

# Government Architect's Design Excellence Competition Guidelines

ON EXHIBITION MAY 2018

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## 1. Introduction

**Design competitions are a well-tested and highly successful procurement model; they help prioritise good design and can bring the highest quality of thinking and originality to a project.**

Competitions generate a range of solutions to each design challenge, allowing for the comparative evaluation of different approaches. A competition also demonstrates a commitment to high quality design to the community and to public funding and other regulatory bodies. For public authorities, competitions can drive neighbourhood, city or regional improvements in public buildings and spaces, private development and regeneration and encourage development that is healthy, responsible, integrated, equitable and resilient.

Comparative evaluation is a key factor in how competitions can achieve better design outcomes. It enables the relative merits of different design responses to a brief to be analysed and evaluated and ensures the chosen design can be verified as the best response.

### 1.1 What is a design competition?

A design competition is a competitive design process in which an organisation, private or public ('The Proponent') invites designers (the 'Entrant') to submit a proposal for a precinct, site or building. An independent panel of design professionals (a 'Competition Jury') will select the successful design based on an agreed set of design-related selection criteria.

## 1.2 What is Design Excellence?

Design Excellence is a term used in Environmental Planning Instruments (EPIs) to refer to the design quality of a building or project and describes an expectation that a project will achieve a level of design quality that is above and beyond the usual. It also describes a variety of requirements and processes that are intended to support this. The description of Design Excellence is broadly consistent across planning legislation where it is often summarised as 'the highest standard of architectural, urban and landscape design.' Design Excellence descriptions vary in their detail but include references to context, accessibility, public domain, streetscape, massing and sustainability.

## 1.3 What is a Design Excellence Competition?

The Design Excellence provisions of an EPI may require or provide the opportunity for a project Proponent to hold a design competition for the design of a building, precinct or site. This process is often referred to as a 'competitive design process'. In these guidelines, any competition of this type is referred to as a Design Excellence Competition.

Undertaking a Design Excellence Competition alone does not guarantee the achievement of Design Excellence. A Design Excellence Competition is one stage in a longer overall process intended to lift the design quality of a project to the level of Design Excellence. Pre-competition processes such as preparation of a reference design, and post competition Design Integrity are also critical to the achievement of Design Excellence. Importantly, approval of a scheme remains with the consent authority.

## 2. Purpose of this document

### 2.1 This document and the Director General's Design Excellence Guidelines, 2011

**This document, the Government Architect NSW Design Excellence Competition Guidelines replaces the Director General's Design Excellence Guidelines, 2011. These Guidelines will give the agencies, individuals and organisations that use them essential and practical advice on how to plan and deliver a successful Design Excellence Competition to meet statutory requirements.**

### 2.2 Objectives

The objectives of this document are:

- to establish the steps a proponent is required to undertake to demonstrate that a proposed development is the result of a Design Excellence Competition
- to clarify the timing of a Design Excellence Competition in a staged Concept Proposal or Development Application (DA) process
- to support Proponents to establish a Design Excellence Competition process and brief that ensures the relevant Design Excellence requirements of the consent authority are balanced with the objectives of the Proponent; and procedural fairness for competitors.

### 2.3 Who should use these Guidelines?

These Guidelines are intended to support the following groups:

- proponents of a Design Excellence Competition and their consultants, including planners, competition advisors and probity advisors
- competition Entrants undertaking a Design Excellence Competition, such as architects, urban designers and landscape architects
- assessment planners at a state and local level assessing projects that have undertaken a Design Excellence Competition in accordance with these Guidelines.

## 2.4 When to use these Guidelines?

These Guidelines should be used when a Design Excellence Competition is a requirement and:

1. These guidelines, or the Director General's Design Excellence Guidelines, 2011, are referenced
2. A local council, their delegate or a local planning panel, joint regional or Sydney planning panel is the consent authority, and the local authority has chosen to use these Guidelines (hereafter referred to as a Local Council project); or
3. The Minister for Planning or their delegate is the consent authority and a local design excellence competition policy or guideline (or equivalent) does not exist or apply (hereafter referred to as 'State Significant projects' for the purposes of these guidelines).

These Guidelines are not required to be used:

1. Where a local government area has its own design excellence competition policy or guidelines (or equivalent) and chooses to use them.

Where the local guidelines are being applied for a proposal where the Minister is the Consent Authority GANSW will assist the Department of Planning in administering the Design Excellence Competition under those local guidelines.

## 2.5 Where a competition is not required

In some cases, an EPI may contain specific conditions for when a Design Excellence Competition is not required. Where this is the case, and these guidelines apply and the Proponent wishes to use this condition, they must demonstrate to GANSW and the consent authority that such a process would be unreasonable and unnecessary in the circumstances or that the development:

- involves only alterations or additions to an existing building, and
- does not significantly increase the height or gross floor area of the building, and
- does not have significant adverse impacts on adjoining buildings and the public domain, and
- does not significantly alter any aspect of the building when viewed from public places and
- satisfies the specific conditions of the relevant EPI when considering whether a competition is required.

## 3. Competition roles

**The organisation and delivery of a Design Excellence Competition requires the close collaboration of a range of professionals. It is critical that each party understands its practical and legal obligations in facilitating a Design Excellence Competition.**

### 3.1 Government Architect NSW

The Government Architect NSW (GANSW) plays a different role depending on whether the project is State Significant or a Local Council project.

For **State Significant** projects, the GANSW will, in consultation with the Proponent and the consent authority:

- endorse the proposed competition process, including the competition strategy and brief
- endorse the Jury selection
- chair the Competition Jury (GANSW or their representative)
- host the Competition Jury session
- post competition, endorse that the overall process has met the statutory requirements of a Design Excellence Competition, including any Design Integrity process nominated by the Jury, the Brief or the Strategy.

For **Local Council** projects where these Guidelines apply, the GANSW will, in consultation with the Proponent and the consent authority:

- endorse the proposed competition process, including the competition strategy and brief; and
- endorse the Jury composition; and
- undertake any other role, as agreed with the consent authority.

### 3.2 The Proponent

The Proponent refers to the party who is undertaking the Design Excellence Competition. The Proponent can be a public or private entity.

The Proponent is responsible for the procurement of key documentation prior to the commencement of the competition. To achieve this, the Proponent is advised to engage the services of a Competition Advisor who will manage these tasks on their behalf:

- engaging a suitably qualified architect, urban designer or landscape architect to prepare a Reference Design
- preparing the Design Excellence Competition Strategy including the selection of the competition type
- completing pre-competition planning, including preparation of the competition program, nomination of Entrants and Jury members and early engagement with the Government Architect NSW and/or the consent authority as required

- developing the Competition Brief
- confirming fees to be awarded to Entrants
- providing secretariat support to the Jury session and compiling the Competition Report.

The Proponent must undertake the Design Excellence Competition in accordance with these Design Excellence Competition Guidelines.

The Design Excellence Competition is to be fully funded by the Proponent including – but not limited to – all aspects of preparation, remuneration of Entrants, Technical Advisors and Jury, secretariat support and marketing.

### 3.3 The Entrant

The Entrant refers to a person or a team who has either been invited or has elected to enter a Design Excellence Competition. As an Entrant, all persons or teams must prepare a submission in accordance with the submission requirements of the Competition Brief. Teams can be made up of qualified architects, urban designers and/or landscape architects with one firm nominated as the team lead, typically the qualified architect. All Entrants must be able to demonstrate experience in the delivery of high quality buildings, landscapes or urban design.

A Design Excellence Competition will deliver the best results where the Entrant group is diverse. 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. Design Excellence Competitions can encourage and facilitate emerging firms to compete alongside more established practices, promoting fresh thinking and new approaches. Partnering of smaller practices with larger, more experienced firms can offer a means to support a greater range of design responses, grow industry talent and support diversity. Depending on the project, it may be appropriate to either invite or promote to an interstate or international audience.

Entrant teams may be multi-disciplinary design teams but should not be required to include specialist consultants such as planners, quantity surveyors, ESD consultants, etc. to meet the submission requirements outlined in the Competition Brief.

### 3.4 The Jury

Jury members must have appropriate design expertise and should be recognised advocates for Design Excellence. A majority of Jury members must be registered in their profession. The composition of the Jury is critical; it must engender the respect of the community and – in the case of an Open Design Excellence Competition – will play a significant role in generating interest and participation from Entrants. The Jury must be impartial, knowledgeable, and commit sufficient time and energy to the deliberation process. In some cases, Jury members with relevant specialist design skills may be proposed. For instance, for Masterplan Competitions the Jury must include urban design and landscape architecture expertise.

Jury members must:

- represent the public interest
- 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 or the department's development assessment process
- have relevant design expertise and experience.

The Jury is paid for their participation by the Proponent.

The minimum will be 3 Jury members for standard projects and increase to 5 Jury members for larger, more complex or high profile projects. Where there are 3 jury members, the Jury must include one nominee of each of the following:

- the Proponent; and
- the consent authority; (or the local authority where the consent authority is the Minister or their delegate); and
- the Government Architect NSW (GANSW).

Where the Jury has 5 members, the Jury must include the following nominees:

- the Proponent – 2 nominees; and
- the consent authority; (or the local authority where the consent authority is the Minister or their delegate) – 2 nominees; and
- GANSW – 1 nominee

The GANSW nominee will chair. There must be an odd number of Jury members.

### 3.5 The Jury Chair

The Jury Chair formally convenes the Jury and is responsible for conducting the review process in accordance with the Competition Brief and the Competition terms and conditions. The role of the Jury Chair becomes particularly important if the Jury's decision is split or conflicting. The ability of the Jury Chair to negotiate disagreement and explore acceptable compromises is essential in achieving a positive conclusion.

### 3.6 The Competition Adviser

A Competition Adviser is an independent professional with appropriate experience responsible for the smooth running of the competition processes. A Competition Adviser is required for Design Excellence Competitions for State Significant projects and is strongly recommended in other jurisdictions.

The Competition Adviser guides the Proponent through the process and provides advice and/or services in relation to each stage. A good Competition Adviser will balance the interests of the Proponent with the needs of the Entrants.

The role of the Competition Adviser can include assisting the Proponent with:

- preparing a list of the professional appointments (i.e. jurors, technical advisors, etc.) and advising the Proponent on the financial implications of such appointments
- engaging with the consent authority and/or GANSW
- preparing the Design Excellence Competition Strategy
- preparation of the Competition Brief and associated documents
- project management of the design competition process to ensure timeliness, rigour, independence and transparency in the process such as receiving and storing competition entries, checking entries for compliance to submission requirements, liaising with Entrants over issues that may have occurred during the competition process and general issues of probity
- supervising the receipt of entrant questions, preparing answers in consultation with the Proponent and dispatching responses
- organising the Jury selection
- organising the forum through which the Jury will assess entries and formulate their recommendations
- preparing of draft and final Jury reports for the endorsement and signatures of the Jury members.

### 3.7 Probity Adviser

The Proponent may choose to appoint a Probity Adviser to oversee the integrity of the process. This is recommended for large, complex or high value projects, especially those involving public funds, or projects that are unusual or contentious.

### 3.8 Technical advisers to the Jury and to the Entrants

Technical advisors may be called upon during the Design Excellence Competition process to provide specialist advice either to the Entrants or to the Jury.

Where the advice is being provided to the Entrants, the technical advisors will be selected by the Proponent and must provide the same services to all Entrants.

Where the advice is being provided to the Jury, it must be in written form and the Technical Advisors may undertake a briefing with the Jurors prior to the judging session. Advice is limited to technical and compliance matters and must not include design commentary.

Technical advisors are paid by the Proponent.

### 3.9 Observers

The Competition Adviser may allow observers to be present during the jury process. The Competition Adviser must consult with the Jury prior to granting approval to any Observers. Observers may be part of the Proponent team, stakeholders, representatives from the consent authority, researchers or others that can gain the approval of the Competition Adviser to be present. Observers must not make any comment or participate in any way in the judging of the submissions.

## 4. Competition processes

### 4.1 Overview

A Design Excellence Competition process can take several forms depending on the project size, its complexity, its Capital Investment Value (CIV) and other factors. It is important to understand the different competition types and select the one that is most suitable for the scope of the project.

### 4.2 Design Excellence Competition types

These guidelines outline three types of competition that will satisfy statutory Design Excellence Competition requirements. Depending on the project type and other considerations, the Proponent may select one of the three recommended formats in these Guidelines.

#### Type A:

##### Invited single-stage Design Excellence Competition

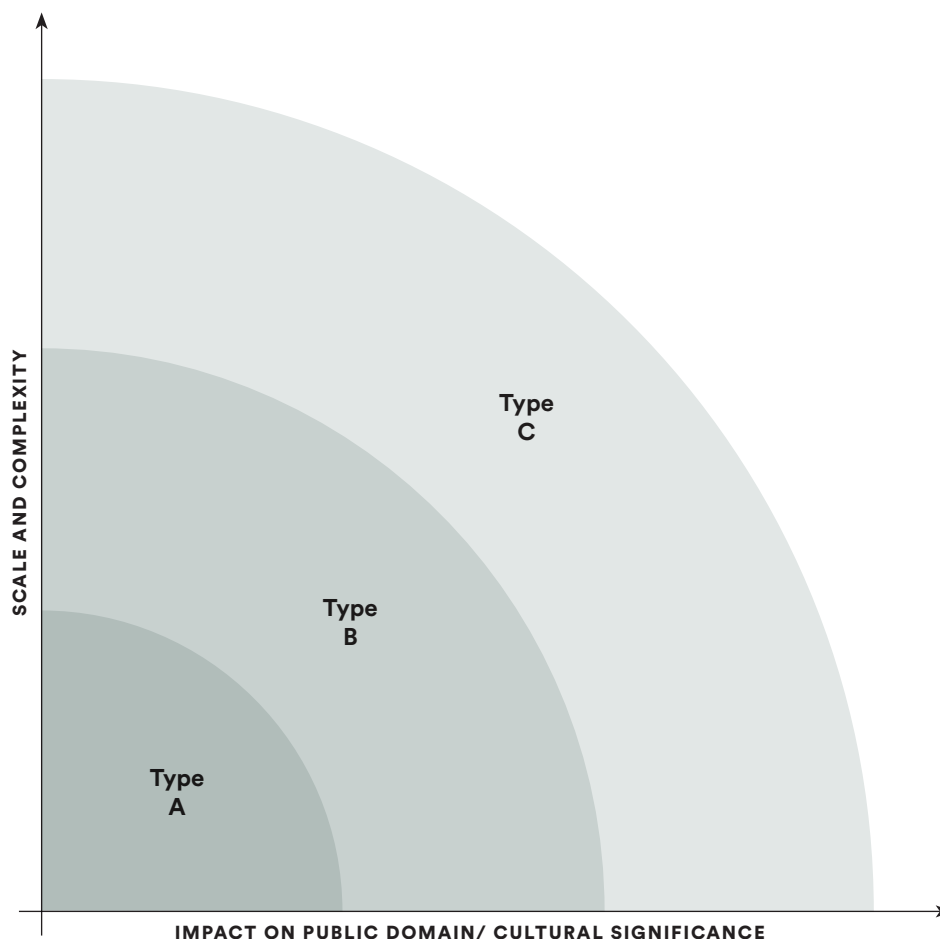
This is a single stage competition with a minimum of three and maximum of five designers or design teams invited to participate.

Selection of the Entrants is by direct invitation. The invited design teams should all be of a high standard, demonstrating a past body of work that has been awarded, critically reviewed or by other means able to show a commitment to design excellence. The list should display a diversity of experience and approach across the selected design teams.

The Type A Design Excellence Competition is recommended for projects of a well established type in areas with a straightforward planning framework.

All Entrants are paid.

Choosing the right competition type



**Type B:****Invited by EOI Design Excellence Competition**

This competition type is one which permits any qualified designer to respond to an open Expression of Interest for selection into an invited Design Competition. The Expression of Interest would usually require demonstration of capability, the proposed team and a short response to the brief. This format provides all Entrants with an equal opportunity to be selected based on their capability and to consider design teams not currently known to the proponent. The EOI of a Type B Design Excellence Competition is unpaid.

A shortlist of 3-5 Entrants is selected by the Proponent to proceed to Stage Two in accordance with the process and assessment criteria outlined in the EOI and Design Excellence Competition Strategy.

The Type B Design Excellence Competition format is recommended for projects of any size where the Proponent is seeking to engage with a broader sector of the design industry. Entrants in the invited Design Competition must be paid.

**Type C:****Open Design Excellence Competition**

This competition type is one which permits any qualified designer to prepare a design response for a first stage, usually to present a Concept or Strategy for the Project. This format provides all Entrants with an equal opportunity to be selected based on the merit of the design proposal, rather than proven capability or prior experience. The first stage of an Open Design Excellence Competition is unpaid and often anonymous.

A shortlist of Stage One Entrants is selected by the Jury in accordance with the process and assessment criteria outlined in the Competition Brief. The shortlisted Entrants are then invited to participate in a second stage. Anonymity can be retained through the second stage or lifted.

This Design Excellence Competition format is recommended for high profile, culturally significant projects or projects of any size where the Proponent is seeking to engage with the public and the design community to lift the profile of the project.

It is not a requirement to pay stage one Entrants however some other form of reimbursement such as publicity or exhibition of submissions is recommended.

Stage two Entrants must be paid.

**Design Excellence Masterplan Competition**

A Design Excellence Masterplan Competition can follow the terms of a type A, B or C Design Excellence Competition process but it takes the urban design of a larger site or precinct as its subject.

A Design Excellence Masterplan competition can, in certain circumstances, mean that Design Excellence competitions for all the individual buildings within the master plan are not required. However, it is expected that some key sites or buildings within the master planned area are still nominated as competition sites. In these cases, a Design Excellence Competition Strategy (see 4.3 below) would outline the procurement, the brief and a shortlist of proposed design practices for those buildings or public domain elements not proposed as competition sites and nominating the sites that would undergo a Design Excellence Competition. The Design Excellence Competition Strategy would make the case that a higher level of design excellence is likely to be achieved through this format than that of running individual competitions for each building. The Design Excellence Strategy must be endorsed by GANSW and the consent authority.

Masterplan Competitions are recommended for larger sites and precincts that will include multiple buildings and elements of the urban fabric such streets and open space. Proponents considering this type of competition should contact GANSW early in the process to discuss the details of the Design Excellence Strategy.

Payment of entrants is in accordance with the Type A, B and C descriptions above

**Special scenarios**

For very large or complex projects, the Proponent must contact the Design Excellence Director at GANSW at the commencement of the project to discuss a bespoke Design Excellence Competition Strategy, tailored to the needs of the project.

### 4.3 The Design Excellence Competition process (step-by-step)

This section outlines the steps a Proponent and the competition stakeholders must take when running a Design Excellence Competition to ensure the process will meet statutory requirements and the objectives of these Guidelines.

#### **Step 01: Developing the Design Excellence Competition Strategy**

The first step in establishing a Design Excellence Competition is to prepare a Design Excellence Competition Strategy. The Strategy is procured by the Proponent and typically prepared by the Competition Advisor. It outlines the type and format of the Design Excellence Competition to be undertaken.

For **State Significant** projects, the Design Excellence Competition Strategy must be endorsed by GANSW. Engagement with GANSW prior to requesting SEARS for the project is highly recommended.

For **Local Council** projects, the Design Excellence Competition Strategy must be approved by the local authority, with or without the involvement of GANSW depending on the specific guidelines of that local authority. Approval must take place prior to the commencement of any competition process.

The Design Excellence Competition Strategy must include a Reference Design. This can requirement can also be satisfied through provision of a site specific DCP or Concept Development Application (DA).

Where a two-stage Development Application (DA) is to be undertaken, the Design Excellence Competition Strategy must be undertaken as part of the first stage / Concept DA.

The Design Excellence Competition Strategy defines:

- the location, context and extent of the Design Excellence Competition site
- the objectives of the Design Excellence Competition
- the type of design excellence competition(s) to be undertaken
- an explanation for the selection of competition type, including how the selected process(es) will meet the objectives of these Guidelines and those of the Proponent
- for a Masterplan Competition, the proposed relationship between the masterplan competition and any future design excellence processes, including potential future competition requirements – for example for individual buildings
- the number of designers involved in the process(es)
- the means for ensuring diversity amongst participating designers
- timelines and programme
- whether the Design Excellence Competition is pursuing additional floor space, height or other incentives that may be available under an Environmental Planning Instrument (EPI)
- where the proposed process differs from that outlined in a relevant LEP, or these Guidelines, a justification for the variation
- whether the brief references a draft EPI or Planning Proposal yet to be determined
- in the case of a Masterplan Competition, whether the competition forms part of a Planning Proposal or similar process.

#### **Note: Studies pertaining to the distribution of additional floor space, height or other bonus incentive (if applicable)**

For Design Excellence Competition schemes that seek additional height, floor space or any other bonus incentive that may be available under an EPI, the potential impacts of these incentives must be modelled prior to undertaking the competition, either by the consent authority or the Proponent, through the Reference Design or Concept DA.

In distributing any additional floor space or height, the following considerations must be appropriately addressed:

- site and context analysis
- public domain layout, including levels, uses, access and circulation, dedications and hierarchy of spaces

- built form massing and dimensioned envelopes
- overshadowing analysis
- storm water management strategy
- traffic management and servicing strategy, parking numbers and location
- ecologically sustainable development strategies and benchmark commitments (including connection to green infrastructure); and
- heritage impacts.

In determining whether to award bonus height and/or floor space or other incentive, the consent authority must consider:

- whether the Design Excellence Competition has been undertaken in accordance with these Guidelines; and
- the recommendations of the Competition Report.



**Step 02: Writing the Competition Brief**

Following endorsement of the Design Excellence Competition Strategy by the consent authority and/or GANSW, the Proponent must prepare the Competition Brief. All details about the conduct of the Design Excellence Competition are to be contained within the Competition Brief and no other document, including the terms of reference and supporting information contained in the appendices. The Competition Brief is to be reviewed and endorsed by GANSW and/or the consent authority prior to its distribution to competition Entrants.

The Competition Brief must include the following:

- the shortlisted architects, where known
- a description of the type of competition, the role of the Proponent and the competition process
- for an open competition, details of the process and criteria for shortlisting Entrants and clarification on who can and cannot enter
- site details including site dimensions, key adjacencies and any other relevant circumstantial information
- details of the relevant planning controls (SEPP, LEP and DCP) including envelopes and setbacks and any requirements of an adopted concept Plan under Part 3A of the Environmental Planning and Assessment Act (the Act); or SSD Concept Proposal
- details of any prior or relevant planning consents
- details of the estimated Capital Investment Value (CIV) for the project
- where a site includes a heritage item, is located within a conservation area or near a heritage item, include a Heritage Impact Assessment and advise competitors to consider any conservation guidelines set out in the document
- if the site is subject to flooding a Flooding Report and guidance on the flood levels the design teams are required to design to
- description of the proposed uses within the project, the percentage of each use, the proposed gross floor area (GFA) and FSR
- options for distributing any additional floor space area or building height which may be granted by the consent authority for demonstrating design excellence through a Design Excellence Competition
- the process for ensuring Design Integrity post competition
- the target benchmarks for ecologically sustainable development
- for a Masterplan Competition, maximum GFA, minimum open space, maximum heights and the required or preferred use mix
- level of documentation required for the submissions: the brief shall state the number, nature, scale and dimensions of the documents, plans or models required. (see note on Submission Requirements)
- the terms of reference of the Competition Jury including the nomination of a Jury Chair; names of all Jury members, assessment criteria and weighting of each criteria
- a statement that confirms that the competition

- is a public process and that all Entrants' names must be clearly visible on entries (except where an anonymous competition type is proposed)
- a statement that the copyright of any entry to the competition remains with the originator of the work
- a disclaimer stating that the Jury's decision will not fetter the discretion of the consent authority since the consent authority will not form part of the judging process
- statement of the fees to be paid to each of the Entrants and, as appropriate, the awarding of any prizes, commissions or bonuses to winning Entrants. Fees paid must be appropriately scaled to recompense Entrants for the extent of work undertaken
- a competition program that allows for a minimum period of 28 days for the preparation of submissions by Entrants (noting that some competition types may require significantly longer)
- a clear process to follow for clarifications and questions during the competition period
- a statement noting the name and contact details of the Competition Advisor.

The GANSW and/or consent authority will assess the Competition Brief per the above requirements and may require the Brief be amended prior to its endorsement and issue to the Entrants.

**Note: Designing to a budget**

Budget is one of the many factors that designers consider in the development of a design response to a brief and site – designing to a budget is a key skill and professional capability. Within a competition environment, Entrants have a responsibility to design a scheme that has the potential to be delivered within the stated budget, whilst acknowledging that competition schemes typically represent a concept level design response. To assist Entrant teams to meet budget requirements, Proponents may provide the services of a cost consultant to provide advice to entrants during the preparation of their submissions. Any fees for cost consultancy must be covered by the Proponent and may not be included in the fees paid to Entrant teams.

**Step 03: Competition Review and Judging**

A Jury session will be convened to review all submissions according to the criteria set out in the Competition Brief. This session will be held within 2 weeks of the close of the competition.

In preparation for the Jury session, the Jury members must receive a copy of submissions at least one week prior to the Jury session, or longer in the case of large or complex projects.

It is the responsibility of the Jury and Jury Chair to complete their deliberations at the Jury session, however if subsequent meetings are required these must follow as early as possible. Requests for additional information should be avoided wherever possible. Where additional work is required to allow for the completion of deliberations, Entrants must be paid.

In addition to the Jury members, the Competition Advisor and Probity Advisor (where relevant) must be present during deliberations.

A representative of the assessment team of the relevant consent authority must be invited to attend the Competition Jury session as an observer. This enables the assessing planners to better understand design considerations and assists in the provision of consistent advice through the design development and planning consent process.

If the proposed development includes a heritage item or is within a heritage conservation area the consent authority's heritage advisor must provide a heritage assessment of the proposal to the Jury, with costs of advice to be covered by the Proponent.

For **State Significant** projects, the Proponent will be responsible for reimbursing GANSW for administrative services.

For **Local Council** projects, costs will be reimbursed to the local council as a fee to be determined by the council.

**Note: Submission requirements**

Competitions can put a significant financial burden on the design sector, especially when submission requirements are not well defined or enforced. Submission requirements should be the minimum sufficient to explain the design merits of a proposal and must relate to the scale of the project and the fee paid to the Entrants. They may include elevations, plans, diagrams and digital representations. The submission requirements can also be defined by page or word limits. The Competition Advisor should ensure that only the materials requested in the competition brief are included in the judging process to ensure equity for the Entrants and clarity for the Jury. Entrants must not be encouraged to submit more than has been asked for in the submission requirements. In the first stage of any Competition where this stage is not paid, submission requirements must be kept to a minimum to reduce the financial impact on Entrants.

**Step 04: Compiling the Competition Report**

Submissions must be graded by the Jury against assessment criteria established in the Competition Brief and its considerations and decision recorded in a Competition Report which is to be prepared by the consent authority or Proponent, as relevant, and signed by all Jury members.

The Report will:

- summarise the competition process and include a copy of the Competition Brief
- outline the assessment of the design merits of each of the entries (or a summary of the entries in the case of stage one of an Open Competition)
- present the Jury's decision, including the rationale for the choice of a nominated design and the design excellence qualities that it exhibits (or a shortlist in the case of stage one of an Open Competition); and
- outline any recommended design amendments that are relevant to the achievement of Design Excellence through subsequent design development (not required for stage 1 of an Open Competition)
- describe the design excellence qualities exhibited in the competition winning submission.

The Report may:

- nominate the winning submission as having the potential to achieve Design Excellence; or
- indicate the highest graded submission and recommend design quality improvements that could be made to permit its endorsement as a winning submission that has the potential to achieve Design Excellence; or
- decline to endorse any entry if the submitted entries do not demonstrate the potential to achieve Design Excellence.

The Jury is expected to reach a decision and finalise the Competition Report in a timely fashion.

Where bonus floor space, height or other incentive as may be allowable under an EPI is sought, the Competition Report can recommend a bonus, up to the maximum available under the provisions of the relevant statutory provision (where applicable); or, recommend a bonus subject to design quality improvements; or not recommend any bonus.

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.

**Stage 05: Completion of a Design Excellence**

**Competition process**

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

- issue of a final Competition Report signed by the competition Jury, and/or
- completion of any further competitive processes recommended by the Jury following a requested review, and/or
- completion of any further design excellence process required by the endorsed Design Excellence Competition Strategy, Brief or the Jury, for example, subsequent building specific Design Excellence Competitions for buildings following a Masterplan Competition.

Completion of the Design Excellence Competition does not alter the status of any required subsequent Design Integrity process.

**Note: Documentation requirements and probity**

To ensure probity, the Proponent must ensure that the documentation of the Design Excellence Competition process is sufficient to enable an audit to be carried out by an independent person or body such as the Australian Institute of Architects if required by Government Architect NSW or the consent authority.

|                                |   | <b>COMPETITION TYPE</b>   |   |  |
|--------------------------------|---|---|---|--|
|                                |   | <b>TYPE A</b>   | <b>TYPE B</b>   | <b>TYPE C</b>  |
| <b>STEP 1</b>                  | <b>DESIGN EXCELLENCE COMPETITION STRATEGY</b> | A Design Excellence Competition Strategy (the Strategy) is required in every instance. The Strategy will nominate the Competition Type, combination of types or in the case of No Competition will outline the process for achieving Design Excellence without the benefit of a competitive design process  |   |  |
| ⋮                              |   |   |   |  |
| <b>STEP 2</b>                  | <b>DEVELOPING THE BRIEF</b>                   | Prepare a detailed Brief with all required supporting documentation   | Prepare a Competition Brief AND an EOI document which clearly sets out the aims of each stage of the Type B Competition | Prepare Competition Briefs for each of the Open and Invited Stages of the Type C Competition.  |
| ⋮                              |   |   |   |  |
| <b>STEP 3</b>                  | <b>OPEN CONCEPT DESIGN COMPETITION</b>        |   |   | STAGE 1: Open National or International Competition for a Design Concept or Strategy, often Anonymous  |
| Competition Review and Judging |   |   |   |  |
| ⋮                              |   |   |   |  |
|                                | <b>OPEN EXPRESSION OF INTEREST (EOI)</b>      |   | An open Expression of Interest asking for a proposed Design Team and demonstration of capability                        | The Competition Jury should verify the capability of all shortlisted teams before proceeding. Additional information may be requested from some or all teams |
|                                | <b>INVITED DESIGN COMPETITION</b>             | An invited list of 3-5 Design Teams are asked to prepare a proposal   | STAGE TWO: 3-5 Design Teams chosen to present a more detailed proposal on the basis of their EOI                        | STAGE TWO: 3-5 Design Teams chosen to present a more detailed proposal on the basis of their Design Concept or Strategy                                      |
| ⋮                              |   |   |   |  |
| <b>STEP 4</b>                  | <b>COMPETITION REPORT</b>                     | The Jury compiles a Competition Report which may:<br>— award a winner and confirm the Design Excellence of that scheme,<br>— award a winner but ask for further development to achieve design Excellence or<br>— declare that Design Excellence has not been achieved and is not possible with the proposed schemes.<br>The Jury's recommended actions to be undertaken from this point should be clear in the Report |   |  |
| ⋮                              |   |   |   |  |
| <b>STEP 5</b>                  | <b>FINAL COMPETITION REPORT</b>               | The Jury confirms that Design Excellence has been achieved in a Final report.   |   |  |
| ⋮                              |   |   |   |  |
|                                | <b>POST COMPETITION PROCESSES</b>             | As set by the Strategy, ensure Design Excellence is maintained through regular review by the Competition Jury or through a Design Excellence Assessment prior to DA lodgement   |   |  |

## 5. Post competition: maintaining design integrity

### 5.1 Purpose

**To ensure that design quality continues through design development, construction drawings and into physical completion of the project (or relevant equivalent stages for a Masterplan project) the Competition Strategy and/or Brief must recommend a process to monitor Design Integrity. As a minimum, this will require the designer of the winning submission to be nominated as the Design Architect for the duration of the project. This requirement is not affected if the site is sold.**

In addition, and to ensure Design Integrity is retained through construction, the following detailed information will be required to be submitted with a development application:

- key cross sections, partial plans and partial elevations through external walls, balconies and other key external details. Drawings to be fully annotated at a scale of 1:50, or if necessary 1:20, showing details, materials, finishes and colours, so that the details and materiality of the external facades are clearly documented
- a materials sample board with materials represented proportionally to the extent of their use
- revised 3D photomontages.

### 5.2 Design integrity phase

The Design Excellence Competition Strategy, Brief or Jury may require that the Competition Jury continue to review the project to ensure the standards of Design Excellence are upheld through the further development of the design. The Competition Jury is sometimes called the Design Integrity Panel during this phase, though the membership of the panel or jury should be consistent.

For State Significant projects, GANSW may recommend that the State Design Review Panel (SDRP) act as the Design Integrity Panel. In this case the SDRP Terms of Reference will apply. To ensure continuity of advice, a minimum of one and maximum of three Jury members must be nominated to attend SDRP sessions. The terms of reference for the SDRP provide guidance on this process.

The DIP would typically review the design at the following stages:

- during the pre-lodgement stage
- during the Development Application stage
- prior to lodgement of any Section 96 which modifies the design

- prior to issue of the Construction Certificate (or equivalent post approval process for Crown projects)
- prior to issue of the Occupation Certificate (or equivalent post approval process for Crown projects).

Each meeting of the DIP should be documented within a report or minutes and should include certification that the design retains or is an improvement upon the design excellence qualities exhibited in the competition winning submission will be required at each stage.

The cost of running a DIP is borne by the Proponent.

### 5.3 Design Integrity Assessment

Where a Design Excellence Competition-winning scheme is subsequently developed, or modified and the Competition Jury has not been involved through a Design Integrity Phase, a Design Integrity Assessment (DIA) may be required to be submitted to the consent authority with the application.

The DIA will advise the consent authority on whether the proposal (development application or Section 96 modification) is equivalent to, or through design development, an improvement upon the design excellence qualities of the winning competition scheme.

Where a continuation of design integrity has not occurred, the Competition Jury will 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.

The DIA must be prepared by the Competition Jury and the cost borne by the Proponent.

## 6. Managing disputes in Design Excellence Competitions

### 6.1 Disqualification

Entrants will be disqualified in the following circumstances:

- if an entry is received after the nominated closing time and date
- if an Entrant discloses their identity (in an anonymous competition)
- if an Entrant attempts to influence the Jury's decision; or
- if the design is found not to be the original work of the declared Entrant.

In other circumstances, for example where Entrants do not meet other submission requirements, disqualification may also be considered but is not encouraged. Recommendations will come from the Competition Advisor or the Probity Advisor. The Jury must review any recommendation for disqualification but may choose not to support it. The decision rests with the Jury.

### 6.2 Managing disputes

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 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 of the statutory provision.

The cost of the review will be borne by the Proponent.

# Glossary

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## C

**Competition Brief** Detailed information provided to Entrants, which sets out Proponent and project aspirations, site information, budget, functional requirements and any other parameters relevant to development of an effective design concept for the project and the terms for running the competition.

**Competition Jury** Group of qualified design professionals selected to assess submissions. Jury members must be selected from relevant professions and must have relevant expertise and experience to participate. Jury members must represent the public good and be recognised advocates for Design Excellence.

**Competition Report** Detailed report containing a summary of the Competition process, the Jury deliberations and the scoring of each assessed submission against the competition evaluation criteria. It must also contain the determination of the winner, any recommendations of the Jury and be signed and endorsed by the Jury.

## D

**Design Architect** The design architect is the leader of the design team. The winning design team maintain a key role in the design and development of the proposal through the whole process.

**Design Competition** A design competition is a competitive procurement process in which a Proponent invites designers to submit a proposal for a precinct, site or building. An independent panel of design professionals (a Jury) will select a winning design based on an agreed set of design-related selection criteria.

**Design Excellence** Design Excellence is a term that exists in statutory planning to refer to the design quality of a building or project and to a variety of requirements intended to lift design quality. The description of Design Excellence is broadly consistent across planning legislation where it is often summarised as 'the highest standard of architectural, urban and landscape design.'

**Design Excellence Competition Strategy** Document outlining the proposed approach to delivering a Design Excellence Competition as mandated by and EPI. The Strategy must include key considerations such as the Competition Type, details of the subject site as well as a program for the delivery of the design competition process.

**Design Integrity** Post design competition process which ensures that the design intent of the competition winning scheme is maintained or enhanced during subsequent design and development stages, and through to construction.

**Design Integrity Assessment** Assessment carried out by the Design Integrity Panel which determines the extent to which the design intent and design excellence of the winning concept design has been upheld through subsequent design stages.

**Design Integrity Panel** Panel of design professionals engaged to review a project as it progresses through design development and construction against the intent of the winning competition entry. Typically the Competition Jury would continue in this role.

**Design Review** Design Review is peer-review process where a panel of qualified design professionals review the evolution of a project at key design and delivery milestones. Design Review is recognised to be effective in raising design standards and aspirations.

**Design Review Panel** A panel of qualified design professionals providing independent, impartial advice on design proposals to lift the design quality of projects.

## E

**Emerging Practice** Refers to a practice in the early stages of establishment or one that whilst 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 or more complex type. Emerging practices can provide fresh perspectives and new design ideas.

## G

**Good Design** Good design is a phrase that encapsulates the aspirations of 'Better Placed' including its vision for NSW, its definition of good process and its outline of objectives for the built environment. Good design creates useable, user-friendly, enjoyable and attractive places and spaces, which continue to provide value and benefit to people, the place and the natural environment over extended periods.

## L

**Landscape Architect** For the purposes of these Design Excellence Competition Guidelines, a landscape architect is a professional active in the field of landscape architecture who has demonstrated experience of delivering Design Excellence in their work.

## O

|                                     |  |
|-------------------------------------|--|
| <b>Observer (at a jury session)</b> | An observer at a jury session is an individual attending the jury session to observe the process and deliberations only. An observer must in no way be involved with the judging of the submissions. An observer can be a representative of the proponent, the local authority or a project stakeholder. |
|-------------------------------------|--|

## P

|                        |  |
|------------------------|--|
| <b>Probity Adviser</b> | An appropriately qualified and independent person who advises the Competition Advisor, Proponent and Jury on, and validates, the probity, equity and integrity of the processes of a design competition. |
|------------------------|--|

|                  |  |
|------------------|--|
| <b>Proponent</b> | A person or organisation who initiates and funds a design competition in order to select an architect or design team and a preferred design concept for a specific project. The Proponent is usually the client / landowner. |
|------------------|--|

## Q

|   |  |
|---|--|
| <b>Qualified Architect or Architect</b> | A qualified architect is an architect who is registered as a professional in a given jurisdiction. When the word 'architect' is used on its own, it implies an architecture professional who has been registered with the appropriate professional body. |
|---|--|

|                           |   |
|---------------------------|---|
| <b>Qualified Designer</b> | A qualified designer is a person registered as an architect in accordance with the Architects Act 2003. |
|---------------------------|---|

## R

|                         |  |
|-------------------------|--|
| <b>Reference Design</b> | 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 the brief. |
|-------------------------|--|

In the case of a Design Excellence Competition, the Reference Design is a compulsory part of the brief supplied to Entrants and is to be completed by the Proponent prior to the commencement of the Design Excellence Competition.

## T

|                          |   |
|--------------------------|---|
| <b>Technical Adviser</b> | Technical advisors are suitably qualified professionals who provide specialist advice during the competition process to the Entrants, the Proponent or to the Jury. |
|--------------------------|---|

## U

|                       |  |
|-----------------------|--|
| <b>Urban designer</b> | For the purposes of these Design Excellence Competition Guidelines, an urban designer is a professional active in the field of urban design who has demonstrated experience of delivering Design Excellence in their work. |
|-----------------------|--|

## Design objectives for NSW

Seven objectives define the key considerations in the design of the built environment.



Better fit  
contextual, local  
and of its place



Better performance  
sustainable, adaptable  
and durable



Better for community  
inclusive, connected  
and diverse



Better for people  
safe, comfortable  
and liveable



Better working  
functional, efficient  
and fit for purpose



Better value  
creating and  
adding value



Better look and feel  
engaging, inviting  
and attractive

The role of the Government Architect is critical in helping deliver good design and planning outcomes across all projects in NSW. This strategic advisory role provides an opportunity to work across government, the private sector and the community to improve social, environmental and economic outcomes for NSW and its communities.

The Government Architect is charged with championing the Better Placed initiatives and supporting government agencies and local government to create and deliver high quality architecture and design outcomes.

Find out more  
[ga.nsw.gov.au](http://ga.nsw.gov.au)