

## View Loss/Impact Assessment

The general planning principles pertaining to views have been established in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* ('Tenacity'). A detailed Visual Impact Assessment Report (dated March 2023) accompanied the amended DA, and has taken into consideration a number of properties that were identified from public submissions, and included in the December 2021 RFI letter.

The conclusions of the report are:

- *Views from all 18 dwellings from the original sample of 27 dwellings inspected, have been modelled to inform this assessment.*
- *The inclusion of the wide view corridor reduces the visual scale of built form along the length of Vicar Street and will create view sharing benefits to all elevated residential locations immediately west, south-west and north-west of the subject site.*
- *The view corridor successfully promotes reasonable view sharing outcomes, as it allows for the retention of south-easterly views to the majority of Wedding Cake Island from close residential dwellings.*
- *The view corridor also promotes access to views of open ocean and sea-sky horizon in easterly and north-easterly views that currently enjoy views to it.*
- *The views are described in terms of the predominant features present where the selected modelled view represents the 'worse case' view focused on the site, noting that each dwelling has access to other views to the north, north-east and south which do not include the subject site and will not be affected.*
- *18 views have been modelled and assessed against the Tenacity Planning Principle to guide our assessment of overall view impacts for each whole dwelling.*
- *All descriptions and ratings are tabulated in the Tenacity Summary Table (Page 74).*
- *The minor view impact rating is reasonable and acceptable for Brook Street dwellings given that the non-complying parts of the envelope do not block scenic and highly valued features as defined in Tenacity.*
- *The moderate view impact for 17 Vicar Street is reasonable and acceptable given that it is entirely caused by built form which sits significantly below the LEP height control and is therefore fully compliant with controls that are relevant to view loss. Views to be lost are not considered as scenic or highly valued in Tenacity terms.*
- *In summary out of 27 dwelling inspections, where potential view loss was modelled for 18 dwellings and rated as minor or less in all cases except for one dwelling.*
- *The additional height sought in all views, blocks areas of sky or open water so that no additional scenic or highly valued features would be revealed through a further reduction in height.*
- *In the majority of views analysed (17 out of 18) the overall composition and scenic quality of views will not change significantly as a result of the updated DA envelope.*
- *The visual effects of the proposed envelope are low, the extent of view loss is minor or less for all but one dwelling, the upper and non-complying parts of the proposed envelope predominately block features that are not scenic or combine to form highly valued views as defined in Tenacity.*
- *Considering the likely view impacts for the immediate and wider potential visual catchment, based on the 18 representative views analysed, in our opinion the private views and 5 public views, the predominance of low view impacts and ratings, the outcome is reasonable and acceptable.*

- *View impact ratings for the public domain views are also low. Taking into account all relevant factors and the reasonable sharing of views both for residents, the public and the owners of the subject site, the updated DA can be supported on view sharing and view impact grounds.*

## **Assessment of the Proposed Development (as amended)**

The findings and conclusions of the Visual Impact Assessment Report (prepared by Urbis, dated March 2023) are concurred. Council's analysis and independent assessment are provided below, with respect to the planning principle for views as established by *Tenacity*:

### *Step 1: Assessment of views to be affected:*

The extent of views differs between the analysed sites. The views affected include water views, and views towards the headlands (Dolphin Point), Wedding Cake Island and Coogee Beach (foreshore).

### *Step 2: Consideration of the part of the property the views are obtained:*

See Table 1, below.

### *Step 3: Assessment of the Impact:*

See Table 1, below.

### *Step 4: Reasonableness of the proposal causing the impact:*

The dwellings most affected by the proposed development are identified as 17 Vicar Street, being the immediate southern neighbour, and 5/119 Brook Street, which are discussed in Table 1, below.

**Table 1: View Analysis**

Address	View	Part of Property View is Experienced	Impact of Proposal	Reasonableness of Impact
1/113 Brook Street	Water (horizon)	Living room (standing)	Existing partial view is almost completely removed, a very minor segment of horizon is retained to the south-east.	Impact is minor.  The existing horizon view is partial and through vegetation. Compliant components (within 12m height) would completely remove the view. The proposal retains some water view with its southern setback, and is considered reasonable.
19/183 Coogee Bay Road	Water (horizon) + Wedding Cake Island + Dolphin Point	Large balcony accessed from living area (standing and seated)	The proposed massing removes some water view, but has no impact to the horizon views, nor to the views toward Wedding Cake Island or Dolphin Point.	Impact is minor/negligible.  View loss is considered reasonable and acceptable, as there is no substantial loss of any view currently received and the dwelling continues to achieve wide and substantial water and tree line views.


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				Impact is reasonable.
21/183 Coogee Bay Road	Water (horizon) + Wedding Cake Island + Dolphin Point	Balcony (standing and seated)	The proposed massing removes some water view, but has no impact to the horizon views, nor to the views toward Wedding Cake Island or Dolphin Point.	Impact is minor/negligible.  View loss is considered reasonable and acceptable, as there is no substantial loss of any view currently received and the dwelling continues to achieve wide and substantial water and tree line views.  Impact is reasonable.
5/180-186 Coogee Bay Road	Water (horizon) + Wedding Cake Island + Tree canopy	Balcony and Kitchen/Living (standing and seated)	Partial removal of some water horizon views, and sky.  The massing ensures view sharing is achieved and retained through to Wedding Cake Island.	Impact is minor/negligible.  View loss is considered reasonable and acceptable, as there is no substantial loss of any view currently received, and the dwelling continues to achieve wide and substantial water and tree line views from both the living room and balcony.  Impact is reasonable.
1/180-186 Coogee Bay	Water (horizon) + Tree canopy	Balcony and Kitchen/Living (standing and seated)	Modest removal of water view that is otherwise affected by tree canopy.  Most impact is to open sky.	Impact is minor/negligible.  Primary view corridor is through Coogee Bay Road (particularly when viewed from living room), which the development does not affect.  Impact is reasonable.
17 Vicar Street, Coogee  (southern neighbour)	Water (horizon and foreshore) + Tree canopy	Upper level living area (standing and seated)	The development completely removes the view of the foreshore from the current upper level view  Removal of the existing flat building on 15A Vicar Street and the proposed increased setback provides an opportunity for a longer view of the water horizon.  The proposed new hotel wing removes the view, however it complies with the maximum building height standard is	Impact is moderate.  The development removes some water view, and remove views to the foreshore (Coogee Beach), however results in a wider view of the horizon.  The proposed hotel wing and driveway structure, despite removing water views, complies with both the height and FSR standards for the site (subsequent to subdivision); noting that the development lot is affected by the heritage context and setting of the Hotel, which dictates the extent of new massing.  Impact is reasonable.

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			setback from the southern boundary.	
9/41-43 Carr Street	Water (horizon) + Dolphin Point Headlands	Balcony and Living room (standing and seated)	The proposed development has a negligible impact to the water views, however mostly removes the view to the headland adjacent to Dolphin Point; a small filtered section through the tree canopy remains.	<p>Impact is minor-moderate.</p> <p>The development removes part of the views where the water breaks upon the headland, however has no reduction to water (horizon) views.</p> <p>The trees in the foreground affect and block the most significant headland views.</p> <p>Given the extensive wide water views retained, the impact is reasonable.</p>
5/14 Kidman Street	Water (horizon) + Dolphin Point Headlands	Balcony (standing and seated)	<p>The development results in no notable reduction to water (horizon) views, nor Dolphin Point.</p> <p>The proposed massing achieves a view corridor through the centre of the development</p>	<p>Impact is negligible.</p> <p>The development results in no notable reduction to water (horizon) views, nor Dolphin Point.</p> <p>Given the extensive wide water views retained, the impact is reasonable.</p>
3/14 Kidman Street	Water (horizon) + Dolphin Point Headlands	Balcony (standing and seated)	<p>The development results in no notable reduction to water (horizon) views, nor Dolphin Point.</p> <p>The proposed massing achieves a view corridor through the centre of the development.</p>	<p>Impact is negligible/minor.</p> <p>View loss is considered reasonable and acceptable, as there is no substantial loss of any view currently received and the dwelling continues to achieve wide and substantial water and headland views.</p> <p>Given the extensive wide water views retained, the impact is reasonable.</p>
5/119 Brook Street	Water (horizon) + Dolphin Point Headlands	Balcony and bedroom (standing and seated)	<p>The development results in the loss of much of the water horizon view.</p> <p>However, removal/demolition of the hipped roof to the existing Boutique Hotel accomplishes an improvement to the view upon the Dolphin Point headland as a result</p>	<p>Impact is moderate/severe.</p> <p>While the development results in the reduction of views to the water (horizon), the development does provide for increased views to Dolphin Point headland, including potentially where the water breaks on the lower platforms.</p>

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			of the proposed development.	 <p>On balance, looking at the view impacts more generally there is a compromise between the improved headland views and loss of water horizon views, notwithstanding that vegetation growth impedes water horizon views.</p> <p>Impact is considered reasonable.</p>
Penthouse 57-63 St Paul Street	Water (horizon) and sweeping valley views, including tree canopy.	Balcony (standing and seated)	The development has insignificant visibility from the analysed site, with little to no impact to the view.	<p>Impact is negligible.</p> <p>Given the extensive wide water views retained, the impact is reasonable.</p>
Rooftop 201 Coogee Bay Road	Water (horizon) + Wedding Cake Island	Rooftop communal open space.	<p>The proposed massing achieves a view corridor through the centre of the development, retaining views to Wedding Cake Island.</p> <p>There is no loss to water (horizon) views.</p>	<p>Impact is negligible.</p> <p>A view sharing corridor is achieved by the proposed development.</p> <p>Impact is considered reasonable.</p>
16/201 Coogee Bay Road	Water (horizon) + Tree canopy	Kitchen (standing)	<p>Most of the water (horizon) view and tree canopy is unaffected by the proposed development, with only a small triangular section of water view lost where the massing is on the corner of Vicar Street.</p> <p>The proposed massing otherwise replaces the existing</p>	<p>Impact is negligible.</p> <p>Views are similar when comparing the existing and proposed views and massing from this dwelling.</p> <p>Impact is considered reasonable.</p>

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			Boutique Hotel in terms of width and height with a negligible impact upon the water views.	
3/130 Brook Street	Water (horizon) + Dolphin Point	Balcony (standing)	<p>The dwelling receives wide views, with the horizon unaffected by the proposed development, as views are predominately to the existing Boutique Hotel.</p> <p>A small section of Dolphin Point is affected, however the view received continues north and includes the headlands of Gordons Bay and Shark Point (which are unaffected).</p>	<p>Impact is negligible.</p> <p>Given the removal/demolition of the existing Boutique Hotel, there is an on-balance improvement given that the development provides for improved views to Dolphin Point headlands, including where the water breaks on the lower platforms.</p> <p>With the extensive wide water views largely retained, the impact is reasonable.</p>
5/134 Brook Street	Water (horizon) + Dolphin Point	Balcony	The proposed development is not visible from this dwelling.	Nil impact.
12A/28 Kidman Street	Water (horizon)	Kitchen/Living (standing)	<p>A negligible area of water views are removed as a result of the proposed development.</p> <p>Views are to the existing Boutique Hotel, with the proposed massing replacing the existing building with a form that is similar in height.</p>	<p>Impact is negligible.</p> <p>There is no loss of water (horizon views) with most of the existing water view retained.</p> <p>Given the extent of water views retained, the impact is reasonable.</p>
15/28 Kidman Street	Water (horizon) + Dolphin Point	Living room (standing)	Views are to the existing Boutique Hotel, with the proposed massing replacing the existing building with a form that is similar in height.	<p>Impact is negligible/minor.</p> <p>There is no loss of water (horizon views) with most of the existing water view retained.</p> <p>Given the extent of water views retained, the impact is reasonable.</p>

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			Views to Dolphin Point (including where the water breaks on the lower platform) are retained.	
22/183 Coogee Bay Road	Water (horizon) + Wedding Cake Island	Balcony (standing)	<p>Existing views can see the distant top hip and ridge of the Boutique Hotel and peaks of the tree line.</p> <p>The proposed development sits within the valley and does not remove any water view or views to Wedding Cake Island.</p>	<p>Impact is negligible/minor.</p> <p>There is no loss of water (horizon views) with most of the existing water view retained.</p> <p>Given the wide extent of water views retained, the impact is reasonable.</p>

## Views from the Public Domain

From a wider perspective (i.e. beyond Coogee Beach itself), views of the development from the principle public domain to the east and north-east (Goldstein's Reserve, Dolphin Point, Rainbow Walkway) consists of:

- Tree line along Arden Street/Coogee Beach and Goldstein Reserve
- Coogee Bay Hotel (item of heritage significance)
- Hipped roof and ridge of the Boutique Hotel
- Spire of St Bridgid's Church
- Crowne Plaza development to the south

Public domain views have been addressed in Section 5.0 of the attached View Impact Assessment Report (prepared by Urbis). The visual impact of the proposed development from Goldstein Reserve, Dolphins Point, Coogee Beach/Rainbow Walkway and the intersection of Mount Street and Coogee Bay Road were requested by Council as part of the RFI, and have been included in the amended View Impact Assessment Report.

The impact resulting from the proposed built form is considered acceptable on the following grounds:

- The tree line (Norfolk Island pines / *Araucaria heterophylla*) will not be affected by the development, with none of these trees along Arden Street to be removed.
- The Coogee Bay Hotel, being an item of local heritage significance, remains the primary viewpoint from the principal public domain locations identified above. The Hotel remains visible between the Norfolk Island pine trees (as can be seen in Figure 1). The Vicar Street massing to the west of the development site replaces the Boutique Hotel hipped roof, extending further to the east (without detracting from the hipped roof and form of the Coogee Bay Hotel). Further, the break in the massing to accommodate view sharing through the centre of the development contributes to the roofline pattern visible from the public domain.

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- The height of the south-western corner does not exceed the roof height (ridge level) of the existing Boutique Hotel, and is therefore commensurate with the existing height of buildings in this part of the site.
- The height of the north-western corner exceeds the existing Vicar Street and Coogee Bay Road building height by approximately 500mm, however, the visual bulk is less pronounced than the existing building given that the additional storeys have been setback from the street frontage with limited and reduced visibility of built form greater than 12.0m from the public domain.
- The extent of the proposed massing above the 12.0m building height standard is compatible with the wider valley setting and foreshore character, particularly when the broader view incorporates the Crowne Plaza and 6-storey to 8-storey developments further to the south along Beach, Arden and Carr Streets; and the existing protrusion of the Boutique Hotel roof line.
- The proposed massing that will be viewed from along Coogee Bay Road is consistent with the existing three-storey character. The upper levels that exceed the building height standard are acceptable on the grounds that the bulk viewed is visually recessive by utilising compatible colours and materials (Subject to Recommended Conditions of Consent) that will integrate into the wider view catchment from the public domain (*Planner's Note: Colours, materials and finishes have been subject to discussions during the LEC Proceedings with Council's Heritage and Urban Design Experts*).



Figure 1: Excerpt from View Impact Assessment Report – outline of development viewed from Dolphin Point