URBIS

45 MCLAREN STREET

VISUAL ASSESSMENT REPORT

PREPARED FOR 45 MCLAREN PTY LTD

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1.0 EXECUTIVE SUMMARY

This report is an assessment of the visual effects and potential impacts on view sharing of a Planning Proposal for 45 McLaren Street, North Sydney. The **'amended'** Planning Proposal (2021) includes an indicative building envelope which has been used for assessment of the visual effects and potential visual impacts of this proposal on its visual setting and private domain views. The **'amended'** Planning Proposal (2021) responds to direction received from North Sydney Council in relation to the **'original'** Planning Proposal (2020). This report has been updated to reflect the **'amended'** Planning Proposal (2021), namely the reduction in overall height, FSR and smaller building envelope.

The site has a limited visual catchment to the north, west and south and greater potential catchment to the east, however direct visual effects of the proposed development will be relatively restricted to locations closest to the site from adjacent roads including Walker Street and McLaren Street.

The upper part of the medium-height tower form will be visible from distant locations predominantly to the east and south-east, but is unlikely to be visible against the skyline from this vicinity given the intervening future built form envelopes along the east side of Walker Street, which have received Gateway Approval (the Avenor development).

The built form proposed is not dissimilar in character, height and form to other existing towers and proposed developments including those with Gateway Approval within the immediate visual context for example towers in Miller Street, McLaren Street and south of the site along the west side of Walker Street.

The majority of views to the proposed development from the south-west, west and north-west will be blocked by intervening tall built forms that are present in the North Sydney CBD and located along Miller Street. Views from the north towards the site for example from parts of Ridge Street and North Sydney will be blocked by the Aqualand development.

There are no direct views to the subject site or likely views to a tower of the height proposed from high sensitivity public domain viewing locations, within the immediate visual catchment. The most sensitive private domain views to the site will be from low-level units at the Aqualand tower currently under construction.

The medium-height tower proposed will introduce new, taller built form into the foreground composition of views from some low and mid-level future dwellings within the Aqualand development north of the subject site. The proposed development is not dissimilar in form or character to the existing residential flat buildings located in McLaren Street and Miller Street and to the south in Walker Street for example 'The Heritage'.

In the majority of views from future dwellings as modelled, the built form proposed will block a small part of a wider panoramic view to the south-east or south. The extent of visual effects and potential view loss is rated as minor to negligible for all mid and high level views analysed and moderate for one low level view and moderate-minor the remaining two low level views.

Units located above approximately level 21 at the Aqualand will not be significantly affected by potential view loss.

The parts of the view composition blocked in all views do not include iconic items or a large proportion of scenic or highly valued views as defined in *Tenacity*. A small part of a wider view to the east and south-east of the potential built from massing within the East Walker Street precinct (the Avenor development), including parts of Sydney Harbour, will be potentially blocked in some views, for example from Position 01 and 02.

The amendments to the massing sought by the **'amended'** Planning Proposal (2021) do not block iconic items or a large proportion of scenic or highly valued views as defined in *Tenacity* and predominantly blocks views of other urban development for example buildings in North Sydney. The lower form in the **'amended'** Planning Proposal (2021) reduces visibility of the proposed form in all views and in this regard reduces the level of potential view blocking effects.

High rise residential and mixed-use tower development in this visual context are not unexpected or likely to appear out of place given the similar scale and height of developments in Miller Street, Walker Street and other parts of North Sydney.

FIGURE 1 VIEW TO NEUTRAL BAY, SYDNEY NSW

PURPOSE OF THIS REPORT

This report provides an assessment of the potential visual effects and impacts of the built form proposed on the subject site that could be constructed subsequent to the approval of a Planning Proposal for 45 McLaren Street, North Sydney. The **'amended'** Planning Proposal (2021) seeks to vary the height and introduce a maximum FSR control for the site and in line with a preferred Reference Design, the merits of which are analysed in respect of impacts on potential view sharing.

Should the proposal be approved to progress to the development application stage, detailed design would occur for individual components of the development, at which time fine-grained consideration of the massing, articulation, detailing, materials and finishes, colours and landscape design would be resolved.
The author of this report specialises in assessing visual effects and impacts, view loss and view sharing and in strategic planning of access to and protection of scenic resources. This report is based on a desktop review of aerial imagery, architectural plans prepared by Bates Smart, the **'amended'** Planning Proposal (2021) prepared by Urbis, fieldwork in and around the site undertaken in July 2020 and is a review of planning documents that are relevant to views.

This report is restricted to an analysis of the visibility, visual exposure, and visual effects on views and streetscapes in relation to the built form envelope as modelled and provides commentary regarding the massing, height and form of the built form proposed on views. It also provides analysis regarding the existing visual context and character, extent of visibility and the desired future character of this part of North Sydney. In this regard Urbis have as far as possible assessed the potential of the development to cause view loss or blocking in relation to surrounding views within the private and public domain, including approved and proposed developments nearby.

This assessment also includes analysis of 7 photomontages from locations that were selected to represent potential views from future dwellings within the Aqualand development at 168 Walker Street. The photomontages used for analysis were based on drone photographs taken under the supervision and direction of Urbis. Detailed analysis of the visual effects as modelled are included in **Section "5.0 Analysis of Photomontages" on page 14**.

FIGURE 2 WARD STREET MASTER PLAN

BACKGROUND

The site is located in the northern margins of the North Sydney CBD and at the northern edge of the Ward Street Master Plan area. (WSMP) and occupies site 5 (also known as site F) as shown in **"Figure 3 Future Context" on page 7**

The precinct includes some physical and visual connections to important civic spaces and proposed public domain areas to the south including Berry Square, Brett Whitely Place and the Victoria Cross Station now under construction. Built form on the site must consider access and amenity in relation to Green Square being developed on the existing Council car park site south-east of the site which will form part of Central Square.

We are advised that following Council's endorsement of the WSMP North Sydney Council provided feedback that a landowner initiated Planning Proposal would be considered for the subject site at 45 McLaren Street provided it could demonstrate its effects on the public domain areas within the WSMP, on amenity and privacy of surrounding areas. In summary any Planning Proposal would need to demonstrate its consistency with the objectives of the WSMP.

THE DRAFT CIVIC STUDY

We note that the subject site is not included in the Draft Civic Study (DCS) but that the built form proposed interfaces with surrounding sites that fall within it and which have informed the massing and form of the preferred reference design.

NORTH SYDNEY DCP 2013 PRINCIPLES RELEVANT TO VIEWS

The site falls within Section 2 of the North Sydney Planning Area Character Statement, Hampden Neighbourhood Environmental criteria;

There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas

Urbis' Comment
There are no public domain views available across the site towards the Sydney CBD and Harbour. The proposed development would not create any visual impacts on views that are currently available from and along Walker, McLaren or Harnett Street

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

a. *Maintain views of Kirribilli and the Harbour from Walker Street.*

Urbis' Comment
There are no such views available from the public domain streetscapes of Walker and McLaren Street in the vicinity of the subject site.

b. *Strong vista along Walker Street to southern part of CBD.*

Urbis' Comment
The vista along Walker Street is constrained to the road corridor by adjacent built forms along both sides and does not extend southwards to the north Sydney CBD due to the presence of a local knoll at the intersection of Berry Street which blocks beyond this point.

DESIRED BUILT FORM

Form, scale and massing

P1 early and original residential buildings compliment the topography to maintain views and easy access.

Urbis' Comment
The proposed built form proposed compliments the underlying typography of the site by stepping up in height in line to the north and will not block views from the public domain south or north along Walker Street.

2.0 VISUAL CONTEXT

THE EXISTING SITE

The subject site is rectangular in shape and is located on the southern side of McLaren Street at its intersection with Walker Street. It presents its longest boundaries to Harnett Street to the west and Walker Street to the east and adjoins a contemporary residential flat building to the south. To the north on the opposite side of McLaren Street a residential tower known as the Aqualand Development at 168 Walker Street is under construction. The Hampden Street character area east of the site includes one and two-storey terrace style development which occupies lower topography relative to the subject site.

The site includes a simply massed part-three and part-four storey 1980's style residential flat building which is characterised by brown clinker brick, wide external concrete balconies to the east and ground level car parking below. Narrow balconies are included along its west elevation to Harnett Street and isolated and semi-mature vegetation is located around its boundaries.

WIDER VISUAL CONTEXT

In order to understand how the development may affect the existing and wider visual context this section establishes the base line height, form and character of the existing visual environment. Walker Street runs parallel to and is in a mid-slope position relative to Miller Street to its west and the Warringah freeway to its east. Walker Street rises to a local knoll north of the site approximately opposite Wenona School near Ridge Street and falls in elevation to the south so that the subject site is near its approximate low point. Within the local topographic and visual context so that the adjacent ground levels to the west, north and south are higher relative to it. The subject site is surrounded by residential dwellings or apartment blocks that vary in architectural style and age. To the east Hampden Street and the terrace style residential development along it, sits below Walker Street carriageway level.

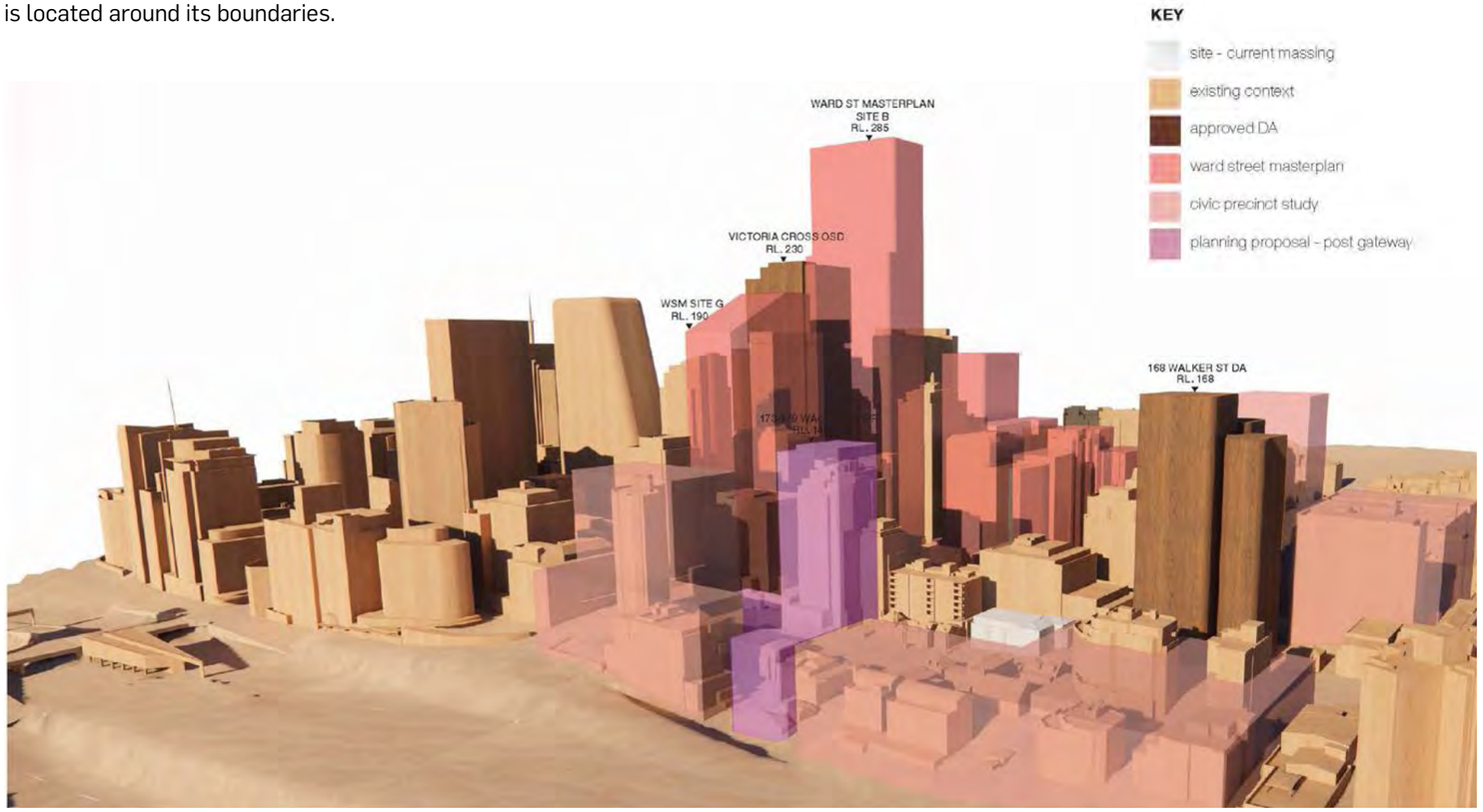


FIGURE 3 FUTURE CONTEXT

MCLAREN STREET

McLaren Street west of the subject site rises in elevation to meet the Pacific Highway which runs in a north-south alignment and occupies a local ridgeline. Development located along both sides of the street include tall tower forms including existing and approved mixed-use and residential buildings.

41 McLaren Street is currently occupied by a commercial development that is characterised by a four-storey podium and a wide setback and terrace at level 5. The building on the site (Simsmetal House) is listed as a heritage item in Schedule 5 of the North Sydney LEP 2013. Terraces and setbacks at level 8 create a stepped built form presentation to McLaren Street where the tallest part is massed to the south-rear of the site. Urbis is aware that this site has been the subject of several recent Planning Proposals all of which have included significant uplift for the site.

We note that previous Planning Proposals for the site including significant additional height have not been supported by Council or relevant Planning Panels. Notwithstanding, it is likely in this urban and strategic context of that a future proposal will include similar or greater height on part of the site than currently exists.

Two residential apartment towers are located at the west end of McLaren Street including a 13 storey building the "McLaren Apartments" at 39 McLaren Street and the "Harvard Apartments" at 237 Miller Street which includes approximately 17 storeys at the south-east corner of McLaren and Miller Streets. The McLaren Apartment building includes a square-shaped floor plate including external balconies and windows along each elevation including to the east and towards the subject site. 237 Miller Street is a mixed-use development with residential development located on its upper floors some of which present to the east and south.

MILLER STREET

The east side of Miller Street, west of the subject site includes a row of recently completed towers of similar height, form and character. These include residential developments and hotel accommodation which appear to include approximately 17 residential storeys and are characterised by 5 storey podiums and narrow setbacks to the tower forms. 231, 229, 225 and the Quest Hotel at 223 Miller Street are located within the immediate visual catchment of the subject site. 229 Miller Street 'The Vantage' accessed via a lane way between 231 and 225 Miller Street being the closest residential development where part of its eastern elevation aligns with the rear of both 41 and 45 McLaren St. To its south the Quest Apartment Hotel also presents to the east where angled projected balconies overlook part of 41 McLaren Street and beyond to southern most section of the subject site. Marketing information available on line in relation to 231 Miller Street (the Miller), The Vantage and Quest indicates that mid to high level living spaces and hotel rooms along the east elevation of each building would have access to some views to the east, south-east and north-east which may include parts of the site.

WALKER STREET

The former SAP site at No.168 Walker Street occupies a large rectangular- shaped block at the north-west corner of McLaren Street. A residential tower developed by 'Aqualand' is currently under construction on the site. DA plans available online indicate that the building broadly occupies a rectangular floor plate notwithstanding it is massed into three separate pods. The Pods or vertical stacks of rooms are characterised by curvilinear façades including balconies along the south elevation which is parallel to McLaren Street. The Aqualand development springs from an elevated ground level compared to the subject site where its eastern end will directly align with the subject site and to part of the built from proposed. Further analysis in relation to the height form and potential views from this development are addressed below in section 7.0
The west side of Walker Street south of the site is characterised by contemporary high-quality mixed-use development e.g. the Belvedere and Heritage apartments. 'The Heritage' development is located at No.150 Walker Street south and adjacent to the subject site and includes the adaptive re-use of low height heritage dwellings and a contemporary tower form along the western part of this site. This development includes four modified separate federation style one and two-storey dwellings with gardens and a conjoined 8 storey contemporary residential apartment building immediately to the rear (west). The rear apartments include external balconies and windows along the eastern elevation.

The Belvedere residential tower is located further south at No.138 Walker Street and includes two connected built forms, the lower of which is 13 residential storeys in height (RL101) and the higher form including 21 residential storeys reaches RL125.

The east side of Walker Street north of the site includes residential development that is predominantly lower in height and form relative to the west side and includes two to three-storey flats and terrace houses with the exception of the Harbourview Apartments at No.191-195 Walker Street that includes eight residential storeys massed in two tower forms located on a local ridgeline north of Hampden Street.

Hampden Street is characterised by a split carriageway separated by terraced stone walls and semi- mature vegetation which provides a continuous visual screen between the two carriageways. Mature canopy trees are located at the east end of the street and along the west side of Warringah Freeway which block some low-level and street views from Hampden Street and parts of Walker Street to the east. The north side of the street is elevated relative to the south and includes two-storey residential development, the western-most of which is a semi-detached residence with a narrow setback to a two-storey terrace development that includes five dwellings.

A development proposed for 173-179 Walker Street and 11-17 Hamden Street which has received Gateway Approval includes tower and podium envelopes across a large consolidated site. We refer to this as the Avenor development, the indicative reference schemes for which includes a long podium parallel to Walker Street and two towers, the lower of which is located at the east end of Hampden Street where the taller tower from occupies the south end of the development.

No.169 Berry Street "Century Plaza" is approximately 19 residential storeys in height and is located south-east of the subject site, close

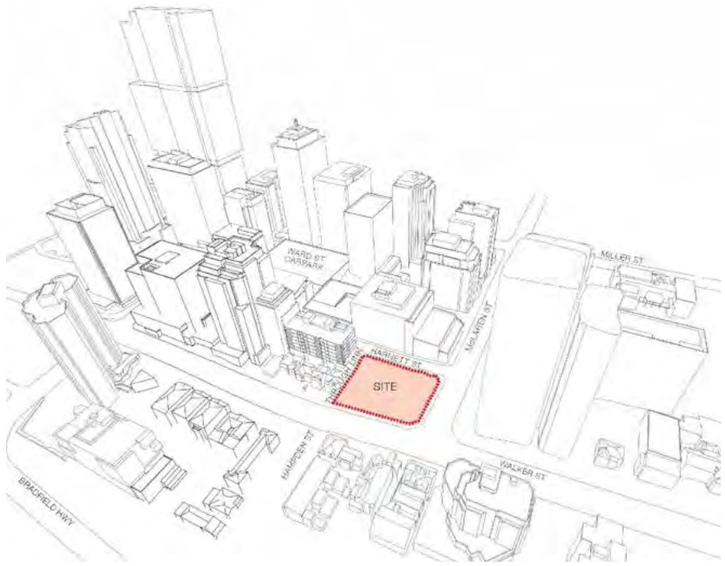


FIGURE 4 SURROUNDING HEIGHT CONTEXT

to the Avenor development. This building is characterised by two wings of apartments located either side of a central lift core, appears to be circa 1990's era, the north-west elevation is partly orientated towards the subject site. Notwithstanding the north-west elevation includes stacks windows and external balconies we observed that this building is significantly separated from the subject site. McLaren Street and Walker Street both include mature London Plane street trees which provide positive amenity to the streetscapes and to the visual context of the site and when in leaf will contribute to screening effects in views.

STREETSCAPE CHARACTER

Streetscapes immediately surrounding the site are predominantly characterised by mixed-use residential and commercial buildings, with varying set backs and street frontage heights. This is the case for Walker, McLaren and Berry Streets. Walker Street north of its intersection with McLaren are quiet relative to the major arterial roads to the west, south and east for example Miller Street and Berry Street and include mature street trees which contribute positively to the visual amenity of the streetscapes.

Hampden Street includes a lower density and scale of residential development including terrace-style dwellings and individual three-story residential flat buildings. Streetscapes within the Hampden neighbourhood precinct and along the east side of Walker Street are currently characterised by low front fences, gardens and wide front setbacks.

Notwithstanding, the streetscape character is set to change significantly with the construction of built forms permissible within the Avenor development. This development will introduce contemporary built forms, activated streetscapes and public domain areas with built form street frontages of greater height than currently exist.

PROPOSED DEVELOPMENT

The **'amended'** Planning Proposal (2021) and submitted reference scheme have been prepared in support of the site's redevelopment from a four – five storey residential flat building to a mixed-use development, with an FSR of 6.25:1, maximum height of RL 114 on the northern portion of the site and include a stepped form of 10-14 storeys. This is commensurate with the existing and desired future character of the Ward Street Precinct and surrounds.

The **'amended'** Planning Proposal (2021) will enable the site to be redeveloped for retail and residential purposes, with a commercial/ retail podium activating Harnett and McLaren Streets, and residential land uses fronting Walker Street and in the tower form above.

The proposed height, density and associated reference scheme have been designed to sit comfortably on the site, adjacent to the heritage-listed terraces and within the emerging context of North Sydney, whilst ensuring adequate solar protection to the future public realm within Ward Street.

It is envisaged that future development on the site could result in a carbon-neutral building, east-west through site linkages and landscaped terracing.

In summary, the **'amended'** Planning Proposal (2021) seeks to amend the NSLEP 2013 as follows:

- To amend the maximum height of buildings and use a split height control across the site, with the southern portion having a maximum height of RL 101 and northern portion having a maximum height of RL 114.
- Introduce a maximum floor space ratio of 6.25:1.

This description relates only to the visual attributes of the proposed development rather than its technical planning inclusions or internal uses. The **'amended'** Planning Proposal (2021) allows for the demolition of the existing building on the site and subsequent to the approval, the construction of a mixed-use, low-medium height tower form on the site.

Plans prepared by Bates Smart show that the tower form will step up in height from the south to the north broadly reflecting the underlying topography so that tallest part of the built form at level 13 is located parallel and adjacent to McLaren Street at the north end of the site. The massing and height of the built form proposed have been informed by the solar access guidelines included in the WSMP.

In addition the massing of the building steps away from the Walker Street frontage to the west as it increases in height, which provides a respectful interface with the low-height built form streetscape character of Walker Street and Hampden Streets opposite the site to the east.

The highest part of the proposed built form will reach RL 113.8 some 28.3m higher than the adjacent contemporary building at 150 Walker Street but significantly lower than the tower form at 168 Walker Street to the north reaching only approximately half of its height.

FIGURE 5 SITE PLAN

3.0 VISUAL CATCHMENT

The visual catchment of the proposed development has been mapped approximately as shown in **"Figure 6 Approximate Visual Catchment" on page 11**. The total potential visual catchment (the area in which there is any visibility of an item) can be distinguished from the effective visual catchment. The effective catchment is the area within which there is sufficient detail to perceive the nature and quality of a development, as well as the potential for it to have negative effects, for example on specific views, settings, streetscapes or items of scenic or cultural significance. The effective visual catchment is smaller than the total visual catchment.

VIEWS ACCESS - PUBLIC DOMAIN

View compositions available from within the public domain in the immediate context of the site includes features typical of a commercial residential mixed-use environment and streetscape features described in **"2.0 Visual Context" on page 7** and **"Streetscape Character" on page 9**.

Existing view access from surrounding streets is constrained largely to road corridors by built form. The presence of street trees further restricts view access from streetscapes. The existing site is visible from the closest parts of McLaren Street and Walker Street including in oblique views to the north from the intersection of Walker and Berry Streets and similarly close oblique views to parts of the site are available from the intersection of Miller and McLaren Streets.

The upper parts of the proposed built form will be visible from the northern and elevated section of Civic Park in Miller Street access to which will depend on the finished height of the Victoria Cross Metro Station northern services building at the north-east corner of Miller Street and McLaren Street.

There appears to be no direct access to views to the site from north Sydney Oval. Views from the north along Walker Street from near Ridge Street are constrained by intervening built form and street tree vegetation. The steep fall in elevation from Ridge Street towards the site means that the majority of the built form proposed will sit below the horizontal view and in addition parts of the proposed building would be block by the Aqualand development once completed.

View compositions available from within the public domain in the immediate context of the site includes features typical of a commercial residential mixed-use environment and streetscape features described in **"2.0 Visual Context" on page 7** and **"Streetscape Character" on page 9**.

There is no view access across the existing site and dwellings from areas of higher elevation in Walker and McLaren Streets to scenic or more highly valued features e.g. parts of Sydney Harbour. In addition, there appears to be a limited prospect of medium or distant views from pedestrian paths in McLaren Street and Walker Street in the vicinity of the site to scenic or more highly valued features.

Potential views towards Kirribilli and beyond to parts of Sydney Harbour from Walker Street if available from the public domain would not be affected by the proposed development. As previously noted, there is no access to scenic views including the strong vista along Walker Street to southern part of the North Sydney CBD referred to in the North Sydney DCP.

EXISTING VIEW ACCESS - PRIVATE DOMAIN

This analysis of likely views access from neighbouring residential developments is based on an inspection of views from the roof top at 41 McLaren Street and on fieldwork observations made from street level within the effective visual catchment.

From the roof top at 41 McLaren Street we observed the uniform window stacks, balconies and likely location of living spaces of neighbouring buildings. We observed and documented the rear-east elevations of 39 McLaren Street, 237, 231, 229, 225 Miller Street and the Quest building to gain an understanding of the spatial relationship between these buildings and the subject site. In our opinion some residential apartments may be potentially affected by view loss or view blocking as a result of construction of a tower on the subject site.

Those potentially most affected are located at higher elevation to the west and directly align with the subject site to the east and may have access to views of scenic composition to the east and south-east. For example; apartments located along the east elevations at the upper floors at 39 McLaren Street and the adjacent and up slope “Harvard Apartments” at 237 Miller Street. Of these the closest neighbour at 39 McLaren Street is likely to have the greater access to views some of which may include scenic and valued composition and features as described in Tenacity.

Access to views from east-facing elevations of towers in Miller Street including 231, 229, 225 and the Quest Hotel at 223 Miller Street will vary depending on their alignment with the site and intervening built forms. Views access from all the but the upper floors or floor units

at 231 Miller street will be constrained by the blocking effects of 39 McLaren Street. The rear (east) elevation of 229 Miller Street 'The Vantage' is broadly aligned with the rear boundary of the subject site. From the upper most floor or floors the distant background composition will include parts Sydney Harbour. It is likely that part of the distant composition may be affected by potential view loss. Access to such views may also be affected by any future development or change in height and massing at 41 McLaren Street and by the eastern tower form of the potential built from massing within the East Walker Street precinct (the Avenor development).

Notwithstanding the composition of existing easterly and south-easterly views is likely beyond the immediate foreground of lower buildings, to include distant district views predominantly characterised by vernacular residential development, distant parts of Sydney Harbour. Oblique Views from some external balconies at the upper floors of the Vantage and buildings to its south including the Quest may include parts of Sydney CBD and icons for example the Sydney Harbour Bridge and Sydney Opera House. From internal spaces in such oblique views to the south-east it is unlikely that access to views that include scenic and highly valued items would be available due to the intervening building structures for example party walls.

East-facing apartments at the Quest Hotel adjoin and potentially overlook the Council car park within the WSMP. Views from Quest rooms and balconies will be available to the east however we observed that that his building does not align directly with the subject site.

VIEWS FROM THE AQUALAND DEVELOPMENT AT 168 WALKER STREET

Potential views from the Aqualand development are addressed in detail in **"5.0 Analysis of Photomontages" on page 14.**

OTHER VIEWS

We anticipate that views from other lower residential development located along the west side of Walker Street would be unaffected by the proposed development. The orientation of residential flat buildings such as 'The Heritage', from Hampden Street and form the Century Plaza are unlikely to be significantly affected by the proposed development.

SUMMARY OF VISUAL EFFECTS ON PRIVATE DOMAIN VIEWS

Urbis determined that potential view loss would be likely to occur in relation to the closest dwellings to the west and north-west including southerly views from the upper floors of the Aqualand development, 39 McLaren Street and potentially the Vantage at 229 Miller Street.

Notwithstanding views from other towers along Miller Street as discussed above are likely to be available to the north-east and including the subject site, a future building on the site of greater height and scale as proposed is unlikely to create any significant view loss or blocking effects.

Potential view loss caused in relation to towers along Miller Street (south-west of the site) in our opinion is likely to be minor and would not result in the loss of scenic or valued items as defined in Tenacity. In our opinion it would be impractical in this urban visual context to be able to maintain the existing access to views by manipulating the massing of the **'amended'** Planning Proposal (2021) for that specific purpose.

We observed that views from the upper floors at the McLaren Apartments and The Harvard to the east and south-east are likely to be potentially affected to a minor extent given their spatial separation from the site and the value of the part of the view that may be potentially affected.

Future development at 41 McLaren Street is likely to potentially affect access to easterly views from these residential developments. Taking into consideration the angle of view, in our opinion the likely extent of view loss in relation to these locations would be minor.

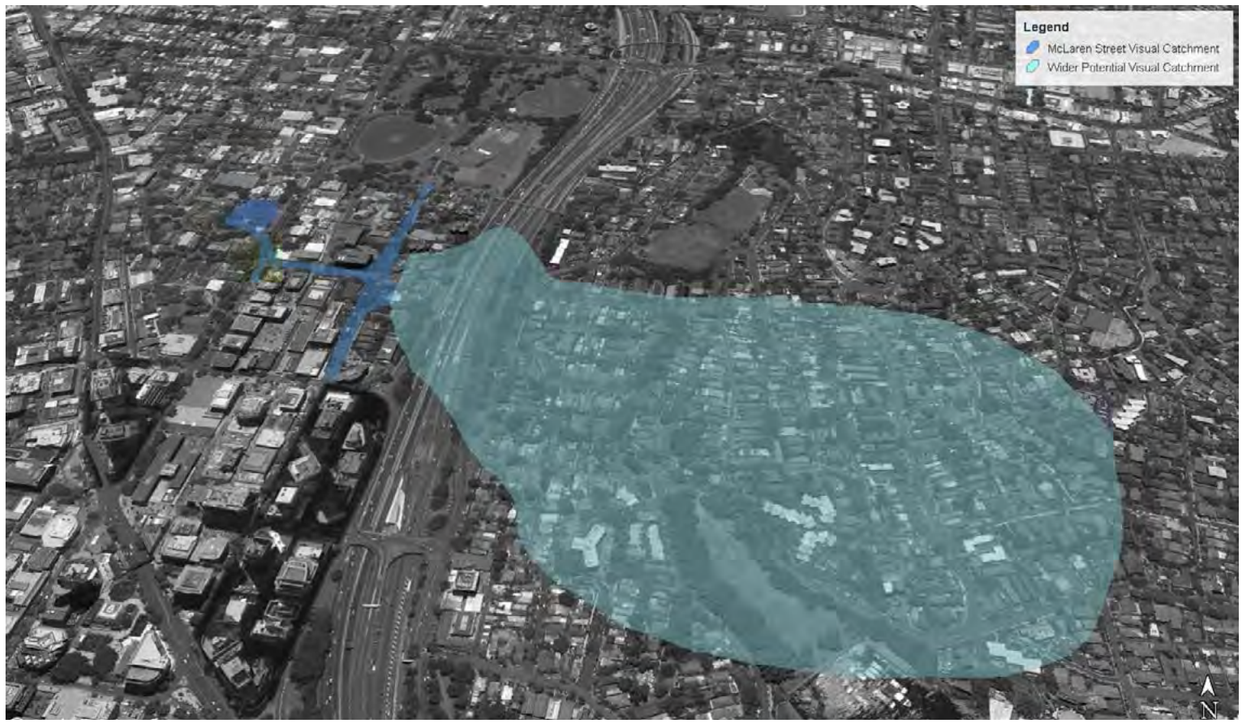


FIGURE 6 APPROXIMATE VISUAL CATCHMENT

4.0 PLANNING PRINCIPLES

PLANNING PRINCIPLES RELEVANT TO PRIVATE DOMAIN VIEW SHARING

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

Tenacity is not case law but provides guidance as to how view loss can be assessed. The planning principle is described by the Court as a statement of a 'desirable outcome' aimed at reaching a planning decision and defines a number of appropriate matters to be considered in making the planning decision. Therefore, the importance of the principle is in outlining all relevant matters and or the relationships of factors to be considered throughout the process and is not simply to list features that could be lost.

View loss or blocking effects refers to the extent to which a proposal is responsible for blocking access to an existing view or part of the composition of a view. The principle also describes the extent of view loss using a qualitative scale and takes into consideration the value of features in each composition and from where the views are available. Photomontages are frequently used as objective aids to assist in modelling and therefore quantifying the extent of visual change that would occur.

An assessment against *Tenacity* would require an inspection of views from individual dwellings which in this case is not possible in relation to the Aqualand development. Therefore the analysis of each photomontage follows the general steps and objectives of Tenacity which is included below for completeness.

TENACITY PLANNING PRINCIPLE

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

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

Tenacity includes descriptions of highly valued features, iconic views and whole views which refer to the particulars of that matter, for example water and areas of land-water interface. By describing the nature and composition of the views and rating the value of the composition *Tenacity* suggests that if there if there is no substantive view loss in qualitative or quantitative terms or if the items lost are not considered to be highly valued in *Tenacity* terms, then the threshold to proceed to Step 1 may not be met and continuing with other steps in the process may not be justified.

The visual effects of the proposed development are assessment against *Tenacity* in relation to each photomontage view included above in **"5.0 Analysis of Photomontages" on page 14**. The steps in the assessment are included below for completeness.

STEP 1 VIEWS TO BE AFFECTED

"The first step is the assessment of views to be affected. 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".

STEP 2

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic

STEP 3

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

STEP 4

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The fourth step in *Tenacity* refers to the skilful design of the proposed development. This step is only applicable if the proposed development complies with all relevant controls. The so called 'test' is not about whether a design is skilful, in the sense of the architect's expertise in creating a successful architectural composition; instead the intent of the fourth step is to look for opportunities within the massing and form of the proposal to minimise the impact on views across the site, whilst maintaining the capacity to reasonably develop the site. We comment that this step in the assessment cannot be meaningfully applied, given that the **'amended'** Planning Proposal (2021) seeks to change existing planning controls.

ARNOTT

The use of *Tenacity* for assessment should be considered in the context of another judgement in *Arnott v City of Sydney (2015) NSWLEC 1052 (Arnott).*

Commissioner O'Neill in *Arnott* agrees that notwithstanding the presence of an icon or part of an icon in the view composition, the whole view which includes an individual or isolated iconic element, may not be considered as an iconic view according to criteria in *Tenacity*. Therefore the presence of a distant background composition which includes areas of open water and some land-water interfaces and does not include any distinct individual icons may not be sufficient to describe the views available as 'iconic'. For example a view to the east from low-levels at position 1, 2 or 3 in our opinion would not be considered iconic notwithstanding it includes some scenic features albeit in the distant background.

Arnott cites the difficulty and utility of applying a *Tenacity* assessment to individual units In relation to view loss caused for units within the same residential flat building such is the case for the Aqualand Development, where the potential to re-mass the proposed development in a way that improves view sharing for units in an adjoining residential flat building, is difficult or would limit the development potential of the site.

We comment that in the majority of views as modelled, view loss was rated as minor or negligible and medium for only two locations, which we consider to be a reasonable level of view sharing whilst at the same time allowing for the realisation of the site's development potential.

Arnott goes on to state;
"Dr Roseth's own words at paragraph 29 of the Tenacity planning principle, 'whether a more skilful design could provide the applicant with the same development potential and amenity' It is partly for this reason that the Tenacity planning principle is less helpfully applied to impacts on views from individual apartments within residential apartment buildings, as there are generally more limited opportunities to rearrange massing to preserve what is often a singular orientation to a view. For this reason, it is also appropriate to consider the residential apartment building as a whole in assessing view impacts."

5.0 ANALYSIS OF PHOTOMONTAGES

Urbis recommended that drone photography be employed to take photographs from the closest and potentially most affected neighbouring residential development at Aqualand.

This assessment is based on an analysis of block model photomontages prepared by Virtual Ideas which include an architectural model prepared by Bates Smart.

The photomontages were prepared following guidance and direction provided by Urbis in relation to the use and locations of drone photography provided by Virtual Ideas.

Urbis reviewed approved Aqualand DA drawings including the south elevation of the residential tower forms to determine RLs and locations across the elevation that would provide a range of indicative views to inform a view sharing assessment.

Photomontages in this report include the **'amended'** Planning Proposal (2021). In this regard we can compare the visual effects of the **'amended'** Planning Proposal (2021) and the **'original'** Planning Proposal (2020).

DOCUMENTED VIEWS

The drone was flown at 3 levels per vertical stack
Low level; RL95.6 (approx equiv to level 6 +1.6m for eye height)
Mid-level; RL 122.6 (approx equiv to level 15 +1.6m for eye height)
High level; RL 139.6 (approx equiv level 21 +1.6m for eye height

Three heights per position:

1. Position 01
2. Position 02

- 25.6m
- 58.6m
- 69.6m

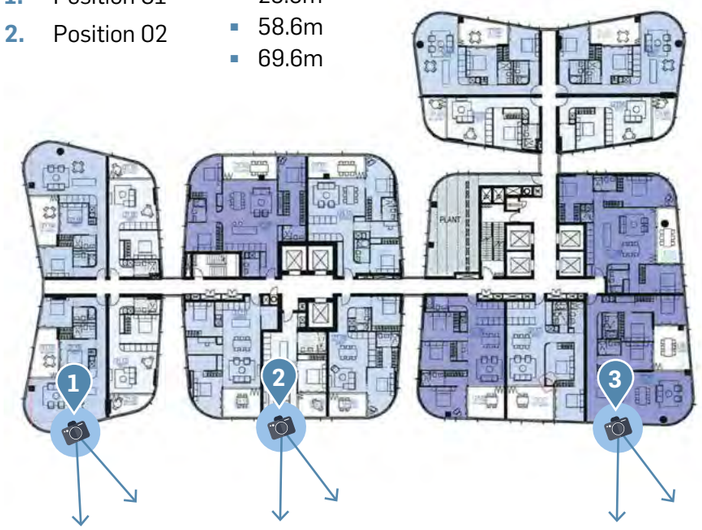


FIGURE 7 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

This graphic shows the intended approximate requested drone locations. Exact locations and RL's for the drone are recorded in the Virtual Ideas Methodology Report appended to this report.

ANALYSIS OF VISUAL EFFECTS

VIEW FROM POSITION 01 - HEIGHT RL92.36

West stack, low level, approximately equivalent to level 7

Visual effects of the proposed development on potential view

The proposal will introduce new built forms into the foreground of the view which will block parts of the wider more expansive view to the south-east. The built form proposed will predominantly block access to background development including the potential built from massing within the East Walker Street precinct (the Avenor development). The proposed development will block an additional section of the column of the composition east of the Avenor envelope which includes distant parts of Sydney Harbour. Additional drone photos show that views to the east, south, south-west and west will remain unaffected by the proposed development.

Indicative Tenacity Assessment

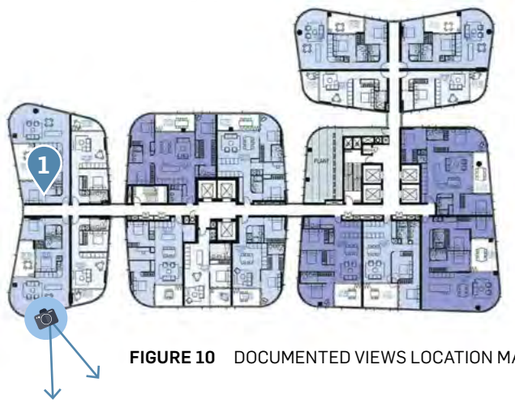
The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard the composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Moderate - minor

Summary of Visual Effects

Part of the scenic background composition will be blocked by the potential built form within the East Walker Street precinct (the Avenor development). The proposed development will therefore largely block views to other built forms and an additional section of view to the east. The section of view to be blocked by the proposed development includes some scenic elements and constitutes a narrow section of a wider whole view. The level of view loss when considered in the context of the site's location at the edge of the North Sydney CBD, is considered to be reasonable. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to others present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss if assessed against the *Tenacity* view sharing principles, would be considered as moderate overall. The level of view sharing achieved in our opinion, is considered to be reasonable an is rated as moderate overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.



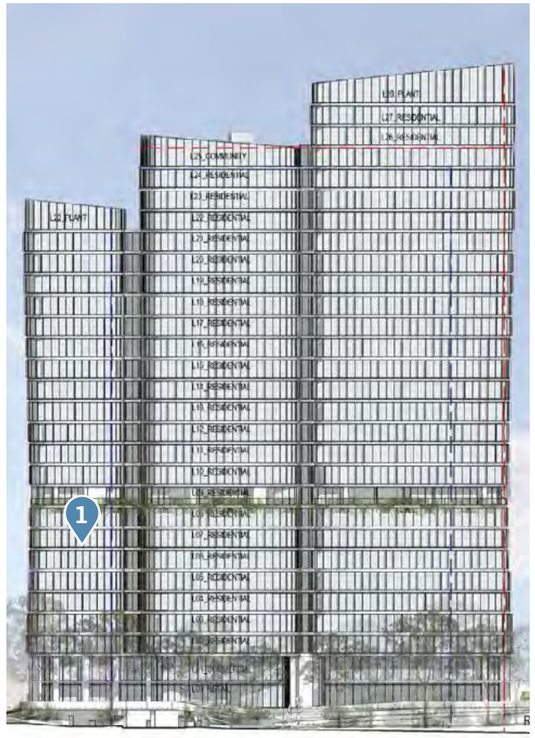


FIGURE 10 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

FIGURE 8 ORIGINAL PHOTOGRAPH

FIGURE 9 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

FIGURE 11 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 01 - HEIGHT RL126.27

West stack, mid level, approximately equivalent to level 15

Visual effects of the proposed development on potential view

The proposal will introduce a contemporary built form into the lower foreground composition blocking a small part of the an expansive view to the south-east. The built form proposed will block views of urban development including part of the Avenor envelope. Additional drone photos recorded show that views to the east, south, south-west and west will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard the composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Minor

Summary of Visual Effects

The majority of the scenic background composition will be blocked bythe East Walker Street precinct (the Avenor development). The proposed development will therefore largely block views to other built forms and an additional section of view to the east. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to others present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss is rated as minor overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

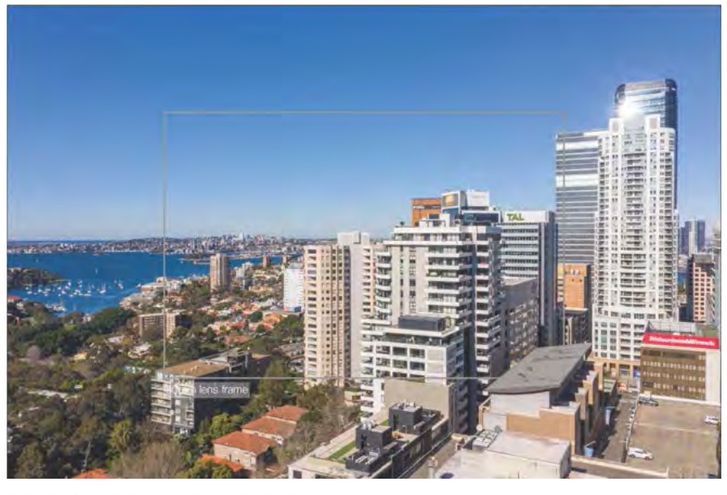


FIGURE 12 ORIGINAL PHOTOGRAPH

FIGURE 13 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

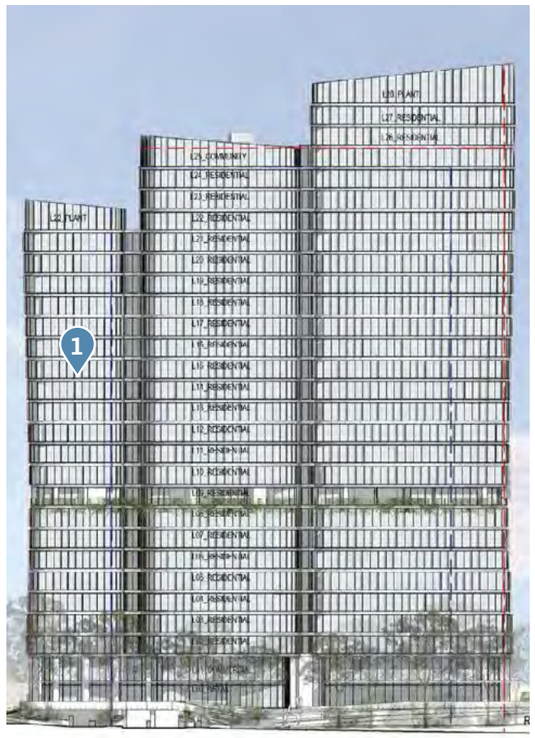


FIGURE 15 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

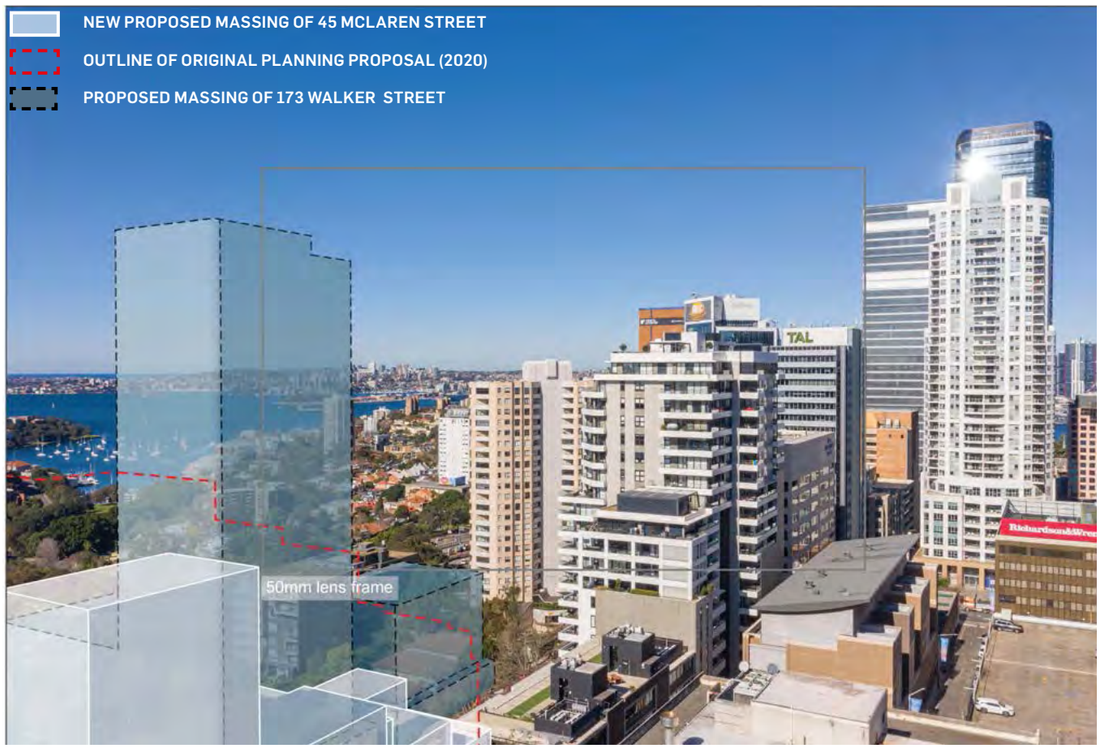


FIGURE 14 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 02 - HEIGHT RL93.28

Middle stack, low level, approximately equivalent to level 7

Visual effects of the proposed development on potential view

The proposal will introduce new contemporary built form into the foreground composition and will block background urban development, tower forms in Walker Street and all of the potential built from massing within the East Walker Street precinct (the Avenor development). The proposed development will block a short narrow section of the composition east of the Avenor envelope which includes distant parts of Sydney Harbour. Additional drone photos recorded show that views to the east, south, south-west and west will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard the composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

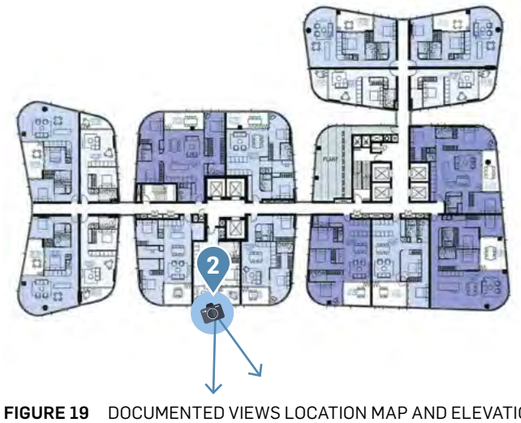
Moderate

Summary of Visual Effects

Parts of the scenic background composition will be blocked by proposed development within the East Walker Street precinct (the Avenor development). The proposed development will block views to this and other development and will block a narrow additional section of view to the east including open areas of Sydney Harbour. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to others present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss if assessed against *Tenacity* view sharing principles, in our opinion would be rated as moderate overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

FIGURE 16 ORIGINAL PHOTOGRAPH

FIGURE 17 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS



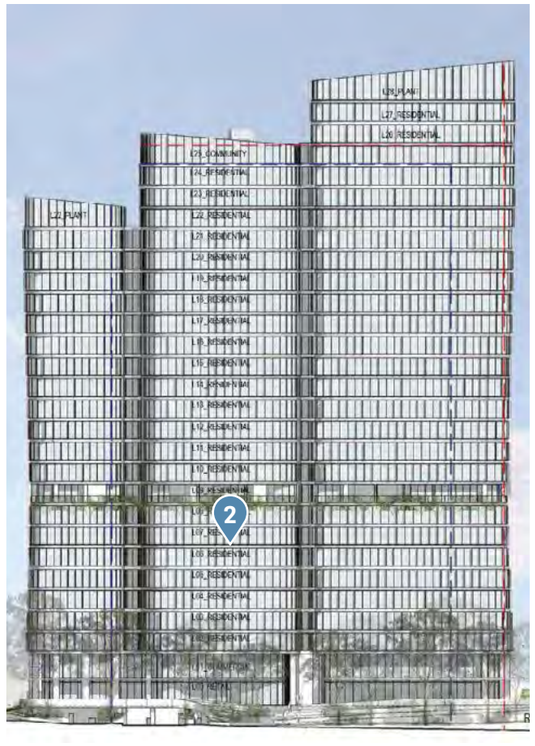


FIGURE 19 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

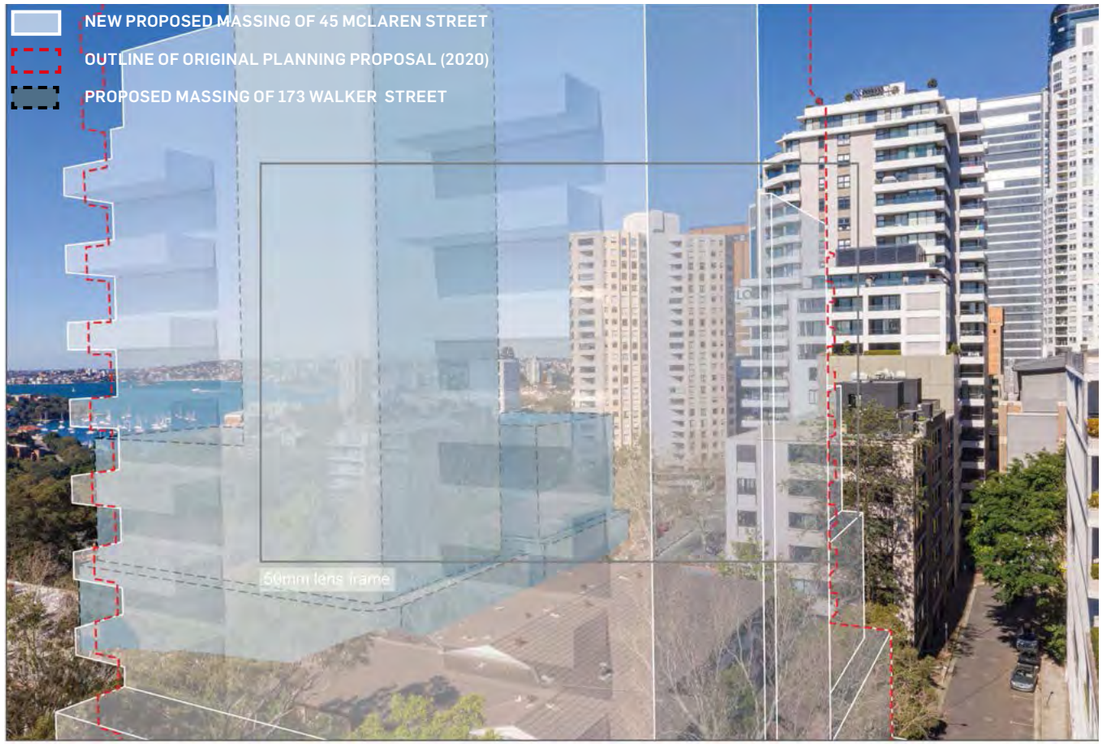


FIGURE 18 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 02 - HEIGHT RL126.11

Middle stack, mid level, approximately equivalent to level 15

Visual effects of the proposed development on potential view

The proposal will introduce a contemporary built form into the lower foreground composition blocking a minor part of the view to the south-east. The built form proposed blocks views of urban development including part of the proposed built form within the East Walker Street precinct (the Avenor development). Additional drone photos recorded at this location show that expansive views to the east, south, south-west and west that are available, will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard the composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Minor

Summary of Visual Effects

The proposed development will block a minor amount of the view and does not block access to scenic or iconic items. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to those present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss if assessed against *Tenacity* in our opinion would be rated as negligible overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

FIGURE 20 ORIGINAL PHOTOGRAPH

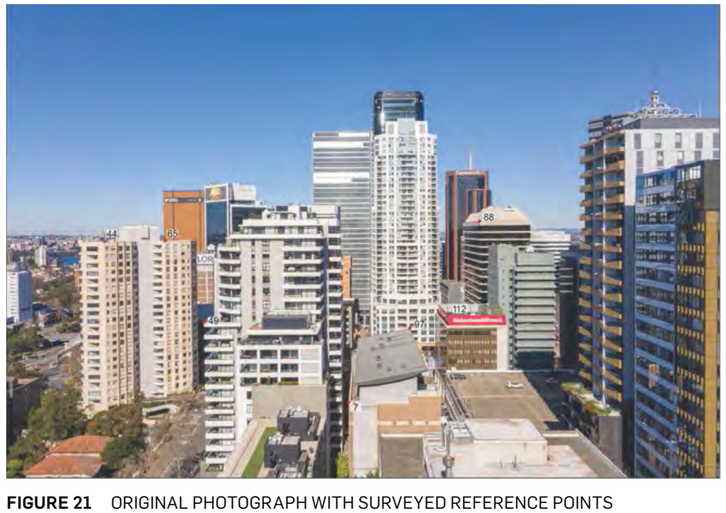


FIGURE 21 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

FIGURE 23 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

FIGURE 22 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 02 - HEIGHT RL135.07

Middle stack, high level, approximately equivalent to level 21

Visual effects of the proposed development on potential view

The proposal is not visible in this horizontal view.

Indicative Tenacity Assessment

The proposal will not generate any significant visual effects in this view.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Not applicable.

Summary of Visual Effects

The proposed development does not create any negative view sharing outcomes.

FIGURE 24 ORIGINAL PHOTOGRAPH

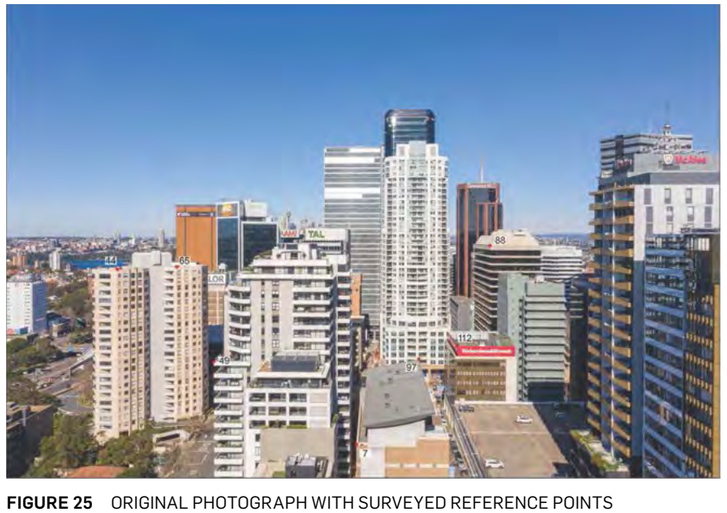


FIGURE 25 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

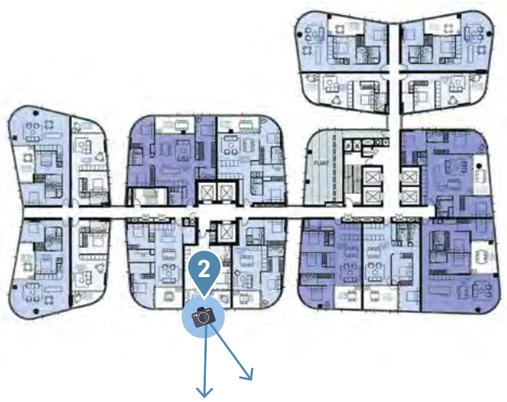


FIGURE 27 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

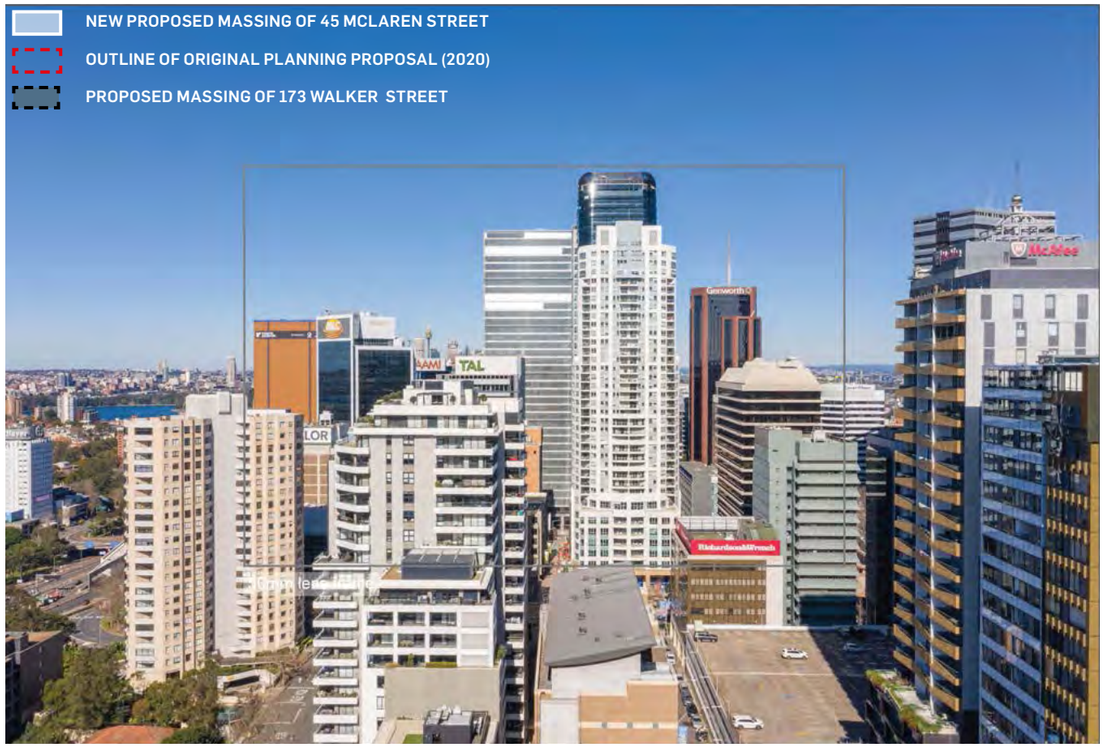


FIGURE 26 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 03 - HEIGHT RL93.57

East stack, low level, approximately equivalent to level 7

Visual effects of the proposed development on potential view

The proposal will introduce a contemporary built form into the central section of the foreground composition and will block urban development to the south. Whilst the built form proposed will change the spatial arrangement and nature of the composition it does not block access to scenic features as defined in *Tenacity*. Additional drone photos recorded at this location show that expansive views to the east, south, south-west and west that are available, will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard thh composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Moderate-minor

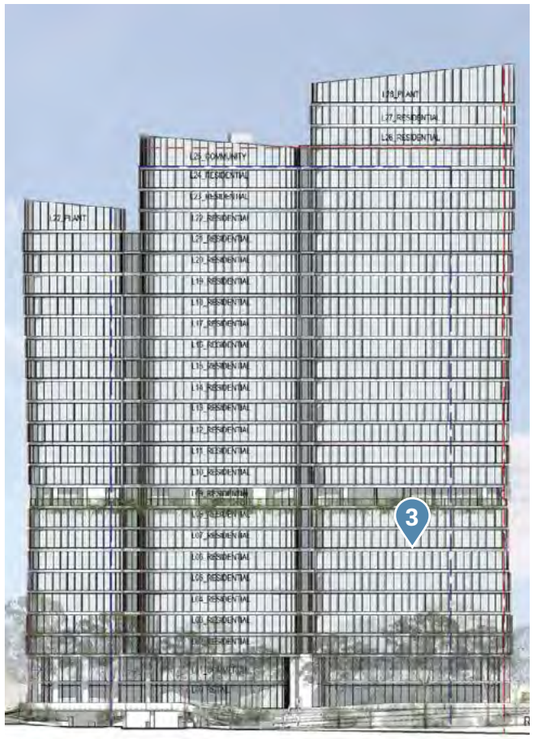
Summary of Visual Effects

The proposed development will block a moderate extent of the view and does not block access to scenic or iconic items. The composition lost is not considered to be scenic or highly valued as assessed against *Tenacity* view sharing principles. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to those present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss if assessed against *Tenacity* is rated as minor overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

FIGURE 28 ORIGINAL PHOTOGRAPH

FIGURE 29 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

FIGURE 31 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION



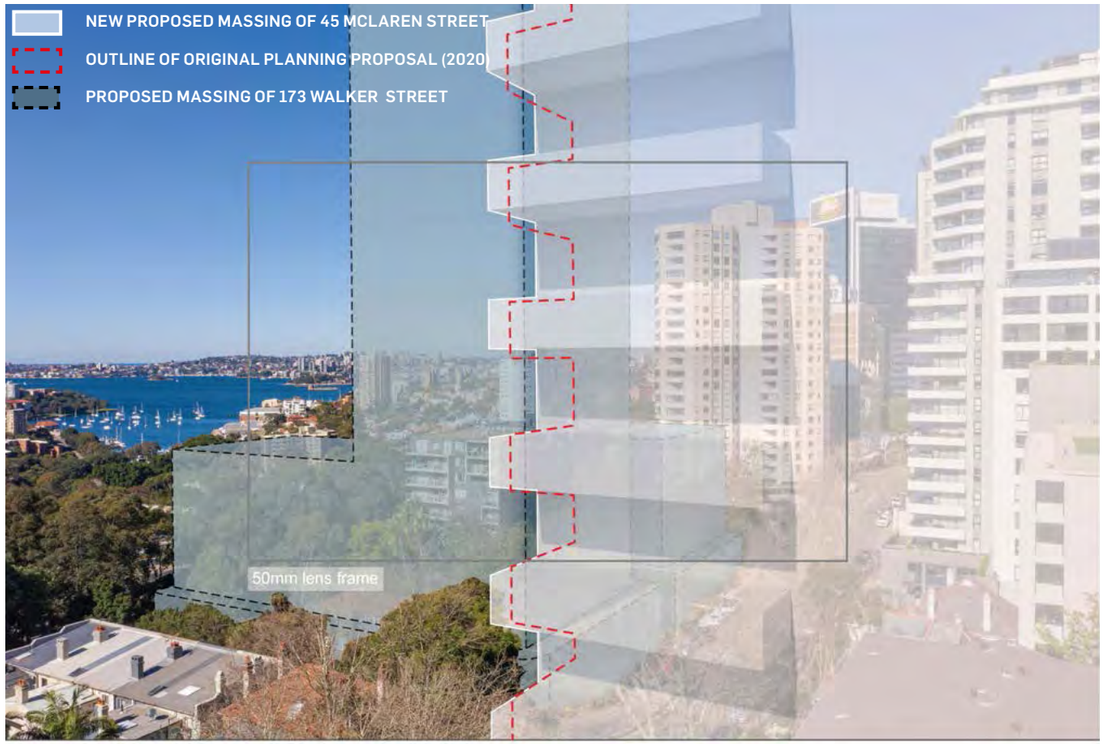


FIGURE 30 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 03 - HEIGHT RL127.15

East stack, mid level, approximately equivalent to level 15

Visual effects of the proposed development on potential view

The proposal will introduce built form into the lower foreground composition blocking a minor part of the view to the south of urban development. Additional drone photos recorded at this location show that expansive views to the east, south, south-west and west that are available, will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard the composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Minor

Summary of Visual Effects

The proposed development will block a minor amount of the view and does not block access to scenic or iconic items. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to those present in the immediate and wider visual context. The composition of views to the west and east will remain unaffected. The extent of view loss if assessed against *Tenacity* is rated as minor overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

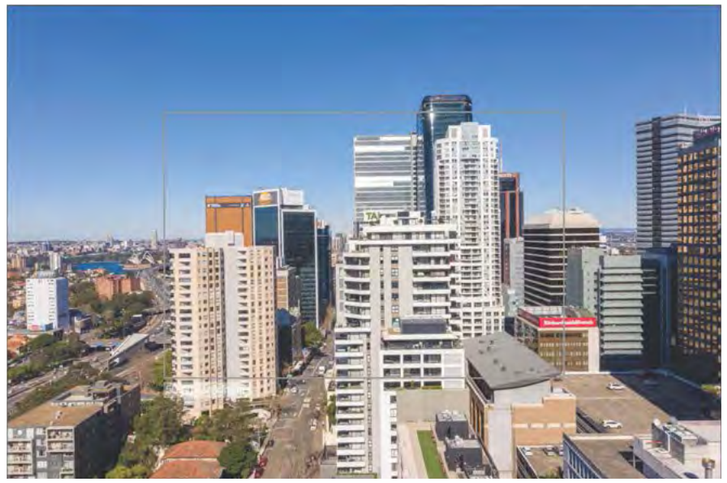


FIGURE 32 ORIGINAL PHOTOGRAPH

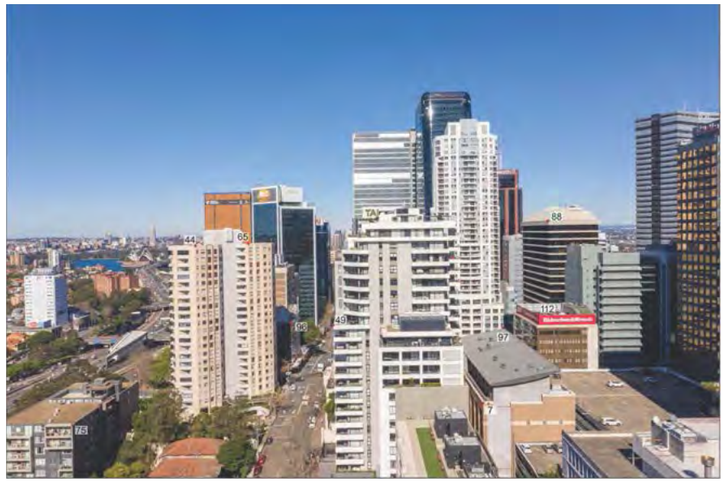


FIGURE 33 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

FIGURE 35 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

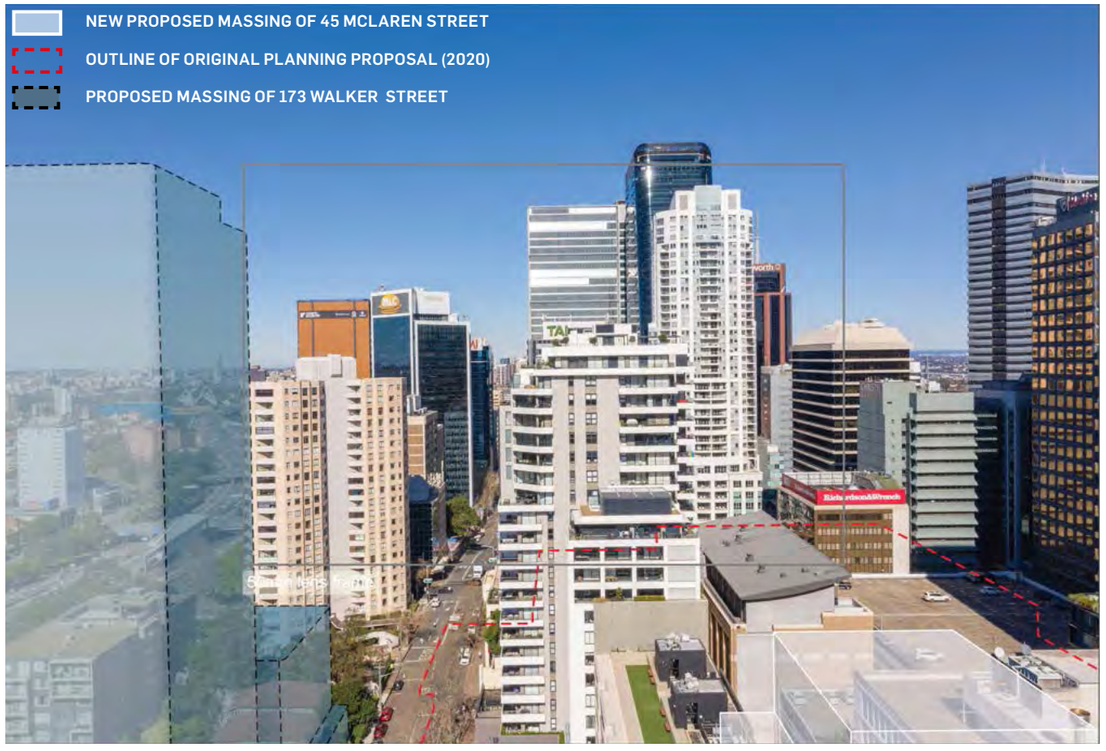


FIGURE 34 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

6.0 PRIVATE DOMAIN ADDITIONAL DOCUMENTED VIEWS

PLATE 1 : VIEW SOUTH TO CBD FROM POSITION - 01 AT RL 95.60m

PLATE 2 : VIEW WEST FROM POSITION - 01 AT RL 95.60m

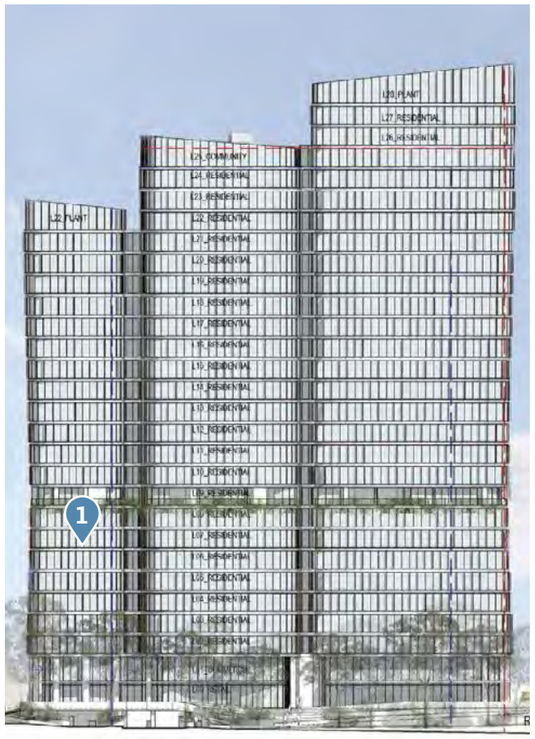


FIGURE 36 ADDITIONAL VIEWS LOCATION MAP AND ELEVATION

PLATE 3 : VIEW EAST FROM POSITION - 01 AT RL 122.6m

PLATE 4 : VIEW SOUTH-WEST FROM POSITION - 01 AT RL 122.6m

FIGURE 37 ADDITIONAL VIEWS LOCATION MAP AND ELEVATION

PLATE 5 : VIEW EAST FROM POSITION - 01 AT RL 139.6m

PLATE 6 : VIEW SOUTH-WEST FROM POSITION - 01 AT RL 139.6m

FIGURE 38 ADDITIONAL VIEWS LOCATION MAP AND ELEVATION

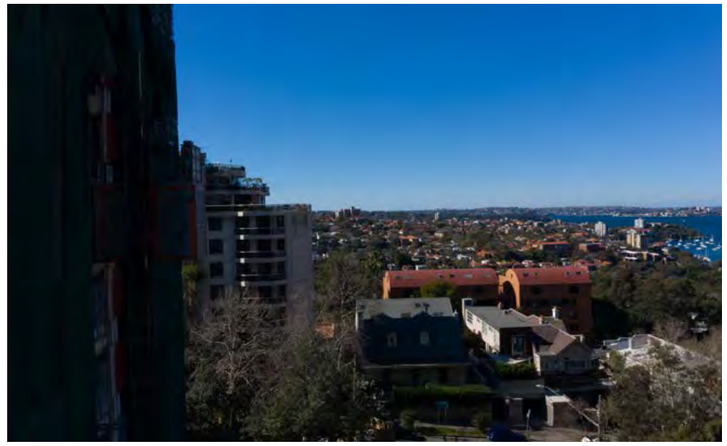
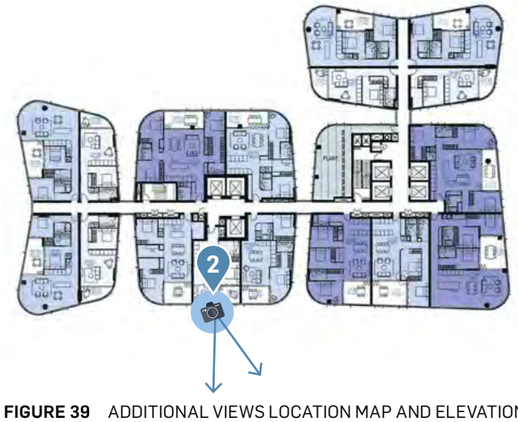


PLATE 7 : VIEW EAST FROM POSITION - 02 AT RL 95.60m

PLATE 9 : VIEW SOUTH EAST FROM POSITION - 02 AT RL 122.6m - UNAFFECTED BY THE BUILT FORM PROPOSED

PLATE 8 : VIEW WEST FROM PO2 - 01 AT RL 95.60m

PLATE 10 : VIEW WEST FROM POSITION - 02 AT RL 122.6m



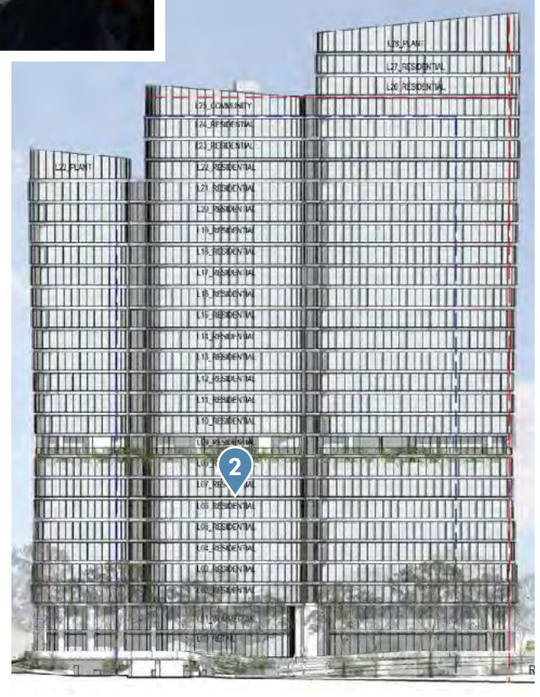
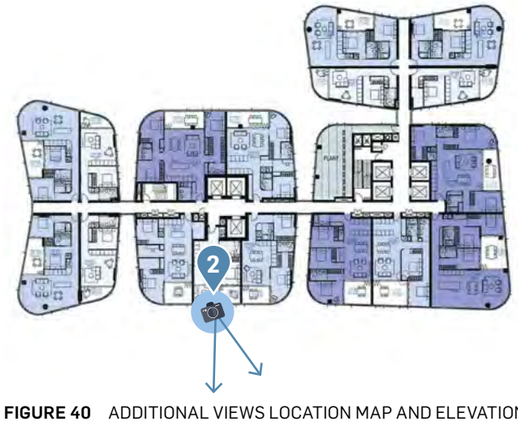


FIGURE 39 ADDITIONAL VIEWS LOCATION MAP AND ELEVATION



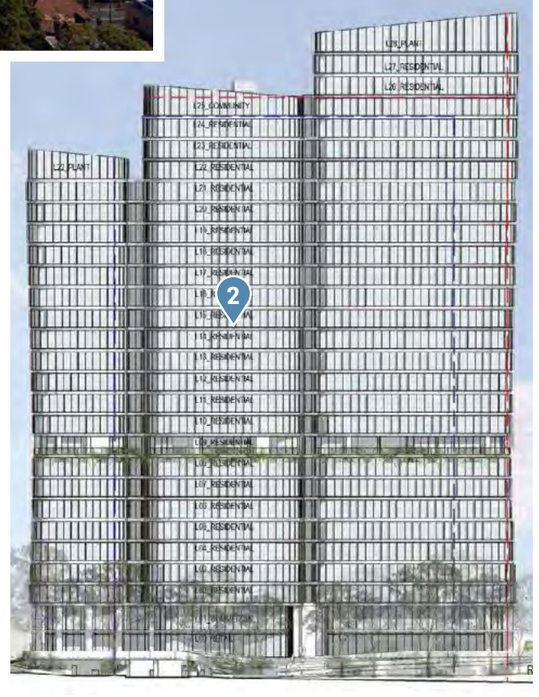


FIGURE 40 ADDITIONAL VIEWS LOCATION MAP AND ELEVATION

PLATE 11 : VIEW SOUTH-EAST FROM POSITION - 02 AT RL 139.6m - UNAFFECTED BY THE BUILT FORM PROPOSED BUT IMPACTED BY THE AVENOR ENVELOPE MODELLED IN BLUE IN THE PREVIOUS PHOTOMONTAGES

PLATE 12 : VIEW WEST FROM POSITION - 02 AT RL 139.6m

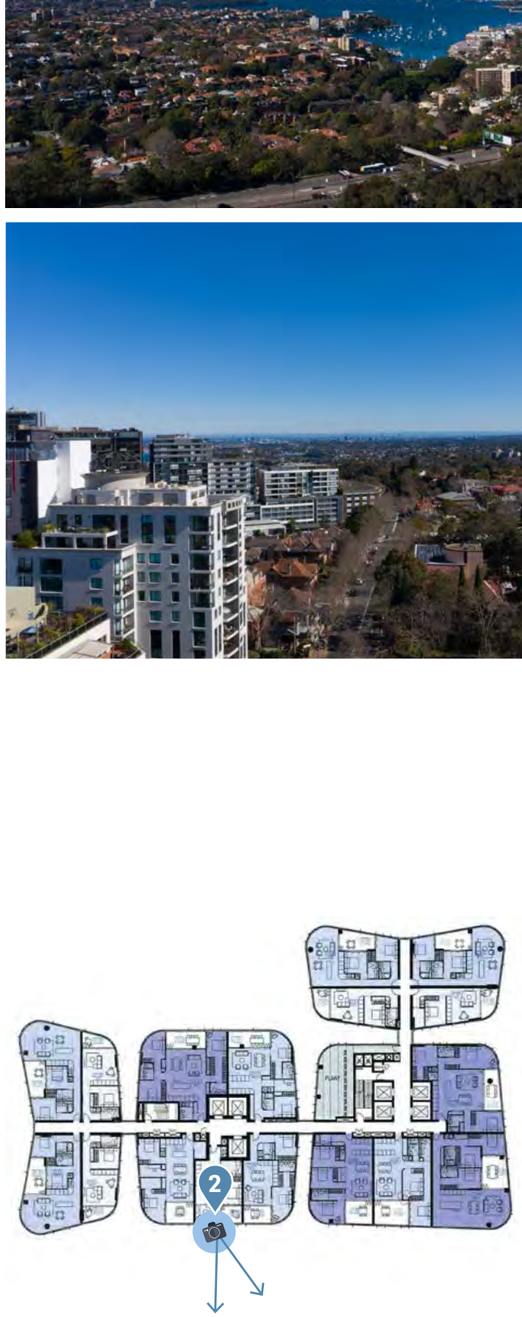


FIGURE 41 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

PLATE 13 : VIEW SOUTH-EAST FROM POSITION - 03 AT RL 95.60m - UNAFFECTED BY THE BUILT FORM PROPOSED BUT IMPACTED BY THE AVENOR ENVELOPE MODELLED IN BLUE IN THE PREVIOUS PHOTOMONTAGES

PLATE 14 : VIEW SOUTH-WEST FROM POSITION - 03 AT RL 95.60m

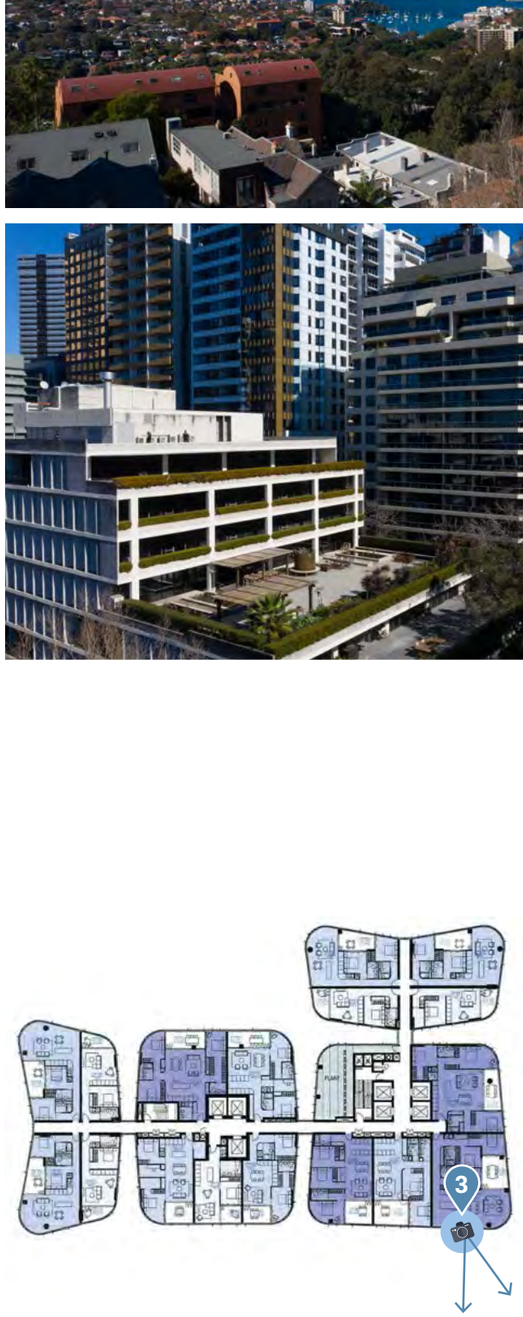


FIGURE 42 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

PLATE 15 : VIEW SOUTH-EAST FROM POSITION - 03 AT RL 122.6m - UNAFFECTED BY THE BUILT FORM PROPOSED BUT IMPACTED BY THE AVENOR ENVELOPE MODELLED IN BLUE IN THE PREVIOUS PHOTOMONTAGES

PLATE 16 : VIEW SOUTH-WEST FROM POSITION - 03 AT RL 122.6m

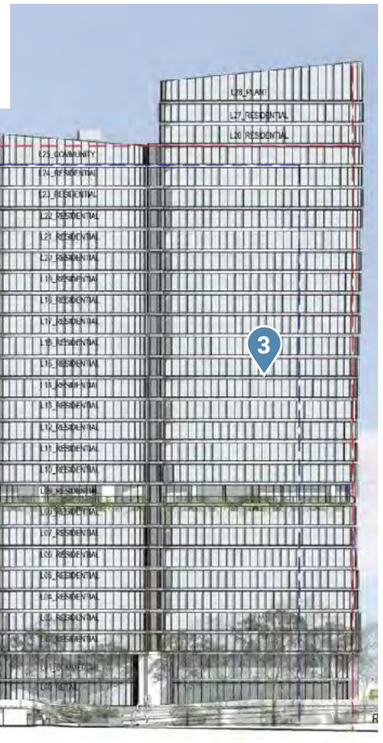


FIGURE 43 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

PLATE 17 : VIEW SOUTH-EAST FROM POSITION - 03 AT RL 139.6m

PLATE 18 : VIEW WEST FROM POSITION - 03 AT RL 139.6m

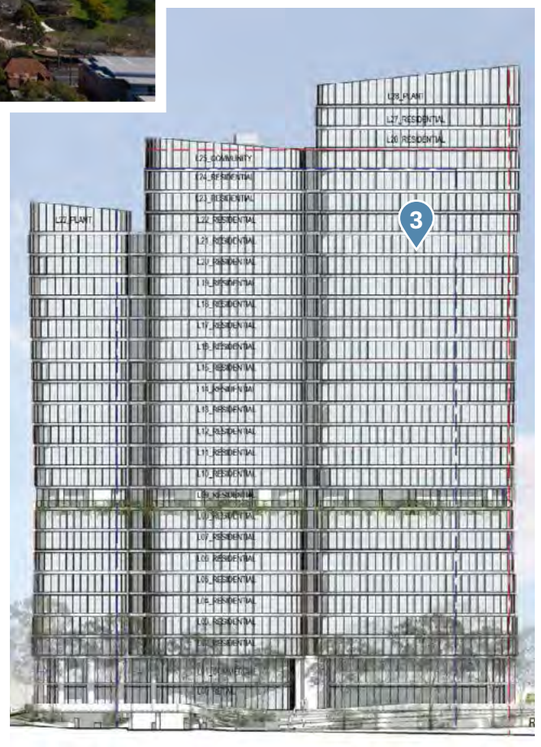


FIGURE 44 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

7.0 VIEW SHARING SUMMARY

- The likely view sharing outcome on potentially affected dwellings in Miller Street and at 39 McLaren Street have been carefully considered based on roof top observations made from 41 McLaren Street and fieldwork.
- Due to the alignment, spatial separation from the subject site, intervening existing and potential built forms and the likely existing view compositions, in our opinion potential view loss for dwellings located along Miller Street would be minor to negligible.
- Access to vernacular views which include distant scenic features to the east and north-east from Miller Street residential flat buildings would be blocked by tower forms included in the Gateway-approved Avenor development.
- The closest and potentially most affected potential views from the Aqualand building currently under construction have been assessed following a review of accurately prepared and certifiable photomontages based on drone photographs.
- Existing potential views from mid and upper level units will be expansive and will include some scenic and highly valued items in the composition of views to the south and south-east including parts of Sydney Harbour.
- Notwithstanding a *Tenacity* assessment requires view inspections from dwellings, we have based our analysis of view loss broadly on the objectives of this planning principle.
- Of the 7 views analysed, the majority of views would include a part of the proposed built form in existing compositions to the south and south-east.
- Low level views from each position would include the greatest proportion of new built form in the foreground of views, which predominantly replaces views of existing building development including parts of the potential built form massing within the East Walker Street precinct (the Avenor development).
- Oblique views from all low level locations include a distant background composition which includes parts of Sydney Harbour. A vertical column of that view east of the Avenor envelope would be lost.
- The extent of view loss for each low level view was indicatively rated as moderate or moderate to minor for example at Position 03 (west).
- The extent of view loss at medium and upper height positions was rated as minor or minor-negligible.
- Views from units above approximately level 21 are unlikely to be significantly affected by potential view loss.
- The lower form in the **'amended'** Planning Proposal (2021) reduces visibility of the proposed form in all views and in this regard reduces the level of potential view blocking effects.

8.0 CONCLUSION

A comparison of the visual effects of the 'original' Planning Proposal (2020) and 'amended' Planning Proposal (2021) shows that the reduced height and FSR generates less view blocking effects in the views modelled.

The level of view sharing achieved subsequent to the construction of the built form proposed in the 'amended' Planning Proposal (2021) is considered to be reasonable and acceptable.

9.0 APPENDICES

APPENDIX 1 - USE OF DRONE PHOTOGRAPHS AND PHOTOMONTAGES

USE OF DRONE PHOTOGRAPHS

Urbis staff provided supervision and oversight of drone photography on August 8th 2020. The drone was flown from the rooftop of 41 McLaren Street to predetermined locations and RLs above ground level. The drone path was agreed and permitted by the owners and developers of the Aqualand Development. An image of the drone path is included below. Due to construction work on the site the drone was only able to fly approximately in line with and above the south boundary of the site. The locations and RLs were based on a review of approved DA drawings of the development and were intended to provide an indication of standing views that will be potentially available approximately floor levels 21, 15, 7. Above level 21 in our opinion the visual effects of the built form proposed on views are unlikely to be significant.

The drone was fitted with a Hasselblad camera with a fixed focal length lens equivalent to a 28mm FLL using a full frame camera. The images captured are single frame and have not been manipulated or 'stitched together. The drone camera is fitted with a GPS system which writes the X, Y and Z coordinates of the drone onto each photograph. Given the heights, air movement and physical access constraints the positions of the drone at each location were not able to be independently surveyed verified. We are advised by Virtual Ideas and the drone pilot that the GPS meta data is accurate to within approximately 500mm.

FIGURE 45 DRONE PATH

LIMITS OF DRONE PHOTOGRAPHY

There are limitations in using photographs taken from a drone to simulate view loss effects on adjacent buildings, as follows:

- The drone is unable to provide a photograph from an internal or a private area. In this case the views are taken from approximately 8m further south of windows and balconies at the Aqualand development.
- The location of the camera is closer to the items viewed than would occur in a private
- Viewing location. As a result, the item causing view loss appears larger than would be the case in a view from inside a private residence.
- The drone camera is in unlimited space, whereas in a real viewing situation the view would be likely to be constrained at the sides and in the foreground by structures such as windows, reveals, doorway openings, walls, balcony floors, balustrades and other similar features. The horizontal and vertical extent of view to the human eye would therefore be reduced compared to what is shown in the drone image.
- The camera height is accurately known but the eye height relative to viewing locations in individual buildings is approximate, as floor levels would need to be established with survey accuracy.
- The equivalent focal length of the lens of the drone camera will need to be multiplied by the relevant crop factor to give a 35mm equivalent focal length (see above).
- Notwithstanding the above limitations, drone images are very useful aids to demonstrating principles for view sharing and also because they can overcome many practical constraints on gaining access to private viewing places. They provide adequate images for the purposes of photomontage preparation in these circumstances

PREPARATION OF PHOTOMONTAGES

Verification Method

The fundamental requirement to be able to certify photomontages is that there is a 3D architectural model of the proposed development which can be accurately located within the composition of a photograph.

To check the alignment of the model when inserted into each view, a number of fixed features that are visible in the composition must be established by survey. The purpose of the detailed surveying/ modelling of surrounding visible features in the view composition, is to enable a 3D virtual version of the site to be created in CAD software. If this has been done accurately, it is then possible to insert the selected photo into the background of the 3d view, position the 3d camera in the surveyed position and then rotate the camera around until the surveyed 3d points match up with the correlating real world objects visible in the photo. This is a self-checking mechanism – if the camera position or the survey data is out by even a small distance then good fit becomes impossible. It is however important to note that it is not possible for a 100% perfect fi t to occur for the following reasons:

- Variance between measured focal length compared to stated focal length,
- Minor lens distortion which varies from lens to lens and manufacturer to manufacturer,
- Absence of a suitable range of reference points on site/visible through lens
- Allowing for these limitations, Virtual Ideas demonstrated that the alignment was achieved to a high degree of accuracy.

The accuracy of alignment of the model to surrounding visible features can be seen to be excellent given that Virtual Ideas have employed the use of parts of the AAM 2018 Surveyed Sydney City Model (the City survey model) as shown by the red translucent blocks in their report.

The accuracy of the locations of the 3D model of the proposed development with respect to the photographic images was checked by Urbis in multiple ways:

1. The model was checked for alignment and height with respect to the 3D survey and adjacent surveyed reference markers which are visible in the images taken by Virtual Ideas drone pilot.
2. The camera location has not been independently verified by survey however the meta data including RLs and focal lengths and mapped locations have been reviewed by Urbis. The location of the ‘virtual’ camera in relation to the 3D model was established using GPS data gathered by the drone but refined and cross-checked using City Survey model.
3. Independently surveyed reference points captured by CMS surveyors used for alignment of the model identified in each view were used for cross-checking accuracy in a sample of images.
4. Minor discrepancies were detected between the known camera locations and those predicted by the computer software. Minor inconsistencies due to the natural distortion created by the camera lens, were reviewed by Urbis and were considered to be reasonable in the circumstances.

Urbis have reviewed the photomontages and is satisfied that the above process has been followed. Although the method does not strictly satisfy the practice guidelines for the use of visual aids to be used in the Land and Environment Court of New South Wales in our opinion the photomontages are accurate via the cross-checking mechanism utilising the City survey model, and provide an accurate and faithful representation of the built form envelope proposed and in our opinion can be relied upon for assessment.

APPENDIX 2 - PREPARATION OF PHOTOMONTAGES BY VIRTUAL IDEAS

45 McLaren St, North Sydney NSW

Visual impact photomontage and methodology report

VIRTUAL IDEAS

1. INTRODUCTION

This document was prepared by Virtual Ideas to demonstrate the visual impact of the proposed development at 45 McLaren St, North Sydney NSW with respect to the existing built form and site conditions.

2. VIRTUAL IDEAS EXPERTISE

Virtual Ideas is an architectural visualisation company that has over 15 years experience in preparing visual impact assessment content and reports on projects of major significance that meet the requirements for relevant local and state planning authorities.

Our reports have been submitted as evidence in proceedings in both the Land and Environment Court and the Supreme Court of NSW. Our director, Grant Kolln, has been an expert witness in the field of visual impact assessment in the Supreme Court of NSW.

Virtual Ideas' methodologies and outcomes have been inspected by various court appointed experts in relation to previous visual impact assessment submissions, and have always been found to be accurate and acceptable.

3. PHOTOMONTAGE METHODOLOGY

The following describes the process that we undertake to create the photomontage renderings that form the basis of this report.

3.1 DIGITAL 3D SCENE CREATION

The first step in our process is the creation of an accurate, real world scale digital 3D scene that is positioned at a common reference points using the MGA 56 GDA 2020 coordinates system.

We have used data including building 3D model and site survey to create the 3D scene. A detailed description of the data sources used in this report can be found in Appendix A and B.

When we receive data sources that are not positioned to MGA-56 GDA 2020 coordinates, we use common points in the data sources that can be aligned to points in other data sources that are positioned at MGA-56 GDA2020. This can be data such as site boundaries and building outlines.

Descriptions of how we have aligned each data source can also be found in Section 3.3.

3.2 SITE PHOTOGRAPHY

The site photography were provided from FRMEZ.

Camera lenses for each photograph were selected taking a variety of factors into consideration including the distance from the site and the size of the proposed development with respect to the existing built form and landscape.

In some cases, a specific lens requirement set by planning authorities may not produce a photomontage that is effective for visual impact assessment. In the cases where we are required to satisfy a specific lens stipulation and we consider that this is not effective for assessment of visual impact, we will outline the extent of the longer lens on the photomontage.

Full metadata of the photographs was recorded during the site photography. The critical data we extracted was date, time and lens width or field of view.

3.3 ALIGNMENT OF 3D SCENE TO PHOTOGRAPHY

To align the 3D scene to the photographs, we used the following data:

The site survey (LTS) to position the building in our 3D software. (refer to Appendix B for details)

The survey points (CMS) as identified from the base photographs. (refer to Appendix C for details)

We then loaded the photograph into the background of the corresponding 3D scene camera view, ensuring that the aspect ratio and lens setting match.

The 3D scene camera was moved to the correct position and rotated so that the surveyed points in 3d space match the corresponding points in the photograph.

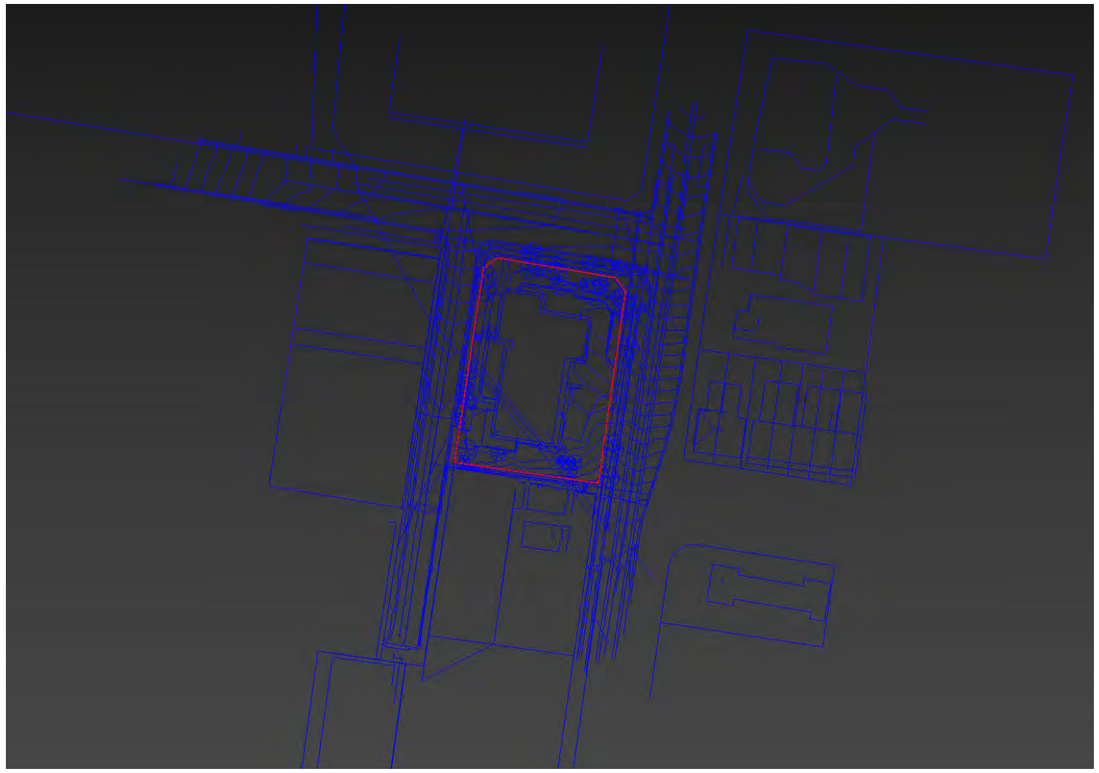


Image showing survey drawing from LTS at MGA 56 GDA 2020 coordinates (Red lines to be site boundary of 45 McLaren St)

3.4 RENDERING AND PHOTOMONTAGE CREATION

After the completing the camera alignment, we add lighting to the 3D scene.

A digital sunlight system was added in the 3D scene to match the lighting direction of the sun in the photograph. This was done using the software sunlight system that matches the angle of the sun using location data and time and date information. This data was extracted from the metadata of the site photographs.

For the photomontages, we were requested to apply a basic white material to the proposed development.

Images were then rendered from the software and layered over the photograph. Additional line work was added to show where built form occurs behind existing built form and landscape.

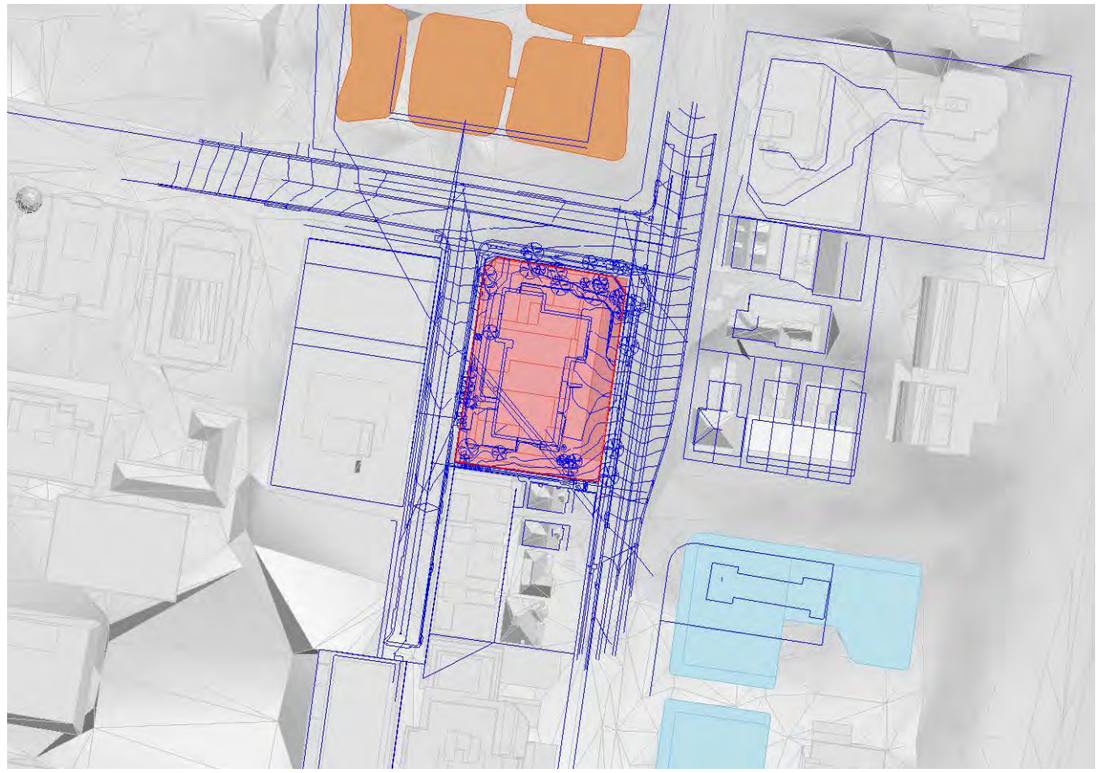


Image showing 3D building model aligned to survey drawing from LTS, by aligning site boundary of 45 McLaren St.

4. MAP OF PHOTOGRAPHY LOCATIONS

PLAN ILLUSTRATING CAMERA LOCATIONS FOR VISUAL IMPACT PHOTOGRAPHY OF 45 MCLAREN ST, NORTH SYDNEY NSW

Camera Positions

1. Position 1 Low Height (RL 92.36m)
2. Position 1 Mid Height (RL 126.27m)
3. Position 2 Low Height (RL 93.28m)
4. Position 2 Mid Height (RL 126.11m)
5. Position 2 Upper Height (RL 135.07m)
6. Position 3 Low Height (RL 93.57m)
7. Position 3 Mid Height (RL 127.15m)

Proposed indicative building massing of 45 McLaren St

Proposed massing of 173-179 Walker St

Proposed massing of 168 Walker St

5.1 CAMERA POSITION 01 - LOW HEIGHT(RL 92.36)

ORIGINAL PHOTOGRAPH

PHOTOMONTAGE OF PROPOSED DEVELOPMENT

PHOTOGRAPH DETAILS

Photo Date:	5th August 2020
Camera Used:	DJI Mavic 2 Pro
Camera Lens:	L1D-20c
Focal length in 35mm Film:	28mm

Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 45 McLaren St - 2021 Nov Submission

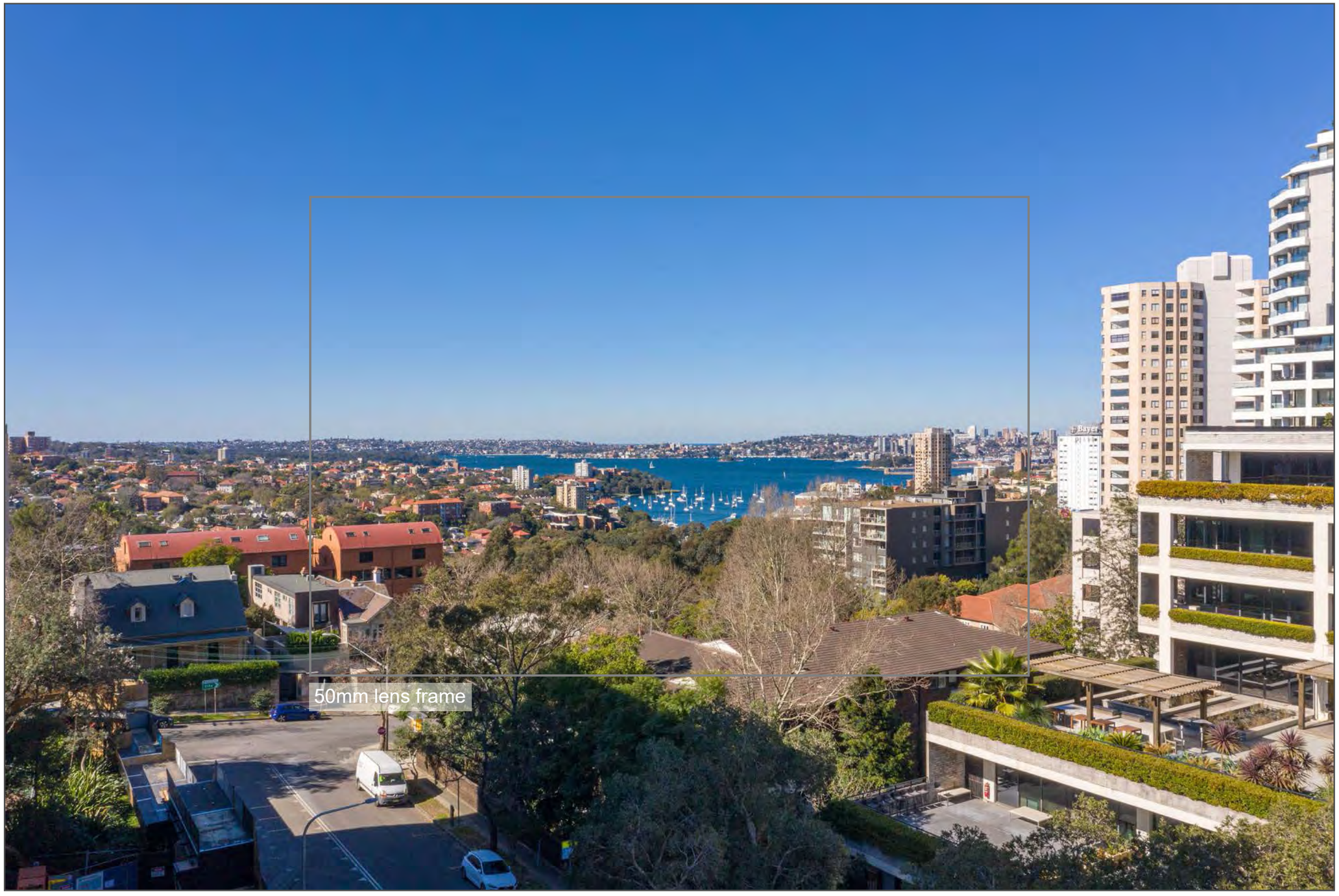
Proposed massing of 173-179 Walker St - 2021 Nov Submission

ALIGNMENT OF SURVEYED POINTS

CAMERA POSITION

5.1 CAMERA POSITION 01 - LOW HEIGHT(RL 92.36)

ORIGINAL PHOTOGRAPH



5.1 CAMERA POSITION 01 - LOW HEIGHT(RL 92.36)

PHOTOMONTAGE OF PROPOSED DEVELOPMENT

Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

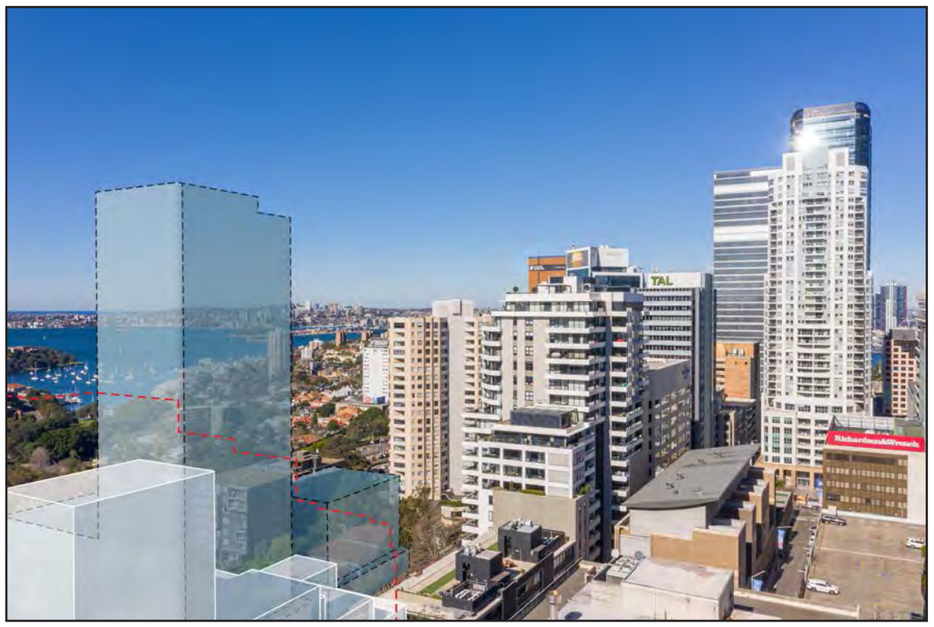
Proposed massing of 45 McLaren St - 2021 Nov Submission

Proposed massing of 173-179 Walker St - 2021 Nov Submission

5.2 CAMERA POSITION 01 - MID HEIGHT(RL 126.27)

ORIGINAL PHOTOGRAPH

PHOTOMONTAGE OF PROPOSED DEVELOPMENT



PHOTOGRAPH DETAILS

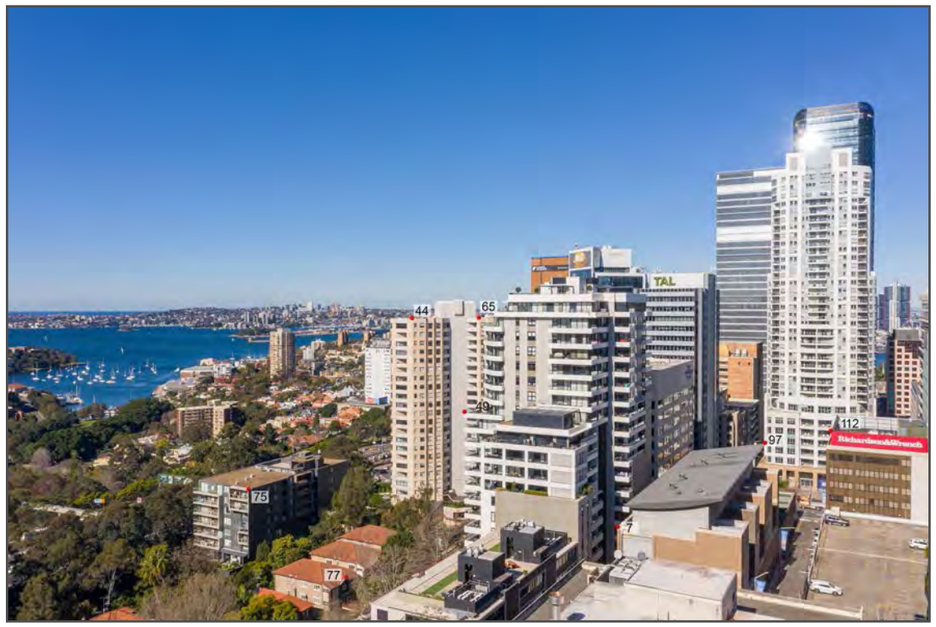
Photo Date:	5th August 2020
Camera Used:	DJI Mavic 2 Pro
Camera Lens:	L1D-20c
Focal length in 35mm Film:	28mm

Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 45 McLaren St - 2021 Nov Submission

Proposed massing of 173-179 Walker St - 2021 Nov Submission

ALIGNMENT OF SURVEYED POINTS



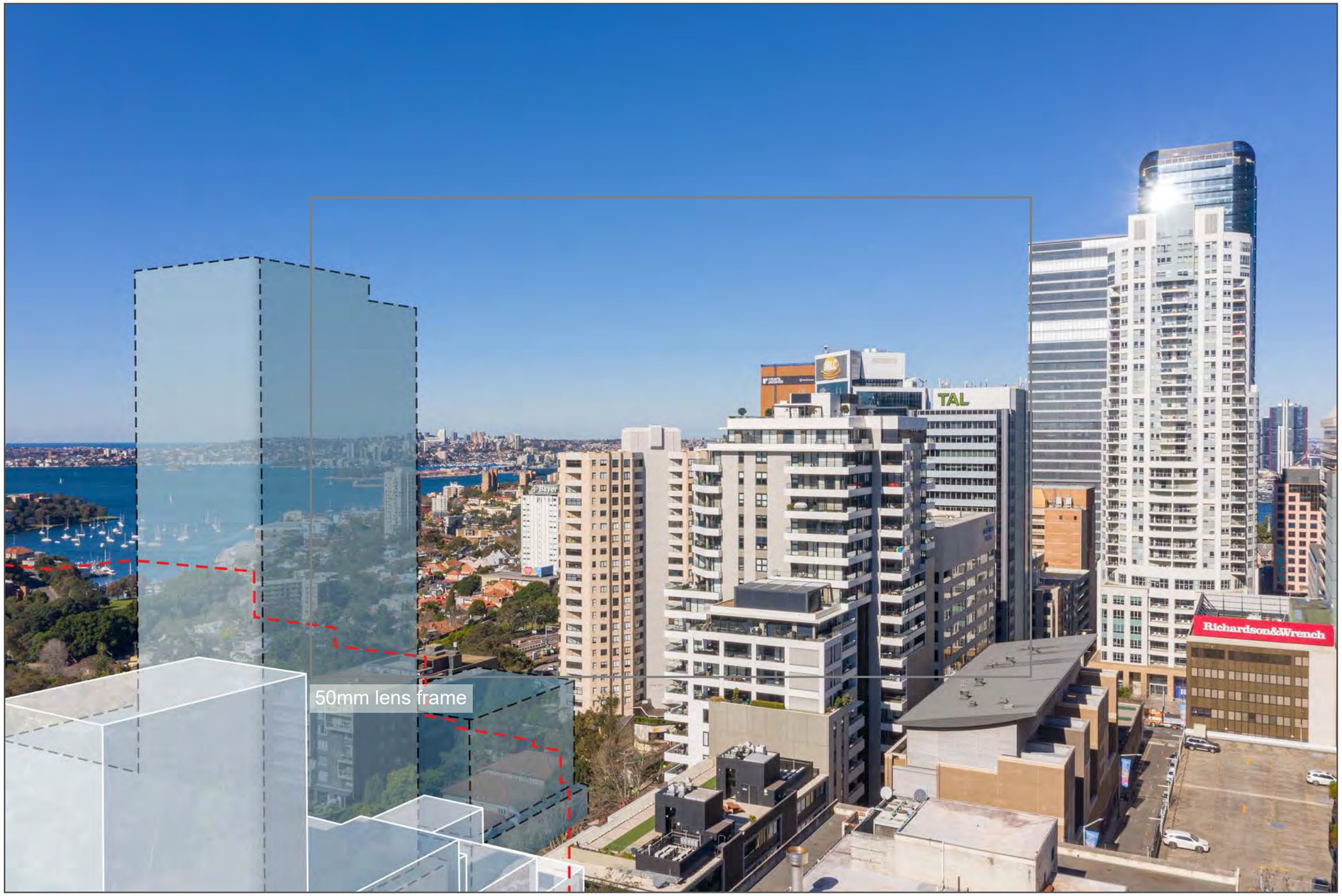
CAMERA POSITION

5.2 CAMERA POSITION 01 - MID HEIGHT(RL 126.27)

ORIGINAL PHOTOGRAPH

5.2 CAMERA POSITION 01 - MID HEIGHT(RL 126.27)

PHOTOMONTAGE OF PROPOSED DEVELOPMENT



Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

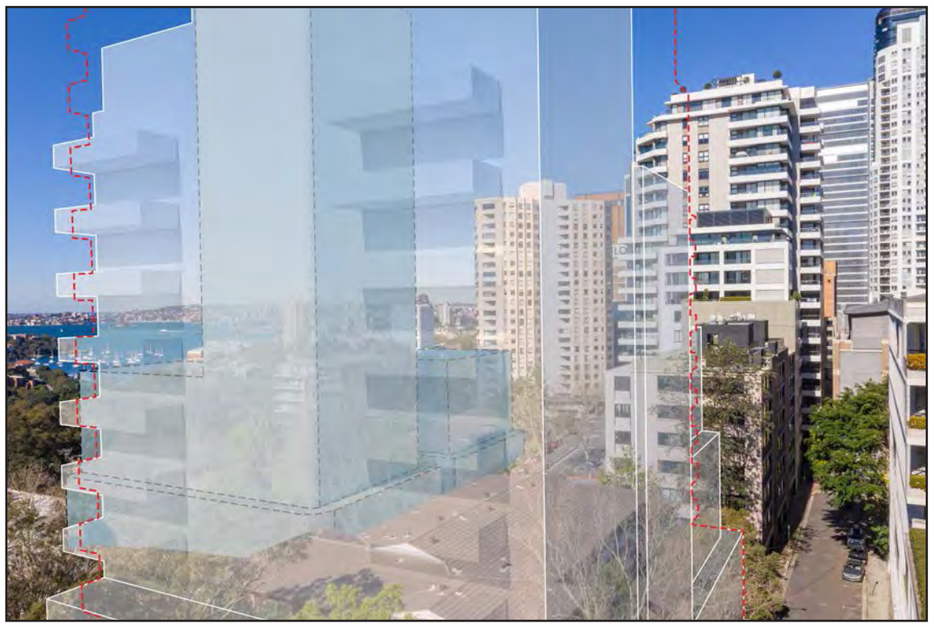
Proposed massing of 45 McLaren St - 2021 Nov Submission

Proposed massing of 173-179 Walker St - 2021 Nov Submission

5.3 CAMERA POSITION 02 - LOW HEIGHT(RL 93.28)

ORIGINAL PHOTOGRAPH

PHOTOMONTAGE OF PROPOSED DEVELOPMENT



PHOTOGRAPH DETAILS

Photo Date:	5th August 2020
Camera Used:	DJI Mavic 2 Pro
Camera Lens:	L1D-20c
Focal length in 35mm Film:	28mm

Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 45 McLaren St - 2021 Nov Submission

Proposed massing of 173-179 Walker St - 2021 Nov Submission

ALIGNMENT OF SURVEYED POINTS

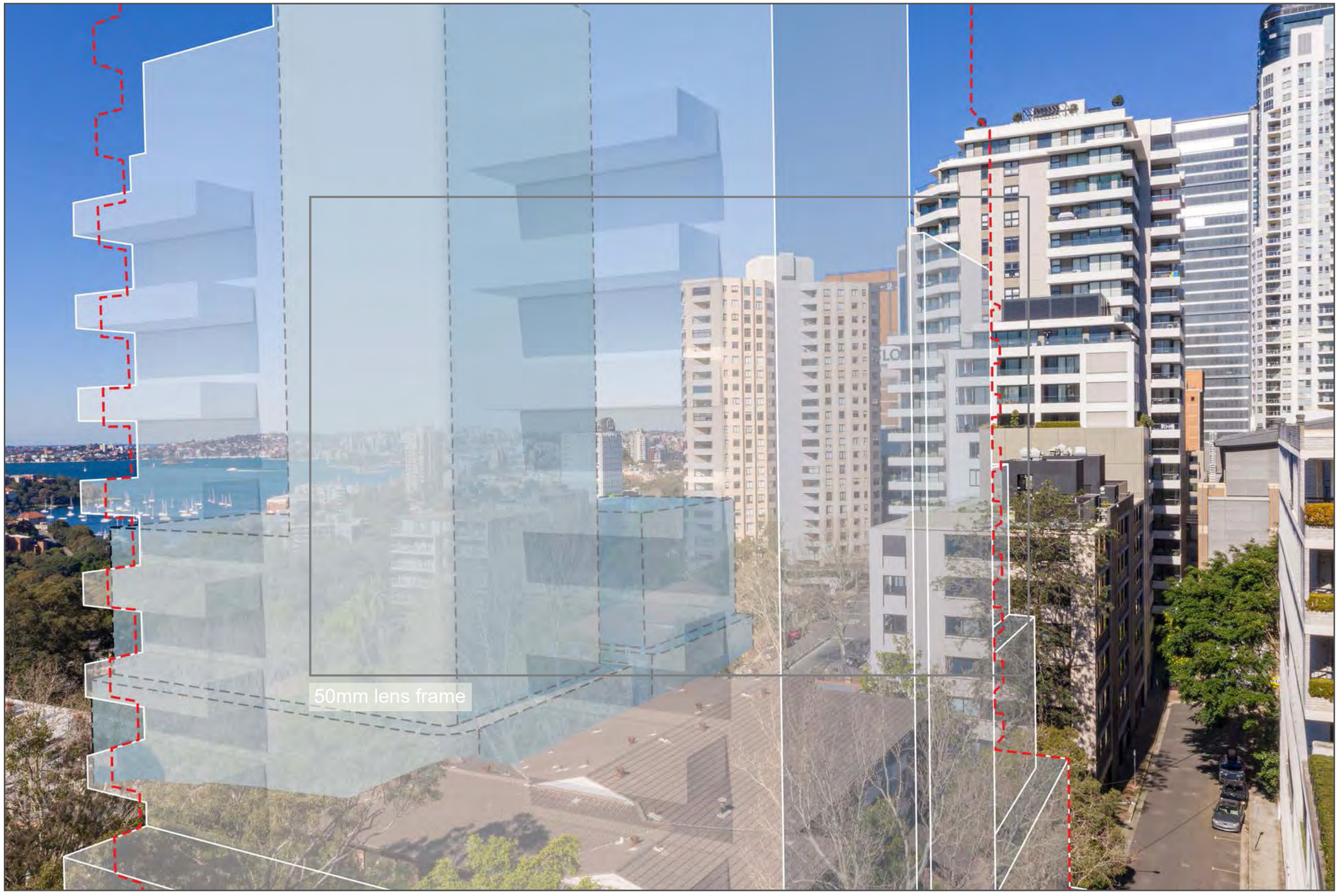
CAMERA POSITION

5.3 CAMERA POSITION 02 - LOW HEIGHT(RL 93.28)

ORIGINAL PHOTOGRAPH

5.3 CAMERA POSITION 02 - LOW HEIGHT(RL 93.28)

PHOTOMONTAGE OF PROPOSED DEVELOPMENT



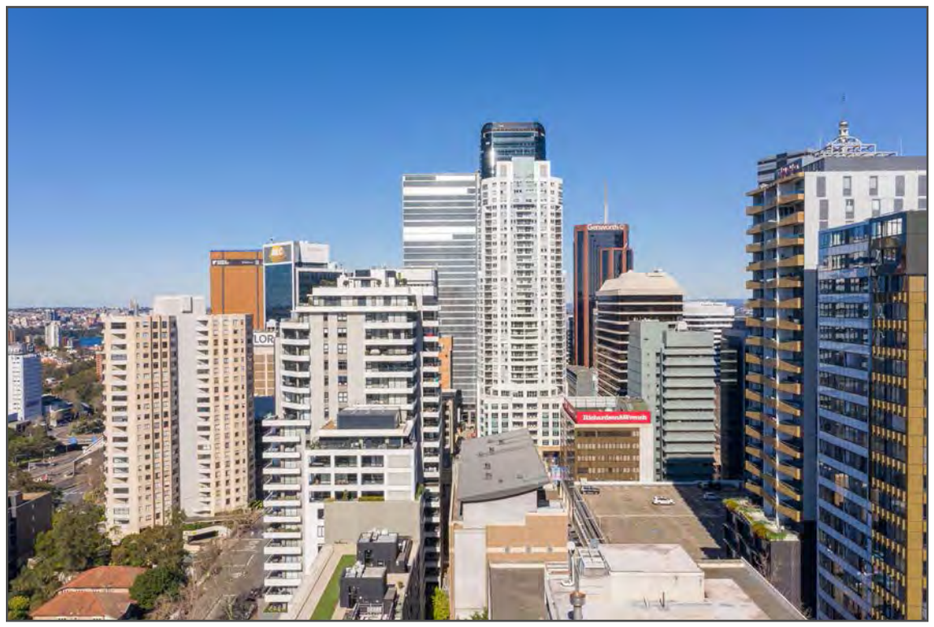
Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 45 McLaren St - 2021 Nov Submission

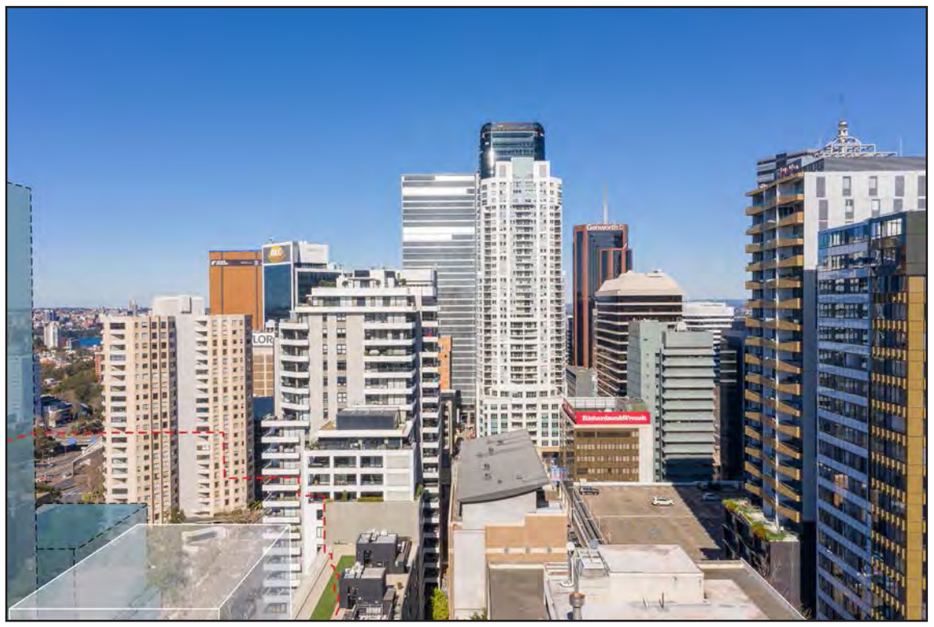
Proposed massing of 173-179 Walker St - 2021 Nov Submission

5.4 CAMERA POSITION 02 - MID HEIGHT(RL 126.11)

ORIGINAL PHOTOGRAPH



PHOTOMONTAGE OF PROPOSED DEVELOPMENT



PHOTOGRAPH DETAILS

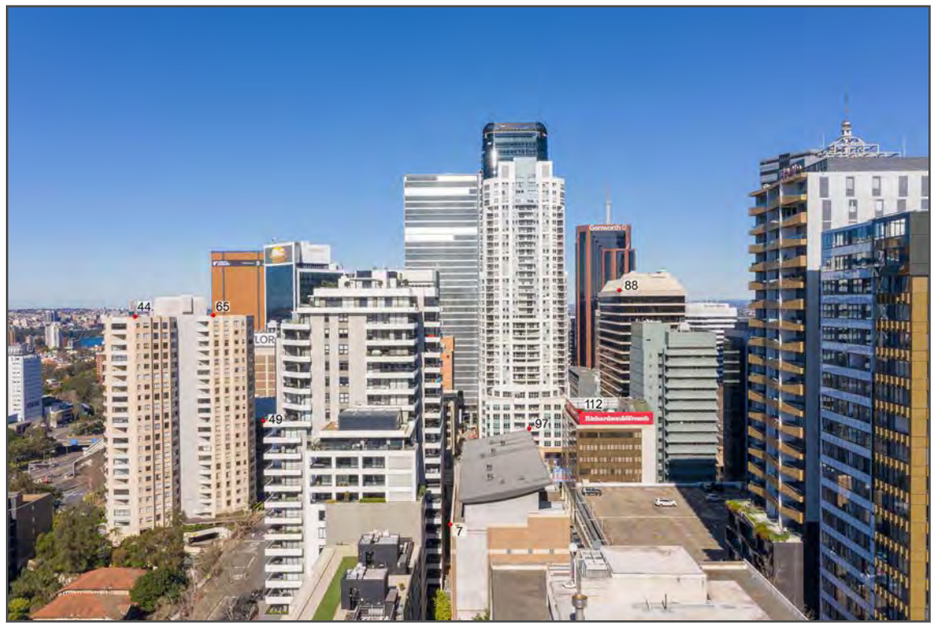
Photo Date:	5th August 2020
Camera Used:	DJI Mavic 2 Pro
Camera Lens:	L1D-20c
Focal length in 35mm Film:	28mm

Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 45 McLaren St - 2021 Nov Submission

Proposed massing of 173-179 Walker St - 2021 Nov Submission

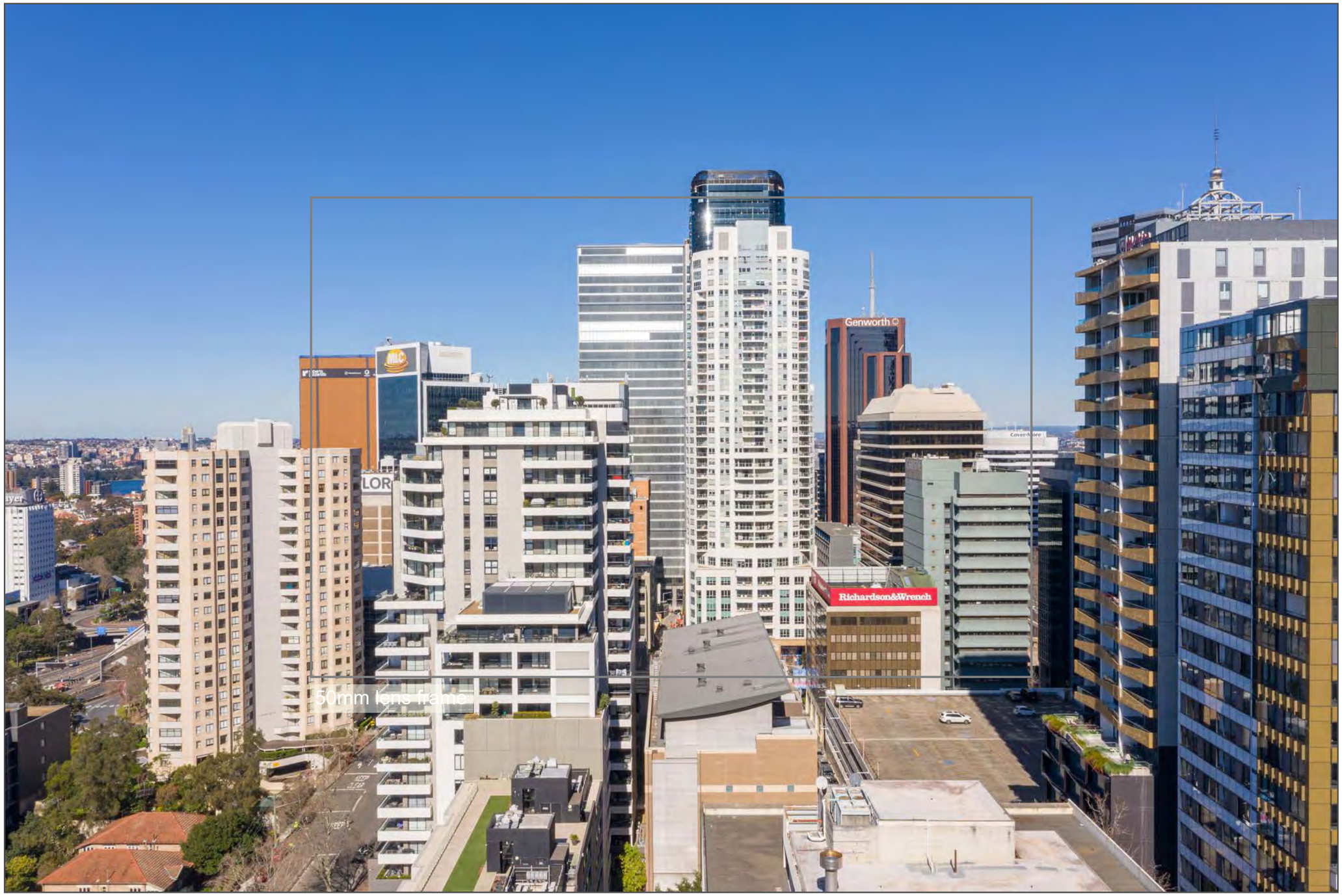
ALIGNMENT OF SURVEYED POINTS



CAMERA POSITION

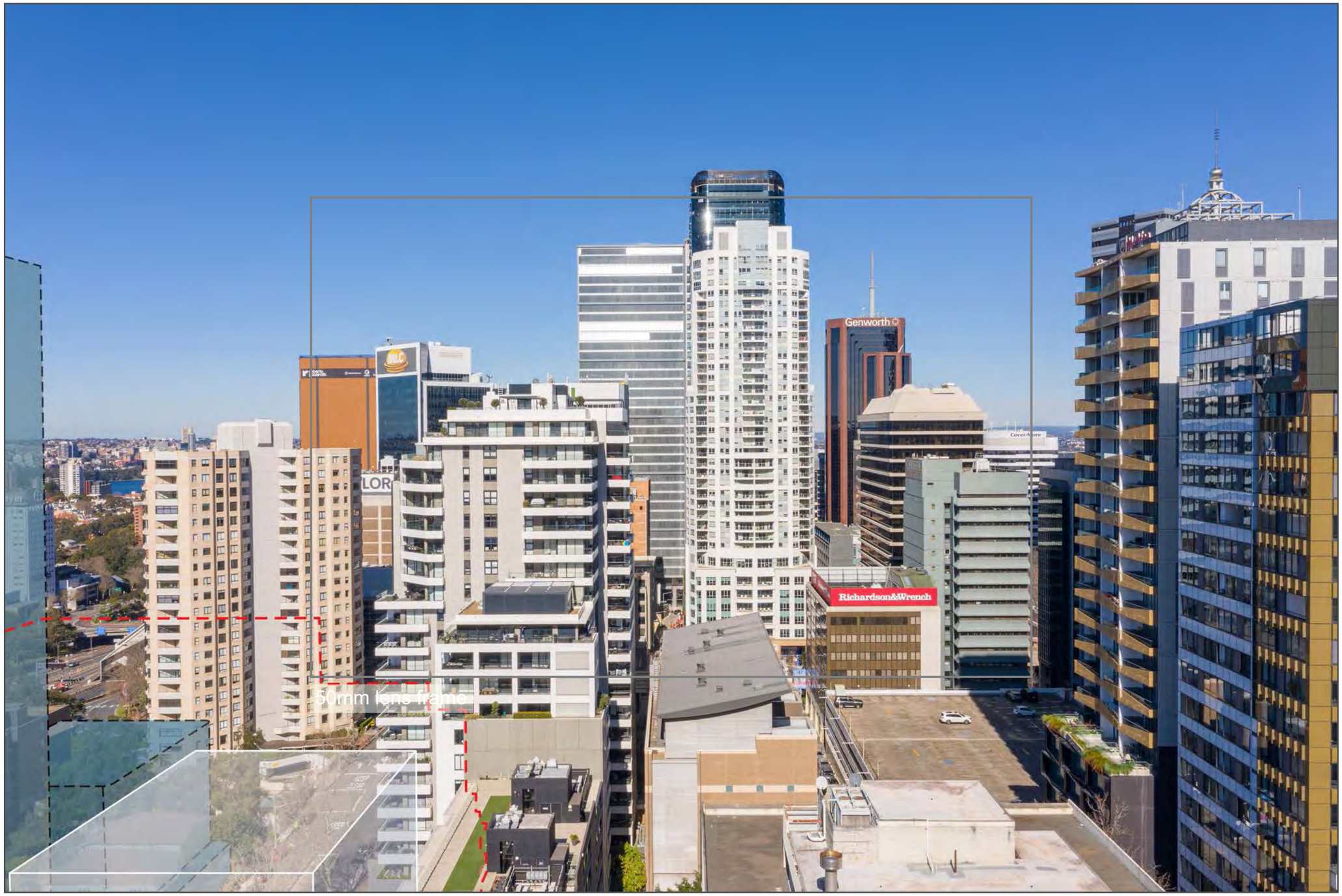
5.4 CAMERA POSITION 02 - MID HEIGHT(RL 126.11)

ORIGINAL PHOTOGRAPH



5.4 CAMERA POSITION 02 - MID HEIGHT(RL 126.11)

PHOTOMONTAGE OF PROPOSED DEVELOPMENT



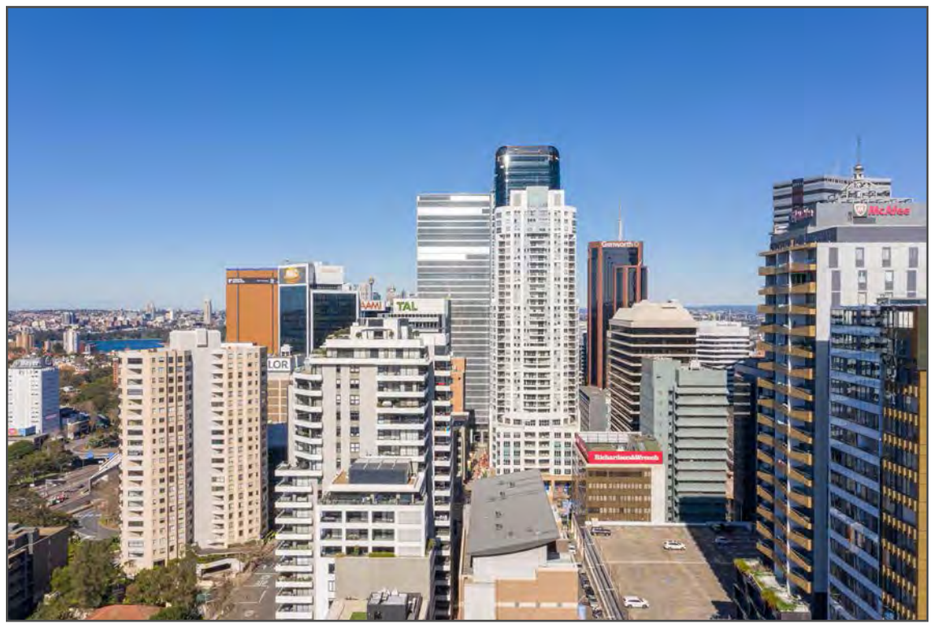
Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 45 McLaren St - 2021 Nov Submission

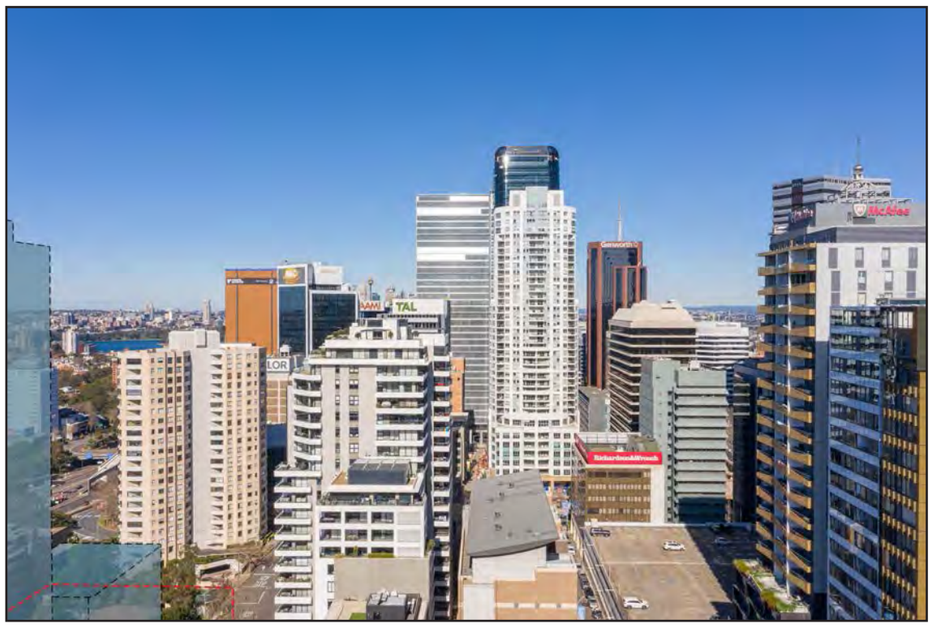
Proposed massing of 173-179 Walker St - 2021 Nov Submission

5.5 CAMERA POSITION 02 - UPPER HEIGHT(RL 135.07)

ORIGINAL PHOTOGRAPH



PHOTOMONTAGE OF PROPOSED DEVELOPMENT



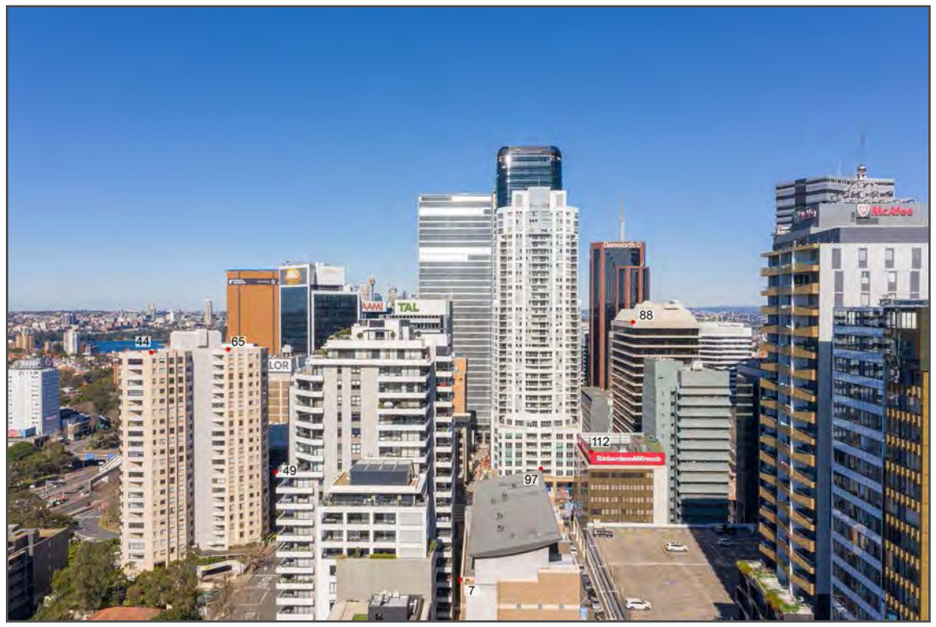
PHOTOGRAPH DETAILS

Photo Date:	5th August 2020
Camera Used:	DJI Mavic 2 Pro
Camera Lens:	L1D-20c
Focal length in 35mm Film:	28mm

Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 173-179 Walker St - 2021 Nov Submission

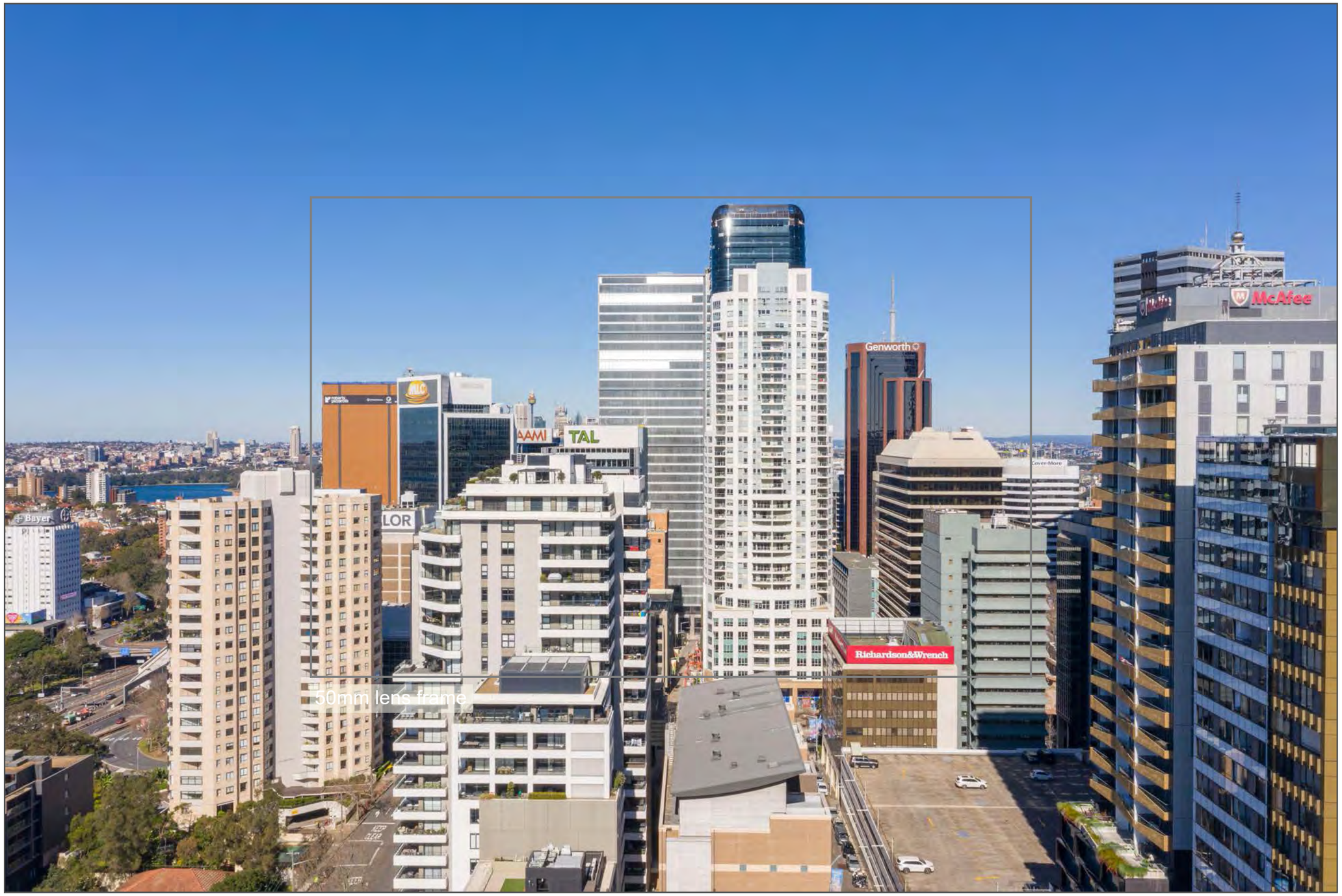
ALIGNMENT OF SURVEYED POINTS



CAMERA POSITION

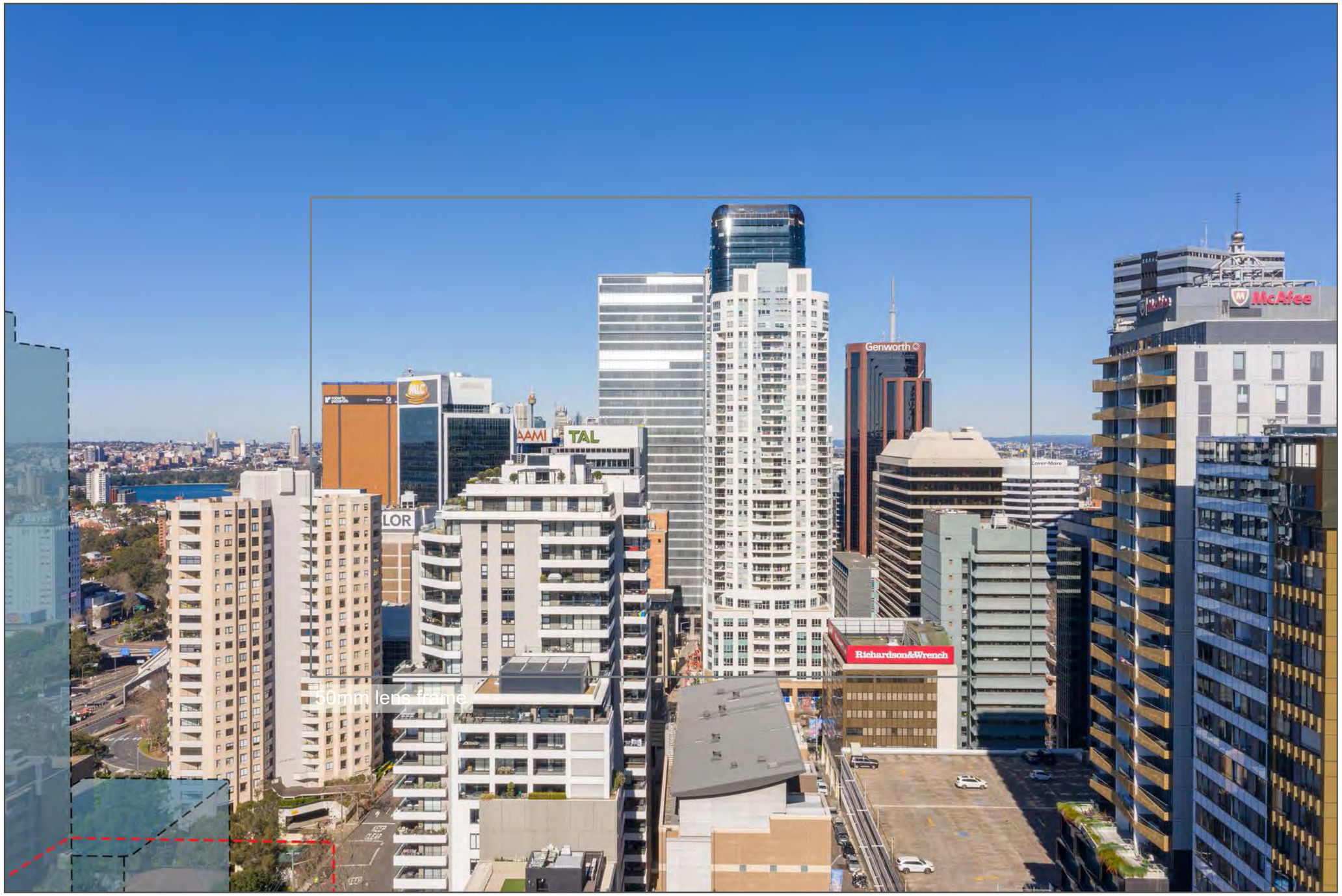
5.5 CAMERA POSITION 02 - UPPER HEIGHT(RL 135.07)

ORIGINAL PHOTOGRAPH



5.5 CAMERA POSITION 02 - UPPER HEIGHT(RL 135.07)

PHOTOMONTAGE OF PROPOSED DEVELOPMENT



Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 173-179 Walker St - 2021 Nov Submission

5.6 CAMERA POSITION 03 - LOW HEIGHT(RL 93.57)

ORIGINAL PHOTOGRAPH

PHOTOMONTAGE OF PROPOSED DEVELOPMENT

PHOTOGRAPH DETAILS

Photo Date:	5th August 2020
Camera Used:	DJI Mavic 2 Pro
Camera Lens:	L1D-20c
Focal length in 35mm Film:	28mm

Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 45 McLaren St - 2021 Nov Submission

Proposed massing of 173-179 Walker St - 2021 Nov Submission

ALIGNMENT OF SURVEYED POINTS

CAMERA POSITION

5.6 CAMERA POSITION 03 - LOW HEIGHT(RL 93.57)

ORIGINAL PHOTOGRAPH

5.6 CAMERA POSITION 03 - LOW HEIGHT(RL 93.57)

PHOTOMONTAGE OF PROPOSED DEVELOPMENT

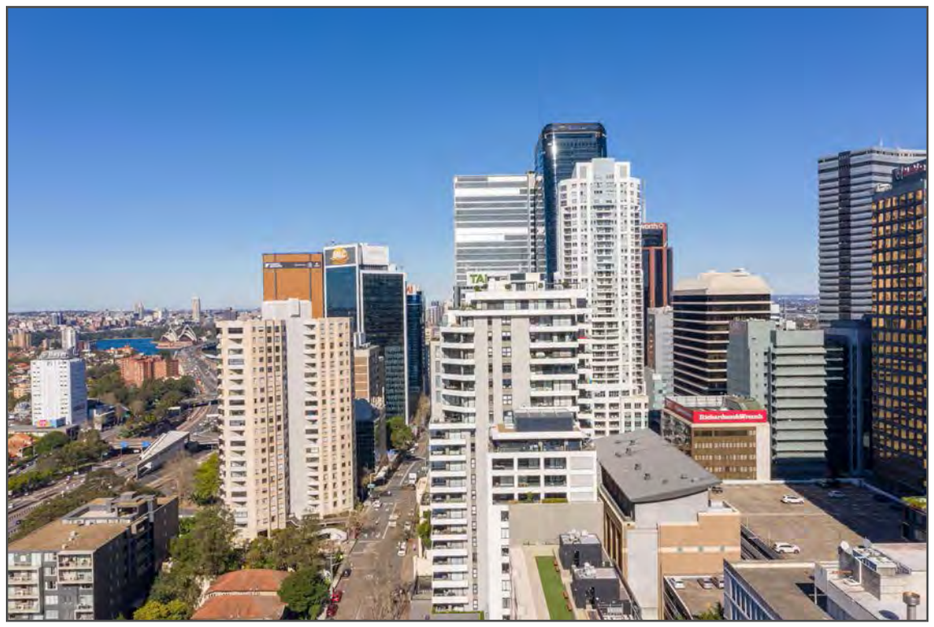
Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 45 McLaren St - 2021 Nov Submission

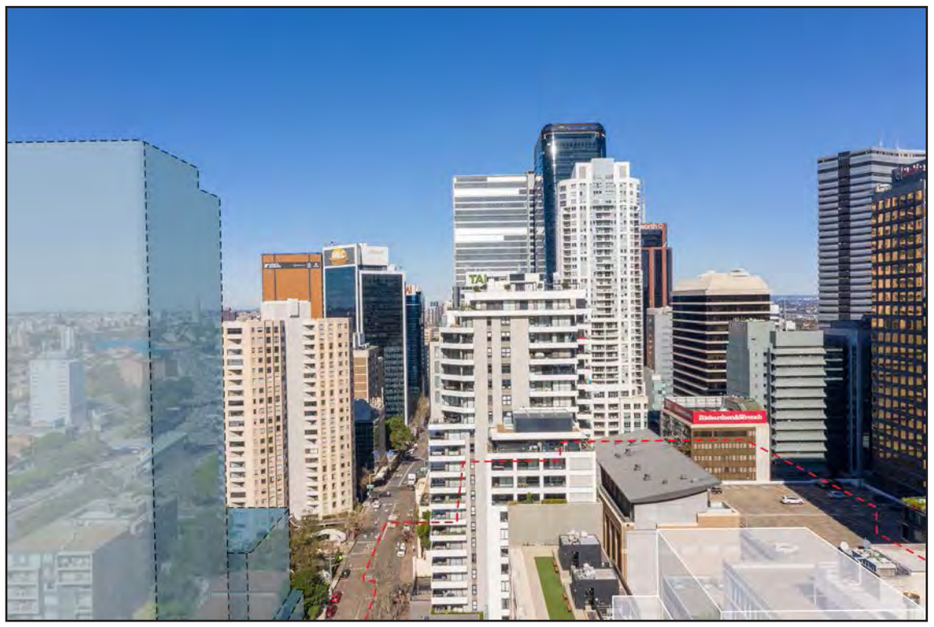
Proposed massing of 173-179 Walker St - 2021 Nov Submission

5.7 CAMERA POSITION 03 - MID HEIGHT(RL 127.15)

ORIGINAL PHOTOGRAPH



PHOTOMONTAGE OF PROPOSED DEVELOPMENT



PHOTOGRAPH DETAILS

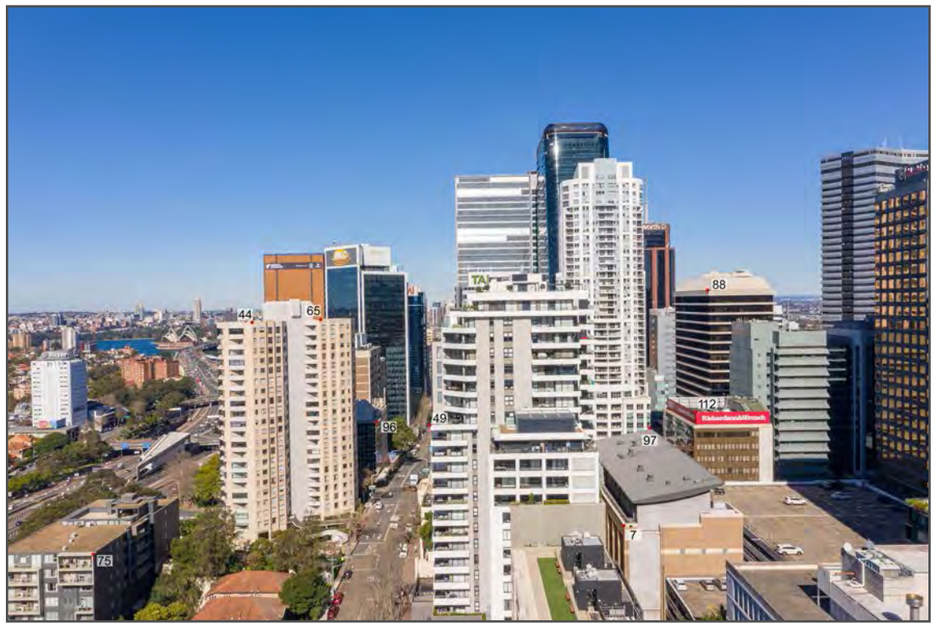
Photo Date:	5th August 2020
Camera Used:	DJI Mavic 2 Pro
Camera Lens:	L1D-20c
Focal length in 35mm Film:	28mm

Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 45 McLaren St - 2021 Nov Submission

Proposed massing of 173-179 Walker St - 2021 Nov Submission

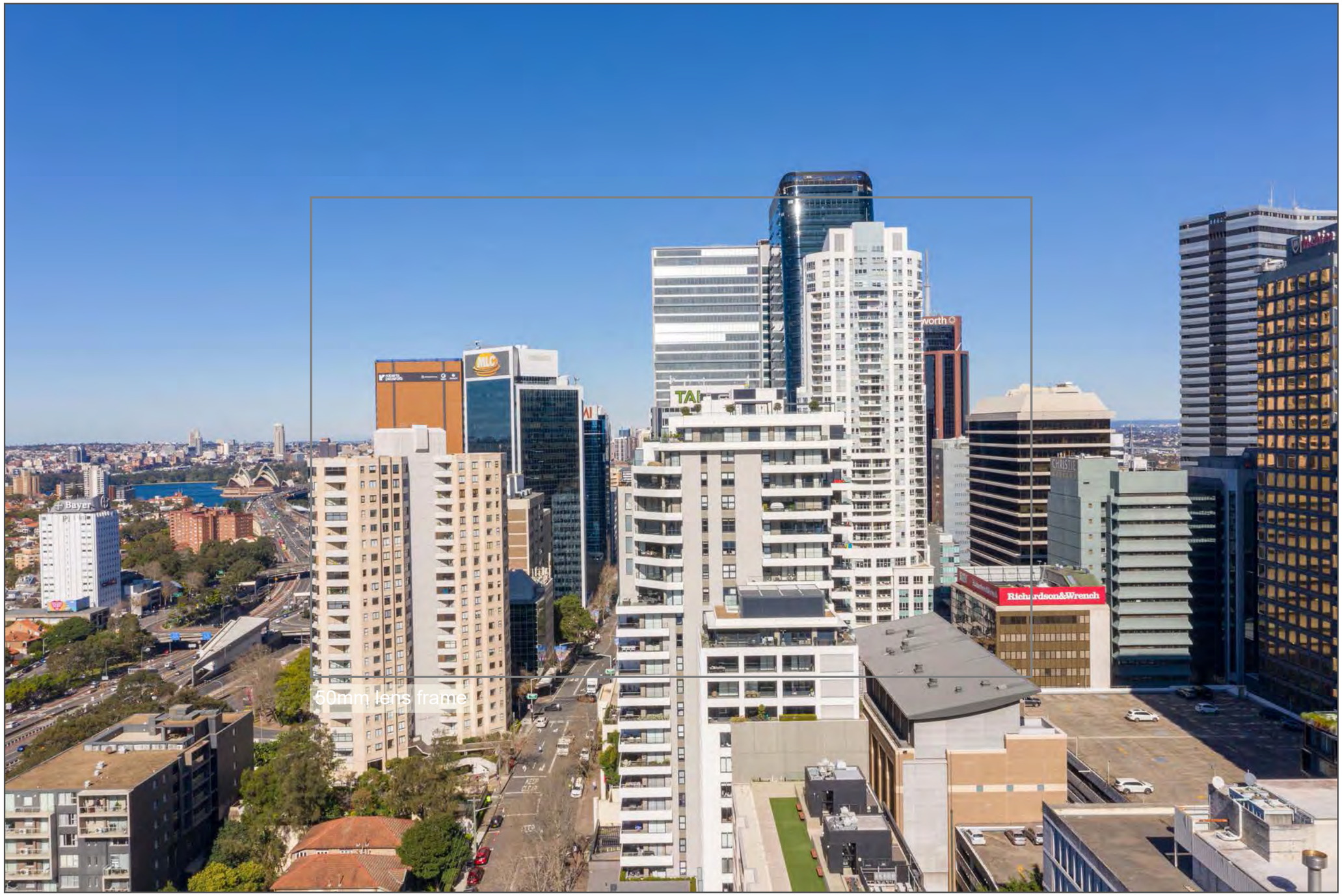
ALIGNMENT OF SURVEYED POINTS



CAMERA POSITION

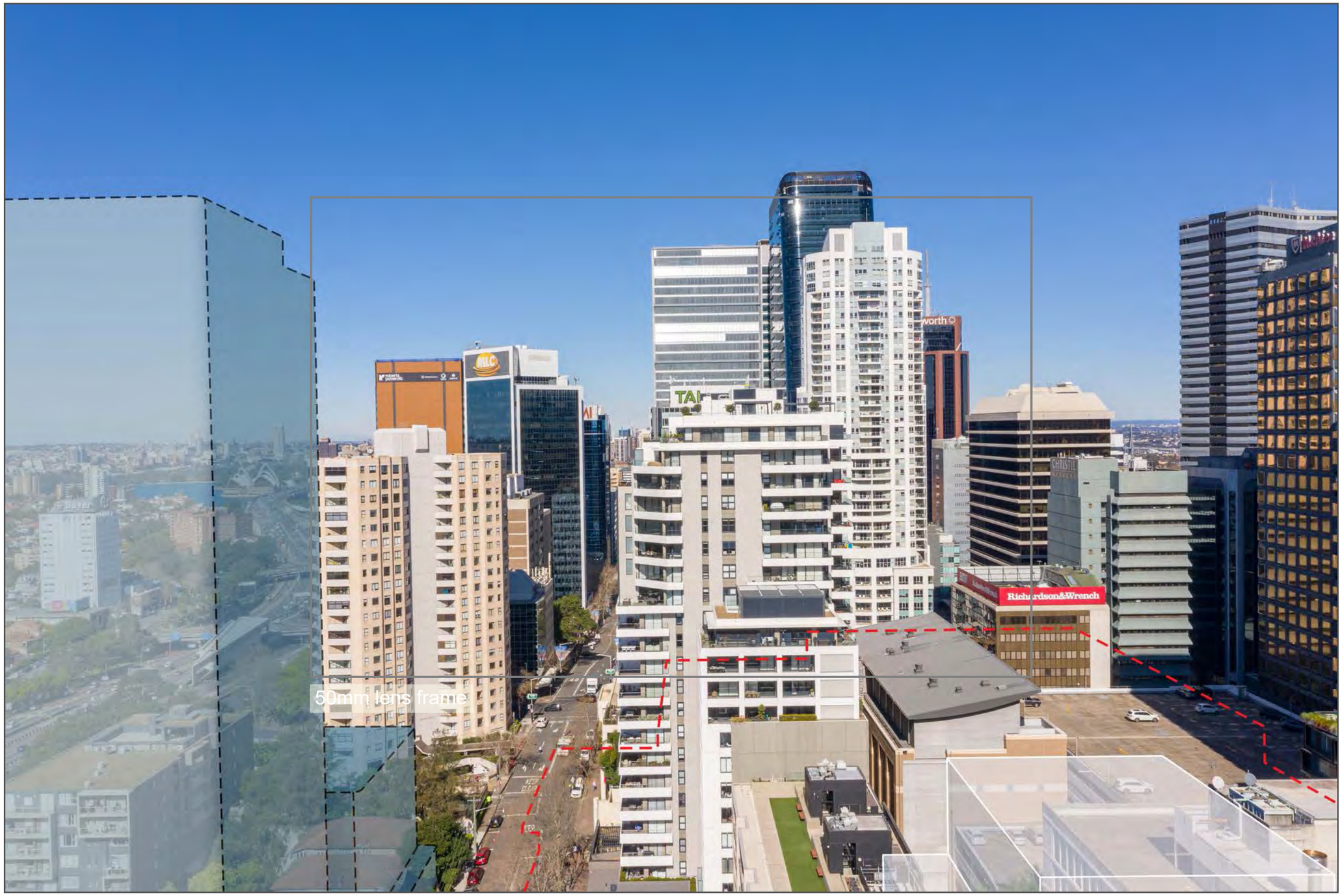
5.7 CAMERA POSITION 03 - MID HEIGHT(RL 127.15)

ORIGINAL PHOTOGRAPH



5.7 CAMERA POSITION 03 - MID HEIGHT(RL 127.15)

PHOTOMONTAGE OF PROPOSED DEVELOPMENT



Extent of proposed massing of 45 McLaren St - 2020 Oct Submission

Proposed massing of 45 McLaren St - 2021 Nov Submission

Proposed massing of 173-179 Walker St - 2021 Nov Submission

6.1 3D SCENE DATA SOURCES

A.1 - 3D Model of the proposed development - 2021 Nov Submission - refer to Appendix A for details

File Name: 211026_45 McLaren St_Massing Model for VIA
Author: Bates Smart
Format: SketchUp
Alignment: MGA 56 GDA 2020

A.2 - 3D Model of the proposed development - 2020 Oct Submission

File Name: 200820_45 McLaren Street
Author: Bates Smart
Format: SketchUp
Alignment: MGA 56 GDA 2020

A.3 - Site Survey - refer to Appendix B for details

File Name: 51043 001DT.dwg
Author: LTS
Format: Autocad DWG
Alignment: MGA GDA 2020

A.4 - Alignment points survey data - refer to Appendix C for details

File Name: 19593photoPoints 1.dwg
Author: CMS Surveyors
Format: Autocad DWG and PDF
Alignment: MGA GDA 2020

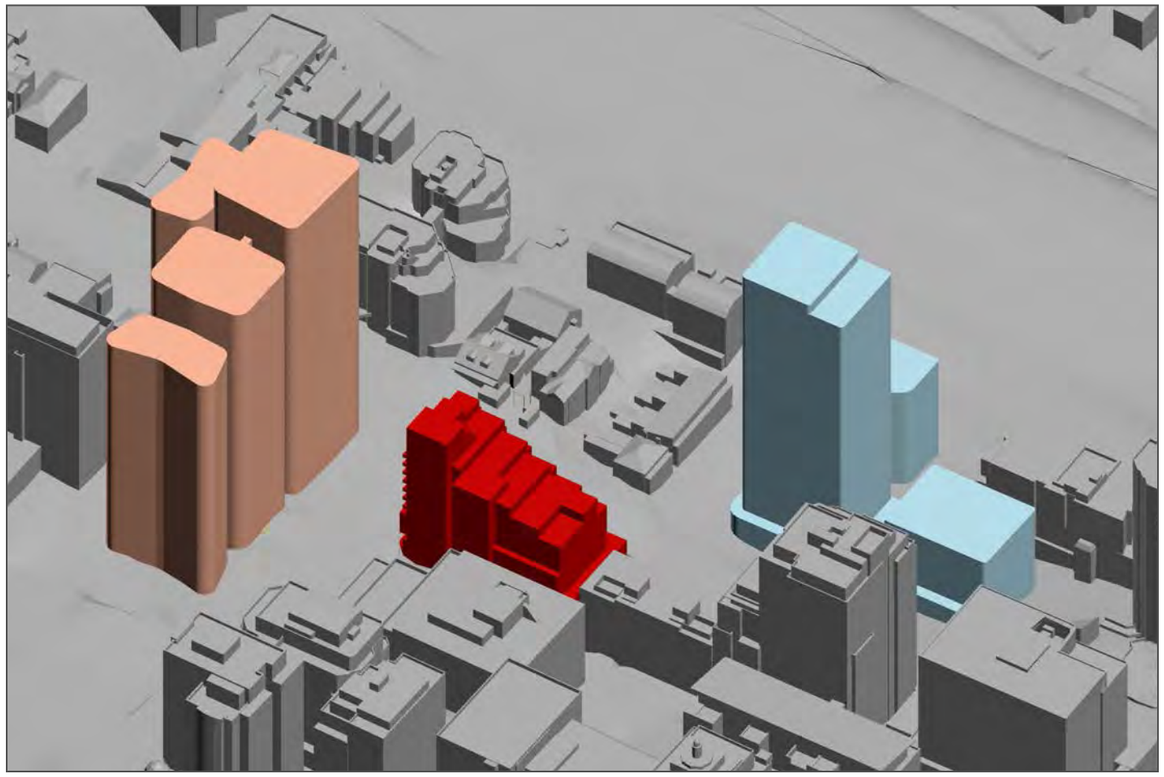
A.5 - Site Photography

Author: FRMEZ
Format: JPEG and DNG

6.2 APPENDIX A: 3D Models of proposed and surrounding approved developments

Visual Impact photographs were taken from future development of 168 Walker St, looking south.

The development of 173-179 Walker St has been approved for construction. To portray an accurate representation of the current and future context, 3D envelope models of these developments have been included where visible within the images.



Proposed indicative building massing of 45 McLaren St

Proposed massing of 173-179 Walker St

Proposed building of 168 Walker St

6.3 APPENDIX B: SITE SURVEY SUPPLIED BY LTS

6.4 APPENDIX C: ALIGNMENT POINTS SURVEY DATA SUPPLIED BY CMS

CMS Surveyors Pty Limited
A.B.N. 79 096 240 201
LAND SURVEYING, PLANNING & DEVELOPMENT CONSULTANTS

CMS SURVEYORS

Date: 19-08-2020
Our Ref: 19593 Photo Report 1

Richie Cohen
Virtual Ideas
Studio 71/61 Marlborough Street
Surry Hills
NSW 2010

Dear Richie,

RE: PHOTO LOCATIONS – 45 MCLAREN STREET – NORTH SYDNEY

As requested, we have attended site and measured the co-ordinates and elevations of the photo features for six different views around 45 McLaren Street at North Sydney.

Co-ordinate's are MGA 56 **(GDA 94)** and elevation is relative to the Australian Height datum (AHD).

Measurements were taken using theodolite measurement and GNSS measurements.

A .dwg file of the locations has also been supplied.

Note that we have also surveyed several additional features/points which have been included in the electronic file that may be useful as additional photo reference points if required.

If we can be of any further assistance in this matter, do not hesitate to contact the author.

Yours faithfully,
CMS Surveyors Pty Limited

Christopher Larmour
Registered Surveyor

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(Roseville)
MBS GREEN & ASSOCIATES
(Mona Vale)

COOTAMUNDRA
Incorporating PENGELLY & GRAY
90 Wallendbeen St, COOTAMUNDRA NSW 2590
Ph: 02 6942 3395 Fax: 02 6942 4046
Email: coota@cmssurveyors.com.au

Viewpoint 1

Point No.	Easting	Northing	Point Elevation	Description
30	334273.336	6254672.303	80.074	CORNER OF WALL, 41 MCLAREN
32	334345.991	6254661.18	76.08	ROOF RIDGE
74	334339.125	6254682.306	72.002	TOP LEFT CORNER WALKER STREET SIGN
75	334364.53	6254553.676	79.212	PARAPET OF BUILDING, 86 BERRY ST

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6.4 APPENDIX C: CAMERA LOCATIONS AND ALIGNMENT POINTS SURVEY DATA SUPPLIED BY CMS

Viewpoint 2

Point No.	Easting	Northing	Point Elevation	Description
7	334265.883	6254579.105	86.855	PARAPET OF 3-11 WARD ST
44	334341.318	6254502.66	122.711	PARAPET OF 169 WALKER ST
77	334330.406	6254563.447	64.212	ROOF RIDGE, 177 WALKER ST
97	334239.922	6254526.433	94.279	CORNER ROOF, 3-11 WARD ST
112	334225.416	6254521.459	97.245	CORNER OF SIGN, 66 BERRY STREET

POS-01 - MID HEIGHT RL 122.60m -5

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Viewpoint 3

Point No.	Easting	Northing	Point Elevation	Description
15	334277.206	6254623.846	85.556	PARAPET OF 150 WALKER ST
65	334324.295	6254488.393	122.713	PARAPAT OF 169 WALKER ST

POS-02 - LOW HEIGHT RL 95.60m -5

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6.4 APPENDIX C: CAMERA LOCATIONS AND ALIGNMENT POINTS SURVEY DATA SUPPLIED BY CMS

Viewpoint 4

Point No.	Easting	Northing	Point Elevation	Description
49	334299.35	6254568.132	104.28	BALCONY OF 138 WALKER ST
88	334194.844	6254465.763	129.79	PARAPET OF 65 BERRY ST

POS-02 - MID HEIGHT RL 122.60m -1

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Viewpoint 5

Point No.	Easting	Northing	Point Elevation	Description
96	334306.84	6254438.544	86.322	PARAPET, 165 WALKER STREET CURTAIN WALL

POS-03 - LOW HEIGHT RL 95.60m -5

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6.4 APPENDIX C: CAMERA LOCATIONS AND ALIGNMENT POINTS SURVEY DATA SUPPLIED BY CMS

Viewpoint 6

Point No.	Easting	Northing	Point Elevation	Description
19	334292.723	6254569.057	122.315	BALCONY, 138 WALKER ST
23	334272.303	6254584.879	101.36	PARAPET, 150 WALKER ST (TOP RIGHT)
24	334271.51	6254585.873	92.733	PARAPET, 150 WALKER ST (BOTTOM RIGHT)
52	334290.66	6254582.313	101.341	PARAPET, 150 WALKER ST (TOP LEFT)

IMG_0376 V13 from SW cnr roof 41 McL view SE

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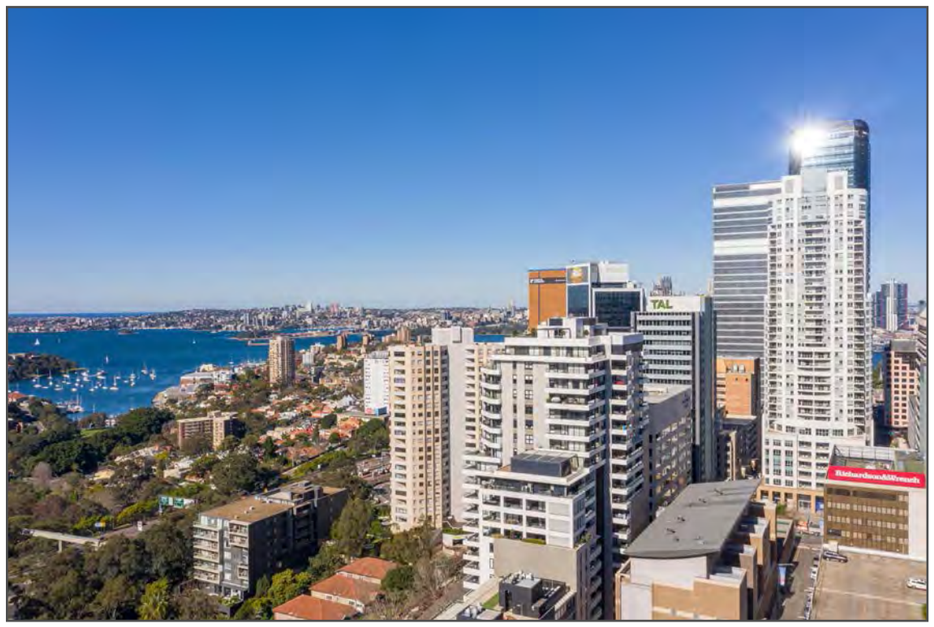
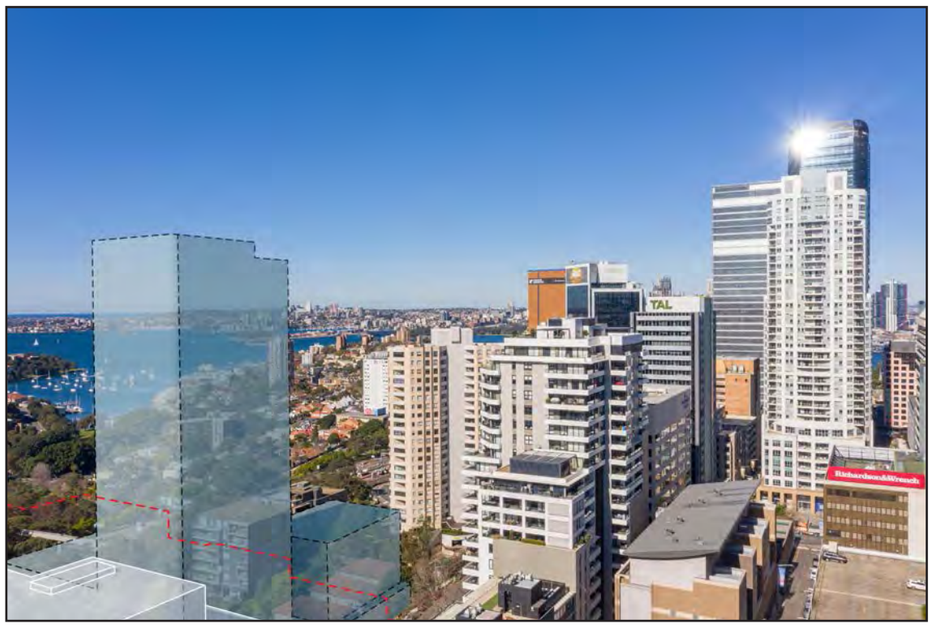
5.3 CAMERA POSITION 01 - UPPER HEIGHT(RL 134.74)

ORIGINAL PHOTOGRAPH



PHOTOMONTAGE OF PROPOSED DEVELOPMENT



PHOTOGRAPH DETAILS

Photo Date:	5th August 2020
Camera Used:	DJI Mavic 2 Pro
Camera Lens:	L1D-20c
Focal length in 35mm Film:	28mm

Extent of proposed massing of 45 McLaren St - 2020 Submission

Proposed massing of 45 McLaren St - 2021 Submission

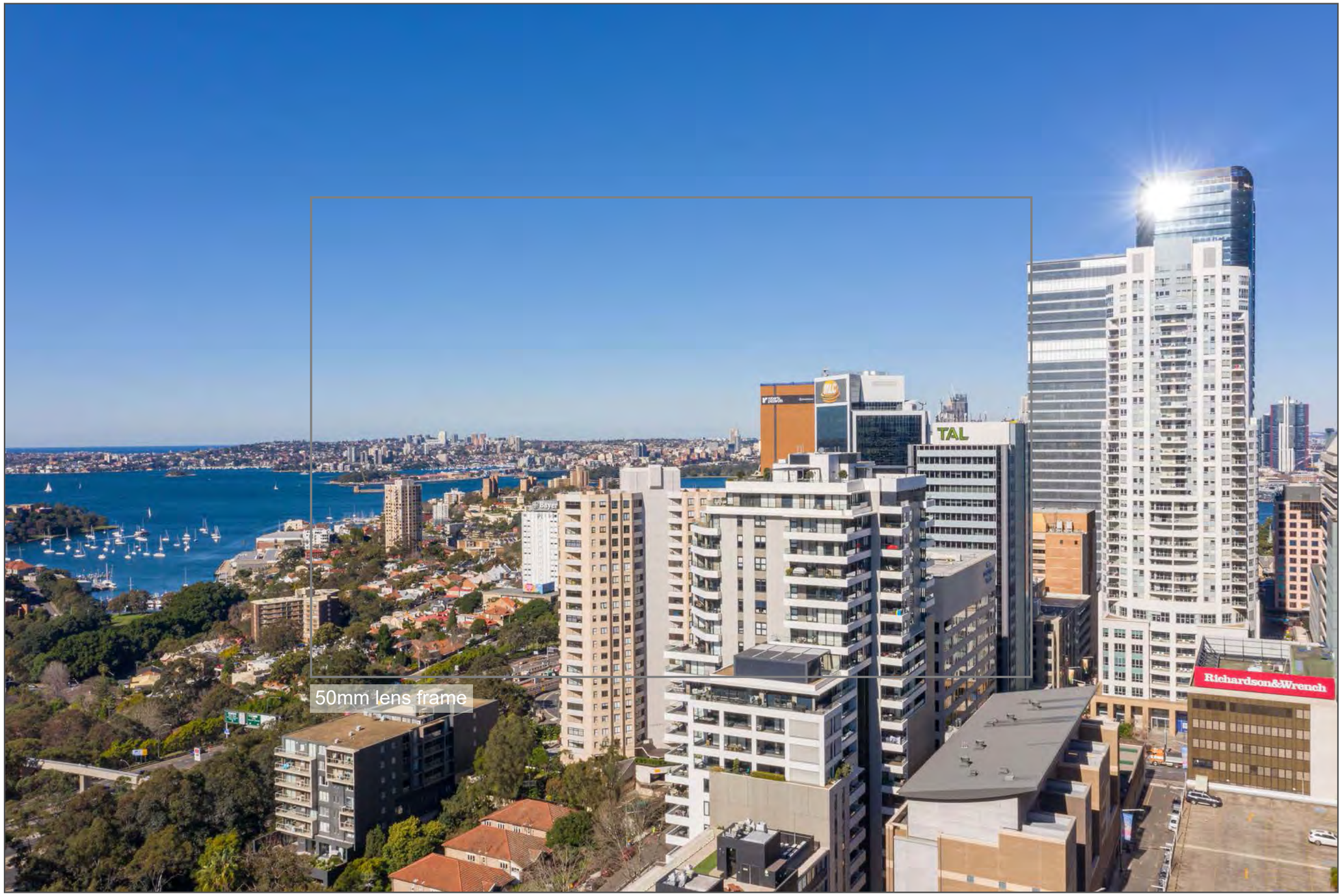
Proposed massing of 173-179 Walker St - 2021 Submission

ALIGNMENT OF SURVEYED POINTS

CAMERA POSITION

5.3 CAMERA POSITION 01 - UPPER HEIGHT(RL 134.74)

ORIGINAL PHOTOGRAPH



5.3 CAMERA POSITION 01 - UPPER HEIGHT(RL 134.74)

PHOTOMONTAGE OF PROPOSED DEVELOPMENT

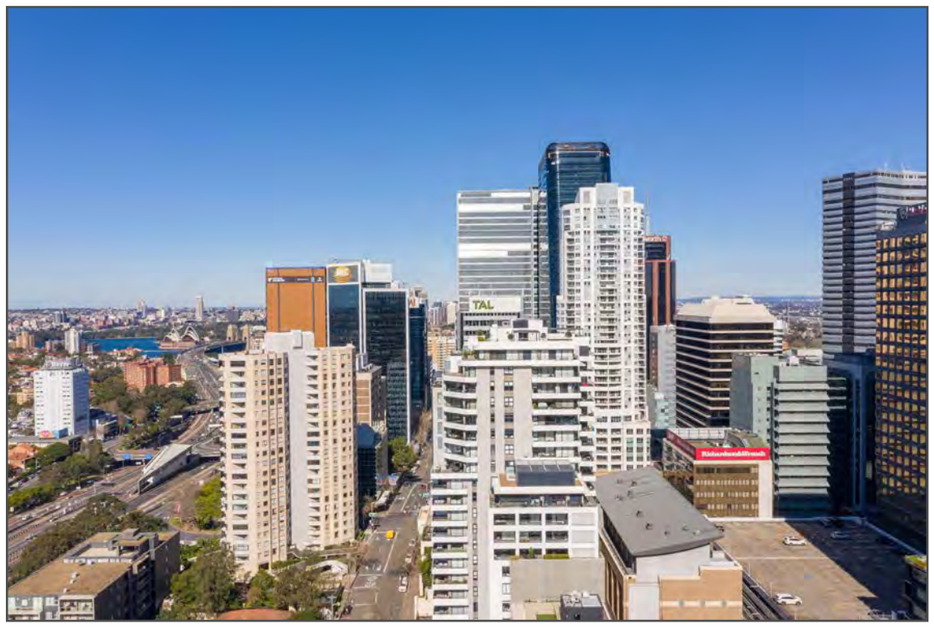
Extent of proposed massing of 45 McLaren St - 2020 Submission

Proposed massing of 45 McLaren St - 2021 Submission

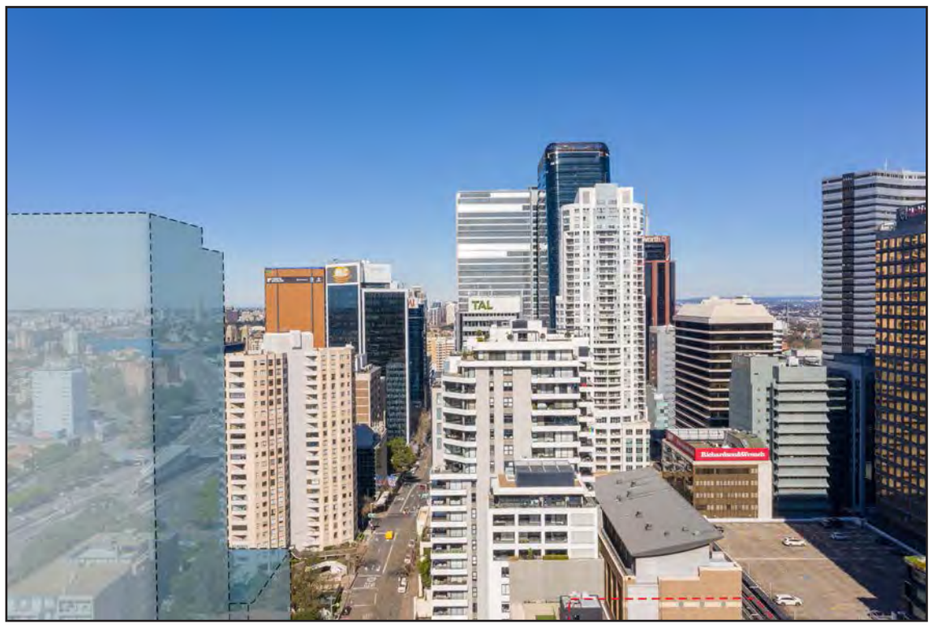
Proposed massing of 173-179 Walker St - 2021 Submission

5.9 CAMERA POSITION 03 - UPPER HEIGHT(RL 136.47)

ORIGINAL PHOTOGRAPH



PHOTOMONTAGE OF PROPOSED DEVELOPMENT



PHOTOGRAPH DETAILS

Photo Date:	5th August 2020
Camera Used:	DJI Mavic 2 Pro
Camera Lens:	L1D-20c
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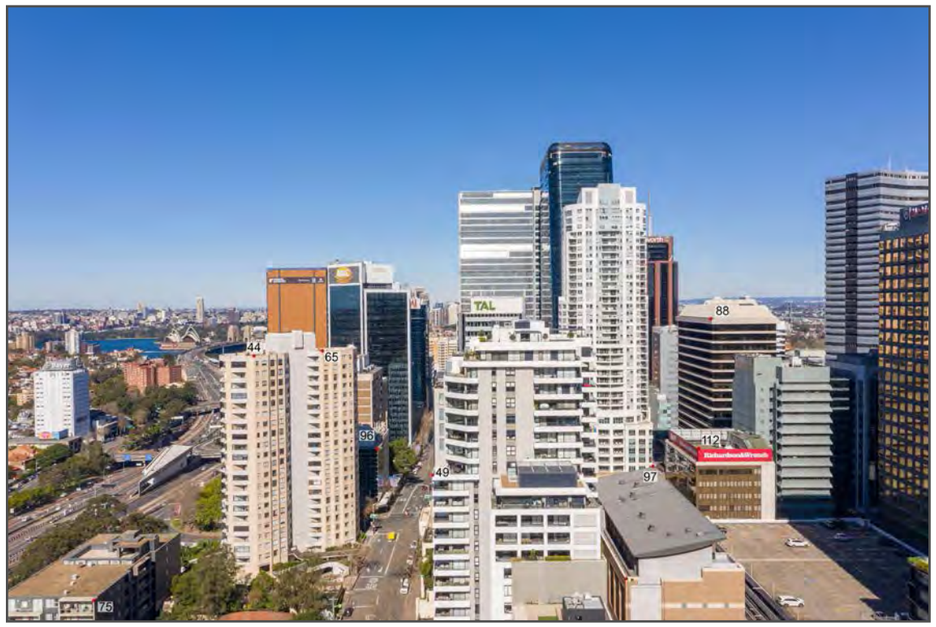
Extent of proposed massing of 45 McLaren St - 2020 Submission

Proposed massing of 173-179 Walker St - 2021 Submission

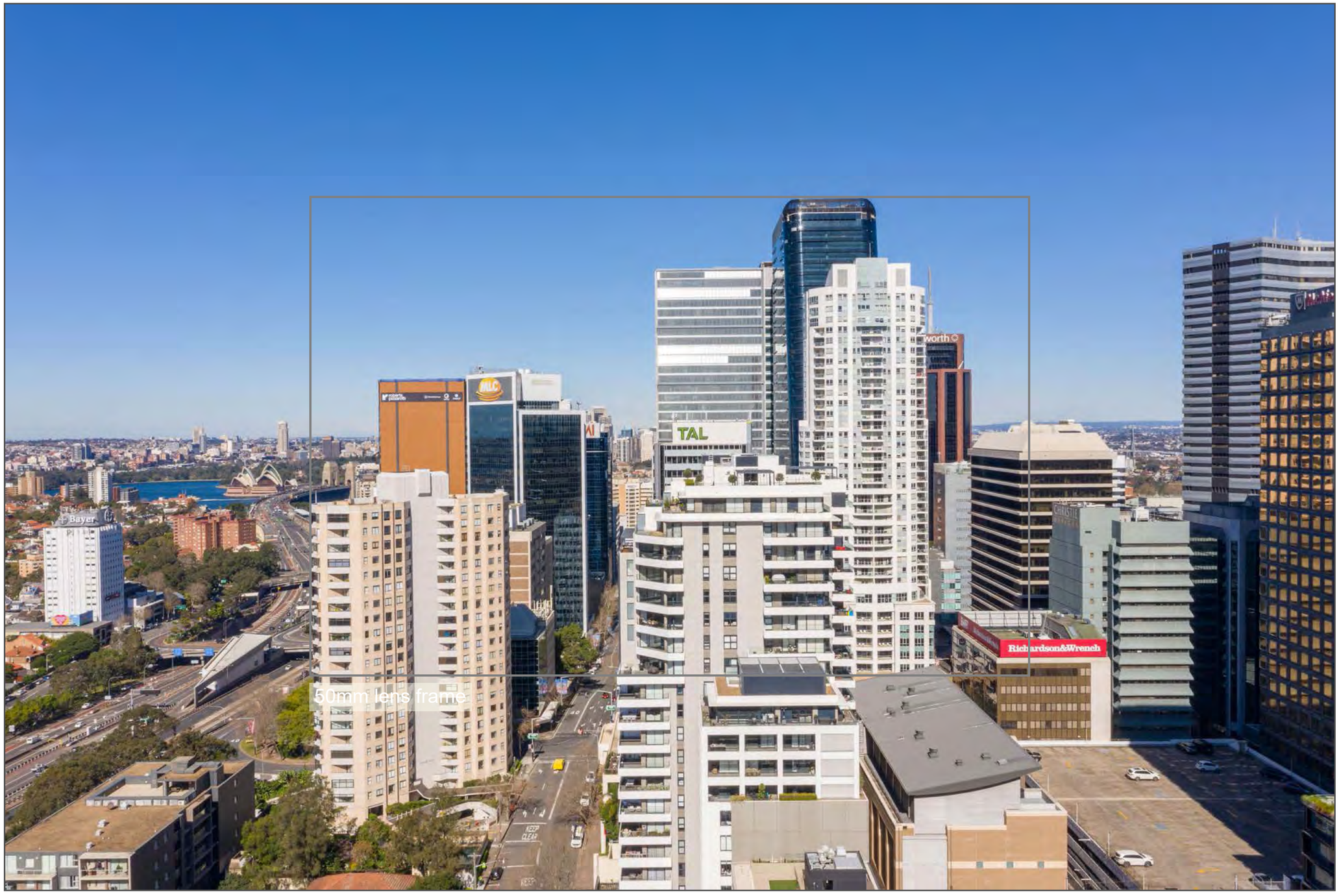
ALIGNMENT OF SURVEYED POINTS



CAMERA POSITION

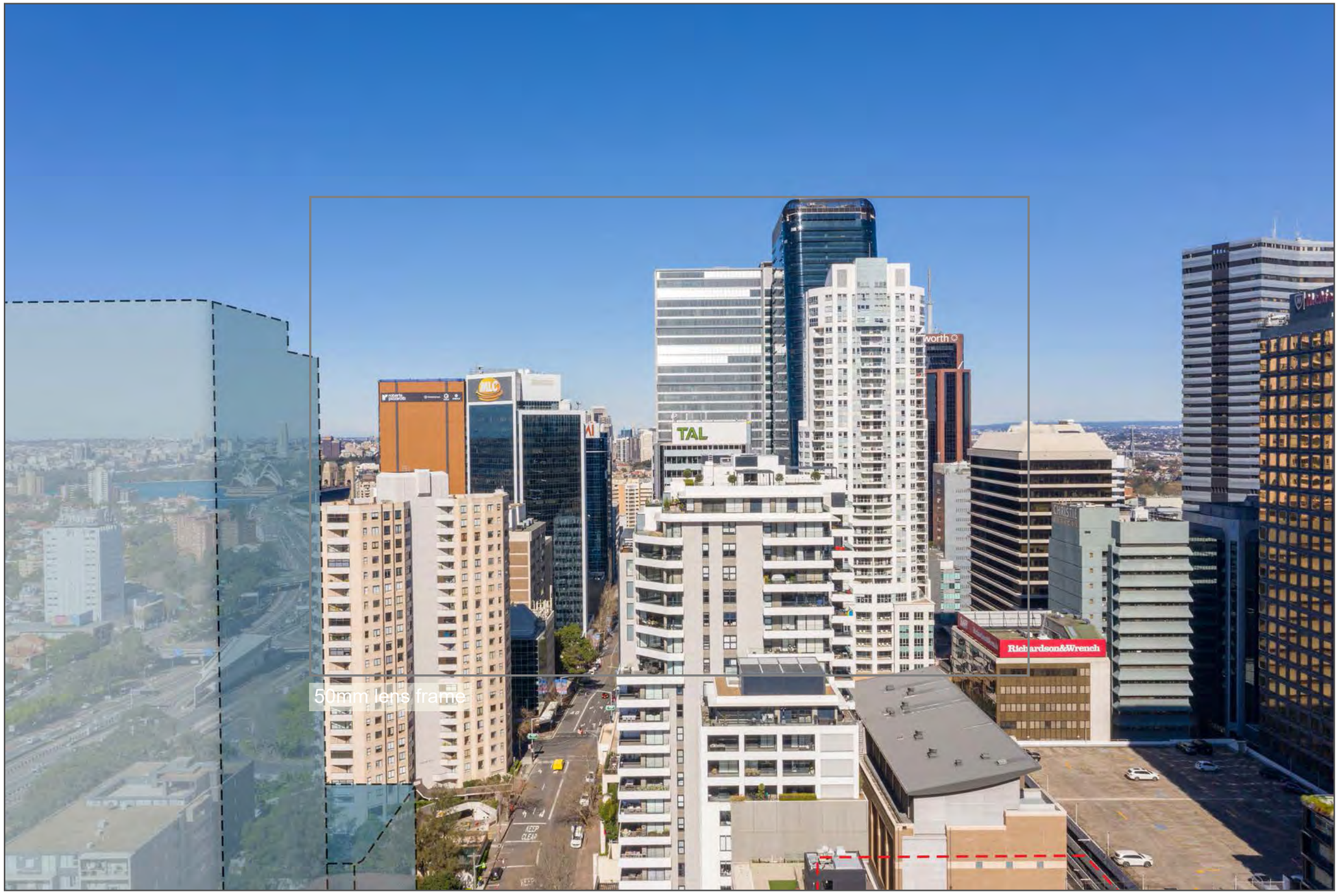
5.9 CAMERA POSITION 03 - UPPER HEIGHT(RL 136.47)

ORIGINAL PHOTOGRAPH



5.9 CAMERA POSITION 03 - UPPER HEIGHT(RL 136.47)

PHOTOMONTAGE OF PROPOSED DEVELOPMENT



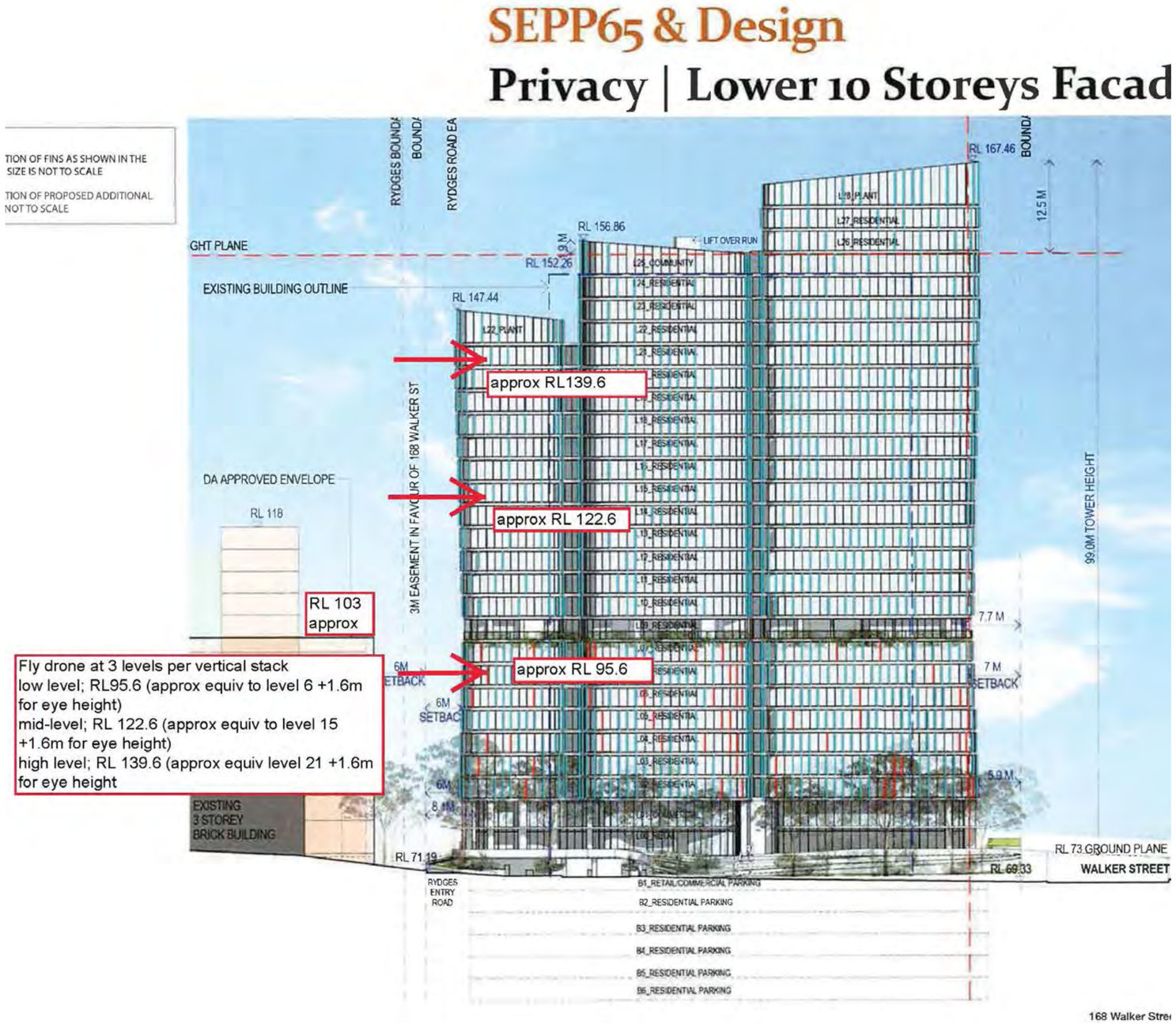
Extent of proposed massing of 45 McLaren St - 2020 Submission

Proposed massing of 173-179 Walker St - 2021 Submission

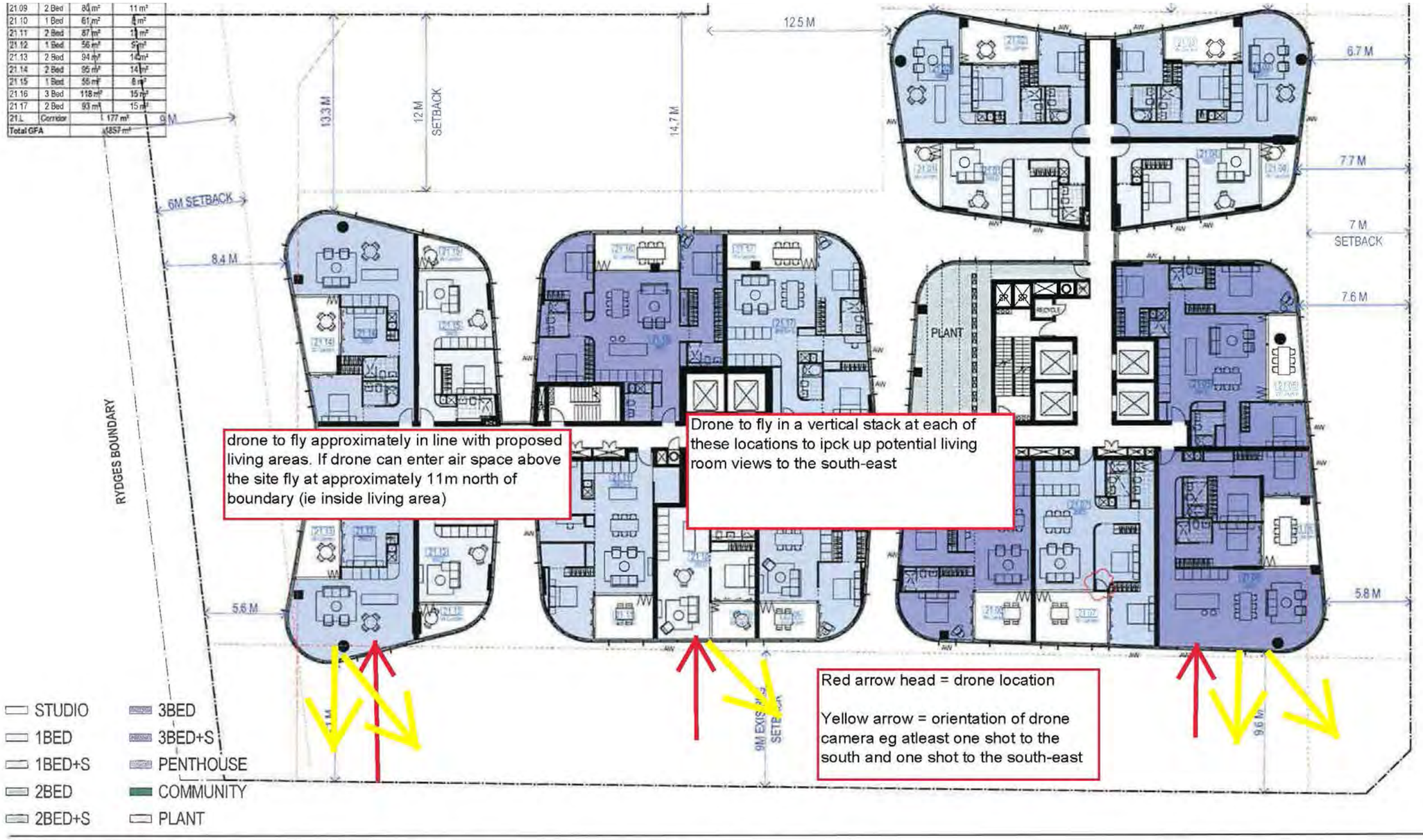
APPENDIX 3 - CERTIFICATION STATEMENT

Urbis have reviewed the photomontages and is satisfied that the above requirements were met. In this regard Urbis can certify, based on the methods used and taking all relevant information into account, that the photomontages comply with the requirements for the preparation of photomontages as set out in the practice direction for the use of visual aids in the Land and Environment Court of New south Wales.

APPENDIX 4 - DRONE AND SURVEY BRIEF



21.09	2 Bed	80 m²	11 m²
21.10	1 Bed	61 m²	8 m²
21.11	2 Bed	87 m²	11 m²
21.12	1 Bed	56 m²	9 m²
21.13	2 Bed	94 m²	14 m²
21.14	2 Bed	95 m²	14 m²
21.15	1 Bed	56 m²	8 m²
21.16	3 Bed	118 m²	15 m²
21.17	2 Bed	93 m²	15 m²
21.L	Corridor	1 177 m²	
Total GFA		1857 m²	



WOODS BAGOT

Client: Aqualand

Project: 168 Walker St

Sheet title: Overall L21 Typical Plan

Project number	Scale	Sheet size	© Woods Bagot
120713	1 : 250	A3	
Sheet number	Revision	Date	
DA1231	B	20.05.2016	

APPENDIX 5 - SURVEY DATA FOR VIEW LOCATIONS

URBIS

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URBIS

45 MCLAREN STREET

ADDENDUM VIEW SHARING REPORT

PREPARED FOR 45 MCLAREN PTY LTD

JULY 2022

URBIS STAFF RESPONSIBLE FOR THIS REPORT:
Associate Director: Jane Maze-Riley
Consultant: Kate Bravo
Project Code: P0024339
Report Ref: 01 RPT Addendum View Sharing Report
Version: 05
Report Status: Issue for Submission
Date: 22/7/2022

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CONTENTS

EXECUTIVE SUMMARY

This Addendum View Sharing Report should be read in conjunction with previous Visual Assessment reports prepared by Urbis in 2020 (Urbis VAR 2020) and two further amended updated Visual Assessment Reports prepared by Urbis in June 2021 and November 2021.

The findings in these previous reports regarding analysis of baseline factors such as visual context, visual character of streetscapes, potential visual catchment, identification of neighbouring dwellings at risk of potential view loss and such remain accurate and valid and provide useful objective information. The visual context of this part of North Sydney has not changed significantly subsequent to the initial fieldwork undertaken in 2020.

The previous reports provide detailed view sharing analysis and view impact ratings for approved residential dwellings to the north within the Aqualand Development which at the time of writing this report, is under construction.

This Addendum View Sharing Report provides additional information and analysis as per Gateway Condition 1 (h) received in June 2022, where conclusions and view sharing outcomes are based on an analysis of constructed computer-generated images (CGIs) prepared by Ivolve Studios.

The parts of the view composition blocked in all views does not include iconic items or a large proportion of scenic or highly valued views as defined in *Tenacity*.

A small part of a wider view to the east and south-east of the approved 173-179 Walker and 11-17 Hampden St (Cbus/Galileo Site) envelope including parts of Sydney Harbour will be potentially blocked in some views for example from position 1 and 2.

The additional height sought by the Planning Proposal does not block views to iconic items or a large proportion of scenic or highly valued views as defined in *Tenacity* and predominantly blocks distant views of low and medium height development, vegetation or a vernacular district view.

High rise residential and mixed-use tower development in this visual context is not unexpected or likely to appear out of place given the similar scale and height of developments in Miller Street, Walker Street and other parts of North Sydney.

The planning proposal envelope is likely to cause only limited view loss for a short section of a wider, expansive easterly view for some upper level east-facing dwellings.

In our opinion the likely level of view loss, resultant view impact and view sharing outcome would be reasonable and acceptable.

1.0 PURPOSE OF THE REPORT

This report responds to the Gateway Determination condition 1(h) requesting updated view sharing information in relation to residential development west of the site.

(h) update the Visual Assessment Report to include an illustrative assessment of the view impacts to residential properties located to the west of 45 McLaren Street located on McLaren and Miller Streets;

This report provides an assessment of the potential visual effects and view impacts of the built form proposed within the Gateway Approval for 45 McLaren Street, from neighbouring residential flat buildings west of the subject site.

Gateway Approval varies the height and FSR controls that apply to the site as demonstrated by an indicative building envelope, shown as a ghosted white translucent form in CGIs.

The author of this report specialises in assessing view loss, view sharing and view impacts in public and private domain and has extensive experience in this kind of assessment across North Sydney and as such is familiar with the scenic quality of view compositions that are available from this vicinity and their value as defined in *Tenacity* terms.

2.0 BACKGROUND

The site is located at the northern margins of the North Sydney CBD and northern edge of the Ward Street Master Plan area. (WSMP) and occupies site 5 (also known as site F) as shown in Figure 1.

FIGURE 1 AERIAL VIEW SOUTH-EAST TO NORTH SYDNEY

2.2 THE EXISTING SITE

The subject site is rectangular in shape and is located on the southern side of McLaren Street at its intersection with Walker Street. It presents its longest boundaries to Harnett Street to the west and Walker Street to the east and adjoins a contemporary residential flat building to the south. To the north on the opposite side of McLaren Street a residential tower known as the Aqualand Development at 168 Walker Street is under construction. The Hampden Street character area east of the site includes one and two-storey terrace style development which occupies lower topography relative to the subject site.

The site includes a simply massed part-three and part-four storey 1980's style residential flat building which is characterised by brown clinker brick, wide external concrete balconies to the east and ground level car parking below. Narrow balconies are included along its west elevation to Harnett Street and isolated and semi-mature vegetation is located around its boundaries.

2.3 WIDER VISUAL CONTEXT

In order to understand how the development may affect the existing and wider visual context this section establishes the base line height, form and character of the existing visual environment. Walker Street runs parallel to and is in a mid-slope position relative to Miller Street to its west and the Warringah freeway to its east. Walker Street rises to a local knoll north of the site approximately opposite Wenona School near Ridge Street and falls in elevation to the south so that the subject site is near its approximate low point. Within the local topographic and visual context so that the adjacent ground levels to the west, north and south are higher relative to it. The subject site is surrounded by residential dwellings or apartment blocks that vary in architectural style and age. To the east Hampden Street and the terrace style residential development along it, sits below Walker Street carriageway level.

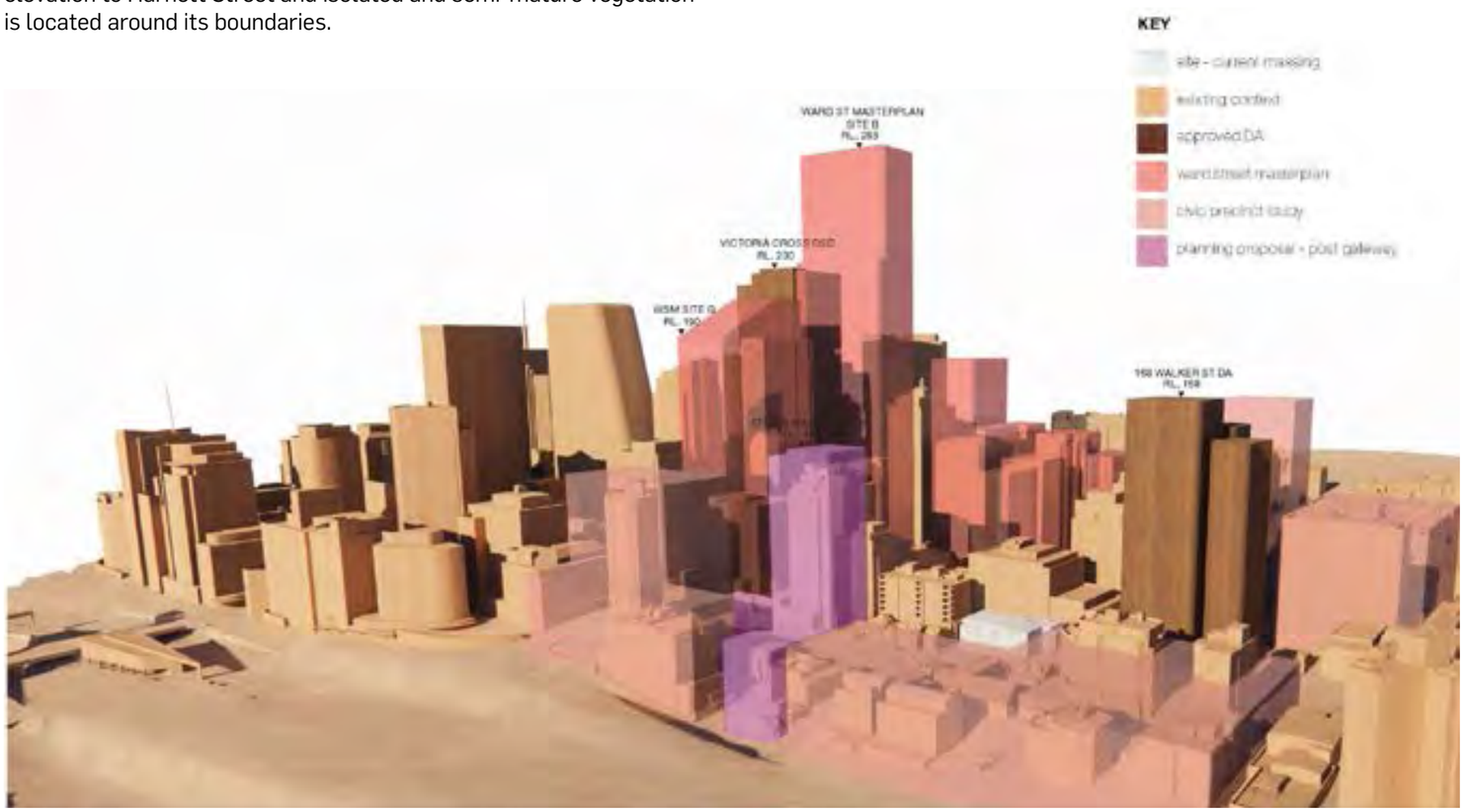


FIGURE 2 FUTURE CONTEXT

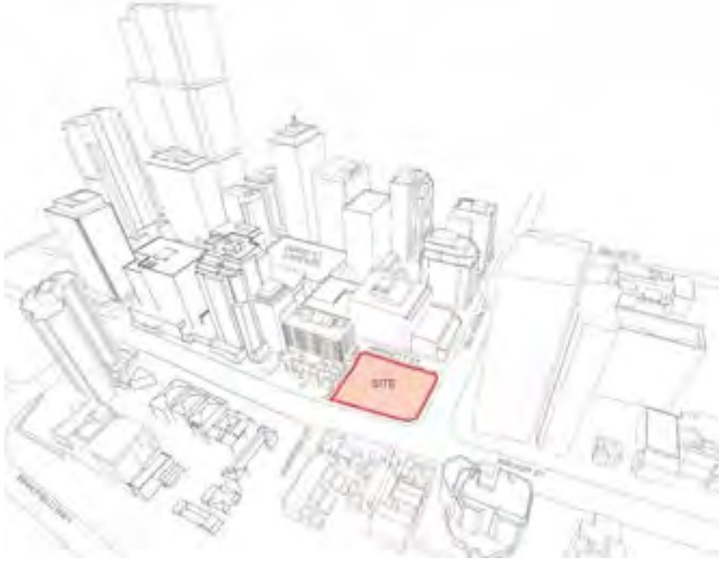


FIGURE 3 SURROUNDING HEIGHT CONTEXT (SOURCE BATES SMART -JUNE 18, 2021)

2.4 WIDER VISUAL CONTEXT - WEST

Walker Street bounds the site to the east runs in a north-south alignment in a mid-slope location east of but parallel with Miller Street. Walker Street rises to a local knoll north of the site approximately opposite Wenona School near Ridge Street and falls in elevation to the south so that the subject site is near its approximate low point. Within the local topographic and visual context. In this regard the adjacent ground levels to the west, north and south are higher relative to it. The subject site is surrounded by residential dwellings or apartment blocks that vary in architectural style and age.

McLaren Street

McLaren Street west of the subject site rises in elevation to meet the Pacific Highway which runs in a north-south alignment and occupies a local ridgeline. Development located along both sides of the street include tall tower forms including existing and approved mixed-use and residential buildings.

41 McLaren Street is currently occupied by a heritage listed commercial building that is characterised by a four-storey podium and a wide setback and terrace at level 5. Further terraces and setbacks at level 8 create a stepped built form presentation to McLaren Street where the tallest part is massed to the south-rear of the site. Notwithstanding this site has been the subject of several planning proposals to increase the height and FSR present on the site, we understand that such change is unlikely in the near and medium future. In this regard Urbis assume that the existing built form and visual context will remain in relation to easterly views from western residential flat buildings.

Two residential apartment towers are located at the west end of McLaren Street including a 13-storey building the “McLaren Apartments” at 39 McLaren Street and the “Harvard Apartments” at 237 Miller Street which includes approximately 17 storeys at the south-east corner of McLaren and Miller Streets. The McLaren Apartment building includes a square-shaped floor plate including external balconies and windows along each elevation including to the east and towards the subject site. 237 Miller Street is a mixed-use development with residential development located on its upper floors some of which present to the east and south.

Miller Street

The east side of Miller Street, west of the subject site includes a row of recently completed towers of similar height, form and character. These include residential developments and hotel accommodation which appear to include approximately 17 residential storeys and are characterised by 5 storey podiums and narrow setbacks to the tower forms. 231, 229, 225 and the Quest Hotel at 223 Miller Street are located within the immediate visual catchment of the subject site. 229 Miller Street ‘The Vantage’ accessed via a laneway between 231 and 225 Miller Street being the closest residential development where part of its eastern elevation aligns with the rear of both 41 and 45 McLaren St. To its south the Quest Apartment Hotel also presents to the east where angled projected balconies overlook part of 41 McLaren Street and beyond to southern most section of the subject site. Marketing information available online in relation to 231 Miller Street (the Miller), The Vantage and Quest indicates that mid to high level living spaces and hotel rooms along the east elevation of each building would have access to some views to the east, south-east and north-east which may include parts of the site.

2.5 HIGH-LEVEL FIELDWORK OBSERVATIONS - PRIVATE DOMAIN

This analysis of likely views access from neighbouring residential development is based on an inspection of views from the roof top at 41 McLaren Street and on fieldwork observations made from street level within the effective visual catchment.

From the roof top at 41 McLaren Street, we observed the uniform window stacks, balconies and likely location of living spaces at neighbouring buildings. We observed and documented the rear, east elevations of 39 McLaren Street, 237, 231, 229, 225 Miller Street and the Quest building to gain an understanding of the spatial relationship between these buildings and the subject site. In our opinion some residential apartments may be potentially affected by view loss or view blocking as a result of construction of a tower on the subject site.

Those potentially most affected are located at higher elevation to the west and directly align with the subject site to the east and may have access to views of scenic composition to the east and south-east. For example, apartments located along the east elevations at the upper floors at 39 McLaren Street and the adjacent and up slope “Harvard Apartments” at 237 Miller Street. Of these the closest neighbour at 39 McLaren Street is likely to have the greater access to easterly views potentially across the subject site, some of which may include scenic and valued composition and features as described in *Tenacity*. View access from all but the upper floors or floor units at 237 Miller Street will be constrained by the blocking effects of 39 McLaren Street.

Access to views from east-facing elevations of towers in Miller Street including 231, 229, 225 and the Quest Hotel at 223 Miller Street will vary depending on their alignment with the site and intervening built forms. The rear (east) elevation of 229 Miller Street ‘The Vantage’ is broadly aligned with the rear boundary of the subject site. We note that existing views to the east would be constrained tower forms included in a Gateway Approval at the corner of Walker and Hampden Streets.

Our fieldwork and roof top observations confirm that easterly views from Miller Street and upper slope McLaren Street residential buildings of existing easterly and south-easterly views are likely beyond the immediate foreground of lower buildings, to include distant district views predominantly characterised by vernacular residential development, distant parts of Sydney Harbour. Oblique

views from some external balconies at the upper floors of the Vantage and buildings to its south including the Quest may include parts of Sydney CBD and icons for example the Sydney Harbour Bridge and Sydney Opera House. From internal spaces in such oblique views are likely to be more constrained, due to the intervening building structures for example party walls.

East-facing apartments at the Quest Hotel adjoin and potentially overlook the Council car park within the WSMP. Views from Quest rooms and balconies will be available to the east however we observed that this building does not align directly with the subject site and therefore any development on it is unlikely to significantly affect existing view access.

Based on these fieldwork observations Urbis selected 5 representative locations from which to establish CGI 'virtual views' as a guide to the likely view compositions that would be available from east facing units. Refer to *Section 6.0 Analysis of Computer Generated Images.*

FIGURE 6 REAR DETAIL OF QUEST LEFT AND THE VANTAGE (SOURCE URBIS -AUGUST 8, 2020)

FIGURE 7 STREETSCAPE VIEW TO THE NORTH ELEVATIONS OF 37-39 MCLAREN STREET AND THE HARVARD APARTMENTS AT 237 MILLER ST (SOURCE URBIS -AUGUST 8, 2020)

FIGURE 4 BUILDING DETAIL REAR OF HARVARD BUILDING, 231 MILLER ST, AND 225 MILLER ST (SOURCE URBIS -AUGUST 8, 2020)

FIGURE 5 UPPER LEVEL BUILDING DETAIL 39 MCLAREN (SOURCE URBIS -AUGUST 8, 2020)

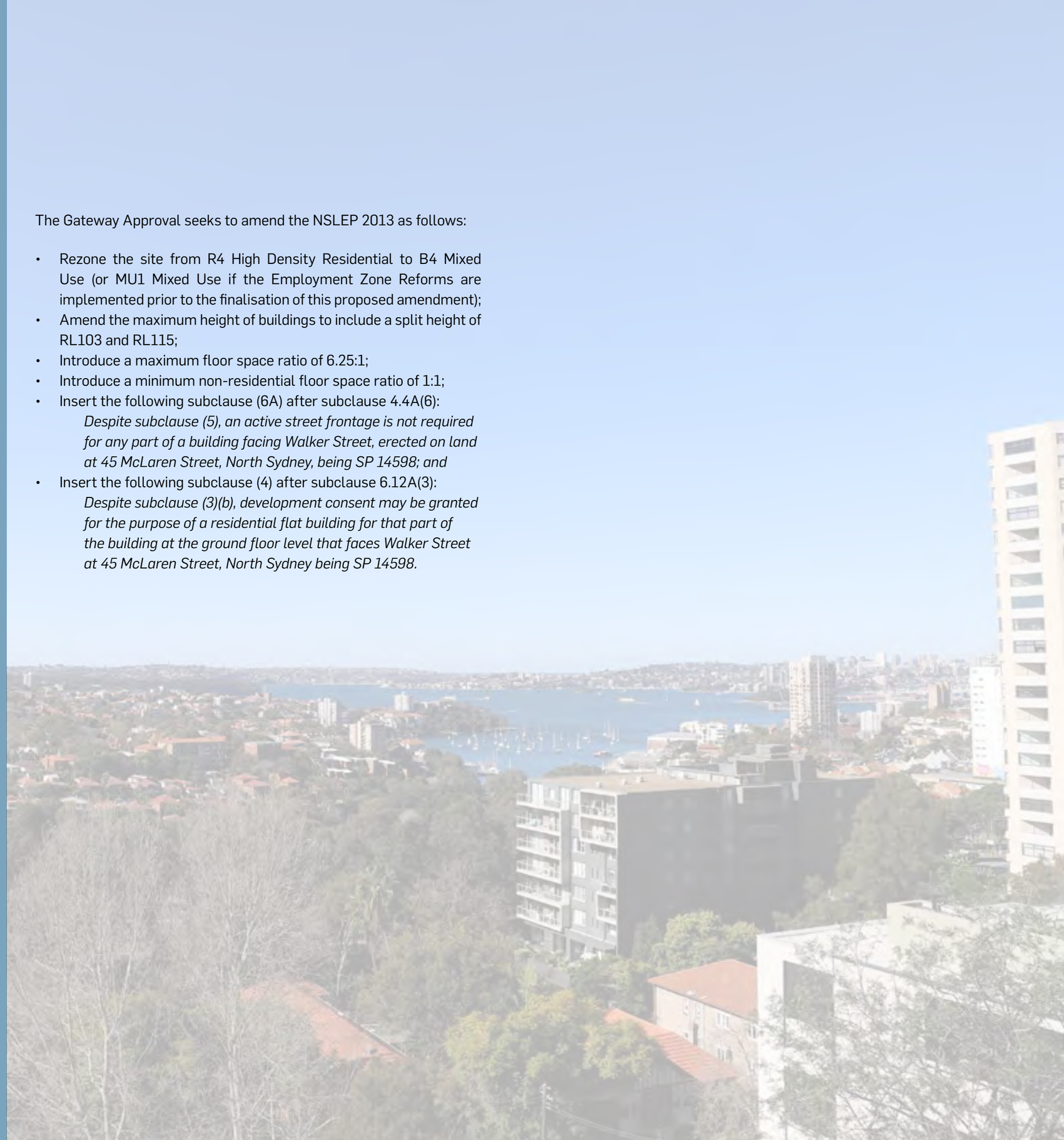
3.0 PROPOSED DEVELOPMENT

The Gateway Approval seeks to amend the NSLEP 2013 as follows:

- Rezone the site from R4 High Density Residential to B4 Mixed Use (or MU1 Mixed Use if the Employment Zone Reforms are implemented prior to the finalisation of this proposed amendment);
- Amend the maximum height of buildings to include a split height of RL103 and RL115;
- Introduce a maximum floor space ratio of 6.25:1;
- Introduce a minimum non-residential floor space ratio of 1:1;
- Insert the following subclause (6A) after subclause 4.4A(6):

  Despite subclause (5), an active street frontage is not required for any part of a building facing Walker Street, erected on land at 45 McLaren Street, North Sydney, being SP 14598; and
- Insert the following subclause (4) after subclause 6.12A(3):

  Despite subclause (3)(b), development consent may be granted for the purpose of a residential flat building for that part of the building at the ground floor level that faces Walker Street at 45 McLaren Street, North Sydney being SP 14598.



4.0 USE OF COMPUTER GENERATED IMAGES

Urbis have not had the benefit of being able to inspect views from individual apartments in residential flat buildings west of the site. This assessment is based on an analysis of Computer Generated Images (CGIs) prepared by Ivolve Studios under the direction of Urbis and provided to Urbis for analysis.

The representative view place locations and heights were determined by Urbis based on the use of LiDar point cloud data to determine roof and terrace heights at neighbouring residential flat buildings.

View places from neighbouring residential flat buildings were selected based on their proximity, orientation and primary easterly focus and access to potential views as tabulate below in table 1.

Urbis have used RLs for roof heights identified using LiDar point cloud data. To avoid misrepresenting any potential views from lower levels, which cannot be accurately determined, Urbis have selected heights and locations closest to where RLs can be confirmed. This results in the selection of higher level apartments for placement of the virtual camera to create each CGI.

Photographs taken from the rooftop at 41 McLaren Street confirm that some views from lower level units at 37-39 McLaren Street are likely to be available above and south of 41 McLaren Street. Based on the CGIs analysis below, any potential view loss is unlikely to block access to scenic and highly valued features as defined in *Tenacity*.

TABLE 1 CGI VIEWS ANALYSED

4.1.1 USE OF CGIS

CGIs are a useful objective visual aid which show the likely view compositions that are available from window openings or adjacent external viewing positions. The virtual camera locations cannot represent actual internal views that would be available from inside the dwelling and therefore 'misrepresent' or over-state the view available and in this regard also overstate the extent of visual effects (potential view loss) which may occur. Views from internal living areas would be more constrained by intervening walls and structures than the wide fields of view shown in the CGIs.

Limitations of CGIs

CGIs are constructed and do not include 'real world' built features or accurate height and density of vegetation. Urbis rely on the general arrangement of the compositional detail to understand the mid-ground and distant features that would be available from the view locations. The CGIs show the view composition that is likely to be available from the approximate location and height of a standing viewer.

Notwithstanding the indicative nature of the CGIs, in our opinion they do provide an accurate representation of the kind of compositions to be potentially affected and are useful objectives aids to inform the extent of view loss and view sharing outcomes.

4.1.2 CGI METHODOLOGY

For further information about the method of preparation of CGIs please refer to appendix 1.

5.0 PLANNING PRINCIPLES

RELEVANCE AND INTENT OF *TENACITY*

The extent and reasonableness of private domain view loss is typically assessed against the Land and Environment Court of New South Wales planning principle *Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours (Tenacity).* This is the most widely used and referenced planning principle in relation to the assessment of view impacts of development on private views.

The planning principle is described by the Court as a statement of a 'desirable outcome' aimed at reaching a planning decision about what is reasonable or not, and defines a number of appropriate matters to be considered in making the planning decision. Therefore, the importance of the principle is in outlining all relevant matters and or the relationships of factors to be considered throughout the process and is not simply to describe the features within a view that could be lost. Prior to beginning with Step 1, in paragraph 25 Roseth states that;

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

Tenacity begins with determining the existing composition of views, and includes descriptions of features and characteristics, based on the particulars of that matter, for example water and areas of land-water interface, that are likely to be more valued than others. By describing the nature and predominant composition of the views *Tenacity* suggests that if there is no substantive view loss in qualitative or quantitative terms, then the threshold for proceeding to Step 1 may not be met and in this regard the application of *Tenacity* may not be required.

If it is determined that the notion of view sharing has been invoked and is relevant, *Tenacity* outlines a four-step process including threshold tests to be met. Our understanding of the intent of the principle is that the steps are sequential and conditional, meaning that proceeding to further steps may not be required if the conditions for satisfying the preceding threshold test are not met. For example, view loss as considered in Step 1 or 2 is negligible in quantitative or qualitative terms, available across a side boundary from a seated bedroom location or a toilet and no other views/rooms are affected, there may be no utility in applying further steps in the assessment and in this regard, *Tenacity* has no work to do.

Tenacity does not clearly distinguish between extent (quantity) of view loss and in fact dissuades the use of quantifying view loss, but tends to equate view loss with impact, where the significance or importance of the loss is a matter of judgement and consideration of various relevant factors. Therefore, it is important not to conflate the extent of change (quantum of view loss) as shown for example in a photomontage, directly to an impact rating. In this regard we caution the use of photomontages that show view loss in an individual view, given that view loss in isolation, does not equate to an overall view impact.

Our understanding of Roseth's underlying intent in *Tenacity* is that the following factors are relevant for consideration in reaching an overall view impact rating;

• Scenic quality of the view including consideration of the predominant character; its intactness, wholeness or partialness, and whether the composition includes particular features for example 'icons' etc.

• Formal presentation of the dwelling in relation to the proposed development,

• Internal room types and uses for the entire dwelling including view loss in all views from the dwelling and entire residential flat building including those that will be unaffected,

• Ownership of space through or over which a view is gained,

• Remaining view composition,

• Reasonable development potential of site and,

• Permissibility, compliance and reasonableness in relation to the built form proposed.

In other words *Tenacity* is a recipe designed to guide decision making in relation to being able to achieve an equitable view sharing outcome.

ARNOTT

The use of *Tenacity* for assessment should be considered in the context of another judgement in *Arnott v City of Sydney (2015) NSWLEC 1052 (Arnott).*

Commissioner O'Neill in *Arnott* agrees that notwithstanding the presence of an icon or part of an icon in the view composition, the whole view which includes an individual or isolated iconic element, may not be considered as an iconic view according to criteria in *Tenacity*. Therefore the presence of a distant background composition which includes areas of open water and some land-water interfaces and does not include any distinct individual icons may not be sufficient to describe the views available as 'iconic'. For example a view to the east from low-levels at position 1, 2 or 3 in our opinion would not be considered iconic notwithstanding it includes some scenic features albeit in the distant background.

Arnott cites the difficulty and utility of applying a *Tenacity* assessment to individual units In relation to view loss caused for units within the same residential flat building such is the case for the Aqualand Development, where the potential to re-mass the proposed development in a way that improves view sharing for units in an adjoining residential flat building, is difficult or would limit the development potential of the site.

We comment that in the majority of views as modelled, view loss was rated at minor or negligible and medium for only two locations, which we consider to be a reasonable level of view sharing whilst at the same time allowing for the realisation of the site's development potential.

Arnott goes on to state;

"Dr Roseth's own words at paragraph 29 of the Tenacity planning principle, 'whether a more skilful design could provide the applicant with the same development potential and amenity' It is partly for this reason that the Tenacity planning principle is less helpfully applied to impacts on views from individual apartments within residential apartment buildings, as there are generally more limited opportunities to rearrange massing to preserve what is often a singular orientation to a view. For this reason, it is also appropriate to consider the residential apartment building as a whole in assessing view impacts."

FIGURE 8 VIEW LOCATIONS

TABLE 2 LOCATION OF VIEWS

View No.	Address	Direction and location of view analysed	Approximate RL of unit CGI view	Assumptions approx. 3125mm floor to floor plus 1.6 for standing eye height
VIEW 1	**237 Miller St**	Top floor is four levels above penthouse at 37 McLaren. Rl sth end balcony 46.3	Central end balcony CGI RL 47.9	Add 1.6 to roof or balcony RL
VIEW 2A	**37-39 McLaren Street**	Upper penthouse level NE corner	Penthouse RL 41.4	CGI height = 42.715
VIEW 2B	**37-39 McLaren Street**	Below penthouse approx level 12	Level 12 RL 38.3	CGI level = 41.425
VIEW 3	**231 Miller St**	Residential flat building west and partly obscured by south end 27-39 McLaren. Roof RL 44.8	Four levels below top floor, sth end central balcony CGI RL 46.4	Add 1.6 to roof or balcony RL
VIEW 4	**229 Miller**	Contemporary residential flat building adjoining 41 McLaren.	Penthouse level recessed balcony 60.6	Penthouse floor level approx RL 57.475 plus 1.6 = RL59.075

6.0 ANALYSIS OF COMPUTER GENERATED IMAGES

6.1 INDICATIVE FLOOR PLANS OF NEIGHBOURING DWELLINGS

The floor plans for the penthouse at 37-39 McLaren St and the penthouse (Apartment 1801), 229 Miller St have been sourced via online real estate sites.

Penthouse 37-39 McLaren St.

This floor plan shows that living areas occupy the eastern parts of the apartment, in particular, the living, dining, bedroom 1, and the office at the upper level, with easterly views to the site and beyond. The wrap around balcony also enables continuous views along the northern and eastern side of the penthouse.

Penthouse (Apartment 1801), 229 Miller St.

This floor plan shows that living areas are associated with the east of the apartment, in particular, the open area kitchen, living, and dining, as well as the winter garden from which easterly views are available towards the site and beyond.

FIGURE 9 PENTHOUSE LEVEL FLOOR PLAN 37-39 MCLAREN ST (SOURCE - HOUSE.SPEAKINGSAME.COM 2010)

FIGURE 10 PENTHOUSE APARTMENT 1801, 229 MILLER ST FLOOR PLAN (SOURCE REALESTATE.COM.AU - MAY 2021)

237 MILLER ST
CGI PROPOSED VIEW 1

This CGI shows an easterly view from approximately equivalent to a standing view from the balcony of the penthouse unit at 237 Miller St. The foreground surrounding buildings are predominantly characterised by lower and mid-rise height built form including the roof at 37-39 McLaren St. The mid-ground features a typical vernacular district view with mix of low and mid-rise buildings interspersed with taller built forms across the lower North Shore amongst dense vegetation. To the east of the composition a minor extent of land and water interface within Sydney Harbour is visible. The background includes wide areas of open sky. The proposal does not block any parts of the view that are characterised by features of high scenic quality, only blocking views of low rise buildings and vegetation.

Urbis note that, a Gateway approval has been received for the Cbus/Galileo site at 173-179 Walker and 11-17 Hampden Street which will introduce new built form into the mid-ground composition east of the south-east of the subject site. These future built forms will block parts of the medium and long-distance vernacular view.

FIGURE 11 VIEW 1, 237 MILLER ST (SOURCE IVOLVE - JUNE 2022)

37-39 MILLER ST
CGI PROPOSED VIEW 2A

This CGI view is to the north east to site approximately from a standing level at the penthouse of 37-39 McLaren St. The surrounding buildings in the foreground appear to be mid-rise which is consistent in the view midground. It is chracterised by a typical vernacular district view with mix of low and mid-rise buildings interspersed with taller built forms across the lower North Shore amongst dense vegetation. To the east of the composition a minor extent of land and water interface within Sydney Harbour is visible. The background includes wide areas of open sky. The proposed development occupies a central and lower part of the view below the distant landform-sky horizon and does not block any scenic or highly valued items as defined in *Tenacity*.

Urbis note that, a Gateway approval has been received for the Cbus/Galileo site at 173-179 Walker and 11-17 Hampden Street which will introduce new built form into the mid-ground composition east of the south-east of the subject site. These future built forms will block parts of the medium and long-distance vernacular view.

FIGURE 12 VIEW 2A, 37-39 MCLAREN ST (SOURCE IVOLVE - JUNE 2022)

37-39 MCLAREN ST
CGI PROPOSED VIEW 2B

This is a south easterly view towards the site taken approximately equivalent to a standing view at level 12, 37-39 McLaren St. The proposed development will sit to the north and occupy a minor part of this view, predominantly blocking background residential development, vegetation and a short section of open sky. The proposal does not block the background of open sky or any views to Sydney Harbour. Hence no scenic or highly valued items are blocked as defined in *Tenacity*.

Urbis note that, a Gateway approval has been received for the Cbus/Galileo site at 173-179 Walker and 11-17 Hampden Street which will introduce new built form into the mid-ground composition east of the south-east of the subject site. These future built forms will block parts of the medium and long-distance vernacular view.

FIGURE 13 VIEW 2B, 37-39 MCLAREN ST (SOURCE IVOLVE - JUNE 2022)

231 MILLER ST, CGI PROPOSED VIEW 3

This is an easterly view approximately from the penthouse level of 231 Miler St. The majority of the proposed development is blocked by the foreground built form of 37-39 McLaren Street, and does not create any substantive view loss. The majority of the view remains unchanged and available. The proposed development does not block any scenic or highly valued items as defined in *Tenacity*. Due to the existing built form at 37-39 McLaren St, the view change is negligible.

Urbis note that, a Gateway approval has been received for the Cbus/Galileo site at 173-179 Walker and 11-17 Hampden Street which will introduce new built form into the mid-ground composition east of the south-east of the subject site. These future built forms will block parts of the medium and long-distance vernacular view.

FIGURE 14 VIEW 3, 231 MILLER ST (SOURCE IVOLVE - JUNE 2022)

229 MILLER ST
CGI PROPOSED VIEW 4

This is a north easterly view approximately equivalent to a standing view from the balcony of the penthouse unit at 239 Miller St. The mid-ground features a typical vernacular district view with a mix of low and mid-rise buildings interspersed with taller built forms across the lower North Shore amongst dense vegetation. To the east of the composition a minor extent of land and water interface within Sydney Harbour can be seen. The background includes wide areas of open sky. The proposed development does not appear in this composition and does not create any view loss.

Urbis note that, a Gateway approval has been received for the Cbus/Galileo site at 173-179 Walker and 11-17 Hampden Street which will introduce new built form into the mid-ground composition east of the south-east of the subject site. These future built forms will block parts of the medium and long-distance vernacular view.

FIGURE 15 VIEW 4, 229 MILLER ST (SOURCE IVOLVE - JUNE 2022)

ASSESSMENT AGAINST *TENACITY* IS *TENACITY* RELEVANT?

STEP 1 EXISTING VIEWS TO BE AFFECTED

Part of the view that is currently enjoyed from each of the inspected dwellings to the north-east will be replaced with parts of the proposed development. Notwithstanding the extent of view loss varies in quantitative and qualitative terms, the application of the *Tenacity* Planning Principle is relevant and can be applied.

The threshold test to proceed to Step 1 of the planning principle is met.

The first step is the assessment of views to be affected. 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.

STEP 2 FROM WHERE ARE VIEWS AVAILABLE?

This step considers from where the affected views are available in relation to the orientation of the building to its land and to the view in question. The second step, quoted, is as follows:

The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

TABLE 3 *TENACITY* STEP 1

Dwelling	Summary View Description – views to be affected	Threshold test met to proceed to Step 2 (Y/N)
37-39 McLaren Street CGI view 2a	Vernacular district view, distant sections of land-water interface,	Yes
37-39 McLaren Street CGI view 2b	Vernacular district view, distant sections of land-water interface,	Yes
237 Miller Street view 1	Vernacular district view, distant sections of land-water interface,	Yes
231 Miller Street view 3	Vernacular district view	No
229 Miller Street view 4	Vernacular district view, distant sections of land-water interface,	No

TABLE 4 *TENACITY* STEP 2

Residential flat building	Boundary	Sitting (Y/N)	Standing (Y/N)	Threshold test met to proceed to Step 3 (Y/N)
37-39 McLaren Street View 2a	Side	Yes	Yes	Yes
37 -39 McLaren Street View 2b	Side	Yes	Yes	Yes
237 Miller Street view 1	Rear	Yes	Yes	Yes

STEP 3 IN *TENACITY*

The next step in the principle is to assess the extent of impact, considering the whole of the property and the locations from which the view loss occurs. Step 3 as quoted is:

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The view impact ratings are not based solely on the selected 'worst-case' modelled view but as required in *Tenacity* include consideration of all relevant factors in Steps 1 and 2, and all other views available from the dwelling to south-east, north-east, north and west that are unaffected and which in all cases include scenic and highly valued features as defined in *Tenacity*.

TABLE 5 *TENACITY* STEP 3

Location of view	Rooms/areas where views are affected	Other views not affected	View impact for whole dwelling using the *Tenacity* Scale
37-39 McLaren Street View 2a	Penthouse north and eastern side of balcony, living/dining, bedroom 1, and office.	Views to Sydney Harbour land and water interface, district vernacular views to lower North Shore.	Negligible
37-39 McLaren Street View 2b	External balconies and assume associated living areas	Views to Sydney Harbour land and water interface, district vernacular views to lower North Shore.	Negligible
237 Miller Street	External balconies and assume associated living areas	Views to Sydney Harbour land and water interface, district vernacular views to lower North Shore	Negligible
231 Miller street	External balconies and assume associated living areas	District vernacular views to lower North Shore.	Nil
229 Miller Street	Penthouse winter garden and kitchen, living, and dining.	District vernacular views to lower North Shore.	Nil

STEP 4 IN *TENACITY* REASONABLENESS

The fourth step in the principle is subjective where all factors in all preceding steps and other factors include compliance and the reasonable development potential for the site should be considered. The fourth step is quoted below;

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Preamble to Step 4

The proposed development as shown in CGIs as a translucent massing shows the Gateway Approved envelope. As such the extent of built form and likely visual change shown, is anticipated by that approval.

View loss predicted by the CGIs is minor or less in quantitative and qualitative terms and further only effects a narrow and low section of the wider, expansive field of view that is available either side and above of the envelope and in other directions.

In this way the proposed developed as shown is considered to be fully compliant and in our opinion all view loss as shown is considered to be reasonable and acceptable.

View loss is reasonable and supportable because view loss is minor or less in all cases, nil in relation to views 3 and 4 and fully complies with the Gateway Approval and the extent and quality of visual change that is contemplated by that approval.

TABLE 6 *TENACITY* STEP 4

DWELLING LOCATION	SUMMARY OF KEY FACTORS FROM STEPS 1, 2 AND 3	REASONABLENESS OF POTENTIAL 'VIEW LOSS'
37 McLaren Street View 2a	The majority of the scenic background composition will be blocked by the East Walker Street precinct (the Cbus/Galileo development). The proposed development will therefore largely block views to other built forms and an additional minor, low section of view to the east. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to others present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss is rated as minor overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.	The negligible view impact for the whole dwelling is reasonable, equitable and supported.
37 McLaren Street View 2b	The majority of the scenic background composition will be blocked by the East Walker Street precinct (the Cbus/Galileo development). The proposed development will therefore largely block views to other built forms and an additional minor, low section of view to the east. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to others present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss is rated as minor overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.	The negligible view impact for the whole dwelling is reasonable, equitable and supported.
237 Miller Street	The majority of the scenic background composition will be blocked by the East Walker Street precinct (the Cbus/Galileo development). The proposed development will therefore largely block views to other built forms and an additional section of view to the east. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to others present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss is rated as minor overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.	The negligible view impact for the whole dwelling is reasonable, equitable and supported.
231 Miller street	The proposed development is of low visibility and does not cause any discernible view loss.	There are no view impacts for this dwelling
229 Miller Street	The proposed development is not visible.	There are no view impacts for this dwelling

7.0 VIEW SHARING SUMMARY

The likely view sharing outcome for potentially affected dwellings along Miller Street and at 39 McLaren Street have been carefully considered based on roof top observations made from 41 McLaren Street fieldwork and on an analysis of CGIs.

Due to the alignment, spatial separation from the subject site, intervening existing and potential built forms and the likely existing view compositions, in our opinion potential view loss for dwellings to the west in McLaren Street and Miller Street would be negligible.

CGIs confirm that view loss from dwellings as modelled would be negligible, given the wide extent of the view available, its predominant scenic character and quality. The view impacts overall are negligible or nil. Some vernacular views which include distant scenic features to the east and north-east from Miller Street residential flat buildings will be partly blocked by other future built forms to the east and south-east for example those within the Cbus/Galileo Gateway Approval.

Based on analysis of CGIs the extent of view loss for each dwelling is minor, the view impacts negligible or less (Nil) leading to a reasonable and supportable view sharing outcome.

The visual effects and impacts of the Gateway Approval for proposed development at 45 McLaren Street, on views from residential flat buildings west of the subject site can be supported on view sharing grounds.

8.0 CONCLUSION

The potential view loss is minor or nil in all cases. The extent of view sharing and overall view impacts subsequent to the construction of the built form included in the Gateway Approval are reasonable and acceptable.

9.0 APPENDICES

APPENDIX 1 - CGI METHOD (IVOLVE STUDIOS)

Ivolve Studios Pty Ltd

ABN: 66 110 215 909

30/06/2022

Jane Maze-Riley
Urbis

Letter of confirmation to accompany photo-montage prepared for 45 McLaren St North Sydney

Dear Jane,

The visual impact CGIs were prepared with a photogrammetry-generated* 3D mesh of North Sydney and surrounding areas supplied by Metromap. A 3D model of the proposed building supplied by Bates Smart, and *on-site* RL measurements supplied by Urbis.

From both of the 3D models provided, and Urbis's RLs we were able to create a virtual camera in a 3D workspace facing the proposed building on 45 McLaren St and its neighbouring context.

Urbis requested a lens Field Of View (FOV) equivalent to a 35mm lens. Please note the resulting FOV from a 35mm lens equals 54.432 degrees.

Virtual cameras were placed at RLs calculated to be at approximately 1.6 metres above the assumed Finished Floor Levels (FFL) of the potentially affected dwellings.

The assumed FFLs were calculated from the RLs provided by Urbis on Friday 17th June.

The floor to floor RLs were calculated to be 3125mm following an analysis of floor and balcony levels at 37-39 McLaren Street.

Every view generated is pure 3D, therefore no matching to a real world photo was necessary. This ensures that each 3D CGI in the view location has not been scaled, rotated, skewed, distorted, or manipulated in any other way.

Therefore, I can verify that the CGIs are accurate, not exaggerated and depict accurate views.

Regards,

Fernando Szczepaniak
Digital Artist

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* Metromap provided the following description of photogrammetry:

Aerometrex photogrammetry process involves stitching together a collection of aerial photographs using identifiable points to create a textured mesh model. Survey control points are used to globally position the mesh model and ensure accuracy.

ivolve studios

APPENDIX 2 - PREPARATION OF PHOTOMONTAGES

45 McLaren Street Visual Aids -final locations 20th June 2022

Briefing information for the preparation of Computer Generated Images (CGIs)

CGIs will be used to predict potential views available from the highest levels of neighbouring dwellings at;

- 43 McLaren Street (commercial tower but potential future residential development)
- The CGI virtual camera should be set at 1.6m above the identified floor level (approximate RL) RLs to be confirmed following liDar interrogation and determination of Floor levels below. At locations as shown by the red arrows eg a camera at the north-east corner at 237 Miller Street view orientation ENE to ESE .
- Assumed a floor to floor RL of 3125mm and subtract this height from the roof levels determined at each residential flat building selected for modelling. This appears to be correct following an analysis or floor and penthouse balcony levels at 37-39 McLaren Street.

Table of selected RLs for roofs or balconies and CGI virtual camera levels

Building address	View place Description	Approximate level (RL) of unit CGI view	Assumptions approx. 3125mm floor to floor plus 1.6 for standing eye height	Representing a view approximately from
37-39 McLaren Street	View 2a – upper penthouse level NE corner View 2b -below penthouse approx level 12	**2a)** penthouse RL 41.4 **2b)** level 12 RL 38.3	2a) CGI height = 42.715 2b) CGI level = 41.425	Penthouse and level 12
237 Miller	Top floor is four levels above penthouse at 37 McLaren. RI sth end balcony 46.3	1).central end balcony CGI RL 47.9	Add 1.6 to roof or balcony RL	Penthouse balcony
231 Miller	Residential flat building west and partly obscured by south end 27-39 McLaren. Roof RL 44.8	3) Four levels below top floor, sth end central balcony CGI RL 46.4	Add 1.6 to roof or balcony RL	Upper level four below penthouse unit
229 Miller	Contemporary residential flat building adjoining 41 McLaren.	4) penthouse level recessed balcony 60.6	Penthouse floor level approx RL 57.475 plus 1.6 = RL59.075	Penthouse view

- Include a FOV equivalent to a 35mm FI lens broadly aligned to reflect directions as shown by red arrows.
- Yellow arrow of proposed photomontage has been removed. The location of photograph will not be useful given it includes virtually none of the subject site. This has been replaced with an additional CGI.

Figure 1; Location map showing building locations, view cones and orientations.

Elevation locations

The Quest left (bronze balconies 221-223 Miller) and 229 Miller at right (white and brown façade) low level views from 229 Miller south of the lift well will miss the majority of the site. No utility in producing a photomontage.

Recommended Extent

Figure 2 below shows the recommended extent of the Aerometrix model required to provide background imagery as to mid-ground and background view composition available in CGI views.

Figure 2 Recommended extent of model for CGI composition

Reduced Geographical Extent (minimum requirement)

Figure 3 below shows a reduced extent of model to be purchased pending confirmation of costs for agreement with Podia Group.

***Figure 3** reduced and minimum eastern and southern extent of background aerometrix model required to predict background compositional elements.*

APPENDIX 3 - PREVIOUS NOVEMBER 2021 VISUAL ASSESSMENT

URBIS

45 MCLAREN STREET

VISUAL ASSESSMENT REPORT

PREPARED FOR 45 MCLAREN PTY LTD

NOVEMBER 2021

URBIS STAFF RESPONSIBLE FOR THIS REPORT:
Associate Director: Jane Maze-Riley
Senior Consultant: Angela Armstrong
Consultant: Bethany Lane
Project Code: P0024339
Report Ref: 01 RPT_View Sharing Report
Version: 05
Report Status: Issue for Submission
Date: 03.11.2021

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CONTENTS

1.0 EXECUTIVE SUMMARY

This report is an assessment of the visual effects and potential impacts on view sharing of a Planning Proposal for 45 McLaren Street, North Sydney. The **'amended'** Planning Proposal (2021) includes an indicative building envelope which has been used for assessment of the visual effects and potential visual impacts of this proposal on its visual setting and private domain views. The **'amended'** Planning Proposal (2021) responds to direction received from North Sydney Council in relation to the **'original'** Planning Proposal (2020). This report has been updated to reflect the **'amended'** Planning Proposal (2021), namely the reduction in overall height, FSR and smaller building envelope.

The site has a limited visual catchment to the north, west and south and greater potential catchment to the east, however direct visual effects of the proposed development will be relatively restricted to locations closest to the site from adjacent roads including Walker Street and McLaren Street.

The upper part of the medium-height tower form will be visible from distant locations predominantly to the east and south-east, but is unlikely to be visible against the skyline from this vicinity given the intervening future built form envelopes along the east side of Walker Street, which have received Gateway Approval (the Cbus/Galileo development).

The built form proposed is not dissimilar in character, height and form to other existing towers and proposed developments including those with Gateway Approval within the immediate visual context for example towers in Miller Street, McLaren Street and south of the site along the west side of Walker Street.

The majority of views to the proposed development from the south-west, west and north-west will be blocked by intervening tall built forms that are present in the North Sydney CBD and located along Miller Street. Views from the north towards the site for example from parts of Ridge Street and North Sydney will be blocked by the Aqualand development.

There are no direct views to the subject site or likely views to a tower of the height proposed from high sensitivity public domain viewing locations, within the immediate visual catchment. The most sensitive private domain views to the site will be from low-level units at the Aqualand tower currently under construction.

The medium-height tower proposed will introduce new, taller built form into the foreground composition of views from some low and mid-level future dwellings within the Aqualand development north of the subject site. The proposed development is not dissimilar in form or character to the existing residential flat buildings located in McLaren Street and Miller Street and to the south in Walker Street for example 'The Heritage'.

In the majority of views from future dwellings as modelled, the built form proposed will block a small part of a wider panoramic view to the south-east or south. The extent of visual effects and potential view loss is rated as minor to negligible for all mid and high level views analysed and moderate for one low level view and moderate-minor the remaining two low level views.

Units located above approximately level 21 at the Aqualand will not be significantly affected by potential view loss.

The parts of the view composition blocked in all views do not include iconic items or a large proportion of scenic or highly valued views as defined in *Tenacity*. A small part of a wider view to the east and south-east of the potential built from massing within the East Walker Street precinct (the Cbus/Galileo development), including parts of Sydney Harbour, will be potentially blocked in some views, for example from Position 01 and 02.

The amendments to the massing sought by the **'amended'** Planning Proposal (2021) do not block iconic items or a large proportion of scenic or highly valued views as defined in *Tenacity* and predominantly blocks views of other urban development for example buildings in North Sydney. The lower form in the **'amended'** Planning Proposal (2021) reduces visibility of the proposed form in all views and in this regard reduces the level of potential view blocking effects.

High rise residential and mixed-use tower development in this visual context are not unexpected or likely to appear out of place given the similar scale and height of developments in Miller Street, Walker Street and other parts of North Sydney.

FIGURE 1 VIEW TO NEUTRAL BAY, SYDNEY NSW

PURPOSE OF THIS REPORT

This report provides an assessment of the potential visual effects and impacts of the built form proposed on the subject site that could be constructed subsequent to the approval of a Planning Proposal for 45 McLaren Street, North Sydney. The **'amended'** Planning Proposal (2021) seeks to vary the height and introduce a maximum FSR control for the site and in line with a preferred Reference Design, the merits of which are analysed in respect of impacts on potential view sharing.

Should the proposal be approved to progress to the development application stage, detailed design would occur for individual components of the development, at which time fine-grained consideration of the massing, articulation, detailing, materials and finishes, colours and landscape design would be resolved.
The author of this report specialises in assessing visual effects and impacts, view loss and view sharing and in strategic planning of access to and protection of scenic resources. This report is based on a desktop review of aerial imagery, architectural plans prepared by Bates Smart, the **'amended'** Planning Proposal (2021) prepared by Urbis, fieldwork in and around the site undertaken in July 2020 and is a review of planning documents that are relevant to views.

This report is restricted to an analysis of the visibility, visual exposure, and visual effects on views and streetscapes in relation to the built form envelope as modelled and provides commentary regarding the massing, height and form of the built form proposed on views. It also provides analysis regarding the existing visual context and character, extent of visibility and the desired future character of this part of North Sydney. In this regard Urbis have as far as possible assessed the potential of the development to cause view loss or blocking in relation to surrounding views within the private and public domain, including approved and proposed developments nearby.

This assessment also includes analysis of 7 photomontages from locations that were selected to represent potential views from future dwellings within the Aqualand development at 168 Walker Street. The photomontages used for analysis were based on drone photographs taken under the supervision and direction of Urbis. Detailed analysis of the visual effects as modelled are included in **Section "5.0 Analysis of Photomontages" on page 14**.

FIGURE 2 WARD STREET MASTER PLAN

BACKGROUND

The site is located in the northern margins of the North Sydney CBD and at the northern edge of the Ward Street Master Plan area. (WSMP) and occupies site 5 (also known as site F) as shown in **"Figure 3 Future Context" on page 7**

The precinct includes some physical and visual connections to important civic spaces and proposed public domain areas to the south including Berry Square, Brett Whitely Place and the Victoria Cross Station now under construction. Built form on the site must consider access and amenity in relation to Green Square being developed on the existing Council car park site south-east of the site which will form part of Central Square.

We are advised that following Council's endorsement of the WSMP North Sydney Council provided feedback that a landowner initiated Planning Proposal would be considered for the subject site at 45 McLaren Street provided it could demonstrate its effects on the public domain areas within the WSMP, on amenity and privacy of surrounding areas. In summary any Planning Proposal would need to demonstrate its consistency with the objectives of the WSMP.

THE DRAFT CIVIC STUDY

We note that the subject site is not included in the Draft Civic Study (DCS) but that the built form proposed interfaces with surrounding sites that fall within it and which have informed the massing and form of the preferred reference design.

NORTH SYDNEY DCP 2013 PRINCIPLES RELEVANT TO VIEWS

The site falls within Section 2 of the North Sydney Planning Area Character Statement, Hampden Neighbourhood Environmental criteria;

There is an opportunity to enjoy the views from and within the area towards the Sydney CBD, Sydney Harbour, heritage items and surrounding areas

Urbis' Comment
There are no public domain views available across the site towards the Sydney CBD and Harbour. The proposed development would not create any visual impacts on views that are currently available from and along Walker, McLaren or Harnett Street

Views

P4 The following views and vistas are to be preserved and where possible enhanced:

a. *Maintain views of Kirribilli and the Harbour from Walker Street.*

Urbis' Comment
There are no such views available from the public domain streetscapes of Walker and McLaren Street in the vicinity of the subject site.

b. *Strong vista along Walker Street to southern part of CBD.*

Urbis' Comment
The vista along Walker Street is constrained to the road corridor by adjacent built forms along both sides and does not extend southwards to the north Sydney CBD due to the presence of a local knoll at the intersection of Berry Street which blocks beyond this point.

DESIRED BUILT FORM

Form, scale and massing

P1 early and original residential buildings compliment the topography to maintain views and easy access.

Urbis' Comment
The proposed built form proposed compliments the underlying typography of the site by stepping up in height in line to the north and will not block views from the public domain south or north along Walker Street.

2.0 VISUAL CONTEXT

THE EXISTING SITE

The subject site is rectangular in shape and is located on the southern side of McLaren Street at its intersection with Walker Street. It presents its longest boundaries to Harnett Street to the west and Walker Street to the east and adjoins a contemporary residential flat building to the south. To the north on the opposite side of McLaren Street a residential tower known as the Aqualand Development at 168 Walker Street is under construction. The Hampden Street character area east of the site includes one and two-storey terrace style development which occupies lower topography relative to the subject site.

The site includes a simply massed part-three and part-four storey 1980's style residential flat building which is characterised by brown clinker brick, wide external concrete balconies to the east and ground level car parking below. Narrow balconies are included along its west elevation to Harnett Street and isolated and semi-mature vegetation is located around its boundaries.

WIDER VISUAL CONTEXT

In order to understand how the development may affect the existing and wider visual context this section establishes the base line height, form and character of the existing visual environment. Walker Street runs parallel to and is in a mid-slope position relative to Miller Street to its west and the Warringah freeway to its east. Walker Street rises to a local knoll north of the site approximately opposite Wenona School near Ridge Street and falls in elevation to the south so that the subject site is near its approximate low point. Within the local topographic and visual context so that the adjacent ground levels to the west, north and south are higher relative to it. The subject site is surrounded by residential dwellings or apartment blocks that vary in architectural style and age. To the east Hampden Street and the terrace style residential development along it, sits below Walker Street carriageway level.

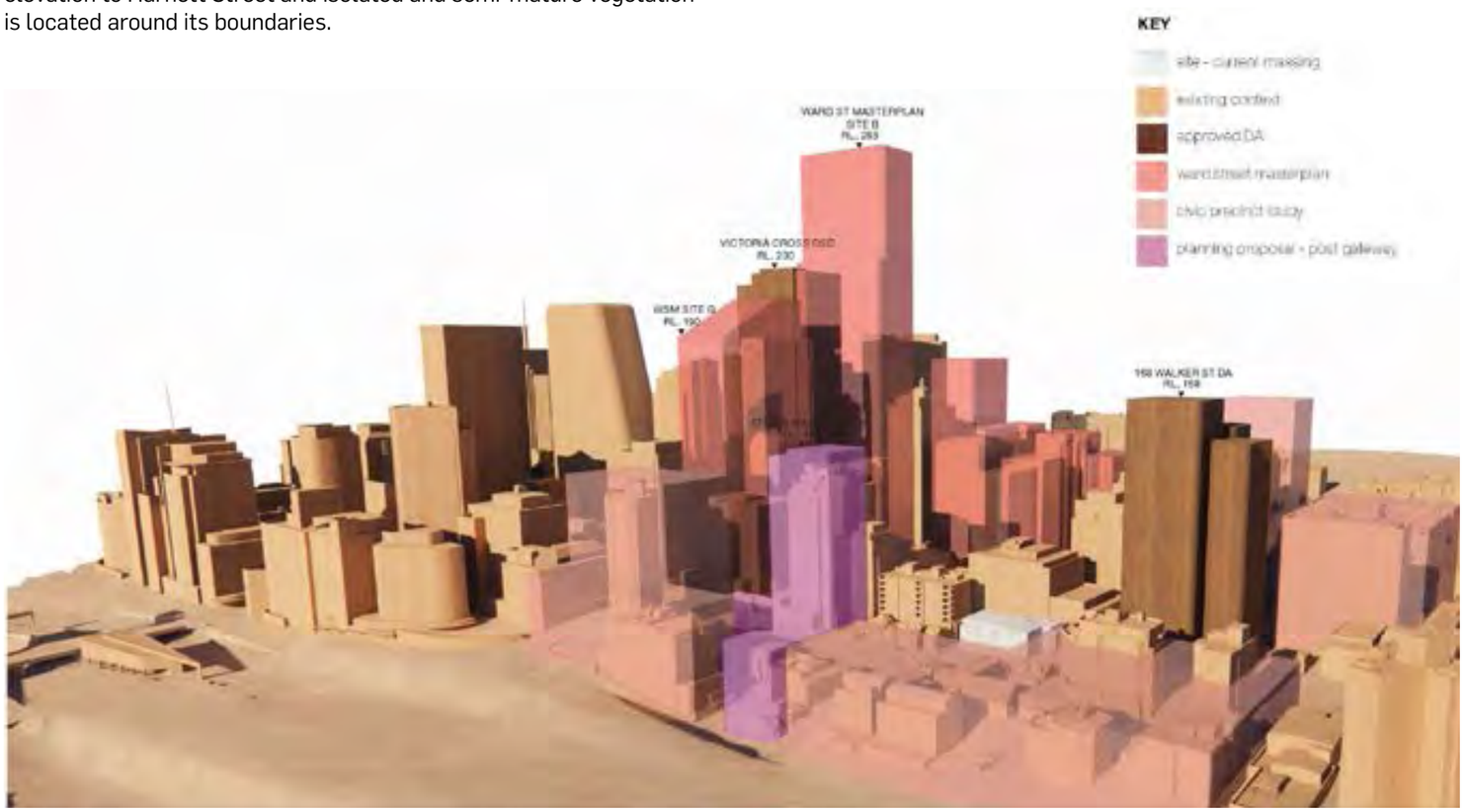


FIGURE 3 FUTURE CONTEXT

MCLAREN STREET

McLaren Street west of the subject site rises in elevation to meet the Pacific Highway which runs in a north-south alignment and occupies a local ridgeline. Development located along both sides of the street include tall tower forms including existing and approved mixed-use and residential buildings.

41 McLaren Street is currently occupied by a commercial development that is characterised by a four-storey podium and a wide setback and terrace at level 5. The building on the site (Simsmetal House) is listed as a heritage item in Schedule 5 of the North Sydney LEP 2013. Terraces and setbacks at level 8 create a stepped built form presentation to McLaren Street where the tallest part is massed to the south-rear of the site. Urbis is aware that this site has been the subject of several recent Planning Proposals all of which have included significant uplift for the site.

We note that previous Planning Proposals for the site including significant additional height have not been supported by Council or relevant Planning Panels. Notwithstanding, it is likely in this urban and strategic context of that a future proposal will include similar or greater height on part of the site than currently exists.

Two residential apartment towers are located at the west end of McLaren Street including a 13 storey building the "McLaren Apartments" at 39 McLaren Street and the "Harvard Apartments" at 237 Miller Street which includes approximately 17 storeys at the south-east corner of McLaren and Miller Streets. The McLaren Apartment building includes a square-shaped floor plate including external balconies and windows along each elevation including to the east and towards the subject site. 237 Miller Street is a mixed-use development with residential development located on its upper floors some of which present to the east and south.

MILLER STREET

The east side of Miller Street, west of the subject site includes a row of recently completed towers of similar height, form and character. These include residential developments and hotel accommodation which appear to include approximately 17 residential storeys and are characterised by 5 storey podiums and narrow setbacks to the tower forms. 231, 229, 225 and the Quest Hotel at 223 Miller Street are located within the immediate visual catchment of the subject site. 229 Miller Street 'The Vantage' accessed via a lane way between 231 and 225 Miller Street being the closest residential development where part of its eastern elevation aligns with the rear of both 41 and 45 McLaren St. To its south the Quest Apartment Hotel also presents to the east where angled projected balconies overlook part of 41 McLaren Street and beyond to southern most section of the subject site. Marketing information available on line in relation to 231 Miller Street (the Miller), The Vantage and Quest indicates that mid to high level living spaces and hotel rooms along the east elevation of each building would have access to some views to the east, south-east and north-east which may include parts of the site.

WALKER STREET

The former SAP site at No.168 Walker Street occupies a large rectangular- shaped block at the north-west corner of McLaren Street. A residential tower developed by 'Aqualand' is currently under construction on the site. DA plans available online indicate that the building broadly occupies a rectangular floor plate notwithstanding it is massed into three separate pods. The Pods or vertical stacks of rooms are characterised by curvilinear façades including balconies along the south elevation which is parallel to McLaren Street. The Aqualand development springs from an elevated ground level compared to the subject site where its eastern end will directly align with the subject site and to part of the built from proposed. Further analysis in relation to the height form and potential views from this development are addressed below in section 7.0
The west side of Walker Street south of the site is characterised by contemporary high-quality mixed-use development e.g. the Belvedere and Heritage apartments. 'The Heritage' development is located at No.150 Walker Street south and adjacent to the subject site and includes the adaptive re-use of low height heritage dwellings and a contemporary tower form along the western part of this site. This development includes four modified separate federation style one and two-storey dwellings with gardens and a conjoined 8 storey contemporary residential apartment building immediately to the rear (west). The rear apartments include external balconies and windows along the eastern elevation.

The Belvedere residential tower is located further south at No.138 Walker Street and includes two connected built forms, the lower of which is 13 residential storeys in height (RL101) and the higher form including 21 residential storeys reaches RL125.

The east side of Walker Street north of the site includes residential development that is predominantly lower in height and form relative to the west side and includes two to three-storey flats and terrace houses with the exception of the Harbourview Apartments at No.191-195 Walker Street that includes eight residential storeys massed in two tower forms located on a local ridgeline north of Hampden Street.

Hampden Street is characterised by a split carriageway separated by terraced stone walls and semi- mature vegetation which provides a continuous visual screen between the two carriageways. Mature canopy trees are located at the east end of the street and along the west side of Warringah Freeway which block some low-level and street views from Hampden Street and parts of Walker Street to the east. The north side of the street is elevated relative to the south and includes two-storey residential development, the western-most of which is a semi-detached residence with a narrow setback to a two-storey terrace development that includes five dwellings.

A development proposed for 173-179 Walker Street and 11-17 Hamden Street which has received Gateway Approval includes tower and podium envelopes across a large consolidated site. We refer to this as the Cbus/Galileo development, the indicative reference schemes for which includes a long podium parallel to Walker Street and two towers, the lower of which is located at the east end of Hampden Street where the taller tower from occupies the south end of the development.

No.169 Berry Street "Century Plaza" is approximately 19 residential storeys in height and is located south-east of the subject site, close to

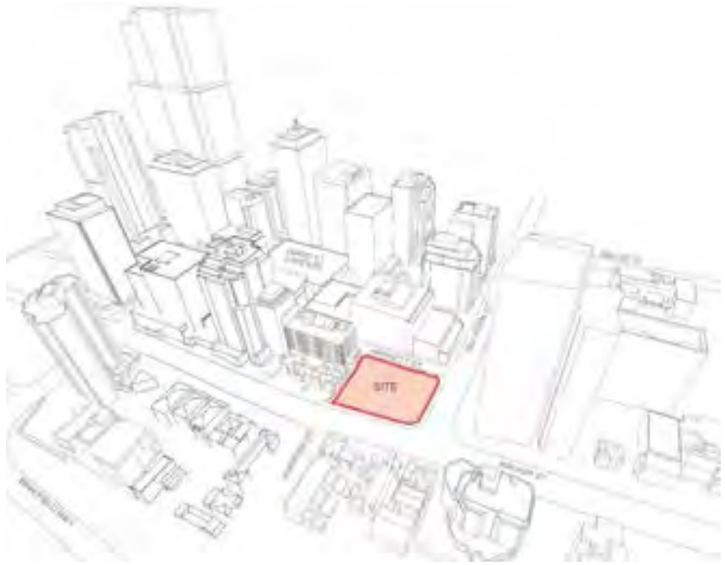


FIGURE 4 SURROUNDING HEIGHT CONTEXT

the Cbus/Galileo development. This building is characterised by two wings of apartments located either side of a central lift core, appears to be circa 1990's era, the north-west elevation is partly orientated towards the subject site. Notwithstanding the north-west elevation includes stacks windows and external balconies we observed that this building is significantly separated from the subject site.
McLaren Street and Walker Street both include mature London Plane street trees which provide positive amenity to the streetscapes and to the visual context of the site and when in leaf will contribute to screening effects in views.

STREETSCAPE CHARACTER

Streetscapes immediately surrounding the site are predominantly characterised by mixed-use residential and commercial buildings, with varying set backs and street frontage heights. This is the case for Walker, McLaren and Berry Streets. Walker Street north of its intersection with McLaren are quiet relative to the major arterial roads to the west, south and east for example Miller Street and Berry Street and include mature street trees which contribute positively to the visual amenity of the streetscapes.

Hampden Street includes a lower density and scale of residential development including terrace-style dwellings and individual three-story residential flat buildings. Streetscapes within the Hampden neighbourhood precinct and along the east side of Walker Street are currently characterised by low front fences, gardens and wide front setbacks.

Notwithstanding, the streetscape character is set to change significantly with the construction of built forms permissible within the Cbus/Galileo development. This development will introduce contemporary built forms, activated streetscapes and public domain areas with built form street frontages of greater height than currently exist.

PROPOSED DEVELOPMENT

The **'amended'** Planning Proposal (2021) and submitted reference scheme have been prepared in support of the site's redevelopment from a four – five storey residential flat building to a mixed-use development, with an FSR of 6.25:1, maximum height of RL 114 on the northern portion of the site and include a stepped form of 10-14 storeys. This is commensurate with the existing and desired future character of the Ward Street Precinct and surrounds.

The **'amended'** Planning Proposal (2021) will enable the site to be redeveloped for retail and residential purposes, with a commercial/ retail podium activating Harnett and McLaren Streets, and residential land uses fronting Walker Street and in the tower form above.

The proposed height, density and associated reference scheme have been designed to sit comfortably on the site, adjacent to the heritage-listed terraces and within the emerging context of North Sydney, whilst ensuring adequate solar protection to the future public realm within Ward Street.

It is envisaged that future development on the site could result in a carbon-neutral building, east-west through site linkages and landscaped terracing.

In summary, the **'amended'** Planning Proposal (2021) seeks to amend the NSLEP 2013 as follows:

- To amend the maximum height of buildings and use a split height control across the site, with the southern portion having a maximum height of RL 101 and northern portion having a maximum height of RL 114.
- Introduce a maximum floor space ratio of 6.25:1.

This description relates only to the visual attributes of the proposed development rather than its technical planning inclusions or internal uses. The **'amended'** Planning Proposal (2021) allows for the demolition of the existing building on the site and subsequent to the approval, the construction of a mixed-use, low-medium height tower form on the site.

Plans prepared by Bates Smart show that the tower form will step up in height from the south to the north broadly reflecting the underlying topography so that tallest part of the built form at level 13 is located parallel and adjacent to McLaren Street at the north end of the site. The massing and height of the built form proposed have been informed by the solar access guidelines included in the WSMP.

In addition the massing of the building steps away from the Walker Street frontage to the west as it increases in height, which provides a respectful interface with the low-height built form streetscape character of Walker Street and Hampden Streets opposite the site to the east.

The highest part of the proposed built form will reach RL 113.8 some 28.3m higher than the adjacent contemporary building at 150 Walker Street but significantly lower than the tower form at 168 Walker Street to the north reaching only approximately half of its height.

FIGURE 5 SITE PLAN

3.0 VISUAL CATCHMENT

The visual catchment of the proposed development has been mapped approximately as shown in **"Figure 6 Approximate Visual Catchment" on page 11**. The total potential visual catchment (the area in which there is any visibility of an item) can be distinguished from the effective visual catchment. The effective catchment is the area within which there is sufficient detail to perceive the nature and quality of a development, as well as the potential for it to have negative effects, for example on specific views, settings, streetscapes or items of scenic or cultural significance. The effective visual catchment is smaller than the total visual catchment.

VIEWS ACCESS - PUBLIC DOMAIN

View compositions available from within the public domain in the immediate context of the site includes features typical of a commercial residential mixed-use environment and streetscape features described in **"2.0 Visual Context" on page 7** and **"Streetscape Character" on page 9**.

Existing view access from surrounding streets is constrained largely to road corridors by built form. The presence of street trees further restricts view access from streetscapes. The existing site is visible from the closest parts of McLaren Street and Walker Street including in oblique views to the north from the intersection of Walker and Berry Streets and similarly close oblique views to parts of the site are available from the intersection of Miller and McLaren Streets.

The upper parts of the proposed built form will be visible from the northern and elevated section of Civic Park in Miller Street access to which will depend on the finished height of the Victoria Cross Metro Station northern services building at the north-east corner of Miller Street and McLaren Street.

There appears to be no direct access to views to the site from north Sydney Oval. Views from the north along Walker Street from near Ridge Street are constrained by intervening built form and street tree vegetation. The steep fall in elevation from Ridge Street towards the site means that the majority of the built form proposed will sit below the horizontal view and in addition parts of the proposed building would be block by the Aqualand development once completed.

View compositions available from within the public domain in the immediate context of the site includes features typical of a commercial residential mixed-use environment and streetscape features described in **"2.0 Visual Context" on page 7** and **"Streetscape Character" on page 9**.

There is no view access across the existing site and dwellings from areas of higher elevation in Walker and McLaren Streets to scenic or more highly valued features e.g. parts of Sydney Harbour. In addition, there appears to be a limited prospect of medium or distant views from pedestrian paths in McLaren Street and Walker Street in the vicinity of the site to scenic or more highly valued features.

Potential views towards Kirribilli and beyond to parts of Sydney Harbour from Walker Street if available from the public domain would not be affected by the proposed development. As previously noted, there is no access to scenic views including the strong vista along Walker Street to southern part of the North Sydney CBD referred to in the North Sydney DCP.

EXISTING VIEW ACCESS - PRIVATE DOMAIN

This analysis of likely views access from neighbouring residential developments is based on an inspection of views from the roof top at 41 McLaren Street and on fieldwork observations made from street level within the effective visual catchment.

From the roof top at 41 McLaren Street we observed the uniform window stacks, balconies and likely location of living spaces of neighbouring buildings. We observed and documented the rear-east elevations of 39 McLaren Street, 237, 231, 229, 225 Miller Street and the Quest building to gain an understanding of the spatial relationship between these buildings and the subject site. In our opinion some residential apartments may be potentially affected by view loss or view blocking as a result of construction of a tower on the subject site.

Those potentially most affected are located at higher elevation to the west and directly align with the subject site to the east and may have access to views of scenic composition to the east and south-east. For example; apartments located along the east elevations at the upper floors at 39 McLaren Street and the adjacent and up slope “Harvard Apartments” at 237 Miller Street. Of these the closest neighbour at 39 McLaren Street is likely to have the greater access to views some of which may include scenic and valued composition and features as described in Tenacity.

Access to views from east-facing elevations of towers in Miller Street including 231, 229, 225 and the Quest Hotel at 223 Miller Street will vary depending on their alignment with the site and intervening built forms. Views access from all the but the upper

floors or floor units at 231 Miller street will be constrained by the blocking effects of 39 McLaren Street. The rear (east) elevation of 229 Miller Street 'The Vantage' is broadly aligned with the rear boundary of the subject site. From the upper most floor or floors the distant background composition will include parts Sydney Harbour. It is likely that part of the distant composition may be affected by potential view loss. Access to such views may also be affected by any future development or change in height and massing at 41 McLaren Street and by the eastern tower form of the potential built from massing within the East Walker Street precinct (the Cbus/Galileo development).

Notwithstanding the composition of existing easterly and south-easterly views is likely beyond the immediate foreground of lower buildings, to include distant district views predominantly characterised by vernacular residential development, distant parts of Sydney Harbour. Oblique Views from some external balconies at the upper floors of the Vantage and buildings to its south including the Quest may include parts of Sydney CBD and icons for example the Sydney Harbour Bridge and Sydney Opera House. From internal spaces in such oblique views to the south-east it is unlikely that access to views that include scenic and highly valued items would be available due to the intervening building structures for example party walls.

East-facing apartments at the Quest Hotel adjoin and potentially overlook the Council car park within the WSMP. Views from Quest rooms and balconies will be available to the east however we observed that that his building does not align directly with the subject site.

VIEWS FROM THE AQUALAND DEVELOPMENT AT 168 WALKER STREET

Potential views from the Aqualand development are addressed in detail in **"5.0 Analysis of Photomontages" on page 14.**

OTHER VIEWS

We anticipate that views from other lower residential development located along the west side of Walker Street would be unaffected by the proposed development. The orientation of residential flat buildings such as 'The Heritage', from Hampden Street and form the Century Plaza are unlikely to be significantly affected by the proposed development.

SUMMARY OF VISUAL EFFECTS ON PRIVATE DOMAIN VIEWS

Urbis determined that potential view loss would be likely to occur in relation to the closest dwellings to the west and north-west including southerly views from the upper floors of the Aqualand development, 39 McLaren Street and potentially the Vantage at 229 Miller Street.

Notwithstanding views from other towers along Miller Street as discussed above are likely to be available to the north-east and including the subject site, a future building on the site of greater height and scale as proposed is unlikely to create any significant view loss or blocking effects.

Potential view loss caused in relation to towers along Miller Street (south-west of the site) in our opinion is likely to be minor and would not result in the loss of scenic or valued items as defined in Tenacity. In our opinion it would be impractical in this urban visual context to be able to maintain the existing access to views by manipulating the massing of the **'amended'** Planning Proposal (2021) for that specific purpose.

We observed that views from the upper floors at the McLaren Apartments and The Harvard to the east and south-east are likely to be potentially affected to a minor extent given their spatial separation from the site and the value of the part of the view that may be potentially affected.

Future development at 41 McLaren Street is likely to potentially affect access to easterly views from these residential developments. Taking into consideration the angle of view, in our opinion the likely extent of view loss in relation to these locations would be minor.

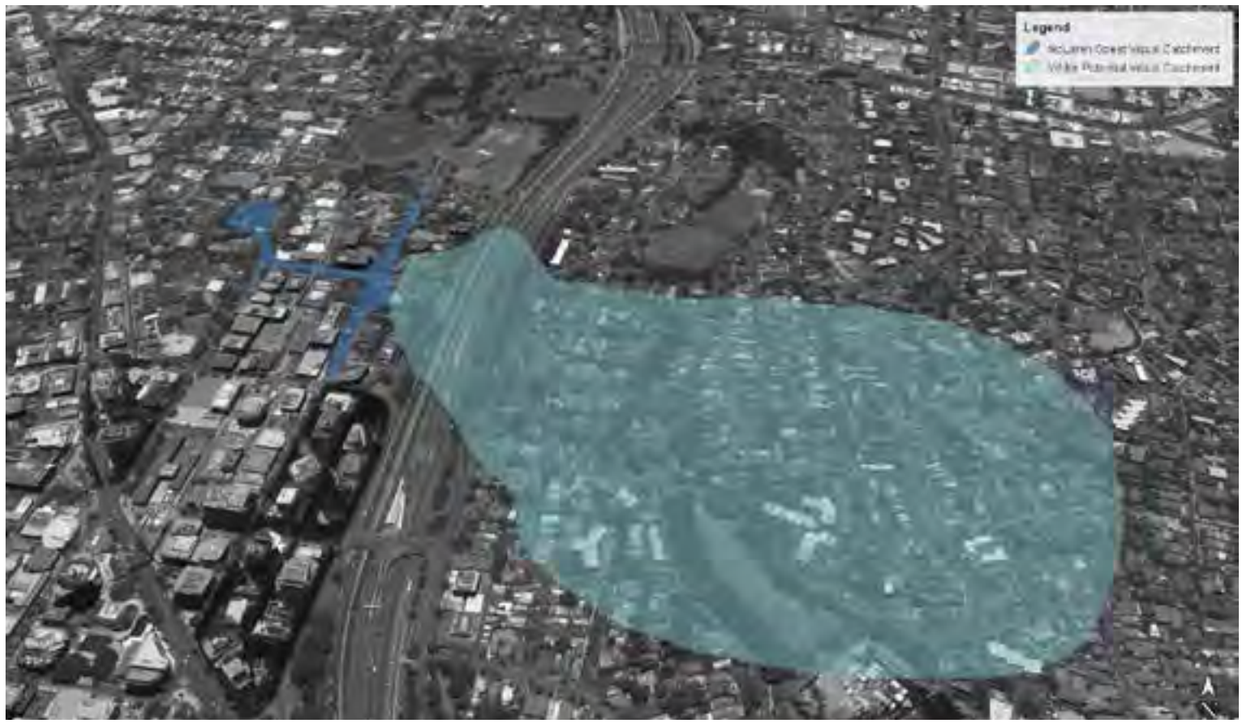


FIGURE 6 APPROXIMATE VISUAL CATCHMENT

4.0 PLANNING PRINCIPLES

PLANNING PRINCIPLES RELEVANT TO PRIVATE DOMAIN VIEW SHARING

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

Tenacity is not case law but provides guidance as to how view loss can be assessed. The planning principle is described by the Court as a statement of a 'desirable outcome' aimed at reaching a planning decision and defines a number of appropriate matters to be considered in making the planning decision. Therefore, the importance of the principle is in outlining all relevant matters and or the relationships of factors to be considered throughout the process and is not simply to list features that could be lost.

View loss or blocking effects refers to the extent to which a proposal is responsible for blocking access to an existing view or part of the composition of a view. The principle also describes the extent of view loss using a qualitative scale and takes into consideration the value of features in each composition and from where the views are available. Photomontages are frequently used as objective aids to assist in modelling and therefore quantifying the extent of visual change that would occur.

An assessment against *Tenacity* would require an inspection of views from individual dwellings which in this case is not possible in relation to the Aqualand development. Therefore the analysis of each photomontage follows the general steps and objectives of Tenacity which is included below for completeness.

TENACITY PLANNING PRINCIPLE

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

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

Tenacity includes descriptions of highly valued features, iconic views and whole views which refer to the particulars of that matter, for example water and areas of land-water interface. By describing the nature and composition of the views and rating the value of the composition *Tenacity* suggests that if there if there is no substantive view loss in qualitative or quantitative terms or if the items lost are not considered to be highly valued in *Tenacity* terms, then the threshold to proceed to Step 1 may not be met and continuing with other steps in the process may not be justified.

The visual effects of the proposed development are assessment against *Tenacity* in relation to each photomontage view included above in **"5.0 Analysis of Photomontages" on page 14**. The steps in the assessment are included below for completeness.

STEP 1 VIEWS TO BE AFFECTED

"The first step is the assessment of views to be affected. 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".

STEP 2

The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic

STEP 3

The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

STEP 4

The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The fourth step in *Tenacity* refers to the skilful design of the proposed development. This step is only applicable if the proposed development complies with all relevant controls. The so called 'test' is not about whether a design is skilful, in the sense of the architect's expertise in creating a successful architectural composition; instead the intent of the fourth step is to look for opportunities within the massing and form of the proposal to minimise the impact on views across the site, whilst maintaining the capacity to reasonably develop the site. We comment that this step in the assessment cannot be meaningfully applied, given that the **'amended'** Planning Proposal (2021) seeks to change existing planning controls.

ARNOTT

The use of *Tenacity* for assessment should be considered in the context of another judgement in *Arnott v City of Sydney (2015) NSWLEC 1052 (Arnott).*

Commissioner O'Neill in *Arnott* agrees that notwithstanding the presence of an icon or part of an icon in the view composition, the whole view which includes an individual or isolated iconic element, may not be considered as an iconic view according to criteria in *Tenacity*. Therefore the presence of a distant background composition which includes areas of open water and some land-water interfaces and does not include any distinct individual icons may not be sufficient to describe the views available as 'iconic'. For example a view to the east from low-levels at position 1, 2 or 3 in our opinion would not be considered iconic notwithstanding it includes some scenic features albeit in the distant background.

Arnott cites the difficulty and utility of applying a *Tenacity* assessment to individual units In relation to view loss caused for units within the same residential flat building such is the case for the Aqualand Development, where the potential to re-mass the proposed development in a way that improves view sharing for units in an adjoining residential flat building, is difficult or would limit the development potential of the site.

We comment that in the majority of views as modelled, view loss was rated as minor or negligible and medium for only two locations, which we consider to be a reasonable level of view sharing whilst at the same time allowing for the realisation of the site's development potential.

Arnott goes on to state;
"Dr Roseth's own words at paragraph 29 of the Tenacity planning principle, 'whether a more skilful design could provide the applicant with the same development potential and amenity' It is partly for this reason that the Tenacity planning principle is less helpfully applied to impacts on views from individual apartments within residential apartment buildings, as there are generally more limited opportunities to rearrange massing to preserve what is often a singular orientation to a view. For this reason, it is also appropriate to consider the residential apartment building as a whole in assessing view impacts."

5.0 ANALYSIS OF PHOTOMONTAGES

Urbis recommended that drone photography be employed to take photographs from the closest and potentially most affected neighbouring residential development at Aqualand.

This assessment is based on an analysis of block model photomontages prepared by Virtual Ideas which include an architectural model prepared by Bates Smart.

The photomontages were prepared following guidance and direction provided by Urbis in relation to the use and locations of drone photography provided by Virtual Ideas.

Urbis reviewed approved Aqualand DA drawings including the south elevation of the residential tower forms to determine RLs and locations across the elevation that would provide a range of indicative views to inform a view sharing assessment.

Photomontages in this report include the **'amended'** Planning Proposal (2021). In this regard we can compare the visual effects of the **'amended'** Planning Proposal (2021) and the **'original'** Planning Proposal (2020).

DOCUMENTED VIEWS

The drone was flown at 3 levels per vertical stack
Low level; RL95.6 (approx equiv to level 6 +1.6m for eye height)
Mid-level; RL 122.6 (approx equiv to level 15 +1.6m for eye height)
High level; RL 139.6 (approx equiv level 21 +1.6m for eye height

Three heights per position:

1. Position 01
2. Position 02

- 25.6m
- 58.6m
- 69.6m

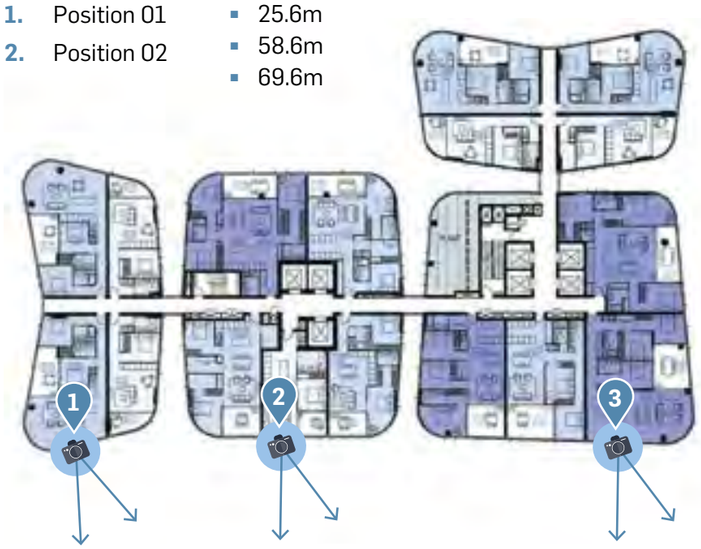
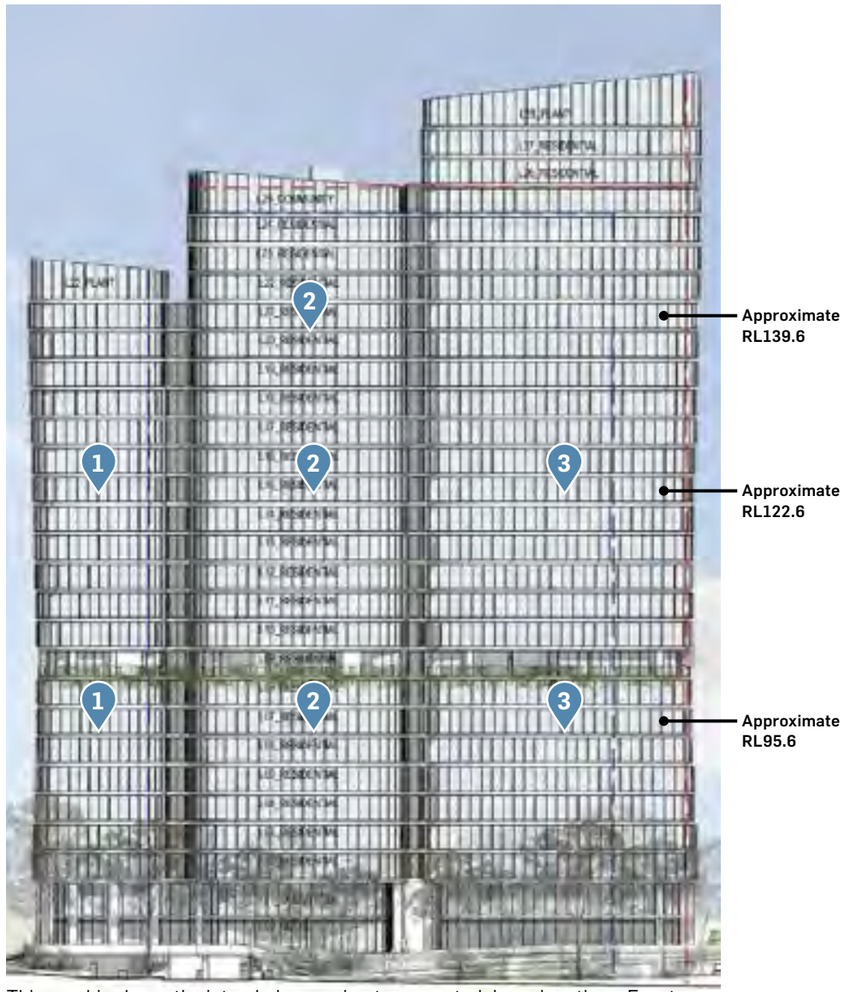


FIGURE 7 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION



This graphic shows the intended approximate requested drone locations. Exact locations and RL's for the drone are recorded in the Virtual Ideas Methodology Report appended to this report.

ANALYSIS OF VISUAL EFFECTS

VIEW FROM POSITION 01 - HEIGHT RL92.36

West stack, low level, approximately equivalent to level 7

Visual effects of the proposed development on potential view

The proposal will introduce new built forms into the foreground of the view which will block parts of the wider more expansive view to the south-east. The built form proposed will predominantly block access to background development including the potential built from massing within the East Walker Street precinct (the Cbus/Galileo development). The proposed development will block an additional section of the column of the composition east of the Cbus/Galileo envelope which includes distant parts of Sydney Harbour. Additional drone photos show that views to the east, south, south-west and west will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard the composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Moderate - minor

Summary of Visual Effects

Part of the scenic background composition will be blocked by the potential built form within the East Walker Street precinct (the Cbus/Galileo development). The proposed development will therefore largely block views to other built forms and an additional section of view to the east. The section of view to be blocked by the proposed development includes some scenic elements and constitutes a narrow section of a wider whole view. The level of view loss when considered in the context of the site's location at the edge of the North Sydney CBD, is considered to be reasonable. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to others present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss if assessed against the *Tenacity* view sharing principles, would be considered as moderate overall. The level of view sharing achieved in our opinion, is considered to be reasonable an is rated as moderate overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

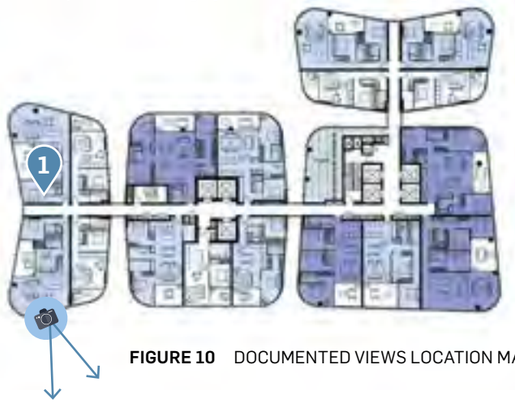


FIGURE 10 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

FIGURE 8 ORIGINAL PHOTOGRAPH

FIGURE 9 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

FIGURE 11 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 01 - HEIGHT RL126.27

West stack, mid level, approximately equivalent to level 15

Visual effects of the proposed development on potential view

The proposal will introduce a contemporary built form into the lower foreground composition blocking a small part of the an expansive view to the south-east. The built form proposed will block views of urban development including part of the Cbus/ Galileo envelope. Additional drone photos recorded show that views to the east, south, south-west and west will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard the composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Minor

Summary of Visual Effects

The majority of the scenic background composition will be blocked bythe East Walker Street precinct (the Cbus/Galileo development). The proposed development will therefore largely block views to other built forms and an additional section of view to the east. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to others present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss is rated as minor overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

FIGURE 12 ORIGINAL PHOTOGRAPH

FIGURE 13 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

FIGURE 15 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

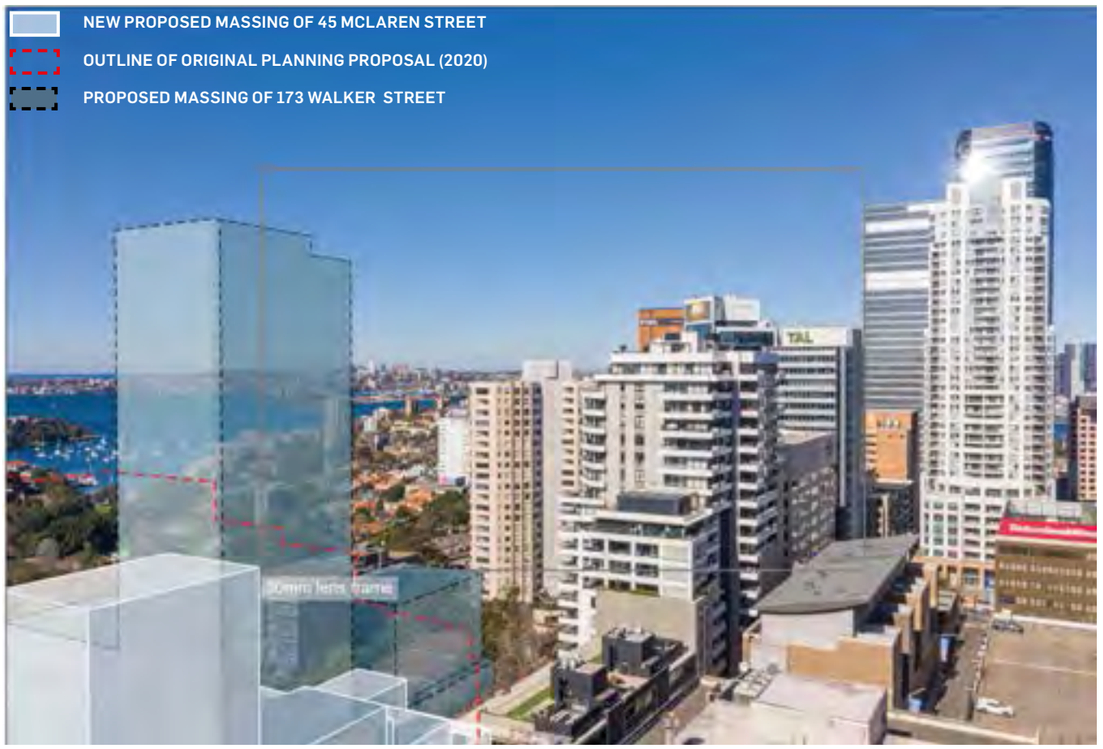


FIGURE 14 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 02 - HEIGHT RL93.28

Middle stack, low level, approximately equivalent to level 7

Visual effects of the proposed development on potential view

The proposal will introduce new contemporary built form into the foreground composition and will block background urban development, tower forms in Walker Street and all of the potential built from massing within the East Walker Street precinct (the Cbus/Galileo development). The proposed development will block a short narrow section of the composition east of the Cbus/Galileo envelope which includes distant parts of Sydney Harbour. Additional drone photos recorded show that views to the east, south, south-west and west will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard the composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Moderate

Summary of Visual Effects

Parts of the scenic background composition will be blocked by proposed development within the East Walker Street precinct (the Cbus/Galileo development). The proposed development will block views to this and other development and will block a narrow additional section of view to the east including open areas of Sydney Harbour. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to others present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss if assessed against *Tenacity* view sharing principles, in our opinion would be rated as moderate overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

FIGURE 16 ORIGINAL PHOTOGRAPH

FIGURE 17 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

FIGURE 19 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

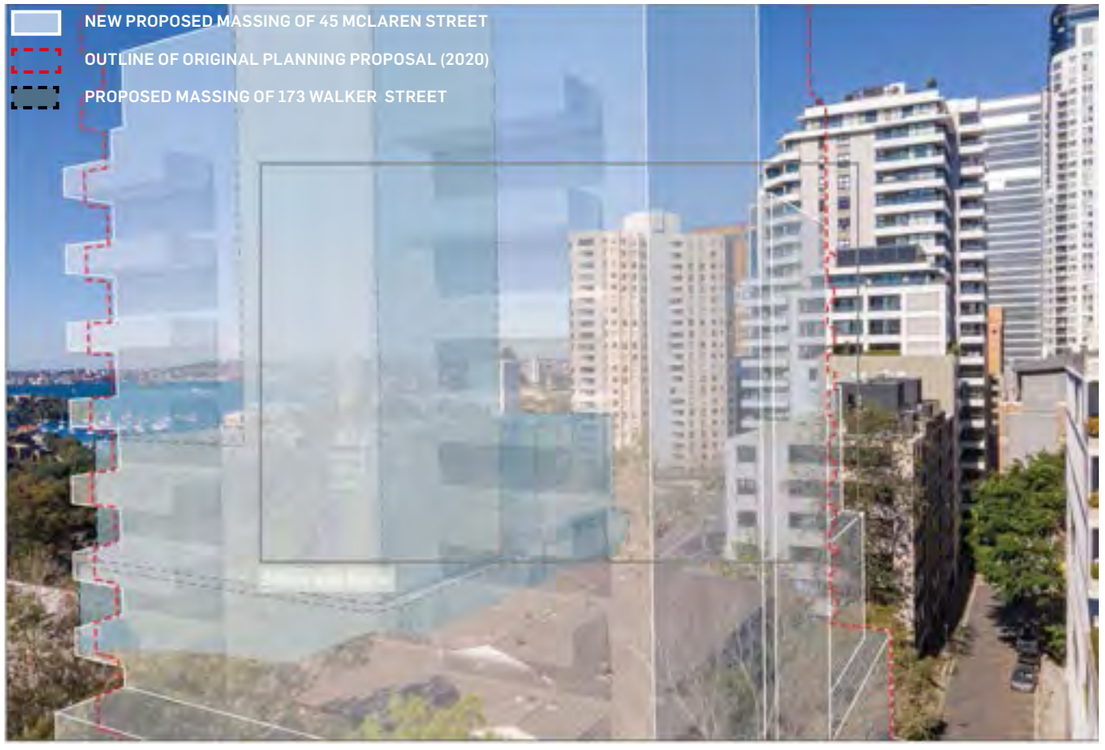


FIGURE 18 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 02 - HEIGHT RL126.11

Middle stack, mid level, approximately equivalent to level 15

Visual effects of the proposed development on potential view

The proposal will introduce a contemporary built form into the lower foreground composition blocking a minor part of the view to the south-east. The built form proposed blocks views of urban development including part of the proposed built form within the East Walker Street precinct (the Cbus/Galileo development). Additional drone photos recorded at this location show that expansive views to the east, south, south-west and west that are available, will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard the composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Minor

Summary of Visual Effects

The proposed development will block a minor amount of the view and does not block access to scenic or iconic items. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to those present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss if assessed against *Tenacity* in our opinion would be rated as negligible overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

FIGURE 20 ORIGINAL PHOTOGRAPH

FIGURE 21 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

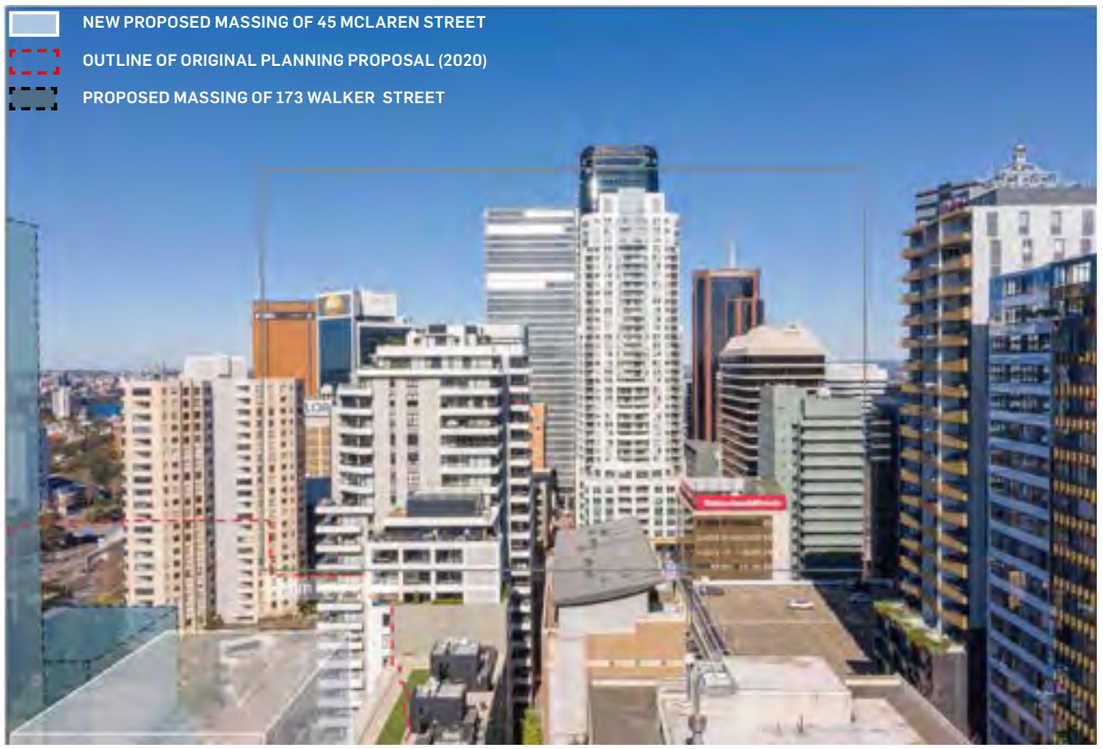


FIGURE 22 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

FIGURE 23 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

VIEW FROM POSITION 02 - HEIGHT RL135.07

Middle stack, high level, approximately equivalent to level 21

Visual effects of the proposed development on potential view

The proposal is not visible in this horizontal view.

Indicative Tenacity Assessment

The proposal will not generate any significant visual effects in this view.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Not applicable.

Summary of Visual Effects

The proposed development does not create any negative view sharing outcomes.

FIGURE 24 ORIGINAL PHOTOGRAPH

FIGURE 25 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

FIGURE 27 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

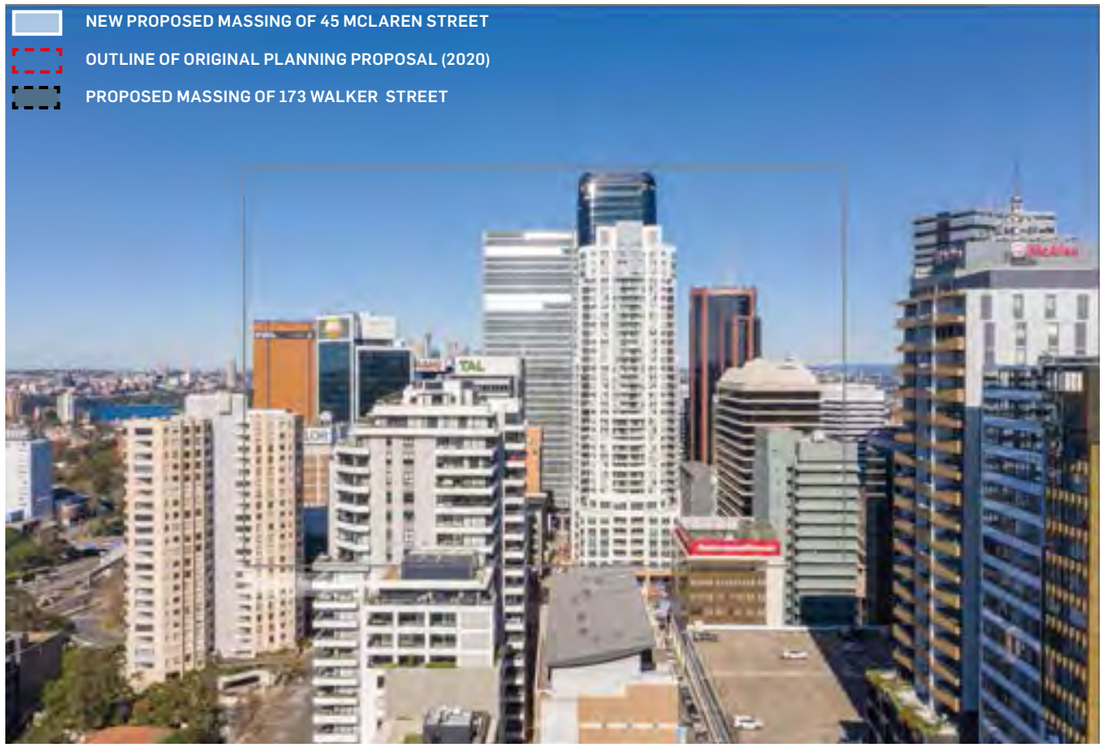


FIGURE 26 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 03 - HEIGHT RL93.57

East stack, low level, approximately equivalent to level 7

Visual effects of the proposed development on potential view

The proposal will introduce a contemporary built form into the central section of the foreground composition and will block urban development to the south. Whilst the built form proposed will change the spatial arrangement and nature of the composition it does not block access to scenic features as defined in *Tenacity*. Additional drone photos recorded at this location show that expansive views to the east, south, south-west and west that are available, will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard thh composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Moderate-minor

Summary of Visual Effects

The proposed development will block a moderate extent of the view and does not block access to scenic or iconic items. The composition lost is not considered to be scenic or highly valued as assessed against *Tenacity* view sharing principles. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to those present in the immediate and wider visual context. The composition of views to the west, south and east will remain unaffected. The extent of view loss if assessed against *Tenacity* is rated as minor overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

FIGURE 28 ORIGINAL PHOTOGRAPH

FIGURE 29 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

FIGURE 31 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

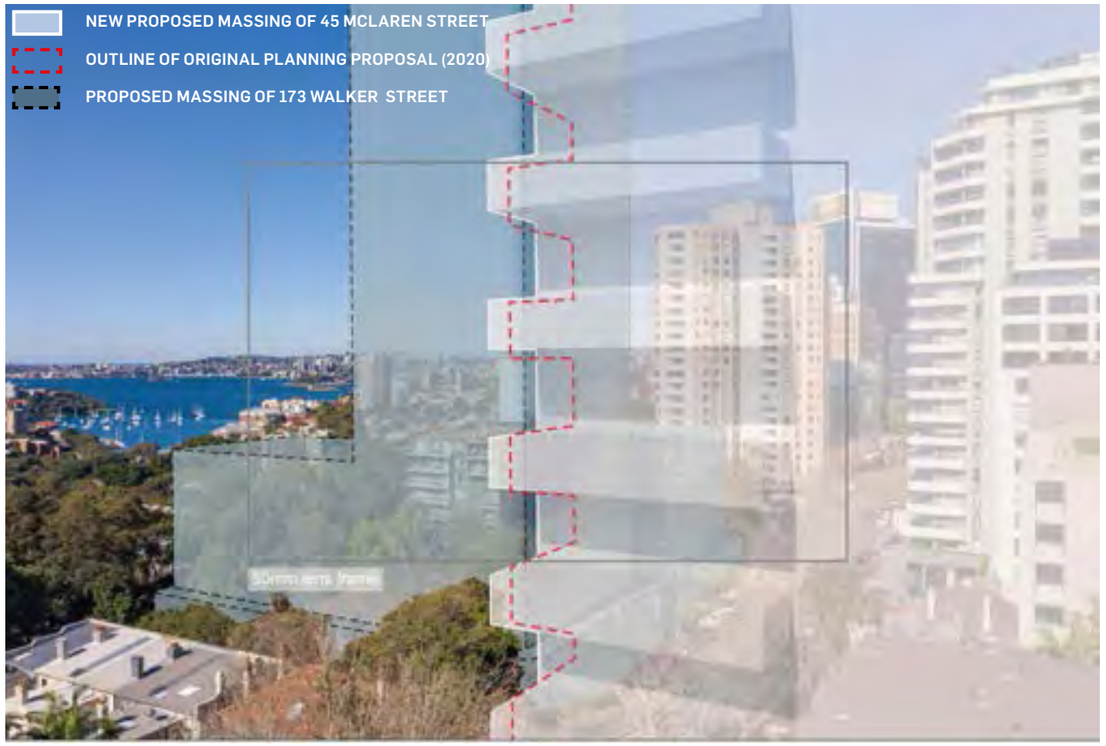


FIGURE 30 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

VIEW FROM POSITION 03 - HEIGHT RL127.15

East stack, mid level, approximately equivalent to level 15

Visual effects of the proposed development on potential view

The proposal will introduce built form into the lower foreground composition blocking a minor part of the view to the south of urban development. Additional drone photos recorded at this location show that expansive views to the east, south, south-west and west that are available, will remain unaffected by the proposed development.

Indicative Tenacity Assessment

The room type and number of rooms potentially affected is unknown. For assessment purposes we have assumed that this view is from an external terrace a primary living area which offers the best view available in other words is the least constrained by internal structures, walls or party walls. In this regard the composition represents the 'worst case' view or the view with the greatest potential to be affected by view loss.

Rating of the Extent of View Loss using *Tenacity* Ratings of Negligible, Minor, Moderate, Severe and Devastating

Minor

Summary of Visual Effects

The proposed development will block a minor amount of the view and does not block access to scenic or iconic items. The built form proposed will be visible in the context of other development that is not dissimilar in form, height and character to those present in the immediate and wider visual context. The composition of views to the west and east will remain unaffected. The extent of view loss if assessed against *Tenacity* is rated as minor overall and the level of view sharing achieved is considered reasonable and acceptable in this highly urbanised visual setting.

FIGURE 32 ORIGINAL PHOTOGRAPH

FIGURE 33 ORIGINAL PHOTOGRAPH WITH SURVEYED REFERENCE POINTS

FIGURE 35 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

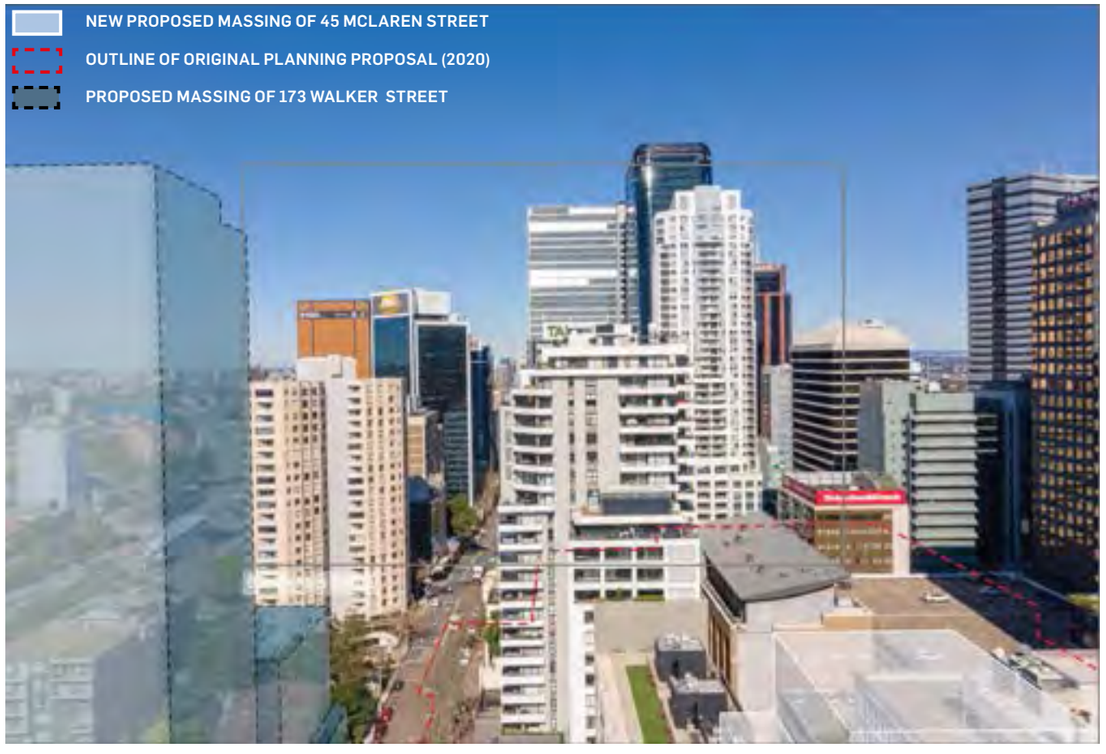


FIGURE 34 PHOTOMONTAGE INDICATING PROPOSED INDICATIVE BUILDINGS

6.0 PRIVATE DOMAIN ADDITIONAL DOCUMENTED VIEWS

PLATE 1 : VIEW SOUTH TO CBD FROM POSITION - 01 AT RL 95.60m

PLATE 2 : VIEW WEST FROM POSITION - 01 AT RL 95.60m

FIGURE 36 ADDITIONAL VIEWS LOCATION MAP AND ELEVATION

PLATE 3 : VIEW EAST FROM POSITION - 01 AT RL 122.6m

PLATE 4 : VIEW SOUTH-WEST FROM POSITION - 01 AT RL 122.6m

FIGURE 37 ADDITIONAL VIEWS LOCATION MAP AND ELEVATION

PLATE 5 : VIEW EAST FROM POSITION - 01 AT RL 139.6m

PLATE 6 : VIEW SOUTH-WEST FROM POSITION - 01 AT RL 139.6m

FIGURE 38 ADDITIONAL VIEWS LOCATION MAP AND ELEVATION

PLATE 7 : VIEW EAST FROM POSITION - 02 AT RL 95.60m

PLATE 8 : VIEW WEST FROM PO2 - 01 AT RL 95.60m

FIGURE 39 ADDITIONAL VIEWS LOCATION MAP AND ELEVATION

PLATE 9 : VIEW SOUTH EAST FROM POSITION - 02 AT RL 122.6m - UNAFFECTED BY THE BUILT FORM PROPOSED

PLATE 10 : VIEW WEST FROM POSITION - 02 AT RL 122.6m

FIGURE 40 ADDITIONAL VIEWS LOCATION MAP AND ELEVATION

PLATE 11 : VIEW SOUTH-EAST FROM POSITION - 02 AT RL 139.6m - UNAFFECTED BY THE BUILT FORM PROPOSED BUT IMPACTED BY THE CBUS/GALILEO ENVELOPE MODELLED IN BLUE IN THE PREVIOUS PHOTOMONTAGES

PLATE 12 : VIEW WEST FROM POSITION - 02 AT RL 139.6m

FIGURE 41 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

PLATE 13 : VIEW SOUTH-EAST FROM POSITION - 03 AT RL 95.60m - UNAFFECTED BY THE BUILT FORM PROPOSED BUT IMPACTED BY THE CBUS/GALILEO ENVELOPE MODELLED IN BLUE IN THE PREVIOUS PHOTOMONTAGES

PLATE 14 : VIEW SOUTH-WEST FROM POSITION - 03 AT RL 95.60m

FIGURE 42 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

PLATE 15 : VIEW SOUTH-EAST FROM POSITION - 03 AT RL 122.6m - UNAFFECTED BY THE BUILT FORM PROPOSED BUT IMPACTED BY THE CBUS/GALILEO ENVELOPE MODELLED IN BLUE IN THE PREVIOUS PHOTOMONTAGES

PLATE 16 : VIEW SOUTH-WEST FROM POSITION - 03 AT RL 122.6m

FIGURE 43 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

PLATE 17 : VIEW SOUTH-EAST FROM POSITION - 03 AT RL 139.6m

PLATE 18 : VIEW WEST FROM POSITION - 03 AT RL 139.6m

FIGURE 44 DOCUMENTED VIEWS LOCATION MAP AND ELEVATION

7.0 VIEW SHARING SUMMARY

- The likely view sharing outcome on potentially affected dwellings in Miller Street and at 39 McLaren Street have been carefully considered based on roof top observations made from 41 McLaren Street and fieldwork.
- Due to the alignment, spatial separation from the subject site, intervening existing and potential built forms and the likely existing view compositions, in our opinion potential view loss for dwellings located along Miller Street would be minor to negligible.
- Access to vernacular views which include distant scenic features to the east and north-east from Miller Street residential flat buildings would be blocked by tower forms included in the Gateway-approved Cbus/Galileo development.
- The closest and potentially most affected potential views from the Aqualand building currently under construction have been assessed following a review of accurately prepared and certifiable photomontages based on drone photographs.
- Existing potential views from mid and upper level units will be expansive and will include some scenic and highly valued items in the composition of views to the south and south-east including parts of Sydney Harbour.
- Notwithstanding a *Tenacity* assessment requires view inspections from dwellings, we have based our analysis of view loss broadly on the objectives of this planning principle.
- Of the 7 views analysed, the majority of views would include a part of the proposed built form in existing compositions to the south and south-east.
- Low level views from each position would include the greatest proportion of new built form in the foreground of views, which predominantly replaces views of existing building development including parts of the potential built form massing within the East Walker Street precinct (the Cbus/Galileo development).
- Oblique views from all low level locations include a distant background composition which includes parts of Sydney Harbour. A vertical column of that view east of the Cbus/Galileo envelope would be lost.
- The extent of view loss for each low level view was indicatively rated as moderate or moderate to minor for example at Position 03 (west).
- The extent of view loss at medium and upper height positions was rated as minor or minor-negligible.
- Views from units above approximately level 21 are unlikely to be significantly affected by potential view loss.
- The lower form in the **'amended'** Planning Proposal (2021) reduces visibility of the proposed form in all views and in this regard reduces the level of potential view blocking effects.

8.0 CONCLUSION

A comparison of the visual effects of the 'original' Planning Proposal (2020) and 'amended' Planning Proposal (2021) shows that the reduced height and FSR generates less view blocking effects in the views modelled.

The level of view sharing achieved subsequent to the construction of the built form proposed in the 'amended' Planning Proposal (2021) is considered to be reasonable and acceptable.

9.0 APPENDICES

APPENDIX 1 - USE OF DRONE PHOTOGRAPHS AND PHOTOMONTAGES

USE OF DRONE PHOTOGRAPHS

Urbis staff provided supervision and oversight of drone photography on August 8th 2020. The drone was flown from the rooftop of 41 McLaren Street to predetermined locations and RLs above ground level. The drone path was agreed and permitted by the owners and developers of the Aqualand Development. An image of the drone path is included below. Due to construction work on the site the drone was only able to fly approximately in line with and above the south boundary of the site. The locations and RLs were based on a review of approved DA drawings of the development and were intended to provide an indication of standing views that will be potentially available approximately floor levels 21, 15, 7. Above level 21 in our opinion the visual effects of the built form proposed on views are unlikely to be significant.

The drone was fitted with a Hasselblad camera with a fixed focal length lens equivalent to a 28mm FLL using a full frame camera. The images captured are single frame and have not been manipulated or 'stitched together. The drone camera is fitted with a GPS system which writes the X, Y and Z coordinates of the drone onto each photograph. Given the heights, air movement and physical access constraints the positions of the drone at each location were not able to be independently surveyed verified. We are advised by Virtual Ideas and the drone pilot that the GPS meta data is accurate to within approximately 500mm.

FIGURE 45 DRONE PATH

LIMITS OF DRONE PHOTOGRAPHY

There are limitations in using photographs taken from a drone to simulate view loss effects on adjacent buildings, as follows:

- The drone is unable to provide a photograph from an internal or a private area. In this case the views are taken from approximately 8m further south of windows and balconies at the Aqualand development.
- The location of the camera is closer to the items viewed than would occur in a private
- Viewing location. As a result, the item causing view loss appears larger than would be the case in a view from inside a private residence.
- The drone camera is in unlimited space, whereas in a real viewing situation the view would be likely to be constrained at the sides and in the foreground by structures such as windows, reveals, doorway openings, walls, balcony floors, balustrades and other similar features. The horizontal and vertical extent of view to the human eye would therefore be reduced compared to what is shown in the drone image.
- The camera height is accurately known but the eye height relative to viewing locations in individual buildings is approximate, as floor levels would need to be established with survey accuracy.
- The equivalent focal length of the lens of the drone camera will need to be multiplied by the relevant crop factor to give a 35mm equivalent focal length (see above).
- Notwithstanding the above limitations, drone images are very useful aids to demonstrating principles for view sharing and also because they can overcome many practical constraints on gaining access to private viewing places. They provide adequate images for the purposes of photomontage preparation in these circumstances

PREPARATION OF PHOTOMONTAGES

Verification Method

The fundamental requirement to be able to certify photomontages is that there is a 3D architectural model of the proposed development which can be accurately located within the composition of a photograph.

To check the alignment of the model when inserted into each view, a number of fixed features that are visible in the composition must be established by survey. The purpose of the detailed surveying/ modelling of surrounding visible features in the view composition, is to enable a 3D virtual version of the site to be created in CAD software. If this has been done accurately, it is then possible to insert the selected photo into the background of the 3d view, position the 3d camera in the surveyed position and then rotate the camera around until the surveyed 3d points match up with the correlating real world objects visible in the photo. This is a self-checking mechanism – if the camera position or the survey data is out by even a small distance then good fit becomes impossible. It is however important to note that it is not possible for a 100% perfect fi t to occur for the following reasons:

- Variance between measured focal length compared to stated focal length,
- Minor lens distortion which varies from lens to lens and manufacturer to manufacturer,
- Absence of a suitable range of reference points on site/visible through lens
- Allowing for these limitations, Virtual Ideas demonstrated that the alignment was achieved to a high degree of accuracy.

The accuracy of alignment of the model to surrounding visible features can be seen to be excellent given that Virtual Ideas have employed the use of parts of the AAM 2018 Surveyed Sydney City Model (the City survey model) as shown by the red translucent blocks in their report.

The accuracy of the locations of the 3D model of the proposed development with respect to the photographic images was checked by Urbis in multiple ways:

1. The model was checked for alignment and height with respect to the 3D survey and adjacent surveyed reference markers which are visible in the images taken by Virtual Ideas drone pilot.
2. The camera location has not been independently verified by survey however the meta data including RLs and focal lengths and mapped locations have been reviewed by Urbis. The location of the ‘virtual’ camera in relation to the 3D model was established using GPS data gathered by the drone but refined and cross-checked using City Survey model.
3. Independently surveyed reference points captured by CMS surveyors used for alignment of the model identified in each view were used for cross-checking accuracy in a sample of images.
4. Minor discrepancies were detected between the known camera locations and those predicted by the computer software. Minor inconsistencies due to the natural distortion created by the camera lens, were reviewed by Urbis and were considered to be reasonable in the circumstances.

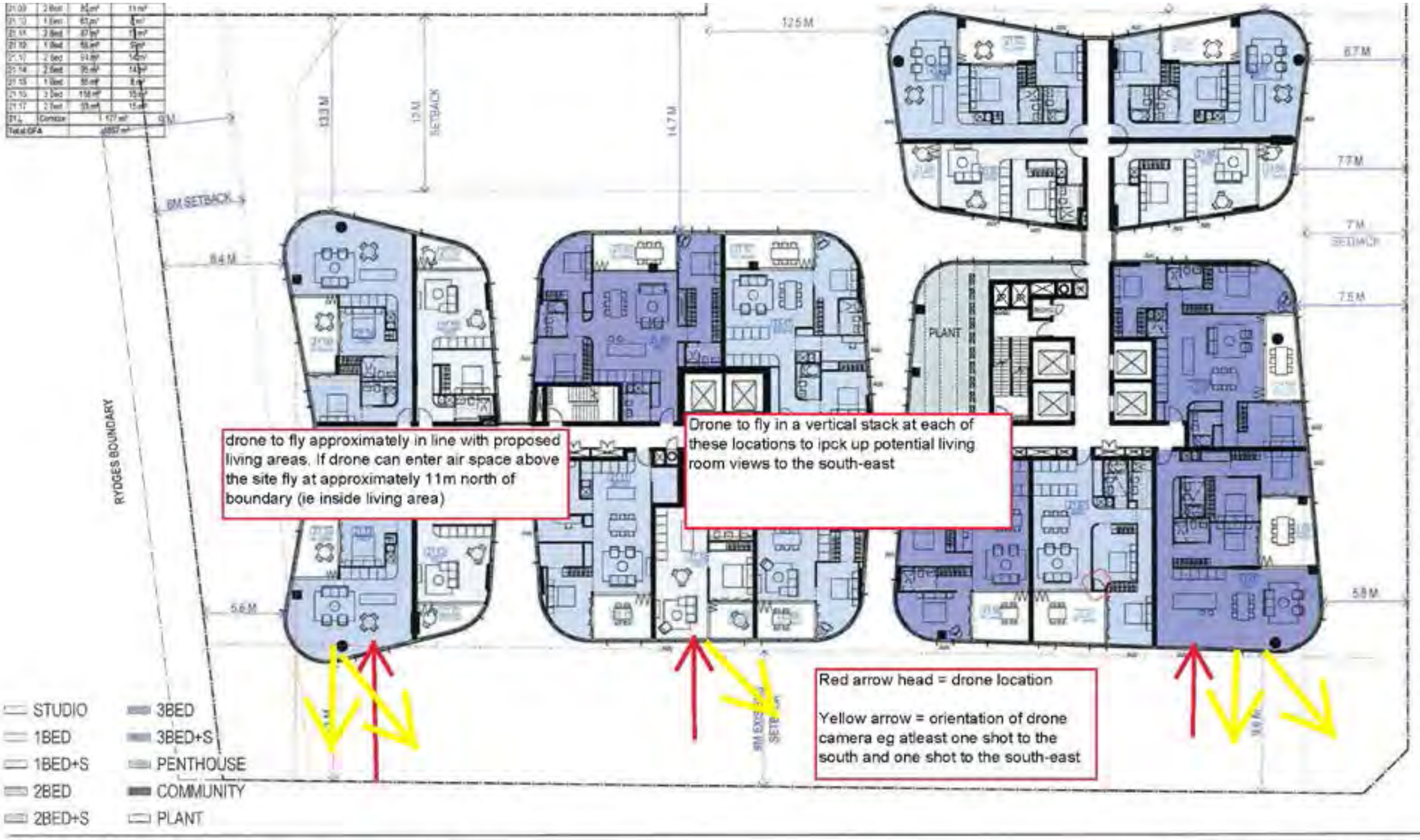
Urbis have reviewed the photomontages and is satisfied that the above process has been followed. Although the method does not strictly satisfy the practice guidelines for the use of visual aids to be used in the Land and Environment Court of New South Wales in our opinion the photomontages are accurate via the cross-checking mechanism utilising the City survey model, and provide an accurate and faithful representation of the built form envelope proposed and in our opinion can be relied upon for assessment.

APPENDIX 2 - PREPARATION OF PHOTOMONTAGES BY VIRTUAL IDEAS

APPENDIX 3 - CERTIFICATION STATEMENT

Urbis have reviewed the photomontages and is satisfied that the above requirements were met. In this regard Urbis can certify, based on the methods used and taking all relevant information into account, that the photomontages comply with the requirements for the preparation of photomontages as set out in the practice direction for the use of visual aids in the Land and Environment Court of New south Wales.

APPENDIX 4 - DRONE AND SURVEY BRIEF



WOODS BAGOT

Client: Aqualand

Project: 168 Walker St

Sheet title: Overall L21 Typical Plan

Project number	Scale	Sheet size	© Woods Bagot
120713	1 : 250	A3	
Sheet number: DA1231	Revision: B	Date: 20.05.2016	

APPENDIX 5 - SURVEY DATA FOR VIEW LOCATIONS

URBIS

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