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## Key terms and abbreviations

Key term or abbreviation	Meaning	Source
<b>Characteristics</b>	Elements, or combinations of elements, which make a contribution to distinctive landscape character	GLVIA3
<b>DA</b>	Development application	EP&A Act
<b>DCP</b>	Development control plan	EP&A Act
<b>Designated landscape</b>	Areas of landscape identified as being of importance at international, national or local levels, either defined by statute or identified in development plans or other documents	GLVIA3
<b>Elements</b>	Individual parts which make up the landscape, such as, for example, trees, hedges and buildings	GLVIA3
<b>Enhancement</b>	Proposals that seek to improve the landscape resource and the visual amenity of the proposed development site and its wider setting, over and above its baseline condition	GLVIA3
<b>Feature</b>	Particularly prominent or eye-catching elements in the landscape, such as tree clumps, church towers or wooded skylines OR a particular aspect of the project proposal	GLVIA3
<b>Key characteristics</b>	Those combinations of elements which are particularly important to the current character of the landscape and help to give an area its particularly distinctive sense of place	GLVIA3
<b>Landform</b>	The shape and form of the land surface which has resulted from combinations of geology, geomorphology, slope, elevation and physical processes	GLVIA3
<b>Landscape</b>	An area, as perceived by people, the character of which is the result of the action and interaction of natural and/or human factors	GLVIA3
<b>Landscape character</b>	A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse	GLVIA3
<b>Landscape character areas</b>	These are single unique areas which are the discrete geographical areas of a particular landscape type	GLVIA3
<b>Landscape character types</b>	These are distinct types of landscape that are relatively homogeneous in character. They are generic in nature in that they may occur in different areas in different parts of the country, but wherever they occur they share broadly similar combinations of geology, topography, drainage	GLVIA3

Key term or abbreviation	Meaning	Source
	patterns, vegetation and historical land use and settlement pattern, and perceptual and aesthetic attributes.	
<b>Landscape quality</b>	A measure of the physical state of the landscape. It may include the extent to which typical character is represented in individual areas, the intactness of the landscape and the condition of individual elements	GLVIA3
<b>Landscape value</b>	The relative value that is attached to different landscapes by society. A landscape may be valued by different stakeholders for a whole variety of reasons	GLVIA3
<b>LEP</b>	Local environmental plan	EP&A Act
<b>LSPS</b>	Local strategic planning statement	EP&A Act
<b>Magnitude</b>	A term that combines judgements about the size and scale of the effect, the extent of the area over which it occurs, whether it is reversible or irreversible and whether it is short or long term in duration	GLVIA3
<b>Perception</b>	Combines the sensory (that we receive through our senses) with the cognitive (our knowledge and understanding gained from many sources and experiences)	GLVIA3
<b>Sensitivity</b>	A term applied to specific receptors, combining judgements of the susceptibility of the receptor to the specific type of change or development proposed and the value related to that receptor	GLVIA3
<b>Significance</b>	A measure of the importance or gravity of the environmental effect, defined by significance criteria specific to the environmental topic	GLVIA3
<b>Visual amenity</b>	The overall pleasantness of the views people enjoy of their surroundings, which provides an attractive visual setting or backdrop for the enjoyment of activities of the people living, working, recreating, visiting or travelling through an area	GLVIA3
<b>Visual impacts</b>	Effects on specific views and on the general visual amenity experienced by people	GLVIA3
<b>Visual receptor</b>	Individuals and/or defined groups of people who have the potential to be affected by a proposal	GLVIA3
<b>ZTV</b>	A map, usually digitally produced, showing areas of land within which a development is theoretically visible	GLVIA3

## Executive summary

This is a visual impact assessment (VIA) for a proposed residential aged care facility located at 7 Martin Close, East Maitland.

Due to landform, the site's location with minimal road frontage, the presence of buildings and vegetation and its relatively low height, the viewshed for the proposal is localised and small.

The prevailing character of the viewshed is low density suburban comprising detached houses in generously sized private gardens. However, it also includes the 2 Mile Creek riparian corridor, the wide, heavily trafficked Stronach Avenue and the Stockland Shopping Centre.

While the main visual receptors will be local residents, the site and proposal will also be in part visible from people engaged in informal, active outdoor recreation such as walking and from people in cars travelling along nearby Stronach Avenue.

Six (6) viewpoints were identified to be representative of the viewshed's visual character and visual receptors, and formed the basis for this VIA. Assessment showed that:

- sensitivity of the visual environment ranges from low – medium to medium – high, with higher sensitivity corresponding to people's place of residence
- magnitude of change ranges from perceptible to considerable, with the higher magnitude corresponding with Martin Close
- the significance of the visual impact ranges from low to medium – high, with the greater significance corresponding with Martin Close.

The main reason underpinning a higher rating was the proposal's departure from the existing scale of development of surrounding residential areas. However, it is noted that the type of development is allowed in the R1 General Residential zone under the Maitland LEP 2011, which gives rise to an expectation of a greater future scale of development.

Considering this, a number of intentional design measure combine to mitigate visual impact from the public domain in the adjoining residential area. This includes a substantial setback to the Martin Close, and a stepping down of building height with the fall of the land. This results in much of the building bulk being located to the less sensitive 2 Mile Creek boundary of the site.

Due to the attributes of 2 Mile Creek, including its characteristics (eg, width, natural form, tall trees) and its compositional relationship to the site (it dominates the foreground and midground, while the site is located in the background), the visual impact of the proposal from this northern boundary is substantially mitigated.

The visual impact of the proposal overall will be further moderated due to its varied roof form, articulated external elevations and inclusion of future landscaping and materiality.

It is considered that while the visual impact of the proposal from some viewpoints is of significance, overall it is consistent with reasonable expectations for this form of development in the R1 General Residential zone, and that skilful design measures have combined to mitigate visual impact to an appropriate level.

On this basis, this VIA concludes that the proposal can be supported on visual impact grounds, subject to a number of conditions of development consent.

## 1.0 Introduction

This document is a visual impact assessment (VIA). It has been prepared by Ethos Urban on behalf of Fresh Hope to support a development application (DA) for a residential aged care facility (the proposal) on land at 7 Martin Close, East Maitland (the site).

The purpose of this VIA is to identify, describe and assess the likely visual impact of the proposal.

The document is structured as follows:

1. **Part 1: introduction** – identifies the nature of this document
2. **Part 2: the site and its context** – identifies and describes the site and its context
3. **Part 3: the proposal** – describes the proposal
4. **Part 4: the planning framework** – identifies the relevant parts of the planning framework applicable to the assessment of visual impact
5. **Part 5: methodology** – outlines the methodology used in this VIA
6. **Part 6: existing visual environment** – identifies and describes the existing visual environment, including viewshed, visual receptors and viewpoints
7. **Part 7: visual impact** – identifies and describes the likely visual effects of the proposal on views obtained from the viewpoints, and assesses the significance of these effects against the factors of sensitivity and magnitude
8. **Part 8: assessment against the planning framework** – assesses the likely visual effects against the planning framework to determine its visual impact
9. **Part 9: mitigation measures** – identifies any mitigation measures to address any adverse visual impacts
10. **Part 10: conclusion** – identifies whether the proposal in its current form can be supported on visual impact grounds, and summarises the basis for this determination.

## 2.0 The site and its context

This part of the document identifies and describes the site and its context

### 2.1 The site

The site is located at 7 Martin Close, East Maitland (Lot 57 in DP260833 and Lot 5 in DP260833) within the Maitland City Council local government area (LGA) (refer **Figure 1**). It has an area of 1.54ha (approx.) and frontages of 90m (approx.) to Martin Close and 77m (approx.) to Stronach Avenue.

The site is currently occupied by a 60 bed RACF built in 1984 and one detached dwelling house facing Stronach Avenue.

For further details on the site, refer to the Statement of Environmental Effects (SEE) that accompanies this DA.





Figure 1: The site

Source: Ethos Urban and Nearmap





Figure 2: View of the site from Martin Close looking north



Figure 3: View of part of the Stronach Avenue frontage of the site

## 2.2 The site context

The site is located in a predominantly low-density residential area to the south of the Green Hills activity centre.

The following development surrounds the site:

- **North:** to the immediate north is Two Mile Creek and the remainder of the Greenhills Retirement Village, connected to the site via a concrete pedestrian bridge. Further north is the Stockland Greenhills Shopping Centre and low-density residential development
- **South:** To the immediate south is low density residential development and Chisholm Road which connects to the New England Highway
- **East:** To the immediate east is low density residential development. Further east is the New England Highway which connects East Maitland to the remainder of the Hunter Valley region
- **West:** To the immediate west of the site is Brooklyn Park and a substantial area of bushland extending beyond the Two Mile Creek riparian corridor.



Figure 4: View from Stronach Avenue looking south towards the site

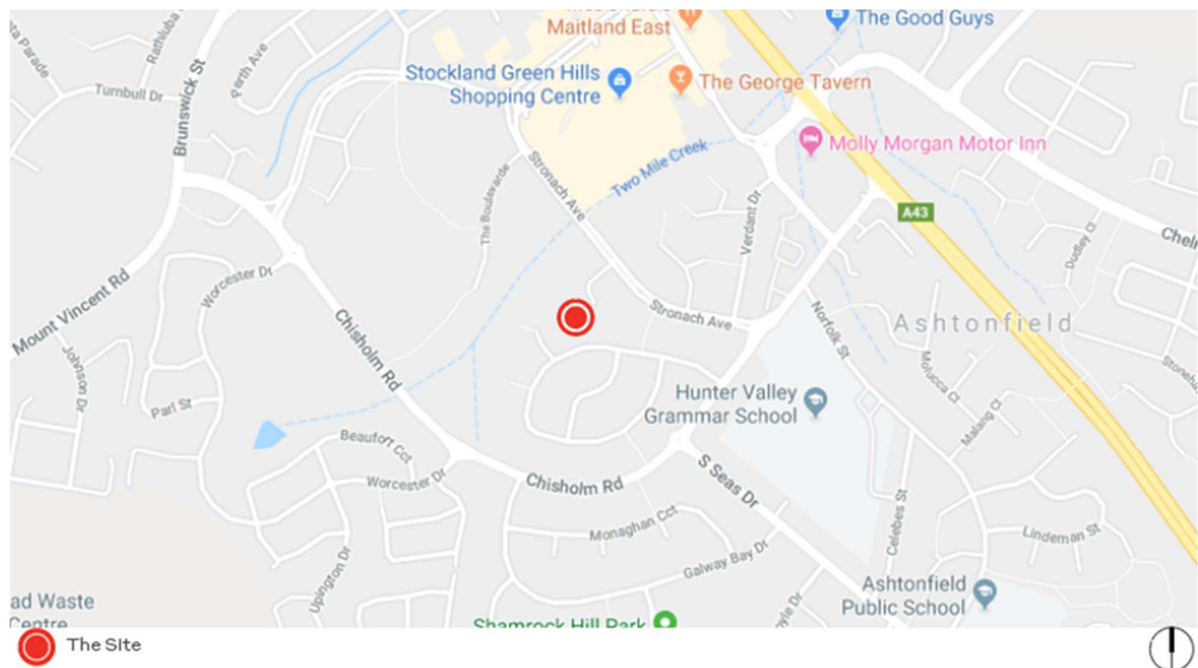




Figure 5: View from the Two Mile Creek riparian corridor looking south towards the site



Figure 6: View of Martin Close adjacent to the site





**Figure 7: The site context**

Source: Ethos Urban and Google Maps

**3.0 The proposal**

The proposal is for a residential aged care facility (RACF). Table 1 provides a summary of key parameters. Refer to the SEE for further detail, including site plans.

**Table 1: Key parameters**

Component	Proposal
GFA	10,508.40sqm
FSR	0.75:1
Maximum Height	RL33.1 (15.3m and 4 storeys)
Dwellings	160 RAC beds and 8 respite beds
Car Spaces	63 car spaces



**Figure 8: Proposed elevation (simulation)**

Source: Calderflower Architecture



Figure 9: Proposed elevation (simulation)

Source: Calderflower Architecture

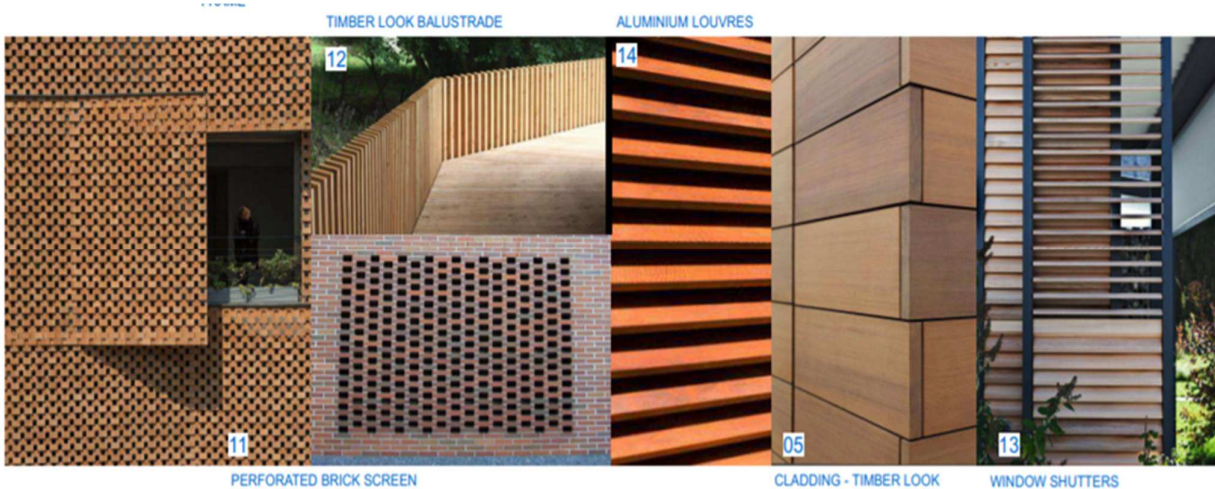


Figure 10: Proposed materials detail

Source: Calderflower Architecture

## 4.0 The planning framework

### 4.1 Strategic plans and local strategic planning statements

The following strategic plans and local strategic planning statements apply to the site:

1. Hunter Regional Plan 2036
2. Greater Newcastle Metropolitan Plan 2036
3. Draft Maitland Local Strategic Planning Statements 2040+.

As the proposal is not a planning proposal seeking to amend land use permissibility, formal assessment against these provisions for visual impact is not required.

## 4.2 Environmental planning instruments

The following environmental planning instruments apply to the site and are applicable to the assessment of the proposal's visual impact:

1. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
2. Maitland Local Environment Plan 2011 (MLEP2011).

### 4.2.1 Maitland Local Environment Plan 2011

Under the (MLEP2011) the site is subject to the following parameters:

- **Zone:** R1 General Residential
- **Minimum lot size:** 450sqm
- **Acid sulfate soils:** Class 5.

There is no maximum height or FSR controls for the site under the MLEP2011.

## 4.3 Development control plans

The following Development Control Plan applies to the site and is applicable to the assessment of the proposal's visual impact:

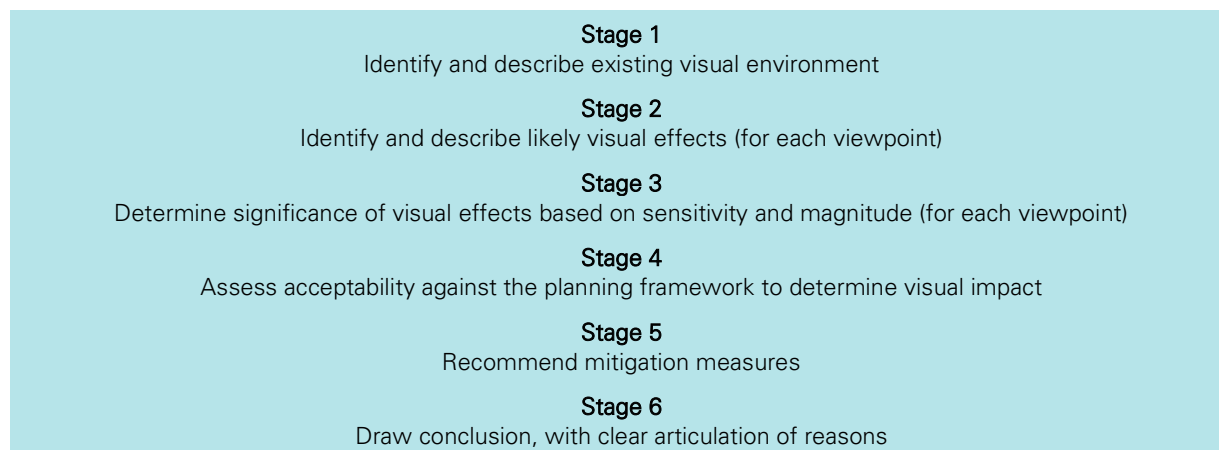
1. Maitland Development Control Plan 2011.

## 5.0 Methodology

The methodology used in this VIA is based on the international standard Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA3) published by the Landscape Institute and Institute of Environmental Management and Assessment in 2013, as adjusted to better reflect the local urban NSW context by including consideration of:

- the requirements of the NSW planning system under the Environmental Planning and Assessment Act 1979
- NSW Land and Environment Court planning principles
- NSW Land and Environment Court policy.

The GLVIA methodology is broadly outlined in **Figure 11**. Appendix 1 – Methodology provides further detail.



## Figure 11: Methodology

### Scope and limitations

The following matters have not been considered in this VIA:

- temporary construction activities
- night lighting
- Aboriginal visual considerations
- architectural merit
- broader amenity matters more appropriately considered as a planning matters in the main planning proposal document.

## 6.0 Existing visual character

This part of the document identifies and describes the existing visual environment, including viewshed, visual receptors, viewpoints and overall visual character

### 6.1 Viewshed

The viewshed is the area within which the proposal can be seen, either in totality or in part. Under the GLVIA3 method, there are two approaches to identifying viewshed:

1. digital approaches
2. manual approaches.

Given that digital approaches rely only on the elevation of the proposal relative to topography and do not factor in items that may obscure views such as built form and vegetation, in urban contexts it can often provide a misleading indication of the viewshed. On this basis, a manual approach based on desktop and field analysis has been undertaken.

The viewshed for the proposal (refer **Figure 12**) is localised due to the combination of:

- location of the site, in particular not having a public road frontage to most of its boundary
- the gently sloping landform that does not afford extensive views
- the extent of vegetation in parkland adjoining 2 Mile Creek that will likely in part screen views of the site
- the relatively low height of the proposal.

Overall, from all directions the character is suburban, with built form balanced by vegetation.

#### North-west

The prevailing character is medium density suburban residential comprising:

- single and two storey rows of flat accommodation largely aligned perpendicular to the public domain
- views to the vegetation associated with Two Mile Creek in the background, and in some locations (eg, the cul de sac head of the Boulevard) in the midground.

#### South-east

The prevailing character is low density suburban residential largely comprising:

- single to two storey detached dwelling houses surrounded by landscaped open space



- narrow, bitumen paved streets with jump kerbs and wide grassed verges
- a general absence of large, mature trees with spreading canopies in either the public or private or private domain
- views to the vegetation associated with Two Mile Creek in the background.

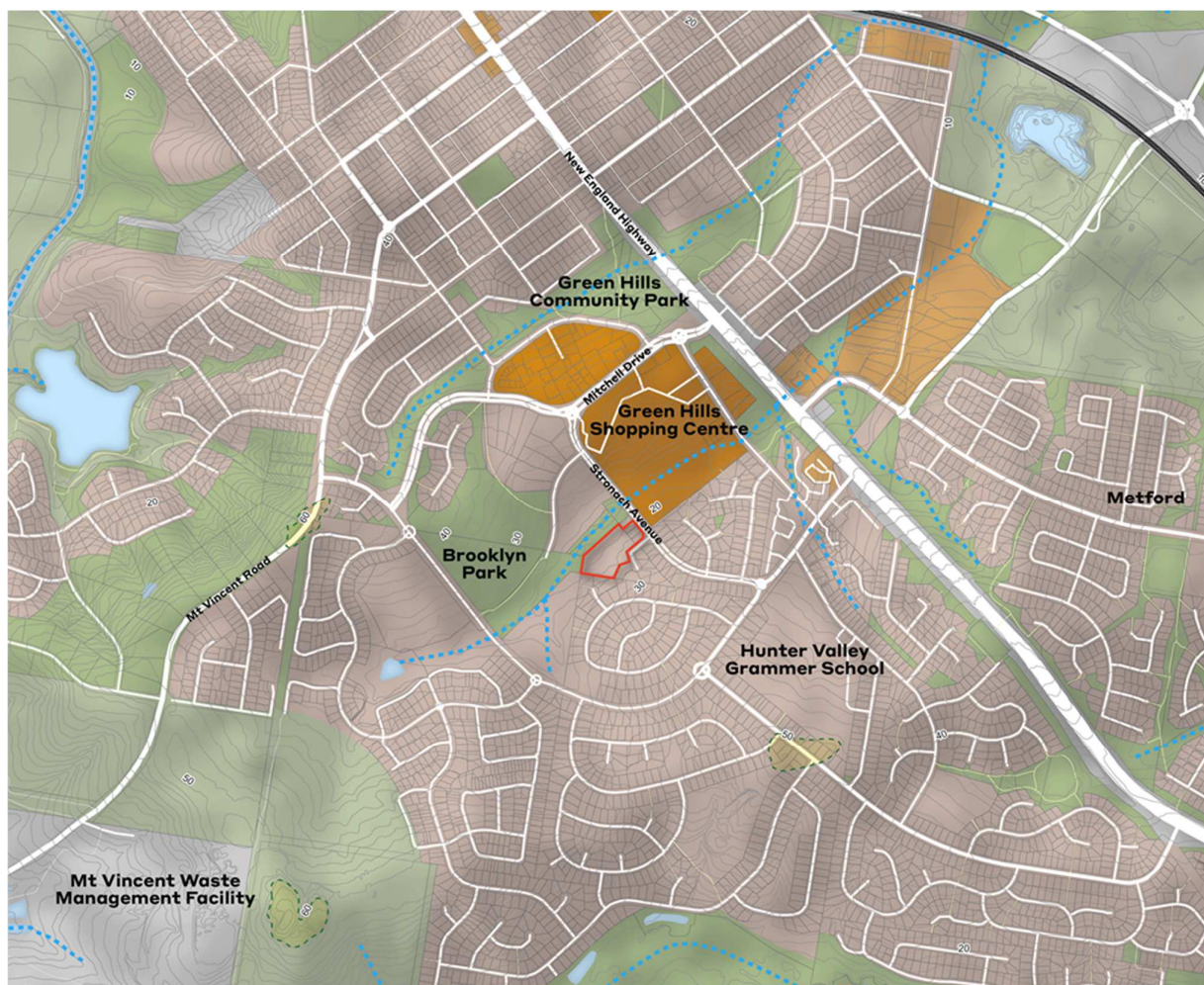
### North-east

The prevailing character is low density suburban residential largely comprising. In addition to having similar visual characteristics as locations to the south-east, from this directions views also include:

- Stronach Avenue as a wide, four lane arterial road with a centre median gently sweeping up from the natural topographic low point where it crosses 2 Mile Creek
- views to the Stockland Shopping Centre which presents as having significant scale (height and bulk) compared to surrounding other development, which is emphasised by the absence of articulation to the elevation facing Stronach Avenue and minimal transition to the adjoining 2 Mile Creek corridor
- the 2 Mile Creek corridor is able to be more fully appreciated (not simply as a background element).

### South-west

The prevailing character is that of the 2 Mile Creek Corridor, which is largely of a bushland character in this location.



**Figure 12: Viewshed****6.2 Visual receptors**

The main visual receptors (people) in this viewshed who are likely to be exposed to views of the proposal are:

- travellers (largely in cars, but also walking and cycling) using Stronach Avenue
- residents of nearby homes (immediately adjoining and across local roads from the site)
- residents in the retirement village on the northern side of 2 Mile Creek
- people engaged in informal outdoor recreation in the parkland adjoining 2 Miles Creek.

**6.3 Viewpoints**

Viewpoints fall broadly into three categories (GLVIA3):

1. **representative viewpoints:** selected to represent the experience of different types of visual receptor, where larger numbers of viewpoints cannot all be included individually and where the significant effects are unlikely to differ — for example, certain points may be chosen to represent the views of users of particular public footpaths
2. **specific viewpoints:** chosen because they are key and sometimes promoted viewpoints within the landscape, including for example specific local visitor attractions, viewpoints in areas of particularly noteworthy visual and/or recreational amenity such as landscapes with statutory landscape designations, or viewpoints with particular cultural landscape associations
3. **illustrative viewpoints:** chosen specifically to demonstrate a particular effect or specific issues, which might, for example, be the restricted visibility at certain locations.

The viewpoints used need to cover as wide a range of situations as is possible, reasonable and necessary to cover the likely significant effects (GLVIA3). The selection of the final viewpoints used for the assessment should take account of a range of factors, including:

- the accessibility to the public
- the potential number and sensitivity of viewers who may be affected
- the viewing direction, distance (i.e. short-, medium- and long-distance views) and elevation
- the nature of the viewing experience (for example static views, views from settlements and views from sequential points along routes)
- the view type (for example panoramas, vistas and glimpses)
- the potential for cumulative views of the proposed development in conjunction with other developments.

Having regard to the viewshed and the pattern of viewing, the viewpoints identified in Table 2 were selected for consideration as part of this VIA. Due to the moderating influence of distance and the nature of the proposal as

**Table 2: Viewpoints**

Ref	Name	Visual receptors	Category
1.	Corner of Stronach Avenue and Martin Close	Travellers using Stronach Avenue	Representative viewpoint
2.	Martin Close	Residents of nearby homes	Representative viewpoint
3.	Erin Close	Residents of nearby homes	Representative viewpoint



Ref	Name	Visual receptors	Category
4.	Two Mile Creek Bridge	Residents in the retirement village and people engaged in informal outdoor recreation	Representative viewpoint
5.	The Boulevard - Brooklyn Park	Residents in the retirement village and people engaged in informal outdoor recreation	Representative viewpoint
6.	44 Stronach Avenue	Residents of nearby homes	Illustrative viewpoints

## 7.0 Visual effects

This part of the document identifies and describes the likely visual effects of the proposal on views obtained from the viewpoints, and assesses the significance of these impacts against the factors of sensitivity and magnitude

Consistent with visual impact convention, the primary intent of this visual impact assessment is to enable the consent authority to better understand the likely visual bulk and scale of the proposal. On this basis, neither landscaping nor materiality has been included in the photomontages upon which the assessment in this section is based. To this effect, they represent a 'worst case' scenario in terms of visual impact. In actuality, landscaping and materiality will combine to substantially enhance the proposal's integration within its context as follows:

- it is expected that extensive, context appropriate landscaping will be incorporated in the development and required as a condition of consent (refer to landscaping plans)
- this will substantially soften the prominence of built form, and will over time function to partly screen aspects of the development when viewed from locations in the public domain such as Martin Close
- materiality (eg, brick, glass) of the external elevations will further assist in better integrating the built form into the surrounding context, in particular through the effect of texture and colour (refer to the architectural plans).

7.1 Viewpoint 1 – Corner of Stronach Avenue and Martin Close





### 7.1.1 Visual effects



Figure 13: Viewpoint 1: Corner of Stronach Avenue and Martin Close - proposed

### 7.1.2 Sensitivity

The following is an assessment of the proposal against the factors of sensitivity:

- **people:** people at this viewpoint will mainly be residents at home
- **the view:** the current view (factoring in demolition) is of a suburban landscape in which built form is largely subservient to landscape. It is considered to have local value.

On this basis, the overall sensitivity is medium – high.

### 7.1.3 Magnitude

The following is an assessment of the proposal against the factors of magnitude:

- **size or scale:** major
- **geographical extent of the area influenced:** wide area
- **duration and reversibility:** ongoing capable of being reversed.

When considered together, the overall magnitude is considerable (refer **Table 3**).

Table 3: Viewpoint 1: Corner of Stronach Avenue and Martin Close – magnitude

		Duration and / or reversibility			
		Ongoing and irreversible	Ongoing capable of being reversed	Limited life (5 – 10 years)	Limited life (< 5 years)
Scale of change	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area, or Moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area; or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area; or Insignificant change	Perceptible	Perceptible	Perceptible	Imperceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

#### 7.1.4 Significance

Combining assessment of sensitivity and magnitude gives a significance of moderate - high (refer **Table 4**).

Table 4: Viewpoint 1: Corner of Stronach Avenue and Martin Close – significance of visual effect

		Magnitude				
		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
Sensitivity	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible



7.2 Viewpoint 2 –Martin Close



Figure 14: Viewpoint 2: Martin Close - existing

### 7.2.1 Visual effects



Figure 15: Viewpoint 2: Martin Close - proposed

### 7.2.2 Sensitivity

The following is an assessment of the proposal against the factors of sensitivity:

- **people:** people at this viewpoint will mainly be residents at home
- **the view:** the current view (factoring in demolition) is of a suburban landscape in which built form is largely subservient to landscape. It is considered to have local value.

On this basis, the overall sensitivity is medium – high.

### 7.2.3 Magnitude

The following is an assessment of the proposal against the factors of magnitude:

- **size or scale:** major
- **geographical extent of the area influenced:** wide area
- **duration and reversibility:** ongoing capable of being reversed.

When considered together, the overall magnitude is considerable (refer **Table 5**).



Table 5: Viewpoint 2: Martin Close – magnitude

		Duration and / or reversibility			
		Ongoing and irreversible	Ongoing capable of being reversed	Limited life (5 – 10 years)	Limited life (< 5 years)
Scale of change	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area, or Moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area; or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area; or Insignificant change	Perceptible	Perceptible	Perceptible	Imperceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

#### 7.2.4 Significance

Combining assessment of sensitivity and magnitude gives a significance of moderate - high (refer **Table 6**).

Table 6: Viewpoint 2: Martin Close – significance of visual effect

		Magnitude				
		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
Sensitivity	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

7.3 Viewpoint 3 – Erin Close

7.3.1 Existing visual character





Figure 16: Viewpoint 3: Erin Close - existing

### 7.3.2 Visual effects



Figure 17: Viewpoint 3: Erin Close - proposed

### 7.3.3 Sensitivity

The following is an assessment of the proposal against the factors of sensitivity:

- **people:** people at this viewpoint will mainly be residents at home
- **the view:** the current view is of a suburban landscape in which built form is balanced by landscaped open space in private gardens and a wide street verge. The 2 Mile Creek riparian corridor is not a major visible element in this view. It is considered to have local value.

On this basis, the overall sensitivity is medium – high.

### 7.3.4 Magnitude

The following is an assessment of the proposal against the factors of magnitude:

- **size or scale:** minor
- **geographical extent of the area influenced:** restricted area
- **duration and reversibility:** ongoing capable of being reversed.

When considered together, the overall magnitude is perceptible (refer **Table 7**).

Table 7: Viewpoint 3: Erin Close – magnitude

		Duration and / or reversibility			
		Ongoing and irreversible	Ongoing capable of being reversed	Limited life (5 – 10 years)	Limited life (< 5 years)
Scale of change	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area, or Moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area; or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area; or Insignificant change	Perceptible	<b>Perceptible</b>	Perceptible	Imperceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

### 7.3.5 Significance

Combining assessment of sensitivity and magnitude gives a significance of low (refer **Table 8**).

Table 8: Viewpoint 3: Erin Close – significance of visual effect

		Magnitude				
		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
Sensitivity	High	Major	High	Moderate	<b>Low</b>	Negligible
	Medium	High	Moderate	Low	<b>Low</b>	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

7.4 Viewpoint 4 – Two Mile Creek Bridge

7.4.1 Existing visual character





Figure 18: Viewpoint 4: Two Mile Creek Bridge - existing

#### 7.4.2 Visual effects



Figure 19: Viewpoint 4: Two Mile Creek Bridge - proposed

#### 7.4.3 Sensitivity

The following is an assessment of the proposal against the factors of sensitivity:

- **people:** people at this viewpoint will mainly be people engaged in active outdoor recreation whose attention or interest may in part be invested in the surrounding landscape
- **the view:** the current view is that of the 2 Mile Creek riparian corridor leading away to the site and surrounding suburban landscape behind.

On this basis, the overall sensitivity is medium – high.

#### 7.4.4 Magnitude

The following is an assessment of the proposal against the factors of magnitude:

- **size or scale:** major
- **geographical extent of the area influenced:** wide area
- **duration and reversibility:** ongoing capable of being reversed.

When considered together, the overall magnitude is considerable (refer **Table 9**).



Table 9: Viewpoint 4: Two Mile Creek Bridge – magnitude

		Duration and / or reversibility			
		Ongoing and irreversible	Ongoing capable of being reversed	Limited life (5 – 10 years)	Limited life (< 5 years)
Scale of change	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area, or Moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area; or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area; or Insignificant change	Perceptible	Perceptible	Perceptible	Imperceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

#### 7.4.5 Significance

Combining assessment of sensitivity and magnitude gives a significance of high – moderate (refer **Table 10**).

Table 10: Viewpoint 4: Two Mile Creek Bridge – significance of visual effect

		Magnitude				
		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
Sensitivity	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

7.5 Viewpoint 5 – The Boulevard, Brooklyn Park

7.5.1 Existing visual character



Figure 20: Viewpoint 5: The Boulevard, Brooklyn Park - existing

### 7.5.2 Visual effects



Figure 21: Viewpoint 5: The Boulevard, Brooklyn Park - proposed

### 7.5.3 Sensitivity

The following is an assessment of the proposal against the factors of sensitivity:

- **people:** people at this viewpoint will mainly be residents at home
- **the view:** the current view is that of a suburban landscape with the 2 Mile Creek a noticeable element in the background.

On this basis, the overall sensitivity is medium – high.

### 7.5.4 Magnitude

The following is an assessment of the proposal against the factors of magnitude:

- **size or scale:** minor
- **geographical extent of the area influenced:** restricted
- **duration and reversibility:** ongoing capable of being reversed.

When considered together, the overall magnitude is perceptible (refer **Table 11**).



Table 11: Viewpoint 5: The Boulevard, Brooklyn Park – magnitude

		Duration and / or reversibility			
		Ongoing and irreversible	Ongoing capable of being reversed	Limited life (5 – 10 years)	Limited life (< 5 years)
Scale of change	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area, or Moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area; or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area; or Insignificant change	Perceptible	<b>Perceptible</b>	Perceptible	Imperceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

### 7.5.5 Significance

Combining assessment of sensitivity and magnitude gives a significance of low (refer **Table 12**).

Table 12: Viewpoint 5: The Boulevard, Brooklyn Park – significance of visual effect

		Magnitude				
		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
Sensitivity	High	Major	High	Moderate	<b>Low</b>	Negligible
	Medium	High	Moderate	Low	<b>Low</b>	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

7.6 Viewpoint 6 – 44 Stronach Avenue

7.6.1 Existing visual character





Figure 22: Viewpoint 6: 44 Stronach Avenue - existing

### 7.6.2 Visual effects



Figure 23: Viewpoint 6: 44 Stronach Avenue - proposed

### 7.6.3 Sensitivity

The following is an assessment of the proposal against the factors of sensitivity:

- **people:** people at this viewpoint will mainly be travellers using Stronach Avenue. This angle capture the visual experience of a pedestrian using the pedestrian path om the eastern side of Stronach Avenue, however it provides an approximation of the what a driver or passenger in a car would also experience (noting difference in eye heights)
- **the view:** the current view is across a major road to a suburban landscape that is dominated by the 2 Mile Creek riparian corridor.

On this basis, the overall sensitivity is low – medium.

### 7.6.4 Magnitude

The following is an assessment of the proposal against the factors of magnitude:

- **size or scale:** moderate (due to the change in use and associated built form from low density to medium density, and not scale in its own right)
- **geographical extent of the area influenced:** restricted
- **duration and reversibility:** ongoing capable of being reversed.



When considered together, the overall magnitude is noticeable (refer **Table 13**).

**Table 13: Viewpoint 6: 44 Stronach Avenue – magnitude**

		Duration and / or reversibility			
		Ongoing and irreversible	Ongoing capable of being reversed	Limited life (5 – 10 years)	Limited life (< 5 years)
Scale of change	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area, or Moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area; or Minor change over a wide area	Considerable	<b>Noticeable</b>	Noticeable	Perceptible
	Minor change over a restricted area; or Insignificant change	Perceptible	Perceptible	Perceptible	Imperceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

### 7.6.5 Significance

Combining assessment of sensitivity and magnitude gives a significance of low (refer **Table 14**).

**Table 14: Viewpoint 6: 44 Stronach Avenue – significance of visual effect**

		Magnitude				
		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
Sensitivity	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	<b>Low</b>	Low	Negligible
	Low	Moderate	Low	<b>Low</b>	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

### 7.7 Summary of visual effects

**Table 15** provides a summary of visual effects.

Table 15: Summary of visual effect

Viewpoint	Sensitivity	Magnitude	Significance
1 – Corner of Stronach Avenue and Martin Close	Medium - high	Considerable	Medium – high
2 – Martin Close	Medium - high	Considerable	Medium – high
3 – Erin Close	Medium - high	Perceptible	Low
4 – Two Mile Creek Bridge	Medium - high	Considerable	Medium – high
5 – The Boulevarde, Brooklyn Park	Medium - high	Perceptible	Low
6 – 44 Stronach Avenue	Low – medium	Noticeable	Low

## 8.0 Assessment against the planning framework

This part of the document assesses the appropriateness of the potential visual impacts against the planning framework.

### 8.1 Environmental planning instruments

#### State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Table 16 provides an assessment against the relevant provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Table 16: Assessment against State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Provision	Assessment
<b>Part 3 Design requirements, Division 1 General, Clause 30 Site analysis</b>	
(3) The following information about a site is to be identified in a site analysis – <ul style="list-style-type: none"> <li>(g) Views to and from the site</li> </ul>	This VIA satisfies this provision
(4) The following information about the surrounds of a site is to be identified in a site analysis— <ul style="list-style-type: none"> <li>(e) Views and solar access enjoyed by neighbouring properties</li> </ul>	This VIA satisfies this provision
<b>Clause 33 Neighbourhood amenity and streetscape</b>	
The proposed development should— <ul style="list-style-type: none"> <li>(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</li> </ul>	The key desirable visual elements of the location’s current character include: <ul style="list-style-type: none"> <li>the 2 Mile Creek riparian corridor, including views to the corridor as a background element from adjoining residential areas</li> </ul>

Provision	Assessment
<ul style="list-style-type: none"> <li>• (c) maintain reasonable neighbourhood amenity and appropriate residential character by— <ul style="list-style-type: none"> <li>– (i) providing building setbacks to reduce bulk and overshadowing</li> <li>– (ii) using building form and siting that relates to the site’s land form</li> <li>– (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development</li> <li>– (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours</li> </ul> </li> <li>• (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</li> <li>• (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape</li> <li>• (f) retain, wherever reasonable, major existing trees</li> <li>• (g) be designed so that no building is constructed in a riparian zone</li> </ul>	<ul style="list-style-type: none"> <li>• the balancing of built form with landscaped open space in the form of private gardens, as well as wide street verges.</li> </ul> <p>The proposal will retain these key desirable visual elements, ensuring:</p> <ul style="list-style-type: none"> <li>• no building intrudes within the creek corridor</li> <li>• stepping built form down the site away from Martin Close to target retention of some longer distance views to the existing riparian vegetation</li> <li>• retaining existing significant vegetation where not required to be removed to site the building and its associated elements</li> <li>• including substantial, context appropriate landscaping.</li> </ul> <p>It is noted that the R1 General Residential zoning of the site allows for the proposed use, as well as a range of other uses of a density and scale that are typically greater than that of the prevailing, surrounding low density residential visual character. On this basis, in relation to this provision, it can be considered that the site is allowed to undergo a level of change. The acceptability of this change from a visual perspective is therefore more about responding to existing desirable elements, as opposed to replicating them.</p> <p>As can be seen from the site plans that accompany this DA, buildings will be setback a substantial distance from all property boundaries. In particular, it will be setback a greater distance than the prevailing building line to Martin Close. However, a greater setback of this nature is considered appropriate to mitigate the visual impact of the larger, taller built form allowed on the site under its zoning.</p> <p>Conversely, the proposal achieves a marginally lesser setback to parts of its northern boundary compared to that stipulated by the MDCP2011. This northern boundary adjoins the 2 Mile Creek riparian corridor. Largely due to its attributes (eg, width, tall trees) and its spatial relationship to the proposal (the creek is the dominant foreground and midground element, with the proposal in the background and in part screened by vegetation), the 2 Mile Creek riparian corridor substantially mitigate the visual impact of the proposal when viewed from the public domain to the north. This is illustrated in the photomontages. The inclusion of landscaping in accordance with the</p>



Provision	Assessment
	<p>submitted landscaping plan will further mitigate the presence of built form. On this basis, it is considered that this setback variance is acceptable on visual impact merit grounds.</p> <p>As noted above, a key design concept was to use building form and siting to respond to the natural landform, steeping down to the creek. This has the added benefit of reducing the apparent height and bulk of the proposal when viewed from Martin Close.</p> <p>Any impacts on neighbouring properties from boundary walls can be conditions as part of development consent.</p> <p>As noted in the architect's design statement:</p> <ul style="list-style-type: none"> <li>• 'The design concept for the new building was to provide a building that was strongly connected with the landscape setting and especially the existing mature trees both on the site and in the riparian corridor and adjacent bushland park'.</li> </ul> <p>Consistent with this, where not required to site the proposal, existing significant vegetation on the site is proposed to be retained. This will be complemented by extensive and context appropriate new landscaping (refer to landscape plan). This will assist in reducing the visual impact of proposed built form, including building and hardcover.</p> <p>No building is constructed in a riparian zone.</p>

### Maitland Local Environmental Plan 2011

Table 17 provides an assessment against the relevant provisions of the Maitland Local Environmental Plan 2011.

**Table 17: Assessment against the Maitland Local Environmental Plan 2011**

Provision	Assessment
<b>Clause 4.3 Height of buildings</b>	
<p>(1) The objectives of this clause are as follows -</p> <ul style="list-style-type: none"> <li>• (a) to ensure that the height of buildings complements the streetscape or the rural character of the area in which the buildings are located</li> <li>• (b) to protect the heritage character and significance of buildings and avoid an adverse effect on the integrity of heritage items</li> </ul>	<p>The MLEP2011 does not have a maximum height control for the site. However, the MDGP2011 specifies a maximum height of 11m for residential flat buildings. The proposal has a maximum height of 15.3m in the north of the site closer to its boundary with 2 Mile Creek.</p>

Provision	Assessment
<ul style="list-style-type: none"> <li>(c) to ensure that the height of buildings protects the amenity of neighbouring properties in terms of visual bulk, access to sunlight, privacy and views</li> </ul>	<p>The reason for the height exceedance is primarily due to natural slope of the land down towards 2 Mile Creek, and a desire to both minimise cut and fill for environmental reasons and reduce height closet to adjoining residential uses to the south.</p> <p><b>When viewed from adjoining residential areas</b></p> <p>The height of the proposal when viewed from the public domain to the south is greater than that prevailing in the streetscape. However, through building siting (in particular its substantial setback to Martin Close), the visual impact of this height difference is mitigated to generally complement the streetscape, consistent with the expectations of its R1 General Residential zoning.</p> <p>As can be seen from the photomontages, the proposal does not form a prominent visual element behind neighbouring properties when viewed from the public domain Erin Close or Stronach Avenue. While not shown in the photomontages, reference to the architectural plans shows that the proposal has an irregular shape and form and includes substantial setbacks to neighbouring properties. The visual impact of this design is in part illustrated from viewpoint 6 showing the view from opposite 44 Stronach Avenue.</p> <p>Overall, the visual impact of height when viewed from locations to the south is considered acceptable on visual impact grounds.</p> <p><b>When viewed from 2 Mile Creek</b></p> <p>The height exceedance is visible from this location. It is considered that any development for uses such as that proposed as allowed in the R1 General Residential zone will result in greater building scale than what currently exists on the site. When viewed from this location, the visual impact of such scale, including height, is mitigated by:</p> <ul style="list-style-type: none"> <li>the attributes of the riparian corridor itself</li> <li>the location of the proposal in the background of the view</li> <li>the siting and irregular, indented form of the building</li> <li>its articulation into smaller, perceptible elements through the detailing of elevations</li> <li>its varied roofline.</li> </ul> <p>It is considered that these measures combine to offset the height exceedance of the scale and nature proposed. On this basis, the visual impact of the proposed height is considered acceptable.</p>

Provision	Assessment
	The planning framework does not identify any significant views that are sought to be protected or enhanced.

## 8.2 Development control plans

Table 18 provides an assessment against the relevant provisions of the Maitland Development Control Plan 2011.

Table 18: Assessment against the Maitland Development Control Plans 2011

Provision	Assessment
<b>B.7 – Riparian Land and Waterways</b>	
<p>2.5 Objectives:</p> <ul style="list-style-type: none"> <li>a) To help maintain the functions of waterways and floodplain areas</li> <li>b) To protect natural features and biodiversity within riparian land</li> <li>c) To provide a riparian buffer and manage edge effects appropriately at the riparian land/development interface</li> </ul>	<p>The proposal will be visible from the adjoining 2 Mile Creek riparian corridor. This is best illustrated in the photomontage for viewpoint 5. The 2 Mile Creek corridor has substantial visual value, providing a key source of visual amenity for the surrounding area. This amenity is largely derived from its width, the natural form of its beds and banks and the presence of tall eucalypts at intervals that create a near continuous leaf canopy. The proposal will not interfere with any of these elements, and through the location of areas such as the 'Native Meadow', 'The Backyard', the 'Sensory Garden' and 'Rain Garden' will enable a degree of visual integration between the development and the creek.</p>
<b>B.5 – Tree Management</b>	
<p>Performance criteria:</p> <ul style="list-style-type: none"> <li>The amenity of the area is maintained through the preservation of trees and other vegetation</li> </ul>	<p>As has already been noted, existing significant vegetation will be retained where not required to site the proposal.</p>
<b>Part C – Design Guidelines – Residential Design</b>	
<p>7. Site Coverage and unbuilt areas:</p> <ul style="list-style-type: none"> <li>To maximise opportunities for landscaping of the site which incorporate larger scale plantings consistent with reducing the visual impact of hard building finishes and promoting improved amenity within the site and enhanced streetscapes</li> </ul>	<p>The proposal includes substantial, context appropriate and well considered landscaping that will assist in both reducing the visual impact built form and hardcover from the adjoining public domain, neighbouring properties and improve its visual integration with the 2 Mile Creek riparian corridor.</p>
<p>Design principle:</p> <ul style="list-style-type: none"> <li>o) The landscape plan for the development shall recognise private open space areas as 'outdoor rooms' and the design shall incorporate <ul style="list-style-type: none"> <li>II. Garden areas to reduce the 'hard' visual impact of fencing, paving and walls</li> </ul> </li> </ul>	



Provision	Assessment
<b>14. Fencing and Walls</b>	
Design Requirements: <ul style="list-style-type: none"> <li>f) For all residential development where sheet metal fencing is used it should be of mid to dark earthy colour to make the fence visually recessive</li> </ul>	It is noted proposed to include sheet metal fencing. However, a condition of development consent ca be imposed that requires this outcome should it be provided in the future.
<b>15. Driveway Access and Carparking</b>	
Design Requirements: <ul style="list-style-type: none"> <li>g) Landscaping shall be incorporated into the design of driveway and manoeuvring areas to minimise the expanse of hard surfaces and adverse visual impacts on the streetscape</li> </ul>	The 'Entry Forecourt' and associated vehicle circulation areas either incorporate or are bordered by planting areas of substantial size
<b>16. Views and Visual and Acoustic Privacy</b>	
Objectives: <ul style="list-style-type: none"> <li>a) To encourage the sharing of views whilst not restricting the reasonable development potential of a site</li> </ul>	Due to the nature of the viewshed as outlined in this report, other properties do not have significant to elements or features of high visual significance. Views across the site to the 2 Mile Creek riparian corridor in the background are obtained from Erin Close and Martin Close. While the views from Erin Close are unlikely to be significantly impacted (see view 3), views from Martin Close will be reduced. However, noting what is permitted by the LEP in the R1 General Residential zone and the typical scale requirements of this form of development, it is considered that the proposal represents a skilful design outcome (in particular achieved through stepping down to the creek) that provides a considered, reasonable and therefore acceptable response to the value of these views.  Neither the planning framework or our independent assessment identifies the presence of grand vistas or significant views in the surrounding area.  Neither the site or surrounding area includes any environmental heritage item or familiar dominant landmark.
Design Principles: View Sharing <ul style="list-style-type: none"> <li>d) All property owners should be able to develop their property within the established planning guidelines, however, existing views should not be substantially affected where it is possible to design for the sharing of views</li> <li>e) Grand vistas and significant views that are recognised and valued by the community should not be obscured by new development</li> <li>f) Heritage or familiar dominant landmarks should be retained and not obscured</li> </ul>	
<b>19. Security, Site Facilities and Services</b>	
Objectives: <ul style="list-style-type: none"> <li>b) To ensure that site facilities such as garbage bin enclosures, mail boxes, clothes drying areas, external storage facilities, exterior lighting and signage are designed to be functional, visually attractive and easy to maintain</li> </ul>	As shown in the architectural plans, these facilities are designed to have a visually attractive appearance.

Provision	Assessment
Design requirements: <ul style="list-style-type: none"> <li>h) Garbage or recycling areas, mail boxes and external storage facilities shall be sited and designed for functionality, attractive visual appearance and efficient and convenient use</li> </ul>	
<b>C.11 – Vehicular Access &amp; Car Parking</b>	
Objectives: <ul style="list-style-type: none"> <li>To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use</li> </ul>	As is noted in the Architectural Design Statement, 'the position of driveway increases the buffer and setback to the neighbouring properties and its arrangement preserves the existing tree cluster on the south east boundary'
General design principles: <ul style="list-style-type: none"> <li>Within the development site, the location of the parking area should be determined having regard to:               <ul style="list-style-type: none"> <li>b) visual amenity of the proposed and adjacent development</li> </ul> </li> </ul>	

### 8.3 Summary of visual impact

Table 19 provides a summary of visual impact.

Table 19: Summary of visual impact

Part of planning framework	Key issue/s	Consistency
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004		☒
Maitland Local Environmental Plan 2011		☒
Maitland Development Control Plan 2011		☒

## 9.0 Mitigation measures

This part of the document identifies any mitigation measures to address any adverse visual impacts

It is not considered necessary to make fundamental or otherwise large-scale changes to the proposal in its current form to satisfactorily manage visual impact. Critical to the overall visual acceptability of the proposal are:

- conditioning neutral, textured materiality for externally visible elevations. This may include face brick, painted render, vertical lightweight cladding boards and detail elements in warm coloured timber look finishes
- conditioning development to occur in accordance with the submitted landscaping plan.

## 10.0 Conclusion

This part of the document identifies whether the proposal in its current form can be supported on visual impact grounds

Based on this VIA, it is not considered necessary to make fundamental or otherwise large-scale changes to the proposal in its current form to satisfactorily manage visual impact.

On this basis and subject to the mitigation measures outlined in this document, it is considered that the proposal in its current form has acceptable visual impact and as such can be supported on visual grounds.

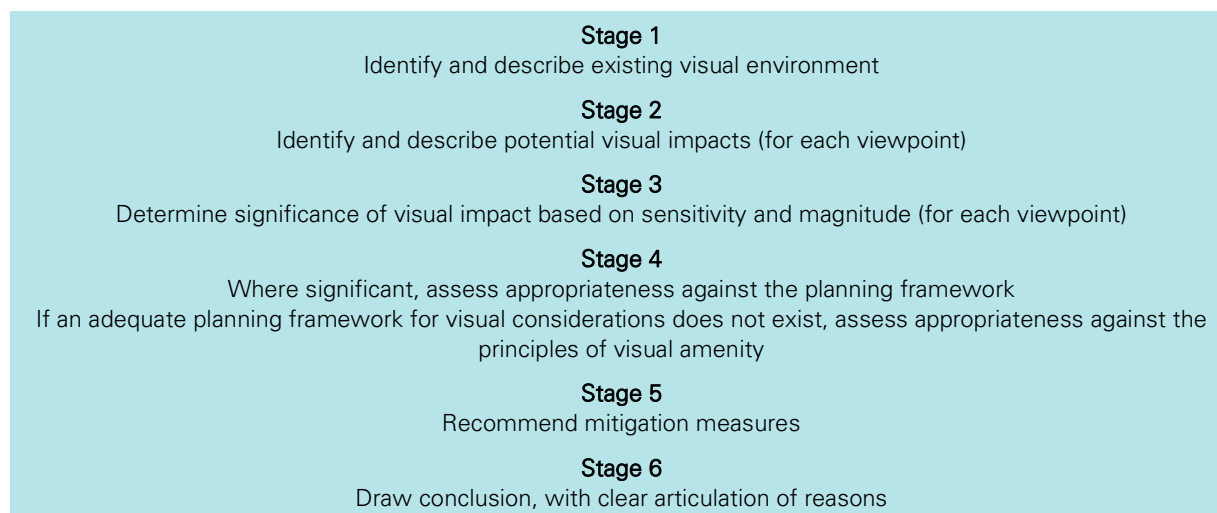
## Appendix A. Methodology

There is currently no national level guideline document for VIA in Australia (ALA, 2018). However, there are a number of key international documents that are commonly referred to in Australian VIAs. One of these is the 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA3) published by the Landscape Institute and Institute of Environmental Management and Assessment in 2013. Unlike other documents which are largely focussed on natural and rural landscapes, the GLVIA provides more broadly applicable guidance that is able to be applied to urban contexts. On this basis, it has been adopted as the methodological basis for this VIA.

The methodology has also been adjusted to better reflect the local NSW context by including consideration of:

- the requirements of the NSW planning system under the Environmental Planning and Assessment Act 1979
- NSW Land and Environment Court planning principles
- NSW Land and Environment Court policy.

The GLVIA methodology is broadly outlined in the following figure:



### Components of a view

For the purposes of this methodology, there are two main components that make up the nature of a view:

1. characteristics, or what is in the view
2. composition, or how these come together.

Characteristics include elements (eg, trees) and features (eg a large, mature Moreton Bay fig). Composition can generally be considered as the fore, mid and background, with occasional reference to a backdrop, as well as how things are placed when read left to right across the view.

### Sensitivity

The sensitivity of visual receptors to changes in views and visual amenity is mainly a function of:

1. **people:** the occupation or activity of people experiencing the view at particular locations and therefore the extent to which their attention or interest may therefore be focused on the views and the visual amenity they experience at particular locations
2. **the view:** the value attached to the view itself.



## People

The following table shows factors that are typically correlated to different sensitivity ratings. It is important to note that this needs to be considered individually for each situation.

Rating	Details
<b>High</b>	<ul style="list-style-type: none"> <li>Residents at home</li> <li>Communities where views contribute to the landscape setting enjoyed by residents in the area</li> <li>People, whether residents or visitors, who are engaged in outdoor recreation (active or passive), whose attention or interest is likely to be focused on the landscape and on particular views</li> <li>Visitors to heritage assets, or to other attractions, where views of the surroundings are an important contributor to the experience</li> </ul>
<b>Medium</b>	<ul style="list-style-type: none"> <li>Travellers on road, rail or other transport routes</li> <li>People, whether residents or visitors, who are engaged in outdoor recreation (active or passive), who have an interest in the landscape</li> </ul>
<b>Low</b>	<ul style="list-style-type: none"> <li>People engaged in outdoor sport or recreation which does not involve or depend upon appreciation of views of the landscape</li> <li>People at their place of work whose attention may be focused on their work or activity, not on their surroundings, and where the setting is not important to the quality of working life (although there may on occasion be cases where views are an important contributor to the setting and to the quality of working life)</li> <li>People engaged in entertainment activities</li> </ul>
<b>Negligible</b>	<ul style="list-style-type: none"> <li>Viewing locations outside of the above parameters</li> </ul>

## The view

Sensitivity is also informed by objective and subjective value.

In general, objective value is based on assessment of characteristics and composition when considered against formal aesthetic principles (eg, line, form, colour), perceptual matters (eg, balance, proportion, scale) and other aspects such as rarity, representativeness and condition (LI and IEMA, 2013) and iconic status (Planisphere, 2016) (NSW Land and Environment Court).

Subjective value is determined by people's perception. While there is variation according to factors such as culture, the following principles have been consistently found in scenic preference studies and community consultation (AILA, 2018):

- water and natural elements are preferred over urban scenes
- mountains and hills are preferred over flat land
- views are preferred which include both mid-ground elements (with some detail discernible) and a background
- views with skyline features and views which include focal points are preferred.

More specifically, the following elements have been found to be of high scenic value (Queensland Government, 2007):

- sandy beaches
- ocean, rivers, creeks and dams

- eucalypt forest and native plantations.

In general, views that have the following parameters are capable of being considered to have a high value:

- designated landscapes or the backdrop to a heritage item
- recognised and important viewpoints or from recognised scenic routes
- full views to iconic landscape elements (eg Sydney Opera House)
- other specific designation in an environmental planning instrument.

### **Tenacity**

In his judgement in *Tenacity Consulting v Waringah* [2004] NSWLEC 140 that is the basis for the NSW planning principle for general views, Roseth SC determined that the nature of the view with particular consideration to extent (eg, whole vs partial), and nature (eg water vs land; presence of iconic elements) of the views.

### **Magnitude**

The categories of magnitude are:

1. major
2. moderate
3. minor
4. insignificant
5. imperceptible.

Under the GLVIA, the category of magnitude is determined against three main factors:

1. size or scale
2. geographical extent of the area influenced
3. duration and reversibility.

### **Size or scale**

Size or scale requires consideration of the following factors:

- the scale of the change in the view with respect to the loss or addition of features in the view and changes in its composition, including the proportion of the view occupied by the proposed development
- the degree of contrast or integration of any new features or changes in the landscape with the existing or remaining landscape elements and characteristics in terms of form, scale and mass, line, height, colour and texture
- the nature of the view of the proposed development, in terms of the relative amount of time over which it will be experienced and whether views will be full, partial or glimpses.

In general, large-scale changes which introduce new, non-characteristic or discordant or intrusive elements into the view are more likely to have a higher magnitude.

### **Geographical extent of the area influenced**

The categories of size and scale are:

1. large
2. restricted.

The apparent geographical extent will vary with different viewpoints. Determining which category the impact fits within requires consideration of the following factors:

- the angle of view in relation to the main activity of the receptor
- the distance of the viewpoint from the proposed development
- the extent of the area over which the changes would be visible.

Distance is of particular relevance. In general, the greater the distance between the viewing location and the proposal the lesser the impact. As a general guide the following apply (RLA, 2016):

- high: <100m (ie, close range)
- medium: 100m – 1km (ie, medium range)
- low: >1km (ie, long range).

**Duration and reversibility**

Duration and reversibility comprise the following (in descending order of general visual impact):

- ongoing and irreversible (noting that major, strata titled residential development usually falls within this category)
- ongoing capable of being reversed
- limited life (5 – 10 years)
- limited life (< 5 years).

The factors of size or scale, geographical extent of the area influenced and duration and reversibility are combined to determine the magnitude of the impact. This is shown in the following table.

		Duration and / or reversibility			
		Ongoing and irreversible	Ongoing capable of being reversed	Limited life (5 – 10 years)	Limited life (< 5 years)
Scale of change	Major change over wide area	Dominant	Considerable	Considerable	Noticeable
	Major change over restricted area, or Moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area; or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area; or Insignificant change	Perceptible	Perceptible	Perceptible	Imperceptible

	Duration and / or reversibility			
Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

**Significance**

Significance is determined by combining judgements about sensitivity and magnitude (refer to the below table). The categories of significance are as follows:

1. major
2. high
3. moderate
4. low
5. negligible.

It should be noted that determination of significance does not automatically mean that the impact is unacceptable. Rather, where the level of significance is determined to be moderate or higher subsequent assessment is required to be undertaken against relevant environmental planning instruments, or where they are inadequate in terms of visual impact, the principles of visual amenity.

		Magnitude				
		Dominant	Considerable	Noticeable	Perceptible	Imperceptible
Sensitivity	High	Major	High	Moderate	Low	Negligible
	Medium	High	Moderate	Low	Low	Negligible
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

**Other relevant key concepts**

**Amenity**

The NSW planning system requires the consideration of amenity as part of the assessment and determination of development applications. Amenity is a broad term than covers a range of matter such as noise, dust, daylight, vibration, outlook and visual amenity (LI, 2018). In general, amenity refers to the pleasantness, attractiveness, desirability or utility of a place, facility, building or feature (NSW Government, 2020). VIA is only concerned with visual amenity.

**Fit**

The intent of environmental planning instruments is a foundational aspect of determining the appropriateness of visual impact. In general, most current NSW planning instruments seek for development to achieve a ‘fit’ with its context. This has further been articulated by a number of other relevant entities, including:

- the NSW Land and Environment Court in its judgement in Veloshin v Randwick Council [2007] NSWLEC 428 at 32-33
- the Government Architects Office by Objective 1: Better fit of Better Placed (2018).



As the NSW Land and Environment Court noted, fit should not be construed as 'sameness'. In certain situations, a development may be visually different to the existing visual environment, however be appropriate when considered against a balance of other planning considerations.

While not a planning instrument (and as such not having statutory weight in the assessment and determination of development applications), Better Placed (GAO, 2018) can be a relevant consideration in visual impact assessment. It can also be used to help interpret or judge amenity considerations under object (g) of the Act. Objective 1: Better fit, states:

- 'Good design in the built environment is informed by and derived from its location, context and social setting. It is place-based and relevant to and resonant with local character, heritage and communal aspirations. It also contributes to evolving and future character and setting'.

## Appendix B. Statement of compliance with Land & Environment Court policy on photomontages