



**ANGEL PLACE
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SYDNEY NSW 2000**

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25 June 2020

Mr Jim Betts
Secretary
NSW Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Attention: Louise Starkey (Senior Planning Officer, Regional Assessments)
Brendon Roberts (Acting Director, Regional Assessments)
Anthea Sergeant (Executive Director, Regions, Industry and Key Sites)

Dear Louise and Brendon,

SSD-10114 | RESPONSE TO DRAFT CONDITIONS

Thank you for referring the draft conditions for our consideration prior to finalisation of the NSW Department of Planning, Industry and Environment's recommendation to the Independent Planning Commission (IPC) regarding SSD-10114 (Central Coast Quarter).

The Applicant accepts the majority of these conditions and requests minor amendment to the conditions listed overleaf. These proposed amendments do not impact the assessment of the proposal, nor do they result in any additional environmental impacts.

Words proposed to be deleted are shown in ~~strike through~~ and words to be inserted are shown in **red**.

We trust that this information is sufficient to enable a revision of the draft conditions and a prompt finalisation of DPIE's assessment of this SSDA.

If you have any questions about the below, please do not hesitate to contact me.

Yours sincerely,

Edward Green

Edward Green
Senior Consultant
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Enclosed: Appendix A: Architectural Design Package prepared by DKO
Appendix B: Revised Design Guidelines prepared by DKO
Appendix C: Retail Strategy Advice prepared by BellRinger (*commercial in confidence*)

Condition B2(b)

B2. Prior to the lodgement of any future development application(s), revised concept proposal drawings shall be submitted to, and approved by, the Planning Secretary that include the following amendments:

- b) increase solar access to the southern through site link (i.e. the north-west oriented component, located between the Eastern Tower and the Southern Tower) in mid-winter (having regard to any visual, view and heritage impacts of any proposed change), **through the following design changes** ~~which may include:~~
 - i) re-orientation and/or setback of the Northern Tower envelope above podium level **in accordance with Condition B2(a).**
 - ii) **a minor chamfering of the northern tower commercial podium at its south western edge.**
 - ~~iii) reduction of the height of the western end of the Eastern Tower envelope podium from three to one storey~~
 - ~~iv) other option(s) that may achieve the aim of increasing solar access to the through site link.~~

Reason

The envelope configuration and ground plane strategy for the project has been iteratively and extensively workshopped as part of an independent design review process with the GA NSW (SDRP). In providing post-exhibition comments on the proposal, the SDRP noted that it exhibits 'design excellence' in accordance with the criteria outlined in the SEPP (Gosford City Centre) 2018.

In the letter issued by GA NSW on 20 March, specifically in relation to issues of shadowing:

"While the issue of shadowing (noting the significant overshadowing created by existing trees) and Council's concerns relating to shadowing and heritage impacts should be determined by the Department's assessment team, the Panel is satisfied with the proposed height, bulk and scale of the proposal."

The Applicant has explored the impacts of the design amendments outlined in the draft conditions. In the understanding that draft Condition B2(a) was drafted to ensure the northern tower maintained a 'human scale' from Baker Street, the Applicant is willing to accommodate this amendment in spite of the challenges it presents to internal services, basement configuration, lift cores and spatial planning.

As discussed during the teleconference with DPIE on 18 June 2020, the Applicant has also looked into chamfering part of the commercial component of the northern building to open up additional solar access to the ground plane. Overall, these changes (in combination) will result in a tangible increase to solar at midwinter (+112 sqm).

While the draft condition does not provide a metric of what sufficient "increased solar access" equates to, we contend that these amendments respond positively to the intent of the draft condition.

With regard to other alternate/possible design amendments, it is noteworthy that the envelope arrangements address a range of considerations and environmental impacts. Making further/wholesale changes to building envelopes at this stage of the assessment process was

explored, however will have a serious commercial impact upon the hotel component of the project that is currently subject of discussion with potential operators. In this sense, the Applicant is not willing to make further amendments to the eastern (hotel) tower envelope.

Further changes/setbacks to the northern tower were also explored, however these changes present a greater impact upon future residents of the site (i.e. compromises ADG solar compliance for the southern tower). With regard to solar access specifically, we contend that the site needs to be viewed holistically in that:

- The masterplan has progressed over the last 12-18 months and includes curated public spaces that are better suited to differing levels of solar access, outlook and amenity.
- The through site link receives high levels of solar access at other times of the year (besides midwinter).
- There is a diversity of retail offerings at the site, including those which wrap around Baker Street. which will achieve high levels of solar throughout the year – refer to DKO shadowing analysis.
- Given the nature of the site, achieving high levels of solar throughout the year to all public spaces is challenging, hence the diversity of offerings.
- If this was noted as a threshold issue 6-12 months ago, the design team could have made more fundamental changes at that time. There is no specific guidance within the applicable planning controls regarding solar access to publicly accessible laneways/spaces of this nature. As noted above, the SDRP has provided support for the height, bulk and scale of the proposal.
- The communal open spaces at the podium level receive high levels of solar access throughout the year (well in excess of ADG minimum requirements).
- The apartments achieve compliant levels of ADG solar. Due to site orientation and configuration, self-shadowing is a key consideration.
- DKO have demonstrated that further wholesale changes to the northern tower have unintended negative consequences for ADG solar compliance for the southern tower (i.e. it becomes non-compliant).
- BellRinger have prepared a Retail Strategy Advice (appended) which describes the laneway positioning strategy (please note that this advice is commercial in confidence):
 - Based on extensive local research specific to this project, it was found that respondents were seeking more “urban” experiences such as laneways, small bars, bespoke independent retail, small format dining and after-hours activation at the site.
 - Based on Australian case studies, solar access to “urban/laneway” spaces is a secondary consideration, particularly as a significant proportion of the visitation will be after-hours. It should be noted that the lack of solar will provide benefits in summer with increased shade for visitors.
 - Solar access is being provided at the daytime peak (10am-2pm) in midwinter – 210 sqm receiving solar access at 11am and 199 sqm at 12 noon. While secondary for the desired lane experience, solar access is nonetheless being received at daytime peak usage for F&B.
 - Throughout Spring/Autumn there is ample sunlight and during summer this will at times necessitate the use of awnings to enhance the desired urban lane experience and provide weather protection.

- BellRinger have reviewed the current drawings and support the sense of compression and “intimacy” created by the 6.7m laneway, which responds to the strategy.

To avoid open-ended conditions and the potential for wholesale post-determination design amendments, the Applicant is seeking DPIE’s ‘in-principal’ support for the key moves described above (i.e. northern tower setback in accordance with Condition B2(a) and additional chamfer of northern tower commercial podium) and the deletion of the part of the draft condition that relates to the hotel envelope.

Condition C4(c)

C4. Future development application(s) shall demonstrate consistency with the:

- c) ~~building efficiency target of 75% volumetric fill of the building envelope, unless~~ future development application(s) ~~can~~ **shall demonstrate the increase** maximises building articulation and ~~does not have an adverse~~ **mitigate** architectural design, visual, amenity or heritage impacts.

Reason

Over the past 12 months, the proposed building envelopes have evolved based on ongoing engagement and collaboration with the SDRP. These envelopes are generally consistent with the ‘slender towers’ guidance contained within the Gosford City Centre DCP, have been formally supported by the DRP and have demonstrated acceptable environmental impacts.

By imposing a 75% volumetric fill metric, the achievement of the permitted GFA (in the draft conditions) will be stymied and the intent of the architectural reference scheme undermined. It is also noted that a 75% volumetric fill is not maintained within any of the applicable planning controls that apply to the site.

The building articulation, amenity and visual quality of the towers will be further explored through the detailed design of each building, as required under the Design Guidelines, in accordance with DAP feedback and the Gosford City Centre DCP.

As discussed with DPIE on 18 June 2020, the envelopes were not generated in the ‘ordinary’ way for a staged DA process (i.e. Stage 1 – block and mass, design competition, Stage 2 – refined architecture).

In this instance, the Applicant had started with a desired reference scheme, due in part to having prepared a detailed scheme before the SEPP (Gosford City Centre) was gazetted in 2018. The ‘envelope’ that is depicted on the drawings submitted to DPIE have ‘shrink wrapped’ the reference scheme and already contains recesses and breaks.

In this instance, we contend that a metric control is not relevant, appropriate or practical. To give a clearer picture of the ‘shrink wrap’ that has occurred, the towers ‘fill’ the volumetric envelopes by the following percentages:

- Northern tower – 95.4%.
- Southern tower – 97.5%.
- Eastern tower – 98.7%.

We respectfully submit that the intent/objective of this draft condition can be achieved without reference to the numeric standard.



Condition C9(e)

C9. Future development application(s) shall include a Public Domain and Landscape Report (Landscape Plan) providing details and justification for the design and treatment of all areas of public domain, through site links and landscaping and the relationship of these spaces with existing and proposed buildings, spaces, structures and connections.

The Landscape Plan must:

- e) demonstrate the Mann Street entrance to the through site link (northern arm) is no narrower than ~~7m~~ **5m**.*

Reason

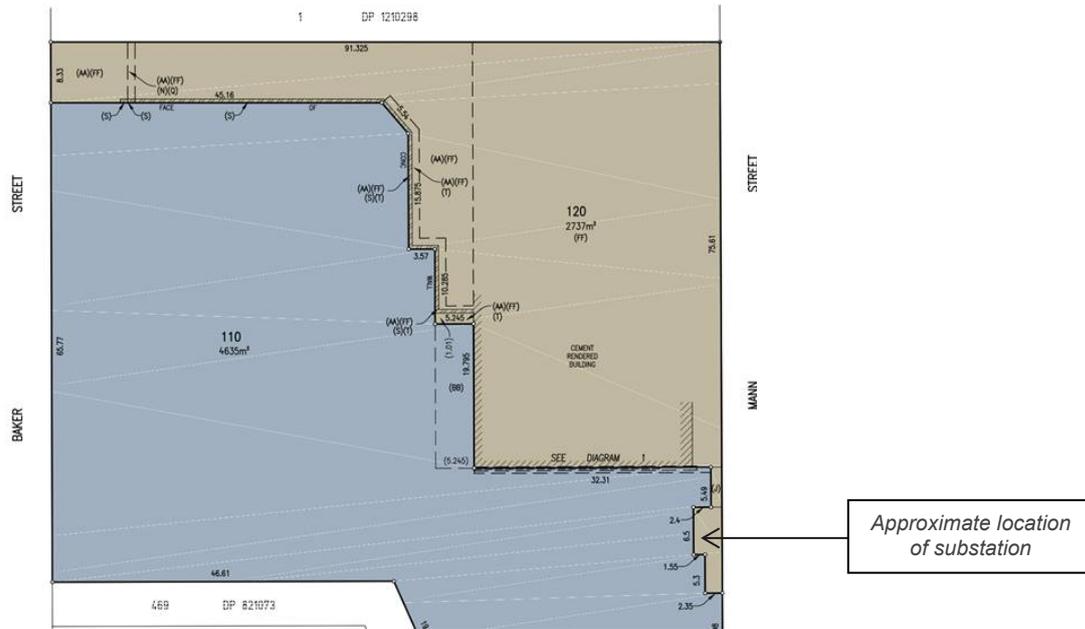
The dimension between the edge of the substation to the property boundary (shown marked below) is 5m. Accordingly, this should be the minimum dimension specified in the conditions of consent, as the substation was recently installed as part of the 32 Mann Street DA (adjoining development) and cannot be readily moved.

By way of further explanation:

- The substation is located on another Lot, which is not subject of this SSDA. The neighbouring lot has been shrink wrapped around the building, driveway and current transformers (see Figure 1 below).
- The substation was placed in this location in accordance with a Condition of Consent for the 32 Mann Street DA.
- As there is no excess land, a relocated substation on the neighbouring site will not fit without retrospective modifications to the ground floor (which has recently been completed). These modifications will include additional structures necessary to cater for the blast and fire separation requirements from the office building.
- The applicant is not the owner of the neighbouring land. Any changes to neighbouring land (building, boundaries or easements) are subject to consent by any parties with an interest in that land (either freehold or leasehold)
- There would be an unacceptable disruption to the existing commercial tenants at 32 Mann Street during any cutover.

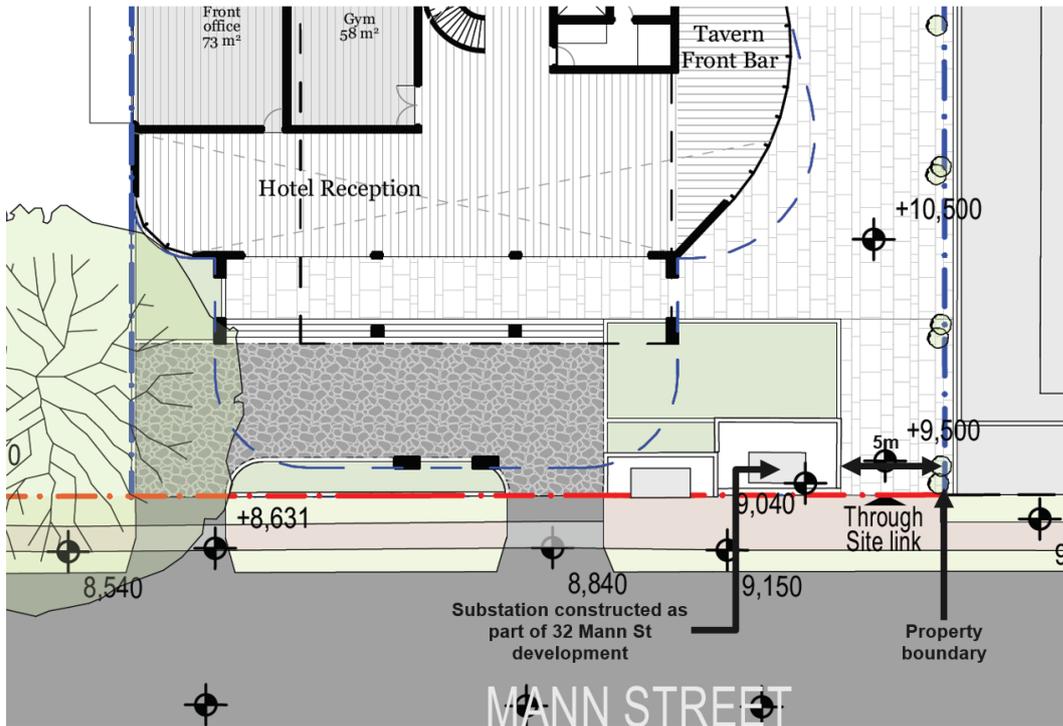
In summary, the substation cannot be readily or practically moved from its existing location and the Applicant seeks to have this reflected in the conditions of consent (as marked above).

Figure 1 – Cadastral Boundary



Source: St Hilliers

Figure 2 – Through Site Link Northern Arm



Source: DKO



Condition C20

C20. *Future development application(s) for new built form must demonstrate how the principles of Ecologically Sustainable Development have been incorporated into the design, construction and on-going operation of the new buildings, and demonstrate compliance **equivalent to** ~~with~~ the following minimum environmental standards:*

- a) *4-star Green Star Design and As Built rating*
- b) *4-star NABERS Energy and Water rating*
- c) *BASIX certification*

Reason

Consistent with the ESD Report submitted for this SSDA, the project team are targeting the abovementioned standards, however, are not seeking formal registration/certification with the Green Building Council of Australia.

The ESD report provides a sustainability framework that exceeds the intent and requirements of a Green Star rating and will provide a superior ecologically responsible outcome to the development in a far more inclusive and practical sense.

Namely the ESD report provides initiatives for:

- Building Envelope – orientation, solar control and thermal properties.
- Building amenity – natural ventilation, cooling, heating, domestic hot water, lighting.
- Indoor environment quality – outside air, thermal comfort.
- Greenhouse gas emissions – target 20% reduction from benchmark buildings CO2 emissions per annum.
- Water – water efficiency and harvest & re-use.
- Noise – development and construction noise management.
- Waste and Recycling – development and construction initiatives.
- Social sustainability – EV consideration, social and communal facilities that promote healthy and inclusive living and promotion of local business opportunities.
- A Green Star rating only targets some of these areas in design and none in operation so we see no tangible benefit to the project.

The development will achieve BASIX certification for the residential components and a 4 star NABERS rating for the hotel component which will demonstrate the energy efficiency of both major components of the development.

NABERS ratings for the individual strata titled retail and commercial suites is impractical given the small scale of these portions of the development. They are also excluded from any NABERS rating as part of the “Building Energy Efficiency Disclosure Act 2010” (Beed Act) where the use is strata titled or the use is less than 75% of the total built or rated form which in this case it is.



Attachment A – Amendments to Design Guidelines

An amended copy of the Design Guidelines will be submitted to DPIE, inclusive of all the changes noted in Attachment A of the Draft Conditions, aside from the following wording noted under Section 3.2.2:

“Materials shall create a common language and reinforce the contemporary and modern expression of buildings within the development.”

This is proposed to be amended to:

“The material selection should reflect the intent to create a diversity of built forms and varying architectural styles as opposed to monotonous building expressions.”

The rationale for this change is to express the desire for a diversity of built form/architecture across the three buildings to create a distinct skyline – tied to vision that a city should be comprised of a variety of architectural styles and forms.