

An aerial photograph of a cityscape. In the background, a dense forest covers a hillside. In the foreground, a large stadium with a curved track is visible. The city is filled with various buildings, including high-rise apartments and commercial structures. A semi-transparent white box is overlaid on the left side of the image, containing text.

3 ELLIS STREET CHATSWOOD MIXED-USE DEVELOPMENT

PRELIMINARY VIEW SHARING ANALYSIS for
PP 2021-4170

PREPARED FOR
MPG AU PTY LTD
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1. EXECUTIVE SUMMARY

A Planning Proposal Application has been made to the Department of Planning, Industry and Environment (DPIE) by MPG AU (The Proponent) and Willoughby City Council (The Council) for 3 Ellis Street, Chatswood.

The DPIE has issued a Gateway Determination for this application on PP 2021-4170, which includes a requirement to consider whether the planning proposal is likely to impact upon views from neighbouring properties and if a View Sharing Analysis should be prepared.

MGA Architects has prepared a View Sharing Analysis on behalf of the Proponent to assist Council's assessment of this requirement. This View Sharing Analysis has been based on established NSW Land & Environment Court Planning Principles and includes identifying significant regional and district views, identifying and analyse private domain views and assessment of any potential impact to view loss due to the proposed development.

The built form proposed in the planning proposal is compatible with and satisfies the strategic controls included in the Chatswood CBD Planning and Urban Design Strategy. As a result, the extent of the potential visual effect generated by the proposed tower are anticipated by those strategic controls.

As the immediate context of the subject site consisting of Northshore railway line and a mixture of single storey, four storey and eight to nine storey residential developments, there are no long distance or significant regional or district views within the vicinity of the subject site but rather an immediate opportunity for visual amenity from the surrounding residential developments.

The View Sharing Analysis has concluded that to most neighbouring dwellings, the potential view loss caused by the built form proposed is nil or unlikely to be significant.

It therefore in our opinion that the concept proposal in its current form has an acceptable impact on existing view sharing.



Figure 1: View from Ellis Street
(Source: MPG architects)

02. INTRODUCTION

A Gateway Determination has been issued by DPIE on 26th October 2021 to rezone the land at 3 Ellis Street, Chatswood (the Site) from R4 High Density Residential to B4 Mixed Use, including an increase to the height of buildings from 34m to 44m, and an increase to the maximum floor space ratio from 1.7:1 to 4.5:1.

Condition 1 (j) 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.

MGA architect has been commissioned by MPG AU Pty Ltd to provide preliminary advice regarding the potential view access, likely visual effect, and likely view sharing outcomes of the proposed development on private domain views.

This report is prepared in response to the DPIE's condition.



Figure 2: Aerial view of subject site - 3 Ellis Street from Southwest direction
(Source: Drone photography)

2. INTRODUCTION

CHATSWOOD CBD PLANNING AND URBAN DESIGN STRATEGY

The Chatswood CBD Planning and Urban Design Strategy (Chatswood Strategy) has recently been adopted by Council and introduces new planning controls for the Chatswood CBD and fringe areas noted for development. As a result, Council will soon prepare an amended Local Environmental Plan which will integrate the recommendations of the Chatswood Strategy.

It is noted that the planning proposal's site is subjected to a solar access plan to ensure that solar access remain to Chatswood Oval and the Chatswood Croquet Club and there is no additional shadowing impact.

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.

The summary of both the Chatswood Strategy and the precinct study are not relevant to the assessment of visual effects on individual private domain views.

WILLOUGHBY DCP

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:

D2.12 Views and Vistas

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.*

We note 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. SITE CONTEXT

The subject site is located on Ellis Street just off the Pacific Highway in Chatswood. The site is within the walking distance from Chatswood Railway Station (200m), which is frequented by residents as well as those commuting to Sydney CBD and other commercial locations as well as those coming to Chatswood for its extensive commercial and retail offerings.

The site is a rectangular shape which sits within the subject block, bounded by Ellis St to the south-east and three neighbours to the south-west (7-13 Ellis Street), north-west (88 Albert Avenue) and north-east (84-86 Albert Avenue), all of which are recently developed residential flat buildings of about 8-9 storeys with no foreseeable development potential.

It is the smallest site of the subject block. Further east of 84- 86 Albert St is the Frank Channon Walk which provides convenient pedestrian passage to the city centre and Chatswood station. Parallel to the walk is the rail line. Across Ellis St to the South are residential flat buildings of 4- 8 storeys (4-6 Ellis Street, 8-14 Ellis Street) and are not considered to have development potential.

To the north of the site, from Albert Ave and further north the character changes. The mixed use and commercial core zoning have manifested into larger tower and podium style buildings such as No. 85 Albert St which is 38 storeys tall and 63-77 Albert St which is 11 storeys tall.



Figure 3:
Existing 3 Ellis
Street



Figure 4: Aerial Site Plan
(Source: Sixmaps)

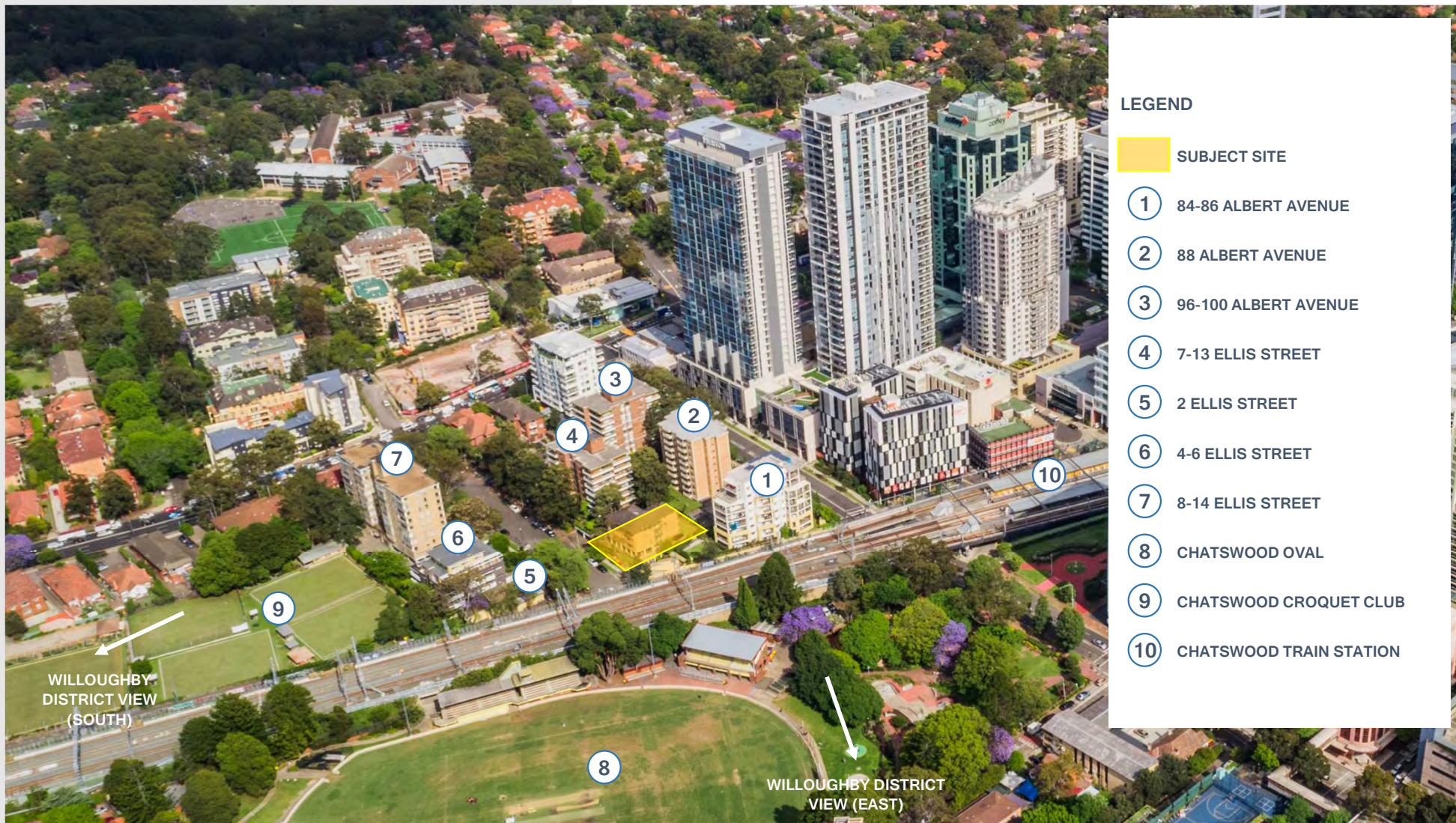


Figure 5: Aerial view of subject site - 3 Ellis Street from Southeast direction
 (Source: Drone photography)



7-13 Ellis Street
South Elevation



2 Ellis Street
North Elevation



84-86 Albert Avenue
South Elevation



8-14 Ellis Street
North Elevation



88 Albert Avenue
North Elevation



84-86 Albert Avenue
North Elevation

4. THE PROPOSAL

The planning proposal includes the demolition of existing four-storey building (approximately 14m in height) on the site and the construction of a 14-storey tower form which is greater in height (44m) than the built form that currently exists

The two-storeys commercial podium includes retail and commercial with zero setback to the east and south frontage. Associated landscaping, communal open space, private gardens and landscaped areas to the rear and side of building to maintain a certain level of privacy and building separation to the north and west of the proposal.

The tower form rises from southwest corner (RL132.10) to the highest point in the northeast corner of the site (RL138.55). The built form complies with the height control and ADG requirements. The tower form includes significant setback (9-12m) from the north boundary, more than the existing building of 6.5m. The typical floorplate of the tower is generally square in shape and contains 3 units per level.

The tower form is a direct response to comply with the sun protection plane restriction imposed onto the subject site and its vicinity in the Chatswood CBD planning and urban design strategy.

The proposal demonstrates a strong contextual fit with the rest of the surrounding built form and provide an appropriate tower transition to the adjacent residential properties.



Figure 6: 3D aerial view of proposed tower form within sun protection plane (Source: MGA Architects)



Figure 7: View of proposed tower form from Ellis Street (Source: MGA Architects)

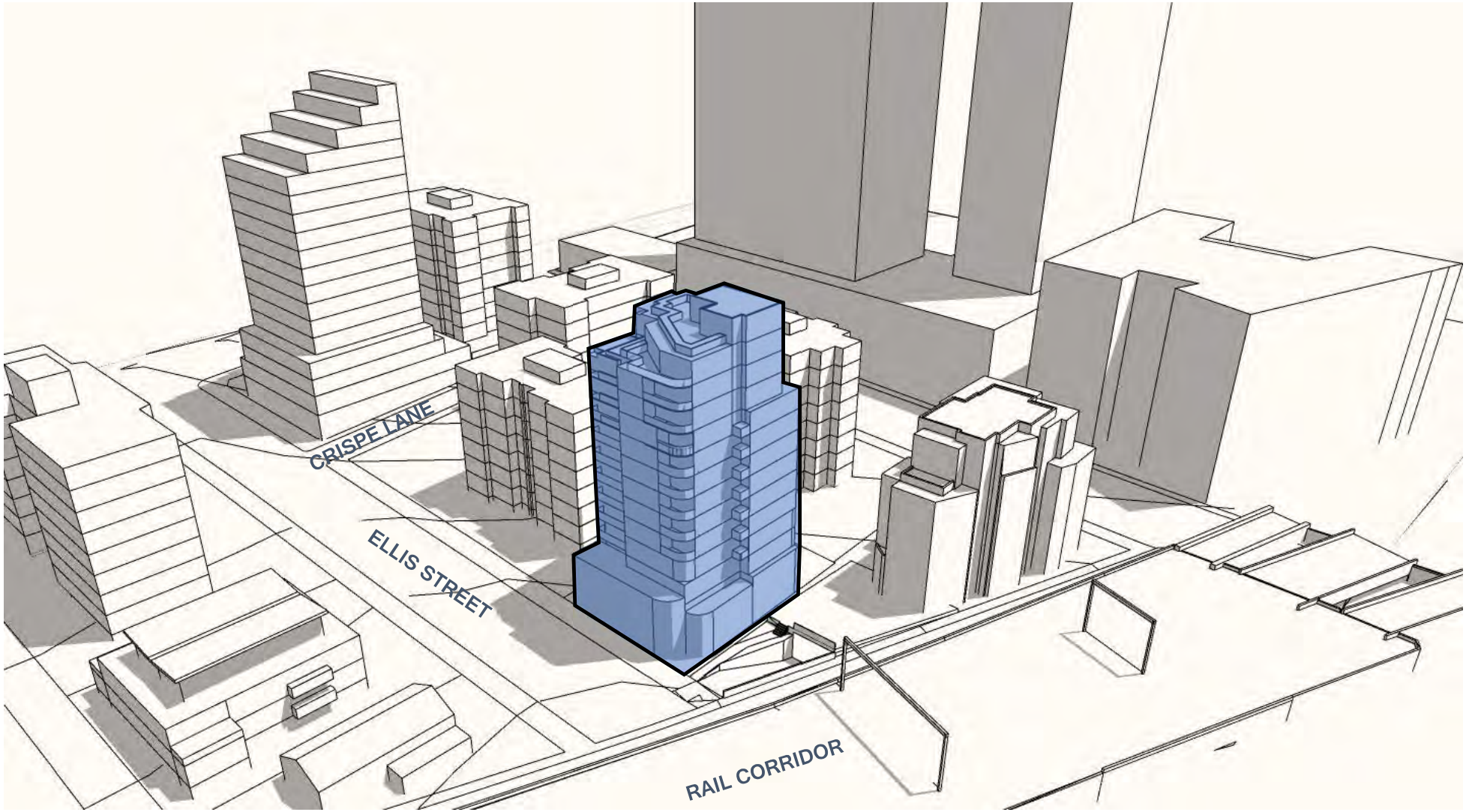


Figure 8: 3D aerial view of proposed tower form within its immediate context
(Source: MGA Architects)

5. VIEW SHARING ANALYSIS

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

The four (4) steps assessment are:

1. Assessment of views to be affected (regional and district views)
2. Assessment of parts of properties been affected
3. Assessment of the extent of impact
4. Assessment of reasonableness of the proposal

The four steps assessment lead to the exercise of:

- Identifying significant regional and district views
- Identifying and analyse public, private domain views
- Assessment of any potential impact to view loss due to the proposed development

The methodology of studying the likely external visibility of the proposed built form, likely views access and identification of those dwellings potentially most affected has been determined via site walk, drone shots, Sixmaps aerial imagery and research of real estate images from some of those dwellings.



Figure 9:
View from East towards subject site - 3 Ellis Street
(Source: Drone photography)



Figure 10:
View from South towards subject site - 3 Ellis Street
(Source: Drone photography)

5.1 IDENTIFYING SIGNIFICANT REGIONAL AND DISTRICT VIEWS

There is no clear definition of the meaning of Significant regional or district view within the Willoughby Local Environmental Plan (WLEP) or in the standard LEP instrument. Our research in WLEP and DCP noted that there are no specific views that are identified as being of significance in the vicinity of the site.

However, in Schedule 3 – Dictionary of Terms in the Willoughby City Council WDCP define significant views as:

“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.

As the immediate context of the subject site consisting of Northshore railway line to the east and a mixture of single storey, four-storey and eight to nine storey residential developments, there are no long distance or significant regional or district views within the vicinity of the subject site but rather an immediate opportunity for visual amenity from the surrounding residential developments.

It is our opinion that to have any significant regional and district view such as the Middle Harbour, natural bushland or Sydney City skyline, any building would need to have a minimum height of 40m or above.

As a result, for this view sharing analysis exercise, we can note that the specific views that are currently enjoyed by the immediate surrounding residents are the Chatswood Oval, and Willoughby District View to the East and South of the subject site.

Detail analysis is provided in Section 5.3.



Figure 11: Aerial Site plan and potential district views

5.2 VISUAL IMPACT ASSESSMENT IN PUBLIC DOMAIN

As discussed in the previous section relating to the immediate surrounding character, the general built form context of the subject site within the Chatswood precinct is characterised by a diverse mix of development, including multi-storey residential developments between the Pacific Highway and the rail line as well as taller mixed uses further north towards the commercial core.

The proposed building's footprint and bulk are relatively small scale compared to the neighbouring lots with larger site area. This has the benefit of minimize any potential visual impact to the surrounding area.

The rail line and the Chatswood Oval have also created a visual buffer from the South Chatswood Heritage Conservation Area. As the houses are predominantly single & two storey, they are not sufficiently elevated to have any visual to the development.

The stepping of developments down south of the CBD provides solar access to the public recreation areas of Garden of Remembrance, Chatswood Oval and Croquet Club. As a result, most locations that have a potential view of the development are in those areas.

Therefore, we have identified 4 locations that have potential visual catchment of the built form from the public domain:

View 1 – From Ellis Street looking East

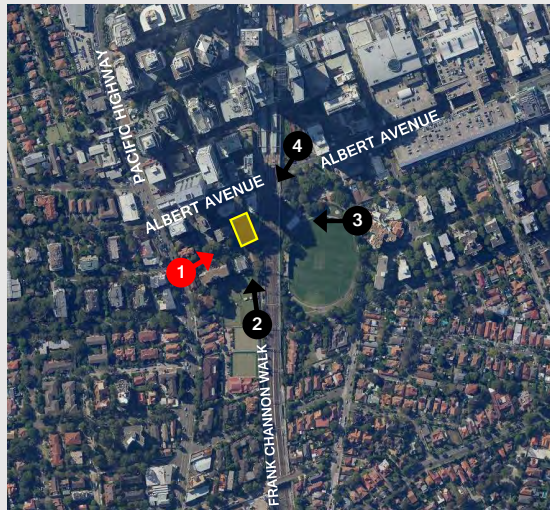
View 2 – From Frank Channon Walk looking North

View 3 – From Orchard Road looking West

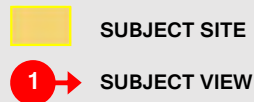
View 4 – From Garden of Remembrance looking South



Figure 12: Aerial Site plan and potential views from public domain



Key Plan



5.2.1

VIEW 1 – FROM ELLIS STREET LOOKING EAST

Ellis Street is the main street that connects to Pacific Highway. There is considerable amount of pedestrian activity as it is a direct access to the Frank Channon Walk at the end of the Cul de sac. The selected view location is near the intersection of Ellis Street and Crispe Lane.

Figure XX shows the existing street view from the selected location. The street trees are dominant within the view with a glimpse of the existing Chatswood CBD due north. A high-rise skyline is already visible as a backdrop to the proposed development.

When viewed from the footpath in a location with significant street trees such as Ellis Street, the proposed development will be partly concealed by the existing street trees. (Figure XX)



Figure 13: Existing condition (Source: Google Streetview)

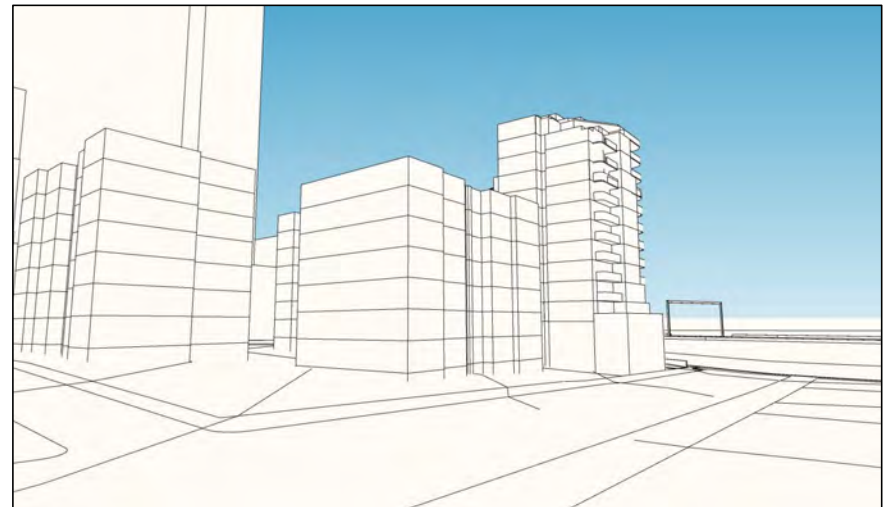
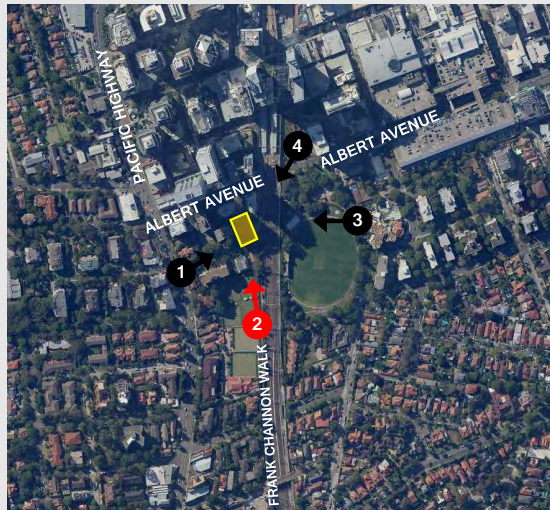
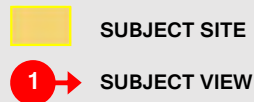


Figure 14: View 1 with proposed development



Key Plan



5.2.2

VIEW 2 – FROM FRANK CHANNON WALK LOOKING NORTH

Frank Channon Walk provides convenient pedestrian passage to the city centre and the Chatswood Station. Parallel to the walk is the rail line. The selected view location is near the Chatswood Croquet Club.

Figure XX shows the existing street view from the selected location. It provides a view to the southern end of the future Chatswood CBD. The high-rise skyline is already visible as a backdrop to the subject site.

Once the commercial core development occurs, there will be a moderate change to the CBD skyline. The proposed development will provide a transitional built form from the high-rise building of the CBD core to the low-rise buildings to the north of the Croquet Club.



Figure 15: Existing condition (Source: Google Streetview)

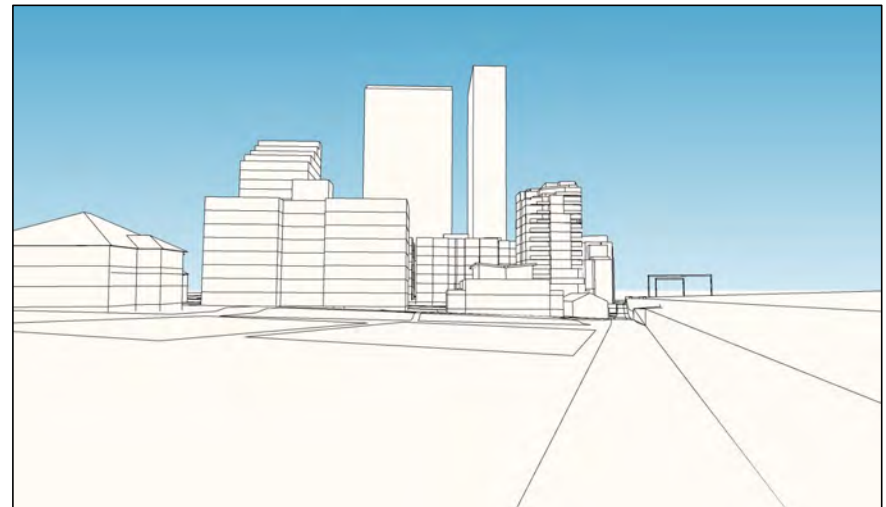
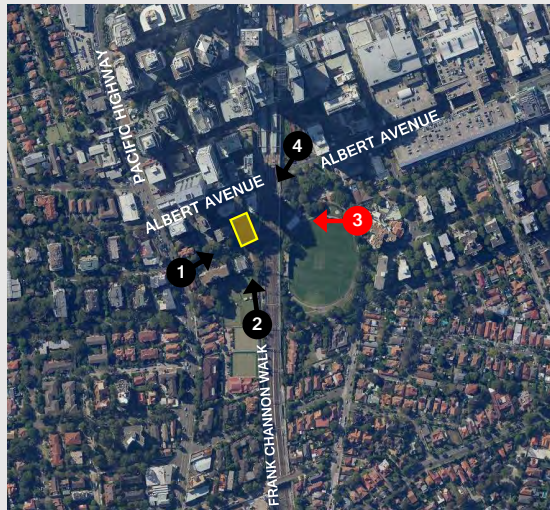
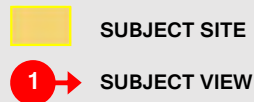


Figure 16: View 2 with proposed development



Key Plan



5.2.3

VIEW 3 – FROM ORCHARD ROAD LOOKING WEST

Orchard road is a main street that connects Albert Avenue from the north to Mowbray Road to the south. The road is lined by significant street trees along the perimeter of the Chatswood Oval. The Chatswood Oval creates a natural buffer zone from the subject site to the East of the Willoughby District. The selected view is from the eastern side of the Chatswood Oval looking towards the site.

Figure XX shows the existing street view from the selected location. The street trees are dominant within the view and the existing site is distant and almost imperceptible.

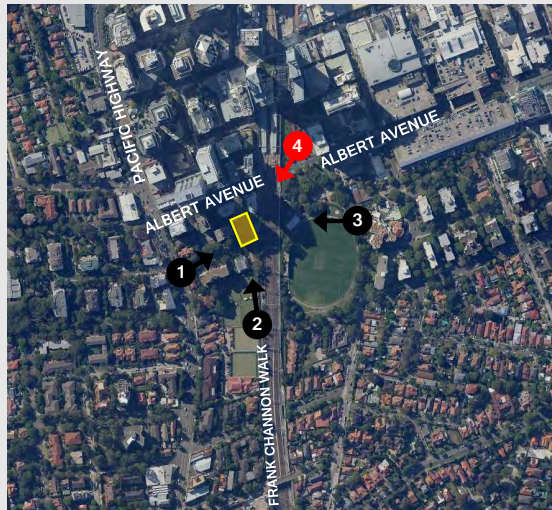
As per Figure XX, the stepping form at the crown of the proposed development can be seen over the existing street trees. The proposed built form fits well within the transitional character of the area from the high-rise Chatswood CBD towers to the north and the smaller residential buildings to the south.



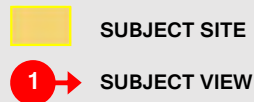
Figure 17: Existing condition (Source: Google Streetview)



Figure 18: View 2 with proposed development



Key Plan



5.2.4 VIEW 4 – FROM GARDEN OF REMEMBRANCE LOOKING SOUTH

The Garden of Remembrance commemorates the Australian men and women from the Willoughby district who died during the Boer War, World War I, World War II, and in Korea, Malaya and Vietnam. The Garden of Remembrance is located approximately 130 meters northeast of the subject site on the eastern side of the rail line. The selected view is from the southern portion of the Garden looking towards the site.

Figure XX shows the existing pedestrian view from the selected location. The existing building is currently not perceivable from this view point. Figure XX shows that once completed, the upper floors of the proposed development will be visible from this distance.

At 14 storey heights only, the scale of the development will not significantly change the existing character of the surrounding context. As discussed previously, the proposed built form fits well within the transitional character of the area from the high-rise Chatswood CBD towers to the north and the smaller residential buildings to the south.



Figure 19: Existing condition (Source: Google Streetview)

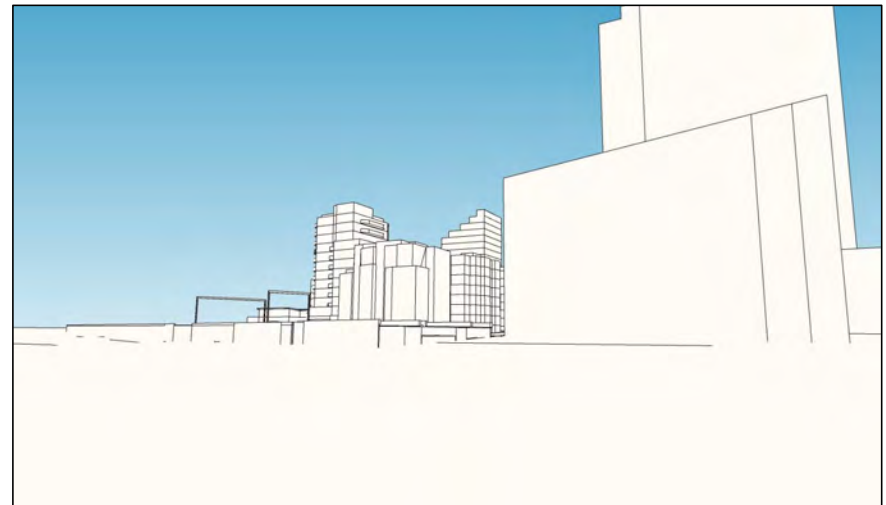


Figure 20: View 2 with proposed development

5.3 IDENTIFYING AND ANALYSE PRIVATE DOMAIN VIEWS

This section identifies the residential developments that located within the immediate context of the site. It can be categorized that there are developments that are most likely to be affected by the potential view loss, and those that are not considered to be any significant risk in relation to potential view loss.

Private domain views that are most likely to be affected by potential view loss include:

- 88 Albert Avenue (upper floors of the southeast corner units)
- 7-13 Ellis Street (upper floors of southeast corner units)

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 are:

- 84-86 Albert Avenue
- 96-100 Albert Avenue
- 2 Ellis Street
- 4-6 Ellis Street
- 8-14 Ellis Street

These properties will not have any potential view loss because they are either

- Not sufficiently elevated or oriented to have view access across the site to scenic or highly valued scenic features (2 Ellis Street & 4-6 Ellis Street);
- Views to the site are partly blocked by built form or existing vegetation (96-100 Albert Avenue)
- Orientation of the primary view direction are not directed towards the subject site (84-86 Albert Avenue)

Refer to following sections for detail analysis.

LEGEND



SUBJECT SITE



PRIMARY VIEW DIRECTION



WRAP AROUND BALCONIES



EXISTING TREE / VEGETATION

1

84-86 ALBERT AVENUE

2

88 ALBERT AVENUE

3

96-100 ALBERT AVENUE

4

7-13 ELLIS STREET

5

2 ELLIS STREET

6

4-6 ELLIS STREET

7

8-14 ELLIS STREET

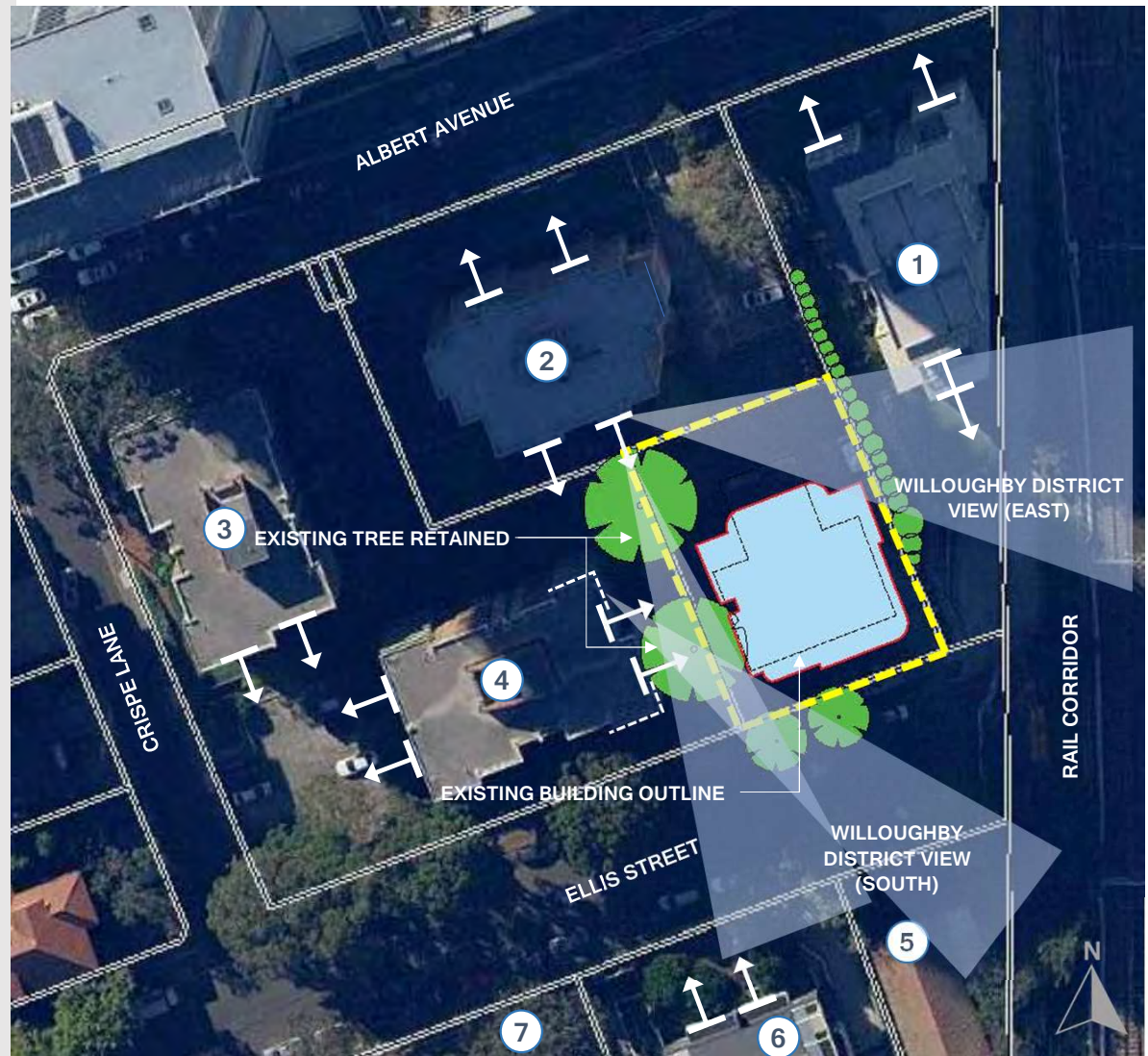


Figure 21: Site Location Plan and Primary View Direction



84-86 Albert Avenue

84-86 Albert Avenue is an eight-storey apartment building located to the far northeast of the subject site which contains some 23 Strata units. The only structure that located adjacent to the subject site is the basement driveway off from Ellis Street.

The development is characterised broadly by a trapezoid floorplate with the top 2 level further setback from the southern envelope.

84-86 Albert Avenue currently enjoying the existing eastern and southern district view, with the northern unit has a glimpse of the Chatswood CBD to the north.

It is unlikely that the proposal will have any impact to 84-86 Albert Avenue as its main view orientation off from the living room are towards north, east, and south direction.



Unit 20 outlook
(Source: realestate.com.au)



4-6 Ellis Street

4-6 Ellis Street is a four-storey apartment building located to the southwest of the subject site separated by Ellis Street. The building contains some 12 strata lots with 6 northern facing unit will have potential view towards the proposal.

It is anticipated at four-storey height that the development does not have access to significant regional or district views.

The development will have view of the proposed built form but will not have any significant loss of views.



Unit 10 outlook
(Source: realestate.com.au)



8-14 Ellis Street

8-14 Ellis Street is an eight-storey apartment building located to the southwest of the subject site separated by Ellis Street.

The building contains some 39 strata lots with 16 northern facing unit will have potential view towards the proposal.

As all the unit's main living room views are towards north and south, it is anticipated that the proposal will not cause any view loss to the existing development.



Unit 25 outlook
(Source: realestate.com.au)



88 Albert Avenue

88 Albert Avenue is a nine-storey apartment building located to the northwest of the subject site which contains some 37 units.

The proposal will be fronting towards the south elevation of 88 Albert Avenue. Each of the 9 levels of the southern facing units potentially will be exposed to the view of the proposed built form.

Lower floor of the southeast corner units' view to the proposal will be partly obscure by the intervening vegetation at 7-13 Ellis Street.

The upper most floors (from level 5 onwards) have partial view access to the eastern and southern district views once it clears the existing vegetation.

There are approximately 18m building separation between 88 Albert Avenue and the proposal which provide a generous view amenities for the existing units.

It is likely that the upper most floors of the southeast corner units (5 units) within 88 Albert Avenue will have some minor impact on the existing eastern and southern Willoughby district view.



23/88 Albert Avenue, Chatswood

Disclaimer:
The information provided on this floor plan is shown for presentation purposes only and are not part of any legal document or title. They are subject to errors, omissions, representation and should not be used as a sole and accurate reference. Interested parties should regard floor plan information using independent resources.

Floor plan indicate Southwest corner unit.
Southeast corner unit plan will be mirrored.
(Source: realestate.com.au)



Level 7 outlook - Unit 30
(Source: realestate.com.au)



Level 5 outlook - Unit 23
(Source: realestate.com.au)



7-13 Ellis Street

7-13 Ellis Street is an eight-storey apartment building located to the west of the subject site. The building is part of the 96-100 Albert Avenue development which contains 63 strata unit in total.

The proposal will be fronting towards the eastern elevation of 7-13 Ellis Street. Based on desktop research, each of the 14 eastern facing units on all levels potentially will be exposed to the view of the proposed built form.

Only the upper 4 floors of northeast and southeast units (8 units) will have some impact on the existing Willoughby District view and Chatswood Oval from the proposal.

The wrap around balconies of the northeast southeast corner units will still provide the residents the views that they currently enjoyed.

Taking all things into consideration we do not anticipate the proposed development would cause any significant visual effects or view loss from dwellings at 7-13 Ellis Street.



Floor plan indicate Southwest corner unit.
Northeast corner unit plan will be mirrored.
(Source: realestate.com.au)



Level 5 outlook - Unit 52
(Source: realestate.com.au)



Level 6 outlook - Unit 56
(Source: realestate.com.au)

6. CONCLUSION

The View Sharing Analysis Study has found that the proposal within the urban context of Chatswood CBD will have an acceptable impact on the existing surrounding building.

The built form proposed in the planning proposal is compatible with and satisfies the strategic controls included in the Chatswood CBD Planning and Urban Design Strategy. As a result, the extent of the potential visual effect generated by the proposed tower are anticipated by those strategic controls.

In our opinion we do not anticipate the proposal would cause any significant view loss to the majority of neighbouring dwellings.

In addition, the final design of the subject site as part of a detailed Development Application will likely represent a more refined building within the envelope proposed in the Planning Proposal. The final design is likely to have an even lesser impact on neighbour's view amenities.

It therefore in our opinion that the proposal in its current form has an acceptable impact on existing view sharing.

