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29th September 2021

Ms Aditi Coomar
Team Leader
Department of Planning, Industry and Environment
by email: Aditi.coomar@planning.nsw.gov.au

Dear Aditi,

RE: WEIGALL SPORTS COMPLEX, SYDNEY GRAMMAR SCHOOL (SSD-10421) - REQUEST FOR INFORMATION (IMPACT ON VIEWS/OUTLOOK)

Dear Ms Coomar

I have been engaged by Sydney Grammar School to provide further advice in relation to the potential visual impacts on views from neighbouring dwellings located at 8 Vialoux Avenue, Paddington.

This advice follows the preparation of a VIA (EIS Appendix Y), RFI_2 Appendix E View Assessment and RTS Appendix E – Addendum to Visual Impacts Report.

Summary of previous conclusions

1. 8 Vialoux Avenue includes 12 units across 3 floors of accommodation where 6 units occupy the north elevation and present to the north (side boundary) of the residential flat building. I note that 6 units (50% of residents) in the residential flat building occupy south facing locations and are unaffected by the proposed development.
2. I inspected views from upper west facing dwellings at units 5 (first floor one bedroom unit located at the eastern end of the residential flat building), 9/8 Vialoux Avenue (second floor one bedroom unit located at the east end of the residential flat building directly above unit 5) and unit 12/8 Vialoux Avenue (two bedroom unit occupying the west end and north corner of the second floor).
3. I noted in all 3 cases, that the composition of the views available were predominantly characterised by the private land owned by Sydney Grammar School and occupied by Weigall Sports fields and facilities. I stated that *“Features in the northerly views whilst providing a pleasant outlook are not considered as iconic, scenic and highly valued in Tenacity terms.”*
4. My approach to determining final impacts on views was conservative and guided by the Planning Principle established *Tenacity Consulting v Warringah Council [2004] NSWLEC 140. (Tenacity)*.
5. *Tenacity* is described by the Court as a statement of a ‘desirable outcome’ aimed at reaching a planning decision and defines a number of appropriate matters to be considered in making that decision. Therefore, the importance of the principle is in outlining all relevant matters and or the relationships of factors to be considered and is not simply a process of listing features in a composition that may be lost.
6. The pre-step threshold question to be answered in *Tenacity* at paragraph 25 states that;

“The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four step assessment”.

7. In my opinion, having considered relevant factors and notwithstanding the rating of devastating impacts in some cases, the impacts on views was considered to be acceptable.
8. Further I noted that the application of the *Tenacity* Planning Principal is subjective, meaning that another practitioner may arrive at a different and lower level of impacts on views.
9. My approach in Step 3, regarding impacts on the existing views (previously described as pleasant but not highly valued in *Tenacity* terms) was based largely on the **quantitative** extent of the view to be lost, and arguably did not weight the compositional value of the view appropriately.

Overall rating

In summary the ratings were as follows;

- Unit 5, first floor; severe impacts for the living room and devastating impacts on kitchen and bathroom views,
- Unit 9, second (top) floor unit, severe impacts for the living room and devastating impacts on kitchen and bathroom views,
- Unit 12/8; Living room and kitchen; devastating

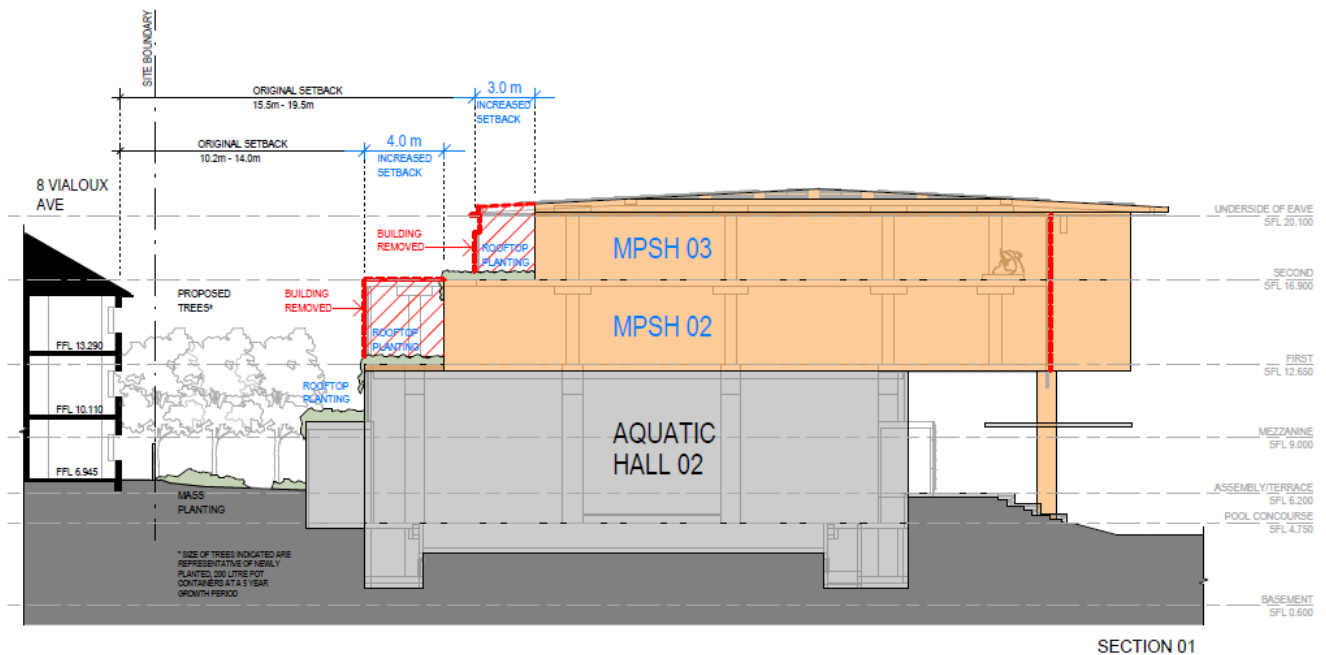
The importance or ‘weight’ of impact ratings were reduced subsequent to the consideration of other relevant factors as is required in *Tenacity*.

Relevant factors that contributed to the overall acceptable and supportable level of the view impacts include;

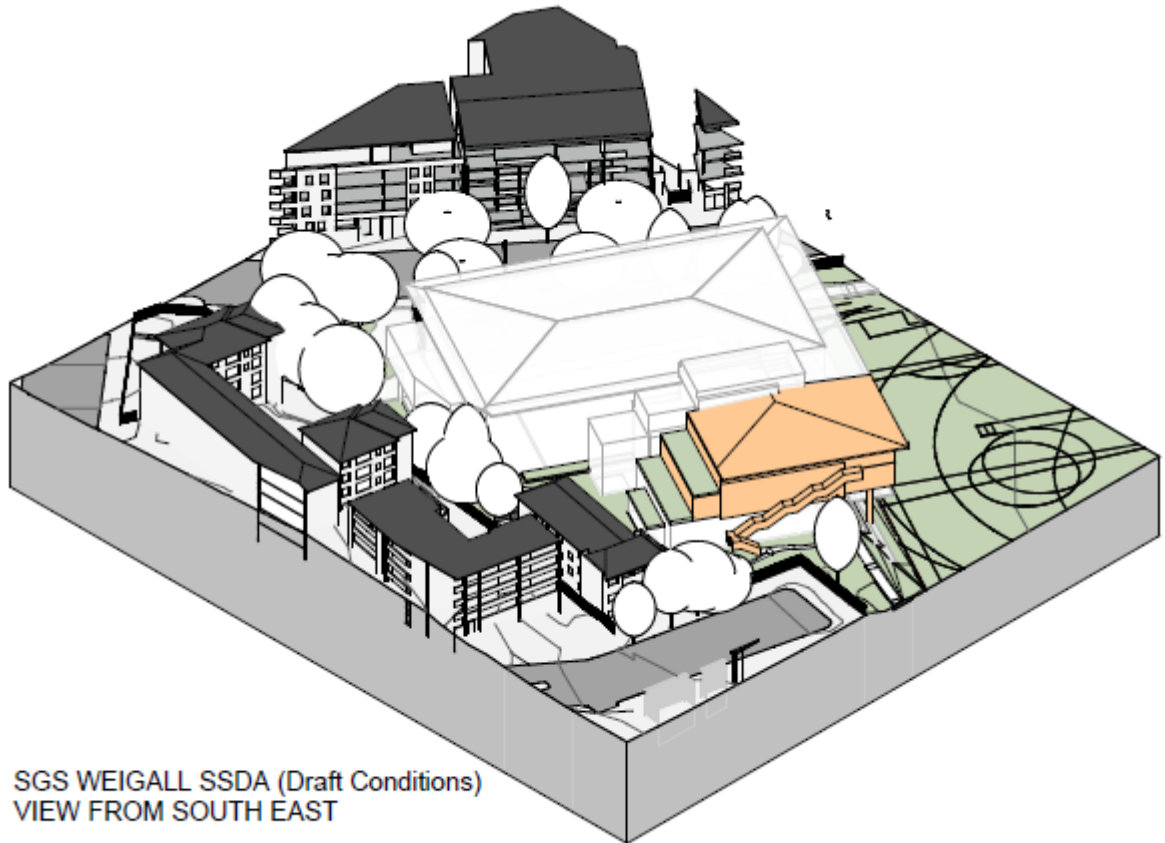
1. Step 1; Vernacular composition, being a pleasant outlook across private open space, but **not highly valued** in *Tenacity* terms.
2. Step 2; Views affected are available from seated and standing positions across a **side boundary**.
3. Step 3; All rooms in each dwelling were considered, however arguably too greater emphasis was placed on the extent of the view to be lost (quantum) rather than the composition of the view to be lost. Half of the units in 8 Vialoux Avenue **remain unaffected by the proposed development**.
4. Step 4; The application was made under the Education SEPP, so that compliance with **LEP controls** (relevant to view loss, predominantly height) **are irrelevant**, so that Step 4 could not technically be undertaken.
5. Notwithstanding, as a conservative approach, the answer to threshold step question in Step 4 was considered as follows;
 - The loss of all northerly views from north facing units at all floors at 8 Vialoux Avenue would be occasioned by the construction of any fully complying R3 development on the subject site.
 - Therefore the extent of **potential view loss and impacts on views** (including severe or devastating impacts) are **contemplated by LEP controls**, if in fact they were relevant and applicable.

Proposed architectural changes (in response to Condition B1)

1. Existing plans show the massing of the proposed built form sits at an oblique angle in relation to the site's south boundary and as such creates a wide spatial separation between the Multi-Purpose Sport Halls (MPSHs) and the north elevation of 8 Vialoux Avenue. The existing width of the setback varies from 19.5m approximately opposite the north end of 8 Vialoux Avenue to 14m at its south end. This setback is proposed to be planted with tall canopy trees.
2. Amended plans prepared by AJC architects dated 28th September 2021 (which refine Condition B1) show a reduction in built form at the upper levels of the proposed MPSHs and increased setbacks between the MPSHs 2 and 3 from the site's southern boundary.
3. Level 2 Plan, Section 01 and Axonometric plans show that setbacks from the southern site boundary to the built form proposed, have been significantly increased by 4.0m to MPSH2 and 3.0m to MPSH3.
4. In fact Section 01 shows the 'worst case scenario', being the closest part (south-east corner) of the Aquatic Hall where, north of this corner, built form angles northwards so that the northern units for example units 8 and 12/8 Vialoux Avenue are between 18.0m and 22.5m away from the MPSH 2 and 3 respectively.



Section 1 (AJC Architects 29th September 2021- response to Draft Conditions)



Axonometric view prepared by AJC 29th September 2021

5. This significantly increased setback and stepped form as shown above in the axonometric south-east view, creates a broad spatial separation compared to the previous arrangement, between 8 Vialoux Avenue and the proposed built form, being 14m to MPSH2 and 19.5m.
6. The reduced mass and stepped forms that widen at each storey create a 'sense of space' and visual permeability through the site for residents overlooking this linear space. The increased setbacks will allow for residents to enjoy greater access to view corridors to the north-west and north-east over the stepped built form.
7. The inclusion of roof top planting across each wide setback in addition to canopy trees already proposed, will improve visual amenity, improve the scenic quality of the outlook and reduce visual impacts of the proposed development on views and outlook.



Conclusions

1. In my opinion the architectural changes proposed by AJC described above, will generate significant improvements on visual amenity, scenic quality of the outlook and a greater visual permeability across the site and as such will successfully reduce impacts on neighbouring views.
2. The cumulative effects of the proposed architectural changes in my opinion approximately equate to reducing the conservative ratings made in Step 3 of *Tenacity* from devastating to severe.
3. Notwithstanding my previous opinion that devastating impacts on the outlook from some apartments at 8 Vialoux are acceptable (given the views are not iconic or highly valued and are outlooks over private land), I now consider that the design amendment proposed by AJC have would reduce view impacts to severe.
4. The changes proposed will significantly improve the outlook and reduce impacts on views from the closest north-facing units at 8 Vialoux Avenue and are supported on visual impacts grounds.

Kind regards,

A handwritten signature in black ink, appearing to read "Jane Maze-Riley".

Jane Maze-Riley
Associate Director National Design