Our Ref: 0107/09lt9 27 April 2011

Director-General NSW Department of Planning GPO Box 39 SYDNEY NSW 2001

Attn: Ms Amy Watson

Dear Amy,

## RE: PROPOSED EXTENSION TO MARINA & PARKING FACILITIES ST GEORGE MOTOR BOAT CLUB – 2 WELLINGTON ST, SANS SOUCI

I refer to the above matter and the Department's correspondence dated 22 March 2011, which requests a view loss assessment and a revised Statement of Commitments for the proposed development. Provided below is the view loss assessment and attached to this letter is a revised Statement of Commitments that incorporates relevant matters raised in the public and agency submissions.

## View Loss Assessment – No. 50 Plimsoll Street, Sans Souci

The aerial photo below locates No.50 & No.50a Plimsoll Street and also displays the general extent of the existing view captured from those properties.

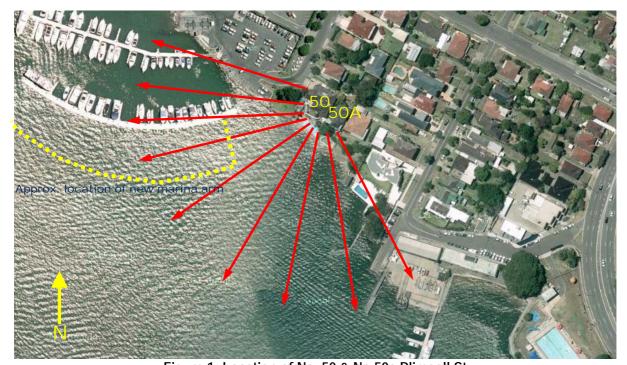


Figure 1: Location of No. 50 & No.50a Plimsoll St

Attached to this letter is the correspondence dated 25 March 2011 sent to Mr Chiu of 50 Plimsoll Street. On the same day Mr Adrian Vermeulen (St George Motor Boat Club CEO) visited Mr Chiu's property to

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discuss the Department's requests for a view loss assessment, however, the occupants of the property either did not wish to discuss the matter or were not home at that time. In addition, no response was received to the letter sent to Mr Chiu. We also note that no objections were received from Mr Chiu to the proposed development during exhibition of the Environmental Assessment.

Notwithstanding the apparent lack of concern with respect to view loss impacts created by the proposed development, an assessment is provided in the table below against the view loss principles established in *Tenacity Consulting v Warringah*. It is noted that without the benefit of visiting the site and taking photos for assessment, a view loss assessment is significantly limited and relies on the aerial photo (Figure 1) and photos taken from the marina/club of 50 Plimsoll Street as previously submitted to the Department.

VIEW LOSS ASSESSMENT – 50 PLIMSOLL STREET SANS SOUCI		
Tenacity Principle	Assessment	
What view will the proposal affect?	The proposal will replace a section of the existing immediate water view with a new marina arm. Views to the south and southeast of the water, foreshore and Captain Cook Bridge are unaffected by the proposal as are distant views to the southwest and west of Tom Uglys Bridge, waterway and foreshore. Existing 'iconic' views will remain unaffected by the proposed development.	
2. How reasonable it is to expect to retain the views?	It is reasonable that a significant proportion of the existing view be maintained given the orientation and location of the dwelling and the views enjoyed.	
3. Assess the extent of the impact.	As outlined in Point 1 above, views captured from the dwelling will be largely unaffected and it is subjective whether a water view is preferred over a view of moored vessels as the latter provides movement and visual interest. This is especially true in the case of 50 Plimsoll Street which will retain vast areas of uninterrupted water views. It is conceivable that the proposed marina arm will increase visual composition and enjoyment of the view, which is also supported through no objections or correspondence received from the owner/s of 50 Plimsoll Street.	
4. How reasonable is the proposal / impact?	The proposal will retain existing 'iconic' views and will potentially offer increased visual interest of the existing views enjoyed from 50 Plimsoll Street for the reasons discussed above. On this basis, the proposed development is considered to be appropriate as it does not create any unreasonable view loss impacts.	

## View Loss Assessment – 50a Plimsoll Street, Sans Souci

The aerial photo provided at Figure 1 locates No.50a Plimsoll Street with relation to the proposed new marina arm and club. A site visit was conducted with the owner of 50a Plimsoll Street on the morning of 15 April 2011. Photos were taken from the southern outdoor portions of the dwelling. Entry into the premises was not preferred by the owner and all window curtains were drawn so the exact use of the adjacent rooms was not known (living / bedroom / kitchen) however the property owner advised that the lower level is occupied by living spaces (living and dining rooms) and the upper floor is occupied by bedrooms. The attached photographs visually describe and compare the existing view and the proposed view.

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With relation to 50a Plimsoll Street, an assessment is provided in the table below against the view loss principles established in *Tenacity Consulting v Warringah*.

VIEW LOSS ASSESSMENT – 50a PLIMSOLL STREET SANS SOUCI	
Tenacity Principle	Assessment
What view will the proposal affect?	Lower dwelling level – When viewed from standing height and in the central location of the existing deck, the existing filtered view of water through an existing tree will be affected by the new Marina arm. The view of Tom Uglys Bridge and foreshore to the west and southwest will remain unaffected by the proposal. Similarly, views to the south and southeast of water, foreshore and Captain Cook Bridge will be unaffected by the proposal.  Upper dwelling Level – When viewed from standing height, adjacent to the balustrade and in the central location of the existing balcony, the immediate view of the water to the southwest will be affected by the new marina arm while distant water views to the southwest and west together with views of Tom Uglys Bridge, and views to the southeast and south of Captain Cook Bridge and foreshores will remain unaltered by the proposed development.  Existing 'iconic' (Tom Uglys Bridge and Captain Cook Bridge) views will remain unaffected by the proposed development at the lower and upper levels of the dwelling.
2. How reasonable it is to expect to retain the views?	It is reasonable that a significant proportion of the existing view be maintained given the orientation and location of the dwelling and the views enjoyed. However, it is noted that views across side boundaries are considered to be less significant and in the case of 50a Plimsoll Street, the existing water view in the direction of the proposed marina arm is partly across the common side boundary with 50 Plimsoll Street.
3. Assess the extent of the impact.	As outlined in Point 1 above, immediate water views in a south westerly direction will be affected by the proposed new marina arm, however distant views to the southwest and west, and views to the south and southeast will be unaltered by the proposed development. 'Iconic' views will be unaffected by the proposal. The photographs provided with the application demonstrate that the totality of the view is not significantly affected and a high proportion of primary views are maintained despite the proposed development. The composition of the existing view will not be significantly affected by the proposal with vast areas of uninterrupted water views will still be available from the property.
4. How reasonable is the proposal / impact?	The proposal will retain existing 'iconic' views and large areas of foreshore and water views. Living spaces of the dwelling are located at the lower level and the proposed new marina arm is located primarily behind an existing tree when viewed from the balcony area. The upper level contains bedrooms only and the panoramic view southeast to the west will not be significantly altered. This position is confirmed by the photographs provided with this letter. As the upper level contains bedrooms any view loss impacts is not as significant as impacts created from living rooms of a dwelling and as discussed, the new marina arm is positioned primarily behind existing vegetation.

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VIEW LOSS ASSESSMENT – 50a PLIMSOLL STREET SANS SOUCI	
Tenacity Principle	Assessment
	On this basis, the proposed development is considered to be reasonable as no significant view loss impacts will be created.

We trust the information provided is in the form that will allow the Department to determine the application in a favourable manner. Should you have any questions or wish to discuss any aspect of the proposal, please do not hesitate to contact our office.

Yours faithfully, Planning Ingenuity Pty Ltd

Benjamin Black

SENIOR TOWN PLANNER

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MONTAGE FROM GROUND FLOOR DECK

IMG\_2490



VIEW APPROXIMATION INCLUDING MONTAGE

VIEW FROM GROUND FLOOR DECK No 50A PLIMSOLL STREET SANS SOUCI







IMG\_2527 IMG\_2523 MONTAGE FROM UPPER BALCONY



VIEW APPROXIMATION INCLUDING MONTAGE

VIEW FROM UPPER BALCONY No 50A PLIMSOLL STREET SANS SOUCI