

Hi Natasha,

Thank you for sending through the submissions on the above Section 96(2). While you have not requested a formal response to submissions, you have requested that we address some of the matters which were raised in the public submissions, which you have identified in the email below.

I note that the public submissions received appear to be from landowners who reside in apartments located in Kent Street.

The original Visual Impact Assessment - Four Points Hotel Expansion dated June 2012, prepared by GMU design did not consider the impact of the proposed new tower to be significant from buildings located along the Kent Street, (and in particular William on Kent) due to the height of existing buildings (such as the Allianz building on Sussex street). In particular, the GMU report states,

"While the development at Windsor on Kent is located to the east of the existing subject site, the units affected would be on upper levels as views from the lower levels will be already obstructed by the existing development along Sussex Street. The upper units benefit from major views directly across to the west to Cockle Bay which are not affected by the proposed development." (VIA, GMU June 2012)

The addition of two levels to the approved commercial tower does not give rise to any additional view sharing issues over and above those that have already been considered acceptable, noting that the relatively slender design allows the maintenance of view corridors from adjoining residential buildings that are considered to have the greatest potential to be impacted by the proposed development. Further, Kent street is located at a higher RL than the subject site and we note that the proposed tower retains a lower RL than the Allianz building. This issue is discussed in detail in the updated View Impact Assessment submitted with the proposed Section 96(2) application and accompanying SEE.

We note that each Section 96(2) application must be assessed on its merits, having regard to the environmental assessment requirements of Section 79C of the EP & A Act. In this regard, the economic benefits of the proposed increase in commercial floor space is an important consideration as it will contribute to jobs growth in the CBD. However, consideration of the impacts on the value of residential apartments is not a valid consideration in carrying out an environmental assessment. We consider that the documentation submitted with the Section 96(2) adequately addresses the environmental impacts of the proposal, and specifically, the potential view loss from adjoining residences (which has been assessed as minimal or low). The principles of view sharing are considered to have been satisfactorily addressed in this regard.

The proponent has a right to make modifications to the existing consent to ensure that the proposal meets their requirements. In carrying out an assessment of the Section 96(2) we note that the Department will take into account the cumulative impacts of the proposed development and ensure that the environmental, economic and social framework against which every new DA or Section 96(2) application is assessed is considered. We consider that the proposed development is suitable for the site therefore, the objectors statement 'enough is enough' is not a valid planning argument to refuse the proposed modification. Every DA or Section 96 Application must be assessed on its merits.

The proposed increase in height of two storeys is minor in the context of the overall approved tower. It is unlikely that the additional two levels will contribute to air pollution or cause adverse wind conditions. Appropriate documentation has been submitted with the application to

demonstrate that the proposed additional levels will have no significant impacts on wind patterns in the locality.

I trust this provides the additional information you require in your assessment of the Section 96(2) application. Should you require any further information, please do not hesitate to contact me.

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