

DA 449/2020/1

40A Fitzwilliam Road, Vaucluse

Heritage views assessment

Objection from 40 Fitzwilliam Road

Prepared by: Richard Lamb and Associates

Prepared for: Professor G and Professor D Murrell

Sunny Brae

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Heritage views impact assessment

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## Purpose of this submission

Richard Lamb and Associates (RLA) have been engaged by Professors George and Deirdre Murrell, the proprietors of 40 Fitzwilliam Road, Vaucluse (also known as Sunny Brae, 40B Fitzwilliam Road). The objective of this submission is to provide analysis of impacts on heritage views that would be caused by the development proposed in DA496/2020/1, at 40A Fitzwilliam Road, Vaucluse.

Richard Lamb and Associates (RLA) have extensive experience in scenic resource management and heritage conservation over the last 25 years. The company specialises in visual impacts, including impacts on heritage views. As the principal and director of RLA and author of this submission, I have over 20 years' experience in these areas. My CV can be found on our website accessible from the home page at [www.richardlamb.com.au](http://www.richardlamb.com.au). A summary CV is attached to this submission at Appendix 3.

The assessment of heritage views is assisted by photographs taken by RLA from 40 Fitzwilliam Road and in the visual catchment of the proposed development (see Appendix 1 to this submission), photomontages showing impacts on selected outward views (Appendix 2) and the Heritage Report on Sunny Brae, prepared by Graham Brooks and Associates (GBA).

## The setting of 40 Fitzwilliam Road

40A Fitzwilliam Road is immediately to the east of my clients' property, fronting Fitzwilliam Road. As a convention and to simplify discussions, I have called my clients' property Sunny Brae, its original name and

that adopted in the GBA Heritage Report in this submission and 40A Fitzwilliam Road, where the development to which my clients object is proposed to be carried out, The Site. As a further convention in this submission and to correspond with the directions discussed in the SEE, Fitzwilliam Road is considered to be to the east of The Site and from my clients' residence.

Sunny Brae is occupied by a large residence of two to three storeys in height, comprising two main parts, that express successive periods of development. As analysed in detail in the Heritage Report by GBA, the residence was initially constructed in the first decade of the 20<sup>th</sup> century. The original part of the residence (now restored) is situated to the south on its land and is therefore closest to The Site.

The immediate locality features a large range of dwellings, varying in size and visual bulk and ranging in visual character from late 19<sup>th</sup> and early 20<sup>th</sup> century residences of identifiable styles to those of more recent vernacular and eclectic character, some with modernist influences, like the proposed development. As noted in the Heritage Report, Sunny Brae is one of few surviving finely crafted Federation Queen Anne residences in Vaucluse.

Sunny Brae is sited on a ridge that parallels Fitzwilliam Road, commanding extensive views of the immediate locality, Vaucluse Bay, Parsley Bay and wider areas of Sydney Harbour, encompassing many scenic and historic items and a wide range of items that are listed as items of environmental heritage in Schedule 5 of the Woollahra LEP. The general location of the site prior to its construction was known to the family of William Charles Wentworth, then resident and owner of the Vaucluse House estate, as Parsley Hill, where Wentworth intended to be interred and it was visible from Vaucluse House as a prominent local feature. The historical associations of William Charles Wentworth with themes of development of the Vaucluse locality and the Wentworth family with the site of Sunny Brae, give the place added significance, while the historic visual connection that has been established by GBA research, between Vaucluse House and the site, gives further weight to the importance of the visual curtilage of Sunny Brae.

The siting of the place and views of the residence and views to in its visual curtilage are of special importance to its heritage significance, as analysed and assessed in the Heritage Report by GBA, which supports a Planning Proposal to add Sunny Brae to the Schedule 5 of WLEP as an item of environmental heritage.

The original part of the house has direct visual access to views over extensive areas of Sydney Harbour, Vaucluse Bay, Parsley Bay and Watsons Bay, that include a large number of individual items and areas that are listed in Schedule 5 of the WLEP as items of environmental heritage. Impacts on views of or between heritage items are important matters to address in assessing the impacts of the proposed development on The Site, as noted in the GBA objection to the subject Development Application. The proposed development would cause loss of views of both scenic and significant heritage items visible from Sunny Brae, particularly from the original part of the residence. The development on The Site would also impact negatively on the setting of Sunny Brae as seen from its visual curtilage. The nature and extent of the impact on those views is considered later in this submission.

Not only is the original dwelling sited to take advantage of the views and to have a commanding presence on the crest of the ridge on which it is situated, but its architecture was also adapted to maximise the potential for views outward along specific axes, resulting in a highly complex architectural composition, deliberate north-east orientation, unusual diagonally planned wraparound veranda, 'widows walk' balcony above the sitting room and large glazed dormers. The house includes a turret-like octagonal Belvedere from which panoramic views remain available. The original house was clearly and specifically designed to capture fine, expansive views from its ridge-top location on 'Parsley Hill'.

The location of Sunny Brae and its exposure to views from the Sydney Harbour waterways and adjacent areas is in my opinion analogous to that of prominent residences adjacent to and visible from the Harbour, known as marine villas, of which there are examples including those in the Eastern Suburbs and which are recognised as of historic and aesthetic heritage significance, such as Vaucluse House, Elizabeth Bay House, Tusculum, Craigend, Jenner House, Hampton Villa, Lyndhurst, Tarana, Rockwell, Bomera and others.

Many early marine villas were built in the 19<sup>th</sup> century in the Greek Revival or Victorian Italianate style, but the term became synonymous with other forms of prominent harbour-side dwellings, when the price of residential property in the inner suburbs caused demand for Federation period subdivisions further afield in areas like Mosman and Cremorne, which were advertised as ideal locations for marine villas at a similar time to subdivision of the Vaucluse vicinity of Sunny Brae.

Sunny Brae has later additions that extend to the west relative to the early part of the residence, views from which would be less affected by impacts on heritage views on The Site.

## Principles of verification of photomontages

For the certification of photomontages, the fundamental requirement is that there is a 3D computer model of the proposed development that can be accurately located and merged with representative photographs taken from key viewing places to produce a photomontage.

The key to being able to certify the accuracy of the photomontage resulting from merging the 3D model and photographs is being able to demonstrate that the 3D model of the proposed development has a good fit to known surveyed markers on the existing building or on fixed features of the site or locality which are shown on a survey plan. The second level of fit is the fit of the model to a photograph.

Digital Line Pty Ltd, expert architectural illustrators, prepared a 3D model of the submitted DA by the project architects Stafford Architecture and of the existing building on the site based on the architectural and survey plans available on the Woollahra Council website. The model was imported into the software programme Autodesk 3D studio Max (3DS). The location and height of the 3D model of the proposal in relation to the photographs was verified with respect to surveyed features of the existing development site, using the camera match utility in 3DS. The location was verified by reference not only to the photographs used to prepare the photomontages, but also other photographs I had taken from my clients' residence at higher levels, where more of the existing building on the site was visible.

Photographs were taken by me with one exception, which was a photograph taken by my clients (Position 5). The metadata on the electronic file of this photograph showed that it had been taken with a focal length greater than mine and I then had Digital Line crop the image to the same equivalent focal length as my own photographs, for consistency. My photographs were taken with a professional quality digital camera (Sony A7Riii) with a prime 35mm lens, set at a level as close as possible to the conventional 1.6m above floor levels. The camera was levelled horizontally and vertically using the camera's built-in levelling utility. The photograph taken by my clients from what is called Position 5 in this submission was taken with a mobile phone. The camera match utility software used in the preparation of photomontages by Digital Line can determine the location and focal length of the camera that is used to take the photographs used to prepare the photomontages.

The 3D model prepared from the DA plans and the survey plans, showing the existing building on the site, was then merged with digital photographic images of the existing environment by Digital Line.

## Focal length of lens for photographs

The focal length of the lens used with the full-frame format camera used was 35mm which has a horizontal field of view of 54.4 degrees. The image provided by my clients that was taken with a mobile phone had a wider field of view and was cropped on my instructions by Digital Line to the equivalent focal length and the image used for the photomontages prepared with this image has the same effective field of view as my photographs. As the proposed building is close to a viewer in No.40, the 35mm focal length has a sufficient field of view to take in the proposed building and also enough of the surrounding context to give a good impression of the composition of the views affected.

## Preparation of Photomontages

Digital Line provide this information as to the steps in the process of preparation used for photomontages.

The accuracy of the locations of the 3D model of the proposed development with respect to the photographic images was checked in multiple ways:

- The model was checked for alignment and height with respect to the 3D survey and adjacent surveyed reference markers.
- The location of the camera in relation to the model was established using the survey model and the survey locations, including map locations and RLs. I reviewed focal lengths and camera bearings in the meta data of the electronic files of the photographs.
- Reference points from the survey were used for cross-checking accuracy in a sample of images. The Camera Match utility was used as a further cross-check.
- No significant discrepancies were found between the known camera locations and those predicted by the computer. Minor inconsistencies occur due to the natural distortion created by the camera lens.

## Checking the montage accuracy

The purpose of the detailed modelling, and precisely recorded photography is to enable a 3D version of the existing physical site to be created in CAD software. If this has been done accurately, it is then possible to insert the selected photo into the background of the 3D view, position the virtual 3D camera in the position determined by the 3DS camera match utility and then rotate the virtual camera until the surveyed 3D points match up precisely with the correlating real world objects visible in the photograph.

It is however important to note that it is not possible for a 100% perfect fit to occur across the whole photographic image for the following reasons:

- Variance between measured focal length compared to stated focal length,
- Minor lens distortion which varies from lens to lens and manufacturer to manufacturer,
- Possible absence of a sufficient range of suitable reference points on site/visible through lens

Allowing for these limitations, Digital Line reported that the alignment was achieved to a high degree of accuracy, within an acceptable tolerance.

## Certification

The above requirements were met and RLA can certify, based on the methods used and taking all relevant information into account, that the photomontages are as accurate as reasonably possible in the circumstance and can be relied upon.

## Existing views

Five photographs were taken, representing a range of views over The Site from the original part of my clients' residence. The original photographs are included in Appendix 2, Photomontages. Other relevant photographs are in Appendix 1.

A summary of my observations of the existing views used to prepare photomontages is below:

### Position 1: Doorstep of the original house

The view is from the ground floor looking approximately east-north-east. The existing dwelling on The Site is largely not visible and is screened by foreground vegetation. The view includes water in Watsons Bay, the land-water interface there, many items of individual heritage significance on the shore of Watsons Bay and in the military land above and behind it, part of South Head, The Gap area in Gap Park, a district view of buildings and landscape items and a continuous horizon.

### Position 2: Doorstep of the sitting room, original house

The view is of similar composition to Position 1 but with the lower viewing level, the expanse of water is reduced and the apparent height of the vegetation in the foreground is increased. Part of the roof of the existing building on The Site is visible.

### Position 3: Bedroom at top floor level, original house

The view is from the top floor, in an original bedroom above the front door of the original house. Views are available through any of the three windows. The view position is seated. The view includes part of Parsley Bay, Watsons Bay, land-water interfaces in both bays, a district view with individual heritage items both near and far and part of South Head and Gap Park.

### Position 4: Second step on stair from front door of the original house

The view includes a district view across Parsley Bay, part of South Head and Gap Park.

### Position 5: Ground floor bedroom on south side of front door of original house

The view is from the ground floor looking approximately east-north-east. The existing dwelling on The Site is partly visible and partly screened by foreground vegetation. The view includes water in Watsons Bay, the land-water interface there and in Parsley Bay, many items of individual heritage significance on the shore of

Watsons Bay and in the military land above and behind it, part of South Head, The Gap area in Gap Park, a district view of buildings and landscape items and a continuous horizon.

## Analysis of transparent photomontages: view affected

The analysis below avoids repeating the analysis of existing views above, as far as reasonably possible. The photomontages are in Appendix 2 to this submission.

### Position 1: Doorstep of the original house

The proposed top floor addition blocks approximately half of the horizontal field of view of any land views. The cliff line of South Head, The Gap area in Gap Park, a district view of buildings and landscape items in Vaucluse and half of the horizon would be lost. The view outward, intended to be enjoyed from one of the most important formal areas of the house, on the axis of the front door, would be significantly and negatively affected by the proximity of the proposal, its dominance of the foreground of the view that was intended to remain open and by interruption of the continuity of the intended and historically significant open view. The proposed top floor of the development proposed is insensitive and inappropriate.

### Position 2: Doorstep of the sitting room, original house

The water in the view and items of land-water interface in Parsley Bay and Watsons Bay would be retained. Demolition of the existing dwelling may provide a small new view of water in Parsley Bay. The proposed top floor addition blocks approximately one third of the district view of buildings and landscape items in Vaucluse and of the horizon.

### Position 3: Bedroom at top floor level, original house

The proposed top floor addition blocks the view of water and land-water interface in part of Parsley Bay. The view toward Watsons Bay, part of South Head, the vicinity of Gap Park, the district view of Vaucluse and the horizon would be retained.

### Position 4: Second step on stair from front door of the original house

The proposed top floor addition blocks the majority of the view that was clearly intended to be enjoyed from the formal staircase to the upper floor of the original house. The backdrop to the view from the stair was intended to be emphasised by the axial relationship between the stair and front door. A viewer coming down the stair and out the door would be presented with a panoramic view ever expanding, to include the many items identified earlier in this submission. The effect of the proposal is to shut out the view, like a wall across the axial view line, devaluing the design of house and its celebration of panoramic views and an open foreground.

## Position 5: Ground floor bedroom on south side of front door of original house

The proposed top floor addition blocks almost all of the view of Sydney Harbour in Parsley Bay and Watsons Bay and almost every land-water interface. As such, it blocks the views of many items of individual heritage significance on the shore of Watsons Bay in the military land above and behind it, and on South Head and The Gap area in Gap Park. A district view of buildings and landscape items and a short section of horizon is retained.

Similarly to the view from the stair, veranda and front door to the original house, the view is devalued and the prominence of the place in heritage views inward is likewise diminished.

## Analysis of solid block photomontages

The solid block model photomontages are presented in addition to transparent photomontages. The transparent photomontages are a tool for analysing the individual items that may be lost. The solid block photomontages show only the residual view (ie, what remains of the view). This analysis is useful because it is possible that what remains may retain the value of the view. This concept is referred to in the planning principle in *Rose Bay Marina [2013] NSWLEC 1046*, in which Senior Commissioner Moore stated [55]:

*‘the fundamental quantitative question is whether the view that will remain after the development (if permitted) is still sufficient to understand and appreciate the nature of and attractive or significant elements within the presently unobstructed or partially obstructed view.’*

This is also of special relevance to heritage views. The situation where what is left of the view is degraded in relation to heritage values occurs when what is retained is a partial view, part of the setting of an item or part of an icon. The residual view is more degraded than is indicated by simply noting that parts of some items in the residual view are retained. In the current application, the solid photomontages shown that the residual view is significantly degraded in heritage views terms.

## Position 1: Doorstep of the original house

The solid block photomontage gives a good impression of the bulk of the proposed top floor addition to the building, and a clear indication of the degraded view that is retained. A significant part of the visual curtilage of the place as identified in the Heritage Report of GBA is no longer visible. Neither, as a matter of logic, is Sunny Brae visible to the fullest extent in its existing setting from that area, contributing to negative impacts on its visual curtilage.

## Position 2: Doorstep of the sitting room, original house

A partial view would be retained. The proposed top floor addition blocks approximately one third of the district view of buildings and landscape items in Vaucluse on the right, which provides the sense of perspective and depth to the view. Although scenic and valued items are retained, the value of the view to my clients would be degraded.



### Position 3: Bedroom at top floor level, original house

The proposed top floor addition blocks part of the view of water and land-water interface in part of Parsley Bay, views of which were intended to be retained in the design of the place. While other items would be retained, top floor element of the proposal would reduce the value of the views.

### Position 4: Second step on stair from front door of the original house

The proposed top floor addition blocks the majority of the view. The residual view is tokenistic and cannot be interpreted as part of a composition. The solid block photomontage clearly shows that the residual view would be unrecognisable, with no sense of its original contribution to the significance of Sunny Brae remaining.

### Position 5: Ground floor bedroom on south side of front door of original house

This photomontage is an excellent demonstration of what the solid block photomontages show, as opposed to the transparent ones. The effect of the mass and bulk of the top floor addition on the composition of the view is to diminish the relationship between Sunny Brae and the visual catchment it was designed to command. In the inward views, the ability to interpret the reasons for the unusual diagonal planning and the orientation of Sunny Brae to its setting would be eroded.

## Application of the *Rose Bay Marina* planning principle

Senior Commissioner Moore sets out a process for assessing the acceptability of visual impacts of private developments on views from the public domain in the vicinity of the development in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and Anor [2013] NSWLEC 1046 (Rose Bay Marina)*. The process of determining whether a development is acceptable or not must account for reasonable development expectations as well as the enjoyment of members of the public, or outlooks from public places. The principle is divided into 2 Stages involved in assessment, the first factual and the second analytical.

The importance of views of and from Sydney Harbour are acknowledged as follows [1]:

*Sydney Harbour is a highly desirable waterway for those sharing Ratty's views and themselves seeking to mess about in boats. It is also a self-evident truth that Sydney Harbour is the central spine of a major urban area. The variety of ways in which sections of the Sydney community wish to use Sydney Harbour as an active waterway, both commercial and recreational, has necessitated implementation of a structured planning regime for its waters, including the introduction of zones to regulate permitted uses of the waterway.*

The 'Ratty' referred to is a character in the novel *Wind in the Willows*, to which Moore SC refers in the preamble to *Rose Bay Marina*. Ratty had a predilection for 'messaging about in boats'.

### Stage 1

In this stage of the planning principle, relevant baseline data is identified and is broken down into 5 key components;

## Identification of Views

*Nature and extent of any obstruction in the view.*

Comment:

Views of a significant part of the original house at Sunny Brae would be partly obstructed from parts of Sydney Harbour in Parsley Bay, the waters between Parsley Bay and Watsons Bay and on the waterfront of Watsons Bay, for example along The Promenade. These are areas and items in the visual curtilage of the place. Views from the publicly accessible foreshore of Parsley Bay (see plates 3 and 7 in Appendix 1) would be partly obstructed by the proposed development.

The photomontages show not only what would be left of the view from important locations in Sunny Brae looking outward, the significance of which would be compromised by the proposal, as analysed above, but also the locations in the surrounding environment, which the place was designed to take in, from which views would no longer be possible. It is clear that parts of the west elevations of Sunny Brae would no longer be visible from extensive areas of Sydney Harbour, Parsley Bay, Watsons Bay, The Gap and from many individual heritage items.

*Relevant compositional elements (eg static, dynamic and frequency if a view is dynamic).*

Comment:

Both static (from fixed locations) and dynamic viewing opportunities (views from moving locations) would be possible to viewers moving on the harbour in the areas of the waterway, Watsons Bay and Gap Park. The views from these locations to original parts of Sunny Brae would be lost, as shown in the photomontages.

*What might not be in the view (eg compositional elements)*

Comment:

In *Rose Bay Marina*, this refers to whether the view is of special value because of the absence of items, rather than their presence. The views that are affected benefit from the absence of built items in the intervening view, retaining the existing dominance of the original house in the close-range horizon as viewed from Parsley Bay and the northern foreshore (see Plate 7 in Appendix 1). The proposed top floor addition on The Site will block part of the view, alter the composition of the view and visibility of items of Sunny Brae and compete with the existing dominance of the original house in the view, an attribute relevant to its significance.

*Is the change permanent or temporary?*

Comment:

The change proposed is permanent.

*What might be the curtilages of important elements within the view? (eg will an acceptable amount of space around such elements remain to allow the existing setting to be viewed and appreciated?).*

Comment:

This aspect of the *Rose Bay Marina* principle is referring to the curtilages of heritage items and is of special relevance to assessing impacts on heritage views. The proposal has a negative impact on the visual curtilage of Sunny Brae in relation to the nature and extent of obstruction of the views. It also has negative impacts on the curtilage of the original house when seen from some of the individual heritage items in the Watsons Bay Conservation Area such as the vicinity of the Watsons Bay Promenade and Gap Park.

## Location of Views

*The assessment should define locations within the public domain from which the potentially interrupted view is enjoyed.*

Comment:

The location of views affected has been systematically analysed and documented in the assessment above and therefore satisfies this requirement of the *Rose Bay Marina* planning principle.

## Extent of Obstruction

*A public domain view is one which can be enjoyed by all members of the whole population and therefore it is not appropriate to adopt a normative eye height from which views are to be assessed, as is the case in the Planning Principle developed in **Tenacity**.*

Comment:

Assumptions about view loss from the public domain have been made considering all potential eye heights. Views assessed in the public domain would be available to viewers of any practical eye height.

## Intensity of the public use

*How well used are the public domain locations from which the view is currently enjoyed and therefore how many people (a few, a moderate number or many) will be affected by that or those views being obscured in whole or in part, by the proposed development.*

Comment:

The view locations affected by view impacts of the proposal are all of high usage and easy public accessibility and subject to intensive public use, justifying greater weight being given to the importance of impacts.

## Identified Views

*The assessment must determine whether the importance of public domain views are identified in any document. This includes whether there is specific acknowledgement of the importance of a view eg heritage or is retention or protection of public domain views recorded in any statutory document.*

Comment:

The viewing places affected by impacts include important public domain locations (Sydney Harbour, Watsons Bay Conservation Area) that are listed in statutory documents and individual heritage items and their settings. The Heritage Report by GBA analyses the visual curtilage of Sunny Brae and shows its exposure to external viewing places on Figure 3.9 of the Heritage Report. Although the figure accentuates views between Sunny Brae and individual geographic and identifiable items and places, it is also the case that views to Sunny Brae would be possible from extensive areas particularly to the north and north-east of The Site. This is confirmed by the cumulative extent of areas from which views would be blocked, as shown in the photomontages. The GBA Heritage Report justifies entering Sunny Brae on Schedule 5 of the Woollahra LEP

as an individual item of environmental heritage, as is now proposed in a Planning Proposal. Thus, the view places affected by impacts and the place affected by view impacts, Sunny Brae, are of acknowledged heritage significance, giving extra weight on this criterion of *Rose Bay Marina* to the importance of the impacts.

## Stage 2

*This involves the analysis of the baseline data, which will need to be weighted in some way in order to develop a quantitative and qualitative assessment.*

### Qualitative Assessment

*This evaluation requires an assessment of aesthetic and other elements in the view, which despite being subjective must follow a defined process which outlines the factors taken into account and the weighting attached to them. As with **Tenacity** a high value (or weighting) is to be attached to what may be regarded as iconic views of major landmarks, or weight determined by other factors such as the status of a statutory document and the terms in which an objective about views is expressed. A specific weighting framework is not provided.*

Factors to be considered include;

- *Is any significance attached to the view likely to be altered?*

Comment:

Scenic and heritage significance is attached to the impacts of the proposal on the identified views both to and from Sunny Brae.

- *Who has attributed the significance to the view and why?*

Comment:

The GBA Heritage Report justifies listing of Sunny Brae as an individual item of environmental heritage and has attributed heritage significance to the views to and from the place. This submission also finds there to be significant impacts on heritage views, those impacts being confirmed by the photomontages in Appendix 2. Views are affected from acknowledged heritage items, their settings and curtilages, as also set out above.

- *Would a change (ie the proposed development) make this view less desirable?*

Comment:

The view as affected by the proposed development would be less desirable from a scenic and heritage perspective. The local landmark qualities of Sunny Brae would be diminished in close and distant views and the importance of the building to views in Woollahra Municipality would be compromised.

- *Would a change alter whether the view is static or dynamic and is this positive or negative?*

Comment:

The proposed development would impact on both static and dynamic views. The impact would be negative on both classes of view experience.

- *If the view is a known attraction from a specific location, how will the view be impacted?*

Comment:

The views affected include known attractions such as Watsons Bay Promenade, Sydney Harbour, Parsley Bay

and Gap Park. The effects on the views have been documented above. The view affected by the proposed development would be less desirable from a scenic and heritage perspective and the local landmark qualities of Sunny Brae would be diminished in close and distant views. The importance of the building to views in the Woollahra Municipality would be compromised.

- *Would a change render a view tokenistic?*

Comment:

The proposed development would not cause such a level of impact on views from public views that the remaining view would be tokenistic.

- *Has the existing view already been degraded such that the remaining view warrants preservation?*

Comment:

The existing view has been incrementally degraded by development encroaching into the visual curtilage of Sunny Brae, however the local landmark qualities of the dwelling and in particular the original house remain able to be appreciated from an extensive visual catchment. The remaining contribution of the place to the views in my opinion warrants protection. This protection justifies giving significant weight to the importance of impacts on the heritage values of the place, which should not be further compromised.

## Quantitative Assessment

*This requires an assessment of the extent of the present view, compositional elements within it and the extent to which the view will be obstructed by or changed by the insertion of the elements of the proposed development.*

*Relevant questions to answer include; Is the impacted view (which is created after the change) still sufficient for the public to understand the nature of and appreciate the attractive or significant elements which existed in the non-impacted view eg. the view that exists prior to the development?*

Moore SC notes that the greater the existing obstruction of a view, the more valuable that which remains may be.

Comment:

In relation to the first part of this principle, the extent of the view, compositional elements and the extent to which the view will be obstructed have been analysed and assessed in my visual impact and view sharing submission on the DA.

In relation to second part, while the extent of obstruction of the view of the original house from external view points is not such that it prevents the public from understanding the residual attractive elements of the view, it does devalue the most significant elements of the currently non-impacted view.

In relation to views inward from the public domain, which is the main focus of *Rose Bay Marina*, in my opinion

the views of Sunny Brae from the public domain are devalued by the proposed development, to the detriment of the significant scenic and heritage values of the place.

## Impacts on heritage views

Richard Lamb and Associates specialises in the assessment of both visual and landscape heritage impacts. As part of our work in these fields, we are routinely asked to undertake the assessments of impacts on heritage views and this has become a second specialisation of this practise.

I have been involved in the preparation of Heritage View Studies in relation to many Major Project Applications, Urban Design studies, Planning Proposals and State Significant Development applications, including sites of local, state and national heritage significance.

The field of heritage views is one in which there is no consensus as to what it is that constitutes a heritage view, although there are guidelines that are relevant to the determination and assessment of aesthetic heritage values as part of heritage assessment and recommended methods for the assessment of heritage impacts.

RLA's approach to heritage views, as is the case with visual impacts generally, is to adopt a logical, explicit methodology that is based as much as possible on objective and empirical data as a starting point and not on myth and speculation. The facts of what is visible, from where and in what existing and historical context, are critical, in determining what constitutes heritage views and how to assess their significance. If a logical, systematic and comprehensive approach is not taken, subjective and abstract claims about heritage views can gain more credence than they deserve and on the other hand, significant heritage views can be devalued.

Our position is there is a hierarchy of heritage views, from the most to the least relevant with regard to determining significance of impacts on those views. At the highest level, we consider that a genuine heritage view is one designed to be experienced, where the intention is documented and where the reason for the view being recognised as significant is supported by the recognition of the values against the relevant heritage criteria, including the inclusion and exclusion guidelines required in the NSW heritage system. Historical research should support such views as being authentic heritage views, the locations of which and attributes of which are determined to be of significance. Views of and from items are relevant.

At the second level are views that have become recognised as of authentic heritage significance. There can be many pathways to recognition; for example, views may become socially significant, become significant by historical association with other, later events and items, or through accretion of later items, become significant for archaeological, scientific, aesthetic or other reasons relevant to views.

At a third level, views between heritage items may become of authentic heritage value by visual linkages deliberately designed between subsequent heritage items and places, linkages occurring through use or changing customs, or linkages created by the loss of former linkages and settings, making them more valued, or rare. These are authentic, acquired heritage values. Being able to see a new, different or novel item of no current significance, in the context of a heritage item, may create a significant impact on heritage values, if it can be demonstrated that the acknowledged heritage values of the item would be impaired, or the view devalued to the detriment of interpretation of the heritage values of the item.

Below that level are views of and between heritage items that exist in the objective sense but are incidental. That is, their existence, while providing an attribute of the setting, does not contribute to the appreciation of or the authentic values of the item. Views between items in this case exist but are not of significance in

themselves. Simply being able to see a heritage item, places or setting does not make the view a heritage view in itself.

Our assessment methodology was adopted in relation to potential heritage views of and from the site of Sunny Brae, 40 Fitzwilliam Road, Vaucluse, in relation to the hierarchy of heritage views, above.

This assessment was also informed by the Heritage Report prepared for the 40 Fitzwilliam Road (the place) by GBA, which considers not only significance in relation to views, but all of the criteria of heritage significance of the place. In relation to heritage views, the Heritage Report concludes that the place was sited and specifically designed to make use of and be seen from an extensive visual catchment. I observed that this includes many individual items, groups of items and their settings, that are of heritage significance. Views toward the setting of Sunny Brae within its visual curtilage would be compromised.

I can confirm the impacts on views of and from the items and places identified as of heritage significance would occur as a result of construction of the top floor of the proposed development on The Site.

Such views of and from the visual catchment would therefore satisfy our first, second and third levels of significance of heritage views. I therefore agree with the heritage objection to the DA, which finds the impact of the proposed top floor of 40A Fitzwilliam Road on the heritage significance of Sunny Brae is insensitive and inappropriate to its values.

## Conclusions

1. A heritage view analysis was undertake assisted by photomontages showing the effects of the submitted DA on views from Sunny Brae, 40 Fitzwilliam road, Vaucluse.
2. A view analysis of the likely impacts of the proposal on views toward Sunny Brae from both general public domain and the settings of heritage items listed in Schedule 5 of the WLEP was also undertaken.
3. Impacts on heritage views are most significant for the original house. Views from and to the original house would be negatively impacted by the bulk, height and location of the proposed top floor master bedroom suite.
4. The impacts on views from the public domain were analysed in relation to heritage views by applying the planning principle in *Rose Bay Marina* which includes consideration of views of heritage significance.
5. There would be significant impacts on public domain and heritage views.
6. The SEE that accompanies the DA is silent on heritage views, but inexplicably claims that there would be no significant view lines across The Site from Sunny Brae.
7. The proposal will also have negative impacts on heritage views in the three highest categories in our assessment methodology for heritage views.
8. In my opinion, the proposed design cannot be supported in its current form on heritage views grounds.

A handwritten signature in black ink, which appears to read 'Richard Lamb'. The signature is written in a cursive, flowing style with a large, stylized 'R' and 'L'.



## Appendix 1 Photographic Plates



*Plate 1*  
*View toward No.40 from Fitzwilliam Road*



*Plate 2*  
*Detail view of The Site from Fitzwilliam Road*



## Appendix 1 Photographic Plates



Plate 3

View toward The Site from Parsley Bay Reserve



Plate 4

View from the balcony of most recent addition to No.40 showing the relationship of the existing dwelling on 40A Fitzwilliam Road, which is visible on the left



## Appendix 1 Photographic Plates



Plate 5

View of the original house and later addition from the lawn. The unusually located and orientated widows walk above the sitting room , the belvedere and the entrance to the house were designed to command extensive views.



Plate 6

View to the north from the lawn at ground floor level of No.40. The proposed first floor addition on 40A Fitzwilliam Road will block the view of the horizon, which includes views of and between several heritage items



Plate 7

View toward No.40 which dominates the horizon from the shoreline in Parsley Bay. The proposed first floor addition on The Site will compete with the dominance of the view by No.40



Plate 8

In this view from The Promenade at Watsons Bay, itself a heritage item and in the vicinity of several others visible from No.40, the proposed first floor addition on The Site will block the view of elements of the original house at No.40



## Appendix 2 Photomontages



Position 1

Doorstep of original house

Existing view



Position 1

Transparent photomontage



Position 1

Solid photomontage



## Appendix 2 Photomontages



Position 2

Doorstep of sitting room  
in the original house

Existing view



Position 2

Transparent photomontage



Position 2

Solid photomontage

## Appendix 2 Photomontages



Position 3

First floor bedroom in  
the original house

Existing view



Position 2

Transparent photomontage

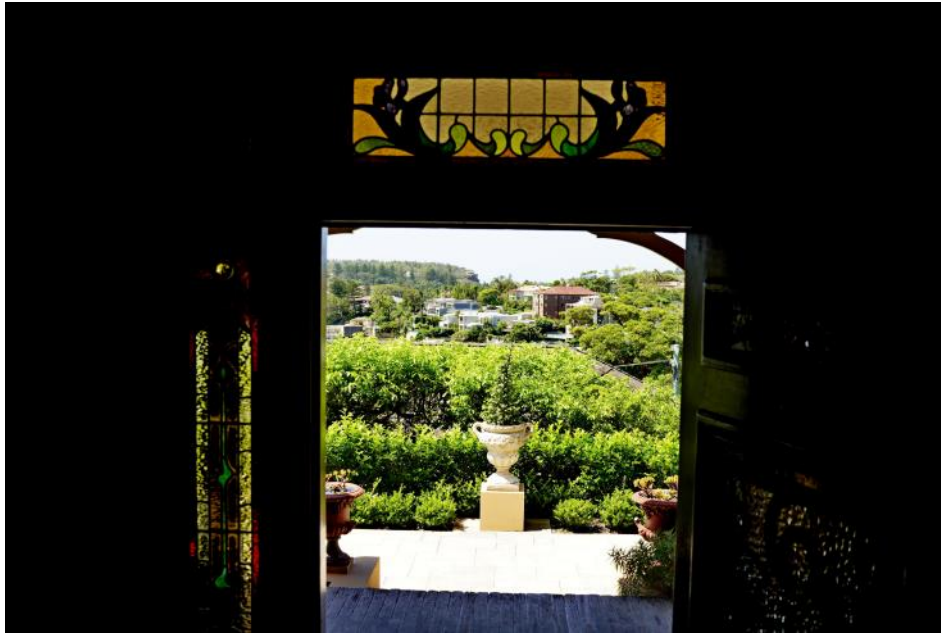


Position 2

Solid photomontage



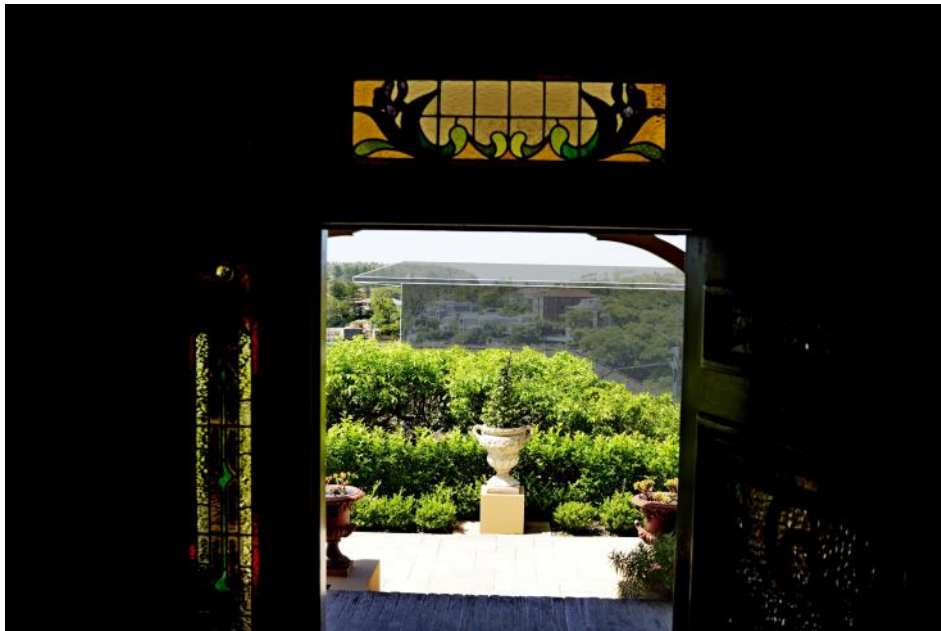
## Appendix 2 Photomontages



Position 4

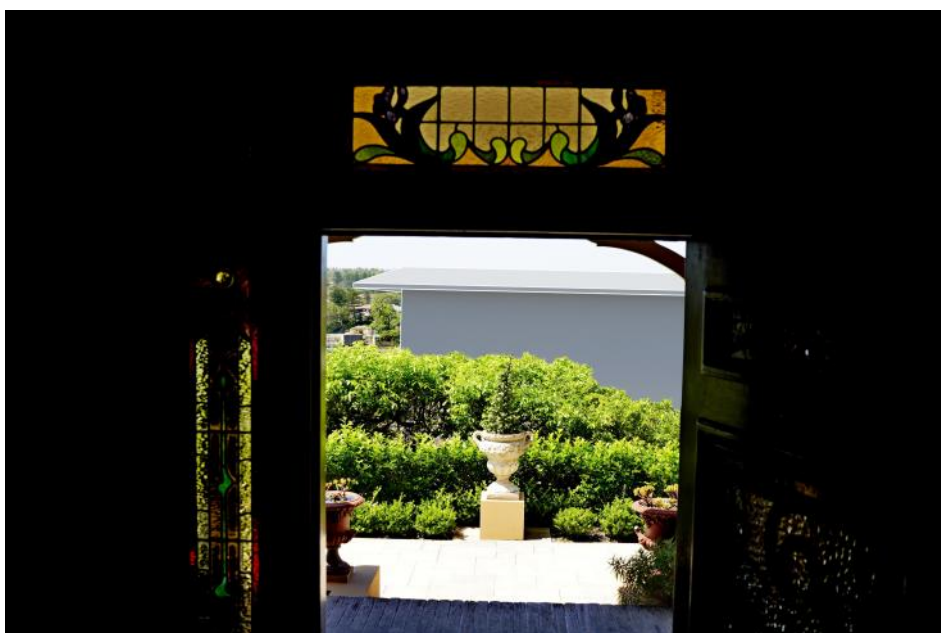
Second step on stair  
from front door of original house

Existing view



Position 4

Transparent photomontage



Position 4

Solid photomontage

## Appendix 2 Photomontages



Position 5

Ground floor bedroom  
in original house

Existing view



Position 4

Transparent photomontage



Position 4

Solid photomontage



## Appendix 2 Summary CV

### Summary Curriculum Vitae: Dr Richard Lamb



#### Summary

- Qualifications
  - Bachelor of Science - First Class Honours, University of New England in 1969
  - 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, Ecology and environmental biology, 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, 1989-2021
  
- 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 on environmental assessment 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 on visual contentions in various classes of litigation.
  - Secondary specialisation in matters of landscape heritage, heritage impacts and heritage view studies
  - Appearances in over 275 Land and Environment Court of New South Wales cases, submissions to Commissions of Inquiry and the principal consultant for over 1000 individual consultancies concerning view loss, view sharing, visual impacts and landscape heritage

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