

APPLICATION NUMBER - SSD-67175465

173-179 Walker Street and 11-17 Hampden Street, North Sydney

Subject **Substantial loss of amenity due to view loss - Unit 1103 229 Miller St.**

Objector Jennifer ANDREWS

Date 30/7/2024

My husband and I own and reside in Unit 1,103 229 Miller St, North Sydney.

The amenity of our home will be significantly impacted by the proposed development.

Our apartment is located on the southeast corner of 229 Miller St.

The views from our apartment are classified in the Visual Impact Report as being severely impacted. Even this assessment downplays the actual impact of the development on the amenity of our home.

EXTENT OF IMPACTS

While this report relates directly to Unit 1103, the issues highlighted here will directly apply to most of the dwelling on the same corner of the 18 Story building at 229 Miller St.

In a broader context the issues discussed below affect the majority of affected dwellings.

TYPE OF IMPACT.

The visual impact will not just be limited to view loss. The proximity of a building with the overall bulk and scale of the proposed development will fundamentally change the nature of the outlook from our home.

The outlook from our dwelling is currently "distant". The proposed development will introduce a dominant, "close" element effectively overpowering the perception of the outlook. The remaining parts of the existing outlook will become diminished and subservient to the impact of the proposed building. The proposed building will become the primary, dominate and overpowering element of our outlook.

AVAILABLE VIEW / OUTLOOK.

The dwelling currently enjoys a view/outlook from only one set of sliding doors at the east end of the living area. All other windows look out onto adjoining buildings.

Because of the floor plan of the unit, views are currently enjoyed from majority of the open plan living/kitchen area.

HOW THE VIEW LOSS WAS ASSESSED BY US`.

View loss was assessed by us using a very simply and accurate method using actual view-lines from different positions within the dwelling.

There are a number of existing building on the site that generally coincide with the sides of the proposed tower.

These existing buildings are below the sightlines available from the dwelling. To bypass this a 3 meter long straight edge was used to establish view lines. The straight edge was adjusted so that it aligned with both the viewpoint in the dwelling and the existing buildings on the site so that the straight edge sat on the actual view-line.



Picture 1 - Straight edge lined up with existing building.



Picture 2 – Same straight edge lined up with point in the dwelling.

Taking into account the issues with view angles and camera configurations in 3D models, this practical method of assessing view loss has a high degree of accuracy.

DECEPTIVE PHOTOMONTAGE IN THE VISUAL IMPACT REPORT

The photomontage on Page 108 of the Visual Impact Report is deceptive in that the photo it is based on was taken immediately adjacent to the external face of an enclosed balcony. This balcony is not full waterproofed and is not part of the functional internal living area of the apartment.

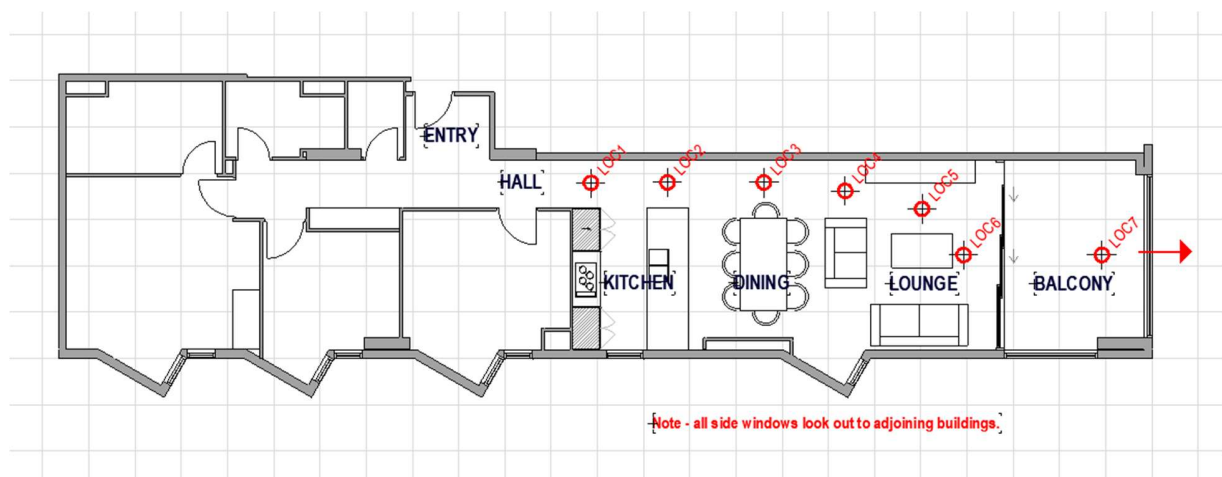
The Photomontage also does not reflect the actual impact on the amenity of the living areas in the apartment.

WHOLE OF PROPERTY

To adequately describe the impact on view loss, the view loss must be assessed from the whole of the property. Consistent LEC principles and rulings dictate that view loss from living areas including kitchens should be treated as being high value views.

To demonstrate the level of impact on the amenity of the dwelling, photomontages have been prepared from six locations within the living areas of the dwelling.

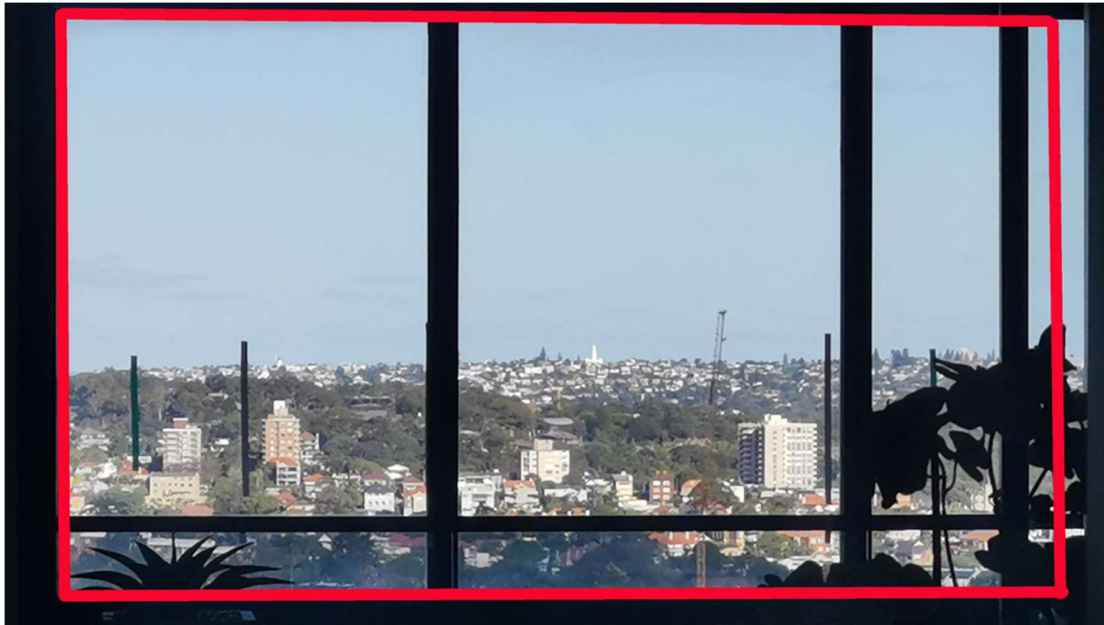
The locations were selected because they reflect our natural movements within the living areas and therefore how we experience the view/outlook.



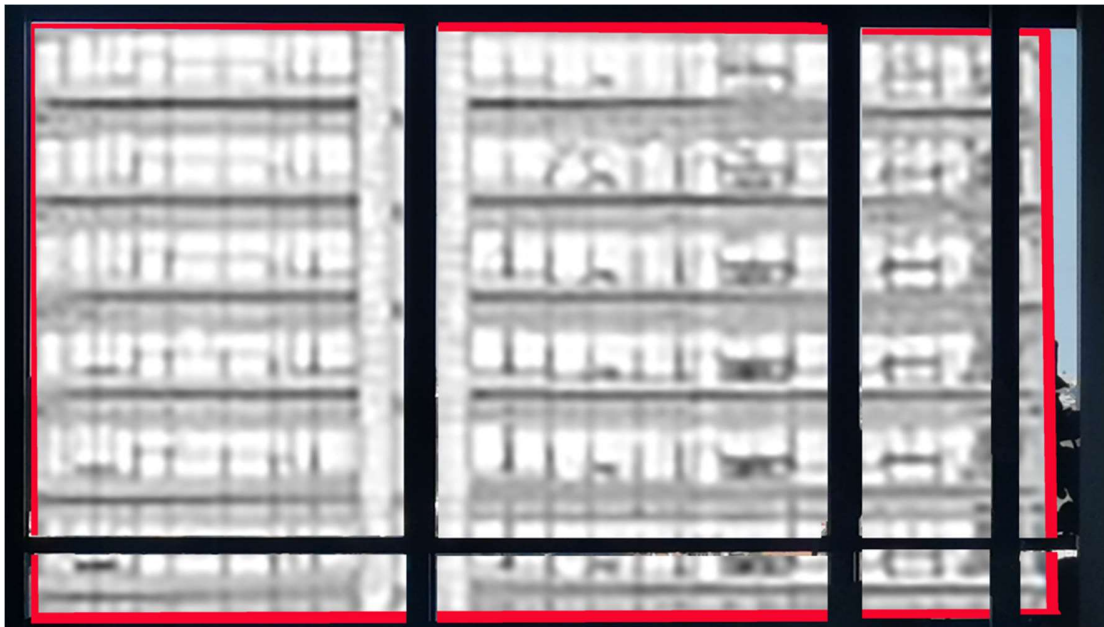
Please note the representation of the façade of 173 Walker St is indicative of the overall mass not intended to be a physical representation of the actual building.

LOCATION 1

The camera point is located at the centre of the hall in line with the west side of the Kitchen.



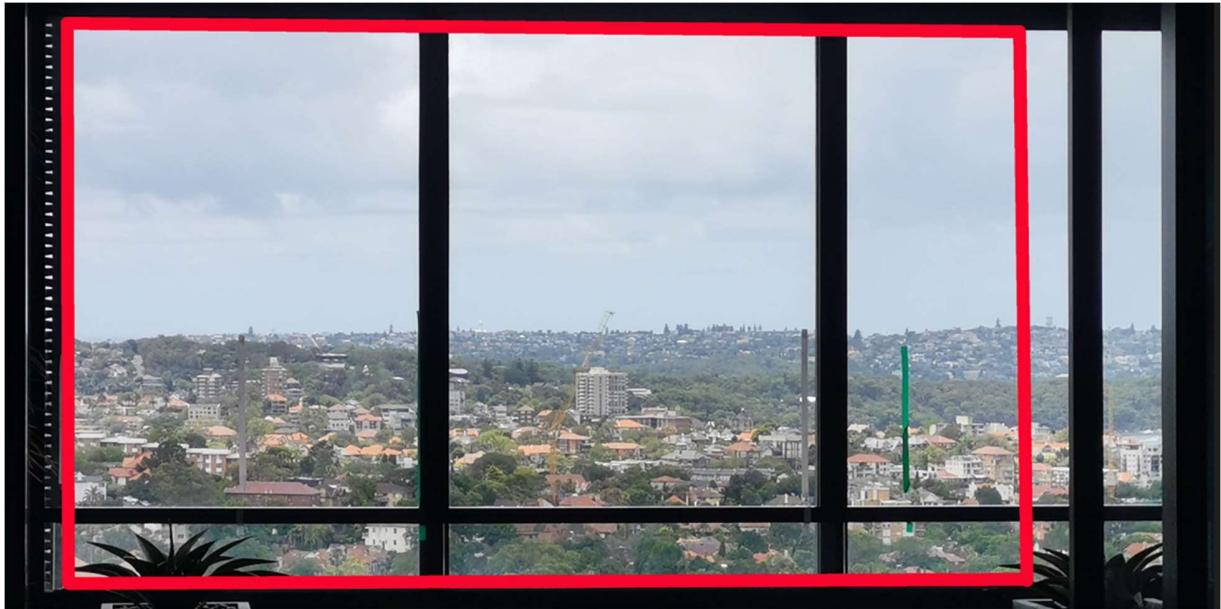
Location 1 – Existing view with outline of new building



Location 1 – Impact of new building.

LOCATION 2

The camera point is located at the centre of the hall in line with the kitchen island bench.



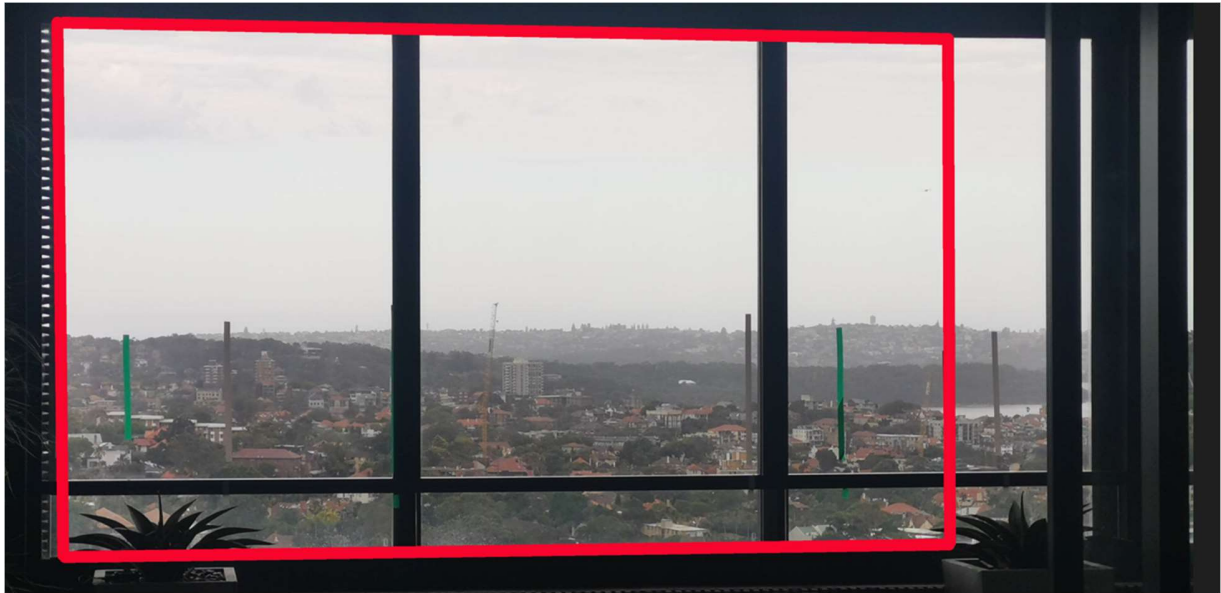
Location 2 – Existing view with outline of new building



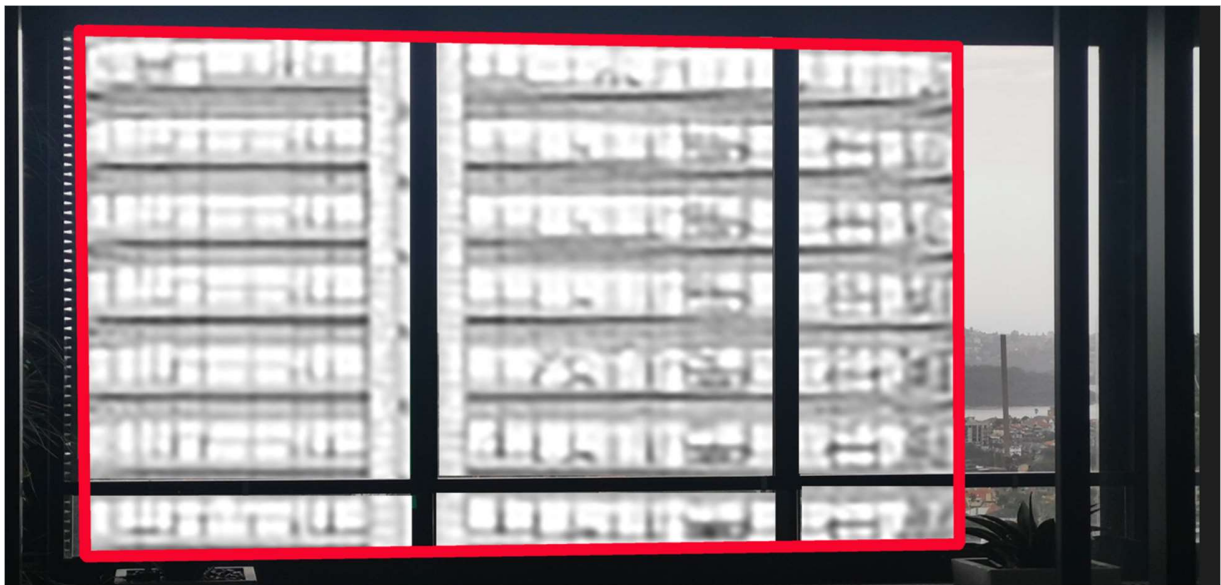
Location 2 – Impact of new building.

LOCATION 3

The camera point is located at the centre of the hall in line with the dining table. The dining table is heavily used on a daily basis.



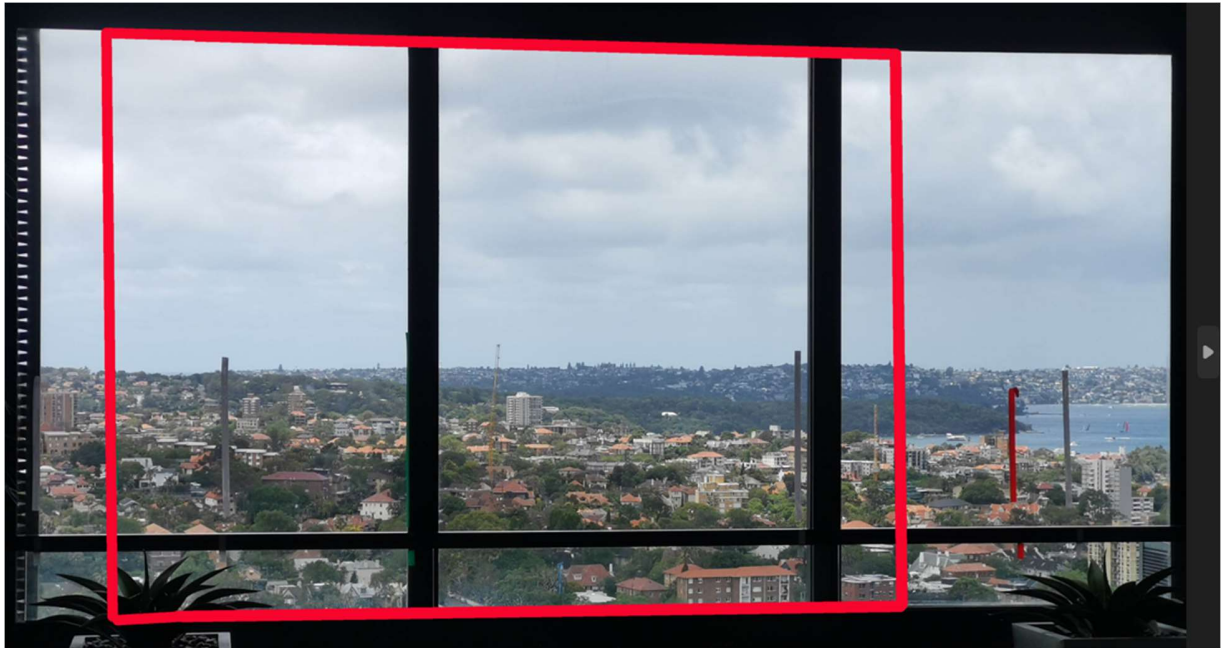
Location 3 – Existing view with outline of new building



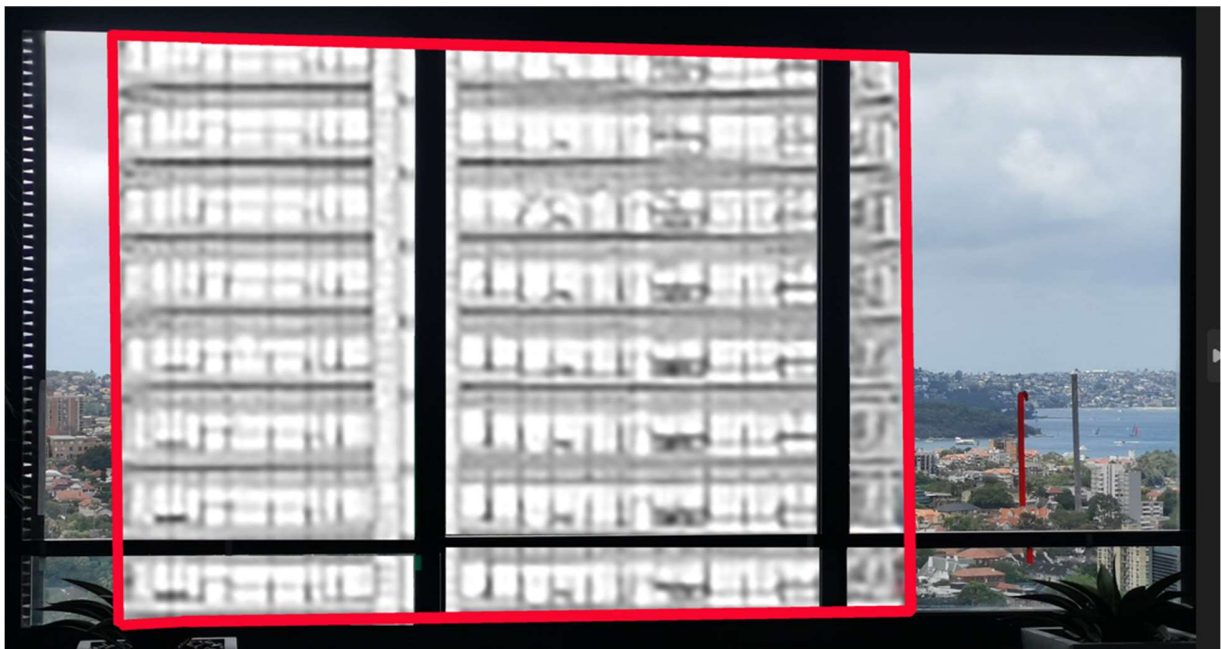
Location 3 – Impact of new building.

LOCATION 4

The camera point is located at the centre of the hall in line with the sofa.



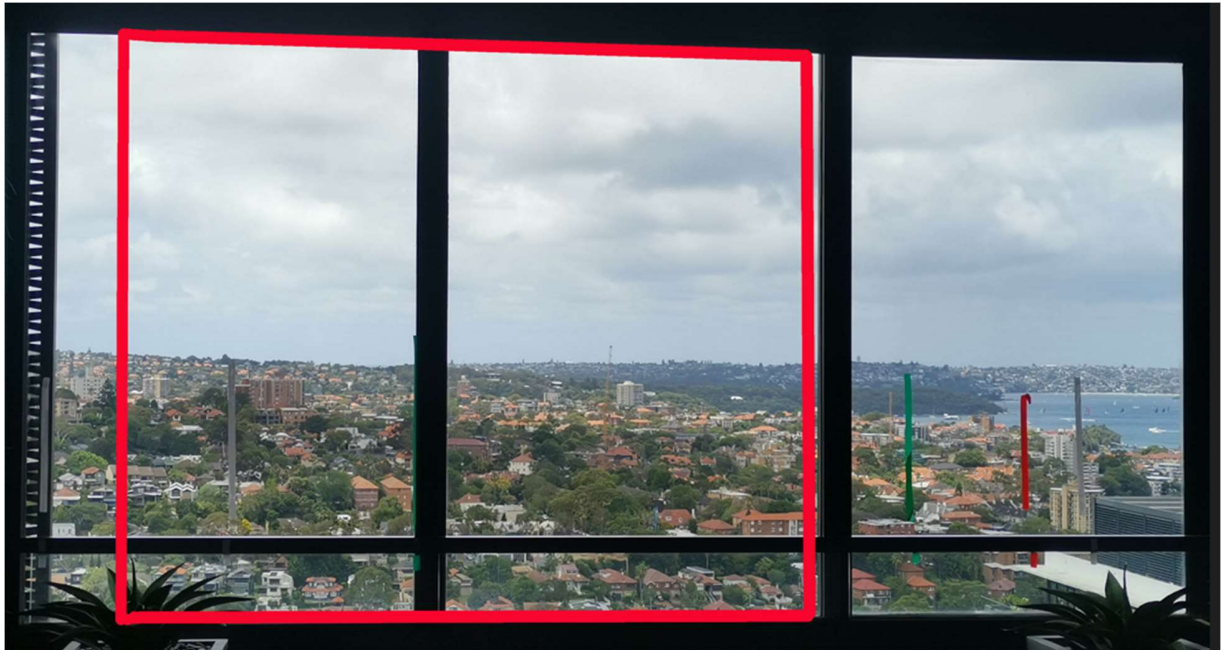
Location 4 – Existing view with outline of new building



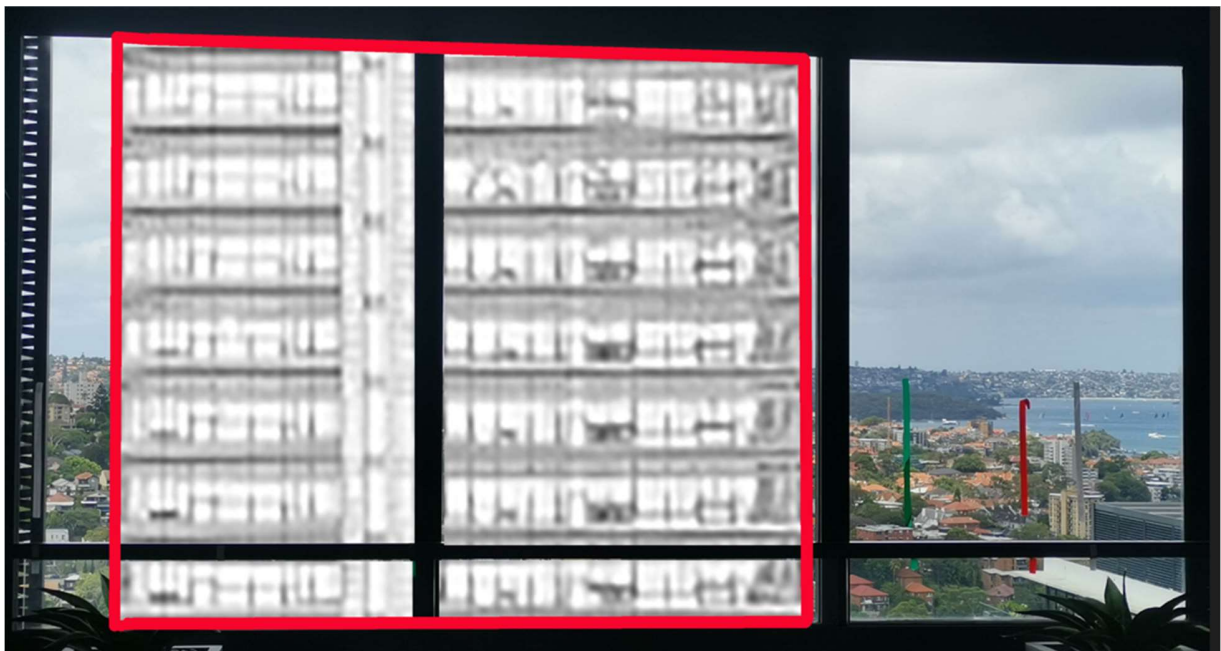
Location 4 – Impact of new building.

LOCATION 5

The camera point is located at the centre of the hall in line with the TV.



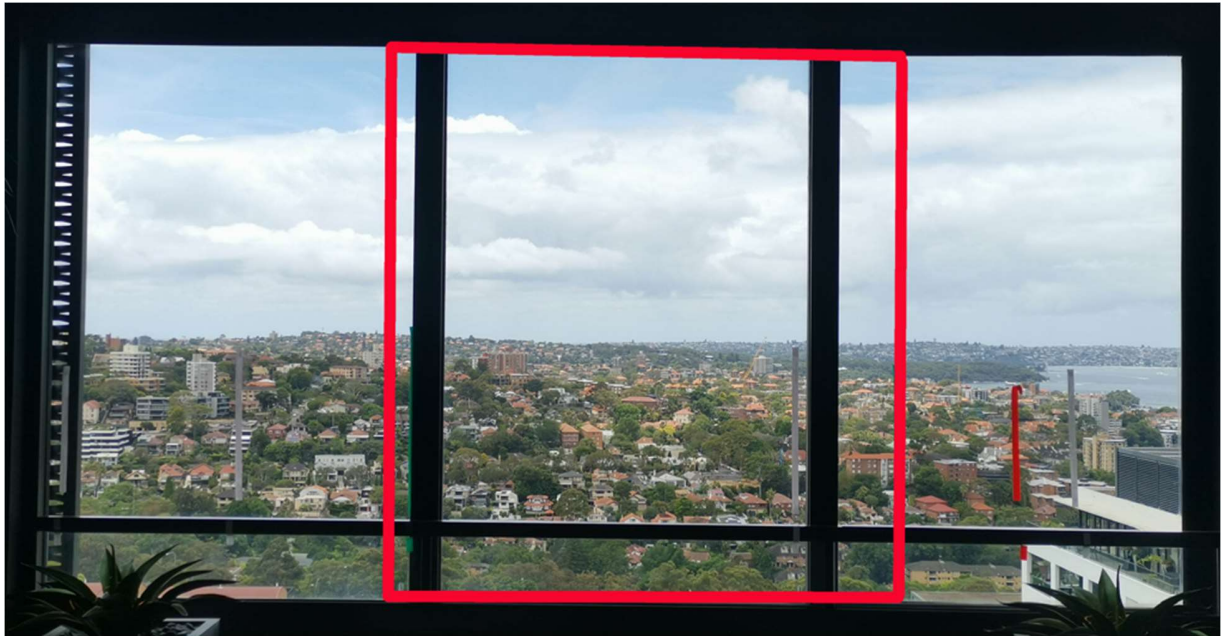
Location 5 – Existing view with outline of new building



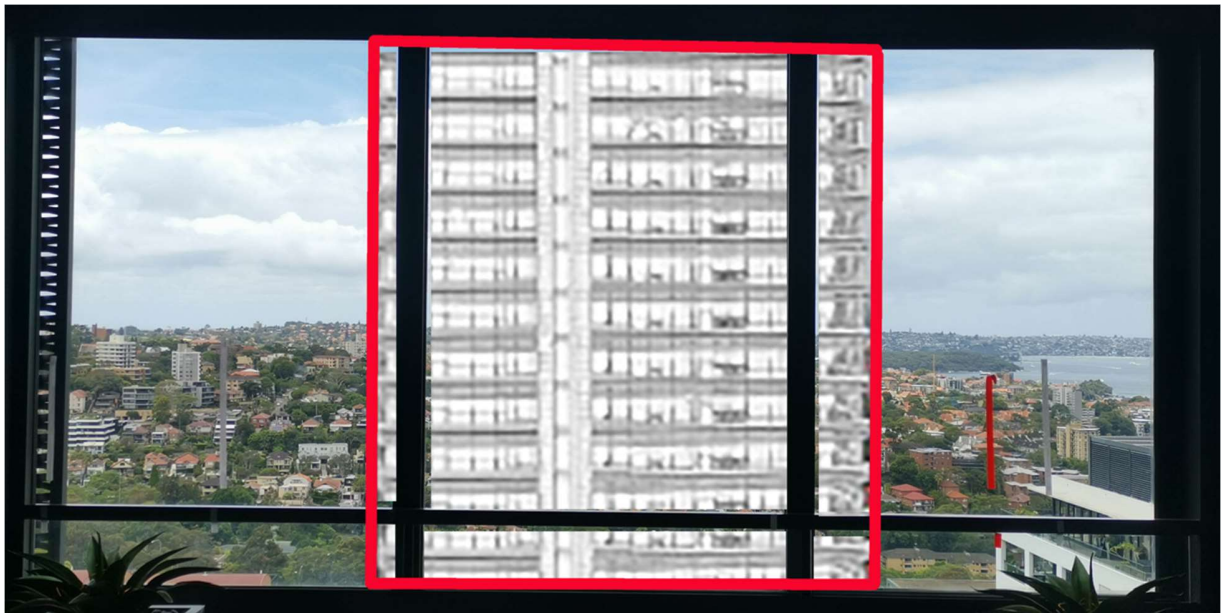
Location 5 – Impact of new building.

LOCATION 6

The camera point is located 1 m in at the centre of the sliding doors.



Location 6 – Existing view with outline of new building



Location 6 – Impact of new building.

LOCATION 7

Location 7 is approximately the location on the balcony where the photo used in the Visual Impact Report to generate their photomontage.

CONCLUSIONS

The Visual Impact Report is flawed and does not provide an accurate assessment on the qualitative impact of the development on the amenity of our home.

The development will not simply impact the view from our home. **It will completely dominate our outlook fundamentally changing the essential character of our home and our enjoyment of living there.**

We are not alone in this regard. The Visual Impact Report is similarly deceptive in its assessment of the view loss. In the majority of cases the view loss assessment has been made from the balconies of affected apartments not from within the living areas. **As a result the report is both deceptive and invalid and contrary to the principles established by Tenacity.**

The report inherently downplays and misrepresents the loss of views and the amenity for a large number of the residents of other affected building **As a consequence, the impact on the amenity of the affected dwellings will be much more severe than it is purported to be in the report.**