

## View Sharing Analysis

For the proposed new dwelling at

1162 Pittwater Rd, Collaroy

Lot B DP 302895

Issue A – June 2022

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## INTRODUCTION

The following view sharing analysis has been prepared to demonstrate that the proposed development at 1162 Pittwater Rd, Collaroy satisfies the provisions of the Warringah Development Control Plan 2011 Part D7 Views.

This analysis addresses the four steps defined under the Land and Environment Court case *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC 140

## 2 ASSESSMENT AGAINST PLANNING PRINCIPLES

The four steps under the Land and Environment Court case *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC 140 are outlined and addressed as follows:

*26 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.*

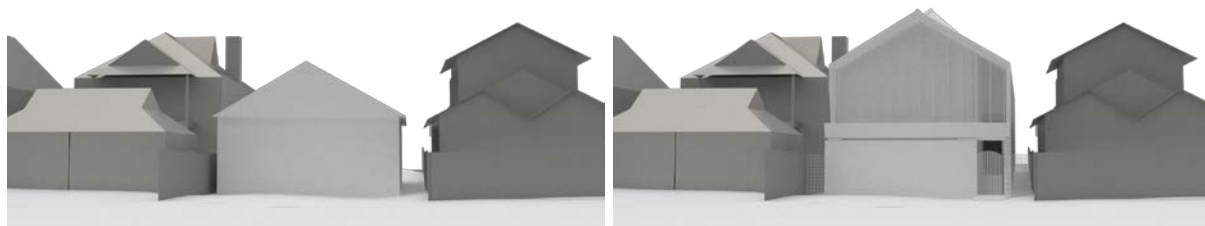
### Comment

The primary area of concern with regards to impact on views of neighbouring properties is the impact of the proposed development on the ocean views from the properties landward of the subject site to the west, across Pittwater Road located at 1219-1225 and 1227-1229 Pittwater Rd. The Eastern end of the proposed development is aligned with the general building line of adjacent developments between Stewart & Wetherill St and therefore the impact of the proposed development on significant views will be negligible to 1160 & 1164 Pittwater rd.

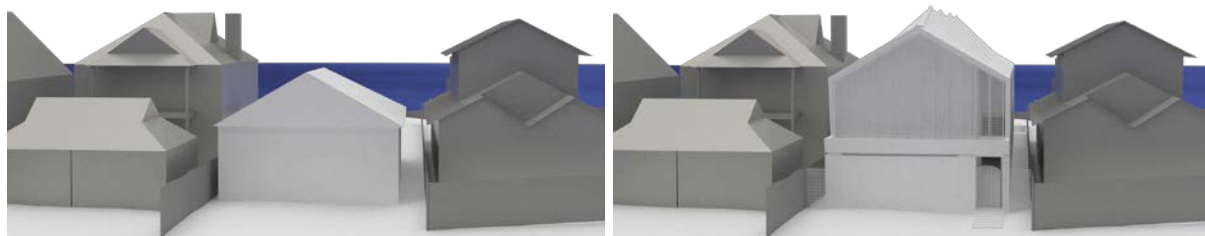
The neighbouring two storey dwelling at 1164 Pittwater Rd enjoys significant views towards the East and North, looking to Collaroy Beach. Given that the proposed new dwelling is located to the South of 1164, it will have a negligible impact on the views enjoyed of Collaroy Beach.

The neighbouring two story dwelling at 1160 Pittwater Rd also enjoys significant views towards the East overlooking Collaroy Beach. The primary significant views to the East remain unobstructed by the proposed dwelling. Any secondary oblique peripheral views Northward towards Collaroy Beach will only be slightly impacted by the proposed development, due to the rear setback of 1160 being substantially more than surrounding dwellings, and the building mass of 1164 Pittwater Rd already currently obscures these views. The majority of the private open space for the dwelling, which also offers the most uninterrupted views of Collaroy Beach, is also eastward of the proposed development and therefore will not be impacted on by the proposed development. The overall impact of the proposed development on the views enjoyed by 1160 Pittwater Rd is considered to be negligible.

To examine the primary views of the ocean available from 1219-1225 Pittwater Rd computer generated renders have been created at several points demonstrating views from within the property to analyse the impact of the proposed development on existing views from both 1219-1225 and 1227-1229 at a standing eye level. These have been based on plans and elevations submitted to council and can approximate the potential views from these residences. In these images the existing is presented next to the proposed development, with any potential views to the ocean indicated in blue.



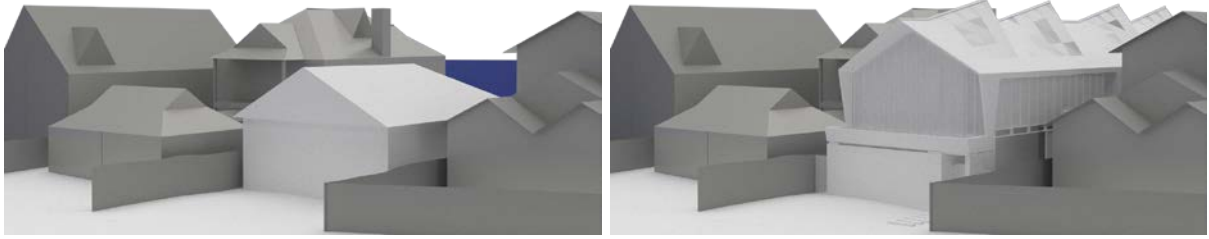
*Approximate view from ground floor Northern end of 1219-1225 Existing (left) & Proposed (right)*



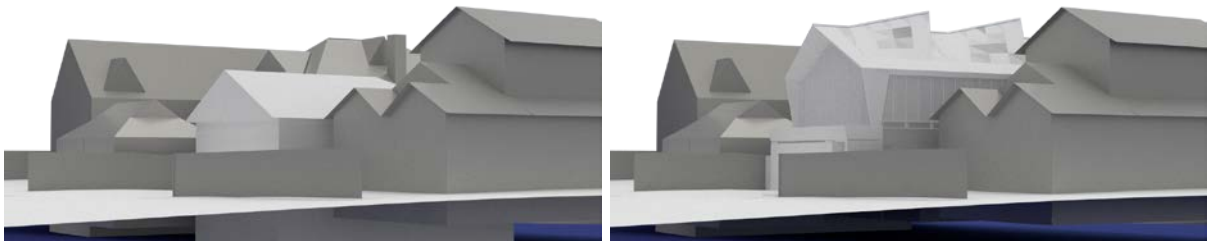
*Approximate view from 2<sup>nd</sup> floor Northern end of 1219-1225 Existing (left) & Proposed (right)*



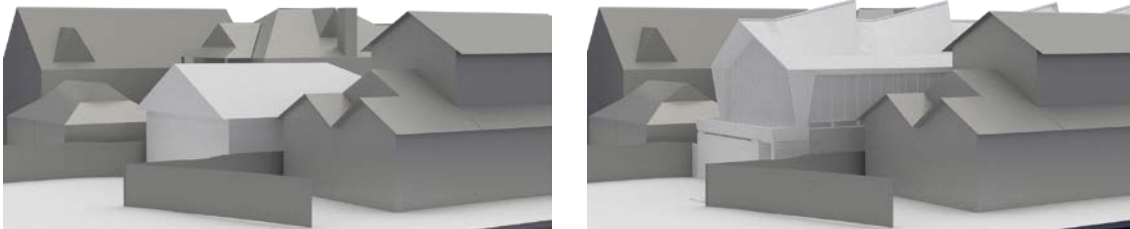
*Approximate view from ground floor middle of 1219-1225 Existing (left) & Proposed (right)*



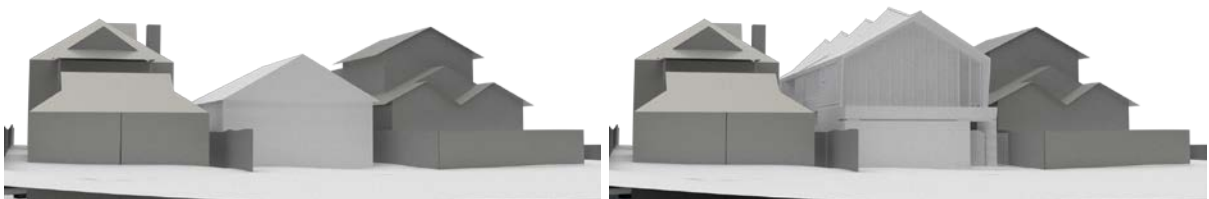
*Approximate view from 2<sup>nd</sup> floor middle of 1219-1225 Existing (left) & Proposed (right)*



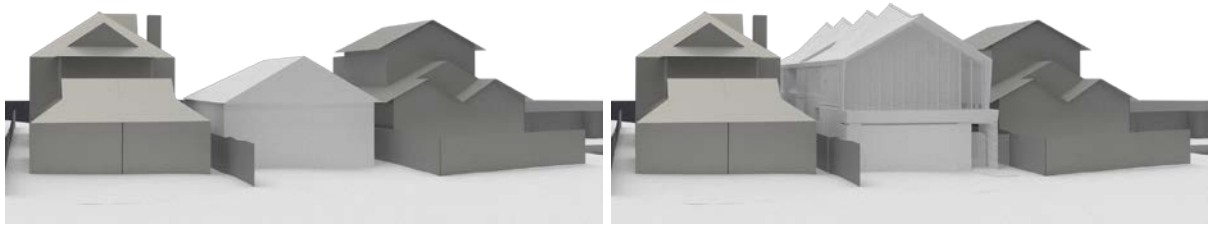
*Approximate view from ground floor Southern end of 1219-1225 Existing (left) & Proposed (right)*



*Approximate view from 2<sup>nd</sup> floor Southern end of 1219-1225 Existing (left) & Proposed (right)*



*Approximate view from ground floor 1227-1229 Existing (left) & Proposed (right)*



*Approximate view from 1<sup>st</sup> floor 1227-1229 Existing (left) & Proposed (right)*

The above computer generated images are cropped to focus in on the specific impact of the proposed development at 1162 Pittwater Rd, so do not accurately indicate the extent of the wider views available from these properties. The images also do not indicate the impact of existing vegetation and elements in the street that may obscure the views more than shown.

The images above demonstrate the minimal extent of the impact of the proposed development on the partial water views available to the Northern and middle upper levels of 1219-1225 Pittwater Rd. These views are only partial and already obscured significantly by existing surrounding development of similar size, and thus are considered to be of lower value as set out by step one (Clause 26). There are also no iconic views on offer and the interface between water and land is not visible anywhere on the surrounding properties through the development.

The partial views that would be currently available to the property also need to be considered in context. The considerable distance of the neighbouring development from the site, which is approximately 40m, renders the proposed development minimal in size in relation to the overall viewing field of the development. Given that the multi-unit residential flat building at 1219-1225 spans the allotments of four previous dwellings, the proposed dwelling at 1162 has a limited potential to noticeably impact upon the views enjoyed by the overall development due to the relative differences in site frontages.

The primary location of the views is from the Northern edge of 1219-1225 through the South periphery of the site, which the proposed dwelling still accommodates partially through the setbacks of the first floor and the modulation of the façade. These views from the North are still maintained by the proposal insofar as is possible due to the conservative envelope in these areas.

*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.*

### Comment

The views that are affected are obtained from the street facing front of the property. Both sitting and standing views are likely to be affected along the upper level of 1219-1225 from the middle of the site to the North. All other areas of the site would not have access to views through the site of the proposed development and therefore remain unaffected.

*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.*

### Comment

The primary living spaces of the 2<sup>nd</sup> floor apartments towards the Northern edge of the site have access to these partial views.

The balcony spaces towards the front of the property are susceptible to significant noise pollution from the main thoroughfare, Pittwater Rd. These spaces are only occasionally occupied because of this and the view experienced by the individual would be more set back into the property a majority of the time. Also, the views from the properties also incorporate Pittwater Rd and a series of other similar sized developments, affecting the overall value of the views.

Assuming that this was the function for the spaces that have access to these views, the impact to the views would still only be considered minor if not negligible. The existing views only have partial access to the ocean and were already interrupted significantly by the recently demolished dwelling and even more so by the surrounding properties.

*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.*

### Comment

The proposed development generally complies with the planning controls relevant to the size, massing and overall envelope of the property. The overall height of the development is within the maximum permissible height with the roof ridge of the majority of the proposed dwelling located significantly below the maximum allowable height. The side setbacks are in accordance with the relevant planning controls and the rear setback is significantly more than required. The front setback is consistent with the existing context and has no real impact on the views of neighbouring properties. The proposal generally complies with the side boundary envelope controls, seeking exception to extend beyond the envelope at a few points on merit given the effective modulation of the upper level roof and facades. The tapered forms of the roof and facades assists in maintaining the views through the dwellings being the view corridor from which the partial views are visible. It can be seen from the proposals compliance with the relevant controls that the proposed development is reasonable in this context.

The overall form of the building and the modulation of the North and South facades were designed to reduce visual bulk to the street and it can be seen that this effective design maintains partial views from 1219-1225 Pittwater Rd. The design of the proposed dwelling is effective in assisting view sharing and it would not be possible to maintain the same level of development and amenity as well as reduce the impact on views any further than already achieved by the proposed development.

### **3 CONCLUSION**

The proposed development achieves reasonable sharing of views with the surrounding properties and does not obstruct or obscure any significant views.

Views from the western neighbouring residential flat building have been defined as partial views only and therefore of low value, only accessible between buildings. The proposed dwelling will generally have minimal impact on these views with the design of the proposed building envelope assisting with the maintenance of these views. In conclusion the proposed development achieves reasonable sharing of views in accordance with the planning principles set out in Land and Environment Court case *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC 140.