

9-11 NELSON STREET, CHATSWOOD PRELIMINARY VIEW SHARING REPORT

PREPARED FOR
STRATA PLAN #65120
APRIL 2022
FINAL FOR SUBMISSION

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CONTENTS

EXECUTIVE SUMMARY	3
1.0 PURPOSE OF THE REPORT	4
2.0 THE SITE & VISUAL CONTEXT	5
3.0 PROPOSED DEVELOPMENT	6
4.0 RELEVANCE OF TENACITY	7
5.0 PRIVATE DOMAIN VIEW ACCESS	9
CONCLUSION	17

EXECUTIVE SUMMARY

This report provides preliminary advice regarding likely view sharing outcomes in relation to a planning proposal at 9-11 Nelson Street, Chatswood (the Site). The report includes an analysis of the likely private domain view access and visual effects on private views that would be occasioned by the subsequent approval and construction of a tower development on the site

The advice in this report responds to Condition 1 (O) in the Gateway Determination dated 28 February 2022, regarding impacts on 'significant district views' and is based on observations made during fieldwork and an analysis of relevant information such as architectural plans and fieldwork photos.

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

The upper part of the tower form proposed would be visible from distant locations predominantly to the north and west and will be visible in the context of the Chatswood skyline that is characterised by towers.

Block-model photomontages could be prepared in order to objectively determine the extent of view loss and reasonableness of view sharing. If these are determined to be required by Council for assessment, for example during the detailed DA development access should be sought from the upper level units at 5-7 and 8-12 Sutherland Road apartments.

View access to scenic or highly valued and significant district views is likely to be limited for all two and three storey dwellings assessed.

Access to significant district views including the subject site would only be available from mid and upper level east-facing units at 5-7 and 8-12 Sutherland Street.

In such views, the proposed development is likely to occupy only a minor extent of a wider composition available for example to the north and south.

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

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

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

Based on the information available we do not anticipate that the proposed development will cause any view impacts in relation to significant district views.

In our opinion the proposal can be supported on view impacts grounds.

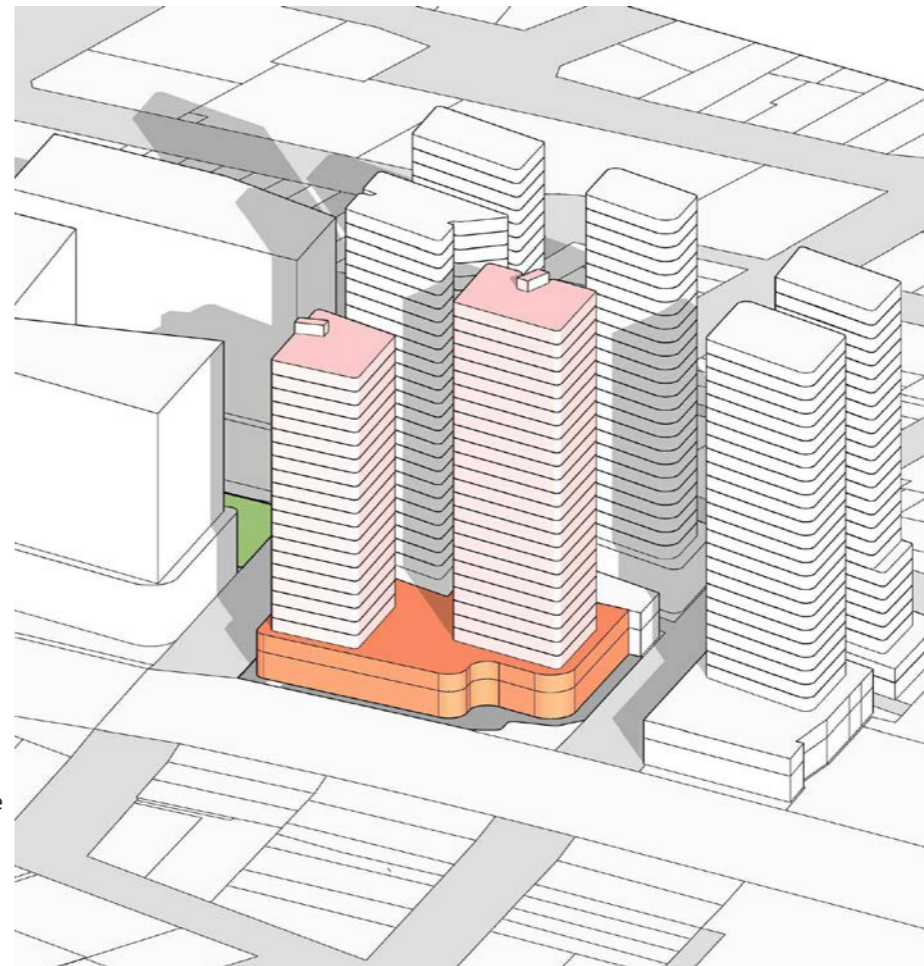


Figure 1 Reference Scheme Proposed Building Envelope (source PBD Architects)

LEGEND

- Chatswood CBD Boundary
- Additional Areas

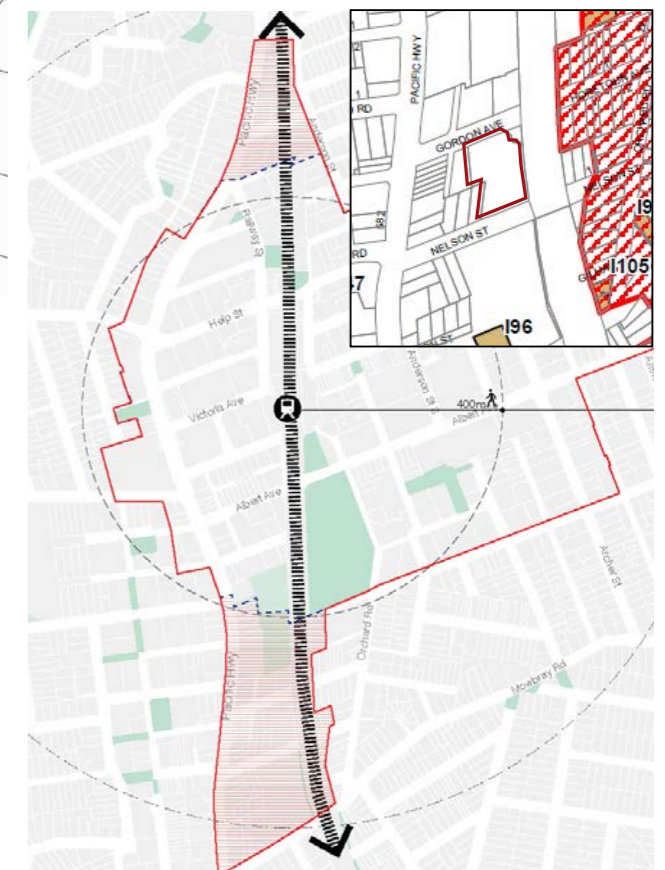


Figure 2 Chatswood CBD Strategy - Extended CBD Boundary

1.0 PURPOSE OF THE REPORT

Urbis has been commissioned by the Strata of SP65120, to provide independent preliminary advice regarding the potential view access, likely visual effects and likely view sharing outcomes of the proposed development on private domain views.

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

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

The report focusses on the visual effects of the built form that is proposed as part of the planning proposal including a tower form at 9- 11 Nelson Street (the Site) and is based on a desktop review of aerial imagery, architectural plans and fieldwork observations.

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

Urbis staff attended the site on Thursday 15 April 2022 and made observations in relation to the existing visual setting of the site, the immediately surrounding or 'effective' visual catchment and observed the spatial separation, orientation and likely private domain view access from some neighbouring residential developments in relation to the subject site.

Urbis has provided preliminary information regarding the application of the *Tenacity* planning principle in section 4 of this report.



LEGEND

Subject Site

Figure 3 Aerial Site Plan

2.0 THE SITE AND VISUAL CONTEXT

The subject site is located adjacent to the North Shore Rail line at the east end of the western section of Nelson Street. Nelson Street is separated not two section either side of the rail corridor.

The subject site address is 9-11 Nelson Street, Chatswood, located with in the Willoughby Local Government Area. The site is legally described as SP65120 and has a total area of 4,219 sqm. It is broadly trapezoid in shape with obliquely angled boundaries to the north and south and presents to both Nelson Street and Gordon Avenue.

Visual context investigations to understand existing, emerging and desired future visual character.

This section investigates visual context and character to identify broad opportunities and constraints within the area. The purpose of this analysis is to identify views and visual qualities around the site which are consistent with the desired future visual character of the locality.

GORDON AVENUE

The Gordon Avenue street scape includes residential development that is not dissimilar in height, form or scale to the subject site as described above. For example number 3 and 5 Gordon Avenue. The west end and north side of Gordon Avenue west of the driveway entry to the Chatswood Bowling Club includes the rear of an older brick and tile residential flat building which presents formally to the Pacific Highway (no 641-653).

10 Gordon Avenue adjoins the subject site to the west. This three-storey residential flat building includes external wide balconies that present to the north and west. Dense vegetation along the west boundary of the subject site currently separates the developments.

NELSON STREET

The streetscape character of Nelson Street is similar to that of Gordon Avenue in that it predominantly includes three-storey residential flat buildings which include basement car parking, street trees and older residential development near the corner of Pacific Highway. The visual context of Nelson Street also includes commercial two-storey development at its western end and the south side is wholly occupied by the Sydney Metro site.

SOUTH

The Sydney Metro site fills a block of land bounded to the west by the Pacific Highway, to the south by Mowbray Road and the railway corridor to the east. The site includes two large bulky steel-clad sheds the western and largest of which appears to be approximately equivalent to 7 residential storeys in height.

EAST

Residential development located east of the railway corridor is zoned R2 low density residential and is included in a general conservation area. This visual context predominantly includes individual one and two-storey dwellings many which display Federation era architectural detailing for example in Tryon Street and Mowbray Road. The closest streets to the subject site in this vicinity for example in Nea Street, Orchard Road and Hopetoun Street include more variety of ages of dwellings such as Post-War era bungalows, simple brick and tile dwellings and more contemporary in-fill development.

NORTH

North of the site, development along the east side of the Pacific Highway and west of Chatswood Oval is predominantly characterised by three to four storeys height buildings. Chatswood Oval is a large open and highly used public space located approximately 250m north-east of the subject site immediately adjacent to the east side of the railway corridor.

The Chatswood CBD approximately 700m north is highly urbanised, the south edge of which is marked by mixed-use tall tower forms along the west end and both sides of Albert Avenue. Development located between the Chatswood CBD and the subject site which appears to be largely residential, is not dissimilar in terms of height, form and character to that described above in relation to the west side of the Pacific Highway.

WEST

The west side of the Pacific Highway south-west of the site is zoned B5 and as such includes low-medium height mixed-use development such as commercial, retail and residential uses which present to the Highway.

Opposite the site the streetscapes of Moriarty Road, Fehon Road, Whitton Road and Sutherland Road are predominantly characterised by low-density, three-storey residential flat buildings that appear to range in age and architectural style from post World War 2 to late 20th Century. Notwithstanding the presence of some individual one and two-storey residences in this vicinity, the majority of the flat buildings present are characterised by long building masses within a garden setting, wide spatial setbacks and mature vegetation. For example Whitton Gardens at 12 Whitton Road and Goodchap Apartments at 19 Goodchap Road. All of the roads described include street tree planting and we note the heavily treed pocket park at the corner of Sutherland Road and Fehon Road.

Two taller residential towers are located west of the site and have elevations that are orientated towards it. 'High Barbaree' at 5-7 Sutherland Road is a blonde-brick clad, seven-story building which includes external balconies with curved brick balustrades that present to the south and east. Sutherland Gardens at 8-12 Sutherland Street appears to be a late 20th Century residential concrete and masonry tower with a

'butterfly' shaped floorplate. The eastern wing of which includes balconies and windows that are orientated towards the site.

These two buildings are the two tallest existing buildings in the immediate visual context. They establish taller forms, both novel elements in an low-medium scale area that is already present surrounding the site.



Figure 4 Heritage Plan from Willoughby Local Environmental Plan 2012.

3.0 PROPOSED DEVELOPMENT

This Planning Proposal has been prepared to align with the planning controls in accordance with the Chatswood CBD Strategy to enable future redevelopment on site and through the preparation of a site-specific DCP.

The Urban Design report prepared by Urbis sets out the rationale in relation to potential built form options for the site and shows a proposed building envelope in the Indicative Reference Design, which has been used to inform this Planning Proposal.

The proposed development includes the demolition of the existing residential buildings on the site and redevelopment which will comprise the following key components:

- A two-storey commercial podium;
- Two residential towers on podium, comprising 22 and 27-storeys to a maximum proposal height of 90m. The towers are setback 3m from the podium and separated 18m apart.
- Communal and private open space above the podium in addition to communal open space on tower rooftops.
- Activated interface with Nelson Street, Gordon Avenue and the pedestrian/cycle path to the east.

The objective of the Planning Proposal is to facilitate the future redevelopment of the site for a mixed-use development with a maximum building height of 90m and a maximum FSR of 6:1 to align with the recommendations of the Chatswood CBD Planning and Urban Design Strategy 2036 (the CBD Strategy).

The Planning Proposal seeks to achieve the desired outcome by:

- Amending the land use zoning control applicable to the site under WLEP from R2 Low Density Residential to B4 Mixed Use.
- Amending the maximum height control from 12m to 90m.
- Amending the maximum Floor Space Ratio (FSR) control from 0.9:1 to 6:1.

The LEP amendments above will facilitate the delivery of the concept building illustrated in the accompanying Urban Design Report prepared by Urbis.



Figure 5 Concept Built Form 3d (Source: Urbis)

4.0 RELEVANCE OF TENACITY

4.1 IDENTIFYING SIGNIFICANT REGIONAL OR DISTRICT VIEWS

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

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

Significant views

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

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

4.2 RELEVANCE OF TENACITY PLANNING PRINCIPLE

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

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

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

4.3 OUR DEFINITION OF SIGNIFICANT DISTRICT VIEW

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

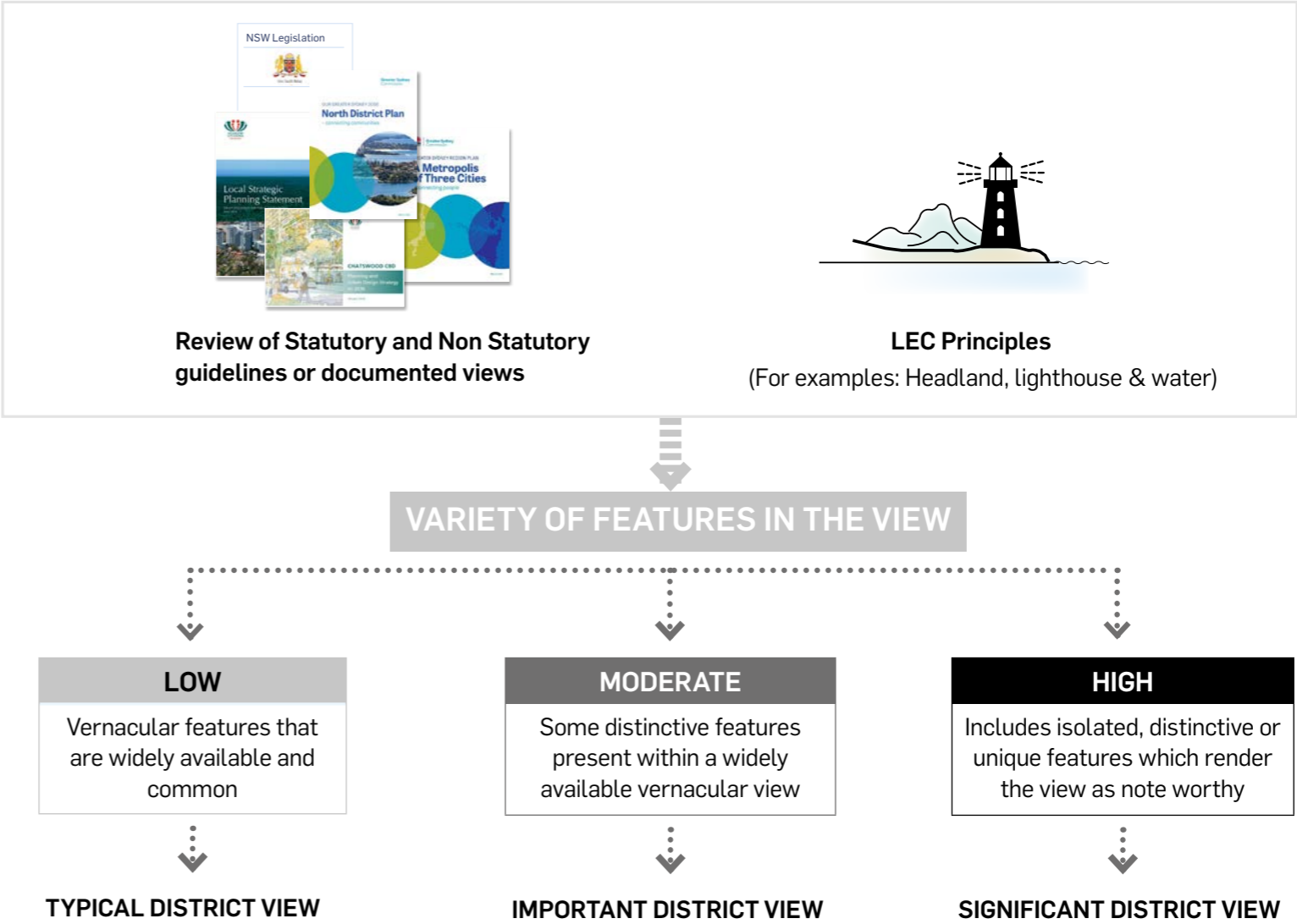
This is a subjective concept. For example, a resident may consider an available view to be of significant value to them without the inclusion of any particular or distinctive features or unique scenic quality.

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

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

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

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



5.0 PRIVATE DOMAIN VIEW ACCESS

5.1 PRIVATE DOMAIN VIEWS

Immediate Neighbours

Neighbouring dwellings located at 5 and 10 Gordon Avenue will have direct views to the site depending on the retention of the existing vegetation within it. Notwithstanding, they are unlikely to have any view access available to scenic or highly valued features or view compositions (as described in *Tenacity* planning principle).

- Adjoining residential dwellings are likely to be exposed to foreground views where the composition of existing built form would change to include new contemporary built form. This does not constitute view loss but rather, visual change to the composition of views.

5.2 POTENTIALLY AFFECTED RESIDENTIAL DWELLINGS

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

Residential flat buildings at 5-7 and 8-12 Sutherland Road apartments may be affected by potential view loss. Expansive easterly views from the upper levels at these buildings are likely to be available and may be potentially affected by view loss as a result of the construction of built form proposed.

The potential composition of existing views access has been determined via a review of real estate images and the fieldwork observations.

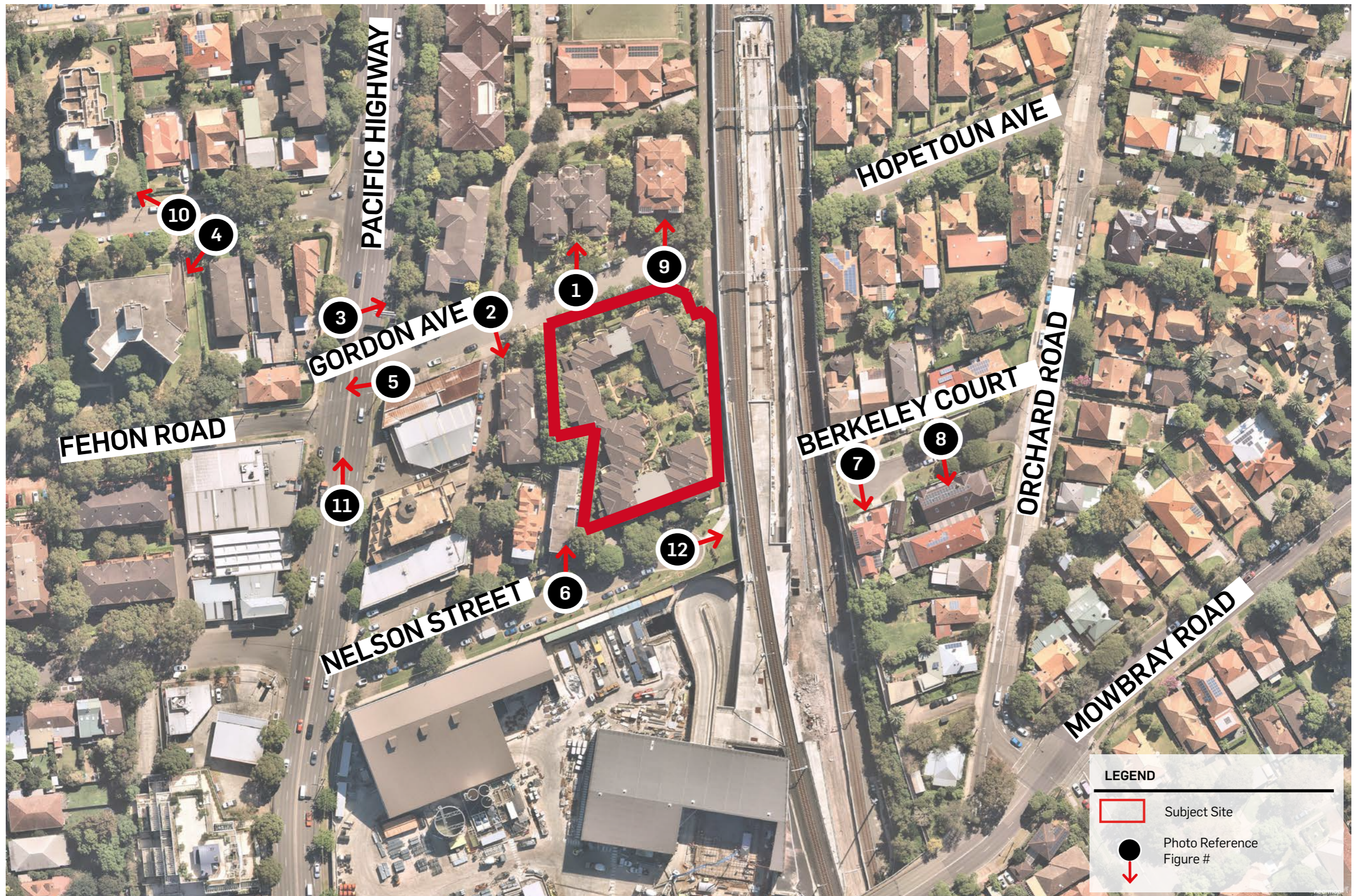


Figure 6 View location map (Source: Urbis)

5.3 SURROUNDING RESIDENTIAL DEVELOPMENT



Figure 7 View Point 1- View north from 5-9 Gordon Avenue.



Figure 8 View Point 2- Detail view south of three storey residential flat building adjacent to site at 10 Gordon Avenue.



Figure 9 View Point 3- Detail view of 641-653 Gordon Avenue, residential flat building at north-west corner of Hammond Lane and Gordon Avenue.



Figure 10 View Point 4- Detail view east elevation Sutherland Gardens at 8-12 Sutherland Road.



Figure 11 View Point 5- Detail view east of 592 Fehon Road at southeast corner of Gordon Avenue and Pacific Highway.



Figure 12 View point 6- Detail view north of 15 Nelson Street.



Figure 13 View Point 7- Detail view south of 2 Berkeley Court.



Figure 14 View Point 8- Detail view south of 14 Berkeley Court.



Figure 15 View Point 9- Detail view north of 1-3 Gordon Avenue.



Figure 16 View Point 10- Detain view of 5-7 Sutherland Road east elevation.



Figure 17 View Point 11- Pacific Highway looking north towards the high density development in Chatswood.



Figure 18 View Point 12- View west from west end Nelson Street.

5.4 LIKELY VIEW ACCESS

5-9 GORDON AVENUE (VIEW POINT 1)

5-9 Gordon Avenue, is a part- three-storey residential flat building with pitched roof form located north-west of the site. The development includes mature palm trees within its front setback. The south elevation includes external balconies and windows which may provide potential views towards the site. Mature vegetation located in the north side of the Gordon Avenue is likely to be constrained part of views from level one and two of 5-9 Gordon Avenue towards the site. The first floor and second floor levels do not appear to be sufficiently high, relative to the existing built form on the subject site , to be able to see across of beyond the site to any scenic or significant district views.

10 GORDON AVENUE (VIEW POINT 2)

10 Gordon Avenue is characterised by a three-storey residential flat building and pitched roof, which includes wide external balconies that present to the north and west. The development is located in immediately west of the site. Dense vegetation along the west boundary of the subject site currently separates the developments. Thus, the development is unlikely to have any westerly views towards the site.

641-653 GORDON AVENUE (VIEW POINT 3)

The west end and north side of Gordon Avenue west of the driveway entrance to the Chatswood Bowling Club includes the rear of 641-653 Gordon avenue, and it is characterised by a part- three-storey residential flat building with older brick and tile which presents formally to the Pacific Highway. The south elevation includes external balconies and windows, which may provide potential views of the site. The first floor and second-floor levels do not appear to see across or beyond the site to any scenic or significant district views due to mature trees along the south boundary.

8-12 SUTHERLAND ROAD (VIEW POINT 4)

Sutherland Gardens at 8-12 Sutherland Street appears to be a late 20th Century residential concrete and masonry tower with a 'butterfly-shaped floorplate. The eastern wing of which includes balconies and windows that are orientated towards the site. The upper parts of a tower form would potentially view the subject site via the east balconies. The lower levels of 8-12 Sutherland Road are unlikely to have access to any significant district views to the east.

592 FEHON ROAD (VIEW POINT 5)

592 Fehon Road is a single storey dwelling with a pitched roof form located west of the site at the intersection of Fehon Road and Pacific Highway. The south elevation includes external balconies and windows, which may provide potential views towards the site. The East and south boundaries of the development are constrained by fences. The subject site is unlikely to create any significant view-blocking effects for 592 Fehon Road in relation to scenic or highly valued features.

15 NELSON STREET (VIEW POINT 6)

15 Nelson Street is characterised by a three-storey residential flat building with a modern architectural style and a flat roof, and it is located southwest of the subject site. The development's front elevation with external balconies and windows presents Nelson Street to the south. Dense vegetation along the west boundary of the subject site currently separates the developments. The development is unlikely to have east views toward the subject site.

2 BERKELEY COURT (VIEW POINT 7)

2 Berkeley Court is a two-storey residential flat building with a pitched roof form located southeast of the subject site. The north and west elevations include windows that may provide potential views of the site. The first-floor views to the west and north-west towards the site are constrained by fences located along the west boundary of the development. The second floor of the development would potentially have views of the site.

14 BERKELEY COURT (VIEW POINT 8)

14 Berkeley Court is a single storey dwelling with a pitched roof form located southeast of the subject site. Its front elevation presents to the Berkeley Court. The development does not appear to be sufficiently high, relative to the existing built form on the subject site, to be able to see across or beyond the site to any scenic or significant district views.

1-3 GORDON AVENUE (VIEW POINT 9)

1-3 Gordon Avenue is a part- three-storey residential flat building with pitched roof form located north-east of the site. The development includes mature vegetation within its front setback. The south elevation has external balconies and windows, which may provide potential site views. However, the first floor and second-floor levels do not appear to be sufficiently high, relative to the existing built form on the subject site, to be able to see across or beyond the site to any scenic or significant district views.

5-7 SUTHERLAND ROAD (VIEW POINT 10)

'High Barbaree' at 5-7 Sutherland Road is a blonde-brick clad, seven-storey building that includes external balconies with curved brick balustrades that present to the south and east. Views of the site and the proposed tower would be available from a short section of the Pacific Highway south of its intersection with Albert Avenue. The upper part of the residential development may have potential views toward the subject site to the east.

North of this approximate location, the road corridor bends to the northeast. All potential views southwards are likely to be blocked by intervening buildings in the Chatswood CBD.

PACIFIC HIGHWAY (VIEW POINT 11)

The Pacific Highway approximately follows a local north-south ridgeline so that the underlying topography west of the Pacific Highway falls in elevation to the west and south-west. In this regard, potential views towards the proposed development will diminish approximately west of Whitton Road. There are limited opportunities from roads to the west, for example, Fehon, Sutherland and Moriarty roads from which to view the site or proposed tower, due to the road alignment, intervening built forms and the presence of street tree vegetation.

WEST END NELSON STREET (VIEW POINT 12)

This image is looking to the east, towards Berkeley Court, and it is characterised by a low-density residential area. The streetscape character of Nelson Street is similar to that of Gordon Avenue in that it predominantly includes three-storey residential flat buildings, which include basement car parking, street trees and older residential development near the corner of Pacific Highway. The visual context of Nelson Street also includes commercial two-storey development at its western end and the south side is wholly occupied by the Sydney Metro site.

5.5 PROPOSED VIEWS

In our opinion of those locations identified above, views from the upper levels and north-east and east elevations at 5-7 and 8-12 Sutherland Road are likely to be the most affected by potential view loss.

In some views (to the north and northeast if available via the view corridor between the Nelson Street Towers), the views lost may include scenic and iconic features. Views from upper-level dwellings along the east elevations at 15 Nelson Street, 10 Gordon Avenue, 1-3 Gordon Avenue and 641-653 Gordon Avenue are likely to be less affected by potential view loss given the orientation, setbacks and likely view access, which is more expansive to the east. In addition, access to northerly and north-westerly views is likely to be unaffected by the location and massing proposed on the subject site.

4H/8-12 SUTHERLAND ROAD (REAL STATE IMAGES)



Figure 19 View northeast from 4H/8-12 Sutherland Road balcony.



Figure 20 View northeast from 4H/8-12 Sutherland Road living room.



Figure 21 4H/8-12 Sutherland Road floor plan.

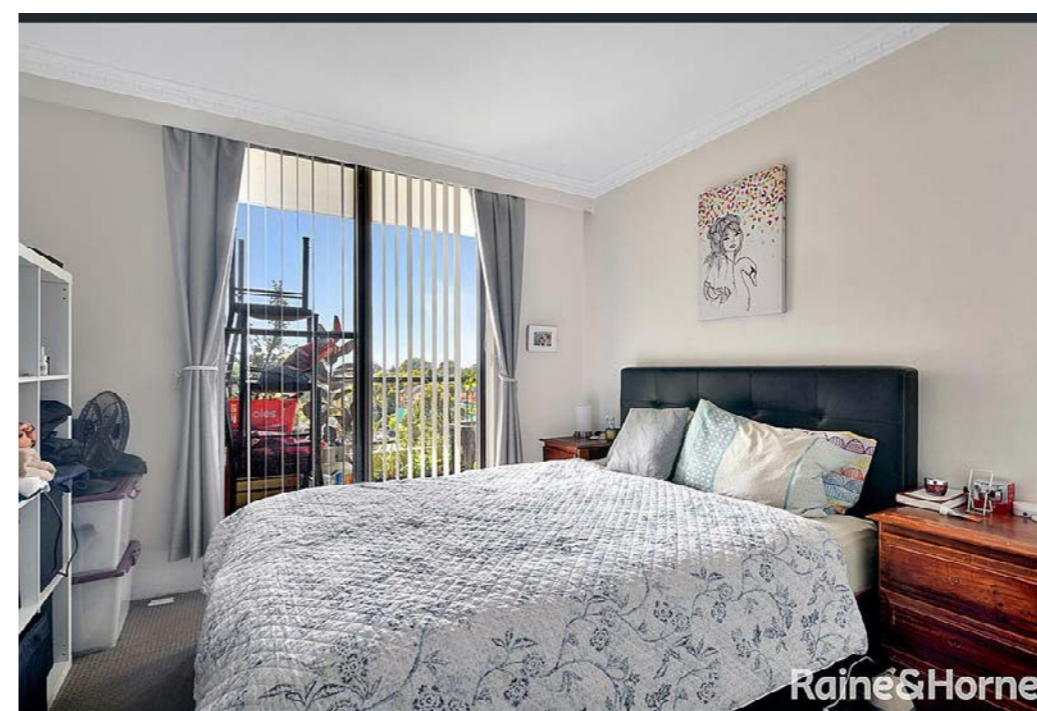


Figure 22 View east from 4H/8-12 Sutherland Road bedroom.

33/5-7 SUTHERLAND ROAD (REAL STATE IMAGES)



Figure 23 View east from 33/5-7 Sutherland Road balcony.



Figure 24 View east from 33/5-7 Sutherland Road balcony.



Figure 25 33/5-7 Sutherland Road floor plan.



Figure 26 View north from 33/5-7 Sutherland Road bedroom.

CONCLUSION

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

Immediately surrounding neighbouring residential development is low in height with no or limited access to views above and beyond the existing built form on the subject site. In this regard, there is limited or no potential access to more distant scenic or highly valued features or significant district views.

The proposed development is likely to cause some view loss in relation to some views from the closest neighbouring residential flat buildings. Based on the information available and analysed, those potentially most affected by view loss include east-facing views from apartments at 5-7 and 8-12 Sutherland Road.

We note that potential view loss potentially caused by parts of the proposed built form which satisfy which satisfy built form controls for the site as envisaged by Council under both the Chatswood CBD Strategy, and the currently exhibited Draft Willoughby Local Environmental Plan.

Views from upper level dwellings at 15 Nelson Street, 10 Gordon Avenue, 1-3 Gordon Avenue and 641-653 Gordon Avenue are unlikely to be significantly affected by potential view loss based on the location, separation by distance and orientation of those buildings in relation to the built form proposed. This is because in the majority of views from these buildings mentioned above, in our opinion, the nature of the views to be lost are likely to be predominantly characterised by typical district views of limited significance when considering the guidance provided in *Tenacity*.

An accurate and determinative conclusion regarding the likely view sharing outcome for dwellings at 5-7 and 8-12 Sutherland Road requires an assessment against *Tenacity*.

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

In our opinion, views from dwellings identified and assessed, do not require further analysis and assessment including inspections and potentially modelling of the visual effects of the proposed development to be able to determine the quantum and quality of views lost.

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

