29 April 2022

Tim Raimond
Deputy Secretary
Department of Planning and Environment
4 Parramatta Square
Parramatta NSW

Dear Tim,

Waterloo Estate (South) - Public Exhibition of Planning Proposal
Submission by New South Wales Land and Housing Corporation (LAHC)

New South Wales Land and Housing Corporation, as the majority landowner in Waterloo South, welcomes the opportunity to comment on the planning proposal for Waterloo South. LAHC recognises the substantial efforts undertaken by DPE, the City of Sydney, the Waterloo community and other stakeholders in reaching this important milestone.

LAHC is committed to progressing the Waterloo Estate renewal and creating a diverse and resilient new community in the heart of Sydney. The location and scale of this renewal project positions it to achieve world-class placemaking and community outcomes.

The benefits of the planning proposal include:

- **Achievement of the proposed dwelling density will allow LAHC to facilitate the renewal of the Estate into a mixed tenure community with good access to public transport, amenities and services.** LAHC is committed to ensuring a diverse community incorporating new and better social housing.

- **Inclusion of a design excellence bonus**. The design excellence bonus will appropriately incentivise innovation in built form, architecture, public domain and environmental outcomes, consistent with the longstanding approach in the Sydney LEP. It will also assist with ensuring that dwelling yields are achievable.

We now take this opportunity to make a submission on the planning proposal, to ensure that the desired outcomes and the project objectives can be successfully achieved for Government. Outlined below are 9 recommendations, in four key areas:

1. Planning controls.

2. Proposed dwelling yields.

3. Design excellence process.

4. Development controls.

An independent assessment of the proposed planning framework by SJB is attached, to support our comments from a technical perspective.

1. Planning controls

a) LEP control on tenure mix

Recommendation 1(a): dispense with the proposed LEP provision mandating a proportion of social housing.

LAHC has a strategic objective to deliver more and better social housing across NSW. This objective is consistent with LAHC's statutory functions under the *Housing Act 2001*. It also underpins the approach we have taken since the start of Waterloo Estate renewal which is seeking to maximise social housing outcomes as part of a mixed and connected community.

With respect to social housing:

- It is unnecessary to impose site-specific LEP tenure mix controls. There is no legal policy basis to do so. Social housing outcomes and targets across NSW are already controlled through Government policy and statutory settings.

- LAHC's objectives at Waterloo are to deliver the highest and best proportion of social housing, as determined through our statutory and strategic functions, together with Government policy under *Future Directions for Social Housing in NSW*. Introducing complexity and policy conflict through a mandated tenure mix in site-specific planning controls is to be avoided.

- LAHC has a proven track record over decades of renewing social housing estates to maximise the delivery of new and modern social housing within diverse communities, in order to produce positive placemaking, community and social outcomes, together with economic benefits for the State.

- The risk of precedence, which could see imposition of site-specific social housing targets by local and other planning authorities on the State's social housing provider would become untenable in the longer term. LAHC's asset recycling programs create significant additionality in social housing supply across NSW, often not confined within specific estates, but in areas where it is needed most. This would not be possible if LEP controls were to require on-site social housing provision.

With respect to affordable housing:

- LAHC supports the inclusion of affordable housing at Waterloo, to ensure diversity of housing types. Accordingly, a 7% control is appropriate.

- The District Plans provide a policy context for 5-10% affordable housing, subject to feasibility. As social housing falls within the LEP definition of 'affordable housing', the proposed levying of social and affordable housing totalling 33.5% of residential GFA in Waterloo South exceeds these policy parameters.

- The asset recycling approach does require affordable housing to be subsidised through the project land value, and therefore reduces the amount of social housing that can be delivered. A balance is necessary.

b) LEP height map with regard to tower footprints

Recommendation 1(b): adopt a maximum floorplate control of 750m^2 GFA, which would require larger tower building footprints on the Draft Height of Building Map. This is consistent with contemporary examples in the LGA and will allow more flexibility for tower design resolution and excellence to be achieved, while still achieving the design intent for slender towers (shown in Figure 1 below).

The Draft Height of Building ('HOB') map allows for a maximum tower footprint, using the entire area allocated to the tower, of between 549m^2 and 591m^2 (as per DPE analysis). This is smaller than typical architectural design requirements for slender towers, and smaller than contemporary examples nearby. At the Lachlan Precinct, City of Sydney has adopted a 750m^2 GFA maximum footprint, and at the adjacent Metro Quarter Towers DPE recently approved a maximum tower footprint of 800m^2.

The Apartment Design Guideline (ADG) already effectively limits the number of apartments per floor and recommends a building envelope should be 25% to 30% greater than the achievable GFA.

The effect of the draft HOB tower mapping footprints is as follows:

- towers are 'shrink wrapped' to the edge of an architectural façade, minimising any potential for a design excellence process to identify alternative and enhanced tower forms and solutions,
- a deviation from the tower footprint could require a full planning proposal to amend the HOB map,
- the ability to achieve the stated base GFA and design excellence bonus is impacted,
- the ability to achieve design resolution at design competition and DA stage in order to improve outcomes is restricted,
- building efficiencies are impacted, which could place pressure on construction costs and ultimately future project viability.

LAHC requests DPE to consider an additional planning envelope area, on top of the building envelope area, to enable achievement of reasonable slender tower floorplates of up to 750m^2 GFA and allow design excellence in form.

The following image proposes a revised LEP map which maintains the desired tower locations but allows for the core intent of the planning proposal to be achieved (noting the above issues) and allows room for design excellence to be achieved for these key elements of the proposal.

Figure 04: Draft HOB_017 City of Sydney LEP

Figure 05: Proposed Alternative, HOB_017 City of Sydney LEP

Figure 1 – comparison of Draft Height of Building Map and Proposed Alternative.

c) Calculation of site areas and FSR

Recommendation 1(c): validate the development potential on LAHC land is capable of achieving 255,000m^2 GFA (plus provision for design excellence), through auditing the site areas and FSR maps.

LAHC understands from the IAG Report, the Gateway Determination recommendations and the DPE updated planning proposal, the intended base FSR is intended to be 255,000m^2 of GFA plus provision for design excellence. This figure is not always consistent across the exhibited planning proposal documentation, and it is not possible to replicate the calculations to achieve the total GFA across LAHC land holdings.

It is recommended to audit the FSR calculation to ensure the site area of LAHC land multiplied by the relevant FSR achieves the total figure.

2. Proposed dwelling yields

Recommendation 2(a): validate the full 255,000m^2 of GFA plus the additional 10% design excellence bonus can be accommodated within the proposed planning controls, with appropriate flexibility for design excellence, as per the Gateway Determination recommendation.
This would be ideal prior to finalising the proposed LEP amendments. It is noted the requested tower floorplate amendments and relaxation of tower height envelope set out in 1(b) may also contribute.

The Gateway Determination requires testing to confirm building efficiencies to ensure that the GFA and Net Sellable Area (NSA) is achievable, and for this analysis to be exhibited. Whilst

case studies have been provided of building efficiencies on other projects, they are of a different scale and complexity.

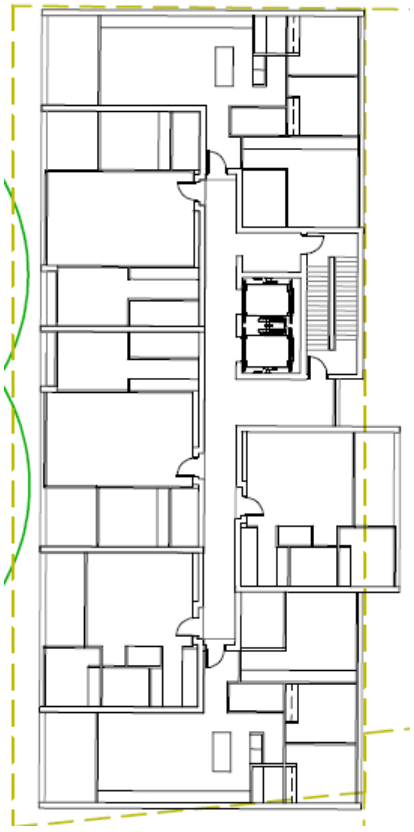
A specific validation is needed, to address building efficiency issues identified through the SJB analysis, and to demonstrate that the full GFA and targeted yield can be achieved. This end, LAHC suggests this could be achieved by:

- addressing issues in point 1(b) above including increasing the tower footprint sizes to a maximum of 750m2 GFA and include the larger suggested tower envelope zone, and
- continuing to address 10% design excellence bonus.

LAHC notes that the independent assessment by SJB (including test-fits for two superlots – see SJB report chapter 4), indicates that it will be difficult to achieve both the proposed base GFA and building efficiencies adopted in the updated planning proposal.

Through the exhibited controls, DPE and Hassell have provided a single floor plate test for a single tower that confirms SJB's analysis that the achievable tower footprints are about 5% smaller than what DPE have relied upon in calculating the 255,000m^2 base GFA, as per Figure 2 below.

SJB tower floor plate for block 9



Gross building area – 688m2
Gross floor area – 545m2 (-4.7%)
Net sellable area – 452m2

DPE/Hassell tower floor plate for block 10

Gross building area – 638m2
Gross floor area – 522m2 (5.1%)
Net sellable area – 450m2

Figure 2 – comparison of tower building efficiencies.

3. Design excellence processes

Recommendation 3(a): adopt a more streamlined process to drive design excellence. Design excellence integrity could be achieved more simply with competitive processes for tower blocks, and an alternative design excellence process for the remainder of the site including specific criteria for design diversity.

Recommendation 3(b): LAHC will prepare a design excellence strategy, in consultation with DPE, and for endorsement by Government Architect NSW.

LAHC supports design excellence and diversity in the renewal of Waterloo South.

Under the Draft Design Guide, sixteen competitive design processes are required across Waterloo South (as shown in Figure 20 of the draft guide). The effect of this is a time consuming, expensive and onerous process. All additional costs will impact on the proposed social and affordable housing outcomes as well as the projects' ability to deliver on wider public benefits such as the proposed regional open space and community facilities.

Given the change in character of the Waterloo area catalysed by the Waterloo Metro Station and Waterloo Metro Quarter development, LAHC is of the view that a design excellence process that references and improves upon the Central Sydney approach would be appropriate. This would require:

- design competitions for the 4 tower blocks as per the updated planning proposal, and
- an alternative design excellence process for the other blocks where the use of different architects is encouraged for each building coordinated, by an overarching executive architect.

This would see an orderly approach to the precinct maintained, and a diversity of styles and fine-grained approach implemented.

Examples of similar processes with acknowledged success are provided by SJB in the attached document, specifically the Quay Quarter (Sydney LGA) and Newcastle East End. Note:

- in the Quay Quarter a combination of a design competition and a design alternatives approach was used, with a competition for the tower and an executive architect working with emerging and specialist architects for the laneways component, and
- similarly in Newcastle a panel of experts was established comprising City of Newcastle, GA NSW and Newcastle Urban Design Consultative Group. The project was designed by an executive architect working with two other firms, with each of them responsible for design of a separate block.

A variant of this approach was also used in the Central Park development (in Sydney LGA), requiring the use of a different architect for each block. It is also noted that the Waterloo Metro Quarter Development established a design review panel to manage design excellence, rather than holding design competitions.

4. Establishing development controls

a) The proposal to elevate DCP provisions into a complex local LEP provision

Recommendation 4(a): review the design guideline, and instead implement a site-specific DCP (consistent with standard planning practice and clause 7.20 of the Sydney LEP).
This will ensure compliance with the regulatory framework, allow for appropriate best-practice merit-based assessment of future development, and minimise delays to project delivery, by not mandating the requirement for a further Concept DA process for the entire site.

The proposed elevation of the DCP-style provisions into a complex local LEP provision raises several areas of concern with respect to compliance with current Ministerial Directions, clause 7.20 of the Sydney LEP, and the *Environmental Planning and Assessment Act* (EP&A Act) provisions relating to DCPs (including recent planning reforms to provide greater flexibility in DCPs).

LAHC is concerned to ensure that the Minister's discretion in the assessment of future State Significant Development Applications is not fettered. Note:

- Ministerial Direction 1.4 under section 9.1 of the EP&A Act has the objective "to discourage unnecessarily restrictive site-specific planning controls" and includes guidance that a planning proposal should not include development standards in addition to those already in existence in a land use zone. It also states that a planning proposal "must not contain or refer to drawings that show details of the proposed development."

- The proposed incorporation of the design guideline into the LEP effectively creates over 85 pages of development standards and contains dozens of drawings of the proposed development. This is not consistent with the Ministerial Direction and presents a risk that there will need to be multiple future planning proposals to amend the restrictive controls. This could of course impact on delivery on time, and within a viable budget, and thereby impact the ability to achieve the project objectives. It is understood any change to the proposed design guideline would require a further planning proposal.

- Section 7.20(b) of the Sydney LEP describes the requirement for a site-specific DCP for sites over 5,000m2 or 25m in height. The detailed requirements in this clause are addressed by the proposed design guideline, but as proposed would not meet the requirements of clause 7.20 and could require a further DCP (or Concept DA) to be prepared in addition to already complex and restrictive controls.

- Division 3.6 of the EP&A Act codifies the requirements for providing detailed design guidance for the implementation of LEP provision, as does clause 7.20 of the Sydney LEP. In light of this, it is not clear why detailed DCP-style controls are proposed to be elevated to LEP provisions in the case of Waterloo South.

- Clause 2.10 of the SEPP (Planning Systems) (formerly the SEPP (State and Regional Development)), which states that DCPs do not apply to State Significant Development projects, deliberately promotes greater flexibility in the assessment of state significant development applications. Usual practice would be to require an assessment against a site-specific DCP through the Secretary's Environmental Assessment Requirements (SEARs). This approach would allow for the development to be influenced by the site-specific DCP but retain the flexibility prescribed by the SEPP and the EP&A Act.

- Adopting an approach that elevates development controls to the LEP provisions could have the effect of fettering the Minister's discretion under the EP&A Act, and will likely

result in multiple future LEP amendments, as well as a lengthy Concept DA process before any new housing is able to be delivered.

Adopting a site-specific DCP, instead of elevating these provisions to the LEP, will allow room for appropriate design evolution and drive exemplar outcomes.

b) Proposed design guidelines/DCP

Recommendation 4(b): consider the recommendations in the SJB advice, that the proposed design guidance be incorporated into a site-specific DCP, to maintain appropriate statutory flexibility.

Aside from the issues raised above in point 4(a), the design guide document represents 85 pages of detailed site specific design controls in addition to the existing Sydney DCP 2012. This design guide seeks to impose controls that exceed controls that would ordinarily apply to development on adjoining or similar sites.

LAHC requests DPE to consider further refinement of this guidance, and to take into account independent recommendations made by SJB in the attached report. The recommendations make suggestions for how height of building mapping in particular could be amended, in order to allow for design excellence, design development and evolution. Flexibility in the interpretation of these controls is critical. In summary, SJB makes the following key points:

- **Built form**. Instead of prescriptive built form requirements, performance-based controls that are measurable and convey intent will allow architects to design a number of solutions.
- **Height**. Rather than prescriptive height control standards, performance-based controls such as amount of solar access to open space and key streets could be used.
- **Height**. SJB suggests a revised height map in the design guideline which is illustrated below in Figure 3.
- **Setbacks**. Any setback requirements should clearly illustrate intent and be demonstrated through street wall controls or upper level setbacks.

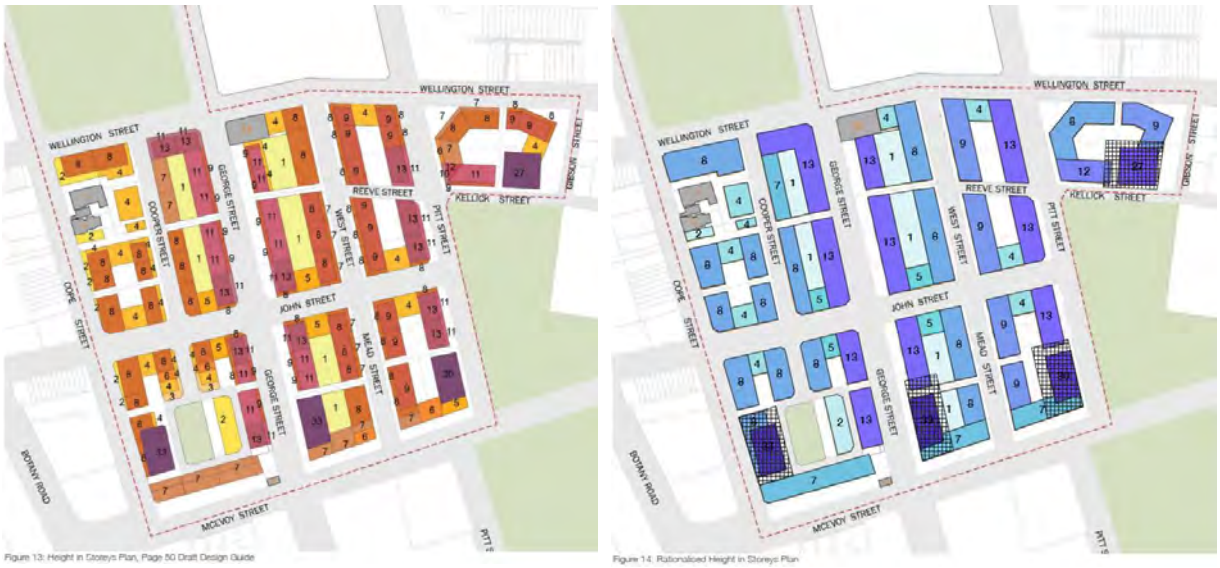


Figure 3 – comparison of draft height in storeys plan and proposed Alternative.

The effect of the prescriptive nature of the design guide can be managed if implemented as a DCP (as per clause 7.20 of the LEP), as requested by LAHC.

Clause 1.7 of the 85 page document attempts to introduce this flexibility through the following statement.

> *Any application for development is to demonstrate how it meets the objectives and guidance. The guidance sets clear and measurable benchmarks for how the objectives can be practically achieved. If it is not possible to satisfy the guidance, applications must demonstrate what other responses are used to achieve the objectives.*

This intent of this statement would be more capable of achievement through a DCP, rather than if it is a design standard in an LEP.

c) Minister's discretion in future SSD projects

Recommendation 4(c): adopt a site-specific DCP, to satisfy clause 7.20 of the Sydney LEP, which would remove the requirement for a Concept DA, and consider referencing the DCP in any future SEARs for SSD projects.

As noted above the NSW statutory planning framework has been designed to allow for flexibility in detailed planning controls. This is reinforced by the section 9.1 direction against complex local provisions. The SEPP (Planning Systems) also deliberately allows for flexibility in the application of DCP controls to State Significant development and allows the Minister to prescribe environmental assessment requirements for these projects, even extending as far as to allow partially prohibited development.

Whilst the City of Sydney report to Council suggests that for future State Significant Development the design guide should be an LEP provision, this is contrary to the intent of the NSW planning system. It also has potential to create significant delays, impacts on design excellence outcomes, and could fetter the Minister's statutory role with regard to merit-based assessment of SSD projects.

Conclusion

In order to ensure that social housing outcomes can be maximised at Waterloo, and the project objectives for the renewal of the Estate can be achieved, LAHC requests DPE to consider adopting the requests outlined in this submission.

We look forward to continuing to work with DPE as this significant project continues through the planning process, and ultimately to deliver outstanding housing, place and social outcomes in this remarkable location.

Yours sincerely

Deborah Brill
Chief Executive
NSW Land and Housing Corporation

SJB Urban

Waterloo Estate South

Draft Design Guide Review

We create spaces people love.
SJB is passionate about the possibilities of architecture, interiors, urban design and planning.
Let's collaborate.

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Prepared for
Land and Housing Corporation

Issued
27 April 2022

We create spaces people love

At SJB we believe that the future of the city is in generating a rich urban experience through the delivery of density and activity, facilitated by land uses, at various scales, designed for everyone.

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Contents

Purpose of Review

1

SJB has been engaged to provide a review of the Draft Design Guide for Waterloo Estate (South) for the Land and Housing Corporation. The focus of this review is to address four key themes:

- Proof of concept
- Flexibility of controls
- Tower footprints
- Design excellence

The purpose of the review is to ensure that the planning proposal achieves the following objectives:

- To ensure that the allowable GFA (including both the base level and 10% additional Design Excellence Bonus) are achievable within the permissible building envelope.
- That there is opportunity for flexibility and innovation within the design and planning process to enable the delivery of high-quality outcomes.
- To deliver a design excellence process in a manner that achieves variation and innovation without being onerous.

The aim of our review was to highlight areas of the Draft Design Guide which we believe should be interrogated and provide recommendations as to how they might be 'tweaked' to ensure that they enable the delivery of a high-quality built form outcome, able to accommodate the development yield sought.

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Waterloo Estate (South): Design Guide 2021 (Draft)

February 2022

Figure 01: Waterloo Estate (South) Design Guide 2021 (Draft)

Tower Footprints

2

The Draft Design Guide indicates four key tower sites in the Waterloo Estate (South). Three tower sites are located towards McEvoy Street, in the southern part of the estate and the fourth tower is on the corner of Kellick and Gibson Streets, north of Waterloo Park. The Draft Design Guide indicates tower footprints and controls which may limit future flexibility, feasibility and the design excellence process.

Tower footprint locations indicated in the draft Guide are limiting. Creating larger tower zones allows for flexibility and movement of the tower in the design process. Final locations of towers should be considered as part of the design excellence process.

Tower locations in the Draft Design Guide do not match locations indicated in the Draft LEP Height of Buildings Map. The controls should provide enough scope and flexibility to achieve good tower design as indicated in Figure 02 below. Figure 03 indicates tower footprint zones of 1500m^2 which can accommodate a final tower footprint of up to 750m^2 GFA based on typical efficiencies.

The key limitation of small tower footprints is the inability to achieve base GFA and building efficiencies adopted by the Department. This then lends itself to higher construction costs due to an inability to achieve a level of construction or development efficiency expected in the market.

The Planning Proposal indicates actual tower sizes of 549-591m^2 GFA with no justification for the reduced floor plate size compared to equivalent precincts in the City. SJB and Hassell were unable to achieve these sizes in their test fits. Larger tower footprints of up to 750m^2 GFA should be allowed within the Waterloo Estate (South). This footprint size allows for compliance with SEPP65 requirements including natural ventilation and number of dwellings per core.

Further to tower footprint size and location, planning controls for the towers should be minimal to allow for effectiveness of the design excellence process. Controls that clearly articulate intent provide a clear framework for a successful competitive design process. Scope for innovation and design exploration can be limited by overly prescriptive controls.

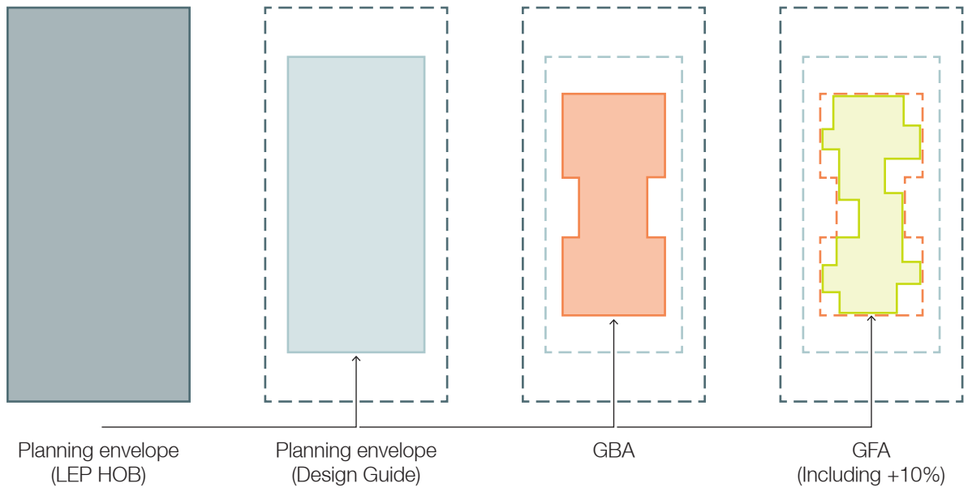


Figure 02: Indicative process of tower footprint controls

Figure 03: Indicative tower footprint zones

Tower Footprints

The image to the right (Figure 04) shows the proposed Height of Buildings LEP map including the tower locations in black. Below that (Figure 05) are our proposed amendments to the Height of Buildings LEP map to accommodate the larger tower footprint zone.

The larger tower footprint zones enable enough flexibility in the controls to achieve the GFA with reasonable efficiencies as demonstrated in Figure 02.

Figure 04: Draft HOB_017 City of Sydney LEP

Figure 05: Proposed Alternative, HOB_017 City of Sydney LEP

Figure 06: Dunkerley Place, Lachlan Precinct

Tower Footprints

Other major urban renewal precincts in the city have demonstrated successful outcomes for new towers. The proposed controls in the Draft Design Guide are inconsistent with these similar precincts including Lachlan Precinct.

Lachlan Precinct

The Lachlan Precinct is bounded by Bourke, Lachlan and South Dowling Streets and O'Dea Avenue, Waterloo. It forms part of the wider Green Square Urban Strategy and is a key urban renewal site in inner Sydney. The City of Sydney Development Control Plan 2012 outlines the urban strategy for the Lachlan Precinct. Figure 5.90 of the DCP highlights the five tower sites across the precinct. One of the controls for the largest tower are highlighted below:
5.4.3.3 Building form and design (3) Further to 5.4.3.3(2) above, the location of the building envelope for the tower may be flexible provided the tower floorplate does not exceed 800sqm. This is to enable design of the building to appropriately define this highly visible site at the intersection of the two principal streets. The optimal tower envelope is to be explored through the competitive design process required for the street block, cognisant of impact on solar access within Wulaba Park, and agreed by the Consent Authority.

Greater flexibility of tower footprints allows for creativity and innovation in the competition process and avoids inadvertently limiting outcomes by creating controls that result in one feasible layout.

Another tower within the Lachlan Precinct which has worked within the controls of the DCP to create a successful design outcome is Waterfall for Crown. The tower was awarded to SJB through a competitive design process. The following control created a design intent which did not restrict the design process:

5.4.3.3 Building form and design (5) Tall buildings of 9 storeys or over are to be designed as 'slender form' with a maximum floorplate of 750sqm including balconies, with the exception of the tower referred to in 5.4.3.3 (3).

The result is a tower which is connected to a larger podium but reads independently as an architectural object. It has a slender form which can be read as part of the larger Green Square Precinct. The success of Lachlan Precinct with towers that are highly awarded is the result of design controls that clearly state design intent whilst allowing for an element of flexibility and innovation in the design process.

Recommendation:

- Allow 750m^2 GFA tower footprints in line with the City's controls in Lachlan Precinct
- Provide an opportunity through design competitions to explore optimal tower approach

Figure 07: Typical Tower Footprint, Waterfall

Tower Footprints

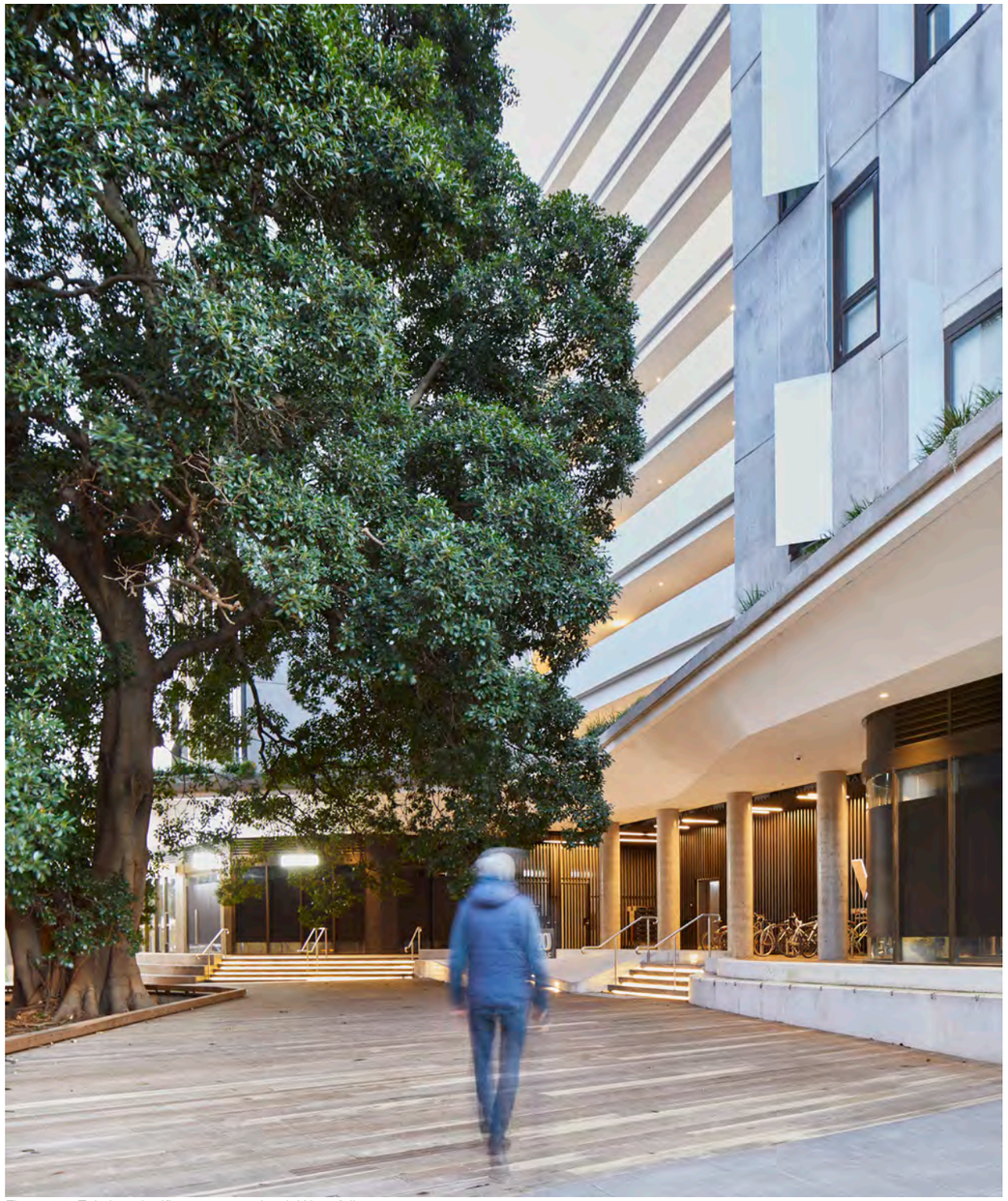
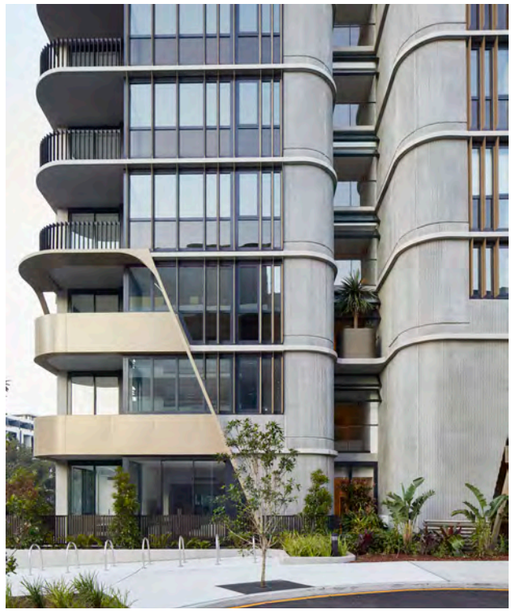


Figure 08: Existing significant tree retained, Waterfall



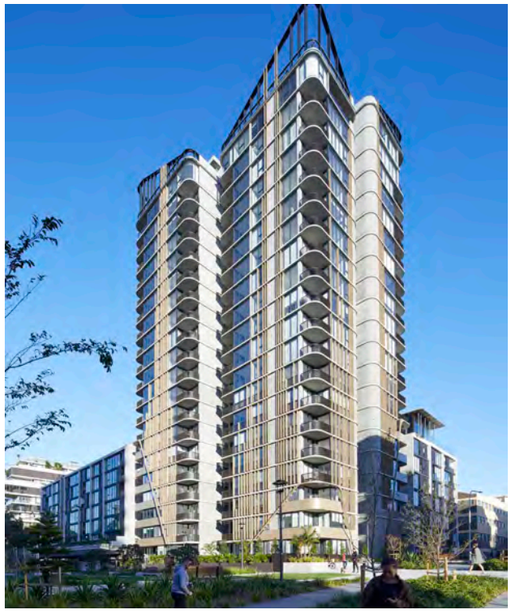


Figure 09: Selected images, Waterfall

Flexibility of Controls

3

The Draft Design Guide falls between the rigour of a Stage 1 Development Application and the flexibility of a Development Control Plan. The controls are too prescriptive for this stage in the design and planning process which can limit innovation and flexibility.

The building heights result in an overly prescriptive building envelope and do not clearly articulate intent. There are many reasons for prescribing building heights and a clear intent allows architects to design to a particular outcome. Other measures can be implemented to ensure solar access and amenity to open space and key streets without creating an overly prescriptive built form outcome. For example, solar access to the community building and open space in Block 8 should be a measurable requirement which would drive a built form outcome similar to what is shown in the controls but allowing for some flexibility in how it is reflected in built form.

Setbacks within the Guide should also clearly articulate intent. It could be demonstrated through street wall controls or requirements that upper levels are recessive. For example:

- Respecting the context outside the study boundary, there is a 2 storey street wall control along Cope Street.
- Buildings on George Street and Pitt Streets have two upper levels recessed.
- Buildings on Cooper, Mead and West Streets have their uppermost level recessed.
- Buildings along McEvoy Street provide a minimum setback to maintain the existing setbacks and/or provide solar access to Waterloo Oval.
- Setbacks along Gibson Street should allow for the retention of existing significant trees.

Ashmore Precinct is an example of an urban renewal precinct within the City of Sydney that has used a site specific DCP to achieve high quality outcomes. The controls are measurable and articulate intent without limiting the opportunity for innovative design.

Ashmore Precinct

The Ashmore Urban Strategy within the City of Sydney DCP 2012 outlines the key controls for the redevelopment of the inner-city precinct. The site is bound by Ashmore Street, Mitchell Road, Coulson Street and the railway embankment. One of the objectives of the Urban Strategy was for the future development to be of the highest quality, and sympathetic to the existing surrounding local character and history of Erskineville and Alexandria and their former industrial uses.

An example of flexible planning controls for the Ashmore Precinct include ensuring solar access to McPherson Park as a measurable requirement without a prescriptive built form outcome: *5.5.4.1 Solar access Provisions (2) A minimum of 60% of the total area of McPherson Park is to have direct solar access between 10am and 2pm at the winter solstice.*

Within Ashmore Precinct are the Erko Apartments, the first development to be completed as part of the precinct. Erko contains 320 dwellings in both residential flat buildings and terraces. The controls outlined in the DCP have resulted in a varied architectural outcome which relates to its surrounding context. For example: *5.5.8.4 Building form and design (4) Dwellings on the ground floor facing the street are to have individual entries from the street.* This control has resulted in residential flat buildings with the first two storeys reading as rows of terrace housing, relating to the surrounding context of the precinct and creating a smoother transition from medium to high density.

Recommendation:

- Simplify building envelope controls and provide clear measures to ensure amenity
- Articulate intent behind controls to ensure design objectives are achieved

Figure 10: Tower Podium, Erko Apartments

Figure 11: Metters Street, Erko Apartments

Figure 12: Terrace Housing, Erko Apartments

Flexibility of Controls

Figure 13: Height in Storeys Plan, Page 50 Draft Design Guide

Figure 14: Rationalised Height in Storeys Plan

Planning proposal should adequately demonstrate that the proposed dwellings can be delivered within the proposed planning framework

4

The planning proposal aims to deliver 255,000m² of GFA as a base case which does not include the additional 10% design excellence bonus. The challenge is that the proposal may not deliver either the base GFA or additional design excellence bonus within the proposed planning controls.

As part of this review, SJB has developed 'test fit' schemes for Blocks 8 and 9 to gain a better understanding of whether it is possible for future development to realise the yield potential. While it appears possible to fit the proposed base level GFA on the sites within the allowable building zones and heights, it is tight. This 'tightness' in the planning controls gives a level of certainty to the built form outcome, however it makes the delivery of innovative alternative architectural solutions difficult to achieve if the scheme is also expected to meet all planning controls and achieve the maximum GFA.

Achieving the 10% Design Excellence Bonus GFA within the allowable heights will be very challenging. The Bonus can only be granted as 10% of FSR, no increase in building heights is allowed. Furthermore, the GFA cannot be transferred from one superlot to another. Therefore, it is important that it is possible to achieve this bonus within the allowed maximum building envelope.

Through the development of 'test fit' schemes inclusive of the additional 10% it was found that lower levels of the building would contravene building separation distances contained within SEPP 65, controls that are far less likely to be varied than the Guide. To achieve the maximum GFA for the sites (inclusive of the 10% Design Excellence Bonus) there needs to be some relaxation of the proposed controls.

The narrower building forms proposed in the Draft Design Guide would likely result in a higher façade to FSR ratio. Whilst the architectural outcomes of the narrower built form are not negative, it will likely result in a higher construction cost per dwelling. This contributes to the overall development feasibility of the project.

It is recommended that the allowable tower footprint zones are expanded to allow for flexibility in physical location and greater footprint sizes to improve building efficiency and yield outcomes. It is essential that the planning controls can deliver maximum yield outcomes under both the base case and design bonus provisions.

Recommendation:

- Ensure that development envelopes allow for both the realisation of maximum development yields, including both the base case and 10% Design Excellence Bonus
- Expand allowable tower footprint zones to enable better building efficiency, higher yield outcomes and greater flexibility.

Figure 15: Block 8 and 9 Test Fits

Design Excellence Processes

5

The Draft Design Guide specifies the competitive design process and design excellence strategy for Waterloo Estate (South). The Guide contains a plan (Figure 14) indicating the location of the sixteen competitive design process sites across the estate. This will create a time consuming, expensive and onerous process to achieving the design excellence objectives.

There are alternate pathways to achieving design excellence that do not require a design competition. They can still result in variation and innovation whilst reducing the risks associated with multiple design competitions running on one renewal precinct. The competitive design process should be limited to tower sites and key sites determined to have a high visibility or unique characteristics. Alternative processes can create an opportunity to curate a design excellence process which responds to the unique opportunities and constraints of the site.

The two case studies below explore large city blocks in Sydney and Newcastle which have undergone alternative design excellence process supported by their respective City Councils and GANSW. They have both achieved high quality urban design and architectural outcomes.

Quay Quarter

Quay Quarter spans two city blocks in Circular Quay including both Quay Quarter Tower and Quay Quarter Lanes. The tower site achieved design excellence through an international design competition, as a significant future contribution to Sydney's skyline.

Quay Quarter Lanes established an alternative design excellence process which was run by the City of Sydney and the client. This relied on an established architect acting as executive architect with emerging and specialist architects working on selected buildings. This resulted in a highly collaborative process with a unified and successful rejuvenation of the block.

Newcastle East End

Newcastle East End is three-stage development of four city blocks in east Newcastle. The first stage, which comprised of one city block, has been completed and utilised an innovative design excellence process.

A highly collaborative and transparent design excellence process was established for the first stage and was facilitated by a panel of experts from the Newcastle Urban Design Consultative Group, GANSW and the City of Newcastle. An architectural team was selected through a series of interviews with a particular focus on experience in mixed-use and heritage. One executive architect worked with two other firms throughout the process, with each firm designing a mixed-use building.

Recommendation:

- Design competition process limited to tower and key sites only.
- Design an alternate design excellence process for the remainder of the sites, curating a team of architects per block including an executive architect, emerging and specialist designers.

Figure 16: Competitive design process sites, Page 71 Draft Design Guide

Design Excellence Processes

Figure 17: 15 Young Street, Quay Quarter

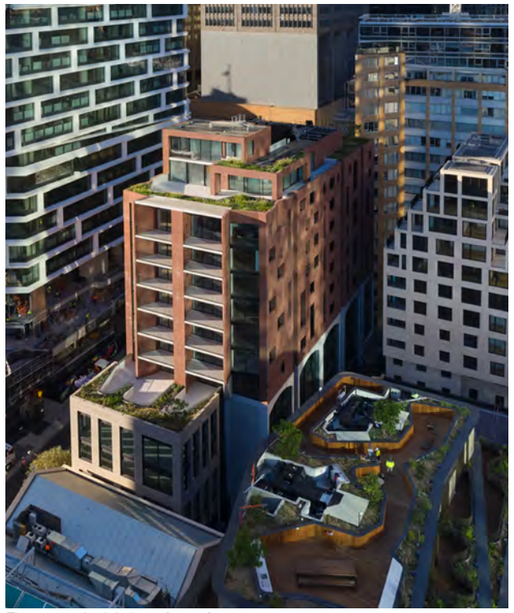


Figure 18: Aerial view, Quay Quarter

Figure 19: Loftus Lane Quay Quarter

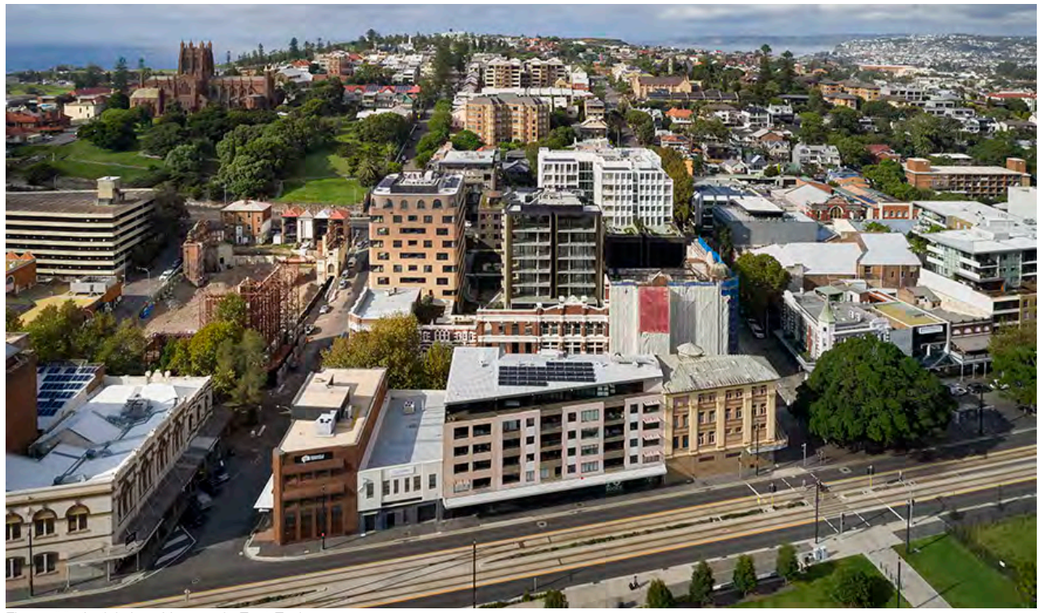


Figure 20: Aerial view, Newcastle East End

Figure 21: Central courtyard, Newcastle East End

Figure 22: Perkins Street, Newcastle East End

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