SSD 6626 - SICEEP Darling Square - Mixed Use Residential Building within North-East Plot

Submission by:

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26 November 2014

SSD 6626 Submission

Zero building articulation or view sharing

The NE tower proposal as currently framed is inconsistent with the Department of Planning's November 2013 SSD 5878 determination and with the Residential Flat Design Code (RFDC).

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** **State Significant Development Application – SSDA7** **Environmental Impact Statement** **Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP)** **Darling Square - North East Plot** **Mixed Use Residential Building** **Submitted to NSW Department of Planning and Environment on Behalf of Lend Lease (Haymarket) Pty Ltd** **November 2014**	**Discussion**
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, <u>building envelopes are generally 20-25% greater than their achievable floor area to allow for building articulation</u>. Consequently, 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." The approved envleope for the NE tower (building NE3) is RL 138.63 and an indicative 40 stories	Refer to Figure 33 – "The proposal sitting within the Concept Proposal building envelope", p61. It can be seen that <u>the tower totally fills the approved building envelope</u>. The tower is a single box; there is no stepping back with height. Page 69 "With the subject SSDA7 being wholly contained within the approved building envelope for the North-East plot (excluding minor awning articulation zones), the visual and view impacts resulting from the proposed mixed use residential building are appropriate and consistent with the Stage 1 approval." The proposed height of NE3 is RL 138.56 (41 storeys).	<u>There is zero building step back with height. This would have provided horizontal view sharing .</u> 7 centimetres of the permitted height has been inadvertently allocated to vertical view sharing. <u>There is zero compliance with the RFDC</u> , which states "When envelopes are being used, the FSR should not fill them. Determine FSR by calculating it at 80 percent of the building envelope in denser urban areas and at 75 percent in suburban areas." The proponent appears satisfied not to have gone significantly 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.

Excessive public domain view impact when combined with IMAX development

The proponent does not mention the proposed IMAX development. This is understandable, because although it is nearby, it is a separate development for which the proponent is not responsible. However, the consent authority is the same authority for both projects. The consent authority needs to consider, whether taken in conjunction, the combined impact of this development and the IMAX development on public domain views towards Cockle Bay and the CBD are acceptable, for example from the southern end of the new Boulevarde.

Excessive overshadowing of The Peak podium

With respect to the podium of The Peak Apartments, the EIS states that " The landscaped podium associated with The Peak Apartments will continue to receive at least two hours of solar access, ensuring compliance with the intent of the Sydney DCP 2012.". Although this statement is true, two hours is a major reduction from the existing 21 June daylight access of about six hours.

Excessive overshadowing of The Peak apartments

There is no overshadowing of apartments in The Peak by the NE plot. The overshadowing is by the SW plot being developed by the same proponent.

We take this opportunity to reiterate our submission on SSD 6011 (SW Plot) which stated "It can be concluded that, as a result of combination of the proposed (SW) development with existing shadowing of the west façade, some single aspect apartments on the west façade and the south-west dual aspect corner apartments which currently receive less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June will suffer additional overshadowing. " At the time of designing the development, the proponent was, despite having made numerous site visits, unaware that there were single aspect apartments in the Peak. The proponent now belatedly accepts that there are 110 apartments in the Peak which are single aspect west or north. The proponent's response to not meeting DCP overshadowing standards for those apartments was "The Sydney DCP does not apply to the SICEEP site." (SSD6011 South West Plot SSDA5, Response to Public Submissions, p2). Presumably the proponent will make the same response on any point where its standards fall below those of the Sydney DCP. And the consent authority is apparently not concerned by adopting standards below those of the Sydney DCP.

Excessive overshadowing of public open space - the new square - "Haymarket Square"

We agree with the City of Sydney's view that "excessive morning shadows are cast into the outdoor and café areas in the new square by new surrounding building edges. In order to improve morning sun access to the square in winter, it is recommended that the building heights lining the new square be reduced and the floor area relocated to the surrounding streets podium edges…" Source: City of Sydney, SSD 5878 (SICEEP)The Haymarket submission, page 34.

Excessive building depth of the NE tower

The NE tower is proposed to have building depth of 23.2 metres.

The relevant controls are the Building Depth Controls in the Residential Flat Design Code (RFDC). They state on page 26:

• Whether there is a building envelope or not, the maximum internal plan depth of a building should be 18 metres from glass line to glass line.

• The 18 metre guideline generally applies to street wall buildings, buildings with dual and opposite aspect and buildings with minimal side setbacks.

• Freestanding buildings (the big house or tower building types) may have greater depth than 18 metres only if they still achieve satisfactory daylight and natural ventilation. Use building depth in combination with other controls to ensure adequate amenity for building occupants. For example, a deeper plan may be acceptable where higher floor to ceiling heights allow sun access or where apartments have a wider frontage

And on page 27 they state:

- *In general, an apartment building depth of 10-18 metres is appropriate. Developments that propose wider than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.*

The rationale for the Controls is as follows (page 26):

Control over building depth is important as the depth of a building will have a significant impact on residential amenity for the building occupants. In general, narrow cross-section buildings have the potential for dual aspect apartments with natural ventilation and optimal daylight access to internal spaces.

The proponent argues that exceeding the RFDC recommended depth by 5.2 metres is minor. We do not agree. We note that only 39% of apartments are naturally ventilated, which is well below the RFDC's 60% rule of thumb.

Conclusion

We oppose the proposal as currently formulated because:

- there is zero building articulation or view sharing
- excessive public domain view impact when combined with IMAX development
- excessive overshadowing of The Peak podium
- excessive overshadowing of The Peak apartments
- excessive overshadowing of public open space - the new square - "Haymarket Square"
- excessive building depth of the NE tower.