



**470 KING STREET, NEWCASTLE
SECOND PRE-DA SUBMISSION**

DESIGN EXCELLENCE PANEL MEETING – 20TH NOVEMBER 2015

Panel Members:- Olivia Hyde, Philip Pollard, Peter Webber

For Applicant:- Philip Thalys, Aaron Murray (Hill Thalys Architects), Stuart Campbell (CKDS Architecture), Jane Irwin, Jon Kane (Jane Irwin Landscape Architects), Warwick Miller (Developer)

Introduction

This was the second Pre-DA submission. The previous comments of the Panel arising from the meeting on 7th October are not reiterated. The developed design has responded very positively to the discussion and feedback from the Panel and in essence all the new initiatives and directions are supported in principle. The increased diversity of apartment types and the nature of the retail activities now proposed would enhance the development.

The comments below follow the Apartment Design Guide format.

1. Context and Neighbourhood Character

There are two particular challenges in relation to Context, -the interface with the canal, -and the building form at the King Street corner:-

- It is important that the canal-side land remains in public ownership in perpetuity and a clearly defined maintenance plan, definition of boundaries, arrangement for public access and active engagement for possible future activities such as fishing, canoes etc need to be part of the design and desirably agreed with Council and the maritime authority as part of the DA submission.
- The development will set an important precedent in relation to the King Street streetscape and in particular the location and form of the proposed tower at the corner, which needs to be consistent with the intent of planning controls.

2. Built Form and Scale

The scale and form of the six-level podium is supported, subject to further detailed design development. The design and form of the two towers has been now considered in detail and the architects' preferred typical plan-form is supported: it deals better with apartment amenity issues and visual impact of the two tall buildings. The objective should continue to be to minimize the assertiveness of the towers by attending to details such as the visual impact of the acute corners, and to emphasize the 'pedestrian' scale of the podium.

In this respect the interface of the southern tower and the podium at the corner remains to be resolved, with these objectives strongly in mind.

3. Density

No further comment

470 KING STREET, NEWCASTLE – Pre-DA Submission

DESIGN EXCELLENCE PANEL MEETING -7TH OCTOBER 2015 at office of NSW Government Architect

Panel members: Olivia Hyde, Philip Pollard, Professor Peter Webber

For Applicant: Stuart Campbell (CKDS Architects), Philip Thalís, Kristina Hay (Hill Thalís Architects)

Background Summary

Newcastle City Council Urban Design Consultative Group assessed a preliminary submission by the same applicants on 22nd July 2015. The applicant has now further developed the proposal. The comments of the Group on the original submission are set out below in italics, with response of the DEP following:-

The applicant has analysed the context of the site in detail, and presented a wide range of options to the meeting. These included freehand sketch diagrams, three-dimensional modelling of building forms, and preliminary layout plans. The comprehensive material provided enabled an appreciation of the character of the area and potential opportunities available, and the substantial work undertaken is commended by the Panel. The option preferred by the applicant is supported in principle subject only to one amendment, and has the potential to achieve an excellent outcome.

It is noted that since the development proposes a height of over 48 metres, a design competition is required under Cl.7.75(5) unless waived by the Department. The Panel considers that there would be no advantage in the competition process in this case in view of:-

.The excellent quality of the preliminary scheme presented

.The extensive examination of options already undertaken by the applicant

.The desirability of continuing close consultation with Council and the Panel from the very beginning and as the design develops to ensure that the scheme sets an ideal precedent for other future contiguous developments in this neighbourhood, -a process which is more difficult under a competition regime

.The priority on this site of achieving an urbane and modest outcome, rather than the unusual or 'iconic' designs which typically emerge from the competition process.

.The strong credentials of the applicant architects for work of excellent quality.

RESPONSE

The high quality of the preliminary design has been maintained, and confirms that the process adopted is appropriate.

1.Context and Neighbourhood Character

The proposed development occupies a large consolidated site addressing King Street to the south, bounded by Cottage Creek to the east, and other sites in private ownership. To the north-east across the channel the Theatre Royal is a listed heritage item, which limits the potential for future development on that site. The area generally is subject to flooding as evidenced by a major flood

event in recent years. Although close to the civic centre of the city, the area immediate to the site is not attractive, and suffers from decades of uncoordinated development. There is little consistency in building forms, setbacks, heights or architectural character. With current nearby development in the civic centre including the law courts and University buildings now well under way, it appears very likely that this neighbourhood will undergo major redevelopment in the mid-term future. It has the advantage of proximity to the harbour front, civic park and other amenities, and potentially the proposed new light rail link. Planning controls on the subject site, adjoining sites and the area generally are contained in LEP 2012 and the DCP. Heights and densities have been increased by comparison with the previous controls, further encouraging redevelopment. The height permissible on the site is 66m, with a 16m Street Wall height, and density is 5:1. To the west and east fronting King Street nearby sites have permissible heights of 90m and 66m respectively, with those to the north and south being lower. The 2012 controls are considered to be reasonable and appropriate for the site, but if suitable scale and urbanity are to be achieved it will be critical for them to be applied consistently to all future redevelopment proposals. Variation in height of towers on the various sites should enhance the character of the skyline, but consistency in the street frontages will be particularly important to the north and west. The character of the Creek is currently unappealing, but there is potential for it to be transformed.

RESPONSE

No further comments

2. Built Form and Scale

The options circulated to the Panel before the meeting all included four levels of above-ground parking with a landscaped courtyard above, lower buildings fronting King Street, activation of the King Street and Cottage Creek ground floor frontages, and variously configured tower buildings. All options complied with height and density controls and overall appeared to provide excellent amenity for the residential flats. Whilst all options had positive features, the least attractive was that with the continuous 'wall' of high buildings along the eastern Cottage Creek frontage, which would result in unacceptable visual and overshadowing impacts. A further option stated to be preferred by the applicant was tabled at the meeting, and this was also considered to be the preferred option by the Panel. The following are very positive attributes of this scheme:

- .Activation of the King Street frontage with retail/commercial uses
- .Opening up and activation of the Cottage Creek frontage with a landscaped pedestrian promenade which could in the future extend through to Hunter Street
- .Parking concealed in the centre of the site with an attractive landscaped communal podium above
- .Two relatively slender 'fan-shaped' residential towers with a substantial space between, -allowing good sunlight access to the podium
- .Compliance with height and density controls for the towers and King Street frontage

The one aspect of this scheme about which there are reservations is the location of the southern tower directly on the King Street frontage. Although articulation and modelling could mitigate the visual impact of a tower on this corner, it would inevitably be a dominant form which could compromise the scale of the streetscape. A further concern is that no matter how elegant the design of this tower might be, it would set an undesirable precedent undermining the intention of the new

controls to create a consistent human scale along the frontage. With other close-by high-rise-zoned sites to the east and west also awaiting redevelopment it is critical for development on the subject site to be an urbane model for other new buildings.

It is recommended that there be a modest setback of the tower from the King Street frontage: the King Street/Cottage Creek corner of the podium form should visually reinforce this corner. The indicative 'Section B' drawing suggests a satisfactory form for the King Street frontage, -with emphasis on the street-level activities, compliance with the control in relation to the 16m podium height, and a possible additional level set well back from the frontage. Along Cottage Creek it will also be very important to ensure comfortable ambience along this potentially very attractive walkway, whether by way of small setback of the towers, strong articulation of the base, awnings, or some combination of these devices. The two towers might be better if there were to be some small variation in their heights, and certainly strong articulation of the roof silhouette profiles would be desirable.

RESPONSE

The option preferred by the Applicant and supported in principle by the UDCG has been adopted, and explored in detail with various planning configurations for the residential and commercial units. The applicant advised that this work has confirmed its commercial viability, and demonstrated that the form and scale of the development would be satisfactory in principle. The two relatively slender towers would have considerably less visual bulk than other options, and their location would allow some morning sunlight into the central communal space. Two key issues require consideration:-

.The proposed street wall height of the podium is approximately 18 metres, which exceeds the 16 metre planning control. The non-compliance is considered to be acceptable in view of the fact that this section of King Street being very wide, the proposed height would not be out of proportion, and there would be only minor additional overshadowing on the street.

.The location of the southern tower on the street alignment remains problematic in relation to the scale of the street and the important junction with the canal, as well as the precedent which it would establish. It is considered that this concern could potentially be resolved with very creative attention to details of the building form and character. The critical objectives are that the scale of the full King Street frontage is consistent for its full length, and that the proposed tower will not be visually assertive in the streetscape. The 18 metre podium height should be strongly reflected in the base levels of the tower, for example with solid balustrades, emphasis on screening to balconies, slightly darker tones etc. at these levels, and lighter expression of the tower above. Some small setback of the tower, of the order of 1 to 2 metres might also be further explored to assist in achieving the above objectives.

The manner in which the raised level of the ground floor is handled requires further study to ensure that the street frontage is welcoming and accessible.

3. Density

Compliant and acceptable

RESPONSE

The density remains compliant with the planning control

4. Sustainability

No comment at this stage

RESPONSE

In a development of this large scale there will be opportunities for innovative initiatives which should be explored

5. Landscape.

There is potential for excellent landscape design of the podium, and the proposed provision of substantial soil depth is commended. It is recommended that the level of the landscape planting and paving on the podium be varied to suggest a natural topography, rather than only horizontal planes. The King Street and Cottage Creek frontages both offer opportunities for attractive landscape and substantial trees: it is important that these be developed in consultation with Council, particularly because there is opportunity to set a precedent of high standard for other future development

RESPONSE

The meeting was advised that a landscape architect had been appointed and would be closely involved as soon as possible in the next stage of the development

6. Amenity

The preferred option offers excellent levels of amenity for the residential flats in relation to solar access, natural ventilation and outlook. As the design is developed attention should be given to addressing road noise from traffic in King Street.

RESPONSE

The developed design demonstrates that the potential amenity of the flats should be of high standard. The architects have explored options to deal with amenity of rooms facing towards the opposite tower block, by way of angling windows to face towards the view rather than each other: this should adequately address this issue and demonstrate that separation distance between the two blocks is satisfactory.

Detailed design work is still to be undertaken to address the road noise issue.

7. Safety

Potentially satisfactory, subject to ensuring that the proposed Cottage Creek pedestrian realm is secured after hours.

RESPONSE

It was agreed that this is an important issue which could be readily resolved with after-hours security gates.

8. Housing Diversity and Social Interaction

There appears to be the potential for a good mix of unit types, which is a matter for further consideration at the next stage. The layout offers many opportunities for designing to reduce social isolation, by way of a combination of measures such as small meeting bays on each level, attractive entry lobbies with seating etc, roof-top communal places, small toddlers play area on the podium etc.

RESPONSE

The design proposes a satisfactory mix of unit types.

Although the podium area has the potential to be an attractive communal area for all residents, it would be very desirable to also provide a communal facility at the roof-top of each of the two tower blocks with a small enclosed area and landscaped space serving the residents of that block. This should be served by the elevator, provided with tea-making facilities etc., would enjoy spectacular views, excellent solar access and designed to enhance the profile of the buildings.

The opportunity for a community room opening out onto the podium garden should also be explored. These kinds of facilities are now common in developments of this scale and allow residents to hold small events such as family gatherings and children's parties.

9. Aesthetics

The building forms indicated in the preferred option provide the basis for a development of excellent aesthetic quality.

RESPONSE

This remains the case: detailed design development of the architectural character is now required.

Amendments Required to Achieve Design Quality

In relation to the preferred option there should be some setback of the southern tower from the King Street frontage to ensure that the scale of the street frontage is not compromised.

RESPONSE

As recommended above under 'Built Form and Scale', some small setback remains a potential option, but this important issue could potentially be resolved by sensitive detailed design of the street façade of the southern tower, -with or without setback.

Summary Recommendations

1. *The preferred option is supported subject only to the amendments recommended. In all other respects this preliminary scheme would form the basis for a design of excellent quality.*

RESPONSE

The submission has confirmed the acceptability of the 'preferred option' which now should be further developed in response to the comments above.

2. *The requirement for a competition under Cl.7.5(5) be waived for the reasons set out above under 'Background Summary'.*

RESPONSE

The proposal as presented has strong potential to produce an outstanding built outcome. It is crucial to the achievement of this potential, that an ongoing dialogue between the consultants and the Design Excellence Panel and UDCG is maintained, in accordance with the terms of the Design Competition Waiver letter of 12th August, 2015. The following additional review points are proposed as a minimum:

Pre Development Application;

Development Application;

Any Section 96 or other substantive change post DA;

Construction Certificate;

Construction documentation prior to tender;

Any substantive amendment to construction detailing or materials post tender;

Certification.



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Dear Mr Marler

**RE: DESIGN COMPETITION WAIVER REQUEST
PROPOSED MIXED USE DEVELOPMENT, 470 KING STREET, NEWCASTLE WEST:**

I refer to your letter of 6 August 2015, seeking endorsement to waive the design excellence competition requirement for the proposed development at 470 King Street, Newcastle.

I have considered your request for exemption and the accompanying analysis and design options prepared by Hill Thalys Architecture and Urban Projects in association with CKDS Architecture, and in this instance consider it suitable to waive the design competition requirement, pursuant to Clause 7.5 of Newcastle Local Environmental Plan 2012. The quality of the architects' submission and the conditional support of the City of Newcastle's Urban Design Consultative Group have led to this decision. However, in granting this exemption I require that a design review panel be established to oversee the design development of the proposal.

The design review panel will consist of at least three suitably qualified design experts to represent the proponent, the City of Newcastle Council and the NSW State Government. The panel experts should comprise the Council's Urban Design Consultative Group (UDCG) and a representative of the Government Architect's Office. This alternative process is consistent with the approach taken for other similar requests across NSW.

It is proposed that the panel's role in ensuring design excellence for the project would continue up to completion of construction or as required by the Government Architect's Office to ensure the issues and recommendations of the UDCG and the design review panel are taken into account in the design development, detailed design (including materials and finishes) and in the delivery of the project. To this end, it is imperative that the design team maintains an ongoing role throughout the project.

Should you have any further enquiries about this matter, I have arranged for Helen Lochhead to assist you. She can be contacted on (02) 9372 8471 or by email helen.lochhead@finance.nsw.gov.au

Yours sincerely,

Peter Poulet
NSW Government Architect

12 August 2015

4. Sustainability

The proposed landscape design adjacent to the canal, and at podium level have the potential to enhance sustainability, and other measures such as solar collectors and water recycling beyond BASIX requirements are encouraged for a development of this scale and prominence.

5. Landscape

All the preliminary landscape design concepts are supported in principle and indicate a very sensitive approach to the challenges of the site. The issues mentioned above relating to the canal need to be pursued, since here there is potential for transformative outcomes for the city and future nearby developments.

The Podium-level landscape proposals are supported in principle:-

- There must be adequate soil depth to allow for substantial trees and shrubs to thrive.
- Given the likely population profile of residents in future years the inclusion of a toddlers' play area – either at podium level or overlooking the canal – is recommended.
- Landscaping layout at podium level should encourage the comfortable use of the space by a number of small groups simultaneously, rather than encouraging large gatherings. Spaces need not be completely screened from each other, but should facilitate concurrent use by different groups and individuals.
- Provide a roofed/enclosed modestly scaled community space, potentially at the northern end of the podium.
- Consideration also be given to including a roof garden at the top of each tower for the use of residents of each. This could primarily be landscaped as a roof garden, with a sheltered space for the use of small groups, which would need to be protected from winds.
- Podium external wall treatment must ensure a pleasant scale for these walls as viewed from adjacent sites and the street
- Selection of mangrove species adjacent to canal is supported
- Street trees need to be integrated with the design of awning and podium form. Replacement of existing trees could be considered in consultation Council, but must be large species consistent with the character of this section of King Street. Given the relatively low traffic volumes the trees could well be located in the kerbside parking zone.

6. Amenity

The following comments are made:-

- Improvements in amenity to the apartments is commended, including the proposals to deal with the interface between the two tower blocks. Solar access, cross-ventilation, privacy etc would be of excellent standard.
- Detailed design of corner balconies is needed to deal with issues of wind, privacy etc, and in those facing King Street traffic noise and privacy.
- A study of potential shadow impacts on the canal and public domain is important
- Detailed design, width etc of awning yet to be resolved, but should give good protection for pedestrians on this exposed southern side.
- The canal-side zone offers significant opportunities for 'active engagement', -canoeing, childrens' play etc. integrated with attractive landscape.

7. Safety

Potentially satisfactory, subject to addressing security of the canal-side area after dark.

8. Housing Diversity and Social Interaction

The October report made several recommendations:-

- Diversity of apartment types: this has been commendably increased

Communal Areas – Roof-top areas on top of the two tower blocks continue to be recommended along with the area on podium, as well as the toddlers' play amenities mentioned above under 'landscape'

9 Aesthetics

The development of architectural character has developed well in relation to building forms, and detailed design of materials/colours/finishes will be part of the DA submission. The suggested use of precast panels with integrated colour/texture for external walls is strongly supported, -rather than 'applied' finishes. Selection of finishes to ensure that the tower forms in particular are discrete is strongly advocated.

Amendments Required to Achieve Design Quality

No 'amendments' are required, -at this stage it is a question of detailed design development.

Summary Recommendations

1. The design continues to be fully supported in principle. The two critical issues relating to the canal and the tower corner require particular attention, with the other comments above being readily resolvable with sensitive design.
2. As stated at the conclusion of the October report the application should next be submitted at DA stage, although should there be any need for further Pre-DA consultation or clarification this could no doubt be arranged.



Olivia Hyde
Director of Design Excellence
NSW Government Architect's Office

Date: 2nd December, 2015