

# **SSD 6633 - SICEEP Darling Square - Mixed Use Residential Building within the South-East Plot**

**Submission by:**

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## SSD 6633 Submission

### Summary

We oppose the proposal as currently formulated because:

- it is non-compliant with Condition B1 of the relevant Development Consent for SSD-5878 issued by the Minister for Planning and Infrastructure. Condition B1 states "Future Development Applications shall demonstrate that the development achieves a high standard of architectural design incorporating a high level of building modulation / articulation and a range of high quality materials and finishes."
- the development falls far below acceptable solar access standards for its own residents
- contrary to the intention of the consent authority, no improvements in view sharing and reductions in view loss have been achieved "following the future detailed design of buildings, at the subsequent application stage."
- There is an oversupply of apartments in the area to the point where AMP is refusing to loan to investors.

### Design Review Panel consideration of the South-East Plot Proposal

This proposal and other matters were considered by the Design Review Panel on 22 February 2016. I note that the Design Review Panel does not include any representative from the City of Sydney. The total meeting time was one hour, during which time the Panel also considered Darling Exchange and the Darling Square public realm.

For the South-East Plot, after receiving a presentation from the proponent, the Panel commented on only two aspects of the proposal. They were:

- the potential problem of homeless people squatting in the colonnade along Hay Street
- the long internal corridor in the lobby of the SE1 building.

The Panel may have also made some insightful comments or asked some more probing questions about the South-East Plot proposal, but, if it did, they have not been recorded in the minutes.

## What does Building Articulation mean?

"Building articulation is how a building contributes to the consistency of the existing character of its streetscape through design, composition and detailing of various architectural building elements. These building elements include windows, mouldings, window sills, doors, balconies, entrances/porches and columns. Therefore, a building is articulated by:

- Modulating the façade by stepping back or extending forward a portion of the façade forward of the main building;
- Repeating the window patterns at an interval that equals the articulation interval;
- Providing a porch, patio, deck or covered entry for each interval;
- Providing a balcony or bay window for each interval;
- Changing the roofline by alternating stepped roofs, gables or other roof elements to reinforce the modulation or articulation interval; and
- Providing a lighting fixture, trellis, tree or other landscape feature with each interval."

Auburn Development Control Plan 2010

The purposes of building articulation are:

- to reduce large buildings to a human scale
- to add visual interest
- to reduce perceived bulk.

## What does Building Modulation mean?

Building modulation means stepping back or extending forward a portion of the façade forward of the main building. Its purposes are:

- to add visual interest
- to reduce perceived bulk.

## Non-compliance with Condition B1 "high level of building modulation / articulation"

The Proposal	Comments by this Submission
<p>EIS 3.4.2 page 39</p> <p>"Above the podium roof level Building SE1 widens to a typical tower floor plate, and rises to 29 storeys in total (including podium and ground). Building SE1 has been articulated into twin unequal towers, providing a continuous slot on the southern façade which articulates the longer façade of the building to Hay Street (Figure 24). "</p>	<p>Figure 24 is not the Hay Street façade; it is the northern façade.</p> <p>The southern façade of building SE1 can be seen in Figure 21 on page 37. There is some articulation using balconies, but, apart from the single vertical slot, there is zero modulation.</p> <p>Modulation refers to stepping back and/or extending out the façade from the main building. That does not occur in building SE1. The outer edge of each of the balcony floors is exactly in line with the façade, resulting in zero modulation arising from balconies, or from any other part of the building.</p>
<p>EIS 3.4.2 page 39</p> <p>"On the northern façade, the proportion of the building is divided into three to provide greater articulation. A photomontage of northern façade of Building SE1 is provided at Figure 24."</p>	<p>It is true that there is articulation. However, there is no modulation. Modulation refers to stepping back or extending out the façade from the main building.</p>
<p>Appendix B Design Report 04B, page 26, referring to building SE1</p> <p>"The North Facade Brise Soleil is an architectural projection beyond the facade line and is divided into 6 large grid panels to carefully modulate the extent of the North facade."</p>	<p>As well as there being no actual modulation in the building designs, the word "modulation" or "modulate" appears in the Proposal only once. This where it appears. The proponent is to be congratulated on understanding that the words "modulation" or "modulate" need to be squeezed into the document despite the lack of actual modulation. However, the Brise Soleil consists of folded aluminium sheet horizontal and vertical louvres. There is no way that louvres can step back or extend a façade from the main building, no matter how carefully it is attempted. Only structural elements such as walls or balconies can perform this task. There is zero modulation of the north façade.</p>
<p>Appendix B Design Report 01 page 6</p> <p>"Articulation on the north face through subtle recesses provide relief along the longer façade whilst a sculptural recess in the Southern facade line provides the effect of two smaller towers to the southern edge that considerably break down the scale along Hay St."</p>	<p>Relief would be much more effectively provided by modulation involving stepping back and/or extending out the façade from the main building. Furthermore, development consent condition B1 requires modulation.</p>

The Proposal	Comments by this Submission
<p>No modulation of SE1 other than the single vertical slot on the south façade.</p>	<p>The proponent does understand what modulation is. The proponent has designed other buildings at Darling Harbour and nearby which do display modulation. The façade of the new Exhibition Centre is modulated using projecting balcony boxes which are placed in a pseudo-random arrangement at varying heights and of varying extensions out from the facade. The façade of the new Convention Centre is modulated by glass walls which are set at varying diagonal slopes.</p> <p>However, for reasons known only to the proponent, the proponent is unwilling to provide modulation in the current proposal. The proponent is invited to inspect any of the following apartment tower buildings which all display modulated facades:</p> <ul style="list-style-type: none"> <li>• Antias apartments, 1 Distillery Drive, Pyrmont (façade modulated by projecting rectangular enclosed brightly coloured balconies). These apartments were designed by the proponent.</li> <li>• Harbour Garden Towers, 28 Harbour St, Sydney (façade highly modulated into circular and rectangular forms)</li> <li>• Horizon, 184 Forbes St, Darlinghurst (façade modulated by projecting curved balconies)</li> <li>• Cove Apartments, 29 George St, The Rocks (façade modulated by projecting curved balconies)</li> <li>• North Apartments, 91 Goulburn St, Sydney (façade modulated by alternating projecting curved balconies)</li> <li>• The Peak, 2 Quay St, Haymarket (façade modulated by projecting curved balconies, plus a set-back on the upper five levels)</li> </ul> <p>The proponent can perform this fact-finding at minimal cost because these buildings are all located in Sydney and one of them was designed by the proponent.</p>

## Non-compliance with Condition B1 "high quality materials and finishes"

The Proposal	Comments by this Submission
<p>EIS 3.4.2 page 40, referring to building SE1</p> <p>"The building is clad in terracotta (or similar material) to the lower levels of the podium, providing a distinctive 'base' of the building separated in materiality from the tower form."</p>	<p>It is too vague to say "or similar material". The proponent needs to commit to a specified high quality material.</p> <p>The proponent has rushed this document and is still undecided about the materials and finishes.</p>
<p>EIS 3.4.2 page 37. Figure 21, building SE1 southern elevation</p> <p>Part of the precast concrete wall extends to floor 29.</p> <p>Appendix B Design Report 07A, p64</p> <p>Façade system diagram, building SE1 southern elevation</p> <p>None of the precast concrete wall extends more than four floors above the podium.</p>	<p>The two documents are contradictory.</p> <p>The proponent has rushed this document and is still undecided about the materials and finishes.</p>
<p>EIS 3.4.2 page 37. Figure 21, building SE1 southern elevation</p> <p>There is no brise soleil.</p> <p>Appendix B Design Report 07A, p64</p> <p>Façade system diagram, building SE1 southern elevation</p> <p>There is a brise soleil.</p>	<p>The two documents are contradictory.</p> <p>The proponent has rushed this document and is still undecided about the materials and finishes.</p>
<p>On all facades of SE1, there is no use of any bright colours.</p>	<p>The proponent is overwhelmed by the task of designing a large residential building which is also attractive. The SE1 building appears to be commercial or institutional rather than residential.</p>
<p>EIS 3.4.2 page 42</p> <p>"The façade of Building SE3 is composed of a geometric collage blending autumnal tones to create a finely scaled screen of warm hues. "</p>	<p>The proponent is unwilling or unable to apply the genuine colour creativity which it displays in the small building SE3 in the much larger building SE1.</p>

## Unacceptable solar access standards for its own residents

The Proposal	Comments by this Submission
<p>Appendix B Design Report 07A page 75</p> <p>"Overshadowing on the site comes from the adjacent Haymarket development (affecting the western facade and podium), and the recently approved Greenland tower. The Stage 1 Concept Proposal (SSDA 2) assumes an average of 70% of apartments for the entire precinct and 71% of apartments in the South East Plot would comply with the 2 hours of solar access to living spaces under the RFDC.</p> <p>Between the core hours of 9am and 3pm 47% (183 / 391) of apartments receive sunlight.</p> <p>Between the extended hours of 8 am and 4 pm the number of apartments receiving 2 hours or more solar access is 53% (206/391). The extension in time sees an increase of 23 apartments receiving 2 hours or more of sunlight. Detailed elevational shadow analysis is provided on the following pages showing the sunlight throughout the extended hours noted above.</p> <p>When the scheme is viewed in its Tower (L07 to L29) and Podium (L01 to L06) components the solar performance of the building is more clearly illustrated.</p> <p>The Tower component contains 290 apartments of which 174 (60%) achieve compliance.</p> <p>The Podium component contains a further 101 apartments of which 31 (31%) achieve compliance.</p> <p>Its important to note that the podium contains only 26% of the total apartments yet accounts disproportionately for 38% of the non-conforming apartments.</p> <p>The podium apartments have been designed to optimise their access to natural light whilst achieving high levels of both visual and acoustic privacy. The resulting solar performance outcome is a good result given the overshadowing of adjacent developments, and orientation of the podium."</p>	<p>There is no provision in either the Apartment Design Guide or the Residential Flat Design Code to consider hours other than from 9 am to 3 pm.</p> <p>It is pointless saying that the Tower is more compliant than the podium; what matters is the overall compliance. Of course, the podium, which achieves only 31% compliance, would be better suited to non-residential uses.</p> <p>It is pointless saying that an apartment has some natural light; any apartment which is not underground or completely internal will have some natural light. But natural light does not constitute solar access in terms of the Apartment Design Guide or the Residential Flat Design Code, which both refer to direct sunlight and not mere daylight.</p> <p>The inescapable conclusion is that the overall compliance during the relevant hours is only 47%, which is far below the figures of 70% laid down by both the Apartment Design Guide and the Residential Flat Design Code.</p> <p>It is pointless saying that a good result has been achieved in the circumstances of other approved overshadowing developments nearby. It is doubly pointless to say this when one of the developments is being carried out by the same developer as the current proposal. It is triply pointless to say this when the City of Sydney was opposed to developing four residential towers on the Haymarket site and the building envelopes for four towers were approved in the face of opposition by the City of Sydney.</p> <p>The only thing that matters is what result is achievable on that site and, as a consequence, whether that site is fit for human habitation to NSW standards on the lower levels.</p>

## No view sharing at the subsequent application stage by Tower SE1

The SE tower proposal as currently framed is inconsistent with the Department of Planning's November 2013 SSD 5878 Assessment which stated on page 81 "improvements in view sharing and reductions in view loss may be achieved following the future detailed design of buildings, at the subsequent application stage. The Department therefore notes that view impacts caused by the proposed building envelopes may be less severe than those indicated by the VVIA."

View impact	Department of Planning STATE SIGNIFICANT DEVELOPMENT ASSESSMENT REPORT: Sydney International Convention, Exhibition and Entertainment Precinct, Darling Harbour, Sydney 'The Haymarket' (SSD 5878) Director-General's Assessment Report Section 89H of the Environmental Planning and Assessment Act 1979 November 2013	The Proposal	Discussion
Overall	<p>Page 81 "The Department notes that the building envelopes proposed represent the maximum potential building mass that can be achieved on the site. As confirmed by the RFDC, building envelopes are generally 20-25% greater than their achievable floor area to allow for building articulation. Consequently, <u>improvements in view sharing and reductions in view loss may be achieved following the future detailed design of buildings, at the subsequent application stage. The Department therefore notes that view impacts caused by the proposed building envelopes may be less severe than those indicated by the VVIA.</u>"</p>	<p>EIS page 64, Figure 30 Tower SE1 totally fills the approved building envelope, both horizontally and vertically (except for a miserly 15 cm at the top).</p> <p>EIS page 68 "The tallest building (SE1) is principally oriented to the north to ensure maximum solar access and outlook, whilst providing for view sharing for surrounding developments (including for example through being well contained within the building envelope proposed under SSDA 2)."</p>	<p>"Well contained" actually means "has not gone outside."</p> <p>The proponent appears satisfied not to have gone outside the approved building envelope. The proponent makes zero effort at "improvements in view sharing and reductions in view loss ... following the future detailed design of buildings, at the subsequent application stage". This is contrary to what was envisaged by the Department of Planning in its SSD5878 Assessment.</p>



View impact	<p align="center"><b>Department of Planning STATE SIGNIFICANT DEVELOPMENT ASSESSMENT REPORT: Sydney International Convention, Exhibition and Entertainment Precinct, Darling Harbour, Sydney 'The Haymarket' (SSD 5878) Director-General's Assessment Report Section 89H of the Environmental Planning and Assessment Act 1979 November 2013</b></p>	The Proposal	Discussion
Vertical	<p>Page 41 The approved envelope for the SE tower (building SE1) is RL 99.85 and an indicative 28 stories.</p> <p>Page 81 "...improvements in view sharing and reductions in view loss may be achieved following the future detailed design of buildings, at the subsequent application stage."</p>	<p>EIS Page 35 The proposed height of NE3 is RL 99.7 (29 storeys).</p> <p>EIS page 64, Figure 30 The smaller building SE3 is considerably lower than the approved building envelope. This slightly reduces overshadowing, but it has no impact on views, which are determined by the tallest building, namely tower SE1.</p>	<p>A miserly 15 centimetres of the permitted height has been allocated to vertical view sharing, i.e. there is no vertical view sharing at the subsequent application stage.</p>
Horizontal	<p>Page 81 "...improvements in view sharing and reductions in view loss may be achieved following the future detailed design of buildings, at the subsequent application stage."</p>	<p>EIS page 64, Figure 30 Tower SE1 totally fills the approved building envelope, both horizontally and vertically (except for a miserly 15 cm at the top).</p> <p>Design Report 04A, page 26 "The plan form of SE1 has been composed to give due consideration to the view corridors available to the lower levels of "The Peak" apartments."</p>	<p>There is no horizontal view sharing at the subsequent application stage, because:</p> <ul style="list-style-type: none"> <li>the plan form of SE1 totally fills the approved envelope</li> <li>the SE Tower is a single box with no building step back with height.</li> </ul> <p>This assertion is patently false. The plan form of Building SE1 fills the building envelope at all levels (refer to EIS page 64, Figure 30).</p>