



# City Planning & Environment Committee

6:30 PM

Wednesday 6 August 2025

**Venue:**

Committee Room, Botany Town Hall  
1423 Botany Road, Botany  
(Corner of Edward Street and Botany Road, Botany)

**Contact Us:**

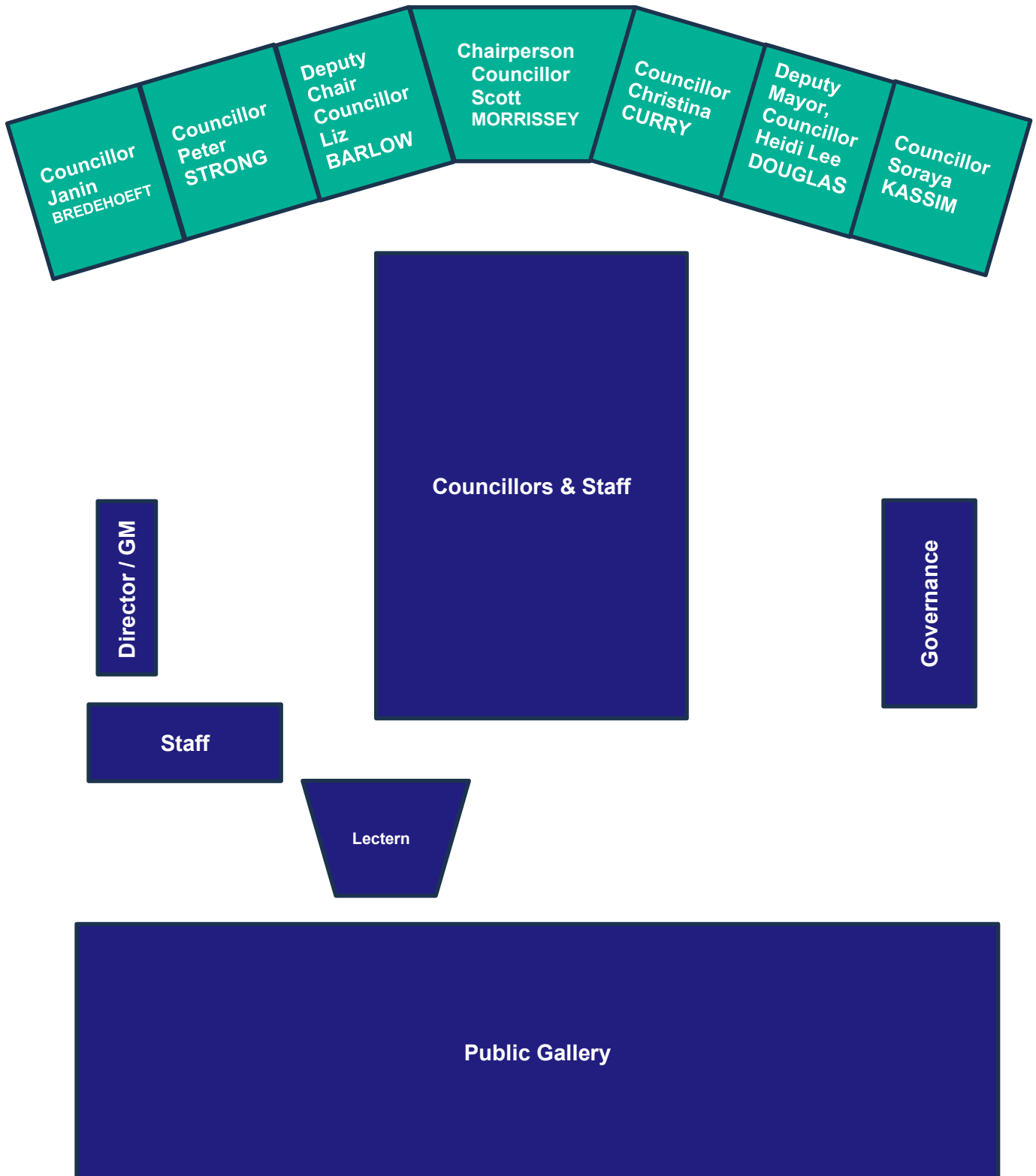
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PO Box 21, Rockdale NSW 2216

ABN: 80 690 785 443

## City Planning & Environment Committee Seating Plan





# Statement of Ethical Obligations

## Obligations

### Oath [Affirmation] of Office by Councillors

#### Oath

I swear that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

#### Affirmation

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Bayside Local Government Area and the Bayside Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment.

## Code of Conduct conflict of interests

### Pecuniary interests

A Councillor who has a **pecuniary interest** in any matter with which the council is concerned, and who is present at a meeting of the council at which the matter is being considered, must disclose the nature of the interest to the meeting.

The Councillor must not be present at, or in sight of, the meeting:

- a) at any time during which the matter is being considered or discussed, or
- b) at any time during which the council is voting on any question in relation to the matter.

### Non-pecuniary conflicts of interests

A Councillor who has a **non-pecuniary conflict of interest** in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

### Significant non-pecuniary interests

A Councillor who has a **significant** non-pecuniary conflict of interest in relation to a matter under consideration at a council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

### Non-significant non-pecuniary interests

A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest must also explain why conflict of interest is not significant and does not require further action in the circumstances.

## **MEETING NOTICE**

A meeting of the  
**City Planning & Environment Committee**  
will be held in the Committee Room, Botany Town Hall  
1423 Botany Road, Botany  
(Corner of Edward Street and Botany Road, Botany)  
on **Wednesday 6 August 2025 at 6:30 PM**

## **AGENDA**

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY.....</b>	<b>5</b>
<b>2</b>	<b>APOLOGIES, LEAVE OF ABSENCE &amp; ATTENDANCE VIA AUDIO-VISUAL LINK</b>	<b>5</b>
<b>3</b>	<b>DISCLOSURES OF INTEREST .....</b>	<b>5</b>
<b>4</b>	<b>MINUTES OF PREVIOUS MEETINGS .....</b>	<b>6</b>
4.1	Minutes of the City Planning & Environment Committee Meeting - 2 July 2025 .....	6
<b>5</b>	<b>ITEMS BY EXCEPTION .....</b>	<b>11</b>
<b>6</b>	<b>PUBLIC FORUM .....</b>	<b>11</b>
<b>7</b>	<b>REPORTS .....</b>	<b>12</b>
CPE25.021	Draft Mascot to Eastlakes Active Transport Feasibility Report .....	12
CPE25.022	Development Services - 2024/2025 Performance Report.....	46
CPE25.023	Policy Update - Design Excellence Framework.....	53
<b>8</b>	<b>CONFIDENTIAL REPORTS .....</b>	<b>118</b>
	Closed Committee Meeting	
CPE25.024	CONFIDENTIAL - Development of Draft Mascot Masterplan .....	118
	Resumption of Open Committee Meeting	

The meeting will be video recorded and live streamed to the community via Council's YouTube channel, in accordance with Council's Code of Meeting Practice.

Meredith Wallace  
**General Manager**

**1 ACKNOWLEDGEMENT OF COUNTRY**

Bayside Council acknowledges the Bidjigal Clan, the traditional owners of the land on which we meet and work and acknowledges the Gadigal people of the Eora Nation. Bayside Council pays respects to Elders past and present.

**2 APOLOGIES, LEAVE OF ABSENCE & ATTENDANCE VIA AUDIO-VISUAL LINK**

**3 DISCLOSURES OF INTEREST**

In accordance with Council's Code of Meeting Practice, Councillors are reminded of their Oath or Affirmation of Office made under Section 233A of the Local Government Act and their obligations under the Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

## **4 MINUTES OF PREVIOUS MEETINGS**

### **City Planning & Environment Committee**

**6/08/2025**

Item No	4.1
Subject	<b>Minutes of the City Planning &amp; Environment Committee Meeting - 2 July 2025</b>
Report by	Richard Sheridan, Director City Performance
File	SF24/8119

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### **Officer Recommendation**

That the Minutes of the City Planning & Environment Committee meeting held on 2 July 2025 be noted.

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### **Present**

Councillor Scott Morrissey, Chairperson  
Councillor Liz Barlow, Deputy Chairperson  
Councillor Heidi Lee Douglas, Deputy Mayor  
Councillor Janin Bredehoeft  
Councillor Soraya Kassim  
Councillor Peter Strong

### **Also present**

Meredith Wallace, General Manager  
Peter Barber, Director City Futures  
Helen Tola, Acting Director City Performance (via Audio-Visual Link)  
David Smith, Manager Strategic Planning  
Louise Farrell, Manager City Infrastructure  
Anne Suann, Governance Officer  
Linda Hackett, Governance Officer  
Wolfgang Gill, IT Service Management Officer

---

The Chairperson opened the meeting in the Committee Room, Botany Town Hall at 6:40pm.

## **1 Acknowledgement of Country**

The Chairperson affirmed that Bayside Council acknowledges the Bidjigal Clan, the traditional owners of the land on which we meet and work and acknowledges the Gadigal people of the Eora Nation. Bayside Council pays respects to Elders past and present.

## **2 Apologies, Leave of Absence & Attendance Via Audio-Visual Link**

### **Apologies**

Moved by Councillors Kassim and Bredehoeft

That the apology from Council Curry be received and leave of absence granted.

### **Leave of Absence**

There were no applications for Leave of Absence received.

### **Attendance Via Audio-Visual Link**

There were no Committee members in attendance via audio-visual link.

## **3 Disclosures of Interest**

Councillor Douglas declared a Less than Significant Non-Pecuniary Interest in Item CPE25.020 on the basis that she has participated in forums and workshops with the Committee for Sydney in the past, and stated she would remain in the meeting for discussion and voting on the item.

## **4 Minutes of Previous Meetings**

### **[4.1 Minutes of the City Planning & Environment Committee Meeting - 4 June 2025](#)**

#### **Committee Recommendation**

Moved by Councillors Barlow and Strong

That the Minutes of the City Planning & Environment Committee meeting held on 4 June 2025 be noted.

### **4.2 Business Arising**

The Committee notes that the Minutes of the City Planning & Environment Committee of Wednesday 4 June 2025 were received, and the recommendations therein were adopted by the Council at its meeting of 25 June 2025.

## **5 Items by Exception**

There were no Items by Exception

## **6 Public Forum**

There were no speakers for Public Forum.

## **7 Reports**

SUSPENSION OF STANDING ORDERS

### **Committee Recommendation**

Moved by Councillors Morrissey and Douglas

That Standing Orders be suspended in order to deal with Item CPE25.020  
SUPPLEMENTARY - Presentation by Eamon Waterford, CEO Committee for Sydney  
regarding advocacy and opportunities for redesigning Princes Highway, the time being  
6:48pm.

**[CPE25.020 Presentation by Eamon Waterford, CEO Committee for  
Sydney regarding advocacy and opportunities for  
redesigning Princes Highway](#)**

Note: A presentation was given by Eamon Waterford, CEO, Committee for Sydney.

### **Committee Recommendation**

Moved by Councillors Bredehoeft and Kassim

That the City Planning & Environment Committee note the report and presentation.

RESUMPTION OF STANDING ORDERS

That Standing Orders be resumed, time being 7:10pm.

## **CPE25.017 Update on NSW Housing Delivery Authority**

Note: A presentation was given by David Smith, Manager Strategic Planning.

### **Committee Recommendation**

Moved by Councillors Strong and Douglas

That Council receives and notes the Update on NSW Housing Delivery Authority report.

**CPE25.018 Response to Notice of Motion - Update on E-Bike and E-Scooter Regulation and Management.**

Note: A presentation was given by Peter Barber, Director City Futures.

**Committee Recommendation**

Moved by Councillors Kassim and Bredehoeft

- 1 That Council receives and notes this report
- 2 That the use of shared bikes in Bayside is monitored through the existing trial with Transport for NSW's (TfNSW) Blue Systems Mobility Platform and Council continues regular dialogue with share bike providers and TfNSW to manage impacts.
- 3 That Council receives a report back with outcomes of legislative changes that will affect shared E-mobility management once finalised by NSW Government.
- 4 That Council continue to work with TfNSW and operators to expand integration at public transport hubs.

**Note:** Item CPE25.020 – SUPPLEMENTARY – Presentation by Eamon Waterford, CEO Committee for Sydney regarding advocacy and opportunities for redesigning Prices Highway, was dealt with before CPE25.017 - Update on NSW Housing Delivery Authority.

## **8 Confidential Reports / Matters**

In accordance with Council's Code of Meeting Practice, the Chairperson invited members of the public to make representations as to whether this part of the meeting should be closed to the public.

There were no representations.

### **Closed Committee Meeting**

**Committee Recommendation**

Moved by Councillors Douglas and Bredehoeft

- 1 That, in accordance with section 10A (1) of the Local Government Act 1993, the Committee considers the following items in closed Committee Meeting, from which the press and public are excluded, for the reasons indicated:

**CPE25.019    CONFIDENTIAL - Draft Rockdale Centre Masterplan**

In accordance with section 10A (2) (c) and (e) of the Local Government Act 1993, the matters dealt with in this report relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open meeting it would, on balance, be contrary to the public interest due to the issue it deals with and information that would, if disclosed, prejudice the maintenance of law. It is considered that if the matter were discussed in an open meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2     That, in accordance with section 11 (2) and (3) of the Local Government Act 1993, the reports, correspondence and other documentation relating to these items be withheld from the press and public.

Note: The meeting moved into closed Committee Meeting, the time being 7:41pm

**CPE25.019   Draft Rockdale Centre Masterplan**

**Committee Recommendation**

Moved by Councillors Douglas and Bredehoeft

That the Draft Rockdale Centre Masterplan be publicly exhibited, and the results of community engagement be reported back to Council for further consideration.

**Resumption of Open Committee Meeting**

**Committee Recommendation**

Moved by Councillors Douglas and Kassim

That, the closed part of the meeting having concluded, the open Committee Meeting resume and it be open to the press and public, the time being 7:58pm.

The Chairperson made public the Committee Recommendations that were made during the closed part of the meeting.

The next meeting will be held in the Committee Room, Botany Town Hall at 6:30pm on Wednesday, 6 August 2025.

The Chairperson closed the meeting at 8:00pm.

**Attachments**

Nil



**5 ITEMS BY EXCEPTION**

These are items that have been identified to be confirmed in bulk in accordance with the Officer Recommendation and without debate. These items will not include items identified in the Public Forum, items in which councillors have declared a Significant Conflict of Interest and a Pecuniary Interest, items requiring a Division and any other item that a Councillor has identified as one they intend to speak on or vote against the recommendation

**6 PUBLIC FORUM**

Members of the public, who have applied to speak at the meeting, will be invited to address the meeting.

Any item the subject of the Public Forum will be brought forward and considered after the conclusion of the speakers for that item.

## 7 REPORTS

### City Planning & Environment Committee

6/08/2025

Item No	CPE25.021
Subject	<b>Draft Mascot to Eastlakes Active Transport Feasibility Report</b>
Report by	Peter Barber, Director City Futures
File	SF23/3173

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### Summary

Council received a *Get Active NSW* grant to undertake feasibility and concept designs for improved cycling facilities along Coward Street between Alexandra Canal and Eastlakes. Subsequently, Transport for NSW excised the section of Coward Street between Alexandra Canal and Bourke Road from the Council project to undertake their own investigation.

During the investigation process it has become evident that the solutions for improved active transport in Mascot should go beyond Coward Street, and the project has been renamed Mascot to Eastlakes Active Transport Feasibility.

This report examines a number of possible east-west routes and makes a recommendation about a preferred way forward.

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### Officer Recommendation

That the Draft Mascot to Eastlakes Active Transport Feasibility Report Recommended Route B is publicly exhibited for community and stakeholder feedback, and report back to Council.

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### Background

Council received a grant for \$200,000 from TfNSW to investigate an east-west cycle link between Alexandra Canal and Eastlakes. This grant is consistent with the actions arising from the Active Transport Strategy developed for the Sydney Gateway project and Council's adopted Bike Plan.

Since the announcement of the grant, TfNSW have decided to undertake their own investigation, and excised the section of Coward Street between Alexandra Canal and Bourke Road from the Council project. Council has worked collaboratively with TfNSW to ensure alignment between the two projects.

During the investigation process, it has become evident that the solutions for improved active transport in Mascot go beyond Coward Street, and the project has been renamed Mascot to Eastlakes Active Transport Feasibility.

### Mascot to Eastlakes Active Transport Feasibility

This project is influenced by other projects in the precinct including:

- TfNSW investigation of active transport west of Bourke Road to Alexandra Canal;
- The Mascot Traffic Study, reported to Council in June 2025 via the Bayside Traffic Committee minutes (separate report on implementation to be submitted to Council in coming months);
- The Draft Mascot Masterplan reported to the City Planning and Environment Committee on 6 August 2025;
- Mascot Oval Upgrade;
- Proposals for Linear Park currently on exhibition; and
- Large and/or State Significant developments within Mascot, particularly in the industrial precincts that are under consideration or likely to be constructed in the future.

The delivery of improved active transport in Mascot is complex and it will be difficult to achieve the high expectations of TfNSW and cycling lobby groups. The high levels of traffic movement, particularly freight, means that Council will need to be confident in the feasibility, practicality and safety of any new active transport initiatives before proceeding.

### Project Objectives

1. To investigate the feasibility of an east-west cycle network between Alexandra Canal and Eastlakes, the findings of which are provided below;
2. To prepare a concept plan indicating the proposed east-west cycle network design, which is under development; and
3. Undertake Community Engagement.

### Findings of the Feasibility Report

Council Officers have completed a Feasibility Study for a future active transport corridor between Mascot and Eastlakes, centred around Coward Street. The study responds to community priorities, State policy directions, and safety needs, identifying a clear path forward to improve walking and cycling access across the corridor.

#### Recommendation:

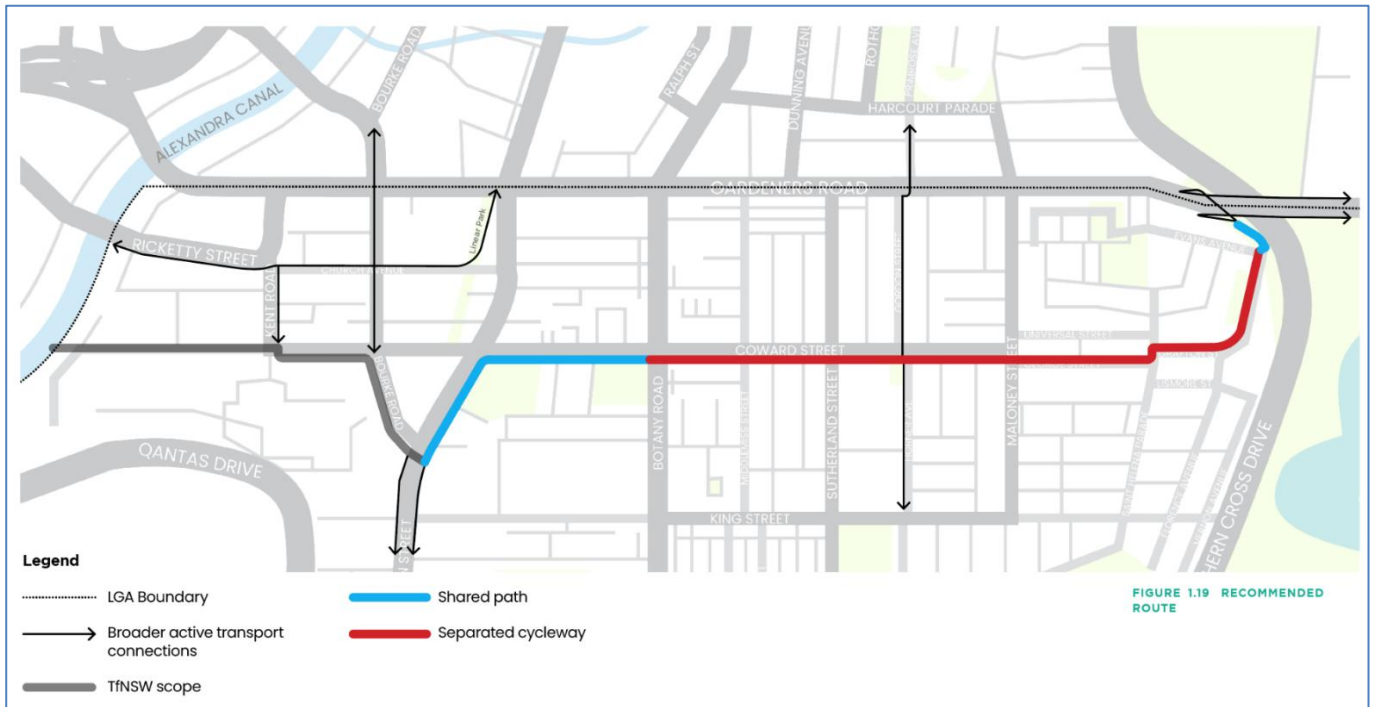
- Route B is the Preferred Alignment and includes a continuous east-west route along Coward Street, being the most direct and legible option, linking key local destinations including schools, shops, and town centres. It best balances safety, accessibility, and connection to future growth with little impacts to existing road users.

#### Inclusions:

- **Shared path** is proposed west of Botany Road due to existing bus stops, freight routes, traffic congestion and the need to maintain existing on-street parking.
- **Raised separated cycleway** is proposed east of Botany Road as there are no bus stops, less traffic congestion and no adverse impact to on-street parking.
- **Raised separated cycleway** is proposed along Grafton Street and will require the road movements to change from two-way to one-way and the removal of

approximately 20 parking spaces. The residences all have access to private garages, and long driveways capable of storing an additional 1 or 2 vehicles.

- The proposal aligns with Council's Bayside Bike Plan 2024 and Transport Strategy and aligns with other NSW strategic documents, such the Sydney Gateway.



Preferred Route B

## Opportunities and challenges

As a result of the feasibility study findings, several opportunities are presented:

- An increase in street trees and canopy cover;
- Improved accessibility for both cyclists and pedestrians to major destinations, including schools, town centres, parks and future cycleways; and
- Reduction in vehicle speeds where appropriate to improve road safety

Key challenges that have been considered include:

- Recognising and providing appropriate infrastructure in areas of high conflict with freight and bus networks;
- Maintaining established and future active frontages and local business; and
- Reducing the need to remove on street parking, vehicle travel lanes and mature trees

## Concept refinement

The recommended Route B presents a well-considered foundation for delivering a continuous active transport link between Mascot and Eastlakes.

As the project progresses beyond the feasibility phase, further refinement during the concept design phase will be required to:

- Resolve localised conflicts at intersections, bus stops and active frontages;
- Further test improvements to the infrastructure design for the retention of canopy trees; and
- Additional engagement with key stakeholders, such as TfNSW, bus operators, local schools and property owners.

## Ongoing maintenance

The recommended Route B, east of Botany Road, proposes the installation of a separated cycleway. While this is typically delivered at road level with a raised kerb to separate vehicles from cyclists, Council recognises that this approach poses ongoing challenges for street sweeping and general maintenance.

To address this, Council recommends an at-pedestrian-grade cycleway instead. This alternative requires less road width, provides a safer environment for all users, and creates opportunities to enhance the streetscape through improved planting, vegetation, and tree canopy. This will require a higher capital investment but reduce ongoing maintenance in perpetuity and is a safer, higher standard for users.



Separated cycleway at road level



Separated cycleway at pedestrian level

## Financial Implications

Council received a Get Active NSW grant of \$200,000 to undertake the feasibility study and concept design.

### Opinion on Probable Delivery Cost

The recommended Route B is estimated to be approximately 3.6km in length, including shared path infrastructure west of Bourke Road and separated cycleway infrastructure to the east. The preliminary opinion of probable cost is between \$4.5 - 6.5 million for the installation of cycle paths, new kerbs, stormwater drainage improvements, road line marking, intersection upgrades and streetscape amenity. This cost is indicative only and will be further refined as a part of the concept and detailed design process.

Council can seek grants from a number of sources for the delivery of this project. Examples include the TfNSW *Get NSW Active* program, as well as development contributions, and other State and Federal road safety grants.

Not applicable

☐

Included in existing approved budget

☒

Council received a Get Active NSW grant of \$200,000 to undertake the feasibility study and concept design.

Additional funds required

☐

## Community Strategic Plan

Theme One	In 2035 Bayside will be a vibrant and liveable place	<input type="checkbox"/>
Theme Two	In 2035 our Bayside community will be connected and feel that they belong	<input checked="" type="checkbox"/>
Theme Three	In 2035 Bayside will be green, resilient and sustainable	<input type="checkbox"/>
Theme Four	In 2035 Bayside will be financially sustainable and support a dynamic local economy	<input type="checkbox"/>

## Risk Management – Risk Level Rating

No risk	<input type="checkbox"/>
Low risk	<input type="checkbox"/>
Medium risk	<input checked="" type="checkbox"/>
High risk	<input type="checkbox"/>
Very High risk	<input type="checkbox"/>
Extreme risk	<input type="checkbox"/>



## Community Engagement

Engagement to date has included key stakeholders, such as TfNSW who are undertaking their own feasibility studies for Coward Street west of O’Riordan Street. In addition, Council staff have engaged with City of Sydney’s Active Transport team for broader coordination and commenced discussions with local bus providers regarding potential impacts to infrastructure.

A community engagement strategy will be prepared to seek input on the Draft Mascot to Eastlakes Active Transport Feasibility. Impact on traffic and on street parking are critical matters that require community input. The proposed community engagement activities include:

- “Have Your Say” survey on Council’s website seeking feedback
- Information flyer to be delivered to adjacent residents
- Notification boards in various locations along the routes
- Boosted Social Media
- Media Release
- Information sessions

As this project involves TfNSW, collaboration with their engagement team is required.

## Attachments

- 1 [↓](#) Coward Street Feasibility Study V1.1 August 2025





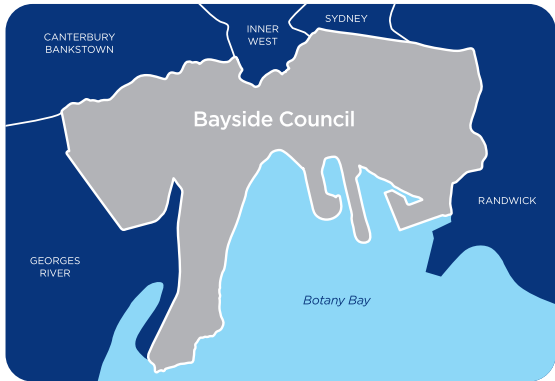
# MASCOT TO EASTLAKES CORRIDOR ACTIVE TRANSPORT FEASIBILITY REPORT

DRAFT FOR EXHIBITION

AUGUST 2025



Bayside Council acknowledges the Bidjigal Clan, the traditional owners of the land on which we meet and work and acknowledges the Gadigal people of the Eora Nation. Bayside Council pays respects to Elders past and present.



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Meriton, [www.meriton.com.au/news](http://www.meriton.com.au/news)

Table of Revisions					
Date	Revision	Status	By	Checked	Approved
5 August 2025	Version 1.1	Revised Report for CP&E	BN		

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Telephone Interpreter Services - 131 450

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1.1 PURPOSE

Bayside Council has undertaken a feasibility study to explore opportunities for a well-planned active transport corridor that meets the needs and values of the local community. Active transport corridors are high-quality, regional-standard routes designed for walking and cycling. Between Mascot and Eastlakes, there is an opportunity to upgrade the existing cycleway and enhance pedestrian facilities.

Objectives

This study aims to:

- Provide a comprehensive analysis of cycle route options between Mascot and Eastlakes, with the ultimate goal of delivering a high-quality, safe, and inclusive cycleway that accommodates users of all ages and abilities.

By addressing gaps in existing infrastructure and improving connectivity, the project seeks to position active transport as a viable, sustainable, and attractive choice for the community.

In addition to its transport objectives, this study supports Bayside Council's vision for Mascot as a vibrant, liveable 'Place for People'. The proposed cycleway upgrades are a key opportunity to improve safety, amenity, and identity, while strengthening active transport links within Bayside's LGA and to major destinations such as the University of NSW and the Randwick Health and Education Precinct.

This work aligns with the Road User Space Allocation Policy, which encourages the strategic redistribution of road space to prioritise walking, cycling, and public transport where appropriate. It also applies the Movement and Place Framework, which recognises that streets like Coward Street serve both as important movement corridors and as places of local activity. These frameworks support the reimagining of Mascot to Eastlakes Corridor as a safer, more balanced environment that better reflects community needs.



## 1.2 CONTEXT

Coward Street, Gardeners Road and King Street are important east-west connections linking key residential, commercial, and industrial precincts in Mascot and Eastlakes. The east-west connection's importance is heightened by its designation as a priority cycling route in state and local active transport strategies, such as the Sydney Gateway Active Transport Strategy, The Green Grid and NSW Eastern Harbour City Active Transport Plan.

Bayside Council has recognised the need for an east-west route through this area as part of the Bayside Bike Plan 2024. This route will serve as a connection between Bayside LGA's western suburbs to its eastern suburbs and beyond to major Sydney destinations such as Coogee Beach, UNSW, the Health Innovation Precinct.

As an outcome of the Sydney Gateway Active Transport Strategy, Transport for New South Wales (TfNSW) has delivered a new cycleway along the Alexandra Canal from Tempe Reserve to the Domestic Terminal, and is undertaking feasibility studies for the Alexandria Canal Active Transport Link.

## 1.3 THE STUDY AREA

The study area centres on Coward Street, an existing disconnected east-west cycleway between Alexandra Canal and Eastlakes. TfNSW is conducting independent work for the area highlighted on the plan. More details are provided in section 1.4. The Bayside study area passes several schools, presenting an opportunity to improve access for students and encourage safer, more active travel to and from school. While Coward Street is a key focus, Bayside Council is also exploring alternative alignments and the broader precinct context to identify the most effective route. Any proposed solution must integrate seamlessly with the surrounding active transport network, meet local needs, and align with regional strategies.

As part of this feasibility study, investigations extend to include Gardeners Road and King Street, which run parallel to Coward Street. This comprehensive approach aims to establish a cohesive and integrated active transport network that supports connectivity across Mascot and its neighbouring precincts.

The existing infrastructure along Coward Street is inconsistent and aged, comprising a shared path between Alexandra Canal and Bourke Road, followed by an on-road route from O'Riordan Street to Maloney Street. A missing link exists between Bourke Road and O'Riordan Street. These limitations underscore the need for significant upgrades to ensure the safety, usability, and attractiveness of active transport in Mascot.

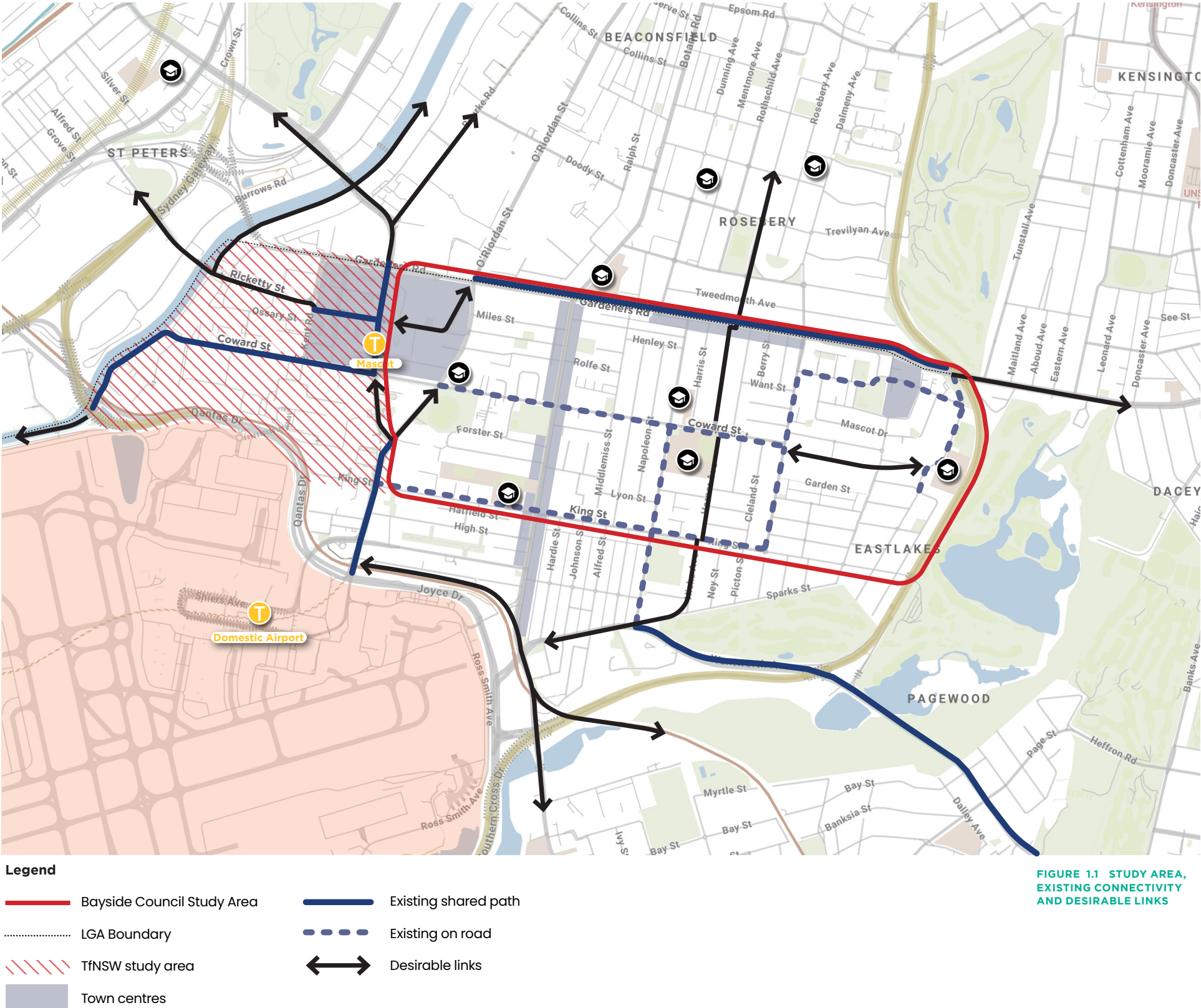


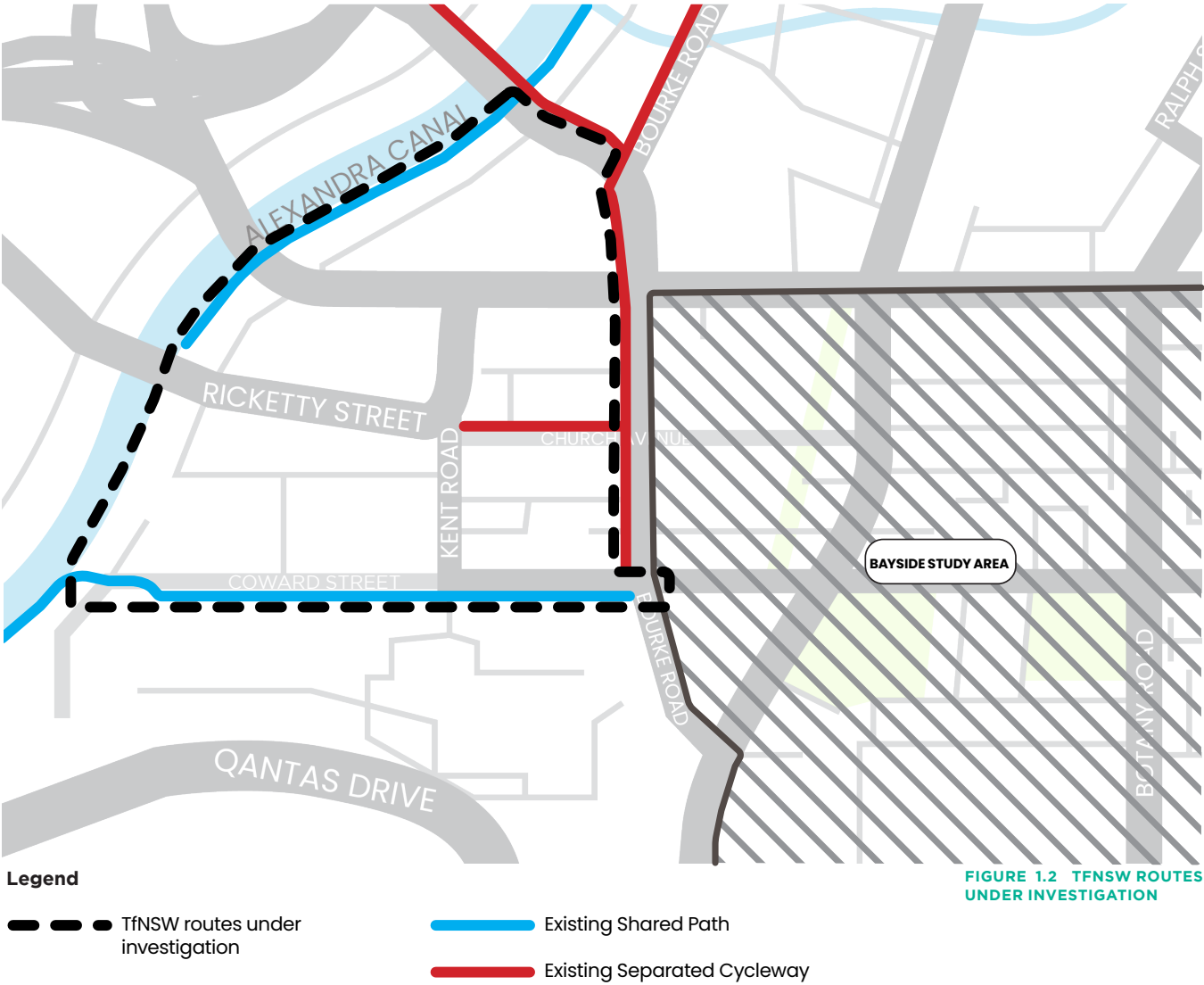
FIGURE 1.1 STUDY AREA, EXISTING CONNECTIVITY AND DESIRABLE LINKS

1.4 TFNSW SCOPE DEVELOPMENT

Transport for New South Wales (TfNSW) is investigating active transport connections within a study area bounded by the Canal, Coward Street, Bourke Street and Campbell Road following on from previous work for a connection along the canal.

The study seeks to identify short and medium term opportunities to connect the Alexandra Canal shared path to local and regional destinations.

The investigation is being undertaken in consultation with Bayside Council and other key stakeholders.





1.5 STRATEGIC ALIGNMENT

The project is informed and influenced by the strategic planning framework responding to both state and local government strategies and policies. Some of they key documents are listed below:

NSW GOVERNMENT STRATEGIES AND POLICIES



BAYSIDE STRATEGIES AND POLICIES





1.6 STRATEGIC ALIGNMENT CONTINUED

Additionally, the project is informed and influenced by the Bayside Transport Strategy and Bayside Bike Plan 2024. The Bayside Transport Strategy provides a number of actions which aim to enhance the existing transport network and plan for increased demand. The Bayside Bike Plan is a blueprint for achieving enhanced cycling network and a seamless network of bike routes across Bayside area. Some of the key principles are listed below:

Bayside Transport Strategy 2024

1.5	Complete missing links surrounding Sydney Airport	Collaborate with Transport for NSW, and major stakeholders to plan the completion of missing links surrounding Sydney Airport.
1.6	Movement and Place	Identify and plan for traffic and transport works consistent with the principles of the 'Movement and Place' framework.
4.2	Support high pedestrian activity centres	Identify High Pedestrian Activity Area's and investigate pedestrian priority treatments.
4.3	Missing crossings at intersections	Identify intersections where additional crossing facilities could be provided, particularly along freight routes and state roads. Advocate TfNSW for upgrades.
4.7	Speed limit review	Review and align speed limits to the Movement and Place function of a road and the surrounding land uses.

Bayside Bike Plan 2024

1.3	Connect to Green Space and Sporting Areas	Investigate upgrades to cycling routes to green space and sporting precincts.
2.4	Major Developments to Upgrade the Public Domain	Ensure that major developments contribute to walking and cycling infrastructure (i.e. share path upgrades).
2.5	Major Developments to Upgrade the Public Domain	Investigate upgrades to cycleway links to better connect our town centres.
3.5	Enhance Centres as 'Places for People'	Review speed limits to support 'Movement' and 'Place' functions of the road network including high pedestrian activity areas.
3.7	Enhance Mascot as a 'Place' for People	Continue lobbying TfNSW to remove freight and through-traffic, and prioritise walking streets, and regional cycling links.
4.1	School Precinct Path Upgrades	Investigate upgrades to main footpaths within an 800-metre radius of schools to shared paths to facilitate safe and legal cycling for students.
4.2	Upgrade of Footpaths on State Roads to Shared Paths	Investigate upgrades to paths adjacent to arterial roads for the legal and safe use of bicycles.
4.3	Safe Facilities in Freight Areas	Collaborate with key stakeholders to investigate safe off-road cycle facilities near the Port Botany and Sydney Airport freight and logistics zones.



### 1.7 CATERING TO USER TYPES

The provision of a cycleway route between Mascot and Eastlakes must address the needs of the wide demographics which occur in this area.

While a majority of residents are between 25-34 years of age, there is also a notable growth in both 0-17 and 60 and over (Figure 1.3). Additionally, given that 25% of households include children, Bayside must prioritise the delivery of safe cycleways which connect to local schools. As an outcome, the cycleway must aim to be suitable to all user groups and prioritise ‘Stress Level 1’ wherever possible, as indicated in Figure 1.4

#### Road usage and its ongoing evolution

Road users encompass a diverse range of transport modes, each with varying ability levels and infrastructure needs. Motor vehicles, including private cars and freight transport, dominate the road space and are often prioritised in urban planning. While cycling has steadily grown as an alternative mode of active transport, e-mobility users are a rapidly expanding transport segment, with usage increasing by 322% between 2020 and 2022. This growth offers greater accessibility and convenience for short-distance travel. However, their safety is impacted by limited dedicated infrastructure, inconsistent regulations, and varying rider skill levels.

Pedestrians, including those with mobility impairments, rely on accessible pathways and safe crossings, yet often face risks from high vehicle speeds and poorly designed public spaces. E-mobility has broadened transport access for diverse ability levels, but concerns remain around shared path conflicts and road rule awareness. Balancing the needs of all road users requires integrated planning solutions which lower speed limits in high-pedestrian areas, and improved infrastructure for active and shared mobility.

#### Consistency in cycling infrastructure

Providing consistent design is critical in ensuring a seamless and predictable experience for all road users. Cyclists often transition between road-based and path-based infrastructure, requiring adaptability to different regulatory and behavioural expectations. On-road cycling aligns cyclists with vehicular traffic, necessitating adherence to road rules, speed expectations, and interaction with intersections. In contrast, shared paths impose different constraints, such as reduced speeds and negotiating space with other pedestrians. Shifting between cycling typologies can create challenges in maintaining safety, predictability, and compliance with infrastructure design intent. These shifts often create a facility which is slow, indirect, and unsafe. Where possible, Bayside is aiming for continuity in facility typologies, minimising abrupt transitions that require cyclists to frequently shift between road user and path user roles.

#### Emerging micromobility

While separate from demographics, Bayside Council also acknowledges the diversity of active transport methods. For the purposes of this report, cycling can be expanded to include a wider range of micromobility, such as e-bikes, e-scooters, tricycles, cargo bikes and share bikes. Additionally, Bayside recognise the importance of overlaying pedestrian movement and the essential overlaps between cyclists and pedestrians needs.

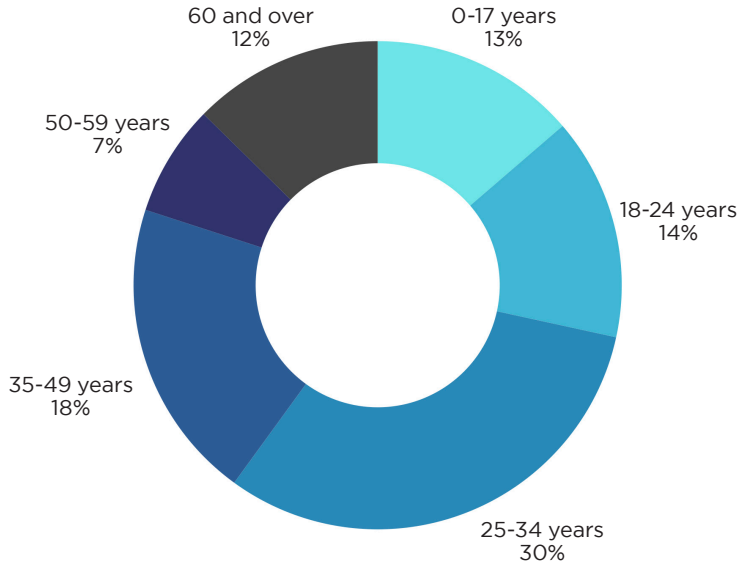


FIGURE 1.3 DOUGHNUT DIAGRAM OF RESIDENTS AGE RANGE WITHIN THE MASCOT AND ROSEBERY AREA

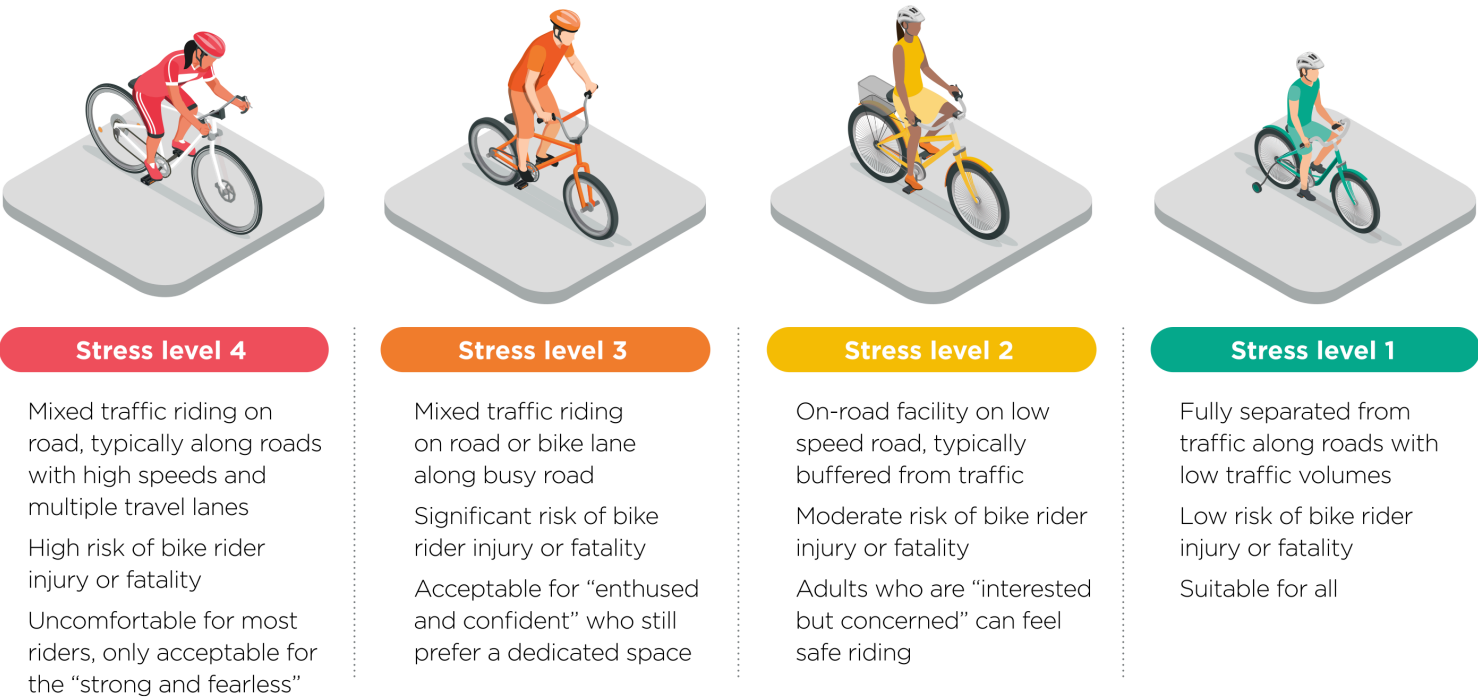


FIGURE 1.4 CHARACTERISTICS OF STRESS LEVEL RATINGS (CYCLEWAY DESIGN TOOLBOX, TRANSPORT FOR NSW 2020)







## 2.1 PARKING

On street parking is measured by reviewing the enforced time limits and anticipated levels of turnover. Typically, the areas with restricted parking times and high turnover are associated with their adjacent land use; commercial areas, near schools, and close to key destinations such as the Sydney Airport. Lower turnover numbers are anticipated within residential areas.

### Key Findings

The following findings can be summarised:

- High turnover parking is concentrated between Kent Road and O’Riordan Street and near Botany Road, reflecting the commercial nature of these areas. It also occurs along King Street in proximity to the Airport.
- A number of clear zones exist in areas which correlate to known issues of traffic congestion:
  - Gardeners Road is a key commuting corridor for both motorists and cyclists, particularly during peak hours.
  - Kent Road and Coward Street west of O’Riordan Street is frequented by freight.
  - Smaller pockets of clearway zones and no stopping along Coward Street align with local traffic congestion and local schools.
- Low turn over parking occurs to the east, aligning with the predominantly residential zoning.

### Best Practice

When planning cycle routes, the relationship between parking turnover and cyclist safety must be carefully considered. Cyclists travelling adjacent to parked cars are more vulnerable to conflicts such as dooring, particularly in areas with high parking turnover.

Where turnover is low, simpler treatments may be adequate. However, in high turnover areas, it is essential to provide infrastructure that removes cyclists from the door zone and separates them from vehicle movements, either through physically separated cycleways or by relocating cyclists to alternative routes such as shared user paths.

Regardless of the facility type, design responses must reflect the local context, including parking patterns, pedestrian volumes, land use intensity, and anticipated cycling demand, to create a safe, comfortable and attractive environment for all users.

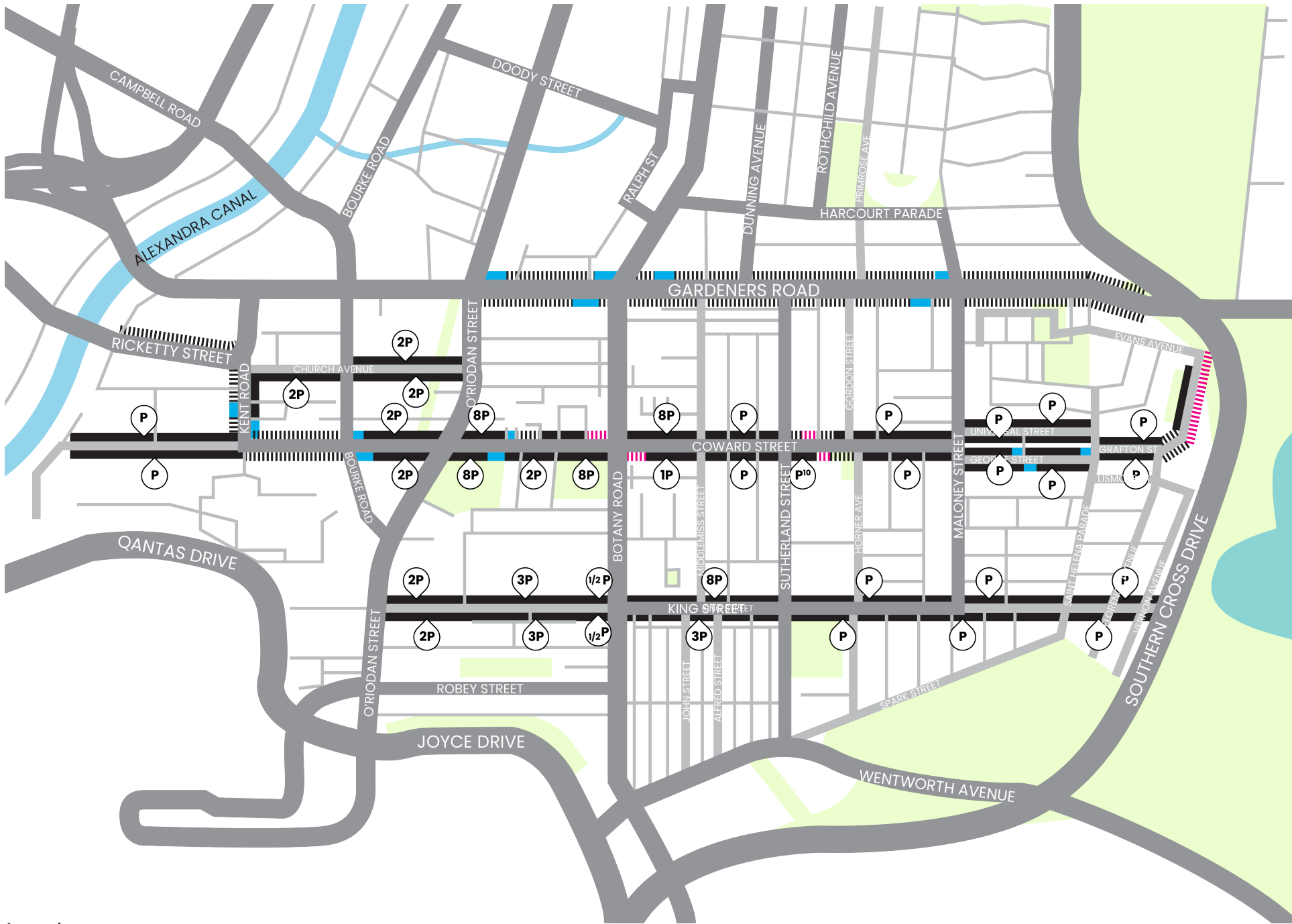
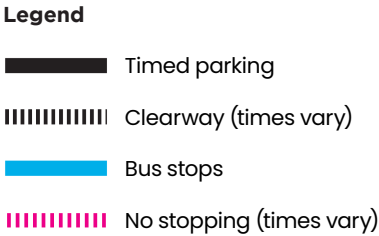


FIGURE 1.5 EXISTING ON-STREET TIMED PARKING, CLEARWAYS AND BUS STOPS



2.2 STREET TREES

The Mascot to Eastlakes area features a varying level of street trees. Tree density has been measured by comparing the quantity of trees along a given street per lineal metre. This does not necessarily reflect the existing canopy cover, as it includes both mature and juvenile trees. It does however, indicate how robust the future canopy cover is likely to be.

Key Findings

Overall, tree density varies across the site, with less street trees being found in the urbanised town centres and along busier roads.

Best Practice

The proposed cycleway route would follow a tree lined street to maximise the existing shade and amenity. A proposed cycleway route would seek to minimise impacts to street trees in order to maintain their role in regulating urban heat and carbon sequestration, attracting local wildlife.

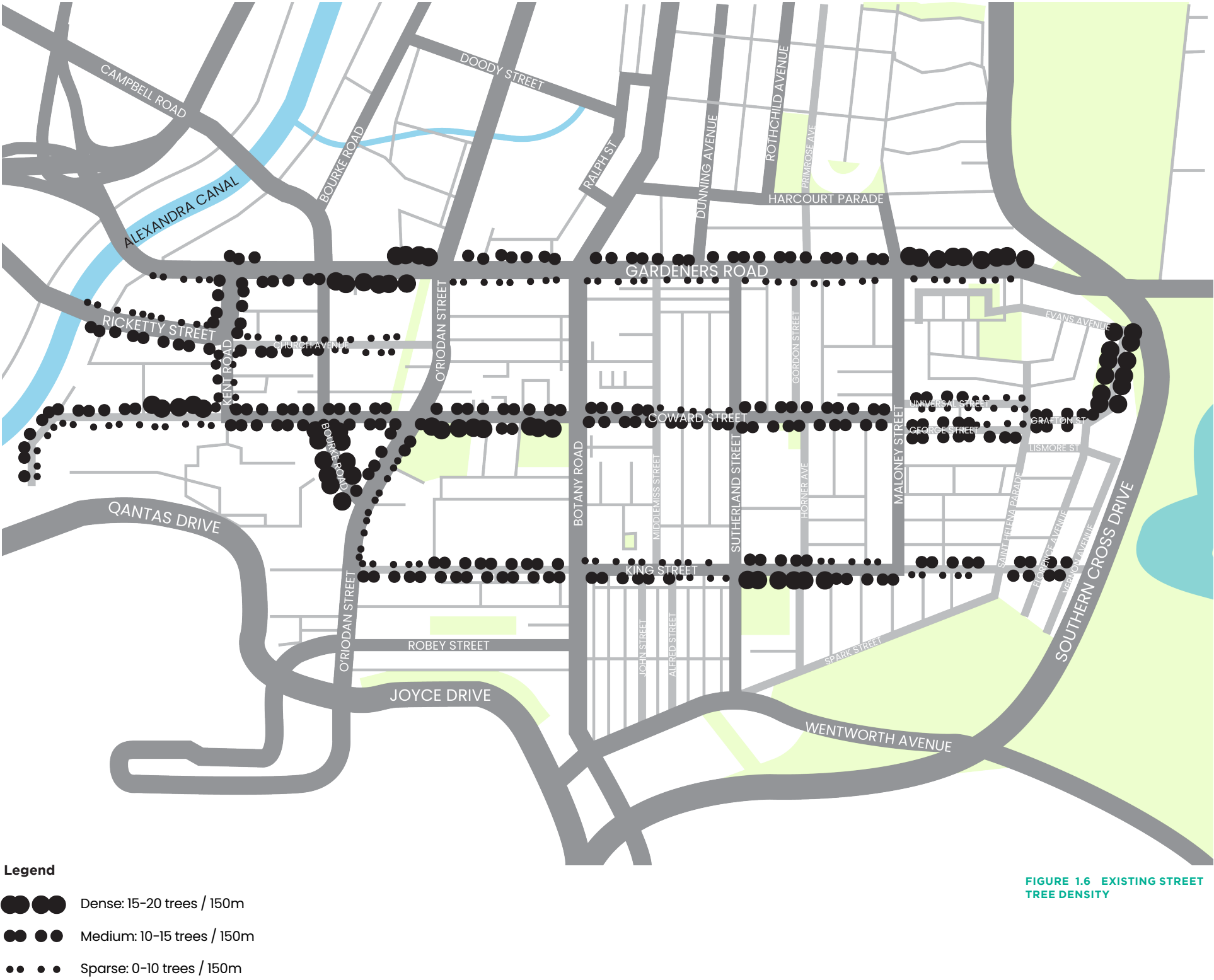


FIGURE 1.6 EXISTING STREET TREE DENSITY

## 2.3 FREIGHT ROUTES

Freight routes have been mapped based off TfNSW data and predominantly follows State roads. In addition, a number of local freight routes have been indicated to acknowledge the industrial zoning west of O’Riordan Street.

### Key Findings

In its current state, the Mascot Town Centre Precinct is surrounded and intersected by freight movement. This is primarily occurring as freight moves to and from west to the Sydney Airport and Port Botany industrial precincts.

Frequent turns are required by freight as it skirts the perimeter of Mascot Town Centre, requiring wide turning circles, slip lanes and extensive road widths which are not conducive to cycle or pedestrian crossing.

A number of local roads are frequented by freight, most notably the industrial zoning between Alexandra Canal and the Mascot Town Centre Precinct. Cyclists and pedestrians are extremely vulnerable along freight routes as visibility is poor and trucks cannot easily stop to avoid vulnerable users. As a result, the proposed cycleway route must seek to resolve conflicts with freight in order to connect with the broader cycleway network.

Further to the east, freight is limited to Gardeners Road and King Street. Coward Street is only minimally impacted at the intersections of Botany and Maloney Street.

Freight routes are continuing to evolve as an outcome of the Sydney Gateway works, which aim to reduce freight and traffic congestion within the Mascot precinct and to align with the Movement and Place principles. TfNSW’s work regarding freight is in its preliminary stages and while beneficial, does not influence the decision making for this cycleway feasibility at this stage.

### Best Practice

Cycle routes within freight corridors and industrial zones require careful planning to manage safety risks. Frequent freight turning at intersections, limited visibility, wide driveway crossovers, and the larger swept paths of freight vehicles all create potential conflict points with cyclists.

Where active transport corridors intersect with freight routes, high-quality design solutions are essential to ensure safe operations for all users. Physical separation of cyclists from the carriageway should be prioritised, without restricting freight needs such as turning radii, sight lines and driveway access.

There is an opportunity to review the current speed limits within the Mascot precinct and to improve road safety in high pedestrian areas.

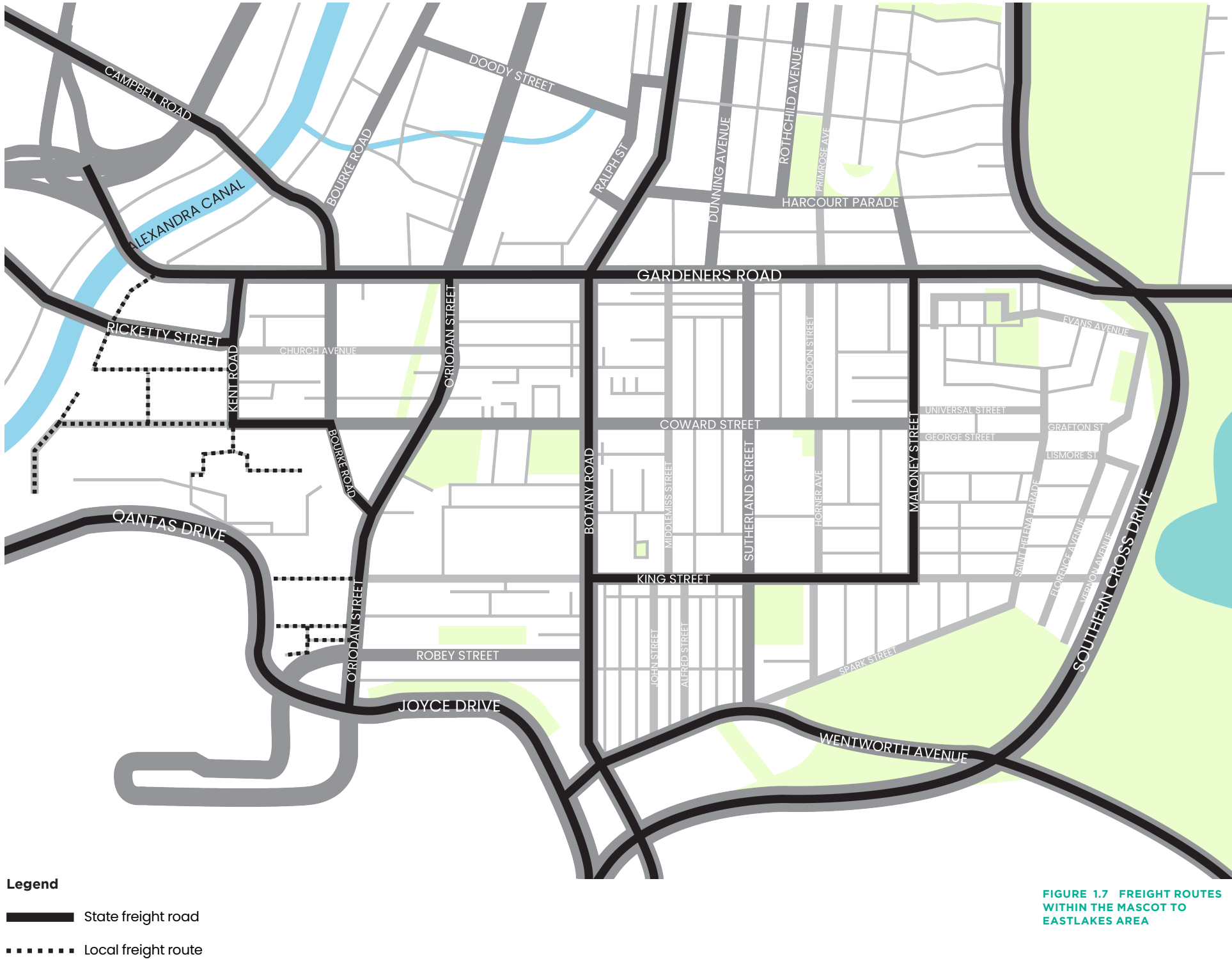


FIGURE 1.7 FREIGHT ROUTES  
WITHIN THE MASCOT TO  
EASTLAKES AREA

## 2.4 BUS ROUTES

Bus routes have been mapped based on TfNSW data and attempts to cater to a wide residential and employment catchments including a range of residential densities, nearby industrial land and commercial zones.

### Key Findings

A number of bus routes occur within the area, connecting with the Mascot Train Station interchange and caters to both the high density residential, commercial and industrial land uses.

A number of bus stops are located on narrow footpaths, creating bottlenecks in pedestrian flows. Some of these bus stops feature high patronage during peak hours greatly restricting pedestrian movement, and giving an indication of the reliance of public transport by the local community. This is particularly of note in the Mascot Town Centre Precinct where bus patronage is highest.

Further to the east, bus routes occur along Gardeners Road, King Street and George Street. JJ Cahill Memorial High School uses coach buses occasionally for sporting events, with a designated stop on Sutherland Street. Eastlakes Public School operates two buses on Friday mornings between 8:30 and 8:45am. Buses generally require wider travel lanes for manoeuvrability, however these roads experience relatively low bus frequency.

### Best Practice

Cycle routes should aim to reduce overlays with bus routes. Large vehicle turning circles at intersections, frequent stopping and bus stop infrastructure all serve as potential conflict points with cyclists. Bus lane widths are typically wider than standard vehicle widths, reducing available carriageway space for high quality cycle infrastructure.

Where overlays between buses and cyclists are unavoidable, cycle infrastructure which places cyclists away from the carriageway, or provide robust physical barriers are essential to protect the users.

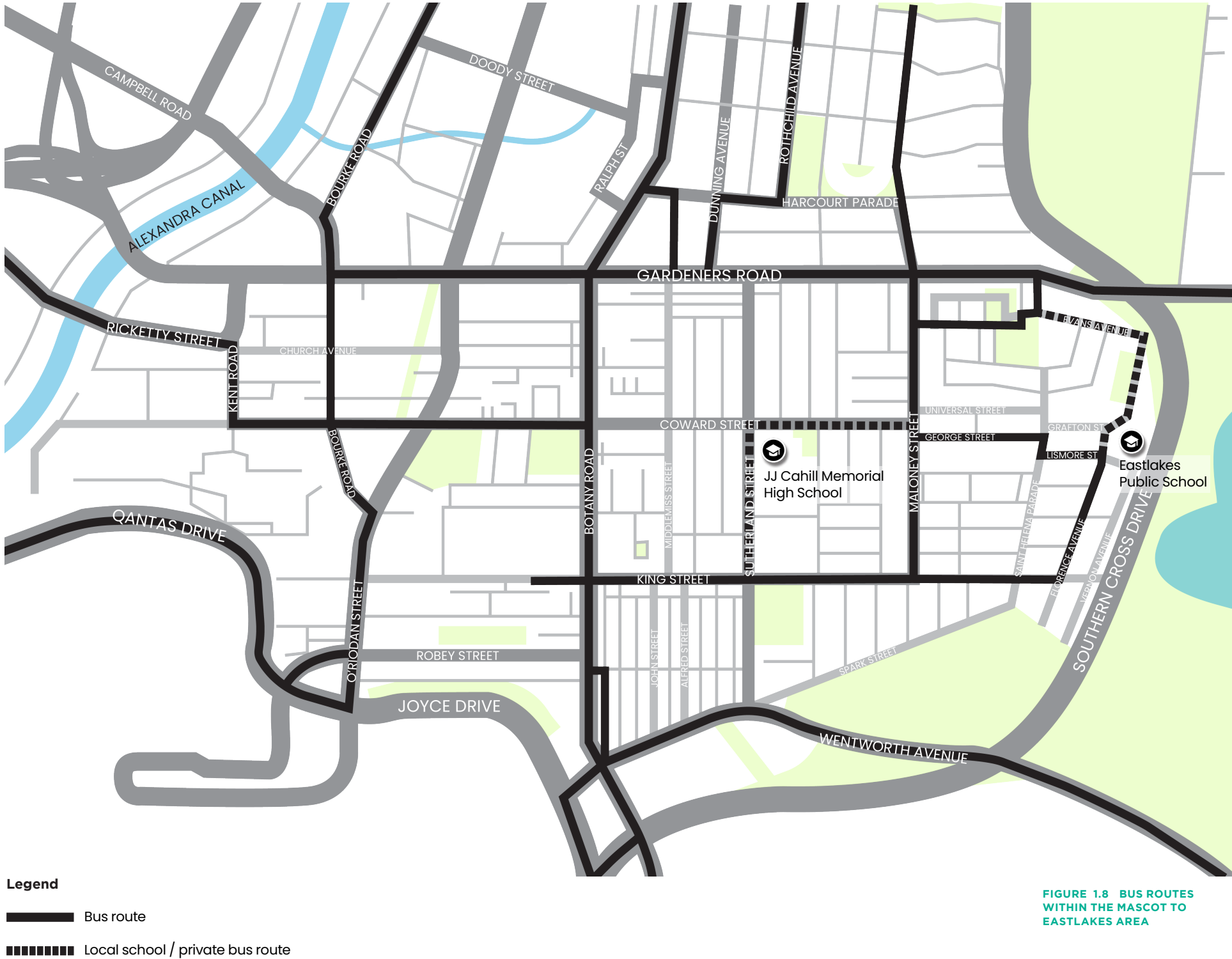


FIGURE 1.8 BUS ROUTES  
WITHIN THE MASCOT TO  
EASTLAKES AREA



## 2.5 ACTIVE FRONTAGE

Active frontages have been mapped based on site visits to locate frontages which are vibrant and offer genuine activation with pedestrians and the streetscape users. In addition to this, we have considered where active frontages are anticipated to occur as an outcome of the DCP and future development applications requirements.

### Key Findings

Mascot Town Centre is zoned as Mixed Use, and as a result is intended to include active frontages along all streets. In addition to this, a number of laneways are also activated. A majority of the quieter streets and laneways west of Bourke Road are well activated with restaurants and outdoor dining. By comparison, Gardeners Road, Kent Road and the streets east of Bourke Road are currently not activated, but may change in the future.

Botany Road and Gardeners Road are well established town centres with shop fronts facing busy trafficked road as well as the various roads which intersect it.

Smaller local centres occur at the corner of King Street with Sutherland and Maloney Street, as well as within the Eastlakes area.

### Best Practice

It is important to respond to, and to protect active frontage where it occurs as it plays a major role in creating a sense of place to a town centre and its community. It also plays an integral role in passive surveillance, social engagement and overall health to the neighbourhood.

Active frontages naturally attract high volumes of foot traffic, including pedestrians and shop patrons who linger, browse, or cross paths unpredictably. These conditions are not conducive to shared paths, where fast moving cyclists are more likely to come into conflict with slower and more variable pedestrian movements.

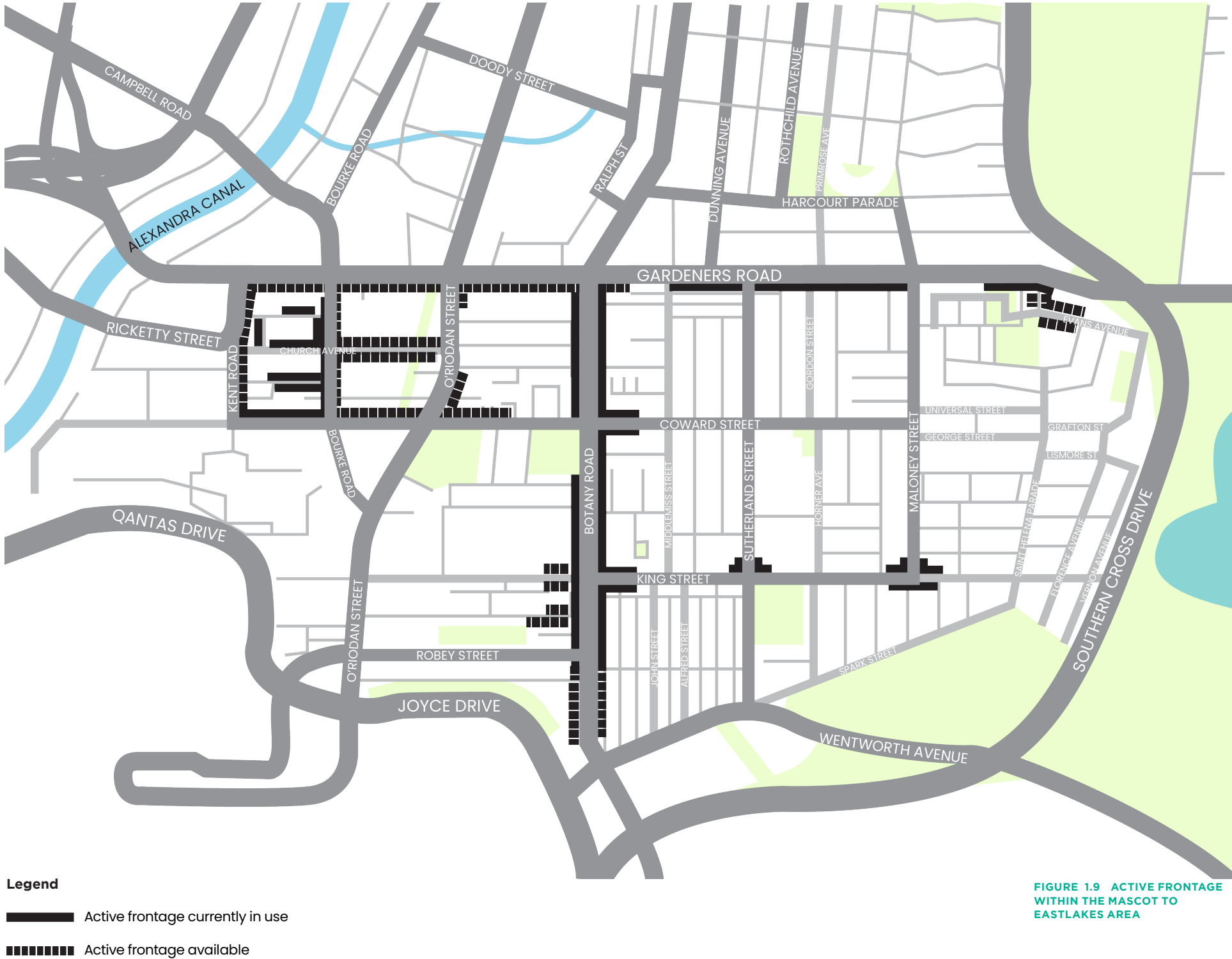


FIGURE 1.9 ACTIVE FRONTAGE  
WITHIN THE MASCOT TO  
EASTLAKES AREA

2.6 TRAFFIC COUNTS

PEDESTRIANS

Pedestrian counts were undertaken in November 2023, tracking movements at key intersections. The below is a summary of their findings.

The intersection of Kent Road and Coward Street experiences significantly higher pedestrian activity during weekdays compared to weekends. Pedestrian movement is notably greater in the east-west direction, likely due to the public transport to the east, and the many industrial businesses to the west.

The intersection of Bourke Street and Coward Street recorded the highest pedestrian traffic among all surveyed intersection, with a majority of volumes during weekdays. A majority of foot traffic crosses at the eastern side of Bourke Street, this is likely due to the position of Mascot Station and its connectivity to business to the south of Coward Street. It may also be influenced by road construction works which was ongoing during the pedestrian count period. On weekends, the southern side of this intersection has few pedestrians, likely illustrating the shops, cafes and other destinations occur only along the northern side of Coward Street.

The intersection of O’Riordan Street and Coward Street also shows greater pedestrian use on weekdays than on weekends. The highest usage is observed when crossing O’Riordan Street on the northern side of Coward Street, indicating a desire line between the lower density residential areas and Mascot Town Centre and the train station.

Further east, at the intersection of Sutherland Street and Coward Street follows a similar weekday-weekend pattern as O’Riordan Street but experiences lower overall pedestrian volumes.

On Church Avenue, pedestrian activity is higher on the western side of Bourke Street than the eastern side. Nonetheless, the eastern side sees significantly greater pedestrian movement in both directions during weekdays.

CYCLISTS

Cyclist counts were undertaken in conjunction with the pedestrian counts, tracking movements at key intersections. The below is a summary of their findings.

Generally, cyclists make up to 20% of all pedestrians within both the industrial area west of Kent Street, and east of Botany Road. Within the Mascot Town Centre area, this reduces to is little as 2%. Where cyclists occur along Coward Street, there appears to be a preference for the northern side.

The intersection of Kent Road and Coward Street experiences higher cyclist activity in the east-west direction, with slightly more occurring during the week as compared to the weekend. Despite this, it is clear that the area does have some weekend recreation appeal

The intersection of Bourke Street and Coward Street as well as O’Riordan Street and Coward Street exhibits a pattern similar to that of pedestrians. These numbers, however, are dwarfed by the pedestrian numbers.

Church Avenue follows a similar pattern to pedestrian traffic, with reduced quantities. Interestingly, Coward Street exhibited more cyclists despite Church Avenue’s existing separated cycleway infrastructure. This is likely a result of the limited connectivity to and from this route.

VEHICLES

Vehicle counts were undertaken using traditional traffic tubes along Coward Street at most intersections in November 2023. The below is a summary of their findings.

**Industrial Area**

The section of cul-de-sac section of Coward Street, west of Kent Road experiences higher traffic levels on weekdays as compared to weekends. On a typical weekday, traffic levels peak during rush hours, with more traffic heading eastbound in the evenings and westbound in the mornings. Overall, traffic activity in this section is quieter when compared to other areas of Coward Street.

Both eastbound and westbound directions maintain relatively consistent driving speeds throughout the day.

This section is primarily comprised of industrial businesses, which likely accounts for the traffic patterns observed in both the mornings and evenings.

**Mascot Town Centre**

The section of Coward Street between Kent Road and Bourke Street experiences higher traffic levels on weekdays than on weekends. On a typical weekday, traffic levels peak around 8 a.m. and 6 p.m.. Comparatively, traffic levels peak around midday on weekends. The eastbound direction experiences higher traffic levels during both morning and evening peak hours. The quantity of traffic slowly tapers off towards the end of the work week.

Between Kent Road and O’Riordan Street, the westbound direction exhibits higher traffic levels during evening peak hours. In contrast, between Kent Road and Bourke Street, the westbound direction experiences higher traffic levels during the morning peak.

Traffic speeds in this area typically fluctuate, often dropping 10-20km below the 50 km/h speed limit during the day, indicating traffic congestion. This alleviates in the evening. Traffic heading west between Kent and Bourke Street is less impacted by this fluctuation.

**Near Botany Road**

Both east and west of Botany Road exhibit similar traffic levels during weekdays. West of Botany, weekend traffic is typically lower than on weekdays. By comparison, east of Botany exhibits higher traffice levels during weekend than weekdays.

Near Sutherland

The section of Coward Street between Kent Road and Maloney Street (specifically near Sutherland Street) exhibits lower traffic levels in the eastbound direction compared to previous sections, with peak traffic occurring in the mornings. The westbound direction experiences peak traffic during both morning and evening hours. Additionally the westbound direction experiences higher traffic levels over the weekend than that of the eastbound direction, peaking around midday. Driving speeds in both directions fluctuate throughout the day, but generally remain below the 50 km/h speed limit.

Church Avenue

Church Avenue, west of Bourke Road, exhibits significantly lower traffic levels than elsewhere. Unlike Coward Street, Church Avenue exhibits a consistent traffic pattern throughout the week, with no significant differences between weekdays and weekends, and higher traffic levels during evening peak hours. Church Avenue, east of Bourke Road exhibits the lowest traffic levels of all previously mentioned locations. Like the other section, this one also shows no significant differences between weekdays and weekends, but lacks notable peak hours.

This indicates that Church Avenue is used primarily by local residents, and less so as a major thoroughfare or movement corridor.





3.0

Opportunities & Challenges



### 3.1 OVERLAPPING STREET USE

The adjacent plan provides an overlay and summary of the findings from:

- 2.3 Freight Routes,
- 2.4 Bus Routes, and
- 2.5 Active Frontage.

These three key street uses highlight the primary conflicts between pedestrians and traffic, with cyclists occupying a unique position of both pedestrians and traffic, yet fitting neatly into neither category. While these uses are explored individually in the previous chapter, their simultaneous occurrence creates limited street capacity for introducing additional uses, such as cycleways.

**Key Insights:**

**1. Avoiding Conflicts**

- Ideally, cycleways should avoid areas with complex or competing uses to reduce potential conflict. However, where these areas offer the most direct routes, careful design should be applied to minimise clashes while maintaining route quality and legibility.

**2. Relocating Street Uses**

- The next best approach would involve relocating one or more uses to free up capacity and to respond to TfNSW's Movement and Place Framework. However:
  - Freight and bus routes have a strong relationship to land use that is not easily changed by local government.
  - Removing Active Frontage would compromise the vibrancy of town centres.
  - Intersections require adequate space to accommodate vehicle queuing, ensure smooth traffic flow, and safely bypass turning traffic. The removal of travel lanes is not recommended in highly congested areas such as Mascot.

**3. Car Parking Challenges**

- In some locations, reallocating on-street parking may be explored to enable a safer and more direct cycle route without exacerbating road congestion. Any potential changes would be subject to site-specific assessment and community consultation to ensure a balanced outcome that reflects both access and safety priorities.

**4. Tree Retention**

- Removal of trees is undesirable. Their removal is inconsistent with other Bayside Council objectives to protect canopy and makes tree preservation a priority. The value of trees is significant in providing amenity, shade, ecology and street character. There are limited opportunities to remove low value trees in some locations.

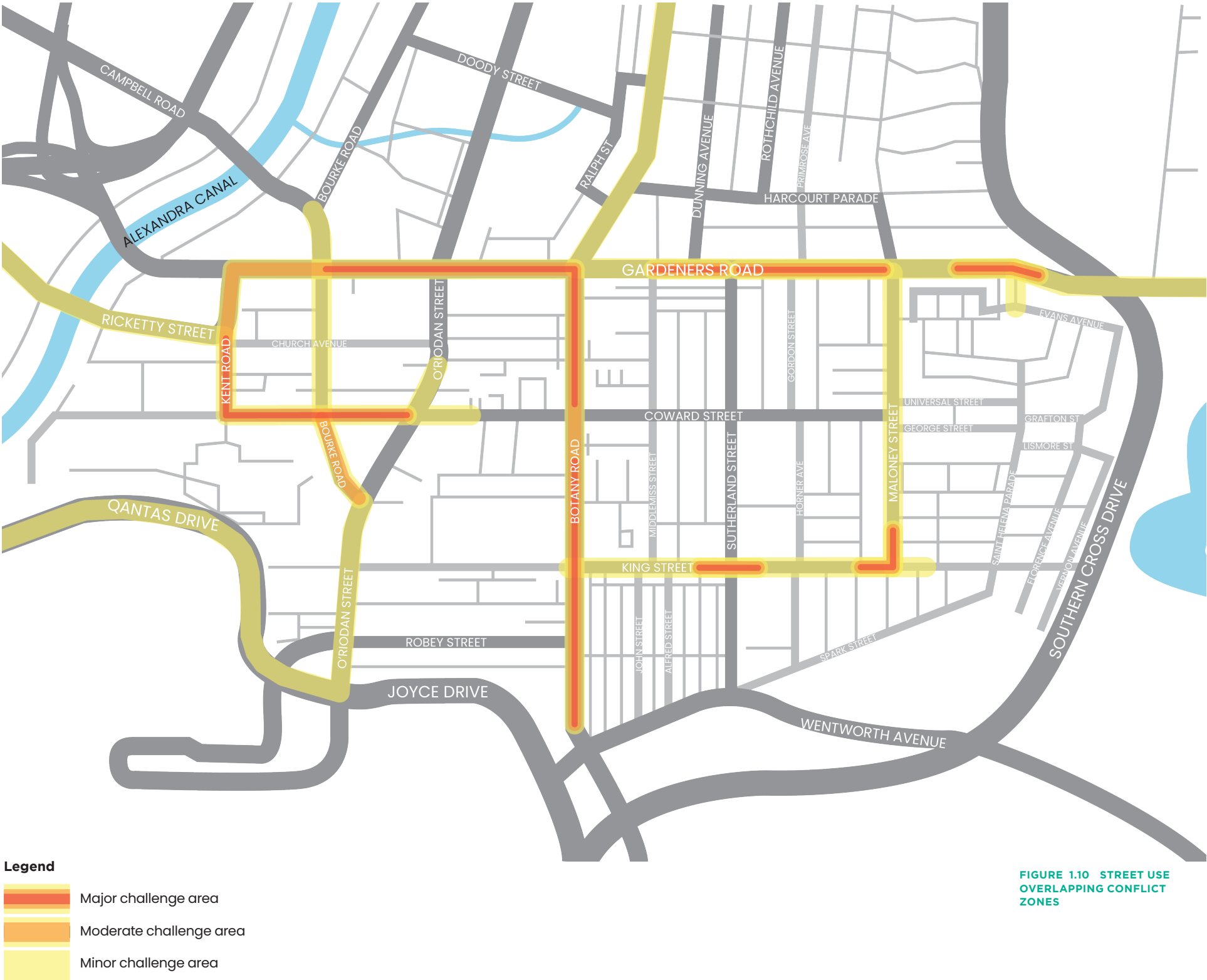


FIGURE 1.10 STREET USE  
OVERLAPPING CONFLICT  
ZONES



### 3.2 CHALLENGES

The previous analysis pages summarise the key findings of desktop review, local knowledge and site visits.

This analysis is pivotal in identifying the potential advantages that can be strategically harnessed. By contrast, this analysis also identifies the challenges which must be addressed to ensure a successful future cycleway implementation.

The adjacent diagram and dot points summarise some of the key challenges which must be addressed in the development of cycle route options and their evaluation.

#### CHALLENGES

- 1 The permanent presence of industrial use results in freight activity, loading zones, and frequent turning which disrupts kerb continuity and increasing the potential for conflicts.
- 2 Multiple bus shelters along Coward Street - particularly between Bourke Road and O'Riordan Street - present high patronage use along the footpath, which is combined with frequent traffic congestion, resulting in limited space for potential cycle facilities.
- 3 Improvements to O'Riordan Street and Gardeners Road intersection require upgrades to provide quality cyclist and pedestrian safety while also catering to freight turning circles.
- 4 Gardeners Road is the boundary of Bayside Council and City of Sydney Council. In addition, it is a state road under the jurisdiction of TfNSW. Decisions made within this area will require detailed coordination to ensure there are no impacts on Bayside Council's shop fronts.
- 5 Existing tree canopy creates pinch points and restricts opportunities for shared paths in some locations without canopy loss.
- 6 King Street is restricted by bus routes, freight and is less direct than other solutions.
- 7 George Street is currently part of the local bus route and has a mixed traffic cycle arrangement. There is opportunity to move the cycle route to Universal Street to avoid conflicts.

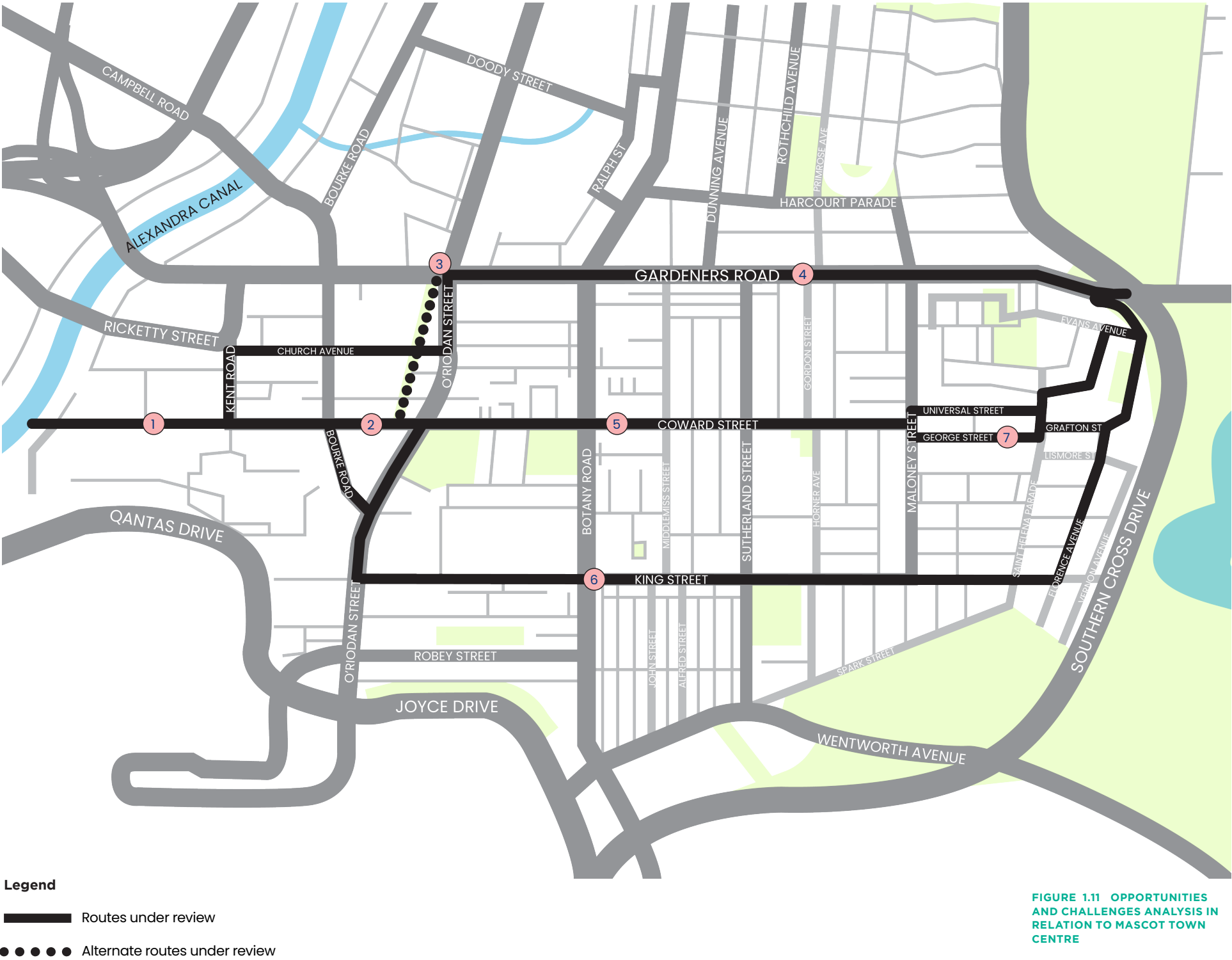


FIGURE 1.11 OPPORTUNITIES AND CHALLENGES ANALYSIS IN RELATION TO MASCOT TOWN CENTRE

### 3.3 OPPORTUNITIES

The previous analysis pages summarise the key findings of desktop review, local knowledge and site visits.

This analysis is pivotal in identifying the potential advantages that can be strategically harnessed. By contrast, this analysis also identifies the challenges which must be addressed to ensure a successful future cycleway implementation.

The adjacent diagram and dot points summarise some of the key opportunities which must be addressed in the development of cycle route options and their evaluation.

#### OPPORTUNITIES

- 1 Coward Street west of Kent Road features substantial tree canopy which provide shade and amenity for cyclists and pedestrians in an otherwise industrial setting.
- 2 Opportunity to connect to Alexandra Canal on the northern side of Ricketty Street, tying into future development in the area.
- 3 Bourke Road is defined by its significant fig tree canopy, which provide shade and amenity for pedestrians and cyclists.
- 4 Opportunity to improve traffic signals and provide connectivity between the proposed east-west cycleway and the existing north-south Bourke Road separated cycleway.
- 5 The existing separated cycleway along the western portion of Church Avenue and Linear Park provide a good flush to kerb precedent for its extension further east to separate cyclists from vehicles and pedestrians.
- 6 The absence of bus and freight routes along Coward Street east of Botany Road offers an opportunity for safe separated cycleways, but must be weighed against potential on-street parking loss (refer to challenge item 5)
- 7 Coward Street intersects JJ Cahill Memorial High School. The available road width allows a separated cycleway with minimal impact on travel lanes or on-street parking.
- 8 Universal Street and George Street have appropriate road widths to allow for a separated cycleway with minimal impact to travel lanes or on street parking.
- 9 Florence Avenue intersects Eastlakes Public School. The available road width allows a separated cycleway with minimal impact on travel lanes or on-street parking.
- 10 Mascot Drive offers a slow vehicle speed environment and avoids the existing bus route / mixed cycle along Florence Avenue
- 11 Opportunity to connect to established cycle routes in City of Sydney, Randwick Council routes and eastern suburbs of Bayside Council.

Generally, there is also an opportunity to review road speeds in the vicinity of the proposed cycle route. The creation of a low-speed road environment ensures the safety of all street users and is conducive to creating high quality public street activation.

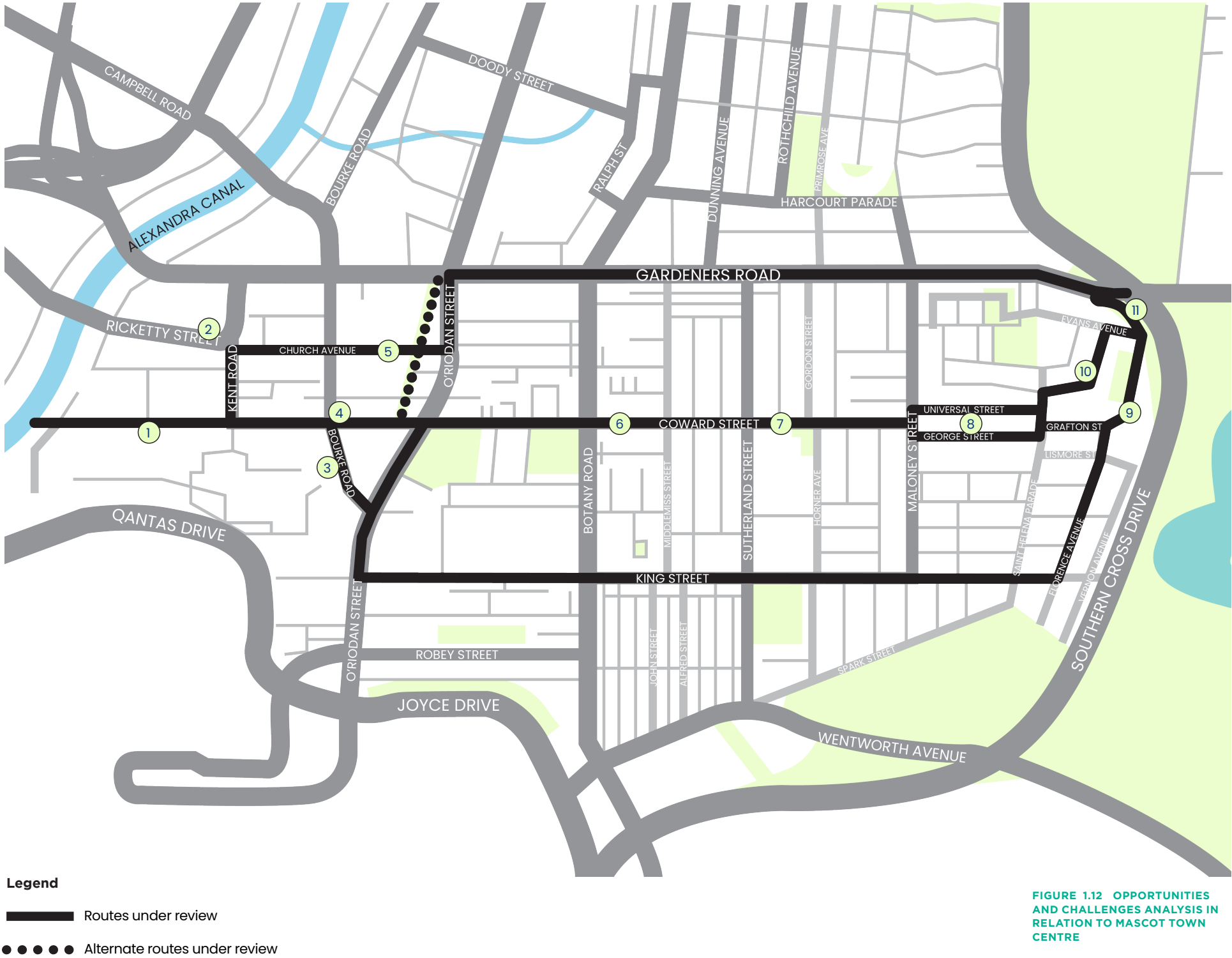


FIGURE 1.12 OPPORTUNITIES AND CHALLENGES ANALYSIS IN RELATION TO MASCOT TOWN CENTRE

### 3.4 ROUTE OPTIONS ANALYSIS

Across the Mascot to Eastlakes corridor, three major routes have been explored.

#### Route A

This option prioritises a high-quality and direct cycle route, leveraging the existing separated cycleway along Church Avenue. It aims to minimise conflict points and deliver a consistent, safe standard for both cyclists and pedestrians. Route A is identified in the Central Green Grid as Project Opportunity 19.

While recommended, it is noted that:

- The section west of Bourke Road falls under a separate investigation by TfNSW; and
- The section along the northern side of Gardeners Road is consistent with the City of Sydney's cycleway strategy.

Accordingly, this route is contingent on further collaboration between government stakeholders.

#### Route B

Route B is the **preferred alignment** for a continuous east-west cycling connection between Mascot and Eastlakes. It intersects key local destinations-including schools, shops and community facilities-while maintaining a direct route with minimal turns, offering clear and intuitive wayfinding.

This alignment broadly aligns with the Sydney Gateway Active Transport Strategy, which supports the corridor up to Bourke Road. However this strategy only indicatively identifies its continuation further east.

Further investigation is required to determine the most suitable facility type-whether a separated cycleway or shared path-and to understand how these facilities may affect other competing street uses.

The following pages provide a comparative assessment of these design options along Route B.

#### Route C

Route C was initially explored as a lower-conflict alternative by avoiding streets with overlapping freight, bus, and active frontage uses. However, this approach results in a significantly less direct alignment that bypasses key destinations and reduces the route's overall legibility and convenience for users.

Despite its intention to minimise conflict, Route C still intersects several high-conflict areas near Botany Road, Sutherland and Maloney Streets where bus, freight, and active frontage uses converge. This undermines the limited benefits gained from its otherwise lower-conflict sections.

For these reasons, Route C has not been progressed for further investigation as part of this study.

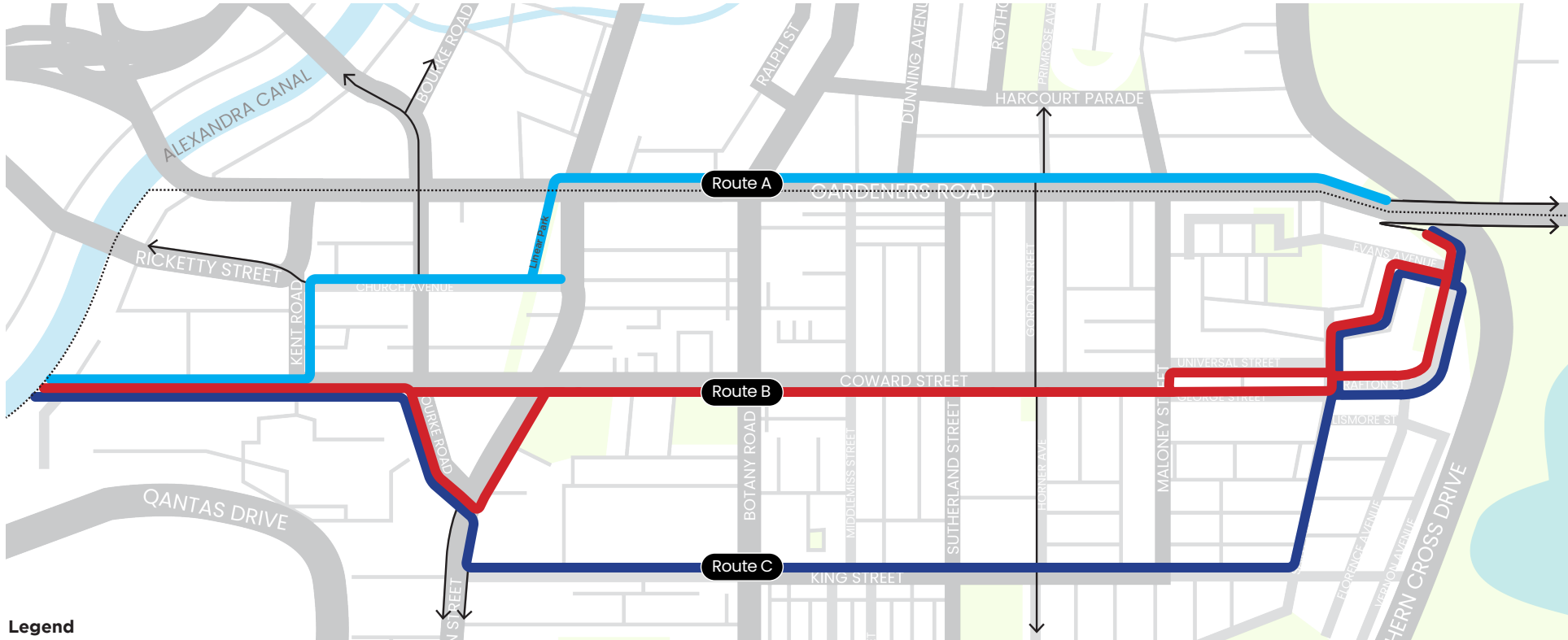


FIGURE 1.13 ROUTE OPTIONS INCLUDED IN THE ANALYSIS OF THE MASCOT TO EASTLAKES CORRIDOR

3.5 ROUTE B - SHARED PATH

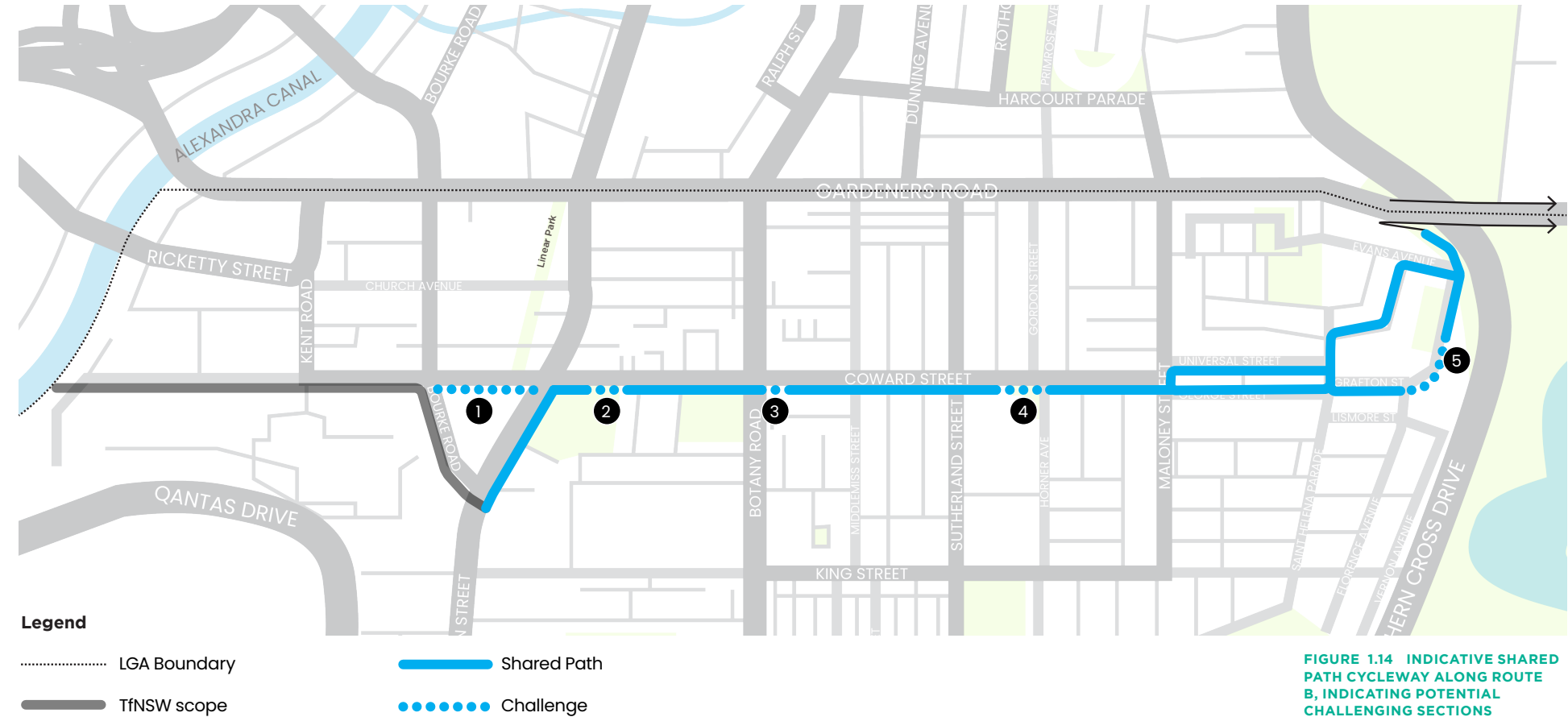
A shared path arrangement is achievable along the full length of the Coward Street route.

While there are some minor complications due to bottleneck points, minimum widths of 2.5m are achievable and meet cycleway guidelines.

As a result, there are far fewer challenges in delivering a continuous shared path arrangement compared to a separated cycleway arrangement. However, the resulting outcome will provide a slower cycle speed than alternative solutions.

CHALLENGES

- 1 High pedestrian numbers and bus stop patronage creates a high chance for collisions to occur which cannot be adequately resolved. See figure 1.16 for detailed analysis.
- 2 Potential bottleneck at bus stop requires reduced cycle speeds.
- 3 Bottleneck at corner of Coward Street & Botany Road due to mature trees requires reduced width and cycle speeds.
- 4 Possible conflict with school during pick-up and drop-off, requires reduced cycle speeds.
- 5 Possible conflict with existing fig trees and school during pick-up and drop-off requires reduced cycle speeds.

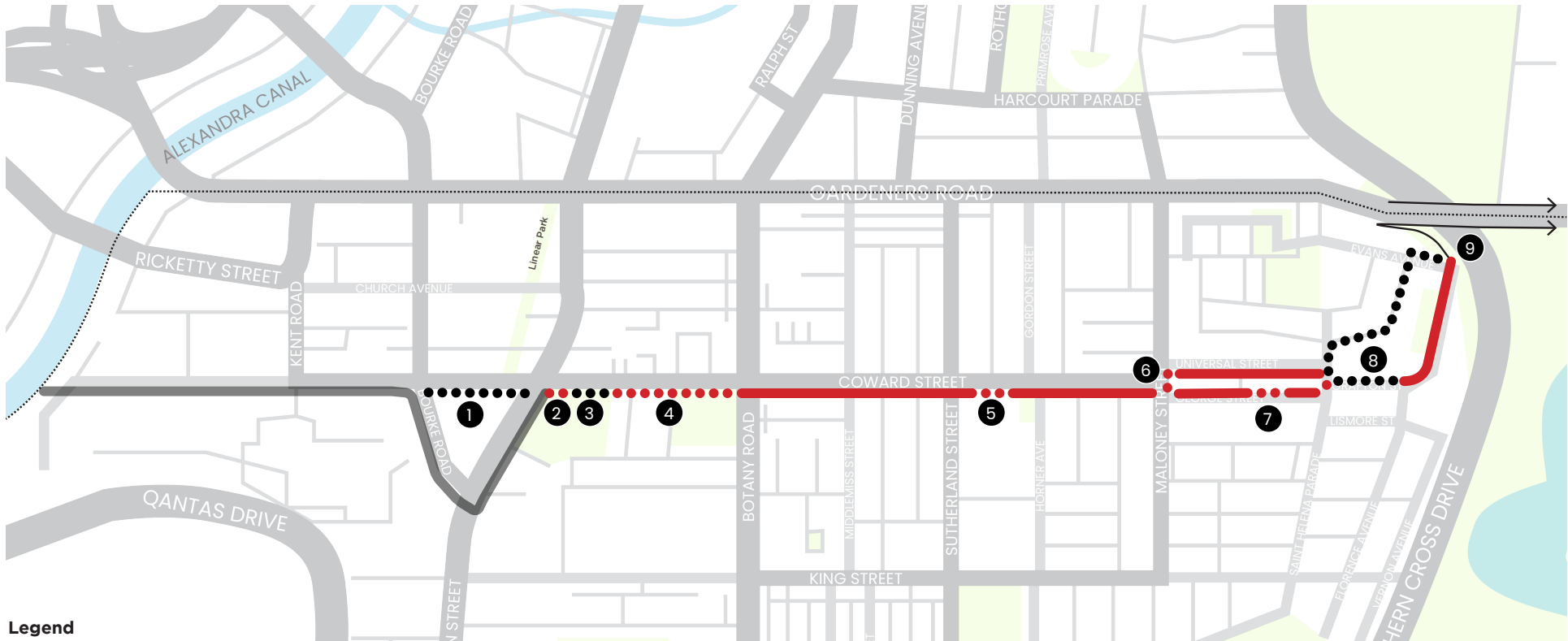


### 3.6 ROUTE B - SEPARATED CYCLEWAY

While a separated cycleway is achievable in few select locations, intermittent sections of Route B face challenges which must be mitigated. Council's preference is to avoid small sections of shared path to address these challenges, acknowledging that frequent changes in facility type are known to be hazardous due to the change in speeds and infrequent interactions with slower moving pedestrians.

#### CHALLENGES

- 1 Due to bus stop, separated cyclists must enter the footpath intermittently between Bourke Rd and O'Riordan St. Alternative designs would impact multiple travel lanes / parking lanes. See figure 1.16 for detailed analysis.
- 2 Separated at the corner of Coward St & O'Riordan St would require the removal of a dedicated turning lane with high usage.
- 3 Due to bus stop, separated cyclists must enter the footpath intermittently near Lionel Bowen Park. Alternative designs would impact multiple travel lanes / parking lanes. See figure 1.17 for detailed analysis.
- 4 Due to limited road widths, all southern on-street parking between O'Riordan St and Botany Road would be removed. Due to the limited road widths separated cyclists must also enter the footpath intermittently at road intersections.
- 5 Local pre-school "kiss & ride" must be relocated to Sutherland Street to ensure a safe drop off / pick up of school patrons
- 6 Due to bus stop, separated cyclists must enter the footpath intermittently if travelling north. Bus stop could be moved further north pending bus provider engagement.
- 7 Due to bus stop, separated cyclists must enter the footpath intermittently. Bus stop could be re-routed to Universal St pending bus provider engagement.
- 8 Insufficient road width along Evans Ave, Grafton Street, and Mascot Dr. To achieve separated cycleway on Grafton Street, the removal of both a travel lane and parking lane would be required. See figure 1.18 for detailed analysis.
- 9 Unsafe crossing at the intersection of Evans Ave and Florence Street will require detailed design to be resolved.



#### Legend

..... LGA Boundary  
—— TfNSW scope

—— Separated cycleway  
..... Challenge  
..... Requires closure of multiple vehicle travel / parking lanes

FIGURE 1.15 INDICATIVE SEPARATED CYCLEWAY ALONG ROUTE B, INDICATING POTENTIAL CHALLENGING SECTIONS

\* Refer to next page for diagrams indicating schematic design



### 3.7 SEPARATED CYCLEWAY CHALLENGES

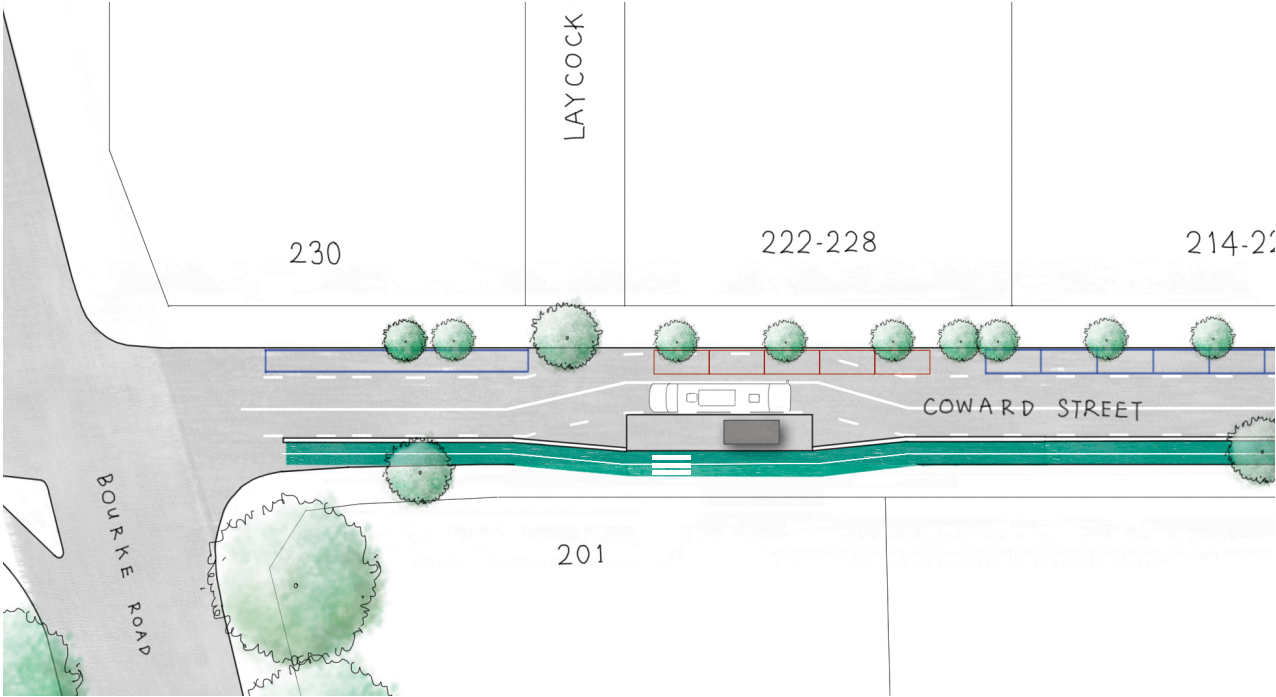


FIGURE 1.16 INDICATIVE SEPARATED CYCLEWAY ALONG COWARD STREET NEAR BOURKE ROAD (NOT RECOMMENDED)

The configuration shown in Figure 1.16 presents several design and operational challenges and is not supported as a preferred outcome for this section of Coward Street. Key issues include:

- Loss of southern on-street parking.
- Potential loss of northern on-street parking.
- Westbound buses must stop in the travel lane, increasing traffic congestion.
- This bus island is not appropriate as it does not fully comply with DDA requirements.
- Conflicts between cyclists pedestrians and bus patrons at the island stop.

This option has been assessed as unsuitable due to its safety, accessibility, and traffic performance impacts.

Additionally, a shared path cycleway is likely to be unsuitable due to the high pedestrian numbers and active frontages within the area. A number of street trees, planter boxes and other obstacles create bottle necks which may lead to an unsafe environment. For this reason, Council recommends the cycleway avoid Coward Street between Bourke Road and O'Riordan Street.



FIGURE 1.17 INDICATIVE BUS STOP AT MASCOT OVAL (NOT RECOMMENDED)

The configuration shown in Figure 1.17 presents several design and operational challenges and is not supported as a preferred outcome for this section of Coward Street. Key issues include:

- Loss of southern on-street parking.
- Potential loss of northern on-street parking.
- Westbound buses must stop in the travel lane, increasing traffic congestion.
- Removal of the dedicated left-turn lane at O'Riordan Street, reducing intersection efficiency.
- This bus island is not appropriate as it does not fully comply with DDA requirements.
- Conflicts between cyclists pedestrians and bus patrons at the island stop.

This option has been assessed as unsuitable due to its safety, accessibility, and traffic performance impacts. By comparison, a shared path solution resolves these traffic impacts, requiring cyclists to move at slower speeds appropriate for the site. Council believes this is an appropriate solution, given the wide verges, lower density residential setting and the lack of active frontages and shops in the area.





3.9 SEPARATED CYCLEWAY CHALLENGES CONTINUED

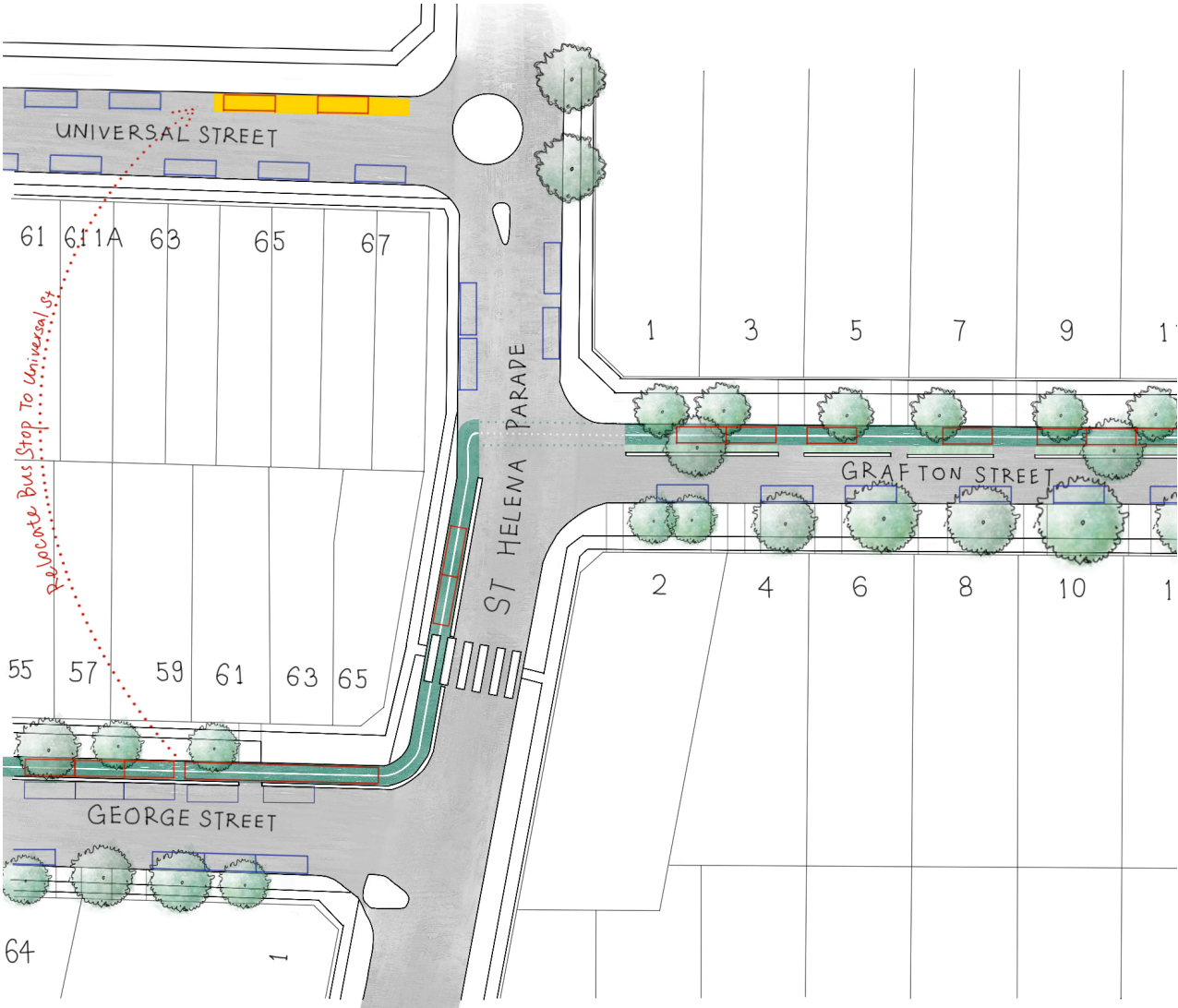


FIGURE 1.20 INDICATIVE SEPARATED CYCLEWAY DESIGN ALONG GEORGE STREET & GRAFTON STREET (PREFERRED OPTION)

To achieve a separated cycleway along George Street, northern on-street parking must be adjusted. While this results in no quantum change, the east-bound bus stop must be relocated to Universal Street to avoid conflicts between cyclists and bus patrons.

To achieve a separated cycleway along Grafton Street, the road must be reduced to a yield street, or one-way, including the removal of the northern on-street parking. This has been recommended as an appropriate solution as this will assist in reducing through-traffic, slowing speeds in a residential area and has potential for further amenity improvements.







## 4.1 RECOMMENDED ROUTE

The following recommendations are made:

- **Route B** treated as the proposed local route, implemented predominantly as a raised separated cycleway. A portion of shared path along O’Riordan Street and Coward Street up to Botany Road is required due to available verge space and weighing the impacts a separated cycleway would have on travel lanes and congestion.

A direct comparison of Route B and C indicate that the number of advantages offered by Route B, and Route C’s reliance on major traffic intervention, resulting in Route B being better.

The below lists some of the key actions required to deliver Route B:

- 1 Tie into TfNSW separated cycleway proposal.
- 2 Upgrade traffic signals to facilitate north-south cyclist access along Bourke Rd (by TfNSW).
- 3 Explore opportunities to improve traffic signals and raised threshold crossings at privately used driveways.
- 4 Upgrade traffic signals to facilitate improved pedestrian / cyclist crossing directly from Bourke Rd south to the eastern side of O’Riordan St (by TfNSW).
- 5 Investigate feasibility of shared path along O’Riordan Street’s western verge south of Bourke Road intersection as a future project.
- 6 Upgrade all signalised intersections along Coward Street to facilitate improved pedestrian / cyclist crossing times.
- 7 Review existing round about to accommodate best practice separated cycleway infrastructure.
- 8 Seek relocation of ‘Kiss & Ride’ to Sutherland Street to remove conflicts with separated cycleway design.
- 9 Upgrade signalised intersection at Maloney Street.
- 10 Relocate existing bus route to parallel Universal Road to ensure a smooth transition between Coward, George and Grafton Streets.
- 11 Consider removal of travel lane and northern on-street parking in Grafton Street to allow an uninhibited separated cycleway design.
- 12 Provide upgrades to improve pedestrian and cyclist safety entering Florence Avenue Reserve from Florence Avenue.
- 13 Explore future opportunities to connect further east via existing connections to Gardeners Road.

In addition, a review of vehicle speeds in the vicinity of the cycle route should be undertaken with the intent of creating a slower speed, safe environment which acknowledges both the existing schools, town centres as well as the proposed active transport infrastructure improvements.

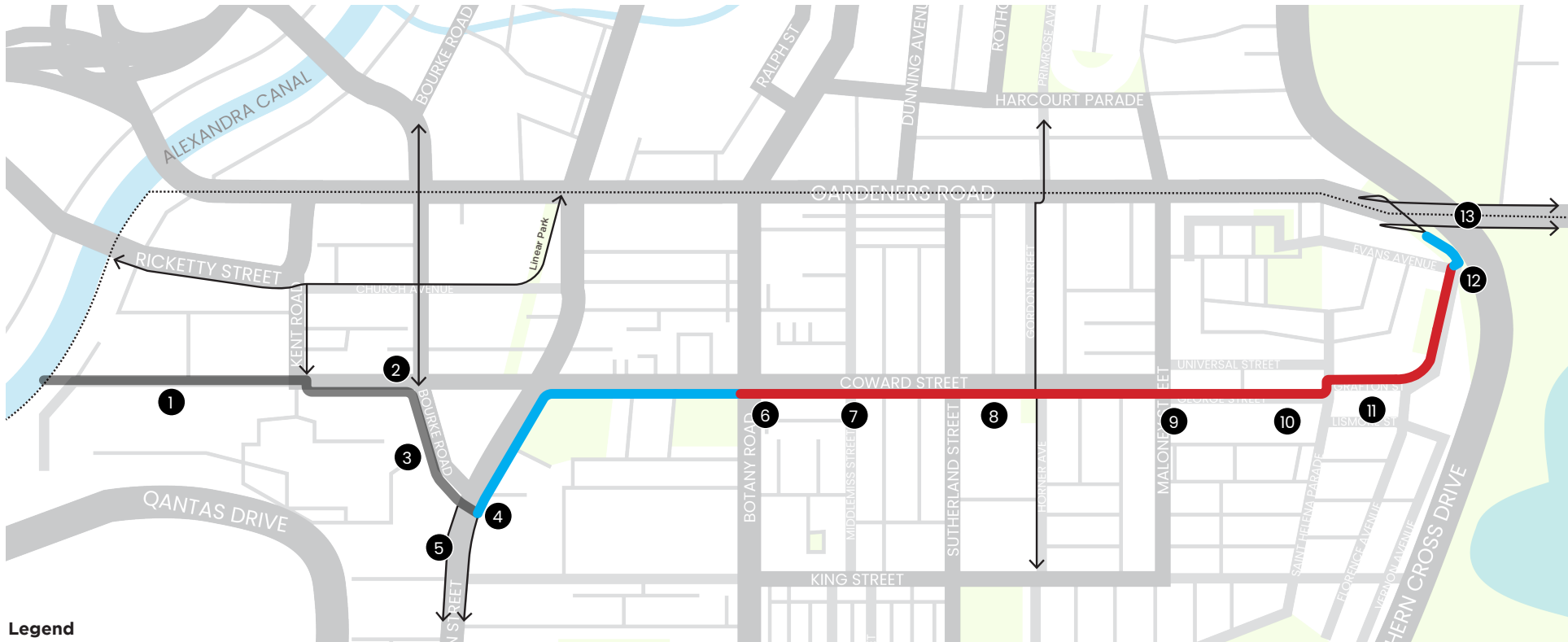


FIGURE 1.21 RECOMMENDED ROUTE

## 4.2 NEXT STEPS

### ENGAGEMENT

Bayside Council has actively engaged key stakeholders during the feasibility study, including:

- Transport for NSW (TfNSW) - via regular meetings and workshops to coordinate project scope and ensure alignment with nearby state led cycleway projects.
- City of Sydney Council, public transport operators, and local schools - to identify existing constraints and explore integration opportunities.

This early collaboration ensures a consistent approach across jurisdictional boundaries and lays the groundwork for joint delivery where applicable.

Bayside Council will now progress to community engagement to share the findings of the feasibility study to gain feedback and further refinement from residents, local businesses, and cycling groups. This process is essential in order to identify any specific concerns or local issues and ensure design responses are informed by lived experience, and to garner awareness for the project's broader safety and connectivity improvements.

A post exhibition report will be prepared, presented to Council and made available to the community.

### IMPLEMENTATION

As part of the feasibility study, it is anticipated that the total project cost will range between \$4.5 and \$6.5 million. This cost is indicative only, and will be further refined as a part of the concept and detailed design process.

Council will seek grants from a number of sources where and when they are made available for the delivery of this project. Examples include the TfNSW Get NSW Active program and road safety grants, as well as infrastructure contributions and other State and Federal road safety programs.

**City Planning & Environment Committee**

**6/08/2025**

Item No	CPE25.022
Subject	<b>Development Services - 2024/2025 Performance Report</b>
Report by	Peter Barber, Director City Futures
File	F15/195

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**Summary**

At the beginning of the 2024-2025 financial year, The Department of Planning, Housing and Infrastructure started formal monitoring of all NSW Councils' performance against the 2024 Minister's Statement of Expectations Order, which was issued to all NSW Councils in early July 2024.

By mid July 2024, the Department of Planning, Housing and Infrastructure released an interactive public facing *Council League Table* to monitor the time frame expectations set for development assessments, in accordance with the Statement of Expectations Order. This assisted in regular monthly monitoring of the performance of all NSW councils.

Soon after the release of the Ministers Statement of Expectations Order, Bayside Council was issued a letter advising that an average assessment time of 182 days for 334 assessments over the 2023-2024 financial year was recorded, and that council's target was to achieve a 115 day average for the 2024-2025 financial year.

This report outlines the outcome of initiatives to improve Bayside's performance in the first year of the Ministers Statement of Expectations.

---

**Officer Recommendation**

That Council receive and note the Development Services Team Performance Report for the Financial Year 2024-2025.

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**Background**

Environmental Planning and Assessment (Statement of Expectations) Order 2024 was signed by The Hon. Paul Scully MP on 1 July 2024 and issued across NSW Councils on 4 July 2024. The object of the Order was to set an expectation for councils in relation to their performance on a range of planning and development functions under the Environmental Planning and Assessment Act 1979, to take effect from the 2024-2025 financial year.

The Minister's Statement of Expectations is best broken down into 3 categories in relation to Development Assessment. An analysis of performance in the form of tables and/or graphs has been provided under each category listed below.

## Regionally Significant Development Application Reporting

1. Council should prepare assessment reports for a regionally significant development application (RSDA) and refer to the relevant Sydney district or regional planning panel as soon as practical and within an average of 250 days from lodgement.

Bayside Council saw average RSDA assessment referral days of 295 days over the financial year. 15 RSDA assessments were referred to the Panel and 4 met the Ministers expectation.

All NSW councils by average assessment referral days

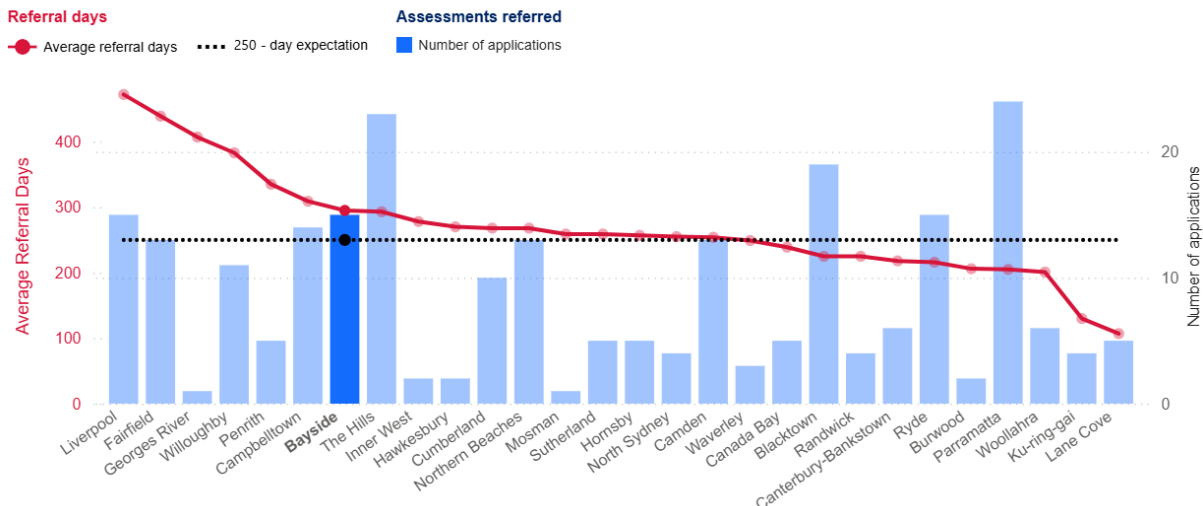


Figure 1: Regionally significant development application assessment referral graph for FY2024-25  
Source: NSW Government Power BI reporting

The chart above shows that Bayside Council had the fifth highest total development cost within this category amounting to just over \$1B. There were only three other metropolitan Councils that assessed more regionally significant applications that Bayside. As a high growth Council, Bayside receives a relatively large number of complex, high value applications that are challenging to report within the benchmark.

The Sydney Eastern City Planning Panel has an approach that seeks to reach a positive determination of applications where possible. On occasion the Panel has given Council officers a direction to work with applicants, rather than recommend refusal, which elongates the assessment time frame.

## Submission to Lodgement Time

2. Council should lodge DAs for which it is the consent authority as soon as practical and within an average of:
  - 14 days of submission between 1 July 2024 to 30 June 2025
  - 7 days of submission from 1 July 2025 onwards.

This metric measures the time between when an applicant submits an application on the NSW Planning Portal, and when a Council checks and accepts the application for assessment. This period is not counted in the assessment time, so it is important that delays do not occur in this



early stage that effectively increase the time between submission by an applicant and the final determination of a development application.

Council Name	Submitted applications	Lodged applications	Ave lodgement days	Determined applications
<b>Total</b>	<b>28,399</b>	<b>16,958</b>	<b>12</b>	<b>15,744</b>
North Sydney	452	247	39	254
Willoughby	350	242	34	277
Blue Mountains	791	516	29	456
Parramatta	672	414	26	435
Waverley	643	424	19	368
Lane Cove	166	139	17	122
Blacktown	1,961	1,103	14	989
Burwood	115	79	14	70
Liverpool	1,466	601	14	479
Ku-ring-gai	690	342	13	327
Penrith	991	551	13	469
Sutherland	1,327	703	12	721
Northern Beaches	1,779	1,210	12	1,079
Hunters Hill	163	118	12	103
Fairfield	932	328	12	286
Strathfield	198	134	12	149
Hawkesbury	643	349	11	394
Inner West	1,491	1,044	10	985
Cumberland	912	553	10	447
Ryde	458	257	9	290
Georges River	666	315	9	269
Hornsby	830	435	8	387
The Hills	2,028	1,377	8	1,231
Campbelltown	971	411	8	415
Wollondilly	1,017	830	8	745
Canada Bay	427	248	8	240
<b>Bayside</b>	<b>746</b>	<b>387</b>	<b>8</b>	<b>352</b>
Sydney	1,314	1,071	7	1,081
Mosman	312	174	7	145
Camden	1,017	719	7	673
Canterbury-Banksto	1,452	669	6	548
Woollahra	541	499	6	476
Randwick	878	469	3	482
	<b>28,399</b>	<b>16,958</b>	<b>12</b>	<b>15,744</b>

Figure 2: Council summary of Lodgement days for applications within FY2024-25  
Source: NSW Government Power BI reporting

In the 2024–25 financial year, Bayside Council successfully met the Minister’s Statement of Expectations by achieving an average lodgement timeframe of **8 days**, significantly outperforming the required benchmark of **14 days**. This performance places Bayside as the 7th best performing metropolitan council in the Sydney region under this measure.

Bayside’s strong result reflects its commitment to building an efficient lodgement process by establishing a process which provides timely service delivery for the community and applicants.

## Average Determination Time

3. Council should determine DAs for which it is the consent authority (including DAs determined by a local planning panel) as soon as practical and whichever is the lesser of council’s previous financial year average, or within an average of:

- 115 days of lodgement between 1 July 2024 to 30 June 2025
- 105 days of lodgement between 1 July 2025 to 30 June 2026
- 95 days of lodgement between 1 July 2026 to 30 June 2027
- 85 days of lodgement from 1 July 2027 onwards.

Bayside Council was set a target average for determination of DAs between 1 July 2024 to 30 June 2025 of 115 days, which meant that a reduction of 67 days from the average from the previous year (being 182 days) was required.

The following graph highlights Bayside Councils performance under this measure.

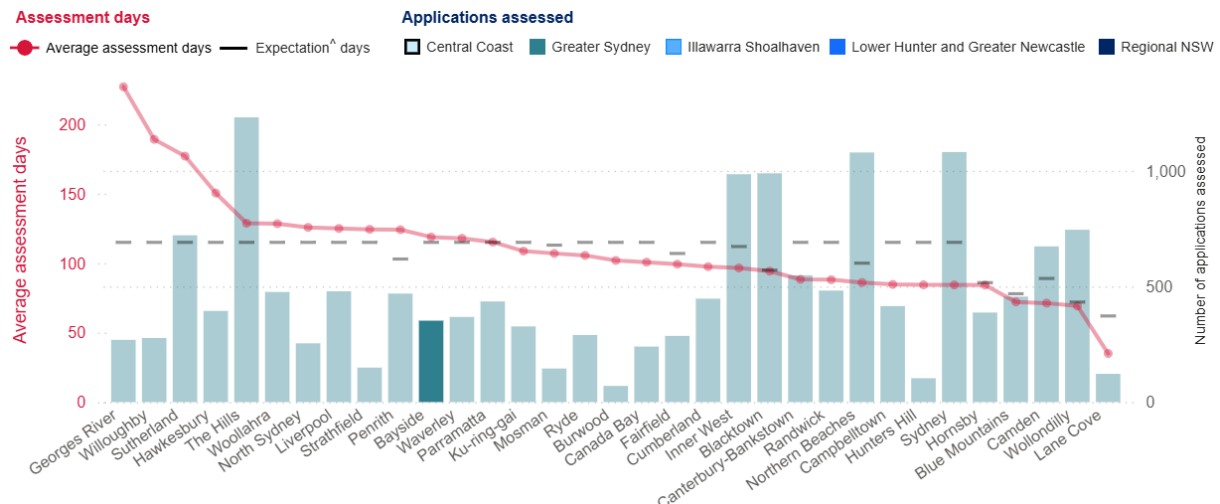
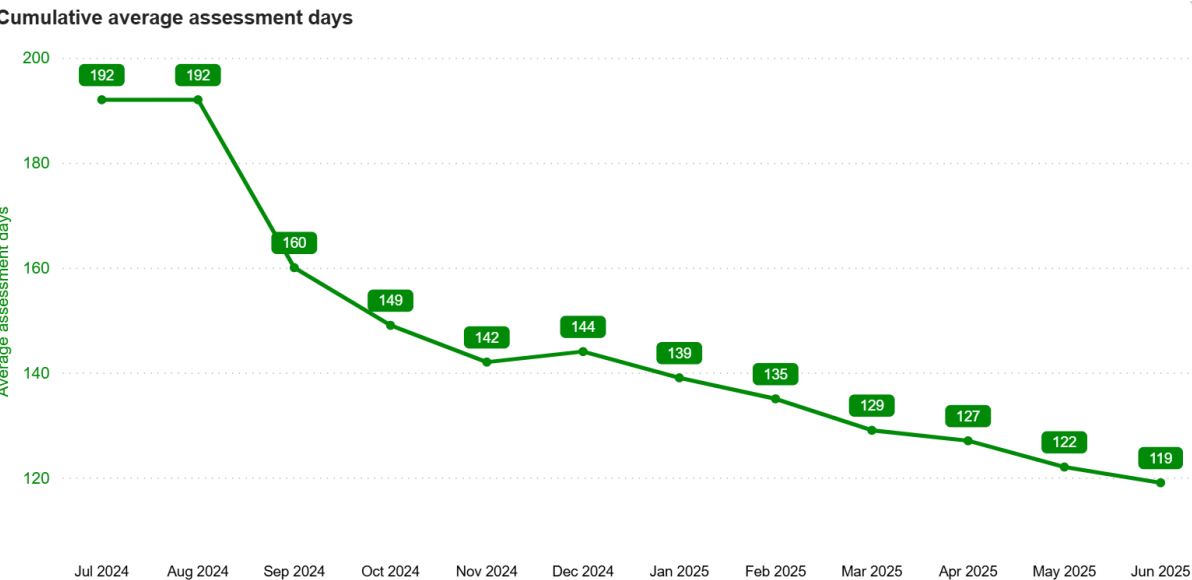


Figure 3: Sydney metropolitan Councils by average assessment days for FY2024-25

Source: NSW Government Power BI reporting

Bayside council achieved an average assessment time of 119 days and 352 determinations for the financial year.

Although the target was not fully achieved, performance was commendably close, reflecting a strong effort and consistent progress on throughout the reporting period. The near attainment of the goal highlights the effectiveness of current strategies and the team's commitment to continuous improvement.



**Figure 4: Bayside Council average assessment days for FY2024-25 – Rolling Monthly Average**  
Source: NSW Government Power BI reporting

The chart in Figure 4 shows the consistent improvement during the year, resulting in a reduction in determination time of 38% or 73 days from the average in July 2024. This moved Bayside from 29<sup>th</sup> to 23<sup>rd</sup> in Greater Sydney in terms of DA performance. Given that every other Council was also working to improve its performance during this period, this result shows that Bayside improved at a faster rate than others, effectively skipping over them in terms of its ultimate performance.

As a rolling average, the end of year result of 119 days is negatively impacted by the less favourable results in the first half of the financial year. The actual average for each month in the second half of the year is as shown below:

Month (2025)	Average determination time (days)
January	97
February	86
March	95
April	104
May	87
June	87
Average for 6 months	93

**Figure 5: Bayside Council average assessment days for Q3 and Q4 FY2024-25 –**  
Source: NSW Government Power BI reporting



This outcome provides a solid foundation for future success, with only minor adjustments needed to meet or exceed the new expectation of 105 days in the 2025/26 financial year.

## Other Performance Criteria

In the most recent letter relating to DA performance (12 March 2025) addressed to the General Managers of all NSW Councils, a further set of criteria was articulated to identify councils requiring intervention by the NSW Government. These three measures are reproduced below, and Bayside's performance provided beneath each criteria:

- *Housing target/implied dwelling demand: Councils with a housing target, or implied dwelling demand greater than 500 during the Housing Accord period.*

Councils housing target is 10,500 in five years, meaning that Bayside is a Council of interest to the NSW Government in terms of DA performance.

- *DA assessment performance: Councils with average gross end-to-end timeframes of 145 days or greater.*

Councils' average gross end-to-end timeframe was 119 days.

- *Percentage of applications assessed in expected timeframe: Councils with 50% or less of their applications assessed within their expectation.*

Council determined 352 applications within the financial year, and 244 of those applications met the average. Council achieved 69% of applications within the expectation.

Based on the above, Bayside was not identified in the end of year reporting that requires NSW Government intervention in regard to its DA performance.

## Conclusion

Bayside Council has demonstrated a strong commitment to meeting the Minister's Statement of Expectations under the Environmental Planning and Assessment (Statement of Expectations) Order 2024. While the Council did not fully meet the RSDA referral timeframe target, its performance was commendably close, with 4 of 15 assessments meeting expectations, and a significant total development cost of over \$1B and volume of applications compared to most metropolitan councils.

In terms of lodgement performance, Bayside exceeded expectations with an average of 8 days, placing it as the 7th best performing council in the Sydney region. Although the determination timeframe target of 115 days was narrowly missed, the achieved average of 119 days reflects substantial improvement from the previous year's 182 day average.

Further analysis under the Department of Planning, Housing and Infrastructure's additional criteria reinforces Bayside's positive trajectory. The Council's gross end-to-end DA assessment timeframe of 119 days is well below the 145 day threshold, and 69% of applications were assessed within the expected timeframe, exceeding the 50% benchmark.

These results collectively highlight Bayside Council's ongoing efforts to enhance planning efficiency, deliver timely outcomes, and support housing and development priorities across the region.

## Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

---

## Community Strategic Plan

Theme One – In 2035 Bayside will be a vibrant and liveable place	<input checked="" type="checkbox"/>
Theme Two – In 2035 our Bayside community will be connected and feel that they belong	<input type="checkbox"/>
Theme Three – In 2035 Bayside will be green, resilient and sustainable	<input type="checkbox"/>
Theme Four – In 2035 Bayside will be financially sustainable and support a dynamic local economy	<input type="checkbox"/>

---

## Risk Management – Risk Level Rating

No risk	<input type="checkbox"/>
Low risk	<input type="checkbox"/>
Medium risk	<input checked="" type="checkbox"/>
High risk	<input type="checkbox"/>
Very High risk	<input type="checkbox"/>
Extreme risk	<input type="checkbox"/>

---

## Community Engagement

Not applicable

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## Attachments

Nil

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**City Planning & Environment Committee**

**6/08/2025**

Item No	CPE25.023
Subject	<b>Policy Update - Design Excellence Framework</b>
Report by	Peter Barber, Director City Futures
File	SF25/4755

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## Summary

The Bayside Design Excellence Guidelines were introduced by the former Rockdale City Council in 2015 to support the implementation of the Design Excellence clause (Clause 6.10) in the Rockdale Local Environmental Plan when assessing relevant development applications.

The guidelines were amended in June 2017 to update relevant information for the newly formed Bayside Council, with the amendment adopted by Council on 12 July 2017.

The guidelines provide criteria and procedures for implementing the design excellence provisions contained in the Bayside Local Environmental Plan 2021 (BLEP 2021), for Development Applications which require review by a Design Review Panel (DRP), or a Design Excellence Competition to be held before development consent may be granted.

The NSW Government has produced two guidelines to support councils in this matter: the *Local Government Design Review Panel Manual 2022* and the *NSW Design Competition Guidelines 2023*.

The Manual and Guidelines prepared by the Government Architect NSW, provide the same criteria and procedures as Bayside's current guidelines. The NSW Government guidelines and Manual are now more up-to-date and aligned with overall NSW design practices than Council's current guidelines.

It is therefore recommended that the Council's existing Guidelines (Attachment 1) are revoked and replaced with the Local Government Design Review Panel Manual 2022 and NSW Design Competition Guidelines 2023 (Attachment 2 and 3).

---

## Officer Recommendation

- 1 That Council adopts the following NSW Government documents to support the Design Excellence clause in the Bayside Local Environmental Plan 2021:
  - Local Government Design Review Panel Manual (Government Architect NSW, November 2022)
  - NSW Design Competition Guidelines (Government Architect NSW, September 2023).
- 2 That the current Bayside Design Excellence Guidelines be revoked.



## Background

The Bayside Design Excellence Guidelines were first introduced by the former Rockdale City Council in 2015 to support the Design Excellence clauses in the now superseded Rockdale Local Environmental Plan.

Council's current Bayside local Environmental plan 2021 includes clause 6.10 which establishes mandatory design excellence standards for specific developments within the Bayside LGA.

This requires that development consent must not be granted unless the proposed development exhibits design excellence. The design excellence requirements apply to development in:

- Arncliffe and Banksia Precincts - all new buildings and external alterations
- Areas marked on the Design Excellence Map in the LEP
- Certain developments relying on specific bonus provisions in the planning controls

Additional requirements for design excellence apply based on building height:

- 3-12 stories (12-40m high): Must go through a Design Review Panel process
- Over 12 stories (over 40m high): Must go through a competitive design process, unless waived by council and reviewed by Design Review Panel instead.

The Design Guidelines have been revised over time to reflect evolving council structures and regulatory requirements since adoption.

The Bayside Design Review Panel consists of a pool of nine professionals, including architects, landscape architects, and urban designers. The panel was established in 2023 through an Expression of Interest Process and endorsed by the Government Architect NSW.

The selection process was conducted in accordance with the Council's Design Excellence Guidelines, as well as in reference to the Local Government Design Preview Panel Manual 2022. The tenure of the membership is three years and will be renewed in 2026.

Over the past 12 months, more than 25 developments have triggered the Design Excellence clause in the Bayside LEP and were presented to the Design Review Panel for Design Excellence consideration. This includes nine applications in Mascot, ten applications in Arncliffe and Banksia and four applications in Eastgardens.

## Policy Evolution

### Initial Development (2015-2016)

The Design Excellence Guidelines were adopted by the former Rockdale City Council on 6 May 2015, followed by an amendment to the Rockdale Local Environmental Plan (RLEP) to incorporate Design Excellence provisions. Council further refined the document on 3 February 2016.

### Amalgamation Updates (2017-2019)

Following council amalgamation, the guidelines were reviewed in June 2017 to update relevant information for the newly formed Bayside Council, with the formal amendment adopted on 12 July 2017. This was further refined and adopted by Council on 2 June 2019, to reflect the State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts).

### Policy Alignment (2023)

In February 2023, the document was amended to comprehensively align the guidelines with the Bayside LEP 2021 and incorporate refined processes and criteria from the Local Government Design Review Panel Manual prepared by the Government Architect New South Wales. This document is attached for reference.

## Current Context

The NSW Government has subsequently produced guidelines for running Design Competitions and Design Review Panels specifically for local government. The NSW Government documents are comprehensive and have the same objectives as Bayside's existing guidelines. The following documents are attached for reference:

- Local Government Design Review Panel Manual 2022
- NSW Design Competition Guidelines 2023

There are benefits in adopting these documents including:

- They provide consistency across NSW in design review processes.
- They ensure clear procedures for applicants and councils and are supported by the NSW government.
- They provide transparent, step-by-step guidance that removes ambiguity from the design review process. Applicants benefit from knowing exactly what documentation is required, what assessment criteria will be applied, and what timelines to expect.
- They contain greater clarity on roles and responsibilities. This clarity minimises delays and creates a more efficient process that serves both Council and applicants.

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## Design Competition Exemption Pathway

The Department of Planning, Housing and Infrastructure (DPHI) has created an alternative to traditional design competitions for state significant developments (SSDs) to expedite housing delivery. Instead of undertaking lengthy design competitions, eligible projects can choose to follow an "alternative design excellence pathway". To take this pathway, applicants must prepare a Design Excellence Strategy requiring approval from the Government Architect NSW.

This new process is similar to the exemptions available for Transport-Oriented Development projects and is part of broader efforts to accelerate housing construction and supply. Council is also able to agree to exempt local and regional development from a design competition if there is greater efficiency and the likelihood of a better outcome by using the Design Review Panel process.

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## Financial Implications

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| Not applicable                       | <input checked="" type="checkbox"/> |
| Included in existing approved budget | <input type="checkbox"/>            |
| Additional funds required            | <input type="checkbox"/>            |

---

## Community Strategic Plan

- |  |                                     |
|--|-------------------------------------|
| Theme One – In 2035 Bayside will be a vibrant and liveable place                                 | <input checked="" type="checkbox"/> |
| Theme Two – In 2035 our Bayside community will be connected and feel that they belong            | <input type="checkbox"/>            |
| Theme Three – In 2035 Bayside will be green, resilient and sustainable                           | <input type="checkbox"/>            |
| Theme Four – In 2035 Bayside will be financially sustainable and support a dynamic local economy | <input type="checkbox"/>            |

---

## Risk Management – Risk Level Rating

- |                |                                     |
|----------------|-------------------------------------|
| No risk        | <input type="checkbox"/>            |
| Low risk       | <input checked="" type="checkbox"/> |
| Medium risk    | <input type="checkbox"/>            |
| High risk      | <input type="checkbox"/>            |
| Very High risk | <input type="checkbox"/>            |
| Extreme risk   | <input type="checkbox"/>            |



## Community Engagement

Community consultation is not required.

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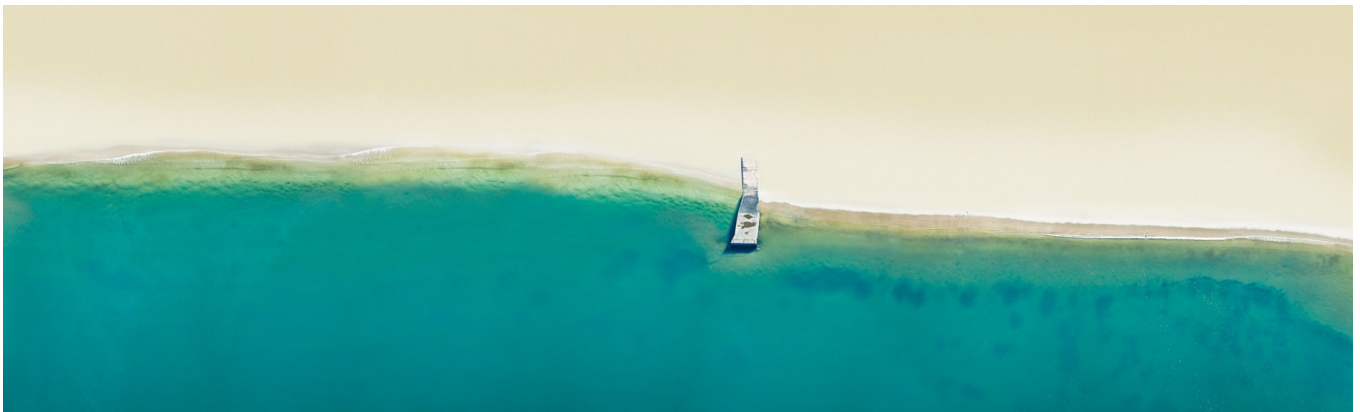
## Attachments

- 1 [↓](#) Bayside Design Excellence Guidelines 2023
- 2 [↓](#) Local Government Design Review Panel Manual 2022
- 3 [↓](#) Design Competition Guidelines 2023



# Bayside Design Excellence Guidelines

**February 2023**



#### Version History

Version	Release Date	Author	Reason for Change
1	6 May 2015	Wil Robertson	Initial document
2	4 February 2016	Wil Robertson	Amended content Adopted by Rockdale City Council
3	27 June 2017	Wil Robertson	Amended content for adoption by Bayside Council Adopted 12 July 2017
4	20 March 2019	Alison Phillips	Amended content for adoption by Bayside Council
5	16 February 2023	Irene Chan	Amended content to reflect Bayside LEP 2021 and further refinement of the process and criteria with reference to the Local Government Design Review Panel Manual (November 2022) prepared by Government Architect New South Wales.

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File: 23/31522

Enquiries: Manager Strategic Planning



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## 1) Explanation

- a. These guidelines provide criteria and procedures for the assessment of design excellence to support *Clause 6.10 Design Excellence* of the *Bayside Local Environmental Plan 2021 (BLEP 2021)*, that requires review by a Design Review Panel (DRP), or a Design Excellence Competition to be held in relation to specific sites before development consent may be granted.
- b. *Clause 6.10* of the *BLEP 2021* prescribes the locations where development must exhibit Design Excellence, generally within the Arncliffe or Banksia precincts, the areas identified in the BLEP Design Excellence Map (DEX) and in certain areas where the height of a building may exceed the maximum height shown for the land on the Height of Buildings Map under additional conditions.
- c. These procedures take reference to the Local Government Design Review Panel Manual (November 2022) prepared by Government Architect NSW. This document informs the assessment process including tasks, responsibilities, and timeframes to ensure that the design excellence assessment process will operate in a manner which is accountable, fair and efficient.
- d. This document should read in conjunction to the Bayside Design Review Panel – Terms of Reference.

## 2) Design Excellence Criteria

- a. In accordance with *Clause 6.10* of the *BLEP 2021* sub-clause (4), the consent authority must have regard to the following matters:
  - (1) *The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.*
  - (2) *This clause applies to the following development—*
    - (a) *development involving the erection of a new building or external alterations to an existing building within the Arncliffe Precinct or the Banksia Precinct,*
    - (b) *development involving the erection of a new building or external alterations to an existing building on land shown edged heavy black on the Design Excellence Map,*
    - (c) *development that is the subject of a development application that relies on clause 4.3(2A) (a), (f), (g), (h), (i) or (k).*

**Note—**

*In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 4.55 (3) of the Act).*

- (3) *Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.*
- (4) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—*
  - (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
  - (b) *whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*

- (c) *whether the development detrimentally impacts on view corridors,*
- (d) *the requirements of any development control plan made by the Council and as in force at the commencement of this clause,*
- (e) *how the development addresses the following matters—*
  - (i) *the suitability of the land for development,*
  - (ii) *existing and proposed uses and use mix,*
  - (iii) *heritage issues and streetscape constraints,*
  - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity, and urban form,*
  - (v) *bulk, massing and modulation of buildings,*
  - (vi) *street frontage heights,*
  - (vii) *environmental impacts such as sustainable design, overshadowing, wind, and reflectivity,*
  - (viii) *the achievement of the principles of ecologically sustainable development,*
  - (ix) *pedestrian, cycle, vehicular and service access, circulation, and requirements,*
  - (x) *the impact on, and any proposed improvements to, the public domain,*
  - (xi) *achieving appropriate interfaces at ground level between the building and the public domain,*
  - (xii) *excellence and integration of landscape design.*
- (5) *Development consent must not be granted to development to which this clause applies unless—*
  - (a) *if the development is in respect of a building that is, or will be, higher than 12 metres or 3 storeys (or both) but not higher than 40 metres or 12 storeys (or both)—*
    - (i) *a design review panel has reviewed the development, and*
    - (ii) *the consent authority takes into account the findings of the design review panel,*  
*or*
  - (b) *if the development is in respect of a building that is, or will be, higher than 40 metres or 12 storeys (or both)—*
    - (i) *an architectural design competition is held in relation to the development, and*
    - (ii) *the consent authority takes into account the results of the architectural design competition.*
- (6) *Subclause (5)(b) does not apply if—*
  - (a) *the NSW Government Architect certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development, and*
  - (b) *a design review panel reviews the development, and*
  - (c) *the consent authority takes into account the findings of the design review panel.*
- (7) *An architectural design competition conducted in accordance with the Design Excellence Guidelines that were in force when the competition was conducted is taken to have been conducted in accordance with the Design Excellence Guidelines.*
- (8) *In this clause—*

**architectural design competition** means a competitive process conducted in accordance with the Bayside Design Excellence Guidelines.

**Design Excellence Guidelines** means—

- (a) *the Bayside Design Excellence Guidelines adopted by the Bayside Council and in force on the commencement of State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018, or*
- (b) *if no guidelines were in force on that commencement—the Design Excellence Guidelines issued by the Planning Secretary, as amended from time to time.*



***design review panel*** means a panel of 3 or more persons established by the consent authority for the purposes of this clause and approved by the NSW Government Architect.

- b. Key criteria to be used as a guide when considering design excellence merit include:
  - i. Capacity to transform existing character and activity within and beyond its context.
  - ii. Creative integration of design and technical requirements.
  - iii. Communication of lateral responses to current planning controls and guidelines.
  - iv. Contribution to amenity and place making through the development of a proposal that is presented as a cohesive place, contributing to civic quality, public realm, systems and paths of movement and activity.
  - v. Comprehensive appreciation of environmental features.
  - vi. New public spaces, frontages to public and communal areas that generate high levels of activation and encourage social interaction.
  - vii. Scale, character, form and siting complement surrounding urban qualities and likely future development.
  - viii. An appropriate balance between resilient materials, embodied energy and resource consumption and dependence.
  - ix. Land uses, activity, building configuration and occupancies that may be adapted in future.
- c. Design Excellence procedures provide a framework in establishing, reviewing and progressing Design Excellence.

### 3) Objectives for these Guidelines

- a. Provide a detailed explanation of terms and procedures which are provided by Clause 6.10 of BLEP 2021.
- b. Outline the procedures and approach in assessing, decision making and responsibility.
- c. Intended to progress a design proposal which demonstrates that the scheme's Architect has the capacity to deliver design excellence throughout the life of the project.

## 4) The Guidelines – Design Review Panel (DRP)

- a. Design Excellence
  - i) Objectives for design excellence apply to Independent Design Review and Design Excellence Competitions and require design solutions that are *exemplary* as opposed to solutions which demonstrate a basic level of competence.
  - ii) Design Excellence Guidelines and Criteria shall be considered in the following:
    - (1) Development Applications that require Design Excellence Review under *Clause 6.10* of the *BLEP 2021*;
    - (2) Evaluation and review of Design Excellence for Development Applications; and,
    - (3) Assessment of Development Applications that are subject to *Clause 6.10* of the *BLEP 2021* that consider the Design Excellence Guidelines and Criteria, in addition to statutory requirements of *Section 4.15 Evaluation* in the *Environmental Planning and Assessment Act (EPA Act)*.
  - iii) Design Excellence integrity shall be continued through to detailed development proposals.
- b) Procedures for a Design Review Panel
  - i) The Design Review procedures involve a sequence of tasks which are summarised below. This initially requires the proponent to complete a Design Review Panel Application.
- c) Design Concepts
  - i) Design Review Panel requires the submission of one design concept:
    - (1) Proponents are responsible for selecting the design group;
    - (2) Each of the selected design groups shall be headed by a registered Architect, and may be a single firm or a consortium of complementary design professionals; and,
    - (3) The selected design group should demonstrate a capacity to deliver design excellence have levels of skill and expertise which are broadly-equivalent and meet the conditions and requirements for eligibility, assessment and entry to the NSW Government Architect's Strategy and Design Excellence Prequalification Scheme.
  - ii) Details on specific Design submission requirements are to be set out by the proponent.
- d) Design Excellence Review
  - i) A Design Review Panel will be in accordance with *Clause 6.10* of the *BLEP 2021*:
    - (1) Design Review Panel members will be preselected by the General Manager – Bayside Council through an Expression of Interest (EOI) process and will be rostered to attend DRP meetings;
    - (2) Where required, the Design Review Panel members will be selected for their expert advice depending on the design lodge to Council;
    - (3) Members of a Design Review Panel shall provide a fair and honest appraisal of design concepts; and,
    - (4) If a proposed development includes a building listed in *Clause 5.10 Heritage Conservation* of the *BLEP 2021*, or where a site is located in a

- conservation area, or is in the vicinity of a heritage item, then at least one member of the Jury must be an appropriately qualified heritage consultant or heritage architect.
- ii) The proponent is responsible for remuneration or honorarium costs to members of the Design Review Panel.
  - iii) Review of design submissions by the Design Review Panel requires reference to the following:
    - (1) Primarily, to matters for consideration which are specified by *Clause 6.10* of the *BLEP*;
    - (2) Design Excellence Guidelines and Criteria; and,
    - (3) Any design quality considerations which might be specified by state or local planning controls that are relevant to the subject site or to the development concept.
  - iv) In relation to Design Review Panels, review by the Panel members require the following:
    - (1) A statement that explains how the submission exhibits design excellence;
    - (2) If the submissions does not exhibit design excellence, the Jury may identify amendments to submissions that would guide any amendments to the submission;
- e) In general, the review of design excellence through a Design Review Panel involves the following procedures:
- i) Payment of any required fees to Council, as per the Bayside Fees and Charges
  - ii) Design submissions should be distributed to Panel members at least 7 days prior to a scheduled review meeting.
  - iii) Questions from Panel members to Council staff, discussions and recommendations by the Panel must occur during closed sessions.
  - iv) The minutes of the meeting are prepared on the day that the Design Review Panel is convened to be reviewed and finalised by the Panel for distribution to Council within 7 days after each review meeting.
  - v) Council is to issue minutes and any further direction to the Proponent once in receipt.
  - vi) Requests for reconsideration or clarification of the Jury's final report may be submitted by the proponent or the Council within 14 days after receipt of the Jury's report.
- f) Assessment and Determination
- i) The consent authority shall have regard for relevant considerations under *Section 4.15 Evaluation* of the *EPA Act* and Design Excellence provisions of *Clause 6.10* of the *BLEP 2021*.
  - ii) The outcome of a Design Review Panel does not constitute a Development Application Approval. Any selected design proposal must undergo the Council's DA Process.
  - iii) Council reserves the right to convene an independent panel (at the cost to the developer) to review subsequent modifications to the design outcome and determine if they conform to the design intent of the selected scheme.



## 5) The Guidelines – Competition

- a) Design Excellence
  - i) Objectives for design excellence apply to Independent Design Review and Design Excellence Competitions, and require design solutions that are *exemplary* as opposed to solutions which demonstrate a basic level of competence.
  - ii) Design Excellence Guidelines and Criteria shall be considered in the following:
    - (1) Competition Entries;
    - (2) Evaluation and review of Design Excellence and Competition Entries; and,
    - (3) Assessment of Development Applications that are affected by *Clause 6.10* of the *BLEP 2021* that consider the Design Excellence Guidelines and Criteria, in addition to statutory requirements of *Section 4.15 Evaluation* in the *Environmental Planning and Assessment Act (EPA Act)*.
  - iii) Design Excellence integrity shall be continued through to detailed development proposals.
- b) Procedures for a Design Excellence Competition
  - i) The Design Excellence Competition procedures involve a sequence of tasks which are summarised below. This initially requires the proponent to complete a Design Excellence Strategy and Design Excellence Competition Brief for consideration, approval and endorsement by Council.
- c) Design Excellence Strategy
  - i) The Design Excellence process is to be undertaken in accordance with a Design Excellence Strategy that defines the following:
    - (1) Location, extent and scope of the design excellence process;
    - (2) Type of Design Excellence process to be undertaken that shall be an “Invited” Design Competition;
    - (3) Number of submissions to be sought;
    - (4) Design Excellence Guidelines and Criteria;
    - (5) Assessment and decision making participants and process;
    - (6) Jury (Design Excellence Panel) composition and financial remuneration/honorarium;
    - (7) Outcome of the Design Excellence Process; and,
    - (8) Fees and charges to be paid to Bayside Council by the proponent to cover management and financial considerations and obligations including remuneration and or honorarium to members of the Jury (Design Excellence Panel).
  - ii) Design Excellence Competition Brief
    - (1) The Design Excellence Brief will identify all of the competing design groups.
      - (a) The same information is to be provided to the competing design groups:
        - (i) Draft competition briefs must be endorsed by Council officers before any competition may commence; and,
        - (ii) If the proponent's draft brief is considered unacceptable, Council's response will confirm reasons and will recommend matters which require further attention.
      - (b) The design brief must provide a comprehensive range of information about the site and its context.
      - (c) A schedule of fees to be charged by each competitive submission.
      - (d) Ongoing role of a selected schemes Architect.

- d) Design Concepts
  - i) Design competitions require the submission of design concepts by at least three competing design groups:
    - (1) Proponents are responsible for selecting the design groups, and for making an agreed payment to each design group for their completed design submissions;
    - (2) Each of the selected design groups will be independent and shall be headed by a registered Architect, and may be a single firm or a consortium of complementary design professionals, together with project experience that has direct relevance to the competition brief. The nominated Architect may only represent a single Architectural Practice Competing in the Design Excellence Competition; and,
    - (3) All of the selected design groups should demonstrate a capacity to deliver design excellence have levels of skill and expertise which are broadly-equivalent and meet the conditions and requirements for eligibility, assessment and entry to the NSW Government Architect's Strategy and Design Excellence Prequalification Scheme.
  - ii) Details on specific Design Excellence submission requirements are to be detailed in the Design Excellence Competition Brief set out by the proponent.
- e) Design Excellence Review
  - i) A Design Excellence Jury of no less than four, and no more than six members shall be established for each competition and act as a jury:
    - (1) Jury members shall have recognized qualifications and expertise in Architecture, or Landscape Architecture, or Urban Design;
    - (2) The Jury shall consist of an equal number of members who are nominated by the proponent and by Council;
    - (3) The Jury may also include a member who is independently nominated by the Government Architects Office NSW, and consist of a member of a professional body such as the Australian Institute of Architects or similar;
    - (4) Members of a Design Excellence Jury shall provide a fair and honest appraisal of design concepts; and,
    - (5) If a proposed development includes a building listed in *Clause 5.10 Heritage Conservation* of the *BLEP 2021*, or where a site is located in a conservation area, or is in the vicinity of a heritage item, then at least one member of the Jury must be an appropriately qualified heritage consultant or heritage architect.
  - ii) Excluding any submissions that are deemed to be disqualified, the Jury shall consider and assess a minimum of three competition entries to determine an outcome.
  - iii) The proponent is responsible for remuneration or honorarium costs to members of the Design Excellence Jury.
  - iv) Review of design submissions by the Design Excellence Jury requires reference to the following:
    - (1) Primarily, to matters for consideration which are specified by *Clause 6.10* of the *BLEP 2021*;
    - (2) Design Excellence Guidelines and Criteria; and,
    - (3) Any design quality considerations which might be specified by state or local planning controls that are relevant to the subject site or to the development concept.

- v) In relation to design competitions, reviews by the Design Excellence Jury require the following:
  - (1) A majority opinion of the Jury that identifies the preferred design submission that exhibits design excellence;
  - (2) A statement that explains how the preferred submission exhibits design excellence;
  - (3) If none of the submissions exhibit design excellence, the Jury may identify amendments to submissions that would guide a competitor in amending a submission;
  - (4) If amendments are recommended, the responsible competitor should provide the amended submission within 28 days after receipt of the Jury's report, and the Jury should be reconvened to review the amended submissions; and,
  - (5) The competition is terminated without an outcome, winner or awarding design excellence to any submission:
    - (a) If the Jury cannot identify design amendments that would achieve excellence;
    - (b) Any Jury's recommended amendments have not been provided within a reasonable timeframe; and,
    - (c) The Jury finds that none of the submissions achieve design excellence.
- f) In general, the review of design excellence involves the following procedures:
  - i) Payment of any required fees to Council as itemized in the *Bayside 2030 Fees and Charges*.
  - ii) Administrative tasks shall be provided by the Proponent: confirmation of meeting dates, distribution of documents and booking of meeting venues.
  - iii) Preparation of a Design Excellence Strategy and Brief for endorsement by Council.
  - iv) Design submissions should be distributed to Jury members at least 14 days prior to a scheduled review meeting.
  - v) Review meetings should provide for a 30 minute presentation by each competitor followed by questions from Jury members.
  - vi) Discussion and decisions by the Jury should occur during closed sessions that follow presentations.
  - vii) Reports should be drafted by the Jury for distribution to the proponent and the Council within 14 days after each review meeting.
  - viii) Requests for reconsideration or clarification of the Jury's final report may be submitted by the proponent or the Council within 14 days after receipt of the Jury's report.
  - ii) Requirements of *RLEP 2011* to hold a design competition are deemed to have been satisfied:
    - (1) 14 days after final reports by the Design Excellence Jury have been distributed to the proponent and the Council.
- g) Assessment and Determination
  - i) The consent authority shall have regard for relevant considerations under *Section 4.15 Evaluation* of the *EPA Act* and Design Excellence provisions of *clause 6.10 BLEP*.
  - ii) The outcome of a Design Excellence Competition does not constitute a Development Application approval. Any selected design proposal must undergo the Council's DA Process.



Council reserves the right to convene an independent panel (at the cost to the developer) to review subsequent modifications to the design outcome and determine if they conform to the design intent of the selected scheme.

# Local Government Design Review Panel Manual

Government Architect NSW

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## Acknowledgement of Country

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

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





Cover image: Newcastle East End. Photo: Brett Boardman.

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## GOVERNMENT ARCHITECT NEW SOUTH WALES

This document was prepared by GANSW for DPE.



## About this manual

This manual provides advice on how to establish, manage and participate in a design review panel convened by a local council.

### Who is this manual for?

The manual is for:

- councils establishing a new local government design review panel (LGDRP), or reviewing their existing design review panel processes
- council staff engaged in managing design review panels
- design professionals engaged as members of a local government design review panel
- development applicants and design teams whose projects will undergo design review by a local government design review panel
- others who may be involved in design review panels, for example as observers of a design review panel session.

### How to use this manual

**Part 1** explains what design review by a local panel is, where and when it applies, the protocols for good design review, and what to avoid.

**Part 2** gives guidance on how to establish a local government design review panel and describes the roles and responsibilities of panel members and council staff.

**Part 3** provides detail on how a panel operates, including timing and staging of tasks.

**Part 4** sets out key governance issues and describes the design advice letter and the design review report.

**Part 5** contains case studies providing examples of how design review by a local panel adds value.

**Appendix A** is a template for the terms of reference for a local government design review panel.

**Appendix B** is a template agenda for a local design review panel session.

**Appendix C** is a template design advice letter.

**Appendix D** is a template design review report.

### Policy context

The NSW planning system is guided by the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act), the *Environmental Planning and Assessment (EP&A) Regulation*, various state environmental planning policies (SEPPs) and local environmental plans (LEPs). Design review is referred to in a range of legislative and policy documents.

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

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

#### ***Environmental Planning and Assessment Regulation 2021***

The EP&A Regulation provides the legislative framework and sets requirements for design review. It takes precedence over the *Local Government Design Review Panel Manual*. The Manual should be read in conjunction with the EP&A Regulation.

#### ***State environmental planning policies***

Some SEPPs require projects that meet certain criteria to be reviewed by a design review panel. This may include, but is not limited to, residential apartment development.

#### ***Local environmental plans***

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

## PART ONE

# Understanding design review panels

A design review panel is a panel of expert and independent design professionals that provides constructive feedback on the design quality of development proposals and strategic design projects.

The aim of participating in design review is to help applicants, design teams, local councils and other consent authorities by providing expert, context-specific design advice that will contribute to improving the design quality of the built environment and facilitate smooth assessment processes.

Design review can benefit any scale of project, from whole neighbourhoods to small individual buildings.

Design review done well creates benefit for all by:

- improving design quality – adding value to development for both the applicant and the community
- supporting high-quality, innovative design, particularly where a better design outcome may not be fully compliant with the planning controls
- streamlining the approval process and saving time and money by identifying potential risks to development approval early on
- facilitating an integrated evaluation of design proposals through which infrastructure, context, heritage, sustainability, buildability and planning for the future are all considered
- adding to the knowledge and understanding of good design within local councils, including accruing positive benchmarks for future development
- ensuring a balance is found between the needs of the community and commercial outcomes
- providing access to expert independent design advice on council-led strategic design projects
- giving the applicant and design team access to a panel of professionals with extensive industry experience and expertise.

## 1.1 Which projects go to a local government design review panel?

For local government areas where there is a LGDRP, development proposals are required to be reviewed by the panel when an environmental planning instrument such as a state environmental planning policy or a local environmental plan stipulates design review.

Other project types can receive advice from a design review panel at the request of the consent authority, either before or after the submission of a development application. When deciding whether a project will be brought to a design review panel session, the consent authority should consider whether design review will benefit all stakeholders, and whether the development:

- is of a high value relative to other projects in that local government area (LGA)
- is an unusual type or larger scale for that LGA
- is likely to have a significant impact on the public realm.

A project would not usually be reviewed by a local design review panel if the project is required to:

- undergo a design excellence competition
- be reviewed by the NSW State Design Review Panel.

Design review panels may also provide independent advice to consent authorities on planning proposals, design principles for local environmental plans, development control plans, precinct plans and other design-related policies. This may include design-related controls and advice on methods to achieve design quality.

## 1.2 When should a design review panel session take place?

Design review can happen before or after the lodgement of a development application, or when a modification to a development application is lodged.

The advice of a design review panel is of the greatest value while a proposal is in the early concept and schematic design stages, when the time and cost of incorporating valuable ideas from the panel are minimised. The first design review panel session can occur as soon as there is enough information for the panel to understand the primary intent of the design and how that design responds to the wider context.

Design review that occurs after lodgement will inform the consent authority about the

relative design quality of the proposal and inform the authority's assessment accordingly. Where the design review panel has made recommendations the assessment planner supports, and these cannot be implemented through a condition of consent, the applicant may be required to change the design to achieve development approval. Consequently, in order to gain the greatest benefit and to reduce the likelihood of the delays and additional costs associated with re-design, an applicant should seek to engage with the design review panel before lodging a development application.

### 1.3 How many design review panel sessions will be required?

One design review panel session will satisfy the requirement for design review. The applicant should adopt the advice of the panel, or provide justification where the advice cannot be adopted.

Projects can gain value from more than one design review panel session, for example where:

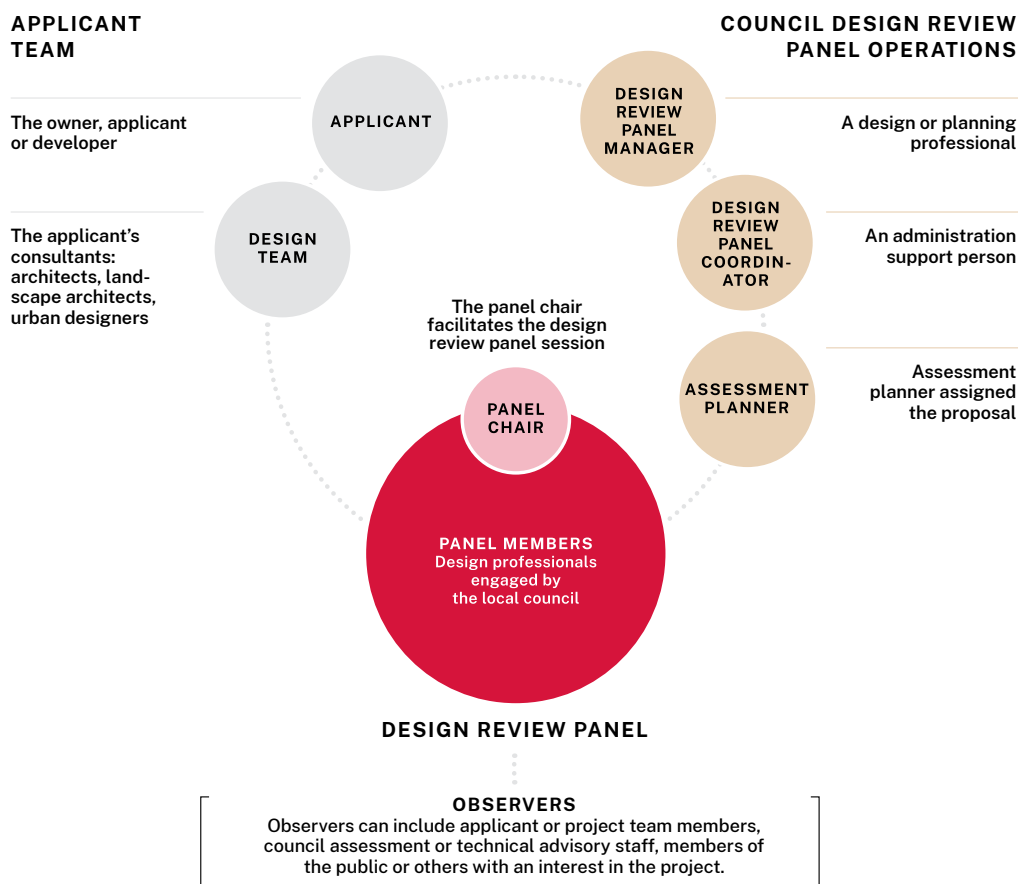
- the project is complex or large
- significant design concerns are raised
- the design fails to demonstrate a reasonable response to the advice of the design review panel
- there is a modification to a development proposal that incorporates significant changes to the design.

### 1.4 Who participates in design review?

A design review panel requires the commitment of many individuals and organisations. It is most likely to be successful when everyone involved has a good understanding of their role.

Figure 1 shows the relationships between the various roles. The detailed responsibilities for each role are set out in the sample terms of reference (see **Appendix A**).

**Figure 1:** Organisational chart of design review participants



## 1.5 NSW protocols for good design review

The aim of design review is to raise the quality of our built environment for the benefit of all, bringing social, environmental and economic value. The following protocols for good design review should form a part of a panel's terms of reference, and inform the establishment, operation, monitoring and evaluation of design review panels.



### **Advisory**

A design review panel does not make decisions; it offers impartial advice for the people who do.



### **Expert**

Design review panel members are experienced and respected design professionals who can clearly communicate their analysis and feedback.



### **Consistent**

The advice received across subsequent design review panel sessions is consistent. Panel members remain the same across sessions or are well-briefed and respectful of previous advice.

### **Independent**

Design review is conducted by people independent of any conflict of interest. Information about the terms of reference of the panel, including membership and funding, is publicly available.

### **Diverse**

A design review panel is representative of diverse professional design expertise, gender, cultural background and lived experience.

### **Objective**

The panel's advice and analysis is objective, clear, concise and constructive. It does not reflect the individual taste of panel members.

### **Timely**

Design review takes place as early as possible in the design development process, is scheduled within a reasonable time frame, and design advice is issued promptly.

### **Respectful**

All parties behave with respect towards each other and within appropriate codes of conduct. All parties display respect for the process and the time commitment of others by being well-prepared.

### **Relevant**

The panel's design advice is relevant to the project stage and scale, focused on design, and is informed by an understanding of the impacts on costs and timing. The applicant and design team clearly demonstrate how the design responds to the panel's advice.

### **Accessible**

Design advice, presentations and reports use language and drawings that are easily understood by design teams, the applicant, the consent authority and the public.

## 1.6 What to avoid

Poor design review processes can create frustration and confusion for all parties. The process can be unsuccessful when:

Panel members give advice that is unclear, contradictory or outside the remit of the design review panel.

The members of the panel change from one panel session to the next, requiring presentations to be repeated and risking that advice is not consequent or mindful of previous feedback. This can result in delays and extra costs to the applicant and consent authority.

Design review panel sessions are not scheduled in a timely manner, causing delays to the project.

Panel members are not sufficiently experienced in the type of project being reviewed, or have not sufficiently reviewed the project material before the design review panel session.

Panel members are not clear in their communication.

Applicants, panel members or council staff behave in a manner that is disrespectful or ill-informed.

The applicant is not well-prepared, presents incomplete information, or fails to respond to advice from the panel.

Applicants do not support their design team to develop the design in response to advice of the panel.

Insufficient background and supporting information has been provided to the panel.

The advice provided is contrary to controls or legislation, without an understanding of the implications.

A description of the general context of the project, including commercial considerations, the target end users or the long-term future of the area, is not provided by the applicant or considered in the panel's advice.



## PART TWO

# Establishing a local design review panel

This section provides guidance for local councils on how to establish a new design review panel or improve the processes of an existing design review panel.

## 2.1 Terms of reference

Recommended terms of reference for local government design review panels are provided as a template in **Appendix A** of this manual.

## 2.2 Fees, costs and benefits

The fees a consent authority can charge an applicant for review by a design review panel are set by the EP&A Regulation. The consent authority is responsible for funding design review panels and paying the panel members.

When determining funding and payment arrangements with design review panel members:

- Where more than one council is involved in the operation of a design review panel, the councils should fund the panel's operation on an equitable basis, for example, based on the number of development applications referred to the panel by each council.
- Councils should pay each panel member taking into consideration the time taken to prepare for, participate in and review discussions after design review panel processes.

The benefits and costs of design review panel processes are shared by the applicant and the consent authority. The authority will not be able to cover all the costs of establishing and managing a design review panel within the fee paid by the applicant, however, it will benefit from design review through streamlined assessment processes and the building of in-house design expertise.

The applicant will pay the design review panel fee as part of the development application fees, and will have additional costs relating to the work of the design team in preparing for and presenting to the panel. The applicant will benefit through an improved design outcome and a more efficient assessment process.

All parties should be mindful of the costs of participating in design review using a design review panel, and aim to ensure optimum value is achieved through good preparation and respectful interactions.

## 2.3 Council resources supporting design review panels

### People

The local design review panel will require internal resourcing by the local council.

Councils will get the most benefit from design review when they take a collaborative and integrated approach across assessment, technical and strategic teams. To support this collaboration, it may be helpful if key representatives from these council teams meet before a design review panel session to discuss all aspects of the project and, where relevant, contribute to the panel briefing.

Assessment planners should be present at design review panel sessions to provide advice on planning, if requested, and so they are aware of the reasoning behind any advice from the panel which may support non-compliance with planning controls. Strategic planning staff should be kept informed of the work of the design review panel so recurring issues and opportunities can inform strategic planning and other council work. Council staff should be encouraged to attend design review panel sessions from time to time as observers.

Council staff should be provided with an induction and training, and allowed time for their participation.

### Facilities

Face-to-face panel sessions will require a reasonable-sized room with presentation technology, with a second room to be used as a waiting room for the applicant and their design team. Design review panels can also be run successfully through online sessions.

### Supporting material

Council may find it useful to prepare a set of information sheets, templates, checklists and forms to help participants understand the design review panel process and what is expected of them.

## 2.4 Appointing panel members

The selection of panel members for a design review panel is crucial to its success. Their appointment should take place through a well-publicised and targeted process seeking expressions of interest, or equivalent, to ensure members are appropriately qualified and experienced.

To convene a panel of 3 or more members, appointing a panel pool of 7 to 10 people is recommended.

A typical panel pool would be made up of:

- 3 to 5 core panellists, including the chair, who have expertise in architecture, landscape architecture and urban design
- 2 or 3 additional panel members with specialist design expertise in areas such as heritage, environmental sustainability or Aboriginal culture and heritage
- 2 or 3 'alternates' may also be appointed. These are people who can stand in should a core panel member be unavailable.

## 2.5 Panel member experience and expertise

Panel members should have:

- broad experience in their design discipline
- a demonstrable understanding of good design
- a demonstrable commitment to projects of high design quality that benefit the public
- experience in designing, delivering or critiquing projects of the scale that would typically be seen by the design review panel
- the ability to be analytical and critical while maintaining a constructive and professional tone
- an understanding of the general context of the project, including commercial considerations, the target end users or the long-term future of the area
- excellent written and verbal communication skills.

Diversity is an advantage in the composition of a design review panel as it allows for a broad understanding of the impact a development may have on the wider community. The panel pool should aim to include Aboriginal design professionals that can be called upon to provide integrated advice and an understanding of culture and Country.

## 2.6 Panel member training and induction

Panel members should complete an induction and training before the first session of a design review panel. As a minimum, induction should cover:

- the relevant parts of the EP&A Act, Regulations and any environmental planning instruments which may contain references to the functions and responsibilities of design review panels
- conflicts of interest and codes of conduct
- confidentiality, and completing confidentiality forms as necessary
- the NSW protocols for good design review
- the local planning context
- confirmation of panel members being available for all sessions.

## PART THREE

# Design review panel operations

## 3.1 Scheduling design review panel sessions

The applicant should contact the consent authority as soon as possible and confirm a date for the design review panel session to ensure the timing works well with the applicant's time frame.

## 3.2 Preparing for a design review panel session

A successful design review panel process depends on good organisation, integration with planning processes, and clear communication between design teams, applicants, panel members, the assessment planner and other council staff who need to be involved. The following tasks will need to be completed well before the day of the design review panel session.

### Confirming attendance of panel members

The design review panel manager should confirm all planned panel members can attend each session.

Where a proposal requires more than one panel session the panel should consist of the same members wherever possible to help ensure consistency. To assist with this, the design review panel coordinator should set panel session dates 12 months in advance. When appointed, panel members should commit their availability for all sessions.

### Information for the applicant and design team

The panel manager and coordinator should communicate with the applicant and their design team well in advance of the panel session to ensure they clearly understand what is expected of them. Councils should develop a standard information pack including:

- documentation required to be submitted
- a deadline for the submission of those documents
- a description of the length and style of the presentation and the format for submission
- a list of equipment that will be available to the project team at the panel session
- what to expect regarding the design advice letter and subsequent design review panel sessions.

**Figure 2:** Preparation and follow-up for panel sessions: suggested time frames

CONFIRM DESIGN REVIEW PANEL SESSION	AT LEAST 10 DAYS BEFORE	AT LEAST 5 DAYS BEFORE	DESIGN REVIEW PANEL SESSION	2 DAYS AFTER	10 DAYS AFTER	WITHIN 14 DAYS
Panel coordinator confirms attendance of panel members and checks for conflicts of interest	Applicant and design team submit presentation documents Panel convenor reviews presentation to ensure it is fit for purpose Assessment planner reviews documents and assembles the planning report	Panel coordinator issues a briefing pack to panel members		Panel convenor sends a draft design advice letter to the panel members	Panel chair returns the approved design advice letter to the panel convenor	The applicant and design team receive the design advice letter

#### **Briefing panel members**

Panel members should receive a briefing pack before the scheduled design review panel session, including:

- the documentation from the design team, including legislation compliance tables if submitted
- a summary planning paper from the assessment planner outlining the planning context and any potential planning issues
- the agenda for the design review panel session
- a conflict of interest declaration form, to be completed and returned immediately in case an alternate panel member is required.

Panel members should allow 2 to 4 hours to review the briefing pack for each project and prepare for the session.

#### **Preparation by the panel coordinator**

Before the design review panel session, the panel coordinator needs to:

- distribute briefing packs, including the agenda for the day and scheduled site visits where possible
- confirm attendance and resolve any conflicts of interest
- book the presentation and waiting rooms, or set up any links required for conducting the session online.

On the day of the session, the panel coordinator needs to:

- coordinate site visits (where scheduled)
- ensure the design team has its presentation ready and in a format that is suitable for the in-house system
- set up the room and presentation equipment and confirm the applicant and design team have arrived 15 minutes before the scheduled start time.

### **3.3 What happens on the day**

A typical design review panel session requires approximately 75 minutes including presentation, discussion and feedback. Larger and more complex projects such as planning proposals or developments on large sites may need extra time.

It is recommended the panel manager organises site visits for panel members, scheduled for the morning before the panel session or on a separate occasion. This allows the panel members to discuss the project's context before the presentation by the applicant and their design team.

The suggested organisation of a typical day is set out in **Appendix B: Template agenda for a local design review panel session**.



## PART FOUR

# Deliverables, application and governance

### 4.1 The design advice letter

The design review panel's advice is set out in a letter addressed to the applicant. The advice should include clear statements supporting the aspects of the proposal that demonstrate good design, and provide suggestions to lift the quality of poorer design.

Advice should be fair and actionable and adhere to the NSW protocols for good design review in being respectful, consistent, relevant, objective and accessible.

The advice letter should follow the format shown in the design advice letter template (**Appendix C**), or use a similar format, and should comment only on issues that are within the framework of the design review panel terms of reference. It should include concise statements explaining:

- the ways in which the design proposal is considered to be successful, identifying specific elements of the design which are supported by the panel and should be retained in the further development of the design
- which design elements are not supported, and recommendations for ways in which the design could improve
- recommended actions to be taken by the design team
- where there is a proposed non-compliance with a planning control, advice on its relative design merits
- a recommendation to the design review panel manager indicating whether the proposal:
  - is supported by the design review panel, or
  - is supported by the design review panel on the condition specific changes are made, or
  - would benefit from further review by the design review panel.

Any advice provided by the panel should be clearly explained so the assessment planner will be able to readily identify whether the panel's recommendations have been implemented successfully. When approving the design advice letter, the panel chair should consider whether some recommendations for change, if relatively minor, may be included as conditions in the development consent.

When the design advice letter has been approved by the panel chair, it is distributed by the panel manager to the applicant, and copies sent to all participants in the design review panel session including the design team, panel members and council staff. The EP&A Regulation sets out the requirements for timely provision of advice.

### 4.2 Design review report

A design review report is a summary of all the design review panel processes relating to a project. A design review report may be required by an environmental planning instrument, may be required by the consent authority as part of the procedure for assessing the development application, or may be submitted voluntarily by an applicant.

The design review report should explain:

- how the advice of the design review panel has been incorporated into the design of the development
- how the proposed development remains consistent with that advice
- where it departs from that advice, how the proposal still satisfies any relevant design quality principles
- where it departs from the advice, an explanation of how the changes made are a better outcome than those suggested by the panel.

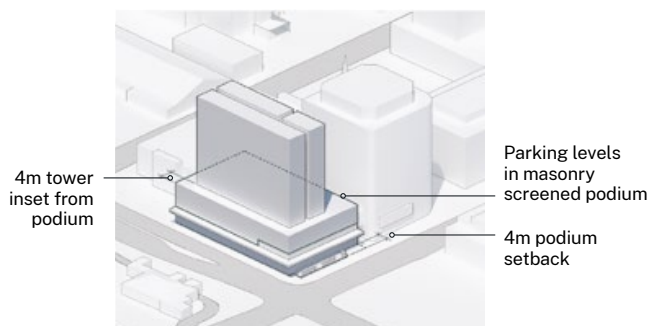
**Appendix D: Template design review report** may be helpful in further understanding these requirements.

A design review report can include simple diagrams to explain the process of design development in relation to the advice of the design review panel. The project shown in **Figure 3** was seen by a design review panel 3 times. A series of massing options were tested and refined throughout the design process. As a result of this iterative approach, the project achieved better outcomes for the applicant, the neighbouring buildings and the community.

**Figure 3:** Example of a design responding to advice over multiple design review panel sessions

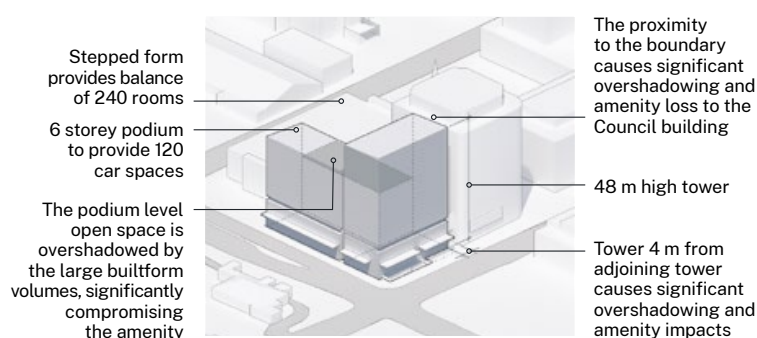
### Design review panel 01

The applicant's design team presented a proposal compliant with the local development control plan (DCP). The panel agreed that, although the proposal was complying with the DCP, this would not achieve the best outcome for this particular site. The panel recommended testing ideas that brought the tower to the ground on the 2 street fronts.

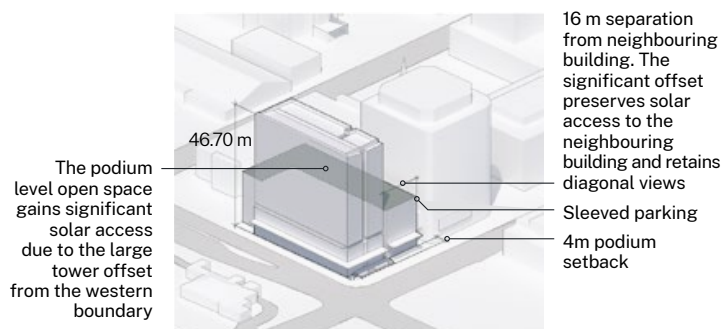


### Design review panel 02

The design team modelled the suggestions of the panel. The design now showed a much better response to the urban form and context, but had negative impacts on a neighbouring tower and podium-top open space.

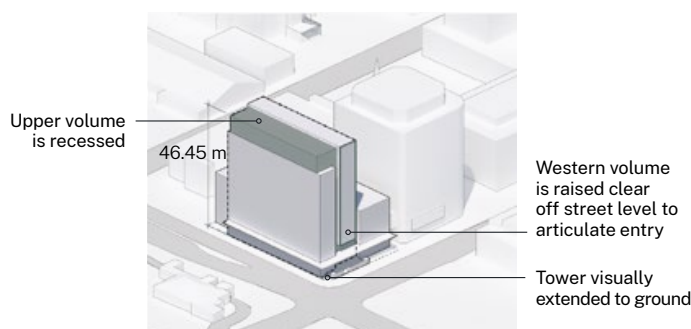


The design team also suggested an alternative design that included a setback to the neighbouring tower, providing better solar access, views and general amenity for both buildings. The panel supported the alternative proposal and suggested further refinements.



### Design review panel 03

The proposal was developed in response to the panel's advice. The main tower volume was articulated to better mark the main entry and reduce overshadowing.



Source: Andrew Burns Architecture.

### 4.3 When a consent authority should return to the design review panel

Council assessment teams and planning panels should consider the advice of the design review report in their assessment reports and in making a determination.

The design review report may be used in the following ways:

- to support the application of relevant planning controls in a flexible manner where the design review panel has identified this will achieve better outcomes
- to establish if the reasonable recommendations of the design review panel have been followed
- as evidence for refusing development consent where the advice of the design review panel has not been adopted.

In some instances, the planning panel may require additional design quality advice or clarification of design quality matters to finalise their recommendations or to make a determination. In this instance, they may refer the project back to the design review panel. The following criteria can be used to establish when to re-engage with the design review panel:

- The application is poor and has not considered the advice of the design review panel – refusal. **No return to design review panel.**

- The application will require minor modifications – to be managed via conditions of consent. **No return to design review panel.**
- The application will require significant modification, and the extent and nature of the modification will require advice from the design review panel. **Return to design review panel.**

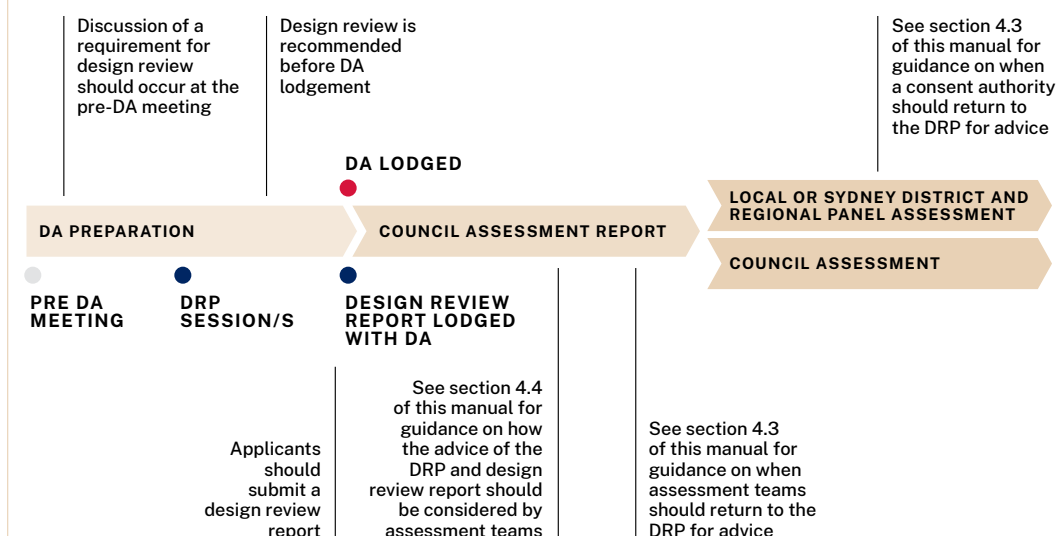
### 4.4 How design review benefits development assessment

The advice of a design review panel does not constitute approval (or rejection) of a development application. The panel's advice is considered by the consent authority as part of the development assessment process.

The design review panel's advice may be used in the following ways:

- to support the application of relevant planning controls in a flexible manner where the design review panel has identified this will achieve better outcomes
- to establish if the recommendations of the design review panel have been followed
- as support for refusing development consent where the design quality is poor and the advice of the design review panel has not been responded to
- to help with understanding how the proposal achieves relevant design principles
- to help with writing any conditions that may have been recommended by the design review panel.

**Figure 4:** Alignment with consent authority, including Local and Sydney District and Regional Planning Panels.



Advice from a design review panel will be considered only in the assessment of the specific development proposal it relates to. Development consent decisions based on the project-specific advice of a design review panel do not establish a precedent for other development proposals.

If the assessment planner supports a decision on a design-related matter that is contrary to the design review panel's advice, the assessment planner should provide evidence to support this decision. The panel chair should also be available to provide clarification and explanation of advice to assessment teams and the consent authority until the application has been determined, including to planning panels if invited.

#### **4.5 Advice does not indicate compliance with planning controls**

The design review panel should have a thorough understanding of the planning legislation relevant to the development proposal. The design review panel may occasionally make recommendations that will result in non-compliance with a planning control. Where this is the case, the design review panel should clearly identify the potential non-compliance, and explain how it would achieve a better design outcome and meet the objectives of the planning legislation.

#### **4.6 Monitoring and evaluation**

Councils should establish evaluation and monitoring systems for their design review panel to support continuous improvement and to capture lessons learnt.

#### **4.7 Dealing with complaints**

The panel manager is responsible for resolving any complaints to do with design review panel processes. To address complaints, the panel manager should refer to this manual—in particular the NSW protocols for good design review (see section 1.5) to identify the failings in the process or outcomes.



PART FIVE

## Case studies



CASE STUDY 1

### Lachlan Precinct, Green Square, City of Sydney

Dyuralya Square is a 2,000 m<sup>2</sup> community space and the civic heart of the Lachlan Precinct.

The City of Sydney used design review integrated across various disciplines and scales in guiding the urban redevelopment of the Lachlan neighbourhood at Green Square. The design review process extended to all elements of the area – from street and park layouts; walking, cycling, public transport and vehicular access; development controls for subdivision; building envelopes, heights and densities; essential civil infrastructure; and individual buildings. These were reviewed by internal council groups and individuals and an independent design expertise panel through all stages of the development.

Design review played a critical role in creating an outcome that has been shown through longitudinal surveys to have a high level of social cohesion and community satisfaction. The City of Sydney has studied the process and the outcomes and used this knowledge to improve the methods it uses for the urban design of other areas.

The City of Sydney's process demonstrates a model that integrates advice, shares the lessons learnt across all sectors of the council, incorporates the advice of independent experts, and then analyses both the results and the process in order to improve outcomes for future projects.

Dyuralya Square, Green Square.  
Photo: Katherine Griffiths / City of Sydney.

#### CASE STUDY 2

### Newcastle East End, City of Newcastle Council

Newcastle East End precinct was the first stage of a large renewal project in the Newcastle city centre.

The precinct development was a collaborative process master planned by SJB architects with individual buildings then designed by SJB, Durbach Block Jaggers and Tonkin Zulaikha Greer.

The success of this project can be partly attributed to the productive relationship between the developers, architects, local community and Newcastle City Council's Urban Design Consultative Group (UDCG – a design review panel). The process developed design principles for the master plan and at the level of the individual building. These principles described agreed aims for celebrating the corners and incorporating a fine grain to the retail at street level, both of which reflect the historic and contemporary context of the Newcastle city centre.



The design review process considered the citywide impact and the detailed design of this project. It supported the development of Stage 1 of the works with a full understanding of what Stage 2 and Stage 3 will include. UDCG provided valuable local knowledge to the design teams who were not based in Newcastle.

Newcastle East End project. Buildings by Durbach Block Jaggers, Tonkin Zulaikha Greer, SJB and landscape by ASPECT Studios. Photo: Brett Boardman.

#### CASE STUDY 3

### Liverpool Civic Place, mixed-use precinct for Liverpool City Council

Liverpool Civic Place is a precinct in Liverpool city centre including a library, childcare centre, council chambers, and retail and commercial spaces across several buildings.

Liverpool City Council used its established design review panel to help with the design development of the partly council-owned Liverpool Civic Place. In addition to formal design review panel sessions, council conducted workshops to engage various interrelated industry experts from fields such as heritage, civic planning and public art in the design of public spaces.

The project has been developed through a partnership between the council and a private development and construction firm. The design review panel process facilitated objective and independent discussion of the project and provided a balance between the concerns of the 2 major partners.



Liverpool Civic Place by FJMT Architects.  
Render supplied by Liverpool City Council.

#### CASE STUDY 4

### Fig Tree Avenue, Telopea, City of Parramatta Council

The project at 9-10 Fig Tree Avenue is a mixed-use residential apartment building and childcare centre in an area undergoing significant urban renewal and development.

The diagrams below show how a design review panel, in conversation with the consent authority and the applicant, can develop designs that might be non-compliant, but are more appropriate to the site and context, and can be supported through the planning process.

A design review panel brings local understanding and experience in urban planning to all projects, adding value to a development by considering how it relates to and responds to its wider context.

Diagrams supplied by  
Parramatta City Council



ADG separation outcome  
(infill development)

Site area: 1,350 m<sup>2</sup>  
Floorplate: 615 m<sup>2</sup> + 350 m<sup>2</sup> (4+3 storeys)  
GBA: 3,340 m<sup>2</sup>  
GFA: 2,350 m<sup>2</sup>  
FSR: 174 : 1  
Deep soil: 370 m<sup>2</sup> /27%

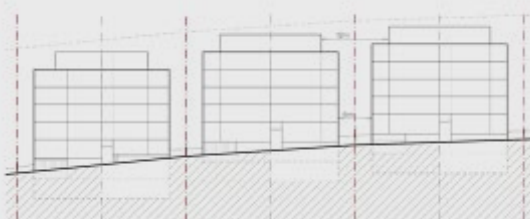


- Separation relating to height offering uncomfortable urban form (4+3 storeys).
- Buildings appear as objects in space, rather than contributing to an urban streetscape.
- Driveway needs to be located in the side setback rather than contained in the building envelope.
- Units primarily face side boundaries.



DCP suggested outcome  
(infill development)

Site area: 1,350 m<sup>2</sup>  
Floorplate: 615 m<sup>2</sup> + 350 m<sup>2</sup> (5+1 storeys)  
GBA: 3,425 m<sup>2</sup>  
GFA: 2,290 m<sup>2</sup>  
FSR: 170 : 1  
Deep soil: 545 m<sup>2</sup> /40%



- Suggested urban form to help define the spaces of the street.
- Non-compliant separation distances due to increase of 'street wall' and method for maximising potential for units to primarily face street and rear.
- Aims to maximise deep soil networks to rear where existing mature trees are located.
- Driveway contained within building envelope due to greater building frontage.
- Suggests higher performing deep soil networks across a precinct.
- Encouraging lesser setbacks to move some of the mass of development away from the rear of the site, creating larger contiguous deep soil zones.

#### CASE STUDY 5

### Anglicare affordable housing, Princes Highway Corrimal, Wollongong City Council

Anglicare's affordable housing project in Corrimal is a development in the retail zone of a low-density suburban area.

This project is a 4-and 5-storey shop-top development on a sloping site next to a low-density residential area. The local design review panel worked with the design team to implement both large and small changes to the initial development. Points raised by the design review panel ranged from comments on better locations for servicing elements, cross-ventilation to common areas, to requesting a height adjustment to achieve a better fit with the height of surrounding buildings and with the sloping site.

The design review panel helped the local council by providing expert advice on design development in an area where there was no precedent for this scale of development.



Anglicare affordable housing development, Corrimal, by Group GSA. Photo: Anglicare.

#### CASE STUDY 6

### City of Ryde Design Review Panel

The City of Ryde Council has been using a design review panel for over 15 years.

The local design review panel has been reviewing apartment buildings as required by the *Apartment Design Guide 2015*, and for boarding houses of 3 storeys or more, and large-scale commercial development. Currently there are only 2 panel members for each session, and reviews are conducted in an open and conversational manner. The design review panel manager takes the role of chair but does not participate in the discussion unless required to answer direct questions regarding council planning matters.

A week before each design review panel session, the panel manager coordinates a meeting with council staff, including traffic engineers, a landscape architect, waste officer, development engineer and contributions officer, to discuss any concerns from the point of view of their particular area of expertise.

The City of Ryde regards its design review panel as having been very successful in improving the quality of design proposals in the local government area. Elements contributing to this success include:

- the small size of the panel, which helps with communication between panel members and with consistency of the advice
- the good communication skills of the panel members, who are adept at prompting and guiding a discussion towards potential improvements, rather than dictating or instructing regarding the development of the design
- the long relationship the panel members have had with City of Ryde Council, enabling them to provide efficient and relevant advice based on a strong understanding of the context, the aims of the council, the constraints and opportunities of specific sites, and the relative success (or otherwise) of previous projects in the area.



# APPENDICES

## APPENDIX A

# Template design review panel terms of reference

This template suggests terms of reference for a local government design review panel.

Schedule 1	SAMPLE TEXT (TO BE FILLED IN BY PANEL CONVENER)
a Name of design review panel	<i>E.g. Liverpool Local Design Review Panel, South West Regional Design Review Panel</i>
b Local government area or region	<i>E.g. Liverpool City Council</i>
c Environmental planning instruments that apply	<i>E.g. Liverpool City Council Local Environmental Plan 2021, clause XX</i>
d Codes of conduct	<i>Insert name of LGA code of conduct and/or refer to professional codes of conduct under the Architects Act or other legislation</i>
e Conflict of interest policy	<i>Insert the name of the appropriate policy</i>
f Appointed members of the panel pool	<i>Insert names of all people appointed to the panel pool</i>
g Reference documents	<i>Insert the names of other important documents the LGA considers panel members should be familiar with</i>
h Panel quorum	<i>Minimum 3 panel members including the panel chair</i>
i Panel member tenure	<i>E.g. 3-year term plus 2 possible one-year extensions</i>
j Panel member payment	<i>Half day – \$xxxx + GST Full day – \$xxxx + GST</i>
k Panel chair payment	<i>Half day – \$xxxx + GST Full day – \$xxxx + GST Hourly rate – \$xxxx + GST</i>
l Reimbursable expenses	<i>E.g. travel over a certain distance, accommodation</i>
m Design review panel proposed dates	<i>E.g. could be every 2nd Wednesday of the month, or could be a calendar with each date specifically noted</i>
n Panel manager	<i>Insert name of panel manager</i>
o Panel contact details	<i>E.g. set up a dedicated email address and give the LGA main switchboard phone number</i>

## 1. Purpose

The role of the design review panel noted at Schedule 1 (referred to in these terms as the 'design review panel') is to provide independent, expert advice on the design quality of development proposals in the *insert name of LGA* local government area or region.

The purpose of the design review panel is to inform the assessment of development applications by the consent authority with the aim of improving the design quality of the built environment.

## 2. Scope of review

The design review panel will review projects as required by the relevant environmental planning instrument.

During panel sessions, the design review panel will provide advice on the design quality of proposed development.

Design review will be guided by relevant design principles and the NSW protocols for good design review.

The following protocols for good design review apply to the establishment, operation, monitoring, evaluation and improvement of local design review panels in NSW.

**Advisory** A design review panel does not make decisions; it offers impartial advice for the people who do.

**Independent** Design review is conducted by people independent of any conflict of interest. Information about the terms of reference of the panel, including membership and funding, is publicly available.

**Timely** Design review takes place as early as possible in the design development process, is scheduled within a reasonable time frame, and design advice is issued promptly.

**Expert** Design review panel members are experienced and respected design professionals who can clearly communicate their analysis and feedback.

**Diverse** A design review panel is representative of diverse professional design expertise, gender, cultural background and lived experience.

**Respectful** All parties behave with respect towards each other and within appropriate codes of conduct. All parties display respect for the process and the time commitment of others by being well-prepared.

**Consistent** The advice received across subsequent design review panel sessions is consistent. Panel members remain the same across sessions or are well-briefed and respectful of previous advice.

**Objective** The panel's advice and analysis is objective, clear, concise and constructive. It does not reflect the individual taste of panel members.

**Relevant** The panel's design advice is relevant to the project stage and scale, focused on design, and is

informed by an understanding of the impacts on costs and timing. The applicant and design team clearly demonstrate how the design responds to the panel's advice.

**Accessible** Design advice, presentations and reports use language and drawings that are easily understood by design teams, the applicant, the consent authority and the public.

## 3. Roles and responsibilities

The roles and responsibilities of all parties are set out below.

### Design review panel

#### Panel members

*Independent design professionals engaged by the local council*

Panel members are expected to demonstrate:

- broad experience in their design discipline
- an evident understanding of good design
- an evident commitment to projects of high design quality that benefit the public
- experience in designing, delivering or critiquing projects of the scale that would typically be seen by the design review panel
- the ability to be analytical and critical while maintaining a constructive and professional tone
- an appreciation of the general context of the project, including commercial considerations, the target end users or the long-term future of the area
- excellent written and verbal communication skills.

Panel members are expected to:

- provide independent, impartial, constructive and respectful feedback and advice
- meet deadlines for reviewing draft design advice letters
- declare and manage any conflicts of interest
- commit to the scheduled dates for design review panel sessions and allow appropriate time before and after each session for preparation and review of the design advice letter
- abide by the appropriate codes of conduct.

#### Panel chair

The panel chair is a panel member nominated for this role. The panel chair facilitates the design review panel session and is responsible for ensuring:

- the discussion stays within the framework of the panel's terms of reference and is constructive, clear and relevant
- the discussion is respectful
- that all panel members views are heard and understood and that, if possible, a consensus is reached
- where a proposal requires more than one panel session:
  - the advice given across the series of

- sessions is consistent and consequent
- the advice does not introduce entirely new areas of focus or concern, except where this is a result of new information being provided
- the session runs on time
- that consolidated advice is given to the design review panel manager at the end of the session.

After the panel session, the panel chair is responsible for final approval of the design advice letter and should be available to the assessment planner to provide further clarification or explanation if necessary. The panel chair should also be available to provide clarification and explanation of advice to the consent authority until the application has been determined, including to planning panels if invited.

#### **The applicant team**

##### **Applicant**

*The owner or developer that is or will be applying for development consent*

The applicant is responsible for:

- contacting the local council to make bookings for design review panel sessions
- supporting the design team in preparing for the design review panel sessions and in responding to the panel's advice
- describing to the panel the general context of the project, including commercial considerations, the target end users or the long-term future of the area
- reporting on the design review process as part of the development application, if required by an environmental planning instrument.

##### **Design team**

*The applicant's consultants: architects, landscape architects, urban designers*

The design team is responsible for:

- presenting clear and relevant information about the proposal, and responding to the panel's advice
- participating constructively in the design review process.

##### **Local council**

##### **Design review panel manager**

*A design or planning professional employed by the local council*

The panel manager is responsible for managing the design review process. They:

- review information submitted by the applicant and the design team before the panel session to ensure it is fit for purpose
- coordinate pre-session briefings with other council staff (such as the assessment planner)
- attend the panel sessions

- prepare the draft design advice letter
- manage feedback from design teams and applicants
- evaluate the panel's outputs and processes to ensure compliance with the terms of reference and continual improvement.

##### **Design review panel coordinator**

*An administration support person employed by the local council*

The panel coordinator:

- manages design review panel session bookings and agendas
- distributes information before and after the design review panel sessions.

##### **Assessment planner**

*The local council assessment planner who has been assigned the proposal for the development assessment process*

The assessment planner:

- reviews information submitted by the applicant and design team
- provides a summary planning briefing
- conducts an in-person briefing for the panel on relevant planning matters
- attends all panel sessions as an observer.

## **4. Panel management**

The design review panel is established and operates in line with the recommendations of the *Local Government Design Review Panel Manual*, including the NSW protocols for good design review.

The local council convenes the design review panel and determines the appropriate location of the panel sessions, or conducts the sessions online.

Panel members are appointed through an open expression-of-interest process, or similar, to ensure they are appropriately qualified.

Panel member tenure is set out in Schedule 1. At the end of this tenure period (i.e. the initial term plus the possible extensions), members may be invited to accept reappointment. Additional or new panel members may be recruited as required.

## **5. Sessions and advice**

The design review panel is convened regularly. All dates for design review panel sessions should be set 12 months in advance, and each date may involve up to 4 design review panel sessions per day.

The panel must be attended by enough panel members to fulfil the quorum listed



in Schedule 1. For larger and more complex projects, additional panel members may attend. Except in extraordinary circumstances, the core panel members attend all panel sessions.

Each session allows reasonable time for:

- site visits (where practical)
- pre-session briefing by the panel manager (panel and council staff only)
- welcome: acknowledgement of Country
- introduction by the applicant
- presentation by the design team
- questions and clarifications
- review
- summary by the panel chair
- post-session discussion (panel and council staff only).

Final advice and recommendations are recorded by the panel manager and endorsed by the panel chair after consultation with other panel members. The advice takes the form of a design advice letter and is distributed in accordance with the time frame set out in the EP&A Regulation.

If a proposal requires subsequent design review panel sessions, this is stated in the design advice letter and the first available session booked.

## **6. Design review panel session requirements and attendance**

The applicant should submit the required information to the panel manager no less than 10 days before the scheduled design review panel session. If the panel manager is not satisfied the quality of the submitted material will enable constructive discussion and review, they may postpone the design review panel session until adequate information can be supplied, and another panel session is available.

A panel session includes participants who have an active role in the session and observers who do not play an active role in the session.

Participants:

- design review panel members and chair
- applicant
- design team
- assessment planner
- panel manager.

Observers:

- other local council representatives, including assessment planners and technical advisory staff
- members of the public
- applicant team members including the design team
- any other attendees.

The panel manager or chair should approve all observers before the session.

Observers watch and listen to the proceedings but do not participate unless specifically invited to do so by the panel chair.

## **7. Codes of conduct**

All participants and observers must conduct themselves in accordance with the codes of conduct listed in Schedule 1.

## **8. Design review panel briefing pack**

The design review panel briefing pack is distributed to panel members, including the chair, no less than 5 working days before the design review panel session.

The panel briefing pack may be distributed to additional observers at the discretion of the panel chair in consultation with the panel manager.

## **9. Conflicts of interest**

All panel members must comply with the conflict of interest policy listed in Schedule 1.

## **10. Confidentiality**

All information relating to any proposal undergoing design review is provided to all attendees in the strictest confidence. After a development application for a project has been submitted, the panel's final recommendations and advice will be publicly available during the assessment exhibition period.

## **11. Payment of panel members**

Panel members must be paid. Payment should cover the time spent participating in the design review panel session and before or after the session, e.g. time spent on preparation or on reviewing and finalising the design advice. The chair will likely require more remuneration in line with the additional time required and higher level of responsibility. Panel members should be reimbursed for expenses that are listed in Schedule 1 and agreed to beforehand.

## APPENDIX B

# Template agenda for a local design review panel session

### **A time line for the day**

One day of a design review panel may contain up to 4 sessions plus time for site visits, generally done in a block at the beginning of the day. Each session may be around 1 hour and 15 minutes, but can be scheduled to be longer for more complex projects.

### **Site visits and on-site briefing**

It is recommended that site visits are arranged for the panel members and accompanied by a council staff member (the design review panel manager or assessment planner). Alternatively, panel members can be asked to attend site visits individually. If there are no site visits or the council staff member does not attend site visits there should be a longer allowance for the pre-session briefing and discussion.

### **For each session:**

#### *Pre-session briefing and discussion*

The panel manager and assessment planner provide a short presentation covering the briefing material and the planning, physical and historical context of the site, and respond to any queries. The panel discusses key issues and agrees, where possible, on the areas of focus for the discussion. The panel chair should confirm there are no conflicts of interest regarding the upcoming sessions.

#### *Welcome to participants and acknowledgement of Country*

The applicant and design team enter the design review panel session. The panel chair acknowledges Country and facilitates introductions of all participants.

#### *Introduction by the applicant*

The applicant introduces the project describing its background and the overall objectives.

### *Presentation by design team*

The design team's presentation should be concise and focus on issues of design quality and public impact. Where projects are returning for a follow-up session, the presentation should focus on how the design has been developed to respond to advice from the previous session, or to other advice and feedback (such as from council, government agencies, local residents, or others).

### *Clarifications*

The panel should then ask for clarification, without giving comment. This allows the design team additional time to introduce information that is of interest to the panel.

### *Review*

The panel chair facilitates a discussion between the panel members on the merits of the proposal. Other attendees do not participate unless specifically asked to do so by the chair.

Allow a few minutes at the end of this session for the design team and applicant to respond.

### *Summary*

The panel chair summarises the advice arising from the review discussion.

### **Post-session discussion**

*(Closed session: panel members and council staff only)*

The panel, led by the chair, confirms and agrees on the recommendations arising from the design review panel session. If new issues are raised at this time, these can be included in the design advice letter but should be noted as matters arising post session. Introducing new issues post session should be avoided wherever possible.

## APPENDIX C

# Template design advice letter

The design advice letter records the outcomes of the design review panel session and the subsequent discussion by the design review panel members. See section 4.1 for a general description of the design advice letter.

The design advice letter should be clear on what is commentary, and does not require any action, and what is advice and therefore has a clearly stated recommended action linked to that advice.

The design advice letter should be structured to group advice under headings relevant to the project or in response to specific design quality criteria required by an environmental planning instrument.

The headings should be consistent across subsequent design advice letters and in the design review report where possible. The design advice letter should also adopt a clear and consistent numbering system for advice. Following is a sample design advice letter. The advice in the sample letter does not relate to any particular project, and is provided only as an example of language, style and tone.

**PROJECT: *Project name***

**Panel name Design Review Panel Session**

*First/second/third etc review session, conducted date of panel session*

*Date of design advice letter*

Dear *name of person representing applicant*,

Thank you for the opportunity to review the above project at an *early stage / for a second time*. Below is a summary of advice and recommendations arising from the design review panel session held on *date of review*.

The objective of the proposal for *providing an affordable boarding house* is supported and commended. However, further design development is recommended, particularly in relation to *insert primary concerns*.

The design review panel supports:

- *the early engagement by the applicant with the Aboriginal community in order to develop appropriate ways of engaging with Country as a driver of the design*
- *the proposal to adopt a generous tree canopy target*
- *the potential for the proposed design to be a sustainable project*
- *the careful response to the brief as set by the end users.*

**Summary of advice**

To support design development, the design review panel has provided the following advice:

**Heading 1**

- 1.1 *Develop 3-4 diagrams that confirm alternative siting options were pursued and the proposed siting is the best outcome.*

**Heading 2**

- 1.4 *The proposed height is not supported due to the negative impact on the public park to the south at peak times of use during winter. Modify the design proposal to improve winter sun access and provide shadow diagrams to demonstrate good solar access during peak use times.*
- 1.5 *Reconsider the building alignment to better align with the existing street pattern.*

**Heading 3**

- 1.8 *Provide drawings and diagrams to demonstrate the stated performance in terms of how solar access and shadowing can be achieved.*
- 1.9 *Provide further detail on material selections in line with the ambitious and commendable sustainability goals for the project.*

**Concluding remarks**

The panel recommends further review of this project as the design progresses. The issues outlined above should be addressed and presented at the next available design review panel session.

**Or** *The panel's support for this project is subject to the above advice being incorporated into the project design development.*

**Or** *The panel supports the development proposal as presented.*

Sincerely,

**Name of Panel Chair**

Note: examples of primary concerns include the public realm, response to Country and context, ground floor amenity.

Note: insert the key elements of the project which can be supported by the design review panel; some examples are included here.

Detail the panel advice in this section. Use headings to organise the content consistently in all letters.

Note: it may be useful to develop standard responses for this part of the letter.



## APPENDIX D

# Template design review report

The design review report should be submitted by the applicant as part of the development application. It should summarise the design review process and provide a response to the advice of the design review panel.

For further information on the design review report and its role in the assessment process see Part 4.

### Summary table

PROJECT TITLE		
ADDRESS		
NAME OF DESIGN REVIEW PANEL		
Design review panel session 1	Date	Panel members

### Design review panel session 1

ADVICE NUMBER	DESIGN REVIEW PANEL ADVICE	DESIGN RESPONSE
1.1	Copy the exact advice from the design advice letter here.	The design response should aim to be as brief as possible. Refer to diagrams and drawings wherever possible. An example of a diagram is shown in Part 4.2.
1.2		
1.3		

### Design review panel session 2 (if undertaken)

ADVICE NUMBER	DESIGN REVIEW PANEL ADVICE	DESIGN RESPONSE
2.1	It is recommended that the session number is used as the first digit in the numbering to make sure each piece of advice is identifiable.	
2.2		
2.3		

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# Design Competition Guidelines

Government Architect NSW

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## Acknowledgement of Country

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

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





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

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### Abbreviations

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

### GOVERNMENT ARCHITECT NEW SOUTH WALES

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

## About these guidelines

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

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

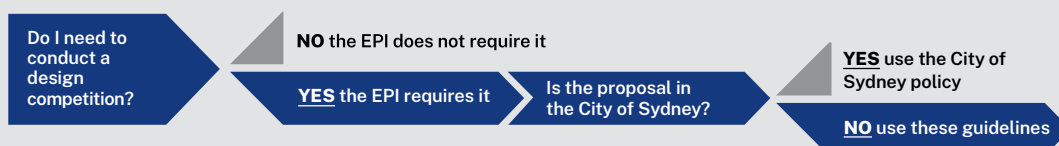
Good design is NSW Government policy. These Design Competition Guidelines are part of a suite of documents produced by the Department of Planning and Environment and Government Architect NSW (GANSW) to support good design.

### Who should use these guidelines

The guidelines are for:

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

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



### How to use these guidelines

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

### When to use these guidelines

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

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

### Legislative context

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

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

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

#### State environmental planning policies

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

#### Local environmental plans

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

## Part one

# Understanding design competitions

## 1.1 What is a design competition?

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

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

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

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

## 1.2 Benefits of design competitions

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

## 1.3 What is design excellence?

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

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

A design competition process has many participants, including:

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

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

## Part two

# Establishing a design competition

## 2.1 Competition settings

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

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

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

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

## 2.2 Roles and responsibilities

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

### Applicant

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

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

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

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

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



### Competition manager

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

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

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

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

The competition manager's role should include:

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

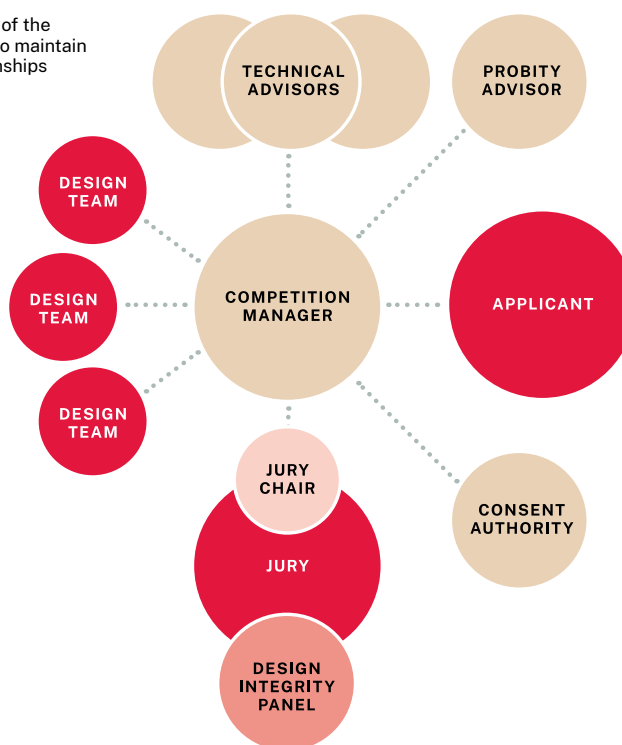
- ensuring all design teams have agreed fee arrangements in place for work to complete the project should they be nominated as the winners
- engaging with the consent authority and council (where different) and GANSW (where necessary)
- managing responses to questions from design teams during the competition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

### Design teams

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

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

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



### Competition jury

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

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

All jurors:

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

The jury:

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

### Jury chair

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

The jury chair usually performs the following functions and:

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

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

### Probity adviser

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

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

### Technical advisers

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

Technical advisers can provide:

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

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

### Heritage advice

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

### Observers

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

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

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

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

#### **Council**

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

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

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

#### **Consent authority**

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

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

#### **GANSW**

##### **For State significant developments**

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

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

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

##### **For developments**

In council areas where these guidelines apply, GANSW may:

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

## 2.3 Jury composition

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

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

### 3-person jury

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

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

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

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

### 5-person jury

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

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

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

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

## 2.4 Selecting design teams

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

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

### EOI process

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

### Open 2-stage design competitions

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

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

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



#### Stage 2: concept design development

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

#### Lead and supporting designers

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

#### Emerging practices

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

### 2.5 Cultural safety

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

### 2.6 Reference designs

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

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

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

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

### 2.7 Exhibiting the design responses

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

## Part three

# Five steps of a design competition

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

They are:

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

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

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

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

## 3.1 Step 1: Design excellence strategy

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

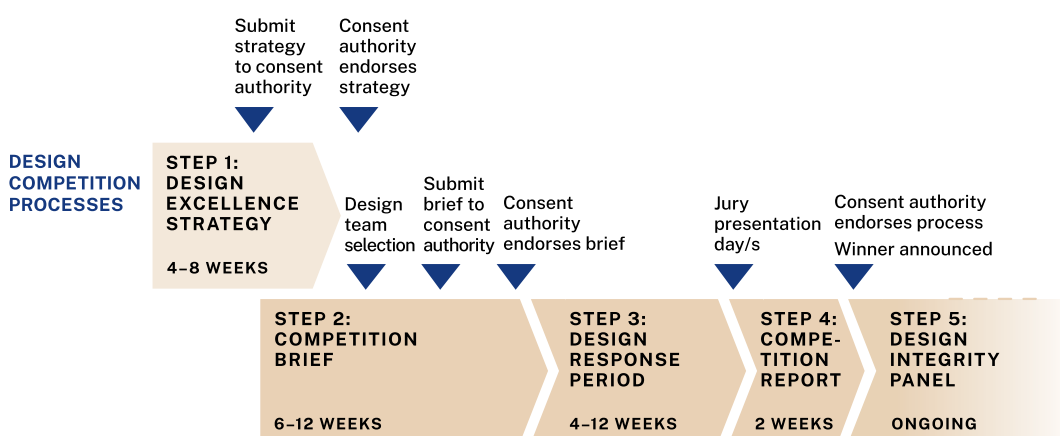
- the aims of the competition
- a short description of the site and program
- the capital investment value of the development
- the planning framework
- an outline of the competition process including key dates
- how the process will meet the relevant planning controls and align with these guidelines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

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

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

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

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



### 3.2 Step 2: Competition brief

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

#### Competition details

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

#### Competition design brief

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

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

#### Submission requirements

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

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

#### Governance

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

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

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

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

#### Design competition response period

Design teams have a set period to prepare

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

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

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

#### **Jury presentation day**

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

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

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

#### **Choosing the winner**

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

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

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

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

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

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

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

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

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

The competition report usually includes:

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



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

#### **Competition feedback sessions**

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

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

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

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

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

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

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

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

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

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

#### **Design integrity panel**

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

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

It is recommended that DIP reviews occur before:

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

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

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

#### **Design integrity reports**

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

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

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

## Part four

# Relationship of competitions to planning assessment

## 4.1 Integration with planning application

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

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

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

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

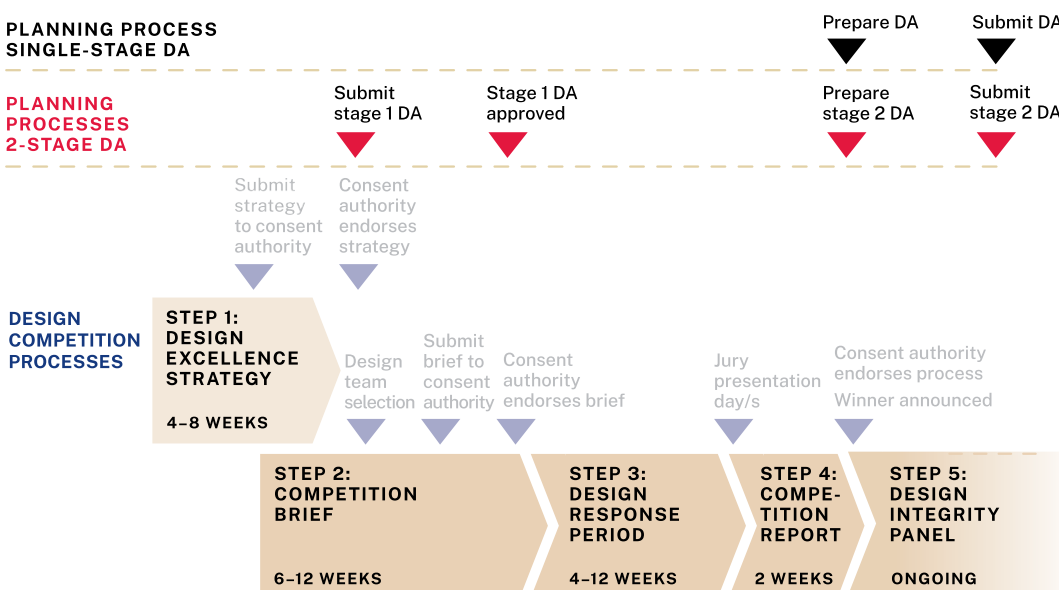
### DA or State significant DA

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

### Staged DA or concept DA

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

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



### **Planning envelopes**

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

### **Planning proposals**

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

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

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

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

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

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

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

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

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

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

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

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

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

## Part five

# Governance and commercial considerations

## 5.1 Setting fees for the design response

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

The design competition fee is influenced by the:

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

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

## 5.2 Design fees for ongoing work

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

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

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

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

## 5.3 Budgets and commercial outcomes

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

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

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

## 5.4 Disqualification

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

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

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



## Credits

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## Photography

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

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**8 CONFIDENTIAL REPORTS**

**City Planning & Environment Committee**

**6/08/2025**

Item No	CPE25.024
Subject	<b>CONFIDENTIAL - Development of Draft Mascot Masterplan</b>
Report by	Peter Barber, Director City Futures
File	SF23/2807

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**Confidential**

It is proposed that this report be considered in closed meeting, with the press and public excluded, for the following reason:

In accordance with section 10A (2) (c) and (e) of the Local Government Act 1993, the matters dealt with in this report relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open meeting it would, on balance, be contrary to the public interest due to the issue it deals with and information that would, if disclosed, prejudice the maintenance of law. It is considered that if the matter were discussed in an open meeting it would, on balance, be contrary to the public interest due to the issue it deals with.