

SSD – 671785465 – Submissions

Objection

The proposal should not be approved for the following reasons:

- It does not satisfy Requirement 6 (Visual Impact) of SEARS – both the visual analysis and visual impact assessment of the proposal are deficient
- It does not satisfy Requirement 4 (Built Form and Urban Design) of SEARS – the proposal does not comply with the NSLEP 2013.

SEARS Requirement 6 – Visual impact

Preliminary

- Belvedere is directly opposite the proposed development and is directly impacted by it.
- The views enjoyed by all 24 apartments on the eastern side of Belvedere from levels 10 to 13 are impacted severely to devastatingly by this proposal. The views enjoyed by these apartments are not “shared”. The proposal steals views from the owners and gives them apartments in the affordable housing Building A/3. The owners of 24 apartments who paid a lot of money for their views, will suffer view loss and financial loss due to a diminution in value of their properties of at least 12% as per the Value Impact Study dated 31.7.24 prepared by Tower & London (attached). The loss in value will result in mental and financial stress for those owners, including me. These important issues cannot be ignored and must be seriously considered as part of the social impact of this proposal.
- The VVIA is misleading. It is not a comprehensive or professional assessment of the extent of the visual impact of the proposal on Belvedere.
- The VVIA analyses 9 key viewpoints from only 5 apartments in Belvedere. Only 2 apartments are on the most seriously impacted levels 10-13. 3 apartments are on the higher levels (14, 16 and 17) where the visual impact is minimal.
- The assessments of the impact of the proposal listed in Table 6 (p54) are wrong. The images in the photos of the current views and the photomontages do not support the conclusions in the table. The VIAA understates the level of impact in Table 6 so that the overall visual impact of the proposal is deliberately minimised.
- In an application to be a project of State Significant Development, the onus is on the developer to properly present the real story as to the development’s impact. The developer is using this application as a means to exceed the current height allowances. The developer makes more money by building more apartments. This is at the expense of the surrounding properties which will lose value. The owners of those properties are partly funding affordable housing.

Sears Requirement 6 is a 2-step process.

Sears Requirement 6 Step 1 – provide a visual analysis from key viewpoints including photomontages or perspectives showing proposed and likely future development

The VIAA does not provide a comprehensive visual analysis of Belvedere and the Heritage and other buildings. SEARS Requirement 6 Step 1 is not satisfied.

To satisfy Step 1, the selection for analysis of key viewpoints and the number of key viewpoints in each affected building is crucial. The objective of selecting an appropriate number of key viewpoints in each building for analysis is to identify those key viewpoints where there is a potential for significant visual impact so that a visual impact assessment can be provided under Step 2. By **not** selecting key viewpoints for analysis, the VVIA fails to identify the key viewpoints (or the number) in each building ***which have a potential for significant visual impact*** and provide the assessment under Step 2. This is very convenient for the developer. Failing to select such key viewpoints for analysis is misleading and designed to give the impression of minimal visual impact on Belvedere.

Belvedere

- The VVIA does not provide a visual analysis with photomontage of a reasonable number of key viewpoints from the 24 apartments on levels 10 to 13 (6 apartments on each level) which have a significant visual impact by the proposal. (See images in Tower & London report attached).
- The VVIA does not analyse any key viewpoints on levels 10 and 11.
- The VVIA only analyses key viewpoints from 2 apartments on levels 12 and 13 – 1210 and 1301. (Figure 35 to 41) – 4 key viewpoints in total.
- As there are 24 affected apartments over 4 levels. With potentially 8 key viewpoints per level, 32 key viewpoints should be analysed.

Heritage

- Apartment 603, a key viewpoint, has not been selected for analysis. Figures 62, 63, 66 and 67 shows that apartment 603 should be analysed and identified as having a potential for significant visual impact, which impact should be assessed under Step2.

Sears Requirement 6 Step 2 – provide a visual impact assessment where the analysis of key viewpoints has identified a potential for significant visual impact

Requirement 6 Step 2 is not satisfied.

- Where the VVIA fails to select key viewpoints in Belvedere and Heritage for analysis under Step 1, if it had conducted such an analysis, it would identify that those key viewpoints have a potential for significant visual impact. By not providing a visual impact assessment of those key viewpoints, the VVIA does not satisfy Requirement 6 Step 2.
- Where the VVIA has selected and analysed key viewpoints in Belvedere and The Heritage and identified them as having a potential for significant visual impact under Step 1, the visual impact assessment in Step 2 fails the 4-step process in *Tenacity* for

view sharing. The conclusion in the report does not support the contention that the proposal is reasonable. Therefore, the proposal should not be allowed to proceed.

Tenacity Step 1 – What is the value of the view to be affected?

The VVIA incorrectly describes the views:

Figure 36 – 1210/138 Walker Street – the VVIA assesses water is present but does not state that the water is Sydney Harbour.

Figure 40 – 1301/138 Walker Street – the VVIA assesses no water is present. The photo clearly shows Sydney Harbour.

Figure 42 – 1402/138 Walker Street – the VVIA assesses no water is present. The photo clearly shows Sydney Harbour.

Figure 62 – 503/150 Walker Street (The Heritage) – the VVIA assesses no water is in the view. The photo clearly shows Sydney Harbour. This view should be assessed as high value as is the case with 703/150 Walker Street (Figure 66) as the view is the same. If the view from 603/150 Walker Street (a key viewpoint which was not analysed) had been analysed, it would be assessed as a high value view, as the view is the same.

Tenacity Step 2 – Consider from what part of the property the views are obtained

For the key viewpoints in the 22 apartments on levels 10 to 13 of Belvedere which were not analysed, the VVIA cannot (but should) identify a potential for significant visual impact. Thus, the VVIA fails to consider from what part of those properties the views are obtained. It has not conducted a proper and comprehensive view assessment because it has not selected key viewpoints from those properties to analyse, let alone consider from what rooms the views are enjoyed (living rooms and balconies).

Tenacity Step 3 – Assessment of the extent of the impact of the proposal on the view

The assessments of the impact of the proposal on each viewpoint are listed in the Table 6 on page 54. The assessments are wrong. The images in the photos of the current views and the photomontages do not support the conclusions in the table. The report does not properly consider the actual views and potential view loss.

The assessment is understated so that the overall visual impact of the proposal does not present as severe as it is.

The VVIA concludes that the greatest view loss will be experienced by the Aura apartments. In its conclusion on Tenacity Step 3 on pages 162-3, it fails to refer to the apartments in Walker Street (Belvedere and Heritage) despite stating that the highest value views are to the east and southeast, which are the views which these 2 buildings have.

Apartment 1210 Belvedere – Figure 34 does not state that the view also includes the Pacific Ocean. The photo shows the ocean on the other side of the eastern suburbs. It states the view contains icons and other high value elements. Yet, the statement for Figure 35 contradicts the statement for Figure 34. It states that the impact does not block icons or

other high value elements but states that it blocks views of Sydney Harbour and a *large part* of a high value view. In fact, it blocks the *entirety* of the highest valued part of the view. The impact is determined as severe but, as can be seen when the two images are properly assessed, the impact is devastating. The same conclusion can be drawn from an analysis of Figures 36 and 37. Sydney Harbour is present in Figure 36 yet the VVIA does not state this. Sydney Harbour is entirely blocked by the proposal – Figure 37.

Figures 38 and 39 – where more than 50% of the view is lost, to be replaced by a building, a conclusion that the visual impact is only moderate is fanciful.

Apartments 1010, 1110 and 1310 Belvedere – The impact is the same on the views from these apartments which, conveniently for the developer, are not identified in the VVIA as key viewpoints. See attached report from Tower & London.

Apartment 603/150 Walker Street – The impact on the view from this apartment is the same as the impact on the views from apartments 503 and 703/ 150 Walker Street. Another key viewpoint which is not identified in the VVIA.

Tenacity Step 4 – Is the proposal reasonable?

The proposal does not comply with several aspects of the NSLEP 2013 – see Sears Requirement 4. Under the *Tenacity* test of reasonableness, where an impact on views arises out of non-compliance, even a moderate impact may be considered unreasonable.

The loss of the views is caused by the height and mass of the Buildings A/3 and Building B1 which exceed the heights allowable. Specifically in relation to Building A/3, the maximum height allowable is RL 89. The proposed height in the Architectural Drawings is RL 99.42. As a result of the non-compliance with the allowable height levels, the impact on Belvedere's and Heritage's views for all the apartments discussed in these submissions is not moderate, it is either severe or devastating. The proposal is not reasonable and should not be allowed.

SEARS Requirement 4– Built Form and Urban Design

This requirement is not satisfied for two reasons.

1. The documentation is unclear as to the height of each of the buildings proposed. These discrepancies are significant:

Rothelow Architectural Drawings (DOC G-2) states:

Building A – 12 storeys – RL 99.42; Building B1 – 30 storeys – RL 154.1; Building B2 – 4 storeys – RL 66.25

Design Review Report (also called Design Proposal) prepared by Rothelow (DOC -H) states:

Building 3 (presumably this is Building A) – 12 storeys – RL 95; Building B1 – 28 storeys – RL 152; Building B2 – 5 storeys – RL 75

Regardless of the discrepancies, the heights of Building 3/A and B1 exceed Clause 4.3 of NSLEP2013:

Building 3/A - RL 89; Building B1 – RL 148; Building B2 – 4 storeys – RL 84

2. The developer has also identified the following non-compliances with NSDCP2013:

- Building 3/A rear set back is 10.5 metres – should be 12 metres
- Building 3/A podium is 3 storeys not 2 storeys
- The upper-level storey podiums are 3 metres less than required
- The view corridor between Building 3/A and Building 1 is narrower than required

As the proposal is non-compliant, it should not be allowed

Conclusion

The real issue is that the developer wishes to maximise the development potential of the site and make as much money as possible.

The developer is using the increased height allowances and GFRs under the Infill Affordable Housing provisions of a “State Significant Development” to increase the size of the buildings to allow more apartments to be built. The increase in height and bulk cannot be done without affecting the views of surrounding properties. By modifying its designs to satisfy the developer of the Aura site, it has to increase the height and bulk of Building 3/A to achieve the 15% affordable housing target. This comes at the expense of the owners of the other surrounding properties in particular Belvedere, the Heritage and the properties in Miller Street referred to in the VVIA.

The topography and location of the site is completely unsuitable for the proposed development. I have read the submissions of David Harvey regarding the impact on traffic and wish to incorporate those comments in these submissions.

The owners of the surrounding properties are contributing to the cost of affordable housing in Sydney and to the profits of CBUS by the reduction in value of their properties which this proposal will cause.

31 July 2024



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