



New South Wales

State Environmental Planning Policy Amendment (Design Competition Guidelines) 2023

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

PAUL SCULLY, MP
Minister for Planning and Public Spaces

State Environmental Planning Policy Amendment (Design Competition Guidelines) 2023

under the

Environmental Planning and Assessment Act 1979

1 Name of policy

This policy is *State Environmental Planning Policy Amendment (Design Competition Guidelines) 2023*.

2 Commencement

This policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of policy

This policy is repealed at the beginning of the day following the day on which this policy commences.

Schedule 1 Amendment of local environmental plans

1.1 Bayside Local Environmental Plan 2021

[1] Clause 6.10 Design excellence

Omit “an architectural design competition” from clause 6.10(5)(b)(i).

Insert instead “a competitive design process”.

[2] Clause 6.10(5)(b)(ii)

Omit “architectural design competition”. Insert instead “competitive design process”.

[3] Clauses 6.10(6) and (7)

Omit clause 6.10(6)–(8). Insert instead—

(6) Subclause (5)(b) does not apply if—

- (a) the consent authority certifies in writing that a competitive design process is not required, and
- (b) a design review panel reviews the development, and
- (c) the consent authority takes into account the advice of the design review panel.

(7) In this clause—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

design review panel means a panel of at least 3 persons established by the consent authority.

1.2 Blacktown Local Environmental Plan 2015

[1] Clause 7.7A Height of buildings exhibiting design excellence in Blacktown CBD and Mount Druitt CBD

Omit “an architectural design competition” from clause 7.7A(4)(a).

Insert instead “a competitive design process”.

[2] Clause 7.7A(4)(b)

Omit “architectural design competition”. Insert instead “competitive design process”.

[3] Clause 7.7A(6), definitions of “architectural design competition” and “Design Excellence Guidelines”

Omit the definitions. Insert in alphabetical order—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

1.3 Blacktown Local Environmental Plan 2015 (Amendment No 33)

[1] Schedule 1 Amendment of Blacktown Local Environmental Plan 2015

Omit “an architectural design competition” from Schedule 1[1], clause 7.7A(3)(a).

Insert instead “a competitive design process”.

[2] Schedule 1, clause 7.7A(3)(b)

Omit “architectural design competition”.

Insert instead “competitive design process”.

[3] Schedule 1, clause 7.7A(5), definition of “architectural design competition”

Omit the definition. Insert in alphabetical order—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

1.4 Canada Bay Local Environmental Plan 2013

[1] Clauses 6.14(5)(a) and (6)(a) and 7.2(4)(a) and (5)(d)

Omit “an architectural design competition” wherever occurring.

Insert instead “a competitive design process”.

[2] Clauses 6.14(5)(b) and 7.2(4)(b)

Omit “architectural design competition” wherever occurring.

Insert instead “competitive design process”.

[3] Clauses 6.14(6)(a) and 7.2(5)(d)

Omit “NSW Government Architect” wherever occurring.

Insert instead “consent authority”.

[4] Clauses 6.14(7) and 7.2(7)

Omit the subclauses.

[5] Dictionary

Insert in alphabetical order—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

design review panel means a panel of at least 3 persons established by the consent authority.

1.5 Newcastle Local Environmental Plan 2012

[1] Clause 7.5 Design excellence

Omit “an architectural design competition” wherever occurring in clause 7.5(4).

Insert instead “a competitive design process”.

[2] Clause 7.5(5)

Omit the subclause. Insert instead—

(5) Subclause (4) does not apply if—

(a) the consent authority certifies in writing that a competitive design process is not required, and

(b) a design review panel reviews the development, and

- (c) the consent authority takes into account the advice of the design review panel.

[3] Clause 7.5(7)

Omit the subclause. Insert instead—

- (7) In this clause—
 - competitive design process* means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.
 - design review panel* means a panel of at least 2 persons established by the consent authority.

1.6 Parramatta Local Environmental Plan 2023

[1] Clauses 6.13(5) and 9.3(2)(b)

Omit “an architectural design competition” wherever occurring.

Insert instead “a competitive design process”.

[2] Clauses 6.13(5) and 9.3(2)(b)

Omit “in accordance with the Design Excellence Guidelines” wherever occurring.

[3] Clause 6.13(6)

Omit the subclause. Insert instead—

- (6) Subclause (5) does not apply if—
 - (a) the consent authority certifies in writing that a competitive design process is not required, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the advice of the design review panel.

[4] Clauses 6.13(7) and 9.3(3)(b)

Omit “architectural design competition” wherever occurring.

Insert instead “competitive design process”.

[5] Clause 7.2 Definitions

Omit the definition of *competitive design process* from clause 7.2(1).

[6] Clause 8.2 Design excellence

Omit clause 8.2(6).

[7] Clause 9.3(4)

Omit clause 9.3(4) and (5). Insert instead—

- (4) Subclauses (2)(b) and (3)(b) do not apply if—
 - (a) the consent authority certifies in writing that a competitive design process is not required, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the advice of the design review panel.

[8] Dictionary

Omit the definition of *competitive design process*. Insert in alphabetical order—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

design review panel means a panel established by the consent authority of at least—

- (a) for clauses 6.13 and 9.3—2 persons, or
- (b) for clause 8.2—3 persons.

1.7 Penrith Local Environmental Plan 2010

[1] Clauses 7.29(2)(b) and 8.4(3) and (5)

Omit “an architectural design competition” wherever occurring.

Insert instead “a competitive design process”.

[2] Clauses 7.29(5)

Omit the subclause.

[3] Clause 8.4(4)

Omit the subclause. Insert instead—

- (4) Subclause (3) does not apply if—
 - (a) the consent authority certifies in writing that a competitive design process is not required, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the advice of the design review panel.

[4] Clause 8.4(7)

Omit the subclause. Insert instead—

- (7) In this clause—

design review panel means a panel of at least 3 persons established by the consent authority.

[5] Dictionary

Insert in alphabetical order—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

1.8 Randwick Local Environmental Plan 2012

[1] Clause 6.21 Design excellence at Kensington and Kingsford town centres

Omit clause 6.21(6). Insert instead—

- (6) Subclause (5) does not apply if—
 - (a) the consent authority certifies in writing that a competitive design process is not required, and

- (b) a design review panel reviews the development, and
- (c) the consent authority takes into account the advice of the design review panel.

[2] Clause 6.21(9), definition of “competitive design process”

Omit the definition. Insert in alphabetical order—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

design review panel means a panel of at least 3 persons established by the consent authority.

1.9 Ryde Local Environmental Plan 2014

[1] Clause 6.13 Design excellence

Omit “an architectural design competition that is consistent with the Design Excellence Guidelines” from clause 6.13(5).

Insert instead “a competitive design process”.

[2] Clause 6.13(6)

Omit the subclause. Insert instead—

- (6) Subclause (5) does not apply if—
 - (a) the consent authority certifies in writing that a competitive design process is not required, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the advice of the design review panel.

[3] Clause 6.13(7)

Omit “architectural design competition”. Insert instead “competitive design process”.

[4] Clause 6.13(8), definitions of “architectural design competition” and “Design Excellence Guidelines”

Omit the definitions. Insert in alphabetical order—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

design review panel means a panel of at least 3 persons established by the consent authority.

1.10 Strathfield Local Environmental Plan 2012

[1] Clause 6.7 Design excellence for Strathfield Town Centre

Omit “an architectural design competition that is consistent with the Design Excellence Guidelines” from clause 6.7(5).

Insert instead “a competitive design process”.

[2] Clause 6.7(7)

Omit “architectural design competition”. Insert instead “competitive design process”.

[3] Clause 6.7(8)

Omit the subclause. Insert instead—

(8) In this clause—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

1.11 The Hills Local Environmental Plan 2019

[1] Clauses 8.6(5)(b)(i) and 9.5(5)(b)(i)

Omit “an architectural design competition” wherever occurring.

Insert instead “a competitive design process”.

[2] Clauses 8.6(5)(b)(ii) and 9.5(5)(b)(ii)

Omit “architectural design competition” wherever occurring.

Insert instead “competitive design process”.

[3] Clause 8.6(6)(a)

Omit the paragraph. Insert instead—

(a) the consent authority certifies in writing that an a competitive design process is not required, and

[4] Clause 8.6(7)

Omit the subclause.

[5] Clause 9.5(6)(a)

Omit the paragraph. Insert instead—

(a) the consent authority certifies in writing that a competitive design process is not required, and

[6] Clause 9.5(7)

Omit the subclause.

[7] Dictionary

Insert in alphabetical order—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

design review panel means a panel of at least 3 persons established by the consent authority.

1.12 Tweed City Centre Local Environmental Plan 2012

[1] Clause 6.10 Design excellence

Omit “an architectural design competition that is consistent with the Design Excellence Guidelines” from clause 6.10(4).

Insert instead “a competitive design process”.

[2] Clause 6.10(5)

Omit the subclause. Insert instead—

- (5) Subclause (4) does not apply if—
- (a) the consent authority certifies in writing that a competitive design process is not required, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the advice of the design review panel.

[3] Clause 6.10(7)

Omit “an architectural design competition”. Insert instead “a competitive design process”.

[4] Clause 6.10(9), definitions of “architectural design competition” and “Design Excellence Guidelines”

Omit the definitions. Insert in alphabetical order—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

design review panel means a panel of at least 3 persons established by the consent authority.

1.13 Waverley Local Environmental Plan 2012

[1] Clause 6.10 Design excellence on certain land in Bondi Junction

Omit “an architectural design competition that is consistent with the Design Excellence Guidelines” from clause 6.10(3)(a).

Insert instead “a competitive design process”.

[2] Clause 6.10(3)(b) and (5)

Omit “architectural design competition” wherever occurring.

Insert instead “competitive design process”.

[3] Clause 6.10(6)

Omit “An architectural design competition”. Insert instead “A competitive design process”.

[4] Clause 6.10(7), definitions of “architectural design competition” and “Design Excellence Guidelines”

Omit the definitions. Insert instead—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

1.14 Willoughby Local Environmental Plan 2012

[1] Clause 6.23 Design excellence

Omit “design excellence panel” from clause 6.23(6)(a)(i).

Insert instead “design review panel”.

[2] Clause 6.23(6)(a)(ii)

Omit “design excellence panel’s”.

Insert instead “design review panel’s”.

[3] Clause 6.23(6)(b)

Omit “the architectural design competition”.

Insert instead “a competitive design process”.

[4] Clause 6.23(8)–(10)

Omit clause 6.23(8) and (9). Insert instead—

(8) Subclause (6)(b) does not apply if—

(a) the consent authority certifies in writing that a competitive design process is not required, and

(b) a design review panel reviews the development, and

(c) the consent authority takes into account the advice of the design review panel.

(9) A review conducted by a design excellence panel must be conducted in accordance with the *Guidelines for Design Excellence Review and Competitions* published by the Council on 9 December 2019.

(10) In this clause—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

design review panel means a panel of at least 2 persons established by the consent authority.

Schedule 2 Amendment of State environmental planning policies

2.1 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

[1] Clause 28 Determination of development applications

Omit “an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development” from clause 28(5).

Insert instead “a competitive design process has been held”.

[2] Clause 28(6)

Omit the subclause. Insert instead—

(6) In this clause—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

2.2 State Environmental Planning Policy (Precincts—Central River City) 2021

[1] Appendix 4 State significant precinct—Sydney Olympic Park site

Omit “design competition” wherever occurring in section 30(3) and (3A)(b).

Insert instead “competitive design process”.

[2] Appendix 4, section 30(4)

Omit the subsection. Insert instead—

(4) In this section—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

2.3 State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

[1] Appendix 3 State significant precinct—Redfern—Waterloo Authority sites

Omit “competition” wherever occurring in section 22(2)(d).

Insert instead “competitive design process”.

[2] Appendix 3, section 22(3) and (4)

Omit the subsections. Insert instead—

(3) The consent authority may require a competitive design process for the erection of a building over 12 storeys high.

(4) In this section—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

[3] Appendix 5 State significant precinct—Barangaroo site

Omit section 19(2)(d). Insert instead—

- (d) if a competitive design process is required to be held in relation to the building, as referred to in subsection (3), the results of the process.

[4] Appendix 5, section 19(3)

Omit “design competition”. Insert instead “competitive design process”.

[5] Appendix 5, section 19(4)(a)

Omit “an architectural design competition”. Insert instead “a competitive design process”.

[6] Appendix 5, section 19(5)

Omit section 19(5)–(7). Insert instead—

- (5) In this clause—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

[7] Appendix 7 State significant precinct—Sirius site

Omit “an architectural design competition that is consistent with the Design Excellence Guidelines” from section 7(5)(a).

Insert instead “a competitive design process”.

[8] Appendix 7, section 7(5)(b)

Omit “architectural design competition”. Insert instead “competitive design process”.

[9] Appendix 7, section 7(6)

Omit “An architectural design competition”. Insert instead “A competitive design process”.

[10] Appendix 7, section 7(6)(a)

Omit “design competition”. Insert instead “competitive design process”.

[11] Appendix 7, section 7(7)

Omit the definitions of *architectural design competition*, *building demonstrating design excellence* and *Design Excellence Guidelines*.

Insert in alphabetical order—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

2.4 State Environmental Planning Policy (Precincts—Regional) 2021

[1] Section 5.46 Exceptions to height and floor space in Zones B3, B4 and B6

Omit “an architectural design competition” from section 5.46(4)(c).

Insert instead “a competitive design process”.

[2] Section 5.46(4)(d)

Omit “architectural design competition”. Insert instead “competitive design process”.

[3] Section 5.46(6)

Omit the subsection. Insert instead—

(6) In this section—

competitive design process means a design competition held in accordance with the *Design Competition Guidelines* published by the Department in September 2023.

design review panel means a panel of 3 or more persons established by the consent authority.

[4] Schedule 10 Dictionary for Chapter 5

Omit the definitions of *architectural design competition* and *Design Excellence Guidelines*.