



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

Visual Impact Assessment Report

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Executive Summary

A Concept State Significant Development Application (SSD Application) has been made to the Department of Planning and Environment (DPE) by Sydney Metro for Over Station Development (OSD) above the approved Crows Nest Station. The DPE 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. This VIA 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 27 storey development is restricted to a single lot at Site C.

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 DPE 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, DPE has also prepared a draft Rezoning Proposal for the site which proposes building heights of 8 to 27 storeys across the site, which align with this concept SSD Application and would also impact on the views obstructed by this application. The concept SSD Application is consistent with the strategic planning context for the Crows Nest and St Leonards area.

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 a concept State Significant Development application (concept SSD Application) submitted to the Department of Planning and Environment (DPE) 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 four 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.

Sydney Metro proposes to procure the construction of the OSD as part of an Integrated Station Development package, which would result in the combined delivery of the station, OSD and public domain improvements. The station and public domain elements form part of a separate planning approval for Critical State Significant Infrastructure (CSSI) approved by DPE 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.

This report has been prepared to specifically respond to the Secretary's Environmental Assessment Requirements (SEARs) issued for the concept SSD Application on 26 September 2018 which states that the Environmental Impact Statement (EIS) is to address the following requirements:

Reference	SEARs Requirement	Where Addressed in Report
8. Amenity	<p>The EIs shall address the following in relation to the surrounding area including neighbouring properties/buildings and the public domain. This includes neighbouring buildings within the proposal and future stages adjacent:</p> <ul style="list-style-type: none"> • solar access / overshadowing • privacy • views and visual impacts • reflectivity • noise and vibration impacts 	Section 8
8. Amenity	Identify important sight lines and visual connectivity to	Section 5

	and through the site	
8. Amenity	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.	Section 6 to Section 8
Plans and documents	Visual and view impact analysis and photomontages	This Report- also refer to the View Impacts Studies at Appendices L and M of the EIS

1.2 Overview of the Sydney Metro in its context

Sydney Metro is Australia's biggest public transport project. A new standalone metro railway system, this 21st century network will deliver 31 metro stations and 66km of new metro rail for Australia's biggest city — revolutionising the way Sydney travels. Services start in the first half of 2019 on Australia's first fully-automated railway.

Sydney Metro was identified in *Sydney's Rail Future*, as an integral component of the *NSW Long Term Transport Master Plan*, a plan to transform and modernise Sydney's rail network so it can grow with the city's population and meet the future needs of customers. In early 2018, *the Future Transport Strategy 2056* was released as an update to *the NSW Long Term Transport Master Plan* and *Sydney's Rail Future*. Sydney Metro City & Southwest is identified as a committed initiative in the *Future Transport Strategy 2056*.

Sydney Metro is comprised of three projects, as illustrated in **Figure 1**:

- **Sydney Metro Northwest** — formerly the 36km North West Rail Link. This \$8.3 billion project is now under construction and will open in the first half of 2019 with a metro train every four minutes in the peak.
- **Sydney Metro City & Southwest** — a new 30km metro line extending the new metro network from the end of Sydney Metro Northwest at Chatswood, under Sydney Harbour, through the CBD and south west to Bankstown. It is due to open in 2024 with an ultimate capacity to run a metro train every two minutes each way through the centre of Sydney.
- **Sydney Metro West** — a new underground railway connecting the Parramatta and Sydney central business districts. This once-in-a-century infrastructure investment will double the rail capacity of the Parramatta to Sydney CBD corridor and will establish future capacity for Sydney's fast growing west. Sydney Metro West will serve five key precincts at Westmead, Parramatta, Sydney Olympic Park, The Bays and the Sydney CBD. The project will also provide an interchange with the T1 Northern Line to allow

faster connections for customers from the Central Coast and Sydney's north to Parramatta and the Sydney CBD.

Sydney's new metro, together with signalling and infrastructure upgrades across the existing Sydney suburban rail network, will increase the capacity of train services entering the Sydney CBD – from about 120 an hour currently to up to 200 services beyond 2024. That's an increase of up to 60 per cent capacity across the network to meet demand.

Sydney Metro City & Southwest includes the construction and operation of a new metro rail line from Chatswood, under Sydney Harbour through Sydney's CBD to Sydenham and on to Bankstown through the conversion of the existing line to metro standards.

The project also involves the delivery of six (6) new metro stations, including at Crows Nest, together with new underground platforms at Central. Once completed, Sydney Metro will have the ultimate capacity for a train every two minutes through the CBD in each direction - a level of service never seen before in Sydney.



Figure 1: Sydney Metro alignment map

On 9 January 2017, the Minister for Planning (the Minister) approved the Sydney Metro City & Southwest - Chatswood to Sydenham application lodged by TfNSW as a Critical State Significant Infrastructure project (reference SSI 15_7400), hereafter referred to as the CSSI Approval.

The CSSI Approval includes all physical work required to construct the CSSI, including the demolition of existing buildings and structures on each site. Importantly, the CSSI Approval also includes provision for the construction of below and above ground structures and other components of the future OSD (including building infrastructure and space for future lift cores, plant rooms, access, parking and building services, as relevant to each site). The rationale for this delivery approach, as identified within the CSSI application is to enable the OSD to be more efficiently built and appropriately integrated into the metro station structure.

The EIS for the Chatswood to Sydenham alignment of the City & Southwest project identified that the OSD would be subject to a separate assessment process.

Since the CSSI Approval was issued, Sydney Metro has lodged five modification applications to amend the CSSI Approval as outlined below:

- **Modification 1** - Victoria Cross and Artarmon Substation which involves the relocation of the Victoria Cross northern services building from 194-196A Miller Street to 50 McLaren Street together with the inclusion of a new station entrance at this location referred to as Victoria Cross North. The modification also involves the relocation of the substation at Artarmon from Butchers Lane to 98 – 104 Reserve Road. This modification application was approved on 18 October 2017.
- **Modification 2** - Central Walk which involves additional works at Central Railway Station including construction of a new eastern concourse, a new eastern entry, and upgrades to suburban platforms. This modification application was approved on 21 December 2017.
- **Modification 3** - Martin Place Station which involves changes to the Sydney Metro Martin Place Station to align with the Unsolicited Proposal by Macquarie Group Limited (Macquarie) for the development of the station precinct. The proposed modification involves a larger reconfigured station layout, provision of a new unpaid concourse link and retention of the existing MLC pedestrian link and works to connect into the Sydney Metro Martin Place Station. It is noted that if the Macquarie proposal does not proceed, the original station design remains approved. This modification application was approved on 22 March 2018.
- **Modification 4** - Sydenham Station and Sydney Metro Trains Facility South which incorporated Sydenham Station and precinct works, the Sydney Metro Trains Facility South, works to Sydney Water's Sydenham Pit and Drainage Pumping Station and ancillary infrastructure and track and signalling works into the approved project. This modification application was approved on 13 December 2017.
- **Modification 5** – Blues Point acoustic shed modification which involves the installation of a temporary acoustic shed at Blues Point construction site and retrieval of all parts of the tunnel boring machines driven from the Chatswood dive site and Barangaroo through the shaft at the Blues Point temporary site. This modification application was approved on 2 November 2018.

The CSSI Approval as modified allows for all works to deliver Sydney Metro between Chatswood and Sydenham Stations and also includes upgrade of Sydenham Station.

The remainder of the City & Southwest alignment (Sydenham to Bankstown) proposes the conversion of the existing heavy rail line from west of Sydenham Station to Bankstown to

metro standards. This part of the project, referred to as the Sydenham to Bankstown upgrade, is the subject of a separate CSSI Application (Application No. SSI 17_8256) for which an EIS was exhibited between September and November 2017, and a Submissions and Preferred Infrastructure Report was exhibited in June and July 2018. This application is currently being assessed by DPE.

1.3 Planning relationship between Crows Nest Station and the OSD

While Crows Nest Station and the OSD will form an Integrated Station Development, the planning pathways defined under the *Environmental Planning & Assessment Act 1979* require separate approval for each component of the development. In this regard, the approved station works (CSSI Approval) are subject to the provisions of Part 5.1 of the EP&A Act (now referred to as Division 5.2) and the OSD component is subject to the provisions of Part 4 of the EP&A Act.

For clarity, the approved station works under the CSSI Approval included the construction of below and above ground structures necessary for delivering the station and also enabling construction of the integrated OSD. This includes but is not limited to:

- demolition of existing development
- excavation
- integrated station and OSD structure (including concourse and platforms)
- lobbies
- retail spaces within the station building
- public domain improvements
- pedestrian through-site link
- access arrangements including vertical transport such as escalators and lifts
- space provisioning and service elements necessary to enable the future development of the OSD, such as lift cores, plant rooms, access, parking, retail, utilities connections and building services.

The vertical extent of the approved station works above ground level is defined by the 'transfer level' level, above which would sit the OSD. This delineation is illustrated in **Figure 2**.

The CSSI Approval also establishes the general concept for the ground plane of Crows Nest Station including access strategies for commuters, pedestrians, workers, visitors and residents.

Since the issue of the CSSI Approval, Sydney Metro has undertaken sufficient design work to determine the space planning and general layout for the station and identification of those spaces within the station area that would be available for the OSD. In addition, design work has been undertaken to determine the technical requirements for the structural integration of the OSD with the station. This level of design work has informed the concept proposal for the Crows Nest OSD. It is noted that ongoing design development of the works to be delivered

under the CSSI Approval would continue with a view to developing an Interchange Access Plan (IAP) and Station Design Precinct Plan (SDPP) for Crows Nest Station to satisfy Conditions E92 and E101 of the CSSI Approval.

All public domain improvement works around the site would be delivered as part of the CSSI Approval.

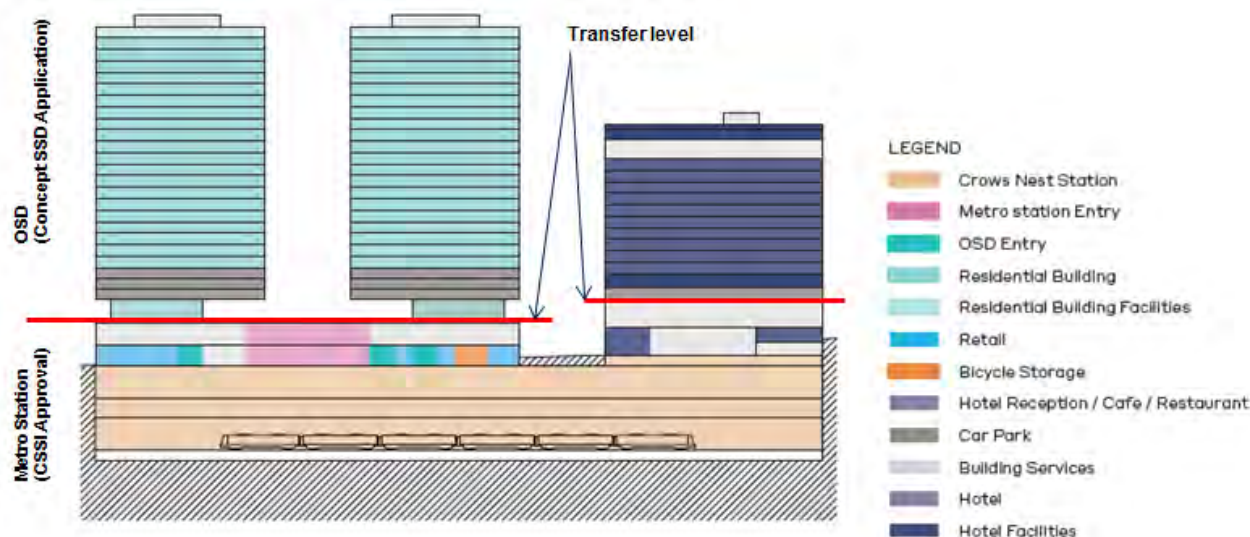


Figure 2: Delineation between the Metro station and OSD (based on indicative OSD design)

1.4 The strategic planning context

DPE is currently undertaking strategic planning investigations into revitalising the area surrounding St Leonards railway station and the metro station at Crows Nest. In August 2017, DPE released the *St Leonards and Crows Nest Station Precinct Interim Statement* and in October 2018 DPE released the *St Leonards and Crows Nest 2036 Draft Plan* (2036 Draft Plan) and supporting documents which detail recommended changes to land use controls in the precinct. These documents recommend new developments be centred around the Pacific Highway corridor and the Crows Nest Station while protecting the amenity of Willoughby Road.

In October 2018, DPE also placed on public exhibition the *Crows Nest Sydney Metro Site Rezoning Proposal* (Planning Proposal). The Planning Proposal outlines the State led rezoning of the subject site, on the basis that the current planning controls in the *North Sydney Local Environmental Plan 2013* do not reflect the opportunities for improved accessibility associated with the new metro station enabling people to live, work and spend time close to public transport. This concept SSD Application is aligned with the planning controls proposed in the Planning Proposal.

1.5 The site

Crows Nest Station precinct is located between the Pacific Highway and Clarke Street (eastern side of the Pacific Highway) and Oxley Street and south of Hume Street, Crows Nest (**Figure 3**).

The site is located within the North Sydney Local Government Area.

The Crows Nest Station precinct is divided into three separate sites as illustrated in **Figure 4** and described below:

- **Site A:** Six lots in the block bound by the Pacific Highway, Hume Street, Oxley Street and Clarke Lane (497-521 Pacific Highway, Crows Nest)
- **Site B:** Three lots on the southern corner of Hume Street and Pacific Highway (477-495 Pacific Highway, Crows Nest)
- **Site C:** One lot on the north-western corner of Hume Street and Clarke Street (14 Clarke Street, Crows Nest).

Sites A, B and C have a combined site area of 6,356 square metres.

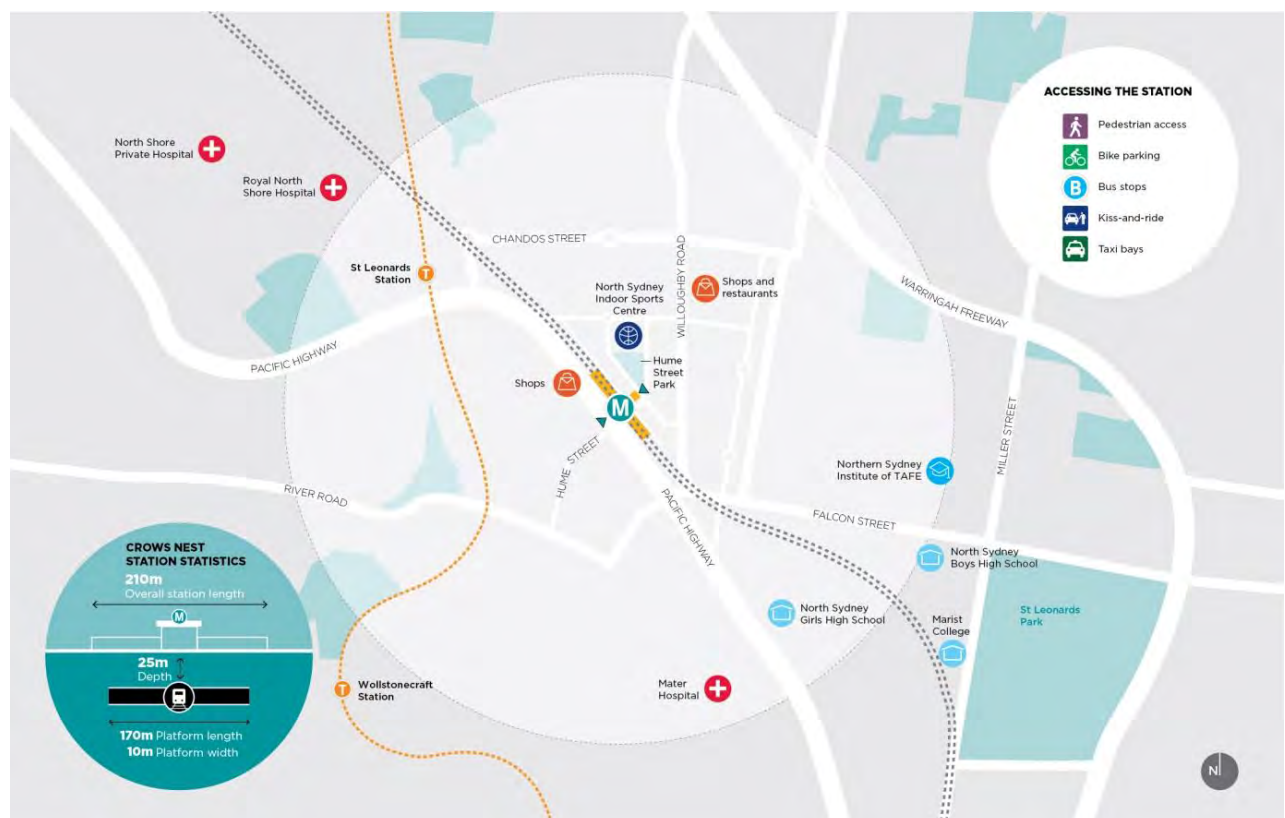


Figure 3: Crows Nest Station location plan

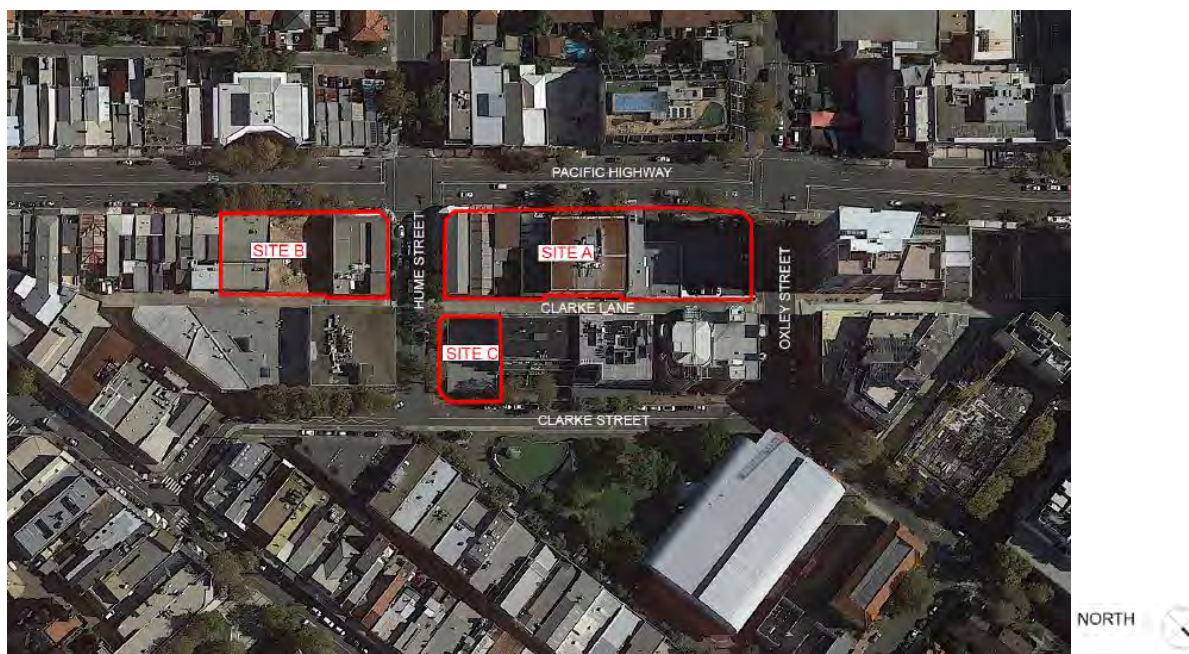


Figure 4: The subject site

The site comprises the following properties:

- **Site A:**
 - 497 Pacific Highway (Lot 2 in DP 575046)
 - 501 Pacific Highway (Lot 1 in DP 575046)
 - 503-505 Pacific Highway (Lot 3 in DP 655677)
 - 507-509 Pacific Highway (Lot 4 in DP 1096359)
 - 511-519 Pacific Highway (SP 71539)
 - 521-543 Pacific Highway (Lot A and Lot B in DP 374468)
- **Site B:**
 - 477 Pacific Highway (Lot 100 in DP 747672)
 - 479 Pacific Highway (Lot 101 in DP 747672)
 - 491-495 Pacific Highway (Lot 100 in DP 442804)
- **Site C:**
 - 14 Clarke Street (Lot 1 in SP 52547)

1.6 Overview of the proposed development

This concept SSD Application comprises the first stage in the Crows Nest OSD project. It will be followed by a detailed SSD Application for the design and construction of the OSD to be lodged by the successful contractor who is awarded the contract to deliver the Integrated Station Development.

This concept SSD Application seeks approval for the planning and development framework and strategies to inform the future detailed design of the Crows Nest OSD.

The concept SSD Application specifically 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 Foster + Partners for Sydney Metro
- maximum building heights:
 - **Site A:** RL 183 metres or equivalent of 27 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 8 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 188 or 5 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 55,400sqm for the OSD comprising the following based on the proposed land uses:
 - **Site A:** Residential accommodation - maximum 37,500 square metres (approximately 350 apartments)
 - **Site B:** Hotel / tourist accommodation and associated conference facilities or commercial office premises GFA - maximum of 15,200 square metres (approximately 250 hotel rooms)
 - **Site C:** Commercial office premises GFA - maximum of 2,700 square metres

- **Site A or C:** social infrastructure GFA inclusive of the GFA figures nominated above for each site, with provision optional as follows:
 - Site A: podium rooftop (approximately 2,700 square metres)
 - Site C: three floors and rooftop (approximately 1,400 square metres)

Note 1: 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 2.81:1 or the equivalent of 17,900 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 150 car parking spaces on Sites A and B associated with the proposed commercial, hotel and residential uses
- 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.

As this is a staged development pursuant to section 4.22 of the EP&A Act, future approval would be sought for the detailed design and construction of the OSD.

The proposed location of the buildings on the site is illustrated in the location plan provided at **Figure 5**.

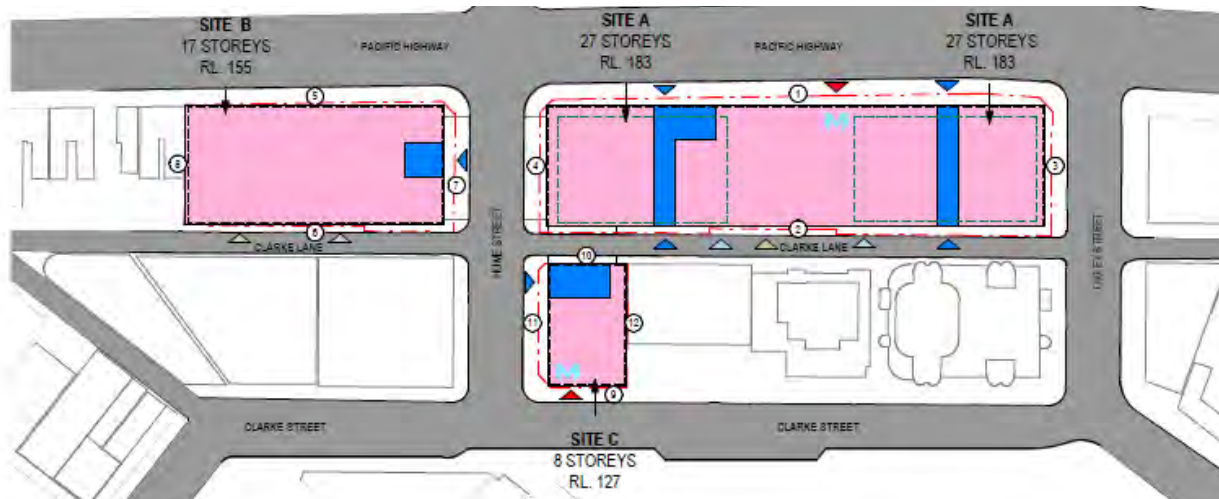


Figure 5 – Proposed location of buildings on the

The total GFA for the integrated station development, including the station GFA (i.e. retail, station circulation and associated facilities) and the OSD GFA is 60,400 square metres, equivalent to a floor space ratio (FSR) of 9.5:1.

The concept proposal includes opportunities for community uses in the development on either Site A or Site C. This space has the potential to be used for a range of uses including community facilities, child care centre, recreational area/s, library, co-working space, which can take advantage of the sites accessibility above the metro station.

Through design development post the CSSI Approval, pedestrian access to the metro station is proposed from the Pacific Highway and from Clarke Street, opposite the Hume Street Park. Vehicular access to the site including separate access to the loading docks and parking is proposed from Clarke Lane.

Public domain works around the site would be delivered as part of the CSSI Approval. Notwithstanding, the OSD will be appropriately designed to complement the station and activate the public domain. Provision for retail tenancies to activate the public domain are included in the ground floor of Sites A, B and C, as part of the CSSI Approval. Future detailed development applications will seek approval for the fitout and specific use of this retail space.

Drawings illustrating the proposed building envelopes are provided in Figures 6 and 7. The concept SSD Application includes an indicative design for the OSD to demonstrate one potential design solution within the proposed building envelope (refer to Figure 8).

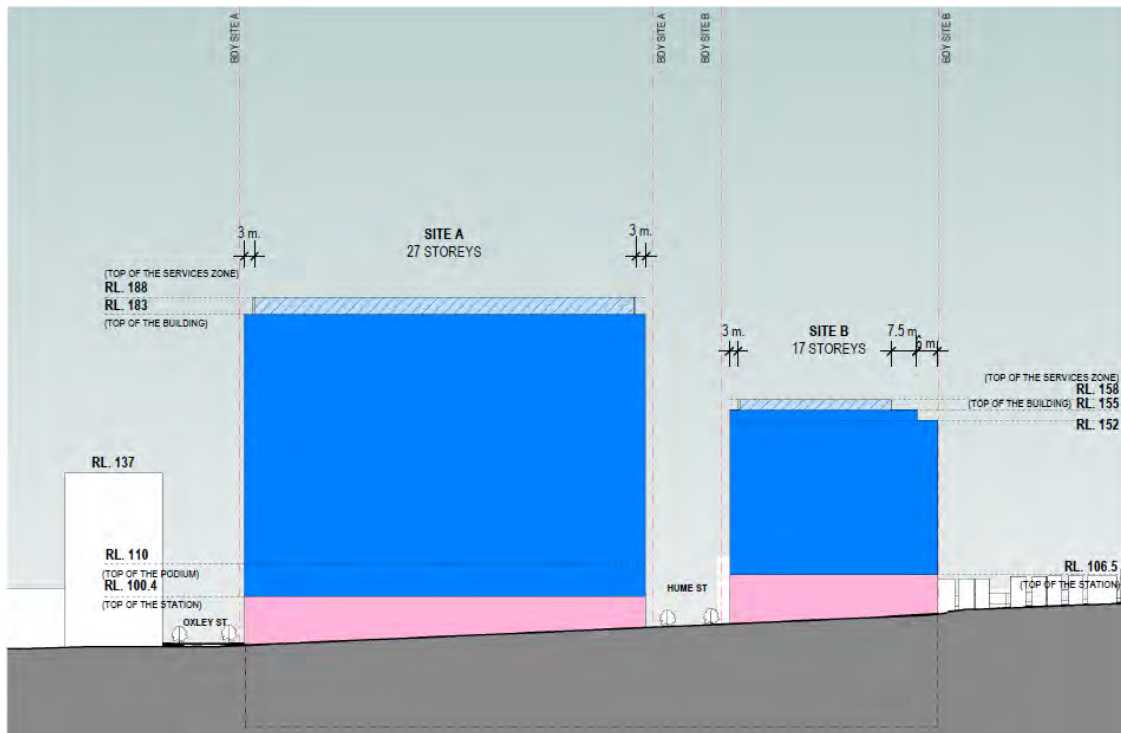


Figure 6: Proposed Crows Nest OSD building envelopes – west elevation (Pacific Highway)

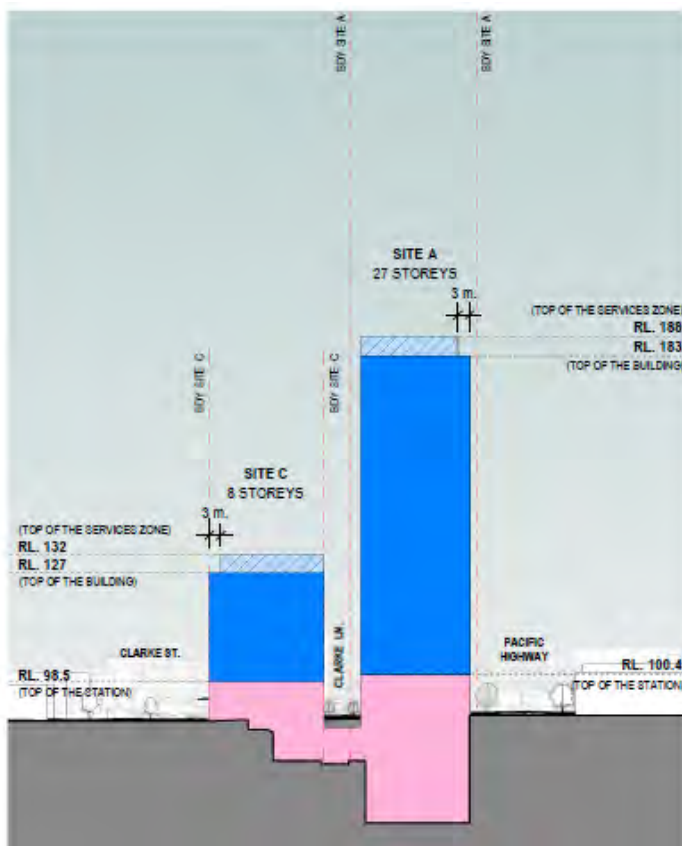


Figure 7: Proposed Crows Nest OSD building envelopes – cross section through the site (east-west)



Figure 8: Crows Nest OSD indicative design

2.0 Scope of this report

This report documents a 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 by Foster + Partners 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 VIA responds to the SEARs issued by the DPE dated 26 September 2018.

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 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*

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, DPE released the 2036 *Draft Plan* and its supporting documents which detail 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, DPE also placed on public exhibition the *Crows Nest Sydney Metro Site Rezoning Proposal* (Rezoning Proposal). The Proposal outlines the State led rezoning of the subject site, on the basis that the current planning controls in the *North Sydney Local Environmental Plan 2013* (NSLEP 2013) do 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 recommends alignment of the planning controls commensurate with the built form proposed in this concept SSD Application.

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 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

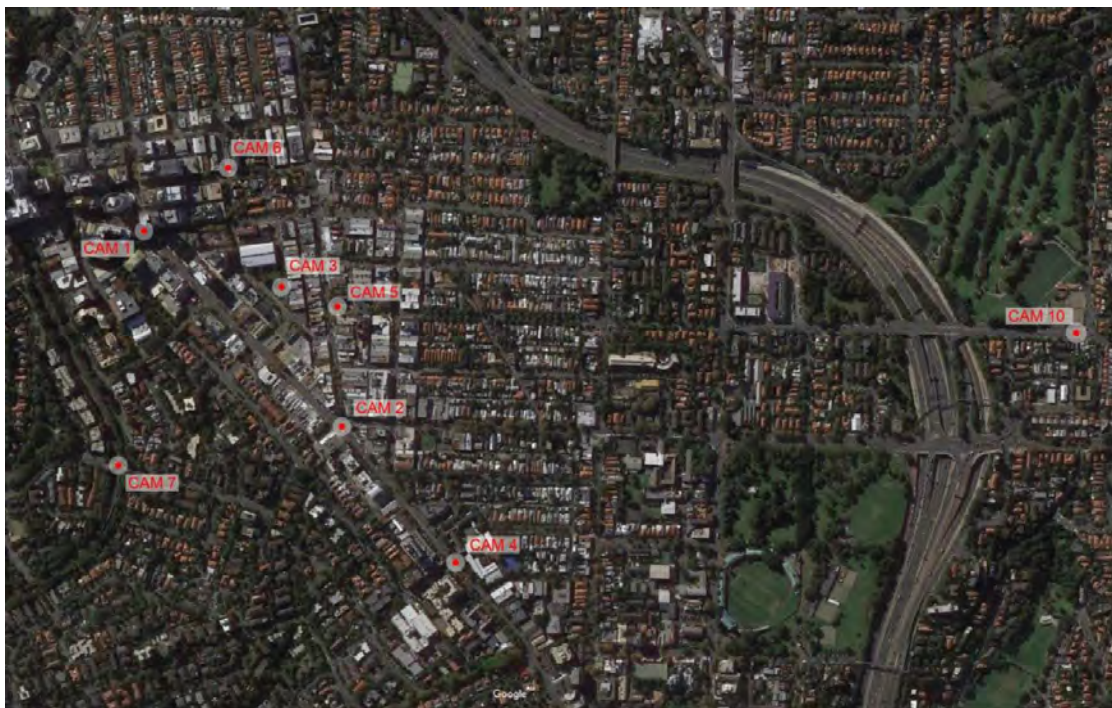


Figure 10 – View locations – St Leonards/Crows Nest

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 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 foreground.	Low
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 the 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

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 (8 storeys) being placed in the foreground of the 27 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

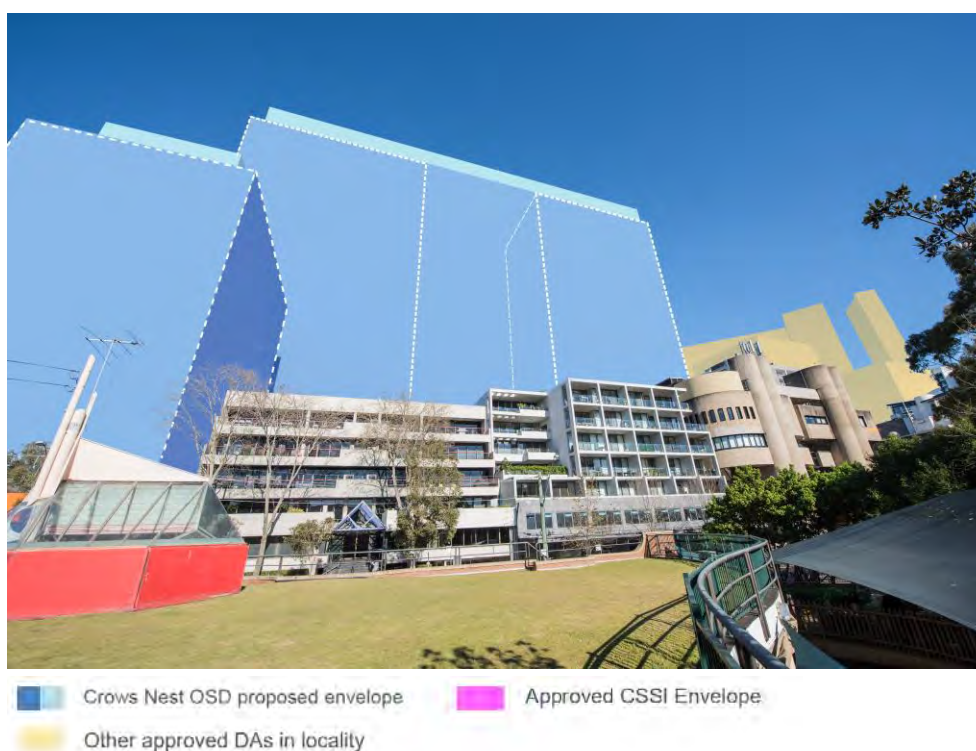


Figure 16: Viewpoint 3 – Hume Street Park, Crows Nest, proposed view

5.5 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

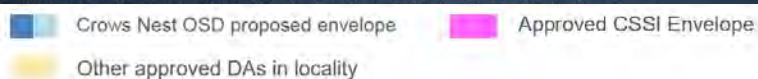


Figure 18: Viewpoint 4 – Pacific Hwy near the intersection with Rocklands Rd, Crows Nest, proposed view

5.6 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 (8 storeys) being placed in the foreground of the 27 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

5.7 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

5.8 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

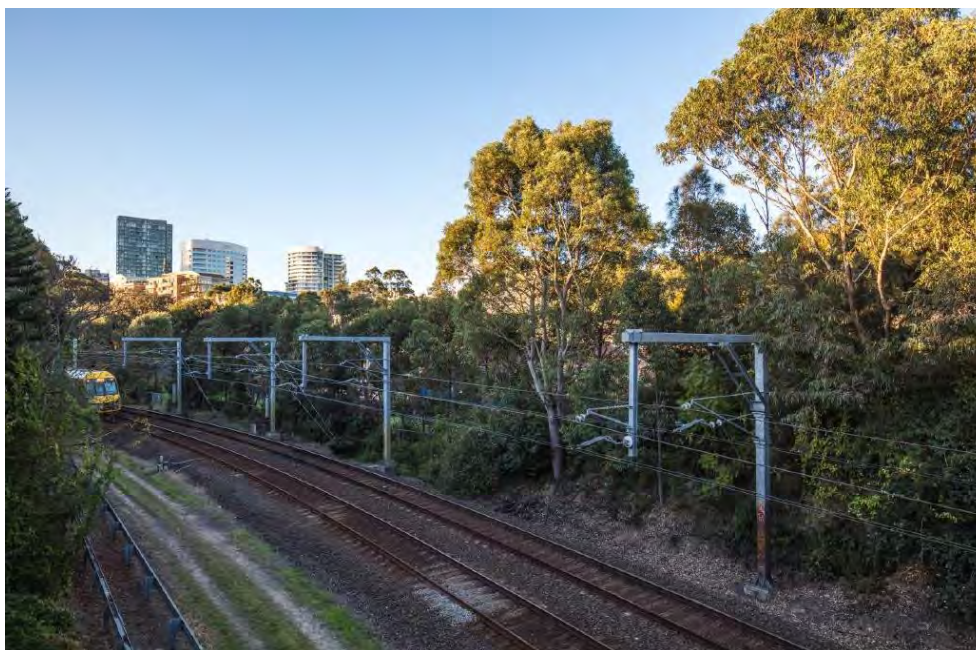
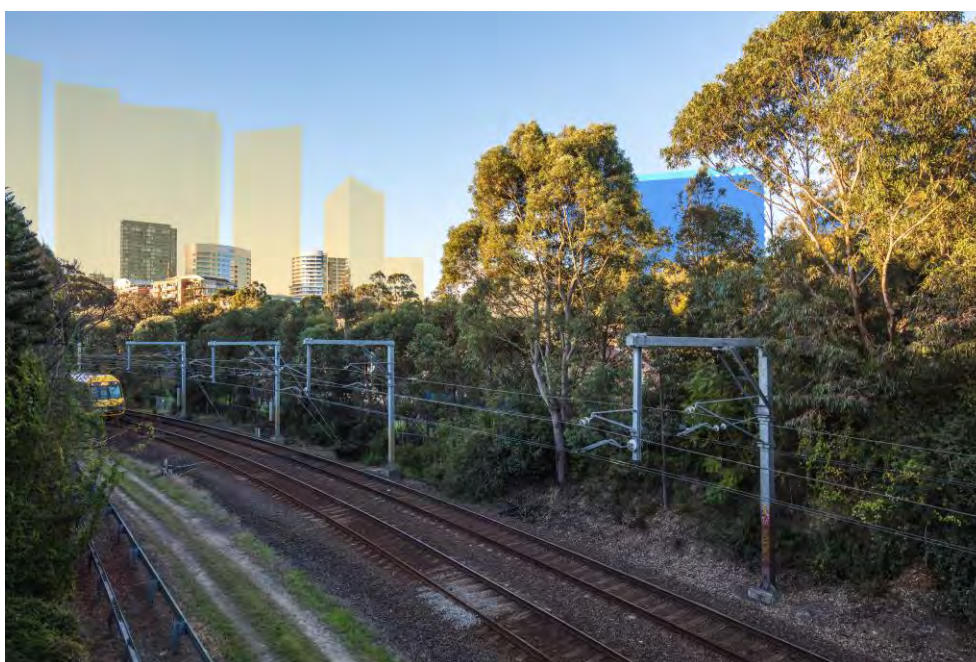


Figure 23: Viewpoint 7 – River Road Rail Bridge, Wollstonecraft, existing view



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

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

5.9 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

5.10 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



Figure 28: Viewpoint 9 – Barangaroo Reserve, proposed view

5.11 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



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

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

5.12 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 27 storey towers on Site A through to the 8 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 27 storey buildings when viewed from the south. Further, the proposed height at 27 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 DPE 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 27 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 O to the EIS) 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 DPE 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</p>

		<p>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 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 Tenacity Consulting v Warringah Council [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 is in accordance with the Rezoning Proposal for the subject site, as instigated by DPE.</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. 	
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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 O to the EIS) 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.

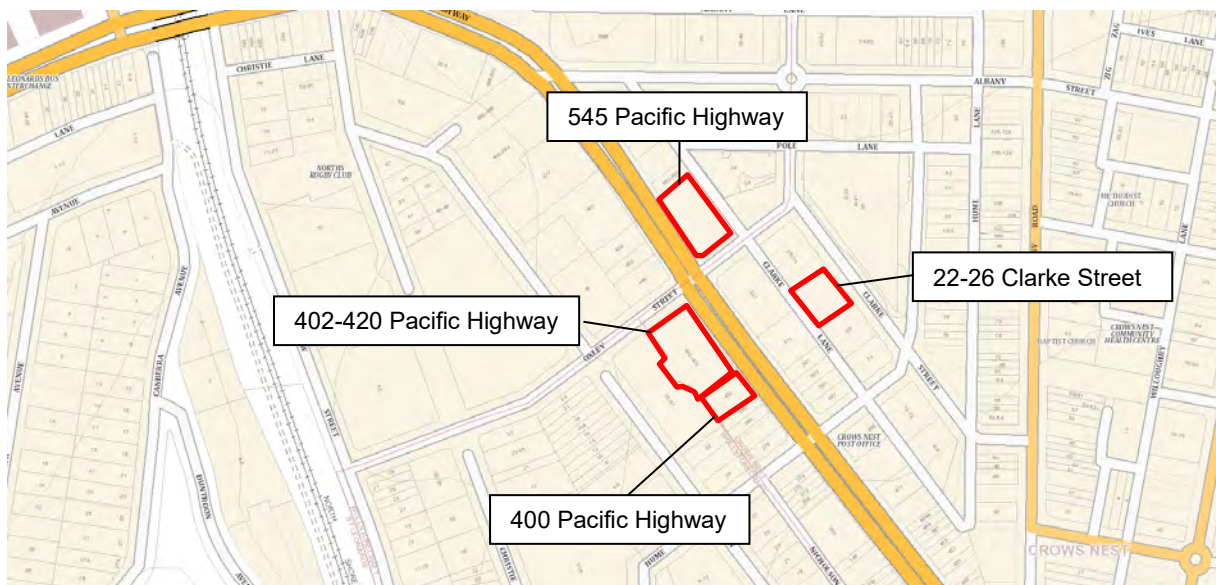


Figure 31: Location of properties included in private view loss assessment

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.

In this instance, the proposal does comply with the relevant NSLEP 2013 planning controls listed in Section 4.2.3, however, noting that the existing LEP framework predates the announcement of the transformative Sydney Metro infrastructure project. In this regard, consideration is made to the 2036 draft Plan (DPE) and the Sydney Metro Rezoning Proposal.

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 M to the EIS). 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

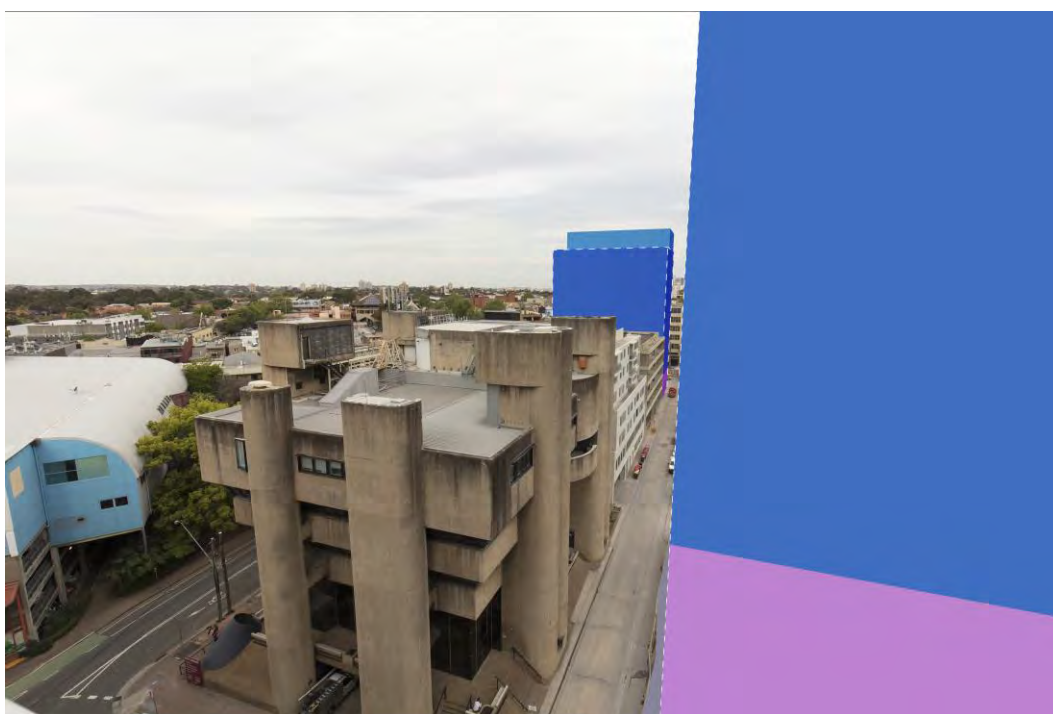


Figure 35: Medium rise view (proposed), 545 Pacific Highway



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 (not considering potential views to be retained as a result of building separation in the final built form, subject to a detailed SSD Application(s)). The actual outlook of this view will be further articulated through architectural form and design excellence at the detailed SSD Application.

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

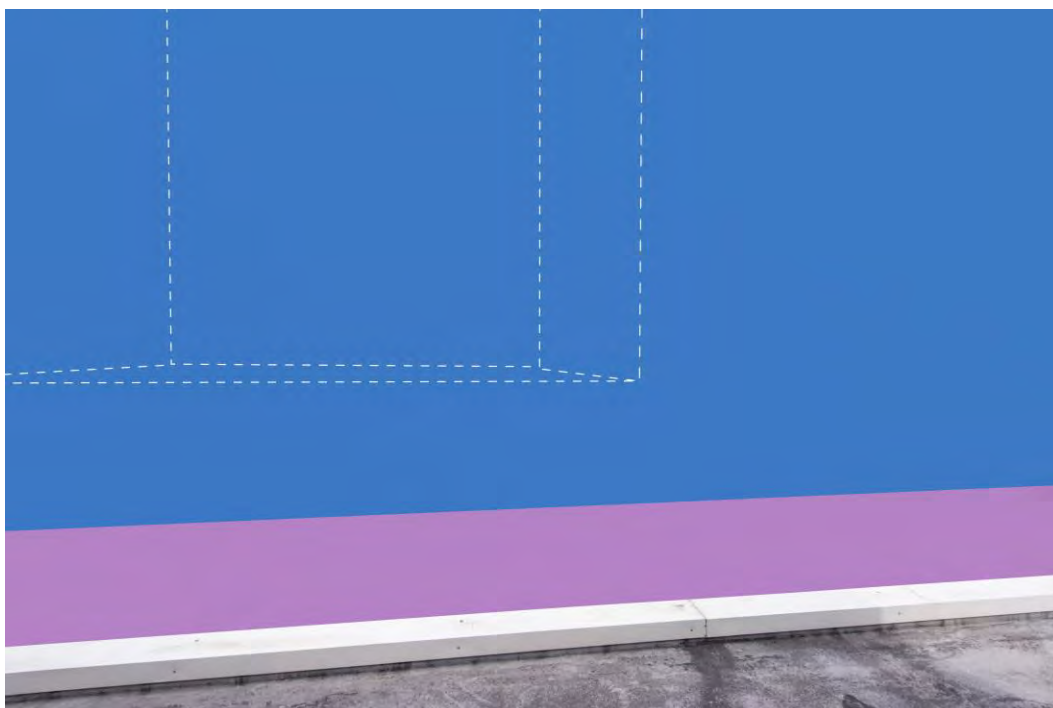


Figure 40: Top level west-north-west view (proposed), 22-26 Clarke Street



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

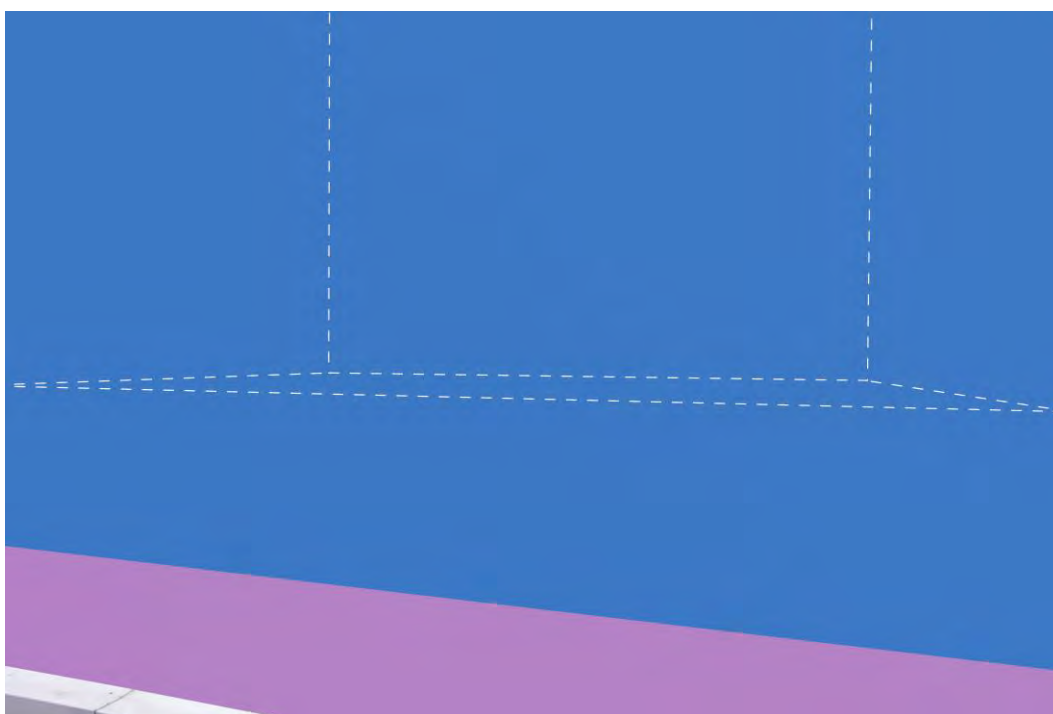


Figure 42: Top level west-south-west view (proposed), 22-26 Clarke Street

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 presents 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

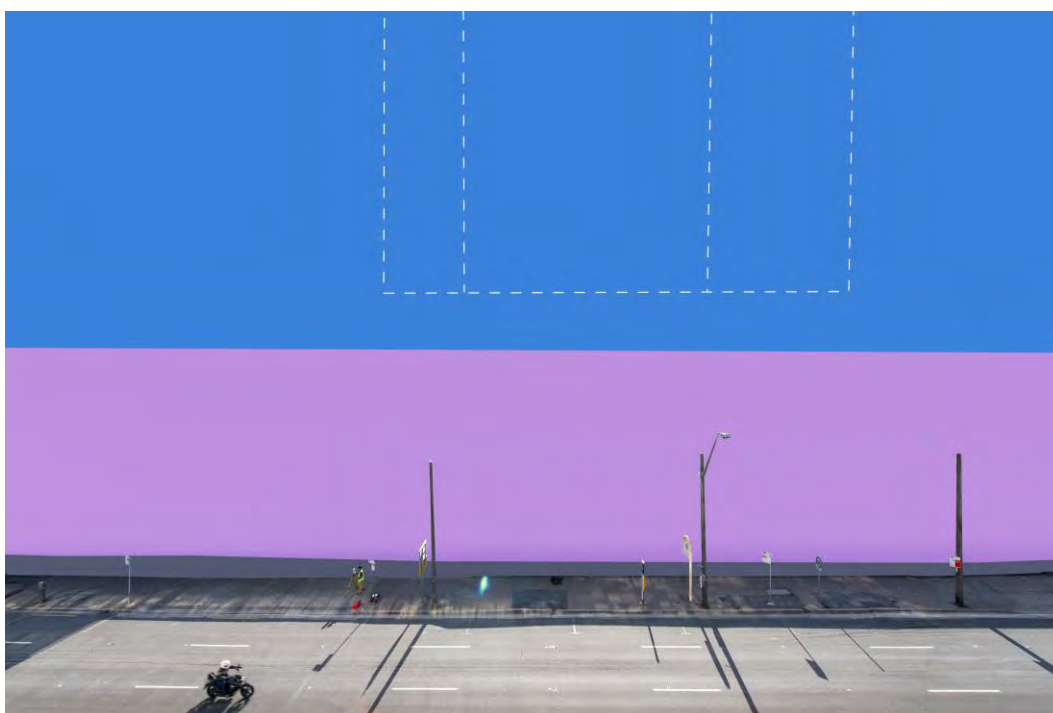


Figure 44: Top level east view (proposed envelope), 402-420 Pacific Highway



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

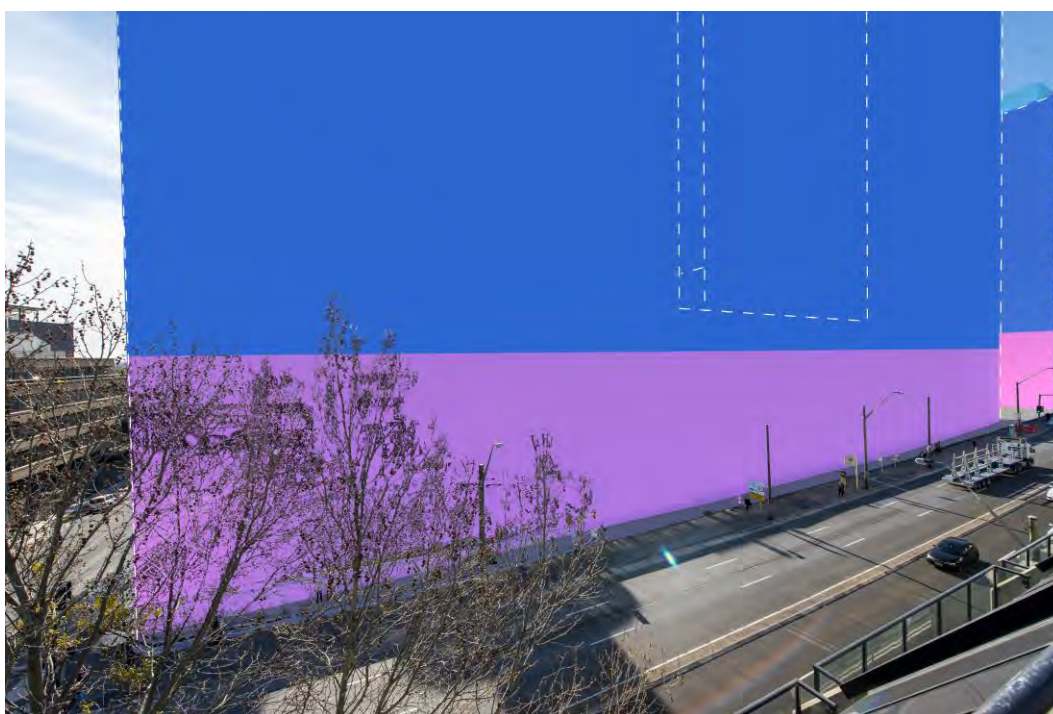


Figure 46: Top level southeast view (proposed envelope), 402-420 Pacific Highway



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

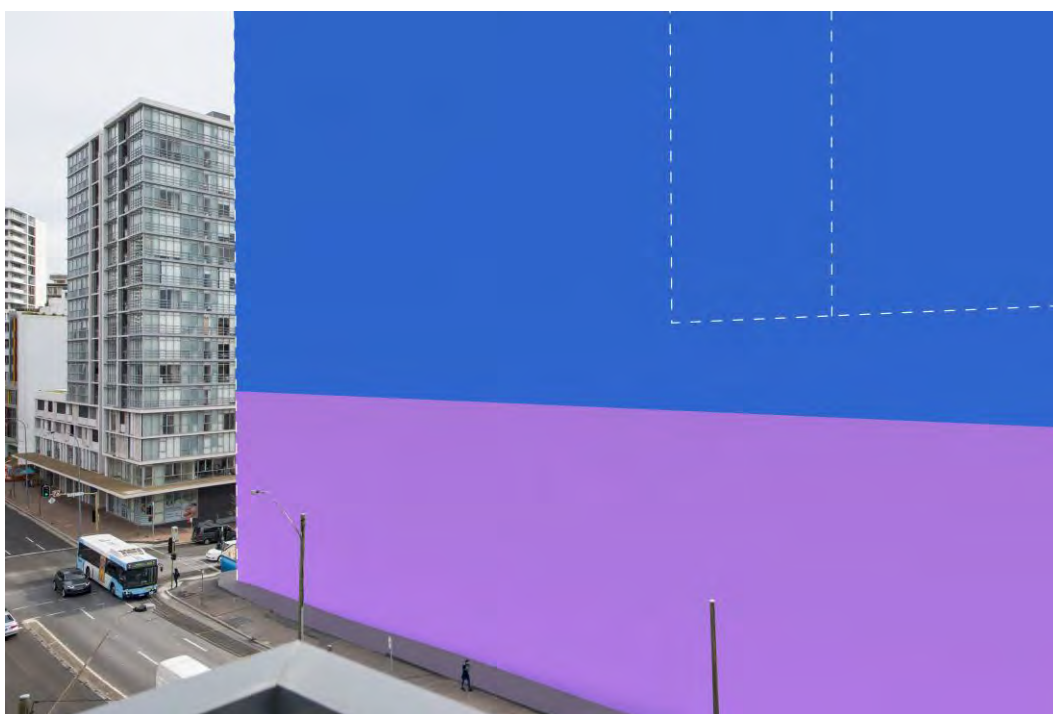


Figure 48: Top level northeast view (proposed envelope), 400 Pacific Highway



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

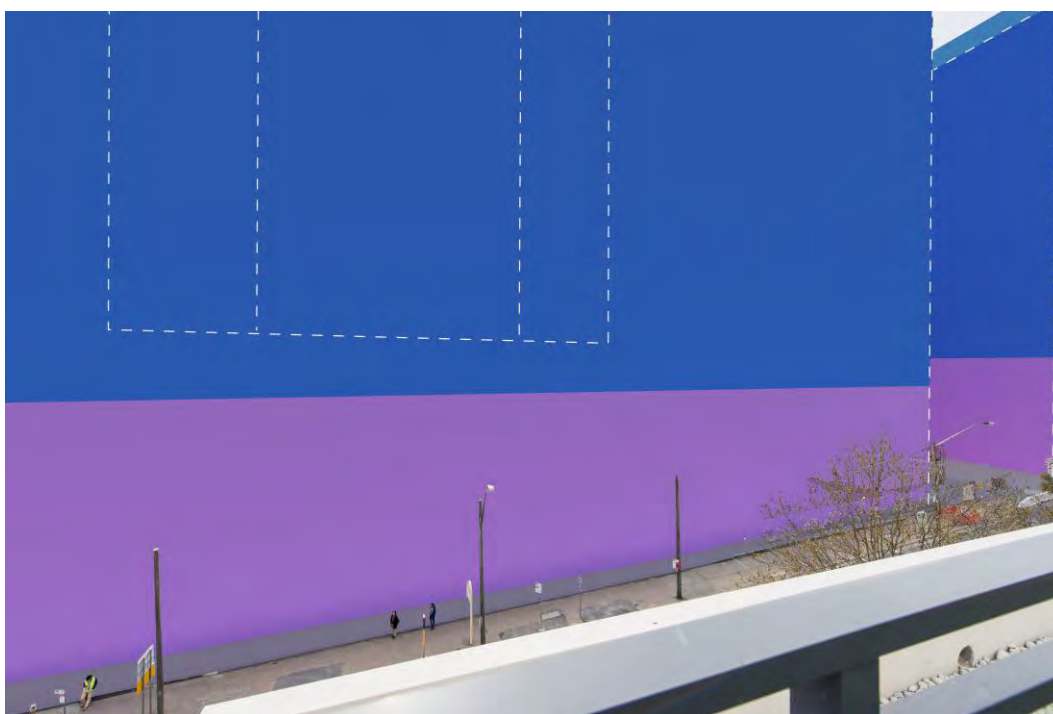


Figure 50: Top level east view (proposed envelope), 400 Pacific Highway



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

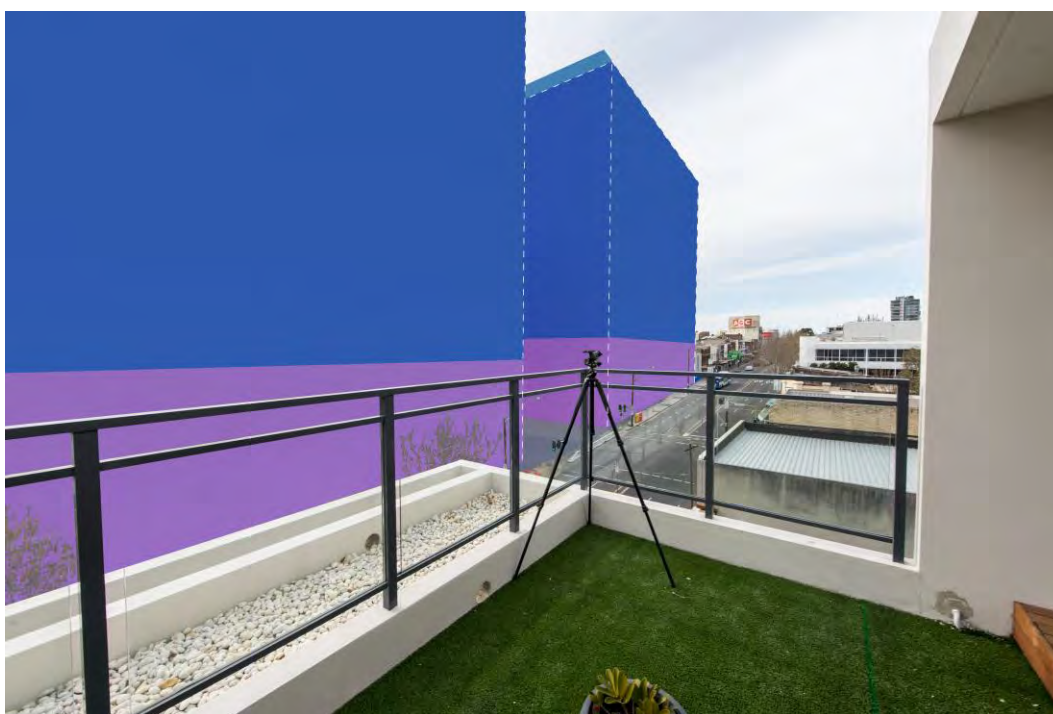


Figure 52: Top level southeast view (proposed envelope), 400 Pacific Highway

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.

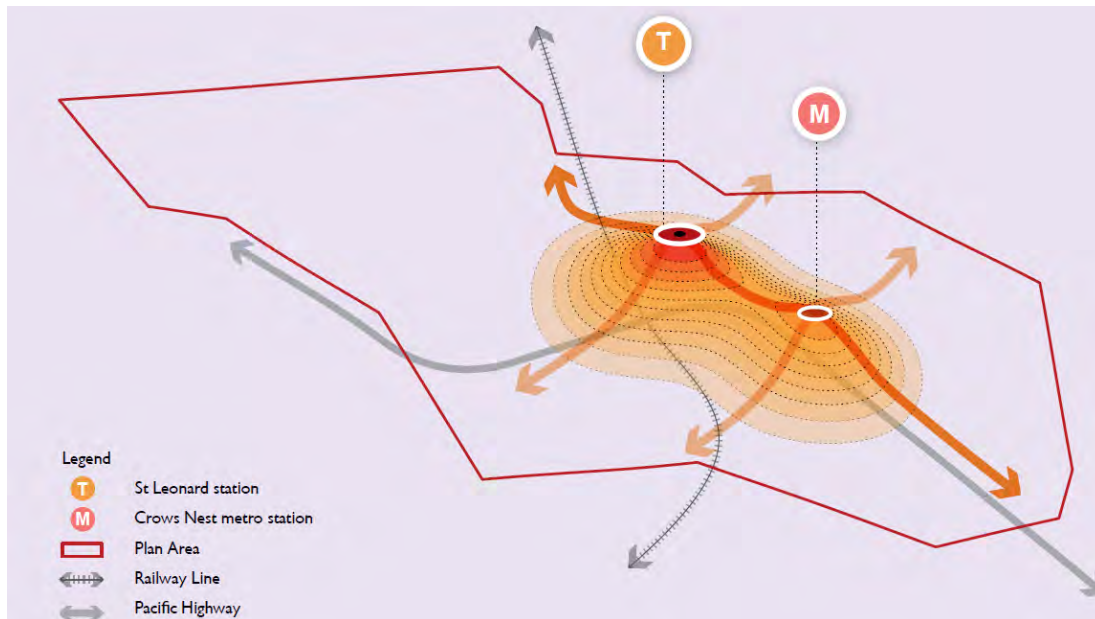


Figure 53: Height Concept Map in the draft 2036 Plan

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. 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 whilst the concept SSD Application is generally aligned with the proposed controls for the site. Whilst slight variances are noted with regard to building services allowances and configuration of gross floor area across the three sites, the Rezoning Proposal states that allowances for the building services zone will be made during the drafting of the LEP controls. .

With regard to the identified non-compliances, the breach of height associated with a building services zone only has a very minor visual impact and is located well above and well clear of the private residences identified in this assessment, and hence this services zone has no view impact. The building services zone is identified in light blue in the above photomontages, whereby only the building services zone on Site C is visible from the upper levels of 545 Pacific Highway, and this forms a very minor portion of the overall view. Further, the building envelope assessed in this report represents the worst-case scenario and will not be built out to its fullest extent in any detailed SSD Application(s) Therefore

actual outlook of views to and across the site will be further articulated through architectural form and design excellence at the detailed SSD Application.

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), 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 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 height of the Crows Nest OSD site, being 27 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 8 storeys matches the height of the heritage listed St Leonards Centre and provides transitional foreground to the 27 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.

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 DPE 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, tourist accommodation, 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.

Ultimately, from a visual impact perspective, the proposal 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.