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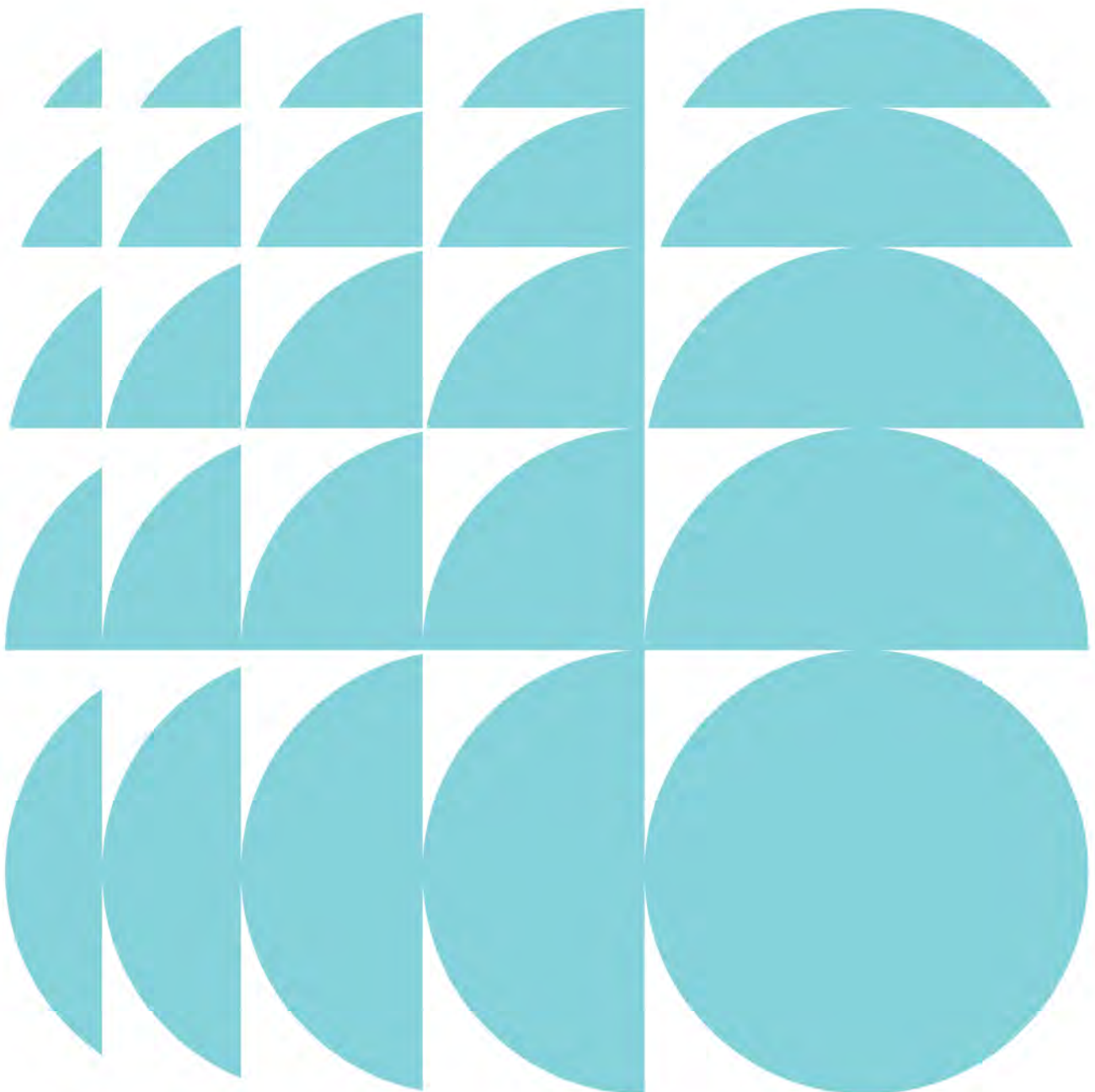
Visual and View Impact Analysis
Cockle Bay Park

241-249 Wheat Road, Cockle Bay (Darling Harbour)
Redevelopment of Cockle Bay Wharf

Submitted to NSW Department of Planning and
Environment

On behalf of DPT Operator Pty Ltd and DPPT
Operator Pty Ltd

20 October 2017 | 14562



CONTACT

Clare Swan Director cswan@ethosurban.com +61 2 9956 6962

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This document has been prepared by:



Jim Murray

September 2017

This document has been reviewed by:



Clare Swan

September 2017

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Ethos Urban
ACN 615 087 931 Pty Ltd.
www.ethosurban.com
173 Sussex Street, Sydney
NSW 2000 t 61 2 9956 6952

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1.0 Introduction

This report provides an updated Visual and View Impact Analysis to support the Amended Environmental Impact Assessment and amended Concept Proposal associated with a State Significant Development Application (SSDA 7684) submitted to the Minister for Planning and Environment pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

DPT Operator Pty Ltd and DPPT Operator Pty Ltd (the Proponent) are seeking approval for a Concept Proposal for the redevelopment of the Cockle Bay Wharf Building and the surrounding area to create new open space and a commercial, retail and tourist precinct in the heart of the CBD (now referred to as Cockle Bay Park). The amended Concept Proposal includes:

- a large area of publicly accessible open space;
- new retail outlets, including new food and beverage destinations;
- new cultural and entertainment destinations; and
- a new premium grade commercial office tower.

The project will add new open space to the Sydney CBD and help to reconnect the city to the Darling Harbour waterfront. Cockle Bay Park will take its place in a revitalised Sydney CBD and speaks directly to local government objectives to create a 'Green, Global and Connected City' (City of Sydney) as well as the strategic vision outlined in 'Towards Greater Sydney 2056' to grow the "developing central city". The vision for this project was developed with consideration for the NSW Government objectives to support and "grow the knowledge industry", double tourism expenditure and "strengthen our local environment and communities" as outlined in 'NSW 2021: A Plan to Make NSW Number One'.

Please note that all plans, diagrams, images and graphics within this report and the supporting documentation (excluding the amended Concept Proposal Envelope Plans prepared by Francis-Jones Morehen Thorp Pty Ltd – fjmt which are the plans for approval) are indicative only and have been included to communicate the intent of the amended Concept Proposal, including representative building shapes, forms, locations, layouts and relationships. It is proposed that these representations, together with acceptance of the building envelopes and massing, and associated design principles, will then be used to inform the Design Excellence process to follow the Stage 1 SSD Determination. Design Excellence outcomes will form the basis of the Stage 2 SSDA.

This report provides an updated Visual and View Impact Analysis to respond to the amendments that have been made to SSDA 7684 in response to submissions made during the public and agency comment period of the project. The public domain images that were submitted previously have been reproduced as well as a range of images of the amended Concept Proposal as viewed from 222-228 Sussex Street, Sydney (Astoria Tower) and the recently approved, and as yet unconstructed, mixed use residential development at 230-234 Sussex Street, Sydney.

The Secretary's Environmental Assessment Requirements (SEARs) dated 23 June 2016 for the project required that the following be addressed with regard to views and visual impacts:

- Provide a detailed visual impact analysis, which considers the impact of the proposal when viewed from the public domain and key vantage points surrounding the site, including the Sydney CBD, Pyrmont, Darling Harbour and Pyrmont Bridge, including an assessment of any view loss impacts;
- Examine and address...view loss...to the surrounding area;
- Identify and address the impacts...on the heritage significance of the site and adjacent area, including any built and landscape heritage items, conservation areas, views or settings, and in particular Pyrmont Bridge; and
- Include visual and view impact analysis and photomontages.

This report considers the visual and view impacts in relation to the amended Cockle Bay Park Concept Proposal. It is based on an assessment of the proposed maximum building envelope, with regard provided to the indicative tower massing option that has been presented for information purposes only. The detailed design of the final buildings within the proposed maximum envelope will be the subject of a separate planning approval and competitive design process. Any future detailed Stage 2 SSSA will also be accompanied by a subsequent Visual and View Impact Analysis that considers impacts associated the actual final form of the development.

The VIA has been prepared with reference to the following:

- Updated Visual Impact Assessment (Virtual Ideas, dated September 2017), submitted as **Appendix A**;
- View Analysis (Virtual Ideas, dated 11 September 2017), submitted as **Appendix B**;
- Astoria Tower approved floor plans and elevations (BA02/P, dated 11/5/95; BA03/N & BA04/U, 24/5/95; BA05/R, 18/5/95; BA06/T, 13/9/95; BA07/M & BA08/V, 18/9/95; BA10/J & BA11/K, 19/9/95; BA12/P, 3/10/95; and BA13/K, 18/9/95);
- 230-234 Sussex Street approved floor plans and elevations (Drawing No. 0002 – 0061, dated 4/11/16);
- Cockle Bay Park Development – Architectural Design Report & Drawings, August 2017 (FJMT). Submitted under separate cover;
- Heritage Impact Statement – Cockle Bay Park Redevelopment, August 2017 (Weir Phillips Heritage). Submitted under separate cover; and
- Amended Environmental Impact Statement, October 2017 (Ethos Urban).

1.1 Background

The Proponent controls the long-term lease of the Site, and also of the adjacent Darling Park precinct. The Darling Park site is a successful premium grade office precinct located on the west of the Sydney CBD, the associated Crescent Garden, located to the west of the three existing Darling Park towers, is a key area of open space in this part of the city.

The Proponent has recognised a number key issues with the existing layout of the Darling Park and Cockle Bay precinct, these being:

- The existing Cockle Bay Wharf building is not well integrated with the city. The Western Distributor freeway currently acts as a barrier to separate this area from the CBD;
- Publicly accessible open space is limited to the existing Crescent Garden in Darling Park which presents as enclosed and privatised; and
- The existing Cockle Bay Wharf building is outdated and is not in keeping with the future of Darling Harbour area as a vibrant entertainment and tourist destination.

The Cockle Bay precinct is at risk of being left behind and undermining the significant investment being made in Darling Harbour that will see it return to the world stage as a destination for events and entertainment. Accordingly, the Proponent is taking a carefully considered and staged approach to the complete revitalisation of the site and its surrounds. The envisaged development, which will be facilitated by the proposed building envelopes will:

- Reconnect the city with the Darling Harbour waterfront;
- Create new publicly accessible open space in the heart of the Sydney CBD;
- Provide new access routes between the city and the ICC Sydney / Darling Harbour Live precinct;
- Support the Sydney economy by providing a new premium grade commercial building; and
- Refresh and renew an existing entertainment and tourist destination.

1.2 Site Description

The Site is located within Darling Harbour. Darling Harbour is a 60 hectare waterfront precinct on the south-western edge of the Sydney Central Business District (CBD) that provides a mix of functions including recreational, tourist, entertainment and business.

The Site is located to the immediate south of Pyrmont Bridge, within the Sydney CBD on the eastern side of the Darling Harbour precinct. The Site is also located within the City of Sydney local government area (LGA). A locational context area plan and location plan are provided at Figure 1 below.

The project Site area has been slightly amended by this Amended Environmental Impact Statement, a comparison of the exhibited and now-proposed Site area is provided as Figure 2, and the now proposed Site area is shown below as Figure 3.

The Darling Harbour precinct is undergoing significant redevelopment as part of the SICEEP, Darling Square, and IMAX renewal projects. The urban, built form and public transport / pedestrian context for the proposed Cockle Bay Park development will fundamentally change as these developments are progressively completed.

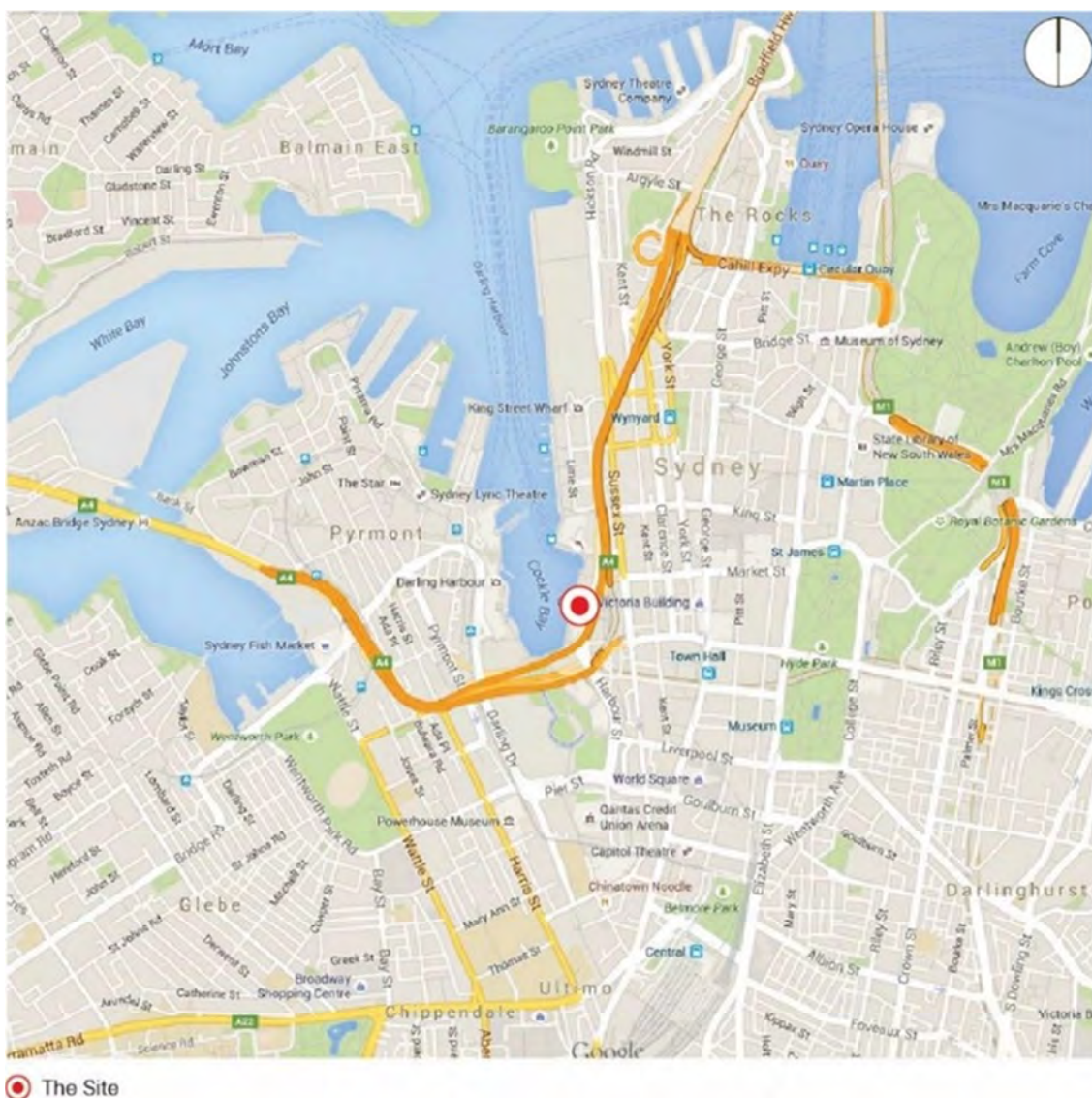


Figure 1 – Location Context Area Plan





-  Exhibited Site Area
-  Amended Site Area

Figure 2 – Location Plan (revised Site Area in yellow)



 Amended Site Area

Figure 3 – Amended Site Plan

1.3 Overview of the Amended Concept Proposal

The proposal relates to a staged SSDA and seeks to establish amended concept proposal details for the renewal and re-imagining of the Cockle Bay precinct. The amended Concept Proposal establishes the vision, planning and development framework which will be the basis for the consent authority to assess future detailed development proposals. The Cockle Bay Park Site is to be developed for a mix of Retail, Cultural and Commercial (Office) uses including retail and restaurants, offices, and publicly accessible open space.

The amended Concept Proposal seeks approval for the following key components and development parameters:

- Demolition of existing site improvements, including the existing Cockle Bay Wharf building complex, pedestrian bridge links across the Western Distributor, and obsolete monorail infrastructure;
- Building envelopes;
- Land uses across the Site;
- A maximum total Gross Floor Area (GFA) across the Cockle Bay Park of 75,000m² for commercial development and 14,000m² for retail (including food and beverage) development;
- Urban Design and Public Realm design principles to provide a Design Excellence framework; and
- Strategies for utilities and services provision, drainage and flooding, and ecological sustainable development.

1.3.1 Building Envelope

The amended Concept Proposal establishes a building envelope and maximum areas for specific land uses. The key revisions to the envelope are outlined below.

Relocation and Refinement of Open Space

The Site has a great deal of potential to provide an excellent area of open space, located conveniently between the Sydney CBD and the Darling Harbour waterfront. The exhibited EIS did not provide specific detail about the potential for provision of open space within the Site, deferring this to Stage 2 and a competitive design process. Since the exhibition of the EIS, the future open space areas within the Site have been re-examined, relocated and refined providing greater detail at Stage 1. Figure 4 provides an indicative image of the future open space.

The primary open space provided within the Site has been shifted to the north, the principal advantages of this are twofold:

- The relocation of the open space to the north will allow for better solar access throughout the day, leading to a more useable open space that provides a greater level of amenity for the users of the open space;
- The co-location of the open space with the State heritage-listed Pyrmont Bridge allows for an enhanced interface with the heritage asset and allows for improved passive views to, and past, the bridge from new open space.



Figure 4 – Artist impression of future open space (subject to competitive design process)

(source: Doug & Wolf)

Relocation of Tower

The tower element within the amended Concept Proposal has been relocated further south to allow space for the open space to move to the north (refer to Figures 5). The impact of this relocation is that the overall height of the tower has reduced as the new location is more affected by the solar access plane to Tumbalong Park.

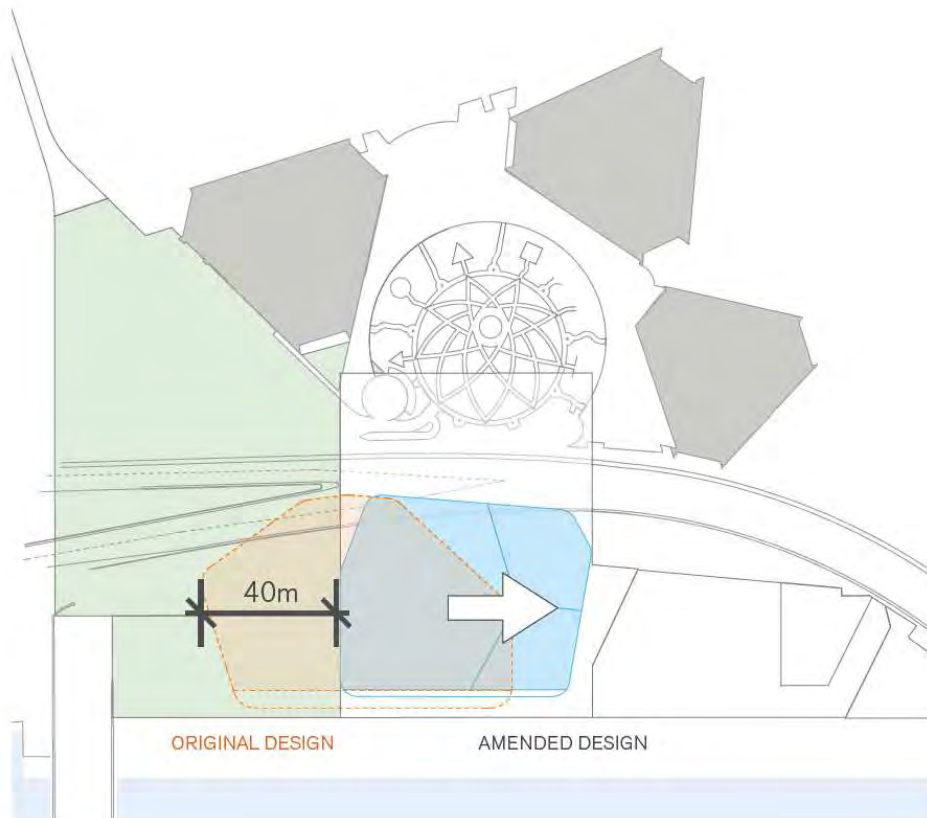


Figure 5 – Relocated tower envelope

(source: fjmt)

Revised Building Envelope

The envelope of the amended Concept Proposal has been revised and now provides a maximum building tower height of RL195m and a maximum podium of RL29m and landbridge height of RL19m. Approval is sought to also allow the Stage 2 SSDA to incorporate architectural roof features above the maximum building tower height subject to appropriate conditions, similar to Clause 5.6 ‘Architectural roof features’ in the Standard Instrument and the *Sydney Local Environmental Plan 2012*.

The tower setback will continue to provide an average setback of at least 8m from the property lease boundary and will now include an increased minimum 6m setback from the lease boundary. The podium setback has been revised and will align with the lease boundary at ground with an articulation zone that aligns with the articulation extent of the existing Cockle Bay Wharf building. This ensures that the existing width of public thoroughfare along the foreshore promenade is maintained or enhanced for the full length of the site. The amended Concept Proposal includes provision for the existing on-water structures (boardwalk) to be extended potentially to cover the entire length of the Site frontage, thereby increasing the overall width of public thoroughfare past the Site.

The amended Concept Proposal’s setbacks to Pyrmont Bridge to the north, and to ‘The Ribbon’ development at the south have also been updated. A detailed description of the proposed envelope changes is provided at Section 5.6 of the Amended Environmental Impact Statement and Amended Concept Proposal Report.

The maximum building envelope is illustrated in Figure 6 and Figure 7. The future detailed design of single tower will utilise an average of 60% of the amended envelope. FJMT have developed an indicative massing option to demonstrate how a slender tower form would sit within the maximum building envelope (Figure 8).

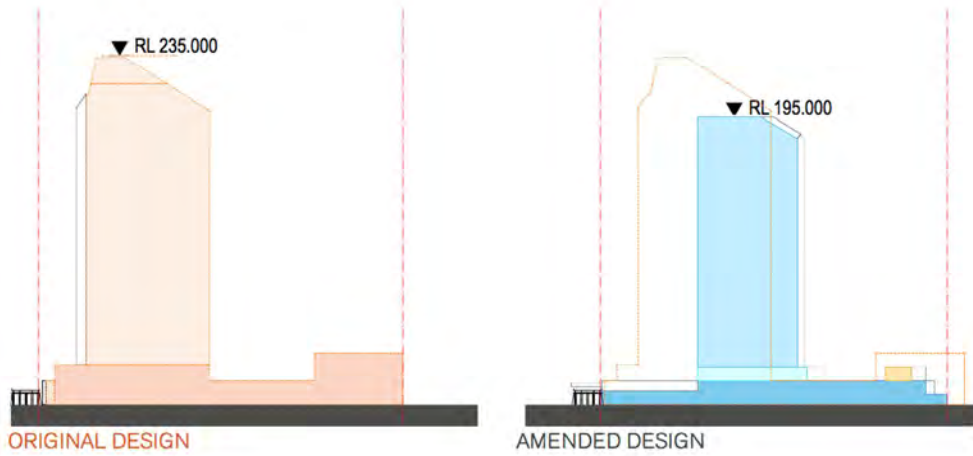


Figure 6 – Relocated and reduced tower and podium envelope
(source: fjmt)

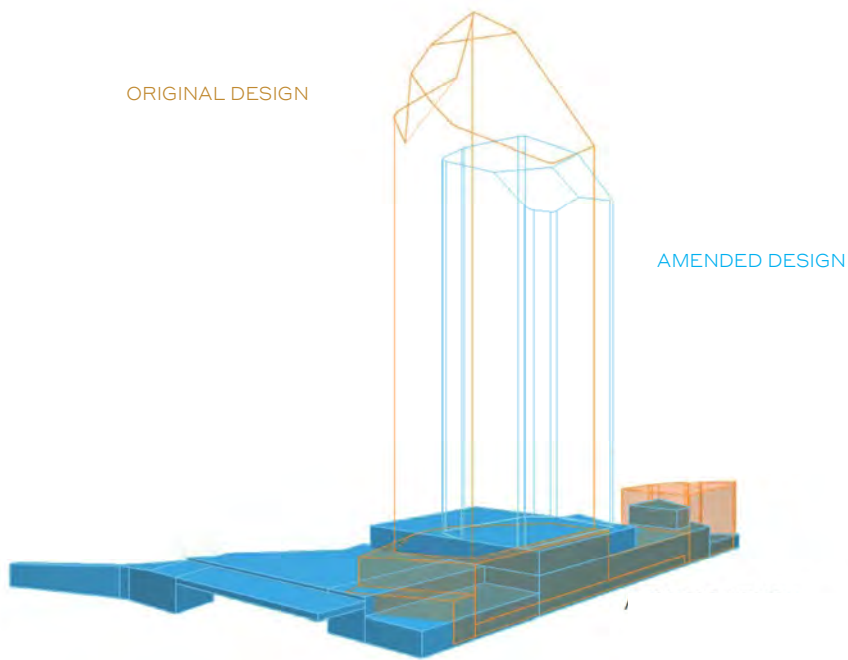


Figure 7 – Relocated and reduced tower and podium envelope looking south-east
(source: fjmt)



Figure 8 – Indicative massing looking east

(fjmt, Doug & Wolf)

Land Use

No change is proposed to the mix of land uses within the amended Concept Proposal. The quantity of each land use has been slightly revised. An updated description of each of the land uses provided within the amended Concept Proposal is provided below.

Publicly Accessible Open Space

As noted above, the open space provided within the amended Concept Proposal has been refined and relocated. The Exhibited EIS documented up to 12,000m² of open space that was to be provided within the Site. A large proportion of this open space was to be located within an area south of the tower and west of the Crescent Garden.

The amended Concept Proposal targets a variety of types and sizes of open space totalling up to 15,000m², which reflects both a redesign, consolidation and increase of the publicly accessible open space areas. The revised location of key areas of open space also allows for improved solar access to the open space and for improved appreciation of Pyrmont Bridge and Darling Harbour from the Site.



Figure 9 – Artist impression of the future open space (subject to competitive design process)

(source: Doug & Wolf)

Commercial

The revised Concept Proposal allows for up to 75,000m² of commercial floor space. This is reduced from the 85,000m² that was in the exhibited EIS. Commercial floor space will be located within the proposed tower form in the centre of the Site. The envisaged commercial floor area accommodated within the proposed building envelope will accommodate a Premium Grade commercial building.

Retail

The amended Concept Proposal allows for up to 14,000m² of retail floor space. This is reduced from the 25,000m² that was in the exhibited EIS. The location of the retail offering within the Site is broadly consistent with the Exhibited Concept Proposal.

As with the exhibited EIS, the intent of the development is to refresh and enhance the existing retail offering at the Site, improving the existing retail experience and attracting new people to the area and creating a precinct that is more in keeping with the renewed, diverse and modern, character of Darling Harbour.

1.4 Methodology

1.4.1 Visual Analysis

The public domain views analysed in the updated Visual and View Impact Analysis are a reproduction of the 16 views prepared in the October 2016 Visual Impact Analysis. To support the visual analysis key public domain views, view corridors and public vantage points within and surrounding the site have been identified. The selection of vantage points has also had regard to the location of existing heritage items within the vicinity of the site that are visible from the public domain including Pyrmont Bridge, the Corn Exchange Building, the Shelbourne Hotel, and the former 'Foley Bros', 'Central Agency' and 'Archway Terrace' warehouses.

Building envelope photomontages have been prepared for a total of 16 public domain views and vantage points. The locations of the photomontage images and direction of view are shown on Figure 10. The locations have been determined in consultation with the Department of Planning and Environment.

The photomontage images for each of the identified public domain views have been taken at ground level (pedestrian eye level) to indicate what a pedestrian will see when travelling through or within the general vicinity of the site and its surrounds.

The photomontage images have been produced using a variety of camera lens sizes and have been prepared in respect of Land and Environment Court (LEC) proceeding no. 10884/14 in accordance with the LEC's practice directions. The photo positions have been surveyed by a registered surveyor (C.M.S Surveyors).

To provide future context where relevant, the photomontages include the following buildings that are approved or proposed:

- 115 Bathurst Street (Greenland Centre);
- 505 George Street;
- Crown Casino and Hotel, Barangaroo;
- Residential Towers, Barangaroo,
- IMAX Redevelopment (The Ribbon), Darling Harbour; and
- ICC Sydney Hotel, Darling Harbour.
- 230-234 Sussex Street.

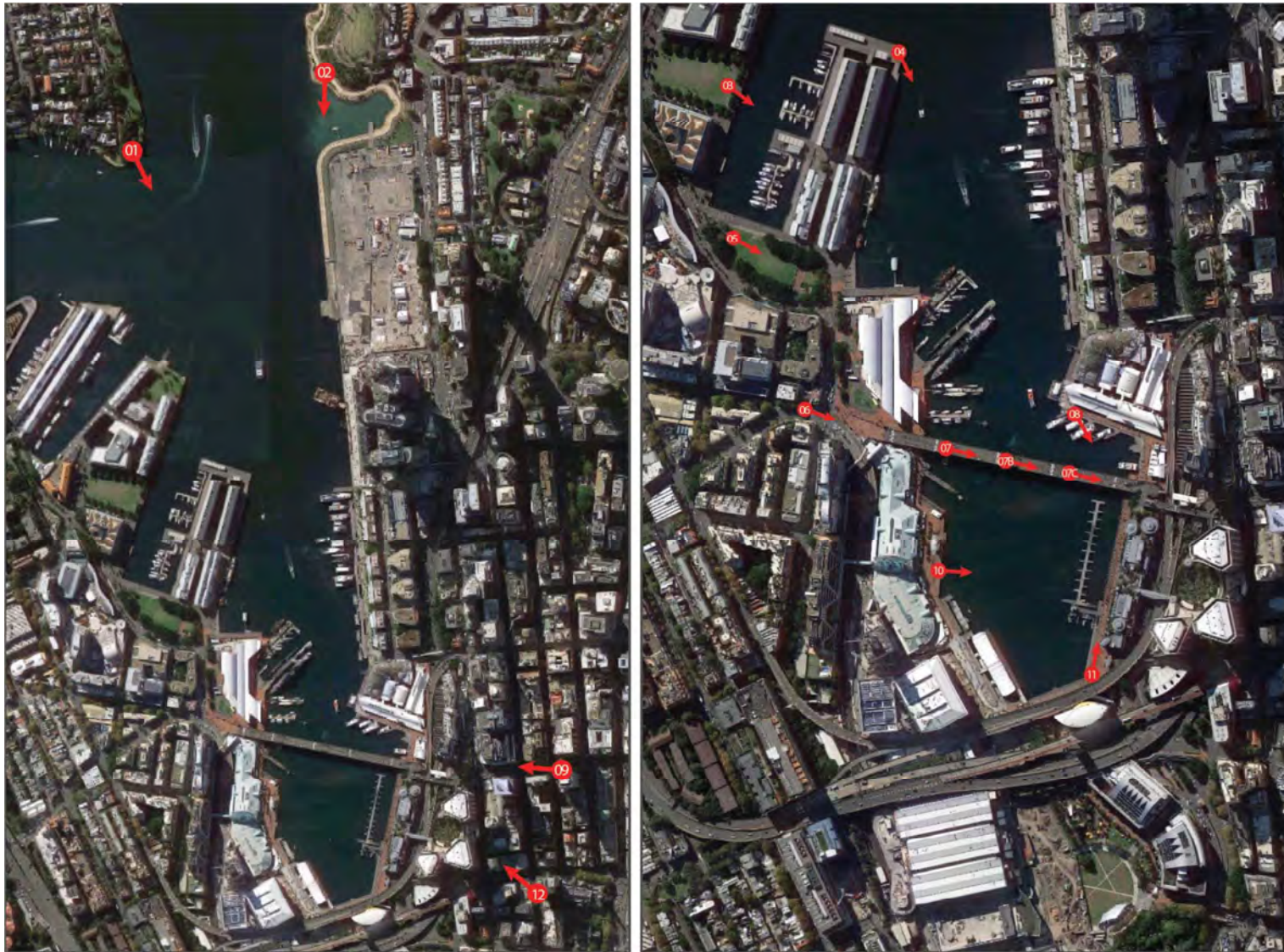


Figure 10 – Visual analysis camera locations (public domain views, view corridors and vantage points)

1.4.2 View Analysis

Two key residential properties in the vicinity of the Cockle Bay Park Site have been identified as being impacted by the amended Concept Proposal in terms of private views. They are:

- 222-228 Sussex Street (the Astoria Tower) and
- 230-234 Sussex Street (mixed used serviced apartment and residential building, currently under construction).

The key buildings were selected based on their sensitive residential and serviced apartment land uses (rather than commercial buildings), proximity to the Site and the extent to which existing views, vistas and outlook are likely to be affected by the amended Concept Proposal. The buildings were specifically identified in submissions received during the initial exhibition period. Analysis of aerial imagery and a site inspection have confirmed the amended Concept Proposal will impact their views. The buildings are highlighted on **Figure 11** below.

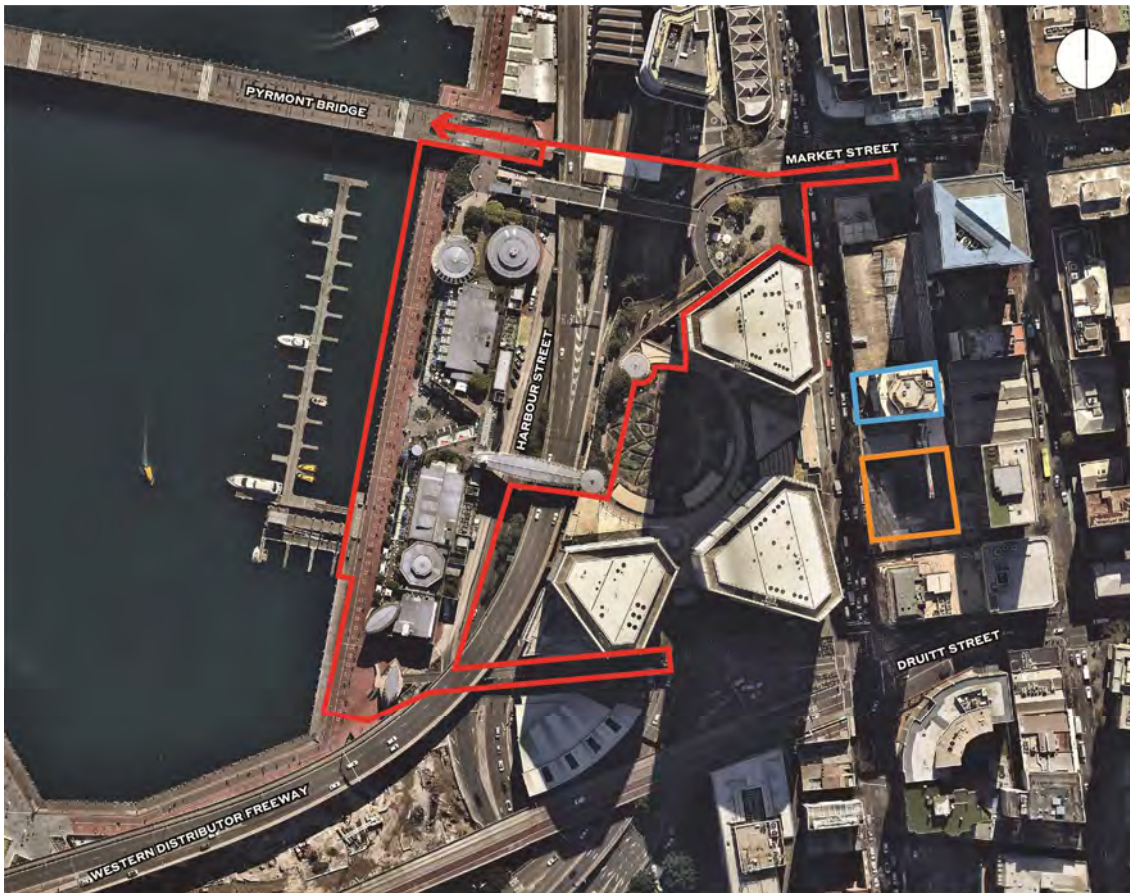
The 3D camera locations on the buildings were determined in consultation with the Department of Planning and Environment.

Detailed 3D modelling was used to determine the angles of available views and the levels within each identified building that was likely to enjoy existing views, vistas and outlook that may be impacted by the amended Concept Proposal. From this exercise selected view locations were then identified.

3D model images have been prepared for the key buildings at selected levels. Depending on the height of the particular building and whether existing views are available at lower and upper levels, images have been prepared accordingly.

The 3D model from the key buildings use a camera with a 50mm lens frame added to the images in order to allow for a narrower field of view analysis.

The 3D model illustrates the existing view, the impact of the amended Concept Proposal building envelope on the view, and the impact of one possible detailed building design within the envelope.



- Ammended Site Area
- 222 - 228 Sussex Street, Sydney (The Astoria Tower)
- 230-234 Sussex Street, Sydney (currently under construction)

Figure 11 – 222-228 Sussex Street and 230-234 Sussex Street relative to the site.

1.5 Report Structure

This report is structured as follows:

Section 2 identifies the various relevant and pre-existing planning principles with respect to views, view sharing and outlook including those contained within the Sydney Regional Environmental Plan 2005; the Infrastructure NSW SICEEP Urban Design and Public Realm Guidelines; and the City of Sydney Council Development Control Plan 2012.

Section 3 provides a visual impact analysis for the amended Concept Proposal maximum envelope in relation to the public views, view corridors and vantage points around the site.

Section 4 provides a view impact analysis for the amended Concept Proposal in relation to the private views for key neighbouring residential buildings in the vicinity of the Site

Section 5 provides a conclusion.

2.0 Planning Context and Relevant Planning Instruments

The environmental planning instruments (EPIs), policies or guidelines of particular relevance to the consideration of visual and view impacts are Infrastructure NSW SICEEP Urban Design and Public Realm Guidelines, Darling Harbour Development Plan No.1; Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 – now a deemed SEPP, and its accompanying DCP; the Sydney Development Control Plan 2012 and the draft Central Sydney Planning Strategy. These documents are addressed in detail below.

With respect to potential impact on views and vistas to existing heritage items, all relevant heritage listings including those contained within the Darling Harbour Development Plan and the Sydney LEP 2012 have been considered.

2.1 Darling Harbour Development Plan No.1

The Darling Harbour Development Plan No.1 is the environmental planning instrument which provides land use controls for land within the Darling Harbour precinct, including the entirety of the Cockle Bay Park Site.

The Development Plan does not set any maximum height controls or building envelope controls or provisions, and does not contain any specific provisions with respect to the consideration of visual or view impacts.

A key objective of the Development Plan is to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within the land to which it applies.

2.2 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Sydney Harbour REP) adopts the following principles for the purpose of achieving its aims for the Foreshores and Waterways Area:

- “(a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,*
(b) The public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,
(c) Protection of the natural assets of Sydney Harbour has precedence over all other interests.”
(our emphasis)

The Cockle Bay Park site sits within the Foreshores and Waterways Area as identified in Sydney Harbour REP. The specific clauses relevant to consideration of visual analysis or view impacts follow:

Clause 2(2)(b) – Aims of plan – the principle of precedence of public good over private good.

With respect to views, the Sydney Harbour REP articulates that the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores. This provision supports the principle that, in the context of the proposed development, the improvements to the public domain, including public views, should be given precedence over private view loss.

Whilst the genesis of this principle is largely rooted in ensuring continuous and unobstructed foreshore access to the public, the principle of view corridors tied to access to the foreshore is primary as compared to the secondary issues of private views. Impacts on private views (being those that may not or do not align with existing or proposed public view corridors over streets) will require further consideration when detailed building designs are resolved.

Clause 14(d) – Foreshores and Waterways Area.

This sub-clause seeks to ensure *“development along the foreshore and waterways should maintain, protect and emphasise the unique visual qualities of Sydney Harbour and its islands and foreshores”*.

The amended Concept Proposal will allow future development that will allow for greater enjoyment of the Cockle Bay Waterfront.

Division 2 – Matters for Consideration for development - Clause 25 – Foreshores and waterways scenic quality

This clause states:

“The matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways are as follows:

(a) the scale, form, design and siting of any building should be based on an analysis of:

(i) the land on which it is to be erected, and

(ii) the adjoining land, and

(iii) the likely future character of the locality,

(b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries...”

The impact of the proposal on the scenic qualities of the Harbour and its foreshores must be seen in the balanced context of the site’s CBD location, and the recent and planned development in Darling Harbour and Barangaroo which is having a transformative impact on the locality.

Division 2 – Matters for Consideration for development - Clause 26 – Maintenance, protection and enhancement of views

This clause states:

“The matters to be taken into consideration in relation to the maintenance, protection and enhancement of views are as follows:

(a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,

(b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,

(c) the cumulative impact of development on views should be minimised.”

Each of these matters have been considered and are addressed in this report.

Clause 59 – Development in vicinity of heritage items

Clause 59 states:

(1) Before granting development consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.

(2) This clause extends to development:

(a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or

(b) that may undermine or otherwise cause physical damage to a heritage item, or

(c) that will otherwise have any adverse impact on the heritage significance of a heritage item.

(3) The consent authority may refuse to grant development consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.

(4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.

Having regard to the context of existing planning controls and requirements, a fundamental approach in relation to the amended Concept Proposal has been to protect, retain and enhance significant public domain views and view corridors.

2.3 Infrastructure NSW SICEEP Urban Design and Public Realm Guidelines

While not specifically applicable to the Cockle Bay Park Site, the Infrastructure NSW SICEEP Urban Design and Public Realm Guidelines outline Infrastructure NSW’s aspirations and expectations for the redevelopment of Darling Harbour. In that regard, they are helpful to understand the development context of the broader Darling Harbour development area. The key provisions of the Infrastructure NSW SICEEP Urban Design and Public Realm Guidelines that are of relevance to the consideration of visual and view impacts are set out below.

Project Vision

The urban design of the Sydney International Convention, Exhibition and Entertainment Precinct (SICEEP) must achieve the project vision to:

- *Reaffirm Darling Harbour as Australia's premier gathering place by creating an exciting, connected, active and vibrant precinct that brings delight to visitors and Sydney-siders alike.*
- *Context and design excellence*
- *Design facilities and the public realm in a manner that integrates with and enriches the local urban context by:*
 - *Preserving significant view corridors;*
 - *Protecting and reinforcing views of significant heritage buildings and structures within the public realm;*
 - *Preventing loss of privacy by overlooking of adjacent properties.*

Place making

Create a place that:

- *Enriches the existing public realm, recognising existing landscape, topography, open space networks, movement patterns and heritage of the CBD, Chinatown, Pymont, Darling Harbour and the Educational Precinct of UTS and Ultimo TAFE.*

Urban Design Objectives

- *Re-launch the Precinct and redefine its place in the City of Sydney and in the international convention, exhibition and entertainment markets.*
- *Create a new 'place to be' in Sydney defined by its own unique character.*
- *A Precinct outcome that delivers a balanced solution for the city.*
- *Multi-functionality of the Precinct amenities; with a focus on flexibility and adaptability.*
- *Bring a new vibe and spirit to this quarter of the city.*
- *Provide a seamless transition between the facilities, the Precinct and the greater urban fabric.*
- *A quality design that provides a unique experience for the global visitor and is embraced and integrated into the lives of the people in Sydney.*
- *Provide the visitor with an opportunity to experience a variety of places within the Precinct with a richness in texture and activities.*

The Infrastructure NSW SICEEP Urban Design and Public Realm Guidelines do not apply to the site. Nonetheless, future development in line with the amended Concept Proposal is unlikely to undermine the achievement of these objectives and can in fact contribute to their achievement.

2.4 Sydney Development Control Plan 2012

Sydney Development Control Plan 2012 does not apply to the Cockle Bay Wharf site. Similar to the SICEEP Urban Design and Public Realm Guidelines above, the DCP nonetheless provides a planning context with respect to the consideration of views and the visual impact of proposed development within the broader City of Sydney. It applies to all of the land surrounding the site, and to the buildings and public domain spaces in the vicinity of the site that are or are potentially impacted upon by the proposed development.

It has been a long standing strategic position of the City of Sydney Council that views, and view sharing, is a matter of specific and particular importance with respect to the potential impact of development on key views and vistas that are available at the street level and generally from or within the public domain rather than private views.

Section 3.2.1.2 of the Sydney Development Control Plan 2012 (DCP 2012) acknowledges that:

- *Buildings are not to impede views from the public domain to highly utilised public places, parks, Sydney Harbour, Alexandra Canal, Heritage Buildings and monuments including public statues, sculptures and art;*
- *Development is to improve public views to parks, Sydney Harbour, Alexandra Canal, heritage buildings, and monuments by using buildings to frame views. Low level views of the sky along streets and from locations in parks are to be considered.*

The DCP objectives and provisions identify significant views in the Sydney CBD that are to be protected from encroachment and / or enhanced by building design. The provisions of the DCP also encourage the siting and design of new buildings that maintain and open up significant views from the public domain to Sydney Harbour, parklands and significant objects as well as protecting silhouettes of the tops of major heritage buildings as seen against the sky. The current planning objectives, strategies, principles and development controls for the Sydney CBD have also long recognised that ‘outlook’, as distinct from ‘views’ is the appropriate measure of residential amenity within a global CBD context.

Section 4.2.3.10 of DCP 2012 clearly articulates the following with respect to outlook and views in relation to the impact of development on existing and future residential amenity:

“(1) Provide a pleasant outlook, as distinct from views from all apartments. (2) Views and outlooks from existing residential development should be considered in the design of the form of the new development”

Note: Outlook is a short range prospect, such as building to building, while views are more extensive or long range to particular objects or geographical features.”

2.5 Draft Central Sydney Planning Strategy

The Draft Central Sydney Planning Strategy does not apply to the Cockle Bay Wharf site as it is outside the area to which the Sydney LEP 2012 currently applies.

The Draft Strategy places emphasis on protecting public domain views and reduces the importance of private views from within Central Sydney and surrounds. This is reflected in the proposed amendments to Sydney LEP 2012 and Sydney DCP 2012, which were released with the Central Sydney Planning Strategy.

Refer to relevant extracts below:

“Central Sydney contains private and public lands. The majority of public lands consist of streets, squares and parks, without being substantially built upon. Some public lands are occupied by public buildings.

The majority of private land is occupied by buildings that almost fill their sites, though some includes open spaces including gardens, courtyards and setback areas.

The combination of built and unbuilt land allows for views from private and public buildings across private and public open spaces. Due to the varying heights of buildings and their setbacks, views are also available across and around buildings.

As old buildings are replaced with new ones, views are subject to change. Given the constantly changing built environment of Central Sydney, regulating for maintenance of private views is overly restrictive and complex. Maintaining existing private views inhibits change and would render Central Sydney uncharacteristically static.

Central Sydney has a privileged position on a peninsula in a harbour surrounded by water and parklands, containing a large number of highly significant structures and buildings of a height that vastly exceeds its surroundings. This means that the large majority of available views are considered “iconic”.

This sets Central Sydney apart from other places; standard principles around views and the sharing of them are not applicable.

New development must be designed to make a positive contribution to the characteristics and composition of designated public views. These public views should be preserved and have priority over private views.”

The City of Sydney have aspirations to expand the Central Sydney boundary to incorporate Darling Harbour (refer Figure 12 below). In this regard, the concept that within Central Sydney, ‘new development must be designed to make a positive contribution to the characteristics and composition of designated public views’ and ‘the standard principles around views and the sharing of them are not applicable’ is a valid consideration for the following assessment at **Sections 3.0** and **4.0**.

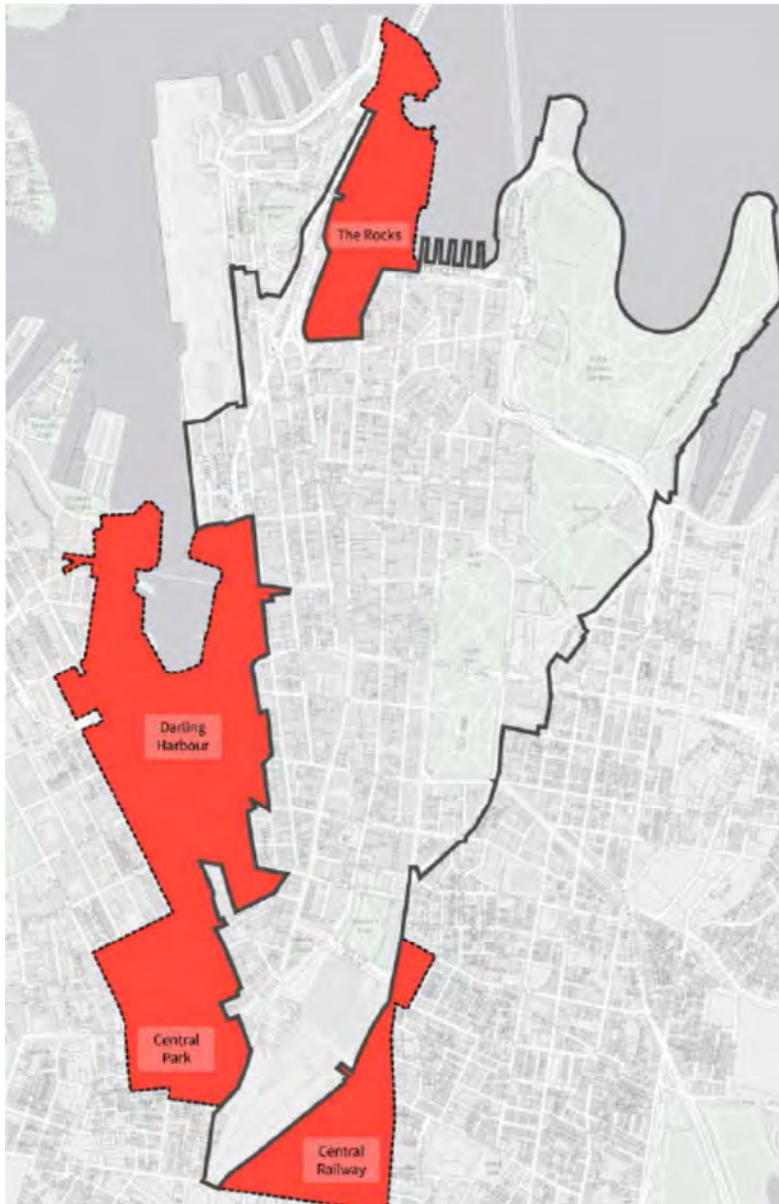


Figure 12 – Council aspirations to expand the Central Sydney boundary

Proposed Amendments to Sydney LEP 2012

Proposed amendment to Clause 4.3:

“(c) To promote the sharing of views (outside of Central Sydney).

New Clause to be added:

“Protection of public views

The objectives of this new clause are to ensure:

- (a) preservation of significant views from public places;*
- (b) development does not encroach above public view protection planes: and*
- (c) views from Observatory Hill to Sydney harbour are protected.”*

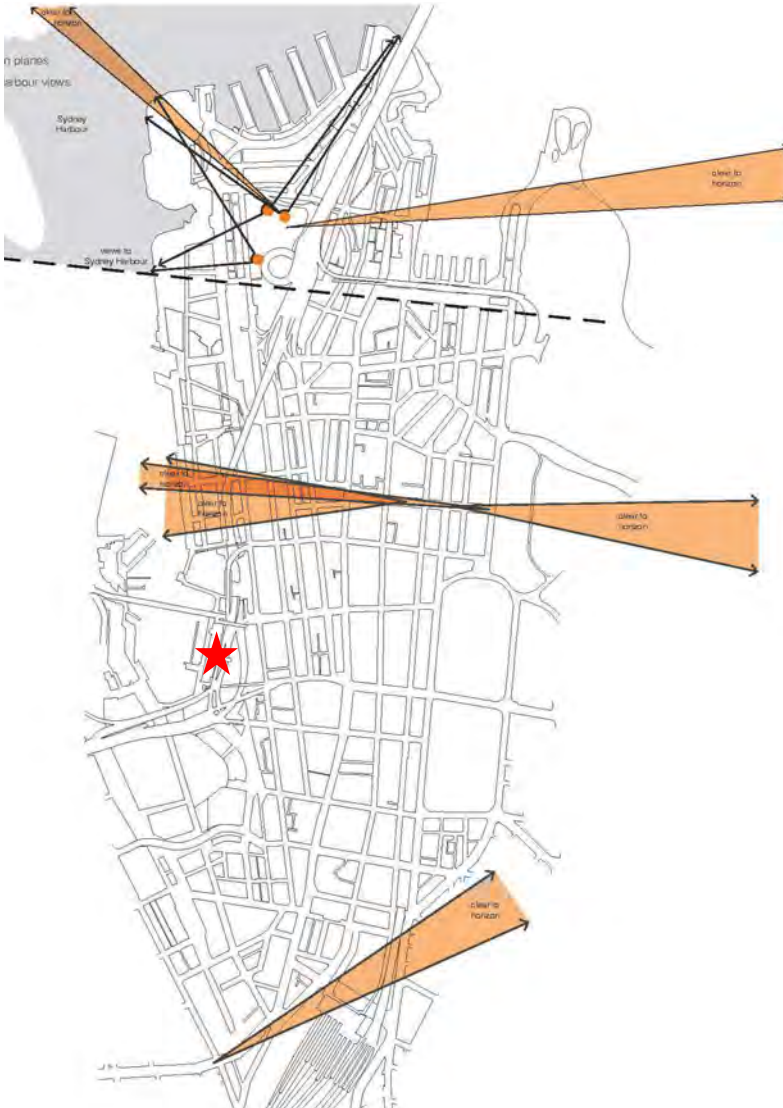


Figure 13 – Proposed Sydney LEP 2012 new public domain view protection corridors (site marked with a star)
(source: City of Sydney Council)

As shown in Figure 17 the location of the amended Concept Proposal will not have any impact on any of the proposed public view corridors identified within the Draft DCP.

Proposed Amendments to Sydney DCP 2012

New Clause to be added:

“5.1.2 Development outlook and demonstrating amenity compliance

Value Statement

Sydney LEP 2012 and Sydney DCP 2012 purposefully seek to protect and enhance public amenity such as daylight and sunlight to Public Places and public views that are of benefit to the whole community.

In Central Sydney's dynamic and dense development environment certainty for the protection of private amenities such as sunlight and views cannot be guaranteed. The maintenance of sunlight access and private views to existing development should not unduly restrict the economic performance and economic growth of Central Sydney....

Development outlook: All developments should provide for adequate setbacks within their developments sites so as to guarantee their own minimum outlook, as opposed to a view."

The proposed amendments to the DCP clearly articulate that the maintenance of private views should not unduly restrict the economic performance and growth of Central Sydney. This is a valid consideration for the assessment at **Section 4.0**.

3.0 Visual Analysis

The location of the photomontage images for each of the 16 identified key ground level public domain views, view corridors and vantage points that are considered to be of relevance to the proposal are shown on Figure 2.

For the purpose of the October 2016 Visual Impact Analysis and this updated report the public domain views have been identified, in consultation with the Department as follows:

- Peacock Point, Balmain East (view 1);
- Barangaroo Headland Park (view 2);
- Metcalfe Park, Pyrmont (view 3);
- Wharf 7, Pyrmont (view 4);
- Pyrmont Bay Park (view 5);
- Corner of Murray Street and Union Street, Pyrmont (view 6);
- Pyrmont Bridge (view 7A, 7B and 7C);
- Darling Harbour Pier 26 (view 8);
- Market Street (view 9);
- Harbourside and Cockle Bay (views 10 and 11);
- Corner of Kent Street and Druitt Street (view 12); and
- Tumbalong Park (view 13A and 13B).

This updated Visual and View Impact Analysis revisits the 16 identified public domain photomontage images (refer to **Appendix A**). The written assessment in the following section is based on both the original October 2016 images, and the updated images included at **Appendix A**. The following analysis has been undertaken with regard to the principles established by the Court in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046.

3.1 Peacock Point, Balmain East

A photomontage image of the amended Cockle Bay Park Concept Proposal viewed from Peacock Point is included at **Appendix A** (view 1).

Peacock Point is located approximately 1.36 km north west of Cockle Bay Wharf. It is a significant public vantage point on the Balmain peninsula and provides expansive, uninterrupted, panoramic views east across the Harbour, capturing the Sydney CBD skyline, the Harbour Bridge and Luna Park. Existing public domain views towards Cockle Bay Wharf look south east over the Harbour towards Barangaroo and King Street Wharf and beyond to Darling Park and Pyrmont Bridge. The Jones Bay Wharf, Darling Island Wharf and Pyrmont Bay Wharf are in the middle ground to the immediate south of Peacock Point. The broad view is characterised by relatively low scale development at the Harbour foreshore with the taller Barangaroo South towers forming a prominent landmark to the east. The CBD skyline forms a backdrop with the open sky punctuated by CitiGroup and World Square towers to the south east and the Peak Apartments tower to the south. The Sofitel Hotel punctuates the lower scale western skyline. Distant views to Pyrmont Bridge are partially obstructed by King Street Wharf to the east and Pyrmont Wharf to the west.

The existing Cockle Bay Wharf development is set behind Pyrmont Bridge and is not visible from Peacock Point. The amended Concept Proposal will reinforce the CBD urban form when viewed from Peacock Point and will be a visible and distinct addition to the CBD skyline framing the western CBD skyline as an appropriate counterpoint to the existing commercial towers and the future casino further north at Barangaroo. The photomontage illustrates that the tower element will sit comfortably within a collection of towers that includes the Greenland Centre at 115 Bathurst Street and the proposed residential development at 505 George Street (refer **Figure 14**).



Figure 14 – Future tower development in the southern CBD

The amended Concept Proposal will increase the scale and massing adjacent to Pyrmont Bridge when viewed from Peacock Point. While it is distant, Pyrmont Bridge is considered to have sufficient visual strength in the landscape to maintain its horizontal presence when viewed from Peacock Point.

Notwithstanding the above, the amended Concept Proposal will permanently change the scale and height of the south eastern urban form of the Darling Harbour precinct. Most notably, the proposed tower element of the proposal will be seen adjoining and in the foreground of the Sydney CBD skyline.

The Darling Harbour precinct is undergoing significant urban renewal and change both as part of the SICEEP Project, and in the context of other recent and proposed developments such as the Imax Theatre redevelopment (the Ribbon), Darling Quarter, Four Points Hyatt Regency, the Star Casino redevelopment, and Harbourside redevelopment. The existing low scale, low rise buildings on the fringe of the city are progressively being replaced with taller, denser and more dramatic new building forms on the water's edge. As part of this process the existing low scale 'valley' form of Darling Harbour will be fundamentally changed in both character, density and urban form. A similar transformation is occurring elsewhere on waterfront land in the vicinity where the existing low scale transition of development down from the western fringe of the CBD to the Harbour is being transformed by projects such as Barangaroo.

The proposed development, when considered in the context of ICC Sydney and the Sofitel Hotel, the existing western CBD edge, the Ribbon and Barangaroo will continue to draw Darling Harbour into the wider CBD.

The proposed tower element will be a striking, visible and distinct building that will frame the Darling Harbour waterway setting in a way that responds to the Crown casino and hotel and will complement the Sofitel Hotel and the future Harbourside redevelopment. It aligns with an emerging new character and condition on the Harbour's edge and the broader Pyrmont and Haymarket locale. It will define and activate the eastern foreshore edge of Darling Harbour and deliver a building of scale and form in keeping with the principle of transforming the western fringe of the CBD.

It will provide a clear point of reference in the Darling Harbour precinct for pedestrians, identifying an eastern gateway for the re-designed and re-invigorated waterfront precinct.

The tower is consistent in height with the urban topography of the CBD and that of a growing number of towers within the western fringe of the CBD. Its height and form create a focal point in the eastern entrance to the precinct, and it has been designed to become a landmark tower within the broader Sydney CBD context.

3.2 Barangaroo Headland Park

A photomontage image of the amended Concept Proposal viewed from Barangaroo Headland Park is included at **Appendix B** (view 2).

The Barangaroo Headland Park is a significant new public open space at the northern edge of the Barangaroo precinct. It is located approximately 1.5km north of Cockle Bay Wharf. The existing views from the Headland Park are extensive, panoramic and uninterrupted across the water to the north, south-west and west. The key views from Headland Park capture Luna Park, Blues Point, and Goat Island to the north and north west; and Balmain East, Johnstons Bay to White Bay, Jones Bay Wharf, Darling Island Wharf and Pyrmont Wharf to the west and south-west.

The existing view south towards Cockle Bay Wharf is immediately obscured by the commercial towers at Barangaroo South. The photomontage demonstrates that the Concept Proposal will not be visible from the Headland Park public domain and will have no visual impact on the public domain in this location.

3.3 Metcalfe Park, Pyrmont

A photomontage image of the amended Concept Proposal viewed from Metcalfe Park is included at **Appendix B** (view 3).

Metcalfe Park is a public domain area located approximately 800m north-west of Cockle Bay Wharf. The Park is generally bound by views to the adjacent 5 – 6 storey commercial buildings to the north, south and west, although the planned 215m Star casino tower to the south will change the scale of development in the immediate vicinity.

The existing public domain view from Metcalfe Park east towards the CBD looks across Pyrmont Bay to Pyrmont Wharf in the foreground then to the CBD skyline beyond. The view is open and expansive and the CBD skyline is relatively distant and forms the backdrop to the water and the wharf which are the predominant elements of the view.

The existing Cockle Bay Wharf development is not visible from the Park. The view from Metcalfe Park in the photomontage is looking south east towards Cockle Bay Wharf. In this context, the amended Concept Proposal will read as a tall but relatively slender tower within the maximum tower envelope. It is separated from the Park by approximately 800m including the water and the wharf which reduces its visual impact. The dominant public domain character of an expansive open space framed by development and landscaping, with a high degree of openness to the sky will be retained by the proposed development. The proposed development will not encroach upon the public domain views through or to the park and will not significantly detract from the important elements in the view or reduce the visual connectivity across to the Sydney CBD established by the park.

This new view is not inconsistent with the existing character and experience of users to the park of commercial towers being seen in the backdrop of the green open space.

Consistent with the planning context and relevant planning instruments that are of relevance to the consideration of visual and view impacts, the proposed development will not impact on any significant views and vistas to and from Metcalfe Park.

3.4 Wharf 7, Pyrmont

A photomontage image of the amended Concept Proposal viewed from Wharf 7, Pyrmont is included at **Appendix B** (view 4).

Wharf 7 (Pyrmont Bay Wharf) is located north-west of Cockle Bay and accommodates a wide public boardwalk approximately 270m in length. The Cockle Bay Wharf is approximately 510m from the southernmost point on Wharf 7. Open and expansive public domain views across Darling Harbour to its eastern foreshore and the CBD skyline are available along the entire length of Wharf 7. The existing view across the water, south-east towards Cockle Bay Wharf captures the King Street Wharf, the Sydney Zoo and Aquarium on the foreshore with the CBD skyline as a

backdrop. Pyrmont Bridge is visible in the landscape; however, it is partially obscured by the watercraft moored at the Maritime Museum and the eastern foreshore tourist attractions.

The SICEEP development is visible to the west of Pyrmont Bridge and is delivering a new wave of modern buildings and a rejuvenated public domain and foreshore. The Sofitel Hotel is a notable punctuation in the skyline. These buildings and spaces are transforming the Darling Harbour Precinct into a world class tourist and entertainment destination – befitting Sydney’s status as Australia’s only Global city. These new buildings are considerably larger in scale than the historic building stock in the area.

The existing Cockle Bay Wharf development sits behind Pyrmont Bridge and is not clearly visible from Wharf 7. The amended Concept Proposal will change the scale and height of the development on the eastern side of the Cockle Bay waterfront by raising the podium above Pyrmont Bridge and the tower introduces significantly more height and mass to the eastern edge of Darling Harbour. The podium has been scaled to relate to the existing foreshore development north of Pyrmont Bridge and the tower will accommodate a slender and elegant form that will provide additional interest to the vista and skyline. The proposed tower height and form creates a focal point that clearly marks the gateway to the CBD and will sit comfortably with 115 Bathurst Street and 505 George Street in the CBD skyline.

The existing views to Pyrmont Bridge are unimpeded by the amended Concept Proposal. The vertical tower form does not reduce the Bridge’s strong horizontal visual presence when viewed from Wharf 7.

3.5 Pyrmont Bay Park

A photomontage image of the amended Concept Proposal viewed from Pyrmont Bay Park is included at Appendix B (view 5).

The Park is located approximately 580m north-west of Cockle Bay and is heavily planted with trees along most of its boundary, except along its interface with the Harbour. The key and most valued views from this public open space that is used intensively for both passive recreation and temporary events (such as markets) is towards the Sydney CBD to the east and north-east, Sydney Harbour Bridge to the north and water views across to North Sydney (lower north shore). Existing views of surrounding development from the Park is predominately characterised as being low scale, although the planned 215m Star casino tower will change the scale of development.

The view from Pyrmont Bay Park provided in the photomontage is looking south-east towards Darling Harbour, with the rear of the Maritime Museum visible above the treetops and the western edge of the Sydney CBD (including Centrepont Tower) visible beyond in the background. The existing Cockle Bay Wharf development is not visible from the Park.

Within this context the top half of the amended Concept Proposal will read as a visible and significant new built form element in the southern backdrop to Pyrmont Bay Park. The dominant public domain character of the Park; i.e. an expansive open space framed by development and landscaping, with a high degree of openness to the sky will not be significantly reduced by the amended Concept Proposal. The proposed development will not encroach upon the public domain views through or to the park and will not significantly detract from the important elements in the view or reduce the visual connectivity across to the Sydney CBD and Harbour from the park.

This new view is not inconsistent with the existing character and experience of users to the park of commercial towers being seen in the backdrop of the green open space.

Consistent with the planning context and relevant planning instruments that are of relevance to the consideration of visual and view impacts, the proposed development will not impact on any significant views and vistas to and from Pyrmont Bay Park.

3.6 Corner of Murray Street and Union Street, Pyrmont

A photomontage image of the amended Concept Proposal viewed from the corner of Murray Street and Union Street is included at Appendix B (view 6).

The corner of Murray Street and Union Street in Pyrmont is a highly trafficked pedestrian intersection approximately 440m west of Cockle Bay Wharf. The intersection is a key east-west pedestrian connection from Pyrmont and Glebe into the CBD over the Pyrmont Bridge.

The existing view looking east is open and captures the Maritime Museum and looks across the Pyrmont Bridge towards the CBD with Ibis Hotel Darling Harbour framing the view. The CBD is obscured by the Maritime Museum, the Darling Drive pedestrian bridge and the disused monorail station. The vista still captures the CBD skyline with Centrepont, Australia Square and World Square towers punctuating the open and expansive sky views. The existing Darling Park towers are also a prominent element of the CBD view. Smaller elements including flagpoles, traffic lights, masts and street lighting and signage clutter the foreground and middle ground views towards the CBD. No water views are available.

The amended Concept Proposal introduces a prominent new element to this vista and will be a highly visible gateway, marking the transition from Darling Harbour into the CBD. The tower envelope will not interrupt any significant views or vistas across Pyrmont Bridge towards the CBD. The eventual slender tower building form will respond to the height and scale of the 115 Bathurst Street and 505 George Street towers which will also be captured by this vista.

3.7 Pyrmont Bridge

Photomontage images of the amended Concept Proposal viewed from Pyrmont Bridge is included at **Appendix B** (view 7A, 7B and 7C). These images capture views from the ends and middle of the Bridge.

Cockle Bay Wharf is adjacent to the eastern end of the Bridge. Existing public domain views from the western end of Pyrmont Bridge look down the length of the bridge along a 'busy' corridor with high levels of pedestrian and bicycle movements and punctuations with bunting/flags, street furniture, lighting etc. In the background to the Bridge itself is the CBD which forms a strong visual backdrop. The existing low scale development at Cockle Bay Wharf is visible from this location across the water.

The amended Concept Proposal will change the scale and height of the development along the eastern side of the Darling Harbour waterfront introducing a visually prominent built form.

The proposal does not obscure any significant views or vistas. The proposal's proximity to Pyrmont Bridge makes it highly visible from the public domain. The amended Concept Proposal will accommodate new significant publicly accessible open space adjacent to Pyrmont Bridge which will provide a human scale to the Bridge allowing it to continue to sit comfortably within the built environment. The tower envelope is setback a minimum 65m from the Bridge to reduce its visual impact with the eventual tower form to only occupy an average 60% of the envelope, resulting in slender building. Articulation of the eventual tower façade (subject to a subsequent Stage 2 SSDA) will break down the apparent bulk and massing of the envelope when experienced from the Bridge.

The existing view of the site from the centre of Pyrmont Bridge looking east becomes more enclosed as proximity to the CBD increases. The existing Cockle Bay Wharf development becomes more visible and the repetition of flagpoles and street lamps frame the vista east along Pyrmont Bridge. As expected, the visibility and presence of the amended Concept Proposal on the southern side of the Bridge increases as it becomes closer. The new publicly accessible open space on the northern podium will provide a low scale interface to the Bridge and will create an appropriate degree of separation to tower (minimum 65m). The impact of any building within the envelope would be managed with fenestration, articulation and detailed design at the Stage 2 DA stage. There is no impact on the open and expansive water and sky views to the north and south from the centre of Pyrmont Bridge and the pedestrian view corridor along the Bridge to the CBD is maintained.

The view from the eastern end of the Bridge overlooks the existing low scale Cockle Bay Wharf development with the Darling Park commercial development immediately beyond. At this point the environment transitions from the Darling Harbour precinct into the highly urbanised core CBD. The views become enclosed as the built form density increases. At this point the amended Concept Proposal is at its most prominent. Again, the envelope is not obscuring any significant views and vistas from the Bridge and pedestrians will still have high quality views to the north and south. At this location, the new open space will be highly visible and will significantly improve the existing view by providing a welcoming landscaped vista at the gateway to the CBD (refer to **Figure 15**). The visual connection to the new urban open space will increase as the Bridge ramps up into the CBD.



Figure 15 – Indicative publicly accessible open space (subject to competitive design process)

(source: Aspect)

The Sydney Harbour waterfront skyline and the CBD skyline more generally is undergoing significant transformation. Led by the SICEEP project, the Imax and Harbourside redevelopment in the immediate vicinity and Barangaroo nearby, the Concept Proposal will effectively complete the renewal of the ring of foreshore land fronting Cockle Bay. A clear appreciation of low scale massing adjacent to the foreshore is available as a result of the amended Concept Proposal which has significantly reduced the podium scale at the Pyrmont Bridge interface, with the new open space and tower element providing a gateway statement befitting Sydney's international status.

Overall, in the context of the existing easterly view corridor of Pyrmont Bridge being within the backdrop of large CBD towers, the placement of new north facing publicly accessible open space and tower at the Bridge's eastern approach will not detract from the actual reading of the Bridge in its harbour setting when viewed from key public spaces in and around the harbour.

3.8 Darling Harbour Pier 26

A photomontage image of the amended Concept Proposal viewed from Darling Harbour Pier 26 is included at **Appendix B** (view 8).

Pier 26 is located on the Darling Harbour foreshore immediately north of Pyrmont Bridge. This precinct accommodates the Sydney Zoo and Aquarium and is a highly trafficked and very busy tourist precinct. Pier 26 has good open views west across Darling Harbour to the Maritime Museum and associated watercraft and south to Pyrmont Bridge.

The existing view south towards Cockle Bay captures watercraft at the pier and the elevated Pyrmont Bridge with the Darling Park towers being prominent immediately beyond the Bridge. The view illustrates the transition in built form from the lower scale foreshore to the high density CBD towers.

The proposed development will partially obscure the view towards Darling Park and significantly increase the scale and massing of the built form when viewed from Pier 26. The Bridge provides a visual barrier to the proposal and the proposed tower envelope is setback a further 65m beyond the Bridge and the new open space and landscaping. Therefore, the visual impact of the envelope is managed in the environment and will be reduced further at the Stage 2 SSDA as the eventual tower will take a slender form occupying an average 60% of the maximum envelope illustrated in the photomontages.

The view towards Pyrmont Bridge remains uninterrupted and the Bridge's strong horizontal presence is maintained. As noted in Section 3.1, the proposed tower element will be a highly visible and distinct building that will frame the Cockle Bay waterway setting providing a gateway to the CBD.

The amended Concept Proposal aligns with an emerging new character and condition on the harbour's edge and will define and activate the eastern foreshore edge of Darling Harbour and deliver significant new open space and a building of scale and form in keeping with the principle of transforming the western fringe of the CBD.

3.9 Market Street

A photomontage image of the amended Concept Proposal viewed from Market Street is included at **Appendix B** (view 9).

The existing view west along Market Street (framed by CBD towers north and south) looks across Pyrmont Bridge and terminates at the Ibis Hotel on the western edge of Darling Harbour. One of the Anzac Bridge pylons is visible in the distance. The view is interrupted by street trees and the existing pedestrian road bridge and redundant monorail station linking to Pyrmont Bridge. The view is towards the tops of low and medium scale buildings (Novotel, Ibis, and 50 Murray Street) in Pyrmont. Water views are not available from this location.

The amended Concept Proposal tower envelope is setback and will not be visible from the Market Street view corridor. Pyrmont Bridge will remain visible.

The amended Concept Proposal will improve and open up the existing public views and vistas to Darling Harbour along the Market Street corridor, by removing the existing Cockle Bay building and monorail station structures and replacing them with a new publicly accessible open space. The enhancement of the Market Street view corridor is a key urban design principle articulated in the fjmt Design Report (submitted separately). The following figures illustrate how the amended Concept Proposal will facilitate the enhancement and 'opening' of the Market Street view corridor.

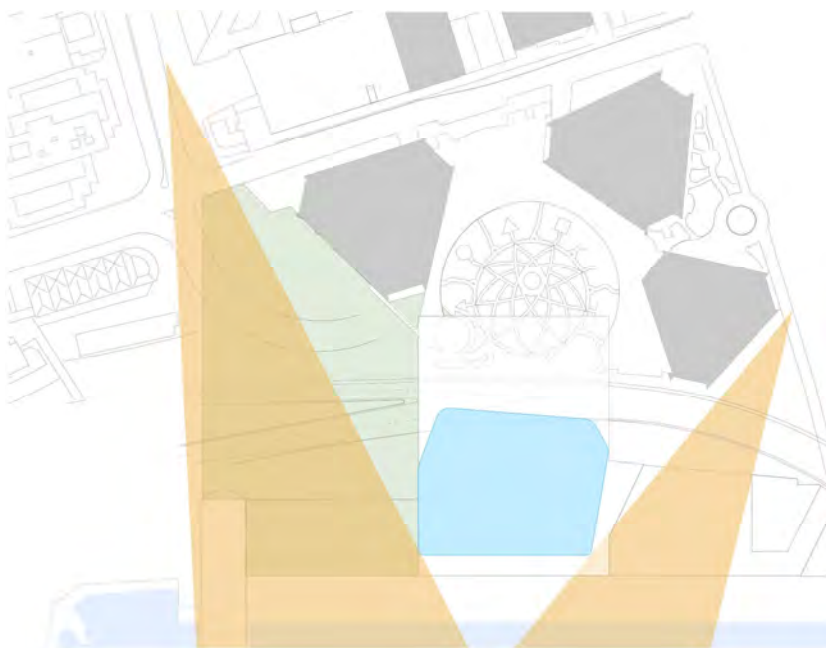


Figure 16 – Proposed preservation and enhancement of view corridors to Pyrmont Bridge and Darling Harbour from Market Street and the Druitt Street pedestrian link

(source: fjmt)



Figure 17 – Indicative section illustrating potential public viewing opportunities for the northern open space
(source: Aspect)

3.10 Harbourside and Cockle Bay

Photomontage image of the amended Concept Proposal viewed from the foreshore is included at **Appendix B** (view 10 and 11).

The site is arguably most visible from the foreshore surrounding Cockle Bay. Existing public domain views looking east and north capture Cockle Bay, Pyrmont Bridge, Barangaroo and the existing low scale Cockle Bay Wharf development. The CBD skyline including Centrepoint Tower forms a backdrop.

Views to and across the water towards the CBD are available at Harbourside with the built form set back to form a wide pedestrian promenade to accommodate the large crowds that come to the precinct day to day and during the large special events held at Cockle Bay (e.g. fireworks, Australia Day celebrations, Vivid, Dragon Boat Races etc.).

The amended Concept Proposal will change the scale and height of the development along the eastern side of the Cockle Bay waterfront by making a positive contribution to the CBD skyline that signifies its Harbour foreshore location at the gateway to the CBD.

The podium element is generally the same scale as the existing Cockle Bay Wharf development and will continue to provide for a human scale and respond to the predominant low- medium scale foreshore development. While the width of the tower envelope at this view appears significant, an average of only 60% of the building envelope will accommodate a tower building. Additionally, the envelope is setback from Pyrmont Bridge to maintain its visual integrity. Views to the CBD skyline, including Centrepoint Tower are maintained.

The prominence of the future building's location demands an outcome that exhibits design excellence to ensure that views are not adversely affected by the presence of a new building. The future provision of significant open space and accompanying retail and restaurant outlets that will be created by the amended Concept Proposal will further improve the visual impact on areas surrounding the site.

3.11 Corner of Kent Street and Druiitt Street

A photomontage image of the Cockle Bay Wharf Concept Proposal viewed from the corner of Kent Street and Druiitt Street is included at **Appendix B** (view 12).

The existing view towards the site is a highly urbanised series of CBD tower buildings with breaks to the sky. The existing Cockle Bay Wharf development is not visible from this location. The proposal will introduce an additional tower form to this vista without obscuring any views of significance.

The amended Concept Proposal includes a proposal to upgrade the existing Druitt Street connection with a new landing which opens up to Darling Harbour and will facilitate more direct connections to Cockle Bay south and the eastern Promenade. Fjmt write that *'it is proposed that the Druitt Street footbridge is upgraded to become a public art experience, transforming the journey from an unpleasant necessity into one that is elevating and destinational'* (refer to **Figure 18**).

Similar to the Market Street view corridor, the amended Concept Proposal will make a significant contribution to the improvement of public realm and vistas experienced from the Druitt Street pedestrian link.

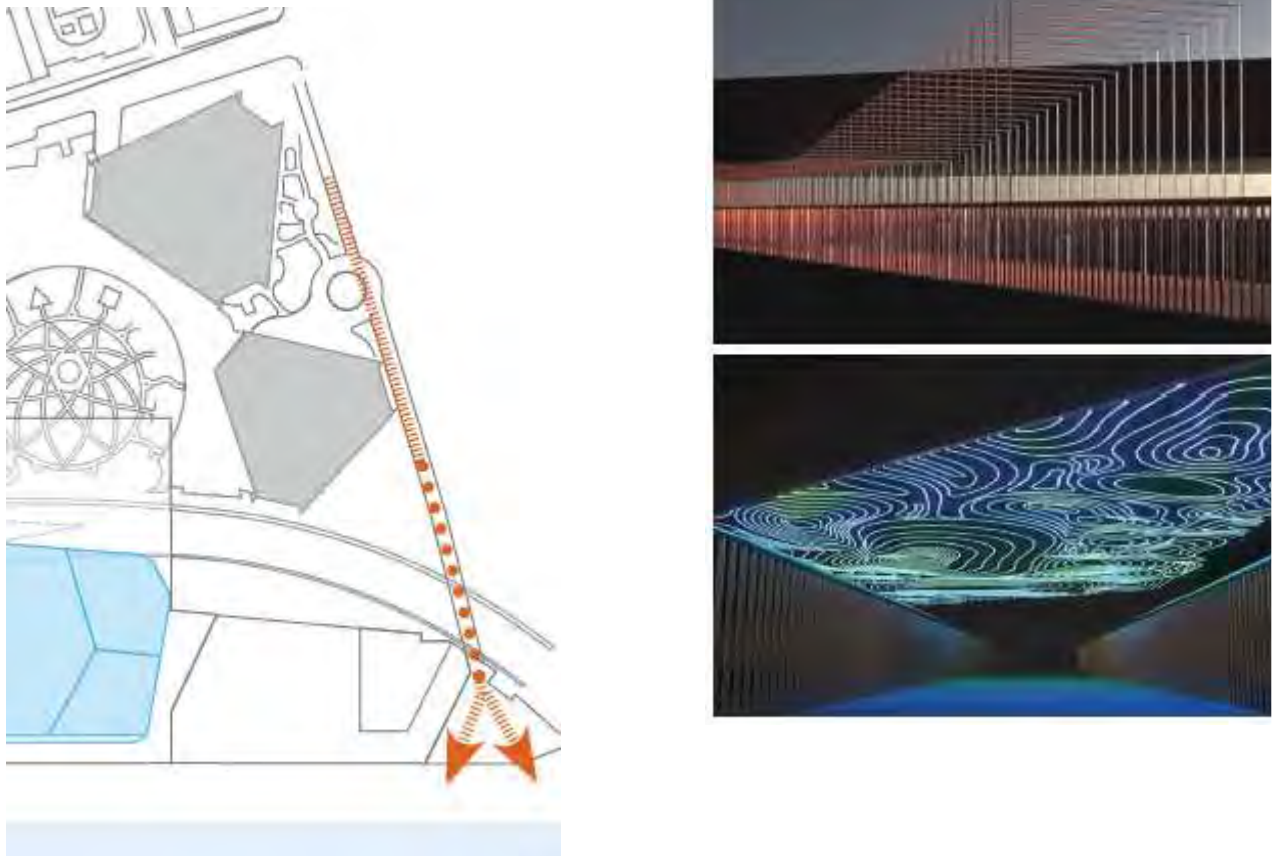


Figure 18 – Druitt Street pedestrian link and public art bridge concept
(source: fjmt & Eness)

3.12 Tumbalong Park

Photomontage images of the Cockle Bay Wharf Concept Proposal viewed from Tumbalong Park is included at **Appendix B** (view 13A and 13B).

Due to its central location and circular configuration, existing public domain views are available in a 360 degree cone from Tumbalong Park to the north, east, west and south. The key view from Tumbalong Park provided in the photomontage is looking north, north-east. Views are available from both a standing and a seated position in all directions providing for a high degree of visual connectivity across the Darling Harbour Precinct. Tumbalong Park is a public domain space that is intensely used for both passive recreation and in terms of pedestrian movement from the western edge of the CBD through the Darling Harbour Precinct.

As a key area of public open space sitting within a broader public domain area, the nature and extent of views available from Tumbalong Park are both expansive and open in character, with the space framed by landscaping and existing relatively low scale development that provides a sense of enclosure. The existing eastern CBD and future southern CBD skyline (Darling Square) surrounding the park is a dominant feature. The skyline to the north is encroached into by Darling Park, Darling Quarter, Western Distributor, the Cross City Tunnel Stack, and the ICC Sydney (Exhibition Halls, Convention Centre) and Sofitel Hotel. The Ribbon development will become a prominent element within the view once it is completed.

Within this context the amended Concept Proposal will appear as a tall but relatively slender new built form element in the northern background to Tumbalong Park beyond the Ribbon. It will read as a commercial tower within the CBD punctuating the skyline within this northern view from Tumbalong Park. The amended Concept Proposal is approximately 400m from the Park and is separated by the large expanse of public domain, and the intervening built form. The dominant public domain character of an expansive open space framed by development and landscaping, with a high degree of openness to the sky will be retained by the proposed visible tower element. The proposed development will not encroach upon the public domain views through or to the park and will not significantly detract from the important elements in the view or reduce the visual connectivity across the Darling Harbour Precinct established by the parkway.

It is noted that existing public domain views and vistas to the Chinese Garden of Friendship on Day and Pier Streets and to Pumping Station No.1, both of which are identified heritage items are not affected by the proposed development.

Consistent with the planning context and planning instruments that are of relevance to the consideration of visual and view impacts, the proposed development will not impact on any significant views and vistas to and from Tumbalong Park. As any development within the amended Concept envelope will exhibit design excellence, it will present as an elegant and complementary addition to the CBD skyline and therefore have a positive cumulative impact.

4.0 View Impact Analysis

The locations of the key buildings that are impacted or potentially impacted by the amended Concept Proposal in terms of private views are shown on **Figure 11** and include:

- 222-228 Sussex Street, Sydney (the Astoria Tower) and
- 230-234 Sussex Street, Sydney (currently under construction).

The following section provides a view impact analysis from the key buildings in relation to the proposed amended Concept Proposal for Cockle Bay Park. The following analysis has been undertaken with regard to the view sharing principles established by the NSW Land and Environment Court in *Tenacity v Warringah Council* [2004] NSWLEC 140.

4.1 222-228 Sussex Street - Astoria Tower

The Astoria Tower is a 33 storey residential apartment building located east of the Cockle Bay Park Site on Sussex Street opposite Darling Park Tower 1. The Astoria Tower is approximately 100m away from the Site at its closest point and is separated from the Site by the existing Darling Park commercial towers (refer to **Figure 11** earlier in this report).

This analysis has been undertaken with reference to the floor plans and building elevations approved by the City of Sydney Council on 29 November 1995 under DA Z93-00373, which are the key plans available on the public record.

Based on our review of these plans, the Astoria Tower accommodates 114 apartments comprising 108 x two bedroom apartments and 6 x three bedroom apartments. Apartments are accommodated from Level 3 (fourth storey) upwards. Level 3 – Level 29 accommodate four apartments per floor. The apartments are configured around a central core, two apartments have frontage to Sussex Street (a northern and southern apartment). The dining / living areas, and 1 x bedroom of each apartment opens onto an enclosed balcony, the other bedroom opens onto an open balcony. The open and enclosed balconies overlook Sussex Street. Kitchens are setback from the Sussex Street frontage against the northern and southern facades. The dining / living rooms and kitchens within the northern apartments from Level 10 upwards have windows on the northern elevation, the enclosed balconies in the northern apartments have windows on the northern façade from Level 15 upwards. The floor plan for Level 10 is provided as **Figure 19** and the floor plan for Level 16 – Level 29 is provided as **Figure 20**.

Level 30 – Level 32 accommodate 2 x three bedroom units per floor (a northern and southern apartment). The dining / living areas of these apartments open onto balconies which overlook Sussex Street. The kitchens are set against the northern or southern elevations and have windows, the bedrooms open onto either open or enclosed balconies on the eastern façade. The two apartments on Level 32 have access to private roof terraces that have a north, east, west aspect and an east, west, south aspect. The floor plan for Level 31 is provided as **Figure 21**.

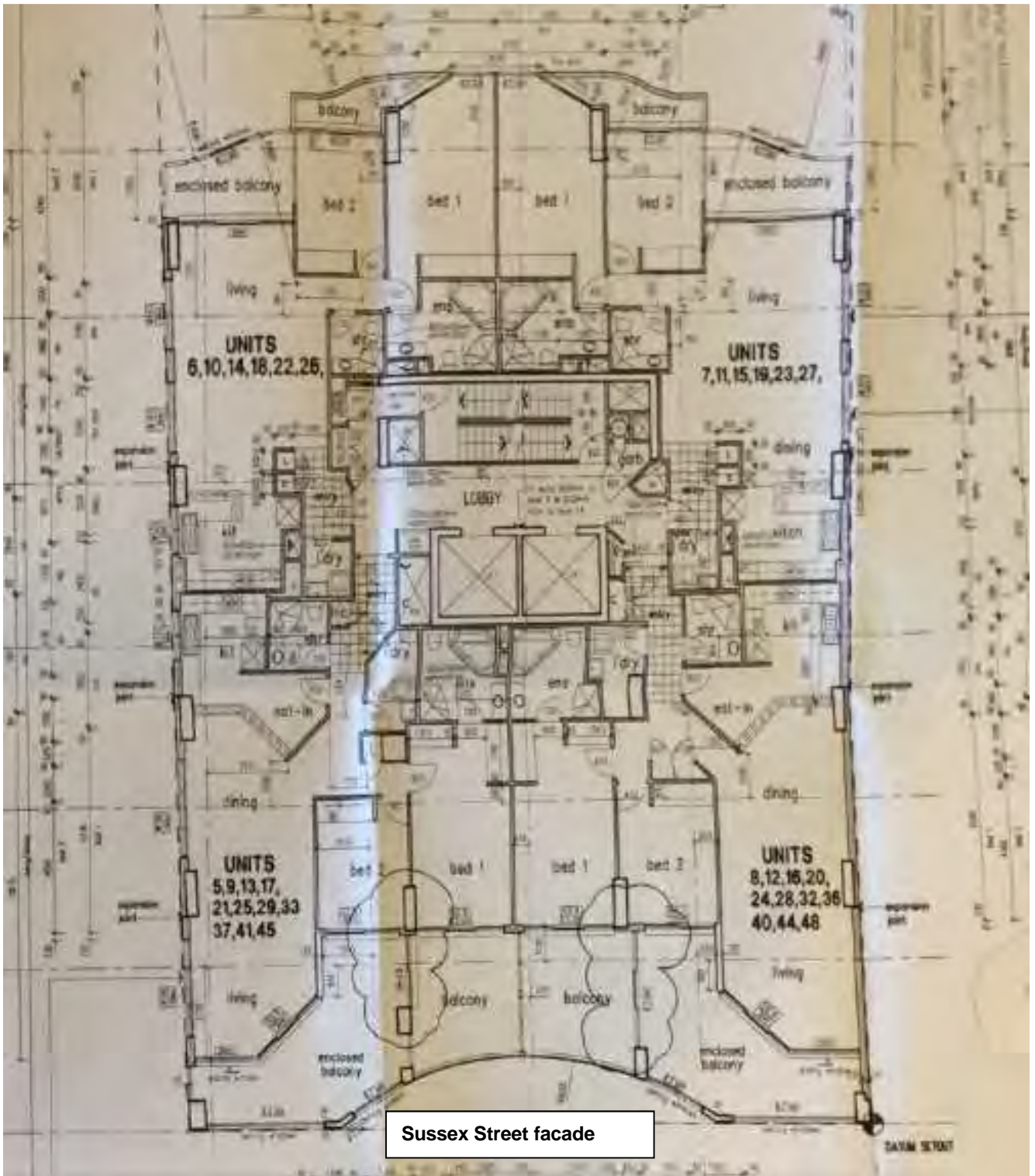


Figure 19 – Level 3 – Level 14 Floor Plan (Astoria)

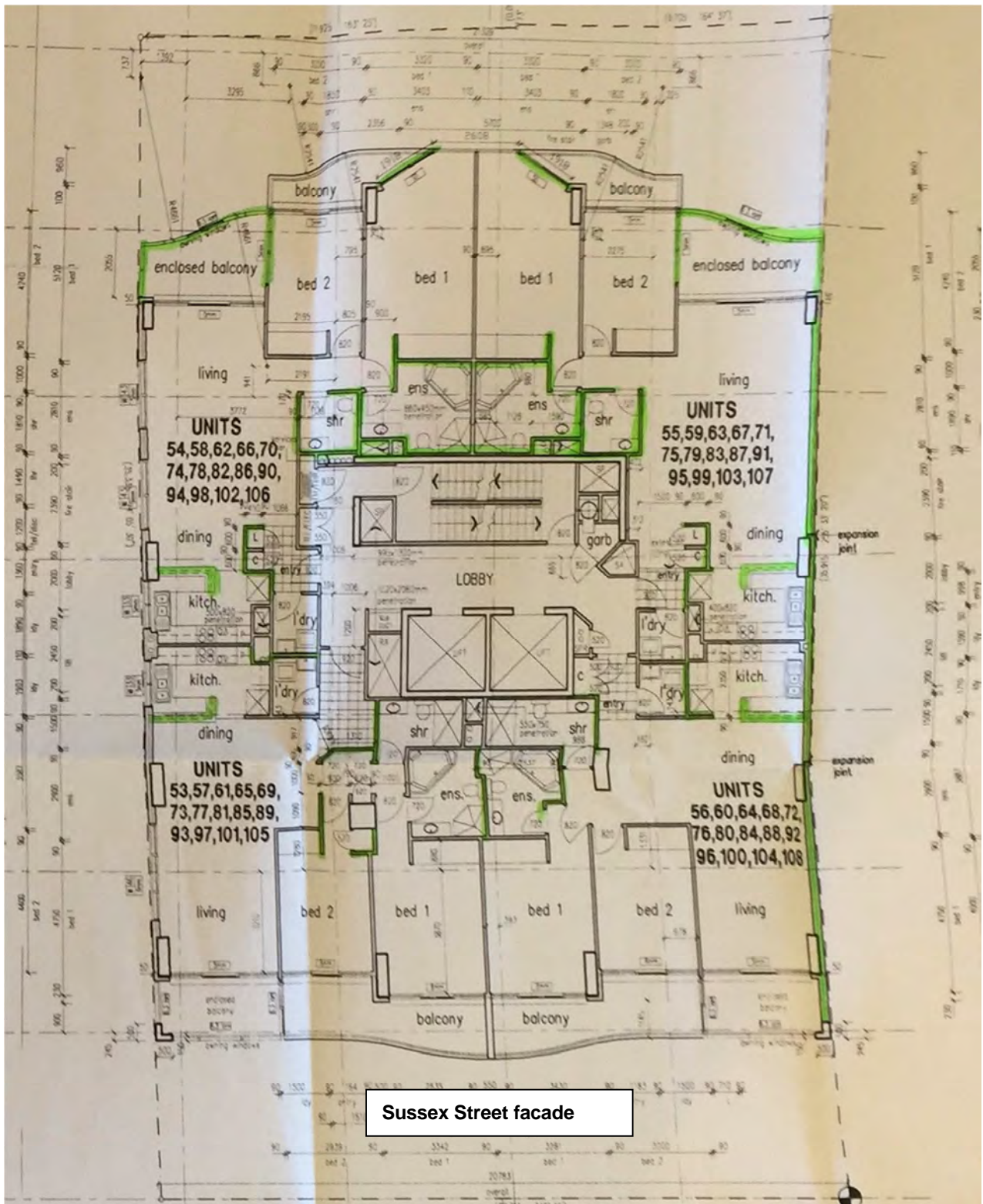


Figure 20 – Level 16 – Level 29 Floor Plan (Astoria)

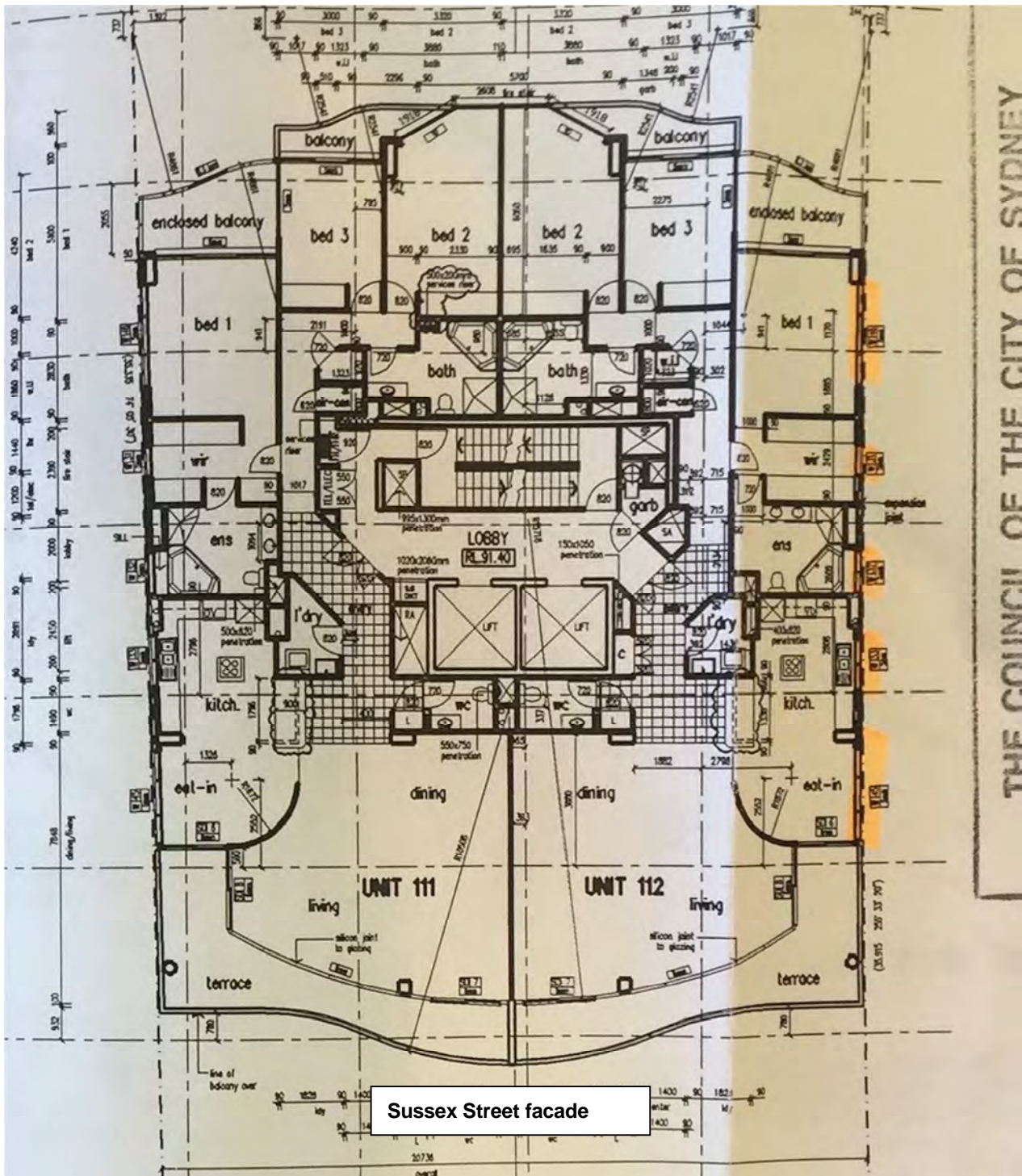


Figure 21 – Level 31 Floor Plan (Astoria)

The 3D modelling views showing existing and future views from the Astoria Tower in relation to the Site and the amended Concept Proposal are included at **Appendix B**.

Existing views from the Astoria Tower are available from the Sussex Street (western) elevation and can be generally categorised as those occurring at upper low-rise levels of the building (RL 35.80 - Level 10), mid-rise levels (RL70.5 - Level 23) and high-rise levels (RL95.80 - Level 32). The RLs for the 3D model are set approximately 1.8m above the floor RL to replicate the view when standing.

A total of 12 key view locations have been identified and analysed. They are:

- 1 x 3D model image at upper low-rise (location P9), mid-rise (location P5) and high-rise (location P1) at the

- northern end of the building;
- 2 x 3D model images at upper low-rise (locations P10 & P11), mid-rise (locations P6 & P7) and high-rise (locations P2 & P3) at the centre of the building;
- 1 x 3D model image at upper low-rise (location P12), mid-rise (location P8) and high-rise (location P4) at the southern end of the building.

Existing Views

The Astoria Tower is a narrow building, the width of its western elevation is approximately 20m, with two apartments on each floor (Level 3 to Level 32) with a frontage to Sussex Street. Therefore, due to the buildings narrow width, existing views from the northern, central and southern portions of the Sussex Street elevation are generally similar on each level.

In essence, the existing views from the western elevation of the Astoria Tower capture Darling Park Tower 1 and 2 in the immediate foreground, with Darling Park Tower 3 slightly beyond. The Darling Park Towers frame a partial view across the existing Cockle Bay Wharf development to the Darling Harbour waterway to the ICC Convention Centre, the Sofitel Hotel and the Harbourside shopping precinct on the western side of Darling Harbour. The partial views of the waterway, the ICC Convention Centre, Sofitel Hotel and Harbourside expand when viewed from the central and southern portions as Darling Park 3 Tower becomes less prominent and the view between Darling Park Tower 1 and 2 opens up.

The northern apartments from upper low-rise at Level 10 (RL 35.80) to the high-rise at Level 32 (RL 95.80) have existing views to the north along the Sussex Street corridor from their dining / living areas and kitchens and from the enclosed balconies from Level 15 upwards. The northern view expands as the building rises and captures the CBD views towards Barangaroo and beyond. The high-rise apartments from Level 30 (RL 88.60) have CBD outlook and views to the north and east from bedrooms and open and enclosed balconies. The two apartments on Level 32 have views to the north, east and west; and south, east and west from their roof terraces.

The high-rise apartments from Level 30 (RL 88.60) at the southern section have existing views south along the Sussex Street corridor from the kitchen area, and CBD views south and east from bedrooms and open and enclosed balconies.

Existing water views to the south west from the lower-rise apartments are generally only available from Level 12 and above. The outlook to the west from the lower levels is towards the Darling Park podium which obscures views towards the water. The existing view from the northern apartments capture glimpses of the water towards the ICC Convention Centre and the Sofitel Hotel (location P9 and P10). The view from the southern apartments captures a greater expanse of the water, the Hotel and Harbourside (location P11 and P12).

All apartments on the Sussex Street façade have their living spaces attached to either enclosed and open balconies with a westerly aspect. While views are available from a combination of sitting and standing positions in the apartments, views will be more expansive while standing.

Proposed Views

The amended Concept Proposal building envelope will have an impact on existing views from a number of the Astoria Tower apartments. As can be seen from the 3D view impact analysis included at **Appendix B**, the impact varies based on the building level and depending on the angle of view.

Northern portion of the building

For the northern portion of the building, at the high-rise levels (location P1), the maximum extent of the proposed envelope will partially encroach into the existing view. The majority of the water view will, however, remain unaffected. Views will be maintained through Darling Park across the Darling Harbour waterway to the ICC Convention Centre. There is a partial reduction in the water view and the partial view of the Sofitel Hotel will become obscured. The detailed design is proposed to utilise an average of 60% of the building envelope, and as illustrated in the 3D model image of the indicative building form, at the detailed design stage it is possible to achieve a minimal reduction in the existing view and accommodate further view sharing through the retention of the view corridor to the water. Thereby, the majority of the view will remain unaffected. Existing views to the north and east will remain unaffected.

At the mid-rise levels the field of view through Darling Park towards the Darling Harbour waterway and the ICC Convention Centre will be partially reduced (location P5). However, as illustrated by the 3D model of the indicative building form which, and similar to the high-rise levels, it is possible to retain the majority of the existing view through view sharing by retaining the view corridor between the proposed building to the water. Existing views to the north will remain unaffected.

At the upper low-rise levels the field of view to the west will be reduced (location P9). The existing views are largely removed including existing water glimpses of Darling Harbour. The ICC Convention Centre will remain visible. The existing views to the north from Level 10 and Level 11 will remain.

Central portion of the building

Two views have been modelled at the high-rise, mid-rise and upper low rise to analyse the view impacts from the open balcony locations at both the northern and southern apartments on each level.

At the high and mid-rise, the view corridor through Darling Park across the water towards the ICC Convention Centre is maintained by the amended envelope, however, the extent of the view will be reduced, however, they will still maintain water views (locations P2, P3, P6 and P7). By virtue of the view angle, the southern apartment will have the existing view reduced to a greater degree than the northern apartment. However, the existing view of the Sofitel Hotel and the partial view of the Harbourside precinct will be removed from the view from the northern apartment, a glimpse of the Sofitel Hotel and Harbourside will remain from the southern apartment. As illustrated by the indicative building massing that sits within the envelope, an increased view corridor between the proposed building through to the water may be achieved at the detailed design stage. Existing views to the north and south from apartments will remain unaffected.

At the upper low-rise, the existing water views and glimpses will be removed (locations P10 and P11). The proposed concept envelope will still allow for view sharing of the ICC Convention Centre, the southern apartment will also maintain glimpses of the Sofitel Hotel. The indicative building massing that sits within the envelope indicates that the view corridor can be increased at detailed design stage as the final tower form will utilise an average of 60% of the envelope.

Southern portion of the building

For the southern portion of the building, at the high and mid-rise levels (locations P4 and P8), the proposed envelope will reduce the existing view of the Sofitel Hotel and Harbourside. The proposed view maintains view sharing across the water, including partial water views, towards the ICC Convention Centre a partial view of the Sofitel Hotel and the sky beyond. As shown by the indicative building massing that sits within the envelope, a greater extent of the existing view can be maintained, including water views. There will be no impact to existing views to the south and east from the high-rise levels.

At the upper-low rise levels, similar to the central portion of the building, the existing view across the water towards Harbourside will be removed by the proposed envelope (location P12). Views towards the ICC Convention Centre

and glimpses of the Sofitel Hotel will be maintained. As shown by the indicative building massing that sits within the envelope, a greater extent of the existing view may be maintained, including water views subject to detailed design.

Discussion

Although there is an impact on private views from apartments at the high, mid and upper low rise levels within the Astoria Tower, it is considered that these impacts are reasonable on balance given the significant contribution the amended Concept Proposal will make to the improvement of the urban realm. Of particular importance, the Cockle Bay Park redevelopment will create up to 15,000m² of publicly accessible open space, including an area adjacent to the waterfront that will be comparable in size to the Sydney Opera House forecourt and steps, First Fleet Park in the Rocks, and the future Town Hall Square. The main publicly accessible open space is proposed to be located to the north of the Site spanning the Western Distributor adjacent to Pyrmont Bridge. The space will receive excellent solar access throughout the year and will provide a large vantage point for people to enjoy views across Darling Harbour and Pyrmont Bridge, towards Barangaroo and Sydney Harbour. The space will also provide east-west accessibility from the CBD to the waterfront which will improve connectivity at the CBD's western gateway, but also in terms of view sharing principles it will result in the establishment of significant new publicly accessible vantage points that will be integrated within the broader urban realm of Darling Harbour and its surrounds.

The proposed improvements to waterfront connectivity and open space to allow the broader community, city workers and tourists to enjoy the benefits of the Site's waterfront location, needs to be balanced against the retention of private views. This is consistent with the aims of the Sydney Harbour REP which articulates that the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores. This provision supports the principle that, in the context of the proposed development, the improvements to the public domain, including public views, should be given precedence over private view loss. The location of the proposed publicly accessible open space is a key urban design principle of the amended Concept Proposal that has been developed specifically in order to improve the function of the public domain and to better integrate the Site to Market Street, Pyrmont Bridge and the waterfront.

The location of the proposed Tower envelope has been informed by the location of the proposed publicly accessible open space. Further, the Tower location will not:

- create any additional overshadowing of Tumbalong Park and the children's playground at Darling Quarter;
- reduce sunlight to any public spaces within the Sydney CBD that have solar protection controls under existing planning instruments;
- reduce existing sunlight to the Astoria Tower or 230-234 Sussex Street between 9am and 3pm on 21 June consistent with the design objectives of the NSW Apartment Design Guide.

For these reasons, it is considered that a more 'skilful design' could not achieve the level of public benefit that results from the proposed location of the new publicly accessible open space, the improved visual and pedestrian connections between the CBD and the waterfront and the protection of solar access to existing public spaces within the CBD. It has also not been possible to develop a design that further reduced private view loss while maintaining the same level of improvement to the public domain.

The tower envelope has been specifically located to balance multiple environmental considerations, including:

- The provision of north facing open space;
- Structural considerations associated with the western distributor;
- Opening public views and vistas; and
- Overshadowing of public spaces.

The impacts associated with the amended Concept Proposal are considered to continue to provide for a reasonable outlook from the Astoria Tower. In this regard, the outlook from the majority of the affected apartments will still capture daylight, partial views of the water, buildings and the sky. While they will experience a change in 'view', current planning objectives, strategies, principles and development controls for the CBD recognise that outlook, as distinct from views, is the appropriate measure of residential amenity within a global CBD context.

4.2 230-234 Sussex Street

230-234 Sussex Street is located east of the Cockle Bay Park Site on Sussex Street opposite Darling Park Tower 2. It is approximately 100m away from the Site at its closest point and is separated from the Site by the existing Darling Park commercial towers (refer to **Figure 11** located earlier in this report). On 11 May 2017, the Central Sydney Planning Committee (CSPC) approved the redevelopment of 230-234 Sussex Street for a 32-storey mixed use development comprising 202 hotel suites at levels 1-16; and 102 residential apartments at levels 17-32. The approved development is currently under construction. The following analysis has been undertaken with reference to the plans submitted to the CSPC for approval, (which are the plans available on the public record).

The 3D modelling views showing the potential for views from 230-234 Sussex Street without the amended Concept Proposal and future views including the amended Concept Proposal are at **Appendix C**.

Potential future views from 230-234 Sussex Street are available from the Sussex Street (western) elevation and can be generally categorised as those occurring at upper low-rise levels of the building (RL 41.4 - Level 10), mid-rise levels (RL66.2 - Level 18) and high-rise levels (RL100.3 - Level 29). The RLs for the 3D model are set approximately 1.8m above the floor RL to replicate the view when standing.

A total of nine key future view locations have been identified and analysed. They are:

- 1 x 3D model image at upper low-rise (location P7), mid-rise (location P4) and high-rise (location P1) at the northern end of the building looking west towards Cockle Bay and Darling Harbour;
- 1 x 3D model image at upper low-rise (location P8), mid-rise (location P5) and high-rise (location P2) at the centre of the building looking north-west towards Cockle Bay and Darling Harbour;
- 1 x 3D model image at upper low-rise (location P9), mid-rise (location P6) and high-rise (location P3) at the southern end of the building looking north-west towards Cockle Bay and Darling Harbour.

Future views without the amended Concept Proposal

Level 5 – Level 16 accommodate between 15 and 16 hotel apartments per floor, four x 1-bedroom serviced apartments are accommodated on each floor with a Sussex Street frontage. They have views west from wintergardens attached to the living /dining area, and from bedrooms which are generally set against the building façade (refer to **Figure 22**). The view west Level 10 (location P7) captures a partial view across the existing Cockle Bay development to the waterway and Harbourside, with One Darling Harbour and the Novotel beyond. The Pyrmont Bridge is visible to the right of the view. Darling Park Tower 1 and Tower 2 are prominent elements in the foreground and frame the partial view towards the water. The wintergardens attached to the hotel apartments on the northern corner will allow a partial view north along the Sussex Street corridor. The partial view west from Level 10 through the Darling Park towers will narrow from the central portion of the building. The view from the central portion (location P8) will still capture the waterway and Pyrmont Bridge across the existing Cockle Bay development and partial views of HMAS Vampire and the National Maritime Museum. The partial view from the southern portion (location P9) narrows further, however it will still capture the Pyrmont Bridge pedestrian walkway (the pylons will be obscured by the existing Cockle Bay development) and partial views of HMAS Vampire and the National Maritime Museum. The southern apartments have corner wintergardens and a dual aspect to the south which will provide a view south west towards Darling Quarter and Ultimo.

The residential levels between Level 17 – Level 29 accommodate six apartments per floor, three of these have a Sussex Street frontage. Typically, a three-bedroom apartment is situated on the northern corner with a corner balcony and the living / dining and a bedroom against the Sussex Street façade. Two bedrooms are located against the northern façade with windows looking north. A two bedroom apartment is located centrally on the Sussex Street façade. It has two balconies overlooking Sussex Street attached to the bedrooms, the living / dining area is against the Sussex Street façade. Another two bedroom apartment is located on the southern corner with a corner balcony. The living / dining area is against the Sussex Street façade and the two bedrooms are against the southern façade with windows looking south. The kitchens in all Level 18 apartments are setback in the floor plan to the rear of the living / dining areas (refer to **Figure 23**). The future views west towards Cockle Bay and Darling Harbour from locations P4, P5 and P6 on Level 18, are similar to those from Level 10, however, more water is visible from the mid-rise apartments. Similarly, the northern apartment's view north along the Sussex Street corridor will capture partial views of Barangaroo and Sydney Harbour beyond; the views south west from the southern apartment will provide good cityscape views across Darling Quarter and the ICC Theatre towards Ultimo and the skyline beyond.



Figure 23 – Level 18 Floor Plan, 230-234 Sussex Street

Future views with the amended Concept Proposal

The amended Concept Proposal building envelope will have an impact on future views from a number of the DA approved serviced and residential apartments at 230-234 Sussex Street. As can be seen from the 3D view impact analysis included at **Appendix B**, the impact varies based on the building level and depending on the angle of view.

Northern portion of the building

For the northern portion of the building at the high rise levels (location P1) the maximum extent of the envelope will reduce the partial view west across Cockle Bay towards Harbourside. Notwithstanding, the view will still capture partial views of Pymont Bridge, the Cockle Bay marina and waterway, and the Maritime Museum. At the medium rise levels (location P4), the maximum extent of the envelope will have a similar degree of impact. The future view will be reduced by the maximum extent of the envelope encroaching into the view and reducing the view towards the waterway and Harbourside. Partial water views, and partial views to Pymont Bridge, Cockle Bay marina and the Maritime Museum will be retained. At the upper low rise levels (location P7), the maximum extent of the envelope will remove the partial view to the waterway and Harbourside. Partial views to Pymont Bridge and the Maritime Museum will be retained. Future views to the north and south from the corner apartments will remain unaffected.

The detailed design is proposed to utilise an average of only 60% of the envelope. As illustrated by the 3D model images of the indicative podium and tower building forms shown within the maximum envelopes, at the detailed design stage of the development, there can be an opportunity to provide further reasonable levels of view sharing to the waterway and Pymont Bridge from Level 10 upwards.

Central portion of the building

For the central portion of the building at the high rise levels (location P2) the maximum extent of the envelope will reduce the partial view west across Cockle Bay towards Harbourside and the Maritime Museum. Views towards Harbourside will be removed. Notwithstanding, the view will still capture partial water views and partial views of Pyrmont Bridge, the Cockle Bay marina, the Maritime Museum and HMAS Vampire. At the medium rise levels (location P5), the maximum extent of the envelope will have a similar degree of impact. The envelope will encroach into the view and remove the partial view towards Harbourside. Notwithstanding, partial water views, and partial views to Pyrmont Bridge, the Maritime Museum and HMAS Vampire will be retained. At the upper low rise levels (location P7), the maximum extent of the envelope will remove the partial view to the waterway and Harbourside. Partial views to Pyrmont Bridge, the Maritime Museum and HMAS Vampire will be retained along with water glimpses.

The detailed design is proposed to utilise an average of only 60% of the envelope. As illustrated by the 3D model images of the indicative podium and tower building forms shown within the maximum envelopes, at the detailed design stage of the development, there can be an opportunity to further provide reasonable levels of view sharing to the waterway and Pyrmont Bridge from Level 10 upwards.

Southern portion of the building

For the southern portion of the building at the high rise levels (location P3) the maximum extent of the envelope will reduce the partial view of the waterway, Cockle Bay marina and Pyrmont Bridge. The existing partial view towards the Maritime Museum and HMAS Vampire will remain unaffected. At the medium rise levels (location P6), the maximum extent of the envelope will have a similar degree of impact. The envelope will encroach into the view and reduce the extent of the partial view of Pyrmont Bridge and the waterway. However, partial water views will be retained and the existing view towards the Maritime Museum and HMAS Vampire will remain unaffected. At the upper low rise levels (location P9), the maximum extent of the envelope will remove the partial view of Pyrmont Bridge. Views to the Maritime Museum and HMAS Vampire will be retained along with water glimpses.

The detailed design is proposed to utilise an average of only 60% of the envelope. As illustrated by the 3D model images of the indicative podium and tower building forms shown within the maximum envelopes, at the detailed design stage of the development, there can be an opportunity to further provide reasonable levels of view sharing to the waterway and Pyrmont Bridge from Level 10 upwards.

Discussion

Similar to the Astoria Tower, there will be an impact on private views from future hotel and residential apartments at 230-234 Sussex Street. We note that views from hotels are not generally assessed under view sharing principles. Notwithstanding, they have been included in response to the submission received during the original exhibition period.

For the reasons already outlined with the regard to the Astoria Tower, it is considered that the impacts to the views from the future development at 230-234 Sussex Street are reasonable on balance given the significant contribution the amended Concept Proposal will make to the improvement of the urban realm. Of particular importance, the Cockle Bay Park redevelopment will create up to 15,000m² of publicly accessible open space, including a new publicly accessible open space on the waterfront that will be comparable in size to the Sydney Opera House forecourt and steps, First Fleet Park in the Rocks, and the future Town Hall Square. The new publicly accessible open space is proposed to be located to the north of the Site spanning the Western Distributor adjacent to Pyrmont Bridge. The space will receive excellent solar access throughout the year and will provide a large vantage point for people to enjoy views across Darling Harbour and Pyrmont Bridge, towards Barangaroo and Sydney Harbour. The space will also provide east-west accessibility from the CBD to the waterfront which will improve connectivity at the CBD's western gateway, but also in terms of view sharing principles it will result in the establishment of significant new publicly accessible vantage points that will be integrated within the broader urban realm of Darling Harbour and its surrounds.

The proposed improvements to waterfront connectivity and open space to allow the broader community, city workers and tourists to enjoy the benefits of the Site's waterfront location, needs to be balanced against the retention of private views. This is consistent with the aims of the Sydney Harbour REP which articulates that the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores.

This provision supports the principle that, in the context of the proposed development, the improvements to the public domain, including public views, should be given precedence over private view loss. The location of the proposed publicly accessible open space is a key principle of the urban design of the amended Concept Proposal that has been developed specifically in order to improve the function of the public domain and to better integrate the Site to Market Street, Pymont Bridge and the waterfront.

The location of the proposed Tower envelope has been informed by the location of the proposed publicly accessible open space. Further, the Tower location will not:

- create any additional overshadowing of Tumbalong Park and the children's playground at Darling Quarter;
- reduce sunlight to any public spaces within the Sydney CBD that have solar protection controls under existing planning instruments;
- reduce existing sunlight to the Astoria Tower or 230-234 Sussex Street between 9am and 3pm on 21 June consistent with the design objectives of the NSW Apartment Design Guide.

For these reasons, it is considered that a more 'skilful design' could not achieve the level of public benefit that results from the proposed location of the new publicly accessible open space, the improved visual and pedestrian connections between the CBD and the waterfront and the protection of solar access to existing public spaces within the CBD. It has also not been possible to develop a design that further reduced private view loss while maintaining the same level of improvement to the public domain.

The tower envelope has been specifically located to balance multiple environmental considerations, including:

- The provision of north facing open space;
- Structural considerations associated with the western distributor;
- Opening public views and vistas; and
- Overshadowing of public spaces.

The impacts associated with the amended Concept Proposal are considered to continue to provide for a reasonable outlook from the 230-234 Sussex Street. In this regard, the outlook from the majority of the affected apartments will still capture daylight, partial views of the water, buildings and the sky. While they will experience a change in 'view', current planning objectives, strategies, principles and development controls for the CBD recognise that outlook, as distinct from views, is the appropriate measure of residential amenity within a global CBD context.

5.0 Conclusion

In the planning for the renewal of Cockle Bay Wharf, design emphasis has been placed on the retention and protection of key views and vistas at the street level and generally from or within the public domain from encroachment by the new building forms, and also to the siting and design of the new building in terms of opening up views from the public domain to Sydney Harbour.

Consideration has also been given to views and outlook available from existing private residences and other adjoining private development and to ensuring view sharing principles are addressed. The prominence of the future building's location demands an outcome that exhibits design excellence to ensure that that views are not adversely affected by the presence of a new building. The design excellence process will therefore refine this assessment further at the relevant stage. However, this assessment concludes on balance the views sharing impacts are acceptable within the context of the relevant planning objectives.

With respect to the street level public domain:

- Existing views from the CBD along Market Street will be enhanced;
- Existing public domain views to key heritage buildings and places are retained, including Pyrmont Bridge; visual connectivity to other heritage items in the vicinity is not significantly affected by the proposed amended Concept Proposal;
- The amended Concept Proposal continues with the evolution and change to the character of Darling Harbour, providing the opportunity to deliver an iconic building form that marks the site's location at the confluence of Darling Harbour and the wider CBD by redefining the density and height of development on the eastern side of Darling Harbour;
- Continuous and unobstructed public sightlines to the foreshore are maintained and improved, and views to, through and over the site are retained such that the public / pedestrians will continue to enjoy the visual qualities of the harbour and its foreshores;
- The key design principles adopted for the future tower will create a strong identifiable form when viewed within the city skyline and at the local pedestrian level;
- The low scale podium and tower form allows an expansive new open space of up 15,000m² which will maximise public view opportunities, with the tower skilfully positioned having regard to a range of constraints and opportunities including:
 - The provision of north facing open space;
 - Structural considerations associated with the western distributor;
 - Opening public views and vistas; and
 - Overshadowing of public spaces.
- The tower positioning supports ample sky views and a retained sense of openness on this western CBD fringe;
- The amended Concept Proposal will contribute to Global Sydney through the provision of a new premium grade office tower; and
- The proposed public open space will establish new sightlines, visual permeability and views and vistas.

The proposal will not detract from the overall visual connectivity for pedestrians in the public domain nor result in any significant adverse impact and will be designed to the highest standards of architectural excellence. Generally, the affected vantage points are not key places for pedestrians to stop and view the CBD or its skyline, and the wide range of different viewing points available within the Darling Harbour precinct, Pyrmont and its approaches will continue to provide for variety and interest in the different views, vistas and sightlines available to pedestrians approaching and moving through the precinct from the north, south, east and west.

Low, medium and high level views of the sky along streets and from public domain places (parks etc.) are retained in a variety of contexts.

With respect to private views:

The siting and design of the proposal (in particular the tower element) has specifically and skilfully sought to respond to a range of environmental planning considerations including publicly accessible open space within sunlight access, overshadowing, structural considerations, proportion and height relative to the surrounding buildings and view sharing. The design has skilfully sought to balance a number of key considerations to include an appropriate outlook from existing and future adjoining private development to the extent practicable in a highly urbanised inner-city environment. It has not been possible to develop a design that further reduced private view loss while maintaining the same level of improvement to the public domain. In this regard, all apartments will retain an appropriate outlook and in many instances partial water views.

- Notwithstanding, the amended Concept Proposal will impact existing westerly views from the Astoria Tower and the future views from 230-234 Sussex Street. However, the proposed improvements to visual and pedestrian connectivity to the waterfront and the provision of significant new open space allowing the broader community, city workers and tourists to enjoy the benefits of the Site's waterfront location, needs to be balanced against the retention of private views. This is consistent with the aims of the Sydney Harbour REP which articulates that the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores. This provision supports the principle that, in the context of the proposed development, the improvements to the public domain, including public views, should be given precedence over private view loss. The location of the proposed publicly accessible open space is a key urban design principle for the amended Concept Proposal which has been developed specifically in order to improve the function of the public domain and to better integrate the Site to Market Street, Pyrmont Bridge and the waterfront. The new open space will provide the broader community with an expansive location to view and enjoy the waterfront.
- It is considered that a more 'skilful design' could not achieve the level of public benefit that results from the proposed location of the new open space, the improved connections between the CBD and the waterfront and the protection of solar access to existing public spaces within the CBD. It has also not been possible to develop a design that further reduced private view loss while maintaining the same level of improvement to the public domain.
- The impacts associated with the proposal (podium and tower elements) are considered to continue to provide for a reasonable 'outlook' from private apartments, that may nonetheless have a change in 'view', consistent with current planning objectives, strategies, principles and development controls for the CBD which recognise that outlook, as distinct from views, is the appropriate measure of residential amenity within a global CBD context. Outlook is retained from all affected apartments with an appropriate distance separation and with space and daylight provided.
- As the buildings are located in a global city adjacent to a precinct without any building height controls it is not reasonable for affected owners to expect that their outlook would not be impacted.

It is considered that the amended Concept Proposal achieves a reasonable balance between the protection of private views and the protection/enhancement of public domain views in the delivery of a significant and high quality public domain, new world class commercial and retail centre catering for local and tourist markets and a new iconic tower on the foreshore of Darling Harbour.

Taking into consideration the project in its totality, the development proposed is acceptable in terms of visual and view impacts.

Appendix A. Visual Impact Assessment (Virtual Ideas)

Appendix B. View Impact Assessment 222 – 228 Sussex Street, Sydney (Virtual Ideas)

Appendix C. View Impact Assessment 230-234 Sussex Street, Sydney (Virtual Ideas)

Visual Impact Assessment

Cockle Bay - Amended Concept Proposal

14th of September, 2017

BACKGROUND

This document was prepared by Virtual Ideas to describe the processes used to create the visual impact photomontages and illustrate the accuracy of the results.

Virtual Ideas is a highly experienced architectural visualisation company, that regularly prepares 3D visualisation media for use in visual impact assessments and planning and development applications. Our approach to creating view and visual impact media follows the prescribed methodology as established by relevant government planning authorities and is focused on most accurately communicating the proposed design and visual impact of a development. Our methodologies and results have been inspected by various court appointed experts in a variety of cases and have always been found to be accurate and acceptable.

OVERVIEW

The general process of creating accurate photomontage renderings begins with the creation of an accurate, real-world scale digital 3D model. Site photographs of the relevant view locations are then captured and these camera positions are then surveyed by a surveyor to determine the MGA coordinates. These coordinates are then matched in our 3D model and a virtual camera is set up to align with the real-world camera positions.

By matching the real-world camera lens properties to the camera properties in 3D software and rotating the camera so that surveyed points in the 3D space align with the corresponding points on the photograph, we can create a rendering that is correct in terms of position, scale, rotation, and perspective. The rendering can then be superimposed into the real photo to generate an image that represents accurate form and visual impact.

The following photomontages have been prepared in respect of Land and Environment Court proceeding no. 10884/14 in accordance with the Land and Environment Court's practice directions.

METHODOLOGY

Site Photography

Site photography was taken from predetermined positions as instructed by JBA Urban. All photographs were taken using a NIKON D810 digital camera, using a 24mm lens. The positions of the photographs were surveyed (Appendix A) and then added into the existing site survey.

3D model

Using the imported surveyed data into our 3D software (3DS Max), we then imported a supplied 3D model of the proposed building.

Alignment

The positions of the real world photography were located in the 3D scene. Cameras were then created in the 3D model to match the locations and height of where the photographs were taken from. These are then aligned in rotation so that the points of the 3D model align with their corresponding objects that are visible in the photograph.

Renderings of the building with realistic textures and lighting were then created from the aligned 3D cameras and montaged into the existing photography at the same location. This produces an accurate representation of the scale and position of the new design relative to the existing built form.

For the purpose of portraying the photographs in a more natural way, some of the images have had a lens correction applied to vertically correct the images. The cameras which have been modify are Cameras 03,04,05,06,07,07b,08,09,10,11,12,13A,13B.

In conclusion, it is my opinion as an experienced, professional 3D architectural and landscape renderer that the images provided accurately portray the level of visibility and impact of the built form.

Opinions expressed in this verification report are made with regard to Division 2 of Part 31 of the Uniform Civil Procedure Rules and the Expert Witness Codes of Conduct in Schedule 7 of the Uniform Civil Procedure Rules, which I have read and agree to be bound by.

Yours sincerely
Grant Kolln



CV OF GRANT KOLLN, DIRECTOR OF VIRTUAL IDEAS

Personal Details

Name: Grant Kolln
DOB: 07/09/1974
Company Address: Studio 71, 61 Marlborough St, Surry Hills, NSW, 2010
Phone Number: (02) 8399 0222

Relevant Experience

2003 - 2016 Director of 3D visualisation studio Virtual Ideas. During this time I have worked on many visual impact studies for legal proceedings in various different types of industries including architectural, industrial, mining, landscaping, and several large public works projects. This experience has enables us to create highly accurate methodologies for the creation of our visual impact media and report creation.

1999 - 2001 Project manager for global SAP infrastructure implementation - Ericsson, Sweden

1999 - 1999 IT consultant - Sci-Fi Channel, London

1994 - 1999 Architectural Technician, Thomson Adsett Architect, Brisbane QLD.

Relevant Education / Qualifications

1997 Advanced Diploma in Architectural Technology, Southbank TAFE, Brisbane, QLD

DESCRIPTION OF COLLECTED DATA

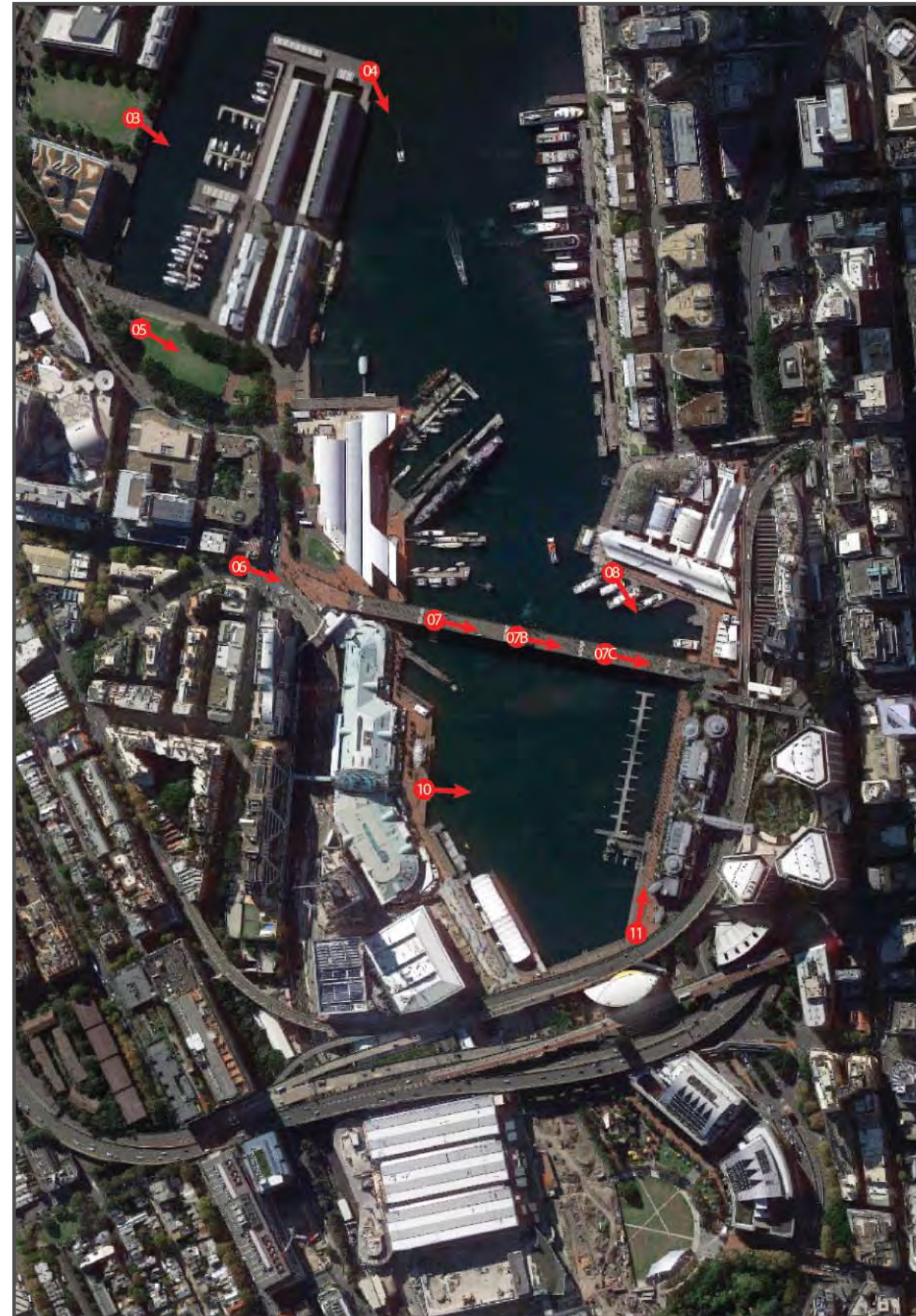
To create the 3D model and establish accurate reference points for alignment to the photography, a variety of information was collected. This includes the following:

- 1) Architectural 3D model of proposed envelope and surrounding context buildings
 - Created by: Francis-Jones Morehen Thorp (FJMT)
Level 5/70 King St, Sydney NSW 2000
 - Format: Din3D model

- 2) 3D models of Barangaroo and Darling Harbour context buildings
 - Created by: Francis-Jones Morehen Thorp (FJMT)
Level 5/70 King St, Sydney NSW 2000
 - Format: Din3D model

- 3) Surveyed data (Appendix A)
 - Created by: CMS Surveyor Pty. Ltd.
PO Box 463 Dee Why, NSW 2099
1/32 Campbell Ave, Dee Why NSW 2099
 - Format: DWG and PDF files

- 3) Site photography
 - Created by: Virtual Ideas Pty Ltd
Studio 71, 61 Marlborough St, Surry Hills, NSW 2010
 - Format: JPEG file



- 1 - Peacock Point, Balmain East
- 2 - Barangaroo Headland Park
- 3 - Metcalfe Park, Pyrmont
- 4 - Wharf 7, Pyrmont Bay
- 5 - Pyrmont Bay Park
- 6 - Murray St & Union St cnr, Pyrmont
- 7A - Pyrmont Bridge (West)
- 7B - Pyrmont Bridge (Mid)
- 7C - Pyrmont Bridge (East)
- 8 - Darling Harbour Pier 26
- 9 - Market Street
- 10 - Harbourside Promenade
- 11 - Cockle Bay Promenade
- 12 - Kent St & Druitt St cnr
- 13A - Tumbalong Park (South)
- 13B - Tumbalong Park (Centre)



24mm - Original Image



24mm



50mm - Original Image



50mm



24mm - Original Image



24mm



50mm - Original Image



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50mm - Original Image



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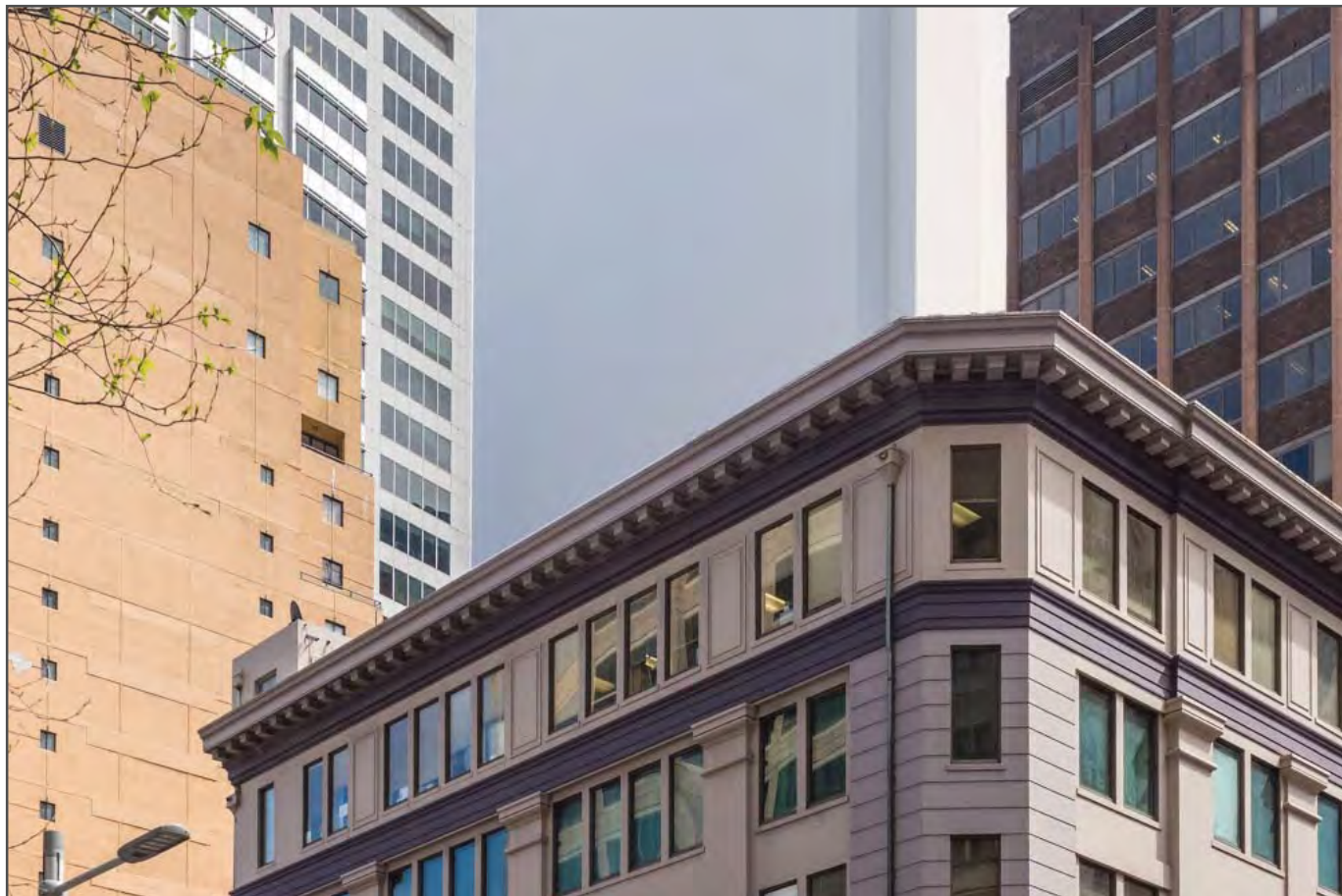
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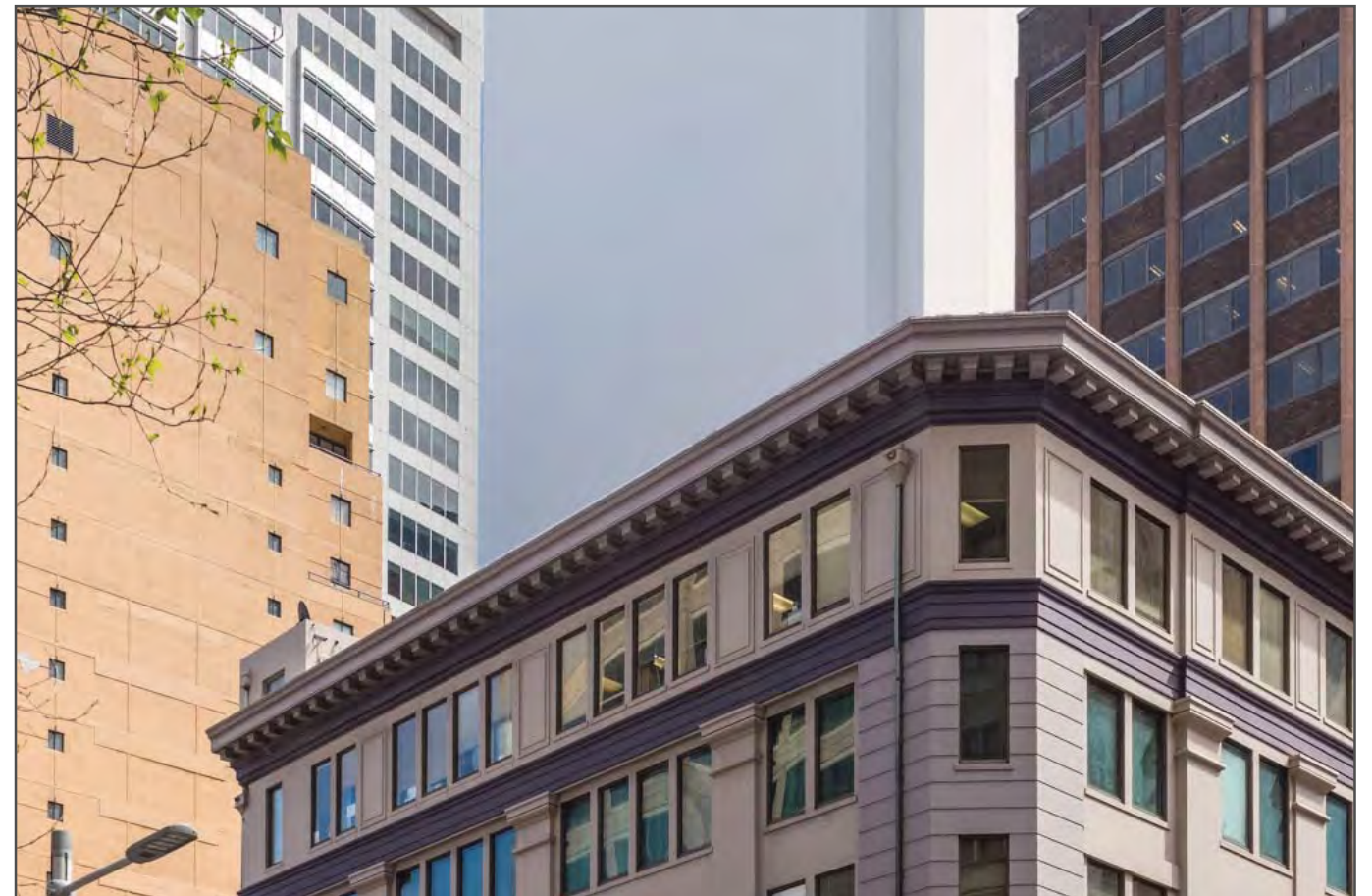
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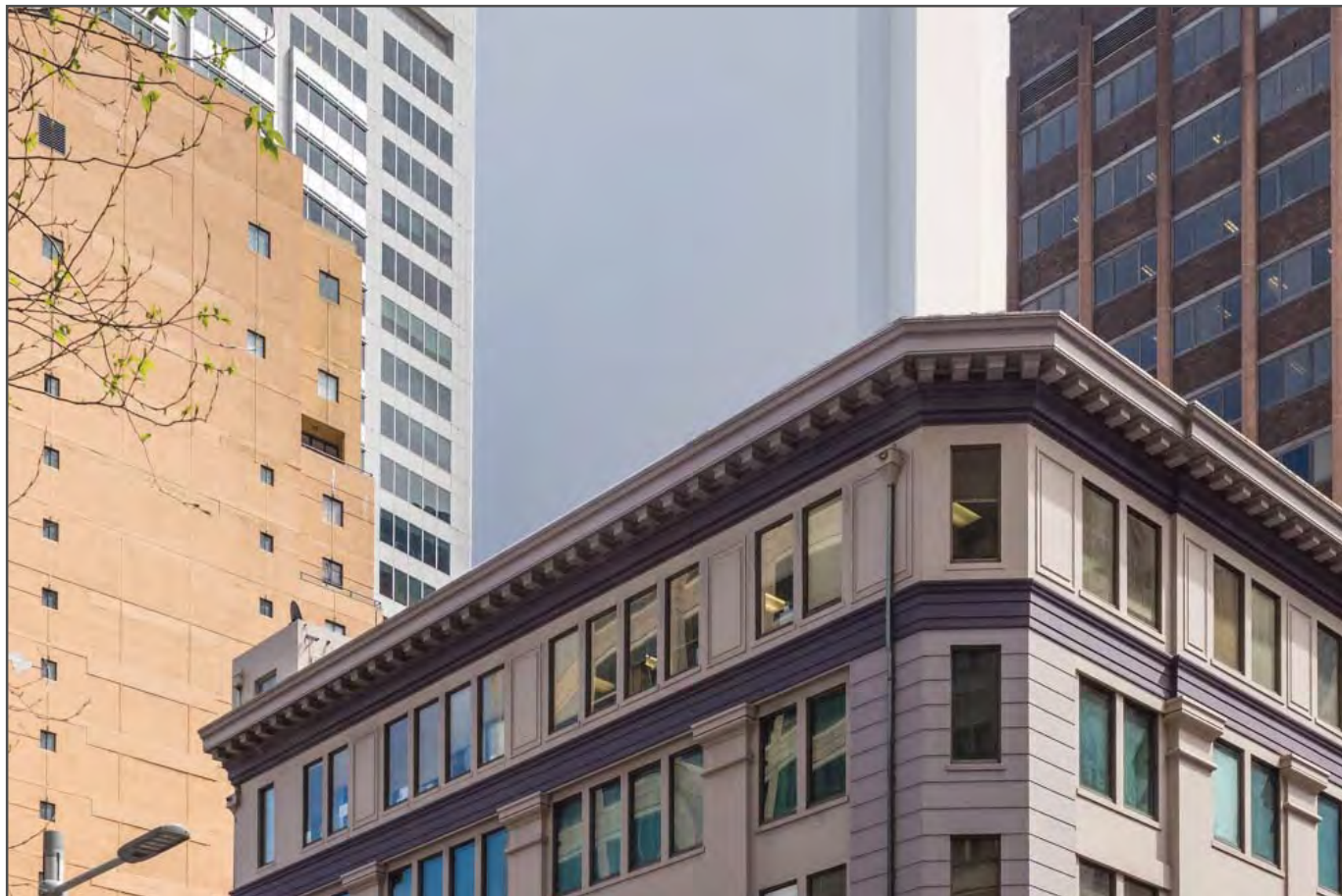
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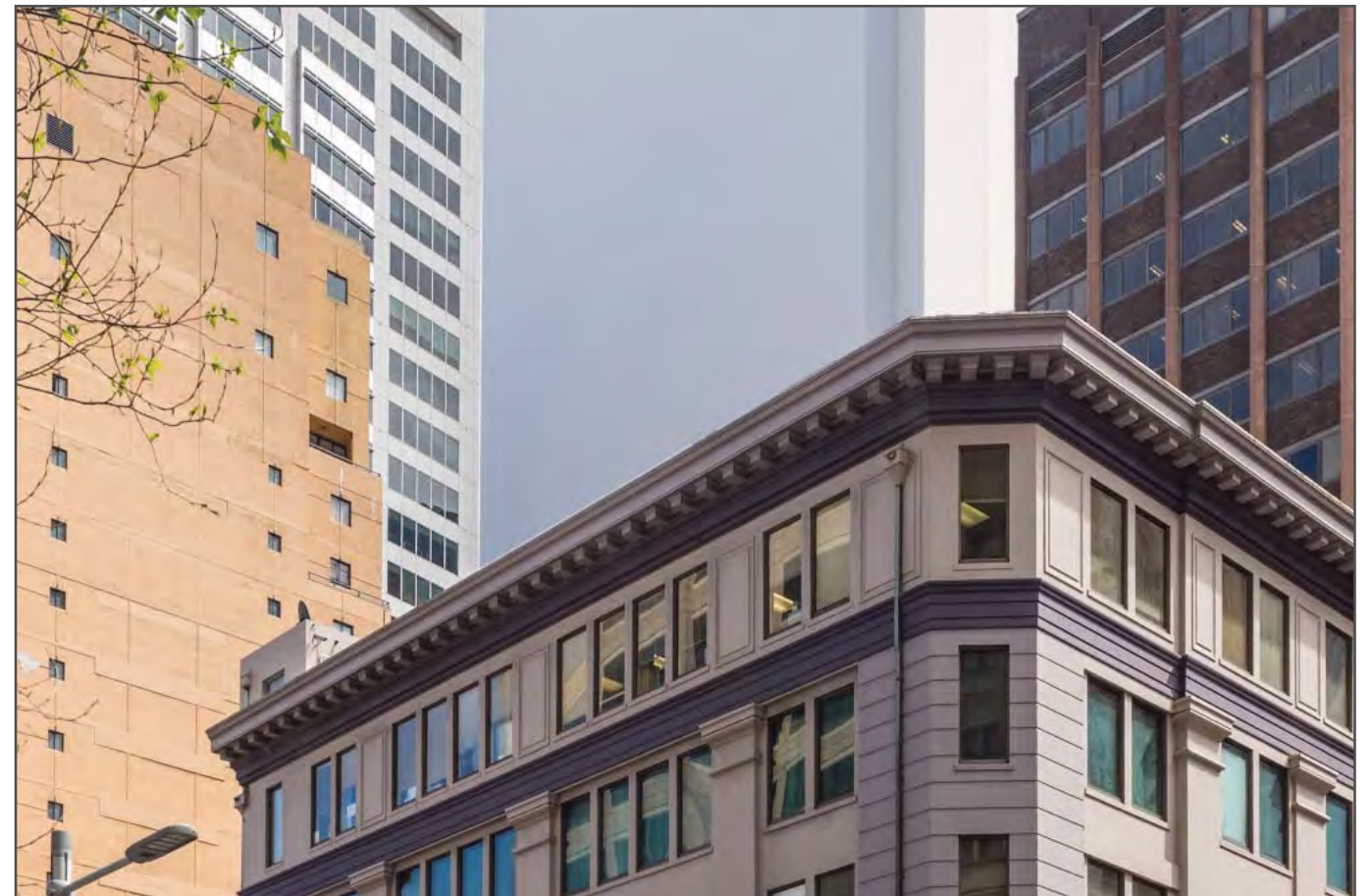
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50mm - Original Image



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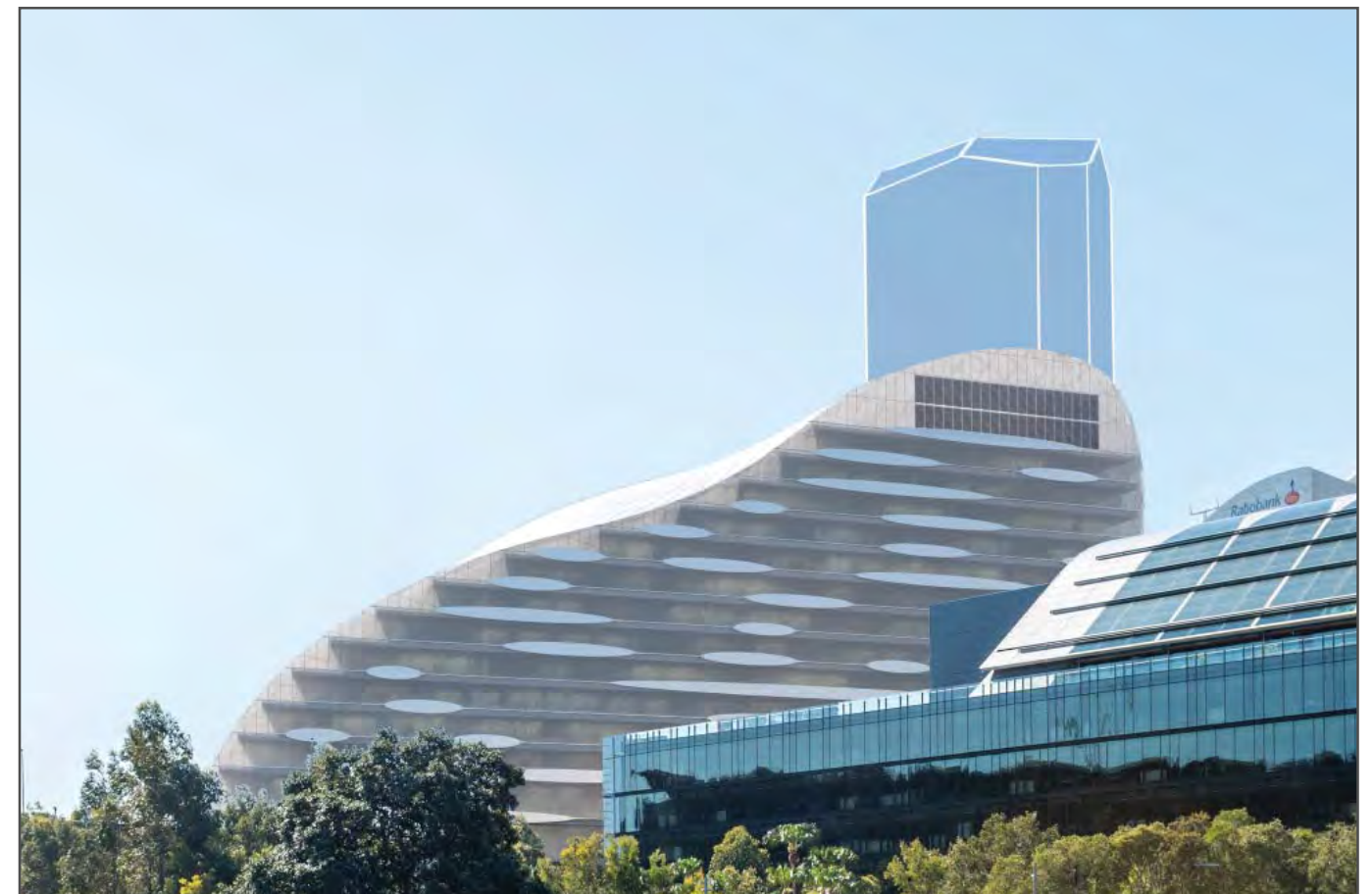
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24mm - Original Image



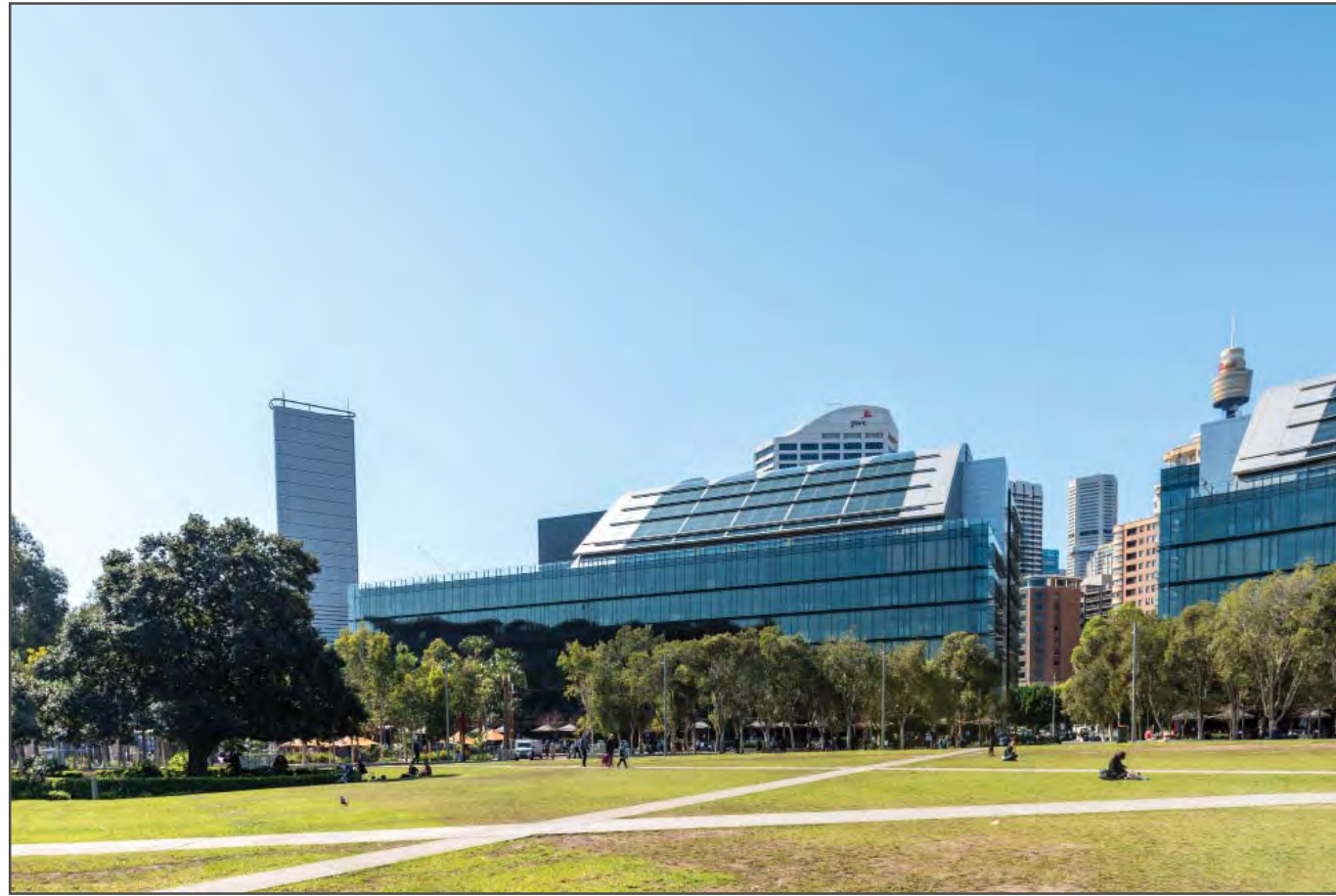
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24mm - Original Image



24mm



50mm - Original Image



50mm



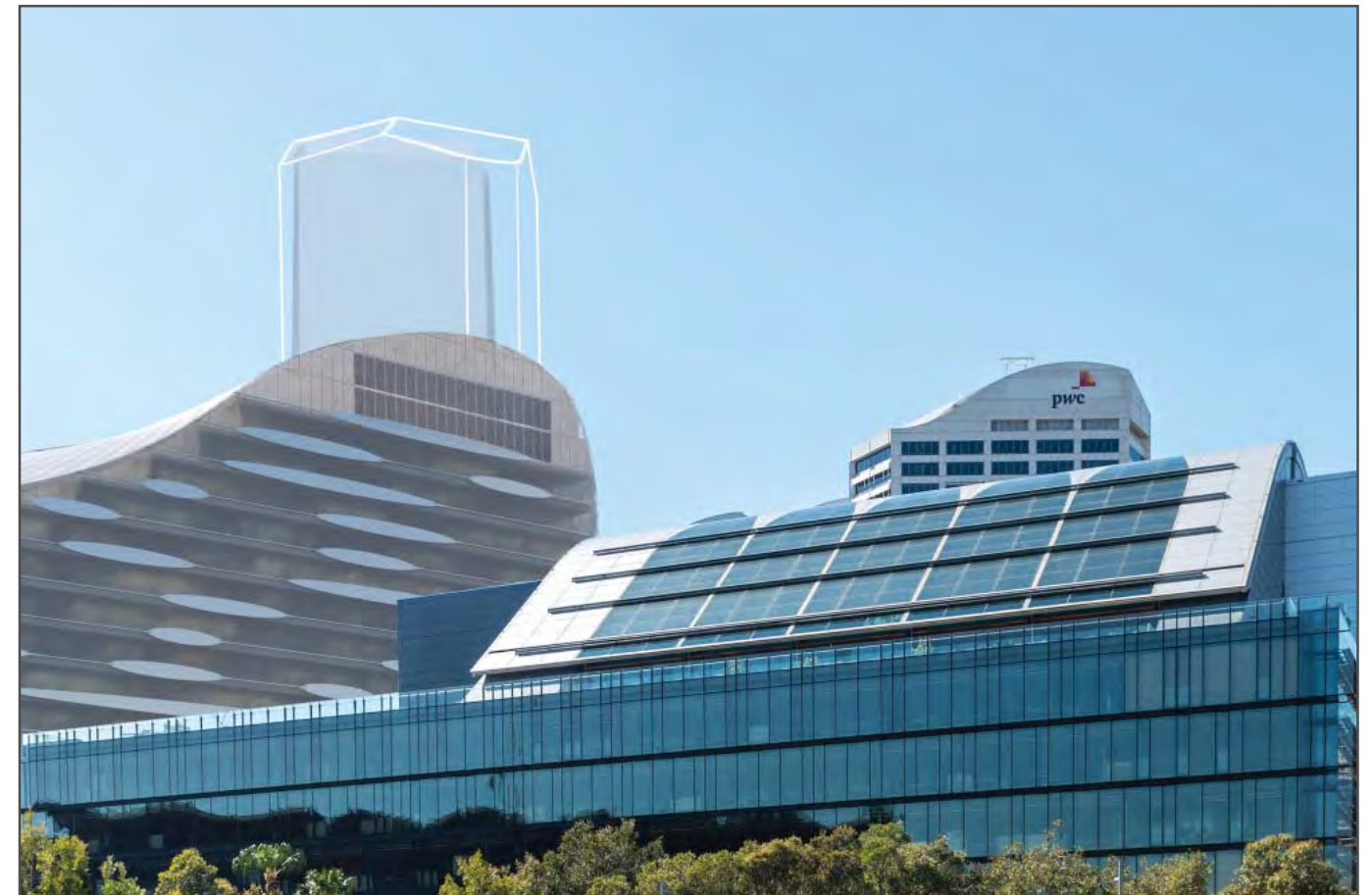
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24mm



50mm - Original Image



50mm

A3

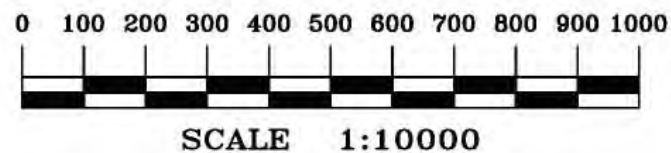
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VERTICAL DATUM:
 DATUM: AUSTRALIAN HEIGHT DATUM (AHD)
 BY GNSS CORSNET OBSERVATION
 MARKS ADOPTED: SSM38226 & SSM168146
 SOURCE: S.C.I.M.S. (8/09/16)

HORIZONTAL DATUM:
 CO-ORDINATE SYSTEM: MGA
 BY GNSS CORSNET OBSERVATION
 MARKS ADOPTED: SSM38226 & SSM168146
 SOURCE: S.C.I.M.S. (8/09/16)

NOTE: CAMERA HEIGHT AVERAGE 1.55 HIGH



SEE SHEET 5

SEE SHEET 4

SEE SHEET 3

SEE SHEET 2



PHOTO POINTS

- SPOT 1 = "PEACOCK POINT", EDWARD STREET, BALMAIN
- SPOT 2 = HICKSON ROAD, BARRANGAROO
- SPOT 3 = "METCALFE PARK", DARLING HARBOUR
- SPOT 4 = "PYRMONT BAY PARK"
- SPOT 5 = "PYRMONT BAY PARK"
- SPOT 6 = UNION STREET, PYRMONT
- SPOT 7 = "PYRMONT BRIDGE"
- SPOT 8 = "MADAM TOUSSARDS"
- SPOT 9 = KENT STREET / MARKET STREET, SYDNEY
- SPOT 10 = "DARLING HARBOUR"
- SPOT 11 = "IMAX THEATRE"
- SPOT 12 = "THE SCARY CANARY"
- SPOT 13 = "TUMBLONG PARK"

1	FIRST ISSUE	9/09/16

**PLAN SHOWING
 MGA COORDINATES OF PHOTO POINTS
 AT SYDNEY CBD**

C.M.S. Surveyors Pty. Ltd.
 A.C.N 096 240 201
 PO Box 463 Dee Why NSW 2099
 1/32 Campbell Avenue, Dee Why NSW 2099
 Phone: (02) 9971 4802 Fax: (02) 9971 4822
 E-mail: info@cmsurveyors.com.au

SURVEYED PB	DRAWN CJR	CHECKED PB	APPROVED DR
SURVEY INSTRUCTION 15683	SCALE 1:10000 @ A3	DATE OF SURVEY 6/09/16	
DRAWING NAME 15683detail			SHEET 1 OF 5
CAD FILE 15683detail.dwg			ISSUE 1



		PLAN SHOWING MGA COORDINATES OF PHOTO POINTS AT SYDNEY CBD	C.M.S. Surveyors Pty. Ltd. A.C.N 096 240 201 PO Box 463 Dee Why NSW 2099 1/32 Campbell Avenue, Dee Why NSW 2099 Phone: (02) 9971 4802 Fax: (02) 9971 4822 E-mail: info@cmsurveyors.com.au	SURVEYED PB	DRAWN CJR	CHECKED PB	APPROVED DR
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I	FIRST ISSUE	9/09/16		CAD FILE 15683detail.dwg			



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I	FIRST ISSUE	9/09/16						

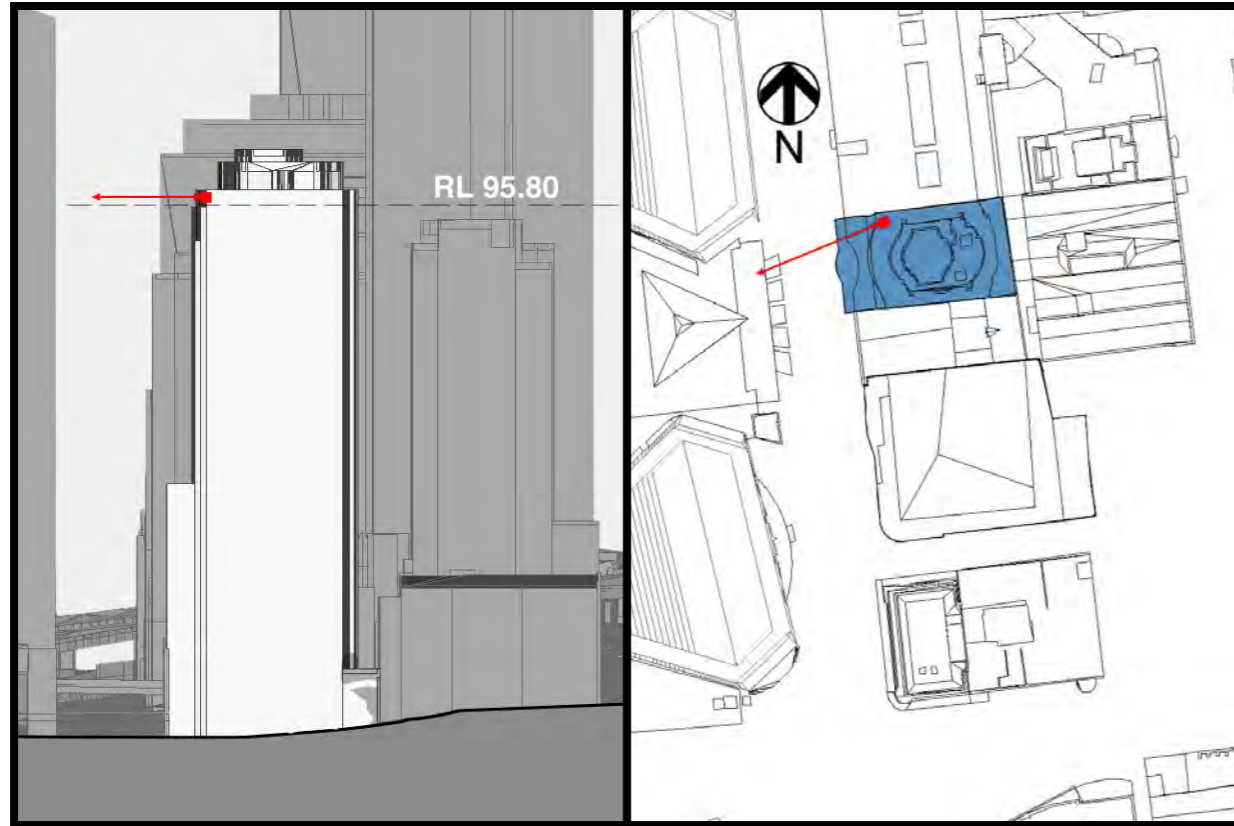


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				SURVEY INSTRUCTION 15683	SCALE 1:2500 A3	DATE OF SURVEY 6/09/16	
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I	FIRST ISSUE	9/09/16		CAD FILE 15683detail.dwg		4 of 5	1

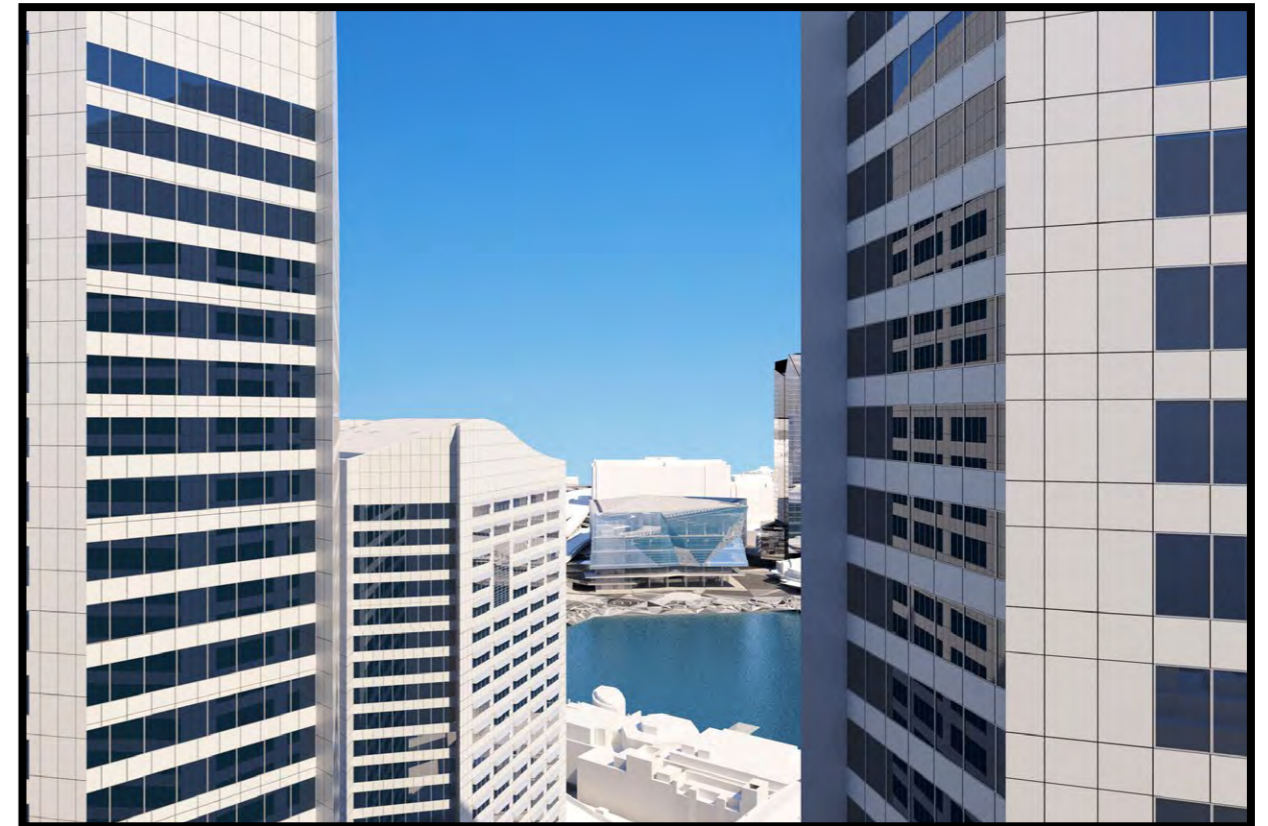


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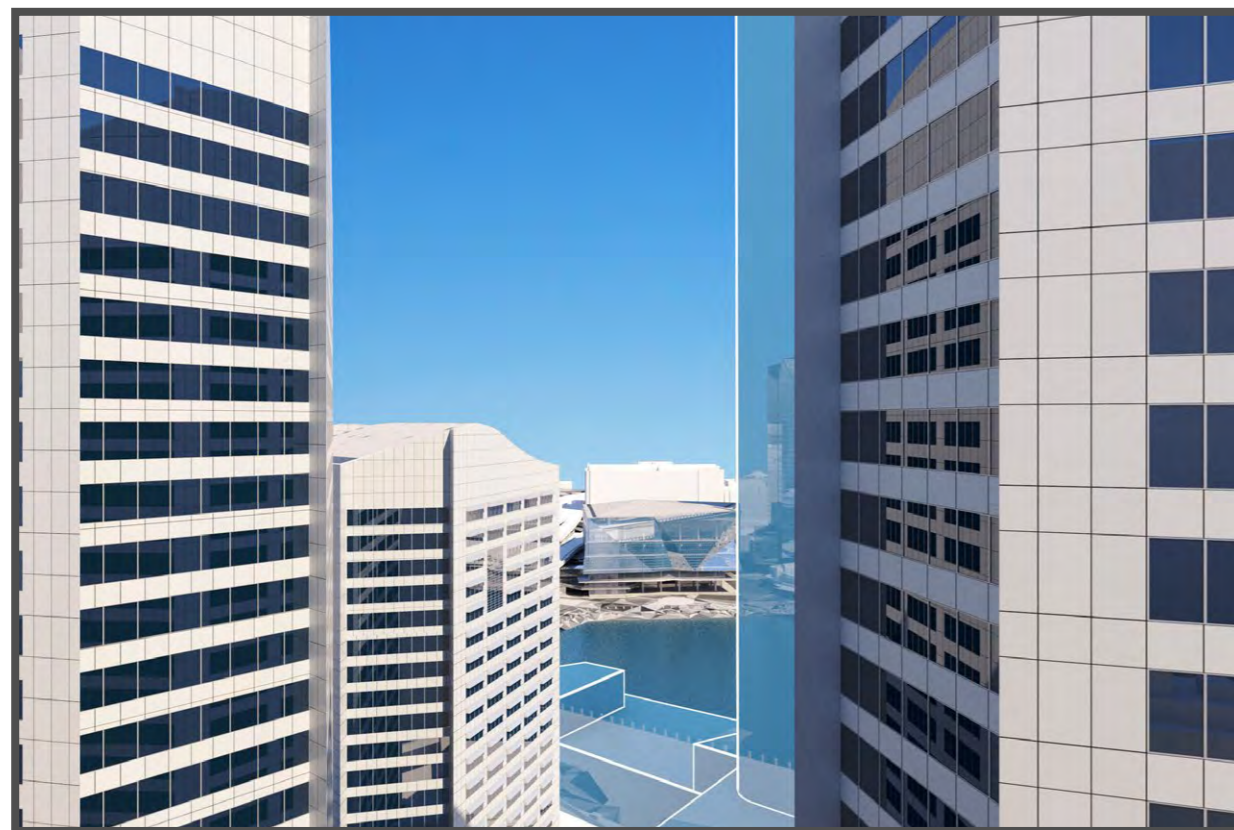
Camera Position



Existing 3D camera view



3D camera view with amended Concept Proposed envelope



3D camera view with an indivative massing option within the envelope

