

VIEW ANALYSIS
In Relation To The Planning Proposal For
80-84 & 90 NEW SOUTH HEAD ROAD, EDGECLIFF

Hamptons Property Services Pty Ltd (Hamptons) has prepared this view analysis, on behalf of Matthew Lepouris Pty Ltd and WFM Motors Pty Ltd (the Proponent) to accompany the planning proposal for the site at 80-84 & 90 New South Head Road, Edgecliff (the site).

While this would usually be provided at the development application stage, it is pertinent that it be provided as part of the planning proposal, as this will be one of the key issues with this proposal.

This view analysis has been prepared to accompany a planning proposal to amend the height and floor space ratio provisions for the site; the proposed zoning of the site will remain as B4 Mixed Use, pursuant to the Draft Woollahra Local Environmental Plan 2014 (the draft LEP). It is acknowledged that this planning proposal could not be gazetted until such time as the draft LEP is gazetted. This proposal would therefore form an amendment to the draft LEP. Alternatively, if the proposal were to proceed prior to gazettal of the draft LEP, the current LEP would require amendment.

In preparing this assessment, the following tasks were undertaken:

- A bulk and scale design was developed by PTI Architects;
- A survey was prepared of No. 100 New South Head Road, by Hill & Blume Surveyors (Attachment 1) showing the RL levels of No. 100 in terms of openings that interface with the subject site;
- A visual inspection was undertaken standing on the roof of No. 90 New South Head Road to consider the extent of impact as a result of the planning proposal. Photographs were also taken from this level.
- 3D massing diagrams were prepared by PTI Architects to establish the extent of impact of the planning proposal, when viewed from No. 100.
- Preparation of a view analysis in accordance with the view sharing Planning Principles contained in *Tenacity v Warringah Council (2004) NSWLEC 140*.

1. Identified Property

As stated above, the only property to be affected by this proposal is 100 New South Head Road (Figure 1). The height of this building screens any other buildings located to the east of this from having a view in a westerly direction.

It has not been possible to obtain access to the internal areas of 100. However, from the visual inspection, it is apparent that the first level to be affected by the development is used for commercial purposes as it interfaces with the site, despite that it appears on the strata plan as having been designed for residential purposes. This is described as Lot 2 and Lot 3 in Strata Plan 54114, Level 2 (Building Level 4).

All levels below Level 2 (Building Level 4) do not maintain any view to the west as they are currently screened by the existing building at No. 90.

The next level, being Level 3 (Building Level 5), is used for residential purposes. The affected lots are Lot 7 and 8.

At this level, there are two residential properties interfacing with the site. While the internal layout to these is not known, there is a balcony afforded to each of these. It is assumed that the principal living areas are adjacent to these balconies.

Level 4 of the residential component of the building (Building Level 6) again has two apartments, described as Lot 13 and Lot 14.

The strata plans may be found at Annexure 1.

2. Location of View

The location of the view is to the west and north-west of the site.

The items that are identifiable are a partial view of Sydney Harbour Bridge and an oblique view of Centrepont Tower.

These are evidenced below.

Photograph 1: Taken standing on the roof of No. 90 New South Head Road, in front of the far southern window on the western facade of No. 100. This photograph is taken approximately 1.8 metres below the sill height of the window of No. 100



From the remaining windows and balconies, there is an oblique view to Centrepont Tower, as evidenced in the photographs below.

Photograph 2-4: View of Centrepont Tower, taken on the roof top of No. 90. The position of this is approximately 1.6 metres below the floor level of the balconies at No. 100. The photographs are taken moving across the roof of No. 90 in a northerly direction





3. Analysis of View

In 2004, the New South Wales Land & Environment Court determined the case of *Tenacity v Warringah Council (2004) NSWLEC 140*. This case later formed the foundation for a planning principle relating to the loss of views, in terms of the general principles for consideration. A four step approach was subsequently adopted.

This assessment approach and the response of the proposal to these principles is provided below.

Principle 1: 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, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured. [Para 26]

In this case, an iconic view is available from Lots 3 and 8 and 14, within 100. The iconic view of the Harbour Bridge is a partial view.

In terms of the view towards Centrepont Tower (iconic view), Lots 2, 3, 7, 8 13 and 14 have an oblique view towards this.

Principle 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. [Para 27]

Having regard to the strata plan and use of the building levels, the part of the property affected is set out below, as best that it may be established, in absence of being able to inspect these properties.

Lot 2:- the oblique view to Centrepont Tower will be affected primarily by the roof plant and stairs above 90. However, this Lot is a commercial premises and therefore not affected having regard to the principles of *Tenacity*.

Lot 3:- the partial view of the Harbour Bridge will be affected by the built form positioned on 80-84. However, this Lot is a commercial premises and therefore not affected having regard to the principles of *Tenacity*.

Lot 7:- the oblique view to Centrepont Tower will be affected primarily by the roof plant and stairs above 90. This is, an oblique view obtained from that apartment.

Lot 8:- the partial view of the Harbour Bridge will be affected by the built form positioned on 80-84. This view is available from the far window of this apartment and unlikely to be from a primary living space and more likely a bedroom.

The oblique view to Centrepont Tower will also be affected. This affectation is on an oblique angle and from principal living areas.

Lot 13:- the oblique view of Centrepont Tower will not be affected by the proposal due to the height of the proposed structure at RL41.11, which sits below the RL of the window and door opening at this level (RL41.7). Therefore, the view will not be altered from this property.

Lot 14:- the partial view of the Harbour Bridge will not be affected by the built form positioned on 80-84. This view, while being modified, is available from the far window of this apartment and unlikely to be from a primary living space. While the plant room will rest at RL42.7, both a sitting and standing view will be available from the affected room, albeit that there may be a minor affectation of the sitting view.

The oblique view to Centrepoint Tower will not be affected from the standing position from the balcony and adjoining rooms (assumed to be principal living areas) due to the height of the plant at RL42.7, which is one metre above the opening of the balcony and window. A minor affectation may occur from the sitting position.

Principle 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. [Para 28]

The view available of the Harbour Bridge from Lot 8, judging by the size of the affected window is unlikely to be from a living space. It is anticipated that this view is most likely from a bedroom.

The oblique view to Centrepoint Tower from the affected residential apartments is likely to be from both living areas and bedrooms of Lots 7 and 8.

The views are to iconic items; however, in terms of Centrepoint Tower, these views are on an oblique angle and to the Harbour Bridge is only a partial view.

The view loss is therefore considered to be minor, for the reasons set out at Principle 4.

Principle 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.



In this case, the proposal is seeking to undertake a review and amendment of the planning controls provided under the draft LEP. Therefore 'compliance' is not relevant.

In terms of evaluating the design, the site is obviously restricted by its width, and therefore the form proposed is confined to the available footprint.

Second to this, is considering appropriate separation distances to No. 100. In this case, the form and scale of No. 90 has been retained to ensure that the new building form would not be imposing on the residential context of No. 100. As a result the building separation ensures that the potential visual bulk of the development and retain the sense of openness that is currently available for No. 100, on its western frontage.

Thirdly, consideration must be given to the scale of development at No. 100 and the number of apartments that are contained within that building and benefiting from the view to the west of the site. Within the building, there is a minimum of 24 residential apartments and a potential maximum of 27 apartments, assuming Lots 1, 4 and 5 are used for residential (as opposed to commercial) purposes. Of these, eight apartments are located on the western side of the building.

In terms of the number of apartments affected, as a consideration of the total, there is one apartment that will lose a partial view to the Harbour Bridge. This view is not available from a primary living space within that apartment and, while the proposal will have an impact on this view, on balance, the outcome is considered reasonable, having regard to the building as a whole. This being the case, it is considered that the impact is reduced to an overall minor impact.

In terms of the number of apartments affected, as a consideration of the total, there are two apartments that will lose an oblique view of Centrepont Tower (8.3% of the total number of apartments, assuming 24). While the view is available from a primary living space, it is a distant view, on an angle. When considered in the context of the building as a whole, the impact is considered minor.

In terms of the loss of a partial view to the Harbour Bridge, from Lot 8, the apartments affected as a whole of the development is one, being 4.2% of the total number of apartments within the building. On balance, this is considered to be an acceptable outcome.



4. Conclusions

Having regard to the intentions of the Council's planning instruments with respect to urban consolidation; the proximity of the site to public transport and the principles established by *Tenacity v Warringah*, it is considered that the affection, as a result of the proposed development is minimal. In addition, the proportion of apartments that are affected, when considered in terms of the number of apartments on the western elevation and within the building as a whole, is proportionally small.

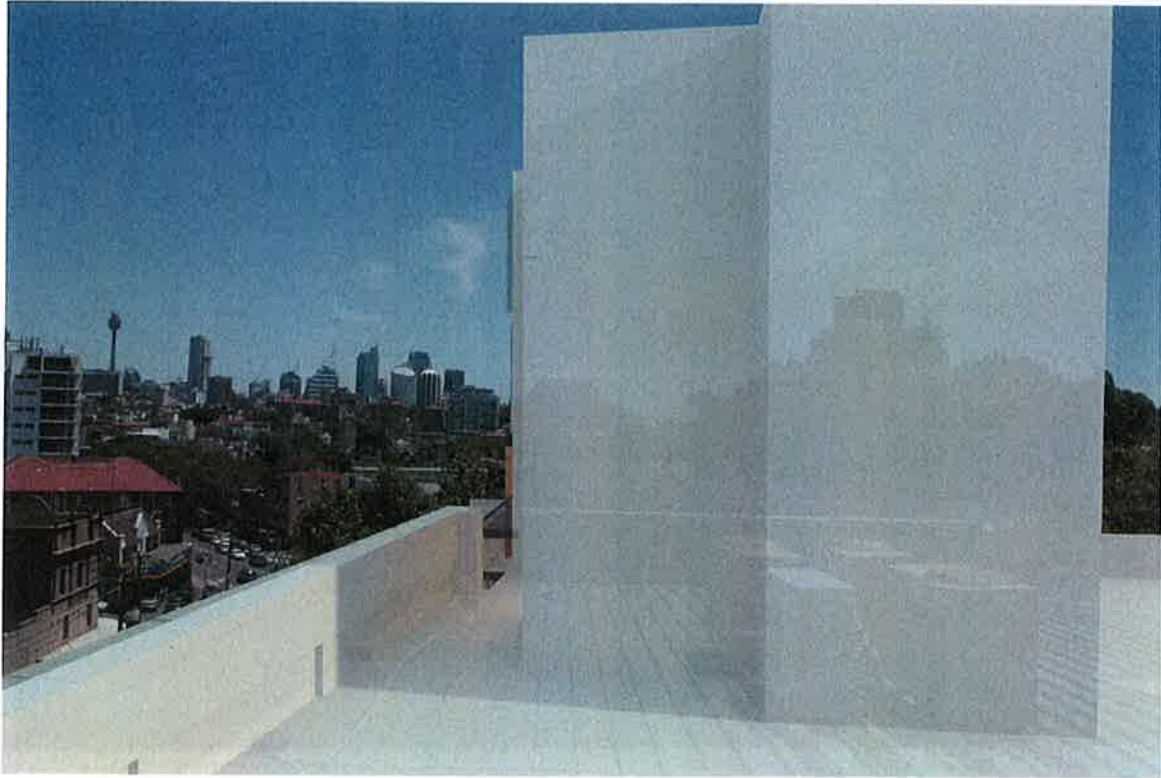
While the views are iconic, they are partial or oblique, not primary views that will be affected.

On balance, the outcome is considered acceptable and should be supported by the Council.

Annexures

- Annexure 1 Strata Plan 54114
- Annexure 2 Survey of Building Elevation, 100 New South Head Road
- Annexure 3 Envelope analysis, PTI Architects

Photomontage 1



Photomontage 2

