



Visual Impact Assessment

629-639 Pacific Highway, Chatswood

Submitted to Willoughby City Council
on behalf of Polytec Australia Development Pty Ltd

3 July 2025

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Towards Harmony by Aboriginal Artist Adam Laws

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1. PURPOSE OF THE REPORT

This report provides an assessment of the likely visual effects of the proposed development upon the property known as No 8 Sutherland Road, Chatswood. The report complements the view impact assessment conducted under Statement of Environmental Effects that accompanies this submission. Council staff have requested that the visual impacts that result from the proposed development upon the residents at No 8 Sutherland Road, Chatswood be examined.

This assessment has been informed by a review of architectural plans and an analysis of CGI images prepared by PBD Architects. The following documentation and legislation have also been considered: -

- Design Documentation and Architectural drawings prepared by PBD Architects
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Willoughby Local Environmental Plan 2012 (WLEP)
- Willoughby Development Control Plan 2023 (WDCP)
- Planning Principle established in the Land and Environment Court Tenacity Consulting v Warringah Council [2004] NSWLEC 140 (Tenacity).

The WDCP under Part B – Residential development (2.1.12 - View sharing) states the following: -

The objective is to limit the extent and impact on existing views. Developments should, as far as reasonably possible:

- a. Maintain existing views from adjoining and neighbouring properties*
- b. Have regard to water views which are more highly regarded than land views*
- c. Prioritise consideration of potential view loss from living areas*
- d. Consider alternative design options to maintain significant and iconic views*

The specific site controls relating to Built form Performance criteria under Section 13.1.12 (629-637 Pacific Highway Chatswood) of the WDCP also requires consideration to be given to the following: -

- 3. Ensure visual and acoustic privacy, natural ventilation, sun access, and views.*

2. BACKGROUND

At its meeting of the 25 June 2025 the Sydney North Planning Panel (SNPP) considered Development Application (DA) No 2023/256 that relates to the demolition of the existing structures and construction of a 27-storey mixed use development consisting of 2 levels of retail/commercial, 25 storeys of 53 residential units, basement level parking and associated works at Nos 629-639 Pacific Highway, Chatswood (the site).

Following significant discussions, the matter was unanimously deferred for the following actions: -

ACTIONS

To allow progression of the Development Application to Determination:

1. *The applicant and Council are to urgently meet in the next week to resolve the reasons for refusal*
2. *The applicant is to submit to Council amended plans and any additional information required*
3. *Council is to upload a supplementary report and revised Draft conditions as quickly as possible thereafter*
4. *The Panel will hold a determination Briefing on 30 July 2025.*

This View Impact Assessment has been prepared to specifically address the following Reasons for Refusal contained in the Councils Officers report dated 18 June 2025:-

5. *A view analysis has not been undertaken pursuant to WDCP and Environmental Planning & Assessment Act s4.15 (1) (b).*
6. *The Development Application is not in the public interest, having regard to the matters raised by submissions.*

Council has specifically requested a view impact assessment having regard to a submission received from No 8 Sutherland Road, Chatswood. The submission amongst several matters raises the “blocking of views” as a concern. Council staff have requested that information is to be provided to address this concern.

3. PROPOSED DEVELOPMENT

The proposal is for the construction of a 27-storey shop top housing development, involving:

- Demolition of existing structures
- Part 2, part 3-storey podium with ground floor retail premises, first floor commercial premises, second floor plant, and residential communal open space.
- Construction of 53 residential units;
- 5 level basements with car parking spaces (including basement mezzanine)
- Strata subdivision.

The proposed development was the subject of a site-specific planning proposal and a Design Excellence competition.

The proposal is regionally significant development as identified in Schedule 6 of the SEPP (Planning Systems) 2021. It has a capital investment value (CIV) of over \$30 million (\$43,695,454.55) and therefore Sydney North Planning Panel is the determination authority.



Figure 1 Digital rendering of the proposed development (Source: PBD Architects)



Figure 2 3D modelling of the proposed development within the local context area (Source: PBD Architects)

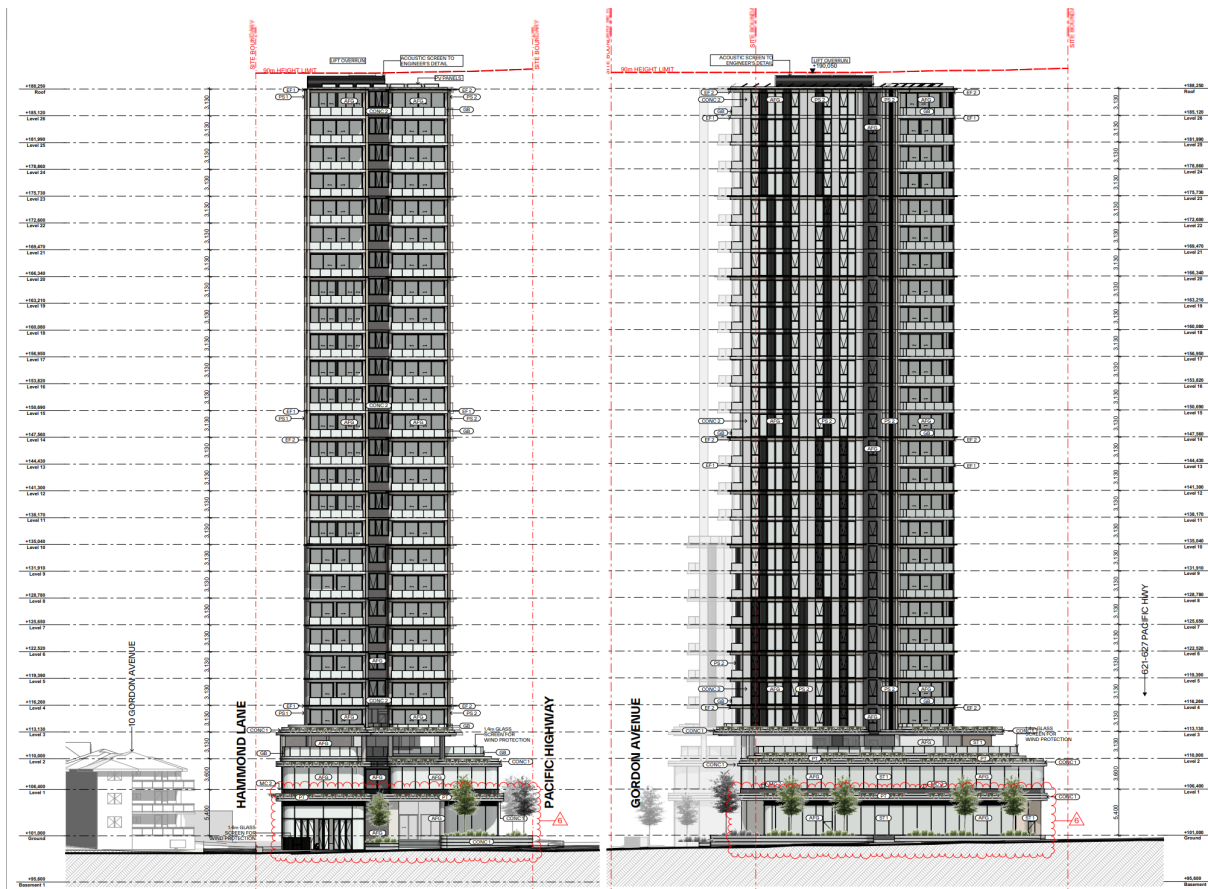


Figure 3 East-West Elevations (Source: PBD Architects)

4. SUBMISSIONS RECEIVED

On 21 September 2023, the subject Development Application DA-2023/256 was submitted on the NSW Planning Portal. Between 11 October and 1 November 2023, the Development Application was notified in accordance with Council's Community Participation Plan. Council received a total of five (5) individual submissions. The issues raised in the submissions are summarised as follows:

- a. Building separation and privacy
- b. Overshadowing
- c. Vehicle and loading access
- d. Excess in parking (adds to traffic congestion)
- e. Traffic (congestion to Gordon Avenue/Pacific Highway intersection)
- f. Development is out of character
- g. View impacts**
- h. Devalue surrounding properties
- i. Excessive height.

5. SURROUNDING CONTEXT

Adjoining development is largely characterised by medium density residential and commercial development to the north and east. The site adjoins land zoned MU1 Mixed Use to the north, south and east, which permits a maximum building height of 90m and an FSR of 6:1.

The immediate locality is characterised by the following:

- To the north of the site, on the opposite side of Gordon Avenue, is a part three / four storey residential flat building.
- To the east of the site, on the opposite side of Hammond Lane, is a three-storey residential flat building.
- To the south of the site is an adjacent five storey shop top housing development.
- To the west of the site, opposite the Pacific Highway, is an existing two storey commercial building hosting a car dealership.

The site adjoins E3 “Productivity Support” zoned land and R3 “Medium Density” residential zoned land to the west on the other side of the Pacific Highway.

No heritage items under Willoughby LEP 2012 are in the vicinity of the site or its immediate surrounds. The site is located approximately 500m south-west of Chatswood Station and transport interchange, which was upgraded in 2019 to include the new Sydney Metro network.

The site is noted to be located within the southern extension of the Chatswood CBD as identified by Willoughby City Council’s Chatswood CBD Strategy and is identified as a Mixed-Use Zone. The Chatswood CBD Strategy aims to provide capacity for future growth within the Chatswood CBD by reinforcing office growth within the commercial core and supporting residential uses around the periphery of the CBD.

The site sits along key ridgelines providing district views as you go above the ground floor levels. The proposed development will enjoy district views and skylines of Chatswood to the north, Lane Cove National Park to the west, North Sydney, and Sydney CBD glimpses to the south and views towards middle harbour to the east.

Surrounding properties will enjoy many of these views and is dependent on the heights levels of existing development.

6. ASSESSMENT OF VIEW IMPACT

Council has specifically requested a view impact assessment having regard to a submission received from No 8 Sutherland Road, Chatswood. This property comprises a multi storey (9 storeys including at level carparking) residential flat building and is located on the western side of the Pacific Highway and located approximately 100-130metres from the subject site. The below figures illustrate the location of this site and its visual context to the subject site.



Figure 4 Context Map - 8 Sutherland Road, Chatswood promixity to subject site and direction/position of camera (Source: PBD Architects)

There are no set guidelines within Australia regarding the actual methodology for visual impact assessment, although there are several requirements defined by the Land and Environment Court (LEC) relating to the assessment of view impacts.

View loss or blocking refers to the extent to which a new built form blocks an existing view or part of the composition of a view that is currently enjoyed. Where a proposed development is likely to adversely affect views from private land, Council generally requires an assessment of the extent of visual change against the Planning Principle established in the Land and Environment Court *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 (Tenacity).

This Planning Principle establishes a four-step assessment to assist in deciding whether or not view sharing is reasonable:

- Step 1: assessment of views to be affected.
- Step 2: consider from what part of the property the views are obtained.
- Step 3: assess the extent of the impact.
- Step 4: assess the reasonableness of the proposal that is causing the impact.

The use of Tenacity for assessment should be considered in the context of *Arnott v City of Sydney* (2015) NSWLEC 1052 (Arnott). Arnott cites the limited utility in applying a Tenacity assessment to multiple individual units in a residential flat building. For example, where a residential flat building adjoins or over-looks a subject site, multiple residences may have access to a similar view composition and as such may be exposed to virtually the same level of view affectation. In this regard Arnott suggests that there may be limited potential to be able to more skilfully re-mass the proposed development in such a way as to significantly improve view sharing outcomes, whilst allowing for the reasonable development of the site. In other words, reducing view sharing impacts must be balanced with allowing for the reasonable development potential on the subject site.

6.1 METHODOLOGY AND ASSESSMENT AGAINST TENACITY

The view impact assessment has been made without the benefit of inspecting views from individual dwellings, due to time constraints and lack of access. Photographs from a drone camera have been taken at varying levels and locations of the building located at No 8 Sutherland Road, Chatswood toward the subject site to provide a visual aid which shows the likely view compositions that are available from window openings or adjacent external viewing positions such as balconies. These photos are based on a height of 1.5m from finished floor level, the assumed standing height of an average person; in accordance with Land and Environment Court principles.

The envelope of the proposed development has then been imposed and scaled within the view compositions having regard to specific landmarks, vegetation or buildings as visual cues and reference points. The viewing locations cannot represent actual internal views that would be available from inside the dwellings and therefore potentially over-state the potential view available, and in this regard also may overstate the extent of visual impacts (potential view loss) which may occur. The CGIs show the 'likely view composition' available and the likely extent of impact from the approximate location and height of a standing viewer from close to each respective window or balcony.

In this regard we have made every reasonable effort to understand existing views and resulting changes caused by a built form as proposed if approved and constructed. We have relied on the general arrangement of the compositional detail to understand the foreground, mid-ground and distant features that would likely be available from the approximate location. In our opinion, the placement of the proposal in views, the height of view places and the key features in the background composition are sufficiently accurate to be able to guide a high-level assessment against Tenacity.

6.2 EXTENT OF VIEWS AND ASSESSMENT OF VIEWS TO BE AFFECTED

The site at No 8 Sutherland Road Chatswood sits on the western side of the Pacific Highway that represents a key ridgeline providing predominately district views as you go above the ground floor levels. The footprint and orientation of the building is illustrated in the **Figure 4** above.

The views that are currently enjoyed from the units of this property located along the eastern elevation that have side views across the Pacific Highway and towards the subject site. Existing ground level views are dominated by existing 2-3 storey development located along the Pacific Highway and existing 3-4 storey apartment buildings to the north and west. The district views enjoyed by mid-level and upper-level units would comprise skylines of Chatswood and Chatswood CBD to the north, the suburbs of Willoughby, Northbridge and Castlecrag to the west, and to the south, the business districts of St Leonards, North

Sydney, and potentially Sydney CBD glimpses.

As a result of the site's topography, and the location of the proposed development the visual impact is primarily relevant having regard to views currently enjoyed to the west and southwest. The composition of these currently enjoyed by residents of No 8 Sutherland Road, Chatswood are illustrated in the following figures.

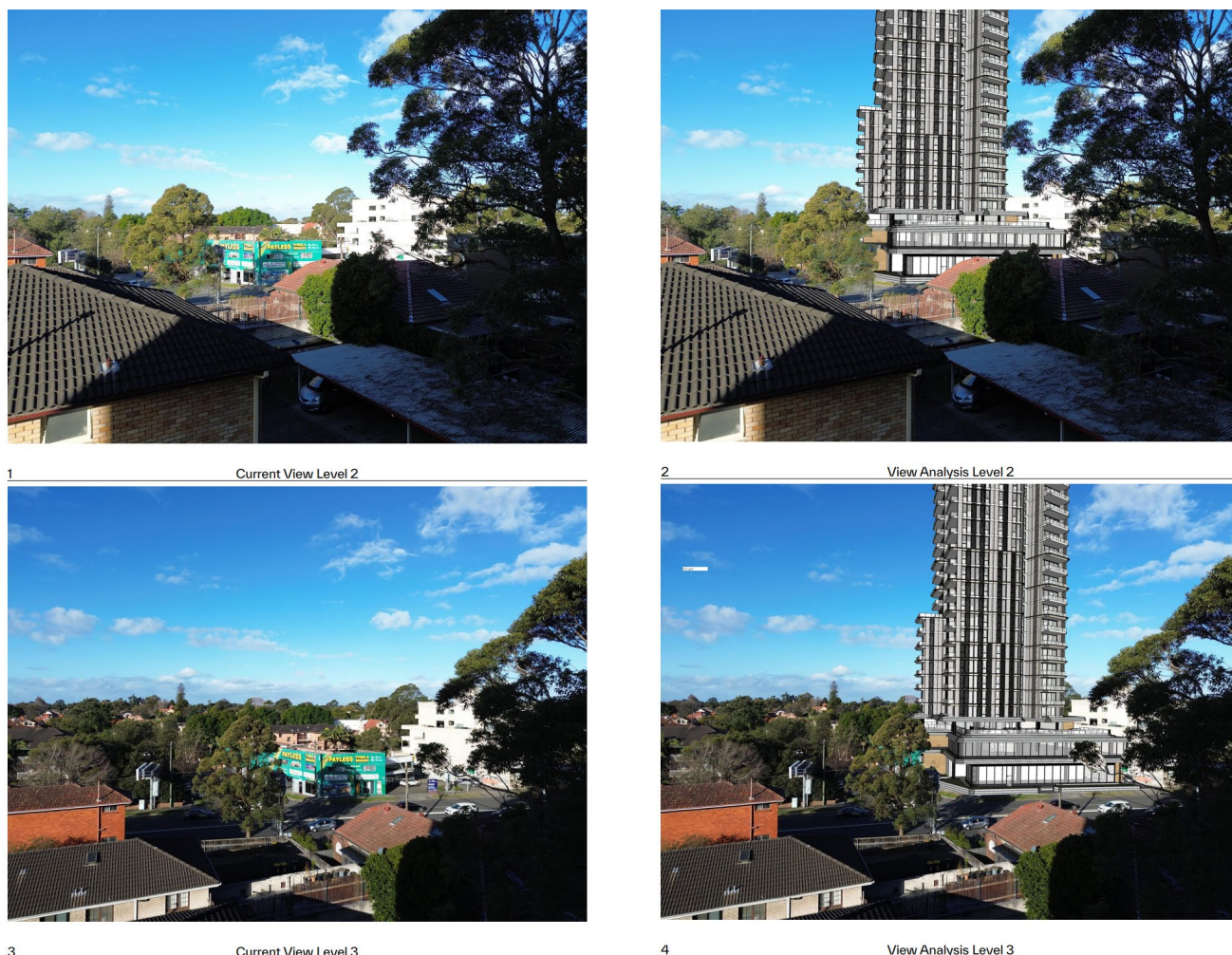


Figure 5 Drone photos and 3D modelling of existing views and proposed views from Level 2 & 3, 8 Sutherland Road, Chatswood (Source: Polytec and PBD Architects)

The existing view composition from levels approximate to those located at Level 2 and 3 of No 8 Sutherland Road predominantly comprises foreground views of building development on either side of the Pacific Highway and distant district views predominately comprising suburban canopy views towards and across the suburbs of Willoughby and towards Northbridge and Castlecrag to the west. The proposed development will result in a visual change to this outlook predominately related to the skyline view. The assessment of view loss experienced by residents at these levels is assessed at between minor and moderate, with no loss of iconic elements.

The existing view composition and extent of impact from levels approximate to those located at Level 4 and 5 of No 8 Sutherland Road are depicted in the following figures.



Figure 6 Drone photos and 3D modelling of existing views and proposed views from Level 2 & 3, 8 Sutherland Road, Chatswood (Source: Polytec and PBD Architects)

The views enjoyed from these levels predominantly comprises foreground views of building development on either side of the Pacific Highway and distant district views predominately comprising suburban canopy views towards and across the suburbs of Willoughby and towards Northbridge and Castlecrag to the west. Long range views of development along Military Road, Neutral Bay can be seen extending across the distant ridges.

The proposed development will result in a visual similar view impact to that described above and the primary change to this outlook will again relate to the skyline view. Some development as seen along Military Road, Neutral Bay will be lost, however not in its entirety. Given the more elevated viewing position from these levels the view loss experienced by residents at these levels is assessed at minor to moderate, given the additional glimpses of longer range views enjoyed, however there is no loss of iconic elements.

The existing view composition and extent of impact from levels approximate to those located at Level 6 and 7 of No 8 Sutherland Road are depicted in the following figures.



Figure 7 Drone photos and 3D modelling of existing views and proposed views from Level 6 & 7, 8 Sutherland Road, Chatswood (Source: Polytec and PBD Architects)

The views enjoyed from these levels predominantly comprises foreground views of building development on either side of the Pacific Highway and distant district views predominately comprising suburban canopy views towards and across the suburbs of Willoughby and towards Northbridge and Castlecrag to the west. Long range views of development along Military Road, Neutral Bay can be seen extending across the distant ridges.

The proposed development will result in a visual similar view impact to that described above and the primary change to this outlook will again relate to the skyline view. Some development as seen along Military Road, Neutral Bay will be lost, however not in its entirety. Given the more elevated viewing position from these levels the view loss experienced by residents at these levels is assessed at minor to moderate, given the additional glimpses of longer-range views enjoyed, however there is no loss of iconic elements.

The existing view composition and extent of impact from levels approximate to those located at Level 8, No 8 Sutherland Road are depicted in the following figures.



Current View Level 8



2

View Analysis Level 8

Figure 8 Drone photos and 3D modelling of existing views and proposed views from Level 8, 8 Sutherland Road, Chatswood (Source: Polytec and PBD Architects)

The proposed development will result in a visual similar view impact to that described above and the primary change to this outlook will again relate to the skyline view. Some development as seen along Military Road, Neutral Bay will be lost, however not in its entirety. Given the more elevated viewing position from these levels the view loss experienced by residents at these levels is assessed at minor to moderate, given the additional glimpses of longer-range views enjoyed, however there is no loss of iconic elements.

6.3 REASONABLENESS OF THE PROPOSAL THAT IS CAUSING THE IMPACT

The extent to which various components of a development would be visible is critical. For example, if the visibility assessment is of a multi-storey development proposal in a low-density context of 2 to 3 storey buildings, it would be considered to have a significant local scale visual impact, whereas if a development proposal is located in an area of a CBD containing buildings of a similar scale and height, it may be considered to have a lower scale visual impact. The capacity of the landscape to absorb the development is a significant consideration as is the scenic environmental quality of the specific locality.

The Gateway Determination report dated April 2021 assessed the proposed development on a conceptual basis and provided the following commentary in relation to view loss.

“Any development on the site above the existing permitted building height would impact on the views currently obtained from the surrounding residential towers to the north, west and south of the site. The proposal states that the concept scheme has been designed to minimise impacts to views through the delivery of a slender tower form. While it is recognised that some views are likely to be lost as a result of a future development on site, the proposal is consistent with Council’s desired uplift in this location. The loss of regional and district views from existing development is considered inevitable within a regional strategic centre such as Chatswood that seeks uplift for both the height of buildings and maximum FSR. However, an assessment of the extent of view loss has yet to be carried out as part of the planning proposal”.

That said, it is considered that the proposal complies with view sharing principles, as views across a side boundary are given limited weight, particularly where such views are across the central portion of the side boundary, where a building may be expected to be located, due to the need to provide front and rear setbacks above podium height. Any loss of views to adjoining properties is considered reasonable in consideration of the compliant nature of the proposal against the relevant built form controls, particularly having regard to maximum height, setback, and separation under the ADG criteria that applies to the site.

The loss of views in these circumstances are anticipated under the current controls that apply to a mixed-use tower development within the MU1-Mixed Use Zone. The design being a slender tower ensures the loss of

views is minimised to any future development. There are no significant view lines or vistas from the public domain that would be unreasonably affected because of the development.

An assessment of the reasonableness of the proposal causing any impact particularly in terms of compliance with applicable planning controls and whether a different or complying design may produce a better result must also be considered.

It is not considered that an alternative or different proposal would produce a better result. As such, it is considered that the proposal does not result in any unacceptable view loss and is acceptable in terms of the Land and Environment Court Planning Principle established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140.

In terms of visual impact, the proposed development is considered to provide a high-quality built form consistent with the requirements of SEPP 65, the Apartment Design Guidelines and Councils planning controls.

The scale and bulk of the proposal is complementing the strategic vision expected in the Chatswood CBD. The resulting envelope is a product of the new controls that now apply to the Mixed-Use zoning and Chatswood CBD. The proposed development is consistent with similar building typologies located within the immediate vicinity and anticipated under the new planning controls.

The proposal presents a well-articulated building in the round and is softened by landscaping to provide screening and visual relief from streetscape to podium and upper levels.

7. CONCLUSION

This Visual Impact Assessment seeks to provide an objective approach to the likely visual impact on the surrounding areas from the Development proposal at Nos.629-639 Pacific Highway, Chatswood. This Visual Impact Assessment has undertaken a review of the proposal, within its future setting and although there are locations within the neighbouring properties that are impacted by the new development, the loss of relevant views as identified above are acceptable.

The assessment of view loss experienced by the residents at No 8 Sutherland Road, Chatswood has been assessed as varying between minor and moderate, with no loss of iconic elements. In consideration of assessing acceptability, it is important to note the location that the views are experienced from, and the relevant planning controls pertaining to the site and locality. In all instances, the views from No 8 Sutherland Road are obtained across a side boundary and extend over the Pacific Highway in a locality that has been the product of a considered uplift in height and density within the MU1-Mixed Use Zone

Many of the distant views enjoyed from elevated positions will be unimpacted to the northeast and southeast. In relation to this assessment, it is recommendation that the Development Application be approved on the grounds of an acceptable amount of visual impact and view loss, when assessed against the permissible building envelope for the site. It satisfies the Council's intentions for view-sharing, balanced against the permissible building envelope on this site.