

VISUAL IMPACT ASSESSMENT REPORT

APPENDIX AA





Sydney Metro City & South West

Victoria Cross Over Station

Development:

Visual impact assessment report

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Table of Contents

Executive Summary	4
1.0 Introduction	5
1.1 Purpose of this report	5
1.2 Overview of the Sydney Metro in its context	5
1.3 Planning relationship between Victoria Cross Station and the OSD	8
1.4 The Site	10
1.5 Overview of the proposed development	12
1.6 Scope of this report	15
2.0 Methodology	16
2.1. Broad	16
3.0 Specific	17
3.1. Visual effect	17
3.2. Visual impact	18
3.3. Acceptability of the visual impact	18
4.0 Planning Context	19
4.1. North Sydney CBD	19
4.2. Planning context	19
4.2.1. Regional and District	19
4.2.2. Local	19
4.2.3. A Metropolis of Three Cities - the Greater Sydney Region Plan and the North District Plan	20
4.2.4. Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	21
4.2.5. North Sydney Local Environmental Plan 2013	21
4.2.6. Planning Proposal – North Sydney Centre	22
4.2.7. North Sydney Development Control Plan 2013	23
5.0 Visual effect	26
5.1. Baseline factors	26
5.1.1. Visual catchment	26
5.1.2. Visual character	28
5.1.3. Scenic quality	29
5.1.4. View place sensitivity	30
5.1.5. Viewer sensitivity	30
5.1.6. Variable factors	31
5.2. Viewpoint 1: Corner of Falcon Street and Miller Street, North Sydney	32
5.3. Viewpoint 2: Corner Falcon Street and Bent Street, Neutral Bay	34
5.4. Viewpoint 3: Corner of Premier Street and Lindsay Street	36
5.5. Viewpoint 4: Mrs Macquarie’s Chair	38
5.6. Viewpoint 5: Sydney Opera House	41
5.7. Viewpoint 6: Barangaroo Reserve, Millers Point	43

5.8.	Viewpoint 7: Gladesville Bridge.....	45
5.9.	Viewpoint 8: Corner of West Street and Pacific Highway, North Sydney ...	47
5.10.	Viewpoint 9: Corner of Walker and Ridge Street (oval), North Sydney	49
5.11.	Viewpoint 10: Corner of Blues Point Road and Union Street, Blues Point .	51
5.12.	Viewpoint 11: Corner of Alfred Street/Lavender Street, Lavender Bay	53
5.13.	Viewpoint 12: Corner Miller and McLaren Streets, North Sydney	55
5.14.	Viewpoint 13: Corner Pacific Highway and Miller Street, North Sydney	57
5.15.	Viewpoint 14: Corner Alfred Street and Mount Street, North Sydney	59
5.16.	Summary: Level of Visual Effect	61
6.0	Visual Impact	63
6.1.	Physical absorption capacity	63
6.2.	Compatibility	64
6.3.	Application of factors	64
7.0	Assessment of acceptability of visual impact.....	65
7.1.	Criteria for assessment.....	65
7.1.1.	Criteria 1: Amenity	65
7.1.2.	Criteria 2: Scenic and cultural landscapes	66
7.1.3.	Criteria 3: Heritage.....	68
7.1.4.	Criteria 4: Visual dominance	69
7.1.5.	Criteria 5: Vistas and views from the public domain	70
7.1.6.	Criteria 6: Building design	71
8.0	Beau Monde Apartment building.....	72
8.1.	Step 1: Assessment of views to be affected.....	73
8.2.	Step 2: Consider from what part of the property the views are obtained ...	75
8.3.	Step 3: Assess the extent of impact.....	76
8.4.	Step 4: Assess the reasonableness of the proposal that is causing the impact.....	76
9.0	Commercial buildings	78
10.0	Conclusion.....	79
	Appendices	80
	Appendix 1	80
	Appendix 2	81

Executive Summary

A Concept State Significant Development Application (SSD Application) has been made to the Department of Planning and Environment by Transport for New South Wales for Over Station Development (OSD) above the approved Victoria Cross Sydney 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.

This VIA has found that the proposal would have a low to medium visual effect on the existing visual catchment. 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. The proposal is consistent with key planning instruments that seek to promote North Sydney as a key location for jobs and employment and the provisions of existing, finer grained local plans.

In addition, the final development that would be developed by the contractor as part of a 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 (DP&E) 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.

Transport for NSW (TfNSW) is seeking to secure concept approval for a commercial office tower above the Victoria Cross Station, otherwise known as the over station development (OSD). The concept SSD Application seeks consent for a building envelope and its use as a commercial premises (office, business and retail), maximum building height, maximum gross floor area, pedestrian and vehicular access, circulation arrangements and associated car parking, future subdivision (if required) and the strategies and design parameters for the future detailed design of development.

TfNSW 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 DP&E on 9 January 2017.

As the development is within a rail corridor, is associated with railway infrastructure and is for commercial premises 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).

This report has been prepared to specifically respond to the Secretary's Environmental Assessment Requirements (SEARs) issued for the concept SSD Application for Victoria Cross OSD on 30th November 2017 which states that the Environmental Impact Statement (EIS) is to include a Visual Impact Assessment.

1.2 Overview of the Sydney Metro in its context

The New South Wales (NSW) Government is implementing *Sydney's Rail Future*, a plan to transform and modernise Sydney's rail network so that it can grow with the city's population and meet the needs of customers in the future (Transport for NSW, 2012). Sydney Metro is a new standalone rail network identified in *Sydney's Rail Future*.

Sydney Metro is Australia's biggest public transport project, consisting of Sydney Metro Northwest (Stage 1), which is due for completion in 2019 and Sydney Metro City & Southwest (Stage 2), which is due for completion in 2024 (Refer to **Figure 1**).



Figure 1: Sydney Metro alignment map

Stage 2 of Sydney Metro 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 seven (7) new metro stations, including at North Sydney. Once completed, Sydney Metro will have the ultimate capacity for 30 trains an hour (one every two minutes) through the CBD in each direction - a level of service never seen before in Sydney.

On 9 January 2017, the Minister for Planning 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 component 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 four modification applications with DP&E to amend the CSSI Approval as outlined below:

- Modification 1- Victoria Cross and Artarmon Substation which involves relocation of the Victoria Cross northern services building from 194-196A Miller Street to 50 McLaren Street together with inclusion of a new station entrance at this location referred to as Victoria Cross North. 52 McLaren Street would also be used to support construction of these works. 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 incorporates 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.

Given the modifications, the CSSI Approval is now approved to operate to Sydenham Station and also includes the upgrade of Sydenham Station.

The remainder of Stage 2 of the City & Southwest project (Sydenham to Bankstown) proposes the conversion of the existing heavy rail line and the upgrade of the existing railway stations along this alignment 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) which is currently being assessed by the DP&E.

1.3 Planning relationship between Victoria Cross Station and the OSD

While the Victoria Cross Station and 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 include 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
- Station 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
- Structural and service elements and the relevant space provisioning necessary for constructing OSD, such as columns and beams, space for lift cores, plant rooms, access, parking, retail and building services.

The vertical extent of the approved station works above ground level is defined by the 'transfer slab' level (which for Victoria Cross is defined by RL 82), above which would sit the OSD. This delineation is illustrated in **Figure 2**.

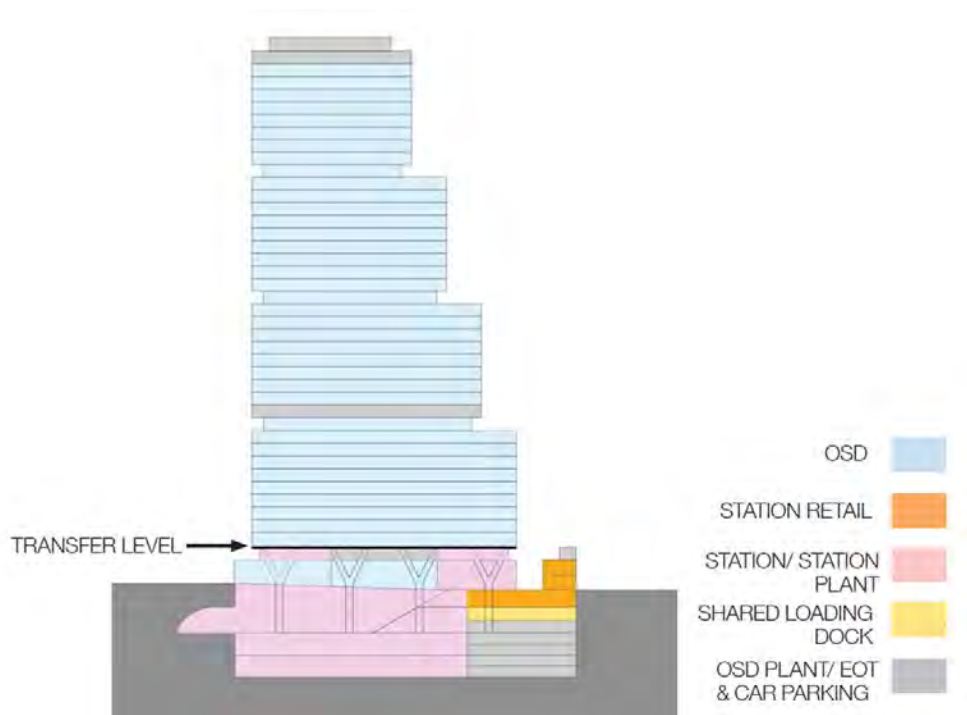


Figure 2: Delineation between the Metro station and OSD

The CSSI Approval also establishes the general concept for the ground plane of Victoria Cross Station including access strategies for commuters, pedestrians and workers. In this regard, pedestrian access to the station would be from Miller and Denison Streets and the commercial lobby would be accessed from Miller Street. Retail uses (approved under the CSSI Approval) would be located on the ground floor of the development at both the Miller Street and Denison Street levels activating the through-site link. Separate consent would be sought in the future for the fit-out and specific use of this retail space.

Since the issue of the CSSI Approval, TfNSW 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 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 Victoria Cross Station to satisfy Conditions E92 and E101 of the CSSI Approval.

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

1.4 The Site

The Victoria Cross OSD site is located at the southeast corner of the intersection of Miller and Berry Streets, North Sydney, above the southern portal of the future Victoria Cross Station (refer to **Figure 3**). The site is located in North Sydney CBD, which is identified as part of Sydney’s “Harbour CBD” (along with Sydney CBD) in the *Greater Sydney Region Plan (2018)*. It is the third largest office market in Sydney and is a key component of Sydney’s Global Economic Corridor.



Figure 3: Victoria Cross Station location plan

The site is located in the North Sydney Local Government Area approximately 3km north of Sydney CBD, 5km southeast of Chatswood and 2km southeast of St Leonards. The site (refer to **Figure 4**) is irregular in shape, has a total area of approximately 4,815 square metres and has street frontages of approximately 37 metres to Berry Street, 34 metres to Denison Street and 102 metres to Miller Street.

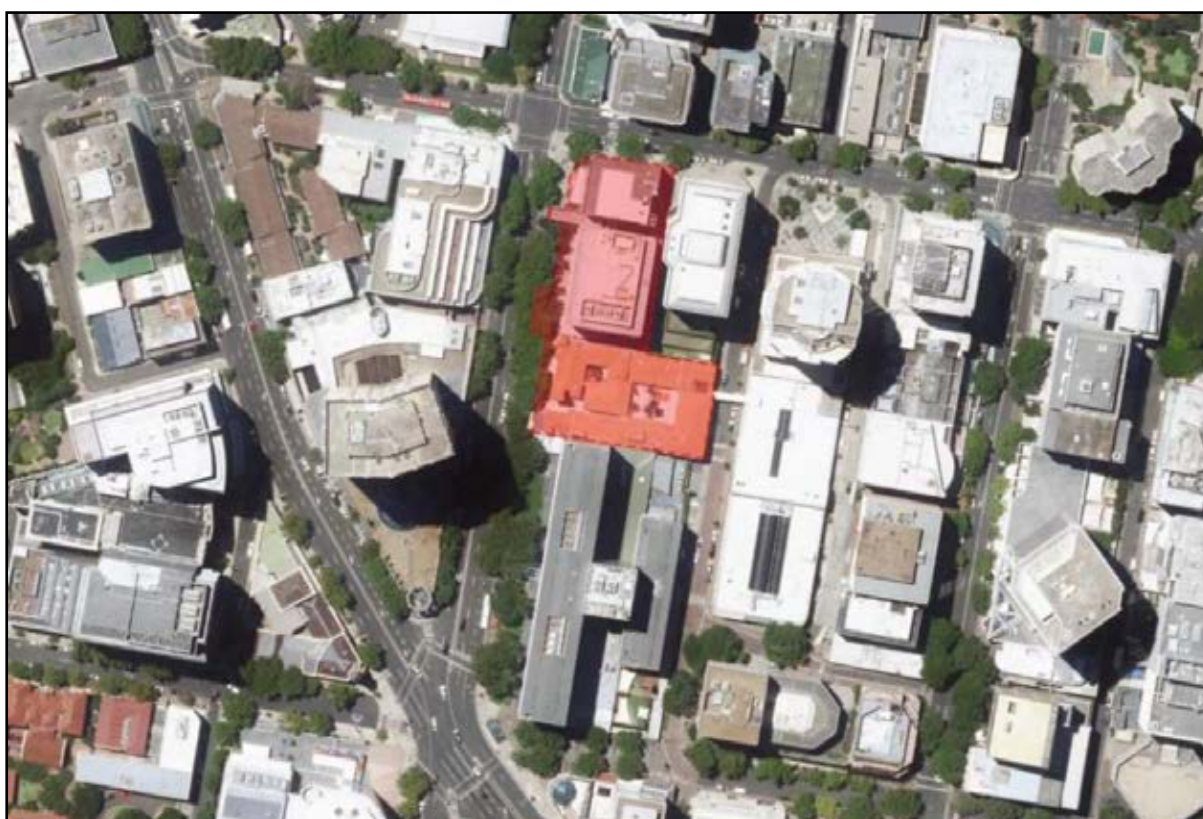


Figure 4: The Site

The site comprises the following properties:

- 155–167 Miller Street SP 35644 (formerly Tower Square)
- 181 Miller Street Lot 15 in DP 69345, Lot 1 & Lot 2 DP 123056
and Lot 10 in DP 70667
- 187 Miller Street Lot A in DP 160018
- 189 Miller Street Lot 1 in DP 633088
- Formerly part 65 Berry Street Lot 1 in DP 1230458

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

Table 1: Surrounding zones and land uses

Direction	Relationship	Zone	Current/approved land use
North	Adjacent (across Berry Street)	B3 Commercial Core	Food and drink premises (Rag and Famish Hotel); multi-storey office tower at 50 Berry Street
South	Adjoining	B3 Commercial Core	Multi-storey office tower (MLC building)
East	Adjacent (across Denison Street)	B3 Commercial Core	Approved and under construction commercial office tower located at 1 Denison Street (will be the tallest building in the North Sydney CBD upon completion); Beau Monde apartment building to the north east
	Adjoining	B3 Commercial Core	Multi-storey office tower
West	Adjacent (across Miller Street)	B3 Commercial Core; SP2 Educational Establishment to the north-west	Multi-storey office tower; Monte Sant'Angelo Mercy College

1.5 Overview of the proposed development

This concept SSD Application comprises the first stage of the Victoria Cross 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 OSD. It specifically seeks approval for the following:

- A building envelope as illustrated in **Figure 5** below
- A maximum building height of RL 230 or 168 metres (approximately 42 storeys, comprising of 40 commercial storeys and 2 additional storeys for the roof top plant) for the high rise portion of building envelope and RL 118 or 55 metres (approximately 13 storeys) for the lower rise eastern portion of the building envelope
- A maximum gross floor area (GFA) of 60,000 square metres for the OSD component, which is equivalent to a floor space ratio of 12.46:1
- Use of the building envelope area for commercial premises including commercial office, retail and business premises
- Use of the conceptual OSD space provisioning within the footprint of the CSSI Approval (both above and below ground), including the OSD lobby and associated retail space, basement parking, end-of-trip facilities, services and back-of-house facilities

- Car parking for a maximum of 150 parking spaces over four basement levels with an additional 11 parking spaces allocated to the station retail approved under the terms of the CSSI Approval
- Loading, vehicle and pedestrian access arrangements from Denison Street
- Strategies for utility and services 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).

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 67,000 square metres and is equivalent to a FSR of 13.9:1.

A drawing illustrating the proposed building envelope is provided in **Figure 5**. 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 6**).

Victoria Cross Station is to be a key station on the future Sydney Metro network, providing access to the growing North Sydney Central Business District (CBD). The proposal combines the Metro station with a significant commercial office tower, contributing to the North Sydney skyline. The OSD would assist in strengthening the role of North Sydney as a key component of Sydney's global economic arc and would contribute to the diversity, amenity and commercial sustainability of the CBD.

It is noted that Victoria Cross services building and new station entrance at Victoria Cross North do not form part of the concept SSD Application.

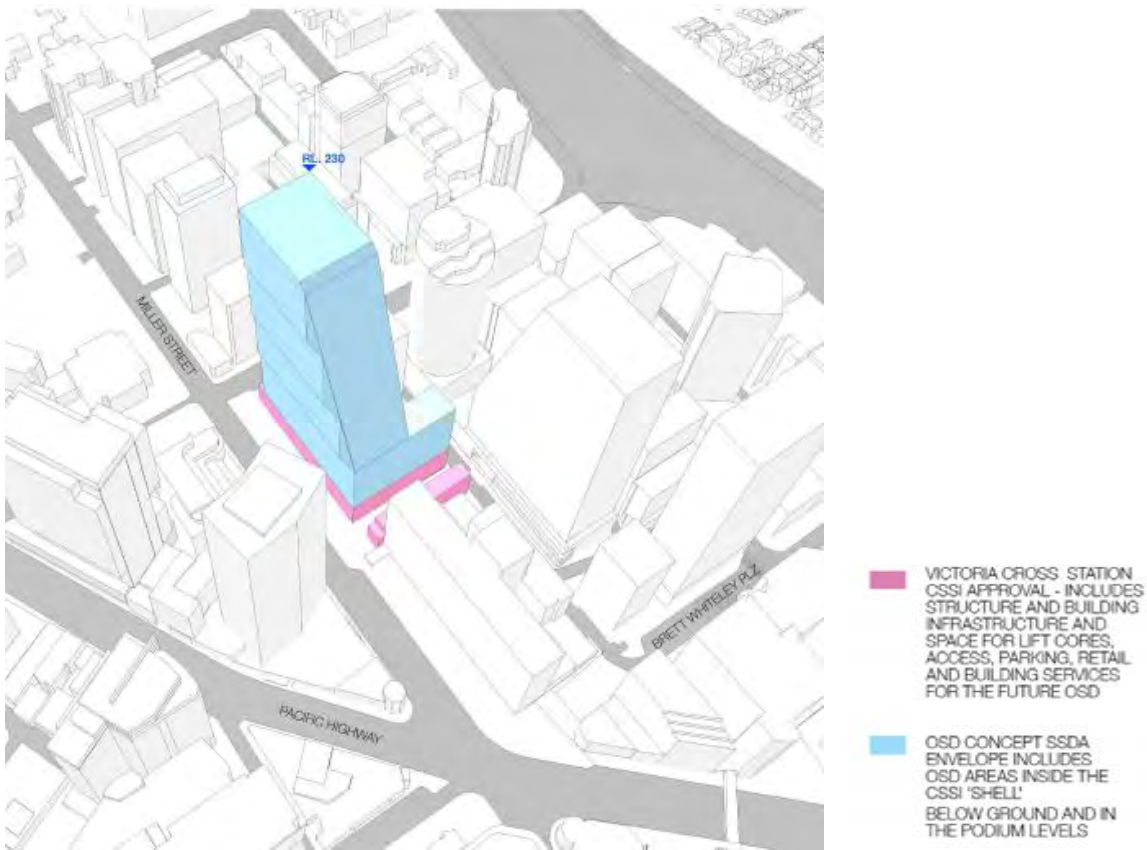


Figure 5: Proposed Victoria Cross OSD building envelope



Figure 6: Victoria Cross indicative OSD design

1.6 Scope of this report

This report documents a Visual Impact Assessment (VIA) of the proposed OSD above the approved Victoria Cross Sydney Station (the proposal), North Sydney (the concept SSD Application). It has been prepared by Ethos Urban on behalf of Transport for New South Wales (TfNSW). It is based on input provided by Bates Smart, CMS Surveyors and Virtual Ideas and documented in . 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 (DP&E) dated 30 November 2017.

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 3:** provide an introduction, background and overview of the site, and its context
- **Parts 4 and 5:** provide an assessment of the visual effect and visual impact of the proposal on the existing visual catchment
- **Parts 6 and 7:** provide an assessment of acceptability of visual impact
- **Part 8:** 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 and where they are addressed in this report are identified in **Table 2**.

Table 2: Addressing of SEARS

SEARS	Part of report
Key Issue 6. Amenity <ul style="list-style-type: none"> • view analysis to and from the site from key vantage points and streetscape locations including photomontages or perspectives of the proposed development 	Part 6
Key Issue 6. Amenity <ul style="list-style-type: none"> • demonstrate how the proposal impacts and any proposed measures to mitigate potential impacts, the amenity of surrounding properties, including residential development, with regard to solar access, privacy and view impacts 	Part 6
Adjoining development <ul style="list-style-type: none"> • view impact analysis from adjoining developments, including from Beau Monde Apartments in Berry Street 	Part 7
Plans and Documents <ul style="list-style-type: none"> • visual and view impact analysis and photomontages 	Attachment 1

2.0 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:

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.

3.0 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**).

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.

3.1. 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

3.2. Visual impact

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

3.3. 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. North Sydney CBD

Together with the Sydney CBD, the North Sydney CBD (the CBD) is identified as a part of the Metropolitan City Centre under the draft Greater Sydney Region Plan. Post WW2, the CBD has evolved to be one of Sydney's largest employment locations. In 2016, it was estimated by the Greater Sydney Commission to support approximately 60,400 workers in approximately 822,496 square metres of floor space.



Figure 7: Nearby development (either constructed or under construction A:100 Mount Street; B: 1 Denison Street; 177 Pacific Highway (**Source:** Skidmore, Owings & Merrill LLP and Architects; Bates Smart)

4.2. Planning context

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

4.2.1. 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*

4.2.2. Local

- *North Sydney Local Environmental Plan 2013*
- *North Sydney Development Control Plan 2013.*

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.

4.2.3. 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, the 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.

The *North District Plan* (the District Plan) provides a finer grain level of detail for the CBD. Consistent with the Region Plan, the focus is also on economic and jobs growth.

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

- *maximise the land use opportunities provided by the new station*
- *grow jobs in the centre and maintain a commercial core*
- *provide a variety of high quality civic and public spaces befitting a globally-oriented CBD, which can be utilised for a range of cultural and entertainment activities*
- *improve amenity by reducing the impact of vehicle movements on pedestrians*

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.*

This 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.*

Due to its high visibility and its role as a backdrop to views obtained from the southern Sydney Harbour foreshore, the North Sydney CBD makes a contribution to the identity and character of Sydney. This has implications for planning for the CBD, 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.

4.2.4. 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,*
- *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,*
- *the cumulative impact of development on views should be minimised.*

4.2.5. North Sydney Local Environmental Plan 2013

Relevant aims of the *North Sydney Local Environmental Plan 2013* (the 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
 - 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 the NSLEP 2013, the site is zoned B3 Commercial Core. The objectives of this zone are:

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To prohibit further residential development in the core of the North Sydney Centre.
- To minimise the adverse effects of development on residents and occupiers of existing and new development.

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
- **Clause 6.3 Building heights and massing in North Sydney CBD:** to promote scale and massing that provides for pedestrian comfort in relation to protection from the weather, solar access, human scale and visual dominance.

4.2.6. Planning Proposal – North Sydney Centre

North Sydney Council has prepared a planning proposal to amend the North Sydney Local Environmental Plan 2013 to give effect to the recommended actions of Council's North Sydney CBD Capacity and Land Use Strategy. A Gateway determination for the planning proposal was issued by DP&E on 20 July 2017, and public exhibition occurred between 14 September 2017 and 11 October 2017. Following exhibition, Council resolved on 19 February 2018 to send the planning proposal (including a number of amendments resulting from exhibition) to Parliamentary Counsel for finalisation. Accordingly, the planning proposal has legal status and is a matter for consideration by the consent authority under Section 4.15 of the EP&A Act.

The intent of the planning proposal is to secure the continued economic performance of the CBD. This is to be achieved by securing land in the core for commercial uses and increasing height and floorspace allowances. Specific relevant recommendations include:

- Removing 'serviced apartments' from the list of permissible uses in the B3 Commercial Core zone to the Land Use Table
- Amending the Height of Building Map to increase the maximum building height limit on a number of sites zoned B3 Commercial Core, consistent with the outcomes of the North Sydney CBD Capacity and Land Use Strategy
- Deletion of clause 6.5 in its entirety, to remove the requirements for railway infrastructure provision and the gross floor space cap for non-residential development.

The planning proposal does not address visual impact to any significant degree. Nonetheless, a number of submissions were made during public exhibition of the planning proposal that covered broader amenity and visual considerations. Council's response provides a compelling narrative about their position on these matters in the CBD context, and in particular constraints on the growth of the CBD:

North Sydney Council has an established tradition of protecting residential properties outside of the North Sydney Centre from the impacts of a growing North Sydney Centre, especially in terms of solar access and overshadowing. The premise of the Capacity and Land Use Study has been to unlock additional commercial floor space capacity in the CBD, but maintain a reasonable standard of solar amenity protection to surrounding areas. Several submissions related to the potential impacts of increased floor space and overshadowing in and around the North Sydney Centre. It is acknowledged that given its context within a major commercial CBD, there will be some impact on residential development both within and outside of the Centre as a result of the CBD's growth. SEPP 65 and Part B Section 2.3 and 2.4 to NSDCP 2013 contains provisions regarding residential amenity, including solar access, views, visual privacy and setbacks provisions. Should development of surrounding sites occur, the application of these provisions are designed to provide for a reasonable and accepted level of amenity for residents. Special provisions beyond those provided by the above mentioned protections are considered an unreasonable constraint of development within a growing central business district that will continue to perform an important employment and economic function within the Sydney Metropolitan Area.

4.2.7. 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 development in a business zone, 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 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] NSWLEC 140.

For North Sydney, the DCP provides a desired future character statement that focusses on high rise commercial development in the CBD, and medium to high rise mixed commercial and residential development at the fringe. A number of visual considerations also apply. These include:

- *There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas*
- **P7** *The following views and vistas are to be preserved and where possible enhanced:*
 - *Views to between buildings on east side of Miller Street, between Berry and McLaren Streets.*
 - *From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge.*
 - *From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district.*
 - *Views along the Pacific Highway to the Post Office on Mount Street from the south-east.*

- *Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.*
- *Identity / Icons*
 - *P8 Greenwood.*
 - *P9 Post Office and Court House.*
 - *P10 MLC Building.*
 - *P11 Don Bank Museum.*
 - *P12 Mount Street Plaza.*
 - *P13 Monte Sant Angelo Convent and Girls School*

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 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 a combination of these factors, including elevated topography relative to other areas, the presence of existing tall buildings and proximity to Sydney Harbour which provides few elements that block or impede long range views, the visual catchment for the site is extensive. In addition to nearby areas, views to the CBD can be obtained from elevated locations in areas as remote as the Middle Western suburbs. However, in terms of scale of potential impact, the primary visual catchment contains two key parts – the nearby suburbs of North Sydney, Lavender Bay and Neutral Bay, and the foreshore of the Sydney CBD. This is reflected in the selection of view locations upon which this visual impact assessment is based (refer to **Figure 8** and **Figure 9**). To ensure a comprehensive assessment, a view location has also been selected from the further away Gladesville Bridge. The views have also been selected to enable consideration of both existing and buildings under construction within the North Sydney CBD, including 100 Mount Street and 1 Denison Street, and have incorporated input from North Sydney Council representatives.

Locally, the site is located in the central part of the northern end of the North Sydney CBD within an existing cluster of tall buildings. Due to this, the visual catchment is constrained, as views are impeded or blocked by other buildings. The main exception to this is when viewed from closely located land to the north-west. This land is located higher than the site, and includes the lower rise, dispersed campus of Monte Sant' Angelo School. This provides greater opportunities for views into the site. In particular, due to its corner location, the site is highly visible from the north-west corner of the intersection of Miller Street and Berry Street.

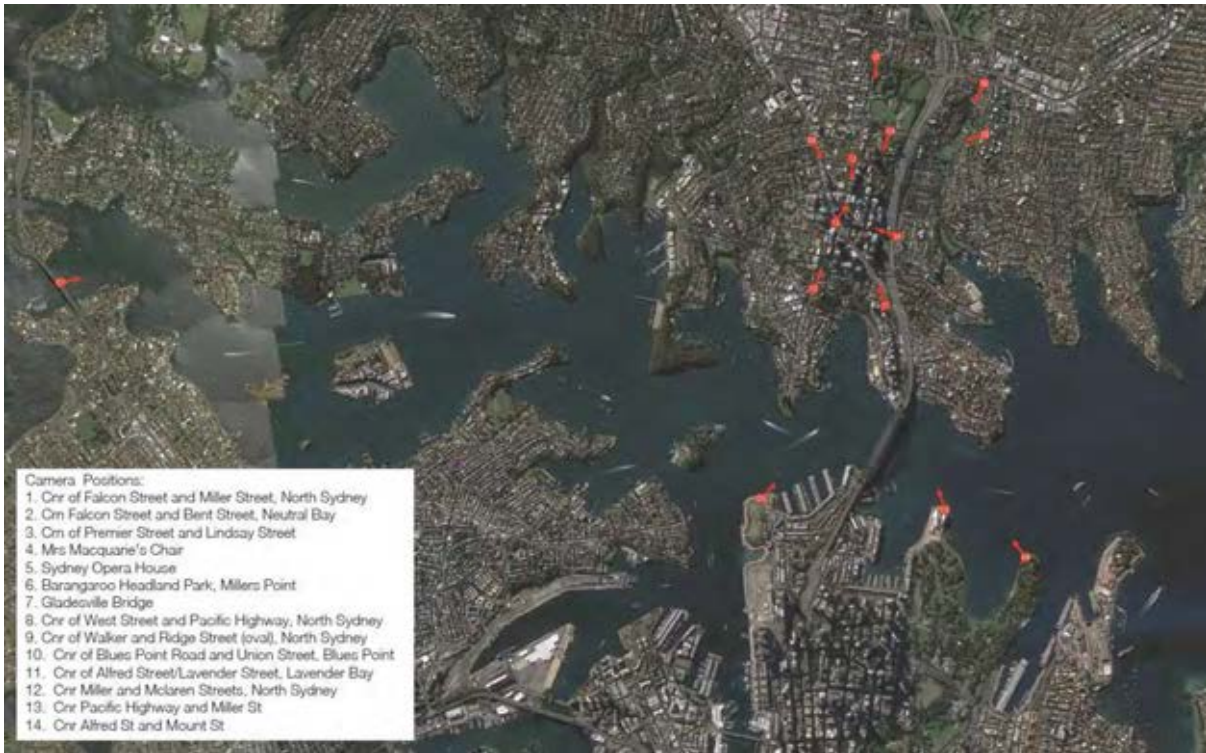


Figure 8: View locations-broad
 Source: Virtual Ideas



Figure 9: View locations-North Sydney
 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 North Sydney CBD occupies the 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 ridgeline falls from approximately 200 metres at Wahroonga to approximately 80 metres at the southern gateway to the CBD at the intersection of Blue Street and the Pacific Highway. While the ridgeline is generally wide, at its edges it typically falls away steeply to adjoining areas. This pattern is applicable to the primary visual catchment. In particular, land falls steeply away to the south and east to meet Sydney Harbour at Lavender Bay and Neutral Bay. Due to this topography, the North Sydney CBD occupies a visually prominent location. While views can be obtained from more elevated parts of the ridgeline to the north, this prominence is more 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 North Sydney CBD from iconic, highly visited locations to the south on the Sydney Harbour foreshore, including Walsh Bay, Barangaroo Reserve and the Opera House.

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, St Leonards 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 North Sydney CBD in the primary visual catchment is significantly strengthened by the physical extent and density of a high-rise tower building typology. Beginning in 1957/58 with the opening of the 14 level MLC Building, North Sydney underwent a major period of high rise office building construction in the 1970s and 1980s. It is now experiencing a second wave of major development, with the construction of office towers such as 100 Mount Street (35 levels) and 1 Denison Street (40 levels) that will reshape the form and height of the skyline (refer to **Figure 7**).

The North Sydney CBD's prominence in the very near part of the primary visual catchment is further strengthened by the presence of the Warringah Freeway, which runs parallel to the CBD and is a northern gateway to central Sydney. The Freeway re-oriens to the south just to the north of the CBD. Due to this, a clear view is provided of the western edge of the North Sydney CBD (which presents as a high-rise wall) at the same time as the first expansive views open up of the distant Sydney CBD and glimpses of Sydney Harbour, Sydney Harbour Bridge

and Sydney Opera House occur. This is experienced on a daily basis by the large number of vehicles that enter the city from the north.

Due to this, North Sydney 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.

From more close up viewing locations, including within the CBD itself, the dominant visual character of the North Sydney CBD is that of a contemporary, urban environment. This is expressed in the majority of buildings being tall, relatively slender contemporary office towers. There are a few notable exceptions, including the adjacent small scale, heritage listed Rag and Famish Hotel, the lower rise and bulkier 1950s era MLC Building (also heritage listed) and the open lower rise and open space attributes of Greenwood Plaza. The nearby Beau Monde Apartment building is also distinct due to the articulation of its façade by balconies, which does not occur in nearby office towers. These exceptions serve to provide visual interest within the more general uniformity of character. With the exception of the multi-lane Pacific Highway, the North Sydney CBD comprises narrow streets, paved footpath one either side. North Sydney Council has recently undertaken a streetscape upgrade program, which has resulted in new, higher quality paving, street trees and other street furniture on certain key streets. Although some may be removed as part of the development of the Victoria Cross metro station, Miller Street and Walker Street contain mature street trees (London Plane trees) which serve to mitigate the visual impact of the built form. Berry Street and Denison Street have inconsistent street tree planting, which give them a more urban character. This is further strengthened by the narrow width of Denison Street, which presents as a laneway for its length. Small scale public open spaces mitigate the intensity of the built form on parts of Miller Street and Berry Street.

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 beaches, when considered against standard scenic amenity methods, the scenic preference of most areas surrounding the North Sydney CBD is low to moderate. However, parts of it do contain open parkland, which under these methodologies are ranked as having a moderate scenic preference.

However, 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. Further to this, the overall composition of the primary visual catchment contains views to

Sydney's key natural and built icons, including the Harbour Bridge and the Opera House. The North Sydney CBD serves as a visible backdrop to these icons.

The site has high visual exposure to a number of important public viewing locations. These include Barangaroo Reserve, Sydney Opera House and Mrs Macquarie's Chair.

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. 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, locations on the Sydney CBD foreshore have high view place sensitivity.

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 distance, there are three residential areas with potential medium to high viewer sensitivity:

1. North Sydney, including the CBD
2. Lavender Bay
3. Neutral Bay.

With the exception of the North Sydney CBD, North Sydney, Lavender Bay and Neutral Bay have medium range views to the site. However, views from these areas are largely partially obstructed by existing landscape and / or built form elements. Consequently, their view place sensitivity is reduced.

The North Sydney CBD is primarily intended to be a jobs and employment location. As such, permanent residential premises are constrained to the north of Berry Street. These premises include visually prominent buildings such as Century Plaza (171 Walker Street), Belvedere (136-142 Walker Street) and Lucent (225 Pacific Highway). These premises are all located greater than 100 metres from the site, and as such would have a moderate sensitivity. The south and west facing apartments of the Beau Monde Apartment building, located approximately 65 metres to the east of the eastern-most boundary of the site, would have a high level of sensitivity to the proposal. It is noted that the Beau Monde Apartment building has an even greater level of sensitivity to development within 100 metres that is located between it and valued views to the Sydney CBD skyline and Sydney Harbour (e.g. 1 Denison Street).

5.1.6. Variable factors

Photomontages obtained from the viewpoints 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

5.2. Viewpoint 1: Corner of Falcon Street and Miller Street, North Sydney

Table 3: Viewpoint 1: Corner of Falcon and Miller Street, North Sydney

Viewpoint 1: Corner of Falcon Street and Miller Street, North Sydney			
Element	Category	Comment	Level of effect
Category of view	Public domain, main road	N/A	N/A
View composition type	Focal	The dominance of lateral features close to the viewpoint (Miller Street and vegetation) would focus and direct the eye towards the North Sydney CBD and the site. In particular, the angle of palm trees on the western side of Miller Street directs the eye to the same type of vegetation on the eastern side of the street within St Leonards Park, which in turn directs the eye south	Low
Relative viewing level	Above the site	The elevation of the viewpoint is approximately 87 metres Australian Height Datum (AHD), compared to the site which is approximately 80 metres AHD	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 Miller Street and Falcon Street 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 900 metres from the site, the viewpoint is located at the higher end of 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
Overall			Low-medium



Figure 10: Viewpoint 1: Corner of Falcon Street and Miller Street, North Sydney, existing view.



Figure 11: Viewpoint 1: Corner of Falcon and Miller Street, North Sydney, proposed view.

5.3. Viewpoint 2: Corner Falcon Street and Bent Street, Neutral Bay

Table 4: Viewpoint 2: Corner Falcon Street and Bent Street, Neutral Bay

Viewpoint 2: Corner Falcon Street and Bent Street, Neutral Bay			
Element	Category	Comment	Level of effect
Category of view	Public domain, minor road	N/A	N/A
View composition type	Restricted	The view would be restricted at close range by buildings and vegetation between the viewpoint and the proposal	Low
Relative viewing level	Above the site	The elevation of the viewpoint is approximately 90 metres AHD, compared to the site which is approximately 80 metres AHD	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 nature of Bent Street 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 1.1 kilometres 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 12: Viewpoint 2: Corner Falcon Street and Bent Street, Neutral Bay



Figure 13: Viewpoint 2: Corner Falcon Street and Bent Street, Neutral Bay

5.4. Viewpoint 3: Corner of Premier Street and Lindsay Street

Table 5: Viewpoint 3: Corner of Premier Street and Lindsay Street

Viewpoint 3: Corner of Premier Street and Lindsay Street			
Element	Category	Comment	Level of effect
Category of view	Public domain, minor road	N/A	N/A
View composition type	Restricted	The view would be restricted at close range by vegetation between the viewpoint and the proposal	Low
Relative viewing level	Level	The elevation of the viewpoint is approximately 80 metres AHD, which is level with that of 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 nature of Premier and Lindsay Streets 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	At approximately 1.0 kilometres 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 14: Viewpoint 3: Corner of Premier Street and Lindsay Street, existing view



Figure 15: Viewpoint 3: Corner of Premier and Lindsay Street, proposed view

5.5. Viewpoint 4: Mrs Macquarie's Chair

Table 6: Viewpoint 4: Mrs Macquarie's Chair

Viewpoint 4: Mrs Macquarie's Chair			
Element	Category	Comment	Level of effect
Category of view	Public domain, iconic location	N/A	N/A
View composition type	Restricted	The proposal would be almost completely screened from the viewpoint by the envelopes of 100 Mount Street and 1 Denison Street, with only the highest floors being visible	Low
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 0-20 metres AHD, compared to the site which is approximately 80 metres AHD	Low
Viewing period	Medium	The viewpoint provides opportunities for medium viewing periods associated with passive recreation and tourist uses of the location (Royal Botanic Gardens and associated parkland)	Medium
Viewing distance	Long	At approximately 2.8 kilometres 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 16: Viewpoint 4: Mrs's Macquarie's Chair, existing view



Figure 17: Viewpoint 4: Mrs's Macquarie's Chair, proposed view



Figure 18: Viewpoint 4: Mrs's Macquarie's Chair, proposed view, close up

5.6. Viewpoint 5: Sydney Opera House

Table 7: Viewpoint 5: Sydney Opera House

Viewpoint 5: Sydney Opera House			
Element	Category	Comment	Level of effect
Category of view	Public domain, iconic location	N/A	N/A
View composition type	Restricted	The proposal would be largely screened from the viewpoint by the envelopes of 100 Mount Street and 1 Denison Street, with only the western part of the southern elevation and the highest floors being visible. Due to this and the viewing distance (see below), the apparent bulk of the proposal when viewed from the average human eye at this viewpoint would be greatly reduced, with verticality being more dominant than horizontality	Low
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 5 – 10 metres AHD, compared to the site which is approximately 80 metres AHD	Low
Viewing period	Medium	The viewpoint provides opportunities for medium viewing periods associated with passive recreation, entertainment and tourist uses of the Sydney Opera House Northern Boardwalk	Medium
Viewing distance	Long	At approximately 2.2 kilometres 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 19: Viewpoint 5: Sydney Opera House, existing view



Figure 20: Viewpoint 5: Sydney Opera House, proposed view

5.7. Viewpoint 6: Barangaroo Reserve, Millers Point

Table 8: Viewpoint 6: Barangaroo Reserve, Millers Point

Viewpoint 6: Barangaroo Reserve, Millers Point			
Element	Category	Comment	Level of effect
Category of view	Public domain, iconic location	N/A	N/A
View composition type	Restricted	Much of the eastern part of the southern elevation of the proposal would be screened from the viewpoint by 101 Miller Street (the Greenwood Plaza tower). In addition, the lower part of western elevation is screened by other buildings in the North Sydney CBD. Due to this and the viewing distance (see below), the apparent bulk of the proposal when viewed from the average human eye at this viewpoint would be greatly reduced, with verticality being more dominant than horizontality	Low
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 10 – 15 metres AHD, compared to the site which is approximately 80 metres AHD	Low
Viewing period	Medium	The viewpoint provides opportunities for medium viewing periods associated with passive recreation, entertainment and tourist uses of the parklands	Medium
Viewing distance	Long	At approximately 2.3 kilometres 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 21: Viewpoint 6: Barangaroo Headland Park, Millers Point, existing view



Figure 22: Viewpoint 6: Barangaroo Headland Park, Millers Point, proposed view

5.8. Viewpoint 7: Gladesville Bridge

Table 9: Viewpoint 7: Gladesville Bridge

Viewpoint 7: Gladesville Bridge			
Element	Category	Comment	Level of effect
Category of view	Public domain, road reserve	N/A	N/A
View composition type	Restricted	A large part of the lower quarter of the proposal's western elevation would be screened from the viewpoint by 177 Miller Street and other buildings. This would have the effect of reducing the appearance of the bulk of this elevation	Low
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 35 – 40 metres AHD, compared to the site which is approximately 80 metres AHD	Low
Viewing period	Short opportunities for regular with for	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	Low
Viewing distance	Long	At approximately 4.8 kilometres 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 23: Viewpoint 7: Gladesville Bridge



Figure 24: Viewpoint 7: Gladesville Bridge

5.9. Viewpoint 8: Corner of West Street and Pacific Highway, North Sydney

Table 10: Viewpoint 8: Corner of West Street and Pacific Highway, North Sydney

Viewpoint 8: Corner of West Street and Pacific Highway, North Sydney			
Element	Category	Comment	Level of effect
Category of view	Public domain, road reserve	N/A	N/A
View composition type	Partly restricted feature	The lower and far eastern parts of the building would be screened from the viewpoint by existing buildings in the foreground. While not changing the view composition type between the standard categories, the proposal would have the effect of visually extending the North Sydney CBD northwards	Medium
Relative viewing level	Above the site	The elevation of the viewpoint is approximately 90 – 95 metres AHD, compared to the site which is approximately 80 metres AHD	Medium
Viewing period	Short opportunities with regular for	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 Pacific Highway primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events	Medium
Viewing distance	Medium range	At approximately 400 metres 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	Low
Overall			Medium



Figure 25: Viewpoint 8: Corner of West Street and Pacific Highway, North Sydney, existing view



Figure 26: Viewpoint 8: Corner of West Street and Pacific Highway, North Sydney, proposed view

5.10. Viewpoint 9: Corner of Walker and Ridge Street (oval), North Sydney

Table 11: Viewpoint 9: Corner of Walker and Ridge Street (oval), North Sydney

Viewpoint 9: Corner of Walker and Ridge Street (oval), North Sydney			
Element	Category	Comment	Level of effect
Category of view	Public domain, road reserve	N/A	N/A
View composition type	N/A	The proposal would be fully screened from this viewpoint by existing buildings	Low
Relative viewing level	Above the site	The elevation of the viewpoint is approximately 90 metres AHD, compared to the site which is approximately 80 metres AHD	Low
Viewing period	Short with opportunities for regular	Low	Low
Viewing distance	Medium	At approximately 280 metres from the site, the viewpoint is located within 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 27: Viewpoint 9: Corner of Walker and Ridge Street (oval), North Sydney, existing view



Figure 28: Viewpoint 9: Corner of Walker and Ridge Street (oval), North Sydney, proposed view

5.11. Viewpoint 10: Corner of Blues Point Road and Union Street, Blues Point

Table 12: Viewpoint 10: Corner of Blues Point Road and Union Street, Blues Point

Viewpoint 10: Corner of Blues Point Road and Union Street, Blues Point			
Element	Category	Comment	Level of effect
Category of view	Public domain, road reserve	N/A	N/A
View composition type	Restricted	Only the top half of the southern and western elevations would be visible from this viewpoint, with existing buildings screening the balance	Low
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 45 – 50 metres AHD, compared to the site which is approximately 80 metres AHD	Low
Viewing period	Short opportunities for regular with for	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 Blues Point Road primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events	Medium
Viewing distance	Medium	At approximately 600 metres from the site, the viewpoint is located within 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	Low
Overall			Low-Medium



Figure 29: Viewpoint 10: Corner of Blues Point Road and Union Street, Blues Point, existing view



Figure 30: Viewpoint 10: Corner of Blues Point Road and Union Street, Blues Point, proposed view

5.12. Viewpoint 11: Corner of Alfred Street/Lavender Street, Lavender Bay

Table 13: Viewpoint 11: Corner of Alfred Street/Lavender Street, Lavender Bay

Viewpoint 11: Corner of Alfred Street/Lavender Street, Lavender Bay			
Element	Category	Comment	Level of effect
Category of view	Public domain, road reserve	N/A	N/A
View composition type	Restricted	Only the upper most floors of the southern and eastern elevations would be visible from the viewpoint, with the balance being screened by the apartment building at the north-west corner of this intersection	Low
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 45 – 50 metres AHD, compared to the site which is approximately 80 metres AHD	Low
Viewing period	Short opportunities for regular with for	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 Alfred and Lavender Streets primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events	Medium
Viewing distance	Medium	At approximately 770 metres from the site, the viewpoint is located within 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	Low
Overall			Low



Figure 31: Viewpoint 11: Corner of Alfred Street/Lavender Street, Lavender Bay, existing view



Figure 32: Viewpoint 11: Corner of Alfred/Lavender Street, Lavender Bay, proposed view

5.13. Viewpoint 12: Corner Miller and McLaren Streets, North Sydney

Table 14: Viewpoint 12: Corner Miller and McLaren Streets, North Sydney

Viewpoint 12: Corner Miller and McLaren Streets, North Sydney			
Element	Category	Comment	Level of effect
Category of view	Public domain, road reserve	N/A	N/A
View composition type	Focal	The dominance of lateral features close to the viewpoint (Miller Street, buildings and vegetation) would focus and direct the eye towards the site. Being of a greater height than other visible buildings (noting its consistency with the North Sydney Planning Proposal), the proposal would become a new focal point from the viewpoint	Medium
Relative viewing level	Above the site	The elevation of the viewpoint is approximately 90 – 95 metres AHD, compared to the site which is approximately 80 metres AHD	Low
Viewing period	Short opportunities for regular with for	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 Miller Street primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events	Medium
Viewing distance	Medium	At approximately 370 metres from the site, the viewpoint is located within 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 33: Viewpoint 12 Corner Miller and McLaren Streets, North Sydney, existing view



Figure 34: Viewpoint 12: Corner Miller and McLaren Streets, North Sydney, proposed view

5.14. Viewpoint 13: Corner Pacific Highway and Miller Street, North Sydney

Table 15: Viewpoint 13: Corner Pacific Highway and Miller Street, North Sydney

Viewpoint 13: Corner Pacific Highway and Miller Street, North Sydney			
Element	Category	Comment	Level of effect
Category of view	Public domain, road reserve	N/A	N/A
View composition type	Focal	The dominance of lateral features close to the viewpoint (Miller Street, buildings and vegetation) would focus and direct the eye towards the site. The location of the proposal within the centre of the view and as a distinct element would further strengthen this typology	Medium
Relative viewing level	Level	The elevation of the viewpoint is approximately level with the site (80 metres AHD)	Low
Viewing period	Short opportunities with regular for	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 will be extended on occasions. Due to the nature of Miller Street and the Pacific Highway primarily for commuting and general access purposes (as opposed to tourist routes), there is opportunity for repeated viewing period events	Medium
Viewing distance	Medium	At approximately 115 metres from the site, the viewpoint is located within 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	Low
Overall			Low-Medium



Figure 35: Viewpoint 13: Corner Pacific Highway and Miller Street, North Sydney, existing view



Figure 36: Viewpoint 13: Corner Pacific Highway and Miller Street, North Sydney, proposed view

5.15. Viewpoint 14: Corner Alfred Street and Mount Street, North Sydney

Table 16: Viewpoint 14: Corner Alfred St and Mount St, North Sydney

Viewpoint 14: Corner Alfred Street and Mount Street, North Sydney			
Element	Category	Comment	Level of effect
Category of view	Public domain, road reserve	N/A	N/A
View composition type	N/A	The proposal would be fully screened from this viewpoint by other buildings, in particular 1 Denison Street	N/A
Relative viewing level	Below the site	The elevation of the viewpoint is approximately 75 metres AHD, compared to the site which is approximately 80 metres AHD	Low
Viewing period	Short opportunities regular with for	Low	Low
Viewing distance	Medium	At approximately 250 metres from the site, the viewpoint is located within the medium range	Low
View loss or blocking	N/A	The proposal would fully screened from this viewpoint by other buildings, in particular 1 Denison Street	N/A
Overall			Low



Figure 37: Viewpoint 14: Corner Alfred Street and Mount Street, North Sydney, existing view



Figure 38: Viewpoint 14: Corner Alfred Street and Mount Street, North Sydney, proposed view

5.16. Summary: Level of Visual Effect

Table 17: 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 and a dense, high-rise built form typology, create an overall high quality visual character, and one that has a major 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 a largely cohesive, distinct and memorable composition comprised of natural and built elements such as water, parkland, vegetation. This includes iconic Sydney landscape features such as the Harbour and Harbour Bridge. The North Sydney CBD 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Largely due to distance and responsiveness to visual character, the proposal would have a low effect on existing view place sensitivity</p>
Viewer sensitivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p>A number of residential areas in the suburbs of North Sydney, Lavender Bay and Neutral Bay have medium range views to the site. However, views from these areas are largely partially obstructed by existing landscape and / or built form elements. As such, their view place sensitivity is reduced. South and west facing apartments in the Beau Monde Apartment building are the only permanent residential premises within close range (<100 metres) from the site. Due to this proximity, these apartments have a high level of sensitivity. The proposal would have a high effect on some of these apartments- this matter is considered in further detail in section 8.0 of this report. It is important to note that these apartments have a higher level of sensitivity to 1 Dension Street.</p>
View composition type	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>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</p>

Factors	Low	Medium	High	Comment
				would rearrange the composition of some focal views by inserting itself as a prominent focal point. From view 8, the proposal would have the effect of extending the current apparent boundary of the North Sydney CBD marginally northwards
Variable factors				
Relative viewing level	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Due to topography, there is only one viewing location within close range that is lower than the site. Views to the proposal from this viewpoint would be blocked by existing and approved buildings under construction. Due to this, the proposal would have a low effect on relative viewing level considerations
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, viewpoints on the southern foreshore of Sydney Harbour provide opportunities for medium viewing periods associated with passive recreation or tourist uses
Viewing distance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal would have a high effect on some medium range views, in particular from viewpoint 13, where it would appear prominent in the landscape
View loss or blocking	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Significant views, such as panoramic views to attractive landscape features, would not be blocked from the public domain. However, view loss and blocking would occur from some apartments in the Beau Monde Apartment building

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)
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 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.

The PAC for the proposal ranges from low to high.

For long range viewpoints, the PAC is high. This is largely due to existing or under construction buildings that screen the proposal. In particular, the newer built form of 100 Mount Street, 1 Denison Street (to which it has a close relationship) and 177 Pacific Highway assist in achieving this outcome.

For medium range viewpoints, the PAC ranges from low to high. The high rating applies to viewpoints 8, 12 and 13 due to the proposal's visual prominence that makes it's a readily distinguishable new feature of the existing visual environment. However, the dominant high-rise, office tower built form typology of the North 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 newer nearby developments which are under construction. 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.

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.

While visually prominent from some medium range viewpoints, the proposal is responsive to the character of the overall North Sydney CBD, as well as nearby visually prominent buildings, in terms of height, scale and form (the main exception being the MLC Building, which itself is an outlier). In particular, the indicative building features a tapering of the building's elevation as height is gained from south to north, an outcome that counterbalances the same principles expressed in the other direction at 1 Denison Street.

The ordered stepping out of the building envelope towards the Miller Street boundary in line with height enables a balance between optimising yield and floor plate sizes with maintaining the existing dominant and valued street setback along Miller Street.

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 North Sydney CBD context
- existing and under construction buildings, in particular newer buildings that will reshape the existing skyline profile of the CBD such as 100 Mount Street
- Compatibility with the CBD context and in particular the height, scale and form of the adjacent 1 Denison Street.

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, revised draft District Plan and the North Sydney DCP 2013. Six (6) criteria have been identified:

1. Criteria 1: Amenity – general
2. Criteria 3: Scenic and cultural landscapes
3. Criteria 4: Heritage
4. Criteria 5: Visual dominance
5. Criteria 6: Vistas and views from the public domain
6. Criteria 7: Building design.

7.1.1. Criteria 1: Amenity

Table 18: Amenity

Source	Criterion	Response
Amenity-general		
SEARs	Key Issues 6. Amenity <ul style="list-style-type: none"> • demonstrate how the proposal impacts, and any proposed measures to mitigate potential impacts, the amenity of surrounding properties, including residential development, with regard to solar access, privacy and view impacts 	Refer to part 8 of this VIA
SEARs	<ul style="list-style-type: none"> • View impact analysis from adjoining developments, including from Beau Monde Apartments in Berry Street 	
NSLEP 2013	<ul style="list-style-type: none"> • Height of buildings: to promote the retention and, if appropriate, sharing of existing views 	
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 	

Source	Criterion	Response
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 the 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 	

7.1.2. Criteria 2: Scenic and cultural landscapes

Table 19: Scenic and Cultural Landscape

Source	Criterion	Response
Scenic and cultural landscapes		
Draft 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 	The North Sydney CBD forms a key part of the visual catchment of Sydney Harbour foreshore when viewed from the southern 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 existing form of the North Sydney CBD and being largely screened from view by existing and under construction buildings. This is particularly relevant to the Sydney Opera House due to its World Heritage status
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 	

7.1.3. Criteria 3: Heritage

Table 20: Heritage

Source	Criterion	Response
Heritage		
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 Respond to Identity / Icons such as the MLC Building 	<p>There are two heritage items within the immediate vicinity of the site:</p> <ul style="list-style-type: none"> The Rag and Famish Hotel The MLC Building. <p>Clause 6.4 of the NS LEP 2013 requires development to maintain the established setback and landscaped setting on the eastern side of Miller Street between McLaren Street and Mount Street. The proposed building envelope achieves this outcome, and through its stepping out aligned at regular intervals and with height manages to accommodate sufficient floor space and size of floor plates that would contribute to consolidation of the North Sydney CBD as a key employment location.</p> <p>The proposal also includes other elements that have been designed to specifically respect the local heritage items of the MLC Building and Rag and Famish Hotel. In terms of the MLC Building, the proposal features:</p> <ul style="list-style-type: none"> low rise component adjoining the MLC Building that is subordinate to the height and scale of the building substantial main building separation from the MLC building height plane that recesses away from the MLC building. <p>In terms of the Rag and Famish Hotel, the building envelope massing is configured with a lower rise street wall with a recessed tower form to mitigate its impact to the north</p>

7.1.4. Criteria 4: Visual dominance

Table 21: Visual dominance

Source	Criterion	Response
Visual dominance		
NSLEP 2013	<ul style="list-style-type: none"> Building heights and massing in North Sydney CBD: to promote scale and massing that provides for pedestrian comfort in relation to protection from the weather, solar access, human scale and visual dominance 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 the intersection of Miller Street and the Pacific Highway.</p> <p>However, the height and massing of the proposal is not incompatible with that of nearby development, in particular Northpoint (currently undergoing major external refurbishment) and 1 Denison Street (currently under construction).</p> <p>The scale and massing of the building envelope has also been carefully configured to:</p> <ul style="list-style-type: none"> present as a lower rise street wall with recessed upper levels to the north to mitigate impact on the Rag and Famish Hotel combine the key public space and separate lower rise building to the south to mitigate impact on the MLC Building. <p>On this basis, it would not result in a building that is visually dominant building or inconsistent with the prevailing built form character of the North Sydney CBD.</p> <p>Located above the approved Victoria Cross Station, the site has the potential to be the key development site in the North Sydney CBD. The combination of the approved station and the OSD together respond to this opportunity by delivering a significant amount of floor space combined with community benefit in the form of a ground plane public plaza and associated public domain improvements. It also incorporates measures that are respectful of its context, including setbacks, separation distance and a tapered and stepped height. This would reduce the impact on existing views obtained from some apartments in the Beau Monde Apartment building and ensure compatibility with neighbouring heritage items including the MLC Building and the Rag and Famish Hotel (refer to discussion in Criteria 3: Heritage above)</p>

7.1.5. Criteria 5: Vistas and views from the public domain

Table 22: 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 	<p>The proposal does not block or impede key views identified in the NSDCP 2013. The combination of the approved station and the OSD together open up views from the public domain through measures such as:</p> <ul style="list-style-type: none"> creation of a large through site link connecting Miller Street and Denison Street that would allow greater appreciation of the MLC Building from the north large ground level setbacks to the western boundary that maintains the visual dominance of the Rag and Famish Hotel as the only building that breaks this pattern tapering building height. <p>As discussed above, the proposal has been sensitively designed to deliver on the opportunities presented by the site while respecting local heritage, and in particular retains key views to the neighbouring heritage items of the MLC Building and Rag and Famish Hotel</p>
NSDCP 2013	<ul style="list-style-type: none"> To protect and enhance opportunities for vistas and views from streets and other public places. 	
NSDCP 2013	<ul style="list-style-type: none"> To provide additional views and vistas from streets and other public spaces where opportunities arise. 	
NSDCP 2013	<ul style="list-style-type: none"> Where appropriate, the opening up of views should be sought to improve the legibility of the area 	
NSDCP 2013	<ul style="list-style-type: none"> Maintain and protect views identified in the relevant area character statement (refer to Part C of the DCP) from future development. 	
NSDCP 2013	<ul style="list-style-type: none"> Where a proposal is likely to adversely affect views from either private or public land, Council will give consideration to the Land and Environment Court's Planning Principle for view sharing established in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140 	
NSDCP 2013	<ul style="list-style-type: none"> There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas 	
NSDCP 2013	<ul style="list-style-type: none"> Provide public or semi-public access to top floors where possible (e.g. restaurants, roof top gardens and facilities). 	
Sydney Harbour SREP 2005	<ul style="list-style-type: none"> Development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items 	

7.1.6. Criteria 6: Building design

Table 23: 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 design of the indicative building mitigates the appearance of building bulk and scale, therefore reducing visual impact through:</p> <ul style="list-style-type: none"> substantial setbacks to the southern and western site boundaries a tower setback to the northern site boundary substantial separation from other buildings tapering aligned with height form projections on its western elevation to demarcate each of the 4 key parts of the building.

8.0 Beau Monde Apartment building

The North Sydney CBD is primarily intended to be a jobs and employment location. As such, permanent residential premises are constrained to the north of Berry Street and are no longer permissible in the B3 Commercial Core zone. However, the Beau Monde apartment building is existing and is located at 77 Berry Street, approximately 65 metres to the east of the site. Due to this relationship, south and west facing apartments of the Beau Monde apartment building have a high level of sensitivity to the proposal. The building has 241 apartments, of which 83 are located on the southern side with varying degrees of outlook and views to the south, south-east and south-west.



The site



Beau Monde Apartment building

Figure 39: Location of the Beau Monde Apartment building

The SEARs require that the SSD Application demonstrate how the proposal impacts, and any proposed measures to mitigate potential impacts to the amenity of surrounding properties, including residential development, with regard to view impacts.

The DCP provides further, more fine grain guidance on this issue:

- *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.*

This Planning Principle establishes a four-step assessment to assist in deciding whether or not view sharing is reasonable:

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

To undertake this assessment, Virtual Ideas prepared photomontages from selected apartments on levels 15, 20 27 and 37 of the Beau Monde Apartment building. These photomontages are shown in the figures below, together with the Appendices of this report that show comparison of the proposed OSD building envelope with that proposed under the *North Sydney Centre Planning Proposal*. Views were assessed from level 15 and above only, as prior detailed Department of Planning and Environment assessment of the view impacts on Beau Monde Apartment building from 1 Denison Street determined that:

“Significant views generally commence from level 15 with glimpses of Sydney Harbour and of the top of the arches of the Sydney Harbour Bridge and become more extensive higher in the building up to level 36 (penthouse level)”.

8.1. Step 1: Assessment of views to be affected

This assessment has identified that all existing views share the following characteristics:

- the existing view ranges from the south-east to south west
- the central part of the view is dominated by buildings in the North Sydney CBD.

1 Denison Street will have a significant impact on reducing the current extent and nature of all existing views currently enjoyed from the selected apartments. For all views, the proposal:

- has the effect of bringing built form closer to the viewpoint, increasing the perception of visual enclosure

- reduces view impacts and opens up view lines to the south west compared to an alternative non-tapered form
- generally aligns with the form of other North Sydney CBD buildings.

This assessment has identified that the proposed building envelope would have the following impacts in relation to views from specific levels. Note in the following imagery the white shading refers to the approved envelope of 1 Denison Street.

Level 15



Figure 40: Level 15 – Proposed OSD Building Envelope
Source: *Virtual Ideas*

The proposal would reduce the extent of open sky visible to the south-west and would obscure a glimpse of land / sky interface to the south-west. The view does not contain expansive natural features or any built form icons.

Level 20



Figure 41: Level 20 – Proposed OSD Building Envelope
Source: *Virtual Ideas*

The proposal would reduce the extent of open sky visible to the south-west and would obscure a glimpse of land / sky interface to the south-west. Due to the recessive height plane, the proposal would maintain the glimpse of Sydney Harbour to the south-west.

Level 27



Figure 42: Level 27 – Proposed OSD Building Envelope
Source: *Virtual Ideas*

The proposal would reduce the extent of open sky visible to the south-west and would obscure a glimpse of land / sky interface to the south-west. Due to the recessive height plane, the proposal would maintain a partial view of Sydney Harbour to the south-west.

Level 37



Figure 43: Level 37 – Proposed OSD Building Envelope
Source: *Virtual Ideas*

The proposal would significantly reduce the extent of the open sky and land / sky interfaces currently visible to the south-west. It would also obscure the visual interest provided to this view by the Northpoint and Coca Cola Plaza that punctuate the land / sky interface. Due to the recessive height plane, the proposal would maintain a partial view of Sydney Harbour to the south-west.

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

Due to its site configuration and location of its southern leading edge relative to Beau Monde apartment building, the proposal mainly impedes side views to the south west and west. While views are impeded from all levels to the south and south-west, the significance of impediment is more apparent from terraces at upper levels as they also have views that look directly west and north-west. Due to the solid nature of balcony edges, views are best obtained from a standing position at the edge of the balcony.

8.3. Step 3: Assess the extent of impact

Due to the configuration of most apartments, view loss is primarily experienced from living rooms. The extent of view loss to levels 15, 20 and 27 is moderate. The extent of view loss from level 37 is more significant. However, this is counterbalanced by the multiple directions in which views can be obtained from the terraces on this level, and the view loss is not of an iconic element.

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

The North 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 strategic planning documents, including the Draft Region Plan, the NS LEP and Draft North Sydney LEP and associated *North Sydney Centre Capacity and Land Use Study*. On this basis, few permanent residential buildings have been developed, and they are now prohibited in the CBD core.

The NSLEP 2013 does not specifically seek to protect views from the private domain. View impact on the private domain is considered in the NSDCP 2013 through reference to the principles established by the Tenacity Land and Environment Court case.

This provision of planning certainty would give reasonable cause for an expectation of continued optimisation of land in the CBD for employment uses of a significant nature.

The North Sydney Council has sought to recognise and strengthen the importance of the CBD through the recent *North Sydney Centre Planning Proposal*. This planning proposal will seek to establish revised built form controls for the CBD. As can be seen from reference to the appendices of this report, the proposal represents a smaller building envelope than that which would be allowed under the planning proposal for the same site. On this basis, the proposal is compliant with the controls put forward for the CBD by the relevant planning authority.

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

- optimising the economic importance of the CBD for the lower North Shore
- realising the opportunity presented by the rail station to create a legible new heart for the CBD
- providing the scale and floor space dimensions that will attract high quality, knowledge-based business

- responding to its context, in particular the Miller Street landscaped setback and the heritage listed MLC Building and Rag and Famish Hotel
- create a memorable, dynamic built form by smoothly recessing the southern elevation in line with height (an outcome that also reduces the extent of view loss from Beau Monde Apartment building compared to an alternative form that rises perpendicular to the ground) and stepping out the western elevation in line with height.

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

9.0 Commercial buildings

In the case of North Sydney, views from the higher levels of commercial buildings can be obtained southwards between or over other buildings to Sydney Harbour and the Sydney CBD skyline. In some instances views can also be obtained to the Sydney Harbour Bridge and the Sydney Opera House. The most expansive of these views can be obtained from buildings located at the southern edge of the CBD, as apart from the linear row of tall buildings along Alfred Street at Milsons Point, there are no major natural or built obstructing features between view points and the object of the view. The expansiveness of views from most levels generally reduces further northwards. In the vicinity of the site, views from buildings such as 55 Berry Street and 201 Miller Street would likely be impacted by the proposal. However, planning does not enshrine the protection of views from commercial buildings. In addition, the North Sydney CBD is identified by all relevant planning documents for significant future growth, and it would be unreasonable not to expect this growth to impact existing views. On this basis, the proposal does not result in unacceptable view loss to existing commercial buildings.

10.0 Conclusion

The site's visual catchment includes areas such as Sydney Harbour that are critical to the visual character and identity of Sydney. Largely due to factors such as distance from viewing locations, the presence of intervening elements such as building and trees in the landscape and, 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 North 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 North Sydney 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 the Beau Monde Apartment building, this is reasonable considering 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 North 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.

Appendices

Appendix 1

Visual Impact Assessment- Key Vantage Points and Streetscape locations, Virtual Ideas

REFER TO APPENDIX Y to EIS

Appendix 2

View analysis from Beau Monde Apartments, Virtual Ideas

REFER TO APPENDIX Z to EIS

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