

VISUAL IMPACT ASSESSMENT REPORT

APPENDIX W





Sydney Metro City & Southwest Pitt Street North Over Station Development:



	Sydney Metro City & Southwest
	Ethos Urban
	Sydney Metro
	Final
	1.1
	August 2018
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Table of Contents

Executive Summary	4
1. Introduction	5
2. Methodology	6
2.1. Broad.....	6
2.2. Specific.....	6
2.3. Visual effect	7
2.4. Visual impact	7
2.5. Acceptability of the visual impact	7
3. The site and context.....	8
3.1. Sydney Metro	8
3.2. The site.....	8
3.3. Integrated over station development.....	10
3.4. Sydney CBD	10
3.5. Planning context	11
Regional and District	11
Local	11
A Metropolis of Three Cities - the Greater Sydney Region Plan.....	11
The Eastern District Plan.....	12
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	12
Sydney Local Environmental Plan 2012	13
Sydney Development Control Plan 2012.....	14
4. The Proposal	15
5. Visual effect	16
5.1. Baseline factors	16
5.1.1. Visual catchment	16
5.1.2. Visual character	17
Long	18
Medium	18
Close	19
5.1.3. Scenic quality.....	19
5.1.4. View place sensitivity	20
5.1.5. Viewer sensitivity	20
5.2. Variable factors.....	21
5.3. Viewpoint 1: William Street near Cook and Phillip Park Pool, Sydney.....	22
5.4. Viewpoint 2: Intersection of Oxford Street and Brisbane Street, Darlinghurst.....	24
5.5. Viewpoint 3: Intersection of William Street and Dowling Street, Woolloomooloo	26
5.6. Viewpoint 4: Intersection of Oxford Street and Wentworth Avenue, Surry Hills.....	28

5.7.	Viewpoint 5: Cathedral Square, College Street, Sydney	30
5.8.	Viewpoint 6: Macquarie Street, near College Street, Sydney	32
5.9.	Viewpoint 7: Hyde Park, north-east corner of War Memorial pool, Sydney	34
5.10.	Viewpoint 8: Pier Street adjacent to ICC Sydney Theatre, Haymarket	36
5.10.1.	Summary: Level of Visual Effect	38
6.	Visual Impact	41
6.1.	Physical absorption capacity	41
6.2.	Compatibility	41
6.3.	Application of factors	42
7.	Assessment of acceptability of visual impact.....	43
7.1.	Criteria for assessment.....	43
7.1.1.	Criteria 1: Amenity	43
7.1.2.	Criteria 2: Character.....	43
7.1.3.	Criteria 3: Scenic and cultural landscapes	43
7.1.4.	Criteria 4: Heritage.....	44
7.1.5.	Criteria 5: Vistas and views from public domain	44
8.	Private View Loss Assessment - 27 Park Street and 197 Castlereagh Street ..	46
8.1.	Step 1: Assessment of views to be affected.....	49
8.2.	Step 2: Consider from what part of the property the views are obtained ...	60
8.3.	Step 3: Assess the extent of impact.....	60
8.4.	Step 4: Assess the reasonableness of the proposal that is causing the impact.....	61
9.	Conclusion.....	63

Executive Summary

A Concept State Significant Development Application (SSD Application) has been made to the Department of Planning and Environment (DPE) by Transport for New South Wales for over station development (OSD) above the approved Pitt Street North Station. The Department of Planning and Environment has issued Secretary's Environmental Assessment Requirements (SEARs) for this application, which include a requirement to prepare a Visual Impact Assessment. Ethos Urban has prepared a Visual Impact Assessment (VIA) on behalf of Transport for New South Wales. 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 site's visual catchment includes areas that are critical to the visual character and identity of Sydney. In particular, the proposal would be visible from parts of Hyde Park, and key gateways into the CBD from the east at Oxford Street and William Street. Largely due to factors such as distance from viewing locations and the presence of intervening elements such as building and trees in the landscape, this VIA has found that the proposal would have a low to medium visual effect on the existing visual catchment. Due to the urban, high rise character of the Sydney CBD and the proposal's consistency with this character, the application of physical absorption capacity and compatibility weighting factors results in an overall low visual impact.

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. In particular, the proposal is consistent with key planning instruments that seek to promote the Sydney CBD as a key location for jobs and employment and the provisions of existing, finer grained local plans. While it is acknowledged that there is an impact on some residential premises, this is reasonable considering the nature of the views, the design of the envelope which reduces the extent of the impact and the long established role and planning intent for the Sydney CBD. In addition, the final development would represent a more refined building within the proposed building envelope, and as such is likely to have an even lesser impact on views.

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

1. Introduction

This report documents a Visual Impact Assessment (VIA) of the proposed OSD above the approved Pitt Street North Station (the proposal), Sydney (the concept SSD Application). It is based on input provided by Architectus, CMS Surveyors, AAM and Virtual Ideas and documented in Appendix A. 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 further refined within the confines of the building envelope as part of the subsequent detailed SSD Application process

The VIA responds to the Secretary's Environmental Assessment Requirements (SEARs) issued by the Department of Planning and Environment (DPE). The purpose of the VIA is to determine whether the visual impact of the concept proposal is acceptable. To achieve this purpose, this report is structured as follows:

- **Parts 1 to 4:** provides an introduction, background and overview of the site, its context and the proposal
- **Parts 5 and 6:** provides an assessment of the visual effect and visual impact of the proposal on the existing visual catchment
- **Parts 7 and 8:** provides an assessment of acceptability of visual impact
- **Part 9:** provides a conclusion.

The scope of the VIA has been designed to respond to the SEARs, as well as other relevant planning instruments. The relevant SEARs are:

- **Key Issue 6. Amenity**
 - demonstrate the impacts of the proposal on the amenity of surrounding residential development including measures to minimise potential overshadowing, privacy and view impacts
- **Key Issue 6. Amenity**
 - view analysis to and from the site from key vantage points and streetscape locations. Photomontages or perspectives should be provided showing the proposed development
- **Key Issue 6. Amenity**
 - view impact analysis from adjoining developments
- **Plans and Documents**
 - visual and view impact analysis and photomontages

Note that views in the context of the heritage are addressed in detail in other supporting information for this application.

2. 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:

2.1. Broad

- 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

2.2. Specific

- 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 (refer to **Appendix V**).

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 visual impact against a balance of other, broader considerations relevant to the proposal.

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.

2.3. 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

2.4. Visual impact

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

2.5. 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.

3. The site and context

3.1. Sydney Metro

Sydney Metro will connect Tallawong in the north-west to Bankstown in the south-west via the Sydney CBD. It will comprise 66km of track and have 31 stations.

The Metro will introduce single level, high frequency trains to Sydney. To achieve the target capacity of approximately 40,000 customers per hour, the Metro has been designed to have capacity for a train every two minutes in each direction through the Sydney CBD.

The Minister for Planning granted approval for the Sydney Metro City & Southwest Chatswood to Sydenham part of Sydney Metro under the Environmental Planning and Assessment Act (the Act) on 9 January 2017

The first trains are expected to commence operations on the City & Southwest line in 2024.

3.2. The site

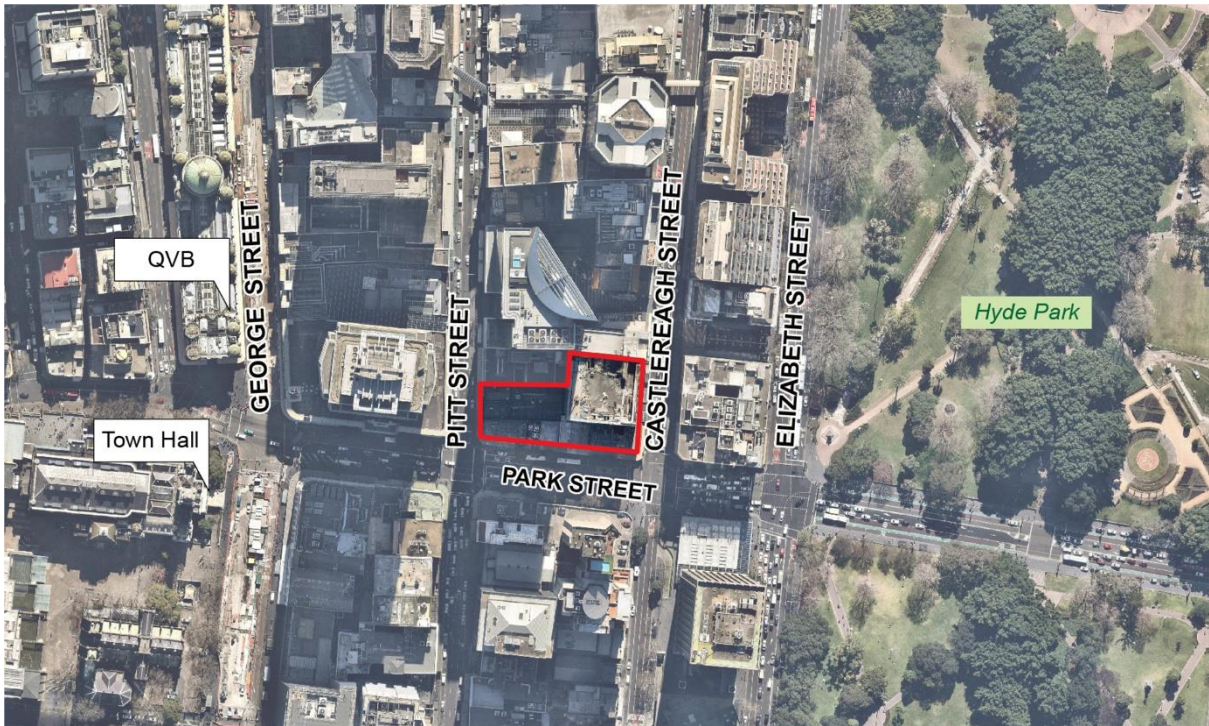
The site is located within the Sydney CBD. Its main frontage is along Park Street, and it also has frontages to Castlereagh Street and Pitt Street (refer to **Figure 1**).

The site comprises the following former properties:

- 175-183 Castlereagh Street, Sydney (Lot 1 in DP229365)
- 40 Park Street, Sydney (Lot 2 in DP509677)
- 42-46 Park Street, Sydney (Lots 1/2 in DP982663, and Lot 2 in DP61187)
- 48 Park Street, Sydney (Lot 1 in DP74367)
- 250 Pitt Street, Sydney (SP 68274)
- 252-254 Pitt Street, Sydney (Lot 1 in DP596474)
- 256 Pitt Street, Sydney (Lot 17 in DP1095869).

The site is approximately 3150 square metres in area. It has frontages of approximately 81m to Park Street, 48m to Castlereagh Street and 28m to Pitt Street. The site is currently vacant, having been cleared for construction of the approved metro station.

Surrounding zones and current / approved land uses are shown in **Table 1**.



 The Site

 NOT TO SCALE

Figure 1 – The site

Table 1 – Surrounding zones and land uses

Direction	Relationship	Zone	Current/approved land use
North	Adjoining	B8 Metropolitan Centre	Commercial office building, including most notably the ANZ Tower, which is a 43 level a-grade commercial office building and associated retail, food and beverage and a public plaza. This tower is notable in the Sydney CBD context as its eastern elevation runs at a diagonal angle to the dominant street grid. The form is rare in the Sydney CBD
South	Adjacent (across Park Street)	B8 Metropolitan Centre	Park Regis City Centre, which is a 45 level combined apartment and hotel complex above a 4 level podium comprising ground level retail and 3 levels of decked carparking
East	Adjacent (across Castlereagh Street)	B8 Metropolitan Centre	3 x approximately 12 level commercial office towers. While erected over different time periods in different architectural styles, these buildings read as a distinct and cohesive part of the city structure due to their consistent height, width and street setback, and the significant dip in height to the adjoining building to the north
West	Adjacent (across Pitt Street)	B8 Metropolitan Centre	Citigroup Centre, which is a 41 level A-grade commercial office tower, and the associated The Galleries complex, which is a 4 level podium structure used for retail and food and beverage purposes

3.3. Integrated over station development

A key element of the Metro is the integration of OSD into the station. The OSD is intended to respond to local context and position stations as the centre of their community. Other outcomes include:

- maximise urban outcomes, enhancing customer experience and urban amenity
- create an urban environment that drives high usage of new metro rail
- ensure station precincts are activated as soon as possible following completion of metro infrastructure.
- visually, integrated over station development is to be prominent in its context, and incorporate design excellence.

3.4. Sydney CBD

Identified as a Metropolitan City Centre under the Greater Sydney Region Plan, the Sydney CBD is the metropolitan region’s largest and most significant employment location. Supporting more than five million square metres of office space and 286,000 workers, the Sydney CBD generated \$68 billion worth of Australia’s Gross Domestic Product in 2014.

3.5. Planning context

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

Regional and District

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

Local

- Sydney Local Environmental Plan 2012
- Sydney Development Control Plan 2012
- Central Sydney Planning Strategy.

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.

A Metropolis of Three Cities - the Greater Sydney Region Plan

Under A Metropolis of Three Cities - the Greater Sydney Region Plan (the Region Plan), the Sydney CBD forms the Harbour CBD Metropolitan City Centre. It also forms part of the Eastern Economic Corridor. Given these designations, the focus for the CBD 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.

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

- *Scenic and cultural landscapes are protected.*

This objective is supported by two strategies in the Region Plan:

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

While these scenic and cultural landscapes are not specifically identified, discussion in this section indicates that in addition to views to natural features such as ridgelines and waterways, views to the urban skyline are important.

Due to its high visibility, the Sydney CBD makes a positive contribution to the visual identity and character of Sydney. This has implications for planning for the CBD, in particular when viewed from the public realm.

The Eastern District Plan

The Eastern District Plan (the District Plan) is consistent with the Region Plan in its prioritisation of employment and economic growth in the Sydney CBD, and repeats the objectives and strategies of the Region Plan for scenic and cultural landscapes.

Discussion related to scenic and cultural landscapes specifically references the value of the CBD skyline:

- *The Sydney City skyline (including the Sydney Opera House and the Sydney Harbour Bridge) is an iconic urban landscape and can be viewed from many areas of Greater Sydney.*

Further, more detailed work has not been undertaken into the visual qualities of the CBD skyline. However, it would be reasonable to argue that maintaining the high level of visibility of the skyline, in particular from key points in the public domain, and maintaining the essential visual characteristics of the CBD is critical to protecting this scenic and cultural landscape.

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. While not technically applying to the site, it is nonetheless best practice to consider its key provisions.

The Sydney Harbour REP includes the following principle of relevance to visual impact 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.*

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*
- *the cumulative impact of development on views should be minimised.*

In addition to adjoining each other in part at Circular Quay and Darling Harbour, Sydney Harbour and the CBD skyline form a strong visual unit, helping to shape the unique and iconic character of the central city.

Sydney Local Environmental Plan 2012

The aims of this Sydney Local Environmental Plan 2012 (the LEP) are as follows:

- *To reinforce the role of the City of Sydney as the primary centre for Metropolitan Sydney*
- *To support the City of Sydney as an important location for business, educational and cultural activities and tourism*
- *To promote ecologically sustainable development*
- *To encourage the economic growth of the City of Sydney by:*
 - *providing for development at densities that permit employment to increase*
 - *retaining and enhancing land used for employment purposes that are significant for the Sydney region*
- *To encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing*
- *To enable a range of services and infrastructure that meets the needs of residents, workers and visitors*
- *To ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport*
- *To enhance the amenity and quality of life of local communities*
- *To provide for a range of existing and future mixed-use centres and to promote the economic strength of those centres*
- *To achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities*
- *To conserve the environmental heritage of the City of Sydney*
- *To protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas.*

Under the LEP, the site is zoned B8 Metropolitan Centre. The objectives of this zone are:

- *To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy*
- *To provide opportunities for an intensity of land uses commensurate with Sydney's global status*
- *To permit a diversity of compatible land uses characteristic of Sydney's global status that serve the workforce, visitors and wider community*
- *To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling*
- *To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.*

Other provisions of LEP relevant to addressing visual considerations include:

- **Clause 4.3 Height of buildings:** to promote the sharing of views

- **Clause 5.10 Heritage conservation:** to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views
- **Clause 6.21 Design excellence:** whether the proposed development detrimentally impacts on view corridors
- **Clause 7.20 Development requiring or authorising preparation of a development control plan:** a development control plan must include requirements to minimise the detrimental impact of proposed development on view corridors.

Sydney Development Control Plan 2012

The site is within the area covered by the Sydney Development Control Plan (DCP) 2012. 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.

The aims of the DCP are to:

- *Encourage development to respond to its context and is compatible with the existing built environment and public domain*
- *Recognise and reinforce the distinctive characteristics of the City of Sydney's neighbourhoods and centres*
- *Build upon the detailed objectives and controls under Sydney LEP 2012*
- *Protect and enhance the public domain*
- *Achieve the objectives of the City's Sustainable Sydney 2030 Strategy*
- *Encourage design that maintains and enhances the character and heritage significance of heritage items and heritage conservation areas*
- *Encourage ecologically sustainable development and reduce the impacts of development on the environment.*

The DCP does not contain a specific part for views or visual impact, and has minimal coverage of the issue in general. The most relevant provision is in Section 3 – General Provisions, 3.2 – Defining the Public Domain, 3.2.1.2 Public views:

- *Buildings are not to impede views from the public domain to highly utilised public places, parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments including public statues, sculptures and art*
- *Development is to improve public views to parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments by using buildings to frame views. Low level views of the sky along streets and from locations in parks are to be maintained.*

4. The Proposal

The proposal relates to an OSD comprising a mixed use residential, hotel and commercial development above the future northern portal of the approved Pitt Street Station.

Specifically, consent is sought for a concept SSD Application for:

- a maximum building envelope, including street wall and setbacks,
- a maximum building height of approximately Relative Level (RL) 189 which equates to approximately 43 storeys including a podium height of RL68 (approximately 45 metres), which equates to approximately 12 storeys above ground
- a maximum GFA of 49,120 square metres for the OSD component, which equates to a FSR of 15.59:1, resulting in a total maximum GFA at the site (including station floorspace) of 50,310 square metres and a total maximum FSR of 15.97:1. This includes flexibility to enable a change in the composition of land uses within the maximum FSR sought
- conceptual use of the building envelope for a range of land uses including commercial office space, visitor accommodation and residential accommodation (subject to further refinement during the detailed SSD Application stage). A number of facilities for the use of future occupants are also contemplated throughout the building envelope.
- use of the conceptual OSD space provisioning within the footprint of the CSSI Approval (both above and below ground), including the OSD lobby areas, podium car parking, storage facilities, services and back-of-house facilities
- car parking for approximately 50 spaces located across five levels of the podium
- loading and vehicular access arrangements from Pitt Street
- pedestrian access from Pitt Street, Park Street and Castlereagh Street
- strategies for utilities and service provision
- strategies for the management of stormwater and drainage
- a strategy for the achievement of ecologically sustainable development
- indicative signage zones
- a strategy for public art
- a design excellence framework
- the future subdivision of parts of the OSD footprint (if required)

5. 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 viewing 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 and landscape elements.

Due to its scale and height combined with the natural landform of the Sydney basin and surrounds, the theoretical visual catchment of the Sydney CBD is extensive. Subject to certain weather conditions, an uninterrupted view of the CBD skyline can be viewed from locations as distant as the lower Blue Mountains to the west and Engadine to the south.

However, due to intervening elements of topography, buildings and vegetation, for most points in the public domain within a closer range, the extent of this view is compromised, with only partial views available. Nonetheless, a multitude of potential viewpoints are theoretically available.

This poses challenges in terms of identify from what viewpoints the proposal can potentially be seen. To bring these viewpoints down to a manageable number and to focus on these that may have the greatest impact, it is important to consider more localised conditions.

Length wise (north-south), the site occupies a position in the centre of the CBD. Width wise (east-west), it occupies a position close to the eastern flank of the CBD as delineated by Elizabeth Street. Due to the nature of the CBD, which is dominated by a dense clustering of tall towers, the proposal is therefore unlikely to be visible from most points in the public domain to the north, south and west. However, the proposal has the potential to be highly visible from points in the public domain in the medium range to the east. This is mainly due to its peripheral location, as well as the presence of Hyde Park which provides for a large number of users and an absence of tall structures (excluding the war memorial), and the slope of land form the site downwards to Woolloomooloo before picking up again as it transitions towards Potts Point. This location is also the most sensitive to changes in the visual field, as the combination of Hyde Park and the CBD skyline are attractive features when viewed from major entry points from the east, and Hyde Park itself is a highly valued and attractive landscape element.

Based on this, eight (8) viewpoints were selected to enable the baseline and variable factor visual effect assessment to be undertaken. These are shown in **Figure 4**. These viewpoints were selected considering the following factors (note viewpoints do not need to satisfy all factors):

- Focussing on points to the east, while also capturing some other points for the purposes of being comprehensive

- Providing a mix of viewing distances
- Being located in the public domain
- High levels of public utilisation
- Ensuring capture of positions of particular sensitivity
- General recognition as a point from which views can be enjoyed.

As they represent major entry points to the CBD from the east, a number of locations were selected on William Street and Oxford Street, and as it is a key feature of the CBD, a number of locations were selected with Hyde Park in the foreground.

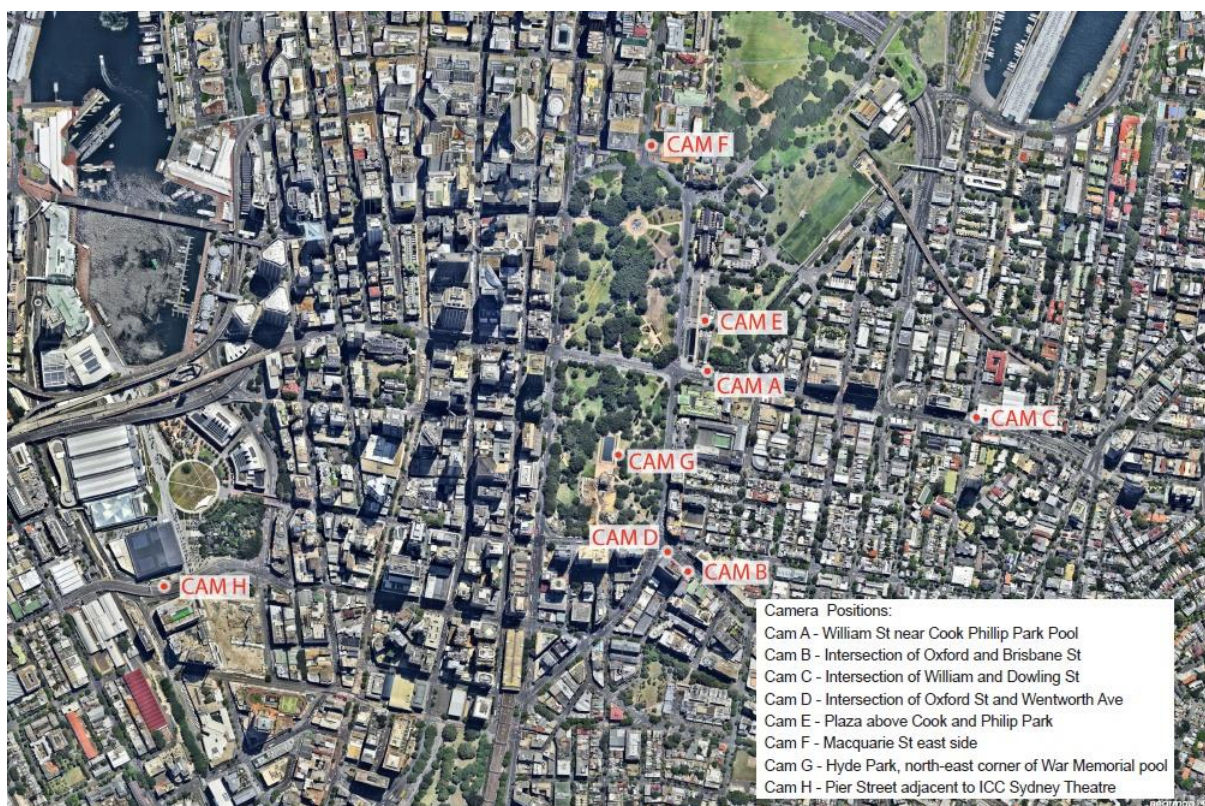


Figure 4 – View locations

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).

In terms of visual character, given the theoretical visibility of the proposal, it is important to consider a long, medium and close range of scales.

Long

The broad visual character of eastern Sydney is one of the most recognisable and iconic in the world. This character is derived from a complex interplay of natural and built features, including landforms such as hills, ridges and valleys, Sydney Harbour, vegetation, structures and buildings. In particular, landmarks such as the Harbour Bridge, Opera House and Sydney Tower provide strong visual appeal. Compared to other cities with more recessive natural features or a stronger assertion of built form through rigid grid street network, this has the general effect of a city heavily influenced by its natural landscape.

Due to its scale and height, the Sydney CBD is a key landmark in this context. Presenting at over 2km in length, the CBD is particularly dominant when viewed from positions to the east. Due to the sheer drop to Hyde Park and the Domain, many buildings on the eastern flank of the CBD can be clearly read as distinct items set within a backdrop of other buildings. A cluster of tall, architecturally distinct buildings occurs at the northern end of the CBD generally between Martin Place and Bent Street (eg Deutsche Bank and Aurora Place). While the balance of the CBD when presenting to the east comprises a number of notable buildings, in particular the MLC Tower and World Tower, it does not have the same density of tall buildings as this northern cluster. Sydney Tower is the key built landmark within the CBD when viewed from the east. This is due to its height, unique form and location in a part of the CBD relatively devoid of very tall buildings.

Due to its location, form, scale and height relative to the CBD skyline, the proposal would have a low effect on long range visual character.

Medium

From the east, the medium range visual character is heavily influenced by the interplay of the CBDs eastern frame of public open space (stretching from Sydney Harbour to include the Botanic Gardens The Domain and Hyde Park) and the CBD skyline. From points in the public domain at ground level, the CBD skyline typically appears as a crown floating above the parklands tree canopy. Similar to the broader landscape character, this provides a unique combination of natural and built elements. In particular, the parklands create a softer visual character than would otherwise be achieved in their absence. Due to the height of much of the parklands vegetation, lower height or more distant buildings take a more recessive role in the visual character, with taller buildings such as Sydney Tower and the MLC Tower becoming even more dominant. In addition, a more fine grain clustering of taller buildings becomes apparent at this scale. The site sits within one of these clusters. This cluster comprises the following towers:

- 201 Elizabeth Street
- Citigroup Centre
- Park Regis City Centre
- ANZ Tower.

Subject to its construction, this cluster will be further complemented by 115 Bathurst St and 116 Bathurst St.

Each of these buildings are slender, high rise towers. Dating from the 1960s and 1970s, 201 Elizabeth Street and the Park Regis City Centre are older structures with simple forms. Conversely, while sharing the same general scale and height, the Citigroup Centre and ANZ

Towers have more contemporary, expressive forms. The ANZ tower in particular has established itself as a landmark tower due to its unique form and orientation.

Due to its location, form, scale and height relative to the CBD skyline, the proposal would have a low effect on medium range visual character.

Close

Without the benefit of the CBD's eastern frame of public open space, the close range presents distinctly from the long and medium ranges as a highly urban visual character.

This is shaped by the relationship between the following elements:

- building scale and height, including some tall, visually dominant buildings
- built to the street boundary
- continuous street wall
- narrow streets
- street trees not providing a consistent canopy cover
- absence of green spaces
- heavy use of roads and footpaths.

Due to its location, form, scale and height relative to the CBD skyline, the proposal would have a low effect on short range visual character.

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.

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).

The CBD has a high level of visual exposure from parts of the visual catchment. However, as it comprises built form as opposed to natural elements such as beaches, when considered against standard scenic amenity methods, its scenic preference is low. Nonetheless, factoring in other considerations such as its status as an attractive and sought-after part of many views, it is reasonable to consider that the CBD has a moderate level of scenic amenity, in particular from longer range viewing locations where an appreciation of a large part or the entirety of the skyline can be obtained.

Noting that the site and proposal would not be readily visible from these locations, the exception to this is views to the CBD from Sydney Harbour. Under standard scenic amenity methods, views to open water have a high scenic preference. As it forms an integral part of the Sydney Harbour visual catchment, the CBD skyline can be considered to have a high scenic preference by this association. This is particularly the case for views across the Harbour to iconic built features such as the Harbour Bridge and the Opera House.

The proposal would not be readily visible from Sydney Harbour. While the proposal is a built element, it does not introduce an item or items that are typically ranked as having low scenic

preference. While evident in the landscape, the form, scale and height of the proposal would not be particularly distinct from the existing CBD skyline.

5.1.4. View place sensitivity

View place sensitivity is a measure relevant to the public domain.

The main public locations in the visual catchment from which a view to the site can be obtained are roads and parks.

Views to the CBD skyline from middle range distances to the east have particular sensitivity. From these locations Hyde Park in the fore and middle ground and the CBD skyline in the background create an attractive visual character. Due to the large number of people who theoretically have the opportunity to obtain views to the site over sustained periods of time associated with recreation activities, locations in Hyde Park high view place sensitivity. Given they are key entry points to the CBD from the east and provide attractive focal views of the CBD skyline, William Street and Oxford Street also have high view place sensitivity.

From positions within and on the eastern perimeter of Hyde Park, the bulk of the proposal would be screened by trees and other vegetation. Similarly, when viewed from viewpoints on William Street and Oxford Street, the proposal is largely screened by fore, mid and background buildings, trees and infrastructure.

On this basis, the proposal does not have a significant effect on these sensitive locations.

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).

Under successive planning instruments the Sydney CBD has primarily been designated for large scale commercial office development. This is reflected in the strategic intent of the Central Sydney Planning Strategy to unlock more land for employment uses. Consequently, there is minimal residential development in the CBD, and where it does occur, it is typically in the southern part of the CBD. The only major residential accommodation within 100m of the site are units within the Park Regis Tower (which is also partly occupied by a hotel) and the adjoining 197 Castlereagh Street. Despite their proximity, the nature of valuable views from these premises, in particular 197 Castlereagh Street which is largely obscured by the Park Regis tower from having views over the site is to the east and north east to Hyde park and across Hyde Park to Sydney Harbour.

There are three residential areas with potential medium viewer sensitivity:

1. Woolloomooloo
2. Darlinghurst
3. Surry Hills..

While the CBD skyline is a valuable key feature from certain properties in these areas, the location, scale and height of the proposal, in particular relative to nearby taller towers, means that it is unlikely to significantly alter the nature of existing views.

On this basis, the proposal has a low – medium effect when considered against this criteria.

5.2. Variable factors

Photomontages obtained from the view points were prepared by Virtual Ideas. 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
 - Restricted
 - Panoramic
 - Focal
 - Feature

- 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: William Street near Cook and Phillip Park Pool, Sydney

Table 2 – Viewpoint 1: William Street near Cook and Phillip Park Pool, Sydney

Element			
Category of view	Public domain, main road	N/A	N/a
Visibility	N/a	Due to the presence of intervening elements in the form of mature figs along the Hyde Park central pedestrian access and infrastructure, the proposal would not be visible from this viewpoint.	N/a
View composition type	Focal	The dominance of lateral features (William Street, the Australian Museum Street and street trees) would focus and direct the eye towards the CBD, and in particular the surrounding cluster of tall buildings. On this basis, the view composition type is focal. The overall composition of the view would be unchanged by the proposal	Low
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 20 - 25 metres Australian Height Datum (AHD), compared to the site which is approximately 45 – 50m AHD	Low – medium
Viewing period	Short, with opportunities for regularity	Being located within a road reserve, most people would be travelling through the viewpoint either in vehicles or as cyclists or pedestrians. Due to the presence of traffic lights, this short length would be extended on occasions. Due to the nature of William Street in this location 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 350 metres from the site, the viewpoint is located in the medium range	Medium
View loss or blocking	No loss of valuable views from the ground level	The proposal would not impede or block a significant view currently obtained from the viewpoint	Low

* While some levels of effect are rated as low – medium, the proposals lack of visibility from this viewpoint under current conditions reduces the overall level of effect to low



Figure 6 – Viewpoint 1: William Street near Cook and Phillip Park Pool, Sydney, existing view

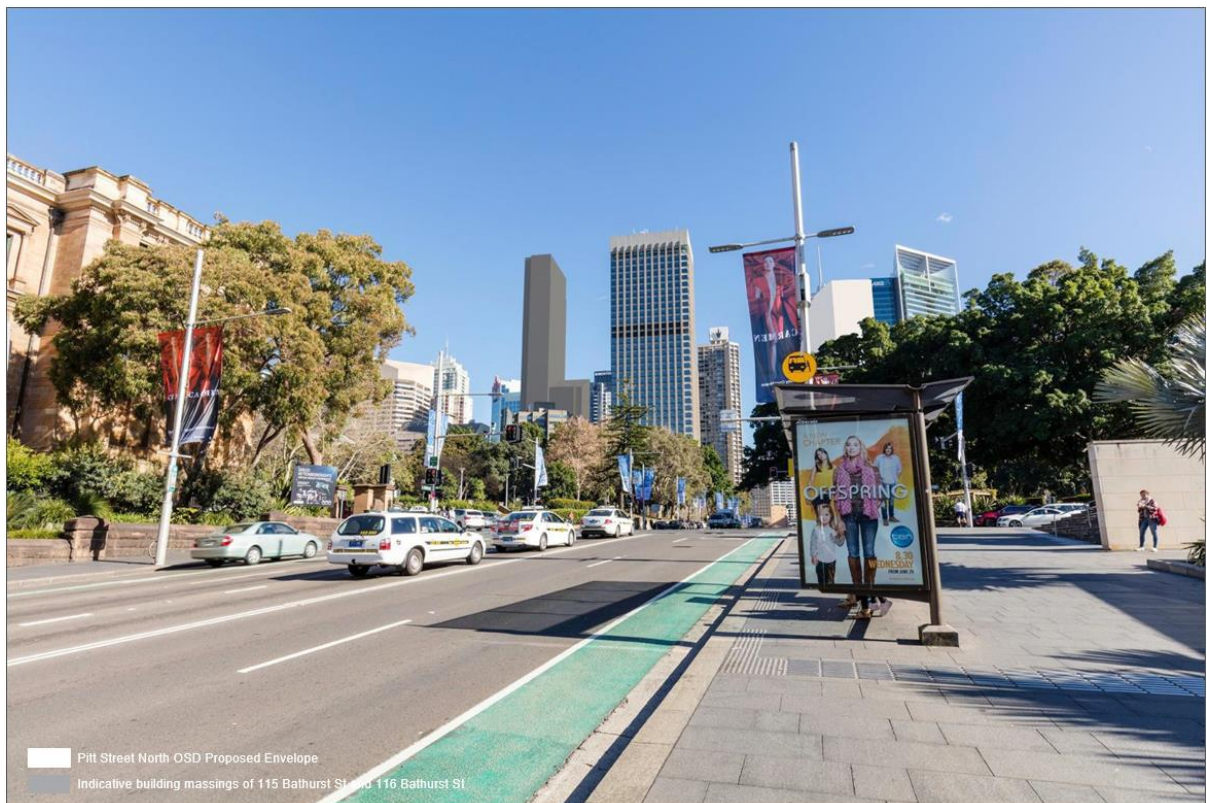


Figure 7 – Viewpoint 1: William Street near Cook and Phillip Park Pool, Sydney, proposed view

5.4. Viewpoint 2: Intersection of Oxford Street and Brisbane Street, Darlinghurst

Table 3 – Viewpoint 2: Intersection of Oxford Street and Brisbane Street, Darlinghurst

Element			
Category of view	Public domain, main road	N/a	N/a
Visibility	N/a	Being almost entirely screened by 201 Elizabeth Street, only the far eastern flank of the proposal would be visible as a vertically emphasised sliver	N/a
View composition type	Restricted within focal context	The dominance of a strong lateral feature in the form of Oxford Street and its associated building street wall would focus and direct the eye towards the CBD, in particular 201 Elizabeth Street due to its location in the middle of the composition. On this basis, the view composition type is focal. The overall composition of the view would be unchanged by the proposal.	Low
Relative viewing level	Level with the site	At 45 – 50m AHD, the relative viewing level is level with the site	Low
Viewing period	Short, with opportunities for regularity	Being located within a road reserve, most people would be travelling through the viewpoint either in vehicles or as cyclists or pedestrians. Due to the presence of traffic lights, this short length would be extended on occasions. Due to the nature of Oxford Street in this location 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 535 metres from the site, the viewpoint is located in 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



Figure 8 – Viewpoint 2: Intersection of Oxford Street and Brisbane Street, Darlinghurst, existing view



Figure 9 – Viewpoint 2: Intersection of Oxford Street and Brisbane Street, Darlinghurst, proposed view

5.5. Viewpoint 3: Intersection of William Street and Dowling Street, Woolloomooloo

Table 4 – Viewpoint 3: Intersection of William Street and Dowling Street, Woolloomooloo

Element	Category	Comment	Level of effect
Category of view	Public domain, main road	N/a	N/a
Visibility	N/a	Being almost entirely screened by infrastructure and vegetation, only the upper most part of the proposal would be visible from this viewpoint.	N/a
View composition type	Restricted within focal context	The dominance of a strong lateral feature in the form of William Street and its associated building street wall and street trees would focus and direct the eye towards the CBD, in particular 201 Elizabeth Street due to its location in the middle of the composition. On this basis, the view composition type is focal. The overall composition of the view would be unchanged by the proposal	Low
Relative viewing level	Below the site	At 30 – 35m AHD, the relative viewing level is below the site	Low – medium
Viewing period	Short, with opportunities for regularity	Being located within a road reserve, most people would be travelling through the viewpoint either in vehicles or as cyclists or pedestrians. Due to frequent traffic congestion, this short length would be extended on occasions. Due to the nature of William Street in this location 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 850m metres from the site, the viewpoint is located in 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 10 – Viewpoint 3: Intersection of William Street and Dowling Street, Woolloomooloo, existing view

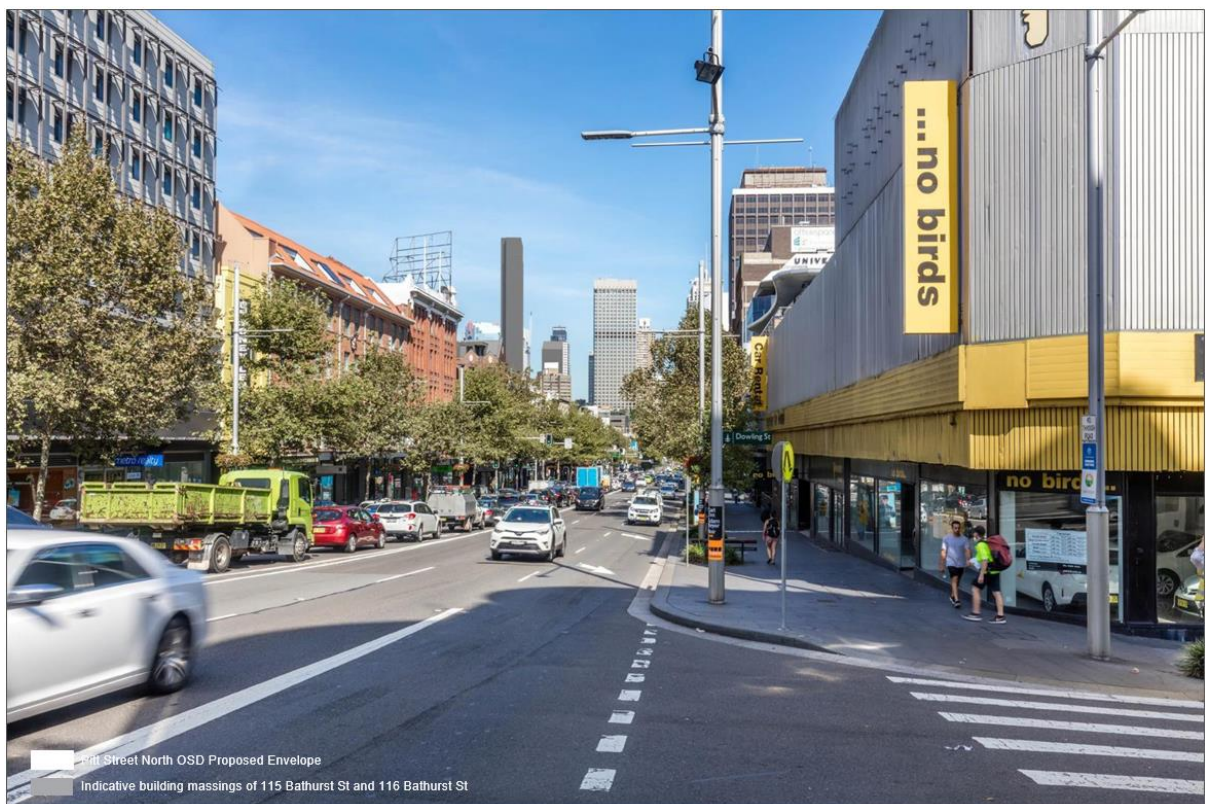


Figure 11 – Viewpoint 3: Intersection of William Street and Dowling Street, Woolloomooloo, proposed view

5.6. Viewpoint 4: Intersection of Oxford Street and Wentworth Avenue, Surry Hills

Table 5 – Viewpoint 4: Intersection of Oxford Street and Wentworth Avenue, Surry Hills

Element	Category	Comment	Level of effect
Category of view	Public domain, main road	N/a	N/a
Visibility	N/a	The proposal would be entirely screened by 201 Elizabeth Street.	
View composition type	Restricted within feature context	The presence of Hyde Park opens up this view, with road surface dominant in the foreground, the park dominant in the middle ground and the CBD skyline dominant as a feature in the background. On this basis, the broader view composition type is feature (the presence of The Connaught residential tower prevents the view from being classed as expansive). The overall composition of the view would be unchanged by the proposal.	Low
Relative viewing level	Level with the site	At 45 – 50m AHD, the relative viewing level is level with the site	Low
Viewing period	Short, with opportunities for regularity	Being located within a road reserve, most people would be travelling through the viewpoint either in vehicles or as cyclists or pedestrians. Due to the presence of traffic lights, this short length would be extended on occasions. Due to the nature of Oxford Street in this location 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 520m metres from the site, the viewpoint is located in 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 12 – Viewpoint 4: Intersection of Oxford Street and Wentworth Avenue, Surry Hills, existing view



Figure 13 – Viewpoint 4: Intersection of Oxford Street and Wentworth Avenue, Surry Hills, proposed view

5.7. Viewpoint 5: Cathedral Square, College Street, Sydney

Table 6 – Viewpoint 5: Cathedral Square, College Street, Sydney

Element	Category	Comment	Level of effect
Category of view	Public domain, public open space	N/a	N/a
Visibility	N/a	The upper floors of the proposal are visible from this viewpoint	N/a
View composition type	Expansive	The view has an unobstructed foreground and features Hyde Park in the complete length of the view in the middle ground and the CBD skyline in the complete length of the view in the background. On this basis, the view is expansive. The overall composition of the view would be unchanged by the proposal.	Low
Relative viewing level	Below the site	At 35 – 40m AHD, the relative viewing level is below the site	Low – medium
Viewing period	Medium	Cathedral Square provides opportunities for passive and active recreation activities carried out over extended time periods, including for tourism (associated with the adjoining St Mary's Cathedral), events, gathering, sitting and skateboarding	Medium
Viewing distance	Medium range	At approximately 375m metres from the site, the viewpoint is located in 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 – medium



Figure 14 – Viewpoint 5: Cathedral Square, College Street, Sydney, existing view



Figure 15 – Viewpoint 5: Cathedral Square, College Street, Sydney, proposed view

5.8. Viewpoint 6: Macquarie Street, near College Street, Sydney

Table 7 – Viewpoint 6: Macquarie Street, near College Street, Sydney

Element	Category	Comment	Level of effect
Category of view	Public domain, main road	N/a	N/a
Visibility	N/a	The upper floors of the proposal are visible from this viewpoint	N/a
View composition type	Restricted feature	The foreground and middle ground of the view is dominated by roads. This open terrain focusses the eye on the continuous wall of figs within Hyde Park along College Street and Prince James Road in the background. The CBD skyline forms a backdrop to this main feature. The overall composition of the view would be unchanged by the proposal.	Low
Relative viewing level	Level with the site	At 45 – 50m AHD, the relative viewing level is level with the site	Low
Viewing period	Short, with opportunities for regularity	Being located within a road reserve, most people would be travelling through the viewpoint either in vehicles or as cyclists or pedestrians. Due to the presence of traffic lights, this short length would be extended on occasions. Due to the nature of College Street in this location 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 500m from the site, the viewpoint is located in 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 16 – Viewpoint 6: Macquarie Street, near College Street, Sydney, existing view



Figure 17 – Viewpoint 6: Macquarie Street, near College Street, Sydney, proposed view

5.9. Viewpoint 7: Hyde Park, north-east corner of War Memorial pool, Sydney

Table 8 – Viewpoint 7: Hyde Park, north-east corner of War Memorial pool, Sydney

Element	Category	Comment	Level of effect
Category of view	Public domain, public open space	N/a	N/a
Visibility	N/a	Only the top of the proposals southern elevation would be visible from this viewpoint	N/a
View composition type	Restricted	201 Elizabeth Street is dominant focal point for this view. In addition to sitting in the centre of the field of view, the angling the trees around the reflecting pool leads the eye to the building. The view therefore has a focal view composition type. The overall composition of the view would be unchanged by the proposal.	Low
Relative viewing level	Level with the site	at 40 – 45m AHD, the relative viewing level is level with the site	Low
Viewing period	Short, with opportunities for regularity	Being located close to the War Memorial and its reflecting pool, the grassed open space that forms this viewpoint is largely used for quieter, passive recreation activities carried out over a longer time frame such as sitting and relaxing.	Low-medium
Viewing distance	Long range	At approximately 300 metres from the site, the viewpoint is located at the higher 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 18 – Viewpoint 7: Hyde Park, north-east corner of War Memorial pool, Sydney

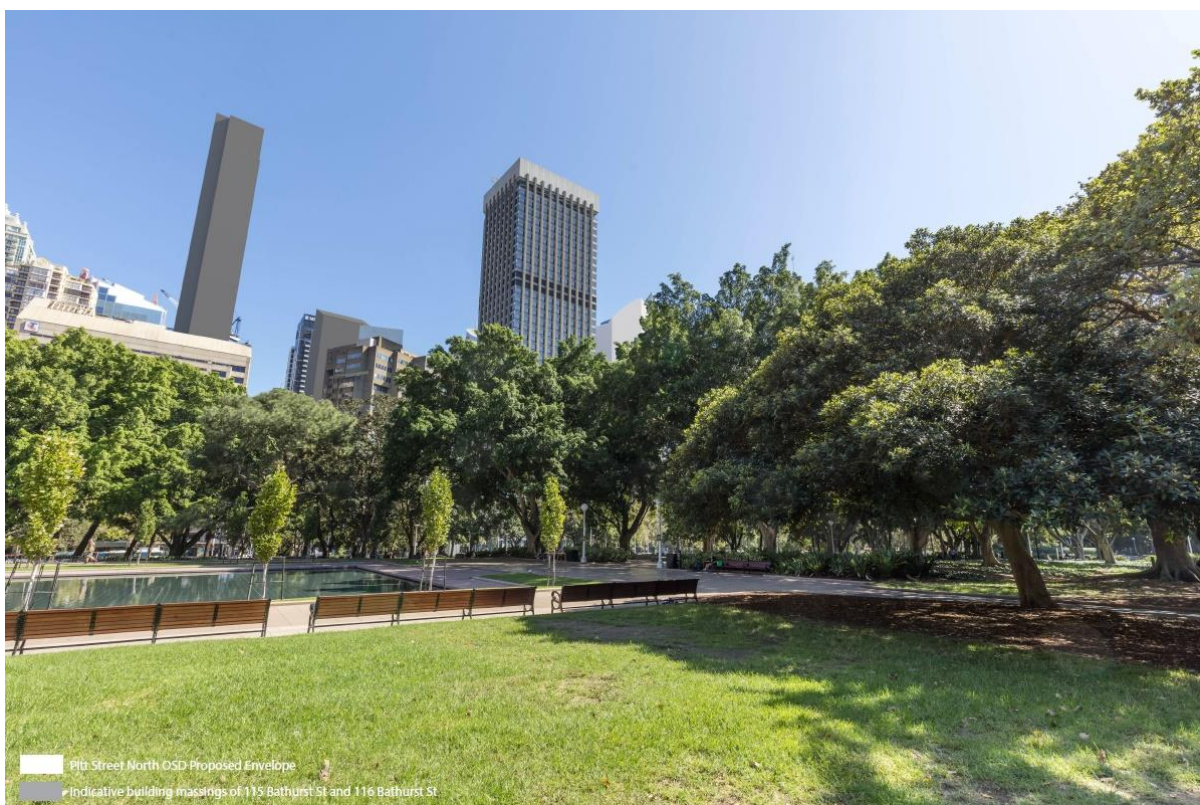


Figure 19 – Viewpoint 7: Hyde Park, north-east corner of War Memorial pool, Sydney

5.10. Viewpoint 8: Pier Street adjacent to ICC Sydney Theatre, Haymarket

Table 9 – Viewpoint 8: Pier Street adjacent to ICC Sydney Theatre, Haymarket

Element	Category	Comment	Level of effect
Category of view	Public domain, major road	N/a	N/a
Visibility	N/a	Being almost entirely screened by existing CBD buildings, only a sliver of the proposal would be visible from this viewpoint to the left of the Fraser Suites and in front of ANZ Tower.	N/a
View composition type	Restricted within focal context	The dominance of strong lateral features in the form of the Western Distributor, footpath and the Exhibition and Convention Centre would focus and direct the eye towards the CBD. On this basis, the view composition type is focal. The overall composition of the view would be unchanged by the proposal	Low
Relative viewing level	Below the site	At 15m AHD, the relative viewing level is below the site	Low – medium
Viewing period	Short, with opportunities for regularity	Being located within a road reserve, most people would be travelling through the viewpoint either in vehicles or as cyclists or pedestrians. Due to the nature of the Western Distributor primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events	Low-medium
Viewing distance	Long range	At approximately 890 metres from the site, the viewpoint is located in 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 20 – Viewpoint 8: Pier Street adjacent to ICC Sydney Theatre, Haymarket, existing view



Figure 21 – Viewpoint 8: Pier Street adjacent to ICC Sydney Theatre, Haymarket, proposed view

5.10.1. 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>The visual character of eastern Sydney is one of the most recognisable and iconic in the world. This character is derived from a complex interplay of natural and built features, including landforms such as hills, ridges and valleys, Sydney Harbour, vegetation, structures and buildings. In particular, landmarks such as the Harbour Bridge, Opera House and Sydney Tower provide strong visual appeal. Compared to other cities with more recessive natural features or a stronger assertion of built form through rigid grid street network, this has the general effect of a city heavily influenced by its natural landscape.</p> <p>Due to its scale and height, the Sydney CBD is a key landmark in this context.</p> <p>From the east, the medium range visual character is heavily influenced by the interplay of the CBDs eastern frame of public open space (stretching from Sydney Harbour to include the Botanic Gardens, The Domain and Hyde Park) and the CBD skyline. From points in the public domain at ground level, the CBD skyline typically appears as a crown floating above the parklands tree canopy. Similar to the broader landscape character, this provides a unique combination of natural and built elements. The site sits within a cluster of taller buildings within the CBD context.</p> <p>Without the benefit of the CBDs eastern frame of public open space, the close range presents distinct from the long and medium ranges as a highly urban visual character.</p> <p>Due to its location, form, scale and height relative to the CBD skyline, the proposal would have a low effect on long, medium and short range visual character.</p>
Scenic quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The CBD has a high level of visual exposure from parts of the visual catchment. However, as it comprises built form as opposed to natural elements such as beaches, when considered against standard scenic amenity methods, its scenic preference is low.</p> <p>While the proposal is a built element, it does not introduce an item or items that are typically ranked as having low scenic preference. While evident in the landscape, the form, scale and height of the proposal would not be particularly distinct from the existing CBD skyline. On this basis the proposal has a low effect on scenic quality.</p>
View place sensitivity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Due to the large number of people who theoretically have the opportunity to obtain views to the site over sustained periods of time associated with recreation activities, locations in Hyde</p>

Factors	Low	Medium	High	Comment
				<p>Park high view place sensitivity. Given they are key entry points to the CBD from the east and provide attractive focal views of the CBD skyline, William Street and Oxford Street also have high view place sensitivity.</p> <p>From positions within and on the eastern perimeter of Hyde Park, the bulk of the proposal would be screened by trees and other vegetation. Similarly, when viewed from viewpoints on William Street and Oxford Street, the proposal is largely screened by fore, mid and background buildings, trees and infrastructure.</p> <p>On this basis, the proposal does not have a significant effect on these sensitive locations.</p>
Viewer sensitivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Residential accommodation located within 100m of the site with a visual relationship to the proposal are units within the Park Regis Tower (which is also partly occupied by a hotel) and the adjoining 197 Castlereagh Street. Despite their proximity, the nature of valuable views from these premises, in particular 197 Castlereagh Street which is largely obscured by the Park Regis tower from having views over the site is to the east and north east to Hyde park and across Hyde Park to Sydney Harbour.</p> <p>While the CBD skyline is a valuable key feature from certain properties in Woolloomooloo, Darlinghurst and Surry Hills, the location, scale and height of the proposal, in particular relative to nearby taller towers, means that it would not significantly alter the nature of existing views.</p> <p>On this basis, overall the proposal does not have a significant effect on these locations.</p>
Variable factors				
View composition type	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The overall composition of existing views to the site would be unchanged by the proposal. On this basis, it has a low effect on view composition type.
Relative viewing level	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Although the shape of the local landform results in a number of viewpoints being beneath the level of the site, they are located in the middle range and views would be blocked by intervening elements such as buildings, vegetation and infrastructure. On this basis, the proposal has a low - medium effect on the viewing period.
Viewing period	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As they are primarily 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. However, there are a number of viewpoints within or on the perimeter of Hyde Park that provide opportunities for medium viewing periods associated with passive recreation or tourist uses. On this basis, the proposal has a medium effect on the

Factors	Low	Medium	High	Comment
				viewing period aspect of views.
Viewing distance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reflecting sensitivity, all viewpoints used for the purpose of assessment are located in the mid-range. The proposal would have a low effect on the viewing distance aspect of views.
View loss or blocking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Significant views, such as panoramic views to attractive landscape features, would not be blocked from the public domain. It is possible that views from some units in the Park Regis Building may be affected by the proposal. However, expansive views east to the iconic and highly desirable elements of Hyde Park and Sydney Harbour would not be compromised, and impact on views must be considered against the preferred role of the CBD as a location for growth and change in the form of intensive, tall development largely catering to office accommodation.

6. 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)
2. compatibility.

6.1. Physical absorption capacity

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 cannot easily be 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.

Due to the screening effect of Hyde Park vegetation, its bulk and height relative to nearby CBD skyline elements and its location set back from the Elizabeth Street edge of the CBD and proximate to the ANZ Tower, the proposal would have a moderate prominence the selected viewpoints to.

The dominant high-rise office tower built form typology of the Sydney 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 a comparable height, scale and form to surrounding development. 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.

On this basis, the existing visual environment has a high PAC.

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 of 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.

As has been already noted in this report, the most sensitive and highest value views are obtained from points to the east of the site. The essential scenic character of these views as represented from the selected viewpoints is of a road or other surface in the foreground, a visually dominant expanse of vegetation in the middle ground and a cap of the CBD skyline in the background. The main elements of this scenic character that the proposal has the potential to impact on is CBD skyline. The proposal does not introduce a radically different element into views. Rather, it inserts a building that is compatible in scale, height and form to the existing CBD skyline. Further design refinement as part of subsequent stages of the development process can enhance its compatibility with the existing visual environment, including through detailed design such as materials and colours.

Due to this, the compatibility of the proposal with the essential scenic character of the visual catchment is high.

6.3. Application of factors

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 Sydney CBD context
- existing buildings, in particular visually dominant buildings such as 201 Elizabeth Street and the ANZ Tower
- compatibility with the CBD context, and in particular the height, scale and form.

7. Assessment of acceptability of visual impact

7.1. Criteria for assessment

The criteria for assessment of whether the visual impact is acceptable has been derived from applicable planning documents, including the SEARs, Eastern District Plan and the City of Sydney DCP 2012. Five (5) criteria have been identified:

1. Criteria 1: Amenity
2. Criteria 2: Character
3. Criteria 3: Scenic and cultural landscapes
4. Criteria 4: Heritage
5. Criteria 5: Vistas and views from the public domain.

7.1.1. Criteria 1: Amenity

Source	Criterion	Response
SEARs	Key Issues 6. Amenity <ul style="list-style-type: none"> • demonstrate the impacts of the proposal on the amenity of surrounding residential development including measures to minimise potential overshadowing, privacy and view impacts 	Discussion in this report has demonstrated that while the proposal will have an impact on views from some units in 197 Castlereagh Street, the impact is reasonable on the balance of considerations

7.1.2. Criteria 2: Character

Source	Criterion	Response
Region Plan	To achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities	The proposal is consistent with the dominant existing character of this part of the Sydney CBD, and reflects the planning intent to further enhance the CBD as a preferred location for employment and housing in a dense, urban setting

7.1.3. Criteria 3: Scenic and cultural landscapes

Source	Criterion	Response
Region Plan	<ul style="list-style-type: none"> • Scenic and cultural landscapes are protected 	Hyde Park and its CBD skyline background present as a valuable landscape unit when viewed from locations to the east, in particular gateways to the CBD from the east. The proposal is consistent with the character of these views. It will not impede the extent of the views, and will not fundamentally alter their focus or composition
District Plan	<ul style="list-style-type: none"> • Maintain the high level of visibility of the skyline, in particular from key points in the public domain, 	
District Plan	<ul style="list-style-type: none"> • Maintain the essential visual characteristics 	

Source	Criterion	Response
	of the CBD	
LEP	<ul style="list-style-type: none"> To protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas 	The proposal will not reduce the quality of views currently available from Hyde Park itself, and therefore does not detract from its broader character as an important public green space in a highly urban setting

7.1.4. Criteria 4: Heritage

Source	Criterion	Response
LEP	<ul style="list-style-type: none"> To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views 	The site is located close to a number of heritage items. These are mainly older commercial buildings, and include a cluster of premises having frontage to Castlereagh Street. These items already exist in a highly urban, CBD setting. As such, expansive views to these items are largely not available from the public realm. Views can however be obtained at close range, largely from the opposite side of the street they face. Compared to the former lower rise buildings on the site and its current vacant state, the proposal will reduce the extent of visibility from Park Street and the Park and Pitt Street intersections of the adjoining National Building. Review of the heritage listing for this item, including recommended management has not identified views from these locations as being of significance. On this basis, the proposal does not have a significant adverse impact on this heritage item

7.1.5. Criteria 5: Vistas and views from public domain

Source	Criterion	Response
LEP	<ul style="list-style-type: none"> To promote the sharing of views 	The proposal does not obstruct views, including view corridors, identified as being valuable in planning instruments. The proposal also does not diminish the presence of the sky in views from Hyde Park.
LEP	<ul style="list-style-type: none"> Impact on view corridors 	As has been noted already in this report, the proposal podium and tower typology, with the tower recessed behind the leading eastern edge of the podium, provides for a better sharing of views to the Castlereagh Street corridor than would be otherwise be obtained with a pure tower form
DCP	<ul style="list-style-type: none"> Buildings are not to impede views from the public domain to highly utilised public places, parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments including public statues, sculptures and art 	
DCP	<ul style="list-style-type: none"> Development is to improve public views to parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments by using buildings to frame views. Low level views of the sky along streets and from locations in parks are to be 	

Source	Criterion	Response
	maintained	

8. Private View Loss Assessment - 27 Park Street and 197 Castlereagh Street

27 Park Street (the Park Regis Tower) is located on the opposite side of Park Street and 197 Castlereagh Street (Victoria Tower) is located on an adjoining block facing Castlereagh Street approximately 60m from the nearest part of the site. Although the Sydney CBD does permit residential uses, the majority of the development in this area of the city comprises non-residential uses. The two nearby residential developments are accordingly further detailed below:

- 27 Park Street comprises 122 hotel rooms (6th – 15th floor) and 180 residential apartments (16th – 45th floor). Views are mainly focussed to the north, north-east and east.
- 197 Castlereagh Street comprises 42 studios, 93 one bedroom and 9 three-bedroom apartments. Views are focussed to the north-east, east, south-east and west.

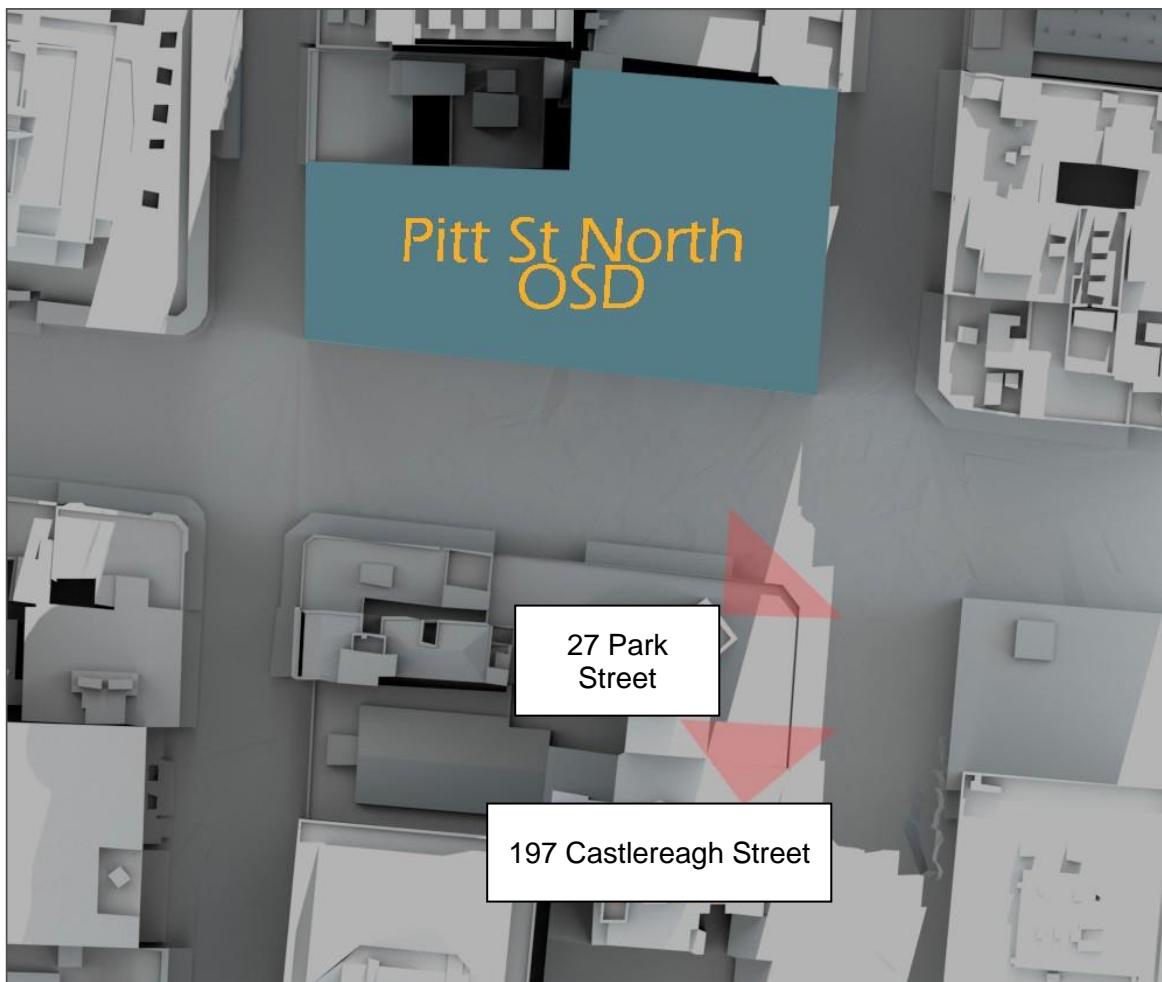


Figure 22: Location of 27 Park Street and 197 Castlereagh Street

The SEARs require consideration of view impact on adjoining properties.

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 two points.

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

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

Whilst it is clear that there are some limitations in applying the *Tenacity* planning principle in the context of the proposed development, the four steps outlined by Roseth SC nonetheless provide a useful framework for identifying and assessing (subject to qualifications) the impacts of a development on views. The four steps are as follows:

1. What are the views that would be affected?

“The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured”.

2. Where are views obtained from?

“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic”.

3. What is the extent of the impact?

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating”.

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

“The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable”.

To undertake this assessment, Virtual Ideas prepared photomontages from various floors in these buildings. 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**.

8.1. Step 1: Assessment of views to be affected

27 Park Street

Low-rise

The focus of this view is to buildings occupying the southern part of the block formed by Elizabeth Street, Park Street and Castlereagh Street. Hyde Park is visible to the right. The main impact of the proposal on this view is to reduce the number of buildings with frontage to Castlereagh Street that are visible, including their skylines, and reduce the amount of sky visible to the left of the view. However, this is not considered to be a significant impact. No reduction of views to Hyde Park will occur.

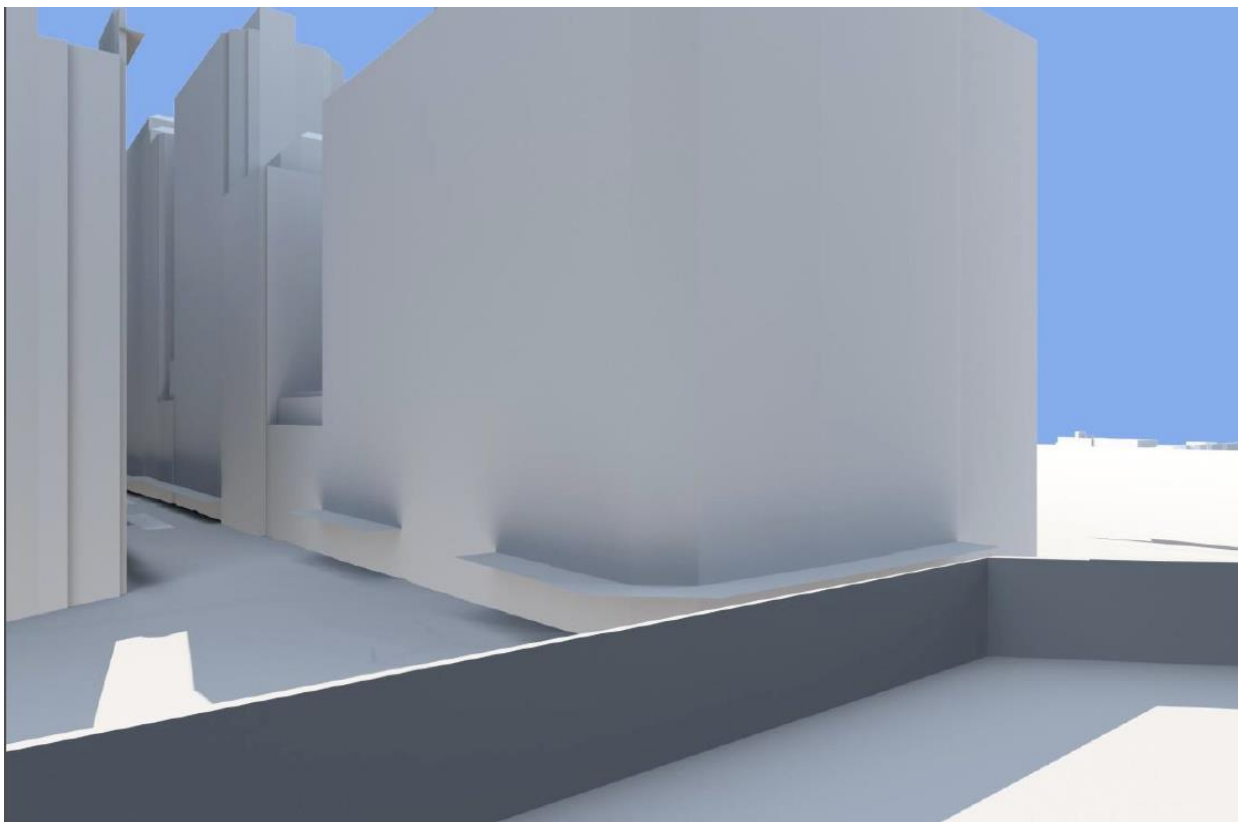


Figure 23: Low rise view (existing), 27 Park Street

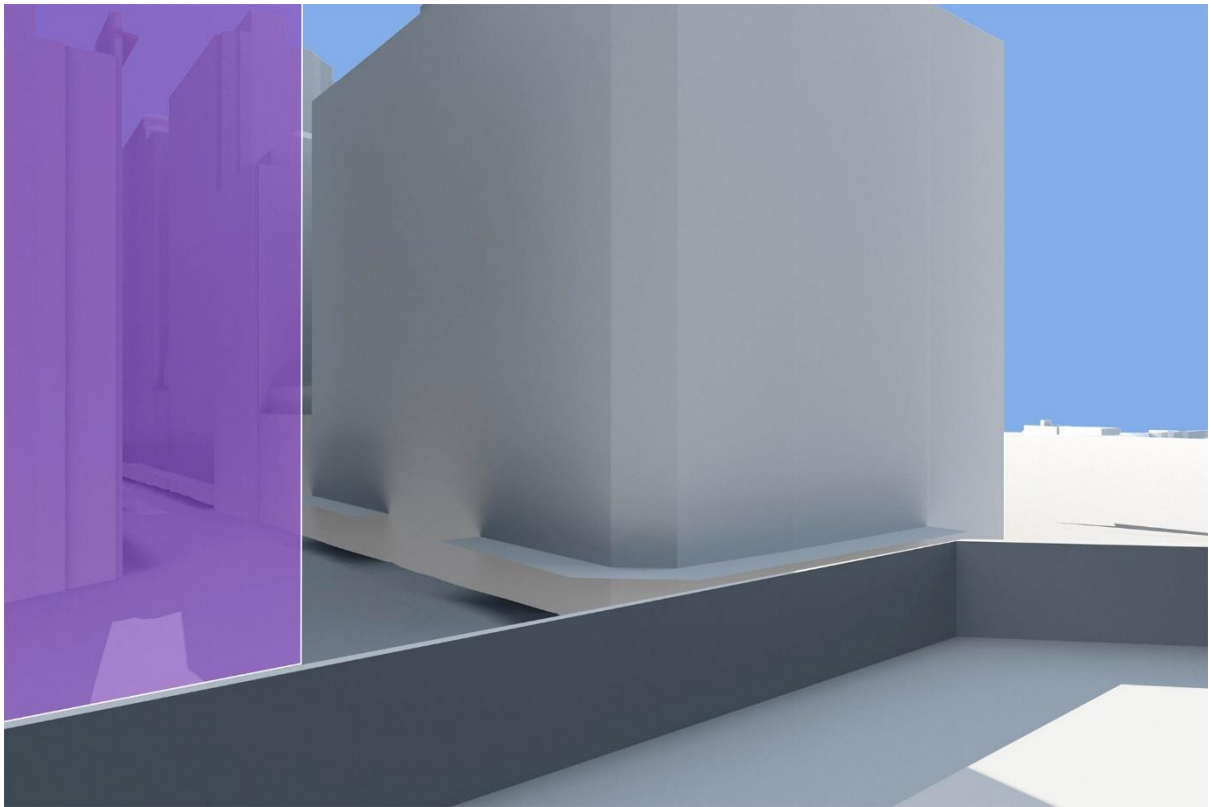


Figure 24: Low rise view (proposed), 27 Park Street

Mid-rise

The focus of this view is to across the CBD skyline to Hyde Park and Sydney Harbour, including North Head, in the background. St Mary's cathedral is a notable landmark in this view, being visible for almost its totality. On this basis, this view is highly valuable. The proposal does not impact on these key elements. Rather, it is limited to the far left of the view, and has the effect of reducing the extent of CBD buildings visible.

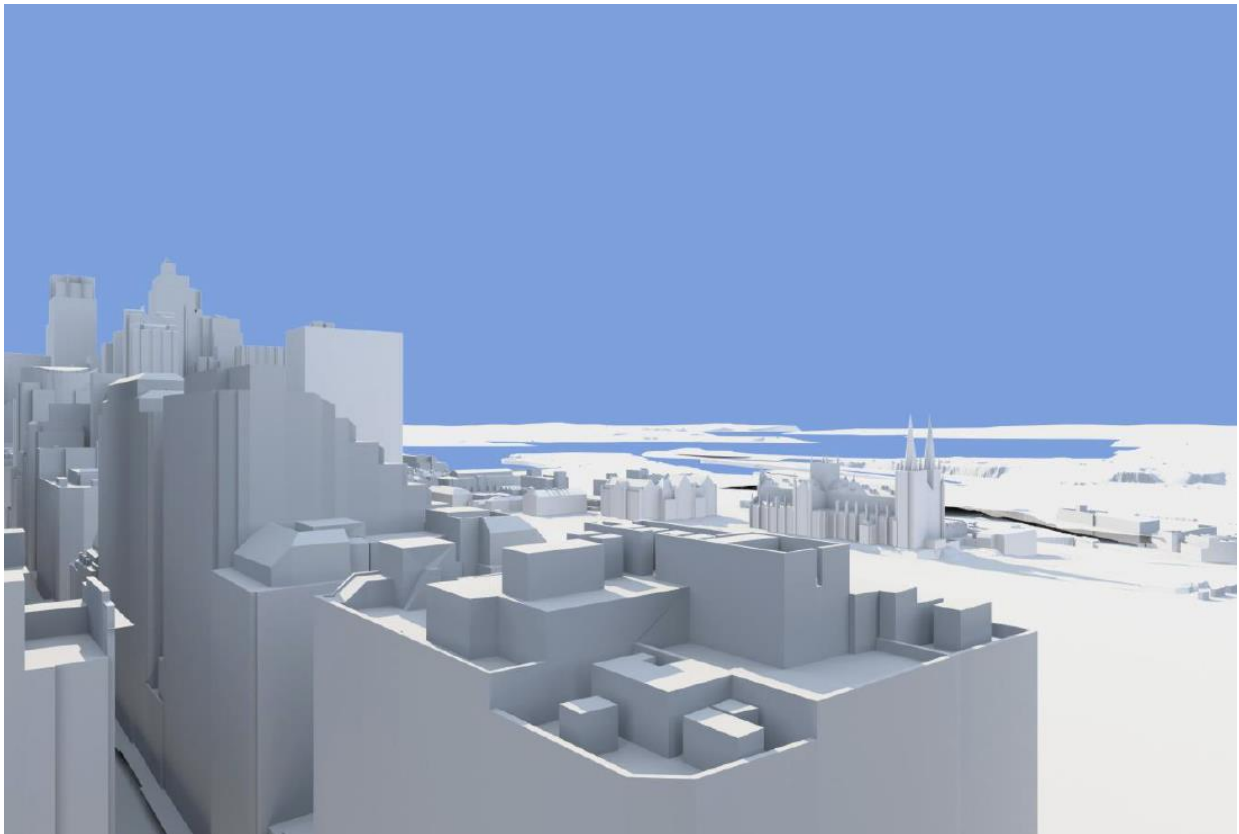


Figure 25: Mid rise view (existing), 27 Park Street

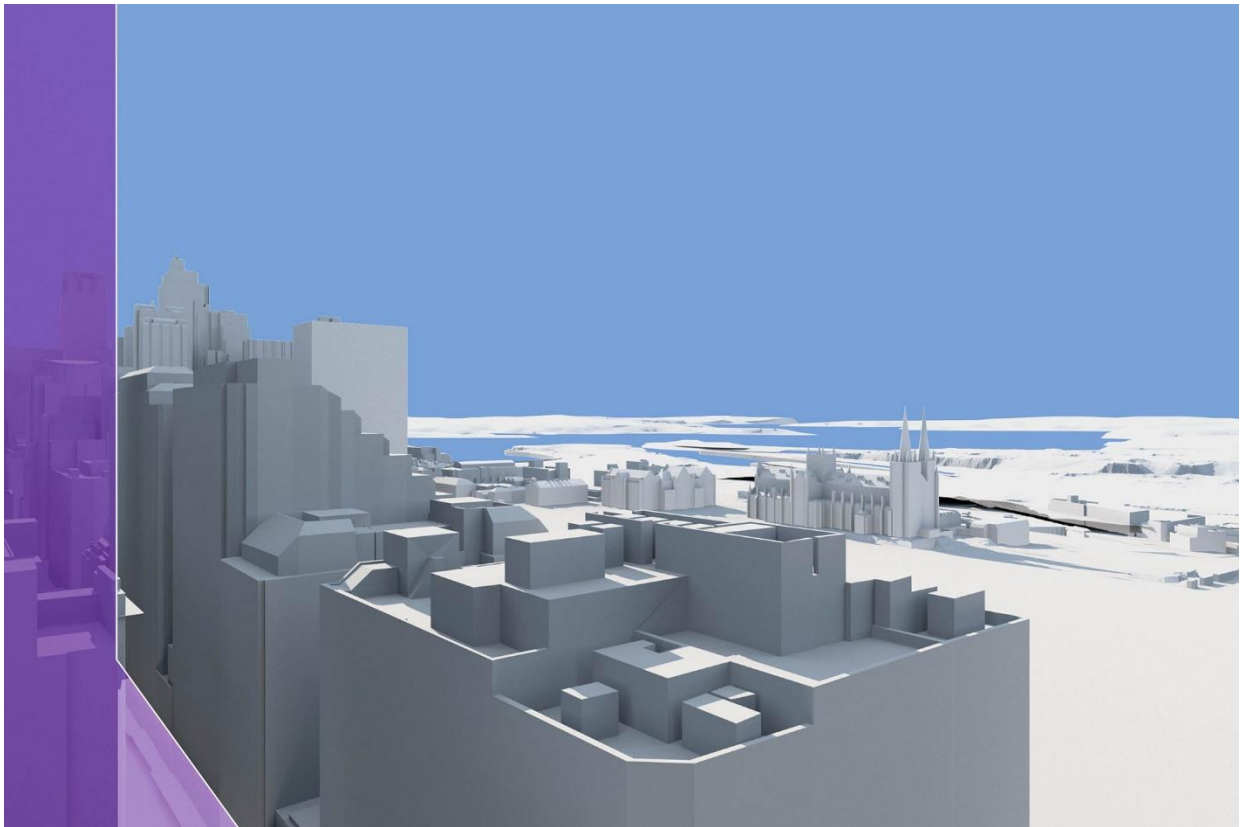


Figure 26: Mid rise view (proposed), 27 Park Street

High-rise

The essence of this view is very similar to that from the mid-levels, in that the focus of this view is across the CBD skyline to Hyde Park and Sydney Harbour, including North Head, in the background. However, due to the greater elevation, the dominance of buildings is reduced while the dominance of more natural elements is increased. In particular, the visibility of Hyde Park has increased markedly, and is now a key feature. As with the previous view, the building is constrained to the far left of the view, and has the effect of reducing the extent of CBD buildings visible. It does not reduce the visibility of the highly valued elements of this view.

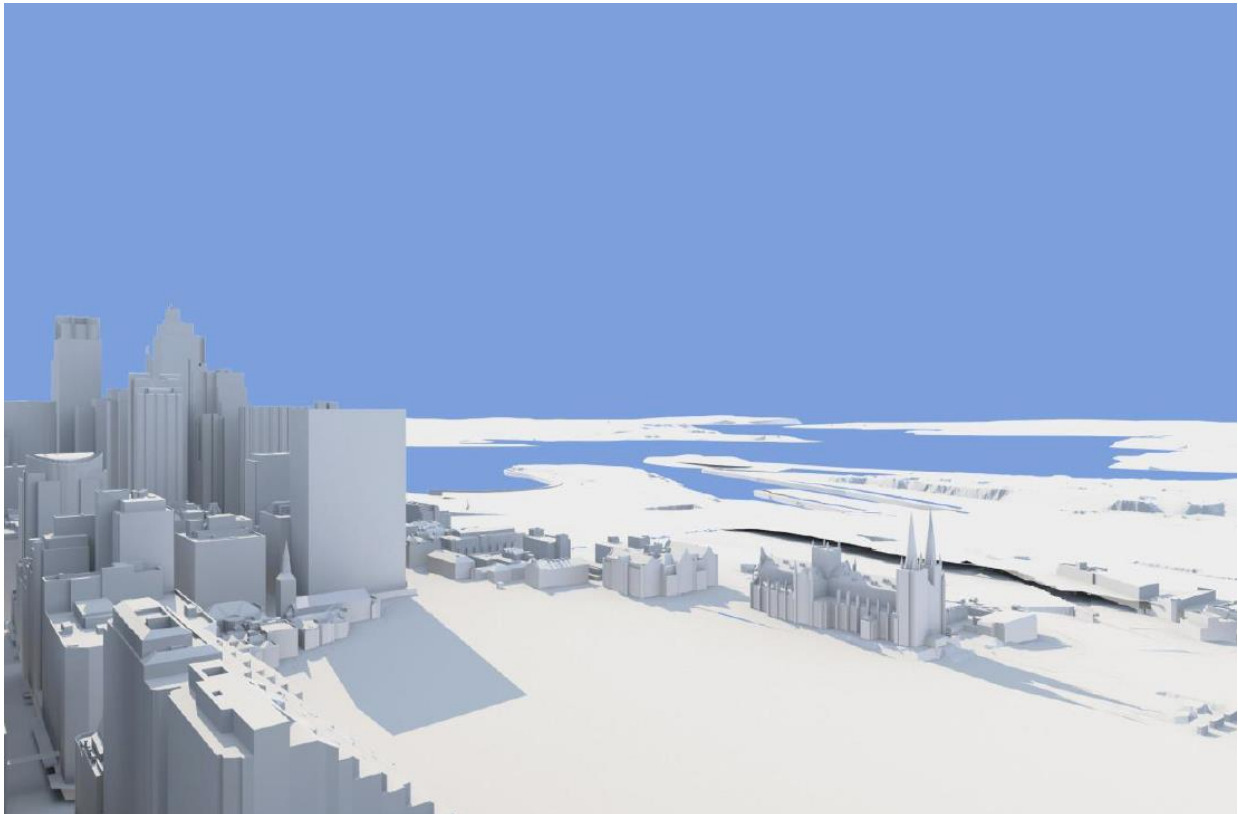


Figure 27: High rise view (existing), 27 Park Street

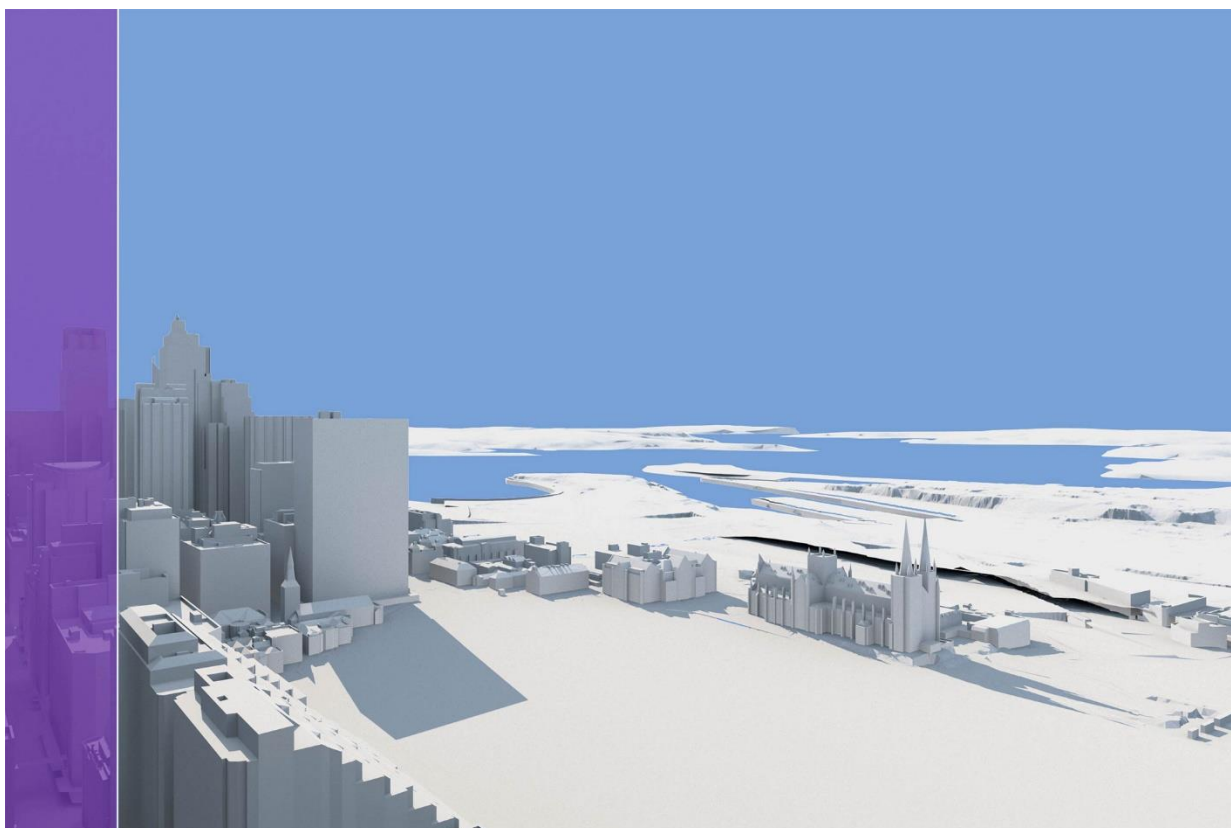


Figure 28: High rise view (Proposed), 27 Park Street

197 Castlereagh Street

The focus of this view is to, over and between CBD buildings, with Castlereagh Street and the sky also forming notable parts. The impact of the proposal is to largely reduce the visibility of the Piccadilly Tower and the base of the Sydney Tower in the background. With this comes a small reduction in the amount of sky visible.



Figure 29: Low rise view (existing), 197 Castlereagh Street

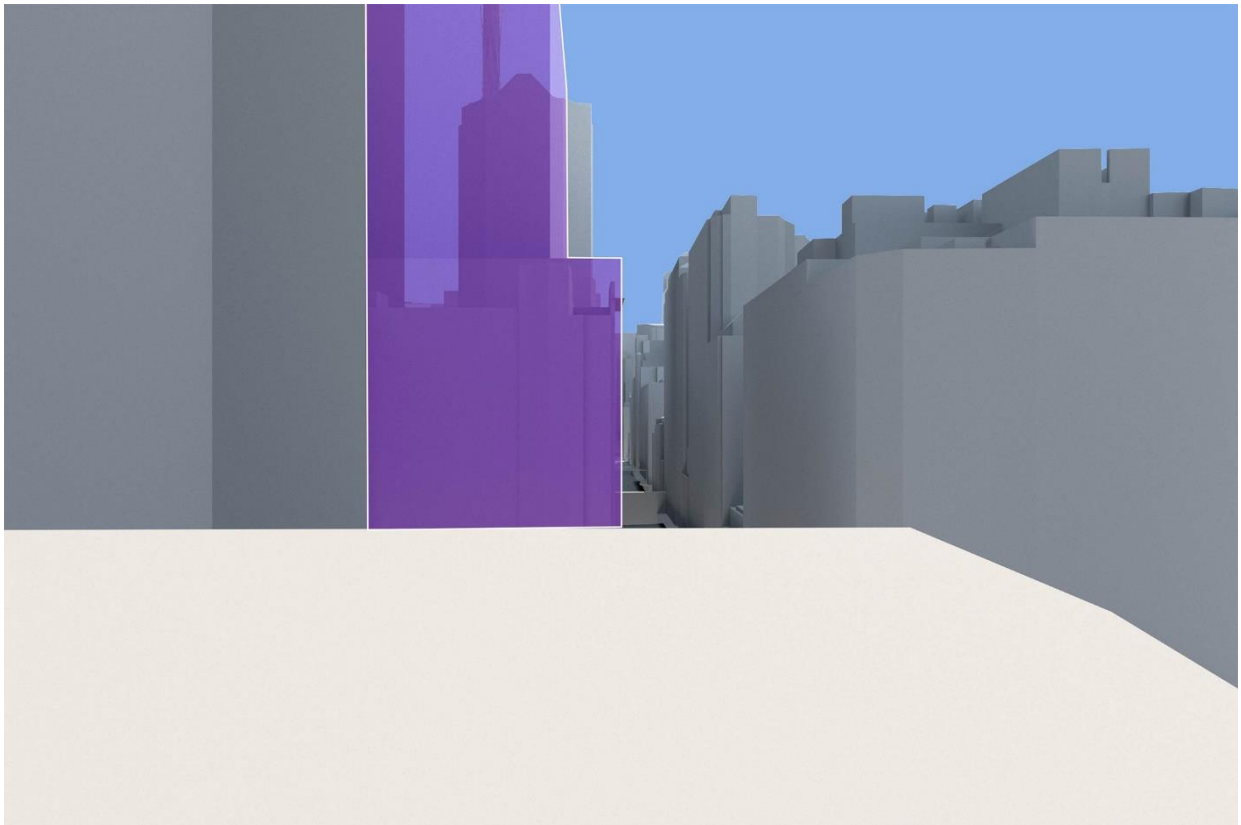


Figure 30: Low rise view (proposed), 197 Castlereagh Street

Mid-rise

The focus of this view is to, over and between CBD buildings. This includes views to the MLC Centre and Sydney Tower, which are two of the more recognisable built elements in the CBD. Compared to the low-rise view, Castlereagh Street and the sky are also more notable features. Sydney Harbour is also introduced as an element in the background of the view. The impact of the proposal is to reduce visibility of the MLC Centre, largely reduce visibility of the Piccadilly Tower and obscure view of Sydney Tower. While views of Sydney Tower are not iconic like those to the Harbour, Opera House or Harbour Bridge, removing its visibility in this view does alter the nature of the view.

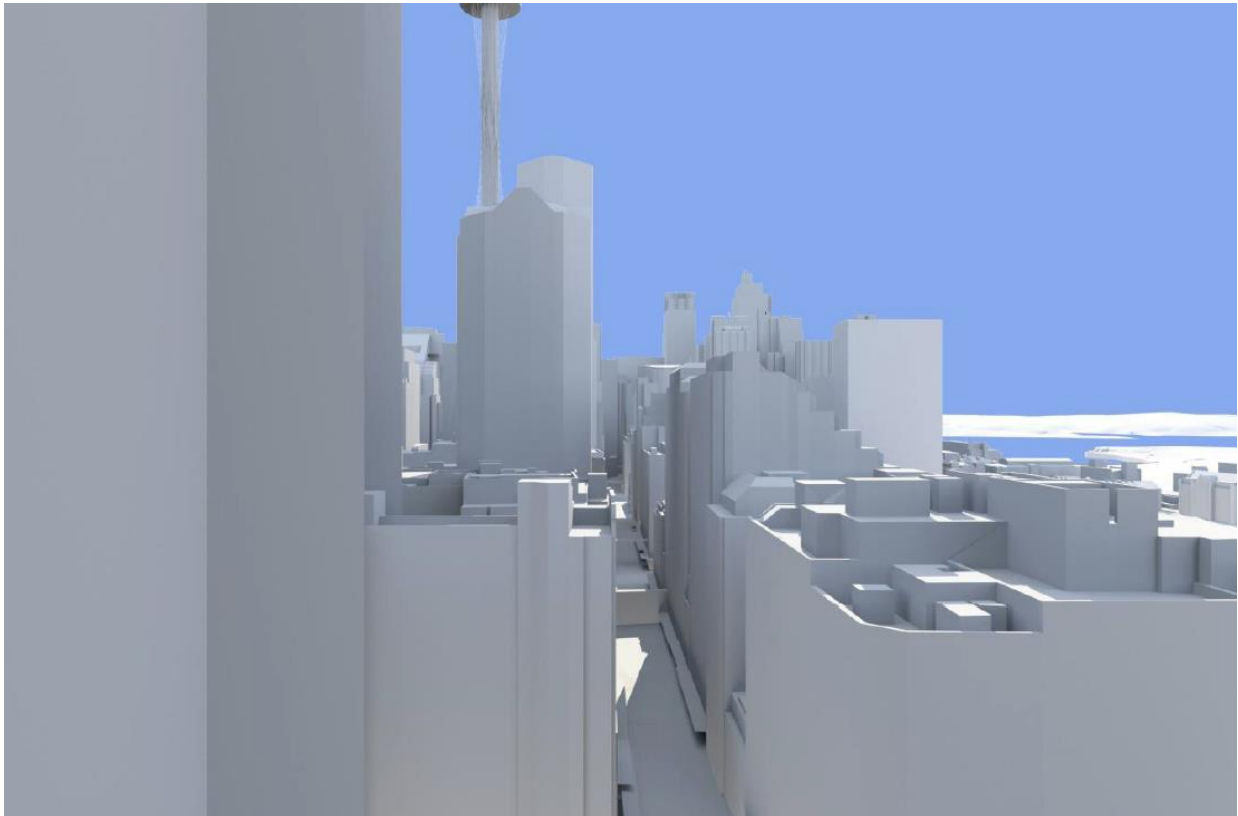


Figure 31: Mid rise view (existing), 197 Castlereagh Street

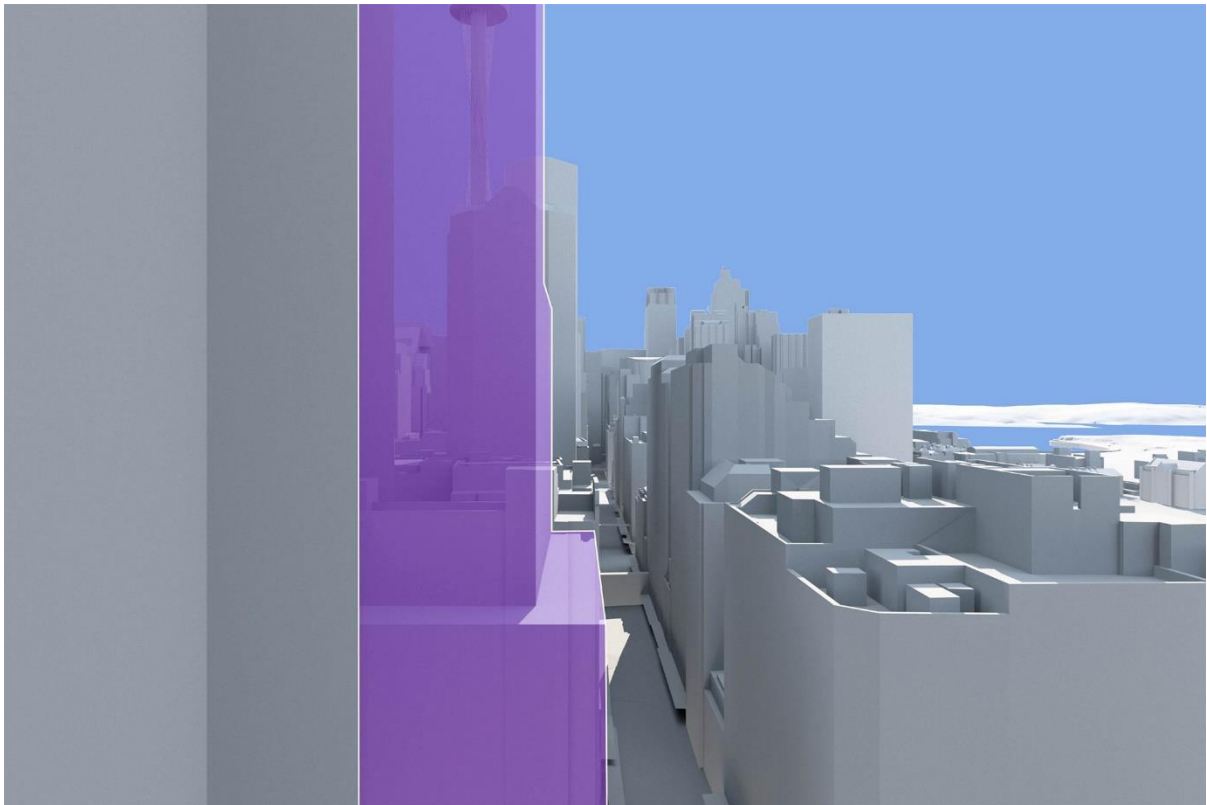


Figure 32: Mid rise view (proposed), 197 Castlereagh Street

High rise

The focus of this view is to the north-east and north along the Castlereagh Street alignment. Compared to previous views, natural elements become more dominant. A greater amount of sky and Sydney Harbour is visible, and Hyde Park is introduced into the view as a dominant element. Sydney Tower is a notable element in the view. The left third of the view is to the face of 95 Park Street. The main impact of the proposal is to obscure Sydney Tower. While the Tower is not the sole key element of the view, its removal does alter the nature of the view.

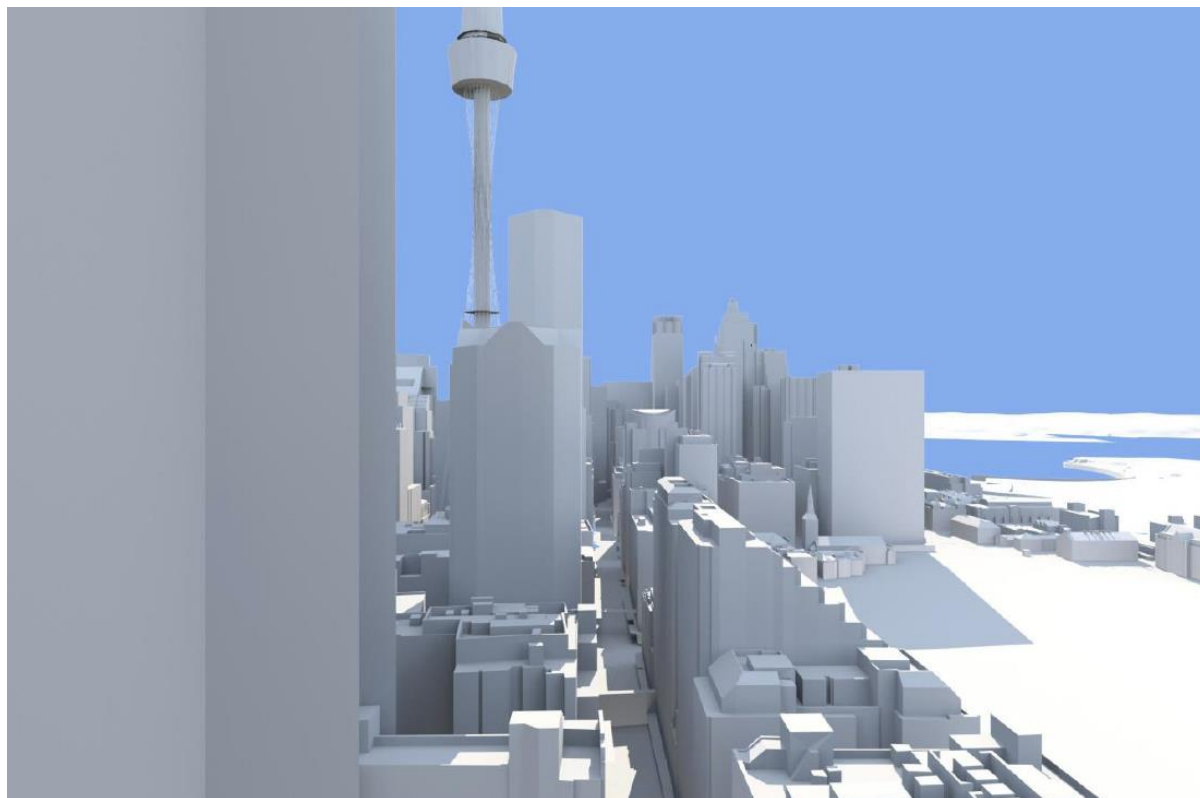


Figure 33: High rise view (existing), 197 Castlereagh Street

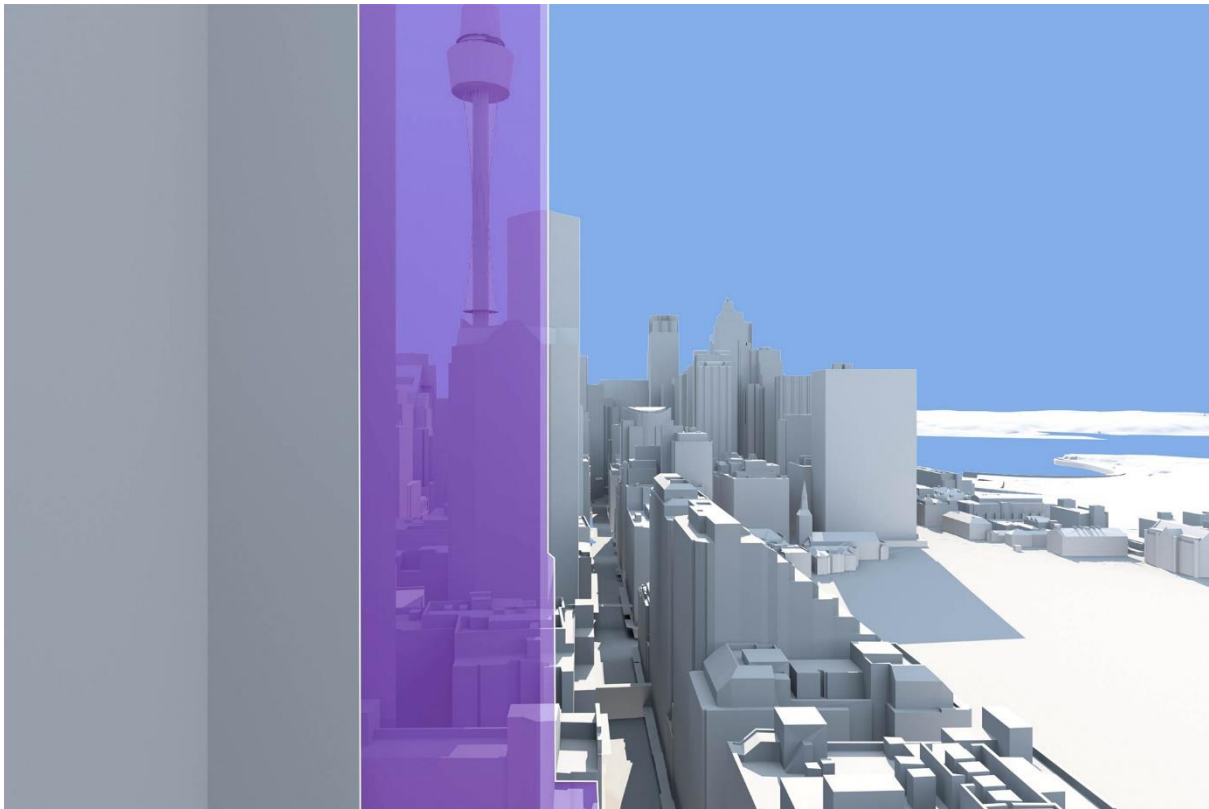


Figure 34: High rise view (proposed), 197 Castlereagh Street

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

Views to valuable features to the north-east and east are available from the street elevations of both properties. Review of floor plans and photographs from selected units in both buildings has determined that views can be obtained from a number of rooms. This includes living rooms, bedrooms and kitchens. As the sill height of windows in Park Street are raised from the floor, views are likely to be compromised from many sitting positions within units. However, windows are full length in Castlereagh Street. Together with translucent balustrading, this is likely to afford views from sitting positions within rooms subject to balcony furniture configurations. Views from balconies would be unimpeded.

8.3. Step 3: Assess the extent of impact

The impact of the proposal on the value of existing views from 27 Park Street is minimal. The nature of valuable views is primarily to the north-east in a direction that is not focussed on the proposal. The key elements of this view are the natural features of Hyde Park and Sydney Harbour. Visibility of these elements will be unaffected by the proposal. Rather, impacts will be constrained to the far left hand side of views.

The impact of the proposal on views from mid-rise and high-rise apartments facing to the north in 197 Castlereagh Street is more pronounced. While as with Park Street the key

elements of valuable views are to Hyde Park and Sydney Harbour, the proposal does obscure views to Sydney Tower.

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

The Sydney CBD has long been identified as being for employment uses of a significant density, scale and height. This is reflected in current state and council planning documents, including the Region Plan, the District Plan and the LEP. This is also reflected in the discussion at **Section 8.1** above. This gives cause to an expectation of continued optimisation of land in the CBD for employment uses of a significant nature.

The proposal is for a suite of uses in a built form that is consistent with key controls for FSR and height under the CoS LEP. As discussed previously, the Central Sydney Planning Strategy also discusses this matter. Despite not being a relevant strategic consideration in relation to the development, the strategy does make a number of important clarifications in relation to the fact that the test applied in *Tenacity* only has limited relevance in relation to the proposed development. The strategy makes it clear that there are a number of qualifications and other considerations which should be taken into account in the circumstances:

- Protection of private views should not impede the economic development of land within Central Sydney to meet the broader economic and social objectives of the City.
- Protection of public views should be prioritised above any consideration of private views within the Central Sydney area.
- It is not reasonable to expect 'more skilful design' to be able to mitigate potential impacts on private views given the more complex set of design constraints arising in the case of high density buildings (unlike the low-scale development considered in *Tenacity*).
- In a dense urban context, the preservation of a reasonable 'outlook' for existing residential apartments is a more appropriate planning objective.

In addition to this, the building has been carefully designed to provide a balance between:

- optimising the economic importance of the CBD
- realising the opportunity presented by the metro station to create a new focal point for this part of the CBD and to encourage greater land use and public transport integration
- enabling greater appreciation of the Castlereagh Street corridor and retaining views to the landmark MLC Tower through a podium and tower form, with the tower being recessed from the leading eastern face of the podium

Given the generally low to moderate impact of the proposed development, and the compliant nature of the subject street setbacks against the provisions of the SLEP 2012 and DCP 2012, 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. Conclusion

The site's visual catchment includes areas that are critical to the visual character and identity of Sydney. In particular, the proposal would be visible from parts of Hyde Park, and key gateways into the CBD from the east at Oxford Street and William Street. Largely due to factors such as distance from viewing locations and the presence of intervening elements such as building and trees in the landscape, this VIA has found that the proposal would have a low to medium visual effect on the existing visual catchment. Due to the urban, high rise character of the Sydney CBD and the proposals consistency with this character, application of PAC and compatibility weighting factors results in an overall low visual impact.

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. In particular, the proposal is consistent with key planning instruments that seek to promote the Sydney CBD as a key location for jobs and employment and the provisions of existing, finer grained local plans. While it is acknowledged that there is impact on north facing units at the mid and upper levels of 197 Castlereagh Street, this is reasonable considering the nature of the views, the design of the envelope which reduces the extent of the impact and the long established role and planning intent for the Sydney CBD. In addition, the final development would represent a more refined building within the proposed building envelope, and as such is likely to have an even lesser impact on views.

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