

Attachment D

**City of Sydney Competitive Design Policy –
as amended**

Competitive Design Policy



Contents

Purpose of this Policy	3
Objectives.....	4
Provisions.....	5
1. Demonstrating a competitive design process	5
2. Design Excellence Strategy	5
3. Three Types of competitive design process	5
4. Competitor requirements.....	6
5. Documentation requirements and costs	6
6. The competitive design process brief	6
7. Architectural Design Competitions (Open and Invited)	7
7. Jury establishment	7
8. Heritage-related applications.....	8
9. Assessment and decision.....	8
10. Architectural design competition report	8
11. Procedure where there is an outstanding resolution of a preferred design.....	9
12. Completion of the architectural design competition process.....	9
13. Observer	9
Competitive Design Alternatives Process.....	10
Assessment and decision.....	10
Competitive Design Alternatives Report	10
14. Design Integrity	11
15. Design Integrity Assessment.....	11
15. AMP Circular Quay Precinct.....	11
16. Central Sydney Tower Cluster Areas Competitive Design Process.....	12
16.1 Jury establishment	12
16.2 Competitors.....	13
16.3 Design Excellence Tower Cluster Areas Strategy	13
17 Optional alternative design review process – social housing and affordable housing.....	14

Note: Amendments to the existing Competitive Design Policy are shown with deletions in ~~strikethrough~~ and additions and edits in underline.

Post-exhibition amendments are shown in red, with deletions in ~~strikethrough~~ and additions and edits in underline.

Purpose of this Policy

1. The City of Sydney Competitive Design Policy (Policy), adopted by the Council on XX XX XXXX, establishes the processes an applicant is required to undertake to demonstrate that a proposed development is the result of a competitive design process.
2. Clause 6.21D (1) of the Sydney Local Environmental Plan 2012 (LEP) specifies the types of development that are required to undertake a competitive design process.
3. Clause 6.21D (1) of the ~~LEP Sydney Local Environmental Plan 2012~~ states that consent must not be granted to those types of development specified unless the proposed development is the result of a 'competitive design process'.
4. Competitive design process means either an 'open' or 'invited' architectural design competition or, in accordance with this policy, an optional alternative design review process. ~~Or the preparation of design alternatives on a competitive basis.~~
5. A competitive design process must be undertaken in accordance with an approved Design Excellence Strategy.
6. Clause 6.21D (3) of the LEP allows the consent authority to consider granting an additional amount of building height, or floor space, or both up to 10 per cent of the maximum permissible to a development that is the result of a competitive design process and exhibits design excellence.
7. If the development is located within Central Sydney and is the result of an architectural design competition it is eligible to receive a discount on the amount of Heritage Floor Space that is required to be allocated in accordance with Clause 6.11 (2) of the LEP, ~~up to a maximum of 1,000 square metres.~~ Eligibility is on the basis of the architectural design competition meeting the criteria set out at section 3.5 7.2 and 79.2 of this Policy.
8. If a development is located in a tower cluster area as identified in the Locality and Site Identification Map in the LEP, under Clause 6.21E (2) of the LEP it is eligible for up to 50 per cent additional floor space of the maximum permissible if it is the result of an architectural design competition and exhibits design excellence.

Objectives

- a. Establish the steps an applicant is required to undertake to demonstrate that a proposed development is the result of a competitive design process
- b. Clarify the timing of a competitive design process in a staged development application process
- c. Ensure that the competitive design process works within the framework of an approved Design Excellence Strategy
- d. Establish a competitive design process brief that ensures:
 - i. the ~~consent authority's~~ City of Sydney's (City) design excellence requirements are balanced with the ~~developer's~~ proponent's objectives, and
 - ii. procedural fairness for competitors
- e. Set out the ~~different~~ requirements for architectural design competitions ~~and competitive design alternatives processes.~~
- f. Detail the approach for assessment, decision making and dispute resolution within the competitive design process
- g. Ensure that design excellence integrity is continued into detailed development proposals through to completion of the project
- h. Clarify that the rationale for granting up to 10% additional floor space and/or building height under Clause 6.21D (3) of the LEP ~~Sydney Local Environmental Plan 2012~~ is to cover the cost of the competitive design process

Provisions

1. Demonstrating a competitive design process

- 1.1 An applicant can demonstrate that a competitive design process required by the LEP Sydney Local Environmental Plan 2012 has been achieved by undertaking an architectural design competition or an alternative design review process in accordance with this Policy. ~~Or the preparation of design alternatives on a competitive basis.~~
- 1.2 The competitive design process is to be undertaken prior to the detailed development application stage (Stage 2 development application).

2. Design Excellence Strategy

- 2.1 The competitive design process is to be undertaken in accordance with a Design Excellence Strategy approved by:

- (a) The consent authority, as part of an associated site-specific development control plan or concept development application (Stage 1 development application), or
- (b) The City/consent authority where no Design Excellence Strategy has been previously approved.

- 2.2 The Design Excellence Strategy is to define:

- (a) The location and extent of each competitive design process
- (b) The number and type of competitive design process(es) to be undertaken ('open' or 'invited')
~~(i) an architectural design competition, open or invited; or~~
~~(ii) the preparation of design alternatives on a competitive basis.~~
- (c) The number of designers involved in the process(es)
- (d) How fine grain and contextually varied architectural design ~~variety~~ is to be achieved across large sites
- (e) Whether the competitive design process is pursuing additional floor space ~~or~~, additional building height or both
- (f) Options for distributing any additional floor space ~~area~~, building height, or both which may be granted by the consent authority for ~~demonstrating design excellence through a competitive design process~~ a building demonstrating design excellence, as defined under 6.21A of the LEP

3. ~~Three~~ Types of competitive design process

- 3.1 A ~~developer~~ proponent can undertake:

- (a) an 'open' architectural design competition, or
- (b) an 'invited' architectural design competition.
- ~~(c) an 'invited' competitive design alternatives process~~

- 3.2 In an 'open' competition, the ~~developer~~ proponent is to publicly notify 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.

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

- (a) the form and purpose of the competition

Competitive Design Policy

- (b) any prizes to be awarded, and
- (c) the minimum submission requirements.

3.4 In an 'invited' architectural design competition, the ~~developer~~ proponent invites a minimum of ~~five (5)~~ three (3) competitors to participate in the competition and supplies each with the competitive design process brief.

3.5 A minimum of five (5) competitors must be invited to participate in an 'invited' competition where:

- (a) a heritage floor space discount is being sought, or
- (b) the subject building has, or will have, a height above ground level (existing) greater than 100 metres

~~3.5 In an 'invited' competitive design alternative process the proponent invites a minimum of three (3) competitors to participate in the process and supplies each with the competitive design process brief.~~

~~3.6 Each competitor in a competitive process must be a person, corporation or firm registered as an architect in accordance with the NSW Architects Act 2003 or, in the case of interstate or overseas competitors, eligible for registration with their equivalent association.~~

3.6 The competitive design process must allow the competitors at least 28 days to complete their designs.

4. Competitor requirements

4.1 Invited competitors are to have demonstrated capabilities in design excellence by being the recipient of an Australian Institute of Architects ~~architecture~~ award or commendation or, in the case of international competitors, the same with their equivalent association.

4.2 Each competitor must be a person, corporation or firm registered as an architect in accordance with the NSW Architects Act 2003 or, in the case of interstate or overseas competitors, eligible for registration with their equivalent association.

4.3 A minimum of 50 per cent of invited competitors must be Australian based architects.

4.4 The selection of competitors should include a mix of emerging and established architectural practices.

4.5 The City encourages a balanced gender mix within each competitors' design and leadership teams

4.6 The City encourages competitors to include Aboriginal and/or Torres Strait Islander peoples, people who are culturally diverse and people with disability.

5. Documentation requirements and costs

5.1 To ensure probity, the ~~applicant~~ proponent is to ensure that the documentation of the competitive design 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~~ City.

~~5.2 The architectural design competition or competitive design alternatives process is to be paid for by the developer proponent. In the event of an architectural design competition, 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.~~

6. The competitive design process brief

6.1 All details about the conduct and requirements of the competitive design process ~~brief~~ are to be contained within the competitive design process brief and no other document.

Competitive Design Policy

- 6.2 The competitive design process brief is to be reviewed and endorsed by the ~~consent authority~~ City/consent authority prior to its distribution to competition entrants.
- 6.3 The competitive design process brief is to be in accordance with the ~~Council's~~ City's Model Competitive Design Process Brief.
- 6.4 The competitive design process brief is to include a disclaimer stating that the jury's or ~~developer's~~ decision will not fetter the discretion of the consent authority since the consent authority will not form part of the judging process.
- 6.5 If the proposed competitive design processes brief is not ~~approved~~ endorsed by the ~~consent authority~~ City/consent authority, the ~~consent authority~~ City/consent authority is to give its reasons within 14 days of the lodgement of the competitive design process brief.
- 6.6 The competitive design process brief must clearly set out the fees and/or prizes offered to participants in the competition.

≡

Note: ~~Council's~~ The City's Model Competitive Design Process Brief was prepared by ~~Council~~ in consultation with the Australian Institute of Architects. It aims to ensure procedural fairness for competitors. Proposed variations of the Model Competitive Design Processes Brief must be reviewed and endorsed by the ~~consent authority~~ City.

~~7. Architectural Design Competitions (Open and Invited)~~

~~7.1 Judging the competition entries — jury establishment~~

7. Jury establishment

7.1 The jury is to comprise a minimum of four (4) members and a maximum of six (6) members.

7.2 The jury is to comprise six (6) members where:

- (a) a heritage floor space discount is being sought, or
- (b) the subject building has, or will have, a height above ground level (existing) greater than 100 metres

7.3 The jury is to comprise of:

- (a) half the members nominated by the ~~consent authority~~ City, who have no pecuniary interests in the development proposal or involvement in the approval processes, ~~and~~
- (b) half the members nominated by the ~~developer~~ proponent, ~~and~~
- (c) a gender representation target ratio of 40% male, 40% female and 20% any gender.

7.4 The City encourages juries to include Aboriginal and/or Torres Strait Islander peoples, people who are culturally diverse and/or people with disability.

7.5 Jury members are to:

- (a) represent the public interest
- (b) be appropriate to the type of development proposed
- (c) include only persons who have expertise and experience in the design and construction professions and industry
- (d) include a majority of registered architects with urban design expertise.

Note: More detail regarding the jury obligations is contained in the City's Model Competitive Design Process Brief.

8. Heritage-related applications

- 8.1 If the proposed development includes a building listed in Schedule 5 of the LEP, or where a site is located within a conservation area, or in the vicinity of a heritage item, then at least one member of the jury is to ~~be an appropriately qualified heritage consultant~~ have appropriate heritage expertise.

9. Assessment and decision

- 9.1 A minimum of ~~five (5)~~ three (3) competitive submissions must be considered.
- 9.2 A minimum of five (5) competitive submissions must be considered where:
- (a) a heritage floor space discount is being sought, or
 - (b) the building has, or will have, a height above ground (existing) greater than 100 metres.
- 9.3 At least a week prior to the convened jury meeting a copy of the submissions will be distributed to the jury members and a site inspection will be carried out ~~for them~~ by the jury.
- 9.4 The competitors must present their entry to the jury in person. The presentation must be no longer than 30 minutes followed by questions from the jury.
- 9.5 Each competitor's submission may be graded (i.e. 1st, 2nd, 3rd, etc.) by the jury according to the City's assessment criteria.
- 9.6 The jury's decision will be via a majority vote. Unanimous agreement is not required.
- 9.7 The decision of the jury will not fetter the discretion of the consent authority in its determination of any subsequent development applications associated with the development site that is the subject of the competition.
- 9.8 In the event that a winner is not selected, the jury may request clarification or recommend amendments to address design excellence matters to that further refinements be made to one or more of the submissions ~~the top two submissions~~. The jury is expected to reach a decision on whether to request amendments within 14 days. For these submissions ~~they~~ the jury will list in writing the design issues for the first and second ranked scheme and request they ~~redesign their entry and~~ re-present 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).
- 9.9 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.

10. Architectural design competition report

- 10.1 Following its determination, the jury is required to prepare an architectural design competition report ~~(to be referred to as the Architectural Design Competition Report)~~ detailing:
- (a) the competition process and incorporating a copy of the competition brief
 - (b) the jury's assessment of the design merits of each of the entries
 - (c) the rationale for the choice of preferred design which must clearly demonstrate how it best exhibits the potential to achieve design excellence in accordance with the provisions of Clause 6.21C (2) of the LEP and the approved Design Excellence Strategy
 - (d) an outline of any further recommended design amendments ~~or proposed conditions of development consent~~ that are relevant to the achievement of design excellence.
- 10.2 ~~The jury is expected to reach a decision on whether the request to redesign within 14 days and will submit a jury report (referred to as the architectural design competition report) to the~~

Competitive Design Policy

~~developer and the consent authority,~~ The architectural design competition report is to be submitted to the proponent and the City/consent authority within 14 days of the jury's decision.

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

10.4 The architectural design competition report is to be submitted with the detailed development application.

11. Procedure where there is an outstanding resolution of a preferred design

11.1 In the event that:

- (a) the jury does not reach a decision,
- (b) the ~~developer~~ proponent is not satisfied with the nomination,
- (c) the ~~developer~~ proponent wishes to make a substantive modification,
- (d) the ~~consent authority~~ City considers the project submitted for approval (or as subsequently modified) to be substantially different, or
- (e) the ~~consent authority~~ City indicates it ~~will~~ would not ~~grant~~ recommend consent to the design nominated,

then either the ~~developer~~ proponent or the ~~consent authority~~ City 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.

11.2 The jury shall make such recommendations within 28 days of a request.

11.3 The cost of such review is to be borne by the ~~developer~~ proponent.

11.4 In the event that the ~~developer~~ proponent decides not to proceed with the architect of the winning entry, the ~~developer~~ proponent will –

- (a) provide the ~~consent authority~~ City with written reasons for this decision, and
- (b) restart the architectural design competition.

12. Completion of the architectural design competition process

12.1 The LEP requirement that an architectural design competition be held in relation to a proposed development is deemed to be satisfied upon:

- (a) the issue of a report by the competition jury acknowledged by the City/consent authority, or
- (b) the completion of any further competitive processes recommended by the jury following a requested review, or
- (c) should the jury make no further recommendations, 28 days after such a request for review is made.

13. Observer

13.1 The City will nominate at least one observer to the competitive design process, including any Design Integrity Assessment process, at its discretion. The observer(s) must be provided with reasonable notice to attend all meetings involved with the competitive design process.

13.2 The role of the observer is to verify that the competitive process has been followed appropriately and fairly.

Competitive Design Alternatives Process

1. The design alternatives are to be prepared in response to a Competitive Design Process Brief by a minimum of three (3) different architectural firms who can demonstrate experience in the design of high quality buildings. 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 design excellence in accordance with the approved Design Excellence Strategy.
2. The consent authority will nominate at least one independent person as observer of the competitive design alternatives selection process. The observer must be provided with reasonable notice to attend all meetings involved with the competitive design alternatives selection process.
3. The role of the observer is to verify that the competitive process has been followed appropriately and fairly.
4. The developer determines the outcome of the selection process.

Assessment and decision

1. A minimum of three (3) competitive submissions must be considered.
2. A presentation of the design alternatives is to be made to the developer's selection panel. A copy of the submissions will be provided to the consent authority a week prior to the convened presentation of alternatives.
3. The developer may rank the competition submissions (i.e. 1st, 2nd, 3rd, etc).
4. The decision of the developer 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.
5. In the event that a winner is not selected, the developer 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 developer, the developer will rank the competition submissions (first and second).

Competitive Design Alternatives Report

1. When competitive design alternatives have been prepared and considered, the consent authority requires the applicant to submit a Competitive Design Alternatives Report prior to the submission of the relevant Stage 2 Development Application.
2. The Competitive Design Alternatives Report shall:
 - a. include each of the design alternatives considered;
 - b. include an assessment of the design merits of each alternative;
 - c. set out the rationale for the choice of preferred design and clearly demonstrate how this best exhibits design excellence in accordance with the provisions of Clause 6.21C(2) of the *Sydney Local Environmental Plan 2012* and the approved Design Excellence Strategy;
 - d. include a copy of the brief issued to the architectural firms.
3. The consent authority 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.
4. The consent authority may need to determine whether the resulting development application or subsequent Section 96 modification is equivalent to, or through design development, an

~~improvement upon the design qualities of the endorsed outcome. If necessary, further competitive processes may be required to satisfy the design excellence provisions.~~

14. Design Integrity

- 14.1 The designer of the winning scheme (as chosen via the competitive design process) is to be appointed as the design architect to:
- (a) prepare a development application for the preferred design
 - (b) prepare the design drawings for a construction certificate for the preferred design
 - (c) prepare the design drawings for the contract documentation
 - (d) maintain continuity during the construction phases to the completion of the project.
- 14.2 The winning architect may work in association with other architectural practices but is to retain a leadership role over design decisions.

15. Design Integrity Assessment

- 15.1 Where a competitive design process winning scheme is ~~subsequently developed or substantially modified, the City may, at its sole discretion, require~~ a Design Integrity Assessment (DIA) ~~will be required~~ to be submitted to the consent authority with the application.
- 15.2 The purpose of the 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.
- 15.3 The DIA will be prepared by the jurors or an independent panel appointed by the consent authority at the cost of the ~~developer~~ proponent.
- 15.4 Where a continuation of design integrity has not occurred, the competition jurors appointed by the ~~consent authority~~ City or an independent panel established by the ~~consent authority~~ City 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.
- 15.5 The jury or independent panel shall make such recommendations within 28 days of a request ~~by the City~~.
- 15.6 The cost of such review is to be borne by the consent authority.

15. AMP Circular Quay Precinct

- 15.1 ~~The objective of this section is to recognise the specific characteristics of the AMP Circular Quay Precinct and its intended redevelopment by setting out a site specific architectural design competition framework which will achieve:~~
- ~~(a) an integrated design excellence outcome for the whole precinct,~~
 - ~~(b) competition winning design excellence for the Bridge and Alfred Block tower, and~~
 - ~~(c) fine grain design excellence and architectural diversity for the Young and Loftus Block.~~
- 15.2 ~~For development subject to the provisions of clause 6.26 AMP Circular Quay Precinct of Sydney Local Environmental Plan 2012 an architectural design competition, subject to an approved Design Excellence Strategy, may include two components as follows:~~
- ~~(a) an initial phase where an international architectural design competition is undertaken for the whole of the site where:~~
 - ~~(i) each competitor must submit a detailed design for the Bridge and Alfred Street Tower and other related development within the Bridge and Alfred Street Block; and~~

Competitive Design Policy

- ~~(ii) each competitor must also submit preliminary design concepts and principles for building projects within the Young and Loftus Street Block;~~
- ~~(iii) the designer of the winning scheme for the initial phase of the international architectural design competition is to be appointed as Design Architect in accordance with clause 5.1 13 of this Policy for the Bridge and Alfred Street Block.~~
- ~~(b) a second phase where:~~
 - ~~(i) separate design architects are appointed for each building project within the Young and Loftus Street Block, and are to be selected by an Expressions of Interest Process, the terms of which are to be agreed to by the consent authority through an approved Design Excellence Strategy; and~~
 - ~~(ii) successful architects selected through the Expressions of Interest Process will be appointed as Design Architect for each building project within the Young and Loftus Street Block and are to carry out the tasks identified in section 5.1 13 of this policy for their assigned building project(s).~~

16. Central Sydney Tower Cluster Areas Competitive Design Process

The objective of this section is to recognise the specific characteristics of high density development in Tower Cluster Areas included on the Locality and Site Identification Map ~~Site Locality map~~ in the Sydney LEP 2012. This Section applies to the areas identified on the Locality and Site Identification Map, Key Sites Map, Foreshore Building Line Map as 'Tower Cluster Areas' in the Sydney Local Environmental Plan 2012 and their intended redevelopment by setting out a specific design excellence framework which will:

- (a) drive innovation through would class sustainable design
- (b) make an exceptional contribution to the Sydney skyline
- (c) increase the extent and quality of the public domain and make a high quality contribution above and beyond standard requirements
- (d) promote adaptive renewal of existing structures.

Where there is an inconsistency between this section and any other section of this policy, this section prevails to the extent of the inconsistency.

For development subject to the provisions of clause 6.21E of the LEP, an architectural design competition, subject to an approved Design Excellence Strategy as part of an associated concept DA or site specific development control plan, must be conducted in accordance with this policy.

For any competition matters not addressed in this section, all other relevant City of Sydney Competitive Design Policy provisions apply.

16.1 Jury establishment

The jury is to comprise six (6) members in the following composition:

- (a) Three (3) members nominated by the City of Sydney, who have no pecuniary interests in the development proposal or involvement in the approval processes
- (b) Three (3) members with architecture and urban design expertise nominated by the proponent including one (1) independent member*, ~~and~~
- (c) at least one (1) of the above members is to have sustainability expertise, and
- (d) is to meet a gender representation target ratio **target** of 40% male, 40% female and 20% any gender.

* an independent member means a person who is not a contracted employee of consultant to the proponent except for the purposes of being a juror for the subject design competition.

16.2 Competitors

- 16.2.1 The proponent invites a minimum of six (6) competitors to participate in the competition.
- 16.2.2 A Each competitor shall have demonstrated capabilities in design excellence by being the recipient of an Australian Institute of Architects (AIA) commendation or award in the past ~~5~~ 10 years. In the case of overseas competitors, the same with their equivalent professional association.
- 16.2.3 A minimum of 50 per cent of competitors must be Australian based architects.
- 16.2.4 At least one (1) competitor is an emerging architect, or all competitors must be in partnership with emerging architects.
- 16.2.5 Competitors must demonstrate:
- (a) their experience on projects that have either received an environmental sustainability award or achieved high Green Star Design & As Built or NABERS Energy/Water ratings
 - (b) they meet a gender representation ratio of 40% male, 40% female and 20% any gender in both their design team and leadership.
- 16.2.6 The competitive design process must allow the competitors at least ~~4 weeks~~ 28 days to complete their designs.
- 16.2.7 The proponent is to pay each competitor/team at least \$AUD 150,000 (from 2020 adjusted by CPI)
- 16.2.8 Each competitor must be a person, corporation or firm registered as an architect in accordance with the NSW Architects Act 2003 or, in the case of interstate or overseas competitors, eligible for registration with their equivalent professional association.

16.3 Design Excellence Tower Cluster Areas Strategy

- 16.3.1 A concept (Stage 1) DA or a Central Sydney site-specific DCP prepared as part of a Planning Proposal, that seeks additional floor space under clause 6.21E of the Sydney LEP 2012 must demonstrate compliance with Division 4 Design Excellence LEP 2012 and the provisions under Section 3.3 of Sydney DCP 2012 and undertake an architectural design competition. The Design Excellence Strategy must be approved with the concept development application.
- 16.3.2 In accordance with the requirements set out in Section 3.3.8 of the Sydney DCP 2012, the concept (Stage 1) DA must document:
- (a) a complying base case massing envelope
 - (b) at least 3 alternative massing envelopes
 - (c) (d) environmental testing of all massing envelopes including
 - (i) overshadowing of protected public places
 - (ii) public view protection planes
 - (iii) Sydney Airport Prescribed Airspace
 - (iv) Special Character Area street frontage heights, setbacks and tower heights
 - (v) compliance with tower massing and tapering requirements of any relevant development control plan or guide
 - (vi) wind tunnel testing
 - (vii) wind and daylight equivalence form testing
 - (viii) underground infrastructure
 - (ix) indicative floor space ratio for each massing envelope

- 16.3.3 The massing envelopes, environmental testing and indicative floor space ratio will form part of the competitive design brief.
- 16.3.4 The consent authority will amend the indicative floor space ratio based on the assessment of the concept development application.

17 Optional alternative design review process – social housing and affordable housing

- 17.1 Eligible development is development for the purposes of affordable housing, ~~as defined by the Environmental Planning and Assessment Act 1979, and provided in perpetuity,~~ with no market or other types of housing included. Non-residential floor space on the ground and first floor may be included ~~where required under the City's planning controls or~~ for noise-affected sites.
- 17.2 Eligible community housing providers must be ~~not-for-profit and~~ registered as Tier 1 or ~~Tier 2~~ in the National Register for Community Housing Providers maintained by the National Regulatory System for Community Housing.
- 17.3 This section applies to eligible development by eligible community housing providers where a competitive design process is required under 6.21D(1)(a) to (c) of the LEP.
- 17.4 For eligible development of affordable housing by an eligible community housing provider, the requirement for a competitive design process may be satisfied by undertaking an architectural design competition or an alternative design review process where:
- (a) an architect, that is the recipient of an Australian Institute of Architects award or commendation, is appointed by an eligible community housing provider to prepare a development application
 - (b) a Design Excellence Strategy, addressing the matters set out in 2.2 of this Policy, is approved by the City in accordance with 2.1 of this Policy
 - (c) an independent design review panel (panel) is established before development application lodgement to review and provide design advice to the City on the initial concept and on the developed proposal and how it has addressed the panel's advice
 - (d) a statement from the panel is submitted with the development application setting out how the proposal demonstrates ~~the potential to achieve~~ design excellence under 6.21C(2) of the LEP
 - (e) the panel comprises:
 - (i) three members nominated by the City
 - (ii) a majority of registered architects, including two members from: the State Design Review Panel or equivalent, or the City's Design Advisory Panel or Design Advisory Panel Residential Subcommittee
 - (f) panel costs are met by the City
 - (g) Secretariat will be provided by the City
- 17.5 The decision of the panel will not fetter the discretion of the consent authority in its determination of any subsequent development applications associated with the development site.
- 17.6 No other provisions of this Policy apply to this section, except for sections 2 *Design Excellence Strategy* and ~~143~~ *Design Integrity*, where:
- (a) competitive design process in section 2 is taken to be a reference to the alternative design review process set out at ~~17.42~~
 - (b) designer of the winning scheme (as chosen via the competitive design process) in ~~143.1~~ and winning architect in ~~143.2~~ is taken to be a reference to the architect appointed by the community housing provider ~~described~~ in 17.2.

