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GMU Reference: 12132

February 20, 2013

Re: **Response to Submissions**
Application No.: **4972-2011**
Property: **161 Sussex Street, Sydney**

Proposal: **Proposed Extension to the Four Points Hotel**

GM Urban Design and Architecture (GMU) was engaged by GL Investment Co. Pty Ltd ATF GI no 1 Trust in 2012 to provide a Visual Impact Assessment for the Four Points Hotel Expansion. This report was submitted to the Department of Planning and Infrastructure in response to the DGRs issued on 9 February 2012. GMU's report and other materials were publicly exhibited and submissions were received as part of the process. The purpose of this letter is to address a number of comments received throughout the submissions regarding the Visual Impact Assessment Report by GMU dated June 2012.

Based on a summary of submissions prepared by JBA, a total of 104 private submissions were received as part of the exhibition period. 34 submissions were from residents at 25 Market Street, also known as The Berkeley and the rest of the submissions were from The Astoria at 222 Sussex Street. In response to the DGRs issued by the Department, any submissions relating to the visual impacts from The Astoria Tower are being dealt with in a separate report by GMU (Please see Visual Impact – Report in Response to Submissions dated February 2013), so this letter only addresses the concerns raised by the residents of The Berkeley development with regards to GMU's Visual Impact Assessment Report and the loss of views.

Based on the submissions which were submitted in the way of two different 'tick the box' pro-forma submissions, the following are excerpts of the main points raised with regards to GMU's report:

- A. *"In respect of The Berkeley, this report is false, misleading and fails to meet the Director General's Requirements on visual impact."*
- B. *"This report incorrectly concludes that there is minimal loss of view, because it totally ignores the western aspect of The Berkeley, the side with the most to lose – i.e. immediate views of the harbour, iconic elements like the Australian National Maritime Museum and floating exhibits".*
- C. *"It makes a flawed conclusion about private views from the 128 apartments in The Berkeley, based on a 'desk top study' and modelling, without site visitation or consultation with residents".*

The following discussion addresses each of the points listed above and provides additional visual analysis where deemed necessary.

With respect to point A regarding the validity of GMU's report, the Visual Impact Assessment for the Four Points Hotel Expansion dated June 2012 was an independent report written to comply with the Director General's Requirements and it followed court certifiable standards based on the Planning Principles established by *Tenacity Consulting Vs Warringah [2004] NSWLEC 140*. GMU is a recognized local Urban Design and Architecture firm that has written numerous Visual Impact Reports for projects submitted to the Department of Planning and other local government agencies. GMU follows a thorough methodology including a site visit to assess any potentially affected residential developments within the proposal's visual catchment and a rigorous process of analysis and testing of existing and modelled views ('before and after') to assess the level of

importance of existing views and the level of impact or change within the view exerted by the proposal. We conduct individual site inspections when required. Our thorough methodology ensures that our reports are accurate and truthful. For the visual impact assessment for the Four Points Hotel Expansion, a thorough analysis was done to document the existing views. It consisted of view modelling of a representative sampling of units chosen by GMU and modelled by a well-known consultant specializing in Computer Generated Imaging (CGI) with the chosen levels certified by a professional surveyor. This is an accepted and accurate method when site inspections are not available. The report conforms with court certifiable standards and therefore, it is accurate and truthful.

Point B of the objection raised by the residents of The Berkeley states that GMU's report "...incorrectly concludes that there is minimal loss of view, because it totally ignores the western aspect of The Berkeley, the side with the most to lose – i.e. immediate views of the harbour, iconic elements like the Australian National Maritime Museum and floating exhibits".

During the view assessment done as part of the original report, a sampling of units was done along the northern elevation of The Berkeley with units tested from the western and eastern ends of the facade. Due to the minimal amount of change perceived in the existing view for units located at the eastern end of the building, these were considered to have a low impact and no further interrogation of the view was necessary. However, special attention was paid to the interrogation of views from the north-western edge of The Berkeley where views were found to have a medium impact due to the level of change perceived within the view.

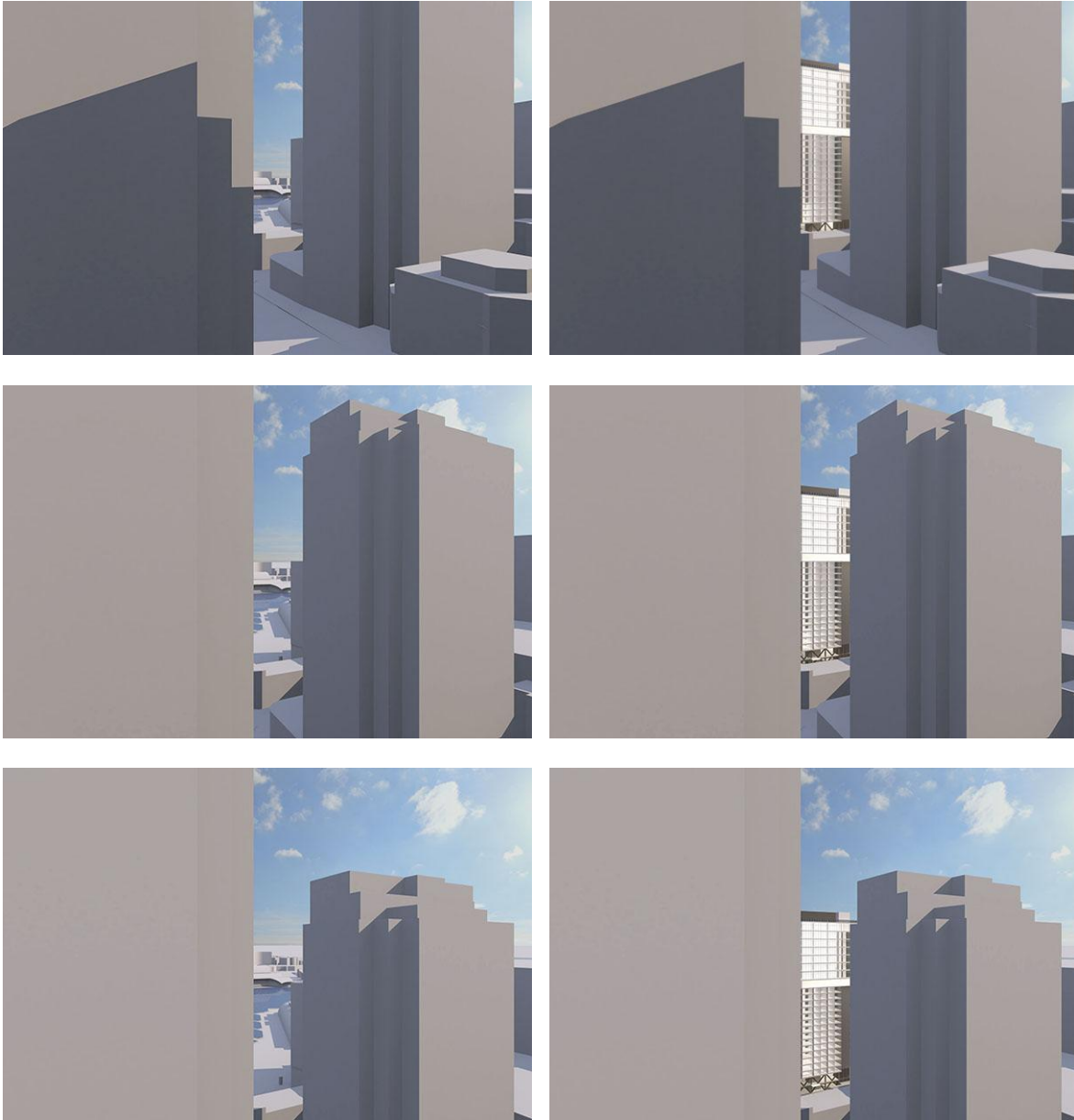
Views along the western façade of the building facing Kent Street were considered to be significantly constrained by the existing development of the Allianz Tower and the BT Tower. These views were considered to have a very narrow and limited view cone and to have no iconic or contextual elements within their view corridor other than small water glimpses. Site observations identified that the north-western (corner) units would have the significant view; therefore, the south-western units were not selected for further testing as part of the initial review. As part of this response to submissions, GMU has interrogated a sampling of the south-western units in question to assess their views at three different levels First Level (RL 37.88), Level 8 (RL57.13), and Level 15 (RL 76.37). The images below represent the existing views from the balcony areas as no information is available on the actual uses behind the existing windows.

Upon examination of the available views, it was determined that these are partial views of approximately 3.028m at the narrowest most critical point where the water glimpses are available. The view corridor increases marginally in width to about 4.017m toward the upper levels where areas of sky are available as seen in the image below.



Approximate width of view corridor as seen from Level 8 of the western aspect apartments at The Berkeley

Due to the narrow width of these views, the lack of iconic or contextual elements and the fact that the view is dominated by the existing massing of both the Allianz and BT towers, the view is considered to be of low-medium significance. Due to the fact that this appears to be the most significant view available to these units, it is considered a primary view and GMU recognises their importance to the residents of these units. Due to the amount of visible change within the view as shown on the 'after' montages shown below, the proposal's impact is considered to be significant. However, when analysed for the quality of the view alone, it is a highly constrained view. Its retention would preclude the Applicant's ability to redevelop the site.



'Before and after' views from the western aspect units from Level 1 (top), Level 8 (middle) and Level 15 (bottom)

The retention of the objector's existing water glimpses could render the subject site unable to redevelop above the podium level. This has to be considered in the context of a site that does not have an applicable control limiting its height and that could potentially have a much taller development as compared to the SICEEP and Barrangaroo sites. Furthermore, even if the height of the proposed tower were to be capped at the height of the existing Four Points Hotel or the existing surrounding commercial towers, the view from this location will still

be lost to most western aspect units within The Berkeley as the more scenic components are below the height line of the existing hotel building.

Due to the location of The Berkeley development two blocks away from the water's edge and behind two layers of dense urban development between them and the edge of the harbour, it is unrealistic to expect retention of oblique views in a CBD environment. This will have a direct impact on the economic viability of centres as it would preclude development of the scale and density envisioned for the Sydney CBD. The City of Sydney already recognises this by not having view preservation controls for the CBD.

The last point (C) of the objections raised by the residents at The Berkeley states that GMU's report "... makes a flawed conclusion about private views from the 128 apartments in The Berkeley, based on a 'desk top study' and modelling, without site visitation or consultation with residents".

During our initial assessment process, the development known as The Berkeley was identified for further investigation and interrogation of its existing private views. A discussion with the Applicant was held to discuss the possibility of gaining access to the development in question, but we were advised by the Applicant that due to time constraints, this would not be possible. The Applicant then explored the possibility of photographing the views externally with the use of a balloon (acceptable method used in other projects); however, this was not possible due to the safety constraints generated by the proximity of the Sydney monorail. The Applicant would not be able to secure a permit to fly the photographic device so close or above the monorail. Under these circumstances, the best approach was to do computer generated imaging to assess the view impacts; however, it was not considered to be practical nor necessary to interrogate each view from every one of the 128 units in The Berkeley development, the analysis was done over a comprehensive sampling of representative units across low, mid and upper units. As discussed above, computer generated imaging is an accepted and accurate method when site inspections are not available, which conforms to court certifiable standards.

Based on the issues discussed in this letter, the DoP&I will have to make a decision between the preservation of a number of already constrained views along the western facade of the Berkeley against the direct economic and job generation benefits to be derived from the extension of the proposal's hospitality and conference facilities. In response to the matters raised by the residents of The Berkeley development the following needs to be considered:

- The Visual Impact Assessment report submitted as part of the original application was underpin by a robust and recognised methodology that was specifically adopted to respond to the Department's DRGs.
- It is acknowledge that the proposal will have a significant impact on the existing views available from the western aspect apartments at The Berkeley; however, this is considered to be acceptable given the constrained, oblique and narrow nature of the views. The likelihood of retention of these narrow view cones is low due to the location of the development two blocks away from the water's edge and behind two layers of dense urban development between them and the edge of the bay. These has to be further considered based on the fact that:
 - the controls for the City of Sydney do not include any view controls requiring the retention of views for residents. The lack of such a control acknowledges that it is extremely difficult in a highly urbanised environment such as the global City of Sydney for views to be retained. It would severely restrict development opportunities throughout the city should such a precedent be established.
 - the impact to the subject site if these views were required to be retained would effectively require removal of all of the proposal's top storeys above a podium level. This would effectively render the subject land undevelopable.
- The use of computer generated imaging is an accepted and accurate method of assessing view impacts when site inspections are not available, which conforms to court certifiable standards.