



Major Project 05-0113 Seniors Living Resort Proposed Concept Plan

Oxford Falls Road, Oxford Falls

Report prepared for Tiffany Developments Pty Ltd

Report prepared by Dr Richard Lamb

Visual Impact Assessment

May 2010



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1.0 Introduction

1.1 Purpose of this report and the background

I have been appointed by Tiffany Developments Pty Limited concerning the Major Project 05-0113 Oxford Falls Retirement Resort Proposed Concept Plan, Oxford Falls Road, Oxford Falls (the subject Application).

First Design (2004-2007)

I have been involved in this matter since 2004. I had provided consultancy and advocacy services to the applicants during 2004-2006 for an earlier scheme for the site for which I had also prepared a Visual Impact Assessment Report dated September 2006. Later in June/July 2007, I provided advice to the applicants when the Department of Planning declined to accept the Environmental Assessment and the previous application. Some of the main issues cited by the Department of Planning were suitability of the site for the development as then proposed and compatibility with the surroundings.

Second Design (2008-February 2010)

The Applicants had then received an approval from the Department of Planning to revise the Application for the site with a new design for the seniors living development. I advised the planning and architectural consultants for the second design, Urbis, on issues related to my expertise during 2008, in the pre-Concept Plan process. The second design was therefore, partly based on my advice to the architects and I stood in support of it on potential visual impacts grounds including its compatibility with the surroundings and the suitability of the site for the proposal. The Concept Plan was an improved scheme with regard to; a) the development potential and zoning intention of the site, b) emerging and desired future character of the locality, c) the nature of the development proposed, d) the layout, distribution and variation of the bulk on the site and e) streetscape compatibility, compared to the first design.

The DoP indicated their concern with the second design (letter dated 16 February 2010) which is partly based on the submissions they have received from a number of organisations and authorities such as the Council, Department of Water and Energy, Department of Environment and Climate Change and Water and NSW Rural Fire Services. The DoP stated that the subject site was affected by a range of environmental constraints that impose limitations upon the intensity of development in respect of vegetation corridors, appropriate riparian setbacks, impact to water quality, the potential for flooding and high bushfire risk. These issues are not directly relevant to my area of expertise, however, further and appropriate response to these issues within the design would further improve the visual amenity, reduce visual impacts and increase the compatibility of the proposal with the site and surrounding context.

The DoP also stated that development imposed a significant impact upon the existing character of the locality and that the proposed height and density of buildings, extent of cut and fill and resultant landscape setting were of concern. It was stated that further assessment of these issues was required to justify the density and scale being proposed by the Concept Plan and may require some reduction in the intensity of the proposal. As stated above, I fully supported the second design on



its potential impacts on the character of the site and the surroundings, the development potential of the site and its compatibility. Having said that, I agree that if attempts were made to further reduce the intensity of the development by reducing the number of buildings, their spatial arrangement and by further appropriately responding to the physical and natural constraints of the site, the potential visual impacts will be further reduced and the compatibility of the development with the character of the site and the surroundings will further increase.

The third concern of the DoP was regarding the location of the site and the accessibility issues which are for others with appropriate expertise to deal with.

The current design

The Applicant is now proposing a new design which is a further attempt to overcome all of the DoP's concerns on the previous designs. It specifically responds to the bush fire hazard issue and to the presence of major creeklines and vegetated corridors. It proposes increased riparian and APZ setbacks compared to the second design. The Applicant has indicated to me that he has the approval of the DoP with regard to these increased setbacks. As a consequence of increases in these setbacks, the setback of the development from Oxford Falls has also significantly increased.

The current design also proposes a reduced number of buildings compared to the second design. There are 20 buildings proposed as opposed to 37 buildings that were proposed in the second design. Thus, the density and intensity of the development is significantly reduced in accordance with DoP's concern for the second design.

In regards to the potential visual and related amenity impacts, I am of the opinion that the subject Application has similar and on many factors greater merits relative to the second design. I fully support the subject Application on visual impacts, compatibility and suitability grounds.

The Architects for this design have also prepared a number of cross sections. They have also prepared photomontages for ten representative public domain viewing locations.

The visual impact assessment report that was prepared by me in 2008 for the second design is appended to this Report at Appendix A. This is because the context analysis, the opportunities and constraints analysis and some of the objective analysis presented in that Report hold true for the current design. Instead of repeating the objective components of the analysis, I have made appropriate references to the Sections of the appended Report in this Report.

1.2 Documents consulted

For the purpose of preparing this Report, the following material has been considered:

1. Drawings for the current design prepared by Technik Haus Pty Ltd to include;
 - Sheet No. A005, Aerial Location Plan, dated 19 March 2010.
 - Plan No. OXF -01A, Master Layout Plan No. 1.
 - Plan No. OXF-02 A, Building Heights-Building Numbers-Communal Facilities Etc-
 - Sheet No. A001, Site Context Plan, dated 3 May 2010.
 - Sheet No. A002, Developed Area Plan, dated 3 May 2010.
 - Sheet No. A003, Staging Plan, dated 3 May 2010.
 - Sheet No. A004, Site Layout/Accessibility Plan, dated 3 May 2010.



- Sheet No. A005, Platform Level Plan w/section markers, dated 3 May 2010.
 - Sheet No. A006, Carpark Layout Plan, dated 3 May 2010.
 - Sheet No.s A007-A012, Typical Floor Plans, dated 3 May 2010.
 - Sheet No.s A013-A016, Cross Sections and Long Sections, dated 1 May 2010.
 - Sheet No. A017, Shadow Diagrams, dated 3 May 2010.
 - Sheet A020, Photomontages, dated 3 May 2010
 - Landscape Plan LP01/A, prepared by Narelle Sonter Landscape and Agricultural Specialists, dated November 2009.
 - Ecological Assessment Report, prepared by Travers Bushfire and Ecology, dated June 2010.
2. Submissions from various Government Authorities to the Department of Planning on the second design.
 3. The Department of Planning's Letter to the Applicant regarding their concern and issues on the second design, dated 16 February 2010.
 4. The Drawings for the second design, including;
 - Concept Design Drawings CP-01 to CP-07 to include Communal Facilities and Service Points, Car Park Concept Plan, Grading Plan, Ground Floor Concept Plan, Typical Floor Concept Layout, Typical Sections and Accessibility and Landscape Concept, prepared by Urbis, dated 21 October 2008.
 - Building Heights Map, Revision A, prepared by Urbis, dated 24 October 2008
 - Landscape Concept – Managed Ecological Zone, prepared by Urbis dated 20 August 2008.
 - Tree Assessment Report, prepared by Travers Environmental, dated October 2008.
 - Flora and Fauna Assessment, prepared by Travers Environmental, dated October 2008.
 - Bushfire Protection Assessment, prepared by Travers Environmental, dated October 2008.
 - Powerpoint Presentation by Urbis to Department of Planning on 15 April 2008.
 - Plan of Detail and Contours, prepared by John M Daly & Associates Pty Ltd, dated 19 April 2005.
 - Environmental Issues and Opportunities Maps C.01 and C.02, prepared by Urbis, dated 13 August 2008.
 5. State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 (SEPP HSPD).
 6. Warringah Local Environmental Plan 2000 (WLEP).
 7. Director General's Requirements for Environmental Assessment of the proposed development, dated 16 August 2006.



2.0 The current proposal, its layout, location and massing

Building layout

The proposal is for a concept plan for a staged Seniors Living development within the subject site. The development includes a total of 20 buildings comprising three bedroom independent living apartments, two bedroom independent living apartments, one bedroom low care serviced apartments and an amenities building comprising of an eighty bed nursing home, serviced apartments, food centre, medical centre, heated pool, shops, library, lecture theatre and games rooms.

The existing two storeys Tennis Academy building located closer to Oxford Falls Road in the northeast sector of the site is proposed to be retained as before and would be utilised for administration, serviced offices and staff accommodation purposes. This existing building and its landscaped setting would provide significant screening to the remainder of the development in views from Oxford Falls Road, to the north of the site and act partly as an interface between the buffer area, north east of the drainage line and the remainder of the site.

The current Concept Plan predominantly consists of three storey buildings of mainly rectangular footprint. These are located in the northwest sector of the site and on the northern side of Barnes Road. The four storey buildings are located in the south east part of the site in a relatively secluded area (Buildings 17-20), which does not have any significant visibility from Oxford Falls Road. The amenities building (Building 12) is also proposed to be four storeys high. It is of a larger footprint and is located between the two three storeys buildings groups.

The overall layout of the buildings is such that the buildings located closest to Oxford Falls Road would partly screen the visibility of those located further in the interior of the site and at the base of the escarpment, when seen from Oxford Falls Road and from locations further to the north of the site. The apartments are in the form of blocks of buildings that are evenly and strategically located within the site to take advantage of the expanse of the site, to avoid clustering and a linear and military arrangement of buildings.

The setback of the amenities building and the above ground visitors parking area from the road is sufficient to provide space for potential landscaping which is capable of softening the appearance of the structures and preserving a sense of the Oxford Falls Road setting. There are many examples of institutional buildings visible from main streets and located closer to them than this and this appears to be an established character of the locality.

The existing houses on the site viz, the Spali House, Harvey House and McKensie House respectively, that would be incorporated within the Concept Plan. The Spali House would be used as a Club House. The Harvey House would be used as a caretaker and manager's residence and the McKensie House would be used as a Doctor's residence.

The present application is only for the concept, massing and overall building footprints of the buildings. The detailing of the individual buildings is not part of the present application; however, they would need to be considered in relation to the opportunities and constraints identified below, and the need to mitigate any specific potential impacts. They could be of potentially of a



contemporary style and detailing, providing visual interest, articulation and modulation of the facades. These potential contemporary forms and their high architectural standards would need to be compatible with both the existing residential and rural dwelling character and the established and desired future character of the locality. More traditional building forms and materials could be specified for buildings more exposed to view, for example to Oxford Falls Road and Wearden Road.

Proposed access and car parking facilities

The buildings are roughly grouped in five pockets (Area A, B, C, D and E) so as to minimise hard surfaces given over to roadways. There are minimal internal roads proposed. A road is proposed within the subject site which runs parallel to Oxford Falls Road beyond the APZ setback and provides access to Areas A, B, C and D. A small road with a bridge over the creek connects this proposed road to Oxford Falls Road. This connecting road extends further to the interior of the site and is the main entrance to the site. The proposed road running parallel to Oxford Falls Road meets Barnes Road in the south. Access to Area E is off Barnes Road. Areas A, B, C and D can also be accessed off Barnes Road through this proposed road. One fitness walk/fire and access road also runs adjacent to this proposed road, parallel to Oxford Falls between Barnes Road and the northwest sector of the site. There would be pedestrian landscaped pathways at the ground level as part of the proposed landscape scheme.

Barnes Road is proposed to be extended further to the southwest. Two roads are proposed off Barnes Road to provide access to the Spali House, Harvey House and McKensie House which are proposed to be incorporated in the Concept Plan.

There are three areas of basement car park, one located in the north-northwest sector of the site and two located on either side of Barnes Road. There are underground interconnections within the individual car parks between adjacent buildings in several cases. The basement car park level is accessible from the proposed internal roads.

A visitor's car parking and truck and bus stand is also proposed near the existing amenities building

Proposed landscaping

The Landscape Plan LP01/A provides details of the various vegetation zones and internal street plantings. The species proposed for the regeneration of vegetation within Biodiversity Zone, Core Riparian Zone, Vegetation Buffer Zone and Asset Protection Zone are indicated on this drawing. The internal landscape scheme includes a number of landscaped pocket parks and street plantings consisting of local indigenous, ornamental and exotic species. The existing Eucalypt clump, Casuarina and Melaleuca screens in the northwest sector of the site are proposed to be retained.

There are extensive riparian and vegetation buffers proposed along the north eastern boundary of the site, towards Oxford Falls Road. This would provide a landscaped setting, softening and partial screening to the buildings located to the west of it. The riparian buffer would also further reduce the visibility of the buildings when seen from Oxford Falls Road.

Proposed or future vegetation is capable of providing an appropriate setting for the entrance and minimising visibility of the interior of the development site from Oxford Falls Road. The northern end of the site is to largely follow the existing contours of the present tennis courts and is therefore partly above existing ground level. The remainder of the site is essentially on the same grade.



An emergency entrance to the site is proposed off Barnes Road in the southwest. An emergency truck and bushfire road is proposed at the base of the escarpment in the northwest sector of the site.

Summary of the merits of the current design over the second design

1. The current proposal is for a relatively lower intensity and density compared to the second design. It proposes a lesser number of buildings (20) compared to the number of buildings in the second design (37). There are also a lesser number of four storeys buildings which with one exception are confined to an isolated part of the south of the site, which has very limited visual exposure to Oxford Falls Road and the surrounding locality.
2. The internal road layout in the current design has increased compatibility with the character of the site relative to the second design. Most of the internal roads and pedestrian pathways in the current design will not be visible from external locations as they are proposed parallel to the main orientation of the buildings and predominantly run between any two rows of buildings. The internal road network of the second design would have greater visibility from external locations.
3. The buildings have a greater setback from Oxford Falls Road relative to the second design as greater APZ setbacks are now proposed consistent with DoP's requirements.
4. The building layout generally has a further improved response to the site's physical constraints. The buildings have slightly greater setback along the northern edge.
5. The overall landscape concept is an improvement over the landscaping proposed in the second design. The current design proposes appropriate biodiversity zones, core riparian zones, managed landscape buffers and asset protection zones.
6. Photomontages have been prepared for the current design which show that there will be highly screened visibility of the proposal from the majority of viewing places and viewing directions.

The current Concept Plan Application is considered to be in accordance with the visual opportunities and constraints of the site identified in our report on the Second Application.

3.0 Assessment of the visual opportunities and constraints of the site

The visual opportunities and constraints of the site as analysed in Section 2.0 of my report of 2008 for the Major Projects 05-0113 Application are relevant to the current design as well.

The opportunities and constraints have been identified with respect to;

1. The development site: physical and visual context (Section 2.1 of the appended Report)
2. The immediate visual context of the site (Section 2.2 of the appended Report)
3. Wider character of Oxford Falls (Section 2.3 of the appended Report)
4. Existing Visibility of the site from surrounding areas (Section 2.4 of the appended Report)

Please refer to the Appended Report at Appendix A.



4.0 Visual Impact Analysis

Below, I present a summarised visual impact analysis and make reference to the Appended Report, as appropriate;

1. The extent of change to the subject site would be high, using a five point scale from low to high due to the current design, similar to that for the second design. The reasons for such ratings are given at Section 4.1 of the Appended Report.
2. The current design will not have the effect of markedly changing the visual character of the area generally once completed and when additional landscape is established and I consider the extent of change to be low-moderate, similar to that for the second design. The reasons for such ratings are given at Section 4.2 of the Appended Report.
3. The current design will have relatively less external visibility compared to that of the second design as the number of proposed buildings is less, there is more landscaping proposed within and adjacent to each Area of the buildings, the current design is at a greater setback from Oxford Falls Road and appropriate protection, maintenance and regeneration of riparian vegetation is proposed. The internal roads will have minimal visibility from the external locations.
4. Similar to the second design, the current design will not cause any significant view loss impacts or interruption of views to important landscape features for either the public or the private domain. It will not cause any overlooking, privacy and related amenity impacts on the properties on Barnes Road. (No. 4A, 6, 2 and 8 Barnes Road were visited for the purpose of assessing the visual exposure and likely effects on amenity of the Second Design on 4 July 2008). The proposed views of the site from these residences will be improved by the current design compared to the second design due to the factors explained in 3 above. There would be similar visibility and amenity effects on 1125 Oxford Falls Road as that which would have been a result of the second design. The Applicant intends to acquire this property in the near future. The property has a high potential flooding hazard.
5. Section 4.3 of the appended Report explains the potential visibility of the second design. The general principles of the areas of the site that would be exposed in specific view directions remain the same as presented there.
6. The current design will result in somewhat lesser interruption of views to the interior of the site compared to the second design. It will provide improved permeability and greater retention of the existing topography and natural features of the site in internal views compared to the second design. Refer to Section 4.4 of the appended report for the assessment of view interruption effects due to the second design.
7. The current design will have slightly greater physical absorption capacity compared to the second design. This is due to the greater setback from Oxford Falls and Wearden Road, proposed increased setback area for riparian regeneration and APZ, the scope for greater landscaping within the Areas of the buildings and lesser visibility of the proposed internal roads due to their orientations parallel to Oxford Falls Road.
8. Similarly to the second design, the current design will not cause significant privacy or amenity effects on the rural properties on Oxford Falls Road and Wearden Road. Refer to Section 4.4 of the appended report.



9. Overall, I consider that the current design would have reduced visual effects compared to the second design and greater compatibility with the existing landscape of the site and the existing and desired character of the locality.

5.0 Relevant Planning Instruments

5.1 State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 (SEPP HSPD)

1. Similarly to the findings of the assessment of the second design, I have determined that the current design is consistent with the criteria mentioned under Clause 25(5)(b) Site Compatibility Certificates under Part 1A. I repeat that the proposed development does not require a Site Compatibility Certificate, however some of the general issues of compatibility remain relevant to determining the merits of the application. Refer to Section 5.1.1 and 5.1.4 of the Appended Report. The current design gives greater emphasis to the physical and natural constraints of the site including bush fire risk, presence of creeklines, the need to conserve and regenerate riparian vegetation and providing adequate Asset Protection Zones.
2. Somewhat more successful when assessed compared to the findings of the assessment of the second design, I consider that the current design is consistent with Clause 31 Neighbourhood amenity and streetscape under Part 3 Design Requirements, Division 2-Design Principles. Refer to Section 5.1.2 of the Appended Report. The current design has greater merits compared to the second design with regard to building form and siting, adequate riparian zone setbacks and landscaping.
3. Similarly to the findings of the assessment of the second design, I have assessed that the current design is consistent with Clause 34 Visual and Acoustic Privacy under Part 3 Design Requirements, Division 2-Design Principles. Refer to Section 5.1.3 of the Appended Report. The current design has slightly greater merits on this criterion.

5.2 Warringah Local Environmental Plan 2000 (WLEP)

4. Similarly to the findings of the assessment of the second design, I have assessed that the current design is consistent with the desired future character statement for Locality B2 Oxford Falls Valley Area. Refer to Section 5.2 of the appended Report. An important contextual issue to this assessment is the established character of the immediate part of the locality which features other institutions set among the rural and natural landscapes of the B2 locality. What is proposed would be equally compatible with the setting and of considerably lower visibility to the public domain.



6.0 Relevant judgments

Refer to Section 6.0 of the appended Report where I have referred to relevant Land and Environment Court Judgements for matters similar to the subject Application in relation to the nature of the proposal and/or the context and with regard to the compatibility issue.

Further relevant matters

Another judgment, *Beacon Hill Retirement Pty Limited v Warringah Council [2010]* is relevant to this Application as the site for this matter is also located in Locality B2 Oxford Falls Valley Area and the proposal was for a seniors living development.

The site for this application posed significant natural and physical constraints due to its steep slope, presence of bushland vegetation, rock features, high visual exposure and adjacent residential development. The case was heard by Commissioner Hussey who dismissed the appeal for the following reasons relevant to visual impacts and compatibility;

1. The potential removal of vegetation that would be required to maintain the APZ inner protection area,
2. The extent of earthworks in terms of cut and fill that would be required to create relatively level building platforms,
3. The need of a long retaining wall at the edge of the embankment and its potential external visibility. The Commissioner considered the retaining wall to be an intrusive, foreign element which is not consistent with minimising cut/fill and which will result in a negative visual impact from various available viewing places.
4. Loss of rock features on the site,
5. The Commissioner concluded that the site was not suitable for the proposal as it represented an overdevelopment of the site, exceeding its environmental capacity. He said that a smaller scale development would significantly reduce the extent of earthworks and substantial reduction on retaining walls.

Relevance of the above case to the subject site and the current design

Notwithstanding the subject site and the site for the above matter are in the same Locality (B2), there are no similarities between the physical, natural and visual constraints that each of them poses for the nature of development proposed.

The subject site does not have a steep slope and it is not constrained by the presence of any significant bushland vegetation on the proposed area for development. The proposed development on the subject site does not require any significant amount of excavation into rock or earthworks in terms of cut and fill that will have visual impacts. It does not require inclusion of retaining walls that have external visibility.

The subject site is not prominent and has highly confined visibility from the external public and private domain and the proposal would have similar highly restricted potential visibility. The establishment of the APZ setback on the subject site does not require any significant removal of vegetation from the subject site. As a result, the management of the APZ does not lead to any



significant change in the natural components of the site or lead to higher visual exposure of the development to external viewpoints. The vegetation along the fringes of the subject site can all be retained and is proposed to be further regenerated.

The subject site and the proposed development do not come into the view lines adjacent to or on the horizon or in views from more scenic features. From most of the private domain views from the west of the subject site the proposal will be seen at a downward viewing angle and would not result in interruption of any significant views.

Hence, in summary, the proposal has significantly greater merits and compatibility with the natural and physical features of the site and with the B2 locality.

7.0 The Significance of Impacts and overall conclusion

1. The visual fit i.e., the capacity of the site and locality to visually absorb the development proposed was judged to be Moderate to Moderate-High. I had assessed the second design to be moderate. The higher rating for the current proposal is due to the greater merits in regard to the reduced number of buildings and their average heights, lesser site area proposed to be developed, increased setback from Oxford Falls Road, greater Asset Protection Zones, proposed appropriate riparian vegetation regeneration, additional landscaping and less prominent and reduced internal road network. Refer to Section 7.1 of the appended Report which concerns the assessment of the visual fit of the second design by comparison.
2. The visual sensitivity of the subject site in regard to the current design is the same as for the second design and is explained in Section 7.2 of the appended Report.
3. With regard to SEPP HSPD and WLEP considerations, I have determined that the current design has greater regard to the relevant criteria and provisions.
4. My overall conclusion is that the current design has acceptable visual impacts and is consistent with SEPP HSPD and WLEP provisions. It has greater merits and relatively reduced visual exposure and it responds in an improved way to the site's visual opportunities and constraints compared to the second design.



Appendix A: Visual Impact Assessment Report, dated November 2008

(for the second design)

Prepared by Dr. Richard Lamb



Major Project 05-0113 Seniors Living Resort Proposed Concept Plan

Oxford Falls Road, Oxford Falls

Report prepared for Tiffany Developments Pty Ltd

Report prepared by Dr Richard Lamb

Visual Impact Assessment

November 2008



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1.0 Introduction

1.1 Purpose of this report

This report was prepared for Tiffany Developments Pty Limited concerning the Major Project 05-0113 Seniors Living Resort Proposed Concept Plan, Oxford Falls Road, Oxford Falls. It consists of an assessment of a) the visual opportunities and constraints of the site for a development of the general layout and nature proposed and b) assessment of the potential visual, streetscape and related amenity impacts of the Master Plan, including consideration of appropriate mitigation measures where necessary, based on the opportunities and constraints identified in a). A systematic assessment of the potential visual impacts of the development was carried out on the basis of research and observations carried out on the 4th November 2004, 26th April, 2005, 24th May, 2006, 18th September 2006, 23 April 2008 and 4 July 2008.

The Report also addresses the key issues of the Director General's Requirements dated 16 August 2006 in so far as relevant to my expertise under statutory and other requirements, development context and design, visual impacts and design quality principles. The report also addresses the relevant sections of the Planning Controls namely State Environmental Planning Policy Housing for Seniors and People with a Disability (SEPP HSPD) 2004 and Warringah Local Environmental Plan 2000 (WLEP).

1.2 Documents consulted

For the purpose of preparing this Statement, the following material has been considered:

1. Concept Design Drawings CP-01 to CP-07 to include Communal Facilities and Service Points, Car Park Concept Plan, Grading Plan, Ground Floor Concept Plan, Typical Floor Concept Layout, Typical Sections and Accessibility and Landscape Concept, prepared by Urbis, dated 21 October 2008.
2. Building Heights Map, Revision A, prepared by Urbis, dated 24 October 2008
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9. Environmental Issues and Opportunities Maps C.01 and C.02, prepared by Urbis, dated 13 August 2008.
10. State Environmental Planning Policy (Housing for seniors or people with a disability) 2004 (SEPP HSPD).
11. Warringah Local Environmental Plan 2000 (WLEP).



12. Director General's Requirements for Environmental Assessment of the proposed development, dated 16 August 2006.

1.3 Background information

I have been involved in this matter since 2004. I had provided consultancy and advocacy services to the applicants during 2004-2006 for an earlier scheme for the site for which I had also prepared Visual Impact Assessment Report dated September 2006. Later in 2007, I provided my advice to the applicants when the Department of Planning declined to accept the Environmental Assessment and the previous application. Some of the main issues cited by the Department of Planning were suitability of the site for the development as then proposed and compatibility with the surroundings.

The Applicants have now received an approval from the Department of Planning to lodge a new Application for the site with a new design for the seniors living development. I had been again asked by the applicants to advise and be involved in the pre-design stage of this new development. I have therefore, advised the architects for this application, Urbis, on a number of instances during the pre-Concept Plan process on issues related to my expertise. The proposed new Concept Plan is therefore, partly based on my advice to the architects and I stand in support of it.

The proposed Concept Plan is the subject of a totally new Development Application. Hence, I have not made a comparison of this new scheme with the previous scheme. However, at the outset, it is worth mentioning that the new scheme is a much improved and appropriate scheme for a) the development potential and zoning intention of the site, emerging and desired future character of the locality, b) the nature of the development proposed, c) the layout, distribution and variation of the bulk on the site and d) streetscape compatibility.



2.0 Assessment of the visual opportunities and constraints of the site.

(This section addresses SEPP 65, Part 2 Design Quality Principles Section 9; Principle 1: Context)

2.1 The development site: physical and visual context

The subject site is identified as Lots 1110, 1111, 1113, & 1336 in DP 752038, Lot 20 in DP 842523 and Lot 80 in DP 846099, Oxford Falls Road, Frenchs Forest. Partly resulting from the proposed amalgamation of the site from various individual allotments, the site is irregular in shape with a relatively long frontage to Oxford Falls Road and Barnes Roads. The site is located to the south of Wearden Road with two lots located between the site and Wearden Road. The land slopes gently towards Oxford Falls Road with higher and more steeply sloping ground to the west and on the opposite side of Oxford Falls Road to the east. There is a drainage line on the site at the base of the background escarpment in the northwest sector of the site running east-west and then parallel to Oxford Falls Road in the eastern sector of the site. The vegetation associated with the escarpment extends to the interior of the site along a section of this drainage line.

The site at present exhibits a mixture of land uses including rural residential properties and the Tennis Academy and associated facilities. The Tennis Academy has a series of tennis courts and small shelters associated with it as well as a large club house and residence. Overall the land has the character of being open, grassed areas with a scattering of large residential scaled buildings, and associated out buildings and garages.

While the interior of the subject site is mostly of an open character, the boundaries of the site are relatively heavily vegetated providing limited visibility to places within the site from the public domain. This is especially so along the eastern boundary of the site which fronts Oxford Falls Road. The approximate boundary of the site and a representation of the surrounding context are shown on Figure 1.

The site slopes down generally from west to east. The steepest part of the site located in the vicinity of the western boundary of the site contains a series of benched areas being the site for some existing buildings, as well as more natural areas containing small rock outcrops and native vegetation. In general, the site is of very slight slope and occupies part of the lower side slopes and alluvial flats of Oxford Falls Creek and a secondary drainage line.

The creek has been in the past been confined to an open drain through substantial areas of the site. The southern sector of the site is significantly more screened from view from Oxford Falls Road compared to the northern and north western parts of the site.

Visual Opportunities

- The extent, topography, location and confined nature of the site provide opportunities for a medium density development of an open and dispersed character set in an appropriate landscape setting utilising the existing vegetation on the site and further plantings along the southern and northern boundaries and within the interior of the site.

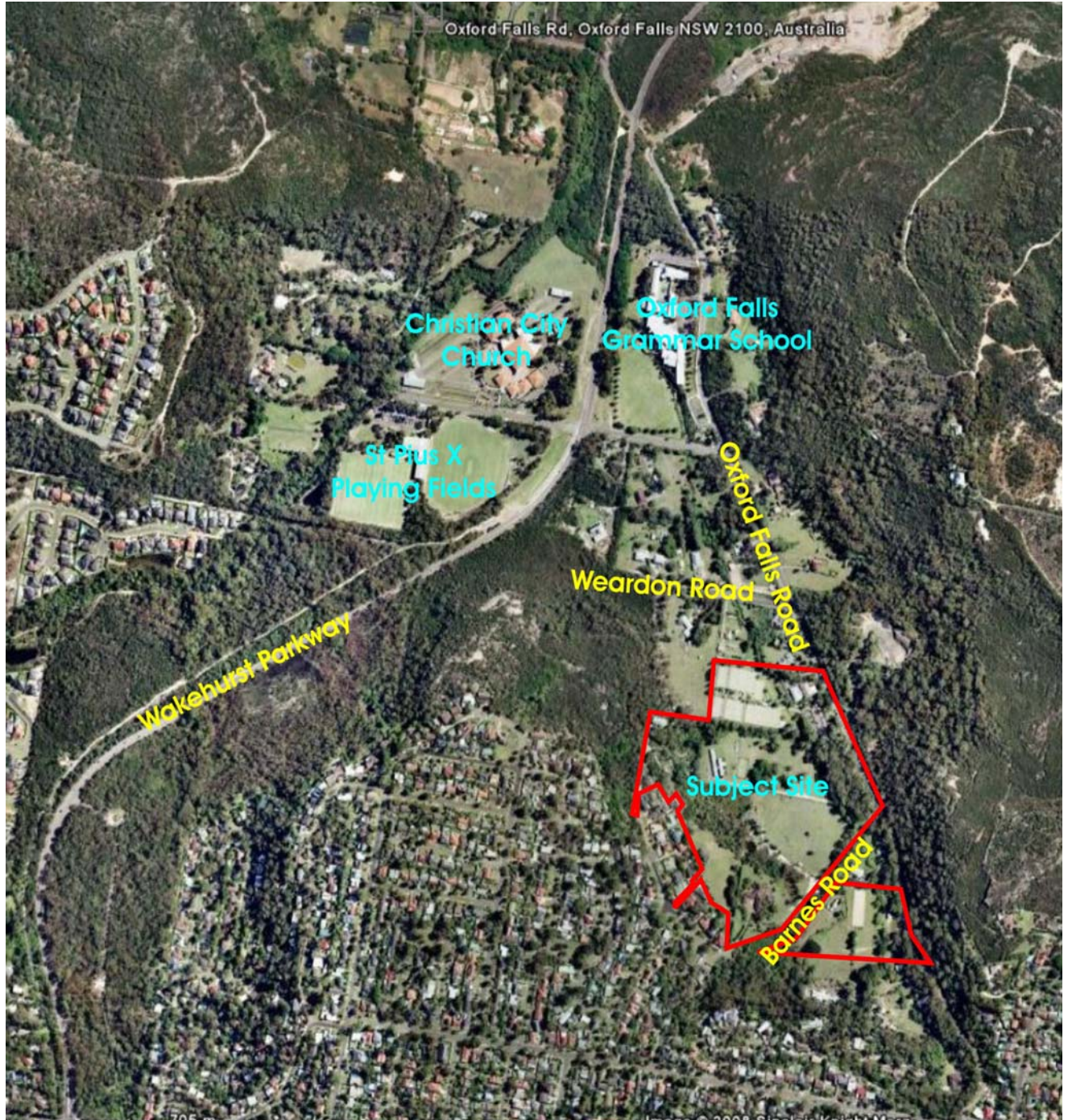


Figure 1: Site Identification & Adjacent Context

 Approximate Site Location



Graphic courtesy Google Earth



- The vegetation on the site along Oxford Falls Road can assist in naturally providing softening effect to a development on the site and could be further enhanced.
- The existing drainage line could be utilised as a visual resource on the site and a riparian zone could be established by retaining the existing vegetation and further vegetation regeneration, especially along Oxford Falls Road.
- The riparian vegetation in the northwest sector of the site could be retained as a visual resource which could further provide a visual and physical separation between parts of a potential development to its southeast and northwest.
- Parts of the site at the base of the escarpment have the capacity to accommodate buildings of greater height because of the lower visual exposure of this area to view from the public domain.
- The smaller part of the site to the southeast of Barnes Road is significantly confined and has a very low visibility from both Barnes Road and Oxford Falls Road. It has a significant capacity to accommodate taller buildings.

Visual constraints

- Due to the long frontage of the site to Oxford Falls Road, there is a necessity for a development to appropriately address to the streetscape and to the street frontage.
- The northern boundary of the site is potentially exposed to views from the vicinity of the intersection of Wearden and Oxford Falls Roads and there is a need to address exposure of potential buildings to views.
- Asset Protection Zones and Buffer Zones along the escarpment and along Oxford Falls Road would restrict the expanse of the site for a potential development.

2.2 The immediate visual context of the site

The immediate visual context of the site and the proposed development is comprised of a mixture of remnant vegetation and rural residential and residential development. The original land use, now largely lost, was of rural small holdings with some intensive agricultural uses, such as vegetable growing, stables and piggeries.

To the north of the site is residential and rural residential development, adjacent to the and within the Wearden Road area. This land is on similar levels to that of much of the subject site and combined with the screening effects of intervening vegetation, there are only limited views to much of the interior of the subject site. The dwellings on the north side of Wearden Road area tend to be of a more modest scale than many other residences within the wider area.

The site is separated from the land to the east by Oxford Falls Road. This land is mostly steeply sloping down towards the road and is of a natural appearance containing native vegetation and sandstone rock outcrops.

The area to the immediate south of the subject site and on the floor of the valley has a similar appearance to that of the site itself. It is mostly open and semi-rural in character with scattered rural residential dwellings of a larger scale.



The area to the west of the site is elevated above the subject land and is characterised by detached residential development on the plateau top and on steeply sloping and rocky land. This development is typified by larger buildings on modest allotments that are mostly orientated to the east.

Visual opportunities

- The immediate surrounding land uses are of varied character, giving the site an opportunity to support a development that is compatible but of a different character to its immediate surrounding visual context.
- There is a significant physical separation of the site from Wearden Road and residences on the north side of it. Vegetation and existing buildings on the lots provide some screening to future development on the site.
- Potential buildings and existing and future vegetation on the north part of the site would assist in providing screening effect to the parts of the development located in the centre of the site.
- There is scope for an appropriate landscape scheme along the northern edge of the site to mitigate any significant visibility of potential development.

Visual constraints

- A development on the site would need to appropriately address and be compatible with the mixed nature of land uses along its edges, being natural and vegetated land, large rural lots and rural dwellings and residential developments on large or moderate size lots.
- The existing character of the site would be substantially altered in any views from adjacent residences located close to and relatively above the site.

2.3 Wider character of Oxford Falls

The immediate visual context of the site in Oxford Falls Road meets the Deep Creek floodplain in Oxford Falls proper, closely to the north west of the subject site. The emerging character of this area is of large institutional buildings in landscaped grounds such as Oxford Falls Grammar School, the Christian City Church complex and St Pius X playing fields. This character is evident in the aerial view used for Figure 1. Adjacent to these and further away to the north and north west are rural and rural residential properties adjoining National Park and reserve land, many featuring large residential buildings.

Visual opportunities

- The large institutional buildings such as schools and church are examples of the emerging character of the locality and the type of development that could take place in the future on lands of large areas, as the development site.
- The wider visual character of the site provides an opportunity for a development with medium density, institutional residential development.



Visual constraints

- The immediate character of the site, while it can support a change to a more institutional character, needs to be sympathetic to the closer residential and rural residential context.

2.4 Existing Visibility of the site from surrounding areas

Viewing places (Visual catchment)

Considering the size of the subject site there are few locations within the public domain from which parts of it are visible. Most of the views to the site are from private properties and residences, such as the dwellings to the south and west of the site. The dwellings in the more elevated locations to the south west of the site are able to view a majority of the site.

A series of viewing locations both in public and private domains were visited to assess the visual exposure and visual catchment of the proposed development and the development site. These viewing locations are shown in Figure 2 and Figure 3 and the corresponding Photographic Plates shown within the Report.

Visibility from the North

There are minimal views from places to the north of the site. Views available from this direction are confined to places in Wearden Road and residences in its vicinity. Visibility from these locations is generally confined to the northern part of the subject site which is approximately level with Wearden Road and the residences adjacent to it.

Visibility from the West

There are few views from the public domain to the west of the site, despite the superior elevation of this land compared to the subject site. Potential views from the public domain in this direction are mostly highly restricted and confined to residential streetscapes. These views are screened or greatly restricted by the mostly two storey residences in the foreground of the views and by the topography of intervening ridges and hillsides. Some dwellings on the margins of the area located on Barnes Road, however, have views down over the site. There are no significant views from Barnes Road which is on the crest of the escarpment above the site, due to the necessarily steep downward viewing angle required to see the site from there. Residences on the east side of the street block views.

Visibility from the South

There is minimal visibility from either the public or private domains to the south of the site. Viewing locations are limited to the southern parts of Oxford Falls Road. This part of the road is lined by remnant vegetation that is relatively dense in parts and screens most views to the site from Oxford Falls Road. There are distant views of parts of the site through intervening and screening vegetation from near the intersection of Oxford Falls Road and Iris Street. There are similar views from some locations on Iris Street, to the west of its intersection with Oxford Falls Road.



Figure 2: Site Identification & Viewing Locations

Approximate Site Location

B

Viewing Location (refer to Appendix A)





Visibility from the East

Most views from the public realm are limited in this direction to places within Oxford Falls Road. Remnant vegetation along the road alignment filters the views to the interior of the site but does not completely screen views. Given that most viewers along this road are moving it is likely that they are able to visualise the expanse and features of the site through a series of glimpses that are afforded to them. There is no single location however from which a view of all or most of the site is possible and there are no stopping places or reserves on the road from which a detailed view can be experienced.

Further to the east the land rises relatively steeply and is more natural in character. It is my understanding that much of this land is under private ownership, however it is too steep to be developed. There are some isolated dwellings on top of the ridge to the east of the site. These dwellings have views down over the site.

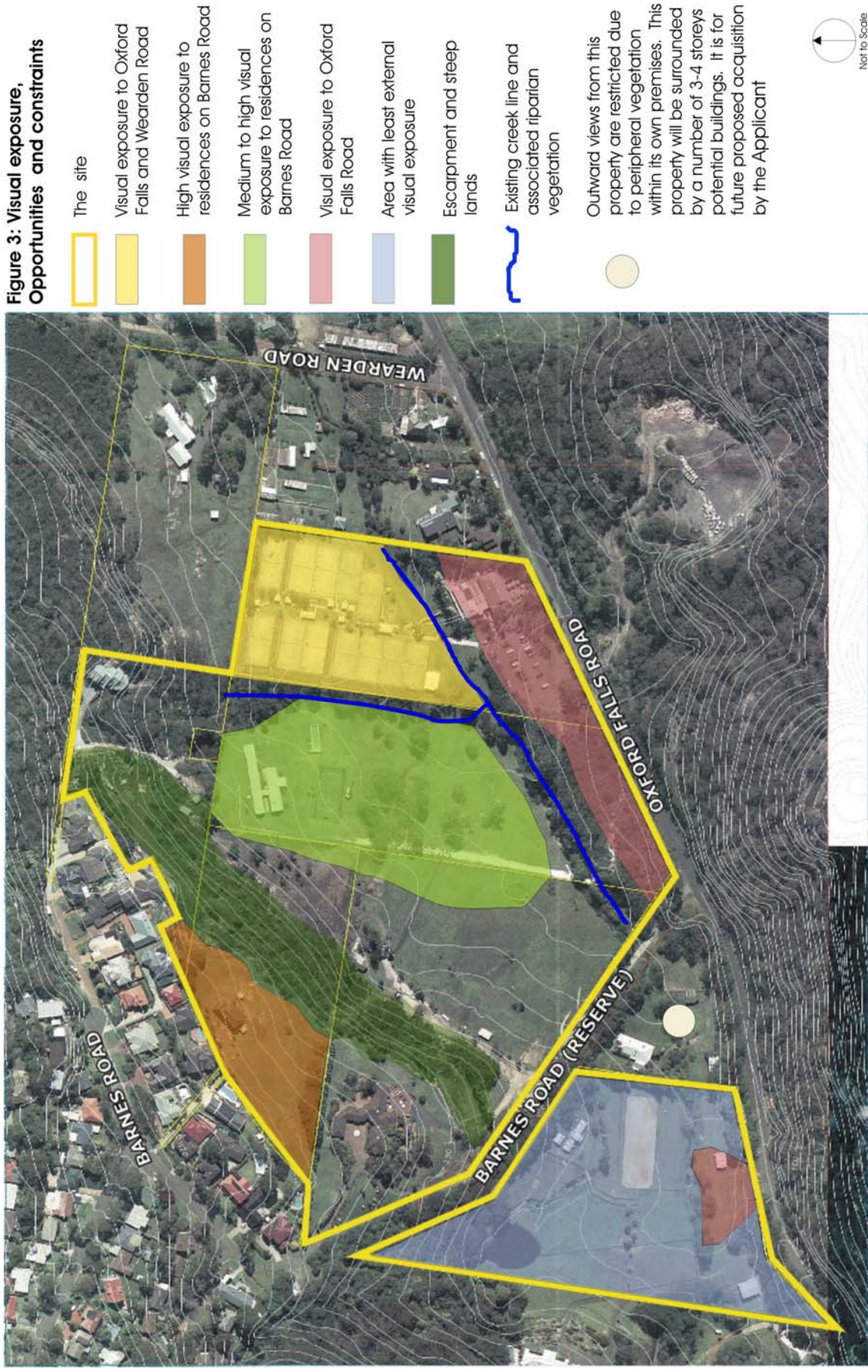
Visual opportunities

- The visibility of the site from external viewing locations is mostly confined to its immediately surrounding public and private domains.
- The site has low overall visual exposure to the public domain, with the southern sector being of very low exposure and high potential for development for the intended purpose.
- There is no significant visibility of the site from locations in either the public or private domains to the south and east with an exception of the visibility of part of the site from a section of Oxford Falls Road.
- The existing vegetation along the eastern boundary of the site and the creek line provides a visual resource and could be further enriched to provide softening and partial screening of the development when seen from Oxford Falls Road.
- There is a potential for a medium density development on the site within an appropriate visual and landscape setting, parts of which could be visible from the immediate context to the north and west.
- The landscape located on the two adjacent lots to the north assists in providing partial screening effect to parts of the development located in the northern sector of the site, when seen from Wearden Road and the residences located on the north side of it.
- Views from residences in the Barnes Road area to the existing scenic district views in the east, northeast and southeast directions would not be affected the proposed development. Views would be maintained above and beyond the site and would not be affected by the height or density of the development.
- The development would not cause any view loss.

Visual constraints

- Any development on the site would need to address the potential visibility from Oxford Falls Road and some of the residences located to the north on Wearden Road.
- Any development on the site would be visible from some of the residences located on Barnes Road to the west of the site. The development would need to address the visual exposure of the roofs and landscape areas of the site to this area.

Figure 3: Visual exposure, Opportunities and constraints





3.0 The proposal, its layout, location and massing

The proposal is for a concept plan for a staged Seniors Living development within the subject site. The development includes six town houses (Buildings 7, 8, 9, 11, 12 and 13), twenty three apartment buildings (Building 1-5, 14-17, 18-19, 22-33), a service apartment building (Building 20), a service apartment and ground floor amenities building (Building 21) and a nursing home aged care facility building (Building 6). The existing two storey building fronting Oxford Falls Road and located in the north eastern sector of the site is proposed to be retained and function as an amenities building (Building 34). The concept for the scheme, of providing a resort-style development so that older people can age in place and be supported by all necessary facilities and stages of care on site, as well as providing high amenity and facilities for visitors and carers, means that the development has to achieve a substantial yield. This assists in explaining the overall scale of the proposal in terms of numbers of residential units, numbers of buildings, connectivity between buildings and groups of buildings and the massing of the proposal.

The general principle behind the layout of the proposed Concept Plan is that of positioning of the lower buildings toward Oxford Falls Road, gradually grading to taller components at the base of the 'escarpment'. An underlying theme for the development is to have underground car parking where possible and a minimum of hard surfaces given over to roadways.

There are five areas of basement car park, four located on the larger part of the site to the northwest of Barnes Road and one located on part of the site to the southeast of Barnes Road. There are underground interconnections within the individual car parks between adjacent buildings in several cases. The basement car park level is accessible from the proposed internal roads. The two storey town houses (Buildings 7-9 and 11-13) are proposed to be located to the west of a proposed riparian corridor which flanks the drainage line at a significant set back from Oxford Falls Road. There are three units proposed at the car park level facing north within two adjacent apartment buildings (Buildings 29-30) located in the north western sector of the site, fronting the riparian corridor.

The four storey buildings are located in the south east part of the site in a relatively secluded area (Buildings 1-5). The two service apartment buildings (Buildings 20-21) are also proposed to be four storeys tall and are located approximately centrally within the developable area of the site. Building 18 which is located closer to the base of the escarpment and in the background of the two storeys and three storeys buildings is also proposed to be four storeys tall. All other buildings to include Buildings 6, 14-17, 19, 22-33 are proposed to be three storeys tall.

The residential buildings feature a small number of closely related dwelling plans and access arrangements, but a variety of footprints and building forms. The footprint of buildings on the site are predominantly either rectangular or with slightly irregular shape, some caused by "slipping" the floor plates of similar plans relative to each other along an approximately central line of symmetry. A small number are either L-shaped or C-shaped. The distribution of the footprints is in a roughly grid-like pattern on the north western two-thirds of the site, with the remainder less formally arranged.

The overall layout of the buildings is such that the buildings located closest to Oxford Falls Road would partly screen the visibility of those located further in the interior of the site and at the base of the escarpment, when seen from Oxford Falls Road and from locations further to the north of the site.



A three storey nursing home building is located to the northwest of Barnes Road, behind four town house buildings. It is irregular in shape and would be mostly screened from view by the presence of the town house buildings in the foreground when seen from Oxford Falls Road.

The 1-2 storey amenities building (the existing building) is located closer to Oxford Falls Road and would provide significant screening to the remainder of the development in views from Oxford Falls Road, to the north of the site and act partly as an interface between the buffer area, north east of the drainage line and the remainder of the site.

The setback of the amenities building and the above ground parking area from the road is sufficient to provide space for a potential landscaping which would be capable of softening the appearance of the structures and preserving a sense of the Oxford Falls Road setting. There are many examples of institutional buildings visible from main streets and located closer to them and this appears to be an emerging character of the locality.

The apartments are in the form of blocks of buildings that are evenly and strategically located within the site to take advantage of the expanse of the site, to avoid clustering and the linear and military arrangement of buildings. The layout is such that the buildings would be served by only the minimal and necessary internal road networking. The internal roads form three main loops along the periphery of the buildings, with one main arm running at the base of the escarpment behind the nursing home and the three storeys buildings. This main arm also extends in the southwest direction to serve the group of five buildings located to the southwest of Barnes Road. The internal roads are accessible from the basement car park level and also from the ground level in most parts of the site. However, they are only accessible from the basement level in the extreme north eastern parts of the site. The necessary provisions have been taken for the safety of the pedestrian access to internal roads from the basement level for this part of the site. There would be pedestrian landscaped pathways at the ground level as part of the proposed landscape scheme.

There are extensive riparian and vegetation buffers proposed along the north eastern boundary of the site, towards Oxford Falls Road. This would provide a landscaped setting, softening and partial screening to the buildings located to the west of it. The riparian buffer would reduce the visibility of the buildings when seen from Oxford Falls Road. The vegetation along the drainage line in the north west sector is also proposed to be retained and further regenerated. This would provide a physical and visual separation to parts of the development in the western sector of the site. A tennis court is proposed in the smaller part of the site to the southeast of Barnes Road. A bowling green is proposed between a group of five apartment buildings in the extreme northwest sector of the site.

The main access to the site, off Oxford Falls Road is via a proposed bridge over the drainage line and through the proposed riparian corridor. Proposed or future vegetation is capable of providing an appropriate setting for the entrance and minimising visibility of the interior of the development site. The northern end of the site is to largely follow the existing contours of the present tennis courts and is partly above existing ground level. The remainder of the site is essentially on the same grade.

An emergency entrance to the site is proposed off Barnes Road in the southwest. An emergency truck and bushfire road is proposed at the base of the escarpment in the northwest sector of the site.



The existing houses on the site viz, Spali House, Harvey House and McKensie House would be incorporated within the Concept Plan. The Spali House would be used as a Club House. The Harvey House would be used as a caretaker and manager's residence and McKensie House would be used as a Doctor's residence.

The present application is only for the concept, massing and overall building footprints of the buildings. The detailing of the individual buildings is not part of the present application; however, they would need to be considered in relation to the opportunities and constraints identified above, and the need to mitigate any specific potential impacts. They could be of potentially of a contemporary style and detailing, providing visual interest, articulation and modulation of the facades. These potential contemporary forms and their high architectural standards would need to be compatible with both the existing residential and rural dwelling character and the emerging and desired future character of the locality. More traditional building forms and materials could be specified for buildings more exposed to view, for example to Oxford Falls Road and Wearden Road.

The Concept Plan Application is considered to be in accordance with the above identified visual opportunities and constraints of the site.



4.0 Visual Impact Analysis

4.1 Potential change in the intrinsic character of the site

(This section addresses the Key Issue of Development Context within the Director General's Requirements)

The extent of change to the subject site would be high, using a five point scale from low to high. My reasons for this judgement can be summarised as follows:

- The subject site at present is of an open, semi-rural character.
- The proposed development would result in more built forms visible within the site than is presently the case in some views.
- The medium density character of the development form itself will differ from both of the nearest built form characters, being detached residential and rural residences.
- The character of the proposed development would be of well spread out self-serviced and serviced apartment buildings of a medium density nature. The existing amenities building is of a more institutional character. The nursing home building would potentially mostly appear to be similar to the proposed apartment buildings on the site.
- The margins of the site would remain relatively unchanged, including those parts of the site that contain remnant vegetation of a natural character.

While I consider that the change in character of the site itself would be considerable, in some respects this is an inevitable effect of any development of this kind. In my opinion a more important question is what changes would the proposed development cause to the character when considered in relation the general area in which the site is located. I discuss these potential changes below. In brief however, the change to the general area would be low.

4.2 Potential change in the intrinsic character of the surrounding area

(This section addresses the Key Issue of Development Context within the Director General's Requirements)

The proposal would not have the effect of markedly changing the visual character of the area generally and I consider the extent of change to be low-moderate. My reasons for this judgement can be summarised as follows:

- The proposed development would be of a scale unlike any other development within the immediate area, but of low visual exposure to public land.
- There are other developments within the area, such as schools and church complexes, that display some similar characteristics to that of the proposed development, and such developments are clearly considered to be acceptable within the semi-rural landscapes generally.



- The proposed development would have some fundamentally different visual qualities when compared to detached residential and rural residential developments typical of the area as detailed in 3.1 below, but the evidence of this to the public domain would be minimal.
- There would be limited visibility to most parts of the site when viewed from external viewing locations within the public domain. From such viewing locations the site would mostly retain its present visual character.

Given the scale of the development, the visual exposure to the public domain is surprisingly low. The development would have little impact on the overall character of the locality.

4.3 Potential visibility of the proposal from surrounding areas

There will not be any views of the proposed development from the Wakehurst Parkway and Narrabeen Lagoon. The proposed development will not disrupt the district views and those of the distant ridges and the skyline from locations within its visual catchment as it is not located on a ridge top or a highly elevated location.

Below I discuss the visibility of the proposed development from residential areas and places within the public domain that would be potentially affected by the proposal. I also discuss the potential effects on private properties within the vicinity of the site.

Residential site visits

A number of residential properties were identified which could have views of the development, based on observations from the site and field assessment. Based on the recommendations of the Department of Planning, two sets of letters were sent to a number of these properties on Barnes Road to request access to their properties to assess the nature of the existing views from the properties and the effect of the proposed development on those views and to take relevant photographs. Five residences on Barnes Road contacted us to provide unconditional access to their properties. With one exception, the properties were visited on 4 July 08. It is not considered that there are any overlooking, privacy and related amenity impacts of the proposal on these properties. I have described the views from each of the residences visited, below;

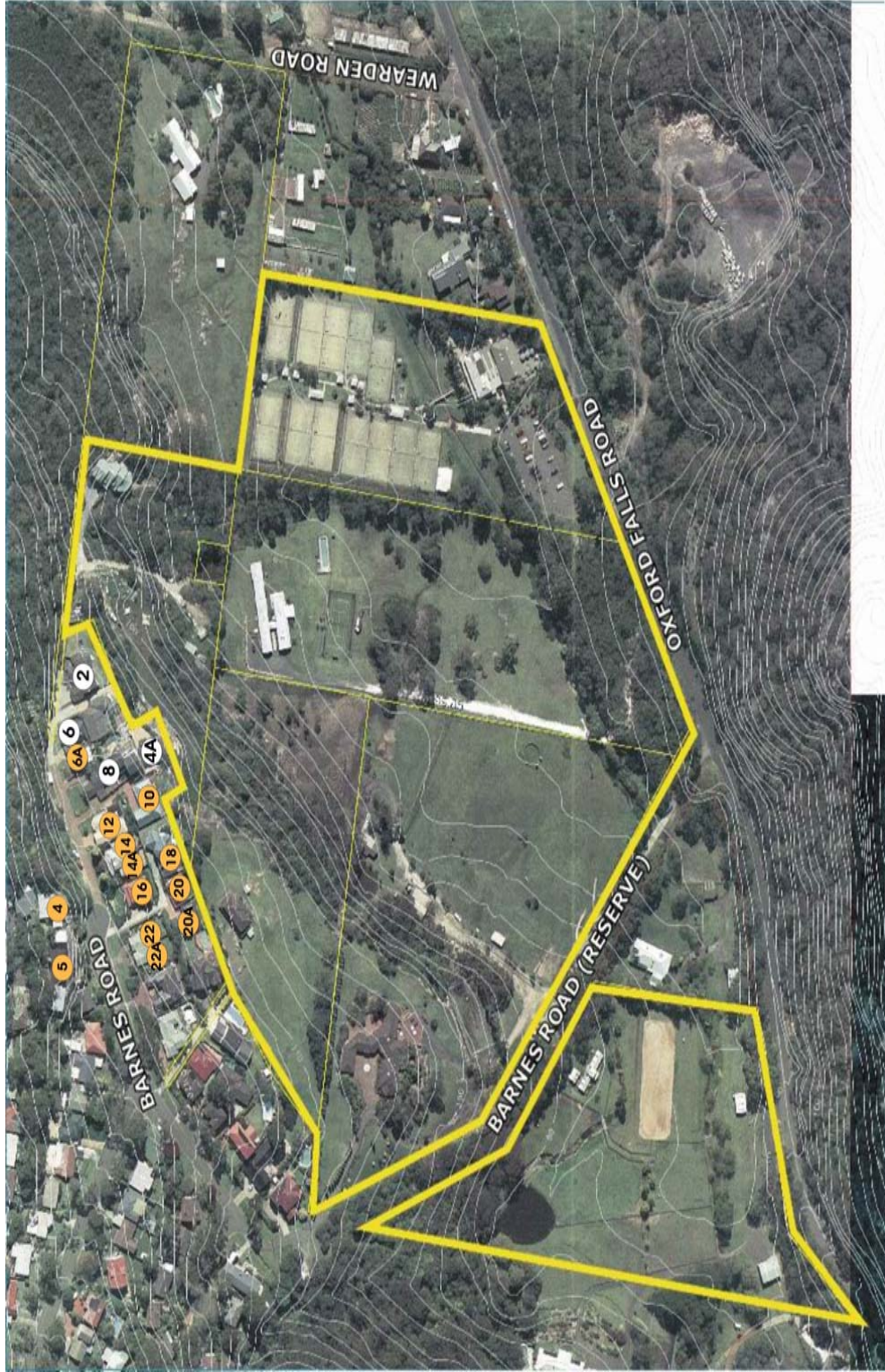
No. 4A Barnes Road

There are highly filtered downward views of the site in the northeast direction from the living room/dining room. A small part of the western sector of the site is however, visible in the east-northeast direction from here. There are extensive views from the east facing enclosed verandah to parts of the site and the existing shed and a tennis court in the western sector of the site. There are extensive views of parts of the site from the access way in front of the garage to the property and from the entrance to the property.

The upper levels of some of the four storey buildings and some parts of the three storey buildings and their roof forms would be visible from the above parts of this property. There may not be any views of the three storey nursing home buildings from this property. The middle ground of the view would be changed, however, subject to an appropriate landscape scheme with internal plantings and peripheral vegetation, the vegetated character of the view could be retained and the visible built forms as a result of the proposed development could be subdued to an extent.

Figure 4: Private domain analysis

- ② Residences visited on 4th July 2008
- ⑤ Residences contacted for access





The proposed development will not have any effect on the district views beyond the site in the north-east, east and south-east direction.

No. 6 Barnes Road

6 Barnes Road is located facing Barnes Road and does not have direct views of the escarpment and the site from within its premises. This holds true for No. 6A Barnes Road as well based on our observations, notwithstanding that we have not visited the property.

No. 2 Barnes Road

Foreground and middle ground views in the east direction and towards the site are only possible over the vegetation on the small escarpment between the dwelling and the site, when seen from the living and dining rooms of this property. Views of the site in the east direction from the backyard at the ground level are also almost totally screened. There is a view of a small portion of the site in the east-south east direction from the backyard.

Views of the site from the balcony of the upper level bedroom on the south side of the dwelling are also highly screened by the vegetation on the escarpment. A small part of the southwestern sector of the site is visible in the east-southeast direction from here.

There would be screened views of a small number of buildings on the site when seen from the backyard and the upper level balcony of this property in the east-southeast direction. The proposed development will not have any effect on the district views beyond the site in the north-east, east and south-east direction.

No. 8 Barnes Road

There are extensive and unobstructed views of the site from this property, including those from the enclosed verandah, deck and the terrace above the garage of No. 4A Barnes Road which is owned by No. 8 Barnes Road. The middle ground of the view would be changed, however, subject to an appropriate landscape scheme with internal plantings and peripheral vegetation, the vegetated character of the view could be retained and the visible built forms as a result of the proposed development could be subdued to an extent.

The presence and visibility of parts of the buildings and their roof forms both on the site and other buildings to the north of the site increases the compatibility of the proposed development to be present in the view. The proposed development will not have any effect on the district views beyond the site in the north-east, east and south-east direction.

No. 1125 Oxford Falls Road.

This property was not visited, however; it is considered that there would be high visual effects and impacts of the proposed development on this property, which is located to the southeast of Barnes Road, between the smaller and the larger parts of the site. This is because the proposed development would have the effect of changing the foreground views from this property. The views of the open rural lands of the site would be changed to those of a number of three to four storeys buildings both to the northwest and southeast of this property. There may also be some privacy and overlooking impacts on this property due to the proposed development. There is high potential



for the proposed landscape scheme to mitigate these impacts to a significant degree, in regard to buildings adjacent to the south west and west.

We understand that the Applicant intends to acquire this property in the near future. The property has a high potential flooding hazard.

Potential visibility from the North

Buildings on the northern part of the site will be visible and the upper parts of some of the three storey and four storeys buildings located in the northwest sector of the site will be visible in the middle ground of the view from Wearden Road, the residences on it and from a short section of Oxford Falls Road adjacent to the intersection with Wearden

Potential visibility from the West

Some dwellings on the margins of the area located on Barnes Road would have views down over the site and would be able to see parts of the proposed development, as explained above. There are no significant views from Barnes Road, which runs below the ridge above the escarpment to the west of the site, due to the necessarily downward viewing angle required to see the site from there and the presence of residences on the east side of the road which block the view.

Potential visibility from the South

There would be distant views of parts of the proposed development through intervening and screening vegetation from near the intersection of Oxford Falls Road and Iris Street. There would be similar views from some locations on Iris Street, to the west of its intersection with Oxford Falls Road. The roof forms of one or two buildings may be visible through isolated windows of viewing opportunity from here.

Potential visibility from the East

The viewers along Oxford Falls Road who would be constantly in a moving position would be able to gain a partial image of the proposed development as a result of the series of glimpses that would be afforded to them. There is no single location however from which a view of all or most of the site is possible and there are no stopping places or reserves on the road from which a detailed view would be likely to be experienced.

There are some isolated dwellings on top of the ridge further to the east of the site. These dwellings would have views down over the site. The effect on the nature of the view would be similar to that for dwellings in Barnes Road, but the distance is considerably greater, meaning that more of the development may be visible. No scenic features of the view would be affected.



4.4 Specific visual effects

Specific and relevant visual effects that are often cited as important to consider in making an assessment of the merits of an application are considered below.

Interruption

Due to much of the site being located on relatively flat land on the valley floor, the proposed development would not result in the interruption of views to important landscape features when viewed from private residences and properties on Oxford Falls Road, Barnes Road and Wearden Road and from these Streets and from the overall potential visual catchment of the proposed development.

Existing vegetation provides variable interruption of views into the site and this is expected to continue to be the case. In the future, greater screening effect to the interior of the site is intended to be provided by potential increased landscape works between Oxford Falls Road and the development site and in parts of the site itself.

While there would be some interruption of and screening of views to the interior of the site as a result of the proposed buildings, I consider the extent of this effect to be acceptable, given the level and character of the views that will be maintained.

Physical absorption capacity

The proposed development would have moderate to high physical absorption capacity when viewed from most locations in the public domain within the locality. This is partly as a result of the screening and filtering effects of foreground vegetation that would be largely retained on the margins of the site, the riparian vegetation along Oxford Falls Road and along the drainage line in the north west sector of the site and that which will be added in the potential landscape scheme to be established early in the staged development process.

The exception would be the proposed buildings when viewed from locations such as the adjacent residents well to the south of the site and the elevated dwellings to the south west of the site, on Barnes Road. In most views, the development would be screened by existing vegetation within the valley floor and in time by vegetation in the potential landscape scheme. The more scenic aspect of these views, being the natural, vegetated slopes of the escarpments to the east of the site, would be unaffected.

Visual privacy and visual amenity

The development is considerably separated from the predominant residential neighbourhood to the west and south west and as a result there would not be any significant privacy impacts on these residences. The closest neighbours otherwise comprise a small number of rural residential dwellings fronting Oxford Falls Road on the north east margin of the site, and in Wearden Road. Again, there is considerable physical separation between these and the buildings in the proposed development. The physical separation distances and the potential landscape that could be provided and maintained within the site will ensure that no significant impact on privacy occur between properties. The interface between the site and properties on Wearden Road needs specific consideration with regard to setback and landscape treatment.



There would be an effect of the proposed development on the visual amenity of the same two groups of adjoining residential neighbours. Some of the dwellings to the west and south west in Barnes Road have windows and verandahs directed towards the subject site. The views to the north and north east from the closest dwellings would experience some decrease in the sense of spaciousness of the downward view in the foreground as well as some slight loss of the view towards the existing open rural landscape of the site in these directions. There is however considerable distance between the potentially affected dwellings and the proposed development, and appropriate planting will be incorporated into the potential landscape design that will soften views to the proposed buildings. Future landscape design and choice of suitable materials and colours for buildings can further mitigate the visual effects. Due to the difference in the relative levels, the viewing angle and the distance that separates the potentially affected dwellings from the development site, the predominant existing view composition would be unaffected and views to scenic skylines, horizons and natural features would be retained and continue to dominate views. The views also contain, at a greater distance, views of the extensive developments at Oxford Falls Grammar School and the Christian City Church complex at Oxford Falls. It is considered that there would be no significant impacts overall on visual privacy or on residential visual amenity.



5.0 Relevant Planning Instruments

5.1 State Environmental Planning Policy (Housing for seniors or people with a disability) 2004

SEPP HSPD is an instrument that fosters change to urban forms, in essence by providing for the possibility of higher building densities and different building forms in a variety of zones that can support housing for older people and those with disabilities.

There is a clear expectation that the built form, density, character and appearance of SEPP HSPD developments will not conform literally to the character of the detached residential development, or rural residential/ small holdings that is the immediate setting within which the development is proposed.

Many higher density developments occur in the Warringah Municipality, including SEPP5 and SEPPSL developments, among or adjacent to detached residential development areas and non-urban land. In many cases these do not have a significant visual presence in their related streetscapes, as will be the case with the proposed development.

There are therefore a variety of differences that can be anticipated between SEPP HSPD development and either detached residential or semi-rural development. I discuss these differences with specific reference to the existing character of the Oxford Falls Road streetscape below. I have also included a series of photographs depicting the variety and scale of development forms present within the vicinity of the site, as well as the streetscape itself, at Appendix A.

Below, I assess the merits of the proposed development in relation to the Clauses of the SEPP HSPD 2004 that are related to visual and related amenity impacts.

5.1.1 Part 1A Site compatibility certificates, Clause 25(5)(b)

The Director-General must not issue a site compatibility certificate unless the Director-General is of the opinion that the proposed development is compatible with the surrounding land uses having regard to (at least) the following criteria:

- (i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
- (ii) the impact that the proposed development is likely to have on the uses that, in the opinion of the Director-General, are likely to be the future uses of that land,*
- (iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
- (iv) in the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development,*
- (v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development.*



Comment: The proposed development does not require a Site Compatibility Certificate, however some of the general issues of compatibility remain relevant to determining the merits of the application.

The development would not have any negative effect on the existing natural resources on the site such as the rock outcrops in the extreme western sector of the site, the drainage line, the creek line and its associated vegetation and the vegetation along the boundaries of the site. The site is either extensively cleared and already levelled, or will be further levelled without the need for significant excavation of such resources. The vegetation which is proposed to be removed does not contribute to the scenic quality and character of the public domain to any significant extent and will be replaced and augmented in the Managed Ecological Zone.

The development would be compatible with and would not result in any significant visual and related amenity effects on the existing uses and the desired future and approved uses within the surrounding locality. Though the proposal would be of a different and larger form compared to the low density residential and rural residential character of the immediate vicinity of the site, it would not appear to be unacceptably out of character within the immediate and wider visual context. The wider visual context of the site contains a number of examples of large institutional developments in similar surrounding landscape character, which are relatively recent and of varying and contemporary styles. Subject to future consideration of its architectural style and detailing, the proposed development is capable of appropriately responding to the emerging character of the locality.

25(5)(b)(iii) is not within my expertise to comment upon.

25(5)(b)(iv) –the site is not zoned open space or special uses.

25(5)(b)(v) has been addressed in section 5.1.3 below with regard to acceptable built form controls.

5.1.2 Part 3 Design Requirements, Division 2-Design Principles, Clause 31 Neighbourhood amenity and streetscape.

The proposed development should:

(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and

(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and

(c) maintain reasonable neighbourhood amenity and appropriate residential character by:

(i) providing building setbacks to reduce bulk and overshadowing, and

(ii) using building form and siting that relates to the site's land form, and

(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and

(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and

(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and

(f) retain, wherever reasonable, major existing trees, and

(g) be designed so that no building is constructed in a riparian zone.



Comment: The density and character of the proposed development would have different visual qualities when compared to detached residential developments and rural residences typical of the section of the affected streetscapes in the immediate vicinity of the site. However, the inherent appearance of Seniors Living development cannot be considered a visual impact in itself, but has to be considered both on its merits and with an understanding that it will not necessarily look like detached housing or rural dwellings. Neither in my view is there any substantial reason why it should. The SEPP HSPD calls for building forms that are appropriate but clearly this cannot translate into an identical character to the settings into which the development is placed.

The SEPP HSPD does not call for mimicry either of buildings in the locality nor immediate neighbours, but only appropriateness. Since a site coverage of up to 0.5:1 for a SEPP HSPD development cannot be a reason for refusal, it is clear that there will be contrasts with some of the development patterns of the wider locality in which site coverage is less and the extent to which the open character of those places can be emulated. In the present case, the site coverage is very low, leaving the buildings situated within substantial landscape settings that relate visually to institutional developments that are prominent features of the emerging character of parts of Oxford Falls nearby to the north of the subject site. My analysis of the surrounding area above, shows that there is a considerable variation in settings for buildings in terms of their character and scale in the vicinity, that is relevant to considering the character and quality of the proposal.

The development site is neither within any Heritage Conservation Area nor adjacent to any heritage items.

The proposed development is adequately setback along all the three street frontages and does not result in any unreasonable overshadowing to neighbouring properties. The building footprints and their siting are so proposed that they relate to the site's landform. The building heights are compatible within buildings of similar institutional character found in the relevant adjacent streets and appropriate landscaping is proposed. The majority of street trees are proposed to be retained subject to bush fire requirements and none of the buildings are proposed in any riparian zone.

5.1.3 Part 3 Design Requirements, Division 2-Design Principles, Clause 34 Visual and acoustic privacy

The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and

ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

Comment: The effect on visual privacy of the neighbouring residences has been discussed in Section 4.4. It is my opinion that the site planning and location of the building footprints are appropriate to minimising any external visual privacy impacts. The design of windows and balconies within the potential buildings is for future detail, but their potential orientation for sunlight and ventilation has been determined as appropriate and does not cause any visual impacts on neighbours.

5.1.4 Standards for acceptable built form

The application is a Major Projects Application and is not subject to the statutory development standards in the SEPP HSPD. Therefore, with regard to the physical form of the proposed



development, the height limits and densities in the instrument (Clause 40) and standards that cannot be used as reasons for refusal of a development consent (Clause 49 and Clause 50) are not applicable to the Master Plan application.

Notwithstanding, the general requirements of Clause 25(5)(b) which relate to compatibility of the site for the intended purpose remain relevant and the application has to be assessed on its merits in relation to those requirements.

In relation to Clause 25(5)(b)(i), which concerns compatibility with the natural environment of the site and land in the vicinity, this has already been addressed under 5.1.1 above. The proposed development does not have the potential to negatively impacts on significant natural environmental values, resources or hazards and is essentially confined to former agricultural land of low scenic and natural values. The environmental resources will be enhanced by the proposed Managed Ecological Zones of the site and by the proposed form and character of the riparian corridors. Vegetation in these zones, subject to the requirements of design for bushfire safety, will provide significant and in some cases total screening to the development from the public domain. Other significant features with scenic or aesthetic significance such as rock shelves and the escarpment to the west of the site will be unaffected by the development. Thus the Master Plan is considered to be compatible with and compliant with Clause 25(5)(b)(i).

Clause 25(5)(b)(ii) concerns impacts on existing and future land uses and is partly for others to address from a general strategic town planning perspective. However, the existing and future use of the area as a visual matter is also relevant. An emerging character of adjacent land in the same zone which is clearly seen as compatible with the semi rural setting by Warringah Council, is large institutional developments in a moderately open setting. While the development proposed is contrasting in character to its immediate existing setting; when seen in the context of present and anticipated future change to the character of the locality, the development is capable of achieving acceptable compatibility. Changing the site to the proposed use will not significantly alter the total resource of land of the same use in the locality or shift the perception of its predominant character away from being semi-rural with some examples of larger institutional developments within that setting.

As already indicated in 5.1.1 above Clauses 25(5)(b)(iii) and (iv) are not within our expertise and we leave comments on the merits of the application to those with the appropriate expertise.

This leaves Clause 25(5)(v) as the remaining consideration, concerning the impact of bulk, scale, form and character of the proposed development on existing, approved and future uses of land in the vicinity.

Bulk, Scale and Massing

SEPP HSPD development compared to detached housing, rural residential or small holdings development has significant differences that relate to the size, bulk and spatial arrangement of the individual elements. This is not a visual impact unless the result is unacceptable.

While there is a clear contrast in terms of the overall scale of the development compared to its immediate context, this is not at all evident when it is seen in relationship to development forms recently approved by Warringah Council in the same kind of landscape and adjacent development context, ie. the Christian City Church complex or Oxford Falls Grammar School. The overall individual building scale is proposed to be less than the larger buildings in either of these examples, and the overall visibility and presence in the streetscapes of the proposal would be much less, in fact quite recessive by comparison. It will have less impact on the local character of views and the experience of a person moving about on local roads than either of the above examples.



The proposed development would consist of individual buildings that could potentially display many similar attributes to existing buildings within the locality. The building envelopes and footprints when considered individually are within the range of scales of buildings in the vicinity. The height of the buildings would be two to four storeys, which will not have the effect of significantly changing the existing character of the local streetscapes or the experience of the public domain. The potential scale and bulk of these individual structures when seen from the street would relate appropriately to other buildings in the wider surrounding locality.

The massing of the buildings on the site is intended to create a “buildings in the landscape” character for the development overall, albeit this will take time to mature along with the future landscape scheme. The character is one of widely separated individual buildings in a landscaped, park-like setting.

The topography and low visual exposure of the existing site to the public domain, adds to the capacity of the landscape to absorb the proposed development. Taller buildings are located toward the foot of the escarpment to the west and north west of the site, or clustered at the south western end. In both locations, the height of buildings is counteracted by physical features or adjacent topographic relief which decrease perceived scale. The heights of the buildings do not conflict with horizons, views of scenic features, views from adjacent residences or the dominance of the background of views by natural topography. The setting has the capacity to absorb and complement the proposed building heights and massing without significant change to the scenic or physical resources of land of the same use in the immediate and wider locality.

In the streetscape context, the overall bulk and the visibility of the development would not be prominent. In the fullness of time, the potential vegetation proposed for the interior of the site and within the front setback areas and Ecological Management Zones will further mitigate the sense of a higher density of buildings within the site.

The distribution of building heights is such that the lower buildings front the site relative to Oxford Falls Road and also provide a setting and screening for taller buildings behind them. The foreground vegetation screening, including regeneration areas, will extensively or totally screen this component of the development in a relatively short time. In my view the extent of development of the interior of the site would be of a generally low visual presence and would be well within the expectations of the appearance of a higher density development.

While it will be clear that the development is a higher density development, it is in my opinion appropriately responsive to the surrounding context as regards the appearance, bulk and scale and the distribution of this bulk when perceived from the street.

Built Form

The buildings are proposed to be distributed over the site so that they provide an appearance of detached buildings and thereby to increase the compatibility with the low density residential character of the surroundings. The layout is such that the internal road network and the total area of the site utilised for roads and hard surfaces is minimised. As indicated above, the site coverage, considering the yield, is very low, producing a character not unlike the Christian City Church situation which features buildings of various kinds and scales, within a family of architecture, in an open setting. I do not therefore consider that the repetition of some forms leads to any unacceptable impacts on the streetscape and local character.



The detail of the building forms is not part of this application, but in terms of scale and bulk, they would generally be within the building envelopes and footprints indicated in this Master Plan Application. They would potentially be of a mixture of institutional and residential building characters. Styling is for future consideration, however contemporary building styles are acceptable subject to appropriate articulation, modulation and detailing to address aesthetic, sustainability and urban design objectives. Colours, textures and materials should be chosen to emulate aspects of the surrounding natural and cultural environment, with low reflectivity for roofs and vertical surfaces to prevent impacts on views from above.

Detailing and modelling of buildings should be intended to provide for visual interest with articulation along the main facades, devices to decrease apparent bulk with height.

Potential roof forms could be similar to the many examples of institutional buildings within the wider context of the site and at the same time be compatible with the immediate low density surrounding context. A mix of flat roofs, skillions and moderately pitched roofs could be considered.

The overall character of the buildings would potentially be similar in many respects to the language present in other SEPP5, SEPPSL and recent medium density residential developments in Warringah and would clearly be residential. The individual residential buildings would be of modest proportions.

Density

The proposed development is a medium density development which is consistent with the underlying principles of SEPP HSPD. The density proposed is well below what is permitted for SEPP HSPD development. The development proposed is appropriate in the given context and with the scale of the development site. In my opinion, the proposed density of buildings, as far as it would be visible from the street, is entirely acceptable.

Landscape Design

In this application, unlike many SEPP HSPD developments which frequently feature small individual garden areas associated with individual dwellings and a considerable hard surface area, the site coverage is low and the potential landscape would be very expansive compared to the building footprint area. Underground parking and individual building access provides for a minimum of road surface on the site and a high level of potential landscape amenity. The design is park-like, but is also provided with spaces for potential plazas, pocket parks and a variety of orientations for potential landscaped spaces.

Most of the prominent trees that are on the boundaries of the present property are proposed to be retained in the scheme. Further planting is proposed between Oxford Falls Road and the creek line, to augment the open screen of existing vegetation and further vegetation is proposed between the creek line and residential unit buildings. Further screening vegetation would be appropriate between the northern extremity of the site and the boundaries of adjacent properties in Wearden Road.

My observations of landscape design and tree presence in properties in the vicinity of the site, some of which are indicated in part in the photographic plates in this report, indicates that the predominant character is of extensive areas of grass, with trees on margins of the site and sometimes retained in small pockets. Most of the larger trees within properties are confined to boundaries between properties, creek lines and road reserves, although there are some larger trees as specimen plantings in the larger properties. The proposal falls well within this character and will provide a higher level both of amenity and visual quality than the Church and Grammar School developments



nearby. The development will contribute to the landscape character of the locality in an appropriate way.

Significant areas of deep soil landscape exist within the site. These can provide for extensive tree planting in the landscapes of the interior of the development that is capable of equalling or exceeding the heights of the taller building. This can provide a softening and screening effect to the development, including the effect of reducing visibility and effects on the character of views from residences high above the site.

5.2 Warringah LEP 2000

The subject site falls within the Locality B2 Oxford Falls Valley area, as outlined in Warringah Local Environmental Plan 2000. The desired future character statement (DFCS) for this locality is:

The present character of the Oxford Falls Valley Locality will remain unchanged except in circumstances specifically addressed as follows.

Future development will be limited to new houses conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.

The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.

A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway.

Development in the locality will not create siltation or pollution of Narrabeen Lagoon.

Present Character

The present character of the Oxford Falls Valley area is varied, containing residential development, rural residential, rural small holdings, institutional, large scale infrastructure and natural landscapes both private and public. The immediate character of the subject site retains a semi-rural character in an amphitheatre with detached residential development on one side and land of a natural appearance on the other. Part of what I have called the emerging character of Oxford Falls is the institutional and large scale developments on large sites characterised by the Christian City Church complex, Oxford Falls Grammar School and St Pius X playing fields and hall.

All of these factors contribute to the present character. As I have indicated above, it is my view that the proposal is sufficiently responsive to the emerging character of the locality, as well as to the specific character of the site and built forms in the vicinity, to be acceptable as a change that affects the site and immediate setting.



Circumstances for change

The DSFC provides that future development is to be limited to housing of the acceptable housing density standards and low intensity, low impact uses. Likewise it anticipates that acceptable housing density is considerably higher than what presently exists in the locality. Thus, higher densities are anticipated, within the application of this character statement. In my opinion, the higher density is also acceptable by comparison to other forms of development in the vicinity that have functions other than as semi-rural land (ie. church and school) and which have inherently greater visual impacts on their settings and far greater impacts on the public domain than does this application.

It is a requirement of acceptable change to character that development will not occur on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway. This proposal has none of these effects.

Impact on natural landscape

The natural landscape including landforms and vegetation are required to be protected and where possible enhanced. With the exception of thinning of vegetation that could increase bushfire safety in some locations, which I understand will have minimal impact on visual character or visibility of the proposal; no other impacts of this kind are anticipated. The bands of vegetation adjacent to the site on Oxford Falls Road and the foot of the escarpment to the west of the site, are intended, subject to fire safety, to be augmented with new indigenous native vegetation planting. Supplementary planting is also intended to occur within the site and riparian buffer zone, subject to choice of appropriate species. No natural features such as rock shelves or topographic features will be affected by the proposal. In my opinion, no natural features of the landscape will be significantly affected in visual terms.

Building location, colour and texture

Buildings and their access ways are required to be located to minimise disturbance to vegetation and landforms. In my opinion, the site is highly unusual in its size and flatness and the organisation of the development will minimise any effects on existing vegetation and landforms. The materials, colours and texture of individual buildings would be part of the detailed Development Application for the proposed development. If the consent authority has specific requirements for textures and colours, these could be prescribed later via Conditions of Consent.

Bushland buffers to Forest Way and Wakehurst Parkway

These requirements are not relevant to this application.

Summary relevant to Character Statement

In my opinion, the development proposed satisfies the requirements of the character statement for Locality B2, when all of the matters relevant to my expertise are considered.



6.0 Intent of Planning Instruments in Relation to Visual Matters

Five judgements in the Land and Environment Court of NSW are of benefit in considering the visual character and appropriateness of this Seniors Living proposal.

I) In the judgement, (*Momentum Architects Pty Ltd v Hornsby Shire Council* [2002] NSWLEC 252) Senior Commissioner Roseth and Commissioner Moore stated in part:

14. LEP 94, the Rural DCP and the Rural Lands Study contain objectives and principles relating to the Shire's rural areas. These may be summed up as the maintenance of rural character. SEPP 5, under which this application is made, permits medium density housing on rural land, provided the occupants are old or disabled people. Thus, while the local controls permit one dwelling on this site, SEPP 5 permits in the order of 130 dwellings. We do not think therefore that it is valid to criticise this proposal on the basis that it is not rural in character. If it had only half as many dwellings as it does, it would still not appear rural in character.

15. The issue is made more complex by the fact that SEPP 5 appears to be drafted mainly for the assessment of housing in residential areas. Clause 25, which deals with the design of residential development, fails to mention the word rural. While it contains numerous guidelines and principles for fitting into residential areas, it says nothing about designing medium density housing in a rural environment.

16. Having said this, we believe that housing, even at medium densities, within a rural area should acknowledge its location and have a different design and appearance from housing in a residential area. While SEPP 5 provides no guidance, s79C(b) of the Environmental Planning and Assessment Act 1979 requires us to have regard to the proposal's impact on the natural and built environment. The visual impact on the rural environment is therefore a matter that we must consider in the assessment of this application.

Thus the Commissioners of the Court recognised that a seniors living development is likely to have a medium density form and not be of rural character and that this is not determinative. SEPP HSPD has similar expectations and controls in regard to density and built form to SEPP Seniors Living and SEPP 5. They state that housing should acknowledge its location within a rural area and have an appearance different from housing in a residential area. I am of an opinion that the proposed development positively responds to the character of the immediate and wider locality in which it would be located.

II) In the matter of *M & R Civil Pty Ltd v Hornsby Shire Council* in which I supported the Council against a SEPP5 development application in a rural setting, I gave the following opinion in my statement of evidence:

"the spaciousness, at least in abstract, of the rural landscape, is a matter to be responded to appropriately in a development such as this. ... A clustered development, even if it contained some larger buildings, perhaps of three storeys, could provide the same density and a better response to the spatial qualities of the rural landscape".



In another judgement of Senior Commissioner Roseth and Commissioner Moore relevant aspects of the judgment above were repeated (*M & R Civil Pty Ltd v Hornsby Shire Council* [2003] NSWLEC 437), where it was stated in part:

16. Without doubt this was the major issue in the case. LEP 94, the Rural DCP and the Rural Lands Study contain objectives and principles relating to the Shire's rural areas. These may be summed up as the maintenance of rural character. SEPP 5, under which this application is made, permits medium density housing on rural land that adjoins urban development, provided the occupants are old or disabled people. Thus, while the local controls permit two or three dwellings on this site, SEPP 5 permits about 150 dwellings. We do not think therefore that it is valid to criticise a proposal under SEPP 5 on the basis that it is not rural in character. If it had only half as many dwellings as it does, it would still not appear rural.

17. Having said this, we believe that housing, even at medium densities, within a rural area should acknowledge its location and have a different design and appearance from housing in a residential area. The issue is made more complex by the fact that SEPP 5 is drafted mainly for the assessment of housing in residential areas. Clause 25, which deals with the design of residential development, fails even to mention the word rural. While it contains numerous guidelines and principles for fitting into residential areas, it says nothing about designing medium density housing in a rural environment.

Again I take this judgement in part to mean that an appropriate form for a seniors living development in a rural setting is one accepted to be of far greater density than that which it adjoins and not appearing to be rural, but also being of a different layout, design and appearance from housing in a residential area, ie. one relevant to the rural setting. This proposal does not have the character of an urban development form simply transposed to a semi-rural locality. It is one specifically addressing the relevant constraints of the setting.

(III) In a third judgement concerning SEPP5 development on the interface between the rural and urban land in Hornsby Shire, Commissioner Bly cites the above two judgements as relevant to his consideration of bulk and scale and ultimately of his approval of the development, in *Moit v Hornsby Shire Council* [2005] NSWLEC 639. The buildings approved were of up to three storeys on the rural fringe of Dural village.

These judgements are also relevant to the present application, in the sense that SEPP HSPD has essentially the same expectations and outcomes as SEPP Seniors Living and SEPP5 from which it was derived, as far as building form and density are concerned. There are also analogies to be drawn between the Desired Future Character statement in the Warringah LEP and the Rural DCP and Rural Land Study in Hornsby Shire, to which the judgments refer. Each of these seeks to make the present character the yardstick for future development, whereas the judgements point out that this is not practical or reasonable when considering the intended outcome of the SEPP.

(IV) Another judgement is also relevant, ie. *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council* [2003] NSW LEC 268.

Whilst design requirements in SEPP HSPD, SEPP Seniors Living and SEPP 5 aim to harmonise developments with the surrounding streetscape and neighbourhood amenity, it has been determined that these requirements may be interpreted in such a way that they may not be used as a hard and fast rule for development design. Senior Commissioner Roseth, in the case of *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council* [2003] NSW LEC 268 proposed principles with relation to SEPP 5 and the neighbourhood amenity and streetscape. The principles being:



The first principle is that buildings in a SEPP 5 development do not have to be single-storey to be compatible with the streetscape even where most existing buildings are single-storey. The principle does not apply to conservation areas where single-storey dwellings are likely to be the major reason for conservation.

The second principle is that where the size of a SEPP 5 development is much greater than the other buildings in the street, it should be visually broken up so that it does not appear as one building. Sections of a building, or separate buildings should be separated by generous breaks and landscaping.

The third principle is that where a site has existing characteristics that assist in reducing the visual dominance of development, these characteristics should be preserved. Topography that makes development appear smaller should not be modified. It is preferable to preserve existing vegetation around a site's edges to destroying it and planting new vegetation.

The fourth principle is that a SEPP 5 development should aim to reflect the materials and building forms of other buildings in the street. This is not to say that new materials and forms can never be introduced, only that their introduction should be done with care and sensitivity.

Commissioner Roseth's determination may be construed as acknowledgement that issues of some incompatibility between SEPP5 developments and the surrounding low-density zones will occur in a high number of cases and that some interpretation of the requirements are required. If one looks at each of these principles with respect to this development proposal, it is my opinion that it satisfies each.

V) Another judgment of relevance is Project Venture Developments v Pittwater Council [2005] NSWLEC 191. Senior Commissioner Roseth SC has again cited the above four principles for the specific case of medium density housing for older people fitting into the streetscape in a low-density housing area.

He has then given Planning principles on compatibility of developments. While the principles are for compatibility in the urban environment, it can be appropriately adopted for a locality which is a mix of institutional, rural residential and urban developments. The principles are;

22. There are many dictionary definitions of compatible. The most appropriate meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

23 It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.

24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.



Is the proposal's appearance in harmony with the buildings around it and the character of the street?

25 The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

*26 For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character.*

*27 Buildings do not have to be the same **height** to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.*

*28 Front **setbacks** and the way they are treated are an important element of urban character. Where there is a uniform building line, even small differences can destroy the unity. Setbacks from side boundaries determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way.*

*29 **Landscaping** is also an important contributor to urban character. In some areas landscape dominates buildings, in others buildings dominate the landscape. Where canopy trees define the character, new developments must provide opportunities for planting canopy trees.*

*30 Conservation areas are usually selected because they exhibit consistency of scale, style or material. In conservation areas, a higher level of similarity between the proposed and the existing is expected than elsewhere. The similarity may extend to **architectural style** expressed through roof form, fenestration and materials.*

Commissioner Roseth's principles on compatibility may be construed as acknowledgement that issues of some incompatibility between some medium density or contemporary developments and the surrounding low-density zones will occur in a high number of cases and that some interpretation of the requirements, the planning intentions and desired future character are required. It is my opinion that the proposed development satisfies each of these principles and in overall compatibility with the surrounding locality.



7.0 The Significance of Impacts

The assessment detailed above between 3.1 and 3.4 shows that there are separate aspects of the visual effects of the proposal that need to be taken into account in determining the level and significance of the visual impacts that would result from the construction of the proposed development. There are two important and related matters to be determined. The first is to what extent would there be visual effects? In other words, how much of an effect would there be? The answer is substantially an objective matter. Visibility, physical appearance, presence in view lines, contrast to existing conditions and relationship to adjacent forms are essentially matters of fact. They are not impacts. The second concerns how important the effect would be (ie. is there an impact of any significance?). The latter is more subjective. A visual impact does not exist without emotional involvement and aesthetic response. The visual sensitivity of the site and viewing places, the value to be placed on streetscape and character and whether bulk and scale are of overriding importance are matters of judgement, not fact. However, they must be based on objective measures. They are also subject to emotional reactions, personal tastes and the particular interests that can be expressed by viewers with personal stakes in the proposal.

My approach to this is to make as explicit as possible the reasons that I give weight to various aspects that can influence the importance of the visual effects, in arriving at an overall judgement on impact significance. Without this, the Council has no guidance as to the reasons for my judgements. I do, however, rely heavily on the objective facts of the matter, on which all judgements of impact significance are based. In carrying out this exercise, I am aware that particular individuals who have emotional attachment to the immediate locality of the site may not agree with the weighting that I have applied. My approach is based on my experience, knowledge of planning issues relative to the site and the area generally, design cognition and on visual perception theory and published scholarly research. My view may differ from the subjective response to the proposal expressed by people without this background, but who may have emotional or other reasons to differ from it.

Below, I present the factors that I have taken into account relative to the overall extent of visual effects of the proposal, which either add or subtract weight from them.

7.1 Visual fit (Absorption Capacity)

The capacity of the site and locality to visually absorb the development proposed was judged to be Moderate. The reasons for this assessment are summarised below:

1. The site boundaries are vegetated, especially the boundary with Oxford Falls Road, which would screen and filter most views to the proposed development from the public domain.
2. There are other larger, institutional developments within the area generally, such as schools and churches which contribute to a changing character for the locality, to which the proposed development relates.
3. The proposal would have a lesser visual presence or impact on the street than these emergent features of local character.



4. While there is presently little vegetation within the site itself to help soften views of the development from more elevated locations, such as residential areas to the west, these views would be softened as proposed vegetation becomes established.
5. The proposed development would contrast with the existing development immediately adjacent to it. However, there is significant separation distance between the development and adjacent residences in Wearden and Barnes Roads.

In my opinion, the capacity of the development to fit into the site has to also be considered relative to the locality seen more broadly. Contrast at the immediate level has to be balanced by higher consistency with the emerging character of the locality. Since the requirement for fit in the LEP is a locality issue rather than to be judged on a site by site basis, I consider that the moderate level of fit does not warrant any greater weight being placed on this aspect of visual impact.

7.2 Visual Sensitivity

Sensitivity relates to the number of viewers who would be likely to see the site, to their likely expectations for visual quality and to the cultural importance of the viewing places from which it can be seen. The greater the number of viewers, the higher the visual quality of the views and the greater the cultural significance of the viewing places, the higher the sensitivity of the view to change.

The overall visual sensitivity of the subject site was judged to be Low-Moderate. The reasons for this assessment are summarised below:

1. The proposed development would have minimal visibility generally to places within the public domain.
2. There would be only filtered views from Oxford Falls Road.
3. The proposed development would not be visible in important views to landmarks or recognised scenic landscapes, or from the Wakehurst Parkway.
4. The proposed development would however be highly visible to some neighbouring private properties and adjacent residences.

Taking the first three of these matters together, I do not consider that the site is so sensitive as to require an increase in weight of this consideration of visual impact. In relation to the fourth point, I acknowledge that residents in adjacent residential development may express different opinions and given the high visibility of the development to some residential properties may express greater sensitivity to the visual exposure of the proposal than I.

7.3 SEPP HSPD and WLEP Considerations

As explained in some detail in 5.1 and 5.2 above, SEPP HSPD and the provisions of WLEP anticipate a series of impacts on the visual qualities and character of appropriate development, which are capable of occurring in localities such as that in the present application. Higher densities, different building forms, alternative landscape designs and greater building bulk and scale are reasonable expectations and anticipated consequences of acceptable SEPP HSPD development and such development can be built on this site, with consent. Thus, visual effects of various kinds along these lines have to be weighed as less significant than may be the case in other contexts. In my opinion, the contrast caused by the proposed development to the existing character of immediately



surrounding development is not a sufficient reason to deny the application, when the intentions of the SEPP HSPD and provision of WLEP relative to aged housing are taken into account.

While the overall character of the site, considered in isolation, will alter, the change will be confined to the site and have little impact on the wider setting. Visibility will be confined to limited points. Further, the nature of the change is anticipated both within SEPP HSPD and the DFCS in WLEP.

In terms of the DFCS, the WLEP identifies housing for older people and those with disabilities (on land described in Paragraph (c) under the heading "Housing Density") as Category 2 Development.

Paragraph (c) provides that:

On land that adjoins a locality primarily used for urban purposes and on which a dwelling house is permissible, where there is no maximum housing density if the development is for the purposes of "housing for older people or people with a disability" and the development complies with the minimum standards set out in Clause 29.

Clause 29, in brief, sets out a number of standards which, if achieved, cannot be used as grounds of refusal. The terms are similar to those of SEPP HSPD. Clause 29 has a density standard of 0.5:1 or less, except in the case of hostels and residential care facilities (provided that these are within 400m of a public transport node) which have a standard of 0.75:1. I understand that the development satisfies all the requirements of Clause 29. Thus a higher FSR than is proposed in this application is contemplated within Council's own controls. SEPP HSPD includes similar provisions to WLEP in this regard, but permits an FSR of up to 1:1 for hostels and residential care facilities. The FSR of the proposal is considerably below both maximum controls.

There is thus a reasonable expectation that the land in question can be developed for the purpose proposed and that the density that is proposed is less than both the Council's own controls and also what is permissible under SEPP HSPD.

This expectation carries weight in my assessment, with regard to what people could reasonably expect to be a possible development form for the site. Not only is there an expectation that development of the form proposed could be placed on the site, but the extent to which it is externally visible is minimal. Taking all this into account, I would give lesser weight to the localised change in character of the site that would be caused by the form and density of the development proposed compared to its immediate neighbours.



8.0 Conclusion: Overall Impact Significance

The development site is relatively low in visibility in the public domain and could be made to be of minimal visibility by further landscape screening, although I do not consider this to be necessary overall. Some further screening could be added to the views in from Wearden Road and the height, form and setback distance of the buildings on the northern boundary would require consideration in a Development Application.

In my opinion, there are otherwise acceptable visual impacts of the proposed development. While it will be different from the existing situation, contrasting in density, building character and function, this is not a sufficient reason for refusal of the application. I consider that the proposal satisfies the requirements of the Desired Future Character Statement for Area B2, particularly when having regard to the provisions of WLEP relating to aged housing and the SEPP HSPD. It is also relevant to the emerging character of the locality, which includes a number of large, and growing, institutional developments in open landscape settings. The potential building forms, design, detailing, materials and textures and finishes would be part of a detailed Development Application and could be subject to Council requirements. The potential development is compatible with the locality and its setting.



Appendix A: Photographic Figures



*Plate 1: View from approximately the centre of the site looking towards the western boundary (View Point A in Figure 2)
The foreground elements are within the subject site, however the development on the more elevated land in the background is outside of the site.*



*Plate 2: View from approximately the centre of the site looking towards the southern boundary (View Point A in Figure 2)
The vegetation visible in the background screens most views to the interior of the site from external viewing locations.*



Plate 3: View from the driveway to the Grainger property looking towards the east (View Point B in Figure 2)
Views towards the east and Oxford Falls Road are mostly screened by vegetation located on the boundary of the site and within the road reserve.



Plate 4: View from the driveway to the Grainger property looking towards the west (View Point B in Figure 2)



*Plate 5: View from the Spali Driveway towards the north (View Point C in Figure 2)
The interior of the site has a more open rural character which is partially enclosed by the vegetation located on the boundaries of the site.*



*Plate 6: View to the northern part of the site from in the vicinity of No. 1087 Oxford Falls Road (View Point D in Figure 2)
From this location it is mostly the north western part of the site and the sloping land beyond it that is visible.*



Plate 7: Oxford Falls Road streetscape looking south from in front of No. 1087 (View Point D in Figure 2)
This streetscape is primarily characterised by remnant vegetation adjacent to the road reserve.



Plate 8: View to the site from in the vicinity of No. 1109 Oxford Falls Road (View Point E in Figure 2)
From this location it is possible to view the most north western part of the site.



*Plate 9: View to the site over the Tennis Academy from Oxford Falls Road (View Point F in Figure 2)
Foreground vegetation heavily filters views to the site from this and similar locations.*



*Plate 10: View to the southern part of the site from Oxford Falls Road (View Point G in Figure 2)
Foreground vegetation filters and screens views to the site from much of this part of Oxford Falls Road.*



Plate 11: View to the southern part of the site from Oxford Falls Road (View Point G in Figure 2)
This break in the roadside vegetation along Oxford Falls Road allows a glimpse to part of the site. Few such views exist in the street.



Plate 12: View from the southern part of Oxford Falls Road toward the southern part of the site (View Point H in Figure 2)
Little of the site is visible in this view as a result of intervening vegetation.



*Plate 13: View from the driveway of "Willow Bank" No. 1336 Oxford Falls Road
(View Point I in Figure 2)
Vegetation in the middle ground prevents most views toward the subject site.*



*Plate 14: View from Barnes Road to the north (View Point J in Figure 2)
This part of the site has a rural residential character with open grassed areas and
scattered large dwellings.*



Plate 15: View from Iris Street (View Point K in Figure 2)

It is possible to see the roof of the existing Tennis Academy from this location. It is expected that the roofs of the proposed buildings would also initially be visible in this view.



Plate 16: View from the eastern part of Poulton Parade (View Point L in Figure 2)

From this location it is possible to see the roof of the existing Tennis Academy clubhouse and parts of Oxford Falls Road. It is expected that from this location and from some surrounding residential dwellings that the proposed development would be visible and partly screened by future vegetation.



*Plate 17: View from the northern end of Paxton Street (View Point M in Figure 2)
There are no views over the subject site from this location as a result of intervening vegetation and topography. In common with many elevated viewing places in the immediate locality, the view contains large development forms nearby in Oxford Falls*



*Plate 18: Oxford Falls Road streetscape looking north from near the southern part of the site (View Point N in Figure 2)
This part of the streetscape is visually enclosed and dominated by roadside vegetation. The subject site has a minimal presence in the streetscape.*



Plate 19: Part of the Christian City Church complex as viewed from the Wakehurst Parkway (View Point O in Figure 2)

This complex of buildings is one of the institutions within the general vicinity of the site.



Plate 20: Christian City Church as viewed from Dreadnought Road (View Point P in Figure 2)

There are some similarities in these buildings to those proposed within the development application in terms of scale, style, form and materials.



*Plate 21: View to the gymnasium building at St Pius X College Playing Fields, Dreadnought Road (View Point Q in Figure 2)
Another example of institutional type buildings within the Oxford Falls Valley Locality*



Plate 22: View to Oxford Falls Grammar School as seen from along Oxford Falls Road (View Point R in Figure 2)



Plate 23: View to Oxford Falls Grammar School as seen from along Oxford Falls Road (View Point R in Figure 2)



Plate 24: No. 4A Barnes Road, looking east-northeast from the edge of the verandah. (Refer Figure 4)



Plate 25: No. 4A Barnes Road, looking east- southeast from the edge of the verandah. (Refer Figure 4)



Plate 26: No. 2 Barnes Road, looking south-southeast from the backyard. (Refer Figure 4)



Plate 27: No. 2 Barnes Road, looking south-southeast from the balcony off the upper level bedroom on the southside of the dwelling. (Refer Figure 4)



Plate 28: No. 8 Barnes road, looking east from the enclosed verandah, standing to the east of the dining table. (Refer Figure 4)



Plate 29: 8 Barnes Road, looking east-southeast from the outdoor space on top of the garage of No. 4A Barnes Road. (Refer Figure 4)



Appendix B: Curriculum Vitae

Dr Richard Lamb

Relevant Experience and Expertise

I am a professional consultant who specialises in visual impacts assessment and the principal of Richard Lamb and Associates (RLA). I am also a senior lecturer in Architecture and Heritage Conservation in the Faculty of Architecture at the University of Sydney. I have taught and specialised in resource management, environmental impact assessment and visual perception studies for over 25 years.

RLA is a small firm that provides professional services, expert advice and landscape and aesthetic assessments in many different contexts. We carry out strategic planning studies to protect and enhance scenic quality and landscape heritage values, conduct scenic and aesthetic assessments in all contexts, from rural to urban, provide advice on view loss and view sharing and conduct landscape heritage studies. We act for various client groups on an independent basis, including local councils, government departments and private clients to whom we provide impartial advice, cognisant of the Land and Environment Court of NSW Direction to Expert Witnesses 2003 and the Schedule to that Direction, with which I am familiar and agree to be bound. I provide expert advice, testimony and evidence to the Land and Environment Court of NSW in various classes of litigation. I have appeared in over 120 cases and made submissions to several Commissions of Inquiry. I have been the principal consultant for over 350 consultancies concerning the visual impacts and landscape heritage area of expertise during the last ten years.

At the University of Sydney I have the responsibility for teaching and research in my areas of expertise, which are visual perception and cognition, aesthetic assessment, landscape assessment, interpretation of heritage items and places and cultural transformations of environments. I teach both undergraduate and postgraduate students in these areas, giving specialised elective courses in visual and aesthetic assessment. I supervise postgraduate research students undertaking PhD and Masters degree academic research in the area of heritage conservation and Environment Behaviour Studies (EBS). I am a member of the EBS disciplinary group. The latter field is based around empirical research into human aspects of the built environment, in particular, in my area of expertise, aspects of visual perception, landscape preference and environmental cognition. I carry out empirical and scholarly research in these fields on a continuing basis.

I have a number of academic research publications in local and international journals that publish research in EBS and heritage conservation and I am the co-editor of the academic Journal of the Australian and New Zealand Association for Person-Environment Studies, called by the acronym PaPER (People and Physical Environment Research), which publishes papers in EBS, environmental psychology, cultural heritage management and in heritage conservation. The association has affiliations with a number of international EBS research organisations. I have had a number of research papers published in the last five years on landscape perception and preference, landscape aesthetics and heritage conservation.

I have developed my own methods for landscape assessment, based on my education, knowledge from research and practical experience. They are related to seminal research carried out in the 1970s, loosely described at the Visual Management System approach, but are highly modified by myself in the light of contemporary knowledge of aesthetic preference and environmental cognition and my experience in visual impacts assessment in urban environments. These methods have also been the subject of a number of professional seminars and of guest lecture courses I have conducted at the University of New South Wales.



Qualifications

Bachelor of Science degree with First Class Honours from the University of New England.

Doctor of Philosophy degree from the University of New England, 1975.

Accredited Administrator and Assessor, Myers Briggs Psychological Type Indicator.

Present Employment

Senior lecturer in the Faculty of Architecture and in Heritage Conservation, University of Sydney

Visiting lecturer, University of New South Wales, School of The Built Environment

Principal of Richard Lamb and Associates Consulting, and Director of Lambcon Associates Pty Ltd

SELECTED RELEVANT EXPERIENCE

Landscape Heritage and Cultural Landscapes

Assessment of the significance of landscapes of heritage value at all scales, from domestic gardens to streetscapes and Heritage Conservation Areas, including heritage impact assessments, conservation management plans, conservation policy formulation, pre-DA advice on applications concerning heritage items and landscapes and expert testimony.

Assessment and Advice

Breen Holdings

Heritage assessment and report to the Federal Minister for the Environment regarding the emergency listing of Kurnell Peninsula pursuant to the provisions of the Environment Planning and Biodiversity Conservation Act

Camden Council

Cultural and scenic landscape study of Camden Municipality.

Scenic and cultural landscape advice re proposed subdivision land, Kirkham Lane.

Centennial and Moore Parks Trusts

Heritage Assessment and Statement of Cultural Significance, Anzac Parade

Department of Urban Affairs and Planning

Cultural and scenic landscape assessment of excluded lands parcels, Western Sydney Regional Parklands, Doonside.

Mosman Council

Heritage curtilage assessment of development adjacent to an item of State Significance, the 'Woolley House', 34 Bullecourt Avenue, Mosman.

Land and Environment Court Proceedings

- Architectural Projects v Manly Council, 'Dungowan', South Steyne Manly.
- Hobhouse K v Minister assisting Minister for Infrastructure & Planning and Sydney Gas Operations Pty Ltd, Mt Gilead, Campbelltown.



- Lend Lease Development Pty Ltd v Manly Council: St Patrick's Estate, Manly (various applications).
- RAID and Blue Mountains City Council ats Chase Property Investments Pty Ltd, proposed resort development, Parklands, Blackheath.
- Royal Botanic Gardens & Domain Trust and Minister for the Environment ats City of Sydney Council, proposed replacement of trees in The Outer Domain.
- Council of the City of Sydney ats Anglican Church, St John's Church, Darlinghurst.

Visual Impact in Urban Areas

Documentation, analysis and assessment of the visual impacts of developments proposed in urban areas, at various scales from individual additions and alterations, to residential dwellings, multi unit buildings, mixed and commercial developments. Projects include visual constraints assessment, pre-DA and design advice, development assessments, view loss and view sharing assessments, submissions to conciliation and arbitration forums and expert testimony to the Land and Environment Court of NSW.

Assessment and Advice

Ashfield Municipal Council,

Building heights study, Ashfield Town Centre

Kingston Piazza Pty Limited

Visual impacts of proposed Landmark development, Charlestown.

Leighton Constructions Pty Ltd

Visual Impact Assessment proposed redevelopment of Kirribilli Club, Milsons Point..

Susan Rothwell and Associates

Advice concerning visual impacts, proposed re-development, Kirkoswald Avenue, Mosman.

Advice concerning visual impacts, proposed additions and alterations, Iluka Road, Clifton Gardens.

Land and Environment Court Proceedings

- Brisbane City Council & Pike Mirils McNoulty Pty Ltd ats Elizabeth Handley, Former Milton Tennis Complex, Brisbane.
- Colonial State Properties v Ku ring gai Council, Kenthurst Road, St Ives.
- Huntington Macgillvray v Rockdale Council, Rocky Point Road, Ramsgate.
- McRoss Developments Pty Ltd v Sydney Harbour Foreshore Authority, Ballast Point.
- St Hilliers v Waverly Council, Jacques Avenue Bondi.

Visual impacts in Rural and Natural Areas

Assessment of impacts on the aesthetic and heritage significance of rural landscapes, including advice on strategic planning for development in scenic rural areas, pre-DA advice on applications and advice and testimony to the Land and Environment Court of NSW.

Recent Assessment and Advice

Admark Constructions Pty Ltd

Pre-DA advice, Seniors Living proposal, Camden Municipality.



Durndrax Pty Ltd

Draft Development Control Plan, South West Lochinvar

Local and regional visual assessment study for rezoning proposal, Mount Harris, Hunter Valley.

Ingham Planning

Pre DA advice and advocacy on proposed subdivision, The Northern Road, Glenmore Park.

Port Kembla Copper

Pre-DA visual constraints and development envelopes strategy and advice, Windang, Lake Illawarra.

Scotts Head Lifestyle Homes

Visual impact assessment, development application, Scotts Head.

Land and Environment Court Proceedings

- Baulkham Hills Council ats Gelle, KoVeda Caravan Park, Wisemans Ferry.
- Hornsby Shire Council
ats Momentum Architects, Old Northern Road, Kenthurst.
ats M&R Civil, Old Northern Road, Kenthurst.
- Moit v Hornsby Shire Council, Old Northern Road, Dural
- Kiama Council ats Moss, Alne Bank Road, Gerringong.
- Sherringham v Baulkham Hills Council, Old Northern Road, Dural.
- Warringah Council ats Vigor Master, Brooker Avenue, Beacon Hill.

Landscape Assessment and Visual Resources Protection Planning

Strategic planning studies, including local and regional studies of urban and rural landscapes, Development Control Plans specific to scenic and aesthetic quality criteria and analysis and assessment of visual impacts of infrastructure projects at various scales.

Assessment and Advice

Brisbane City Council and the Department of Natural Resources, Queensland

Regional landscape study to develop a methodology for the documentation of scenic values of the South East Region of Queensland, in association with the South East Queensland Regional Organisation of Councils

Department of Infrastructure, Planning and Natural Resources and The Uniting Church of Australia

Visual Impact Assessment for future subdivision and development of land at Ingleside Road, Ingleside.

Durndrax Pty Ltd

Landscape assessment, curtilage study and heritage impact assessment as part of a Local Environmental Study, curtilage of St Helena, Lochinvar, Hunter Valley.

Draft Development Control Plan, South West Lochinvar.

Hillside Planners

Landscape assessment, curtilage study and heritage impact assessment as part of a Local Environmental Study, curtilage of Duckenfield House, Duckenfield, Hunter Valley.

Kinsmen Queensland



Visual constraints and development strategy advice, Lennox Head.

Rockdale City Council

Development control strategy for Rocky Point Road, Ramsgate.

Wingecarribee Shire Council

Development Control Plan for siting of Rural Dwellings.

Signage and Advertising

Advice, analysis and assessment of visual impacts, visual exposure and amenity issues related to signage of various kinds, related to urban areas, commercial precincts and roads.

Assessment and Advice

Eyecorp Pty Ltd

Advice on general advertising signage, White Bay.

Cody Outdoor Advertising

General advertising signage amendments and alterations proposed, Oxford Street, Sydney

Mirvac

Pre-design and DA advice, signage proposal, Lavender Street, Milsons Point.

Winten Property Group

Proposed land sale village signage, Haywards Bay, Illawarra.

Land and Environment Court Proceedings

- Nettlefold Advertising and Cody Outdoor Advertising Pty Ltd v South Sydney Council, Oxford Street, Darlinghurst.
- Cody Outdoor Advertising Pty Ltd v South Sydney Council, Oxford Street, Darlinghurst.
- Bunnings Pty Ltd v Auburn Council, Parramatta Road, Auburn.
- Forma Holdings Pty Ltd v the Minister for Urban Affairs and Planning, Underwood Road, Homebush.
- Selpam Canberra Pty Ltd v Roads and Traffic Authority of NSW, Eaglehawk Hill, Sutton.
- Waverley Council v Meriton, Tiffany Building signage, Bondi Junction.
- Winten Property Group v Wollongong Council, Yallah Junction signage.

Maritime Development

Assessment and advice concerning proposed developments on and adjacent to waterways, including marinas, moored arrangements, berthing facilities, slips, skids and other foreshore structures associated with boating.

Assessment and Advice

Boating Industry Association

Advice on visual resource management issues relating to boat accommodation, Sydney Region.

Westport Marina Pty Ltd

Scenic assessment and statement of environmental effects, Westport Marina, Cabarita Point, Parramatta River.



PlanningNSW

Independent visual assessment: Commission of Inquiry into proposed pearl oyster industry operation, Port Stephens.

Taylor Lauder Bersten Pty Ltd

Assessment of proposed mooring pen, Hunters Hill.

Land and Environment Court Proceedings

- Drummoyne Foreshore Committee v Drummoyne Council, Gladesville Marina.
- Bishop R v the Minister administering the Ports Corporation and Waterways Management Act, Lodge Road, Cremorne.
- Captain Cook Cruises v North Sydney Council, Kurraba Road, Neutral Bay.

Extractive Industries and Infrastructure

Assessment and advice concerning proposed developments of extractive industry and recycling sites, including local and regional visual and heritage impact assessments, pre-design and DA advice, environment impact assessment reports, statements of environmental effects, testimony to the Land and Environment Court of NSW and submissions to Commissions of Inquiry.

Assessment and Advice

Rocla Quarry Products

Heritage and visual landscape impact assessment, proposed extractive industry development, Captain Cook Drive, Kurnell.

Hutchison Telecoms

Pre-design advice and advocacy relating to proposed aerial installations in various locations and contexts.

Concrete Recyclers

Local environmental study for proposed re-zoning application, Moorebank.

Land and Environment Court Proceedings

- Concrete Quarries P/L v Wingecarribee Council - Commission of Inquiry into proposed quarry extension and Exeter Village bypass route, Exeter Quarry, Rockleigh and Exeter Roads, Exeter, Southern Highlands.
Application for extension, Exeter Quarry, Rockleigh Road, Exeter, Southern Highlands.
- L D Fowler Pty Ltd and anor v Lithgow City Council, Rydal Quarry, Rydal.
- Hutchison Telecoms v Baulkham Hills Shire Council, Glen Road, West Pennant Hills.
- Hutchison Telecoms v Ku ring Gai Council, Kissing Point Road, East Turramurra.
- Concrete Recyclers v Parramatta Council, Garside Road, Camellia.