

21 November 2013

The Director General
NSW Department of Planning and Infrastructure
22-33 Bridge Street
Sydney NSW 2000

Architecture
Urban Design
Planning
Interior Architecture

Attention: Mr Matthew Rosel, Assessing Officer

**RE: Sydney International Convention, Exhibition and Entertainment Precinct
(SICEEP) - International Convention Centre Hotel (ICC Hotel) [SSD 13_6116]**

Dear Sir,

This submission is prepared on behalf of AAPC Properties Pty Ltd ("Accor"), the sub-lessee of the Novotel Hotel Darling Harbour (100 Murray Street, Pyrmont), in relation to the proposed International Convention Centre Hotel within the Sydney International Convention, Exhibition and Entertainment Precinct (SSD 13_6116). This submission follows our letter of 4 November 2013 requesting an extension to the closing date for submissions for the exhibition period for this project to fully consider its impact on the Novotel site.

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In preparing this submission we have conducted a site visit and reviewed documentation relating to the proposal including the following:

Auckland
Brisbane
Melbourne
Shanghai
Sydney

- The Director General's Requirements (DGRs) for the proposal.
- The Environmental Impact Statement (EIS) documents on exhibition including the Visual and View Impact Analysis document (VVIA) prepared by JBA Planning and the Design Report prepared by FJMT architects;
- Previous documentation for the SICEEP including the State Significant Development Application for the Core Facilities (SSD 5752-2012) and publically available information relating to the preferred bid selected by the NSW Government;
- Infrastructure NSW's *Urban Design and Public Realm Guidelines* (UDPRG) for the SICEEP prepared by Woods Bagot; and
- The *Sydney Regional Environmental Plan* (Sydney Harbour Catchment) 2005.

In principle, Accor is supportive of improvements to the Convention, Exhibition and Entertainment Centre facilities at Darling Harbour and increasing retail and commercial activities in the Darling Harbour Precinct, which will generally have a positive impact on the Novotel and the attractiveness of Darling Harbour as a destination.

However, the proposed design, as exhibited, will have a significant impact on the views currently enjoyed by the Novotel Hotel. Importantly, there is potential to amend the proposed envelope and the resolution of the western podium façade to significantly reduce this impact.

The purpose of this submission is to identify potential impacts of the proposed development and **opportunities to improve the design** and minimise impacts on the Novotel Hotel, including:

1. **Reduce the height of the western podium**, to match the height of the Novotel Hotel Street wall, and maintain some views from the Novotel Hotel restaurant and public area;
2. **Reposition the tower (whilst maintaining the size of the footprint)** to minimise visual impact on the Novotel Hotel, without further impacting other neighbours; and

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3. **Improve the design of the western podium façade**, so that building does not present as an inactive and relentless wall to the Novotel Hotel.

The potential impacts of the proposed development and recommendations are outlined below.

Issue No. 1 – Adequacy of view assessment

Views assessed do not represent actual views

The selection of views provided within the VVIA document includes oblique angles, particularly from the south of the Novotel. These are focussed away from the proposal, minimising its apparent impact.

These oblique views are also not typical of the actual views obtained from the hotel rooms, where the window frames and width of rooms is such that views obtained are usually directed straight out the window and oblique views (such as those shown) are not easily obtained. The views shown are therefore not representative of the existing views and do not demonstrate the actual extent of view loss for the hotel rooms.

Attachment A to this submission includes example photographs demonstrating typical views from these hotel rooms and their narrow aspect. It also includes a plan showing the views selected by the applicant, with the proposal included, showing that the views selected clearly focus away from the proposal.

Inadequate Methodology

The second issue is the assessment methodology and process within the VVIA. It is usual practice for Visual Impact Assessments to provide an assessment of individual view locations tested and categorise the extent of impact for each of these. The VVIA does not contain this level of detail, providing only a brief textual analysis of all views from the Novotel (seven sentences covering all aspects of the impact to the entire Novotel building).

Due to the above, we do not consider that the view impacts noted within the VVIA document accurately describe the impact which the proposal will have on the Novotel. For instance, the proposal is noted to be “a minor encroachment” to view 3A where Architectus would consider that the impact to these hotel rooms is likely to be a severe loss of the existing view.

It is essential that the impacts on the Novotel are clear and clearly documented, because the impacts for the Novotel are significant. The views from this hotel are central to its appeal and a fundamental part of this existing business. A demonstration of this is provided in **Attachment A** to this submission, which includes diagrams in plan form for typical views showing the existing (approximate) view cone and the extent of this which will be obstructed by the proposal. For rooms in a similar location as the Applicants View 3A, there is a total loss of existing aspect for the typical view. Views will only be retained where the viewer stands unusually close to the window edge to direct views obliquely.

Recommendations

1. It is recommended that the VVIA be amended to:
 - Test the actual views from the hotel room, as shown in **Attachment A** showing before and after shots for each view.
 - Undertake a thorough assessment of each view.
2. That the revised VVIA be distributed to Accor for comment, prior to the Department's assessment of the application.
3. That Accor have the opportunity to provide further comment, once the VVIA has been provided.

4. Once the view impacts are known, the Applicant should provide a response as to how the building might be more sensitively designed to mitigate impacts on the Novotel Hotel.

Issue No. 2 – Built form / Massing

The Land and Environment Court of New South Wales has set out a series of principles for consideration of visual impact (as set out in *Tenacity Consulting v Waringah [2004] NSWLEC 140*). These principles are generally considered to be the primary standard for the analysis of visual impacts in New South Wales however they have not been cited as part of the applicant's methodology or referred to through the analysis.

In particular, the Land and Environment Court principles ask '*whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours*'.

Architectus submits that this opportunity certainly exists with the proposed development.

An alternative design (which provides a similar floorspace) could provide better view sharing outcomes for the Novotel, by considering the following:

- **Bulk and scale of tower** - The tower form is effectively a simple square located as close as possible to Cockle Bay. Alternative design approaches such as a less 'square' profile or moving some of the tower bulk to the south or west could create better outcomes with regard to view sharing without necessarily sacrificing development capacity for the proposal.
- **Podium design** – The podium element of the proposal (at a height of 27.2m) is approximately two to three storeys above the Novotel 'deck' (height 19.8m). Importantly, this deck level accommodates the Hotel's restaurant, function areas and balconies, which are enjoyed by hotel patrons and the general public.

A lower podium element may be able to achieve better view sharing outcomes for the lower levels of the Novotel including the outdoor terrace (Level 1). It would also achieve a better streetscape outcome (providing a clear height relationship across the street) and could help the proposal to fit within its context. In order to provide a similar development capacity, some of the elements currently within this area of the podium could be moved to the basement (such as plant rooms) or potentially relocated to increase the height of the podium to the south (where the visual impact from the Novotel is lesser).

The existing relationships described above and the alternatives proposed have been described in **Attachment B** to this document.

Recommendations

5. It is recommended that the VVIA document, its analysis and outcomes, be amended to include consideration of the New South Wales Land and Environment Court Planning Principles on view sharing, and identify how the built form can better respond to these principles.
6. That the Applicant provide plans showing a lowered podium as described in **Attachment B** and re-test the impacts on the Novotel Hotel.
7. That the Applicant provide plans showing an alternative tower location and form as described in **Attachment B** and re-test the impacts on the Novotel Hotel.
8. That the Applicant makes these plans available to Accor prior to the determinations of the application.

9. That Accor have the opportunity to provide further comment on these issues, once the additional plans have been provided.

Issue No. 3 – Podium façade design quality

The proposed podium element that directly faces the Novotel Hotel is a sheer wall of approximately 25m height with little articulation. This 'back-of-house' façade would be the only view from many of the hotel rooms.

This façade is also likely to include areas of vents and other unattractive features relating to the plant rooms. The proposal could provide a better design with more articulation and potentially further elements (such as green walls) to ensure that this façade does not become a blank and unattractive rear wall. The provision of a green wall on the western podium façade would also mitigate the impacts of a loss of the existing vegetated setback directly opposite the hotel.

Infrastructure NSW's *Urban Design and Public Realm Guidelines* do not give a strong indication of the final design or materiality of much of the ground floor facades of the proposed building, particularly the western façade which is only covered by text that identifies "service and plant areas" which "are located away from the key public area and are characterised by clean lines and simple detailing with durable material choices".

It is recommended that the Consent Authority should enforce high quality design standards and request high quality materials for all facades, given the proposal's prominent location and importance to the iconic nature of Darling Harbour. The views shown within the VVIA indicate a fairly simple, relatively unarticulated volume of panelling and glass, which is typical of commercial facilities which are not located in such prominent locations. The design of the facades also does not appear to address well the Infrastructure NSW SICEEP Urban Design and Public Realm Guidelines, which state with regard to facades that (emphasis added):

The Design Must:

- **Provide a varied and active frontage**
- *Reach out to the street*
- **Make buildings provide a setting to the spaces between them and in front**
- **Strengthen local identity**
- **Keep the Design rich from both near and afar**
- **Express the use and the purpose of the Facilities**
- **Relate to the human scale**
- **Embrace the identity of the Precinct**
- *Make entrances a feature in the facade*
- **Utilise detailed massing and facade treatments to welcome, guide and orientate users**
- **Relate the facade and ground level portions of buildings to the Public Realm**
- *Combine event strategies and elements such as banners, light poles and other event structures for the site with permanent ground level uses*

An illustration of the current podium facade and potential alternatives for this is provided in **Attachment C** to this document.

Recommendations

10. That consideration is given to the potential for the proposal to improve the design and articulation of this façade to improve the outlook not only for the Novotel but also from the public domain.

11. That the Applicant reconsider the design of the western podium façade in accordance with the *Urban Design and Public Realm Guidelines*.
12. That the Applicant consider the provision of a green wall in this location, which would significantly improve the outlook from the Novotel Hotel and improve the quality of the public domain.

Issue No. 4 – Loss of direct pedestrian connection to the Harbour

An existing pedestrian bridge which links the Novotel building to Darling Harbour across the subject site has been approved for removal as part of the previous State Significant Development Application for the SICEEP Core Facilities (SSD 5752-2012). The removal of this bridge presents a significant loss of amenity for the Novotel and should be considered within the context of the overall amenity loss to the Novotel caused by the proposal.

This current, direct access to the Harbour is well-used by Novotel patrons and patrons of the public car parking facility located beneath the Novotel hotel.

Recommendations

13. It is recommended that the Applicant consider the provision of a new pedestrian bridge to connect to an agreed point within the Novotel building.

Issue No. 5 - Signage

The proposed location, type and illumination of future signage is not indicated in this development application. High level illuminated signage on the western face of the development will likely have detrimental impacts on the amenity of east facing hotel rooms. The plans should identify locations for future signage, and conditions should be imposed to restrict the illumination and size of signage to ensure there is no detrimental impact on hotel patrons and the surrounding area.

Recommendations

14. The proposed location of signage should be identified on the architectural drawings. The size of signage should be such that it does not detract from the outlook provided to east facing hotel rooms and the reception/restaurant level and its associated balconies of the Novotel Darling Harbour, as well as from the public realm.
15. It is recommended that details of proposed signage be provided to Accor for the opportunity to comment on this issue.
16. Illuminated signage should not be provided on the western and northern facades of the proposal where it will be visible from the Novotel and no signage on the western facade should be provided above the height of the Novotel 'deck' (RL 19.8m).

Issue No. 6 - Reflectivity

The applicant should clarify the potential reflectivity impacts of the proposed development on the surrounding area, as the development may result in significant glare impacts for the Novotel Hotel, particularly from the northern façade of the tower element. The extent and tint of glazing associated with the proposal may result in undue reflectivity impacts for the Novotel. High reflectivity toward these parts of the hotel will have significant impact on the amenity of hotel rooms and the reception/restaurant level and its associated balconies.

Recommendations

17. That further reflectivity analysis be undertaken to ensure reflectivity does not exceed 20%.
18. Conditions should be imposed to ensure the illumination of signage is controlled and maximised at such a level that does not cause a nuisance to occupants and users of the Novotel Hotel.

Conclusions and recommendations

Accor supports proposals that will add to the revitalisation and renewal of Darling Harbour. Such proposals will add to the attractiveness of the Darling Harbour precinct, benefitting Accor and other businesses.

Nevertheless, it is recommended that the eighteen recommendations in this submission be taken into consideration prior to determination of this proposal.

In order to ensure that these issues are considered in detail, we request the opportunity to meet with the Department of Planning and Infrastructure to discuss this submission further.

The Accor management are also willing to assist with providing access to the hotel as required to undertake any further assessment. Should you wish to discuss any of the above matters further, please feel free to contact the undersigned or Jane Freeman on 8252 8400 or via email at jane.freeman@architectus.com.au.

Yours sincerely,



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Director, Urban Design and Planning
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