

Department's response to further information requested by the IPC

Issue 1.

Ms D McAuliffe. Pg 11& 12 within the Public Meeting Transcript: The Commission would appreciate a response to the speaker's concerns regarding the Department's assessment of Millennium Towers.

Department's response

The views from Millennium Towers were considered in the Applicant's View Impact Assessment (VIA) which was assessed by the Department. However, these views were not directly discussed in the Department's assessment report. In response to the queries raised by members of the public the Department provides the following advice in relation to view impacts to Millennium Towers.

Millennium Towers is a 21-storey residential building located approximately 195 m south of the site. The towers contain residential apartments on all floors above ground floor level. Apartments with windows on the northwest corner of the building have views towards the site and Darling Harbour, including partial views of the water and Pyrmont Bridge.

The Department notes that in these views, the proposed tower would be read in the existing urban context of Darling Park Towers and the IMAX redevelopment (under construction) and would be in keeping with this prevailing character. Whilst the tower envelope would encroach upon existing northwest views of the water and Pyrmont Bridge from middle and upper levels of Millennium Towers, partial views of these elements would be retained.

With respect to the podium, the Applicant's VIA states that views of Cockle Bay water and Pyrmont Bridge are unlikely to be affected by the podium element of the concept envelope. Noting that the VIA does not include comparative views analysis of the existing and proposed podium, the Department requested additional images from the Applicant to ascertain the view impacts of the proposed podium (**Figures 1-3**). The comparative images demonstrate that the increased height of the podium at its southern end will result in additional view impacts compared to existing and in the case of the lower floor apartments of Millennium Towers, would obscure existing views of the water and Pyrmont Bridge.

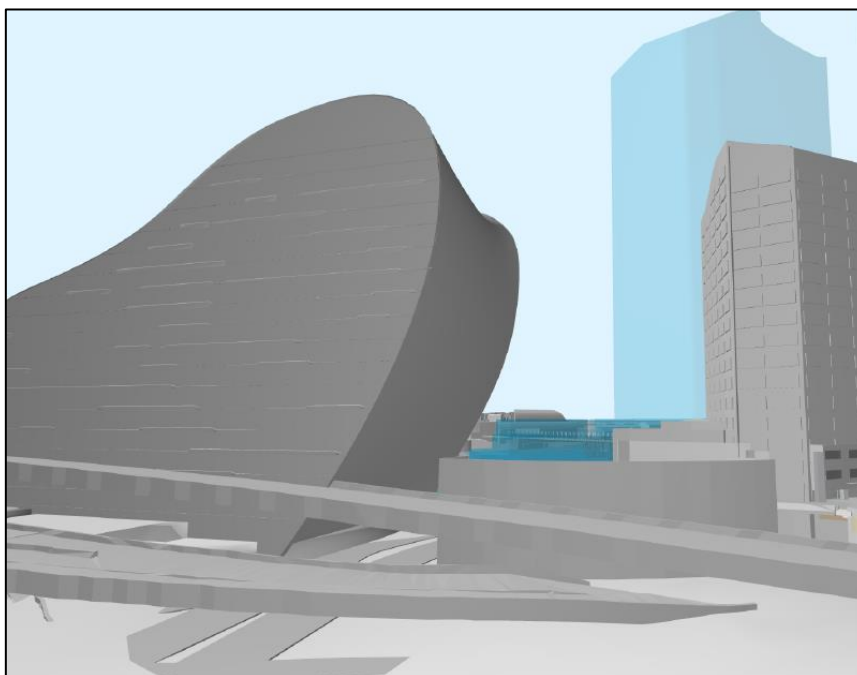


Figure 1 | Millennium Towers north-western view from lower tower location (RL 29.6) towards Darling Harbour and the site.

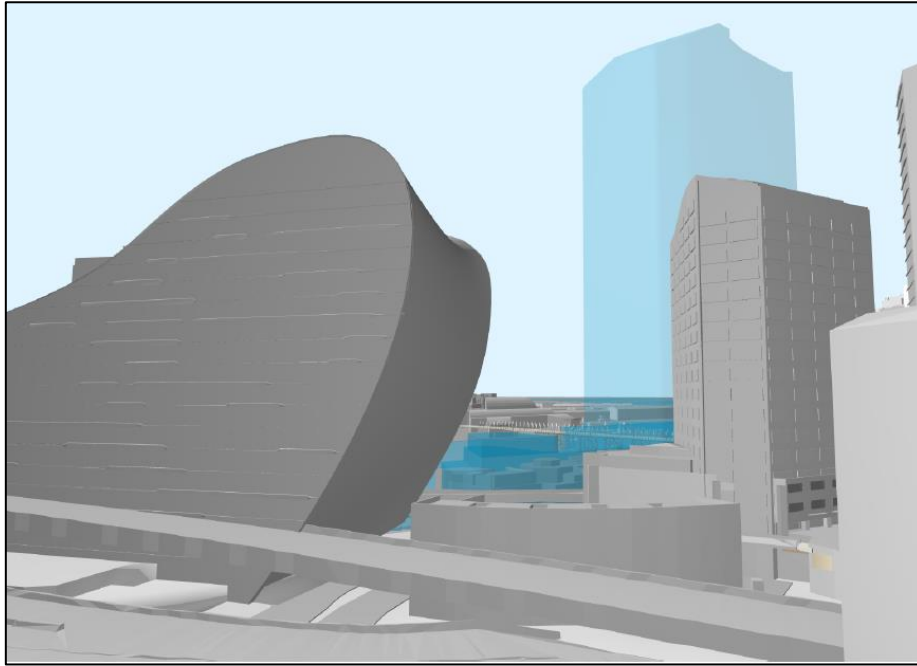


Figure 2 | Millennium Towers north-western view from mid tower location (RL 42.3) towards Darling Harbour and the site.

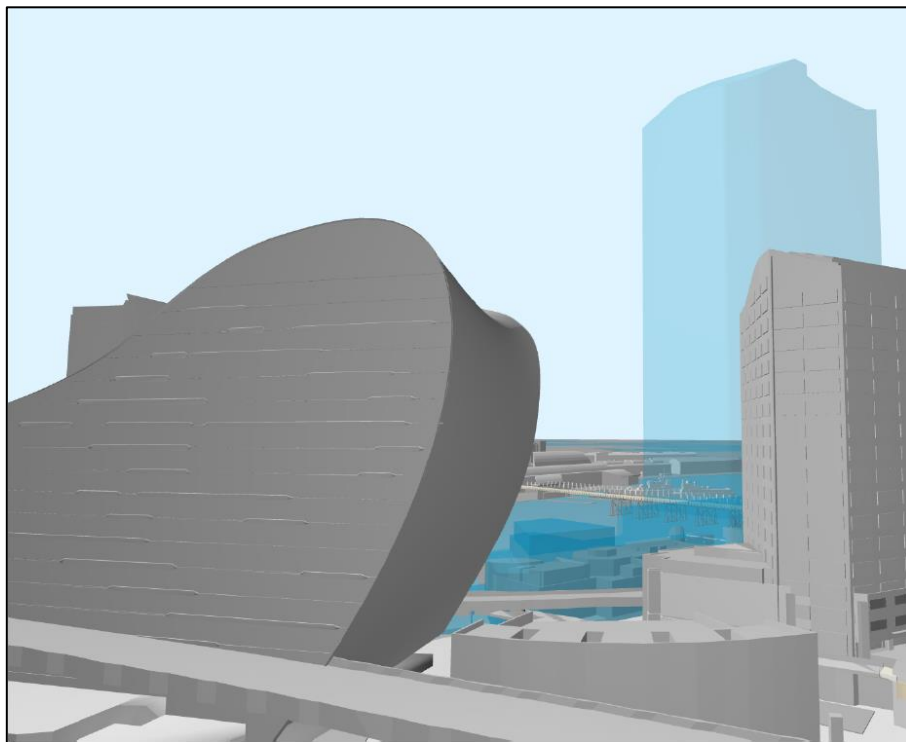


Figure 3 | Millennium Towers north-western view from upper tower location (RL 55.3) towards Darling Harbour and the site.

Following assessment of the comparative images, the Department considers the view impacts to Millennium Towers to range from minor at upper levels to moderate at middle and lower floor levels.

The view impacts identified at Millennium Towers do not alter the Department's conclusions with respect to the reasonableness of the proposal (Tenacity Step 4 at p69 and 70 of the report). The Department notes the while the proposal would change the view from these apartments, Millennium Towers is located a significant distance from the site where there is a lower expectation of view

retention, and views are seen in the wider urban context across other developments including Darling Park Towers and the IMAX redevelopment. The Department notes that affected apartments at upper and middle floor levels retain partial views of the water and Pyrmont Bridge, and all apartments retain expansive sky views and excellent outlook. The Department notes further that existing western and south-western district views would not be affected. The view impacts to Millennium Towers are therefore considered reasonable in this context.

Issue 2.

Mr J McFaden. Pg 15 within the Public Meeting Transcript: That Astoria Tower was constructed prior to the Darling Park buildings. Furthermore, that the Darling Park buildings were designed to preserve Astoria Tower's view corridor to Darling Harbour. Can the Department please provide additional information on 1) the timing of Darling Park in comparison to Astoria Tower's construction and 2) if Astoria Tower was constructed first, was the design of Darling Park purposeful to retain Astoria Tower's view corridor?

Department's response

The Department's assessment of view impacts (p 65 to 70 of the report) is based on the current site context which is a relevant consideration in relation to view impacts. The Department has assessed the view impacts to Astoria Towers following the four-step assessment process in accordance with the principles established by Tenacity Consulting vs Warringah [2004] NSWLEC 140 and considers the proposal's impact on private views is reasonable and acceptable. It is noted that there are no other specific statutory controls that establish any protection for the Astoria Towers views through to Darling Harbour. The Department was not the assessment or consent authority for Darling Park Towers which was approved by the Sydney Harbour Foreshore Authority, or Astoria Towers which was approved by the City of Sydney.

The Department has undertaken a search of available records which show that the Darling Park site layout and building envelopes (including the central gap between buildings 1 and 2) was approved on 25 January 1990. While the detailed design of buildings 2 and 3 was approved on 8 May 1996, the Department notes that the building layouts and footprint remain largely consistent with the original 1990 approval.

A search of the City of Sydney's available records revealed that Astoria Towers was approved on 3 November 1993.

From the Department's search it is unclear which site was completed first or whether the prior or concurrent construction of one site influenced the detailed design of the other. The Department would reiterate the timing of construction or design influences do not appear to be matters for consideration contained in any statutory instruments applicable to the site or part of the accepted tests that apply to the assessment and consideration of view impacts.

Issue 3.

Please see attached copy of GA NSW comments.