

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

25 February 2021

Mr Brendan Metcalfe
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and Environment
12 Darcy Street,
Parramatta NSW 2150

Dear Brendan,

ADDENDUM PLANNING PROPOSAL - 871-877 PACIFIC HIGHWAY, CHATSWOOD

This letter forms an addendum to the Planning Proposal (PP_2020_WILLO_003_00) relating to site at 871 Pacific Highway, Chatswood.

This addendum Planning Proposal has been prepared in response to the Gateway Determination conditions dated 2nd December 2020.

A response is provided below to each item under Condition 1 of the Gateway Determination, which states:

1. Prior to community consultation the proposal is to be updated to include:

a. An updated project timeline based on the issuing of this Gateway determination and the timeframe included.

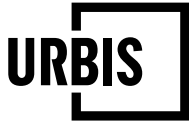
b. The objectives of the planning proposal are to be updated to include the proposals consistency with the Chatswood CBD Strategy, Local Strategic Planning Statement and Local Housing Strategy.

c. Removal of clauses 6.8 and 6.24 relating to affordable housing and design excellence as planning proposal PP_2019_WILLO_002_00 includes these clauses and has been submitted to the Department for gazettal.

d. Include an assessment of the proposal against the relevant priorities and actions of the endorsed Willoughby Local Strategic Planning Statement and the finalised Willoughby Local Housing Strategy.

e. Council should consider whether the planning proposal is likely to impact upon significant regional or district views for neighbouring properties and if a view sharing analysis should be prepared to support the proposal during exhibition.

Conditions 2 – 6 are noted and accepted.



a. An updated project timeline based on the issuing of this Gateway determination and the timeframe included.

The indicative timeframe for completion of the Planning Proposal has been updated as follows:

Table 1 Project timeline

Step	Timing
DPIE issue Gateway Determination	2 nd December 2020
Applicant response to matters in Gateway Determination	25 th February 2021
Public exhibition and agency consultation	March 2021
Post exhibition review of submissions	May 2021
Submission to DPIE for finalisation	July 2021
Legal drafting of LEP	November 2021
Gazettal of LEP	December 2021

b. The objectives of the planning proposal are to be updated to include the proposals consistency with the Chatswood CBD Strategy, Local Strategic Planning Statement and Local Housing Strategy.

The intended outcome of the Planning Proposal is to facilitate the redevelopment of the site to be consistent with the outcomes of the Chatswood CBD Planning and Urban Design Strategy 2036, Willoughby City Local Strategic Planning Statement and Willoughby Housing Strategy 2036.

The objectives of the Planning Proposal are therefore to:

- *“Provide increased housing supply outside of the Chatswood CBD Commercial Core, which responds to the needs of the local community,*
- *Enhance and activate the site by providing a mix of uses including, retail and commercial space on the ground and first floor;*
- *Provide affordable housing in accordance with the Willoughby Affordable Housing Policy;*
- *Capitalise on opportunities within the site to provide an economic and orderly use of the land for a mixed-use development;*
- *Avoid the potential for isolation of the adjoining site by giving consideration to the future development on both sites;*
- *Facilitate a high quality urban and architectural design that responds to adjoining land uses;*
- *Provide an opportunity to improve the presentation of the site to the public domain, and enhance the streetscape in doing so;*

- *Minimise adverse impacts on existing development;*
- *Ensure the future development and use of land is appropriate to minimise environmental risks and potential impacts on adjoining land uses; and*
- *Satisfy State government objectives in 'A Metropolis of Three Cities' as well as relevant Section 117 directions."*

Source: Amended Planning Proposal - 871-877 Pacific Highway, Chatswood – September 2020

c. Removal of clauses 6.8 and 6.24 relating to affordable housing and design excellence as planning proposal PP_2019_WILLO_002_00 includes these clauses and has been submitted to the Department for gazettal.

Noted.

d. Include an assessment of the proposal against the relevant priorities and actions of the endorsed Willoughby Local Strategic Planning Statement and the finalised Willoughby Local Housing Strategy.

An assessment of the proposal against the relevant priorities and actions of the endorsed Willoughby LSPS and the finalised Local Housing Strategy is provided in the **Table 2** and Table 3 below.

Table 2 Consistency with Willoughby LSPS

Planning Priority	Consistency
<p><i>Priority 1 – Increasing housing diversity to cater to families, the aging population, diverse household types and key workers</i></p>	<p>The proposal is consistent with the following actions set out in Planning Priority 1:</p> <ul style="list-style-type: none"> ▪ <i>1.2 Review planning controls in the Chatswood CBD and in local centres to facilitate the delivery of an increased number of medium and high-density dwellings, increasing dwelling diversity in the LGA.</i> ▪ <i>1.4 Assess any proposals for increased housing density against the Willoughby City Housing Strategy.</i> ▪ <i>1.5 Ensure that planning controls create dwellings of universal design that are suitable for the changing needs of the community, including smaller accessible dwellings for the aging population and family-friendly medium and high-density dwellings for new families moving to the area.</i> <p>The proposal will facilitate the delivery of approximately 86 residential units on the site, as well as 1,432sqm of commercial GFA at ground and first floor level. The proposal will therefore support Greater Sydney's growing population and will contribute to a more liveable neighbourhood.</p>

Planning Priority	Consistency
	<p>The proposed residential component can accommodate a range of housing types to provide for the needs of the community at different stages of life including key workers.</p> <p>The future development will provide a range of accommodation options to support a range of household structures, including 1, 2 and 3 bedroom apartments as well as providing 4% of the total residential floor space as affordable housing.</p> <p>The proposed provision of increased residential density on the site will contribute to the 6,000 – 6,700 dwellings required to meet population growth to 2036, identified in the Willoughby Housing Strategy 2036.</p> <p>The Planning Proposal is therefore consistent with the objectives and actions of Priority 1.</p>
<p><i>Priority 2 – Increasing the supply of affordable housing</i></p>	<p>The proposal is consistent with the following actions set out in Planning Priority 2:</p> <ul style="list-style-type: none"> ▪ <i>2.2 Seek opportunities to deliver increased public benefit through affordable housing when increases in density are sought in major proposals.</i> <p>The Planning Proposal is committed to providing 4% of the total residential floor space as affordable housing.</p>
<p><i>Priority 3 – Enhancing walking and cycling connections to Willoughby’s urban areas, local centres and landscape features</i></p>	<p>The proposal is consistent with the following actions set out in Planning Priority 3:</p> <ul style="list-style-type: none"> ▪ <i>3.2 Expand the bicycle network as planned in the Willoughby City Bike Plan.</i> <p>The site’s location approximately 500m from Chatswood transport interchange and CBD office core which includes heavy rail, metro and bus connections. The site’s location encourages active and public transport use over private car ownership. In addition, numerous bus services service the site along Pacific Highway.</p> <p>Walking and cycle connections to Chatswood CBD will be enhanced through public domain improvements associated with the Planning Proposal which will include the provision for Council’s future cycle/pedestrian shareway along the Pacific Highway frontage</p>

Planning Priority	Consistency
	<p>The site has direct access to Willoughby Council’s proposed Bicycle Network, both an on-road route and off-road route.</p> <p>The proposed on-road link extends south and east, connecting to existing routes direct to the CBD and transport interchange. The proposed off-road link is a north-south link also connecting the site to the transport interchange.</p> <p>In addition, it is understood Council is investigating a shared path along Pacific Highway between Chatswood and Roseville. The proponent is open to investigating the provision of the portion of shared path adjacent to the site, as part of the proposal’s public benefit offering.</p>
<p><i>Priority 6 – Planning for local centres which are vibrant places that meet the everyday needs of the population.</i></p>	<p>The proposal is consistent with the following actions set out in Planning Priority 6:</p> <ul style="list-style-type: none"> ▪ <i>6.1 Review planning controls in local centres to encourage site amalgamation and development which:</i> <ul style="list-style-type: none"> - <i>Encourages residential diversity,</i> - <i>Improves the public domain and urban design, and</i> - <i>Provides additional commercial floor space.</i> <p>The proposed mixed use development will contribute to the vibrancy of Chatswood local centre as an extension of the CBD through the provision of increased high-quality residential accommodation that will serve the housing needs of the growing population and provide accommodation options for those working in Chatswood Commercial Core as well as key workers who want to live in the locality.</p> <p>Non-residential uses at podium level will contribute to an enhanced streetscape and public domain, contributing to a sense of place and activity day and night. The non-residential uses will also provide for the needs of the future residents on the site as well as the wider locality.</p>
<p><i>Priority 9 – Developing Chatswood CBD as a key commercial centre and integral part of the Eastern Economic Corridor.</i></p>	<p>The proposal is consistent with the following actions set out in Planning Priority 9:</p> <ul style="list-style-type: none"> ▪ <i>9.1 Promote office growth and a diverse mix of uses beyond this by:</i> <ul style="list-style-type: none"> - <i>Protecting and growing the commercial core.</i>

Planning Priority	Consistency
	<ul style="list-style-type: none"> - <i>Allowing residential development in an expanded mixed-use zone beyond the commercial core.</i> - <i>Requiring 1:1 non-residential FSR in the mixed-use zone</i> <p>The proposal specifically addresses this priority by facilitating a development that directly aligns with the recommendations of the Chatswood CBD Strategy.</p> <p>The proposed land zoning amendment will contribute to protecting employment land within Chatswood CBD by allowing high density residential development to be developed within the CBD fringe where it will have excellent access to employment options, services and public transport, and for commercial development to be concentrated within the CBD Commercial Core.</p>

Table 3 Willoughby Housing Strategy 2036

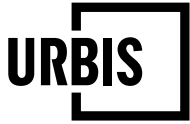
Item	Consistency
<i>Willoughby Housing Focus Areas</i>	<p>The site is located in the proposed B4 Mixed Use zone which surrounds the B3 Commercial Core of the Central Business District as identified in the Chatswood CBD Strategy. Therefore, the proposed increase in residential density on the site aligns with Focus Area 2 of the Housing Strategy which seeks to focus housing growth in this area to protect lower density zones and retain employment land in Chatswood CBD.</p>
<i>Housing Vision</i>	<p>The Planning Proposal aligns with the Housing Vision set out in the Housing Strategy as it will:</p> <ul style="list-style-type: none"> ▪ Facilitate the delivery of a diversity of housing to meet the needs of the residents of Willoughby LGA. ▪ Provide higher density living around the commercial heart of Chatswood. Housing will be suitable and accessible to a range of demographics including older residents who wish to be close to family and services, as well as younger families and smaller households who also value convenience. This will be achieved by providing a variety of apartment typologies including 1, 2 and 3-bedroom units. ▪ Promote the provision of affordable housing through a commitment to provide 4% of residential floor space as affordable housing.

Item	Consistency
<i>Population and Housing Demand</i>	<p>The Housing Strategy forecasts a population growth of 13,830 people in Willoughby LGA to 2036. The population forecasts anticipate that between 6,000 and 6,7000 dwellings will be required to meet population growth to 2036.</p> <p>The Planning Proposal will facilitate the delivery of approximately 86 residential units which will contribute to Willoughby’s housing targets and meet the needs of a growing population.</p>
<i>Housing for Particular Needs</i>	<p>The Housing Strategy identifies seniors, key workers and affordable housing as key groups for increased housing delivery in Willoughby LGA.</p> <p>The Planning Proposal can meet the needs of older people looking to downsize and live close to services, key workers working in surrounding schools, hospitals or Chatswood CBD through the provision of a range of dwelling types including 1, 2 and 3 bedroom apartments in a highly accessible location.</p> <p>The Planning Proposal is also committed to providing 4% of the residential floor space as affordable housing which aligns with the requirements of the Chatswood CBD strategy.</p>

e. Council should consider whether the planning proposal is likely to impact upon significant regional or district views for neighbouring properties and if a view sharing analysis should be prepared to support the proposal during exhibition.

Preliminary View Sharing Advice has been prepared by Urbis and is appended to this letter at **Appendix A**. The View Sharing Advice demonstrates that the LEP amendments sought by the Planning Proposal will not generate any significant adverse view sharing impacts for the following reasons:

- The majority of neighbouring dwellings from where the proposed development will be most visible are likely to have limited view access to landmarks, parts of Middle Harbour or what would be considered as a significant regional or district view.
- Potential view loss impacts on neighbouring dwellings caused by the proposal is unlikely to be significant.
- Based on the information available some potential view loss may occur in relation to south-easterly views from upper level dwellings at 856 the Pacific Highway and in northerly views from tower dwellings at 11 Railway Street. The View Sharing Advice determines that the extent of view loss in some views from 11 Railway Street and 856 the Pacific Highway, if assessed against the Tenacity planning principle is likely to be minor.



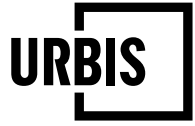
- The proposed built form is compatible with and satisfies the built form outcomes set out in the Chatswood CBD Strategy and in this regard, the extent of potential visual effects generated by the proposal are anticipated by those strategic controls.

Based on the assessment provided in the View Sharing Advice, no further analysis or assessment of private domain views is required. Further, the likely visual effects of the proposal on private views subsequent to the approval of the Planning Proposal are likely to be minor and acceptable.

Yours sincerely,

A handwritten signature in black ink that reads "S. Noone".

Sarah Noone
Senior Consultant
+61 2 8233 7694
snoone@urbis.com.au



APPENDIX A

PRELIMINARY VIEW SHARING ADVICE

The URBIS logo is located in the top right corner of the page. It consists of the word "URBIS" in a bold, white, sans-serif font, enclosed within a white rectangular border that is slightly offset to the right and top.

871-877 PACIFIC HIGHWAY

PRELIMINARY VIEW SHARING ADVICE

PREPARED FOR

GOLDFIELDS GROUP

25 FEB 2021

FINAL - REV B

URBIS STAFF RESPONSIBLE FOR THIS REPORT:

Associate Director	: Jane Maze-Riley
Senior Urban Designer	: Agnes Tiong
Project Code	: P0018510
Report Ref	: 01 RPT_871 Pacific Hwy View Sharing Advice
Version	: Rev B
Report Status	: FINAL
Date	: 25 February 2021

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

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EXECUTIVE SUMMARY

This report provides preliminary advice regarding likely view sharing outcomes in relation to a planning proposal at 871-877 Pacific Highway, Chatswood (the Site). The report includes an analysis of the likely private domain views access and assumptions about visual effects on private views that would be occasioned by the subsequent approval and construction of a tower development on the site.

The advice in this report responds to **Condition 1(e) in the Gateway Determination** regarding impacts on 'significant district views' and is based on observations made during fieldwork and an analysis of relevant information such as architectural plans and real estate photographs available on-line.

Urbis have inspected the location, orientation and primary view access from all adjacent residential development to the site. Views from internal locations at individual dwellings have not been inspected at this time.

External visibility of the subject site and access to significant regional and district views above and beyond it, is constrained due to the orientation, location, low-density and height of neighbouring residential development.

The majority of neighbouring dwellings are within two to three storey residential flat buildings and appear to have limited views access to landmarks, parts of Middle Harbour or what would be considered as a significant regional or district views.

The level of external visibility of the proposed built form does not equate to the potential level of view loss or view sharing outcome.

Notwithstanding some potential view loss may occur in relation to south-easterly views from upper level dwellings at 856 Pacific Highway and in northerly views from tower dwellings at 11 Railway Street.

In our opinion, the extent of view loss in views from 11 Railway Street and 856 Pacific Highway if assessed against the *Tenacity* planning principle is likely to be minor.

The built form proposed is compatible with and satisfies outcomes included in the *Chatswood CBD Strategy* and in this regard the extent of potential visual effect generated by the proposed tower are anticipated by those strategic controls.

It is not unreasonable to expect high-rise development of the kind proposed at this site, given its location within the Chatswood CBD and compatibility with the strategic objectives of the *Chatswood CBD Strategy*.

Therefore based on the information available no further analysis or assessment of private domain views is recommended. The likely visual effects of the built form proposed on private views subsequent to the approval of the Planning Proposal, are likely to be minor overall and acceptable.

In relation to the majority of neighbouring dwellings potential view loss caused by the built form proposed, is unlikely to be significant.

Taking all things into consideration, we do not anticipate the proposed development would cause any significant visual effects or view loss in the majority of views from the closest and potentially most affected private domain locations.

1.0 PURPOSE OF THE REPORT

Urbis was commissioned by Goldfields Group to provide independent preliminary advice regarding the potential view access, likely visual effects and likely view sharing outcomes of a proposed development on private domain views at 871-877 Pacific Highway, Chatswood (the Site).

The purpose of the report is to address item 1 (e) of the Gateway Determination issued by the Department of Planning Industry and Environment (DPIE):

The report focusses on the visual effects of the tower form that is proposed as part of the planning proposal and is based on a desktop review of aerial imagery, architectural plans, real estate photographs and fieldwork observations from streetscapes surrounding the site.

Urbis staff attended the site on Friday 15th January 2020 and made observations of the existing visual setting of the site, the immediate surrounding ('effective' visual catchment) and noted observations in relation to the spatial separation, orientation and likely private domain view access from neighbouring residential developments to the subject site.

The author of this report specialises in the assessment of visual impacts, view loss and view sharing, and the strategic planning for visual protection. We are familiar with the location of the subject site, its visual context and likely view compositions available from residential dwellings in this part of Chatswood.



Figure 1 Aerial Site Plan

2.0 BACKGROUND AND PLANNING CONTEXT

A Gateway Determination has been issued by DPIE (dated 2 December 2020) to rezone the land at 871-877 Pacific Highway, Chatswood (the Site) from B5 Business Development to B4 Mixed Use, including an increase to the height of buildings from 21m to 90m, and an increase to the maximum floor space ratio from 2.5:1 to 6:1.

Condition 1 (e) of the Gateway Determination issued by the Department of Planning Industry and Environment (DPIE) stipulates the following:

Council should consider whether the planning proposal is likely to impact upon significant regional or district views for neighbouring properties and if a view sharing analysis should be prepared to support the proposal during exhibition.

This report is prepared in response to the above condition.

2.1 CHATSWOOD PRECINCT STUDY

The Chatswood precinct study prepared by GM Urban Design & Architecture Pty Ltd (GMU) investigates how the building height and FSR included the *Chatswood CBD Planning and Urban Design Strategy to 2036* for mixed-use areas relate to the surrounding Heritage Conservation Areas and/or retained low density development.

The themes and conclusions in this study are not relevant to the assessment of visual effects on individual private domain views.

2.2 WILLOUGHBY DEVELOPMENT CONTROL PLAN

The Willoughby Development Control Plan (DCP) provides development advice for specific localities, none of which are relevant to the site. The DCP also provides development advice for specific types of development relevant to views, for example the following guidance for attached dwellings, multi dwelling housing and residential flat dwellings:

D.2.12.1 - Intent

1. The siting and form of development must have regard to the creation, retention and enhancement of significant views and vistas from public places, into, out of, and within the public domain and adjacent properties.
2. 'View Sharing' is encouraged whilst not restricting the reasonable development potential of a site.

D.2.12.2 - Performance Criteria

1. Where possible, dwelling units should be designed with living areas facing views. However, windows should be positioned to avoid overlooking of adjoining property to gain views.
2. Consideration must be given in the siting and selection of trees and ancillary structures within the development to avoid obstructing views.
3. Views, including vistas of heritage items, dominant landmarks, waterways or bushland should not be substantially affected by new development.

D.2.12.3 - Controls

1. The proposed development should be designed to maintain significant views where possible or achieve a degree of view sharing between properties. Where it is not possible for existing view levels to be maintained, any potential disruption to the primary view lines of adjoining developments should be minimised.
2. The Site and Context Analysis prior to preparation of a proposal must identify any significant views from the site and adjoining properties, including the public domain.

URBIS COMMENT

This report provides descriptions of likely view orientations from neighbouring residential development although without the benefit of accessing individual dwellings to inspect views our commentary provides preliminary advice only. Notwithstanding given the presentation to streetscapes, primary view orientations and presence of intervening built form we can make assumptions about the likely view access and compositions that may be available.

We comment that no specific views or view corridors are identified in the DCP that are relevant to this assessment and no specific 'significant regional or district views' are identified.

3.0 PROPOSED DEVELOPMENT

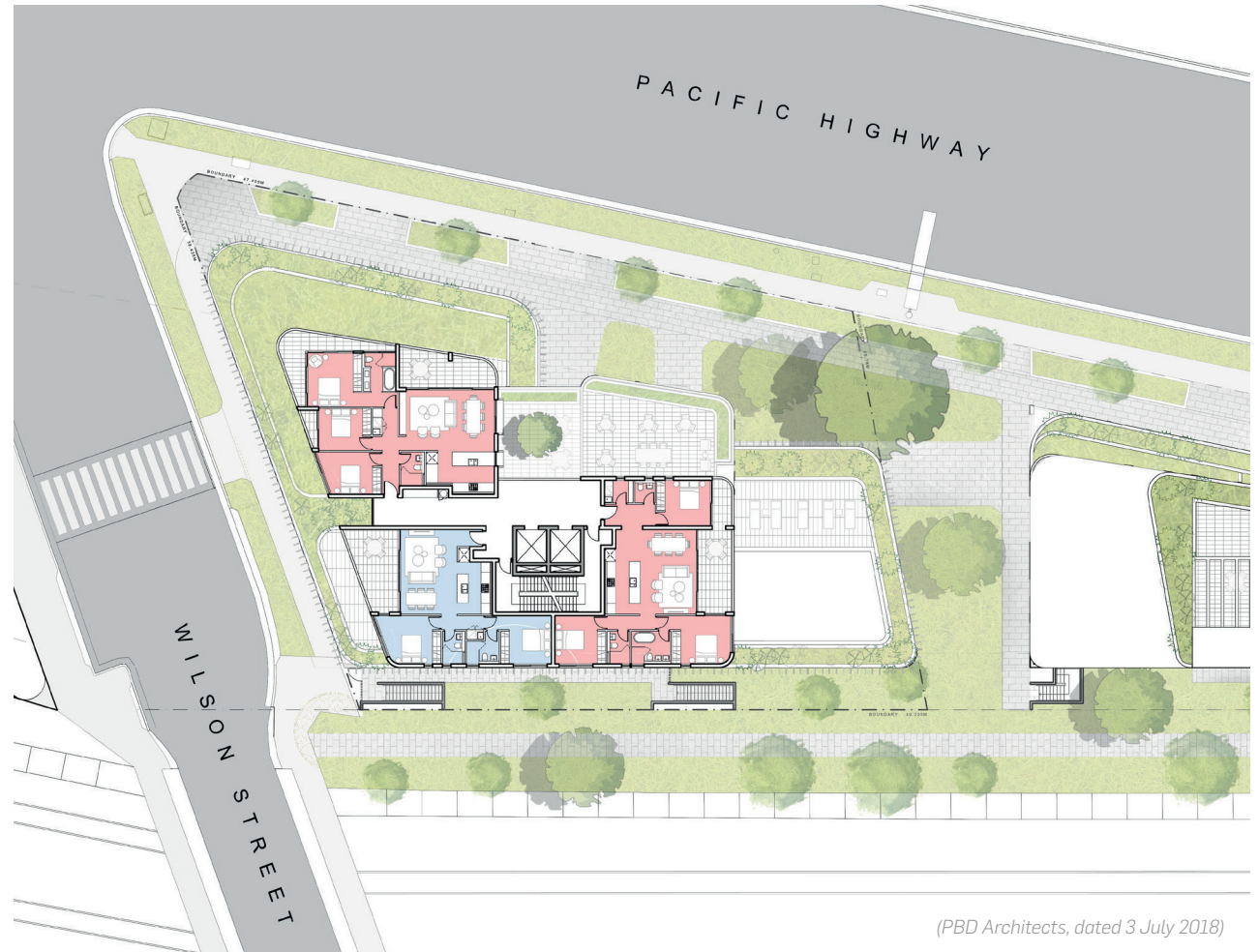
This description relates only to the visible massing and floorplate of the built forms proposed as part of the planning proposal.

The planning proposal includes the demolition of existing buildings on the site and the construction of a tower form significantly greater in height than the built form which currently exists.

The **urban design study prepared by PBD Architects** (dated 3 July 2018) shows that a 25 storey tower approximately 90m in height is proposed to be massed at the south end of the site above a two-storey podium. The two-storey podium includes narrow setbacks to the southern and eastern boundary, with wider setbacks to the western and northern boundaries. The tower floorplate is irregular in shape reflecting the alignment of the Pacific Highway and Wilson Street. The southern elevation of the tower largely occupies the full width of the Wilson Street frontage but is narrower compared to eastern façade.

The proposed development will introduce a tall slim element into the foreground of views from the closest neighbouring residential developments and in public domain particularly in southerly approach views along the Pacific Highway.

Notwithstanding the height exceeds the current height control applicable to the site, we note that the built form proposed complies with the building height control proposed in the *Chatswood CBD Planning & Urban Design Strategy*.



(PBD Architects, dated 3 July 2018)

Figure 2 Indicative Plan of Proposed Development at the Site



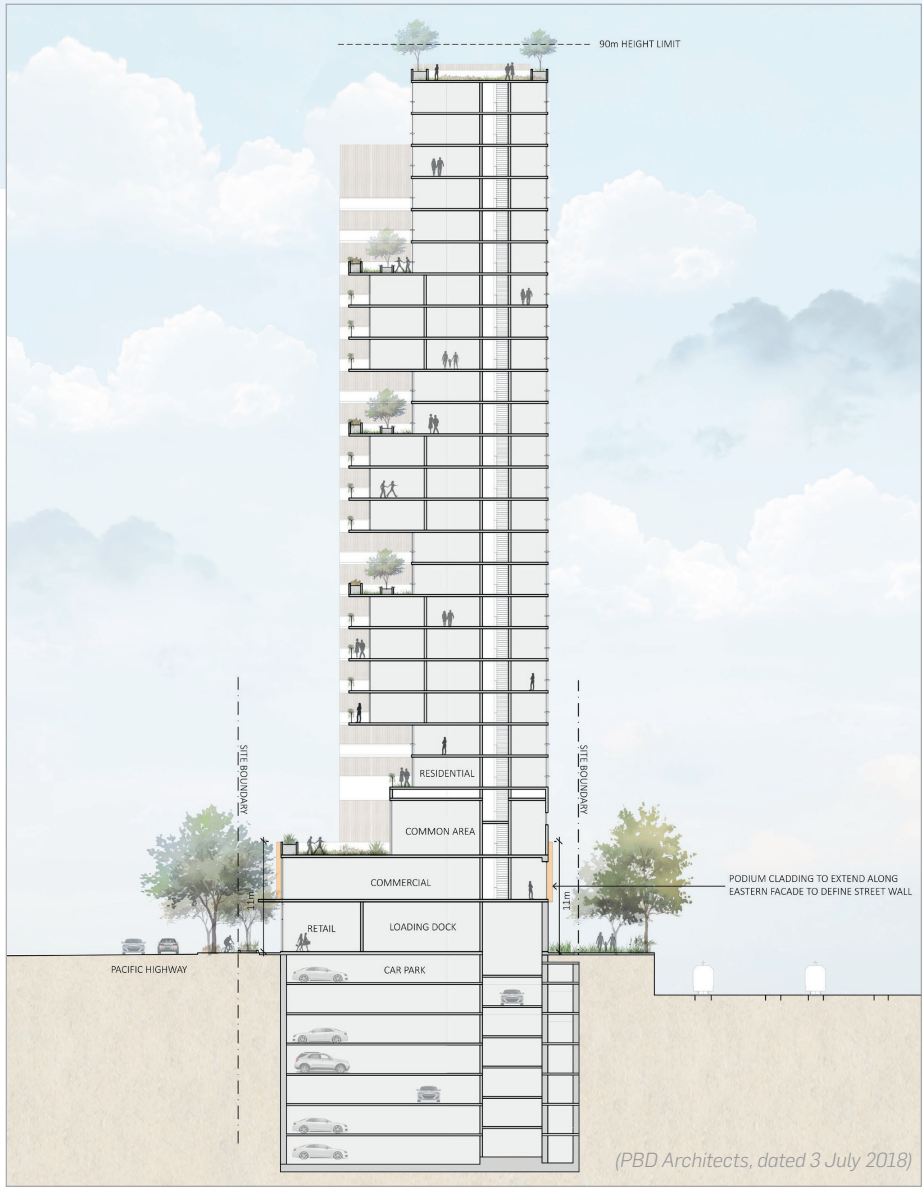


Figure 3 Indicative Section of Proposed Development at the Site



4.0 THE SITE AND VISUAL CONTEXT

The site is located on the northern periphery of the Chatswood CBD and is irregular in shape as a result of the bounding streets, including the Pacific Highway to the west, Wilson Street to the south and railway corridor to the east.

Three separate buildings occupy the site, two which present frontages to the Pacific Highway or Wilson Street and one located internally, set back from both perimeter roads. The buildings are utilised as commercial premises and two appear to be former two storey dwellings. The other is a narrow single storey commercial shopfront building on the western boundary with frontage to the Pacific Highway and through which access is gained to the internal site area.

The immediate visual context of the site is influenced by the underlying land-use zones, natural topography and road corridor. The Pacific Highway follows a local ridgeline broadly in a north-south alignment so that topography falls in elevation to the west and east of the ridgeline and road corridor. In addition it appears that the site occupies a local highpoint adjacent to the highway. The site's elevation potentially affects its external visibility and exposure to private domain views and ultimately the size of its existing visual catchment.



Figure 4 Aerial Site Plan

Adjacent land north of the site is occupied by a single storey service station with open forecourt areas. Residential development occupies land within the immediate visual context to the west, east and south. Residential development to the west and east is predominantly characterised by two to three storey brick and tile residential flat buildings which appear to be circa mid to late 20th Century in age. To the south, the west end of Wilson Street includes a contemporary three-storey residential building the east end and north elevation of which presents directly towards the site. This development at 2 Wilson Street includes windows and external balconies orientated to the north and north-west.

Three other 3 storey residential flat buildings sit in a parallel alignment and south of 2 Wilson Street have front elevations orientated to the south-west towards Pacific Highway. The height and orientation of these buildings is such that views to the north over 2 Wilson Street towards the site are unlikely to be available.

that there is unlikely to have access to views to the north above 2 Wilson Road towards the site.

The north east edge of the Chatswood CBD includes a number of residential tower forms located in Railway Street and Cambridge Lane. Potential views access from close neighbouring residential development is analysed in **Section 5.0**.



Figure 5 Building (model facing east)

4.1 IDENTIFYING SIGNIFICANT REGIONAL OR DISTRICT VIEWS

There appears to be **no clear direction or objective definition** of what is meant by significant regional or district view within the *Willoughby Local Environmental Plan* (WLEP2012) or in the standard LEP instrument. No specific views are identified or mapped as being of significance in the vicinity of the site included in the LEP or DCP.

We note that a definition for significant views is included in Schedule 3 – Dictionary of terms in the WLEP DCP as follows:

significant views

"means the primary outlook from a property or the public domain and may include views of Middle Harbour, natural bushland, city skyline or important landmarks.

This description appears to refer to a main outlook (primary view orientation) that is available from a dwelling which we take to mean a view that is available from the formal front elevation of a dwelling. We note that no definition of 'outlook' is included in the WDCP but in our experience an outlook does not typically refer to a long distance or expansive view but rather an immediate opportunity for visual amenity from windows.

4.2 RELEVANCE OF TENACITY PLANNING PRINCIPLE

The most relevant planning principle established in the Land and Environment Court of New South Wales in relation to view sharing is referred to as *Tenacity Consulting v Warringah* [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours (*Tenacity*).

The assessment steps in **Tenacity** include the need to inspect views access and the composition of views from all parts of a dwelling. Part of the assessment details some elements that are considered to be of greater value to the viewer than others.

Themes and descriptions in **Tenacity** provide useful guidance as to defining the importance or value of a view for example some items and features have greater scenic value than other, for examples areas of land-water interface, whole views rather than part views and particular features that may be considered as 'iconic'.

4.3 OUR DEFINITION OF SIGNIFICANT DISTRICT VIEW

In scenic terms in our opinion, to be considered as 'significant', a view would need to be characterised by scenic quality or aesthetic feature or features and the value or significance of a view composition must necessarily have some value for the viewer.

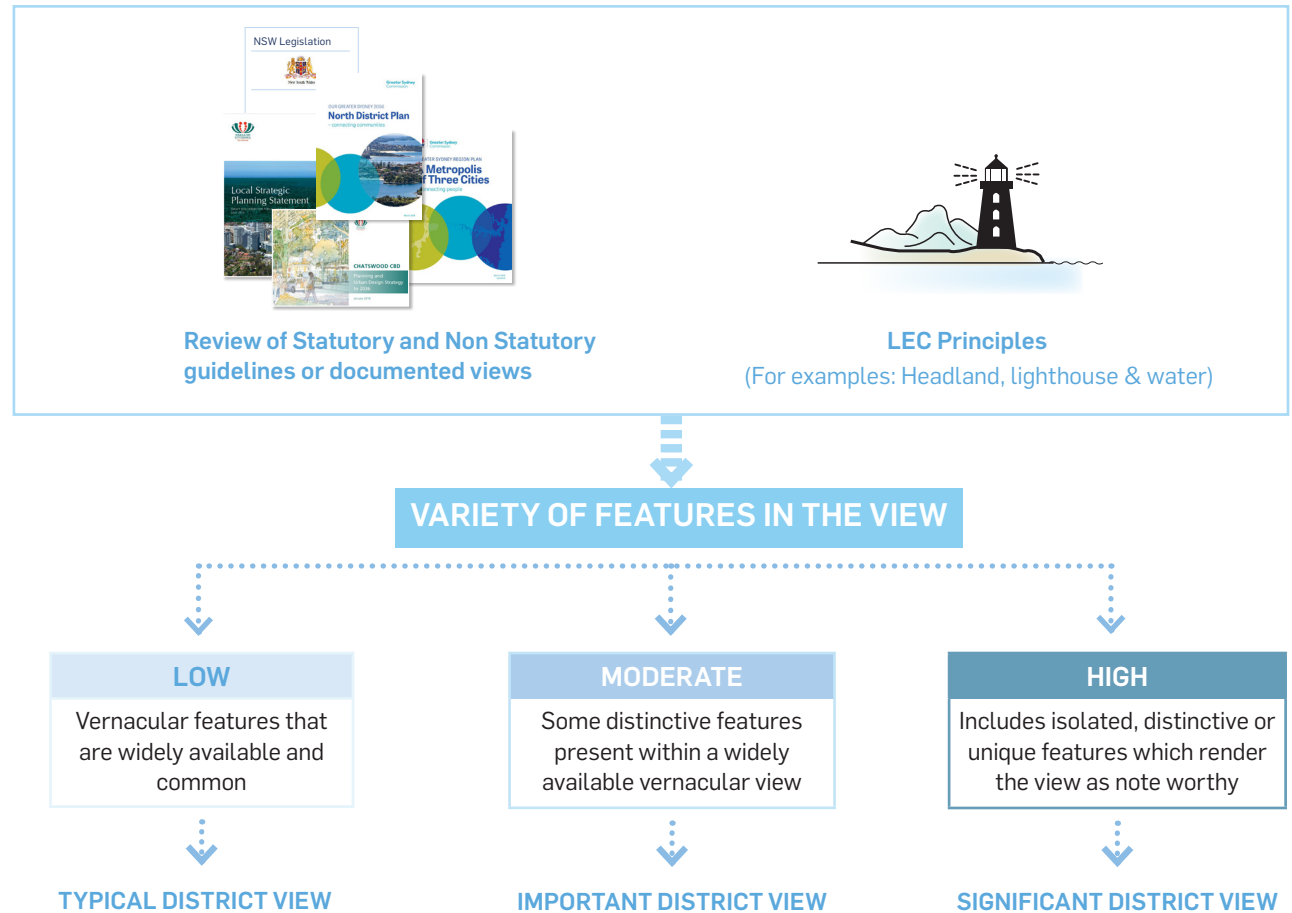
This is a subjective concept. For example, a resident may consider an available view to be of significant value to them without the inclusion of any particular or distinctive features or unique scenic quality.

For the purposes of this preliminary advice, we have expanded the WDCP definition to reflect our understanding of what a significant regional or district view is in an effort to assess any potential visual impacts on such a view.

To be **significant** some part of the composition of a primary regional or district view should be sufficiently important to be worthy of attention, in other words, something in the view composition should stand out as being prominent or unique compared to the predominant composition. To this end, we define a significant regional or district view as:

"A view that includes unique or particular visual features within the view composition so as to make it noteworthy and ultimately of greater value to a viewer compared to other views."

The definitions of a typical or important view are included below.



5.0 PRIVATE DOMAIN VIEW ACCESS

Likely external visibility of the proposed built form, likely views access and identification of those dwellings potentially most affected has been determined via fieldwork observations, a review of google earth and nearmap aerial imagery and an interrogation of real estate images from some dwellings.

Given the orientation of residential development, spatial separation and the presence of intervening development, private domain views that are most likely to be affected by potential view loss include:

- Dwellings at the upper levels of 11 Railway Street
- The upper level of 2 Wilson Street
- upper level of 822-830 the Pacific Highway
- 832 the Pacific Highway
- 854 the Pacific Highway
- 856 the Pacific Highway

Views from other residential developments located within the immediate visual context of the site are not considered to be at any significant risk in relation to potential view loss. Notwithstanding some close residential dwellings including **850 and 844 the Pacific Highway** and **58 and 56 Anderson Street** may have access to views of the site and to the built form proposed. However, significant view loss has been discounted because such dwellings are;

- not sufficiently elevated or orientated to have views access across the site to scenic or highly valued features as defined in *Tenacity* or to parts of Middle Harbour, natural bushland, city skyline or important landmarks as defined in the WDCP.
- Views to the site are partly blocked by intervening built form or vegetation.
- Views to the built form on the site will be replaced by new built form on the site of a contemporary nature and including in some views, greater setbacks and open space.

Northerly views from residential towers at **9 and 7 Railway Street** and **1 Cambridge Lane** are unlikely to be significantly affected by the visual effects of the proposed development due to the spatial separation between them and the site, orientation and blocking effects of intervening tower forms. For example in potential northerly views including oblique angled views from dwellings located at the north end of both **9 and 7 Railway Street** or from **1 Cambridge Lane**, the majority of views will be blocked by the built form of 11 Railway Street.

Views from the upper parts and highest levels at **9 Railway Street** which have access to northerly views above the lower **Altura tower at 11 Railway Street**, may include part of the proposed tower form however the narrow built form proposed will occupy only a short section of a potentially expansive view as shown in real estate images (refer to page 18 and 19). In our opinion, such views would not be considered at significant district views given that they do not include any unique features such as Middle Harbour, parts of the city skyline or important landmarks.













Figure 6 Site Location and Surrounding Residential Developments Reference Plan














Figure 7 Photograph (Urbis) shows 1 Cambridge to the left, and oval façade treatments at 9 Railway Street (centre building) and 11 Railway Street lower northern building (right hand side). 7 Railway Street is in the background. View west from the intersection of Wattle Lane and Anderson Street.

LEGEND

	Subject Site		856 Pacific Hwy		844 Pacific Hwy		11 Railway St
	Key Adjacent Sites		854 Pacific Hwy		832 Pacific Hwy		58 Wilson St
	View location of Figure 7		850 Pacific Hwy		2 Wilson St		56 Anderson St

LEGEND

-  Subject Site
-  View Locations
-  Windows
-  Primary View Direction
-  856 Pacific Hwy
-  854 Pacific Hwy
-  850 Pacific Hwy
-  844 Pacific Hwy
-  832 Pacific Hwy
-  2 Wilson St
-  11 Railway St
-  58 Wilson St
-  56 Anderson St

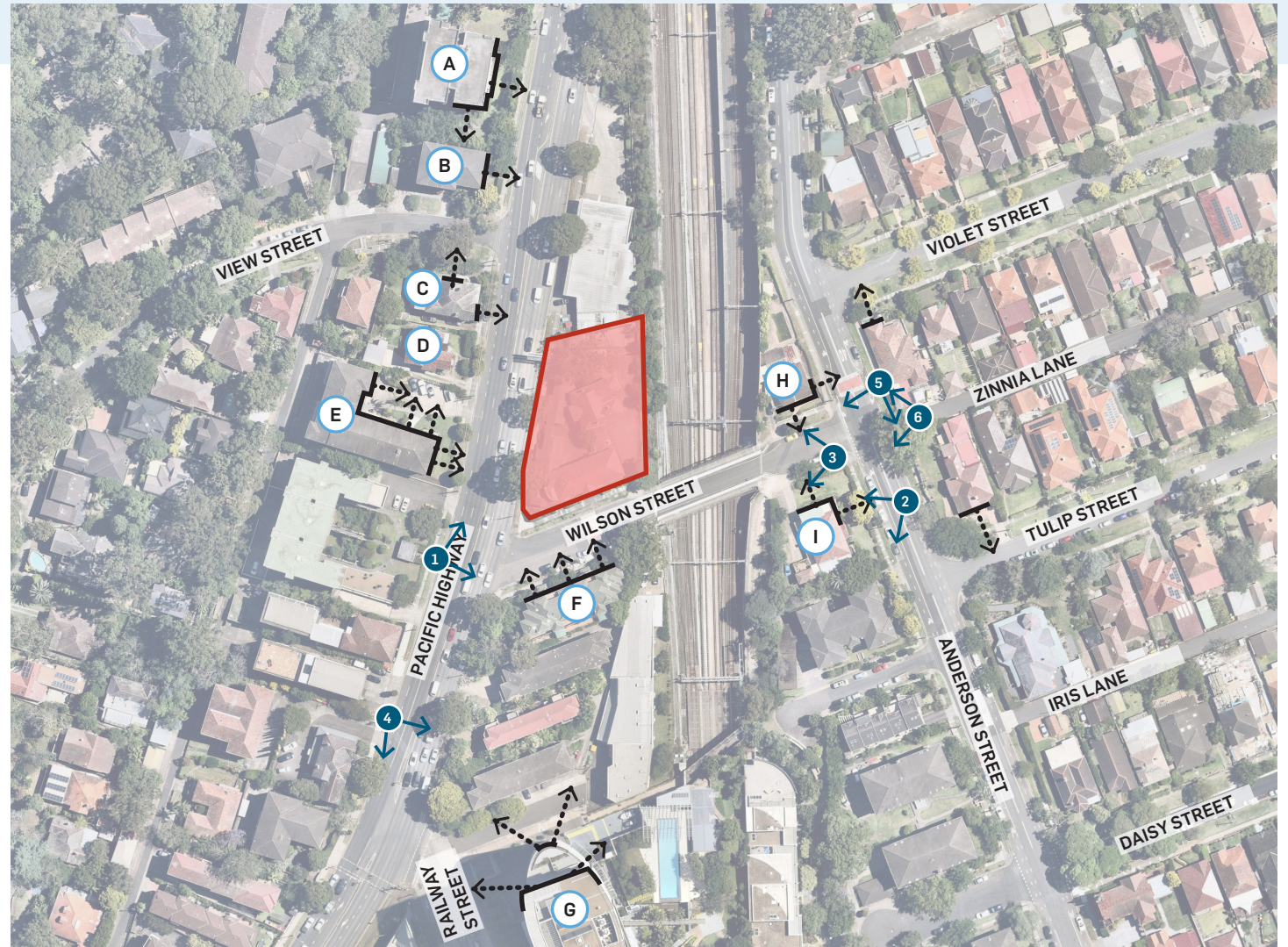


Figure 8 Site Location Plan and Primary View Direction

EXISTING SITE

- 1 VIEW NORTH-EAST FROM ADJACENT TO 822 PACIFIC HIGHWAY



VISUAL CONTEXT EAST OF THE SITE

- 2 EAST ELEVATION OF 56 ANDERSON STREET WITH SUBJECT SITE (NOT VISIBLE) BEHIND



56 ANDERSON STREET

- 3 SOUTH EASTERLY VIEW OF SUBJECT SITE



VISUAL CONTEXT

- 4 NORTH ELEVATION OF 11 RAILWAY STREET



ADJACENT RESIDENTIAL CONTEXT

- 5 52 AND 46 ANDERSON STREET HAVE NO OR LIMITED VIEWS ACCESS TO THE SITE



58 ANDERSON STREET

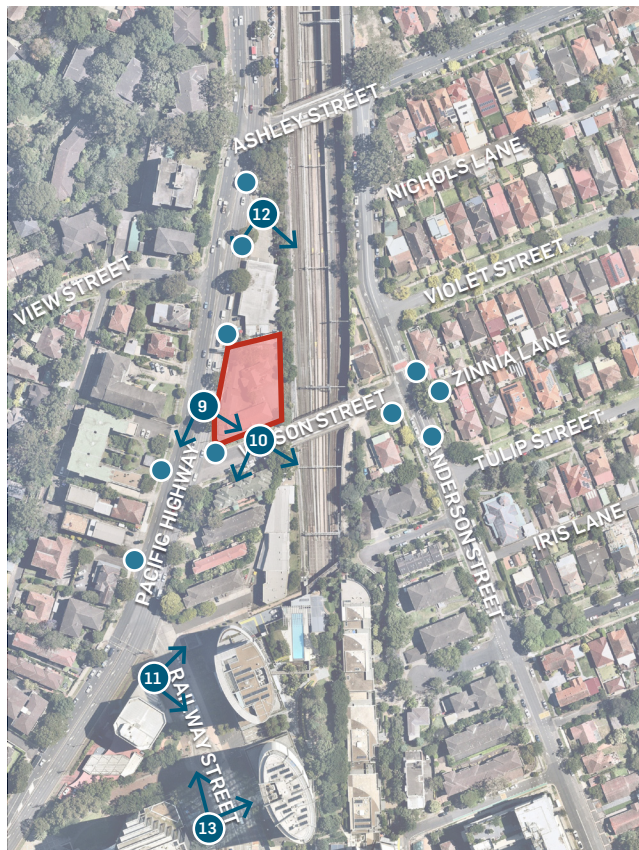
- 6 EASTERLY VIEW OF SUBJECT SITE



(Photographs - Urbis)

5.1 LIKELY VIEW ACCESS

We summarise below the likely view access from the closest and potentially most affected residential developments:



SITE AND VIEW LOCATION PLAN

2 WILSON STREET

2 Wilson Street is a four-storey apartment building which presents to the south elevation of the site. The development includes ornamental trees within its front setback the tallest of which are located at the west and east ends of the site and may offer some screening effects in northerly views. The first and second storeys include external balconies which appear to be associated with internal living areas. Each of the 4 levels will be exposed to views of the proposed built form. The upper most floor may have potential view access to the north and north-west towards the Blue Mountains between other tall forms such as 856 the Pacific Highway and mature vegetation located along west side of the highway.

LEGEND

- Subject Site
- All View Locations
- X
↗
↘ View Locations for Figure 9 to Figure 13



Figure 9 North west elevation of 2 Wilson Street fronting the site (Photographs - Urbis)



Figure 10 North Elevation of 2 Wilson Street (Photographs - Urbis)

11 RAILWAY STREET

The **Altura Apartment** building is located 100 metres south of the site and is characterised by a curved northern façade and podium and tower forms. The podium façade includes a solid central panel devoid of windows that is orientated to the north. In this regard primary views from dwellings located at the north end of the podium (approximately between levels 1 and 8) are unlikely to have direct view access towards the site and proposed development. Real estate views indicate that views from such dwellings are to the north-west and north-east from either side of the central solid panel.

It is likely that the mid and upper levels of north facing apartments within 11 Railway Street have access to expansive long distance regional and district views and will be affected by some degree of view loss. Examples of northerly views available from upper level apartments are included below. In this regard we anticipate that the narrow tower form proposed would occupy a short section of a wider and more expansive view from upper level apartments and would therefore be unlikely to create any significant view blocking effect.



Figure 11 West elevation of 11 Railway Street from Pacific Highway (Photograph - Urbis)



Figure 12 North elevation of 11 Railway Street from Pacific Highway (Photograph - Urbis)

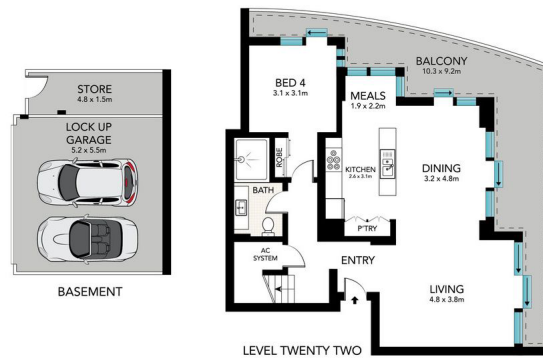


Figure 13 South and west elevation of 11 Railway Street and part elevation of 9 Railway Street (Photograph - Urbis)

11 RAILWAY STREET

WESTERLY VIEWS FROM LEVEL 22

These images provide an indication of the expansive nature of views that are likely to be available from upper level apartments at 11 Railway Street. Examples shown do not appear to be orientated towards the subject site. In both cases in our opinion such views would be described as 'Typical' or 'Vernacular' district views.



(Source: : realestate.com.au)

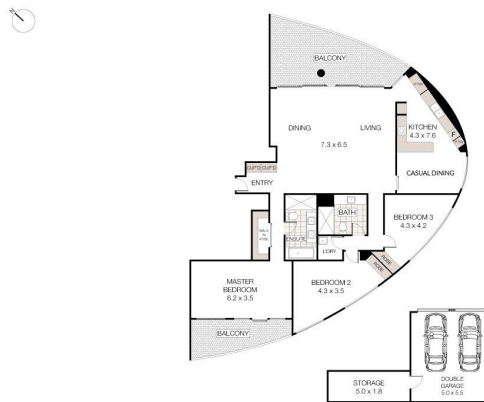


(Source: : realestate.com.au)

NORTH-EASTERLY VIEWS FROM SOUTH SIDE OF LEVEL 7



NORTH FACING BALCONY ON LEVEL 25



EASTERLY VIEW FROM LEVEL 25 (NO VIEW TO SITE)



WESTERLY VIEW FROM LEVEL 6



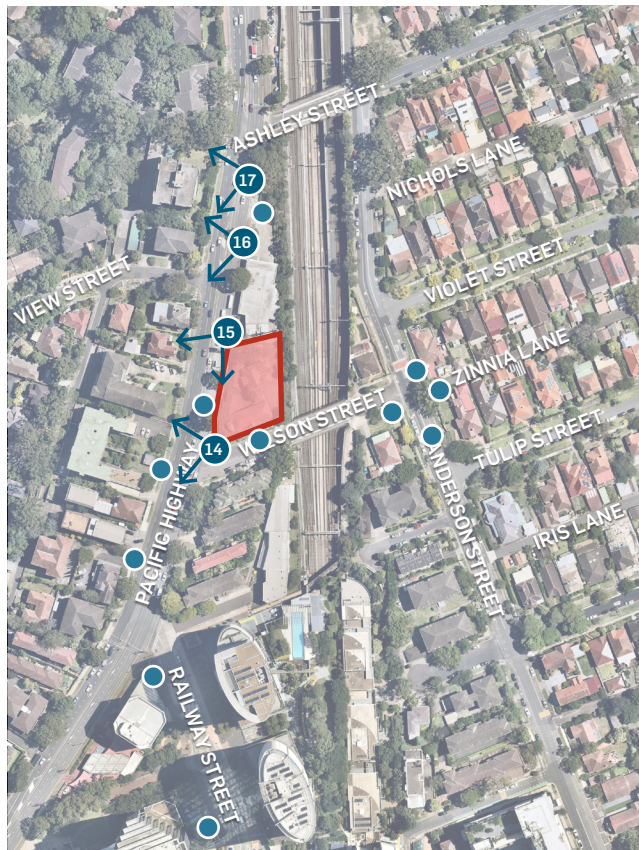
VIEW EAST TOWARDS ANDERSON STREET



These images provide an indication of the expansive nature of views that are likely to be available from upper level apartments at 11 Railway Street. Examples shown do not appear to be orientated towards the subject site. In both cases in our opinion such views would be described as 'Typical' or 'Vernacular' district views.

LEGEND

- Subject Site
- All View Locations
- View Locations for Figure 14 to Figure 17



SITE AND VIEW LOCATION PLAN

822-830 THE PACIFIC HIGHWAY

This three-storey development is massed in a 'C' shaped floorplate located opposite Wilson Street and is broadly orientated to the south-west. Oblique northerly views from the north front dwelling may be available towards the site. Notwithstanding some potential visibility of the built form proposed, in our opinion the potential 'view loss' is unlikely to be significant given that access to scenic items above or beyond the site including landmarks and Middle Harbour or other highly valued views or significant regional or district views would be limited or not available.



Figure 14 East elevation of 822-830 Pacific Highway, presenting towards the site

832 THE PACIFIC HIGHWAY

This three-storey development is massed in an 'L' shape floorplate located opposite the southern section of the site. Views from the east elevation of front and rear dwellings will include part of the site. Notwithstanding a potentially high level of visibility of the built form proposed from these locations in our opinion potential 'view loss' is unlikely to be significant given that access to scenic items above or beyond the site including landmarks and Middle Harbour or other highly valued views regional or significant district views would be limited or not available. In other words visibility of the proposed built form will not generate any significant loss of views but will replace an existing view of the service station and site buildings with new built form.



Figure 15 East elevation of 832 Pacific Highway, presenting towards the site

(Photograph - Urbis)

854 THE PACIFIC HIGHWAY

This three-storey development characterised broadly by a rectangular is located opposite north-west of the site. Views from the east elevation which presents to the Pacific Highway via a narrow front setback will be exposed to views of the site and parts of the built form proposed. Notwithstanding potential high visibility of the proposal, in our opinion potential 'view loss' is unlikely to be significant given that access to scenic items above or beyond the site including landmarks and Middle Harbour or other highly valued views or significant district views would be limited or not available. In other words visibility of the proposed built form will not generate any significant loss of views but will replace an existing view of the service station and site buildings with new built form.



Figure 16 East elevation of 854 Pacific Highway

856 THE PACIFIC HIGHWAY

856 Pacific Highway is an eight storey residential flat building located north of the site with a primary presentation to the Pacific Highway. The building is characterised by a 'butterfly shaped floorplate where an east facing and west facing mass is joined by a central lift area. The building has a wide setback to the highway and includes external recessed balconies the dividing and bounding walls of which will constrain views to the south-east. The site includes mature trees along the east and south boundaries. Potential easterly views will align with the existing service station. Views access approximately from level 4 and above may be available over the existing tree canopy, the subject site and beyond to distant parts of the North Shore and to parts of Middle Harbour.

Oblique south-easterly views towards the proposed tower would be partially blocked by existing vegetation. In easterly views from upper levels parts potential views to distant parts of Middle Harbour if available above the existing service station, would not be affected by the proposed development. In oblique south-easterly views from upper floors the tower form depending on the screening effects of vegetation and intervening built form may block a short section of a potential expansive view. The proposed tower would be visible in the context of other towers that are present in the Chatswood CBD.

In our opinion taking all things into consideration we do not anticipate the proposed development would cause any significant visual effects or view loss in south-easterly views from dwellings at 856 the Pacific Highway.



Figure 17 East elevation of 856 Pacific Highway
(Photograph - Urbis)

5.2 SUMMARY - EFFECTS ON PRIVATE VIEWS

- Close neighbouring dwellings that currently have view access to the subject site will be exposed to views of the proposed development.
- The majority of close dwellings are within two to four storey residential flat buildings where potential views will be from low levels with limited potential to access scenic regional or district views above and beyond existing built form on the site. Therefore existing views from such dwellings are unlikely to extend sufficiently to be able to include notable landmarks, parts of Middle Harbour or other highly valued views regional or significant district views.
- For such views including from 2 Wilson Street, 854, 850, 844, 832 and 822-830 the Pacific Highway any potential view loss is unlikely to be significant.
- Views from 856 the Pacific Highway as the tallest neighbouring development are possible to the east and south-east and potentially including landmarks, parts of Middle Harbour and valued regional or significant district views. However views to the east from the upper floor apartments at 856 the Pacific Highway do not align with the built form proposed and will be unaffected by the proposed development
- In south-easterly views from the upper levels at 856 the Pacific Highway the proposed tower form may be visible in part of the view composition which would include other towers present in the Chatswood CBD.
- The proposed development may feature in some northerly views from tower dwellings at 11 Railway Street but would occupy only a short section of a wide and potential view to the north-west, north and north-east.

Neighbouring buildings to the west, south and east for example at 822 and 832 Pacific Highway will be exposed to a change of view where the contemporary built form will replace the existing built form on the site. Notwithstanding that the proposed built form is greater in height compared to the existing situation in upward views from close two and three storey residential flat buildings the proposed tower will block areas of open sky.

The podium façade detail at 11 Railway Street suggests that views to the north are less available where the primary outlook is orientated to the north-west and north-east so that the subject site and proposed tower is unlikely to occupy any significant proportion of the view.

6.0 PRIVATE DOMAIN VIEW ACCESS

The extent and reasonableness of private domain view loss is typically assessed against the *Land and Environment Court of New South Wales planning principle Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours (Tenacity)*.

The planning principle is described by the Court as a statement of a 'desirable outcome' aimed at reaching a planning decision and defines a number of appropriate matters to be considered in making the planning decision. Therefore, the importance of the principle is in outlining all relevant matters and or the relationships of factors to be considered throughout the process and is not simply to list features that could be lost. In other words **Tenacity** should be used to guide decision making in trying to achieve an equitable view sharing outcome.

View loss or blocking effects refers to the extent to which a proposal is responsible for blocking access to an existing view or part of the composition of a view. The principle also describes the extent of view loss using a qualitative scale and takes into consideration the value of features in the composition and from where the views are available.

6.1 IS TENACITY APPLICABLE?

Tenacity defines a four-step process to assist in the determination of the impacts of a development on views from the private domain. The steps are sequential and conditional, meaning that proceeding to further steps may not be required if the conditions for satisfying the preceding threshold are not met in each view considered. Prior to undertaking the assessment however Roseth discusses the notion of view sharing as quoted below.

"The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four step assessment".

Tenacity includes descriptions regarding the composition of views such as the nature of 'highly valued features, iconic views and whole views'. These descriptions however relate to the particulars of that matter, for example water and areas of land-water interface. In other matters other features may be relevant. By describing the nature and composition of the views and rating the value of the composition **Tenacity** suggests that if there is no substantive view loss in qualitative or quantitative terms, then the threshold to proceed to Step 1 may not be justified.

In order to assess the visual effects of a proposed development against the **Tenacity** Principle views inspections of potentially affected properties would need to be undertaken.

6.2 RELEVANCE OF TENACITY RE ARNOTT

The use of **Tenacity** for the assessment of view loss should be considered in the context of another planning principle established in the Land and Environment Court of New South Wales *Arnott v City of Sydney (2015) NSWLEC 1052 (Arnott)* which is relevant to view loss.

Commissioner O'Neill in *Arnott* cites the difficulty and utility of applying the threshold steps in **Tenacity** and assessing view loss caused for multiple units within the same residential building. Arnott suggests that it may be difficult to modify or re mass a proposed development on a site in a way that would significantly improve view sharing out comes for multiple units in an adjoining rfb. Further, to significantly improve view sharing for multiple units in an adjoining residential building may unreasonably constrain the development potential of the site.

CONCLUSION

Views from internal locations at individual dwellings have not been inspected at this time.

The proposed development is likely to be most visible from neighbouring residential developments and the closest residential tower at 11 Railway Street.

The majority of neighbouring dwellings are within two to three storey residential flat buildings and appear to have limited views access to landmarks, parts of Middle Harbour or what would be considered as a significant regional or district view.

In relation to the majority of neighbouring dwellings potential view loss caused by the built form proposed, is unlikely to be significant.

Based on the information available some potential view loss may occur in relation to south-easterly views from upper level dwellings at 856 the Pacific Highway and in northerly views from tower dwellings at 11 Railway Street.

In our opinion the extent of view loss in some views from 11 Railway Street and 856 the Pacific Highway if assessed against the **Tenacity** planning principle is likely to be minor.

We comment that the built form proposed is compatible with and satisfies the built form outcomes included in the Chatswood CBD strategy and in this regard the extent of potential visual effects generated by the proposed tower are anticipated by those strategic controls.

In our opinion taking all things into consideration we do not anticipate the proposed development would cause any significant visual effects or view loss in the majority of views from the closest and potentially most affected private domain locations.

Based on the information available no further analysis or assessment of private domain views is required and further, the likely visual effects of the built form proposed on private views subsequent to the approval of the Planning Proposal, are likely to be minor overall and acceptable.



