

P321 – South Perth Activity Centre Competitive Design Policy

Responsible Business Unit/s	Development Services
Responsible Officer	Director Development and Community Services
Affected Business Unit/s	Development Services

Policy Status

This policy is made pursuant to Part 2 (Division 2) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulation 2015* (the Regulations). Under clause 3(3) of the Regulations (Part 2), the City may make a local planning policy based on sound town planning principles to address a strategic or operational consideration.

Policy Application

This Policy applies to any development in the South Perth Activity Centre Plan area seeking building height and/or plot ratio in excess of the applicable tier 1 building height and/or plot ratio limits specified in Provision 5, Elements 2 and 6 of Schedule 9B of Town Planning Scheme No. 6 (the Scheme).

Policy Purpose

Provision 5, Element 7.3 of Schedule 9B of the Scheme specifies that any development seeking building height and/or plot ratio above the applicable tier 1 building height and/or plot limits is required to undertake a competitive design process and achieve an exemplary standard of architectural design quality. In determining whether this clause is met the responsible authority is to have due regard to the outcomes of the competitive design process. This Policy establishes the processes an applicant is required to undertake to demonstrate that a proposed development is the result of a competitive design process.

Policy Objectives

- i. Establish the steps an applicant is required to undertake to demonstrate that a proposed development is the result of a competitive design process
- ii. Ensure that the competitive design process works within the framework of an approved Design Excellence Strategy
- iii. Establish a competitive design process brief that ensures:
 - a. the design quality requirements of the Scheme and South Perth Activity Centre Plan, are balanced with the developer's objectives; and
 - b. procedural fairness for competitors.

- iv. Set out the different requirements for architectural design competitions and alternative competitive design processes
- v. Detail the approach for assessment, decision-making and dispute resolution within the competitive design process
- vi. Ensure that design excellence integrity is continued into detailed development proposals

Policy Statement

1.0 Demonstrating a competitive design process

- (a) An applicant can demonstrate that a competitive design process required by Element 7.3 of Schedule 9B of the Scheme has been achieved by undertaking any of the following:
 - i. An 'open' architectural design competition; or
 - ii. An 'invited' architectural design competition; or
 - iii. An 'invited' competitive design alternative process.
- (b) The competitive design process is to be undertaken prior to the preparation and submission of a development application.
- (c) Each competitor in a competitive process must be a person, corporation or firm registered and/or licensed as an architect pursuant to the *Architects Act, 2004* and the *Architects Regulations, 2005* or, in the case of interstate or overseas competitors, registered and/or licensed under their equivalent legislation.
- (d) The competitive design process is to be undertaken in accordance with a Design Excellence Strategy which is to be agreed with the City prior to undertaking the process set out in sections, 2.0, 3.0 and 4.0 of this Policy.
- (e) The Design Excellence Strategy is to define:
 - i. The type of competitive design process(es) to be undertaken as specified in Part 1.0(a) of this Policy; and
 - ii. The number of designers involved in the process(es); and
 - iii. How architectural design variety is to be achieved across large sites; and
 - iv. Options for distributing any additional building height or plot ratio which may be approved by the responsible authority for demonstrating exemplary design through a competitive design process.

2.0 Documentation Requirements and Costs

- (a) The competitive design process brief is to be in accordance with the City's Model Competitive Design Process Brief
- (b) The competitive design process brief must:
 - i. Allow competition entrants at least 28 days to complete their designs; and
 - ii. Clearly set out the fees and/or prizes offered to participants in the competition; and

- iii. Clearly set out the assessment criteria;
 - iv. Include a disclaimer stating that the outcomes of the competitive design process will not fetter the discretion of the Responsible Authority since the Responsible Authority will not form part of the judging process.
- (c) The competitive design process brief is to be reviewed and endorsed by the City prior to its distribution to competitors.
- (d) If the proposed competitive design processes brief is not approved by the City, the City is to give its reasons within 14 days of the lodgement of the brief.
- (e) 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 City.
- (f) The competitive design process is to be paid for by the developer
- (g) In the event of an 'open' or 'invited' architectural design competition, the City will convene the competition judging panel, including the provision of administrative and secretarial services for the recording of the panel proceedings and preparation of the Design Competition Report.

3.0 Process for 'Open' and 'Invited' Architectural Design Competitions

- (a) 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 design process brief and invited to participate.
- (b) The call for expressions of interest for an 'open' competition is to state:
- i. The form and purpose of the competition; and
 - ii. Any prizes to be awarded; and
 - iii. The minimum submission requirements.
- (c) In an 'invited' architectural design competition, the developer invites a minimum of three (3) competitors to participate in the competition and supplies each with the competitive design process brief.

3.1 Assessment and Decision

- (a) The judging panel (the panel) is to include a minimum of four (4) members and a maximum of six (6) members and shall comprise:
- i. Half of the members from the City's Design Review Panel; and
 - ii. Half of the members nominated by the developer; and
 - iii. If the proposed development includes a building listed on either the State Register of Heritage Places or the Local Heritage List, at least one member of the jury is to be an appropriately qualified heritage consultant.

- (b) Members of the judging panel are to:
- i. Represent the public interest; and
 - ii. Be appropriate to the type of development proposed; and
 - iii. Include only persons who have expertise and experience in the design and construction professions and industry; and
 - iv. Include a majority of registered architects with urban design expertise; and
 - v. Not have a pecuniary interest in the development.
- (c) A minimum of three (3) competition submissions must be considered.
- (d) A minimum of one week prior to the judging panel meeting a copy of the submissions will be distributed to the panel members and a site inspection will be carried out by them. The site inspection is to be organised and coordinated by the City.
- (e) The competition entrants must present their entry to the panel in person. The presentation must be no longer than 30 minutes followed by questions from the jury.
- (f) Each competition submission shall be scored by the panel according to the assessment criteria.
- (g) Having regard to the score of each submission the Panel may determine a winner of the architectural design competition via a majority vote.
- (h) In the event that a winner is not selected, the panel may recommend that further refinements be made to one or more of the submissions. For these submissions they will list the design issues for the first and second ranked submission and request the entrant redesign their submission and re-present the entry within 21 days of the initial presentation.
- (i) Upon completion of the second presentation to the panel, the panel will score each competition submission according to the assessment criteria and having regard to the score may determine a winner of the architectural design competition via a majority vote.
- (j) The panel may decline to declare a winner of the architectural design competition if none of the entries exhibit exemplary design. If the jury declines to declare a winner, the jury may recommend that none of the entries exhibit exemplary design and accordingly end the process.
- (k) The decision of the panel will not impact the discretion of the responsible authority in its determination of any subsequent development application associated with the development site that is the subject of the competition.

3.2 Architectural Design Competition Report

- (a) Following any determination of the Panel under Part 3.1 of this Policy, an Architectural Design Competition Report is to be prepared by the City, and approved by the panel, detailing:

- i. the competition process, including a copy of the competition brief;
 - ii. the panel's assessment of the design merits of each of the entries;
 - iii. the rationale for the choice of the preferred design which must clearly demonstrate how it best exhibits exemplary design in accordance with the provisions of Element 7 of Schedule 9B of the Scheme and Part 4.3.3 of the South Perth Activity Centre Plan; and
 - iv. an outline of any further recommended design modifications or proposed conditions of development approval that are relevant to the achievement of exemplary design
- (b) The architectural design competition report is to be provided to the developer within 14 days of the panel's decision.

3.3 Process for an Outstanding Resolution of a Preferred Design

- (a) In the event that:
- i. the panel does not reach a decision;
 - ii. the developer is not satisfied with the nomination;
 - iii. the developer wishes to make a substantial modification;
 - iv. the City considers the project submitted for approval (or as subsequently modified) to be substantially different, or
 - v. the responsible Authority resolves it will not grant consent to the design nominated

either the developer or the City may request that the Panel 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 requirement provisions of Element 7 of Schedule 9B.

- (b) The Panel shall make such recommendations referred to above within 28 days of a request.
- (c) The cost of such review is to be borne by the developer.
- (d) In the event that the developer decides not to proceed with the architect of the winning submission. The developer will:
- i. provide the City with written reasons for this decision; and
 - ii. restart the Architectural Design Competition process

3.4 Completion of the Architectural Design Competition Process

- (a) Element 7.3 of Schedule 9B of the Scheme is deemed satisfied upon:
- i. the issue of a report by the competition panel; or
 - ii. the completion of any further competitive processes recommended by the Panel following a requested review; or
 - iii. Should the panel make no further recommendations, 28 days after such a request for review is made, in which case the competition requirement is considered discharged.

4.0 Competitive Design Alternative Process

- (a) In an 'invited' competitive design alternatives process the developer invites a minimum of three (3) competitors who can demonstrate experience in the design of high quality buildings to participate in the process and supplies each with the competitive design process brief.
- (b) Each alternative should provide, at a minimum, an indicative design solution for the site, with sufficient detail to demonstrate that it is a feasible development option and achieves exemplary design in accordance with the approved Design Excellence Strategy.
- (c) The developer determines the outcome of the selection process
- (d) The City will nominate at least one independent person with no pecuniary interests in the development proposal or involvement in approval processes as observer of the competitive design alternatives selection process. The role of the observer is to verify that the competitive process has been followed appropriately and fairly.

4.1 Assessment and Decision

- (a) A minimum of three (3) competitive submissions must be considered.
- (b) The developer is to convene a selection panel of a minimum of three (3) people to assess submissions and determine a winner. Members of the selection panel are to:
 - i. Be appropriate to the type of development proposed; and
 - ii. Include only persons who have expertise and experience in the design and construction professions and industry; and
 - iii. include a majority of registered architects with urban design expertise; and
 - iv. Not have a pecuniary interest in the development; and
 - v. Be endorsed by the City having regard to the above via written advice.
- (c) A presentation of the design alternatives is to be made to the selection panel. A copy of the submissions will be provided to the City a week prior to the convened presentation of alternatives.
- (d) The City's observer must be provided with reasonable notice to attend all meetings involved with the competitive design alternatives selection process.
- (e) Each submission shall be scored by the selection panel according to the assessment criteria.
- (f) Having regard to the score of each submission the selection panel may determine a winner of the architectural design competition via a majority vote.
- (g) In the event that a winner is not selected, the selection panel may recommend that further refinements be made to one or more of the submissions. For these submissions they will list the design issues for the first and second ranked submission and request the entrant redesign their submission and re-present the entry within 21 days of the initial presentation. Upon completion of the second presentation to the developer, the developer will rank the competition submissions (first and second).

4.2 Competitive Design Alternatives Report

- (a) Upon the selection of a winner by the selection panel, a Competitive Design Alternatives Report is to be submitted to the City prior to the submission of a Development Application.
- (b) The Competitive Design Alternatives Report shall:
 - i. include each of the design alternatives considered;
 - ii. include an assessment against each of the assessment criteria;
 - iii. set out the rationale for the choice of preferred design and clearly demonstrate how this best exhibits exemplary design in accordance with Element 7.3 of Schedule 9B of the Scheme and Part 4.3.3 of the South Perth Activity Centre Plan;
 - iv. include a copy of the brief issued to the invited submitters.
- (c) The City will advise the applicant whether it endorses the process and outcome and whether it fulfils the requirements of the competitive design alternatives process in the form of pre-development application advice.
- (d) Element 7.3(a) of Schedule 9B is deemed satisfied by the City upon receipt of the advice referred to in section 4.2(c) of this Policy.

5.0 Processes for Subsequent Development Application

- (a) The designer of the winning scheme as chosen via the competitive design process is to be appointed as the Design Architect to:
 - i. prepare a Development Application for the preferred design;
 - ii. prepare the design drawings for a building permit for the preferred design;
 - iii. prepare the design drawings for the contract documentation; and
 - iv. maintain continuity during the construction phases to the completion of the project.
- (b) The winning architect may work in association with other architectural practices but is to retain a leadership role over design decisions.
- (c) The resultant development application from a competitive design alternatives process will be referred to the City's Design Review Panel in accordance with the Processes outlined in P303 to determine whether the development application is equivalent to, or through design development, an improvement upon the design qualities of the endorsed outcome of the competitive design process, and consequently exhibits exemplary design in accordance with the provisions of Element 7.3 of Schedule 9B of the Scheme.
- (d) The architectural design competition report or competitive design alternatives report shall be:
 - i. included as an attachment to the responsible authority report for any subsequent development application resulting from a competitive design alternatives process and;
 - ii. in conjunction with any advice from the City's Design review Panel provided as a result of the processes outlined in Part 4.2(d) of this Policy, appropriately referenced in the assessment of

the relevant provisions of Element 7 of Schedule 9B and Part 4.3.3 of the South Perth Activity Centre Plan.

Legislative/Local Law requirements

City of South Perth Town Planning Scheme No. 6
Planning and Development (Local Planning Schemes) Regulations 2015
Planning and Development Act 2005

Other relevant policies/key documents

City of South Perth Planning Policies

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