



City of Melbourne
Design Excellence Program

DRAFT

Design Competition Guidelines

January 2023

Acknowledgement of Country

The City of Melbourne respectfully acknowledges the Traditional Owners of the land we govern, the Wurundjeri Woi Wurrung and Bunurong Boon Wurrung peoples of the Eastern Kulin and pays respect to their Elders past, present and emerging.

We acknowledge and honour the unbroken spiritual, cultural and political connection the Wurundjeri, Bunurong, Dja Dja Wurrung, Taungurung and Wadawurrung peoples of the Eastern Kulin have to this unique place for more than 2000 generations.

We are committed to our reconciliation journey, because at its heart, reconciliation is about strengthening relationships between Aboriginal and non-Aboriginal peoples, for the benefit of all Victorians.

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Background

1. A City of Design

Design Excellence is vital to the identity, culture and ongoing prosperity of Melbourne. Built environment of a high design quality benefits resident, worker and visitor experiences of the city. This influences and affects Melbourne's liveability, attractiveness to global talent and long term economic performance.

Design competitions are a globally established mechanism for improving design diversity, quality and innovation in the built environment, particularly for developments on large and/or prominent sites with considerable impact on public amenity, connectivity and the place experience.

Additionally, competitions help to nurture the broad design talent pool on which Melbourne's global reputation for design excellence relies, by:

- elevating and making transparent, design discussions and decision making
- enabling early agreement on project deliverables for a full range of stakeholders
- providing equity of opportunity for design practices of all scales, to work on city shaping projects

The current reliance on market forces to deliver projects in the built environment, has diminished opportunities for diverse local, emerging and small practices to participate in the delivery of city shaping projects. This limits opportunities for originality and innovation in design and therefore, opportunities for Melbourne to grow and maintain its global reputation for design excellence.

2. Purpose of the Guidelines

The draft Design Competition Guidelines (the Guidelines) are an invitation for site owners, developers and designers to collaborate with the City of Melbourne, on excellent design outcomes for significant and/or high profile sites in the municipality. The Guidelines apply to both public and private development.

The Guidelines also provide the procedural basis for a City of Melbourne endorsed design competition. Developed in consultation with targeted industry stakeholders, and building on the rounded experiences of the city's design experts, the Guidelines are underpinned by principles of equity, transparency and integrity.

3. Guidelines Structure

The Guidelines are structured in three parts:

- **Section 1 - Inviting Design Excellence** describes the benefits of competitions, and positions the Guidelines in a Melbourne context.
- **Section 2 - Instructions** provides an overview of the process and sets out the requirements for an endorsed City of Melbourne design competition.
- **Section 3 - Templates** support a consistent, efficient and effective competition process that is fair for all participants.

4. Definitions

Key terms used in the document are defined as follows:

Adviser, Competition

An appropriately qualified and experienced professional who will manage and undertake key competition activities on behalf of the Proponent in collaboration with the City of Melbourne.

Adviser, Probity

A Probity Adviser oversees the integrity of a competition process and is recommended for large, complex, unusual, contentious and/or high value projects to protect against perceived and actual risks associated with the conduct of direct participants.

Adviser, Technical

Technical Advisers provide specific expertise on the functional requirements of the project on behalf of the Proponent.

Client

Refer *Proponent*.

Competition Advisory Group (CAG)

For some competitions, it may be appropriate to have a Competition Advisory Group to assist the Jury in their deliberations. The CAG will normally comprise of the Competition Adviser and 1-2 City of Melbourne representatives.

Competitions, Blind

In a blind competition, the identity of Entrants is suppressed and revealed only upon the Jury's selection of a Winning Entry. Blind competitions can provide a sense of assurance to Entrants that Submissions will be assessed equitably and on merit alone.

Competitions, Named

In a named competition, the identity of Entrants is known.

Competition Brief and Conditions

A document that articulates key information about the competition purpose and process; project ambition, background and scope; and conditions applicable to all. Refer Template A - Competition Brief and Conditions.

Competition Report

A report that documents the Jury's decision in accordance with Template C - Competition Report based on Evaluation Criteria established in Competition Brief and Conditions.

Design Integrity

A continued engagement between the Successful Entrant, the Proponent and the City of Melbourne post competition. This continuity helps maintain Design Excellence as the design is further developed for planning approval.

Designer

A practising and/or research professional in the field of urban design, landscape design and/or architecture.

Design Competition

A design competition is a competitive process in which a private or public site owner or developer ('the Proponent') invites designers (the 'Entrant') to submit a design proposal for a precinct, site or building. An independent panel of design professionals and project decision makers (a 'Competition Jury') will select the successful design based on an agreed set of Evaluation Criteria.

Design Excellence

A City of Melbourne program and a design outcome - a demonstrated exceptional standard of architecture, landscape architecture and/or urban design.

Emerging Designer

A newly formed or small practice that is seeking to undertake larger and more complex projects.

Endorsement

Formal recognition from the City of Melbourne confirming that the competition process adheres to the procedural process set out in this document, and that the design outcome achieves Design Excellence.

Entrant

The Entrant is a Designer participating in the design competition through the entry of a Submission. Entrants must be registered design professionals in the State of Victoria.

Evaluation Criteria

Evaluation Criteria establish how Design Excellence will be measured, and provide the basis for which the Jury is to assess and score Entrants.

Guidelines, the

The draft Design Competition Guidelines (the Guidelines) are an invitation for site owners, developers and designers to collaborate with the City of Melbourne, on excellent design outcomes for significant and/or high profile sites in the municipality. The guidelines apply to both public and private development. They provide the procedural basis for a City of Melbourne endorsed design competition.

Independent Design Expert

An industry recognised expert in design, who is capable of providing sound, independent advice and Jury services to a competition.

Jury

Competition Submissions are assessed by an expert Jury comprising of the Proponent, City of Melbourne and Independent Design Experts. The Jury selects the best design proposal and team (in the context of a named competition) based on established Evaluation Criteria.

Local practice / designer

A practice or designer that originates from and is based in Melbourne, or who may have originated from elsewhere and has the majority of their staff based in Melbourne.

Melbourne Design Review Panel (MDRP)

The Melbourne Design Review Panel advises the City of Melbourne on ways to improve the design quality of new developments and city-shaping projects. The core panel membership comprises of internal and external experts from the fields of architecture, landscape architecture and urban design. Expert members have additional expertise on topics such as heritage, education, sustainability and environmental design, universal design,

development feasibility, transport, community engagement and Aboriginal cultural heritage.

Planning approval

A process of assessing that a proposed scheme complies with planning requirements including consideration of development envelope, proposed use and impacts to neighbouring land.

Proponent

The Proponent is a private or public site owner or developer who owns the project for which a competition is being held.

Referral Authority

The Referral Authority is the body responsible in providing comments to the Responsible Authority when they are assessing a planning application. The ultimate responsibility of planning approval rests with Responsible Authority, not the Referral Authority.

Responsible Authority

The Responsible Authority is the body responsible for the administration or enforcement of a planning scheme or a provision of a scheme. They are responsible for considering and determining planning permit applications and for ensuring compliance with the planning scheme, permit conditions and agreements.

Phase 1 - Invitation

The Guidelines support a phased implementation pathway for design competitions. Phase 1 - Invitation is a call for site owners, developers and designers to participate in a voluntary design competition with the City of Melbourne. This is expected to be piloted from 2023.

Phase 2 - Regulation

The Guidelines support a phased implementation pathway for design competitions. Phase 2 - Regulation of mandatory design competitions is anticipated to commence after completion and review of Phase 1, subject to Council approval. It is anticipated that lessons learned at Phase 1 – Invitation will inform the business case for Phase 2 – Regulation.

Submission

The Submission is a design idea or concept developed in response to Template A - Competition Brief and Conditions and submitted in accordance with Template B – Response Schedules.

Successful Entrant

The Successful Entrant is the author of the Winning Entry, as selected by the Jury.

Winning Entry

The Winning Entry is that which has been selected by the Jury as best meeting the competition's Evaluation Criteria. The Winning Entry is produced by the Successful Entrant.

Part 1

Inviting Design Excellence

Part 1 – Inviting Design Excellence

1.1 Benefits of Participation

Design Excellence Program



Figure 1 – Design Excellence Program

The Design Competition Guidelines are a deliverable of the City of Melbourne's Design Excellence Program 2019-30 (the Program), which is captured in Major Initiative 22 of the Council Plan 2021-25 to:

'Champion high quality development and public realm design through delivering the Design Excellence Program, including implementing the City of Melbourne Design Review Panel and a Design Excellence Committee for strategic planning work.'

In this context, 'design excellence' refers to a demonstrated exceptional standard of urban design, architecture and landscape architecture.

The Program covers leadership, advocacy, design review, awards and design competitions. Core to the program is the establishment and management of a Design Excellence Advisory Committee, Melbourne Design Review Panel and Design Competitions. With respect to the latter, the Program commits us to:

- 'Preparing a City of Melbourne competitive design policy and guidelines for voluntary competitions.'
- 'Exploring the pathways to integrating mandatory design competitions for strategic sites.'

Why is the City of Melbourne investing in design competitions?

A Design Competition is a competitive process in which a private or public site owner or developer ('the Proponent') invites designers (the 'Entrant') to submit a design proposal for a precinct, site or building. An independent panel of design professionals and project decision makers (a 'Competition Jury') will select the successful design based on an agreed set of Evaluation Criteria.

Design competitions offer an alternative procurement strategy. They invite and test design proposals and teams, for significant projects, prior to the commencement of a planning application process.

Well managed and equitable design competitions can lift the quality of a city's built environment and strengthen its design talent pool – providing opportunities for local, established, emerging, small and sole practitioner practices, to undertake high-impact private and public design commissions, in a capital city context.

In such a process, an expert Jury, comprising of the Proponent (site/project owner) representative, council representatives and independent design experts, selects the best design proposal and team based on established Evaluation Criteria. The terms of engagement, evaluation and appointment are identified in a Competition Brief, Competition Conditions, Jury and Advisory Agreements and Code of Conduct. The Jury is assisted in their assessment by a Competition Adviser and Technical Advisers. The recommendations of the Jury are captured in a Competition Report.

Competition Benefits

Design competitions are a tried and tested way to competitively drive high quality design. Their application, on a variety of sites, both public and private, will help to ensure Melbourne's unique legacy as a globally leading design city, continues.

Benefits of a City of Melbourne endorsed competition include:

- Increased likelihood of design excellence due to the establishment of agreed project requirements and deliverables prior to planning application
- Better balance of public and private interests
- A clearly defined, fair and ethical process
- A process that nurtures local, small and emerging design talent
- Potential development uplift and expedited planning processes
- Access to City of Melbourne design and technical experts

The following table describes specific benefits for key stakeholders.

Table 1 – Stakeholder benefits

Benefits for Proponents
Design Competitions can provide increased certainty for proponents through: <ul style="list-style-type: none">• Higher and more sustained return on investment as a result of a better designed and more enduring buildings/landscapes/environs that will sell faster and are more profitable.• Potential development uplift and enabled planning processes as outlined in the Competition Conditions• City of Melbourne endorsement of project deliverables and requirements through the Competition Brief• Testing of the brief and design proposals with design teams and Technical Advisers• Sampling different design teams and methodologies prior to contracting the successful team• Positive public and media engagement with the project
Benefits for the Public
Design Competitions can help shape better places for the public through: <ul style="list-style-type: none">• Better quality development that balances commercial interests with community needs as outlined in the Competition Brief• Delivering designs that are specific and contributory to the Melbourne context• Enabling design experts to inform the Project Brief and Assessment of entries• Creating exemplary benchmarks for future development
Benefits for Designers
Competitions can advocate for excellent design and the services of local designers through: <ul style="list-style-type: none">• Improving equity of access to city-shaping projects• Elevating contemporary design ideas and innovation• Increasing visibility and public awareness of design• Establishing fair processes and expectations• Enabling diversification of design practices undertaking work on city shaping projects

Benefits to the **City of Melbourne**

Competitions can provide **more opportunity** through:

- Aligning the aspirations of proponents, public, designers and City of Melbourne
- Build resilience and robustness into the Competition Brief and design outcomes by incorporating existing plans and strategies
- Supporting a culture and understanding of Design Excellence
- Enhancing confidence in Melbourne's design reputation
- Investing in and nurturing Melbourne's design talent pool

1.2 Implementing Design Competitions

A Two Phase Implementation Pathway

The draft Design Competition Guidelines set out the process and requirements for a City of Melbourne endorsed competition process. These have been developed through research and in targeted consultation with industry. The Guidelines are intended for use by site owners, developers, designers and the City of Melbourne.

The Guidelines support a phased implementation pathway for design competitions:

- **Phase 1 - Invitation** to participate in voluntary design competitions (2023-4)
- **Phase 2 - Regulation** of mandatory design competitions (2024-5+ subject to Council approval)

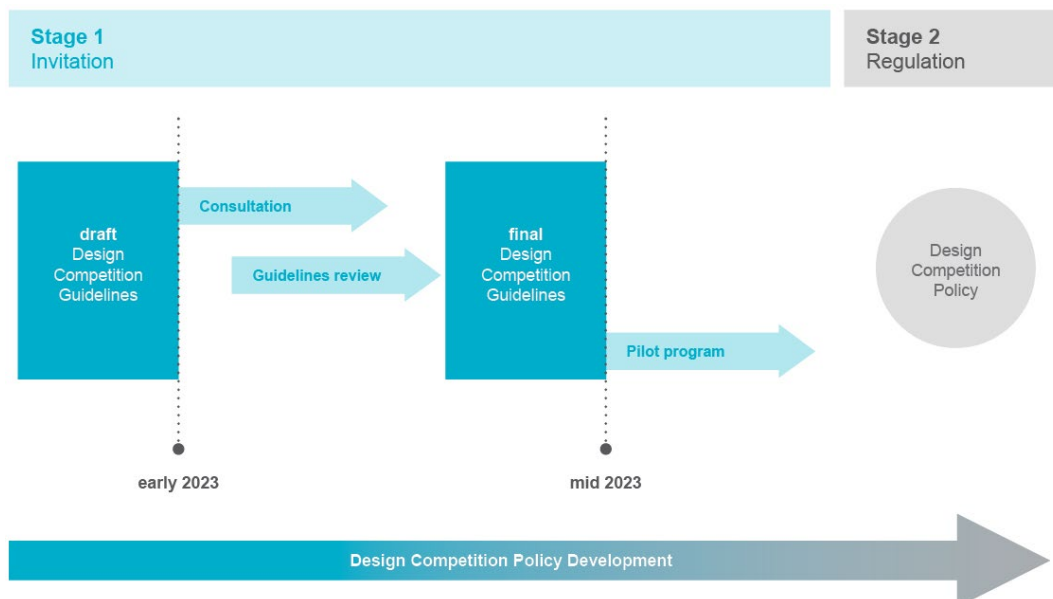


Figure 2 – Staging

It is anticipated that lessons learned at Phase 1 – *Invitation*, will inform the approach in Phase 2 – *Regulation*.

Project and Site Selection

The Guidelines apply to significant and/or prominent private and public developments in the City of Melbourne, including on:

- Council owned sites
- State managed sites
- Private sites where Council is the Responsible Authority
- Private sites where State Government is the Responsible Authority

In the context of Aboriginal truth telling and reconciliation, a Climate and Biodiversity Emergency, rapid population growth and densification, and diminishing opportunities for the provision of public open space, it is crucial that all developments in the City of Melbourne provide suitable public-facing social, environmental, cultural and economic benefits.

Eligible projects include buildings, landscapes and masterplans for significant and/or prominent sites. Project suitability is triggered by development scale, location, heritage impact, capital value and public realm impact or potential.

State Government involvement

For development where the Department of Transport and Planning (DTP) is the Responsible Authority and the City of Melbourne is a Referral Authority, the adoption of the Guidelines is welcomed. This may include sites where:

- The proposed development exceeds 25,000 m².
- The proposed development and use of land is on behalf of the Minister of the Crown.
- The site is the Melbourne Showgrounds or Flemington Racecourse.
- The proposal is on other specific sites where DTP is the Responsible Authority.

For design competitions on these sites, adaptations to the process such as the added involvement of the Office of the Victorian Government Architect and DTP representatives on the Jury would be appropriate.

1.3 Council Support

The City of Melbourne has dedicated design expertise to guide the use and execution of the Guidelines. City of Melbourne endorsement is possible on satisfaction of the following requirements:

- The processes outlined in the Guidelines are demonstrably followed.
- The procedural principles in the Guidelines have been addressed.
- A Jury determines that Design Excellence has been achieved by the Winning Entry.

It is envisaged that the endorsed Competition Report will comprise a part of the eventual planning application for the project, pending minimal deviations from the Jury-endorsed design idea or concept and briefed requirements.

Part 2

Instructions

Part 2 – Instructions

2.1 Process

Planning Pathway

Competitions enable Design Excellence through the early and ongoing collaboration of key project stakeholders, as well as the definition of project deliverables and requirements at project inception. This upfront alignment positions the project for an efficient planning pathway, provided Design Excellence is achieved.

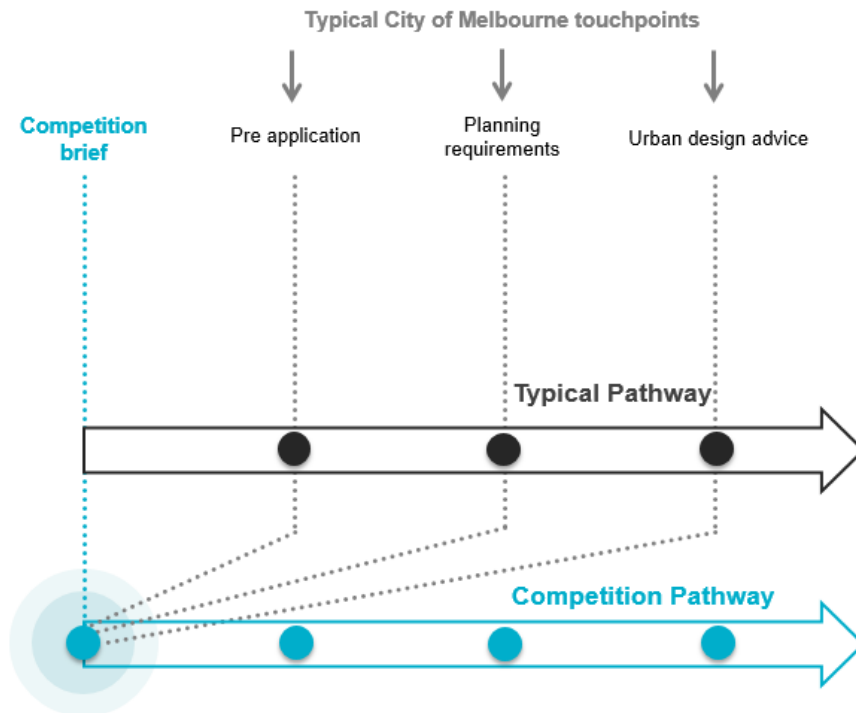


Figure 3 – Design Competition Pathway vs Typical Pathway

Procedural Principles

The following principles support a fair and ethical process.

Principle	Measure/s
Ensure visibility of design process Competition entries and process outcomes are transparent and publicly accessible.	<ul style="list-style-type: none"> Publish or exhibit the shortlisted submission/s, and <u>Template C: Competition Report</u>.
Balance private and public interests The Jury composition balances proponent and public interests to ensure equitable design outcomes.	<ul style="list-style-type: none"> Appointment of a City of Melbourne Jury Chair (to be selected from Management Leadership Team) Ensure at least 50 percent of the Jury comprises of City of Melbourne design experts.
Champion diversity Entrant and Jury compositions are informed by a thorough consideration of experience, culture, gender, ability and age, to ensure inclusive and amenable built outcomes.	<ul style="list-style-type: none"> Ensure 40/40/20 female/male/non binary gender balance on Jury teams. Undertake qualitative assessment of Entrant diversity through <u>Template B: Response Schedules</u>.
Support local, emerging and small design practices Local, emerging and small design practices are recognised and supported, to futureproof Melbourne's design talent pool and reputation as a globally leading city for Design Excellence.	<ul style="list-style-type: none"> Ensure at least 75 percent of shortlisted Entrant teams comprise predominantly of local, emerging and/or small design practices.
Provide fair compensation Design practices are adequately compensated for their time, and Submission requirements and deliverables are reasonable.	<ul style="list-style-type: none"> Ensure adequate remuneration and reasonable submission requirements as per <u>Template A: Competition Brief and Conditions</u>. The Jury should disregard any submitted material beyond the requirements outlined in <u>Template A: Competition Brief and Conditions</u>.
Foster relationships The competition process supports relationship building and collaboration between the proponent, designer and City of Melbourne.	<ul style="list-style-type: none"> Include touchpoints for briefing, reviewing and collaboration, outline and commit to these key touchpoints as specified in <u>Template A: Competition Brief and Conditions</u>.
Outline key dates and milestones The proponent must outline clear timeframes and deliverables for all participants from competition outset, to provide certainty around commitment and resourcing.	<ul style="list-style-type: none"> Outline key dates and milestones in <u>Template A: Competition Brief and Conditions</u>.

Competition Process and Endorsement

A City of Melbourne endorsed design competition comprises of the following steps and outputs.

1. The co-development of a Competition **Brief and Conditions** by the Proponent, Competition Adviser and City of Melbourne, for endorsement by the City of Melbourne
2. The **Selection** of eligible Entrants via an open Expression of Interest (competition stage one)
3. The development and submission of a **Design idea or concept** in response to a Request for Proposal (competition stage 2).
4. The **Evaluation** of Submissions to determine an Entrant Shortlist (if applicable) and/or Winning Entry. The completion of an Interview (competition stage 3) in the case of a Shortlist, to identify a Winning Entry.
5. The completion of a **Competition Report** and confirmation that the Winning Entry achieves Design Excellence.
6. **Engagement** of the Successful Entrant by the Proponent to further develop the Winning Entry for lodgement to Planning.
7. The development of a **Benefits Realisation Report** by the City of Melbourne.

Design Excellence Mechanisms

The following are set out in the process diagram and exist to ensure excellence in process and design:

- **Steps** outline the pathway from competition establishment through to award, project delivery and benefits realisation. These are supported by clear objectives.
- **Key Activities** and participants are clearly identified
- **Templates** support the consistent application of the Guidelines

Process Diagram

The below diagram summarises the process and establishes clear touchpoints, obligations and deliverables for all participants.

Step	Objective	Key Activity	Participants	Template
Pre Competition				
1 Brief	To create a single reference document for the competition	1.1 Co-develop Brief and Conditions	Competition Adviser (lead) with Proponent, and City of Melbourne	A – Competition Brief and Conditions
		1.2 Approve Brief and Conditions	City of Melbourne (lead) with Proponent, and Competition Adviser	
Competition				
2 Select	To select eligible Entrants	2.1 Stage 1 EOI	City of Melbourne (lead) with Competition Adviser, and Proponent	B – Response Schedules
		2.2 Shortlist EOI Submissions	Jury (lead) with Competition Adviser and relevant other Advisers	

3 Design	To brief Entrants, allow time for design and the optional provision of feedback	3.1 Briefing Session	Competition Adviser (lead) with City of Melbourne, Proponent and Entrants	B – Response Schedules
		3.2 Stage 2 RFP	City of Melbourne (lead) with Competition Adviser and Proponent	
		3.3 Optional - Provide Feedback on Interim designs	Competition Adviser (lead) with Proponent, City of Melbourne	
4 Assess	To evaluate Submissions and select the Winning Entry	4.1 Shortlist RFP Submissions and proceed to item 4.2 OR determine Winning Entry and proceed to item 5.1	Jury (lead) with Competition Adviser and relevant other Advisers	B – Response Schedules
		4.2 Stage 3 Interviews	City of Melbourne (lead) with Competition Adviser and Proponent	
		4.3 Identify Winning Entry	Jury (lead) with Competition Adviser and relevant other Advisers	
5 Report	To identify the Successful Entrant and document that Design Excellence has been achieved.	5.1 Complete the Competition Report	Jury (lead) with Competition Adviser	C – Competition Report
		5.2 Endorse the Competition	City of Melbourne (lead) with Competition Adviser	
		5.3 Exhibit Submissions and Jury Citations	City of Melbourne (lead) with Competition Adviser, Jury, Entrants	
Post Competition				
6 Engage	To further develop the design to achieve planning approval.	6.1 Engage Entrant	Proponent (lead) with City of Melbourne	
		6.2 Coordinate further touchpoints	City of Melbourne (lead) with Successful Entrant, Proponent	
7 Learn	To gauge and record lessons learned	7.1 Record Benefits	City of Melbourne (lead) with Successful Entrant, Proponent, Competition Adviser	D – Benefits Realisation Report

Figure 4 – Process overview

2.2 Steps and Key Activities

A description of the key activities are described as follows.

1. Brief

This document functions as a centralised resource for all participants throughout the competition.

- 1.1. **Co-develop brief:** Template A: Competition Brief and Conditions captures the competition purpose, participants, process, project, site information, submission requirements and key conditions.
- 1.2. **Approve brief:** A City of Melbourne agreement that Template A: Competition Brief and Conditions contains relevant and pertinent information, particularly in relation to the competition's purpose, site's planning parameters, project vision, submission requirements and the Evaluation Criteria such that the competition can begin.

2. Select

Two options exist for the selection of shortlisted teams: A named Expression of Interest (EOI) or a blind EOI

- 2.1. **Stage 1 EOI (Named):** A public invitation for design teams to register an Expression of Interest in the competition, and provide an EOI submission in accordance with Template B: Response Schedule.

The purpose of the EOI is to ensure eligibility to compete, based on a limited high level submission which identifies the Proposed Team, Relevant Experience, Capability and Task Appreciation with no allowance for design.

An initial qualitative assessment of the EOI is undertaken by the Competition Advisory Group, against pre-determined Evaluation Criteria as identified in Template A: Competition Brief and Conditions.

Stage 1 EOI (Blind): A public invitation for design teams to register an Expression of Interest in the competition, and provide an EOI submission in accordance with Template B: Response Schedule.

The purpose of the EOI is to shortlist compelling project ideas, based on a limited high level submission which identifies the Design Idea and statement of Task Appreciation. Competitor's identity is suppressed in the submission and assessment.

- 2.2. **Shortlist EOI Submissions:**

The shortlisting of eligible Entrants in either EOI is undertaken by the Jury in a rigorous process against agreed criteria in the Brief, and takes into consideration relevant Technical Adviser reports.

3. Design

- 3.1. **Briefing session:** This is an opportunity for Entrants to clarify project and process questions, and for the Proponent to share their aspirations and requirements. A site visit may also be complementary to this, alongside introductions to Technical Advisers, who are experts in the project's functional requirements.
- 3.2. **Stage 2 RFP:** A select invitation for Entrants to provide a submission in accordance with Template A: Competition Brief and Conditions and Template B: Response Schedule.
- 3.3. **Optional - Provide Feedback on Interim designs:** For three stage competitions, this is an opportunity for the Proponent to provide feedback to Entrants on Stage 2 submissions.

4. Assess

- 4.1. **Assess RFP Submissions and proceed to item 4.2 OR determine Winning Entry and proceed to item 5.1**

The Jury assesses the RFP submissions against rigorous evaluation criteria in Template A: Competition Brief and Conditions.

- 4.2. **Stage 3 Interviews**

Presentation of the RFP submission by the proponent team to the Jury. This is convened by the competition adviser and administered by City of Melbourne. This is part of the assessment and an opportunity to ask questions and clarify any issues.

- 4.3. **Identify Winning Entry**

The Jury selects the winning team and the proponent must accept this choice. The Adviser supports the Jury to record the relative merits of each team. The adviser can use this to inform the competition report and to provide feedback to unsuccessful teams.

5. Report

5.1. **Complete the Competition Report**

A report that documents the Jury's decision according to Template C: Competition Report based on Evaluation Criteria established in Template A: Competition Brief and Conditions.

5.2. **Endorse the Competition**

The City of Melbourne endorses the Competition to confirm that the Competition process has been followed, and that the winning scheme responds to Template A: Competition Brief and Conditions. This statement is included in the report.

5.3. **Exhibit Submissions and Jury Citations**

A public announcement of the Winning Entrant, as well as public recognition and exhibition of all Entrant submissions and suitable excerpts from the Jury Report.

6. Engage

6.1. **Engage Entrant**

A formal engagement of the Winning Entrant by the Proponent to work towards planning approval, and to maintain Design Integrity.

6.2. **Co-ordinate further touchpoints**

An opportunity for further touchpoints of the design's evolution, including a potential Melbourne Design Review Panel (MDRP) session. This is also an opportunity for City of Melbourne to receive feedback and optimise the competition process and outcomes.

7. Learn

7.1. **Record Benefits**

Feedback or operational changes that improve the competition process will be embraced to ensure an excellent process.

2.3 Applying the Guidelines

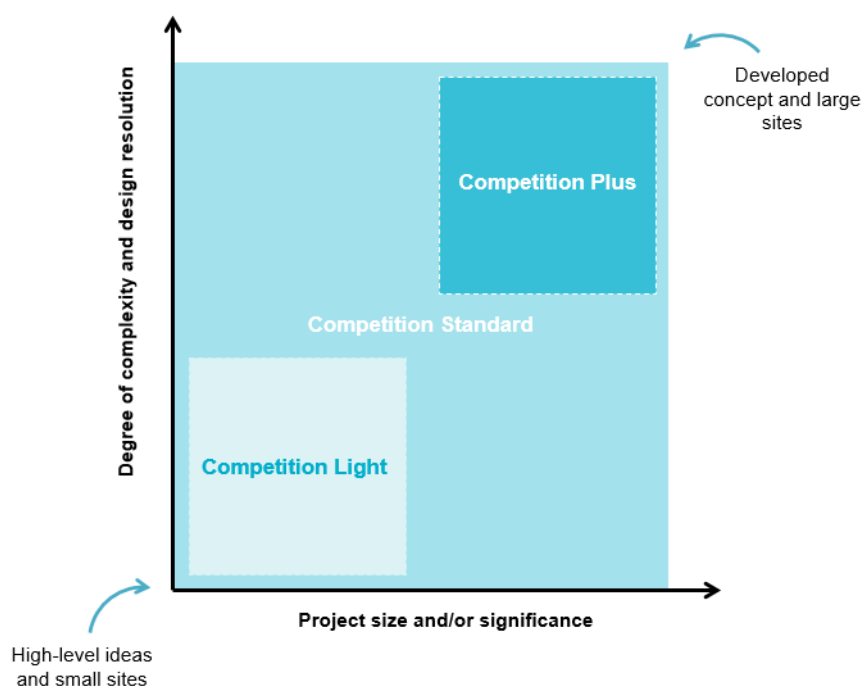
A competition process may need to be tailored in ways that are appropriate to the project size, significance and to the level of design resolution required. This is in addition to other contextual constraints including time and financial matters.

The City of Melbourne proposes one competition type (broadly following a two-staged selection process – EOI and RFP), with opportunities for key activities to either be expanded or bypassed to suit the competition purpose and project complexity. For example, if the project size and required design resolution are both relatively high, the process may require additional touchpoints, and continued post competition review. These will be established in the Competition Brief.

Conversely, if the site is small or a design idea only is required, reduced touchpoints could be applicable to accelerate the process. Remuneration and deliverables must be scaled accordingly.

The Copyright Amendment (Moral Rights) Act 2000 recognises and protects the rights of Architects as follows: the right of attribution, the right to prevent false attribution and the right of integrity.

Figure 5 – Procedural scalability and flexibility



The following table links the project size and required design resolution with suggested ranges to provide certainty for all participants.

Table 3 – Process flexibility

	Competition Light	Competition Standard	Competition Plus
Project scale / complexity	Small / Simple	Medium / Moderate	Large / Complex
Design resolution	Design idea	High level concept	Developed concept
No. of Competition Stages	1-2	2-3	3
Number of Shortlisted Entrants	up to 10	Up to 5	3 - 5
Number of Jury members (including chair)	5	5	7
Submission requirements	Maximum 2x A3 drawings Written response totalling 600 words Refer Attachment B - Response Schedules for more information	Maximum 4x A3 drawings Written response totalling 1,000 words Refer Attachment B - Response Schedules for more information	Maximum 6x A3 drawings Written response totalling 1,500 words Refer Attachment B - Response Schedules for more information
Competitor response period	3 - 4 weeks	5-6 weeks	7 - 9 weeks
Competition timeframe	Up to 3 months	4 to 7 months	8 to 10 months

2.4 Roles and Requirements

The organisation and delivery of a design competition requires the involvement of a number of direct participants and supporting groups.

Direct participants

Direct participants are the key contributors in any design competition. They shape and are responsible for the competition purpose, process and outcome. Their respective roles and key obligations are identified below. This serves as a high level checklist to ensure they are meeting their procedural requirements within a City of Melbourne endorsed competition.

Proponent

The proponent initiates the competition process. They are usually the owner or operator of the completed project.

Key obligations include:

- Ensuring suitable remuneration to Entrant, Jury members and Advisers, relative to the time and effort required
- Engaging a Competition Adviser to oversee and manage the competition process
- Proponent must accept the Jury's selection of a winner
- Ensuring no interference or influence with the Jury process and decision
- Engaging the winning Entrant for subsequent development of the competition concept acknowledging that proceeding to contract is always at the discretion of the proponent
- Providing project information to enable a fully informed response to the site and Competition Brief. Minimum requirements are as follows:
 - topographic and feature survey
 - land title, any easements or other encumbrances
 - cultural management plan
 - DWG files
 - Other surveys and studies – hydraulic, soil, etc., that may assist the development of an informed response.
- Managing confidentiality in the Intellectual Property of Entrants, and disclosing any conflicts of interest.

Competition Adviser

An appropriately qualified and experienced professional who will manage and undertake key competition activities on behalf of the Proponent in collaboration with the City of Melbourne.

Key obligations include:

- Undertaking the competition in accordance with the Guidelines
- Having relevant design review qualifications and competition experience
- Organising, coordinating and hosting key touchpoints
- Managing completion of templates
- Appointing a Jury (of correct number and composition) in collaboration with City of Melbourne.
- Being the independent 'bridge' between Entrants and Jury, between Jury and Proponent, and between Proponent and Entrants
- Producing a draft Jury Report for the Jury Chair to review and finalise with Jury members.

City of Melbourne

Design Excellence resources will provide support and expertise for a competition process. They will observe proceedings, input at key steps and evaluate outcomes.

Key obligations include:

- Providing continuous and dedicated Design Excellence resourcing across the various competition steps and for key touchpoints and to uphold Design Integrity post competition to support the proponent in seeking planning approval.
- Co-developing and approving the brief.
- Collaborating with statutory planners to communicate relevant policy parameters in the Competition Brief.
- Endorsing the competition at launch and again once the Winning Entrant has been selected, provided all Competition Conditions and Evaluation Criteria are met.
- Review and adapt the Guidelines as necessary, as a consequence of evaluating live competition processes, fairness and transparency to improve and optimise the process.

Jury

The Jury is responsible for assessing all entries, for qualitatively selecting shortlisted teams and making a final decision at the end of the competition. Jury members must:

- Independently score proposals using the Evaluation Criteria in the Competition Brief
- Meet to discuss aggregated scores
- Finalise consensus scores to achieve a ranking
- Contribute feedback for inclusion in the Competition Report
- Declare any conflicts of interest upfront
- Conduct assessment according to the process and conditions.

The Jury Chair is responsible for convening the Jury, conducting the assessment according to the process and conditions, and producing a Jury endorsed Competition Report, with the assistance of the Competition Adviser.

Key obligations include:

- Declare any conflicts of interest upfront
- Ensure independence and confidentiality are maintained
- Have appropriate design expertise
- Assess entries in accordance with the timeframes.

Entrant

An Entrant is a person or team who is participating in the design competition.

Key obligations include:

- Submitting entry material as per submission requirements in the Competition Brief, with no additional outputs
- Comply with the Competition Conditions, which set out the requirements of participation
- Provide feedback to the City of Melbourne on their experience.

Support participants

Supporting groups may need to be consulted, depending on the project's scale and required design resolution. Each supporting participant plays an important role in providing advice and supporting the competition process.

Competition Advisory Group

For some competitions, it may be appropriate to have a Competition Advisory Group to assist the Jury in their deliberations. The CAG will normally comprise of the Competition Adviser and 1-2 City of Melbourne representatives.

Technical Advisers

Technical Advisers provide specific expertise on the functional requirements of the project on behalf of the Proponent. Technical Advisers may inform the Competition Brief, or provide feedback on Submissions to the Jury. The Key Activities that Technical Advisers may support include:

- 1.1 Co-develop brief
- 3.1 Briefing session
- 3.2 Working period
- 4.1 Submission presentation
- 4.2 Assess submissions
- 5.1 Complete competition report

The extent of technical inputs will be commensurate with the level of technical response from Entrants, and the level of complexity of the competition and remuneration to Entrants.

Probity Adviser

Probity advisers oversee the integrity of a competition process and are recommended for large, complex, unusual, contentious and/or high value projects to protect against perceived and actual risks associated with the conduct of direct and supporting participants.

The Competition Adviser, in agreement with the Proponent and City of Melbourne, may choose to appoint a Probity Adviser to oversee the integrity of the process. While a Competition Adviser is equipped to ensure fair process, a probity adviser is recommended for large and complex sites to complement the Adviser and mitigate conduct risks.

Public engagement

A public announcement of the competition registration process can help to generate attention, likewise announcing and/or exhibiting schemes at the end of the competition can help provide transparency. This is to be coordinated by the Competition Adviser with City of Melbourne support. Relevant Key Activities for public engagement include:

- 2.1 Registration and EOI
- 5.3 Exhibition
- Existing planning application engagement.

Key institutes and industry bodies

The following groups can share knowledge, and provide independent advice and guidance:

- Australian Institute of Architects (AIA)
- Australian Institute of Landscape Architects (AILA)
- Department of Environment, Land, Water and Planning (DELWP)
- Office of Victorian Government Architect (OVGA)
- Planning Institute of Australia (PIA)
- Property Council Australia (PCA)
- Urban Design Institute of Australia (UDIA)
- Other partnerships

Part 3

Templates

The following templates support steps outlined in Part 2:

- A. Competition Brief and Conditions
- B. Entrant Registration and EOI
- C. Competition Report
- D. Benefits Realisation Report
- E. Jury and Advisory Agreements
- F. Code of Conduct
- G. Conflict of Interest and Confidentiality Agreement

Part 3 – Templates

Template A: Competition Brief and Conditions

Competition Brief

The Competition

Competition purpose	[Insert competition purpose including a clear definition of what is being sought, the opportunity on offer to Entrants, and the commitment that will be made to the Winning Entrant. 200 words.]
Remuneration	[Insert scale of remuneration including any Prize Money and/or commitment to commission the Successful Entrant. 150 words.]
Blind Competition	[Select Y/N] For blind competitions, Entrants must NOT include any identifying information in their Submission, which MUST adopt the Registration Number as the only identifier.

The Project

Background	[Provide information on the project background and key considerations that are considered essential to an acceptable design response, 200 words]
Vision	[Insert the project vision – what does the project aspire to deliver? 200 words.]
Site context	[CoM: Insert site and planning context, having reference to all relevant strategies, plans and overlays. 500 words.]
Scope	[Insert spatial scope and extent, key technical matters, key functional requirements and reference design as appropriate to the Submission requirements]
Budget	[Insert the project budget and any exclusions]
Program	[Insert the project program]
Key Challenges	[Insert any specific project challenges. 300 words]

Competition Milestones

Key competition dates	<ul style="list-style-type: none">• Launch – DD Month Year• Stage 1 EOI assessment – DD Month Year• Stage 1 EOI notification/announcement – DD Month Year• Stage 2 RFP working period - DD Month to DD Month Year• Stage 2 RFP assessment – DD Month Year• Stage 2 RFP announcement – DD Month Year• Stage 3 Interview preparation period - DD Month to DD Month Year• Stage 3 Interview assessment – DD Month Year• Stage 3 Interview announcement – DD Month Year
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Key Contacts

Competition Adviser	[Add Contact details]
City of Melbourne	[Add contact details for City Design member coordinating the competition]
<p>Jury</p> <p>An integrated jury that balances diversity of gender, region, ability, age, culture and disciplinary focus.</p>	<p>Competition Light and Standard:</p> <ul style="list-style-type: none"> Jury Chair: [CoM to provide name and job title] Jury member 1: [CoM to provide name and job title] Jury member 2: [CoM to provide name and job title] Jury member 3: [Proponent to provide name and job title] Jury member 4: [Proponent to provide name and job title] <p>Competition Plus:</p> <p>The above and:</p> <ul style="list-style-type: none"> DELWP Jury member: [DELWP to provide name and job title] OVGA Jury member: [OVGA to provide name and job title]

Evaluation Criteria

The Evaluation Criteria establishes how Design Excellence will be measured. The Evaluation Criteria also establishes the basis for which all members of the Jury are to assess and score Entrants. Suggested criteria and weightings are listed below. These are to be fine-tuned by the Proponent in collaboration with the City of Melbourne.

Criteria	Weighting
1. Appreciation of Task a written, site specific response to the project brief, including site context	20%
2. Design Proposal illustrated submission that clearly responds to the Competition Purpose, Project Vision and Scope	40%
3. Proposed Delivery Methodology a written, site specific response which draws together the design proposal, project program and key challenges	15%
4. Innovation a written response outlining how the project delivers an innovative design, process and/or outcome for Melbourne	10%
5. Inclusion and Sustainability a written response articulating the extent to which the project responds to best practice design for inclusion and sustainability	15%

Competition Conditions

Integrity

- City of Melbourne will provide dedicated Design Excellence resources throughout the competition process, including pre and post competition.
- City of Melbourne will also formally evaluate the competition process and outcomes through Template D: Benefits Realisation to ensure continuous learning and adaptation of the process.
- The Proponent must accept the Jury's decision and formally engage only the Winning Entrant to further develop the design, acknowledging that proceeding to contract is always at the discretion of the Proponent.

Fees and remuneration

TBA Prize money must be appropriately scaled to recompense Entrants for the extent of work undertaken and separate from the rest of the fees of the Winning Entrant.

Eligibility

Entrants must be registered design professionals in the State of Victoria. If the competition requires a Lead Consultant Architect, the Entrant must be a practicing Architect, architectural company or architectural partnership within Australia, registered as an architect in Victoria, Australia pursuant to the Architects Act 1991 (Vic).

Disqualification

Submissions that fail to meet procedural and/or project objectives may be disqualified, including instances of:

- late submission
- non-compliance with planning controls
- non-compliance with submission requirements
- Entrant attempting to influence the Jury

The Competition Adviser and City of Melbourne will action and note with the Jury, any disqualifications.

Abandonment

If the Proponent chooses to abandon the competition, the Proponent must pay each Entrant a reasonable proportion of their fee, pro-rata honorarium proportionate to the stage at which the competition is abandoned.

Announcement

The Jury must announce a decision within four months of the final presentation. Jury Citations, along with Competition Submissions, will be available for public viewing.

Copyright

The Proponent and City of Melbourne are granted a licence by the Entrant, to use, edit, copy, sub-licence and reproduce the Submission in any way for the purposes of conducting the Design Competition, at no cost to the Proponent. In doing so the Proponent will not breach moral rights and copyright of others in relation to development of the Entrant's Submission.

Communication / questions

Entrants can submit questions at any time to the Competition Adviser. Answers to these questions will be consolidated, anonymised and distributed to all Entrant teams.

Template B: Response Schedules

The following template can be used to qualitatively assess and shortlist Entrants. This is to be accompanied by a completed [Template A: Competition Brief and Conditions](#).

Stage 1 – Entrant Registration and EOI

To participate, prospective Entrants must first register their interest in the design competition. There is no design work undertaken in this stage. The purpose of the Registration and EOI is to ensure Entrants:

- Are eligible to compete
- Have an Authorised Representative, to be the sole point of contact between the Entrant and Competition Adviser
- Can ask questions and seek clarification
- Receive a Registration Number, to be used to identify their Submission

Entrants must be registered design professionals in the State of Victoria.

Where the Competition Adviser deems that a prospective Entrant has submitted an ineligible entry, the Competition Adviser will advise the prospective Entrant of any actions required to achieve eligibility. Following the conclusion of the process and upon closing of the EOI period, the Competition Adviser will advise the City of Melbourne and Proponent of any ineligible entries.

Stage 1 - EOI Entrant Response

Proposed Team	[Insert names of participating practices. Any display of the Submission will be attributed to this group.]
Authorised Representative	[Insert name and contact details of the primary point of contact for the team.]
Proof of Professional Registration	[Identify relevant registrations, including registration numbers and expiry dates.]
Questions or Clarifications	[Identify any questions you might have about the competition or project.]
Compliance	[Identify how your team will deliver on compliance of the offer with the following: <ul style="list-style-type: none">• Gender Equity Act 2020: [Insert response, 50 words]• UN Sustainable Development Goals: [Insert response, 50 words]• City of Melbourne Innovate Reconciliation Action Plan 2021-23: [Insert response, 50 words]
Design Idea	Blind Competitions only: [Provide a drawing or drawings that articulate the design idea: <ul style="list-style-type: none">• 1 indicative Site Plan• 1 Perspective Sketch / Render / Collage• 1-3 Diagrams
Task Appreciation	Blind Competitions only: [Insert statement identifying how the design idea delivers on the Competition Brief, how stakeholder consultation will be approached and key considerations for constructability / deliverability.]

Date Received	[City of Melbourne to complete.] TT:TT, DD Month Year
Eligibility	[Competition Adviser to complete.] Y/N
Registration Number	[City of Melbourne to complete.] XXX

Variations

For Blind Competitions that are considered 'Light', the process may cease at the conclusion of stage one. Alternatively, a Competition Light may continue to obtain a more developed idea that is informed by an anonymous Briefing with the Proponent.

Stage 2 - Request for Proposal (RFP)

The Request for Proposal (RFP) is used to invite the design idea or concept and to either shortlist Entrants in the context of a three stage design competition, or to identify a Winning Entry for a two stage competition.

Stage 2 - RFP Entrant Response

	Evaluation Criteria	Competition Light	Competition Regular	Competition Plus	Weighting
1	Task Appreciation A written, site specific response to the project brief, including site context	200 words	325 words	500 words	20%
2	Design Proposal An illustrated response to the Competition Purpose, Project Vision and Scope	Design Idea <ul style="list-style-type: none"> 1 Site Plan at 1:1000 / 1:2000 1 Perspective Sketch / Render / Collage 1 Indicative Section 1-3 Diagrams 	High level Concept <ul style="list-style-type: none"> 1 Site Plan at 1:1000 / 1:2000 Ground Level Floor Plan at 1:200 2 Perspective Sketch / Render / Collage 1-2 Sections 1-5 Diagrams 	Developed Concept <ul style="list-style-type: none"> 1 Site Plan at 1:1000 / 1:2000 Ground & Typical Upper Level Floor Plans at 1:200 2 Perspective Sketch / Render / Collage 1-2 Sections 1-8 Diagrams High level summary of quantities or cost estimate 	40%
		Exclusions: The following are not for inclusion unless additional remuneration, adequate to cover the cost of development is provided for each item): <ul style="list-style-type: none"> Physical model Flythrough Photorealistic renders 			

3	Proposed Delivery Methodology A written, site specific response which draws together the design proposal, project program and key challenges	150 words	250 words	375 words	15%
4	Innovation A written response outlining how the project delivers an innovative design, process and/or outcome for Melbourne	100 words	175 words	250 words	10%
5	Inclusion and Sustainability A written response articulating the extent to which the project responds to best practice design for inclusion and sustainability	150 words	250 words	375 words	15%
	Total allowances	Maximum 2x A3 drawings Written response totalling 600 words	Maximum 4x A3 drawings Written response totalling 1,000 words	Maximum 6x A3 drawings Written response totalling 1,500 words	
	Other requirements	Minimum 10 pt. font with 1.15 line spacing, no further information allowed.			

Variations

Variations to the above include....

Stage 3 - Interview

Stage 3 is an optional interview to assess shortlisted submissions and determine a Winning Entrant. Stage 3 is not an option for Blind Competitions.

Stage 3 – Interview Entrant Response

Selection criteria are based on the following qualitative measures and weighting.

Criteria	Weighting
Task appreciation	25%
Design Methodology	30%
Capability	10%
Innovation & Corporate Responsibility	20%
Resourcing	15%
	total 100%

RFP Entrant Response – Interview presentation

Task appreciation	Understanding and interpretation of the project Methodology for design development [2 slides]
Design Methodology	Approach to project design and delivery [4 slides]
Capability	Relevant past projects [1-2 slides]
Innovation & Corporate Responsibility	Approach to Innovation, Indigenous Culture, Sustainability, Gender Equity [2-3 slides]
Resourcing	key personnel, team structure, key personnel, percentage allocations of time [2 slides]

Template C: Competition Report

The Jury must formally capture the rationale for their decision in accordance with the following structure. The assessment of designs must relate to the evaluation criteria established in Template A: Competition Brief and Conditions.

Individual Juror scorecards are to be attached to this report and marked 'Confidential'.

1. Overview	[Summary of process undertaken including Jury membership. 300 words]
2. Stage 1 EOI Assessment	[Compile EOI Entrant Submissions and note all compliant and non-compliant Entrants.]
3. Stage 2 RFP Shortlisted Entrants*	[Identify the shortlisted Entrants and provide a max. 100-word assessment for each Submission. For two stage competitions, identify the Winning Entry or Successful Entrant and provide a max. 100-word Citation.]
4. Stage 3 Interview Assessment	[Provide a max. 100-word assessment for each Submission. For two stage competitions, identify the Winning Entry or Successful Entrant and provide a max. 100-word Citation]

*These elements of the report will be made publicly available.

Template D: Benefits Realisation Report

This template is for City of Melbourne to record procedural learnings and competition outcomes during Phase 1 - Invitation. Alongside wider consultation and feedback, this template encourages continual monitoring and evaluation to inform ongoing refinement of the Guidelines.

City of Melbourne to complete

Short term	[One month post completion, procedural learnings and feedback]
Medium term	[Six months post competition, evaluate the extent to which Design Excellence has been maintained.]
Long term	[Long term, at Planning Application and End Construction, evaluate the extent to which Design Excellence has been maintained.]

Template E: Jury and Adviser Agreement

Guidelines Declaration

I _____ [insert full name] confirm I have read and understood the competition principles, requirements, timeframes and conditions as outlined in the guidelines and associated templates.

Name: _____

Signature: _____

Date: _____

Confidentiality Agreement and Declaration

I _____ [insert full name] confirm I have read and understood the Code of Conduct, and will ensure confidentiality is maintained as outlined below.

I understand that from time to time, information of a confidential nature, including agenda, minutes and other supporting material, may be tabled and/or discussed at meetings that may not be available to the public.

I will treat as secret and confidential all information and keep secure all associated documentation to which I have access as a result of my participation and will not disclose this information.

Conflict of Interest

In the event of a conflict of interest arising, the matter must be immediately tabled and the member must abstain from any dialogue in relation to that matter.

Confidential and sensitive information

Jury members and advisers are expected to comply with the confidential information provisions contained in Sections 3(1) and 125 of the Local Government Act 2020.

Jury members and advisers must treat information they receive as confidential unless otherwise advised.

Jury members and advisers must not use confidential information other than for the purpose of performing their function as a Jury member / adviser. Draft documents cannot be referred to or used in any grant applications, presentations or in the private or working roles of members.

Media

Jury members and advisers are not permitted to approach or speak to the media regarding projects or matters relating to projects without City of Melbourne approval. This includes conversations described as 'off the record'.

Name: _____

Signature: _____

Date: _____

Disclosable Interest Declaration

I, the undersigned, acknowledge and declare that:

- I have read and understood the Disclosable Interests Protocol
- To the best of my knowledge the interests I have detailed below (if any) all of the disclosable interests I have in any of the matters to be considered for this role;

Disclosable Interests	
Nature of Interest	Matter effected

Name: _____

Signature: _____

Date: _____

Template F: Code of Conduct

Note: A competition participant refers to Jury members, advisers, City of Melbourne personnel and other supporting participants as identified in the guidelines.

Foreword

At the City of Melbourne we set and uphold high ethical standards. As an organisation, we think not just about what we do but also how we do it through our people, the way we work and our customers' experience.

The rules and guidelines in this handbook give examples of how all competition participants are expected to behave, and provide the boundaries within which we must operate.

Council's vision is that Melbourne will be bold, inspirational and sustainable. It's therefore critical that we have a shared understanding of how we collectively work. The code provides instructions and advice as we work to make the difference for Melbourne and its people.

The code works in close harmony with our values and culture. A constructive culture is critical to realising our vision. Everyone plays a part in creating our culture at the City of Melbourne.

The code cannot describe every requirement or present all the details of our policies. Competition participants must use their own judgement in applying these rules and guidelines. It is up to you to seek information if you are unclear on any area of conduct.

What do you need to do?

1. Read it: please read this code and make sure you understand it. If there is anything you don't understand it is your responsibility to ask.
2. Agree to it: you must agree to abide by the code by signing and returning this document to Council.
3. Live it: we expect you to always work and behave in accordance with the code.

We encourage you to speak up if you see a potential breach of the code or if there is an opportunity to improve the ways we work.

Breaches of the code are a serious matter and can result in sanctions up to and removal from the competition proceedings.

Together, we can uphold and protect the high ethical standards we have set for ourselves and our organisation and achieve our vision of a leading organisation for a leading city.

Section 1: Understanding and using the Code

Why do we need a code of conduct?

The City of Melbourne serves the community and Council and aims to be a leading organization for a leading city. That's why it's important we provide the best possible service.

Competition participants should also respect and promote the human rights set out in the Victorian Charter of Human Rights and Responsibilities. This includes making recommendations consistent with human rights, and actively implementing, promoting and supporting human rights.

Competition participants should adhere to the code and not breach its principles.

City of Melbourne and/or the Competition Adviser will exercise judgement and action where a participant may need to be removed from competition proceedings due to poor conduct.

Disclosable Interest Protocol

The Disclosable Interest Protocol and Declaration applies to all Council' Advisory Bodies. The competition participants will comply with the Disclosable Interest Protocol and Declaration.

Section 2: Commitment to our people

Fairness, equity, diversity and inclusion

The City of Melbourne promotes inclusivity, diversity, fairness and equity. This means the differences between the ideas, aspirations and needs of people are considered and valued equally.

The principles

At the City of Melbourne, we recognise and embrace the diversity each person brings. Our aim is to create an environment of trust, mutual respect and appreciation where everyone is treated fairly and with respect, and has the opportunity to realise their full potential. Competition participants are encouraged to feel confident that the diversity of their experiences will be valued and supported, regardless of their gender, age, language, ethnicity, cultural background, ability, religious belief, identification as gay, lesbian, bisexual, transgender, intersex or queer (LGBTIQ), working style, educational level, work and life experiences, socio-economic background, opinions, job function, geographical location, marital status and family responsibilities.

Your responsibility

1. Value diversity and consider diversity in recommendations, program and policy advocacy.
2. Speak up if you see or hear things that are not in the spirit of our commitment to fairness, equity and inclusivity or if you are concerned about discriminatory behaviours.
3. Know the policies which guide behaviour, address gender inequality and challenge attitudes and behaviours around issues such as violence against women.

Workplace diversity and inclusion ensures everyone enjoys the opportunity for full participation. City of Melbourne supports the development and achievement of well-informed and culturally-appropriate business outcomes.

It also involves managing and recognising the value of individual differences in the workplace.

Diversity and inclusion are important because we value and embrace all contributions. Everyone is able to bring something unique due to different backgrounds, varying work and life experiences, and multiple perspectives. Collectively this makes us a better organisation.

What do we mean by ‘diversity’?

Diversity consists of all visible characteristics such as age, cultural diversity, ability, gender (as well as gender identity and gender expression), sexual orientation and language. It also includes characteristics such as education, caring responsibilities, socio-economic background, life experiences, opinions and working styles. Diversity recognises the characteristics of the whole person and treats all individuals, customers and the communities in which we operate – with fairness and respect.

What do we mean by ‘inclusion’?

Inclusion is the way our organisational culture, values and behaviours make a person feel welcomed, respected, valued and included. An inclusive environment draws on the unique differences of its people; where all people are treated fairly and respectfully with equal access to opportunities and resources. There are anti-discrimination and equal opportunity laws that support fairness, equity, diversity and inclusion. These laws apply to how we treat each other. It is your responsibility to be aware of the relevant laws and comply with them.

Ask yourself

- Am I being fair and respectful?
- Are my personal feelings, prejudices or preferences influencing my decisions?
- Am I using inclusive language?
- How will I respond if I witness behaviour that is not respectful?

Section 3: Harassment and bullying

Harassment occurs when someone engages in conduct that would make a reasonable person feel offended, humiliated or intimidated because of their age, race, religion, gender or gender expression, sexual orientation or some other attribute specified under anti-discrimination legislation.

The Principles

The City of Melbourne does not tolerate bullying or harassment. We do not tolerate any action, conduct or behaviour which is humiliating, intimidating or hostile. Bullying, harassment and discrimination may lead to removal from the Committee.

Your responsibility

1. Speak up and tell the person if you're upset by their actions or behaviour. Explain why and ask them to stop.
2. Report inappropriate behaviour.
3. We all have a responsibility to create a positive, safe environment which is free from harassment, discrimination and bullying.

Bullying is repeated, unreasonable behaviour directed toward an individual or group of individuals that creates a risk to health and safety. There is no place for harassment or bullying at the City of Melbourne. Not only does it go against our values, it is unlawful and breaches our policies. It is fundamental that we recognise and value the diversity of others, and ensure that City of Melbourne is free from discrimination, harassment and bullying.

Ask yourself

- Have I behaved in an intimidating or threatening manner?
- Have I made inappropriate jokes or comments?
- Have I distributed or displayed potentially offensive material? If I'm witnessing behaviour that goes against our values, do I need to step in and say something?
- Am I supporting a culture of inclusion?

What is bullying?

Bullying occurs when a person or group of people repeatedly act unreasonably towards an individual or a group.

Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether the behaviour would be considered as unreasonable is based on whether a reasonable person might see the behaviour as unreasonable in the circumstances. Bullying behaviour creates a risk to health and safety.

Examples of bullying include:

- behaving aggressively
- teasing or practical jokes
- pressuring someone to behave inappropriately
- excluding someone from work-related events
- unreasonable work demands.

Section 4: Drug and alcohol use and a smoke-free workplace

We're committed to ensuring that you're able to safely perform the requirements of your role as a competition participant.

The Principles

If you are affected by alcohol or drugs, you should partake in competition activities.

The possession or use of illegal drugs at any City of Melbourne location is strictly prohibited in line with the law.

Exposure to other people's smoke is a hazard. That's why it's important that City of Melbourne premises are smoke-free.

Your responsibility

1. Do not smoke or use an e-cigarette within any of our premises or vehicles, or within five metres of any entry point to our premises and vehicles.
2. Be aware of the impacts of your smoke drift on other people's health. Exposure to high levels of environmental tobacco smoke can increase the risk of heart disease by 50 to 60 per cent, as well as increasing the risk of stroke and nose and sinus cancer among non-smokers.
3. Do not litter. Protect our buildings and equipment through keeping them clean and discarding of cigarette butts appropriately.

Thank you for reading the Design Competition Code of Conduct. It provides you with acceptable standards of behaviour for the way we work. As a member of a City of Melbourne committee you are required to adhere to and uphold these standards.

Template G: Conflict of Interest and Confidentiality Agreement

Section 1: Obligation to disclose

Competition participant have an obligation to disclose:

- private interests that conflict or may be perceived to conflict in respect of matters under consideration (conflict of interest); or
- interests which may not give rise to a conflict of interest but may still give rise to a perception of bias.

For the purposes of this protocol, these interests are collectively described as Disclosable Interests.

In many instances, the only person immediately aware that a Disclosable Interest exists will be the person who has it. It is therefore the responsibility of that person to identify and disclose it.

Section 2: Conflict of interest

Competition participants have a conflict of interest in respect of a 'matter' if he or she has a direct interest or indirect interest in the matter to be considered.

2.1 How do I know if I have a direct interest in a matter?

A direct interest is an interest that directly applies to a person. It is an interest that is not just the result of a connection with another person, company or body

You have a direct interest in a matter if there is a reasonable likelihood that your benefits, obligations, opportunities or circumstances will be directly altered if the matter is decided in a particular way. This includes where:

- there is a reasonable likelihood, that you will receive a direct benefit or loss that can be measured in financial terms if the matter is decided in a particular way; or
- you have solely or together with members of your family, a controlling interest in a company or other body that has a direct interest in the matter.

2.2 How do I know if I have an indirect interest in a matter?

Indirect interests fall within the following six classes:

2.2.1. An indirect interest by Close Association

You have an indirect interest by close association in a matter if -

- a) a member of your family has a direct interest or an indirect interest in a matter; or
- b) a relative of yours has a direct interest in a matter; or
- c) a member of your household has a direct interest in a matter.

Family members include your spouse or domestic partner and any of the following who live with you:

- your son or daughter
- your brother or sister
- your father or mother

If a member of your family has any direct or indirect interest in a matter then you have a conflict of interest in that matter.

Relatives include all people who are related to you who are once or twice removed, even if they don't live with you. This includes:

- your spouse or domestic partner
- your son or daughter, brother or sister, father or mother
- your grandparent, grandchild, uncle, aunt, niece or nephew
- your step father, step mother or step child
- your in-laws (son, daughter, brother, sister, mother or father in-law)

If your relative has a direct interest in a matter, then you have a conflict of interest in that matter. However, unlike with family members, you don't have a conflict of interest if your relative only has an indirect interest.

Household member includes any person who lives with you or shares all or part of your residence. If a member of your household has a direct interest in a matter then you have a conflict of interest in that matter.

2.22. An indirect Financial Interest

You have an indirect financial interest in a matter if you or a member of your family are likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.

This includes:

- if you have a beneficial interest in shares of a company or other body that has a direct interest in the matter (except if you and members of your family hold shares in a company or body that has a direct or indirect interest in a matter with a combined total value that does not exceed \$10,000 and the total value of issued shares of the company or body exceeds \$10 million);
- you are owed money from another person (not being an authorised deposit-taking institution such as a bank, building society or credit union) who has a direct interest in the matter.

2.23. An indirect interest because of a Conflicting Duty

You have an indirect interest in a matter because of a conflicting duty if -

- a) you are a manager or a member of a governing body of a company or body that has a direct interest in a matter;
- b) you are a partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter;
- c) you are a trustee for a person who has a direct interest in a matter;

and in any of the above positions or roles, you dealt with the matter.

- d) you are engaged in other employment or unpaid activity with an organisation that has a direct interest in a matter

Other employment includes a second job, conducting a business, trade or profession.

2.24. An indirect interest because of Receipt of an Applicable Gift

An 'applicable gift' is a gift (including hospitality) valued at \$500 or more that was received in the previous five years. It includes multiple gifts from one source that have an aggregate value of \$500 or more. The gifts may be in the form of money, goods or services. When estimating the cost of a gift that is not in the form of money you should consider how much any other person would have to pay to purchase the gifted item or service.

You have an indirect interest in a matter if you have received an applicable gift, directly or indirectly, from -

- a. a person who has a direct interest in the matter; or
- b. a director, contractor, consultant, agent or employee of a person, company or body that the person knows has a direct interest in a matter; or
- c. a person who gives the applicable gift to you on behalf of a person, company or body that has a direct interest in the matter.

The following are not counted as “applicable gifts”:

- gifts received more than 12 months before you engaged in competition activities (even if received in the past five years)
- reasonable hospitality provided at a function or event you attended since engaging in competition activities

The hospitality exemption only applies if the hospitality was reasonable and you were attending the function or event in an official capacity as competition participant.

- In regard to the test of reasonableness, the hospitality must be of a standard and type that an independent observer would consider appropriate and not excessive.
- In regard to the “official capacity” test, it must clearly be your duty as a member of Council staff to attend the relevant function or event.

For example:

- If you are sent tickets worth over \$500 to a sporting event, but are not performing any Council competition duties the tickets would not be exempt hospitality.
- If you are formally representing your competition duties at an event, reasonable hospitality received at the function would be exempt.

Gifts received more than 12 months before engaging in competition activities are not counted.

2.25. An indirect interest due to being a Party to the Matter

You have an indirect interest in a matter if you or a member of your family have become an interested party by becoming a party to civil proceedings in relation to the matter.

This includes:

- being an applicant or respondent in a past or present court case
- being an applicant or respondent in a matter before a tribunal (such as VCAT).

There is no time limit on interests arising as a party to the matter.

2.26. An indirect interest due to Impact on Residential Amenity

You have an indirect interest in a matter if there is a reasonable likelihood that your residential amenity will be altered if the matter is decided in a particular way.

Note: your residential amenity can only be affected at a place where you live. Business premises or investment properties are not affected under this category.

2.3 General Exemptions

You do not have a conflict of interest in a matter if:

- the direct interest or indirect interest of the person is so remote or insignificant that the direct interest or indirect interest could not reasonably be regarded as capable of influencing any actions or decisions you make in relation to the matter; or
- the direct interest or indirect interest you hold is one held as a resident, ratepayer or voter and the interest is held in common with other residents, ratepayers or voters, and does not exceed the interests generally held by other residents, ratepayers, voters or people in a large class of persons; or
- you do not know the circumstances that give rise to the conflict of interest AND you would not be reasonably expected to know those circumstances.

Section 3: Other interests

Other interests may exist which are not a conflict of interest but which an objective observer would still consider might compromise the ability of the person to consider the matter impartially. These must also be disclosed.

Such other interests might include:

- previous employment or close working relationship with an organisation or persons with a direct interest
- close friendship or neighbour of a person having a direct or indirect interest
- a history of conflict or enmity with persons having a direct or indirect interest
- a personal obligation, allegiance or loyalty to an organisation or person having a direct or indirect interest

Section 4: Dealing with disclosable interests

4.1 Procedures

Where a competition participant perceives they have a Disclosable Interest the following process must be followed.

- a) The competition participant is required to notify the panel Chair of the existence of the Disclosable Interest, as soon as it is identified. In the event that the person making the disclosure is the Chairperson, the disclosure will be made to the Deputy Chairperson.
 - b) Each competition participant is required to sign a Disclosable Interests and Confidentiality Declaration. The original of the completed Declaration is to be placed on the member's document files.
 - c) To protect privacy, intimate information regarding the specific nature of the circumstances leading to the Disclosable Interest (romantic, sexual etc.) need not be divulged beyond that information which would reasonably be required in order to determine whether a Disclosable interest exists and the appropriate method of dealing with the interest.
- (i) Once notified, the Chairperson must determine whether a Disclosable Interest exists. In assessing this issue, the Chairperson will also consider whether the particular interests or

personal circumstances of the person are likely to compromise, or are likely to be perceived as compromising, that person's ability to carry out his/her duties impartially.

- (ii) Once an assessment has been made, the Chairperson must notify the person of their decision.
- (iii) Where it has been decided that a Disclosable Interest exists, the Chairperson must either:
- (iv) authorise the person to continue his/her role in the matter and record the declaration of interest in the minutes of the panel meeting; or
- (v) remove the person from participation in the panel meeting.

4.2 Interests Precluding Participation in a Matter

Where the Disclosable Interest is also a conflict of interest, the Chairperson must not consider permitting the person's continuing participation on the panel.

Section 5: Protection from unfair consequences arising from disclosure

This protocol is developed to ensure Council's processes are transparent and meet the standards of accountability expected from the community. To this end, the aim is to encourage disclosure and an individual who discloses an interest can be assured they will not be the subject of unfair comment or treatment as a result.