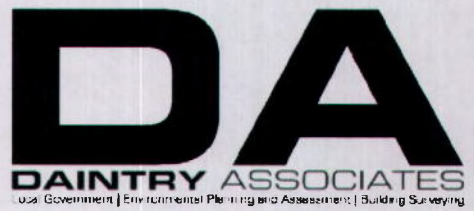

Appendix 3.17. Visual impact study



Project No.: 374

Client: RVA Australia Pty Ltd

Instructions: Mills Oakley, Solicitors

Brief: Visual Impact Assessment

Address: 60-70 Bournemouth Street, Bundeena

Date: 17 February 2016

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1 Executive Summary

In terms of built form the proposal is 6 permanent tents, a mixed used main building (refuge) and dining facility as detailed by the Statement of Environmental Effects, Revision E (SEE) in the location detailed by the site plan (**Figure 1 - 1.3. Site Plan - PR124192SW_P13k**).

This is a desktop visual impact assessment that relies upon a 3 dimensional surface model (**3D_BundeenaCoast_v10.0**) developed by the applicant and drawn at a scale of 1:1 in software known as Sketchup® based upon the detail survey (**1.2. Detail Survey - PR124192SW_D01I**).

The Sketchup model is a most useful assessment tool in assessing the potential visual impacts for the purpose of the section 34 conference. If the matter proceeds to a full hearing it may be necessary, if Council press visual impact as a contention, to erect height poles and fabric elements of the potential northern elevations and take a physical view from the Beachcomber Avenue and Eric Street.

The proposal may be visible at distances between 152m from No.53B Beachcomber Avenue and 315M from 52 Bournemouth Street. There are 10 properties identified by Figure 5, that are between 150m and 200m from the refuge building.

It is our assessment that there is no sufficiently adverse conclusion on the impact on views from the public domain or for that matter from private property (with neighbours not less than 152m to 330m away), that are determinative or even on any reasonably balanced assessment contributory to an unfavourable determination of the proposal.

The buildings are well below the maximum HOB development standard of 9m and but for the two houses at No.53A and No.53B neighbours will maintain views of the ridges above and further south of the Recreation Camp buildings as proposed.

Nos. 53A and 53B are located on subdivide lots with finished existing ground levels of approximately 15m AHD. They will look up the southern slope of Spring Gully and the refuge and the 3 northern guest tents will be visible among foreground vegetation and trees canopy. Whilst this is a change in views from these lower vantage points in Spring Gully the visual impacts are considered minor to moderate and are not drive by any non-compliance with the maximum HOB permissible.

In summary, for the majority of neighbours the visual impacts is considered to be negligible. The visual impact from No.53A and No.53B are considered minor to moderate.

Impact Methodology

1. **Beneficial** – conducive to personal or social wellbeing, public benefit, advantageous, benefit, beneficent, benignant, favourable, friendly, good, helpful, kindly, profitable, salutary
2. **Negligible** – Insignificant, tiny, slight, unimportant, trifling, petty
3. **Minor** – Inconsequential, small, inconsiderable, marginal, low in severity
4. **Moderate** – Reasonable, modest, sensible, restrained, judicious, temperate, fair, mild, rational, measured.
5. **Severe** – Stark, harsh, extremely unpleasant, upsetting
6. **Devastating** – Shocking, disturbing, distressing, shattering, damaging

2 Documentation

This visual impact assessment relies upon:

- the SEE (version E) and the supporting documentation as annexed.
- Two volumes of neighbour submissions, some raising the issue of visual impacts.
- An updated 3 dimension Sketchup® surface model of the site and the proposal (File Ref: 3D_BundeenaCoast_v10.0 dated 8 February 2015.
- Site inspections 16 August 2015 and 22 September 2015.
- Contour maps published by Sutherland Shire Council and
- CAD dimensioned drawings by Daintry Associates Pty Ltd (Autodesk® , Graphics® software)

To understand the concept in 3 dimensional form the 3D model is provided in electronic form.

The Sketchup ® surface model canbe downloaded from:

https://www.dropbox.com/s/fiqlgak3s21pmuk/3D_BundeenaCoast_v10.0.skp?dl=0

The software to open and view the model can be downloaded from:

<http://www.sketchup.com>

3 The Site

The site as detailed by the SEE and annexures is 60-70 Bournemouth Street, Bundeena (Lot 3 DP 213924) having a site area of 56,330m².

The site has a 392.845m long northern common boundary to a low-density residential area that contains predominantly single dwelling house on long narrow lots along the southern side of Beachcomber Avenue, house numbers 39 (west) to 71 (east). No.52 Bournemouth Street also has a boundary at the north-western corner of the site with a dwelling located more than 350m from the refuge and more than 300m from the dining tent.

The majority of the neighbouring homes are located between the 30m and 47m AHD contour with the exception being No.53A and No.53B Beachcomber Avenue, with existing ground levels of 15m AHD and higher finished floor levels. No.53A and No.53B are internal lots.

The northern part of the site is wetland within Spring Gully at RL10m AHD sloping towards the western boundary at RL5m AHD. The northern neighbours' properties slope to the gully (wetlands and creek). Spring Gullies southern upslope rises towards the southern boundary of the site. The proposed recreation camp is located along the southern boundary of the site between contours RL51-57m AHD (Figure 1).

The valley and upslope has been recently burnt as part of clearing the APZ for the township of Bundeena.

In parts of this locality the fire escaped ground level and entered the canopy reducing the canopy density. Most of the ground cover is currently absent from the site as a result of the burn, both within the required APZ for this proposal and well beyond the APZ for this proposal.

It is expected that the NSWPWS and RFS will continue to maintain the APZ for the Bundeena Township in perpetuity, but the APZ within the site for this proposal will be maintained by hand by the owner.

4 The Proposal

The proposal is to construct a mixed used main building (refuge) to the east, 6 glamping tents (centrally) and the dining tent to the west, along the southern boundary of the site (Figure 1).

This amended version of the plans has reduced the number of buildings on the site by consolidating the office and reception within the caretaker's building, removing the workshop and consolidating the shelter into a single refuge building at the eastern end of the recreation camp. The kitchen and dining tent has been relocated to the western end of the recreation camp.

The 6 permanent tents are will have north elevations facing toward the neighbours as detailed below.

The maximum ridge height is at tent 4,5 & 6 at RL59.67m, with the extent of the height varied by the topographic location of each tent as detailed the DA documentation.

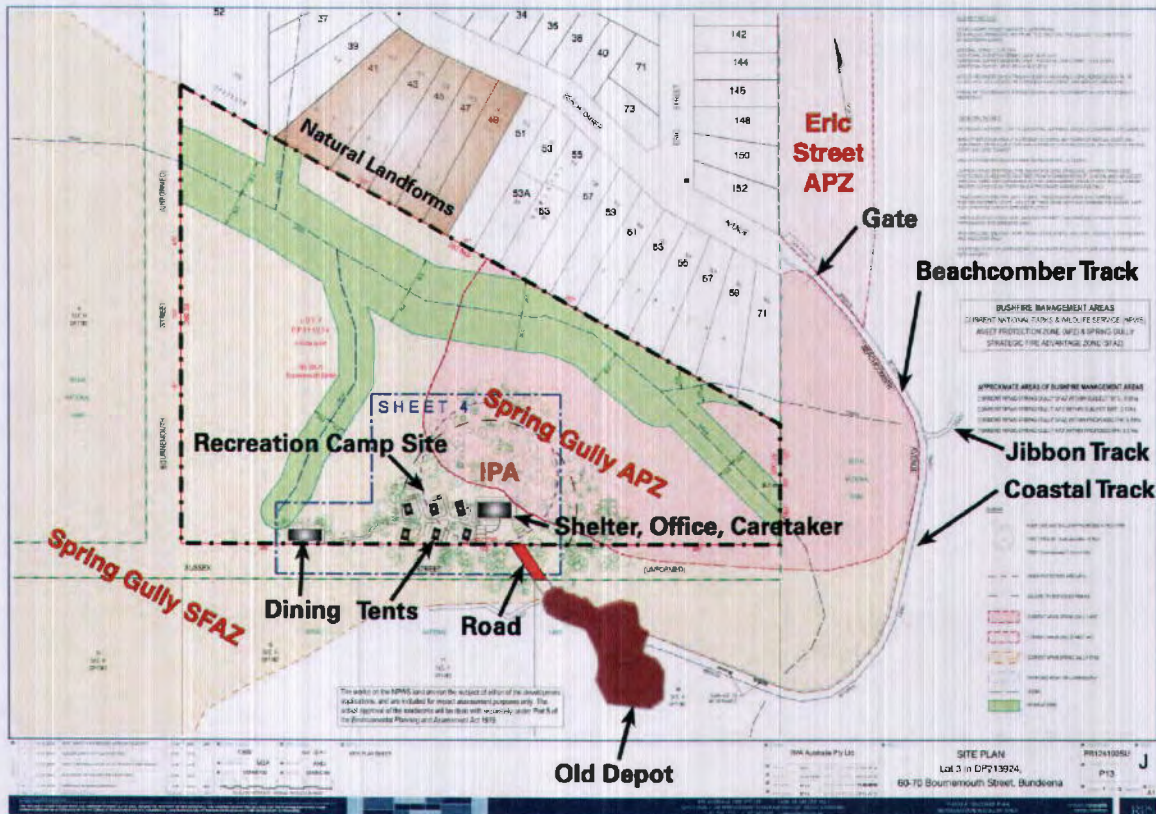


Figure 1 - Site Plan

4.1 The Guest Tents

The elevations of the guest tents are shown on Annexure 2.5 and 2.6 in the design section of the amended development application. The northern elevations are the elevations that may be partially visible from Bundeeena.

The ridge heights are:

1. RL57.48m AHD (approximately 1m above EGL at the southern boundary)
2. RL57.35m AHD (approximately 1m above EGL at the southern boundary)
3. RL58.7m AHD (approximately 1m above EGL at the southern boundary)
4. RL59.67m AHD (approximately 3m above EGL at the southern boundary)
5. RL59.67m AHD (approximately 3m above EGL at the southern boundary)
6. RL59.67m AHD (approximately 3m above EGL at the southern boundary)

The tents are of a standard design and the northern elevation of Tent 1 is given as an example (Figure 2). The tents achieve a maximum HOB approximately 6m at the ridge.

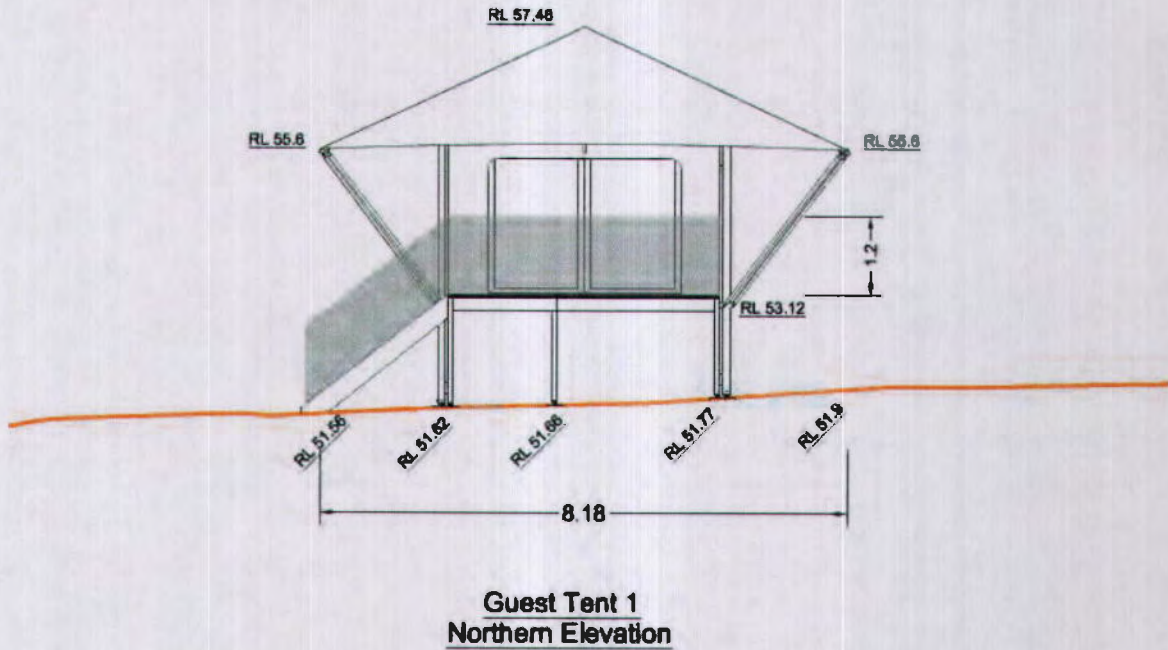


Figure 2 - Typical Elevation Guest Tent

4.2 The Dining Tent

The dining tent is located to the west of the guest tents at a distance to ensure adequate aural and visual privacy to guest in their tents. The maximum elevational height viewed from the north is 7.62m. This is 1.38m less than the maximum HOB of 9m under SSLEP 2015. The ridge of the dining tent is the highest of the proposed buildings at 61.86m AHD. The ridge is well below canopy height of trees along the southern boundary.

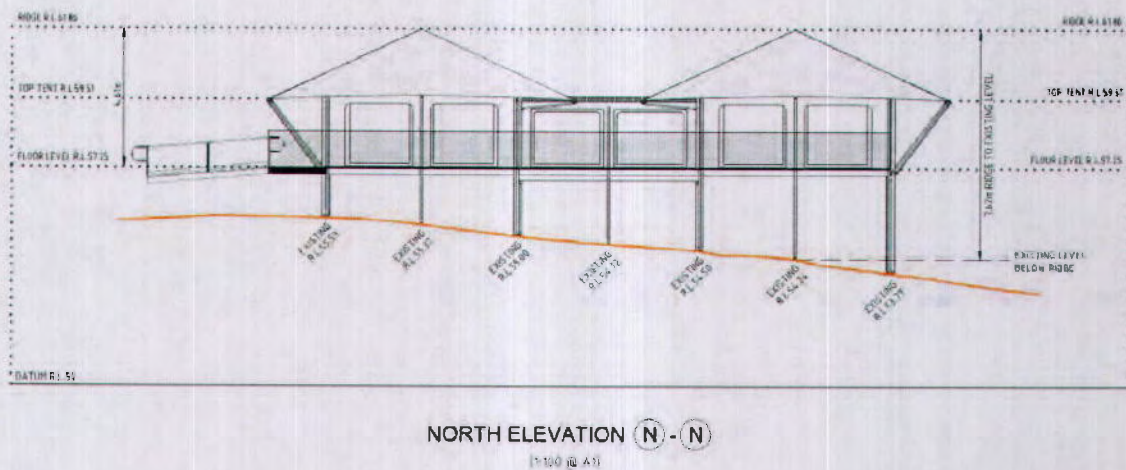


Figure 3 - Northern Elevation Dining Tent

4.3 The Refuge

The building containing the refuge also contains refuge for the two minibuses for emergency evacuation purposes, utility room, the reception, an office and the caretakers' quarters.

The building has a maximum height above existing ground level of 7.54m. This is 1.06m less than maximum HOB under SSLEP 2015 is 9m.

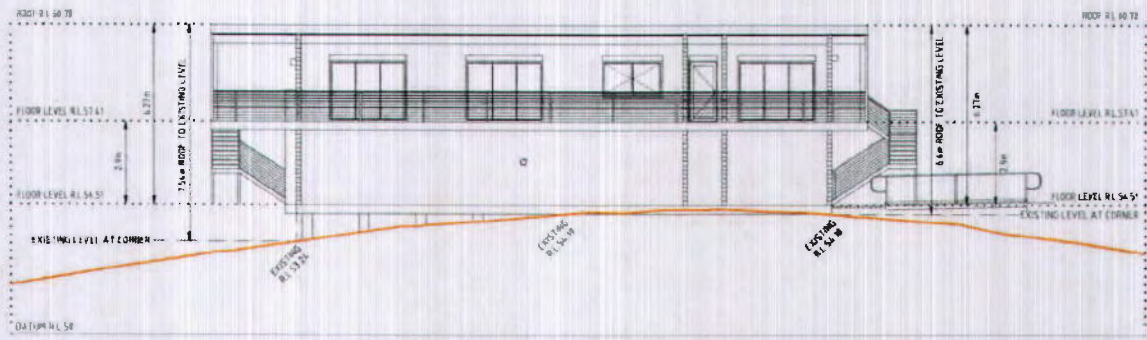


Figure 4 - Northern Elevation of Refuge

5 Horizontal Separation Distances

The two homes that are closest to the proposal are No.53A and No.53B Beachcomber Avenue. No.53A and No.53B are located at about contour 15m AHD.

No.53A and No.53B are 152m (horizontal distance) from the proposed bushfire refuge, office, reception and caretakers building (the refuge) (Figure 5).

The 9 other neighbouring dwellings within 200m (Nos.53-71 Beachcomber Avenue) are located between contour 30m and 47m AHD at the top (northern end of each lot) and located generally between 175m to 200m from the of the refuge.

The remaining homes to the north-west of the Recreation Camp (37-53 Beachcomber Avenue) are 200m to 300m from the refuge (Figure 5). No.52 Bournemouth Street is located more than 350m from the refuge (Figure 5) and more than 300m from the dining tent (Figure 6).

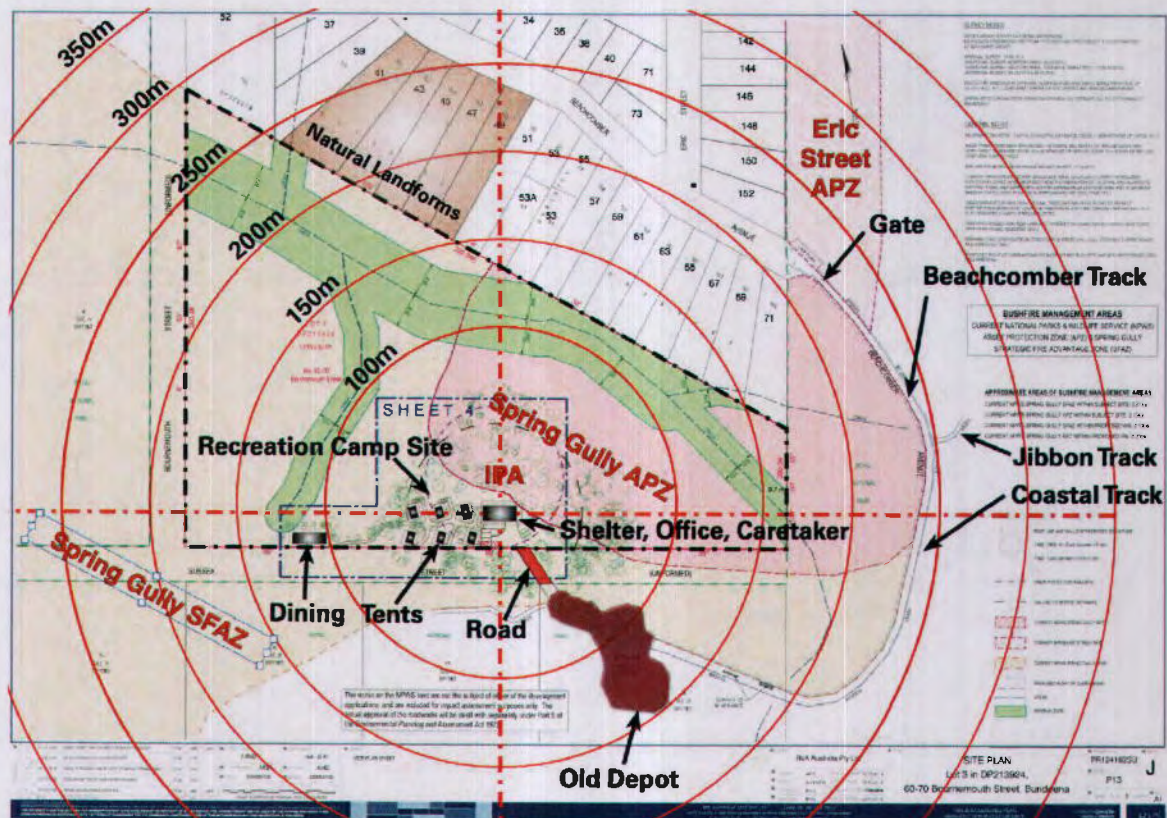


Figure 5 - Separation Distance to Refuge

No.53A and No.53B are 200m from the proposed dining facility (Figure 6). All the other neighbouring homes are predominantly

The 9 other neighbouring dwellings within 200-300m (Nos.37-71 Beachcomber Avenue) are located between contour 20m and 47m AHD at the top (northern end of each lot).

The remaining home to the north-west of the Recreation Camp (52 Bournemouth Street) is more than 300m 250m to 300m from the dining tent (Figure 5).

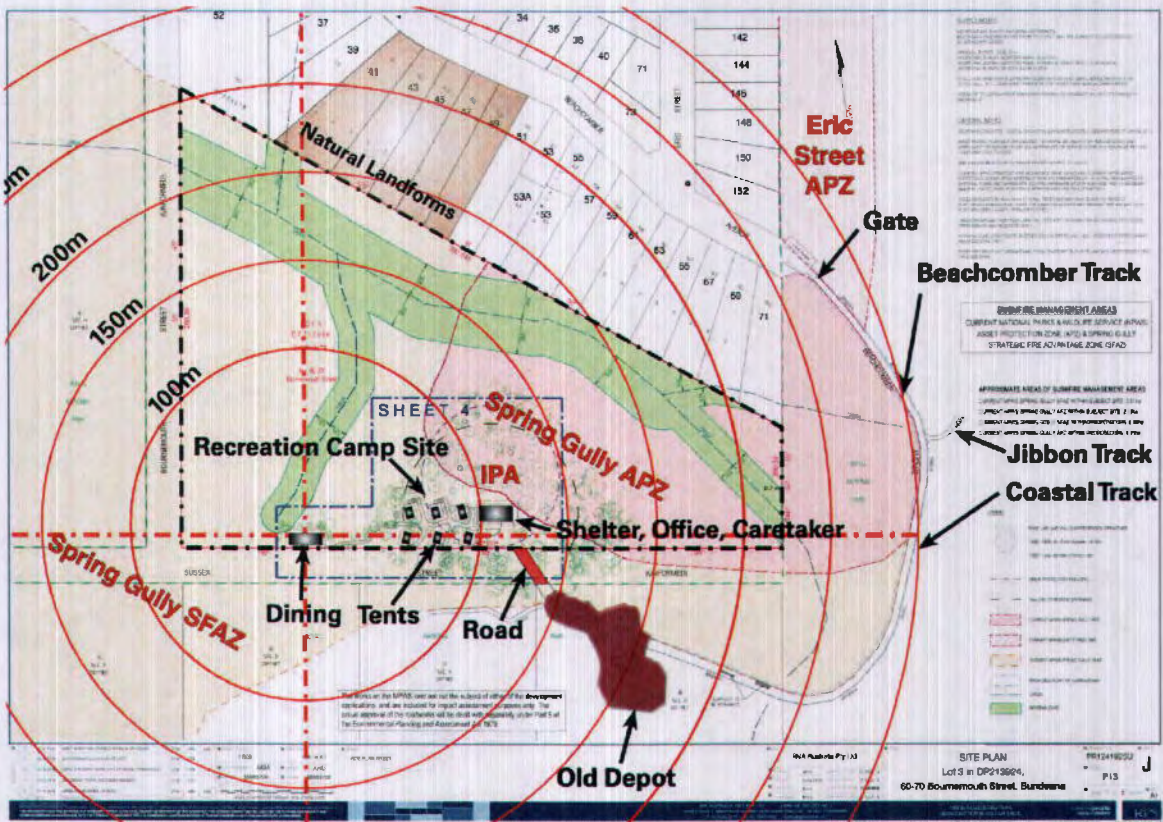


Figure 6 Separation Distances to Dining Facility

6 Planning Principles

In *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046 at 39 – 49 the Land and Environment Court sets out the most relevant principles. These have been applied below for public views. There is no loss of views in a *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 (*Tenacity*), sense but there will be a changes in the views observed from some properties in Beachcomber Avenue.

6.1 Identification of views

The nature and scope of the views are bush views from Bournemouth Street, Beachcomber Avenue and Eric Street, Bundeena across and over Spring Gully that terminate along the southern ridge line that connect contours RL70m AHD to the west of Jibbon Hill, to Jibbon Hill at RL80m AHD) then to the eastern ridge line at RL65m AHD east of Jibbon Hill with the Figure 7).

The south of the Old Depot ridge line at RL65m AHD and its vegetation will preclude views from No.53A and No.53B of Jibbon Hill as the Old Depot ridge line is the terminating vista from lower down within Spring Gully (Nos.53A and 53B).

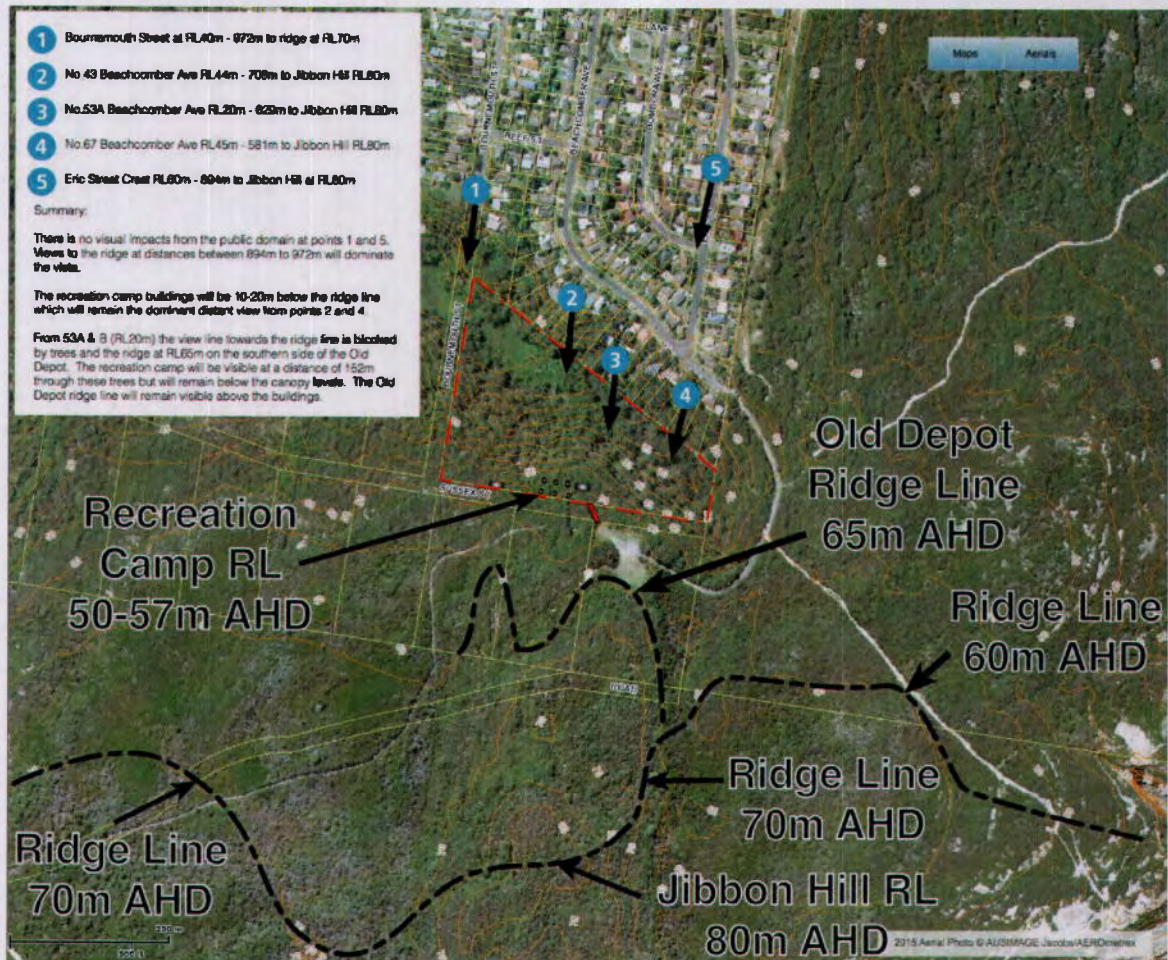


Figure 7 - Terminating Views south of Bundeena

Some objections alleged that there are unacceptable visual impacts caused by the proposed recreation camp.

The views are bush views. The critical element is the height of the proposed building relative to the ridge lines south of the site.

The Recreation Camp will be visible as glimpses between trees from the neighbours' homes (the northern neighbours), at distances between 152m and over 315m at 37 to 71 Beachcomber Avenue and possibly from 52 Bournemouth Street at over 300m to the dining tent and 315m to the refuge.

In elevation, the houses at No.53A and 53B are approximately RL20m AHD, 30m below the portion of the site where the buildings are proposed. The majority of the neighbouring houses are located between at RL 20-30m AHD, about 23m-33m below the area of the site proposed to be occupied by the Recreation Camp. Some houses are elevated on the southern side of the Beachcomber are elevated at around RL44m AHD (No.43 standing on a short spur and No.71 Beachcomber at RL48m AHD at the termination of Beachcomber Avenue and the gate to Beachcomber Track, the high point on the southern side of Beachcomber Avenue).

Houses elevated on the northern side of Beachcomber Avenue and Eric Street are so removed from and so well elevated that they will not easily discern the Recreation Camp buildings. The dominant view is the Jibbon Hill ridge line.



Figure 8 - Eric Street view to Jibbon Hill

Limited views are attained from Beachcomber Avenue and Eric Street between homes in Beachcomber Avenue. Better views of Jibbon Hill, having an RL of 80m AHD, and the ridgeline south of the Recreation Camp are available from the crest of Eric Street. The view to Jibbon Hill is approximately 500m from the crest of Eric Street.

The recreation camp will not be visible from the termination of the carriageway in Bournemouth Street.



Figure 9 - Southerly view Bournemouth Street

We note that there is no contention that there is any view loss in a *Tenacity Consulting v Waringah* [2004] NSWLEC 140 sense, further we note that there is no contention that there is any loss of views from the public domain in a *Rose Bay Marina Pty Limited v Woollahra Municipal Council* and *anor* [2013] NSWLEC 1046 sense.

The views are views of the bush with a ridge further south at RL 60-80m AHD but only visible from house that are not within the immediate view catchment to top of Jibbon Hill above RL 80m.

6.2 Impact Assessment

Applying *Tenacity* there are no views lost let alone anything like an iconic view in contention. The views are district views of trees and coastal vegetation.

The dining tent ridge height at two points is RL61.86m AHD. That is 3.14m below the ridge to the south of the Old Depot and 18.14m below the terminating vista of the ridge line to Jibbon Hill and not less than 8.14m below the terminating ridge line to the west of Jibbon Hill, excluding trees which extend 5-10m + along the ridge line. The refuge, dining tent and six (6) guest tent are located well below the ridge line and will not dominate the views south from the Bundeena Township.

A qualitative assessment of a public domain view impact may reasonably included, applying *Rose Bay Marina*:

- **Is there any significance attached to the view likely to be altered?** Not from the public domain. Some neighbours have raised the issue of the visual setting outcomes. Albeit, the views are both significantly separated from the proposed camp at distances between 152m-350m and the site is higher than these houses but remains below canopy level and below the ridge levels further south (Figure 7).
- **If so, who or what organisation has attributed that significance and why have they done so?** There is no published recognition that these specific views are highly valued. The highly valued views are those from the Coastal Track of local iconic natural features such as Wedding Cake Rock. There is no contention that the views

are iconic. They are pleasant bush views with a terminating ridge line RL70m-80m AHD (Jibbon Hill)

- **Is the present view regarded as desirable and would the change make it less so (and why)?** The view is considered desirable from private property, whilst the limited views from the public roads within the view catchment are not considered significant. The views from houses in the E4 zone into the site an E2 zone where the use is permissible mean that there should be no expectation that there will be no change in views on the subject site. There will be no change in view to the E1 1 zone RNP.
- **Should any change to whether the view is a static or dynamic one be regarded as positive or negative and why?** Provided the structures are below both the canopy and the ridge line further south and recessive in colour the impact could not be reasonably regarded as negative having proper regard to the permissibility of the development within the site and that in a quantitative sense. The buildings are below the maximum HOB and a maximum 2 storey in height.
- **If the present view attracts the public to specific locations, why and how will that attraction be impacted?** The public are not attracted to the locality for these views. The public are attracted to the Coastal Track and prominent landmarks such as Wedding Cake Rock and the escarpment views on the Royal Coastal Track.
- **Is any present obstruction of the view so extensive as to render preservation of the existing view merely tokenistic?** Existing houses is Beachcomber Street significantly occlude views from the public domain across the valley to the site and the views are so distant that and the structures considered so recessive in the landscape that the any argument that the preservation of the views of the bush are tokenistic.
- **However, on the other hand, if the present obstruction of the view is extensive, does that which remains nonetheless warrant preservation (it may retain all or part of an iconic feature, for example)?** There are no iconic views or highly valued views from the public domain.
- **If the change to the view is its alteration by the insertion of some new element(s), how does that alter the nature of the present view?** There is no doubt that building will be discernible from a distance but the alteration to that view is not considered so insignificant that the proposal could be reasonably refused on the basis of visual impact.

7 Visual Impact

The maximum HOB for the buildings are well below the terminating vista defined by Jibbon Hill and the lower ridgeline RL65 (east) and RL70m (west) of Jibbon Hill (RL80m).

The visual impact is essentially the extent to which the structures will be viewed across Spring Gully. There will be thinning of trees and vegetation required for the IPA.

There will be glimpses of the refuge between trees within the site from Beachcomber Avenue properties. The building that will be discernible from the Beachcomber properties is the refuge building. The tents will be barely visible as they are predominantly outside the IPA. The dining tent will not be readily discernible from any vantage point as it is set within a significant stand of trees and not within the IPA or FRA.

The majority of the significant trees will remain as viable screening vegetation as the reconfiguration of the Recreation Camp has reduced the number of structures and the footprint allowing the retention of more trees.

To the extent that the VMP, IPA and FRA provided additional trees are proposed.

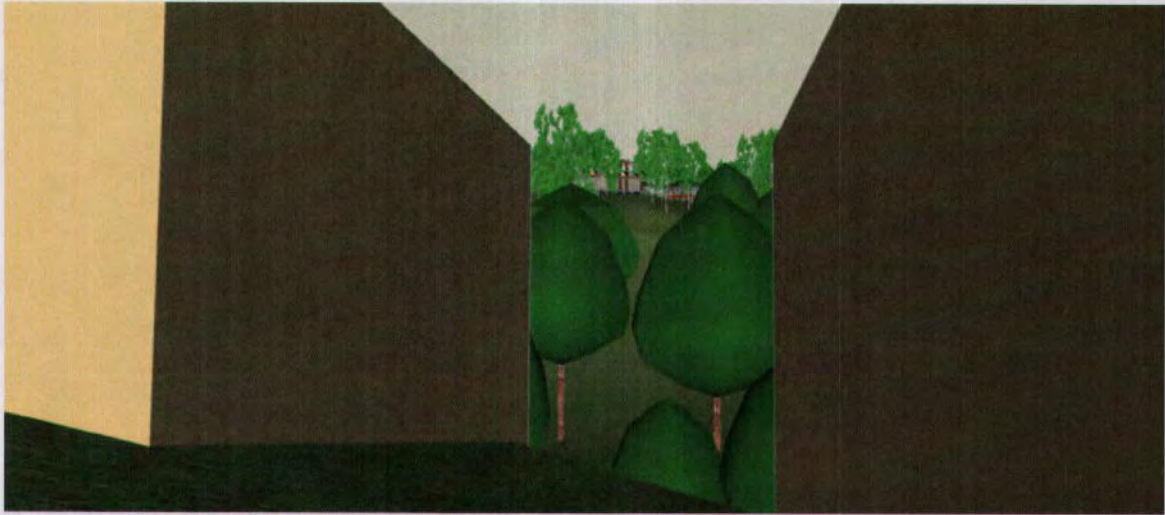


Figure 10 - View from Beachcomber Road between existing house on low side of Beachcomber

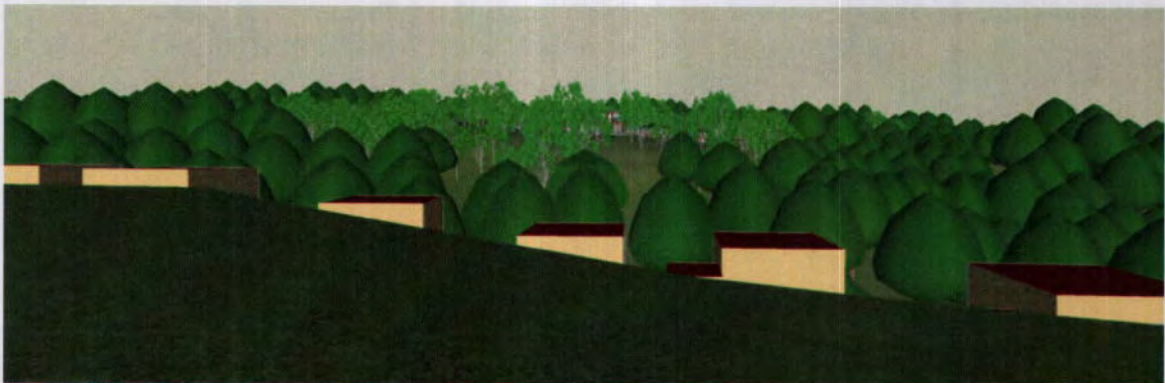


Figure 11 View from Elevated position above Eric Street



Figure 12 View from Old Depot

We note that:

- The buildings be not less that 152m from the nearest dwelling, but predominantly 175m to 200m away.
- The buildings will not be visible above the canopy levels of the significant trees being retained to the north.
- The building will not protrude above the ridgelines to the south.

- The building will be low enough to retain the foreground ridge of the Old Depot (RL 65m AHD) and Jibbon Hill (RL80m AHD) and these ridges will remain the prominent terminating views to the south of the Recreation Camp.
- No building will be discernible from the east or west due to the extensive screening vegetation.
- The refuge will be clearly visible from the unmade portion of Sussex Street and the Old Depot and vice versa providing casual surveillance of the Old Depot site
- The guest tents will not be readily discernible from any vantage point.
- The dining tent will not be discernible from any vantage point.
- The external colours will natural, neutral and recessive colours detailed by the SEE.

The Court held in Rise Bay Marina that "*A sufficiently adverse conclusion on the impact on views from the public domain may be determinative of an application. However, it may also be merely one of a number of factors in the broader assessment process for the proposal.*"

It is our assessment that there are no *sufficiently adverse conclusion on the impact on views from the public domain* or for that matter from private property (with neighbours not less than 152m to 350m away), that are determinative or even on any reasonably balanced assessment contributory to an unfavourable determination of the proposal.



Brett Daintry, MPlA, MAIBS, MEHA
Director
Daintry Associates Pty Ltd

17 February 2016