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Dear Mr Schofield

Re: SSD-4972, Four Points by Sheraton Expansion - 161 Sussex Street, Sydney

In response to the State Significant Development application for the expansion of the existing Four Points by Sheraton Hotel at 161 Sussex Street, DEXUS Property Group make the following submission.

DEXUS Property Group manages and owns 383 Kent Street to the immediate east of the Four Points Hotel that is subject State Significant Development (SSD-4972). Our site consists of a car parking building on the lower levels and a commercial building on the upper levels.

While we appreciate that the period in which to lodge submissions has now closed, we wish to present our concerns to the State Significant Development SSD-4972 and also request further information is provided by the proponent to address these concerns. In summary our key concerns with the proposal are as follows:

- The scale and massing and context of the proposal in relation to the topography and built form of the CBD, and the proposals inconsistency with the stepping down of built form from the ridge line of George Street to the water's edge of Darling Harbour.
- The inconsistency of the proposal with the objectives of the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* and the *Sydney Harbour Development Control Plan*.
- The impact of the proposal on the existing open nature of the public domain at the intersection of Sussex Street and Market Street, and the increased level of enclosure that the proposal will have on the surrounding public domain.
- The impact of the proposal on the existing views immediate views from our site to the Darling Harbour precinct and water, and the distant views to the west from our site.
- Loss of iconic views to Centre Point Tower from the Pyrmont Bridge.

Each of these issues is discussed in detail below:

Scale, Massing and Context

A review of the proponents Architectural Design Statement prepared by Cox Richardson has identified that the proposed tower scale and bulk is justified as follows:

In an east west orientation, the tower scale reinforces both the topography and built form of the CBD. It acknowledges and reinforces the stepping-down and reduction of scale from the ridge line of George Street to the lower scale of Sussex Street. As viewed from the public domain of western Darling Harbour, a layering of built-form is evident beyond the proposed tower as the CBD scale increases to the east, rising to the George Street ridgeline.

In our opinion the proposed tower is out of context with the scale of development on the western side of Sussex Street (between Market Street and King Street) and the water's edge of Darling Harbour.

The proposed tower does not respect the topography and built form of this precinct which primarily consists of smaller scale development, before stepping up in height and scale to the east up to the ridgeline of the CBD. The proposed tower, in combination with the existing hotel building envelope will create a very large "wall" effect which is inconsistent with the western fringe of the city.

Traditionally, heights of buildings at the scale of the proposed tower within the Sydney are generally located on the upper levels of the sloping western topography of the CBD and not as close to the water's edge as the proposed tower.

If approved this proposal may set a precedent for future development on the eastern side of Sussex Street of a similar scale and bulk, with a resultant extended wall along the western fringe of the CBD.

Inconsistency of the Proposal with the Relevant Strategic Planning Objectives

Having reviewed the relevant statutory and strategic planning controls relating to the site, we consider the proposal is inconsistent with the objectives of *Sydney Regional Environmental (Sydney Harbour Catchment) 2005 (SREP)*.

Clause 26 of the SREP gives provision for the maintenance, protection and enhancement of views to and from Sydney Harbour. Specifically the Clause outlines:

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.*

The proposal, in our opinion is not in accordance with the provisions of the SREP and results in the loss of views to Darling Harbour from our property (383 Kent Street) and will have a significant impact on the existing water views from 383 Kent Street to the south west.

Whilst our property is a commercial building, and not generally afforded the same view privileges as a residential building does, the existing views of Darling Harbour will nonetheless be lost to the detriment of our tenants.

Subsequently, we consider this may have future economic impacts through the potential decline in future tenancy occupation or value of this floor space.

Impact on the Open Nature of the Intersection of Sussex Street and Market Street

The intersection of Sussex Street and Market Street currently has a very open nature and character at the public domain level. This is presumably out of respect for the heritage buildings located at the intersection, and to reinforce the expansive view corridor from the York and Market Street intersections,

down to Darling Harbour, and from the Pyrmont Bridge up to the natural ridgeline of the CBD, and the Centre Point Tower.

The open nature and character of the intersection is reinforced by the significant setback of the Darling Park northern tower, which creates a generous public domain area.

We consider that the proposed scale, bulk and height adjacent this intersection will alter the open character of the public domain through an increased sense of enclosure.

Whilst the proponent considers that the tower element of the proposal is sufficiently setback from the Corn Exchange building to mitigate any heritage impacts, we consider that this setback and the bulk and scale of the tower will have an overbearing impact on the public domain of this intersection.

View Loss from 383 Kent Street

The Visual Impact Assessment (VIA) prepared by GMU that accompanies the proposal considers a number of surrounding viewpoints. It is noted that the VIA fails to consider the views from our building located immediately opposite the site to east.

As previously mentioned a commercial building does not generally afford the same view privileges as a residential building does, however we still consider that our existing views, particularly on the upper floors of the building are significant views to both water and the land interface.

The views to the south west of upper floors of 383 Kent Street look directly onto Darling Harbour in the immediate locality, whilst further distant views to the west of the wider Sydney Metropolitan area are also enjoyed from the upper floors of the building. We consider these views are significant, and equally of importance to our tenants. Therefore it is requested that the future assessment of the proposal, including an appropriate height and scale of the tower element give consideration to the existing views from 383 Kent Street. We would welcome the proponent undertaking a view assessment from multiple floor levels of our building, and specifically request that the Department of Planning and Infrastructure require the proponent to undertake these assessments.

Therefore it is our opinion that the VIA provided with the application is inadequate and does not address the impact the development will have on our building and our immediate neighbours.

Loss of iconic Views to Centre Point Tower

We have reviewed the submitted VIA prepared by GMU and the Environmental Impact Statement (EIS) prepared by JBA. As demonstrated in the extracted Figure 27 below from the submitted EIS, we consider the proposal will result in a significant loss to an iconic view of Centre Point Tower from the Pyrmont Bridge.



Before



After

Extract: JBA EIS - Figure 27

The loss or impacts on views from this locality as a result of the proposal are considered significant for the following reasons:

- The proposed building envelope and overall scale, bulk and height of the proposal is significantly greater than that of the existing buildings in this locality, and will result in a loss of view towards an iconic Sydney landmark.
- The loss of view towards Centre Point Tower is considered significant, and could be reduced through the reduction of the proposed height and bulk of the proposed 4 Points Tower.
- The proposal alters the views towards the CBD skyline, and adds a sense of disproportion to the existing view that currently appears as uniform skyline presented in a generally cohesive manner.

The level of impact of views of this proposal and the impacts the proposal will have on the built form of this part of the western CBD fringe should result in the reduction in the proposed height of the tower to mitigate against these impacts.

As previously stated we would welcome the Department of Planning and Infrastructure requiring the proponent to assess the impact on views from our site.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Wayne Hall', with a horizontal line drawn underneath the signature.

Wayne Hall

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Cc Richard Garing - Regional General Manager, Office and Industrial