

Northern Development Assessment

VISUAL IMPACT ASSESSMENT

TO ACCOMPANY
DEVELOPMENT APPLICATION

FOR
**PROPOSED CONSTRUCTION OF NEW MARINA ARM: INCORPORATING THE REMOVAL
OF SWING MOORINGS TO BE REPLACED BY 40 FIXED BERTHS**

AT
**THE QUAYS - 1856 PITTWATER ROAD, CHURCH POINT
LOT 329 DP46686**

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1. INTRODUCTION & BACKGROUND

This Visual Impact Assessment (VIA) has been prepared to assess the potential visual impacts associated with the proposed redevelopment of The Quays Marina at 1856 Pittwater Road, Church Point. The proposal involves the construction of a new marina arm comprising 40 fixed wet berths, replacing an equivalent number of swing moorings.

This assessment addresses the visual effects of the proposed development from both public and private viewpoints and responds to the Secretary's Environmental Assessment Requirements (SEARs), which identify "Visual" and "Strategic and Statutory Context" as key issues for the accompanying Environmental Impact Statement (EIS).

The assessment applies:

- The planning principle in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140* for assessing view loss from private residential properties; and
- The principle in *Rose Bay Marina Pty Ltd v Woollahra Municipal Council [2013] NSWLEC 1049* for assessing view impacts from the public domain.

This VIA is limited to the assessment of visual impact and view loss. All other environmental, engineering, ecological, and operational issues are addressed within the main EIS and associated specialist consultant reports.

Visual analysis has been informed by site inspection, photographs, mapping, the placement of buoys within the water to define the proposed footprint, and the preparation of photomontages to illustrate the existing and anticipated views from identified viewpoints.

Relevant aims of the Pittwater Local Environmental Plan 2014 include:

- (b) to ensure development is consistent with the desired character of Pittwater's localities; and
- (g) to protect and enhance Pittwater's natural environment and recreation areas.

The proposed marina arm is located entirely within the W1 – Natural Waterways zone under the Pittwater Local Environmental Plan 2014. In accordance with Clause 5.7 of the LEP, development below the mean high water mark requires development consent. Although marinas are not a permissible land use within the W1 zone, the existing marina operates under established existing use rights. The proposed redevelopment relies on these existing use rights under Division 4.11 of the Environmental Planning and Assessment Act 1979.

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Photomontages prepared by *Architectural Images* have been used to illustrate the anticipated visual appearance of the proposal from selected public-domain viewpoints. These images, prepared using surveyed site data, provide representative visualisations of the new marina arm within its existing setting. While not all viewpoints are supported by photomontages, they form an important reference for evaluating the scale, arrangement and visual change associated with the proposed redevelopment.

2. METHODOLOGY

This assessment is based on a desktop review of strategic planning controls, a photographic and field-based analysis of key viewpoints, and application of accepted planning principles established by the NSW Land and Environment Court. The methodology involved:

- Identifying representative public and private viewing locations;
- Determining visibility of the proposed works from each location;
- Assessing visual compatibility with the existing visual character of the area;
- Applying *Tenacity* for private view loss (four-step assessment);
- Applying *Rose Bay* for public view impact (five-step assessment);
- Undertaking both quantitative and qualitative analysis of visual effects.

Following site investigations, Photomontages and screen-mapped locations were used to determine the spatial arrangement, elevation, and prominence of the proposed development within the landscape and waterscape context.

3. SITE CONTEXT AND VISUAL CHARACTER

The Quays Marina is located on the western shore of Pittwater, in the suburb of Church Point. The surrounding setting is defined by low-scale marina infrastructure, swing moorings, and established residential areas situated on rising terrain to the west and northwest.

The visual character of the area reflects a mix of:

- Maritime features including pontoons, gangways, moored vessels, and associated infrastructure;
- Natural elements such as vegetated ridgelines, open water, and foreshore bushland;
- Public recreation areas, including parks, walking paths, and beaches.

The site is already viewed within a context of existing marina activity and associated visual elements. The proposed new marina arm is located within the current swing mooring field and does not extend beyond the developed visual envelope.

It is acknowledged that from some low-lying public and private viewpoints along the Church Point foreshore, the proposed marina arm may result in a minor reduction in views to the land-water interface of Scotland Island due to the tighter, denser arrangement of vessels within the new fixed berth layout. However, this interface is already partially screened by the existing swing moorings and marina infrastructure, which introduce a high degree of visual layering within the view. Importantly, the fixed berths will create a more ordered visual arrangement and are expected to result in a minor increase in open water views around the marina, which may in turn improve legibility of the land-water interface from certain vantage points.

4. VISUAL CATCHMENT AND VIEWPOINT SELECTION

A total of 27 viewpoints has been identified and assessed to inform this Visual Impact Assessment. These include a representative range of:

- Elevated private residential dwellings with broad outlooks toward the marina (subject to *Tenacity*);
- Public parks, beaches, walking tracks, and roadside reserves that offer access to views of Pittwater (subject to *Rose Bay*);
- Views from within the waterway, representing the experience of recreational and commercial vessels traversing Pittwater along with outlooks from Scotland Island located to the north of the site across an approximately 800-metre expanse of water.

Each viewpoint was geolocated using approximate GPS coordinates and matched with site-specific photographs. Assessment criteria included:

- Visual exposure to the proposed development;
- Importance of the view to the public or private domain;
- Landscape and waterscape absorption capacity;
- Existing visual character and presence of marina-related elements.

4.1 Relevant Planning Framework

The visual impact of the proposed development has been considered in the context of the following statutory and strategic planning documents:

- State Environmental Planning Policy (Resilience and Hazards) 2021, particularly Clause 2.11, which seeks to maintain the visual amenity and scenic qualities of the coast and foreshore;
- Pittwater Local Environmental Plan 2014, including the W1 – Natural Waterways zone objectives, which seek to protect scenic values and prevent development that adversely affects the natural values of the waterway;
- Pittwater 21 Development Control Plan, specifically Part D15 – The Waterway, which contains detailed guidance for view sharing, scenic protection, and compatibility of waterfront structures with the landscape character of Pittwater.

The proposed marina arm has been designed to maintain consistency with these controls. The structure is located within the area currently occupied by existing swing moorings, avoids visual encroachment beyond the established marina envelope, and retains reasonable sharing of views from both public and private vantage points. No significant intrusion into view corridors or obstruction of key scenic elements is anticipated.

5. VIEWPOINT INDEX AND SUMMARY ASSESSMENTS

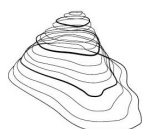
This section catalogues the 27 assessed viewpoints and provides a concise, location-specific summary for each. The table identifies the applicable planning principle for every viewpoint (*Rose Bay* for public-domain views or *Tenacity* for private-domain views), assigns a visual impact rating, and includes a short description and assessment from that precise location.

The table is supported by field inspection, geo-referenced photography and Photomontages have been prepared for a subset of public-domain viewpoints to illustrate representative visual outcomes. These are referenced against the relevant viewpoints below. Viewpoints include foreshore parks, walking tracks, roadside reserves, water-based positions within Pittwater and outlooks from Scotland Island to the north (approximately 800 m across the water). The comprehensive application of the *Rose Bay* and *Tenacity* principles is provided in Sections 6 and 7 respectively.

VIEW	PLANNING PRINCIPLE	VISUAL IMPACT RATING	ASSESSMENT
View 1 – Church Point Reserve (South) GPS: -33.646334, 151.286161 Photomontage (Architectural Images) – refer Appendix (Viewpoint 1).	Rose Bay	Minor	This foreshore view is oriented southeast toward Pittwater and Scotland Island. The proposed marina arm will introduce a denser, more orderly arrangement of vessels within an already active maritime environment. The visibility of the land-water interface of Scotland Island is already generally screened by swing moorings and existing marina infrastructure. The improved spatial arrangement of vessels will contribute to increased open water legibility around the proposed redevelopment. The change in view is not considered unreasonable. Step 1 (nature and scope): open water foreground, Scotland Island interface screened by existing mooring field, vegetated

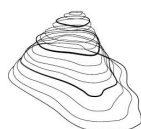
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			ridgelines remain the dominant components with existing marina activity in the mid-ground. Step 2 (location): foreshore park, near-range public view. Step 3 (extent): minor increase in mid-ground vessel density with clearer open-water spacing around berths; skyline and headlands are unaffected. Step 4 (intensity): high public use; the change is visually contained within the marina envelope. Step 5 (importance): no designated iconic corridor; consistent with LEP/DCP scenic objectives.
View 2 – Walking Track South of Church Point Reserve GPS: -33.647052, 151.286478 Photomontage – refer Appendix (Viewpoint 2)	Rose Bay	Minor	This view is taken from a foreshore walking track with a direct outlook toward the marina footprint. While the proposed marina arm and its moored vessels will present a denser built pattern than the existing swing moorings, this change occurs within an area already characterised by active marine use. The removal of swing moorings improves open water legibility around the proposed redevelopment. The impact on the scenic quality of the view is not unreasonable. Step 1: water-dominant panorama already containing moorings and marina structures. Step 2: popular foreshore walking track, near-range. Step 3: ordered berths replace a dispersed mooring pattern; skyline and headlands are retained and open-water legibility improves. Step 4: high pedestrian activity; the change is minor. Step 5: no protected view



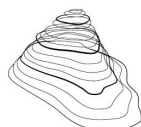
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			listing; consistent with policy intent.
View 3 – Quarter Session Road (South) GPS: -33.647840, 151.283633	Tenacity	Minor	This elevated residential viewpoint experiences a broad outlook over Pittwater and foreground vegetation. The marina arm introduces no vertical built form above the typical height of vessels, and the land-water interface of Scotland Island is retained. The change in vessel density is not unreasonable and the outlook remains expansive. Step 1 (Tenacity): the affected view is a broad water outlook with no iconic items; land-water interfaces and foreshores are retained. Step 2: elevated road-front vantage typical of residential settings. Step 3: minor mid-ground change without loss of skyline or ridgelines. Step 4: reasonable outcome given the ordered arrangement within the existing marina envelope.
View 4 – Quarter Session Road (East End) GPS: -33.647474, 151.283744	Tenacity	Minor	Views from this elevated location are already characterised by scattered swing moorings and intermittent marina structures. The proposal creates a more structured layout without expanding the visual envelope. Views to the land-water interface and foreshore remain intact. Impact is not unreasonable. Step 1 (Tenacity): wide outlook with the marina in the middle distance heavily screened by existing vegetation. Step 2: elevated public road location. Step 3: slight consolidation of



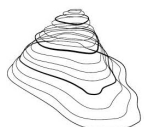
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			vessels; open water remains legible and the land-water interface and shoreline are preserved. Step 4: reasonable arrangement in an established marina context.
View 5 – Baroona Road (South) GPS: -33.648626, 151.285803	Tenacity	Minor	Views from this location are long-range and directed across Pittwater. The proposed redevelopment does not introduce new vertical elements above the vessel line. While vessel density increases, the removal of swing moorings improves open water legibility around the proposed redevelopment. Views of the land/water interface on the opposite foreshores remain unimpacted. Step 1 (Tenacity): long-range water view with no iconic landmarks. Step 2: elevated residential street-front. Step 3: very small change at distance; skyline intact and open water remains dominant. Step 4: orderly layout improves legibility and is reasonable.
View 6 – Baroona Road (Mid-South) GPS: -33.648869, 151.285502	Tenacity	Minor	Similar to View 5, the proposed works are absorbed into the existing marina setting. No significant view loss occurs. The marina remains visually coherent and aligned with the character of existing development. The change is not unreasonable. Step 1 (Tenacity): water and foreshore outlook with existing moorings. Step 2: elevated road reserve. Step 3: densification partially balanced by improved clarity between vessels and



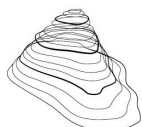
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			open water around proposed marina arm; ridgelines unaffected and opposite foreshore unimpacted. Step 4: a reasonable outcome for a working marina setting.
View 7 – Baroona Road (Access Handle) GPS: -33.649377, 151.284632	Tenacity	Minor	This location is elevated above the Quays Marina and offers clear visibility across Pittwater, with uninterrupted views to the opposite foreshores. While the proposed marina arm introduces a denser arrangement of moored vessels, the primary view remains open and expansive with ridgelines and land/water interface of opposite foreshores unimpacted. The overall visual impact is considered minor and not unreasonable. Step 1 (Tenacity): wide view to opposite foreshores. Step 2: elevated public road. Step 3: modest mid-ground change; the broader panorama is retained. Step 4: within the existing marina envelope and reasonable in context.
View 8 – Captain Hunter Drive (Midway) GPS: -33.649540, 151.283068 Photomontage – refer Appendix (Viewpoint 8).	Tenacity	Minor	The proposed redevelopment results in a denser mooring layout, but does not significantly obstruct scenic features or reduce the breadth of the view. Views to distant land/water interface and natural ridgelines are maintained. Any reduction in water views is offset by the increased spatial legibility created through marina reconfiguration. Step 1 (Tenacity): broad water scene with no iconic items. Step 2: elevated residential street.



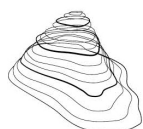
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			Step 3: ordered berths read clearly; ridgelines and skyline are unaffected. Step 4: reasonable layout consistent with a marina precinct.
View 9 – Baroona Road / Pittwater Road Access GPS: -33.648691, 151.286979 Photomontage – refer Appendix (Viewpoint 9)	Rose Bay	Minor-Moderate	This is a close-range, ground-level view toward the proposed arm. The fixed berths replace existing swing moorings, and although vessels will be more regularly spaced, the visual envelope remains largely unchanged. The change introduces clarity and order, with improved legibility of open water around the proposed redevelopment. The impact is not unreasonable. Step 1 (Rose Bay): near-range water view with existing marina presence. Step 2: ground-level public verge and walkway. Step 3: defined berth line replaces scattered moorings; no skyline loss and clearer water spacing in the mid-ground. Step 4: high/moderate public use; the change is minor-moderate. Step 5: no protected corridor; consistent with scenic policy.
View 10 – Eastview Road / Pittwater Road Access GPS: -33.648969, 151.286997 Photomontage – refer Appendix (Viewpoint 10)	Rose Bay	Minor	This roadside view is filtered by vegetation but clear from the walking track. The new marina arm will appear behind existing boats and infrastructure, replacing older swing moorings. The distant foreshores on the opposite side of Pittwater are screened by existing moorings, the tighter arrangement of the proposed arm will further screen these distant land/water interface views, whilst providing a very minor improvement of



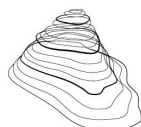
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			these views surrounding the proposed marina arm due to resultant open waters around the proposed arm. While moored vessels will be more prominent, their height and scale are typical for this setting, and the visual change is not unreasonable. Step 1 (Rose Bay): water and vegetation frame the view with marina elements in the mid-ground. Step 2: roadside public view filtered by vegetation, walking track open views. Step 3: regularised vessels behind existing boats; distant landforms retained. Step 4: passing road view with short viewing duration; limited effect, walking track open views merging with the existing marine environment of moored vessels. Step 5: no specific protected corridor; consistent with LEP/DCP outcomes.
View 11 – Walking Track (Near Eastview) GPS: -33.649650, 151.286781 Photomontage – refer Appendix (Viewpoint 11)	Rose Bay	Minor	This foreshore-level walking track provides a direct outlook toward the marina and waterway. The proposed redevelopment introduces a denser and more regular arrangement of vessels compared to the dispersed swing moorings currently in place. This may result in a minor reduction in views to the land-water interface of Scotland Island from this low-lying perspective. However, the existing view is already partially screened by moored vessels and marina infrastructure. The new configuration is expected to result in a minor increase in open



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			water views immediately surrounding the proposed development, helping to create clearer spatial definition within the view. This improvement in legibility will assist in offsetting any minor visual loss and contributes to an overall perception of improved visual order. The visual change is considered minor and not unreasonable in the context of the existing marina setting. Step 1 (Rose Bay): low-level foreshore view containing existing moorings and marina structures. Step 2: public walking track, near-range. Step 3: a minor localised reduction of Scotland Island's land-water edge may occur at low eye levels, offset by improved open-water legibility around the berths; skyline and ridgelines unaffected. Step 4: high public use; the change remains minor and contained. Step 5: no identified iconic corridor; scenic objectives upheld.
View 12 – Walking Track (South of Eastview) Location: Walking track located further south along the foreshore from View 12 GPS: -33.650555, 151.287411	Rose Bay	Minor	This view is taken from a low-lying section of the public foreshore walking track, oriented toward the proposed marina arm. The view is framed by vegetation and partially filtered by existing swing moorings and marina infrastructure. The proposal will introduce a more consolidated arrangement of vessels and infrastructure within the existing mooring field. While the new berths and moored vessels will marginally increase the density of built elements within the view,

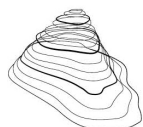


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Photomontage – refer Appendix (Viewpoint 12)			the redevelopment does not extend beyond the existing visual envelope. The tighter berth configuration will also introduce additional open water gaps around the structure, potentially improving clarity and open waters in the view. Overall, the change is consistent with the working waterfront character of the area and the visual impact is considered minor and not unreasonable. Step 1 (Rose Bay): framed foreshore view with mast layering already present. Step 2: near-range public track. Step 3: tighter berth rhythm and clearer spacing; headlands and skyline unaltered. Step 4: frequent public use; impact remains minor. Step 5: no protected view; outcome consistent with policy.
View 13 – Bakers Road (Northern Extent) Location: Northern end of Bakers Road, facing east toward the proposed redevelopment GPS: -33.650548, 151.284911 Photomontage – refer Appendix (Viewpoint 13).	Tenacity	Minor	This view is taken from the road frontage adjacent to residential properties along Bakers Road and is considered representative of a private residential view. The existing view is broad and includes Pittwater, scattered swing moorings, and marina infrastructure in the mid-ground, with the foreshore of Scotland Island forming the backdrop. The proposed marina arm introduces a slightly denser and more ordered arrangement of moored vessels but remains within the footprint of the current mooring area. The proposed works do not obstruct key elements of the view, such as the foreshores, ridgelines, or land-water interface. The removal of swing

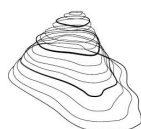
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			moorings results in a minor increase in open water legibility around the proposed redevelopment. The extent of view modification is limited and the impact is considered minor and not unreasonable. Step 1 (Tenacity): residential street-front outlook with water in mid-ground and Scotland Island beyond; no iconic items. Step 2: representative frontage position. Step 3: slightly denser mid-ground while foreshores and ridgelines are intact; increased clarity between vessels. Step 4: layout is orderly and reasonable in context.
View 14 – Corniche Road (Southern Extent) Location: Southern end of Corniche Road, facing north across Pittwater GPS: -33.654247, 151.287642	Tenacity	Minor	This view is taken from the road frontage in a residential area and reflects a typical private viewpoint toward the marina. The outlook is long-range and panoramic, featuring the existing marina and swing mooring field in the mid-ground, with headlands and Pittwater beyond. The proposed redevelopment introduces a regular configuration of fixed berths within the same general area currently occupied by swing moorings. While there may be a slight increase in vessel density, the structured layout contributes to clearer open water between vessels. No key view components such as the land-water interface or distant landscape features are obstructed. The proposal does not introduce unreasonable loss of views and is considered to have a minor visual impact.



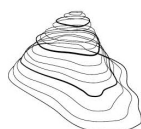
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			Step 1 (Tenacity): long panoramic water view with no iconic items. Step 2: elevated road-front. Step 3: only a small slice of a broad vista is affected; skyline and land–water edges remain. Step 4: reasonable outcome; impact minor.
View 15 – Walking Track (South-West of Marina) GPS: -33.653338, 151.289108 Photomontage – refer Appendix (Viewpoint 15)	Rose Bay	Minor	This view is taken from a public foreshore walking track located to the south-west of the marina. The outlook is long-range and open, oriented across Pittwater with the existing marina infrastructure and swing moorings occupying the mid-ground. The proposed fixed marina arm will sit within the existing mooring field and introduce a denser, more defined layout of vessels. While there may be a slight increase in the visual prominence of moored vessels from this vantage point, the regular configuration also results in improved open water legibility immediately surrounding the proposed redevelopment. The proposed broader water and ridgeline views remain unobstructed, and the overall change in view is considered minor and not unreasonable. Step 1 (Rose Bay): long public outlook across Pittwater with marina elements in mid-ground. Step 2: foreshore path with regular public use. Step 3: vessel consolidation is balanced by defined water spacing; opposite foreshores, ridgelines and sky remain primary. Step 4: moderate to high use; change



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			remains minor. Step 5: no protected corridor; consistent with scenic policy.
View 16 – 1842 Pittwater Road (Commercial Building) Location: View from the frontage of 1842 Pittwater Road, facing north toward the marina GPS: -33.653838, 151.289698 Photomontage – refer Appendix (Viewpoint 16)	Rose Bay	Minor	This view is taken from the frontage of a commercial/public property on Pittwater Road and is considered part of the public domain for assessment purposes. The outlook across Pittwater includes the existing marina, swing moorings, and open water in the foreground. The proposed fixed marina arm will result in a more compact and orderly layout of vessels, replacing the current dispersed swing moorings. While the number of vessels within view may increase slightly in concentration, the visual change remains within the established marina setting. The new configuration may also result in a minor increase in open water legibility surrounding the proposed redevelopment. Views to the land/water interface of Scotland Island headlands will be further screened as a result of the proposed marina arm whilst ridgelines and water body remain unaffected. It is noted that these views of the land/water interface are also impacted by the existing swing moorings. The eastern point of Scotland Island remains unimpacted. The impact is minor and not unreasonable. Step 1 (Rose Bay): public street frontage with the marina cluster in the mid-ground. Step 2: passing road view with short duration. Step 3: the new arm reads as an orderly extension;

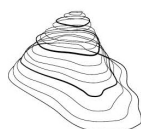


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			distant landforms are unchanged. Step 4: low viewing duration; limited visual effect. Step 5: no designated protected view; scenic context retained.
View 17 – Riddle Reserve Location: Public reserve to the south of The Quays Marina, facing north-west GPS: -33.654159, 151.290273 Photomontage – refer Appendix (Viewpoint 17)	Rose Bay	Minor	This viewpoint is located within Riddle Reserve, a public foreshore open space that offers broad water views across Pittwater. The proposed marina arm will be visible in the mid-ground of the outlook, replacing existing swing moorings with a more consolidated arrangement of vessels. From this position, the denser mooring layout may increase the prominence of boats within a portion of the view; however, the improved order of the layout and the introduction of defined open water spacing between berths will offset the visual effect. The overall composition of the view—featuring water, headlands, and the distant shoreline—remains intact. The proposal is visually consistent with the working waterfront character of the area and the impact is considered minor and not unreasonable. Step 1 (Rose Bay): broad parkland water view with marina in the mid-ground. Step 2: a well-used public reserve. Step 3: more consolidated vessels are offset by legible water space; headlands and sky remain dominant. Step 4: high use acknowledged; change is minor. Step 5: no protected corridor; consistent with LEP/DCP objectives.

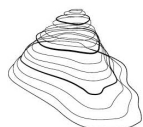
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View 18 – Noolinga Road (Northern Extent) Location: Northerly outlook from the end of Noolinga Road, adjacent to residential properties GPS: -33.655244, 151.291509	Tenacity	Minor	This view is taken from the northern end of Noolinga Road, adjacent to private residences with views across Pittwater toward the marina. The outlook includes open water, foreshore vegetation, and the existing marina footprint partially obscured by intervening vessels. The proposed redevelopment introduces a denser and more orderly arrangement of moored boats, replacing scattered swing moorings. From this position, the primary view to the water and distant landforms remains uninterrupted. The regularisation of vessel positions may contribute to a clearer definition of open water immediately surrounding the proposed redevelopment. Given the breadth of the retained view and the modest scale of the intervention within an already developed mooring area, the impact is considered minor and not unreasonable. Step 1 (Tenacity): residential view to open water with foreshore vegetation; no iconic items. Step 2: street-end near residences. Step 3: limited mid-ground change; primary water and distant landforms remain. Step 4: the ordered berth layout is reasonable for the setting.
View 19 – Kananook Avenue (Eastern Extent) Location: Eastern end of Kananook Avenue, facing	Tenacity	Minor	This residential street-end viewpoint offers an elevated, north-facing view across Pittwater toward the proposed marina arm. The existing view includes swing moorings, marina infrastructure, and open water,



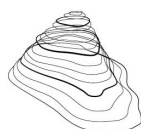
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north toward the marina GPS: -33.655039, 151.288236			with the ridgeline and foreshores of Scotland Island visible in the background. The redevelopment introduces a more compact and structured marina layout within the existing mooring field. Although the configuration will marginally increase the concentration of vessels in the view, it does not obstruct key visual elements such as the foreshores, land-water interface, headlands, or broader water expanse. The removal of swing moorings contributes to improved open water legibility surrounding the proposed development. The change is visually consistent with the marina setting and is considered minor and not unreasonable. Step 1 (Tenacity): elevated residential outlook to the marina with Scotland Island in the background. Step 2: street-end vantage. Step 3: marginal increase in vessel presence; foreshores, horizon and headlands are open; improved definition between berths. Step 4: a reasonable outcome in a marina context.
View 20 – Kananook Avenue (Western End) Location: Western end of Kananook Avenue, facing north-west toward the marina GPS: -33.655655, 151.292625	Tenacity	Minor	This viewpoint is located at the western end of Kananook Avenue, adjacent to private residences. The view captures a broad portion of Pittwater, with the existing marina and swing moorings occupying the mid-ground. The proposed redevelopment introduces a more regular and compact arrangement of vessels within the existing mooring field, which may



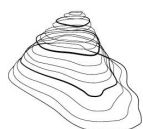
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			slightly increase the density of built form in the centre of the view. However, the configuration does not encroach into new visual territory and avoids obstruction of prominent scenic elements such as the land/water interface, foreshores, distant landforms, or ridgelines. The revised layout will likely result in improved open water legibility around the proposed redevelopment. The change is consistent with the surrounding marina character and is considered minor and not unreasonable. Step 1 (Tenacity): broad water panorama with the marina in the mid-ground. Step 2: residential street-end. Step 3: the arm remains within the existing visual envelope and does not encroach into new visual territory; open water still reads as dominant. Step 4: reasonable arrangement; minor effect overall.
View 21 – Taminga Street (Eastern End) Location: Eastern end of Taminga Street, facing north across Pittwater GPS: -33.656253, 151.289046	Tenacity	Minor	This elevated viewpoint from the eastern end of Taminga Street provides a wide, north-facing view across Pittwater, with the marina visible in the mid-ground. The proposed marina arm will introduce a tighter configuration of moored vessels within an existing mooring field. While this may slightly increase the visual presence of boats from this position, the arrangement remains consistent with the established marina character and does not obstruct any primary view components. The



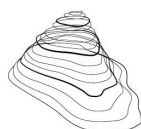
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			ridgelines, foreshores, and land-water interface remain perceptible, and the view continues to read as a predominantly open, natural setting. The clearer spatial structure around the proposed redevelopment may enhance open water legibility in parts of the view. The change is considered minor and not unreasonable. Step 1 (Tenacity): wide elevated outlook to Pittwater; no iconic elements. Step 2: road-end near residences. Step 3: ordered berths consistent with the setting; ridgelines, foreshores and land-water interface remain perceptible. Step 4: change is reasonable and minor.
View 22 – Captain Hunter Road (Southern End) Location: Southern end of Captain Hunter Road, facing east toward The Quays GPS: -33.649618, 151.283065	Tenacity	Minor	This view is taken from the end of Captain Hunter Road, adjacent to private residential properties with an easterly outlook across Pittwater. The existing view includes a mix of open water, swing moorings, and the current marina layout. The proposed redevelopment introduces a more compact and regular arrangement of vessels within the existing marina footprint. While this will marginally increase the visual density in the mid-ground, the overall composition of the view remains largely unchanged. Distant features, such as the opposite foreshore and skyline, are preserved. The fixed berth layout also introduces improved open water legibility around the proposed redevelopment, which may assist in maintaining a sense



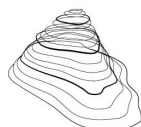
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			of visual openness. The change is considered minor and not unreasonable in this residential context. Step 1 (Tenacity): near-foreshore residential view to open water and marina. Step 2: road-end residential position. Step 3: slight mid-ground densification offset by clearer water spacing; distant foreshore and skyline retained. Step 4: reasonable and minor in effect.
View 23 – Kennedy Place Location: Kennedy Place, facing east across Pittwater toward the marina GPS: -33.650506, 151.283124	Tenacity	Minor	This residential viewpoint at Kennedy Place looks east across Pittwater toward the existing marina. The current view includes swing moorings and moored vessels, with open water and distant foreshore visible beyond. The proposed redevelopment will introduce a denser and more structured arrangement of vessels, replacing some of the swing moorings. While this will increase the regularity of moored forms in the view, it does not extend beyond the current visual footprint of the marina. The distant outlook remains open, and the change in vessel configuration is expected to result in clearer spacing and minor increases in open water visibility around the proposed redevelopment. The view remains expansive, and the visual impact is considered minor and not unreasonable. Step 1 (Tenacity): residential view over the marina to distant shore. Step 2: local street setting. Step



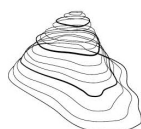
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			3: no skyline loss; the arm remains within the established marina envelope and spacing is clearer. Step 4: arrangement is reasonable; minor visual change.
View 24 – Pittwater Road (Southern Section) Location: Pittwater Road, south-east of the marina, facing north-west GPS: -33.654498, 151.292243	Tenacity	Minor	This view is taken from a public section of Pittwater Road, located to the south-east of The Quays Marina. The view is oriented north-west toward the marina across a broad stretch of Pittwater. The existing visual catchment includes swing moorings and marina infrastructure in the mid-ground, with open water and foreshore vegetation forming the wider setting. The proposed redevelopment introduces a tighter configuration of moored vessels within the existing mooring footprint. While this results in a slight increase in perceived vessel density, it also improves open water legibility around the proposed redevelopment. Key view components—including the distant land/water interface, foreshores and ridgeline—are retained. The change is visually consistent with the established marina character and is considered minor and not unreasonable. Step 1 (Tenacity): long cross-water public road view. Step 2: passing view with low viewing duration. Step 3: a small proportion of the vista is affected; foreshores, land-water interface and vegetation remain dominant. Step 4: reasonable outcome in context.



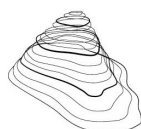
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View 25 – Griffin Reserve Location: Griffin Reserve, facing north across Pittwater toward the marina GPS: -33.651510, 151.289337 Photomontage – refer Appendix (Viewpoint 25)	Rose Bay	Negligible	This view is taken from Griffin Reserve, a public foreshore park offering wide, open views across Pittwater toward the marina precinct. The existing view contains a mix of open water, swing moorings, and marina infrastructure within a natural coastal landscape. The proposed marina arm will introduce a more defined and spatially efficient layout of moored vessels in an area already characterised by maritime activity. Although vessel density will marginally increase within the immediate view corridor, the configuration will remain within the existing mooring footprint and does not project further into undeveloped water. The revised layout is expected to improve open water legibility around the proposed redevelopment. Views to Scotland Island, the sky, and the broader land-water interface remain intact. The change is negligible and not unreasonable within this established recreational setting. Step 1 (Rose Bay): wide public vista to the marina precinct and Scotland Island. Step 2: public foreshore reserve. Step 3: increased definition of mid-ground water space; skyline and land-water edges remain intact. Step 4: high park use; change remains minor. Step 5: no designated protected corridor; consistent with planning objectives.
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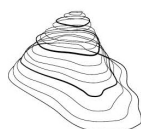
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View 26 – The Quays Marina (Northern Arm – East) Location: Northern edge of The Quays Marina, looking north toward Pittwater GPS: -33.650483, 151.290182	Rose Bay	Minor/moderate	While Views 26 and 27 are taken from within the operational area of The Quays Marina, they have been assessed under the Rose Bay planning principle on the basis that The Quays permits public access to its marina arms. Although this access is facilitated by the private operator, it allows the general public to experience views from these locations in a manner consistent with other public domain viewpoints. This view is taken from within the northern section of The Quays Marina, oriented slightly east of due north. The outlook captures existing swing moorings in the foreground, with the open waters of Pittwater and the opposite shoreline forming the background. The proposed marina arm will introduce a refined configuration of berths in place of scattered swing moorings. From this location, which falls within the active operational zone of the marina, the visual change is consistent with the existing character and use of the site. The denser but more ordered berth layout may enhance navigational clarity and increase open water legibility immediately surrounding the proposed redevelopment. Distant view elements are unaffected, and the impact is considered minor to moderate and not unreasonable. Step 1 (Rose Bay): view within the operational marina looking toward open water. Step 2:
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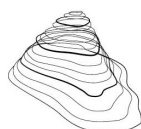
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			publicly accessible along the northern arm. Step 3: refined berth line replaces scattered moorings; distant elements unaffected. Step 4: intermittent public presence; modest change. Step 5: no protected corridor identified; consistent with the working waterfront character.
View 27 – The Quays Marina (Northern Arm – west) Location: Eastern edge of the northern marina arm, looking north toward Pittwater GPS: -33.650117, 151.289549	Rose Bay	Minor/moderate	While View 26 & 27 are taken from within the operational area of The Quays Marina, they have been assessed under the Rose Bay planning principle on the basis that The Quays permits public access to its marina arms. Although this access is facilitated by the private operator, it allows the general public to experience views from these locations in a manner consistent with other public domain viewpoints. This view is taken from within the northern section of The Quays Marina, oriented slightly east of due north. The outlook captures existing swing moorings in the foreground, with the open waters of Pittwater and the opposite shoreline forming the background. The proposed marina arm will introduce a refined configuration of berths in place of scattered swing moorings. From this location, which falls within the active operational zone of the marina, the visual change is consistent with the existing character and use of the site. The denser but more ordered berth layout may enhance navigational clarity and increase open water



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			legibility immediately surrounding the proposed redevelopment. Distant view elements are unaffected, and the impact is considered minor/moderate and not unreasonable. Step 1 (Rose Bay): operational marina perspective to open water. Step 2: currently publicly accessible position along the arm. Step 3: coherent vessel arrangement; navigation sightlines open; skyline intact. Step 4: localised public use; limited effect. Step 5: no protected view designation; compatible with the marina setting.
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6. ASSESSMENT OF VISUAL IMPACT FROM PRIVATE RESIDENTIAL PROPERTIES

The Court's Planning Principle relating to views from private properties is stated in the judgement of the Tenacity Consulting Appeal. Under the Court's Court Planning Principle, **4** steps are stated.

Adopting the 4 Steps stated in Tenacity, I make the following comments;

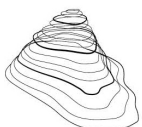
- 1. The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

Comment

The proposed development satisfies this first step for the following reasons:

- Most potentially affected dwellings lie to the south, south-west, west and north-west of The Quays and are elevated on the hillside, with broad outlooks across Pittwater.
- These outlooks typically include the opposite foreshores and the ridgeline of Scotland Island, with the marina and moorings in the mid-ground.
- The proposal enables a greater proportion of larger vessels to berth; however, craft of this scale are already part of the existing marina environment. The change relates primarily to the arrangement and capacity of vessels rather than a new visual scale.
- Any change presents as a modest increase in mid-ground vessel presence; views to the opposite foreshore land–water interface and the Scotland Island ridgeline remain available.
- Removal of some swing moorings and the introduction of fixed berths improves the definition of open water between vessels around the new arm, reducing visual clutter.
- Lower-lying properties near the foreshore retain broad water views; while mid-ground vessel numbers are more ordered and may appear slightly denser, clearer spacing between berths helps maintain visual openness.
- There are no iconic items within the view catchment.

Overall, residential properties both on the hillside and near the foreshore will continue to enjoy long-range and panoramic views to the north, north-east, east



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and south-east. By any reasonable qualitative or quantitative measure, the proposed development will result in a negligible to minor change in the outlook, with the scenic qualities of the view preserved.

2. *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.*

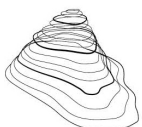
Comment

The proposed development satisfies this step for the following reasons:

- The viewpoints assessed in this VIA represent a range of residential circumstances, including elevated hillside properties with long-range panoramic views, properties situated closer to the foreshore with mid-ground water views, and residential street frontages where outlooks are experienced from both within dwellings and from adjacent road reserve. These views are not uniformly from primary living rooms or terraces, but in many cases include or are likely to include views from areas typically given greater weight in view loss assessments.
- A number of hillside properties are elevated above the marina and benefit from sweeping views that extend well beyond the proposed redevelopment area. In these instances, the proposal is unlikely to materially alter the visual experience, particularly where the view is captured from upper-storey windows, balconies, or front gardens.
- In the case of lower-lying properties or those near the marina's southern and western interface, the view may be more sensitive to changes in foreground vessel density. However, these outlooks still retain long-distance view corridors to the water, ridgeline, and headlands, and in all cases, the marina arm remains within the existing operational area of the marina.

Overall, the views affected are obtained from a mix of property locations and positions, but in no instance does the proposed development block or materially reduce the use or enjoyment of key visual connections to Pittwater. The visual experience is retained in a meaningful way across all assessed viewpoints.

3. *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*



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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

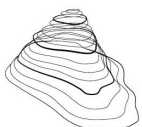
The extent of visual impact resulting from the proposed redevelopment is considered to be minor across all assessed residential viewpoints. While the marina arm will introduce a denser and more structured configuration of moored vessels into the view from certain properties, it will not obstruct key scenic elements such as the water horizon, distant ridgelines, or the land-water interface in a meaningful way. A small subset of closer, lower-lying outlooks that align more directly with the new arm experience a minor-moderate qualitative effect. In those minor-moderate cases, the change is confined to the foreground/mid-ground where vessel presence is more apparent and glimpses of the opposite land-water interface may be locally reduced at low eye levels. I note that open water surrounding the proposed marina arm will be increased due to the removal of swing moorings and the required navigational pathways.

Importantly, the proposed works are limited to the existing operational area of the marina and do not introduce any vertical built form beyond that typically associated with moored vessels. The revised layout will replace swing moorings—which introduce a sense of visual movement and clutter—with a more fixed and orderly structure. This change may result in a perceptible increase in vessel presence in the mid-ground of some views, particularly for properties located closer to the foreshore, but it also improves the spatial definition of open water around the redevelopment.

Across the range of properties assessed—from elevated hillside homes to low-lying waterfront residences—the proposal does not reduce access to primary views or significantly alter the visual catchment of affected dwellings. The change is generally confined to a small portion of the wider panoramic view and does not impact any view component that would be considered iconic or defining.

Overall, the extent of impact is considered to fall within the *minor* range of the qualitative scale outlined in the *Tenacity* principle and is not considered unreasonable in the context of the marina's existing scale and visual character.

4. *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*



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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.

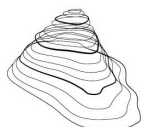
Comment

The proposed redevelopment of The Quays Marina is considered reasonable in both design and siting. Although marinas are not a permissible land use within the W1 – Natural Waterways zone, the existing marina operates under established existing use rights in accordance with Division 4.11 of the Environmental Planning and Assessment Act 1979. The proposed works rely on these rights and involve the introduction of fixed wet berths within the existing swing mooring area.

While the development does introduce new built form into this portion of the waterway, it does not extend into open or undeveloped water space. The area already accommodates a high level of boating activity and is part of the functional marina setting. The replacement of swing moorings with a more efficient, compact berth layout represents a logical and appropriate redevelopment outcome.

The proposed design avoids excessive projection into view corridors, retains public access to marina arms, and maintains key scenic elements such as the water horizon and surrounding ridgelines. There is no indication that a more skilful or reduced design would yield a meaningfully different visual outcome without compromising the marina's operational functionality. I note the following;

- The redevelopment is a proportionate, site-responsive upgrade within an established marina setting; it remains within the existing operational envelope and avoids encroachment into undeveloped water.
- While capacity for larger vessels increases, these craft are already present in the locality; the change improves order and legibility rather than introducing a new visual scale.
- No practicable alternative layout has been identified that would materially reduce the already minor impacts without compromising marina function and navigation.
- In these circumstances, the proposal is reasonable and view sharing remains acceptable.



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Accordingly, the proposed development is considered a reasonable and proportionate response to the site's existing character and constraints, and the view impacts arising are acceptable.

CONCLUSION

The proposed development will result in a more compact and orderly arrangement of moored vessels within an area already used for marina operations and moorings. While most adjoining residential properties will experience a minor change, a small subset of closer, lower-lying outlooks that align more directly with the new arm may experience a minor-moderate increase in apparent mid-ground vessel presence. In all cases, broader panoramic views across Pittwater are retained.

The marina arm remains within the existing operational envelope and does not encroach into undeveloped open water. The removal of swing moorings and their replacement with fixed berths introduces clearer spacing between vessels and improves open-water legibility immediately around the structure. No iconic views are affected, and properties retain views to key distant elements, including the opposite foreshores and the Scotland Island ridgeline.

Having regard to the nature and quality of existing outlooks, the limited extent of change at the dwelling scale, and the reasonableness of the redevelopment in planning terms, the impact on residential views is assessed as minor, with minor-moderate effects confined to a small number of closer viewpoints. On that basis, the proposal satisfies the planning principle in *Tenacity Consulting v Warringah Council* [2004]

7. ASSESSMENT OF VISUAL IMPACT ON VIEWS FROM PUBLIC DOMAIN

As previously advised, the Court in the Rose Bay Marina Appeal adopted a Planning Principle entitled "A Planning Principle for Public Domain Views" which identifies a framework for the assessment of impacts on views enjoyed from the public domain. The Planning Principle comprises a number of "steps."

1. The first step of this stage is to identify the nature and scope of the existing views from the public domain. This identification should encompass (but is not limited to):

- the nature and extent of any existing obstruction of the view;*
- relevant compositional elements of the view (such as is it static or dynamic and, if dynamic, the nature and frequency of changes to the view);*
- what might not be in the view - such as the absence of human structures in the outlook across a natural area (such as the view from Kanangra Walls);*
- is the change permanent or temporary; or*
- what might be the curtilages of important elements within the view.*

Comment

The public domain views surrounding The Quays Marina are predominantly natural in character and are obtained from a variety of locations, including foreshore parks and reserves, the Pittwater Walking Track, local road corridors such as Pittwater Road, and the waterway itself. These views are typically broad and scenic, often including panoramic outlooks across Pittwater, the land-water interface of Scotland Island and shores of Pittwater, and surrounding ridgelines.

The primary public domain locations relevant to this visual impact assessment include:

- The foreshore parks and beaches immediately adjoining The Quays Marina;
- The Pittwater Walking Track;
- Public vantage points from adjacent roads;
- Views from within Pittwater itself, including navigational corridors and ferry routes.

Although these views contain elements of built form—such as marina infrastructure, swing moorings, and dwellings on Scotland Island—the natural environment remains the dominant feature in terms of scale, tone, and continuity. These settings are characterised by open water, vegetated slopes, and low-scale built form integrated within the landscape.

The existing views from these public locations are partially dynamic in nature. While the landform and built structures are static, a high degree of visual movement is introduced

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by boating activity, pedestrians, and environmental conditions. This includes a wide range of vessel types using Pittwater, including private recreational vessels and commercial operations such as ferries and charters.

Importantly, swing moorings form a key visual component in this dynamic setting. As noted by Biscoe J in Addenbrooke No. 1, swing moorings are “a constantly changing image and one in which the built element is secondary to the water.” His Honour further observed that “swing moorings are characteristic of Rose Bay and an important and pleasant part of the view.” The same observation is considered applicable to the visual environment of Pittwater. Swing moorings contribute to the fluidity and visual interest of the marina setting and form a familiar and valued part of the coastal visual character.

The revised berth configuration will allow a higher proportion of larger vessels to be berthed within the marina. Vessels of this scale are already present at The Quays and elsewhere on Pittwater; the change relates to proportion and arrangement rather than the introduction of a new vessel size.

The proposed redevelopment will involve the removal of approximately 40 swing moorings and the installation of a new marina arm containing fixed berths. This change will introduce greater regularity and structure to the arrangement of vessels in this portion of Pittwater. While this reduces some of the visual fluidity associated with swing moorings, it is offset by a corresponding increase in views of open water surrounding the new marina arm. These more clearly defined areas of water between vessels enhance visual legibility and openness in the mid-ground.

Notably, a number of swing moorings will be retained within The Quays operations and within the broader marina setting. Their continued presence will preserve the visual dynamism identified by Biscoe J and maintain the layered marine character of the view. The resulting outlook will continue to include a balance of natural and developed elements, with no loss of key landscape features.

The change introduced by the proposed development is permanent but remains visually contained within the existing marina context. It is not expected to unreasonably alter the public domain view or undermine its scenic quality.

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2. The second step is to identify the locations in the public domain from which the potentially interrupted view is enjoyed.

Comment

There are a variety of public-domain locations from which The Quays and its surrounding waterway are viewed. These include foreshore parks, public roads, walking tracks, beaches, the waterway itself, and cross-water outlooks from Scotland Island to the north (approximately 800 m across Pittwater). Many of these locations are used for both passive and active recreation and contribute to the community's visual connection with Pittwater.

A number of viewpoints are slightly elevated above the marina, particularly along the base of the hillsides to the west and south-west. These public walking tracks and road reserves provide wide, panoramic outlooks where the distant view is defined by the opposite foreshores and the Scotland Island ridgeline.

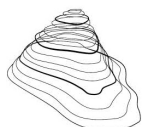
Other viewpoints are at or near foreshore level, including public reserves adjoining the marina, footpaths and beaches at Church Point, and water-based positions from vessels or ferries. These views are more constrained in elevation but often provide a direct mid-ground outlook across the water to the marina. While the new arm will be more readily visible from these positions, its prominence is moderated by the existing context of moored vessels and marina infrastructure.

Variation in elevation and distance moderates visual impact. In elevated locations, the breadth of view tends to absorb localised change; at foreshore level, views are more sensitive to mid-ground change, but the proposal remains within the existing operational envelope and does not extend into undeveloped open water.

Accordingly, the full range of public viewing locations—elevated, foreshore, water-based and from Scotland Island—has been considered, and any change to their existing view conditions has been evaluated in context.

3. The third step is to identify the extent of the obstruction at each relevant location.

- *Unlike Tenacity (which adopts the proposition that sitting views are more difficult to protect than standing views), the impact on appreciation of a public domain view should not be subject to any eye height constraint. A public domain view is one that is for the enjoyment of the whole population, old or young and whether able-bodied or less mobile. It is not appropriate to adopt some statistically derived normative eye height for the assessment of such views (such as the*



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conventionally adopted 1.6m eye height for the assessment of overlooking privacy impacts). Indeed, some views (such as that from Mrs Macquarie's Chair toward the Opera House and Harbour Bridge) may well be ones likely to be enjoyed frequently from a seated position.

Comment

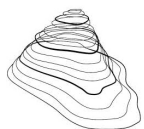
Public viewpoints that are slightly elevated above the marina—including sections of the Pittwater Walking Track and adjoining public roads—offer broad outlooks across Pittwater. From these locations, the new arm is visible in the mid-ground but remains within the marina's operational envelope. The overall composition is largely unchanged and the distant land–water interface of the opposite foreshores and the Scotland Island ridgeline remain legible. The effect presents as a modest increase in vessel presence offset by clearer open-water spacing around the berths.

At near-range public locations a modest increase in mid-ground vessel massing may be perceived; however, the regularised berth line and retained open-water areas around the arm maintain legibility of the opposite foreshore and the Scotland Island ridgeline. In a small number of directly aligned, low-level viewpoints this presents as a localised minor–moderate effect.

From foreshore-level public areas—including nearby parks, footpaths and the beach—the marina is viewed more closely and the change is more readily perceived, yet it remains visually contained within the established activity zone. Replacing dispersed swing moorings with fixed berths reduces visual clutter and improves spatial definition between vessels, while the key distant landforms remain visible.

From cross-water positions on Scotland Island, the new arm reads as a small element against the Church Point shoreline and existing marina cluster, with the broader landscape continuing to dominate the scene.

In all cases, public-domain views retain their primary scenic qualities. The marina remains a subordinate component within the wider landscape. Overall, the extent of obstruction is minor, with minor–moderate effects confined to a limited number of near-range, low-level viewpoints.



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4. The fourth step is to identify the intensity of public use of those locations where that enjoyment will be obscured, in whole or in part, by the proposed private development.

Comment

Public-domain locations in this assessment—adjacent parks, sections of the Pittwater Walkway, foreshore paths, Church Point beach areas and water-based viewpoints (including regular recreational boating routes and ferry movements)—are well used by residents and visitors. These places are connected to other recreation links and attract high patronage on weekends, public holidays and during peak boating seasons, when visual engagement with the water and shoreline is integral to the experience.

Viewing intensity and duration vary between locations. Park and foreshore areas typically involve longer dwell times and higher sensitivity; roadside verges and moving water-based viewpoints are of shorter duration and lower sensitivity. The assessment has been undertaken on that basis.

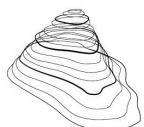
Even at the most frequently used locations, the effect of the proposal is limited to a modest increase in mid-ground vessel presence that remains visually contained within the marina envelope. Clearer open-water spacing around the berths, together with the retention of swing moorings within The Quays operations, preserves the layered maritime character. The principal natural components—the opposite foreshores and the Scotland Island ridgeline—remain legible. Overall, visual change ranges from minor to minor-moderate at a small number of near-range, low-level positions and is acceptable having regard to the level of public use.

5. The final step to be identified is whether or not there is any document that identifies the importance of the view to be assessed.

- *This will encompass specific acknowledgment of the importance of a view (for example, by international, national, state or local heritage recognition) or where the relevant planning regime promotes or specifically requires the retention or protection of public domain views.*

Comment

There is no international, national, or state-level recognition of any of the specific views assessed in this VIA as iconic or strategically protected. However, the broader visual setting of Pittwater is acknowledged in several local planning documents as having high scenic and recreational value.



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The Pittwater Local Environmental Plan 2014 and the Pittwater 21 Development Control Plan both contain provisions aimed at protecting the visual character of the waterway and ensuring that development does not detract from the environmental or scenic qualities of the foreshore. Specifically, the DCP includes desired outcomes to preserve and enhance district and local views and ensure that built form remains secondary to natural landscape elements when viewed from the public domain.

The W1 – Natural Waterways zone under the LEP also has as a key objective the protection of scenic values and the prevention of development that would adversely affect the natural character of the waterway.

While these documents do not identify any single “protected view corridor” within the visual catchment, they collectively indicate the importance of retaining the overall scenic quality of public views across Pittwater. This has been a guiding consideration in the assessment of visual impact.

In this case, the proposed marina redevelopment remains within the existing operational area, introduces no new built form above water level beyond vessel height, and retains access to the dominant natural elements in the view — including the water opposite foreshores, Scotland Island ridgeline, and land-water interface. As such, the visual impact is consistent with the intent of the applicable planning framework.

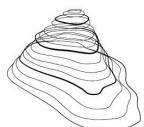
ANALYSIS OF IMPACTS

Assessment Matrix

The planning principle in *Rose Bay Marina Pty Ltd v Woollahra Municipal Council [2013]* states that the acceptability of impact on a public domain view is not a matter of mathematical precision or a formulaic matrix. As noted at paragraph 50 of that judgment:

“The acceptability of the impact on a public domain view is not a process of mathematical precision requiring an inevitable conclusion based on some fit in a matrix.”

Accordingly, a formal view impact matrix has not been used in this assessment. In contrast to the circumstances in the *Rose Bay Marina* case—where a single, centralised viewpoint (the Rose Bay Promenade) was available for focused analysis—this proposal involves a much broader range of publicly accessible locations, each with different viewing characteristics and contextual conditions. These include elevated walking tracks, low-lying foreshore parks, public road verges, and water-based views. The



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diversity of these viewpoints makes a matrix less meaningful and less effective in illustrating the nuanced impacts of the proposal.

Qualitative and Quantitative Assessment

The *Rose Bay* principle states that an effective analysis should include both qualitative and quantitative consideration of visual impact.

Qualitative Assessment

From a qualitative standpoint, the views from the public domain will remain highly scenic, and the proposal will not obstruct or significantly diminish any key visual elements. The primary character of the view—including open water, opposite foreshores, ridgelines, and the land-water interface—remains intact. While there will be a change to the arrangement of vessels in the mid-ground, the revised marina arm introduces greater spatial order, removes visual clutter caused by swing moorings, and retains visual transparency between vessels. In this context, the visual change is considered largely minor with only a small number of viewpoints identified as minor-moderate at worst and does not undermine the public's enjoyment of the surrounding landscape.

Quantitative Assessment

From a quantitative perspective, the increase in physical marina footprint is modest when considered in relation to the total panoramic outlook available from most public viewing locations. The proposed arm is located within the marina's existing operational area and does not extend into undeveloped or visually pristine water space. It occupies only a small proportion of the broader view field, and any increase in vessel density is limited to a portion of the mid-ground. No new vertical built form is introduced above vessel height, and no existing scenic landmarks or distant landform views (including the opposite foreshores and Scotland Island ridgeline) are unreasonably obscured.

Planning Documents and the Weight Given to View Protection

The *Rose Bay* planning principle recognises that planning documents may, in some circumstances, specifically identify the importance of retaining particular public views. This can occur where strategic plans, local environmental plans, or development control plans expressly protect view corridors or establish a presumption against visual obstruction. However, as noted in the principle, applying a blanket presumption against view loss is not appropriate. Each case must be evaluated in its own planning and visual context.

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Comment

While the Pittwater Local Environmental Plan 2014 and Pittwater 21 Development Control Plan contain provisions relating to scenic character, public view protection, and visual compatibility, there are no planning documents or policies that identify any specific public view from or near The Quays Marina as being of state or regional significance, nor is there a view corridor designated for protection under local planning controls.

That said, general planning policy supports the protection of public amenity and visual quality in coastal areas. This assessment has taken those objectives into account and evaluated the proposal accordingly.

Importantly, in *BGP Properties Pty Ltd v Lake Macquarie City Council* (2004) 138 LGERA 237, the Court emphasised that:

“Planning decisions must generally reflect an assumption that, in some form, development which is consistent with the zoning will be permitted.”

While marinas are not a permissible use in the W1 zone under the Pittwater LEP, the existing facility operates under valid existing use rights. The proposal does not test whether the land can be used for marina purposes, but rather whether a modest expansion within the existing operational area can proceed without unreasonable visual impact. The distinction is important: this is a case of redevelopment within an existing and active visual setting, not the introduction of new built form into previously undisturbed water space.

This proposal is not analogous to the *Rose Bay Marina* case where the eastern arm disrupted a highly valued and singular view corridor toward Manly. In contrast, views of Pittwater from the public domain are diverse and expansive, with no single dominant vantage point. The proposed marina arm introduces a very minor change in vessel configuration but retains panoramic views of the natural landscape.

Qualitative and Quantitative Assessment

In quantitative terms, the portion of the view affected by the marina arm is very small relative to the breadth of the overall vista from most public domain viewpoints. The proposed development occupies a modest segment of the visual field and is contained within the existing mooring envelope. The removal of swing moorings results in increased open water surrounding the fixed berths, improving spatial clarity and reducing visual clutter.

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From a qualitative perspective, the view remains dominated by natural elements—open water, the opposite foreshores and the Scotland Island ridgeline, land/water interface. There is no loss of iconic features as described in the Court's planning principles. Even with the addition of moored vessels in a fixed pattern, the aesthetic experience of the view is retained. The improved regularity in vessel spacing is likely to enhance visual legibility rather than diminish it.

The proposal preserves the essential scenic value of the location, both in composition and in experience.

The proposal results in a minor, visually manageable change within an already developed marina setting. It retains public access to key views, maintains the integrity of the natural setting, and satisfies both the qualitative and quantitative aspects of public domain view impact assessment under the *Rose Bay* planning principle.

CONCLUSION

The proposal results in a minor, visually manageable change within an already developed marina setting. It retains public access to key views, maintains the integrity of the natural setting, and satisfies both the qualitative and quantitative aspects of public domain view impact assessment under the *Rose Bay Marina Pty Ltd v Woollahra Municipal Council* planning principle.

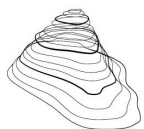
The assessment demonstrates that:

- Public views from a range of locations—elevated and low-lying—will retain access to key scenic components including the opposite foreshores, the land–water interface and the Scotland Island ridgeline;
- The increased regularity of vessel layout improves open water legibility and reduces visual clutter;
- The proposed marina arm is contained within the existing operational footprint and does not encroach into undeveloped or visually pristine areas;
- No planning documents identify the view as iconic or of state or regional significance, but the assessment has still addressed relevant visual protection objectives;
- The development responds sensitively to the highly valued visual setting of Pittwater, preserving its panoramic quality and recreational character.

Accordingly, the proposed redevelopment is considered to satisfy the planning principle in *Rose Bay Marina Pty Ltd v Woollahra Municipal Council* and the visual

Visual Impact Assessment – 1856 Pittwater Road, Church Point

impact is assessed as minor and not unreasonable across all relevant public domain viewpoints.



8. ASSESSMENT OF VISUAL IMPACT ON VIEWS FROM WATERWAY AND SCOTLAND ISLAND

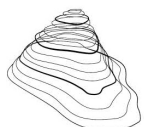
In addition to views from the land, it is relevant to consider the visual impact of the proposed development when viewed from Pittwater, looking back toward the foreshore. This reverses the typical view assessment and considers the experience of users of the waterway, including recreational boaters and ferry passengers, as well as cross-water views from Scotland Island to the north (approximately 800 m from the site).

The NSW Land and Environment Court has previously addressed this issue in the *Rose Bay Marina* appeal, where the Court considered whether new marina structures would adversely affect views from the waterway back toward significant foreshore features, including a heritage wall. That case highlighted the importance of preserving land-based view components from the public waterway, particularly where prominent, scenic or heritage items are concerned.

Comment

In this instance, the proposed development will not result in any unreasonable visual impact when viewed from the waterway toward the land, including from the north and north-east across Pittwater and from public locations on Scotland Island. This is due to several key contextual factors:

- Unlike the situation in Rose Bay, there are no State- or locally-listed heritage features along the Church Point foreshore directly behind the proposed development. The development will not interrupt any heritage curtilage or visually significant landscape item.
- From typical water-based viewpoints and from Scotland Island, the dominant landward view remains the vegetated slopes and low-scale built form of the Church Point foreshore. The proposed marina arm sits low in the water, reads as a minor foreground element within an existing cluster of marina infrastructure and does not interrupt the legibility of the opposite foreshores or the skyline formed by the Scotland Island ridgeline.
- The redevelopment retains wide water areas either side of the arm and maintains navigation sightlines. While a modest increase in mid-ground vessel massing may be perceived at closer distances, the fixed berth layout introduces clearer spacing between vessels and a more coherent mid-ground, which assists visual legibility when seen from the water.
- No new elevated structures are proposed above typical vessel profiles. Materials and colours are consistent with existing marina elements. Any operational lighting will be limited to safety and wayfinding, avoiding glare and night-time visual dominance.



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- In mid- to long-range views from the water and from Scotland Island, the proposed development occupies a small part of the horizontal panorama and continues to be read as part of an established marina setting within a broader natural landscape.

CONCLUSION

Given its scale, location and the composition of landward views, the proposed marina redevelopment is unlikely to result in any significant visual intrusion when viewed from the waterway or from Scotland Island. It forms a minor component of the overall visual catchment, maintains the prominence of natural landforms and foreshore vegetation, and will not compromise the scenic character of the Church Point frontage to Pittwater.

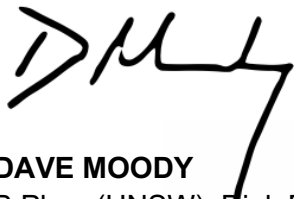
9. CONCLUSION

This Visual Impact Assessment has evaluated the proposed redevelopment of The Quays Marina with reference to both public and private viewpoints. The assessment has been undertaken in accordance with the planning principles established in *Tenacity Consulting v Warringah Council [2004]* for private residential view loss and *Rose Bay Marina Pty Ltd v Woollahra Municipal Council [2013]* for impacts on public domain views.

The proposed development introduces a new marina arm within the area currently occupied by existing swing moorings. While the change will result in a slightly more structured and visible arrangement of moored vessels, it does not introduce built form beyond the existing operational area of the marina and does not obstruct any iconic or regionally significant view. The reconfiguration will allow a higher proportion of larger vessels to berth; however, vessels of this scale are already characteristic of The Quays and Pittwater, so the change relates to proportion and arrangement rather than a new visual scale.

The replacement of swing moorings with fixed berths is expected to result in a net improvement in spatial clarity and open-water legibility surrounding the development. Key view components—including the land-water interface, distant ridgelines, and the opposite foreshores and the Scotland Island ridgeline—remain accessible from all assessed viewpoints.

Having regard to the extent of impact, the nature of the views, the sensitivity of the affected locations, and the reasonableness of the proposal, the visual impacts and view loss associated with the proposed development are assessed as minor overall, with minor-moderate effects limited to a small number of near-range, low-level viewpoints. The proposal is consistent with the scenic protection aims and objectives of the relevant planning controls and does not compromise the visual character of Pittwater.



DAVE MOODY

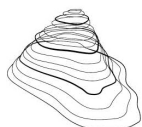
B.Plan. (UNSW), Dipl. Build. & Const. (MIBT), MPIA.

0401 450 989

dave@nda.live

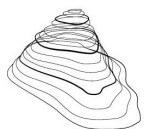
www.nda.live

Suite 11, 303 Barrenjoey Road, Newport NSW 2106



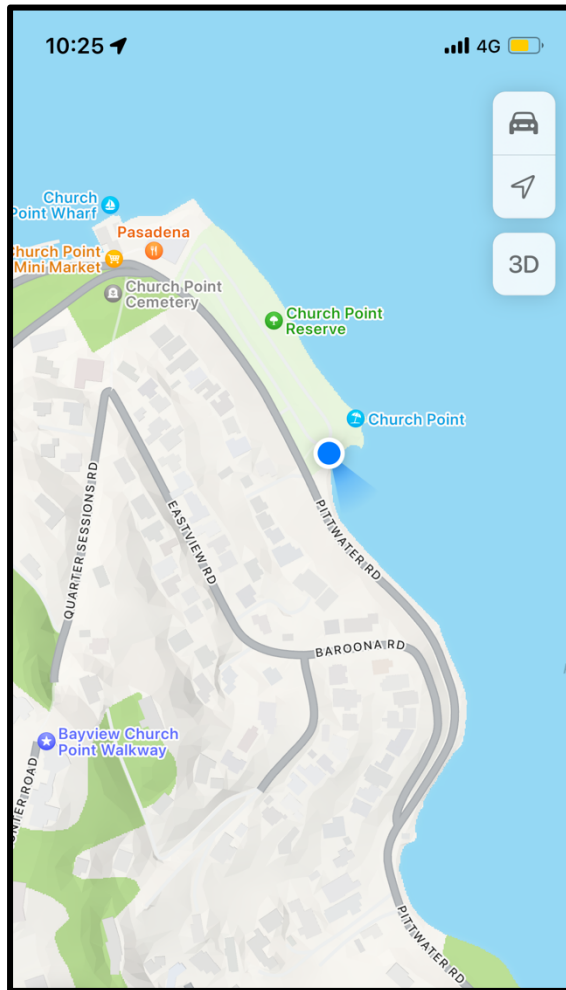
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10. APPENDIX 1 – PHOTOGRAPHS AND PHOTOMONTAGES OF VIEWPOINTS



APPENDIX 1: PHOTOGRAPHS TO ACCOMPANY VISUAL IMPACT ASSESSMENT

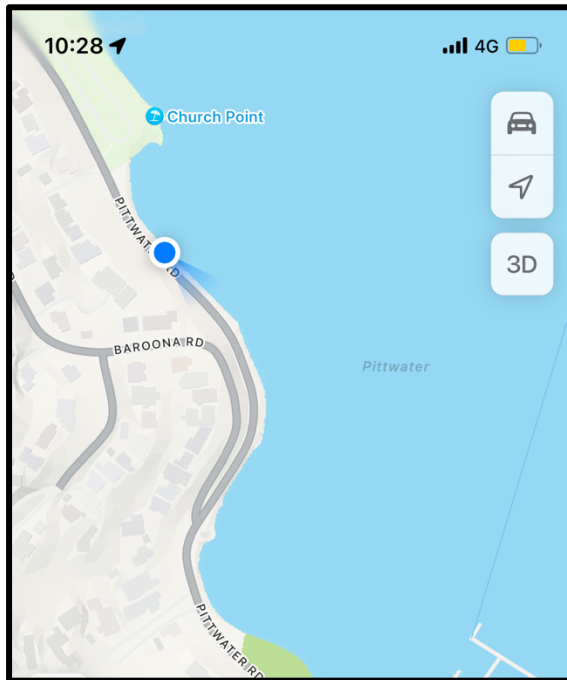
**VIEW 1: PHOTOGRAPH TAKEN FROM SOUTHERN EXTENT OF CHURCH POINT RESERVE LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS
(APPROXIMATE GPS COORDINATE: -33.646334, 151.286161)**





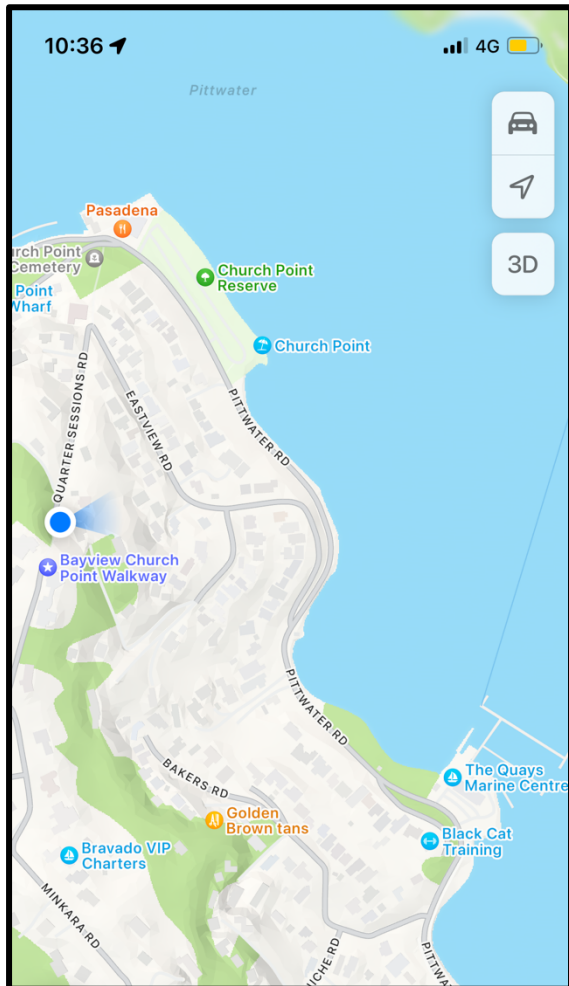
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VIEW 2: PHOTOGRAPH TAKEN ON THE WALKING TRACK SOUTH OF CHURCH POINT RESERVE LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.647052, 151.286478)

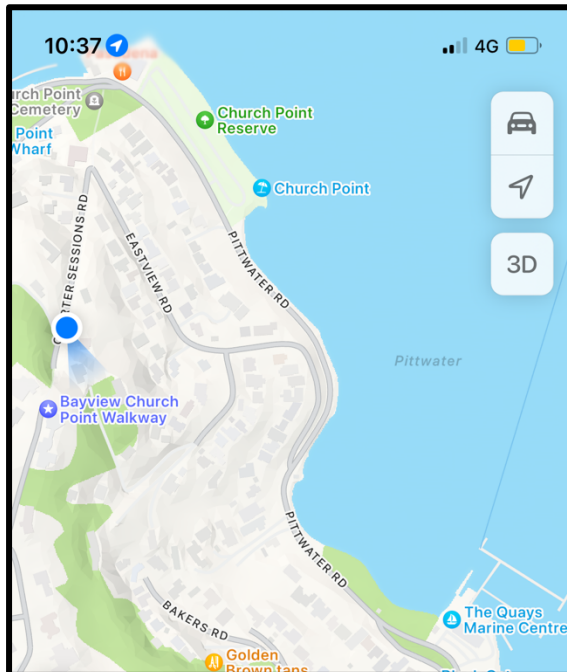




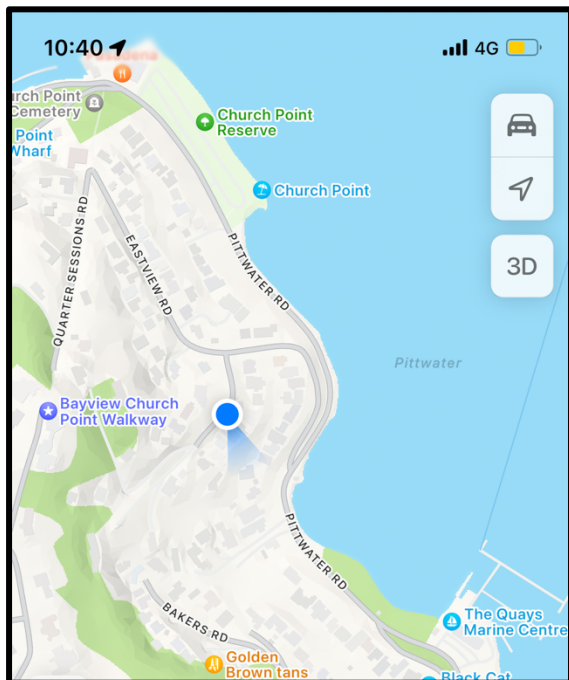
VIEW 3: PHOTOGRAPH TAKEN FROM SOUTHERN EXTENT OF QUARTER SESSION ROAD LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.647840, 151.283633)



**VIEW 4: PHOTOGRAPH TAKEN FROM SOUTHERN END OF QUARTER SESSION ROAD LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS
(APPROXIMATE GPS COORDINATE: -33.647474, 151.283744)**

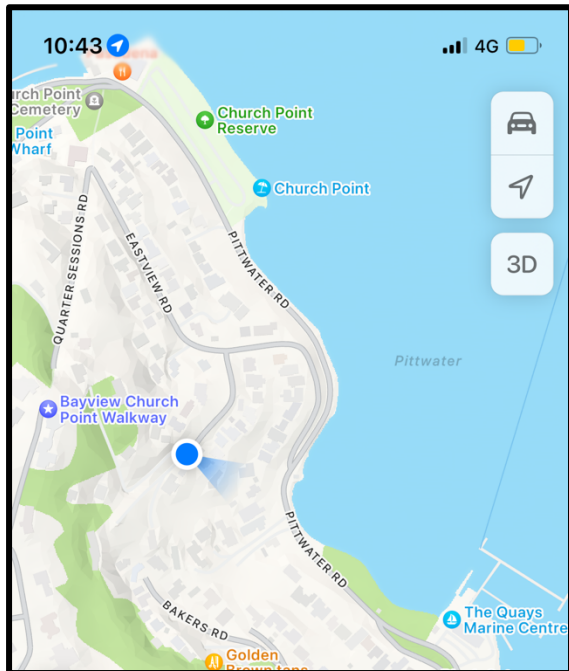


VIEW 5: PHOTOGRAPH TAKEN FROM SOUTHERN END OF BAROONA ROAD LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS
(APPROXIMATE GPS COORDINATE: -33.648626, 151.285803)



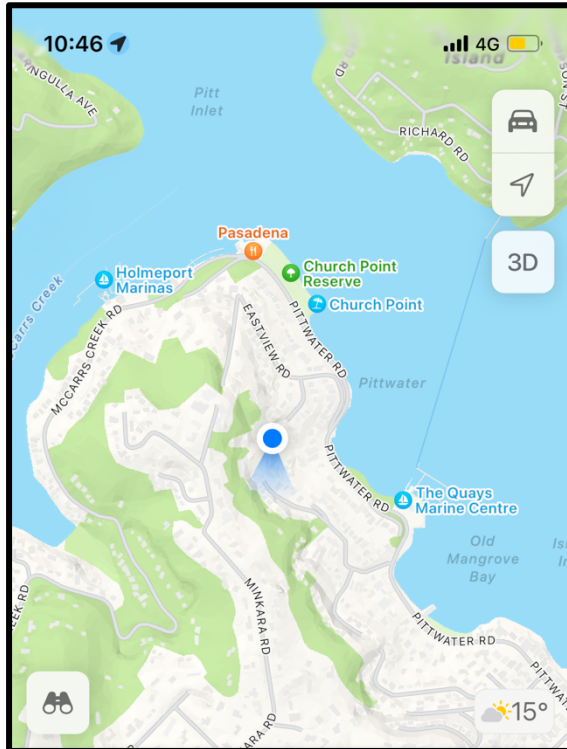


**VIEW 6: PHOTOGRAPH TAKEN FROM SOUTHERN EXTENT OF BAROONA ROAD LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS
(APPROXIMATE GPS COORDINATE: -33.648869, 151.285502)**



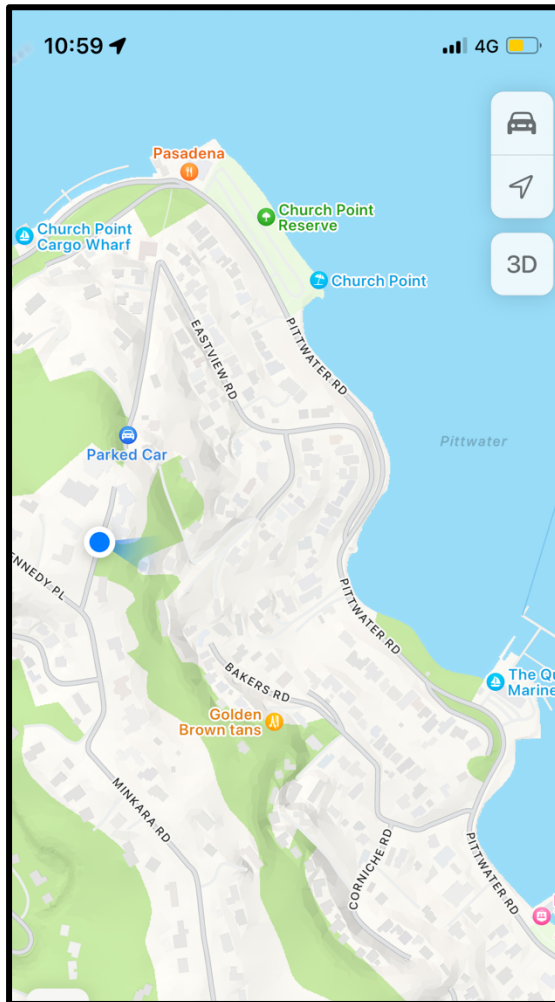


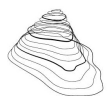
VIEW 7: PHOTOGRAPH TAKEN FROM ACCESS HANDLE TO THE SOUTH OF SOUTHERN EXTENT OF BAROONA ROAD LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.649377, 151.284632)





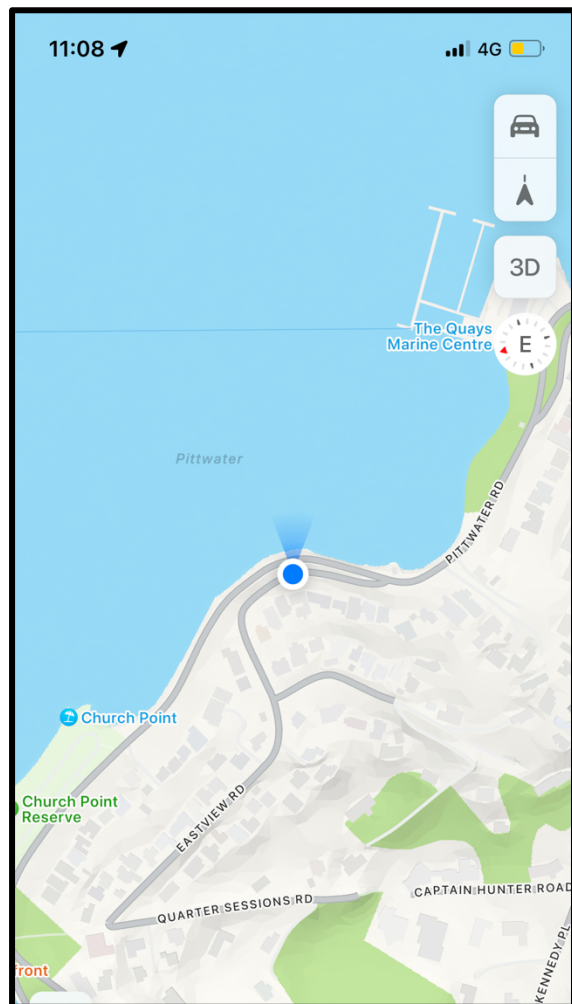
VIEW 8: PHOTOGRAPH TAKEN FROM MIDDWAY ALONG CAPTAIN HUNTER DRIVE LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.649540, 151.283068)





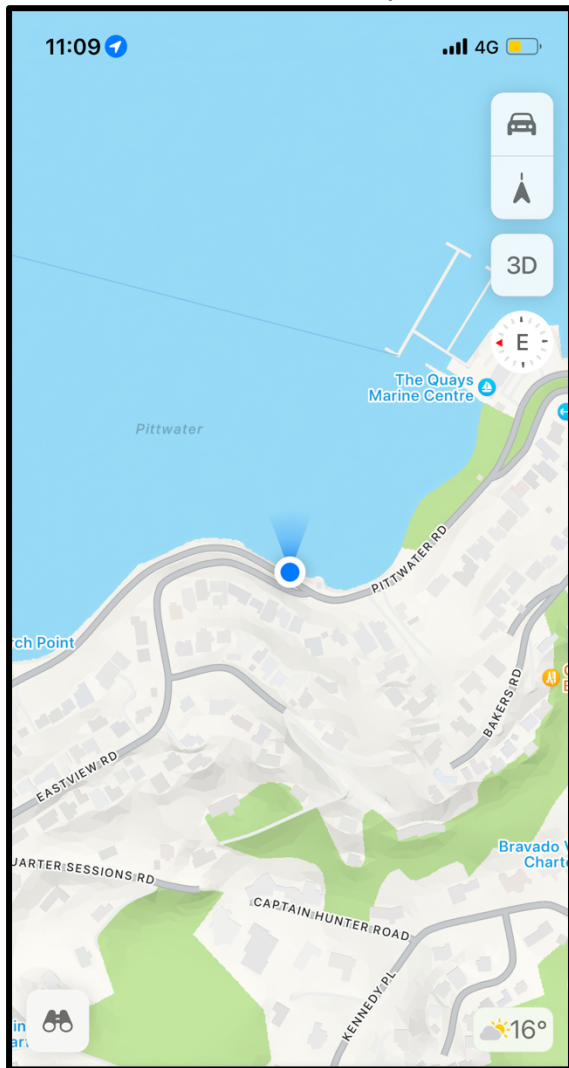
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VIEW 9: PHOTOGRAPH TAKEN FROM SOUTHERN EXTENT OF BAROONA ROAD/PITTWATER ROAD ACCESS LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.648691, 151.286979)





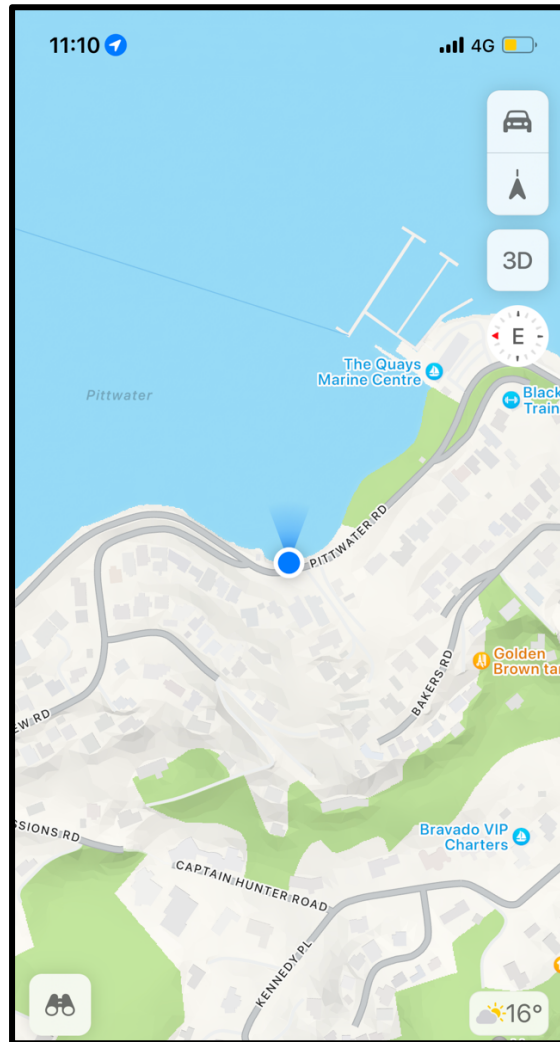
VIEW 10: PHOTOGRAPH TAKEN FROM SOUTHERN EXTENT OF EASTVIEW ROAD/ACCESS WITH PITTWATER ROAD LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.648969, 151.286997)





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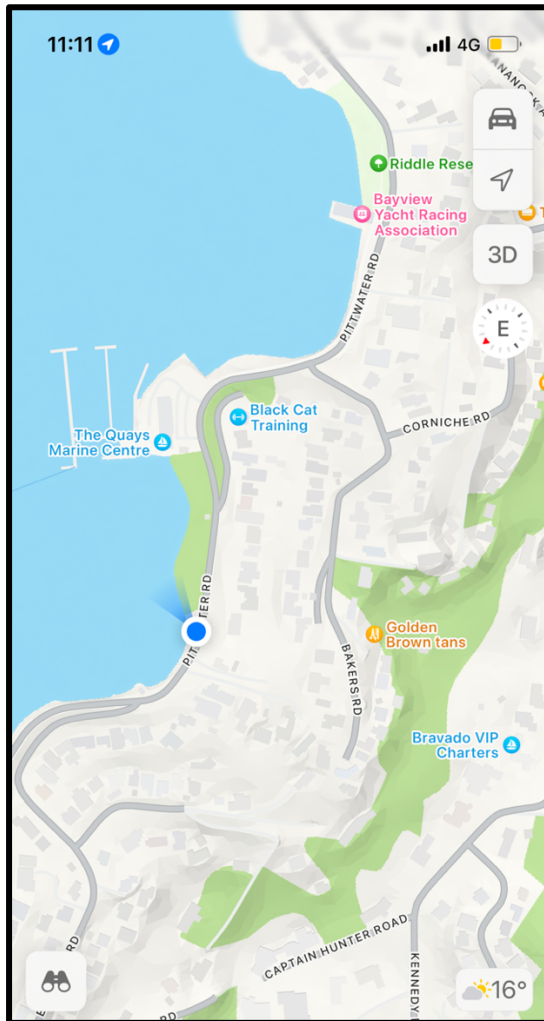
VIEW 11: PHOTOGRAPH TAKEN ON WALKING TRACK LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.649650, 151.286781)

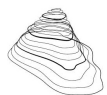




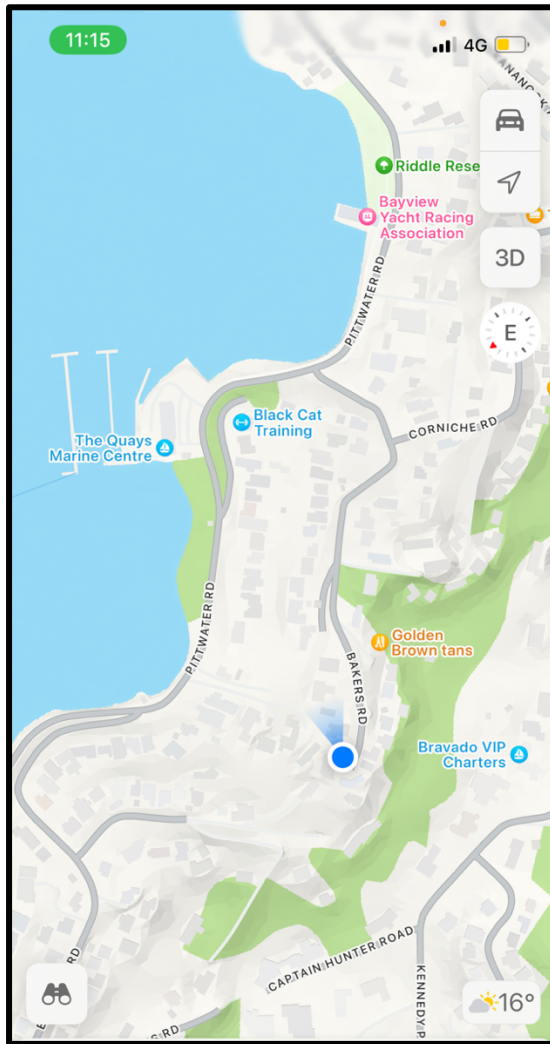
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VIEW 12: PHOTOGRAPH TAKEN ON WALKING TRACK LOOKING TO THE SOUTH-EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.650555, 151.287411)





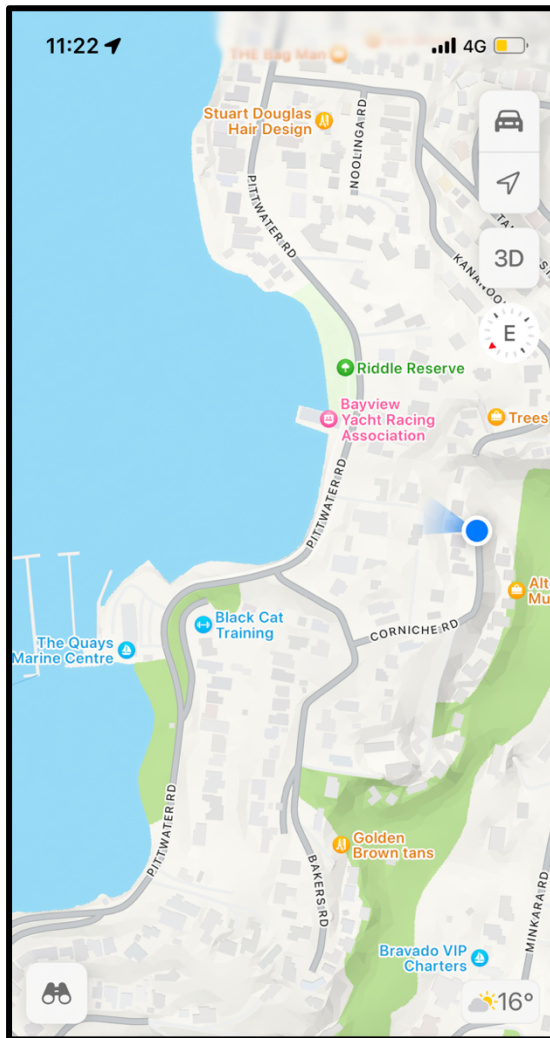
VIEW 13: PHOTOGRAPH TAKEN FROM NORTHERN EXTENT OF BAKERS ROAD LOOKING TO THE EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.650548, 151.284911)





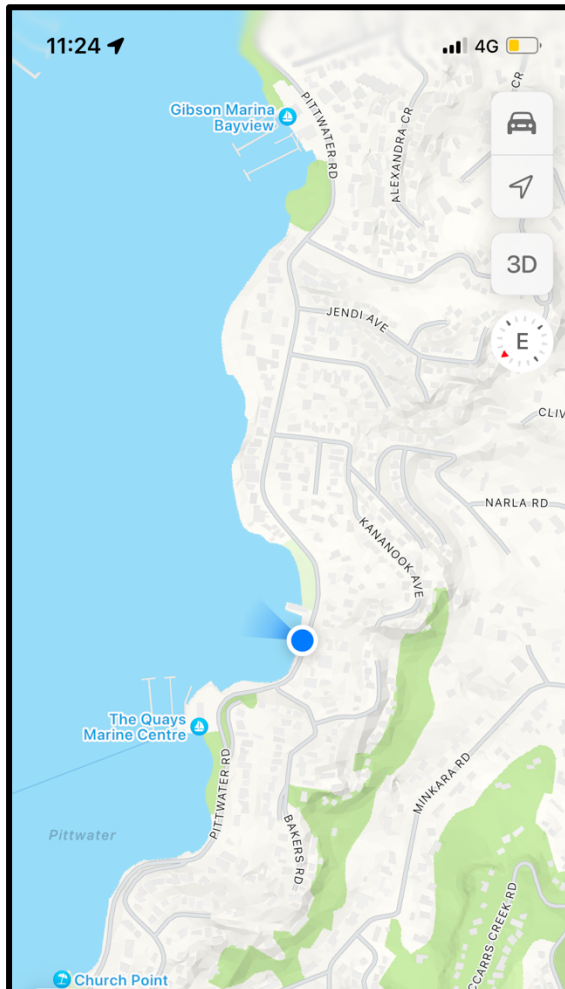
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**VIEW 14: PHOTOGRAPH TAKEN FROM SOUTHERN EXTENT OF CORNICHE ROAD LOOKING TO THE NORTH TOWARDS THE QUAYS
(APPROXIMATE GPS COORDINATE: -33.654247, 151.287642)**



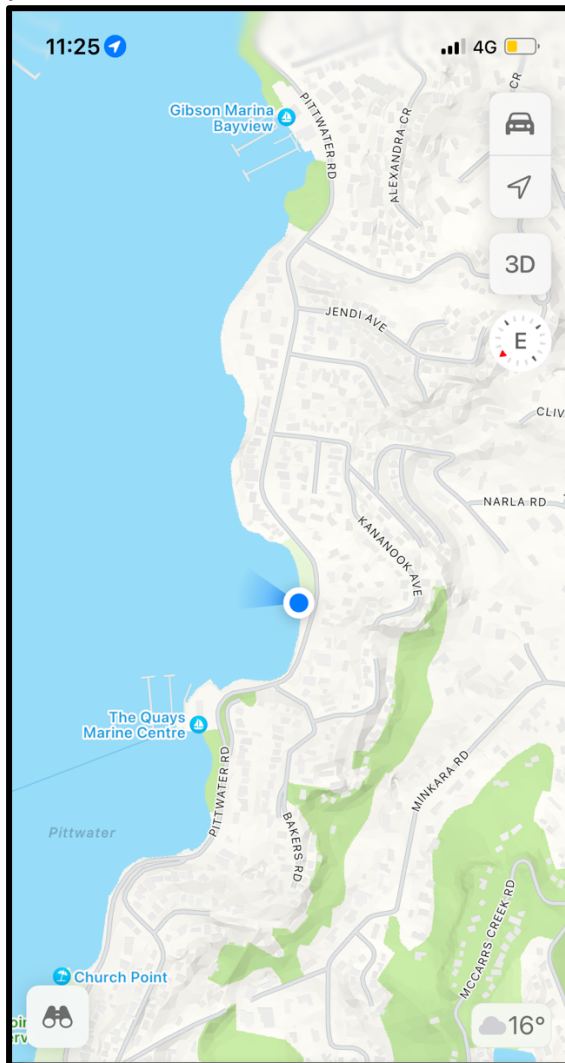


VIEW 15: PHOTOGRAPH TAKEN FROM WALKING TRACK LOOKING TO THE NORTH TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.653338, 151.289108)



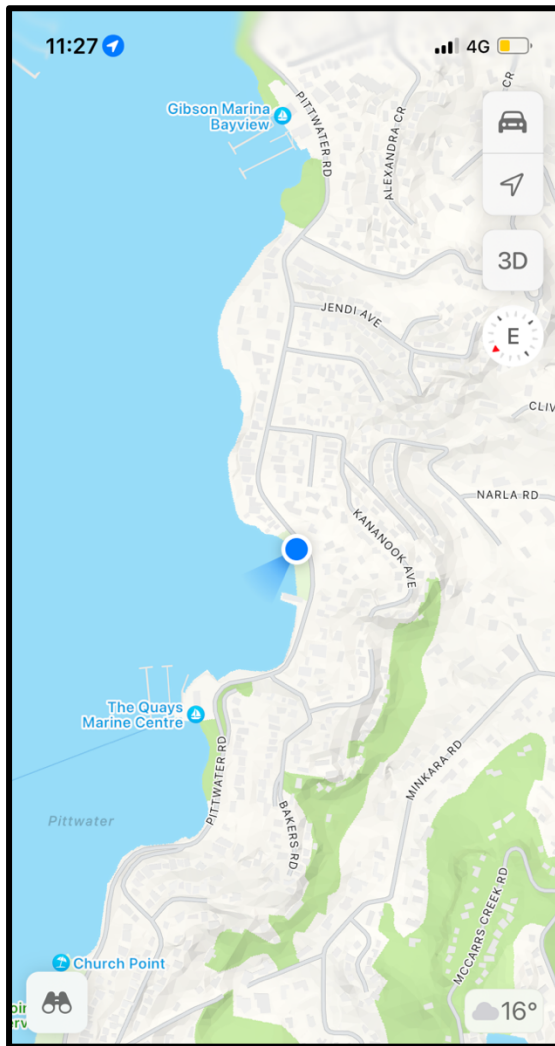


VIEW 16: PHOTOGRAPH TAKEN FROM COMMERCIAL BUILDING AT 1842 PITTWATER ROAD LOOKING TO THE NORTH TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.653838, 151.289698)



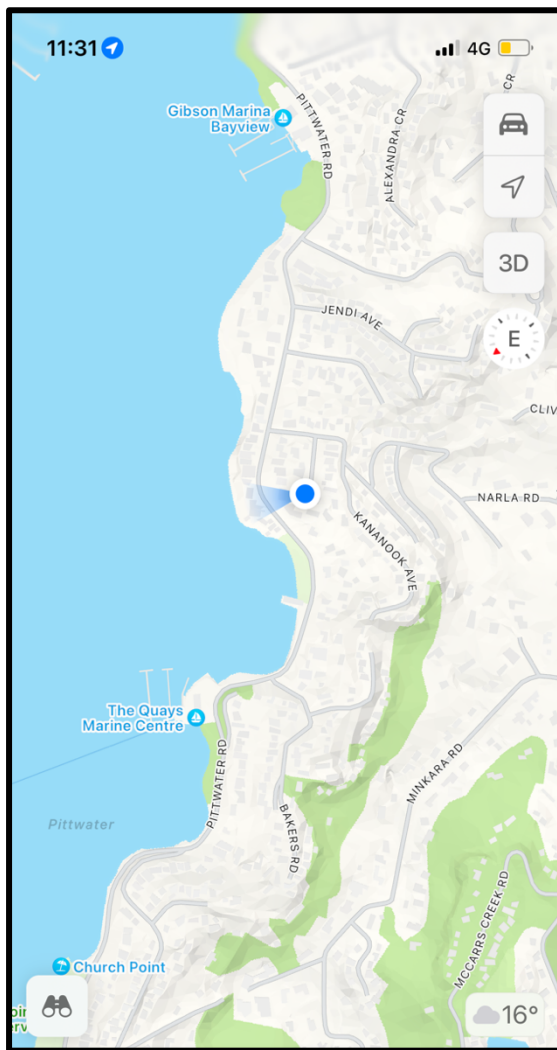


VIEW 17: PHOTOGRAPH TAKEN FROM RIDDLE RESERVE LOOKING TO THE NORTH-WEST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.654159, 151.290273)





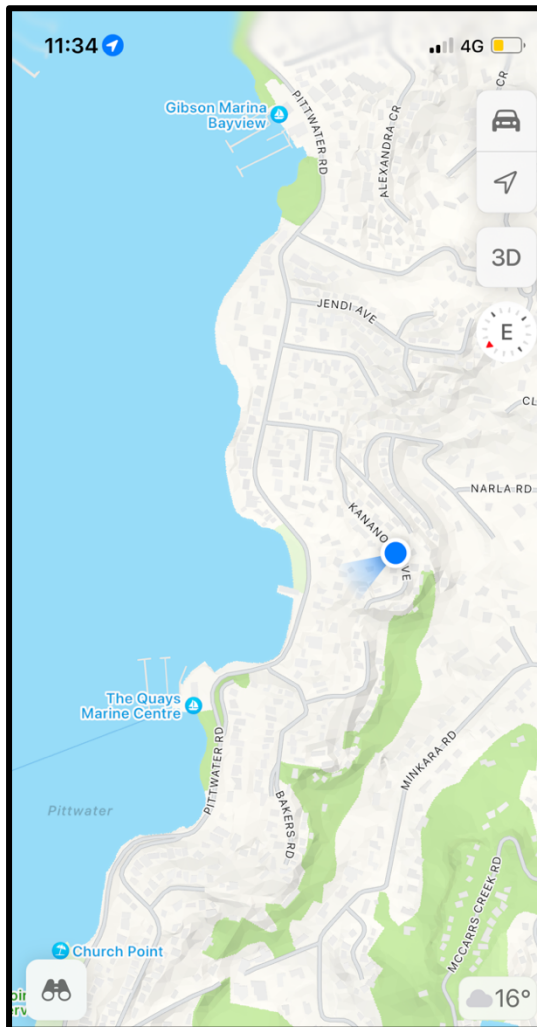
**VIEW 18: PHOTOGRAPH TAKEN FROM NORTHERN EXTENT OF NOOLINGA ROAD LOOKING TO THE NORTH-WEST TOWARDS THE QUAYS
(APPROXIMATE GPS COORDINATE: -33.655244, 151.291509)**





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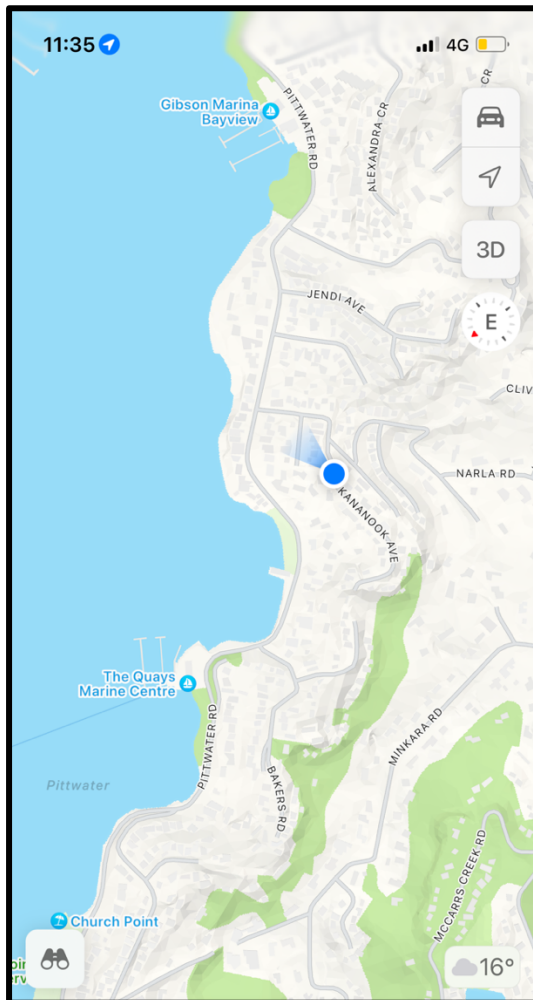
**VIEW 19: PHOTOGRAPH TAKEN FROM EASTERN EXTENT OF KANANOOK AVE LOOKING TO THE NORTH TOWARDS THE QUAYS
(APPROXIMATE GPS COORDINATE: -33.655039, 151.288236)**





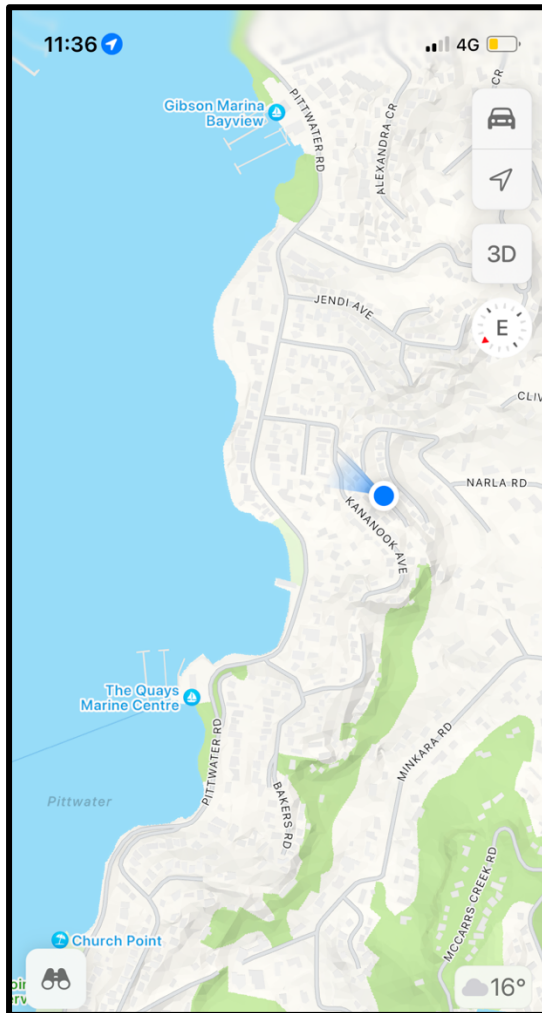


**VIEW 20: PHOTOGRAPH TAKEN FROM WESTERN END OF KANANOOK AVENUE LOOKING TO THE NORTH-WEST TOWARDS THE QUAYS
(APPROXIMATE GPS COORDINATE: -33.655655, 151.292625)**





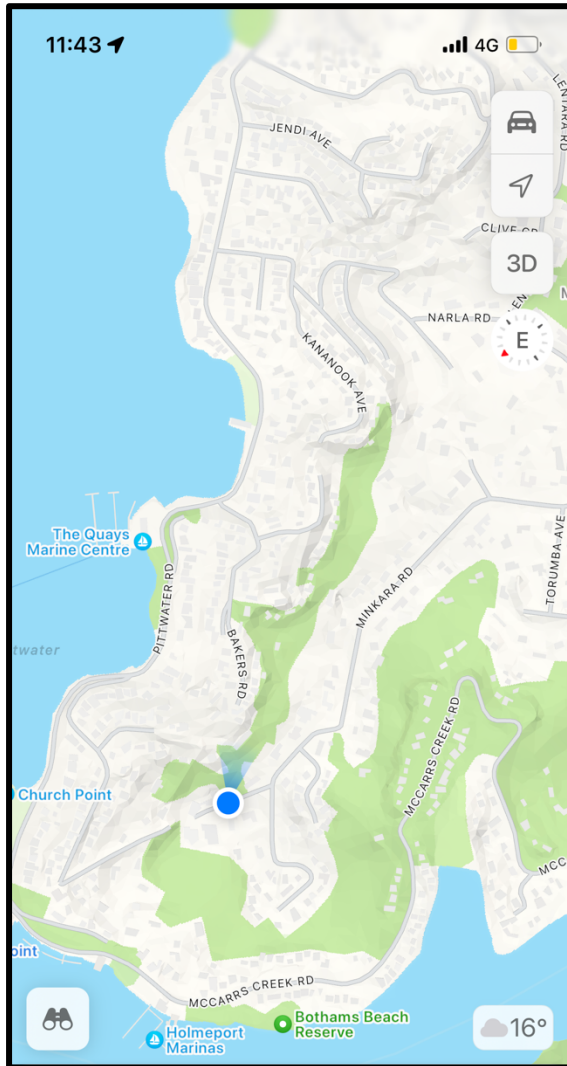
VIEW 21: PHOTOGRAPH TAKEN FROM EASTERN END OF TAMINGA STREET LOOKING TO THE NORTH TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.656253, 151.289046)





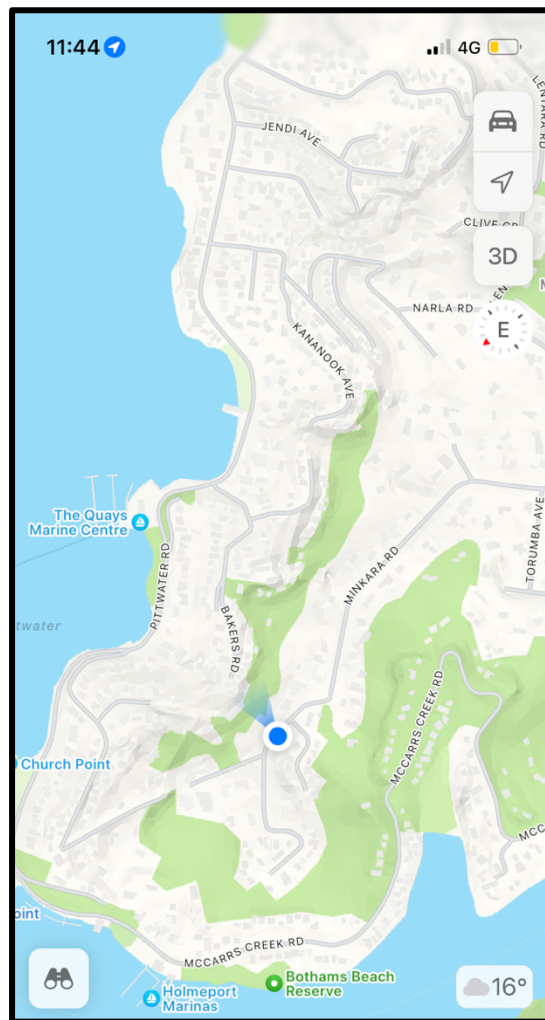
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**VIEW 22: PHOTOGRAPH TAKEN FROM SOUTHERN END OF CAPTAIN HUNTER ROAD LOOKING TO THE EAST TOWARDS THE QUAYS
(APPROXIMATE GPS COORDINATE: -33.649618, 151.283065)**

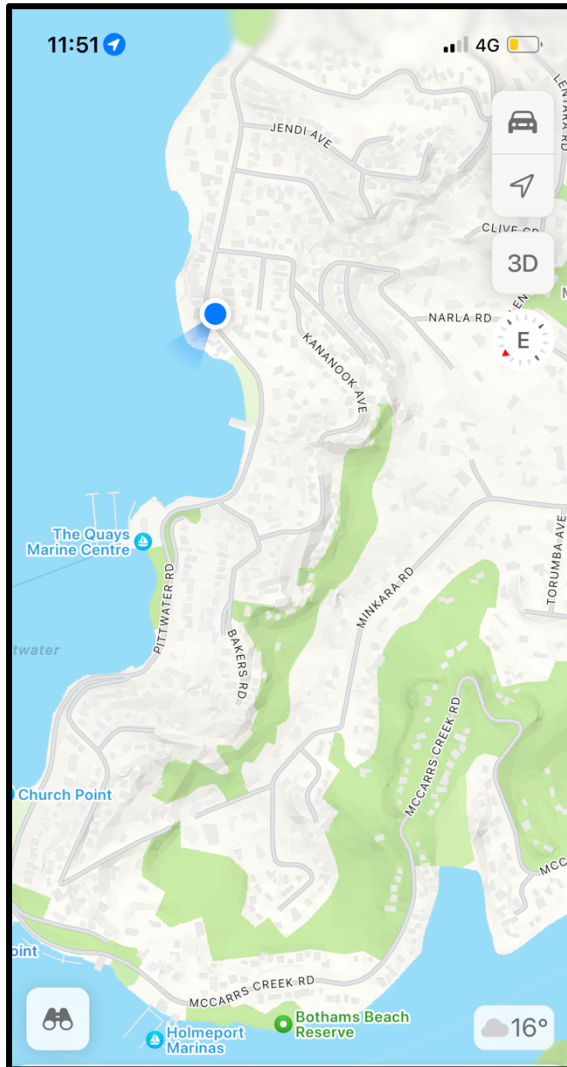




VIEW 23: PHOTOGRAPH OF REALESTATE SIGNTAKEN FROM KENNEDY PLACE LOOKING TO THE EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.650506, 151.283124)

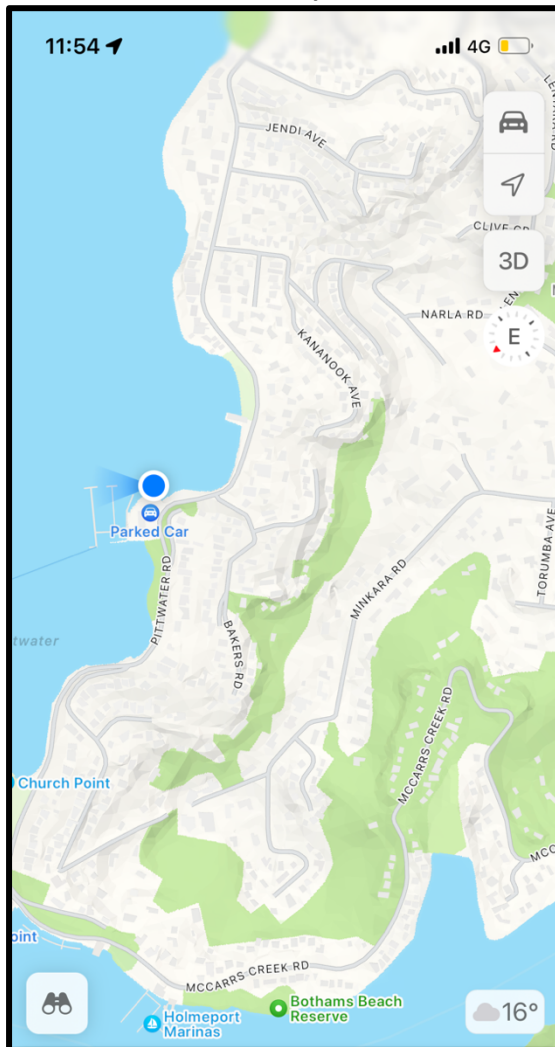


VIEW 24: PHOTOGRAPH TAKEN FROM PITTWATER ROAD LOOKING TO THE NORTH-EAST TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: -33.654498, 151.292243)





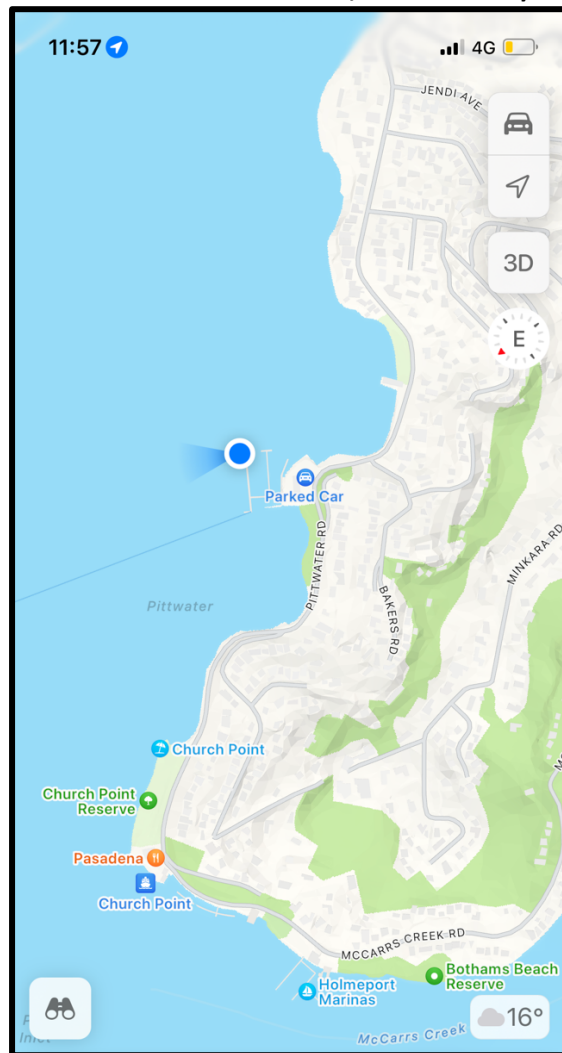
VIEW 25: PHOTOGRAPH TAKEN FROM GRIFFIN LOOKING TO THE NORTH TOWARDS THE QUAYS (APPROXIMATE GPS COORDINATE: - 33.651510, 151.289337)





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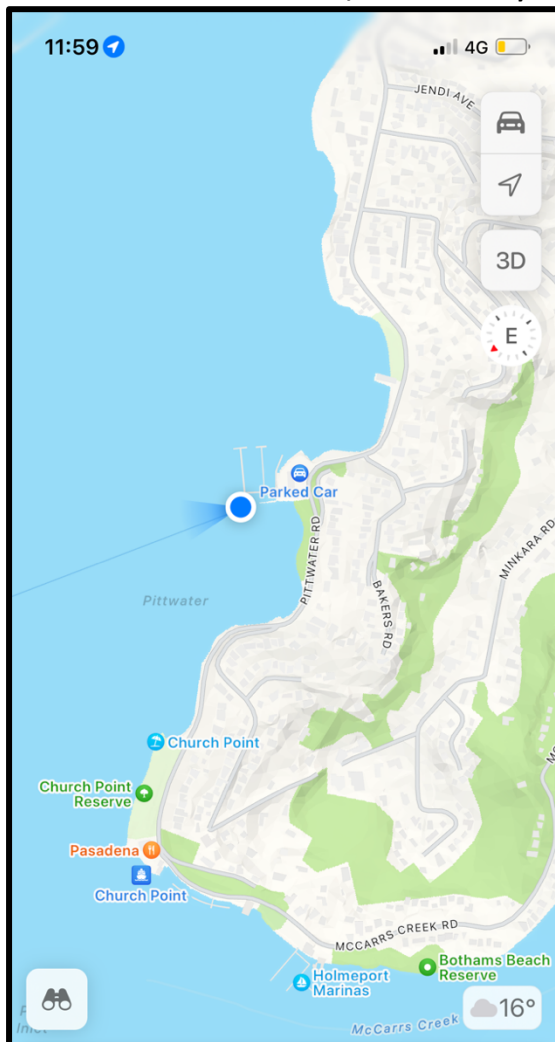
VIEW 26: PHOTOGRAPH TAKEN FROM NORTHERN EXTENT OF THE QUAYS MARINA LOOKING TO THE NORTH (APPROXIMATE GPS COORDINATE: -33.650483, 151.290182)





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VIEW 27: PHOTOGRAPH TAKEN FROM NORTHERN EXTENT OF THE QUAYS MARINA LOOKING TO THE NORTH (APPROXIMATE GPS COORDINATE: -33.650117, 151.289549)





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