



Report prepared for: Australian Unity  
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**VISUAL IMPACT ASSESSMENT**

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# Views Assessment Report

266 Longueville Road, Lane Cove

## 1.0 Background

RLA have been appointed by Australian Unity to undertake an independent views assessment for a development application on the site at 266 Longueville Road, Lane Cove (the site).

RLA are specialist consultants in visual impacts, view loss and landscape heritage assessments. The author of this report is Dr Richard Lamb, whose CV can be viewed on the People page of the RLA website at [www.richardlamb.com.au](http://www.richardlamb.com.au).

The report specifically addresses potential view loss impacts of the proposed development in relation to views from the public domain and adjacent residential dwellings which in our opinion are those potentially most affected by the proposed development. This includes units within residential flat buildings at Nos. 250-252 and 268-270 Longueville Road and detached houses in Richardson Road East between approximately Nos. 46 and 58.

As part of our analysis we have undertaken an assessment of the potential visual effects and impacts of the proposed development pursuant to the planning principles in the judgment of Roseth SC of the Land and Environment Court of New South Wales in *Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours*, and also considered the application of other planning principles of relevance such as *Davies v Penrith Council [2013] NSWLEC 1141* and *Veloshin v Randwick Council [2007] NSWLEC 428*.

This report includes our assessment of the application in the first instance in relation to each of the threshold tests in *Tenacity*. This is because each of the steps in the planning principle is predicated on the preceding step exceeding the threshold that is necessary before proceeding to the next step. This information is provided to provide clarity in relation to the conclusions of the assessment. The assessments in relation to *Davies* and *Veloshin* are relevant to Step 4 in *Tenacity*, which considers the reasonableness of the proposal, where there are non-compliances with development standards and controls.

This assessment is based on our fieldwork in July, 2017, observations and analysis of the development application plans, which include cross sections between the highest part of Level 7 of Building C and units in Timber Tops, at 268-270 Longueville Road.

This assessment takes into account the visibility, visual exposure, and visual effects on views that would be likely to occur in relation to construction of the proposed, which generally complies with the height and side setback controls governed by the Council's development standard for height of buildings, except for a partial non-compliance with the height limit at the Longueville Road frontage and the height of the Level 6 parapet and the top floor (Level 7) at the rear of Building C.

The site is occupied by a small community building, the Lane Cove Music and Cultural Centre, likely the former club house and two abandoned bowling greens. It is understood that the site was formerly filled with waste to reach the existing levels, which are many metres in places above the original ground level on the north and east sides.

The site has been specifically zoned for the proposed purpose and is subject to a maximum height limit of RL 62.8m. This corresponds to the roof level of the Timber Tops apartment building adjacent to the site, to its south.



## 2.0 Proposed development

The site fronts Longueville Road, which runs obliquely and curves slightly from a north-west to south alignment relative to the front boundary. As a convention in this report, Longueville Road is considered to be to the west of the site. The north boundary is generally with the rear of properties fronting Richardson Road West, the east with the adjacent Lane Cove Country Club golf course and the south with a right of way shared with 268-270 Longueville Road, the residential apartment building known as Timber Tops.

The DA includes the demolition of the building on the site, removal of most of the former fill material that occupies most of the the site and the construction of a Seniors Living Village.

The proposed development consists of three connected buildings (A, B and C from west to east, respectively) which are articulated on the north by extensive landscaped courtyards. A new public park is proposed in the north-west part of the site immediately fronting Longueville Road, which is contiguous with a landscaped spine on the north side of the site. The park and landscaped spine provide public access to parkland and the adjacent Lane Cove County Club golf course, which is to the east of the site.

The site is serviced by two levels of underground parking under buildings A and B, accessed from the south via a shared driveway arrangement with Timber Tops. Buildings B and C are continuous on the south side as evident in the south elevation. The proposed development is set back on the south side between 12.986 and 17.986m from the boundary with Timber Tops.



### 3.0 The site and existing visual context

The site is of low visibility from the public domain. The existing bowling greens are below eye height from the street and also screened by vegetation between the street and the site. Tall vegetation is also visible on north edges and rear of the site, which slope steeply to the east. In the foot of the valley below and to the east of the site is the Lane Cove Country Club golf course that occupies the lower catchment of Gore Creek, which flows toward the south east. Surrounding the golf course are extensive areas of natural bushland on the side and upper slopes toward Lane Cove on the west and Gore Hill to the East. Only the upper canopy of trees adjacent to and below the site level are visible from the street.

To the north of the site are the rears of properties that face Richardson Street West. This street slopes gently and then steeply down toward the golf course, where it terminates north east of the site. On the south-west corner of Richardson Street West is 250-253 Longueville Road which also has a frontage to Longueville Road. This is a residential apartment building of 2-3 storeys in height. Some apartments have frontages to both streets. The building has rear balconies of some units which appear to have potential views south-east across the north-west corner of the site.

Further east on Richardson Road West are a series of detached and attached dual occupancy dwellings. Between these and the site is a variable vegetation canopy that is lower adjacent to the existing north-western existing bowling green and increases to a tall vegetation canopy that is proposed to be retained in the development to the rear of the remainder.

The natural vegetation form adjacent to the site to the north and east is tall closed forest, with a canopy height that is significantly greater than that of adjacent dwellings, including the Timber Tops apartment building to the south of the site. Between this building and the golf course to the east and north east is a tall canopy that would be likely to block views in the foreground, from most levels of the building.

The site is located on Longueville Road, a local arterial road, and adjacent and to the north of a major intersection with River Road West, Northwood Road and Kenneth Street. The existing site is of no significant visibility from this location. Immediately opposite the site is 231 Longueville Road, an adaptively reused inter-war free classical building, now a temple, with zero setback from the street and ground level parking behind masonry walls on the south side. Other commercial low-scale buildings exist adjacent to the intersection to the south.

On the west side of the road north of 231 Longueville Road, the streetscape is dominated by 1-2-storey early 20<sup>th</sup> century Californian bungalow and Federation Arts and Crafts residences, with more recent infill in places. The site is of minimal visibility from these areas.





Map 1  
Site Location,  
Image courtesy SixMaps



Approximate site location



## 4.0 Visual exposure of the proposal

### 4.1 Visual exposure to the public domain

The site has a small, immediate visual catchment, as a result of being located at a lower level relative to the street. Direct views to the proposed development in the public domain will be restricted to those closest to the site and confined to the adjacent streetscape in Longueville Road and north side of the intersection with River Road West, Northwood Road and Kenneth Street.

As the height limit that applies to the frontage of the site is similar to that of adjacent residential buildings, the visibility of the development in the public domain would be no greater than that of adjacent buildings in the street, albeit the character of the proposal would be different from detached residential development. The scale and height of buildings behind the street frontage would not be significantly evident in the public domain.

The site is not significantly exposed to views from greater distances, as the location of the site is heavily screened in views from the north-east and east, by forest vegetation canopy between the viewer and the site. The nearest areas of the public domain to the north-east in Gore Hill and Lane Cove, including reserves, would not be likely to have any visibility of the development.

### 4.2 Visual exposure to the private domain

The only substantial views of the proposal otherwise would be from the private domain, being immediate neighbours to the site to the north and south of the site.

Views from the north of the site are from the rears of dwellings facing Richardson Street West or in the case of 250-252 Longueville Road, Longueville Road. Based on observations from the site, the rear balconies of some units in 250-252 Longueville Road may have views obliquely across the existing informal carpark adjacent to the north-east part of the site and across the two disused bowling greens, toward the south-east. The North Sydney CBD is in that general direction and partly visible in a gap in the tall and dense vegetation canopy in the view line that is dominant beyond and east of the site.

Further to the east on Richardson Street West, the street falls in elevation relative to the site. Houses and dual occupancies in the street face the street. In views from the street, the vegetation canopy intended to be retained in the development dominates the skyline behind the residences, for the most part. This indicates that views from the rears of the residences would be likely to be screened or blocked by the existing vegetation canopy that is intended to remain in the development. In addition, as the buildings proposed are below the height of the retained canopy which is between the viewer and the site, or beyond the site, there would be likely to be no additional view loss caused by the proposed development than is caused by the existing vegetation canopy. The canopy retained would also soften the appearance of the proposed development, which is also articulated on the north side by deep, landscaped areas, minimising the bulk of the development that may be visible.

Observations from the site also indicate that most dwellings in Richardson Street West do not appear to have significant windows that would provide views across the site. The first and second residences east of the apartment building on the corner, 250-252 Longueville Road (possibly 58 and 56 Richardson Street West) appear to have only bedroom or utility room windows facing the site. Residences further east rapidly decrease in level compared to the site and would be overtopped by retained vegetation in the view lines to the rear and across the site.



The building most affected by the proposed building would be the Timber Tops apartment building at 268-270 Longueville Road, which is directly adjacent to the site and to its south. Timber Tops is a three-four-storey residential apartment building with parking below, that steps down the slope from Longueville Road toward the east. Apartments in the western part of the building have continuous balconies on the north side that provide views toward the site. Apartments in the eastern part of the building have one small balcony on the north or south side and a wider balcony on the east side.

The current views from the building toward the north from apartments toward Longueville Road are across the unused bowling greens and former club house. The views are in the general direction of Lane Cove and the Pacific Highway ridge in the background, which are considerably elevated. The view is likely to be a district view, filtered through background vegetation.

The current views from Timber Tops toward the north-east, toward Gore Hill, are likely to be screened or blocked in the foreground by vegetation between the site and neighbours in Richardson Street West, or by vegetation north-east and east of the site, which is higher than the viewer's eye height.

For apartments in the eastern part of the building, the views from their main balconies and associated living areas are to the east. East of the building there is vegetation canopy between the property and adjacent uncleared lots and in the reserve associated with the County Club to the east beyond, which is higher than the building and which is likely to filter and block views to the east. The existing character of those views would be unaffected by the proposed development.

Views directly north from Timber Tops would be substantially altered by the proposed development, which would replace the existing view with built form in the foreground.



Map 2  
Plate locations  
Image courtesy SixMaps



① Approximate plate location

## 5.0 Impact assessment

### 5.1 Public domain impacts

The exposure of the proposal to the public domain would be confined to the Longueville Road streetscape, with a minor exposure to the adjacent intersection to the south. Parts of two buildings (Building A and B), the formal entrance from the street and the proposed new public park in the north-west corner of the site would be visible in the streetscape.

The vehicular entrance on the south side of the site would be of low presence in the street as a result of the level change between the street and entry under Buildings A and B on the south side, which would have no public domain visibility.

The appearance of the development in the street is restrained, of human and residential scale and appropriate to the intended use. The entry is inviting, visually and physically permeable and the intended materiality appears to be relevant to adjacent residential cues.

There is a minor technical non-compliance with the height control that applies to the site frontage. This does not appear to have any significant impact with regard to streetscape quality or character and would not cause loss of views from the street in addition to that which would occur with a fully compliant development.

It is considered that the appearance of the proposal in the public domain is acceptable and that the non-compliant aspect of the height at the street does not have significant or unacceptable effects.

### 5.2 Private domain impacts

The proposed development would cause significant change to the appearance of the foreground of views from properties both north and south of the site. The visual effects would be least for properties in Richardson Street West, where for the most part a change, either partly or heavily screened by vegetation, may be perceivable. It is unlikely that there would be significant view loss compare to the existing situation. If there are views lost, they would predominantly be of filtered oblique views across the existing unused bowling greens, from the rear or properties toward the western end of the street.

In regard to view loss from these locations, it should be kept in mind that the development controls that apply to the site generally contemplate development of the height and form that is proposed in the north-western part of the site. As a result, while there would be a substantial change to the appearance of the foreground of the view, this effect is within the reasonable expectation of development on the site, which has been specifically zoned for the proposed purpose.

There is a non-compliance with the height control for the parapet level of Level 6 and all or Level 7 of Building C. However, these non-compliances would have no discernible effect on views from the north of the site, as Level 7 of Building C would not be visible and the difference between a compliant height for the Level 6 parapet and what is proposed would not be perceivable as causing view impacts.

The most substantial impacts would be on views from the apartments on the northern side of Timber Tops. The view would be replaced with built form, replacing the spacious, open, existing foreground. It is unlikely that the building proposed would cause loss of significant scenic, heritage or other specific items of the view.



As noted above, the site, is subject to a control on the height of buildings that is the same as the parapet height of Timber Tops. The proposal exceeds this height at the parapet of Level 6 by a small margin, while all of Level 7 of Building C exceeds the height control. Level 7 of building C is closest to the eastern part of Timber Tops. A relevant issue therefore is whether the proposal is reasonable, with regard to view impacts on Timber Tops.

The project architects, Thomas Adsett, prepared a section through the two buildings at our request (ie. the proposed building and the eastern part of Timber Tops), to examine whether the height proposed, firstly for the Level 6 parapet and secondly for Level 7 of Building C, would be likely to cause visual impacts or view loss (see Annexure B). It should be kept in mind in examining this section, that beyond the proposed buildings to the north and east is a vegetation canopy that is higher than the proposed building. This is not shown on the section.

With regard to the height non-compliance of the parapet of Level 6 compared to a complying height, it is evident from the section that the non-compliant part of the building is essentially the thickness of the finished roof. The difference, with regard to visual impacts would be so minimal that viewers in the public domain or in Timber Tops would be unlikely to be able to perceive it. The non-compliant part of the building would not cause the loss of views to any appreciable extent.

Level 7 of Building C is fully non-complaint with the height control. A viewer in the lower three levels of Timber Tops in north side apartments would not be able to see evidence of Level 7, as it would be hidden by the parapet of Level 6. If the parapet of Level 6 was fully height-compliant, this would make no significant difference to the observation above.

A standing viewer, at the top level of Timber Tops directly south of the proposed building, may be able to see part of the upper section of Level 7 of Building C, however the majority of this level would not be visible at all. While there would be loss of view of some feature of the view as a result of visibility of the top part of the wall of the closest part of the proposed building, as the view line is significantly upward from Level 4 of Timber Tops, the part of the building that is visible above the parapet of Level 6 could not cause significant view loss other than of a narrow section of sky. In other words, while the non-compliant part of the building would case some view loss, the loss would not be of valued items (see analysis of view sharing below) and therefore the extra height sought in the application does not cause significant view loss.

The reasons for this conclusion are further elucidated, below.



## 6.0 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 view sharing in the private domain. The steps are sequential and 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.

### Step 1: Views to be affected

An initial threshold 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 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.***

This step requires analysis of views including a description and analysis of the composition of the views. The value of a view depends on the visual components and features within it such as land, water, land-water interfaces or icons. Water views are more highly valued than land views, iconic views more highly valued than views without them and whole views are more valued than partial views, etc.

At a more general level, eg, in a context in which there are no significance water views, for example, the *Tenacity* principle in my opinion can still be applied, as the principle is based on assessment of valued items in the view that can be lost, not purely on items that were mentioned in the evidence in the *Tenacity* hearing.

The views affected do not appear likely to include highly valued items in *Tenacity* terms, for reasons explained above. The views affected are predominantly the existing open foreground of views, that has been maintained as a result of the past and now obsoleted use of the site as a bowling club. The middle-ground character of the views appears to be dominated by the canopy of forest vegetation off the site. If the building was not proposed, the view would be largely blocked in the mid-ground. While the view may be valued by those that would be affected, it is arguable as to whether the threshold in Step 1 is met, because the items lost in the view are not considered significant. It is therefore considered that there is no justification for proceeding with the other steps in the *Tenacity* planning principle, as the principle has no work to do in the context of this application.

However, if it is contended that the view lost is sufficiently valued to justify proceeding to Step 2, then I have considered this as a conservative measure, below. With regard to Timber Tops, the fact that the views to the north are the only views available from some units may give more weight to the value placed on the view to be lost.





## 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 views 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.*

The views affected are all across the side boundary of the site, in particular from Timber Tops. Some affected views are from the rear of the affected properties in Richardson Street West and should be given consideration, however most properties do not appear organised so as to make use of the view to the rear and most would not be affected by view loss.

This analysis on this step shows that the threshold for proceeding to Step 3 may be met for Timber Tops, as the expectation to protect the views may be a reasonable one.

## 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 2 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.

For an apartment building, considering the impact on the whole property is more complex than a single residence. Only apartments with views to the north from Timber Tops would be affected. The view affected in this case is from the only part of each affected apartment that has a view other than of trees or other buildings.

As a conservative approach, as the views from the apartments in Timber Tops have not been personally analysed, it was assumed that all views affected are from living areas, although this is unlikely to be correct. The current view of open foreground, contains nothing other than obsoleted bowling greens which could not be considered to be valued items, so the open quality of the current view would constitute its value. The view loss in north-facing views from Timber Tops of that feature is considered to be severe.

There would therefore be justification for proceeding to consider the reasonableness of the proposal in Step 4 of *Tenacity*.

The application of Step 4 is considered, below.



## 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 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.*

The proposed development is permissible with consent on the site and the application has been facilitated by the rezoning of the site for the specific purpose proposed.

The severe view loss determined in relation to Step 3 is an assessment of the extent of view lost, alone. However, this needs to be considered with regard to compliance with the specific controls prepared for development of the site for the purpose intended in this application. The controls contemplate a building envelope that would cause loss of view of the current air space over the site as seen from neighbours to the north and Timber Tops.

As a result, while there would be a loss of that view, it is considered to be reasonable. Every level of Timber Tops and the rears of residences toward the top end of Richardson Street West on its south side would lose this view in a complying development, as is the inevitable outcome of a building complying with the height limit. With regard to Timber Tops, the relevant height limit is the same as the parapet height of Timber Tops itself.

With regard to non-compliance with controls, the proposed development has three relevant non-compliances with height controls. Above it has been determined that the technical non-compliance with the height control at the street frontage does not cause view loss. It is considered that this aspect of the proposal is reasonable and can be supported.

This leaves consideration of the height of the parapet of Level 6 and the whole of Level 7 of Building C. The analysis of likely view loss caused by the height of the Level 6 parapet shows that the proposed height would not cause any greater visual impacts than a fully complying height. As a result, this feature of the design is also considered reasonable and can be supported.

Finally, the height of Level 7 of Building C would cause some loss of view to the top level of the eastern, north-side apartments in Timber Tops. However, the view loss would be minor. A small part of the top of the wall of a small part of Level 7 would be visible, but that visibility would not lead to loss of view. The viewing angle is steeply upward and the majority of the level would not be visible at all. What would be hidden by what is visible would be a narrow horizontal band of sky, only. No valued items, scenic features, icons, whole views, heritage items or the like would be lost.

It is considered that the non-compliance does not lead to view loss and can be supported.

## 6.1 Compliance with development controls

Notwithstanding it is my opinion that the process recommended in the planning principle in *Tenacity* does not apply to assessing the merits of the application, because the items lost are not considered valued in *Tenacity*, there is a technical non-compliance of the proposal with the development standard for height of buildings. As a result, there is a need to assess all of the potential environmental impacts of that breach of the controls in relation to the required Clause 4.6 request to vary the statutory control.

It is not for me to prepare a Clause 4.6 request, however whether the breach has impacts, the reasonableness of the proposal to breach the control in relation to visual impacts and whether the breach provides for a better planning outcome in visual impact terms than strict compliance, are relevant considerations.

Independent of the application of the whole *Tenacity* planning principle with regard to view loss as carried out above, the planning principle states that consideration should be given to the causes of a visual impact and whether they are reasonable in the circumstances. Whether the visual performance of a proposal would reasonably be expected in relation to the planning controls that apply is a matter considered in other planning principles including *Davies v Penrith City Council [2013] NSWLEC 1141 (Davies)* and *Veloshin v Randwick Council [2007] NSWLEC 428 (Veloshin)*.

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 to be reasonable. As a principle in considering the reasonableness of a proposal, a development that complies with the development controls would be considered more reasonable than one that breaches them, if the breach leads to view loss. 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.

In the analysis discussed above, the breach of the development standard was found not to directly cause view loss. In that regard, compliance would be unnecessary, as it would not achieve a better outcome than the proposal. If made to comply, the proposal would also be a less skilful design in *Tenacity* terms, as it would be likely to compromise the development potential of the site and the amenity of residences, without producing a better planning outcome.

## 6.2 Planning principle in *Davies*

In relation to the planning principle in *Davies*, there are a series of questions to be addressed, related to the assessment of impacts on neighbours, including visual impacts, as follows:

- ***How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?***

### Comment:

The impact of the non-compliant part of the building is minimal on adjacent properties. No net loss of view occurs. Requiring the building to comply would have no benefit.

- ***How reasonable is the proposal causing the impact?***

### Comment:

The proposal is reasonable; impact of the non-compliant part of the building is not significantly different from a complying envelope.

- ***How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?***

Comment:

The analysis above shows that the neighbouring properties are not vulnerable to view loss caused by the non-compliant part of the proposal, as this is predominantly not visible or where it is, does not cause loss of valued item in the views. Requiring the building to comply would reduce the development potential of the site without making a significant change to the impact and would therefore be unreasonable.

- *Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?*

Comment:

The proposal is not of poor design. The height of the building does not cause net view loss. Requiring the building to strictly comply with the height standard would reduce the amount of floor space and amenity without significantly increasing view sharing or reducing impacts.

- *Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?*

Comment:

The proposal does not comply with the development standard for height of buildings. However, the impact of the part of the building that is non-compliant is minimal.

### 6.2.1 Summary in relation to **Davies**

Applying the planning principle in *Davies*, each of the questions can be answered in support of the merits of the non-compliance with the development standard for height of buildings.

## 6.3 Planning principle in **Veloshin**

The planning principle in *Veloshin* specifically addresses the assessment of the impacts of height and bulk. The principle notes in relation to height that the appropriateness of a proposal's height is most usefully assessed against planning controls that relate to these attributes, such as maximum height. Other considerations, such as whether the controls are intended to retain the existing character or create a new character are also relevant. Not all of the questions are relevant to this application.

The relevant questions are:

- *Are the impacts consistent with the impacts that may be reasonably expected under the controls?*
- *(For non-complying proposals, the question cannot be answered unless the difference between the impacts of a complying and a non-complying development is quantified).*



Comment:

The analysis above shows that the proposal is consistent with the impacts reasonably expected by a complying development. The proposal is non-complying and the difference between the impacts of a complying and non-complying development have been quantified, as required. The quantified analysis shows that there would be no net view loss and therefore the non-compliant height is consistent with what is reasonably expected under the controls.

- *How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?*

Comment:

This question has been answered above.

- *(Where the planning controls are aimed at creating a new character, the existing character is of less relevance. The controls then indicate the nature of the new character desired. The question to be asked is):*
- *Is the proposal consistent with the bulk and character intended by the planning controls?*

Comment:

The approval rezoning of the site indicates a desire for a new character and one with potentially taller and bulkier buildings. Notwithstanding, the proposal is generally in line with the controls and is consistent with the desired future character contemplated by the controls. The part of the building that is non-compliant is not out of character and is consistent with the character promoted by the planning controls.

Requiring the building to comply strictly with the height control may significantly change its character without any benefit in view sharing and would not be a better planning outcome than the proposal.

### **6.3.1 Summary in relation to *Veloshin***

Applying the principle in *Veloshin* that relate to the reasonable expectations of the environmental impacts of the application under the relevant controls, a fully complying development may or may not be significant different in appearance would not cause any different view loss, but would not achieve the reasonable development potential of the site.

In that context, it would not be reasonable for neighbouring residences to expect to retain existing views, which are currently over what is in effect open space. particularly They have gained fortuitous views across a site which has not realised its full development potential, in the context of specific controls for the site intended to facilitate the proposed use.

Applying the relevant questions in relation to the planning principle for building height in *Veloshin*, it has been shown that the answers support the merits of the non-compliance with the development standard for height of buildings.



## 7 Conclusion

The analysis carried out above showed that the proposal would not cause significant view loss. In addition, the part of the building that is not compliant with the development standard for height of buildings is predominantly not visible, or where visible would not cause loss of valued items in *Tenacity* terms and would not cause any significant increase in view loss compared to a fully compliant building.

Following this analysis and the application of relevant planning principles to considering the merits of the non-compliance with the development standard for height of building, the application is considered reasonable, is satisfactory with regard to view loss and a Clause 4.6 request to vary the development standard for height of buildings can be supported.

It is considered that view loss and view sharing would be reasonable and satisfactory.

Richard Lamb and Associates

July, 2017



*Plate 1*  
*Existing site frontage seen from Longueville Road*



*Plate 2*  
*Opposite site frontage in Longueville Road, looking north-east*





*Plate 3*  
*Opposite site frontage in Longueville Road, looking south-east*



*Plate 4*  
*Side/rear elevations of apartments in 250 Longueville Road adjacent to future proposed park*





*Plate 5*  
*Rear of residences in Richardson Street West adjacent to future proposed park*



*Plate 6*  
*Rear of residences in Richardson Street West adjacent to site*





*Plate 7*  
*Buildings in the North Sydney CBD visible above canopy to the south-east over disused bowling green*



*Plate 8*  
*Existing building to be demolished*





*Plate 9*

*View from upper former bowling green showing relationship of canopy height to east end of Timber Tops apartment building which is visible above the hedge in the centre of the view*



*Plate 10*

*Timber Tops apartment building seen from the lower existing bowling green*



*Plate 11  
View of Timber Tops apartment building on the left and the existing former bowling clubhouse*



*Plate 12  
View from intersection of Longueville Road, River Road West, Northwood Road and Kenneth Streets*





*Plate 13*  
*View west from site frontage of 231 Longueville Road*



*Plate 14*  
*View north-west from site frontage in Longueville Road*





*Plate 15*  
*View south-west from site frontage in Longueville Road*



*Plate 17*  
*Detail of vegetation canopy east of Timber Tops apartment building*



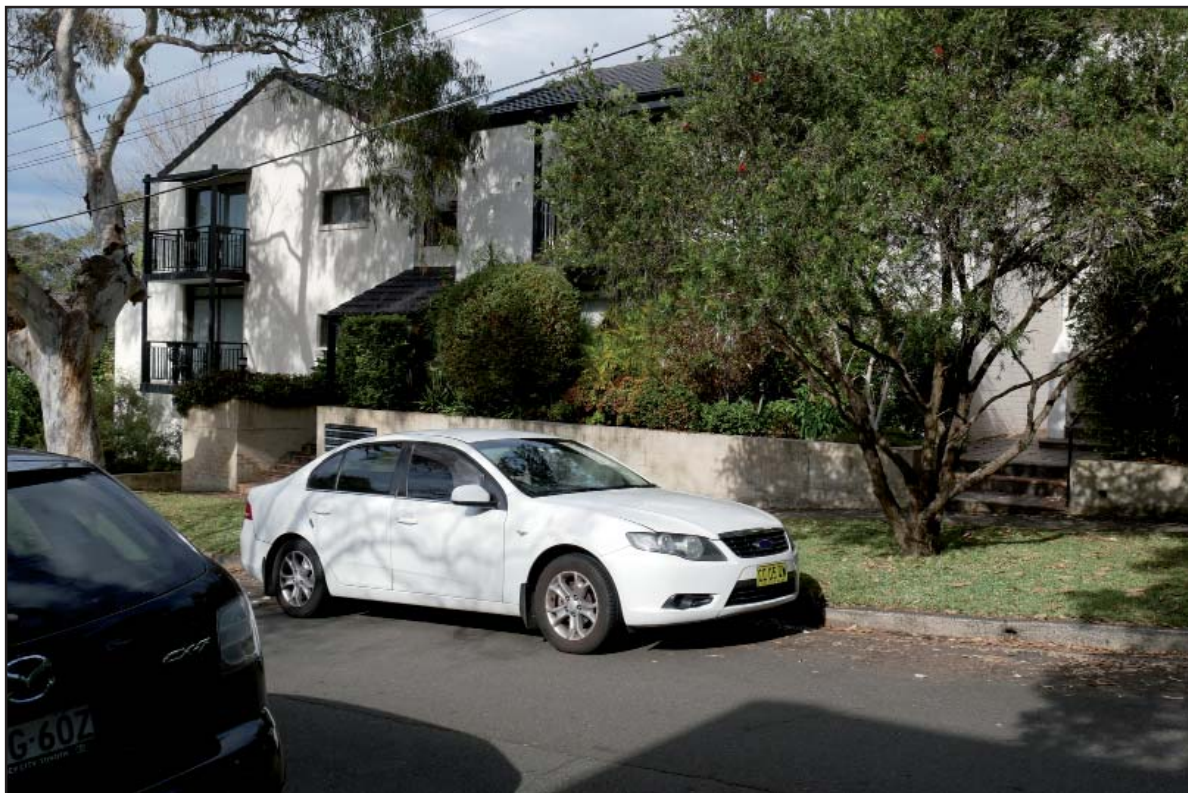


*Plate 18*  
*View of the west elevation of the Timber Tops apartment building*



*Plate 19*  
*250-252 Longueville Road on right on the corner in axial view down Richardson Street West, looking east*





*Plate 20*  
*250-252 Longueville Road as seen in Richardson Street West*



*Plate 21*  
*58 Richardson Street West*





*Plate 22*  
56, 54 and 52 Richardson Street West, from right to left, respectively. Note tall vegetation canopy on site to rear



*Plate 23*  
52 Richardson Road West





Plate 24  
48A and 48B Richardson Street West. Note tall vegetation canopy on site to rear.



Plate 25  
46 Richardson Road, West. Note tall vegetation canopy on site to rear.



### Summary Curriculum Vitae: Dr Richard Lamb



#### Summary

- Qualifications
  - Bachelor of Science - First Class Honours, University of New England
  - 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, 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, 1989-2016
- 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 in environmental impact, heritage 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 and Planning and Environment Court of Queensland in visual and heritage contentions in various classes of litigation.
  - Secondary specialisation in matters of landscape heritage, heritage impacts and heritage view studies
  - Appearances in over 230 Land and Environment Court of New South Wales cases, submissions to Commissions of Inquiry and the principal consultant for over 800 individual consultancies.

A full Cv can be viewed on the Richard Lamb and Associates website at [www.richardlamb.com.au](http://www.richardlamb.com.au)