

Appendix 2 – View Loss Analysis

Tenacity Consulting v Warringah Council (2004) NSWLEC 140. The Planning Principle established a four-step process for considering the impact of a development on views.

Step 1. An assessment of the value of views to be affected by reference to their nature, extent and completeness.

The view subject to this assessment is from No. 24 Seaview Avenue and No. 42 Seaview Avenue Curl Curl. The nature of the views under assessment are views to Curl Curl Lagoon to the north, Dee Why Headland to the north east and Curl Curl beach to the north east and east.

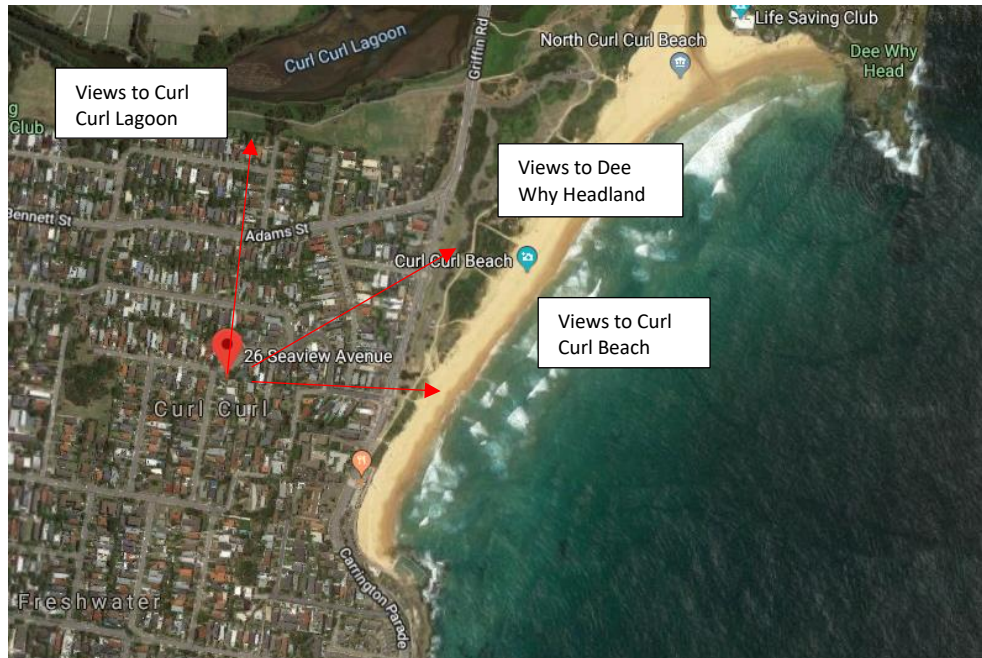


Figure 1: Aerial Image of the subject site and views subject to this assessment



Figure 2: Drone image identifying the subject site and properties subject to this assessment (looking east).

Step 2. A consideration of how views are obtained and what part of the property the views are obtained from.

The affected views are to Curl Curl Lagoon and Dee Why Headland from the front façade and balcony of No. 24 Seaview Avenue and the view to Curl Curl Beach from the front façade and balcony of No. 42 Seaview Avenue.

(Note: Access to adjoining properties was not possible to establish which rooms views are obtained from).

Step 3. A qualitative assessment of the extent of the impact in terms of severity particularly as to whether that impact is negligible, minor, moderate, severe or devastating.

The extent of the impact in terms of severity is considered moderate for No. 24 Seaview Avenue and negligible for No. 42 Seaview Avenue.

The proposed alterations and additions at 26 Seaview Avenue will have a moderate impact on the views from No. 24 towards Curl Curl Lagoon to the north and Dee Why Headland to the north east.

The design of the proposed dwelling at No. 26 has sought to minimise the impacts to No. 24 by maintaining a compliant building height along the southern elevation and avoiding any view loss impacts toward Curl Curl Beach from the rear of No. 24. The dwelling at No. 24 sits higher than the subject site and the proposed alterations and additions will have no impact on the properties more significant existing views of Curl Curl Beach (to the east).

It is considered the views obtained from No. 42 Seaview Avenue will not be impacted by the proposal as the view is obtained along Gardere Avenue and the proposed works will not alter this view.



Figure 3: The affected view from No. 24 Seaview Avenue

Step 4. An assessment of the reasonableness of the proposal causing the impact particularly in terms of compliance with applicable planning controls and whether a different or complying design must produce a better result. 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.

The proposed development is considered reasonable, as although the impact on views to the north and north east are moderate from No. 24 Seaview Avenue, the more significant views this property enjoys to Curl Curl Beach to the east will not be impacted by the proposal.

The proposed alterations and additions are compliant with setback controls and with the height controls along the southern elevation. The impacted view is that toward Curl Curl Lagoon and Dee Why Headland from the street frontage of No.24 , there will be no impacts on the more significant views this property enjoys from its rear balconies to Curl Curl Beach to the east.