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1.0 Introduction

This report is a Visual Impact Assessment (VIA) of the impact on private views arising from a planning proposal to amend the Lane Cove LEP to enable renewal of land located at 46-52 Nicholson Street and 57-67 Christie Street, St Leonards (the site) for a multi-storey commercial building. It has been prepared by Ethos Urban on behalf of Jemalong as the owner of the site. The VIA is based on an assessment of the indicative concept reference scheme prepared by Woods Bagot (refer to **Appendix A**) that illustrates the preferred way in which the site may be developed in accordance with the controls sought by the planning proposal. The actual building would be further refined within the confines of the planning controls for the site and as part of the subsequent detailed Development Application process.

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

- Parts 1 to 4: provide an introduction, background and overview of the site, its context and the proposal
- Part 5: provides an overview of the planning framework
- Part 6: provide an assessment of acceptability of visual impact
- Part 7: provides a conclusion.

2.0 Method

The overall method adopted by this VIA is as follows:

- Review the site, its context and the proposal
- Identify relevant views in the private domain for assessment
- Prepare visualisations what is proposed by the indicative concept reference that is consistent with this planning proposal
- Assess the visual impact of the proposal against the planning principles established by the Land and Environment Court in *Tenacity Consulting v Waringah* [2004] NSWLEC 140
- Draw conclusions and document this work

3.0 The Site and Context

3.1 Site location and context

St Leonards is an evolving commercial fringe market on the Lower North Shore of Sydney, located approximately 1.5km north west of North Sydney CBD, and 4km north of the Sydney CBD. St Leonard's and Crows Nest are undergoing significant change, including the development of Crow's Nest Metro Station, which will improve connections to Sydney CBD and surrounding employment centres such as Macquarie Park, Chatswood and North Sydney.

State and local policy drivers for St Leonards seek to establish St Leonards as an employment region, with a focus on knowledge intensive industries and health care and education.

The site is located at 46-52 Nicholson Street and 57-67 Christie Street, St Leonards. The site is in the Lane Cove Local Government Area and is irregular in shape, with an area of 2,300m². Typical commercial floorspace requirements for A-grade tenant floorspace require large open floorplates. The site has an irregular shape, and is triangular in its proportions, which is a design constraint for potential re-development.

It is located in the centre of St Leonards South CBD and is approximately 300m walking distance from the St Leonards Railway Station and Crows Nest Metro. An aerial photograph of the site is provided at **Figure 1**.



Figure 1 Site Context

Source: Nearmap and Ethos Urban

The site is situated within an evolving mixed-use precinct that includes a strong commercial and employment focus. St Leonards and Crows Nest is currently experiencing ongoing gentrification and redevelopment in the area and includes several high-rise developments, including to the north of the site. These projects include a mix of both high-density residential apartments and mixed-use towers offering commercial and retail floorspace.

The site is zoned B3 Commercial Core. The objectives of the zone include:

- 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 integrate business, retail and other development in accessible locations.
- To maximise sunlight for surrounding properties and the public domain.
- To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.

4.0 The Proposal

A Planning Proposal is to be submitted to Lane Cove Council to request amendments to the *Lane Cove Local Environmental Plan 2009* (the LEP) that will amend the height and floor space provisions for the site, as follows:

- Increase the maximum building height from 25m to 175.2RL; and
- Increase the maximum floor space ratio from 4.5:1 to 15:1.

Woods Bagot has prepared an indicative development concept that the amended planning controls of the LEP would facilitate. See Planning Proposal for full description.

4.1.1 Design principles

Woods Bagot identify contextual and site-specific design principles established for the site. Each is elaborated in further in the Design Report prepared by Woods Bagot at **Appendix A**.

- Support the creation of a truly high-density and mixed-use centre;
- Protect solar access to Newlands Park;
- Consider the principles of view sharing between surrounding residential receivers;
- Create an A-grade commercial anchor in the heart of the precinct;
- Support urban connectivity and contribute to the public domain; and
- Consider view sharing between surrounding residential receivers.

4.1.2 Design Response

The design seeks to respond to the site context and opportunities, as follows:

- Increased height to deliver commercially viable yield of employment floorspace, consistent with the strategic planning framework for St Leonards;
- Respond to the 2036 Plan solar access to Newlands Park and shaping the upper floors in response;
- Articulate the building at the triangular part of the site to better fit a commercial floorplate within the irregular shaped site;
- Articulate the envelope to make a more slender tower form compared to the envelope under the 2036 Plan;
- Inclusion of solar protection elements including balconies and overhangs; and
- Activated public domain and creation of a new through-site link between Nicholson Street and Friedlander Place.

An artist's impression of the concept is provided at **Figure 2**.

Proposal Scheme | Perspectives



Figure 2 Photomontage of the indicative tower
Source: Woods Bagot

5.0 Planning Framework

This is a planning proposal. A Guide to Preparing Planning Proposals' (DPIE, 2018) is the primary document that guides consideration of planning proposals. The Guide requires that a planning proposal set out the justification for amending the relevant LEP, guided by a series of questions. In essence, a planning proposal must demonstrate strategic and site-specific merit.

5.1 Strategic plans

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

Regional and District

- A Metropolis of Three Cities - the Greater Sydney Region Plan;
- St Leonards Crows Nest Plan 2036; and
- The North District Plan.

Local

- Lane Cove Local Environmental Plan 2009; and
- Lane Cove Development Control Plan 2009.

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.

5.2 A Metropolis of Three Cities - the Greater Sydney Region Plan

Strategic intent

Under A Metropolis of Three Cities - the Greater Sydney Region Plan (the Region Plan), St Leonards is a key Strategic Centre. It also forms part of the Eastern Economic Corridor. Given these designations, the focus for the Centre under the plan is for economic and jobs growth. This is reflected in content such as Objective 22 Investment and business activity in centres, and Strategy 22.1- Provide access to jobs, goods and services in centres by attracting significant investment and business activity in strategic centres to provide jobs growth.

Visual considerations

Visual impact is reflected in both plans through objectives and strategies relating to scenic and cultural landscapes.

Objective 28 of the Region Plan is as follows:

- Scenic and cultural landscapes are protected.

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

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

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

5.3 St Leonards Crows Nest 2036

Strategic intent

The 2036 Plan presents a vision for the high-rise future of St Leonards and Crows Nest. Leveraging government investment in the new metro station at Crows Nest, the Plan envisages towers along the Pacific Highway between

St Leonards Station and Crows Nest Station, with heights tapering down to surrounding areas. Coupled with this density strategy is a placemaking and landscape vision, which seeks to retain the most important components of the existing character, while creating new and expanded open spaces to support population growth.

Visual considerations

The Plan reflects the priorities and objectives of the North District Plan (see below). Visual impact is reflected in both plans through objectives and strategies relating to scenic and cultural landscapes.

- Planning Priority N17: Protecting and enhancing scenic and cultural landscapes

Broad design aims include:

- Ensure new development retains and enhances important heritage elements by using sympathetic building materials and preserving key views and vistas.
- Reduce visual impact on heritage conservation areas

5.4 The North District Plan

Strategic intent

The North District Plan (the District Plan) is consistent with the Region Plan in its prioritisation of employment and economic and job growth in St Leonards (see Action 34), and repeats the objectives and strategies of the Region Plan for scenic and cultural landscapes.

Visual considerations

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

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

More detailed work has not been undertaken into the visual qualities of the St Leonards skyline. However, it would be reasonable to argue that maintaining the high level of visibility of the skyline, and maintaining the essential visual characteristics of the CBD is critical to protecting this scenic and cultural landscape.

5.5 Lane Cove Local Environmental Plan 2009

Strategic intent

The aims of the Lane Cove Local Environmental Plan 2009 are as follows:

- To establish, as the first land use priority, Lane Cove's sustainability in environmental, social and economic terms, based on ecologically sustainable development, inter-generational equity, the application of the precautionary principle and the relationship of each property in Lane Cove with its locality,
- To preserve and, where appropriate, improve the existing character, amenity and environmental quality of the land to which this Plan applies in accordance with the indicated expectations of the community,
- In relation to residential development, to provide a housing mix and density that—
 - accords with urban consolidation principles, and
 - is compatible with the existing environmental character of the locality, and
 - has a sympathetic and harmonious relationship with adjoining development,
- In relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enables the employment capacity targets of the Metropolitan Strategy to be met, provides employment diversity and is compatible with local amenity, including the protection of the existing village atmosphere of the Lane Cove Town Centre,
- In relation to the management of open space, public and privately-owned bushland, riparian and foreshore land—

- to protect and, where possible, restore all bushland areas, including all rare and threatened species and communities, and
- to protect and, where possible, restore all riparian land along, and the inter-tidal zones and foreshores of, the Lane Cove River and Sydney Harbour and their tributary creeks, and
- to make more foreshore land available for public access, and
- to link existing open space areas for public enjoyment,
- In relation to conservation—
 - to protect, maintain and effectively manage public and privately-owned watercourses and areas of riparian land, foreshores and bushland and, where possible, restore them to as close a state to natural as possible, and
 - to ensure that development does not adversely affect the water quality or ecological systems of riparian land or other areas of natural environment, and
 - to control all new buildings to ensure their compatibility with surrounding existing built form and natural environmental character, and
 - to conserve heritage items,
- In relation to community facilities, to provide for the range and types of accessible community facilities that meet the needs of the current and future residents and other users,
- In relation to the principle of integrating land use and transport, to relate development to sustainable traffic levels,
- In relation to accessibility, to increase the number of accessible properties and facilities in Lane Cove,
- In relation to housing, to increase the number of affordable dwellings in Lane Cove and to promote housing choice.

Under the LEP, 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 integrate business, retail and other development in accessible locations.
- To maximise sunlight for surrounding properties and the public domain.
- To encourage urban design maximising attractive public domain and adequate circulation space throughout the St Leonards commercial centre for current and future users.

Visual considerations under the LEP are:

- Protect and enhance amenity, including visual considerations; and
- Require contextually appropriate development.

5.6 Lane Cove Development Control Plan 2009

The Department's Guide to Preparing Planning Proposals does not require consideration of DCP's, it is nonetheless helpful to refer to the DCP when considering planning proposals. The site is within the area covered by the Lane Cove Development Control Plan (DCP) 2009. The general objectives of the DCP are to:

- Provide detailed planning provisions supplementing the Lane Cove LEP 2009.
- Support the locality's sustainability in environmental, social and economic terms.
- Conserve, protect and enhance the environmental and built heritage of Lane Cove.

- Contribute to effective management of biodiversity.
- To protect the quality of water catchments, encourage the use of water sensitive urban design and promote the adoption of whole of water cycle management principles.
- Minimise any impacts of transition to higher residential and employment density zones.
- Minimise any impacts of the redevelopment of uses not conforming to the zone they are in, by having regard to the scale and character of the surrounding neighbourhood.
- Balance individual and community interests to preserve and, where appropriate, improve the existing character and amenity of the municipality.
- Enhance the visual quality and functionality of the public and private domain interrelationship.
- Achieve an overall character for neighbourhoods that enhance their sense of identity and place.
- Provide a context for the economic vitality of centres.
- To promote use of public transport, walking and cycling as the main forms of access particularly within commercial centres.
- Regulate the visual impact of all development within foreshore areas.
- Further the goal of equal access for all residents and visitors.
- Enhance opportunities for cultural experiences throughout the natural and built environment by promoting public art.

5.6.1 Part B4 – View Sharing

The objectives for view sharing are:

- To ensure that public view corridors between buildings or along streets are retained and enhanced from streets or public spaces.
- To minimise the impact of new development on existing public and private views and vistas.
- To preserve or fairly share water views for foreshore residents.

Provision (f) states: Views will also be tested against the extent of view available. Where appropriate the views will also be tested against the view sharing principles stated by the Land and Environment Court.

6.0 Private View Assessment

An assessment of private views has been undertaken for the following buildings that are primarily affected by the proposal:

- 504 Pacific Highway (The Landmark);
- 486 Pacific Highway (Mirvac); and
- 599 Pacific Highway.

These buildings were selected due their position in respect of the site. 486 Pacific Highway is located approximately 25 metres west, while 504 Pacific Highway is located approximately 55 metres to the north. Council requested the inclusion of 599 Pacific Highway due to historic visual considerations known to Council. Each tower has views in all directions including to the north, south, east and west. Each tower faces each other and also have view impacts as new tall buildings in the St Leonards core. It is noted that these are mixed use buildings approved within a commercial core zone with commercial uses occupying the lower floors with residential apartments occupying the towers.



Figure 3 Location of 504, 486 and 472 Pacific Highway

Source: Woods Bagot

It is common in undertaking an assessment of view impacts to address the planning principle enunciated by the *NSW Land and Environment Court in Tenacity Consulting v Warringah Council [2004]* NSWLEC 140 (Tenacity). In Tenacity, Senior Commissioner Roseth sets out four steps for consideration. The four steps outlined by Roseth SC provide a useful framework for identifying and assessing (subject to qualifications) the impacts of a development on views. The four steps are as follows:

1. What are the views that would be affected?

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

2. Where are views obtained from?

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

3. What is the extent of the impact?

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

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

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

To undertake this assessment, Woods Bagot prepared photomontages from various floors in these buildings. These photomontages are shown in the figures below. **Sections 6.1 to 6.3** addresses Tenacity's Steps 1-3 to ascertain the nature and extent of view impacts arising from the proposed development, whilst **Section 6.4** addresses the reasonableness of the proposed development and, as a result, the reasonableness of the view impacts identified at **Sections 6.1 to 6.3**.

6.1 Step 1: Assessment of views to be affected

504 Pacific Highway - Low Rise



Figure 4 Low rise view (proposed) 504 Pacific Highway

The focus of this view is the buildings of the St Leonards South CBD, views of Sydney Harbour and views of the Sydney CBD skyline which are highly valued. Views of the Sydney CBD skyline would reduce slightly due to the reduced setback; however views of northern Sydney CBD will remain. The view impact is considered minor.

504 Pacific Highway - Mid Rise

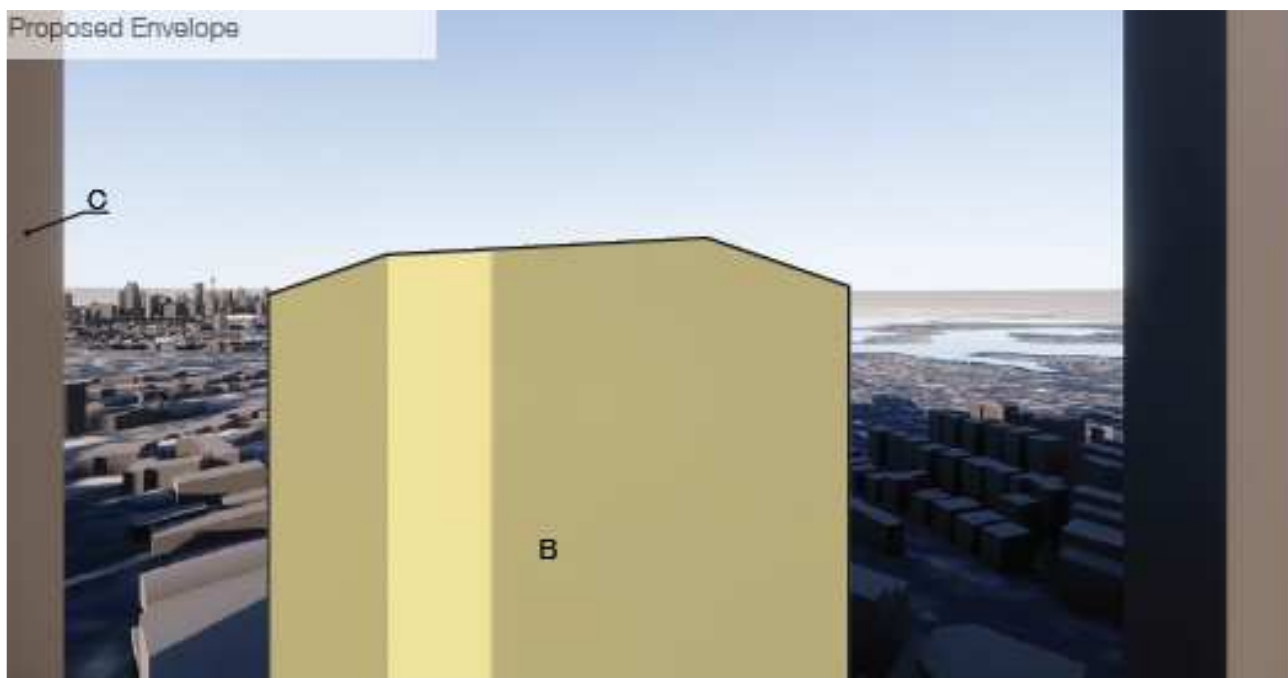


Figure 5 Mid-rise view (proposed) 504 Pacific Highway

The focus of this view is across the lower north shore to the Sydney CBD and the uninterrupted view of Sydney Harbour and Sydney CBD. The proposal will interrupt the view of Sydney Harbour and the western extent of the Sydney CBD, while partial views to each are retained including the northern Sydney CBD skyline and western Sydney Harbour views. The view impact is considered severe.

504 Pacific Highway - High Rise

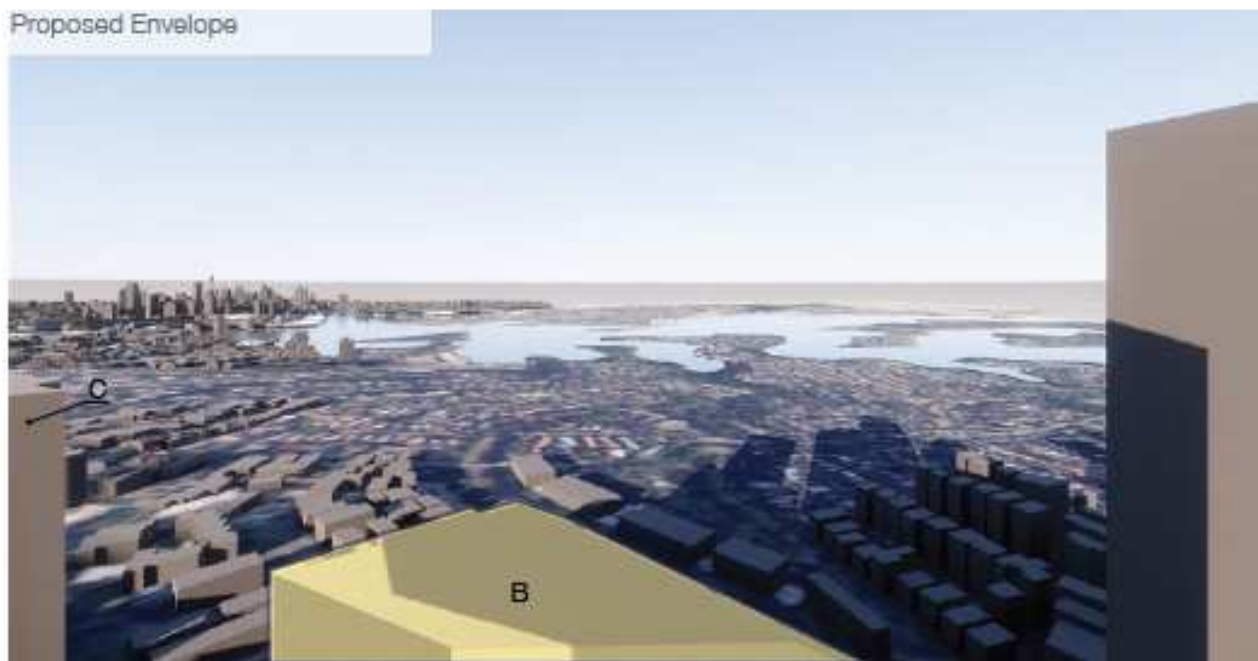


Figure 6 High-rise view (proposed) 504 Pacific Highway

The essence of this view is similar to that from the mid-levels, in that the focus of the view is across the lower north shore to the Sydney CBD skyline and Sydney Harbour. Due to the increased elevation the dominance of Sydney Harbour and the Sydney CBD skyline is increased. The impact on this view is to part of the lower north shore and the tower will increase the sense of enclosure of the view. Distant views to the Sydney CBD skyline and the whole of Sydney Harbour is maintained in full. The view impact is considered minor.

486 Pacific Highway - Low Rise



Figure 7 Low rise view (proposed) 486 Pacific Highway

The focus of this view are the buildings of the St Leonards South CBD, with views of the Sydney CBD skyline in the distance. The main impact of the proposal of this view to reduce the amount of sky visible to the right of the view, however this is not considered significant. Views are retained to the Sydney CBD skyline. The overall impact is considered negligible.

486 Pacific Highway - Mid Rise



Figure 8 Mid-rise view (proposed) 486 Pacific Highway

The focus of this view is across the lower north shore to the Sydney CBD and Sydney Harbour. The view of the Sydney Harbour Bridge is considered iconic. The view of the lower north shore is interrupted by the building

envelope adjacent to the site. Views of the lower north shore on the left are maintained which are considered high value. The view impact is considered moderate.

486 Pacific Highway - High Rise

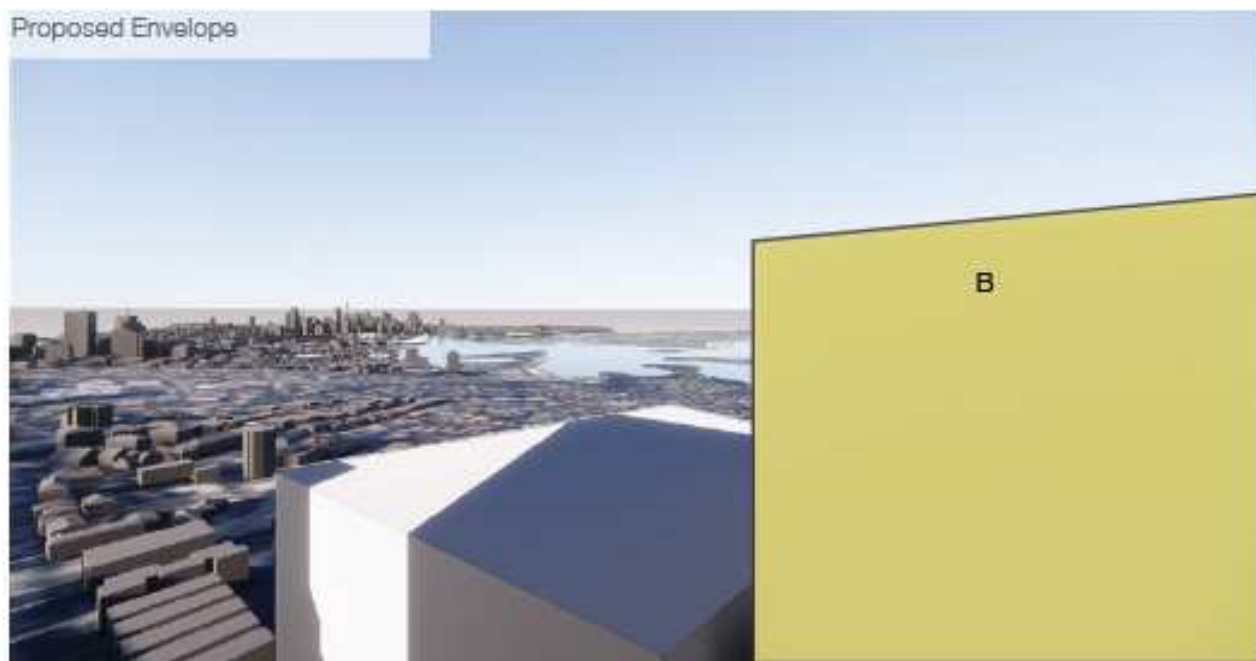


Figure 9 High-rise view (proposed) 486 Pacific Highway

The essence of this view is similar to that from the mid-levels, in that the focus of the view is across the lower north shore to the Sydney CBD skyline and Sydney Harbour. The view of Sydney Harbour Bridge is considered iconic. Due to the increased elevation, the dominance of Sydney Harbour, Sydney Harbour Bridge and the Sydney CBD skyline is increased. The impact on this view is to the right of the view and the proposal will impact views of western Sydney Harbour and the lower north shore on the far right of the view. Views of the Sydney CBD skyline and Sydney Harbour and the lower north shore on the left are maintained which are considered high value. The iconic view of Sydney Harbour Bridge is not affected. The view impact is considered moderate.

599 Pacific Highway



Figure 10 599 Pacific Highway (Low, mid and high level views)

The focus of this view are the buildings of the St Leonards South CBD, with narrow views between tall buildings of St Leonards. The main impact of the proposal of this view to reduce the amount of sky visible between the buildings, however this is not considered significant. Views are retained to the St Leonards skyline skyline. The overall impact is considered negligible.

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

Views to valuable features to the south and west are available from the elevations of both properties. A review of floor plans and photographs from selected units in both buildings has been obtained by search of online marking available for both buildings. This review determined that views can be obtained from a number of rooms. This includes living rooms and bedrooms and kitchens. As the windows are generally full height, views are likely available from both sitting and standing positions within units subject to balcony furniture configurations. Views from balconies would be unimpeded.

6.3 Step 3: Assess the extent of impact

A summary of impacts identified at **Section 6.1** is provided at **Table 1** below:

Table 1 Impact Summary

View	504 Pacific Highway	486 Pacific Highway	599 Pacific Highway
Low rise views	Minor	Negligible	Negligible
Mid rise views	Severe	Moderate	Negligible
High rise views	Minor	Moderate	Negligible

The impact of the proposal on the value of existing views from 486 Pacific Highway is moderate. The nature of the valuable view is the iconic view of Sydney Harbour, the Sydney CBD skyline and Harbour. The visibility of these are maintained and unaffected by the proposal. Rather, impacts will be constrained to the far-right hand side of views.

The impact of the proposal on views from mid-rise and high-rise apartments facing to the north in 504 Pacific Highway is more pronounced. While as with 486 Pacific Highway the key elements of valuable views are to Sydney CBD skyline and Sydney Harbour. The proposal will interrupt the centre line of the view, with views to the left and right of the view maintained, however, a sharing of views is maintained with views east and west of our building maintained.

The impact on the view line from 599 Pacific Highway is considered negligible. Views of the St Leonards skyline is maintained, which is the predominant focus of the view. The proposal will reduce the amount of sky available between the narrow separation of buildings by the development, however this is not considered significant.

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

The St Leonards South CBD B3 Commercial Core zoned land is identified as being important for increased employment and the locality is the focus of significant density, scale and height, particularly given the concentration of transport at St Leonards Station and Crowns Nest Metro. This is reflected in current state and council planning documents, including the Region Plan, the District Plan and the LEP. This gives cause to an expectation of continued optimisation of land in St Leonards for employment uses of a significant nature.

The proposal is for a commercial use in a built form that is consistent with the requirements of A-grade office tenants which will require large open floorplates and a yield of floorspace to make the building commercially viable in the St Leonards market. The building has been articulated to make the tower slender while ensuring a floor plate that is suitable for commercial tenants.

As discussed previously, the DCP discusses View Sharing and considers the sharing of all views is part of the character of the Lane Cove area and should be maintained where possible subject to how the view is obtained and whether the maintenance of such a view creates an unreasonable impost on adjoining land owners. Views have been tested against the extent of view available have been tested against the view sharing principles stated by the Land and Environment Court.

There are a number of qualifications and other considerations which should be taken into account in the circumstances:

- The site is located on the edge of the St Leonards Core and is surrounded by tall development along the Pacific Highway. Providing a higher level of protection for all views would be unreasonable given the concentration of

landmark buildings and vistas from existing buildings in the core of St Leonards would place an undue constraint on future development.

- The proposed tower seeks a yield that will facilitate a viable A-grade commercial building in a location and zone (B3 Commercial Core) that encourages employment and jobs. High profile tenants are typically attracted to quality office developments and have floorspace requirements that cannot be met by a shorter building on this site.
- The proposal's form is a skilful design that will mitigate potential impacts on private views
- While acknowledging the value of private views to residential amenity, in a dense urban context clearly intended for further substantial growth and change, the preservation of a reasonable 'outlook' for existing residential apartments is a more appropriate planning objective and the proposal provides this outcome.

Further, the adjacent buildings continue to have access to a range of district views to the north, east and west. (See **Figure 11**).

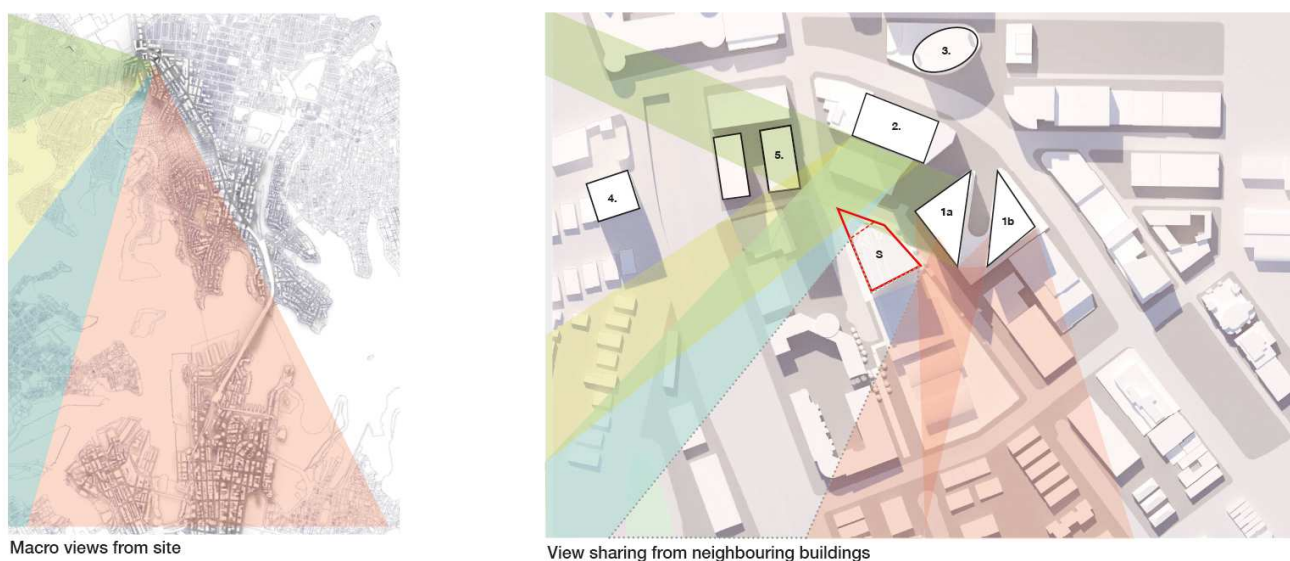


Figure 11 District views

Source: Woods Bagot

In addition to this, site is highly suitable for a development of this nature and the building has been designed to provide a balance between:

- optimising the economic importance of St Leonards
- realising the opportunity presented by Crown Nest Metro to create a new high quality commercial focal point for this part of the CBD and to encourage greater land use and public transport integration
- does not impede views to the most highly valued existing view, namely Sydney Harbour Bridge
- maintains and shares views to the Sydney CBD skyline and Sydney Harbour

The proposal will result in impacts that range from minor to severe depending on the particular view. Overall, it is considered that the proposed development is reasonable in its design, satisfying the fourth step prescribed under Tenacity.

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

7.0 Conclusion

Assessment found that the overall visual impact of the proposal is acceptable on a balance of considerations. In particular, the proposal is consistent with key planning instruments that seek to promote the St Leonards Strategic Centre as a key location for investment, jobs, and employment. While it is acknowledged that there is impact on units at 486 and 504 Pacific Highway, this is reasonable considering nature of the views, the design of the proposal and the long-established role and planning intent for view impacts and views are retained to a variety of contexts.