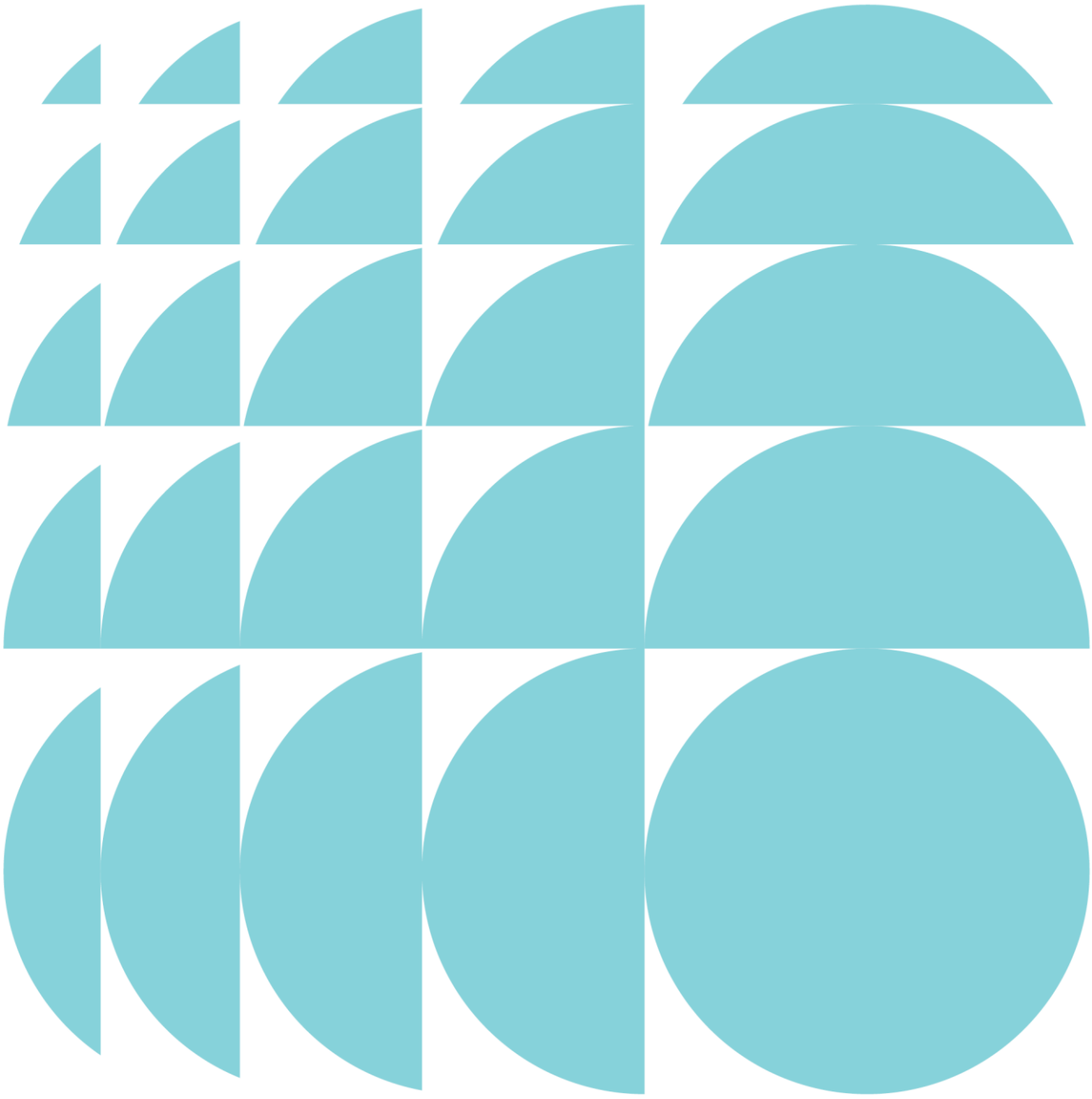
ETHOS URBAN

View Impact Assessment

80-88 Regent Street, Redfern
Mixed use student accommodation facility

Submitted to NSW Department of Planning and Environment
On behalf of Iglu No. 209 Pty Limited

04 September 2018 | 218001



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Michael Oliver 5 September 2018

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1.0 Introduction

This View Analysis has been prepared to accompany the Environmental Impact Statement for a State Significant Development Application (SSDA) for a mixed-use student accommodation building at 80-88 Regent Street, Redfern (SSD 9275). It has subsequently been updated following receipt of the NSW Department of Planning and Environments Response to Submissions letter.

The purpose of this report is to provide further consideration and assessment of the impacts from the proposal to surrounding private views in accordance with the established planning principles of *Tenacity Consulting v Warringah* [2004] NSWLEC 140.

This report must be read together with the Environmental Impact Statement and accompanying architectural drawings and design report including the updates, which set out details of the proposed building and the context of the site, including the current approval for the site for the construction of an 18 storey mixed use residential apartment building.

This report is structured as follows:

Section 2 provides an overview of the methodology adopted for this view impact analysis.

Section 3 identifies the various relevant planning principles with respect to views, view sharing and outlook.

Section 4 outlines the background to the assessment of view impacts for the current development consent for a residential apartment building on the subject site.

Section 5 provides a view impact analysis for the proposed development in relation to the private views for key neighbouring buildings in the vicinity of the site.

Section 6 provides a conclusion.

2.0 Methodology

The site was previously subject to a detailed planning assessment process by the NSW Department of Planning and Environment and the Independent Planning Commission in relation to a previous project for which development consent was granted (refer to **Section 4.0**). This view assessment has been informed by a review of the relevant planning documents for that application, which identified the 'Urba' mixed-use residential apartment building at 7-9 Gibbons Street as being the primary building impacted by proposed development on the site in terms of private views. View impacts to the 'Deicota' mixed-use building at 157 Redfern Street were also considered as part of this development assessment.

Floor plans of the Urba and Deicota buildings were reviewed to identify apartment types to be selected for further visual analysis based on their orientation and proximity to the site and the extent to which existing views, vistas and outlook are likely to be affected by the proposed development.

In order to assess the likely visual impacts of the proposed development, 3D camera views were established within the digital model by the project architect, Bates Smart, which were considered to be representative of the visual effects of the proposed development. 3D model diagrams have been prepared for the key buildings at selected levels which are representative of the low, mid and high-rise levels of the Urba and Deicota buildings.

Additional information and analysis of the visual relationship between the proposed building and the public domain, including photomontages of the proposed development from Regent Street, is provided separately from this report in the:

- Architectural Design Report prepared by Bates Smart submitted with the Environmental Impact Statement (EIS) September 2018; and
- Supplementary Architectural Design Report prepared by Bates Smart submitted with the Response to Submissions dated January 2019.

3.0 Planning Principles and Policies Applying to Private Views

The following view analysis has been undertaken with regard to the view sharing principles established by the NSW Land and Environment Court in *Tenacity v Warringah Council [2004]* NSWLEC 140. Whilst applying *Tenacity*, it is noted there is difficulty in applying the 'reasonableness' test of Tenacity in the absence of height and built form controls.

3.1 Land and Environment Court Planning Principles

3.1.1 *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140

Tenacity establishes principles for view sharing and the approach that is to be taken in determining the extent and appropriateness of view impacts. While no one has the absolute right to a view from a private property in NSW, the layout and design of development should as far as be practicable and reasonable factor in existing views from other properties. This Planning Principle establishes a four-step assessment to assist in deciding whether view sharing is reasonable:

1. Step 1: assessment of views to be affected
2. Step 2: consider from what part of the property the views are obtained
3. Step 3: assess the extent of the impact
4. Step 4: assess the reasonableness of the proposal that is causing the impact.

Key considerations include:

Step 1: assessment of views to be affected

- A hierarchy of views are developed. 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.

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

- consideration 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.

Step 3: assess the extent of the impact Assessment of 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.

Step 4: 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.

3.1.2 *Rose Bay Marina Pty Limited v Woollahra Municipal Council and Anor* [2013] NSWLEC 1046

The planning principle for public domain views adopted in *Rose Bay Marina* involves a two-stage inquiry: the first factual, followed by a second, analytical.

Stage 1 – Investigation

The first stage involves several steps. Initially, the task is to identify the nature and scope of the existing views from the public domain, which should include considerations relating to:

- the nature and extent of any existing obstruction of the view;
- relevant elements of the view;
- what might not be in the view;
- whether the change permanent or temporary; and
- what might be the curtilages of important elements within the view.

The second step is to identify the locations in the public domain from which the potentially interrupted view is enjoyed.

The third step is to identify the extent of the obstruction at each relevant location. In this regard, the Court said that the impact on appreciation of a public domain view should not be subject to any eye height constraint.

The fourth step is to identify the intensity of public use of those locations where that enjoyment will be obscured, in whole or in part, by the proposed private development.

The final step is to inquire whether or not there is any document that identifies the importance of the view to be assessed (such as heritage recognition) or where the applicable planning regime promotes or specifically requires the retention or protection of public domain views.

Stage 2 – Analysis

The Court said the analysis required of a particular development proposal's public domain view impact is both quantitative as well as qualitative, but 'this is not a process of mathematical precision requiring an inevitable conclusion based on some fit in a matrix'.

Planning controls or policies for the maintenance or protection of public domain views can create a presumption against the approval of a development with an adverse impact on a public domain view. This being so, the document must be properly considered, and the legal status of the document is relevant in this regard.

In the absence of such planning controls or policies, the Court said 'the fundamental quantitative question is whether the view that will remain after the development (if permitted) is still sufficient to understand and appreciate the nature of and attractive or significant elements within the presently unobstructed or partially obstructed view.' Interestingly in this regard, the Court said that sometimes it may be essential to preserve partially obstructed views from further obstruction whereas in other cases this may be 'mere tokenism'.

The qualitative evaluation requires an assessment of the aesthetic and other elements of the view, and the outcome of this process 'will necessarily be subjective'. The framework for how the assessment is undertaken must be clearly articulated including clearly setting out the factors/considerations to be taken into account and the weight attached to them.

The relevant factors articulated by the Court included the following:

- a high value is to be placed on 'iconic views';
- a completely unobstructed view has value;
- whether any significance attached to the view is likely to be altered, and if so, who or what organisation has attributed that significance and why they have done so;

- whether the present view is regarded as desirable and whether the change makes it less so and why;
- whether any change to whether the view is a static or dynamic one should be regarded as positive or negative and why;
- if the view attracts the public to specific locations, why and how that attraction is likely to be impacted;
- whether any present obstruction of the view is so extensive as to render preservation of the existing view merely tokenistic;
- on the other hand, if the present obstruction of the view is extensive, whether the remainder warrants preservation; and
- does the insertion of some new element into the view by the proposed development alter the nature of the present view?

3.2 Planning Instruments and Policies

3.2.1 State Significant Precincts SEPP

The principal environmental planning instrument which establishes planning controls for the subject site is *State Environmental Planning Policy (State Significant Precincts) 2005* (the State Significant Precincts SEPP). The instrument does not provide specific objectives for each development standards, but does provide the following applicable zone objectives which provide an indication of the intended future character for development on the subject site:

> *(a) to facilitate the development of a town centre,*
> *(b) to encourage employment generating activities by providing a wide range of retail, business, office, community and entertainment facilities,*
> *(c) to permit residential development that is compatible with non-residential development,*
> *(d) to maximise public transport patronage and encourage walking and cycling,*
> *(e) to ensure the vitality and safety of the community and public domain,*
> *(f) to ensure buildings achieve design excellence,*
> *(g) to promote landscaped areas with strong visual and aesthetic values to enhance the amenity of the area.*

It is evident from these objectives, read in conjunction with the applicable development standards which provide for new development up to 18 storeys in height with a floor space ration of 7:1, that the State Significant Precincts SEPP seeks to provide for a significant increase in development on the subject site above the existing development to seek to add vibrance and activity within the precinct.

3.2.2 Draft Urban Design Principles – Redfern Centre

The Draft Urban Design Principles (the Draft UDP for the Redfern Centre were developed by the (then) Redfern Waterloo Authority in 2009 to provide additional detail regarding the expectations for design excellence within the Redfern-Waterloo State Significant Sites under clause 22 of Part 5 of Schedule 3 of the State Significant Precincts SEPP. These principles apply to the area generally bounded by Marian Park, Margaret Street, Regent Street and Lawson Square. The principles were publicly exhibited in 2010 and were subsequently endorsed by the (then) Minister for Planning and Infrastructure.

The relevant provisions of the Draft UDP in relation to views and view sharing are reproduced below:

> ***Section 4.2 High-rise development***
> *Objectives*
>
> - *To enable view sharing by residents and office workers alike to the city skyline and district views to the south of the site.*
> - *To ensure that new development preserves and enhances view corridors, street vistas and views to and from public places.*

Building separation

- *Development is to be designed to allow view sharing by residents and office workers of existing views across to the southern edge of the city and district views to the east, west and south.*
- *No development to encroach on existing view corridors:*
  - *Looking west on Redfern Street*
  - *Looking north on Gibbons Street, Regent Street to the Sydney CBD*
  - *Looking either east or west on Redfern Street Laneway.*

The site is not identified as being located within or encroaching upon any identified view corridors. The Draft UDP promotes principles of view sharing, whilst also facilitating substantial new development on the subject site.

3.2.3 Sydney Development Control Plan 2012

The Sydney Development Control Plan 2012 does not apply to State Significant Development. The DCP nonetheless provides a planning context with respect to the consideration of views of proposed development within the broader City of Sydney LGA outside of the Redfern-Waterloo area, and is required to be addressed by the Secretary's Environmental Assessment Requirements for the project.

It has been a long-standing strategic position of the City of Sydney Council that views, and view sharing, is a matter of specific and particular importance with respect to the potential impact of development on key views and vistas that are available at the street level and generally from or within the public domain.

Section 4.2.3.10 of DCP 2012 articulates the following with respect to outlook and views in relation to the impact of development on existing and future residential amenity:

"(1) Provide a pleasant outlook, as distinct from views from all apartments.

(2) Views and outlooks from existing residential development should be considered in the design of the form of the new development"

Note: Outlook is a short-range prospect, such as building to building, while views are more extensive or long range to particular objects or geographical features."

Accordingly, it is clear that the focus of the DCP provisions are for the attainment of a pleasant outlook, with opportunities to retain existing views obtained from buildings to be considered in design but not prioritised.

4.0 Existing State Significant Development Consent SSD 15_7080

State Significant Development Consent was granted by the (then) Planning Assessment Commission (PAC) as delegate of the Minister for Planning for an 18-storey mixed-use residential apartment building on 22 November 2017. View impacts were considered closely by the NSW Department of Planning and Environment and the PAC in respect of the proposed building that was subject to that approval. The development consent would not lapse until 22 November 2022 (unless physically commenced) and is therefore considered to be relevant to the assessment and consideration of visual impacts for the current planning application.

The Iglu proposal seeks to be generally consistent with the building envelope approved under SSD 15_7080. As outlined in **Figure 1** and **Figure 2**, the proposed tower floorplate is generally consistent with that of the existing approved development. Key differences arising between the existing approved scheme and the current proposal for the purpose of a visual assessment are as follows:

- Reduced podium height.
- Different architectural aesthetic.
- Changes to tower floorplate:
  - Substantial reduction in floorplate in north-west corner, increasing building separation.
  - Minor protrusion (approx. 900mm) of western building edge arising from angular floorplate.
  - Slight reduction in northern tower setback (approx. 1 metre) and infill of articulation zone in existing approval.
- Reduced maximum building height by approx. 2.8 metres, arising from lower floor-to-floor levels required for student accommodation.

Figure 1, which is provided in further detail in the Architectural Drawings that accompany this application, provides an illustrative comparison of the building envelope of the existing approved development (blue outline) with the proposed tower floorplate that is the subject of this application.

Accordingly, the view impacts of the proposed development can be expected to be generally consistent with those of the currently approved development, albeit with changes to impacts arising from the minor differences in the maximum building envelope outlined above.

In the NSW Department of Planning and Environment's Environmental Assessment Report, the assessment of visual impacts was considered closely in the planning assessment. In particular, potential private view impacts to existing dwellings located within the 'Urba' building at 7-9 Gibbons Street which is located directly to the west of subject site across William Lane, and the 'Deicota' building at 157 Redfern Street located to the north-west across William Street (qualitative assessment only, no viewpoints prepared or assessed).

The Department's assessment notes that the Urba and Deicota buildings currently obtain views over the site given the site remains undeveloped since the commencement of planning controls under the State Significant Precincts SEPP. This amenity is essentially 'borrowed' temporarily whilst the site remains undeveloped, however is not the intent of the base planning controls that apply to the site.

Pages 10-13 provide a full extract of the Department's planning assessment of view impacts associated with SSD 15_7080.

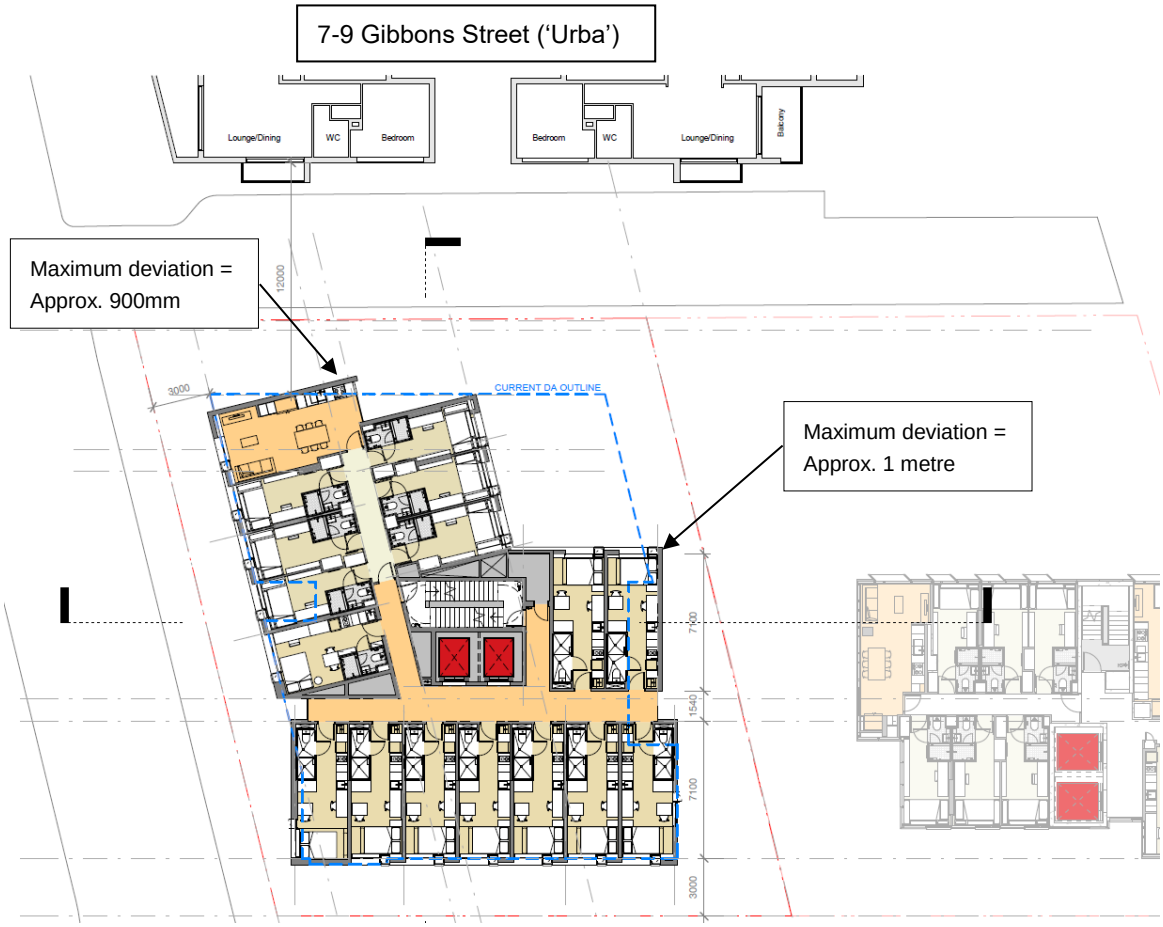


Figure 1 Extract from proposed architectural plans (typical tower floorplate)

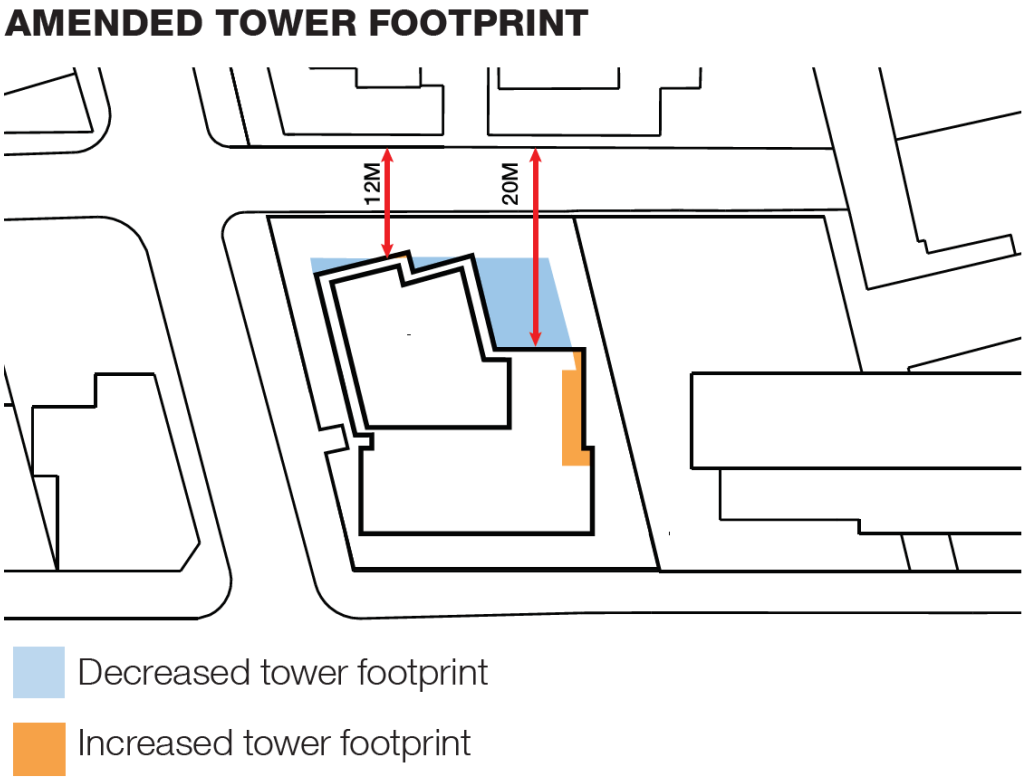


Figure 2 Diagrammatic illustration of tower footprint compared to SSD 17_7080

Source: Bates Smart

5.4. Amenity Impacts

Consideration is provided below to potential amenity impacts raised in public submissions to the proposal, including view loss, solar and overshadowing impacts. Given visual privacy requires consideration in the ADG, this is considered separately in **Section 5.5**.

5.4.1. View Impacts

The development is directly adjacent to three residential buildings, 7-9 Gibbon Street (west), 157 Regent Street (north-west) and 60-78 Regent Street (north), all of which have views that will be impacted by the proposal. A large proportion of the public submissions (54%) raised concerns in relation to view loss from the proposed development, particularly from the adjacent residents at 7-9 Gibbons Street (Urba) and 157 Redfern Street (Deicota). Views to the south from 60-78 Regent Street (Iglu) which is currently under construction, were also raised.

The Applicant has undertaken an assessment of potential view impacts on apartments within the Deicota Building, Urba Building (**Figures 16-19**) and the Iglu Building in the RRtS. The Department has reviewed the Applicant's view impact assessment and is satisfied it accurately considers the views affected, location of where views are obtained and the extent of impacts.

As part of its assessment, the Department wrote to all submitters who had raised view loss concerns and offered to inspect their properties to assess the potential impacts of the proposed development on their views. The Department was granted access to one apartment on Level 11 within the Deicota Building.

To ascertain whether the proposed view sharing impacts are reasonable, the Department has followed a four-step assessment in accordance with the principles established by *Tenacity Consulting Vs Warringah [2004] NSWLEC 140*. The steps/principles adopted in the decision are:

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

The findings of the assessment against the first three steps are summarised in **Table 7** below:

Table 7: Summary of view loss impacts.

Principle	Building	Consideration
Views affected	Deicota	Views to the east or south across to the eastern suburbs. Apartments orientated south-east have views to the south towards Redfern and Waterloo and distant views to Botany Bay.
	Urba	Views to the east and south to Redfern and Waterloo and distant views to the eastern suburbs and Botany Bay.
	Iglu	Views to the south towards Redfern and Waterloo and distant views to Botany Bay.
From what part of the property are the views obtained	Deicota	Apartment A views to the south from a bedroom will be affected. Apartment B views from the living area and balcony to the south-east.
	Urba	Apartment C has views to the east and south from the living area window and balcony. A highlight window provides eastern views to Redfern and Waterloo. Apartment D has views to the east and south from the living area, balcony 1 and balcony 2. A bedroom window also provides views of Redfern and Waterloo to the east.
	Iglu	The communal dining and living areas located at the southern end of the building from levels 2-17.

Extract from DP&E Assessment Report

Extent of impacts	Deicota	Impacts would range from minor for Apartment A (as the impact is limited to views from the bedroom), to severe for Apartment B. Partial view corridors would be retained to the south across William Lane with the impact more severe at lower levels. Level 18 would retain partial views over the proposal.
	Urba	Impacts are considered to range from minor to moderate. Apartment C would retain some views to the west between the Iglu tower and the proposal from their living room windows and balcony. Partial views along William Lane would also be retained. Apartment D views to the south will not be impacted.
	Iglu	The impact on the views to the south is severe as it will be substantially obstructed.

The fourth step of the Tenacity planning principles is to assess the reasonableness of the proposal that is causing the impact. The Department notes the proposal complies with the overall height and FSR controls applicable to the site (see **Section 5.3**). Further, the height of the proposal is consistent with the height of the surrounding Deicota, Iglu and Urba buildings, which were developed under the same planning controls.



Figure 16: View impacts from adjacent residence, Apartment D Urba, 7-9 Gibbons Street. Left image is existing, right image is proposed (both from view line no.1 shown on plan below) (Source: Applicant's RtS)

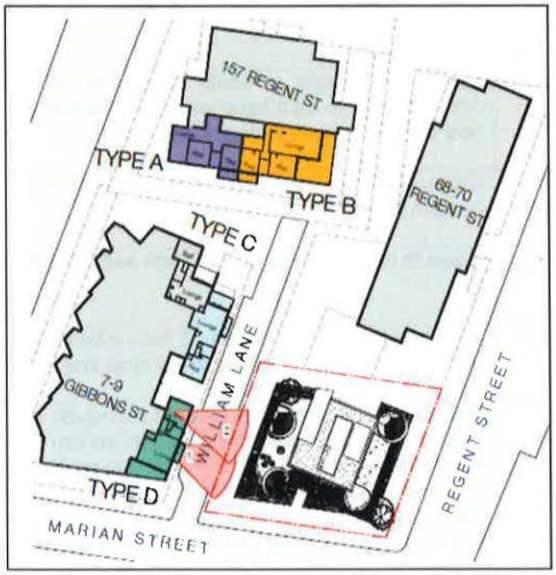


Figure 17: View impacts from adjacent residence, Apartment D Urba, 7-9 Gibbons Street from view line no.1 (Source: Applicant's RtS)

Extract from DP&E Assessment Report



Figure 18: View impacts from adjacent residence, Apartment D Urba, 7-9 Gibbons Street. Left image is existing, right image is proposed (both from view line no.1 shown on plan below) (Source: Applicant's RtS)

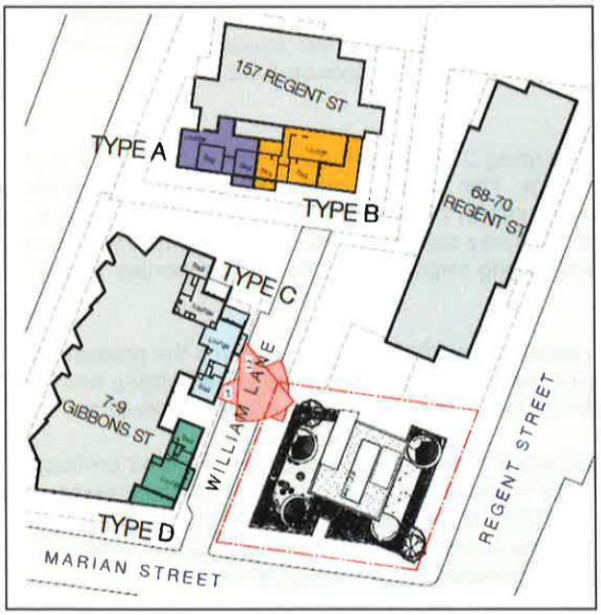


Figure 19: View impacts from residence, Apartment C Urba, 7-9 Gibbon Street from view line no.1 (Source: Applicant's RtS)

The Applicant contends the proposal provides a slender tower form within the 18-storey height limit and density controls envisaged for the site, and as such some impact on views is inevitable.

The Applicant further considers adherence to ADG building separation recommendations would not alter view impacts to neighbouring buildings and full compliance with setback controls would result in only a marginal change to the easterly view impact of some apartments within Urba.

The Department notes the views currently enjoyed by the Deicota, Urba and Iglu buildings across the development site are the result of the amenity afforded by the current undeveloped subject site containing low-rise two-storey buildings.

The Deicota, Urba and Iglu buildings were approved by virtue of uplifted planning controls and design guidelines adopted to achieve the SSP SEPP strategic objectives for the Redfern-Waterloo Precinct

Extract from DP&E Assessment Report

by facilitating the development of the Redfern Town Centre, encouraging employment generating activities and permitting residential development that is compatible with non-residential development. The subject site benefits from similar uplifted controls which premeditate a large-scale redevelopment of a scale proportionate to that of existing neighbouring developed sites to achieve the same zone objectives.

While the Department acknowledges the adverse impact on some views from neighbouring buildings, given the proposed development is consistent with the height and density controls applying to the site, the preservation of these views would unreasonably limit the development potential of the site and would in effect sterilise the site from future redevelopment.

The Department also considers this outcome to be unsustainable and inequitable in terms of the broader strategic objectives for this area and its ability to contribute to a range of strategic objectives in the BEP and Draft UDG, including economic growth, job creation and housing supply in areas well serviced by public transport, the CBD and a range of other amenities.

The Department concludes the overall view impacts are acceptable as the proposal is consistent with the maximum 18-storey height and density controls. The Department further concludes that increases to the proposed setbacks of the tower would not materially increase the view corridors available from adjacent development (see **Section 5.3.2**).

Source: NSW Department of Planning and Environment, Environmental Assessment Report for SSD 15_7080, pages 25-28.

The Department's planning assessment in relation to view impacts was supported by the Independent Planning Commission (IPC) in their determination of the existing development consent. In their Determination Report, the IPC addressed view impacts as follows:

> *The Department closely analysed the view loss that might result from the proposed development. It found a range of view loss impacts from moderate to severe in all three neighbouring high-rises, although it argued that these views are essentially opportunistic as they result from the same height and floor space uplift that applies to the subject site, and occur through an undeveloped building envelope. The Commission concludes that preservation of all existing views would unreasonably limit the development of the subject site and frustrate the objectives of the height and floor space controls in State Environmental Planning Policy (State Significant Precincts) 2005.*
>
> *The configuration, setback and alignment of proposed apartments minimises, as far as practicable, visual privacy conflicts to the north, while window hoods would be installed on west facing windows to prevent direct overlooking. Finally, the loss of views over the site is inevitable owing to the height and floor space uplift that facilitated this proposal as well as the other three buildings from which views are currently obtained. While earlier proposed designs would not have done so, the design submitted to the Commission achieves an appropriate balance has been achieved.*

Having regard to the above, it is clear that it is not reasonable for existing residents and owners of the Urba and Deicota building apartments who currently obtain views over the subject site to expect that these views will be maintained in the future. The retention of these views is only contingent on the subject site not being redeveloped pursuant to the controls that apply under the State Significant Precincts SEPP.

Having regard to the assessment undertaken by the Department and the PAC, the proposed development has sought to ensure consistency with the existing approved development as outlined in **Figure 1** to not give rise to any significant change in view impacts beyond those which have already been assessed and deemed to be acceptable. Notwithstanding this, the proposed building envelope does depart from the existing approval in a small number of instances where this gives rise to an improved development outcome that delivers other improvements to the amenity of adjoining building, for instance by orienting windows away from the Urba building or by providing increased building separation within the north-west corner of the site. Accordingly, **Section 5** provides a new assessment of the proposed development on views in comparison to the existing views and approved development.

5.0 View Impact Analysis

Figure 3 below illustrates a typical floor plan for the proposed tower, the outline of the currently approved building under SSD 17_7080, and the configuration of the key affected apartment types within the typical floor plate of the Urba and Deicota buildings. **Figure 3** illustrates the view corridor which is attainable from these apartments if the development approved under SSD 17_7080 is constructed, and indicates the narrow aperture of view that would be lost from the apartment bedrooms based on the proposed student accommodation building.

In order to provide a qualitative assessment of the impact of the proposed development in accordance with the approach set out in *Tenacity*, the following apartments have been identified as being indicative of the views currently obtained from east-facing apartments in the Urba building and south-east facing apartments in the Deicota building.

Urba:

1. 7-9 Gibbons Street, Unit Type H, Living Area/ Balcony, Level 05
2. 7-9 Gibbons Street, Unit Type H, Living Area/ Balcony, Level 10
3. 7-9 Gibbons Street, Unit Type H, Living Area/ Balcony, Level 18
4. 7-9 Gibbons Street, Unit Type J, Living Area/ Balcony, Level 05
5. 7-9 Gibbons Street, Unit Type J, Living Area/ Balcony, Level 10
6. 7-9 Gibbons Street, Unit Type J, Living Area/ Balcony, Level 18

Deicota:

7. 157 Redfern Street, Unit Type B, Living Area/ Balcony, Level 05
8. 157 Redfern Street, Unit Type B, Living Area/ Balcony, Level 10
9. 157 Redfern Street, Unit Type B, Balcony, Level 18

The following sections identify the nature of these views and assess the impact of the proposed development in accordance with Steps 1 to 3 of *Tenacity*. **Section 6.0** provides an assessment of the reasonableness of the impacts identified in accordance with Step 4 of *Tenacity* and summarises the findings of this view assessment.

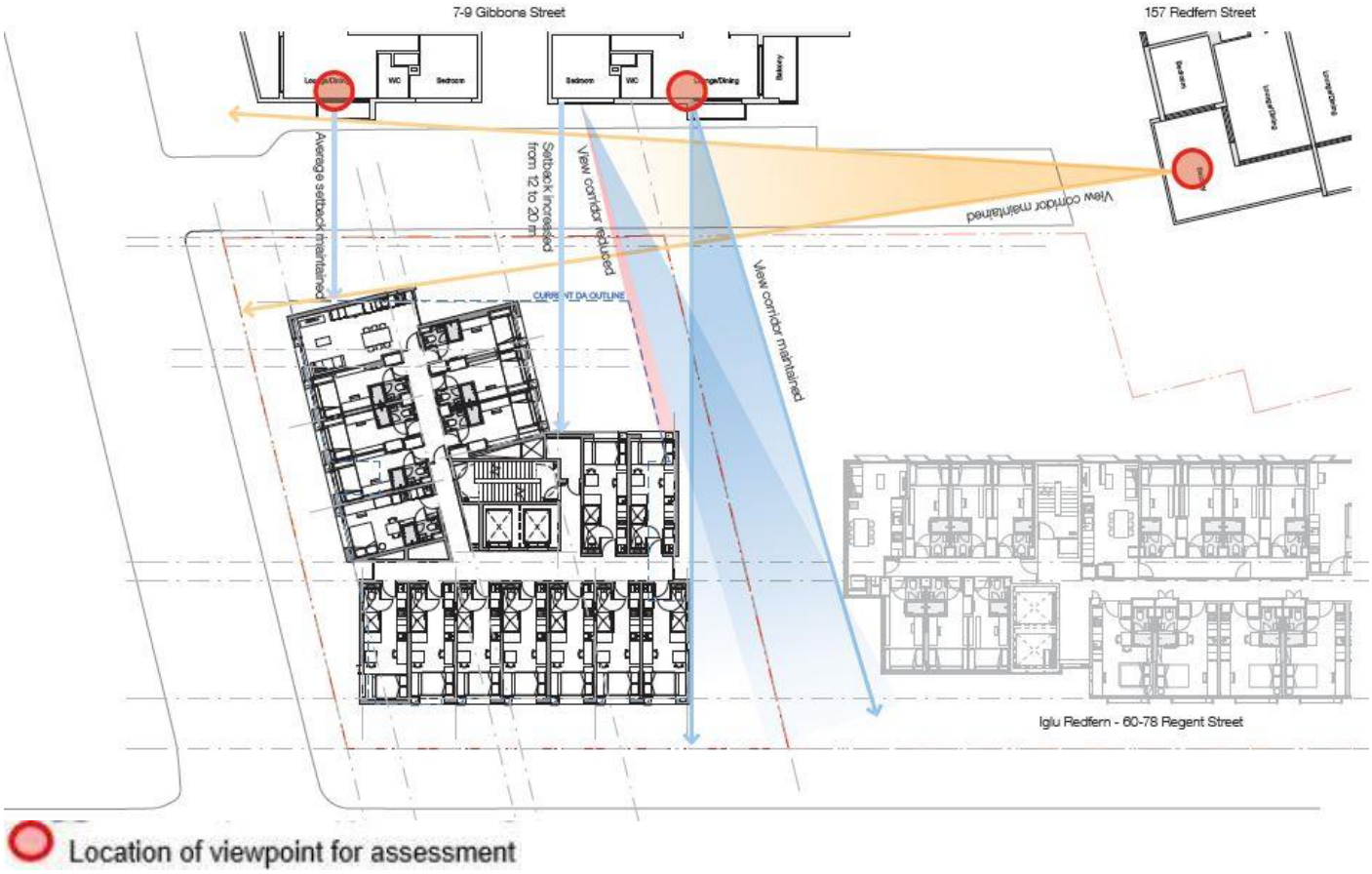


Figure 3 Location of potential view impacts within the Urba and Diecota buildings

Source: Bates Smart, annotated by Ethos Urban

5.1 7-9 Gibbons Street, Unit Type H, Level 05

Viewpoint 1 is taken from Level 5 of the north-eastern apartment (Type H) in the Urba building.

The following table provides an assessment of the view to be affected. Imagery provided for this view represents the existing view, the view if the current approval is constructed and the proposed view. The location from which the view is taken, and the field of view, is overlain on the floor plan for the existing Urba building.

Table 1 Viewpoint 1 visual assessment

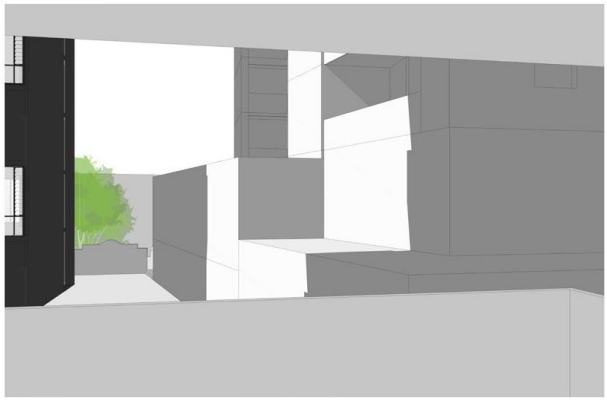
Step	Assessment
Views to be affected: *existing*	View over rear of existing properties on subject site, upper level of Regent Street streetscape, sky views
Views to be affected: *current approval*	Outlook to rear of approved development, commercial levels, narrow aperture view to upper level of Regent Street streetscape, narrow aperture to sky views
Location from which views are obtained	Residential apartment – living room and balcony
Extent of impact: *existing view*	Moderate
Extent of impact: *current approval*	Negligible or Improved
Reasonableness of proposal	Refer to **Section 6.0**.



Indicative viewpoint location



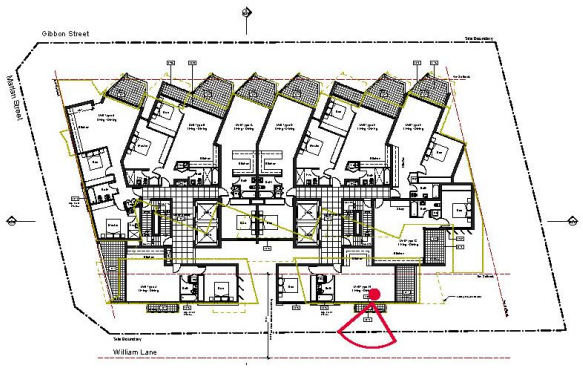
View from 7-9 Gibbons Street Unit H - Level 05
Existing view



View from 7-9 Gibbons Street Unit H - Level 05
View with currently approved DA



View from 7-9 Gibbons Street Unit H - Level 05
View with proposed DA



5.2 7-9 Gibbons Street, Unit Type H, Level 10

Viewpoint 2 is taken from Level 10 of the north-eastern apartment (Type H) in the Urba building.

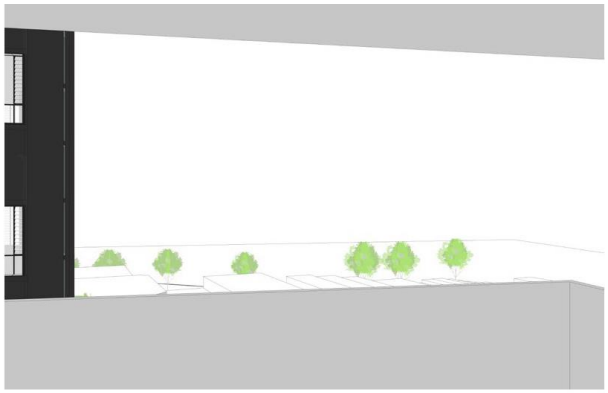
The following table provides an assessment of the view to be affected. Imagery provided for this view represents the existing view, the view if the current approval is constructed and the proposed view. The location from which the view is taken, and the field of view, is overlain on the floor plan for the existing Urba building.

Table 2 Viewpoint 2 visual assessment

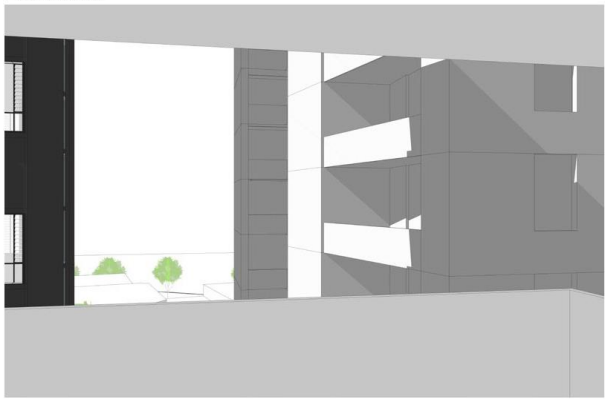
Step	Assessment
Views to be affected: *existing*	View over rear of existing properties on subject site, upper level of Regent Street streetscape, district views
Views to be affected: *current approval*	Outlook to apartments, narrow aperture view to upper level of Regent Street streetscape, narrow aperture to sky views
Location from which views are obtained	Residential apartment – living room and balcony
Extent of impact: *existing view*	Moderate-Severe
Extent of impact: *current approval*	Negligible or Improved
Reasonableness of proposal	Refer to **Section 6.0.**



Indicative viewpoint location



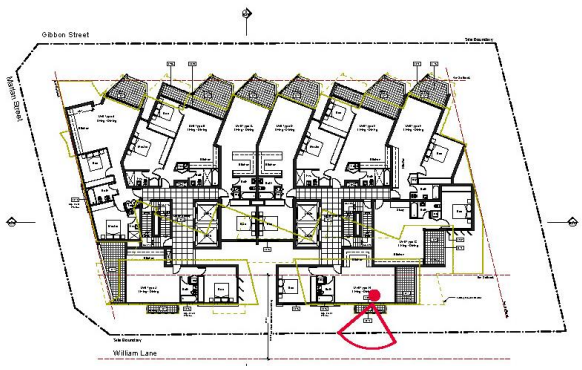
View from 7-9 Gibbons Street Unit H - Level 10
Existing view



View from 7-9 Gibbons Street Unit H - Level 10
View with currently approved DA



View from 7-9 Gibbons Street Unit H - Level 10
View with proposed DA



5.3 7-9 Gibbons Street, Unit Type H, Level 18

Viewpoint 3 is taken from Level 18 of the north-eastern apartment (Type H) in the Urba building.

The following table provides an assessment of the view to be affected. Imagery provided for this view represents the existing view, the view if the current approval is constructed and the proposed view. The location from which the view is taken, and the field of view, is overlain on the floor plan for the existing Urba building.

Table 3 Viewpoint 3 visual assessment

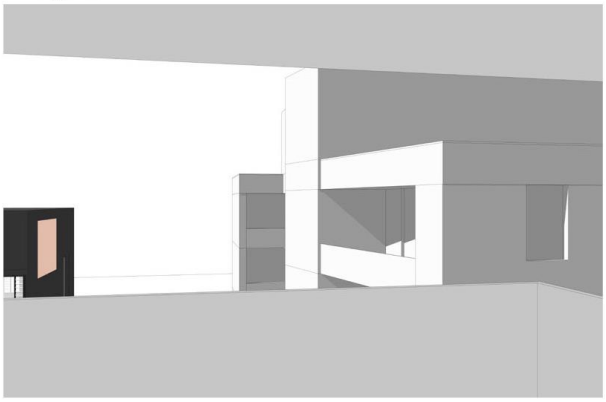
Step	Assessment
Views to be affected: *existing*	District views
Views to be affected: *current approval*	Outlook to upper level apartments and plant rooms, narrow aperture view to district
Location from which views are obtained	Residential apartment – living room and balcony
Extent of impact: *existing view*	Moderate
Extent of impact: *current approval*	Improved
Reasonableness of proposal	Refer to **Section 6.0.**



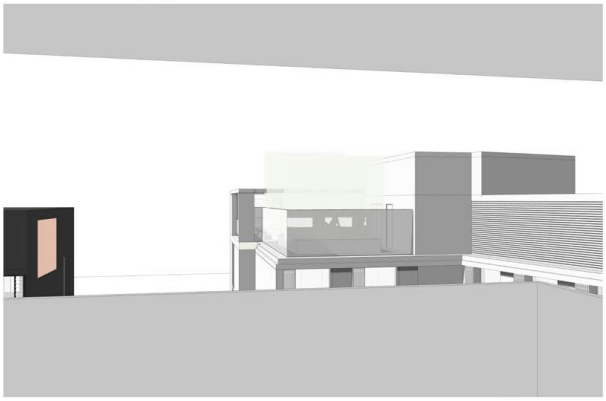
Indicative viewpoint location



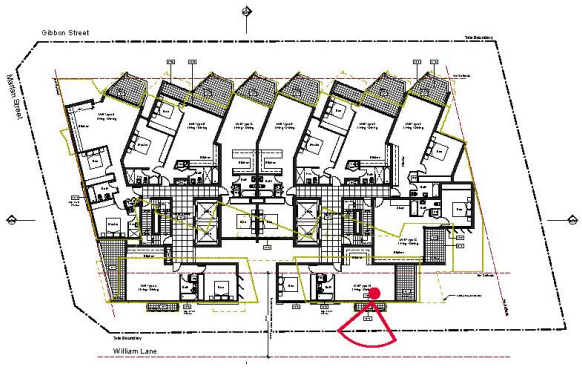
View from 7-9 Gibbons Street Unit H - Level 18
Existing view



View from 7-9 Gibbons Street Unit H - Level 18
View with currently approved DA



View from 7-9 Gibbons Street Unit H - Level 18
View with proposed DA



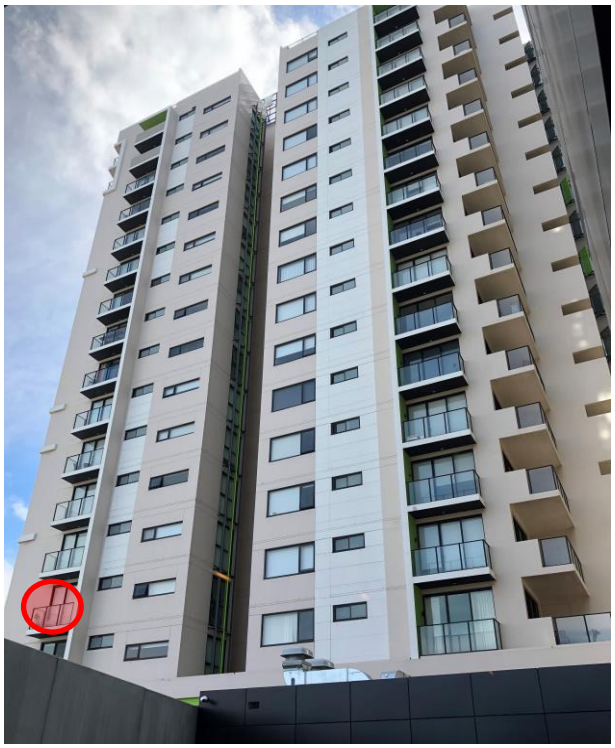
5.4 7-9 Gibbons Street, Unit Type J, Level 5

Viewpoint 4 is taken from Level 5 of the south-eastern apartment (Type H) in the Urba building.

The following table provides an assessment of the view to be affected. Imagery provided for this view represents the existing view, the view if the current approval is constructed and the proposed view. The location from which the view is taken, and the field of view, is overlain on the floor plan for the existing Urba building.

Table 4 Viewpoint 4 visual assessment

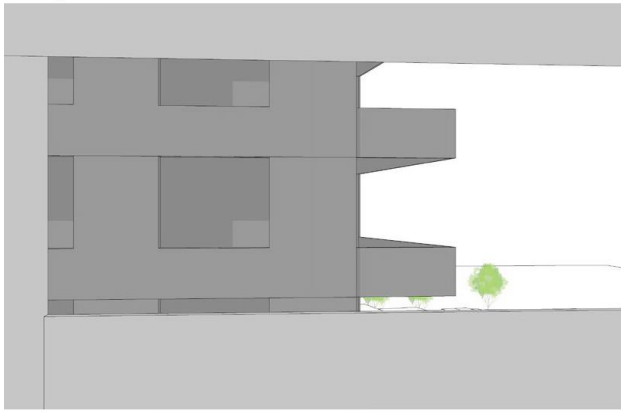
Step	Assessment
Views to be affected: *existing*	View over rear of existing properties on subject site, upper level of Regent Street streetscape, sky views
Views to be affected: *current approval*	Outlook to residential apartments, potential filtered views through open balcony areas
Location from which views are obtained	Living room, balcony
Extent of impact: *existing view*	Moderate
Extent of impact: *current approval*	Negligible
Reasonableness of proposal	Refer to **Section 6.0**.



Indicative viewpoint location



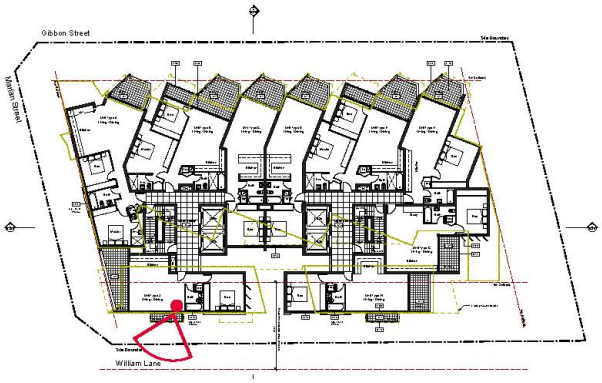
View from 7-9 Gibbons Street Unit J - Level 05
Existing view



View from 7-9 Gibbons Street Unit J - Level 05
View with currently approved DA



View from 7-9 Gibbons Street Unit J - Level 05
View with proposed DA



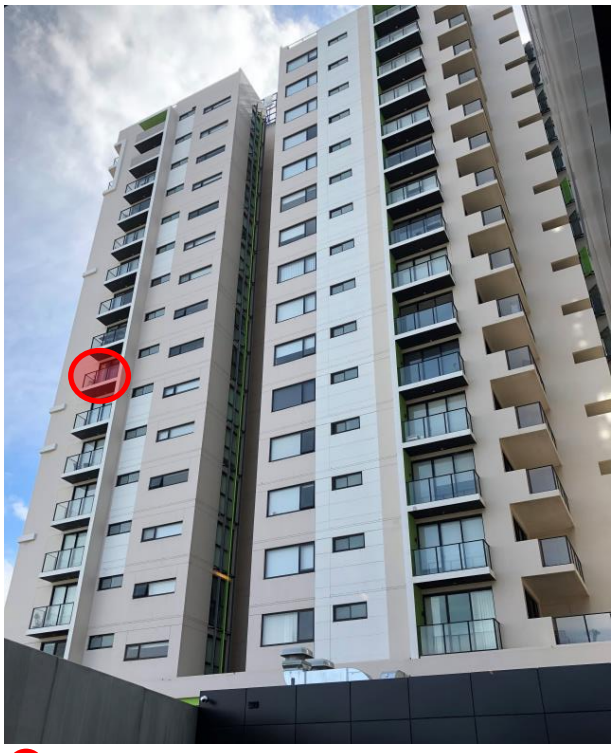
5.5 7-9 Gibbons Street, Unit Type J, Level 10

Viewpoint 5 is taken from Level 10 of the south-eastern apartment (Type J) in the Urba building.

The following table provides an assessment of the view to be affected. Imagery provided for this view represents the existing view, the view if the current approval is constructed and the proposed view. The location from which the view is taken, and the field of view, is overlain on the floor plan for the existing Urba building.

Table 5 Viewpoint 5 visual assessment

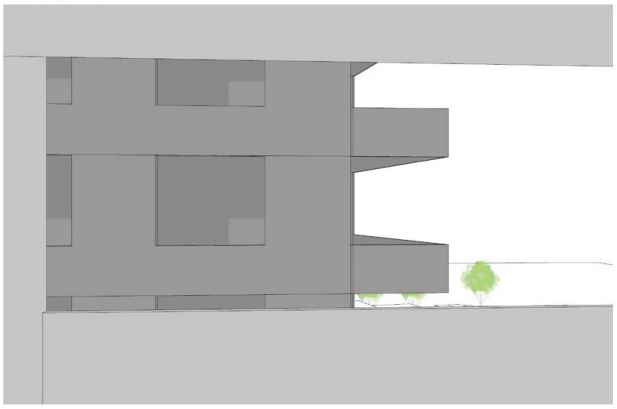
Step	Assessment
Views to be affected: *existing*	View over rear of existing properties on subject site, upper level of Regent Street streetscape, district views
Views to be affected: *current approval*	Outlook to apartments, potential filtered views through open balcony areas
Location from which views are obtained	Residential apartment – living room and balcony
Extent of impact: *existing view*	Moderate
Extent of impact: *current approval*	Negligible
Reasonableness of proposal	Refer to **Section 6.0**.



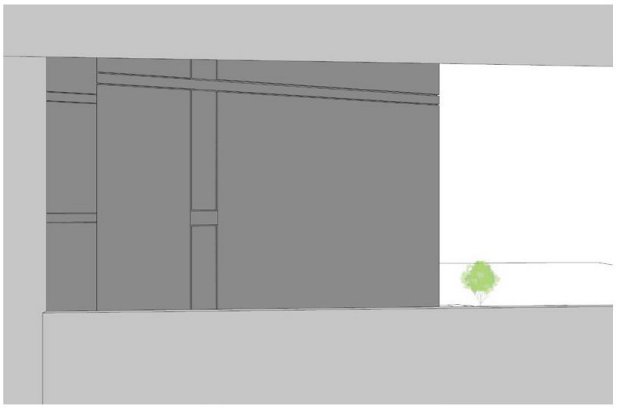
Indicative viewpoint location



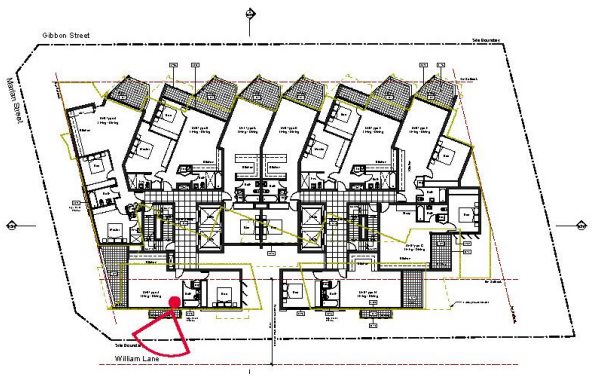
View from 7-9 Gibbons Street Unit J - Level 10
Existing view



View from 7-9 Gibbons Street Unit J - Level 10
View with currently approved DA



View from 7-9 Gibbons Street Unit J - Level 10
View with proposed DA



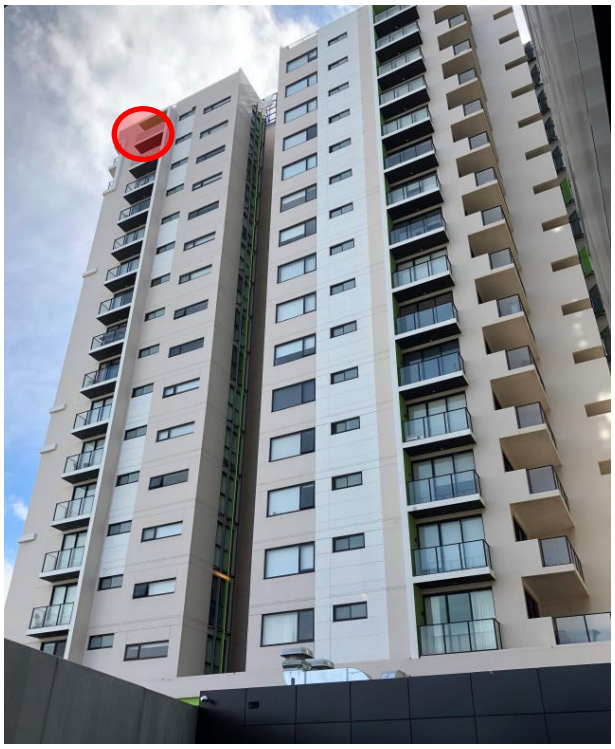
5.6 7-9 Gibbons Street, Unit Type J, Level 18

Viewpoint 6 is taken from Level 18 of the south-eastern apartment (Type J) in the Urba building.

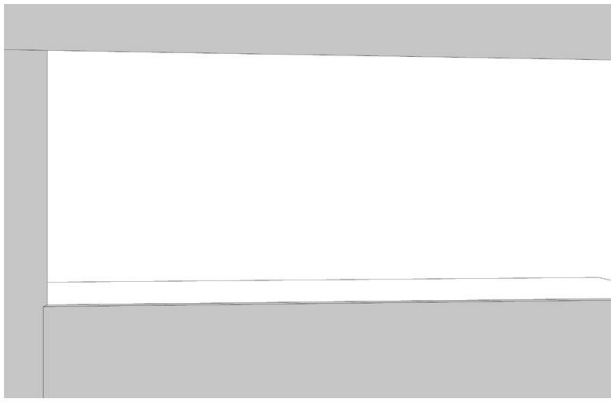
The following table provides an assessment of the view to be affected. Imagery provided for this view represents the existing view, the view if the current approval is constructed and the proposed view. The location from which the view is taken, and the field of view, is overlain on the floor plan for the existing Urba building.

Table 6 Viewpoint 6 visual assessment

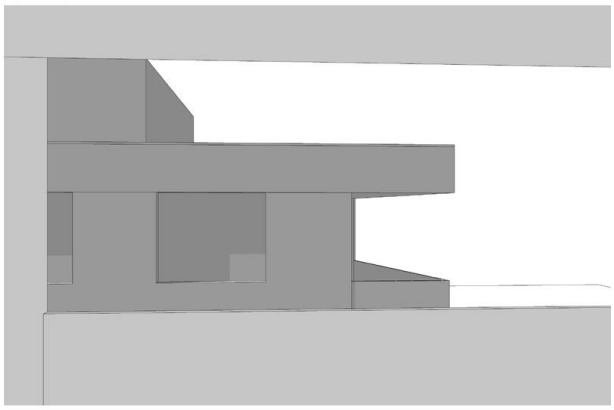
Step	Assessment
Views to be affected: *existing*	District views
Views to be affected: *current approval*	Outlook to upper level apartments and plant rooms, district views opening up to right of frame
Location from which views are obtained	Residential apartment – living room and balcony
Extent of impact: *existing view*	Moderate
Extent of impact: *current approval*	Improved
Reasonableness of proposal	Refer to **Section 6.0.**



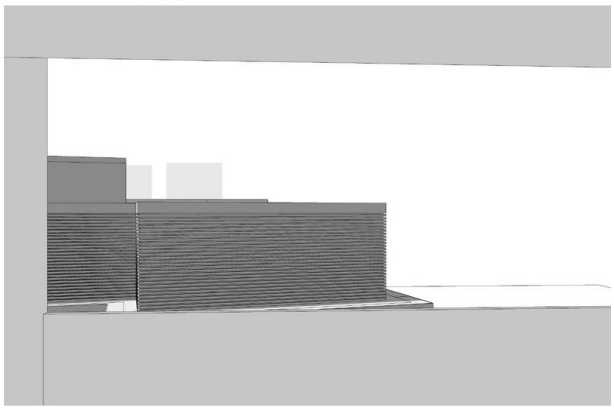
Indicative viewpoint location



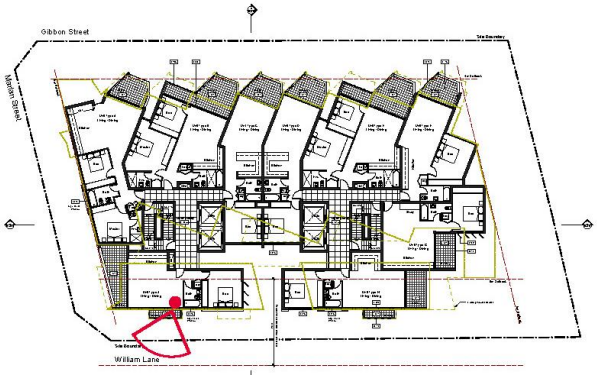
View from 7-9 Gibbons Street Unit J - Level 18
Existing view



View from 7-9 Gibbons Street Unit J - Level 18
View with currently approved DA



View from 7-9 Gibbons Street Unit J - Level 18
View with proposed DA



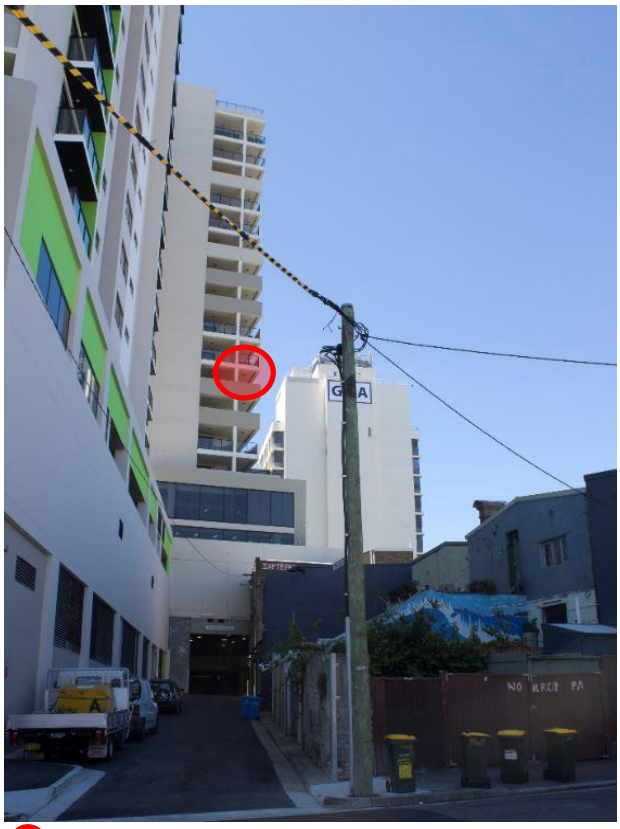
5.7 157 Redfern Street, Unit Type B, Level 5

Viewpoint 7 is taken from Level 5 of the south-eastern apartment (Type B) in the Deicota building.

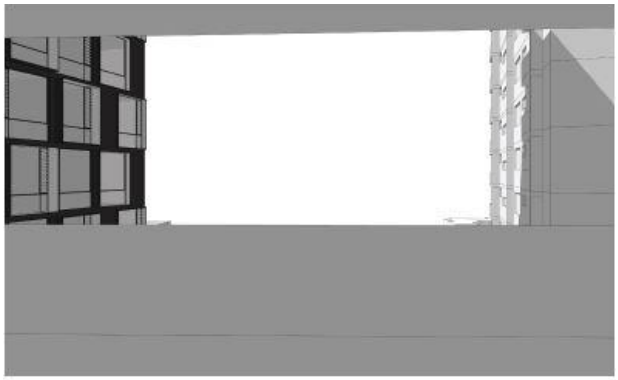
The following table provides an assessment of the view to be affected. Imagery provided for this view represents the existing view, the view if the current approval is constructed and the proposed view. The location from which the view is taken, and the field of view, is overlain on the floor plan for the existing Deicota building.

Table 7 Viewpoint 7 visual assessment

Step	Assessment
Views to be affected: *existing*	View over William Lane, upper level of Marian Street streetscape, district views framed by Iglu 1 and Urba buildings
Views to be affected: *current approval*	Outlook to student accommodation units, residential apartments, narrow aperture, low-level view to district
Location from which views are obtained	Residential apartment – living room and balcony
Extent of impact: *existing view*	Moderate
Extent of impact: *current approval*	Negligible
Reasonableness of proposal	Refer to **Section 6.0**.



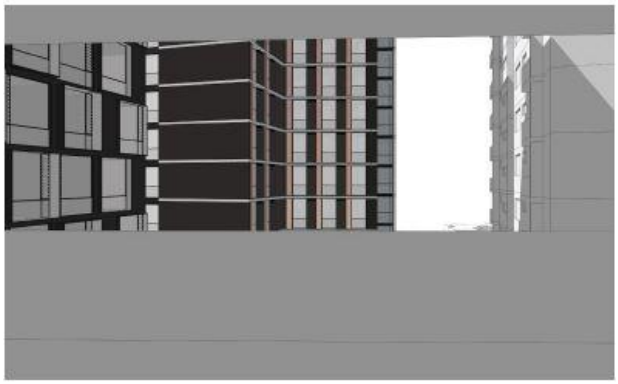
Indicative viewpoint location



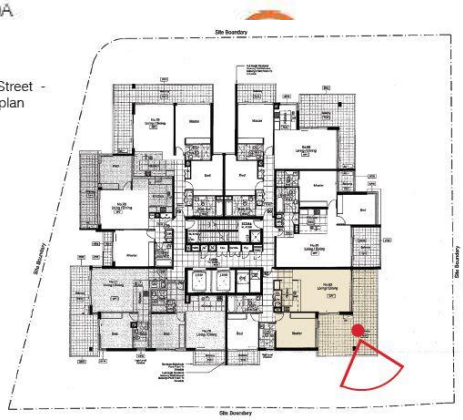
View from 157 Redfern Street Unit south eastern corner - Level 05
Existing view



View from 157 Redfern Street Unit south eastern corner- Level 05
View with currently approved DA



View from 157 Redfern Street Unit south eastern corner - Level 05
View with proposed DA



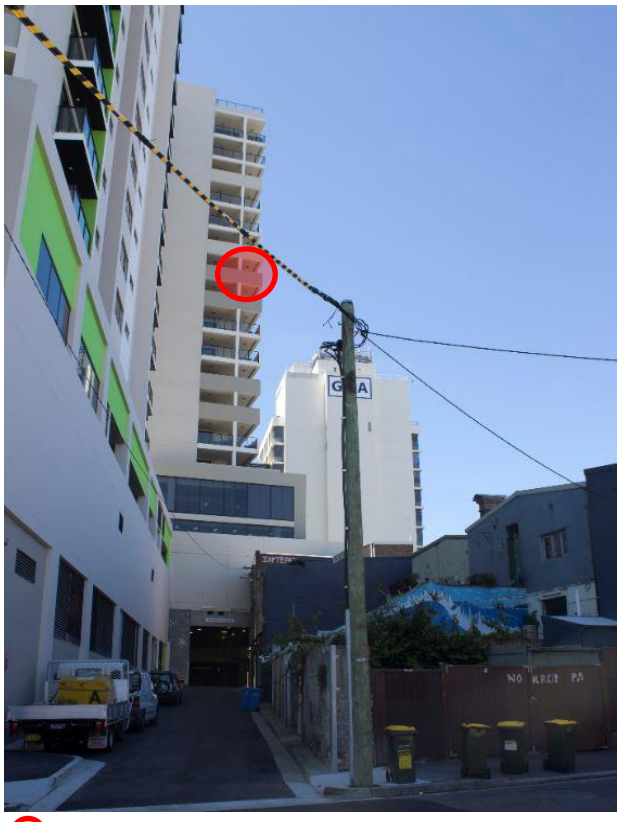
5.8 157 Redfern Street, Unit Type B, Level 10

Viewpoint 8 is taken from Level 10 of the south-eastern apartment (Type B) in the Deicota building.

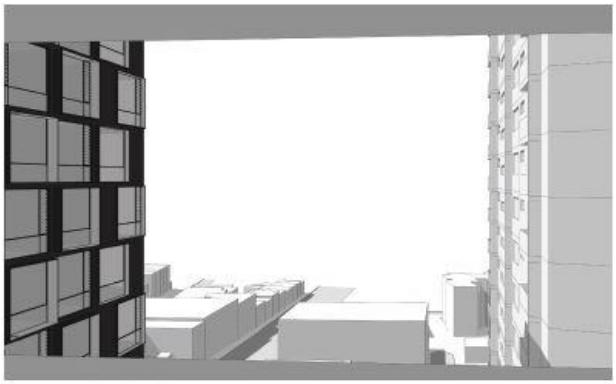
The following table provides an assessment of the view to be affected. Imagery provided for this view represents the existing view, the view if the current approval is constructed and the proposed view. The location from which the view is taken, and the field of view, is overlain on the floor plan for the existing Deicota building.

Table 8 Viewpoint 8 visual assessment

Step	Assessment
Views to be affected: *existing*	View over rear of existing properties on subject site, upper level of Marian Street streetscape, district views framed by Iglu 1 and Urba buildings
Views to be affected: *current approval*	Outlook to student accommodation units, residential apartments, narrow aperture view to district
Location from which views are obtained	Residential apartment – living room and balcony
Extent of impact: *existing view*	Moderate
Extent of impact: *current approval*	Negligible
Reasonableness of proposal	Refer to **Section 6.0**.



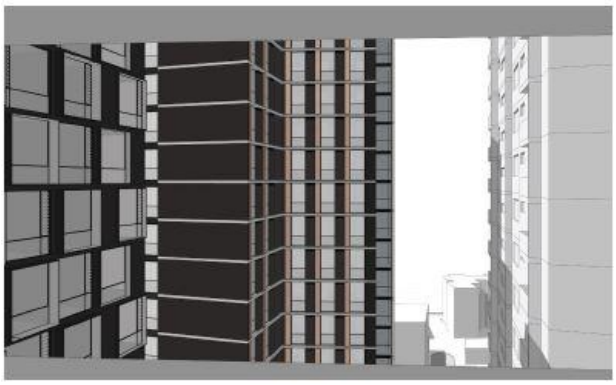
Indicative viewpoint location



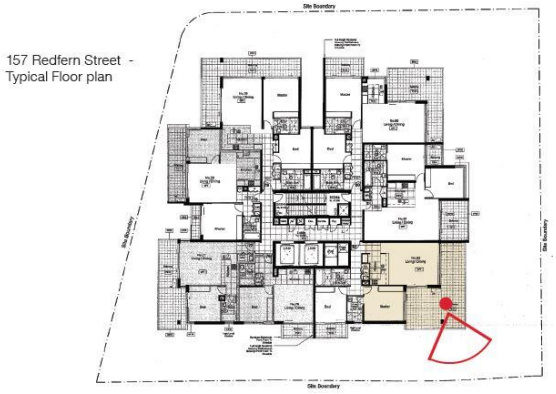
View from 157 Redfern Street Unit south eastern corner - Level 10
Existing view



View from 157 Redfern Street Unit south eastern corner - Level 10
View with currently approved DA



View from 157 Redfern Street Unit south eastern corner - Level 10
View with proposed DA



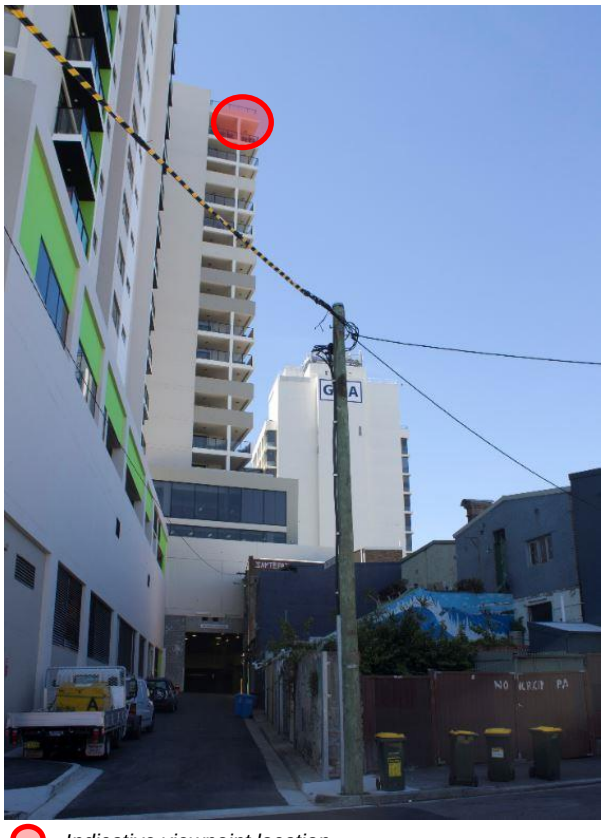
5.9 157 Redfern Street, Unit Type B, Level 18

Viewpoint 9 is taken from Level 18 of the south-eastern apartment (Type B) in the Deicota building.

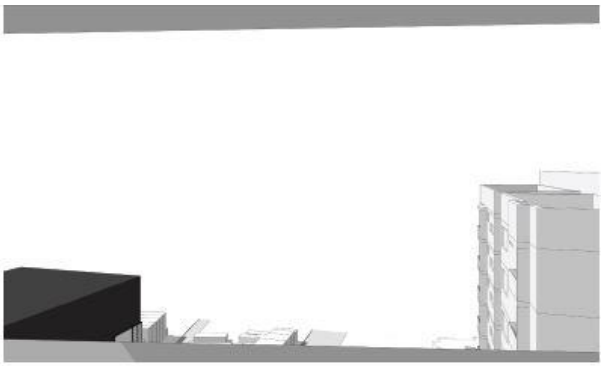
The following table provides an assessment of the view to be affected. Imagery provided for this view represents the existing view, the view if the current approval is constructed and the proposed view. The location from which the view is taken, and the field of view, is overlain on the floor plan for the existing Deicota building.

Table 9 Viewpoint 9 visual assessment

Step	Assessment
Views to be affected: *existing*	District views, partial views of the Iglu 1 and Urba buildings
Views to be affected: *current approval*	Outlook to upper level apartments and plant rooms including Iglu 1 and Urba buildings, district views above and narrow aperture to district views to right of frame
Location from which views are obtained	Residential apartment – balcony
Extent of impact: *existing view*	Moderate
Extent of impact: *current approval*	Improved
Reasonableness of proposal	Refer to **Section 6.0**.



Indicative viewpoint location



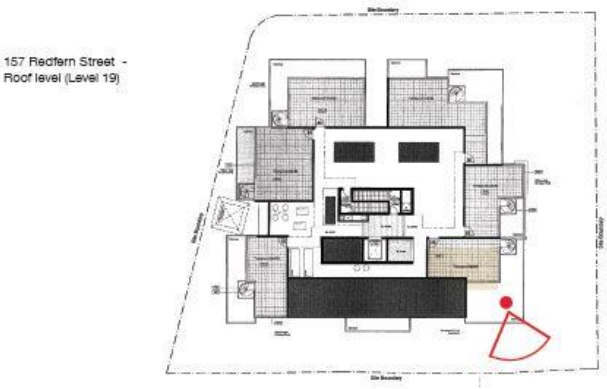
View from 157 Redfern Street Unit south eastern corner- Level 18
Existing view



View from 157 Redfern Street Unit south eastern corner- Level 18
View with currently approved DA



View from 157 Redfern Street Unit south eastern corner- Level 18
View with proposed DA



6.0 Findings and Conclusion

6.1 *Tenacity* Step 4: Reasonableness

The assessment in **Section 5.0** finds that impacts on views to affected apartments range from minor to severe when compared to the existing views obtained from dwellings in the Urba and Deicota buildings. However, in comparison to the views that would obtained from the affected dwellings should the current residential apartment building approved under SSD 15_7080 be constructed, the current proposal would have a negligible impact, and in some instances represent an improvement to the views and outlook obtained. **Section 5.0** addresses the first three steps in *Tenacity*¸ which seek to identify the views affected, determine where the views are obtained from, and assess the extent and severity of the view impact.

> *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.*

Compliance with Planning Controls

The proposed development complies with the maximum 18 storey building height development standard that applies to the site under the State Significant Precincts SEPP, a control which pre-dates the approval of both the Urba and Deicota mixed-use developments. There is a minor non-compliance with the lower street frontage height for which a SEPP 1 variation request has been provided, however, this variation does not give rise to any negative impacts on views. If anything, the reduced setback reduces the extent of view impacts by permitting the distance between the proposed building and the existing building to be maximised.

Whilst the proposed building has a smaller volumetric envelope that the residential apartment building currently approved under SSD 15_7080, due to the significantly greater spatial efficiencies achieved for a student accommodation building the total gross floor area (GFA) is nonetheless higher and therefore exceeds the maximum GFA approved under the existing approval and the applicable development standard. This is considered to be reasonable, and is supported by a SEPP 1 variation request, given that the proposal is generally consistent with the building setback and envelope parameters that apply to the site and which were previously determined to be acceptable.

The Urba and Deicota buildings were developed in accordance with controls that also allowed development of an 18 storey building on the subject site. There is no reasonable expectation for dwellings at these buildings to enjoy eastern views across the Iglu site, any more than there could be a reasonable expectation for the proposed Iglu building to enjoy western views across those sites. The fact that the existing buildings were developed prior to the Iglu site does not give dwellings in these buildings any greater claim to the affected views.

Architectural Design

The second part of this step is to consider whether a more skilful design could provide the applicant with the same development potential and reduce the impact on the views of neighbours. The current development consent for the site was subject to extensive investigation, assessment and compromise over a long planning assessment process nearly two-years in duration. This process included extensive community feedback, planning scrutiny and multiple design revisions. Ultimately, the building envelope that was approved was considered by the NSW Department of Planning and Environment and the (then) Planning Assessment Commission to represent the most suitable design outcome for the site. For this reason, the envelope established under SSD 17_7080 has formed the starting point for the current proposed student accommodation building.

As noted in the EIS, the architectural design of the building has had regard to a number of design considerations apart from view impacts, including the need to maximise the development potential to reflect the high accessibility and amenity of the locality, minimise overshadowing, provide adequate setbacks and visual privacy to adjoining sites and make a positive contribution to Regent Street. In particular, the increased building separation at the north-western corner of the site to the Urba and Deicota buildings is considered to be a significant improvement on the current approval that will provide for increased visual privacy and an improved outlook. The design outcome by Bates Smart is considered to be the most appropriate balance of the sum of these considerations and is considered to achieve design-excellence. It is noted that the City of Sydney's submission acknowledges these competing design drivers and does not raise any issues with the architectural quality, design excellence or view impacts of the proposal.

The proposed building design achieves a slender building footprint that minimises overall bulk as well as impacts on southerly views, which are prioritised under the Draft Urban Design Guidelines for the Redfern Centre.

Step 4: Conclusion

Whilst the development of the proposed building will result in view impacts from a small number of adjoining dwellings, this is consistent with the planning controls for the development of both the affected dwellings and the Iglu site, as well as with the view impacts which were previously assessed and determined as being acceptable on the subject site under SSD 17-7080. With regards to the tests in Tenacity, the view impacts are considered to be acceptable as they are entirely reasonable in the context of the well-established planning controls for the site.

6.2 Findings

The view assessment set out in this report finds that the proposal would have view impacts on adjoining dwellings in the Urba and Deicota buildings, however, it is not reasonable nor the intent of the applicable planning controls for these views to be retained. The existing views obtained from these buildings arise due to the under-developed nature of the subject site, and it is not reasonable nor appropriate to suppress or sterilise development based upon the retention of these views. The approval of SSD 17_7080 for an 18 storey mixed-use residential apartment building is also a consideration in this assessment. The current proposal is for a building that is generally within the envelope of the approved building, including being lower in maximum height, and is therefore generally consistent with the view impacts that have previously been the subject of a thorough planning assessment by the NSW Department of Planning and Environment and the (then) Planning Assessment Commission. Having regard to these matters, the proposed Iglu development is considered to have acceptable view impacts which do not require any design amendments of other mitigation measures.