consultants are technical advisers that are usually engaged and paid by the applicant.

## 5.4 Disqualification

Disqualification should be avoided wherever possible. It is recommended that design teams should only be disqualified if:

- an entry is received after the nominated closing time and date
- a design team discloses their identity in an anonymous competition
- a design team attempts to unethically influence the jury's decision
- the design is found not to be the original work of the declared design team.

In other circumstances, for example where design teams do not meet other submission requirements, disqualification may be considered but is not encouraged. Recommendations for disqualification come from the competition manager or the probity adviser. The jury should review any recommendation for disqualification but may choose not to support it. The decision should rest with the jury.

## Credits

GANSW acknowledges and thanks the many councils, industry groups and agencies who have supported the development of this document through stakeholder workshops, working groups and other forums as well as consultants who have assisted in the development of this document.

### Photography

All imagery by Government Architect New South Wales and Department of Planning and Environment unless stated.

### Government Architect NSW team

Abbie Galvin  
Olivia Hyde  
Paulo Macchia

Angus Bell  
Barnaby Bennett  
Elizabeth Bowra  
Ben Campbell  
Rowanne Couch  
Rose Davies  
Rebecca Donney  
Gail Fletcher  
Marco Geretto  
Jeremy Giacomini  
Victoria Hamilton  
Gabriela Heesh  
Jillian Hopkins  
Emma Kirkman  
Dillon Kombumerri  
Claire Krelle  
Brindha Kugan  
Sarah Lawlor  
Carol Marra  
Brooke Matthews  
Melizza Morales Hoyos  
Grace Mortlock  
Guy Pinkerton  
Lucy Rimmer  
Barbara Schaffer  
Chris Taylor  
Rory Toomey  
Darlene van der Breggen  
Grace Wolstencroft