

Final View and Visual Impact Assessment

Nicholson Street Build-to-Rent

46-52 Nicholson Street and 59-67 Christie Street, St Leonards

Submitted to NSW Department of Planning, Housing and Infrastructure
on behalf of Trustee for St Leonards Property Unit Trust



‘Gura Bulga’
Liz Belanjee Cameron

‘Gura Bulga’ – translates to Warm Green Country. Representing New South Wales.



‘Dagura Buumarri’
Liz Belanjee Cameron

‘Dagura Buumarri’ – translates to Cold Brown Country. Representing Victoria.



‘Gadalung Djarri’
Liz Belanjee Cameron

‘Gadalung Djarri’ – translates to Hot Red Country. Representing Queensland.

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

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

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

In March 2025, Ethos Urban took a major step toward future growth by partnering with leading professional services firm, Colliers. While our name evolves, our commitment to delivering high-quality solutions remains unchanged—now strengthened by broader access to property and advisory services and expertise.

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Executive summary

The Trustee for St Leonards Property Unit Trust (the Trustee) has submitted a State significant development application (SSDA) (SSD-88113706) and concurrent rezoning proposal (the rezoning) to the NSW Department of Planning, Housing and Infrastructure (the Department) to enable renewal of land located at 46-52 Nicholson Street and 59-67 Christie Street, St Leonards (the site) for the purposes of Build-to-Rent development known as ‘Nicholson Street Build-to-Rent’ (the proposal).

Ethos Urban in collaboration with Virtual Ideas and CMS Surveyors has prepared this view and visual impact assessment (VIA) to support this SSDA. Its purpose is to determine whether the proposal has an acceptable view and visual impact through address of relevant secretary's environmental assessment requirements (SEARs) and concurrent rezoning proposal requirements issued by the Department on 31 July. As the Department has previously considered and determined the view and visual impact of the planning proposal and previous SSDA for the site as being acceptable, its focus is on impacts arising from the proposed reduced tower setback to the site's southern boundary, and increased tower height.

Visual impact

Assessment of visual impact was informed by photos and photomontages prepared in accordance with the Land and Environment Court of NSW (the LEC) ‘Use of Photomontages and Visualisation Tools’ for 6 viewpoints in the surrounding public domain visual catchment that represent the general pattern of viewing. Assessment was undertaken in accordance with the principles of the ‘Guidelines for Landscape and Visual Impact Assessment, Third edition’ (the GLVIA3), which focusses on the significance of the visual impact.

The key findings of the assessment included:

- due to the blocking effect of existing tall buildings in the St Leonards CBD, the public domain visual catchment primarily includes land to the south and west
- as this corresponds with a predominantly residential area, most people in the public domain visual catchment will be local residents
- mainly due to the presence of multiple visually prominent tall buildings, the public domain visual catchment has a low sensitivity to the nature of change proposed
- due to the proposal being seen in the context of these tall buildings, and in particular against a backdrop of tall buildings from viewpoints to the south, the magnitude of the nature of change ranges from perceptible – considerable
- the significance of visual impact ranges from low – moderate.

Significance of visual impact is not determinative of acceptability of visual impact. Rather, this is determined by assessment against relevant parts of the planning framework. The key planning framework visual impact issues are visual character and visual amenity.

Supported by the findings on sensitivity and magnitude, the proposal has a scale, form, and architecture that is visually compatible with the existing and desired future visual character of its St Leonards CBD context.

The replacement of multiple buildings in average visual condition with a new, publicly accessible and visually prominent plaza and other elements such as active frontages will improve the visual amenity of the surrounding public domain experienced by people.

View impact

Assessment of view impact was informed by imagery showing existing and likely future views from 11 viewpoints in 3 nearby buildings where view impact has previously been raised by submitters and the Department as a matter of interest, being the Jackson tower in St Leonards Square, the Landmark, and the Telstra Exchange BTR development. Assessment was undertaken in accordance with the planning principle established by Roseth SC of the LEC in their judgement in *Tenacity Consulting v Waringah* [2004] NSWLEC 140 (Tenacity), supported by consideration of relevant parts of the planning framework. While the

planning system is clear that no one ‘owns’ a view obtained across and over another property, Tenacity enables assessment of the reasonableness of the proposal causing the view impact.

The key findings of the assessment in relation to proposed changes to the previously approved SSDA for the site include:

- mainly due to view angles, the main impact of the reduced tower setback to the site's southern boundary will be experienced by apartments at the southern end of the western elevation of the Jackson tower in St Leonards Square. The main impact of the increased tower height will be experienced by apartments along the western elevation of the Jackson tower in St Leonards Square, apartments along the southern elevation of The Landmark, and apartments along the southern elevation of the Telstra Exchange BTR development
- the main impact of the reduced tower setback to the site's southern boundary will be to reduce the width of district views to the south-west of suburban development on the Lower North Shore in the foreground and midground, parts of the Lane Cove River in the midground, and the western suburbs and under certain atmospheric and weather conditions the Blue Mountains in the background. While acknowledging their value to residents, the overall assessed value of these views under Tenacity is moderate. The main impact of the increased tower height will be to block views to these elements from the uppermost storeys in the Jackson tower in St Leonards Square, and interrupt district views to the south obtained from The Landmark and Telstra Exchange BTR development of suburban development on the Lower North Shore in the foreground and midground, and parts of Sydney Harbour, the Sydney CBD, the Parramatta River and the Inner West in the background. The assessed value of these views is high.
- these views may be obtained from a front boundary and from both a standing and sitting position.
- the qualitatively assessed impact of the reduced tower setback to the site's southern boundary is minor for the impacted apartments and the Jackson tower overall in St Leonards Square, and negligible for the impacted apartments and The Landmark and Telstra Exchange BTR development overall
- The qualitatively assessed impact of the increased tower height is more variable, with the most frequent impact being moderate.

While acknowledging impact, the proposal's view impact is considered reasonable on a number of grounds:

- as the concurrent rezoning seeks to amend the existing planning controls, they have less relevance and weight than would otherwise be the case
- instead, merit assessment is to be undertaken guided by the strategic planning framework with regard given as appropriate to the aims and objectives of the LCLEP 2009 and other planning guidance
- the proposal promotes and is consistent with key parts of the strategic planning framework, in particular delivery of a greater amount and choice of new homes in a highly accessible locations very well serviced by public transport
- it has a nature and scale that is in keeping with the existing and desired future visual character of the St Leonards CBD and Crows Nest Accelerated Transport Oriented Development Program Precinct (the Crows Nest TOD)
- any development with these attributes on this site will inherently have considerable view impact on neighbouring properties
- this is particularly the case for development at the current edge of the CBD such as the site
- the proposal is considered to align with the aims and objectives of the LCLEP 2009 as it relates to land zoning, height, FSR and the Crows Nest TOD and the LCDCP 2009 as it relates to the site
- as such, the nature of view impact is in keeping with what could reasonably be expected under the planning framework
- the proposal has been informed by comprehensive and detailed site and context analysis, that has included consideration of view and visual impact
- this has resulted in the proposal having an increased height no greater than that on adjoining land to the east, and lower than that which demarcates the centre of the CBD to the north

- as with the previously approved SSDA for the site, the reduced setback enables delivery of a high quality publicly accessible open space at the visually prominent northern end of the site
- other design measures have positive view and visual impacts, including retention of a tower setback to the site's southern boundary to maintain view corridors from adjacent buildings while maintaining setbacks to adjacent site, in accordance with the Apartment Design Guide (ADG), the reduction in height of the podium, and variation in the tower massing and skyline profile to reduce the appearance of building bulk.

As such, further mitigation measures requiring fundamental or large scale changes to the proposal in its current form are not required.

On the balance of relevant matters, the proposal has an acceptable view and visual impact, and as such can be supported on view and visual impact grounds.

Glossary

Table 1 Key terms and abbreviations

Term or abbreviation	Meaning
Applicant	Trustee for St Leonards Property Unit Trust
Character	Is what makes one neighbourhood distinctive from another. It is the way a place ‘looks and feels’. It is created by the way built and natural elements in both the public realm and private domain interrelate with one another, including the interplay between buildings, architectural style, subdivision patterns, activity, topography and vegetation (Planning Circular PS 21-026, NSW Government, 2021)
Characteristics	Elements, or combinations of elements, which make a contribution to distinctive landscape character (GLVIA3, Landscape Institute and IEMA, 2013)
Council	Lane Cove Council
Department	NSW Department of Planning, Housing and Infrastructure
EIS	Environmental impact statement
Elements	Individual parts which make up the landscape, such as, for example, trees, hedges and buildings (GLVIA3, Landscape Institute and IEMA, 2013)
Feature	Particularly prominent or eye-catching elements in the landscape, such as tree clumps, church towers or wooded skylines (GLVIA3, Landscape Institute and IEMA, 2013)
FSR	Floor space ratio
GFA	Gross floor area
Guideline	Local Environmental Plan Making Guideline
HDA	Housing Delivery Authority
Housing SEPP	State Environmental Planning Policy (Housing) 2021
Key characteristics	Those combinations of elements which are particularly important to the current character of the landscape and help to give an area its particularly distinctive sense of place (GLVIA3, Landscape Institute and IEMA, 2013)
Landscape	An area, as perceived by people, the character of which is the result of the action and interaction of natural and/or human factors (GLVIA3, Landscape Institute and IEMA, 2013)
LCDCP 2009	Lane Cove Development Control Plan 2009
LCLEP 2009	Lane Cove Local Environmental Plan 2009
LEC	Land and Environment Court of NSW
LGA	Local government area
LSPS	Lane Cove Local Strategic Planning Statement
Magnitude	A term that combines judgements about the size and scale of the effect, the extent of the area over which it occurs, whether it is reversible or irreversible and whether it is short or long term in duration (GLVIA3, Landscape Institute and IEMA, 2013)

Term or abbreviation	Meaning
Planning Systems SEPP	State Environmental Planning Policy (Planning Systems) 2021
Proposal	Build-to-Rent development known as ‘Nicholson Street Build-to-Rent’
SDRP	NSW State Design Review Panel
SEARS	Secretary's environmental assessment requirements
Sensitivity	A term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value related to that receptor (GLVIA3, Landscape Institute and IEMA, 2013)
Significance	A measure of the importance or gravity of the environmental effect, defined by significance criteria specific to the environmental topic (GLVIA3, Landscape Institute and IEMA, 2013)
Site	46-52 Nicholson Street and 59-67 Christie Street, St Leonards
SSDA	State significant development application
Townscape	The character and composition of the built environment including the buildings and the relationships between them, the different types of urban open space, including green spaces, and the relationship between buildings and open spaces (GLVIA3, Landscape Institute and IEMA, 2013)
VIA	Visual impact assessment
Visual amenity	The overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or backdrop for the enjoyment of activities of the people living, working, recreating, visiting or travelling through an area (GLVIA3, Landscape Institute and IEMA, 2013)

1.0 Introduction

The Trustee for St Leonards Property Unit Trust (the Trustee) has submitted a State significant development application (SSDA) (SSD-88113706) and concurrent rezoning proposal (the rezoning) to the NSW Department of Planning, Housing and Infrastructure (the Department) to enable renewal of land located at 46-52 Nicholson Street and 59-67 Christie Street, St Leonards (the site) for the purposes of Build-to-Rent development known as ‘Nicholson Street Build-to-Rent’ (the proposal).

Ethos Urban in collaboration with Virtual Ideas and CMS Surveyors has prepared this view and visual impact assessment (VIA) to support this SSDA. Its purpose is to determine whether the proposal has an acceptable view and visual impact through address of relevant secretary's environmental assessment requirements (SEARs) and concurrent rezoning proposal requirements issued by the Department on 31 July. As the Department has previously considered and determined the view and visual impact of the planning proposal and previous SSDA for the site as being acceptable, its focus is on impacts arising from the proposed reduced tower setback to the site’s southern boundary, and increased tower height.

Table 2 SEARs relevant to VIA

Issue	Assessment Requirements	Documentation
7. Environmental Amenity	- Assess amenity impacts on the surrounding locality, including...view loss and view sharing. - A high level of environmental amenity for any surrounding residential or other sensitive land uses must be demonstrated.	- If required: - View Impact Analysis
8. Visual Impact	- Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. - If the proposal would result in significant visual impact not anticipated by the planning controls, provide a visual impact assessment that addresses the visual impacts of the development on the existing catchment.	- Visual Analysis - If required: - Visual Impact Assessment

This VIA has the following structure:

- **Part 1 Introduction:** identifies the purpose and structure of this VIA
- **Part 2 The site and its context:** describes the site and its context, including their character and key visual characteristics
- **Part 3 The proposal:** outlines the proposal, including its character and key visual characteristics
- **Part 4 Background:** outlines the planning history of the site
- **Part 5 The planning framework:** identifies relevant parts of the planning framework to VIA
- **Part 6 Methodology:** outlines the methodology used in the VIA
- **Part 7 View analysis:** identifies and analyses nearby buildings that will be most impacted by the proposal
- **Part 8 Visual analysis:** identifies the visual catchment, the pattern of viewing, and key viewpoints in the visual catchment for which visual impact assessment will be undertaken
- **Part 9 Key issues:** identifies the key issues that need to be considered by the VIA
- **Part 10 View impact assessment:** assesses the likely view impact of the proposal against the planning principle for views established by Roseth SC in their judgement in Tenacity Consulting v Waringah [2004] NSWLEC 140 (Tenacity)

- **Part 11 Visual impact assessment:** assesses the likely visual impact of the proposal, including identifying the sensitivity of the viewpoint to the nature of change proposed, the magnitude of the nature of change proposed, the significance of the visual impact, and whether the proposal has a significant visual impact overall
- **Part 12 Consideration of key issues:** considers the performance of the proposal in relation to the key issues
- **Part 13 Mitigation measures:** discusses whether the proposal's visual impact can be adequately mitigated
- **Part 14 Conclusion:** identifies whether the proposal has an acceptable visual impact and can be supported on visual impact grounds.

The attachments provide a copy of the visual impact evidence upon which this VIA relies.

As it forms part of the larger SSDA and concurrent rezoning, the VIA does not repeat matters more appropriately covered in other documents. In particular, it defers to and relies on statements in:

- planning documents addressing matters such as land zoning and permissibility
- design documents addressing matters such as design intent, strategies and measures.

As such, it should be read together with these other documents.

2.0 The site and its context

The separate EIS prepared by Planning and Co outlines the site and its context in greater detail. This VIA defers to statements I the EIS to the extent there is an inconsistency in describing the site and its context.

2.1 The site

The site comprises 8 parcels of land located at 46-52 Nicholson Street and 59-67 Christie Street, St Leonards within the Lane Cove local government area (**LGA**) (refer figure below).

It has an area of 2.301sqm and a generally triangular shape formed by its northern and eastern boundary with Nicholson Street, its western boundary with Christie Street and its southern boundary with 29-57 Christie Street. Its long elevation is oriented generally north-south.

It is occupied by a number of low to mid-rise commercial buildings (refer figure below).



Figure 1 The site

Source: Nearmap and Ethos Urban

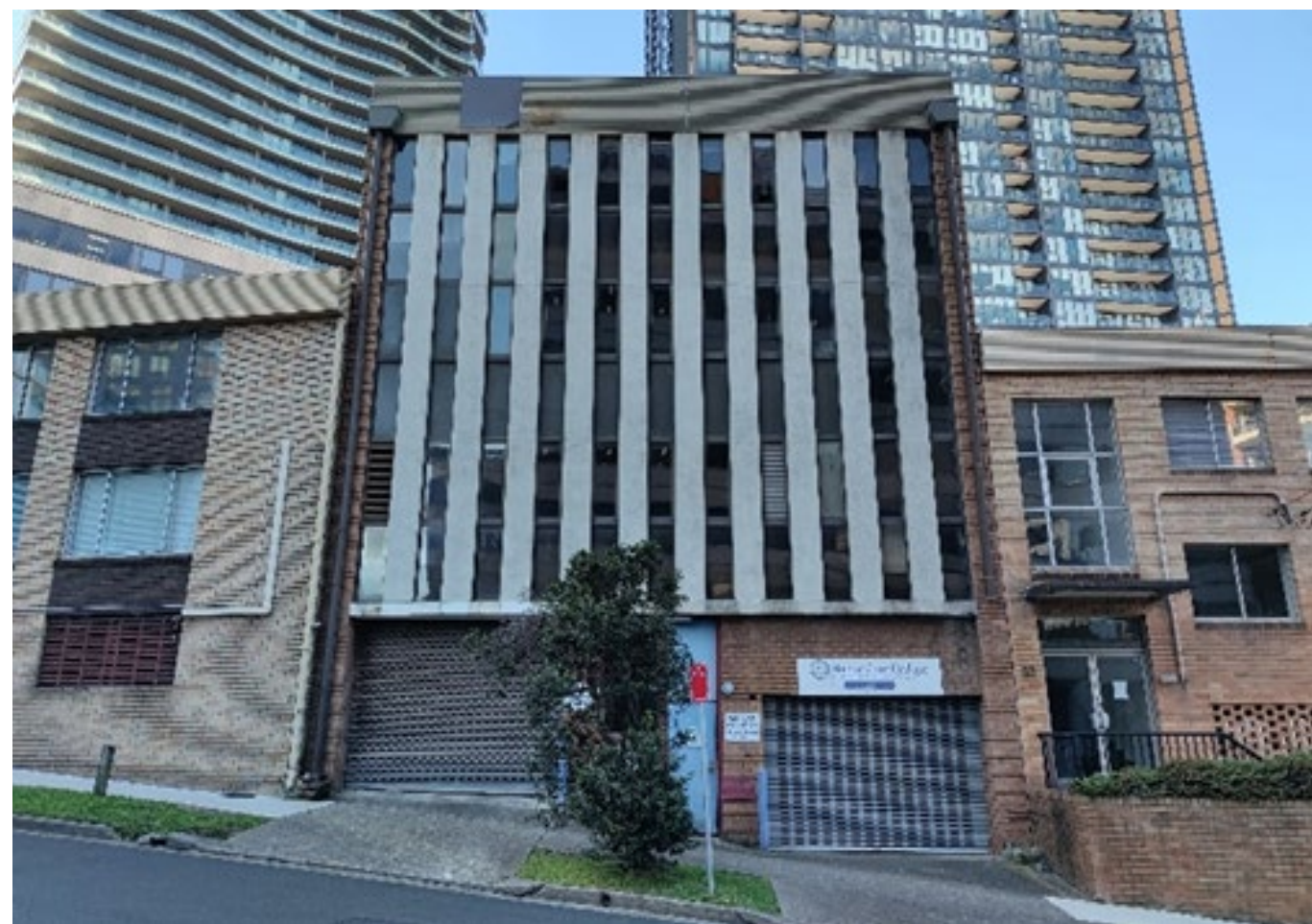


Figure 2 Existing development on part of the site (Christie Street)

Source: Ethos Urban

2.2 Adjoining and surrounding land

Adjoining and surrounding land to the north and east is largely occupied by high-rise, residential apartment towers. Of note for the purposes of this VIA, this includes St Leonards Square (472-520 Pacific Highway), The Landmark (69 Nicholson Street) and the Telstra Exchange Site BTR development (530-542 Pacific Highway). St Leonards Square is more vulnerable to view impact from development due to its greater proximity and orientation parallel to the long axis of the site. Adjoining and surrounding land to the south and west is largely occupied by mid-rise commercial buildings. More broadly, land further to the south is occupied by a mix of lower-rise low and medium density residential development. Land further to the west across the railway line is also occupied by a mix of low and medium density residential development, and is largely being renewed for high-rise, residential apartment towers.

2.3 Broader context

The site is located at the current southern and western end of the St Leonards strategic centre. The core of the centre is located to the north around St Leonards Station. Recognising its attributes such as excellent public transport accessibility and responding to Department planning policy such as the St Leonards and Crows Nest 2036 Plan and the Crows Nest Accelerated Transport Oriented Development Program Precinct (the Crows Nest TOD), the centre and its surrounds has been undergoing significant renewal for high rise mixed use and residential development over the past years. This has included development application interest and activity in much of the St Leonards CBD surrounding the site, including the adjoining site to the south ('29 Christie Street'), 446 – 452 Pacific Highway (the Car Wash Site) and 34-42 Pacific Highway (the 'hotel site') (Council, July 2025), as well in the nearby St Leonards South Precinct.

Prior to this, in 2015 council approved considerable maximum building height and FSR increase through amendment to the Lane Cove Local Environmental Plan 2009 (LCLEP 2009) (PP-2020-180) to enable development of St Leonards Square and The Landmark. Reflecting interest in view impact, this attracted numerous submissions objecting to the planning proposal on view impact grounds.

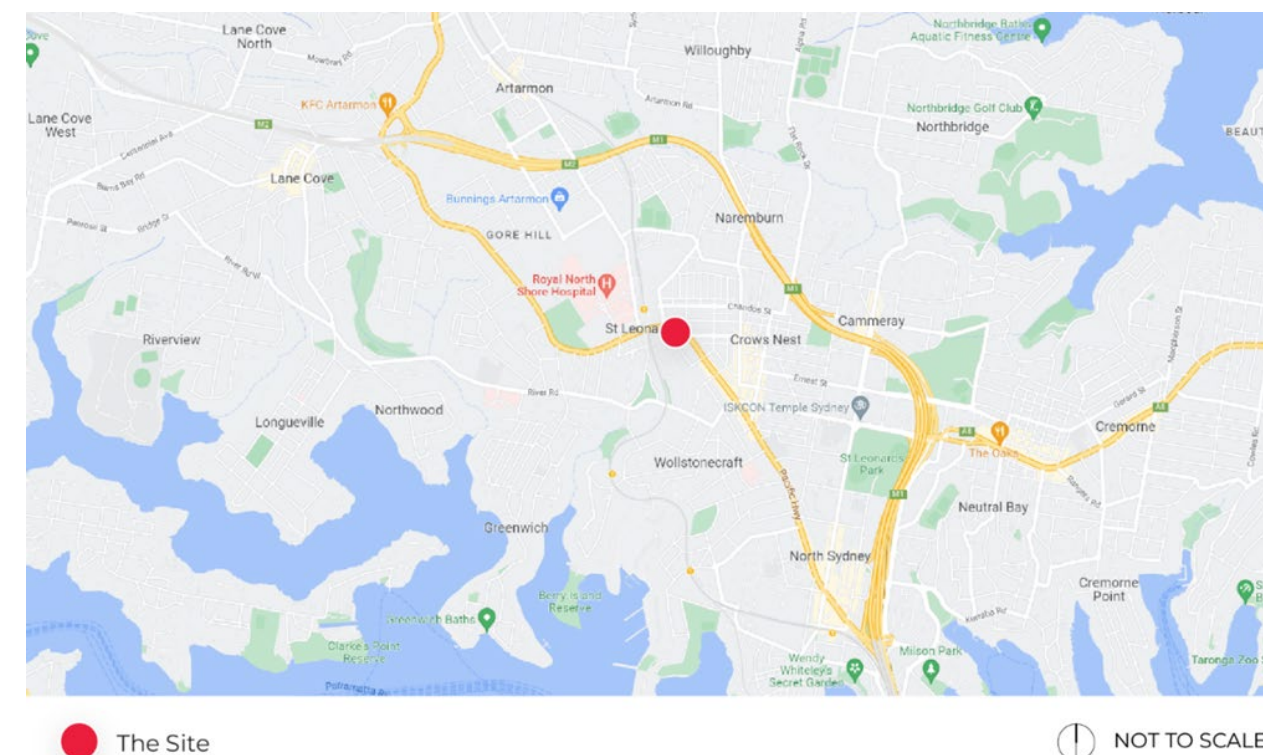


Figure 3 Site context

Source: Google and Ethos Urban

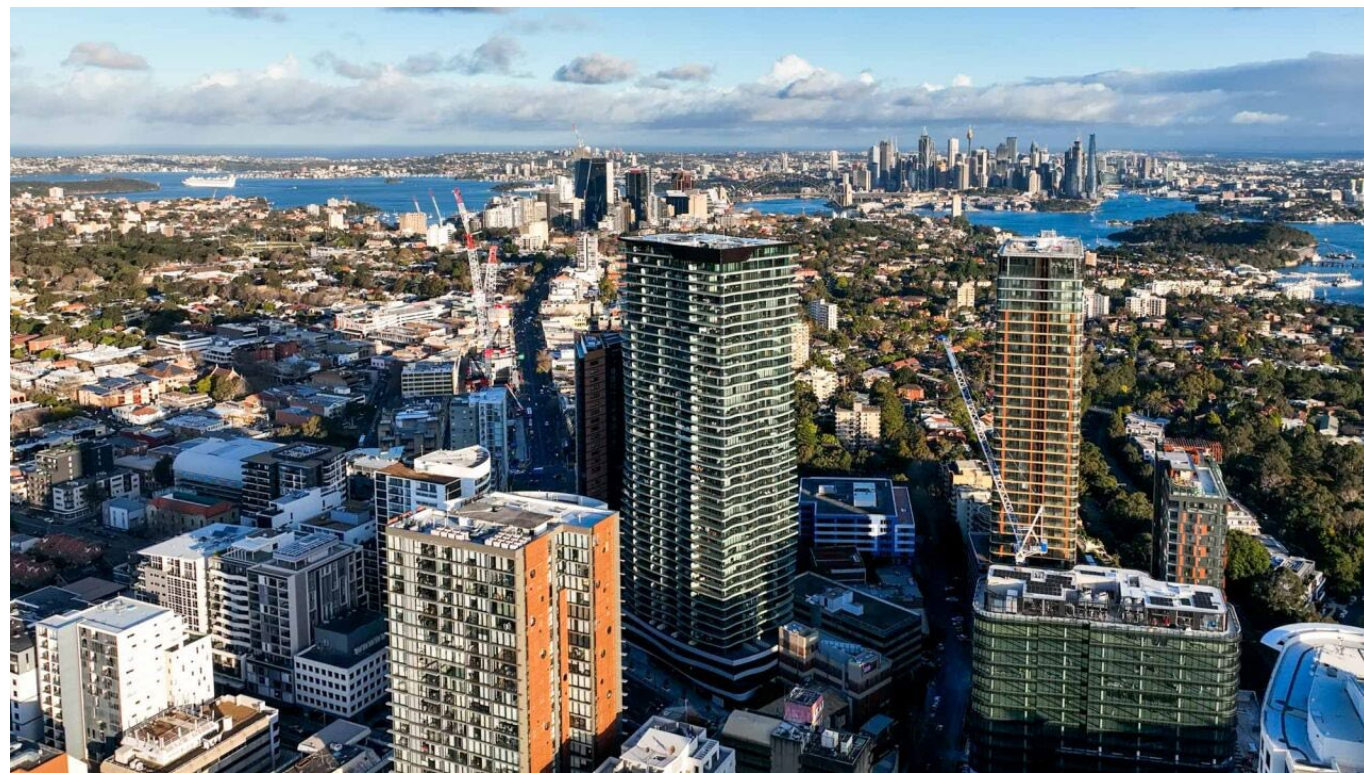


Figure 4 St Leonards seen from the north

Source: Hutchinson Builders

3.0 The proposal

The separate EIS prepared by Planning and Co outlines the proposal in greater detail. This VIA defers to statements in the EIS to the extent there is an inconsistency in describing the proposal.

The proposal seeks development consent under the SSDA pathway for:

- BTR development
- 541 (approx.) apartments
- a maximum building height of 123.8m (RL196.30, and 34-storeys plus one level of plant)
- a maximum FSR of 17.09:1
- a maximum GFA of 38,829 sqm.

The concurrent rezoning seeks to amend the LCLEP 2009 'Height of Buildings Map' and 'Floor Space Ratio Map' to align to the proposed building height and FSR.

As focus of this VIA is on impacts arising from the proposed reduced tower setback to the site's southern boundary, and increased tower height, the following is noted:

- the maximum building height under the previously approved SSDA is RL 174.95, while the proposed maximum building height is RL 196.3
- the tower setback to its southern boundary under the previously approved SSDA ranges between 12m to 16m, while the proposed tower setback to its southern boundary ranges between 8.7m to 12.6m.



Figure 5 Site of the proposal

Source: COX

4.0 Background

4.1 The planning proposal

On 9 April 2021 approved a 'proponent-initiated' planning proposal (PP-2021-2071) (Planning and Co, 2025) (the Department, 2025) to amend the LCLEP 2009 as it applies to the site to:

- increase the site's maximum building height from 25 metres to RL 174.95 metres
- increase the site's maximum FSR from 4.5:1 to 15:1.

The amendment was made on 18 November 2021 (the Department, 2025).

The amendment was supported by a complementary amendment to the Lane Cove Development Control Plan 2009 (LCDCP 2009) to introduce 'Block 4: Nicholson Precinct' in Part D – 'Commercial Development and Mixed Use Localities'. 'Block 4: Nicholson Precinct' contains objectives and a 'Block Plan' that establishes controls for matters such as a podium footprint. In response to submissions received in relation to view loss from residents of the Jackson building within the St Leonards Square complex to the east of the site across Nicholson Street, the Block Plan includes a 16.5m tower setback to the site's southern boundary.

4.2 The concept SSDA

On 20 February 2025 the Department granted development consent to concept SSDA (SSD-56527976) for:

- a mix of BTR, office, and retail land uses
- a maximum building height of RL174.95 (31-storeys)
- a maximum GFA of 34,500sqm.

The SSDA included a 'chamfered' tower setback to the site's southern boundary, whereby the setback at its Nicholson Street end was retained at 16.5m but was reduced to 12.5 at its Christie Street end.

The EIS supporting the SSDA (Ethos Urban) noted that this variation was:

- 'the result of the redistribution of form from the lower components of the podium to the tower as a result of SDRP recommendations to remove form from the northern corner of the site and ground floor along Christie Street to maximise solar access, deep soil and landscaping to these spaces'
- 'reflects the natural difference and spatial requirements of a residential floor plate (remembering that the site specific control was adopted on the basis of commercial floor plate)'.

This EIS also considered the variation to be acceptable on the basis that:

- 'the variation has been designed to concentrate the additional form to the south western portion of the tower to ensure any view impacts from the adjoining development is minimised
- the level of additional overshadowing caused by the variation does not generate significant additional shadowing to public domain areas and private spaces, as demonstrated through detailed overshadowing analysis
- a 12m tower setback to the south adheres to the minimum 12m separation distance between habitable rooms and balconies to the site boundary under the Design criteria 3F-1 of the ADG, recognising that this southern neighbour has recently received approval for a commercial redevelopment'.

The SSDA was supported by a VIA prepared by Ethos Urban. A part of the VIA, the impact of the proposal on views from a number of storeys and locations on elevations was assessed. The below figure shows the location of viewpoints assessed on the western elevation of the Jackson tower. The brown colour shows development in accordance with the LCDCP 2009 Block Plan, while the yellow colour shows the then proposed SSDA scheme.

The subsequent figure for level 19 shows how view impact changes with the location of the viewpoint on the elevation, and in particular demonstrates:

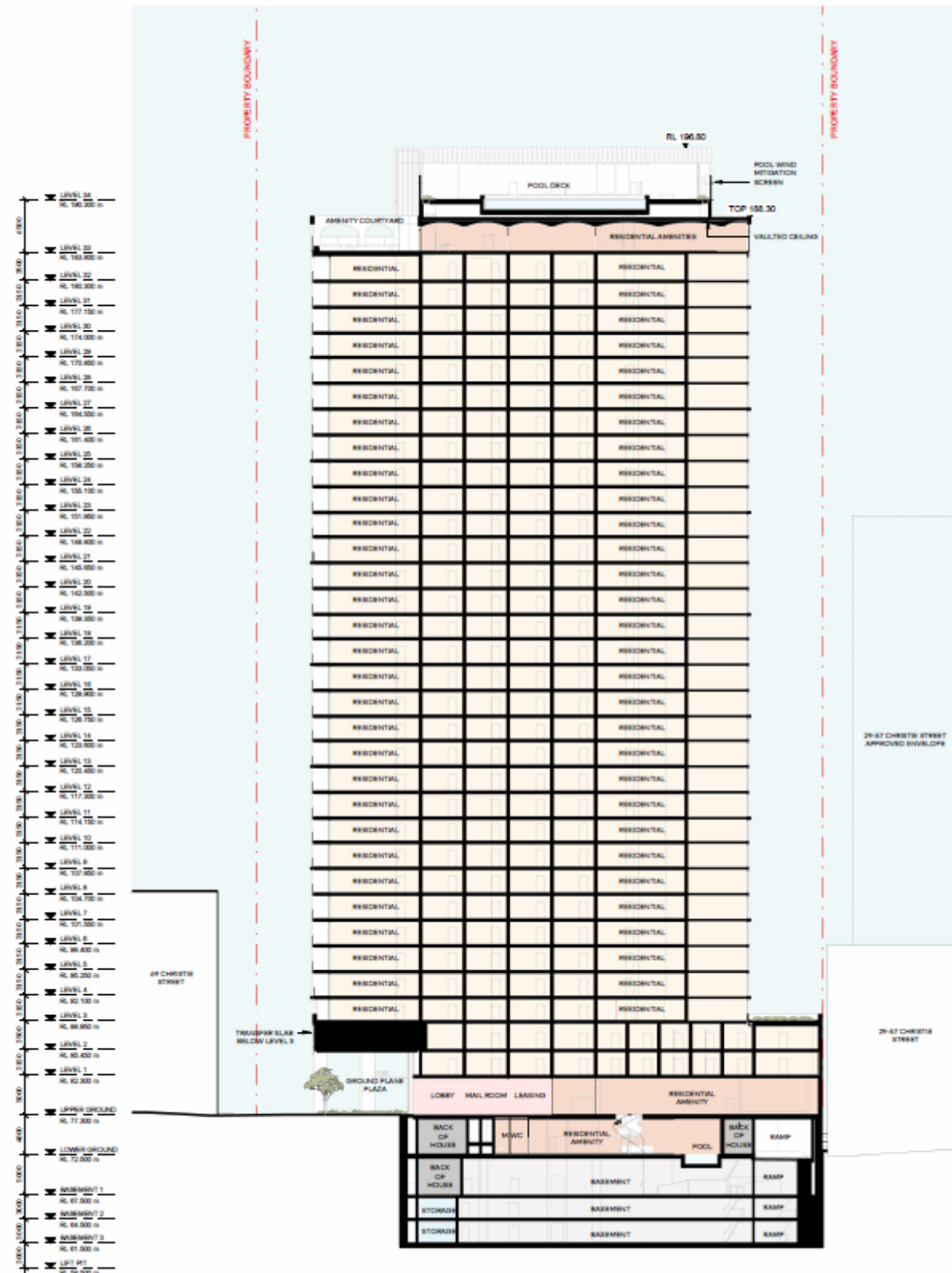


Figure 6 Section (A) of the proposal (western elevation)

Source: COX

Note: the setback from the site's northern and southern boundaries is evident in this image

- the view impact of the reduced tower setback to the site’s southern boundary is negated the further north on the elevation the viewpoint is located
- views to the south in the general direction of the Sydney CBD will be retained where positioned near the window line of the elevation.

While it is noted that the proposal has a lesser setback to that shown in the then proposed SSDA scheme, these points will hold true.

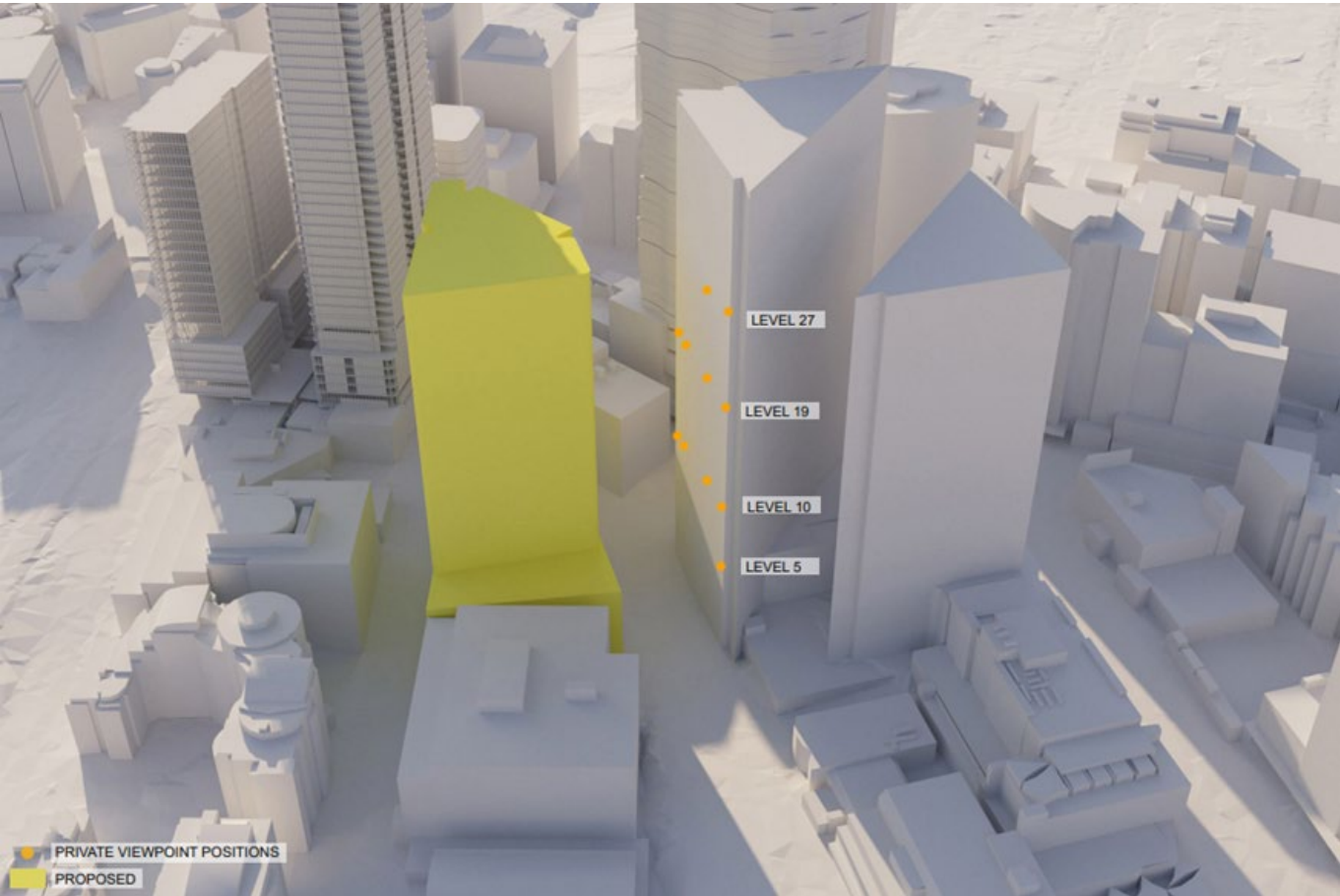
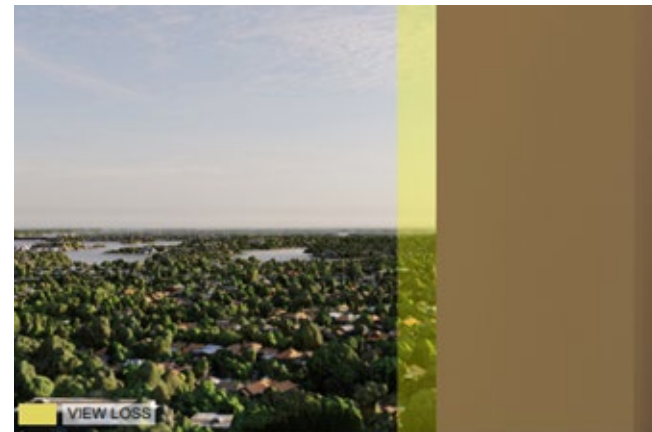
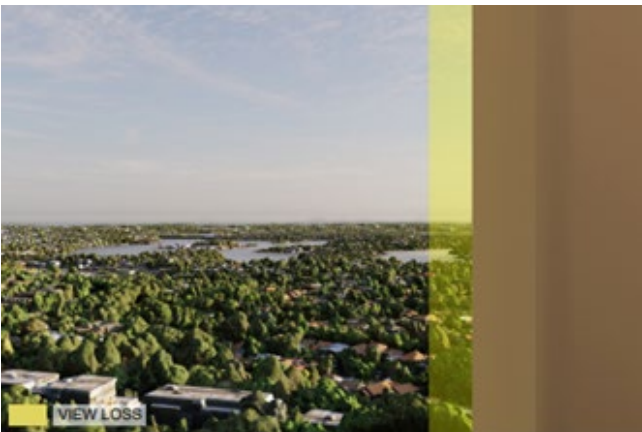


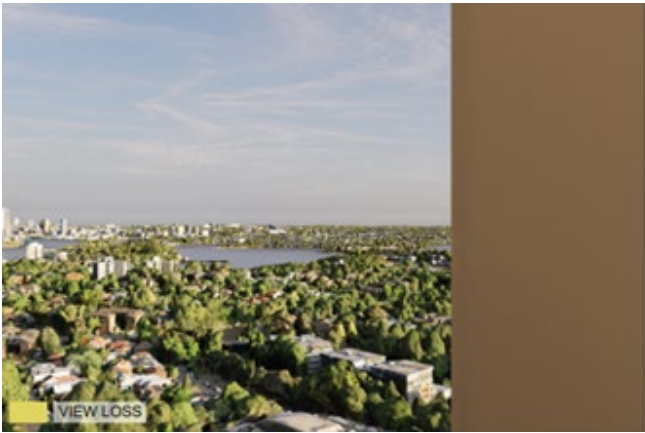
Figure 7 Location of tested viewpoints
Source: COX and Virtual Ideas



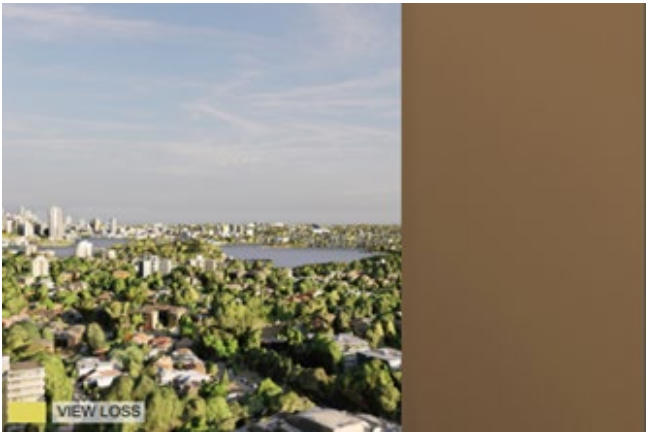
Level 19 CAM01



Level 19 CAM01



Level 19 CAM01



Level 19 CAM01

Figure 8 Impact on views of changes in location on elevation
Source: Virtual Ideas

The Department’s assessment report (February 2025) determined the following:

- noted the number of submissions to the SSDA on view impact grounds
- supported the amended setback on a number of grounds, including its consistency with the Apartment Design Guide (ADG)
- noted that the proposal would be prominent in views from adjoining buildings, and would result in the loss of views and outlook
- view impacts were considered acceptable on a number of grounds, including the proposal’s consistency with the planning framework, they would not result in any unexpected or unreasonable impacts having regard to the planning framework, and would not impact views to the Sydney CBD skyline from the most impacted apartments and has been developed to reduce view impact within reasonable limits
- would not result in any material view loss to apartments located to the north-east of the site.

4.3 The HDA determination

In response to an expression of interest (EOI), on 7 February 2025 the determined the following for the site (HDA2294190):

- ‘noted the proposal has state significance
- confirmed the BTR housing SSD pathway as the correct development pathway for this application
- recommended the Department consider a concurrent rezoning where the applicant is pursuing uplift in development standards
- noted the HDA would monitor the progress of assessment of this proposal’.



Figure 9 Artist impression of the previous SSDA

Source: COX

Note: the approved SSDA includes some variance to this impression

5.0 The planning framework

Due to the concurrent rezoning, the proposal is to be merit assessed with considerable weight placed on the strategic planning framework. While relevant, less weight is to be given to the statutory planning framework. This is particularly the case for planning controls (ie, numeric development standards).

5.1 Concurrent rezoning

Section 3.33 'Planning proposal authority to prepare explanation of and justification for proposed instrument – the planning proposal' of the EP&A Act establishes the matters that the Department is to take into consideration for the concurrent rezoning.

Under the 'Local Environmental Plan Making Guideline' (the Guideline) (the Department, August 2023) prepared to support implementation of section 3.33, planning proposals are to demonstrate strategic merit and site specific merit.

Strategic merit is determined by consistency with the strategic planning framework, including:

- NSW Government planning priorities and programs, including the National Housing Accord and the Transport Oriented Development (TOD) Program
- strategic plans, being the Greater Sydney Region Plan and North District Plan
- Lane Cove Local Strategic Planning Statement (the LSPS)
- section 9.1 directions (in particular 1.13 Implementation of St Leonards and Crows Nest 2036 Plan)
- Crows Nest TOD rezoning.

Current NSW Government planning priorities and programs are focussed around unlocking the capability of land to deliver a greater amount and choice of new well located, well designed new homes.

The remainder of the strategic planning framework seeks to direct much of this new housing in highly accessible locations well serviced by public transport such as the St Leonards CBD and the Crows Nest TOD. The indicative built form massing under the Crows Nest TOD rezoning is shown in the below figures. As can be seen, the rezoning enables a considerable scale of growth, primarily in high rise mixed use and residential towers. This established a predominant visual character that is representative of a CBD or major centre within the Greater Sydney context.

Development in accordance with the intent of the TOD rezoning and this prevailing visual character will inherently result in view impact of existing development, in particular where it is located more central to the core of the TOD.

Site specific merit includes a range of factors, and will include consideration of the proposal's view and visual impacts.



Figure 10 Indicative future built form massing under the Crows Nest TOD seen from the south-west

Source: SJB



Figure 11 Indicative future built form massing under the Crows Nest TOD seen from the north

Source: SJB

5.2 The SSDA

Section 4.15 'Evaluation' of the Environmental Planning and Assessment Act 1979 (EP&A Act) establishes the matters that the Department is to take into consideration for this SSDA.

The most relevant matters for VIA comprise:

- the provisions of LCLEP 2009

- the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The most relevant parts of the LCLEP 2009 to VIA are:

- Section 1.2 ‘Aims of Plan’
- Section 2.3 ‘Zone objectives and Land Use Table’ (for Zone E2 ‘Commercial Centre’)
- Section 4.3 ‘Height of buildings’
- Section 4.4 ‘Floor space ratio’
- Part 8 ‘Crows Nest Transport Oriented Development Precinct’.

While State Environmental Planning Policy (Housing) 2021 (the Housing SEPP) applies to the proposal more broadly, it does not contain provisions that are highly relevant to VIA.

While under section 2.10 of the State Environmental Planning Policy (Planning Systems) 2021 (the Planning Systems SEPP) development control plans do not apply to SSDAs, consideration as appropriate has also been given in this VIA to the provisions of the LCDCP 2009. The most relevant parts of the LCDCP 2009 to VIA are:

- Part B.4 ‘View Sharing’
- ‘Block 4: Nicholson Precinct’.

It is noted that decisions on SSDA require consideration and weighing of a large number and range of relevant environmental planning matters in addition to visual impact. In this regard, particular reference is made to the separate, supporting Environmental Impact Statement (EIS) prepared by Planning and Co.

As it provides guidance in interpreting the provisions of LCLEP 2009, the LCDCP 2009 and considering impacts, the planning principle established in Tenacity is also highly relevant to assessment of the view impacts of the proposal.

6.0 Methodology

VIA is a complex and specialist technical discipline that inherently involves qualitative and professional value judgements. While there is a wealth of documents, there is currently no universally agreed, national level guideline for VIA in Australia (AILA, 2009). As noted by the Land and Environment Court of New South Wales (the LEC) in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046 (Rose Bay), the key to addressing this challenge is to adopt a comprehensive methodology.

6.1 View impact assessment

View impact assessment considers the impact on views obtained from the private domain (eg, houses, apartments and their ancillary spaces).

Dating back to a 1937 decision of the Australian High Court in *Victoria Park Racing and Recreation Grounds Co Ltd v Taylor*, it is a long held common law principle in Australia that no one ‘owns’ the right to a view across someone else’s property.

Nonetheless, view impact may be considered part of broader amenity, impact and public interest considerations under the planning framework. In 2013, Roseth SC of the Land and Environment Court of New South Wales (LEC) established a planning principle to assist in guiding consideration of view impact in their judgement in *Tenacity Consulting v Waringah* [2004] NSWLEC 140 (Tenacity).

Tenacity focusses on ‘reasonable view sharing’:

- ‘Clause 61 of the LEP states that development is to allow for the reasonable sharing of views. It does not state what is view sharing or when view sharing is reasonable
- The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away

cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment’.

As Tenacity was an appeal about loss of existing views obtained from a nearby house in a low-density suburban context, in practice it has largely been applied to assessment of view loss from private property. It is important to note that Tenacity does not address matters of bulk and scale, streetscape or general character of a locality. Rather, it is about loss of elements and features in views, which can change the composition and characteristics of the view. Tenacity establishes a four step process for consideration of reasonable view sharing:

- ‘26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured
- 27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic
- 28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating
- 29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable’.

In summary, the four steps focus on:

- the value of the view
- the location from where the view can be obtained
- the extent of impact
- the reasonableness of the proposal, and by association the reasonableness of the view sharing and the acceptability of the view impact.

Due to their capacity for varied interpretation the value of the view, and reasonableness of the proposal benefit from further elaboration.

6.1.1 Value of the view

The concept of value is key to Tenacity. As they make a contribution to residential amenity, all views may subjectively be considered to have value. Views can also have particular value due to their extent, with panoramic or ‘sweeping’ views (which are often called ‘vistas’) that occupy the entire focal and peripheral field of view having particular value. In particular, Tenacity assigns value in terms of the presence of particular elements and features, and the extent of their presence as follows:

- water views having greater value than land views

- views with icons having greater value than views without icons, providing a list of elements and features that can be considered icons
- whole views having greater value than partial views.

The mere presence of one or more high value parts, being water, icons or whole views, is necessary but not sufficient to make a view high value. Rather, they need to be prominent in the view. Prominence is often shaped by what part of the view, in terms of composition, and how much of the view, again by reference to composition, they occupy. In general, prominence is greater where a high value element is closer to the view, eg it is located in the foreground, and it occupies multiple parts of an axis, eg left and centre of the horizontal axis. Due to the rarity of being able to see icons in totality, the ability to do so may also make a view high value. Whether the high value elements provides a high level of contrast to its surrounds, either by its inherent form or different form, materiality, colour or similar, is also often relevant.

It can be helpful to categorise views as having low, medium or high value. While there are no definitive rules around what makes a view low, medium or high value, there are some useful guidance. In general, the following definitions of value are used in this report:

- **low value:** iconic or high value elements or features are not present
- **medium value:** iconic or high value elements or features are present, however are not prominent
- **high value:** iconic or high value elements or features are present, and are prominent; or iconic elements or features are present in their totality.

In this regard, it is noted that there is a difference between view effect and view impact. View effect is independent of the value weighting factors applicable under Tenacity. Conversely, view impact applies these factors. As such, a proposal can have a considerable view effect such as occupying a large proportion of the field of view, while having a lower level view impact under Tenacity due to it not blocking or reducing visibility of iconic or high value landscape elements or features that come together in composition in the view to afford particular value (eg, they are visually prominent, are recognised as a significant view under planning instruments and the like).

6.1.2 Reasonableness of the proposal

The focus of this part is on the reasonableness of the proposal, and not the view loss. Reasonableness is determined based on:

- compliance with planning controls, in particular, those that have a material impact on visual and view impact such as building height and floor space ratio
- employment of ‘skilful design’.

Reasonableness in context

In their judgement in Tenacity, Roseth SC noted that blocking the entirety of another property’s view ‘may, in some circumstances, be quite reasonable’. Further to this, the LEC judged in Goyer v Pengilly [2015] NSWLEC 54 that a devastating view impact is not in and of own right determinative of a DA. In this judgement, and as noted by Moore SC and Adam SC in their judgement in Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor [2013] NSWLEC 1046 (Rose Bay), view impact is one of a number of factors in the broader assessment process for the proposal.

This interpretation was again in the judgement of O’Neill C in Arnott v City of Sydney Council [2015] NSWLEC 1052:

- ‘While I am satisfied that the resident objectors’ concern regarding the impact of the proposal on their harbour view is well founded; it is fair to weigh the detrimental impact of the proposal on their views against the reasonableness of the proposal’.

It is noted that Tenacity was handed down in a predominantly low density, suburban residential context not planned for significant growth. It is considered less reasonable to seek the retention of all existing views in dense CBD contexts that are planned for growth such as St Leonards than in more suburban contexts planned to maintain their existing nature of development.

While noting it is for another LGA, to this effect the current strategic plan for the Sydney CBD (the Central Sydney Planning Strategy) is instructive in this regard. It cautions against the possible implications of retaining private views:

- ‘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’.

It also notes the challenges of protecting views from locations that comprise tall building elevated above their surrounds:

- ‘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’.

The St Leonards centre shares a number of the same attributes. It is located on the prominent Lower North Shore ridgeline with land falling away in particular to the west. While reasonably well separated, it nonetheless also contains a large number of tall buildings. Due to the dramatic difference in building scale between the CBD and adjoining area, views from many tall buildings are often spectacular.

Further to the Central Sydney Planning Strategy, strict interpretation of Tenacity in these contexts has the potential to substantially curtail renewal for delivery of jobs and homes. It is argued that a finding of a moderate or even severe view impact is not unreasonable when all relevant planning considerations are taken into consideration.

Compliance with planning controls

As has been noted, as the proposal involves a concurrent rezoning compliance with planning controls is not relevant. However, as has also been noted, weight is to be given to the strategic planning framework supported by the aims and objectives underpinning the planning controls as appropriate.

As these are typically expressed in qualitative terms that allow for more than one interpretation, reference to the planning principles established by the LEC can also be of assistance. While specific to view impact, this can include the planning principle for ‘Impact on neighbouring properties’ established by Moore SC in their judgement in Davies v Penrith City Council [2013] NSWLEC 1141 (Davies) and ‘Assessment of height, bulk and scale’ established by Roseth SC in Veloshin v Randwick Council [2007] NSWLEC 428 (Veloshin). These also focus on the concept of reasonableness. For example in Davies, Moore SC includes the following test for acceptability of impact:

- ‘How reasonable is the proposal causing the impact?’

Similarly, in Project Venture Roseth SC established the following chain of reasoning:

- ‘Are the impacts consistent with impacts that may be reasonably expected under the controls?’
- Does the area have a predominant existing character and are the planning controls likely to maintain it?
- Does the proposal fit into the existing character of the area?
- Is the proposal consistent with the bulk and character intended by the planning controls?
- Does the proposal look appropriate in its context?’

Skilful design

Skilful design does not mean architectural merit. Rather, it means whether there is an alternative ‘more skilful design’ that ‘could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours’. This has been interpreted in LEC judgements as looking for opportunities to distribute massing to achieve these outcomes. As can be seen, this is a question of balance. Where a more skilful design does not exist, ‘the view impact of a complying development would probably be considered acceptable and the view sharing reasonable’.

6.1.3 Stages undertaken

The stages undertaken by this VIA for view loss are as follows:

- Stage 1 – View analysis: to identify the likely most impacted nearby residential buildings
- Stage 2 – View impact assessment: to identify and assess view impact in accordance with steps 1 – 3 of Tenacity
- Stage 3 – Reasonableness: informed by the findings of preceding stages, assessment against step 4 of Tenacity.

6.1.4 Stage 1 – View analysis

This stage involved the following key steps:

- identify nearby residential buildings that are likely to be most impacted by the proposal due to the ability to obtain views across and over the site, and in particular to these iconic and high value landscape elements and features
- understand the nature of these buildings, including their distance to the site, layout of the building, and identification of primary viewing directions
- understand the nature of views from these buildings through review of publicly available photography from apartments.

6.1.5 Stage 2 – View impact assessment

This stage involved the following key steps:

- prepare a set of views for each building in Virtual Ideas survey accurate 3D city model to inform view impact assessment (the survey accurate 3D city model is routinely accepted by the Department and the Independent Planning Commission as an acceptable evidence base upon which to inform assessment, findings and conclusions of view impact assessment) (Attachment A provides further detail on the technical aspects of this methodology)
- in accordance with best practice, this view is to show a ‘worst case’ scenario with the proposal centred in the view and the camera lens focal length selected at 24mm to show context with a 50mm ‘crop box’ to best approximate the human central field of clear vision
- undertake a view impact assessment against steps 1 – 3 of Tenacity to obtain an understanding of the view impact on these likely most impacted properties.

6.1.6 Stage 3 – Reasonableness

This stage involved the following key steps:

- informed by the findings of the previous stages, assess the reasonableness of the proposal against the criteria established by Tenacity
- form an opinion on the reasonableness of view sharing and the acceptability of view impact.

6.2 Visual impact assessment

Visual impact assessment considers the impact on views obtained from, and the visual amenity and visual character of, the public domain (eg, parks, streets).

This involves the following key steps:

- assessment of the significance of the proposal's visual impact generally in accordance with the principles of the Guidelines for Landscape and Visual Impact Assessment – Third Edition (GLVIA3) as informed by the planning principle established by Moore SC and Adam SC of the LEC in their judgement in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC1046 (Rose Bay)
- assessment of consistency with relevant parts of applicable planning framework.

The GLVIA3 is widely referenced in VIA in Australia (AILA, 2009) and is more versatile for a range of contexts in particular those of an urban nature compared to other commonly referenced but more highly specialised guidance such as that prepared by the US Forestry Service. Where appropriate, the VIA also has regard to other VVIA guidance including ‘Topic Paper 6 – Techniques and criteria for judging capacity and sensitivity’ (the Countryside Agency and Scottish Natural Heritage, 2014).

Significance of the proposal's visual impact

Under the GLVIA3 significance is defined as:

- ‘a measure of the importance or gravity of the environmental effect, defined by significance criteria specific to the environmental topic’.

The significance criteria adopted are:

- sensitivity of the view to the nature of change proposed
- the magnitude of the nature of change proposed.

These criteria contain a number of ‘factors’ which are considered in informing judgements.

Sensitivity of the view to the nature of change proposed

Under the GLVIA3, sensitivity is defined as:

- ‘a term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value related to that receptor.’

The term receptor can cause confusion. As such, in this VVIA sensitivity is related to both the view itself and people who will see the view combining four factors categorised according to whether they are primarily place or people related as follows:

Place factors

- **Visual characteristics:** the presence of elements and features and the way they come together in composition
- **Cultural and social value:** the value of the visual catchment recognised in planning instruments, including significant landscapes, significant views, heritage items or heritage conservation areas, and through the presence of other indicators such as representation in art and literature, or provision of facilities intended to enable appreciation of views

People factors

- **Type of people:** the type of people ordinarily exposed to views of the visual catchment, including residents, workers, travellers and visitors
- **Number of people:** the number of people ordinarily exposed to views of the visual catchment.

Sensitivity is not absolute. Rather, it is relative taking context into consideration. For example, a visual setting that already has particular elements within it will be less sensitive to the nature of change proposed where that change involves the insertion of a similar type to these existing elements.

The ability for a visual setting to accommodate change without unacceptably diminishing or changing valued existing character is also relevant to sensitivity. In general, complex visual settings comprising a range of different elements (eg, type, size and scale, style and the like) have greater capacity to accommodate change than those that have fewer elements.

Magnitude of the nature of change proposed

Under the GLVIA3, magnitude is defined as:

- ‘A term that combines judgements about the size and scale of the effect, the extent of the area over which it occurs, whether it is reversible or irreversible and whether it is short or long term in duration.’

Factors of sensitivity and magnitude

The following table identifies the factors of sensitivity and magnitude. No pre-determined weighting is given to each factor. Rather, where one factor strongly influences the assessment, weighting is be discussed in the context of a particular view.

Interpreting significance

It is noted that significance is not absolute but rather relative based on how the proposal may ordinarily be perceived by people on a five-point qualitative scale:

- negligible significance of impact
- low significance of impact
- moderate significance of impact
- high significance of impact
- major significance of impact.

There is no pre-determined definition of what the difference between each of these findings. Rather, as has been noted, it is inherently subjective and varied according to the nature of each view. In this regard the GLVIA3 makes the following observation:

- ‘There are no hard and fast rules about what makes a significant effect, and there cannot be a standard approach since circumstances vary with the location and context and with the type of proposal’.

The GLVIA3 also states that in making a judgement about the significance of visual effects the following points should be noted:

- ‘Effects on people who are particularly sensitive to changes in views and visual amenity are more likely to be significant
- Effects on people at recognised and important viewpoints or from recognised scenic routes are more likely to be significant
- Large-scale changes which introduce new, non-characteristic or discordant or intrusive elements into the view are more likely to be significant than small changes or changes involving features already present within the view’.

Consistency with the planning framework

Determination of significance does not automatically equate to unacceptability. Rather, acceptability is determined by consistency with relevant parts of the applicable planning framework.

The planning framework is the appropriate reference for this judgement as it represents the policy position of the NSW Government, and in the case of local planning instruments that of council on relevant matters.

6.3 Assumptions, limitations and exclusions

In addition to any others expressed in the relevant part of this VIA, the following assumptions and limitations apply to this VIA:

- it is assumed that all inputs from other parties, including the project architects, are accurate
- as with all VIA, there is considerable interplay between planning, design and visual impact matters. As such, while the VIA considers matters such as character, size and scale and amenity, due regard should be given to other relevant documents for full address of these matters
- the evidence base of images provides an indication of visual impact informed by view and visual analysis that is considered to be reasonable and proportional to the likely impacts of the proposal. It does not purport represent every possible viewing condition within the visual catchment
- while imagery provide an indication of likely future visual environment, they can only provide an approximation of the rich visual experience enabled by the human eye. The same limitations that apply to photography, including optical distortion, apply (refer to Attachment A for further detail)

Consideration of the following matters is excluded as it is not within the scope of VIA:

- heritage, in particular impact on values and significance
- Aboriginal cultural heritage values and connecting with Country
- night-time impact, including lighting
- outlook
- visual privacy
- general planning matters such as land zoning and permissibility.

7.0 View analysis

Throughout the site’s planning application history, view impact on the following buildings has been raised by submitters and consent authorities including the Department as a matter of interest:

1. St Leonards Square, located at 472-520 Pacific Highway, St Leonards
2. The Landmark, located at 69 Nicholson Street, St Leonards
3. The Telstra Exchange Site BTR development, located at 530-542 Pacific Highway, St Leonards.

As such, it is appropriate to again consider the impact of the proposal on these buildings.

7.1 St Leonards Square

St Leonards Square is located at 472-520 Pacific Highway, St Leonards opposite Nicholson Street to the east of the site.

It’s key attributes are shown in the following table.

Table 3 St Leonards Square – key attributes

Attribute	Description
Date completed	2009
Number of buildings	2 tower buildings linked by a podium: • the Jackson • the William
Height above ground level	The Jackson has a height of 133 m and 35 storeys above ground level, while the William has a height of 98m and 27 storeys above ground level
Apartments	527 apartments in a mix of 1, 2 and 3+ bedroom dwellings
Primary use	Mixed use complex, comprising a commercial ground storey and podium with apartments above
Site coverage	The complex occupies the entirety of its site, being built to all street frontages.
Building shape	The Jackson is located at the north-west of the site, and the William is located at the south-east of the site. They are separated by a 17m (approx.) wide, centrally located linear public plaza in a north-east to south-west alignment. Both the Jackson and the William have a triangular shape.

The Jackson has the following elevations:

- Nicholson Street, which has its primary viewing direction to the south-west
- Albany Street, which has its primary viewing direction to the north-west
- the public plaza, which has its primary viewing direction to the south-east.

The William has the following elevations:

- Pacific Highway, which has its primary viewing direction to the north-east
- 460 Pacific Highway, St Leonards which has its primary viewing direction to the south-east
- the public plaza, which has its primary viewing direction to the north-west.

The arrangement of the complex means that only the Jackson's Nicholson Street has its primary viewing direction towards the site. As such, this is the elevation of interest to the VIA.

While views to the south west may be obtained from the William's public plaza elevation, the alignment of the central plaza directs these views to the south of the site.

As the other elevations do not have their primary viewing direction towards the site, their views will not be directly impacted by the proposal.

In particular, views will likely be most impacted for apartments that have a single, south-west facing aspect. Apartments with other multiple aspects, including in the opposite direction to the south-east such as some penthouse storeys, will not be impacted.

It is noted that due to a number of factors, including the elevated topography, shape and general north-west to south-east alignment of the site, the alignment and length of Nicholson Street and its extension in Sinclair Street, and the predominance of lower rise, low and medium density residential development outside the St Leonards centre, views from the balconies of apartments located at the middle and upper storeys on the south-west elevation are able to obtain views to the south in the long range to the Sydney CBD skyline.

The extent and nature of views from the Jackson's Nicholson Street elevation will vary based on a number of factors, including the height and placement of the relevant apartment along the elevation. In the absence of other influences, it is reasonable to infer that the extent of views will increase as height in the building increases. In particular, the height and depth of views is expected to increase.

Due to the effect of internal walls, views from inside apartments will largely align with the primary viewing direction.

Due to the elevation having extensive floor to ceiling glass and unenclosed balconies, views from the glass line and at the edge of balconies may be able to be obtained in a broader range of directions than just the primary viewing direction (eg, to the south-east and north-west).

The complex has an internal communal recreation area with views south to the Sydney CBD skyline (refer figure below).



Figure 12 St Leonards Square

Source: REA Group



Figure 13 View to the south from apartment 3405, The Jackson, St Leonards Square

Source: Ray White

Note: this view will not be impacted by the proposal



Figure 14 View to the south from apartment 3503, The Jackson, St Leonards Square

Source: Midland Realty Group

Note: this view will not be impacted by the proposal



Figure 15 View to the south-west from apartment 2106, The Jackson, St Leonards Square
Source: Raymond Chu Photography

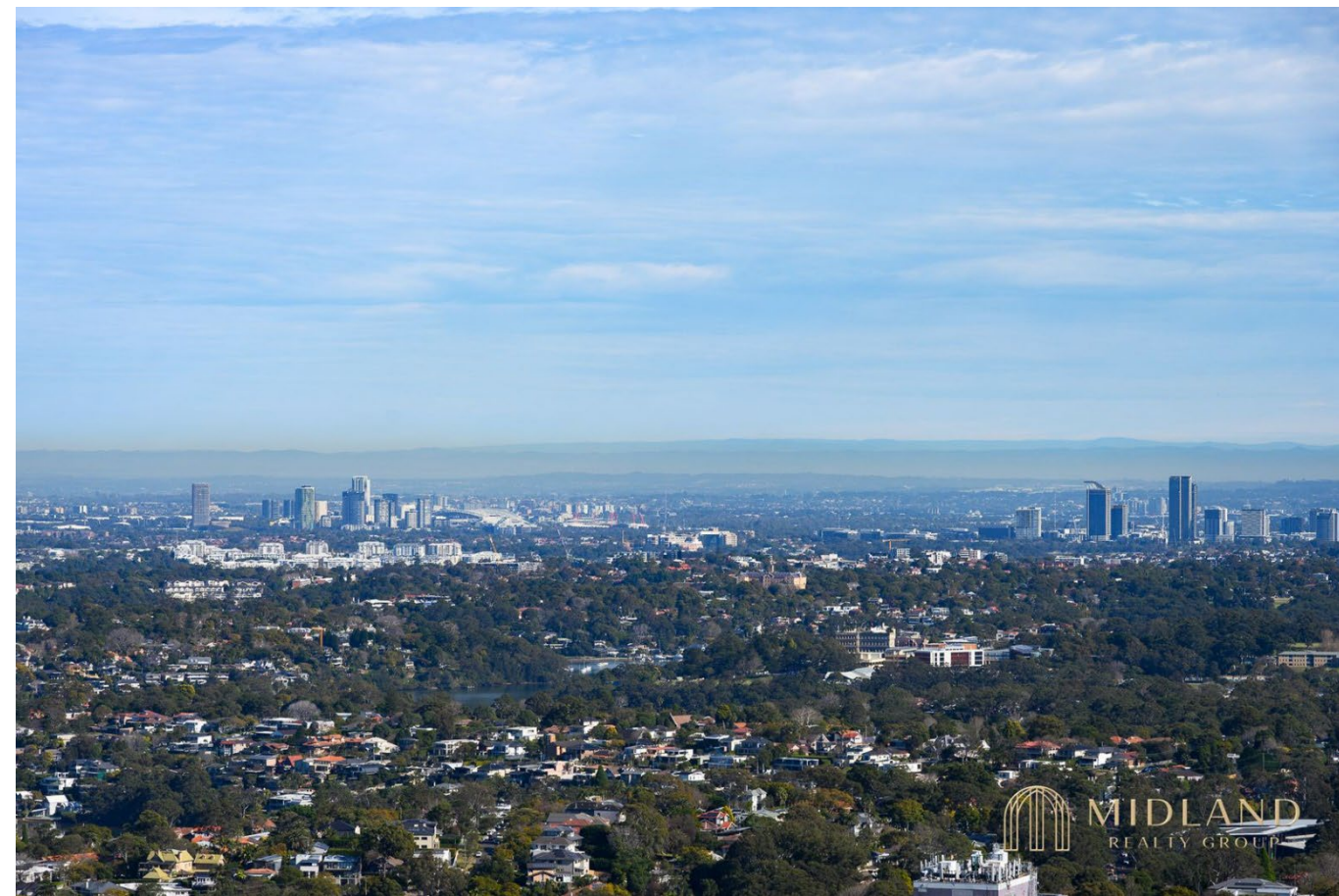


Figure 17 View to the south-west from apartment 3503, The Jackson, St Leonards Square
Source: Midland Realty Group



Figure 16 View to the south-west from apartment 3503, The Jackson, St Leonards Square
Source: Midland Realty Group



Figure 18 View to the east from apartment 3405, The Jackson, St Leonards Square
Source: Ray White

Note: this view will not be impacted by the proposal



Figure 19 View to the south from the internal communal recreation area, St Leonards Square
Source: Raymond Chu Photography

7.2 The Landmark

The Landmark is located at 500 Pacific Highway, St Leonards 50m (approx.) to the north of the site and separated from it by 69 Nicholson Street, St Leonards.

Its key attributes are shown in the following table.

Table 4 The Landmark – key attributes

Attribute	Description
Date completed	2021
Number of buildings	1 tower
Height above ground level	145.6m and 57 storeys above ground level
Primary use	Mixed use complex, comprising a commercial ground storey with apartments above
Site coverage	The complex occupies the entirety of its site, being built to all street frontages.
Building shape	Generally rectangular shape

It has the following elevations:

- Nicholson Street, which has its primary viewing direction to the south-west
- Pacific Highway, which has its primary viewing direction to the north-east
- Christie Street, which has its primary viewing direction to the north-west
- St Leonards Square, which has its primary viewing direction to the south-east.

The arrangement of the complex means that only the Nicholson Street has its primary viewing direction towards the site.

As such, this is the elevation is of interest to the VIA.

As the other elevations do not have their primary viewing direction towards the site, their views will not be directly impacted by the proposal.

The extent and nature of views from the Nicholson Street elevation will vary based on a number of factors, including the height and placement of the relevant apartment along the elevation. As with St Leonards Square, In the absence of other influences, it is reasonable to infer that the extent of views will increase as height in the building increases. In particular, the height and depth of views is be expected to increase.

Due to the effect of internal walls, views from inside apartments will largely align with the primary viewing direction.

Due to the elevation having unenclosed, projecting balconies along its entire length, views at the edge of balconies may be able to be obtained in a broader range of directions than just the primary viewing direction (eg, to the south-east and north-west).



Figure 20 The Landmark

Source: Morton



Figure 21 View to the south-west from penthouse apartment 5706, The Landmark

Source: McGrath

Note: this view will not be impacted by the proposal; the roof of St Leonards Square which is visible will block or interrupt this view from lower levels



Figure 22 View to the south-west from apartment 5106, The Landmark

Source: REA Group

Note: this view will not be impacted by the proposal; the roof of St Leonards Square which is visible will block or interrupt this view from lower levels



Figure 23 View to the south-west from apartment 5106, The Landmark

Source: REA Group



Figure 24 View to the east from apartment 3502, The Landmark

Source: McGrath

Note: this view will not be impacted by the proposal

7.3 The Telstra Exchange Site BTR development

The Landmark is located 50m (approx.) to the north of the site and separated from it by 69 Nicholson Street, St Leonards.

It's key attributes are shown in the following table.

Table 5 The Landmark – key attributes

Attribute	Description
Date completed	The Department granted it development consent in 2024
Number of buildings	1 tower
Height above ground level	44 storeys above ground level
Apartments	366 dwellings comprising 282 build to rent apartments (including 10 affordable housing units) and 84 short term accommodation units, in a mix of 1, 2 and 3 bedroom dwellings
Primary use	Mixed use complex, comprising a commercial ground storey with apartments above
Site coverage	The complex occupies the entirety of its site, being built to all street frontages.
Building shape	Generally rectangular shape

It has the following elevations:

- Nicholson Street, which has its primary viewing direction to the south-west (noting views will be obtained over the adjoining 69 Christie Street)
- Pacific Highway, which has its primary viewing direction to the north-east
- Christie Street, which has its primary viewing direction to the north-west
- The Landmark, which has its primary viewing direction to the south-east.

The arrangement of the complex means that only the Nicholson Street has its primary viewing direction towards the site.

As such, this is the elevation is of interest to the VIA.

As the other elevations do not have their primary viewing direction towards the site, their views will not be directly impacted by the proposal.

The extent and nature of views from the Nicholson Street elevation will vary based on a number of factors, including the height and placement of the relevant apartment along the elevation. As with the other buildings St Leonards Square, In the absence of other influences, it is reasonable to infer that the extent of views will increase as height in the building increases. In particular, the height and depth of views is be expected to increase.

Due to the effect of internal walls, views from inside apartments will largely align with the primary viewing direction.

More than half of dwellings with their primary viewing direction to the south-west will also be able to obtain views to Christie Street to the north-west or to The Landmark to the south-east.



Figure 25 Artist impression of the approved Telstra Exchange Site BTR development

Source: DKO

7.4 Viewpoints

The following viewpoints in the visual catchment were selected to undertake an assessment of visual impact:

St Leonards Square

6 views were selected to inform consideration of the proposal's view impact on St Leonards Square:

- Viewpoint 1, lower level (at the height of the podium of the previously approved SSDA), south-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 2, upper level (at the maximum height of the previously approved SSDA), south-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 3, upper level (at the maximum height of the proposal), south-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 4, upper level (at the maximum height of the previously approved SSDA), north-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 5, upper level (at the maximum height of the proposal), north-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 6, upper level (at the maximum height of the proposal), north-west elevation, looking south, the Jackson, St Leonards Square.

The Landmark

3 views were selected to inform consideration of the proposal's view impact on The Landmark:

- Viewpoint 7, middle level (at the height of the podium of the previously approved SSDA), centre-south elevation, looking south-west, The Landmark

- Viewpoint 8, upper level (at the maximum height of the proposal), south-west elevation, centre-south elevation, looking south-west, The Landmark
- Viewpoint 9, upper level (at the maximum height of the proposal), south-west elevation, centre-south elevation, looking south south-west, The Landmark.

Telstra Exchange BTR development

2 views were selected to inform consideration of the proposal's view impact on the Telstra Exchange BTR development:

- Viewpoint 10, middle level (at the maximum height of the previously approved SSDA), south elevation, looking south-west, the Telstra Exchange BTR development
- Viewpoint 11, middle level (at the maximum height of the proposal), south elevation, looking south-west, the Telstra Exchange BTR development.

The location of these viewpoints is show in the below figures.



Figure 26 Viewpoint locations – private domain (2D)

Source: Ethos Urban

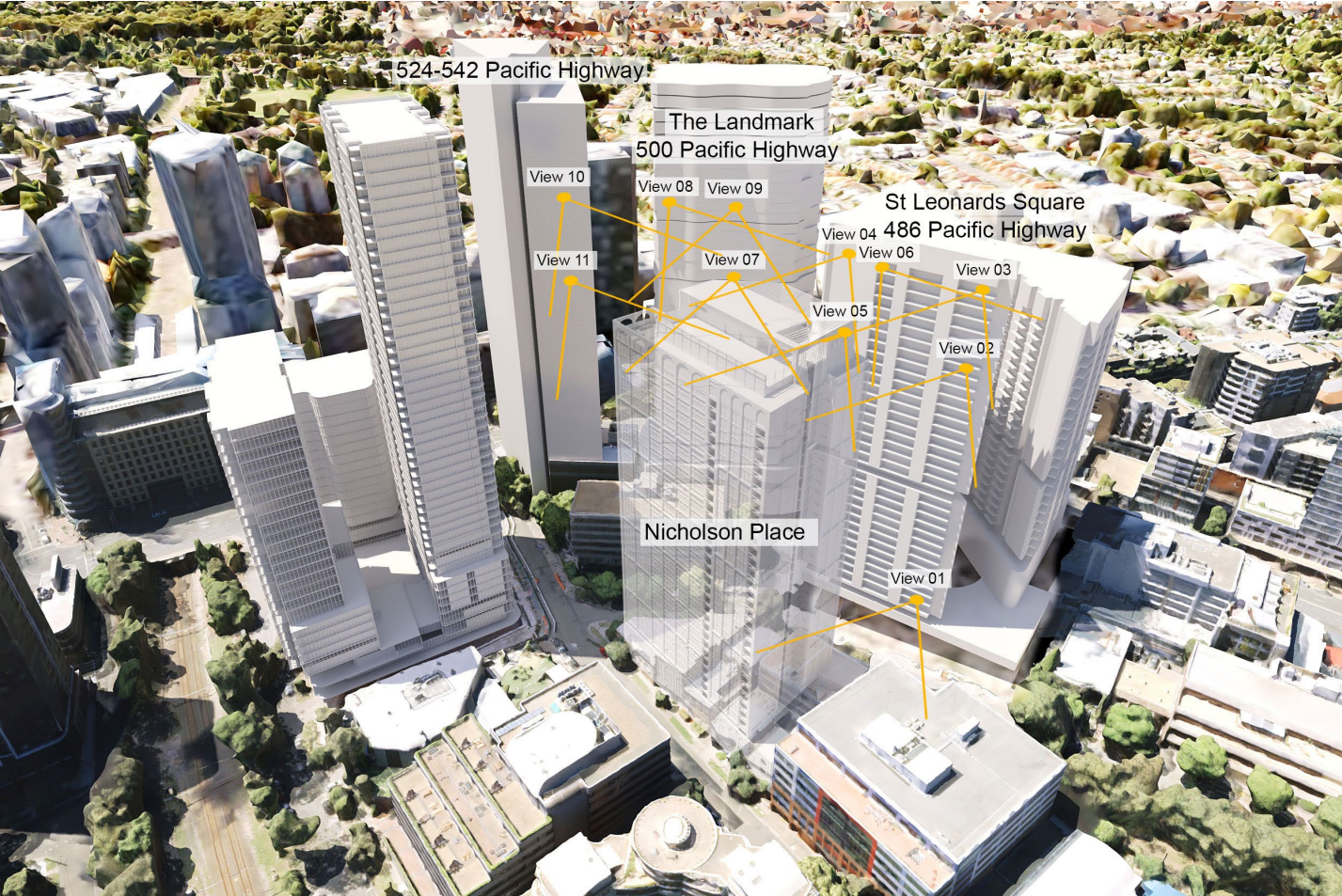


Figure 27 Viewpoint locations – private domain (3D)

Source: Ethos Urban

8.0 Visual analysis

8.1 Visual catchment

The area in which the proposal may be visible, in totality or in part, is called the visual catchment.

The visual catchment is influenced by the interplay of a number of factors. These include physical factors such as topography, street and block pattern, built form, public spaces and other factors such as distance, direction of view, angle of view and scale of the development.

The dominant topographic element within the area is the ridge that is generally aligned with the Pacific Highway. The site is located on the upper west facing slope of this ridge, with land falling consistently and in some cases steeply away to the west in the direction of the Lane Cove River.

The surrounding street and block pattern is a modified grid that is largely influenced by topography. The long axis of most streets run north-south, directing longer range views down streets in this direction.

As has been noted in the discussion of the planning framework, the site forms part of the St Leonards CBD and Crows Nest TOD which has a prevailing visual character shaped by tall buildings. Most of these buildings are located to the east of the site as can be seen in the below figure. Land to the south and west is occupied by a mix of low and medium density development. Part of this area is being redeveloped for taller buildings as part of the St Leonards South Precinct.

The most significant nearby public spaces are the St Leonards Train Station (210m approx.) and Gore Hill Oval (450m approx.) from the site

The combination of these factors means that the visual catchment largely extends to areas to the south and west, with particular areas of interest in the close range and Gore Hill Oval.



Figure 28 Towers in St Leonards
Source: You Tube

8.2 Viewpoints

The following viewpoints in the visual catchment were selected to undertake an assessment of visual impact:

- 1. Gore Hill Oval
- 2. Corner of Nicholson Street and Christie Street, looking south south-east towards the site.
- 3. Southwest corner of Christie Street and Pacific Highway, looking south-east towards the site.
- 4. Nicholson Street, from eastern footpath looking towards the site.
- 5. From Holdsworth Avenue, looking along Marshall Avenue looking towards the site.
- 6. From the southwest corner of Oxley Street and Lithgow Street intersection, looking northeast towards the site.

A map showing the location of these viewpoints is contained in the figure below.



Figure 29 Viewpoint locations – public domain
Source: Ethos Urban

9.0 Key issues

Based on the review of the site and its context, the proposal and the planning framework, the following are the key issues to be considered by the VIA:

Broader issues

- **Visual character:** compatibility of the proposal, including its scale (height, FSR), form and massing, with the desired future visual character for the St Leonards CBD
- **Visual amenity:** impact of the proposal on the visual amenity of the public and private domain

Specific issues

- **Reduced setback:** the view impact of the proposed reduced tower setback to the site's southern boundary
- **Increased height:** the view impact of the proposed increased building height.

10.0 View impact assessment

10.1 Tenacity steps 1, 2 and 3

This section assesses the proposal's view impact on the St Leonards Square, The Landmark, and the Telstra BTR development against steps 1, 2 and 3 of Tenacity.

10.2 St Leonards Square

6 views were selected to inform consideration of the proposal's view impact on St Leonards Square:

- Viewpoint 1, lower level (at the height of the podium of the previously approved SSDA), south-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 2, upper level (at the maximum height of the previously approved SSDA), south-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 3, upper level (at the maximum height of the proposal), south-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 4, upper level (at the maximum height of the previously approved SSDA), north-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 5, upper level (at the maximum height of the proposal), north-west elevation, looking south-west, the Jackson, St Leonards Square
- Viewpoint 6, upper level (at the maximum height of the proposal), north-west elevation, looking south, the Jackson, St Leonards Square.

10.3 Viewpoint 1, St Leonards Square

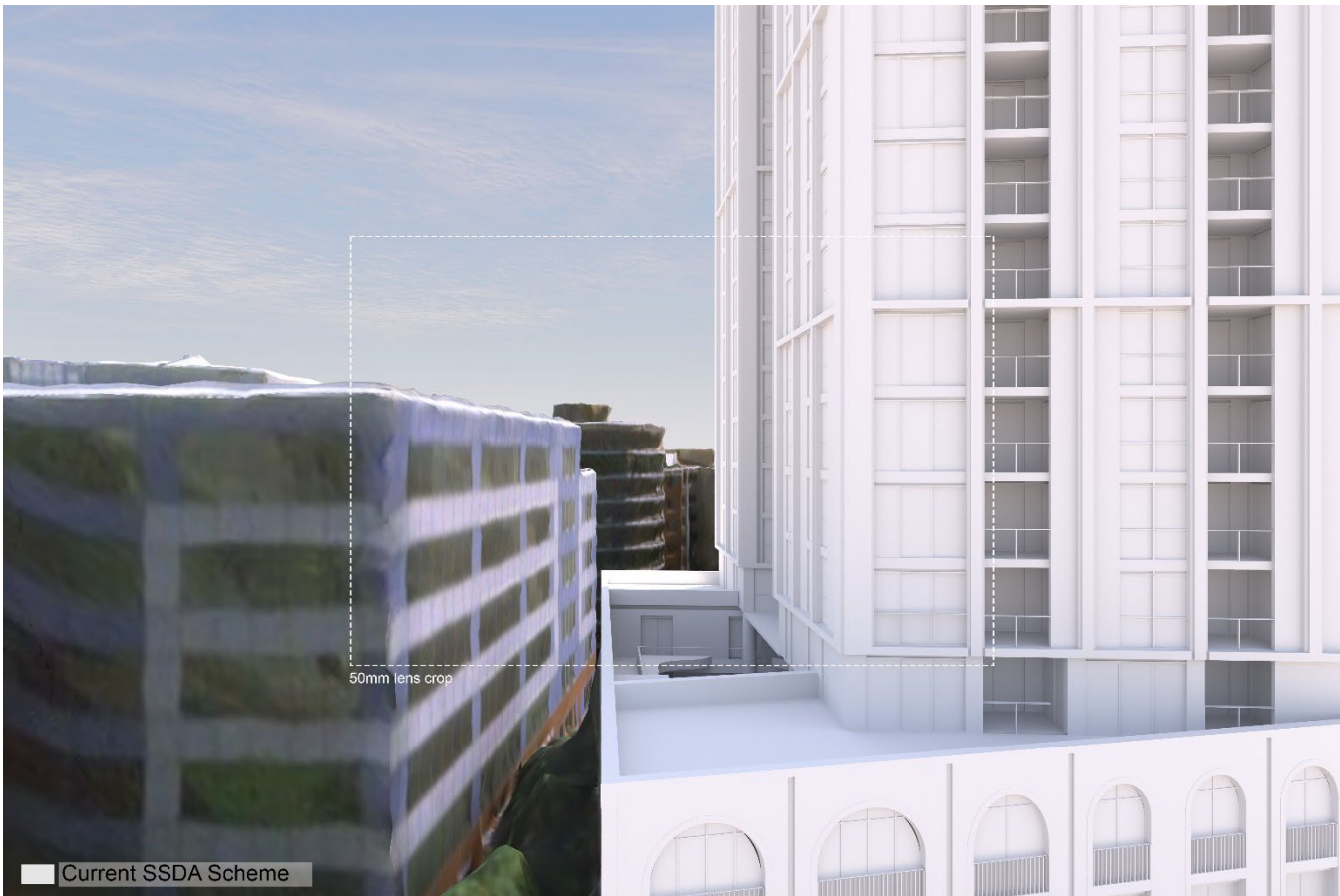


Figure 30 Proposed view – current SSDA scheme
Source: Virtual Ideas



Figure 31 Proposed view – showing previous and current SSDA scheme
Source: Virtual Ideas

10.3.1 Tenacity step 1: Assessment of the views to be affected

This is close range view without panoramic attributes.

It is mainly of an urban visual environment dominated by built elements. It does not have notable, valuable embedded features.

The foreground comprises the open space associated with Nicholson Street.

The left (south) midground comprises the existing mid-rise commercial building at 29-57 Christie Street.

The centre and right (north) midground comprises the existing mid-rise commercial building within the site.

These buildings largely foreshorten the view, and block visibility of background elements.

Does the view include water?

No, this view does not include water.

Does the view include icons?

No, this view does not include icons.

Does the view include other high value elements?

No, this view does not include other high value elements.

The assessed value of this view is low.

While noting that it will have value to residents, assessed against the objective value criteria under Tenacity it has low value.

It main value is to provide outlook for residents.

10.3.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.3.3 Step 3: Assess the extent of the impact

View impact arises due to the reduced podium height, and the reduced tower setback to the site's southern boundary.

While not significant in nature, the reduced podium height nonetheless has a positive view impact by:

- increasing the depth of the view
- retaining visibility of the Shoremark building in the background
- providing greater visual distinction between the proposal and the adjoining site to the south
- providing a level of visual relief to the highly urban St Leonards visual environment.

The reduced tower setback to the site's southern boundary blocks views to a relatively narrow, vertical band of sky.

As with the previously approved scheme and noting the CBD context, this reduction is not considered to materially impact the amenity of impacted dwelling.

With reference to the below figure, this or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms.

Also with reference to the below figure, it is noted that the proposal will directly impact views obtained from 4 apartments along the western elevation of the Jackson. However, it is noted that 50% of these apartments (ie, the two corner apartments) may also obtain views in other directions. This most notably includes the southern apartment which has views to the south-east from the dining room and living room in the general direction of the high value Sydney CBD. This provides considerable mitigation for the level of view impact that will be experienced.

Overall, the qualitative assessed extent of the additional view impact is minor.



Figure 32 Photograph showing a view comparable to that seen in view 1

Source: Virtual Ideas

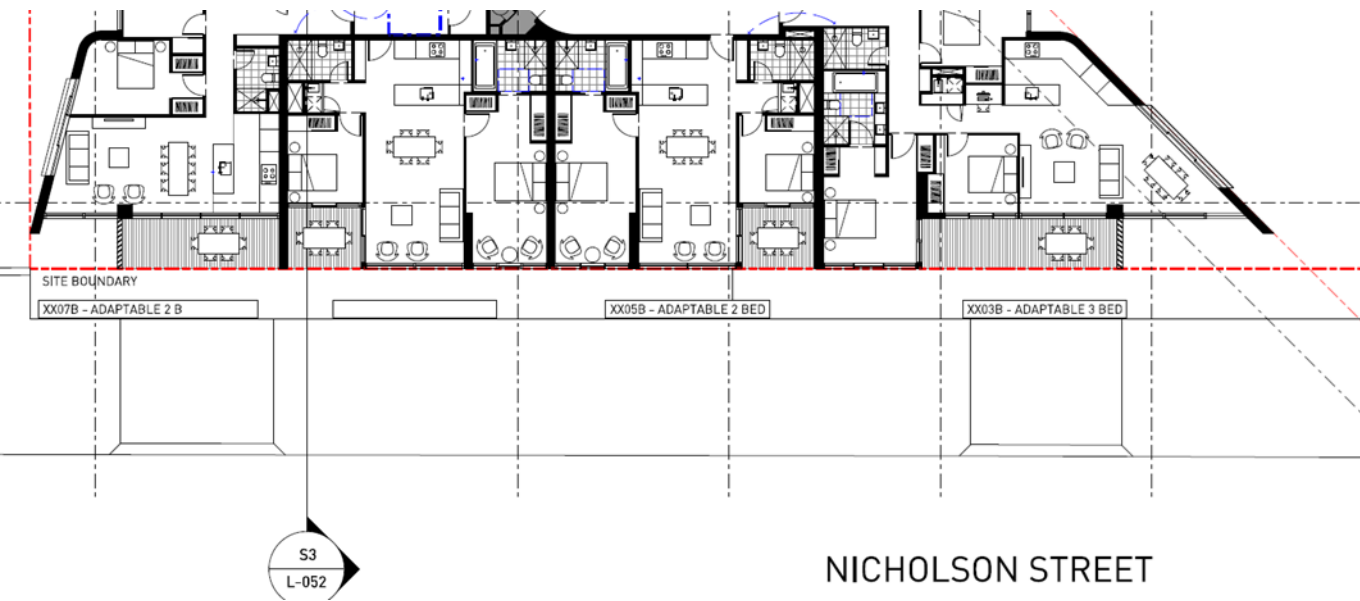


Figure 33 Typical floor plans of apartments along the western elevation of the Jackson, St Leonards Square

Source: Mirvac Design & Sissons Architects

10.4 Viewpoint 2, St Leonards Square



Figure 34 Proposed view – current SSDA scheme
Source: Virtual Ideas



Figure 35 Proposed view – showing previous and current SSDA scheme
Source: Virtual Ideas

10.4.1 Tenacity step 1: Assessment of the views to be affected

This is district view with panoramic attributes.

It is mainly of a suburban visual environment with a balance of built and non-built elements, with notable, valuable embedded features.

The foreground and midground mainly comprises the roofs of houses and canopies of trees in the Lower North Shore, in particular in Greenwich.

The concentration of tree canopies Smoothey Park associated with Berry Creek open space is visible in the left (south) of the foreground and midground.

Beyond this, the midground comprises part of the Parramatta River and its islands and foreshores, and the Lane Cove River and its foreshores. The Parramatta River and its islands and foreshores, the Lane Cove River and its foreshores are the features and most valuable elements in this view.

Of note is Balls Head Bay / Gore Cove, Cockatoo Island, Spectacle Island and the Iron Cove Bridge in the left (south) of the midground.

The background extends to suburban area in the Inner West, Lower North Shore and Western Sydney. The Blue Mountains are visible in and terminating the far background of the view. Due to factors such as distance, clear visibility of the Blue Mountains will be dependent on weather and other atmospheric conditions .

Does the view include water?

Yes, this view includes water in the form of part of the Parramatta River and the Lane Cove River in the midground of the view.

Does the view include icons?

The view does not contain internationally recognised icons. It does contained metropolitan and locally recognised icons in the form of the Parramatta River and its islands and foreshores, and the Lane Cove River and its foreshores.

Does the view include other high value elements?

Yes, the view contains other high value elements

The view contains a number of other high value elements such as Smoothey Park.

The assessed value of this view is medium.

While it does not contain internationally recognised icons, it does contained metropolitan and locally recognised icons. Furthermore, the view exhibits panoramic attributes in height, width, and depth.

10.4.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.4.3 Step 3: Assess the extent of the impact

This view has been selected to generally align with the maximum height of the previously approved SSDA.

View impact arises due to the reduced tower setback to the site’s southern boundary, and increased tower height.

The reduced tower setback to the site’s southern boundary blocks views to a relatively narrow, vertical band of land, water and sky.

The below extract from Virtual Ideas survey accurate 3D city model used for testing purposes provides greater clarity on what this includes. As can be seen, in terms of land this narrow band largely comprises the roofs of houses and canopy of trees in predominantly low density residential areas in the Lower North Shore (eg, Greenwich, Longueville and Hunters Hill) (a useful reference point to identify these areas is the Gladesville Bridge in the far background). While it is not visually prominent part of the view, the proposal does retain visibility of the Gladesville Bridge in the far background.

In terms of water, this includes a very narrow band of the north-west to south-east aligned stretch of the Lane Cove River between Longueville and Hunters Hill.

The increased tower height will reduce views of the western suburbs and Blue Mountains in the background.

This or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms.

The comment made with reference to view 1 above in terms of mitigating views in other directions also apply to this view.

Overall, the qualitative assessed extent of the additional view impact is minor.

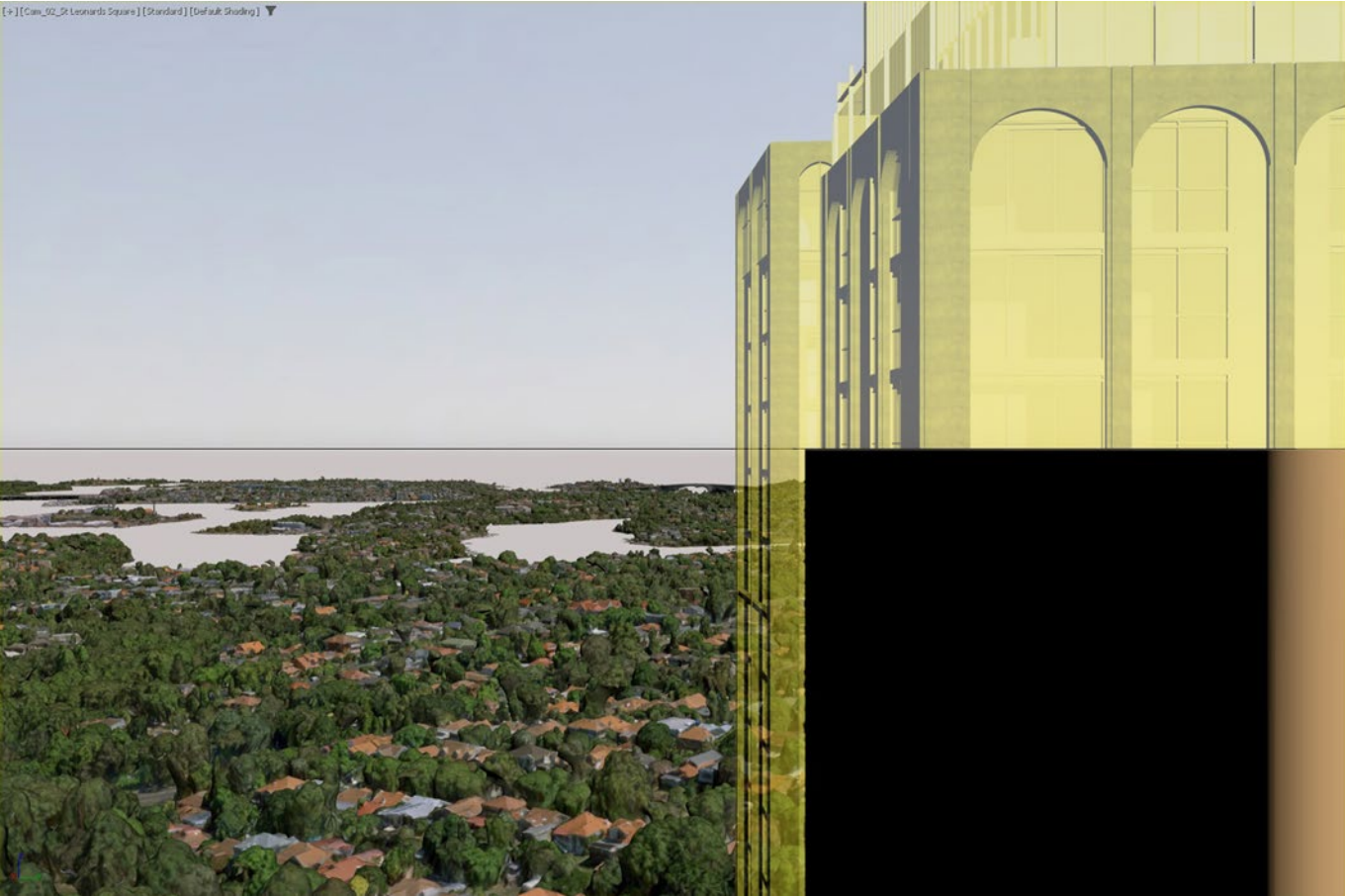


Figure 36 Extract from Virtual Ideas survey accurate 3D city model used for testing purposes
Source: Virtual Ideas



Figure 37 Proposed view – current SSDA scheme
Source: Virtual Ideas



Figure 38 Proposed view – showing previous and current SSDA scheme
Source: Virtual Ideas

10.5.1 Tenacity step 1: Assessment of the views to be affected

This is district view with panoramic attributes.

It is mainly of a suburban visual environment with a balance of built and non-built elements, with notable, valuable embedded features.

The foreground and midground mainly comprises the roofs of houses and canopies of trees in the Lower North Shore, in particular in Greenwich.

The concentration of tree canopies Smoothey Park associated with Berry Creek open space is visible in the left (south) of the foreground and midground.

Beyond this, the midground comprises part of the Parramatta River and its islands and foreshores, and the Lane Cove River and its foreshores. The Parramatta River and its islands and foreshores, the Lane Cove River and its foreshores are the features and most valuable elements in this view.

Of particular note is Gore Cove, Cockatoo Island, and Spectacle Island in the left (south) of the midground.

The background extends to suburban area in the Inner West, Lower North Shore and Western Sydney. The Blue Mountains are visible in and terminating the far background of the view. Due to factors such as distance, clear visibility of the Blue Mountains will be dependent on weather and other atmospheric conditions .

Does the view include water?

Yes, this view includes water in the form of part of the Parramatta River and the Lane Cove River in the midground of the view.

Does the view include icons?

The view does not contain internationally recognised icons. It does contain metropolitan and locally recognised icons in the form of the Parramatta River and its islands and foreshores, and the Lane Cove River and its foreshores.

Does the view include other high value elements?

Yes, the view contains other high value elements

The view contains a number of other high value elements such as Smoothey Park.

The assessed value of this view is medium.

While it does not contain internationally recognised icons, it does contain metropolitan and locally recognised icons. Furthermore, the view exhibits panoramic attributes in height, width, and depth.

10.5.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.5.3 Step 3: Assess the extent of the impact

This view has been selected to generally align with the maximum height of the proposal.

View impact arises due to the reduced tower setback to the site's southern boundary, and increased tower height.

The reduced tower setback to the site's southern boundary blocks views to a relatively narrow, vertical band of land largely comprising the roofs of houses and canopy of trees in predominantly low density residential areas in the Lower North Shore (eg, Greenwich, Longueville).

The increased tower height blocks views to land, water and sky.

In terms of land, this largely comprises the roofs of houses and canopy of trees in predominantly low density residential areas in the Lower North Shore (eg, Greenwich, Longueville and Hunters Hill) and commercial and residential development along the Pacific Highway, St Leonards (eg, the tower at 154 Pacific Highway). It will reduce views of the western suburbs and Blue Mountains in the background.

In terms of water, this mainly includes a very narrow band of the upper part of the Lane Cove River north of the Figtree Bridge.

As can be seen, the left (southern) part of the view will not be impacted. This includes the highest value elements and features, including part of the lower Lane Cove River, part of the Parramatta River, Cockatoo Island, Spectacle Island, the Iron Cove Bridge, and the Gladesville Bridge. While not visible in this image, the view will also extend to the south to take in parts of Sydney Harbour and the Sydney CBD (see image below).

This or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms.

The comment made with reference to view 1 above in terms of mitigating views in other directions also apply to this view.

Overall, the qualitative assessed extent of the additional view impact is moderate.



Figure 39 View to the south from apartment 2106, The Jackson, St Leonards Square

Source: Raymond Chu Photography

Note: this view will not be impacted by the proposal

10.6 Viewpoint 4, St Leonards Square



Figure 40 Proposed view – current SSDA scheme
Source: Virtual Ideas



Figure 41 Proposed view – showing previous and current SSDA scheme
Source: Virtual Ideas

10.6.1 Tenacity step 1: Assessment of the views to be affected

This is district view with panoramic attributes.

It is mainly of a suburban visual environment with a balance of built and non-built elements, with notable, valuable embedded features.

The foreground and midground mainly comprises the roofs of houses and canopies of trees in the Lower North Shore, in particular in Greenwich.

The concentration of tree canopies Smoothey Park associated with Berry Creek open space is visible in the left (south) of the foreground and midground.

Beyond this, the midground comprises part of the Parramatta River and its islands and foreshores, and the Lane Cove River and its foreshores. The Parramatta River and its islands and foreshores, the Lane Cove River and its foreshores are the features and most valuable elements in this view.

Of particular note is Gore Cove, Cockatoo Island, and Spectacle Island in the left (south) of the midground.

The background extends to suburban area in the Inner West, Lower North Shore and Western Sydney. The Blue Mountains are visible in and terminating the far background of the view. Due to factors such as distance, clear visibility of the Blue Mountains will be dependent on weather and other atmospheric conditions .

Does the view include water?

Yes, this view includes water in the form of part of the Parramatta River and the Lane Cove River in the midground of the view.

Does the view include icons?

The view does not contain internationally recognised icons. It does contained metropolitan and locally recognised icons in the form of the Parramatta River and its islands and foreshores, and the Lane Cove River and its foreshores.

Does the view include other high value elements?

Yes, the view contains other high value elements

The view contains a number of other high value elements such as Smoothey Park.

The assessed value of this view is medium.

While it does not contain internationally recognised icons, it does contained metropolitan and locally recognised icons. Furthermore, the view exhibits panoramic attributes in height, width, and depth.

10.6.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.6.3 Step 3: Assess the extent of the impact

This view has been selected to generally align with the maximum height of the proposal.

View impact arises due to increased tower height.

This increased tower height blocks views to land, water and sky.

In terms of land, this primarily comprises the roofs of houses and canopy of trees in predominantly low density residential areas in the Lower North Shore (eg, Greenwich, Longueville and Hunters Hill). It also extends to land in the Inner West in areas such as Drummoyne. It will reduce views of the western suburbs and Blue Mountains in the background.

In terms of water, this includes part of the lower Lane Cove River, part of the Parramatta River, Cockatoo Island, Spectacle Island, the Iron Cove Bridge, and the Gladesville Bridge.

Consistent with Tenacity which requires that assessment ‘should be done for the whole of the property, not just for the view that is affected, view 6 has also been prepared for a similar location. Unlike this view that intentionally angles the camera with the proposal centred in the view to represent a ‘worst case’ scenario, view 6 angles the camera to the south to show the view that may be obtained from balconies and likely other locations close to the glass line. The findings of the assessment for this view provided later in this VIA materially impact overall view impact.

This or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms.

The comment made with reference to view 1 above in terms of mitigating views in other directions also apply to this view.

Overall, the qualitative assessed extent of the additional view impact is severe.

10.7 Viewpoint 5, St Leonards Square



Figure 42 Proposed view – current SSDA scheme

Source: Virtual Ideas



Figure 43 Proposed view – showing previous and current SSDA scheme

Source: Virtual Ideas

10.7.1 Tenacity step 1: Assessment of the views to be affected – check!

This is district view with panoramic attributes.

It is mainly of a suburban visual environment with a balance of built and non-built elements, with notable, valuable embedded features.

The foreground and midground mainly comprises the roofs of houses and canopies of trees in the Lower North Shore, in particular in Greenwich.

The concentration of tree canopies Smoothey Park associated with Berry Creek open space is visible in the left (south) of the foreground and midground.

Beyond this, the midground comprises part of the Parramatta River and its islands and foreshores, and the Lane Cove River and its foreshores. The Parramatta River and its islands and foreshores, the Lane Cove River and its foreshores are the features and most valuable elements in this view.

Of particular note is Gore Cove, Cockatoo Island, and Spectacle Island in the left (south) of the midground.

The background extends to suburban area in the Inner West, Lower North Shore and Western Sydney. The Blue Mountains are visible in and terminating the far background of the view. Due to factors such as distance, clear visibility of the Blue Mountains will be dependent on weather and other atmospheric conditions .

Does the view include water?

Yes, this view includes water in the form of part of the Parramatta River and the Lane Cove River in the midground of the view.

Does the view include icons?

The view does not contain internationally recognised icons. It does contained metropolitan and locally recognised icons in the form of the Parramatta River and its islands and foreshores, and the Lane Cove River and its foreshores.

Does the view include other high value elements?

Yes, the view contains other high value elements

The view contains a number of other high value elements such as Smoothey Park.

The assessed value of this view is medium.

While it does not contain internationally recognised icons, it does contained metropolitan and locally recognised icons. Furthermore, the view exhibits panoramic attributes in height, width, and depth.

10.7.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.7.3 Step 3: Assess the extent of the impact

This view has been selected to generally align with the maximum height of the previously approved SSDA.

View impact arises due to increased tower height, and results in blocking of views to the sky.

Consistent with Tenacity which requires that assessment 'should be done for the whole of the property, not just for the view that is affected, view 6 has also been prepared for a similar location. Unlike this view that intentionally angles the camera with the proposal centred in the view to represent a 'worst case' scenario, view 6 angles the camera to the south to show the view that may be obtained from balconies and likely other locations close to the glass line. The findings of the assessment for this view provided later in this VIA materially impact overall view impact.

This or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms.

The comment made with reference to view 1 above in terms of mitigating views in other directions also apply to this view.

Overall, the qualitative assessed extent of the additional view impact is minor. While it is acknowledged that the proposal has considerable view effect, it does not impact elements and features afforded value and therefore weight when considering the extent of impact under Tenacity.

10.8 Viewpoint 6, St Leonards Square



Figure 44 Proposed view – current SSDA scheme
Source: Virtual Ideas



Figure 45 Proposed view – showing previous and current SSDA scheme
Source: Virtual Ideas

10.8.1 Tenacity step 1: Assessment of the views to be affected

This is district view with panoramic attributes.

It comprises a mix of suburban and urban visual environments with a balance of built and non-built elements, with notable, valuable embedded features.

The foreground and midground mainly comprises the roofs of houses and canopies of trees in the Lower North Shore, in particular in Wollstonecraft, Waverton and Greenwich. Spatially scattered medium to high rise apartment towers are notable visual elements within this part of the view.

The midground comprises part of Sydney Harbour and its islands and foreshores from Sydney Cove to Balls Head, including parts of Lavender Bay, Berrys Bay, Balls Head Bay, Gore Cove, and Darling Harbour. This includes part of the Sydney Harbour Bridge, the Walsh Bay finger wharves, Blues Point Tower, Barangaroo Headland Park, and Balls Head Reserve.

The left (east) background comprises the Sydney CBD, the centre background comprises parts of Balmain and Pyrmont including the Anzac Bridge and Glebe Island Silos, and the right (west) background comprises Balmain and the Inner West. Key building and structures in the of the CBD are visible in part, including Sydney Tower, and the former MLC Centre.

- Does the view include water?
Yes, this view includes water in the form of part of Sydney Harbour in the midground of the view.
- Does the view include icons?
The view contains internationally recognised icons in the form of Sydney Harbour, and the Sydney Harbour Bridge. It also contains metropolitan and locally recognised icons in the form of Sydney CBD, and the Anzac Bridge.
- Does the view include other high value elements?
Yes, the view contains other high value elements
The view contains a number of other high value elements such as Balls Head Reserve.
- The assessed value of this view is high.
It contains internationally, metropolitan and locally recognised icons, and exhibits panoramic attributes in height, width, and depth.

10.8.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.8.3 Step 3: Assess the extent of the impact

This view has been selected to generally align with the maximum height of the proposal.

View impact arises due to increased tower height.

The increased tower height blocks views to land, water and sky.

In terms of land, this largely comprises the roofs of houses and canopy of trees in predominantly low density residential areas in the Lower North Shore (eg, Wollstonecraft). It will also include parts of the Inner West.

In terms of water, this mainly includes the Parramatta River west of the Shell Refinery at Gore Cove (visible in the right (west) of the view. This includes Cockatoo Island, Spectacle Island, the Iron Cove Bridge, and the Gladesville Bridge.

Views to the south stretching from the North Sydney CBD to the left (east) to the Shell Refinery at Gore Cove to the right (west) and including parts of Sydney Harbour, the Sydney CBD and the Sydney Harbour Bridge will not be impacted.

With reference to the below figure, this or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms. The projecting nature of the balconies from the main structure and their curved shape provides the ability for a range of view angles to be obtained.

Also with reference to the below figure, it is noted that the proposal will directly impact views obtained from 5 apartments along the southern elevation of the building. However, it is noted that 40% of these apartments (ie, the two corner apartments) may also obtain views in other directions. Notably, the living room of the western apartment has its main views to the west, and the living room of the eastern apartment has its main views to the east. This mitigates the level of view impact that will be experienced.

Overall, the qualitative assessed extent of the additional view impact is minor – moderate.

10.9 The Landmark

3 views were selected to inform consideration of the proposal’s view impact on The Landmark:

- Viewpoint 7, middle level (at the height of the podium of the previously approved SSDA), centre-south elevation, looking south-west, The Landmark
- Viewpoint 8, upper level (at the maximum height of the proposal), south-west elevation, centre-south elevation, looking south-west, The Landmark
- Viewpoint 9, upper level (at the maximum height of the proposal), south-west elevation, centre-south elevation, looking south south-west, The Landmark.

10.10 Viewpoint 7, The Landmark



Figure 46 Proposed view – current SSDA scheme

Source: Virtual Ideas



Figure 47 Proposed view – showing previous and current SSDA scheme

Source: Virtual Ideas

10.10.1 Tenacity step 1: Assessment of the views to be affected

This is district view with panoramic attributes.

It comprises a mix of suburban and urban visual environments with a balance of built and non-built elements, with notable, valuable embedded features.

Its left (western) boundary is clearly demarcated by the edge of the Jackson, St Leonards Square.

The foreground and midground mainly comprises the roofs of houses and canopies of trees in the Lower North Shore, in particular in Wollstonecraft, Waverton and Greenwich. Spatially scattered medium to high rise apartment towers are notable visual elements within this part of the view.

The midground comprises part of Sydney Harbour and its islands and foreshores from Barangaroo Headland Reserve to its confluence with the Parramatta River, the Parramatta River and the Lane Cove River.

The left (east) background comprises the western part of the Sydney CBD, the centre background comprises parts of Balmain and Pyrmont including the Anzac Bridge and Glebe Island Silos, and the right (west) background comprises Balmain, the Inner West and western suburbs.

Does the view include water?

Yes, this view includes water in the form of part of Sydney Harbour in the midground of the view.

Does the view include icons?

The view contains internationally recognised icons in the form of Sydney Harbour. It also contains metropolitan and locally recognised icons in the form of Sydney CBD, and the Anzac Bridge.

Does the view include other high value elements?

Yes, the view contains other high value elements

The view contains a number of other high value elements such as Balls Head Reserve.

The assessed value of this view is high.

It contains internationally, metropolitan and locally recognised icons, and exhibits panoramic attributes in height, width, and depth.

10.10.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.10.3 Step 3: Assess the extent of the impact

This view has been selected to generally align with the maximum height of the previously approved SSDA.

View impact arises due to increased tower height. As can be seen by reference to the outline of the extent of the previously approved SSDA, in terms of bulk when seen from this view the proposal largely aligns with the envelope established by this approval.

This view is notable for illustrating the main difference in how the proposal will be seen in views to the north and opposed to the east. Due to the shape of the site where it presents its narrow axis east-west, this reduces the width of the proposal that will be seen in views and enables views to be obtained around the building.

View impact arises due to increased tower height, and results in blocking of views to the sky.

With reference to the below figure, this or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms. The projecting nature of the balconies from the main structure and their curved shape provides the ability for a range of view angles to be obtained.

Also with reference to the below figure, it is noted that the proposal will directly impact views obtained from 5 apartments along the southern elevation of the building. However, it is noted that 40% of these apartments (ie, the two corner apartments) may also obtain views in other directions. Notably, the living room of the western apartment has its main views to the west, and the living room of the eastern apartment has its main views to the east. This mitigates the level of view impact that will be experienced.

Overall, the qualitative assessed extent of the additional view impact is minor – moderate.

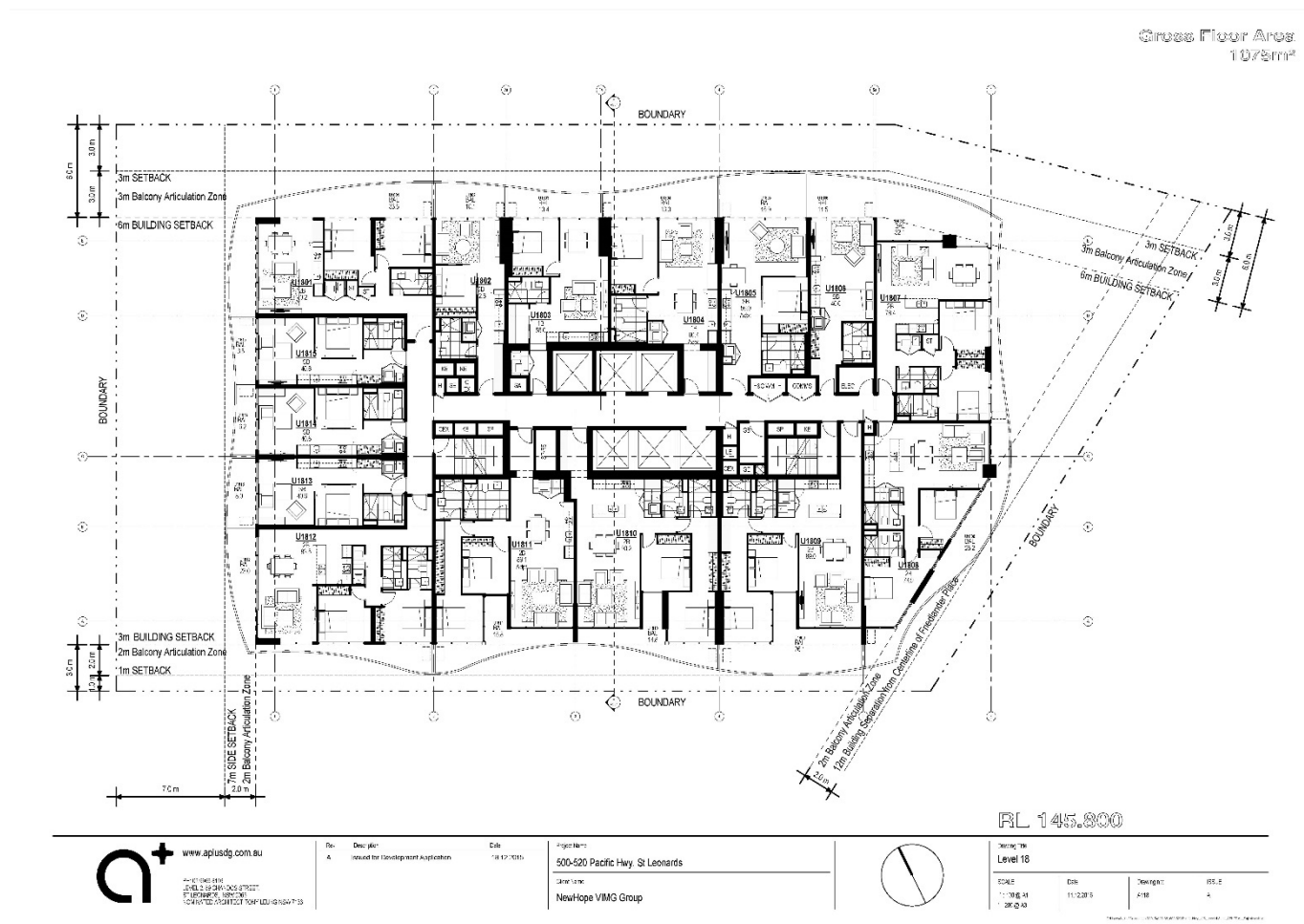


Figure 48 Typical floor plan of The Landmark
Source: A+

10.11 Viewpoint 8, The Landmark

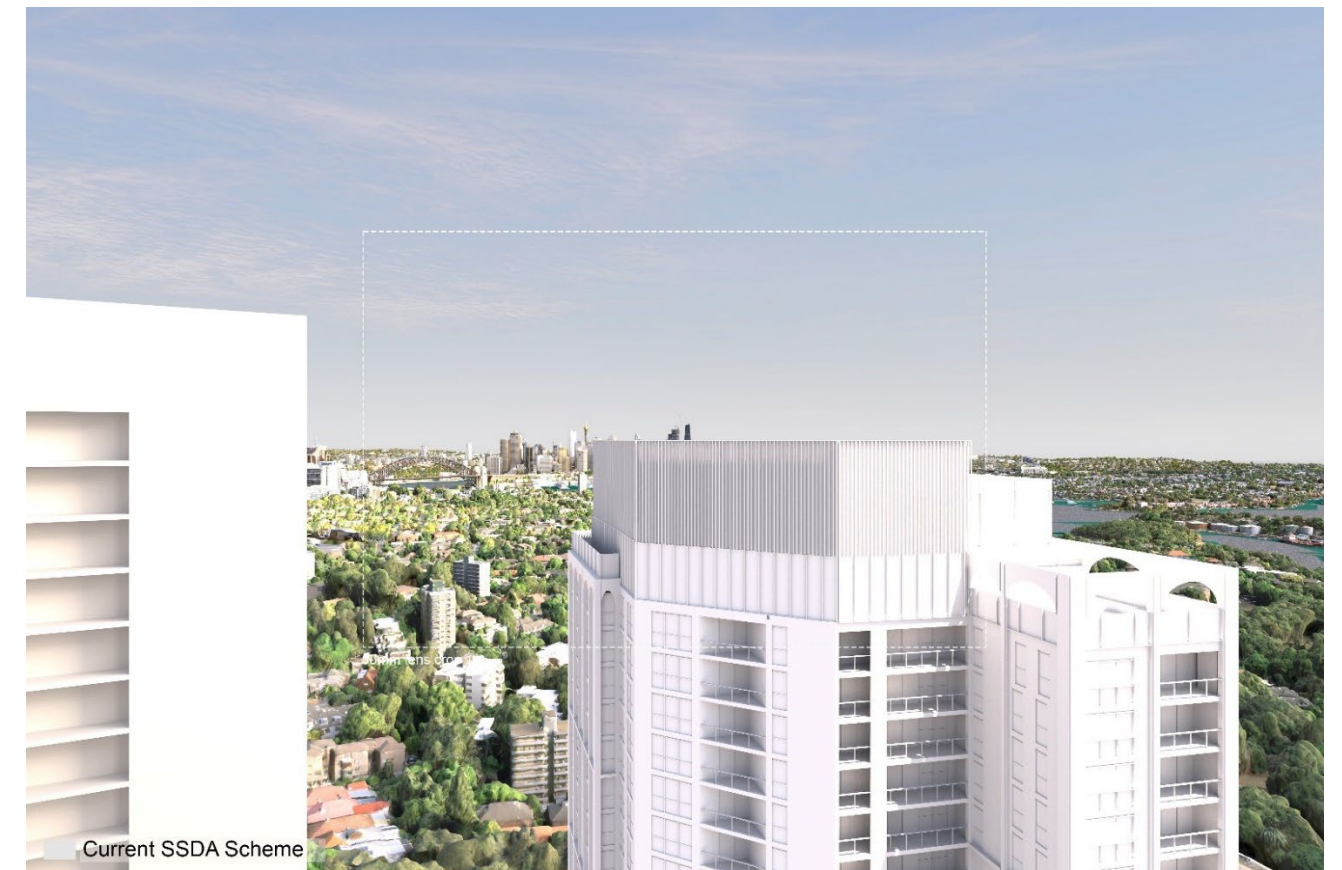


Figure 49 Proposed view – current SSDA scheme
Source: Virtual Ideas

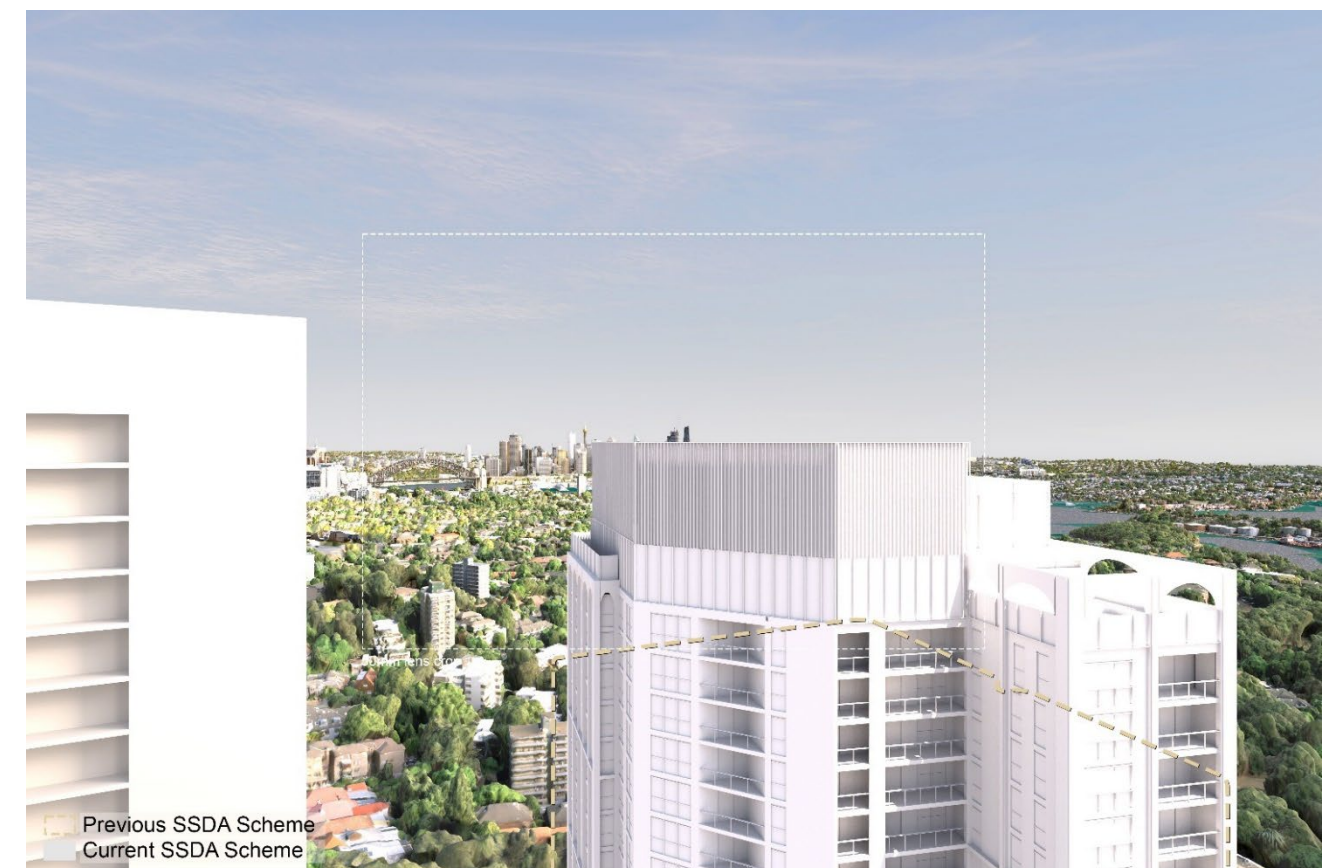


Figure 50 Proposed view – showing previous and current SSDA scheme
Source: Virtual Ideas

10.11.1 Tenacity step 1: Assessment of the views to be affected

This is district view with panoramic attributes.

It comprises a mix of suburban and urban visual environments with a balance of built and non-built elements, with notable, valuable embedded features.

Its left (western) boundary is clearly demarcated by the edge of the Jackson, St Leonards Square.

The foreground and midground mainly comprises the roofs of houses and canopies of trees in the Lower North Shore, in particular in Wollstonecraft, Waverton and Greenwich. Spatially scattered medium to high rise apartment towers are notable visual elements within this part of the view.

The midground comprises part of Sydney Harbour and its islands and foreshores from Sydney Cove to Balls Head, including parts of Lavender Bay, Berrys Bay, Balls Head Bay, Gore Cove, and Darling Harbour. This includes the Sydney Harbour Bridge, the Walsh Bay finger wharves, Blues Point Tower, Barangaroo Headland Park, and Balls Head Reserve. While the Sydney Opera House is visible, it is largely screened by the Sydney Harbour Bridge.

The left (east) background comprises part of the North Sydney CBD, Potts Point and the inner eastern suburbs, and Sydney CBD, the centre background comprises parts of Balmain and Pyrmont including the Anzac Bridge and Glebe Island Silos, and the right (west) background comprises Balmain and the Inner West. Key building and structures in the of the CBD are visible in part, including Sydney Tower, and the former MLC Centre.

Does the view include water?

Yes, this view includes water in the form of part of Sydney Harbour in the midground of the view.

Does the view include icons?

The view contains internationally recognised icons in the form of Sydney Harbour, and the Sydney Harbour Bridge. It also contains metropolitan and locally recognised icons in the form of Sydney CBD, and the Anzac Bridge.

Does the view include other high value elements?

Yes, the view contains other high value elements

The view contains a number of other high value elements such as Balls Head Reserve.

The assessed value of this view is high.

It contains internationally, metropolitan and locally recognised icons, and exhibits panoramic attributes in height, width, and depth.

10.11.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.11.3 Step 3: Assess the extent of the impact

This view has been selected to generally align with the maximum height of the proposal.

This view is notable for illustrating the comparable scale of the Jackson and the proposal, with the proposal appearing of lesser height.

View impact arises due to increased tower height.

The increased tower height blocks views to land, water and sky.

In terms of land, this comprises the roofs of houses and canopy of trees in predominantly low density residential areas in the Lower North Shore (eg, Wollstonecraft, Waverton), Balls Head Reserve, the Sydney CBD south and west of Sydney Tower (visible in the view), and Pyrmont.

In terms of water, this mainly includes Berrys Bay, Balls Head Bay, and Darling Harbour.

A view corridor between the proposal and the Jackson Tower that includes the Sydney CBD north and east of Sydney Tower sand notably including the Sydney Harbour Bridge is retained. Views including and west of Rozelle (as is evidenced by the visibility of the Glebe Island Silos) will also be retained.

This or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms.

The comment made with reference to view 7 above in terms of mitigating views in other directions also apply to this view.

Overall, the qualitative assessed extent of the additional view impact is moderate.

10.12 Viewpoint 9, The Landmark



Figure 51 Proposed view – current SSDA scheme

Source: Virtual Ideas

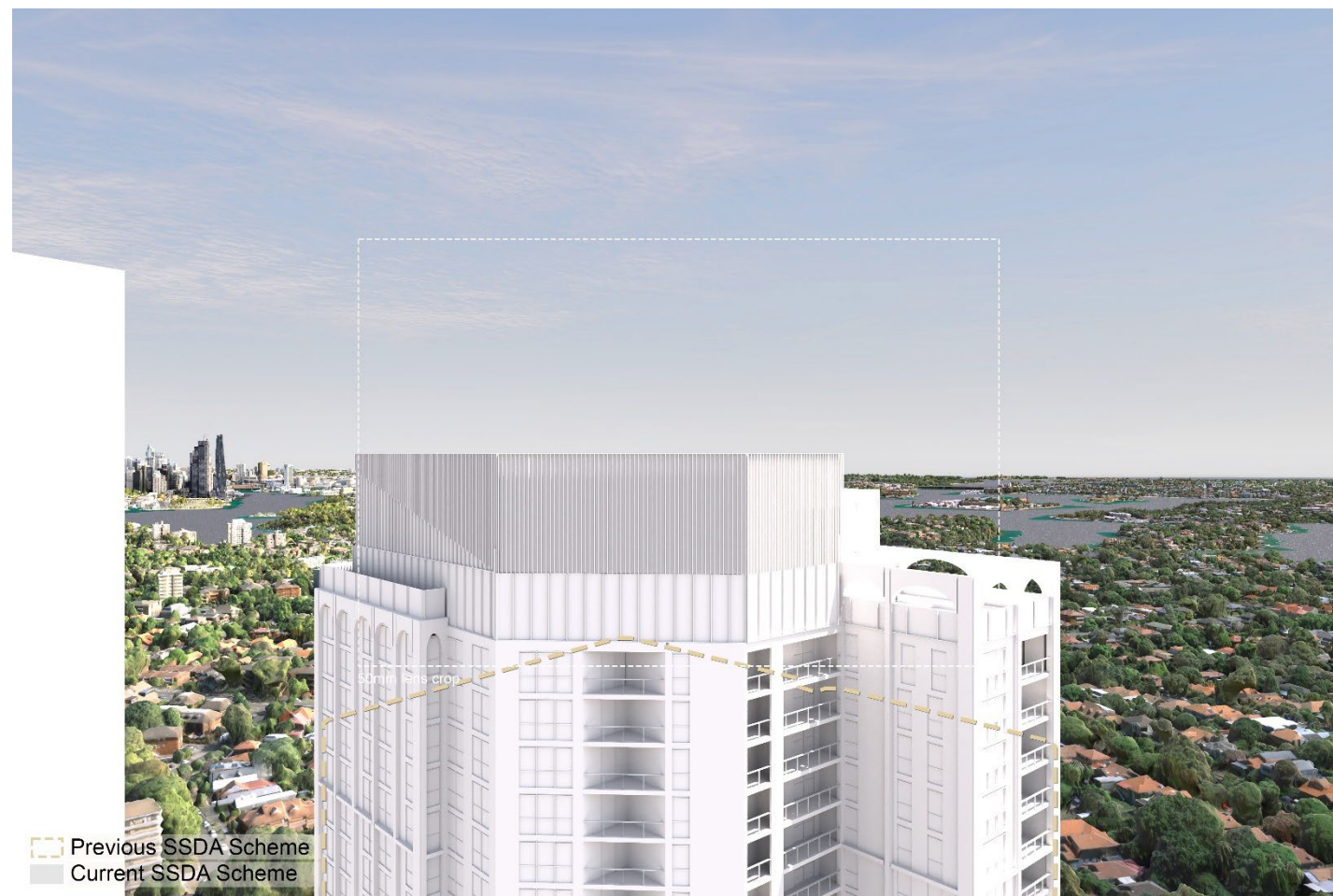


Figure 52 Proposed view – showing previous and current SSDA scheme

Source: Virtual Ideas

10.12.1 Tenacity step 1: Assessment of the views to be affected

This is district view with panoramic attributes.

It comprises a mix of suburban and urban visual environments with a balance of built and non-built elements, with notable, valuable embedded features.

Its left (western) boundary is clearly demarcated by the edge of the Jackson, St Leonards Square.

The foreground and midground mainly comprises the roofs of houses and canopies of trees in the Lower North Shore, in particular in Wollstonecraft, Waverton and Greenwich. Spatially scattered medium to high rise apartment towers are notable visual elements within this part of the view.

The midground comprises part of Sydney Harbour and its islands and foreshores from Barangaroo Headland Reserve to its confluence with the Parramatta River, part of the Parramatta River, and part of the Lane Cove River.

Of particular note is Balls Head Bay / Gore Cove, Cockatoo Island, Spectacle Island and the Iron Cove Bridge in the right (west) of the midground.

The left (east) background comprises the western part of the Sydney CBD, the centre background comprises parts of Balmain and Pyrmont including the Anzac Bridge and Glebe Island Silos, and the right (west) background comprises Balmain, the Inner West and western suburbs.

Does the view include water?

Yes, this view includes water in the form of part of Sydney Harbour, the Parramatta River, and part of the Lane Cove River in the midground of the view.

Does the view include icons?

The view contains internationally recognised icons in the form of Sydney Harbour. It also contains metropolitan and locally recognised icons including the Sydney CBD, the Anzac Bridge, the Parramatta River, and the Lane Cove River.

Does the view include other high value elements?

Yes, the view contains other high value elements such as Balls Head Reserve.

The assessed value of this view is high.

It contains internationally, metropolitan and locally recognised icons, and exhibits panoramic attributes in height, width, and depth.

10.12.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.12.3 Step 3: Assess the extent of the impact

This view has been selected to generally align with the maximum height of the proposal.

View impact arises due to increased tower height.

The increased tower height blocks views to land, water and sky.

In terms of land, this comprises the roofs of houses and canopy of trees in predominantly low density residential areas in the Lower North Shore (eg, Wollstonecraft, Waverton), part of Balls Head Reserve, the central and western parts of Pyrmont, and the Balmain Peninsula.

In terms of water, this mainly includes Balls Head Bay.

A view corridor between the proposal and the Jackson Tower that includes Berrys Bay, the western part of the Sydney CBD including Barangaroo and Darling Harbour is retained. Views west of the main part of the Balmain Peninsula including Cockatoo Island, Spectacle Island and the Iron Cove Bridge will also be retained.

This or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms.

The comment made with reference to view 7 above in terms of mitigating views in other directions also apply to this view.

Overall, the qualitative assessed extent of the additional view impact is moderate.

10.13 Telstra Exchange BTR development

2 views were selected to inform consideration of the proposal's view impact on the Telstra Exchange BTR development:

- Viewpoint 10, middle level (at the maximum height of the previously approved SSDA), south elevation, looking south-west, the Telstra Exchange BTR development

- Viewpoint 11, middle level (at the maximum height of the proposal), south elevation, looking south-west, the Telstra Exchange BTR development.

10.14 Viewpoint 10, Telstra Exchange BTR development



Figure 53 Proposed view – current SSDA scheme
Source: Virtual Ideas



Figure 54 Proposed view – showing previous and current SSDA scheme
Source: Virtual Ideas

10.14.1 Tenacity step 1: Assessment of the views to be affected

This is district view with panoramic attributes.

- It comprises a mix of suburban and urban visual environments with a balance of built and non-built elements, with notable, valuable embedded features.
- Its left (western) boundary is clearly demarcated by the edge of the Jackson, St Leonards Square.
- The foreground and midground mainly comprises the roofs of houses and canopies of trees in the Lower North Shore, in particular in Wollstonecraft, Waverton and Greenwich. Spatially scattered medium to high rise apartment towers are notable visual elements within this part of the view.
- The midground comprises part of Sydney Harbour and its islands and foreshores from Darling Point to Balls Head, including parts of Lavender Bay, Berrys Bay, Balls Head Bay, and Darling Harbour. This includes part of the Sydney Harbour Bridge, the Walsh Bay finger wharves, Blues Point Tower, Barangaroo Headland Park, and Balls Head Reserve.
- The left (east) background comprises part of the eastern suburbs including the Bondi Junction skyline, the North Sydney CBD, the centre background comprises parts of the Sydney CBD, and the right (west) background comprises parts of Balmain and Pyrmont including the Anzac Bridge and Glebe Island Silos. Key building and structures in the of the CBD are visible in part, including Sydney Tower, and the former MLC Centre.
- Does the view include water?
- Yes, this view includes water in the form of part of Sydney Harbour in the midground of the view.
- Does the view include icons?

The view contains internationally recognised icons in the form of Sydney Harbour, and the Sydney Harbour Bridge. It also contains metropolitan and locally recognised icons in the form of Sydney CBD, and the Anzac Bridge.

Does the view include other high value elements?

Yes, the view contains other high value elements

The view contains a number of other high value elements such as Balls Head Reserve.

The assessed value of this view is high.

It contains internationally, metropolitan and locally recognised icons, and exhibits panoramic attributes in height, width, and depth.

10.14.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.14.3 Step 3: Assess the extent of the impact

This view has been selected to generally align with the maximum height of the proposal.

View impact arises due to increased tower height.

The increased tower height blocks views to land, water and sky.

In terms of land, this comprises the roofs of houses and canopy of trees in predominantly low density residential areas in the Lower North Shore (eg, Waverton), most buildings in the Sydney CBD north and east of Sydney Tower (excluding the upper parts of Sydney Tower, the MLC Centre and others), and the Sydney Harbour Bridge.

In terms of water, this mainly includes Berrys Bay.

A view corridor between the proposal and the Jackson Tower that includes the North Sydney CBD and features the line of Nicholson Street is retained. Views of the western Sydney CBD including Barangaroo, Darling Harbour, Balls Head Reserve, Pyrmont (including the Anzac Bridge) and the Balmain Peninsula will also be retained.

This or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms.

Overall, the qualitative assessed extent of the additional view impact is moderate. While the proposal removes visibility of the Sydney Harbour Bridge, the viewer will be able to recognise and appreciate other high value and iconic elements in the view as referenced above. Additionally, the overall panoramic quality of the view will also be retained.

10.15 Viewpoint 11, Telstra Exchange BTR development



Figure 55 Proposed view – current SSDA scheme

Source: Virtual Ideas



Figure 56 Proposed view – showing previous and current SSDA scheme

Source: Virtual Ideas

10.15.1 Tenacity step 1: Assessment of the views to be affected

This is district view with panoramic attributes.

It comprises a mix of suburban and urban visual environments with a balance of built and non-built elements, with notable, valuable embedded features.

Its left (western) boundary is clearly demarcated by the edge of the Jackson, St Leonards Square.

The foreground and midground mainly comprises the roofs of houses and canopies of trees in the Lower North Shore, in particular in Wollstonecraft, Waverton and Greenwich. Spatially scattered medium to high rise apartment towers are notable visual elements within this part of the view.

The midground comprises part of Sydney Harbour and its islands and foreshores from Darling Point to Balls Head, including parts of Lavender Bay, Berrys Bay, Balls Head Bay, and Darling Harbour. This includes part of the Sydney Harbour Bridge, the Walsh Bay finger wharves, Blues Point Tower, Barangaroo Headland Park, and Balls Head Reserve.

The left (east) background comprises part of the eastern suburbs including the Bondi Junction skyline, the North Sydney CBD, the centre background comprises parts of the Sydney CBD, and the right (west) background comprises parts of Balmain and Pyrmont including the Anzac Bridge and Glebe Island Silos. Key building and structures in the of the CBD are visible in part, including Sydney Tower, and the former MLC Centre.

Does the view include water?

Yes, this view includes water in the form of part of Sydney Harbour in the midground of the view.

Does the view include icons?

The view contains internationally recognised icons in the form of Sydney Harbour, and the Sydney Harbour Bridge. It also contains metropolitan and locally recognised icons in the form of Sydney CBD, and the Anzac Bridge.

Does the view include other high value elements?

Yes, the view contains other high value elements

The view contains a number of other high value elements such as Balls Head Reserve.

The assessed value of this view is high.

It contains internationally, metropolitan and locally recognised icons, and exhibits panoramic attributes in height, width, and depth.

10.15.2 Step 2: Consider from what part of the property the views are obtained

The view is obtained across a front boundary.

The view is likely able to be obtained from both a standing and sitting position.

However, as the viewer moves further back into the apartment, due to the effect of walls, floors and ceilings, the extent of the view is likely to decrease in height and width, reducing its panoramic qualities.

10.15.3 Step 3: Assess the extent of the impact

This view has been selected to generally align with the maximum height of the previously approved SSDA.

View impact arises due to increased tower height.

The increased tower height blocks views to land and sky.

In terms of land, this comprises the upper parts of buildings in the Sydney CBD.

A view corridor between the proposal and the Jackson Tower that includes the North Sydney CBD and features the line of Nicholson Street is retained. Views of Pyrmont (including the Anzac Bridge) and the Balmain Peninsula will also be retained. Notably, the previously approved SSDA blocks visibility of all of the Sydney Harbour Bridge.

This or a similar view will be obtained from most rooms within the impacted dwellings. The width of the view will be greatest from balconies and areas closest to the glass line, which includes living rooms.

Overall, the qualitative assessed extent of the additional view impact is minor.

10.16 Reasonableness (Tenacity step 4)

The fourth step is to assess the reasonableness of the proposal that is causing the impact.

- ‘A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable’.

As can be seen, the reasonableness is informed by 2 considerations:

- compliance with planning controls
- skilful design.

10.17 Compliance with planning controls

In this regard, Tenacity states:

- ‘A development that complies with all planning controls would be considered more reasonable than one that breaches them’.

Planning controls are the quantifiable, numeric part of development standards. Particular interest is afforded to planning controls that have a direct and material impact on building size, bulk and form and as such views. This in particular includes controls in LEPs such as height and FSR. In a broader sense, land use permissibility is also relevant.

As the concurrent rezoning seeks to amend the existing planning controls, they have less relevance and weight than would otherwise be the case. Instead, merit assessment should be undertaken guided by the strategic planning framework with regard given as appropriate to the aims and objectives of the LCLEP 2009 and other planning guidance.

10.17.1 Strategic planning framework

As has been noted, current NSW Government planning priorities and programs are focussed around unlocking the capability of land to deliver a greater amount and choice of new well located, well designed new homes.

As evidenced by Planning Priority N5 ‘Providing housing supply, choice and affordability, with access to jobs, services and public transport’ and Planning Priority N12: ‘Delivering integrated land use and transport planning and a 30-minute city’ of the North District Plan, this growth is to be directed to highly accessible locations.

As a consequence and can be seen in the below images, the outcome of this is a polycentric metropolitan area city image that is visually characterised by clusters of tall towers surrounded by low rise development. The interface between this is often quite stark. The clusters themselves typically feature dense, but reasonably well separated towers of varying height that create variegated, dynamic skylines. Typically, the core of the cluster supports the tallest buildings. This visual character is best seen in the Lower North

Shore where North Sydney, Crows Nest / St Leonards, and Chatswood are visually prominent when seen from their surrounds. visual well serviced by public transport such as the St Leonards CBD and the Crows Nest TOD.

The Crows Nest TOD rezoning is consistent with and strengthens this visual pattern. The rezoning enables a considerable scale of growth, primarily in high rise mixed use and residential towers. The site is located in the St Leonards Centre/Crows Nest Metro precinct, where heights up to 62 storeys are intended and heights between 20 – 40 storeys are common.

This establishes a predominant visual character that is representative of a CBD or major centre within the Greater Sydney context.

Development in accordance with this intent is inherently higher impact, including on existing views. This is particularly the case where located between a building and the object of its current view. As such, it is reasonable to expect a considerable level of change to existing environmental conditions.

The proposal, essentially being for a tower in a tower context, is consistent with this intent. This is supported by the Department’s assessment report for the previous SSDA, which states that the ‘Department is satisfied that the proposal is consistent with the overarching objectives’ of these plans. Furthermore, the Department’s assessment report conclusions state that the proposal is acceptable on ground including ‘it would support State government priorities to well-located housing’.

As such and noting that it is for a similar nature, it is reasonable to conclude on this basis that the proposal is similarly consistent with the strategic planning framework.



Figure 57 Cluster of towers on the Lower North Shore

Source: Wiki Commons

10.17.2 Lane Cove Local Environmental Plan 2009

The LCLEP 2009 establishes a number and range of aims and objectives. Many of these conflict with one another. For example, section 1.2 ‘Aims of Plan’ contains the following objectives:

- (a) to establish, as the first land use priority, Lane Cove’s sustainability in environmental, social and economic terms, based on ecologically sustainable development, inter-generational equity, the application of the precautionary principle and the relationship of each property in Lane Cove with its locality,
- (b) to preserve and, where appropriate, improve the existing character, amenity and environmental quality of the land to which this Plan applies in accordance with the indicated expectations of the community
- (j) in relation to housing, to increase the number of affordable dwellings in Lane Cove and to promote housing choice.

While through inter-generational equity and housing affordability and choice, objectives (a) and (j) seek delivery of more homes, objective (b) seeks for these to be balanced with character and amenity considerations.

In terms of the E2 Commercial Centre land zoning of the site, this balance is more calibrated to supporting development. This is particularly evidenced by the following objective:

- ‘To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity’.

This is further supported by the objectives for Part 8 ‘Crows Nest Transport Oriented Development Precinct’:

- (a) ‘increase housing supply in the Crows Nest Transport Oriented Development Precinct
- (b) enable a variety of land uses within walking distance of the St Leonards train and Crows Nest metro stations
- (c) deliver housing supported by vibrant public spaces and community amenity
- (d) increase the amount of affordable housing in the Precinct’.

In terms of building height, of most relevance to view impact is objective (b) which establishes reasonableness as the main benchmark:

- ‘to ensure that privacy and visual impacts of development on neighbouring properties, particularly where zones meet, are reasonable’.

As has been noted earlier in the VIA, this focus on reasonableness is consistent with that of the Davies and Veloshin planning principles.

The sole objective for FSR is focussed on character:

- (a) ‘to ensure that the bulk and scale of development is compatible with the character of the locality’.

The matters for consideration under section 8.5 ‘Design excellence’ applying to the Crows Nest Transport Oriented Development Precinct include consideration of amenity:

- (iv) ‘the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form’.

It is clear that the overall planning intent is to promote development on the site and surrounding area, and in particular residential development. Reference to supporting planning controls also shows that this scale is considerable. As such, it is reasonable to infer a significant level of development with consequent change in existing character and amenity. This includes changes to views.

As has been established in the previous section, the proposal is considered to promote achievement of objectives supporting development.

In terms of other objectives:

Character

- as is evidenced by the public domain photomontages, the proposal visually integrates with the existing St Leonards townscape (notably being lower in height than building behind)
- it has a visual bulk and scale that is consistent and is compatible with the existing, emerging and intended future character of St Leonards overall as a strategic centre prioritised under the TOD program for growth

Amenity

- through delivery of the publicly accessible plaza and active frontages, it improved the visual amenity of the site and its public domain surrounds
- while the proposal impacts views to the south-west, these are considered consistent with what may be reasonably expected in a CBD location
- views in other directions are retained, including to high value elements and / or those that have sufficient depth to provide visual relief appropriate to a CBD context
- mitigating for view impact, outlook will be retained for a distance of 20m (approx.) to the west aligning with the width of Nicholson Street
- it is also suggested that a separation distance between the proposal and any future development on the adjoining site to the south meeting the ADG is more reasonable and will retain an acceptable level of amenity for nearby buildings
- furthermore, reduction in the height of the podium will provide improved outlook for apartments in lower storeys
- the area enjoys considerable amenity other than visual amenity derived from sources such as accessibility to public transport, jobs, facilities and services, and public open space.

For these reasons, it is suggested that despite view impact, objectives relating to character and amenity will be retained.

10.17.3 Lane Cove Development Control Plan 2009

The preamble of Part B.4 View Sharing of the LCDCP provides relevant context for council's view impact policy setting.

It shows that these settings are primarily focussed on managing view impact in suburban area, and in particular peninsula areas adjoining the Parramatta River and the Lane Cove River:

- 'Lane Cove Local Government Area is located over a number of peninsular areas including Greenwich, Linley Point, Longueville, Northwood and Riverview. The topography and natural landforms here offer spectacular public and private views to the Lane Cove and Parramatta River and the southern foreshore of the river as well as across numerous smaller bays and inlets'.

Unlike these areas, St Leonards is not explicitly referenced as being an area with 'spectacular public and private views'. Nonetheless, value is assigned to views to leafy district vistas which are evident in many existing views from the assessed buildings:

- 'The areas of Lane Cove and St Leonards whilst not benefiting from the water, foreshore and city views, do have leafy district vistas to enjoy'.

Further to this, the LCDCP 2009 also focusses on seeking to protect views to natural elements from streets through the siting of development:

- 'Views and vistas to these natural elements are enjoyed from public places including the foreshore reserves, parks and along the streets within the area. Buildings often contain or reinforce these views along the streets or retain views as glimpses between buildings along side boundaries. Public domain views are considered of higher value to the area than private views. Where view glimpses are available alongside boundaries then these views are to be retained through the use of side setbacks and appropriate placement of the building and garages'.

As shown above, 'public domain views are considered of higher value to the area than private views'. Furthermore, while the 'the sharing of all views is part of the character of the Lane Cove area and should be maintained where possible', this is 'subject to how the view is obtained and whether the maintenance of such a view creates an unreasonable impost on adjoining land owners'.

In particular, the LCDCP 2009 further states that 'views that are gained across other privately owned land are not "as of right", as some may depend on the property that is overviewed maintaining a lower scale that is achievable under the LEP or may become obscured over time due to the growth of landscape within private gardens'.

The objectives for view sharing are:

- 'a) To ensure that public view corridors between buildings or along streets are retained and enhanced from streets or public spaces
- b) To minimise the impact of new development on existing public and private views and vistas
- c) To preserve or fairly share water views for foreshore residents'.

The most relevant objective to the proposal is 'b) To minimise the impact of new development on existing public and private views and vistas'. It is noted that previous judgements (Sultan Holdings Pty Ltd v John Fuglsang Developments Pty Ltd; Mount Wellington Cableway Company Pty Ltd v Hobart City Council and Others [2022] TASCAT 128) have confirmed that the proper construction of minimise is not to reduce impact to nothing, but to reduce it in a contextually appropriate way:

- 'Minimisation does not mean reduce to nothing or to something negligible, nor in this context is it to be examined in the abstract. The concept is relative to the situation. Assessments need to be made about the environs; and whether proposed measures for minimisation are appropriate given the situation'

The provisions for view sharing are as follows:

- 'a) Where existing views from public spaces are through the gaps between side setbacks of buildings, the length of the building and roof of any proposal should be oriented towards the view in order to minimise view obstruction. Refer Diagram No. 2
- b) Existing or potential view corridors to the water from the street are to be protected as public view corridors by ensuring that fencing to the front boundary is open in character
- c) Garages and outbuildings are not to be located within the view corridor and the required side setback is to be clear of all built form obstructions. Lightweight carport structures may be considered in side setbacks
- d) Buildings on steeply sloping sites should adjust the height of the building envelope to follow the natural topography of the site
- e) To facilitate view sharing for residential developments, flat roofs or low mono-pitched roofs can be used where the design of the building and roof is integrated architecturally and where its appearance would be appropriate given the character of the street
- f) Applicants may not be able to achieve the maximum permissible height in order to cater and facilitate view sharing. In such cases, concessions shall be given for side and rear setbacks subject to meeting the requirements for privacy, amenity and solar access to the adjoining neighbours. These concessions should be discussed with the Council Officers prior to the lodgement of Development Application
- g) Views from commercial development will not carry the same weight as views from dwellings
- h) Development is not to unreasonably affect existing water views from living areas of adjoining dwellings. Views from bedrooms are not considered to have the same significance unless they are the only available views within the dwelling
- i) In such cases the maintenance of the view will be tested against its reasonableness i.e. how the view is obtained and where the view is gained. For instance views that are gained by leaning out a side boundary window and looking obliquely across a number of lots will not be given weight against a view from the main living area window

- j) Views will also be tested against the extent of view available. Where appropriate the views will also be tested against the view sharing principles stated by the Land and Environment Court’.

Together, the preamble, objectives and provisions align with the principles of Tenacity. Indeed, provision j) is explicit in this regard.

It is noted that all buildings and by association apartments impacted by the proposal do not adjoin the site, but are rather located either 20m away across Nicholson Street (the Jackson) or 50m (approx.) across Nicholson Street and 69 Christie Street.

Nonetheless, the proposal will impact district views to the south-west obtained from living areas in apartments within these buildings which include parts of the Parramatta River and Lane Cove River in their midground.

While Tenacity focusses on the reasonableness of the proposal causing the view impact having regard to compliance with planning controls and skilful design, the explicit test under the provisions is the reasonableness of the impact having regard to how the view is obtained, where the view is obtained, and the extent of the view available. Tenacity is implemented where appropriate. While these steps are the same as those under Tenacity, the ultimate test is different. This is a subtle, but distinct difference.

How views are obtained, where views are obtained, and the extent of views available has been answered in the VIA already.

How views are obtained

In accordance with step 2 of Tenacity, views are obtained from both standing and sitting positions. Due to the effect of floors, the height of views obtained from sitting positions will typically be less than those obtained from a standing position.

Where views are obtained

As has been noted, these views are obtained from near the core of a strategic centre planned for considerable future growth in the form of high rise towers. As such, existing views are vulnerable to change.

More specifically and in accordance with step 2 of Tenacity, views are obtained from a range of rooms including living rooms. Due to the effect of floors, ceilings and walls, the height and width of views will typically be less for positions further away from the edge of the elevation.

While obtained across a rear boundary when considering the entire St Leonards Square site, views obtained from the Jackson are nonetheless obtained its front boundary. Views obtained from The Landmark are obtained across its rear boundary. Views obtained from the Telstra Exchange BTR development are also obtained across a rear boundary.

It is noted that 69 Christie Street which has a maximum building height of 105m under the LCLEP 2009 is located between The Landmark and the Telstra Exchange BTR development and the site.

The extent of views available

The maximum extent of views is as follows:

- **the western elevation of the Jackson:** is generally bound by the 31 storey 1 Marshall Avenue to the west and the line of its own elevation to the south-east, creating a view angle of around 140 degrees stretching from the north-west to the south-east for locations on the south-west of the elevation and a view angle of around 120 degrees stretching from the west to the south-east for locations on the north-west end of the elevation
- **The Landmark:** is generally bound by the 46 storey 88 Christie Street to the west and the Jackson to the east creating a view angle of around 60 degrees stretching from the west south-west to the south south-west for locations on the south-east of the elevation and a view angle of around 90 degrees stretching from the south-west to the south south-east for locations on the south-west of the elevation

- **the Telstra Exchange BTR development:** is generally bound by the 46 storey 88 Christie Street to the west and the Jackson to the east, creating a view angle of around 45 degrees stretching from the south south-west to the south-east for locations on the south-west of the elevation, and a view angle of around 45 degrees stretching from the west south-west to the south-west for locations on the south-east of the elevation.

The components and composition of these views is described in section10 ‘View impact assessment’ of this VIA.

Turning to Tenacity, the assessed qualitative extent of the impact is also assessed in section 10 ‘View impact assessment’ of this VIA.

This impact is acknowledged. However, weight is given to the following:

- the context in which these views are obtained, being from near the core of a strategic centre planned for considerable future growth under the strategic planning framework in the form of high rise towers
- existing views within this context are typically particularly vulnerable to view impact arising from development
- as such, it reasonable to expect some form of view impact and conversely unreasonable to expect retention of views in their current state
- this is particularly the case for buildings located centrally within the CBD where views to iconic or high value elements are obtained over the long range across multiple properties
- it is even more the case for buildings where views are obtained across other properties (eg, the Telstra Exchange BTR development).
- the inherent difficulty in minimising view impact to achieve a balance between the development potential and amenity of the site and the amenity of nearby buildings when the site is located close to and presents its long elevation such as is the case for the western elevation of the Jackson.

The view impact of the proposal has been minimised having regard to these matters.

It is also noted that views to the south in the direction of the Sydney CBD from the western elevation of the Jackson will be retained, and views around the proposal to iconic and high value elements from The Landmark and the Telstra Exchange BTR development will also be retained. These mitigate the loss of other views obtained from these premises.

10.18 Skilful design

Skilful design as understood by Tenacity involves exploring ways in which the siting and massing of a building may be distributed to achieve a balanced outcome between providing the applicant with the same development potential and amenity and reducing view impact on neighbouring properties.

It is noted that in their judgement in *Arnott v City of Sydney Council* [2015] NSWLEC 1052, O’Neill C noted the challenges of using impact on individual apartments as a frame in which to consider skilful design:

- ‘The Tenacity planning principle is less helpfully applied to impacts on views from individual apartments within residential apartment buildings, as there are generally more limited opportunities to rearrange massing to preserve what is often a singular orientation to a view. For this reason, it is also appropriate to consider the residential apartment building as a whole in assessing view impacts’.

As is noted above, there is inherent difficulty in minimising view impact to achieve a balance between the development potential and amenity of the site and the amenity of nearby buildings when the site is located close to and presents its long elevation such as is the case for the western elevation of the Jackson.

In addition, the following site specific points are noted in terms of considering skilful design for this site:

- the site is relatively compact and irregularly shaped, limiting the number of viable alternative scenarios that have the capability of providing the applicant with the same development potential and amenity compared to the proposal

- in particular, any further reduction in floorplate arising from greater tower setbacks to the site’s southern boundary would likely compromise development feasibility
- defined development envelope, maintaining ADG setbacks and principles sets the underlying foundation for the tower and podium forms
- separation distances in accordance with the ADG between the site and the adjoining site to the south is suggested as a more fair and equitable development response.

Noting these context and site parameters, as outlined in the design documentation prepared by COX the proposal has been informed by and is responsive to comprehensive and detailed site and context analysis. As such, the proposal is the outcome of a process that has considered the merits, including view impacts, of different schemes as opposed to application of more general developments standards.

Reducing view impact on neighbouring properties also needs to be considered in the context of other desirable urban outcomes under the relevant planning controls that shape massing and are arguably more in the public interest such as strong definition to streets.

The proposal includes the following measures that mitigate view impact, including reducing the appearance of building scale and bulk:

- variation in massing, including a distinct podium and tower typology, substantial recesses, and a variegated skyline
- highly articulated elevations through the mix of balconies, glazing and solid materials
- a human scale street wall to Nicholson Street
- neutral or visually recessive colours
- co-ordinated and high quality externally visible finishes.

Any further massing adjustments are unlikely to satisfy the test established under Tenacity of achieving a balance between the applicant’s development potential and amenity and reducing view impact on neighbouring buildings and apartments. In particular, this is likely to challenge the viability of delivery of diverse housing proximate to both St Leonards Station and Crows Nest Station, which is not considered to be in the public interest in the current housing challenge.

As such, there are no other reasonable, practical skilful design alternatives that would meet the test set by Tenacity.

This is a key finding, as evidenced by the following statement of Chilcott C in Ozone Cronulla Pty Ltd v Sutherland Shire Council [2009] NSWLEC 1133 at [31]:

- ‘I acknowledge that some of the neighbours may be disappointed with the outcome of my judgment however I have carefully considered the legal and planning principles together with their submissions in coming to my conclusion which achieves a balance between facilitating quality development and preserving an equitable amount of views for the surrounding properties as far as is practicable and reasonable’.

As has been noted, under section 2.10 of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) DCP’s are not applicable to State significant development (SSD).

Nonetheless for benchmarking purposes the proposal complies with the majority of performance criteria and controls in the LCDCP 2009. Alternate responses are primarily limited to the western boundary setback, with minor variations also proposed to the northern, eastern and southern setbacks. This is justified in the separate planning documentation. It is noted that these alternative responses are unlikely to result in a significant overall difference in view impact. Furthermore, consistency with the relevant objectives can be demonstrated despite this alternative response.

11.0 Visual impact assessment

11.1 Viewpoint 1: Gore Hill Oval

11.1.1 Existing View



Figure 58 Existing view from Gore Hill Oval

Source: Virtual Ideas

This view is dominated primarily by landscaping and vegetation in the foreground, built high-rise development, including the Forum, Landmark and 486 Pacific Highway, together with a vast amount of sky. A cluster of trees in the centre of the view are the most dominant feature. The following table provides an assessment of the sensitivity of this view to the nature of change proposed.

Table 6 View Point 1 – Gore Hill Oval: sensitivity to the nature of change proposed

Factor	Assessment of existing situation	Level of sensitivity
Receptor Type	Recreational	Low
Number of People	High	High
Social and cultural value of the view	Medium	Medium
Visual Characteristics	Built form of scale, including verticality, is visible in the view.	Low
Sensitivity		Medium

11.1.2 Proposed View



Figure 59 Proposed view from Gore Hill Oval – current SSDA scheme
Source: Virtual Ideas



Figure 60 Proposed view from Gore Hill Oval – showing previous and current SSDA scheme
Source: Virtual Ideas

A small section of the proposed development is visible above the foreground vegetation from Gore Hill Oval, however the view is largely unaffected.

The additional height of the current SSDA scheme compared to the previous SSDA scheme does not significantly increase the visual prominence of the proposed development from this viewpoint, given the height of the existing built form and the foreground vegetation.

The following table provides an assessment of the magnitude of the nature of change proposed.

Table 7 Viewpoint 1 - Gore Hill Oval: magnitude of visual impact

		Ongoing and irreversible	Ongoing and capable of being reversed	Limited Life (5-10 years)	Limited Life (<5 years)
Scale of change and geographical extent of the area influenced	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area or moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area or Insignificant change	Perceptible	Perceptible	Perceptible	Perceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

Based on the sensitivity of the view to the nature of change proposed and the magnitude of change proposed, as can be seen in the **Table 16**, the magnitude of impact is **Perceptible**.

Table 8 Viewpoint 1: Gore Hill Oval: Significance of visual impact

		Magnitude				
Sensitivity		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

Table 8 assesses the significance of visual impact, which is **Low**.

11.2 Viewpoint 2: Corner of Nicholson Street and Christie Street, looking south south-east towards the site

11.2.1 Existing View



Figure 61 Existing view from Christie and Nicholson Streets

Source: Virtual Ideas

As shown in Figure 60 above figure, the existing view is dominated by a road frontage and existing built form comprising 486 Pacific Highway, as well as lower-level development to the west and south. The site is enclosed by the Nicholson and Christie Street intersection. The streetscape currently lacks coherence against the more developed edge of Nicholson Street. The footpaths along Christie and Nicholson Street experience some tree lining.

Table 9 provides an assessment of the sensitivity of this view to the nature of change proposed.

Table 9 View Point 2 – Corner of Nicholson Street and Christie Street, looking south south-east towards the site: sensitivity to the nature of change proposed

Factor	Assessment of existing situation	Level of sensitivity
Receptor Type	Worker, residential, commuter	Medium
Number of People	Medium	Medium
Social and cultural value of the view	Low	Low
Visual Characteristics	Built form of scale, including verticality, is visible in the view.	Low
Sensitivity		Medium

11.2.2 Proposed View



Figure 62 Proposed view from Christie and Nicholson Streets – current SSDA scheme

Source: Virtual Ideas



Figure 63 Proposed view from Christie and Nicholson Streets – showing previous and current SSDA scheme
Source: Virtual Ideas

The proposed development is prominent from this viewpoint and will appear as a new built form. The proposal does not impact on the visibility of the recently completed 486 Pacific Highway and creates a visual betterment when compared to the current use of the site.
There is no change when comparing the previous and current SSDA scheme.

The following table provides an assessment of the magnitude of the nature of change proposed.

Table 10 Viewpoint 2 - Corner of Nicholson Street and Christie Street, looking south south-east towards the site: magnitude of visual impact

		Ongoing and irreversible	Ongoing and capable of being reversed	Limited Life (5-10 years)	Limited Life (<5 years)
Scale of change and geographical extent of the area influenced	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area or moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area or Insignificant change	Perceptible	Perceptible	Perceptible	Perceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

Based on the sensitivity of the view to the nature of change proposed and the magnitude of change proposed, as can be seen in **Table 10**, the magnitude of impact is **Considerable**.

Table 11 Viewpoint 2: Corner of Nicholson Street and Christie Street, looking south south-east towards the site: Significance of visual impact

		Magnitude				
Sensitivity		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

Table 11 assesses the significance of visual impact, which is **Moderate**.

11.3 Viewpoint 3: Southwest corner of Christie Street and Pacific Highway, looking south-east towards the site

11.3.1 Existing View



Figure 64 Existing view from Christie Street

Source: Virtual Ideas

This view is dominated by a road frontage and existing built form comprising short range views of the Coles store at 88 Christie Street. This viewpoint is likely to have higher traffic due to its location in relation to St Leonards station. Longer range views to the site are possible from this location, which are partially obscured by existing vegetation along Christie Street.

The viewpoint appears enclosed by the buildings at the back edge of footpath along the eastern side of Christie Street together with the existing vegetation. The topography slopes downwards from this viewing position towards the site.

The following table provides an assessment of the sensitivity of this view to the nature of change proposed.

Table 12 View Point 3 – Southwest corner of Christie Street and Pacific Highway, looking south-east towards the site: sensitivity to the nature of change proposed

Factor	Assessment of existing situation	Level of sensitivity
Receptor Type	Worker, residential, commuter	Medium
Number of People	High	Medium
Social and cultural value of the view	Low	Low
Visual Characteristics	Built form of scale, including verticality, is visible in the view.	Low
Sensitivity		Medium

11.3.2 Proposed View



Figure 65 Proposed view from Christie Street – current SSDA scheme

Source: Virtual Ideas



Figure 66 Proposed view from Christie Street – showing previous and current SSDA scheme

Source: Virtual Ideas

The proposed development will be visible from this location and will appear as a new built form. The proposal does not impact on the visibility of the recently completed 486 Pacific Highway and is partially obscured by existing mature vegetation.

The additional height of the current SSDA scheme compared to the previous SSDA scheme does not significantly increase the visual prominence of the proposed development from this viewpoint, given the surrounding height and mass of built form elements and the height of vegetation present in the foreground.

The following table provides an assessment of the magnitude of the nature of change proposed.

Table 13 Viewpoint 3 - Southwest corner of Christie Street and Pacific Highway, looking south-east towards the site: magnitude of visual impact

		Ongoing and irreversible	Ongoing and capable of being reversed	Limited Life (5-10 years)	Limited Life (<5 years)
Scale of change and geographical extent of the area influenced	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area or moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area or Insignificant change	Perceptible	Perceptible	Perceptible	Perceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

Based on the sensitivity of the view to the nature of change proposed and the magnitude of change proposed, as can be seen in the above table, the magnitude of impact is **Considerable**.

Table 14 Viewpoint 3: Southwest corner of Christie Street and Pacific Highway, looking south-east towards the site: Significance of visual impact

		Magnitude				
Sensitivity		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

Table 14 assesses the significance of visual impact, which is **Moderate**.

11.4 Viewpoint 4: Nicholson Street, from eastern footpath looking towards the site

11.4.1 Existing View



Figure 67 Existing view from Nicholson Street
Source: Virtual Ideas

This view is dominated by a road frontage and existing built form comprising short range views of the site, as well as the development parcel directly to the south of it. 88 Christie Street lower, mid and lower-upper levels are also visible in the background together with Forum to the northeast. Trees and vegetation also exist at street level.

The following table provides an assessment of the sensitivity of this view to the nature of change proposed.

Table 15 View Point 4 – Nicholson Street, from eastern footpath looking towards the site: sensitivity to the nature of change proposed

Factor	Assessment of existing situation	Level of sensitivity
Receptor Type	Worker, residential, commuter	Medium
Number of People	High	Medium
Social and cultural value of the view	Low	Low
Visual Characteristics	Built form of scale, including verticality, is visible in the view.	Low
Sensitivity		Medium

11.4.2 Proposed View



Figure 68 Proposed view from Nicholson Street – current SSDA scheme
Source: Virtual Ideas



Figure 69 Proposed view from Nicholson Street_ showing previous and current SSDA scheme
Source: Virtual Ideas

The lower to middle levels of the proposed development will be visible from this location and will appear as a new built form. The proposal does not impact on the visibility of the recently completed 486 Pacific Highway and creates a visual betterment which fits into its surrounding context when compared to the current use of the site.

There is minimal difference in visual prominence between the current and previous SSDA schemes when viewed from this viewpoint, given the surrounding mass of built form elements.

The following table provides an assessment of the magnitude of the nature of change proposed.

Table 16 Viewpoint 4 - Nicholson Street, from eastern footpath looking towards the site: magnitude of visual impact

		Ongoing and irreversible	Ongoing and capable of being reversed	Limited Life (5-10 years)	Limited Life (<5 years)
Scale of change and geographical extent of the area influenced	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area or moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area or Insignificant change	Perceptible	Perceptible	Perceptible	Perceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

Based on the sensitivity of the view to the nature of change proposed and the magnitude of change proposed, as can be seen in the following table, the magnitude of impact is **Considerable**.

Table 17 Viewpoint 4: Nicholson Street, from eastern footpath looking towards the site: Significance of visual impact

		Magnitude				
		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
Sensitivity	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

Table 17 assesses the significance of visual impact, which is **Moderate**.

11.5 Viewpoint 5: Holdsworth Avenue, looking along Marshall Avenue looking towards the site

11.5.1 Existing View



Figure 70 Existing view from Holdsworth Avenue
Source: Virtual Ideas

This view is dominated by a tall building streetscape character including 88 Christie Street, Landmark and 486 Pacific Highway reflective of the growth taking place in this part of St Leonards.

The viewpoint has short range views to a small roundabout junction and is surrounded by existing mature vegetation.

The following table provides an assessment of the sensitivity of this view to the nature of change proposed.

Table 18 View Point 5 – From Holdsworth Avenue, looking along Marshall Avenue looking towards the site: sensitivity to the nature of change proposed

Factor	Assessment of existing situation	Level of sensitivity
Receptor Type	Worker, residential, commuter	Medium
Number of People	Medium	Medium
Social and cultural value of the view	Low	Low
Visual Characteristics	Built form of scale, including verticality, is visible in the view.	Low
Sensitivity		Medium



Figure 71 Proposed view from Holdsworth Avenue – current SSDA scheme
Source: Virtual Ideas



Figure 72 Proposed view from Holdsworth Avenue – showing previous and current SSDA scheme
Source: Virtual Ideas

The proposed development will be visible from this location and will appear within a cluster of existing tall buildings. The building will obscure views to 486 Pacific Highway from this viewpoint. Given the proposals similar height and scale (when viewed from this viewpoint) to 486 Pacific Highway, it does not significantly increase the visual prominence of built form within this view (when viewed from this location).

The additional height of the current SSDA scheme compared to the previous SSDA scheme does not significantly increase the visual prominence of the proposed development from this viewpoint, given the surrounding height and mass of built form elements.

The following table provides an assessment of the magnitude of the nature of change proposed.

Table 19 From Holdsworth Avenue, looking along Marshall Avenue looking towards the site: magnitude of visual impact

		Ongoing and irreversible	Ongoing and capable of being reversed	Limited Life (5-10 years)	Limited Life (<5 years)
Scale of change and geographical extent of the area influenced	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area or moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area or Insignificant change	Perceptible	Perceptible	Perceptible	Perceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

Based on the sensitivity of the view to the nature of change proposed and the magnitude of change proposed, as can be seen in the above table, the magnitude of impact is **Considerable..**

Table 20 From Holdsworth Avenue, looking along Marshall Avenue looking towards the site: Significance of visual impact

		Magnitude				
Sensitivity		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

Table 20 assesses the significance of visual impact, which is **Moderate.**

11.6 Viewpoint 6: Southwest corner of Oxley Street and Lithgow Street intersection, looking northeast towards the site

11.6.1 Existing View



Figure 73 Existing view from Oxley Street

Source: Virtual Ideas

This view is dominated by a vehicular junction and surrounding existing vegetation. In the background are the upper levels of Shoremark residential apartments. Further behind are 486 Pacific Highway, Landmark and 88 Christie Street which provide a tall building context surrounding the site. The view is also characterised by sky above the upper levels.

The following table provides an assessment of the sensitivity of this view to the nature of change proposed.

Table 21 View Point 6 – From the southwest corner of Oxley Street and Lithgow Street intersection, looking north east towards the site: sensitivity to the nature of change proposed

Factor	Assessment of existing situation	Level of sensitivity
Receptor Type	Worker, residential, commuter	Medium
Number of People	Medium	Low
Social and cultural value of the view	Low	Low
Visual Characteristics	Built form of scale, including verticality, is visible in the view.	Low
Sensitivity		Low

11.6.2 Proposed View



Figure 74 Proposed view from Oxley Street – current SSDA scheme

Source: Virtual Ideas



Figure 75 Proposed view from Oxley Street – showing previous and current SSDA scheme

Source: Virtual Ideas

The proposed development will be visible from this location and will appear as a new built form amongst the backdrop of existing tall buildings. The proposal does not impact on the visibility of the recently completed 486 Pacific Highway and creates a visual betterment when compared to the current use of the site.

Although the additional height of the current SSDA scheme compared to the previous SSDA is notable from this viewpoint, it does not significantly increase the visual prominence of the proposed development, given the surrounding cluster of tall buildings and mass of built form elements.

The following table provides an assessment of the magnitude of the nature of change proposed.

Table 22 Viewpoint 6 - From the southwest corner of Oxley Street and Lithgow Street intersection, looking northeast towards the site: magnitude of visual impact

		Ongoing and irreversible	Ongoing and capable of being reversed	Limited Life (5-10 years)	Limited Life (<5 years)
Scale of change and geographical extent of the area influenced	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area or moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area or Insignificant change	Perceptible	Perceptible	Perceptible	Perceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

Based on the sensitivity of the view to the nature of change proposed and the magnitude of change proposed, as can be seen in the above table, the magnitude of impact is **Considerable**.

Table 23 Viewpoint 6: From the southwest corner of Oxley Street and Lithgow Street intersection, looking northeast towards the site: Significance of visual impact

		Magnitude				
		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
Sensitivity	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

Table 23 assesses the significance of visual impact, which is **Low**.

Table 24 Summary of Significance of Visual Impact

Ref	Viewpoint	Significance of Visual Impact
1	Gore Hill Oval	Low
2	Corner of Nicholson Street and Christie Street, looking south south-east towards the site.	Moderate
3	Southwest corner of Christie Street and Pacific Highway, looking south-east towards the site.	Moderate
4	Nicholson Street, from eastern footpath looking towards the site.	Moderate
5	From Holdsworth Avenue, looking along Marshall Avenue looking towards the site	Moderate
6	From the southwest corner of Oxley Street and Lithgow Street intersection, looking northeast towards the site	Low

12.0 Consideration of key issues

12.1 Visual character

The site is located at the current southern and western edge of the St Leonards strategic centre. The core of the centre is located to the north around St Leonards Station. Recognising its attributes such as excellent public transport accessibility and responding to Department planning policy such as the St Leonards and Crows Nest 2036 Plan and Crows Nest TOD, the centre and its surrounds has been undergoing significant renewal for high rise mixed use and residential development over the past years. As a consequence, the predominant visual character of the area has evolved to now be representative of a CBD or major centre within the Greater Sydney context.

The planning framework enables the further expansion of taller buildings around the site and to the south. This has resulted in considerable development application interest and activity in much of the St Leonards CBD surrounding the site, including the adjoining site to the south ('29 Christie Street'), 446 – 452 Pacific Highway (the Car Wash Site) and 34-42 Pacific Highway (the 'hotel site') (Council, July 2025), as well in the nearby St Leonards South Precinct. As a consequence, it is reasonable for this prevailing CBD or major centre visual character to expand and strengthen in the future.

The proposal has a scale, form, and architecture that is visually compatible with this prevailing visual character. In particular, the proposal will be seen from the more sensitive locations to its south against a backdrop of multiple visually prominent tall buildings. This is evidenced by the public domain photomontages showing the proposal visually integrating with the existing St Leonards townscape.

12.2 Visual amenity

At present, the site presents as a series of disjointed buildings that have varied levels of engagement with the public domain. As such, overall the visual amenity of the site and its surrounding public domain is average.

The proposal involves improvement to this visual amenity through a number of measures. In particular, it involves delivery of a new, publicly accessible and visually prominent plaza at the northern end of the site. Built form will be co-ordinated and high quality, and will engage with the plaza and streets through

ground floor active frontages. Overall, the intent is for an outcome similar to that achieved by nearby Friedlander Place which was delivered by development of St Leonards Square and The Landmark.

This will evolve this part of the Nicholson Street and Christie Street streetscapes to a more urban visual character in line with the planning intent for the St Leonards CBD and the Crows Nest TOD, which will provide a more coherent visual outcome.

In terms of view impact and has already been discussed, the following is noted:

- while the proposal impacts views to the south-west, these are considered consistent with what may be reasonably expected in a CBD location
- views in other directions are retained, including to high value elements and / or those that have sufficient depth to provide visual relief appropriate to a CBD context
- mitigating for view impact, outlook will be retained for a distance of 20m (approx.) to the west aligning with the width of Nicholson Street
- it is also suggested that a separation distance between the proposal and any future development on the adjoining site to the south meeting the ADG is more reasonable
- furthermore, reduction in the height of the podium will provide improved outlook for apartments in lower storeys
- the area enjoys considerable amenity other than visual amenity derived from sources such as accessibility to public transport, jobs, facilities and services, and public open space.

As such, it is suggested that despite view impact an acceptable level of amenity for a CBD context will be retained.

12.3 Reduced setback

Compared to the previously approved SSDA the proposal reduces the width of the view corridor obtained through and over the site along its southern boundary. The impact of this reduced setback is to reduce the width of views to the south-west obtained when seen flush from apartments at the southern part of the western elevation of the Jackson building, St Leonards Square

More specifically, it will reduce a narrow amount of district views obtained to suburban development in the Lower North Shore, parts of the Lane Cove River, parts of the western suburbs and extending to the Blue Mountains from upper storeys under favourable weather and atmospheric conditions

It is acknowledged that these views are of value to residents, and have been the subject to representations during the site's planning history. However, the objective impact of the reduced setback is not considered material. In particular, it will not block visibility of internationally recognised icons (eg, the Sydney Harbour Bridge), and will still enable residents to recognise and appreciate the nature of the view and important embedded elements (eg, the Lane Cove River). Notably, more valuable views to the south that extent to include parts of the Sydney CBD skyline will not be impacted by the proposal

Due to the angle of other apartments on this western elevation, the extent of their view loss will be negligible

12.4 Increased height

It is acknowledged that the proposal's increased height will impact views to the south-west currently obtained from the western elevation of the Jackson Tower in St Leonards Square, and views to the south currently obtained from the southern elevation of The Landmark and the approved yet not yet constructed Telstra Exchange BTR development.

This impacts the amenity of impacted premises. However, this impact needs to be considered in context. For the reasons outlined in this VIA, the nature and extent of impact is considered reasonable in the context of current NSW Government planning priorities related to delivery of housing, and the Region Plan, North District Plan, LSPS, Crows Nest TOD and section 9.1 directions that seek to focus this growth in the St Leonards CBD and Crows Nest TOD. Furthermore, through the proposal's height being less than

building to the north and calibrated with The Jackson Tower to the east, it is consistent with the urban form principles for the St Leonards CBD and is in keeping with its immediate surrounds.

While impactful, high value views may be obtained from locations close to the glass line and on balconies to the south in the general direction of the Sydney CBD from all buildings. In addition, views over the longer range may also be obtained to the right (north) of the building from certain locations.

The loss of view is not so unreasonable to warrant an adverse determination on a well-considered proposal that is meaningfully contributing to delivery of a greater amount and choice of well-located, well designed new homes in a widely acknowledged housing crisis where the government is responding with bold new policy measures.

13.0 Mitigation measures

There are three broad types of mitigation measures:

1. avoid
2. minimise
3. offset.

This is generally consistent with the principles for the management of environmental impacts in the GLVIA3.

Under the GLVIA3, there are a number of stages in the development process when mitigation measures should be considered. Of relevance to this proposal are the following:

- **primary measures:** considered as part of design development
- **secondary measures:** considered as part of conditioning a development consent.

As has been outlined in the planning documentation, the proposal has been the subject to a design process that has included consideration of view and visual impact. This has resulted in the incorporation of primary measures that seek to appropriately minimise view and visual impact.

The incorporation of these mitigation measures have been critical to the determination of acceptable view and visual impact. On this basis, it is not considered necessary to make further fundamental or otherwise large-scale amendments to the proposal in its current form to satisfactorily manage these impacts.

14.0 Conclusion

On the balance of relevant matters, the proposal has an acceptable view and visual impact for the following key reasons:

Visual impact

- the proposal has a scale, form, and architecture that is visually compatible with the existing and desired future character of its St Leonards CBD context.
- the replacement of multiple buildings in average visual condition with delivery of a new, publicly accessible and visually prominent plaza and other elements such as active frontages will improved the visual amenity of the surrounding public domain experienced by people

View impact

- as the concurrent rezoning seeks to amend the existing planning controls, they have less relevance and weight than would otherwise be the case
- instead, merit assessment should be undertaken guided by the strategic planning framework with regard given as appropriate to the aims and objectives of the LCLEP 2009 and other planning guidance

- the proposal promotes and is consistent with key parts of the strategic planning framework, in particular delivery of a greater amount and choice of new homes in a highly accessible locations very well serviced by public transport
- it has a nature and scale that is in keeping with the existing and desired future character of the St Leonards CBD and Crows Nest Accelerated Transport Oriented Development Program Precinct (the Crows Nest TOD)
- any development with these attributes on this site will inherently have considerable view impacts on neighbouring properties
- this is particularly the case for development at the current edge of the CBD such as the site
- the proposal is considered to align with the aims and objectives of the LCLEP 2009 as it relates to land zoning, height, FSR and the Crows Nest TOD and the LCDCP 2009 as it relates to the site
- as such, the nature of view impact is in keeping with what could reasonably be expected under the planning framework
- the proposal has been informed by comprehensive and detailed site and context analysis, that has included consideration of view and visual impact
- this has resulted in the proposal having an increased height no greater than that on adjoining land to the east, and lower than that which demarcates the centre of the CBD to the north
- as with the previously approved SSDA for the site, the reduced setback enables delivery of a high quality publicly accessible open space at the visually prominent northern end of the site
- other design measures have positive view and visual impacts, including retention of a tower setback to the site's southern boundary in accordance with the ADG, the reduction in height of the podium, and variation in the tower massing and skyline profile to reduce the appearance of building bulk.

As such it can be supported on view and visual impact grounds.

Appendix 1: View and visual impact evidence

Virtual Ideas

