

Visual and View Impact Analysis Cockle Bay Park

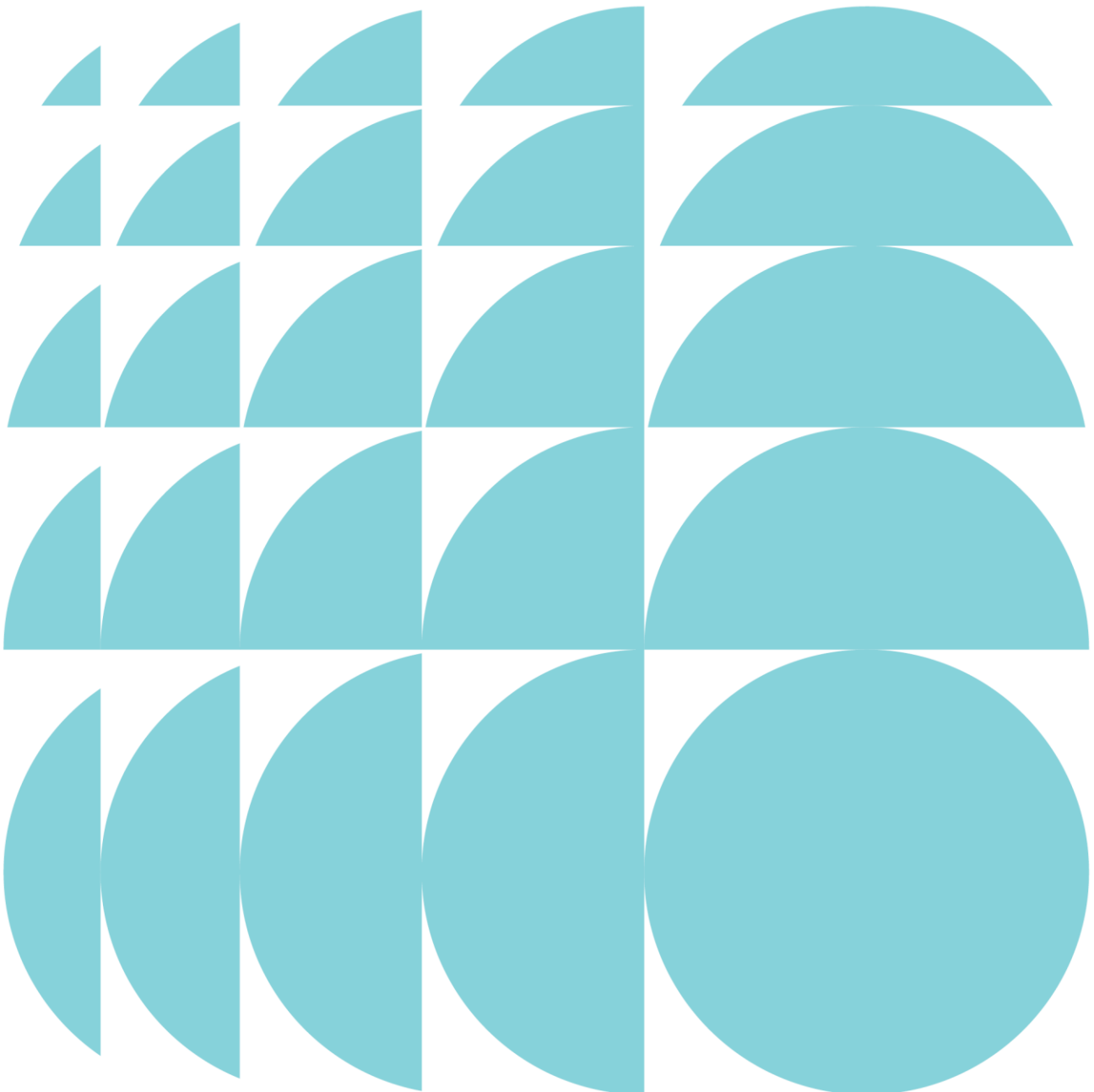
Cockle Bay Park, Stage 2 State Significant
Development – SSD-9978934

241-249 Wheat Road, Cockle Bay

Submitted to NSW Department of Planning
Infrastructure and Environment

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

7 October 2021 | 2200220



Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.

We pay our respects to their Elders past, present and emerging.

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Executive Summary

DPT Operator Pty Ltd and DPPT Operator Pty Ltd (the proponent) are proposing to redevelop part of Cockle Bay Park south of the Pyrmont Bridge (the site) for a mixed use commercial office development (the proposal).

On 13 May 2019, the Independent Planning Commission granted consent to a Stage 1 State Significant Development Application (SSDA) (SSD 7684) for the Concept Approval (the Concept Approval). Condition C9 of the Concept Approval requires that a future Development Application include a Visual and View Loss Assessment (VVLA) which assesses public and private view impacts and demonstrates how consideration has been given to minimising such impacts where feasible.

In accordance with the Design Excellence Strategy approved under the Concept Approval, an Invited Architectural Design Competition was undertaken between September and December 2019. Henning Larsen were selected by the Jury as the winner of the design competition. The grounds for this decision included that the scheme demonstrated a superior response to design, commercial and retail objectives, most notably with regard to public open space areas, new public domain connections, transition between the podium and harbour edge and the nature of the commercial office tower.

The proponent is now seeking consent for this scheme by way of a Stage 2 State Significant Development Application (SSDA) for the proposal (the subject proposal).

To guide the SSDA process, on 12 November 2020 DPIE issued Secretary's Environmental Assessment Requirements (SEARS) for preparation of an Environmental Impact Statement (EIS) to accompany the SSDA (SSD-9978934). Consistent with Condition C9, the SEARS require consideration of visual impact.

This VIA has been prepared in fulfilment of condition C9 of the Concept Approval and these SEARS.

Visual and view impacts were assessed by the Department of Planning, Industry and Environment (DPIE) in granting Concept Approval in 2019. The location, height and massing of this detailed proposal is consistent with the Concept Approval (as modified). Specifically, this built form sought as part of the Stage 2 SSDA includes minor elements which are located outside the current approved envelope and are largely located at the podium and ground plane areas of the site. Amendments to the tower form exclusively relate to minor sections of the east and west tower facades, which are very narrow in depth, are restricted to the lower levels of the tower on the eastern façade, and enable variable façade articulation. As demonstrated in this assessment, these elements do not impact the assessment of view analysis.

This VIA addresses the further refinements to the building, including detailing of external elevations. While this report provides background context, the main purpose of this VIA is to address these matters.

Given the considerable body of VIA work undertaken to date for the proposal, updated photomontages consistent with LEC policy for the public domain and the Astoria Tower were prepared as the basis for this VIA. The photomontages were prepared for all views in the public and private domain previously assessed as part of the Concept Approval.

The photomontages show that the proposal maintains largely the same composition as the Concept Approval, being a podium addressing the Darling Harbour promenade, a large expanse of public open space spanning across the Western Distributor to Sussex Street, and a tower form comprising a mid-podium with the tower above chamfered at the top to minimise overshadowing of surrounding public places. The Stage 2 SSDA built form will occupy less than 65% of the approved envelope, ensuring a reduction in the massing of building when compared to the approved building envelope.

Critically with regard to visual and view impacts, comparison with the earlier VIA shows that the extent of impact by the Stage 2 SSDA is less than that of the Concept Approval, presenting as a more refined and slender form. Variation to the Concept Approval occurs in a finer grain manner, including a small intrusion outside of the approved building envelope at the tower's eastern and western elevations for façade articulation, and adjustment to structures at the podium and ground plane areas. Importantly, while modifications to the eastern façade of the building will be visible in some private views, the area of modification is confined to the middle of this eastern building envelope façade, ensuring there is no additional impacts to westerly views.

On this basis, the proposal does not give rise to significant, new visual impacts relating to building size and form not previously addressed as part of the Concept Approval and previous VIA. Further, this assessment demonstrates that the design of the building, as determined by the design competition jury, provides the most appropriate visual impact for the project when undertaking skilful design that balances all urban planning requirements.

On this basis, the following findings of the previous VIA remain valid:

Public views

- Existing views from the CBD along Market Street will be enhanced
- Existing public domain views to key heritage buildings and places are retained, including to Pyrmont Bridge
- Visual connectivity to other heritage items in the vicinity is not significantly affected by the proposal
- 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 low scale 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
 - overshadowing of public spaces
- The tower positioning supports ample sky views and a retained sense of openness on this western CBD fringe
- The proposed public open space will establish new sightlines, visual permeability and views and vistas.
- The proposal will not detract from the overall visual connectivity for pedestrians in the public domain nor result in any significant adverse impact and will be designed to the highest standards of architectural excellence. Generally, the affected vantage points are not key places for pedestrians to stop and view the CBD or its skyline, and the wide range of different viewing points available within the Darling Harbour precinct, Pyrmont and its approaches will continue to provide for variety and interest in the different views, vistas and sightlines available to pedestrians approaching and moving through the precinct from the north, south, east and west.
- Low, medium and high-level views of the sky along streets and from public domain places are retained in a variety of contexts
- The proposal continues evolution of the Darling Harbour character, providing the opportunity to deliver an iconic building form that marks the site's location at the confluence of Darling Harbour and the wider CBD by redefining the density and height of development on the eastern side of Darling Harbour.

Private views

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

Notwithstanding, consistent with the Concept Approval, the proposal will impact existing westerly views from the Astoria Tower. However, the proposed improvements to visual and pedestrian connectivity to the waterfront and the provision of significant new open space allowing the broader community, city workers and tourists to enjoy the benefits of the site's waterfront location, needs to be balanced against the retention of private views. This is consistent with the aims of the Sydney Harbour REP which articulates that the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores. This provision supports the principle that, in the

context of the proposed development, the improvements to the public domain, including public views, should be given precedence over private view loss. The location of the proposed publicly accessible open space is a key urban design principle for the proposal which has been developed specifically in order to improve the function of the public domain and to better integrate the Site to Market Street, Pyrmont Bridge and the waterfront. The new open space will provide the broader community with an expansive location to view and enjoy the waterfront.

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

The impacts associated with the proposal (podium and tower elements) are considered to continue to provide for a reasonable 'outlook' from private apartments, that may nonetheless have a change in 'view', consistent with current planning objectives, strategies, principles and development controls for the CBD which recognise that outlook, as distinct from views, is the appropriate measure of residential amenity within a global CBD context. Outlook is retained from all affected apartments with an appropriate distance separation and with space and daylight provided.

As the buildings are located in a global city adjacent to a precinct without any building height controls it is not reasonable for affected owners to expect that their outlook would not be impacted.

Further refinement and detail under this proposal

Compared to the Concept Approval, the proposal provides for further refinement of massing and greater detail for elevations. This refinement and detail is considered to minimise the appearance of visual scale and bulk within the framework established by the Concept Approval. This is achieved through:

Tower

- Breaking the massing down into a number of smaller square and rectangular forms through noticeable recesses and projections in both the horizontal and vertical planes, including full storey height breaks
- Elements of a finer grain than the main structural framing, in particular sun-shading devices that provide an interplay of light and shade to create a perception of depth
- A transparent edge to the roof, which provides for a gentler interface between the positive space of the building and the negative space of the sky

Podium

- The length, horizontal emphasis, complexity and opportunity for different materiality and colour provide for a visual balance to the verticality of the tower
- The provision of vegetation at different podium levels softens the overall impact of built form, and contributes to a visually greener environment.

It is considered that, consistent with the Concept Approval, the proposal achieves a reasonable balance between the protection of private views and the protection or 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 proposal is acceptable in terms of visual and view impacts.

1.0 Introduction

This report provides a Visual and View Impact Analysis to support the Environmental Impact Assessment associated with a State Significant Development Application (SSD-9978934) submitted to the Minister for Planning and Environment pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In particular, it has been prepared in fulfilment of condition C9 of the Concept Approval and SEARS relating to visual impact.

The structure of this report is as follows:

- **Section 1** provides the Executive Summary
- **Section 2** identifies the project background, an overview of the proposal and methodology of the VIA undertaken by Virtual Ideas.
- **Section 3** discusses the various relevant and pre-existing planning principles with respect to views, view sharing and outlook including those contained within the Sydney Regional Environmental Plan 2005; the Infrastructure NSW SICEEP Urban Design and Public Realm Guidelines; and the City of Sydney Council Development Control Plan 2012.
- **Section 4** provides a visual impact analysis for the proposal's maximum envelope in relation to the public views, view corridors and vantage points around the site.
- **Section 5** provides a view impact analysis for the proposal in relation to the private views for the Astoria Tower to the east of the Site
- **Section 6** discusses refinements incorporated by the proposed design when compared to the Concept Approval and subsequent impacts to views
- **Section 7** provides a conclusion.

1.1 Background

This VIA has been prepared to support a Stage 2 State Significant Development Application (SSDA) for Cockle Bay Park.

In accordance with the Design Excellence Strategy approved under the Concept Approval for Cockle Bay Park, an Invited Architectural Design Competition was undertaken between September and December 2019. Henning Larsen were selected by the Jury as the winner of the design competition. The grounds for this decision included that the scheme demonstrated a superior response to design, commercial and retail objectives, most notably with regard to public open space areas, new public domain connections, transition between the podium and harbour edge and the nature of the commercial office tower.

To guide the SSDA process, on 12 November 2020 DPIE issued Secretary's Environmental Assessment Requirements (SEARS) for preparation of an Environmental Impact Statement (EIS) to accompany the SSDA (SSD-9978934). Consistent with condition C9, the SEARS require consideration of visual impact.

This VIA has been prepared in fulfilment of condition C9 of the Concept Approval and these SEARS.

Visual and view impacts were assessed and considered acceptable by the Department of Planning, Industry and Environment (DPIE) in granting Concept Approval in 2019. The location, height and massing of this detailed proposal is consistent with the Concept Approval (as modified). This built form sought as part of the Stage 2 SSDA includes minor elements which are located outside the current approved envelope, which are largely located at the podium and ground plane areas of the site. Amendments to the tower form exclusively relate to minor sections of the east and west tower facades, are very narrow in depth, and enable variable façade articulation.

On this basis, the scope of current consideration is limited to that of further refinements to the building, including detailing of external elevations. While this report provides background context, the main purpose of this VIA is to address these matters.

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

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

- The existing Cockle Bay Park 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 Park 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 proposal 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 Concurrent Modification Application

An application under Section 4.55 of the EP&A Act to modify the Concept Approval has been lodged concurrently with the Stage 2 SSDA. This Modification Application seeks to align the approved building envelope and site areas with the detailed design of the built form and public domain areas proposed under the subsequent Stage 2 SSD DA. The proposed modifications are minor and a direct result of the design development that occurred as part of the Design Competition stage of the project, and the preparation of further detailed technical assessments as part of this DA.

As the proposed modifications relate principally to the Stage 2 SSD DA, the Modification Application has been lodged concurrently with the Stage 2 SSD DA. Refer to SSD-7684 MOD 1 for further details.

1.3 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 Site area is shown below in **Figure 2** below.

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.

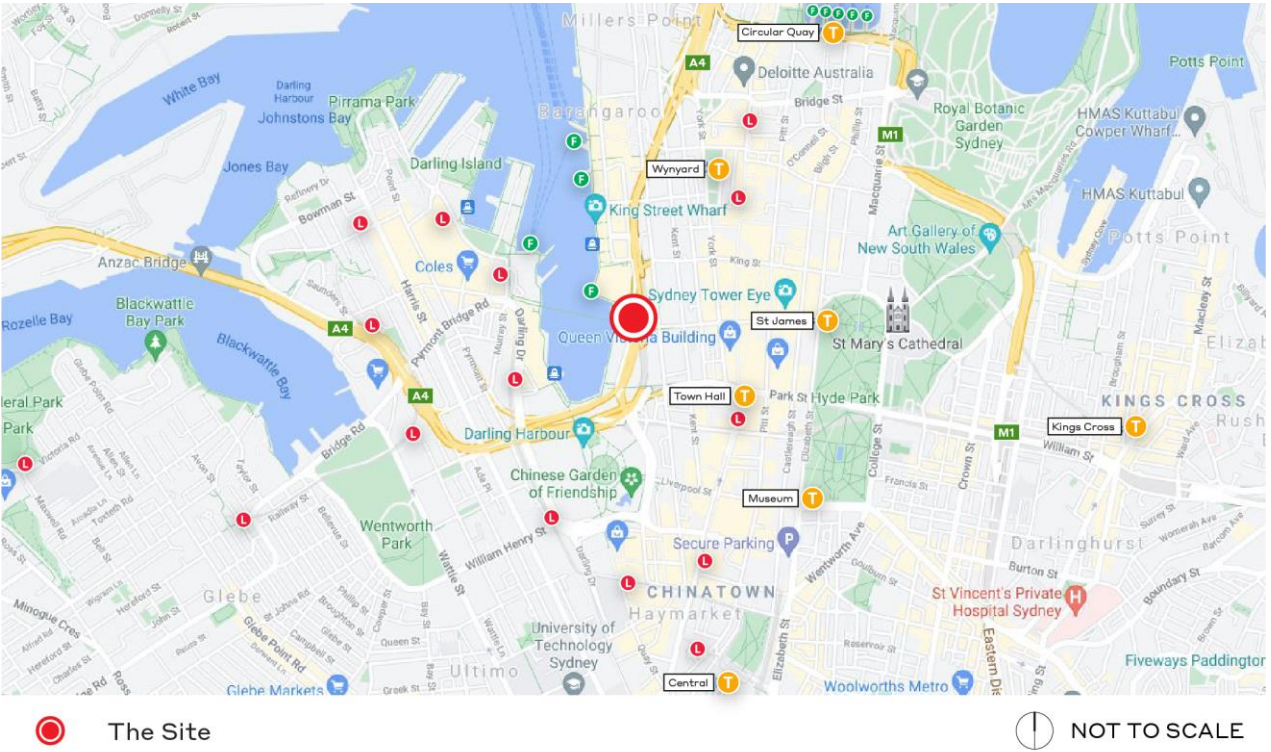


Figure 1 Location Context Area Plan
Source: Google Maps



Figure 2 Location Plan
Source: Nearmap

1.4 Overview of the Proposal

The proposed development relates to a Stage 2 SSDA and seeks to establish details for the renewal and re-imagining of the Cockle Bay precinct. The proposal establishes the vision, planning and development framework which will be the basis for the consent authority to assess future detailed development proposals. The Cockle Bay Park Site is to be developed for a mix of Retail, Cultural and Commercial (Office) uses including retail and restaurants, offices, and publicly accessible open space.

Specifically, the proposal seeks consent for the detailed development based on the competition-winning scheme by Henning Larsen, comprising:

- Construction of a land bridge across part of the Western Distributor between Darling Harbour and Darling Park
- The design, construction and use of the new 43 storey mixed-use development, including:
 - Up to 89,000m² of retail and commercial GFA. The retail component aims to improve the existing retail experience more in keeping with the renewed and modern, character of Darling Harbour. The commercial floor area accommodated within the proposed building will accommodate a Premium Grade commercial building.
 - At least 6,500m² of publicly accessible open space, with the majority of the balance of this located on the podium roof
- Site interface works to ensure the provision of appropriate interfaces and connectivity between the new development and the Pyrmont Bridge and Darling Park towers.
- Subdivision

An indicative photomontage of the design is provided at **Figure 3** below.



Figure 3 Indicative render, viewing the proposal from the west (Darling Harbour)

Source: Henning Larsen

1.5 Methodology

1.5.1 Visual Analysis

To support the visual analysis key public domain views, view corridors and public vantage points within and surrounding the site have been identified. The selection of vantage points have regard to existing vantage points from public open space and coastal walks particularly along the Darling Harbour waterfront, existing heritage items within the vicinity of the site that are visible from the public domain.

Photomontages have been prepared for a total of 17 public domain views and vantage points. The locations of the photomontage images and direction of view are shown on **Figure 4**. The locations have been determined in consultation with the Department of Planning, Industry and Environment.

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

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

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

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

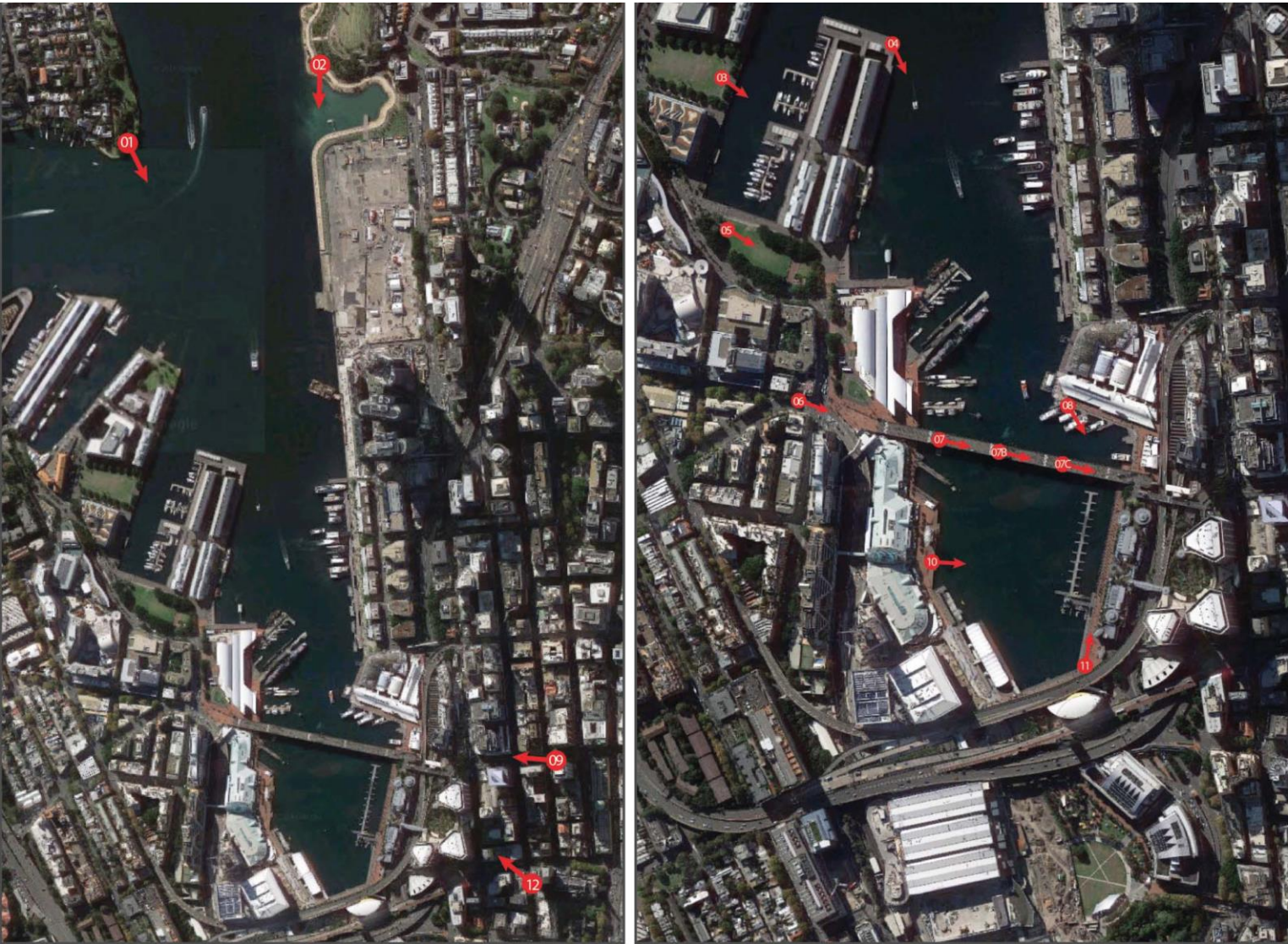


Figure 4 Visual analysis camera locations (public domain views, view corridors and vantage points)

1.5.2 View Analysis

The nearby Astoria Tower at 222-228 Sussex Street is a residential flat building with views over the site and Darling Harbour has been identified as being of a high level of relevance for VIA. On this basis, updated photomontages have been prepared to illustrate the potential visual impact on this building.

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 proposal. From this exercise selected view locations were then identified.

3D model images have been prepared for the building 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 and the impact of the proposed building on the view.

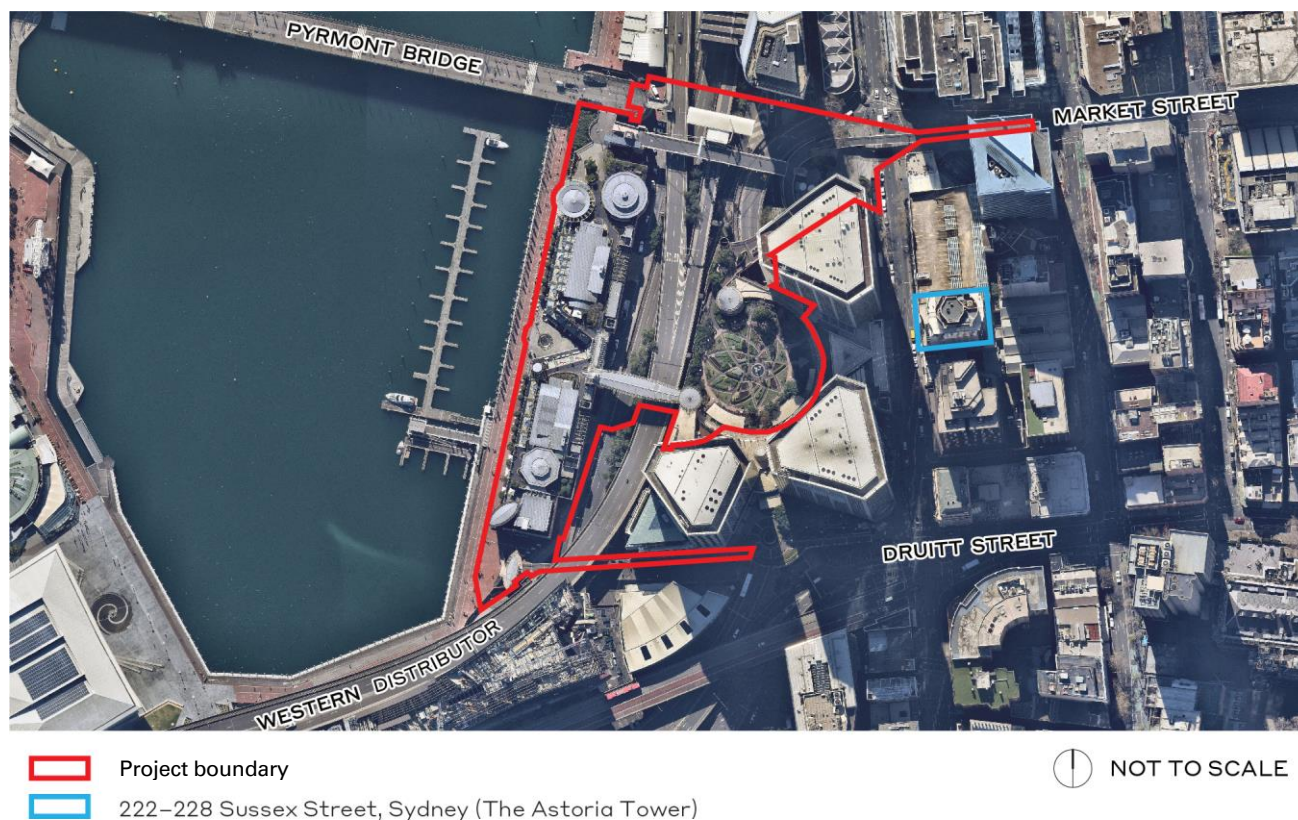


Figure 5 222-228 Sussex Street (The Astoria Tower) relative to the site

Source: Nearmap

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. Relevant conditions relating to design principles in the Concept Approval (as amended) have also been considered. 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 Concept Approval SSD 7684 (as amended)

On 13 May 2019, the Independent Planning Commission granted consent to a Stage 1 SSDA (SSD 7684) for the Concept Approval. The Cockle Bay Park redevelopment is to be consistent with the terms of the Concept Approval (as amended). This approval contains conditions in relation to the consideration of views and view sharing impacts.

A number of design principles were developed as part of the Design Guidelines enforced under Condition C1 of the consent. These principles were considered in the detailed design of the proposal, and include the following:

“3.10 Preservation of heritage values

Pymont Bridge is listed on the NSW State Heritage Register. Reconnecting the bridge to the city is a significant enhancement which restores the function of the bridge. Any new works will need to respect the original fabric and be high quality and clearly identifiable as modern additions.

Maintain the visibility of the full span of the bridge to the eastern buttress when viewed from the harbour, to the extent that the buttress is visible in the existing condition, as a minimum. Any connections to Pymont Bridge should only be to the existing modern bridge structure.

The location/design of the new pedestrian bridge connecting Market Street to the podium and Pymont Bridge shall avoid unacceptable visual/heritage impacts on Pymont Bridge and the Corn Exchange building and Shelbourne Hotel.

3.14 Consider and balance private view sharing

Deliver an equitable approach to view loss, which recognises the significant role of the site's CBD location and encourages view sharing between existing residential and commercial buildings, and the new development.

View loss impacts to apartments within the western elevation of the Astoria Tower shall, as a minimum, be consistent with the impacts assessed within the Visual Impact Assessment (VIA) submitted with the Concept Approval. In addition, within the parameters set by the building envelope and the Concept Approval, the design of the development shall endeavour to improve upon the impacts assessed within the VIA.

5.2 Tower separation

Provide adequate tower separation between the new tower and the existing towers at Darling Park to achieve an appropriate built form relationship, consider the amenity of the existing and new towers and to facilitate view sharing for these buildings and for buildings in the streets beyond.

5.9 Tower form

Create an appropriate addition to the city context, creating an elegant, contemporary, urbane tower form. Complement and enhance this strategically important context with surrounding landmark buildings providing contemporary architecture and an enduring international image.

The design of the tower should provide an architectural solution that achieves design excellence, is visually interesting, appropriately articulated and strives to reduce the perceived visual bulk.

Ensure that the maximisation of gross floor area within the envelope is balanced with the creation of a building form that is proportionally elegant and exhibits appropriate facade articulation and modulation.

Create a facade design that is not overly assertive, minimises view impacts, includes high standard materials and finishes, provides good visibility, daylight penetration, energy efficiency, access to views and integration of signage opportunities, whilst eliminating the need for blinds to provide thermal control.

Create a desirable tower slenderness ratio to reduce the buildings bulk and scale, while considering commercial requirements such as floor plate size and overall area.

5.11 Impact on skyline

Respond to the character and built form of the city skyline from all angles and particularly when viewed from the west.

A balanced and contextual response should be taken to development potential and density

The building shall be carefully designed so that its bulk and massing does not appear overly dominant for its context / Darling Harbour, potentially through form, materials, articulation and other design approaches.”

As aforementioned, this VIA has been prepared in fulfilment of Condition C9 of the Concept Approval and the Stage 2 SSDA SEARs which requires consideration of visual impact.

2.2 Darling Harbour Development Plan No.1

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

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

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

2.3 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

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

“(a) Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good,

(b) The public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores,

(c) Protection of the natural assets of Sydney Harbour has precedence over all other interests.” (our emphasis)

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

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

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

Whilst the genesis of this principle is largely rooted in ensuring continuous and unobstructed foreshore access to the public, the principle of view corridors tied to access to the foreshore is primary as compared to the secondary issues of

private views. Impacts on private views (being those that may not or do not align with existing or proposed public view corridors over streets) will require further consideration when detailed building designs are resolved.

Clause 14(d) – Foreshores and Waterways Area.

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

The proposal will allow for the greater enjoyment of the Cockle Bay Waterfront by the general public.

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

This clause states:

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

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

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

(ii) the adjoining land, and

(iii) the likely future character of the locality,

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

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

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

This clause states:

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

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

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

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

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

Clause 59 – Development in vicinity of heritage items

Clause 59 states:

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

(2) This clause extends to development:

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

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

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

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

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

Having regard to the context of existing planning controls and requirements, a fundamental approach in relation to the proposal is to protect, retain and enhance significant public domain views and view corridors.

2.4 Infrastructure NSW SICEEP Urban Design and Public Realm Guidelines

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

Project Vision

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

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

Place making

Create a place that:

- Enriches the existing public realm, recognising existing landscape, topography, open space networks, movement patterns and heritage of the CBD, Chinatown, 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 proposal is unlikely to undermine the achievement of these objectives and can in fact contribute to their achievement.

2.5 Sydney Development Control Plan 2012

Sydney Development Control Plan 2012 does not apply to the Cockle Bay Park site. Similar to the SICEPP 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 the land surrounding the site to the east, 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."

2.6 Central Sydney Planning Strategy

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

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

Refer to relevant extracts below:

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

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

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

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

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

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

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

The City of Sydney have aspirations to expand the Central Sydney boundary to incorporate Darling Harbour (refer **Figure 6** 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 4 and 5**.

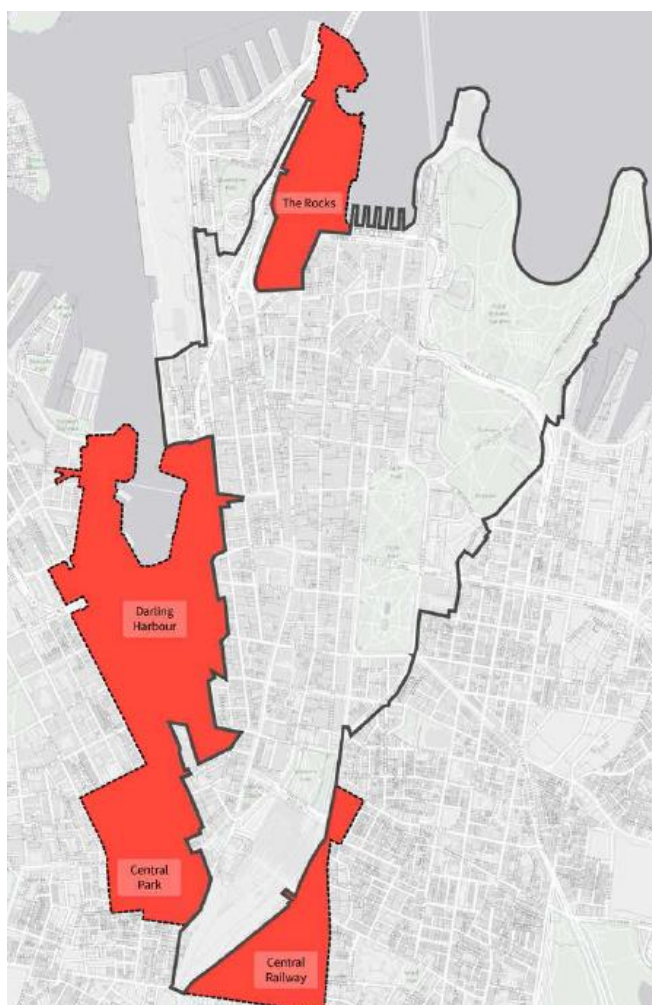


Figure 6 Council aspirations to expand the Central Sydney boundary

Source: City of Sydney

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.”

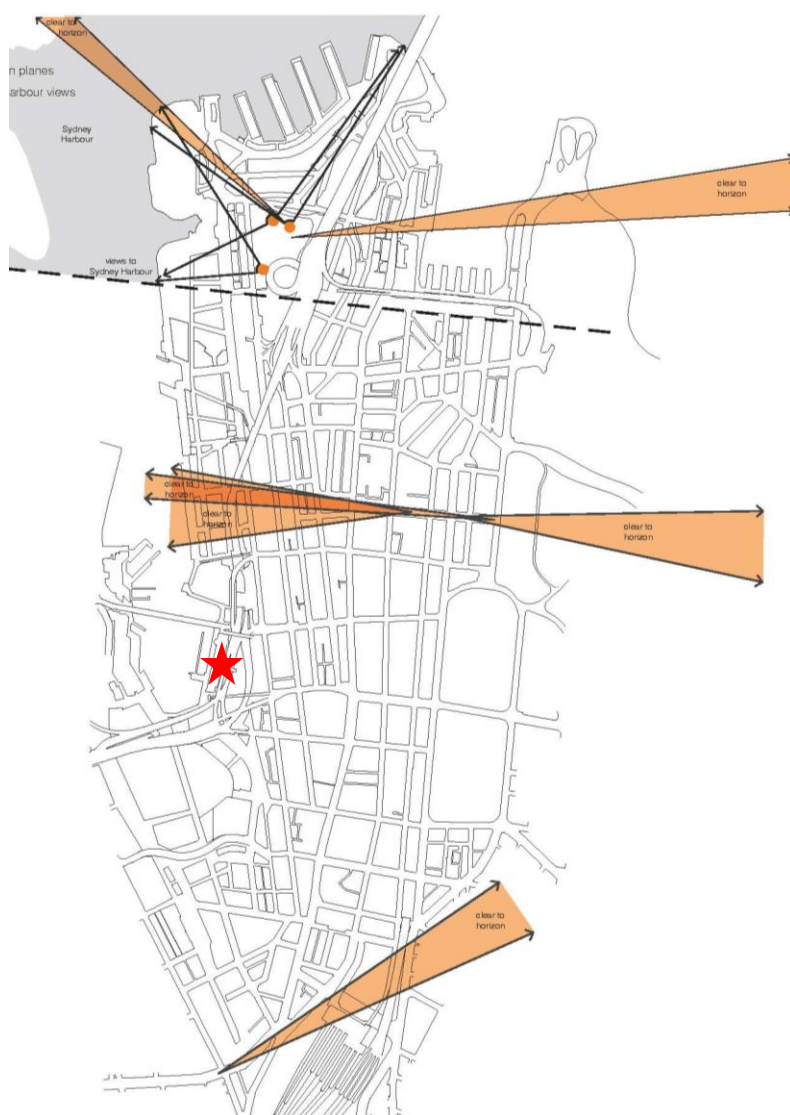


Figure 7 Proposed Sydney LEP 2012 new public domain view protection corridors (site marked with a star)

Source: City of Sydney

As shown in **Figure 7** the location of the proposal will not have any impact on any of the proposed public view corridors identified within the Draft DCP.

Proposed Amendments to Sydney DCP 2012

New Clause to be added:

“5.1.2 Development outlook and demonstrating amenity compliance

Value Statement

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

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

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

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

3.0 Visual Analysis

The location of the photomontage images for each of the 17 identified key ground level public domain views, view corridors and vantage points that are considered to be of relevance to the proposal have been shown previously on **Figure 4**.

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

- Peacock Point, Balmain East (view 1);
- Barangaroo Headland Park (view 2);
- Metcalfe Park, Pyrmont (view 3);
- Wharf 7, Pyrmont (view 4);
- Pyrmont Bay Park (view 5);
- Corner of Murray Street and Union Street, Pyrmont (view 6);
- Pyrmont Bridge (view 7A, 7B and 7C);
- Darling Harbour Pier 26 (view 8);
- Market Street (view 9);
- Harbourside and Cockle Bay (views 10 and 11);
- Corner of Kent Street and Druitt Street (view 12);
- Tumbalong Park (view 13A and 13B); and
- Darling Harbour South (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 2016 images, and the updated images included at **Appendix A**. The following analysis has been undertaken with regard to the principles established by the Court in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and Anor* [2013] NSWLEC 1046.

The assessment details the public domain photomontage images, the approved building envelope, and the proposed detailed building design.

3.1 Peacock Point, Balmain East

A photomontage image of the Cockle Bay Park proposal as viewed from Peacock Point is included at **Figure 10** below.

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

The existing Cockle Bay Park development is set behind Pyrmont Bridge and is not visible from Peacock Point. The proposal will reinforce the CBD urban form when viewed from Peacock Point and will be a visible and distinct addition to the CBD skyline framing the western CBD skyline as an appropriate counterpoint to the existing commercial towers and the future casino further north at Barangaroo. The photomontage illustrates that the tower element will sit comfortably within a collection of towers that includes the Greenland Centre at 115 Bathurst Street and the proposed residential development at 505 George Street (refer **Figure 10**).

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

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

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

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

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

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

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



Figure 8 2018 view from Peacock Point, Balmain East, to the south



Figure 9 Approved envelope view from Peacock Point, Balmain East, to the south

Source: Virtual Ideas + Ethos Urban edits



Figure 10 Proposed view from Peacock Point, Balmain East, to the south

Source: *Virtual Ideas + Ethos Urban edits*

3.2 Barangaroo Headland Park

A photomontage image of the proposal viewed from Barangaroo Headland Park is included at **Figure 13** below.

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

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



Figure 11 2018 view from Barangaroo Headland Park, Barangaroo, to the south



Figure 12 Approved envelope view from Barangaroo Headland Park, Barangaroo, to the south



Figure 13 Proposed view from Barangaroo Headland Park, Barangaroo, to the south

3.3 Metcalfe Park, Pyrmont

A photomontage image of the proposal viewed from Metcalfe Park is included at **Figure 16** below.

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

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

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

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

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



Figure 14 2018 view from Metcalfe Park, Pyrmont, to the east



Figure 15 Approved envelope view from Metcalfe Park, Pyrmont, to the east

Source: Virtual Ideas + Ethos Urban edits



Figure 16 Proposed view from Metcalfe Park, Pyrmont, to the east

Source: Virtual Ideas + Ethos Urban edits

3.4 Wharf 7, Pyrmont

A photomontage image of the proposal viewed from Wharf 7, Pyrmont is included at **Figure 19** below.

Wharf 7 (Pyrmont Bay Wharf) is located north-west of Cockle Bay and accommodates a wide public boardwalk approximately 270m in length. The Cockle Bay Park is approximately 510m from the southernmost point on Wharf 7. Open and expansive public domain views across Darling Harbour to its eastern foreshore and the CBD skyline are available along the entire length of Wharf 7. The existing view across the water, south-east towards Cockle Bay Park captures the King Street Wharf, the Sydney Zoo and Aquarium on the foreshore with the CBD skyline as a backdrop. Pyrmont Bridge is visible in the landscape; however, it is partially obscured by the watercraft moored at the Maritime Museum and the eastern foreshore tourist attractions.

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

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

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



Figure 17 2018 view from Wharf 7, Pyrmont, to the south



Figure 18 Approved envelope view from Wharf 7, Pyrmont, to the south

Source: Virtual Ideas + Ethos Urban edits



Figure 19 Proposed view from Wharf 7, Pyrmont, to the south

Source: Virtual Ideas + Ethos Urban edits

3.5 Pyrmont Bay Park

A photomontage image of the proposal viewed from Pyrmont Bay Park is included at **Figure 22** below.

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

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

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

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

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



Figure 20 2018 view from Pymont Bay Park, Pymont, to the east

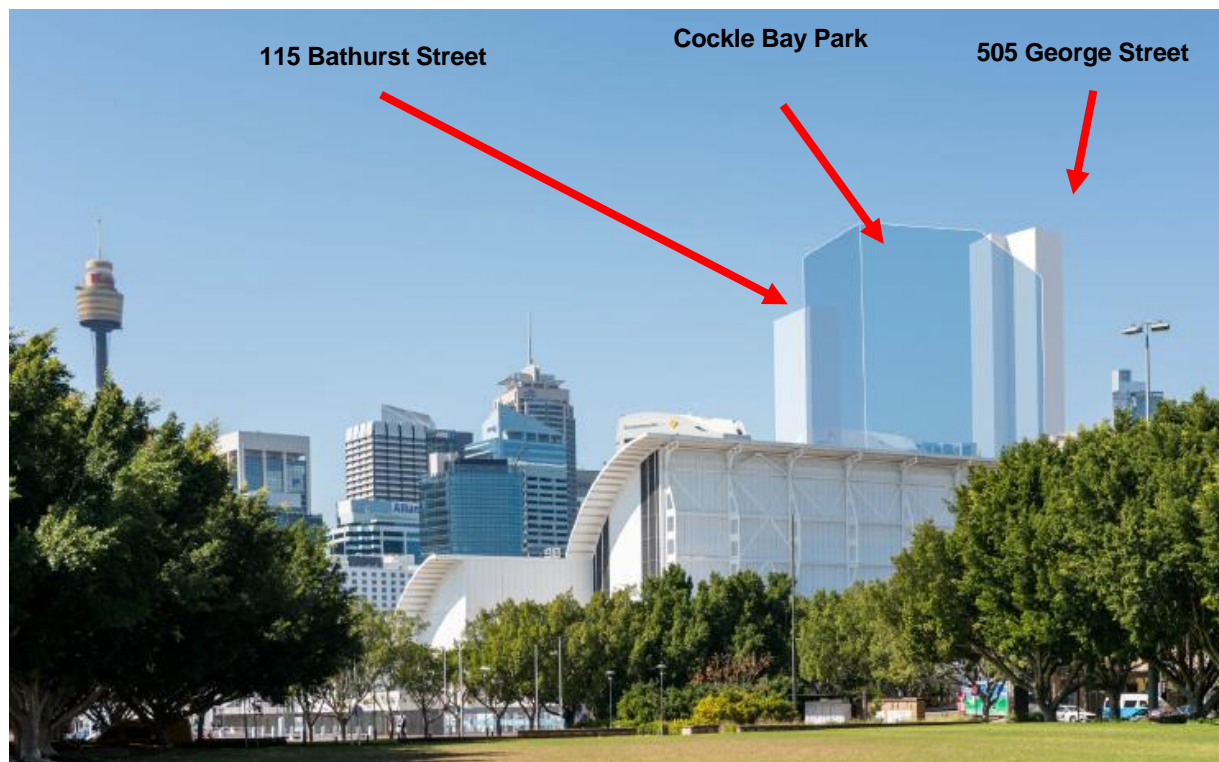


Figure 21 Approved envelope view from Pymont Bay Park, Pymont, to the east

Source: Virtual Ideas + Ethos Urban edits

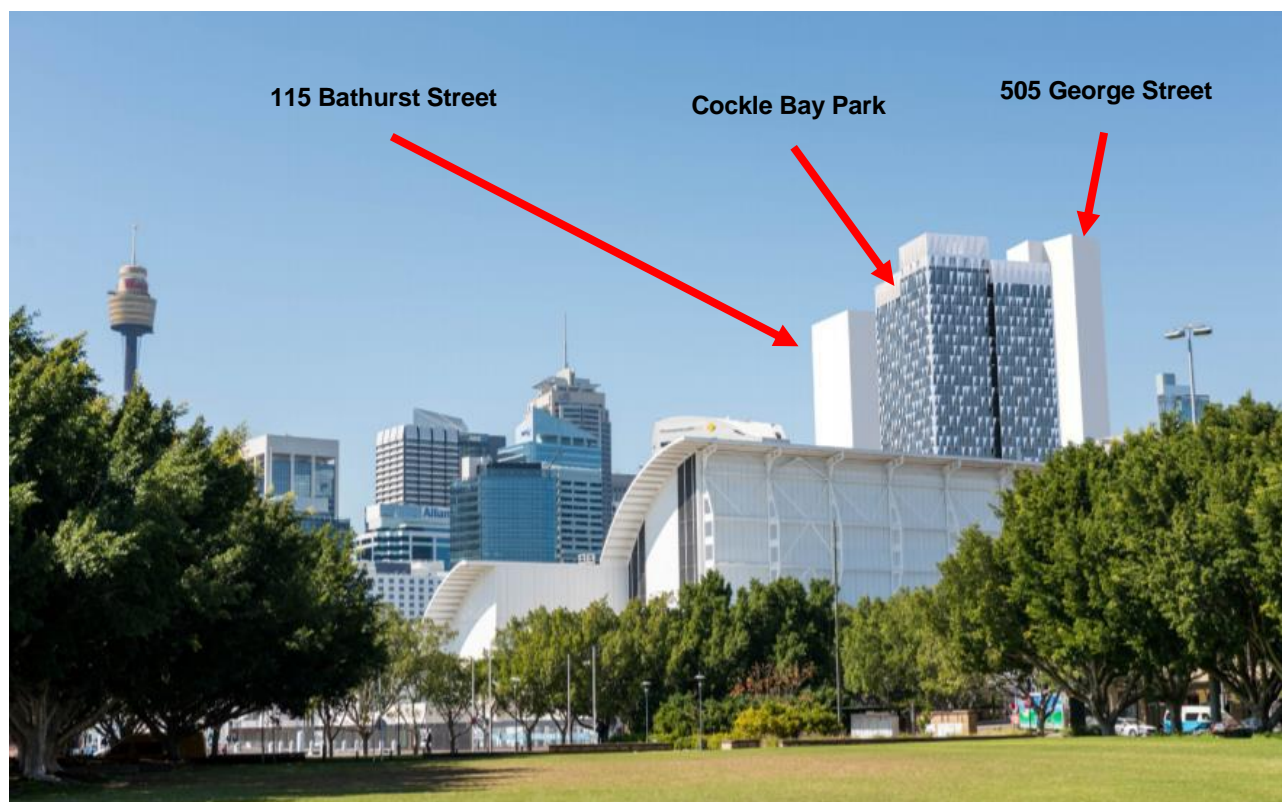


Figure 22 Proposed view from Pyrmont Bay Park, Pyrmont, to the east

Source: Virtual Ideas + Ethos Urban edits

3.6 Corner of Murray Street and Union Street, Pyrmont

A photomontage image of the proposal viewed from the corner of Murray Street and Union Street is included at **Figure 25**.

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

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

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



Figure 23 2018 view from the intersection of Murray and Union Streets, Pyrmont, to the east



Figure 24 Approved envelope view from the intersection of Murray and Union Streets, Pyrmont, to the east

Source: Virtual Ideas + Ethos Urban edits



Figure 25 Proposed view from the intersection of Murray and Union Streets, Pyrmont, to the east

Source: Virtual Ideas + Ethos Urban edits

3.7 Pyrmont Bridge

Photomontage images of the proposal viewed from Pyrmont Bridge are included at **Figure 28**, **Figure 31**, and **Figure 34**. These images capture views from the ends and middle of the Bridge.

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

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

The proposal does not obscure any significant views or vistas. The proposal's proximity to Pyrmont Bridge makes it highly visible from the public domain. The proposal will accommodate new significant publicly accessible open space adjacent to Pyrmont Bridge which will provide a human scale to the Bridge allowing it to continue to sit comfortably within the built environment. Articulation of the tower façade through the use of varying contrasting materials as proposed break down the apparent bulk and massing of the proposal when experienced from the Bridge.

The existing view of the site from the centre of Pyrmont Bridge looking east becomes more enclosed as proximity to the CBD increases. The existing Cockle Bay Park development becomes more visible and the repetition of flagpoles and street lamps frame the vista east along Pyrmont Bridge. As expected, the visibility and presence of the proposal on the southern side of the Bridge increases as it becomes closer. The new publicly accessible open space on the northern podium will provide a low scale interface to the Bridge and will create an appropriate degree of separation to tower. There is no impact on the open and expansive water and sky views to the north and south from the centre of Pyrmont Bridge and the pedestrian view corridor along the Bridge to the CBD is maintained.

The view from the eastern end of the Bridge overlooks the existing low scale Cockle Bay Park development with the Darling Park commercial development immediately beyond. At this point the environment transitions from the Darling Harbour precinct into the highly urbanised core CBD. The views become enclosed as the built form density increases. At

this point the proposal is at its most prominent. Again, the proposal is not obscuring any significant views and vistas from the Bridge and pedestrians will still have high quality views to the north and south. At this location, the new open space will be highly visible and will significantly improve the existing view by providing a welcoming landscaped vista at the gateway to the CBD. The visual connection to the new urban open space will increase as the Bridge ramps up into the CBD.

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

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



Figure 26 2018 view from Pyrmont Bridge (west), viewing to the east



Figure 27 Approved envelope view from Pymont Bridge (west), viewing to the east

Source: Virtual Ideas + Ethos Urban edits



Figure 28 Proposed view from Pymont Bridge (west), viewing to the east

Source: Virtual Ideas + Ethos Urban edits



Figure 29 2018 view from Pyrmont Bridge (centre), viewing to the east



Figure 30 Approved envelope view from Pyrmont Bridge (centre), viewing to the east



Figure 31 Proposed view from Pymont Bridge (centre), viewing to the east

Source: Virtual Ideas + Ethos Urban edits



Figure 32 2018 view from Pymont Bridge (east), viewing to the east



Figure 33 Approved envelope view from Pyrmont Bridge (east), viewing to the east



Figure 34 Proposed view from Pyrmont Bridge (east), viewing to the east

3.8 Darling Harbour Pier 26

A photomontage image of the proposal viewed from Darling Harbour Pier 26 is included at **Figure 37**.

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

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

The proposed development will partially obscure the view towards Darling Park and significantly increase the scale and massing of the built form when viewed from Pier 26. The Bridge provides a visual barrier to the proposal and the proposed tower is setback beyond the Bridge through the new open space and landscaping. Therefore, visual impacts are managed in the environment which already incorporates tower forms of a similar size and scale to the proposal in this view.

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

The 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



Figure 35 2018 view from Darling Harbour Pier 26, Sydney, to the south-east



Figure 36 Approved envelope view from Darling Harbour Pier 26, Sydney, to the south-east



Figure 37 View from Darling Harbour Pier 26, Sydney, to the south-east

3.9 Market Street

A photomontage image of the proposal as viewed from Market Street is included at **Figure 41** below.

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

The proposed tower is setback and will not be visible from the Market Street view corridor. Pyrmont Bridge will remain visible.

The 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. A civic link is proposed from Market Street connecting the CBD to the Pyrmont Bridge. Landscaping is proposed along this view corridor which will soften the visual approach onto the site and Cockle Bay Park.

The enhancement of the Market Street view corridor is a key urban design principle articulated in the Design Guidelines prepared by FJMT and the Henning Larsen Design Report prepared for the Stage 2 SSDA (submitted separately). The following figure illustrates the intention to 'open' up the Market Street view corridor, which has been achieved in the Stage 2 SSDA.

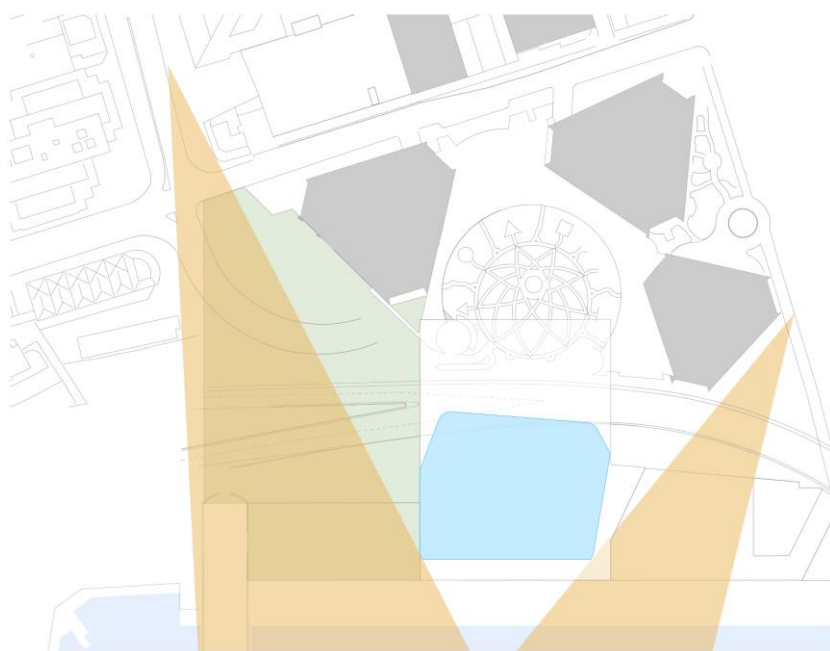


Figure 38 Proposed preservation and enhancement of view corridors to Pyrmont Bridge and Darling Harbour from Market Street and the Druiett Street pedestrian link as in the Design Guidelines



Figure 39 2018 view from Market Street near Clarence Street, Sydney, to the west

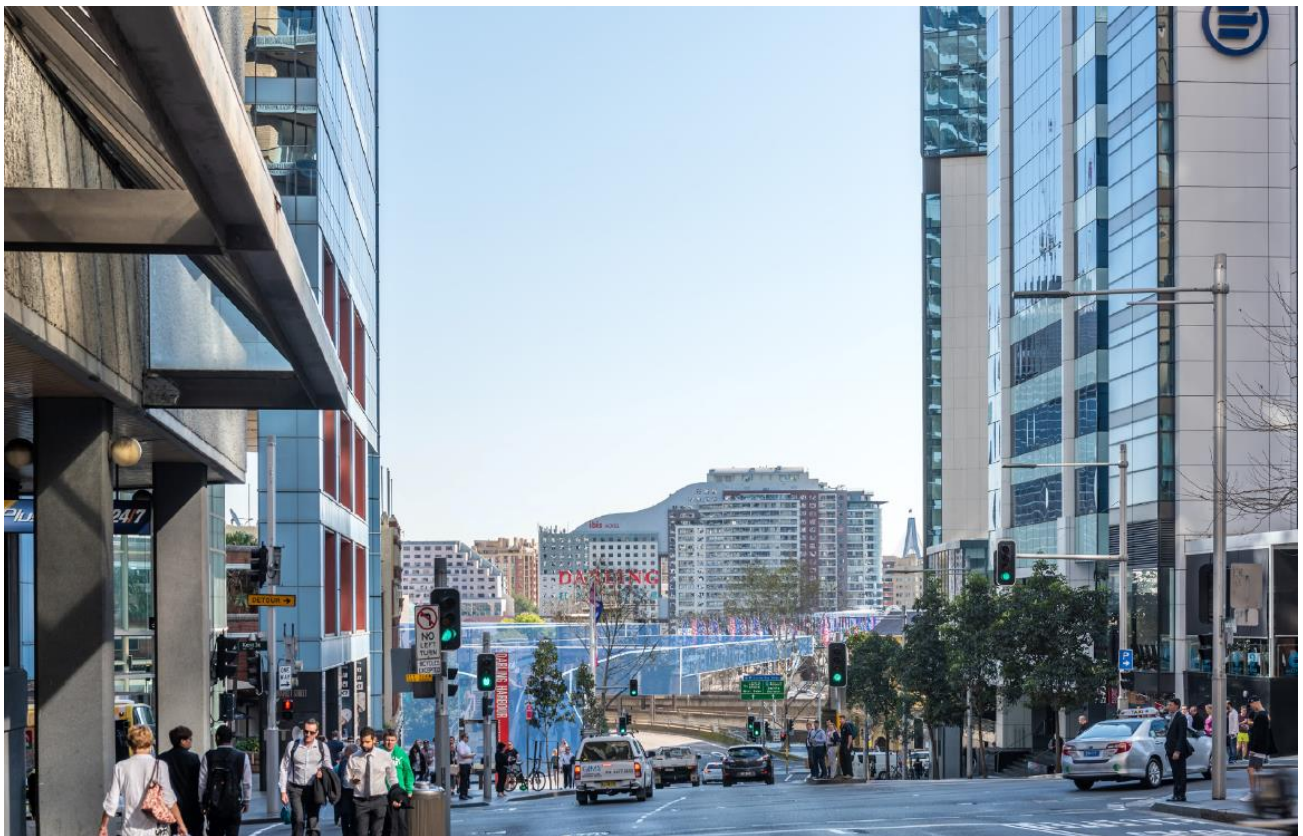


Figure 40 Approved envelope view from Market Street near Clarence Street, Sydney, to the west

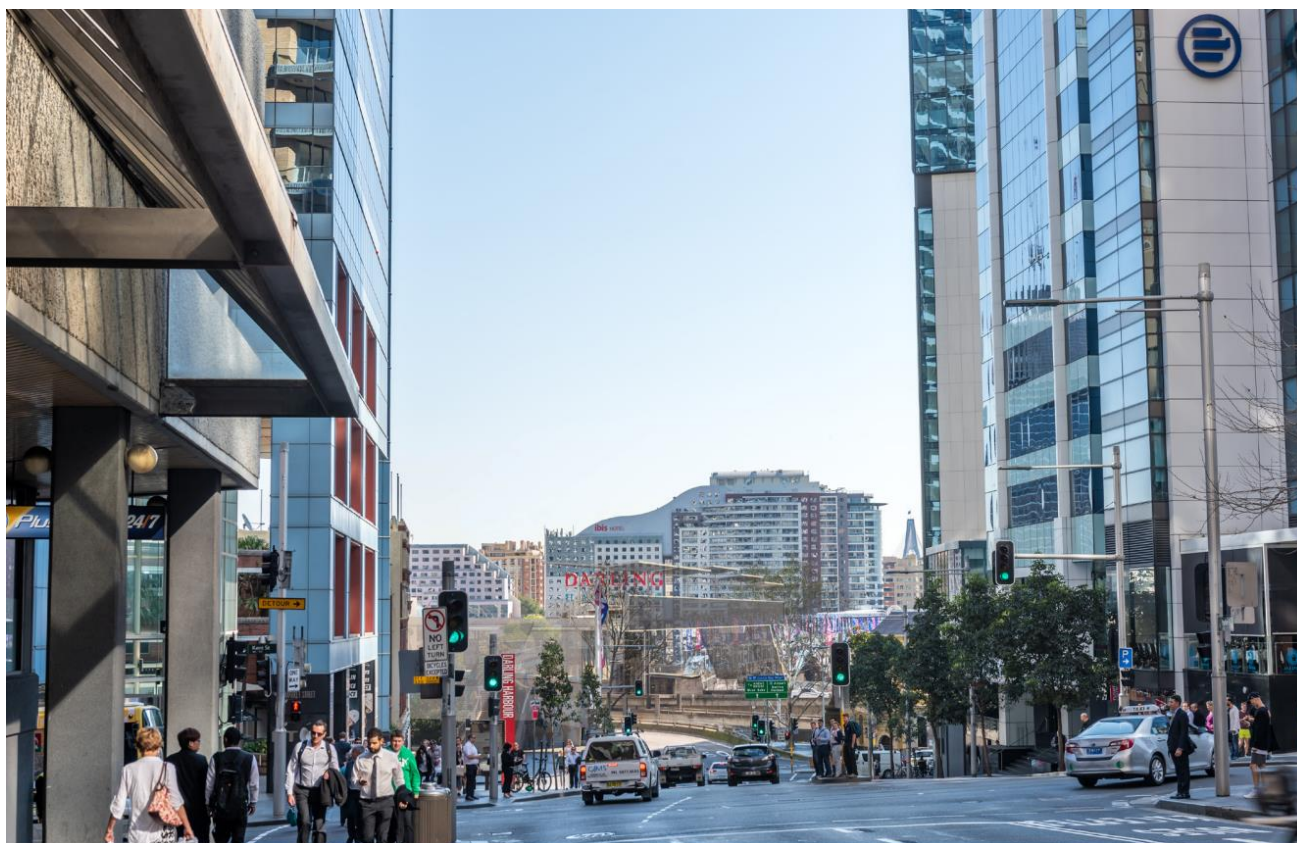


Figure 41 Proposed view from Market Street near Clarence Street, Sydney, to the west

3.10 Harbourside and Cockle Bay

Photomontage images of the proposal as viewed from the foreshore are included at **Figure 44**, **Figure 47** and **Figure 50** below.

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

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

The 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 Park development and will continue to provide for a human scale and respond to the predominant low- medium scale foreshore development. Additionally, the tower 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 proposal will further improve the visual impact on areas surrounding the site.



Figure 42 2018 view from Harbourside Shopping Centre, Cockle Bay (west), Pyrmont, to the east



Figure 43 Approved envelope view from Harbourside Shopping Centre, Cockle Bay (west), Pyrmont, to the east

Source: Virtual Ideas + Ethos Urban edits



Figure 44 Proposed view from Harbourside Shopping Centre, Cockle Bay (west), Pyrmont, to the east
Source: Virtual Ideas + Ethos Urban edits



Figure 45 2018 view from Cockle Bay (east), Sydney, to the north



Figure 46 Approved envelope view from Cockle Bay (east), Sydney, to the north



Figure 47 Proposed view from Cockle Bay (east), Sydney, to the north



Figure 48 2018 view from Cockle Bay (south), Sydney, to the north-east

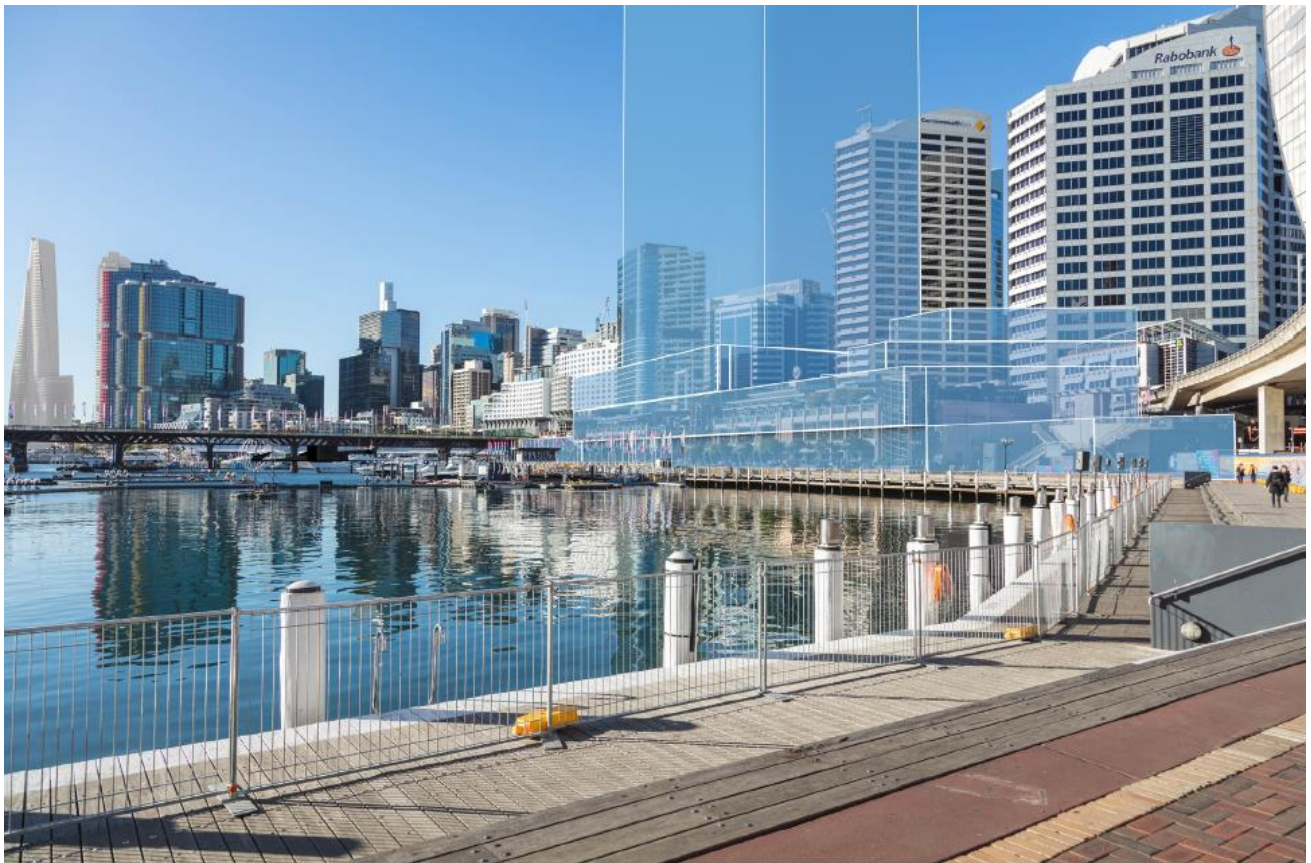


Figure 49 Approved envelope view from Cockle Bay (south), Sydney, to the north-east



Figure 50 Proposed view from Cockle Bay (south), Sydney, to the north-east

3.11 Corner of Kent Street and Druitt Street

A photomontage image of the proposal as viewed from the corner of Kent Street and Druitt Street is included at **Figure 52** below.

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



Figure 51 Approved envelope view from Kent Street near Druitt Street, Sydney, to the north-west

Source: Virtual Ideas + Ethos Urban edits



Figure 52 Proposed view from Kent Street near Druitt Street, Sydney, to the north-west

Source: Virtual Ideas + Ethos Urban edits

3.12 Tumbalong Park

Photomontage images of the Cockle Bay Park Concept Proposal viewed from Tumbalong Park is included at **Figure 55** and **Figure 58** below.

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

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

Within this context the proposal will appear as a tall but relatively slender new built form element in the northern background to Tumbalong Park beyond The Ribbon / W Hotel. It will read as a commercial tower within the CBD punctuating the skyline within this northern view from Tumbalong Park. The 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 the proposal has been judged to exhibit design excellence, it will present as an elegant and complementary addition to the CBD skyline and therefore have a positive cumulative impact.



Figure 53 2018 view from Tumbalong Park, Sydney, to the north-east



Figure 54 Approved envelope view from Tumbalong Park, Sydney, to the north-east

Source: Virtual Ideas + Ethos Urban edits



Figure 55 Proposed view from Tumbalong Park. Sydney, to the north-east

Source: Virtual Ideas + Ethos Urban edits



Figure 56 2018 view from Tumbalong Park, Sydney, to the north-east

Source: Virtual Ideas + Ethos Urban edits



Figure 57 Approved envelope view from Tumbalong Park, Sydney, to the north-east

Source: Virtual Ideas + Ethos Urban edits



Figure 58 Proposed envelope view from Tumbalong Park, Sydney, to the north-east

Source: Virtual Ideas + Ethos Urban edits

4.0 View Impact Analysis

222-228 Sussex Street, Sydney (the Astoria Tower) is impacted by the proposal in terms of private views are shown on **Figure 5** and is the subject of this present View Impact Analysis.

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

4.1 222-228 Sussex Street - Astoria Tower

The Astoria Tower is a 33 storey residential apartment building located east of the Cockle Bay Park Site on Sussex Street opposite Darling Park Tower 1. The Astoria Tower is approximately 100m away from the Site at its closest point and is separated from the Site by the existing Darling Park commercial towers (refer to **Figure 5** earlier in this report).

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

Based on our review of these plans, the Astoria Tower accommodates 114 apartments comprising 108 x two bedroom apartments and 6 x three bedroom apartments. Apartments are accommodated from Level 3 (fourth storey) upwards. Level 3 – Level 29 accommodate four apartments per floor. The apartments are configured around a central core, two apartments have frontage to Sussex Street (a northern and southern apartment). The dining / living areas, and 1 x bedroom of each apartment opens onto an enclosed balcony, the other bedroom opens onto an open balcony. The open and enclosed balconies overlook Sussex Street. Kitchens are setback from the Sussex Street frontage against the northern and southern facades. The dining / living rooms and kitchens within the northern apartments from Level 10 upwards have windows on the northern elevation, the enclosed balconies in the northern apartments have windows on the northern façade from Level 15 upwards. The floor plan for Level 10 is provided as **Figure 59** and the floor plan for Level 16 – Level 29 is provided as **Figure 60**.

Levels 30 – 32 also form part of the Astoria Tower however views from these locations are not provided in the View Impact Analysis.

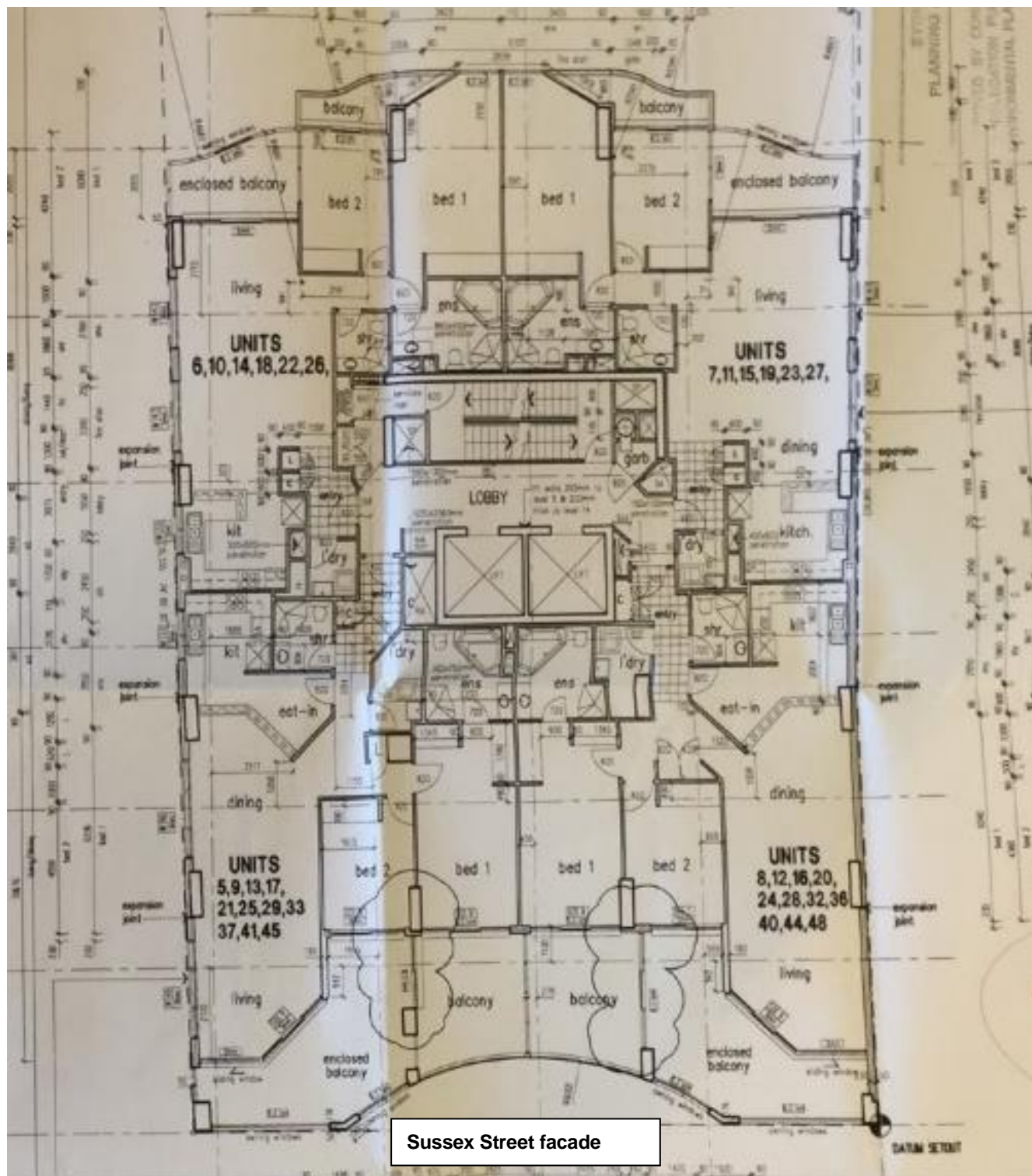


Figure 59 Level 3 – Level 14 Floor Plan (Astoria)

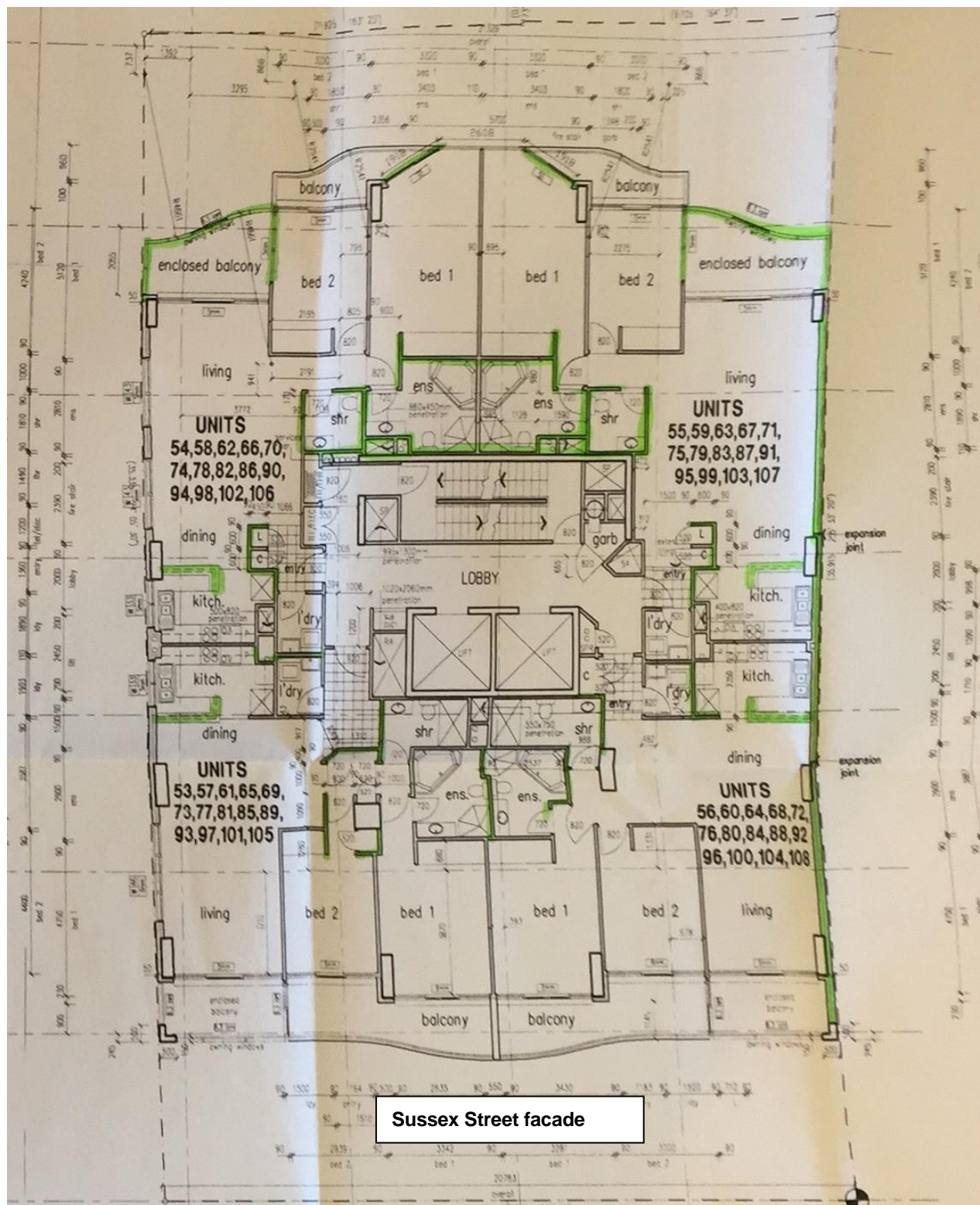


Figure 60 Level 16 – Level 29 Floor Plan (Astoria)

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

Existing views from the Astoria Tower are available from the Sussex Street (western) elevation and can be generally categorised as those occurring at upper low-rise levels of the building (units 17-21), mid-rise levels (units 37-64) and high-rise (units 89-100). The views for the 3D model are set approximately 1.8m above the floor to replicate the view when standing.

A total of 28 key view locations have been identified and analysed from 12 apartments. They are identified in **Table 1**.

Table 1 Key view locations, Astoria Tower

Apartment number	View location
17 (upper low rise)	<ul style="list-style-type: none"> • North bedroom • South bedroom
20 (upper low rise)	<ul style="list-style-type: none"> • Living room • North bedroom • South bedroom
21 (upper low rise)	<ul style="list-style-type: none"> • Living room • North bedroom • South bedroom
37 (mid rise)	<ul style="list-style-type: none"> • Living room (balcony and sliding door) • North bedroom • South bedroom
40 (mid rise)	<ul style="list-style-type: none"> • Living room • North bedroom • South bedroom
45 (mid rise)	<ul style="list-style-type: none"> • Living room (balcony and sliding door) • North bedroom • South bedroom
52 (mid rise)	<ul style="list-style-type: none"> • Living room
61 (mid rise)	<ul style="list-style-type: none"> • Living room • South bedroom
64 (mid rise)	<ul style="list-style-type: none"> • Living room • South bedroom
89 (high rise)	<ul style="list-style-type: none"> • South bedroom
96 (high rise)	<ul style="list-style-type: none"> • Living room • South bedroom
100 (high rise)	<ul style="list-style-type: none"> • Living room

4.1.1 Existing Views

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

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

The northern apartments from upper low-rise levels to the high-rise levels have existing views to the north along the Sussex Street corridor from their dining / living areas and kitchens and from the enclosed balconies from Level 15 upwards. The northern view expands as the building rises and captures the CBD views towards Barangaroo and beyond. The high-rise apartments have CBD outlook and views to the north and east from bedrooms and open and enclosed balconies.

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

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

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

4.1.2 Proposed Views

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

Northern portion of the building

At the mid-rise levels (Apartments 37 and 40) the field of view through Darling Park towards the Darling Harbour waterway and the ICC Convention Centre will be reduced with the proposed building obscuring the Sofitel Hotel. At this height, existing water views of Darling Harbour will be removed.



Figure 61 Existing view from Apartment 37, south bedroom



Figure 62 Approved envelope view from Apartment 37, south bedroom



Figure 63 Proposed view from Apartment 37, south bedroom

At the upper low-rise levels the field of view to the west will be reduced (Apartment 21). The existing views are largely removed including existing water glimpses of Darling Harbour. The ICC Convention Centre will remain visible.



Figure 64 Existing view from Apartment 21, living room



Figure 65 Approved envelope view from Apartment 21, living room



Figure 66 Proposed view from Apartment 21, living room

Central portion of the building

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

At the high and mid-rise, the view corridor through Darling Park across the water towards the ICC Convention Centre is maintained by the proposed tower, however, the extent of the view will be reduced, however, they will still maintain water views (Apartments 61 and 100 in **Figure 69** and **Figure 72**). By virtue of the view angle, the southern apartment will have the existing view reduced to a greater degree than the northern apartment. However, the existing view of the Sofitel Hotel and the partial view of the Harbourside precinct will be removed from the view from the northern apartment, a glimpse of the Sofitel Hotel and Harbourside will remain from the southern apartment.

At the upper low-rise, the existing water views and glimpses will be removed (**Figure 75**). The proposal will still allow for view sharing of the ICC Convention Centre, however the Sofitel Hotel will be obscured.



Figure 67 Existing view from Apartment 100, living room

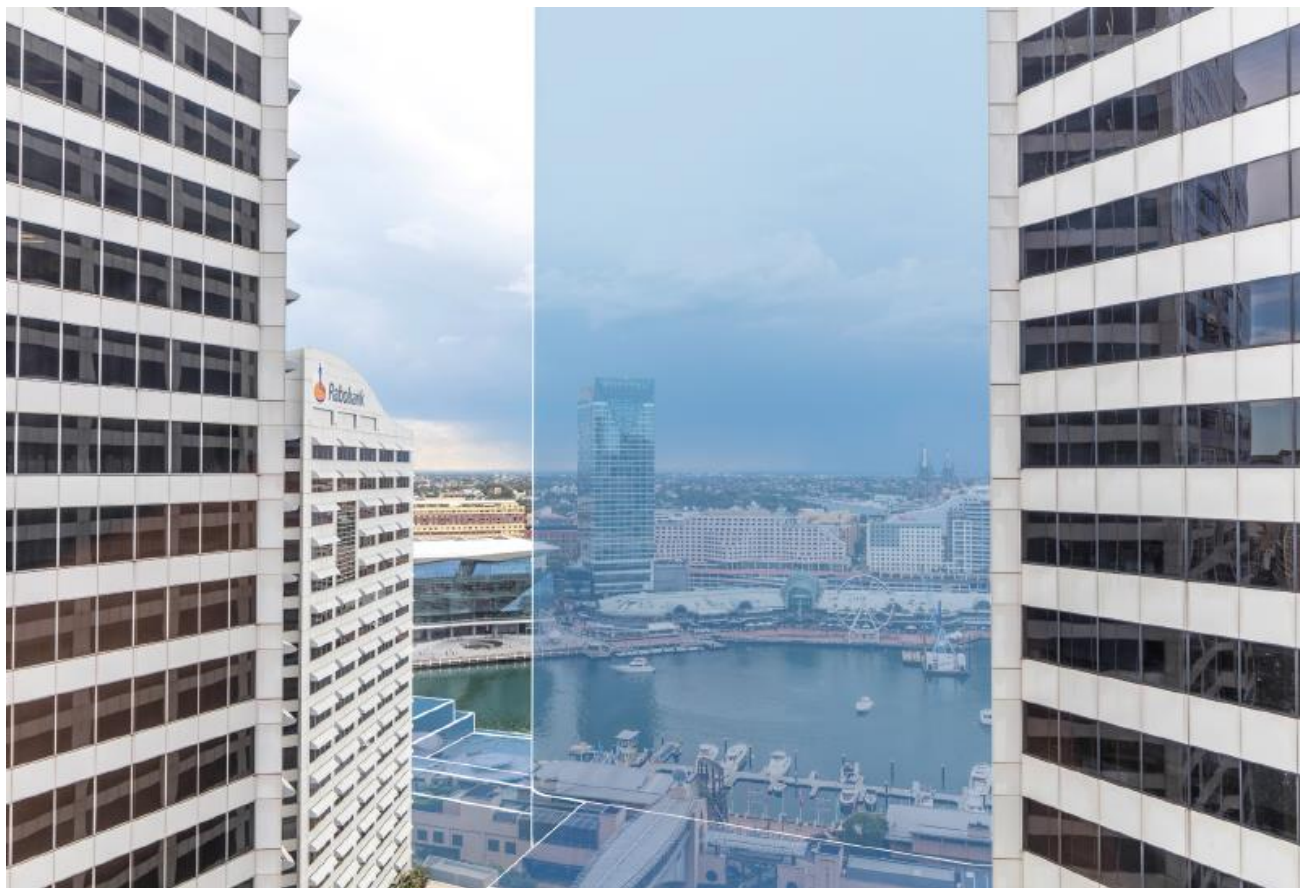


Figure 68 Approved envelope view from Apartment 100, living room



Figure 69 Proposed view from Apartment 100, living room



Figure 70 Existing view from Apartment 61, living room



Figure 71 Approved envelope view from Apartment 61, living room



Figure 72 Proposed view from Apartment 61, living room



Figure 73 Existing view from Apartment 21, south bedroom



Figure 74 Approved envelope view from Apartment 21, south bedroom



Figure 75 Proposed view from Apartment 21, south bedroom

Southern portion of the building

For the southern portion of the building, at the high and mid-rise levels (Apartments 96 and 52), the proposal will reduce the existing view of the Sofitel Hotel and Harbourside. The proposed view maintains view sharing across the water, including partial water views, towards the ICC Convention Centre a partial view of the Sofitel Hotel and the sky beyond. As shown by the indicative building massing that sits within the proposal, a greater extent of the existing view can be maintained, including water views. There will be no impact to existing views to the south and east from the high-rise levels.

At the upper-low rise levels, similar to the central portion of the building, the existing view across the water towards Harbourside will be removed by the proposal (Apartment 20). Views towards the ICC Convention Centre and glimpses of the Sofitel Hotel will be maintained



Figure 76 Existing view from Apartment 96, south bedroom



Figure 77 Approved envelope view from Apartment 96, south bedroom

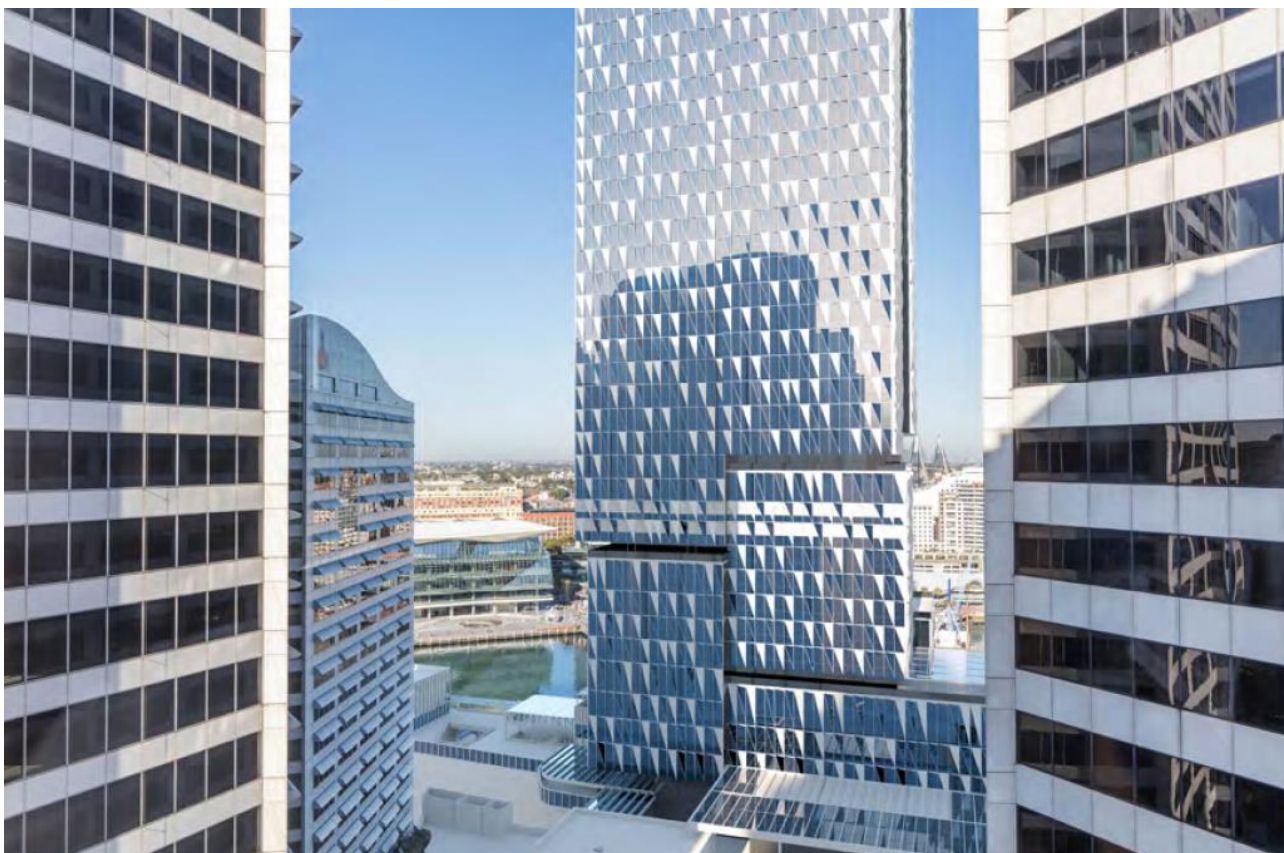


Figure 78 Proposed view from Apartment 96, south bedroom



Figure 79 Existing view from Apartment 52, living room



Figure 80 Approved envelope view from Apartment 52, living room



Figure 81 Proposed view from Apartment 52, living room

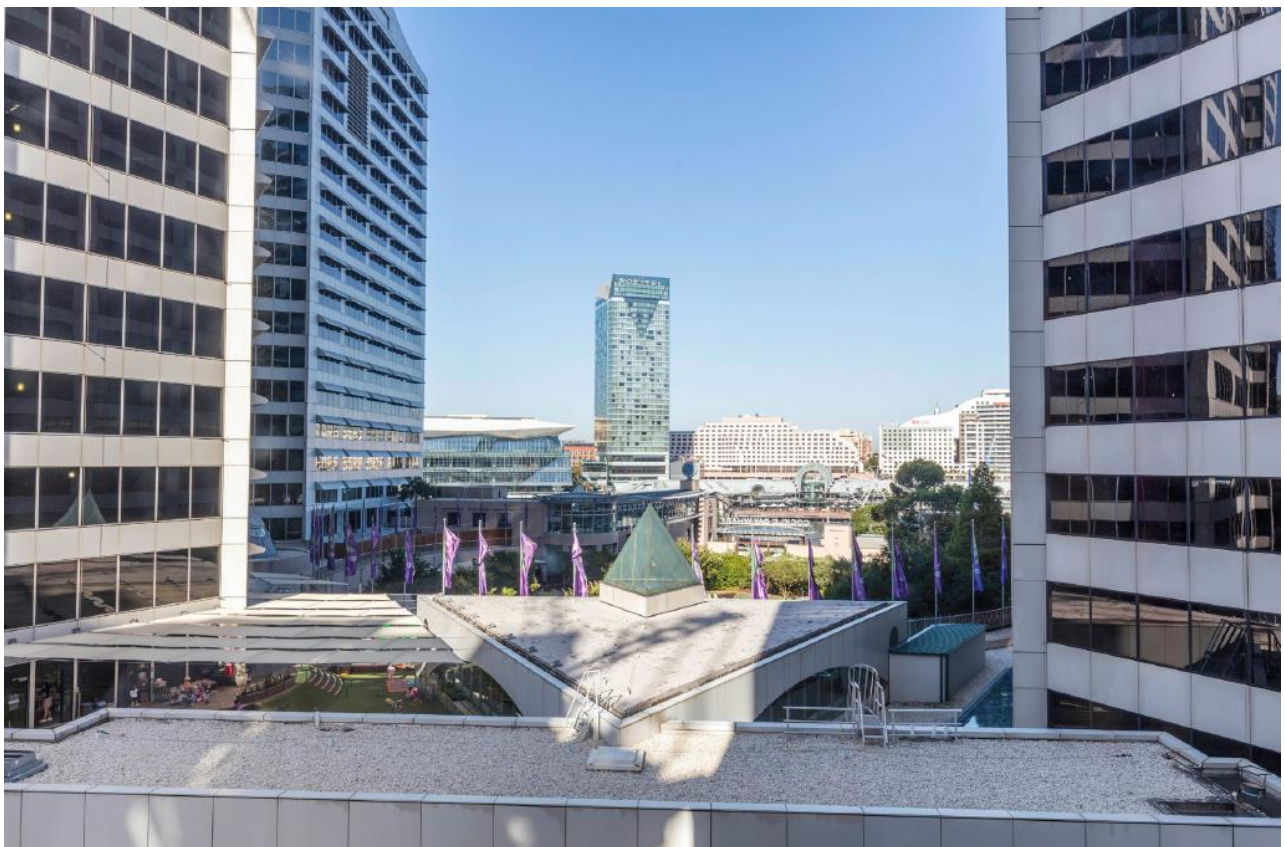


Figure 82 Existing view from Apartment 20, living room

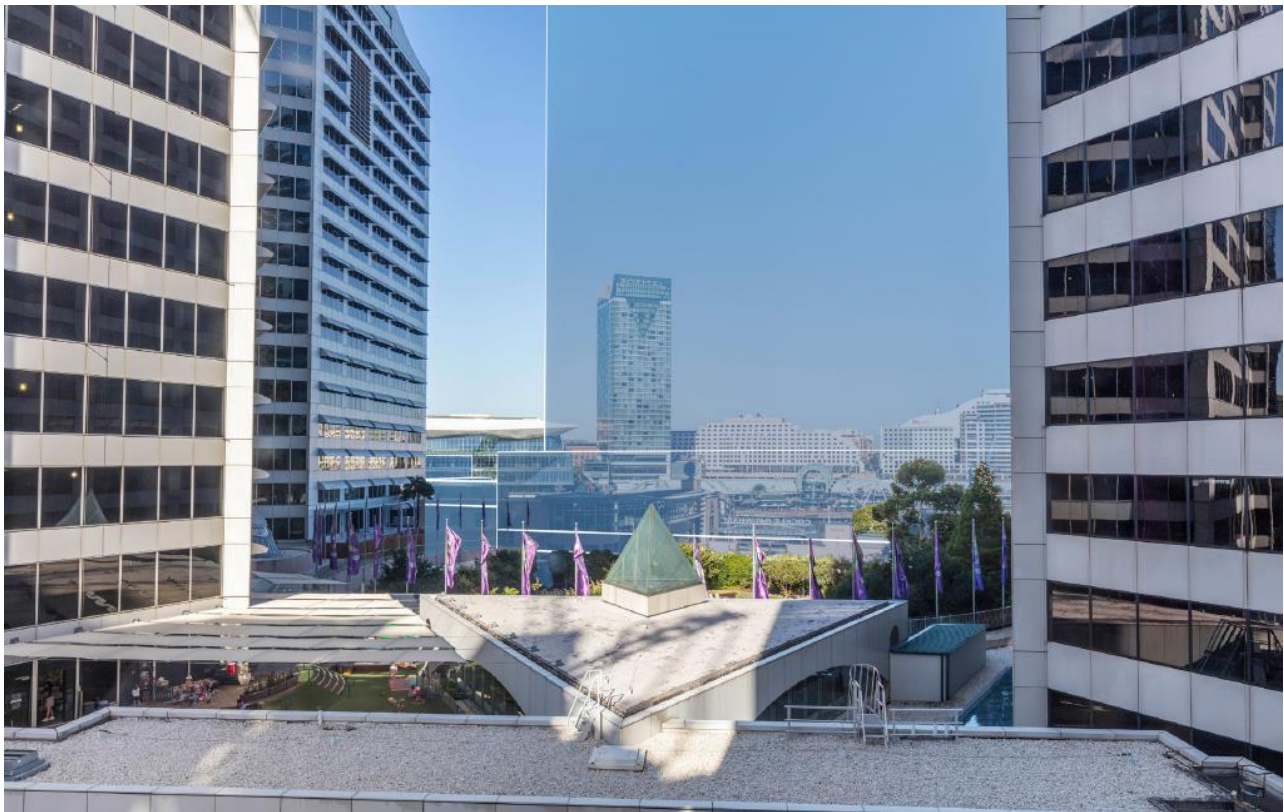


Figure 83 Approved envelope view from Apartment 20, living room

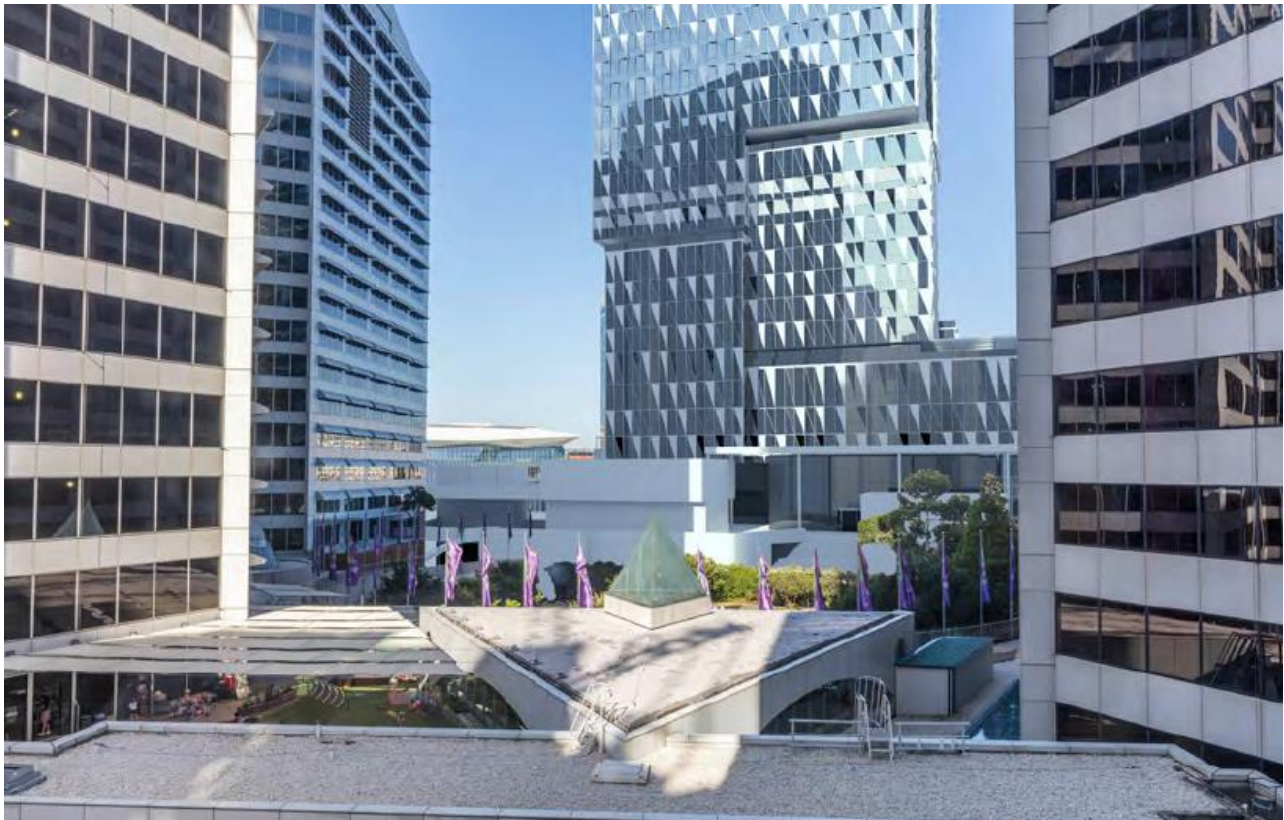


Figure 84 Proposed view from Apartment 20, living room

4.1.3 Discussion

Although there is an impact on private views from apartments at the high, mid and upper low-rise levels within the Astoria Tower, it is considered that these impacts are reasonable on balance given the significant contribution the proposal will make to the improvement of the urban realm. Of particular importance, the Cockle Bay Park redevelopment will create up to 6,500m² of publicly accessible open space, including an area adjacent to the waterfront that will be comparable in size to the Sydney Opera House forecourt and steps, First Fleet Park in the Rocks, and the future Town Hall Square. The main publicly accessible open space is proposed to be located to the north of the Site spanning the Western Distributor adjacent to Pyrmont Bridge. The space will receive excellent solar access throughout the year and will provide a large vantage point for people to enjoy views across Darling Harbour and Pyrmont Bridge, towards Barangaroo and Sydney Harbour. The space will also provide east-west accessibility from the CBD to the waterfront which will improve connectivity at the CBD's western gateway, but also in terms of view sharing principles it will result in the establishment of significant new publicly accessible vantage points that will be integrated within the broader urban realm of Darling Harbour and its surrounds.

The proposal's location, height and massing are largely consistent with what was approved in the Concept Approval (as modified). As is demonstrated in the preceding images, the extent of impact by the Stage 2 SSDA is less than that of the Concept Approval, presenting as a more refined and slender form within the view corridors. As such, the private view impacts of this detailed proposal are also acceptable.

The retention of private views needs to be balanced against 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. This is consistent with the aims of the Sydney Harbour REP which articulates that the public good has precedence over the private good whenever and whatever change is proposed for Sydney Harbour or its foreshores. This provision supports the principle that, in the context of the proposed development, the improvements to the public domain, including public views, should be given precedence over private view loss. The location of the proposed publicly accessible open space is a key urban design principle 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 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 between 9am and 3pm on 21 June consistent with the design objectives of the NSW Apartment Design Guide, and will improve solar access when compared to the Concept Approval at other times of the year consistent with the terms of the Concept Approval.

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

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

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

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

5.0 Visual impact of further refinement and detail under this proposal

Compared to the Concept Approval, the proposal provides for further refinement of massing and greater detail for elevations. This refinement and detail are considered to minimise the appearance of visual scale and bulk within the framework established by the Concept Approval. This is achieved through:

Tower

- Breaking the massing down into a number of smaller square and rectangular forms through noticeable recesses and projections in both the horizontal and vertical planes, including full storey height breaks
- Incorporation of landscaping within building recesses at these storey height breaks, providing obvious contrast, reducing the appearance of building bulk and visual interest transitioning the tower form to the podium
- Elements of a finer grain than the main structural framing, in particular sun-shading devices and other triangular modules with tilt and glazing that provide an interplay of light and shade to create a perception of depth while complementing the waters of Cockle Bay. These glazed elements are spread out throughout the façade at varying widths to provide energy efficiency and visual interest benefits to the proposal.
- A transparent edge to the roof, which provides for a gentler interface between the positive space of the building and the negative space of the sky. This is constructed from porous metal cladding complementing the façade expression below as well as providing for a lighter appearance to the roof transitioning from the tower to open sky above.

The refinements are seen in detailed photomontages of the tower as expressed below in **Figure 85** and **Figure 86**.



Figure 85 Future view of the tower form from the north



Figure 86 Details of future tower form

Podium

- The length, horizontal emphasis, complexity and opportunity for different materiality and colour provide for a visual balance to the verticality of the tower
- The provision of vegetation and landscaped open space at different podium levels softens the overall impact of built form, and contributes to a visually greener environment complementing the natural features of Darling Harbour.
- A strong human scale at ground level, with varieties of scale and façade expression, landscaping and terracing breaking up building bulk and transitioning built form between Cockle Bay and the proposal.
- Inclusion of building recesses to the north, central and south podium facing Cockle Bay with unique terracing concepts, reducing the impression of scale and providing obvious building entries
- A combination of podium façade typologies which interact to provide a varied expression within a cohesive design.

The refinements are seen in detailed photomontages of the podium as expressed below in **Figure 87** and **Figure 88**.



Figure 87 Interface between podium, open space landscaping and tower



Figure 88 Example of recessed building entries facing Cockle Bay

6.0 Conclusion

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

Consideration has also been given to views and outlook available from existing private residences and other adjoining private development at the Astoria Tower (100m to the east of the site) and to ensuring view sharing principles are addressed. The prominence of the proposed building requires an outcome that exhibits design excellence to ensure that views are not adversely affected by the presence of a new building. However, this assessment concludes on balance the design of the proposal is such that view sharing impacts are acceptable within the context of the relevant planning objectives.

The photomontages show that the proposal maintains largely the same composition as the Concept Approval, being a podium addressing the Darling Harbour promenade, a large expanse of public open space spanning across the Western Distributor to Sussex Street, and a tower form comprising a mid-podium with the tower above chamfered at the top to minimise overshadowing of surrounding public places. The Stage 2 SSDA built form will occupy less than 65% of the approved envelope, ensuring a reduction in the massing of building when compared to the approved building envelope.

Critically with regard to visual and view impacts, comparison with the earlier VIA shows that the extent of impact by the Stage 2 SSDA is less than that of the Concept Approval, presenting as a more refined and slender form. Variation to the Concept Approval occurs in a finer grain manner, including a small intrusion outside of the approved building envelope at the tower's eastern and western elevations for façade articulation, and adjustment to structures at the podium and ground plane areas.

On this basis, the proposal does not give rise to significant, new visual impacts relating to building size and form not previously addressed as part of the Concept Approval.

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 to Pyrmont Bridge
- Visual connectivity to other heritage items in the vicinity is not significantly affected by the proposal
- 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 low scale 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
 - overshadowing of public spaces
- The tower positioning supports ample sky views and a retained sense of openness on this western CBD fringe
- The proposed public open space will establish new sightlines, visual permeability and views and vistas.
- The proposal will not detract from the overall visual connectivity for pedestrians in the public domain nor result in any significant adverse impact and will be designed to the highest standards of architectural excellence. Generally, the affected vantage points are not key places for pedestrians to stop and view the CBD or its skyline, and the wide range of different viewing points available within the Darling Harbour precinct, Pyrmont and its approaches will continue to provide for variety and interest in the different views, vistas and sightlines available to pedestrians approaching and moving through the precinct from the north, south, east and west.

- Low, medium and high level views of the sky along streets and from public domain places are retained in a variety of contexts
- The proposal continues evolution of the Darling Harbour character, providing the opportunity to deliver an iconic building form that marks the site's location at the confluence of Darling Harbour and the wider CBD by redefining the density and height of development on the eastern side of Darling Harbour.

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

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

With respect to private views:

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

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

It is considered that the 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. It is noted that visual and view impacts were assessed and considered acceptable by the Department of Planning, Industry and Environment (DPIE) in granting Concept Approval and the location, height and massing of this detailed proposal is consistent with the Concept Approval (as modified).

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