

VIEW IMPACT ASSESSMENT BY COUNCIL'S ASSESSMENT OFFICER

Private views

Concerns regarding potential view loss were raised by owners of properties located at the following addresses:

- Units 5D, 5G, 6B, 7A, 7C and 7F of 2-22 Knox Street (aka Cosmopolitan), Double Bay
- Units 5, 7, 8 17, 29 and one other (no unit number provided) of 337 New South Head Road, Double Bay
- Units 503, 603, 703, 801 and 1102 of 349 New South Head Road, Double Bay
- No's. 1/343A, 343A, 21/ 351 and 355A Edgecliff Road, Edgecliff
- Units 7, 8 and 11 of 339-341 Edgecliff Road, Edgecliff
- No's. 24/321, 331, 1/333, 2/333, 327, 327A, 327B, 327D, 329 and 337A Edgecliff Road, Woollahra
- No's. 10 and 12 Pine Hill Avenue, Double Bay
- No's. 20 (6th Floor), Unit 5.1/16-18 and 501/26 Cross Street, Double Bay
- No's. 25 and 11/20 William Street, Double Bay
- No's. 1/11-15 and 2/25 Guilfoyle Avenue, Double Bay
- No. 3/69 Bay Street, Double Bay
- No. 50 Epping Road, Double Bay
- Manning Road (no address provided), Double Bay
- No. 7/8 Fullerton Street, Woollahra

While a significant number of submissions were received concerning potential view loss, only a limited number of objectors either agreed to a site inspection by Council's Assessment Officer or commissioned an independent View Impact Assessment (VIA) by a private consultant. The remaining objectors either declined inspection requests, did not respond, indicated acceptance of the VIA prepared by Urbaine (for the Objectors against the proposed development) or submitted objections on behalf of other potentially affected residents.

View Impact Assessments prepared by Urbaine were undertaken for the following properties:

- Units 603 and 703 of 349 New South Head Road, Double Bay
- No. 343A Edgecliff Road, Edgecliff
- No's. 331, 1/333, 2/333, 327, 327A, 327B, 327D, 329 and 337 Edgecliff Road, Woollahra
- No's. 10 and 12 Pine Hill Avenue, Double Bay
- No. 501/26 Cross Street, Double Bay

Independent site inspections conducted by Council's Assessment Officer were carried out for the following properties:

- Units 5D, 5G, 7A and 7F of 2-22 Knox Street (aka Cosmopolitan), Double Bay

- Units 7 and 8 of 337 New South Head Road, Double Bay
- Units 503, 801 and 1102 of 349 New South Head Road, Double Bay
- No. 327 Edgecliff Road, Woollahra
- No. 21/ 351 Edgecliff Road, Edgecliff
- No. 355A Edgecliff Road, Edgecliff
- Units 7, 8 and 11 of 339-341 Edgecliff Road, Edgecliff
- 5 Manning Road, Double Bay

Private views

An assessment of the potential view loss for relevant properties referred to above has been undertaken below.

In assessing the reasonableness or otherwise of the degree of view loss, this report has had regard to the case law established by *Tenacity Consulting v Warringah (2004) NSWLEC 140* which has established a four-step assessment of view sharing. The steps are as follows:

1. The assessment of the views affected

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The views potentially impacted by the proposed development include:

Double Bay town centre, Port Jackson, Bradleys Head, Taronga Zoo, Clifton Gardens, Point Piper, Blackburn Cove, Taylor's Bay Reserve, George's Head, Middle Head, Manly, district views including sky views, water views and established tree canopy.

2. Consideration from what part of the property the views are obtained

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

Assessment: The potential views affected by the proposed development are those obtained from private open space areas, such as balconies, terraces, and gardens, as well as from habitable rooms including living areas, bedrooms, and kitchens of the properties identified above. Refer to the images under Point 3 below for visual context.

3. The extent of the impact

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

it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Assessment: An assessment has been undertaken for each property where inspection access was granted and an objection was raised on the grounds of view loss. The following provides a summary of the impact on each property.

The following assessment is structured into two parts based on the expected level of view impact. The first part pertains to properties where the impact on views is considered negligible. The second part addresses properties, particularly those evaluated in Urbaine's View Impact Assessment (VIA), where view impacts are assessed as moderate to severe

Where relevant, properties included in Urbaine's View Impact Assessment (VIA) are marked with the term 'Viewpoint/s' alongside the address. This designation corresponds to specific locations detailed in the VIA report (**Attachment 20**).

The view impacts to the following properties are considered negligible by Council's Assessment Officer:

No. 343a Edgecliff Road (Viewpoints 04 and 05)



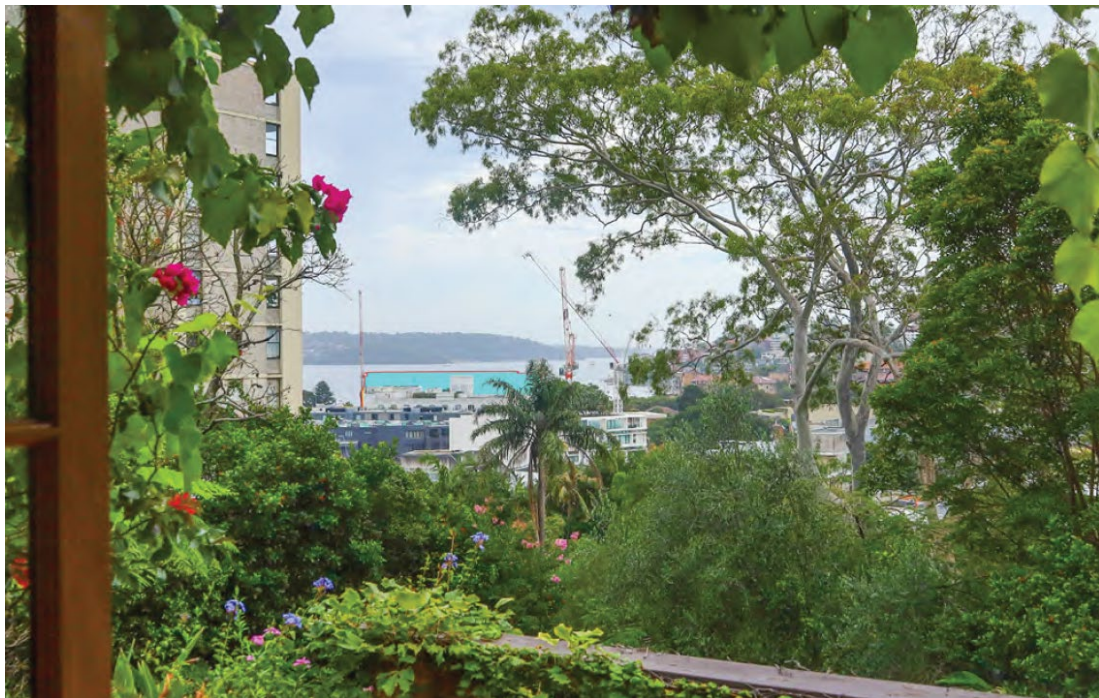
Extract from the VIA photomontage prepared by Urbaine from the first-floor living room window, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the first-floor living room, demonstrating the visual impact in cyan with red outline

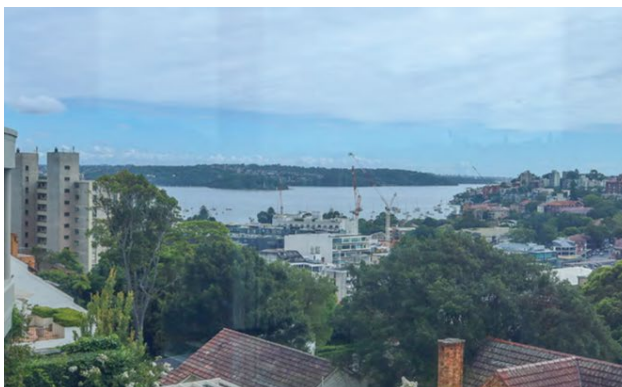


Extract from the VIA photomontage prepared by Urbaine from the ground-floor living room window, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the ground-floor living room, demonstrating the visual impact in cyan with red outline

No. 331 Edgecliff Road (Viewpoints 08)



Extract from the VIA photomontage prepared by Urbaine from the first-floor study window, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the first-floor study window, demonstrating the visual impact in cyan with red outline

Unit 2, No. 333 Edgecliff Road (Viewpoint 09)



Extract from the VIA photomontage prepared by Urbaine from the first-floor balcony, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the first-floor balcony, demonstrating the visual impact in cyan with red outline

Unit 1, No. 333 Edgecliff Road (Viewpoint 10)



Extract from the VIA photomontage prepared by Urbaine from the rear garden, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the rear garden, demonstrating the visual impact in cyan with red outline

No. 327 Edgecliff Road (Viewpoint 11)



Extract from the VIA photomontage prepared by Urbaine from the outdoor dining area, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the outdoor dining area, demonstrating the visual impact in cyan with red outline



Views from the ground floor private open space areas



Views from the ground floor living area

No. 327a Edgecliff Road (Viewpoint 12)



Extract from the VIA photomontage prepared by Urbaine from the master bedroom, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the master bedroom, demonstrating the visual impact in cyan with red outline

No. 327b Edgecliff Road (Viewpoint 13)



Extract from the VIA photomontage prepared by Urbaine from the outdoor dining area, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the outdoor dining area, demonstrating the visual impact in cyan with red outline

No. 327d Edgecliff Road (Viewpoint 14)



Extract from the VIA photomontage prepared by Urbaine from the ground level kitchen, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the ground level kitchen, demonstrating the visual impact in cyan with red outline

No. 337 Edgecliff Road (Viewpoint 15)



Extract from the VIA photomontage prepared by Urbaine from the living room, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the living room, demonstrating the visual impact in cyan with red outline

No. 329 Edgecliff Road (Viewpoint 16)



Extract from the VIA photomontage prepared by Urbaine from the ground level living room, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the ground level living room, demonstrating the visual impact in cyan with red outline

5 Manning Road, Double Bay



View from balcony located off the living area)

Unit 5D/2-22 Knox Street (aka Cosmopolitan), Double Bay



Views from living rooms (subject site obscured)



Existing lift overrun of the
existing development

View from terrace (subject site mostly obscured by existing development)

Unit 5G/ 2-22 Knox Street (aka Cosmopolitan), Double Bay



Views from terrace (subject site mostly obscured by existing development)



Views from living areas (subject site mostly obscured by existing development)

Unit 7A/2-22 Knox Street (aka Cosmopolitan), Double Bay



Views from the terrace (left) and living area (right)

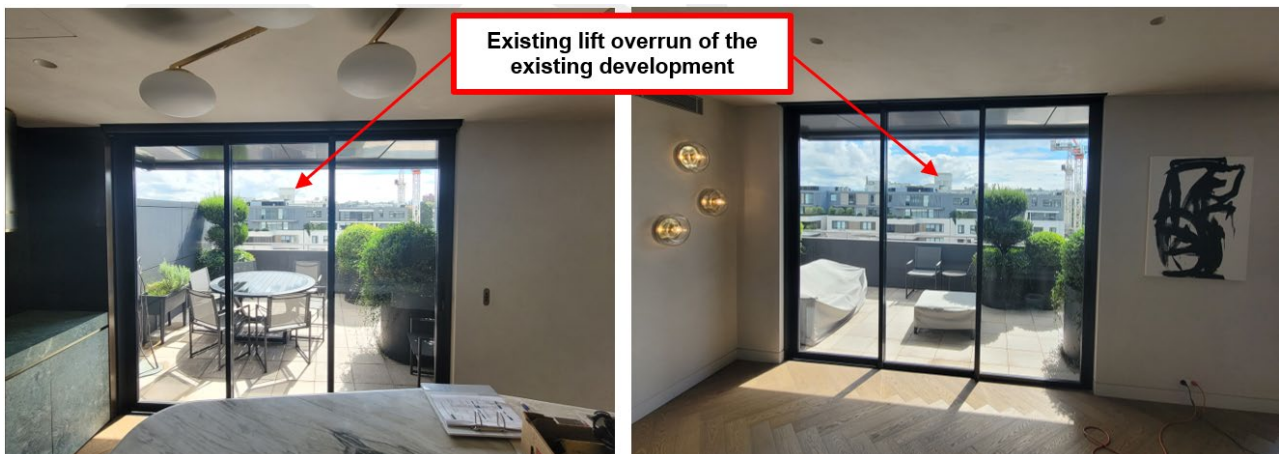
Unit 7F/2-22 Knox Street (aka Cosmopolitan), Double Bay



Views from the terrace



Views from the terrace



Views from the living areas



View from the living area

Unit 7/337 New South Head Road, Double Bay



Views from the upper-level living areas



Views from the upper-level balconies



Views from the living area (subject site largely obscured by existing vegetation)

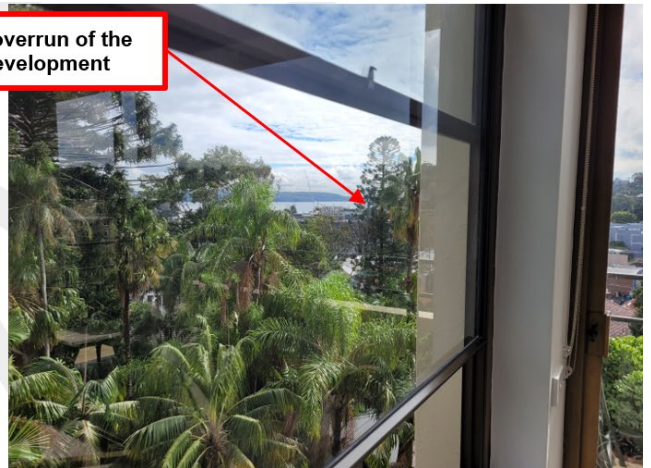


Views from the balconies (subject site largely obscured by existing vegetation)

Unit 503/349 New South Head Road, Double Bay



Views from the lower-level living area and balcony (subject site largely obscured by existing vegetation and built form)



Existing lift overrun of the existing development

Views from the lower-level living area (subject site largely obscured by existing vegetation and built form)



Existing lift overrun of the existing development

Views from different locations at the upper-level balcony (subject site largely obscured by existing vegetation and built form in the image on the right)

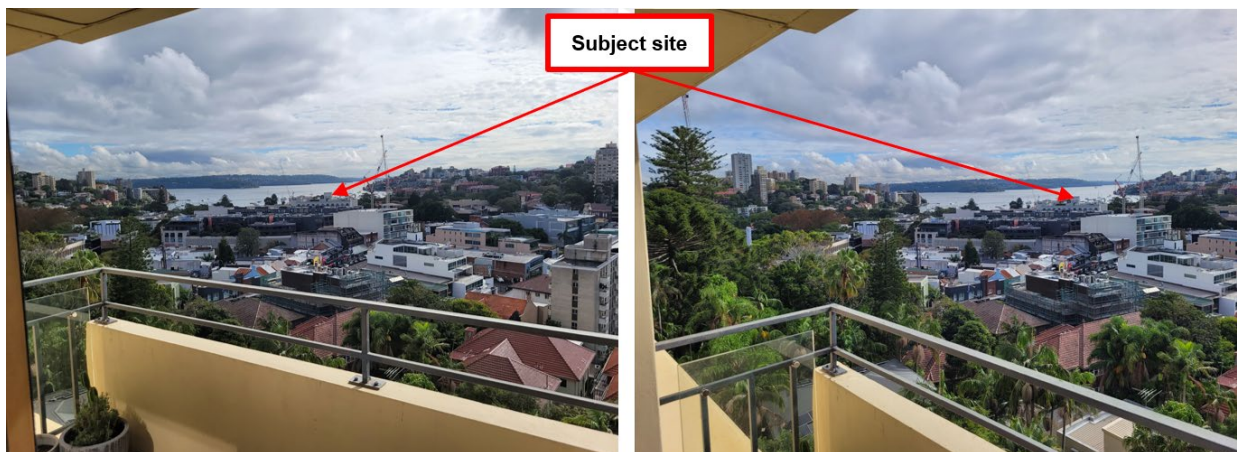


Views from the bedroom

Unit 801/349 New South Head Road, Double Bay



Views from the living areas

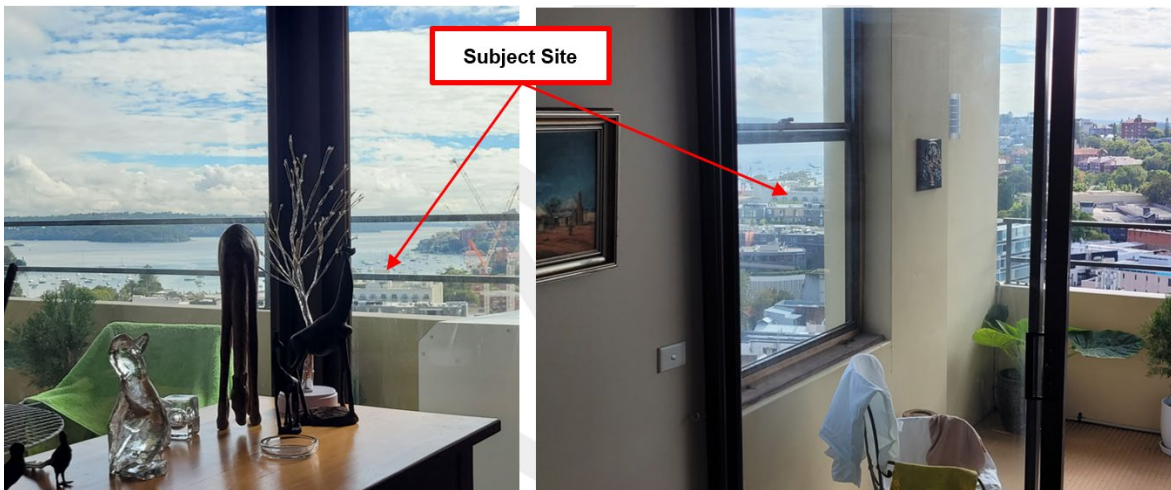


Views from the balcony



Views from the living area

Unit 1102/349 New South Head Road, Double Bay



Views from the living areas



View from the balcony

Unit 7/339-341 Edgecliff Road, Edgecliff



Views from the balcony



Views from the living areas

Unit 8/339-341 Edgecliff Road, Edgecliff



Views from the living areas

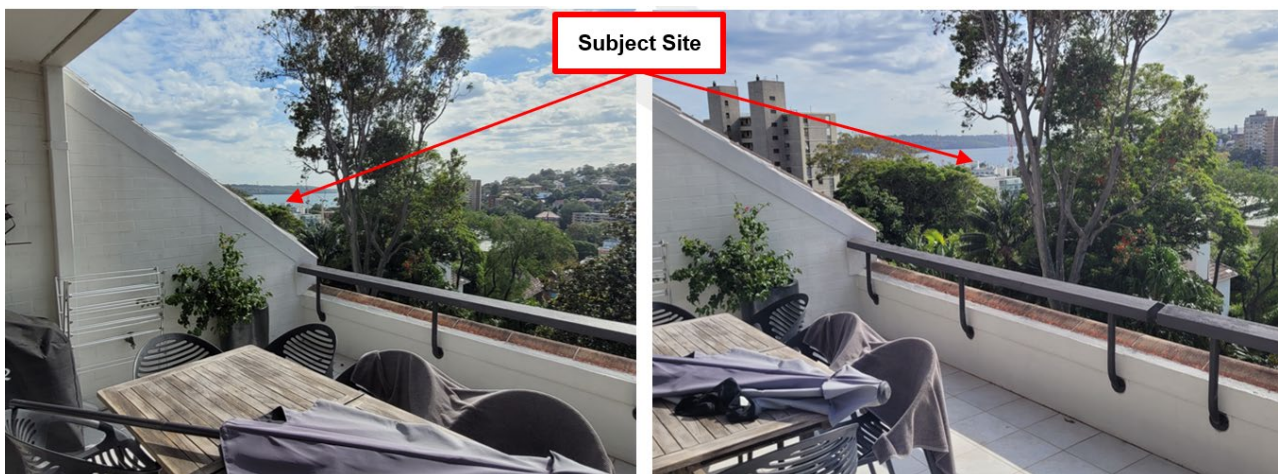


Views from the terrace

Unit 11/339-341 Edgecliff Road, Edgecliff



View from the living area



Views from the terrace

Assessment: Based on the View Impact Assessment (VIA) prepared by Urbaine, along with site-specific imagery obtained during individual inspections, it is considered that the proposed development will not result in the loss of any iconic or highly valued views, when assessed against the planning principle established in *Tenacity v Warringah Council* [2004] NSWLEC 140. While minor reductions in water views are acknowledged, these impacts are not considered significant

considering the broader context of the existing view corridors and the overall visual amenity currently enjoyed by those affected properties.

Given the overall extent and quality of views currently available from the private open space and living areas of the affected properties, the degree of visual impact is assessed as negligible. As such, the proposal is considered acceptable in terms of view sharing.

The view impacts to the following properties are considered minor by Council's Assessment Officer:

The following properties fall into the second part, where view impacts, particularly in relation to those properties assessed in Urbaine's View Impact Assessment (VIA), are rated as moderate to severe. However, Council's Assessment Officer considers these impacts to be minor assessed against the Tenacity Principle and broader planning context:

12 Pinehill Avenue (Viewpoint 01)



Extract from the VIA photomontage prepared by Urbaine from the first-floor balcony, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the first-floor balcony, demonstrating the visual impact in cyan with red outline

The VIA prepared by Urbaine assesses the impact on views toward the distant harbour and foreshore as ranging from moderate to severe.

10 Pinehill Avenue (Viewpoint 02)



Extract from the VIA photomontage prepared by Urbaine from the first-floor study window, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the first-floor balcony, demonstrating the visual impact in cyan with red outline

The VIA prepared by Urbaine assesses the impact on views toward the distant harbour and foreshore as ranging from moderate to severe.

No. 343 Edgecliff Road (Viewpoint 03)



Extract from the VIA photomontage prepared by Urbaine from the first-floor study window, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the first-floor balcony, demonstrating the visual impact in cyan with red outline

The VIA prepared by Urbaine assesses the impact on views toward the distant harbour and foreshore as ranging from moderate to severe.

Unit 603, 349 New South Head Road (Viewpoints 06)



Extract from the VIA photomontage prepared by Urbaine from living room window, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the living room window, demonstrating the visual impact in cyan with red outline

The VIA prepared by Urbaine assesses the impact on views toward the Blackburn Cove harbour foreshore as severe.

Unit 703, 349 New South Head Road (Viewpoints 07)



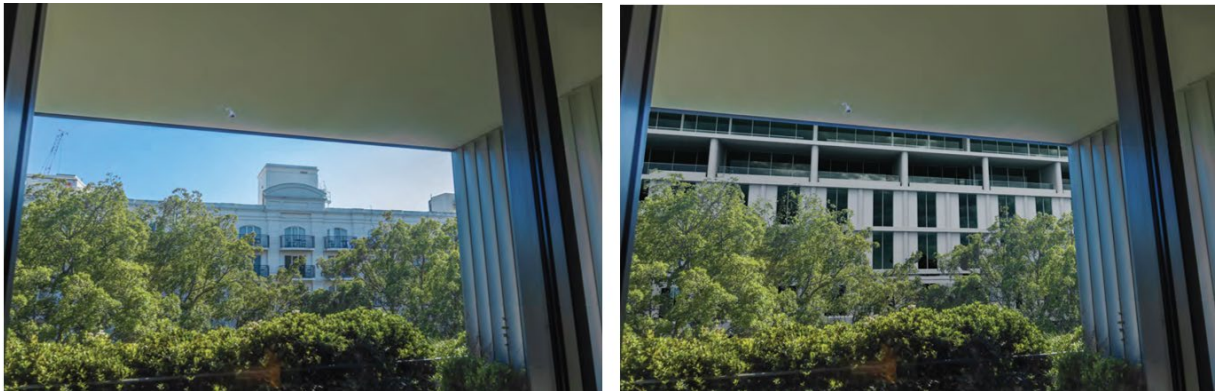
Extract from the VIA photomontage prepared by Urbaine from living room window, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the living room window, demonstrating the visual impact in cyan with red outline

The VIA prepared by Urbaine assesses the impact on views toward the Blackburn Cove harbour foreshore as severe.

Unit 501, No.26 Cross Street (Viewpoints 17 & 18)



Extract from the VIA photomontage prepared by Urbaine from the level 5 master bedroom, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



Extract from the VIA photomontage prepared by Urbaine from the level 5 master bedroom, demonstrating the visual impact in cyan with red outline



Extract from the VIA photomontage prepared by Urbaine from the level 5 kitchen, demonstrating the existing views (left) when compared to the views as a result of the proposed development (right)



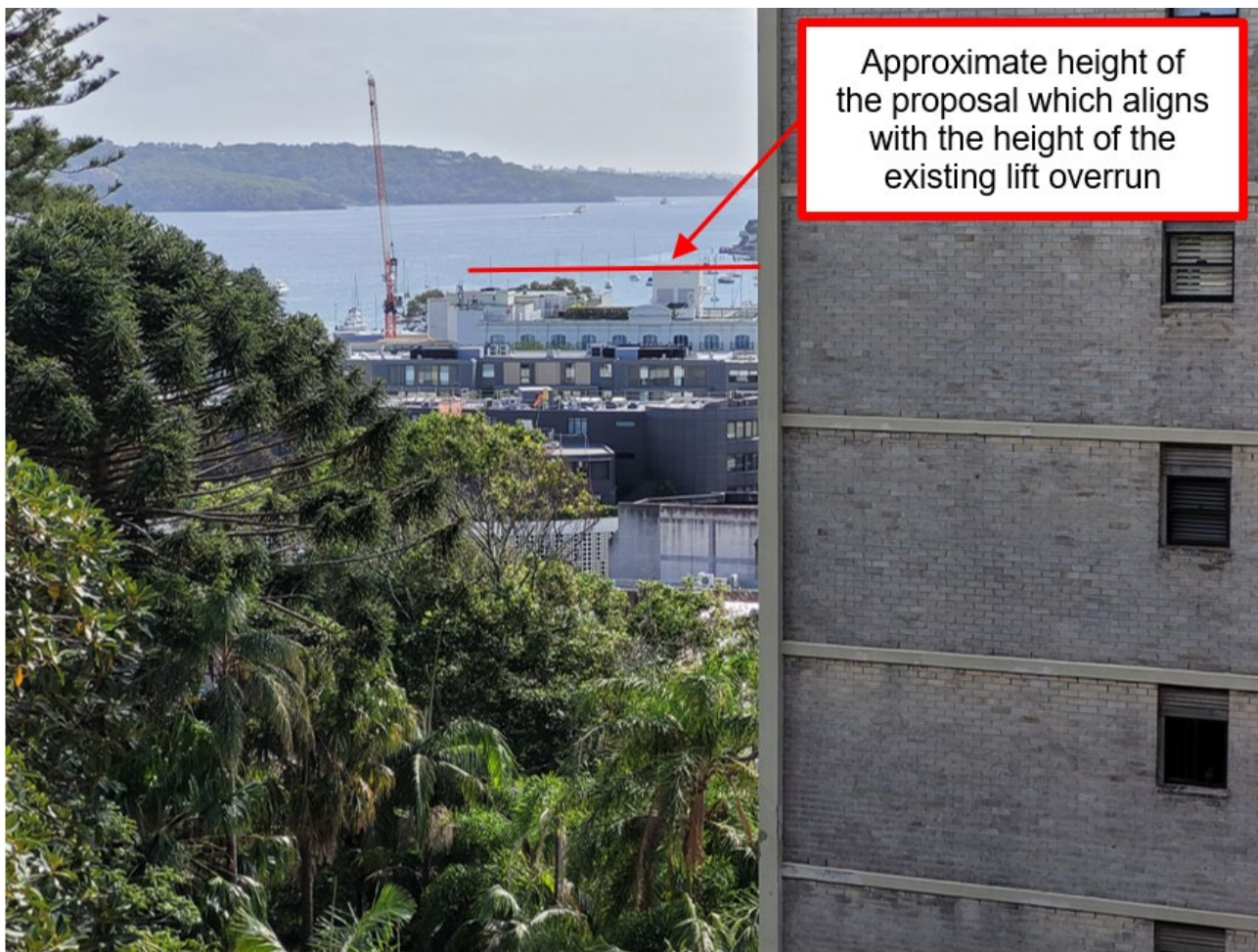
Extract from the VIA photomontage prepared by Urbaine from the level 5 kitchen, demonstrating the visual impact in cyan with red outline

The VIA prepared by Urbaine assesses the impact on views to the sky above the existing building as ranging from moderate to severe.

No. 21/ 351 Edgecliff Road, Edgecliff



Views from the kitchen (left) and living area (right)

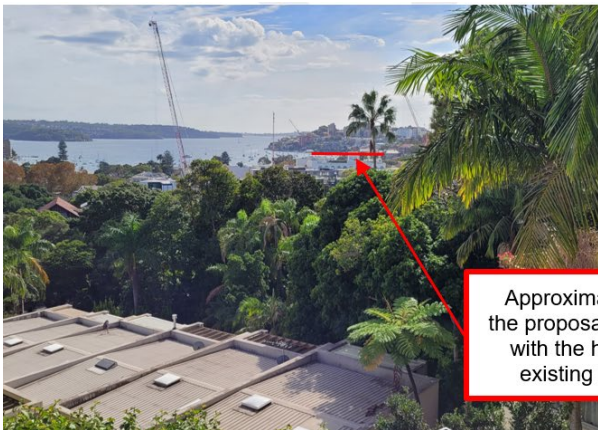


View from the balcony

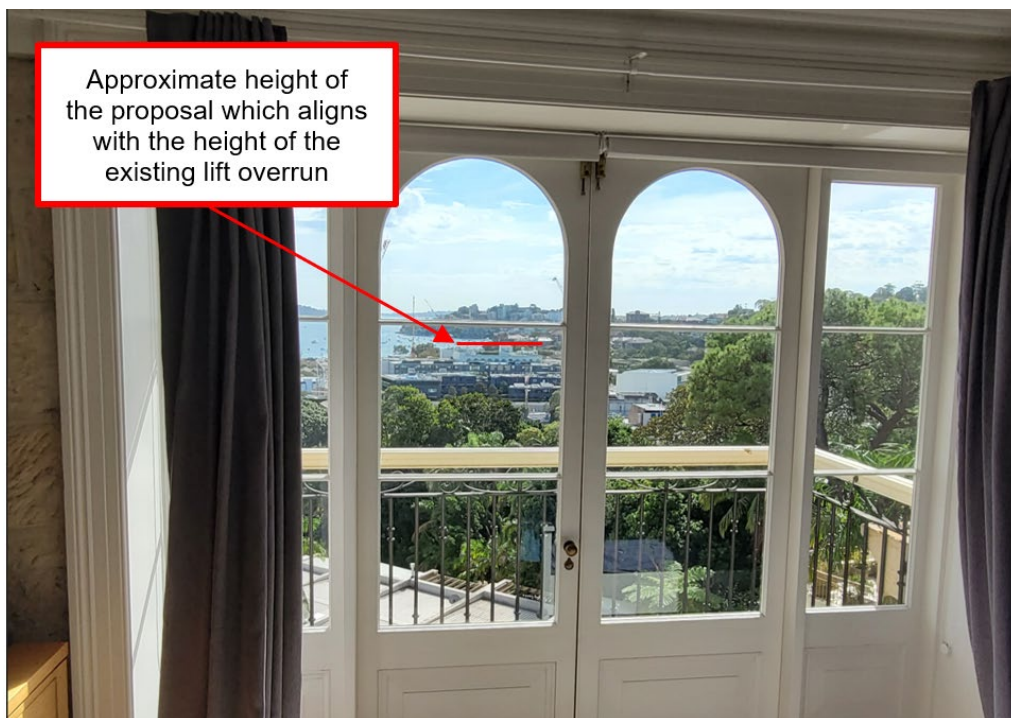
No. 355A Edgecliff Road, Edgecliff



Views from the private open space areas (subject site largely obscured by existing vegetation)



Views from the upper-level terrace



View from the upper-most level bedroom

Unit 8/337 New South Head Road, Double Bay



Views from the living area (subject site partially obscured by existing vegetation)



Views from the living area (subject site partially obscured by existing vegetation and built form)



Views from the balcony



Views from the balcony

Assessment: The View Impact Assessment (VIA) prepared by Urbaine identifies several (in some cases distant) harbour and foreshore views as high value. However, in accordance with the *Tenacity v Warringah* planning principles, the subjective nature of view valuation must be acknowledged. Many of the views in question are filtered through vegetation, rooftops, distant ridgelines and are not iconic or irreplaceable. Whilst it is acknowledged that reductions in water, land/water interface and sky views will occur, in the context of Double Bay's strategic urban renewal, these views from private dwellings should not outweigh the broader public benefits delivered by the proposal.

The *Tenacity* principles place greater importance on views from primary living areas. A significant number of viewpoints assessed in the VIA are from secondary spaces such as balconies and gardens, which are afforded less protection. Furthermore, the proposal does not result in total view

loss and alternative views remain available. Loss of sky views, while noted, is not a protected planning consideration unless it affects solar access or environmental performance.

The applicant has pointed out that the Low and Mid-Rise Housing Policy (LMR Policy), introduced in February 2025, aims to increase housing supply and diversity near town centres and public transport. Under this policy, buildings up to six storeys (or eight with the Affordable Housing Bonus) are allowed on R3 and R4 zoned land within 400 metres of centres like Double Bay.

While this is noted, Council's Assessment Officer has not relied on the LMR Policy in assessing the proposal with regards to view loss. Regardless of what the policy allows, the view loss from the development is considered acceptable for the reasons outlined in this report.

Given the quality and extent of views currently enjoyed from the private open spaces and living areas of the affected properties, the visual impact is assessed as minor to moderate. Overall, the proposal is considered reasonable in terms of view sharing.⁴ The reasonableness of the proposal that is causing the impact

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

The Court poses two questions in *Tenacity Consulting vs Warringah (2004) NSWLEC 140*.

The first question relates to whether a non-compliance with one or more planning controls results in view loss.

The second question posed by the Court relates to whether a more skilful design could provide the same development potential whilst reducing the impact on views.

Assessment:

As outlined throughout this View Impact Assessment, the proposal is not expected to result in any significant view loss for the properties identified above.

The proposal is considered a skilful design and supports key strategic planning objectives, including urban renewal, housing diversity and enhanced public domain outcomes. While the proposal exceeds the prescribed height and floor space ratio (FSR) development standards, these variations are justified by the quality of the architectural response and the broader planning benefits it delivers. The evolving character of the precinct, as evidenced by recent approvals within Cross Street, reinforces the contextual suitability of the proposed height and scale.

Importantly, the previously approved 8-storey development (DA 671/2010/1) on the site established a built form envelope that would have similar view impacts to surrounding properties. The proposed increase in height is not anticipated to result in any significant additional view loss beyond what was previously approved, and the overall impact remains acceptable.

Conclusion:

The proposal is considered to deliver a balanced planning outcome, maintaining reasonable view sharing while ensuring that non-compliances with development standards do not result in unacceptable impacts.

View sharing has been assessed in accordance with the Tenacity principles, and the associated impacts on residential amenity are deemed acceptable within the context of the site and its evolving urban character.

Accordingly, the proposal is satisfactory in relation to view sharing and aligns with the Planning Principle established in *Tenacity Consulting v Warringah (2004) NSWLEC 140*.

Furthermore, the proposal meets the relevant objectives outlined in the Woollahra LEP 2014 and DCP 2015 and is therefore considered acceptable.