



Our Ref: 116517

9 February 2021

Mr Nick Armstrong  
Senior Planning Officer  
North District  
Department of Planning, Industry and Environment

Via email: [Nick.Armstrong@planning.nsw.gov.au](mailto:Nick.Armstrong@planning.nsw.gov.au)

Dear Mr Armstrong,

**Walker Street No.100 Pty Ltd**

**Planning Proposal 2020/141**

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

**Visual Assessment: Response to Submissions**

I refer to the above matter and specifically to the objection to the Planning Proposal submitted in relation to view loss and view sharing with the Aqualand Development, 168 Walker Street, made by SJB, attaching a study by Woods Bagot.

Given the position of our proposal relative to the Aqualand complex, there would be some view loss, as shown, to some apartments. View loss would occur in any proposal to increase the heights of buildings on the site. The overall height of the proposal has been supported on site specific and strategic planning grounds. Whilst the North Sydney Council-endorsed Civic Precinct Study has nominated a 20-storey tower as acceptable on the north-western corner of the subject site, the Sydney North Planning Panel and the Department of Planning, Industry and Environment supported a taller tower as part of the Gateway Determination having regard to environmental factors such as overshadowing and view sharing. The Planning Proposal is consistent with the Gateway Determination conditions and specifically those relating to building mass and form.

The Aqualand project is approved but unconstructed, proposed to be of 28 storeys in height with 415 residential apartments, distributed over several curvilinear shaped towers. The visual impact analysis by Woods Bagot is summarised by SJB. It is based exclusively on 3D computer generated images (CGIs). The accuracy of the analysis cannot be tested without the 3D models on which it is based and advice on the assumed virtual camera locations and

focal lengths assumed. Even if it is assumed that the modelling is accurate, or sufficiently accurate to show the potential visibility of icons from inside proposed apartments, the degree of impacts on views is exaggerated.

There is no definition of what a Harbour view is. The Woods Bagot report shows Site Views 01, 02 and 03 taken from the equivalent of Level 23, RL81. Harbour views are available in many directions and from many units that don't have a view of the icons on which the analysis is fixated. Clearly the statistics in the Woods Bagot report that suggest widespread loss of views of the Harbour are either highly exaggerated, or just plain wrong.

The terminology for the analysis of view sharing is claimed to be based on application of the planning principle for view sharing, *Tenacity Consulting v Warringah [2004] NSWLEC 140*. However, there is no explanation of how the principle has been applied, for example whether view sharing is invoked in a Planning Proposal at all. Given that a Planning Proposal is to change the development controls and that *Tenacity* is predicated on assessment of reasonableness of view sharing in relation to compliance with current controls, the application of *Tenacity* to a Planning Principle is of limited validity. Leaving that aside, the SJB submission gives no justification for proceeding with an analysis (Step 1 in *Tenacity*), whether views have been assessed in relation to views across the front or side boundary and weighted appropriately (Step 2), whether views have been assessed from all parts of the building and weighted appropriately and from which kinds of spaces the views are assessed (Step 3 in *Tenacity*), or whether the view sharing is reasonable (Step 4). There are also no explanations offered as to the parameters adopted (for example, what is a partial view compared to what is presumably a whole view). In addition, there is no explanation as to how the subjective scale of impacts has been derived, for example what it is that constitutes a devastating view loss. There are no severe, moderate, minor or negligible impacts in the analysis, which would inevitably be features of a legitimate application of the *Tenacity* planning principle.

Based on the graphics provided, in many cases, while there may be a potential loss of an icon seen at a significant distance, for example the Sydney Opera House, the remainder of a view of an equally significant icon, panoramic views of Sydney Harbour, including many other icons, is typically retained. View loss of that kind cannot be described as devastating. Isolating the issue of view loss to the effect on specific items of the view, ignoring the rest, is not a legitimate assessment of view sharing. The view has to be assessed, as is required in Step 3 of *Tenacity*, for the whole building, not just the part where the impact is the greatest.

The visual analysis carried out by Woods Bagot exaggerates the extent of view loss, by claiming view loss that is devastating in extent between Levels 5 (RL89) and 28 (RL159).

In addition, views from the north-east tower of the Aqualand development, for example, are included as having devastating view losses (see for example the summary graphics as 02.1 for views of the Sydney Opera House). The diagram shows apartments with east-facing winter gardens, from which the views are most relevant, facing east and not toward the icons on which the assessment is fixated. Ranking those apartments as significantly affected is not justified.

The views that are affected are also exaggerated by the field of view adopted in the analysis. For example, there are apartments with highly oblique views southward from towers, the



primary viewing places in which would squarely face east, that are rated as having significant view loss. The same apartments would have expansive, high scenic quality views in an arc between north-east and south-east, including many icons, whereas the icons on which the views analysis is fixated would in most cases be seen over buildings in the foreground, diminishing their scenic significance.

I have read the response to submissions by Urbis to the Department of Planning, Industry and Environment and I agree with the response to the Aqualand submission. It is inevitable that there would be some view loss caused by the Planning Proposal, however the form, height and location of the tower element in the Proposal has been carefully considered in terms of view sharing. The Woods Bagot analysis is selective, partial, exaggerated and of limited validity, in my opinion.

I have also considered the other submissions regarding claims of view loss. I believe the Planning Proposal adequately resolves a built form that appropriately provides satisfactory view sharing for the surrounding properties.

Please do not hesitate to call if there are any matters raised that require further explanation,

Yours sincerely

A handwritten signature in black ink that reads 'Richard Lamb'.

Dr Richard Lamb

Richard Lamb and Associates