

View Loss Assessment – 29 Parni Place, Frenchs Forest

In response to Council's request for additional information (Dated 22 January 2022), a view loss assessment is provided. It is considered the proposed development will not result in any significant view loss impacts as works are located below the key views available from the elevated properties to the rear of the site, specifically 11 Panorama Crescent, Frenchs Forest.

Panorama Crescent benefits from distant skyline views to the CBD and North Sydney.

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 11 Panorama Crescent, Frenchs Forest, which is located on the northern side of the subject site, behind a grass reserve. The nature of the views under assessment are distant city skyline views, with the distance to North Sydney and the CBD from the property being in excess of 10 km.

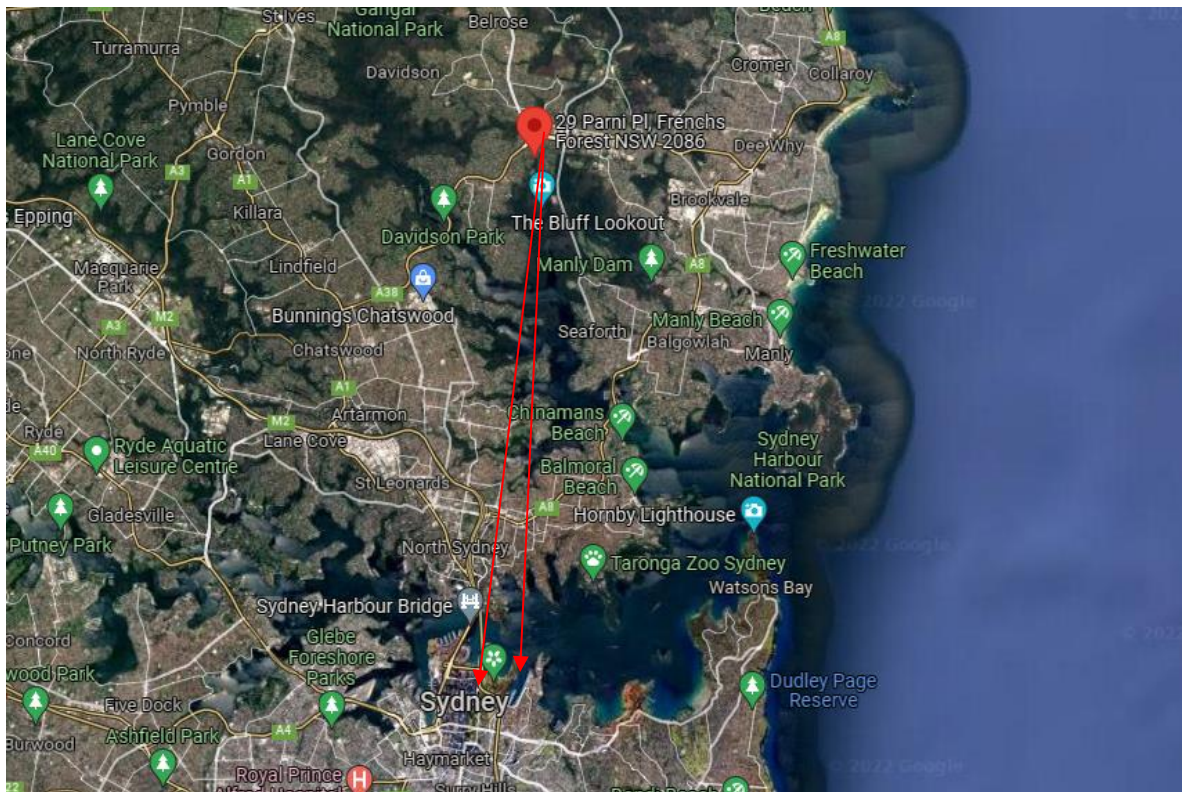


Figure 1: Aerial Image of the subject site and views subject to this assessment



Figure 2: Aerial Image of the subject site and location of neighbour subject to this assessment

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

Access to the neighbouring site was not provided, however it is evident that views are available from both the first floor and ground floor. We believe that there is a kitchen and living area and deck on the first floor, which will be unaffected by the development. We have not been provided with any evidence of view loss since the height poles were installed by Council or the neighbour at 11 Panorama Crescent.

There is a second living area and courtyard on the ground floor that are considered in this assessment.

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 negligible as assessed and illustrated below.

11 Panorama Crescent enjoys distant city skyline views. See below an image provided in the neighbour's objection letter dated 24th November 2021 taken from the ground floor. Unfortunately we have not been provided photographs taken from the concerned neighbour with height poles for view loss comparison. The Height poles were installed in compliance with Council request in an RFI dated 8th December 2021.

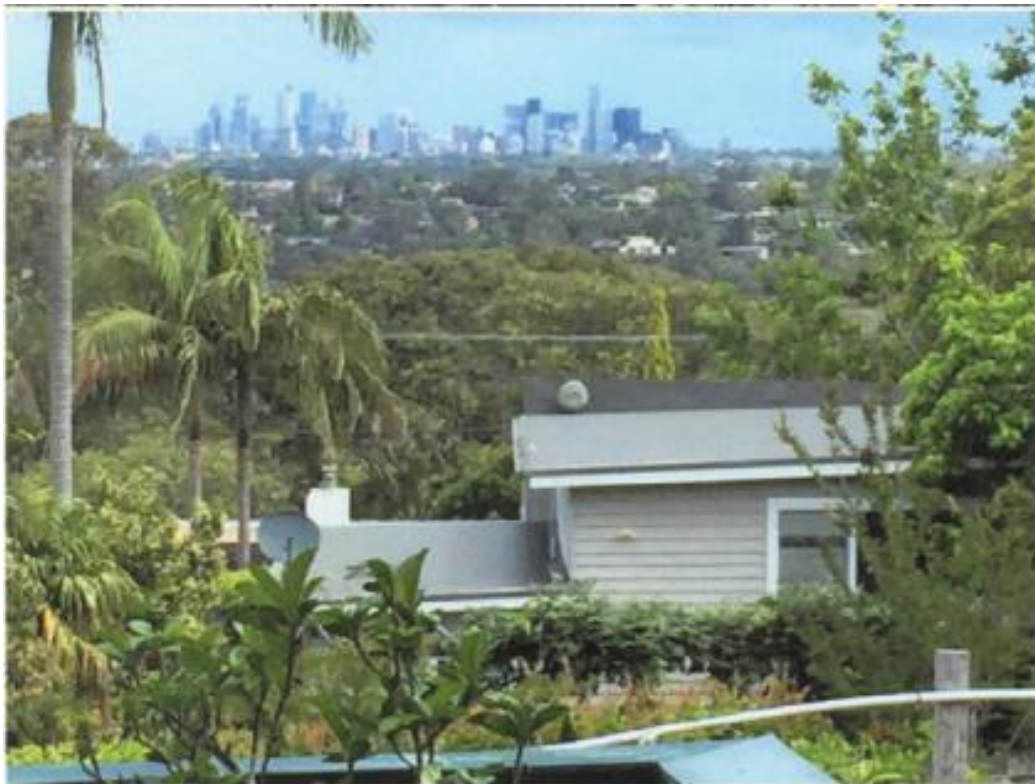


Figure 3: Extract from objection for 11 Panorama Place objection – photograph from “western backyard and outdoor entertaining area

We note that this view is zoomed in and accordingly, also provide here a photograph taken from the reserve area between the 2 sites with a drone. Whilst not at the same location, it gives a more accurate photograph of the scale of the city skyline with the height poles installed to the proposed submitted DA design.



Figure 3: Photo of view from public reserve (unzoomed)

The proposed development may result in a negligible impact on a small section of views baseline of the view from the ground floor and rear yard. This can be determined by the installed height poles. There will be no impacts from the key living areas on the first floor.

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.

It is concluded that the proposed alterations will result in a reasonable impact on views from surrounding properties.

The proposal will have a negligible impact, to a very small portion of distant view from the ground floor. All views are retained from the kitchen, upstairs living and upper level deck. This is considered reasonable and appropriate with compliant height and design provided.

**Conclusion**

The development is considered highly reasonable and the test of Tenacity Consulting v Warringah Council demonstrates that the application, as proposed, is worthy of consent with key living areas having a nil impact and only minor/negligible impacts from secondary ground floor spaces.