

Draft -Tweed Shire Design Excellence Policy

Architectural Design Competition Guidelines

September 2013

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1.0	-	XXXXXXXXX	Draft Policy for public exhibition	Council

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PART 01 - INTRODUCTION & CONTEXT

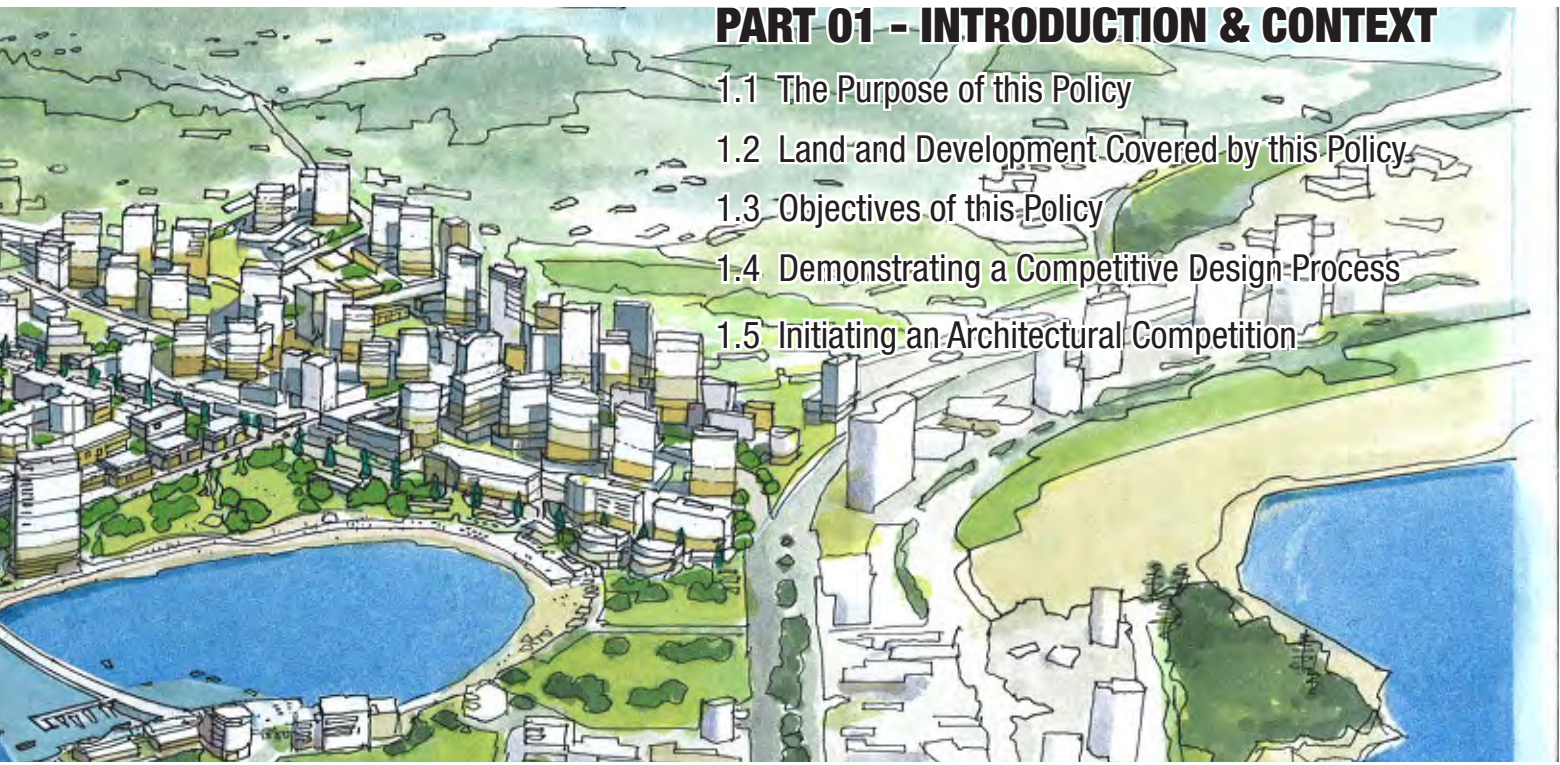
1.1 The Purpose of this Policy

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1.5 Initiating an Architectural Competition



1.1 Purpose of this Policy

The Tweed Shire Design Excellence Policy establishes the processes a proponent is required to undertake in order to initiate and carry out an architectural design competition, and demonstrate that the proposed development achieves design excellence.

1.2 Land and Development Covered by this Policy

This policy applies to all land and development identified within the clause 'Design Excellence' within the Tweed Local Environmental Plan. The Design Excellence clause identifies that key sites, and/or buildings above 35m in height as requiring an architectural design competition prior to the issue of development consent. The Design Excellence clause also enables development beyond these provisions to pursue an architectural design competition if the proponent wishes.

1.3 Objectives of this Policy

- Encourage high quality and innovative design through the use of competitive design processes;
- Achieve a diversity of architectural response;
- Achieve development that individually and collectively contributes to the architectural and overall urban design quality of the Tweed;
- Achieve greater levels of environmental sustainability;
- Encourage flexibility within the urban design controls to allow for newer or innovative solutions;
- Encourage a sense of civic pride;
- Provide a clear process for proposals to achieve and demonstrate design excellence; and
- Provide a transparent framework for the consent authority to consider granting an additional amount of height or floor space to a development, based on a quality design.

1.4 Demonstrating a Competitive Design Process

An applicant can demonstrate that a competitive design process has been undertaken in order to satisfy the provisions of the Tweed Local Environmental Plan by undertaking an architectural design competition.

The competitive design process can be undertaken to inform:

1. any review or amendment to the Tweed Local Environmental Plan;
2. any review or amendment to a locality-specific Section of the Tweed DCP; or
3. the preparation and lodgement of a development application.

1.5 Initiating an Architectural Competition

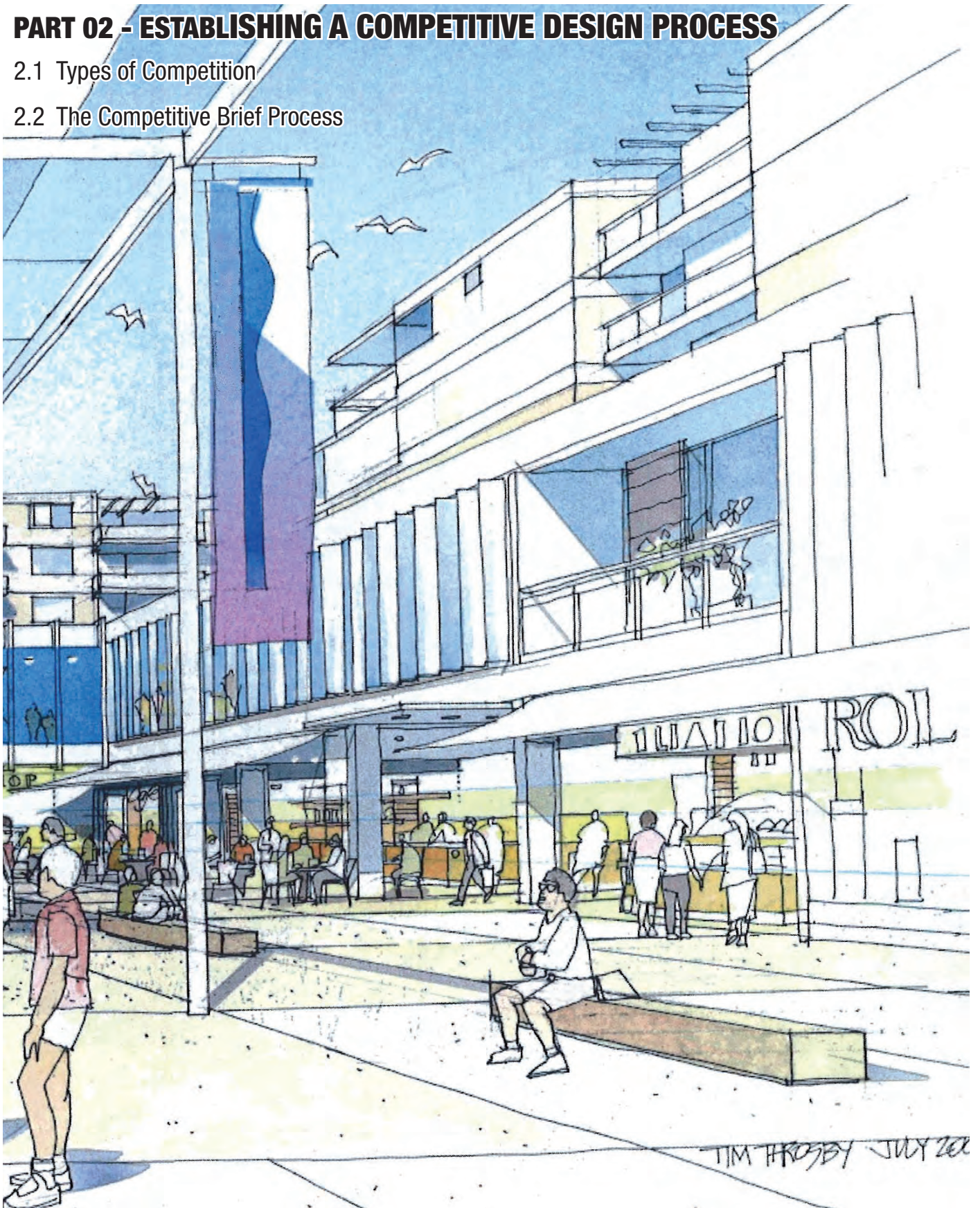
To ensure probity, the applicant is to ensure that the documentation of the process is sufficient to enable an audit to be carried out by an independent person or body, such as the Australian Institute of Architects, if required by the consent authority.

The architectural design competition is to be paid for by the developer. The Consent Authority will convene the competition jury, including the provision of administrative and secretarial services for the recording of the jury proceedings and preparation of the Design Competition Report. A fee of up to \$1,000 may be charged for these services.

PART 02 - ESTABLISHING A COMPETITIVE DESIGN PROCESS

2.1 Types of Competition

2.2 The Competitive Brief Process



2.1 Types of Competition

A developer can undertake:

- an 'open' architectural design competition; or
- an 'invited' architectural design competition.

In an 'open' competition, the developer is to publicly notify of the architectural design competition and call for expressions of interest. All respondents are then supplied with the competitive brief and invited to participate.

The call for expressions of interest for an 'open' competition is to state:

1. the form and purpose of the competition;
2. any prizes to be awarded; and
3. the minimum submission requirements.

Within an 'invited' architectural design competition, the developer invites a minimum of five competitors to participate in the competition and supplies each with the competitive process brief.

2.2 The Competitive Brief Process

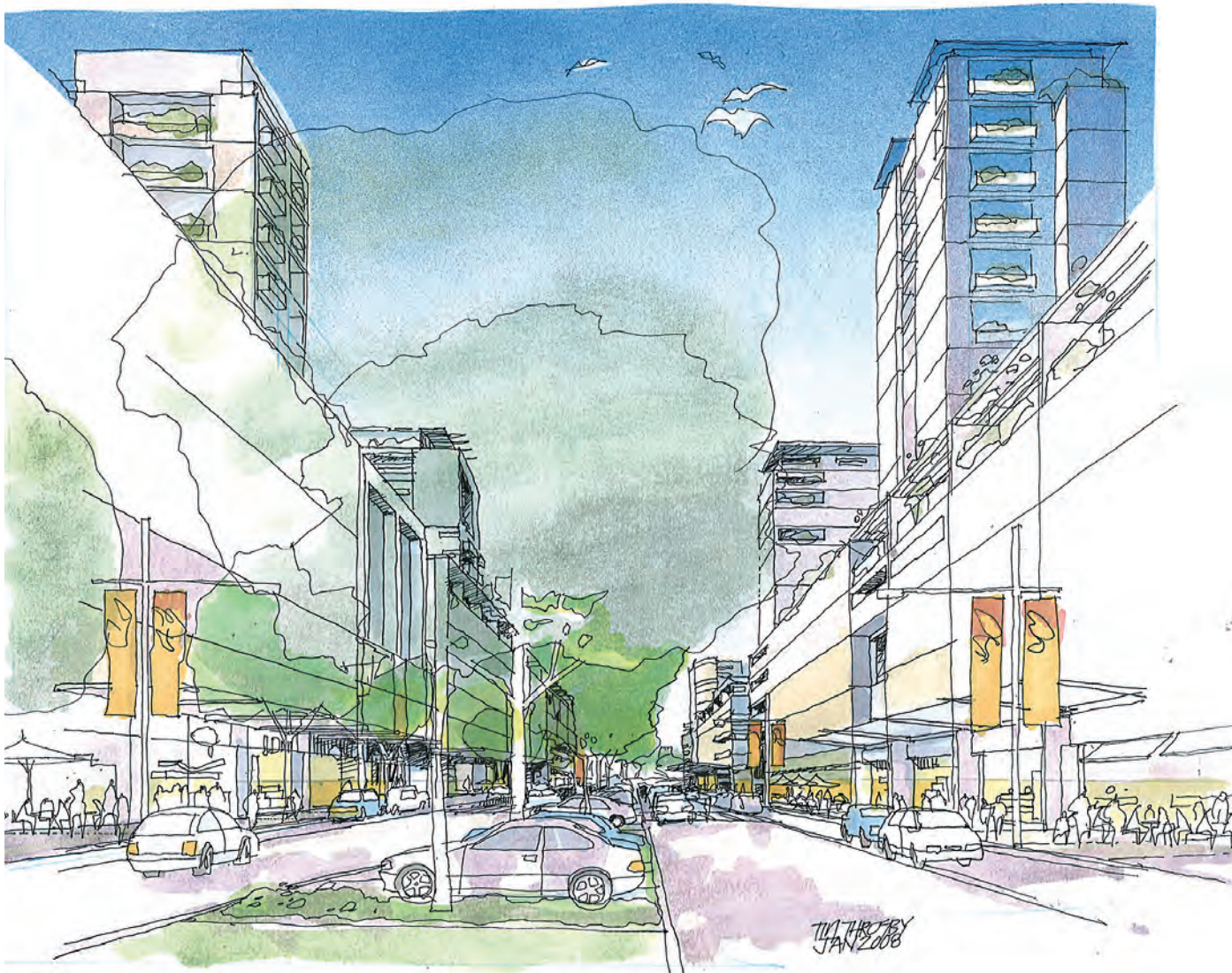
The competitive process brief is to be reviewed and endorsed by the consent authority prior to its distribution to competition entrants.

The competitive process brief is to:

1. state whether the competitive process is an open or invited competition;
2. describe the role of the developer;
3. describe the competition objectives and process;
4. require entries to include a statement prepared by a suitably qualified person stating the extent of compliance with the Tweed Local Environmental Plan ;
5. describe the proposed uses, floor area, construction methodology, estimated project budget and construction costs, and any special building requirements for the proposed development;
6. state the assessment criteria;
7. clearly emphasise the importance of excellence in the design;
8. describe the environmental sustainability criteria to be achieved and how they exceed the requirements of the Tweed Development Control Plan 2008 and BASIX;
9. state the minimum submission requirements for the competition.
10. indicate the level of documentation required for the submissions. The documentation should be sufficient to explain the design merits of the proposal. The extent of documentation should relate to the scale of the project and should not be excessive, however must include (but not limited to) elevations and plans, heights in RLs, Gross Floor Area tabulations by use, perspectives and photo-montages; and a materials/finishes board;
11. provide a site history and contextual/site information;
12. describe the options available to the developer following the jury's decision;

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13. state the composition of and provide the juror's obligations, including the nomination of the Jury Chair;
 14. provide the developers obligations;
 15. advise that the competition process is a public process and that competitors names are to be clearly visible on entries and may be used promotionally;
 16. state the fees to be paid to each of the competitors and, as appropriate the awarding of any prizes to the winner and runners up;
 17. include a disclaimer stating that the jury's or developer's decision will not fetter the discretion of the consent authority, given the consent authority will not form part of the judging process;
 18. allow a minimum period of 28 days (or other specified timeframe required by the consent authority) for the preparation of entries by competitors; and require competition entries to:
 - a) be of a quality suitable for public exhibition;
 - b) include an urban design analysis. On large sites with multiple buildings competitors must locate new streets and public domain improvements in context with proposed building form and building massing as appropriate;
 19. include, unless determined otherwise by the consent authority, any applicable Heritage Conservation Management Plan, Conservation Management Strategy, or other heritage conservation policy document where the subject site includes any heritage item or is located within a heritage conservation area;
 20. state that competitors are to have due regard to the conservation guidelines set out in any conservation policy referred to (in 19) above.

If the proposed competitive processes brief is not recommended when reviewed by the consent authority, the consent authority is to give its reasons within 14 days of the lodgement of the brief. A competition process void of a brief endorsed by the consent authority will not be considered valid in order to satisfy the provisions of the Tweed Local Environmental Plan.



3.0 JUDGING THE COMPETITION ENTRIES

- 3.1 Jury Establishment
- 3.2 Heritage-related applications
- 3.3 Assessment and decision
- 3.4 Architectural Design Competition Report
- 3.5 Design Integrity
- 3.6 Design Integrity Assessment
- 3.7 Procedure where there is an Outstanding Resolution of a Preferred Design
- 3.8 Completion of the Architectural Design Competition Process

3.1 Jury Establishment

The jury is to comprise a minimum of three (3) members and maximum of six (6) members.

The jury is to comprise of:

1. half the members nominated by the consent authority, who have no pecuniary interests in the development proposal or involvement in approval processes;
2. half the members nominated by the developer, and
3. the Director General of the Department of Planning (or their representative)

Jury members are to:

1. represent the public interest;
2. be appropriate to the type of development proposed;
3. include only persons who have expertise and experience in the design and construction professions and industry; and
4. include a majority of registered architects with urban design expertise.

3.2 Heritage-related applications

If the proposed development includes a building listed in Schedule 5 of Tweed Local Environmental Plan or where a site is located within a conservation area, or in the vicinity of a heritage item, it is required that one member of the jury be an appropriately qualified heritage consultant.

3.3 Assessment and decision

A minimum of three competitive submissions must be considered.

A copy of the submissions will be distributed to the jury members a week prior to the convened jury meeting, a site inspection will be carried out for them, and the consent authority will provide a summary of planning compliance against the provisions of the Tweed Local Environmental Plan.

The competitors must present their entry to the jury in person. The presentation must be no longer than 15 minutes followed by questions from the jury.

Each competitor's submission may be graded (i.e. 1st, 2nd, 3rd, etc) by the jury according to the assessment criteria. The jury's decision will be via a majority vote. Unanimous agreement is not required.

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

In the event that a winner is not selected, the jury may recommend that further refinements be made to up to two (2) of the submissions. For these

submissions they will list the design issues for the first and second ranked scheme and request they redesign their entry and represent the entry within 21 days of the initial presentation. Upon completion of the second presentation to the jury, the jury will rank the competition submissions (first and second).

The jury may decline to declare a winner of the architectural design competition if none of the entries exhibit design excellence. If the jury declines to declare a winner, the jury may recommend that none of the entries exhibit design excellence and accordingly end the process.

3.4 Architectural Design Competition Report

Following its determination, the jury is required to prepare a report (to be referred to as the Architectural Design Competition Report) detailing:

1. the competition process and incorporating a copy of the competition brief;
2. the jury's assessment of the design merits of each of the entries;
3. the rationale for the choice of preferred design, and how it exhibits design excellence; and
4. an outline of any further recommended design amendments or propose conditions of development consent that are relevant to the achievement of design excellence.

The jury is expected to reach a decision on whether to request a redesign within 14 days and will submit a jury report (referred to as the architectural design competition report) to the developer, within 14 days of its decision.

Following the jury's decision, the consent authority may require the developer to hold a public exhibition of the design competition entries.

3.5 Design Integrity

The architect who designed the winning scheme (as chosen via the 'architectural design competition') is to be appointed as the Design Architect to:

1. prepare a Development Application for the preferred design;
2. prepare the design drawings for a construction certificate for the preferred design;
3. prepare the design drawings for the contract documentation; and
4. maintain continuity during the construction phases to the completion of the project.

The winning architect may work in association with other architectural practices but is to retain a leadership role over design decisions.

On sites over 20,000sqm, the design architect will nominate particular buildings for the other competitors to design (thus absorbing their competition fee within their commission fee).

3.6 Design Integrity Assessment

The purpose of the Design Integrity Assessment (DIA) is to inform 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.

If considered necessary by the Consent Authority, the competition jurors appointed by the Consent Authority or an independent panel established by the Consent Authority may be requested to undertake a DIA to assess design excellence or integrity and/or continuity and scope for improvement.

Where a continuation of design integrity has not occurred, the competition jurors appointed by the consent authority or an independent panel established by the consent authority 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 jury shall make such recommendations within 28 days of a request. The cost of such review is to be borne by the consent authority.

3.7 Procedure where there is an Outstanding Resolution of a Preferred Design

In the event that:

- the jury does not reach a decision,
- the developer is not satisfied with the nomination,
- the developer 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 developer or the Consent Authority may request that the Jury reconvene and make a recommendation as to what further competitive processes or requirements would be necessary to permit an alternative or revised design to satisfy the design excellence provisions.

The jury shall make such recommendations within 28 days of a request. The cost of such review is to be borne by the developer.

In the event that the developer decides not to proceed with the architect of the winning entry. The developer will -

1. provide the consent authority with written reasons for this decision and,
2. restart the Architectural Design Competition

3.8 Completion of the Architectural Design Competition Process

The Tweed Local Environmental Plan requirement that an architectural design competition be held in relation to a proposed development is deemed to be satisfied upon:

1. the issue of a report by the competition jury, or
2. the completion of any further competitive processes recommended by the Jury following a requested review, or
3. should the jury make no further recommendations, 28 days after such a request for review is made, in which case the competition requirement is considered discharged.

