



URBIS

# HELP STREET, CHATSWOOD

## PRELIMINARY VIEW SHARING REPORT

PREPARED FOR  
**H & J VAKILI**  
25 FEB 2021  
FINAL REV 03



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# EXECUTIVE SUMMARY

**This report provides preliminary advice regarding likely view sharing outcomes in relation to a planning proposal at 3-5 Help Street, Chatswood (the Site). The report includes an analysis of the likely private domain view access and 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(i) 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 has concluded that a Tenacity assessment may be applicable in relation to upper level east and south-easterly views from the closest neighbouring residential flat buildings at 1 Cambridge Lane and 7 Railway Street. Dwellings in these buildings are likely to be those potentially most affected by view loss given their likely view access, spatial separation and elevations which present directly to the subject site.

Tenacity refers to the most widely referenced and most relevant planning principle to private domain view loss established in the Land and Environment Court of New South Wales. 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. In other words it is not simply about determining what is in the view and what may be lost.

The likely composition of views to be potentially affected predominantly include vernacular district views, sections of distant sea-sky horizons and potentially to the south-east items that may be considered as scenic and highly valued in Tenacity.

In the absence of an objective definition of 'significant district views' we have interpreted this in the context of guidance provided in Tenacity. We consider that a significant district view would be one that includes notable scenic features or is of significant value such as to identifiable landforms or features for example to North Head to the north-east.

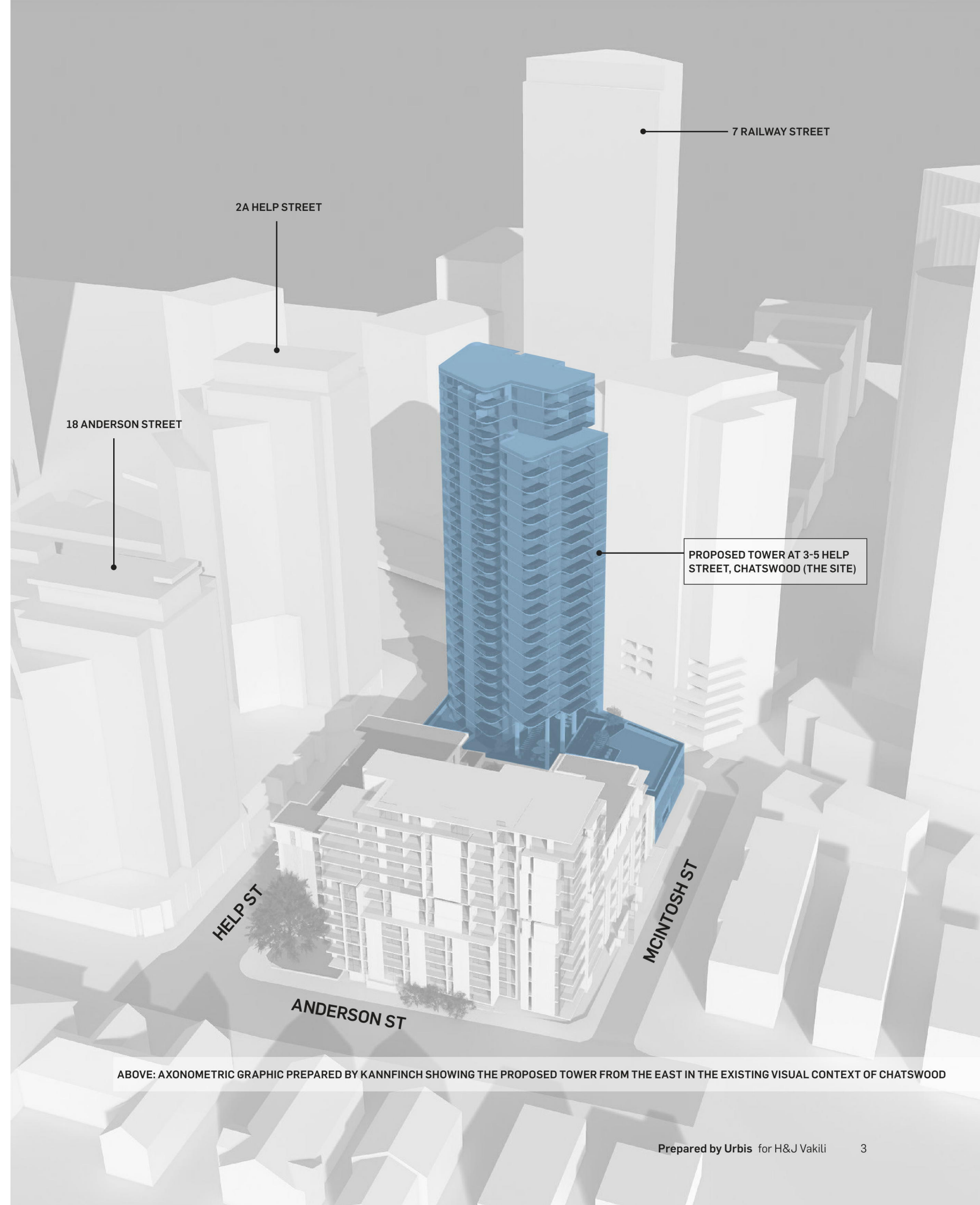
Scenic views may be available to the south-east from the north-east obliquely angled elevation at 1 Cambridge Lane via a view corridor formed between the two Regency Towers.

Block-model photomontages could be prepared in order to objectively determine the extent of view loss and reasonableness of view sharing. If these are determined to be required by Council for assessment for example during the fine grained DA development access should be sought from the upper level units at 1 Cambridge Lane and 7 Railway Street.

We note that all parts of the built form proposed satisfy the objectives that are relevant to views loss including height and setback controls included in the recently endorsed Chatswood CBD Planning and Urban Design Strategy to 2036 (Chatswood CBD Strategy) .

In this regard the extent of potential view loss is anticipated by the Chatswood CBD Strategy. In addition, in our opinion it would be impractical in this highly urbanised visual context to be able to protect access to all private domain views including vernacular district or significant district views.

Further it is not unreasonable to expect high-rise development at this site, given its location within the Chatswood CBD and the strategic objectives of the Chatswood CBD Strategy.



ABOVE: AXONOMETRIC GRAPHIC PREPARED BY KANNFINCH SHOWING THE PROPOSED TOWER FROM THE EAST IN THE EXISTING VISUAL CONTEXT OF CHATSWOOD



# 1.0 PURPOSE OF THE REPORT

Urbis has been commissioned by Drew Dickson Architects on behalf of their client H and J Vakili, to provide independent preliminary advice regarding the potential view access, likely visual effects and likely view sharing outcomes of the proposed development on private domain views.

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

*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.*

The report focusses on the visual effects of the built form that is proposed as part of the planning proposal including a tower form at 3-5 Help Street (the Site) and is based on a desktop review of aerial imagery, architectural plans and fieldwork observations.

The author of this report specialises in the assessment of visual impacts, view loss and view sharing and in strategic planning for visual protection. The author is familiar with the location of the subject site, its visual context and likely view compositions available from residential towers having undertaken assessments for other planning proposals and DAs in this part of Chatswood and in St Leonards.

Urbis staff attended the site on Wednesday 9 December 2020 and made observations in relation to the existing visual setting of the site, the immediately surrounding or 'effective' visual catchment and observed the spatial separation, orientation and likely private domain view access from some neighbouring residential developments in relation to the subject site.

Urbis has provided preliminary information regarding the application of the Tenacity planning principle in section 6 of this report.



Figure 1 Aerial Site Plan



## 2. BACKGROUND AND PLANNING CONTEXT

Presently, a 25m LEP height of building control applies to the northern third of the site, whilst the relevant control for the remainder of the site is 20m. A planning proposal (DPIE Ref: PP\_2020\_WILLO\_002\_00) which includes an increase to the height of buildings control at the site to 90m has proceeded to Gateway Determination stage (dated 24 November 2020). This planning proposal also includes an increase in the maximum floor space ratio from 2.7:1 to 6:1 (the existing FSR is 4:1 for consolidated sites of over 2000sqm).

We note that the site is subject to provisions included in the recently endorsed Chatswood CBD Strategy which promotes greater height and density in this part of Chatswood, including a 90m height of building control at the site.

### 2.1 WILLOUGHBY DEVELOPMENT CONTROL PLAN

The Willoughby Development Control Plan provides generic development advice for the protection of views, as well as for the Railway Street Site (Pacific Place) which is adjacent to the site. There are therefore no specific public views identified that are relevant to this assessment.

We note that no specific views or view corridors are identified including 'significant regional or district views' in the DCP.



### 3. THE SITE AND VISUAL CONTEXT

The site is located on the north-eastern periphery of the Chatswood CBD and is currently occupied by two separate residential flat buildings which were constructed in the 1960s and 1970s. Both buildings are three storeys in height and have a brick façade but are of differing architectural styles.

The western building has the larger footprint of the two apartment buildings. Its frontage is flush to the western property boundary, with a setback from the southern property boundary to allow small gardens and balconies. Access to underground car parking is from the northern side of the building and there are also approximately six outdoor parking spaces under shading structures.

The eastern building (McIntosh Court) has a long, rectangular footprint and is the smaller of the two apartment buildings. Balconies are situated on its eastern side and there is a small garden area on the southern property boundary.

According to the planning proposal prepared for 3-5 Help Street, the site has a fall of approximately four metres from north to south with an elevation of RL 91.48m at the south-east corner and an elevation of RL 95.45 m at the north-east corner.

The site is within a mixed use land zone (B4). Land immediately to the north and further to the northeast and east is zoned for residential uses and is predominantly characterised by two and three storey apartment buildings and single storey residences. The commercial core is to the south and southwest of the site and is characterised by commercial retail and residential uses including high rise buildings.

Most surrounding sites have been developed much more recently than 3-5 Help Street, including sites to the west, south and east which demonstrate greater density and height, reflecting proximity to the Chatswood CBD. Sites to the immediate north contain residential flat buildings of a similar age and scale, however.

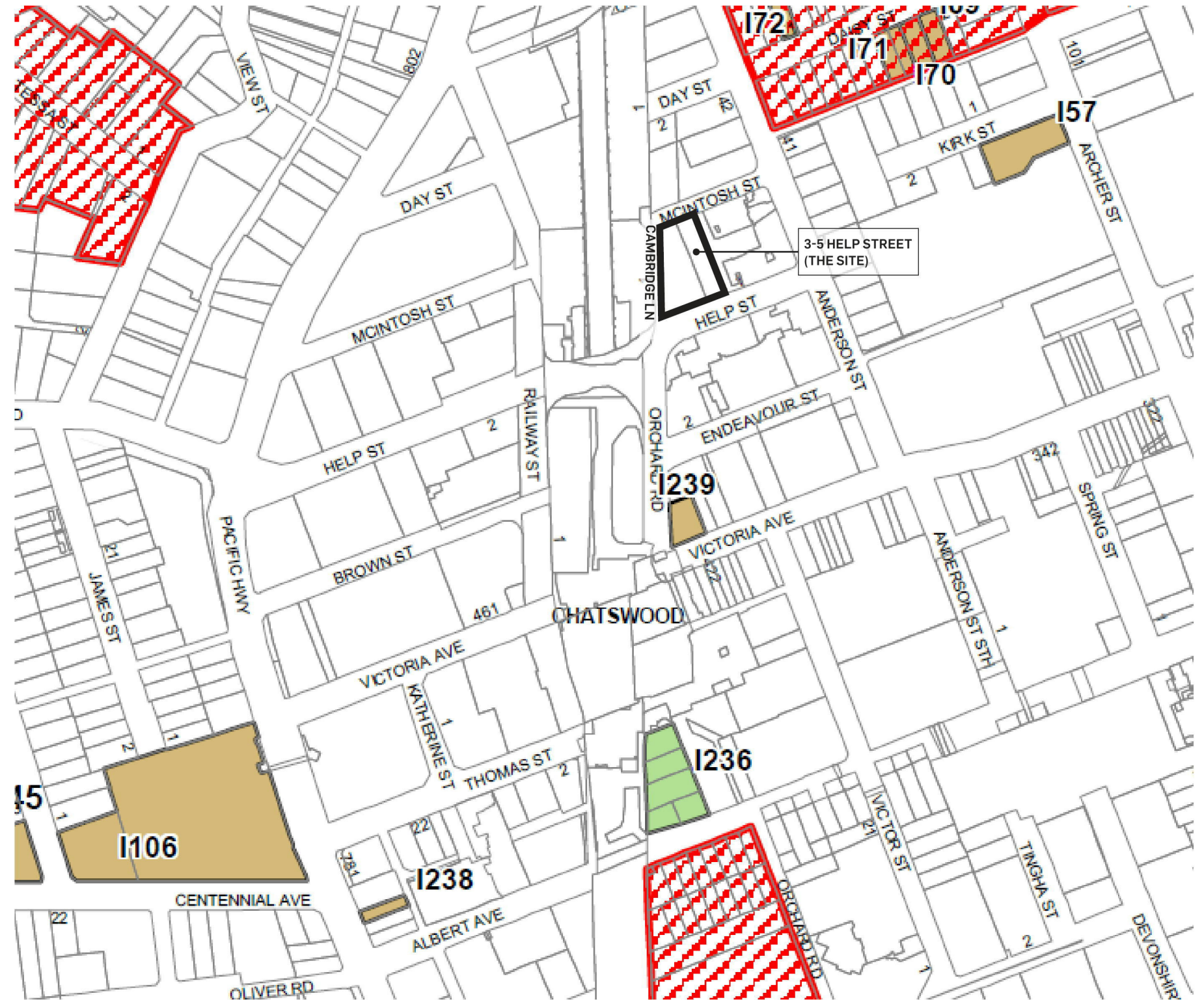


Figure 2 Heritage Plan from Willoughby Local Environmental Plan 2012

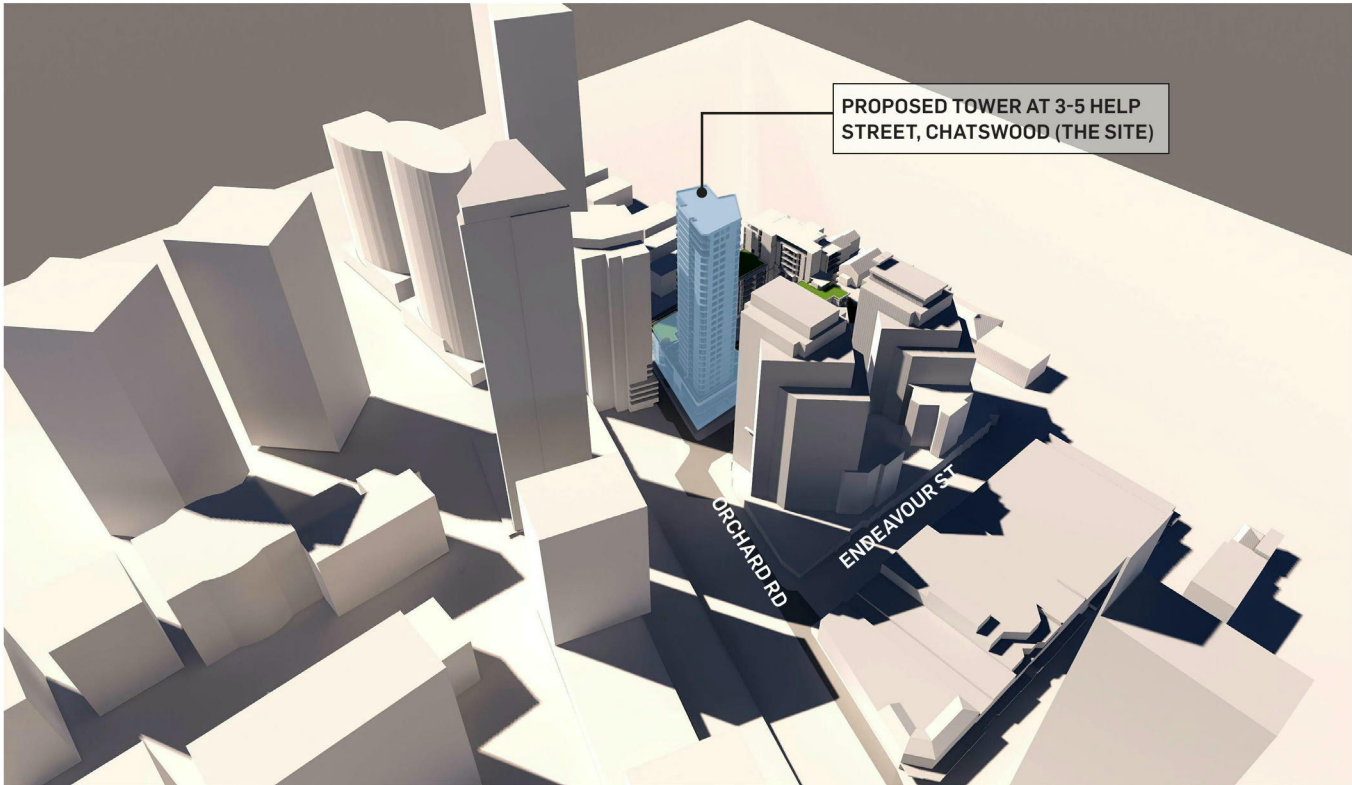


# 4. PROPOSED DEVELOPMENT

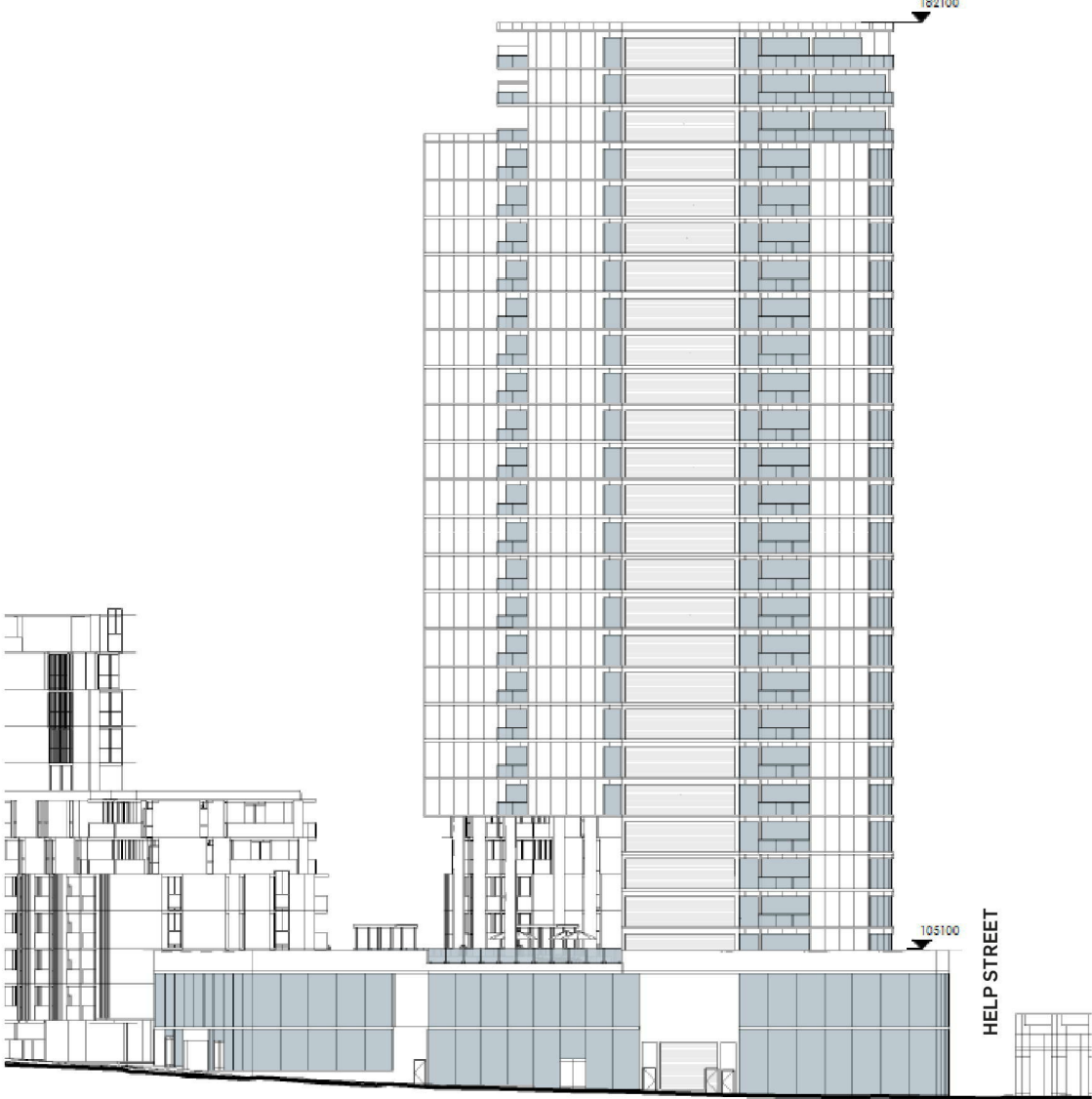
This description relates to the parts of the proposed development that would be visible in private domain views subsequent to the approval and construction of the proposed development.

The planning proposal includes a 27 storey tower of approximately 90m in height that is massed in the south-west corner of the site and springs from a two-storey podium (RL 182.1m). We note that the built form complies with the height control and ADG and appears to be a similar finished height to the adjoining residential development at 1 Cambridge Lane. The two-storey podium includes wide setbacks to the tower, from the north and east boundaries. The floorplate of the tower is broadly trapezoid in shape so that its longest elevations present to the west and north. We note that the tower includes significant setbacks from the east and north site boundaries and from neighbouring lower residential development at 1 Help Street.

Given its location and floorplate the tower will introduce a tall slim element into the foreground of potential views from the closest neighbouring residential developments.



ABOVE: AXONOMETRIC GRAPHIC PREPARED BY KANNFINCH SHOWING THE PROPOSED TOWER FORM WITHIN ITS IMMEDIATE VISUAL CONTEXT



ABOVE: CAMBRIDGE LANE ELEVATION OF PROPOSED BUILT FORM PREPARED BY KANNFINCH ARCHITECTS



ABOVE: AXONOMETRIC GRAPHIC PREPARED BY KANNFINCH SHOWING THE PROPOSED TOWER FORM WITHIN ITS IMMEDIATE VISUAL CONTEXT



# 5. RELEVANCE OF TENACITY

## 5.1. 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.

## 5.2. 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’.

## 5.3. 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.

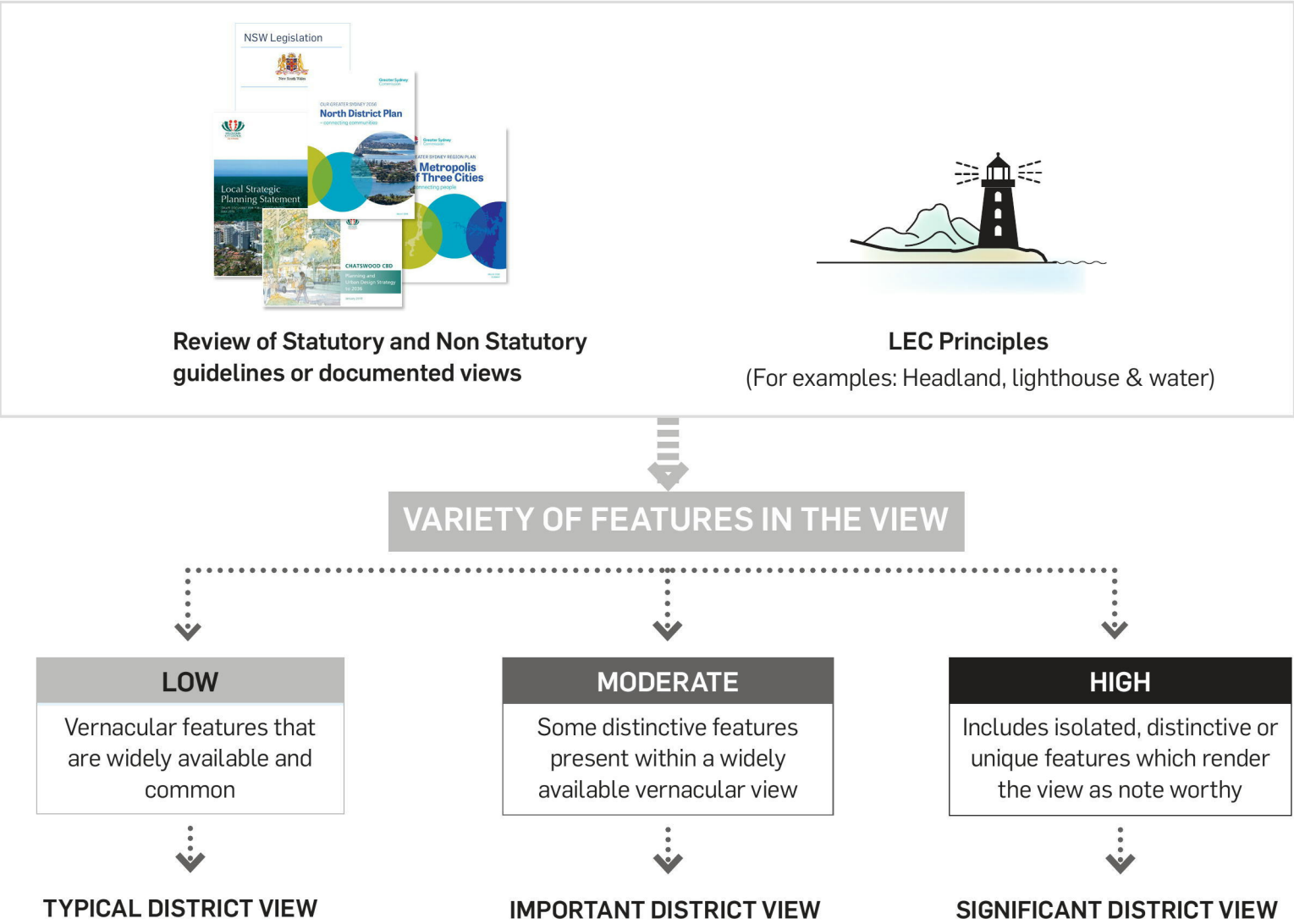
For the purposes of this preliminary advice, we have expanded the WDCP definition to reflect our understanding of what a significant regional or district view is in an effort to assess any potential visual impacts on such a view.



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.





# 6. PRIVATE DOMAIN VIEW ACCESS

The Chatswood CBD is characterised by clusters of recently constructed high rise residential buildings and older commercial tower forms to the south. Some neighbouring developments for example at 7 Railway Street appear to be significantly taller in height than that proposed. We note that the buildings decrease in height east of the site and transition down towards a visual context that is characterised predominantly by two to three storey buildings and residential development east of Anderson Street.

The potential visual catchment of the proposed development will be greatest to the east and north-east, where existing development is lower in height. Potential views to the subject site from the north, west and south are likely to be constrained by intervening built forms including towers.

High rise apartment buildings located along the railway corridor (in the vicinity of Railway Street and Orchard Road) are likely to have access to views to the east and south-east overlooking existing low- height development. The composition of potential views to the north-east, east and south-east from neighbouring residential developments are likely to vary in terms of scenic inclusions and distance range.

We note the presence of existing residential flat buildings at Regency Towers A and B at 2A Help Street south of the site. The towers are spatially well separated such that a view corridor exists between the two built forms. Both towers both have a north facing frontage overlooking the subject site.

28-30 Anderson Street adjoins the subject site where some apartments overlook the site and have views of other built form within the Chatswood CBD. Existing development on McIntosh Street (3 McIntosh Street and 38 Anderson Street) appears to include three to four storeys and therefore does not experience views over the existing development at 3-5 Help Street. Built form located further north, to the northeast and east of Anderson Street is of comparable scale to that on McIntosh Street.

## 6.1. POTENTIALLY AFFECTED RESIDENTIAL DWELLINGS

Based on fieldwork observations, a review of google earth and near map aerial imagery and our experience of the visual context of Chatswood we identified that residential flat buildings closest to the site are likely to be most affected by potential view loss.

Residential flat buildings at 7 Railway Street, 1 Cambridge Lane, 9 Railway Street and 11 Railway Street may be affected by potential view loss. Expansive views from the upper levels at these buildings are likely to be available and may be potentially affected by view loss as a result of the construction of built form proposed. We note that the north elevations of the west tower at the Regency Apartments may also enjoy expansive views to the north towards and over the existing low built form on the site.

The potential composition of existing views access has been determined via a review of real estate images and the use of google earth 3D building view.

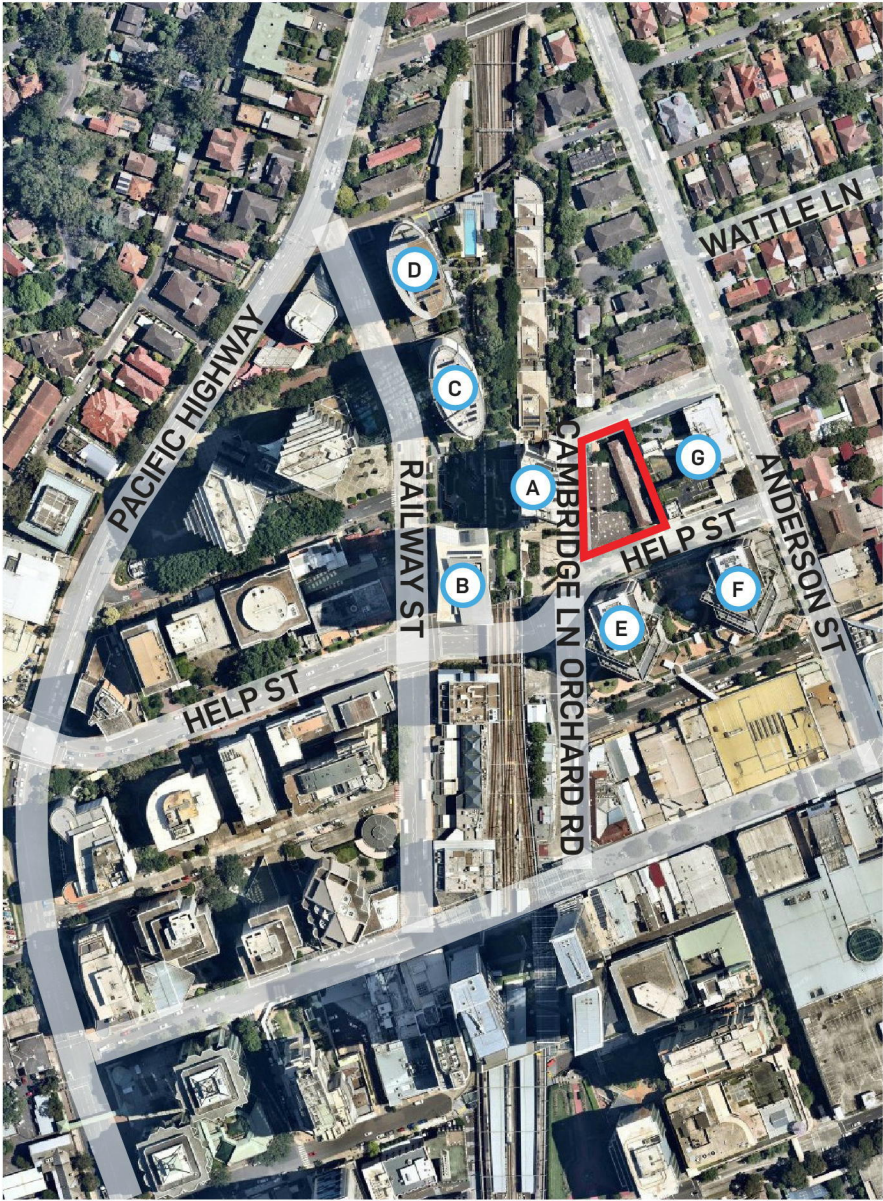


Figure 3 Site Location Plan

LEGEND			
	Site (3-5 Help Street)		11 Railway Street
	1 Cambridge Lane		2A Help Street
	7 Railway Street		18 Anderson Street
	9 Railway Street		1 Help Street/ 28 Anderson Street



PHOTOGRAPH SHOWING THE LOCATION OF SURROUNDING RESIDENTIAL TOWERS TO THE SITE. SEE KEY PLAN FOR NAMED APARTMENT BLOCKS. VIEW NORTH-WEST FROM THE INTERSECTION OF MCINTOSH STREET AND ANDERSON STREET



VIEW WEST TOWARDS THE SUBJECT SITE AND ADJACENT TOWERS FROM THE INTERSECTION OF MCINTOSH STREET AND ANDERSON STREET



VIEW NORTH-EAST TOWARDS THE SUBJECT SITE FROM THE INTERSECTION OF HELP STREET AND RAILWAY STREET



## 6.2. LIKELY VIEW ACCESS

### 7 RAILWAY STREET 'ERA'

This residential flat building is located west-south-west of the subject site and appears to be the tallest development within the immediate visual context of the subject site. Its broadly rectangular floor plate sits in a north-south alignment so that its east and west elevations are its longest. The east elevation is orientated approximately east-south-east so that its primary view orientation is in that direction. In this regard we note that easterly views from the central and southern parts of this façade are not directly orientated towards the subject site.

Existing views from upper level east-facing apartments to the north-east and south-east are likely to be partly blocked by other existing buildings including 1 Cambridge and the Regency Apartments respectively. The majority of the easterly view would be gained for mid-level apartments to the east via the Help Street road corridor and is likely to be unaffected by the proposed development.

Based on fieldwork observations and real estate images from some upper level dwellings in this building we anticipate that likely views would be expansive and long distance including scenic features. The foreground and mid-ground composition is likely to predominantly include low height residential development across the Lower and Upper North Shore. The scenic features present would be in the distant background, composition for example sections of sea-sky horizon and associated landforms at North Head, whilst views to the northeast would include distant views of hills on the horizon.

### 1 CAMBRIDGE LANE 'CAMBRIDGE APARTMENTS'

This development is located north-west of the subject site and is the closest residential tower to the proposed development. This development is characterised broadly by a rectangular floorplate with the additional of a northern mass which includes an east elevation angled towards the south-east. The entire eastern elevation includes external balconies and floor to ceiling windows that are likely to be associated with living areas and access to views. The orientation of the north mass and angled part of the building is such that potential views to the south-east via the spatial separation of the two Regency Towers may exist. The composition of views available via this view corridor needs to be tested given that scenic items and features located close to Sydney Harbour may be potentially available.

### 9 RAILWAY STREET-'EPICA'

This residential flat building is located north of 1 Cambridge Lane and north-west of the subject site. We note that its oval floorplate is setback north-west of 1 Cambridge Lane and is oriented to the north-east so that likely views access to the south and south-east will be blocked by that built form and constrained to short immediate views. It appears to be approximately 5 residential storeys taller than 1 Cambridge Lane so that some potential views to the south-east above its lower form may be available and if so are likely to include parts of the proposed development. The scenic features present in easterly and north-easterly views would form part of the distant background composition for example sections parts of Middle Harbour and potentially sections of distant sea-sky horizon.



**Figure 4** 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). View west from the intersection of Wattle Lane and Anderson Street.

### 11 RAILWAY STREET - 'ALTURA' APARTMENTS.

The Altura Apartments are located north-west of the site. Its location, height and orientation to the north-east are such that views access to the south, south-east including the subject site would be limited and constrained by intervening built form. It appears that its primary view access would be to the north-east towards where the composition would include a foreground and mid-ground composition characterised by low height residential development across the Upper North Shore. The scenic features present would be in the distant background composition for example sections parts of Middle Harbour and potentially sections of distant sea-sky horizon.

## 6.3. PROPOSED VIEWS

In our opinion of those locations identified above, views from the upper levels and north-east and east elevations at 1 Cambridge Lane are likely to be the most affected by potential view loss.

In some views (to the south-east if available via the view corridor between the Regency Towers) the views lost may include scenic and iconic features. In easterly views, the composition potentially affected may include access to highly valued features such as North Head.

Views from upper level dwellings along the east elevations at 7, 9 and 11 Railway Street are likely to be less affected by potential view loss given the orientation, setbacks and likely view access which is more expansive to the east. In addition, access to easterly and north-easterly views is likely to be unaffected by the location and massing proposed on the subject site.

### 1 CAMBRIDGE LANE - 11TH FLOOR – 12TH FLOOR (OVERLEAF)

View north-east from a mid-level floor apartment 1 Cambridge Lane. Part of the subject site may be visible in this view





**1 CAMBRIDGE LANE - 11TH FLOOR – 12TH FLOOR  
(OVERLEAF)**

Expansive district view to the north-east which may include part of the subject site.



**1 CAMBRIDGE LANE - 11TH FLOOR – 12TH FLOOR  
(OVERLEAF)**

View west from mid-level apartment at 1 Cambridge Lane where 30 Anderson Street (grey and white contemporary development) is visible in the foreground.



**7 RAILWAY STREET – 50TH FLOOR**

View east south-east from the 50th floor level at 7 Railway Street including distant view to the Pacific Ocean.



**9 RAILWAY STREET – 19TH FLOOR**

Wide angle 'zoomed in' view from an upper level dwelling at 9 Railway Street where the landform of North Head is visible.



**11 RAILWAY STREET – 15TH FLOOR**

View east from the 15th floor level dwelling at 11 Railway Street.



**11 RAILWAY STREET – 15TH FLOOR**

View south-east from level 15 at 11 Railway Street.





REGENCY TOWER A – 25TH FLOOR (VIEW NORTH)



28-30 ANDERSON STREET – 5TH FLOOR (VIEW NORTHWEST)



# CONCLUSION

Our conclusions in relation to the visual effects on private domain views of the built form proposed, are based on fieldwork inspections and observations, analysis of real estate photos and a review of relevant project graphics and architectural plans. Views from dwellings have not been inspected at this time.

The proposed development is likely to cause some view loss in relation to some views from the closest neighbouring residential flat buildings. Based on the information available and analysed, those potentially most affected by view loss include east-facing and south-east facing views from apartments at 1 Cambridge Lane.

Views from upper level dwellings at 7, 9 and 11 Railway Street are unlikely to be significantly affected by potential view loss based on the location and orientation of those buildings in relation to the built form proposed. This is because in the majority of views from 7, 9 and 11 Railway Street, in our opinion the nature of the views to be lost are likely to be predominantly characterised by vernacular or typical district views of limited significance when considering the guidance provided in Tenacity.

An accurate and determinative conclusion regarding the likely view sharing outcome for dwellings at 1 Cambridge Lane and 7 Railway Street requires an assessment against Tenacity.

Some views lost may include scenic and highly valued features as defined in Tenacity.

Views from some dwellings as identified above may require further analysis and assessment including inspections and potentially modelling of the visual effects of the proposed development to be able to determine the quantum and quality of views lost.

We note that potential view loss is caused by parts of the proposed built form which satisfy the strategic planning context of the site including objectives included in the Chatswood CBD Strategy.

In our opinion it would be impractical in this urban visual context to be able to maintain the existing access to district views by altering the massing of the proposed development to try and improve view sharing outcomes for that specific as it will not be possible to avoid impacts to all dwellings. It is not unreasonable to expect high-rise development at this site, given its relation to the CBD.



