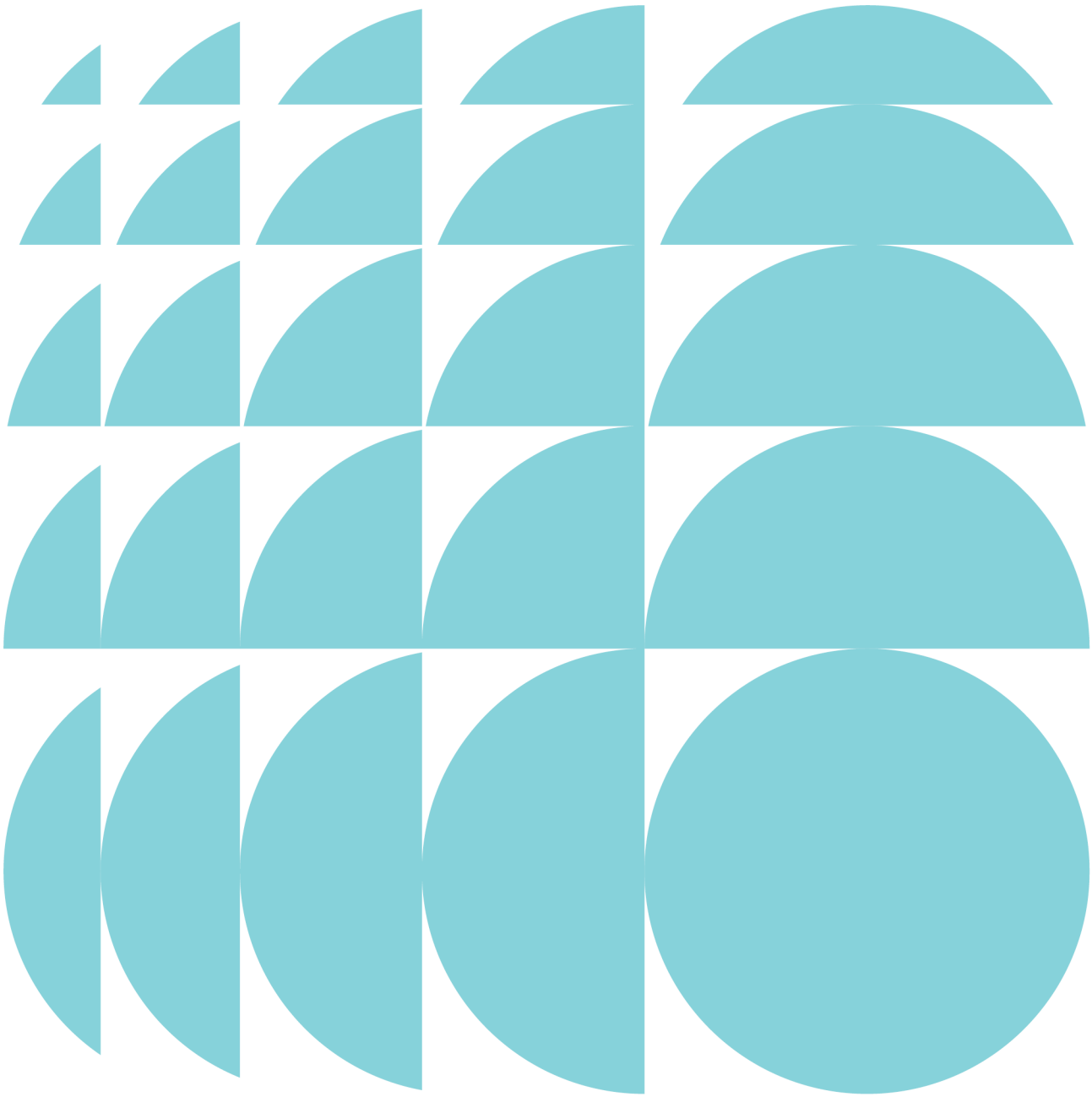
ETHOS URBAN

REVISED Visual Impact Assessment

20 - 80 Pyrmont Street, Pyrmont
Project Francis - Modification to the Multi-use Entertainment Facility

Submitted to NSW Department of Planning and Environment
On behalf of Foundation Theatres

31 October 2022 | 2210437



Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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1.0 Introduction

Foundation Theatres (the applicant) has lodged a request to modify development consent MP 08_0098 for alterations and additions to the existing 4,000 capacity Multi Use Entertainment Facility (MUEF) at The Star Complex to transform it into a two-theatre complex (the proposal) at The Star Sydney on land at 20-80 Pyrmont Street, Pyrmont (the site).

The purpose of this report is to assess the likely impact of the proposal on views currently obtained from nearby permanent residential properties.

The report is structured as follows:

1. **Section 1 - Introduction**: identifies the purpose and structure of this VIA
2. **Section 2 - The site and its context**: provides an overview of the site and its context
3. **Section 3 - The proposal**: outlines the proposal
4. **Section 4 - Planning framework**: identifies relevant parts of the planning framework against which visual impact is to be considered
5. **Section 5 - Methodology**: outlines the methodology used to consider visual impact, including any assumptions and limitations
6. **Section 6 - Visual analysis**: identifies the locations which are likely to be subject to the greatest visual impact form the proposal
7. **Section 7 – Visual impact**: identifies the nature and extent of impact based on an evidence base of visualisations
8. **Section 8 – Visual impact assessment**: assesses visual impact against accepted provisions
9. **Section 9 - Conclusion**: identifies whether the proposal can be supported on visual impact grounds.

This report is intended to be read in conjunction with the broader modification request, in particular the planning report prepared by Ethos Urban and dated March 2022 and supporting design and architectural documentation.

2.0 The site

The site is located at 20-80 Pyrmont Street, Pyrmont (Lot 500 DP 1161507, Lot 301 and 302 DP 873212 and Lot 211 DP 870336) (refer **Figure 1**).

The site has an area of 39,206 square metres and is an 'island' site, being bound by Jones Bay Road to the north, Pirrama Road and Edward Street to the east, Union Street to the south and Pyrmont Road to the west.

The site accommodates The Star Sydney and The Star light rail stop. The Star Sydney is an integrated leisure and entertainment complex, comprising a casino and multiple hotels and entertainment venues including the MUEF. The scale of built form is considerable, with buildings up to 65m in height.

The site is located in part of Pyrmont known as the Pyrmont Peninsula. The Pyrmont Peninsula is a dense, mixed use urban community comprising a mix of building types and styles, ranging from lower scale terrace housing to high rise apartment complexes.

Views across Darling Harbour to the Sydney CBD skyline in the background are obtained from waterfront locations in the public domain. Many properties, in particular those in taller buildings, on the eastern slope of the ridgeline that runs generally in alignment with Harris Street can also obtain views to the Sydney CBD skyline in the background. However, due to the nature and relationship between the public domain, built form and vegetation, the extent of these views is highly variable. While some views are panoramic, talking in almost the entirety of the Sydney CBD skyline, many have views or glimpses to part of the skyline. A relatively small number of dwellings can obtain views to the land and water interface and / or the Sydney Harbour Bridge (an 'iconic' landscape feature).

The site and Pyrmont are wholly located in the City of Sydney (CoS) local government area (LGA).

Figure 1 The site

Source: Nearmap and Ethos Urban

3.0 The proposal

The proposal seeks development consent for alterations and additions to the existing multi-use entertainment facility (MUEF) to transform it into a two-theatre complex comprising:

- a 1,550 patron Broadway-style theatre
- a 1,000 patron comedy and live entertainment theatre.

Of relevance to visual impact, the proposal involves the following external alterations and additions:

- a new fly tower and rigging loft to house the equipment needed to run live performances. The fly tower results in an additional 10m of building height above the existing roof;
- extension to the existing plant room fronting Jones Bay Road; and
- three-storey extension over existing dressing rooms fronting Jones Bay Road.

4.0 Planning framework

4.1 Strategic planning framework

The site is covered by the Pyrmont Peninsula Place Strategy (the Place Strategy).

Under the Place Strategy, the Peninsula is intended for considerable economic growth, with a particular role in accommodating cultural uses. The Place Strategy vision for the Pyrmont Peninsula is:

- 'In 2041, the Pyrmont Peninsula will be an innovative, creative and cultural precinct and an engine room of the Eastern Harbour CBD. It will connect to the Innovation Corridor and other innovation and job precincts via Sydney Metro and complement the Sydney CBD'.

To achieve this vision, development is to occur in accordance with 10 key directions. Key direction 2 'Development that complements or enhances that area' requires the following:

- 'Consider the following height principles in sub-precinct master planning and to guide new development to complement or enhance the area...promote public views to and from the water'.

In addition to the key directions, the Place Strategy also establishes 5 big moves to help deliver the vision. This includes key move 2 'Enhance the opportunity to provide a vibrant 24-hour cultural and entertainment destination, with small bars, performance spaces, museums and other entertainment'.

Most large scale development is planned to occur in a number of key sites. In response to greater growth potential, development on these sites is expected to deliver 'additional public benefit opportunities'. The Star site is one of these sites.

Peninsula-wide additional public benefit opportunities expected for all key sites include:

- 'Connect and activate the public domain through new active transport connections through large sites (ie. site permeability and wayfinding), reinstate views to the harbour and deliver superior street and place activation beyond the standard requirement for all development to activate the street'.

Development of considerable scale is planned for at the northern end of the site adjacent to the proposal:

- adjust the RL on the 'northern' part of the Star's key site up to a maximum of RL110 specifically for the purpose of a six-star hotel
- if development other than a six-star hotel is contemplated, a maximum RL60 would apply to development at this location.

In addition, the Place Strategy seeks 'building separation to maintain generous view corridors between buildings and minimise visual impacts from the water and surrounding public domain'.

The Place Strategy identifies preparation of site specific master plans to establish acceptable development parameters for each key site, and for a State led rezoning to amend the existing planning controls to enable development in accordance with these new parameters.

4.2 Statutory planning framework

The site is subject to the Sydney Local Environmental Plan 2012 (SLEP2012).

Of relevance to visual impact are:

- section 4.3 'Floor space ratio
- section 4.4 Height of buildings'.

4.2.1 Floor space ratio

The objectives of Section 4.3 'Floor space ratio' are:

- '(a) to provide sufficient floor space to meet anticipated development needs for the foreseeable future
- (b) to regulate the density of development, built form and land use intensity and to control the generation of vehicle and pedestrian traffic
- (c) to provide for an intensity of development that is commensurate with the capacity of existing and planned infrastructure
- (d) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality'.

The site is subject to a maximum floor space ratio (FSR) of 3.5:1.

4.2.2 Height of buildings

The objectives of section 4.4 'Height of buildings' are:

- '(a) to ensure the height of development is appropriate to the condition of the site and its context
- (b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas
- (c) to promote the sharing of views outside Central Sydney
- (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas'.

The proposal complies with the new height control for the site enacted through implementing the Pyrmont Peninsula Place Strategy.

5.0 Methodology

Decisions on visual impact are inherently subjective, and involve professional value judgements. As noted by the Land and Environment Court of New South Wales (LEC) (Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor [2013] NSWLEC 1046), the key to addressing this challenge is to inform these decisions through VIA that adopts a rigorous methodology.

Accordingly, this VIA has adopted a three stage process:

- visual analysis
- visual impact
- visual impact assessment.

5.1 Visual analysis

The purpose of the visual analysis stage is to identify the locations which are likely to be subject to the greatest visual impact form the proposal.

Visual analysis was in particular informed the earlier VIA undertaken by Architectus for MOD13 (the Ritz Carlton) of development consent MP 08_0098. This VIA was helpful in delineating not only the buildings likely to be most effected, but also the height below which vies are already blocked or substantially occluded.

5.2 Visual impact

The purpose of the visual impact stage is to identify the nature and extent of impact based on an evidence base of visualisations. The evidence base was prepared by specialist experts Virtual Ideas. While ordinarily consistent with LEC photomontage policy survey and photographic work from effected locations is prepared, due to current and ongoing COVID19 considerations access to private property to enable this to occur is not appropriate.

On this basis, Virtual Ideas have prepared computer simulated views from affected properties. The method, assumptions and limitations underpinning this is outlined in the attached Visual Impact and Methodology Report.

Of note, a frame of view approximating a 24mm camera lens was selected as it is considered to represent the most appropriate balance between the wide field able to be appreciated by the human eye (eg equivalent to a 17mm camera lens) and the focus also enabled by the human eye (eg equivalent to a 50mm camera lens).

5.3 Visual impact assessment

The purpose of the visual impact assessment stage is to assess visual impact against accepted provisions.

It is a long established legal principle in Australia that no one has the right to a view. However, the legal system has acknowledged that views from a person's home can have considerable value (Lindsay Taylor Lawyers, 2015).

Private views

To encourage a consistent approach to the address of the impact on private views through development, in 2004 the NSW Land and Environment Court established a planning principle in Tenacity Consulting v Waringah [2004] NSWLEC 140 (Tenacity). While this principle was formulated in particular response to a clause in the relevant LEP (the Warringah Local Environmental Plan 2000) requiring reasonable sharing of views, this principle has been widely adopted by consent authorities even in the absence of such statements due to the public interest test of the EP&A Act. On this basis, Tenacity has been adopted as the relevant test in this case.

In Tenacity, Roseth SC noted that the LEP did not "state what is view sharing or when view sharing is reasonable".

To provide guidance, Roseth SC stated that "The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable)". To determine whether view sharing is reasonable in the circumstances, Tenacity specifies a four step process:

- "26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

- 27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.
- 28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.
- 29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable".

It is noted that while guidance on relevant considerations is provided, judgement on the extent of impact is inherently subjective. In our experience, to be considered devastating under the Tenacity scale, the nature of impact would need to involve:

- blocking of views to a valuable and prominent feature, and / or
- blocking of part of views to a valuable and prominent feature with the effect of significantly reducing the ability to understand and appreciate the feature, and / or
- complete blocking of views from the property, and in particular truncating views to the foreground to leave only outlook remaining.

Public views

For public views, consideration has been given to the planning principle enunciated in Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor [2013] NSWLEC 1046 (Rose Bay) and the international standard for visual impact the Guidelines for Landscape and Visual Impact Assessment version 3 (GLVIA3).

6.0 Visual analysis

6.1 Public domain

Due to the proposal largely being contained to the existing theatre footprint, visibility from the public domain is likely to be limited and greatest from a small part of Jones Bay Road between Pyrmont Street to the west and Pirrama Road to the east.

In this location the Jones Bay Road streetscape is characterised by a narrow, curved road with street wall formed by The Star to the south and the Watermark Tower apartment (2 Jones Bay Road, Pyrmont) complex to the north. **Figure 2** shows a Google image of this streetscape.

Given the nature of the proposal and the streetscape, subject to appropriate detailed conditions mitigating visual impact, the proposal is not considered to have a significant unacceptable visual

impact from the public domain when considered against standard measures of sensitivity and magnitude.

Figure 2 Jones Bay Wharf streetscape

Source: Google

6.2 Private domain

Land to the west is occupied by a number of apartment buildings that currently have views in the direction of the proposal. Buildings that are considered to have the greatest potential to be impacted are:

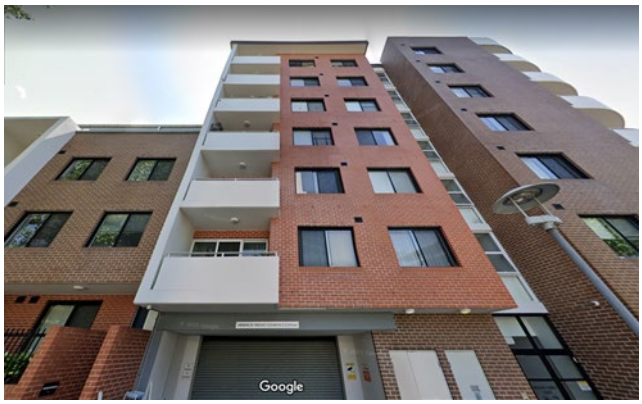
- Rockdale, 88 John Street, Pyrmont
- Watermark Tower, 2 Jones Bay Road, Pyrmont
- Watermark Pavilion, 24 Point Street, Pyrmont.

6.2.1 Rockdale – 88 John Street, Pyrmont

Rockdale is an 8 storey apartment building comprising 45 units (City West Housing, 2022) located at 88 John Street, Pyrmont approximately 110m to the west of the proposal.

As the building is oriented in a general east-north-east to west-south-west direction and is double loaded, most units have their primary views to the south or north. A smaller number of units have their primary view to the east or west.

Views are obtained from windows and from glass sliding doors through small, recessed balconies. Due to the recess, the width of views is limited compared to an alternative configuration.



South elevation

East and north elevations

Figure 3 Rockdale – elevations

Source: Google

6.2.2 Watermark Pavilion - 24 Point Street, Pyrmont

Watermark Pavilion is a multi-storey apartment complex comprising 335 units across three buildings (south, east and west) located to the north of the proposal across Jones Bay Road. Views can be obtained from Watermark Pavilion generally in a north-east direction towards the Sydney CBD skyline in the background (refer **Figure 11**).

Due to the arrangement of buildings, the most affected building will be the south building adjoining Jones Bay Road.

While the east building is likely to also be affected, the significance of this effect will be reduced by the orientation of units with consequent primary views to Darling Harbour and the Sydney Harbour Bridge (an iconic landscape feature). While views to the south-east are likely to be obtained, they are also likely to be secondary in value, not obtained from most internal living spaces and only obtained from most balconies by deliberately looking in that particular direction. As can be seen from the earlier VIA prepared by Architectus (refer **Figure 12** and **Figure 13**), views to the proposal are largely occluded from both the southern end and the northern end of the west building by the south and east buildings.

Aerial photo

View from east building

Figure 4 Watermark complex

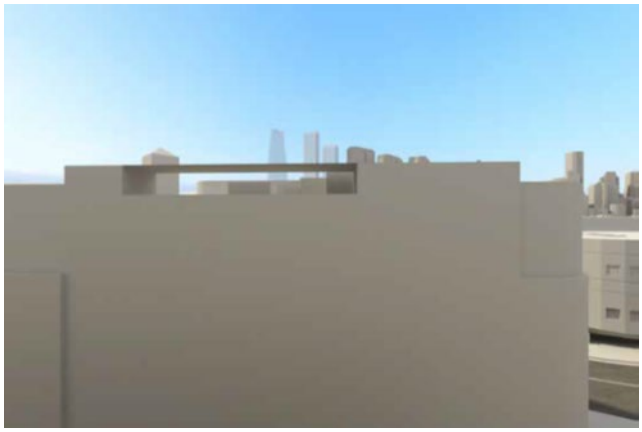
Source: L: Winten Property Group; R: Belle Property

Level 1 (lowest level)

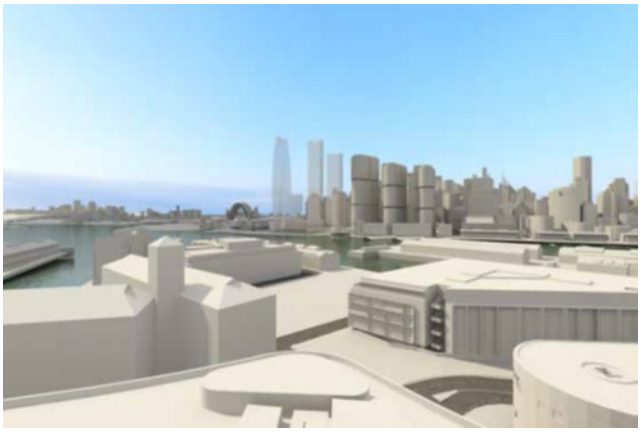
Level 7 (highest level)

Figure 5 Watermark Pavilion building west, southern end

Source: Architectus



Level 1 (lowest level)



Level 8 (highest level)

Figure 6 Watermark Pavilion, central section

Source: Architectus

Watermark Tower - 2 Jones Bay Road, Pyrmont

Watermark Tower is a 9 storey apartment building located at 2 Jones Bay Road, Pyrmont approximately 20m to the north-west of the proposal across Jones Bay Road.

Due to its proximity and orientation relative to the proposal, it is identified as the building most likely to have its views impacted by the proposed.

As the building is oriented in a general north-east to south-west direction and is double loaded, most units have their primary views to the south-east (noting variation below) or north-west. However, a large number of units also have their primary view to the north-east. No primary views are obtained to the west.

Views are obtained from windows and from glass sliding doors through balconies.

On the south elevation, units are angled in a more east-south-easterly direction relative to the street alignment. Balconies are further angled and project outwards from the main building line

at their western end to provide a sharper viewing angle to the north-east (refer **Figure 14**). This suggests a desire to capture the existing view to the Sydney CBD skyline between the MUEF and existing rooftop plant to the north (refer **Figure 15**) as well as Sydney Harbour and the Sydney Harbour Bridge to the north-east.

On the east elevation, units are oriented to the north-east. Balconies are relatively large and recessed relative to the main building line. Due to the recess, the width of views is limited compared to an alternative configuration.

Reference to the earlier Architectus VIA prepared for the buildings shows that in general, views from level 4 and below are already largely obscured by the existing Star buildings (refer **Figure 16**).

Figure 7 Watermark Tower – elevations

Source: Google

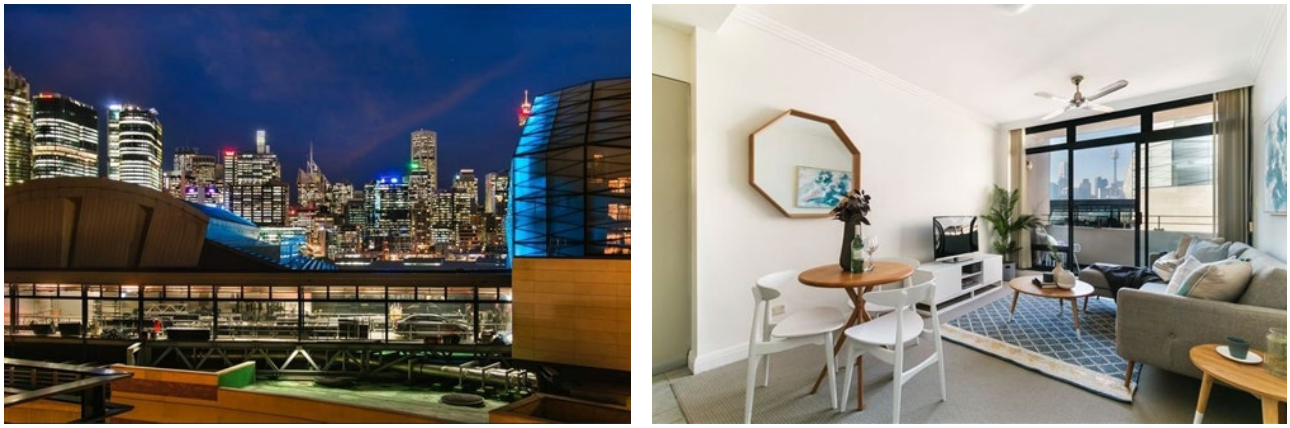


Figure 8 Watermark Tower – unit 506/2 internals

Source: Belle Property

Level 3, south elevation

Level 3, east elevation

Figure 9 Watermark Tower, mid-levels

Source: Architectus

6.2.3 Views selected for assessment – private views

Rockdale

Two views have been selected for assessment:

- CAM01: 7th storey, west
- CAM02: 7th storey, east.

The following table identifies key parameters of the views.

Table 1 Rockdale – key parameters of views

Matter	Description
Viewing ranges	Medium
Viewing distances	120 – 130m approx.
Viewing directions	East to east-south-east
Viewing angles	Direct
Viewing elevations	Level

Watermark Tower

10 views has been selected for assessment:

South elevation

- CAM03: 9th storey)
- CAM04: 8th storey)
- CAM05: 7th storey
- CAM06: 6th storey)
- CAM07: 5th storey)

East elevation

- CAM08: 9th storey
- CAM09: 8th storey
- CAM010: 7th storey
- CAM011: 6th storey
- CAM012: 5th storey.

The following table identifies key parameters of the views.

Table 2 Watermark Tower, south elevation – key parameters of views

Matter	Description
Viewing ranges	Close
Viewing distances	25m approx.
Viewing directions	South-east
Viewing angles	Direct
Viewing elevations	Level

Table 3 Watermark Tower, east elevation – key parameters of views

Matter	Description
Viewing ranges	Close
Viewing distances	25m approx.
Viewing directions	South-east
Viewing angles	Direct
Viewing elevations	Level

Watermark Pavilion

Two views have been selected for assessment:

- CAM13: 9th storey, west
- CAM14: 9th storey, east.

The following table identifies key parameters of the views.

Table 4 Watermark Pavilion, east elevation – key parameters of views

Matter	Description
Viewing ranges	Close
Viewing distances	55m approx.

Matter	Description
Viewing directions	South-east
Viewing angles	Direct
Viewing elevations	Level

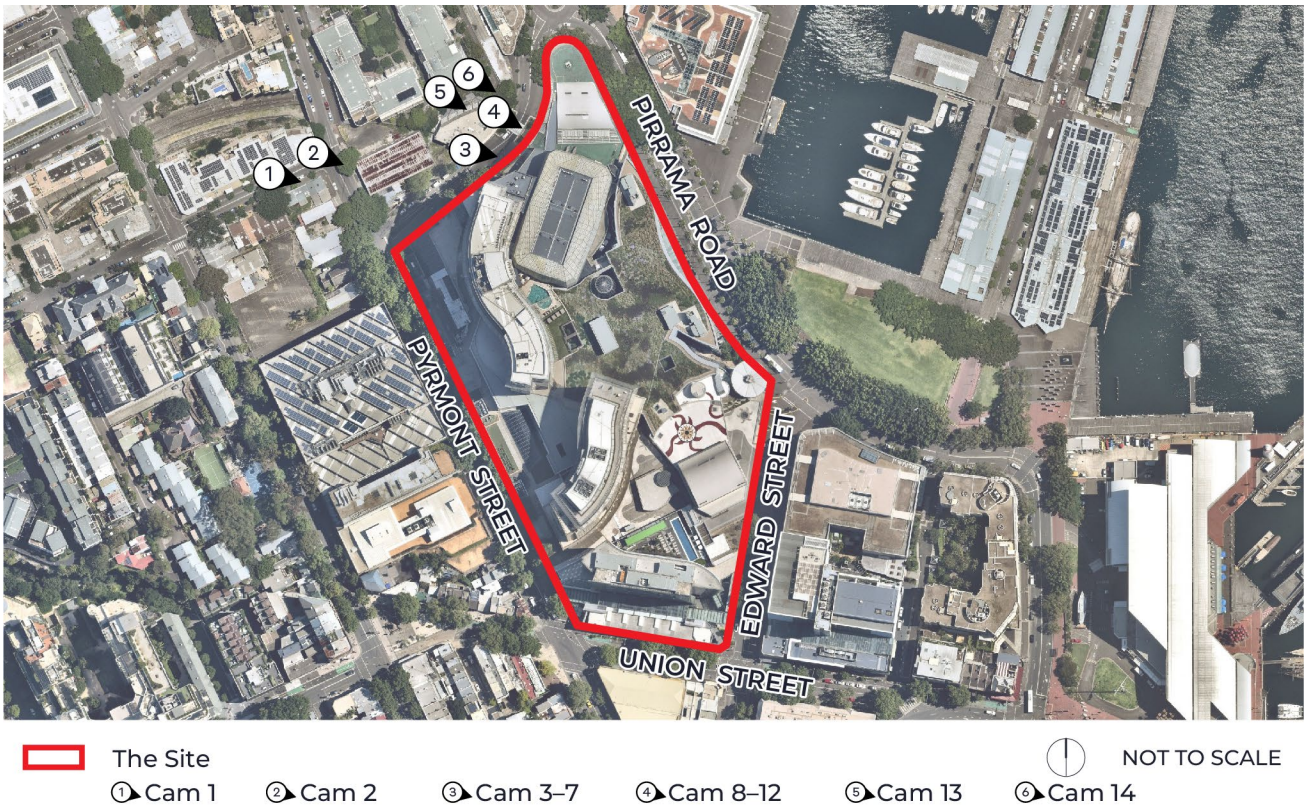


Figure 10 Location of buildings selected for private domain assessment
Source: Nearmap and Ethos Urban

6.2.4 Views selected for assessment – private views

Two views have been selected for assessment:

1. View south from Pirrama Road and Jones Bay Road roundabout
2. View north/west on the waterfront walk Pyrmont Bay Park.

The following figure shows the location of these views.

Figure 11 Location of places selected for public domain assessment
Source: Nearmap and Ethos Urban

7.0 Visual impact – private views

7.1 Rockdale

The following images show visual impact on this building.

Figure 12 CAM01: Rockdale, level 7 west, existing view

Source: Virtual Ideas

Figure 13 CAM01: Rockdale, level 7 west, area of impact

Source: Virtual Ideas

Figure 14 CAM01: Rockdale, level 7 west, comparison between original and revised proposal
Source: Virtual Ideas

Figure 15 CAM02, Rockdale, level 7 east, existing view

Source: Virtual Ideas

Figure 16 CAM02: Rockdale, level 7 east, area of impact

Source: Virtual Ideas

Figure 17 CAM02: Rockdale, level 7 east, comparison between original and revised proposal
Source: Virtual Ideas

7.2 Watermark Tower

The following images show visual impact on this building.

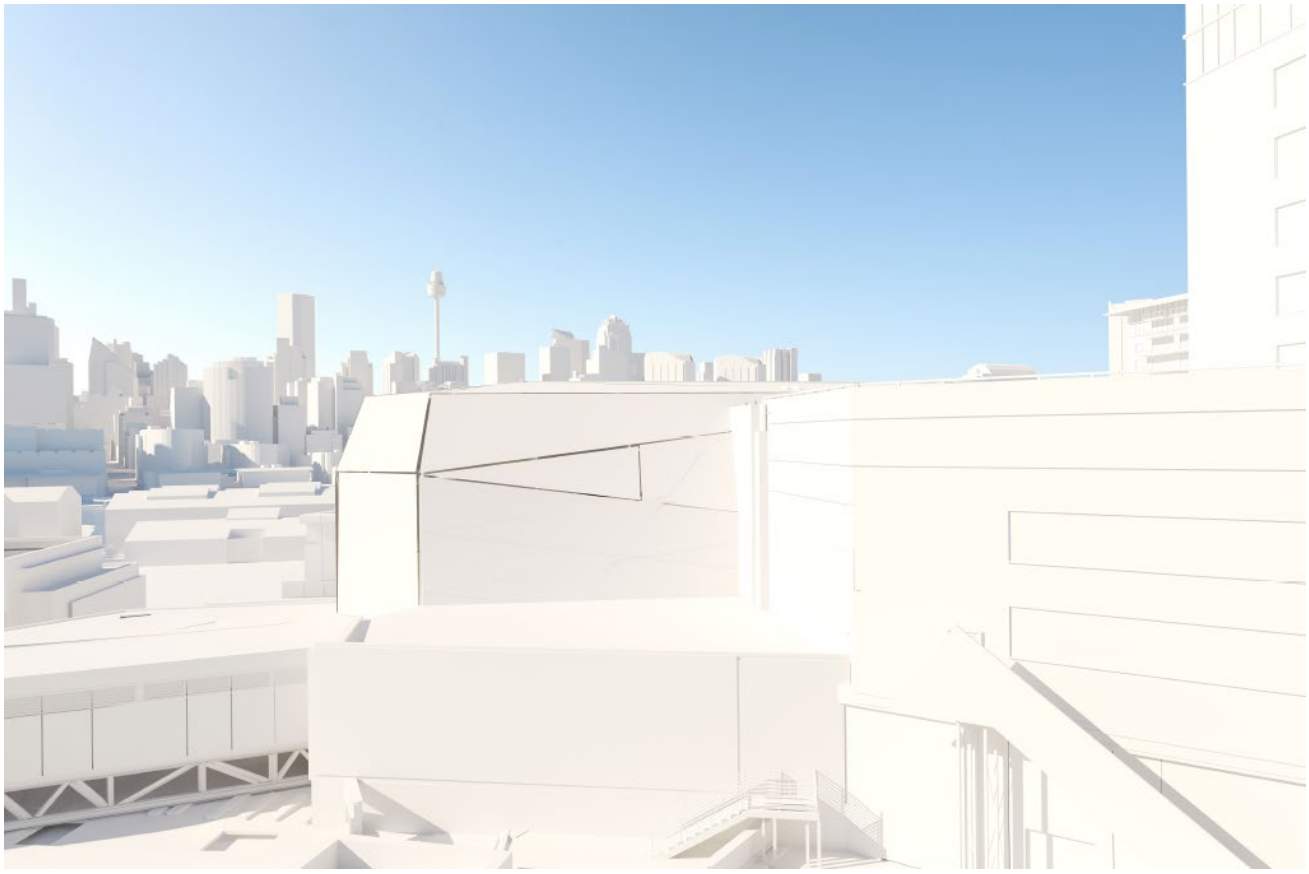


Figure 18 CAM03: Watermark Tower, south elevation, level 8 (9th storey), existing view
Source: Virtual Ideas

Figure 19 CAM03: Watermark Tower, south elevation, level 8 (9th storey), area of impact
Source: Virtual Ideas

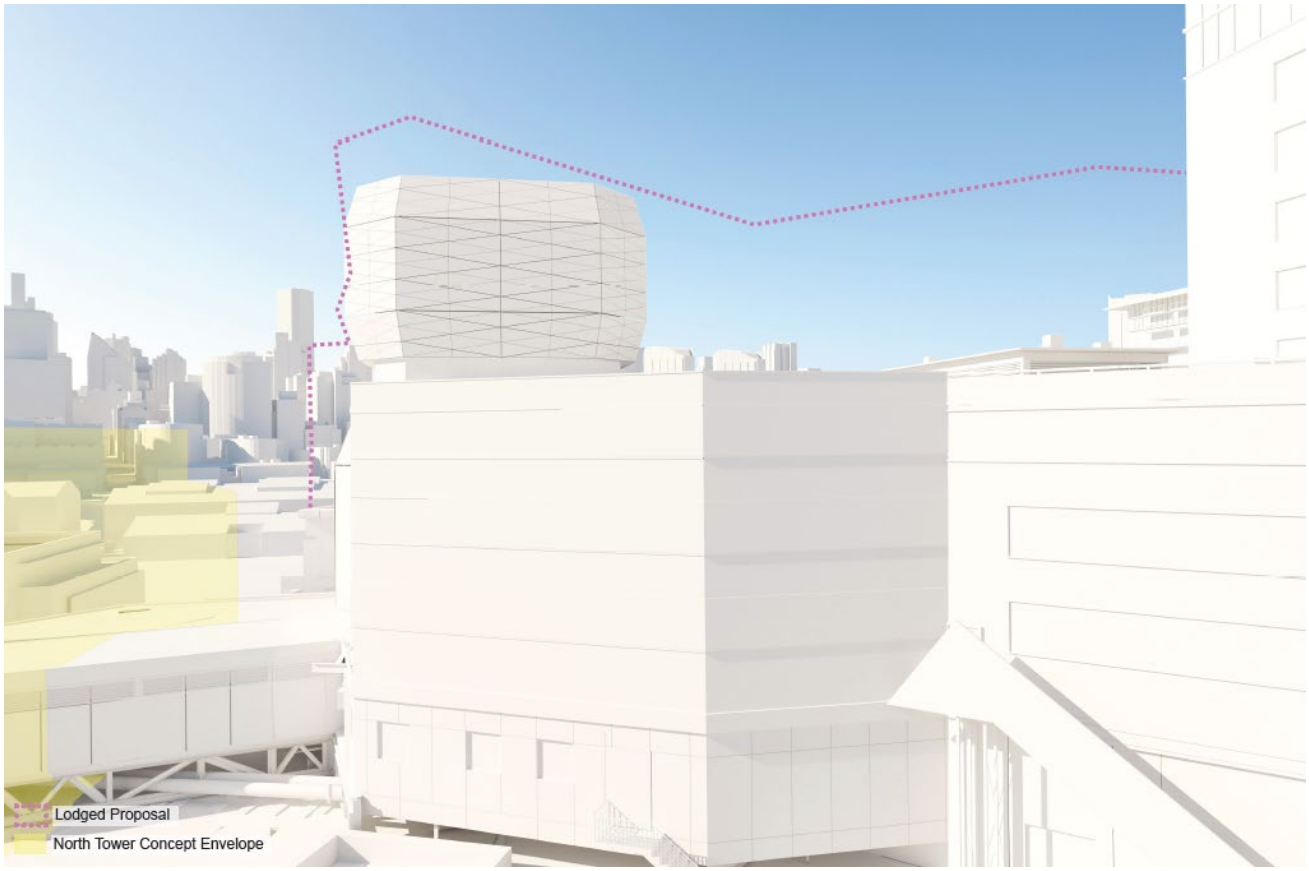


Figure 20 CAM03: Watermark Tower, south elevation, level 8 (9th storey), comparison between original and revised proposal
Source: Virtual Ideas

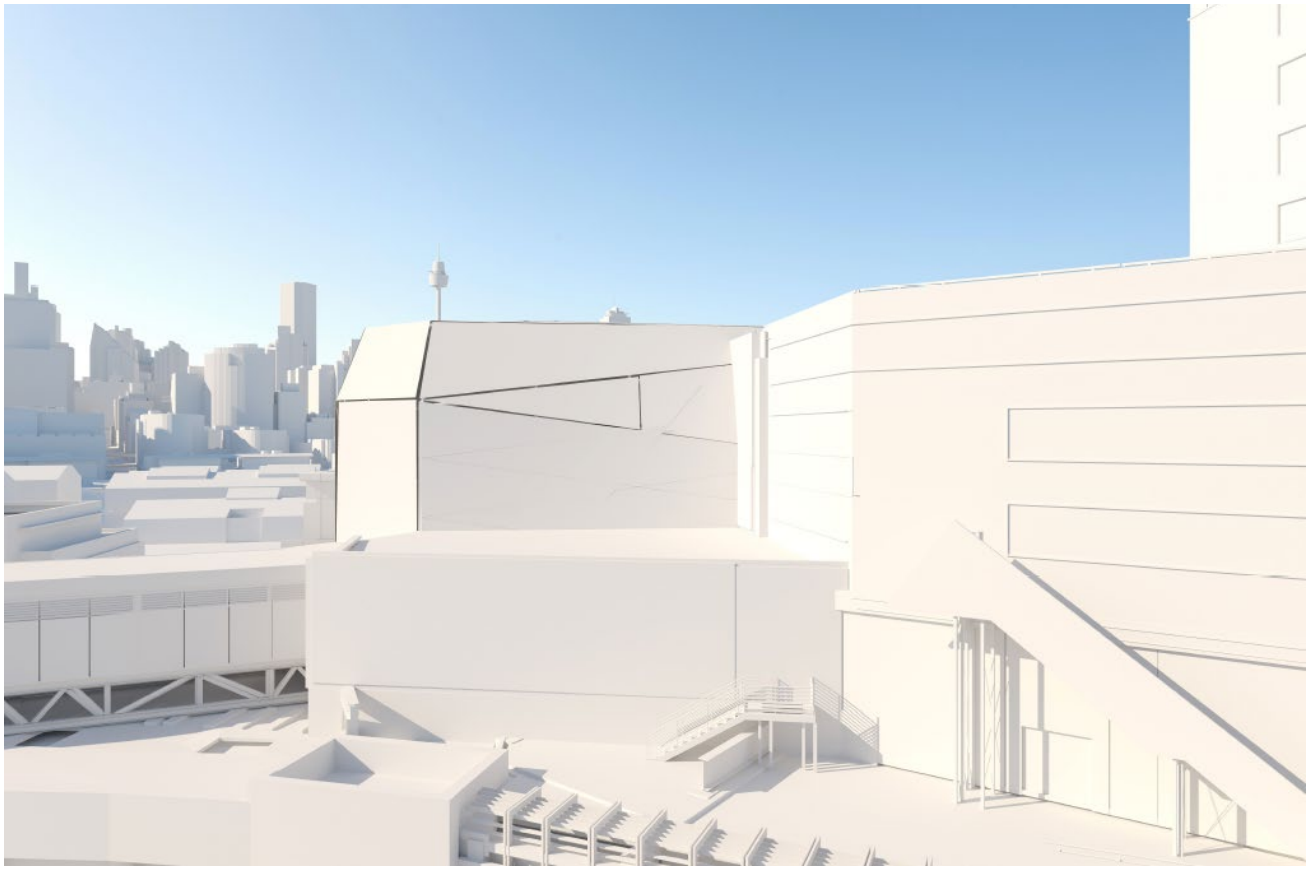


Figure 21 CAM04: Watermark Tower, south elevation, level 7 (8th storey), existing view
Source: Virtual Ideas

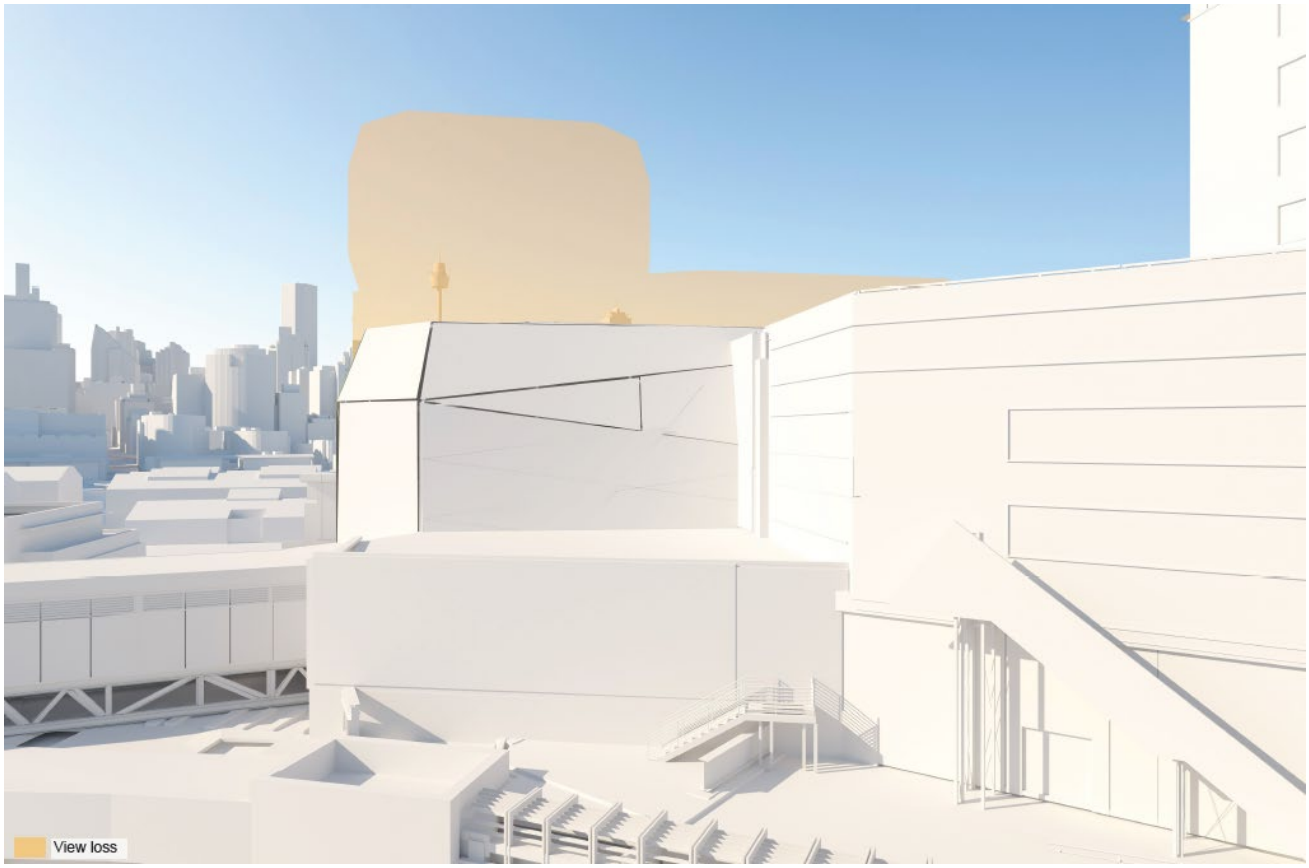


Figure 22 CAM04: Watermark Tower, south elevation, level 7 (8th storey), area of impact
Source: Virtual Ideas

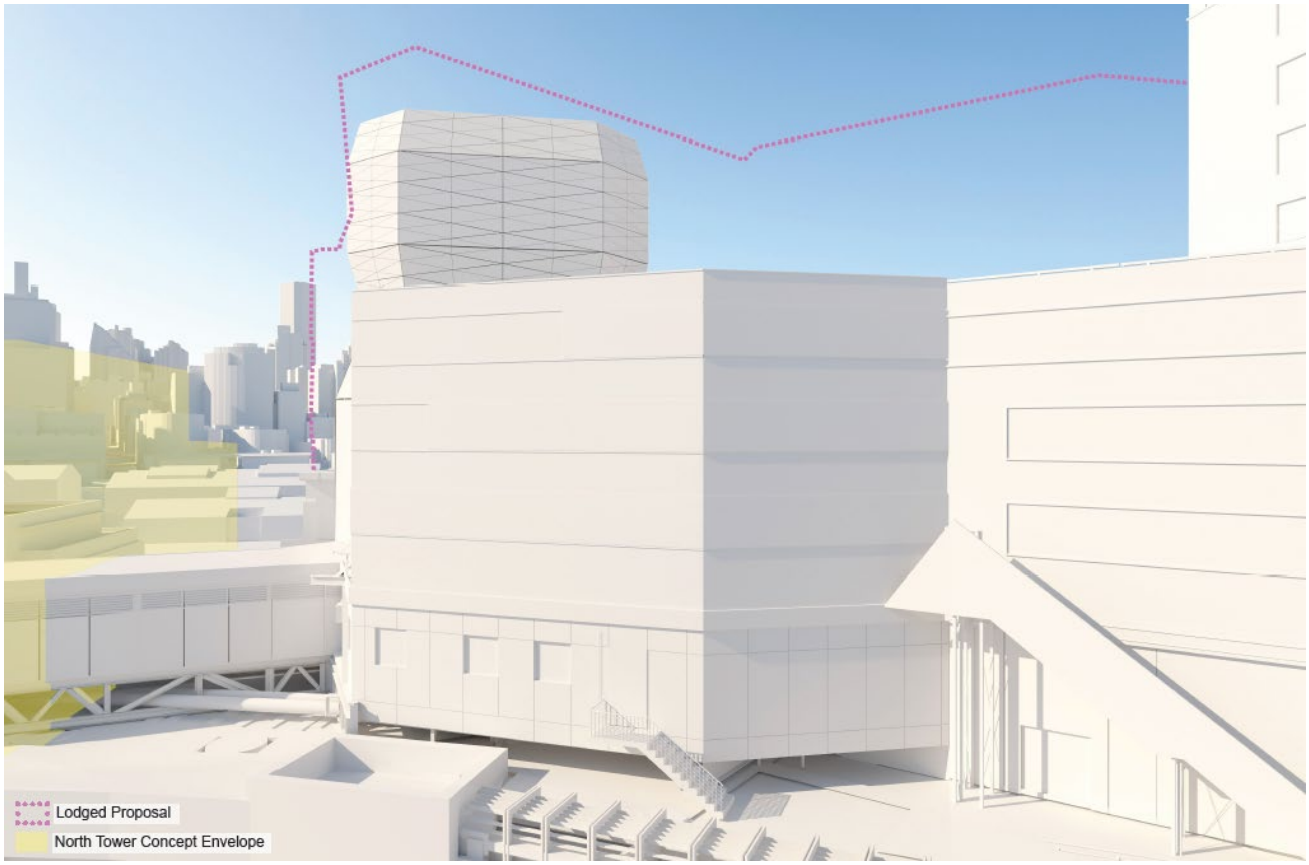


Figure 23 CAM04: Watermark Tower, south elevation, level 7 (8th storey), comparison between original and revised proposal

Source: Virtual Ideas

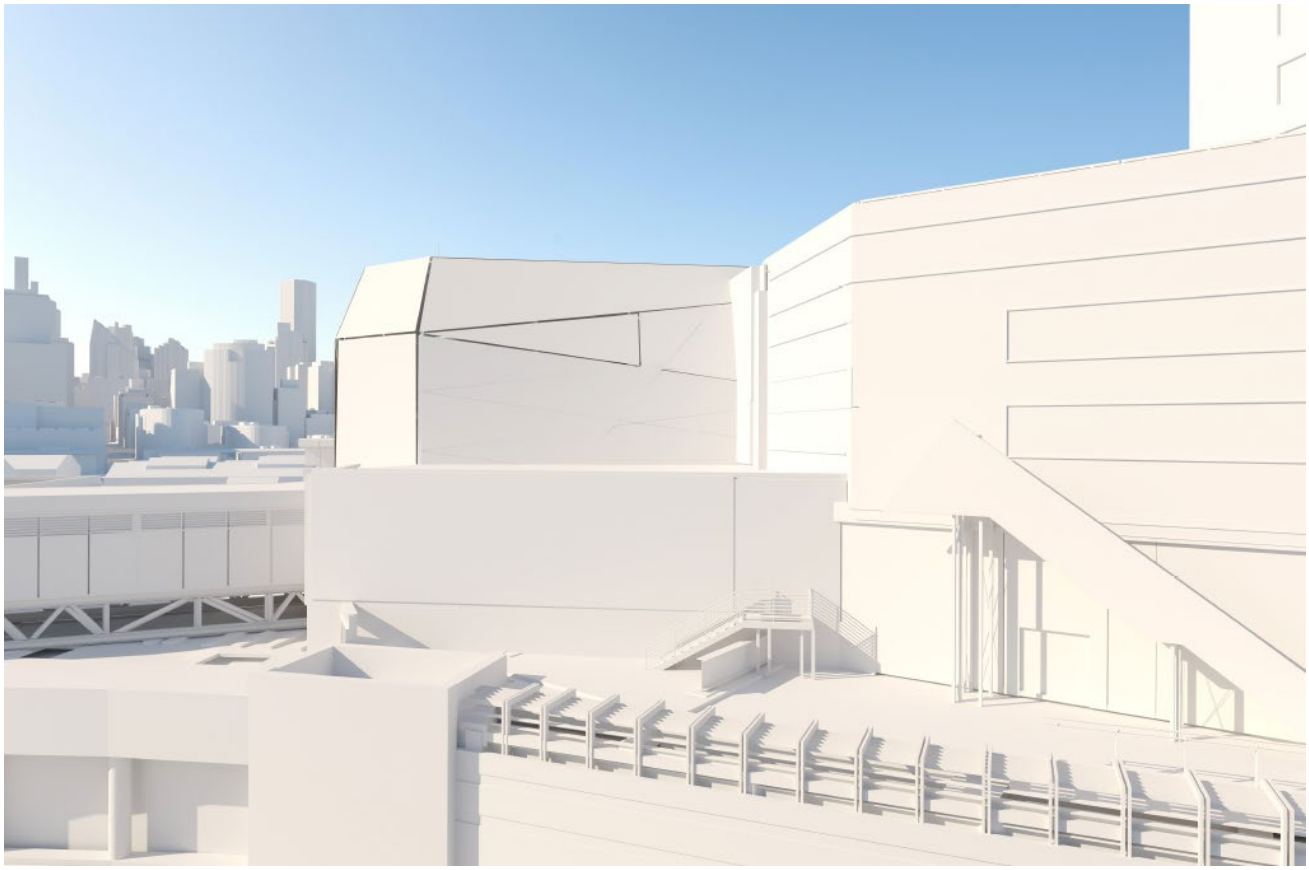


Figure 24 CAM05: Watermark Tower, south elevation, level 6 (7th storey), existing view
Source: Virtual Ideas

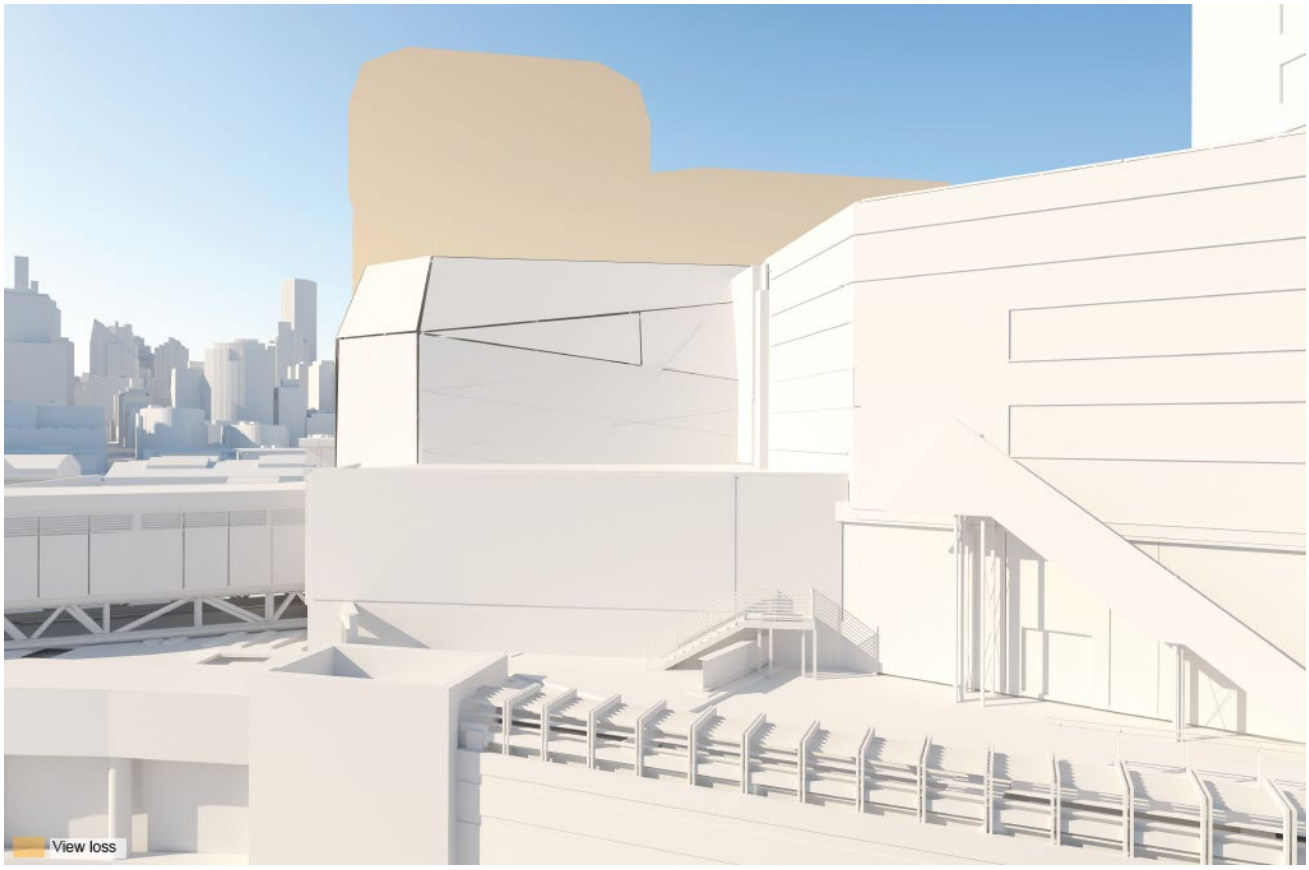


Figure 25 CAM05: Watermark Tower, south elevation, level 6 (7th storey), area of impact
Source: Virtual Ideas

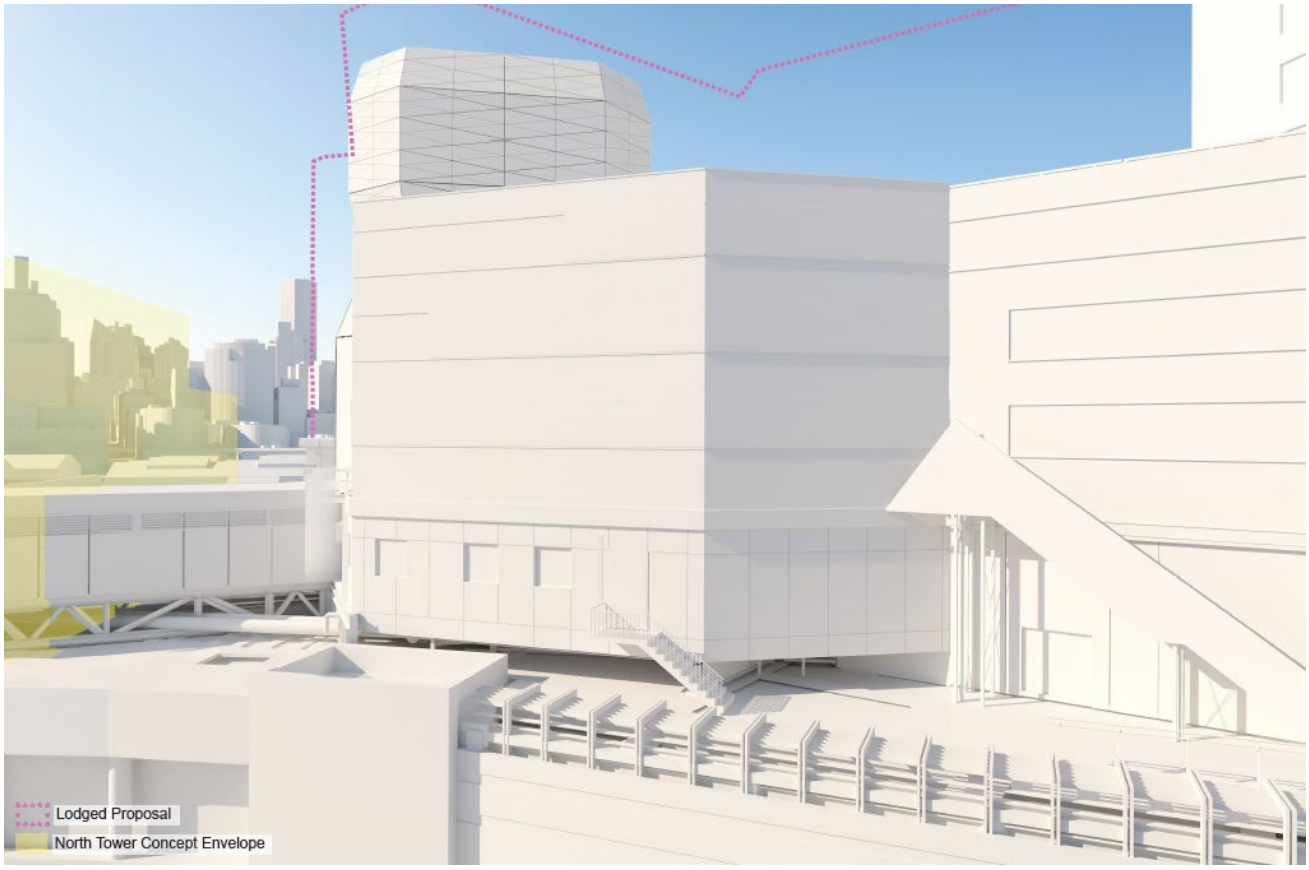


Figure 26 CAM05: Watermark Tower, south elevation, level 6 (7th storey), comparison between original and revised proposal

Source: Virtual Ideas

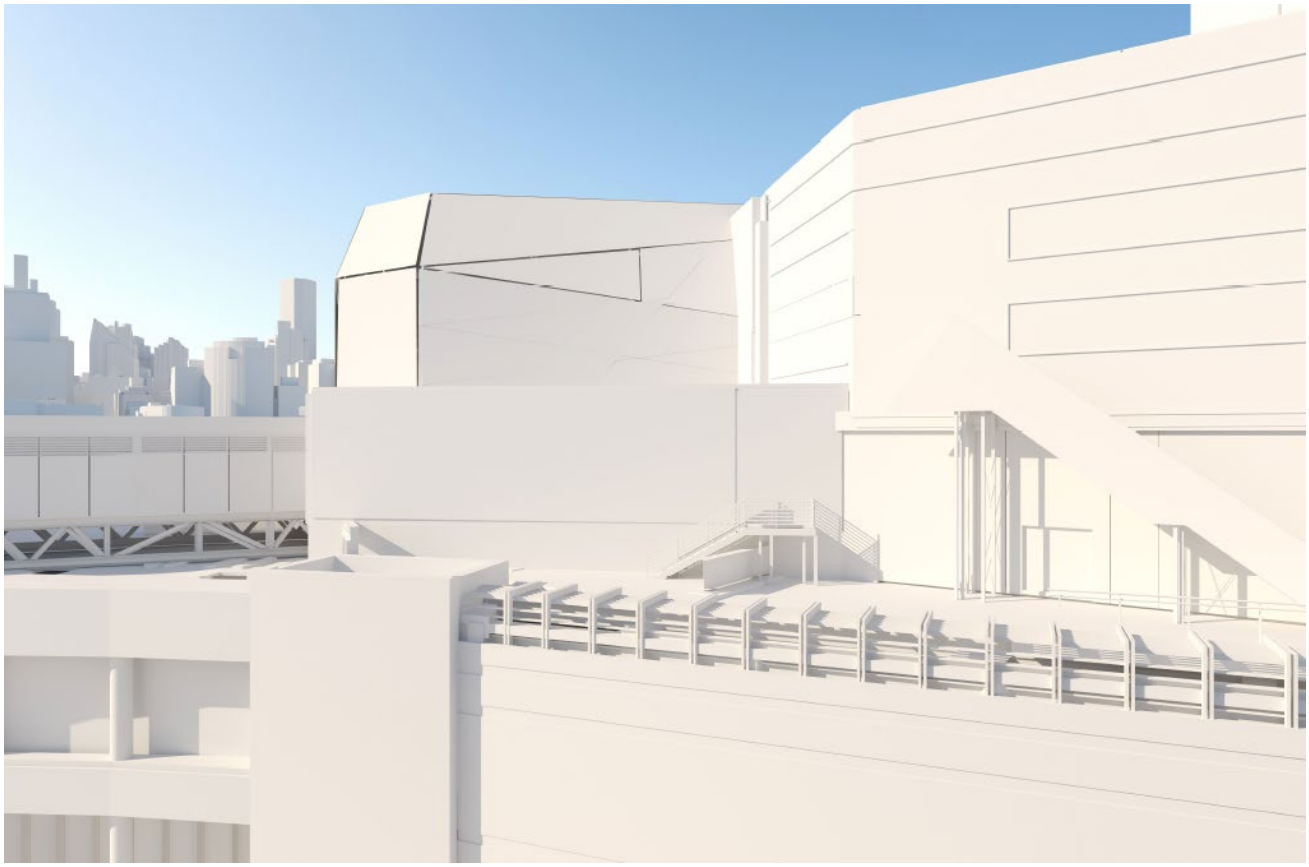


Figure 27 CAM06: Watermark Tower, south elevation, level 5 (6th storey), existing view
Source: Virtual Ideas

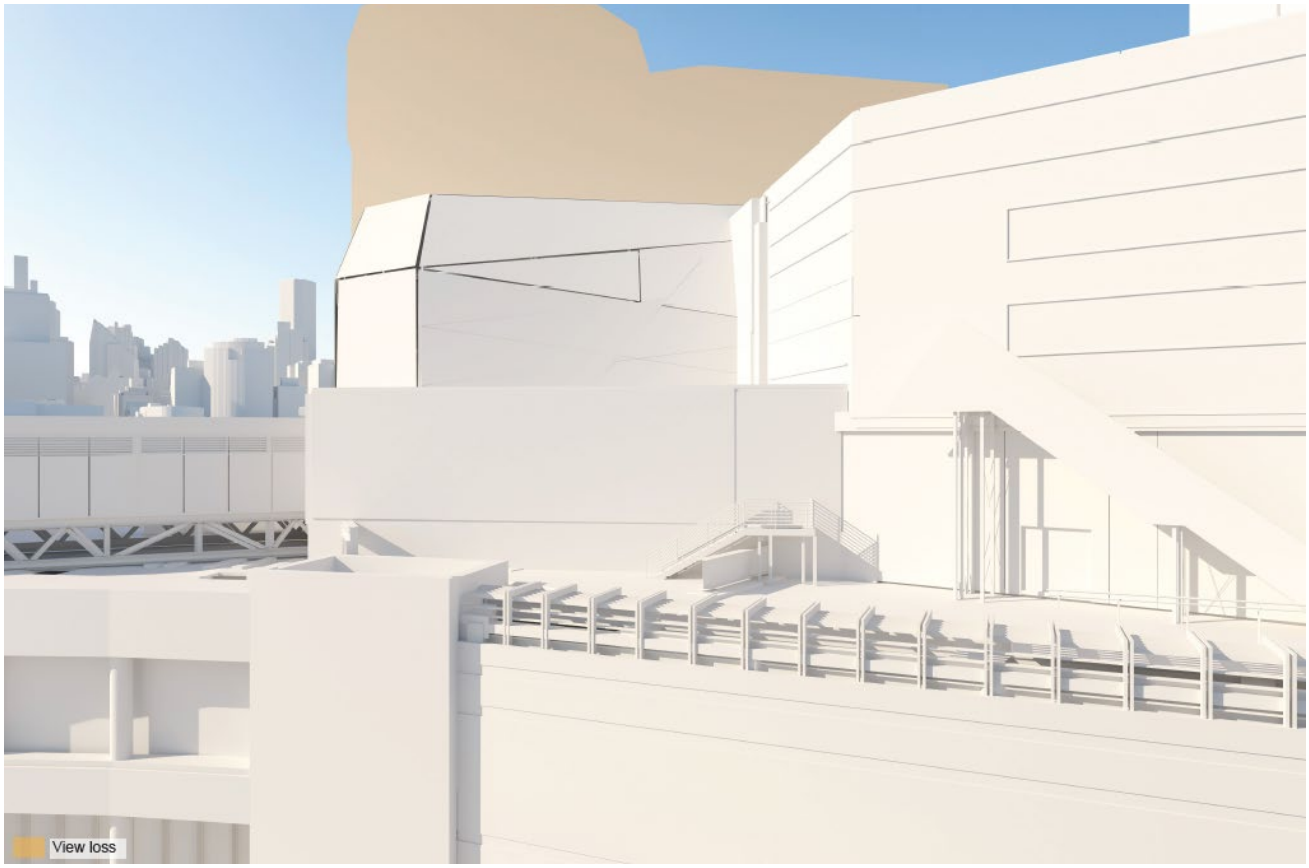


Figure 28 CAM06: Watermark Tower, south elevation, level 5 (6th storey), area of impact
Source: Virtual Ideas

Figure 29 CAM06: Watermark Tower, south elevation, level 5 (6th storey), comparison between original and revised proposal
Source: Virtual Ideas

Figure 30 CAM07: Watermark Tower, south elevation, level 4 (5th storey), existing view
Source: Virtual Ideas

Figure 31 CAM07: Watermark Tower, south elevation, level 4 (5th storey), area of impact
Source: Virtual Ideas

Figure 32 CAM07: Watermark Tower, south elevation, level 4 (5th storey), comparison between original and revised proposal

Source: Virtual Ideas

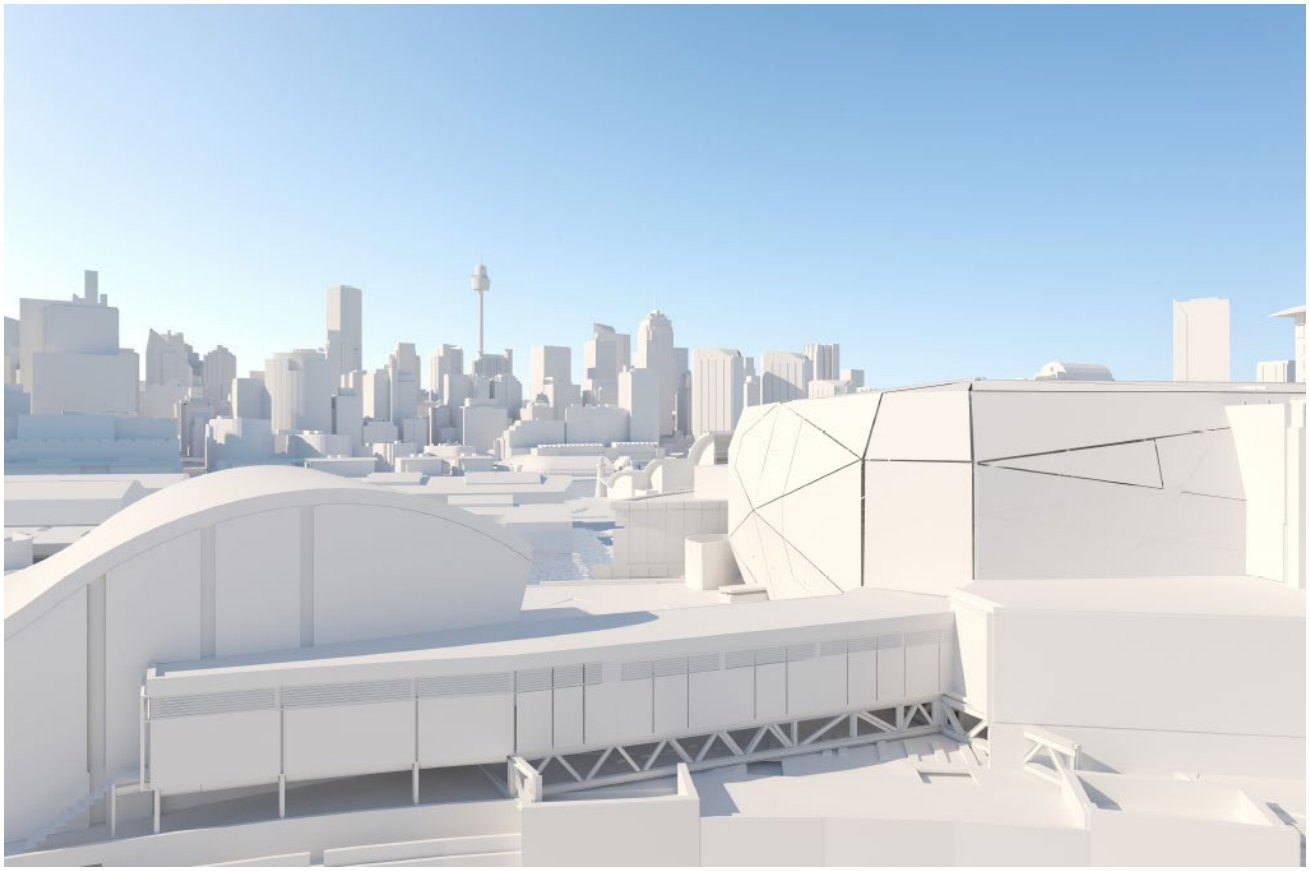


Figure 33 CAM08: Watermark Tower, east elevation, level 8 (9th storey), existing view
Source: Virtual Ideas

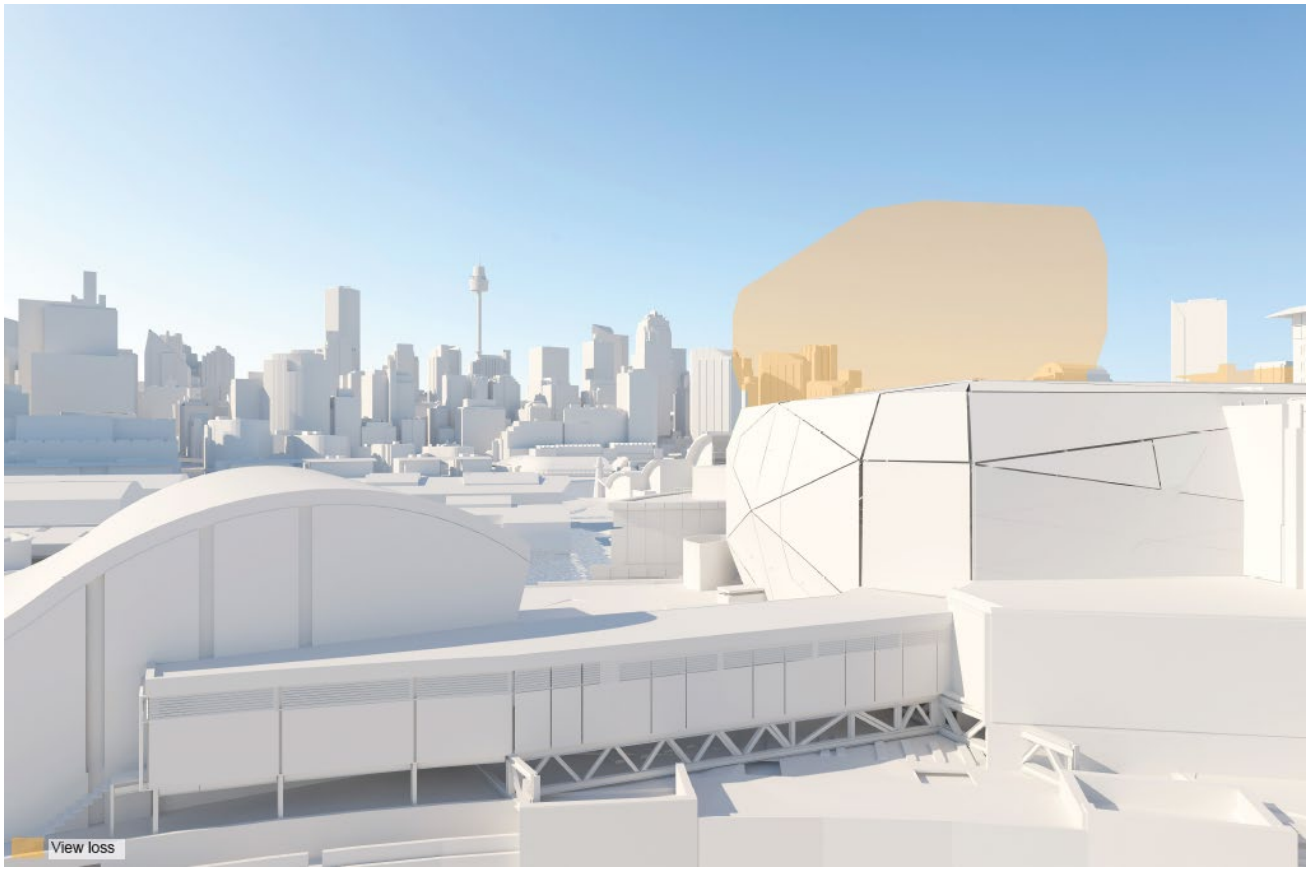


Figure 34 CAM08: Watermark Tower, east elevation, level 8 (9th storey), area of impact
Source: Virtual Ideas

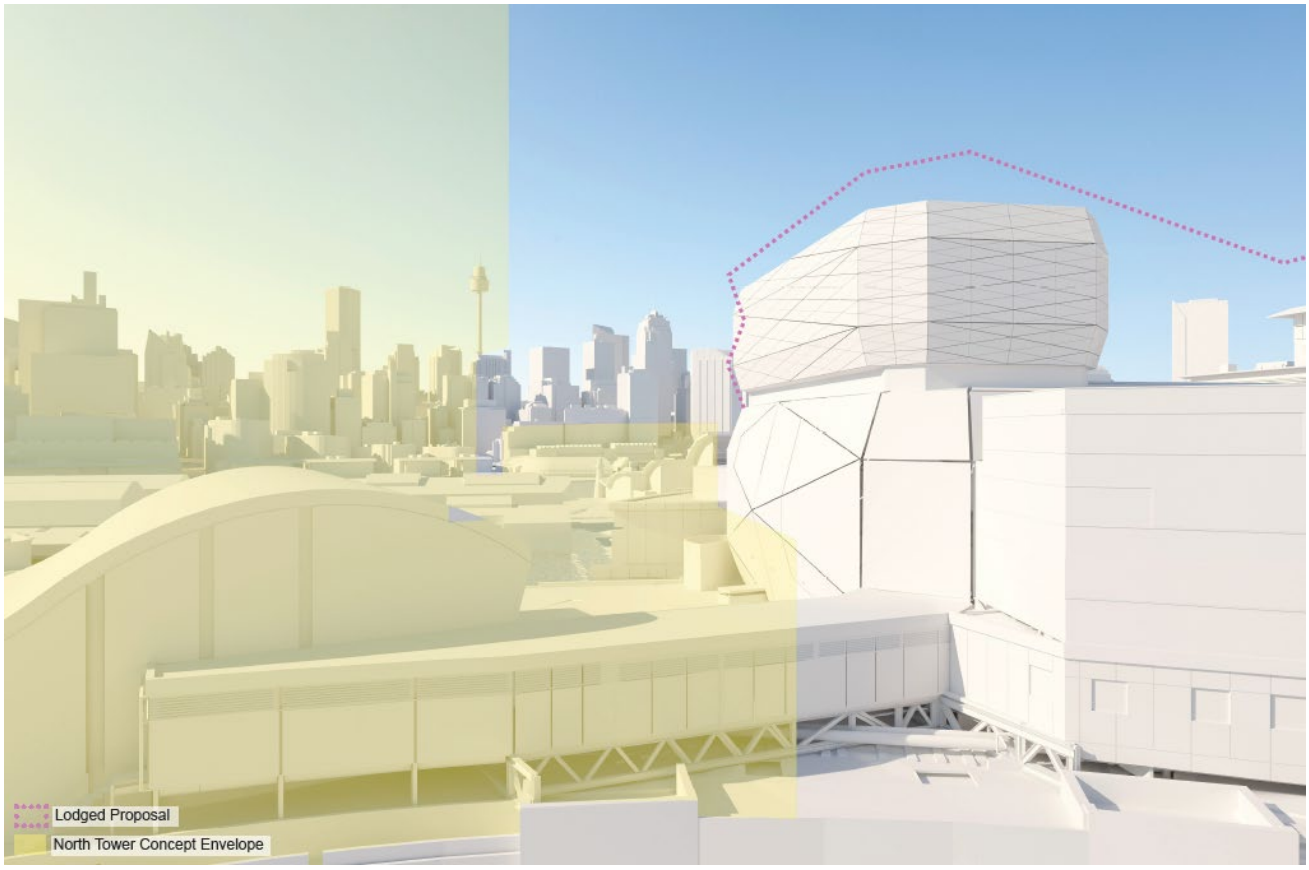


Figure 35 CAM08: Watermark Tower, east elevation, level 8 (9th storey), comparison between original and revised proposal

Source: Virtual Ideas

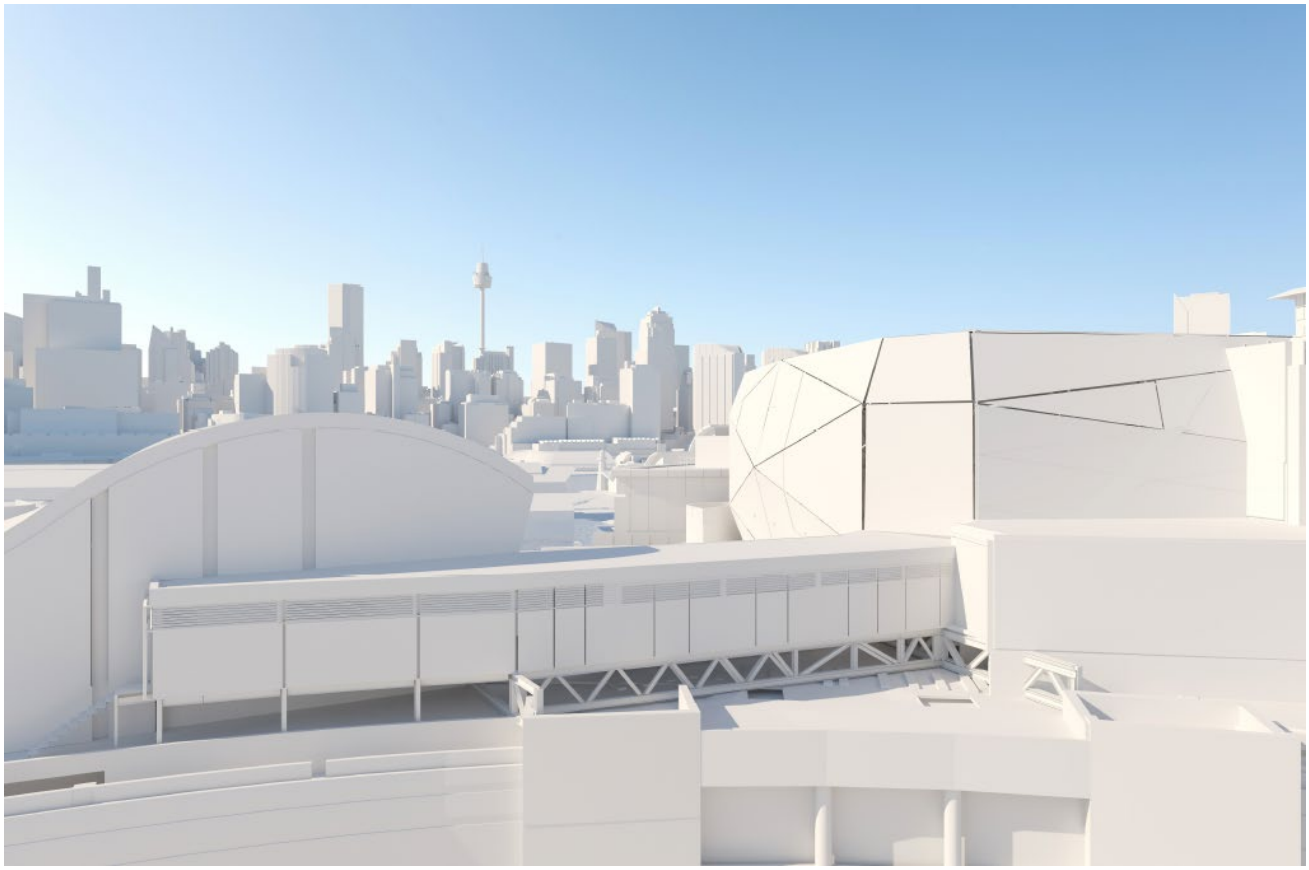


Figure 36 CAM09: Watermark Tower, east elevation, level 7 (8th storey): existing view
Source: Virtual Ideas

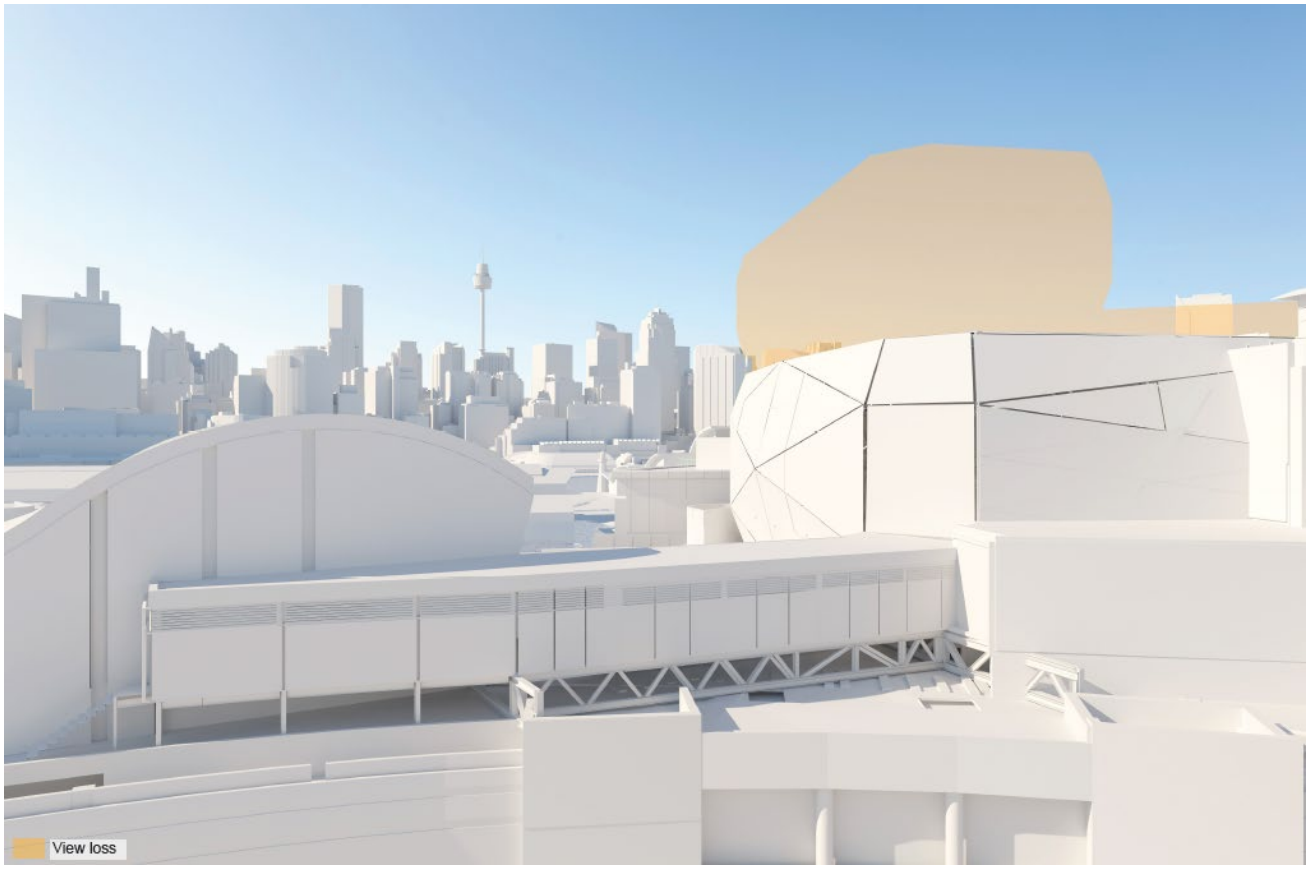


Figure 37 CAM09: Watermark Tower, east elevation, level 7 (8th storey), area of impact
Source: Virtual Ideas

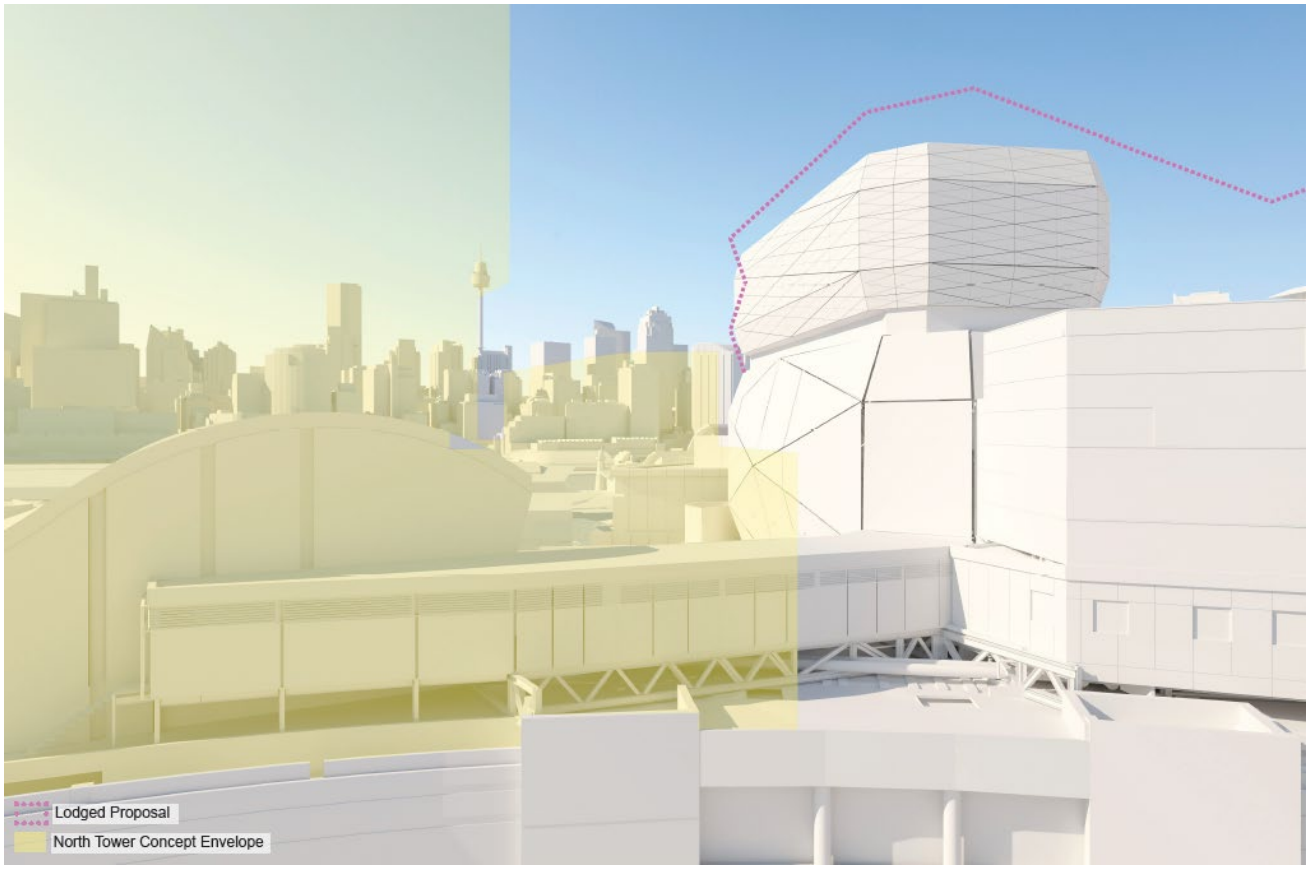


Figure 38 CAM09: Watermark Tower, east elevation, level 7 (8th storey), comparison between original and revised proposal

Source: Virtual Ideas

Figure 39 CAM10: Watermark Tower, east elevation, level 6 (7th storey), existing view
Source: Virtual Ideas

Figure 40 CAM10: Watermark Tower, east elevation, level 6 (7th storey), area of impact
Source: Virtual Ideas

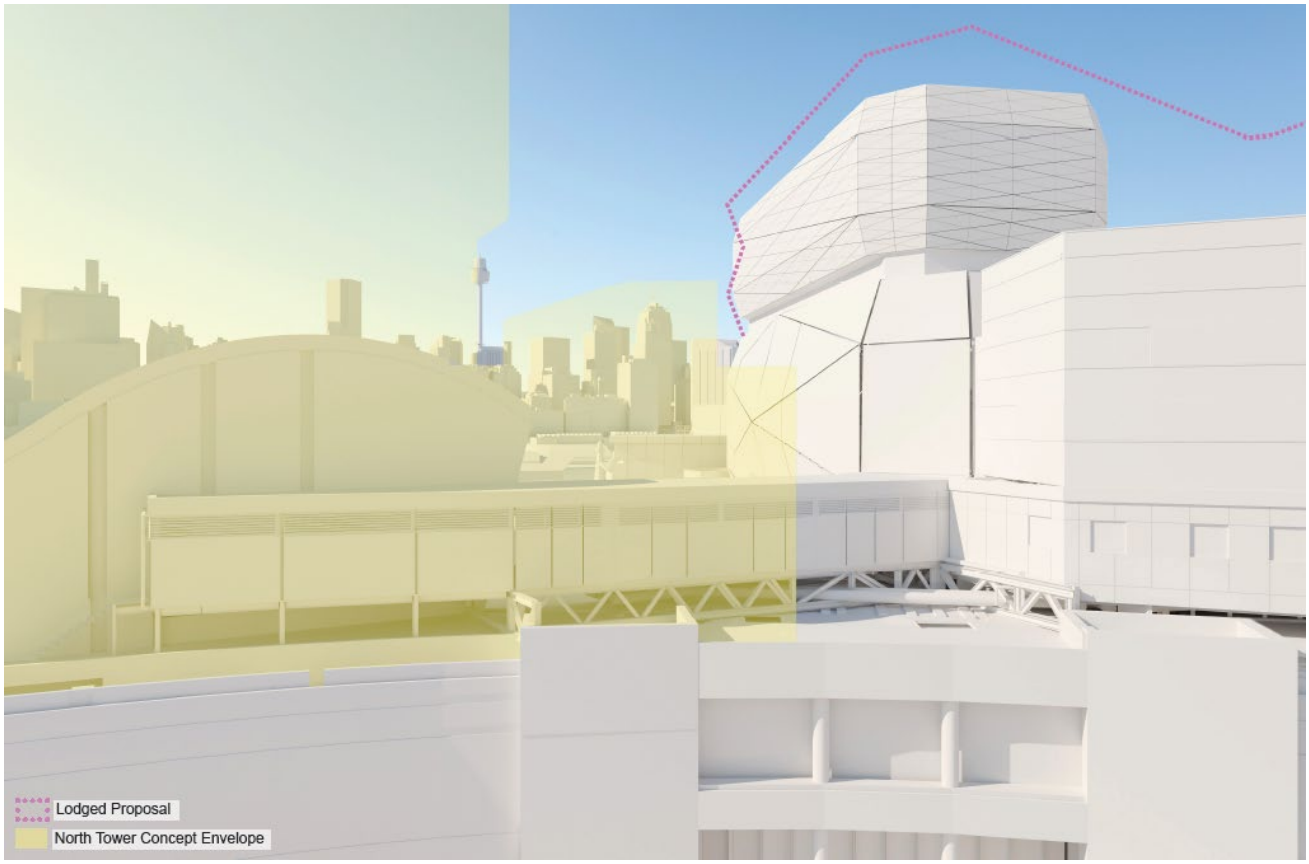


Figure 41 CAM10: Watermark Tower, east elevation, level 6 (7th storey), comparison between original and revised proposal

Source: Virtual Ideas

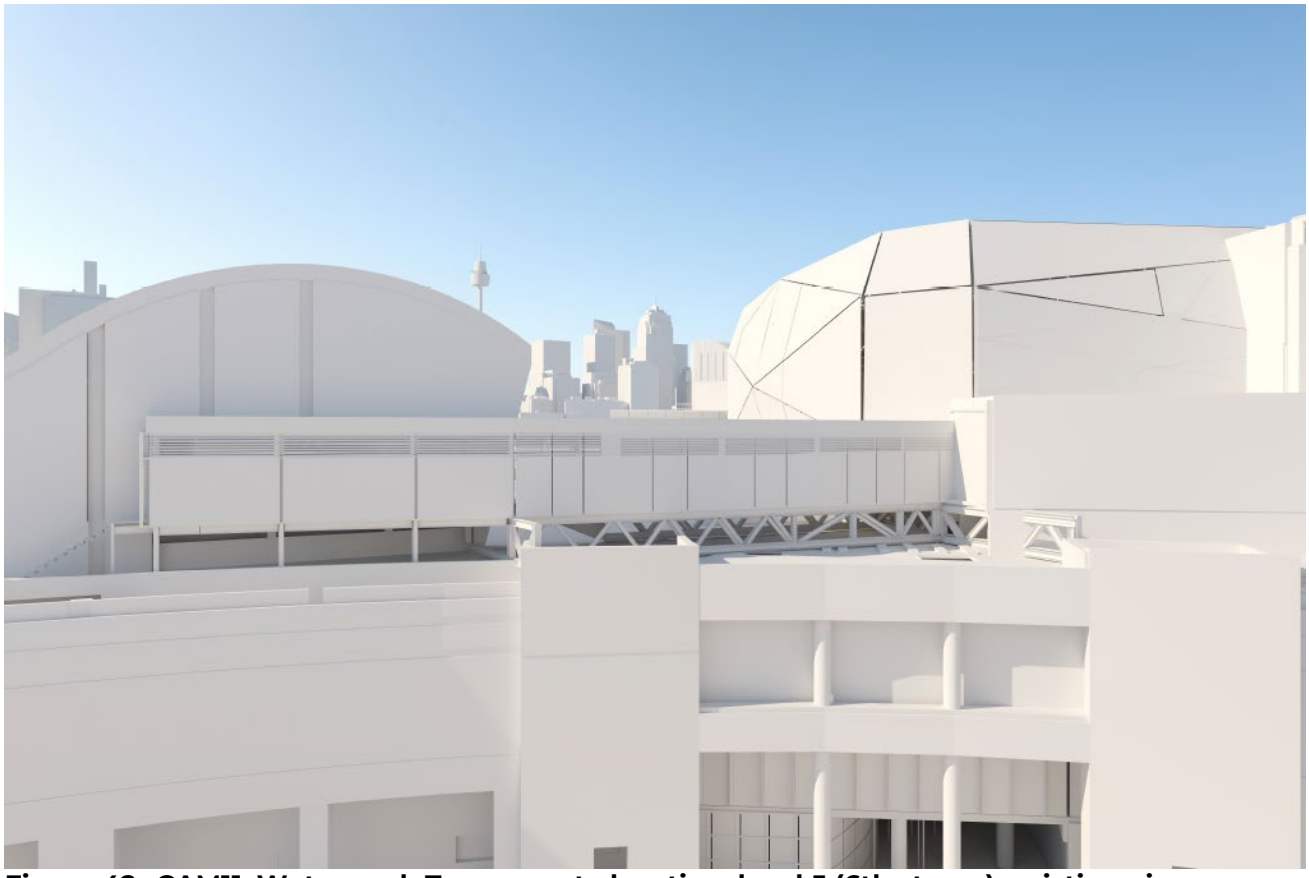


Figure 42 CAM11: Watermark Tower, east elevation, level 5 (6th storey), existing view
Source: Virtual Ideas

Figure 43 CAM11: Watermark Tower, east elevation, level 5 (6th storey), area of impact
Source: Virtual Ideas

Figure 44 CAM11: Watermark Tower, east elevation, level 5 (6th storey), comparison between original and revised proposal

Source: Virtual Ideas

Figure 45 CAM12: Watermark Tower, east elevation, level 4 (5th storey), existing view
Source: Virtual Ideas

Figure 46 CAM12: Watermark Tower, east elevation, level 4 (5th storey), area of impact
Source: Virtual Ideas

Figure 47 CAM12: Watermark Tower, east elevation, level 4 (5th storey), comparison between original and revised proposal

Source: Virtual Ideas

7.3 Watermark Pavilion

The following images show visual impact on this building.

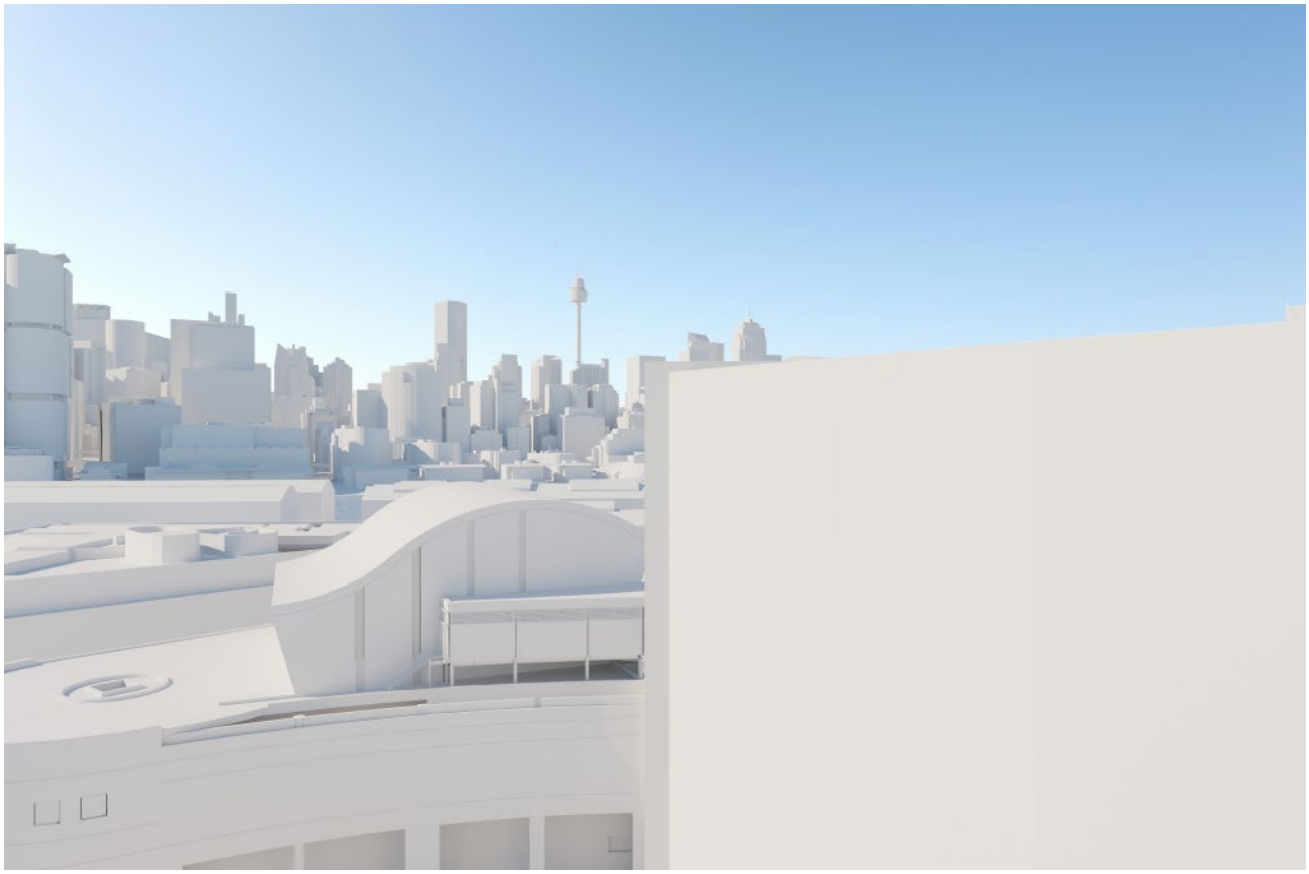


Figure 48 CAM13: Watermark Pavilion, south end, 8th storey, existing view

Source: Virtual Ideas

Figure 49 CAM13: Watermark Pavilion, south end, 8th storey, area of impact
Source: Virtual Ideas

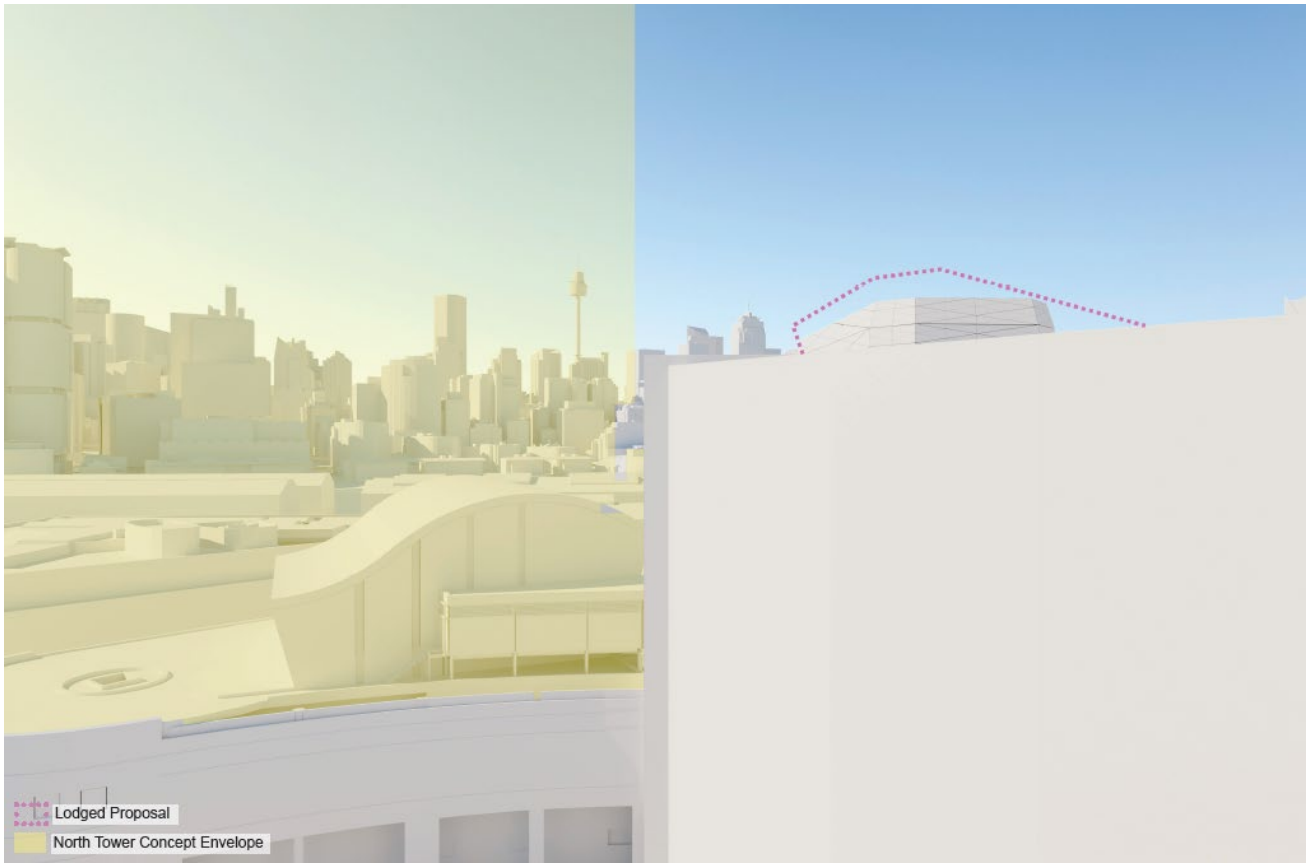


Figure 50 CAM13: Watermark Pavilion, south end, 8th storey, comparison between original and revised proposal

Source: Virtual Ideas

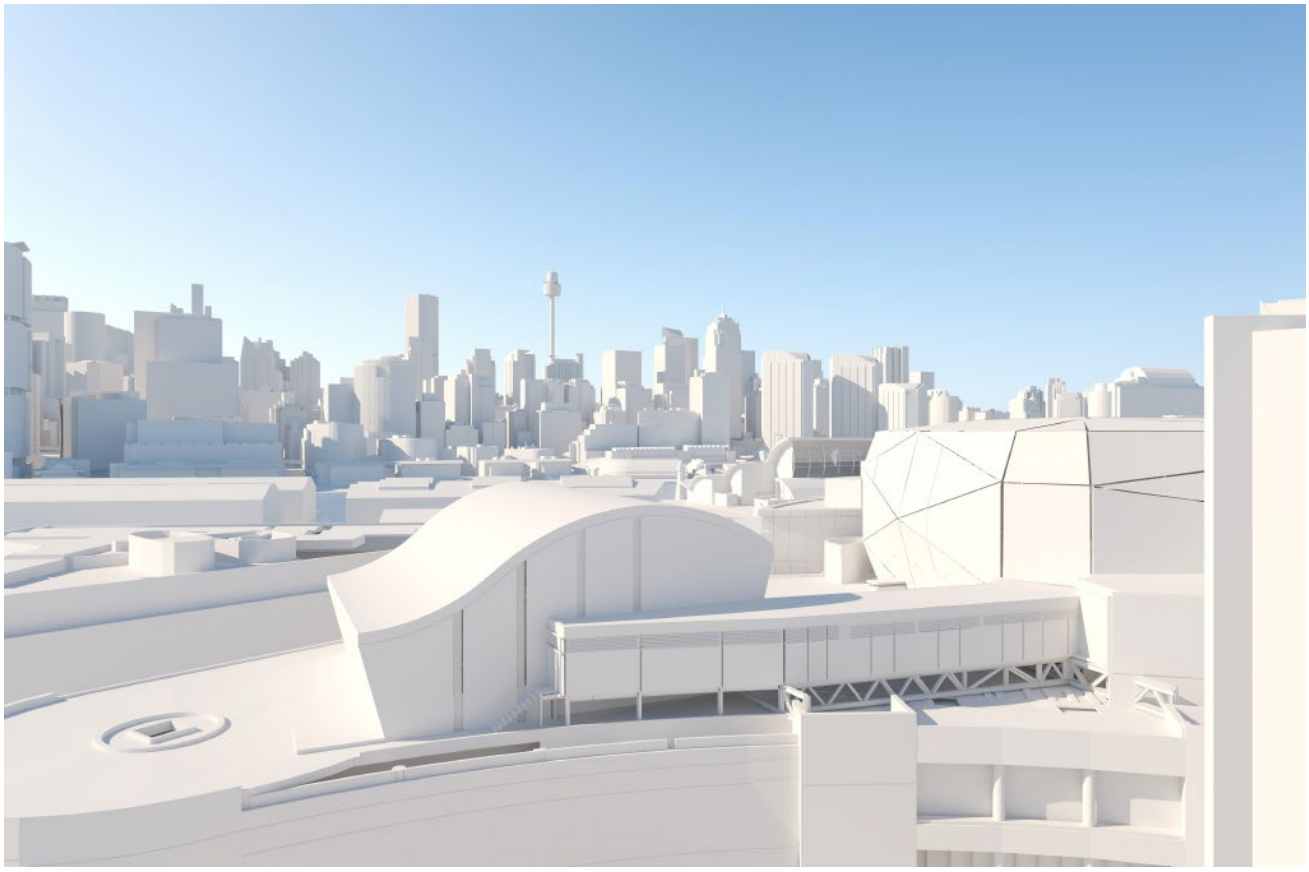


Figure 51 CAM14: Watermark Pavilion, central section, 8th storey, existing view
Source: Virtual Ideas

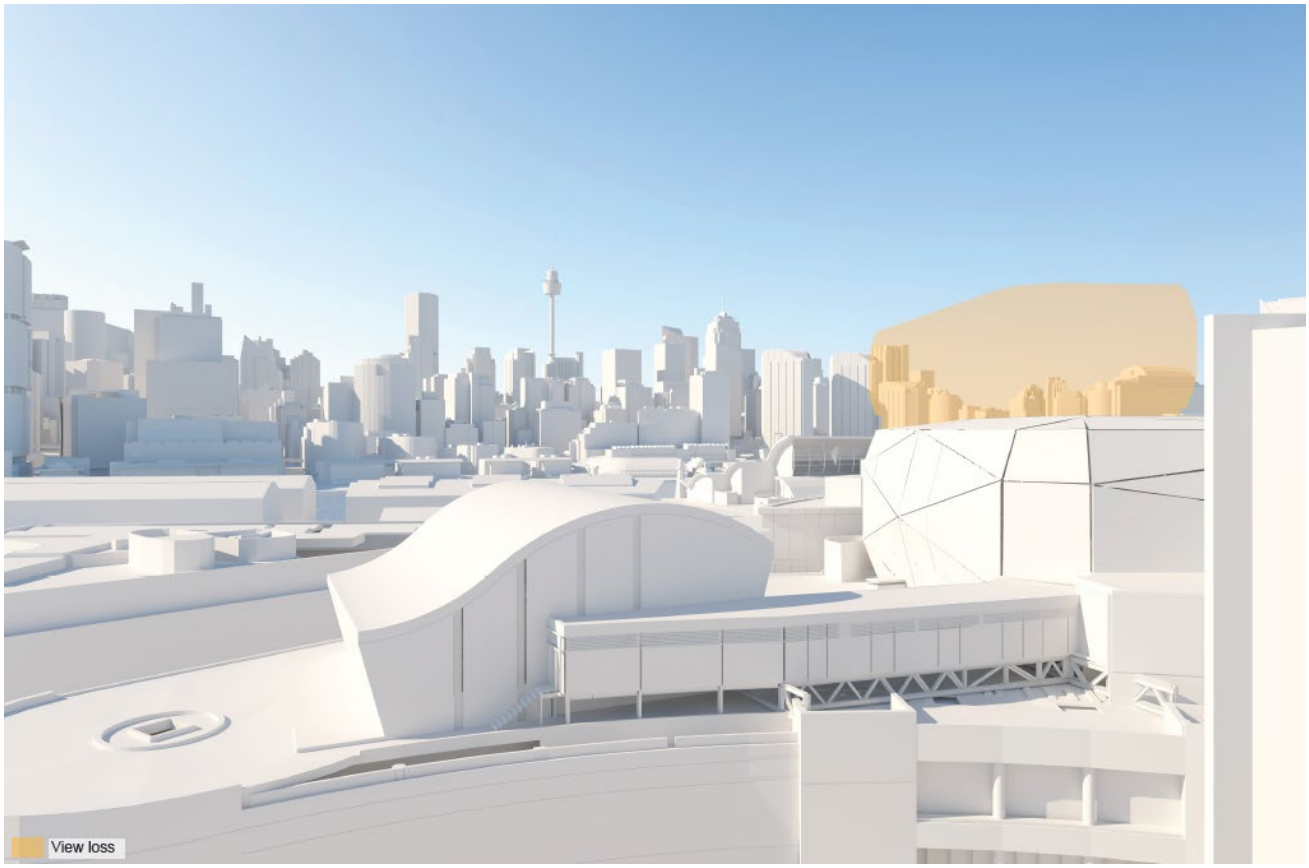


Figure 52 CAM14: Watermark Pavilion, central section, 8th storey, area of impact
Source: Virtual Ideas

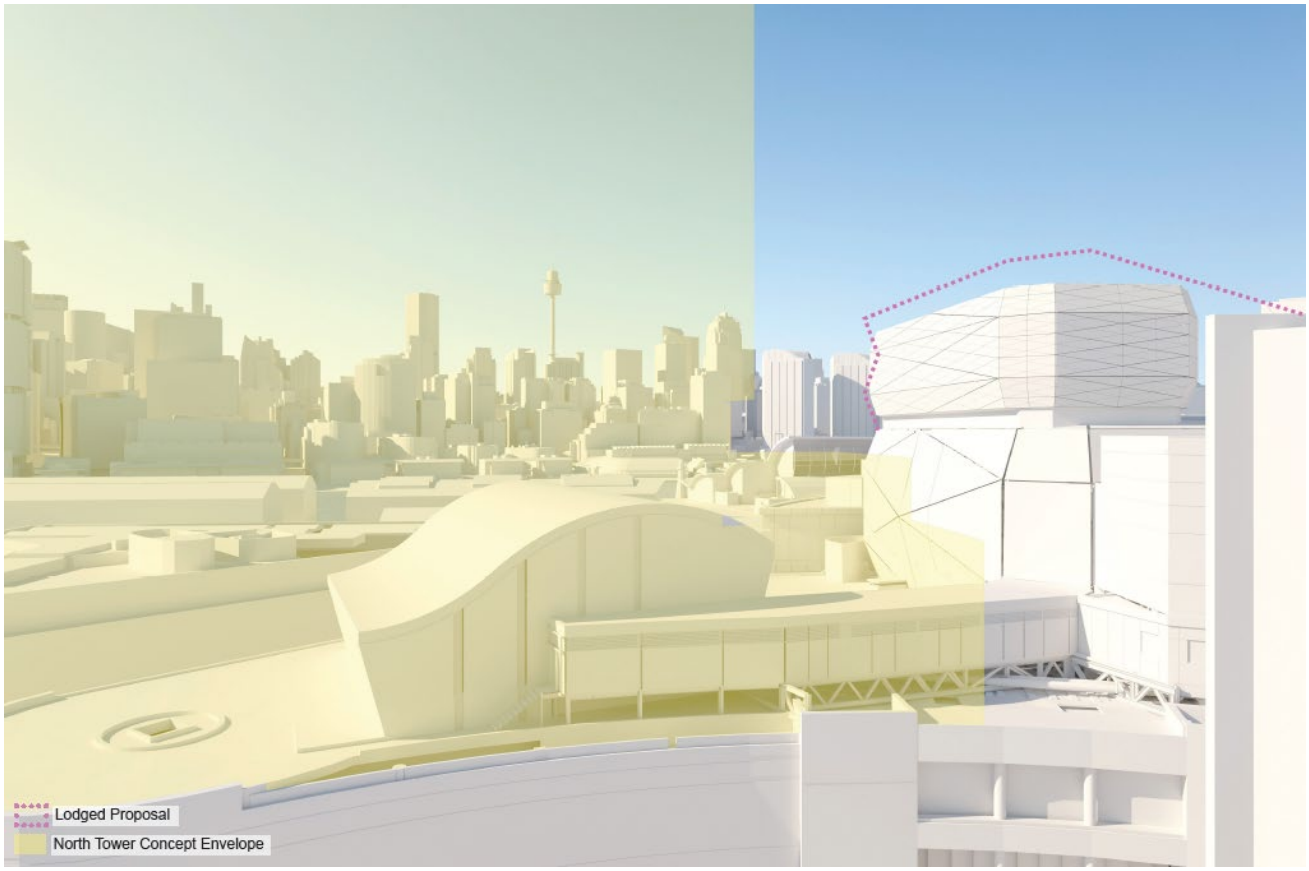


Figure 53 CAM14: Watermark Pavilion, central section, 8th storey, comparison between original and revised proposal

Source: Virtual Ideas

8.0 Visual impact assessment

8.1 Tenacity steps 1 - 3

The following table provides an assessment against Tenacity steps 1 – 3.

Tenacity step 1: views to be affected

The views are of an urban setting looking over Pyrmont in the foreground and midground to the Sydney CBD skyline in the background. From all views, development of scale is evident, and The Star is a prominent feature. International Towers, MLC Centre and Sydney Tower are noticeable within background Sydney CBD skyline. It does not contain water, land and water interface or iconic elements or features.

The main difference in views is that from a greater distance (eg, Rockdale) the foreground and midground occupies a larger part of the view, while from a lesser distance this foreground is foreshortened by The Star.

It is important to note that the views represented in the modelling do not constitute the totality of views obtained from the effected units. Rather, they deliberately show the most effected part of the view. Views from the units takes in directions largely unaffected by the proposal. For example, extensive views to the south stretching to the south-west can be obtained from Rockdale, views from the angled balconies to the north-east towards Darling Harbour can be obtained from Watermark Tower and views to the north-east to towards Darling Harbour and the Sydney Harbour Bridge can be obtained from Watermark Pavilion. Indeed, due to the recess of balconies, from Watermark Pavilion (apart from corner balconies) views would only be obtained to the south-east towards the proposal by deliberately looking in that direction. It is therefore argued that the natural focus of viewing is more likely to be to the north east away from the proposal towards more valued and iconic features such as the northern CBD skyline.

Tenacity step 2: what part of the property the views are obtained

The views are obtained from a standing position on balconies that look over the front boundary of the units. While floor plans have not been obtained for the dwellings, it is understood that the balconies adjoin living rooms.

Tenacity step 3: extent of the impact

In all views, the proposal blocks part of the sky and / or part of the Sydney CBD skyline. It does not introduce a new element that is uncharacteristic or discordant in the view. The proposal will be read as a lesser element in the view compared to The Star.

Importantly, by largely maintaining the existing MUEF footprint, it maintains the existing view corridor to the Sydney CBD skyline located to the north of The Star.

In views from Watermark Tower, it will read as a more visually integrated composition compared to the existing MUEF. In views from Rockdale and Watermark Pavilion, it will be seen as a visually interesting addition to the skyline. In particular, from Watermark Pavilion, its folded elevations will be visible. In views from Rockdale, impact is limited to loss of visibility of part of the midtown precinct of the Sydney CBD skyline.

The greatest view loss occurs for level 9 of Watermark Tower. In this view, the proposal will block views of the Sydney CBD skyline south of the MLC Centre. While no change to the visibility of the MLC Centre will occur and it will be well separated from the northern edge of the proposal to retain its silhouette effect (all sides being seen against a background of sky), the proposal will block views of the upper parts of a number of buildings including Sydney Tower. The next greatest view loss occurs for level 8 of Watermark Tower. While visibility of the upper part of Sydney Tower is lost, the existing view only affords a view of a small part of the tower. In addition,

only the top of one other building can be seen (the Citigroup Centre) is blocked. This is considerably different to that for level, where the tops of a larger number of buildings is blocked.

For levels 7 and below in the Watermark Pavilion, the main effect of the proposal is to reduce the amount of visible sky and increase the scale of built form in views. It should however be noted that The Star is already a dominant feature of these views, and as such the proposal will be seen as lesser scale.

From Watermark Pavilion, the proposal will block part of the southern Sydney CBS skyline. This does not include any distinct buildings such as Sydney Tower.

Subject to appropriate architectural treatment, including materials, colours and lighting, the proposal is not expected to naturally draw the eye in views.

For all view, view loss is qualitatively assessed as minor. From level 9, due to the nature of blocking of part of the Sydney CBD skyline, view loss is qualitatively assessed as moderate.

Table 5 Tenacity steps 1 – 3 assessment of visual impact

Ref.	What part of the property the views are obtained	Assessment of view to be affected	Extent of the impact
Rockdale			
CAM01	Balcony, 7th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
CAM02	Balcony, 7th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
Watermark Tower			
South elevation			
CAM03	Balcony, 9th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being moderate.
CAM04	Balcony, 8th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
CAM05	Balcony, 7th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
CAM06	Balcony, 6th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
CAM07	Balcony, 5th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
CAM08	Balcony, 9th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
East elevation			
CAM09	Balcony, 8th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.

Ref.	What part of the property the views are obtained	Assessment of view to be affected	Extent of the impact
CAM10	Balcony, 7th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
CAM11	Balcony, 6th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
CAM12	Balcony, 5th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
Watermark Pavilion			
CAM13	Balcony, 9th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.
CAM14	Balcony, 9th storey	The objective value of the view is moderate.	Visual impact is qualitatively assessed as being minor.

8.2 Tenacity step 4 – reasonableness

Strategic grounds
As has been shown in this report, State and local strategic plans including the Eastern City District Plan and City Plan 2036 encourage development of cultural and entertainment uses such as the proposal.

The Place Strategy identifies Pyrmont Peninsula as an appropriate place to accommodate growth in these uses, seeking to evolve Pyrmont Peninsula as 'an innovative, creative and cultural precinct', with the Darling Island precinct identified as 'a place of entertainment, tourism and innovation'.

The Place Strategy establishes a reasonable expectation that the site is intended to accommodate significant further growth. The built scale of this growth is also intended to be considerable, with adjoining land to the north within the site envisaged to accommodate towers of up to RL110.

Statutory grounds
The proposal complies with the new height control for the site enacted through implementing the Pyrmont Peninsula Place Strategy.

It is also noted that the proposal is not for a speculative, private purpose, but for a publicly accessible use that will bring considerable community benefit to the local area, Sydney and NSW more broadly. The height is needed to accommodate a new fly tower and rigging loft to house the equipment needed to run live performances. Unlike many other large scale developments such as multi-storey apartment or office buildings, due to these needs of this system here is considerably less flexibility to consider an alternative height arrangement. With reference to Tenacity, there is limited to no potential for a more skilful, alternative design that provides Foundation Theatres with the same development potential.

As can be seen in the following table, the proposal is consistent with key directions of the planning framework.

Table 6 Consistency with key directions of the planning framework

Part of planning framework	Key direction	Comment
Place Strategy	Promoting public views to and from the water (through building heights).	The proposal does not block views to water from the effected units.
Place Strategy	Reinstating views to the harbour from the public domain.	The proposal does not block views to water from Jones Bay Road.
Place Strategy	Separating buildings to maintain view corridors and minimise visual impacts from the water and surrounding public domain.	By maintaining generally the same footprint as the existing MUEF, the proposal maintains the existing view corridor located to the immediate north which is proposed to be retained as part of future development on the site.
SLEP2012	Promoting the sharing of views.	By maintaining generally the same footprint as the existing MUEF, the proposal maintains the existing view corridor located to the immediate north which is proposed to be retained as part of future development on the site.

9.0 Visual impact – public views

The following images show existing and proposed scenarios for the two selected public domain views.

Figure 54 View south from Pirrama Road and Jones Bay Road roundabout, existing view
Source: Virtual Ideas

Figure 55 View south from Pirrama Road and Jones Bay Road roundabout, area of impact
Source: Virtual Ideas

Figure 56 View south from Pirrama Road and Jones Bay Road roundabout, comparison between original and revised proposal
Source: Virtual Ideas

Figure 57 View north/west on the waterfront walk Pyrmont Bay Park, existing view
Source: Virtual Ideas

Figure 58 View north/west on the waterfront walk Pyrmont Bay Park, area of impact
Source: Virtual Ideas

Figure 59 View north/west on the waterfront walk Pyrmont Bay Park, comparison between original and revised proposal
Source: Virtual Ideas

As can be seen from these images, the proposal has minimal impact to views from these locations.

10.0 Conclusion

When assessed against Tenacity, the proposal is considered to have reasonable visual impact for a number of key reasons, including:

- the proposal does not block views to highly valued or iconic landscape elements such as water, the land and water interface or the Sydney Harbour Bridge;
- view loss is limited to the sky and / or part of the Sydney CBD skyline. While acknowledging views of Sydney Tower will be lost from the uppermost parts of Watermark Tower, the ability of a viewer to see and appreciate the CBD skyline more broadly is retained;
- the proposal is for a use that meets an identified need and provides considerable public benefit;
- the site already contains development of scale, has been subject to frequent change since its initial construction and the planning framework establishes a reasonable expectation for considerable future change;
- the proposal is for part of the intended use for which alternative configurations are not viable;
- the proposal largely retains the same general footprint of the exiting MUEF, reducing visual impact and in particular retaining the bulk of the view corridor to the north; and
- the proposal has a design that provides for visual interest and reducing perception of building bulk and scale.

On this basis, subject to relevant and reasonable conditions covering matters such as externally visible materiality and colours, the proposal has accepted visual impact and can be supported on visual impact grounds.