

3 October, 2018



**Via Online submission portal**

Department of Environment and Planning  
GPO Box 39,  
Sydney NSW 2001

Dear Sir/Madam

**Objection to State Significant Development 8922 (SSD 8922)  
Major Alterations and Additions to Stevenson Library  
Scots College, Victoria Road, Bellevue Hill**

We act on behalf of Mr Ian Joye who is the owner of 'Barford', located at 58 Victoria Road, Bellevue Hill (also incorporating No 9 Rupertswood Ave), to the south west of the Scots College (**subject site**). The following sets out our written objection to SSD8922 which seeks consent for partial demolition of the existing Stevenson Library building, reconfiguration of internal spaces and extensive alterations to the external façade including an increase to the building's height and number of storeys.

**Site Features - Stevenson Library**

The Stevenson Library forms part of the East Precinct of the Scots College campus located on Victoria Road, Bellevue Hill. The existing library building is five storeys in height and represents the Brutalist style of architecture with off-form blank concrete walls and flat roofed construction. It houses classrooms, a library, cafeteria, offices and meeting rooms. The building is setback approximately 30 metres east of Victoria Road and approximately 60 metres from the nearest residential area. It was constructed in 1988.

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**PLANNING**

**APPROVALS**

**DEVELOPMENT**

The East Precinct of the campus also accommodates; Aspinall House, used for the administrative functions of the college, the quadrangle, middle school building, oval, Anderson Hall, sport facilities, music centres, maths and science centre and two boarding houses.

Land to the west of the East Precinct is characterised predominantly by residential dwelling houses including numerous items of heritage significance including our client's property 'Barford' house at 58 Victoria Road and 9 Rupertswood Avenue (Item 68 listed in Schedule 5 of Woollahra Local Environmental Plan 2017) (**WLEP2017**).

Land to the north, east, and south of the campus is also characterised largely by residential development.

### **Site features – 'Barford'**

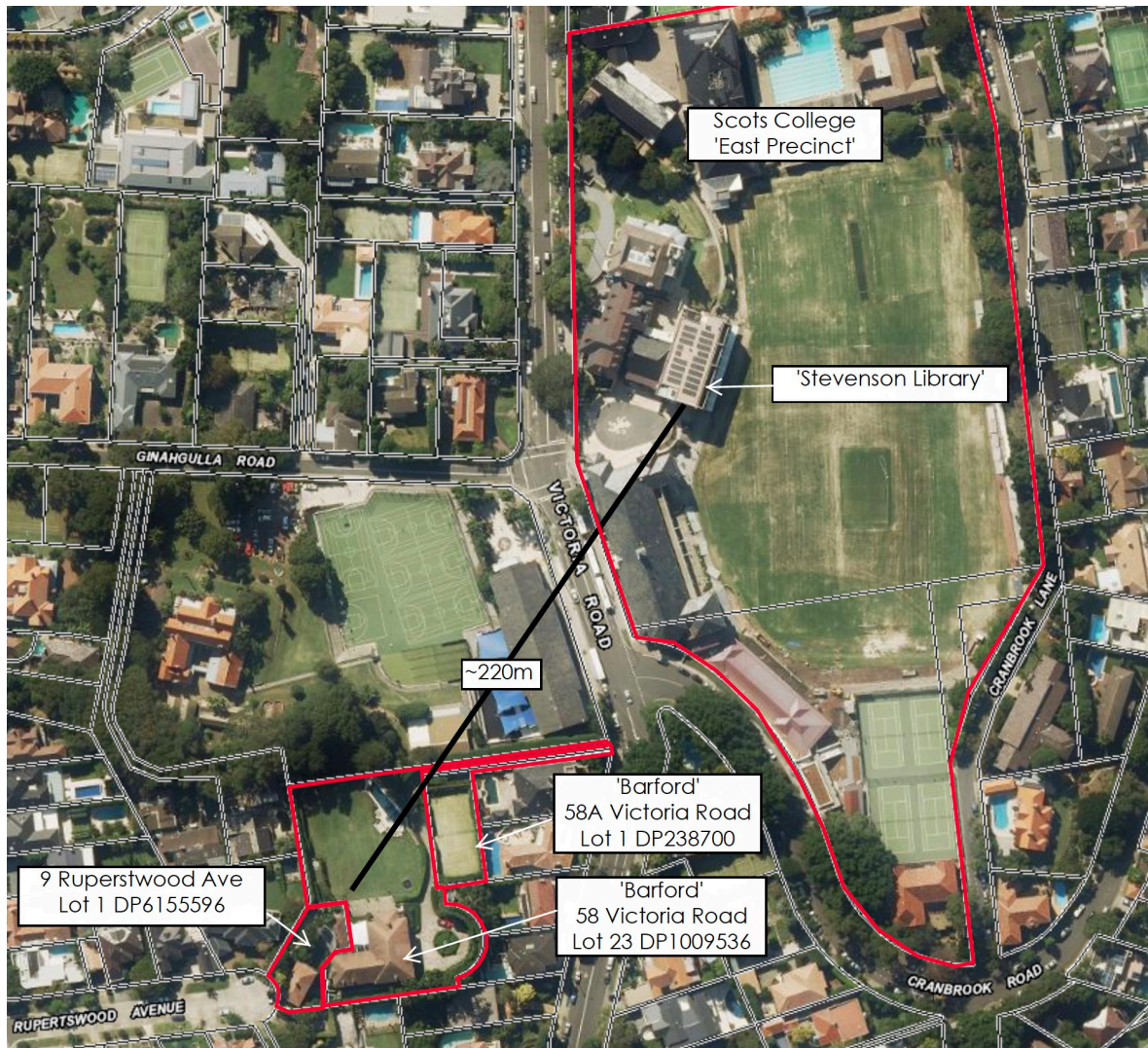
Our client's property comprises three individually titled lots being:

- Lot 23 DP 1009536 – 58 Victoria Road – 'Barford' house and grounds. Access is via a narrow driveway from Victoria Road
- Lot 1 DP 238700 – Tennis court
- Lot 1 DP 615596 – 9 Rupertswood Avenue – 3 bedroom cottage accessed via Rupertswood Avenue.

The Barford estate (the three lots will be referred to as '**Barford**' for the purposes of this submission) is located approximately 220m to the south west of the library building. The library's flat roof is currently visible from many vantage points within Barford estate, however does not project into the viewshed from Barford to Rose Bay and the harbour.

Figure 1 - below shows the Barford Estate and the existing Stevenson Library in the local context:

**Figure 1: Site Location - Barford Estate and the existing Stevenson Library in the local context**



Source – SixMaps

The Barford estate comprises a substantial Georgian style, seven bedroom two level dwelling house accessed via a private driveway off Victoria Road. The grounds provide patio and deck areas. The three bedroom cottage occupies a separate title and is sited to the west of the main homestead.

Both dwellings enjoy expansive views of significant Sydney landmark geographical features including Vaucluse, North Head, Middle Harbour. Water views of Sydney Harbour from both properties are largely unimpeded between Rose Bay north to Middle Head. The water views are partially interrupted by a stand of mature Moreton Bay fig street trees on Victoria Road, the clock tower of the Scots Middle School building and partially by the roof of Aspinall House.

Barford and garden is listed on the Register of the National Estate (Place ID 14050) with the following Place Details:

## Statement of Significance:

*Barford is a fine example of a large formal house in the inter-war Georgian Revival style favoured by Wilson Neave and Berry, a prominent firm of Sydney architects in the 1920s (Criterion F.1). The house demonstrates the influence of William Hardy Wilson, a former partner in the firm, who retired in 1927 (Criterion H.1). His influence was a significant factor in the development of Australian architecture, especially in Sydney in the 1930s and 1940s (Criterion A.4).*

## Description:

*Built 1931 to the design of Wilson, Neave and Berry for Warwick Fairfax of the prominent Sydney newspaper publishing family. The land was part of the adjoining Fairfax property Ginahgulla (Fairfax House).*

*Barford is a two storey house of face brick in a style strongly influenced by the Georgian Revival of the 1920s and showing the influence of William Hardy Wilson, a former partner of the firm, who retired in 1927. The house is built on an L-shaped plan with a sandstone columned courtyard and fountain (fountain top not original).*

*The entrance, which is central to the almost symmetrical main elevation, is elaborately highlighted with Tuscan columns and front door with sidelights and a large fanlight. A side entrance has a porte cochere. Windows are shuttered. The interior is mostly intact with detailed joinery and features of interest including panelled entrance, timber stair and interesting library cabinet work and fireplace.*

*The drawing room has a beamed and coffered ceiling painted pale blue and gold, which has been covered by a false ceiling and the original fireplace has been replaced. The garden has a sandstone carriage loop and is planted with traditional species much favoured by the architects, including olive, Chinese elm, poplars and oleanders. The former garage and squash court has been removed and a new outbuilding with tennis court built in recent years (1980s). Modern alterations to the house include new kitchen and bathrooms and a new opening from kitchen to informal dining area.*

The property has a rich local identity and social history having been owned by several influential Sydney siders and forming a part of the locality's early settlement history.

The property and buildings sit at a high point in the precinct at a level of 80 m AHD – which, compared to the elevation of the Stevenson Library of 60m AHD, gives the site one of the highest elevations of the immediate precinct. This elevation further maximises the harbour views from within both dwelling houses, from balcony areas and from within the grounds.

The northern elevations of both buildings have been constructed to capitalize on the expansive views with large floor to ceiling windows and French doors opening onto a patio area on the northern elevation of No 9 and numerous balconies and French doors located on the eastern facade of Barford.

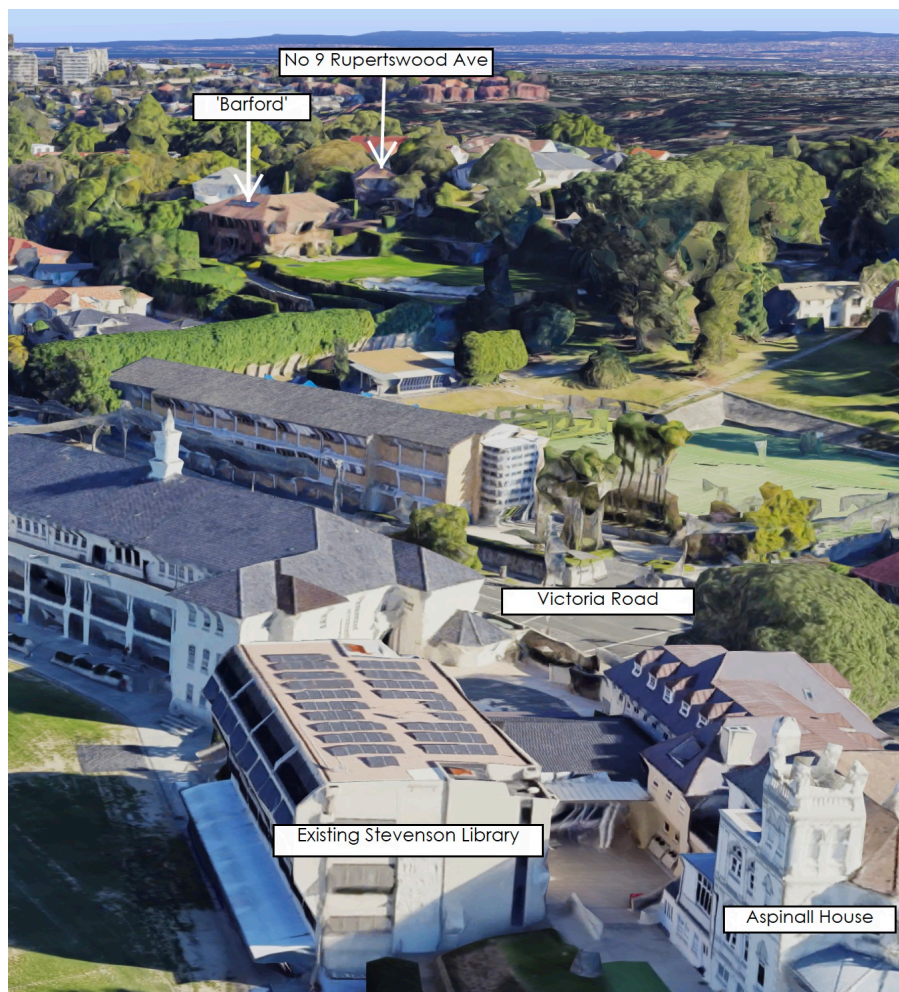
The following Figure 3 depicts the interrelationship between the Barford Property and the College estate.



**Figure 2: Relationship between Barford and Stevenson Library with vista of Sydney Harbour comprising views of Vaucluse, North Head and Middle Harbour**



Source – Google Maps – 3D tilt view

**Figure 3: Aerial View Looking South West from Scots College to Barford**

Source – Google Maps – 3D tilt view

### Proposed Development

The subject application seeks consent to:

- partially demolish the existing building including external and internal walls,
- extension of each existing floor slab to expand the total floor area of each level
- addition of an additional upper storey
- installation of a lift and stairwell connecting all levels.
- Construction of a new pitched roof and increase in building height from 71.13m AHD (16.35m) to 75.25m AHD (20.47m) – an increase of 4.12m. **(Note –** there are a number of discrepancies in the plans with the ridge height listed as 75.95 on plans numbered SSD1.02/17-210, SSD1.02/17-2012, SSD1.02/17-2012.1, SSD1.02/17-213, SSD1.02/17-214, SSD1.02/17-215, SSD1.02/17-217. This represents a difference of 700mm from that reported in the EIS, and potentially adds to the height impact.
- Expansion of the existing floor plate by 214sqm to 938sqm
- New building to be constructed in the 'Scottish Baronial' style of architecture to better reflect the existing building stock and the school's Scottish heritage.

The application is accompanied by an Environmental Impact Statement, an extensive range of background specialist reports including a view analysis report, built form and urban design report, site analysis reports and a heritage impact statement.

### **Objection to proposed development**

Our client's objection is to the significant impact that the new building will have on their views of the harbour and surrounding landmarks.

The proposal as submitted, represents an overdevelopment of the site in the context of cumulative impact of the school's development footprint. A number of the school's buildings already project into the public and private viewshed from numerous vantage points. The proposed building presents an additional and unreasonable further intrusion. The proposed building redesign results in substantial loss of views and amenity for the Barford Estate.

Whilst the school has mounted a strong case for the necessity of the new building and justification for the chosen architectural style, the resultant building reduces the existing views from No 58 and does not accord with 'view sharing' principles as advanced in the Woollahra DCP nor with those cited in *Tenacity Consulting P/L v Warringah Council* (2004) NSWLEC 140.

### View Analysis report

The application is accompanied by a View Analysis report prepared by JCA Architects in response to the Secretary's Environmental Assessment Requirements (SEARs). The report reviewed view impacts from key public vantage points as well as from five higher elevation properties, including Barford. The report states that these properties:

*... may experience some view impact as a result of modifications to the roof profile of the Library. The views experienced from higher elevations are a mix of whole or partial views of Sydney Harbour and are therefore considered to be of high value. (Page 3 JCA View Analysis report)*

The view analysis photographed views from the five properties and transferred a 3D scaled image of the proposed new building into the photographs to represent a 'before and after' montage. The view analysis concluded that Barford was the most directly impacted property in terms of view loss.

The following images reproduce a number of the before and after montages from the Barford grounds and outdoor terrace. Numerous montages were prepared however we have reproduced the montages taken from the outdoor areas of the property where enjoyment of views whilst relaxing and entertainment is most likely.



**Figure 4: View from eastern side of building - driveway area**



1 View Point 1 View Over Side Boundary - BEFORE  
58 Victoria Road, Bellevue Hill NSW



2 View Point 1 View Over Side Boundary - AFTER  
58 Victoria Road, Bellevue Hill NSW

Source – JCA Visual Analysis – Appendix 1 – p22



**Figure 5: View From Outdoor Dining Area**

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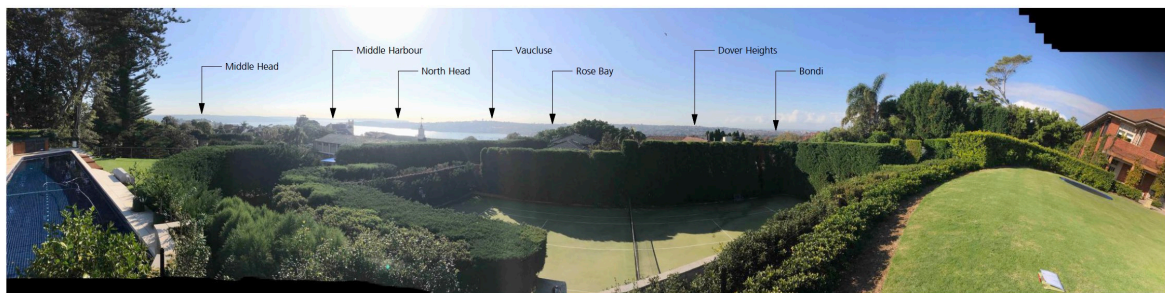
View Point 6 From Dining Terrace Across Side Boundary - BEFORE  
58 Victoria Road, Bellevue Hill NSW



2

View Point 6 From Dining Terrace Across Side Boundary - AFTER  
58 Victoria Road, Bellevue Hill NSW

Figure 6 above demonstrates a loss of the only remaining unobscured water view from this outdoor vantage point.

**Figure 6: Panoramic view from swimming pool**

1 View Point 20 Panoramic View East - BEFORE  
58 Victoria Road, Bellevue Hill NSW

Photo: JCA Architects  
Date: 24 May 2018



2 View Point 20 Panoramic View East - AFTER  
58 Victoria Road, Bellevue Hill NSW

Figure 6 above provides a dramatic representation of the loss of water views and partial landform views due to obstruction by the proposed development. The before image provides a largely unobscured whole water view from Rose Bay to Middle harbour. This uninterrupted view, with the exception of the punctuation by the Middle School clock tower, is highly valuable to the property and its history. Further, it is visible from a sitting or standing position from any portion of the outdoor grassed area.

The after image shows the intrusion of the proposed building effectively halves the expanse of water view from Rose Bay to Middle Harbour.

### Built form and Urban design

The EIS and accompanying development plans identify an increase in height of 4.12m to the ridgeline of the building. This height increase is acknowledged as potentially impacting upon views for surrounding development. Page 64 of the EIS states:

*A view impact analysis has been conducted to ascertain the impacts that the proposed development will have, by reason of its increased height, when compared to the existing Stevenson Library building (i.e. an increase of around 4.12m), on views from identified nearby residential properties.*

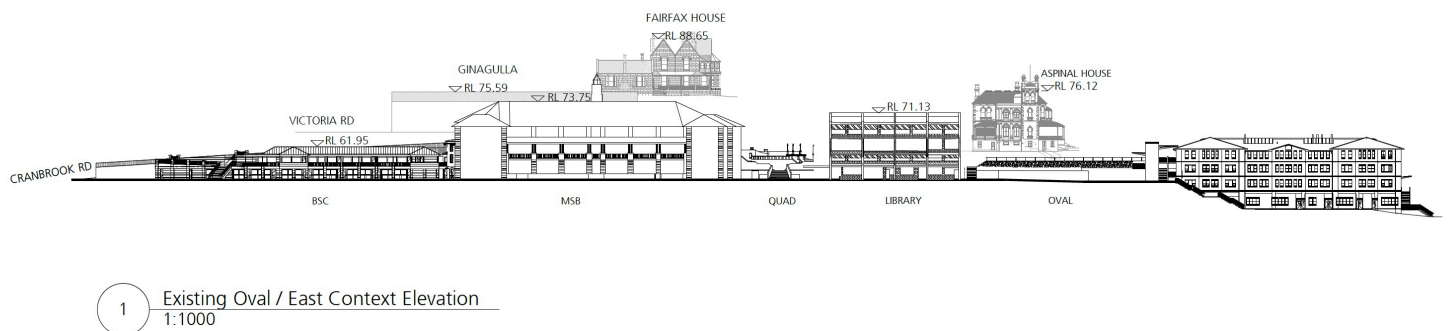
Presenting the 'before and after' height levels is an overly simplistic representation of actual impact of the new building and removes from contextual understanding of the proposal, the concurrent substantial increases in overall bulk, site coverage and gross floor area. In

addition to an increase in height, the building's floor plate is proposed to be expanded by 214sqm on all six levels. This, coupled with the introduction of 'Scottish Baronial' stylistic features such as turrets, dormer windows, roof top deck doubling as a Lone Piper stand and location for air-conditioning plant and triangle parapets will introduce a significantly larger and prominent structure to the site than the current library.

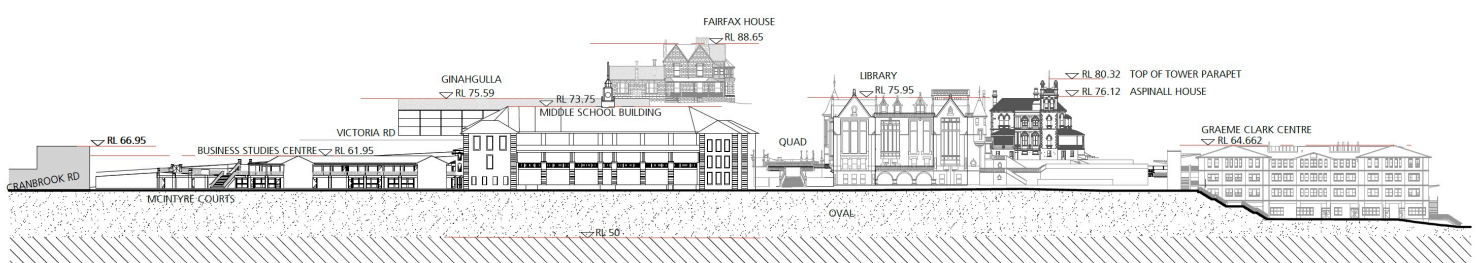
This new building, when viewed from our client's property, has a far greater impact than is appreciable from confining the assessment metric to change in height above ground level (existing). The impacts associated with an 'increase in height of 4.12m' can only be appreciated when other metrics including bulk, girth and style are concurrently considered. In the case of the proposed development all are vastly increased compared to the existing building. The turrets, increased ridgeline height, and dormer windows will punctuate the existing skyline to dramatic extent. Such intrusions are dominating and whilst argued to be 'highly articulated and modulated' (p59 – EIS) are obstructive and discordant when viewed from surrounding vantage points including our client's property.

The following diagrams reproduced from the submission documentation best demonstrate the increased building bulk.

**Figure 4 – Eastern elevation of the current library - viewed in context from the oval**



**Figure 5 – Eastern elevation of the proposed library - viewed in context from the oval**



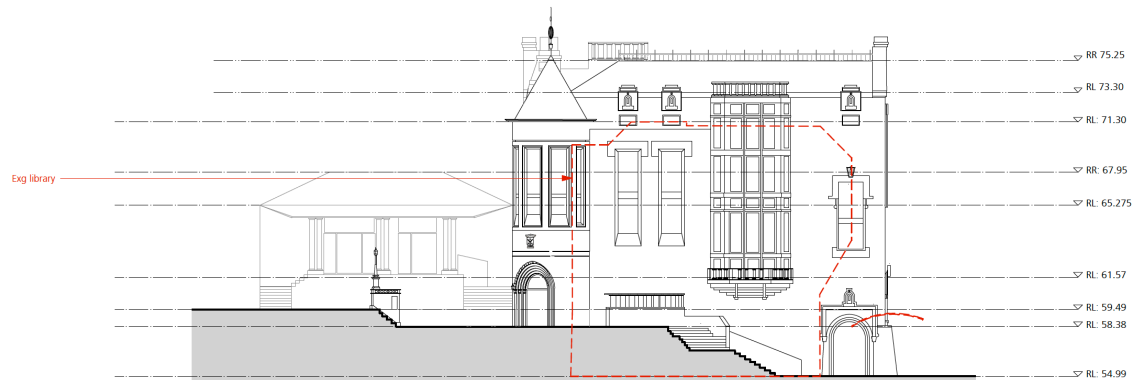
A simple visual comparison between the existing and proposed building shows the increase in dimensions (width and depth) and architectural elements that will punctuate the skyline



– features which, when viewed from the higher vantage point of our client's property appear to be even more prominent.

The increase in the proposed building's bulk is further demonstrated by the following diagrams which superimpose the existing building over the proposed building.

**Figure 7: Southern elevation – proposed building superimposed over outline of existing building**



1 SSD Proposed Southern Elevation  
Scale: 1:200

The substantial increase in the building's dimensions explains the dramatic impact that the proposed building has on views from Barford.

**Figure 8: Eastern elevation – proposed building superimposed over outline of existing building**



1 SSD Proposed Eastern Elevation and Levels  
Scale: 1:200

On balance, the new building represents a significant increase in bulk and prominence that not only dwarfs the existing site context of the school but also has far reaching impacts on views from surrounding vantage points.

The proposed view impacts on our client's property are assessed in detail below in this submission, by reference to the four step test described within *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140.

#### **Section 4.15 Matters – Environmental Planning and Assessment Act 1979 (EP&A Act)**

Pursuant to Division 4.7 (s4.40) of the EP&A Act State Significant Development is to be assessed in accordance with Section 4.15 of the Act. From those matters, we note the following relevant provisions and standards. We also highlight where the proposal is inconsistent with the objectives and provisions of the matters for consideration.

#### **Environmental Planning Instruments**

##### Woollahra Local Environmental Plan 2014 (WLEP 2014)

The State Environmental Planning Policy (Educational Establishments and Child Care Facilities) (SEPP) applies. In our view, the instrument has not been correctly applied by the proponents of the Development Application. The EIS states (page 32) that development standards contained within WLEP 2014 do not apply.

In our opinion, that is an incorrect and unreasonable reading of clause 42 of SEPP (Educational Establishments and Child Care Facilities) (Education SEPP).

Clause 43 does not contain a statement of express repeal of a subordinate instrument. Rather, it only removes the jurisdictional prohibition which would otherwise exist for applications which do not comply with a Development Standard.

There is nothing within Clause 44 of the Education SEPP which obviates consideration of development standards nor which makes otiose an assessment of impacts which arise from non-compliance with them. We accept that Clause 44 of the Education SEPP in circumstances where a clause 4.6 Request for Variation has not been prepared, removes the statutory prohibition which otherwise would exist. However, in circumstances where non-compliance with principle development standards leads to significant impacts, relevantly including view loss, the scaffolding of clauses 4.6 provides a robust mechanism by which to assess merit impacts.

In our opinion, a well conceived clause 4.6 Request would be incapable of being prepared for the proposed development. This is primarily because impacts are significant and design skill and care has not been taken to minimise them. On the contrary, the proposed development appears to celebrate its grandeur of height bulk and scale.

Further, whilst clause 42 of SEPP Education allows for consent to be issued for the proposed development, absent a clause 4.6 request, it does not suspend operation of the objectives of clause 4.3 of WLEP 2014. The EIS provides no statement of consistency of the proposed development with those objectives.

Objective (d) is highly appurtenant to the issue at hand. Through a preference for architectural expression which maximises the height and grandeur of the proposed building, the design has enacted the antithesis of "minimising impacts of new development on adjoining or nearby properties from disruption of views".

The SEAR guiding the preparation of the EIS require the proposal address the provisions of the WLEP 2014. Respectfully, the objectives of Clause 4.3 are ignored in the EIS and given the nature of the proposed design, there can be no competent means of suggesting they are satisfied by this proposal.

WLEP 2015 - Cl 5.10 Heritage Conservation objectives include

- (1) The objectives of this clause are as follows:*
- (a) to conserve the environmental heritage of Woollahra,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings **and views**,*
- (c) ...*
- (d)....*



The heritage impact statement makes reference to the heritage listing of Barford but does not discuss the impact of the loss of views to this property. In the case of this particular heritage item, its views are as interwoven with the heritage significance of the building as the physical fabric.

SEPP (State and Regional Development) 2011 (SRD SEPP)

The development is declared state significant development in accordance with Schedule 1(15)(2) as it has a capital investment value of more than \$20 million.

SEPP (Educational Establishments and Child Care Facilities) 2017

The aim of this SEPP is to streamline the planning system for building and upgrading schools in order to provide timely and appropriate delivery of school infrastructure.

Pursuant to Clause 35(6) a development authority must take into consideration the design quality of the development in accordance with the design quality principles set out in Schedule 4 of the SEPP.

The design quality principles particularly relevant to this application are: Principle 1— context, built form and landscape; and Principle 7 Aesthetics.

It is acknowledged that the existing library building is incongruous with the existing stock of buildings on the site. We further appreciate why some, including apparently the proponents, would describe it as architecturally unappealing. It is considered however, that the proposed building, despite reflecting Scottish architectural elements consistent with the school's heritage, is of a scale and height that is so out of place with the context of school's development pattern and the scale of surrounding development, that any improvements realised through cohesion of architectural language, are entirely undone by incongruity of scale, bulk and height

The site's frontage to Victoria Road presents to the street with solid rendered brick walls, fencing and buildings with minimal setback from the street. There are few opportunities for views into the school due to the apparent impenetrable interface of onsite development with the street.

The construction of the new building will, due to its height, dimensions and elaborate architectural style, further congest this pocket of the school. The opportunity for glimpses through the school to Rose Bay and harbour below will be further reduced by the new building. The building will also contribute to the conglomeration of imposing and closely positioned buildings within that precinct of the school.

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**Tenacity Consulting v Waringah [2004] NSWLEC 140 (Tenacity)****Four Point Test**

The four point test is established the Planning Principle Decision of *Tenacity* at paragraphs 26 to 29. The following sets out our assessment of the proposed development relative to those tests.

**Step 1 *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.***

Step 1 establishes a metric or system of measuring the quality of a view. Through the various indicia itemised one is able to rate the value of a view. In the case of Barford house, the norther – eastern aspect view rate at the top of the spectrum for all indicia. That is, in the existing situation, the available views are iconic (including North Head and Rose Bay)

We note that this exercise has been undertaken in the Applicant's View Analysis. However, it would appear that the vantage point from which photos forming the basis of analysis are taken (View Point 20 – Page 41) inadvertently understates the value of the views presently available. Accordingly, we provide the following Figure 9 which captures the view from a height closer to standing eye height associated with normal use of the space.

**Figure 9: View Analysis Photo**

We would further add that heritage significance of Barford House escalates the significance of the existing views.

As such relative to the first step, the existing views are at the highest possible level of significance.

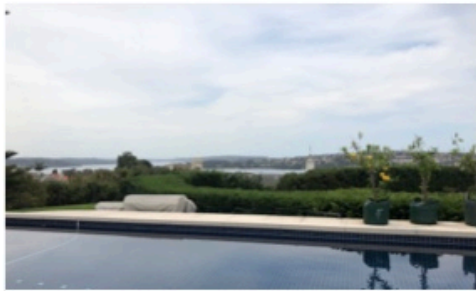
**Step 2: The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting 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.**

The view which will be impacted if from the primary indoor and outdoor living areas of Barford and the primary indoor living area of the 3 bedroom flat. Both standing and sitting views are affected.

Whilst it is acknowledged that sitting views are more difficult to protect, the particular characteristics of the open space of Barford employ numerous intentional areas for sitting. These include the covered garden dining area, the pool side area and the terraces and balconies. The following montage shows view available from each of these areas. So significant are sitting views to the enjoyment of the open space areas that the covered



outdoor dining room is lined with mirrors on all walls to enable the views to be appreciated from all table sitting positions.



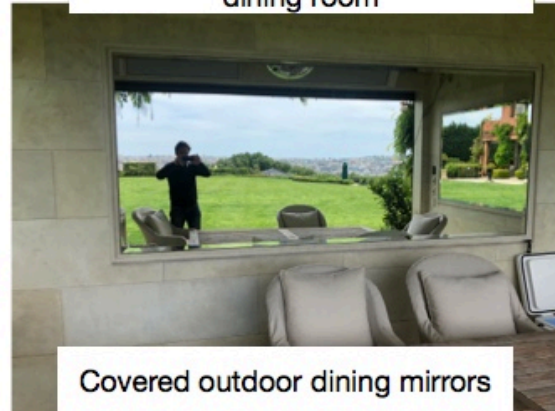
Sitting view from swimming pool



Sitting view from covered outdoor dining room



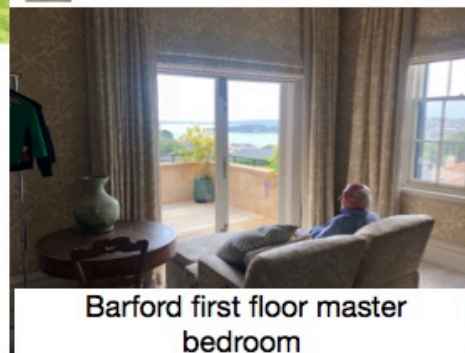
Covered outdoor dining area



Covered outdoor dining mirrors



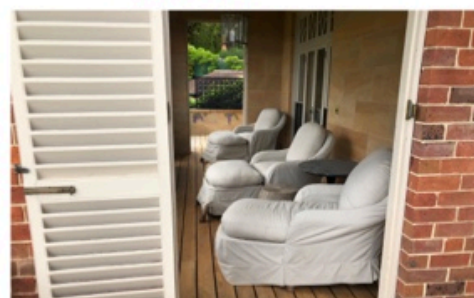
Sitting view from ground floor terrace



Barford first floor master bedroom



Sitting view from Barford first floor balcony



Outdoor lounge chairs - Barford first floor balcony

**Figure 10: Montage of Sitting View Locations within Barford**

**Third Step: 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.**

Much is made by the Applicant that the height of the proposed library is lower than the adjoining clocktower and Aspinall House ridge line. Respectfully, this is not an appropriate assessment method. Rather one should start with an understanding of the existing view characteristics and then to examine how the proposal will affect those characteristics.

From Figure 9 above, we would describe the clock tower and Aspinall House as providing a frame around the interface of Vaucluse land mass and Rosebay. East of Aspinall House the view is essentially uninterrupted. The clocktower can in fact be described as a positive contribution due to its iconic nature and landmark status.

What is proposed is a significantly more bulky building which will remove what is presently a framed, iconic and heritage significant view.

Given that other (but more distant and / or angled) water views are retained we would not describe the view impact as devastating. However, relative to the significance that the existing views have for Barford, the near total loss of the most central and framed portion of the property's view is a severe impact.

**Fourth Test: 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.**

It is in relation to the Fourth Test that it is our opinion that this Application is incapable of being approved. At its most simple analysis, the Application proposes additional height to what is necessary for functional practicality. It does this for what the Applicant says is internal architectural consistency and its Scottish character. In our assessment, placing primacy on internal architectural cohesion within the school grounds at the expense of Barford, in

circumstances where the otherwise applicable local planning controls are egregiously exceeded, is an unreasonable design approach.

What is called for by the Fourth Test is an exercise in balance. Skillful design is expected to be deployed in order to realise reasonable development potential whilst at the same time minimising the view impacts on surrounding properties.

What is proposed is a development which does essentially the opposite of that. It unnecessarily exaggerates building height in order to express the site's internal Scottish Baronial architecture, whilst having insufficient regard to external context, characters or constraints.

Our client does not request that the school not be allowed to expand. Rather, that expansion be informed by skillful and sensitive design and demanded by the Fourth Tenacity Step.

I am available on 0414407022 at your convenience should you require any clarification in relation to the above.

Yours faithfully,



David Haskew  
**Senior Partner**