

Mitigation of view impact

Mitigation for view loss for Unit 305 has been assessed for a building envelope with 3.5 metre setbacks from both Wentworth Street and South Steyne, in accordance with Manly Council's Urban Design Controls for the site:

1. When standing next to the living room window the existing view cone angle would be reduced from 70° to 45°. This provide an extra 15° compared with the concept design impact. The increased angle is a significant improvement and enables views of the shelter pavilion on the Promenade, the main beach, Cabbage Tree Bay and Fairy Bower headland to be retained.
2. When standing inside the living room one metre back from the same window the existing view cone angle would be reduced from 50° to 25°. This provides an additional 15° compared with the concept design impact, which is a 30% increase. The benefit would be dramatic.
3. When standing in the middle of the living room two metres back from the same window the existing view cone angle would be reduced from 30° to 5°. This compares favourably against the concept design impact, which obliterated all views from within the living room.

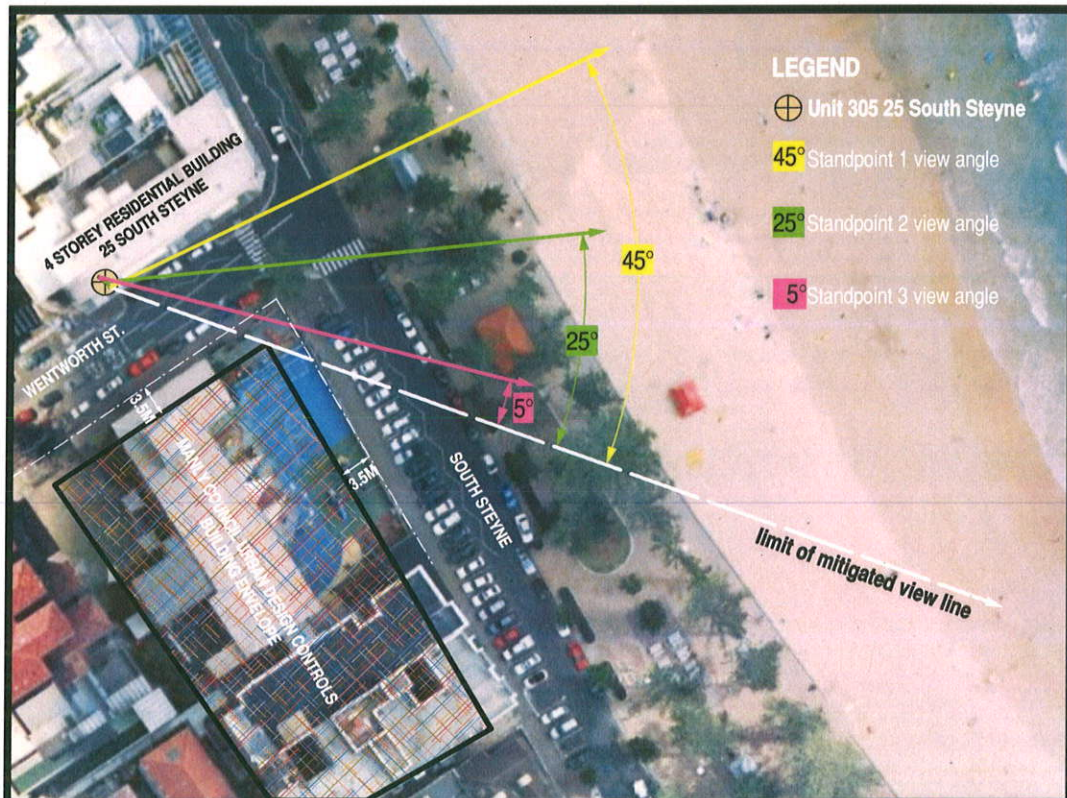


Diagram 3: Mitigated view cone angles with 3.5M setbacks to both street alignments.

VIEW ANGLE ANALYSIS					
Stand point	Location in living room	Existing VCA	RFW Concept Plan VCA	VCA with 3.5M setbacks	Mitigation as % of existing view
1	Next to window	70°	30°	45°	15° / 70° 21.4%
2	1m back from window	50°	10°	25°	15° / 50° 30%
3	Centre of room	30°	0°	5°	5° / 30° 16.6%

VCA = view cone angle

The impact on the views would be significantly mitigated by the setback of the corner building 3.5 metres from both the Wentworth Street and South Steyne alignments. The 3.5 metre setback would also need to apply to all protruding balconies.

A similar mitigation effect could be achieved by providing a substantial splayed corner for the building at the corner of Wentworth Street and South Steyne. To achieve a similar quantum of mitigation the splayed cutoff would need to be 7.3 metres on each street frontage.

PRIVACY IMPACT ASSESSMENT

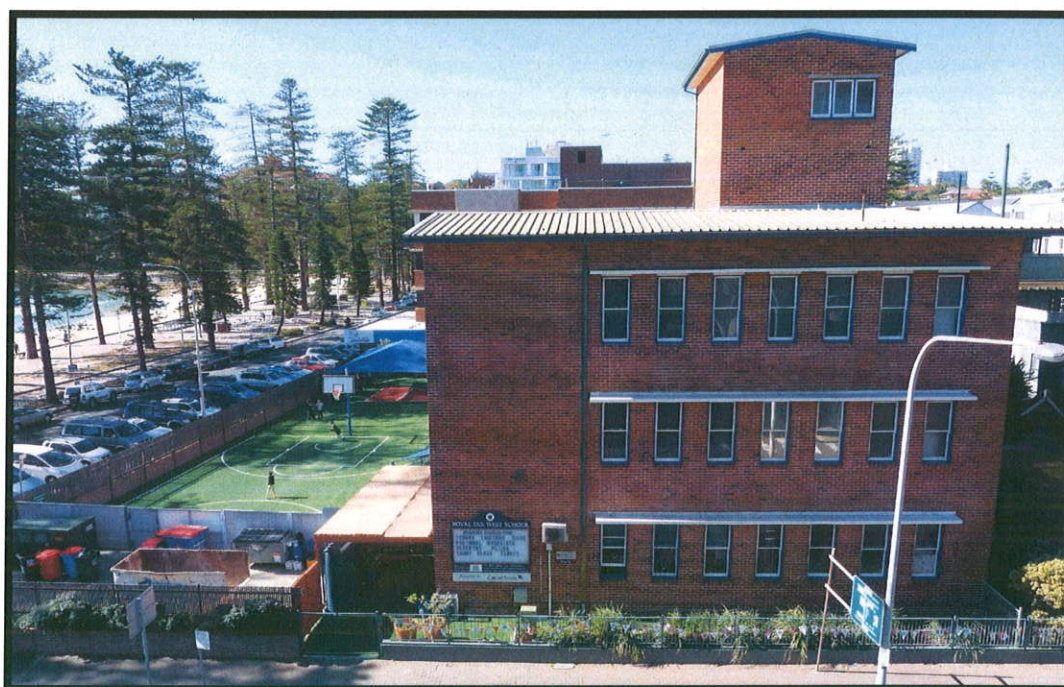
Unit 305 has three sets of windows on the Wentworth Street facade that look directly at the Royal Far West site.

- The eastern most bank of windows runs the full length of the kitchen and comprises a 3.6m long group of four double hung windows and a single narrow window at the western corner return. The window sills are level with the kitchen benchtop and have a head height of 2.6m.
- The living room window, in the middle of the unit's facade, is a 3m wide bay comprising a group of four double hung windows. The 2.4m high windows have sills at 0.9m above the floor level.
- At the western end of the Wentworth Street facade is a single window to the master bedroom.



The building at 25 South Steyne seen from Royal Far West children's playground. Unit 305 is on the top floor on the left hand end of the building. The bay window is to the living room and the bank of windows is to the kitchen.

The three-storey Royal Far West school building, operated by the NSW Department of Education, is located opposite the living room and master bedroom windows of Unit 305. On each side of the building are landscape open space and a children's playground.



Royal Far West school building seen from Unit 305 living room

The Wentworth Street facade of the school building has seven narrow windows on each floor. The windows have obscured glazing and are secured shut. The top floor of the school is below the floor level of Unit 305. Consequently the users of the school building are not able to look into any of the windows of Unit 305.

There are no other buildings either on the Royal Far West site or in the vicinity that can look into Unit 305. The existing buildings on the Royal Far West shield other buildings in Victoria Parade from view of the apartment. The nearest building, which can see Unit 305, is the top floor of the Sebel at the southern end of South Steyne over 150 metres to the south.

The occupants of Unit 305 enjoy complete and uninterrupted privacy from all angles. The unit does not need to rely on any window coverings for privacy. To provide window coverings for privacy would result in a reduction of ventilation and sunlight to the detriment of the unit.

The *architectus* Privacy Study in the Royal Far West concept plan documentation does not consider the loss of privacy for buildings in Wentworth Street that face the development site. This is a serious and significant omission.

The concept plans for the site propose a five-storey building located on South Steyne and Wentworth Street. The building will comprise retail and restaurant uses on the ground floor and four storeys of residential apartments on the upper levels. The apartments will have large wide balconies that face onto Wentworth Street directly opposite Unit 305. The upper two floors of the development will be either at the same level or higher than the floor level of Unit 305.

The proposal to construct a nine-storey hotel and serviced apartment building on the Royal Far West site may also impact on the privacy of Unit 305. The concept plans do not show enough information to establish what windows or other openings are proposed for the hotel building, particularly to the northern facade that will look towards Wentworth Street.

The privacy of Unit 305 will be severely and unreasonably affected as a result of the development concept plan. There are no measures shown in the concept plan to mitigate for the loss of privacy for buildings in Wentworth Street resulting from the development. The mitigation described in the *architectus* Privacy Study for adjacent buildings in Victoria Parade should therefore be applied also to Wentworth Street.

Reasonable methods for mitigating the loss of privacy should include:

- Increasing the street setback for all of the upper floors and balconies of the proposed residential building in Wentworth Street to permit an effective landscape buffer to be planted in Wentworth Street. Manly Council's Urban Design Controls for the site require a 3.5 metre wide setback for Wentworth Street, which would allow for additional mature height street planting within the setback. Planting should be located to optimise the privacy issues raised in this report.
- Addition of fixed privacy screens to the outside face of balconies of the proposed residential building that look onto Wentworth Street. If the vertical blades of the privacy screens are angled correctly they may permit diagonal views of the beach and ocean from the development whilst also achieving the desired privacy for the building opposite the development in Wentworth Street.

CONCLUSION

The proposed development exhibited in the Royal Far West Expansion Concept Plan will have a major detrimental environmental effect on the views and privacy of Unit 305 at 25 South Steyne, Manly.

The development will result in severe to devastating impacts on the unit's iconic ocean and beach views. Significant benefits can be achieved, which would substantially mitigate the extent of the view loss, by providing 3.5 metre setbacks to both Wentworth Street and South Steyne for the facade and balconies of the corner building, in accordance with Manly Council's Urban Design Controls for the site. Major benefits to the public domain, important street vistas and the heritage curtilage of Drummond House would also occur if the building(s) were setback from the street alignments.

The privacy of Unit 305 will be severely impacted by the proposed five-storey building on the opposite side of Wentworth Street. Measures to provide adequate mitigation for loss of privacy such as privacy screens can be included in the design, but a wide setback to Wentworth Street would also permit a landscape buffer between the properties.



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27 October 2011

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Chris King
NSW Government Planning
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COPY

Dear Sir/Madam

NSW GOVERNMENT PLANNING – ROYAL FAR WEST CONCEPT PLAN, MANLY

Kindly note the author is the owner of Unit 532/25 Wentworth Street, Manly.

I have forwarded this day a submission **objecting to** the concept plan and proposal. Regrettably, as indicated in my submission, I only became aware of this development last week.

The unit I own is in a large residential block of units opposite the proposed development. The residents of the development are meeting Monday next. It appears that none of them were aware of the development yet it has been placed on public exhibition.

On reviewing the document in your website I note that the Director General issued requirements pursuant to section 75(f) of the *Environmental Planning and Assessment Act* 1979. Furthermore, NSW Planning, in its letter dated 23 December 2010 to the Project Manager, noted that "prior to exhibiting environmental assessment the Department would review the document to determine if it adequately addresses the DGRs. It is evidence upon inspection that the Director General's requirements have not been met, yet the project has been placed on public exhibition. It is the writer's view that the planning process is now fundamentally flawed if the matter were to proceed from here to development consent it would be open to challenge.

I intend notifying ICAC of this matter. The matters that are particularly concerning to me, at this stage, are the following:-

1. why NSW Planning had placed on public exhibition the Royal Far West Concept Plan without fulfilling the Director General's requirements pursuant to section 75(f) of the *Environmental Planning and Assessment Act* 1979;
2. whether any of the reports provided to date, in particular by Architectus breach clause 283 of the EPA Regulations;

Mr Abbott
Notified via his
address at:
1301 Old Narrandera Rd
Wagga Wagga

False or Misleading
Statements

Verify the
Profile
matter
All nearby owners
notified

Information
accepted



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3. why the Royal Far West, a 'not for profit' organisation, has not lodged its development application pursuant to the normal planning processes, in particular when it appears the development is mostly commercial and seems to have little relevance to any update or expansion of its own activities.

Yours faithfully

WALSH & BLAIR LAWYERS

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1301 Old Narrandera Road
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0417 425 345

26 October 2011

NSW Government Planning
GPO Box 39
SYDNEY NSW 2001

Dear Sir

PROPOSED DEVELOPMENT OF THE ROYAL FAR WEST HOME

Please note I am the owner of Unit 532/25 Wentworth Street, Manly. My unit forms part of the Peninsula Building in Wentworth Street, Manly directly opposite the proposed development. Regrettably until last week I had not become aware of the proposed development.

It appears from my investigation to date that the Director General, pursuant to section 75(f) of the *Environmental Planning & Assessment Act*, has issued requirements for the site. I have a copy of that document that has been downloaded from the website. I note that the environmental assessment must address, among other things, the following key issues:-

1. the height, bulk and scale of proposed development, etc;
2. impacts of the proposal on solar access, acoustic privacy, visual privacy, view loss and wind impacts on surround development;
3. details of the measures to be implemented to achieve a high level environmental and residential amenity including the protection of the amenity area and its significant function.

Prior to public exhibition it is noted that your planning department would review the documents submitted to ensure that the application adequately addresses these matters.

In relation to the requirement that the assessment address the impact on solar access, acoustic privacy, visual privacy, view loss and wind impacts of the development, the only document I have been able to view on the website is one that is styled "Visual Impact Assessment" prepared by the firm "Architectus Sydney Pty Limited". This document falls, in my view, far short of the above requirement. The document, for instance, does not deal with acoustic privacy, visual privacy and view loss. The author of the document has taken selective photographs at selective points with an endeavour to demonstrate that the development has some low visual impact from various sites.

as notified
to the
Director General
of the
Department of
Planning
(to be
notified
to the
Director General
of the
Department of
Planning)

✓ For
purpose of
exhibition
was
adequate

No where in the document is there any report on acoustic privacy, visual privacy and, most importantly, view loss.

I **enclose** a photograph which I have downloaded from my real estate agent. It is a photograph taken from my large entertaining patio demonstrating my beach view. If the project were to proceed in its current form, I would lose the view demonstrated in the photograph that I have altered, **enclosed**. The problem, of course, is that the project has no setback from the building boundaries in Wentworth Street and South Steyne.

My unit is valued, currently, at approximately \$2,000,000.00 and apart from the loss of amenity there will be serious loss of value of the property.

No doubt it would not be as attractive to tenants as well.

As I live in the country I seek an extension to provide you with further photographs. For this purpose I will need to obtain access to the unit. Not only do I lose the view in the photograph, I will also lose my view to the south, towards Shelly Beach, and this I will demonstrate in further photographs which I will seek to add to my submission.

I **enclose** copies of the two (2) photographs, said to be Figure 46, which are contained in the Visual Impact Assessment Report. Those photographs demonstrate also the severe loss of my beach view if the proposal were to proceed. Please note in particular the tiled beach front pavilion in the foreground of my photograph and its position in Figure 46. You will note that my unit does not appear in the second of those photographs and my view of the pavilion and the beach completely disappears.

In *Tenacity Consulting Pty Limited v Warringah Council* [2004] NSW LEC 140 in particular page 3, paragraph 26 and onwards, Commissioner Roseth said this about views "*water views are valued more highly than land views, 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)*". He then enumerated three (3) further steps in the process which I set out below:-

- "27. The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.
28. The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

29. *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."*

Visual Privacy & Acoustic Privacy

My unit, which is a three bedroom, two bathroom, living room apartment directly facing Wentworth Street is situated on the fourth floor. Currently the Royal Far West Home site neither affects my visual privacy or acoustic privacy. It is proposed that the development, in parts, will be nine stories, in particular the 164 room hotel.

The hotel and the upper stories of the development will directly affect my visual privacy. Residents of the new development will be able to see directly into each of my three bedrooms and my living room.

Loss of Light and Shade

I will lose light from the south-east caused by the shadowing of the upper stories of the building.

Traffic & Noise

It is proposed that the entrance to the car parking of the development will be opposite Rialto Lane, that is, directly beneath my unit. Wentworth Street is already a very busy street, as the entrance to the council car park is contained under the Peninsula Building. Further, the car park entrance for the residents of both beach side and other units in the Peninsula development is from Wentworth Street. Further, there is a school in Wentworth Street. In my view, if traffic were directed to enter the new development from Wentworth Street, it would become completely gridlocked. I note there is no document forming part of the environmental assessment that deals with the problem of the additional traffic in Wentworth Street were the development to proceed as proposed.

My views would be affected in a standing position from the living room, three (3) of the bedrooms and the deck, which is large and an obvious entertaining area. The loss of view is severe as the view of the ocean includes Manly Beach and can only be described as in Tenacity as "magnificent".

Yours faithfully


TIMOTHY JAMES ABBOTT

Existing
View

