

VISUAL IMPACT ASSESSMENT REPORT

APPENDIX R



Sydney Metro City & South West: Crows Nest Over Station Development

Visual Impact Assessment Report for Amended OSD Scheme

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Executive Summary

A Concept State Significant Development Application (SSD Application) has been made to the Department of Planning, Industry and Environment (DPIE) by Sydney Metro for Over Station Development (OSD) above the approved Crows Nest Station. The DPIE has issued Secretary's Environmental Assessment Requirements (SEARs) for this application, which include a requirement to prepare a Visual Impact Assessment (VIA). Ethos Urban has prepared a VIA on behalf of Sydney Metro, dated November 2018.

This VIA has been prepared to assess the Amended OSD Scheme following public exhibition of the concept SSD Application and has been based on established NSW, national and international policy and practices, and includes assessment of visual effect, assessment of visual impact and determination of the acceptability of the visual impact.

The VIA has found that the proposal would have a low visual impact when viewed from the south or north for medium and long range views given physical absorption capacity in the context of existing and proposed developments of a greater scale in the St Leonards CBD. Areas which will have the highest visual impact will be areas to the direct east and south east of the site, including Hume Street Park and Ernest Place given that the transition to 21 storey development is restricted to a single lot at Site C. The 20 per cent reduction in the size of the building envelope under the Amended Scheme will generally improve the visual impact of the future development.

In terms of visual impact from adjoining residential developments, apartments which will experience the most significant visual impact include those with an existing south facing view at 545 Pacific Highway. This property currently has unobstructed views over the site including regional views of the Sydney Harbour Bridge and Sydney Tower. The reasonableness of this impact is relative to the proposal's consistency with strategic planning work undertaken by the DPIE for this precinct. This strategic planning work which includes the *St Leonards and Crows Nest 2036 Draft Plan* (2036 Draft Plan) identifies significant uplift in density in and around the metro station.

Further, the Amended Scheme has reduced the building envelopes on Site A from RL 188m (27 storeys plus rooftop services) to RL 180m (22 storeys plus rooftop services), and the building envelopes for all sites comply with the maximum building height controls under the NSLEP 2013 to the top of the roof slab. The concept SSD Application is, therefore, largely consistent with the applicable planning controls and exemplifies the strategic planning context for the Crows Nest and St Leonards area.

The difference between the Exhibited Scheme and the Amended Scheme has not resulted in any significant change in assessment for surrounding residential properties. At such a close range, amendments to the building envelope from these properties are not readily seen or appreciated.

Assessment against the SEARs and other relevant planning documents found that the overall visual impact of the proposal is acceptable on a balance of considerations. The proposal achieves an appropriate balance between providing additional floorspace above a key new metro station and reducing visual impact on areas of amenity through design measures such as height transitions.

In addition, the final development that would be developed by the contractor as part of a future detailed SSD Application is likely to represent a more refined building within the building envelope proposed in this Concept SSD Application, and as such is likely to have an even lesser impact on views.

On this basis, it is determined that overall, the concept proposal in its current form has an acceptable visual impact.

1.0 Introduction

1.1 Purpose of this report

This report supports the Response to Submissions Report (Submissions Report) for the concept State Significant Development application (concept SSD Application) submitted to the Department of Planning, Industry and Environment (DPIE) pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The concept SSD Application is made under Section 4.22 of the EP&A Act.

Sydney Metro is seeking to secure concept approval for a mixed use development comprising three buildings above the Crows Nest Station, otherwise known as the over station development (OSD). The concept SSD Application seeks consent for building envelopes and land uses, maximum building heights, maximum gross floor areas, pedestrian and vehicular access, circulation arrangements and associated car parking and the strategies and design parameters for the future detailed design of the development.

The station and public domain elements form part of a separate planning approval for Critical State Significant Infrastructure (CSSI) approved by DPIE on 9 January 2017.

As the development is within a rail corridor, is associated with railway infrastructure and is for commercial premises and residential accommodation with a Capital Investment Value of more than \$30 million, the project is identified as State Significant Development (SSD) pursuant to Schedule 1, 19(2)(a) of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The development is, therefore, State significant development for the purposes of Section 4.36 of the EP&A Act.

A Visual Impact Assessment Report dated 7 November 2018 was prepared as Appendix N of the Environmental Impact Statement for the concept SSD Application to specifically respond to the Secretary's Environmental Assessment Requirements (SEARs) issued for the concept SSD Application on 26 September 2018. Following Exhibition of the Environmental Impact Statement, the design of the OSD has responded to issues raised in submissions. The purpose of this report is to identify those changes in the Amended OSD Scheme and to assess the impacts of changes with regards to view and visual impact.

1.2 Changes between the Exhibited Scheme and Amended Scheme

In response to the submissions made on the Exhibited Scheme, the following changes have been made to the concept SSD Application under what is termed the Amended Scheme:

- amendments to the building envelopes, including a 20 per cent reduction in the volume of the building envelope and associated height reductions for Site A
- changes to the proposed land uses on Site A (from residential to commercial) and Site B (from tourist/visitor accommodation to residential)
- clarification on the provision of social infrastructure
- commitment to providing affordable rental housing, or an equivalent monetary contribution
- changes to the nature of the FSR sought, such that GFA is specifically allocated to either residential or commercial uses
- a number of minor corrections and additions to the content to reference either the EIS or the Submissions Report (as relevant), including where the technical reports are mentioned
- reduction in parking numbers
- reference to the updated version of the Crows Nest Design Guidelines.

These changes are described in further detail in Chapter 7 of the Submissions Report. The western elevation of the Amended Scheme is shown below, with a summary of the changes between the Exhibited Scheme and Amended Scheme provided in the table below.

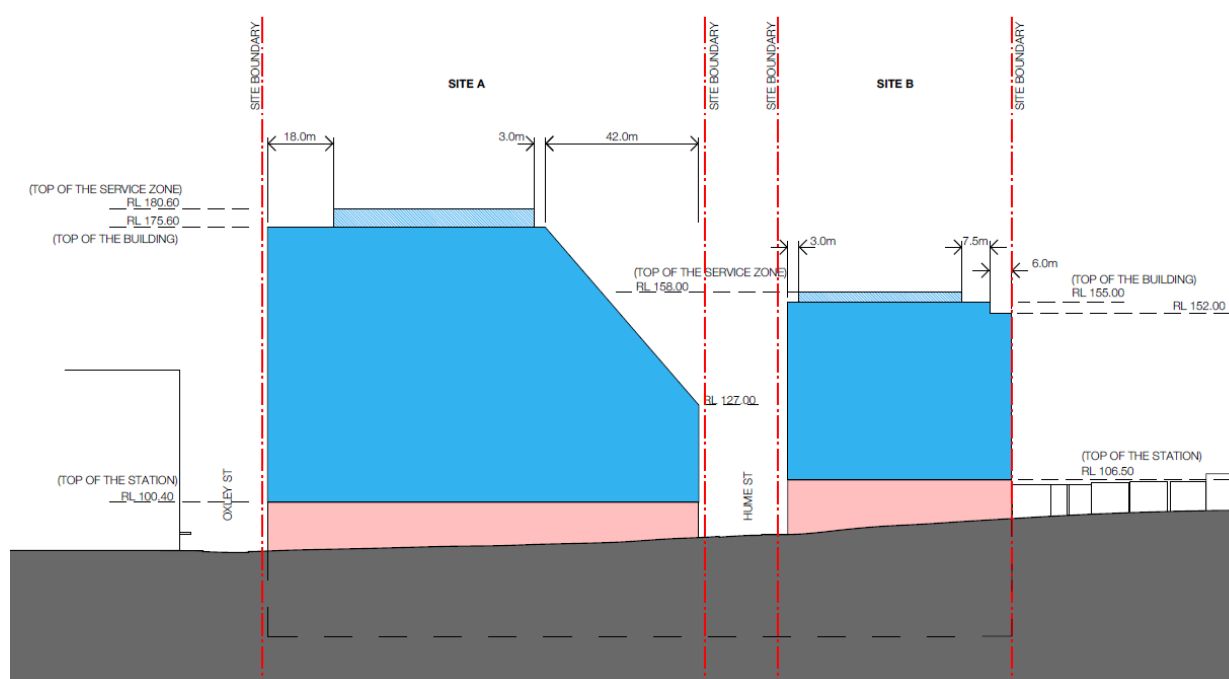


Figure 1 – West elevation of the building envelope under the Amended Scheme, showing CSSI Approval (pink) and OSD components (blue)

Table 2 – Changes to the land uses per site under the Exhibited Scheme and Amended Scheme (excluding station GFA)

	Exhibited Scheme	Amended Scheme
Site A		
Land Use	Residential	Commercial
GFA	37,500m ²	40,207m ²
FSR - OSD	9.67:1	10.4:1
Non-residential FSR - OSD	0.7:1	11.12:1 ¹
Car parking	125	46
Site B		
Land Use	Tourist / visitor accommodation	Residential and opportunity for affordable housing ²
GFA	15,200m ²	12,846m ²
FSR - OSD	8.12:1	6.9:1
Non-residential FSR - OSD	8.12:1	0.55:1 ¹
Car parking	25	55
Site C		
Land Use	Commercial and opportunity for social infrastructure ³	Commercial
GFA	2,700m ²	3,031m ²
FSR - OSD	4.44:1	5:1
Non-residential FSR - OSD	4.44:1	5.73:1 ¹
Car parking	0	0

¹ The non-residential floor space has been calculated in accordance with the definition of the NSLEP 2013, which applies to

any gross floor area that is not used for residential accommodation, serviced apartments, a car park, or a telecommunication facility. Commercial and retail uses, as well as areas associated with the station on the site, are defined as non-residential floor space.

2 The Amended Scheme proposes to include 5% affordable housing, or an appropriate monetary contribution.

3 The exhibited concept SSD Application identified the potential opportunity to provide social infrastructure on Sites A or C, which were to be subject to further discussions with North Sydney Council. However, it has been confirmed through discussions after the lodgement and exhibition of the EIS that Council does not support the dedication of social infrastructure on the site at this time. Future OSD will continue to contribute to infrastructure in the local area via monetary contributions in accordance with North Sydney Council's standard policies.

	Exhibited Scheme	Amended Scheme
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Land Use	Residential	Commercial
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The revised concept SSD Application (SSD-9579) under the Amended Scheme seeks approval for the following:

- maximum building envelopes for Sites A, B and C, including street wall heights and setbacks as illustrated in the plans prepared by Crows Nest Design Consortium for Sydney Metro at Appendix A to the Submissions Report
- maximum building heights:
 - **Site A:** RL 175.60 metres or equivalent of 21 storeys (includes two station levels and conceptual OSD space in the podium approved under the CSSI Approval)
 - **Site B:** RL 155 metres or equivalent of 17 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)
 - **Site C:** RL 127 metres or 9 storeys (includes two station levels and conceptual OSD space approved under the CSSI Approval)

Note 1: *the maximum building heights defined above are measured to the top of the roof slab and exclude building parapets which will be resolved as part of future detailed SSD Application(s)*

- maximum height for a building services zone on top of each building to accommodate lift overruns, rooftop plant and services:
 - **Site A:** RL 180 or 4.4 metres
 - **Site B:** RL 158 or 3 metres
 - **Site C:** RL 132 or 5 metres

Note 1: *the use of the space within the building services zone is restricted to non-habitable floor space.*

Note 2: *for the purposes of the concept SSD Application, the maximum height of the building envelope does not make provision for the following items, which will be resolved as part of the future detailed SSD Application(s):*

- *communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like, which are excluded from the calculation of building height pursuant to the standard definition in NSLEP 2013*
- *architectural roof features, which are subject to compliance with the provisions in Clause 5.6 of NSLEP 2013, and may exceed the maximum building height, subject to development consent.*
- maximum gross floor area (GFA) of 56,400 square metres for the OSD comprising the following based on the proposed land uses:
 - **Site A:** Commercial premises - maximum 40,300 square metres
 - **Site B:** Residential accommodation - maximum of 13,000 square metres (of which 5% could be provided as affordable rental housing)
 - **Site C:** Commercial premises - maximum of 3,100 square metres

Note: *GFA figures exclude GFA attributed to the station and station retail space approved under the CSSI Approval*

- a minimum non-residential floor space ratio (FSR) for the OSD across combined Sites A, B and C of 6.7:1 or the equivalent of 42,766 square metres
- the use of approximate conceptual areas associated with the OSD which have been provisioned for in the Crows Nest station box (CSSI Approval) including areas above ground level (i.e. OSD lobbies and associated spaces)
- a maximum of 101 car parking spaces on Sites A and B associated with the proposed commercial and residential uses
- modulation and expression of built forms within an articulation zone extending to the property boundary
- loading, vehicular and pedestrian access arrangements
- strategies for utilities and services provision
- strategies for managing stormwater and drainage
- a strategy for the achievement of ecological sustainable development
- a public art strategy
- indicative signage zones
- a design excellence framework
- the future subdivision of parts of the OSD footprint, if required.

2.0 Scope of this report

This report documents a revised VIA that has been undertaken for the OSD concept drawings prepared by Sydney Metro for the OSD at Crows Nest. It has been prepared by Ethos Urban on behalf of Sydney Metro. It is based on input provided for the Amended Scheme prepared by CNDC and Virtual Ideas. The VIA is based on an assessment of the proposed building envelope that represents the maximum extent of built form possible. The actual building would be refined further within the confines of the building envelope as part of the subsequent detailed SSD Application process.

The purpose of the VIA is to determine whether the visual impact of the concept proposal is acceptable. To achieve this purpose, this report has been structured as follows:

- **Parts 2 to 4:** provide an introduction, background and overview of the site, and its context.
- **Parts 5 and 6:** provide an assessment of the visual effect and visual impact of the proposal on the existing visual catchment.
- **Parts 7:** provide an assessment of the acceptability of visual impact.
- **Part 8:** provides an assessment of any private view impacts.
- **Part 9:** provides an assessment of a comparison between the Exhibited and Amended Scheme.

- **Part 10:** provides a conclusion

3.0 Methodology

There is currently no universally agreed method of undertaking VIA in NSW. Therefore, the methodology used to inform this VIA is based on established NSW practices and national and international policy. The scope of the SEARs in relation to visual impact closely resemble the process established by leading NSW practitioner Richard Lamb and Associates (RLA). Compared to other guidance, which can often focus on the impact of infrastructure such as roads and energy generating or transmission structures on more natural landscapes, RLA has developed a system that enables consideration of the visual impact in built up, urban environments. On this basis, the general framework of this methodology has drawn heavily from RLA practices. Other documents that provide broader guidance, as well as specialist guidance in particular areas of VIA, have been considered where appropriate. These include:

- *Visual Management System*, United States Department of Agriculture Forest Service, 1974.
- *Guidance for Landscape and Visual Impact Assessment*, United Kingdom Landscape Institute and the Institute of Environmental Management & Assessment, 2005.
- *Implementation Guideline No. 8: Identifying and protecting scenic amenity values*, Queensland Government, 2008.
- *Planning Practice Note 43: Understanding Neighbourhood Character*, Victorian Department of Environment, Land, Water and Planning, 2015.

The methodology for the preparation of the photomontages has been prepared in accordance with the Land and Environment Court Policy on this matter.

The core methodology follows three key steps:

1. Visual effect – assessment of the nature and scale of the proposal on the existing visual catchment
2. Visual impact – assessment of the impact of the visual effect following application of other, relevant considerations
3. Acceptability of the visual impact – assessment of the appropriateness of visual impact against a relevant planning considerations.

Based on the findings of this core methodology, a determination is then made as to whether the proposal can be supported in its current form from a visual impact perspective, and if so, whether any elements are critical to ensure its continued acceptability as it evolves from concept to detail design and development.

More specifically, the methodology comprises the following steps.

Visual effect

- Review the proposal.
- Prepare a visual model of the proposal.
- Identify and understand relevant key planning instruments.
- Review topographic maps and undertake site visits to determine the visual catchment and key viewpoints to the site within the catchment.
- Take photos from the viewpoints.
- Undertake survey work in relation to the viewpoints.
- Superimpose the visual model into the viewpoint photos to create accurate photomontages.
- Assessment of visual effect using baseline factors.
- Assessment of visual effect using variable factors.

Visual impact

- Assessment of visual impact by applying physical absorption capacity and compatibility with urban features.

Acceptability of the visual impact

- Assessment of the acceptability of visual impact against relevant considerations drawn from the SEARs and other planning instruments.
- Identification of elements that are critical to ensure the continued acceptability of the proposal as it evolves from concept to detail design and development.
- Drawing a conclusion and making of recommendations.

4.0 Planning Context

4.1 Crows Nest

The site is located within the strategic centre of St Leonards/Crows Nest as identified under the North District Plan. This Plan identifies St Leonards as a mixed-use centre with high rise offices, and high density residential development. A restaurant and retail strip is located along Willoughby Road Crows Nest which provides a vibrant night-time economy. The Greater Sydney Commission has identified the area as a Collaboration Area given its important health and education uses.

4.2 Planning context

The main planning instruments that guide development on the site of relevance to the visual impact assessment include:

Regional and District

- *A Metropolis of Three Cities – the Greater Sydney Region Plan*
- *The North District Plan*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*

Local

- *North Sydney Local Environmental Plan 2013*
- *North Sydney Development Control Plan 2013*
- *St Leonards and Crows Nest 2036 Draft Plan (2036 Draft Plan)*
- *Crows Nest Sydney Metro Site Rezoning Proposal*
- *State Environmental Planning Policy Amendment (Crows Nest Metro Station) 2020*

The 2036 Draft Plan proposes amendments to the planning controls in the vicinity of the site that will greatly change the built form and character of the area. As part of this Plan, future development needs to acknowledge key views and vistas such as key long distance vistas which offer sky views, and vistas where a building may terminate the view.

The key elements of these plans as they relate to the proposal are outlined in this section. They also form the basis of the assessment of the appropriateness of visual impact in this report.

4.2.1 A Metropolis of Three Cities – the Greater Sydney Region Plan and the North District Plan

Under *A Metropolis of Three Cities – the Greater Sydney Region Plan* (the Region Plan), together with the Sydney CBD and other adjoining areas, Crows Nest forms part of the 'Eastern Harbour City'. It also forms part of the Eastern Economic Corridor. Given these designations, the focus for the Eastern Harbour City under the plan is for economic and jobs

growth. This is reflected in content such as Objective 18: Harbour CBD is stronger and more competitive, and Strategy 18.1 – Prioritise public transport projects to the Harbour CBD to improve business-to-business connections and support the 30-minute city.

The *North District Plan* (the District Plan) identifies the Crows Nest Metro site as forming part of the St Leonards Strategic Centre. It provides finer grain level of detail for the strategic centre, the focus of which is as a health and education precinct.

To achieve this outcome, a number of actions have been identified. These include:

- *leverage the new Sydney Metro Station at Crows Nest to deliver additional employment capacity;*
- *grow jobs in the centre;*
- *reduce the impact of vehicle movements on pedestrian and cyclist accessibility;*
- *protect and enhance Willoughby Road's village character and retail/restaurant strip;*
- *deliver new high quality open space, upgrade public areas, and establish collaborative place-making initiatives;*
- *promote synergies between the Royal North Shore Hospital and other health and education related activities, in partnership with NSW Health; and*
- *retain and manage the adjoining industrial zoned land for a range of urban services.*

Visual impact is reflected in both plans through objectives and strategies relating to scenic landscapes. Objective 28 of the Region Plan is as follows:

- *Scenic and cultural landscapes are protected.*

In the Eastern Harbour City, scenic and cultural landscapes include views of Sydney Harbour, the skyline of the Harbour CBD and strategic centres.

This is supported by two strategies in the Region Plan:

- *Strategy 28.1: Identify and protect scenic and cultural landscapes; and*
- *Strategy 28.2: Enhance and protect views of scenic and cultural landscapes from the public realm.*

Due to its high visibility on the ridgeline, the emerging St Leonards / Crows Nest CBD makes a contribution to the identity and character of Sydney. This has implications for planning for the North District, in particular when viewed from the public realm.

The District Plan confirms the directions of the Region Plan in relation to scenic landscapes and stipulates that further work on this topic will be the responsibility of councils, other planning authorities and State agencies. No further additional guidance is provided.

4.2.2 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Sydney Harbour REP) seeks to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained for existing and future generations. The Sydney Harbour REP includes the following relevant planning principles for land within the Sydney Harbour Catchment:

- *development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour; and*
- *the number of publicly accessible vantage points for viewing Sydney Harbour should be increased.*

Clause 26 requires the following matters to be taken into consideration by the consent authority when granting consent to development in relation to the maintenance, protection and enhancement of views:

- *development should maintain, protect and enhance views (including night views) to and from Sydney Harbour;*
- *development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items; and*
- *the cumulative impact of development on views should be minimised.*

4.2.3 North Sydney Local Environmental Plan 2013

Relevant aims of the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) include:

- to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment.
- In relation to residential development:
 - to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing.
- In relation to non-residential development:
 - to maintain a diversity of employment, services, cultural and recreational activities; and
 - to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing.

Under NSLEP 2013, the site is zoned B4 Mixed Use. The objectives of this zone are:

- to provide a mixture of compatible land uses;
- to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling;

- to create interesting and vibrant mixed use centres with safe, high quality urban environments with residential amenity; and
- to maintain existing commercial space and allow for residential development in mixed use buildings, with non-residential uses concentrated on the lower levels and residential uses predominantly on the higher levels.

Other provisions of NSLEP 2013 relevant to addressing visual considerations include:

- **Clause 4.3 Height of Buildings:** to promote the retention and, if appropriate, sharing of existing views.
- **Clause 5.10 Heritage conservation:** to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

4.2.4 North Sydney Development Control Plan 2013

While development control plans do not apply to SSD, they provide a useful point of reference against which to consider visual impact in the local context. In addition to a broad range of other matters, the general objectives of the DCP seek to maximise opportunities for view sharing. Content is then separated according to type and location of use. For commercial and mixed-use development, the main part of the DCP addressing visual impact is Part B, section 2.3.8.

Key elements of this part include:

Preamble

New development has the potential to adversely affect existing views. Accordingly, there is a need to strike a balance between facilitating new development while preserving, as far as practicable, access to views from surrounding properties.

When considering impacts on views, Council will generally not refuse a development application on the grounds that the proposed development results in the loss of views, where that development strictly complies with the building envelope controls applying to the subject site.

Objectives

- **O1:** To protect and enhance opportunities for vistas and views from other streets and other public places.
- **O2:** To protect and enhance existing views and vistas from streets and other public spaces.
- **O3:** To provide additional views and vistas from streets and other public spaces where opportunities arise.
- **O4:** To encourage view sharing as a means of ensuring equitable access to views from dwellings, whilst recognising development may take place in accordance with the other provisions of this DCP and the LEP.

Provisions

- **P1:** Where appropriate, the opening up of views should be sought to improve the legibility of the area.
- **P2:** Provide public or semi-public access to top floors where possible (e.g. restaurants, roof top gardens and facilities).
- **P3:** Use setbacks, design and articulation of buildings to maintain street views, views from public areas and those identified in the relevant area character statement (refer to Part C of the DCP).
- **P4:** Maintain and protect views identified in the relevant area character statement (refer to Part C of the DCP) from future development.
- **P5:** Where a proposal is likely to adversely affect views from either private or public land, Council will give consideration to the Land and Environment Court's Planning Principle for view sharing established in *Tenacity Consulting v Warringah Council* [2004] LSWLEC 140.

For Crows Nest, the DCP provides a desired future character statement that focusses on transitional scale from the significant, sustainable and busy urban centre of St Leonards to the smaller 19th Century, two storey shopfront parapets along Willoughby Road and the Pacific Highway as part of the Crows Nest Town Centre. A number of visual considerations also apply. These include:

- *There is opportunity for all to enjoy views within the area.*
- **3.1.2 P13:** *Roof top gardens and public facilities that allow public access to district views from higher floors.*
- **3.1.3 P4:** *Roof design presents a varied, composed and interesting skyline when viewed from a regional context.*
- **3.1.3 P16:** *Slot views to the sky and between higher buildings are to be provided.*
- **3.2.1 P8:** *The following views and vistas are to be preserved and where possible enhanced:*
 - (a) *Vista north along Willoughby Road and Pacific Highway.*
 - (b) *District views from the upper levels of taller buildings.*

4.2.5 Draft Planning Package and Rezoning Proposal

In October 2018, DPIE released the *2036 Draft Plan* and its supporting documents which detailed recommended changes to land use controls in the precinct in response to the additional development capacity enabled by metro infrastructure. These documents recommend increases in density along the Pacific Highway corridor, on and around the Crows Nest metro station whilst protecting the amenity of Willoughby Road.

In October 2018, DPIE also placed on public exhibition the *Crows Nest Sydney Metro Site Rezoning Proposal* (Rezoning Proposal). The Proposal outlined the State led rezoning of the

subject site, on the basis that the previous planning controls in the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) did not reflect the opportunities for improved accessibility associated with the new Sydney Metro station enabling people to live, work and spend time close to public transport. The Proposal recommended alignment of the planning controls commensurate with the built form proposed in this concept SSD Application.

This Rezoning Proposal has since been finalised, and new planning controls gazetted, as the *State Environmental Planning Policy Amendment (Crows Nest Metro Station) 2020*.

With regard to view and visual impact, the above documents outline that future development must:

- have a positive impact on the area's key view lines and vistas, with consideration of a visual marker of an important place
- retain and enhance important heritage elements by using sympathetic building materials and preserving key views and vistas
- acknowledge key views and vistas such as key long distance views which offer sky views, and vistas where a building may terminate the view
- minimize visual impact of development on heritage items, including views to and from the building

4.3 Previous Development Approvals

When considering the visual impact of the proposal, it is relevant to consider previous planning approvals that were granted for the site as previous assessment and history of the site can inform the impact of this proposal.

DA 179/12 was withdrawn in October 2012, with the intent to submit a site-specific planning proposal accompanied by a DA cited for the withdrawal. This related to 521 Pacific Highway, Crows Nest (in an area known under this concept SSD Application as Site A North).

On 15 December 2014 Council resolved to forward a Planning Proposal to the Minister for Planning in order to receive a Gateway Determination. Council also resolved to exhibit an associated draft Voluntary Planning Agreement (VPA) concurrently with the Planning Proposal subject to it receiving a Gateway Determination. In particular, the Planning Proposal sought the following amendments to North Sydney Local Environmental Plan 2013:

- An increase to the maximum height control from 20 metres to 40 metres;
- The introduction of a maximum floor space ratio (FSR) control of 5.3:1.

On 18 November 2016, Council received a letter from the land owner requesting the withdrawal of the Planning Proposal and revocation of the VPA. The request to withdraw the Planning Proposal and VPA is due to the State government acquiring the subject land for the

construction of the Crows Nest Railway Station in association with the Sydney Metro. The change in the LEP was never gazetted.

Whilst no development application was ever approved on the subject site to increase the permissible building height above the 20m height control, analysis undertaken for the Planning Proposal by the proponent concluded that generally, other buildings to the north and north-west of the subject site already limit views across the site towards the city / harbour views from residential developments in St Leonards. The resulting view impact is not extensive and is mitigated by the appropriate placement of tower form, which is reflective of similar buildings in the immediate vicinity, such as the 'Ralan' site to the north.

5.0 Visual effect

This part of the report describes the existing visual environment and assesses the visual effect of the proposal. Assessment is made against baseline and variable factors. Baseline factors are criteria that are independent of the nature of viewing locations. On this basis, they can be discussed for the site as a whole. Conversely, variable factors are criteria that differ according to view location. On this basis, they must be discussed individually.

5.1 Baseline factors

5.1.1 Visual catchment

A visual catchment is the area that has the potential to be impacted by a proposal. It is created by the interrelationship of a number of factors, including elevation, landform, existing built form and landscape elements. Due to a combination of these factors, in particular elevated topography relative to other areas, the broad visual catchment for the site is extensive. In addition to nearby areas, views to the CBD, Harbour and west towards Parramatta River can be obtained from elevated positions in areas as remote as the Middle Western suburbs. However, in terms of scale of potential impact, the primary visual catchment contains three key parts – the nearby suburbs of Crows Nest, St Leonards, Wollstonecraft and Waverton, as well as west towards suburbs along the Parramatta River, and east towards the suburbs of Cammeray. This is reflected in the selection of view locations upon which this visual impact assessment is based (refer to Figure 9 and 10).

The ridgeline falls from approximately 200 metres at Wahroonga to approximately 90 metres at the site of the Crows Nest Metro station. Whilst the ridgeline is generally wide, at its edges it typically falls away more steeply to adjoining areas. In particular, land falls away to the east and the west either side of the Pacific Highway. This makes the Crows Nest OSD site a prominent location on the ridgeline, which has the capacity to be seen from a wider regional context. This prominence is particularly noticeable from locations to the south, east and west. Furthermore, due to the open water nature of Sydney Harbour, full or partial views can be obtained to the St Leonards/Crows Nest Strategic Centre from iconic, highly visited locations to the south on the Sydney Harbour foreshore, including Barangaroo Reserve.

To ensure a comprehensive assessment, view locations have also been selected from the further away Gladesville Bridge and Barangaroo. The views have also been selected to enable consideration of both existing and buildings under construction within the St Leonards / Crows Nest area, including 473-486 Pacific Highway (also known as 'St Leonards Square') and 500-520 Pacific Highway (also known as 'The Landmark').

Locally, the site is located in between a cluster of tall buildings in St Leonards and the lower scale buildings in the Crows Nest Village Centre. Due to the ridgeline, the local visual catchment of the buildings will be quite extensive and unconstrained – particularly when viewed from the west. The site will also be highly visible from the south, particularly along the Pacific Highway corridor heading north from North Sydney.

As will be explained throughout this report, the *2036 Draft Plan* identifies a height peak at the Metro site, with heights transitioning or lowering to neighbouring sites and the Crows Nest village. This will mean that in time and subject to further neighbouring development, the prominence of the proposal will be reduced.



Figure 9 – View locations – broad

Source: *Virtual Ideas*

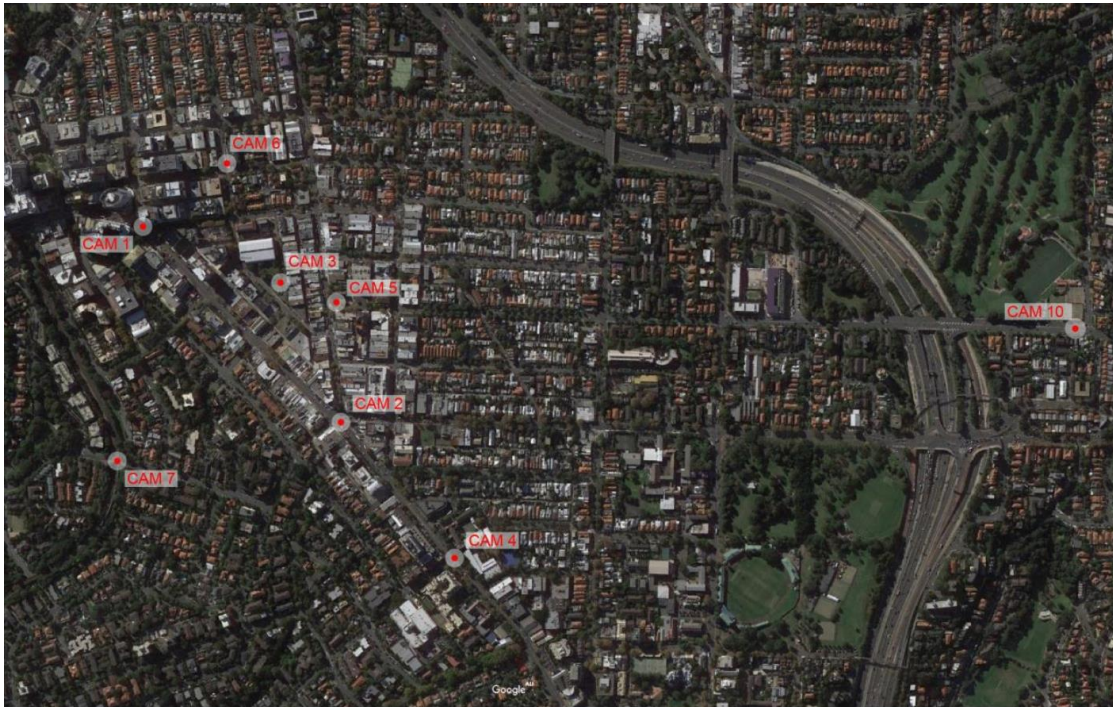


Figure 10 – View locations – St Leonards/Crows Nest

Source: Virtual Ideas

5.1.2 Visual character

Visual character is formed by patterns created by the relationship of all elements within an area, including both the public and private domain (Victorian Department of Environment, Land, Water and Planning, 2015).

The visual character of the northern and eastern Sydney metropolitan area is heavily influenced by its undulating topography that comprises a series of hills, ridges and valleys. The St Leonards/Crows Nest Centre occupies the central to southern end of a major ridgeline that extends south from the Wahroonga Plateau in a south-east direction between the valleys of the Lane Cove River and Middle Harbour. It is roughly delineated by the location of the Pacific Highway.

The visual character of the northern and eastern parts of the Sydney metropolitan area are also demarcated by a series of distinct, visually prominent clusters of high rise buildings typically aligned with transport infrastructure. Distinct from western Sydney, they also often occupy elevated positions on ridgelines. Examples include Chatswood, North Sydney and Bondi Junction. This pattern is distinct from other major Australian cities, and as such is a unique visual identifier of Sydney. Consistent with this, the topographic prominence of the St Leonards/Crows Nest Strategic Centre in the primary visual catchment is significantly strengthened by the physical extent and density of the existing and emerging high-rise tower building typology. The Forum development, located above St Leonards Station, was the tallest building in the centre at 38 storeys since completing construction in 2003. Approved developments either under construction or to be constructed will add additional height to the

St Leonards / Crows Nest skyline, including developments up to 46 storeys in height (500-520 Pacific Highway, also known as 'the Landmark').

Due to this, St Leonards/Crows Nest is a highly visually prominent location, and one that has a major impact on the visual image, identity and character of Sydney as a whole. However, compared to centres more proximate to the harbour (e.g. North Sydney), the impact of the St Leonards / Crows Nest centre on the image, identity and character of Sydney as a whole is lesser.

From more close-up viewing locations, the dominant visual character of the St Leonards/Crows Nest strategic centre is that of a contemporary, urban environment. However, there is a significant transition between the high density areas which are concentrated closer to the existing St Leonards train station and that of the areas east of the Pacific Highway. One block from the Crows Nest OSD site is Willoughby Road, a fine-grain retail and hospitality main street primarily comprised of one and two storey buildings. Willoughby Road is separated from the Crows Nest OSD site by Hume Street Park, which North Sydney Council is proposing to expand. The visual impact on Hume Street Park and Willoughby Road is a key feature of this report, as the place experience of these areas has been identified as requiring retention through ongoing community consultation projects initiated by Council and Sydney Metro.

5.1.3 Scenic quality

Scenic quality, or scenic amenity, is determined by a combination of factors. Most importantly, it considers concepts of scenic preference and visual exposure from the public domain (Queensland Government, 2007).

Scenic preference indicates people's relative liking of different landscape features. Visual exposure is the extent to which a place in the landscape is seen from important public viewing locations (e.g. roads, recreation areas, schools, golf courses).

Due to a dominance of built elements such as housing, commercial development and major roads, and an absence of more natural elements such as bushland or harbour, when considered against standard scenic amenity methods, the scenic preference of most areas surrounding the St Leonards/Crows Nest Strategic Centre is low to moderate. However, planned expansion of Hume Street Park and the retention of Willoughby Road have a moderate to high scenic preference. Willoughby Road in particular is a well-used strip with a place character that is valued by the local community.

Further to this, the scenic preference of the Sydney CBD foreshore part of the primary visual catchment is high. This is due to the presence of open water in the form of Sydney Harbour. The overall composition of the primary visual catchment contains views to Barangaroo Reserve, albeit from a further distance to other centres on the North Shore including North Sydney.

5.1.4 View place sensitivity

View place sensitivity is a measure relative to the public domain. The main public locations in which the visual catchment from which a view to the site can be obtained are roads and parks. Hume Street Park is a public open space immediately adjacent to the subject site and therefore has high view place sensitivity. Also relevant to this site is the highly frequented restaurant precinct of Willoughby Road and adjacent public spaces including Ernest Place, which have a high occurrence of people lingering and spending time. Other areas with relatively high view place sensitivity are locations on the Sydney CBD foreshore such as Barangaroo Reserve, due to the large number of people who have the opportunity to obtain views to the site over sustained periods of time associated with recreation activities. However, the distance between the foreshore and the site will reduce its sensitivity.

A number of roads in the vicinity have relatively long straight stretches with a direct view to the site. These include the Pacific Highway and Ernest St at a medium to long range. At close range, this include Hume Street, Clarke Street and Oxley Street.

5.1.5 Viewer sensitivity

Viewer sensitivity is usually a relevant consideration in relation to the private domain, in particular residential areas. It is seldom a key matter for commercial areas. Viewer sensitivity decreases with distance. The highest effects occur within the closest sensitivity range (within 100 metres), with moderate sensitivity at the medium sensitivity range (100 metres – 1000 metres) and low sensitivity beyond 1000 metres (RLA 2016).

On the basis of this distance, there are two residential areas with potential medium to high viewer sensitivity:

- Crows Nest (primarily east of Willoughby Road); and
- Wollstonecraft (primarily west of the Pacific Highway).

The St Leonards/Crows Nest strategic centre is primarily intended to be a jobs and employment location. However, a number of existing and proposed residential premises are located in the denser areas of the centre, some of these within close proximity to the site.

These include:

- 545-553 Pacific Highway, St Leonards;
- 20 Clarke Street, Crows Nest;
- 7-19 Albany Street, St Leonards; and
- 472-486 Pacific Highway, St Leonards.

5.2 Variable factors

Photomontages obtained from the viewpoints were prepared by Virtual Ideas and are included it in the Visual Impact Studies provided at Appendices L and M of the EIS. These view locations were selected in consultation with North Sydney Council. The analysis of

variable factors in this study is based on this work. The variable factors considered for each view are:

- View composition type:
 - Expansive: the view is generally unimpeded, with long ranging views in excess of 1km
 - Restrictive: the view is impeded, with structures or other elements limiting site to within a few hundred metres
 - Panoramic: the view provides approximately 180° or larger views across a region
 - Focal: the general focus of the view is the centre of what is seen
 - Feature: the view provides a clear sightline to a dominant feature or landmark.
- Relative viewing level
 - Above the site
 - Level with the site
 - Below the site.
- Viewing period
 - Short
 - Long
 - Irregular
 - Regular.
- Viewing distance
 - Close range (<100 metres)
 - Medium range (100 metres – 1,000 metres)
 - Long range (>1,000 metres).
- View loss or blocking

5.3 Viewpoint 1: Corner of Pacific Hwy and Albany St, St Leonards

Viewpoint 1: Corner of Pacific Hwy and Albany St, St Leonards			
Element	Category	Comment	Level of effect
Category of view	Public domain, main road	N/A	N/A
View composition type	Focal	The view will likely be impeded predominantly by larger developments in the foreground, including 472-486 Pacific Highway, which will dominate the viewpoint in the future. The OSD site does not form the primary focal point considering these future developments in the	Low

		foreground.	
Relative viewing level	Level	The elevation of the viewpoint is approximately 90 metres AHD, compared to the site which is approximately 86 – 96 metres AHD.	Low
Viewing period	Short	Being located within a road reserve, most people would be travelling through the viewpoint in vehicles, as cyclists or pedestrians. Due to the nature of Pacific Highway primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events.	Low-medium
Viewing distance	Close to medium range	At approximately 200m from the site, the viewpoint is at the lower end of the medium range.	Medium
View loss or blocking	No loss of valuable views of landscape features from ground level	The view to the OSD site will only be partially obstructed by these proposed buildings. When assessed in conjunction with other proposed buildings, the impact from the viewpoint will be notable, however, no significant identified views have been identified from this location.	Low
Overall			Low



Figure 11: Viewpoint 1 – Corner of Pacific Hwy and Albany St, St Leonards, existing view

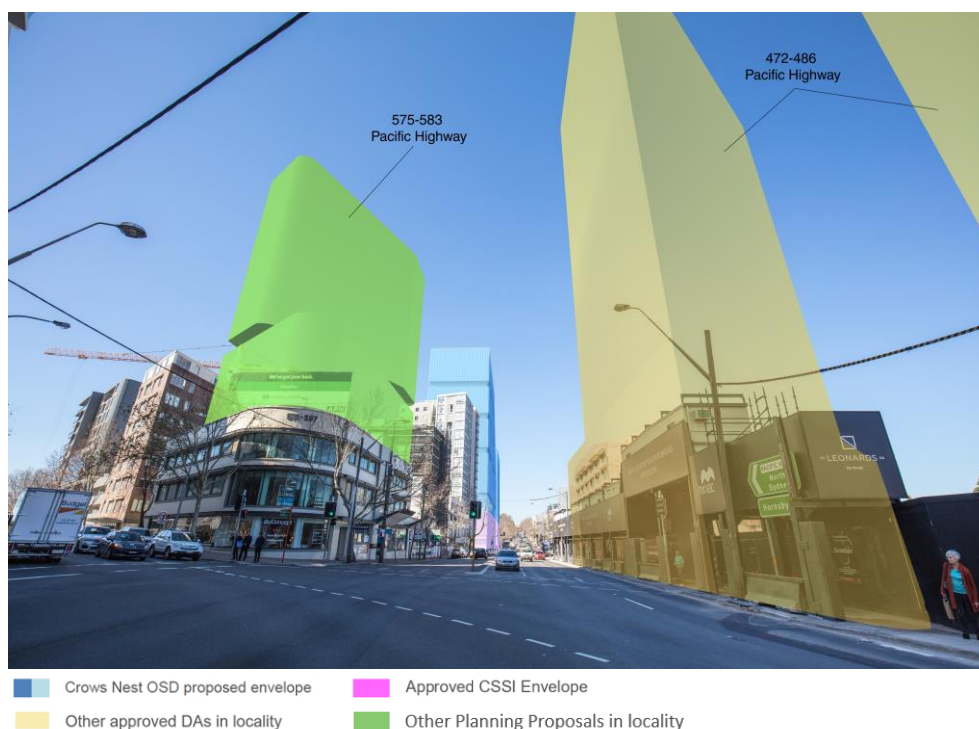


Figure 12: Viewpoint 1 – Corner of Pacific Hwy and Albany St, St Leonards, proposed view

5.4 Viewpoint 2: Five Ways Intersection, Crows Nest

Viewpoint 2: Five Ways Intersection, Crows Nest			
Element	Category	Comment	Level of effect
Category of view	Public domain, main road	N/A	N/A
View composition type	Focal	The proposal would be primarily unscreened by existing buildings and will be generally a key focal point in the foreground of future developments. The proposal will have the effect of reducing the visual impact of the taller developments to the north, by providing a more appropriate height transition to developments in the foreground of the viewpoint.	Medium
Relative viewing level	Above the site	The elevation of the viewpoint is approximately 98 - 100 metres AHD, compared to the site which is approximately 86 – 96 metres AHD.	Low
Viewing period	Short	Being located within a road reserve, most people would be travelling through the viewpoint in vehicles, as cyclists or pedestrians. Due to the nature of Pacific Highway primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events.	Low/Medium
Viewing distance	Close to medium range	At approximately 200m from the site, the viewpoint is located at the lower end of the medium range.	Medium
View loss or blocking	No loss of valuable views of landscape features from ground level	The proposal would not impede or block a significant view currently obtained from the viewpoint. However, there will be some minor loss of sky views from this location though absorbed into the emerging context and skyline.	Low
Overall			Low



Figure 13: Viewpoint 2 – Five Ways Intersection, Crows Nest, existing view



Figure 14: Viewpoint 2 – Five Ways Intersection, Crows Nest, proposed view

5.5 Viewpoint 3: Hume Street Park, Crows Nest

Viewpoint 3: Hume Street Park, Crows Nest			
Element	Category	Comment	Level of effect
Category of view	Public domain	N/A	N/A
View composition type	Focal	The focal point of the existing viewpoint is the existing buildings including residential premises and the St Leonards Centre. The proposal would provide a new focal point for this viewpoint by introducing a new scale of building proximate to the park. This impact is reduced by the provision of the smaller height of Site C (9 storeys) being placed in the foreground of the 22 storey buildings in the background.	Medium/high
Relative viewing level	Level	The elevation of the viewpoint is approximately 84 - 88 metres AHD, compared to the site which is approximately 86 – 96 metres AHD.	Medium
Viewing period	Medium /long	It is noted that current utilisation of the park is generally low, however a proposed Council-led expansion of the park may lead to an increase in the viewing period for the park. It is also likely to be a main thoroughfare to the Site C entrance to the station, which will likely form repeated viewing period events for commuters.	Medium
Viewing distance	Close range	Hume St Park is located immediately adjacent to Site C.	Medium
View loss or blocking	No loss of valuable views of landscape features from the ground level.	The proposal would not impede or block a significant view currently obtained from the viewpoint. However, there will be the loss of sky views from this location which are not inconsistent with other areas of Sydney where placement of density is located near open space and park facilities. Large expanses of sky views are still retained.	Medium
Overall			Medium



Figure 15: Viewpoint 3 – Hume Street Park, Crows Nest, existing view



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|--|---|
| ■ Crows Nest OSD proposed envelope | ■ Approved CSSI Envelope |
| ■ Other approved DAs in locality | ■ Other Planning Proposals in locality |

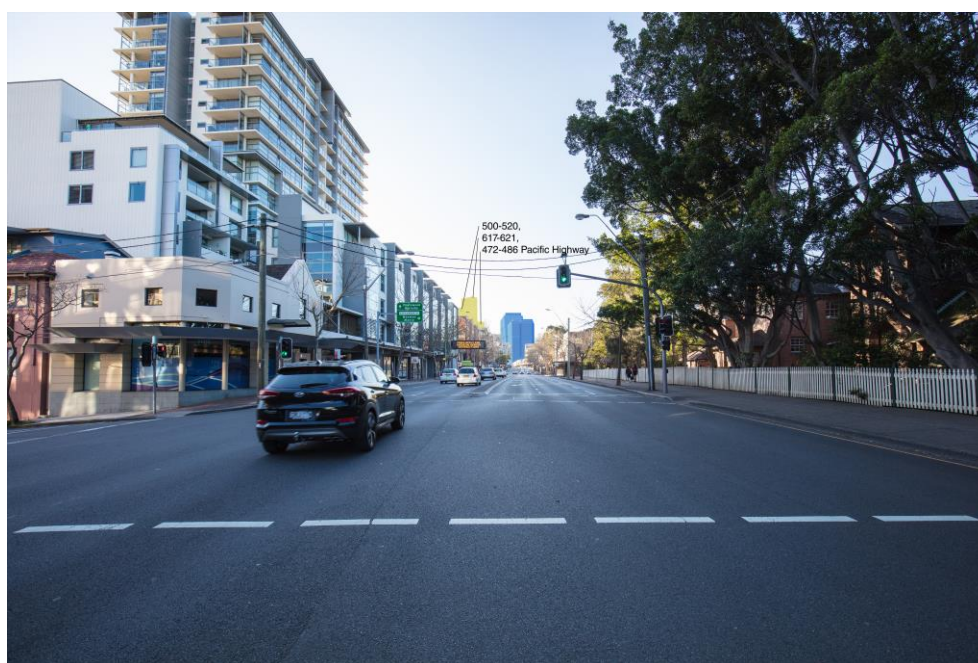
Figure 16: Viewpoint 3 – Hume Street Park, Crows Nest, proposed view

5.6 Viewpoint 4: Pacific Hwy near the intersection with Rocklands Rd, Crows Nest

Viewpoint 4: Pacific Hwy near the intersection with Rocklands Rd, Crows Nest			
Element	Category	Comment	Level of effect
Category of view	Public domain, main road	N/A	N/A
View composition type	Focal	Given the generally long straight alignment of the Pacific Highway in this location, the proposal will form a feature from this distance. Notwithstanding this, the scale of the proposal will not dominate the view from this location.	Medium
Relative viewing level	Above the site	The elevation of the viewpoint is approximately 100 metres AHD, compared to the site which is approximately 86 – 96 metres AHD.	Low
Viewing period	Short	Being located within a road reserve, most people would be travelling through the viewpoint in vehicles, as cyclists or pedestrians. Due to the nature of Pacific Highway primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events.	Low/Medium
Viewing distance	Medium range	At approximately 600m from the site, the viewpoint is within the centre of the medium range.	Low/Medium
View loss or blocking	No loss of valuable views or landscape features from ground level.	The proposal would not impede or block a significant view currently obtained from the viewpoint. Buildings in the foreground are more prominent than the glimpse of density above the station.	Low
Overall			Low



Figure 17: Viewpoint 4 – Pacific Hwy near the intersection with Rocklands Rd, Crows Nest, existing view



- Crows Nest OSD proposed envelope
- Approved CSSI Envelope
- Other approved DAs in locality

Figure 18: Viewpoint 4 – Pacific Hwy near the intersection with Rocklands Rd, Crows Nest, proposed view

5.7 Viewpoint 5: Ernest Place, Willoughby Road, Crows Nest

Viewpoint 5: Ernest Place, Willoughby Road, Crows Nest			
Element	Category	Comment	Level of effect
Category of view	Public domain, main street	N/A	N/A
View composition type	Focal	The ground level retail shopfronts are currently the key focal point of the viewpoint. Whilst the proposal will not obstruct the view to these shopfronts, the scale of the proposal will create a new focal point in the background. This impact is reduced by the provision of the smaller height of Site C (9 storeys) being placed in the foreground of the 22 storey buildings in the background. Further, the trees in the foreground will assist in screening the development from view – particularly in summer.	Medium
Relative viewing level	Level	The elevation of the viewpoint is approximately 92 – 94 metres AHD, compared to the site which is approximately 86 – 96 metres AHD.	Medium
Viewing period	Long	Ernest Place is a public space that encourages users to stay for long periods of time. Adjacent to the public space are cafes and restaurants which are highly frequented.	Medium/High
Viewing distance	Close range	At approximately 100m from the site, the viewpoint is located at the higher end of the close range.	High
View loss or blocking	No loss of valuable views of landscape features from ground level.	Whilst the proposal would not block or impede any significant view, it will impact the view of the sky that is currently obtained from this viewpoint. The degree of change places this level of effect as medium, with large expanses of sky still visible and the legibility of reading the single storey shopfronts at close range remaining.	Medium
Overall			Medium-High



Figure 19: Viewpoint 5 – Ernest Place, Willoughby Road, Crows Nest, existing view



Figure 20: Viewpoint 5 – Ernest Place, Willoughby Road, Crows Nest, proposed view

5.8 Viewpoint 6: Corner of Atchison St and Oxley St, St Leonards

Viewpoint 6: Corner of Atchison St and Oxley St, St Leonards			
Element	Category	Comment	Level of effect
Category of view	Public domain, minor street	N/A	N/A
View composition type	Focal	The dominance of lateral features close to the viewpoint (existing and proposed buildings in the foreground and background) would focus and direct the eye towards both the OSD site as well as towards other DAs in the locality.	Low-medium
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 83 metres AHD, compared to the site which is approximately 86 – 96 metres AHD.	Low
Viewing period	Short	Being located within a road reserve, most people would be travelling through the viewpoint in vehicles, as cyclists or pedestrians. Atchison and Oxley St are not primary thoroughfares (compared to the Pacific Hwy for example), however, still enjoys regular community activity due to the mixed use nature of the precinct. Given this, there is opportunity for repeated viewing period events.	Low-medium
Viewing distance	Medium range	Located approximately 250m from the site, the viewpoint is located at the lower end of the medium range.	Low
View loss or blocking	No loss of valuable views of landscape features from ground level	The proposal would not impede or block a significant view currently obtained from the viewpoint. When read in the context of existing approved DAs and developments under construction, the OSD site is not much higher than the existing crane seen on the skyline, meaning that the proposal can be readily absorbed in the skyline.	Low
Overall			Low



Figure 21: Viewpoint 6 – Corner of Atchison St and Oxley St, St Leonards, existing view



Figure 22: Viewpoint 6 – Corner of Atchison St and Oxley St, St Leonards, proposed view

5.9 Viewpoint 7: River Road Rail Bridge, Wollstonecraft

Viewpoint 7: River Road Rail Bridge, Wollstonecraft			
Element	Category	Comment	Level of effect
Category of view	Public domain, minor road	N/A	N/A
View composition type	Restricted	The proposal is primarily blocked by existing vegetation at this viewpoint. The nature of the proposed developments in St Leonards would more likely attract and direct the eye away from the proposal towards the greater scale of development to the left of the image.	Low
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 73 metres AHD, compared to the site which is approximately 86 – 96 metres AHD.	Low
Viewing period	Short	Being located within on a road bridge across the railway line, most people would be travelling through the viewpoint in vehicles, as cyclists or pedestrians. There are footpaths on either side of River Rd, however, they are both narrow and do not encourage staying in the location. Regular commuters may present the opportunity for repeated viewing period events.	Low
Viewing distance	Medium range	Located approximately 400m from the site, the viewpoint is located at the lower end of the medium range.	Low
View loss or blocking	No loss of valuable views of landscape features from ground level	The proposal would not impede or block a significant view currently obtained from the viewpoint.	Low
Overall			Low

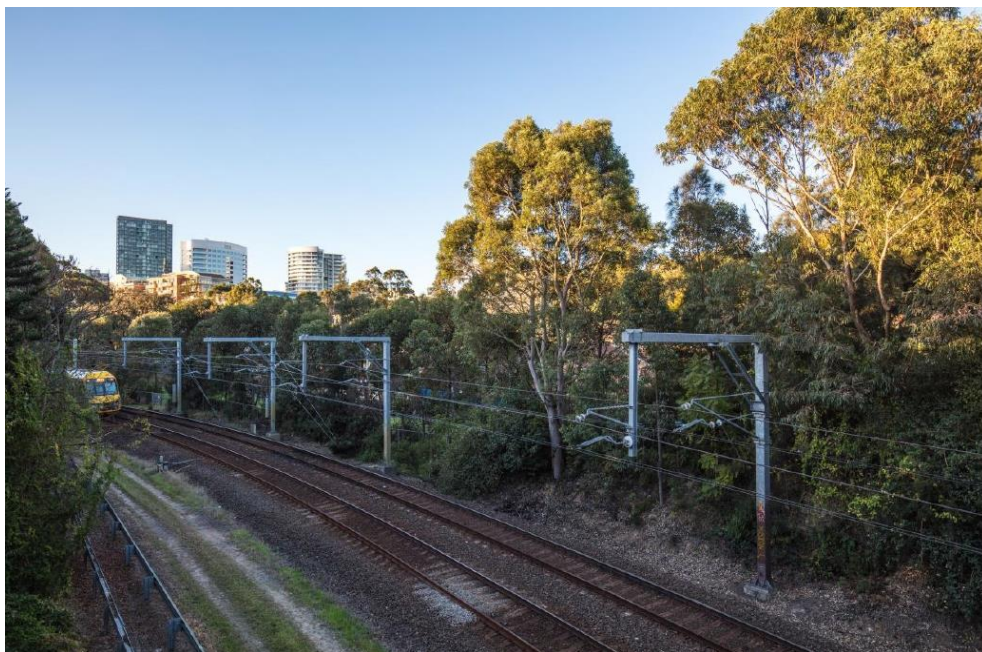
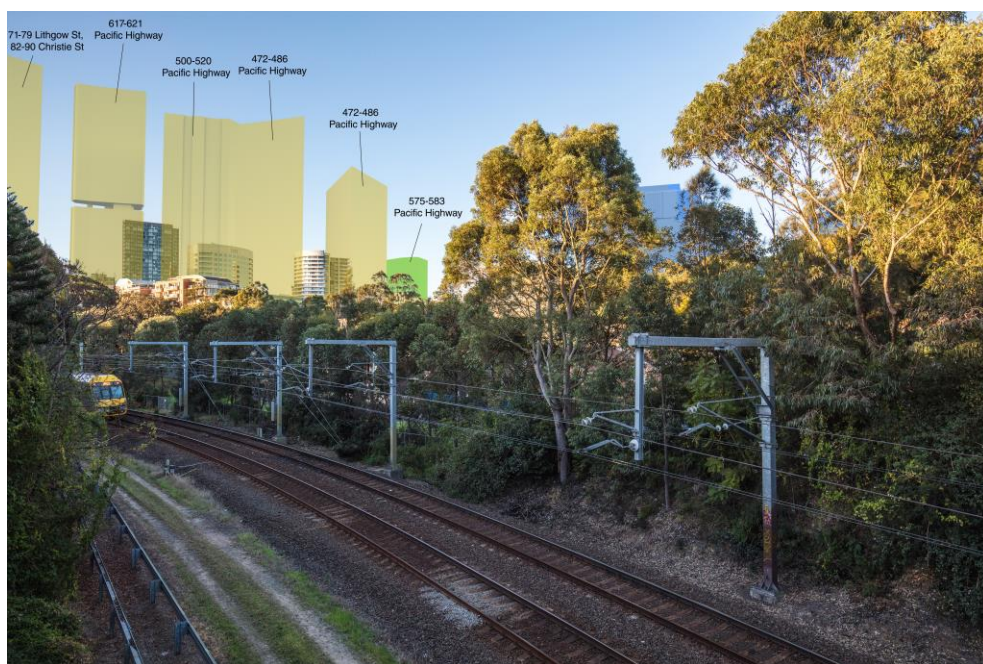


Figure 23: Viewpoint 7 – River Road Rail Bridge, Wollstonecraft, existing view



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|  Crows Nest OSD proposed envelope |  Approved CSSI Envelope |
|  Other approved DAs in locality |  Other Planning Proposals in locality |

Figure 24: Viewpoint 7 – River Road Rail Bridge, Wollstonecraft, proposed view

5.10 Viewpoint 8: Gladesville Bridge

Viewpoint 8: Gladesville Bridge			
Element	Category	Comment	Level of effect
Category of view	Public domain, main road	N/A	N/A
View composition type	Panoramic	Whilst the proposal will be quite prominent from this viewpoint due to its unrestricted location on the ridgeline, it is unlikely to form a focal point of the image due to the larger scale of existing and proposed developments in other centres, as well as unobstructed views to prominent landmarks including the Sydney Harbour Bridge.	
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 41 metres AHD, compared to the site which is approximately 86 – 96 metres AHD.	Low
Viewing period	Short with opportunities for regular.	Being located within a road reserve, most people would be travelling through the viewpoint in vehicles (due to the narrow width of the shared eastern cyclist and pedestrian path, use for these purposes is limited). Due to the nature of Victoria Road primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events.	Medium
Viewing distance	Long range	Located approximately 5km from the site, the viewpoint is located in the long range.	Low
View loss or blocking	No loss of valuable views of landscaped features	The proposal would not impede or block a significant view currently obtained from the viewpoint. The OSD is read in a skyline of existing and proposed St Leonards developments.	Low
Overall			Low



Figure 25: Viewpoint 8 – Gladesville Bridge, existing view



Figure 26: Viewpoint 8 – Gladesville Bridge, proposed view

5.11 Viewpoint 9: Barangaroo Reserve

Viewpoint 9: Barangaroo Reserve			
Element	Category	Comment	Level of effect
Category of view	Public domain, iconic view	N/A	N/A
View composition type	Expansive	This viewpoint provides generally unimpeded views of much of the North Shore. North Sydney CBD forms the primary focal point from the viewpoint, with the exception of restricted views to the iconic views of the Sydney Harbour Bridge. Whilst there will be generally unobstructed views to the proposal from this viewpoint, the scale of the proposal within the context of the North Sydney CBD and other proposed developments in St Leonards will mean that it will not form a significant focal point of the viewpoint.	Low
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 4 metres AHD, compared to the site which is approximately 86 – 96 metres AHD.	Low
Viewing period	Long	As one of the city's major public open spaces, people are encouraged to spend long periods of time in this location. It is also the location for many significant public gatherings and events.	Medium
Viewing distance	Long range	Located approximately 3.5km from the site, the viewpoint is located within the long range.	Low
View loss or blocking	No loss of valuable views of landscaped features	The proposal would not impede or block a significant view currently obtained from the viewpoint. The OSD is read in a skyline of existing and proposed St Leonards developments.	Low
Overall			Low



Figure 27: Viewpoint 9 – Barangaroo Reserve, existing view



-  Crows Nest OSD proposed envelope
-  Approved CSSI Envelope
-  Other approved DAs in locality

Figure 28: Viewpoint 9 – Barangaroo Reserve, proposed view

5.12 Viewpoint 10: Ernest St near Cammeray Golf Club

Viewpoint 10: Ernest St near Cammeray Golf Club			
Element	Category	Comment	Level of effect
Category of view	Public domain, main road	N/A	N/A
View composition type	Focal	Given the generally long straight alignment of Ernest St in this location, the proposal will form a prominent feature from this distance. Notwithstanding this, the scale of the proposal will not dominate the view from this location. In part, it is absorbed by the landscaping and tree canopy in the foreground.	Medium
Relative viewing level	Level	The elevation of the viewpoint is approximately 91 metres AHD, compared to the site which is approximately 86 – 96 metres AHD.	Low
Viewing period	Short	Being located within a road reserve, most people would be travelling through the viewpoint in vehicles (due to the narrow width of the shared eastern cyclist and pedestrian path, use for these purposes is limited). Due to the nature of Ernest St primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events.	Medium
Viewing distance	Long range	Located approximately 1.5km from the site, the viewpoint is located within the long range.	Low
View loss or blocking	No loss of valuable views of landscaped features	The proposal would not impede or block a significant view currently obtained from the viewpoint. The OSD is read in a skyline of existing and proposed St Leonards developments.	Low
Overall			Low



Figure 29: Viewpoint 10 – Ernest St near Cammeray Golf Club, existing view



Figure 30: Viewpoint 10 – Ernest St near Cammeray Golf Club, proposed view

5.13 Summary: Level of Visual Effect

Factors	Low	Medium	High	Comment
Baseline factors				
Visual character	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>A number of influences, in particular elevated and prominent topography in a dense, high-rise built form transitioning away to lower retail, hospitality and residential areas create an overall high quality visual character, and one that has an impact on the visual image, identity and character of the city as a whole.</p> <p>The proposal is responsive to this when viewed from both long and medium range viewpoints, and as such would have a low effect on visual character.</p>
Scenic quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The primary visual catchment when viewed from long range viewpoints and some medium range viewpoints is largely a cohesive, distinct and memorable composition comprised of natural and built elements such as water, parkland and vegetation. This includes iconic Sydney landscape features such as Sydney Harbour and Sydney Harbour Bridge.</p> <p>The St Leonards / Crows Nest strategic centre performs a distinct but subordinate role in this composition, typically forming a backdrop to more visible foreground items. The proposal is consistent with this role, and as such would have a low effect on scenic quality.</p>
View place sensitivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Largely due to distance and responsiveness to visual character, the proposal would have a low effect on existing view place sensitivity.
Viewer sensitivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A number of residential areas in the suburbs of Crows Nest and Wollstonecraft have medium range views to the site. However, views from these areas are largely partially obstructed by existing landscape and/or built form elements or dominated by other proposed developments in St Leonards. As such, their view place sensitivity is reduced.
View composition type	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The selected viewpoints provide focal or restricted views to the proposal. The proposal would largely have a low effect on these views. However, the proposal would rearrange the composition of some focal views by inserting itself as part of a collection of prominent new focal points in the St Leonards centre. From areas to the direct east or south, such as Hume Street Park, the view change will be a significantly new composition to the west. From Ernest Place, whilst still a significant change, will be reduced by the presence of one and two storey shopfronts along the length of Willoughby Road.
Variable factors				
Relative viewing level	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is located on a prominent location on the ridgeline. This means that it has a generally unobstructed view from many locations within a medium to long range vicinity of the site. However, due to the scale of other proposed developments in St

				Leonards which are also of a similar topography, the proposal would have a low effect on relative viewing level considerations.
Viewing period	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Many of the viewpoints are used by people moving through the area in vehicles or as cyclists or pedestrians undertaking commuter or local access trips, most views obtained from the selected viewpoints would involve short to medium viewing periods. This is with the exception of views from Hume Street Park or Ernest Place, which are in close proximity to the site and encourage longer term activity, therefore having a higher level of visual effect. Viewpoints on the southern foreshore of Sydney Harbour including Barangaroo Reserve also provide for passive recreation or tourist uses, however, the proposal is not as visually dominant from this location.
Viewing distance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal would have a higher effect on some short and medium range views, in particular from Hume Street Park and Ernest Place.
View loss or blocking	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Significant views, such as panoramic views to attractive landscape features, would not be blocked from the public domain. However, the view of the sky will be impacted from some locations including Hume St Park, Ernest Place and the Five Ways Intersection – though ample sky views do still remain in each location tested.

6.0 Visual Impact

This part of the report assesses the visual impact of the concept proposal. Visual impact is determined by considering visual effect against certain factors. The size of the visual effect does not necessarily correlate with the size of its impact. For example, a proposal may have a high visual effect, however a low or moderate visual impact. Conversely, due to the sensitive nature of a place, a small visual effect may have a high visual impact.

The factors selected to inform visual impact are:

1. physical absorption capacity (PAC); and
2. compatibility.

6.1 Physical absorption capacity

PAC means the extent to which the existing visual environment can mitigate visibility of a proposal, including through hiding, screening or disguising, and the extent to which the character, scale, colours, materials and finishes of a proposal enable it to reduce contrast with similar nearby development to the extent that it is less easily distinguished as a new feature.

Prominence, which is influenced by design, is also relevant to PAC. High PAC can only occur where there is low to moderate prominence of the proposal in the existing visual environment. Design, including scale, colours, materials and finishes can decrease prominence.

The PAC for the proposal ranges from low to high.

For long range viewpoints, the PAC is high. This is largely due to the many larger scale development proposals under construction that screen the proposal or lessen the effect of the proposal within the context of a larger high-density cluster of buildings. In particular, the newer built form of 500-520 Pacific Highway and 472-486 Pacific Highway will assist in achieving this outcome.

For medium range viewpoints, the PAC ranges from low to high. The low rating applies to viewpoints 2, 3, 4, 5, 6 and 10 due to the proposal's visual prominence that makes it a readily distinguishable new feature of the existing visual environment. In particular, at these listed viewpoints, the proposal is not viewed with existing and proposed development in St Leonards in the background. The dominant, high-rise, office tower built form typology of the St Leonards CBD is able to mitigate visibility of the proposal to a level where it does not have a high contrast with the existing setting. Impact is further mitigated by the larger height, scale and form to newer nearby developments under construction – particularly when the proposal is viewed from the north or south. Colours, materiality and finishes can also be carefully considered at the future detailed design stage and can assist with integrating the proposal with existing key features.

The *2036 Draft Plan* identifies a height peak at the Metro site, with heights transitioning or lowering to neighbouring sites and the Crows Nest village. This will mean that in time and subject to further neighbouring development, the prominence of the proposal will be reduced.

For short range viewpoints including Hume Street Park and Ernest Place, the PAC is low based on envelope drawings. This is largely due to the scale of the proposal in contrast to the existing low rise development in the foreground. The PAC has been mediated through planning a lower rise building on Site C closer to the park. The PAC will improve with detailed design and finishes of the building. The skyline of St Leonards / Crows Nest further to the north does provide some context for the visual impact, particularly when considered as an adequate transition to the larger developments to the north.

6.2 Compatibility

Visual compatibility is determined by whether the proposal would unacceptably change the essential scenic character of the visual catchment. Compatibility means that the proposal responds positively to or borrows from within the range of features (e.g. character, scale, form, colours, materials) of the surrounding area or areas of the locality which have the same or similar existing visual character. Compatibility does not require replicating features that exist in the immediate surroundings. It is also not correlated with whether the proposal can be seen or distinguished from its surroundings, as highly visible elements can be compatible with their setting. Consideration of preferred future character identified in adopted planning instruments is also a relevant consideration.

While visually prominent from some short and medium range viewpoints, the proposal is responsive to the emerging St Leonards CBD, as well as nearby visually prominent buildings in terms of height and scale. The *2036 Draft Plan* anticipates significant changes to the precinct, including increases in height centred around the metro station at Crows Nest and the existing heavy rail station at St Leonards. It provides an appropriate transition in height, both north-south from the taller developments in St Leonards and east-west from the 22 storey towers on Site A through to the 9 storey tower on Site C and onwards to Hume St Park and Willoughby Road. The 18 storey building on Site B also mediates this impact, by providing a transitional increase to the 22 storey buildings when viewed from the south. Further, the proposed height at 22 storeys reduces the visual impact of taller proposed buildings further to the north when viewed from areas such as the Fiveways Intersection.

Due to this, the compatibility of the proposal with the essential scenic character of the visual catchment is medium to high. A design excellence strategy will guide the future detailed design of the buildings.

6.3 Application of factors

An application of all the factors considered in this section provides a summary of impact. The application of PAC and compatibility is to reduce the significance of visual effect.

Consequently, low – medium and medium visual effects are reduced to a low visual impact.

The main determinants of this are:

- the high PAC of the St Leonards CBD context (existing and emerging);
- existing and under construction buildings, in particular newer buildings that will increase the height and density of the St Leonards / Crows Nest Strategic Centre, including 472-486 Pacific Highway and 500-520 Pacific Highway;
- compatibility with the St Leonards CBD context, in particular, the appropriate transition between these taller developments and the lower form and scale of Willoughby Road; and
- the design quality features to be embedded in the concept SSD Approval.

Whilst considering the factors identified which influence visual impact, it is also important to recognise the strategic intent behind government policy to locate density above metro infrastructure. Consistent with the principles of transit-oriented development, density at metro stations and hence maximising the amount of people living and working within a close walking catchment of a metro station encourages the use of public transport resulting in a subsequent decrease in private car usage. This has the effect of reducing congestion in Sydney and increasing the liveability of citizens. The view and visual impact of the proposal needs to be considered within this context.

7.0 Assessment of acceptability of visual impact

7.1 Criteria for assessment

The criteria for assessment of whether the visual impact is acceptable have been derived from applicable planning documents, including the SEARs, the District Plan, the North Sydney DCP 2013, the 2036 Draft Plan and the Rezoning Proposal. Six (6) criteria have been identified:

1. Criteria 1: Amenity – general.
2. Criteria 2: Scenic and cultural landscapes.
3. Criteria 3: Heritage.
4. Criteria 4: Visual dominance.
5. Criteria 5: Vistas and views from the public domain.
6. Criteria 6: Building design.

7.1.1 Criteria 1: Amenity

Source	Criterion	Response
Amenity - general		
SEARs	Key Issues 8. Amenity <ul style="list-style-type: none"> Provide a visual impact assessment to identify the visual changes and impacts on the site and its surrounds. This must include a view analysis to and from the site from adjoining developments, key vantage points and streetscape locations including photomontages or perspectives of the proposed development. The view locations and methodology for the analysis must be prepared in consultation with the Department and Council. 	Discussion in this report has demonstrated that while the proposal will have an impact on views from some public spaces and from adjoining developments, the impact is reasonable on the balance of considerations when considering the changing urban and strategic context identified in the 2036 Draft Plan.
NSLEP 2013	<ul style="list-style-type: none"> Height of buildings: to promote the retention and, if appropriate, sharing of existing views 	The height of the buildings has been carefully determined to allow for an appropriate transition between the emerging scale of the St Leonards CBD and the fine-grain nature of the Willoughby Road retail/hospitality strip.
NSLEP 2013	<ul style="list-style-type: none"> In relation to non-residential development, ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing 	
North Sydney DCP 2013	<ul style="list-style-type: none"> To encourage view sharing as a means of ensuring equitable access to views from dwellings, whilst recognising development may take place in accordance with other provisions of this DCP and the LEP 	

North Sydney DCP 2013	<ul style="list-style-type: none"> When considering impacts on views, Council will generally not refuse a development application on the grounds that the proposed development results in the loss of views, where that development strictly complies with the building envelope controls applying to the subject site. 	
2036 Draft Plan	<ul style="list-style-type: none"> Consider cumulative impacts of new developments on existing areas, including overshadowing, wind impacts and view loss 	The 2036 Draft Plan proposes significant changes to the built form of the locality that will have cumulative impacts. These changes are predicated on a height 'peak' at the Crows Nest metro station. These cumulative impacts will have the effect of reducing visual impact of the proposal, considering a built form that is more dense is proposed for areas immediately surrounding the subject site.

7.1.2 Criteria 2: Scenic and cultural landscapes

Source	Criterion	Response
Amenity - general		
Region Plan	<ul style="list-style-type: none"> Identify and protect scenic and cultural landscapes Enhance and protect views of scenic and cultural landscapes from the public realm Enhancing views of Sydney Harbour will come with renewal projects such as The Bays Precinct Recognises that spectacular views of Sydney Harbour, the CBD skyline, the coastline, waterways and bushland provide the focal point for many great places across the District Renewal can protect and maintain views to the coast, harbours and waterways from public spaces 	<p>The St Leonards / Crows Nest strategic centre forms a key part of the visual catchment of the Sydney Harbour foreshore when viewed from the Southern Foreshore. However, this impact is partially reduced by the more prominent North Sydney CBD which is located closer to the foreshore. This is an iconic scenic landscape, and one that is readily visible from multiple viewpoints in the public domain. The building envelope is capable of supporting a building form that integrates well with this existing visual character, being compatible with the emerging form of the St Leonards CBD and additional changes to the built form as anticipated by DPIE in the 2036 Draft Plan. The proposal helps to reduce the visual impact of the larger proposed developments further to the north by providing an adequate transition to these buildings.</p> <p>Also relevant to this assessment is the consistency with government policy to place density on and around metro stations in accordance with the principles of transit oriented development.</p>
Sydney Harbour SREP 2005	<ul style="list-style-type: none"> Development should maintain, protect and enhance views (including night views) to and from Sydney Harbour 	
Sydney Harbour SREP 2005	<ul style="list-style-type: none"> The cumulative impact of development on views should be minimised 	
2036 Draft Plan	<ul style="list-style-type: none"> Future development needs to acknowledge key views and vistas such as key long distance vistas which offer sky views, and vistas where a building may terminate the view 	Key views and vistas from neighbouring residential areas is assessed in Section 8.

7.1.3 Criteria 3: Heritage

Source	Criterion	Response
Amenity - general		
NSLEP 2013	<ul style="list-style-type: none"> To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views 	<p>There are a number of heritage items in the vicinity of the site, however, there is only one item which is in the immediate vicinity – being the St Leonards Centre. Across the Pacific Highway, the Higgins Buildings (366-376 Pacific Highway) are also listed as local heritage items.</p> <p>The visual impact on the St Leonards Centre will be minimised through the considered scale of the Site C development, which will match the height of the heritage item. Whilst the 22 storey envelopes will have an impact in terms of forming a considerable backdrop to the Centre, this impact will be reduced by separating Block A and the Centre.</p> <p>In addition to this, the Crows Nest OSD Design Guidelines (refer to Appendix D to the Response to Submissions) will also act to ensure a sensitive heritage outcome. Views to the building are still to be retained from surrounding streets.</p>

7.1.4 Criteria 4: Visual dominance

Source	Criterion	Response
Visual dominance		
NSLEP 2013	<ul style="list-style-type: none"> Need to strike a balance between facilitating new development while preserving, as far as practicable, access to views from surrounding properties 	<p>The proposal would be visually prominent from certain viewpoints, in particular from Ernest Place and Hume Street Park.</p> <p>However, the height and massing of the proposal is not incompatible with that of nearby proposed development, including 472-486 Pacific Highway and 500-520 Pacific Highway. As stated above, this is aligned with DPIE intent to alter the built form of the surrounding area through the 2036 Draft Plan and is consistent with government policy to locate density on and around metro infrastructure.</p> <p>The scale and massing of the building envelope has also been carefully configured to provide an appropriate transition between the emerging scale of the St Leonards CBD and the lower forms of Willoughby Road. On this basis, it would not result in a building that is visually dominant or inconsistent with the prevailing built form character of the St Leonards / Crows Nest strategic</p>

		<p>centre.</p> <p>Located above the approved Crows Nest Station, the site has the potential to be a key development site in the St Leonards / Crows Nest strategic centre. The combination of the approved station and the OSD together respond to this opportunity by delivering in a strategically accessible location. This is an appropriate response in accordance with the principles of transit oriented development.</p>
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7.1.5 Criteria 5: Vistas and views from the public domain

Source	Criterion	Response
Vistas and views from the public domain		
NSDCP 2013	<ul style="list-style-type: none"> • Preserve and where possible enhance identified key views. • To protect and enhance opportunities for vistas and views from streets and other public places. • To provide additional views and vistas from streets and other public places where opportunities arise. • Where appropriate, the opening up of views should be sought to improve the legibility of the area. • Maintain and protect views identified in the relevant area character statement (refer to Part C of the DCP) from future development. • Where a proposal is likely to adversely affect views from either private or public land, Council will give consideration to the Land and Environment Court's Planning Principle for view sharing established in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140 • There is an opportunity to enjoy the views from and within the area toward the Sydney CBD, Sydney Harbour, heritage items and surrounding areas • Provide public or semi-public access to top floors where possible (e.g. restaurants, roof top gardens and facilities). 	<p>The proposal does not block or impede key views identified in the NSDCP 2013. The combination of the approved station and the redevelopment of Hume Street Park together open up views from the public domain through measures such as:</p> <ul style="list-style-type: none"> • creation of a new connection through to Willoughby Road • transitioning building height upwards towards proposed developments of a larger scale in St Leonards • transition lower Site C to Hume Street Park <p>As discussed above, the proposal has been sensitively designed to deliver on the opportunities presented by the site while respecting local heritage, in particular the views and significance of the St Leonards Centre.</p> <p>Further, the proposal largely in accordance with the Rezoning Proposal for the subject site, as instigated by DPIE.</p>
Sydney Harbour SREP 2005	<ul style="list-style-type: none"> • Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items. 	

7.1.6 Criteria 6: Building design

Source	Criterion	Response
Building design		
NSDCP 2013	<ul style="list-style-type: none"> Use setbacks, design and articulation of buildings to maintain street views, views from public areas and those identified in the relevant area character statement (refer to Part C of the DCP). 	<p>The proposal would not block or impede views identified in the NSDCP 2013. The proposal is seeking consent for an envelope only, with a future detailed application required to provide further detail on design elements and articulation. The Crows Nest OSD Design Guidelines (refer to Appendix D to the Response to Submissions) will also act to ensure a sensitive heritage outcome. Views to the building are still to be retained from surrounding streets.</p>

8.0 Private View Loss Assessment

The SEARs require consideration of view impact on adjoining properties. Private views from neighbouring buildings have the potential to be affected by the proposed envelope, including at:

- 545 Pacific Highway (16 storeys)
- 22-26 Clarke Street (8 storeys)
- 400 Pacific Highway (5 storeys)
- 402-420 Pacific Highway (5 storeys)

The location of these developments is shown in the figure below.



Figure 31: Location of properties included in private view loss assessment

It is noted that additional residential development is located further north of the sites identified above in the St Leonards centre. This includes approved development and development under construction. However, many of these developments have views already obstructed by other developments to the north and north west of the subject site. In this instance, it is considered reasonable to assess properties with the highest degree of impact which are those closest to the site identified above, on the premise that the additional residential development further to the north will have a lesser impact than those assessed.

It is common in undertaking an assessment of view impacts to address the planning principle enunciated by the NSW Land and Environment Court in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 (*Tenacity*). In *Tenacity*, Senior Commissioner Roseth sets out four steps that must be considered in assessing whether view sharing is reasonable. We note, however, that the situation in the proposed development is distinguished from *Tenacity* on the following basis.

Roseth SC specifically states in his decision (at 25) that there are circumstances that do not require any view sharing and where it may be entirely reasonable for a development to entirely block a view. The 2036 Draft Plan further requires future development to acknowledge key views and vistas such as key long distance vistas which offer sky views, and vistas where a building may terminate the view and be designed appropriately in response. These considerations can be assessed under the four steps outlined in Tenacity, as outlined below.

Basis of Assessment

Whilst there are limitations in applying the *Tenacity* planning principle in the context of the proposed development, the four steps outlined by Roseth SC nonetheless provide a useful framework for identifying and assessing the impacts of a development on views. The four steps are as follows:

1. What are the views that would be affected?

“The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. 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 e.g. a water view in which the interface between the land and water is visible is more valuable than one in which it is obscured”.

For the purpose of this assessment views towards the Sydney CBD skyline and Sydney Tower could be considered to be iconic as per examples cited in the judgement. Regional, district land, urban built form and topographical views, whilst providing amenity would not be valued as highly as CBD skyline views.

2. Where are the views obtained from?

“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”.

For the purpose of this assessment, views have been considered for the entirety of the building elevation facing Sydney Metro, recognising that each building has more than one aspect/elevation.

3. What is the extent of the impact?

“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”.

For the purpose of this assessment, a qualitative analysis has been undertaken and has categorised the impact into the relevant categories in the planning principle, being negligible, minor, moderate, severe or devastating.

4. How reasonable is the proposal causing the views to be lost?

“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.

For the purpose of this assessment, the reasonableness of the proposal has been determined on the overall assessment of properties affected and not on the basis of the conclusions for each single apartment. In other words, an impact may be significant for an individual apartment, however, the proposal remains acceptable on balance when considering the totality of views affected in the locality, the extent of retention of some view (i.e. view sharing rather than full view preservation) and also when considering the overall impacts and merits of the proposal on environmental planning grounds which need to be considered on balance with private residential impacts.

For the purpose of this assessment, how the proposal has skillfully sought to respond to a range of environmental planning considerations has also been considered. This included the provision of a commensurate density above planned public transport infrastructure, sunlight access, overshadowing, structural considerations, proportion and height relative to the status of the site as a significant urban regeneration project have been considered and balanced with view impacts affecting private residential dwellings.

To undertake this assessment, Virtual Ideas prepared photomontages from various floors in the buildings listed above (refer Appendix P to the Response to Submissions). These photomontages are shown in the figures below. Sections 8.1 to 8.3 addresses *Tenacity’s* Steps 1-3 to ascertain the nature and extent of view impacts arising from the proposed development, whilst Section 8.4 addresses the reasonableness of the proposed

development and, as a result, the reasonableness of the view impacts identified at Sections 8.1 to 8.3.

It is relevant to distinguish between views affected by development already approved under the CSSI Approval and those proposed to be affected under this concept SSD Application. In the images below, areas highlighted in purple represent the extent of the CSSI Approval, which generally equate to approximately levels 4 and below in the equivalent adjacent residential buildings. Therefore, whilst these areas do impact views from some adjacent residential properties, this development has already gained development approval and is not subject to further assessment.

8.1 Step 1: Assessment of the views to be affected

545 Pacific Highway

As 545 Pacific Highway is located to the north of the subject site across Oxley Street, affected views from this building will include all south facing apartments. At the lower levels of the building (i.e. to approximately Level 4), the view is to be dominated by built form associated with the CSSI Approval. Levels 5-16 are impacted by the concept proposal with regard to district views south toward the North Sydney and Sydney CBDs. This includes partial views of the Sydney Harbour Bridge and Sydney Tower. District views remain to the south east and south west from these apartments. Refer to Figure 32 to Figure 37 below.

The entire building envelope on Site A will not be built out to the full extent and therefore there will be opportunity to view through the development depending on the final building form.



Figure 32: Low rise view (existing), 545 Pacific Highway

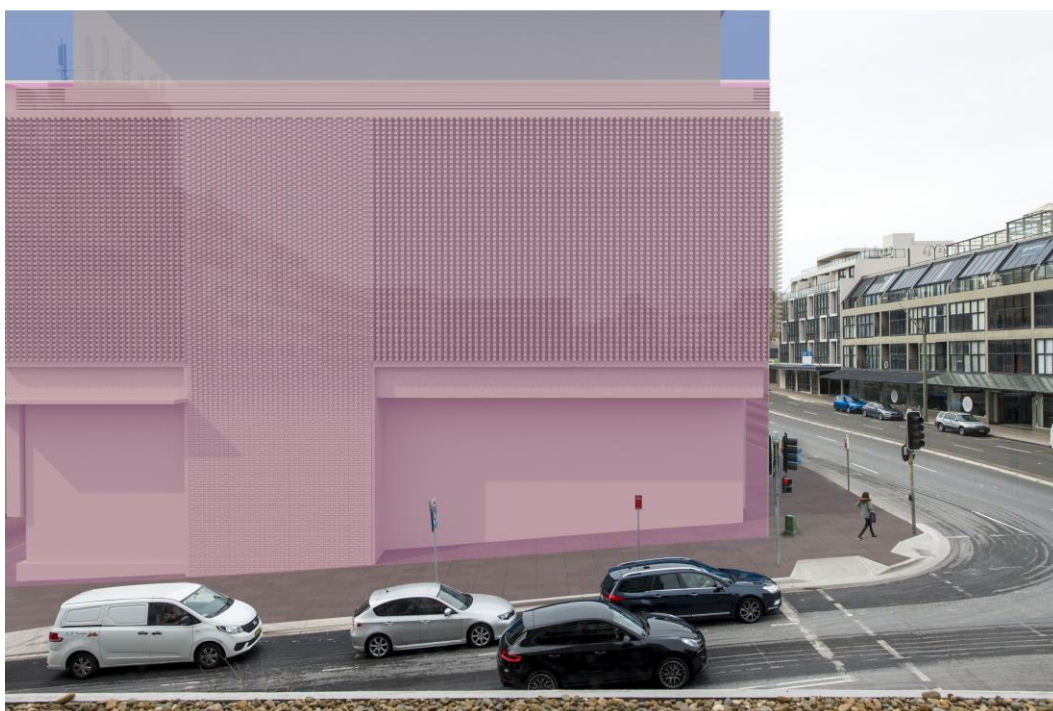


Figure 33: Low rise view (proposed), 545 Pacific Highway



Figure 34: Medium rise view (existing), 545 Pacific Highway



Figure 35: Medium rise view (proposed), 545 Pacific Highway



Figure 36: High rise view (existing), 545 Pacific Highway



Figure 37: High rise view (proposed), 545 Pacific Highway

22-26 Clarke Street

Affected properties at 22-26 Clarke Street include those with a western outlook across the Pacific Highway. Given the topography of the land slopes downward from the Pacific Highway, much of the district views are already obstructed by existing medium density development at 400 and 402-420 Pacific Highway. Furthermore, the majority of apartments appear to be oriented towards the east facing views of Hume Street Park, as indicated by the lack of large windows and balconies facing Clarke Lane in comparison to the larger balconies and windows on Clarke Street (refer to Figure 38).



Figure 38: 22-26 Clarke Street east facing (left) and west facing (right) elevations

The disruption to long-range western views from these apartments is expected to be minimal, as the primary view from the western elevation is over a laneway. The current condition of the site overlooks areas demolished as part of the CSSI Approval, and prior to this may have been partially obstructed by development on site pre-demolition. However, for the views from this building, the proposed building envelope fills the entirety of the western aspect. The actual outlook of this view will be further articulated through architectural form and design excellence at the detailed SSD Application, particularly with regard to the tapering of height at the southern end of Site A.

Given that there is no southern outlook from this building, there is not anticipated to be any impacts on southern views as a result of the proposed envelope on Site C.



Figure 39: Top level west-north-west view (existing), 22-26 Clarke Street

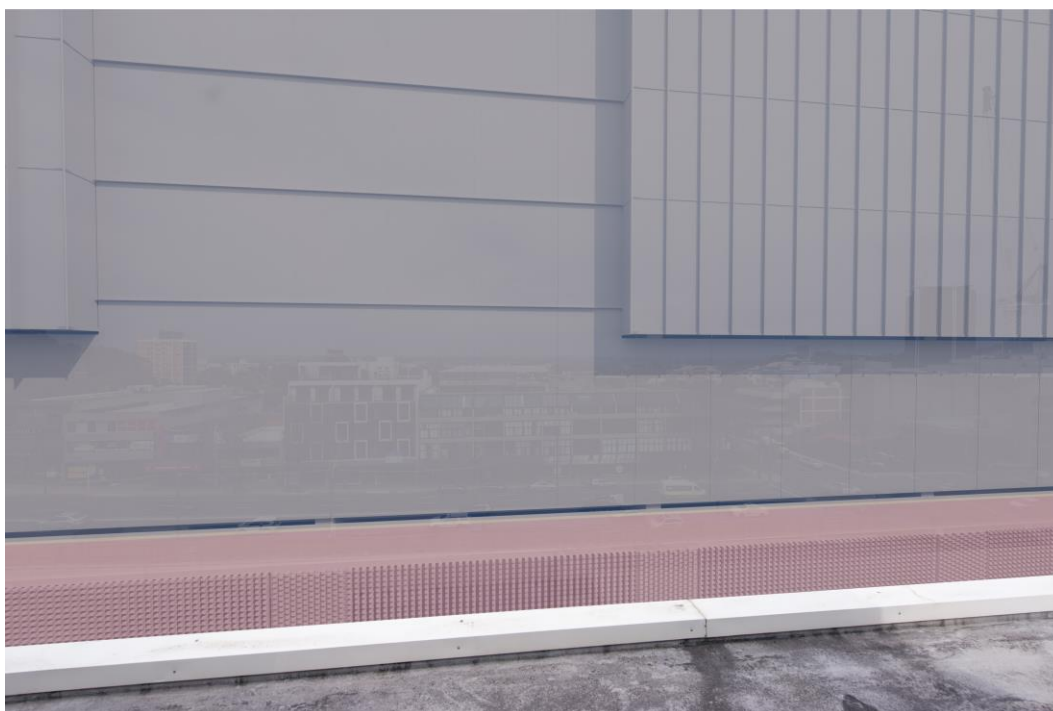


Figure 40: Top level west-north-west view (proposed), 22-26 Clarke Street



Figure 41: Top level west-south-west view (existing), 22-26 Clarke Street



Figure 42: Top level west-south-west view (proposed), 22-26 Clarke Street

400 Pacific Highway and 402-420 Pacific Highway

Given the location of properties at 400 Pacific Highway and 402-420 Pacific Highway are adjacent to each other, the visual impacts of all affected properties can be assessed together in this section.

Affected properties at these addresses include those with an eastern view. Given the height of these developments (at five storeys), there are no significant eastern views, as they are currently obscured by existing eight storey developments on Clarke Street. The impact of the proposed building envelopes is to shorten the views afforded to the east by the width of the Sydney Metro site (approximately 35 metres). The scale of the proposed building envelope is also anticipated to reduce eastern sky views.

Many of the properties within these buildings retain significant western views, supported by the position at an elevated topography looking across towards a valley and the western suburbs.

Therefore, whilst the proposed building envelope is anticipated to occupy the complete eastern view from these residences, the existing view is already presented within a developed urban context. The proposed building envelopes adhere to relevant standards associated with building separation to the affected properties thereby ensuring daylight access and breathing space between the buildings is maintained.

The entire building envelope on Site A will not be built out to the full extent and therefore there will be opportunity to view through the development depending on the final building form.



Figure 43: Top level east view (existing), 402-420 Pacific Highway



Figure 44: Top level east view (proposed envelope), 402-420 Pacific Highway



Figure 45: Top level southeast view (existing), 402-420 Pacific Highway

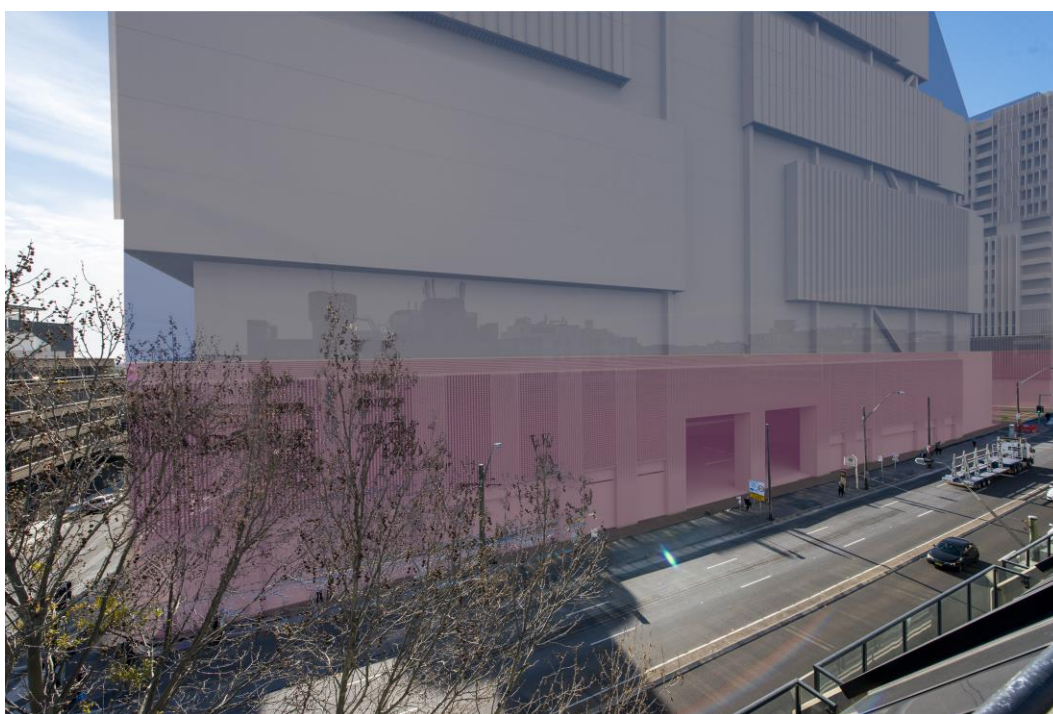


Figure 46: Top level southeast view (proposed envelope), 402-420 Pacific Highway



Figure 47: Top level northeast view (existing), 400 Pacific Highway



Figure 48: Top level northeast view (proposed envelope), 400 Pacific Highway



Figure 49: Top level east view (existing), 400 Pacific Highway



Figure 50: Top level east view (proposed envelope), 400 Pacific Highway



Figure 51: Top level southeast view (existing), 400 Pacific Highway

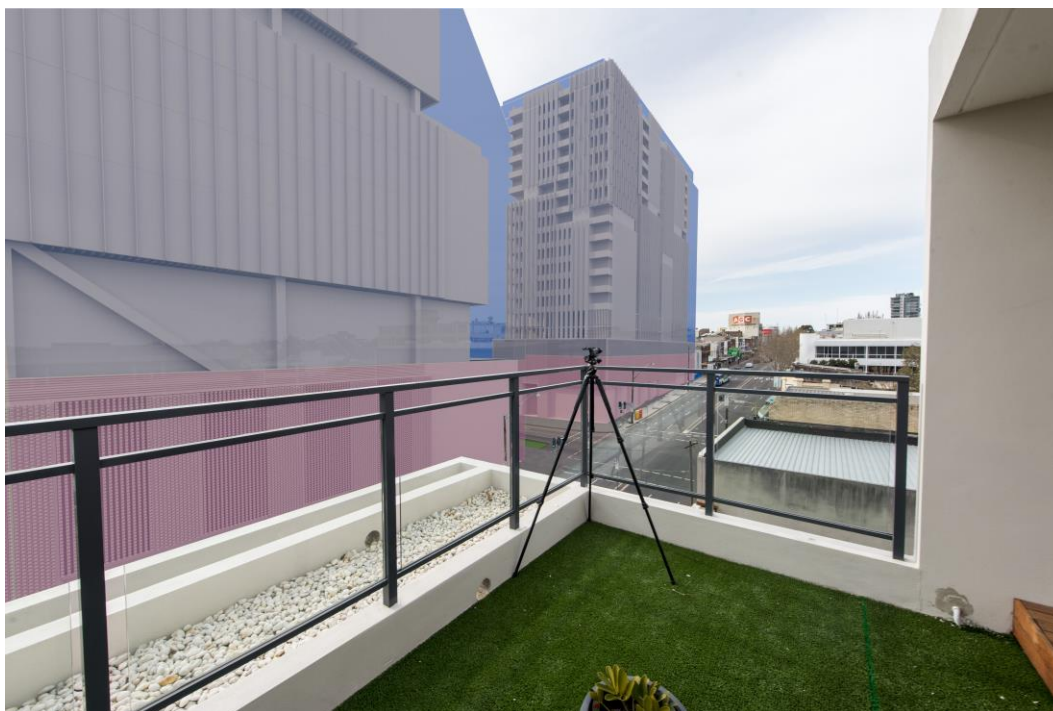


Figure 52: Top level southeast view (proposed envelope), 400 Pacific Highway

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

As all properties assessed are smaller in scale than the proposed building envelopes, all levels of the affected properties on their relevant elevations fronting the Sydney Metro site are considered to be affected.

However, it is relevant to distinguish between views affected by development already approved under the CSSI Approval and those proposed to be affected under this concept SSD Application. In the images above, areas highlighted in purple represent the extent of the CSSI Approval, which generally equate to approximately levels 4 and below in the equivalent adjacent residential buildings. Therefore, whilst these areas do impact views from some adjacent residential properties, this development has already gained development approval and is not subject to further assessment.

Further, each development has more than one elevation meaning different apartments have differing view aspects, such as:

- 545 Pacific Highway – western and eastern aspects, and northern aspect at upper levels:
- 22-26 Clarke Street – eastern aspect over Hume Park
- 400 Pacific Highway and 402-420 Pacific Highway – west over the valley and towards the western suburbs

Hence, the impact relates to views from the following apartments:

- 545 Pacific Highway – south facing apartments
- 22-26 Clarke Street – west facing apartments
- 400 Pacific Highway and 402-420 Pacific Highway – east facing apartment

8.3 Step 3: Assess the extent of impact

The most valuable views to be affected as a result of the proposed building envelopes are those with a southern aspect from the mid and upper levels of 545 Pacific Highway. The proposed building envelopes affect long range views of the North Sydney and Sydney CBDs, including iconic views of the Sydney Harbour Bridge and Sydney Tower. The impact at these mid to upper levels could be considered moderate to severe. This is because iconic views are affected by the proposed building envelopes. However, substantive vistas and sky exposure are retained with district views remaining to the south east and south west from these apartments.

At the lower levels of 545 Pacific Highway the impact can be considered minor to negligible as the existing outlook both pre and post construction represented the outlook over an urban environment, roads and buildings.

The impact to 22-26 Clarke Street is considered minor. There is some loss of district vegetated views. However, the overall impact to the building is mitigated by the following factors:

- much of the district views are already obstructed by existing medium density development at 400 and 402-420 Pacific Highway
- The majority of apartments appear to be oriented towards the east facing views of Hume Street Park, as indicated by the lack of large windows and balconies facing Clarke Lane in comparison to the larger balconies and windows on Clarke Street

The impacts to 400 Pacific Highway and 402-420 Pacific Highway are also considered minor with the existing and post development scenario primarily providing outlook over an urban environment, roads and buildings.

8.4 Step 4: Assess the reasonableness of the proposal that is causing the impact

Crows Nest is experiencing significant urban transition as a result of investment in transport infrastructure, in particular the proposed metro station at the subject site. Locating density on or near transport infrastructure is consistent with strategic planning outcomes of transit-oriented development, which discourage the use of private motor vehicles and maximise the efficiency of investment in public transport.

This change in urban density is reflected in the proposed height concepts under the 2036 Draft Plan, which identify that building height and density is most appropriate at the St Leonards heavy rail station and the Crows Nest metro station (refer Figure 53 below). Given this alignment with strategic policy, this gives cause to an expectation of continued optimisation of land in the St Leonards / Crows Nest area for mixed use development of a significant nature.

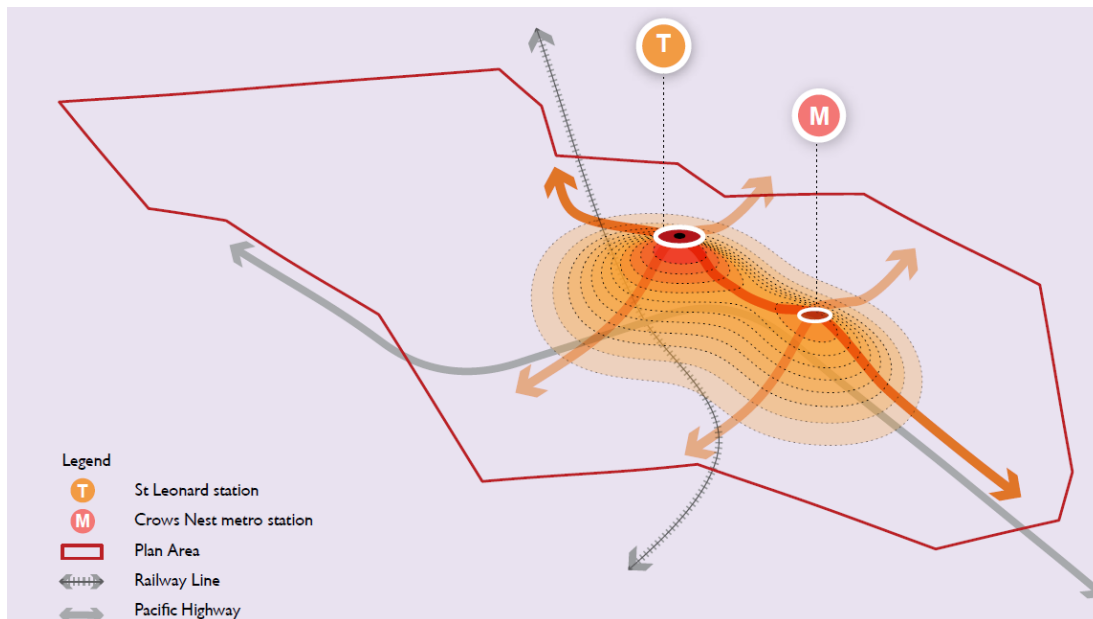


Figure 53: Height Concept Map in the draft 2036 Plan

Whilst considering the view impacts against the Roseth principles, the impact may be considered minimal. However, the concept SSD Application will significantly alter the nature of views from these premises, going in some cases from expansive views of sky in a relatively low intensity context to expansive views of buildings.

However, in relation to the above, the reasonableness of the proposal that is causing the impact (i.e. this concept SSD Application) is relative to the consistency of the proposal with this strategic planning work undertaken. A detailed consistency review against this strategic planning work is provided as an Addendum to the Environmental Impact Statement at Appendix MM and in the Response to Submissions Report. In summary, the concept SSD Application is consistent with the strategic intent for the Crows Nest and St Leonards area. Primarily, this includes concentrating density in and around the metro station and reducing the amenity impacts on Willoughby Road. The assessment demonstrates that slight variances are noted with regard to building services for Site B, but the concept SSD Application remains substantially aligned with the gazetted controls for the site.

When viewed from some locations within 545 Pacific Highway the view impact is anticipated to be greater at the mid and upper levels of this building and due to the impacts on views to the Sydney CBD and key landmarks in this frame. View locations at other assessed locations and buildings are considered to be minor.

Although there is a greater impact on private views from apartments at the high and mid rises of this one building, it is considered that these impacts are reasonable on balance given the significant contribution the concept SSDA will make to core planning objectives being:

- an employment hub

- a transit-oriented development
- a vibrant community
- an accessible place
- a well-designed place

Whilst an impact on an individual apartment can be classified as moderate or severe for some apartments (though not all in this assessment), consideration of the building in its totality, within its emerging built form context and within the context of the wider public benefits of the Concept SSDA must also be considered to determine whether a proposal is reasonable on balance. Whilst there are impacts on private views as assessed in this section those apartments still capture daylight, have sky exposure as well as retain district views and outlook towards the south west and south east.

Further to the above, a detailed SSD Application will need to respond to site constraints, including a narrow, linear site that forces a certain design response to achieve yield. It could be argued that the yield and height of the proposal is not excessive for the location above a metro station in proximity to a major commercial centre such as St Leonards. Given the design excellence strategy for the site (refer to Appendix N of the EIS), a skilful design response could have a significant impact on reducing the visual effect of the proposal on the neighbouring residential properties.

Given this general consistency with the strategic planning work undertaken at the site, it is considered that the proposed development is highly reasonable in its design, satisfying the fourth step prescribed under *Tenacity*.

On this basis, the proposal is considered to satisfy the principles established by *Tenacity* and represents an acceptable planning outcome.

9.0 Assessment of Comparison Between Exhibited and Amended Scheme

9.1.1 Key vantage points from the public domain

An assessment of the Exhibited Scheme found that the overall visual impact of the proposal was acceptable on a balance of considerations. This conclusion was made on the basis that the proposal achieves an appropriate balance between providing additional floorspace above a key new metro station and reduces visual impact on areas of amenity through design measures such as height transitions.

The Amended Scheme represents a 20 per cent reduction in the size of the building envelope on Site A. With regard to long range views of any future development on the site from the public domain, the visual impact of the scheme will be reduced commensurate with this reduction in size of the building envelope. In particular, the tapering height at the southern end of Site A significantly increases the separation between the indicative schemes of Site A and Site B, increasing the amount of sky view between the two built forms. This amendment also further visually reinforces the notion of the transition from low density development to the south to the future high-density development of St Leonards. This is shown in the figure below.



Figure 54: Indicative scheme under the Amended Proposal (shown in blue) from Ernest St, Cammeray within the context of future proposed development (shown in yellow)

Under the indicative scheme as exhibited, sky views were available in the space between the two residential buildings on Site A. Given the change to commercial use on this site, there is no longer any view provided in this space, which is now occupied by one commercial building. Notwithstanding, the visual impact assessment for the Exhibited Scheme was based on the building envelope and not the indicative scheme. The impact of change in indicative built form on Site A is most clearly seen from close range at Hume Street Park. The figure below demonstrates this view and includes the indicative scheme within the building envelope. Even from this range, the transitional view from the lower density developments to the south to the higher-density developments in St Leonards can be followed along the tapering of the southern end of Site A.



Figure 55: Indicative scheme under the Amended Proposal (shown in blue) from Hume St Park within the context of future proposed development (shown in yellow)

As was raised in the submissions received and in the design response detailed in Chapter 7 of the Response to Submissions Report (and summarised in Section 1.2 of this report), the tapering of the building envelope at the southern end of Site A has been driven by the need to maintain adequate amenity to Ernest Place through the retention of solar access at key times of the year (particularly around September). The figure below shows the development as seen from Ernest Place and demonstrates the extent of additional sky and solar access that is obtained from the tapering of the building envelope on Site A. This is a key feature and public benefit of the Amended Scheme.



Figure 56: Indicative scheme (shown in blue) under the Exhibited Proposal (top) compared to the Amended Proposal (bottom) from Ernest Place within the context of future proposed development (shown in yellow)

The views shown above represent the most significant visual impact of the scheme, being from the west (with a similar impact to the east). The proposal would have a low visual impact when viewed from the south for medium and long range views given the physical absorption capacity in the context of existing and proposed developments of a greater scale in the St Leonards CBD.

On the basis of this assessment, the proposal continues to achieve an appropriate balance between providing additional floorspace above a key new metro station and reducing visual impact on areas of amenity through design measures such as height transition. On this basis, it is determined that overall, the concept proposal in its amended form has an acceptable visual impact.

9.1.2 View impacts on neighbouring residential properties

The view impacts on neighbouring residential properties for the Exhibited Scheme was assessed in Section 8.3.2 of the EIS. This assessment concluded that the proposal is highly appropriate in its design, satisfying the fourth step prescribed under Tenacity, and therefore is acceptable in the proposed form. The strategic context for increasing density in the 2036 *Draft Plan* will result in a built form that will inevitably impact on views within the locality.

A comparison of the visual impact between the Exhibited Scheme and Amended Scheme demonstrates that there is will not be any significant change in the view impact to neighbouring residential properties due to the close range of the views. At this scale, the benefits of the tapering of the building envelope at the southern end of Site A are not discernible, considering that the taper meets the property boundary at a height of RL 127. Furthermore, the assessment undertaken in the Exhibited Scheme was made on the basis of the building envelope and not the indicative scheme. A comparison of the Exhibited Scheme and Amended Scheme (which superimposes the indicative scheme) as seen from the balcony of 400 Pacific Highway is shown in the figure below.

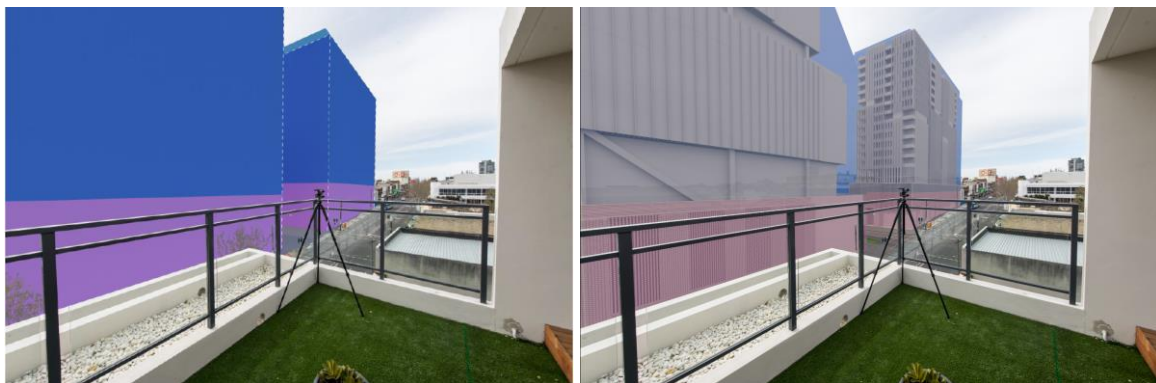


Figure 57: Building envelope of the Exhibited Scheme (left) and Amended Scheme (with indicative development) right as viewed from the top level southeast view of 400 Pacific Highway

This conclusion is consistent with views from other neighbouring residential properties including 420 Pacific Highway and 545 Pacific Highway.

On the basis that no discernible difference can be appreciated from this viewpoint between the Exhibited Scheme and Amended Scheme, the analysis provided in the exhibited EIS remains substantially relevant. As noted above, this assessment concluded that the proposal is highly reasonable in its design, satisfying the fourth step prescribed under Tenacity, and

therefore is acceptable in the proposed form. The strategic context for increasing density in the *2036 Draft Plan* will result in a built form that will inevitably impact on views within the locality.

10.0 Conclusion

The Crows Nest OSD site is located on a ridgeline that runs in the general alignment of the Pacific Highway throughout the North Shore. Many other centres are located on this ridgeline at transport interchanges, including St Leonards, North Sydney, Chatswood and Bondi Junction. This results in any building being visually prominent, with views of regional significance across Sydney Harbour.

At a more local level, there are significant proposed developments located to the near north of the site in the St Leonards CBD, including a proposed development up to 46 storeys at 500-520 Pacific Highway. The proposed maximum height of the Crows Nest OSD site, being 22 storeys, has been proposed to provide an appropriate transition between these taller developments and the smaller scale, fine grain nature of the Willoughby Road retail and hospitality strip. This height also reduces the visual impact of the taller developments to the north through this transition when viewed from areas to the south.

Viewpoints which will experience the highest visual impact include areas that do not benefit from the southern viewpoint of the development to physically absorb the extent of the proposed development. These include areas that view the proposed development as a distinct form, particularly when viewed from areas immediately east of the subject site. These viewpoints include Hume Street Park and Willoughby Road, which are also locations where people are more likely to spend a longer period of time appreciating the setting whilst they utilise areas of open space, or sit and eat at a café. This 'transition effect' is also provided to these viewpoints, whereby the proposed height of Site C at 9 storeys matches the height of the heritage listed St Leonards Centre and provides transitional foreground to the 22 storey buildings in the background. However, this transition of heights from east to west provides a higher rate of change than the equivalent north south transition. In these instances, large expanses of sky still remain visible and the legibility of a pedestrian reading and appreciating the single storey shopfronts remains.

It is noted that the changes proposed between the Exhibited Scheme and the Amended Scheme include a 20 per cent reduction in the building envelope. This reduction is most appreciated from Willoughby Road and in particular, Ernest Place. From this vantage point, the degree of sky view and solar access has been significantly increased.

In terms of visual impact from adjoining residential developments, apartments which will experience the largest impact include those with an existing south facing view at 545 Pacific Highway. This includes the obstruction of regional views, including of the Sydney Harbour Bridge and Sydney Tower. The reasonableness of this impact is relative to the proposal's consistency with strategic planning work undertaken by the DPIE in the vicinity, the small number of apartments affected (in the context of a large locality of apartment developments)

as well as when balancing the wider public benefits of the proposal and the provision of jobs, residential and community uses above a major metro station. This strategic planning work identifies significant uplift in density in and around the metro station, which is likely to also impact on the views obstructed by this concept SSD Application. The concept SSD Application is consistent with the strategic intent for the Crows Nest and St Leonards area. There is no discernible difference in assessment between the Exhibited and Amended Scheme from this close range.

Ultimately, from a visual impact perspective, the Amended Scheme provides an appropriate balance between providing density above metro infrastructure and protecting the community's desire to reduce impacts on Willoughby Road and nearby residential areas further to the east. Consistent with the principles of transit-oriented development, density at metro stations and hence maximising the amount of people living and working within a close walking catchment of a metro station encourages the use of public transport resulting in a subsequent decrease in private car usage. This has the effect of reducing congestion in Sydney and increasing the liveability of citizens. The view and visual impact of the proposal needs to be considered within this context.