Visual and View Impact Analysis
Response to Submissions
201 Elizabeth Street, Sydney (SSD8105)
Concept (Stage 1) State Significant Development Application
Submitted to City of Sydney
On behalf of Dexus
November 2017 | 14262
1.0 Introduction

This report has been prepared by Ethos Urban and provides an updated Visual and View Impact Analysis to support the Response to Submissions and amended concept proposal for a State Significant Development Application (SSDA 8105) relating to the redevelopment of 201 Elizabeth Street, Sydney (the site). Dexus (the Proponent) is seeking consent for the amended concept proposal submitted as part of the Response to Submissions, for the following building envelope and land uses:

- Four basement car parking levels to a depth of RL8.65 (access from Castlereagh Street) capable of accommodating 266 car parking spaces, 560 bicycle and motorbike parking, as well as associated loading service areas;
- Lower ground retail space with a pedestrian connection to Museum station;
- A 45 metre high (RL69.89) podium element containing a 361-room 5-star hotel and function centre, and retail space at the ground floor and mezzanine level;
- A single storey terrace (RL76.00) atop of the podium element to provide residential and hotel communal facilities;
- A 49 storey slimline tower element (RL198.22) aligned to the centre of the podium, providing residential accommodation in the form of approximately 262 residential apartments; and
- A total building envelope that facilities a potential GFA of 59,551.7m² and a FSR of 15.27:1, comprising:
  - Retail GFA: 4,845m² (8%)
  - Hotel GFA: 26,543m² (45%)
  - Residential GFA: 28,164m² (47%)

This Visual and View Impact Assessment aims to directly respond to public submissions received relating to private view loss from neighbouring residential apartment buildings, and provide an updated assessment addressing the revised tower location in the Revised Building Envelope Plans (Appendix A of the Response to Submissions). This report has been prepared with reference to the following:

- Updated Visual Impact Assessment prepared by Virtual Ideas (Annexure A);
- View Analysis prepared by Virtual Ideas (Annexure B);
- Private View Study prepared by FJMT (Annexure C);
- ‘As Built’ floor plans for Park Regis, 27 Park Street, Sydney (Annexure D);
- ‘As Built’ floor plans for Victoria Towers, 197 Castlereagh Street, Sydney (Annexure E); and
- Exhibited floor plans for D/2014/797/C for 116 Bathurst Street, Sydney (Annexure F).

1.1 Site Description and Key Views

The site is located at 201-217 Elizabeth Street, Sydney and has the real property description of Lot 1 in Deposited Plan 868008. The site has an area of 3,900m² and has frontages to Elizabeth Street, Park Street and Castlereagh Street. The site acts as a primary eastern gateway to the Sydney CBD. The existing building is prominent in the CBD skyline of the key view corridors to the site from William Street and Kings Cross, as well as Oxford Street across Hyde Park.
Neighbouring the site are two existing residential buildings and a third residential building currently under construction:

- ‘Park Regis’ 27 Park Street, Sydney;
- ‘Victoria Towers’ 197 Castlereagh Street, Sydney; and
- ‘Castle Residences’ 116 Bathurst Street, Sydney (under construction).

Key views are identified in Figure 1.

Figure 1 – Identification of key views and visual features
1.2 Amended Concept Proposal

1.2.1 Overview

Following the public exhibition of the SSDA, amendments have been made to the proposed development to directly respond to key issues raised, particularly private views and activation of Castlereagh Street. Revised Building Envelope Plans are submitted at Appendix A of the Response to Submissions. The concept development application (as amended) seeks approval for the following building envelope and land uses:

- Four basement car parking levels to a depth of RL8.65 (access from Castlereagh Street) capable of accommodating 266 car parking spaces, 560 bicycle and motorbike parking, as well as associated loading service areas;
- Lower ground retail space with a pedestrian connection to Museum Station;
- A 45 metre high (RL69.89) podium element containing a 361-room 5-star hotel and function centre, and retail space at the ground floor and mezzanine level;
- A single storey terrace (RL76.00) atop of the podium element to provide residential and hotel communal facilities;
- A 49 storey slimline tower element (RL198.22) aligned to the centre of the podium, providing residential accommodation in the form of approximately 262 residential apartments; and
- A total building envelope that facilities a potential GFA of 59,551.7m² and a FSR of 15.27:1, comprising:
  - Retail GFA: 4,845m² (8%)
  - Hotel GFA: 26,543m² (45%)
  - Residential GFA: 28,164m² (47%)

The proposed building envelope is shown at Figure 2.
1.2.2 Revised Tower Location

In response to matters raised by Council and to reduce the impact on private views, the location of the proposed tower envelope has been relocated to a ‘central’ tower option. The revised tower location is closely aligned to that of the existing development at 201 Elizabeth Street. The proposed envelope incorporates the following minimum setbacks above podium height:

- Elizabeth Street: 4 metres.
- Park Street: 17 metres.
- Castlereagh Street: 7.6 metres.

The revised tower location is presented in Figure 3.
1.3 Methodology

1.3.1 Public View Analysis

The public view corridors analysed in this View Impact Analysis are a reproduction of the five views prepared and submitted as part of the EIS for SSD8105. Building envelope photomontages have been prepared for a total of five public views and vantage points (refer to Figure 1).

The photomontage images for each of the identified view corridors have been taken at ground level (pedestrian eye level) to indicate what a pedestrian will see when travelling through or within the general vicinity of the site and its surrounds. The photomontage images have been produced using a variety of camera lens sizes and have been prepared in accordance with the Land and Environment Court (LEC) proceeding no. 10884/14 in accordance with the LEC’s practice directions. The photo positions have been surveyed by a registered surveyor (C.M.S Surveyors). To provide future context where relevant, the photomontages include the following buildings that are approved or proposed:

- 115 Bathurst Street (Greenland Centre);
- 116 Bathurst Street; and
- 505 George Street.
1.3.2 Private View Analysis

A significant number of public submissions were received from two buildings containing residential apartments, adjacent to the site to the west, namely:

- Park Regis, 27 Park Street, Sydney; and
- Victoria Towers, 197 Castlereagh Street, Sydney.

In Council’s letter dated 11 June 2016, it was requested the private view analysis also be completed in relation to 116 Bathurst Street, an approved mixed use building currently under construction. These three buildings are identified in relation to the site at Figure 1 above.

Virtual Ideas attended a site visit of private apartments of 197 Castlereagh Street to capture site photography of key views within each apartment. All photographs were taken using a Nikon D810 digital camera, using an AF-S NIKKOR 20-70mm 2.8G lens, with a camera height approximately 1.6m above floor level. For comprehensive visual analysis purposes, the view images have been presented at 24mm camera lens lengths. The 24mm camera lens view provides a wider field of view and greater context in which to assess the visual impact. The photomontages have been prepared in respect of Land and Environment Court proceeding no. 10884/14 in accordance with the Land and Environment Court’s practice directions. Views presented in this analysis have been taken from the following apartments of 197 Castlereagh Street (and identified at Figures 4-6):

- Apartment 1001;
- Apartment 1204;
- Apartment 1402;
- Apartment 2601; and
- Apartment 3501.

Site photography was unable to be obtained from 27 Park Street or 116 Bathurst Street. Accordingly, a Private View Study has been completed by FJMT (Annexure C) based on 3D modelling of the existing buildings and the proposed building envelope. Views have been constructed based on an 18mm focal length at two heights (apx 70 metres, and apx 105 metres) for each location as identified in the study. It is noted that D/2014/797, relating to 116 Bathurst Street is currently the subject of a Section 96 application that includes the reconfiguration of apartment layouts. The Private View Study has been completed based on these layouts.
Figure 4 – Identification of photo locations within 197 Castlereagh Street (Levels 9-16)
Figure 5 – Identification of photo locations within 197 Castlereagh Street (Level 26)
Figure 6 - Identification of photo locations within 197 Castlereagh Street (Level 35)
2.0 Relevant Planning Considerations

2.1 Secretary’s Environmental Assessment Requirements

The NSW Department of Planning and Environment issued Secretary's Environmental Assessment Requirements (SEARs) outlining the matters to be addressed in the planning assessment for the SSDA. The SEARs identify relevant planning instruments and policies to be addressed (the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012 and the Draft Central Sydney Planning Strategy 2016) and identified visual and view impacts as requiring specific consideration:

5. Visual and View Impacts

- Identify important sight lines and visual connectivity to and through the site.
- A visual impact and view loss assessment is to be provided to identify the visual changes and impacts on the site and its surrounds when viewed from key vantage points (see plan and documents section). This should include, but not be limited to:
  - Sydney Harbour;
  - the Sydney CBD (a range of views from points along the north-south and east-west spine of the CBD; and
  - affected surrounding properties.

Public views to and within the Sydney CBD are addressed at Section 3 of this report and private views from surrounding properties are addressed at Section 4 of this report.

2.2 Sydney Local Environmental Plan 2012

Clause 4.3 Height of Buildings and the Height of Buildings Map identify the site as being within Area 3, to which no maximum building height control applies. Instead, the only limitation on the height of development on the site is imposed by clause 6.17, which deals with the protection of sunlight to prescribed areas within Central Sydney. The provisions are reproduced below:

4.3 Height of buildings

(1) The objectives of this clause are as follows:
(a) to ensure the height of development is appropriate to the condition of the site and its context,
(b) to ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,
(c) to promote the sharing of views,
(d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,
(e) in respect of Green Square:
  (i) to ensure the amenity of the public domain by restricting taller buildings to only part of a site, and
  (ii) to ensure the built form contributes to the physical definition of the street network and public spaces.
Note. No maximum height is shown for land in Area 3 on the Height of Buildings Map. The maximum height for buildings on this land are determined by the sun access planes that are taken to extend over the land by clause 6.17.

6.17 Sun access planes
(1) The objective of this clause are:
(a) to ensure that buildings maximise sunlight access to the public places set out in this clause, and
(b) to ensure sunlight access to the facades of sandstone buildings in special character areas to assist the conservation of the sandstone and to maintain the amenity of those areas.

The provisions of clause 6.17 do not include objectives relating to views or view sharing.

2.3 Sydney Development Control Plan 2012
The Sydney Development Control Plan 2012 (SDCP 2012) does not provide significant additional guidance regarding the protection (or otherwise) of views, however does provide specific provisions on outlook:

4.2.3.10 Outlook
(1) Provide a pleasant outlook, as distinct from views, from all apartments.
(2) Views and outlooks from existing residential development should be considered in the site planning and massing of new development.

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

Locality statement – 2.1 Central Sydney
(f) conserve, maintain and enhance existing views and vistas to buildings and places of historic and aesthetic significance.

The SDCP 2012 also provides built form controls relating to street frontage heights in relation to new development:

5.1.1 Street frontage heights
(1) The street frontage height of a new building must be between 20m and 45m above the site ground level with the specific height set with regard to:
(a) the predominant street frontage height of adjacent buildings and buildings in the vicinity;
(b) the location of the site in the street block, for example, corner sites can include special design emphasis, such as increased street frontage height of one or two storeys; and
(c) the size of the site, for example small sites, less than 1,000sqm may attain a street frontage height of 45m regardless of the above criteria.

5.1.3 Street frontage heights and setbacks for Special Character Areas
Minimum and maximum street frontage heights and front setbacks for buildings in or adjacent to a Special Character Area must be provided in accordance with...[the following excerpt]

<table>
<thead>
<tr>
<th>Special character area</th>
<th>LEP Map reference</th>
<th>Maximum street frontage height</th>
<th>Minimum street frontage height</th>
</tr>
</thead>
<tbody>
<tr>
<td>College Street</td>
<td>D</td>
<td>45m</td>
<td>The street frontage height of the nearest heritage item within the same block and side of the street to the subject site. Except for the Great Synagogue at 187A Elizabeth Street which cannot be used as a minimum.</td>
</tr>
</tbody>
</table>

( emphasis added)

2.4 Draft Central Sydney Planning Strategy

The draft Central Sydney Planning Strategy was unanimously endorsed by the Central Sydney Planning Committee (CSPC) at its meeting on 21 July 2017, and the CSPC also resolved to submit the accompanying Planning Proposal to the Greater Sydney Commission with a request for a Gateway Determination.

The Strategy makes a number of specific statements and recommendations in relation to the balancing of private views and the facilitation of development within Central Sydney:

As old buildings are replaced with new ones, views are subject to change. Given the constantly changing built environment of Central Sydney, **regulating for maintenance of private views is overly restrictive and complex.** Maintaining existing private views inhibits change and would render Central Sydney uncharacteristically static.

Central Sydney has a privileged position on a peninsula in a harbour surrounded by water and parklands, containing a large number of highly significant structures and buildings of a height that vastly exceeds its surroundings. **This means that the large majority of available views are considered “iconic”.** This sets Central Sydney apart from other places; standard principles around views and the sharing of them are not applicable.

Development in a suburban context is flexible. Building adjustments to form are relatively simple through more skilful design. However, the scope is often not available within the confines of planning requirements to adjust the shape of a building in Central Sydney or move its location on the site. For example, tall commercial buildings consist of large regular floorplates and their complex structural requirements and high quality repeatable exterior cladding reinforces this regularity. **For these buildings, better design to provide a better view is rarely possible.**

The desire for views to the north favours the northern foreshore precincts and the ridges behind them, but in an increasingly dense and compact urban centre, **the ability to protect private views comes secondary to the protection and**
enhancement of public views and the protection of outlook as a focus of the planning framework.

(emphasis added)

It is clear from the above that the protection of private views should not impede the future growth and evolution of Central Sydney. The Strategy includes specific language which rejects the application of the Tenacity planning principle in the context of Central Sydney, specifically in relation to the characterisation of affected views and the ability to rely on building design to minimise view impacts in a high-density urban context. In addition, the Planning Proposal includes a proposed amendment to the wording of clause 4.3 of LEP 2012 to make clear that the “promote the sharing of views” objective of this development standard should only apply to land outside of Central Sydney.
3.0 Public View Assessment

3.1 Public View Corridors

The existing development at 201 Elizabeth Street is a prominent feature when viewed from public spaces and is a key landmark from the eastern approach to the Sydney CBD. The William Street view corridor demonstrates that the tower form and the reinstated podium towards Park Street will reinforce the gateway view to the site. The proposed development will re-establish the alignment of the streetwall on Park Street and present a coherent form when viewed from the eastern approach to the CBD. When considered in the context of approved development within the vicinity of the site, the proposed building envelope will make a positive contribution to the overall form of the CBD skyline.

When viewed from Oxford Street, across Hyde Park, the location of the tower and the slimline form will increase the perceived separation between tall buildings and increase the area of sky behind the development. The slimline form will also provide a greater area of sky behind the Hyde Park and create a greater separation in comparison to the existing development.

Overall, it is considered that the proposed development will improve rather than inhibit the key public view corridors. Photomontages of the public view corridors are presented at Annexure A.

3.2 Visual Impact on Hyde Park

The existing development is a dominating element when viewed from Hyde Park, specifically the public areas in the immediate vicinity of the Anzac War Memorial. Although significant trees provide a level of screening, the existing building is highly visible and prominent. The proposed building envelope sets the development as a background element to Hyde Park by providing a slimline tower form. The proposed tower element will provide greater building separation and increase the area of sky visible behind the Anzac War Memorial. It is noted that the existing and proposed building are not visible from College Street and Francis Street given the change in ground level and significant vegetation.

Overall it is considered that the redevelopment of the site and the proposed building envelope will result in an improved visual backdrop within Hyde Park. The existing dominant element will be replaced with a slimline form that acts as a background element to the park. Photomontages of public views from Hyde Park are presented in Annexure A.
4.0 Private View Loss Assessment

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 the Tenacity case on two points.

Firstly, the discussion of view sharing in Tenacity was based on a provision of the Warringah Local Environmental Plan 2000 that specifically stated that “development is to allow for the reasonable sharing of views”. Whilst clause 4.3 of the Sydney LEP does indeed note that one of the objectives of the maximum building height clause is “to promote the sharing of views”, we note that the maximum building height on the site is not limited by this clause. Instead, building heights on the subject site are limited only by clause 6.17 of the Sydney LEP which relates to sun access. There are no objectives in clause 6.17 which relate to view sharing. The Sydney LEP is also only one of a number of environmental planning instruments and policies that are applicable to the proposed development.

Secondly, Roseth SC specifically states in his judgement (at 25) that there are certainly circumstances that do not require any view sharing and where it may be entirely reasonable for a development to entirely block a view. The relevance and reasonableness of applying the Tenacity planning principle, made in the context of a three-storey building in a coastal suburban setting, to the current development proposal is therefore questionable. This is confirmed in the draft Central Sydney Planning Strategy (refer Section 2.3), which makes clear that the protection of private views comes secondary to the enhancement of public views, when considering the specificities of Central Sydney.

Whilst it is clear that there are some 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 (subject to qualifications) 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 land and water is visible is more valuable than one in which it is obscured”.

2. **Where are 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”.

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”.

4. Step 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”.

Section 4.1 addresses Tenacity’s Steps 1-3 on a building-by-building basis to ascertain the nature and extent of view impacts arising from the proposed development, whilst Section 4.2 addresses the reasonableness of the proposed development and, as a result, the reasonableness of the view impacts identified in Section 4.1.

4.1 Steps 1-3: Extent of View Impacts

4.1.1 197 Castlereagh Street, Sydney

Virtual Ideas has undertaken a View Analysis for affected residential apartments as described at Section 1.4.2 and photomontages are provided at Annexure B. The summary of affected view is presented in Table 1. Apartments located lower in the existing building result in the greatest levels of view loss due to the podium form introduced on the site in the concept proposal. Views from apartments located higher in the existing building remain largely unchanged, given that the revised tower location is similar to that of the existing building at 201 Elizabeth Street.

<table>
<thead>
<tr>
<th>View Reference</th>
<th>Nature of affected views</th>
<th>Location where view obtained from</th>
<th>Extent of view impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apt. 1001 NE</td>
<td>Streetscape, Hyde Park and distant view of Cathedral spires</td>
<td>Living room/Balcony</td>
<td>Severe (see Section 4.2.3)</td>
</tr>
<tr>
<td>Apt. 1001 SE</td>
<td>Existing office building and adjoining residential balconies</td>
<td>Living room</td>
<td>Negligible</td>
</tr>
<tr>
<td>Apt. 1204 NE</td>
<td>Narrowly framed view to Hyde Park, Cathedral spires, distant view to Sydney Harbour surrounds (no water)</td>
<td>Living room</td>
<td>Severe (see Section 4.2.3)</td>
</tr>
<tr>
<td>Apt. 1204 SE</td>
<td>Existing commercial office buildings, very narrow slither of Hyde Park</td>
<td>Living room</td>
<td>Minor/Negligible</td>
</tr>
<tr>
<td>View Reference</td>
<td>Nature of affected views</td>
<td>Location where view obtained from</td>
<td>Extent of view impact</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------</td>
<td>------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Apt. 1402 N</td>
<td>Streetscape, existing commercial office buildings, Hyde Park, Cathedral spires and distant obstructed water views</td>
<td>Balcony</td>
<td>Severe (see Section 4.2.3)</td>
</tr>
<tr>
<td>Apt. 1402 NE</td>
<td>Streetscape, existing commercial office buildings, Hyde Park, Cathedral spires and distant obstructed water views</td>
<td>Balcony</td>
<td>Severe (see Section 4.2.3)</td>
</tr>
<tr>
<td>Apt. 2601 NE</td>
<td>Hyde Park, Cathedral, Sydney Harbour and surrounds</td>
<td>Living room</td>
<td>Minor</td>
</tr>
<tr>
<td>Apt. 2601 E</td>
<td>Hyde Park, Cathedral, some view to Sydney Harbour and surrounds</td>
<td>Living room</td>
<td>Minor/Negligible</td>
</tr>
<tr>
<td>Apt. 3501 NE</td>
<td>Hyde Park, Cathedral, Sydney Harbour and surrounds</td>
<td>Living room/Balcony</td>
<td>Minor/Negligible</td>
</tr>
<tr>
<td>Apt. 3501 SE</td>
<td>Hyde Park, War Memorial, district views to southern Sydney</td>
<td>Living room/Balcony</td>
<td>Positive Impact/Negligible</td>
</tr>
</tbody>
</table>

4.1.2 27 Park Street, Sydney

FJMT has prepared a Private View Study for affected residential apartments as described at Section 1.4.2 and 3D images are provided at Annexure C. The summary of affected view is presented in Table 2. As the revised tower location is similar to that of the existing building at 201 Elizabeth Street, views from 27 Park Street are unaffected or the change is limited.

Table 2 – Summary of affected views – 27 Park Street

<table>
<thead>
<tr>
<th>View Reference</th>
<th>Nature of affected views</th>
<th>Location where view obtained from</th>
<th>Extent of view impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approx. 70m (Level 21) NE</td>
<td>Hyde Park, Cathedral, Sydney Harbour and surrounds</td>
<td>Living Room</td>
<td>No change</td>
</tr>
<tr>
<td>Approx. 70m (Level 21) E</td>
<td>Hyde Park, Cathedral, Sydney Harbour and surrounds</td>
<td>Living Room</td>
<td>Minor/Negligible</td>
</tr>
<tr>
<td>Approx. 105m (Level 32) NE</td>
<td>Hyde Park, Cathedral, Sydney Harbour and surrounds</td>
<td>Living Room</td>
<td>No change</td>
</tr>
<tr>
<td>Approx. 105m (Level 32) E</td>
<td>Hyde Park, Cathedral, Sydney Harbour and surrounds</td>
<td>Living Room</td>
<td>Minor/Negligible</td>
</tr>
</tbody>
</table>
4.1.3 116 Bathurst Street, Sydney

FJMT has prepared a Private View Study for affected residential apartments as described at Section 1.4.2 and 3D images are provided at Annexure C. It is noted that this building is currently under construction in accordance with D/2014/797. It is noted that D/2014/797 is currently the subject of a Section 96 application that includes the reconfiguration of apartment layouts. The summary of affected view is presented in Table 3. Views from 116 Bathurst Street are expected to remain generally unchanged.

<table>
<thead>
<tr>
<th>View Reference</th>
<th>Nature of affected views</th>
<th>Location where view obtained from</th>
<th>Extent of view impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approx. 70m (Level 21) NE</td>
<td>Existing office building, framed view to Hyde Park and existing buildings on eastern border of Hyde Park.</td>
<td>Living Room</td>
<td>Minor/Negligible</td>
</tr>
<tr>
<td>Approx. 70m (Level 21) E</td>
<td>Existing office buildings, framed view to Hyde Park, second framed view to Hyde Park and Anzac War Memorial and surrounds.</td>
<td>Living Room</td>
<td>Minor/Negligible</td>
</tr>
<tr>
<td>Approx. 105m (Level 32) NE</td>
<td>Existing office building, Hyde Park, district views to the east.</td>
<td>Living Room</td>
<td>Minor/Negligible</td>
</tr>
<tr>
<td>Approx. 105m (Level 32) E</td>
<td>Hyde Park, Anzac War Memorial, district views to the east, framed by existing office building to the north.</td>
<td>Living Room</td>
<td>Minor/Negligible</td>
</tr>
</tbody>
</table>

4.2 Step 4: How reasonable is the proposal causing the views to be lost?

The fourth step in Tenacity involves an assessment of the ‘reasonableness’ of the proposed development that is causing the view impacts:

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable”.
As noted in Section 2.0, the draft Central Sydney Planning Strategy which was endorsed by the CSPC makes clear that the test applied in Tenacity has only limited relevance in the context of the proposed development. The Strategy makes clear that there are a number of qualifications and other considerations which should be taken into account in the circumstances:

- Protection of private views should not impede the orderly and economic development of land within Central Sydney to meet the broader economic and social objectives of the City.
- Providing a higher level of protection for 'iconic' views within Central Sydney would be unreasonable given the concentration of landmark buildings and vistas and would place an undue constraint on future development.
- Protection of public views should be prioritised above any consideration of private views within the Central Sydney area.
- It is not reasonable to expect ‘more skilful design’ to be able to mitigate potential impacts on private views given the more complex set of design constraints arising in the case of high density buildings (unlike the low-scale development considered in Tenacity).
- In a dense urban context, the preservation of a reasonable ‘outlook’ for existing residential apartments is a more appropriate planning objective (as opposed to the preservation of views).

4.2.1 Reasonableness

It is clear from the assessment against Steps 1-3 of Tenacity in Section 4.1 that the majority of existing views will remain largely unchanged by the proposed development. The amended concept proposal presents a similar tower alignment to that of the existing building and therefore upper-level views remain similar to those currently experienced.

Significant view loss is limited to lower levels of the existing development and these impacts are generated by the podium element of the proposed building envelope as the existing building at 201 Elizabeth Street is limited to double height retail at ground floor and does not provide a podium form consistent with the relevant planning controls established by the SDCP 2012.

As set out at Section 2.3, the SDCP 2012 prescribes a maximum street frontage height of 45 metres and for the street frontage height of new development to reflect the dominant street frontage height of the adjoining development. It is therefore appropriate to apply the 45 metre street frontage height to Castlereagh Street in order to achieve a consistent build form and streetscape established by the existing development at 60 Park Street and northward on Castlereagh and Elizabeth Streets. Additionally, the proposed development exceeds the recommended building separation distances of Object 3F-1 of the NSW Apartment Design Guide, with a separation distance of approximately 29 metres between residential development at 197 Castlereagh Street and the podium element (non-residential, hotel uses) proposed at 201 Elizabeth Street.

As determined in Tenacity it is therefore relevant to consider whether a more skilful design could provide the same development potential and amenity, with a reduced impact on views. This is assessed below.
4.2.2 Design

It is considered that an alternative design to that which conforms with the relevant planning controls, in order to reduce the impacts of the podium form on private views, is not supportable for the following reasons:

- An alternative street frontage height would result in an inconsistent street wall both within the development and with that established by the existing development on Park Street and Elizabeth Street to the north;
- A reduced podium height would reduce the development potential of the site and reduce the provision of hotel rooms within the development; and
- An alternative podium form on the site would be inconsistent with the intention of the draft Central Sydney Planning Strategy as it would prioritise private views over compliance with built form controls of the SDCP 2012 which aim to provide an improved public domain outcome.

4.2.3 Conclusion

Although severe view loss occurs at lower levels of 197 Castlereagh Street, this view loss is considered acceptable in the circumstances for the following reasons:

- Any compliant redevelopment of 201 Elizabeth Street would result in the same level of view loss to lower level apartments;
- The protection of private views at lower levels of the existing development would effectively sterilise 201 Elizabeth Street from any redevelopment opportunity;
- The view loss is considered appropriate in the high density CBD context; and
- Despite the loss of views, the outlook of lower level apartments is preserved given the significant separation distances provided that are in excess of the separation distances recommended under objective 3F-1 of the ADG.

Overall, the proposed development is considered to cause ‘reasonable’ view loss, based on the following:

- The proposed view loss does not affect iconic views, including those to Hyde Park, St Mary’s Cathedral and Sydney Harbour;
- Views from upper levels remain largely unchanged given that the proposed tower location is generally consistent with that of the existing development;
- Existing views at lower levels are the result of the existing non-conforming building, which is inconsistent with the established street wall height of both Castlereagh Street and Elizabeth Street to the north;
- View loss at lower levels is the result of the proposed podium element, which is compliant with the relevant controls of the SDCP 2012; and
- An alternative design to reduce view loss to private apartments would compromise both the development potential of the site and the public domain outcome.
5.0 Conclusion

The proposed redevelopment of 201 Elizabeth Street, being State Significant Development, has been designed to prioritise public benefits – including a reduction in shadow cast on Hyde Park, and improved public domain interfaces. The revised building envelope sought in the Response to Submissions has responded directly to public submissions relating to private view loss resulting from the proposed development and the revised tower location balances view impacts whilst maintaining 50% reduction in shadow cast by the existing building on Hyde Park.

This Visual and View Impact Analysis has assessed the impact of the revised building envelope on both public view corridors and existing views from neighbouring residential apartments. Overall, the proposed concept development will result in improvements to existing key public view corridors and result in an increase in the amount of sky visible as the backdrop to the Anzac War Memorial in Hyde Park.

Private views from neighbouring apartments remain generally unchanged at upper levels. At lower levels, significant view loss is the result of the podium form of the proposed building envelope. This view loss is considered reasonable and appropriate as the podium element conforms with the relevant SDCP 2012 street frontage height and setback controls and will result in a built form that is consistent with the existing streetscape of both Castlereagh Street and Elizabeth Street to the north.

Overall, this Visual and View Impact Analysis demonstrates that the building envelope proposed in the concept SSDA for 201 Elizabeth Street, Sydney (SSD8105) results in an improvement to the public domain and an acceptable view loss to neighbouring properties.
Annexure A: Public View Corridors (Virtual Ideas, November 201)
Visual Impact Study
201 Elizabeth St Stage 1 DA

BACKGROUND

This document was prepared by Virtual Ideas and includes a description of the processes used to create the visual impact photomontages and illustrate the accuracy of the results.

Virtual Ideas is a highly experienced 3D visualisation company that commonly prepares material for court use, and is familiar with the court requirements to provide 3D visualisation media that will communicate a proposed developments' design and visual impact. Our methodologies and results have been inspected by various court appointed experts in a variety of cases and have always been found to be accurate and acceptable.

OVERVIEW

The general process in creating accurate photomontage renderings involves the creation of an accurate, real world scale digital 3D model. We then take site photographs and place cameras in the 3D model that match the real world position that the photographs were taken on site.

By matching the real world camera lens properties to the camera properties in our software, and rotating the camera so that surveyed points in 3D space align with the corresponding points on the photograph, we can create a rendering that is correct in terms of position, scale, rotation, and perspective. The rendering can then be superimposed into the real photo to generate an image that represents accurate form and visual impact.
DESCRIPTION OF COLLECTED DATA

To create the 3D model and establish accurate reference points for alignment to the photography, a variety of information was collected. This includes the following:

1) Architectural design of proposed building envelope
   • Created by: FJMT
   • Format: DIN3D model

2) Surveyed data
   • Created by: CMS Surveyors
   • Format: DWG file

3) Site photography
   • Created by: Virtual Ideas (VI Photos)
   • Format: JPEG file

4) Surveyed 3D city model
   • Created by: AAM
   • Format: .MAX

15) Approved DA building envelopes
   • Supplied by: FJMT
   • Source: City of Sydney
   • Format: DIN3D model

Notes on images

The photomontages showing the proposed building envelope also include the following approved DA envelopes for the purpose of visual assessment of the future surrounding cityscape:

- Greenland Centre Sydney  [Link](http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0014/152006/130822_CSPC_ITEM05.pdf)
- 116 Bathurst Street  [Link](http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0004/229387/150326_CSPC_ITEM05.pdf)
- 505 George St  [Link](http://www.cityofsydney.nsw.gov.au/__data/assets/pdf_file/0007/219652/141202_PDC_ITEM06_ATTACHMENTA1.PDF)

The information for these envelopes was obtained from the above website links from the Central Sydney Planning Committee.
METHODOLOGY

Site Photography

Site photography was taken from predetermined positions as instructed by FJMT.

- Camera position 1 was taken with a Canon EOS 5DS R digital camera, using a 20 mm lens.
- Camera position 2 was taken with a NIKON D810 digital camera, using a 36 mm lens.
- Camera position 3 was taken with a Canon EOS 5DS R digital camera, using a 22 mm lens.
- Camera position 4 was taken with a Canon EOS 5DS R digital camera, using a 16 mm lens.
- Camera position 5 was taken with a Canon EOS 5DS R digital camera, using a 31 mm lens.

The positions of the photographs were surveyed and then plotted onto the existing site survey.

3D Model

Using the imported surveyed data into our 3D software (3DS Max), we then imported the supplied 3D model of the proposed building envelope and relevant DA approved building massings.

Alignment

The positions of the real world photography were located in the 3D scene. Cameras were then created in the 3D model to match the locations and height of the position from which the photographs were taken from. They were then aligned in rotation so that the points of the 3D model aligned with their corresponding objects that are visible in the photograph.

Renderings of the building with realistic textures and lighting were then created from the aligned 3D cameras and montaged into the existing photography at the same location. In some instances, the proposed building had a smaller mass than the current building. In this case, we then rendered out white buildings to represent the proposed opening to the new view.

This produces an accurate representation of the scale and position of the new building envelope with respect to the existing surroundings.

In conclusion, it is my opinion as an experienced, professional 3D architectural and landscape renderer that the images provided accurately portray the level of visibility and impact of the built form.

Yours sincerely,

Grant Kolln
CV OF GRANT KOLLN, DIRECTOR OF VIRTUAL IDEAS

Personal Details
Name: Grant Kolln
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Relevant Experience
2003 - Present Director of 3D visualisation studio Virtual Ideas. During this time I have worked on many visual impact studies for legal proceedings in various different types of industries including architectural, industrial, mining, landscaping, and several large public works projects. This experience has enables us to create highly accurate methodologies for the creation of our visual impact media and report creation.
1999 - 2001 Project Manager for global SAP infrastructure implementation - Ericsson, Sweden

Relevant Education / Qualifications
1997 Advanced Diploma in Architectural Technology, Southbank TAFE, Brisbane, QLD
Camera Position 1 - Overview

Original photograph

Original photograph showing alignment lines

Photomontage of proposed building

Original photograph showing RL points

Alignment lines derived from the CMS survey
Alignment lines derived from AAM 2013 surveyed City model

201 Elizabeth Street Proposed Envelope
Approved DA Envelope

201 Elizabeth St Stage 1 DA - Visual Impact Study  November 7th, 2017
Camera Position 1 - Photomontage of proposed building
Camera Position 1 - Original photograph showing alignment lines

Alignment lines derived from the CMS survey
Alignment lines derived from AAM 2013 surveyed City model
Camera Position 2 - Photomontage of proposed building
Camera Position 2 - Original photograph showing alignment lines

Alignment lines derived from the GMS survey
Alignment lines derived from AAM 2013 surveyed City
Camera Position 2 - Original photograph showing RL points
Camera Position 3 - Overview

Original photograph

Original photograph showing alignment lines

Photomontage of proposed building

Original photograph showing RL points
Camera Position 3 - Photomontage of proposed building
Camera Position 3 - Original photograph showing alignment lines

Alignment lines derived from the CMS survey
Alignment lines derived from AAM 2013 surveyed City
Camera Position 3 - Original photograph showing RL points
Camera Position 4 - Overview

Original photograph

Original photograph showing alignment lines

Photomontage of proposed building

Original photograph showing RL points
Camera Position 4 - Photomontage of proposed building
Camera Position 4 - Original photograph showing alignment lines
Camera Position 4 - Original photograph showing RL points
Camera Position 5 - Overview

Original photograph

Photomontage of proposed building

Original photograph showing alignment lines

Original photograph showing RL points