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**Sent:** 22/05/2023 3:48:58 PM  
**Subject:** 1162 Pittwater Road, Collaroy - Submission (DA2022/1153)  
**Attachments:** VIA 1162, Pittwater Road 5.2023 (1).pdf;

Please find attached a submission with regard to the DA at 1162 Pittwater Road, Collaroy.

Kind regards,  
Will

--

**William Fleming**

Planner



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# VISUAL IMPACT ASSESSMENT

Objection to a Development Application  
No.1162, Pittwater Road, Collaroy.



**urbaine design group**

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**Development Application, No.1162, Pittwater Road, Collaroy, NSW.  
Visual Impact Assessment Report, May, 2023.**

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# 1. INTRODUCTION

## 1.1 Scope and Purpose of Report.

This Visual Impact Report has been prepared by Urbaine Design Group, as supporting documentation for an objection to a development application, at No.1162, Pittwater Road, Collaroy, proposing the construction of a new 2-storey dwelling, sited on the location of a recently demolished house, with a significant increase in the overall proposed footprint and building height.

This report has been prepared for the owners of the two adjoining properties, being the McGrath family, of No.1164, Pittwater Road and Mr Andrew Dickson of No.1160, Pittwater Road, in order to assess the proposed development's visual impact in relation to its visual and statutory contexts and is to be read in conjunction with the drawings and other material submitted with the Development Application.

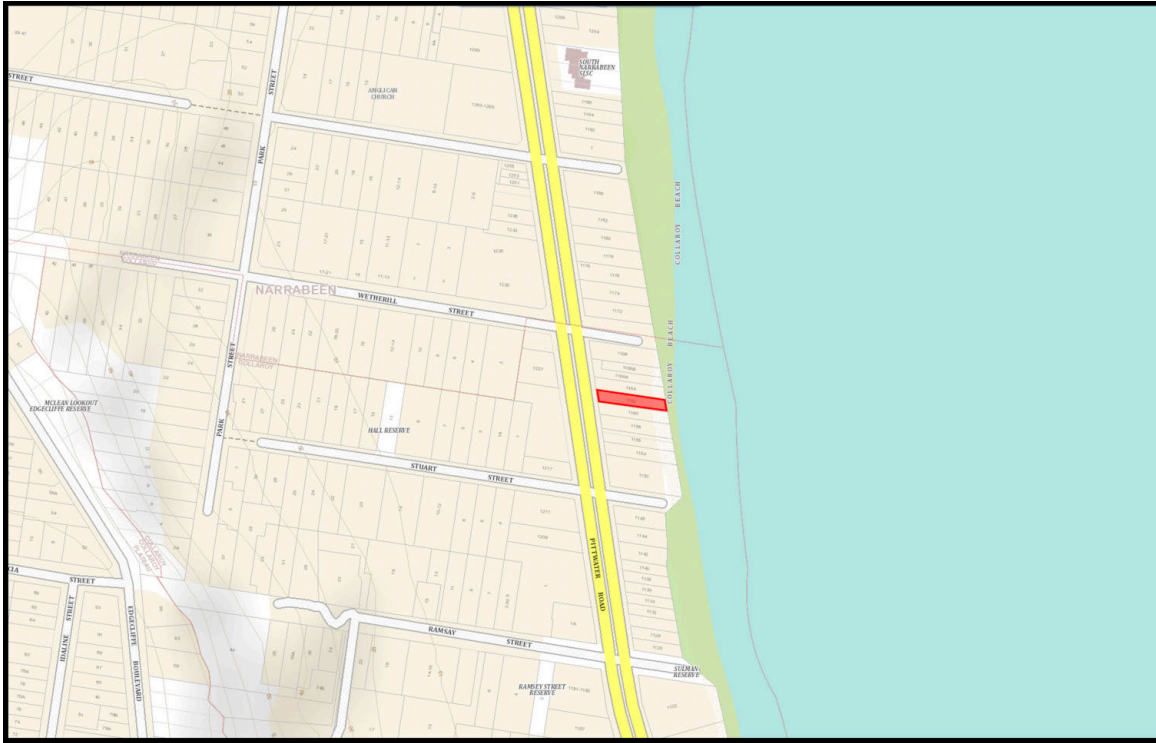


Figure 1 – site location shown in red.



Figure 2 – Aerial photo showing site location in red

## 1.2 The Proposed Development

### 1.2.1 Project Overview

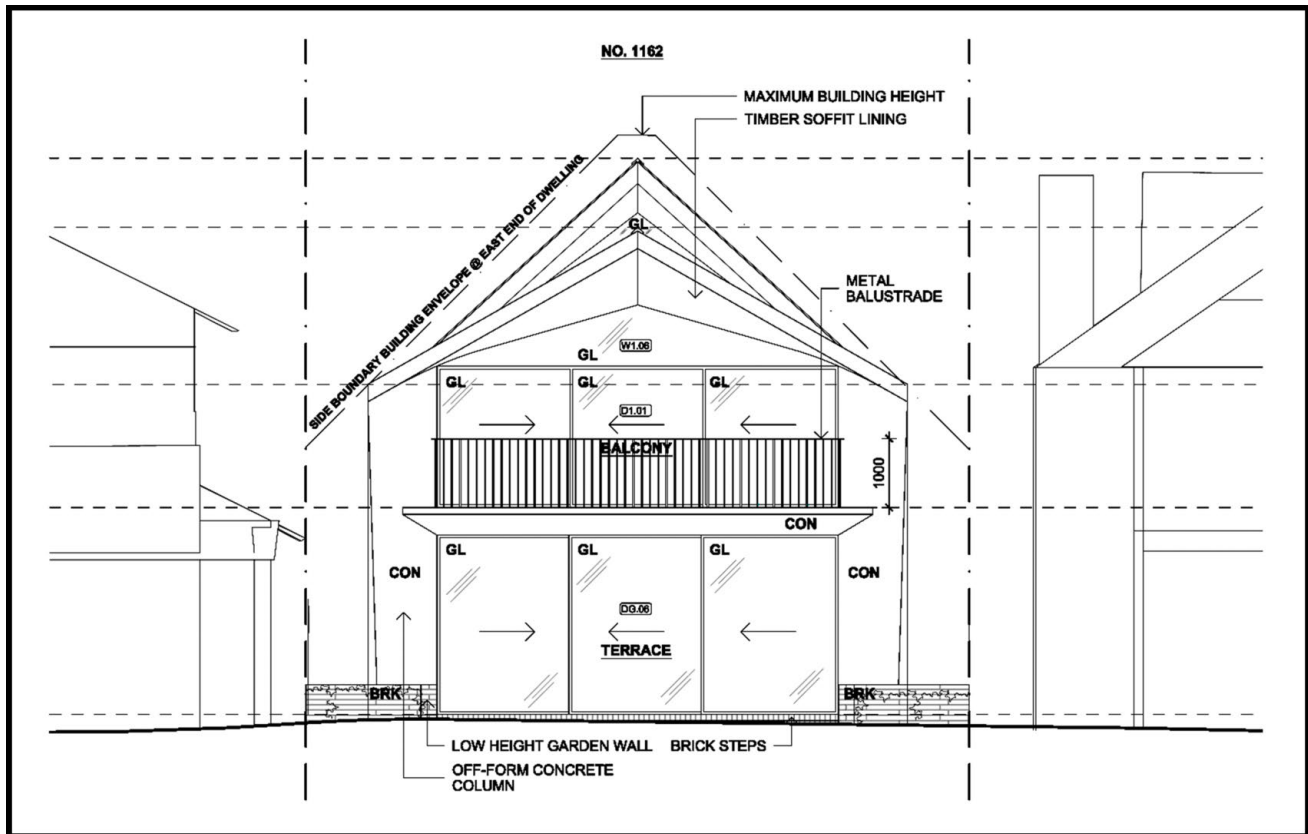


Figure 3 – East elevation of proposed design – from Complete Thought Studio

### 1.2.2 The Site

The subject property is located on the eastern side of Pittwater Road, within the Collaroy Local Centre and directly adjoining Collaroy Beach. The site comprises Lot B in DP 302895, otherwise known as No. 1162 Pittwater Road, Collaroy and was occupied by a recently demolished single storey clad dwelling with a gabled tile roof. The site is currently only occupied by coastal protection works that run along the Eastern boundary of the site. The area of the site is 566sqm and the orientation of the site is approximately east to west. The site fronts onto Pittwater Rd, with a rear boundary that adjoins Collaroy Beach.

The site is a rectangular allotment with skewed front boundary, aligning with Pittwater Road and skewed rear boundary, aligning with Collaroy Beach. Whilst the angled width of the site, measured along the front boundary is 10.06m, the effective width of the property is 9.62m. Whilst the effective depth of the property is 58.82m a section approximately 5.7m deep of this is occupied by sandy beach with unmarked boundaries which may be perceived as public area although it is actually private land forming part of the subject property.

Ground levels across the site vary, generally falling from the east to the street frontage to the west of the site. The site levels fall from RL 6.5m along the edge of the sea wall adjoining the beach to RL 5.94m near the street frontage of the property, an overall change in level of 0.56m across the property.

### 1.2.3 Proposed Land Use and Built Form

The proposal comprises of the construction of a new two storey dwelling. The new dwelling is sited on the location of the recently demolished house, within an expanded footprint and increased setback to the north side boundary. Landscaping works are proposed in conjunction with the construction of the proposed dwelling, including landscaping the front garden that fronts Pittwater Rd and the rear garden which adjoins Collaroy Beach. The detail of the application is depicted on the following plans and documentation prepared by Complete Thought Studio Pty Limited:

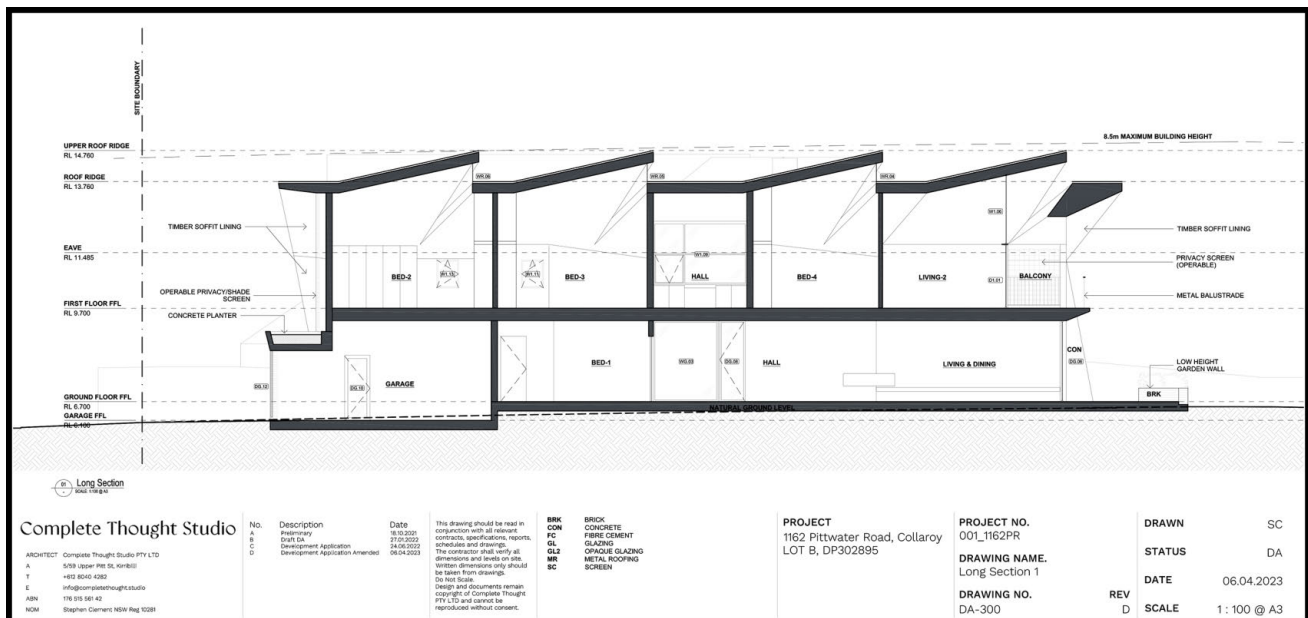


Figure 4: Drawing from Complete Thought Studio, showing a cross-section through the site and proposed building.

The Warringah Local Environmental Plan (LEP) 2011 applies to the subject site and this development proposal. The subject site is located within the Zone R2 - Low Density Residential:

#### 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.

#### 2 Permitted without consent

Home-based child care; Home occupations

#### 3 Permitted with consent

Bed and breakfast accommodation; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture; Veterinary hospitals

#### 4 Prohibited

Any development not specified in item 2 or 3

The requirements of Policy F1 of the DCP are as follows:

- 1) Buildings are to define the streets and public spaces and create environments that are appropriate to the human scale as well as being interesting, safe and comfortable.
- 2) The minimum floor to ceiling height for buildings is to be 3.0 metres for ground floor levels and 2.7 metres for upper storeys.
- 3) The design and arrangement of buildings are to recognise and preserve existing significant public views.
- 4) Development that adjoins residential land is not to reduce amenity enjoyed by adjoining residents.
- 5) The built form of development in the local or neighbourhood retail centre is to provide a transition to adjacent residential development, including reasonable setbacks from side and rear boundaries, particularly above ground floor level.
- 6) Buildings greater than 2 storeys are to be designed so that the massing is substantially reduced on the top floors and stepped back from the street front to reduce bulk and ensure that new development does not dominate existing buildings and public spaces.
- 7) Applicants are to demonstrate how the following significant considerations meet the objectives of this control:
  - Scale and proportion of the façade;
  - Pattern of openings;
  - Ratio of solid walls to voids and windows;
  - Parapet and/or building heights and alignments;

- Height of individual floors in relation to adjoining buildings;
  - Materials, textures and colours; and
  - Architectural style and façade detailing including window and balcony details
- 8) Footpath awnings should be designed to allow for street tree planting.
  - 9) Awnings should be consistent in design, materials, scale and overhang with adjacent retail developments.
  - 10) Awnings should have an adequate clearance from the kerb.

With respect to the above requirements, the development can be considered to be compliant in most instances. However, in terms of the requirement to not reduce the amenity enjoyed by adjoining residents, the current design does not comply. There is considerable visual impact and view loss caused as a result of the positioning of the new proposal, when combined with its excessive bulk and massing.

Additionally, the proposal can be deemed specifically non-compliant in relation to the Warringah Development Control Plan (DCP). This requires a front boundary setback of 6.5m. The current proposal has a setback of 2.8m – a 58% variance from a complying design. This will have relevance when Step 4 of the Tenacity Judgement is reviewed later in this assessment.

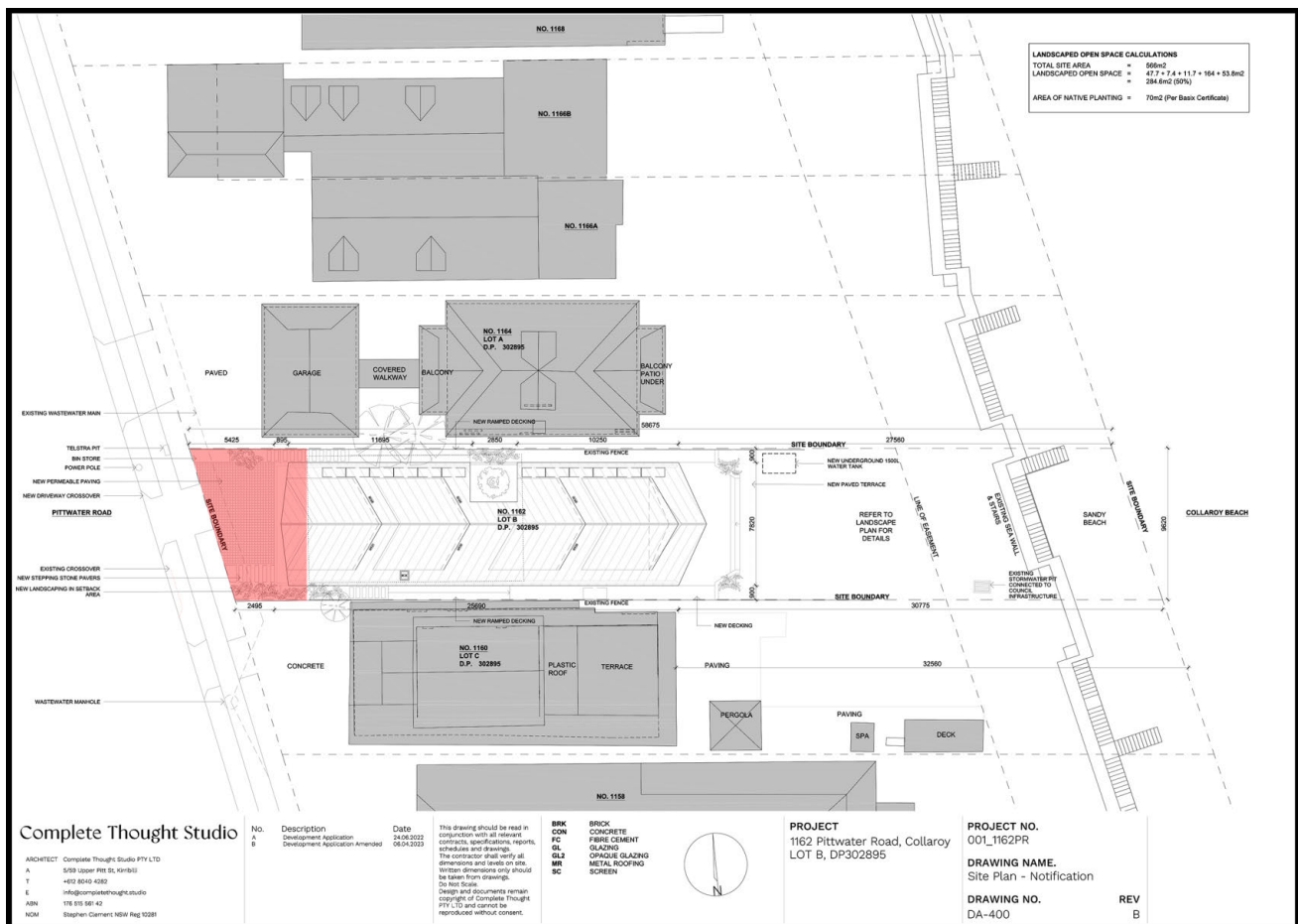


Figure 5: Drawing from Complete Thought Studio, with red overlay showing extent of non-compliance with the DCP.

The proposed building is largely compliant with the DCP and LEP controls in terms of height limits and FSR. However, the design of the built form creates a building of excessive visual scale and bulk, with articulated elements that contribute to unnecessary view loss to neighbouring properties. The scale and bulk will also, likely cause excessive overshadowing onto the neighbouring properties. However, in the revised drawing set from Complete Thought Studio, shadow diagrams have not been prepared in accordance with Council Guidelines. The only shadows presented are from June 21<sup>st</sup> at 9am, midday and 3pm. There should be hourly shadows shown, from 9am to 3pm at 3 designated times of the year. Additionally, the view loss assessment images are not prepared in accordance with statutory guidelines, being those imposed by the LEC: Guidelines for the Preparation of Photomontaged Images. Their accuracy and usefulness cannot therefore be determined for the assessment of view loss, which is the most contentious issue with this application.

The positioning of the new development on the site ignores the rear alignment of the neighbouring buildings and appears to be an attempt to create total privacy for the subject site, at the expense of diminished views from the two neighbours to the north and south of the subject site. There appear to be many areas within the overall planning of the new proposal, where a more skillful design would mitigate view loss to the immediate neighbours, outlined later within this report.

### 1.3 Visual Impact Assessment Methodology

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 C. A combination of the methods described were utilised in the preparation of the photomontaged views used in this visual impact assessment report.

#### 1.3.1 Process

Initially, a fully contoured 3d model was created of the site and surrounding buildings to the extent of the designated viewpoints, with detailed modelling matching the building envelope of the latest Complete Thought Studio design of the proposed extension

Virtual cameras were placed into the model to match various selected viewpoints, in both height and position. From these cameras, rendered views have been generated and photomontaged into the existing photos, using the ground plane for alignment (allowing 2 set camera heights for standing and sitting positions being at 1600mm and 1100mm respectively). Several site location poles were placed into the 3d model to allow accurate alignment with the original photo. These poles align with known elements of the building and surroundings, such as top of ridge and eaves location on the dwelling, together with existing trees and site boundary intersections.

The rendered views create an accurate interpretation of the visual impact and provide a basis for minimising any view loss by the incorporation of amended building heights and landscape, where appropriate.

The final selection of images shows these stages, concluding with an outline, indicating the potential visual impact. For the purposes of statutory requirements, the images within the report are of a standard 50mm lens format.

#### 1.3.2 Assessment Methodology

There are no set guidelines within Australia regarding the methodology for visual impact assessment. Where a proposal is likely to adversely affect views from either private or public 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 Design Group provides a detailed description of its methodologies and the resultant accuracy verifiability – this is contained within Appendix C.

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 a suitable scope of 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. Locations that feature a prominent, direct and mostly unobstructed line of sight to the subject site 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. 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 both the public and residents, located within, and near to the viewpoint locations.

#### 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 streetscapes and sites most likely to be affected by the Proposal
- Important vistas and viewsheds
- Other major influences on local character and amenity

The site map, see figure 7, indicates chosen locations for site photography from Nos.1160 and 1164, Pittwater Road, being the 2 adjoining properties.

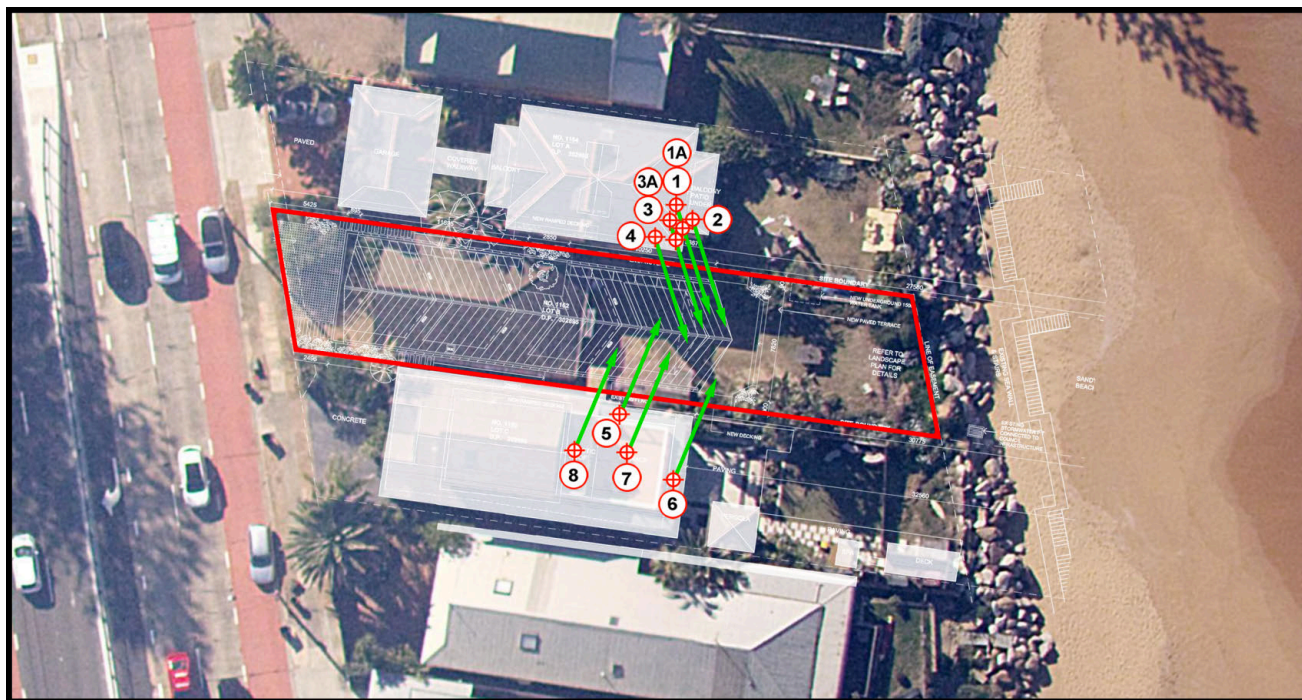


Figure 7: Selected neighbouring property viewpoint locations from Nos.1160 and 1164, Pittwater Road, for visual impact assessments, shown in plan and elevation.

#### Contextual Analysis:

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

#### 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.

#### Statutory Planning Assessment:

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

## 1.4 References

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

### Design Documentation

- The design drawings and information relied upon for the preparations of this report were prepared by Complete Thought Studio Pty Ltd., dated 06/04/2023
- Creating Places for People - An Urban Design Protocol for Australian Cities:  
[www.urbandesign.gov.au/downloads/index.as](http://www.urbandesign.gov.au/downloads/index.as)
- State Environmental Planning Policy No.55 - Remediation of Land;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- Australia and New Zealand Urban Design Protocol:  
[www.mfe.govt.nz/publications/urban/design-protocol-mar05/urban-design-protocol-colour.pdf](http://www.mfe.govt.nz/publications/urban/design-protocol-mar05/urban-design-protocol-colour.pdf)
- The Value of Urban Design:  
[www.designcouncil.org.uk/Documents/Documents/Publications/CABE/the-value-of-urban-design.pdf](http://www.designcouncil.org.uk/Documents/Documents/Publications/CABE/the-value-of-urban-design.pdf)
- Fifteen Qualities of Good Urban Places:  
[www.goldcoast.qld.gov.au/planning-and-building/fifteen-qualities-of-good-urban-places-3774.html](http://www.goldcoast.qld.gov.au/planning-and-building/fifteen-qualities-of-good-urban-places-3774.html)
- The Image of the City (1960), Kevin Lynch
- The Environmental Planning and Assessment Act 1979 as amended ("the Act");
- Warringah Local Environmental Plan 2011 ("WLEP 2011");
- Warringah Development Control Plan 2011 ("WDCP 2011");

## 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 local area that may be affected by the visual impact of the proposed development is considered to be the area identified on in the general topographical area map, Figure 8.

Although some individuals may experience the visual context from private properties with associated views, the general public primarily experiences the visual context from within the public realm where they form impressions in relation to its character and amenity. This is particularly relevant in this instance, where the scale and form of the proposed development is viewed in context. Within the scope of this report the public realm is considered to include the public roads, reserves, open spaces and public buildings.

The visual context is subject to 'frames of reference' that structure the cognitive association of visual elements. The 'local area' (as discussed above) provides one such frame of reference. Other "frames of reference" include the different contextual scales at which visual associations are established and influence the legibility, character and amenity of the urban environment. Within the scope of this report three contextual scales are considered relevant to the analysis of the visual context and the visual impact of the proposed development.

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.

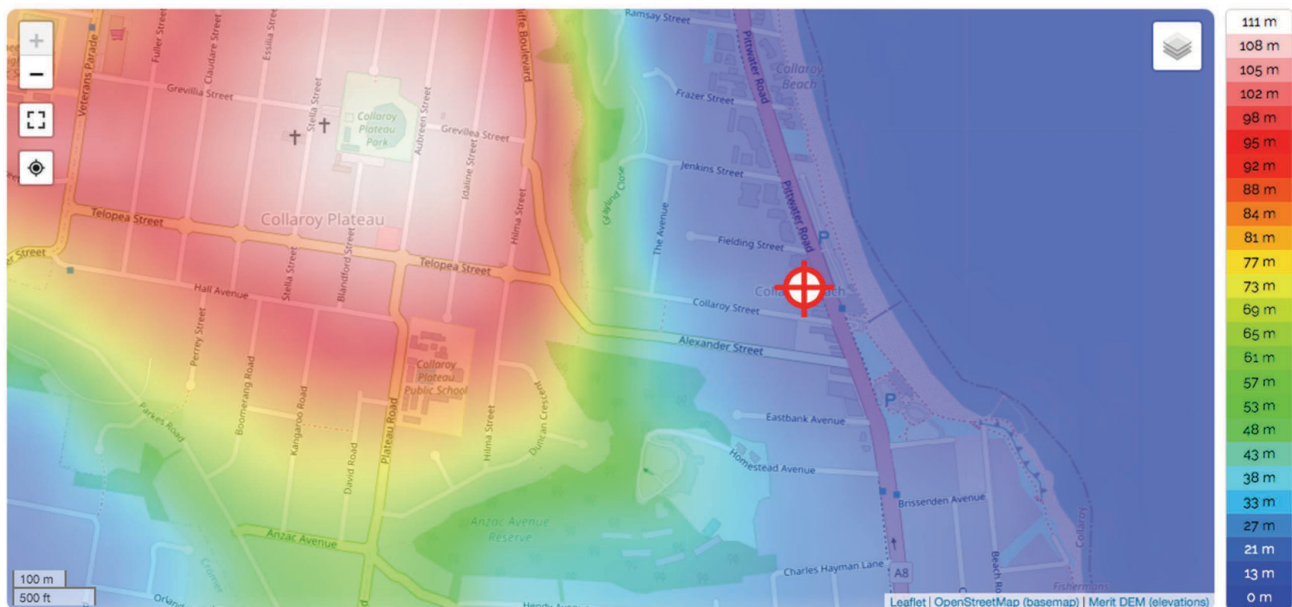


Figure 8: Subject Site topographical map.

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.

## 2.1 The Visual Context:

Within the street context, development is predominantly 1, 2 and 3 storey individual dwelling houses, orientated to maximise ocean views. The subject property is not heritage listed.

Within the urban context, there is a diverse fabric consisting of predominantly low density residential, with wide streets and mature, established landscaping.

The views currently enjoyed by the adjoining residences to the north and south include: uninterrupted ocean views to the east, views to the Headland and Fishermans Beach, Collaroy Headland and pool and Collaroy Beach to the corner of the Surf Club in a southerly direction. To the north, From the adjoining property to the south, there are views north, to Narrabeen Beach, Narrabeen Head and Turmetta Head beyond this.

Although these views are experienced across side boundaries, they represent the highest value views from these 2 residences and should be preserved through the skillful design of any future proposals on the subject land

## 2.2 Streetscapes

Within the local and surrounding areas, the streetscapes are typical of a well-established suburban area, that being focused on public amenity. The residential lots are medium to large and, as a result of the topography, have the option of enabling view sharing throughout the neighbourhood

## 2.3 The selected view locations for the local view analysis:

As a result of the site's topography, the visual impact is primarily relevant from the residential properties adjoining the subject site to the north and south, being the houses at Nos.1160 and 1164, Pittwater Road.

A large number of site photos were taken and a smaller number of local views selected from these, relevant for the private viewing locations, as described above. These are a mixture of static viewpoints, namely, fixed locations, as opposed to locations where viewing from a vehicle may be more likely – dynamic.

The selected photos are intended to allow consideration of the visual and urban impact of the new development at both an individual and local level. They incorporate private viewing locations from Nos. 1160 and 1164, Pittwater Road where the subject site falls within direct line of sight and impacts on the neighbouring views and light access.

#### 2.4 Period of View:

The view is either

- (a) Intermittent, or Dynamic if it will be viewed from a car travelling along a road; or
- (b) Stationary, or Static if the proposal can be viewed from a fixed location or for an extended period of time. In this instance, most views will be considered as stationary, since the impact is most significant on views from adjoining gardens.

#### Context of View:

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

#### 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, with reference to the requirements of the Land and Environment Court.

When undertaking the assessment of visual impacts, the guidelines stipulated by the Land and Environment Court, NSW, are used as a starting point for compliance.

#### 3.2 Visual Impact Assessments from 8 local viewpoint locations – static, private locations:

##### 3.2.1 Method of Assessment:

In order to allow a quantitative assessment of the visual impact, photos were selected that represented relevant private viewing locations from the adjoining properties at Nos. 1160 and 1164, Pittwater Road. A Canon EOS Full Frame Digital Camera with fixed focal length 35mm lens was used to take all viewpoint photos, at an eye level of 1600mm

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 3.2.2 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 6 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 10.

The % visual content is then assessed, together with a visual assessment of the new development's ability to blend into the existing surroundings.

Scale	Value	Visual Quality	Visual Impact	Tenacity Value
0	<b>Negligible</b>	N/A	No negative impact on the pre-existing visual quality of the view.	<b>Nil</b>
1	<b>Low</b>	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: <ul style="list-style-type: none"> <li>– Minor impacts on natural landscapes.</li> <li>– No impact on iconic views</li> <li>– Impacts on a small number of receivers.</li> <li>– Significant distance between the development and receiver.</li> </ul>	<b>Negligible</b>
2				
3				
4				
5				<b>Minor</b>
6	<b>Medium</b>	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: <ul style="list-style-type: none"> <li>– Moderate impacts on iconic views or natural landscapes.</li> <li>– Impacts on a moderate number of receivers.</li> <li>– Located nearby the receiver.</li> </ul>	<b>Moderate</b>
7				
8				
9				
10				
11	<b>High</b>	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: <ul style="list-style-type: none"> <li>– Loss of iconic views.</li> <li>– Impacts on a significant number of receivers.</li> <li>– Overshadowing effect.</li> <li>– Directly adjacent the receiver.</li> </ul>	<b>Severe</b>
12				
13				
14				
15				<b>Devastating</b>

Figure 10 – Urbaine Design Group Visual Assessment Scale

### 3.2.2 Assessment at selected viewpoints



**Viewpoint No.1: Existing site photo. No.1164, Pittwater Road.**

Ground Floor. Standing position, 1m within internal glazing line – southeast corner of main living room.  
RL +6.42

Distance to site boundary: 3.9m. Distance to centre of subject site: 8.7m



**Viewpoint No.1: Photomontage of new proposal model onto existing site photo**



**Viewpoint No.1: Extent of visual impact of proposed development - indicated in cyan overlay with red outline.**

### **Viewpoint No.1: Assessment**

Visual impact – Amount of new building visible in view – 9%

Visual impact ratio of view loss to sky view loss in visible portion. 6%: 94%

Existing Visual Quality Scale no: 8 /15 Visual Impact Assessment Scale no: 10 /15

This is a static, private viewpoint from the living room interior of the ground floor of No.1164, Pittwater Road. The existing view is in a south- southeasterly direction to The Collaroy. Basin, with Long Reef Point beyond. To the west of these features, but not visible in this view, are Fishermans Beach and the main expanse of Collaroy Beach.

The new proposal impacts upon the entirety of the Headland from this viewpoint, including ocean views to Collaroy Basin below.

The view loss, in the context of available views from this location, would be considered Severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case, because of the iconic nature the Long Reef Point Headland. The view loss is caused by the easterly site location of the new proposal and its decorative raked concrete columns at the eastern most end and by the northern wall and roofline behind and above this.

#### **Tenacity Assessment Summary:**

Value of view: Medium-to-High

View location: Primary living space – standing 1m behind main glazing line.

Extent of impact: Severe.

Reasonableness of proposal: This is a non-compliant building that presents an excessive scale and bulk to the adjoining properties, causing significant visual impact. View loss is unacceptable and the proposal is unreasonable



**Viewpoint No.1A: Existing site photo. No.1164, Pittwater Road.**

Ground Floor. Standing position, 3m within internal glazing line – centre of main living room.

RL +6.42

Distance to site boundary: 6.9m. Distance to centre of subject site: 11.7m



**Viewpoint No.1A: Photomontage of new proposal model onto existing site photo**



**Viewpoint No.1A: Extent of visual impact of proposed development - indicated in cyan overlay with red outline.**

### **Viewpoint No.1A: Assessment**

Visual impact – Amount of new building visible in view – 8%

Visual impact ratio of view loss to sky view loss in visible portion. 21%: 79%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 12 /15

This is a static, private viewpoint from the living room interior of the ground floor of No.1164, Pittwater Road. The existing view is in a south- southeasterly direction to The Collaroy. Basin, with Long Reef Point beyond. To the west of these features, partially visible in this view, are Fishermans Beach and the main expanse of Collaroy Beach.

The new proposal impacts upon the entirety of the Headland from this viewpoint, including ocean views to Collaroy Basin below.

The view loss, in the context of available views from this location, would be considered Severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case, because of the iconic nature the Long Reef Point Headland. The view loss is caused by the easterly site location of the new proposal and its decorative raked concrete columns at the eastern most end and by the northern wall and roofline behind and above this.

#### **Tenacity Assessment Summary:**

Value of view: Medium-to-High

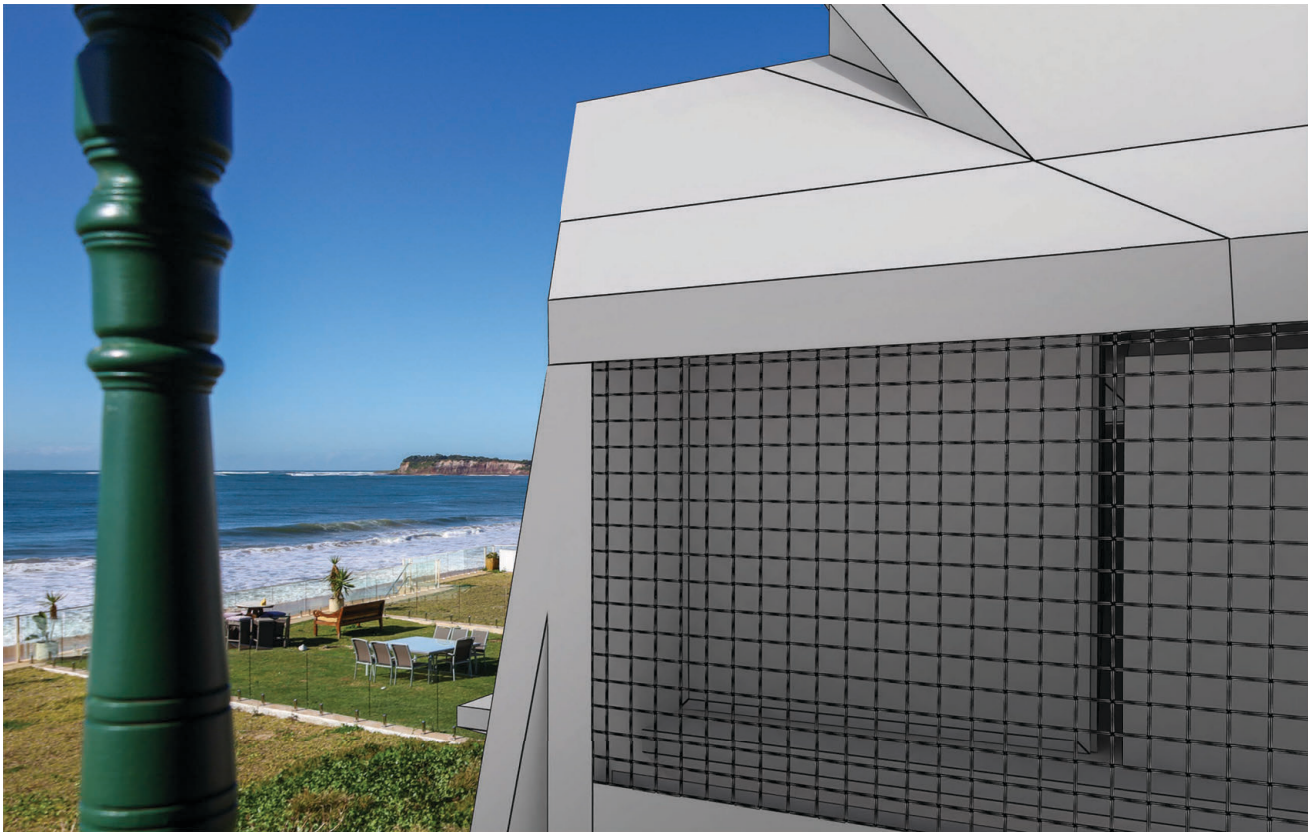
View location: Primary living space – standing 3m within the main living room from the main glazing line.

Extent of impact: Severe.

Reasonableness of proposal: This is a non-compliant building that presents an excessive scale and bulk to the adjoining properties, causing significant visual impact. View loss is unacceptable and the proposal is unreasonable.



**Viewpoint No.2: Existing site photo. No.1164, Pittwater Road.**  
 First Floor. Standing position, 1m within balustrade – bedroom balcony.  
 RL +9.58  
 Distance to site boundary: 5.2m. Distance to centre of subject site: 10.7m



**Viewpoint No.2: Photomontage of new proposal model onto existing site phot**



**Viewpoint No.2: Extent of visual impact of proposed development - indicated in cyan overlay with red outline.**

## **Viewpoint No.2: Assessment**

Visual impact – Amount of new building visible in view – 17%

Visual impact ratio of view loss to sky view loss in visible portion. 69%: 31%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 7 /15

This is a static, private viewpoint from the eastern balcony of the first floor of No.1164, Pittwater Road. The existing view is in a south- southeasterly direction to The Collaroy. Basin, with Long Reef Point beyond. To the west of the Headland are Fishermans Beach and the main expanse of Collaroy Beach, with the varied height buildings along the eastern side of Pittwater Road.

The new proposal impacts upon the surf zone of Fishermans Beach and a portion of Collaroy Beach and upon a significant portion of sky view.

The view loss, in the context of available views from this location, would be considered Moderate-to-Severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case, because of the high value of the ocean / land interface that is impacted. The view loss is caused by the easterly site location of the new proposal and its decorative raked concrete columns at the eastern most end and by the northern wall and roofline behind and above this.

### **Tenacity Assessment Summary:**

Value of view: High

View location: Secondary living space – standing 1m behind balcony balustrade.

Extent of impact: Moderate.

Reasonableness of proposal: This is a non-compliant building that presents an excessive scale and bulk to the adjoining properties, causing significant visual impact. View loss is unacceptable and the proposal is unreasonable.



**Viewpoint No.3: Existing site photo. No.1164, Pittwater Road.**  
 First Floor. Standing position, 1m within glazing line –main bedroom.  
 RL +9.58  
 Distance to site boundary: 4.55m. Distance to centre of subject site: 9.8m



**Viewpoint No.3: Photomontage of new proposal model onto existing site photo**



**Viewpoint No.3: Extent of visual impact of proposed development - indicated in cyan overlay with red outline.**

### **Viewpoint No.3: Assessment**

Visual impact – Amount of new building visible in view – 11%

Visual impact ratio of view loss to sky view loss in visible portion. 76%: 24%

Existing Visual Quality Scale no: 13 /15 Visual Impact Assessment Scale no: 11 /15

This is a static, private viewpoint from the eastern window of the first floor master bedroom of No.1164, Pittwater Road.

The existing view is in a south- southeasterly direction to The Collaroy. Basin, with Long Reef Point beyond. To the west of the Headland are Fishermans Beach and portion of the main expanse of Collaroy Beach. No other building are observable in the immediate environment from this viewpoint.

The new proposal impacts upon the foreshore of the Headland and the surf zone of Fishermans Beach, together with a portion of Collaroy Beach and a significant amount of sky view.

The view loss, in the context of available views from this location, would be considered Moderate-to-Severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case, because of the high value of the ocean / land interface that is impacted. The view loss is caused by the easterly site location of the new proposal and its decorative raked concrete columns at the eastern most end and by the northern wall and roofline behind and above this.

#### **Tenacity Assessment Summary:**

Value of view: High

View location: Secondary living space – standing 1m behind glazing line.

Extent of impact: Severe.

Reasonableness of proposal: This is a non-compliant building that presents an excessive scale and bulk to the adjoining properties, causing significant visual impact. View loss is unacceptable and the proposal is unreasonable.



**Viewpoint No.3A: Existing site photo. No.1164, Pittwater Road.**

First Floor. Standing position, 1m within glazing line of balcony door – main bedroom (with height pole in place).

RL +9.58

Distance to site boundary: 4.75m. Distance to centre of subject site: 10.1m



**Viewpoint No.3A: Photomontage of new proposal model onto existing site photo**



**Viewpoint No.3A: Extent of visual impact of proposed development - indicated in cyan overlay with red outline.**

### **Viewpoint No.3: Assessment**

Visual impact – Amount of new building visible in view – 14%

Visual impact ratio of view loss to sky view loss in visible portion. 69%: 31%

Existing Visual Quality Scale no: 13 /15 Visual Impact Assessment Scale no: 12 /15

This is a static, private viewpoint from the eastern balcony door of the first floor master bedroom of No.1164, Pittwater Road.

The existing view is in a south- southeasterly direction to The Collaroy. Basin, with Long Reef Point beyond. To the west of the Headland are Fishermans Beach and portion of the main expanse of Collaroy Beach. Other beachfront residences, of various scales, conclude the view to the west.

The new proposal impacts upon the foreshore of the Headland and the surf zone of Fishermans Beach, together with a portion of Collaroy Beach and a significant amount of sky view.

The view loss, in the context of available views from this location, would be considered Severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case, because of the high value of the ocean / land interface that is impacted. The view loss is caused by the easterly site location of the new proposal and its decorative raked concrete columns at the eastern most end and by the northern wall and roofline behind and above this.

#### **Tenacity Assessment Summary:**

Value of view: High

View location: Secondary living space – standing 1m behind glazing line.

Extent of impact: Severe.

Reasonableness of proposal: This is a non-compliant building that presents an excessive scale and bulk to the adjoining properties, causing significant visual impact. View loss is unacceptable and the proposal is unreasonable.



**Viewpoint No.4: Existing site photo. No.1164, Pittwater Road.**

First Floor. Standing position, 1m within glazing line of southeast corner window - study.

RL +9.58

Distance to site boundary: 3.6m. Distance to centre of subject site: 9.1m



**Viewpoint No.4: Photomontage of new proposal model onto existing site photo**



**Viewpoint No.4: Extent of visual impact of proposed development - indicated in cyan overlay with red outline.**

#### **Viewpoint No.4: Assessment**

Visual impact – Amount of new building visible in view – 14%

Visual impact ratio of view loss to sky view loss in visible portion. 65%: 35%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 12 /15

This is a static, private viewpoint from the first floor study of No.1164, Pittwater Road, which in many judgements has been assessed as a primary living space.

The existing view is in a south- southeasterly direction to The Collaroy. Basin, with Long Reef Point beyond. To the west of the Headland are Fishermans Beach and the main expanse of Collaroy Beach, with the varied height buildings along the eastern side of Pittwater Road curtailing this portion of the high-value view.

The new proposal blocks the visible portion of the Headland, the entirety of Fishermans Beach and a significant portion of Collaroy Beach and also impacts upon a large area of the existing sky view.

The view loss, in the context of available views from this location, would be considered Severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case, because of the high value of the Headland and ocean / land interface that is impacted. The view loss is caused by the easterly site location of the new proposal and its decorative raked concrete columns at the eastern most end and by the northern wall and excessively high roofline behind and above this.

#### **Tenacity Assessment Summary:**

Value of view: High

View location: Secondary living space – standing 1m behind glazing line.

Extent of impact: Severe.

Reasonableness of proposal: This is a non-compliant building that presents an excessive scale and bulk to the adjoining properties, causing significant visual impact. View loss is unacceptable and the proposal is unreasonable.



**Viewpoint No.5: Existing site photo. No.1160, Pittwater Road.**

Ground Floor. Standing position, 1m within glazing line - kitchen.

RL +6.45

Distance to site boundary: 1.2m. Distance to centre of subject site: 6.9m



**Viewpoint No.5: Photomontage of new proposal model onto existing site photo**



**Viewpoint No.5: Extent of visual impact of proposed development - indicated in cyan overlay with red outline.**

### **Viewpoint No.5: Assessment**

Visual impact – Amount of new building visible in view – 4%

Visual impact ratio of view loss to sky view loss in visible portion. 67%: 33%

Existing Visual Quality Scale no: 7 /15 Visual Impact Assessment Scale no: 15 /15

This is a static, private viewpoint from the ground floor kitchen of No.1160, Pittwater Road.

The existing view is in a north-northeasterly direction to the northern end of Narrabeen Beach, Narrabeen Headland and Turimetta Headland beyond this.

The new proposal blocks the entirety of the existing views.

The view loss, in the context of available views from this location, would be considered Devastating under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case, because of the high value of the ocean / land interface that is impacted. The view loss is caused by the easterly site location of the new proposal and its southern wall.

#### **Tenacity Assessment Summary:**

Value of view: Medium-to-High

View location: Primary living space – standing 1m behind glazing line.

Extent of impact: Devastating.

Reasonableness of proposal: This is a non-compliant building that presents an excessive scale and bulk to the adjoining properties, causing significant visual impact. View loss is unacceptable and the proposal is unreasonable.



**Viewpoint No.6: Existing site photo. No.1160, Pittwater Road.**  
 First Floor. Standing position, 1m within balustrade line – first floor terrace.  
 RL +10.02  
 Distance to site boundary: 6.45m. Distance to centre of subject site: 12.3m



**Viewpoint No.6: Photomontage of new proposal model onto existing site photo**



**Viewpoint No.6: Extent of visual impact of proposed development - indicated in cyan overlay with red outline.**

### **Viewpoint No.6: Assessment**

Visual impact – Amount of new building visible in view – 28%

Visual impact ratio of view loss to sky view loss in visible portion. 86%: 14%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 12 /15

This is a static, private viewpoint from the first floor open terrace of No.1160, Pittwater Road.

The existing view is in a north-northeasterly direction to a large expanse of Ocean and Narrabeen Beach, with Narrabeen Headland and Turimetta Headland beyond this.

The new proposal blocks all of the existing Headland view and a significant portion of the ocean/horizon interface. This effectively reduces the 'whole view', as highlighted as being of greater value within the Tenacity Judgement.

The view loss, in the context of available views from this location, would be considered Severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case, because of the high value of the Headland and ocean / land interface that is impacted. The view loss is caused by the easterly site location of the new proposal and its southern wall and this could be solved, without significantly reducing the amenity of the proposed development.

#### **Tenacity Assessment Summary:**

Value of view: High

View location: Secondary living space – standing 1m behind terrace balustrade.

Extent of impact: Severe.

Reasonableness of proposal: This is a non-compliant building that presents an excessive scale and bulk to the adjoining properties, causing significant visual impact. View loss is unacceptable and the proposal is unreasonable.

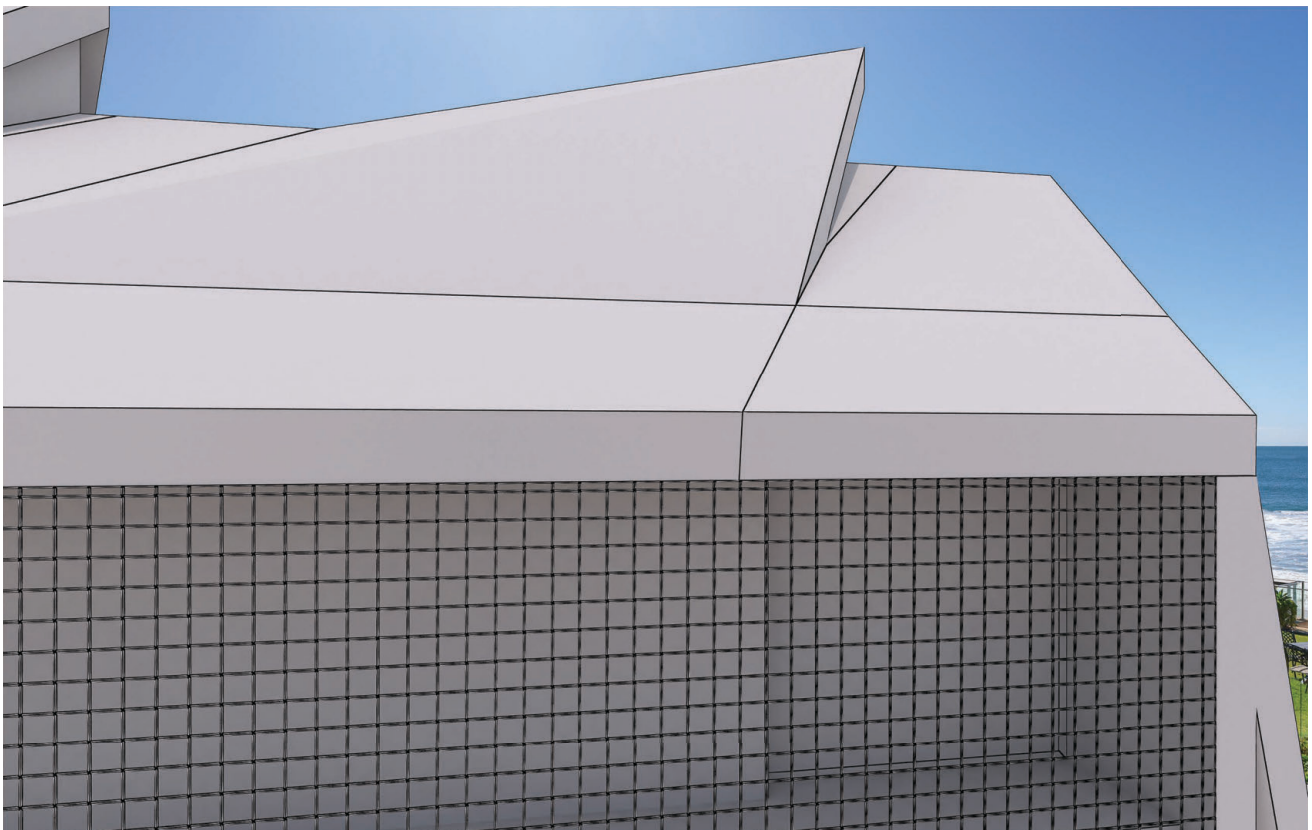


**Viewpoint No.7: Existing site photo. No.1160, Pittwater Road.**

First Floor. Standing position, 1m within northern balustrade line – first floor terrace.

RL +10.02

Distance to site boundary: 3.2m. Distance to centre of subject site: 8.75m



**Viewpoint No.7: Photomontage of new proposal model onto existing site photo**



**Viewpoint No.7: Extent of visual impact of proposed development - indicated in cyan overlay with red outline.**

### **Viewpoint No.7: Assessment**

Visual impact – Amount of new building visible in view – 34%

Visual impact ratio of view loss to sky view loss in visible portion. 68%: 32%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 13 /15

This is a static, private viewpoint from the first floor open terrace of No.1160, Pittwater Road.

The existing view is in a north-northeasterly direction to a large expanse of Ocean and Narrabeen Beach, with Narrabeen Headland and Turimetta Headland beyond this.

The new proposal blocks all of the existing Headland view and a significant portion of the ocean/horizon interface. This effectively reduces the 'whole view', as highlighted as being of greater value within the Tenacity Judgement.

The view loss, in the context of available views from this location, would be considered Severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case, because of the high value of the Headland and ocean / land interface that is impacted. The view loss is caused by the easterly site location of the new proposal and its southern wall and this could be greatly reduced, without significantly reducing the amenity of the proposed development.

#### **Tenacity Assessment Summary:**

Value of view: High

View location: Secondary living space – standing 1m behind terrace balustrade.

Extent of impact: Severe.

Reasonableness of proposal: This is a non-compliant building that presents an excessive scale and bulk to the adjoining properties, causing significant visual impact. View loss is unacceptable and the proposal is unreasonable.



**Viewpoint No.8: Existing site photo. No.1160, Pittwater Road.**  
 First Floor. Standing position, 1m within main glazing line – master bedroom.  
 RL +10.08  
 Distance to site boundary: 4.9m. Distance to centre of subject site: 10.55m



**Viewpoint No.8: Photomontage of new proposal model onto existing site photo**



**Viewpoint No.8: Extent of visual impact of proposed development - indicated in cyan overlay with red outline.**

### **Viewpoint No.1: Assessment**

Visual impact – Amount of new building visible in view – 14%

Visual impact ratio of view loss to sky view loss in visible portion. 62%: 38%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 10 /15

This is a static, private viewpoint from the first floor, master bedroom of No.1160, Pittwater Road. The existing view is in a northeasterly direction, across the outdoor terrace, to a large expanse of Ocean beyond the Narrabeen Beach foreshore.

The new proposal blocks a significant portion of the ocean and beach view to the north of the property.

The view loss, in the context of available views from this location, would be considered Severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 case, because of the high value of the ocean / land / horizon interface that is impacted. The view loss is caused by the easterly site location of the new proposal and its southern wall and this could be greatly reduced, without significantly reducing the amenity of the proposed development.

#### **Tenacity Assessment Summary:**

Value of view: High

View location: Secondary living space – standing 1m behind terrace balustrade.

Extent of impact: Moderate.

Reasonableness of proposal: This is a non-compliant building that presents an excessive scale and bulk to the adjoining properties, causing significant visual impact. View loss is unacceptable and the proposal is unreasonable.

## 4. CONCLUSIONS + PLANNING SCHEME PROVISIONS RELATING TO VISUAL IMPACTS

Urbaine's Response to the Council's Development Application Assessment is below:

**NBC:** Council's comments.

**UDG:** Urbane Design Group Response.

### **NBC:**

*View loss*

*The submissions raised concerns that the proposed development and landscaping will result in unreasonable view loss from adjacent and nearby dwellings.*

*Comment:*

*While some impact upon existing view corridors enjoyed by adjacent and nearby dwellings is likely as a result of the proposed development, amendments to the building design were requested to ensure adequate view sharing between dwellings is able to be achieved. Based on the amended proposal, the extent of such impact is not considered to be unreasonable in the context of the site and surrounds. The proposed landscaping has also been amended to ensure new vegetation does not impact upon view corridors. A detailed view sharing assessment is included in this report under Part D7 of WDCP.*

### **UDG Comment:**

The new design's response to view sharing is wholly inadequate and severe view loss remains to the two adjoining neighbours, whose amenity will be significantly reduced.

*D7 Views*

*Description of non-compliance*

*Council is in receipt of several submissions on behalf of six properties. All submissions object to the potential view loss that may result of the proposed development.*

### **NBC:**

*In order to ascertain the extent of potential view impact, Council requested the applicant install height poles to provide a visual representation of the siting and built form of the proposed dwelling. Site inspections were conducted at 1160 Pittwater Road (southern adjacent property) and 1164 Pittwater Road (northern adjacent property). The height poles in the images below represent the originally proposed dwelling which has been amended during assessment.*

### **UDG Comment:**



*Photo 3: Standing view from first floor rear balcony towards the southeast*



*Photo 4: Standing view from the eastern edge of the first floor terrace towards the northeast*

The structure of the height poles has not permitted the verticality of the poles to be maintained, prior to the Council's site visit. The misalignment is not inconsiderable and is apparent in very critical areas – such as the Collaroy Headland – see alignment images above.

Notwithstanding this and the new proposed building location, the view loss to significant and iconic views can be deemed as clearly unacceptable from the 2 adjoining properties.

*Merit consideration*

*The development is considered against the underlying Objectives of the Control as follows:*

*To allow for the reasonable sharing of views.*

*Comment:*

*In determining the extent of potential view loss to adjoining and nearby properties, the four (4) planning principles outlined within the Land and Environment Court Case of Tenacity Consulting Pty Ltd Vs Warringah Council (2004) NSWLEC 140, are applied to the proposal.*

#### **1. Nature of the views affected**

*"The first step is the assessment of the views to be affected. Water views are valued more highly than land views. Iconic views (e.g. 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, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".*

##### **Comment to Principle 1:**

*Most properties on the eastern side of Pittwater Road enjoy panoramic ocean views towards the east with little obstruction. The view corridors toward the northeast and southeast contain headland and coastal interface views. Depending on the location within the property, these views are partial to whole. As they incorporate the most scenic elements, the view corridors containing the headland and coastal interface are considered to be the most iconic. It is this corridor that the proposed development is likely to cause the greatest impact. The proposed development will have no impact upon the ocean view directly to the east.*

##### **UDG Comment:**

The headlands, foreshore and beach views are considered the highest value under the Tenacity Judgement, along with the continuity of the ocean/horizon interface. These elements form an essential part of the continuity of the view to the ocean. Views to these particular elements are not obtained through 'view corridors', but rather within the entirety of the overall view, described in Tenacity as 'The Whole View'. These, again, are the most highly valued within Tenacity and should be retained, wherever possible and practical.

#### **2. What part of the affected property are the views 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 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".*

##### **NBC Comment to Principle 2:**

###### **1164 Pittwater Road**

*Long Reef Headland towards the southeast is capable of being viewed from the ground floor primary living area from a standing position. Views from a sitting position is not possible due to the existing boundary fence and vegetation. Views of the headland from the first floor are achieved at both standing and sitting positions. The view is obtained across several side boundaries.*

##### **UDG Comment:**

As can be observed from the accompanying images and assessments, severe view loss is experienced from many rooms within both of the adjoining properties, most of which are classed as primary living spaces. The majority of these instances relate to views across a single side boundary, being that of the subject site.

It can also be observed, within the Objectors' imagery, that, in most instances, the highest value components are visible across the boundary of the subject site only, rather than 'several side boundaries'. Within Tenacity, it is only the boundary of the property from which the view is taken that is relevant, not property boundaries beyond the subject site.



*Photo 1: Standing view from dining table towards the southeast*

*Photo 1: Standing view from dining table towards the southeast*

**UDG Comment:**

Ideally, this view would be orientated towards the new proposal, which is seen in the southeastern corner of this room and impacts upon the view from the corner window.



*Photo 2: Standing view (zoomed) from the kitchen towards the southeast*

*Photo 2: Standing view (zoomed) from the kitchen towards the southeast*

**UDG Comment:**

As previously mentioned, the heightpoles are not vertical and, even with the revised position of the proposed building, the visual impact upon the iconic headland would be classed as Severe.



*Photo 3: Standing view from first floor rear balcony towards the southeast*

*Photo 3: Standing view from first floor rear balcony towards the southeast*

**UDG Comment:**

As previously mentioned, the heightpoles are not vertical and, even with the revised position of the proposed building, the visual impact upon the iconic headland would be classed as Severe.



*Photo 4: Standing view from first floor bedroom towards the east-northeast*

*Photo 4: Standing view from first floor bedroom towards the east-northeast.*

**UDG Comment:**

From this position, being the master bedroom of No.1160, Pittwater Road, a large portion of the ocean/horizon skyline is obscured by the scale of the new building, constituting a Severe view loss, in terms of the value and continuity of the view.



*Photo 4: Standing view from the eastern edge of the first floor terrace towards the northeast*

*Photo 4: Standing view from the eastern edge of the first floor terrace towards the northeast*

**UDG Comment:**

From this position, being the first-floor terrace of No.1160, Pittwater Road, the entire Headland to the north is obscured by the new development, even when assessed in its revised position. In addition to this, an arc of view of approximately 25 degrees of the ocean/horizon interface is impacted. This represents a Severe view loss, in terms of continuity of the view and the loss of an iconic view.

**NBC Comment:**

*1160 Pittwater Road Narrabeen*

*Headland and distant headlands towards the northeast are capable of being viewed from the first floor terrace from a standing position and seated. The headland views are not able to be viewed from any room inside the dwelling. The view is obtained across several side boundaries.*

**UDG Comment:**

The headland can be seen from the ground floor kitchen window of no.1160, Pittwater Road, as shown in Viewpoint No.5

Other rooms experience severe view loss to the ocean / horizon interface, which is till classed as a high value view component and is essential to the continuity of the ocean view.

From the terrace, the entire headland view is lost, together with a very large extent of ocean / horizon view to the northeast. This ocean component of the view loss is observed across a single side boundary.

*3. Extent of 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”.

**NBC Comment:**

Comment to Principle 3:

*Despite being obtained across side boundaries, it is likely the iconic elements contained within the northeast and southeast view corridors would be substantially or fully obscured by the development as originally proposed when viewed from living areas of adjacent dwellings, leading to severe view loss. It is noted that these view corridors will not be impacted when viewed from the rear yards of these properties. Retention of the northeast and southeast view corridors from properties beyond the properties neighbouring the subject site is considered to be unrealistic due to the siting of existing development, vegetation and that the corridors are obtained across more side boundaries. Therefore, the impact from these properties is expected to be minor. Ocean views towards the east from properties on the eastern side of Pittwater Road will not be impacted by the proposed development. Properties on the western side of Pittwater Road are not expected to be unreasonably impacted. The proposal demonstrates a generally compliant built form that will allow for view corridors between the side setbacks of the dwelling. Therefore, the impact from properties on the western side of Pittwater Road is expected to be minor.*

**UDG Comment:**

This proposal is a new Development Application and the previous approval should not impact upon current decision when assessing visual impact, since the scale, massing and location of the new proposal are significantly different.

**4. 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.”*

Comment to Principle 4:

*In order to address the severe extent of the view impact of the proposed development as outlined above, the applicant has revised the siting and design of the dwelling to help reduce the extent of impact upon existing view corridors, primarily towards the southeast. The revisions include the shifting of the building footprint 1.51m towards the west and redesigning the rear columns to present as less bulky while retaining a visually interesting building design.*

**UDG Comment:**

As can be observed within the Visual Impact Assessment images, view loss to adjoining properties is assessed as Significant to Severe, in most instances, from the selected viewpoints, resulting in a drastically reduced level of amenity within these 2 properties, in contravention of the Council’s own DCP. The building could be moved further west, without any significant reduction in amenity to the Applicant, solving many of these visual impact issues.

**1160 Pittwater Road**

*While the proposal will impact upon the existing northeast view corridor obtained from the first floor terrace at 1160 Pittwater Road, it is considered that this view corridor is highly vulnerable. The rear setback of the dwelling at 1160 Pittwater Road is greater than the prevailing rear setback of existing dwellings along the eastern side of Pittwater Road, meaning that any future development at the subject site will likely impact upon the northeast view corridor. The view corridor is not accessible from the primary internal living areas of the dwelling. The proposal will not cause any additional impact upon views obtained from the internal living areas of the dwelling. The existing view corridor of the ocean towards the east will not be impacted by the proposed development. Despite the view from the terrace being significantly impacted by the proposal, the extent of this impact is considered to be reasonable due to the nature of the space where the view is obtained. The terrace is a partially covered space that is most likely used during temperate and generally clear weather. The view corridor is only attainable from the uncovered portion of the terrace, an area unlikely to be used during inclement weather. As the terrace cannot be permanently inhabited, the frequency of access the view corridor is less compared to an internal living room. The requirement to retain the existing northeast view corridor from a space that is likely to be accessed intermittently is considered to place an unreasonable restriction on the development potential of the subject site. It is noted that 1160 Pittwater Road appears to have future development potential that may result in regaining part of the northeast view corridor.*

**UDG Comment:**

As previously described, view loss to the iconic headland is also experienced within the kitchen of No.1160, Pittwater Road. Additionally, Clause 4 of the relevant DCP is as follows:

4.) Development that adjoins residential land is not to reduce amenity enjoyed by adjoining residents.

The massing and location of the new development proposal at No.1162, Pittwater Road, is clearly a breach of this requirement. The first-floor terrace presents a very significant area of amenity to the residents, the enjoyment of which will be severely impacted by the scale of the new development. There are no references, either within Tenacity, or other planning instruments, relating to a high amenity area being subject to an assessment as to its intermittent use, or otherwise, as a result of weather. The Council's claim that this area is 'accessed intermittently' is not based on fact and relates to a highly valuable outdoor living space, enjoyed by the residents, from which the views will be severely impacted as a result of the scale and placement of the proposed development.

#### 1164 Pittwater Road

*It is considered the view corridor towards the southeast obtained from the dwelling at 1164 Pittwater Road is the most important to retain as it provides for a balanced development potential of the subject site and reasonable view sharing between dwellings.*



Figure 1: Mock-up of original dwelling design and siting viewed from first floor rear balcony at 1164 Pittwater Road

Figure 1: Mock-up of original dwelling design and siting viewed from first floor rear balcony at 1164 Pittwater Road

#### UDG Comment:

The original design is not relevant in an assessment of the current design, currently with Council.



Figure 2: Mock-up of amended dwelling design and siting viewed from first floor rear balcony at 1164 Pittwater Road

Figure 2: Mock-up of amended dwelling design and siting viewed from first floor rear balcony at 1164 Pittwater Road As depicted in the figures above, the revised siting and design of the proposed dwelling is expected to significantly reduce the extent of impact upon the iconic view corridor towards the southeast when viewed from the ground floor kitchen and dining room and rear first floor balcony. Long Reef Headland, when viewed from the ground floor living room, will be obscured by the proposal. However, it is unrealistic to expect retention of the view corridor from this area of the dwelling. The view corridor from the ground floor living room is highly vulnerable as it is achieved across several side boundaries and a requirement to retain this corridor would place unreasonable restriction to the development potential of the subject site. Iconic elements of the view corridor, including Long Reef Headland and the coastal interface is able to be retained when viewed from the from the ground floor kitchen and dining room and rear first floor balcony.

### UDG Comment:

The view corridor to the iconic headland is observed, initially, across the single side boundary of the subject site and not across 'several boundaries'.

The revised proposal is not compliant with Council's Planning Controls, as stated within the Applicant's Statement of Environmental Effects. However, within Tenacity, Step 4 requires the following question to be asked:

### NBC Comment:

#### *Concluding Comment*

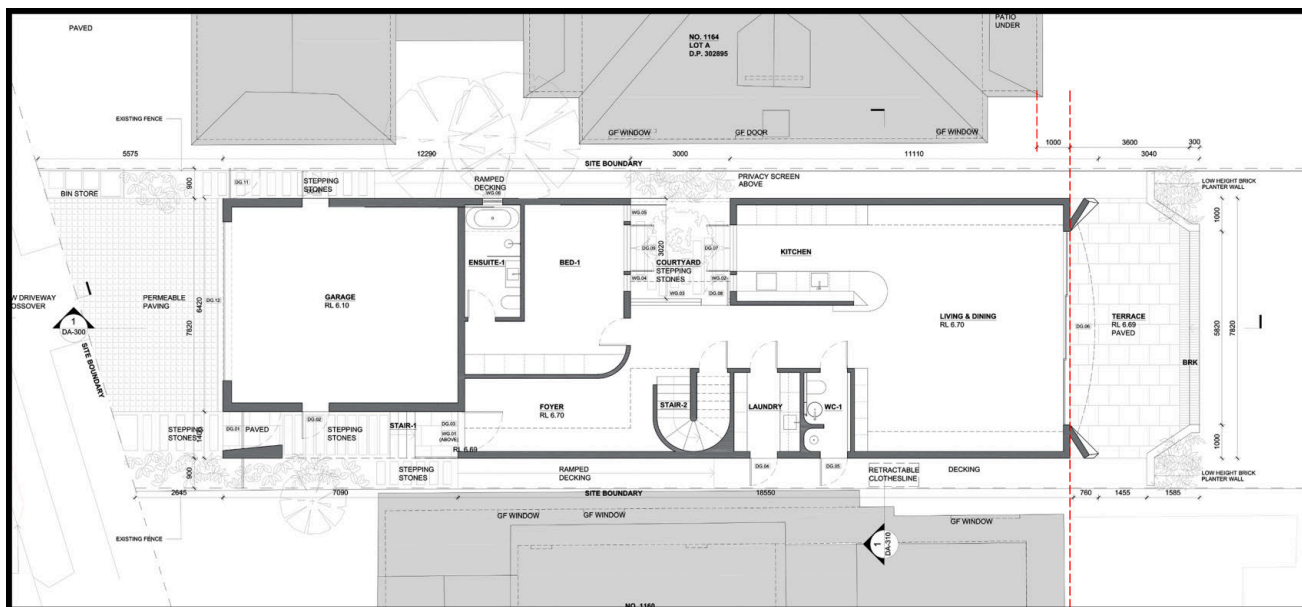
*The revised proposal demonstrates general compliance with the built form controls and objectives and demonstrates a skilful design that satisfactorily addresses concerns raised regarding view sharing. As such, this assessment finds the proposed development allows for the reasonable sharing of views between dwellings.*

*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."*

### UDG Comment:

It is clear that there are a multitude of areas within the design proposal that could be designed more skilfully in order to reduce the visual impact of a building design that is already non-compliant.

The scale and bulk of the building is undeniably excessive, when assessed against the widely accepted size of living areas in residential buildings. The roof height has maximised the building envelope, without good reason, whilst creating first floor room volumes of very uncomfortable proportions.

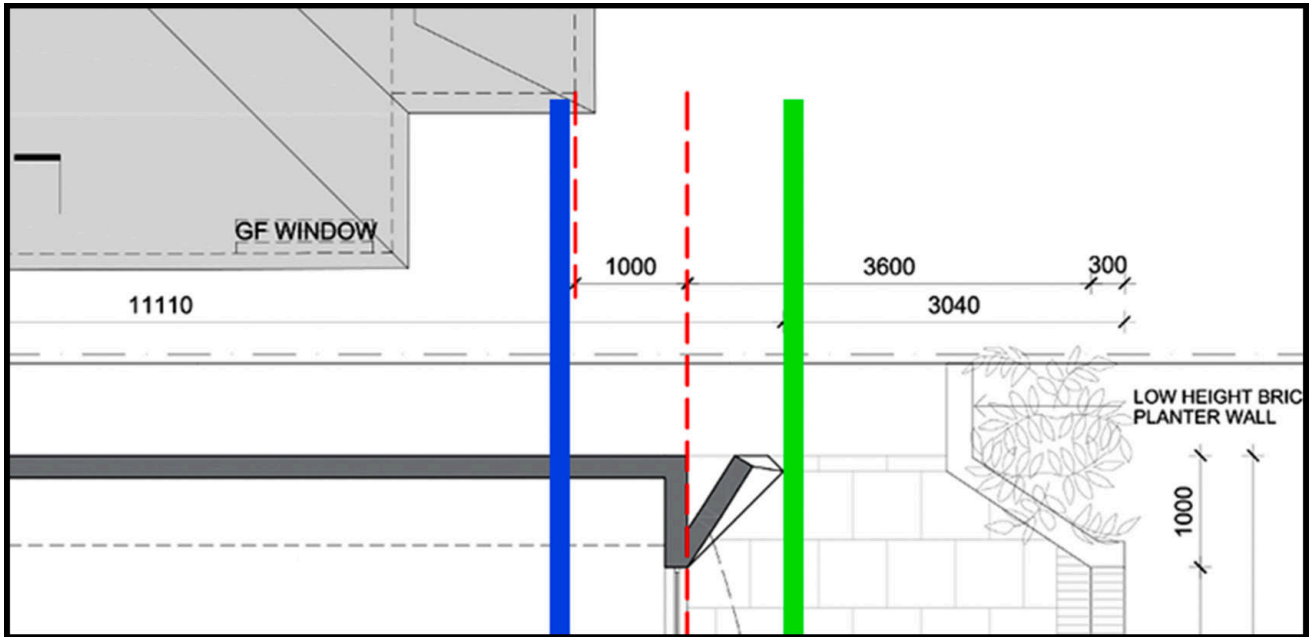


Ground floor of new proposal, showing room sizes.

The main overall living and dining area, with service rooms, is almost 90 square metres, which could be considered excessive in planning terms, equating to the average size of a generous 2 bedroom apartment.

A second area of excess relates to the height of the building. Although the roof sits within the permitted building envelope, there appears to be no valid reason for maximizing the height, particularly when compared to the more modest, neighbouring houses. The highest ceiling height within the upper-level bedrooms is over 4m, which not only creates significant visual impact from the roof form above, but also produces a rather strangely proportioned series of bedrooms internally, wherein the height bears no relationship to its use or to the scale of the human form. Council's height limits are not intended to be setting the maximum building envelope of a new proposal that should be targeted by the architect.

In relation to view loss, there is one very specific area that should be addressed. The rear of the building is indicated within the architectural drawing set with a dotted red line, see below. However, beyond this line is a significant, decorative concrete structure that forms a sloping blade to the rear elevation – see green boundary line, below. This alone causes significant view loss to both adjoining neighbours and appears to serve little practical purpose, other than creating further privacy for the residents, at the expense of the amenity of the neighbours.



Current and proposed eastern perimeter of development proposal.

A more reasonable solution, in terms of retaining the amenity of the neighbouring residents, is shown above. The dotted red line indicates the rear glazing line of the proposal, indicated within the architectural drawing set. The green line, to the east, shows the extent of the visual obstruction caused by the concrete decorative blades.

Finally, the blue line indicates a line that would retain amenity for all and reduce the visual impact to a more acceptable level for the neighbours. This would represent the limit of any built form on the lower levels, excluding, with conditions, the upper roof projection. The blue line would indicate the northeastern corner of the built envelope and would exclude the decorative concrete fins, which are not required.

Any consideration to approval of this proposal would set a very dangerous precedent in this area, where the amenity of views and the respect of context is paramount. Excessive scale and bulk will lead to an ever-increasing amount of view loss as each site owner tries to position themselves forward of their neighbours to reinforce privacy and to ensure their views are uninterrupted.

I would strongly recommend that this application be rejected on the grounds stated within this report and in order to maintain a respectful balance of new development in relation to the amenity of existing residents.

John Aspinall BA(Hons) BArch(Hons),  
Director: urbaine design group

## 5. APPENDICES

- 5.2 APPENDIX A: Land and Environment Court: Guidelines for Photomontages.
- 5.3 APPENDIX B: Aspinall CV and Expert Witness experience.  
Methodology article – Planning Australia, by Urbaine Design Group

## **APPENDIX A:**

Land and Environment Court: Guidelines for Photomontages

## **LAND AND ENVIRONMENT COURT**

### **Use of photomontages**

The following requirements for photomontages proposed to be relied on as or as part of expert evidence in Class 1 appeals will apply for proceedings commenced on or after 1 October 2013. The following directions will apply to photomontages from that date:

#### **Requirements for photomontages**

1. Any photomontage proposed to be relied on in an expert report or as demonstrating an expert opinion as an accurate depiction of some intended future change to the present physical position concerning an identified location is to be accompanied by:

##### **Existing Photograph.**

- a) A photograph showing the current, unchanged view of the location depicted in the photomontage from the same viewing point as that of the photomontage (the existing photograph);
- b) A copy of the existing photograph with the wire frame lines depicted so as to demonstrate the data from which the photomontage has been constructed. The wire frame overlay represents the existing surveyed elements which correspond with the same elements in the existing photograph; and
- c) A 2D plan showing the location of the camera and target point that corresponds to the same location the existing photograph was taken.

##### **Survey data.**

- d) Confirmation that accurate 2D/3D survey data has been used to prepare the Photomontages. This is to include confirmation that survey data was used:
    - i. for depiction of existing buildings or existing elements as shown in the wire frame; and
    - ii. to establish an accurate camera location and RL of the camera.
2. Any expert statement or other document demonstrating an expert opinion that proposes to rely on a photomontage is to include details of:
    - a) The name and qualifications of the surveyor who prepared the survey information from which the underlying data for the wire frame from which the photomontage was derived was obtained; and
    - b) The camera type and field of view of the lens used for the purpose of the photograph in (1)(a) from which the photomontage has been derived.

## **APPENDIX B:**

Aspinall CV and Expert Witness experience.  
Methodology article – Planning Australia, by Urbaine Architecture.

## **CURRICULUM VITAE:**

### **JOHN ASPINALL. Expert Witness – Land and Environment Court.**

**dob 8.2.63**

**Registered Architect** RIBA BA(Hons) BArch(Hons) Liverpool University, UK.  
Qualified 1987, London 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 Architectural (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 programmes 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 Architectural. 2005 to present.

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

Specialist in design development via interactive 3d modelling.

**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, 1998 to present.**

In Australia and the UK, for the Land and Environment Court. Expert witness for visual impact studies and view loss assessments 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 many articles relating to the accuracy of Visual Impact Assessments. An article contained in Australian Planner Magazine, 2018, is attached as Appendix A.

The experience, in architectural design and 3D visualisation, over 30 years, as outlined above, gives John Aspinall a foundation of skills and experience to deliver highly competent visual information as the basis for very accurate visual impact assessment reports, both in Australia and internationally.