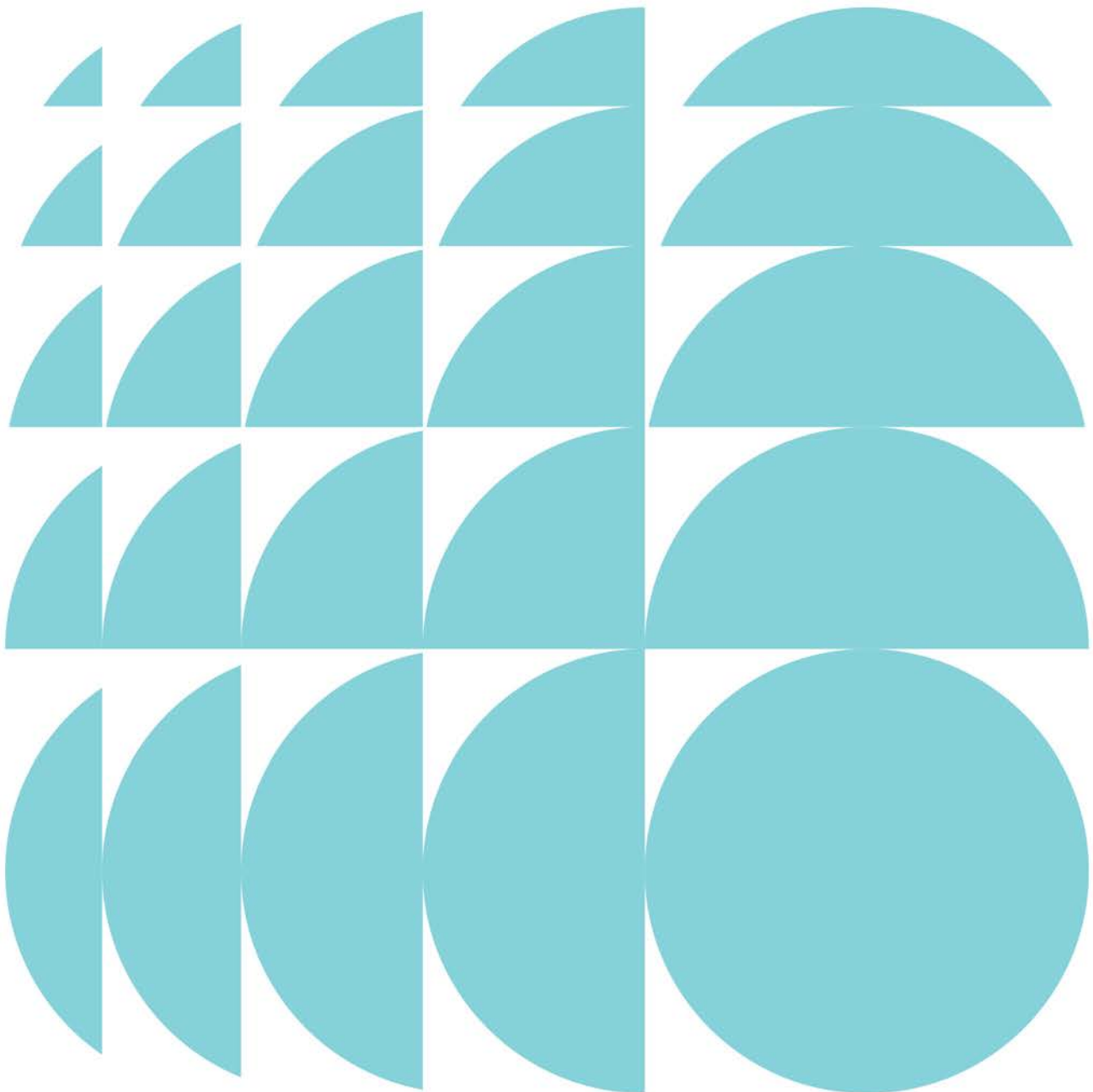




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Harry Quartermain	3 July 2018	Clare Swan	3 July 2018
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VERSION NO.	DATE OF ISSUE	REVISION BY	APPROVED BY
1	3 July 2018	HQ/CS	CS

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1.0 Introduction

The Visual and View Impact Assessment (VIA) that was prepared to support the exhibited EIS (the December 2017 EIS) included an assessment of the visual impact of the proposed development from several agreed public viewpoints (in consultation with the Department of Planning and Environment) as well as an assessment of the anticipated view impacts from two private apartment buildings, these being:

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

Since the 2017 VIA was undertaken the approved development at 230 – 234 Sussex Street has been modified and no longer accommodates a residential land use. As such, no further assessment has been undertaken of anticipated impacts to this property.

This report provides additional assessment and commentary on the visual impact of the proposed development (as modified) and provides a supplementary assessment of visual impact from a number of additional viewpoints including:

- 289 Sussex Street; and
- 60 Bathurst Street.

This report also provides supplementary assessment of likely view impacts from the Astoria Tower since at the time of undertaking the assessment in December 2017. This is based on:

- The proponent's team being provided access to a number of apartments within the Astoria; and
- The proposed envelope form derived during the design workshop process after exhibition of the 2017 EIS and the subject of this Response to Submissions (RTS).

1.1 Background

The Proponent controls the long-term lease of the Site, and also for 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 is shown below as **Figure 2**.

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.

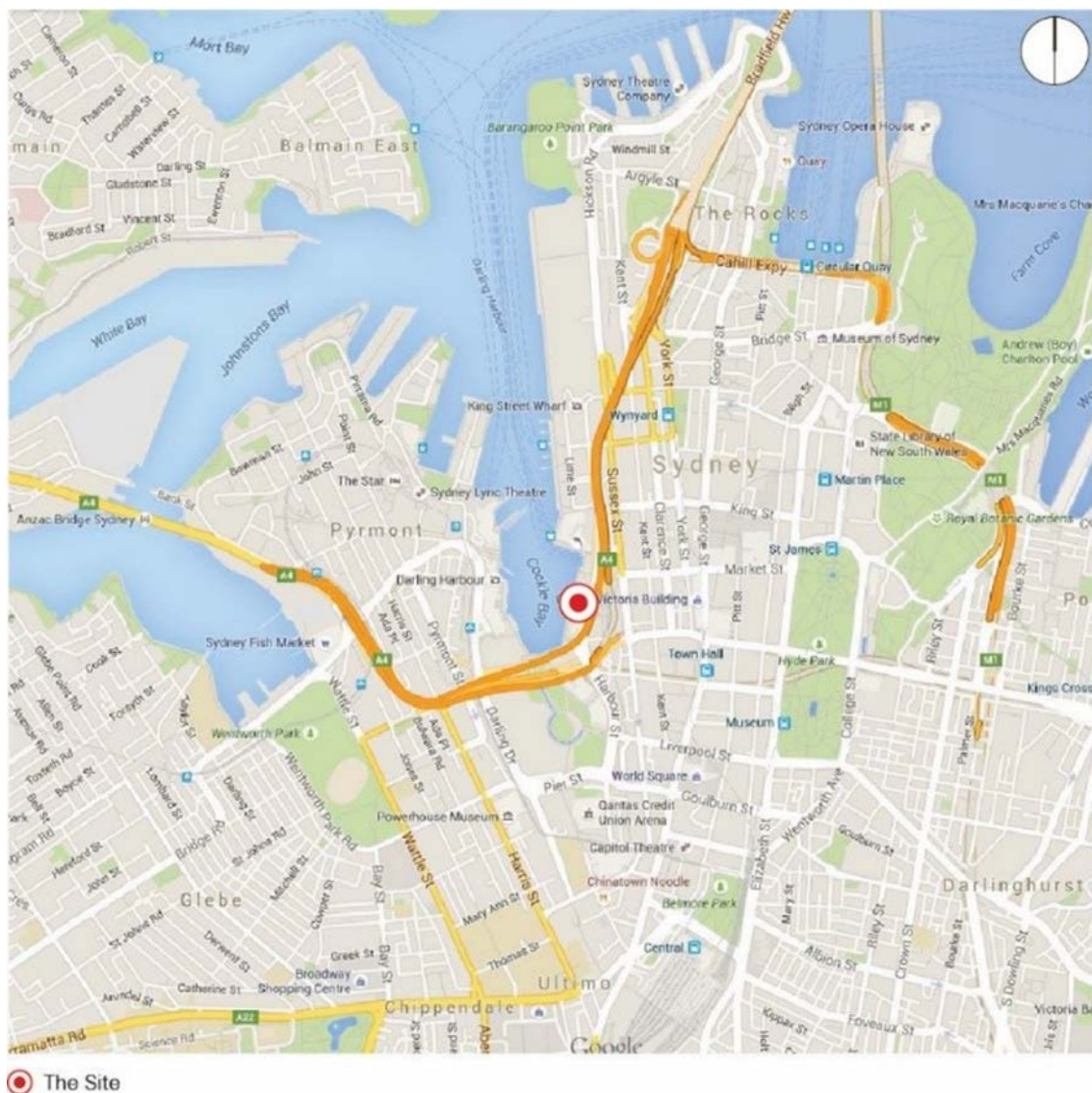


Figure 1 Location Context Area Plan



Figure 2 Site Plan

1.3 Overview of Proposed Development

The proposed development is a staged SSDA that seeks to establish a building envelope and permissible uses within the Site. The proposed development has been slightly amended since the preparation of the December 2017 as outlined below and in Section 3.0 and Section 4.0 of the RTS.

1.3.1 Key Changes Since the December 2017 EIS

As part of the review of the 2017 EIS by the DP&E, an independent urban design expert (Professor Peter Webber) was appointed to review and comment on the scheme.

Following the public exhibition of the 2017 EIS and receipt of Professor Webber's initial review of the then-proposed Concept Envelope, the DP&E and the proponent engaged in a series of design refinement workshops where members of the proponent's Design Committee (as outlined in the EIS) and Professor Webber could test the relative merit of various design outcomes for the Site. Three workshops were held in total on the following dates:

- 23 February 2018;
- 29 March 2018; and
- 2 May 2018.

This section outlines the proposed amendments to the Concept Envelope necessitated by the changes to the desirable building mass, which were discussed in the workshops described in the RTS.

1.4 Overview of Proposed Development (As Amended)

The following amendments are now proposed to the Concept Envelope:

- The overall height of the Concept Envelope has been reduced by 12m from RL 195m to RL 183m. The Concept Envelope as now proposed is 52m lower than the height of RL 235m proposed within the 2016 EIS.
- The northern face of the tower envelope has been relocated 8m to the south within the site.
- The southern face of the tower envelope has been relocated 15m to the south within the site
- The western face of the tower envelope has been set back by an additional 2m from the water.

These proposed changes are illustrated in **Figure 3**. A plan view of the Concept Envelope as now proposed is provided as **Figure 4**.

The objective of these changes was to:

- accommodate more southern option for the location of a tower to be developed through the competitive design process;
- reduce the height of the building; and
- reduce overshadowing impacts of any building within the Concept Envelope

These objectives have been met as far as possible, without reducing the ability of the site to deliver excellence in design.

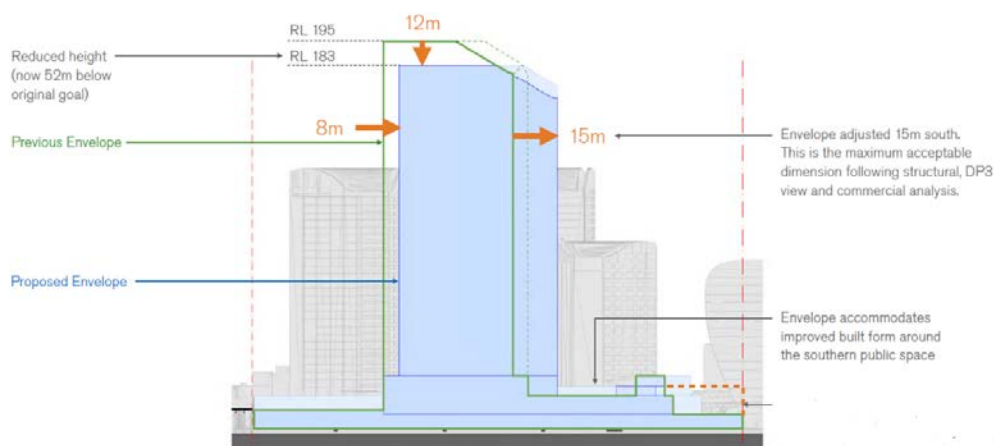


Figure 3 Amendments to proposed Concept Envelope (western elevation)

Source: FJMT

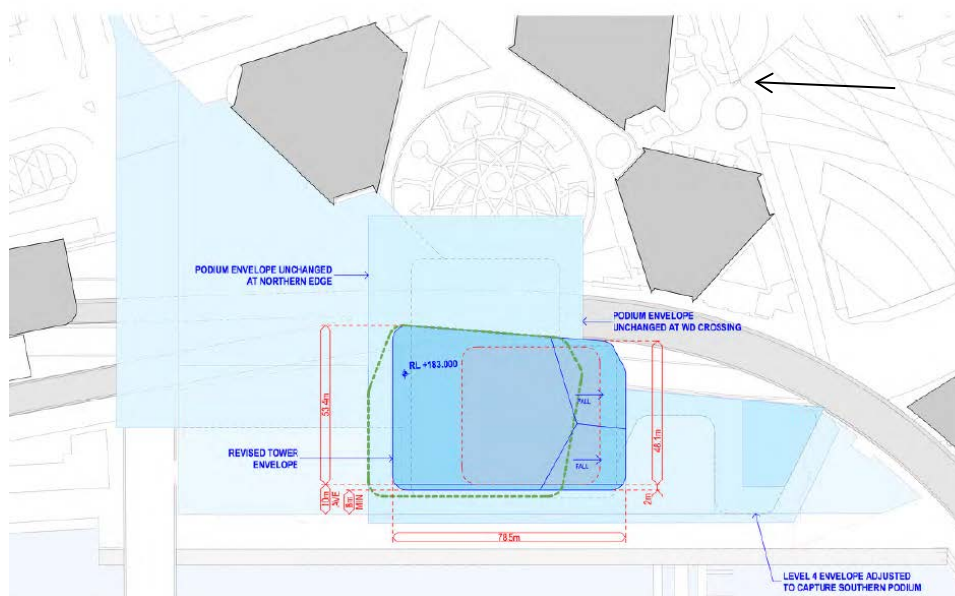


Figure 4 Proposed Concept Envelope plan

Source: FJMT

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 (Sydney Harbour Catchment) 2005* (Sydney Harbour REP); the *Infrastructure NSW SICEEP Urban Design and Public Realm Guidelines*; and the *City of Sydney Council Development Control Plan 2012* (Sydney DCP), which is provided to reiterate from the 2017 VIA, to provide the context for assessment.
- **Section 3** provides a supplementary visual impact analysis for the amended Concept Proposal maximum envelope in relation to any additional public views, view corridors and vantage points around the site that have been identified since the exhibition of the December 2017 EIS.
- **Section 4** provides a supplementary view impact analysis of the amended Concept Proposal in relation to the private views from the Astoria Tower, Millennium Tower and the future 60 Bathurst Street.
- **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* (the Development Plan) 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.

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 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 the EIS VIA as further supplemented by this RTS 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 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) (whilst not the Cockle Bay project the objectives remain of relevance) 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, Pyrmont, 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 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 (Sydney DCP 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 has proposed to expand the Central Sydney boundary to incorporate Darling Harbour (refer **Figure 5** 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**.

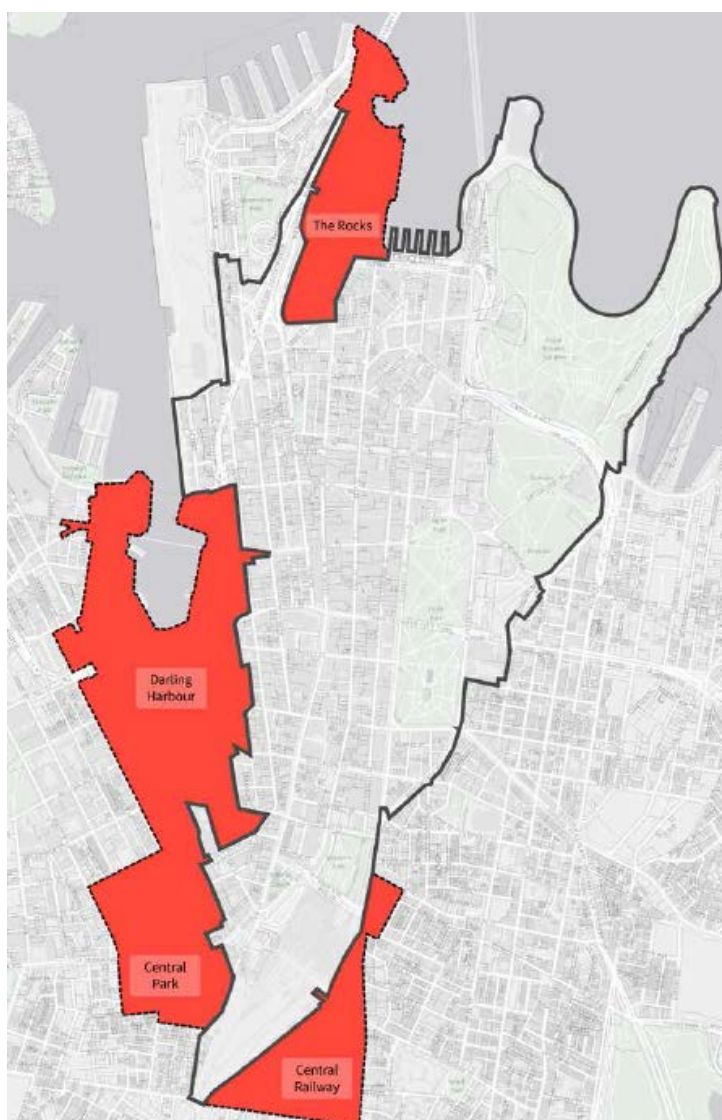


Figure 5 Council aspirations to expand the Central Sydney boundary

Source: City of Sydney Council

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.”*

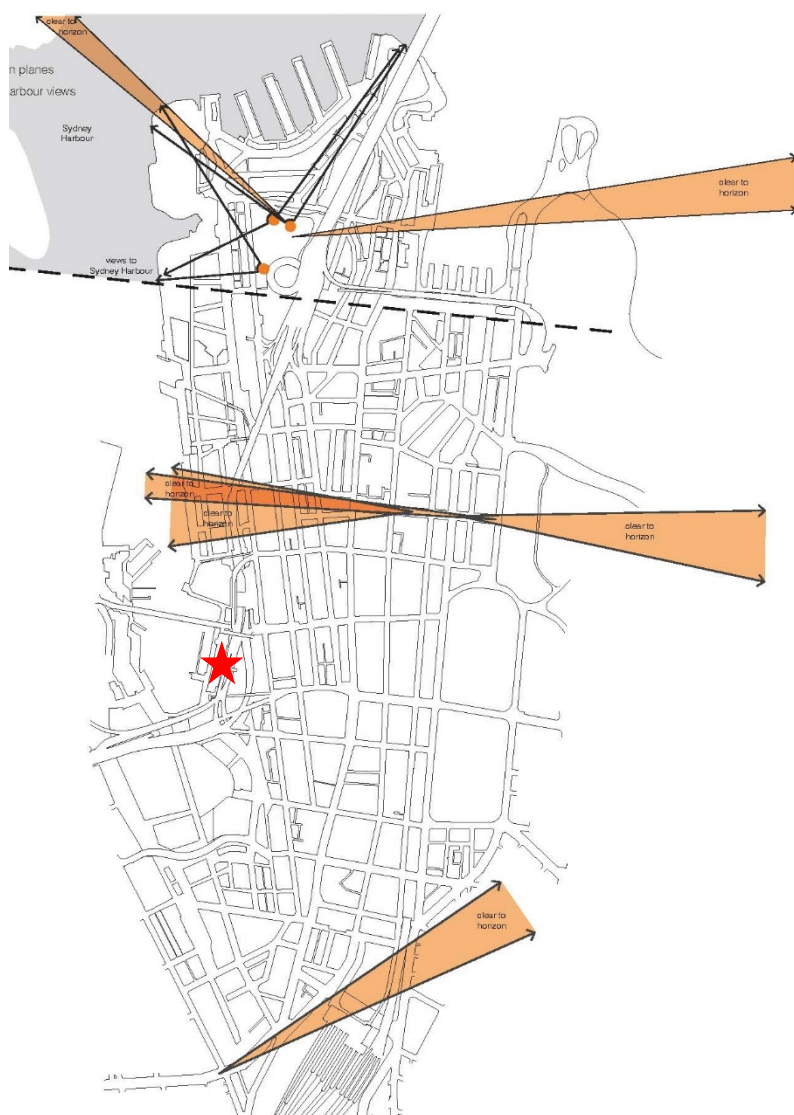


Figure 6 Proposed Sydney LEP 2012 new public domain view protection corridors (site marked with a star)

Source: City of Sydney Council

As shown in **Figure 6** 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 additional assessment at **Section 3**.

3.0 Supplementary Visual Impact Assessment

3.1 Introduction

This section provides a supplementary assessment of the visual impact of the proposed Concept Envelope and possible built form outcomes within that envelope and supplements Visual Impact Assessment that was provided as Appendix G of the 2017 EIS. This report provides a direct comparison between the built form that was previously assessed and that which can be delivered within the amended Concept Envelope, which is the subject of this assessment.

3.2 Methodology

3.2.1 View Locations

The public domain views analysed in this assessment are a reproduction of the 16 views prepared in the October 2017 and Visual Impact Analyses. These 16 view locations have been augmented with one additional view location, which is located on the southern shore of Cockle Bay, at northern end of Tumbalong Promenade (refer to **Figure 8**). 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. It should be noted that the assessed views are 'static' and differ from the more dynamic vista that would be experienced by a pedestrian. 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;
- ICC Sydney Hotel, Darling Harbour; and
- 230-234 Sussex Street.

3.2.2 Assessed Building Mass

The Concept Envelope is 'loose-fitting' by design to allow it to avoid restricting the outcome of the competitive design process. As a result of the loose-fitting envelope, a number of potential building masses are possible within the proposed Concept Envelope. A future building within the Concept Envelope will be guided by and must confirm with the building controls proposed within Section 4.3 of the RTS.

In recognition of this, and in order to provide as accurate an assessment as possible of the likely view impacts of the development, a building mass that is indicative yet representative of the potential scale of a future building on the site has been assessed. The assessed representative building mass has been derived using the built form controls provided within Section 4.3 of the RTS.

A range of indicative building massings, all derived using the proposed building controls, have been provided to demonstrate that the assessed building massing is truly representative of a range of indicative building scales, similar in impact to one of which could be delivered within the Concept Envelope.

Figure 7 provides an overview of a range of indicative building massings to allow for a direct comparison with the representative building mass that is the subject of this assessment.

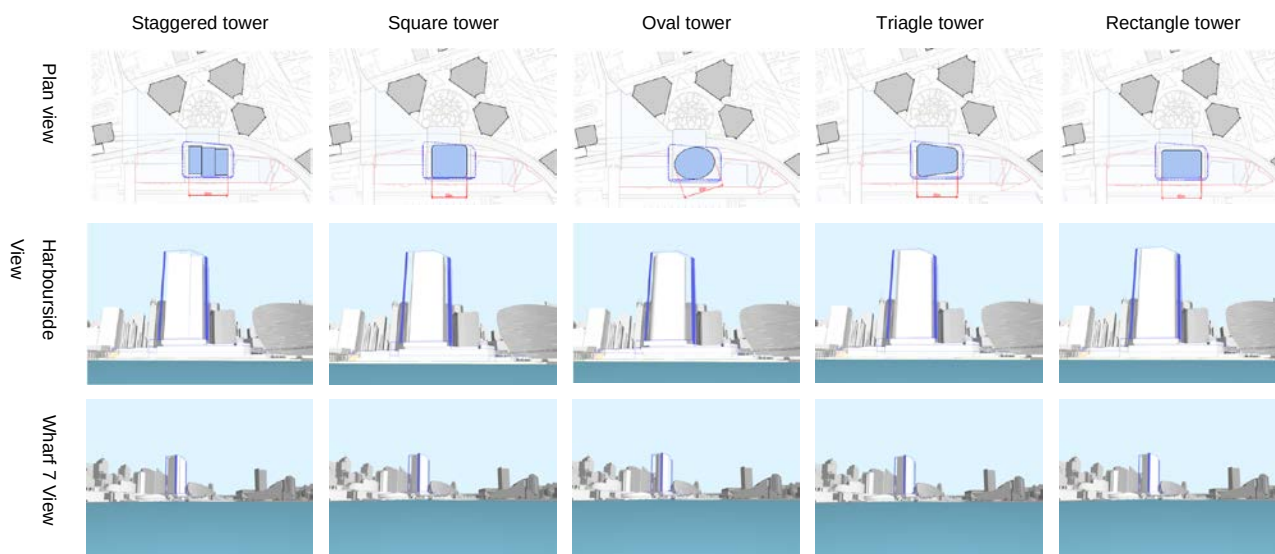


Figure 7 Comparison of indicative building masses (plan view, view from Wharf 7, view from Harbourside)

As shown in **Figure 7**, although a range of indicative building masses are possible within the Concept Envelope, due to the prescriptive building controls proposed as part of the Concept Application, the visual impact of any indicative building mass is generally directly comparable to any other. For this reason, the visual impact assessment provided in Section 3.0 has been undertaken based on a representative building mass that could represent any of the indicative building masses possible within the Concept Envelope.

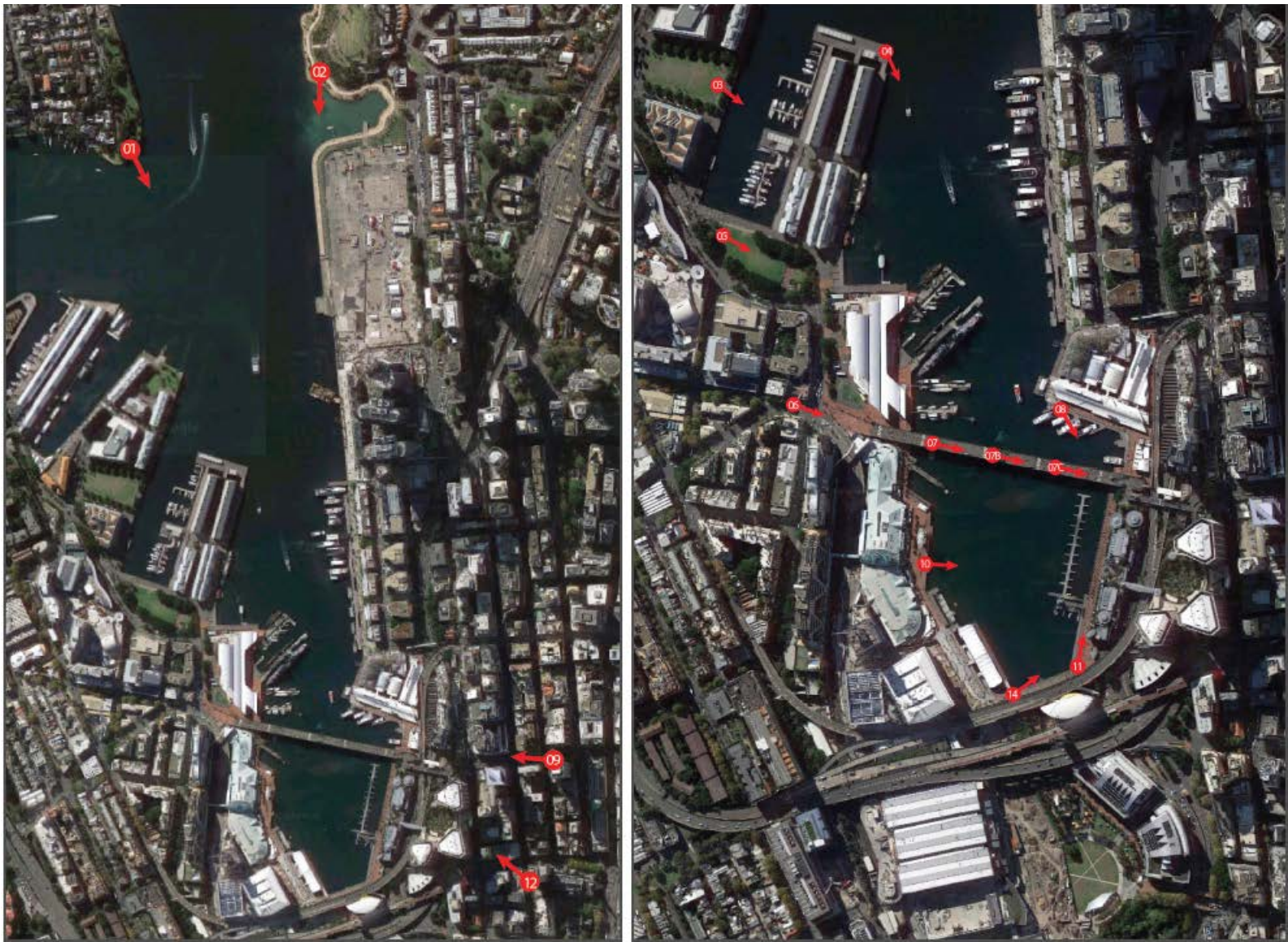


Figure 8 Visual analysis camera locations (public domain views, view corridors and vantage points)

3.3 Assessment

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 8**.

For the purpose of the original 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);
- Tumbalong Park (view 13A and 13B); and
- Southern Shore of Cockle Bay (View 14).

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 2017 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.

Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor [2013] NSWLEC 1046 establishes two stages to determine the acceptability of view impacts on the public domain:

1. The identification stage, which involves identifying:
 - a. The nature and scope of the existing views from the public domain;
 - b. The locations in the public domain from which the potentially interrupted view is enjoyed;
 - c. The extent of the obstruction at each relevant location;
 - d. The intensity of public use at those locations; and
 - e. Whether or not there is any document that identifies the importance of the view to be assessed.
2. The analytic stage, which involves the quantitative and qualitative assessment of the impact of the proposed development on the public domain views, consideration of the relevant planning instrument and a balancing of the matters identified in the first stage.

The assessment provided below supplements that contained within the 2017 VIA and builds upon the views identified and analysed within that assessment. The assessed montages in this section show a 'wire frame' building that represents the Concept Envelope. Within this wire frame is an indicative building mass that has been derived using the assumptions outlined in Section 3.2.2. The analysis provided here therefore builds on the 'identification stage' undertaken in the 2017 VIA updates the 'analytical stage' provided within that assessment to allow for a contemplation of the updated Concept Envelope.

3.3.1 Peacock Point, Balmain East

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 10**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 9**.



Figure 9 Concept Envelope and building mass assessed in 2017 EIS (Peacock Point, Balmain East)

Source: Virtual Ideas



Figure 10 Concept Envelope and building mass currently envisaged (Peacock Point, Balmain East)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

The proposed tower element ... 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.

As shown in **Figure 9** and **Figure 10**, the amendments made to the Concept Envelope within this Response to Submission do not impact the validity of the assessment undertaken within the 2017 VIA as and the impact will be broadly consistent.

As outlined in Section 2.2.2, the Visual Impact Assessment undertaken at this time has considered an indicative built form outcome within the Concept Envelope, the ultimate extent of the visual impact caused by the proposed development will be affected, and likely improved, by the outcome of a competitive design process.

3.3.2 Barangaroo Headland Park

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 12**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 11**.

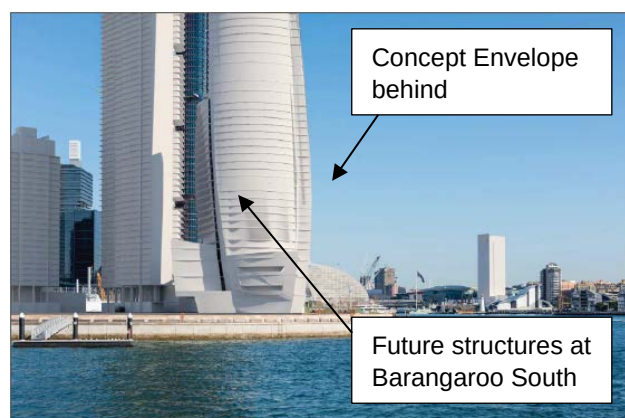


Figure 11 Concept Envelope and building mass assessed in 2017 EIS (Barangaroo Headland Park)

Source: Virtual Ideas

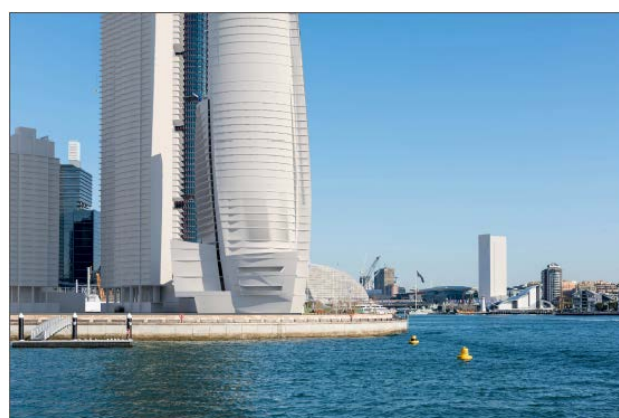


Figure 12 Concept Envelope and building mass currently envisaged (Barangaroo Headland Park)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

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.

As shown in **Figure 11** and **Figure 12**, the amendments made to the Concept Envelope within this Response to Submission have not altered the assessment undertaken within the 2017 VIA as the site continues to be completely obscured by the development at Barangaroo South. Modelled structures at Barangaroo South are approved and currently under construction.

3.3.3 Metcalfe Park, Pyrmont

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 14**. This can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 13**.



Figure 13 Concept Envelope and building mass assessed in 2017 EIS (Metcalfe Park, Pyrmont)

Source: Virtual Ideas



Figure 14 Concept Envelope and building mass currently envisaged (Metcalfe Park, Pyrmont)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

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.

As shown in **Figure 13** and **Figure 14**, the amendments made to the Concept Envelope within this Response to Submission will not affect the validity of the assessment undertaken within the 2017 VIA as the impact will be broadly consistent. The reduction of the envelope height and relocation of the building mass to the south within the site effectively reduces the impact of the assessed building mass and allows other approved building masses, including 115 Bathurst Street and 505 George Street, to be more fully read in the city skyline. The proposed development fits comfortably within this context.

3.3.4 Wharf 7, Pyrmont

A photomontage image of the amended Concept Proposal viewed from Wharf 7, Pyrmont is included at Appendix B. A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 16**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 15**.



Figure 15 Concept Envelope and building mass and building mass assessed in 2017 EIS (Wharf 7, Pyrmont)

Source: Virtual Ideas



Figure 16 Concept Envelope and building mass currently envisaged (Wharf 7, Pyrmont)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

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 ...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.

As shown in **Figure 15** and **Figure 16**, the amendments made to the Concept Envelope within this Response to Submission do not affect the validity of the assessment undertaken within the 2017 VIA as the impact will be broadly consistent. The reduction of the envelope height, and subsequent building height, allows the building mass to better relate to the surrounding Darling Park buildings and the Sofitel, as well as other approved building masses in the CBD, including 115 Bathurst Street and 505 George Street.

The indicative building mass that was assessed within the then-proposed envelope in 2017 was a tapering building, this made the building appear to be more tapered than that assessed within this VIA. The reduction in height and retention of floorspace results in a different indicative massing form. As outlined in Section 2.2.2, the Visual Impact Assessment undertaken at this time has considered an indicative built form outcome within the Concept Envelope,

the ultimate extent of the visual impact caused by the proposed development will be affected, and likely improved, by the outcome of a competitive design process. The proposed development still fits comfortably within the context.

3.3.5 Pyrmont Bay Park

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 18**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 17**.



Figure 17 Concept Envelope and building mass assessed in 2017 EIS (Pyrmont Bay Park)

Source: Virtual Ideas



Figure 18 Concept Envelope and building mass currently envisaged (Pyrmont Bay Park)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

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.

As shown in **Figure 17** and **Figure 18**, the amendments made to the Concept Envelope within this Response to Submission will not affect the validity of the assessment undertaken within the 2017 VIA as the impact will be broadly consistent. The reduction of the envelope height effectively reduces the impact of the assessed building mass and allows other approved building masses, including 115 Bathurst Street and 505 George Street, to be more fully read in the CBD skyline.

3.3.6 Corner of Murray Street and Union Street, Pyrmont

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 20**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 19**.



Figure 19 Concept Envelope and building mass assessed in 2017 EIS (Corner of Murray Street and Union Street, Pyrmont)

Source: Virtual Ideas



Figure 20 Concept Envelope and building mass currently envisaged (Corner of Murray Street and Union Street, Pyrmont)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

*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.*

As shown in **Figure 19** and **Figure 20**, the amendments made to the Concept Envelope within this Response to Submission will not affect the validity of the assessment undertaken within the 2017 VIA as the impact will be broadly consistent. The indicative building mass that was assessed within the then-proposed envelope in 2017 was a tapering building, this made the building appear to be more tapered than that assessed within this VIA. The reduction in height and retention of floorspace results in a different indicative massing form. As outlined in Section 2.2.2, the Visual Impact Assessment undertaken at this time has considered an indicative built form outcome within the Concept Envelope, the ultimate extent of the visual impact caused by the proposed development will be affected, and likely improved, by the outcome of a competitive design process. The proposed development still fits comfortably within the context.

3.3.7 Pyrmont Bridge

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 22**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 21**.



Figure 21 Concept Envelope and building mass assessed in 2017 EIS (Pyrmont Bridge)

Source: Virtual Ideas



Figure 22 Concept Envelope and building mass currently envisaged (Pyrmont Bridge)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

...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.

As shown in **Figure 20** and **Figure 22**, the amendments made to the Concept Envelope within this Response to Submission will not affect the validity of the assessment undertaken within the 2017 VIA as the impact will be broadly consistent. The relocation of the northern extent of the Concept Envelope 8m to the south will effectively reduce the visual impact of the proposed development as more southerly tower siting options will be possible should this option prove to provide the best overall urban design and architectural outcome. It should be noted that the Heritage Impact Statement prepared by Weir Phillips and provided as Appendix S of the 2017 EIS finds the separation between the proposed Concept Envelope and Pyrmont Bridge to be acceptable on heritage grounds.

3.3.8 Darling Harbour Pier 26

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 24**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 23**.



Figure 23 Concept Envelope and building mass assessed in 2017 EIS (Darling Harbour Pier 26)

Source: Virtual Ideas



Figure 24 Concept Envelope and building mass currently envisaged (Darling Harbour Pier 26)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

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...

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.

As shown in **Figure 23** and **Figure 24**, the amendments made to the Concept Envelope within this Response to Submission do not affect the validity of the assessment undertaken within the 2017 VIA as the impact will be broadly consistent. The relocation of the northern extent of the Concept Envelope 8m to the south is likely to further reduce the visual impact of the proposed development. The ultimate extent of any visual impact will be shaped by the built-form controls that will be adopted as part of the Competitive Design Process and any subsequent Stage 2 DA.

3.3.9 Market Street

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 26**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 25**.



Figure 25 Concept Envelope and building mass assessed in 2017 EIS (Market Street)

Source: Virtual Ideas



Figure 26 Concept Envelope and building mass currently envisaged (Market Street)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

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.

As shown in **Figure 25** and **Figure 26**, the amendments made to the Concept Envelope within this Response to Submission do not affect the validity of the assessment undertaken within the 2017 VIA as the site continues to be largely obscured from the Market Street view corridor.

3.3.10 Harbourside and Cockle Bay

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 28**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 27**.



Figure 27 Concept Envelope and building mass assessed in 2017 EIS (Harbourside and Cockle Bay)

Source: Virtual Ideas



Figure 28 Concept Envelope and building mass currently envisaged (Harbourside and Cockle Bay)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

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... Additionally, the envelope is setback from Pyrmont Bridge to maintain its visual integrity. Views to the CBD skyline, including Centrepont 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.

As shown in **Figure 27** and **Figure 28**, the amendments made to the Concept Envelope within this Response to Submission do not affect the validity of the assessment undertaken within the 2017 VIA as the impact will be broadly consistent.

The reduction in total height of the proposed Concept Envelope, and resulting building, are improvements from this angle. The ultimate extent of any visual impact will be shaped by the built-form controls that will be adopted as part of the Competitive Design Process and any subsequent Stage 2 DA.

3.3.11 Corner of Kent Street and Druiitt Street

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 30**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 29**.

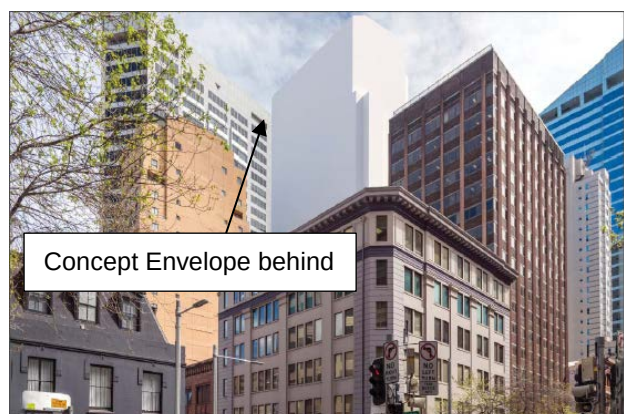


Figure 29 Concept Envelope and building mass assessed in 2017 EIS (Corner of Kent Street and Druiitt Street)

Source: Virtual Ideas

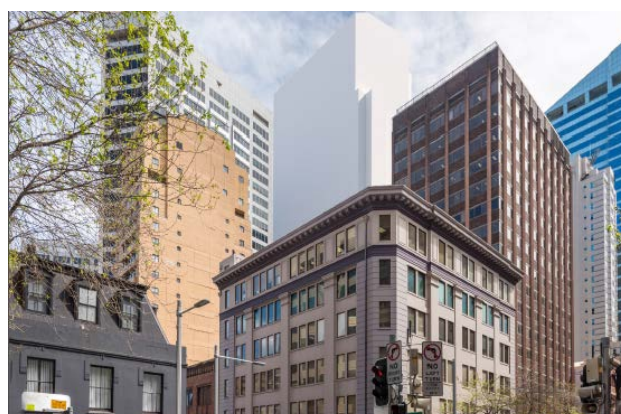


Figure 30 Concept Envelope and building mass currently envisaged (Corner of Kent Street and Druiitt Street)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

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.

As shown in **Figure 29** and **Figure 30**, the amendments made to the Concept Envelope within this Response to Submission do not affect the validity of the assessment undertaken within the 2017 VIA as the site continues to be completely obscured.

3.3.12 Tumbalong Park

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 32**, this can be directly compared to the image that was previously assessed within the 2017 VIA (Appendix G of the 2017 EIS), which is provided as **Figure 31**.



Figure 31 Concept Envelope and building mass assessed in 2017 EIS (Tumbalong Park)

Source: Virtual Ideas



Figure 32 Concept Envelope and building mass currently envisaged (Tumbalong Park)

Source: Virtual Ideas

In relation to this perspective the 2017 VIA assessment noted:

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.

As shown in **Figure 31** and **Figure 32**, the amendments made to the Concept Envelope within this Response to Submission do not affect the validity of the assessment undertaken within the 2017 VIA as the impact will be broadly consistent. The reduction of the envelope height effectively reduces the impact of the assessed building mass. The proposed development continues to fit comfortably within this context.

3.3.13 Southern Shore of Cockle Bay (additional view taken)

A photomontage comparison of an indicative building within the Concept Envelope (as now proposed) is provided below in **Figure 34**, this can be directly compared to existing environment, and image of which is provided as **Figure 33**.



Figure 33 Existing view (Southern Shore of Cockle Bay)

Source: Virtual Ideas

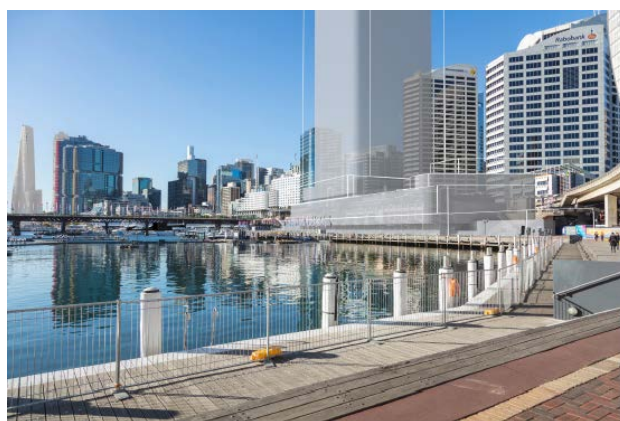


Figure 34 Concept Envelope and building mass currently envisaged (Southern Shore of Cockle Bay)

Source: Virtual Ideas

Along with the view from Harbourside and Cockle Bay (refer Section 2.3.10), this perspective allows the Concept Envelope to be 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 the existing Darling Park buildings form and the remainder of the western corridor (including Barangaroo) form a backdrop.

Views to and across the water towards the CBD are available from this location 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. It should be noted that the assessed view is 'static' as it is a single viewpoint from a single location. A pedestrian moving through this space would experience a dynamic view that changes in depth, field, and context as the viewer and their surroundings change.

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. The increase in podium height at the southern part of the site in response to design workshops, will reduce the perception of the tower element when viewed from the public foreshore promenade. While the width of the tower envelope at this view appears significant, fine-grain building controls (refer to Section 4.3 within the RTS) will shape an outcome through a competitive design process that can ensure that an appropriate assessment of design excellence is facilitated before any building is introduced to the site.

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.

3.4 Conclusion

The supplementary visual impact assessment undertaken within this section provides a direct comparison of the previously assessed envelope, and indicative building mass within the envelope the Concept Envelope and an indicative building mass as now proposed.

Changes to the Concept Envelope and resulting building mass introduced through the design review process (refer to Section 3.4 of the RTS) have mitigated some of the likely visual impacts of the proposed development through a reduction in height, however impact of a new building on a number of assessed vistas remains. Overall, the conclusions of the 2017 VIA remain relevant to the assessment of the Concept Envelope as now proposed and the addition of a building element in this context is on balance reasonable given the range of public domain benefits created by the proposal and the positive aspects on the visual impact of the locality, which include:

- 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 Concept Proposal;
- The Concept Proposal continues with the evolution and change to the character of Darling Harbour, providing the opportunity to deliver a building of design excellence of a site at the confluence of Darling Harbour and the wider CBD;
- 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 an identifiable form when viewed within the city skyline and at the local pedestrian level and will be guided by key design parameters that ensure that no full utilisation of the envelope will occur;
- The podium and tower form allows an expansive new open space 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.
- None of the analysed locations are identified in relevant planning instruments as identified view corridors. Nonetheless the qualitative and quantitative assessment demonstrates the tower positioning supports ample sky views and a retained sense of openness on this western CBD fringe. The tower is appropriately viewed within its context with a backdrop of CBD buildings beyond;
- The 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 proposed development 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.

This supplementary visual impact assessment supports the conclusion of the 2017 VIA, being that the impact of the Concept Envelope on views from the public domain will be acceptable.

4.0 Supplementary View Impact Assessment

4.1 Introduction

This assessment supplements the preliminary assessment that was carried out as part of the December 2017 EIS. At that time, the December 2017 EIS' VIA noted:

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 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.

Since the exhibition of the December 2017 EIS it has been possible to access a number of the private residential apartments within the Astoria Tower and supplement the 3D modelling previously undertaken, with a number of photographs taken from within the residential apartments. That supplementary assessment is provided within this section of the report.

The additional assessments have also been undertaken in the context of the modifications now proposed to the tower element of the Concept Envelope.

4.2 Methodology

4.2.1 Basis of Assessment

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* (Tenacity). The planning principles set out in Tenacity require the consideration of:

1. What views are to be affected by the proposal?

Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, ego a water view in which the interface between land and water is visible is more valuable than one in which it is obscured. (from Tenacity)

For the purpose of this assessment views from Apartment Buildings towards Cockle Bay are not deemed to be iconic as per for example Bridge or Opera House views cited in the judgement. However, water views are considered significant and particularly in instances where a land water interface is available. Views of the Anzac Bridge which are present in a small number of units would, however, be considered iconic.

2. From what part of the property the views available from?

For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic. (from Tenacity)

For the purpose of this assessment, views have been considered for living rooms and bedrooms facing Cockle Bay as well, as where relevant where the apartment enjoys views towards other aspects. The assessment has been based largely on a standing position in recognition of the principle that standing views are more achievable to maintain, as well as sitting positions within the affected apartments were affected by the depth between balcony edge and sitting positions. Where the view is front on or oblique has also been considered in the assessment.

3. What is the extent of the impact?

This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases, this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating. (from Tenacity)

For the purpose of this assessment, a qualitative analysis has been undertaken and has categorised the impact into the relevant categories in the planning principle, being negligible, minor, moderate, severe or devastating

4. What is the reasonableness of the proposal?

A development that complies with all planning controls would be considered more reasonable than one that breaches them. (from Tenacity)

In this instance, the proposal does comply with the relevant planning controls, however noting that the existing framework does not provide height or FSR controls. For the purpose of this assessment, the reasonableness of the proposal has been determined on the overall assessment of apartments affected and not on the basis of the conclusions for each single apartment. In other words, an impact may be significant for an individual apartment, however, the proposal remains acceptable on balance when considering the totality of views affected in the apartment building, the extent of retention of some water view (i.e. view sharing rather than full view preservation) and also when considering the overall impacts and merits of the proposal on environmental planning grounds which need to be considered on balance with private residential impacts. For the purpose of this assessment, how the proposal has 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 has been considered in addition to view sharing.

4.2.2 Assessed Locations

Floor plans for the Astoria Tower were provided within the VIA undertaken as part of the December 2017 EIS, where each level of the Astoria Tower contains four residential units, two of which face west and therefore would have potentially affected views across the site of the proposed development. It has now been possible to access a sample of residential apartments within the Astoria Tower that represent indicative views from these potentially affected (west facing) apartments.

As part of this exercise it has been possible to assess the likely view impact from apartments at low, mid and high levels within the Astoria building, and also to assess views from the northern and southern apartments. **Table 1** provides an overview of the apartments for which on site access was gained and that have been assessed within this report.

Table 1 Summary of Assessed Apartments within the Astoria

Apartment Number	Building Level	North or South
17	Low	North
20	Low	South
21	Low	North
37	Mid	North
40	Mid	South
45	Mid	North
52	Mid	South
61	Mid	North
64	Mid	South
89	High	North
96	High	South
100	High	South

Additional views have been provided based on the architectural model of the Concept Envelope where the modifications now proposed have the potential of affect additional (previously unaffected residences). These previously unaffected residence includes the following:

- 'Millennium Towers', 289 Sussex Street; and
- 60 Bathurst Street.

4.2.3 Assessed Building Mass

As previously noted, the Concept Envelope is 'loose fitting by design to allow it to avoid restricting the outcome of the competitive design process, as a result a number of potential building masses are possible within the proposed Concept Envelope. In recognition of this, and in order to provide as accurate an assessment as possible of the actual view impacts of the development, a representative building mass has been assessed within the Concept Envelope.

The primary driver that would affect the extent of view loss impact caused by a future building within the Concept Envelope is the maximum façade length of that building. A building with a longer façade length would appear to be wider when viewed from neighbouring residences and would therefore have a greater perceived impact on view loss.

It should be noted that the intent of the Concept Envelope is to deliver a building that is slender and elegant. Building controls, such as those provided within Section 4.3 of the RTS, will accompany any concept approval and inform any Competitive Design Process Brief to assist in the delivery of this slender and elegant building mass. Notwithstanding this intent, the proponents have included within the proposed 'built form controls' a maximum façade length of 60m.

This maximum façade length allows an indicative 'worst-case' assessment of view loss impact to be conducted on a building with a façade length of 60m because no building would be able to be approved with a longer façade length.

There are two locations that a tower with a maximum façade length of 60m can be accommodated within the Concept Envelope, those being at the northern end and at the southern end of the Concept Envelope. A range of indicative building mass outcomes can be accommodated within the Concept Envelope. **Figure 35** provides an illustration of how a range of indicative building masses could be accommodated within the representative building mass that is the subject of this assessment. By modelling a representative building mass at the north and at the south of the Concept Envelope it is possible to undertake a thorough and worst-case assessment of view loss. This representative building mass reflect the maximum envelope utilisation and maximum building length controls for which approval is being sought. From there a northern and southern tower option form is presented to assess the

potential view impacts for various forms within that envelope. The conclusions of the view impact assessment remain similar in irrespective of whether the north or south option building mass is assessed.

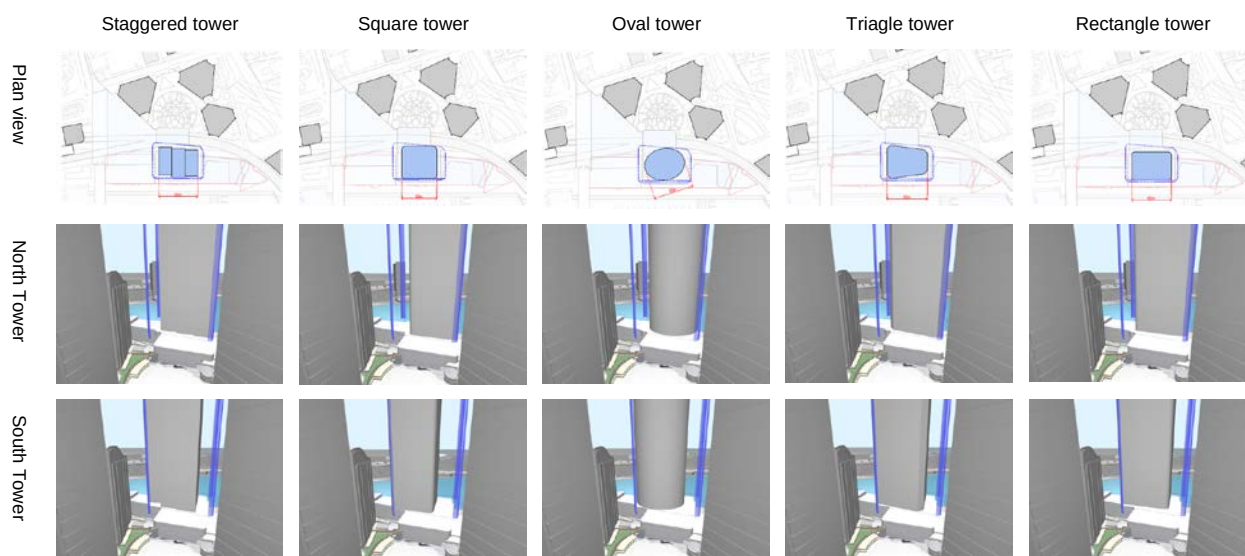


Figure 35 Assessed representative building width

As shown in **Figure 35**, although a range of indicative building masses are possible within the Concept Envelope, due to the prescriptive building controls proposed as part of the Concept Application (particularly the maximum façade length of 60m) the view loss experienced as a result of any of the indicative building masses is generally comparable to any other. For this reason, the view a representative building mass has been assessed in a northern and a southern location. This approach is consistent with that outlined above in Section 3.2.2.

4.3 View Loss Assessment – Astoria Tower

This section provides an assessment of the apartments listed in **Table 1** against the planning principle established by Tenacity.

In all cases within the following assessment it should be noted that, as the assessment has been undertaken based on a maximum envelope and then a north and south indicative tower form location within that envelope. The final design of the building within the envelope may mitigate some of impact of any predicted impact on existing views, though the conclusions of this assessment still determine the acceptability of the impact for the Concept DA approval.

Each of the assessed photographs was taken from a location representative of a standing viewer within the living areas and bedrooms of each affected apartment, either on the balcony or on the threshold to the internal room. These locations were usually within the west-facing balconies, within the living rooms, or on the threshold of the bedroom balconies.

4.3.1 Apartment 17 (Level 7)

Introduction

Apartment 17 is located at the bottom third of the building (low level) and is situated at the northern end of the Sussex Street frontage. The apartment has a single westerly aspect.

What views are to be affected by the proposal?

The view from the single western aspect of the apartment is almost entirely urban. The existing Darling Park towers are all visible in the foreground with Darling Park tower one and tower two dominating the view. Darling Park tower three is visible in the middle distance. The upper parts of the ICC, ICC Hotel and adjacent Novotel are visible

beyond the Darling Park buildings in the foreground. It is possible to see some of the green area within the Crescent Garden from this apartment. Water views are not available, being obscured from view by the existing Cockle Bay Wharf building. No district views are available due to the apartment's low elevation within the building. The existing view from the living room balcony of this apartment is shown below as **Figure 36**.



Figure 36 Existing View – Living Room Balcony Apartment 17

From what part of the property the views available from?

Views from apartment 17 are currently available from the living room balcony and from the thresholds of the north and south bedrooms.

What is the extent of the impact?

When viewed from the living room balcony, both the northern and the southern indicative built forms will be largely hidden by the existing Darling Park towers (one and two). The northern indicative-built form will be more significantly obscured by existing buildings and the impact of this form will therefore be somewhat less than a southern building mass, however, not materially different. The view that will be obscured by the future building includes the ICC and ICC Hotel in the middle distance. The anticipated impact of the view from this viewpoint is shown below in **Figure 37** and **Figure 38**

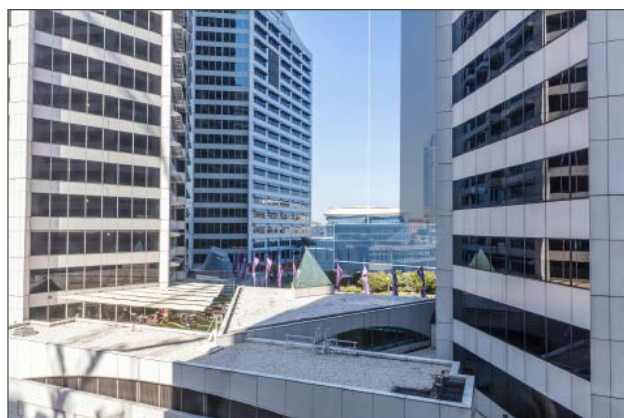


Figure 37 View impact of northern indicative building mass (living room, Apartment 17)

Source: Virtual Ideas

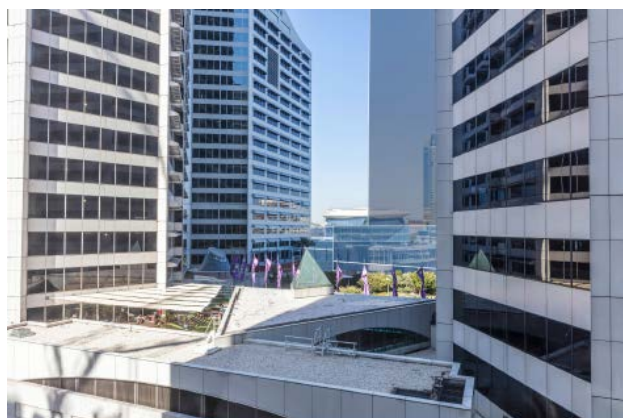


Figure 38 View impact of southern indicative building mass (living room, Apartment 17)

Source: Virtual Ideas

When viewed from the northern bedroom both the northern and southern indicative building masses will obscure a partial existing view of the ICC Hotel and the adjacent Novotel. As the predominant view from this vantage point is of the existing Darling Park tower two, this view will remain largely unchanged (**Figure 38** and **Figure 39**).



Figure 39 View impact of northern indicative building mass (north bedroom, Apartment 17)

Source: Virtual Ideas



Figure 40 View impact of southern indicative building mass (north bedroom, Apartment 17)

Source: Virtual Ideas

When viewed from the southern bedroom the proposed development obscures existing views to the ICC Hotel and Novotel and is also some views of the western sky to the north of the ICC Hotel though sky is available for both indicative built forms towards the south west of Darling Harbour (**Figure 41** and **Figure 42**).



Figure 41 View impact of northern indicative building mass (south bedroom, Apartment 17)

Source: Virtual Ideas



Figure 42 View impact of southern indicative building mass (south bedroom, Apartment 17)

Source: Virtual Ideas

Conclusion

As the existing views from all vantage points within this apartment are predominantly urban (including views of the existing Darling Park towers, the ICC, ICC Hotel and Novotel), and as no district views or views of water are affected, the likely impact of the proposed development on the views from this apartment is considered to be negligible. The view of the greening within the Darling Park Crescent Garden also remains.

4.3.2 Apartment 20 (Level 7)

Introduction

Apartment 20 is located at the bottom third of the building (low level) and is situated at the southern end of the Sussex Street frontage. The apartment has a single westerly aspect.

What views are to be affected by the proposal?

The view from the single western aspect of the apartment is almost entirely urban. The three existing Darling Park towers are visible in the foreground. A view of the ICC, ICC Hotel, Novotel and Ibis Hotel is possible through the gap between Darling Park towers 2/3 and Darling Park tower 1. This view corridor also allows a vertically oblique view of the Darling Park Crescent Garden and water glimpses of the Cockle Bay water beyond the current Cockle Bay Wharf building. No district views are available due to the apartment's low elevation within the building. The existing view from the living room balcony of this apartment is shown below as **Figure 43**.



Figure 43 Existing View – Living Room Balcony Apartment 20

From what part of the property the views available from?

Views from apartment 20 are currently available from the living room balcony and from the thresholds of the north and south bedrooms.

What is the extent of the impact?

When viewed from the living room balcony of Apartment 20 the southern indicative building mass (**Figure 44**) is likely to affect current views of the sky surrounding and above the ICC Hotel, Novotel and Ibis Hotel. The northern indicative building mass (**Figure 44**) is likely to obscure less of these existing views as it is itself obscured to a greater extent by the existing Darling Park buildings. Both indicative building masses are also likely to remove the existing glimpses of the Cockle Bay water. The anticipated impact of the view from this viewpoint is shown below in **Figure 44** and **Figure 45**.

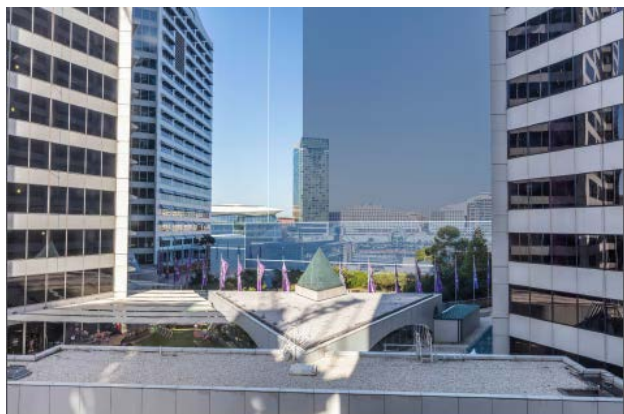


Figure 44 View impact of northern indicative building mass (living room balcony, Apartment 20)

Source: Virtual Ideas

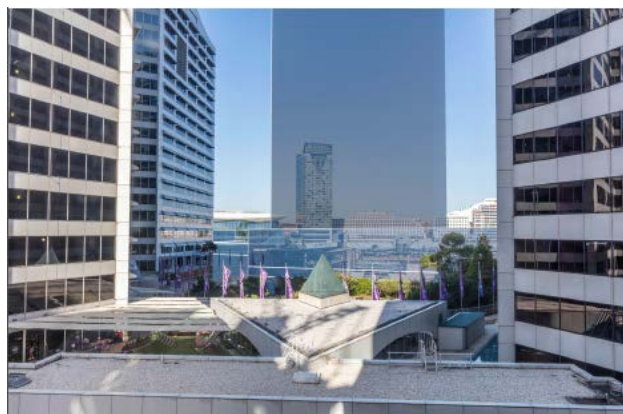


Figure 45 View impact of northern indicative building mass (living room balcony, Apartment 20)

Source: Virtual Ideas

When viewed from the north and south bedrooms both indicative building masses are likely to obscure a large portion of the current view of sky to the north of the ICC Hotel and south of Darling Park tower 1 and some water glimpses. However, this is already in part obscured by the depth and form of the balconies, the oblique nature of the views and the highly urbanised outlook at the lower levels of the building (**Figures 46-49**).



Figure 46 View impact of northern indicative building mass (north bedroom, Apartment 20)

Source: Virtual Ideas



Figure 47 View impact of northern indicative building mass (north bedroom, Apartment 20)

Source: Virtual Ideas



Figure 48 View impact of northern indicative building mass (south bedroom, Apartment 20)

Source: Virtual Ideas



Figure 49 View impact of southern indicative building mass (south bedroom, Apartment 20)

Source: Virtual Ideas

Conclusion

The existing views from all vantage points within this apartment are predominantly urban (including views of the existing Darling Park towers, the ICC, ICC Hotel and Novotel). The views of the Cockle Bay water currently available from the balcony of the bedrooms are too oblique for the impact on this view to be considered more than a minor impact. From the living area, the anticipated impact of the two indicative building masses are consistent as each would allow some view of the western sky to be retained, though each building mass will affect the water glimpses. The northern indicative building mass allows this area of retained sky-view to be consolidated in one area, whereas the southern indicative building mass divides this retained view into two sections.

As this apartment does not have a secondary aspect, and as such only enjoys views to the west over the Darling Park development, the impact of the proposed development on the views to the west is considered to be moderate as it would be likely to remove large portions of the existing view of the sky from some locations as well as water glimpses in the bedroom to a minor extent and the living room to a greater extent.

4.3.3 Apartment 21 (Level 8)

Introduction

Apartment 21 is located directly above Apartment 17 at the bottom third of the building (low level) and is situated at the northern end of the Sussex Street frontage. The apartment has a single westerly aspect.

What views are to be affected by the proposal?

The views from Apartment 21 are generally consistent with those described for Apartment 17 in Section 3.3.1.

From what part of the property the views available from?

Views from apartment 21 are currently available from the living room balcony and from the thresholds of the north and south bedrooms.

What is the extent of the impact?

The impact on Apartment 21 is generally consistent with that described for Apartment 17 in Section 3.3.1 (Figures 50-55).

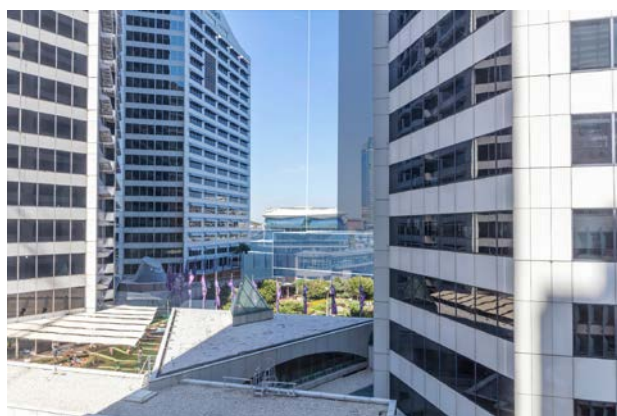


Figure 50 View impact of northern indicative building mass (living room balcony, Apartment 21)

Source: Virtual Ideas

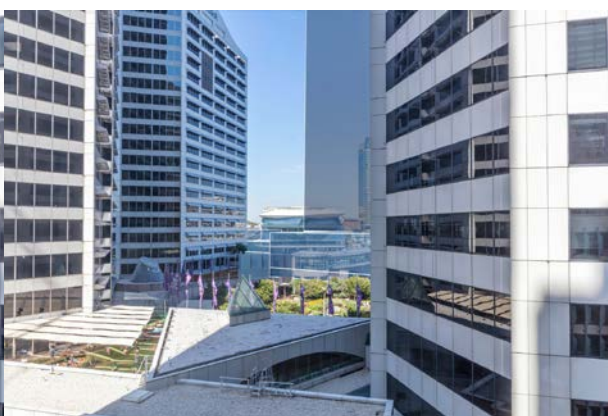


Figure 51 View impact of northern indicative building mass (living room balcony, Apartment 21)

Source: Virtual Ideas



Figure 52 View impact of northern indicative building mass (north bedroom, Apartment 21)

Source: Virtual Ideas

Figure 53 View impact of northern indicative building mass (north bedroom, Apartment 21)

Source: Virtual Ideas

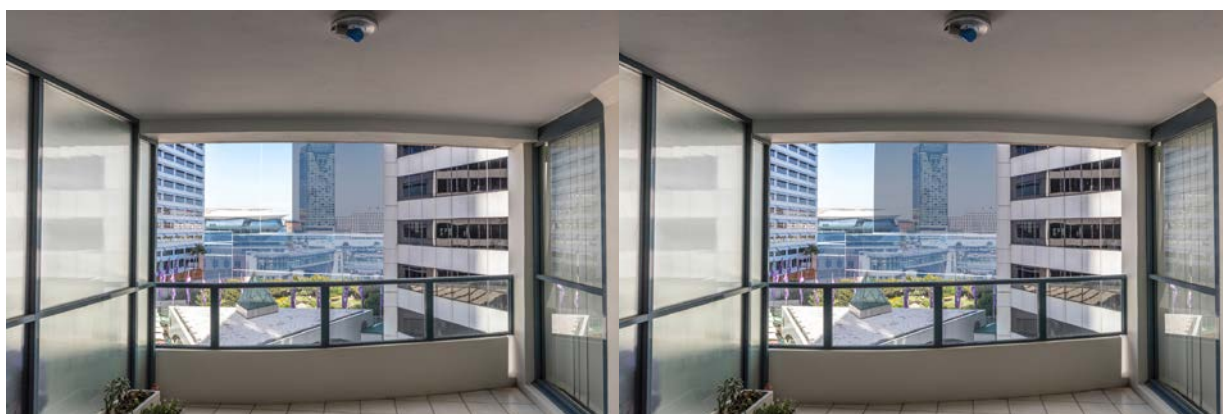


Figure 54 View impact of northern indicative building mass (south bedroom, Apartment 21)

Source: Virtual Ideas

Figure 55 View impact of southern indicative building mass (south bedroom, Apartment 21)

Source: Virtual Ideas

Conclusion

As the existing views from all vantage points within this apartment are predominantly urban (including views of the existing Darling Park towers, the ICC, ICC Hotel and Novotel), and as no district views of views of water are affected, the likely impact of the proposed development on the views from this apartment is considered to be negligible. The view of the greening within the Darling Park Crescent Garden also remains to enhance the amenity of the apartment.

4.3.4 Apartment 37 (Level 12)

Introduction

Apartment 37 is located within the middle third of the building (mid-level) and is situated at the northern end of the Sussex Street frontage. The apartment has a westerly aspect that enjoys views over Cockle Bay, and a secondary northerly aspect that enjoys city vistas towards the Hyatt Regency and Barangaroo.

What views are to be affected by the proposal?

The view from the single western aspect of the apartment is almost entirely urban and is largely consistent with that previously assessed for Apartment 17 (Section 4.3.1), and Apartment 21 (Section 4.3.3). However, due to the increased elevation, areas within this apartment have views over the Darling Park Crescent Garden and views of the water of Cockle Bay in front of the ICC buildings including the interface of the water with the foreshore promenade.

From the southern bedroom within this apartment it is possible to gain an expanded view of the middle-distance buildings, including the ICC Hotel and the Ibis Hotel. More water view (compared to living areas) of Cockle Bay is available from this bedroom threshold due to the building articulation of the current Cockle Bay buildings. The current view from the southern bedroom within this apartment is shown below in **Figure 56**.



Figure 56 Existing view – South Bedroom threshold Apartment 37

The existing Darling Park towers are all visible in the foreground with Darling Park tower one and tower three dominating the view. No district views are available from this level, being obscured by the ICC buildings and the Ibis Hotel to the west of Cockle Bay. The greening within the Darling Park Crescent Garden is also more visible at this more elevated position.

From what part of the property the views available from?

Views from apartment 37 are currently available from the living room balcony, the threshold of the living room, and from the thresholds of the north and south bedrooms.

What is the extent of the impact?

When viewed from the living room balcony for both the northern and southern indicative building masses will be largely hidden by the existing Darling Park towers. The current water views from this location are too oblique for to be considered significant more than a minor impact (**Figures 57-58**).

When viewed from the living room and north bedroom (**Figures 59-60**), the impact of both the northern and southern indicative building masses would be likely to obscure an existing view of the ICC Hotel in the middle distance. The northern extent of the Concept Envelope would be obscured by the existing Darling Park towers, as a result the further to the south building mass is located within the envelope, the greater than impact is likely to be. Nevertheless, as the existing views from this vantage point are dominated by the existing buildings, the introduction of an additional building does not have a significant impact.



Figure 57 View impact of northern indicative building mass (living room balcony, Apartment 37)

Source: Virtual Ideas



Figure 58 View impact of northern indicative building mass (living room balcony, Apartment 37)

Source: Virtual Ideas



Figure 59 View impact of northern indicative building mass (north bedroom, Apartment 37)

Source: Virtual Ideas



Figure 60 View impact of northern indicative building mass (north bedroom, Apartment 37)

Source: Virtual Ideas

The southern bedroom of Apartment 37 currently has a more complete view of Cockle Bay, including some water views, the impact of both the northern and southern indicative building masses on this view is more significant as shown below in **Figure 61** and **Figure 62**. Area of sky and outlook are retained, though water glimpses are affected. The view of the greening within the Darling Park Crescent Garden also remains.



Figure 61 View impact of northern indicative building mass (south bedroom Apartment 37)

Source: Virtual Ideas



Figure 62 View impact of southern indicative building mass (south bedroom Apartment 37)

Source: Virtual Ideas

Conclusion

The extent of impact should be assessed for the whole of the property, not just the main view that is affected. In this instance the impact on the living room and northern bedroom is more minor, whilst the impact on the southern bedroom is moderate. Overall, the view loss impact is considered minor to moderate as:

- The proposed development will not alter the predominantly urban character of the existing view;
- The proposed development will not remove district views, iconic views, or views over significant green spaces;
- The greening within the Darling Park Crescent Garden also remains;
- The impact caused by a building mass in the south of the Concept Envelope on the view from the southern bedroom is moderate due to the impact on the existing water views in this location. This impact may be reduced to the extent if the competitive design process results in a more northern built form.

Because water views are more pronounced from the private balcony of this bedroom, which is not the primary living area of this unit, this impact leads to a conclusion that finds the impact of the proposed development on the entire apartment is minor to moderate.

4.3.5 Apartment 40 (Level 12)

Introduction

Apartment 40 is located at the middle third of the building (mid-level) and is situated at the southern end of the Sussex Street frontage. The apartment has a single westerly aspect.

What views are to be affected by the proposal?

The view from the single western aspect of the apartment is predominantly urban, although water views are available to the Cockle Bay water from each of the assessed vantage points within this apartment including the interface of the water with the foreshore promenade. The three existing Darling Park towers are visible in the foreground, the elevation of the apartment also allows a good view of the Darling Park Crescent Garden.

A view of the ICC, ICC Hotel, Novotel and Ibis Hotel is possible through the gap between Darling Park towers 2/3 and Darling Park tower 1. No district views are available due to the apartment's low elevation within the building. The existing view from the living room balcony of this apartment is shown below as **Figure 63**.



Figure 63 Existing View – Living Room Balcony Apartment 40

From what part of the property the views available from?

Views from apartment 40 are currently available from the living room balcony and from the thresholds of the north and south bedrooms.

What is the extent of the impact?

The most significant impact within this Apartment has been assessed to be experienced from the living room balcony. When viewed from this point, both the northern and southern indicative building masses are likely to affect large portions of the current views of the sky surrounding and above the ICC Hotel, Novotel and Ibis Hotel, and the current water views including the land water interface. The location of the proposed building mass within the Concept Envelope (i.e. either to the north or the south) will not have a fundamental impact on the outcome of the assessment as in either case an equivalent quantity of the available view has been affected. The anticipated impact of the view from this viewpoint is shown below in **Figure 64** and **65**. The impact on north and south bedrooms also impacts on water views though to a lesser extent than the living room impact due to the depth and form of the balconies (**Figures 66-69**).

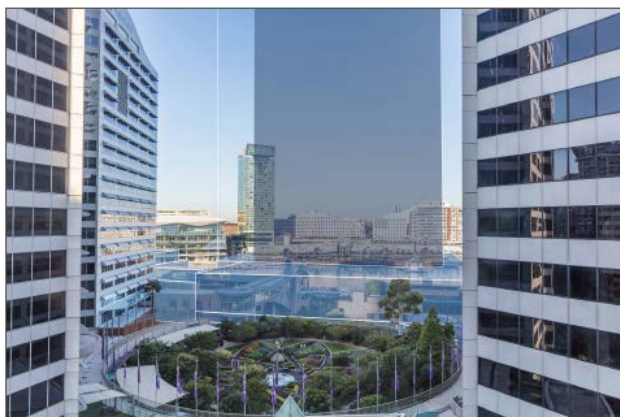


Figure 64 View impact of northern indicative building mass (living room balcony, Apartment 40)

Source: Virtual Ideas

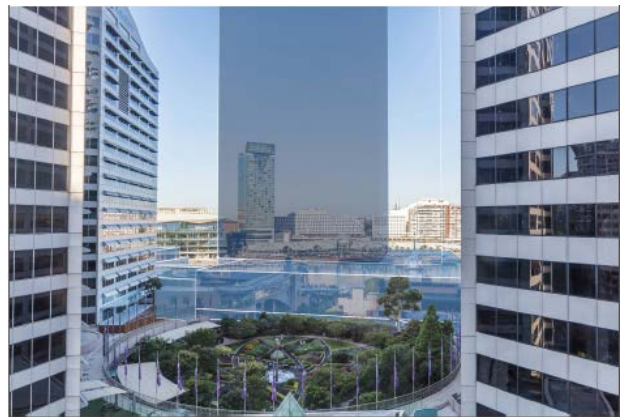


Figure 65 View impact of southern indicative building mass (living room balcony, Apartment 40)

Source: Virtual Ideas



Figure 66 View impact of northern indicative building mass (north bedroom, Apartment 40)

Source: Virtual Ideas



Figure 67 View impact of northern indicative building mass (north bedroom, Apartment 40)

Source: Virtual Ideas



Figure 68 View impact of northern indicative building mass (south bedroom, Apartment 40)

Source: Virtual Ideas



Figure 69 View impact of southern indicative building mass (south bedroom, Apartment 40)

Source: Virtual Ideas

Conclusion

The likely impact of both the northern and southern indicative building masses on views from this apartment is considered moderate to severe mainly due to the reduction of views on the land water interface. Water views are affected from all assessed vantage points and impacts on more expansive existing views of the sky above and surrounding the ICC Hotel (and surrounding buildings) west of Cockle Bay will be affected.

4.3.6 Apartment 45 (Level 14)

Introduction

Apartment 45 is located within the middle third of the building (mid-level) and is situated at the northern end of the Sussex Street frontage. The apartment has a westerly aspect that enjoys views over Cockle Bay, with the southern bedroom enjoying the best view on this aspect. The existing view from the southern bedroom balcony of this apartment is shown below as **Figure 70**.



Figure 70 Existing view – South Bedroom threshold Apartment 45

The apartment has a secondary northerly aspect that enjoys city vistas towards the Hyatt Regency, Barangaroo and the State heritage-listed Corn Exchange building. This view is shown below in **Figure 71**.



Figure 71 Northern view from Apartment 45

What views are to be affected by the proposal?

The view to the west from this apartment is largely urban and is dominated by the Darling Park buildings in the foreground and by the ICC buildings in middle distance. Water views to varying extents are available from each vantage point in the apartment between the existing Cockle Bay building and the western shore of Cockle Bay. The current view from the threshold of the southern bedroom within this apartment is the most affected. As shown, Water views are available from this apartment including the land water interface, but the view is also dominated by the Darling Part and ICC buildings and by the visual barrier of the apartment balcony (for the southern bedroom which is most affected). District views are not available from this level in the building.

From what part of the property the views available from?

Views to the west from apartment 45 are currently available from the living room balcony, and from the thresholds of the north and south bedrooms. Vistas towards the north (which are not affected) are available from the living room and kitchen.

What is the extent of the impact?

When viewed from the living room balcony and the threshold of the northern bedroom the proposed development will be largely hidden by the existing Darling Park towers (**Figures 72-75**). When viewed from the living room and north bedroom, the impact of the building envelope would be likely to impact an existing view of the ICC Hotel in the middle distance and some water views (at an oblique angle) where they aren't already interrupted by the fenestration, columns and enclosed balconies of the existing building.



Figure 72 View impact of northern indicative building mass (living room balcony, Apartment 45)

Source: Virtual Ideas

Figure 73 View impact of southern indicative building mass (living room balcony, Apartment 45)

Source: Virtual Ideas



Figure 74 View impact of northern indicative building mass (north bedroom, Apartment 45)

Source: Virtual Ideas



Figure 75 View impact of northern indicative building mass (north bedroom, Apartment 45)

Source: Virtual Ideas

As the southern bedroom of Apartment 45 currently has a more complete view of Cockle Bay, the impact of the northern and southern indicative building masses on this view is more significant as shown below in **Figure 76** and **Figure 77**. Both the northern and southern indicative building masses are likely to impact water views from this apartment. It is noted that the land water interface though, which is generally more significant, is partially obscured by the balcony of the apartment itself.



Figure 76 View impact of northern indicative building mass (south bedroom, Apartment 45)

Source: Virtual Ideas



Figure 77 View impact of southern indicative building mass (south bedroom, Apartment 45)

Source: Virtual Ideas

Conclusion

The extent of impact should be assessed for the whole of the property, not just the main view that is affected. In this instance there is some impact on the living room balcony which at its oblique angle is considered minor, the northern bedroom is more minor, whilst the impact on the southern bedroom is moderate. Overall, the view loss impact is considered minor to moderate as:

- The proposed development will not alter the predominantly urban character of the existing view;
- The proposed development will not remove district views, iconic views, or views over significant green spaces;
- The greening within the Darling Park Crescent Garden also remains;
- The impact caused by a building mass in the south of the Concept Envelope on the view from the southern bedroom is moderate due to the impact on the existing water views in this location. This impact may be reduced to the extent if the competitive design process results in a more northern built form.
- The main living areas of the apartment (living room, kitchen) have a dual aspect and currently enjoy city views to the north, which include views over state significant heritage assets, which would not be affected by the proposed development.

Because water views are most readily perceived from the private balcony of this bedroom, which is not the primary living area of this unit, this impact leads to a conclusion that finds the impact of the proposed development on the entire apartment is minor to moderate.

4.3.7 Apartment 52 (Level 15)

Introduction

Apartment 52 is located at the middle third of the building (mid-level) and is situated at the southern end of the Sussex Street frontage. The apartment has a single westerly aspect. Apartment 52 is located on a level that is unique within the building, transitioning between the larger floor plates on the lower levels and the smaller floor plates on the higher levels. The two west facing units on this level have a large balcony and a large conservatory located between the balcony and the living areas.

What views are to be affected by the proposal?

The view from the single western aspect of the apartment is urban in character in the foreground with water views are available to the Cockle Bay water. The three existing Darling Park towers are visible in the foreground, the elevation of the apartment also allows a good view of the Darling Park Crescent Garden.

A view of the ICC, ICC Hotel, Novotel and Ibis Hotel is possible through the gap between Darling Park towers 2/3 and Darling Park tower 1 along with the foreshore water interface of Darling Harbour. No district views are available due to the apartment's lower elevation within the building. The existing view from the main balcony of this apartment is shown below as **Figure 78**.



Figure 78 Existing View –Main Balcony Apartment 52

From what part of the property the views available from?

Views from apartment 52 have been assessed from the living room balcony. During our assessment of the view impact from this apartment, this conservatory area appeared to be utilised for storage, which obscured views to the outside from the main living areas of the apartment. This is shown below in **Figure 79**. The view has therefore been assessed from the outside of the conservatory on the main balcony.



Figure 79 View from threshold of living area, Apartment 52

What is the extent of the impact?

As shown above, the majority of the views from the internal living areas of this apartment would not be significantly affected due to their physical separation from the external balcony. While it is accepted that the use of the internal conservatory area may change in future and views from the internal area may improve when compared to that shown in **Figure 79**, the distance that the internal area is setback from the parapet of the balcony means that water views are limited from the internal areas of this apartment.

The most significant impact for this apartment has been assessed to be experienced from main balcony itself. This balcony runs the length of the apartment and can be accessed from the living area and the southern bedroom. In this regard, the existing view and proposed impacts are similar when viewed from the edge of the living room balcony and the edge of the southern bedroom balcony.

When viewed from this point any building within the Concept Envelope is likely to affect a large area of current views of the sky surrounding and above the ICC Hotel, Novotel and Ibis Hotel, and again a large area of the current water views including land water interface. The anticipated impact of the view from this viewpoint is shown below in **Figure 80** and **Figure 81**. However, each option (southern or northern tower form) retains a partial water interface view, either at the north or south of the frame.



Figure 80 View impact of northern indicative building mass (from outside balcony, Apartment 52)

Source: Virtual Ideas



Figure 81 View impact of southern indicative building mass (from outside balcony, Apartment 52)

Source: Virtual Ideas

Conclusion

Although water views from the main balcony (access from both living areas and bedrooms) will be likely to be affected by the proposed development, the overall view impact for this apartment has been assessed as moderate for the following reasons:

- The proposed development will not remove district views, iconic views, or views over significant green spaces;
- The greening within the Darling Park Crescent Garden also remains and will be likely to be improved or augmented by the future development of the Concept Envelope;
- Existing water views are mainly achieved from the external balcony due to the physical separation of the external balcony form from the internal rooms, the conservatory and the internal living areas and as such the water views that are affected are primarily accessed on the external balcony.
- Partial water views are retained. Each option (southern or northern tower form) retains a land water interface view, either at the north or south of the frame.

4.3.8 Apartment 61 (Level 18)

Introduction

Apartment 61 is located within the middle third of the building (mid-level) and is situated at the northern end of the Sussex Street frontage. The apartment has a westerly aspect that enjoys views over Cockle Bay, with the southern bedroom enjoying the best view on this aspect. The existing view from the southern bedroom balcony of this apartment is shown below as **Figure 82**.



Figure 82 Existing view – South Bedroom Apartment 61

The apartment has a secondary northerly aspect that enjoys city vistas towards the Hyatt Regency, Barangaroo and the State heritage-listed Corn Exchange building. This view is shown below in **Figure 83**.



Figure 83 Northern view from Apartment 61

What views are to be affected by the proposal?

The view to the west from this apartment is largely urban and is dominated by the Darling Park buildings in the foreground and by the ICC buildings in middle distance. Water views to varying extents are available from each

vantage point in the apartment between the existing Cockle Bay building and the western shore of Cockle Bay. The current view from the threshold of the southern bedroom within this apartment is the most affected. As shown, Water views are available from this apartment including the land water interface, but the view is also dominated by the Darling Part and ICC buildings. District views are not available from this level in the building although glimpses of the horizon are possible beyond the ICC Hotel where the building articulation of the Darling Park towers built-form allows this.

From what part of the property the views available from?

Views to the west from apartment 61 are currently available from the living room balcony, and from the thresholds of the north and south bedrooms. In this apartment, bedroom north and south have a similar exposure to water views, with the southern bedroom having the better view by a small degree (and is hence modelled as a worst-case scenario below).

Views to the north (which are not affected) are available from the living room and kitchen.

What is the extent of the impact?

When viewed from the living room balcony the Concept Envelope (**Figure 84** and **Figure 85**), and any development within that envelope, will be partially hidden by the existing Darling Park towers. The impact of the building envelope would be likely to impact an existing view of the ICC Hotel in the middle distance and some water views on an oblique angle, though a portion of water view is also maintained.



Figure 84 View impact of northern indicative building mass (living room balcony, Apartment 61)

Source: Virtual Ideas

Figure 85 View impact of southern indicative building mass (living room balcony, Apartment 61)

Source: Virtual Ideas

As the southern bedroom (and northern bedroom which is similar in terms of water views) of Apartment 45 currently have a more complete view of Cockle Bay, the impact of proposed development on this view is more significant as shown below in **Figure 86** and **Figure 87**. Should any future development within the Concept Envelope be located to the north of the envelope then the impact on views from this apartment would be less and more water view retained. A building mass located at the south of the Concept Envelope would be likely to have a greater impact on existing views. Despite this, a building within the Concept Envelope will be unlikely to completely remove the existing view of the Cockle Bay water.



Figure 86 View impact of northern indicative building mass (south bedroom, Apartment 61)

Source: Virtual Ideas



Figure 87 View impact of southern indicative building mass (south bedroom, Apartment 61)

Source: Virtual Ideas

Conclusion

The extent of impact should be assessed for the whole of the property, not just the main view that is affected. In this instance there is some impact on the living room balcony which as it is at an oblique angle (and the expectation to retain under Tenacity is recognised as more difficult) the impact on this view is considered minor, whilst the northern and southern bedroom is considered moderate. Overall, the view loss impact is considered moderate as:

- The proposed development will not alter the predominantly urban character of the existing view;
- The proposed development will not remove iconic views, or views over significant green spaces. District glimpses remain available;
- The view of the greening within the Darling Park Crescent Garden also remains;
- The impact caused by a building mass in the south of the Concept Envelope on the view from the southern and northern bedroom is moderate due to the impact on the existing water views in this location. This impact may be reduced to the extent if the competitive design process results in a more northern built form.
- The main living areas of the apartment (living room, kitchen) have a dual aspect and currently enjoy city views to the north, which include views over state significant heritage assets, which would not be affected by the proposed development.

Although existing water views from this apartment are affected, they are not entirely removed. A portion of water views are retained in the bedrooms and even on the oblique view of the living room balcony. However, as there is still an impact on water views and the land/water interface the impact of the proposed development on the entire apartment is considered moderate.

4.3.9 Apartment 64 (Level 18)

Introduction

Apartment 64 is located at the middle third of the building (mid-level) and is situated at the southern end of the Sussex Street frontage. The apartment has a single westerly aspect.

What views are to be affected by the proposal?

The view from the single western aspect of the apartment is urban in character in the foreground with water views available to the Cockle Bay water and the Darling Harbour water/foreshore interface. The three existing Darling Park towers are visible in the foreground, the elevation of the apartment also allows a good view of the Darling Park Crescent Garden.

A view of the ICC, ICC Hotel, Novotel and Ibis Hotel is possible through the gap between Darling Park towers 2/3 and Darling Park tower 1. District views are available including views of the Anzac Bridge are available beyond the

ICC Hotel, Ibis Hotel and Novotel as well as water glimpses of Blackwattle Bay. The existing view from the living room balcony of this apartment is shown below as **Figure 88**.



Figure 88 Existing View – Living Room Balcony Apartment 64

From what part of the property the views available from?

Views to the west from apartment 64 are currently available from the living room balcony, and from the thresholds of the north and south bedrooms. In this apartment bedroom north and south have a similar exposure to water views, with the southern bedroom having the better view by a small degree (and is hence modelled as a worst-case scenario below).

What is the extent of the impact?

The most significant impact within this Apartment has been assessed to be experienced from the living room balcony. When viewed from this point any building within the Concept Envelope is likely to affect a large proportion of the current district views and views of the sky surrounding and above the ICC Hotel, Novotel and Ibis Hotel, the current water views, including land water interface will also be affected as well as more iconic district views to the Anzac Bridge and the glimpses of Blackwattle Bay. The anticipated impact of the view from this viewpoint is shown below in **Figure 89** and **Figure 90**, with a similar degree of impact occurring between living room balcony and the southern bedroom (**Figure 91** and **Figure 92**) (which has similar exposure to water as the northern bedroom).

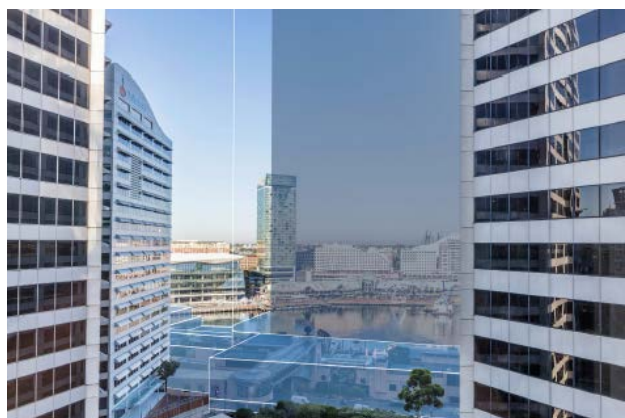


Figure 89 View impact of northern indicative building mass (living room balcony, Apartment 64)

Source: Virtual Ideas

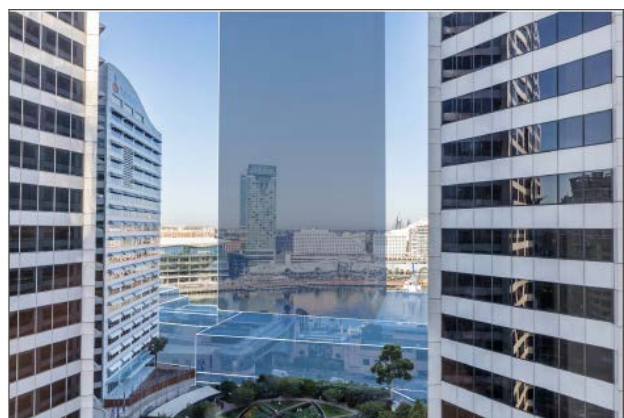


Figure 90 View impact of southern indicative building mass (living room balcony, Apartment 64)

Source: Virtual Ideas



Figure 91 View impact of northern indicative building mass (south bedroom, Apartment 64)

Source: Virtual Ideas



Figure 92 View impact of southern indicative building mass (south bedroom, Apartment 64)

Source: Virtual Ideas

Conclusion

The likely impact of a development within the Concept Envelope on views from this apartment is high. Water views are affected from the living room and the bedrooms and the sky and district iconic views will likely be affected such as the view of the Anzac Bridge. However, partial views of the water and sky are retained for both a northern and southern indicative tower form within the Concept Envelope. This is either preserved in one view or split into two depending on whether a southern or northern tower option is provided within the envelope. The degree of impact can be assessed as moderate to severe.

4.3.10 Apartment 89 (Level 25)

Introduction

Apartment 89 is located within the top third of the building (high level) and is situated at the northern end of the Sussex Street frontage. The apartment has a westerly aspect that enjoys views over Cockle Bay, with the southern bedroom enjoying the best view on this aspect. The existing view from the southern bedroom balcony of this apartment is shown below as **Figure 93**.



Figure 93 Existing view – South Bedroom Apartment 89

The apartment has a secondary northerly aspect that enjoys city vistas towards the Hyatt Regency, Barangaroo and the State heritage-listed Corn Exchange building. The elevation of this apartment within the building allows for district and harbour views to be achieved to the north beyond the Hyatt Regency Hotel. In particular, Sydney Harbour views to the west of Barangaroo towards Goat Island are available. This view is shown below in **Figure 94**.



Figure 94 Northern view from Apartment 89

What views are to be affected by the proposal?

Views to the north from this apartment will not be affected by the proposed development.

The view to the west from this apartment is largely urban and is dominated by the Darling Park buildings in the foreground and by the ICC buildings in middle distance. Water views are available from each vantage point in the apartment between the existing Cockle Bay building and the western shore of Cockle Bay including the land water interface. The current view from the threshold of the southern bedroom within this apartment is the most affected. District views are visible from this level in the building beyond the hotel buildings located on the western shore of Cockle Bay, though the Anzac Bridge or water of Blackwattle Bay do not appear in the montages.

From what part of the property the views available from?

Views to the west from apartment 89 are currently available from the living room balcony, and from the thresholds of the north and south bedrooms. In this apartment bedroom north and south have a similar exposure to water views, with the southern bedroom having the better view by a small degree (and is hence has been modelled as a worst-case scenario below).

Views to the north (which are not affected) are available from the living room and kitchen.

What is the extent of the impact?

When viewed from the threshold of the northern bedroom any building within the Concept Envelope will be partially hidden by the existing Darling Park towers. The predominant view from the living room is to the north as shown in **Figure 94**, this view will not be affected by the proposed development.

As the southern bedroom of Apartment 89 (and to a lesser extent the northern bedroom) currently have a more complete view of Cockle Bay, the impact of a development within the Concept Envelope on this view is more significant, as shown below in **Figure 95** and **Figure 96**. Should any future development within the Concept Envelope be located to the north of the envelope then the impact on views from this apartment would be less. A building mass located at the south of the Concept Envelope would be likely to have a greater impact on existing views. Despite this, a building within the Concept Envelope would be unlikely to completely remove the view of the Cockle Bay water.

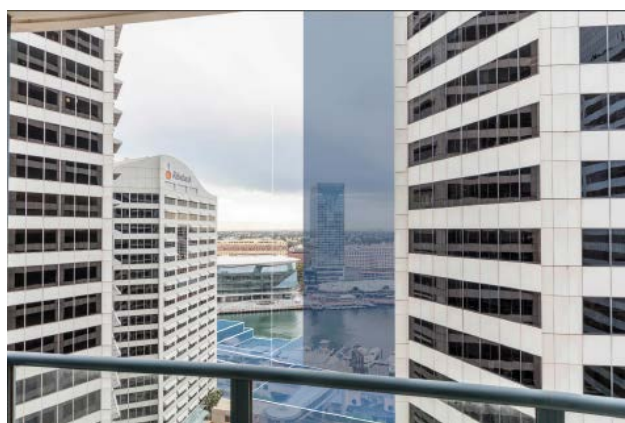


Figure 95 View impact of northern indicative building mass (south bedroom, Apartment 89)

Source: Virtual Ideas

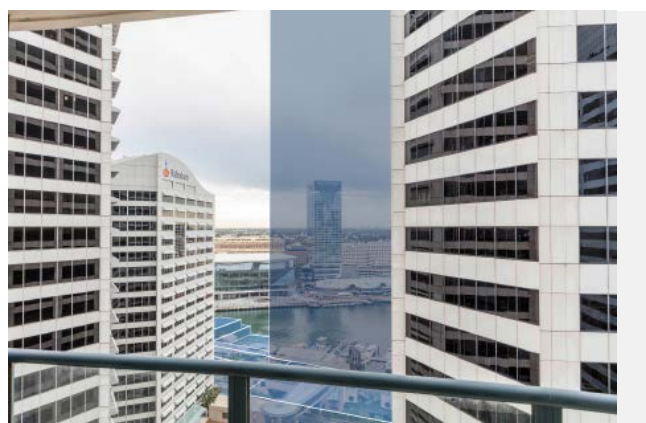


Figure 96 View impact of southern indicative building mass (south bedroom, Apartment 89)

Source: Virtual Ideas

Conclusion

The overall view impact for this apartment has been assessed as moderate for the following reasons:

- Although existing water views from this apartment are reduced, they are not entirely removed, and a partial land water interface view is retained.

- Additionally, due to the elevation of the unit within the building, secondary water views are possible from the main living areas within the apartment. These view, including views of the Sydney Harbour, to the east of Barangaroo looking towards Goat Island, which will not be affected by the proposed development. These highly significant views therefore remain.

4.3.11 Apartment 96 (Level 26)

Introduction

Apartment 96 is located at the top third of the building (high level) and is situated at the southern end of the Sussex Street frontage. The apartment has a single westerly aspect.

What views are to be affected by the proposal?

Although the view from the single western aspect of the apartment is predominantly urban, water views and district views are available to Cockle Bay and to the Sydney Harbour, Anzac Bridge, and Parramatta River beyond. The existing view from the living room balcony of this apartment is shown below as **Figure 97**.

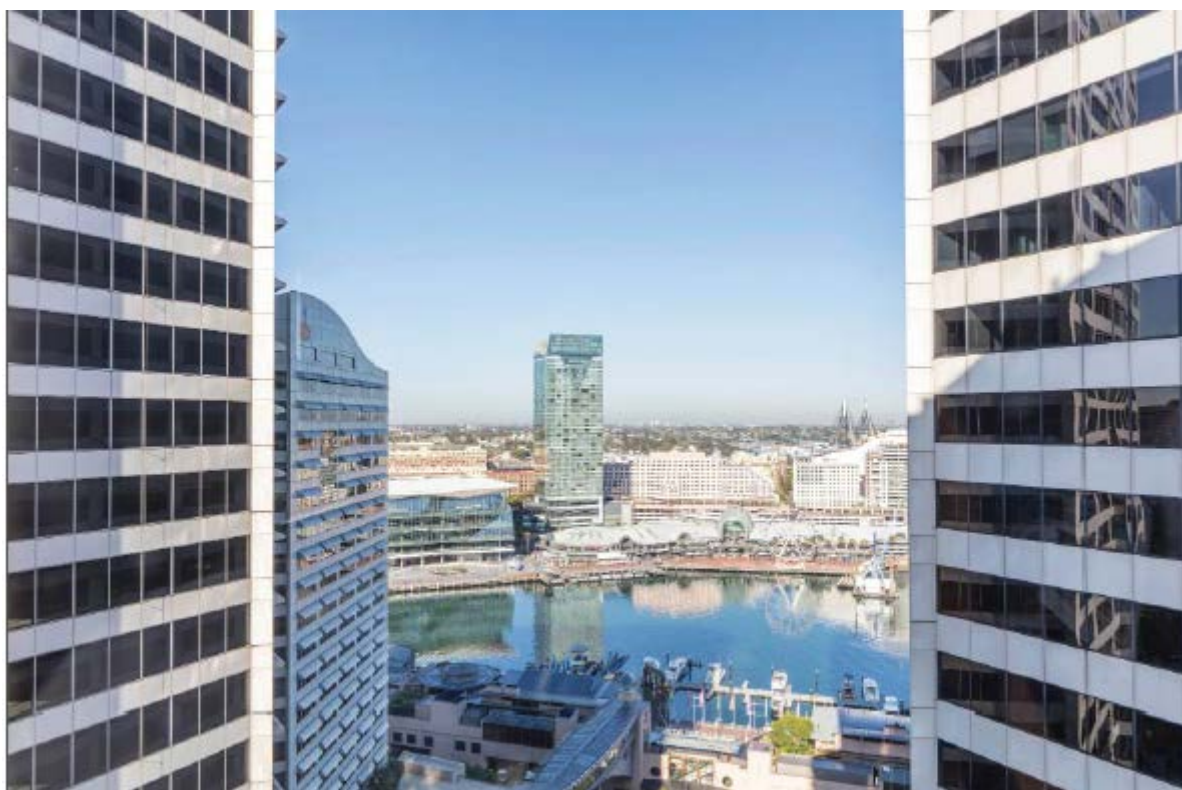


Figure 97 Existing View – Living Room Balcony Apartment 96

Although the proximity of the building to surrounding commercial towers, including the Darling Park building to the west, gives the views from the Astoria tower an urban character, the elevation of this apartment allows for district and water views not just to the west but also to the northwest, as shown below in **Figure 98**.

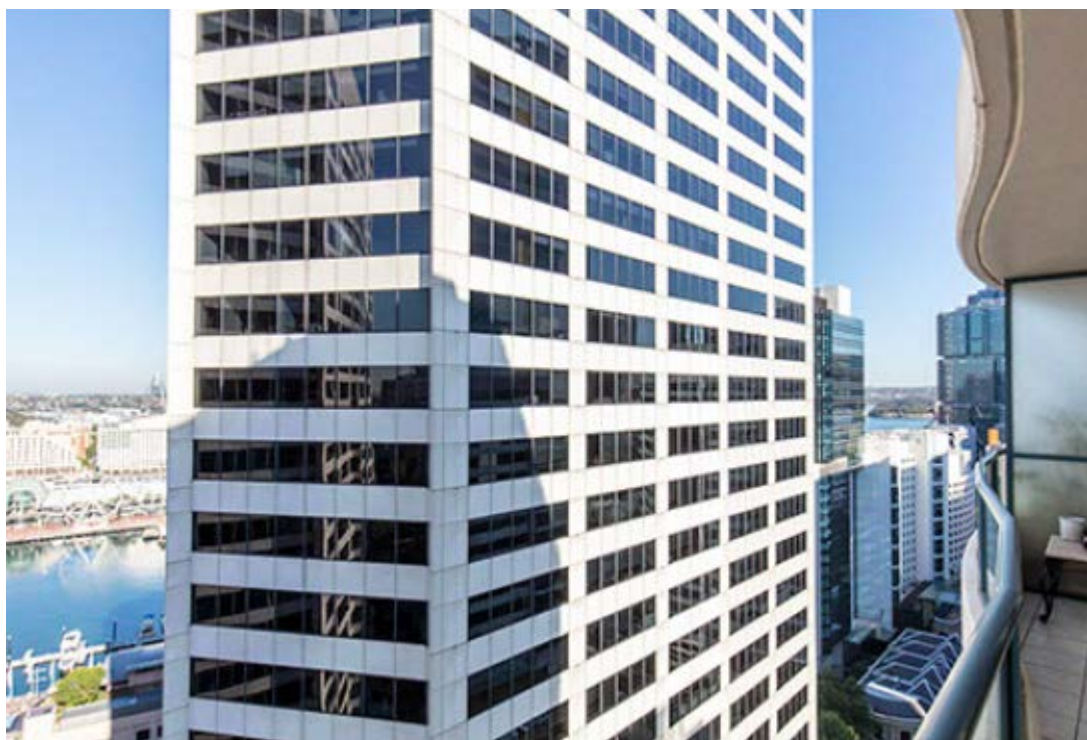


Figure 98 Oblique view to the north west from Apartment 96

From what part of the property the views available from?

Views from apartment 96 are available from the living room balcony and from the thresholds of the north and south bedrooms. In this apartment bedroom north and south have a similar exposure to water views, with the southern bedroom having the better view by a small degree (and is hence has been modelled as a worst-case scenario below).

What is the extent of the impact?

The most significant impact within this Apartment has been assessed to be experienced from the living room balcony (**Figure 99** and **Figure 100**). When viewed from this point a building within the Concept Envelope is likely to affect a large proportion of the current westerly views. Development within the Concept Envelope is likely to affect views to Cockle Bay, as well as views to Anzac Bridge and the glimpses of Blackwattle Bay beyond. From this perspective, it would be possible to protect views to the Anzac Bridge by focussing any development within the Concept Envelope to the south of the site. Further, a building within the Concept Envelope will be unlikely to completely remove the existing view of the Cockle Bay water with the retention of some land/water interface in both the southern and northern built form option.

For the southern bedroom (which has similar exposure to water as the northern bedroom), the current water views, including land water interface will also be affected as well as district views to the Anzac Bridge and the glimpses of Blackwattle Bay (**Figure 101** and **Figure 102**). Although again in this instance a not insignificant portion of land/water interface remains.

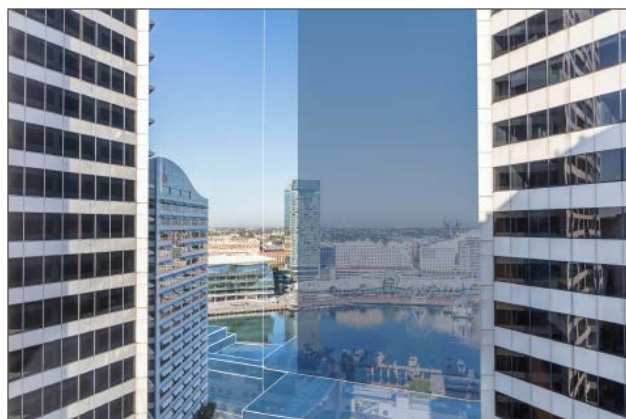


Figure 99 View impact of northern indicative building mass (living room balcony, Apartment 96)

Source: Virtual Ideas



Figure 100 View impact of southern indicative building mass (living room balcony, Apartment 96)

Source: Virtual Ideas

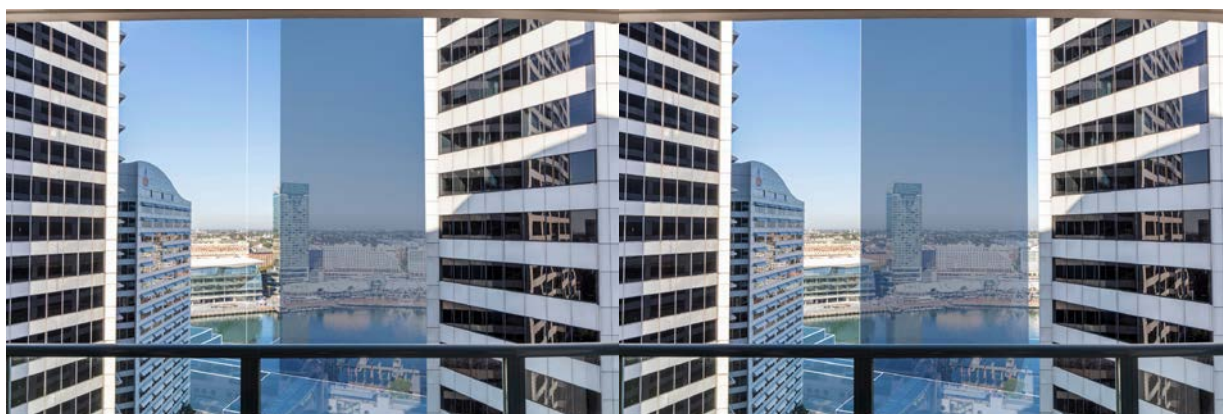


Figure 101 View impact of northern indicative building mass (south bedroom, Apartment 96)

Source: Virtual Ideas

Figure 102 View impact of southern indicative building mass (south bedroom, Apartment 96)

Source: Virtual Ideas

Conclusion

The overall view impact for this apartment has been assessed as moderate to severe for the following reasons:

- Although existing water views from this apartment are reduced, they are not entirely removed, and not insignificant portion of land/water interface remains.
- District views to the Anzac Bridge and glimpses of Blackwattle Bay are affected for both the living rooms and bedrooms though a more southern tower location would reduce this impact.
- However, this is balanced somewhat in that the elevation of the unit within the building, secondary water views are possible from the main living areas within the apartment. These view, including views of the Sydney Harbour, to the east of Barangaroo looking towards Goat Island, which will not be affected by the proposed development. These highly significant views therefore remain.

4.3.12 Apartment 100 (Level 27)

Introduction

Apartment 100 is located directly above Apartment 96 and as such the view impact to the west is generally consistent.

What views are to be affected by the proposal?

The existing view from the threshold of the living room balcony within Apartment 100 is shown as **Figure 104**. The anticipated impact of a northern and a southern indicative building mass on this view is shown in **Figure 105** and **Figure 106**.

Similar to Apartment 96, although the proximity of the building to surrounding commercial towers, including the Darling Park building to the west, gives the views from the Astoria tower an urban character, the elevation of this apartment allows for district and water views not just to the west but also to the northwest, as shown below in **Figure 103**.



Figure 103 Oblique view to the north west from Apartment 100



Figure 104 Existing View– Southern Bedroom Threshold Apartment 100

From what part of the property the views available from?

Consistent with Apartment 96, views from Apartment 100 are available from the living room balcony and from the thresholds of the north and south bedrooms. In this apartment bedroom north and south have a similar exposure to water views, with the southern bedroom having the better view by a small degree (and is hence modelled as a worst-case scenario below).

What is the extent of the impact?

The most significant impact within this Apartment has been assessed to be experienced from the living room balcony (**Figure 105** and **Figure 106**). When viewed from this point a building within the Concept Envelope is likely to affect a large proportion of the current westerly views. Development within the Concept Envelope is likely to affect views to Cockle Bay, as well as views to Anzac Bridge and the glimpses of Blackwattle Bay beyond. From this perspective, it would be possible to protect views to the Anzac Bridge could by focussing any development within the Concept Envelope to the south of the site. Further, a building within the Concept Envelope will be unlikely to completely remove the existing view of the Cockle Bay water with the retention of some land/water interface in both the southern and northern built form option.

For the southern bedroom (which has similar exposure to water as the northern bedroom), the current water views, including land water interface will also be affected as well as district views to the Anzac Bridge and the glimpses of Blackwattle Bay (**Figure 107** and **Figure 108**). Although again in this instance a not insignificant portion of land/water interface remains.

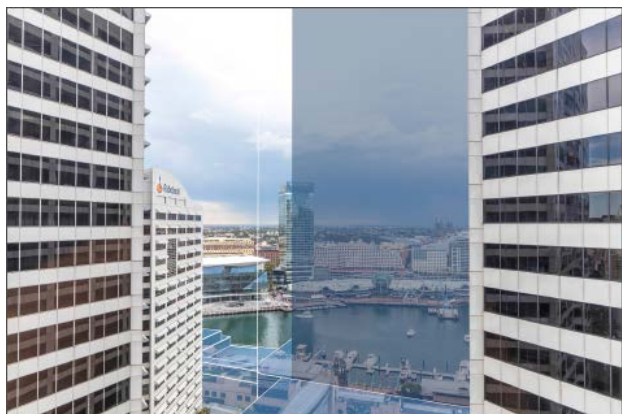


Figure 105 View impact of northern indicative building mass (living room balcony, Apartment 100)

Source: Virtual Ideas

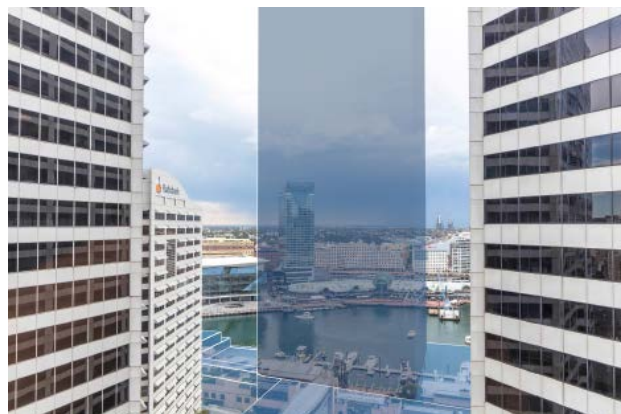


Figure 106 View impact of southern indicative building mass (living room balcony, Apartment 100)

Source: Virtual Ideas

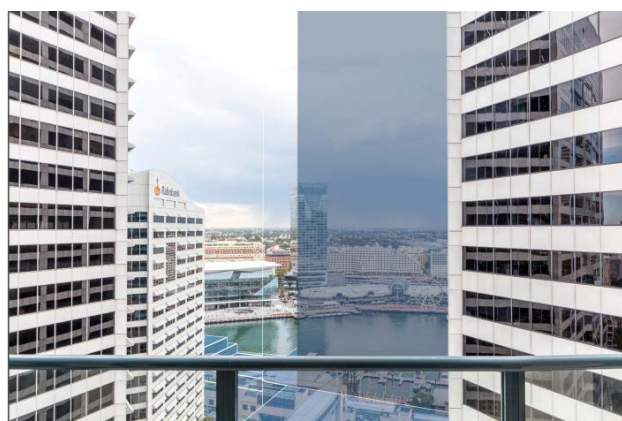


Figure 107 View impact of northern indicative building mass (Southern Bedroom, Apartment 100)

Source: Virtual Ideas

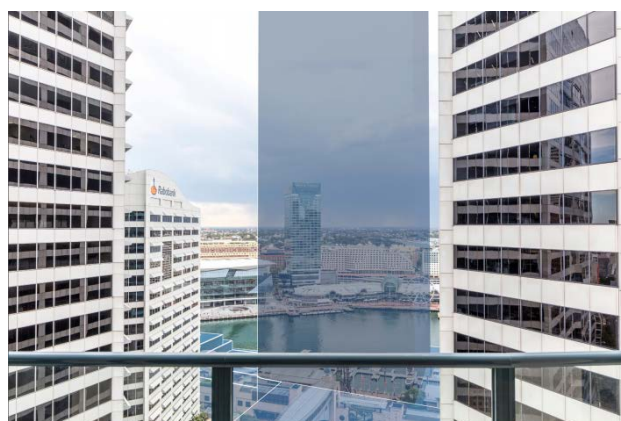


Figure 108 View impact of southern indicative building mass (Southern Bedroom, Apartment 100)

Source: Virtual Ideas

Conclusion

The overall view impact for this apartment has been assessed as moderate to severe for the following reasons:

- Although existing water views from this apartment are reduced, they are not entirely removed, and not insignificant portion of land/water interface remains.
- District views to the Anzac Bridge and glimpses of Blackwattle Bay are affected for both the living rooms and bedrooms.
- However, this is balance somewhat in that the elevation of the unit within the building, secondary water views are possible from the main living areas within the apartment. These view, including views of the Sydney Harbour, to the east of Barangaroo looking towards Goat Island, which will not be affected by the proposed development. These highly significant views therefore remain.

4.4 'Millennium Towers', 289 Sussex Street

Introduction

Millennium Towers is a residential building located at 289 Sussex Street and 158-166 Day Street, Sydney. The building has twenty-one (21) residential storeys is located approximately 210m from the Cockle Bay waterfront and approximately 195m from the southern end of the Site.

What views are to be affected by the proposal?

The proposed built form within the Concept Envelope will be likely to affect views from this building to the north. Views from this location are generally urban in nature and are dominated by the Western Distributor in the near-field. The existing Darling Park towers and the site of under construction 'The Ribbon' dominate the view in the middle-distance. Beyond these existing towers it will be possible to view some of Cockle Bay water, Pyrmont Bridge, and beyond that the Maritime Museum and Pyrmont. An indicative view from this location is provided below as **Figure 109**.



Figure 109 Indicative view north from Millennium Towers

Source: <http://www.millenniumtowers.com.au/location/views/>

From what part of the property the views available from?

Views to the north are available to some extent from residential apartments with a northerly aspect, as well as from the roof-top communal open space, as shown in **Figure 109**. Affected views from this property would be available, and likely affected, from residential unit located above RL 29.60 m and below RL 55.00 m as shown below in **Figure 110**.

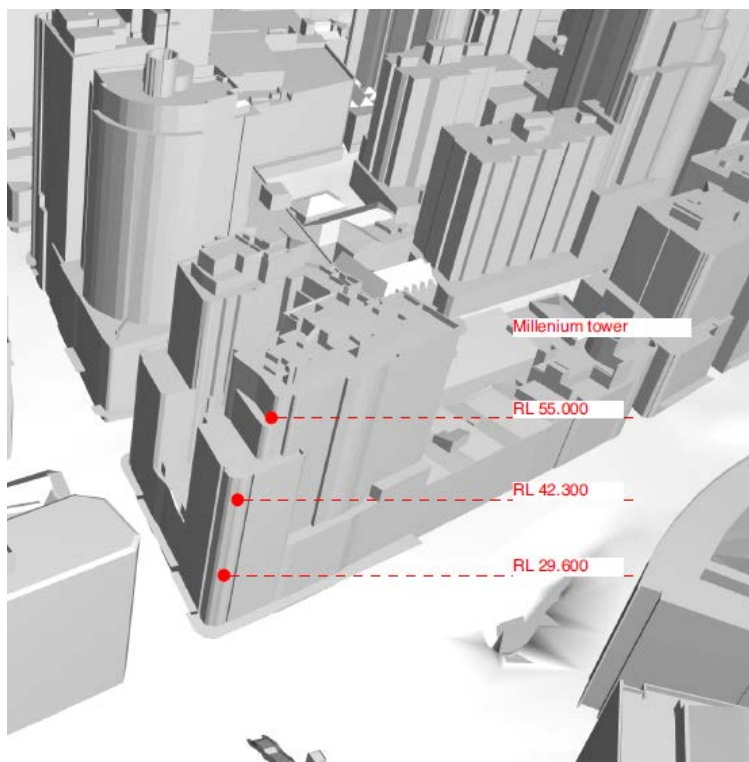


Figure 110 Modelled indicative image locations (Millennium Towers)

Source FJMT

What is the extent of the impact?

The impact of the proposed development would be to introduce an additional tower to the middle distance, replacing the existing low-rise cockle bay wharf building with an additional tower with a maximum height of 183m and a maximum façade length of 60m.

The introduced tower form would be partially obscured behind the existing Darling Park Three tower. The further towards the south of the Concept Envelope a tower form is positioned the greater the amount of tower that would be visible behind Darling Park Three. Darling Park Three is shorter than both Darling Park One and Darling Park Two, and as such, the introduced tower form (at up to 183m) would be visible above and behind Darling Park Three. An illustration of the anticipated impact is provided below as **Figure 111** to **Figure 113**.

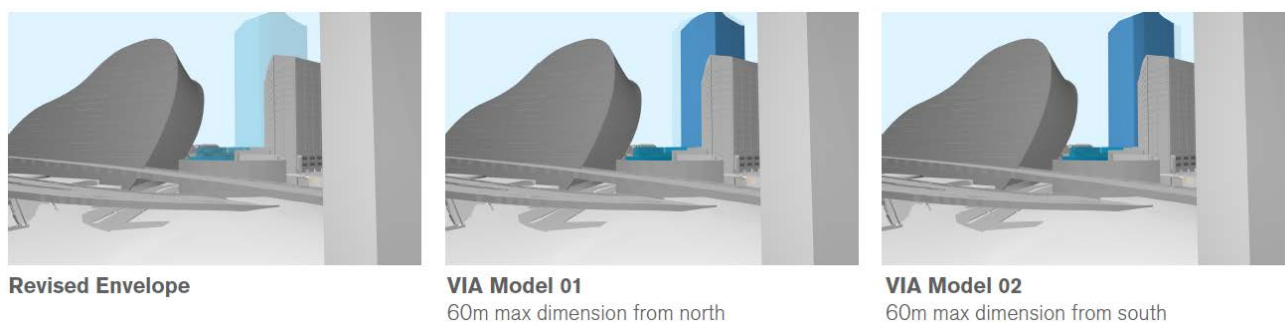


Figure 111 Indicative view impact on Millennium Towers (viewed from RL29.60m)

Source: FJMT



Figure 112 Indicative view impact on Millennium Towers (viewed from RL 42.30 m)

Source: FJMT



Figure 113 Indicative view impact on Millennium Towers (viewed from RL 55.00 m)

Source: FJMT

The Concept Envelope will deliver a podium form at the south of the Site that is of a similar scale to the existing building, as such, any existing views at these levels of the building would be expected to be unaffected. Where views of Cockle Bay water and Pyrmont Bridge are currently available within this building, these views are unlikely to be affected by the podium element of the Concept Envelope.

The proposed development would introduce an additional tower element into a vista that is dominated in the near and middle distance by other urban elements, including existing towers and the Western Distributor. As shown in **Figures 111 – 113**, due to the separation of the viewpoint from the site, the relative elevation of the vantagepoint does not significantly affect the significance of the view impact. The new tower element within the Concept Envelope, although taller than the existing Darling Park Towers, would be unlikely to appear out of character with these existing structures due to the additional separation from the view point of the existing and proposed developments.

Although the introduction of an additional tower element may affect some existing views of the Cockle Bay water or Pyrmont Bridge, these impacts would be reasonable in the context of the existing urban character of the vistas and minor in the context of other recently approved developments that would have also affected views to the Cockle Bay water and Pyrmont Bridge from this location such as 'The Ribbon', which is approved and currently under construction.

Overall, the impact of the proposed development on this viewpoint is likely to be minor given its vistas are part of an overall CBD context and relative distance from the site which means the proposal is read within a CBD context and collection of other towers. Subject to the competitive process, locating the tower form within the Concept Envelope towards the north of the Site would reduce the view loss experienced. This as an option can be explored in the competitive process.

4.5 60 Bathurst Street

Introduction

The approved development at 60 Bathurst Street (286-296 Sussex Street), which is currently under construction, is for a 26 storey, mixed use building comprising hotel uses within the podium, a tower above containing 95 residential apartments. The development was approved in May 2017 and the consent has since been modified three times, most recently in April 2018.

What views are to be affected by the proposal?

The proposed development will be likely to affect views from this building to the west. Views from this location will be generally urban in nature and will be dominated by the Western Distributor in the near-field, the existing Darling Park towers and the site of 'The Ribbon' dominate the view in the middle-distance. Beyond these existing towers it will be possible to glimpse views of the Cockle Bay water and the Harbourside shopping centre.

From what part of the property the views available from?

Views to the north are available to some extent from residential apartments with a westerly aspect. Views would be possible from units between a height of RL 57.20m and RL 89.50m as shown below in **Figure 114**.

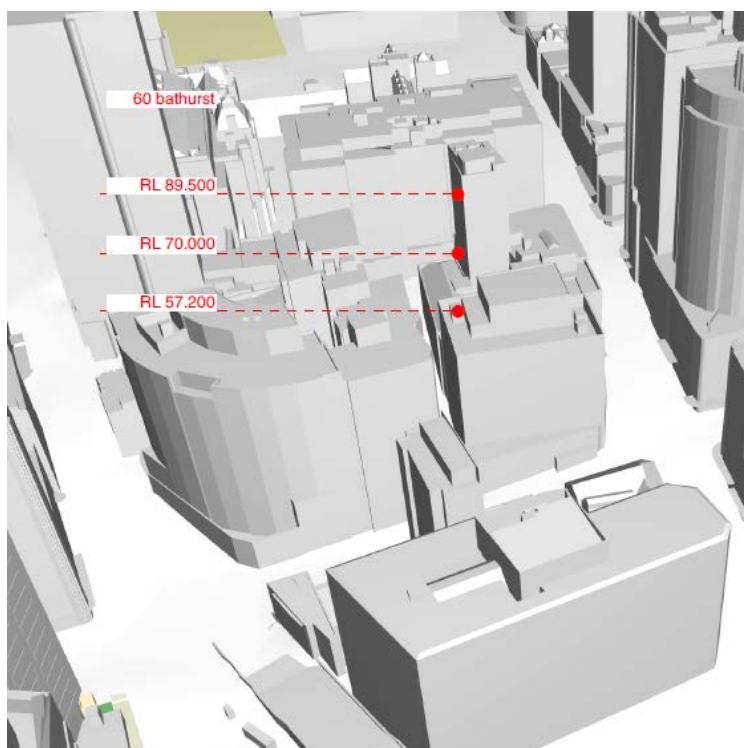


Figure 114 Modelled indicative image locations (60 Bathurst)

Source FJMT

What is the extent of the impact?

The proposed Concept Envelope will be likely to be visible from most levels within the future building. The tower element of the Concept Envelope will be visible behind the existing Darling Park towers while the majority of the podium element will be obscured by these existing structures. Due to the location of the existing Darling Park towers the Concept Envelope is not expected to obscure water views, nor views to Pyrmont Bridge, from any location within the future development as these views are not available to the proposed development in event, by virtue of the existing built form in the CBD and at Darling Park.

The view impact of the proposed development has been modelled from three indicative locations within this building, as shown in **Figure 116**. An illustration of the anticipated view impact of a building with a maximum façade length of 60m within the proposed Concept Envelope is provided below as **Figure 116** to **Figure 118**.

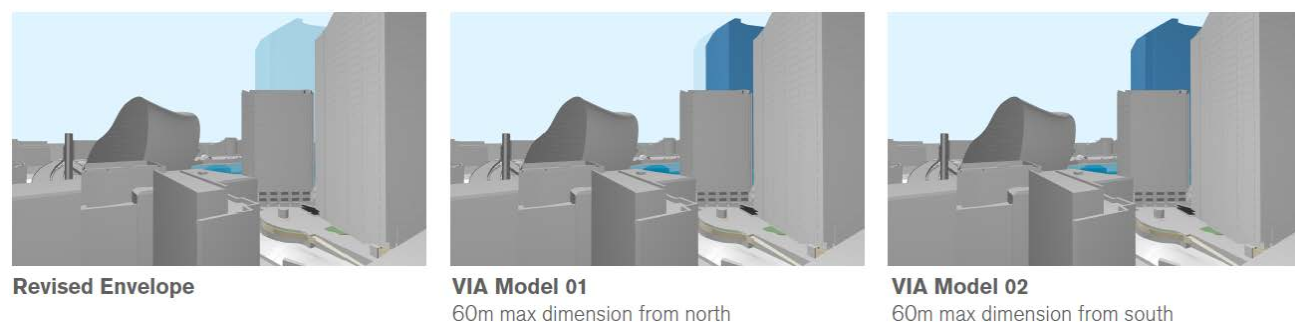


Figure 115 Anticipated view impact from 60 Bathurst Street (viewed from RL57.20m)

Source: FJMT



Figure 116 Anticipated view impact from 60 Bathurst Street (viewed from RL70.00m)

Source: FJMT



Figure 117 Anticipated view impact from 60 Bathurst Street (viewed from RL 89.50m)

Source: FJMT

As shown in **Figures 115 – 117**, due to the separation of the viewpoint from the site and its relative location behind the existing Darling Park towers, the relative elevation of the vantage point does not significantly affect the significance of the view impact.

The impact of the proposed development on this vista is considered to be negligible when the tower element is situated in a northern or a southern location within the Concept Envelope for the following reasons:

- the majority of the concept envelope will be obscured by the existing Darling Park towers;

- Given its vistas are part of an overall CBD context and the relative distance from the proposal, which means the proposal is read within a CBD context and collection of other towers;
- any elements of a building podium or tower within the Concept Envelope that are visible from 60 Bathurst Street will not be out of character with the urban nature of this vista; and
- water views to the south of the Concept Envelope of Cockle Bay are retained.

4.6 Conclusion

A summary of the assessed view impact from each assessed apartment within the Astoria Tower is provided as **Table 2**.

Table 2 Summary of assessed locations

Location	Building Level	Location Within Building	Assessed Form	Extent of Impact
Astoria Apartment 17	Low	North	Northern tower	Negligible
			Southern tower	Negligible
Astoria Apartment 20	Low	South	Northern tower	Moderate
			Southern tower	Moderate
Astoria Apartment 21	Low	North	Northern tower	Negligible
			Southern tower	Negligible
Astoria Apartment 37	Mid	North	Northern tower	Minor to Moderate
			Southern tower	Minor to Moderate
Astoria Apartment 40	Mid	South	Northern tower	Moderate to severe
			Southern tower	Moderate to severe
Astoria Apartment 45	Mid	North	Northern tower	Minor to Moderate
			Southern tower	Minor to Moderate
Astoria Apartment 52	Mid	South	Northern tower	Moderate
			Southern tower	Moderate
Astoria Apartment 61	Mid	North	Northern tower	Moderate
			Southern tower	Moderate
Astoria Apartment 64	Mid	South	Northern tower	Moderate to severe
			Southern tower	Moderate to severe
Astoria Apartment 89	High	North	Northern tower	Moderate
			Southern tower	Moderate
Astoria Apartment 96	High	South	Northern tower	Moderate to severe
			Southern tower	Moderate to severe
Astoria Apartment 100	High	South	Northern tower	Moderate to severe
			Southern tower	Moderate to severe
289 Sussex Street	RL 29.60 m	N/A	Northern tower	Minor
			Southern tower	Minor
	RL 42.30 m	N/A	Northern tower	Minor
			Southern tower	Minor
	RL 55.00 m	N/A	Northern tower	Minor
			Southern tower	Minor
60 Bathurst Street	RL 57.20 m	N/A	Northern tower	Negligible
			Southern tower	Negligible

Location	Building Level	Location Within Building	Assessed Form	Extent of Impact
	RL 70.00 m	N/A	Northern tower	Negligible
			Southern tower	Negligible
	RL 89.50 m	N/A	Northern tower	Negligible
			Southern tower	Negligible

What is the reasonableness of the proposal?

As shown above, an assessment of the view loss to existing and proposed private residential apartments has been undertaken based upon photographs taken from viewpoints within the neighbouring Astoria apartment building, and also based on vistas developed within the architectural models provided when no photographs were available.

When viewed from some locations within Astoria building the view impact is anticipated to be negligible, minor, moderate or severe depending on the level within the building. View locations at the low and mid-levels of the Astoria receive some impacts as do not benefit from the district views that are available from those units within the higher levels. Apartments of the Astoria at the upper levels receive significant impacts on water and land/water interface views and some district views. However, in most instances partial water views are retained and, in some instances, other vistas or views towards the Harbour to the north are available. More significantly affected apartments also tend to be located at the southern side of the tower because these southern units do not benefit from the secondary northern aspect, which is enjoyed by each level above level six.

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. Whilst an impact on an individual apartment can be classified as moderate or severe for some apartments (though not all in this assessment), consideration of the building in its totality, within its CBD context and within the context of the wider public benefits of the Concept DA must also be considered to determine whether a proposal is reasonable on balance. Whilst there are impacts on private views as assessed in this section those apartments still capture daylight, have sky exposure as well as outlook over the green space of the Crescent Gardens and in most instances partial water views are retained.

In terms of the broader public benefits of the proposal, the Cockle Bay Park redevelopment will create up to 15,000m² of new 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, in addition to the numerous other public benefits (as outlined in the EIS and RTS), 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 viable Concept Envelope that further reduced private view loss while maintaining the same level of improvement to the public domain, although it is acknowledged that the competitive design process does offer opportunities to further refine the qualitative impacts of the conclusions reached for this Stage 1 Concept DA with regards to view impacts through a competitive design excellence process.

The City of Sydney considered the protection of views within the 2016 Central Sydney Planning Strategy, within this document it was noted:

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. (our emphasis)

It is clear, based on this recent draft strategic planning strategy document, that residents in the Central Sydney area should not consider their existing views beyond impact from future development within the CBD. Preventing, or otherwise restricting, commercial development within the CBD of a world city in order to protect the privately-owned views in their entirety would be an anathema to the maintenance of a functional business district.

Notwithstanding, the tower envelope has been specifically located to balance multiple environmental planning 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, Millennium Towers and the future 60 Bathurst Street and in most instances a partial water view. 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 as well as outlook over the green space of the Crescent Gardens, which will be further augmented by the public domain improvements offered by the proposal. 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 Summary and Conclusions

This View and Visual Impact Assessment provides supplementary assessment of the anticipated impact of the proposed development and should be read alongside the VIA included as part of the 2017 EIS. The conclusions of that VIA remain valid and sound with respect to both the amended envelope and the additional view assessments undertaken in this report.

Modifications made to the Concept Envelope since the preparation of the 2017 EIS have retained an emphasis 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 masses.

When considering the impact of the future development within the Concept Envelope on the views experienced within existing and future private residences it should be noted that controls will be in place to ensure that any building on the site will exhibit design excellence and that the full extent of the concept envelope will not be built out. The supplementary VIA has considered the location of a southern and northern built form that reflects the development controls for the Concept Envelope. This has been used to derive an assessment for each apartment for which additional access was granted. However, the design excellence process may further refine the exact qualitative impact to each affected apartment. Nonetheless, this assessment concludes on balance the view 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 and the Corn Exchange;
- Visual connectivity to other heritage items in the vicinity is not detrimentally affected by the Concept Proposal;
- The Concept Proposal continues with the evolution and change to the character of Darling Harbour, providing the opportunity to deliver an iconic building mass 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 to 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 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 proposed development 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.
- 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.
- 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 Concept Proposal will impact existing westerly views from the Astoria Tower, Millennium Towers, and the future views from 60 Bathurst Street to varying degrees. An assessment of these views, or future views, has been undertaken and the impacts have been found to be reasonable.
- 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 (public views) take precedence over private good (private views) where change is proposed on the harbour or within its foreshores.
- 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. However, it is by virtue of the location of that open space that view impacts are caused to private residences.
- It is considered that a more 'skilful design' of the Concept Envelope 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. The process of design for the final outcome of the site is yet to commence and will be shaped and refined through a robust and transparent competitive design process.
- 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. In many instances partial water views or vistas over green space such as the Crescent Garden remain available.

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.