

Response to Visual Impact and View Loss Issues raised
by City of Sydney

FOR SYDNEY HARBOUR CASINOS PROPERTIES PTY LTD

**STAR CITY CASINO -
Multi Use Entertainment Facility**

GM Urban Design & Architecture Pty Ltd
January 2011



Response to Visual Impact and View Loss issues raised by City of Sydney

This report has been prepared by GM Urban Design and Architecture (GMU) in order to respond to the visual impact and view loss issues raised by the City of Sydney (CoS) and the NSW Department of Planning with regards to the Section 75w Application for the Star City Casino - Multi Use Entertainment Facility (MP 08_0098 MOD 7). Other issues raised regarding height, design details, amenity, traffic, noise, etc will be dealt separately by other consultants.

The NSW Department of Planning's single request with regards to visual impact and loss of views as stated in their correspondence dated 22 December 2010 is that visual impacts should be presented in a clearer and more quantifiable manner. Therefore, further graphic documentation in an enlarged format is being provided as an attachment at the back of this report to assist the Department of Planning with its assessment. Please note that the impacts from long distance locations across Darling Harbour, short ranged views along Pyrmont Street and any heritage items on that street are considered to be minimal by the City of Sydney; therefore, no additional enlarged montages are provided for those views.

The rest of this report therefore concentrates on the City of Sydney's comments raised on their correspondence dated 15 December 2010 as follows:

Visual impact and view loss

The issues raised by the CoS with regards to visual impact and view loss are contained into two categories: Public Domain and Private Views.

Public Domain

CoS agrees that the impact of the proposal on views from long distant locations on the eastern foreshores of Darling Harbour, such as Erskine Street Heritage Streetscape and the Millers Point Heritage Conservation Area is minimal, as well as the impact of the proposal upon short range views from various points to the north and south along Pyrmont Street and any impact on the setting of heritage items in Pyrmont Street including the Pyrmont Power Station at 42 Pyrmont Road and St Bede's Church complex. CoS agrees that impacts on these locations will be minimal due to the restrictive acute angles of view.

The CoS considers "that the proposed MUEF will have a detrimental impact on views from the Heritage Walk" as it is "directly on axis with the walkway and occupies a large portion of the sky terminating the current expansive views across and above the existing Casino building". As the updated before and after images show below, the proposed MUEF is indeed on axis with the walkway and will be visible from this location, however as the pictures show, the proposed MUEF will not occupy a larger portion of the sky nor will it have a detrimental impact on expansive views across and above the existing Casino building. Nevertheless, further changes have been made to its form and shape to ease its overall volume as well as changes to its materiality to add interest to the elevations and further articulate its apparent bulk and scale. As shown in the pictures below, the structure blends with the surrounding structures and a substantial portion of sky will be visible above the structure; therefore this is an acceptable outcome.

Furthermore, it can be argued that the proposed structure reinforces the existing and ever-changing character of Pyrmont and Ultimo which is characterised by a juxtaposition of heritage development with new contemporary development.



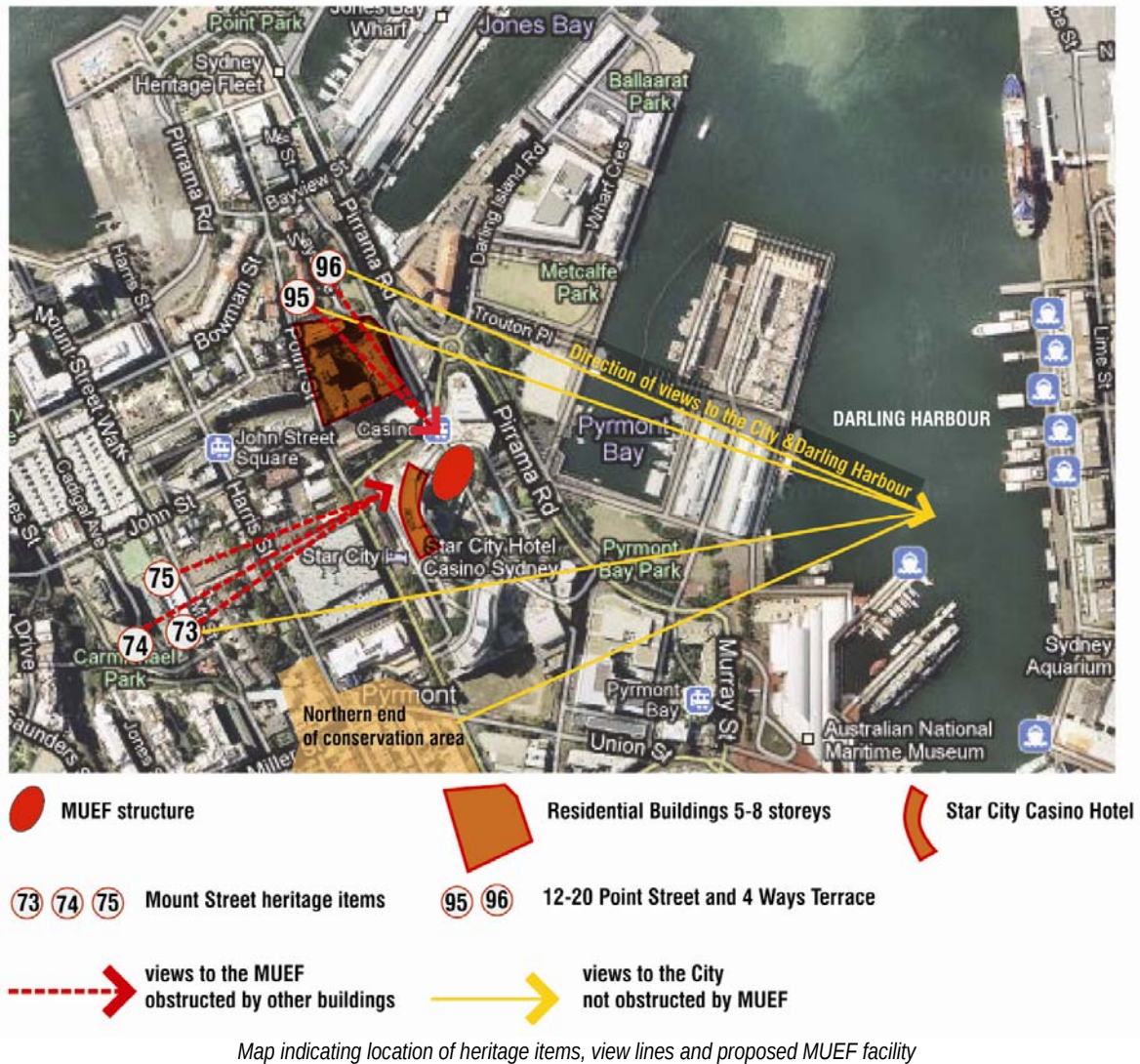
Before and after photomontages showing the impact of the proposed MUEF facility from the Heritage Walk

In addition, the City of Sydney assessed the impact of the proposal from additional locations not considered in the original Visual Impact Assessment. These included:

- Nos 73-75 Mount Street (LEP heritage items dating from the mid Victorian period),
- 96 Ways Terrace at 12-20 Point Street, another LEP heritage item,
- Views from Harris Street at the northern extremity of the Pyrmont Conservation area.

CoS comments also mention Union Square and Harris Street ridge of the Pyrmont Conservation area but quickly dismissed them stating that the “views from Union Square will be negligible once the construction of the Casino Hotel is complete” and that “view from the Harris Street ridge of the Pyrmont Conservation area will not be affected by the proposal given the height of the existing rooftop structures of the Casino”. Therefore, these locations will not be discussed within this report.

The CoS submission states that the proposal will be seen at ‘relatively close range’ in the context of the medium range views from Harris Street at the northern extremity of the conservation area, from Mount Street and Ways Terrace restricting views across Darling Harbour. The map and studies provided below show that none of the nominated views look across the proposed extension towards Darling Harbour and the CBD. In fact, there is no possibility to view the proposed Star City Extension from the above mentioned heritage items because of the existing taller buildings that obstruct the view line as shown on the following map.



Nos 73-75 Mount Street (LEP heritage items dating from the mid Victorian period)

The cluster of heritage items (73-75) located along Mount Street are described in the Sydney LEP 2005 Ultimo-Pyrmont Heritage Map and Schedule 9 as terraces for Items 73 and 75 and as McCaffery's Building for Item 74. As shown in the Google street view below and the map above, there will be no visual impacts from these locations:



View from Mount Street towards the subject site (Courtesy of Google)

- Nos. 73 -75 Mount Street heritage items currently have very skewed long distance views of Sydney CBD and they are not considered to be significant due to the lack of iconic buildings which are already obstructed by the existing Star City Casino Hotel tower and fly tower;
- No views of the proposed MUEF structure are possible from these vantage points because their sightline towards the proposed facility is obstructed by the existing Star City Casino Hotel and fly tower.

Therefore there is no view impact for these sites to be considered.

96 Ways Terrace at 12-20 Point Street, another LEP heritage item

Heritage Items 95 and 96 correspond as per Sydney LEP 2005 Ultimo-Pyrmont Heritage Map to Way's Terrace at 12-20 Point Street and Cottage at 4 Way's Terrace correspondingly. As shown on the Google street view below and the map above, there are no viewing impacts from these locations.



View from Point Street towards the subject site obstructed by 5-8 storey buildings (Courtesy of Google)

- Views towards the City or Darling Harbour are directly east and away from the proposed MUEF;
- There is an existing medium density residential development (5-8 storeys) between these terraces and the proposed facility-MUEF. This residential development is located on the raised rock escarpment adjacent to the heritage walk, which results in oblique views looking directly at this residential development which blocks the view corridor through to the Casino extension.

Therefore there is no view impact by the proposed facility on these sites.

Views from Harris Street at the northern extremity of the Pyrmont Conservation area

The northern end of the conservation area as per Sydney LEP 2005 Ultimo-Pyrmont Heritage Map is located near the intersection of Union, Harris and Miller Streets. As shown in the image below and the map above, there are no viewing impacts from this location:



Street view at the northern end of the conservation area as per Sydney LEP 2005 Heritage Map (Courtesy of Google)

- Limited view corridor from this location with no apparent views of Darling Harbour or iconic buildings in the CBD,
- The view line towards the city skyline is to the south-east while the MUEF is located more to the north-east,
- The view towards the proposed Casino extension will be blocked by existing development and the Star City Casino Hotel towers.

It is GMU's opinion that there is no significant view to be affected by the proposed facility at the northern end of the conservation area.

Furthermore, an important set of guidelines with regards to views within the Ultimo - Pyrmont precinct is the URBAN DEVELOPMENT PLAN FOR ULTIMO - PYRMONT PRECINCT1999 UPDATE (Page 33) which outlines the principle for views and vistas from the public domain as follows:

'The siting and form of development must have regard to the creation, retention and enhancement of significant views and vistas from public places. This includes views into, out of and within the precinct and to SIGNIFICANT buildings.'

The most significant principles that affect this development with regards to view impacts to heritage items are as follows:

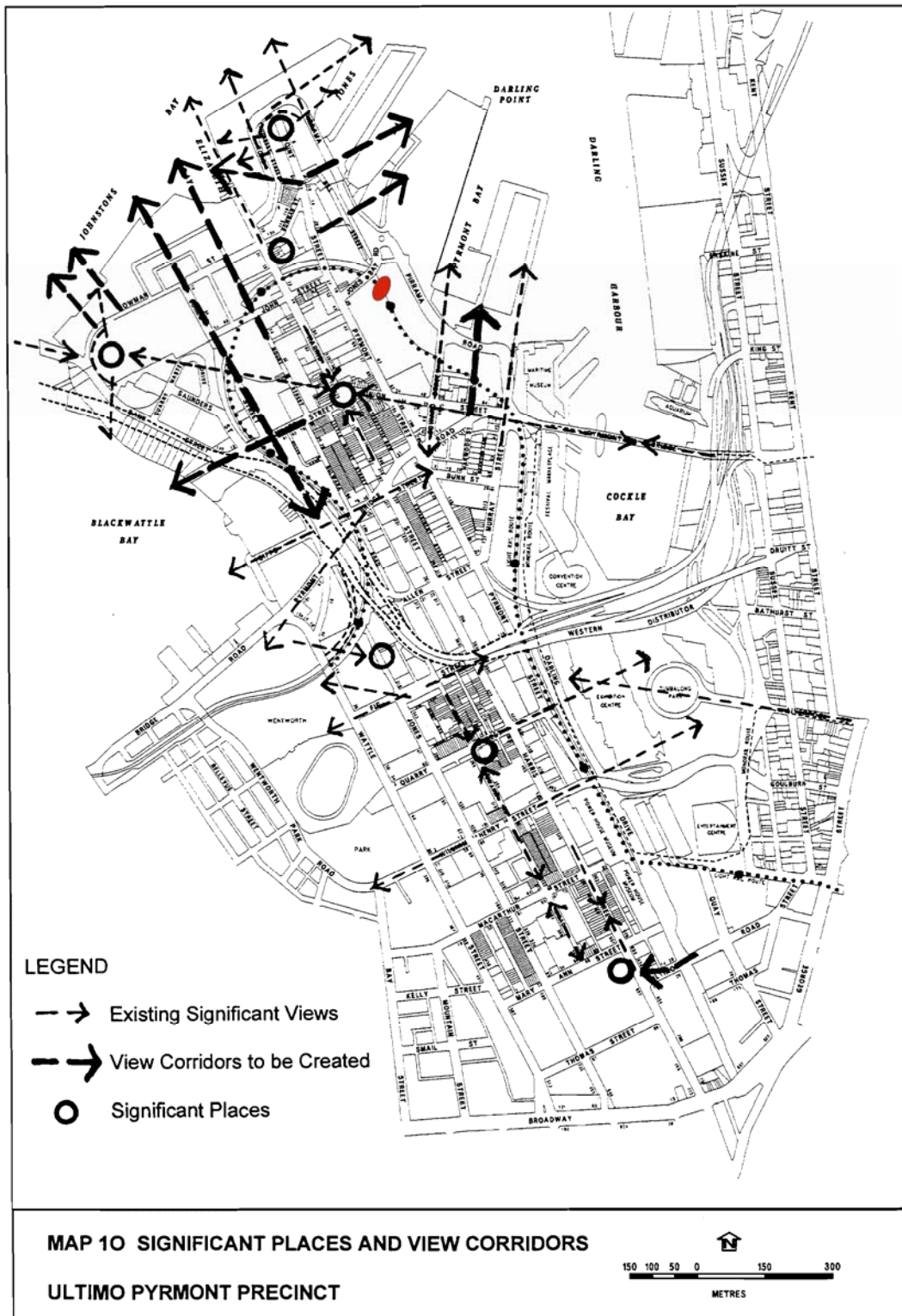
'Major existing views and vistas out from the precinct and to the precinct, should be maintained and new vistas and views should be opened up through the urban fabric, as indicated on Map 10.'

'Views and vistas along streets and from public places to buildings and places of architectural, streetscape or heritage significance should be maintained.'

'Views of and TO significant heritage items and buildings and conservation areas must be considered and maintained.'

It is important to emphasize that all major views and vistas and view corridors to be maintained or created in the Ultimo and Pyrmont precinct are shown in the map below (Map 10) which is an abstract from the UDP. The map clearly shows that the proposed facility extension (indicated as a red ellipse on the map) does not obstruct nor is in the path of any of the existing significant views or view corridors to be created.

Furthermore, no views to significant places as shown in the map appear to be affected and the new changes to the design, form and materials of the MUEF help to create a more sculptural and articulated facade which will add interest from short and long distance views and will contribute not only as an attractive part of the Star City Casino complex but also as another point of interest to be added the overall skyline and character of the area.



Map 10. Significant Places and View Corridors (Courtesy of City of Sydney)

Private Views

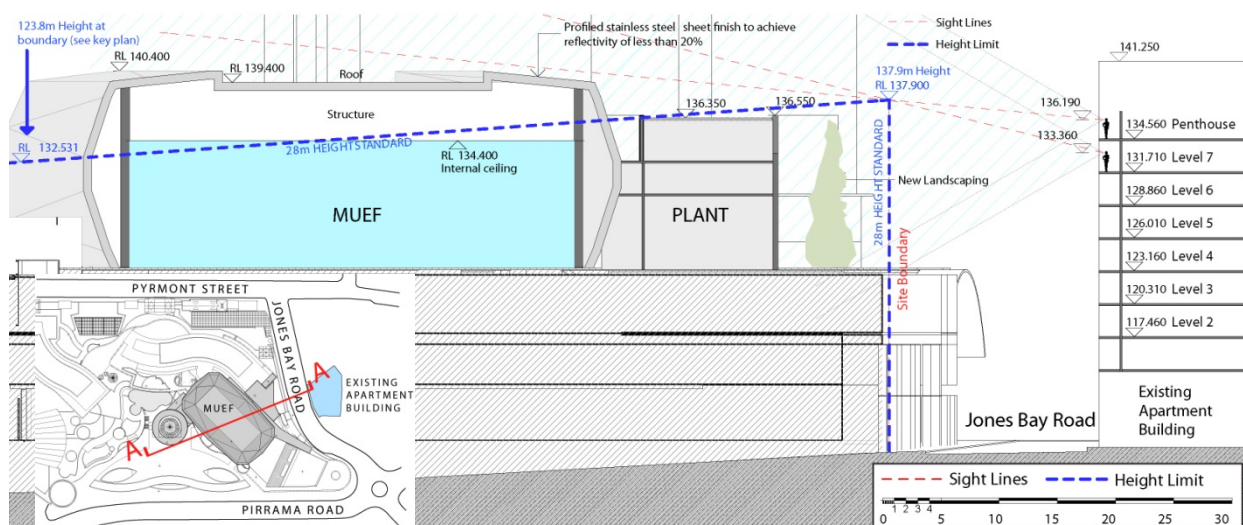
According to the CoS, “the proposal will result in the loss of views currently enjoyed by existing residential apartments on floors 3 to 8 facing south east at 2 Jones Bay Road.” According to the submission by the City, the impact to apartments located on level 5 and above is “considered significant”. It is the City’s opinion that, the extent of non-compliance with the height controls has not been accurately presented as a result of adopting only the (higher) ground level RL of Jones Bay Road.

The design team has conducted a study of the heights according to the interpretation of the methodology suggested by the City of Sydney and compared the two resulting models demonstrating that there is no significant difference between the two. This comparative analysis will be discussed in more detail in the planning report by Urbis. Regardless of the difference in the interpretation of the methodology to determine the overall height, the determining height control with regards to view impact remains the one located closest to the affected units at Jones Bay Road.

While the suggested methodology takes into account elevation points taken from all the surrounding public open spaces, this does not affect the impact onto the private units at 2 Jones Bay Road because the topography drops away from this point towards Pirrama Road making it the critical control point with regards to viewing impacts. A fully compliant building envelop at this location as seen from the apartments across the street will have an even greater visual impact than that of the proposed structure.

As shown on the 3d model views from levels 7 and 8 on the following pages, the entire proposed structure stays within the height control (28m); therefore the visual impact is reasonable. It is worth noting that the height control is to the underside of the uppermost ceiling which implies that additional height has to be allowed to accommodate the roof structure. This means that a fully compliant development will deliver an even greater bulk than the proposed development which is contained in its entirety within the height control envelope as seen from across the street. Nevertheless, further attempts have been made to reduce the shape of the structure by chamfering a portion of the bulk at the corners of the structure in order to reduce the visual bulk as shown in the section below.

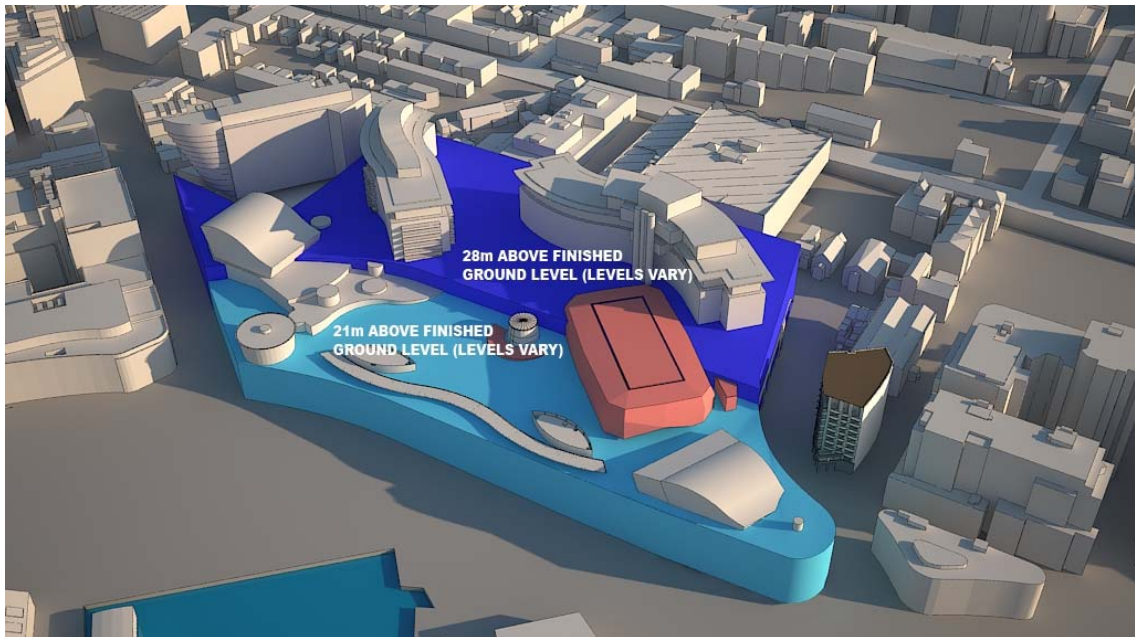
The section also shows that levels 3 to 6 will be significantly affected by a fully compliant development (28m height RL 138.020); therefore GMU considers that it is perhaps the upper most floors (level 7 and 8) that may expect to retain some city views, so updated photomontages have been prepared for levels 7 and 8 and discussed in greater detail below.



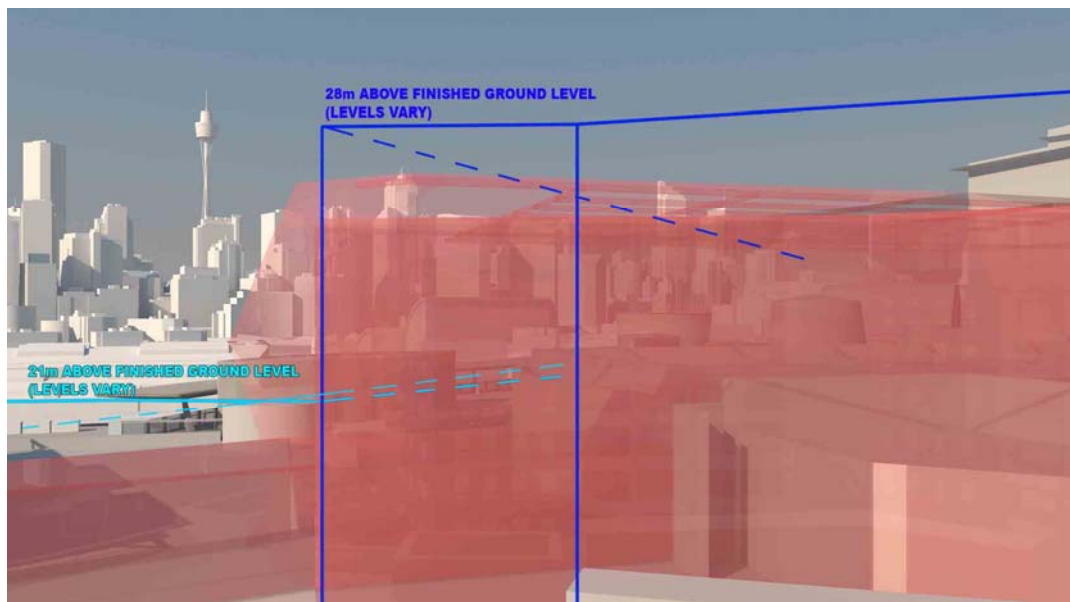
Level 7 View Impacts

The views from level 7 are at a level that arguably may or may not be affected by a compliant proposal subject to the extent of structure above the maximum ceiling height. The proposed facility massing will affect the available views, but this impact is less than that of a fully compliant development.

The proximity of the 28m height envelope built to the street (as seen on the axonometric view below) results in a compliant development that would potentially obscure this view. Therefore, the proposed envelop has less viewing impacts than a fully compliant development as it is contained far below this line as viewed from this level.



Axonometric view showing the height controls in relation to existing structures on the site and surroundings as per suggested methodology from the City of Sydney



3d model view showing the control height and proposed development as seen from level 7

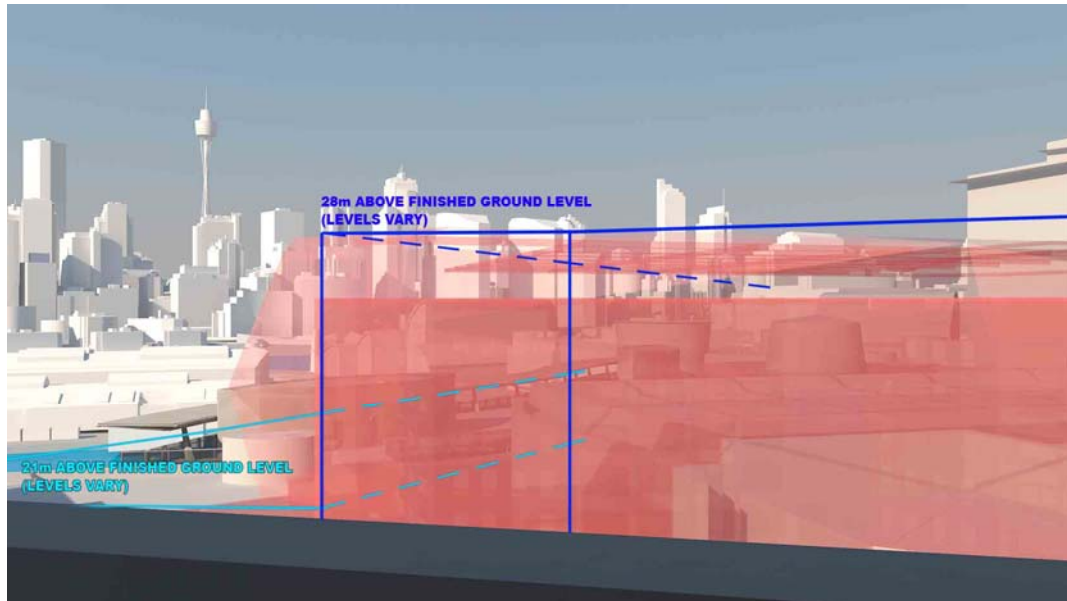
LEGEND

- 28M ABOVE FINISHED GROUND LEVEL (LEVELS VARY)
- 21M ABOVE FINISHED GROUND LEVEL (LEVELS VARY)
- DA APPROVED MASSING
- PROPOSED MASSING

Level 8 View Impacts

The 3D montage below shows that a compliant proposal (blue line) would significantly reduce the available view of the city skyline. The image also shows that the height of the proposal sits within the 28m height limit envelope built to the boundary of the site as viewed from the eastern balcony. Even more, the ceiling structure that would be added to the compliant envelope would obscure the view even further.

The proposal maintains the water glimpses and the view of Centrepont Tower and the MLC Centre but does obscure a portion of the available skyline with only tower tops visible. The view corridor that remains is the primary iconic view of the city and provides the full setting of these buildings against the city silhouette.



3d model view showing the control height and proposed development as seen from Level 8

LEGEND

- 28M ABOVE FINISHED GROUND LEVEL (LEVELS VARY)
- 21M ABOVE FINISHED GROUND LEVEL (LEVELS VARY)
- DA APPROVED MASSING
- PROPOSED MASSING

As shown on the above 3D model view, a compliant scheme up to the 28m height zone at the boundary would block a substantial portion of the city skyline view to the right of the Centrepont Tower as seen from the balcony on the 8th floor. As the image shows, the height of the proposed MUEF building is contained within this height control line as seen from the unit balcony. The impact on the view from the three private developments is high; however it is not inconsistent with reasonable expectations and delivers a better outcome than a fully compliant development.

As suggested in the CoS submission, we have considered the Land and Environment Court's planning principle in relation to view sharing (*Tenacity Consulting v Warringah* [2004] NSWLEC 140) in assessing the impacts of the above mentioned views with regards to the reasonableness of the impact, merit of the proposal and compliance with controls. The *Tenacity Consulting v Warringah* sets down four steps to assess the reasonableness of view impacts and they are:

First Step: Assessment of views that the proposal will affect.

Second Step: Consideration on how reasonable it is to expect to retain the view.

Third Step: Assess the extent of the impact

Fourth Step: Assess the reasonableness of the proposal that is causing the impact.

While the impact is high with regards to the *First Step* as the private views affected include iconic city skyline views, the proposal maintains partial view corridors to the skyline including the iconic Centrepoint Tower and some water glimpses for most units as shown in the above images. The impact is also high with regards to the *Second Step* as the views affected are mainly from front boundaries however the affected views are from a standing position rather than a sitting position. Equally, the impact is high with regards to the *Third Step* since the affected views are from balconies off living areas. However, the development is considered reasonable with regards to the *Fourth Step* when considering that the entire building envelope of the proposed MUEF stays within the actual alignment of the 28m height line (RL 138.020) as seen from the affected balconies.

As discussed above, a compliant development within the allowable height envelope would have an even worse impact and therefore the proposal is more sensitive than a compliant development due to the position of the 28m height area and the residential views. Therefore, the proposed development is consistent with reasonable expectations and the impact on private views should be weighed against the benefits of an expanded facility for both the Casino and Sydney as a whole.