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Star Entertainment Group

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architectus™

Addendum response to submissions: Visual Impact

Star Modification 13

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This report is considered a draft unless signed by a Director

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Contents

1. Introduction	1
2. Submissions and response	2
2.1 Preliminary	2
2.2 Response to common themes of submissions	2
2.3 Department of Planning – schedule of key issues	3
2.4 Submission 279884 (Alex Greenwich MP)	4
2.5 Submission 284119 (City of Sydney)	5
2.6 Submission 281100 - 851/852 Astral Residences	8
2.7 Submission 279707 – 4A / 4 Distillery Drive	9
2.1 Submissions 284218 (14 Pyrmont Street) and 281102 (16 Pyrmont Street)	10
2.2 Other submissions	10
3. Summary and conclusions	15
4. Appendix A – Supplementary Views	17

1. Introduction

A Section 75W modification for the project approval for the Star City Casino Pymont (MP08_0098 MOD 13 'Construction of a new hotel and residential tower and alterations to existing building') was lodged with the Department of Planning in August 2018 and exhibited through to 18 September 2018.

Architectus prepared a Visual Impact Assessment which formed part of the exhibited modification application.

This addendum report provides a response to issues raised in the submissions regarding visual impact issues. This is based on relevant submissions provided to Architectus by the Star Entertainment Group Limited (SEGL).

2. Submissions and response

2.1 Preliminary

This section provides a response to submissions discussing visual impact issues. These are grouped for descriptive purposes, with a response to common themes first and submissions following this, grouped where similar issues and locations are discussed.

For public bodies or members of public office the respondent is also noted. Where there is a response relating to views from an address, the address is also noted.

For submissions where photographs have been provided for private residences or the private view impact extensively discussed, this submission includes a supplementary 3D modelled view from the affected property in Appendix A to this document.

2.2 Response to common themes of submissions

Many of the submissions focus on specific view impacts from individual locations. It should be noted that the consideration of visual impact is necessarily an overall assessment performed against relevant controls, standards and legislative framework and visual prominence or obstruction of individual views are not necessarily determinative of an unacceptable outcome in visual impact terms. The peer review of the Visual Impact Assessment by Dr Richard Lamb (provided at Appendix ZZ of the Mod 13 package) is in agreement with both the process and conclusions of the assessment.

Of particular importance regarding public domain views, the following should be noted and are discussed in Chapters 5 and 6 of the submitted assessment:

- The proposal does not obstruct elements of ascribed significance (e.g. land-water interface, iconic views, etc).
- The most important elements in existing views will be retained from all locations
- Tall buildings are already present in 21 of 24 views considered
- The site is in a broader context of change where further tall buildings are anticipated

Of particular importance regarding private views the following should be noted:

- The proposal is not bound by the requirements of any local level instrument (including the Sydney LEP and DCP) though these may be used for guidance purposes for instance as referred to through the Planning Principles that raise as a consideration “any document that identifies the importance of the view to be assessed” (Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor [2013] NSWLEC 1046). With this noted:
 - An LEP compliant proposal would generally obstruct the same horizon and water views (the most significant elements within these views)
 - Under Sydney DCP 2012 view preservation is not required, only ‘pleasant outlook’ (‘short range prospect... as distinct from views’)
- Design mitigation is provided through inset at lower levels of tower

Based on the above, in overall terms the proposal has been considered as acceptable from a visual impact assessment perspective.

2.3 Department of Planning – schedule of key issues

Following exhibition, the Department of Planning has provided a letter to the applicant providing a schedule of key issues to respond to. This includes the following with regard to visual impact:

“13. Provide an assessment of the impact on private views from the serviced apartments (not owned by The Star) within the Astral Residences tower.”.

Response

Within the Visual Impact Assessment submitted with the application, Architectus did not have information on the location of units in the Astral Residences between those that were owned by the SEGL and owned privately. As such an assessment on the whole Astral Residences tower was conducted and it was noted that up to 14 apartments (two per floor for seven storeys) may lose the majority of their water views and receive a high impact from the proposal.

Following submission, Architectus has gained further information on this issue from SEGL. It is understood that there are seven (7) privately owned and occupied apartments within this Tower. Supplementary views from each of these residences have been produced and are included in Appendix A of this document.

Of these seven residences, three will receive a high impact from the proposal:

- Residence 752 is on the current rooftop level. The proposal's new facilities (on the existing rooftop) will obstruct their horizon and city skyline views as well as small areas of water. As shown in the submitted Visual Impact Assessment for the proposal, the part of the proposal that obstructs views is within the LEP height control. On this basis according to the planning principles there is a reasonable expectation for development here.
- Residences 851 and 852 which are jointly owned and the subject of submission 281100 (see below) would have horizon, water and the lower portion of city skyline views obstructed by the proposal, primarily the 'ribbon' element.

Of the other residences:

- Residence 1552 will have a low to moderate impact as part of the existing water view is obstructed by the 'ribbon' and the tower part of the proposal obstructs part of the skyline. However, the majority of water views, horizon views and city skyline is retained in views from this location.
- Residences 1557, 1561 and 1565 would have a negligible impact as the proposal is not in their direct view and if visible at all would be an oblique view only from close to the edge of the residence.

The impact of the proposal on the above views is acknowledged. Despite this, the proposal is considered reasonable and acceptable in visual impact terms when assessed against all relevant considerations, as described within the Visual Impact Assessment and summarized in the 'response to common themes of submissions' above. In considering the impact of the proposal on these views, the following factors are most relevant:

- The number of apartments highly impacted is limited to three as noted above, two of which are owned by one owner. Of these three, Residence 852 also enjoys an alternative view to the east (to the CBD skyline and Cockle Bay) will be retained.
- As noted in the 'response to common themes of submissions' above, there is no specific requirement for retention of private views and other comparable developments nearby (including the ICC hotel, Darling Square, Ribbon/IMAX development and Barangaroo) have similarly impacted a number of views in their local vicinity.

- The Astral Residences face across the site and therefore with regard to considering the Planning Principles, there is not the same expectation that these views would be retained as private dwellings outside of the site with front facing windows.
- There has been mitigation of impacts from the design competition scheme to the final proposal that reduces its impact on the Astral Residences, through a reduction in overall height of the ‘ribbon’ element from RL49.5 to RL44.3.
- Any further design change to accommodate improvements to the view corridor in question would have a significant impact on the design excellence of the scheme.

2.4 Submission 279884 (Alex Greenwich MP)

“Public View Impacts

The proposed tower is imposing and will dominate views throughout Pyrmont, Darling Harbour and beyond.

The tower would become a daunting bulky feature that would block the sky from the eastern side of Darling Harbour between Pyrmont Bridge and Barangaroo especially from King Street Wharf, which currently provides vital inner city open space along the harbour. Views from Pyrmont Bridge west, Barangaroo Headland Park, Pirrama Park, Pirrama Road, Pyrmont Bay Park, Giba Park and Union Square would be severely impacted with the tower completely taking over. Indeed views from these vantage points and others across the region in every direction will be dominated by the massive high-rise towering above. The tower looks out of place and spoils the beautiful skyline from multiple vantage points. It will suffocate important public spaces and erode the experience of these important public places for private benefit.

At night the eight-metre by eight-metre logos placed at the top of the building at both the east and west elevations would increase impacts by branding and commercialising night views, creating illuminated visual pollution across the Pyrmont peninsula and Darling Harbour, designed to compete with the planned Crown Casino.

Private View Impacts

The proposed development will result in substantial destruction of private views to a large number of homes in Pyrmont, particularly at 2 Jones Bay Road where 16 homes will completely lose any view.

Views are important to the wellbeing of apartment residents, who live with no private open space. A view can connect someone inside an apartment with the outside world and create a sense of space. Of great concern is that the extent that the tower will block outlook and sky views is so great in some homes that they will also suffer from a massive loss of light and brightness inside, significantly affecting residential amenity.

It is ironic that that the applicant considers these impacts on neighbours as acceptable when at the same time it plans to limit the growth of plantings on the proposed Neighbourhood Centre terrace - the one community benefit in the proposal - to protect views in the apartments above.

There is no information on how lighting of the tower and ribbon facade would impact on adjacent homes at night. The tower will be a very prominent feature visible from windows of many homes and this could create significant light spill into habitable rooms affecting residents' ability to sleep. Information on light spill needs to be provided and impacts prevented.”

Response

The visual impact of the proposal on the locations mentioned in this submission has previously been considered and assessed in the Visual Impact Assessment, forming part of the overall assessment of the proposal. The process for this is described in detail in the Visual Impact Assessment and summarized in the ‘response to common themes of submissions’ above. In particular it should be noted that for these issues that:

- While the proposal is prominent in public domain views, it does not impact on or obstruct the most significant elements of views including views to iconic elements (such as the Sydney Harbour Bridge or Opera House), water views or views of the land-water interface.

- Although there is a significant loss of views for some private properties, this is not in itself determinative of an unacceptable impact.

It should be noted that this submission provides a response to the visual impact issues raised above. Issues of heritage, loss of sunlight or skylight are understood to be considered within responses from other members of the technical team for the project.

2.5 Submission 284119 (City of Sydney)

“15. Figure 1 in the visual impact assessment prepared by Architectus provides a "context" to justify the tower that exists outside of Pyrmont. It is clear from the view assessment on Cockle Bay that there is no context of towers in the Pyrmont vicinity. Nor is there a proposed or approved future context of towers.”

Response

The Eastern City District Plan describes that the city is anticipated to grow west through the ‘innovation corridor’ and this is reiterated in the Draft Central Sydney Strategy (by the City of Sydney), although there has to date been no further development of this strategic aim towards new planning controls. Sites such as Barangaroo, and the Sydney Convention and Exhibition Centre (including ICC hotel and Darling Harbour Live) and ‘The Ribbon’ as well as the expectation for future development in the Bays Precinct have further set a precedent, having been accepted and developed in this strategic context or even prior to the development of these strategic documents.



Bays Precinct Market District (Urban Growth NSW).

This image shows a context of future tall buildings on the western side of the Ultimo/Pyrmont peninsula

“16. The tower form has a high impact on the views from 30 dwelling as demonstrated in the Visual Impact Assessment prepared by Architectus. The views to the city skyline and large amounts of sky which are currently enjoyed by a number of Pyrmont residents are replaced with a large tower form. It is argued by the applicant that this is acceptable on the basis of "view sharing". However, the impacts are created by the proposed 237m high tower, a tower that is not anticipated by any of the controls and therefore could never be anticipated by the impacted Pyrmont residents. The view impacts are created by a building form that far exceeds all primary controls and community expectations based on those controls, therefore the principles of view sharing are not exhibited.”

The applicant's analysis demonstrates the substantially greater impact on views and access to sky the proposed tower will have compared with the LEP envelope - shown in blue.

17. The Visual Impact Assessment prepared by Architectus also demonstrates that there will be a greater impact on views from the public domain than would be created by a LEP compliant scheme. This includes views from Martin Place, Glebe foreshore parks, Cockle Bay, Union Square and Pyrmont Bay Park among others.”

Response

The proposal is acknowledged to have a high impact on some dwellings. This is considered as part of the overall assessment of the visual impacts of the project within the Visual Impact Assessment. A summary of this is provided in the 'response to common themes of submissions' above. Furthermore, the proposal is not bound by the requirements of the LEP and DCP and these should be considered for guidance purposes only.

It is acknowledged that the Visual Impact of the proposal is greater than an LEP compliant scheme for public domain and some private views. Regarding the comments made in the submission, it should be noted that:

- The LEP envelope is not an applicable control for the proposal.
- Even should the control apply, exceeding controls does not alone make a proposal unacceptable based on the 'Tenacity' planning principles and any proposal can still be considered on its merits from the perspective of visual impact.
- Given the context of change set out through recent developments in the area and strategic planning documents, there is a reasonable expectation for change in the skyline in this area of Sydney.

Regarding private view loss, it should also be noted that the most significant impacts of the proposal on private views are caused by the part of the proposal within the LEP height limit.

The overall assessment presented in the Visual Impact Assessment is based on the above and concludes that the proposal is acceptable on this basis.

“18. The tower height results in the tower being visible in close proximity to the GPO clock tower when viewed from the east down Martin Place. The view of this key heritage landmark against an uncluttered sky has been identified as a key planning constraint in current and proposed planning for the west side of the city. This is an unacceptable heritage impact. The conclusions of this assessment are not credible given the immense scale and isolation of the project on the harbour foreshore - and with no planning framework to support the project.

It is important to note that while a 24mm focal length has been included in the Visual Impact Assessment, the 50mm focal length more accurately represents what a human eye sees. Therefore while the impact appears lesser on the 24mm focal length images provided, this is not what will be perceived as the actual impact. In addition to the above, there are a number of other key concerns that are required to be addressed and/or clarified. These are found within Attachment A to this letter.”

Response

Two views are considered in the Visual Impact Assessment from Martin Place. In one (from the western portion of Martin Place) the proposal is not visible. In the other (from the eastern end of Martin Place) the proposal's impact on one Martin Place is considered moderate as the proposal appears visually subservient to the GPO tower.

There is no existing control protecting this view and the controls in the Draft Central Sydney Planning Strategy have not been through public review.

It should also be noted that since the Visual Impact Assessment has been prepared, this view has been affected by the development of 151 Clarence Street, which has been approved by the City of Sydney and occupies a similar area in this view to the proposal, close to the GPO clock tower. For comparison, presented below is the view presented in the Visual Impact Assessment and a recent photograph from a similar position including 151 Clarence Street.

Note that Architectus' assessment is limited to Visual Impact issues and for consideration of heritage issues is provided by Urbis including through Heritage Impact Statement for the application.



*Proposed view (Visual Impact Assessment as submitted.
Based on photograph taken 2017)*



Similar view – 2018 photograph including 151 Clarence Street as built (right of GPO tower) without the proposed Star tower

Regarding the 24mm focal length views shown (which do not include the Martin Place view that is shown as a 50mm view), it is agreed that 50mm focal length views are often seen as a 'best' representation of a human eye view. However, for views close to the proposal a 50mm focal length view alone may only see part of the side of the building and the overall visual impact cannot be assessed from this. For this reason a broader view (e.g. 24mm focal length) is shown and the 'frame' of a 50mm focal length view is added on this so that a comparison can be made by the viewer. This approach is set out

in Section 2.6 of the Visual Impact Assessment. This approach is widely accepted and adopted including through the following recent Major Project approvals within the City of Sydney which have used similar focal length views:

- SSD 8351 Concept Proposal for the Development over Martin Place Metro Station – 35mm and 24mm focal length cameras (in portrait format) are used.
- SSD 15_7037 75-85 Harrington Street, The Rocks. 50mm focal length views are shown where possible, with 35mm and 24mm used “when the viewpoints are located in close proximity to the proposal and a 46 ° view cone (i.e. 50mm focal length) becomes too narrow to include the entirety of the proposal and its immediate context” (as described in the Visual Impact Assessment).
- SSD 15_6964 and SSD 15_6965 – Barangaroo South Residential Building R4A and R4B – A variety of focal lengths are used from 17mm-40mm.
- SSD 15_7021 – SICEEP Darling Square – North Plot. A variety of focal lengths are used from 17mm-50mm.

Based on the above, we consider the process undertaken in the Visual Impact Assessment regarding focal length of lens is both good practice and commonly accepted.

2.6 Submission 281100 - 851/852 Astral Residences

“- The current views enjoyed by residents and occupants of the Astral Residences are highly valued. The proposed ribbons are noted as architectural features connecting new uses to each other. However, it appears that these architectural features will cause detrimental by causing a disruption of these views

A Visual Impact Assessment (VIA) is provided as Appendix H of the SSD Modification

- *The VIA covers Levels 6 and 10 of the Astral Residence (including podium levels). Our client's units are located between the Level 1 and Level 5 of the analysed impacts in the VIA (excluding any podium)*
- *It is clear that the impact of the ribbon buildings, and to some extent the Level 5 Sky Terrace, will result in the impeding of primary, existing water views for our clients' units (and those units below). These views were assessed to be 'high importance' and 'moderate to high visual impact' in the VIA*
- *The 28m LEP restricted height limit appears to impede partial views to the harbour here with protruding elements such as the ribbon building further cancelling out, '...water and horizon interface...' in its entirety*
- *The VIA assessment discounts the impacts of loss of private views stating that '...the expectation of retention for these views is considered to be lower than views across a front of rear boundary' and further '...Astral Residences are located within the site and the affected residences do not face the street but across the site'. There are issues with this rationale being:*
 - *The original Part 3A application has undergone continual modifications throughout the years since approval. The ongoing series of modifications of The Star development site suggest there are changing objectives. Continued assessment against and application of an unchanged 'Planning Principle' does not fit the dynamic nature of The Star development site; and*
 - *In the absence of an immediate and clear frontage (to affected units), it is unreasonable to define an orientation, that is, front, side, rear, which the VIA considers to have varied importance. The fact of the matter is that these units have*

single, primary frontages to the structures proposed in Modification 13

- Please refer to extracts at the end of this document

Conclusion

...

Should the Department be of the view to support the application, we request our client's concerns are addressed through:

» The development and consideration of alternative design solutions for the Ribbon building's roof line to allow for existing resident view corridors to remain in place

» Ensuring all amenity impacts associated with the proposal have been considered including appropriate conditions in any future consent to safeguard our client's residential amenity

...“

Response:

Two supplementary views have been produced to show the proposal's visual impact on this property. They are included in Appendix A of this document. Further discussion of the proposal's impact on the Astral Residences, including these apartments, is included above – see 2.3 'Department of Planning – Schedule of Key Issues' above.

This submission also raises two points of process in response to the submission. In response to these it should be noted that:

- A consideration against the planning principles of the NSW Land and Environment Court is absolutely relevant and necessary as these are a key standard providing guidance on the appropriateness of visual impacts in New South Wales. The status of the site as continually changing has little relevance to how these standards are considered.
- Although the terminology in the planning principles such as 'side boundaries' and 'front and rear boundaries' is difficult to relate to the proposal because of the nature of the site, the Visual Impact Assessment looks to extrapolate the principles behind these and apply these to the proposal. Fundamentally there cannot be a high expectation of retention of a view corridor that is entirely across the roof of a site that is likely to change over time.

2.7 Submission 279707 – 4A / 4 Distillery Drive

“27. While private views and overshadowing are by no means a determinative reason for refusal, the proposal will also have an adverse impact on the views and solar access to my apartment among others in Jackson's Landing. These impacts have not been assessed.

...

29. The attached photo also demonstrates that the proposal will destroy the current city skyline views from -my living room window like an outsized monster-looming between the-towers on Distillery Hill. The view impact assessment has not addressed any of the impacts on views from Stonecutters or Sugar Dock. There is an assessment from level 17 of Quarry {8 Distillery Drive} {See Architectus View Impact Assessment p128-129; but while there is an impact in scale from that building there is self-evidently little impact on views as it has expansive east facing city views from North Sydney to Central. In that context the single tower proposed will not have much Impact, but from apartments at Stonecutters and Sugar Dock that depend on a corridor of view between The Distillery and Quarry, the impact will be dramatic.”

Response:

Within the Visual Impact Assessment submitted with the application, detailed view analysis was not undertaken for this building however it is considered with reference to views from other buildings in a similar location (21 Cadigal Avenue and 8 Distillery Drive) and it is noted that buildings in this vicinity will receive “a moderate impact from the

proposal due to its visual prominence, however the majority of the wider panoramic view remains".

A supplementary view has been produced from this location as part of this response to submissions and is included in Appendix A of this document. In summary, the proposal forms a new element in the skyline, sitting between the scale of the city skyline and the scale of nearby buildings ('The Distillery' and 'The Quarry') which form a larger frame for the view. The photograph taken is also understood based on the plans to be taken in an oblique direction from the balcony. Most of the front facing view from the living rooms for apartments in this block faces further north, away from the subject site. The proposal's impact on the view would be moderate which is consistent with the assessment provided in the Visual Impact Assessment submitted.

2.1 Submissions 284218 (14 Pyrmont Street) and 281102 (16 Pyrmont Street)

Submission 284218 – 14 Pyrmont Street

"This massive 237m tower has extremely detrimental impacts on sunlight and views throughout the precinct!"

Submission 281102 – 16 Pyrmont Street

"Note all the photographic assessments, thus impact assessments in the Mod 13 documentation are viewed perspectives from the footpath in front of St Bede's Church or viewed perspectives from the forecourt of the SELS building or viewed perspectives from apartments on levels above ground, not terrace homes on ground with backyards None of the proposed development views and photographic assessments are actually from the 3 remaining terraces, thus the immediate and future views in all photographic assessments / regarding private views impacted and considered under the planning framework are skewed and inaccurate as far as actual views immediate and future from the 3 terraces homes"

"The extent of change and the negative visual impact with both proposals height and bulk of glazing"

These submissions relate to two of the three terraces on Pyrmont Street. Note this response provides detail on visual impact today, where sunlight access will be considered in a separate response.

A supplementary view has been produced from each of these properties as part of this response to submissions. These are included in Appendix A of this document.

The existing view from these terraces is across a public street to the existing Star building. These views do not include important elements (e.g. water views or views of iconic elements) which are enjoyed by other buildings assessed and thus its importance is considered low. There is a substantial change proposed to this view with the proposal forming a major part of the view and creating a new scale close to the site, obstructing a significant portion of the visible sky. This may be summarized as being a moderate impact to this view of low importance. It is considered to be reasonable and acceptable in line with the overall assessment of the proposal presented in the submitted Visual Impact Assessment.

2.2 Other submissions

Submissions 281104, 281077, 281080, 281106, 280956, 281114, 281112, 281110, 281136, 281134, 281116, 281120, 281118, 281132, 281130, 281124, 281122

"Will be devastating to the city views enjoyed by the families and communities from the James Watkinson Reserve, and Ways Terrace. (Children's play park and nature reserve)."

"Will be devastating to the property values and city views enjoyed by owner and tenants within the Watermark.Complex". (note: this is included in some but not all of the above submissions)

Submissions 278484, 277456, 280954 and 279776

"block residential and public space views to the Sydney city and harbour"

Submission 279357

"The tower will be an eyesore to those residents of Pyrmont who live in the Watermark development, whose views of the city will likely be materially affected. Urbis notes that there will be a high impact for 30 apartments in 2 buildings. While the tower is narrow at its base, in some concession to these residences' views, it will dominate the skyline, and is completely inconsistent with the local skyline. The Ritz Carlton tower is also significantly higher than the residential towers of Jacksons Landing, and is visually jarring when viewed in context of the neighbourhood of Pyrmont"

Submission 277599 (unknown unit, 2 Jones Bay Road)

"It will completely obstruct the view from my property in 2 Jones Bay Road"

Submission 281279: (unit 10, 80 John St)

"interrupting public and private harbour views"

Submission 290843 (27 Mount Street, Pyrmont)

"From my home, I am constantly assaulted by the eye sore that is the Packer development at Barangaroo. The more proximate Star Hotel and Residential Tower would remove my view of the Harbour Bridge and create a more proximate eye sore for myself and many others who moved to Pyrmont relying on past government promises about the nature of future development in the area. From my house, I already have to block out the light that comes off the Casino at night. The new development will impose far more on the night sky for many more residents in surrounding buildings and houses."

Submission 280818 (no address provided)

"We currently have views of the beautiful cityscape and the iconic Sydney Harbour Bridge and Westfield Tower. The Project will obscure this view"

Submission 277374

"4. The tower in the waterfront will obstruct the view to the city that thousands of current residents are enjoying and affect the value of their property."

Submission 281273

"I hope, at the very least, the owners of the 30 apartments where private views will be blocked will be suitably reimbursed for loss of amenity"

Submission 280518 (No address provided however photos provided)

"I will lose significant views and light if this development proceeds,"

Submission 279477

"the proposed development will block views from Pyrmont and adjacent suburbs of the harbour, CBD, Sydney Harbour Bridge and low level sky and parklands"

Submission 280460

"It will block views of the skyline for multiple existing buildings in the area"

Submission 279263

"Furthermore, the 237m tower will block the existing view and natural sunlight to the area for existing residents"

Submission 280638 (No address provided however photo provided)

"Towers of such height in such location ought not be permitted, for having too severe an effect on our local residential and relatively low rise amenity. As I write this I am looking out towards the direction such tower will be. The Barangaroo towers tops seen in the relatively same direction but at a distance are visually dominant already. A 237m tower so much closer in distance to us will detrimentally change both the outlook but also the character of the visual neighbourhood"

Response:

The submissions above raise public and private views from a range of locations, with specific mention of the following:

- Views from James Watkinson Reserve and Ways Terrace
- Views from the Watermark complex (2 Jones Bay Road)
- Views from 27 Mount Street Pyrmont
- Two private views with photos supplied and no address supplied (submissions 280518 and 280638)

Elements mentioned within views which may be lost include the harbour, CBD skyline, Sydney Harbour Bridge, low level sky and parklands.

Views from James Watkinson Reserve and Ways Terrace

These locations have been considered in the Visual Impact Assessment including one photomontage from a similar location at Giba Park(P21) as well as two views in the preliminary photographic assessment which are more directly from James Watkinson Reserve (Im-4, Im-5). Two of these are reproduced below. Giba Park was chosen for the location of the photomontage as it enjoys a less obstructed view where views from James Watkinson Reserve are partially obstructed through the existing fence (from portions of this reserve close to the fence) and trees (from positions higher in the park). In general, from these locations the most important element within the view is any visible part of Sydney Harbour to the northeast. This will not be affected by the proposal. The CBD view is of secondary importance and the proposal will in general be seen to the side of the CBD skyline in these views, framing the view of buildings in the distance and forming an extension to this skyline view. Both the importance of the view and the visual impact have been classified as moderate in the Visual Impact Assessment and this outcome considered acceptable.



View from Giba Park (P21 within Visual Impact Assessment)



*Photograph from James Watkinson Reserve (Im-5 within Visual Impact Assessment).
Ways Terrace is to the right of the image (behind trees)*

Views from the Watermark Complex (2 Jones Bay Road)

The anticipated impacts of the proposal on this building have been set out in some detail within the Visual Impact Assessment. Architectus anticipates approximately 16 apartments in 2 Jones Bay Road are highly impacted and likely to lose the majority of their view. Of these, 13 were also assessed as having a 'high' impact from the previous MOD7 approval. This is the most significant impact that the proposal is likely to have on any individual building. The summary and conclusions provided in the Visual Impact Assessment (and summarized above in 'response to common themes of submissions') describes why Architectus considers this an acceptable impact. Key considerations in this include that:

- There is no strict requirement for the protection of private views.
- The portion of the proposal creating the impact is compliant with existing controls (although these do not apply to the proposal).
- Other approvals in the area including the ICC hotel tower, Darling Square, the Ribbon and Barangaroo have been approved that have similar impacts on views from individual properties.

Views from 27 Mount Street Pyrmont

A supplementary view has been produced from this location as part of this response to submissions and is included in Appendix A of this document for consideration.

The proposal will not obstruct views of the Harbour Bridge as noted by the submission however will be a prominent element in the skyline, obstructing views of the approved (but not yet constructed) Barangaroo towers. This is a moderate and acceptable impact.

Views with supplied photographs and no address provided - 280518 and 280638

A supplementary view has been produced from each of these locations as part of this response to submissions and is included in Appendix A of this document for consideration.

Neither of these locations enjoy elements of the highest significance based on the planning framework and planning principles (such as water views or views of iconic elements such as the Sydney Opera House) however they do enjoy an element of sky and skyline views. The proposal will be prominent in views due to its size however primarily obstructs areas of the sky in both views. It also obstructs an area of other buildings in the Barangaroo area for submission 280515.

This impact is considered reasonable and appropriate in line with the conclusions of the Visual Impact Assessment submitted.

3. Summary and conclusions

A Section 75W modification for the project approval for the Star City Casino Pyrmont (MP08_0098 MOD 13 'Construction of a new hotel and residential tower and alterations to existing building') which was lodged with the Department of Planning in August 2018 and exhibited through to 18 September 2018. This document provides a response to submissions regarding Visual Impact Issues for the project.

A number of general themes and comments have been provided, and in response to a range of these it is noted that:

- Many of the submissions focus on specific view impacts from individual locations. It should be noted that the consideration of visual impact is necessarily an overall assessment performed against relevant controls, standards and legislative framework and visual prominence or obstruction of individual views are not necessarily determinative of an unacceptable outcome in visual impact terms. The peer review by Dr Richard Lamb (provided at Appendix ZZ of the Mod 13 package) is in agreement with both the process and conclusions of the assessment.
- Of particular importance regarding public domain views:
 - The Proposal does not obstruct elements of ascribed significance (e.g. land-water interface, iconic views, etc).
 - The most important elements in existing views will be retained from all locations
 - Tall buildings are already present in 21 of 24 views considered
 - The site is in a broader context of change where further tall buildings are anticipated
- Of particular importance regarding private views:
 - The proposal is not bound by the requirements of any local level instrument (including the Sydney LEP and DCP) though these may be used for guidance purposes for instance as referred to through the Planning Principles that raise as a consideration “any document that identifies the importance of the view to be assessed” (Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor [[2013] NSWLEC 1046). With this noted:
 - An LEP compliant proposal would generally obstruct the same horizon and water views (the most significant elements within these views)
 - Under Sydney DCP 2012 view preservation is not required, only ‘pleasant outlook’ (‘short range prospect... as distinct from views’)
 - Design mitigation is provided through inset at lower levels of tower
 - Other comparable approved and constructed projects in the local area (such as the Barangaroo towers, SICEEP, Sofitel, and the Ribbon) have had similar impacts and been approved and considered appropriate.

In addition to the general comments provided above, specific comments are provided in this response to submissions regarding:

- Supplementary views and discussion is provided regarding individual submissions where an existing photograph has been provided or the address noted and views discussed in detail (note: all views are provided in Appendix A of this submission)

- Further discussion is provided above on key public domain views discussed including those from Martin Place, James Watkinson Reserve and Ways Terrace.
- Some commentary is provided regarding points of process and overall issues raised in the Visual Impact Assessment including:
 - consideration of strategic growth
 - standards for photography and views relating to camera focal length – in response to a comment by the City of Sydney, Architectus has described why the methodology has been adopted, and that it is consistent with the approach undertaken for several recent Major Project approvals in the City of Sydney.
 - consideration against the NSW Land and Environment Court Planning Principles.

Based on the above, following review of these submissions, Architectus remains of the view set out in the Visual Impact Assessment supporting the application that the proposal is acceptable and appropriate in visual impact terms, with reference to all relevant standards, guidelines and controls.

4. Appendix A – Supplementary Views

Overview

The following pages provide supplementary views from a range of locations where views were noted as a key issue through the submissions process. The approximate location of each of these is noted in the plan below

Note on accuracy: As the photos provided do not have clear information provided on focal length or camera sensor size, the locations and camera field for photomontages are approximated only based on information available.

An example of the views being 'matched' with the 3d context model is shown adjacent.



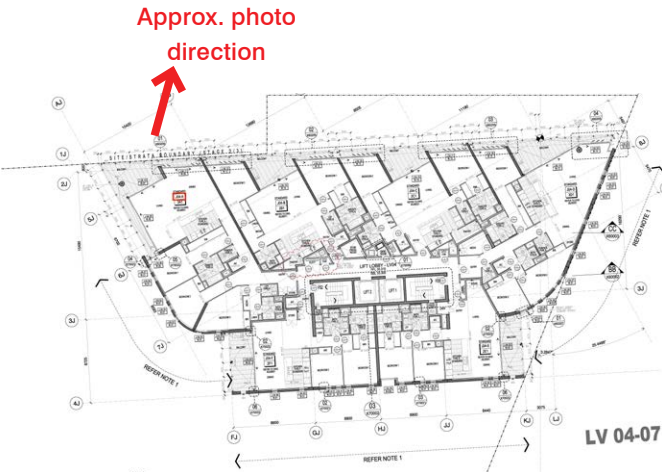
1 - Submission 279707, 4A / 4 Distillery Drive



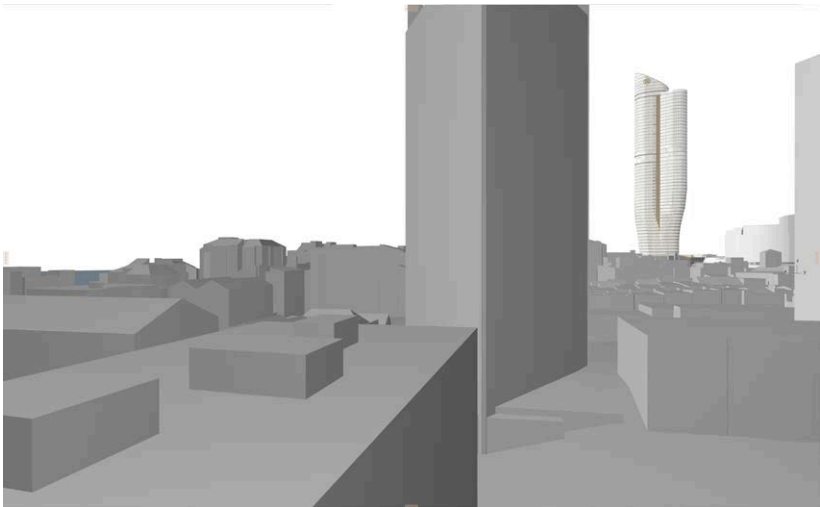
Existing view (photo provided with submission)



Proposed view



Floor plan



Broader, front facing view from living room

2 - Submission 280638



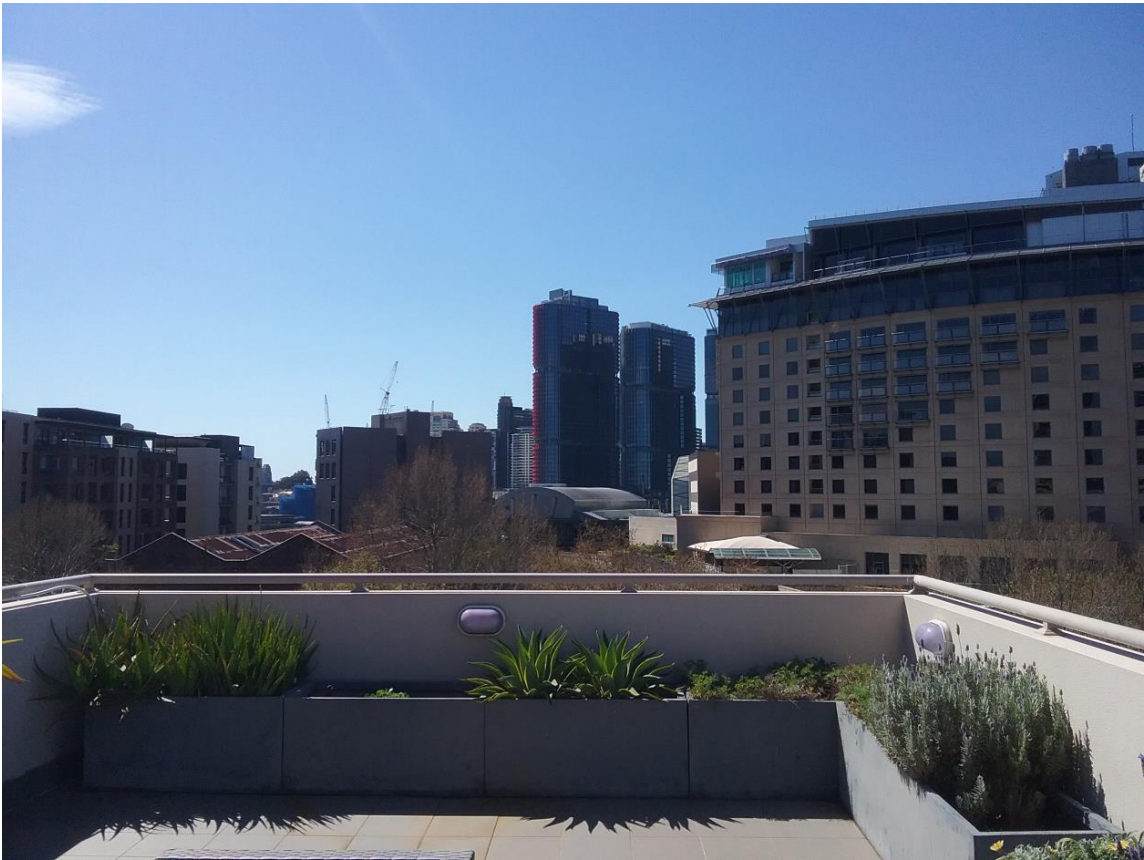
Existing view (photo provided)

Note: Angle of view adjusted to allow for vertical tower in proposed view below

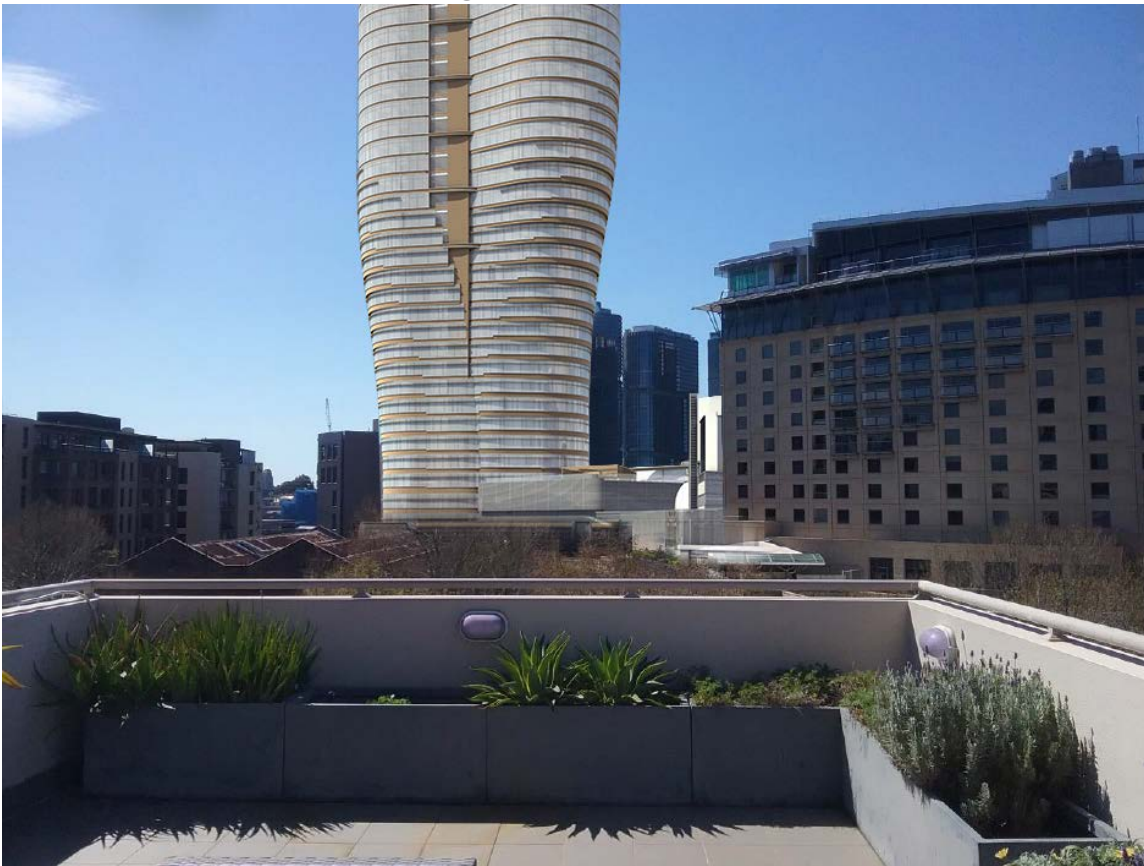


Proposed view

3 - Submission 280518



Existing view (photo provided)

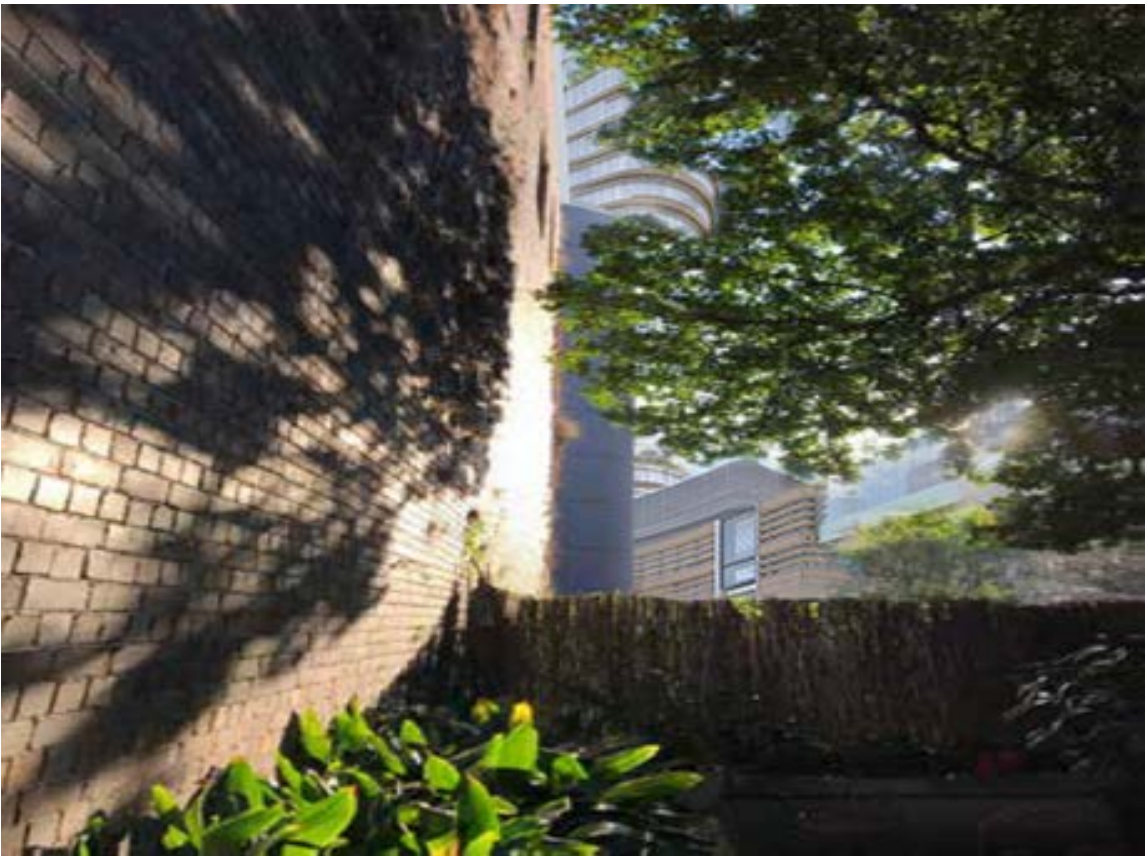


Proposed view

4 - Submission 284218, 14 Pyrmont Street



Existing view (photo provided)



Proposed view

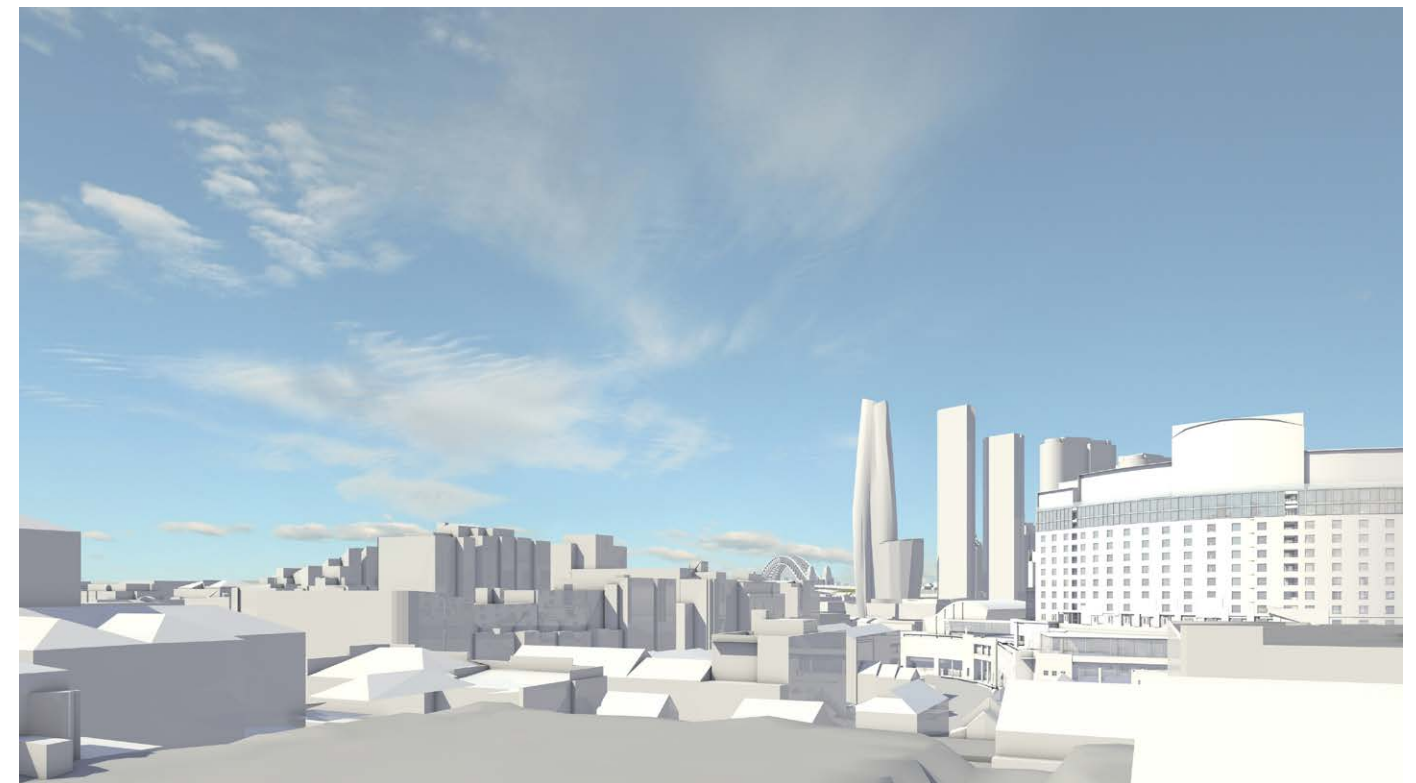
5 - Submission 281102, 16 Pyrmont Street



Proposed view (note: no existing view provided)

This view has been constructed using the city model information available. An indicative tree is also shown approximately replicating that in the view. This may be compared to the view from 14 Pyrmont Street (see previous page).

6 - Submission 290843, 27 Mount Street



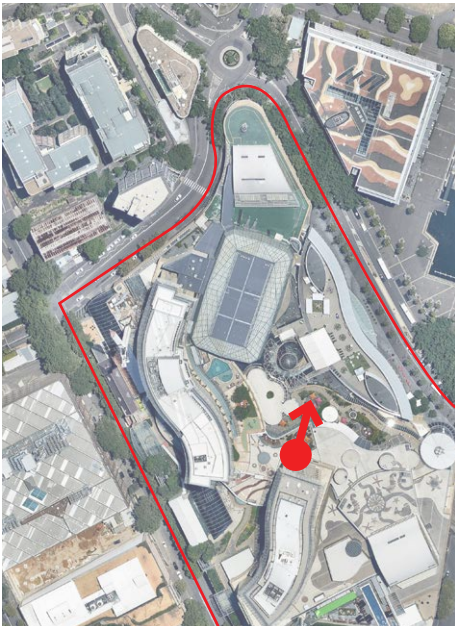
Existing view (upper level balcony) - including approved Barangaroo towers



Proposed view (upper level balcony)

7 - Astal residences including Submission 281100, 851 + 852 Astral tower

Diagrammatic location of views



View location - In context of site

Residence 752

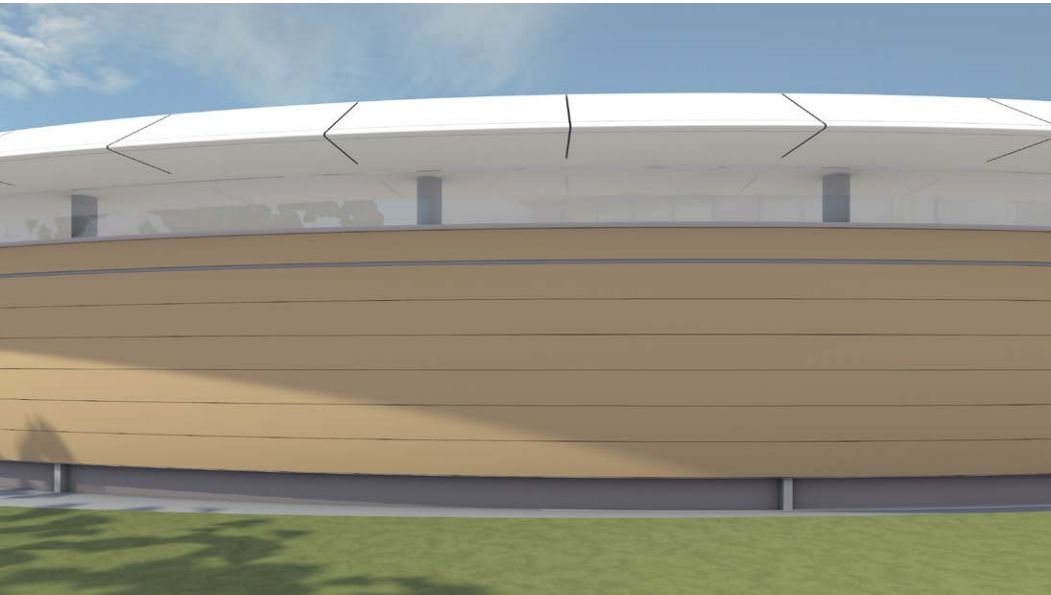


Location

Existing view



Proposed view



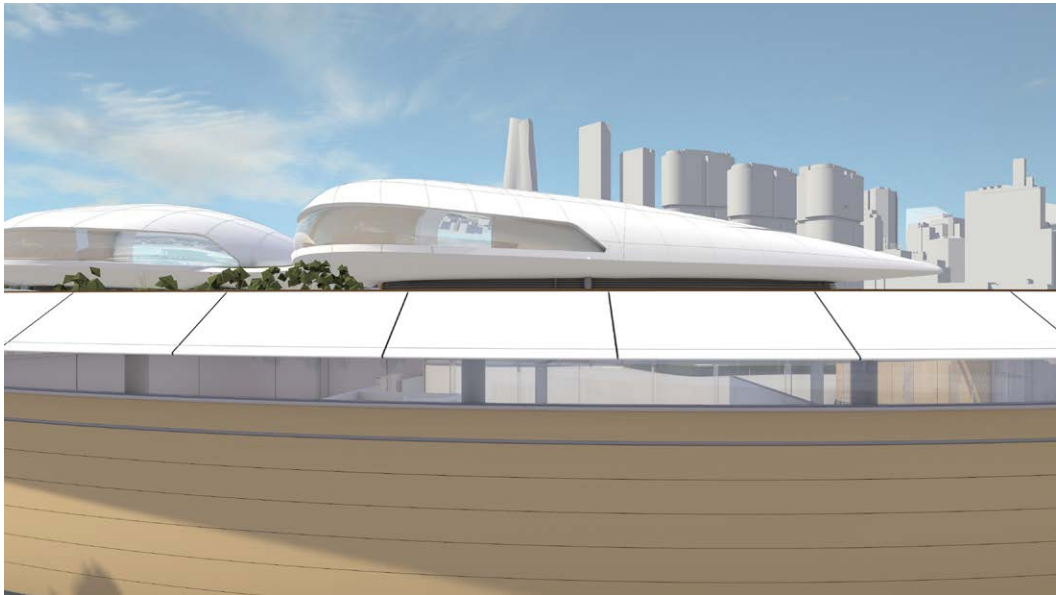
Residence 851



Existing view



Proposed view

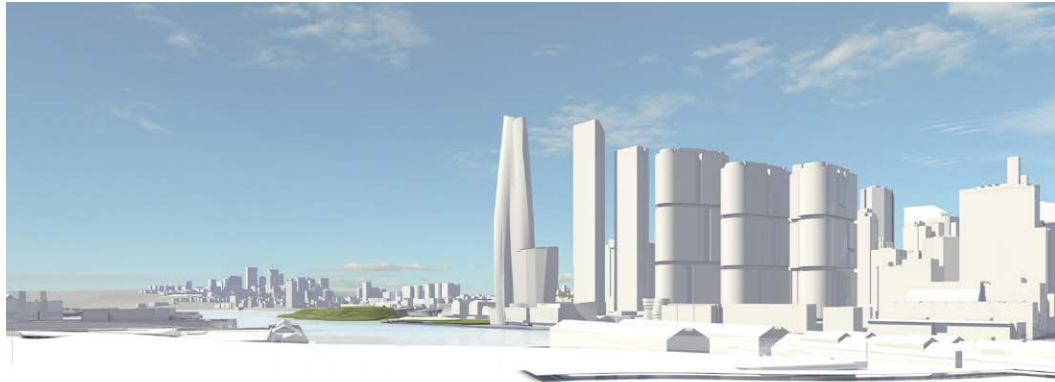


Location

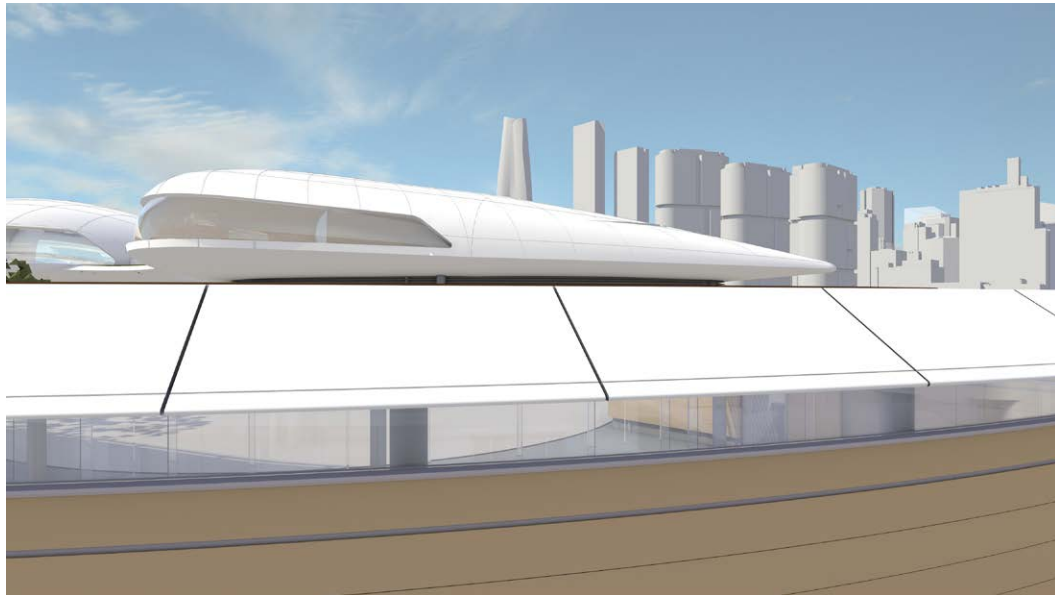
Residence 852



Existing view



Proposed view

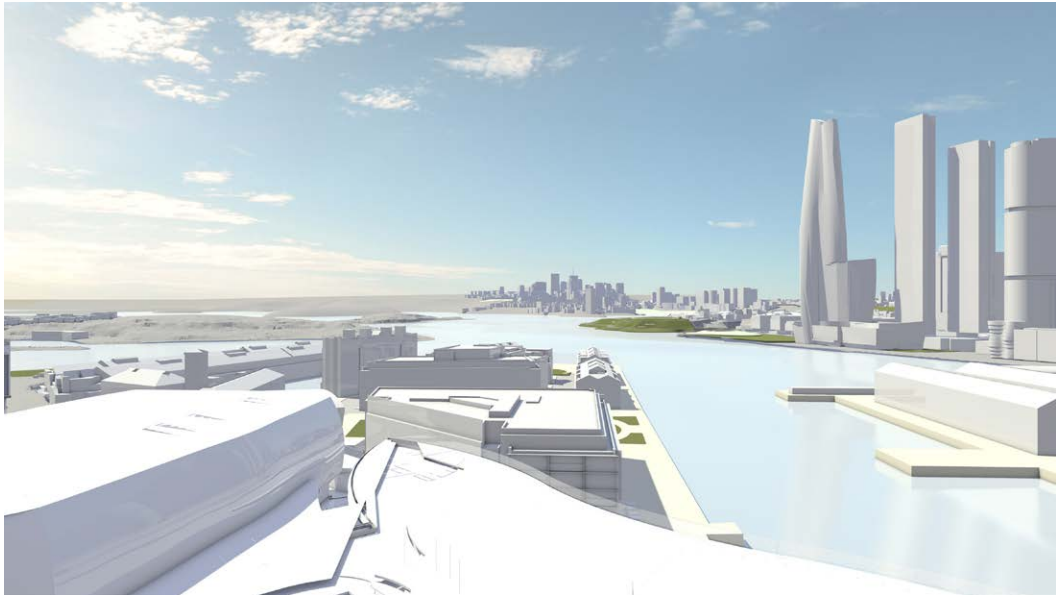


Location

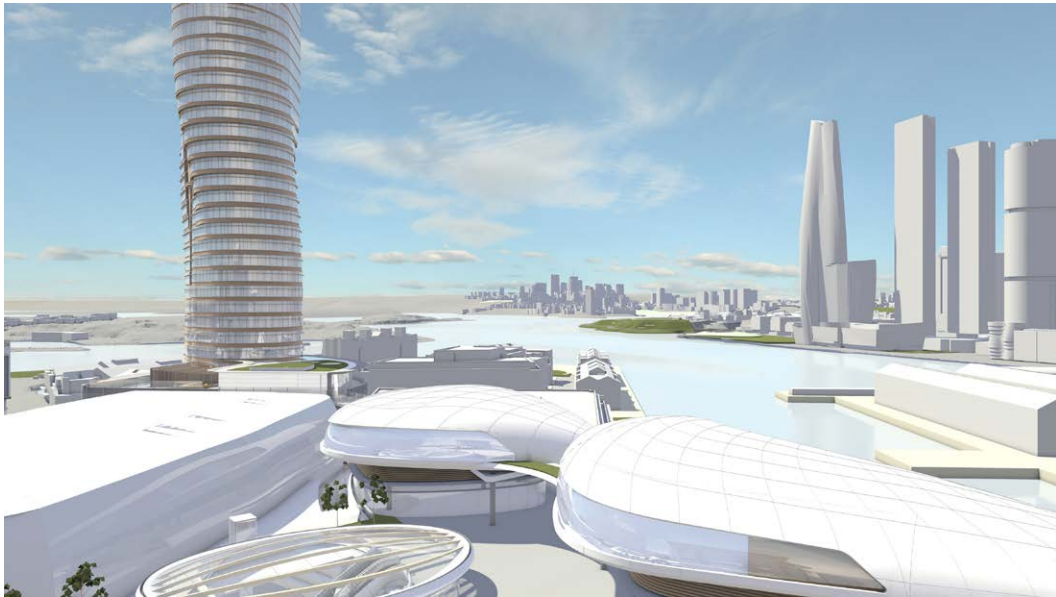
Residence 1552



Existing view



Proposed view

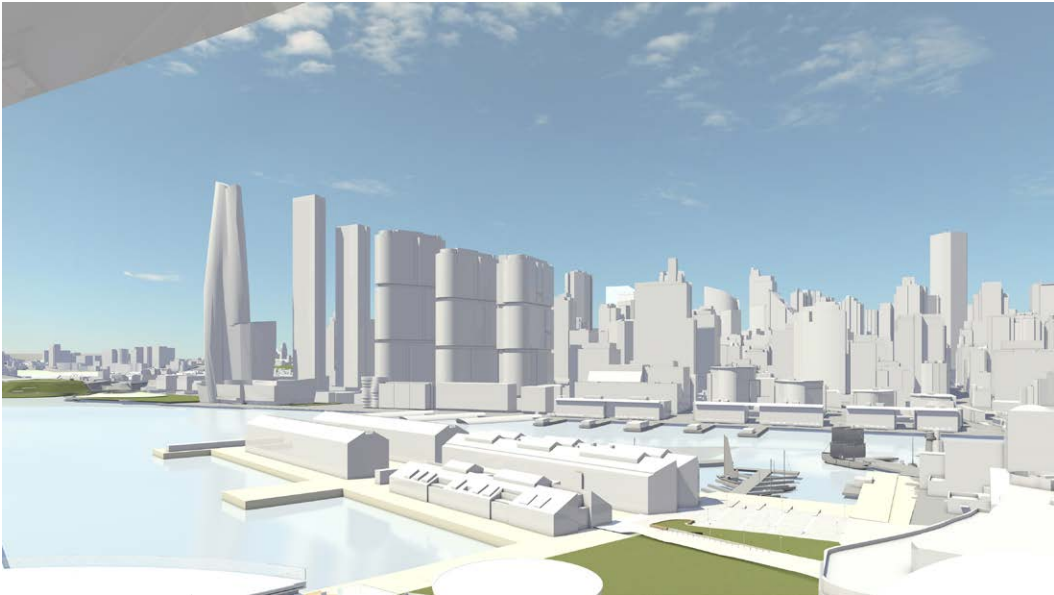


Location

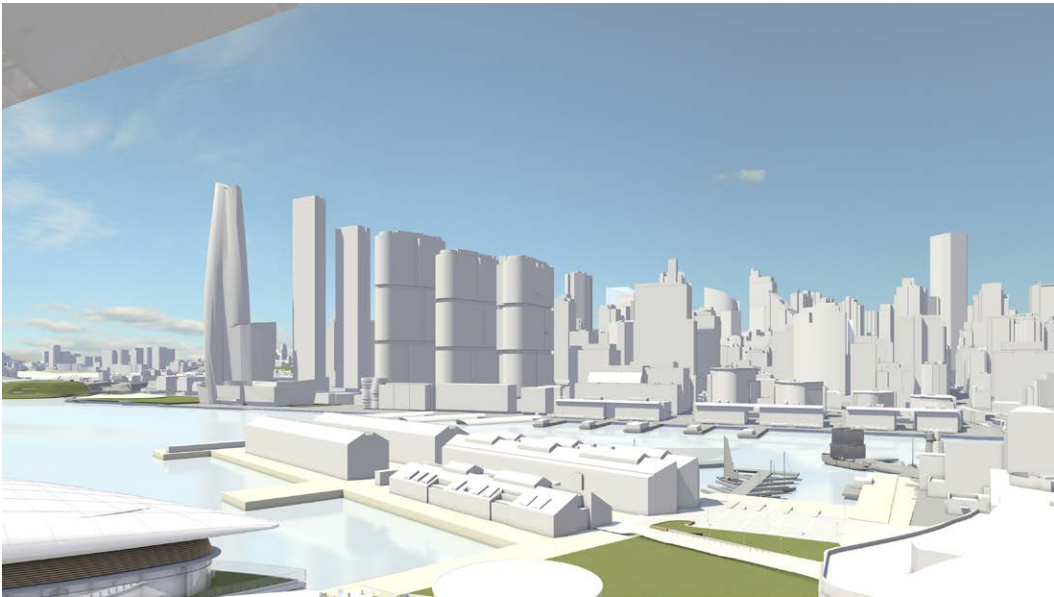
Residence 1557



Existing view



Proposed view

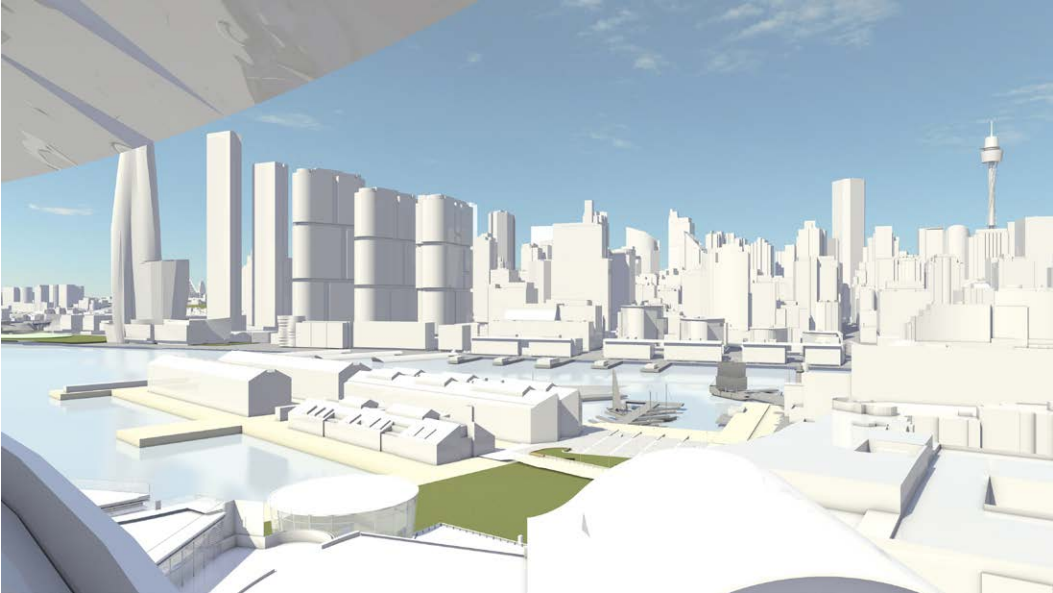


Location

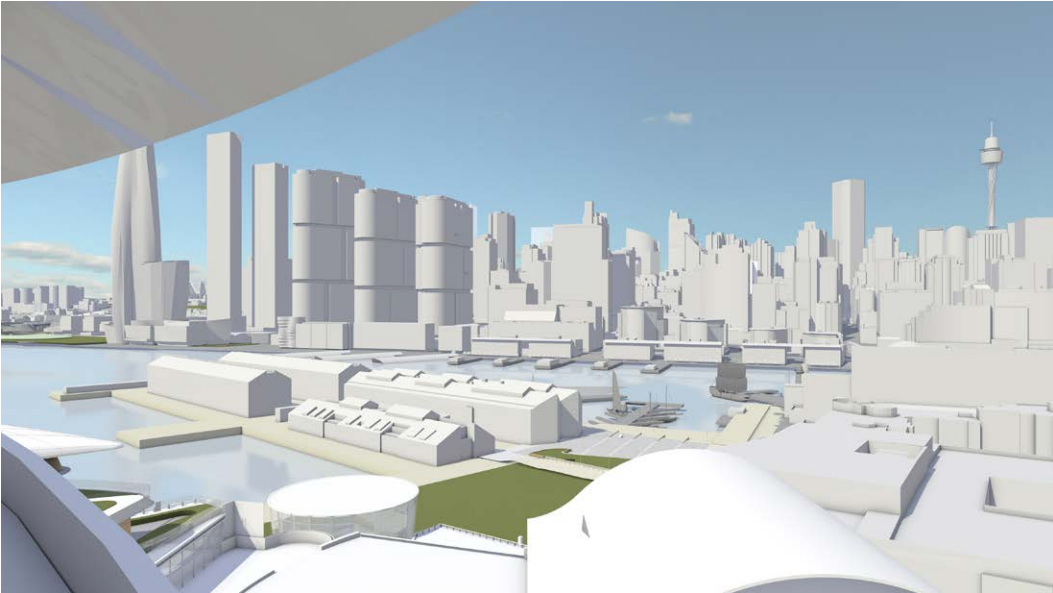
Residence 1561



Existing view



Proposed view

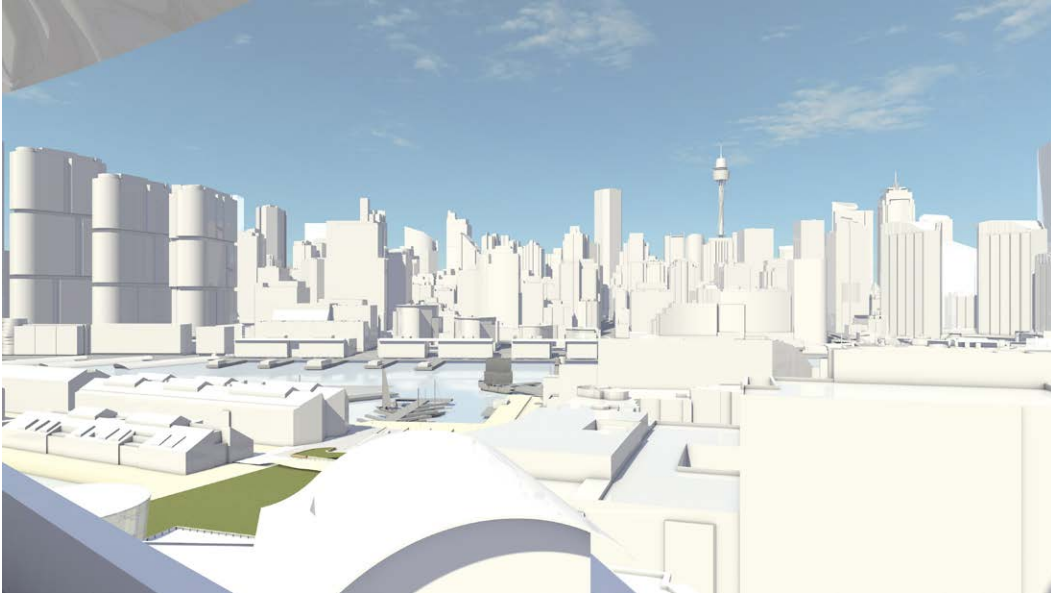


Location

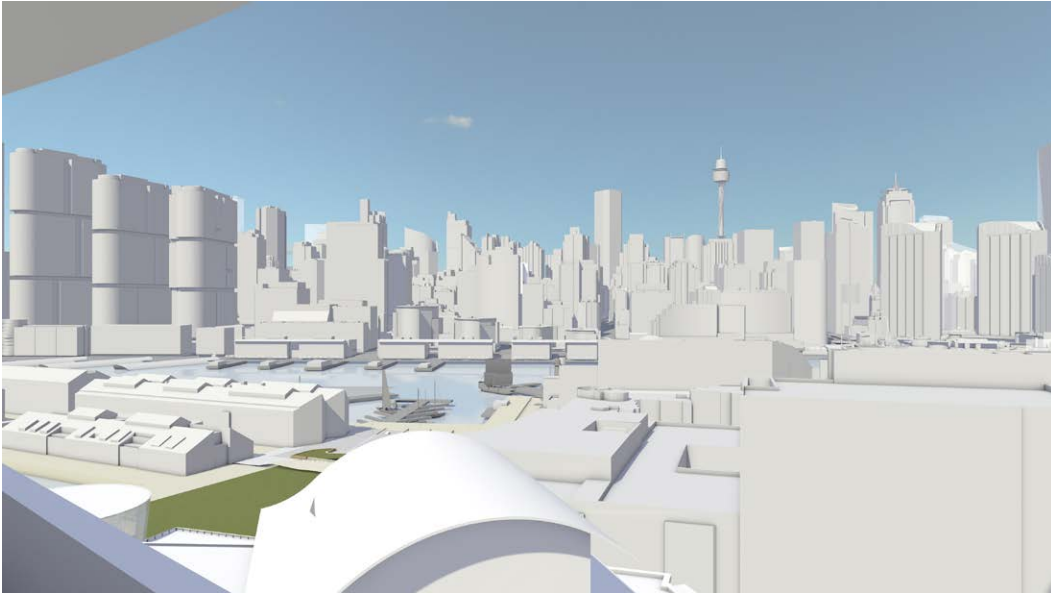
Residence 1565



Existing view



Proposed view



Location