

26 October 2021

Jason Maslen  
Team Leader  
School Infrastructure Assessments  
NSW Department of Planning, Industry and Environment  
320 Pitt Street, Sydney 2000

Dear Jason

**RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION  
ATTACHMENT B - ADDITIONAL VISUAL IMPACT ASSESSMENT  
FORT STREET PUBLIC SCHOOL, SECTION 4.55(2) MODIFICATION APPLICATION (SSD-10340)**

Following submission of the Response to Request for Additional Information and amended Section 4.55(2) scheme on 13 October 2021, the Department of Planning, Industry and Environment (DPIE) has requested that School Infrastructure NSW (SI NSW) provide an updated Visual Impact Assessment (VIA) to assess the impact of the amended scheme on the worst affected views.

In response, the project team has reviewed the low-level views that were taken from each of the six (6) buildings as part of the submitted VIA. FJMT has remodelled the worst affected low-level view from each building in order to assess the impacts of the amended Section 4.55(2) scheme (refer to **Attached**).

As detailed in this letter, the revised views demonstrate that the amended scheme will generally result in a similar or slightly improved visual impact when compared to the originally submitted Section 4.55(2) scheme. Notwithstanding, upon further review of the 3D Model to determine the 'worst affected' view, view locations for two (2) of the buildings have changed, resulting in a change to the previously assessed view impact.

This letter provides an assessment of the additional views against the principles of *Tenacity Consulting v Warringah* [2004] NSWLEC 140 (Tenacity). It should be read in conjunction with the Visual Impact Assessment – Response to Submissions prepared by Ethos Urban and submitted at Appendix E of the Modification Response to Submissions package in July 2021, and the Response to Request for Additional Information letter dated 13 October 2021.

## 1.0 Summary of Original VIA and Additional Information Letter

The originally submitted VIA (based on the initial Section 4.55(2) scheme) found that private views from neighbouring apartments remained generally unchanged as a result of the proposed modification. At lower levels, view impacts were considered minor/negligible – the proposal did not result in any significant impacts on iconic features or key characteristics of the view. Due to the low scale of the development and separation between the FSPS site and surrounding residential buildings, there were no view impacts at the mid or upper levels. Overall, the original VIA demonstrated that the proposed modification would not result in any unacceptable public or private domain visual impacts. It is noted that the originally submitted VIA found that there were no view impacts at the mid or upper levels from any of the surrounding buildings.

In response to the public notification of the original VIA and Response to Submissions package, additional submissions were received, including two public submissions from residents at Level 7 of the Stamford Marquee building. The submissions criticised the adopted methodology (i.e. drawing a datum line from the top of the Met Building at RL 52.712m as the basis for the low-level views and theoretical worst case scenario) and stated that views from lower levels in surrounding apartments should have been considered.

The Response to Request for Additional Information letter dated 13 October 2021 addressed these concerns and provided views from Level 7 of the Stamford Marque building, based on the amended Section 4.55 scheme (refer to **Section 2**). The assessment concluded that:

- The amended proposal does not fundamentally alter the nature of the affected views in which the Harbour Bridge is seen as a small element in the background;
- The amended proposal represents a skilful design that sites new massing away from the most sensitive receiver in the locality, which is the Observatory itself, and has been supported by a merit assessment; and
- On balance, the provision of a well-considered school development resulting in a clear social benefit outweighs the minor/negligible impact to the affected private views.

## 2.0 Summary of Amended Scheme

The amended scheme, as detailed in the Response to Request for Additional Information, proposes a number of changes to the design of Building J. These changes mean that the originally proposed partial story to Building J is effectively removed.

The proposed changes to Building J as part of the amended scheme include:

- Relocation of plant from the additional partial storey to Building J.
- Removal of the enclosed walls and roof to Level 3, replaced with a glazed balustrade on the southern, eastern and western perimeter.
- The new lift shaft and Stair 4 (the northern stair) will be the only remaining structures on the Building J rooftop, comprising:
  - Glazed walls to the lift shaft and Stair 4 at Level 3, including a fire separated wall between the lift and stair.
  - A solid enclosed roof to Stair 4 and the lift shaft.
  - A solid fire rated exhaust riser, integrated within the enclosed roof of Stair 4 and the lift shaft.
- Modification of Stair 5 (the southern stair) to create an open stair.
- Removal of the enclosed rooftop link bridge between Building J and the MET Building, and replacement with a glazed balustrade.

These amendments will reduce the scale of Building J and improve the transparency of the building, and will therefore improve visual impacts from the low level views of the surrounding six (6) buildings when compared to the originally submitted Modification Application design, and the accompanying VIA.

## 3.0 Assessment of Additional Views

DPIE has requested that SI NSW provide an updated VIA to assess the impact of the amended scheme on the worst affected views. The original VIA considered views from the six (6) residential buildings that were referenced in the public submissions. The buildings are shown at **Figure 1** and are listed below.

1. Stamford on Kent, 183 Kent Street;
2. Stamford Marque, 161 Kent Street;
3. Highgate Apartments, 127 Kent Street;
4. Georgia Apartments, 155 Kent Street;
5. Langham Hotel, 89 – 133 Kent Street; and
6. Observatory Tower, 168 Kent Street.

In order to establish a point from which to model low-level views, the original VIA extrapolated a datum line from the top of the Met Building roof (RL 52.712m) to the surrounding buildings. This level was used to model the low-level views and represented the theoretical 'worst case' view from the surrounding buildings. The only exception was the Langham Hotel, which due to the change in topography between the site and the Hotel, was modelled at a height of RL 28.5m.

In response to DPIE's most recent request, the 3D City Model has been reviewed to determine if there are other levels (lower or higher) that would be more significantly impacted than those previously modelled. This analysis found that for four (4) of the buildings, RL 52.712m (the existing low-level position) represented the worst case impact, however for two (2) buildings, a lower RL better represents the worst case scenario. On this basis, the following views and RL heights have been modelled for this response. These are considered the most significantly affected view form each of the surrounding buildings:

1. Stamford on Kent – Viewpoint 01 (RL 52.712m);
2. Stamford Marque – Viewpoint 28 (new Viewpoint) (RL 45);
3. Highgate Apartments – Viewpoint 11 (RL 52.712m);
4. Georgia Apartments – Viewpoint 29 (new Viewpoint) (RL 50);
5. Langham Hotel – Viewpoint 19 (RL 52.712m); and
6. Observatory Tower – Viewpoint 21 (RL 52.712m).

These six (6) views are assessed below.



**Figure 1 - Identification of buildings for private view analysis**

Source: FJMT

### 3.1 Stamford on Kent – Viewpoint 01

#### Assessment of views to be affected

Viewpoint 01, from the north of the floorplate at RL 52.712m, is considered the most significantly affected viewpoint from this building. The view is framed by Stamford Marque (to the left) and Observatory Tower (to the right) in the foreground. The FSPS site is visible in the mid-ground on the right-hand side of the view, and is partially obscured by Observatory Tower. Distant views are dominated by sky, with views available to the North Sydney CBD and Blues Point Tower. Views of the Harbour are largely obscured by Millers Point and Observatory Hill.

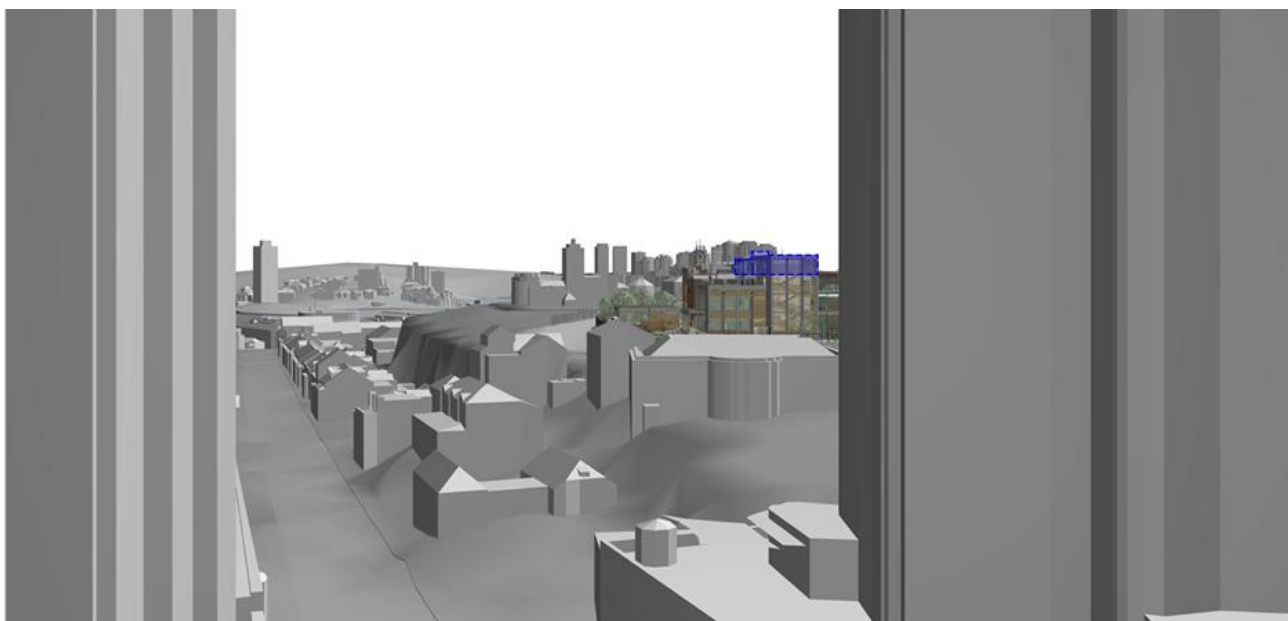
#### From what part of the property the views are obtained

There are no floorplans available for Stamford on Kent in Council's archives. Based on online sales records, it is understood that apartments generally have living rooms, dining rooms and balconies on the building's eastern frontage.

#### Extent of impact

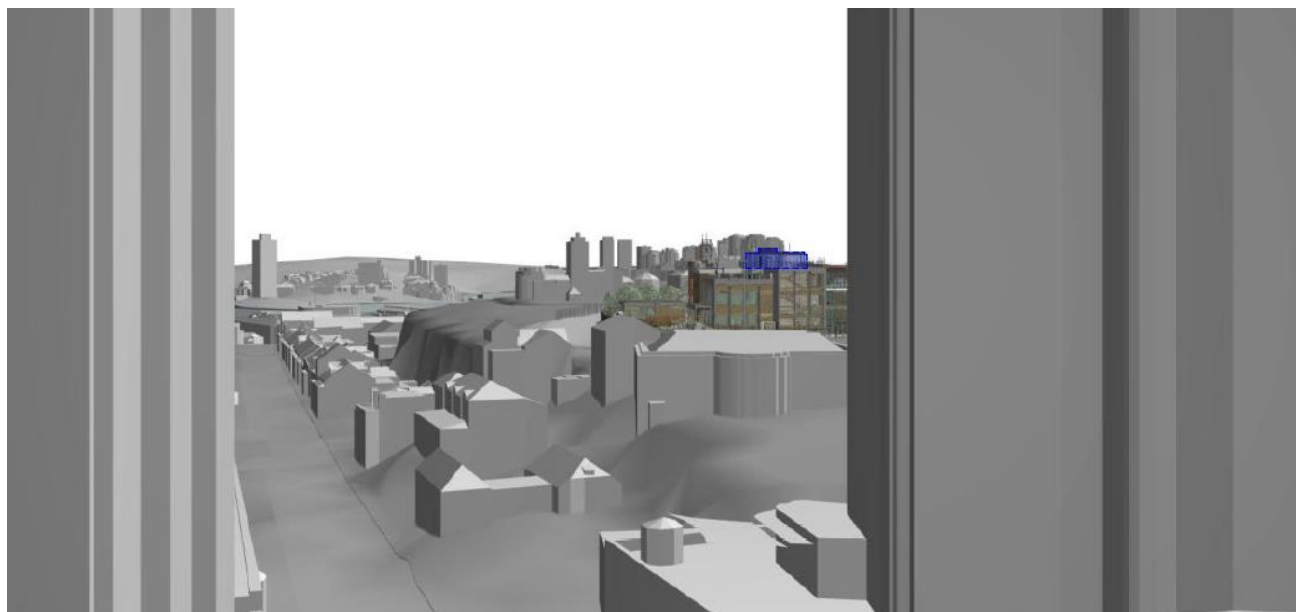
Figures 2 and 3 compare the original Section 4.55 proposal with the amended Section 4.55 scheme.

From the north of the low-level floorplate, the addition to Building J will occlude a small portion of sky and the North Sydney CBD beyond. It will not obscure any iconic or significant features. The amended Section 4.55 scheme reduces the impact on sky views. There will continue to be no impact on any iconic or significant features.



**Figure 2 – Viewpoint 01 showing original Section 4.55 scheme**

Source: FJMT



**Figure 3 – Viewpoint 01 showing amended Section 4.55 scheme**

Source: FJMT

### **3.2 Stamford Marque – Viewpoint 28**

#### **Assessment of views to be affected**

The original Viewpoint 05, from the north of the floorplate has been remodelled at a lower height (RL 45) to better reflect the most affected property. The new viewpoint is referred to as Viewpoint 28. This Viewpoint was selected, rather than Viewpoint 27 which was modelled as part of the October 2021 response, as it is considered that the approved SSD already has a greater impact on Viewpoint 27.

From this position, foreground views are dominated by foreground vegetation and buildings, including the National Trust Centre, SH Erwin Gallery and FSPS. The arch of the Harbour Bridge and top of the southern pylons are visible above FSPS.

#### **From what part of the property the views are obtained**

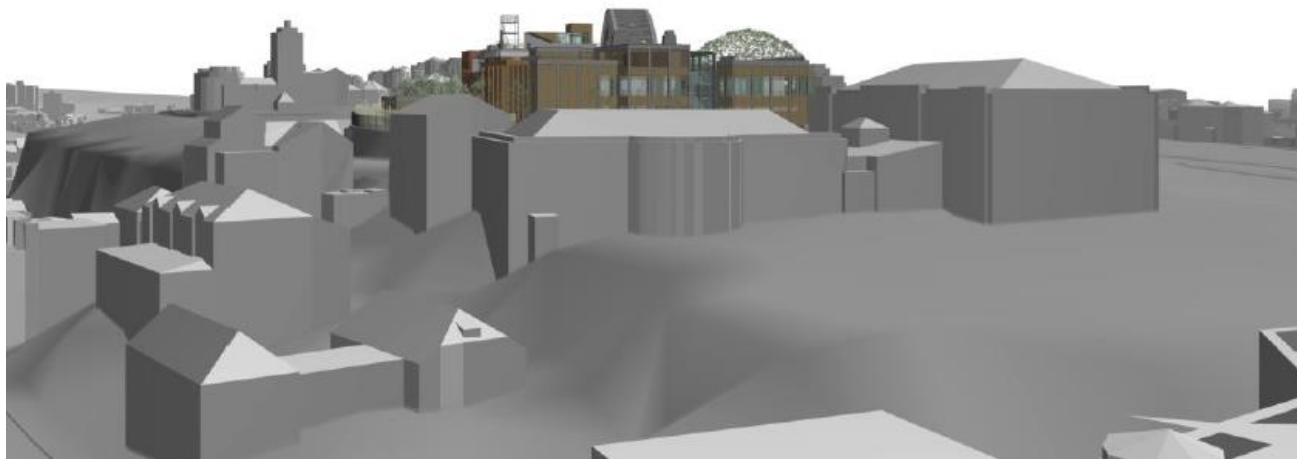
Based on archival records obtained from Council, there are living rooms, balconies and bedrooms on the eastern frontage of apartments between Levels 3 and 19.

#### **Extent of impact**

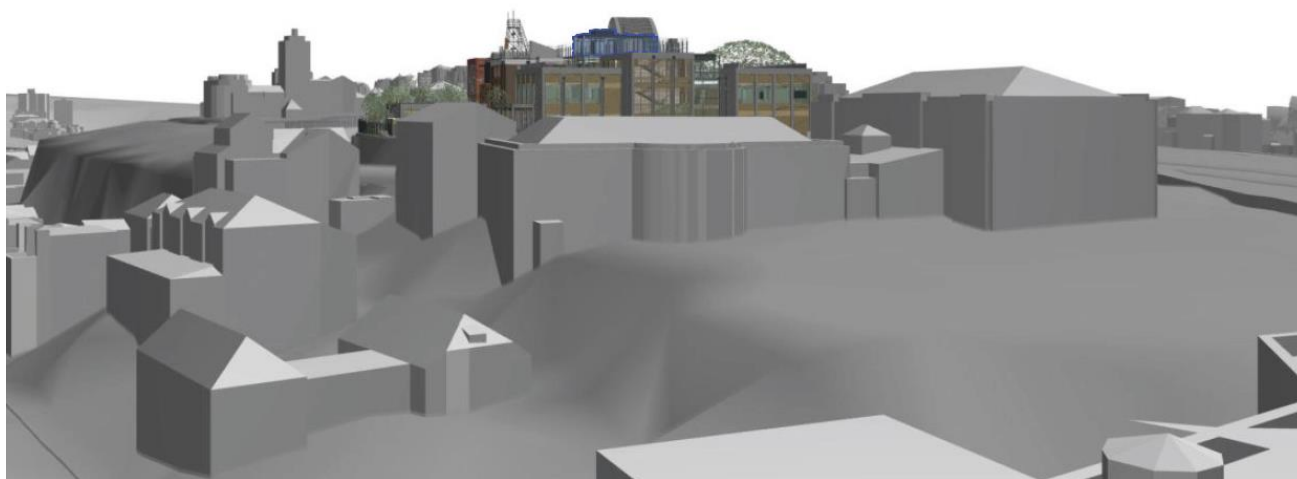
**Figures 3 and 4** compare the approved SSD with the amended Section 4.55 scheme. As this view position has changed since the originally submitted VIA, there is no view of the original Section 4.55 scheme.

At the affected level, the lower part of the southern pylons and the base of the Harbour Bridge arch are already obscured by the approved SSD. As a result of the amended proposal, the top half of the pylons and the arch of the Sydney Harbour Bridge is obscured by the proposal.

Whilst the Harbour Bridge is a significant feature, the impact is minimal when considering the view holistically and the limited and narrow view of the top of the Bridge. Further, the top of the bridge remains visible from some angles, including from Viewpoint 28. View impacts to the affected levels of the Stamford Marque building are therefore considered to be minor/negligible.



**Figure 4 – Viewpoint 28 showing approved SSD scheme**  
*Source: FJMT*



**Figure 5 – Viewpoint 28 showing amended Section 4.55 scheme at revised height**  
*Source: FJMT*

### **3.3 Highgate Apartments – Viewpoint 11**

#### **Assessment of views to be affected**

Viewpoint 11, from the south of the floorplate at RL 52.712m, is considered the most significantly affected viewpoint from this building. From this position, the foreground is dominated by the National Trust Centre and SH Erwin Gallery, with FSPS beyond. The southern pylons and top of the Harbour Bridge are visible above FSPS and the Opera House is visible in the right of the view. Views of the Harbour are obscured by foreground buildings and Observatory Hill.

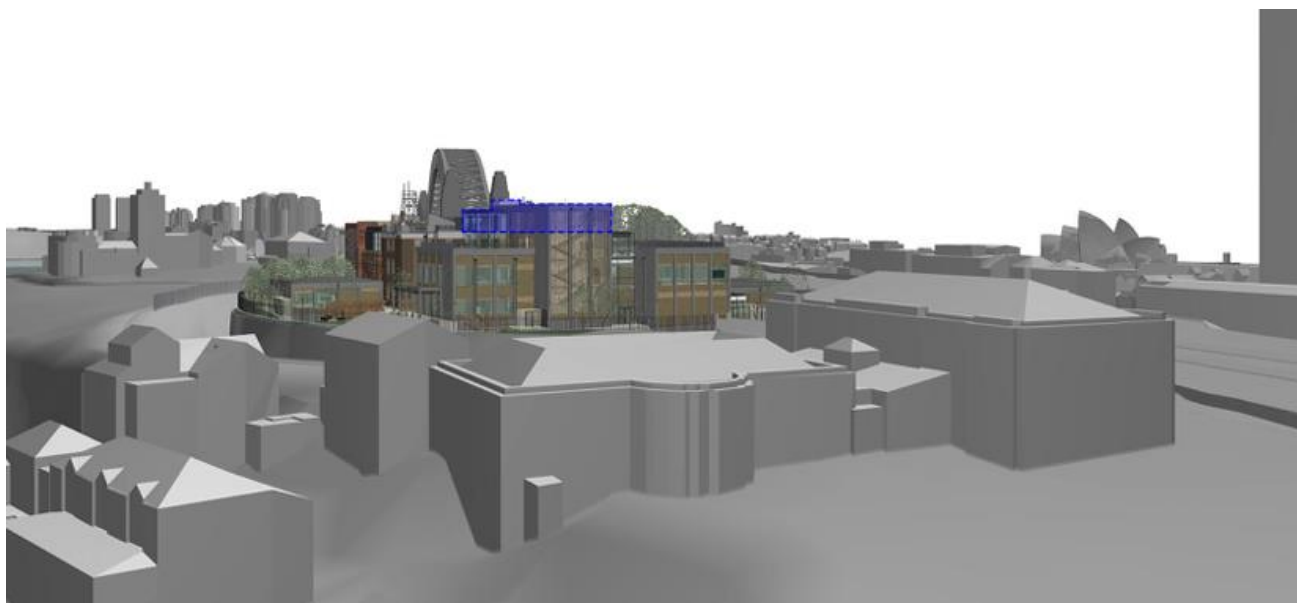
### From what part of the property the views are obtained

Council's archives only have floorplans for Levels 12 and 14. At these levels, there are primarily living rooms and balconies on the building's eastern frontage.

### Extent of impact

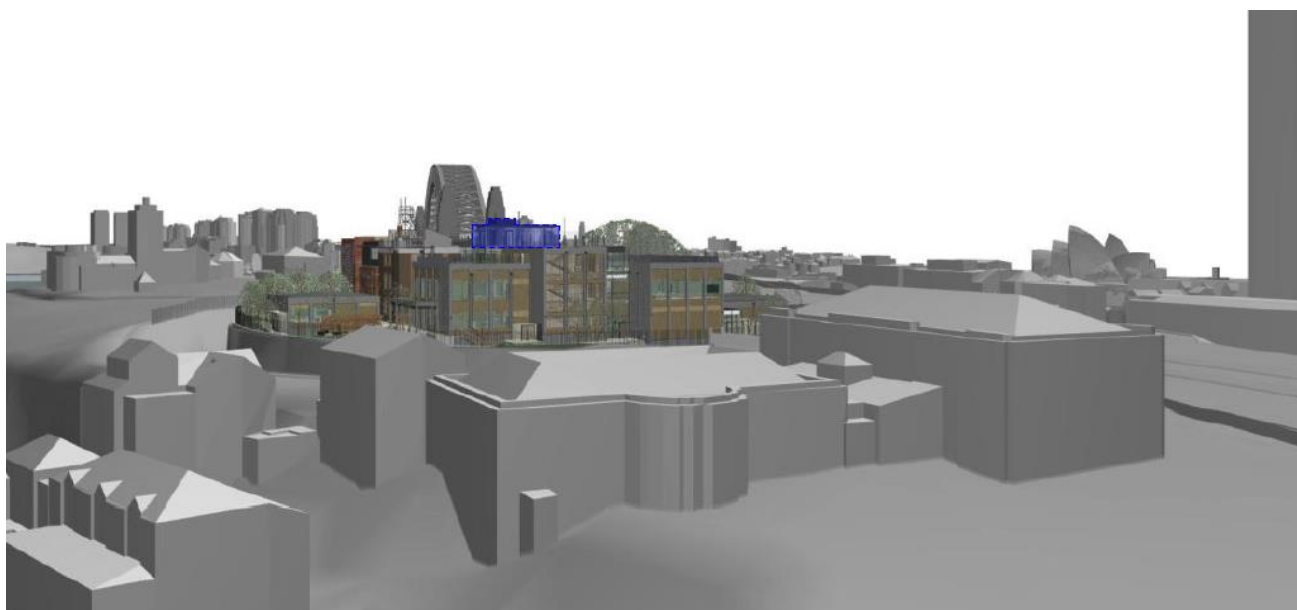
**Figures 6 and 7** compare the original Section 4.55 proposal with the amended Section 4.55 scheme.

From the south of the low-level floorplate, the addition to Building J will obscure the lower half of the eastern pylon at the southern end of the Harbour Bridge. The western pylon and arch of the Harbour Bridge remain visible. The amended Section 4.55 scheme does not change the impact on the Harbour Bridge pylon, however it reduces the impact on sky views. View impacts on the Highgate Apartments are considered to be minor/negligible.



**Figure 6 – Viewpoint 11 showing original Section 4.55 scheme**

Source: FJMT



**Figure 7 – Viewpoint 11 showing amended Section 4.55 scheme**

Source: FJMT

### 3.4 Georgia Apartments – Viewpoint 29

#### Assessment of views to be affected

The original Viewpoint 15, from the south of the floorplate, has been remodelled at a lower height (RL 50) to better reflect the most affected property. The new viewpoint is referred to as Viewpoint 29. Foreground views are dominated by the National Trust Centre, SH Erwin Gallery and FSPS. From all parts of the low-level floorplate, the southern pylons and top of the Harbour Bridge are visible above FSPS. The North Sydney CBD is visible beyond. The Opera House is visible in the right of the view. Views of the Harbour are largely obscured by Observatory Hill and foreground buildings.

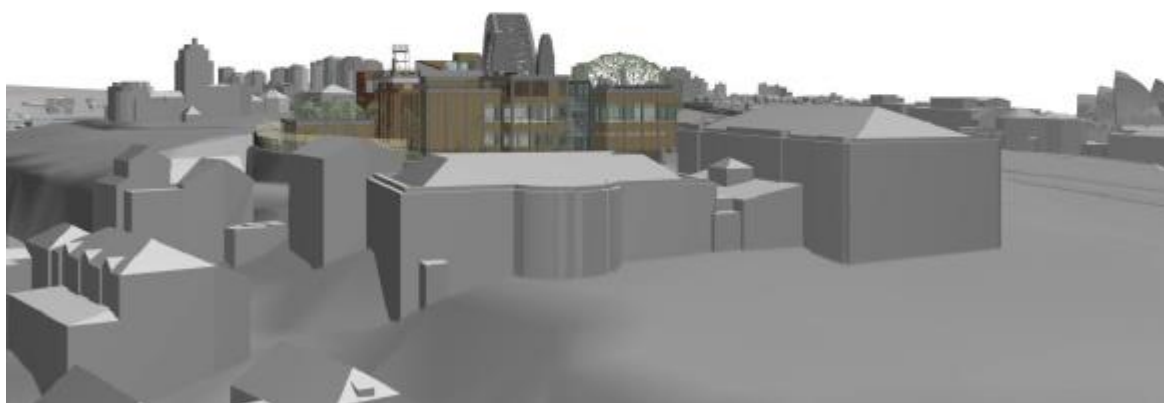
#### From what part of the property the views are obtained

Based on archival records obtained from Council, there are living rooms, master bedrooms and balconies on the eastern frontage of apartments between Levels 7 – 25.

#### Extent of impact

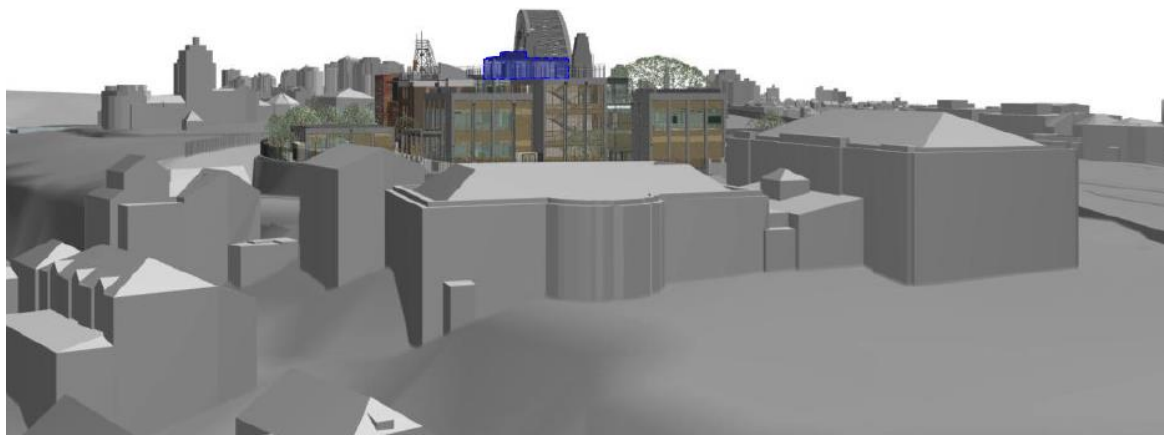
**Figures 8 and 9** compare the approved SSD with the amended Section 4.55 scheme. As this view position has changed since the originally submitted VIA, there is no view of the original Section 4.55 scheme.

From the low-level, the amended proposal results in the lower part of the western pylon and base of the Harbour Bridge becoming obscured. However, the top half of the pylons and arch of the Sydney Harbour Bridge remain in full view. The amended proposal does not result in any impacts on distant views of the Harbour or North Sydney CBD. View impacts on the Georgia Apartments are considered minor/negligible.



**Figure 8 – Viewpoint 15 showing approved SSD scheme**

Source: FJMT



**Figure 9 – Viewpoint 29 showing amended Section 4.55 scheme at revised height**

Source: FJMT

### **3.5 Langham Hotel – Viewpoint 19**

#### **Assessment of views to be affected**

Viewpoint 19, from the south of the floorplate at RL 28.50m (the originally modelled height), is considered the most significantly affected viewpoint from this building. From the Langham Hotel, foreground views are dominated by the terrace houses on the eastern side of Kent Street, vegetation along Kent Street, the existing tennis court. Due to the change in topography between the Langham Hotel and the FSPS site, views of the site are limited, however there are some opportunities to view the site (and the CBD context behind) above these foreground features. There are no significant features in the views.

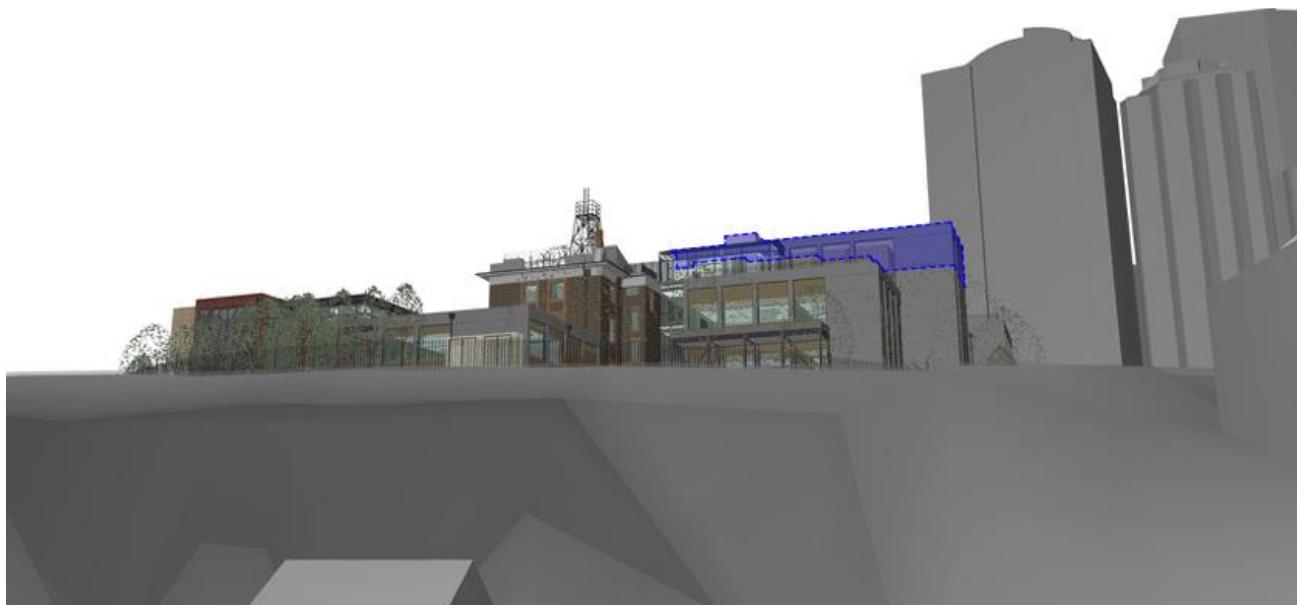
#### **From what part of the property the views are obtained**

Based on archival records obtained from Council, guest rooms are located at Levels 2 and 3 on the Langham Hotel's eastern frontage.

#### **Extent of impact**

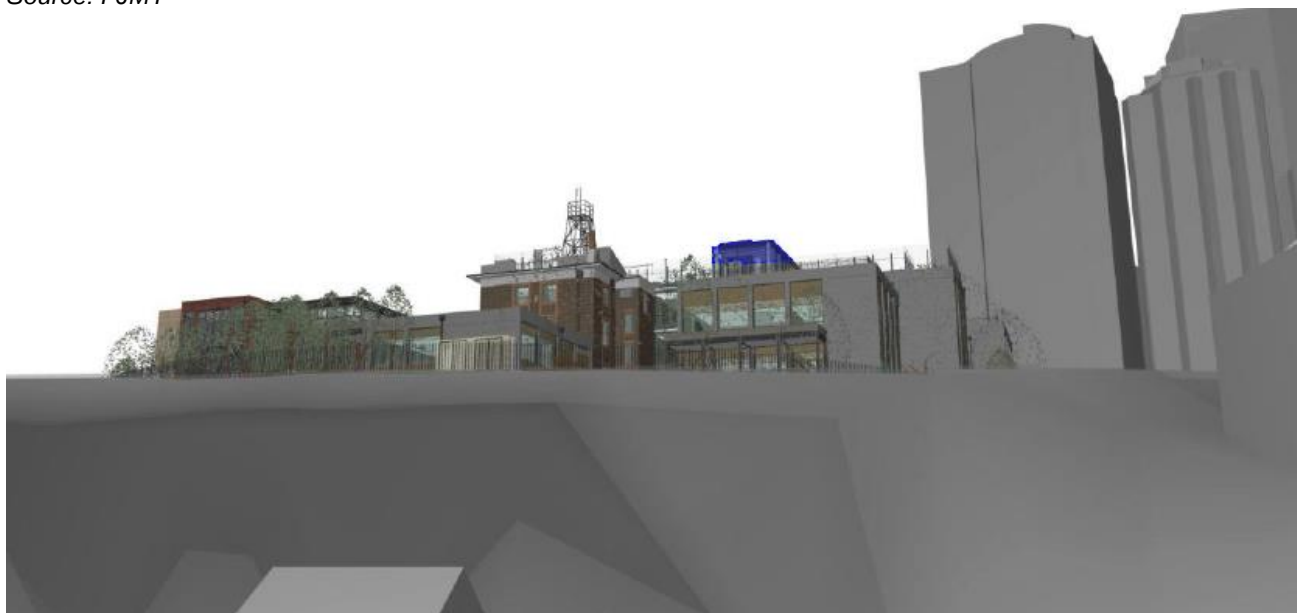
**Figures 10 and 11** compare the original Section 4.55 proposal with the amended Section 4.55 scheme.

From the low-level, the addition to Building J will result in some obscuring of sky views and views of the CBD buildings behind FSPS. There are no significant features in the existing views, and therefore there will be no impact on any significant features. The amended Section 4.55 scheme reduces the extent of sky views impacted by the proposal.



**Figure 10 – Viewpoint 19 showing original Section 4.55 scheme**

*Source: FJMT*



**Figure 11 – Viewpoint 19 showing amended Section 4.55 scheme**

*Source: FJMT*

### **3.6 Observatory Tower – Viewpoint 21**

#### **Assessment of views to be affected**

Viewpoint 21, from the west of the floorplate at RL 52.712m, is considered the most significantly affected viewpoint from this building. Foreground views are dominated by the National Trust Centre, SH Erwin Gallery and FSPS. From all viewpoints, the Harbour Bridge is visible to the right of FSPS, with North Sydney CBD visible in the distance. Views of the Harbour itself are largely obscured by Observatory Hill and foreground buildings.

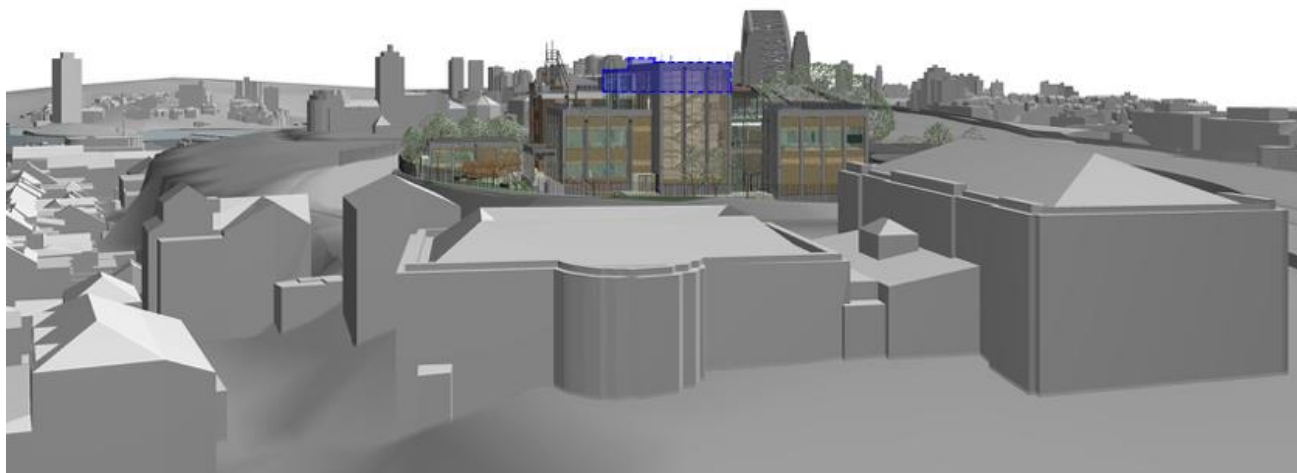
#### **From what part of the property the views are obtained**

There are no floorplans available for Observatory Tower in Council's archives. Based on online sales records, it is understood that north facing apartments generally have living rooms and balconies on this frontage.

## Extent of Impact

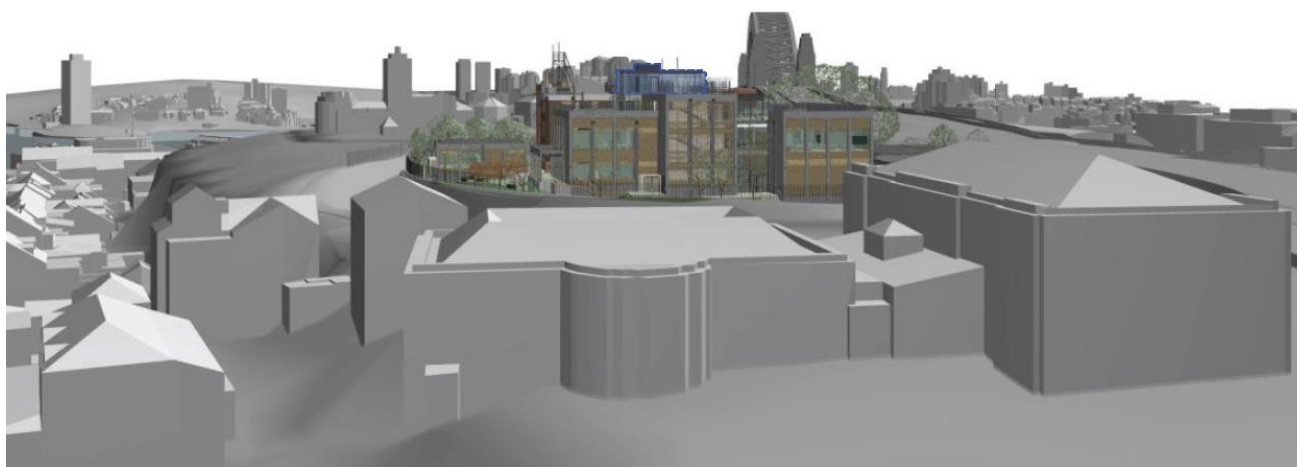
**Figures 12 and 13** compare the original Section 4.55 proposal with the amended Section 4.55 scheme.

The addition to Building J will not result in any impacts on existing views of the Sydney Harbour Bridge or its approaches. The addition will obscure a small portion of sky view and distant views of the North Sydney CBD, however no significant features will be impacted. The amended Section 4.55 scheme reduces the extent of sky view and distant North Sydney CBD views affected by the proposal. The Harbour Bridge continues to be unimpacted by the proposal. View impacts on the Observatory Apartments are therefore considered to be negligible.



**Figure 12 – Viewpoint 21 showing original Section 4.55 scheme**

Source: FJMT



**Figure 13 – Viewpoint 21 showing amended Section 4.55 scheme**

Source: FJMT

## 4.0 Conclusion

The amended Section 4.55 scheme and proposed amendments to Building J respond to concerns relating to view impacts and the scale of development.

This letter provides an additional assessment of the worst affected views from the surrounding six (6) buildings. In assessing view impacts, it is important to consider the principles relating to view loss and view sharing more broadly, with the acceptability of the view impact ultimately coming down to an assessment of the 'reasonableness' of the impact.

The view impacts, based on principles established in Tenacity, are assessed above. The views from properties at the lower levels of surrounding buildings are pleasant – and may even, in some cases, be considered an outlook. From the most significantly impacted properties, views are primarily of a street, foreground buildings and the southern and western hillslope of Observatory Hill within which trees and vegetation are visually prominent. Whilst the Harbour Bridge is highly valuable and is present in many of these low-level views, it is generally seen in part as a small element in the background. Whilst the Bridge will be obscured or blocked from some apartments, in our opinion, it does not fundamentally alter the nature of the view.

In the absence of height or density controls applying to the site, the proposal has been supported by a merit assessment, which is based on consideration of impact. Whilst the proposal has an impact on the current view, it would be unreasonable to refuse or further alter the proposal based on the scale and nature of impact, and would create an undesirable precedent whereby partial views of an 'icon' are to be protected, to the detriment of a well-considered development that is providing a clear social benefit.

In summary, based on the above Tenacity assessment and consideration of the view sharing considerations within the *Sydney Local Environmental Plan 2012* and the Central Sydney Planning Strategy (refer to Response to Request for Additional Information Cover Letter dated 13 October 2021), the proposed view impacts are considered reasonable for the following reasons:

- The amended proposal does not fundamentally alter the nature of the affected views;
- The amended proposal represents a skilful design that sites new massing away from the most sensitive receiver in the locality, which is the Observatory itself, and has been supported by a merit assessment; and
- On balance, the provision of a well-considered school development resulting in a clear social benefit outweighs the minor/negligible impact to the affected private views.

We trust that this information is sufficient to assist DPIE's assessment of the proposed modification. Should you have any queries about this matter, please do not hesitate to contact the undersigned.

Yours sincerely,



Kate Tudehope  
Associate Director, Planning  
0411 818 359  
ktudehope@ethosurban.com

**BUILDING 1** / Stamford on Kent 183 Kent St  
Private Low Level View



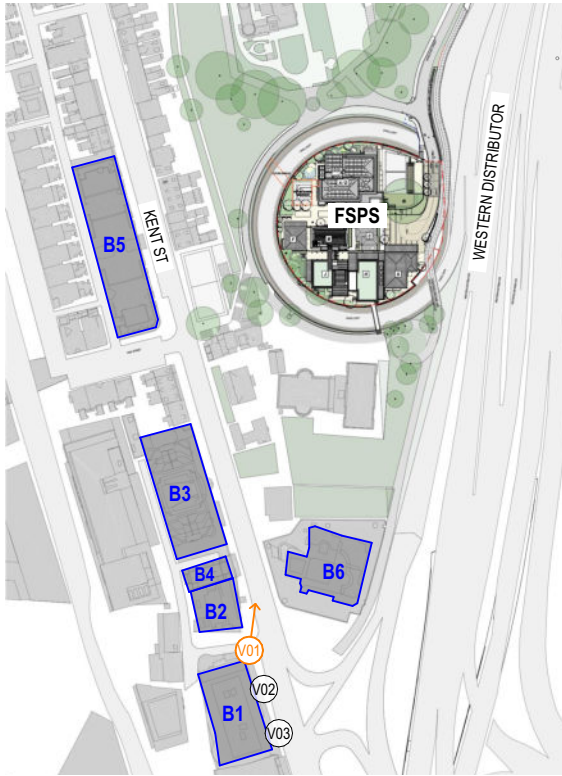
○ AERIAL VIEW Building 1

**LEGEND:**

**B1** BUILDING ID FOR VIA  VIEWPOINT

**NOTE:**

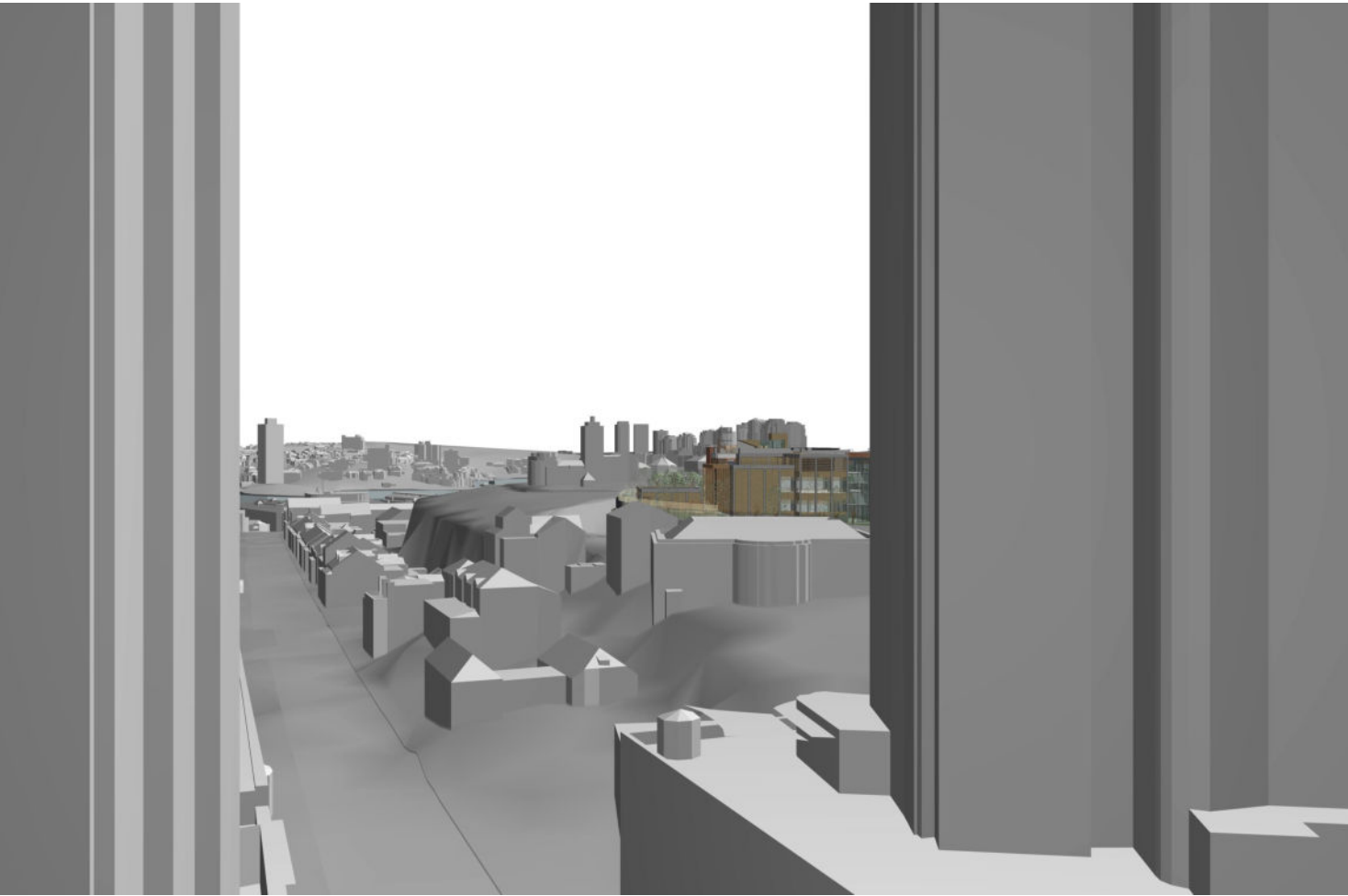
- 3D MODEL CAMERA POSITIONS FROM SURVEY TERRAIN/CONTEXT BUILDINGS MODELLED INDICATIVELY.
- VIEWPOINTS SHOWN WITH A 35mm FOCAL LENGTH TO CAPTURE PERSPECTIVE SIMILAR TO THE HUMAN EYE.
- DATUM OF EXISTING MET ROOF AT RL 52.712



○ KEY PLAN  
NTS

**VIEWPOINT 01**

APPROVED SSDA VIEW

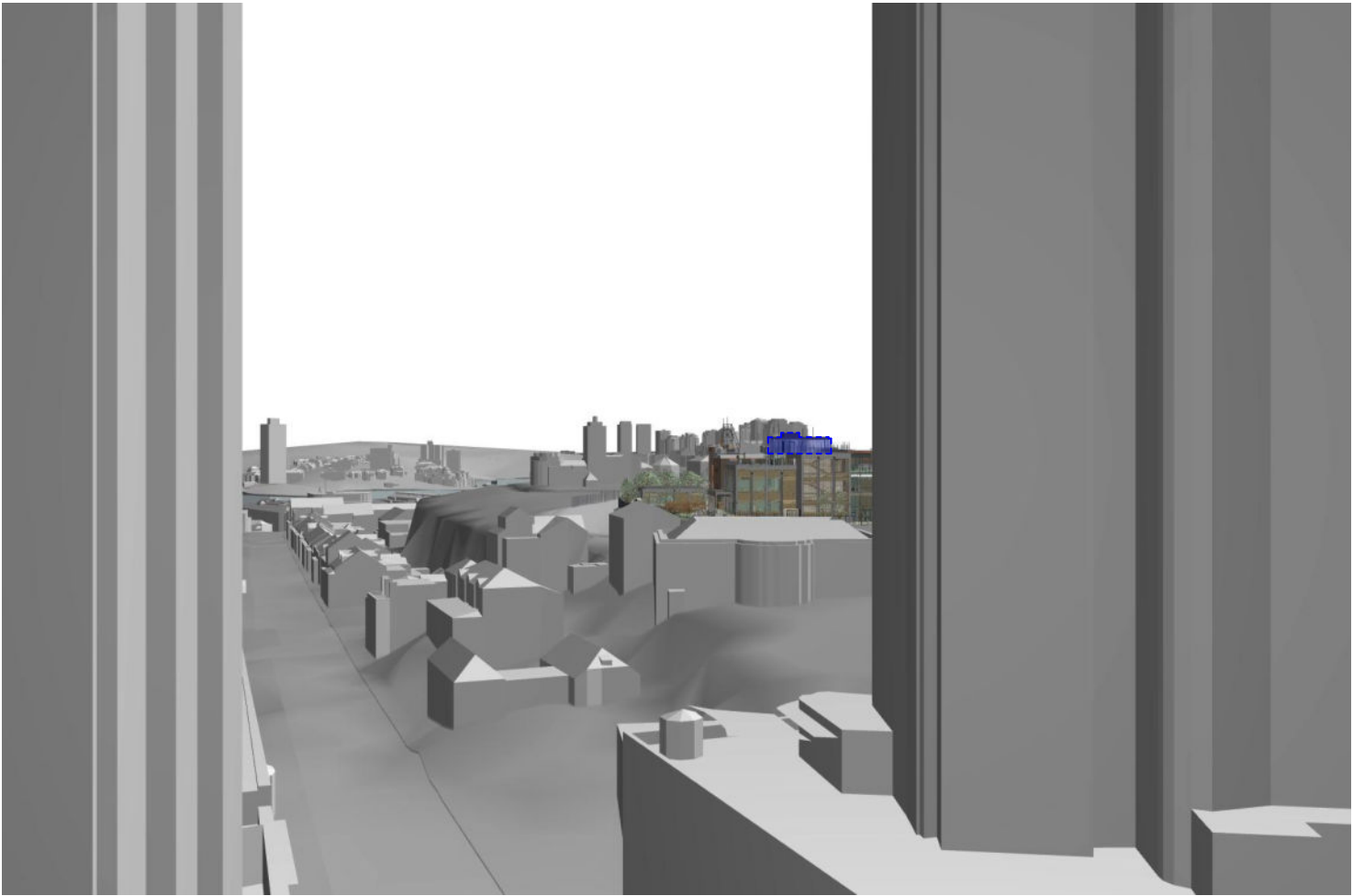


○ **V01** 3D VIEW RL 52.712

28/1/21  
20/10/21

DA-7101 — Building 1 - Private VIA View 01  
Department of Education — Fort Street Public School

NEW SCHEME VIEW



○ **V01** 3D VIEW RL 52.712

 INDICATIVE ZONE OF NEW PROPOSED LIFT LOBBY TO ROOFTOP OF BUILDING J

Scale  
No Scale @ A3



**BUILDING 3** / Highgate Apartments 127 Kent St  
Private Low Level View



AERIAL VIEW Building 3

LEGEND:

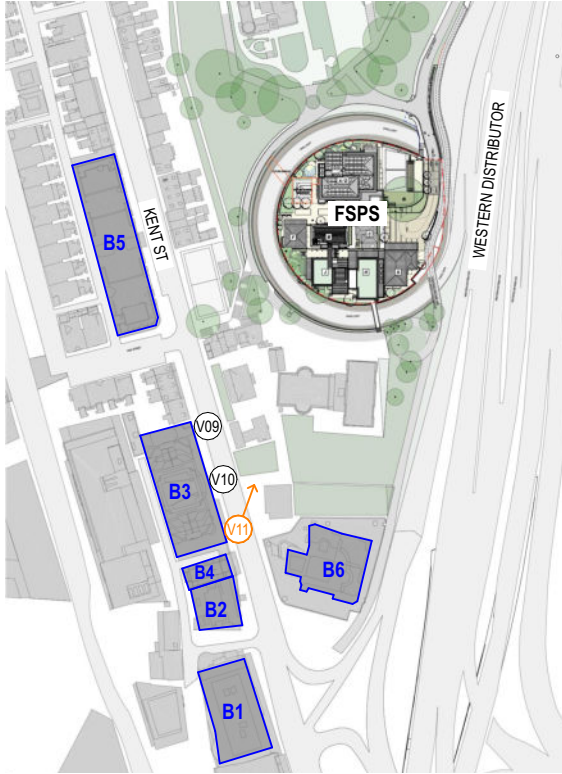
B1 BUILDING ID FOR VIA



VIEWPOINT

NOTE:

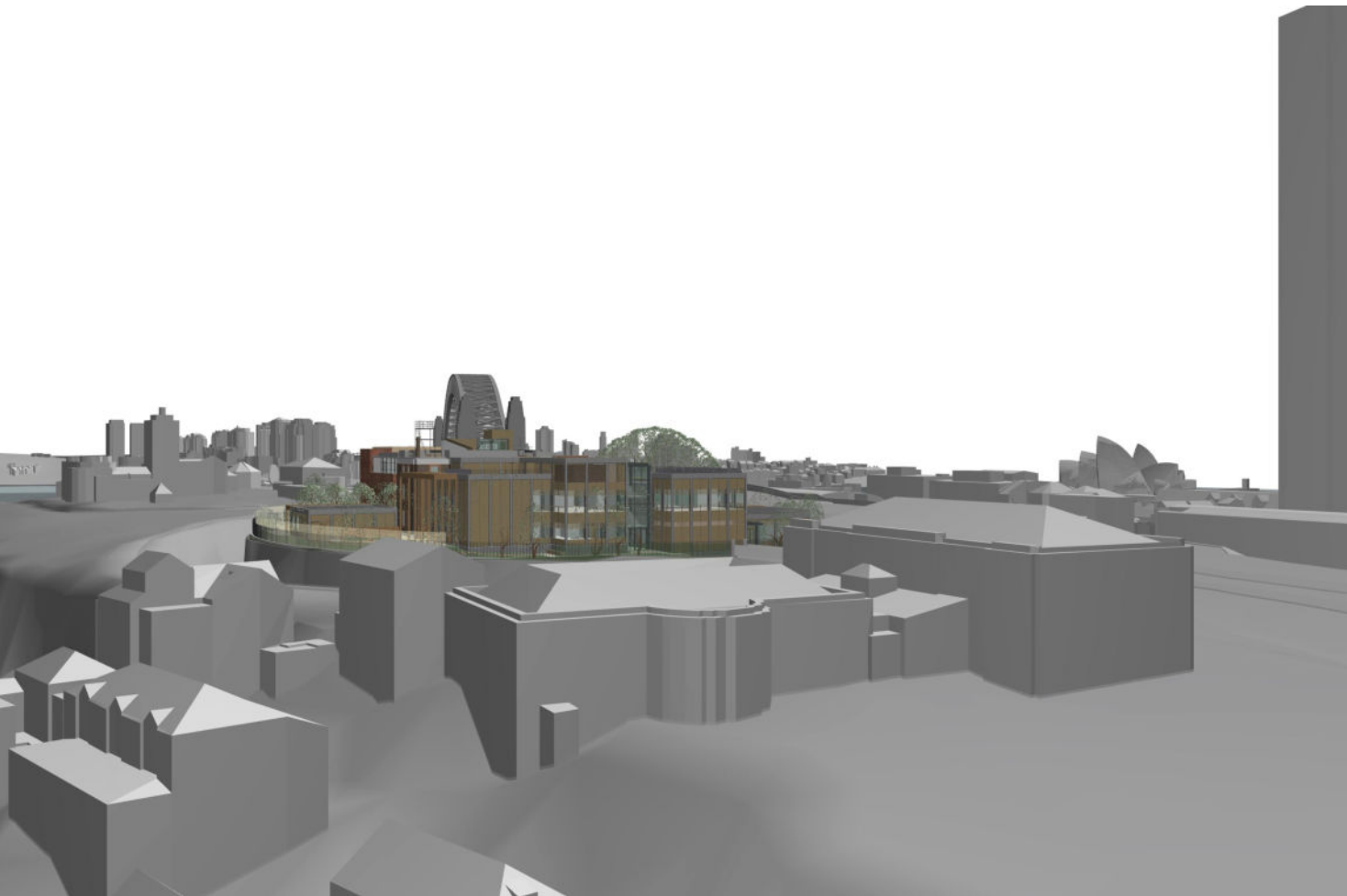
- 3D MODEL CAMERA POSITIONS FROM SURVEY TERRAIN/CONTEXT BUILDINGS MODELLED INDICATIVELY.
- VIEWPOINTS SHOWN WITH A 35mm FOCAL LENGTH TO CAPTURE PERSPECTIVE SIMILAR TO THE HUMAN EYE.
- DATUM OF EXISTING MET ROOF AT RL 52.712



KEY PLAN  
NTS

**VIEWPOINT 11**

APPROVED SSDA VIEW

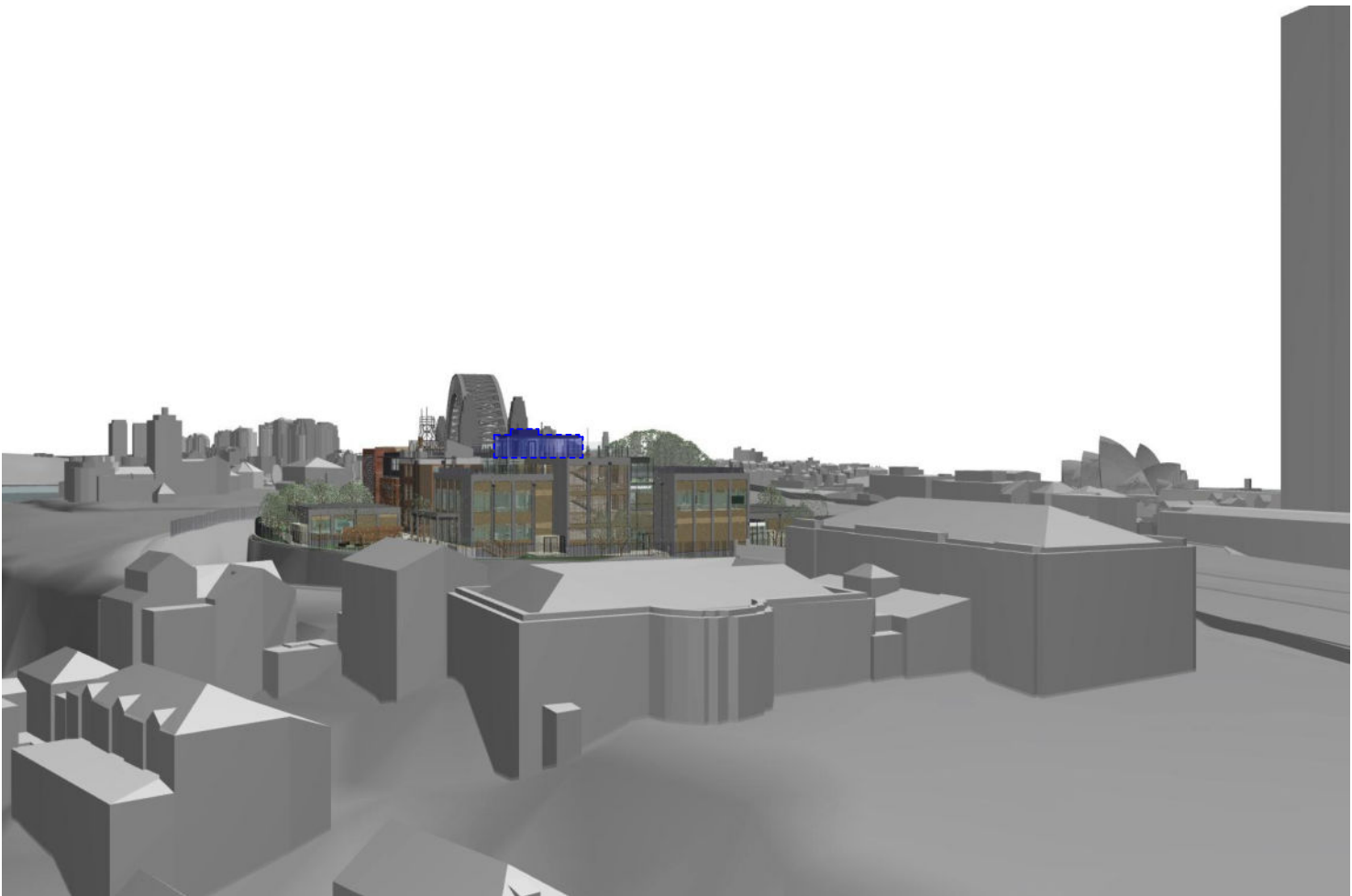


V11 3D VIEW RL 52.712

28/1/21  
20/10/21

DA-7111 — Building 3 - Private VIA View 11  
Department of Education — Fort Street Public School

NEW SCHEME VIEW



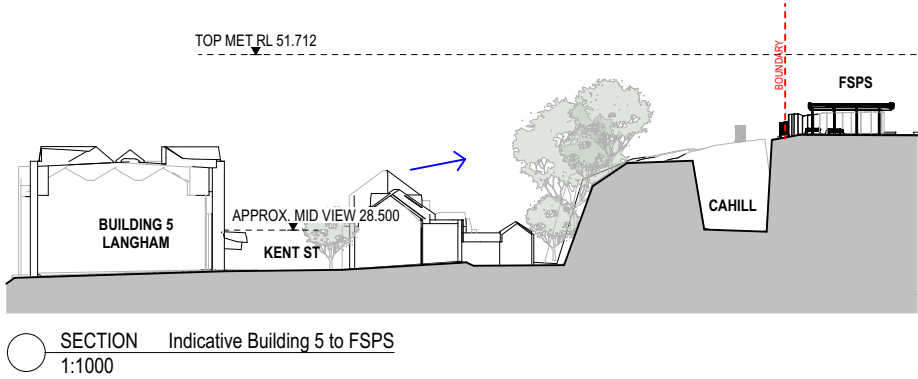
V11 PROPOSED VIEW RL 52.712

INDICATIVE ZONE OF NEW PROPOSED LIFT LOBBY TO ROOFTOP OF BUILDING J

Scale  
No Scale @ A3



**BUILDING 5** / Langham Hotel 89-133 Kent St  
Private Low Level View



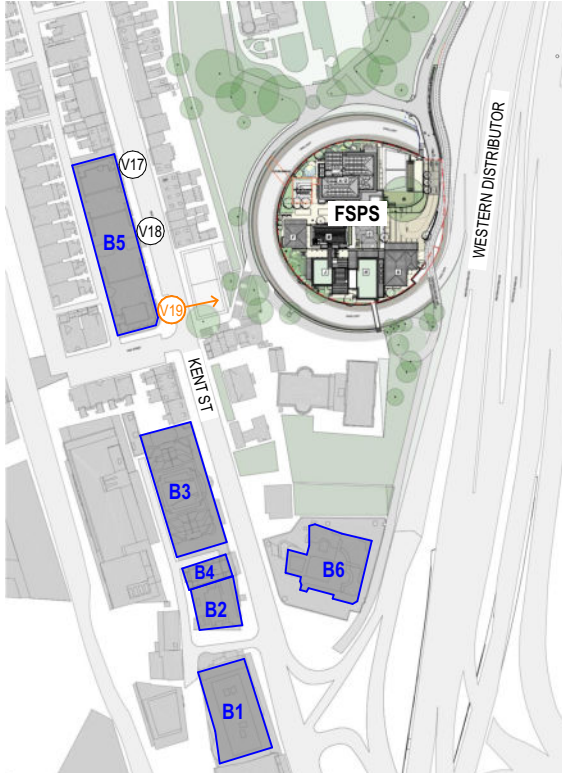
**LEGEND:**

**B1** BUILDING ID FOR VIA

**VIEWPOINT**

**NOTE:**

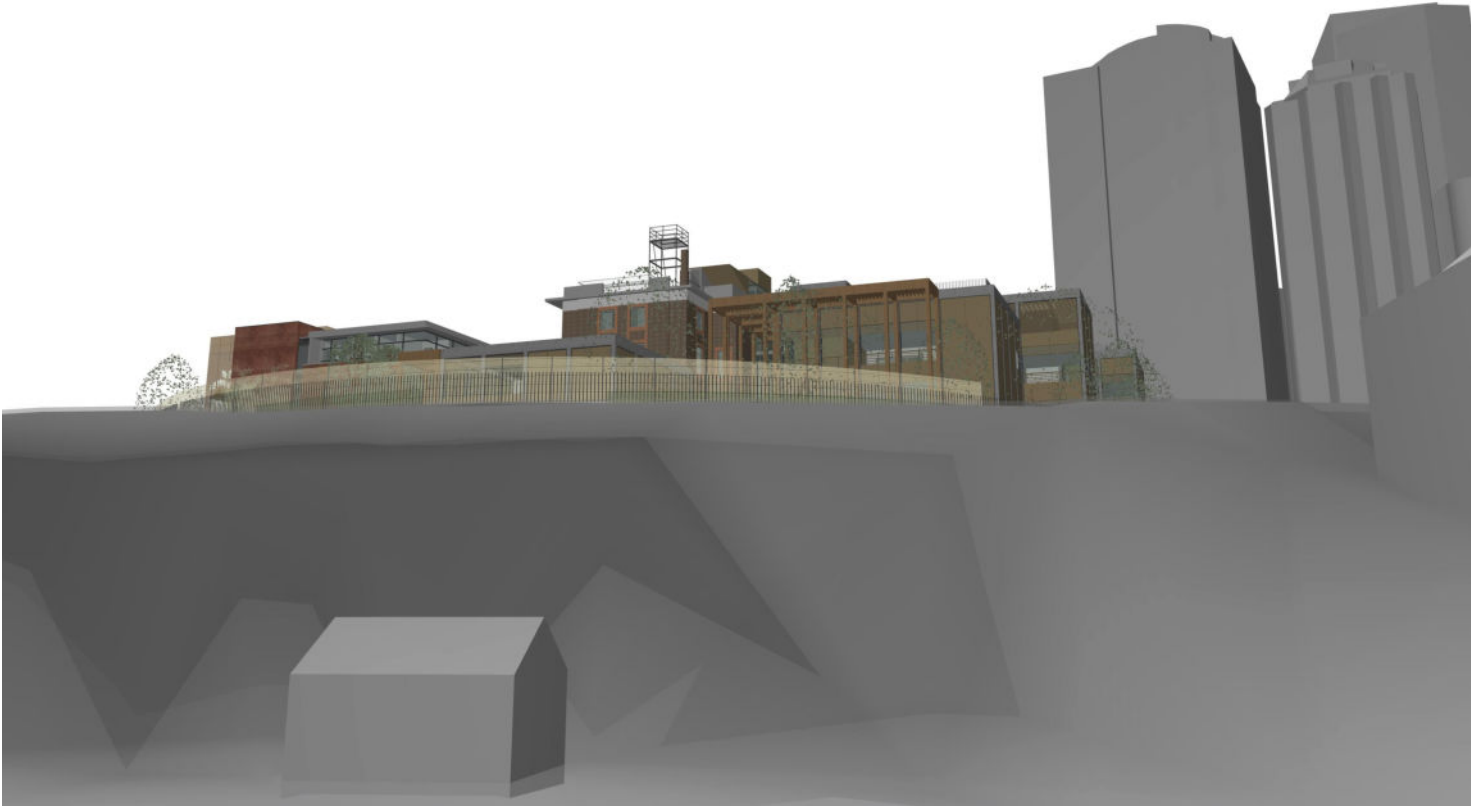
- 3D MODEL CAMERA POSITIONS FROM SURVEY TERRAIN/CONTEXT BUILDINGS MODELLED INDICATIVELY.
- VIEWPOINTS SHOWN WITH A 35mm FOCAL LENGTH TO CAPTURE PERSPECTIVE SIMILAR TO THE HUMAN EYE.



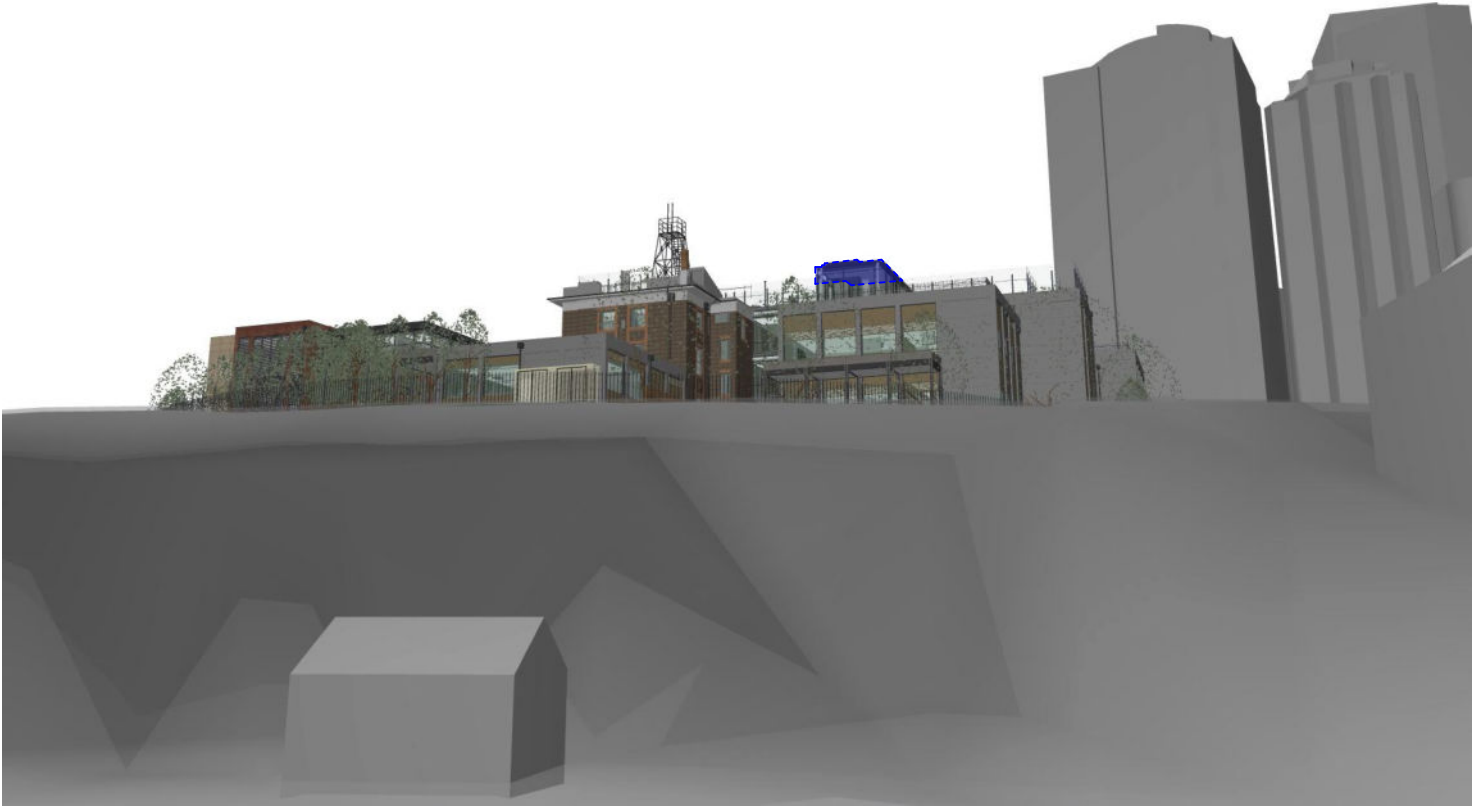
**VIEWPOINT 19**

APPROVED SSDA VIEW

NEW SCHEME VIEW



**V19** 3D VIEW RL 28.500



**V19** PROPOSED VIEW RL 28.500

**INDICATIVE ZONE OF NEW PROPOSED LIFT LOBBY TO ROOFTOP OF BUILDING J**



**BUILDING 6** / Observatory Towers, 168 Kent St  
Private Low Level View



AERIAL VIEW Building 6

LEGEND:

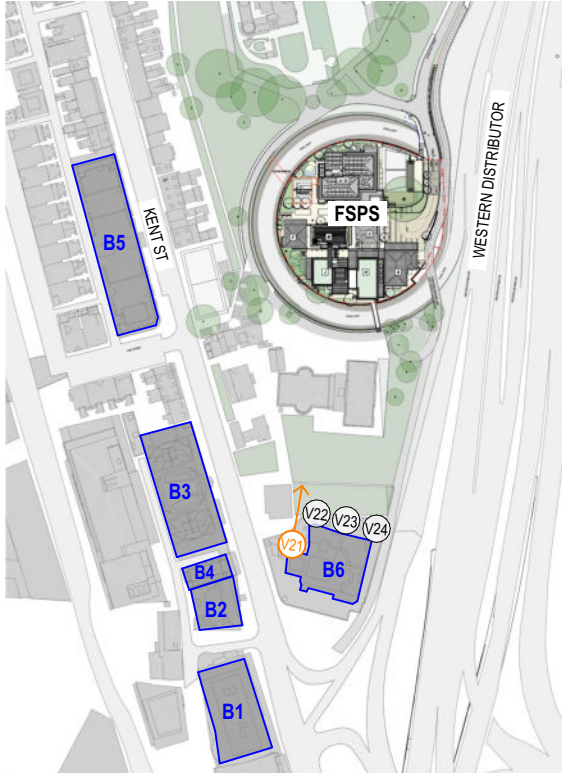
**B1** BUILDING ID FOR VIA



VIEWPOINT

NOTE:

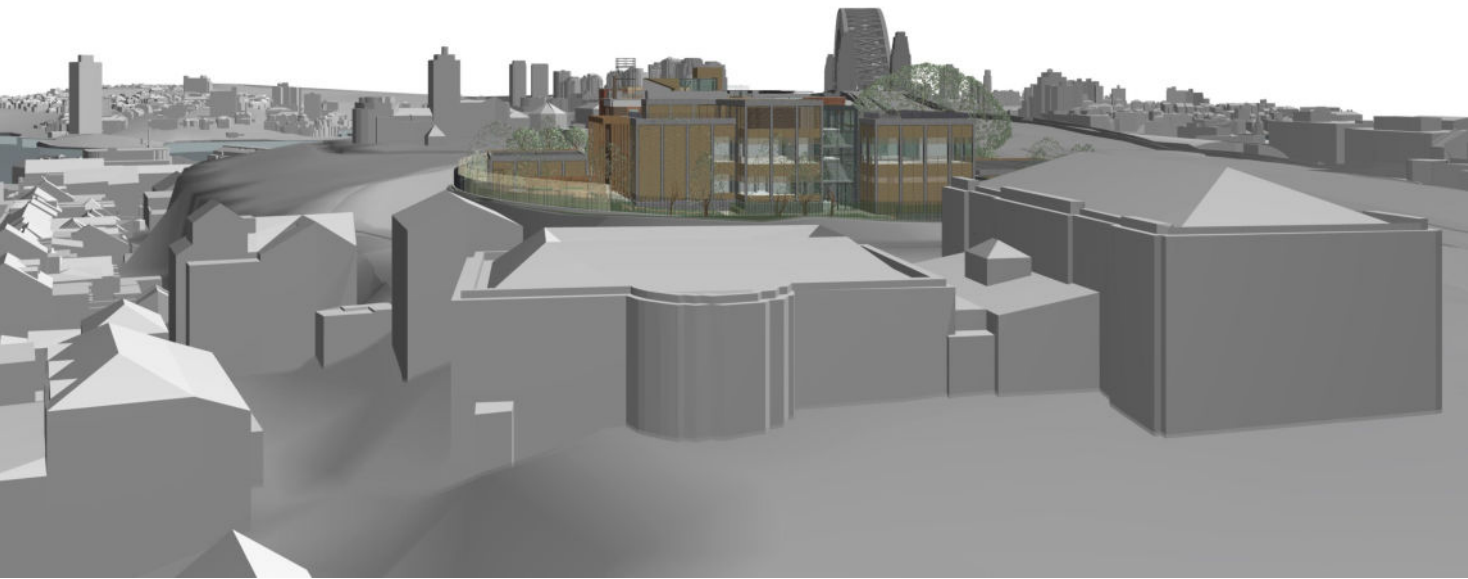
- 3D MODEL CAMERA POSITIONS FROM SURVEY TERRAIN/CONTEXT BUILDINGS MODELLED INDICATIVELY.
- VIEWPOINTS SHOWN WITH A 35mm FOCAL LENGTH TO CAPTURE PERSPECTIVE SIMILAR TO THE HUMAN EYE.
- DATUM OF EXISTING MET ROOF AT RL 52.712



KEY PLAN  
NTS

**VIEWPOINT 21**

APPROVED SSDA VIEW

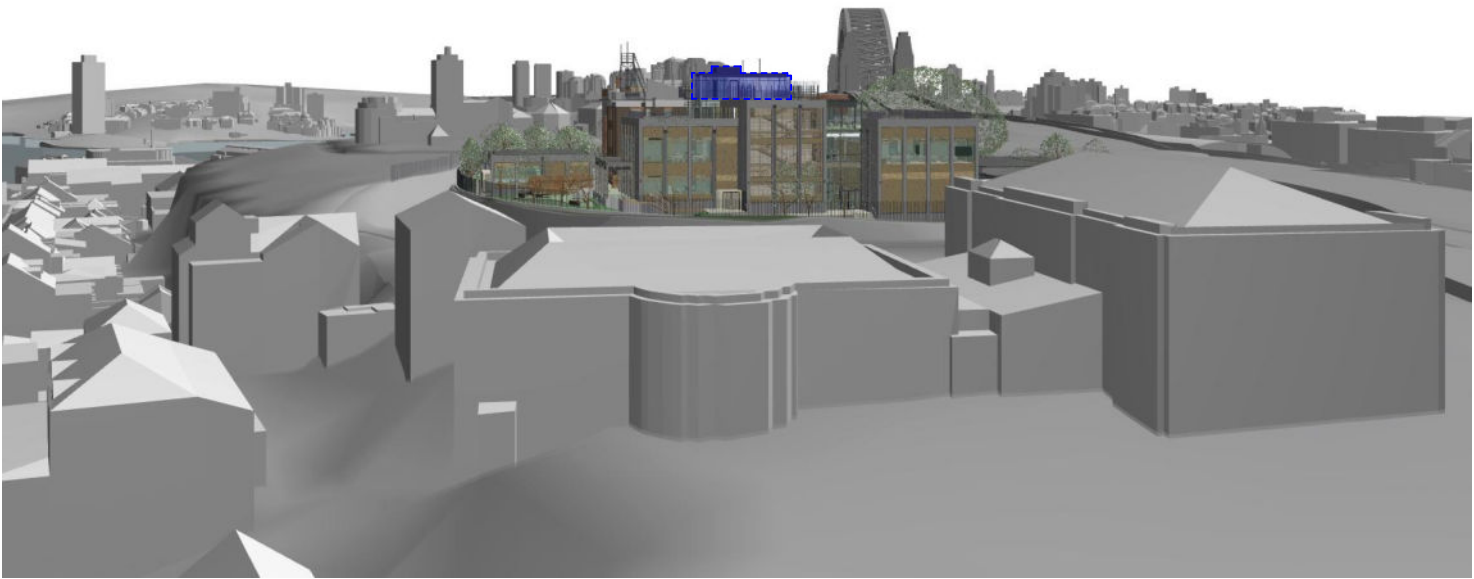


**V21** 3D VIEW RL 52.712

28/1/21  
29/10/21

DA-7121 — Building 6 - Private VIA View 21  
Department of Education — Fort Street Public School

NEW SCHEME VIEW



**V21** 3D VIEW RL 52.712

**[Blue dashed box]** INDICATIVE ZONE OF NEW PROPOSED LIFT LOBBY TO ROOFTOP OF BUILDING J

Scale  
No Scale @ A3



**BUILDING 2** / Stamford Marque 161 Kent St  
Private Low Level View



○ AERIAL VIEW Building 2

**LEGEND:**

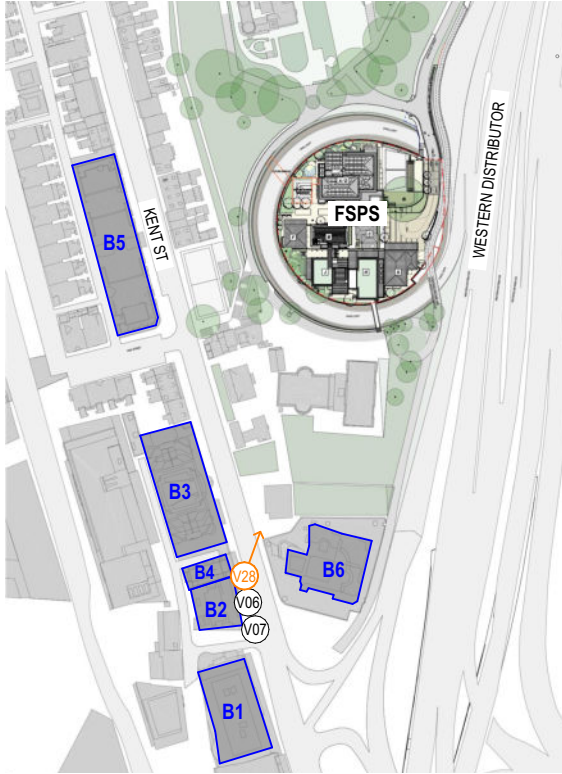
**B1** BUILDING ID FOR VIA



VIEWPOINT

**NOTE:**

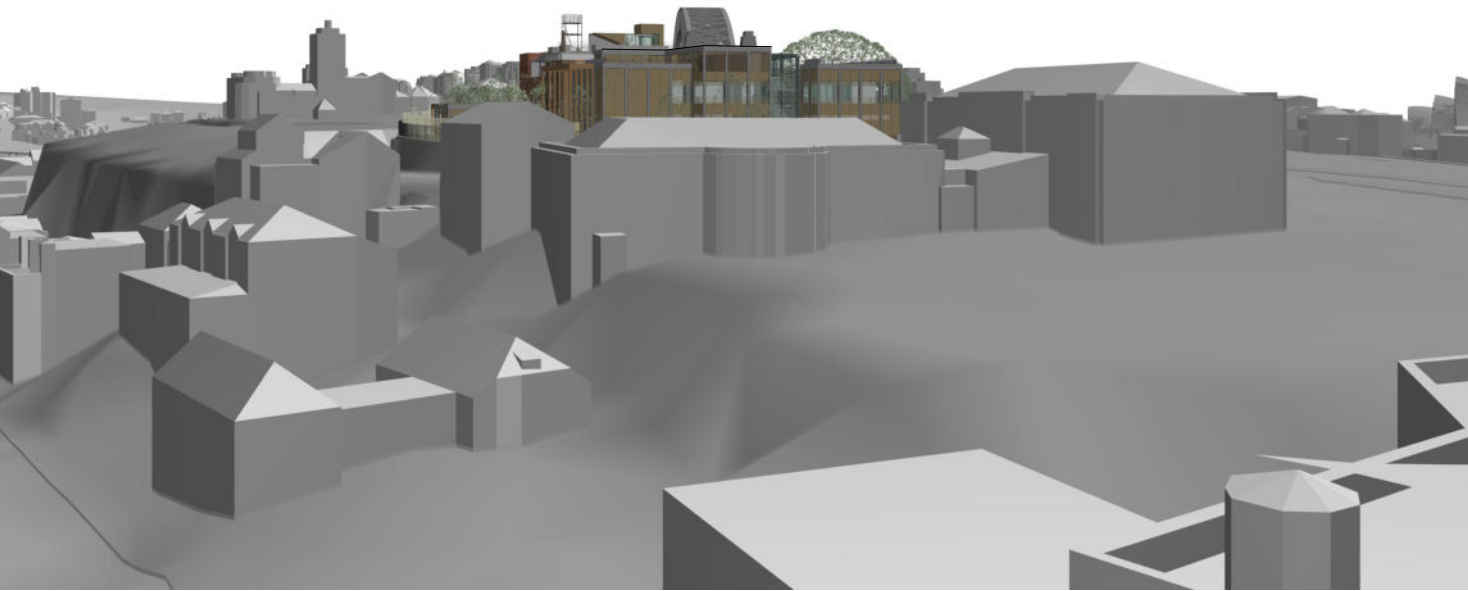
- 3D MODEL CAMERA POSITIONS FROM SURVEY TERRAIN/CONTEXT BUILDINGS MODELLED INDICATIVELY.
- VIEWPOINTS SHOWN WITH A 35mm FOCAL LENGTH TO CAPTURE PERSPECTIVE SIMILAR TO THE HUMAN EYE.
- DATUM OF EXISTING MET ROOF AT RL 52.712



○ KEY PLAN  
NTS

**VIEWPOINT 28**

APPROVED SSDA VIEW

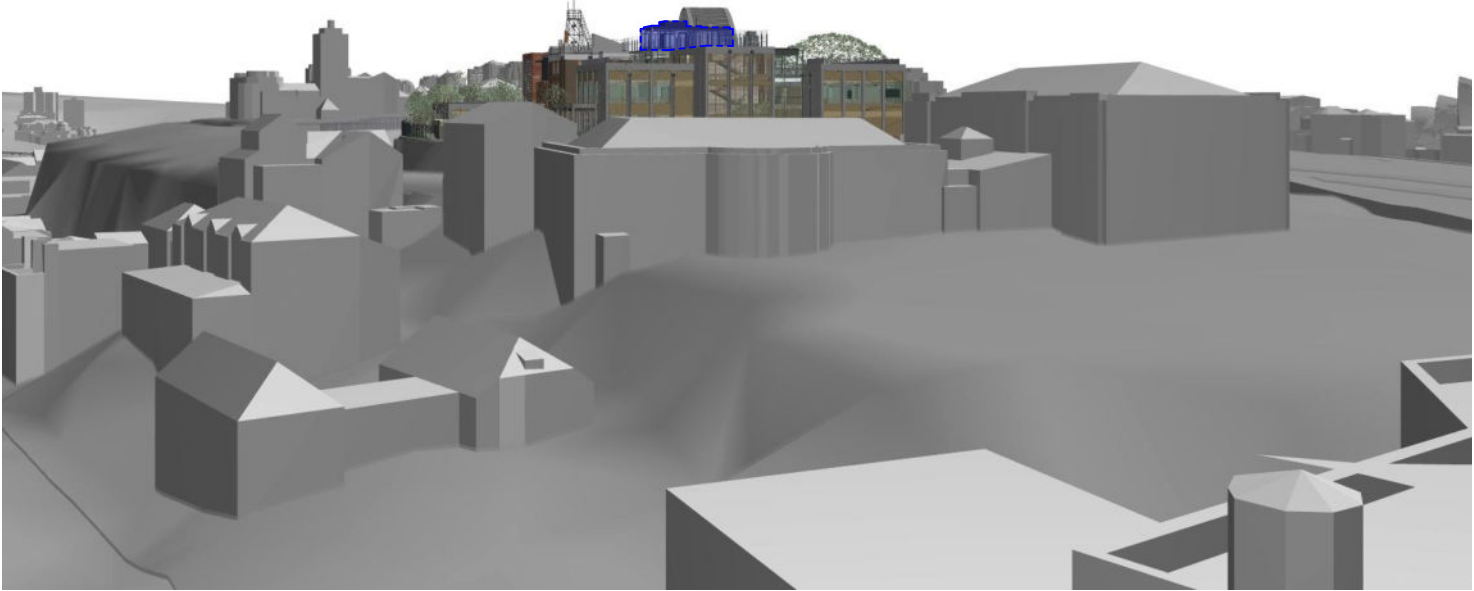


○ **V28** 3D VIEW RL 45.000

28/1/21  
29/10/21

DA-7128 — Building 2 - Private VIA View 28  
Department of Education — Fort Street Public School

NEW SCHEME VIEW



○ **V28** 3D VIEW RL 45.000

 INDICATIVE ZONE OF NEW PROPOSED LIFT LOBBY TO ROOFTOP OF BUILDING J

Scale  
No Scale @ A3



**BUILDING 4** / Georgia Apartments 155 Kent St  
Private Low Level View



AERIAL VIEW Building 4

LEGEND:

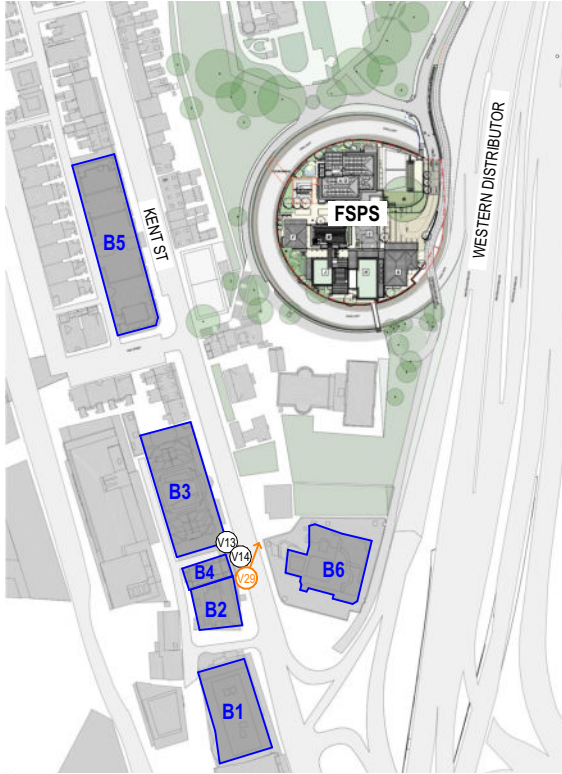
B1 BUILDING ID FOR VIA



VIEWPOINT

NOTE:

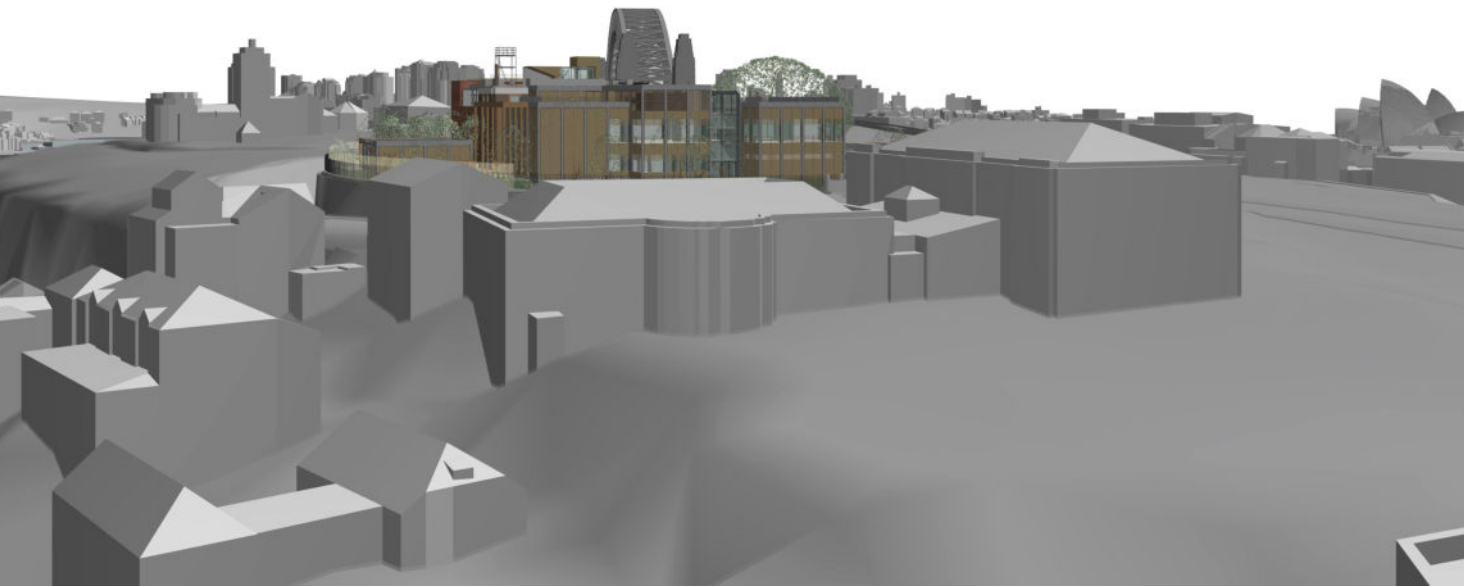
- 3D MODEL CAMERA POSITIONS FROM SURVEY TERRAIN/CONTEXT BUILDINGS MODELLED INDICATIVELY.
- VIEWPOINTS SHOWN WITH A 35mm FOCAL LENGTH TO CAPTURE PERSPECTIVE SIMILAR TO THE HUMAN EYE.
- DATUM OF EXISTING MET ROOF AT RL 52.712



KEY PLAN NTS

**VIEWPOINT 29**

APPROVED SSDA VIEW

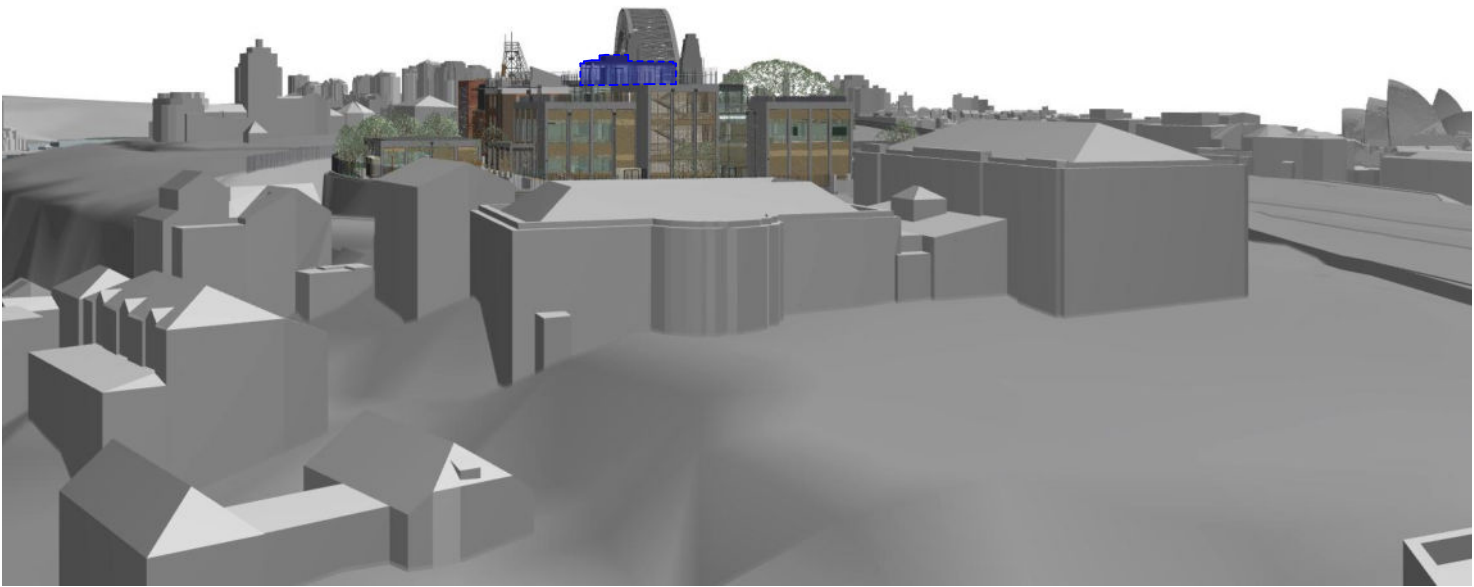


V29 3D VIEW RL 50.000

28/1/21  
20/10/21

DA-7129 — Building 4 - Private VIA View 29  
Department of Education — Fort Street Public School

NEW SCHEME VIEW



V29 PROPOSED VIEW RL 50.000

INDICATIVE ZONE OF NEW PROPOSED LIFT LOBBY TO ROOFTOP OF BUILDING J

Scale  
No Scale @ A3

