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COCKLE BAY PARK REDEVELOPMENT

Appendix M - Design Excellence Report

**State Significant Development
Development Application**

Prepared for
**DPT OPERATOR PTY LTD AND DPPT OPERATOR
PTY LTD**
6 October 2021

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1. INTRODUCTION

1.1. SUMMARY

This Design Excellence Report (**this report**) has been prepared to accompany a detailed State Significant Development (**SSD**) Development Application (**DA**) (Stage 2) for a commercial mixed use development, Cockle Bay Park, which is submitted to the Minister for Planning and Public Spaces pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The development is being conducted in stages comprising the following planning applications:

- Stage 1 – Concept Proposal setting the overall ‘vision’ for the redevelopment of the site including the building envelope and land uses, as well as development consent for the carrying out of early works including demolition of the existing buildings and structures. This stage was determined on 13 May 2019, and is proposed to be modified to align with the Stage 2 SSD DA.
- Stage 2 – detailed design, construction, and operation of Cockle Bay Park pursuant to the Concept Proposal.

1.2. PURPOSE OF THIS REPORT

The purpose of this report is to inform the Consent Authority of the Design Excellence process that has been undertaken since issuing the Concept Approval (SSD 7684) for the Cockle Bay Park development. This report sets out how design excellence will be achieved within the final phases of the development.

This report has been prepared in consultation with the Government Architect NSW (**GANSW**) and in response to the Secretary’s Environmental Assessment Requirements (SEARS) dated 12 November 2020 for SSD-9978934. Those SEARS requirements are summarised in Table 1.

Table 1: SEARS requirements

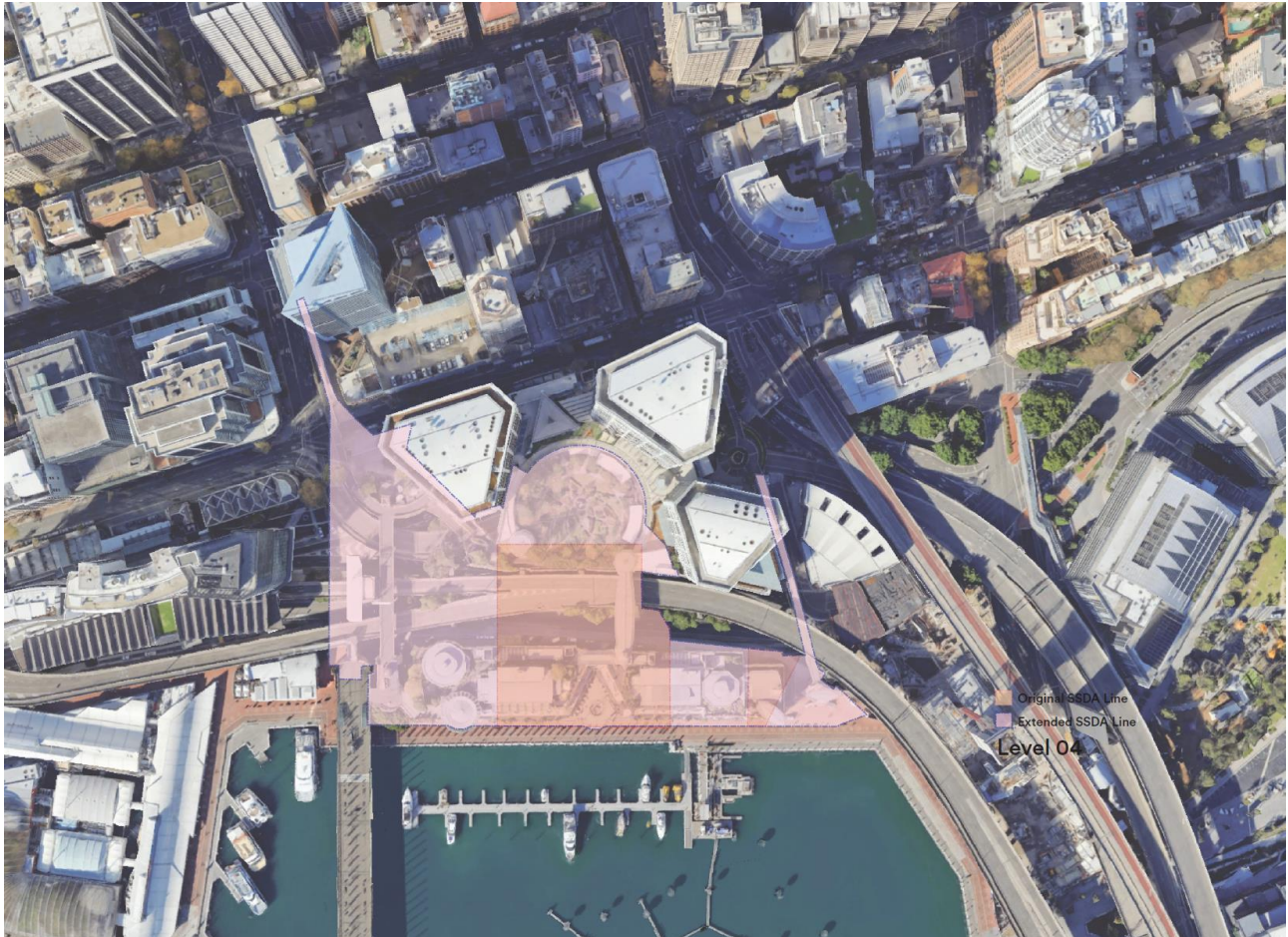
TABLE 1 - SEARS requirements		
Item	Description of Requirement	Section Reference (this report)
Design excellence requirements	Demonstrates how the design excellence requirements of the Concept Approval have been addressed	Section 3 Design Excellence Requirements
Design Competition Brief and Jury Recommendations	Summarises the competition process	Section 4.1 Design Competition Process
	Set out the rationale for the choice of the preferred design	Section 4.2.1 Fundamental Elements
	Outlines any required or recommended design amendments to achieve design excellence	Section 4.2.2 Development Areas
Design Integrity Panel	Confirms the proposal has responded to the recommendations of the competition Jury and the Design Integrity Panel and achieves the same, or better, design outcomes as the winning scheme.	Section 5. Design Integrity Process
	Outlines how a design integrity process (in accordance with the Design Competition Jury Report) will deliver design excellence in the final development.	Section 6. Delivering Design Excellence

2. THE SITE

The site is located at 241-249 Wheat Road, Sydney to the immediate south of Pyrmont Bridge, within the Sydney CBD, on the eastern side of the Darling Harbour precinct. The site encompasses the Cockle Bay Wharf development, parts of the Eastern Distributor and Wheat Road, Darling Park and Pyrmont Bridge.

The Darling Harbour Precinct is undergoing significant redevelopment as part of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) including Darling Square and the W Hotel projects. More broadly, the western edge of the Sydney CBD has been subject to significant change following the development of the Barangaroo precinct.

Figure 1: Location Plan



3. DESIGN EXCELLENCE REQUIREMENTS

The following section demonstrates how the design excellence requirements of the Concept Approval (SSD 7684) for the Cockle Bay Park Redevelopment have been addressed.

Table 2 Design Excellence Requirements

Design Excellence Requirement	Compliance
<p>Condition A14</p> <p>Prior to the lodgement of any Future Development Application(s), the detailed design of the development shall be subject to a Design Excellence Competition (Competition) carried out in accordance with the Design Excellence Strategy prepared by Ethos Urban, dated 12 November 2018.</p>	<p>A Design Excellence Competition was undertaken in accordance with the approved Design Excellence Strategy, and in accordance with the <i>Cockle Bay Park Architectural Design Excellence Competition Brief (the Competition Brief)</i> prepared by Scott Carver and endorsed by DPIE and GANSW on 20 September 2019.</p> <p>The Competition ran from 20 September 2019 – 20 December 2019, with the Architectural Design Competition Report (the Jury Report) finalised on 10 March 2020.</p> <p>The Jury Report is included at Appendix A which details the Design Excellence Competition process and rationale for the winning scheme.</p>
<p>Condition A15</p> <p>Prior to the commencement of any Competition (Condition A14), a Competitive Design Brief (CDB) prepared in consultation with the Government Architect NSW, shall be submitted to and approved by the Planning Secretary. The CDB shall be generally in accordance with the Government Architect's Design Excellence Competition Guidelines and include the membership of the jury, specific assessment criteria against which the submissions will be judged, having regard to the requirements of this consent, built form controls and design guidelines (as endorsed by the Planning Secretary).</p>	<p>As noted above, a Competition Brief was prepared by Scott Carver and endorsed by DPIE and GANSW on 20 September 2019.</p> <p>The Competition Brief is included at Appendix B.</p>
<p>Condition A16</p> <p>A Design Integrity Panel (DIP) shall be established by the Applicant prior to the lodgement of any Future Development Application(s). The DIP shall comprise at least three of the members of the Competition jury (Condition A14) selected in consultation with the Government Architect NSW and in accordance with the Government Architect's Design Excellence Competition Guidelines (being one nominee from each of the Applicant,</p>	<p>A Design Integrity Panel (DIP) was established in September 2020.</p> <p>The DIP includes four members, with three of those members being from the Competition jury with one member from each of the Proponent, Government Architect and local authority.</p> <p>The DIP members are:</p> <ul style="list-style-type: none"> Paulo Macchia (Chair) – DPIE / GANSW representative

Design Excellence Requirement	Compliance
Government Architect and local authority).	<ul style="list-style-type: none"> ▪ Graham Jahn – Local authority representative ▪ Tony Caro – Proponent representative ▪ Kate Luckraft — SDRP Proponent nominee
<p>Condition A17</p> <p>Prior to the establishment of the DIP (Condition A16) a detailed DIP Terms of Reference shall be prepared in consultation with the Government Architect NSW and submitted for approval to the Planning Secretary, clearly outlining:</p> <p>a) the role of the DIP to review and advise on the detailed building design to ensure the achievement of design excellence, having regard to the requirements of this consent, built form controls and design guidelines (as endorsed by the Planning Secretary)</p> <p>b) that the DIP will review and provide advice prior to the lodgement of any Future Development Application(s), and be retained during the assessment and post approval stages</p> <p>c) governance arrangements, including meeting frequency, secretariat functions, dispute resolution and deliverables.</p>	<p>Prior to the establishment of the DIP, a detailed DIP Terms of Reference was prepared and endorsed by the GANSW.</p> <p>The endorsed Terms of Reference are provided at Appendix C.</p>
<p>Condition A18</p> <p>The detailed design shall be presented to the State Design Review Panel either prior to the lodgement of a Future Development Application(s) or during the public exhibition of any such application following lodgement.</p>	<p>GANSW was consulted on this condition and is satisfied that the design integrity process has addressed the intent of this condition.</p> <p>In effect, the design integrity process undertaken by the Applicant negates the need for the Applicant to present to the SDRP.</p>

4. DESIGN COMPETITION AND JURY RECOMMENDATIONS

4.1. DESIGN COMPETITION PROCESS

The Applicant invited six competitors to prepare submissions in response to a Design Brief as part of the Architectural Design Excellence Competition. The Brief was prepared by Scott Carver Pty Ltd and endorsed by the DPIE and the GANSW.

The process undertaken is described in more detail as follows:

- The Applicant invited six (6) architectural teams, comprising of architects, urban designers, landscape architects and specialist consultants, to participate in the Architectural Design Excellence Competition, held over a period of eight (8) full weeks.
- The competing teams were identified through an invited Expressions of Interest (EOI) process.
- The Competition Brief was issued to Competitors and Jury members on 20 September 2019.
- A formal briefing session was held across two days, on 25th and 26th September 2019. The briefing provided an overview of the site, outlined the planning parameters and the Competition Brief, and provided an opportunity for the competitors to ask questions and seek clarification regarding the Brief and the Competition procedures. The briefing session included a site visit on Day 1.
- A mid-point review was held across two days, on the 17th and 18th October 2019. This was week 4 of the Competition. Each Competitor was given a two hour time allocation, with access to the technical advisors and key client representatives. Verbal discussions took place across each session, however no written feedback was provided. The Impartial Observers were in attendance.
- Following the mid-point reviews, an individual one hour session with the Wind Engineer and Quantity Surveyor, from the Technical Advisory Panel, was arranged for each competitor. All competitors took the opportunity to meet with both technical advisors
- A Register of Enquiries was kept during the Competition to document questions and responses without revealing the source of the question.
- All competitors submitted an A3 Design Report (Final Submission), articulating their proposed architectural scheme for the site. This was supported by a series of drawings provided by each competitor as required under section 7.2.2 of the Design Brief.
- All competitor submissions were received on 21 November 2019.
- Each competitor presented their proposed architectural schemes to the Jury during the Final Presentation dates held on 16 December 2019 and 17 December 2019. The Jury deliberations were held on 18 December 2019.
- The Jury unanimously identified one competition scheme that demonstrated the greatest potential for achieving design excellence and meeting the relevant project objectives.
- One scheme was chosen as the winner of the Architectural Design Competition. This decision was made on 18 December 2019.

The Architectural Design Competition was undertaken in an open and transparent manner in consultation and disclosure with DPIE, GANSW and CoS officers in attendance as observers.

All nominated impartial observers were invited to all briefings, mid-point reviews, final presentations and jury deliberations. The impartial observers were copied in on all communications between Competitors and Jury members throughout the Competition Process

Out of the six competitors, the Jury unanimously awarded the Henning Larsen scheme as the competition winner as it demonstrated the highest potential for achieving design excellence and meeting the primary project objectives.

4.2. JURY RECOMMENDATIONS

4.2.1. Fundamental Elements

The Competition Jury determined that the scheme presented by the Henning Larsen team demonstrated the highest potential for achieving design excellence, with a number of fundamental elements contributing to the success of that scheme. This included the various components of the public domain, the new park, the podium retail and the commercial tower, with the conceptual framework capable of achieving design excellence.

The fundamental elements of the conceptual framework that were identified as needing to be retained throughout the design integrity process, are listed below (as extracted from the Jury Report):

- *The fundamental urban sensibility of the concept enhancing Darling Harbour as a precinct and the site as a new western threshold to the city;*
- *The quality of connections and integration with various elements around the site demonstrates a thoughtful and contemporary approach to city making as a dialogue and respectful synthesis between built form and the public realm;*
- *A thoughtful holistic approach to the site as an urban landscape;*
- *The significant amelioration of the visual impact of the bulk and height of the tower on the public promenade by the integrated podium design and arrangement of publicly accessible open space;*
- *The skilful formal transition from the podium to the articulated tower form;*
- *The ‘village strategy’ of the conceptual framework characterised by fine grain elements compared with the more conventional continuous linear approach to the built form of the podium;*
- *The conceptual framework for the Northern Parkland;*
- *The embedded commitments to more sustainable design, with opportunity to explore a wide range of initiatives including harbour heat rejection and ‘cloud burst’ stormwater harvesting;*
- *The planning of the workplace environment demonstrates excellent capacity to accommodate a diverse range of tenant requirements; and*
- *The strength of the collaborative design process articulated by the Henning Larsen team.*

4.2.2. Development Areas

In awarding Henning Larsen the winner of the design competition, a number of development areas were to be addressed, in order to achieve design excellence. These development areas were the key focus of the DIP Process, which is discussed in Section 5. of this report.

It is noted that not all development areas were resolved at the conclusion of DIP Session 8 and that further design development is required following the lodgement of the Stage 2 SSD DA. The development areas that remain unresolved are noted below and are further expanded upon in the DIP Summary Letter (Appendix D).

Table 3: Summary of development areas

Development Areas	Status
Retail Design	
1.1. <i>The Jury considers that further substantial development of the podium design concept is required, including the layout, scale, character and practicality of the retail areas. It is recommended that the Henning Larsen team work with the Co-owners' Retail Advisor to articulate and refine the retail design and commercial strategy.</i>	Design development that requires further resolution prior to the determination of the development application. Refer to DIP Summary

Development Areas	Status
	Letter (Darling Harbour frontage-southern retail podium)
1.2. <i>Review the layout and practicality of the current proposed retail areas, including the location of kitchen/service areas, and integration of mechanical ventilation/exhaust plant and ducts to ensure that the pedestrian experience is not compromised</i>	Design development that the Panel supports, subject to resolution of 1.1
1.3. <i>Ensure high visual permeability and outlook into Cockle Bay from proposed internal and external food and beverage areas</i>	Design development that the Panel supports.
1.4. <i>Test layouts for future flexibility that will accommodate a range of food and beverage tenancy sizes and other retail uses</i>	Design development that the Panel supports.
1.5. <i>Address potential wind impacts particularly along the Level 2 street</i>	Design development that the Panel supports.
1.6. <i>Enhance the usability and pedestrian experience at retail edge conditions of the promenade, in particular as related to food and beverage offerings</i>	Design development that the Panel supports.
1.7. <i>Consider more generous covered terraces adjacent to the waterfront promenade to avoid 'hard' interfaces</i>	Design development that the Panel supports.
1.8. <i>Develop strategies for allowing food and beverage spaces to be readily opened up or protected with changing weather conditions.</i>	Design development that the Panel supports.
Public domain including design of Public Spaces	
Northern Parkland	
1.9. <i>More effective physical and visual integration for pedestrians between the Pyrmont Bridge Level 2, the upper level (northern) parkland, and the promenade.</i> <i>For example, transitions between the primary levels could be improved with a sequence of intermediate level transitions integrating stairs and escalators with more intimate terraces and landscape.</i>	Design development that the Panel supports.
Interface with Pyrmont Bridge	
1.10. <i>Further consideration of the heritage interface to establish a more generous sense of space and openness around the bridge structure. Consideration of built form adjacent to Pyrmont Bridge interface being setback to assist in improving the openness and appreciation of the Pyrmont Bridge.</i>	Design development that the Panel supports.
1.11. <i>Resolution of circulation routes in the immediate vicinity.</i>	Design development that the Panel supports.
Southern Open Space	
1.12. <i>Improved amenity in terms of solar access, wind impacts and connectivity of spaces within the precinct.</i>	Design development that the Panel supports.

Development Areas	Status
<p>1.13. <i>Rationalise the various roof top spaces to provide a more consolidated space with connections to Level 2 and views to the water.</i></p> <p>1.14. <i>The Jury had some concern that this space may be too fragmented and potentially privatised by adjacent uses. The space is overshadowed by the tower, which offers opportunity for it to be a cooler, shadier place to enjoy in the increasingly longer Sydney summer.</i></p>	Design development that the Panel supports.
Northern Eastern Corner Approach	
1.15. <i>The Jury requests further consideration of the proposed treatment of the corner of Market Street and Sussex Street and in particular the visual impact of the imposing rear wall and free-standing ramp structure.</i>	Design development that the Panel supports.
1.16. <i>The Jury requires improved visual legibility and easier, more inviting transitions through to the new elevated parklands, together with improved integration of the built form with existing urban conditions.</i>	Design development that the Panel supports.
Pedestrian Movement & Arrival Experience	
1.17. <i>The pedestrian connection from Market Street running diagonally behind the tower to the main lobby, the southern parkland and through to the podium is considered by the Jury to be a positive element of the scheme. The wind impacts in this area need to be considered however, ensuring that this connection is enhanced through further design development.</i>	Design development that the Panel supports.
1.18. <i>The lobby was noted as being a very positive element with a powerful arrival experience. The Jury recommends that the design attributes of the lobby be retained and enhanced as part of any further design development.</i>	Design development that the Panel supports.
Podium Design	
1.19. <i>Consideration of the overall scale of the podium relative to the scale of its city setting and Darling Harbour. Whilst the diminutive size of some of the cubic retail elements creates a desirable intimate scale at promenade level, there was concern that this needed to be better balanced with the varied scales of the city and harbor context.</i>	<p>The Darling Harbour southern podium facade requires further resolution prior to the determination of the development application.</p> <p>Refer to DIP Summary Letter (Darling Harbour frontage – southern retail podium)</p>
1.20. <i>The Jury acknowledges that the 'village strategy' is a key attribute of the scheme that underpins the distinctive and appropriate attributes of the public domain concept.</i>	The Darling Harbour southern retail podium facade requires further resolution prior to the determination of the development application.

Development Areas	Status
	Refer to DIP Summary Letter (Darling Harbour frontage – southern retail podium)
1.21. <i>Further examination of the retail experience, practical floorplates and BOH provision.</i>	Design development that the Panel supports.
1.22. <i>Credible solutions to address changing climate on a daily basis, such as the hot afternoon sun, wind and rain.</i>	Design development that the Panel supports.
1.23. <i>Improved resolution and clarity of materiality of the podium including composition, durability, quality and character. This should include addressing conflicting renders in submission material.</i>	<p>Whilst the overall podium materiality is supported, this is subject to review and confirmation during the detailed design phase (i.e through relevant conditions of consent).</p> <p>Refer to DIP Summary Letter (Podium Materiality)</p>
1.24. <i>Improved connectivity between Level 2, the upper parklands and the waterfront with the use of stairs and less reliance on lifts/escalators.</i>	Design development that the Panel supports.
1.25. <i>Articulation of pedestrian desire lines and refinement of the design to facilitate this.</i>	Design development that the Panel supports.
1.26. <i>Further consideration of the interface with the existing Crescent Garden.</i>	Design development that the Panel supports.
Tower Design	
1.27. <i>The scheme is considered to deliver an excellent floor plate design, with an anticipated strong workplace experience. However, the façade design has not yet provided a convincing façade design strategy that balances the commercial requirements for optimised, unobstructed views, daylight and thermal performance</i>	Design development that the Panel supports.
1.28. <i>The predominant use of the triangular geometry of the façade is well appreciated for its aesthetic qualities by the Jury, however, it presents a number of design challenges including:</i> <ul style="list-style-type: none"> ▪ <i>The need for opacity to control solar heat; and</i> ▪ <i>The potential for view obstruction.</i> 	Design development that the Panel supports.
1.29. <i>Further studies are required to assess section J compliance of the NCC, visual and light transmission, and understanding the character of the views available from the floorplate and how these views will be framed. Balancing view obstruction with light and thermal targets requires further consideration including consideration of more passive solar shading. These studies should be undertaken in consultation with the Co-owners Technical Advisors</i>	Design development that the Panel supports.

Development Areas	Status
<i>Tower Form</i>	
1.30. <i>The Jury supports the articulation of the tower form into smaller vertical elements that enhance its slender three-dimensional quality and visually mitigate perception of bulk. These qualities should be retained and further enhances in design development, noting the concerns to improve interior outlook.</i>	Design development that the Panel supports.
1.31. <i>Further design study and resolution is necessary to enhance the existing concept whilst also resolving the issues identified above.</i>	Design development that the Panel supports.

5. DESIGN INTEGRITY PROCESS

In accordance with Condition A16 of SSD 7684, a DIP was established to review and evaluate the scheme against the development areas, whilst ensuring that 'key elements' meet or exceed the design excellence qualities of the competition scheme.

The DIP was established in September 2020, pursuant to the Terms of Reference (**ToR**). The ToR provided a framework for the design integrity process and its constituent members.

The design integrity process formally commenced on 3 November 2020. A total of eight DIP sessions occurred between the commencement of the process and 21 September 2021. A summation of the DIP sessions and the feedback provided at those sessions is included at **Appendix D**.

The DIP sessions occurred via MS Teams and was observed by members of the project team and the Applicant. Each session involved a 1 hour presentation from the Henning Larsen Design Team and their technical advisors, followed by a 45 minute Q&A between the Panel and the Design Team. The Panel then deliberated for 1 hour, which was observed only by Urbis in their role as the DIP Managers.

The technical advisors that presented at the DIP sessions included:

- Arup
- Balarinji
- Cultural Capital
- McGregor Coxall

The intent of the DIP sessions was to resolve the development areas identified in the Jury Report and summarised in section 4.2.2 of this report.

Due to the nature of the project and the key issues, the sessions were broken down into focus areas, relating to the urban structure and integration, public domain, retail podium, tower and ESD initiatives. Key issues discussed during the DIP sessions are summarised as follows:

- Connectivity
- Wayfinding
- Site levels
- Public open space
- Pergolas / Structures
- Soil volumes and landscaping of the site
- Retail strategy
- Darling Harbour frontage
- Materiality
- Environmental management
- Tower facade
- Microclimate
- ESD

At the conclusion of DIP Session 8, the design team had successfully resolved the majority of development areas that were identified by the Jury as requiring further design development.

However, the DIP has identified items which require continued design refinement through the assessment process or, where relevant, in satisfaction of development consent conditions. There are as follows:

- Darling Harbour frontage – southern retail podium
- Market Street / Civic Link connection
- Podium Materiality
- Greening of the site

These design elements are outlined in the DIP Summary Letter.

Whilst the DIP has provided written endorsement for the Development Application to progress to the lodgement of the Stage 2 Development Application, the DIP will remain engaged throughout the assessment of the application to ensure that design excellence is achieved.

This enables the application to progress through the relevant planning process, whilst the detailed design is developed, ensuring that design excellence is maintained in the final stage of the development.

6. DELIVERING DESIGN EXCELLENCE

This section of this report outlines how the design integrity process will deliver design excellence in the final stages of the development.

The framework has been prepared in accordance with the approved Design Excellence Strategy and the endorsed Terms of Reference. This framework should be read in conjunction with the DIP Summary Letter.

The following summarises how design excellence will be maintained throughout the subsequent phases of the development process:

1. DIP to review the Stage 2 SSD DA following lodgement with DPIE, and where required, provide advice to the assessing office.
2. Following the Public Exhibition and prior to the determination of the Stage 2 SSD DA, the Applicant is to present the amended scheme to the DIP for their review and feedback.

At that session, the design team is to demonstrate how the amended scheme achieves design excellence and resolves the outstanding design elements, in accordance with the DIP feedback and summary letter.

3. The DIP is to remain engaged throughout the assessment process and post approval stages, providing support to the Applicant and DPIE to ensure that design excellence is achieved.
4. The DIP is to review and provide advice to DPIE, as required, on the satisfaction of any relevant conditions of consent relating to design and / or materiality. The relevant matters are outlined in the DIP Summary Letter and include the final materials and finishes for the podium (visual mock-up) and the softworks landscape plan.
5. Substantial design modifications may require an additional review by the DIP, including modifications that relate to changes in materials and/or the fundamental design elements.

The consent authority can be satisfied that, through this collaborative framework, the Henning Larsen scheme will deliver design excellence in the final stages of development, in accordance with the Design Competition scheme, and as refined through the DIP process.

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This report is dated 6 October 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of DPT OPERATOR PTY LTD AND DPPT OPERATOR PTY LTD (**Instructing Party**) for the purpose of Planning (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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APPENDIX A

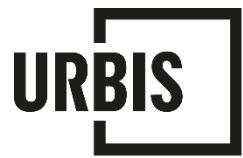
JURY REPORT

APPENDIX B

DESIGN COMPETITION BRIEF

APPENDIX C

TERMS OF REFERENCE



APPENDIX D

DIP SUMMARY LETTER