



Confidential

29 June 2022

RLA Ref: 144420

Yan Liu
Project Manager
Sun Property Group
Suite 39.02, Level 39
100 Miller Street
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Dear Yan,

**Sun Property Balgowlah Pty Ltd s.4.55 application to vary existing consent
307 Sydney Road and 12 Boyle Street, Balgowlah**

Assessment of impacts on view sharing

1 Purpose of this report

1. I have been appointed by the Applicant in the Proceedings, Sun Property Balgowlah Pty Ltd to provide an assessment of the likely effects on views of the subject s.4.55 modification application for the DA in relation to the above properties.
2. I am a professional consultant specialising in visual impacts and view loss. A summary CV is attached to this assessment. A full CV can be read or downloaded from the tab on the Home page of the RLA website at www.richardlamb.com.au.
3. I was the views consultant to the Applicant for the DA for which there is an existing consent granted in a s.34 agreement between the parties by the Land and Environment Court of NSW.
4. In preparing this report I have been provided with, have read and agree to be bound to the Uniform Civil Procedure Rules 2005 Division 2 and Schedule 7, Expert Witness Code. A summary CV is attached to this Report.
5. I have not relied on the opinion of any other party in coming to the position in this report.



6. I have made all the inquiries that I consider desirable and appropriate and no matters of significance that I consider are relevant have to my knowledge been withheld from the Court.
7. The purpose of this report is to provide an analysis and assessment of the likely impact on views caused by the modification application for the DA. Architectural Projects are the project architects for what is now known as the Capella Project.

2 Context of the assessment

8. The assessment in this document concerns potential impacts of the s.4.55 modification application) on view sharing with private dwellings in 10, 14 and 16 Boyle Street.
9. The parties to the s.34 agreement agreed that while some view loss would occur for some windows in some apartments in 10 Boyle Street, that the impact on views from that property, the loss of views from 14 Boyle Street and minor effects on some south-facing window views from 16 Boyle Street did not warrant refusal of the application.
10. Architectural Projects are the project architects for what is known as the Capella project and propose modifications to the plans subject of the existing consent by way of a s.4.55 modification application. The modifications are shown in Preliminary Pre-DA drawings Revision P8.
11. The modifications primarily concern changes to accessibility and include a ramp to the east side of Building 1 (retained heritage building), a platform lift on the south side of Building 2, minor modifications to the internal access to Building 4, internal modifications to Building 2 and changes to fenestration.
12. As an aid to the assessment of impacts on views, a 3D View Study had formerly been prepared A+Design Group for the plans for which consent was granted by the Land and Environment Court, which shows the visual effects of the massing, on views from the three Boyle Street properties.
13. Having analysed the proposed modification plans by Architectural Projects in relation to the existing 3D View Study by A+Design Group, it became evident that the modifications would not cause any change to the appearance of the buildings such as perceivable heights or massing and therefore could not have any perceivable effect on view sharing. I therefore advised against the preparation of an amended 3D View Study, as it would have been expensive and unnecessary. The reasons for this conclusion and my assessment of the view sharing impacts of the modifications on views assessed proposed follow.

6 Summary of Visual Effects of Modification Plans

6.1 10 Boyle Street

14. In relation to views from 10 Boyle Street which were assessed for several units on the east side of the building, the proposed modification plans would be of no effect, as the



location and nature of the modifications is such that they would not change the height or massing of the approved building in views. The modifications would not have detectable effect on views from this building and the view sharing with 10 Boyle Street would remain satisfactory and as approved.

6.1 14 Boyle Street

15. The existing views from 14 Boyle Street are obliquely across two of the site's side boundaries and are highly screened by vegetation and buildings. To the extent that there is a view, the view would be lost. The proposed modifications to the approved plans would be on the far side of Building 2 and not visible or would change details of the façade of the building but not the massing and would therefore not have any effect on the views that are approved in the existing consent. The modifications therefore have no potential to have any different impacts on view sharing.

6.1 16 Boyle Street

16. The views from the main living areas of Units 3 and 4 (lounge rooms) that are side views across three boundaries have views of part of the retained Building 1 and of part of Buildings 2 and 4. The modifications to Building 1 are hidden by the retained building itself in views from 16 Boyle Street. The modifications to Buildings 2 and 4 do not affect the height, bulk or scale of the buildings. The modifications are not visible or in the case of fenestration to the part of Building 2 that is visible, are minimal changes in details. The modifications would therefore have no effect on the views that are approved in the existing consent and have no potential to have any different impacts on view sharing.

17. In my opinion, the proposed modification application is therefore acceptable with regard to view sharing, as there would be no evidence of the modifications in views from the neighbouring properties.

A handwritten signature in black ink that reads 'Richard Lamb'. The signature is written in a cursive, flowing style.

Dr Richard Lamb