VISUAL CONSIDERATIONS REPORT

FOR PROPOSED DEVELOPMENT AT

LOT A BURLEY ROAD HORSLEY PARK

Prepared for
NSW DEPARTMENT OF PLANNING & INFRASTRUCTURE

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Table of Contents

1 INTRODUCTION

O'Hanlon Design Pty. Ltd. has been engaged by the NSW Department of Planning and Infrastructure (DPI) to review and report on the visual aspects of the proposed development by Jacfin Pty Ltd (the proponent) at Lot A Burley Road Horsley Park.

The Preferred Project Report (PPR) was submitted on the 5th September 2012. The PPR set out the proponent's response to issues raised during public meetings and previous exhibition of the site development proposals The PPR details the proposed final project including a number of revisions to the Concept Plan and the Stage 1 Project application and includes a Final Statement of Commitments. Key landscape and visual features of the PPR include;

- generally introduction of a raised landscaped mound along the eastern and southern boundaries of the site,
- retention of the knoll (RL94.0) within the south-eastern corner of the site.
- along the southern boundary;
  - a maximum building roof level of RL94 and
  - boundary setbacks between 39m – 54m.
- along the eastern boundary:
  - the northern most building orientated to open up view corridors toward the views of the Blue Mountains,
  - pad levels not exceeding RL79,
  - building roof levels not exceeding RL93,
  - boundary setback of approximately 50-55m, and
  - reconfiguration of the internal road layout and reconfiguration of buildings in the southern portion of the precinct.

I carried out a site inspection on the 23rd August 2012 and attended a meeting with the proponent to present the scheme on the 18th January 2013.

2 RELEVANT DOCUMENTS

During preparation of this report I have reviewed and taken into consideration the following documents:

- Preferred Project Report – Lot A Burley Road Horsley Park
  JBA Planning August 2012
  (JBA PPR Aug 2012)

- State Environmental Planning Policy
  (Western Sydney Employment Area) 2009
  (**SEPP)**

- Penrith DCP 2006
  (Penrith DCP)

- Horsley Park Employment Precinct
  Preferred Project Report – a methodology statement
  S 120029 – 09/07/12 Rev.B
  Clouston Associates
  (Clouston Rev B)

- Tenacity Consulting v Warringah Council (2004) NSW LEC 140

- Copies of a large number of residents and expert submissions related to both the previous proposals and the PPR.

Copies of the relevant documents were provided by NSW Department of Planning and Infrastructure.

3 SEPP (WSEA) 2009-VISUAL MATTERS

Both the proponents PPR and the many of the residents' submissions contain references to Part 5 of the SEPP in relation to visual amenity and compliance. The relevant clauses are 21, 23 and potentially Clause 27. These clauses set the compliance tests for the development.

3.1 SEPP Clause 21

The SEPP states in Clause 21

21. Height of buildings

The consent authority must not grant consent to development on land to which this Policy applies unless it is satisfied that:

a) building heights will not adversely impact on the amenity of adjacent residential areas, and

b) site topography has been taken into consideration.

Clause 21 (a)

Sets a test that building heights should not adversely impact on the (visual) amenity of adjacent residential areas. Visual amenity is a combination of parameters for details refer to **Section 4.2 Scenic Quality.**

As screening of the building height is the proponent's primary driver for the creation of the landscape mound in both height and form, it is reasonable to conclude that the proposed building height is considered to adversely impacts on the visual amenity. The screening mound potentially reduces the impact but in so doing creates another set of potentially adverse amenity impacts.

Clause 21 (b)

The proponent states site topography has been taken into consideration and it is proposed to lower floor levels to reduce the impact of the height of buildings and to modulate the mound to accommodate view corridors.

Several resident and expert submissions contend that the size and scale of the cuts and mounding do not demonstrate respect for the existing topography but impose a maximum building height into the existing topography. The SEPP does not indicate how the topography should be taken into consideration in respect of avoiding adverse impacts on amenity due to building heights. The proponent has used a mixture of reduced overall height and lowered floor levels to achieve the current proposal. Given the potential for impacts on visual amenity by overviewing of the development from the east and south the mixture of some reduced building height and lower floor levels is a suitable solution. The topography makes reduction of visual impacts in the south-west corner difficult as the required mound heights become greater than 10m, creating large slopes and potentially cover significant site area. A more sympathetic solution could include greater reduction of building heights in the south west corner to suit existing topography.

3.2 SEPP Clause 23

The SEPP states in Clause 23

23. Development adjoining residential land

(1) This clause applies to any land to which this Policy applies that is within 250 metres of land zoned primarily for residential purposes.

(2) The consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that:

a) wherever appropriate, proposed building are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and

b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land, and

c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and

g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.

Clause 23 (1) Identifies application of the clause to any land….. within 250 metres of land zoned primarily for residential purposes. Subclauses 2 (a)(b)(c) and (g) specifically deal with visual impacts within the 250m zone.

Clause 23 (2)(a) sets a test where appropriate, to regulate visual quality and to reduce visual impacts by controlling height, scale, siting and character of the development within 250m of land zoned residential.

It is my opinion that in this case the relationship of the proposed development to residential land along the southern and eastern boundaries where elevated views from both internal and external primary living areas make control of development to maintain visual quality appropriate within 250m of the residential zoned land.

The 250m zone criteria set in the SEPP Clause 23(2)(a) is the baseline against which the visual impacts are to be assessed. These criteria should also be considered as the basis of the maximum development potential of the 250m setback zone of the site unless the proponent can demonstrate that an exception to the Standard (as allowed in Clause 27(4)) is in the public interest or improves the visual quality of the development. As a starting point, buildings within 250m of residential lands should be compatible. Base criteria should be agreed and could be negotiated around:

- height (6-8.5m i.e. max. 2 storey residential height)
- site cover (similar to rural residential)
- scale (floor plates of 300-500 m^2)
- siting (adjusted to suit topography: minimise cut and fill)
- character (detailed facades and modulated roof forms)

The development application currently proposes within the 250m zone:

- height (14m)
- scale (floor plates of greater than 20,000 m^2)
- siting (significant cut and fill)
- character (walls and roof forms lacking in modulation)

It is my opinion that the height, scale and character currently proposed are incompatible with residential development and inappropriate within 250m of the residential land. JBA agree with this opinion as noted in Table 4 on page 26 of the PPR.

I consider it is insufficient justification to suggest the buildings are similar to those on other industrial sites.

Unless the proponent can demonstrate that the development improves the visual amenity or is in the public interest the development should be required to comply with Clause 23.

4 PREFERRED PROJECT REPORT-VISUAL CONSIDERATIONS

4.1 General.

The PPR covers a number of areas related to visual impact. It is clear from the initial and ongoing community responses included in Appendix P of the PPR that visual impact is a key consideration.

Sections 4.1 and 4.2 of the PPK cover the proponent's response to visual issues. The PPR does not attempt to define the visual quality of the area or the scenic quality of the view catchment in an objective report format. In response to requests from many residents' submissions the PPR describes the extent of view impacts for various properties and uses a series of sections and photomontages to demonstrate the reasonableness of the proposal in a planning context. The PPR then assesses the potential to reduce the visual impacts whilst maintaining the development potential.

The PPR uses as a point of reference planning principles set down in T*enacity Consulting Pty. Ltd. v Warringah Council 2004*. It is notable that the particular case is in relation to an LEP that contained clauses related to specific views, view loss and view sharing as distinct from impacts on visual amenity. The PPR mixes the terminology of views, iconic views and outlooks all of which, along with a range of scenic quality parameters, define the visual amenity. I consider Clause 23 attempts to regulate visual amenity as distinct for view loss. A more holistic assessment of visual amenity would consider the scenic quality of the landscape of which specific views form a part.

4.2 Scenic Quality

Scenic quality has been subject of investigation for over 30 years. Most local studies have been based on small samples and the outcomes are relatively subjective**.** Scenic perception studies for Australian landscapes were collated in "*Scenic Perceptions of Australian Landscapes" 'Williamson' 'Landscape Australia' 1979'.* Williamson's findings have been generally accepted as substantiated and wehave used the findings in many reports. Williamson's collation of study parameters indicates that scenic quality increases as;

- topographical ruggedness increases,
- presence of water edges and water bodies increases,
- patterns of grassland and forest become more diverse,
- natural and agricultural landscapes increase,
- land use compatibility increases,
- edge density of each landscape element increases, and
- visual coherence increases.

In many aspects the proposed project impacts on these compositional elements including;

- removal of the water body,

- inclusion of man made roof forms
- creation of a non-natural form screening mound,
- reduction of patterns and distance definition,
- removal of agricultural landscape elements,
- reduction in land use compatibility, and
- the loss of edge density at landscape element junctions.

In Section 4 Table 1 of the PPR the proponent identifies the range of impacts and changes to scenic quality created by the development. Primarily the changes are:

- loss of rural/agricultural elements in landscape,
- loss of foreground rural views,
- impacts on background views to the mountains,
- loss of variety of elements, eg: water body and agricultural elements,
- changes to landscape boundary elements and loss of cascading form and line in the landscape,
- potential introduction into the rural views of buildings and roof elements, and
- the creation of a closer foreground landscape screening mound that potentially creates a sense of enclosure.

Based on the scenic quality parameters noted above it is reasonable to conclude that the project as outlined in the PPR will reduce both the scenic quality and the visual amenity of the adjoining residential sites. Furthermore, attempts by the proponent to mitigate impacts using a perimeter landscape mound also create a reduction in scenic quality as the mound as a visual element similarly affects these parameters.

The scenic quality is reduced by the proposed shape, slope and length of the mound immediately adjacent to the eastern and southern boundaries. The length and slopes do not match the existing topography and the immediate foreground location will create a greater sense of enclosure and foreshortening of the visual field. There is a likelyhood that random planting will create a loss of edge density between the flatter agricultural and steeper vegetated slopes. Increased edge density of the taller planting to ground covers and modulation of the mound form would create higher scenic quality.

5 PREFERRED PROJECT REPORT- PHOTOMONTAGES

5.1 Methodology

I have reviewed the methodology of the preparation of the photomontages prepared by the Architects Urbane. I have determined that correctly implemented the methodology should provide photomontages with a degree of accuracy suitable for the preparation of photomontages for the purpose for which they have been created. As each photomontage is an artistic interpretation it is important to note that each shows a best case construction, growth and maintenance outcome at 5 years elapsed from construction. I have manually cross checked each section and I have extrapolated the sight lines to the Blue Mountains to verify accuracy. I have concluded that the level of accuracy is acceptable but it is significant to note that due to the relative heights of viewers and the proposed landscape treatment, the remnant views of the Blue Mountains shown in the photomontages could be lost by just a small increase (in some cases as low as 1.0m) in proposed vegetation height. Similar small decreases in height would render significantly more of the building and roof forms visible.

5.2 Montage Variables

The appearance of each photomontage is based on a series of assumptions that are variable, untested, or could subject to future approvals, prove to be incorrect. These are;

a) roof pitches will approximate 2-3 degrees not 1-2 degrees, thereby reducing wall heights,

b) plants can be reasonably controlled in height and density, and

c) landscape mounds will be modelled to match local landforms.

It is important to note that:

d) potential changes in wall height and roof pitch will affect the appearance of the montage,

e) the height of planting cannot be easily projected or controlled to that shown,

f) plant growth rates, density and survival can depend on both seasonal and growing medium factors. Plants on reconstituted,, elevated mounds often grow more slowly or fail to thrive particularly in harsh seasonal conditions,

g) a 1:3 slope does not allow for mowing and slope retention can be difficult. As a result some of the proposed slopes are likely to differ in plant type, colour, texture and appearance from the current agricultural appearance landforms. Most of the existing slopes have gradients less than 1:20,

h) uncontrolled height or density of planting on mounds will obscure the background views of the Blue Mountains from the affected residences,

i) The views of the mountains from several residence including 37 and 38 Greenway Place will be obscured by planting if such planting exceeds 2m above the design mound height, and

j) Residents have little or no control over planting or maintenance on an adjacent property.

The potential demonstrated above for changes to the montages provided highlights the highly critical nature of

- The design of the mound in both height and shape,
- Selection and placement of species, and
- The proposed maintenance in perpetuity of the mound and screening vegetation,

upon which factors the success of the screening proposal relies.

6 OTHER VISUAL CONSIDERATIONS

6.1 Timing

Also critical to the success of the proposed screening is the timing of implementation. The proponent offers no project time line for creation of the screening. Implementation is proposed on a lot by lot basis. It is most probable that construction of the mound would therefore be in uncontrolled stages. The maintenance of visual amenity relies on early installation and completion of the mound. The proposed development does not address this critical issue. Construction of the mound and screen planting must take place in one stage prior or simultaneously with initial building construction. A staged construction would leave residents exposed to a wide range of visual impacts.

6.2 Ongoing Maintenance

The PPR leaves the issues of ongoing maintenance to a future landscape management plan. The quality of the visual amenity relies on long term maintenance of the landscape, and

controlled height of planting in perpetuity to maintain the views of the Blue Mountains suggested in the photomontages. This will not be achieved by individual ownership of parts of the mound and sections of screen planting. The proponent should be required to place all screening elements within an area of common legal title, similar to community title, and establish a sinking fund for maintenance funded by on-going contributions from individual land owners.

7 RECOMMENDATIONS

I consider that in order to develop land within 250m of the residential boundaries the proposal must either comply with SEPP Clause 23(a) or demonstrate the enhancement of visual amenity as required by Clause 27(4). To mitigate visual impacts and maintain the visual amenity of the land within 250m of the residential zone I recommend;

7.1 Mounding

- The southern ridge line should form part of the visual screen, supplemented with compatible mounding to the western end and along the east boundary. Mounding along the eastern boundary should be further modulated and set backs increased as required to create a mound more integrated into the existing topography to avoid the linear man-made shape currently proposed close to the eastern boundary.
- Visual screening mounds should have a high proportion of slopes not greater than 1:6 to allow revegetation to match the adjacent low density agricultural appearance and maximum heights around FL92.
- Screening mounds should be modulated to integrate with the elements of the existing topography such as existing creeks, slopes and knolls. Where non-agricultural vegetation is proposed slopes could increase locally to a maximum of 1:4. Edges should be visually defined.

7.2 Visual Elements

- Vegetative screens should be very carefully considered as part of the Plan of Management. Some areas facing east will need to be limited to species that grow to a max of 2m high particularly on ridges and foreslopes facing Greenway Place to control long term view loss to the west.
- Tree screening and planting should be used along drainage lines to create more natural visual reinforcement and edge definition.
- Stormwater could be captured on the east side of the proposed mound and reused for irrigation of revegetated areas. This would create permanent water bodies to enhance visual diversity and amenity.

7.3 Development Controls

- Development south and east of the new ridgeline within the 250m setback should be compatible in height, scale and character to adjacent residential lands. I note the previous alternative development proposal by Jacfin for rural residential development in that zone and consider that such development would be highly compatible.
- A secondary set of site development guidelines should be prepared for development east and south of the new ridgelines within 250m of the residential zoned lands. These guidelines should include additional screening conditions to match the requirements of SEPP Clause 23(b)(c)and (d).

- The zone west of the new ridgeline and particularly within 250m of the residential boundaries should be controlled in height to avoid adverse visual impacts on adjacent residential areas.
- Maximum height in the areas west and north of the mounding screen should be set at RL 92 including the height of any roof mounted plant. Maximum height along the western 200m of the south west boundary of the site should be reduced to RL88 to avoid impacts on the Capitol Hill Drive subdivision and to reduce overall mound heights in that area.
- Building heights should vary to accommodate the topography; taller heights up to 14m should only be located in the central and western parts of the site.

7.4 Construction and Management

- The mound and screen planting should be constructed as a single stage prior to or at the time of initial building construction.
- A detailed landscape plan of the areas from the ridges to the east and south boundaries should be prepared identifying levels, planting in height bands and a list of site suitable species for each height band should be provided as part of this Development Application.
- A site topsoil assessment and management plan should form part of this Development Application to ensure adequate and suitable topsoil and fill is available to support proposed planting growth and mounding heights.
- The area of the mound and any screen planting should be included in a common legal title with an associated sinking fund for maintenance. The sinking fund should be funded initially by the developer with on going contributions from individual landowners.
- An adjoining residents group should have representation in the management structure of the common area mounds and planting maintenance.

To clarify the intent of the recommendations, I have provided a diagrammatic representation of some these recommendations in Appendix A attached.

Edward O'Hanlon AIA

Director

O'Hanlon Design Pty Ltd.

Appendix A