

12 March 2019

Our Ref: 0112A.3JM

Independent Planning Commission
Level 3, 201 Elizabeth Street,
SYDNEY NSW 2000

Attention: Mr Peter Duncan

By Email: ipcn@ipcn.nsw.gov.au

Dear Sir,

**Objection to Proposed State Significant Development No. SSD 7684
Amended Concept Proposal for Redevelopment of Cockle Bay Wharf
Nos. 241 - 249 Wheat Road, Cockle Bay | Applicant: DPT and DPPT Operator Pty Limited**

State Planning Services Pty Limited (**SPS**) has been commissioned by the Owners Corporation, Strata Plan 53413, No. 222 Sussex Street, Sydney (**our clients**) to provide a further submission. This submission is in respect to the State Significant Development No. SSD 7684 (**SSD 7684**) in response to the Public Meeting on 5 March 2019 which considered the Assessment Report and draft conditions prepared by the Department of Planning and Environment that have been referred to the Independent Planning Commission for determination.

In summary, SPS contends that SSD 7684 should still be refused for the reasons outlined herein and within the previous submission dated 15 December 2017 forwarded to the Department of Planning and Environment.

Subject Site

SSD 7684 involves an amended concept proposal for redevelopment of Cockle Bay Wharf (**the proposal**) at Nos. 241 -249 Wheat Road, Cockle Bay, Darling Harbour (**the subject site**).

The subject site is located to the northwest and west of No. 222 Sussex Street, Sydney and although the Darling Park tower development stands between our client's property and the subject site, the immense height and scale of the proposal will still significantly impact the residential development at No. 222 Sussex Street, which contains 114 residential apartments within a building known as the Astoria Tower.

The Proposal

SSD 7684 proposed to demolish the existing low-rise development and construct a new retail component with office tower above to a height of RL 195. It is noted that the proposed tower has been amended by the Amended EIS to have a reduced height of RL183 and has been relocated further south from Pyrmont Bridge by approximately 42.9m. Notwithstanding, these changes, it is considered that the proposal will dwarf adjoining buildings and have an overbearing effect on the foreshore promenade.



Evaluation

A detailed review of the Assessment Report and draft conditions prepared by officers of the Department of Planning and Environment has been undertaken by SPS and the following comments provided to the Independent Planning Commission for consideration prior to determination of this application. The proposal will create significant adverse environmental impacts that in our view, preclude the Minister for Planning from supporting approval of the development.

1. Excessive Bulk and Scale / Foreshore, Character and Streetscape Impacts

The amended proposal involves the lowering of the building envelope to RL 183 and relocation of the tower 42.9m southward of the original location which still significantly increases the bulk and scale impacts onto the Astoria Tower at No. 222 Sussex Street whilst creating an overbearing impact on the foreshore of Cockle Bay and surrounding development.

The Department contends that this design solution is appropriate for the locality on the basis that there is now a variety of building heights adjacent to the harbour and the proposed tower envelope that is centrally located on site is the most appropriate location in terms of visual, heritage and amenity impacts.

However, the Assessment Report acknowledges that the amended proposal will result in amenity impacts particularly in terms of view loss and overshadowing associated with the Astoria Tower and on balance is acceptable given significant public benefits of this development proposal. In our view residential amenity should not be compromised given that the Astoria Tower apartments currently enjoy good amenity that should be maintained where any redevelopment occurs.

2. Significant Loss of Views and Adverse Visual Impacts

The existing Darling Park development opposite the Astoria Tower at No. 222 Sussex Street was designed comprising three strategically located towers with a low rise central component and open space precinct so as to retain a view corridor that promoted view sharing of valuable land/water interface views to the west, allowed for continued and good solar access to western facing apartments of the Astoria Tower and ensured a good level of residential amenity.

The issue of views and 'view sharing' has been assessed by the NSW Land and Environment Court (**the Court**) in a number of cases. In the case of *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140 (**Tenacity**) Senior Commissioner Roseth established a four step assessment process for determining view sharing.

Tenacity has now been adopted as a planning principle for cases involving potential view loss and has been used in the assessment of this development proposal within the completed Assessment Report.

The Assessment Report has used three sample apartments being at levels 7 (i.e. lower), 15 (i.e. mid) and 26 (i.e. upper) within the southern part of the western elevation that all benefit from western facing living rooms, bedrooms with mid and upper levels having balconies.

View loss is then assessed within the Assessment Report as:

- At the Lower level to be **severe**, with the loss of mid-distance water and foreshore views and partial loss/significant change of distant backdrop developments;
- At the Mid-level to be **moderate to severe**, with a significant reduction of water views, obstruction of the foreshore view, partial loss of distant backdrop developments and retention of an unobstructed view of Crescent Garden; and
- At the Upper level to be **moderate to severe**, with a significant reduction of water views, obstruction of the foreshore view, partial loss of distant backdrop developments. It was noted that Upper level apartments also have southern aspect views.

Hence, the report acknowledges that **moderate to severe loss of views** will occur from front facing living rooms and bedroom windows and balconies of apartments within the western elevation of water and foreshores. (Tenacity Steps 1-3).

The question of reasonableness (Step 4 – Tenacity) must then also be applied to the proposal given that moderate to severe view loss will occur.

The Applicant contends that the proposed building form has sought to respond to view sharing principles along the City's fringe and asserts:

- *the provision of significant public benefits (publicly accessible open space and visual and pedestrian connectivity to the waterfront) should be balanced against the retention of private views;*
- *outlook is retained from all affected apartments and appropriate amenity is maintained and in many instances partial water views, or vistas over green space remain;*
- *the detailed design of the development will form part of future DA(s) and would be shaped by a competitive architectural design competition.*

As outlined above, the view loss has been assessed in the Assessment Report as **moderate to severe** and is more significant than the applicant contends within their view assessment. In this case, water views will be replaced with vistas over open space in some cases created by this development proposal that should not be considered to be an acceptable design solution given view sharing principles whilst adversely affecting the current residential amenity of a significant number of apartments within the Astoria Tower that benefit little from the provision of this additional open space.

The Department states (page 70) that: “view losses as a result of the development would range from moderate to severe.” This is considered to be acceptable in this case as “on balance as most affected properties retain partial views including sky views and in some cases glimpses of water that the view impacts are reasonable in this context. “The report then states “the proposal's height and scale and amendments to the tower location has significantly improved its relationship to the harbour and surrounding context and has struck an appropriate balance between view sharing and the appropriate development of this significant site.”

With regard to outlook, as opposed to views, the Department considers that the distance between existing residential buildings and the proposed development (approximately 100 m) will ensure that a suitable level of outlook is maintained to all existing apartments. It is our opinion that outlook and views of the sky are no substitute for loss of water views.

The Department does not consider an alternative design would achieve a better overall outcome, as a much lower scale development than proposed would still have significant impacts on views. In our opinion, view sharing principles do not appear to have been equitably applied to this development proposal as the Astoria Tower currently enjoys views to the west of Darling Harbour, which will be significantly affected if this development proposal is approved. It is contended that the level of view loss remains unacceptable and therefore is unreasonable.

It is noted that detailed design of the proposed development will be subject to preparation and submission of further development applications where view impacts may be addressed and perhaps minimised. Draft conditions have been suggested to further address this matter and is discussed in a latter section of this submission.

3. Overshadowing

As previously stated, the western elevation of the Astoria Tower contains 52 apartments (two apartments per floor) with living rooms, bedrooms and balconies facing the development site. It

is acknowledged that living rooms on the northern side of the western elevation also have a secondary aspect via windows within the northern elevation.

The Department (i.e. on page 6) of its report contends that overshadowing impacts on the Astoria Tower have been carefully assessed. The Assessment Report then states that: *the proposal would overshadow apartments in the western elevation of the Astoria Tower, approximately 3 hours of sunlight is retained on the most affected day (28 January) and half of all apartments have secondary windows to the north.* It is noted that no reference is made to mid-winter period within the Executive Summary.

However, in later sections of the Assessment Report there is further discussion in terms of overshadowing impacts onto the Astoria Tower and overshadowing impacts associated with the remainder of the year have been considered. The Assessment Report refers to recommended controls within State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development – Apartment Design Guide (ADG) as being a useful guide in assessing the impact onto nearby residential developments where 70% of apartments in urban areas require at least 2 hours of solar access between 9am to 3pm mid-winter. The Department appears to rely on additional overshadowing analysis provided by the applicant in this case.

Again on balance, the Department considers the proposal to be acceptable for the following reasons:

- *the western elevation of the Astoria Tower already has no access to sunlight after midday in mid-winter and, due to the location of the proposed building envelope west of the Astoria Tower, the proposal would not result in additional overshadowing at mid-winter;*
- *west facing apartments on the northern side of the building (being half of all apartments assessed, and those with the least existing access to direct western sunlight) have unobstructed north facing windows providing direct sunlight to living rooms throughout the year (minimum of 3 hours at mid-winter);*
- *on the most affected day (28 January) the building envelope would maintain direct sunlight to the western façade of the Astoria Tower between 11:40am and 2:40pm (3 hours);*
- *the future development would be located within the building envelope and subject to the built form controls and design guidelines that limit the overall size of the development (Section 6.4.1). Therefore, the future development would result in less overshadowing than what is shown at Figure 33;*
- *the location of the tower building envelope provides the following wider public benefits:*
 - *the creation of a significant north facing publicly accessible open space (Section 6.5.1)*
 - *upgrade / improvement of pedestrian connectivity between Darling Harbour and the CBD (Section 6.5.2)*
 - *separation from, and protection of, the heritage significance of Pyrmont Bridge (Section 6.6).*

Noting the above maximum impacts, the Department recommends a FEAR requiring future DA(s) demonstrate how solar access to Astoria Tower can be improved.

The following comments are made in response to the above comments:

- There is currently a well-established corridor between the Darling Park towers allowing for sunlight in mid-winter up until at least midday and with sunlight available in the afternoon during the remainder of the year into western facing apartments;
- Discussion focuses on the most affected day which appears to be in summer rather than mid-winter which is considered to be more criteria time of the year;
- No mention is made of western facing apartments that also have a southern aspect;

- Whilst implementation of robust built form controls and design guidelines limit the overall size of the development there is no guarantee that these will assist to further reduce overshadowing impacts onto western facing apartments of the Astoria Tower;
- The location of the tower based on public benefit to the detriment of nearby residents is not a reason to support any increased impacts onto apartments that already do not achieve sufficient levels of sunlight in accordance with ADG;
- Residents within the Astoria Tower will not directly benefit from the north facing open space or improved pedestrian connectivity within this development proposal;
- Conditions have been recommended that any further DAs be prepared showing how solar access to the Astoria Tower can be improved which implies there may be some concern by the Department with the predicted level of overshadowing within the concept proposal.

The Assessment Report concludes: *the impacts on Astoria Tower is, on-balance, acceptable as adequate solar access is maintained and apartments retain an acceptable outlook. The Department recommends future applications (DA(s)) demonstrate solar access to Astoria Tower has been maximised and view losses have been minimised (FEAR C8 and C9).*

Solar access and outlook should be considered as separate matters in any assessment as good solar access should be available and maintained to western elevation apartments of the Astoria Tower in accordance with recognised planning standards such as the ADG.

Design guidelines and conditions relating to overshadowing are further discussed in a later section of this submission.

4. Draft Conditions

The Assessment Report supports implementation of Design Guidelines that are intended to inform the competitive design excellence process and subsequent detailed design of the development and recommends changes to the guidelines to ensure the detailed design achieves the design and open space objectives for the development whilst incorporating the various changes recommended throughout the Assessment Report including view loss and overshadowing impacts.

Amended guidelines have been incorporated into Condition B1 Design Guidelines and then a further condition included requiring a Visual and View Loss Assessment to be completed with submission of a DA. There should be no conflict between conditions B1 part i) and Condition C9.

Condition B1 Design Guidelines Part i) Urban Design Principle 3.14 Consider and balance private view sharing reads as follows:

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.

However, the Department within the Assessment Report as outlined above has not fully agreed with conclusion of the VIA finding that moderate to severe view loss results. Hence the guideline relating to view sharing should be amended to achieve a better outcome than the VIA as follows:

View loss impacts to apartments within the western elevation of the Astoria Tower shall be further addressed and result in better design outcomes than the impacts assessed within the Visual Impact Assessment (VIA) submitted with the concept approval. The parameters established by the amended building envelope and the concept approval shall be incorporated into this VIA and clearly demonstrated that reasonable level of views can be retained.

A further condition has been incorporated into the draft consent as follows:

Public and private views

C9. - Future Development Application(s) shall include a Visual and View Loss Assessment, which assesses public and private view impacts and demonstrates how consideration has been given to minimising such impacts where feasible.

Whilst it is agreed that a detailed Visual and View Loss Assessment should be prepared and submitted with future development applications for the proposed development the condition does not go far enough to ensure that the view impacts from nearby Astoria Tower are minimised and considered acceptable. It is recommended that the condition be amended as follows:

Future Development Application(s) shall include a Visual and View Loss Assessment, which assesses public and private view impacts and clearly demonstrates that any detailed designs shall minimise view loss from all western facing apartments within the Astoria Towers and other nearby residential properties.

The attached view analysis prepared by R.A. Walls Constructions clearly demonstrates that the amended proposal creates a significant adverse impact on surrounding development.

The Department has also suggested amended Design Guidelines in respect to residential solar access that is also included as a condition within the draft consent and a specific condition relating to overshadowing of the Astoria Tower.

Condition B1 Design Guidelines Part w) Urban Design Principle 5.8 Residential solar access Maintain reads:

Maintain ADG compliance of open space and living space of downstream residential buildings.

Sun eye view analysis indicates the proposed envelope does not impact solar access for 222 Sussex Street (Astoria Tower) at any time on the 21st June (mid winter)

Overshadowing impacts for the remainder of the year (summer, autumn and spring) to apartments within the western elevation of the Astoria Tower shall, as a minimum, be consistent with the impacts assessed within the shadow studies 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 shadow studies

This should be amended as follows to ensure that no substantial increase in overshadowing occurs throughout the entire year as follows:

Maintain ADG compliance of open space and living space of downstream residential buildings.

Detailed sun eye view analysis shall be prepared that demonstrates that the proposed building envelope does not adversely impact solar access onto 222 Sussex Street (Astoria Tower) at all times of year.

Overshadowing impacts for the entire year onto the western elevation of the Astoria Tower apartments shall be reduced wherever possible and be demonstrated by preparation of amended shadow studies based on the approved building envelope with any future tower designs being prepared to improve any potential overshadowing impacts to ensure an adequate level of residential amenity.

It is noted that a further condition has been incorporated into the draft consent as follows:

Overshadowing

C7 - Future Development Application(s) shall include an Overshadowing Impact Assessment (OIP), including shadow studies and diagrams showing the likely overshadowing impact of the development on surrounding spaces and properties.

It is important that future development applications lodged for this development proposal be accompanied by accurate shadow diagrams that fully demonstrate potential impacts onto the Astoria Tower for the entire year and that any overshadowing should be minimised to at least to comply with ADG standards.

Condition C7 should be amended to include the entire year and read as follows:

C7 - Future Development Application(s) shall include an Overshadowing Impact Assessment (OIP), including shadow studies and diagrams showing the likely overshadowing impact of the development on surrounding spaces and properties for the entire year.

The following condition relates specifically to the Astoria Tower and is supported as relates to apartments within the Astoria Tower.

C8. Development of buildings pursuant to this consent shall:

- c) demonstrate the development has maximised direct solar access to:*
 - i) apartments within the western elevation of the Astoria Tower, 222-228 Sussex Street*
 - ii) the Crescent Garden open space within the Darling Park development*

In summary, draft conditions in relation to view loss and shadow impacts should be amended as outlined above.

5. Not in the Public Interest

The amended proposal for redevelopment of Cockle Bay Wharf (SSD 7684) proposes to demolish the existing low rise, development and construct a new shopping centre with office tower above to a height of 183m. This proposal will dwarf adjoining buildings and have an overbearing effect on the foreshore promenade.

Darling Harbour is a popular destination for both Sydneysiders and tourists due to its vibrant foreshore promenade which at present has a human scale and this feature will be lost as the proposed development with office tower will create an incongruous feature on the Darling Harbour foreshore in this location.

The large scale intensification of retail and office development on the site including the proposed 183m tower (and token amount of podium landscaping and parks, much of which is above the eastern distributor) cannot be supported as being in the public interest while surrounding development (including our client's property at No. 222 Sussex Street) incurs significant unreasonable amenity impacts in the form of excessive visual bulk, significant loss of views, reduced amenity and potential loss of solar access.

Pursuant to S.4.15(1)(e) of the Act, the proposal cannot be supported as being in the public interest and therefore, should be refused.

Conclusion

On behalf of the Owners Corporation, Strata Plan 53413, No. 222 Sussex Street, Sydney, SPS recommends that the Independent Planning Commission refuse State Significant Development Application 7684 for the amended concept proposal redevelopment of Nos. 241 – 249 Wheat Road, Cockle Bay, Darling Harbour.

The proposal (as amended) is unsatisfactory having regard to the relevant matters for consideration under S.4.15(1) of the Act for the following reasons:

- 1) Excessive bulk and scale;
- 2) Significant visual impact;
- 3) Excessive overshadowing of apartments within the Astoria Tower;
- 4) Severe and devastating loss of significant/iconic views of Darling Harbour and its foreshores from apartments within the Astoria Tower;
- 5) On balance, the benefits of the proposal do not outweigh the disadvantages and therefore, the proposal cannot be supported as being in the public interest.


In the event that the Independent Planning Commission supports this concept proposal SPS recommends that design guidelines and draft conditions of consent relating to view loss and overshadowing of the nearby Astoria Towers be amended as outlined within this submission.

On behalf of our clients, we wish to thank the Department of Planning and Environment and the Independent Planning Commission for considering the above matters and we look forward to the Minister informing our office of progress associated with the assessment of SSD 7684, so that our clients can make further representation if required.


Should you require clarification of any matter, please do not hesitate to contact our office.

Yours sincerely,

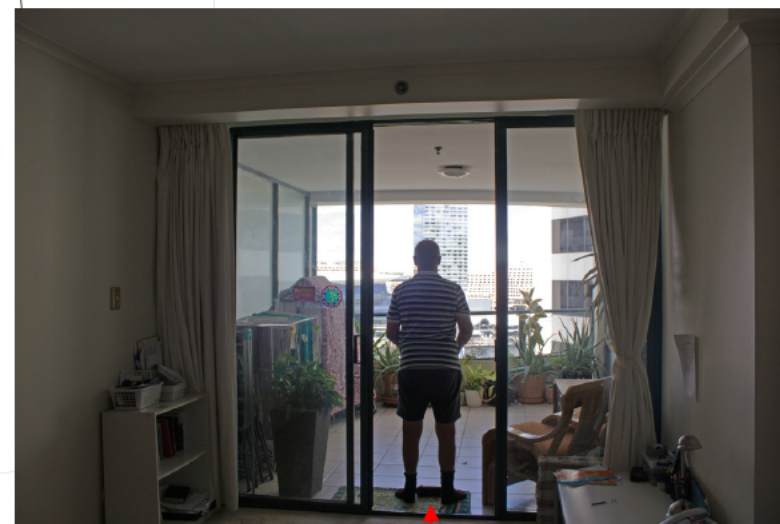
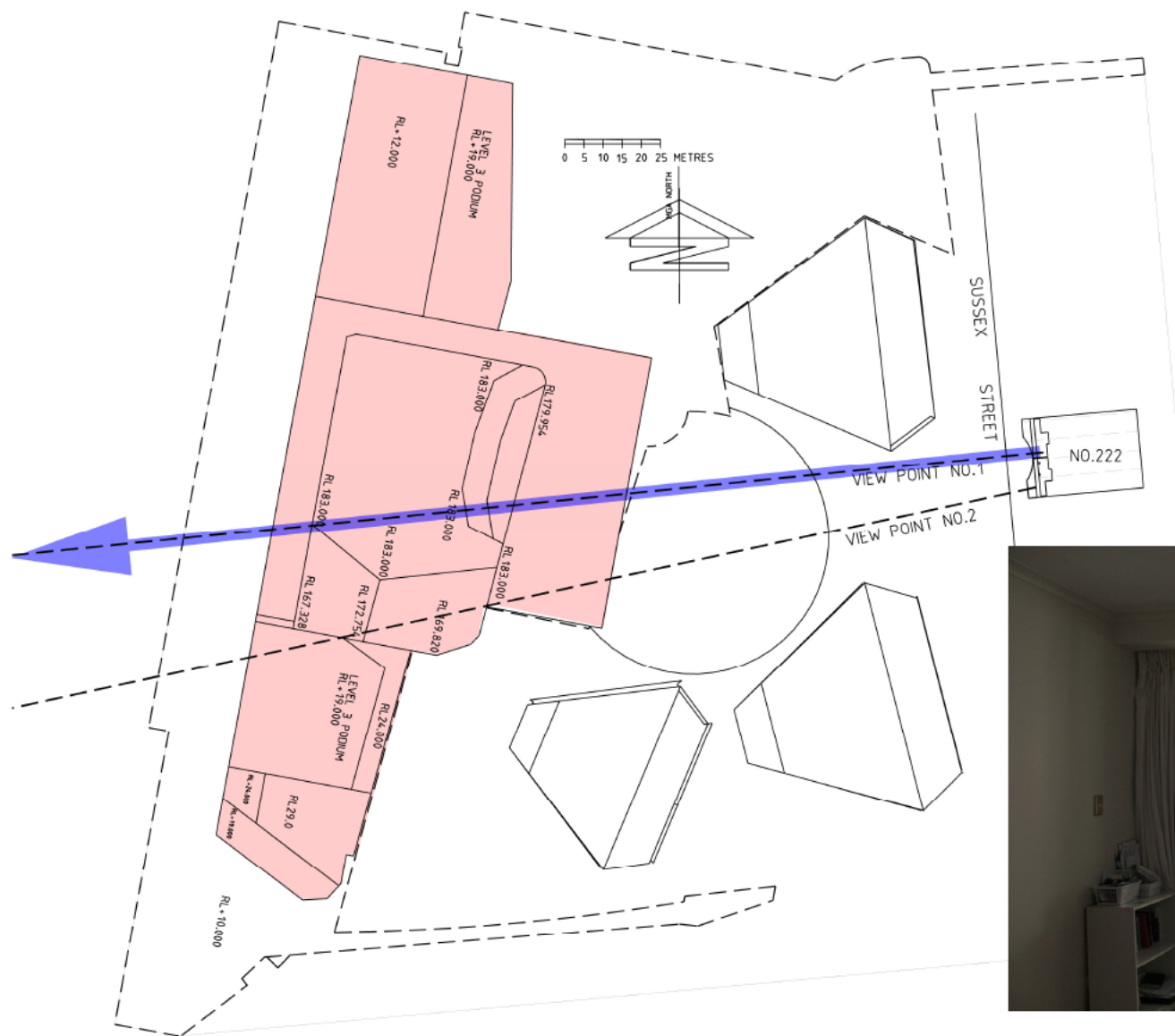
STATE PLANNING SERVICES PTY LIMITED



JOHN MCFADDEN
MANAGING DIRECTOR



Enc. View Analysis/Impacts of the Amended Proposal on 222 Sussex Street, Sydney



Photograph taken from this location

Photomontage by Pam Walls
Based on Rygate & Co. Survey Ref:77631_77101B-7/09/2017
fjmt studio Stage 1 Amended Concept Proposal-28/08/2018

View Reference Plan
View from Unit 45, Level 14, 222 Sussex St main balcony
Objection to Cockle Bay Park Development-(SSD)DA No:7684

Photograph Ref:5430-3 Dec 2017 at 10:42am. Taken with 50mm focal length (35mm equivalent)



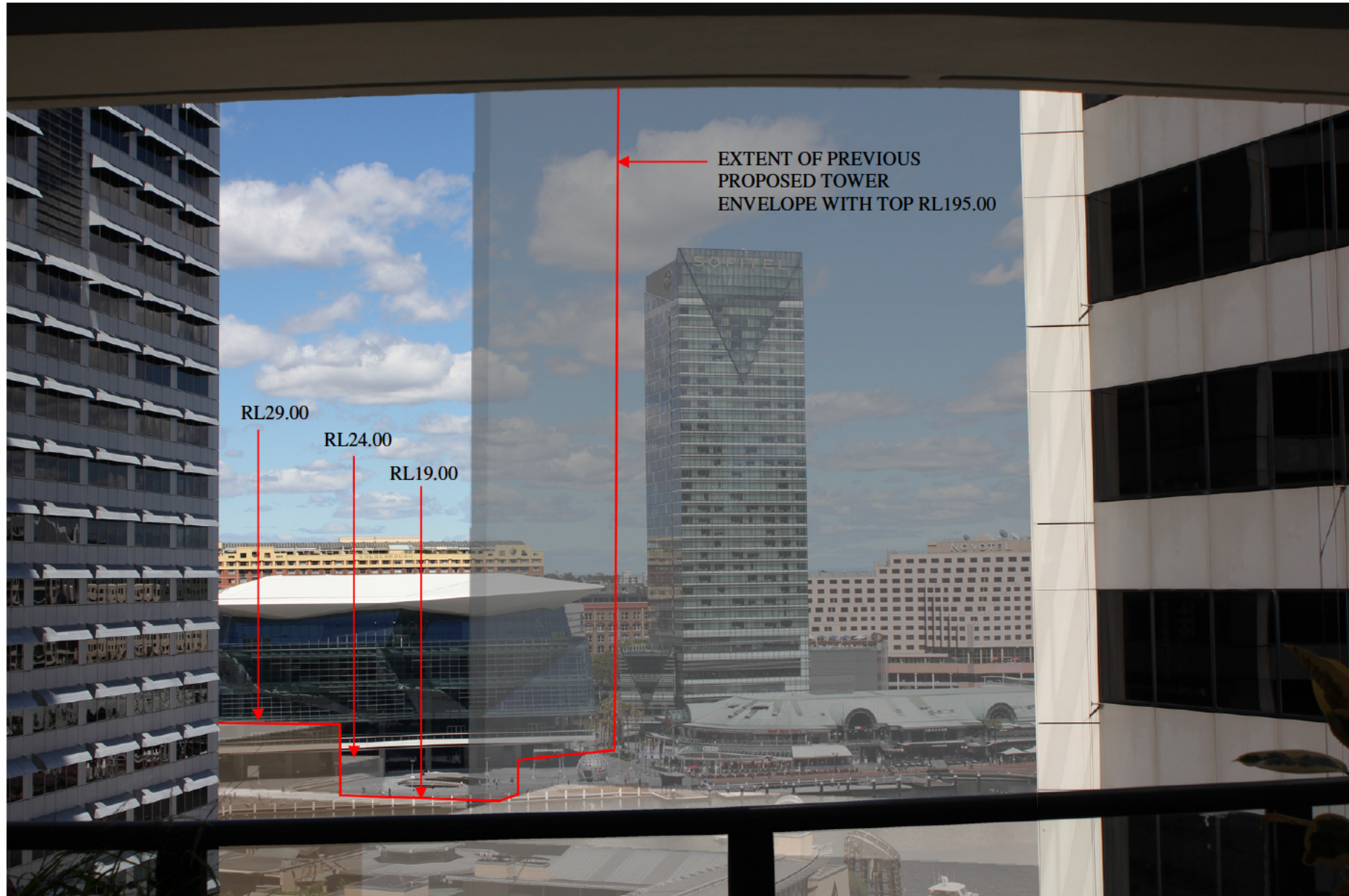
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Photograph of existing view
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TOP OF PROPOSED TOWER
ENVELOPE RL183.00

View Point 1

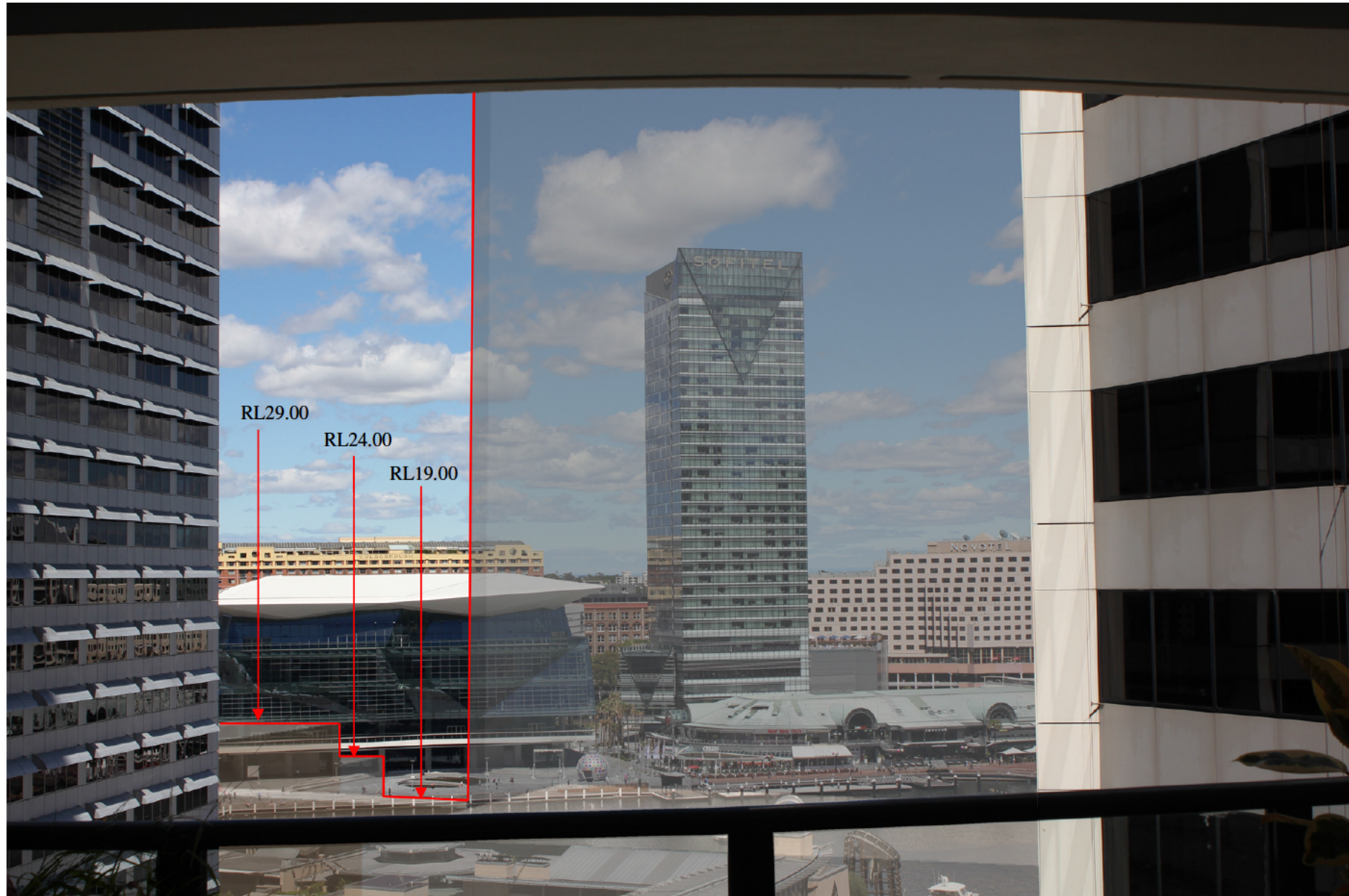
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3D solid block computer model of proposed as 50% transparency
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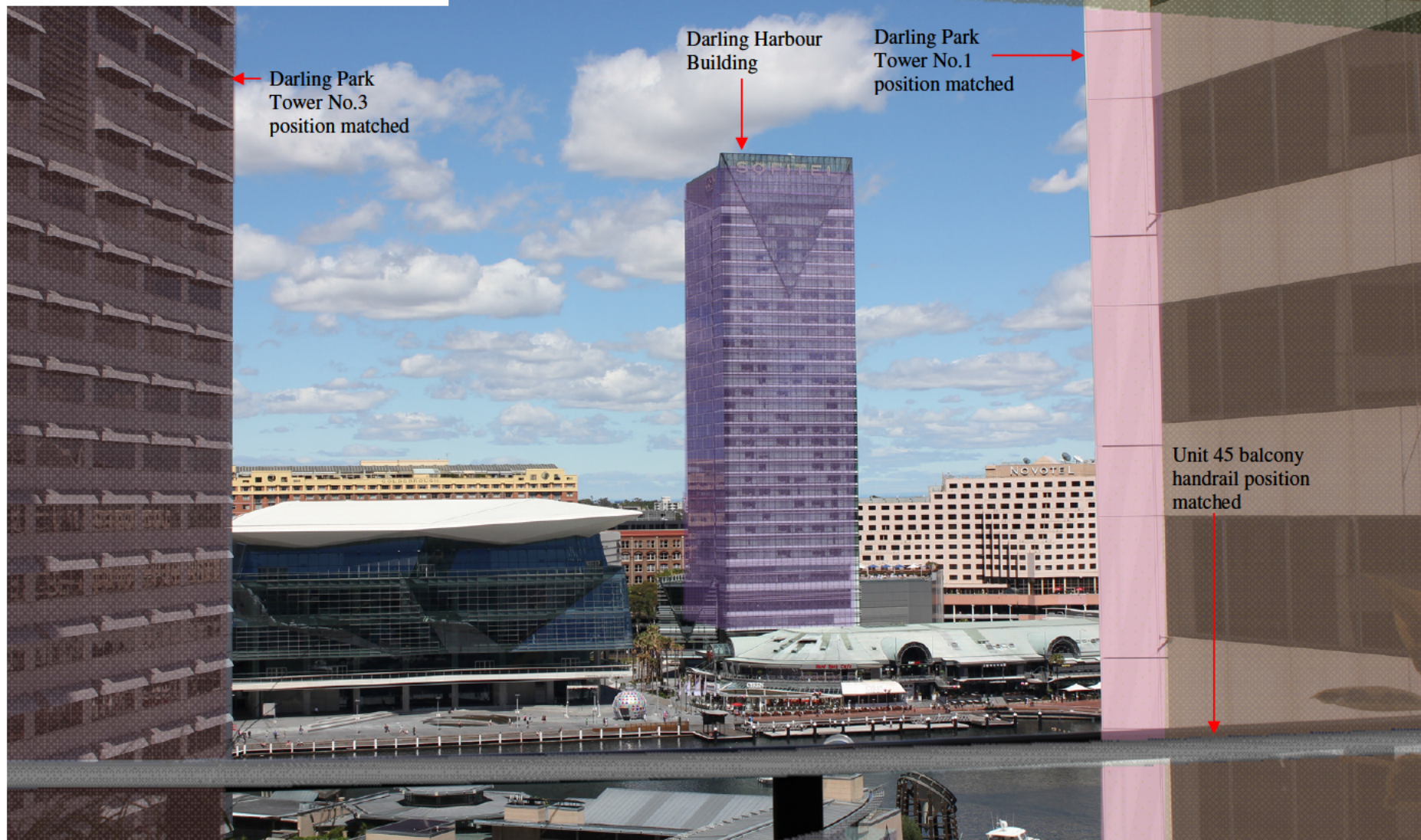
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Verification Photomontage:

3D computer model of existing buildings overlaid photograph as transparency to verify positioning and aspect. Matched surveyed elements indicated. The proposed is then simply switched on.

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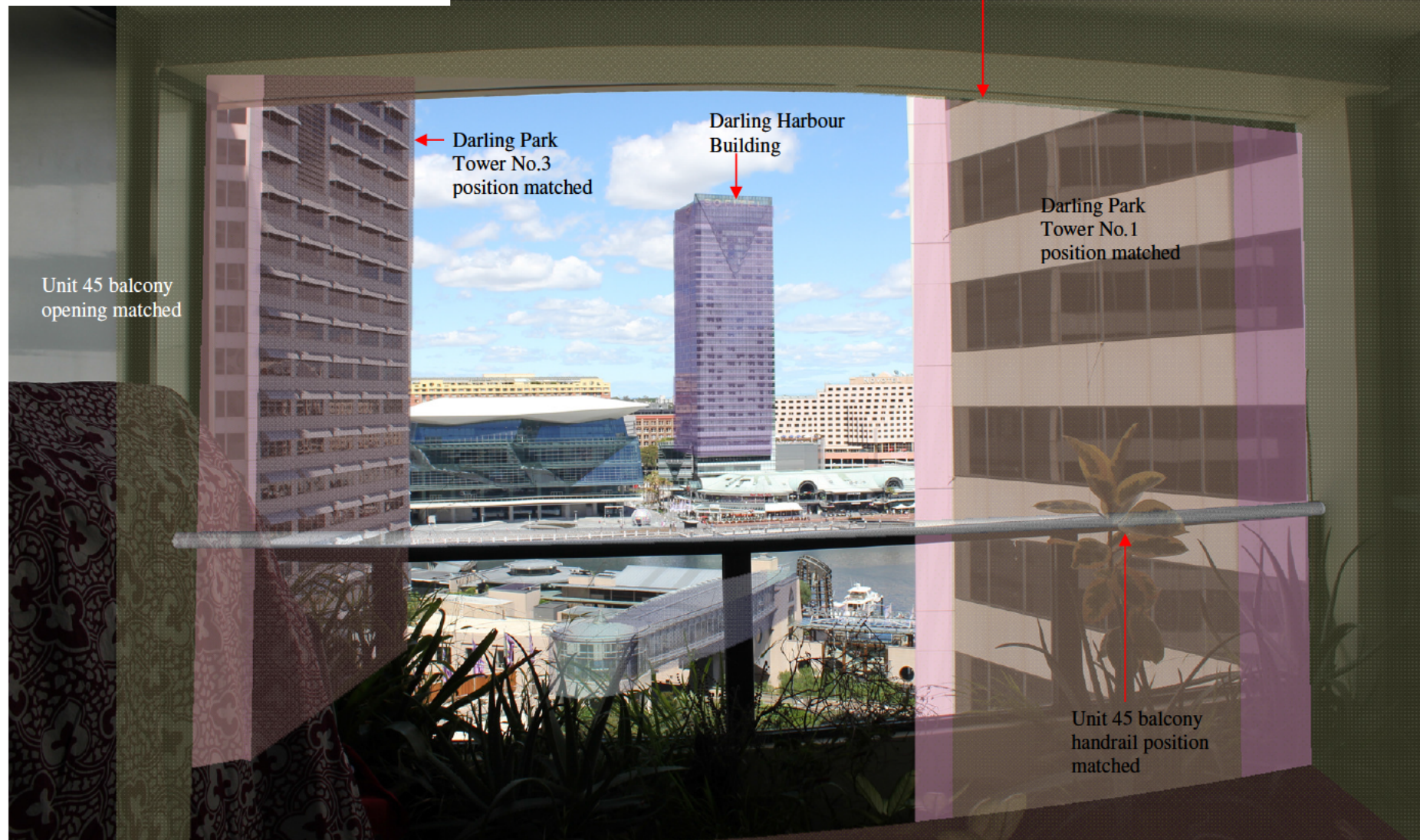
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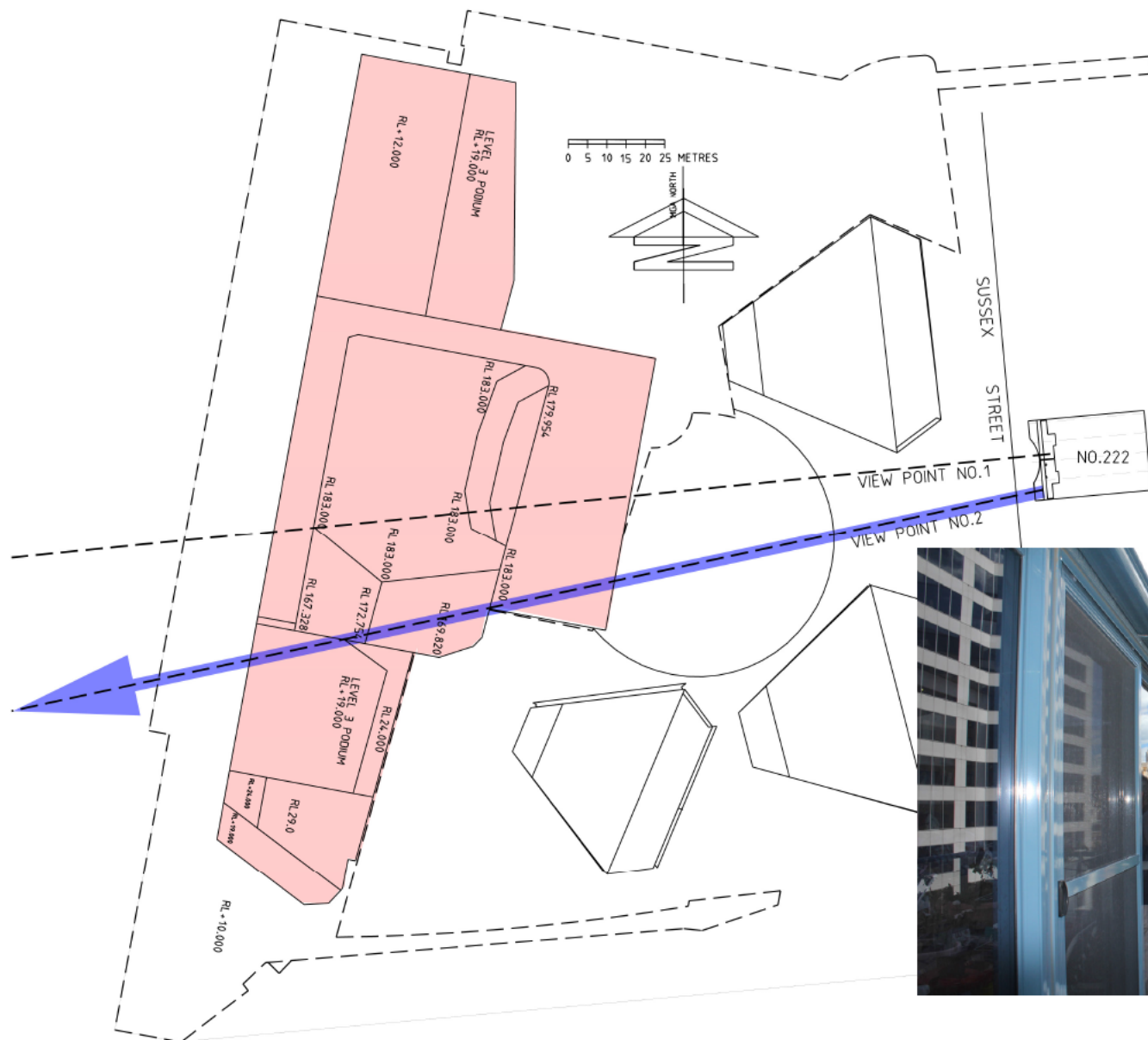


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Photograph taken from this location

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View Reference Plan
View from Unit 52, Level 15, 222 Sussex St main balcony
Objection to Cockle Bay Park Development-(SSD)DA No:7684

Photograph Ref:5439-3 Dec 2017 at 10:52am. Taken with 50-55mm focal length (35mm equivalent)



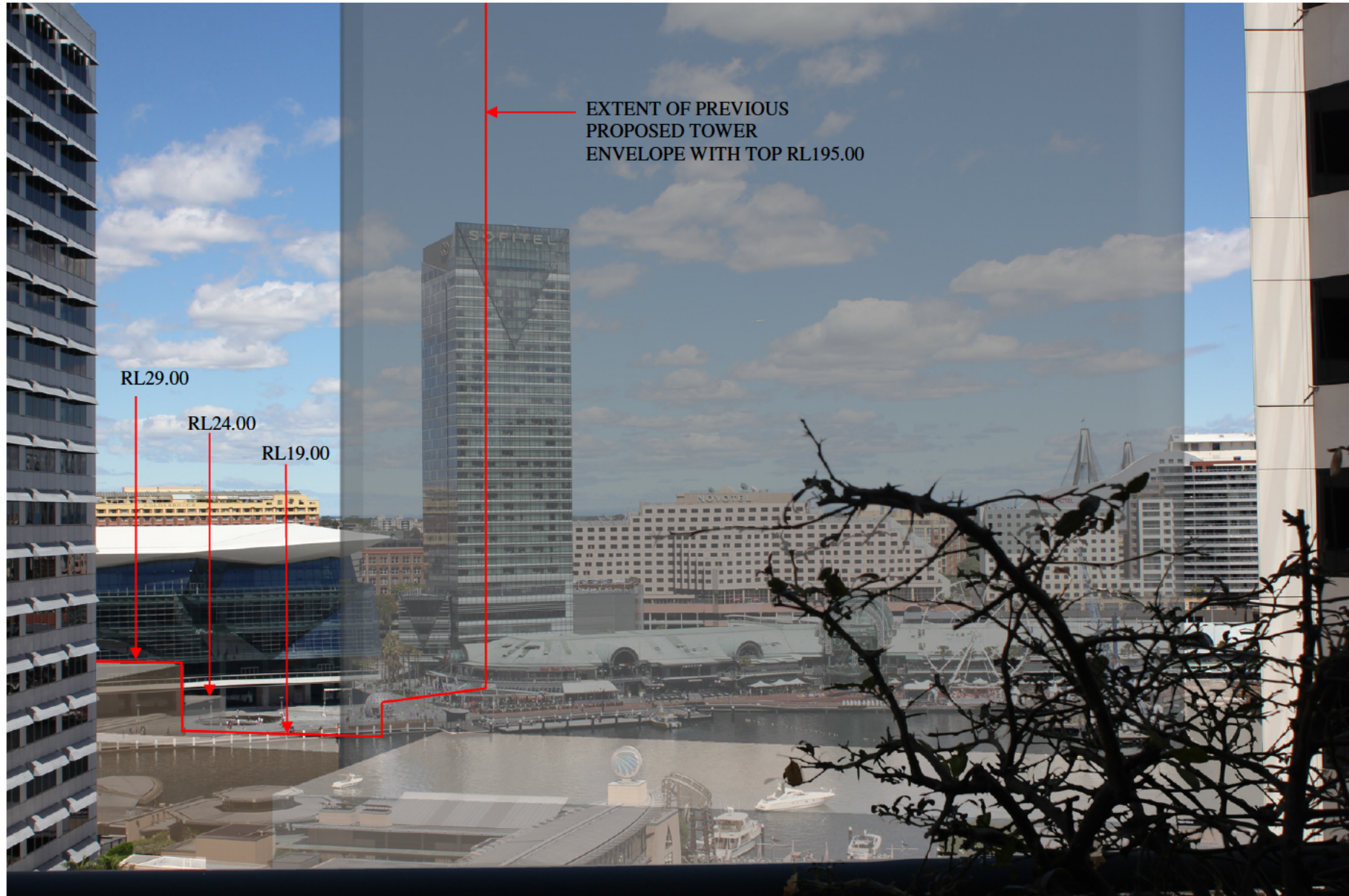
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TOP OF PROPOSED TOWER
ENVELOPE RL183.00

View Point 2

Photograph Ref:5439-3 Dec 2017 at 10:52am. Taken with 50-55mm focal length (35mm equivalent)



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Based on Rygate & Co. Survey Ref:77631_77101B-7/09/2017
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3D solid block computer model of proposed as 60% transparency
View from Unit 52, Level 15, 222 Sussex St main balcony
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TOP OF PROPOSED TOWER
ENVELOPE RL183.00

View Point 2

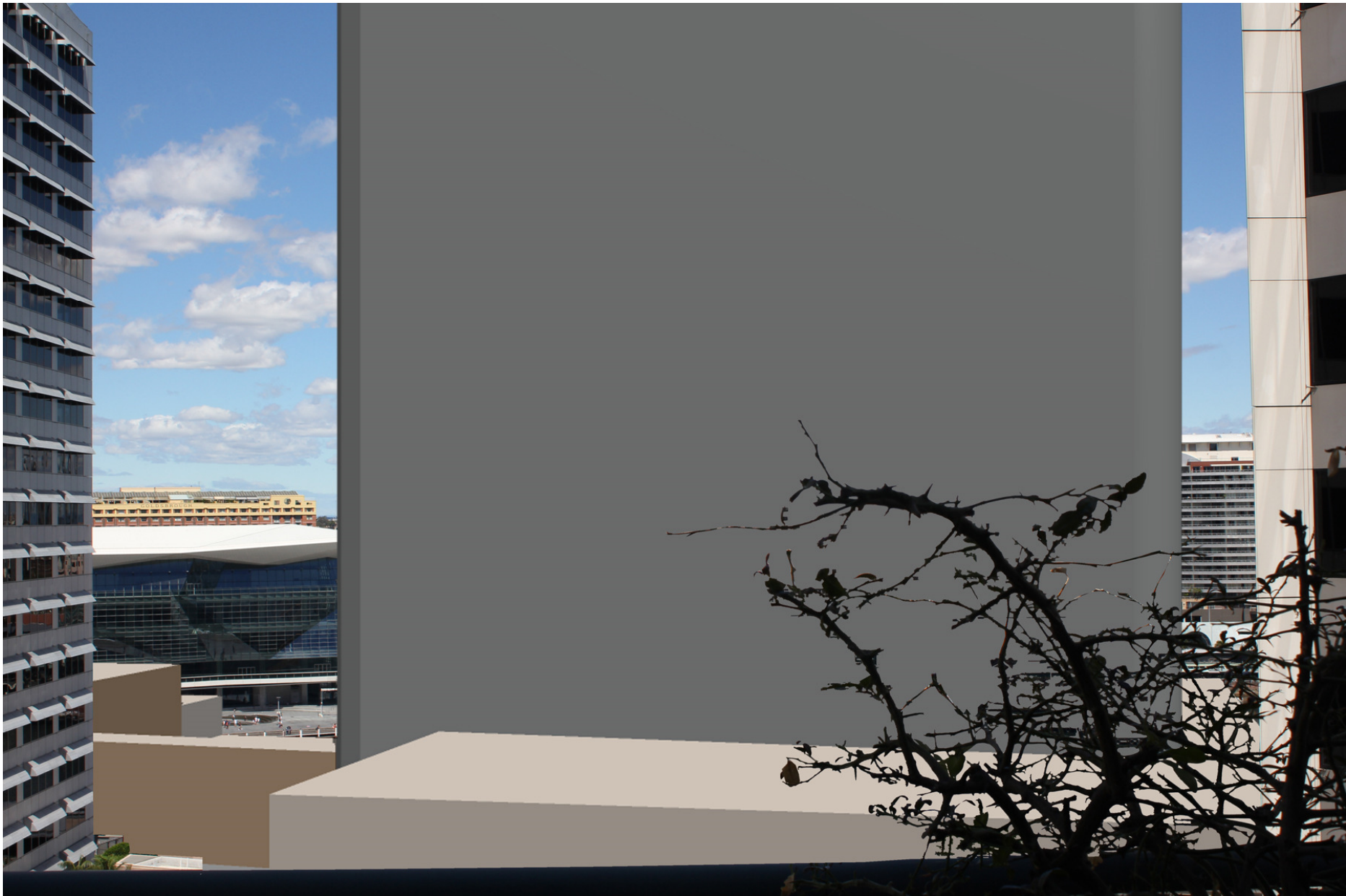
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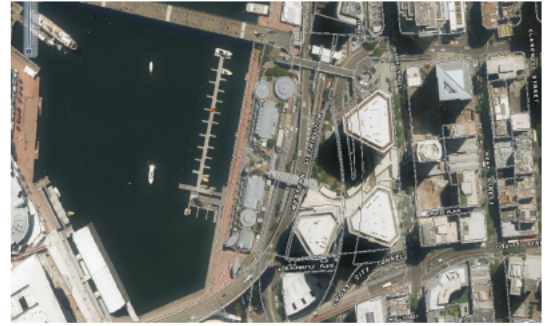


R.A.WALLS CONSTRUCTIONS

Builders Lic.No:211785C
Qualified Supervisor & Clerk of Works

March 11, 2019

Owners Corporation SP53413
222 Sussex St
Sydney, NSW 2000
C/- Mr Sukender Jain



ATT: John McFadden/State Planning Services
RE: Objection to Proposed State Significant Development Application No. 7684 (SSD 7684)
Nos. 241-249 Wheat Road, Cockle Bay:
Stage 1 SSDA Amended Concept Proposal – 28/08/2018

Dear John,

Please find attached the following view corridor photomontages:

View Corridor Photomontage View Point 1:

View from Unit 45, Level 14, 222 Sussex St (Astoria Tower) from main balcony:

1. View reference plan of where photograph was taken.
2. Photograph of existing development.
 - a. Photograph of existing development Ref: 5429 taken 3rd Dec 2017 at 10:42am. Camera at RL46.95
 - b. Photograph taken with 29mm focal length (35mm equivalent). Includes peripheral view.
3. Photograph with proposed Cockle Bay Park Development as a red outline.
4. Photograph with proposed Cockle Bay Park Development overlaid as a 60% transparency.
5. Photograph with proposed Cockle Bay Park Development overlaid as 3D solid block computer model.
6. Verification Photomontage - Photograph with 3D computer model of existing buildings overlaid as a 50% transparency. Building footprints, positions and heights estimated only.
7. Photograph of existing development.
 - a. Photograph of existing development Ref: 5430 taken 3rd Dec 2017 at 10:42am.
 - b. Photograph taken with 50-55mm focal length (35mm equivalent).

View Corridor Photomontage View Point 2:

View from Unit 52, Level 15, 222 Sussex St (Astoria Tower) from main balcony:

1. View reference plan of where photograph was taken.
2. Photograph of existing development.
 - a. Photograph of existing development Ref: 5439 taken 3rd Dec 2017 at 10:52am. Camera at RL49.65
 - b. Photograph taken with 50-55mm focal length (35mm equivalent).
50-55mm focal length (35mm equivalent) is accepted as "what the eye sees".
3. Photograph with proposed Cockle Bay Park Development as a red outline.
4. Photograph with proposed Cockle Bay Park Development overlaid as a 60% transparency.
5. Photograph with proposed Cockle Bay Park Development overlaid as 3D solid block computer model.
6. Verification Photomontage - Photograph with 3D computer model of existing buildings overlaid as a 50% transparency. Building footprints, positions and heights estimated only.

Cont/d....2

Shadow Diagrams * Photomontages * View Corridor Analysis * 3D Building Envelopes * Drafting
Land & Environment Court Appeals * Council D.A.'s * Objections * Structural Steel Working Drawings



R.A.WALLS CONSTRUCTIONS

Builders Lic.No:211785C

Qualified Supervisor & Clerk of Works

-2-

View Corridor Photomontages

Objection to Concept Bay Park Development – (SSD) DA No:7684 Stage 1-28/08/2018

March 11, 2019

Information and equipment used to create 3D computer model:

1. 3D computer model of proposed and surrounding existing buildings was based on:-
 - a. Rygate & Co. Pty.Ltd Survey Ref:77631_77101B, dated 7/09/207
 - b. Fjmt studio Stage 1 Amended Concept Proposal plans – 28/08/2018
 - c. Lands Dept Spatial Information
2. 3D computer model of 222 Sussex St, Sydney was based on:-
 - a. Meriton Apartments Pty Ltd Plans Ref:531, Issue F, dated 16/2/1995
3. Camera equipment used - Canon 550D Digital SLR camera with 55mm Canon lens.
4. Leica Disto Laser Distance Meter and Leica Disto D5 and Nicholson measuring wheel.

Software Package: Caddsmen Architect V4.5 Licensed to: R A Walls Constructions
Additional add-ons: BHP Sections and Merchant Bar (Structural Steel) and AS.1163 Hollow Sections

The Caddsmen 3D engineering software package was written for the ADF in Adelaide in the early 1980's which has since developed to include architecture. We have been using this Australian 3D software package successfully for LEC and Councils since 1987, providing accurate 3D models for the purpose of providing detailed shadow diagrams, perspectives and photomontages.

The method we use in the construction of a photomontage is unique to this company. A 3D computer model of existing buildings and elements is drawn up per digital survey information and then overlaid onto the photograph. The position and aspect of the 3D model is then checked with the same elements in the photograph. These surveyed elements consist of Ridge/parapet RL's, Gutter RL's, building footprints, boundary fences, surveyed power poles and sign posts. These items become the test points for "proof of positioning". The proposed development is then simply switched on.

The attached photomontages are a reasonable indication of the proposed concept development as seen from the various locations indicated. We further state herewith, that there has been no distortion through digital manipulation in **any** form.

Yours sincerely,

Pam Walls

