

SSD 10371

Trinity Grammar School Revitalisation, Summer Hill



View impact assessment: Response to submission

Report prepared for: Bloompark Consulting Group on behalf of
Trinity Grammar School

February 2021

Visual Assessment Response to Submissions

Trinity Grammar School SSD 10371

1 Purpose of this submission

Richard Lamb and Associates (RLA) have been engaged by Trinity Grammar School to respond to submissions in relation to view sharing requested by the Department of Planning, Industry and Environment following exhibition of the application for redevelopment of the School. Specifically, the request is in relation to the potential for impacts on view sharing with 159 Victoria Street, Summer Hill.

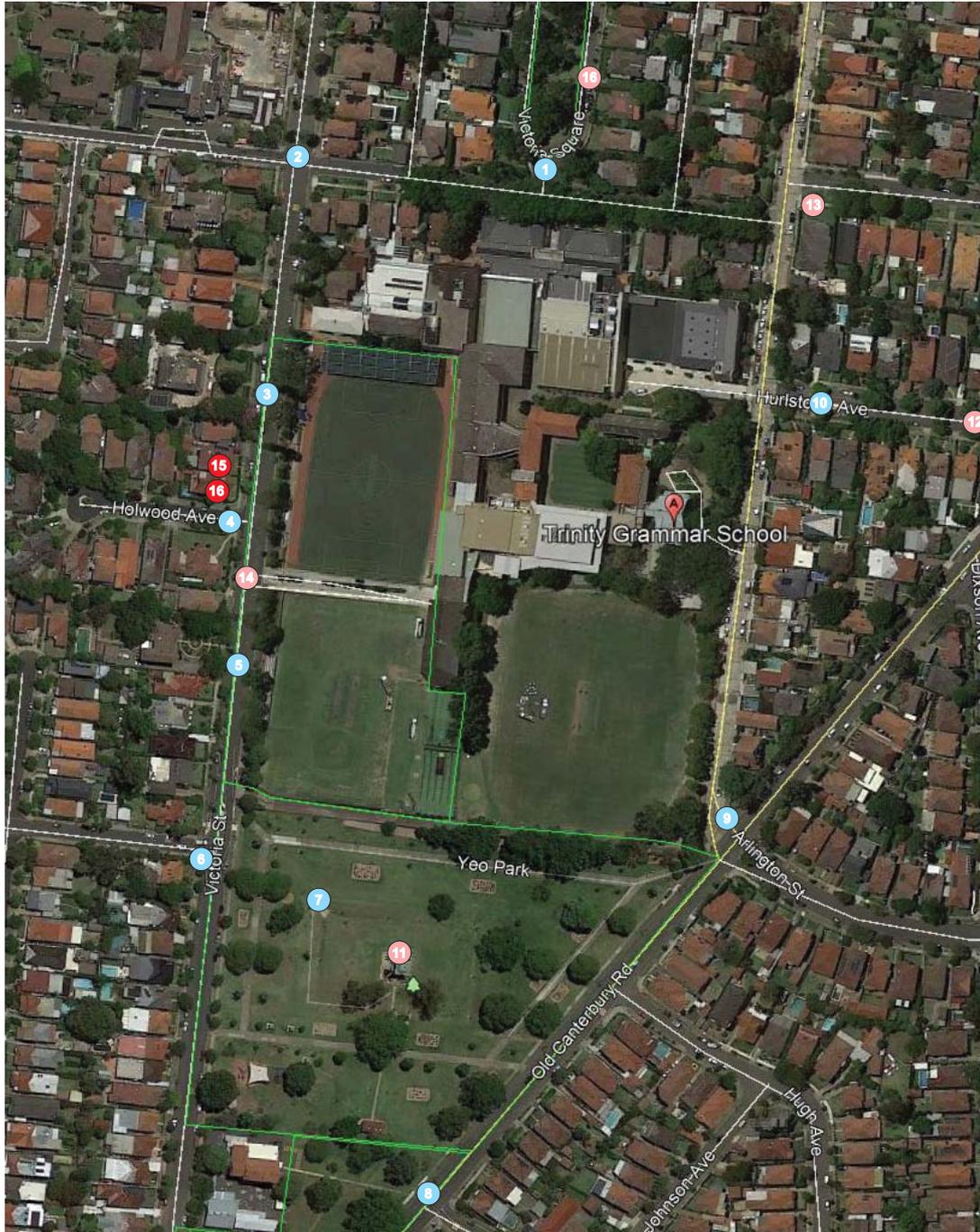
RLA have extensive experience in scenic resource management, specialising in visual impacts, view loss and view sharing assessment. RLA prepared the Visual Impact Assessment for SSD 10371 (the VIA) and have considerable experience in providing direction, oversight and certification of the accuracy of the preparation of photomontages following the practice policy for the preparation and use of photomontages in the Land and Environment Court of New South Wales. This is accepted as best practice for assuring the accuracy of photomontages.

2 Subject site

159 Victoria Street is a residential property on the west side of Victoria Street, which runs along the west boundary of the School site and one of the few two-storey houses in the vicinity. The relationship between residential properties and the School is described in detail in the Visual Impact Assessment. It was recognised in the VIA that there was the potential for views from the first floor of some residences toward the higher end of Victoria Street to have views over the existing school buildings that could be affected by view loss caused by the higher built form proposed.

An assessment was made of views from the first floor of private location View Point 15B in the VIA, at 157 Victoria Street, which is adjacent to 159 Victoria Street, however there was no significant view loss from the bedroom assessed. In case there might have been items not clearly visible using the 35mm focal length field of view used for all other images in the Visual Impact Assessment, a 50mm lens, which has a narrower field of view but in which items appear larger, was used to emphasise any potential view loss. This did not reveal any items that would be lost in the proposed development.

The request in a submission from 159 Victoria Street for a view sharing assessment from the dwelling questioned this finding and presented a real estate image claimed to have been taken from 157 Victoria Street at some time, which shows part of the Sydney CBD seen over existing buildings on the School site. A reasonable question raised in the objection was how it was found that the view we assessed from 157 Victoria Street did not show the same features as the real estate image. As it is not known where the photograph was really taken from or for what purpose,



Map 1 Trinity Grammar School views analysis

Recommended photomontage view locations

Private domain view location for modelling

Priority 1 
 Priority 2 
 Private location 

there is no way to answer this. It is also evident in comparing the composition of the photograph in the VIA with the real estate image provided by the owner of 159 Victoria Street, that the images have not been taken from the “exact same location”, quite apart from the use of a telephoto lens. The building in the foreground of the real estate image toward the north-east corner of the northern playing field is far to the left of the view shown in the VIA. The city skyline was categorically not visible from the room in 157 Victoria Street which was assessed. While the real estate image may be titled “Actual view” for some purpose intended by the real estate agent, it is clearly a small part of a much larger view, as is demonstrated by comparison of the photomontage looking north-west from the first floor of 159 Victoria Street shown in this response to submissions.

In the view we assessed from a bedroom on the south side of 157 Victoria Street, which was the room to which we were given access, there was no access to views over the school, as is shown in the photograph on Page 53 of the VIA. It is possible of course that there was a view available with part of the CBD skyline visible, from the adjacent room that is to the north in the dwelling, however that view could not be assessed as access was not provided. In any event, it is not known to what use the room was put.

To best answer the concerns of 159 Victoria Street and resolve what views are available from the property, access was requested so we could observe the views, the places from which they could be experienced, take high resolution photographs and survey the camera location and lens height, so photorealistic photomontages could be prepared.

The photographs and photomontages are provided in this submission in reply. An updated photomontage location plan is above at Map 1.

3 Preparation of photomontages

As an aid to assessment of the likely effects of the proposed development on views from 159 Victoria Street, photorealistic photomontages were prepared by Digital Line, the expert architectural illustrators who prepared the photomontages in the VIA. The technology of preparation of the photomontages and certification of the accuracy are provided in the VIA.

The camera locations and lens height of the camera at each view place assessed were surveyed at the time of photography. RLA took the photographs with the same camera used throughout the VIA, a Sony A7R3 mirrorless full-frame digital camera, using a 35mm prime lens.

4 Analysis of Photomontages

4.1 Existing views

159 Victoria Street is a two-storey brick and tile cottage that appears to be of early inter-war origin. It has no significant views from the ground floor across the School site, as stated by the owner on the day of our inspection. The ground floor has a room that is used as an office, which has a large lead-light window that faces east. As a result of the glazing pattern, distortion of view through the many individual diamond-shaped panes of glass and screening by vegetation in the foreground, there is no view available that could be affected by view loss caused by the proposed development of the School site (see View position 4 in Appendix 1).

The views referred to in the objection are from the first floor of the cottage. It has a single window in the gable end at the first floor, which faces east over Victoria Street. The window is in an alcove off a bedroom. The window can be fully opened. Standing close to the window, there is a quite expansive view in an arc between north-east and south-west. The views are dominated in the foreground by the street and beyond its playing fields by the existing School buildings. The camera could be set at the conventional 1.6m lens height adjacent to this window.

There is also a dormer on the south side of the bedroom suite, that is in an alcove off the bedroom. It has a double-hung window. There is a view over the adjacent intersection with Victoria Street and Holwood Avenue and over part of the School grounds toward the south boundary. The camera had to be set at a level lower than is conventional for views from this window, as the meeting rails were directly level with the lens at 1.6m and blocked the view. The camera was lowered to approximately 1.4m above floor level so the view could be taken through the glass below the meeting rails, as the sash chords were broken and the window could not be opened.

The existing views are shown with corresponding photomontages in Appendix 1.

View position 1. Single window in the gable end which faces east over Victoria Street, first floor, alcove off a bedroom, view north-east.

Parts of some of the taller buildings in the Sydney CBD are visible over the lower part of an existing building on the far side of the intervening playing field. Sydney Tower is identifiable as part of the view. The district and suburbs between the School and the part of the CBD that is visible cannot be seen and the view of the CBD is a partial view. A part of the arch of the Sydney Harbour Bridge is visible seen over part of the existing Junior School.

The existing photograph is similar in composition to the night-time view provided by the owner of 159 Victoria Street in her request in submissions on the proposal.

View position 2. Single window in the gable end which faces east over Victoria Street, first floor, alcove off bedroom, view south-east

The view is dominated by the road and playing fields with a partly screened view of School buildings beyond. To the south-east and over adjacent parkland there is a partial district view composed of built development, largely of recent medium density development. There are no identifiable items visible above the roof levels of existing buildings other than trees in School or adjacent parkland.

View position 3. Single window in dormer which faces south over Holwood Avenue, first floor, alcove off bedroom, view south-east

The view is dominated by the roads and playing fields. There are no existing School buildings in the view. The owner of the cottage was concerned about the height and extent to the south of the proposed buildings rather than loss of view of specific items.

4.2 Proposed views in photomontages

View position 1. Single window in the gable end which faces east over Victoria Street, first floor, alcove off a bedroom, view north-east.

The view of parts of some of the taller buildings in the Sydney CBD that are visible over the lower part of an existing building on the far side of the intervening playing field would be lost. The part of the arch of the Sydney Harbour Bridge that is visible seen over part of the existing Junior School would be retained.

As a guide, to retain the existing view of part of the CBD, at least two storeys of the proposed development on the north-east side of the northern playing field would have to be removed.

View position 2. Single window in the gable end which faces east over Victoria Street, first floor, alcove off bedroom, view south-east

The view would remain dominated by the road and playing fields with a partly screened view of School buildings beyond. The taller School buildings proposed would not block views of items that are currently visible beyond the School site. Trees in the School or adjacent parkland toward the southern part of the site would continue to form a natural horizon above the proposed development.

View position 3. Single window in dormer which faces south over Holwood Avenue, first floor, alcove off bedroom, view south-east

The view would remain dominated by the roads and playing fields. New School buildings extending toward the south boundary would not dominate the view or become the horizon. Trees in the School and adjacent parkland retained in the proposal would remain forming a natural horizon.

5 Application of *Tenacity* planning principle

Roseth SC in *Tenacity* defines a four-step process to assist in the determination of the impacts of a development on views from the private domain. The steps are sequential and in some cases conditional, meaning that proceeding to further steps may not be required if the conditions for satisfying the preceding threshold is not met in each view or residence considered. I have applied this assessment to views modelled and described above;

Step 1: Views to be affected

The first step quoted from the judgement in *Tenacity* is as follows:

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.

Prior to undertaking Step 1 however, an initial threshold, or pre-condition, in *Tenacity* is whether a proposed development takes away part of the view and enjoys it for its own benefit. If it does, the other steps in the planning principle, beginning with Step 1, may need to be undertaken. However, if there is no substantive loss, or if the items lost are not considered to be valued in *Tenacity* terms, the threshold is not met and there is no justification for proceeding to Step 2, or other steps beyond Step 2.

The proposed building would seek to make use of the access to views and there would be some view loss to 159 Victoria Street. The views affected are land views only and do not include water and the views affected are partial, not whole views. It might be argued that aspects of the view lost, for example Sydney Tower, are iconic.

The photomontages show that the predominant valued item identified in Step 1 of *Tenacity* is a partial district view with arguable iconic value in one of the three photomontages prepared.

The view otherwise is predominantly a land view and regarded as less valued, however that does not justify ignoring it. The extent of the view and extent of impact is considered later in relation to Step 3 in *Tenacity*.

As there would be view loss to 159 Victoria Street, proceeding to Step 2 is justified and I have considered this further, in relation to Step 2.

Step 2: From where are views available?

This step considers from where the affected views are available in relation to the orientation of the building to its land and to the view in question. The second step, quoted, is as follows:

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.

Views that could be lost are obtained across the front boundary of 159 Victoria Street from a standing position at View Positions 1 and 2. While it might be possible to gain a seated view from near the window at View Positions 1, 2 and 3, it is unlikely that seated views elsewhere in the bedroom suite would be significantly affected. The view from View Position 3, through the dormer window, is arguably also a view across the front boundary, as the cottage has a double frontage to two streets.

It would be reasonable to expect aspects of the views be protected nonetheless and therefore proceeding further to Step 3 is justified.

Step 3: Extent of impact

The next step in the principle is to assess the extent of impact, considering the whole of the property and the locations from which the view loss occurs. Step 3 as quoted is:

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.

Step 3 also contains a threshold test. If the extent of impact is negligible or minor for example, there may be no justification for proceeding to Step 4, because the threshold for proceeding to considering the reasonableness of the proposed development may not be met. In that case the reasonableness question in Step 4 does not need to be asked and the planning principle has no more work to do.

In relation to View position 1, the view north-east from the Victoria Street window, the extent of view loss, if considered in isolation of the totality of views available to the dwelling, would in my opinion be rated as severe. While the extent of impact on the view from the bedroom in this location and toward one direction may be severe, the importance of the impact on the view from the bedroom would be given less weight according to the principles in Step 3 of *Tenacity*.

In the view from View Position 2, effectively the same location as View Position 1, no scenic or iconic items are visible in the existing environment or would be affected by the proposal.

The fact that it is only in one view direction (the view north-east) from this position where there is a substantive view loss is relevant to giving appropriate weight to the view loss from this position overall. In my opinion, while there might be said to be a severe impact on one view direction, taking the other view from the same locations into account, where there is no view loss but simply a change in the appearance of what is viewed (a minor impact), justifies down-weighting the extent of the impact on this view position.

There is no guidance in *Tenacity* as to how to reconcile the situation where there are two views from the same location that have different extents of impact. This means that averaging across what would be two different subjective ratings, one severe and the other minor, may not be valid. At its simplest, there is one view from one location in the dwelling that is affected by a severe impact, if considered in isolation. Another view from the same location has a minor or negligible impact on view sharing. In relation to View Position 3, in my opinion the extent of impact would be minor.

There is therefore a valid question as to whether there is any justification for proceeding any further to Step 4 with respect to views from View Position 2 and 3. This is because a minor extent of impact would inevitably be found to be reasonable and as such, the threshold for proceeding to Step 4 in relation to those views is not met.

If I am wrong, however, and for the sake of abundant caution, even though the extent of impact is minor or even less, on two of the three views considered, I have proceeded further to considering the application of Step 4 of *Tenacity*, which considers the reasonableness of the proposal.

Step 4: Reasonableness

The planning principle states that consideration should be given to the causes of the visual impact and whether they are reasonable in the circumstances. As stated in the preamble to the four-step process in *Tenacity*, a development that takes the view away from another may notwithstanding be considered reasonable.

Step 4 is quoted below:

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 skillful 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.

The feature of the proposed development that is causing the impact is the height of the envelope, in particular the building east of the northern playing field. When the existing view is compared to the photomontage for the view north-east from View Position 1, it is evident, as noted above, that the proposed envelope would block the view of the CBD horizon even if it was only one storey higher than the existing buildings.

With regard to compliance with controls on the height of buildings, I understand that there is no development standard for heights of buildings of the proposed use in the zone. As there is no non-compliance, there is no basis for giving extra weight to the significance of impacts on view sharing. The relevant question is to what extent would it be reasonable to require the proposal to be reduced, to preserve the existing view for one or possibly two neighbouring residences, parts of the views from which are lost from bedrooms? In addition, how much reduction would be necessary and would it be reasonable to require it?

As a complying scheme or at least one where there is no quantitative height control over the part of the development that causes impacts on view sharing, the more skilful design question is relevant. The skilful design question in *Tenacity* is whether there can be a more skilful design that retains the development potential of the site and that also provides a more satisfactory result in terms of view sharing. This is not a question as to whether a different approach or a different designer could provide a more skilful design but is specifically in relation to the application before the consent authority. That is, can there be modifications to the proposal that are more skilful in providing view sharing, retaining the reasonable development potential of the site? This is confirmed in the judgement in *Arnott v the City of Sydney Council [2015] NSWLEC 1052* at Paragraph 72. A more skilful design, whatever the extent of the impact, is one that provides a more satisfactory view sharing outcome without compromising reasonable development potential.

In this case, the removal of two storeys across a significant part of the development site would be necessary to retain the existing view that is affected. This could not on any reckoning be a more skilful design. In addition, such a modification provides no beneficial effect for the other two views assessed, or any of the large number of other locations individually assessed in the public domain in the VIA.

6 Conclusions

It is my opinion, taking all these issues into account, that the view sharing is reasonable in the circumstances, notwithstanding the view is taken away in one view direction from one view from one window in the bedroom suite in 159 Victoria Street.

The extent of impact on that view is rated as severe, however, the proposed development in a view from the same location and also the dormer window in the same room have minor or negligible impacts on view sharing.

In the last step in application of the planning principle in *Tenacity*, Step 4, the impact is considered reasonable, as retaining the existing view would require removing at least two storeys from a significant part of the proposal. The benefit would be confined to one view in one direction from the bedroom level of the cottage.

As there is no development standard for height of buildings in the part of the development that causes the impact, it would not be reasonable to expect to retain the view. In addition, modifying the development to retain the view by removing two storeys over a significant part of it would not be a skilful design.

Taking all matters that are relevant into consideration, I consider that the impact of the proposal on view sharing is reasonable and that the proposed amended proposal can be supported on view sharing grounds.

Dr Richard Lamb



*View position 1, Single window in the gable end which faces east over Victoria Street, first floor, alcove off a bedroom, view north-east.
Existing view*



*View position 1
Photomontage*



*View position 2, Single window in the gable end which faces east over Victoria Street, first floor, alcove off bedroom, view south-east
Existing view*



*View position 2
Photomontage*



*View position 3, Single window in dormer which faces south over Holwood Avenue, first floor, alcove off bedroom, view south-east
Existing view*



*View position 3
Photomontage*



*View position 4 (for context only)
Ground floor office, view north-east*

View Place Data Sheet

Location 16	Private Domain	Viewing Distance		
		>500m	500-100m	<100m
159 Victoria Street first floor window in gable end overlooking Victoria Street				
Expansive	Restricted	Panoramic	Focal	Axial

Assessment and weighting factors		Ratings		
Assessment Factor where effects increase as ratings increase	Assessment	Low	Medium	High
	Visual Effect	(Low Effect)	(Medium effect)	(High effect)
<i>Base-line factors</i>				
Effect On Visual Character of View		X		
Effect on Scenic Quality of View		X		
<i>Variable factors</i>				
Effect On View Composition		X		
Effect of Relative Viewing Level		X		
Effect of Viewing Period		X		
Effect of Viewing Distance		X		
View Loss or Blocking Effect			X	
Overall Extent of Visual Effect		Low		
<i>Weighting factors</i>				
Weighting Factor where impacts decrease as ratings increase	Assessment	High	Medium	Low
	Visual Impact	(Low Impact)	(Medium impact)	(High impact)
Visual Absorption Capacity/Cumulative Impacts		X		
Compatibility with Urban Features		X		
Overall Extent of Visual Impact		Low		

View Place or Viewer Sensitivity				
		L	M	H
Private domain	Viewer amenity			X
	Potential viewer numbers	X		

Summary Curriculum Vitae: Dr Richard Lamb



Summary

- Qualifications
 - Bachelor of Science - First Class Honours, University of New England in 1969
 - Doctor of Philosophy, University of New England in 1975
- Employment history
 - Tutor and teaching fellow – University of New England School of Botany 1969-1974
 - Lecturer, Ecology and environmental biology, School of Life Sciences, NSW Institute of Technology (UTS) 1975-1979
 - Senior lecturer in Landscape Architecture, Architecture and Heritage Conservation in the Faculty of Architecture, Design and Planning at the University of Sydney 1980-2009
 - Director of Master of Heritage Conservation Program, University of Sydney, 1998-2006
 - Principal and Director, Richard Lamb and Associates, 1989-2019
- Teaching and research experience
 - visual perception and cognition
 - aesthetic assessment and landscape assessment
 - interpretation of heritage items and places
 - cultural transformations of environments
 - conservation methods and practices
- Academic supervision
 - Undergraduate honours, dissertations and research reports
 - Master and PhD candidates: heritage conservation and environment/behaviour studies
- Professional capability
 - Consultant specialising in visual and heritage impacts assessment
 - 30 year's experience in teaching and research on environmental assessment and visual impact assessment.
 - Provides professional services, expert advice and landscape and aesthetic assessments in many different contexts
 - Specialist in documentation and analysis of view loss and view sharing
 - Provides expert advice, testimony and evidence to the Land and Environment Court of NSW on visual contentions in various classes of litigation.
 - Secondary specialisation in matters of landscape heritage, heritage impacts and heritage view studies
 - Appearances in over 275 Land and Environment Court of New South Wales cases, submissions to Commissions of Inquiry and the principal consultant for over 1000 individual consultancies concerning view loss, view sharing, visual impacts and landscape heritage

A full CV can be viewed on the Richard Lamb and Associates website at www.richardlamb.com.au