



VISUAL IMPACT ASSESSMENT

OBJECTION TO DEVELOPMENT APPLICATION

LOT 1 IN DP793525

33 CROSS STREET, DOUBLE BAY

MARCH 14 2025

Project Type: Objection to Development Application

Lott: in DP793525.

Address: 33 Cross Street.

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1. INTRODUCTION

1.1. Scope and Purpose of Report

This Visual Impact Report has been prepared for a number of residents within the Municipality of Woollahra (listed in Appendix B) and is submitted to the Woollahra Council to support an Objection to a Development Application (DA) for a Mixed-use Development at no.33 Cross Street, Double Bay (the site). The report provides an analysis of the proposed development's visual impact in relation to its visual and statutory contexts.

Urbaine Design Group and its Director, John Aspinall, BA(Hons), BArch(Hons) have been preparing 3d imagery and Visual Impact Assessments, both in Australia and Internationally for over 25 years. Their methods are regularly published in planning and architectural journals and John Aspinall has lectured in Architectural Design at both the University of Technology Sydney and The University of New South Wales

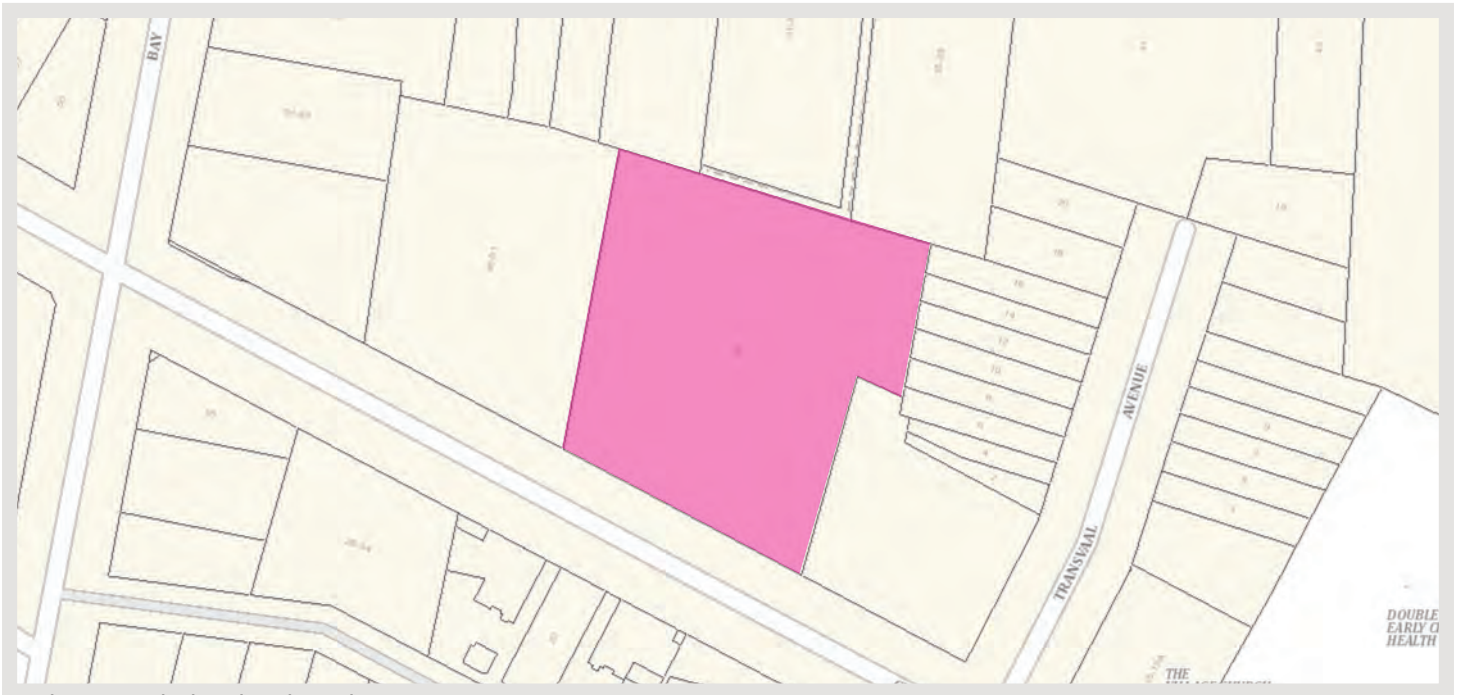


Figure 1 – Site location shown in magenta

1.2. The Proposed Development

The proposal is for a contemporary eight-storey mixed-use development with the maintained two levels of basement parking.

1.2.1. The Site and existing property

The subject site is located approximately 4.8km east of the Sydney CBD, and is in the Double Bay Centre area within the Local Government Area (LGA) of Woollahra. The site is an irregularly shaped parcel of land, with a northern boundary of 63.19 metres, a combined eastern boundary of 70.235 metres, a southern boundary of 52.26 metres, and a western boundary of 59.55 metres, providing a total site area of 3,674m².

The existing building comprises the following:

- Basement Level 1 and 2: Car parking comprising 158 car parking spaces among storage, plant and circulation areas;
- Ground Floor Level: Porte-cochere driveway, retail tenancies and internal arcade;
- Level 1: Hotel lobby and facilities, function and conference spaces;

- Levels 2 – 5: Hotel rooms;
- Roof level: Trafficable roof for hotel swimming pool and WC facilities.

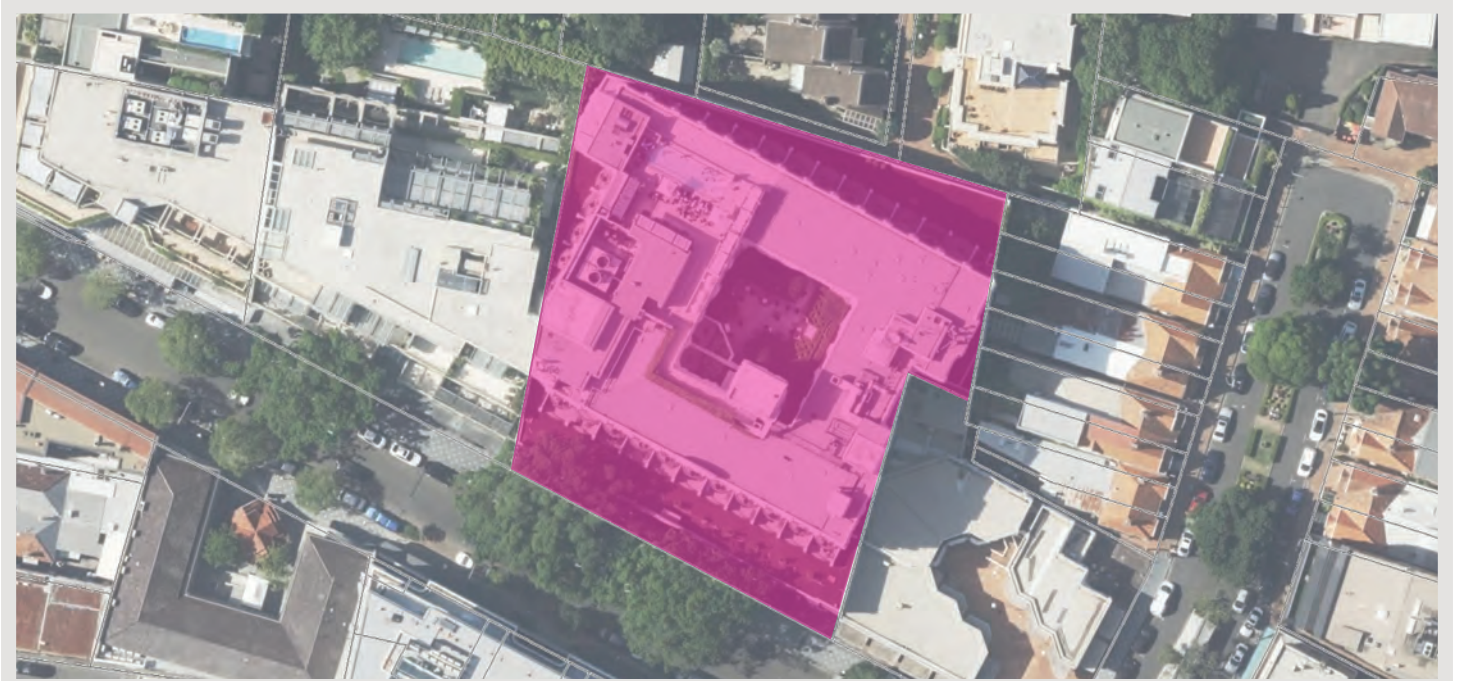


Figure 2 – Subject site shown in magenta overlay

1.3. Proposed Land Use and Built Form

The proposal includes demolishing the current six-storey building and replacing it with a new eight-storey mixed-use development. The existing two basement levels and vehicle access from Nos. 45-51 Cross Street will remain, though the internal layout will be reconfigured to provide parking spaces and basement plant rooms. The ground floor will house four retail tenancies and three cinemas, with the fit-out of the retail spaces subject to a separate Development Application (DA). Level 1 will be dedicated to commercial spaces, while Levels 2 to 5 will feature a hotel with 39 rooms and a wellness centre on Level 2, with the wellness centre's fit-out requiring a separate DA. Furthermore, Levels 2 to 7 will include 29 residential units, consisting of 3 one-bedroom units, 7 two-bedroom units, 16 three-bedroom units, and 3 four-bedroom units (penthouses). The two basement levels will provide 142 parking spaces, with access via the existing driveway at Nos. 45-51 Cross Street. The total proposed development will have a gross floor area (GFA) of 17,009.24m² and a Floor Space Ratio (FSR) of 4.63:1.

The planned eight-story mixed-use development, including two basement levels, will reach a maximum height of 35.57 metres. This height is measured from the roof's highest point at RL 32.67 AHD down to the existing ground level at Basement 2, exceeding the permitted height limit for the site, which is set at 18.1m, across 5 storeys under the WLEP.

The setback of the new proposal is non-compliant with the DCP requirements at the rear and sides of the site.

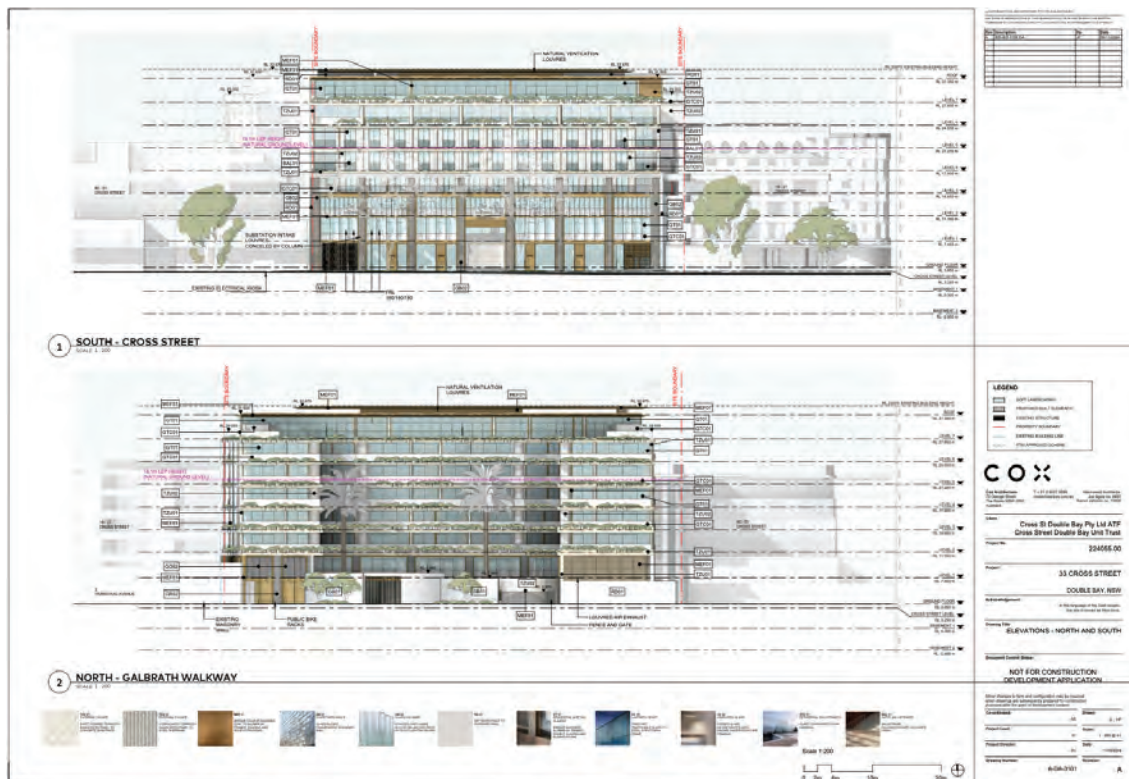


Figure 3 – Elevations of the proposed design by COX Architects



Figure 4 – Typical floor plan of the proposed design by COX Architects

1.4. Methodology of Assessment

The methods used by Urbaine, for the generation of photomontaged images, showing the proposed development in photomontaged context are summarised in an article prepared for New Planner magazine in December 2018 and contained in Appendix B. A combination of the methods described were utilised in the preparation of the photomontaged views used in this visual impact assessment report.

1.4.1. Process

Plans and elevations of the proposal were sourced from Cox Architecture and build into a 3D model by Urbaine Design Group and aligned to the scene.

A drone assessment of residents' buildings was undertaken and triangulated into a 3D point cloud which was aligned to ground control points using a RTK GNSS rover with NTRIP corrections for additional local reference. This was placed into the scene and further verified against a LIDAR point cloud model of the local and wider area provided by Aerometrics.

Virtual cameras were placed into the 3D model to match various selected viewpoints, in both height and position, pitch, roll and yaw. From these cameras, rendered views have been generated and photomontaged into the existing photos, using the ground plane for alignment at standing height 1600mm.

The final selection of images shows these stages, including the block montage of the original development application and concluding with an outline, indicating the potential visual impact and view loss. For the purposes of statutory requirements, the images within the report are of a standard lens format.

1.4.2. Assessment Methodology

There are no set guidelines within Australia regarding the actual methodology for visual impact assessment, although there are a number of requirements defined by the Land and Environment Court (LEC) relating to the preparation of photomontages upon which an assessment can be based.

Where a proposal is likely to adversely affect views from either private land, Council will give consideration to the Land and Environment Court's Planning Principle for view sharing established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140. 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.*

However, there is no peer review system for determining the accuracy of the base material used for visual impact assessments. As a result, Urbaine Group provides a detailed description of its methodologies and the resultant accuracy verifiability – this is contained within Appendix A.

The methodology applied to the visual assessment of the current design proposal has been developed from consideration of the following key documents:

- *Environmental Impact Assessment Practice Note, Guideline for Landscape Character and Visual Impact Assessment (EIA-N04) NSW RMS (2013);*
- *Visual Landscape Planning in Western Australia, A Manual for Evaluation, Assessment, Siting and Design, Western Australia Planning Commission (2007);*
- *Guidelines for Landscape and Visual Impact Assessment, (Wilson, 2002);*

In order to assess the visual impact of the Design Proposal, it is necessary to identify the scope of private, accessible locations that may be impacted by it, evaluate the visual sensitivity of the Design Proposal to each location and determine the overall visual impact of the Design Proposal.

Accessible locations that feature a prominent, direct and mostly unobstructed line of sight to the Project are used to assess the visual impact of the Design Proposal. The impact to each location is then assessed by overlaying an accurate visualisation of the new design onto the base photography and interpreting the amount of view loss

in each situation, together with potential opportunities for mitigation.

Views of high visual quality are those featuring a variety of natural environments/ landmark features, long range, distant views and with no, or minimal, disturbance as a result of human development or activity, particularly harbour and foreshore views in this instance. Views of low visual quality are those featuring highly developed environments and short range, close distance views, with little or no natural features.

Visual sensitivity is evaluated through consideration of distance of the view location to the site boundary and also to proposed buildings on the site within the Design Proposal. Then, as an assessment of how the Design Proposal will impact on the particular viewpoint. Visual sensitivity provides the reference point to the potential visual impact of the Design Proposal to the residents, located within, and near to the private viewpoint locations.



Figure 5: Selected private viewpoint locations for visual impact assessments with site outlined in red.

1.4.3. Site Inspections

A site inspection was undertaken to photograph the site and surrounding area to investigate:

- The topography and existing urban structure of the local area
- The houses most likely to be affected by the Proposal
- Important vistas and viewsheds
- Other major influences on local character and amenity

The map, see figure 5, indicates chosen locations for site photography.

1.4.4. Contextual Analysis:

An analysis was undertaken of the visual and statutory planning contexts relevant to the assessment of visual impacts in a Development Application.

1.4.5. Visual Impact Analysis:

The visual impacts of the proposed development were analysed in relation to the visual context and assessed for their likely impact upon the local area and upon specific residential properties.

1.4.6. Statutory Planning Assessment:

The results of the local view impact assessment are included in Section 3 of this report.

1.5. References

The following documentation and references informed the preparation of this report:

- *Design Documentation from COX Architects*
- *Woollahra Local Environmental Plan (LEP) 2014;*
- *State Environmental Planning Policy (SEPP) (Sustainable Buildings) 2022;*
- *State Environmental Planning Policy (SEPP) – (Biodiversity and Conservation) 2021;*
- *State Environmental Planning Policy (SEPP) (Resilience and Hazards) 2021;*
- *State Environmental Planning Policy (SEPP) (Housing) 2021;*
- *Double Bay Centre Planning and Urban Design Strategy (2023);*
- *Woollahra Development Control Plan (DCP) 2015.*
- *3d Model of proposal - Urbaine Design Group*
- *Photography - Urbaine Design Group*
- *Photomontages - Urbaine Design Group*

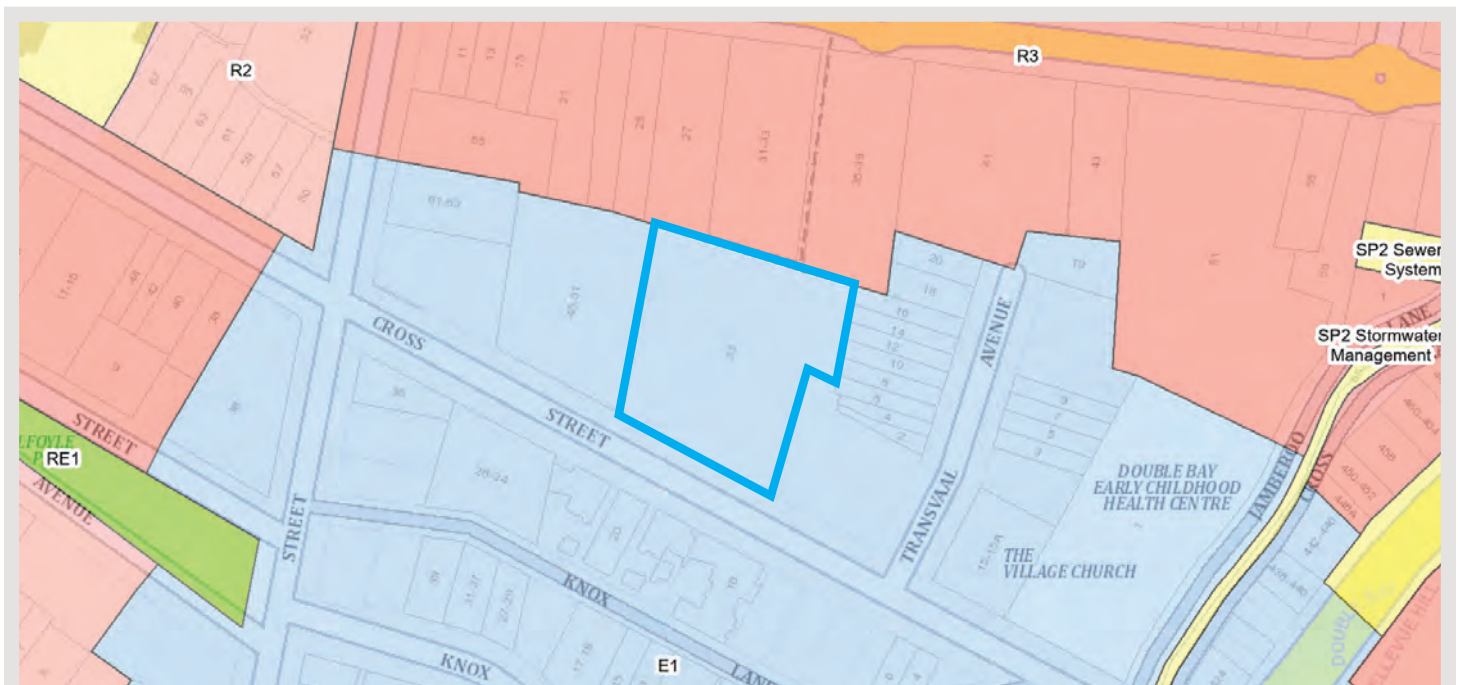


Figure 6: Land zoning map, indicating site with blue outline.

2. THE SITE AND THE VISUAL CONTEXT

Visual impacts occur within an existing visual context where they can affect its character and amenity. This section of the report describes the existing visual context and identifies its defining visual characteristics.

Defining the local area relevant to the visual assessment of a proposed development is subject to possible cognitive mapping considerations and statutory planning requirements. Notwithstanding these issues, the surrounding properties that may be affected by the visual impact of the proposed development is considered to be the area identified on in the topographical area map, Figure 7.

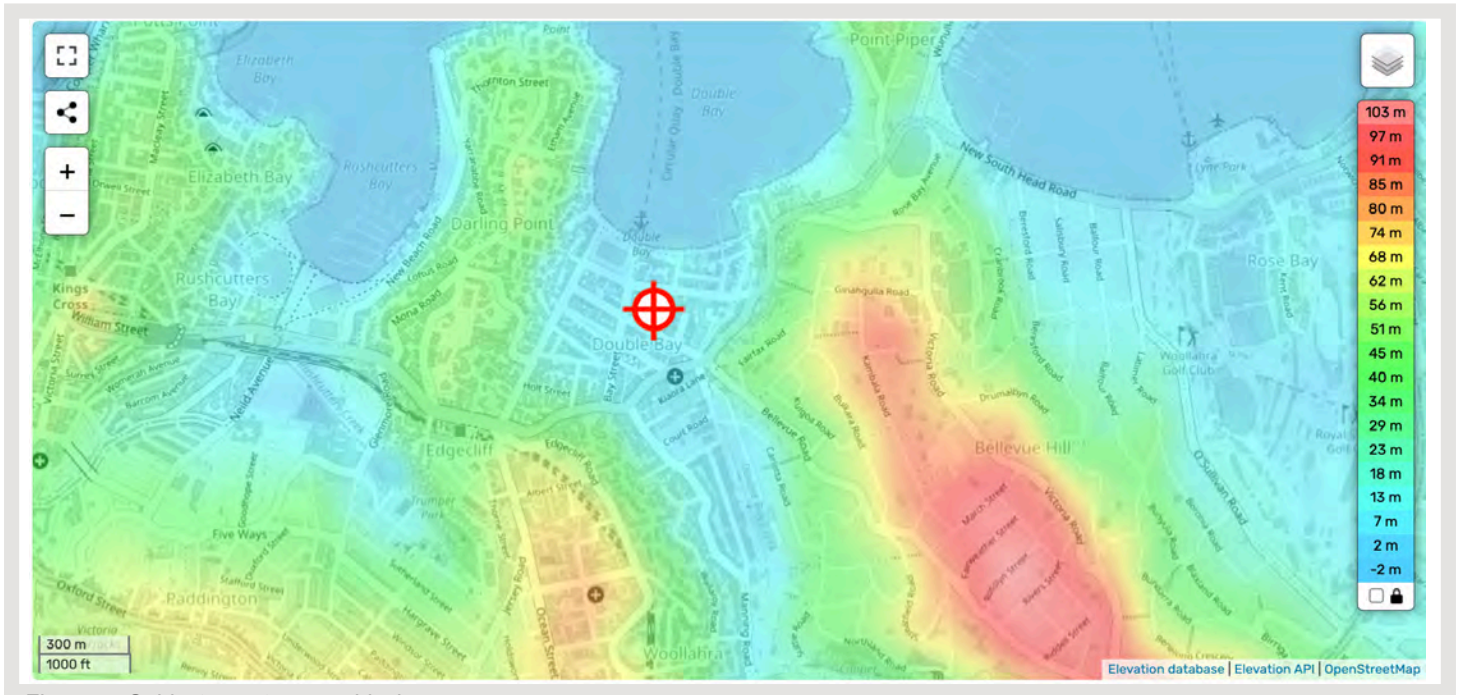


Figure 7: Subject area topographical map.

The 'Street Context' provides a frame of reference for reviewing the visual relationship of the new development (and in particular its facades) in relation to the adjoining pedestrian spaces and roads. Elements of the development within this frame of reference are experienced in relatively close proximity where, if compatible with the human scale they are more likely to facilitate positive visual engagement and contribute to the "activation" of adjoining pedestrian spaces.

The 'Neighbourhood Context' provides a broader frame of reference that relates the appearance of the development as a whole to the appearance of other developments within the local area. As a frame of reference, it evolves from the understanding gained after experiencing the site context and the low density of development. Within this context the relative appearance, size and scale of different buildings are compared for their visual compatibility and contribution to a shared character from which a unique "sense of place" may emerge. This frame of reference involves the consideration of developments not necessarily available to view at the same time. It therefore has greater recourse to memory and the need to consider developments separated in time and space. The neighbourhood context is relevant to the visual 'legibility' of a development and its relationship to other developments, which informs the cognitive mapping of the local area to provide an understanding of its arrangement and functionality.

The 'Town / City Context' provides a frame of reference that relates the significance of key developments or neighbourhoods to the town as a whole. The contribution that distinctive neighbourhoods make (or may potentially make) to the image of the city can be affected by the visual impact of an individual development through its influence on the neighbourhood's character and legibility. Within this context, it is also important to be aware of other proposed developments in the area.

2.1. The Visual Context

The Double Bay Centre stands as a testament to thoughtful urban design, characterized by its charming, leafy streetscapes and vibrant footpath eateries that contribute to a distinctly cosmopolitan atmosphere. The architectural landscape here includes a mix of multi-storey commercial structures, mixed-use developments, and accommodations catering to both tourists and visitors. Additionally, the area features low-rise retail and business premises that blend seamlessly with the overall aesthetic. Recently, there has been a notable uptick in the approval and construction of six storey mixed-use developments along Cross Street, reflecting a trend towards vertical expansion while maintaining the area's unique charm. As a result, the buildings exhibit varying setbacks from the public domain, contributing to the overall eclectic character of the neighbourhood. However, there have been no buildings, built or approved above six storeys in Double Bay Centre.

The locality has a residential, leafy character characterised by a streetscape quality of side setbacks and predominant landscape. The building heights reinforce the existing cityscape in response to the undulating

character of the area.

2.2. Visual Features and Local Landmarks

Particular elements in the urban pattern, through either location and/or built form provide visual nodes and landmarks that assist in differentiating locations within the broader visual context. The following visual nodes are considered to be of the greatest significance in terms of their contribution to the character and legibility of the local and surrounding area:

The focus of all the properties is to the north towards Double Bay, Port Jackson and the extensive water elements, with, rich panoramic views .

2.3. Streetscapes

Within the immediate and surrounding areas, the streetscapes are typical of the Eastern Suburbs, being a mixture of individual houses and apartments blocks of varying scales, commercial buildings and hotels. The existing hotel is already the tallest building within Double Bay, with no buildings currently higher than 6 storeys. The area's landscaping is predominantly mature and well established.

2.4. The selected view locations for the local view analysis

As a result of the site's topography, the visual impact is primarily relevant to the residential properties to the south and southwest of the subject site and, in particular on the southern side of New South Head Road, where development is situated on the rising topography of the landform. A large number of site photos were taken and a smaller number of specific views selected from these, relevant for private viewing locations, as described above. The selected photos are intended to allow consideration of the visual and urban impact of the new development, specifically, from the neighbouring properties.

2.5. Context of View

The context of the view relates to where the proposed development is being viewed from. The context is different if viewed from a neighbouring building, or garden, as is the case here, where views can be considered for an extended period of time, as opposed to a glimpse obtained from a moving vehicle.

2.6. Extent of View

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 to be ranked as high, medium or low, with a low ranking representing the highest visual impact upon the scenic environmental quality of the specific locality, since there is little capacity to absorb the visual impact within the landscape.

3. VISUAL IMPACT OF THE PROPOSED DEVELOPMENT

3.1. Visual Impact Assessments viewpoint locations

Visual Impact Assessments from 18 viewpoint locations, within the visual context of the subject site.

3.1.1. Method of Assessment

In order to allow a quantitative assessment of the visual impact locations where view impact and view loss, a Canon EOS Full Frame Digital Camera with fixed focal length 50mm lens was used to take viewpoint photos, at an eye level of 1600mm, except at viewpoint 17 and 18 where a wider field of view (24mm) was needed.

The photos include location descriptions, to be read in conjunction with the site map, contained in Appendix A. Additionally, information is supplied as to the distance from the site boundary for each location and the distance to the closest built form is provided in Section 3.1.2 below.

To assess the visual impact, there are 2 relevant aspects - view loss of actual substance (landscape, middle and distance view elements etc.) and also direct sky view loss. To a large extent, the value associated with a view is subjective, although a range of relative values can be assigned to assist with comparing views. Figure 9 is a scale of values from 0 to 15, used to allow a numeric value to be given to a particular view, for the purposes of comparison.

On the same table are a series of values, from zero to 15, that reflect the amount of visual impact.

The second means of assessment relates to assigning a qualitative value to the existing view, based on criteria of visual quality defined in the table – see figure 9.

The % visual content is then assessed, together with a visual assessment of the new development's ability to blend into the existing surroundings. In this instance, the highest value views to be considered are to the harbour and foreshore.

Scale	Value	Visual Quality	Visual Impact	Tenacity Value
0	Negligible	N/A	No negative impact on the pre-existing visual quality of the view.	Nil
1		Predominant presence of low quality manmade features. Minimal views of natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc). Uniformity of land form.	A minor negative impact on the pre-existing visual quality of the view. Examples: - Minor impacts on natural landscapes. - No impact on iconic views - Impacts on a small number of receivers. - Significant distance between the development and receiver.	
2				
3				
4				
5				
6	Low	Presence of some natural features mixed with manmade features. Some views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc). Uniformity of land form.	A minor negative impact on the pre-existing visual quality of the view. Examples: - Minor impacts on natural landscapes. - No impact on iconic views - Impacts on a small number of receivers. - Significant distance between the development and receiver.	
7				
8				
9				
10				
11	Medium	Presence of some natural features mixed with manmade features. Some views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc).	A medium negative impact on the pre-existing visual quality of the view: Examples: - Moderate impacts on iconic views or natural landscapes. - Impacts on a moderate number of receivers. - Located nearby the receiver.	
12				
13				
14				
15				
16	High	Predominantly natural features. Minimal manmade features, however if present of a high architectural standard. Significant views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc). Presence of iconic regional views or landmark features.	A high negative impact on the pre-existing visual quality of a view: Examples: - Loss of iconic views. - Impacts on a significant number of receivers. - Overshadowing effect. - Directly adjacent the receiver.	
17				
18				
19				
20				
21	Severe			
22				
23				
24				
25				
26	Devastating			
27				
28				
29				
30				

Figure 9: Urbaine Group Assessment Table

3.1.2. Assessment at selected viewpoints



Existing site photo - No.12, Pine Hill Avenue

From the first floor balcony – 1m from the balustrade, looking due north towards the subject site.

Camera - Canon RP

Lens - 50mm

RL + 36.96m - Distance to boundary 472.5m



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 84%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : %*
- *Existing Visual Assessment Scale no: 9 /15 & Visual Impact Assessment Scale no: 10 /15*

This is a static, private viewpoint from the first floor external terrace of No.12, Pine Hill Avenue, 1m back from the balustrade, at standing height. This view is from the front elevation of the house and the main views from living areas are all towards the north-northwest. From this location, the existing view looks out over the rear boundary and to the descending topography, towards Double Bay town centre, the subject site and the water of Port Jackson beyond this. On the northern side of the harbour, Bradleys Head with Taronga Zoo and Clifton Gardens are observed in the far distance, and the ridge beyond. To the east, glimpses of Point Piper can be seen through canopies of mature trees. Views to the west are terminated by the side wall of the neighbouring property at no.345, Edgecliff Road and by large mature trees to the east, with small glimpses through to the ridge of Point Piper. Of particular value to the resident of this property is the opportunity to observe the movement of sailing vessels across the harbour.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a significant portion of the water view and of the distant foreshore view to the north. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate-to-Severe.

Tenacity Assessment Summary:

- *Value of view: Medium - with high value components.*
- *View location: Secondary living area - External balcony*
- *Extent of impact: Moderate-to-Severe.*

Reasonableness of proposal: The new proposal creates view loss to the highest-value component of the view from this property, being the distant harbour foreshore. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate-to-Severe within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - No.10, Pine Hill Avenue.

From first floor study window – looking due north towards the subject site.
RL + 32.44m - Distance to boundary 455.8m

Camera - Canon RP
Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 91%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 9 /15 & Visual Impact Assessment Scale no: 9 /15*

This is a static, private viewpoint from the first floor study of No.10, Pine Hill Avenue, from north-northwest facing window. From this location, the existing view looks out over the rear boundary and the tennis court of the neighbouring property at no.345, Edgecliff Road. From here, the topography descends, revealing the residences and commercial buildings of Double Bay town centre, with the centrally located subject site and Port Jackson beyond this. On the northern side of the harbour, Bradleys Head, Taronga Zoo and Clifton Gardens are seen, located in the far central distance, with the distant skyline framed by local mature trees. To the east, elements of the eastern ridgeline of Point Piper can be seen. Of particular value to the resident of this property is the opportunity to observe the movement of sailing vessels across the harbour.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a significant portion of the water view and of the distant foreshore view to the north. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate-to-Severe.

Tenacity Assessment Summary:

- *Value of view: Medium - with high value components.*
- *View location: Secondary living area - study*
- *Extent of impact: Moderate-to-Severe*

Reasonableness of proposal: The new proposal creates view loss to the highest-value component of the view from this property, being the distant harbour foreshore. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate-to-Severe within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - No.343, Edgecliff Road.

From first floor balcony – 1m inside the balcony balustrade, looking north-northeast towards the subject site.

RL + 34.04m - Distance to boundary 440.6m

Camera - Canon RP

Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 84%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 11 /15 & Visual Impact Assessment Scale no: 10 /15*

This is a static, private view from the first floor balcony of the house at no.343, Edgecliff Road, at standing height and 1m from the balustrade, looking north-northeast. This view is from the northern facade of the house and the main views from the primary living areas are all towards the north-northeast. From this location, the existing view looks across the residential areas and commercial buildings to the north, leading up to the water land interface with Double Bay and Port Jackson. A small area of land/water interface is also observed along Blackburn Cove, to the northeast. The subject property can be seen in the central midground area of this view, between mature landscaping which obstructs parts of the immediate foreground views. To the northeast, the ridegline of Point Piper terminates the view, whilst distant views, directly north are towards Bradley's Head and Mosman beyond.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a significant portion of the water view and of the distant foreshore view to the north. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate-to-Severe.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: First floor balcony - secondary living space.*
- *Extent of impact: Moderate-to-Severe.*

Reasonableness of proposal: The new proposal creates view loss to the highest-value component of the view from this property, being the distant harbour foreshore. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate-to-Severe within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - No.343a, Edgecliff Road - First floor

From first floor living room window – 1m from gazing at standing height,
looking north-northeast over to the subject site.

RL + 44.17m - Distance to boundary 473.9m

Camera - Canon RP

Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 91%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : %*
- *Existing Visual Assessment Scale no: 10 /15 & Visual Impact Assessment Scale no: 7 /15*

This is a static, private view from the living room, first floor window of no. No.343a, Edgecliff Rd, 1m from the glazing line, at standing height. This is the primary facade of the house, overlooking the private garden to the northeast. From this location, the existing view is over the garden of the view source and across the residential rooftops and commercial buildings to the north, to the moored sailing vessels within Double Bay and the foreshore of Blackburn Cove to the northeast. Beyond Port Jackson, to the north, the land/ water interface at Bradley's Head is seen and Taylor's Bay Reserve to the east of this, in the far distance, filtered through the canopy of a large, mature tree, with small glimpses of Point Piper Headland to the northeast.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a significant portion of the water view to the north-northeast. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate.

Tenacity Assessment Summary:

- *Value of view: Medium-to-High*
- *View location: First floor living room - primary living space.*
- *Extent of impact: Moderate.*

Reasonableness of proposal: The new proposal creates view loss to the Harbour water view. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - No.343a, Edgecliff Road - Ground Level Apartment

From ground level living room – 1m from glazing line, looking north-northeast.

Camera - Canon RP

Lens - 50mm

RL + 40.95m - Distance to boundary 473.9m



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 79%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 10 /15 & Visual Impact Assessment Scale no: 8 /15*

This is a static, private view from the ground floor living room of no. No.343A, Edgecliff Road looking north-northeast across neighbouring rooftops towards the commercial buildings of the town centre. Much of the immediate foreground view is obstructed by mature landscaping within the property's garden. This is the front facade of the house and the main views from the primary living areas are all towards the north-northeast. To the west, the structure of the residential apartment building at no.349 New South Head Road terminates the view in this direction. Beyond this, the existing view is over the garden of this property and overlooking the residential rooftops and commercial buildings to the north, to the moored sailing vessels within Double Bay and the foreshore of Blackburn Cove to the northeast. Beyond Port Jackson, to the north, the land/ water interface at Bradley's Head, Taylor's Bay Reserve and George's Head is seen, progressing to the east, in the far distance. Views to the north east are experienced through openings in the canopy of a large, mature tree and include elements of Blackburn Cove and Point Piper Headland.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a significant portion of the water view to the north-northeast. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate.

Tenacity Assessment Summary:

- *Value of view: Medium-to-High*
- *View location: Living room - primary living area.*
- *Extent of impact: Moderate.*

Reasonableness of proposal: The new proposal creates view loss to the Harbour water view. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - Unit 603, 349 New South Head Road

From a level six living room window, 1m from gazing at standing height, looking due east over to the subject site.

RL +38.44m - Distance to boundary 379.2m

Camera - Canon RP

Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 83%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 11 /15*

This is a static, private view from the level six living room window of Unit 6, no.349, New South Head Road, 1m back from the glazing line, at standing height, looking towards the site to the northeast. From this location, the subject site is observed in the midground, beyond various residential and commercial rooftops, to the water of Double Bay and the foreshore of Blackburn Cove to the northeast. Beyond Port Jackson, to the north, the land/ water interface at Bradley's Head, Taylor's Bay Reserve and Georges Head is seen, progressing to the east, in the far distance. To the east, the rising topography of Point Piper Headland and ridgeline are clearly visible.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a significant portion of the water view to the north-northeast and the foreshore around Blackburn Cove. When reviewed against the scale of this view's extent, the visual impact would be assessed as Severe.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Living room - primary living area.*
- *Extent of impact: Severe*

Reasonableness of proposal: The new proposal creates view loss to the highest-value component of the view from this property, being the Blackburn Cove harbour foreshore. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Severe within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - Unit 703, No.349, New South Head Road

From a level seven external balcony at standing height facing north east towards the subject site

RL + 41.50m - Distance to boundary 375.8m

Camera - Canon RP

Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 43%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 11 /15*

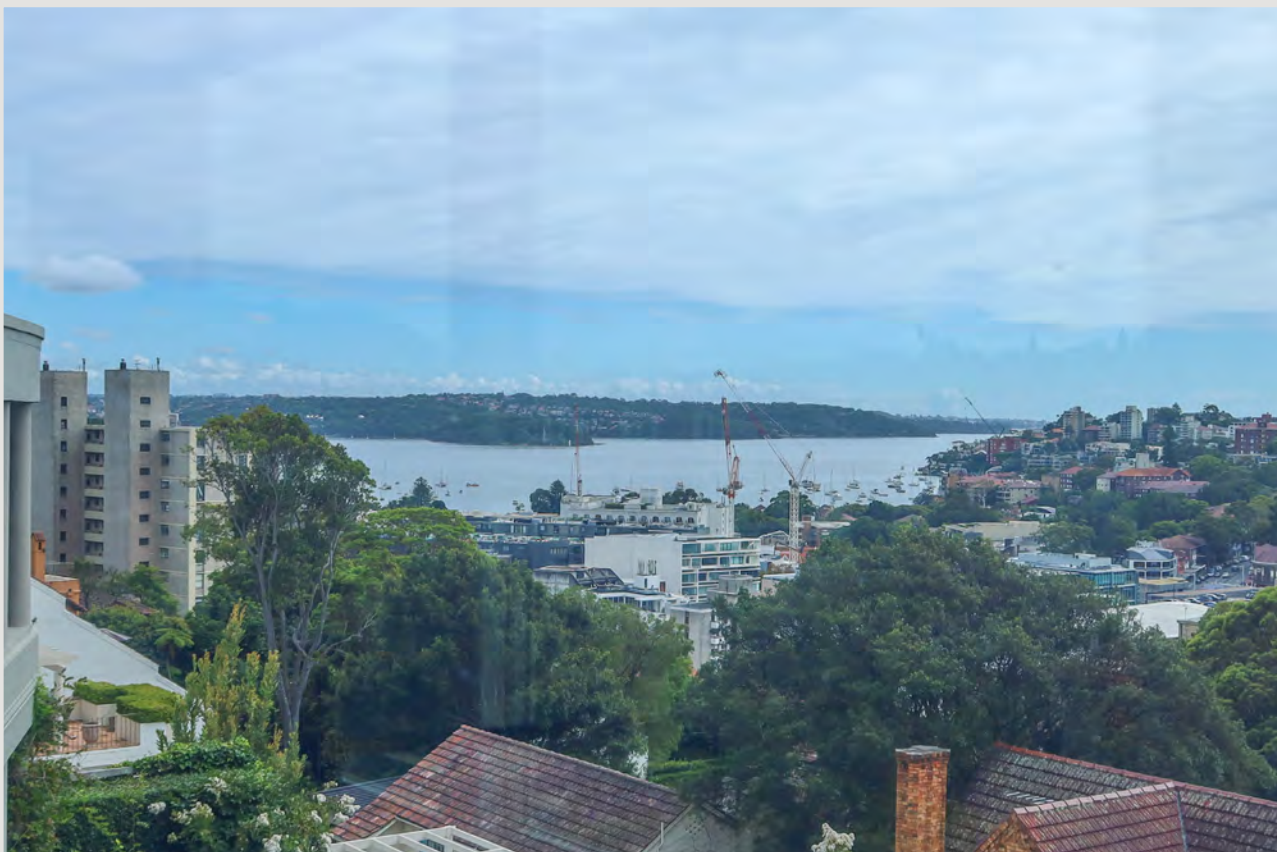
This is a static, private view from the level 7 external balcony of Unit 703, No.349, New South Head Road, 1m from the balustrade line, at standing height, looking towards the site to the northeast. From this location, the subject site is observed in the mid-ground, beyond various residential and commercial rooftops, to the water of Double Bay and the foreshore of Blackburn Cove to the northeast. Beyond Port Jackson, to the north, the land/water interface at Bradley's Head, Taylor's Bay Reserve and Georges Head is seen, progressing to the east. Further, Middle Head and Manly are seen. The foreshore of Blackburn Cove and the rising topography of the Point Piper Headland are visible, without obstruction. To the east, the rising topography of Point Piper Headland and ridgeline are clearly visible.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a significant portion of the water view to the north-northeast and the foreshore around Blackburn Cove. When reviewed against the scale of this view's extent, the visual impact would be assessed as Severe.

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: External balcony - secondary living area.*
- *Extent of impact: Severe.*

Reasonableness of proposal: The new proposal creates view loss to the highest-value component of the view from this property, being the Blackburn Cove harbour foreshore. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Severe within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



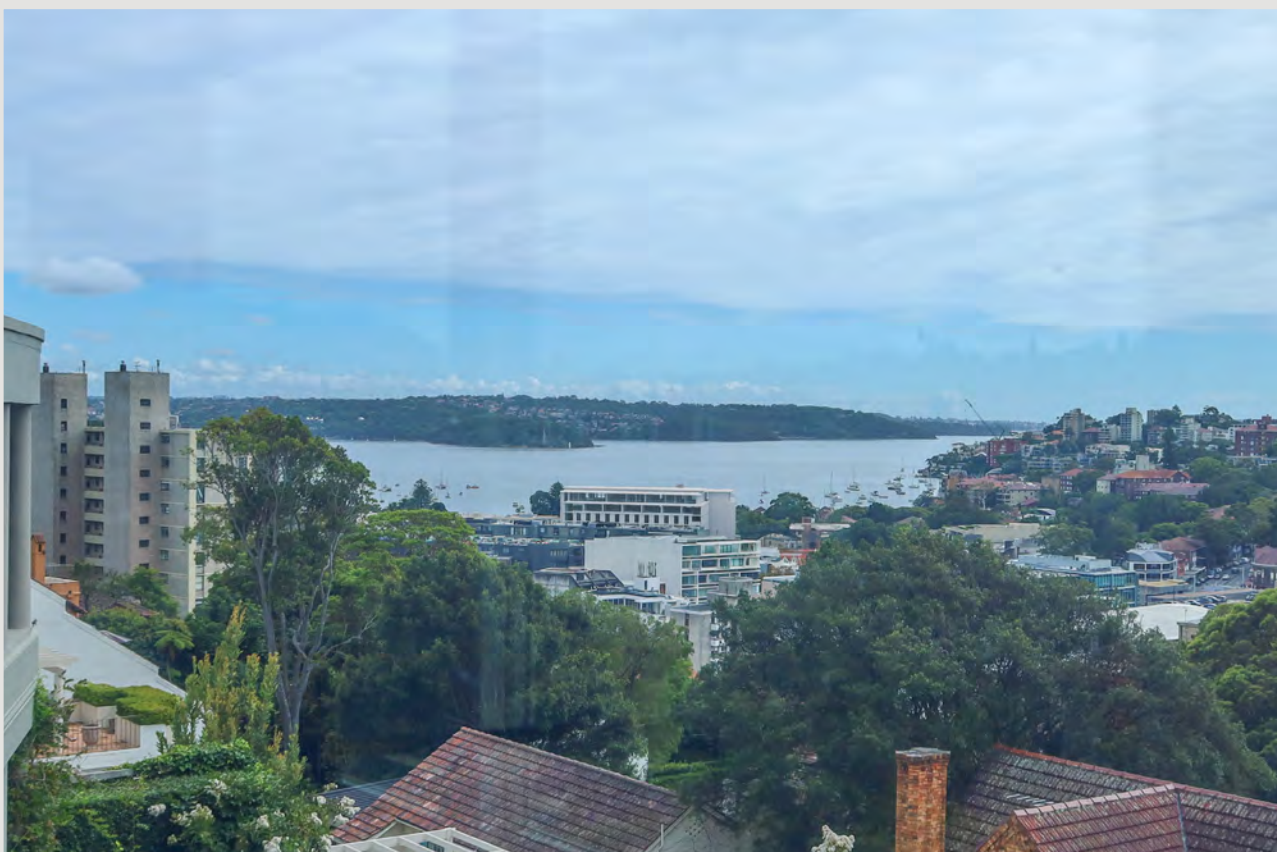
Existing site photo - No.331, Edgecliff Road

From the first floor study window, facing north-northeast towards the subject site.

RL + 58.58m - Distance to boundary 594.4m

Camera - Canon RP

Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 43%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 6 /15*

This is a static and private view from the first floor study window of the residential property at No.331, Edgecliff Rd, gazing north-east, 1 metre away from the gazing and standing height, looking north-northeast towards the subject site. The foreground views to the north are partially obscured by the adjoining dwelling at no.333 Edgecliff Rd. As the view moves eastward, other one and two-storey residential buildings are observed across the descending topography. The midground perspective to the east is partially obscured by mature trees bordering the residential dwellings. The subject site is observed in the mid-ground, beyond various residential and commercial rooftops, to the water of Double Bay and the foreshore of Blackburn Cove to the northeast. Beyond Port Jackson, to the north, the land/water interface at Bradley's Head, Taylor's Bay Reserve and Georges Head is seen, progressing to the east. Further, Middle Head and Manly are seen. The foreshore of Blackburn Cove and the rising topography of the Point Piper Headland are visible, without obstruction. The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a moderate amount of the water view to the north-northeast and the foreshore trees. When reviewed against the scale of this view's extent, the visual impact would be assessed as Minor-to-Moderate.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Study - secondary living area.*
- *Extent of impact: Minor-to-Moderate,*

Reasonableness of proposal: The new proposal creates view loss to the Double Bay water view. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Minor-to-Moderate within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - Unit 2, No.333, Edgecliff Road

From first floor balcony at standing height, facing north northeast towards the subject site.

RL + 57.19m - Distance to boundary 576.9m

Camera - Canon RP

Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 81%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 6 /15*

This is a static and private view from the first floor balcony of Unit 2 of No.333, Edgecliff Rd, 1 metre away from the balustrade, at standing height, looking north-northeast towards the subject site. The foreground views to the north are partially obscured by the adjoining dwelling at no.333 Edgecliff Rd. As the view moves eastward, other one and two-storey residential buildings are observed across the descending topography. The midground perspective to the east is partially obscured by mature trees bordering the residential dwellings. The subject site is observed in the mid-ground, beyond various residential and commercial rooftops, to the water of Double Bay and the foreshore of Blackburn Cove to the northeast. Beyond Port Jackson, to the north, the land/water interface at Bradley's Head, Taylor's Bay Reserve and Georges Head is seen, progressing to the east. Further, Middle Head and Manly are seen. The foreshore of Blackburn Cove and the rising topography of the Point Piper Headland are visible, without obstruction.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a moderate amount of the water view to the north-northeast and the foreshore trees. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Balcony - secondary living area.*
- *Extent of impact: Minor-to-Moderate.*

Reasonableness of proposal: The new proposal creates view loss to the Double Bay water view. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Minor-to-Moderate within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - Unit 1, No.333, Edgecliff Road

From the rear garden at standing height, facing north northeast towards the subject site.

RL + 54.2m - Distance to boundary 586.3m

Camera - Canon RP

Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 68%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 10 /15 & Visual Impact Assessment Scale no: 6 /15*

This is a static, private view from the north-facing front garden of Unit 1, No.333, Edgecliff Rd, from standing height. From this vantage point, the immediate foreground faces due north and is laterally obscured, to the west and east, by mature landscaping, resulting in a central view that opens up to the land-water interface of Double Bay and Bradleys Head to the north of Port Jackson. The mid-ground of the view is across the commercial rooftops of the town centre, to the subject site and waterfront trees beyond this.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a moderate amount of the water view to the north-northeast and the foreshore trees. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Garden - secondary living space.*
- *Extent of impact: Moderate.*

Reasonableness of proposal: The new proposal creates view loss to the Double Bay water view, beyond the foreshore treeline. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.

VIEWPOINT 11



Existing site photo - No.327, Edgecliff Road

From seated position in the outdoor dining area, facing north-northeast.
RL + 51.58m - Distance to boundary 605.6m

Camera - Canon RP
Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 82%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 7 /15*

This is a static, private view from the north-facing garden of the residence at No.327, Edgecliff Road, looking northeast, from the outdoor dining area, at sitting height. From this vantage point, the foreground picture shows the expanse of the front lawn, with the neighbouring property at no.327c, Edgecliff Road terminating the view to the west and mature landscaping, within this garden, to the east. The view opens to the north, through a central visual aperture, towards the upper canopies of neighbouring mature trees and parts of commercial buildings within the town centre beyond these. The subject site is observed in the mid-ground and, beyond this, the water of Double Bay and glimpses of the foreshore of Blackburn Cove to the northeast. Beyond Port Jackson, to the north, the land/water interface at Bradley's Head, Taylor's Bay Reserve and Georges Head is seen, progressing to the east.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a moderate amount of the water view to the north-northeast and the foreshore trees. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Garden- secondary living space*
- *Extent of impact: Moderate.*

Reasonableness of proposal: The new proposal creates view loss to the Double Bay water view, beyond the foreshore treeline. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo -No.327a, Edgecliff Road

From the master bedroom balcony at standing height facing north northeast towards the subject site

RL + 56.96m - Distance to boundary 624.7m

Camera - Canon RP

Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 83%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 7 /15*

This is a static, private view from the domestic dwelling at No.327A ,Edgecliff Rd at standing height, gazing north, northeast towards the subject site. The foreground views to the north are across the roof of the adjoining dwelling at no.327c, Edgecliff Rd. The subject site is observed in the mid-ground, beyond various residential and commercial rooftops, to the water of Double Bay and the foreshore of Blackburn Cove to the northeast. Beyond Port Jackson, to the north, the land/ water interface at Bradley's Head, Taylor's Bay Reserve and Georges Head is seen, progressing to the east. Further, Middle Head and Manly are seen. The foreshore of Blackburn Cove and the rising topography of the Point Piper Headland are visible, without obstruction to the north east and the headland of Darling Point directly to the north.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a moderate amount of the water view to the north-northeast and the foreshore trees. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Garden - secondary living space*
- *Extent of impact: Moderate .*

Reasonableness of proposal: The new proposal creates view loss to the Double Bay water view, beyond the foreshore treeline. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - No.327B, Edgecliff Road

From the outdoor dining area at standing height, facing
north-northeast towards the subject site
RL + 55.38m - Distance to boundary 626.3m

Camera - Canon RP
Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 78%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 6 /15*

This is a static, private view from the front garden of the property at No.327B, Edgecliff Rd, looking north-northeast towards the subject site. To the west is a lateral view of the neighbouring residence at 329 Edgecliff Rd. A central view then opens up to the land-water interface of Double Bay and Bradleys Head to the north of Port Jackson. The mid-ground of the view is across the commercial rooftops of the town centre, to the subject site and waterfront trees beyond this. Beyond Port Jackson, to the north, the land/water interface at Bradley's Head, Taylor's Bay Reserve and Georges Head is seen, progressing to the east. Further, Middle Head and Manly are seen. The foreshore of Blackburn Cove and the rising topography of the Point Piper Headland are visible, without obstruction. The extent of view to the west is limited by the side wall and roof of the neighbouring house at no.329, Edgecliff Road and to the east by mature landscaping elements.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a moderate amount of the water view to the north-northeast and the foreshore trees. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Garden - secondary living space*
- *Extent of impact: Moderate.*

Reasonableness of proposal: The new proposal creates view loss to the Double Bay water view, beyond the foreshore treeline. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - No.327d, Edgecliff Road

From the ground level kitchen facing north northeast
towards the subject site
RL +45.29 m - Distance to boundary 561.9m

Camera - Canon RP
Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 92%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 11 /15 & Visual Impact Assessment Scale no: 8 /15*

This is a static, private view from the ground floor kitchen of the residence at No.327d, Edgecliff Rd, looking north-northeast, and 1m from the glazing line, at standing height. The foreground views to the north are across the roofs of houses along Pinehill Avenue. The subject site is observed in the mid-ground, beyond various residential and commercial rooftops, to the water of Double Bay and the foreshore of Blackburn Cove to the northeast. Beyond Port Jackson, to the north, the land/water interface at Bradley's Head, Taylor's Bay Reserve and Georges Head is seen, progressing to the east. Further, Middle Head and Manly are seen. Parts of the ridgeline of the Point Piper Headland are visible, filtered through the canopy of a large, mature tree, to the northeast and the headland of Darling Point directly to the north.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a moderate amount of the water view to the north-northeast and the foreshore trees. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Kitchen - primary living space.*
- *Extent of impact: Moderate*

Reasonableness of proposal: The new proposal creates view loss to the Double Bay water view, beyond the foreshore treeline. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - No.337, Edgecliff Road

From approximate living room (under construction) at standing height facing north northeast towards the subject site.

RL + 42.51m - Distance to boundary 554.8m

Camera - Canon RP

Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 91%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 9 /15*

This is a static, private view from the living room of the residence at No.337, Edgecliff Road, looking due north at standing height. From this location, the foreground view shows the bordering landscaping and then across a sloping topography, to the residential area of Double Bay. The view is laterally obscured, to the west and east, by mature landscaping, resulting in a central view that opens up towards the subject site, the land-water interface of Double Bay and Bradleys Head to the north of Port Jackson. The mid-ground of the view is across the commercial rooftops of the town centre, to the subject site and waterfront trees beyond this. The foreshore of Blackburn Cove and the rising topography of the Point Piper Headland are visible to a point where the view is terminated to the east by a large tree canopy. Several large trees also confine the extending view to the northwest.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a moderate amount of the water view to the north-northeast and the foreshore trees. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Living room location - primary living area.*
- *Extent of impact: Moderate-to-Severe.*

Reasonableness of proposal: The new proposal creates view loss to a large area of the Double Bay water view, beyond the foreshore treeline. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate-to-Severe within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - No.329, Edgecliff Road

From ground level living room facing north northeast towards the subject site
RL + 55.23m - Distance to boundary 606.9m

Camera - Canon RP
Lens - 50mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 57%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 5 /15*

This is a static, private view from the ground floor living of the residence at No.329, Edgecliff Rd, looking north-northeast, and 1m from the glazing line, at standing height. The foreground views to the north are across mature tree canopies, within the gardens of adjoining properties. The subject site is observed in the mid-ground, beyond small glimpses of various residential and commercial rooftops, to the water of Double Bay and the foreshore of Blackburn Cove to the northeast. Beyond Port Jackson, to the north, the land/water interface at Bradley's Head, Taylor's Bay Reserve and Georges Head is seen, progressing to the east. Further, Middle Head and Manly are seen. Point Piper headline and elements of the Blackburn Cove foreshore are visible to the northeast, with the ridgeline rising from north to south,

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of a moderate amount of the water view to the north-northeast and the foreshore trees. When reviewed against the scale of this view's extent, the visual impact would be assessed as Moderate.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Living room - primary living area*
- *Extent of impact: Moderate.*

Reasonableness of proposal: The new proposal creates view loss to the Double Bay water view, beyond the foreshore treeline. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Moderate within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.



Existing site photo - Unit 501, No.26, Cross Street, Double Bay

From level 5 master bedroom, 1m back from glazing, facing north northeast towards the subject site.

RL + 15.45m - Distance to boundary 29.9m

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 47%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 0% :100%*
- *Existing Visual Assessment Scale no: 5 /15 & Visual Impact Assessment Scale no: 11 /15*

This is a static, private view from the fifth storey master bedroom of unit 501, of No.26, Cross St, looking north-west, 1 metre from the glazing line, at standing height. From this position, the foreground view extends beyond the balcony's external structure to the north, northwest, and midground aspects. The foreground view is significantly obstructed by large trees that cover the majority of the south-facing façade of the existing property on the subject site at no.33 Cross Street. An uninterrupted, open sky view can be observed above the subject property's parapet line, creating a sense of visual openness to the apartment.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric. There is total view loss to the existing sky view, above the property, which will have significant impacts upon solar access, in addition to the reduced visual amenity of this property. This view loss and visual impact is assessed as Severe.

Tenacity Assessment Summary:

- *Value of view: Low.*
- *View location: Master bedroom - secondary living space.*
- *Extent of impact: Severe.*

Reasonableness of proposal: The new proposal creates total view loss to the sky view above the existing building. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Severe within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.

VIEWPOINT 18



Existing site photo - Unit 501, 26 Cross Street, Double Bay

From level 5 kitchen, facing north northeast towards the subject site.
RL + 15.45m - Distance to boundary 25.9m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual Impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 50%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 90%*
- *Existing Visual Assessment Scale no: 6 /15 & Visual Impact Assessment Scale no: 13 /15*

This is a static, private view from the fifth floor kitchen of Unit 501, no.26 Cross Street, looking northeast towards the multi-story residential dwelling at no. 33 Cross Street, the subject property.

From this vantage point, the view extends across the primary living space to the balcony. Beyond this, a row of mature street trees obstructs much of the viewable façade of the existing subject property, at no.33 Cross Street, from this location. An open, uninterrupted sky view can be observed above the subject property's parapet line and also to the east of the upper levels.

The visual impact of the new proposal relates to the bulk and scale of the development, within the context of the surrounding urban fabric, in addition to the view loss, which consists of almost the entirety of the sky above the existing building. When reviewed against the scale of this view's extent, the visual impact would be assessed as Severe-to-Devastating.

Tenacity Assessment Summary:

- *Value of view: Moderate*
- *View location: Upper level balcony view form primary living space.*
- *Extent of impact: Severe-to-Devastating*

Reasonableness of proposal: The new proposal creates total view loss to the sky view above the existing building. The proposal's non-compliance with the permissible height limit for the site is the cause of the visual impact, which is classed as Severe-to-Devastating within the Tenacity Assessment Scale. This is not considered a reasonable, or acceptable, proposal within this context.

4. SUMMARY ASSESSMENT

This Visual Impact Assessment from Urbaine Design seeks to provide an objective approach to the likely visual impact on the surrounding areas from the development proposal at No.33, Cross Street, Double Bay.

The proposal has a number of areas of non-compliance, including, but not limited to: Number of levels / Setbacks / Arcade width and loading facility / solar access and cross ventilation / maximum building height / FSR. In relation to the building height, visual impact and view loss, The Statement of Environmental Effects that accompanies the Development Application states:

'The proposed building height aligns with that of the existing structure, with the roof's highest point at RL 32.67, equivalent to the current lift overrun level. While there may be minimal additional impact on water views, the proposed building envelope largely preserves the existing level of view sharing for neighbouring properties. Compared to the previously approved building envelope (DA No. 671/2010), any additional view impacts from this proposal are negligible and do not affect significant or iconic views. In other words, the majority of these iconic, City, water and land-water interface views, especially from the upper levels, will remain unaffected. Enforcing strict compliance with the height and building envelope controls would not result in significant view improvements for the neighbours.'

Contrary to this claim and as observed within this report, from Urbaine, there is significant visual impact and view loss to high value components of views from a large number of residential properties within Double Bay.

The Visual Impact Assessment, by URBIS, that accompanies the Development Application does not present a verifiably accurate representation of the view loss that would be created by the new proposal. Neither does it assess the visual impact from a sufficient number of properties that would be significantly affected. A brief review of the submitted URBIS VIA is as follows:

1. Section 3.1 of the URBIS View Sharing Report states: *'The private domain visual catchment of the site is constrained to close streetscape views, neighbouring development and north-facing development across mid-slope locations south of the subject site'*. A small number of real estate marketing photos are then included within this section of the report.

There has been no in-depth study of the actual locations that will be impacted by the development. The visual catchment is certainly not constrained. Rather, it is extensive, as a result of the amphitheatre-like topography of Double Bay and its surroundings.

2. Section 5.1 of the URBIS View Sharing Report states: *'CGIs are a useful objective visual aid which show the likely view compositions that are available from window openings or adjacent external viewing positions such as balconies'*.

Contrary to this statement, there are very clearly defined guidelines for the preparation of photomontaged views, contained within the Land and Environment Court Document: Policy: Use of Photomontages and Visualisation Tools. May 2024. This is contained within this report as Appendix B. None of the Policy Guidelines have been adhered to within the URBIS report. Specifically, surveyed photo locations have not been verified and no actual photos provided, only images from a 3D model. The 3d Model used also appears to be out of date, with several key buildings missing from background and foreground views, Our estimate is that the model is approximately 5 years old and not current.

3. Section 5.0 contains images showing views looking to the south, from the subject site. A small number of locations are highlighted as suitable for assessment, but a much larger number have been ignored and, critically, these are in locations where the view loss is most likely to be significant, as demonstrated within the Urbaine View Analysis. Furthermore, views from the URBIS report that are looking towards the site in a north-northeasterly direction have been overlaid onto a very low detail background photo of the harbour and distant views. Subsequently, an assessment of view loss of these high-value components is not possible.

4. Section 6 of the URBIS View Sharing Report concludes that:

Of the 8 view locations assessed, potential view impacts for all dwellings were rated as negligible, which is the lowest rating on the Tenacity qualitative rating scale.

This is almost entirely due to: poor selection of view locations / non-compliance with LEC Policy Guidelines / the use of low resolution background photographs / the use of an old 3D model of the area (Aerometrix 2020). The orientation and height of the chosen view locations does not reflect the likely impact from many residential

properties to the south of the subject proposal, whose view loss will be categorised between Moderate and Devastating within the Tenacity Assessment Scale.

5. Section 6 of the URBIS View Sharing Report concludes that:

The composition of views to be lost is predominantly limited to existing development, vegetation, open sky and minor sections of distant, open, undifferentiated water.

This is clearly not the case when key viewpoint locations are assessed, using actual verified photography. There is significant Harbour view loss and, in many instances, loss of high-value foreshore views.

6. Section 6 of the URBIS View Sharing Report concludes that:

For all views assessed potential view loss is considered low, reasonable and acceptable.

Although this may be true for a small number of the submitted URBIS images, these are not an accurate visual representation of the impact. Neither are the assessments from locations which will experience the most significant view loss, as shown within the URBINE Report.

Based on the Urbaine 3D analysis, photography, and site visit it would be my recommendation that the Development Application be refused, on the grounds of an unacceptable amount of visual impact and view loss, when assessed against the permissible building envelope for the site.



John Aspinall, Director,

urbaine design group pty ltd

5. APPENDICES

5.1. APPENDIX A:

Assessment Images - panoramic - (additional PDF)

5.2. APPENDIX B:

LEC Guidelines for Photomontage / Visual Impact Assessment Methodology / John Aspinall CV.

5.3. APPENDIX C:

Names and addresses of resident objectors.

APPENDIX B:

Aspinall CV and Expert Witness experience.

Methodology article – Planning Australia, by Urbaine Architecture

JOHN ASPINALL. director: urbaine design group

UK Qualified Architect RIBA BA(Hons) BArch(Hons) Liverpool University, UK.

24 years' architectural experience in London and Sydney.

Halpin Stow Partnership, London, SW1

John Andrews International, Sydney

Cox and Partners, Sydney

Seidler and associates

NBRS Architects, Milsons Point

Urbaine Pty Ltd (current)

Design Competitions:

UK 1990 – Final 6. RIBA 'housing in a hostile environment'. Exhibited at the Royal Academy, London

UK Design Council – innovation development scheme finalist – various products, 1990.

Winner: International Design Competition: Sydney Town Hall, 2000

Finalist: Boy Charlton Swimming pool Competition, Sydney, 2001

Finalist: Coney Island Redevelopment Competition, NY 2003

Design Tutor: UTS, Sydney, 1997 – 2002

This role involved tutoring students within years 1 to 3 of the BA Architecture course. Specifically, I developed programs and tasks to break down the conventional problem-solving thinking, instilled through the secondary education system. Weekly briefs would seek to challenge their preconceived ideas and encourage a return to design thinking, based on First Principles.

Design Tutor: UNSW, Sydney 2002 – 2005

This role involved tutoring students within years 4 to 6 of the BArch course. Major design projects would be undertaken during this time, lasting between 6 and 8 weeks. I was focused on encouraging rationality of design decision-making, rather than post-rationalisation, which is an ongoing difficulty in design justification.

Current Position: URBaine GROUP Pty Ltd

Currently, Principal Architect of Urbaine - architectural design development and visualisation consultancy: 24 staff, with offices in: Sydney, Shanghai, Doha and Sarajevo.

Urbaine specialises in design development via interactive 3d modelling.

Urbaine's scale of work varies from city master planning to furniture and product design, while our client base consists of architects, Government bodies, developers, interior designers, planners, advertising agencies and video producers.

URBAINE encourages all clients to bring the 3D visualisation facility into the design process sufficiently early to allow far more effective design development in a short time frame. This process is utilised extensively by many local and international companies, including Lend Lease, Multiplex, Hassell, PTW, Foster and Partners, City of Sydney, Landcom and several other Governmental bodies. URBaine involves all members of the design team in assessing the impact of design decisions from the earliest stages of concept design. Because much of URBaine's work is International, the 3D CAD model projects are rotated between the various offices, effectively allowing a 24hr cycle of operation during the design development process, for clients in any location.

An ever-increasing proportion of URBaine's work is related to public consultation visualisations and assessments. As a result, there has also been an increase in the Land And Environment Court representations. Extensive experience in creating and validating photomontaged views of building and environmental proposals. Experience with 3D photomontages began in 1990 and has included work for many of the world's leading architectural practices and legal firms.

Co-Founder Quicksmart Homes Pty Ltd. , 2007 - 2009

Responsible for the design and construction of 360 student accommodation building at ANU Canberra, utilising standard shipping containers as the base modules.

Design Principal and co-owner of Excalibur Modular Systems Pty Ltd: 2009 to present.

High specification prefabricated building solutions, designed in Sydney and being produced in China.

Excalibur has developed a number of modular designs for instant delivery and deployment around the world. Currently working with the Cameroon Government providing social infrastructure for this rapidly developing country.

The modular accommodation represents a very low carbon footprint solution

Expert Legal Witness, 2005 to present

In Australia and the UK, for the Land and Environment Court. Expert witness for visual impact studies of new developments.

Currently consulting with many NSW Councils and large developers and planners, including City of Sydney, Lend Lease, Mirvac, Foster + Partners, Linklaters.

Author of several articles in 'Planning Australia' and 'Architecture Australia' relating to design development and to the assessment of visual impacts, specifically related to the accuracy of photomontaging.

Currently preparing a set of revised recommendations for the Land and Environment Court relating to the preparation and verification of photomontaged views for the purposes of assessing visual impact

VISUAL IMPACT ASSESSMENTS: A REALITY CHECK.
BY JOHN ASPINALL.



Photomontaged views of new apartment building at Pyrmont: Urbaine

Australia's rapid construction growth over the past 10 years has coincided with significant advances in the technology behind the delivery of built projects. In particular, BIM (Building Information Modelling). Virtual Reality and ever-faster methods of preparing CAD construction documentation.

Alongside these advances, sits a number of potential problems that need to be considered by all of those involved in the process of building procurement. Specifically, the ease with which CAD software creates the appearance of very credible drawn information, often without the thoroughness and deliberation afforded by architects, and others, in years past.

Nowhere is this more apparent than in the area of visual impact assessments, where a very accurate representation of a building project in context is the starting point for discussion on a project's suitability for a site. The consequences of any inaccuracies in this imagery are significant and far-reaching, with little opportunity to redress any errors once a development is approved.



Photomontaged views of new Sydney Harbour wharves: Urbaine

Urbaine Architecture has been involved in the preparation of visual impact studies over a 20 year period, in Australia and Internationally. Urbaine's Director, John Aspinall, has been at the forefront of developing methods of verifying the accuracy of visualisations, particularly in his role as an expert witness in Land and Environment Court cases.

In Urbaine's experience, a significant majority of visualisation material presented to court is inaccurate to the point of being invalid for any legal planning decisions. Equally concerning is the amount of time spent, by other consultants, analysing and responding to this base material, which again can be redundant in light of the frequent inaccuracies. The cost of planning consultant reports and legal advice far exceeds that of generating the imagery around which all the decisions are being made.

Over the last 10 years, advances in 3d modelling and digital photography have allowed many practitioners to claim levels of expertise that are based more on the performance of software than on a rigorous understanding of geometry, architecture and visual perspective. From a traditional architect's training, prior to the introduction of CAD and 3d

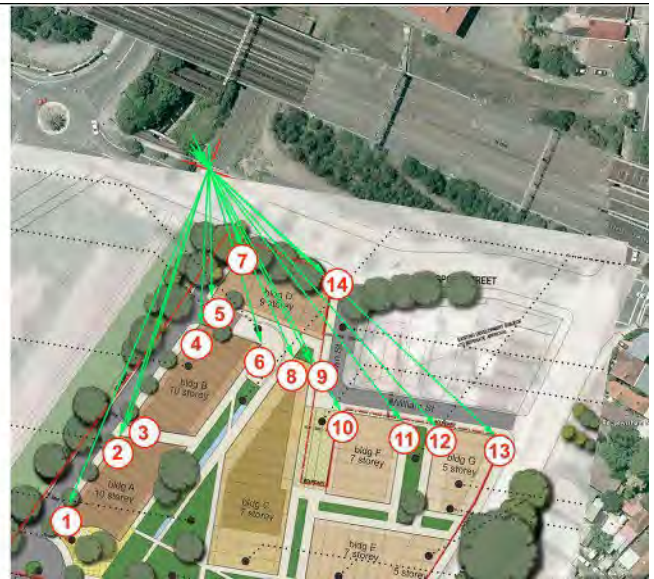
modelling, a good understanding of the principles of perspective, light, shadow and building articulation, were taught throughout the training of architects.

Statutory Authorities, and in particular the Land and Environment Court, have attempted to introduce a degree of compliance, but, as yet, this is more quantitative, than qualitative and is resulting in an outward appearance of accuracy verification, without any actual explanation being requested behind the creation of the work.

Currently, the Land and Environment Court specifies that any photomontages, relied on as part of expert evidence in Class 1 appeals, must show the existing surveyed elements, corresponding with the same elements in the photograph. Often, any surveyed elements can form such a small portion of a photograph that, even by overlaying the surveyed elements as a 3d model, any degree of accuracy is almost impossible to verify. For sites where there are no existing structures, which is frequent, this presents a far more challenging exercise. Below is one such example, highlighted in the Sydney Morning Herald, as an example of extreme inaccuracy of a visual impact assessment. Urbaine was engaged to assess the degree to which the images were incorrect – determined to be by a factor of almost 75%.



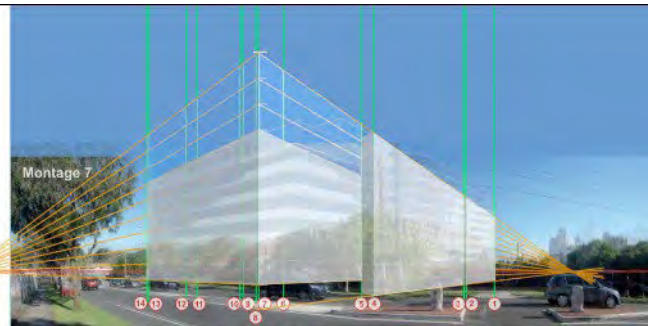
SMH article re inaccurate visualisations



Key visual location points on site: Urbaine



Photomontage submitted by developer



Assessment of inaccuracy by Urbaine

Urbaine has developed a number of methods for adding verification data to the 3d model of proposed buildings and hence to the final photomontages. These include the use of physical site poles, located at known positions and heights around a site, together with drones for accurate height and location verification and the use of landscaped elements within the 3d model to further add known points of references. Elements observed in a photograph can be used to align with the corresponding elements of the new building in plan. If 4 or more known positions can be aligned, as a minimum, there is a good opportunity to create a verifiable alignment.

Every site presents different opportunities for verification and, often, Urbaine is required to assess montages from photographs taken by a third party. In these cases, a combination of assessing aerial photography, alongside a survey will allow reference points to be placed into the relevant 3d model prior to overlaying onto the photos for checking.

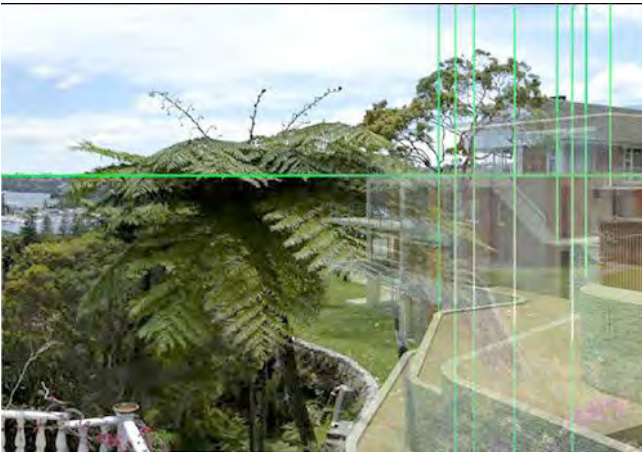
The following example clearly demonstrates this – a house montaged into a view, by others, using very few points of reference for verification. By analysing the existing photo alongside the survey, the existing site was able to be recreated with a series of reference elements built into the model. A fully rendered version of all the elements was then placed over the photo and the final model applied to this. As can be seen, the original montage and the final verified version are dramatically different and, in this case, to the disadvantage of the complainant.



Photomontage submitted by developer



Key visual location points on site: Urbaine



Key points and 3d model overlaid onto existing photo



Final accurate photomontage: Urbaine

Often, Urbaine's work is on very open sites, where contentious proposals for development will be relying on minimising the visual impact through mounding and landscaping. In these cases, accuracy is critical, particularly in relation to the heights above existing ground levels. In the following example, a business park was proposed on very large open site, adjoining several residential properties, with views through to the Blue Mountains, to the West of Sydney. Urbaine spent a day preparing the site, by placing a number of site poles, all of 3m in height. These were located on junctions of the various land lots, as observed in the survey information. These 3d poles were then replicated in the 3d CAD model in the same height and position as on the actual site. This permitted the buildings and the landscaping to be very accurately positioned into the photographs and, subsequently, for accurate sections to be taken through the 3d model to assess the actual percentage view loss of close and distant views.



Physical 3000mm site poles placed at lot corners



3d poles located in the 3d model and positioned on photo



Proposed buildings and landscape mounding applied



Proposed landscape applied – shown as semi-mature



Final verified photomontage by Urbaine

Further examples, below, show similar methods being used to give an actual percentage figure to view loss, shown in red, in these images. This was for a digital advertising hoarding, adjoining a hotel. As can be seen, the view loss is far outweighed by the view gain, in addition to being based around a far more visually engaging sculpture. In terms of being used as a factual tool for legal representation and negotiation, these images are proving to be very useful and are accompanied by a series of diagrams explaining the methodology of their compilation and, hence verifying their accuracy.



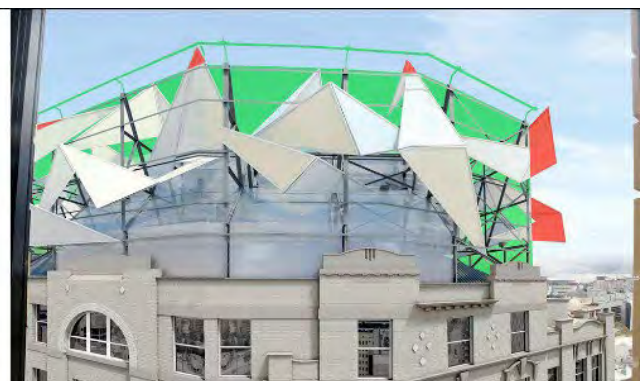
Photomontage of proposed building for digital billboard



Existing situation – view from adjoining hotel

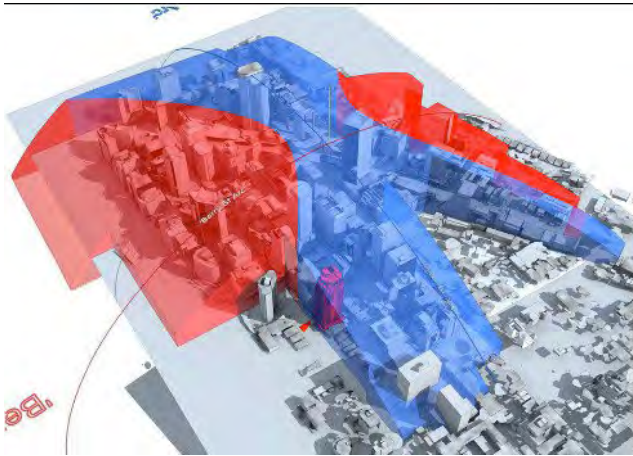


Photomontage of view from hotel

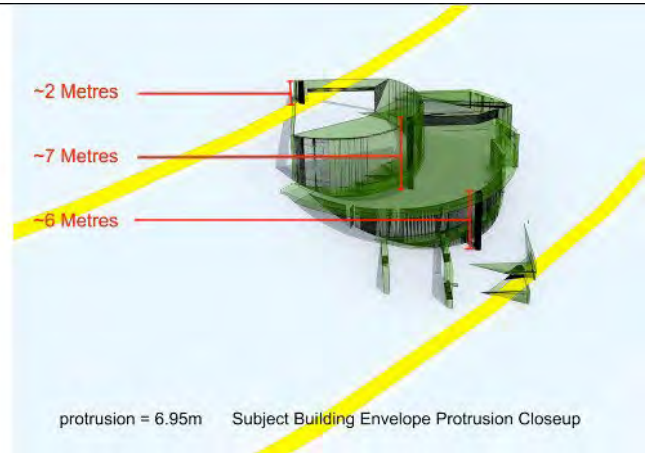


View loss – green = view gain / red = view loss

There are also several areas of assessment that can be used to resolve potential planning approval issues in the early stages of design. In the case below, the permissible building envelope in North Sydney CBD was modelled in 3d to determine if a building proposal would exceed the permitted height limit. Information relating to the amount of encroachment beyond the envelope allowed the architect to re-design the plant room profiles accordingly to avoid any breach.



3d model of planning height zones



Extent of protrusion of proposed design prior to re- design

Urbaine's experience in this field has place the company in a strong position to advise on the verification of imagery and also to assist in developing more robust methods of analysis of such imagery. As a minimum, Urbaine would suggest that anyone engaging the services of visualisation companies should request the following information, as a minimum requirement:

1. Height and plan location of camera to be verified and clearly shown on an aerial photo, along with the sun position at time of photography.
2. A minimum of 4 surveyed points identified in plan, at ground level relating to elements on the photograph and hence to the location of the superimposed building.
3. A minimum of 4 surveyed height points to locate the imposed building in the vertical plane.
4. A series of images to be prepared to explain each photomontaged view, in line with the above stages.

This is an absolute minimum from which a client can determine the verifiability of a photomontaged image. From this point the images can be assessed by other consultants and used to prepare a legal case for planning approval.



Land and Environment
Court
of New South Wales

Policy: Use of Photomontages and Visualisation Tools

Commencement

1. This policy commences on 17 May 2024 and replaces the policy published 21 August 2013.

Purpose of the policy

2. This policy is to guide the preparation of photomontages, still images, video images, and other visualisation tools to depict the development in an appeal under the *Environmental Planning and Assessment Act 1979*, to ensure that the data they present is represented and interpreted accurately, and that their use would assist the Court in determining the appeal.

Application

3. The policy applies to appeals under the EPA Act, where photomontages or other visual tools are to be submitted as part of expert evidence.

Definitions

4. In this Policy:

Appeal means an appeal to the Court under the EPA Act.

CGI means Computer Generated Image.

Commissioner means a Commissioner or Acting Commissioner of the Court.

Court means the Land and Environment Court of New South Wales.

Development means the development for which consent is sought in the development application that is the subject of the appeal.

EPA Act means the *Environmental Planning and Assessment Act 1979*.

Existing Image means an unchanged or unaltered image of the location, viewing angle and approximate conditions on which the proposed development will be overlaid, to convey the issues in dispute.

Judge means a Judge of the Court.

Photomontages means, for the purpose of this policy, any visual tool or aid, whether still image, video, computer generated image, two dimensional (2D) or three dimensional (3D) or other visual means to depict development plans.

Registrar means a Registrar of the Court.

RL Reduced Level or Relative Level as defined in Australian Standard® AS1100 Technical Drawings.

General principles

5. A photomontage submitted in an appeal should provide to the Judge, Commissioner or Registrar the most accurate visual images of the development in its real-world location, so as to specifically convey the issues in dispute.
6. A photomontage must include:
 - 6.1 the existing image;
 - 6.2 a 2D plan and/or elevation showing the location of the camera, target point/viewing angle, and lighting source that corresponds to the location from where the existing image was taken; and
 - 6.3 the proposed built envelope and key features of the development overlaid on the existing image in the form of a wire frame and/or 'block massing' model to demonstrate the development.
7. Where a photorealistic CGI of the development is used:
 - 7.1 the metadata from the existing image to create an identical 3D computer generated camera should be provided;
 - 7.2 the environmental conditions of the CGI should be set to the same parameters as the existing image;
 - 7.3 colour matching in the CGI is to correspond with the existing image; and



- 7.4 the details of the software used in creating the CGI should be stated as part of the submission of the photomontage.
8. A detailed summary of the methodology used to create the photomontage should be provided, including:
- 8.1 survey data that is used to create the photomontages, including the name and qualifications of the surveyor who prepared the survey information from which the underlying data for the wire frame was obtained;
 - 8.2 site specific topographical data used to create the photomontages, including the source and references utilised for the topographical data (for example paper, or survey inputs from file types such as from 'DWG' or 'DXF');
 - 8.3 the camera type, lens, focal length or field of view, and sensor used for the purpose of the photograph from which the existing image has been derived;
 - 8.4 accurate location, alignment and direction of the camera (whether fixed on tripod or drone) and RL of the camera for the existing image;
 - 8.5 data that was used to prepare the photomontages, such as:
 - 8.5.1 use of relevant plans and data for the depiction of existing buildings or existing elements as shown in the wire frame, block massing model or photorealistic CGI;
 - 8.5.2 the means by which terrain has been generated (such as surveyed spot levels and/or contours or by some form of point cloud, or Ground Control Point survey method);
 - 8.5.3 any variables applied to the images such as, time of day, lighting and weather conditions;
 - 8.5.4 consistency in application of scale and interpretation of the relevant data;
 - 8.5.5 rationale for selecting a particular view, use of camera lens or conditions in creating the image. For example, in circumstances where a development is best depicted with an expanded field of view or panoramic view, the type of panorama head and equipment must be stated, in addition to the data above.



- 8.6 where a photomontage has used more than one baseline image to represent the existing context (that is where multiple images are 'stitched together'), this must be stated, and the requirements above should be adapted to convey the key data required to verify its accuracy; and
- 8.7 whether any editing software or other visual manipulation has been used in the preparation of the final image, for example an adjustment in contrast, saturation, tilt shift or the like.

Visualisation Tools

9. As technology emerges, the principles outlined above are to be applied. What is important is that the Court has an unaltered and real life baseline, summary of metadata so the veracity of imagery presented can be verified, and application of relevant overlays of the proposed development that assists in the Court's consideration of the real issues in dispute.
10. All effort is to be made and the 'best practices' are to be applied when utilising technology for the purposes of visualisation of the development to ensure accuracy and avoid bias of information interpretation.

Paperless Hearings

11. Parties should be prepared to display the photomontage electronically if it is to be relied upon, or be the subject of an examination of an expert witness.
12. It will be the responsibility of the party whose expert is being examined, to provide a device compatible with courtroom technology which can display the photomontage electronically. This will allow the presiding officer, the experts, lawyers and all other people to be able to see in real time and on a common image, the subject of the examination.

Issued by:

***The Honourable Justice Brian J Preston
Chief Judge – Land and Environment Court of NSW
Date: 17 May 2024***

APPENDIX C:

Named and Addresses of Private Residences.

Resident Name	Address
Malcolm Young	10 Pine Hill Avenue
Anthony Tregoning	12 Pine Hill Avenue
Jane Dunn	703/349 New South Head Road
Susan Shaw	603/349 New South Head Road
Anna Story	331 Edgecliff Road
Robert Bishop	2/333 Edgecliff Road
Ruth Tighe	1/333 Edgecliff Road
Brett/Tina Levy	327 Edgecliff Road
Alexandra Wenderoth	327a Edgecliff Road
Rob/Sabrina Barry	327b Edgecliff Road
James/Simone Lockhart	327d Edgecliff Road
Judith Nolan	329 Edgecliff Road
John/Maxine Jaquet	337 Edgecliff Road
Amanda Stewart Pty Ltd	343A Edgecliff Road
Dr Yolande Lucire	345 Edgecliff Road
David Feetham	501/26 Cross Street