

# **ADDENDUM TO PLANNING PROPOSAL**

## **VIEW ANALYSIS**

To Amend the Woollahra Local Environmental Plan  
(LEP) 2014 as It Applies to

**Nos. 252-254 New South  
Head Road,  
Double Bay**

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JOB NO. 18418

June 2020

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Job No: 18418

Document Issue	Date	Details
A	3 June 2020	Initial Review
B	9 June 2020	Director Review
C	10 June 2020	Client Review
D	12 June 2020	DA Lodgement

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Date : 12 June 2020

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# CONTENTS

<b>1.0 INTRODUCTION .....</b>	<b>1</b>
<b>2.0 PROCESS FOR THE VIEW ANALYSIS .....</b>	<b>2</b>
2.1 PROPERTIES IDENTIFIED BY COUNCIL .....	2
2.2 PHOTOGRAPHS AND 3D IMAGERY .....	3
2.3 VIEW ANALYSIS .....	4
2.4 NEARBY PROPERTIES IDENTIFIED .....	5
2.5 NEARBY PROPERTIES NOT IDENTIFIED BY COUNCIL .....	6
<b>3.0 OVERVIEW OF THE PLANNING PROPOSAL .....</b>	<b>7</b>
3.1 BRIEF DESCRIPTION OF THE PLANNING PROPOSAL .....	7
3.2 RATIONALE FOR SEPARATE HEIGHT ZONES .....	7
<b>4.0 VIEW IMPACT ANALYSIS .....</b>	<b>9</b>
4.1 VIEWS GENERALLY .....	9
4.2 VIEW IMPACT ANALYSIS IN ACCORDANCE WITH TENACITY PLANNING PRINCIPLE .....	9
4.3 VIEW ANALYSIS OF NO. 240 NEW SOUTH HEAD ROAD .....	10
4.4 VIEW ANALYSIS OF NO. 365A EDGECLIFF ROAD .....	18
<b>5.0 CONCLUSION .....</b>	<b>24</b>

Abbreviation	Abbreviation Meaning
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
BCA	Building Code of Australia
CBD	Central Business District
CC	Construction Certificate
CIV	Capital Investment Value
CMP	Construction Management Plan/Conservation Management Plan
Council	the Council
CPTED	Crime Prevention Through Environmental Design
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPIE	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA Act	Environmental Planning and Assessment Act 1979
EPA Reg	Environmental Planning and Assessment Regulations 2000
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
LEP	Local Environmental Plan
LGA	Local Government Area
MHWM	Mean High Water Mark
NCC	National Construction Code
NSW	New South Wales
NSWLEC	NSW Land and Environment Court
OC	Occupation Certificate
OSD	On-Site Detention
PCA	Principal Certifying Authority
PoM	Plan of Management
POS	Private Open Space
PP	Planning Proposal
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads and Maritime Services (see TfNSW)
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TfNSW	Transport for New South Wales
TPZ	Tree Protection Zone
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design
ZFDTG	Zero Fort Denison Tide Gauge (RL1.575 AHD)

## 1.0 INTRODUCTION

This View Analysis has been prepared for Penoh Capital Land Pty Ltd by Gary Shiels & Associates Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning.

The View Analysis was requested by Council Officers in a letter dated 24 April 2020, to assess the potential view effects of the proposed built form for a Planning Proposal at Nos. 252-254 New South Head Road, at the Planning Proposal stage rather than the development application stage. The Planning Proposal seeks to amend the the Woollahra Local Environmental Plan (LEP) 2014, with site-specific changes to the LEP Maps, summarised as follows:

- **Building Height proposed:** 22 metres (currently 13.5m), with a secondary height control of RL 45.90 AHD in two different options to control the height at the street front.
- **Floor Space Ratio (FSR) proposed:** 2.6:1 (currently 1.3:1).

Council officers discussed buildings to be assessed with regard to views should include No. 240 New South Head Road to the west, and No. 365A Edgecliff Road, Edgecliff to the south. From our observations, it is unlikely that other residential dwellings will be affected by the Planning Proposal.

This View Analysis is to accompany a Planning Proposal to amend the height and FSR development standards for the subject site at Nos. 252-254 New South Head Road, Edgecliff.

In the preparation of this assessment the following tasks were undertaken:

- 3D massing with the concept building form, and maximum site massing envelope (Option A and Option B) superimposed onto selected view renders; and,
- Preparation of a view analysis in accordance with the view sharing Planning Principles contained in *Tenacity v Warringah Council* [2004] NSWLEC 140.

Due to COVID-19 restrictions, Antoniades Architects were unable to physically inspect and take photos from the identified buildings, and instead Council officers approved representations of views from a number of locations based on survey data for both buildings at No. 240 New South Head Road, and No. 365A Edgecliff Road.

This document is divided into five sections. Section 2 describes the process for the view analysis; Section 3 has an overview of the Planning Proposal; Section 4 undertakes the view analysis for units in each property; and Section 5 concludes the report.

## 2.0 PROCESS FOR THE VIEW ANALYSIS

Views for analysis in this report have been based on 3D imagery prepared by Antoniades Architects. The views are from each level of the buildings at No. 240 New South Head Road and No. 365A Edgecliff Road. Views are taken from balconies or dwelling windows. The 3D process has involved several sources of data and modelling to create accurate representations of views, as described below.

The imagery method was approved by Woollahra Council officers due to the difficulties of undertaking assessments during the COVID-19 self-isolation period.

Antoniades Architects set up the site model, surrounding buildings based on survey data; and a topography and water line modelling process which included CAD files from CADmapper, imported into Revit. These generated the topography, which was cross checked with Google Earth RLs.

The method described provided clear and undistorted images, whereas it proved impossible to import data from the Woollahra city model. When that was attempted, due to the size of the files and the difficulty in manipulating it, views were extracted that distorted buildings and topography. The views could not be aligned with realistic camera and modelling views.

The architects then set individual camera angles looking toward the water, at a viewing height of 1.6m of above finished floor level for each level of the two nominated buildings.

Views were produced using the software 'Lumion', a program generates realistic scenes and environments. Additionally works including adding landscaping both on the site, and further to the east. By superimposing a maximum site massing envelope and the concept building form onto these accurate representations, the likely views from each location, have been produced.

Council had requested view analyses be undertaken based on the proposed site massing envelope. As discussed in this report, existing views down side boundaries would be obliterated as the permissible mass makes no allowance for side setbacks. However, we note that applying a site massing envelope based on the current controls would also obliterate views down side boundaries.

Therefore, to provide meaningful and reasonable comparison between the existing situation and a future development, this report has instead assessed the concept building form. The views from each property were then assessed against the four view sharing Planning Principles of *Tenacity v Warringah Council (2004) NSWLEC 140*.

### 2.1 Properties identified by Council

Council suggested views be considered from affected nearby buildings (see **Figure 1** on the following page) and the following two buildings were discussed with the officer:

- No. 240 New South Head Road to the south-west (a five storey residential flat building); and
- No. 365A Edgecliff Road to the south (a seven storey residential flat building).





Source: SIX Maps, 2020

**Figure 1: Potential View Locations Plan**
 **Subject Site**

## 2.2 Photographs and 3D Imagery

Prior to COVID restrictions being implemented, photographs were taken by the Client's photographer from Levels 1, 3 and 5 (north-facing balconies) at No. 240 New South Head Road, demonstrating potential views across the subject site. Access was not available to No. 365A Edgecliff Road.

Based on these photographs and survey information, Antoniades Architects prepared 3D architectural imagery including key natural and built features within the locality, the concept building form, and site massing envelope for height Options A and B on the subject site. The imagery includes the existing vegetation on the subject site, and on nearby properties for both the existing and the proposal. The 3D architectural imagery depicts:

- Eighteen view angles and imagery have been used to assess the existing and proposed views from No. 240 New South Head Road; and
- Fourteen view angles and imagery have been used to assess views from No. 365A Edgecliff Road.

Where photographs from other properties on Edgecliff Road have been sourced from various real estate websites, these have been separately identified.

The photographs and view assessment are contained in Section 4.0.

## 2.3 View Analysis

In the assessment of development applications relating to view issues, the NSW Land and Environment Court rely on the four view sharing principles of *Tenacity v Warringah Council* [2004] NSWLEC 140. We have employed these principles as a generally accepted basis for determining the extent and effect of view loss, for this situation. The four steps in assessing view affectation are as follows:

**1. *The assessment of the views affected***

The first step is to assess the view affected. Water views are valued more highly than land views. Iconic views are valued more highly than views without icons. Whole views are valued more highly than partial views. That is, a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

**2. *Consideration from what part of the property views are obtained***

The second step is to consider what part of the property the views are obtained, noting that the front and rear boundaries are given priority while standing views may be easier to preserve than sitting views. Senior Commissioner Roseth states that “the expectation to retain side views and sitting views is often unrealistic.”

**3. *The extent of impact***

The third step is to assess the extent of the impact from the whole of the property. The impact on views from living areas is more significant than from bedrooms or service areas. View loss is assessed qualitatively as negligible, minor, moderate, severe or devastating.

**4. *The reasonableness of the proposal that is causing the impact***

The fourth step in the process refers to complying and non-complying applications. A development that complies with all planning controls would be considered more reasonable than one that breaches them.

In our opinion Step 4 is less relevant to the Planning Proposal request and would be applicable to a development application.

The analysis has considered the location of each of the two nearby buildings with views across the subject site, assessed the views affected, considered from what part of the property views are obtained and assessed the extent of effects on views (see **Figure 2** on the following page).





Source: Google Maps, 2019

**Figure 2:** Aerial Photo showing Likely Extent of Views Across the Subject Site, as captured in 3D View Analysis Imagery

## 2.4 Nearby Properties Identified

The buildings mentioned by Council for view assessment are both residential flat buildings. No. 240 New South Head Road is located to the south-west at an increased elevation. No. 365A Edgecliff Road is located to the south of the subject site, with the first floor windows elevated 3.874m to 4.700m (at RL 34.99 AHD) above New South Head Road (see **Figure 1** on page 3).

Views across the site from **No. 240 New South Head Road** towards the north-east are largely retained as a result of the proposal, and the carefully resolved concept building form.

Upper levels of the residential flat building directly opposite the site at **No. 365A Edgecliff Road** have views of the harbour which would not appear to be interrupted by the proposed concept building form. The proposed form has a height at street front only one level higher than the current height development standard. As No. 365A Edgecliff Road is elevated, the proposal is less likely to affect views from this property.

## **2.5 Other Nearby Properties Not Included in View Analysis**

The following properties, in our opinion, were not required to be assessed for views. In any case, an overview of potential views is provided below:

### **No. 365 Edgecliff Road**

No. 365 Edgecliff Road is a residential flat building to the south east of the subject site, adjoining No. 365A Edgecliff Road. Views to and from this site are constrained by the topography, the existing vegetation and the built elements in the immediate area.

Views directly to the north are not across the subject site, and potential water views to the north-west across the subject site are unlikely to be affected by the proposal. This is due to the elevation of Edgecliff Road, the building being on the high side of the street, and existing vegetation and other development currently effecting views from lower levels.

### **No. 248-250 New South Head Road**

No. 248-250 New South Head Road is a residential flat building adjoining the site to the west. Views to and from this site appear partially constrained by the existing vegetation and built elements in the immediate area.

As there do not appear to be water views across the subject site from this property, the proposed concept building form is unlikely to have any effect.

### **No. 256-258 New South Head Road**

No. 256-258 New South Head Road is an older residential flat building adjoining the site to the east. Views to and from this site are constrained by the existing vegetation and built elements in the immediate area.

Views directly to the north-east are not across the subject site and at lower to middle levels are likely obstructed by the building at No. 260 New South Head Road. Any potential water views to the north-west across the subject site are likely to be obstructed by the site's existing building. The proposed concept building form is therefore unlikely to affect any existing potential water views.

### **Nos. 287-289 New South Head Road**

No. 287-289 New South Head Road is approximately 60m to the south-west of the subject site, and is a commercial building.

### **Nos. 295-299 New South Head Road**

No. 295-299 New South Head Road is approximately 35m to the south-west of the subject site, and is also a commercial building.

## 3.0 OVERVIEW OF THE PLANNING PROPOSAL

### 3.1 Brief Description of the Planning Proposal

The Planning Proposal seeks to amend the the Woollahra Local Environmental Plan (LEP) 2014, with site-specific changes to the LEP Maps, summarised as follows:

Building Height proposed of 22 metres (currently 13.5m), with a secondary height control of RL 45.90 AHD in either:

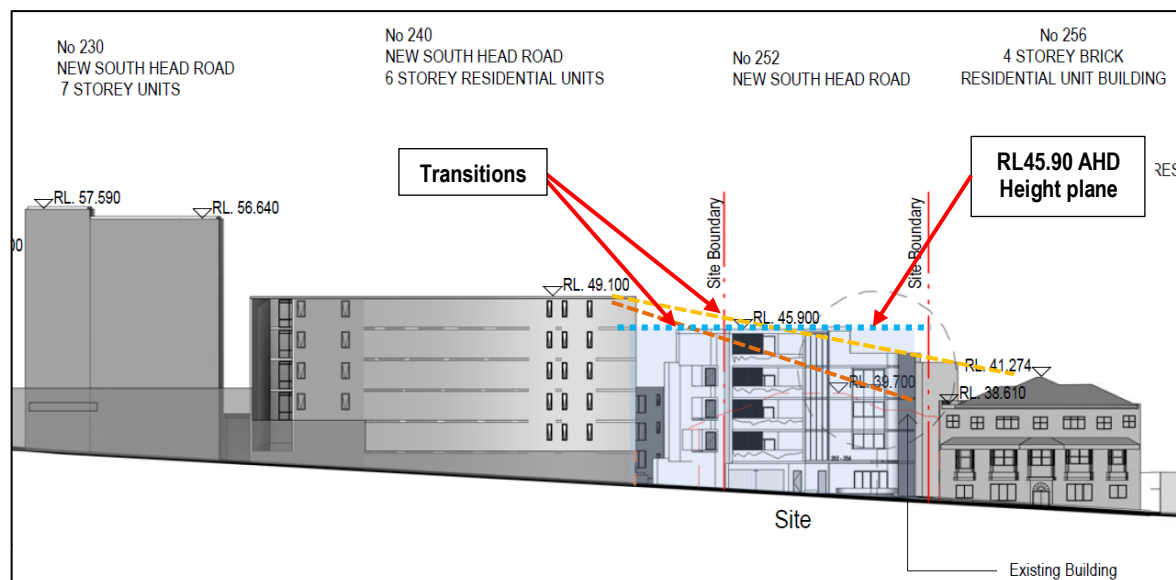
- *Option A:* within an area 11m perpendicular to both southern boundaries
- *Option B:* within an area south of a line 5m from the southern and south-eastern boundaries, extending across the site

Floor Space Ratio proposed of 2.6:1 (currently 1.3:1)

### 3.2 Rationale for Separate Height Zones

To achieve compatibility in the streetscape, the Planning Proposal nominates a fixed level at the front of the site of RL45.90 AHD which is the equivalent of only an additional level at the street frontage.

The New South Head Road elevation shows this approach to be both compatible and consistent with the streetscape (see **Figure 3**), and provides transitions between No. 240 and No. 256 New South Head Road. A future development, such as the concept building form prepared by Antoniades Architects, provides further opportunities for stepping within the site.



Source: Antoniades Architects

**Figure 3: Streetscape Elevation with RL45.90 AHD Height Line Shown**

From our assessment in terms of views, this height line would be preferable to a blanket height plane of 22m as proposed, over the entire site, as such a height plane could be less compatible at the streetscape façade, and likely to affect views across the site.

To fully assess the extent of the Planning Proposal and potential effects on views, Council requested the mass be shown across the full width of the site, to represent the extent the proposal's maximum height and FSR development standards.

While Council has requested the site massing envelope is shown, any future development application will be required to address Council's development standards and controls regarding building height; setbacks; floor space ratio; solar access; and view sharing.

Additionally, the Apartment Design Guide (ADG) requirements for setbacks would also limit the extent of the top floor for any future development on the site. These setbacks have been depicted in the architect's massing models, which show both the whole site mass and the proposed concept building form.

The concept building form prepared by Antoniades Architects has been carefully designed to maintain views across the site, by minimising potential effects on these views.

Importantly, current potential views are largely obscured by existing vegetation on the subject site and properties to the east of the site, and a new DA would require a more sensitive species selection for view sharing across the subject site, to enhance views where possible in comparison to the existing. We note some neighbour views from lower levels will still be affected by other properties' existing vegetation.



## 4.0 VIEW IMPACT ANALYSIS

The following section provides an in-depth view analysis of the Planning Proposal.

### 4.1 Views Generally

Due to the existing density of New South Head Road and its surrounds, it appears there are unlikely to be any significant unobstructed views from residential developments within the vicinity of the subject site, that would be severely affected by the concept building form.

Importantly, there are no public views or vistas identified across the site in the DCP Precinct Map for Double Bay (see **Photograph 1**). Views across the site from street level to middle levels of either property identified by Council would, in any case, be restricted by existing nearby development and current vegetation in the area.



Source: Google Maps, 2019

**Photograph 1:** Photograph showing no public views across the site, as viewed from New South Head Road

We have undertaken a View Impact Analysis consistent with the Planning Principle outlined in *Tenacity v Warringah* [2004] NSWLEC 140, as requested by Council, on the following pages.

### 4.2 View Impact Analysis in accordance with Tenacity Planning Principle

As previously discussed, Council's requested assessment is based on the site massing envelope. When utilising the site massing envelope for both Options A and B which extends boundary to boundary, there is little difference in the anticipated effects. Most of the potential water views from No. 240 New South Head Road and No. 365A Edgecliff Road would be blocked, as the site massing envelope does not provide view corridors along the side setbacks.

This approach to extend massing to the boundary is most unfortunate when views obtained over the site currently are generally along the side setbacks. Examples of these north-easterly views are depicted from View 3 at Levels 1 to 3; and View 1 at Level 4 of No. 240 New South Head Road. No views would be available on the basis of a site massing envelope which in any event, would not be permitted as a building on the site.

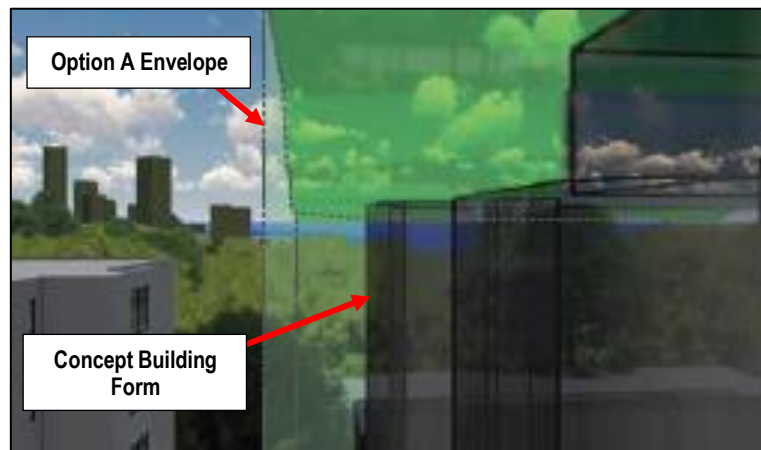
Importantly, while considering potential views which would be eliminated by the site massing envelope, it is significant to note if the same criteria were applied to the current development standards for the site,

these views would also be lost. This is the reason we have instead considered the concept building form in our assessment, based on *Tenacity*.

Additionally, we note the concept building form is below the height of existing landscaping on the subject site. We further note that trees and other established vegetation to the east of the subject site will continue to obscure views from nearby properties, and the subject site (see **Figure 4** on the following page).



Existing View from Level 3 Balcony at No. 240 New South Head Road, partially obscured by vegetation



Proposed View from Level 3 Balcony at No. 240 New South Head Road

Source: Antoniades Architects

**Figure 4:** View Comparison showing improvement with Palm's removal

### 4.3 View Analysis of No. 240 New South Head Road

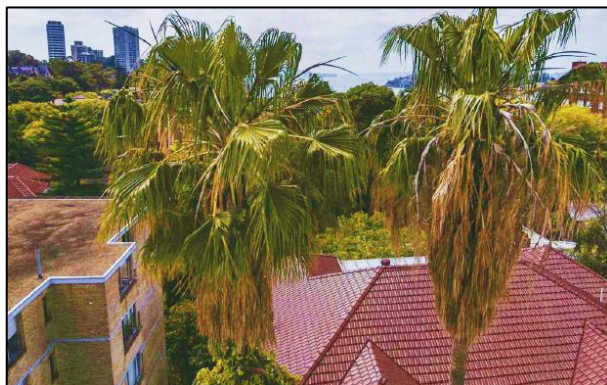
In the assessment of development applications relating to view issues, the NSW Land and Environment Court relies on the planning principle in *Tenacity v Warringah Council* [2004] NSWLEC 140. Our assessment of the proposal against this planning principle is included below. The four steps in assessing view affectation are considered as follows:

#### ***Assessment of the views Affected***

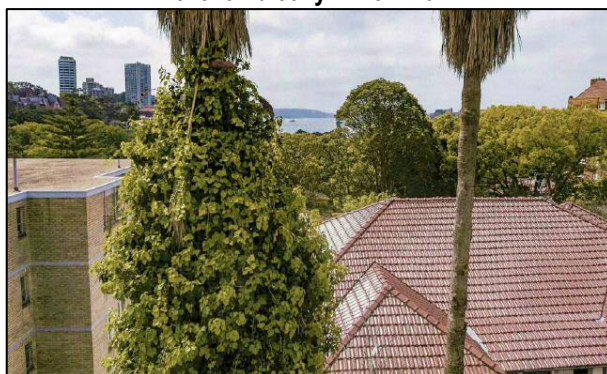
Limited existing views are available directly across the subject site from upper levels, due to the existing side setbacks of the current building on the subject site.

These existing harbour views appear to be predominantly from middle and upper level balconies of the south-western dwellings of No. 240 New South Head Road, as shown for Levels 3 and 5 in **Figure 5** (on the following page).

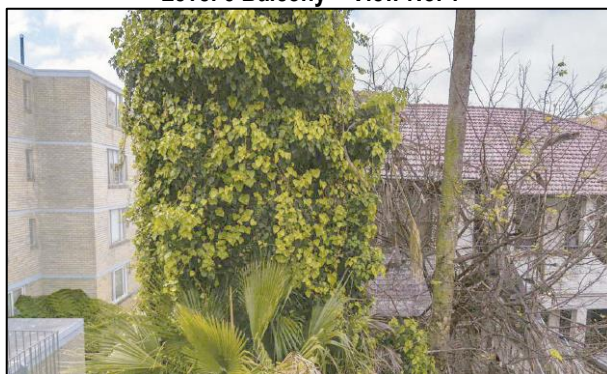
We note these existing views are limited by existing vegetation, both on the subject site and those further to the east. Some levels appear to receive 'reinstated views' with the removal of existing vegetation on the subject site, however a number of views might still be obscured by other properties' vegetation.



**Level 5 Balcony – View No. 1**



**Level 3 Balcony – View No. 1**



**Level 1 Balcony – View No. 1**

Source: Antoniades Architects

**Figure 5: Existing Views Across the Subject Site from No. 240 New South Head Road**

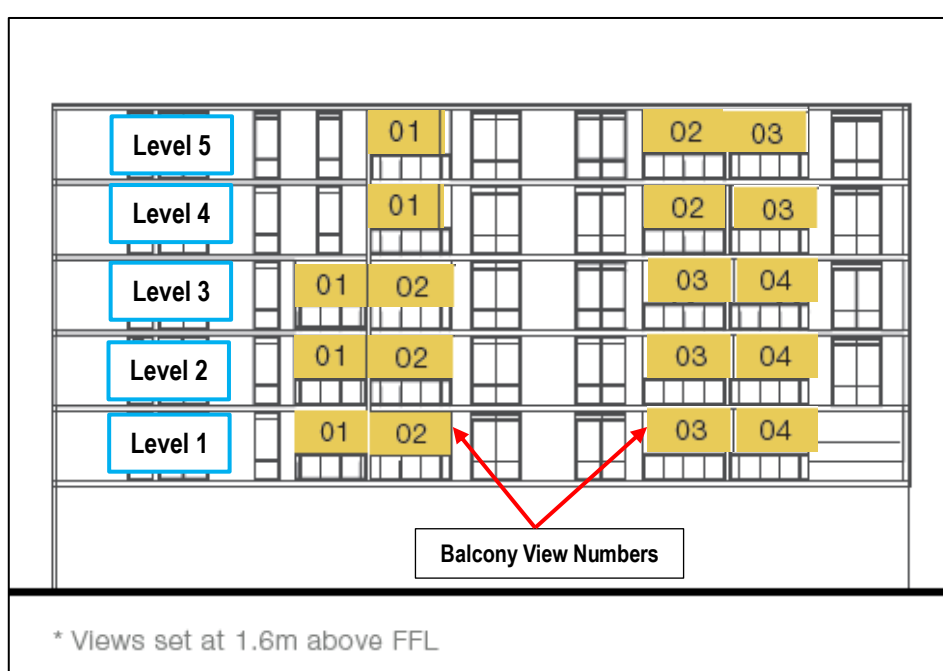


### ***From what Part of the Property are Views Obtained?***

Standing views from every balcony adjoining a living area in No. 240 New South Head Road, have been depicted in the following pages. **Figure 6** indicates the locations for those balconies.

It is apparent that views across the subject site are predominantly from middle and upper level balconies adjoining the living areas of No. 240 New South Head Road, and are across the rear boundary, however all are partially obscured by existing vegetation both on the subject site and on properties further to the east.

Views from lower levels are currently obstructed by dense vegetation on the subject site in the foreground, and on properties further to the east. Removal and sympathetic replacement of this vegetation as part of the concept building form appears to reinstate water views at lower level balconies, notwithstanding existing vegetation on other properties to the east.



Source: Antoniades Architects

**Figure 6: North Elevation of No. 240 New South Head Road with View Locations**

### ***The Extent of Impact***

As we have not had the opportunity to access the site at No. 240 New South Head Road, we have relied upon 3D View Analysis Imagery prepared by Antoniades Architects. Views to north-facing balconies (from standing position at 1.6m above FFL) across each level at No. 240 New South Head Road are depicted with existing trees and vegetation.

This is an unusually shaped site and views from the north-facing balconies are gained along the side boundaries of the adjoining properties, over what could be considered either the rear or side boundary. This property unusually has only three boundaries: a front boundary and two side boundaries. These potential views are discussed in the following pages:

### Level 1

There are four view perspectives for Level 1 (see **Figure 6** on page 12) prepared by Antoniades Architects, showing existing and proposed potential views with existing vegetation. In assessing the effects of the concept building form, we note:

- View 1: no existing water views due to existing vegetation, and no change as a result of the proposed concept building form.
- Views 2: no existing water views due to existing vegetation. Potential glimpse of water views to the north-east might reinstated as a result of the proposed concept building form.
- View 3 and 4: no existing water views due to existing vegetation, and no change as a result of the proposed concept building form.

We include Views 2 and 3 below (see **Figure 7**), as they are the most typical examples from this level.

The existing palms' removal would enhance potential views, however views at this level appear to be obstructed by vegetation on sites further to the east.

In our opinion, there are no existing potential water views at this level, however the proposed concept building form appears to reinstate glimpses of water views at this level.



Level 1, View 2 - Existing



Level 1, View 2 - Proposed



Level 1, View 3 - Existing



Level 1, View 3 - Proposed

Source: Antoniades Architects

**Figure 7:** Existing and Proposed Views from Level 1, No. 240 New South Head Road

## Level 2

There are four view perspectives for Level 2 (see **Figure 6** on page 12) prepared by Antoniades Architects, showing existing and proposed potential views with existing vegetation. In assessing the effects of the concept building form, we note:

- View 1: no existing water views due to existing vegetation. Potential glimpse of water views to the north-east reinstated as a result of the proposed concept building form.
- View 2: potential glimpse of existing water views to the north-east retained and improved as a result of the proposed concept building form.
- Views 3 and 4: no existing water views due to existing vegetation, and no change as a result of the proposed concept building form.

We include Views 2 and 3 below (see **Figure 8**), as they are the most typical examples from this level.

The existing palms' removal would enhance potential views, however views at this level appear to be obstructed by vegetation on sites further to the east.

In our opinion, potential water views are generally retained or improved at this level.



Level 2, View 2 - Existing



Level 2, View 2 - Proposed



Level 2, View 3 - Existing



Level 2, View 3 - Proposed

Source: Antoniades Architects

**Figure 8:** Existing and Proposed Views from Level 2, No. 240 New South Head Road

### Level 3

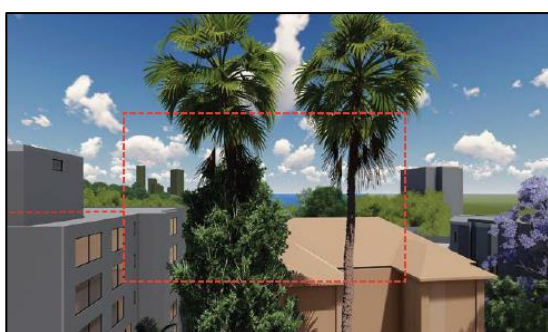
There are four view perspectives for Level 3 (see **Figure 6** on page 12) prepared by Antoniades Architects, showing existing and proposed potential views with existing vegetation. In assessing the effects of the concept building form, we note:

- View 1: retains a portion of potential existing water views to the north-east.
- View 2: generally retains potential existing water views to the north-east.
- View 3: entirely retains potential water views to the north-east and a glimpse of potential water views to the north-west, compared to the existing building.
- View 4: entirely retains glimpses of potential water views to the north-east and north-west, compared to the existing building.

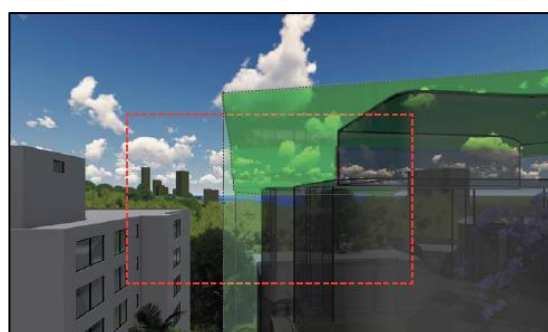
We include Views 1, 2 and 3 below (see **Figure 9**), as they represent the range of views, from most detrimental to entirely retained, at this level.

The existing palms' removal enhances potential views at this level from Views 1 and 2, however views at this level appear to be partially obstructed by vegetation on sites further to the east.

In our opinion, the extent of effects on views ranges from no effect to minor at this level.



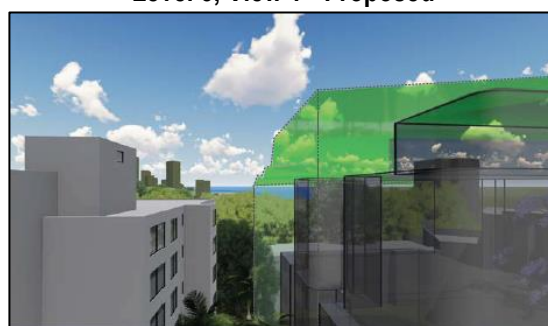
Level 3, View 1 - Existing



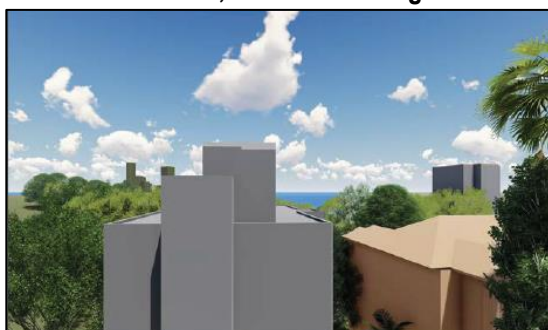
Level 3, View 1 - Proposed



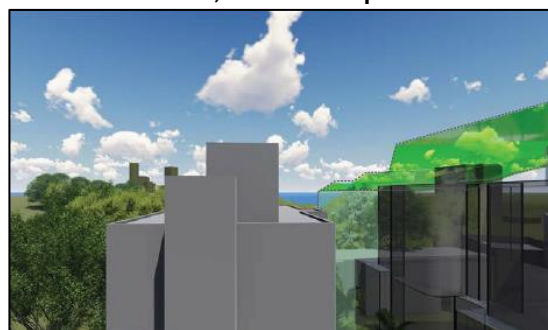
Level 3, View 2 - Existing



Level 3, View 2 - Proposed



Level 3, View 3 - Existing



Level 3, View 3 - Proposed

Source: Antoniades Architects

**Figure 9: Existing and Proposed Views from Level 3, No. 240 New South Head Road**



### Levels 4 and 5

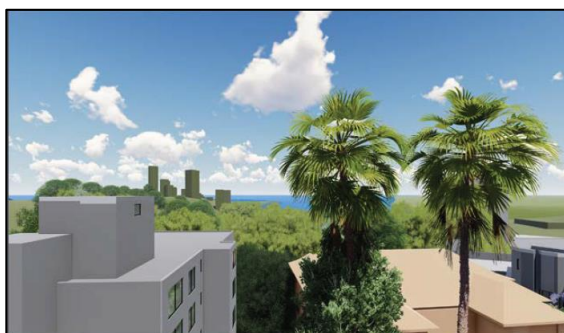
There are three view perspectives for Level 4, and three view perspectives for Level 5 (see **Figure 6** on page 12), prepared by Antoniades Architects, showing existing and proposed potential views with existing vegetation. In assessing the effects of the concept building form, we note:

- View 1 of Level 4: improvement to potential water views to the north-east, as a result of the removal of the existing palm.
- Views 2 & 3 of Level 4, and Views 1, 2 & 3 of Level 5: entirely retains all potential water views to the north-east, compared to the existing building.

We include Views 1 & 3 of Level 4, and View 1 of Level 5 below (see **Figure 10**), as they represent the negligible effect on views and most typical examples at these levels.

Views at these levels appear to be obstructed by vegetation on the subject site and sites further to the east.

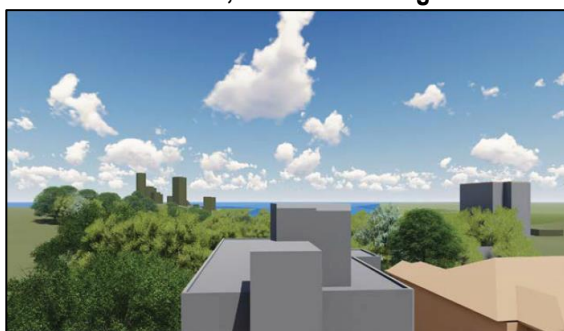
In our opinion, there is no effect on potential water views at these levels, with some improved potential water views.



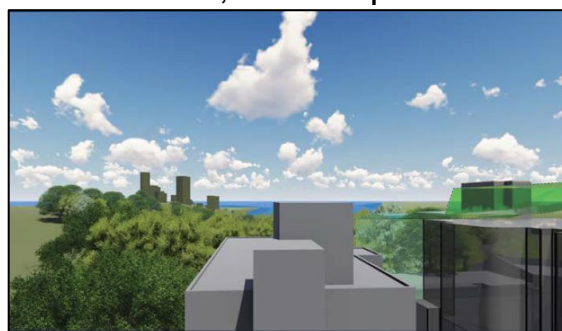
**Level 4, View 1 - Existing**



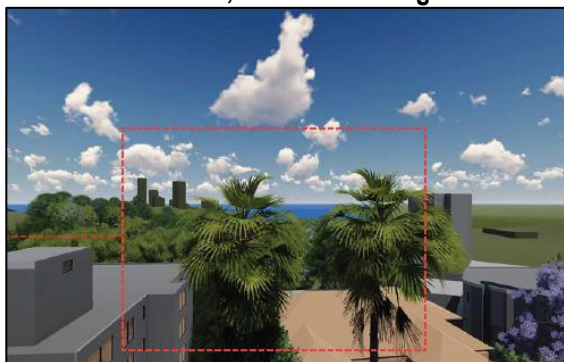
**Level 4, View 1 - Proposed**



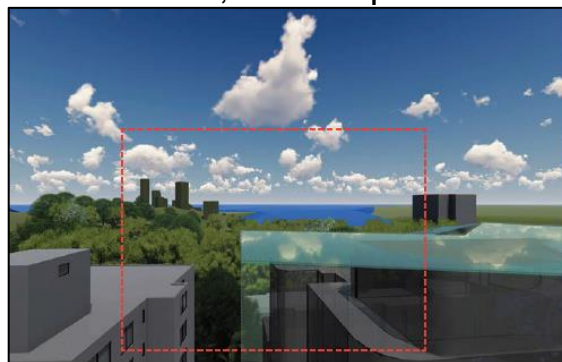
**Level 4, View 3 - Existing**



**Level 4, View 3 - Proposed**



**Level 5, View 1 - Existing**



**Level 5, View 1 - Proposed**

Source: Antoniades Architects

**Figure 10: Existing and Proposed Views from Levels 4 and 5,  
No. 240 New South Head Road**

***The Reasonableness of the Proposal***

This planning proposal has outlined an increased maximum FSR and two layers of building height to ensure streetscape compatibility. The concept building form has been modelled to comply with the proposed building height and FSR controls as a result of this planning proposal. Accordingly, the envelope of the sympathetically designed concept building will generally maintain potential water views from No. 240 New South Head Road, between the side boundaries of the subject site and its neighbour.

Applying the four principles to the proposed development, we consider that potential water views from No 240 New South Head Road would be largely maintained. In terms of the reasonableness of the proposal, although there is a minor potential view reduction from View 1 at Level 3 of No. 240 New South Head Road, majority of potential views are generally retained or improved, as a result of the concept building form.

Potential water views appear to be obstructed by existing vegetation and trees on the site and within the locality. A number of potential views appear to be reinstated by the removal of existing palms which would form part of a future DA, based on this Planning Proposal.

Based on the view analysis undertaken, there will be no other view loss, especially as iconic views of the Harbour Bridge and the city skyline are not readily available across the site in this location.

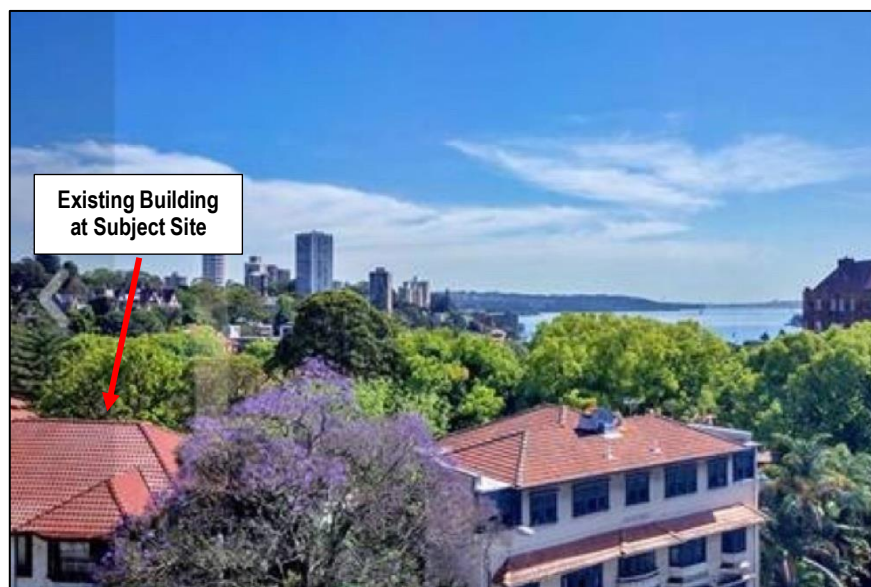
Accordingly, any view reduction is likely to be relatively negligible or minor, and the Planning Proposal's constrained form will encourage future redevelopment will maintain views for residents of nearby residential developments. The proposal is in our opinion reasonable on the basis of *Tenacity Consulting v Warringah*. Full view analysis diagrams are provided with this application (separately submitted).

## 4.4 View Analysis of No. 365A Edgecliff Road

In the assessment of development applications relating to view issues, the NSW Land and Environment Court relies on the planning principle in *Tenacity v Warringah Council* [2004] NSWLEC 140. Our assessment of the proposal against this planning principle is included below. The four steps in assessing view affectation are considered as follows:

### ***Assessment of the views Affected***

Limited views are available directly across the site from lower levels, due to the existing built form, surrounding development, and established vegetation. Obscured water views towards the north-east appear to be predominantly from the middle and upper level windows at No. 365A Edgecliff Road, which is to the south of the subject site (see **Figure 11**).



Source: Snowdenjones.com.au

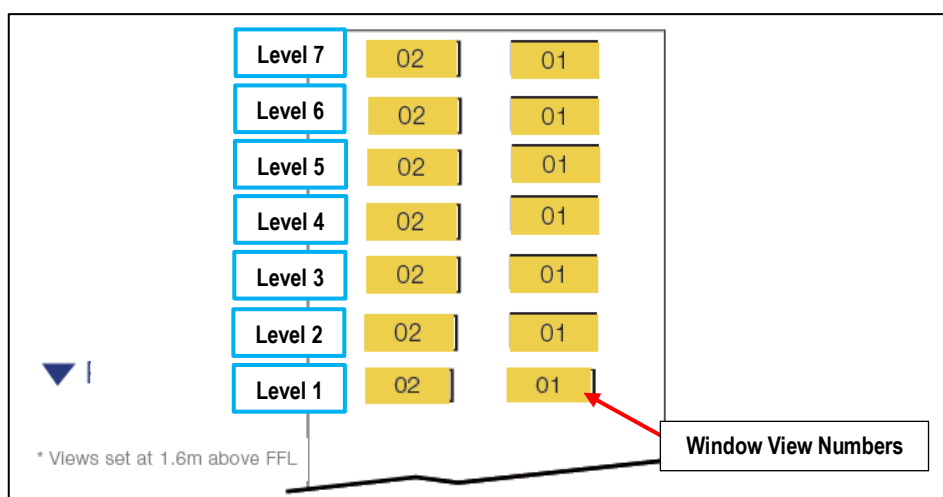
**Figure 11:** Existing View Across the Site from Upper Level at No. 365A Edgecliff Road

### ***From what Part of the Property are Views Obtained?***

Water views are available predominantly from middle and upper level windows of No. 365A Edgecliff Road towards Double Bay to the north-east, with some slight potential water views to the north-west, across the subject site (see **Figure 12** on the following page).

It is unclear based on the real estate photographs and information available whether these views are from bedrooms or living areas. Middle and upper level views across the subject site from this property to the north-east and north-west would appear to be generally unaffected by the concept building form, as a result of the proposed height and FSR increase.





Source: Antoniades Architects

**Figure 12: North Elevation of No. 365A Edgecliff Road with View Locations**

### ***The Extent of Impact***

As we have not had the opportunity to access the site at No. 365A Edgecliff Road, we have relied upon 3D View Analysis Imagery prepared by Antoniades Architects. The view effects to north-facing windows across the rear boundary (from standing position at 1.6m above FFL) at No. 365A Edgecliff Road are discussed below and on the following pages:

### **Level 1 and Level 2**

There are two view perspectives at Level 1, and two view perspectives at Level 2 (see **Figure 12** on page 19) prepared by Antoniades Architects, showing existing and proposed potential views with existing vegetation. In assessing the effects of the concept building form, we note:

- View 1 & 2 of Level 1, and View 1 & 2 of Level 2: no existing water views across the site due to existing vegetation and development on the site and surrounding locality.

We include Views 1 of Level 1, and View 2 of Level 2 below (see **Figure 13**), as they are the most typical examples from this level.

Views at these levels appear to be entirely obstructed by vegetation on the subject site and those further to the east.

In our opinion, there are no existing potential water views at these levels, and therefore the proposal has no effect.



**Level 1, View 1 - Existing**



**Level 1, View 1 - Proposed**



**Level 2, View 2 - Existing**



**Level 2, View 2 - Proposed**

Source: Antoniades Architects

**Figure 13: Existing and Proposed Views from Levels 1 and 2, 365A Edgecliff Road**

### **Level 3 and Level 4**

There are two view perspectives at Level 3, and two view perspectives at Level 4 (see **Figure 12** on page 19) prepared by Antoniades Architects, showing existing and proposed potential views with existing vegetation. In assessing the effects of the concept building form, we note:

- View 1 & 2 of Level 3, and View 1 & 2 of Level 4: retains entire potential water views to the north-east.

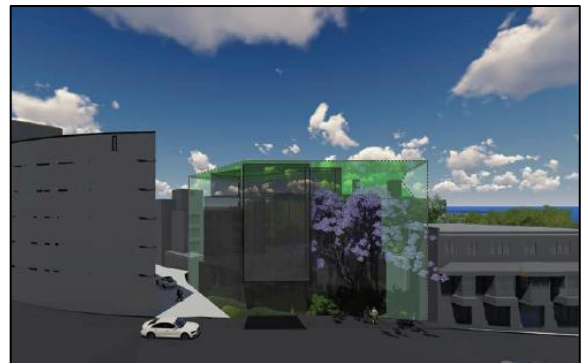
We include View 2 of Level 3 and 4 below (see **Figure 14**), as they are the most typical examples from this level.

Views at these levels appear to be partially obstructed by vegetation on the subject site, and on sites further to the east.

In our opinion, there is no effect on the extent of potential water views at these levels.



**Level 3, View 2 - Existing**



**Level 3, View 2 - Proposed**



**Level 4, View 2 - Existing**



**Level 4, View 2 - Proposed**

Source: Antoniades Architects

**Figure 14:** Existing and Proposed Views from Levels 3 and 4, 365A Edgecliff Road

### **Level 5, Level 6, and Level 7**

There are two view perspectives at Level 5, two view perspectives at Level 6, and two view perspectives at Level 7 (see **Figure 12** on page 19) prepared by Antoniades Architects, showing existing and proposed potential views with existing vegetation. In assessing the effects of the concept building form, we note:

- Views 1 & 2, of Level 5: retain entire potential water views to both the north-east.
- Views 1 & 2, of Levels 6 & 7: retain entire potential water views to both the north-east, and glimpses of water potential views to the north-west.

We include View 1 of Level 5, 6 and 7 below (see **Figure 15**), as they are the most typical examples from each of these levels.

Views at these levels appear to be partially obstructed by vegetation on sites further to the east.

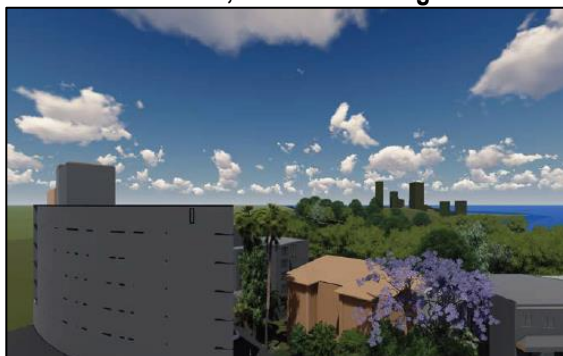
In our opinion, there is no effect on potential water views at these levels, with all potential water views retained as a result of the concept building form.



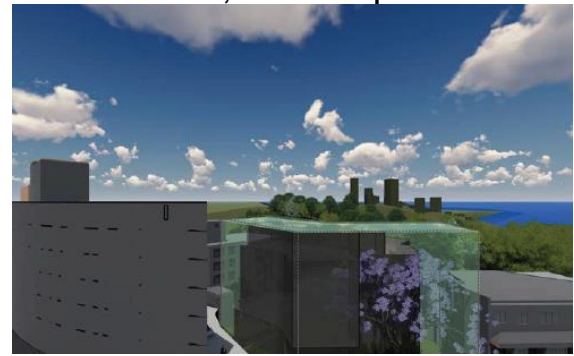
**Level 5, View 1 - Existing**



**Level 5, View 1 - Proposed**



**Level 6, View 1 - Existing**



**Level 6, View 1 - Proposed**



**Level 7, View 1 - Existing**



**Level 7, View 1 - Proposed**

Source: Antoniades Architects

**Figure 15: Existing and Proposed Views from Levels 5, 6 and 7, 365A Edgecliff Road**

***The Reasonableness of the Proposal***

This planning proposal has outlined an increased maximum FSR and two layers of building height to ensure streetscape compatibility. The concept building form has been modelled to comply with the proposed building height and FSR controls as a result of this planning proposal.

The views towards the harbour and Double Bay from No. 365A Edgecliff Road would not appear to be significantly interrupted by the concept building form, particularly at the upper levels, due to its skilful design and consideration of neighbouring views.

Applying the four principles to the proposed development, we consider that water views from No. 365A Edgecliff Road would be generally retained. In terms of the reasonableness of the proposal, views are generally unaffected at the middle and upper levels, and there appear to be no existing water views at the lower levels from living room windows at No. 365A Edgecliff Road due to existing vegetation and development.

Based on the view analysis undertaken, there will be no other forms of view loss especially as iconic views of the Harbour Bridge and the city skyline are not readily available in this location.

Accordingly, there appear to be no potential view loss as a result of the concept building form, with all middle and upper level views assessed appear to be entirely retained. The planning proposal's concept building form provides a constrained form to encourage future redevelopment that will maintain views for residents of nearby residential developments. The proposal is in our opinion reasonable on the basis of *Tenacity Consulting v Warringah*. Predicted views from every balcony are provided in the architectural plans (separately submitted).



## 5.0 CONCLUSION

In response to Council's request for a View Analysis, the likely view effects of the concept building form, and Option A and B envelopes, were undertaken for No. 240 New South Head Road and No. 365A Edgecliff Road. The 3D View Analysis Imagery prepared by Antoniades Architects indicates the extent of existing views, and the potential effects as a result of the maximum site massing envelope and concept building form. The view analysis was undertaken in accordance with the view sharing Planning Principle contained in *Tenacity v Warringah Council* [2004] NSWLEC 140.

While council have requested for a view analysis to be based on the site massing envelopes of Options A and B, this would provide an unrealistic set of view effects, as a future DA for a residential flat building would be required to comply with ADG setbacks and other applicable ADG and DCP built form controls.

Accordingly, in order to provide commentary on views as a result of a realistic future built form, our view assessment discussed views retained or provided by the concept building form, rather than the site massing envelopes (Option A and Option B). In any case, the site massing envelopes demonstrate there is no appreciable difference between Option A or Option B regarding the extent of views retained or effected as a result of either whole site envelopes.

The concept building form generally retains views from balconies across the rear boundary of No. 240 New South Head Road, and from windows across the rear boundary of No. 265A Edgecliff Road. While there is a minor view loss from one location of four on Level 3 of No. 240 New South Head Road, all other views from this development and No. 365A Edgecliff Road are retained or improved. This is a result of the sympathetic design and massing of the concept building form.

Accordingly, having assessed the the concept building form, we consider existing views are retained or improved; other than one view on Level 3 of No. 240 New South Head Road. In our opinion, the view effects are reasonable, and the Planning Proposal's environmental and built form effects will be minimal.

From our view analysis perspective, we support the proposed site-specific amendments to the Woollahra LEP 2014 to include a proposed FSR of 2.6:1, and varying height development standard including a maximum RL 45.90 AHD at the front of the site with the balance of 22m, at No. 252-254 New South Head Road.