

AMENDED VIEW SHARING ASSESSMENT

75 THE CORSO & 42 NORTH STEYNE, MANLY

An amended view sharing assessment has been undertaken based on the amended plans for the proposed development, set out in Table 1, below. This follows two inspections of the most affected apartment and one inspection of the other potentially affected apartments within the adjoining site, to the west, at 9-15 Central Avenue. The second inspection had the benefit of height poles erected by the Applicant which showed the development as originally proposed, along with a modified option proposed by the Applicant to increase the opportunity for view sharing. At that inspection, it was agreed with the Council officer, that a further reduction in the envelope of the proposed building, on the south-western corner was required, along with a minor, further recession, of the building, along the southern boundary, to reduce the impact of built form when considered from the internal courtyard of Hotel Steyne.

The Applicant agreed to amend the plans at the upper, fourth floor, as set out above, to reduce the loss of view, in particularly from Apartment 504. The amended Level 4 plan, as extracted below, demonstrates that the proposed development has been significantly reduced at this level, being pulled in from the southern property boundary and angled to allow for the existing view of Shelly Beach, enjoyed from Apartment 504, to be retained.

Table 1: Architectural drawings for which development consent is sought

Plan Reference	Plan Name	Revision	Date
DA-018	Lower Basement Level – Demolition Plan	B	11/11/2021
DA-019	Basement Level – Demolition Plan	C	11/07/2022
DA-020	Ground Floor – Demolition Plan	C	11/07/2022
DA-021	Level 1 – Demolition Plan	C	11/07/2022
DA-022	Level 2 – Demolition Plan	C	11/07/2022
DA-023	Level 3 – Demolition Plan	C	11/07/2022
DA-024	Level 4 – Demolition Plan	C	11/07/2022
DA-025	Roof Level – Demolition Plan	B	11/11/2021
DA-098	Lower Basement Plan	B	11/11/2021
DA-099	Basement Floor Plan	E	11/07/2022
DA-100	Ground Floor Plan	D	11/07/2022
DA-101	Level 1 Floor Plan	D	11/07/2022
DA-102	Level 2 Floor Plan	D	11/07/2022
DA-103	Level 3 Floor Plan	D	11/07/2022
DA-104	Level 4 Floor Plan	E	11/07/2022
DA-105	Roof Plan	E	11/07/2022
DA-201	East and West Elevations	C	11/07/2022
DA-202	North and South Elevations	C	11/07/2022
DA-401	Section A	C	11/07/2022
DA-402	Section B	C	11/07/2022

Photograph 1: View looking south-west from balcony of Apartment 504, showing development as originally proposed and a reduction in the building envelope (now further reduced following the site inspection)



Photograph 2: View looking south-east from the principle living area of Apartment 504



Figure 1: Proposed Level 4, as originally lodged

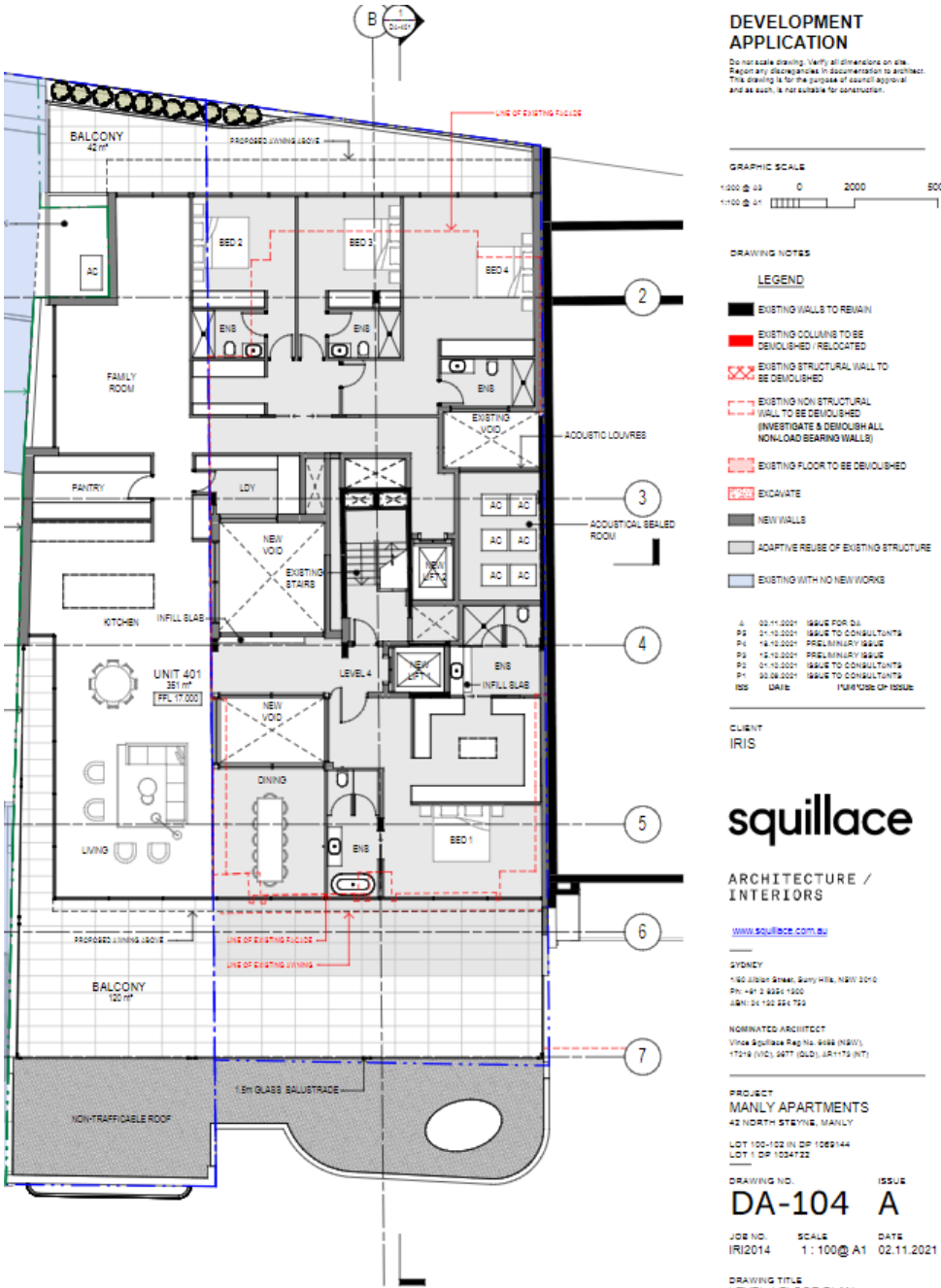
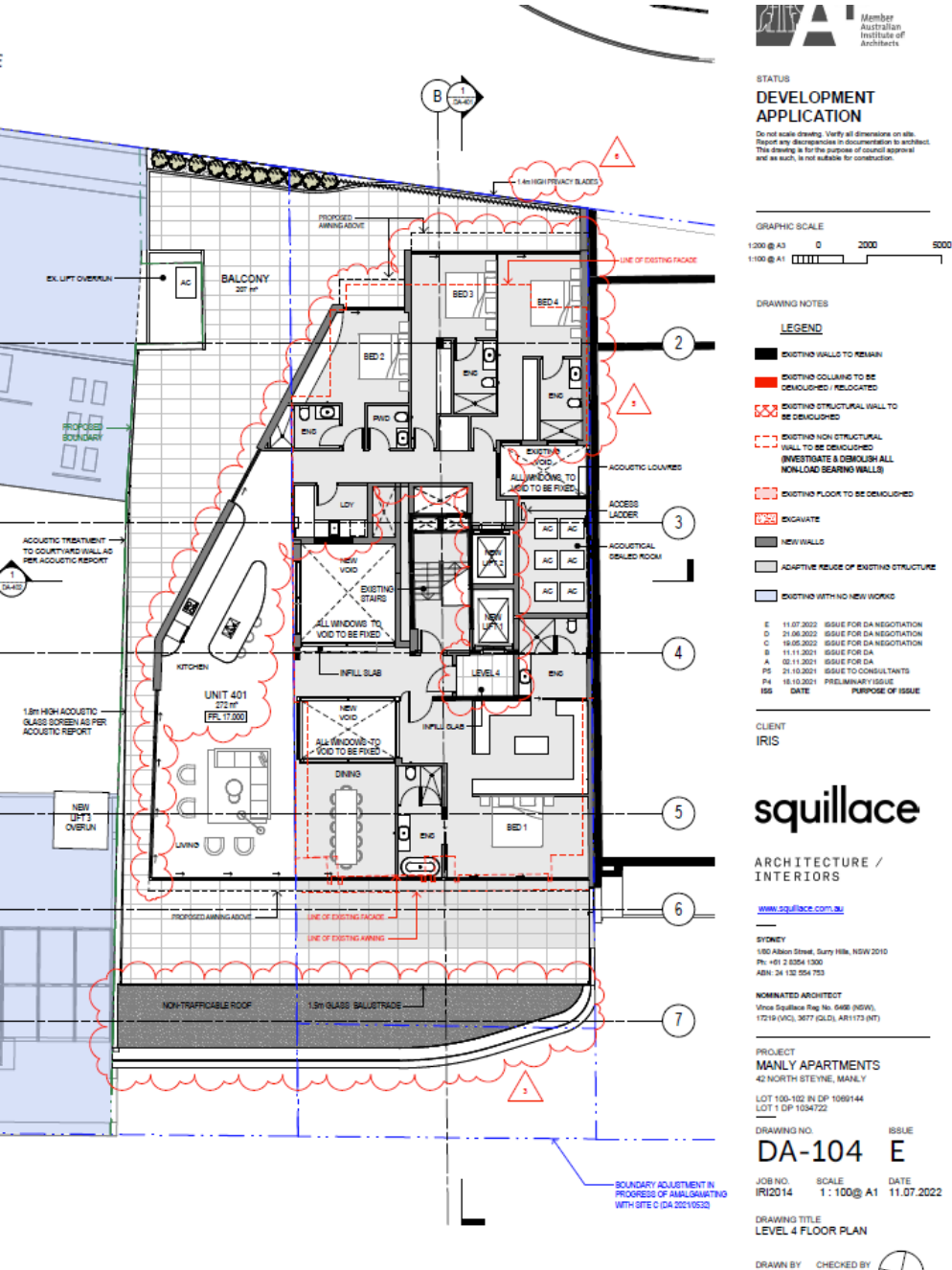


Figure 2: Amended Level 4



This also follows a detailed survey of the openings and private open space areas that was undertaken by LTS Lockley to identify these attributes at 9-15 Central Avenue, which have then been used to demonstrate the impact on any existing views, both where there are gains and losses, across the subject site, as a result of the proposed development. These impacts have then been considered in the context of the planning principle derived by the NSW Land & Environment Court in relation to view sharing as identified in the [Tenacity Consulting v Warringah Council \[2004\] NSWLEC 140](#) case (Tenacity).

The premise on which each of the images was been prepared was as follows:

- Studies have been undertaken at the south-eastern end of 9-15 Central Avenue, and include Levels 3-8
- The floor level has been surveyed in each case and is taken from the underside of each balcony
- The camera view level is positioned at 1.8m from the underside of the balcony slab, which is 200mm in depth, thus providing a viewing height of 1.6m, which is a standard eye height, in a standing position.
- The potentially affected views are in an easterly and south-easterly direction
- Each of the images shows the existing and proposed situation for comparative purposes.
- All internal views are assumed to be from a habitable room.

Conclusions

Based on the amended plans, the revised Level 4 will allow for the adequate sharing of views from Apartment 504, which is the most affected apartment because of the proposed development. This is achieved with the building being both recessed from the south-western corner of the site and angled, to ensure that the existing views, particularly that of Shelly Beach, is retained from the most affected apartments. The amended outcome also reduces the impact of built form when considered from the internal courtyard of Hotel Steyne

Of the remaining affected apartments there is a negligible impact and, in many cases, for apartments located on the upper levels of 9-15 Central Avenue, there is an improvement over the existing situation, due to the removal of existing plant and equipment that proliferates the existing view corridor. The design proposed establishes a more cohesive appearance to the waterway thus providing a greater level of visual consistency and appreciation of the waterway, headland and land-water interface.



STEP/PRINCIPLE	ASSESSMENT OF PROPOSED DEVELOPMENT
26 <i>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.</i>	The view to be impacted is of existing tree tops above the height of the existing building. There are no water views from this location.
27 <i>The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic</i>	The view is from the external balcony, looking in an easterly direction and a habitable living area, looking south-east. The views are assumed in a standing position. The view is from the front of the property.
28 <i>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.</i>	The view loss is considered to be negligible on the premises that there would be no loss of water view and only a minor loss of existing tree tops.
29 <i>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.</i>	Given that the proposed development does not affect a highly valued view of the waterway, or land-water interface, and the impact is negligible, while the impact of view loss is increased as a result of the proposed building form over the existing situation, a more skilful design would not enhance the availability of the view to elements that have limited significance.



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29 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 proposed development, when viewed from this location, is entirely reasonable.



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29 <i>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.</i>	The proposed development, when viewed from this location, is entirely reasonable.



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<i>27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic</i>	<p>The view is from the external balcony, looking in an easterly direction and a habitable living area, looking south-east. The views are assumed in a standing position. The view is from the front of the property.</p>
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<i>29 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.</i>	<p>Given that the proposed development does not affect a highly valued view of the waterway, or land-water interface, and the impact is negligible, while the impact of view loss is increased as a result of the proposed building form over the existing situation, a more skilful design would not enhance the availability of the view to elements that have limited significance on context.</p>



LEVEL 5 – LOCATION 5

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<p>28 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.</p>	<p>The amended proposal, as it relates to this property is minor. The amended design of Level 4, with the increased setbacks proposed to the southern and south-western boundaries, along with the angled building form, ensures the retention of a large proportion of the view in this direction, including that towards Shelly Beach.</p> <p>There will also be an improvement to the view through the reduction of existing roof stop structures which proliferate the existing upper form.</p>
<p>29 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.</p>	<p>The amended development, as proposed, when viewed from this location, is reasonable on balance, having provided a skilful design outcome that enables the sharing of views between these properties.</p>



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<p>27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic</p>	<p>The view is from the external balcony, looking in a south-easterly direction. The views are in a standing position. The view is from the front of the property.</p>
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<p>29 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.</p>	<p>The proposed development, when viewed from this location, is entirely reasonable as it results in a nett benefit over the existing situation.</p>



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29 <i>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.</i>	Given the improvement to the view that is achieved by the removal of structures and what can only be considered a minor loss of view, with the most significant proportion of this being retained, the overall loss is considered to be negligible.



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<p>29 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.</p>	<p>Given the improvement to the view that is achieved by the removal of structures and what can only be considered a minor loss of view, with the most significant proportion of this being retained, the overall loss is considered to be negligible.</p>



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<p>27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic</p>	<p>The view is from the external balcony, looking in a south-easterly direction. The views are assumed in a standing position. The view is from the front of the property.</p>
<p>28 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.</p>	<p>The proposed development as it relates to this property represents a minor nett improvement over the existing situation with the removal of plant located on the top of the building, thus providing a minor increase to the view of the water.</p> <p>There is a minor loss where the proposed south-eastern corner of the building is located; however, this is representative of a very minor loss of the waterway that may still be enjoyed holistically from this location.</p> <p>On balance, the improvement by the removal of plant is considered a more significant outcome as this opens up the view and removes an offensive structure that otherwise blocks the view in this direction.</p>
<p>29 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.</p>	<p>Given the improvement to the view that is achieved by the removal of structures and what can only be considered a minor loss of view, with the most significant proportion of this being retained, the overall loss is considered to be negligible.</p>

STEP/PRINCIPLE	ASSESSMENT OF PROPOSED DEVELOPMENT
26 <i>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.</i>	The view to be impacted, due to being higher up in the adjoining building is of the waterway and the land-water interface of Manly Beach.
27 <i>The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic</i>	The view is from the external balcony, looking in an easterly direction and a habitable living area, looking south-east. The views are assumed in a standing position. The view is from the front of the property.
28 <i>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.</i>	From the living area, there is a minor loss of view, as a result of the south-eastern corner of the building, of the interface between land and water; however, the water view is retained as is the balance of the land-water interface view further south from the edge of the proposed building. From the balcony, there is a minor improvement of the view due to the removal of plant, of the waterway and a undiscernible loss of the land water interface, where the south-eastern corner of the proposed building is located. The overall loss is considered negligible to minor on balance.
29 <i>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.</i>	The overall loss of view of the land-water interface is considered to be negligible given the extent of such view that is retained despite the proposed development.



STEP/PRINCIPLE	ASSESSMENT OF PROPOSED DEVELOPMENT
26 <i>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.</i>	The view to be impacted, due to being higher up in the adjoining building is of the waterway and the beach itself, along with the promenade of Manly Beach.
27 <i>The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic</i>	The view is from the external balcony, looking in a south-easterly direction. The views are assumed in a standing position. The view is from the front of the property.
28 <i>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.</i>	There is a minor loss of view of part of the walkway and beach area; however, the land-water interface and waterway are maintained.
29 <i>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.</i>	The overall loss of view of the land-water interface is considered to be negligible given that the sections of the view that are retained allow for the holistic appearance of the view to be appreciated from this location.

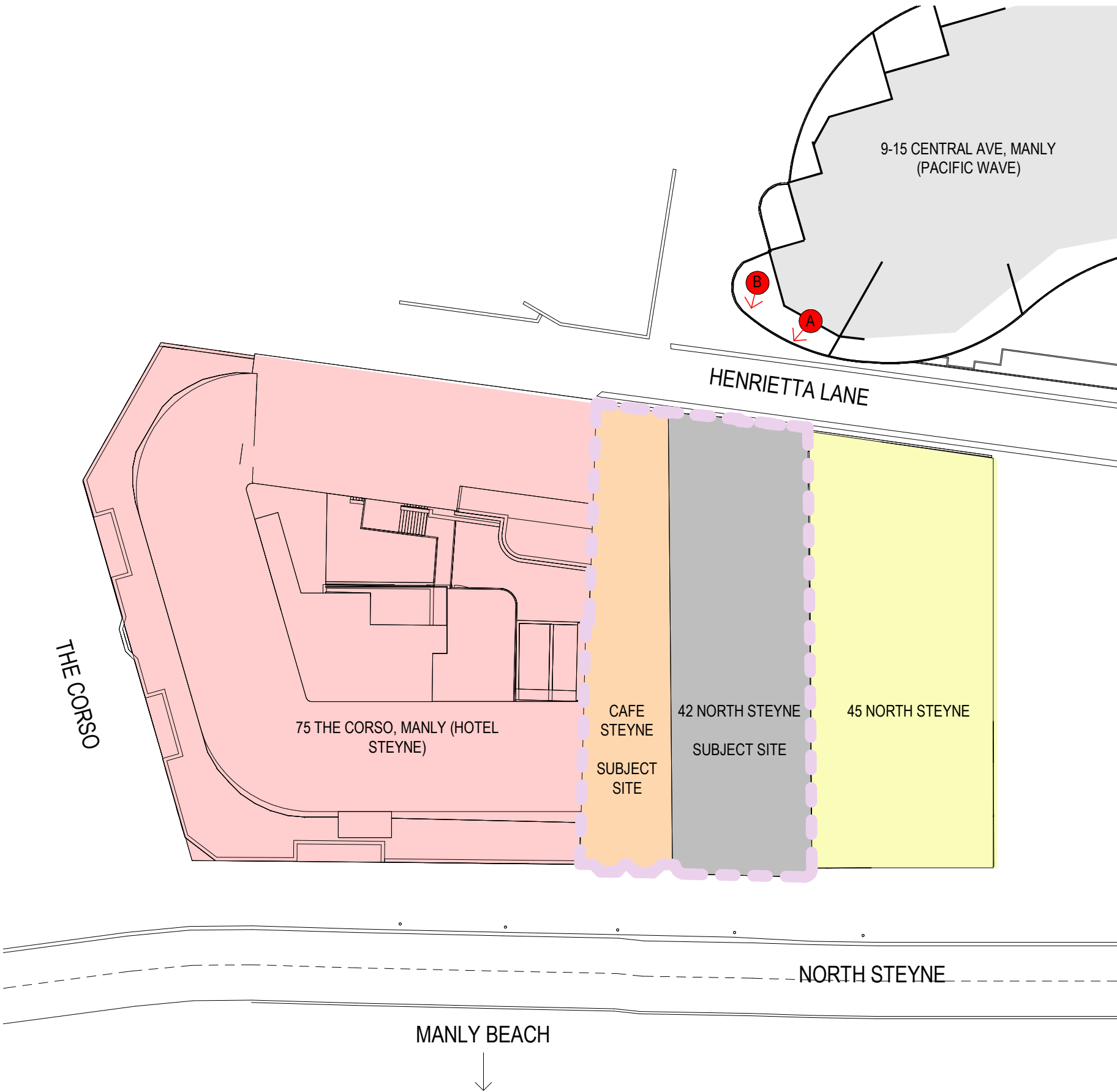




VIEW IMPACT STUDY

9-15 CENTRAL AVE, MANLY (PACIFIC WAVE)

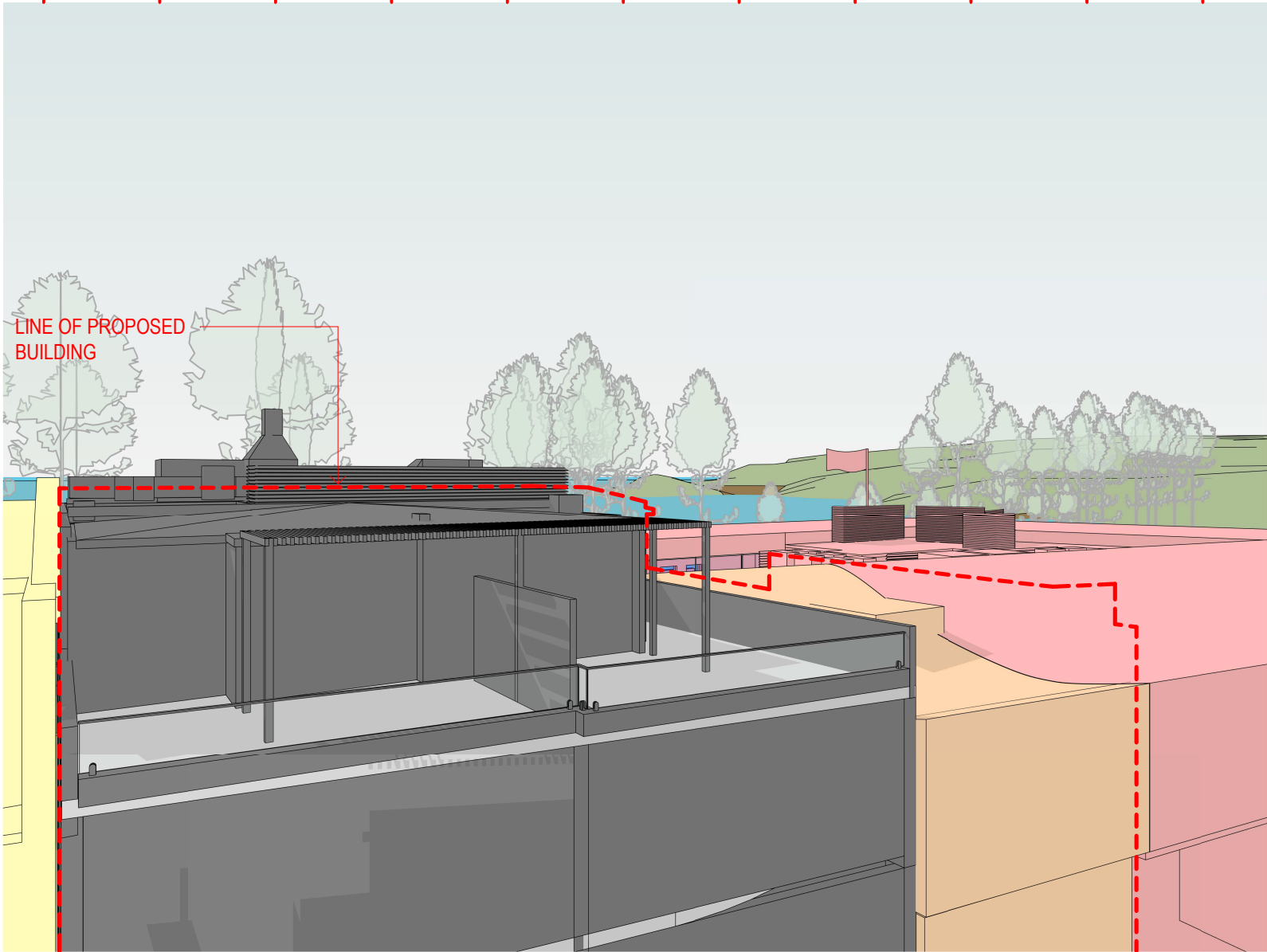
LEVEL 5
SURVEY RL : 18720mm
CAMERA RL : 20520mm



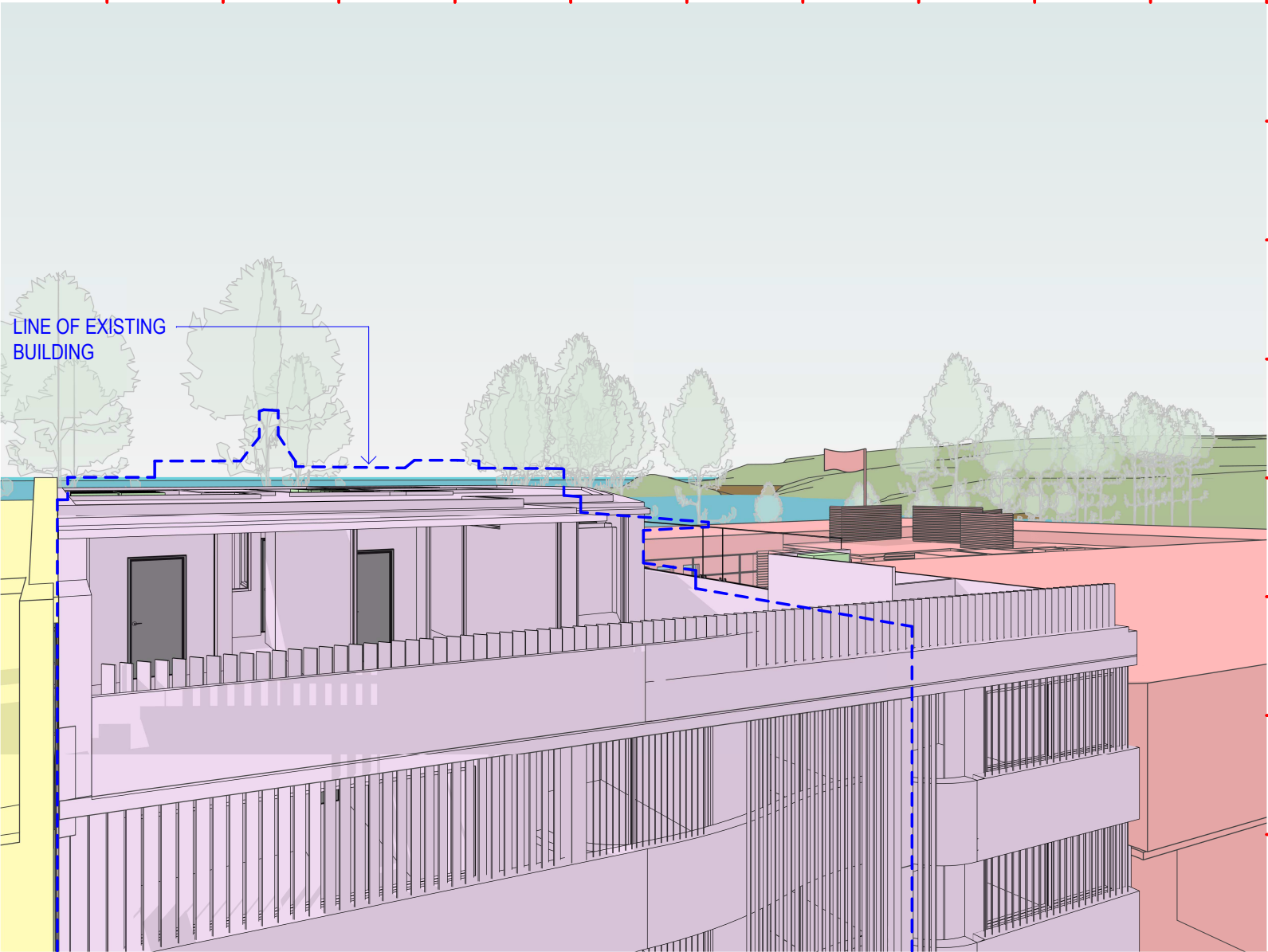
10 VIEW IMPACT STUDY 5 - LOCATION PLAN
1 : 400 @ A1

- KEY:
- 75 THE CORSO, MANLY (HOTEL STEYNE) EXISTING
 - 45 NORTH STEYNE EXISTING
 - STEYNE CAFE EXISTING
 - SUBJECT SITE 42 NORTH STEYNE EXISTING
 - SUBJECT SITE 42 NORTH STEYNE AND STEYNE CAFE PROPOSED

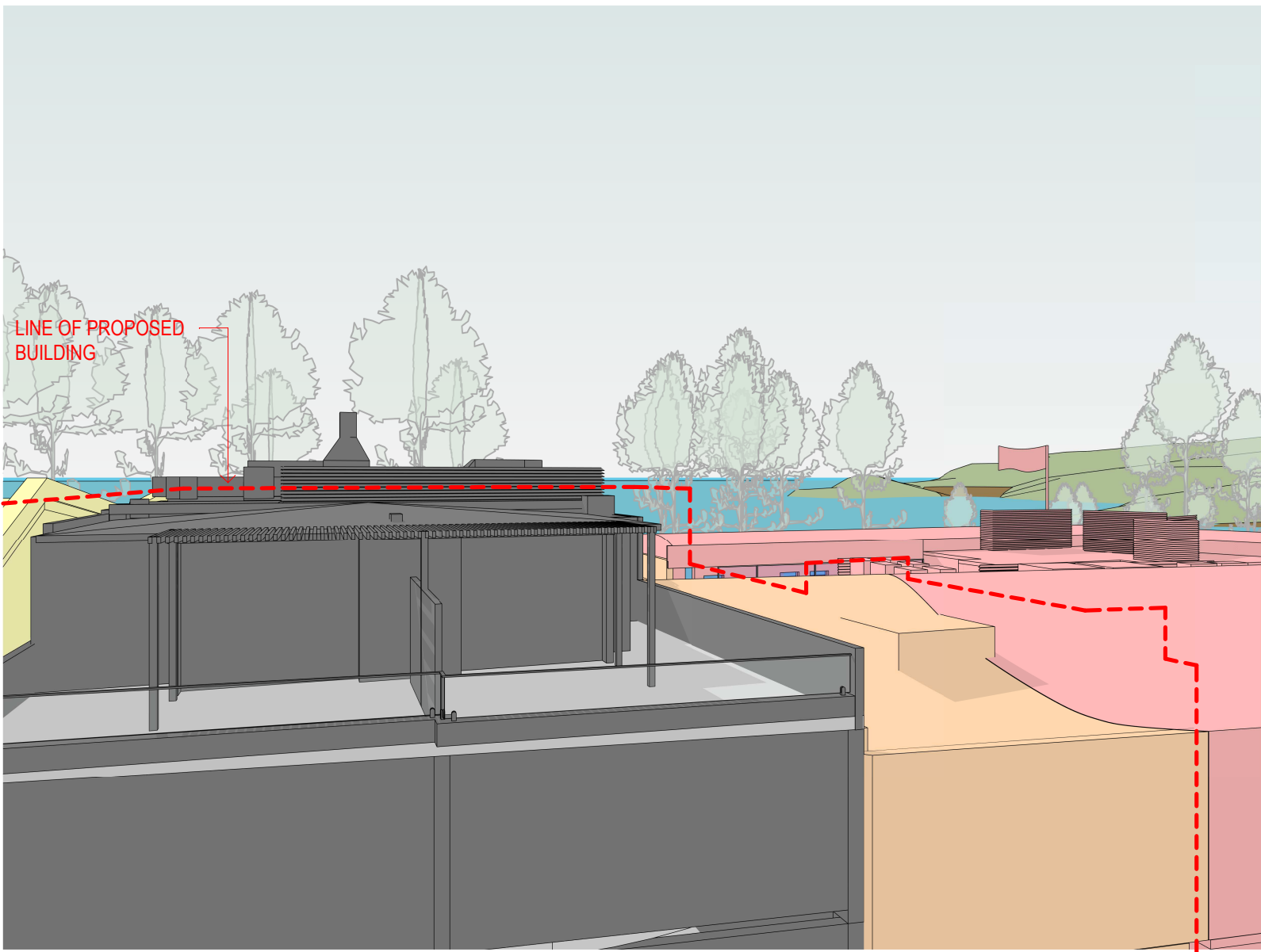
NOTE:
SURVEY LEVELS ARE TO UNDERSIDE OF BALCONIES. ALL VIEWS ARE 200mm ABOVE UNDERSIDE OF SLAB PLUS 1600mm VIEW HEIGHT.



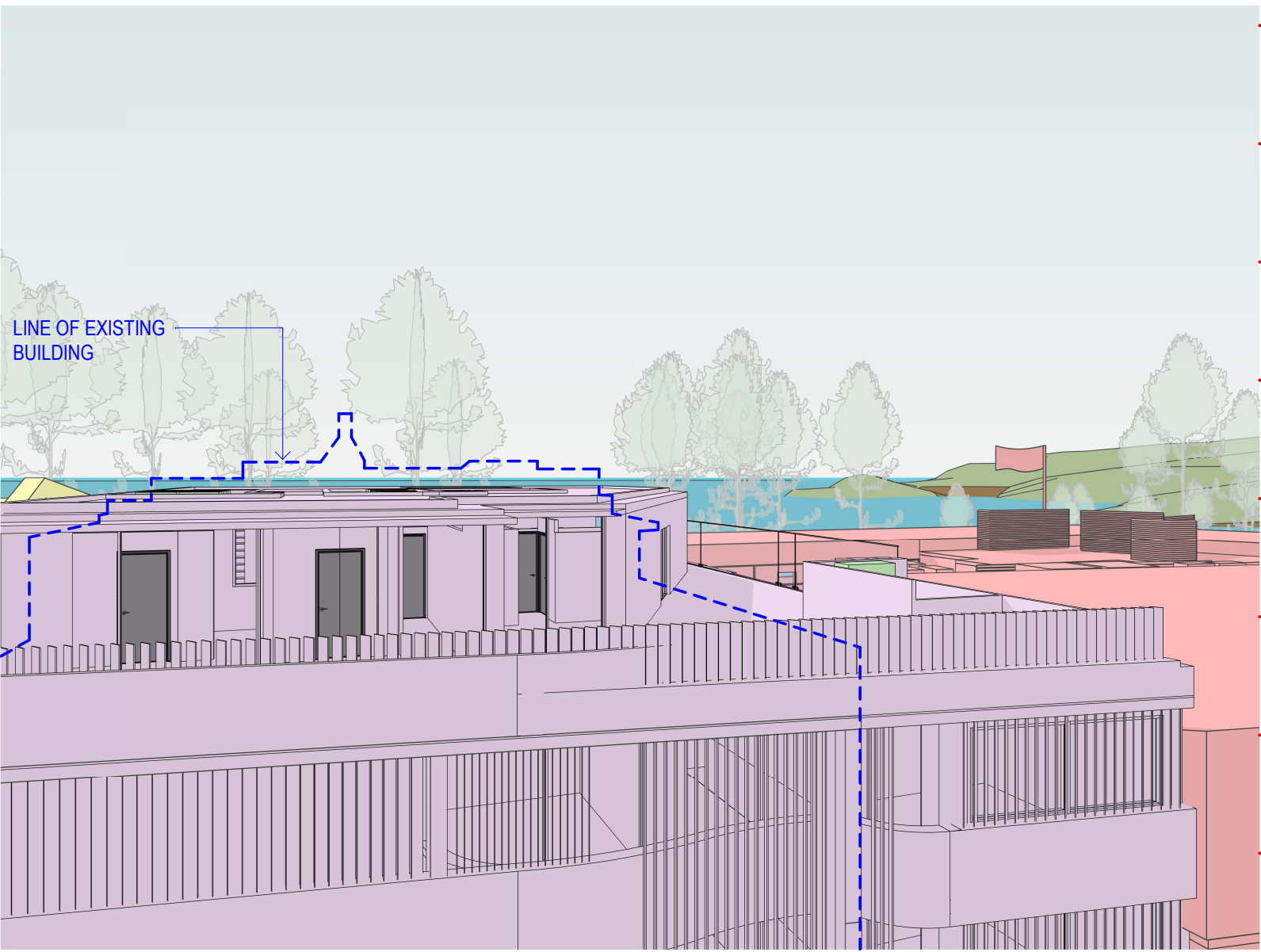
1 VIEW IMPACT STUDY - LIVING - LEVEL 5 - EXISTING
CAMERA A



2 VIEW IMPACT STUDY - LIVING - LEVEL 5 - PROPOSED
CAMERA A



3 VIEW IMPACT STUDY - BALCONY - LEVEL 5 - EXISTING
CAMERA B



4 VIEW IMPACT STUDY - BALCONY - LEVEL 5 - PROPOSED
CAMERA B

10

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STATUS
DEVELOPMENT APPLICATION

Do not scale drawing. Verify all dimensions on site. Report any discrepancies in documentation to architect. This drawing is for the purpose of council approval and as such, is not suitable for construction.

GRAPHIC SCALE

NOT TO SCALE

DRAWING NOTES

B	11.07.2022	ISSUE FOR DA NEGOTIATION
A	02.11.2021	ISSUE FOR DA
ISS	DATE	PURPOSE OF ISSUE

CLIENT
IRIS

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PROJECT
MANLY APARTMENTS
42 NORTH STEYNE, MANLY

LOT 100-102 IN DP 1069144
LOT 1 DP 1034722

DRAWING NO.	ISSUE
.DA-704	B
JOB NO.	SCALE
IRI2014	N.T.S.
	DATE
	11.07.2022

DRAWING TITLE
VIEW IMPACT STUDY LEVEL 5

DRAWN BY	CHECKED BY
FO	SC