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## Executive summary

The purpose of this visual impact assessment (VIA) is to identify, describe and assess the significance and appropriateness of the potential visual impacts of a planning proposal at 52 McLaren Street, North Sydney with a concept design comprising a mixed use development including two buildings and unified podium.

The method adopted for the VIA is based on the Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA3), adjusted to better take into account NSW context.

The site is located on the northern edge of the North Sydney Central Business District (CBD) and southern edge of the Civic Precinct.

The proposal seeks to amend the following controls that apply to the site under North Sydney Local Environmental Plan 2013 (North Sydney LEP 2013). The changes have been driven by North Sydney Council's (Council) vision for the site under the Civic Precinct Planning Study (CPPS):

- maximum Height of Buildings from RL 110 to RL 107 to RL 156
- Floor Space Ratio from nil assigned to 5.3:1
- non-residential Floor Space Ratio from 0.5:1 to 1:1

The VIA is based on photomontages that compare the existing visual environment and the approved development (not yet built) environment with an approximation of the likely future visual environment at the time of ultimate development. As the emphasis at this stage is on considering matters of scale and form, detail such as materiality and landscaping have been excluded from these visuals. The photomontages have been prepared in accordance with the Land and Environment Court photomontage policy. Prior to lodgement, discussions were undertaken with Council who provided guidance on the views to be assessed from public viewpoints. The photomontages were prepared for eight (8) viewpoints that are representative of the pattern of viewing in the visual catchment.

Consideration of visual impact is based on a two part process:

- significance of visual impact based on the sensitivity of the existing visual environment to the nature of change being proposed and the magnitude of the change
- acceptability of visual impact based on consideration of relevant parts of the applicable planning framework.

The sensitivity of the existing visual environment ranges from low to medium. Magnitude of visual impact is greatest when seen from viewpoints in the close range such as from Ted Mack Civic Park. The visual environment seen from these viewpoints is dominated by low to medium rise heritage buildings which line Miller Street. While the proposed envelopes are significantly taller than the built form along Miller Street, the overall impact is considered to be acceptable given the development will appear in the background and will form a logical, visually cohesive extension of other approved development along McLaren Street which include the Rydges Hotel and 168 Walker Street Aqualand development currently under construction.

The proposal is consistent with relevant parts of applicable strategic plans such as the Regional Plan and the Northern District Plan, the proposal does not block, occlude or otherwise adversely impact significant views obtained from the public domain to elements identified as being of high scenic value such as Sydney Harbour or the Sydney CBD skyline.

The proposal results in an urban form outcome consistent with the planning intent for the site. While the proposal does not comply with select development standards applicable to the consideration of visual impact, such as maximum building height and maximum FSR, the variation is justified on strategic merit and Council studies such as the CPPS.

For the reasons outlined in the VIA and subject to the mitigation measures identified in this VIA, it is considered that the proposal has an acceptable visual impact. Private view analysis has been undertaken using the latest North Sydney 3D Model which is included in the Urban Design Report at **Appendix A**.

## 1.0 Introduction

This VIA assesses the visual impact of an indicative envelope for the purposes of a planning proposal by Sydney Metro related to land located at 52 McLaren Street, North Sydney for a mixed use development comprising two buildings and unified podium.

It has been prepared by Ethos Urban on behalf of Sydney Metro as the proponent.

The VIA is structured as below.

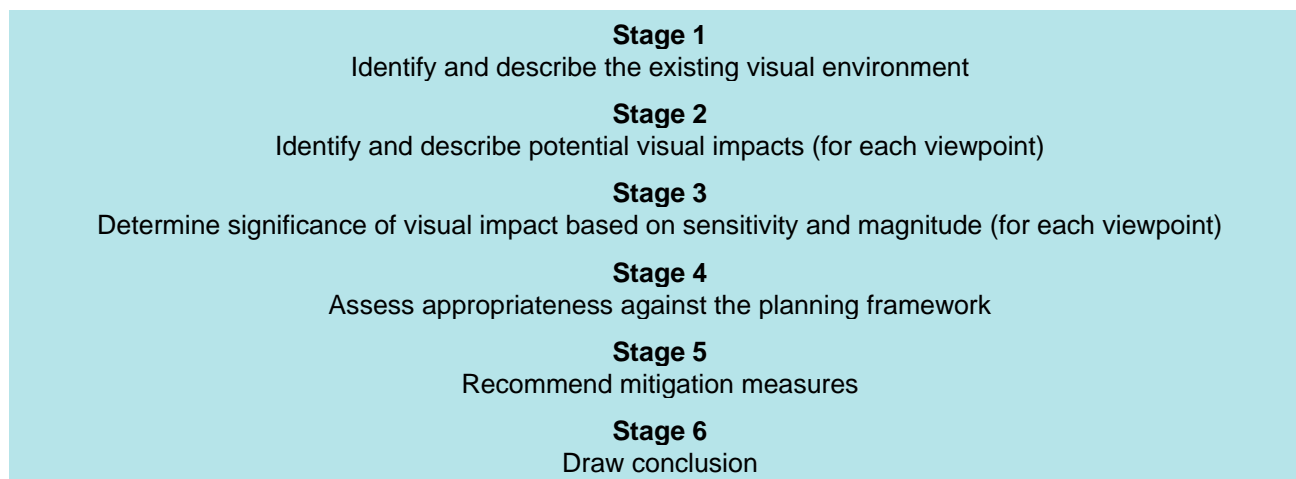
- **Part 1 – Introduction:** identifies the purpose and structure of this VIA
- **Part 2 – Methodology:** outlines the methodology used as the basis for this VIA.
- **Part 3 – The site and its context:** provides an overview of the site and surrounding land.
- **Part 4 – The proposal:** describes the proposal, including its key visual characteristics.
- **Part 5 – The planning framework:** identifies relevant parts of the applicable framework against which the acceptability of visual impact is to be assessed.
- **Part 6 – The visual catchment:** identifies the area from which the proposal is likely to be seen.
- **Part 7 – Viewpoints:** identifies the viewpoints that form the basis of this VIA.
- **Part 8 – Visual impact:** identifies the key visual impacts of the proposal through the use of photomontages.
- **Part 9 – Visual impact assessment:** undertakes an assessment of visual impact against the factors of sensitivity to the nature of change proposed and the magnitude of the change proposed to identify significant visual impacts.
- **Part 10 – Assessment against the planning framework:** undertakes an assessment of visual impact against relevant parts of the applicable framework to determine its acceptability.
- **Part 11 – Mitigation measures:** recommends any mitigation measures to reduce potential visual impacts.
- **Part 12 – Conclusion:** identifies whether the proposal can be supported on visual impact grounds.

## 2.0 Methodology

The VIA has been prepared generally in accordance with the international standard Guidelines for Landscape and Visual Impact Assessment version 3 (GLVIA3) published by the Landscape Institute and the Institute of Environmental Management and Assessment in 2013. The GLVIA is widely referenced in Australian VIA (Australian Institute of Landscape Architects, 2018). A summary outline of this methodology is provided in **Figure 1**.

Consistent with the scope provided by Council, the VIA considers overall and public domain impacts. While it does not undertake private view loss assessment in accordance with *Tenacity Consulting v Waringah* [2004] NSWLEC 140 (Tenacity), a high level private view analysis has been undertaken and is included in the Urban Design Report at **Appendix A**. While consideration of acceptability is mainly against the planning framework, regard is also given to other planning principles where relevant.

The basis for the VIA, which is surveying, photography and software based modelling, was undertaken in accordance with the Land and Environment Court photomontage policy.



**Figure 1** Summary outline of methodology

## **2.1 Assumptions, limitations and exclusions**

The following limitations apply to this VIA:

- while photomontages provide an indication of likely future visual environment, they can only provide an approximation of the rich visual experience enabled by the human eye. As they are based on photographs, the same limitations that apply to photography, including optical distortion, also apply.

The following exclusions apply to this VIA:

- while consideration has been given to the likely impact on views obtained from the private domain, detailed assessment in accordance Tenacity Consulting v Waringah [2004] NSWLEC 140 based on photomontages has not been undertaken
- visual impact often involves a level of overlap with other matters such as design and heritage. Where a matter is best addressed by another expert such as impact on heritage setting or the visual amenity of elevations, refer to the relevant expert report
- consideration of night-time impact, including lighting, is excluded
- consideration of impact on Aboriginal cultural heritage values associations is excluded. This is only appropriately undertaken by a member or qualified representative of the Aboriginal community.

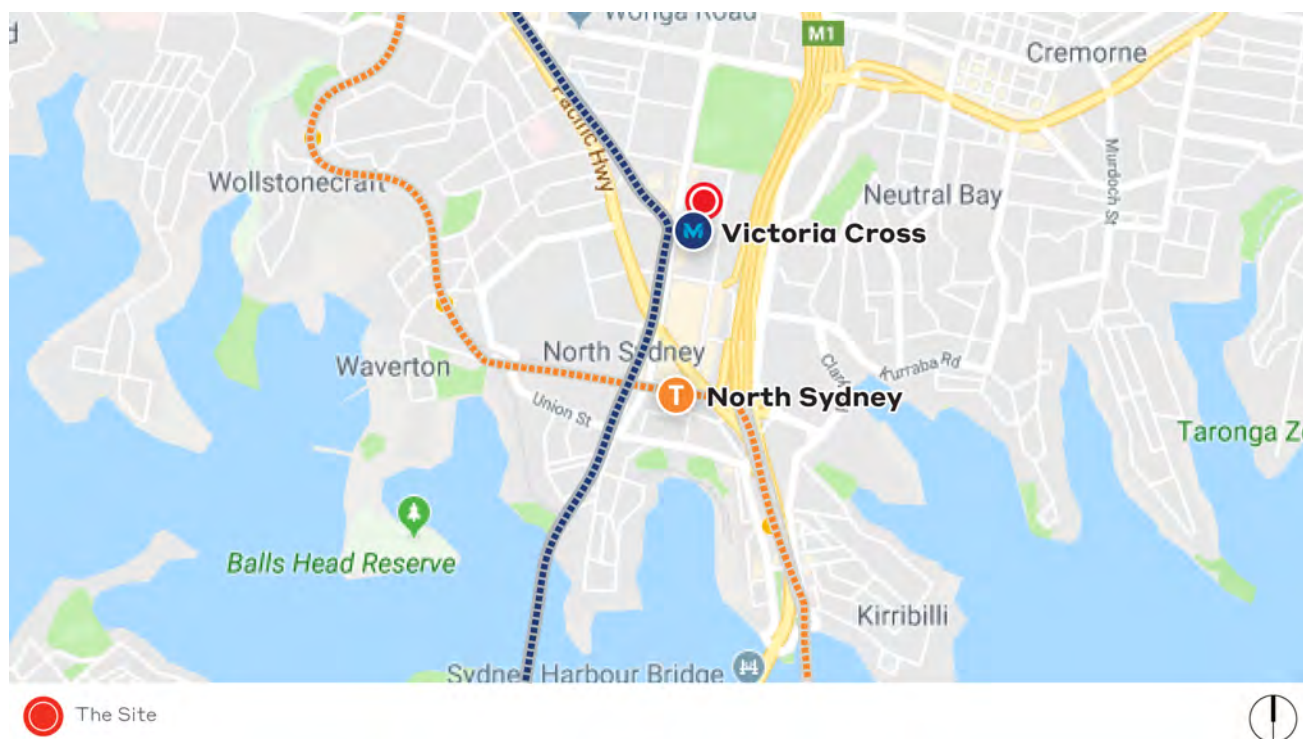


## 3.0 The site

### 3.1 Site location and context

The site is located at 52 McLaren Street, North Sydney within the North Sydney Local Government Area (LGA). North Sydney is a commercial and residential strategic centre on the Lower North Shore of Sydney providing retail, commercial, education and service which are all located within close proximity to the site. The site is located on the periphery of both the North Sydney Central Business District (CBD) as identified in the North Sydney DCP 2013 and the Civic Precinct as identified in the CPPS. The site and its immediate surrounds have been labelled as a dense and active transition zone, which creates a prime opportunity for redevelopment within an already well-established and significant area.

Significant investment in new public transport infrastructure in the form of the Victoria Cross metro station, the northern portal of which will sit adjacent to the site, has been made by the State government. The Victoria Cross metro station is expected to open in 2024. In addition to the future Metro Station, the site is 400m north of North Sydney Railway Station and is nearby to bus services. The site's locational context is shown at **Figure 2**.



**Figure 2 Site context**

Source: Google Maps / Ethos Urban

### 3.2 Site description

The site is legally described as Lot 2 in DP 218407. The land is owned by Sydney Metro. It has a long, linear and irregular shape and contains an area of approximately 3,197m<sup>2</sup>. The site's southern boundary consists of a 36.5m frontage to McLaren Street. Vehicular access is obtained from McLaren Street. An aerial photo of the site is shown at **Figure 3**.



**Figure 3** Aerial image of the site

Source: Nearmap / Ethos Urban

### 3.3 Surrounding development

Directly north of the site is Elliot Street which leads to St Leonards Park. Elliot Street is surrounded by buildings associated with Independent School, Wenona and residential development (see **Figure 4**). A bridge crosses over Elliot Street and provides elevated access for staff and students travelling across the school campus (refer to **Figure 5**). Further north of the site is St Leonards Park which contains North Sydney Oval, Bon Andrews Oval and other recreational facilities.

Directly south of the site development comprises of high rise residential buildings (refer to **Figure 6**). The future Ward Street Precinct will be located further south of the site which will improving the public domain and amenity in the heart of the North Sydney CBD. Access from the Ward Street Precinct to the Northern Metro Portal will be provided via Faith Bandler Place (refer to **Figure 7**).

To the east of the site is residential development and short stay accommodation. Directly adjacent to the site is 168 Walker Street where a new mixed-use development is proposed, varying from 22 to 28 storeys (refer to **Figure 9**). The site also adjoins the Rydges Hotel site (refer to **Figure 8**). One block east of the site is Warringah Freeway, which separates the North Sydney CBD from low to medium density residential developments of Neutral Bay and Kirribilli further east.

Directly adjacent to the site's west is the new Victoria Metro Station Portal which is currently under construction and expected to open in 2024. To the site's western boundary are low rise commercial building, two of which are heritage listed under the North Sydney LEP 2013 (**Figure 10**). Further west is the North Sydney Council Chambers and a mixture of educational and recreational development.

Overall, it is important to note, due to the existing and approved built form typology (consisting of tower developments), the site and much of its immediate surrounds can be considered part of the North Sydney CBD.





**Figure 4** Elliot Street (looking north)

Source: Ethos Urban



**Figure 5** Overpass bridge connecting Wenona school campus

Source: Ethos Urban



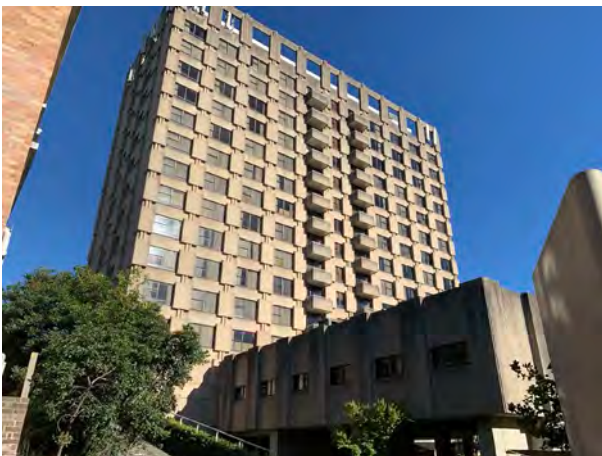
**Figure 6** Residential apartment buildings

Source: Ethos Urban



**Figure 7** Faith Bandler Place

Source: Ethos Urban



**Figure 8** Rydges Hotel

Source: Ethos Urban



**Figure 9** 168 Walker Street development

Source: Woodsbagot



**Figure 10** Heritage building west of the site

*Source: Ethos Urban*



**Figure 11** Wenona school

*Source: Ethos Urban*

## 4.0 The proposal

An indicative scheme has been prepared by GHD Woodhead (architects engaged by Sydney Metro) to inform revised planning controls for the site. The proposed envelope facilitates a podium and building form, consistent with the provisions of the North Sydney DCP 2013. The scheme illustrates that the proposed amendments to the North Sydney LEP 2013 can support the delivery of a development with 8 and 24 storey mixed use buildings accommodating retail, office and residential land uses. The development scheme comprises:

- North building 8 storeys (RL106.2m) (inclusive of plant)
- South building 24 storeys (RL156m) (inclusive of plant)
- Three (3) basement levels, comprising 121 car parking spaces and childcare drop off zone
- Total GFA of 16,947m<sup>2</sup> including:
  - 13,487m<sup>2</sup> residential floor space
  - 2,573m<sup>2</sup> commercial floor space
  - 427m<sup>2</sup> retail floor space
  - 460m<sup>2</sup> internal and 450m<sup>2</sup> external childcare floor space
- Publicly accessible through site link connecting McLaren Street and Elliot Street.

## 5.0 The planning framework

Relevant parts of the planning framework for the VIA are identified in **Table 1** below. Of these, the CPPS provides the most fine grain, locally relevant guidance.



**Table 1 The planning framework**

Name of plan	Type of planning instrument under the Act
Greater Sydney Regional Plan	Strategic plan
North District Plan	Strategic plan
North Sydney Local Strategic Planning Statement	Local strategic planning statement
North Sydney Local Environmental Plan 2013	Environmental planning instrument
North Sydney Development Control Plan 2013	Development control plan
Civic Precinct Planning Study	Strategic planning and design study

## 5.1 Strategic planning context

As has been noted, the CPPS provides the most fine grain, locally relevant guidance on visual impact matters. It identifies the site within an area that is considered the fringe between the North Sydney CBD and the Civic Precinct. A series of objectives have been provided which include:

- *Deliver jobs and housing growth on the fringe of the CBD in areas with additional transport infrastructure*
- *Provide a height transition between the commercial core of the CBD and the low-scale conservation area to the north*
- *Protect the amenity and sunlight of existing and proposed public open spaces identified in this study and in the Ward Street Masterplan*
- *Adopt view sharing principles to retain Harbour views for occupants of existing residential towers where possible*
- *Complete the North-South pedestrian laneway link from North Sydney train station to St Leonards Park*
- *Preserve the Heritage Conservation Area (HCA) along Ridge Street*
- *Deliver new open space identified under Action 8.*

The CPPS has identified the site as being capable of change. It envisages future development on the site to feature a commercial podium with an opportunity for community uses as part of a public benefit offering. Additionally, it envisages a 14 storey building to the north (residential or commercial) and a 24 storey residential building to the south. The Plan also envisages a 6-metre-wide pedestrian link connecting McLaren and Elliot streets.

A series of design guidelines have been identified for the site under the CPPS, which have been explored in the planning proposal report and used as further context for this VIA. They include:

- *Maximum building heights transitioning down from 24 to 14 storeys as per the map to respond to the approved development at 168 Walker Street and the existing Rydges Hotel*
- *Building heights (including plant) are subject to no net increase in overshadowing of planned public spaces identified in the Ward Street Masterplan and Doris Fitton Park*
- *Provide a commercial podium fronting McLaren Street that appropriately responds to the scale of the northern metro portal and approved development at 168 Walker Street (maximum 4-storeys)*
- *Provide a minimum 6-metre whole of building setback along the eastern boundary to deliver the pedestrian link between McLaren and Elliot Streets*
- *Provide a whole of building setback to McLaren Street to align the future building with the adjacent development at 168 Walker Street, facilitate a more level public access to the pedestrian link and achieve greater built form separation to residential towers south of McLaren Street*
- *Provide adequate separation to the properties to the west, both at podium at tower levels*
- *Comply with the ADG building separation recommendations to all 4 boundaries*

- *Minimise overshadowing impacts to existing buildings on the southern side of McLaren Street by locating any future tower towards the western side of the site*
- *Ensure surrounding apartments receive at least 2 hours of direct sunlight in midwinter as per the ADG recommendations*
- *Include a visual impact study with any future planning proposal*
- *Provide vehicular access to the site from McLaren Street*

The above objectives and design guidelines have been further explored in the planning proposal however provide context for the VIA.

## 5.2 Statutory planning context

The existing planning controls prescribed under the North Sydney LEP 2013 and the proposed controls are provided in **Table 2** below.

**Table 2 Existing and proposed North Sydney LEP 2013 controls**

Control	Existing	Proposed
<b>Zone</b>	B4 Mixed use	
<b>Building Height (max)</b>	RL 110	RL 107 to RL 156
<b>Floor Space Ratio</b>	Not assigned	5:3
<b>Non-Residential Floor Space</b>	0.5:1	1:1

## 5.3 Background

In the pre-planning proposal meeting, Council requested the planning proposal be supported by a visual impact study which should include the following viewpoints:

- Looking south from St Leonards Park, and at intervals down Elliot Street.
- Looking east from Ted Mack Civic Park and Council Chambers.
- From the McLaren Street Conservation area at the corner of Miller and McLaren Street towards the metro portal.
- Looking east from the McLaren Street conservation area towards heritage items 243 Miller Street and 255 Miller Street.
- From the corner of Walker Street and Hampden Street looking north west.
- Looking north at intervals up Faith Bandler Place.
- At intervals along McLaren Street, Miller Street and Walker Street.

After initial testing, the Sydney Metro team and Council have agreed upon 8 viewpoints utilising the worst-case scenario of the envelope and angles where the proposal would be seen which are discussed in this VIA.

Council also requested that indicative details of the potential architectural treatment and visual amenity of the two building facades facing west should be incorporated into the visual impact analysis to demonstrate how the 'core zones' will not result in tall, blank walls that are visible throughout the Civic Precinct. This has been addressed in the Design Report at **Appendix A**.

## 6.0 The visual catchment

### 6.1 The zone of theoretical visibility

The area in which the proposal may be visible, in totality or in part, is called the "Zone of Theoretical Visibility", or ZTV.

The ZTV is influenced by the interplay of a number of factors. These include physical factors such as landform, the alignment of streets, the nature of open space and vegetation (in particular that in parks or that is otherwise afforded some level of protection) and other factors such as distance, direction of view, angle of view and scale of the development.

Within the ZTV is an area in which the proposal is likely to be most visible. This is called the primary visual catchment. Due to the complexity of the visual environment, including the presence of blocking or screening elements such as building and trees, the primary visual catchment for the proposal is likely to be relatively small and generally bounded by:

- **north:** Ridge Street and part of St Leonards Park south of North Sydney Oval
- **east:** Walker Street
- **south:** McLaren Street and the northern end of Faith Bandler Place
- **west:** Miller Street and Civic Centre Park.

It is considered that it will be most visible from Miller Street and McLaren Street.

## 6.2 Pattern of viewing

Pattern of viewing is important in informing the selection of viewpoints upon which the VIA will be based. The pattern of viewing in the visual catchment is determined by visual receptors (type and number) and viewing range.

### Visual receptors

People within the visual catchment who will be affected by the changes in views and visual amenity are referred to as “visual receptors”.

Based on the GLVIA3, there are a number of different types of visual receptors:

- residents at home
- communities where views contribute to the landscape setting enjoyed by residents in the area
- people, whether residents or visitors, who are engaged in outdoor recreation, including use of public footpaths, whose attention or interest is likely to be focused on the landscape and on particular views
- travellers on road, rail or other transport routes
- travellers on road, rail or other transport routes where travel involves recognised scenic routes
- visitors to heritage assets, or to other attractions, where views of the surroundings are an important contributor to the experience
- visitors to facilities or services (eg, shops) that meet their day to day needs
- people engaged in outdoor sport or recreation which does not involve or depend upon appreciation of views of the landscape
- people at their place of work or study whose attention may be focused on their work or activity, not on their surroundings, and where the setting is not important to the quality of working life.

### Viewing planes

Views occur through ‘view planes’ that comprise a foreground, middle-ground and background. The qualities or components of the foreground, middle-ground and background help to define what is significant about a view, and changes within those ‘planes’ will alter the qualities and characteristics of a view.

### View ranges

Views also occur through ranges that comprise close, medium and long range. Viewing range is important in determining how change is perceived across a landscape. However, assigning specific distances to the ‘view planes’ that occur within a view in urban landscapes is difficult as the various planes are also defined



according to the character of the viewed landscape i.e. the foreground of a view may terminate at a particular element or feature as opposed to being defined by a distance in metres.

The following table summarises the pattern of viewing.

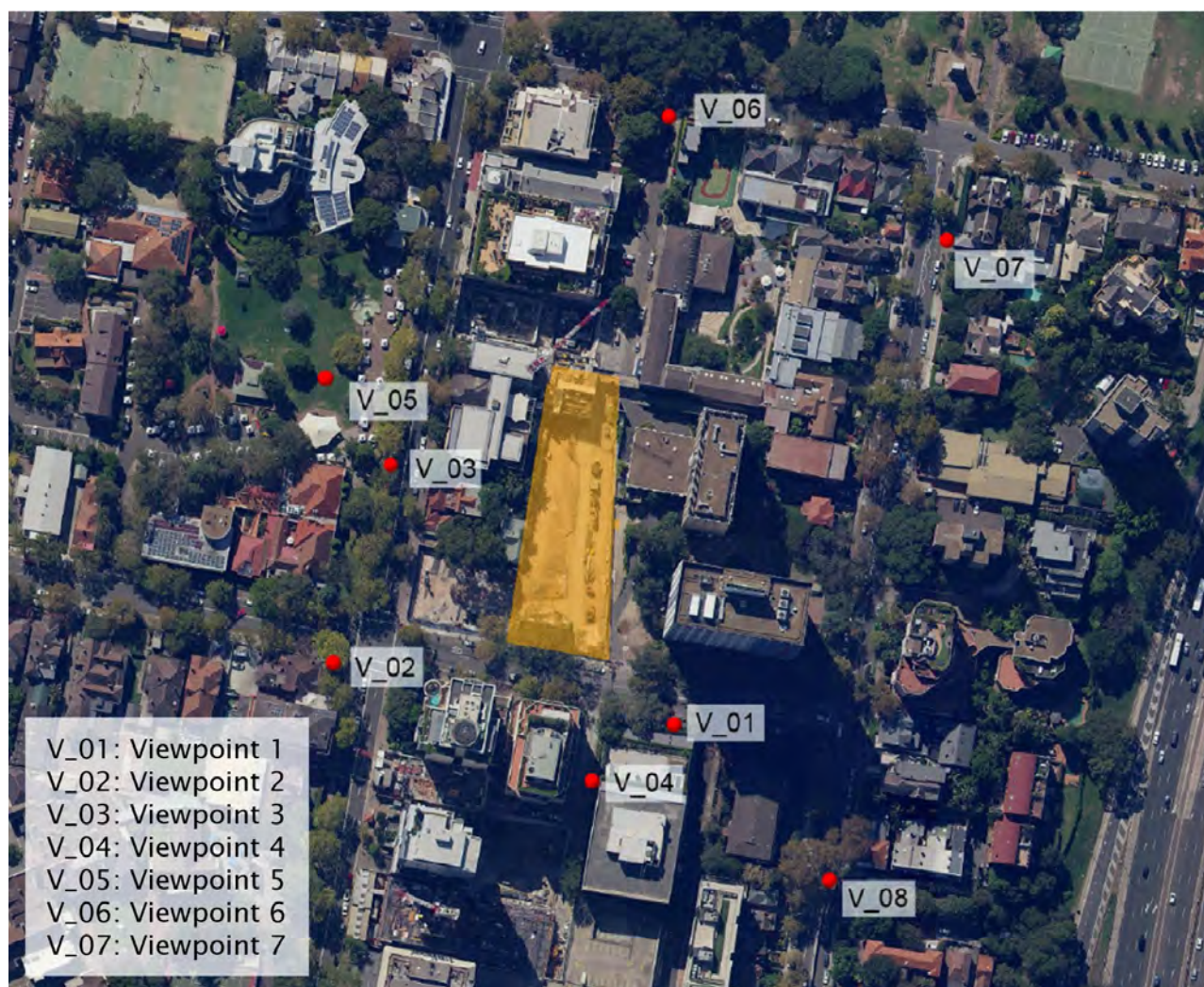
**Table 3      Pattern of viewing**

Direction	Place	Prevailing land use	Prevailing type of visual receptor	Relative number	Viewing plane	View range
North	Elliot Street	Education	People at their place of work or study (school), visitors to facilities or services (school)	Moderate	Variable	Variable
South	McLaren Street	Residential	Travellers on road; residents at home	Low	Middle-ground	Close
East	Walker Street	Residential and hotel	Residents at home, visitors to facilities or services (hotel)	Low	Background	Medium
West	Miller Street	Commercial, civic and recreation	People engaged in outdoor recreation, travellers on road, visitors to facilities or services, people at their place of work	High	Background	Medium

## 7.0 Viewpoints

The following six viewpoints were selected to represent this pattern of viewing:

- viewpoint 1: North west view from McLaren Street
- viewpoint 2: North east view from the corner of Miller and McLaren Street
- viewpoint 3: East view from Council Chambers
- viewpoint 4: North view from Faith Bandler Place.
- viewpoint 5: East view from Civic Centre Park
- viewpoint 6: South view of St Leonards Park down Elliot Street
- viewpoint 7: South west view from Walker Street
- viewpoint 8: North west view from the corner of Walker Street and Hampden Street.



**Figure 12 Viewpoints**

Source: Virtual Ideas

## 8.0 Visual impact

This section of the report provides photomontages that illustrate the likely visual impacts of the proposal by comparing existing views with and proposed views from the selected viewpoints. A view of approved developments under construction has also been included to demonstrate accuracy in the urban context of which the development sits in. This includes the Victoria Cross Northern station entrance and services building to the west and the 168 Walker Street development under construction. These have been shaded in grey to distinguish from the proposed envelope in blue and relate to Figures 17, 20, 23, 26, 29, 32, 35 and 38.



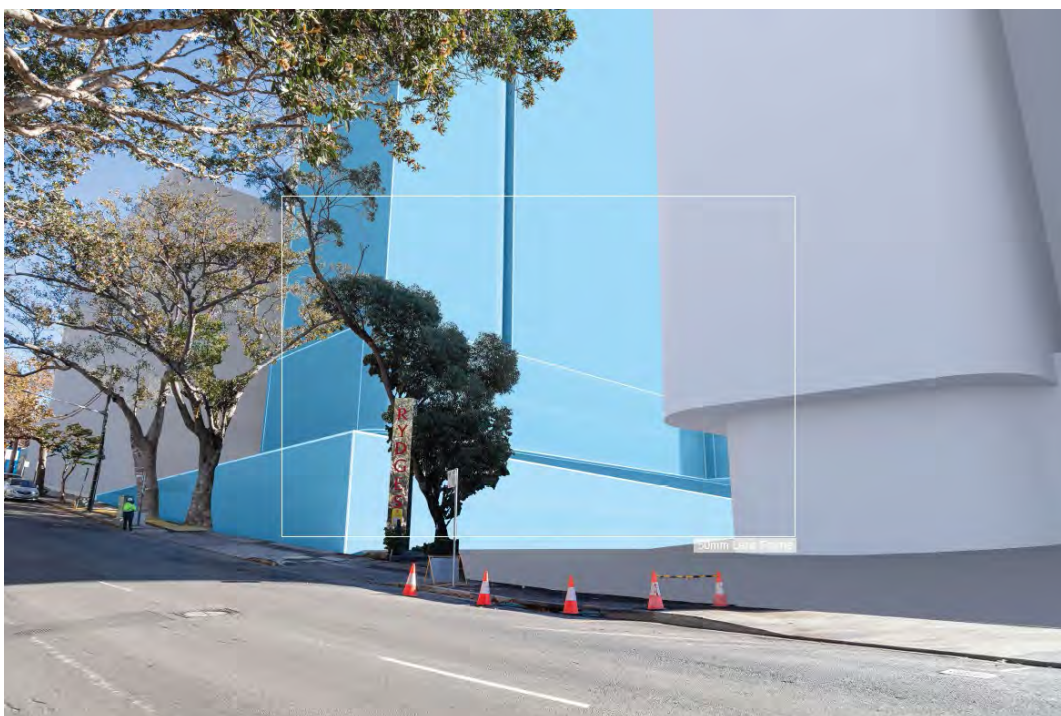
**Figure 13 Viewpoint 1 – North west view from McLaren Street: existing view**

Source: Virtual Ideas





**Figure 14** Viewpoint 1 – North west view from McLaren Street: approved development view  
*Source: Virtual Ideas*



**Figure 15** Viewpoint 1 – North west view from McLaren Street: proposed view  
*Source: Virtual Ideas*



**Figure 16** Viewpoint 2 – North east view from corner of McLaren and Miller streets: existing view  
*Source: Virtual Ideas*





**Figure 17** Viewpoint 2 – North east view from corner of McLaren and Miller streets: approved development view

Source: Virtual Ideas



**Figure 18** Viewpoint 2 – North east view from corner of McLaren and Miller streets: proposed view

Source: Virtual Ideas



**Figure 19**    **Viewpoint 3 – East view from Council Chambers: existing view**

*Source: Virtual Ideas*





**Figure 20** Viewpoint 3 – East view from Council Chambers: approved development view  
*Source: Virtual Ideas*



**Figure 21** Viewpoint 3 – East view from Ted Mack Civic Park and Council Chambers: proposed view  
*Source: Virtual Ideas*





**Figure 22 Viewpoint 4 – North view from Faith Bandler Place: existing view**

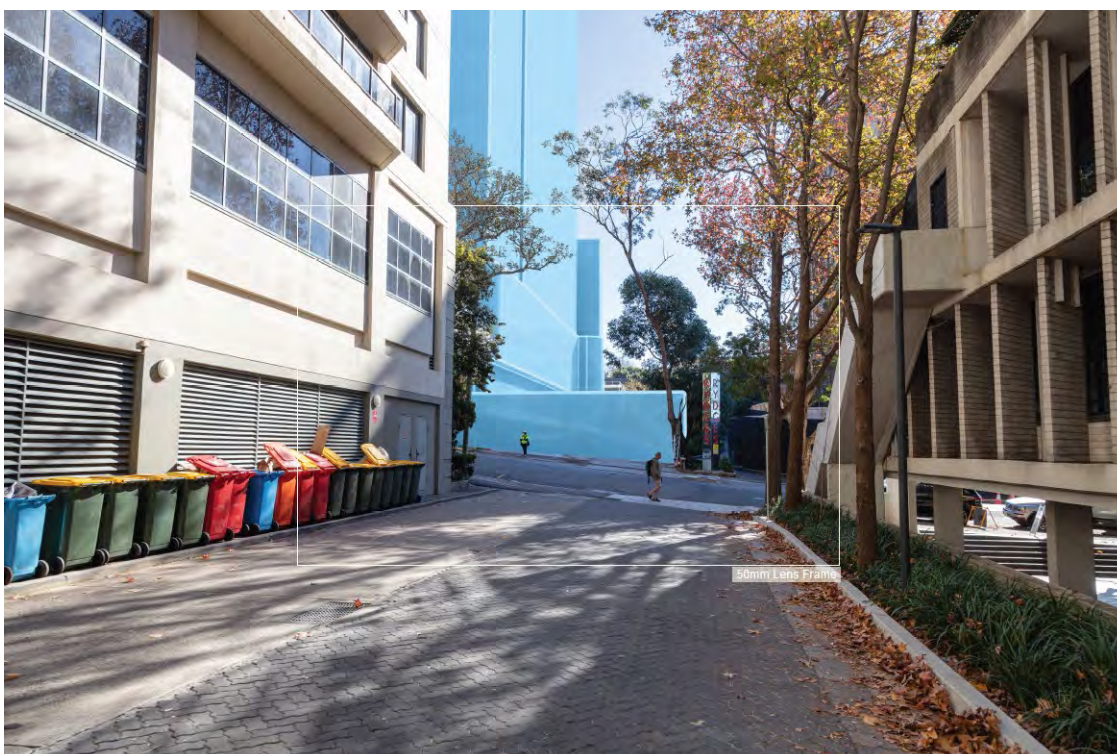
*Source: Virtual Ideas*





**Figure 23** Viewpoint 4 – North view from Faith Bandler Place: approved development view

Source: Virtual Ideas



**Figure 24** Viewpoint 4 – North view from Faith Bandler Place: proposed view

Source: Virtual Ideas





**Figure 25 Viewpoint 5 – East view from Civic Centre Park: existing view**

*Source: Virtual Ideas*





**Figure 26** Viewpoint 5 – East view from Civic Centre Park: approved development view

Source: Virtual Ideas



**Figure 27** Viewpoint 5 – East view from Civic Centre Park: proposed view

Source: Virtual Ideas





**Figure 28 Viewpoint 6 – South view of St Leonards Park down Elliot Street: existing view**

*Source: Virtual Ideas*





**Figure 29** Viewpoint 6 – South view of St Leonards Park down Elliot Street: approved development view  
*Source: Virtual Ideas*



**Figure 30** Viewpoint 6 – South view of St Leonards Park down Elliot Street: proposed view  
*Source: Virtual Ideas*





**Figure 31** Viewpoint 7 – South west view from Walker Street: existing view

Source: Virtual Ideas



**Figure 32** Viewpoint 7 – South west view from Walker Street: approved development view

Source: Virtual Ideas



**Figure 33** Viewpoint 7 – South west view from Walker Street: proposed view

Source: Virtual Ideas





**Figure 34** Viewpoint 8 – North west view from the corner of Walker and Hamden streets: existing view  
*Source: Virtual Ideas*





**Figure 35** Viewpoint 8 – North west view from the corner of Walker and Hamden streets: approved development view

Source: Virtual Ideas



**Figure 36** Viewpoint 8 – North west view from the corner of Walker and Hamden streets: proposed view

Source: Virtual Ideas

## 9.0 Visual impact assessment

Under the GLVIA3 methodology, VIA is undertaken against three key criteria:

1. sensitivity
2. magnitude
3. significance.

### 9.1.1 Sensitivity assessment

Sensitivity involves consideration of

- the type of visual receptor (ie, people) ordinarily exposed to the view
- the value of the view.

#### Type of visual receptor

While ultimately a personal matter and subject to variation, for the purposes of VIA each type of visual receptor identified can be considered to have a different level of overall sensitivity to change in their visual environment on a spectrum ranging from higher to lower (refer **Table 4**).

**Table 4** Level of likely sensitivity to change

Level of likely sensitivity to change	Type of visual receptor
<b>Higher</b>	<ul style="list-style-type: none"> <li>• Residents at home.</li> <li>• People, whether residents or visitors, who are engaged in outdoor recreation, including use of public footpaths, whose attention or interest is likely to be focused on the landscape and on particular views.</li> <li>• Travellers on road, rail or other transport routes where travel involves recognised scenic routes.</li> <li>• Visitors to heritage assets, or to other attractions, where views of the surroundings are an important contributor to the experience.</li> <li>• Communities where views contribute to the landscape setting enjoyed by residents in the area.</li> </ul>
<b>Lower</b>	<ul style="list-style-type: none"> <li>• Travellers on road, rail or other transport routes.</li> <li>• Visitors to facilities or services (eg, shops, offices, cafes) that meet their day to day needs.</li> <li>• People engaged in outdoor sport or recreation which does not involve or depend upon appreciation of views of the landscape.</li> <li>• People at their place of work whose attention may be focused on their work or activity, not on their surroundings, and where the setting is not important to the quality of working life.</li> </ul>

#### Value

The value of a view is a complex concept. A variety of theories such as “prospect-refuge” inform a number of different approaches. These approaches range on a spectrum from those that say value is to be determined by the trained experts (the objectivist school) to those that suggest value can only be determined by an individual’s perceptions. It is suggested that a balance between these two ends of the spectrum is most appropriate. In particular, due to the mechanics and limitations of planning policy, a bias is to be made to more objective, measurable approaches that involve informed generalisations.

Under this approach, value is often influenced by components and composition when considered against aesthetic principles (eg, features, edges or contrasts and composition) (Planisphere, 2016) and other aspects such as rarity, representativeness and condition (LI and IEMA, 2013) and iconic status (Planisphere, 2016) (NSW Land and Environment Court).

In terms of general human preferences, the following principles have been consistently found in scenic preference studies and community consultation (AILA, 2018):

- water and natural elements are preferred over urban scenes



- mountains and hills are preferred over flat land
- views are preferred which include both mid-ground elements (with some detail discernible) and a background
- views with skyline features and views which include focal points are preferred.

The GLVIA3 states that value should be informed by consideration of:

- recognition of the value attached to particular views, for example in relation to heritage assets, or through planning designations
- indicators of the value attached to views by visitors, for example through appearances in guidebooks or on tourist maps, provision of facilities for their enjoyment (such as parking places, sign boards and interpretive material) and references to them in literature or art.

In Tenacity, Roseth SC made specific reference to relative value, stating that in general:

- water views are valued more highly than land views
- iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons
- whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The emphasis on iconic views was confirmed by Moore SC and Adam AC in Rose Bay.

Visual amenity is also a relevant consideration. Under the GLVIA3, visual amenity is defined as “the overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or backdrop for the enjoyment of activities of the people living, working, recreating, visiting or travelling through an area”. This is supported by the NSW Government, which states that “amenity is the pleasantness, attractiveness, desirability or utility of a place, facility, building or feature”.

Based on this, it is considered that views that have the following parameters are capable of being considered to have a higher value:

- designated landscapes or the backdrop to a heritage item
- recognised and important viewpoints or from recognised scenic routes
- full views to iconic landscape elements such as the Sydney Opera House
- other specific designation in an environmental planning instrument.

For the purposes of this VIA and to be meaningful in a planning proposal setting, the value of a view can be considered to involve consideration of its characteristics as determined by an interplay of:

- components (ie, elements and features)
- composition
- other aspects.

This is shown in **Table 5**.

**Table 5 Value**

Value	Components	Composition	Other aspects
<b>Higher</b>	<ul style="list-style-type: none"> <li>Natural</li> <li>Water</li> <li>Mountains and hills</li> <li>Skyline features</li> <li>Icons</li> <li>Heritage and heritage conservation areas</li> </ul>	<ul style="list-style-type: none"> <li>Clearly discernible mid ground and background</li> <li>Focal points</li> <li>Whole views</li> </ul>	<ul style="list-style-type: none"> <li>Rare</li> <li>Representative of a valued condition, intact and cohesive</li> <li>Good condition</li> <li>Recognition of the value attached to particular views</li> </ul>
<b>Lower</b>	<ul style="list-style-type: none"> <li>Urban</li> <li>Land</li> <li>Level landform</li> <li>No skyline features</li> <li>No icons</li> <li>No heritage or heritage conservation areas</li> </ul>	<ul style="list-style-type: none"> <li>Lesser distinction between midground and background</li> <li>No focal points</li> <li>Partial views</li> </ul>	<ul style="list-style-type: none"> <li>Common</li> <li>Not representative of a valued condition, intact or cohesive</li> <li>Poor condition</li> <li>No recognition of the value attached to particular views</li> </ul>

Table 6 provides an assessment of the sensitivity of the views.

**Table 6 Sensitivity assessment**

Ref	Viewpoint	Visual receptor	Value	Sensitivity
1	North west view from McLaren Street	Residents at home and workers	Highly urban landscape dominated by high rise residential buildings.	Low - medium
2	North east view from the corner of Miller and McLaren Street	Workers	Highly urban landscape dominated by high rise residential buildings.	Low
3	East view from Council Chambers	Workers	Federation low to mid-rise streetscape with taller residential development in the background.	Low – medium
4	North view from Faith Bandler Place.	Travellers on the road and pedestrians	Highly urban landscape dominated by high rise residential buildings.	Low
5	East view from Civic Centre Park	The public utilising Ted Mack Civic Park	Landscaped surroundings dominated by character of park. Federation buildings in midground.	Medium
6	South view of St Leonards Park down Elliot Street	The public utilising St Leonards Park	Dominated by Elliot Street in a highly urban landscape surrounded by mid to high rise development	Medium
7	South west view from Walker Street	Residents at home	Federation streetscape with taller residential development in the background.	Low – medium
8	North west view from the corner of Walker Street and Hampden Street	Residents at home	Mid-rise modern apartment building with taller residential development in the background.	Low

### 9.1.2 Magnitude

Magnitude is a key measure of visual impact in the GLVIA3 and the “Guideline for landscape character and visual impact assessment” (TfNSW, 2020)

Magnitude is measured based on consideration of:

- size or scale
- geographical extent of the area influenced
- duration and reversibility.

It is important that magnitude is judged is a factor of deviation from the existing visual environment.

#### Size or scale

Size or scale involves consideration of:

- the scale of the change in the view with respect to the loss or addition of features in the view and changes in its composition, including the proportion of the view occupied by the proposed development
- the degree of contrast or integration of any new features or changes in the landscape with the existing or remaining landscape elements and characteristics in terms of form, scale and mass, line, height, colour and texture
- the nature of the view of the proposed development, in terms of the relative amount of time over which it will be experienced and whether views will be full, partial or glimpses.

In general, large-scale changes which introduce new, non-characteristic or discordant or intrusive elements into the view are more likely to be placed in the major category.

#### Geographical extent of the area influenced

Geographical extent of the area influenced involves consideration of:

- the angle of view in relation to the main activity of the receptor
- the distance of the viewpoint from the proposed development
- the extent of the area over which the changes would be visible.

#### Duration and reversibility

Duration and reversibility involve consideration of whether the proposal:

1. ongoing and irreversible
2. ongoing and capable of being reversed
3. limited life (5 – 10 years)
4. limited life (< 5 years).

It is important to noted that whether a proposal can be considered to be ongoing and irreversible or ongoing capable of being reversed is relative. Most development involving commercial buildings is considered ongoing and capable of being reversed due to its ownership by a commercial entity or small consortia of entities. Development of an apartment building that is intended to be strata titled can be considered ongoing and irreversible due to the challenges associated with its consequent removal, and certainly the return of the land to its previous state.

These considerations are then combined as shown in **Table 7** to provide a rating of magnitude based on a five point verbal scale:

1. major
2. moderate
3. minor
4. insignificant
5. imperceptible.

**Table 7 Factors of magnitude**

		Duration and / or reversibility			
		Ongoing and irreversible	Ongoing capable of being reversed	Limited life (5-10 years)	Limited life (<5 years)
<b>Scale of change and geographical extent of the area influenced</b>	<b>Major change over wide area</b>	Dominant	Considerable	Considerable	Noticeable
	<b>Major change over restricted area or Moderate change over wide area</b>	Considerable	Considerable	Noticeable	Noticeable
	<b>Moderate change over restricted area or Minor change over a wide area</b>	Considerable	Noticeable	Noticeable	Perceptible
	<b>Minor change over a restricted area or Insignificant change</b>	Perceptible	Perceptible	Perceptible	Imperceptible
	<b>Imperceptible change</b>	Imperceptible	Imperceptible	Imperceptible	Imperceptible

**Table 8** provides an assessment of the magnitude of visual impact.

**Table 8 Magnitude assessment**

Ref	Viewpoint	Size and scale	Duration and reversibility	Magnitude
1	North west view from McLaren Street	Major change over restricted area	Ongoing and irreversible	Considerable
2	North east view from the corner of Miller and McLaren Street	Moderate change over restricted area	Ongoing and irreversible	Considerable
3	East view from Council Chambers	Moderate change over restricted area	Ongoing and irreversible	Considerable
4	North view from Faith Bandler Place.	Moderate change over restricted area	Ongoing and irreversible	Noticeable
5	East view from Civic Centre Park	Moderate change over restricted area	Ongoing and irreversible	Considerable Note that this change is considered to be at the upper end of considerable
6	South view of St Leonards Park down Elliot Street	Moderate change over restricted area	Ongoing and irreversible	Noticeable
7	South west view from Walker Street	Minor change over restricted area	Ongoing and irreversible	Perceptible
8	North west view from the corner of Walker Street and Hampden Street	Minor change over restricted area	Ongoing and irreversible	Perceptible

### 9.1.3 Significance

Significance of visual impact is determined by combining judgements about sensitivity and magnitude (refer to **Table 9**).

The categories of significance are as follows:

1. major
2. high
3. moderate
4. low
5. negligible.

The GLVIA3 provides the following guidance for judgements about significance:

- “There are no hard and fast rules about what makes a significant effect, and there cannot be a standard approach since circumstances vary with the location and context and with the type of proposal. In making a judgement about the significance of visual effects the following points should be noted:
  - effects on people who are particularly sensitive to changes in views and visual amenity are more likely to be significant
  - effects on people at recognised and important viewpoints or from recognised scenic routes are more likely to be significant
  - large-scale changes which introduce new, non-characteristic or discordant or intrusive elements into the view are more likely to be significant than small changes or changes involving features already present within the view”.

It should be noted that determination of significance does not automatically mean that the impact is unacceptable. Rather, subsequent consideration is required to be made of the reasonableness of the visual impact. Regard in this matter is to be given to the planning framework.

**Table 9 Factors of significance**

		Magnitude				
		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
Sensitivity	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

**Table 10** provides an assessment of the significance of visual impact.

**Table 10 Sensitivity assessment**

Ref	Viewpoint	Sensitivity	Magnitude	Significance
1	North west view from McLaren Street	Low - medium	Considerable	Low - Moderate
2	North east view from the corner of Miller and McLaren Street	Low	Considerable	Low
3	East view from Council Chambers	Low – medium	Considerable	Low - Moderate
4	North view from Faith Bandler Place.	Low	Noticeable	Low
5	East view from Civic Centre Park	Low – medium	Considerable Note that this change is considered to be at the upper end of considerable	Low – medium



Ref	Viewpoint	Sensitivity	Magnitude	Significance
6	South view of St Leonards Park down Elliot Street	Low – medium	Noticeable	Low
7	South west view from Walker Street	Low – medium	Perceptible	Negligible - Low
8	North west view from the corner of Walker Street and Hampden Street	Low	Perceptible	Negligible

## 9.2 Discussion

The proposal will be visible as a new built element in the landscape. As to be expected, magnitude of visual impact is greatest when seen from viewpoints in the close range such as from Miller Street. The level of this magnitude is consistent with that of most developments of this nature in settings that are undergoing the beginning stages of transition to a more consistent higher rise built form typology.

Away from immediately adjoining streets, the magnitude of visual impact decreases considerably. This is particularly evident from viewpoints 7 and 8, where the proposal will only be visible in part in the background of the view.

While the magnitude of visual impact is highest when seen from viewpoints in the close range, the sensitivity of viewpoints from Miller Street is moderate. The visual environment seen from these viewpoints is dominated by low to medium rise heritage buildings which line Miller Street. While the proposed northern portion of the building envelope is significantly taller than the built form along Miller Street, the overall impact is considered of a lower nature its appearance in the background and that the immediate surroundings of the site will be built up to a similar built form and scale according to approved DAs within the area. The southern portion of the building envelope is appropriately concealed behind the Miller Street properties. When constructed, the development at 168 Walker Street will occupy a very similar, if not larger, view to the proposal. It can also be argued that the slender form of the proposed indicative envelopes allow for a visual break which aligns with the separation distance of the heritage buildings on Miller Street.

Visual receptors travelling eastwards along McLaren Street will read the proposal as a logical continuation of the scale and character of built form of the North Sydney CBD. In this sense, the proposal will not be seen as being incongruous with its broader surrounding context.

## 10.0 Assessment against the planning framework

### 10.1 Greater Sydney Region Plan – A Metropolis of Three Cities

The proposal is consistent with relevant visual impact in the Greater Sydney Region Plan – A Metropolis of Three Cities as shown in the following table:

**Table 11 Consistency with Greater Sydney Region Plan – A Metropolis of Three Cities**

Provision	Assessment	Consistent
Objective 28: Scenic and cultural landscapes are protected	Provisions for visual impact are high level, and are framed in relation to scenic landscapes. Relevant supporting explanatory text highlights views from the public domain to coastline and waterways and the variety of urban landscapes and views to the Sydney CBD. This includes the following statements: “One of the District’s key assets is its stunning Harbour and coastline. The District’s urban landscapes sit within this natural setting and contribute to the diversity of the District’s scenic value Renewal in the eastern urban parts of the District can also protect and maintain views to the coastline, harbours and waterways from public spaces” “Local neighbourhoods and centres, dense commercial and retail centres, open spaces and industrial precincts each have their own distinct character and add to the patchwork of the built environment of the District” “The Sydney City skyline (including the Sydney Opera House and the Sydney Harbour Bridge) is an iconic urban landscape and can be viewed from many areas of Greater Sydney”. The proposal does not block or otherwise occlude significant views obtained from the public domain to Sydney Harbour or the Sydney CBD skyline.  The proposal contributes to the urban form of the North Sydney CBD as an emerging district of substantial growth. The pattern is consistent with that of the Northern District and Greater Sydney overall, where significant development including taller buildings are concentrated around public transport infrastructure.	Compliant
Strategy 28.1: Identify and protect scenic and cultural landscapes		Compliant
Strategy 28.2: Enhance and protect views of scenic and cultural landscapes from the public realm		Compliant

### 10.2 Northern City District Plan

The proposal is consistent with relevant provisions for visual impact in the Northern City District Plan as shown in the following table:

**Table 12 Consistency with Northern City District Plan**

Provision	Assessment	Consistent
Planning Priority N17: Protecting and enhancing scenic and cultural landscapes	Refer to <b>Table 11</b> .	Compliant
Objective 28: Scenic and cultural landscapes are protected		
Action 67: Identify and protect scenic and cultural landscapes		
Action 68: Enhance and protect views of scenic and cultural landscapes from the public realm		

### 10.3 North Sydney Local Strategic Planning Statement

The proposal is consistent with relevant provisions for visual impact in the North Sydney Local Strategic Planning Statement (LSPS) as shown in the following table:

**Table 13 Consistency with North Sydney Local Strategic Planning Statement**

Provision	Assessment	Consistent
Planning Priority S2: Provide a high quality, well-connected and integrated urban greenspace system.	<p>Council have outlined the importance of identifying views and vistas to be conserved and integrate conservation views to relevant planning controls.</p> <p>The LSPS also note's North Sydney as being well known for its excellent viewing points of Sydney Harbour. The LGA is connected visually to the Sydney Harbour and the importance of landmarks being visible from numerous public spaces throughout the LGA. It has also been noted that visual connections to Sydney Harbour, the Harbour Bridge and Opera House are critical to North Sydney's sense of place and the cultural experience of living and working in North Sydney.</p> <p>The proposal does not have a visual impact on scenic and cultural landscapes. The proposal will contribute to the North Sydney CBD skyline without blocking water and landmark views from the ground plane.</p>	Compliant
Planning Priority L3: Create great places that recognise and preserve North Sydney's distinct local character and heritage	<p>Council look to take on a people-focused approach to planning to protect the character of North Sydney's neighbourhoods including their heritage and history. The proposal is considerate of the existing and future character of the surrounding area. A Heritage Impact Statement (HIS) has been prepared to acknowledge any potential adverse impacts on surrounding heritage items and Heritage Conservation Areas (HCAs).</p>	Compliant

### 10.4 North Sydney Local Environmental Plan 2013

The proposal seeks to vary the controls as prescribed for the site by the North Sydney LEP 2013 as shown in the following table.

**Table 14 Assessment against the North Sydney Local Environmental Plan 2013**

Provision	Control	Assessment	Compliance
<b>Height of buildings (clause 4.3)</b>			
<p>(1) The objectives of this clause are as follows:</p> <p>(a) to promote development that conforms to and reflects natural landforms, by stepping development on sloping land to follow the natural gradient,</p> <p>(b) to promote the retention and, if appropriate, sharing of existing views,</p> <p>(c) to maintain solar access to existing dwellings, public reserves and streets, and to promote solar access for future development,</p> <p>(d) to maintain privacy for residents of existing dwellings and to promote privacy for residents of new buildings,</p> <p>(e) to ensure compatibility between development, particularly at zone boundaries,</p> <p>(f) to encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area.</p>	Maximum building height is RL 110m.	<p>The proposed maximum building height is RL 156m. While the height of the proposal does not comply with the control as prescribed by the North Sydney LEP 2013, it is considered appropriate as the proposal proposes a lower built form (8 to 24 storeys) than that identified within Council's CPPS (14 and 24 storeys) on the site.</p> <p>The proposal is considered to be consistent with the objectives of the height of buildings clause as:</p> <ul style="list-style-type: none"> <li>The proposal appropriate responds to the natural landform of the site;</li> <li>The proposal provides opportunities to minimise view impacts.</li> <li>The proposal demonstrates reasonable solar access compliance;</li> <li>The proposal will ensure future development is able to maintain</li> </ul>	Partial compliance. It is to be noted the planning proposal seeks to vary the maximum building height control in line with Council's vision in the CPPS.

Provision	Control	Assessment	Compliance
		privacy for residents of existing dwellings and within new buildings. <ul style="list-style-type: none"> <li>The proposal demonstrates an appropriate scale and density of development that is consistent with the transition area between the CBD and the centre of the Civic Precinct.</li> </ul> A full assessment of the proposal's consistency with the height objectives as listed under the North Sydney LEP 2013 is provided in the planning proposal report.	
<b>Floor Space Ratio (clause 4.4)</b>			
The objectives of this clause are as follows: (a) to ensure the intensity of development is compatible with the desired future character and zone objectives for the land, (b) to limit the bulk and scale of development.	No FSR assigned to the site.	The proposal seeks approval for an FSR of 5.3:1. The proposal is consistent with the objectives as listed under the North Sydney LEP 2013 as it will ensure the intensity of development is compatible with the North Sydney CBD and proposes envelope forms which aim to limit bulk and scale.	Compliant
<b>Heritage Conservation (clause 5.10)</b>			
(1) The objectives of this clause are as follows: (a) to conserve the environmental heritage of North Sydney, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	N/A	Whilst the site itself is not classified as a heritage item nor is it within a conservation area, its western boundary adjoins two general heritage items. 'McLaren Street' Conservation Area is also located west of the site.  The HIS supporting the planning proposal has found that the proposed development will not result in adverse heritage impacts.	Compliant

## 10.5 North Sydney Development Control Plan 2013

Assessment against the provisions of the North Sydney DCP 2013 is provided in the table below.

**Table 15 Assessment against the North Sydney Development Control Plan 2013**

Provision	Control	Assessment	Compliance
<b>1.3.6 Views</b>			
(O1) To protect and enhance opportunities for vistas and views from streets and other public places.	(P1) Development should be designed such that views from streets and other public places, as identified in the relevant area character statement (refer to Part C of the DCP), are not unreasonably obstructed.	The proposal will not impact on the following views and vistas outlined in the character statement for the area which include: (a) From the plaza at No.5 Blue Street and located over North Sydney Rail Station to the Sydney Harbour Bridge. (b) From Doris Fitton Park (160-166 Arthur Street) to Sydney Harbour and Neutral Bay district. (c) Views along the Pacific Highway to the Post Office on Mount Street from the south-east. (d) Views along the Pacific Highway to Sydney Harbour from the intersection with Mount Street.	Compliant
(O2) To encourage view sharing as a means of ensuring equitable access to views from dwellings, whilst recognising	(P2) Development should be designed to maximise the sharing of views from surrounding properties and public places.	Capable of compliance. Subject to detailed design. It is noted that the object of most views of high value is Sydney Harbour and its foreshores, including the Sydney CBD skyline and on occasion the Opera House and Harbour Bridge. It is further noted that views of these elements can be obtained in a southerly direction from high rise buildings located in the North	Compliant. A future detailed DA will require re-assessment of this control

Provision	Control	Assessment	Compliance
development may take place in accordance with the other provisions of this DCP and the LEP.		Sydney CBD to the south of the site. The nearest high rise buildings to the north are located at some distance away to the north-west in St Leonards and north-east in Neutral Bay. It is therefore concluded that due to its location to the north of the North Sydney CBD and the distance to any other buildings that enjoy such views located to the north, it is unlikely that the proposal will block significant views from the private domain, and as such it is appropriate to defer detailed consideration of this matter to the subsequent, detailed DA stage.	when considering a detailed design.
	(P3) Ensure that existing and proposed dwellings will have an outlook onto trees and sky.	Capable of compliance. Subject to detailed design	Compliant. A future detailed DA will require re-assessment of this control when considering a detailed design.
	(P4) Where a proposal is likely to adversely affect views from either public or private land, Council will give consideration to the Land and Environment Court's Planning Principles for view sharing established in <i>Rose Bay Marina Pty Ltd v Woollahra Municipal Council and anor</i> [2013] NSWLEC 1046 and <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140. The Planning Principles are available to view on the Land and Environment Court's website ( <a href="http://www.lec.justice.nsw.gov.au/planning_principles">http://www.lec.justice.nsw.gov.au/planning_principles</a> ).	The proposal is not considered to adversely affect views from either public or private land.	Compliant

## 10.6 North Sydney Civic Precinct Planning Study

Assessment against the relevant objectives and actions of the CPPS is provided in the table below.

**Table 16 Assessment against the North Sydney Civic Precinct Planning Study**

Provision	Assessment	Compliance
<b>Action 1 : Create more jobs and housing opportunities near the Metro</b>		
Objective: Adopt view sharing principles to retain Harbour views for occupants of existing residential towers where possible Implementation: New residential and commercial towers are to be located in such a way as to limit view loss from residential towers along the western side of Walker Street.	The proposal is not considered to block harbour views. Further assessment will be provided at the detailed DA stage.  The existing and future built form of McLaren Street, will ensure the proposal's minimal visual impact to those from residential towers along the western side of Walker Street.	Compliant.
Objective: Provide a height transition between the commercial core of the CBD and the low-scale conservation area to the north	The proposal includes a significant height transition between the northern and southern building, aligning with the CPPS vision for the site.	Compliant.
Objective: Protect the amenity and sunlight of existing and proposed public open spaces identified in the CPPS and in the Ward Street Masterplan	The proposal does not result in any overshadowing to public open spaces identified in the CPPS and in the Ward Street Masterplan. Minor overshadowing to Faith Bandler	Compliant.



Provision	Assessment	Compliance
	Place has been identified and is identified in the Design Report at <b>Appendix A</b> of the planning proposal report.	
Objective: Adopt view sharing principles to retain Harbour views for occupants of existing residential towers where possible	The proposal is not considered to impact existing harbour views for occupants of existing residential towers.	Compliant.
Objective: Preserve the Heritage Conservation Area (HCA) along Ridge Street	The proposal has considered heritage impacts on the HCA along Ridge Street. Further assessment is provided in the HIS at <b>Appendix E</b> of the planning proposal report.	Compliant.
<b>52 McLaren Street – Site specific design guidelines</b>		
Include a visual impact study with any future planning proposal	This VIA has been prepared to respond to this requirement.	Compliant.

## 10.7 Discussion

The proposal is consistent with relevant parts of applicable strategic plans such as the Regional Plan and the Northern District Plan, the proposal does not block, occlude or otherwise adversely impact significant views obtained from the public domain to elements identified as being of high scenic value such as Sydney Harbour or the Sydney CBD skyline.

The proposal results in an urban form outcome consistent with the planning intent for the site. It consolidates the urban form and visual character of the northern side of McLaren Street as an emerging node of substantial growth and visual demarcating the location of the Victoria Cross metro station. The pattern is consistent with that of the Northern District and Greater Sydney overall, where significant development including taller buildings are concentrated around public transport infrastructure.

The proposal seeks to amend the North Sydney LEP 2013 in regards to maximum building height and FSR development standards. Undertaking a VIA demonstrates that a concept proposal of this size and scale is appropriate in the context of North Sydney when viewed from the public domain as explored in this report. The variation of planning controls is further justified on the strategic merit of the CPPS and the general principles of view impact analysis as outlined in this report. As demonstrated above, an assessment against the objectives of the planning instruments has been provided and further justified in the planning proposal report, outlining the reasonableness of the proposal.

On this basis, while acknowledging that the proposal gives rise to moderate visual impact, these impacts are considered reasonable given they are consistent with the desired future planning intent for the area and give rise to visual impacts compatible with this intent and is consistent with the objectives of key development standards.

## 11.0 Mitigation measures

There are three broad types of mitigation measures:

1. avoid
2. minimise
3. offset.

This is generally consistent with the principles for the management of environmental impacts in the GLVIA3 (part 3.37).

Under the GLVIA3 (part 4.21), there are a number of stages in the development process when mitigation measures should be considered. Of relevance to this proposal are the following:

- **primary measures:** considered as part of design development and refinement
- **secondary measures:** considered as part of conditioning a development consent.

It is the finding of this VIA that the proposal has an acceptable visual impact. Nonetheless, it is recommended that the following mitigation measures embedded in the design be carried through to construction to ensure this outcome.

**Table 17 Mitigation measures**

Matter	Mitigation measure	Stage
Siting	Provision of generous through-site link at the ground plane to break up the scale of the streetscape.	Detailed DA stage
Scale	Distribution of floor space across two buildings.	Detailed DA stage
Form	Varied building heights across site to minimise height impact to northern lower scale areas.	Detailed DA stage
Detailed design	Articulating building elevations through recessing and projecting elements such as balconies and providing for a balance of vertical and horizontal lines	Detailed DA stage
	Variety of materiality	Detailed DA stage
	Incorporating substantial landscaping	Detailed DA stage

## 12.0 Conclusion

For these reasons outlined in this report, it is considered that the proposal has an acceptable visual impact. On this basis, it can be supported on visual impact grounds.

When considering the factors of sensitivity and magnitude, the proposal gives rise to moderate visual impact. However, these impacts are considered acceptable as the proposal:

- aligns with the strategic vision envisaged by Council in their Civic Precinct Planning Study and proposes a form significantly lower than that mentioned within the Study
- results in an urban form outcome consistent with the planning intent for the Civic Precinct, in particular through contributing to the transition zone between the North Sydney CBD and the Civic Precinct
- does not block, occlude or otherwise adversely impact significant views obtained from the public domain to elements identified as being of high scenic value such as Sydney Harbour or the Sydney CBD skyline.

For these reasons outlined in this report and subject to the mitigation measures identified in section 11 of this report, it is considered that the proposal has an acceptable visual impact. On this basis, it can be supported on visual impact grounds.

## Appendix A - Visual impact evidence (Virtual Ideas)