

11 Gibbons Street, Redfern

Environmental Impact Statement

State Significant Development Application 7749

View Impact Analysis

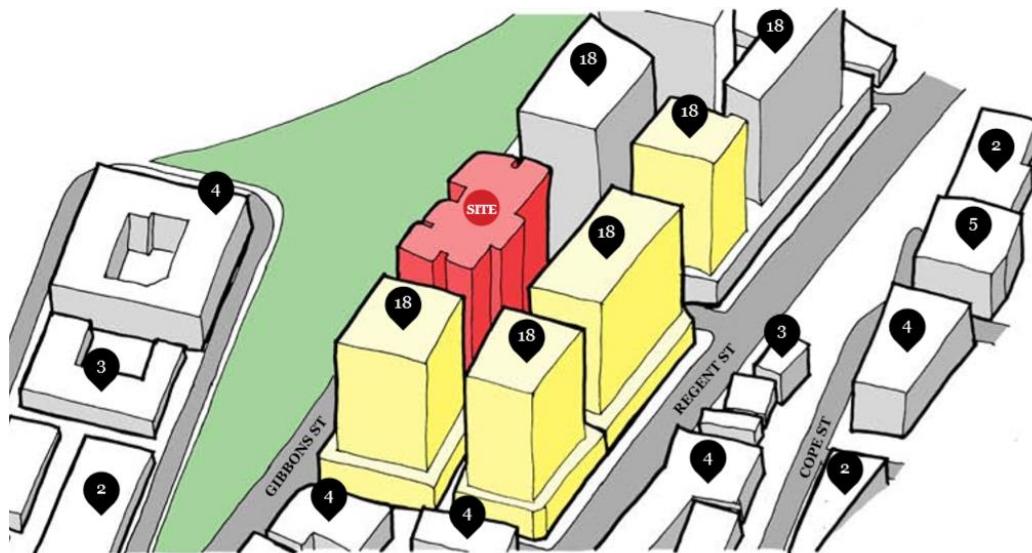
Introduction

A view impact analysis (VIA) has been prepared to accompany the proposal. The VIA is informed by the *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) and Design Excellence Report provided in the environmental impact statement (EIS) (Appendix 9).

The VIA considers the likely view loss of surrounding properties as a result of the proposed built form. The VIA has been prepared in accordance with the *NSW Land and Environment Court* requirements as per the Secretary’s Environmental Assessment Requirements (SEARs).

Emerging character

The site is within a precinct undergoing change from traditional 2 storey mixed uses to high density 18 storey mixed use developments. The relevant environmental planning instrument, the *State Environmental Planning Policy (State Significant Precincts) 2005* (Precincts SEPP), establishes the maximum envelopes for the site and surrounds as demonstrated in Figure 1 below. The figure illustrates the intended high density, mixed use character of the precinct.



Future Development Diagram

-  Number of stories
-  Future Development Massing
-  Existing Development Massing

Figure 1: Future development massing envelopes of the site and surrounds (Source: DKO)

Views likely to be impacted

The views that are likely to be impacted are from 7-9 Gibbons Street, 13-23 Gibbons Street, 80-88 Regent Street, 90-102 Regent Street, 32 Rosehill Street and 1-9 Marian Street, Redfern as detailed in Figure 2 and Table 1 below.

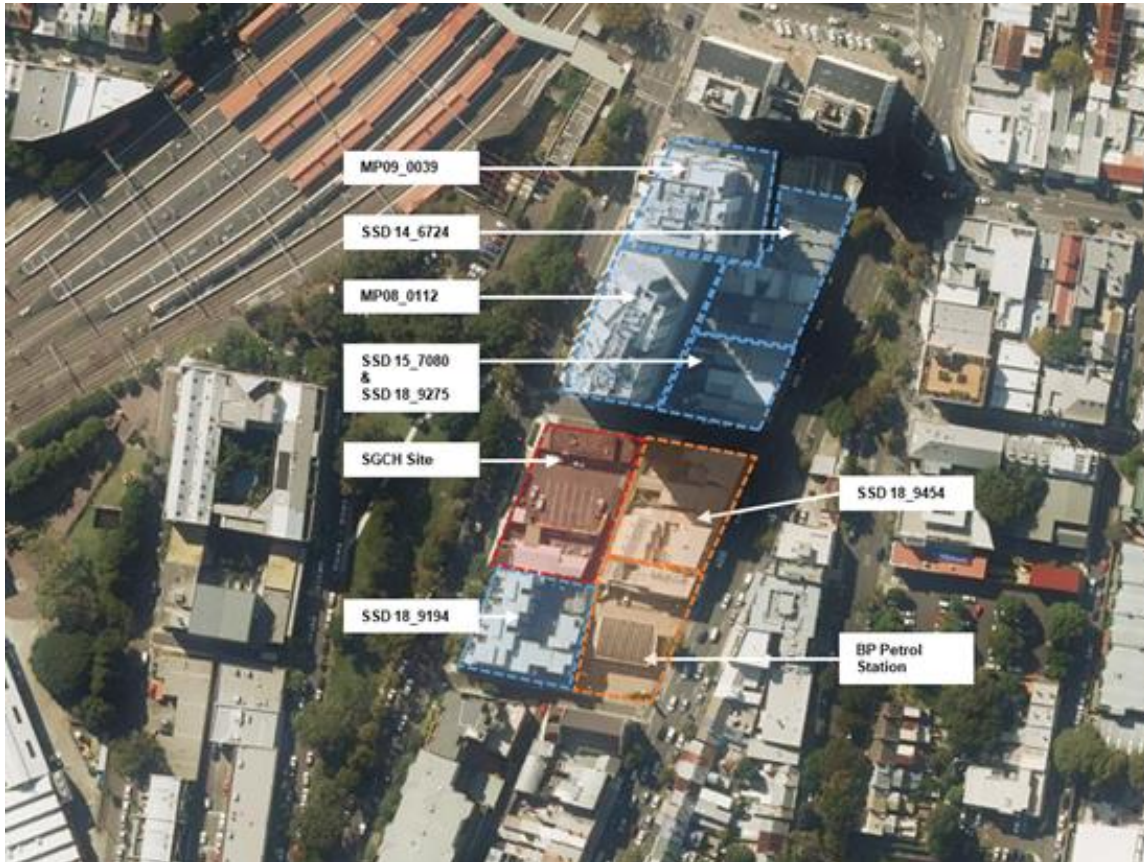


Figure 2: The site and surrounding approvals

Application Number	Address	Description	Status
MP09_0039	157 Redfern Street, Redfern	<ul style="list-style-type: none"> 18 storey mixed use development Redfern RSL 	<ul style="list-style-type: none"> Approved 22/12/2009 Construction complete
SSD 14_6724	60-78 Regent Street, Redfern	<ul style="list-style-type: none"> 18 storey mixed use student accommodation and retail development 	<ul style="list-style-type: none"> Approved 25/08/2015 Construction complete
MP08_0112	7-9 Gibbons Street, Redfern	<ul style="list-style-type: none"> 18 storey mixed use residential, commercial and retail development 	<ul style="list-style-type: none"> Approved 22/10/2010 Construction complete
SSD 15_7080	80-88 Regent St	<ul style="list-style-type: none"> 18 storey mixed use residential and retail development Child care centre 	<ul style="list-style-type: none"> Approved 22/11/2017 Awaiting construction
SSD 18_9275	80-88 Regent Street, Redfern	<ul style="list-style-type: none"> 18 storey mixed use student accommodation and retail development 	<ul style="list-style-type: none"> SEARs issued 10/05/2018

Application Number	Address	Description	Status
SSD 18_9194	13-23 Gibbons Street, Redfern	<ul style="list-style-type: none"> Child care centre 18 storey student accommodation development 	<ul style="list-style-type: none"> SEARs issued 5/04/2018
SSD 18_9454	90-102 Regent Street, Redfern	<ul style="list-style-type: none"> 18 storey mixed use development 	<ul style="list-style-type: none"> SEARs issued 30/07/2018

Table 1: Summary of surrounding approval (Original source: DP&E website)

7-9 Gibbons Street

The views that will be impacted are the southerly views from 7-9 Gibbons Street. An inspection of the view has not been undertaken from the apartments, however it is considered the views likely to be enjoyed from this part of the site are district views to the south and to the east.

As Figure 3 demonstrates, the southerly view over the site is anticipated to be impacted. This view is enjoyed from several units per floor and is the result of the site and 13-23 Gibbons Street being underdeveloped. As such, this view could not reasonably be expected to be retained.

The proposed tower is generally consistent with the planning controls and uplift envisaged for the site and as such, this view impact is acceptable. Further, the Figure identifies the views to be maintained. The majority of units within this development will continue to enjoy other views from the site to the west, which are unaffected by the proposed development including an uninterrupted view of Gibbons Street Reserve.

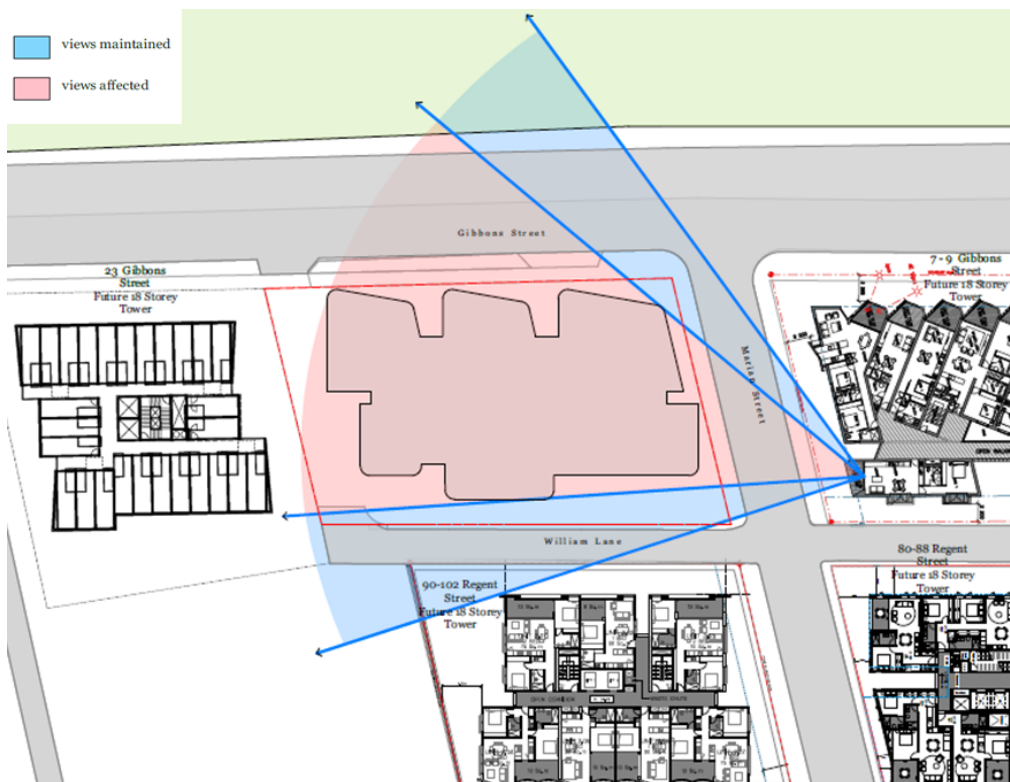


Figure 3: Views likely to be affected and maintained for 7-9 Gibbons Street (Source: DKO)

13-23 Gibbons Street

The main portion of the existing unit development on 13-23 Gibbons Street does not have views that would be impacted by the proposal as this façade is a blank party wall. In terms of the proposed future redevelopment, the views that will be impacted are the northerly views from 13-23 Gibbons Street. SEARs have been issued by DP&E for this site for an 18 storey mixed use development.

Views likely to be enjoyed from the future 18 storey envelope are district northerly views across the subject site and towards 7-9 Gibbons Street, another tall building. As Figure 4 demonstrates, the northerly view over the site is anticipated to be impacted. This view is the result of the site being underdeveloped and is not considered significant as the primary views of this property. The site will continue to enjoy uninterrupted views of the public domain including Gibbons Street Reserve and beyond.

The proposed tower is generally consistent with the planning controls and uplift envisaged for the site and as such, this view impact is acceptable. The Figure identifies the views to be maintained which include the view of the public space.

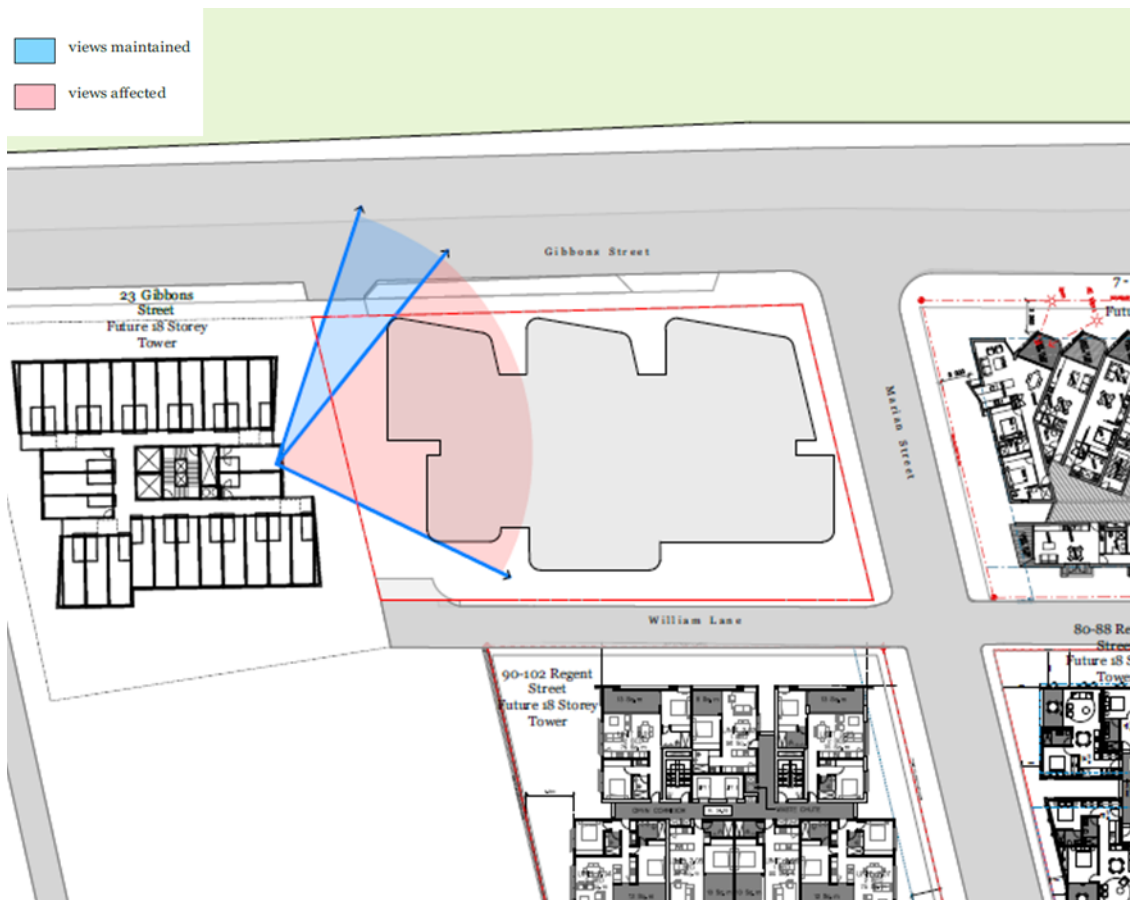


Figure 4: Views likely to be affected and maintained for 13-23 Gibbons Street (Source: DKO)

80-88 Regent Street

The current two storey buildings have limited existing views across the site.

The site has an existing approval for redevelopment. Construction for the approved 18 storey mixed use development has not commenced. As Figures 5 and 6 demonstrate, the likely southerly view over the site is anticipated to be impacted. It is important to note this view is the result of the site being underdeveloped and could not reasonably be expected to be retained. This impact is not considered significant as the primary views of this property are to Regent Street and the east, its primary frontage.

The proposed tower is generally consistent with the planning controls and uplift envisaged for the site and as such, this view impact is acceptable.

Figure 5 identifies the views to be maintained upon completion of the proposed development.

The site will continue to enjoy distant easterly views which are unaffected by the proposed development.



Figure 5: Views likely to be affected and maintained for 80-88 Regent Street (Source: DKO)



Figure 6: Indicative photomontage from Regent Street showing the envelope of 80-88 Regent Street and the proposed development (Source: DKO)

90-102 Regent Street

The existing development comprises two storey shops and dwellings with limited westerly views. In terms of the proposed future redevelopments, SEARs have been issued by DP&E for this site for an 18 storey mixed use development.

Views likely to be enjoyed from this site are views to the west across the subject site as well as views to the east facing Regent Street. As the figure demonstrates, the westerly view over the site is anticipated to be impacted (refer to Figure 7). The proposed tower is generally consistent with the planning controls and uplift envisaged for the site and as such, this view impact is acceptable.

The available view is the result of the site being underdeveloped and could not reasonably be expected to be retained. Furthermore, a number of units in this development face east and these views are unaffected.

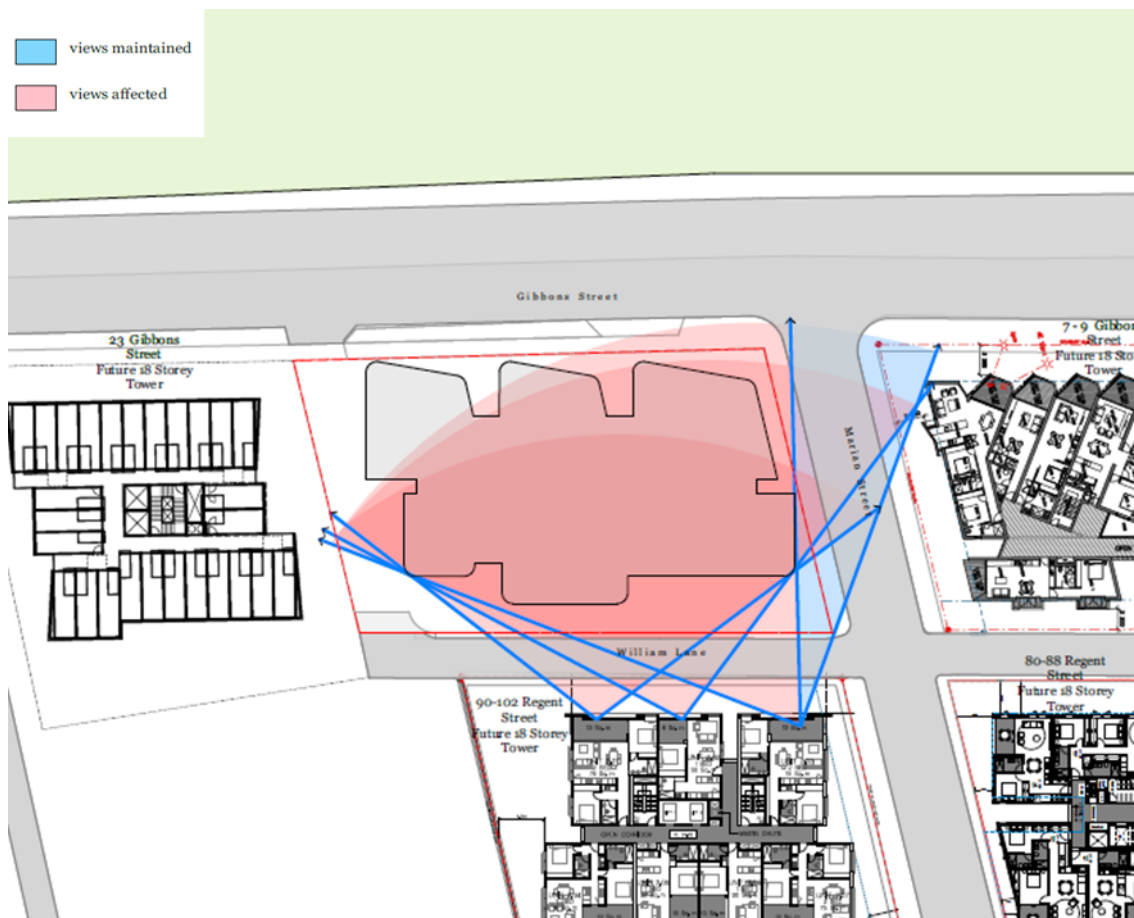


Figure 7: Views likely to be affected and maintained for 90-102 Regent street (Source: DKO)

18-32 Rosehill Street

The views that will be impacted are the easterly views from 18-32 Rosehill Street.

An inspection of the view has not been undertaken from the apartments, however it is considered the views likely to be enjoyed from the upper levels of this site are district views to the east, filtered through trees from the park opposite.

As Figures 8 and 9 demonstrate, the view over the site is anticipated to be impacted. It is important to note this view is the result of the site being underdeveloped and could not reasonably be expected to be retained.

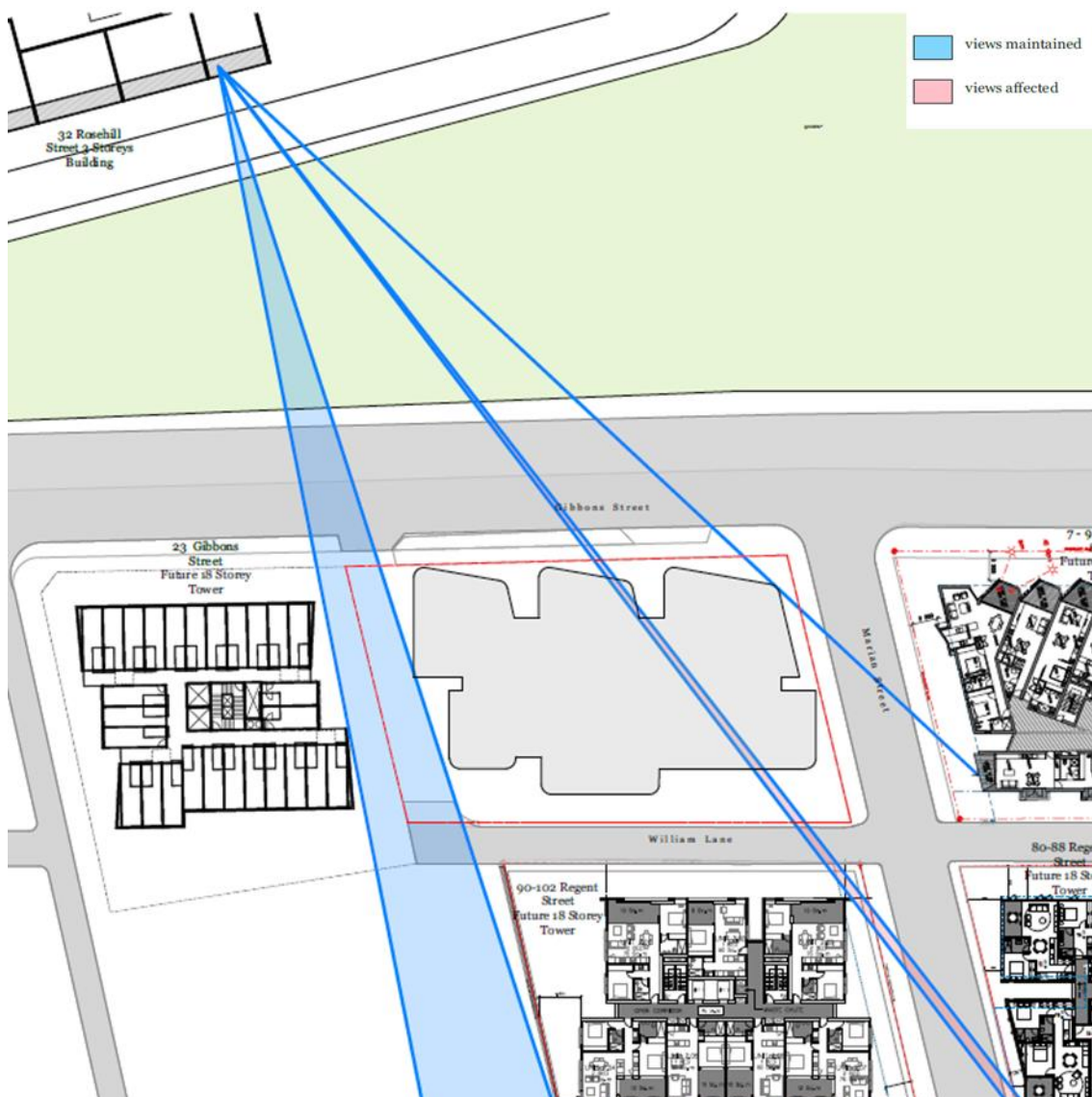


Figure 8: Views likely to be affected and maintained for 18-32 Rosehill Street (source: DKO)



Figure 9: Indicative photomontage showing view of Gibbons Street Reserve and the proposed development
(Source: DKO)

The proposed tower is generally consistent with the planning controls and uplift envisaged for the site and as such, this view impact is acceptable. Further, the site will enjoy uninterrupted views of the public domain including Gibbons Street Reserve as indicated in Figure 9.

NSW Land and Environment Court Principles

To establish whether the proposed view sharing impacts are reasonable, we have considered a four-step assessment in accordance with the principles established by *Tenacity Consulting v Warringah [2004] NSWLEC 140*. The principles adopted in the decision are:

1. assess what views are affected and the qualitative value of those views
2. consider from what part of the property the views are obtained
3. assess the extent of the impact (from negligible to devastating)
4. assess the reasonableness of the proposal that is causing the impact

The findings of the assessment against the first three steps are based on a high level analysis across all sites in the context of the current planning controls. The assessment has been undertaken based on new development proposals where relevant and the evolving nature character of the locality as discussed in the EIS. The views available through the site are the result of the site being undeveloped. These views will be impacted by the proposed 18 storey building. However, the surrounding sites will continue to enjoy other views not reliant over the site.

The findings of the analysis are summarised in the Table below.

Principle	Address	High level Consideration
Views affected	7-9 Gibbons Street	Views generally to the south across the site.
	13-23 Gibbons Street	Generally views in a north-westerly direction across the site.
	80-88 Regent Street	Generally south-western views across the site.
	90-102 Regent Street	Generally views to the west across the subject site.
	32 Rosehill St and 1-9 Marian Street	Views to the east across the site.
From what part of the property are the views obtained	7-9 Gibbons Street	It is estimated views from bedrooms and balconies along the south-eastern façades will be affected.
	13-23 Gibbons Street	It is estimated views from bedrooms on the northern façade will be affected. It is noted the proposal is still within the design stages.
	80-88 Regent Street	It is estimated the views from balconies and living rooms on the south western façade will be affected.
	90-102 Regent Street	It is estimated the views from balconies and living rooms along the western façade will be affected. It is noted the proposal is still within the design stages.
	32 Rosehill St	It is estimated the views are likely to be from balconies and living rooms on the eastern façade that will be affected.
	1-9 Marian Street	It is estimated the views are likely to be from living rooms/bedrooms on the eastern façade that will be affected.
Extent of impacts	7-9 Gibbons Street	It is estimated the impacts would range from minor (as the impact is limited to a bedroom) to moderate (views from the balcony) as a result of the proposal. This is likely to impact several units per floor. Views from other facades would remain unaffected.
	13-23 Gibbons Street	Based on the developing proposal adjoining the site, it is estimated the impacts would be minor (as the impact is

Principle	Address	High level Consideration
		limited to a bedroom) to moderate (if a balcony is proposed) as a result of the proposal. This is likely to impact several units per floor. Views from other facades would remain unaffected.
	80-88 Regent Street	It is estimated, the impacts would be moderate (as the impact is views from the balcony) as a result of the proposal. Views from other facades would remain unaffected.
	90-102 Regent Street	It is estimated, the impacts would be moderate to severe (as the impact is likely views from the balcony and living rooms). This is likely to impact several units per floor. Minimal remaining views would be available as a result of the proposed building envelope.
	32 Rosehill St	It is estimated, the impacts would be minor to moderate (views from the balcony and living rooms) but filtered by views of the public domain and towards Gibbons Street Reserve and views from other facades which would remain unaffected.
	1-9 Marian Street	It is estimated, the impacts would be minor to moderate (views from bedrooms and living rooms) but filtered by views of the public domain and towards Gibbons Street Reserve and views from other facades which would remain unaffected.

Table 2: Summary of view loss impacts

The 4th Tenacity Principle is to assess the reasonableness of the proposal causing the impact. It is important to note, the proposal complies with the overall height and FSR controls applying to the site, as per the Precincts SEPP.

The proposed height is also consistent with the adjoining 18 storey developments and approved 18 storey developments. The proposal is consistent with the emerging high density character of the Precinct as evident in Figure 1.

The proposed slender tower sits within the 18 storey height limit and density controls prescribed for the site.

The site is situated within a high density urban environment, in which view impacts are unavoidable. Strict adherence to the ADG design criteria with regards to building separation would not preserve the affected views. The views enjoyed by 7-9 Gibbons Street, 90-102 Regent Street and 80-88 Regent Street in particular, are only available due to the site being underdeveloped.

The preservation of these views is unreasonable and would limit the redevelopment potential of the site such that redevelopment would not be economical.

Conclusion

Our analysis has demonstrated that the view impacts discussed are acceptable as:

- the existing views available across the site are the result of the site being undeveloped and could not reasonably be expected to be retained
- the proposal is generally consistent with building envelope envisaged by the environmental planning instruments
- the proposed variations to the tower setbacks do not result in unacceptable view impacts for adjoining properties. Increased setbacks would not materially increase view corridors from the affected properties
- several of the affected sites enjoy uninterrupted views of the public domain including Gibbons Street Reserve and/or distant views of the eastern and western suburbs
- the surrounding sites discussed will maintain some minor views across the site
- the proposal is consistent with the established Land and Environment Court Principles for view sharing. The view impacts are reasonable
- the site is situated within a high density urban environment. In order to achieve the objectives for the site, it is unreasonable to expect all views across the site would remain.