

Major Projects Assessment
Department of Planning
GPO Box 39
SYDNEY NSW 2001

OBJECTIONS/SUBMISSIONS TO

PROJECT APPLICATIONS 10_0129 AND 10_0130

PROPOSED HORSLEY PARK INDUSTRIAL ESTATE.

This submission is made by Tony and Linda Micallef in reply to the above mentioned application for a Concept Plan to set up an industrial estate and other infrastructure at Lot A Burley Road Horsley Park.

We are making this submission as an objection to the above proposal. We live in Greenway Place, and this Industrial area comes right up to our boundary fence with the said property. We are very concerned about the noise, the visual impacts, as well as no consideration for the rural properties surrounding this development. This type of development does not fit in with the rural and peaceful atmosphere of the area.

We have included a map of the area, highlighting our residence and the proximity of this development to our home.

We strongly object, that the proponent Jacfin Pty Limited says that this development has **minimal** impact on the residents in Greenway Place as well as Capitol Hill.

On the following pages we will list our objections to the proposed development.

1. Visual Impact.

After having read the proposal, we find that a 30 metre setback between the residents in Greenway Place and the proposed development is **extremely** inconsiderate and too close to our homes. We currently have a rural and Mountain View. This in turn will be replaced by a large 14 metre high factory unit. We have been told that the standard height for factories is 12 meters. So this development is proposing to not just place buildings right on our boundary, but even higher than standard. The report fails to mention if we will have a view of a factory wall or that of sheet metal roofing. Either way, we find this very unacceptable. The building height should be restricted so as the residents views are not compromised.

Please find attached surveyor's plan on levels as well as a photo taken from the back door of our home of our mountain views. By using a tree as a guide, which is situated

on the proponents land, this tree is situated 45 meters from our boundary with a height of 14.60 meters. Standing at our back door, this tree's height obstructs our view of the neighbouring hillside and full view of the Blue Mountains. If these factories were to go ahead at the proposed height of 14 meters and be situated closer to the boundary that they are proposing, this would obstruct our entire view. All we would see is a wall.

Also please find attached a visual impact report prepared by Richard Lamb and Associates, which considers the impact on the amenity and views of our property.

We have never heard of an industrial site being so close to residential land. Is this allowable in today's society? After having looked at the plan, the Proponent has used up every bit of land that they can. Our house is about 60 meters from the boundary fence line. On the plan, Jacfin Pty Limited has the factory unit with a drive way around the back of it. This means that we will have trucks right up to our fence line. Jacfin Pty Limited has given no consideration to the residents of Greenway Place in regards to this and we find this **extremely** unacceptable.

2. Lighting.

The proponent has stated that they want this development to be 24 hour operation 7 days a week. At night, the lighting that would be coming from these factories would make it seem like day, with a constant glow facing our home. This would cause much disturbance to the residents. We don't believe that this is **minimal** impact.

3. Noise.

The proposed development states that the factories/warehouses will operate 24 hours 7 days a week. This means that the everyday working noises of a factory will be heard every day. Don't we require some quiet time? We find this **extremely** uncaring on the part of the developer. We will we hear the everyday working noises, such as loading dock deliveries, reversing alarms, roller doors going up and down, day and **night** 7 days a week. We will also experience severe construction noise if this development goes ahead. The noise of machinery, the dust and pollution that they will create and also the compaction of the site concern us greatly. We are worried about the noise and the vibration from the compacting to our homes. We have heard of cracking and building movement due to the compacting vibration. This proposal intends to do a lot of cut and filling (compacting).

The proponent has offered to plant a row of trees to help alleviate this noise problem. We think that this is **not** enough. We think that more of a setback should be put in place. Why can't the piece of land, situated next to the existing residents remain as is, or rezoned as rural residential like the surrounding area, and the industrial buildings start around the corner behind CSR quarry and out of sight from the residents? Please view attached drawing.

Also added to the noise problem are the extra transport vehicles that will be using our roads. The concept plan states that the main internal road will carry 20,000 vehicles a day consisting of semi-trailers, b doubles and many cars.

24 hour operation and the proximity to our property should not be allowed without a suitable buffer in place.

4. Not using existing topography.

The proponent has not taken the natural fall of the land into account when submitting their application. We have spoken to council and they have said that usually they look for a natural buffer to come in between the residential and industrial area, when they approve developments in this scale. In this case, the proponent has come right up to our fence line. Toward the back of the property is a natural creek bed. They could use this as the buffer. Also the proponent wants to level off a hill. Again not taking the natural fall of the land into account. Behind our property, there is a natural valley (water course) which runs into a dam. This dam is always busy with animal and bird life. We often see birds making their way and landing on the dam. It seems a shame that such a natural environment will be destroyed at the hands of the developer.

5. Pollution.

A development of this size and stature will create a lot of dust. And this project will not be finished in one day. It will take a long time for it to be completed. We have three family members who suffer from asthma. This would be bad for them having to breathe in the polluted air and dust.

We are also worried that when the industrial facilities are established, as to what pollutants they will be omitting, especially in such close proximity to homes, especially with the south west winds which are a common feature of this area

6. Financial Impact.

Due to our closeness to this industrial area, our property values will decrease. We will also be known as the suburb with an industrial estate right next door to our homes. The value of our beautiful properties, in which we have invested a lot of time and money into, will be significantly reduced because of this development.

7. Inadequate Advising of the community

After being informed by a resident in the Penrith Shire, about this development, we realized that everyone in the Fairfield Shire that we had spoken to had not received any notification. What amazed us most of all, was that no one in our street

(Greenway Place) who are the most affected residents, received any notification. After a concerned and confused call to your Department, we were given an extra two weeks for submissions and new letters were sent out to some residents of Horsley Park.

We find this **very** disappointing that we were overlooked and not notified

Why is it, the residents most highly affected were not informed??

The proponents plan on the website is quite detailed and we still feel that not enough time was given to us to submit our submissions. We felt pressured and rushed for time.

The proponent has also failed with community consultation. Not once were we asked for any input into this matter. The proponent has looked after themselves number one. This is quite evident in the lack of consideration in building a factory 20 meters from the boundary fence.

JacfinPty Limited should have spoken to the residents most highly affected, and try and work with them.

In Conclusion.

We feel that the above mentioned proposal by Jacfin Pty Limited is a complete lack of consideration for the existing residents, especially the ones bordering the proposal.

We feel that a substantial buffer should be put in place between the residential and industrial buildings. Even as far as to go around the back of CSR quarry where it will not impact on residents and to re-zone the land close to existing residents as rural residential. The proponent should consider the existing residents and submit a plan that is not so high impact on residents.

24 hour 7 days a week operation should not be allowed so close to residential homes.

The views as seen by the existing residents should be maintained.

We invite, and think it would be beneficial for all, if the members of the Planning Assessment Commission and the Minister for Planning Infrastructure come out to look at the site of the proposed development, from the adjoining resident's view, before any decisions to the future of this site are made.

We declare that we have not made any political donations ever.

We would like to be notified of any further developments on this proposal. Our email address is ldelimic@bigpond.net.au

Yours Faithfully,

Name: Tony and Linda Micallef

Address: 33-37 Greenway Place
Horsley Park NSW 2175

PH: (02) 9620 1934
Tony mobile: 0437 966 406
Linda Mobile: 0409 201 934

Signature:

Tony Micallef

Linda Micallef

VIEW FROM OUR BACK DOOR.



← ↑ PROPOSED DEVELOPMENT

OUR BOUNDARY FENCE

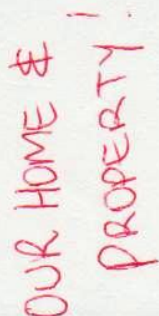
14-6 meter high tree.

↑ PROPOSED DEVELOPMENT. →

CSR

QUARRY WALL

V. ENVIRONMENTAL CURRENT PROJECTS FOR AER Aldington Road, Horsely Park, Horsley Park 2010 Mapping Spatial F003-G-004.mxd, 25/11/2010 4:17:56 PM, by esobhann





Industrial

PGH/CSR

Quarry

Rural Residential

GREENWAY PLACE*—OUR PROPERTY

Capitol Hill



Lot A Burley Road, Horsley Park Employment Precinct - Concept Plan
Prepared for Jacfin Pty Ltd
23 November 2010
1:5000 @ A3

JBA



Proposed Employment Land Development

Jacfin, Burley Road, Horsley Park Project

Objection on behalf of:

Theresa and Patrick McHale, 38-40 Greenway Place, Horsley Park
& Tony and Linda Micallef, 33-37 Greenway Place, Horsley Park

by Dr. Richard Lamb

May 2011



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1.0 Introduction

1.1 Purpose of this Report

Theresa and Patrick McHale and Tony and Linda Micallef, proprietors of 38-40 and 33-37 Greenway Place, Horsley Park respectively, commissioned this report. The report considers the potential for industrial development on the subject land owned by Jacfin, Lot A in DC 392643 Burley Road, Horsley Park (the subject land) to impact on the amenity and views of their residential land, which directly adjoins the subject site along the south eastern boundary.

An assessment of the subject land was conducted on the basis of field work and observations carried out on 9 May 2011, on which date I also took some photographs of the subject land as seen from the McHale property and made observations and took photographs from Greenway Place. I was assisted by photographs provided to me by Ms Theresa McHale, taken from both properties on my direction, and by a survey undertaken by T Grabara and Associates, Surveyors, commissioned by the McHales to establish the relative levels of the viewing places in both properties.

1.2 Relevant Experience

I am a consultant specialising in visual impacts and landscape heritage matters. I have 30 years of experience in landscape planning and heritage conservation and have published extensively in local and international journals on perception, aesthetic assessment and landscape management.

I am very familiar with the immediate and the wider locality having carried out a number of consultancies for Penrith Council and for private clients within land in, or in the vicinity of land in the Western Sydney Employment Area and the landscapes, localities, settlements and transitional changes that have occurred and are planned to occur within the relevant part of the Penrith and Fairfield LGAs.

I have extensive experience in providing expert evidence to the Land and Environment Court of New South Wales and the Planning and Environment Court of Queensland representing both private and government stakeholders in merits cases and cases regarding visual impact and urban design, landscape assessment and scenic protection planning in more than 150 matters. A comprehensive company profile and curriculum vitae for Dr Lamb can be viewed at www.richardlamb.com.au.

1.3 Documents Consulted

- Preliminary Environmental Assessment prepared by JBA Planning, dated July 2010.
- Environmental Assessment Report (EAR) Vols. 1 and 2, prepared by JBA Planning, dated March, 2011.
- Relevant Appendices to the EAR, being:
- Appendix B (Control Plan: Topography Map)
- Appendix H (Compliances Tables)



- Appendix J (Plans 1 and 2)
- Appendix L (Site Development Guidelines)
- Appendices Q1 and Q2 (Landscape), and:
- Appendix T (Visual Assessment).
- State Environmental Planning Policy (Western Sydney Employment Area) 2009.
- Director General's Requirements (DGRs), dated 5 August 5, 2010.
- Report to Outcomes Committee of Fairfield Council dated 10 May 2011, Item Number 81.
- Survey Plan Reference 3769, by T Grabara and Associates, Reference 3769, dated 12 May, 2011.

1.4 Background

The subject land is zoned to permit the proposed use and is subject to the provisions of SEPP (Western Sydney Employment Area) 2009 (SEPPWSEA).

This report concerns the application for approval of a Concept Plan (10-0129), to establish an industrial and employment park and associated infrastructure on the subject land, which includes a Project Application (10-0130) for Stage 1 of the development in the north west part of the subject land. That application is not considered in detail in this report because it does not have significant potential visual impacts on the properties that are the subject of this report.

This report specifically addresses the assessment of visual impacts in the Concept Plan application relative to the residential properties of the McHales and Micallefs.

This report considers the relevant planning controls and policy and specifically considers whether the Application satisfies the statutory provisions that apply and the Director General's Requirements for assessing the potential environmental impacts of the proposed development, with regard to visual impacts and the visual amenity of adjacent residential land.

1.5 Statutory Provisions relevant to Assessing the Application

1.5.1 Provisions of SEPPWSEA

Clause 21

Clauses 21 and 23 of SEPPWSEA are of special relevance to visual impacts.

Clause 21 states that the consent authority must not grant consent to development on land to which SEPPWSEA applies unless it is satisfied that:

- (a) building heights will not adversely impact on the amenity of adjacent residential areas, and
- (b) site topography has been taken into consideration.



Summary of Findings in relation to Clause 21 of SEPPWSEA

Clause 21(a)

Building heights will adversely and severely impact on the amenity of the adjacent residential area in which the McHale and Micallef residential properties exist. The impacts of future building heights have not been adequately addressed in the application.

Clause 21(b)

The site topography has not been taken into consideration in the proposed development. The properties have views over the site as a result of their levels relative to it and the downward sloping topography of the subject land.

Clause 23

Clause 23(1) of SEPPWSEA, Development adjoining residential land, applies to the subject land, because it is within 250m of land of my clients which is zoned for residential purposes. Relevant to visual impacts and amenity, Clause 23(2) states that the consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that:

- (a) wherever appropriate, proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity, and
- (b) goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from views from residential buildings and associated land, and
- (c) the elevation of any building facing, or significantly exposed to view from land on which a dwelling house is situated has been designed to present an attractive appearance, and
- (e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, headlight glare, security lighting or the like, and
- (g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.

Summary of Findings in relation to Clause 23

Pursuant to Clause 23(1), the proposal does not recognise the constraint imposed by the need to consider impacts on residential land within 250m of the subject land. The assessment is inadequate and it considers only a small sample of existing residences.

- (a) the proposed buildings are not compatible with the height, scale, siting and character of existing residential buildings in Greenway Place.
- (b) there is no proof that items capable of causing visual impacts will be suitably screened from views from residential buildings and associated land.
- (c) the montages presented show no response to the requirement that the elevations exposed to the residential properties must be designed to present an attractive appearance,
- (e) there is no proof that traffic movement, headlight glare, security lighting or the like will not have significant impacts on existing and future residences; the buffers are inadequate and not appropriately landscaped.



- (g) there is no overall landscape plan that shows that the development will mitigate impacts on Greenway Place.

1.5.2 Director General's Requirements

The General Requirements of the DGRs call for:

- 1 under the second dot point, for the EAR to include a detailed description of the project, including a consideration of alternatives.
- 2 under the fourth dot point, it requires a detailed assessment of key issues that includes:
a description of the existing environment using sufficient baseline data,
an assessment of the potential impacts of the project, including any cumulative impacts, taking into consideration any relevant guidelines, policies, plans and statutory provisions, and
a suitable assessment (of other issues specified below), outlining the measures that would be implemented to minimise the potential impacts of the project (my parentheses).

Summary of Findings in relation to General Requirements of the DGRs

- 1 there is no consideration of alternatives as regards limiting the visual impacts on Greenway Place residents.
- 2 there is inadequate assessment of the relevant key issues, including:
the description of the existing visual environment,
the assessment of the potential impacts of the project,
the measures that would be implemented to minimise the potential impacts of the project will be ineffective and the outcome is unacceptable.

DGRs Key Issues : Site Layout and Design

The reference under dot point four of the General Requirements of the DGRs to matters below, to take into account, is to Key Issues. These relevantly include Site Layout and Design, and Visual.

Site Layout and Design, among other things not directly relevant to visual impacts, require:

- details of subdivision of the site, including site coverage, lot sizes and positioning of lots;
- details of how the proposed layout and development of the project would be undertaken to minimise potential impacts on nearby sensitive receivers;
- details of a development control plan that includes (relevant to visual impacts) controls for, but not limited to, building heights and design, setbacks, floor space ratio and landscaping.



Summary of Findings in relation to Key Issue Site Layout and Design of the DGRs

The subdivision of the southern part of the subject site has not been considered so as to minimise impacts on nearby sensitive receivers (ie. residential properties and existing and future residences). The layout does not minimise impacts of the location, height and setbacks of buildings on residents in Greenway Place.

There is no development control plan proposed which could provide some certainty as to the environmental and visual impact performance of the development in the future. The building heights, designs, setbacks, FSR and landscaping are unknowns.

DGRs Key Issues : Visual

Key Issue Visual requires:

- a detailed description (including photomontages) of the measures to be implemented to:
 - ensure the project has a high design quality and is well presented,
 - manage the bulk and scale of the buildings,
 - minimise the visual impacts of the project, particularly from any nearby residential properties, and
- a detailed landscaping, lighting and signage strategy for the whole site.

Summary of Findings in relation to Key Issue Visual of the DGRs

- there is no detailed description of the measures to be implemented and the montages are not representative of what is proposed and are unsatisfactory:
 - there is little evidence that design quality has been a consideration,
 - the bulk and scale of the buildings have not been managed adequately,
 - the measures proposed to minimise the visual impacts of the project from nearby residential properties are inappropriate, and unrealistic.
- there is, as far as I am aware, no detailed landscaping, lighting and signage strategy for the whole site.



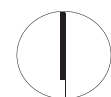
Map 1: Subject Site in relation to Residences in Greenway Place



Approximate location of subject site



Residences in Greenway Place



Not to Scale



Map2: Immediate Setting of the McH and Micallef Properties



View Orientation of Residences' Primary Living areas



Not to Scale



Map3: Detail of Setting of the McHale and Micallef Properties



Approximate location of subject site



Not to Scale

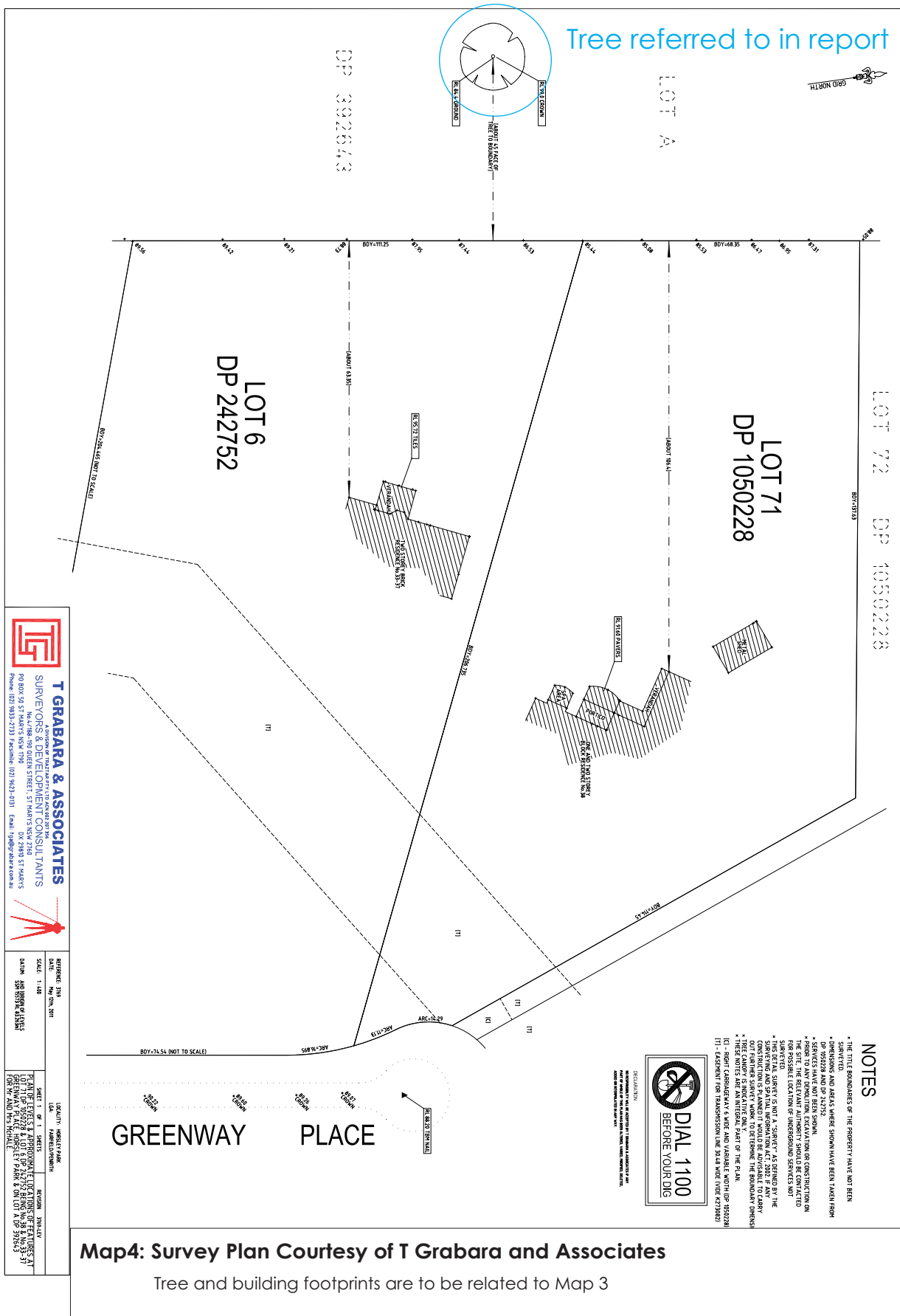




Plate 1
View west from the Micallef residence
The scale tree is in the centre of the view



Plate 2
View southwest from the McHale residence
The scale tree is on the left side of the view



2.0 Visual Assessment

I undertook a more detailed analysis of the visual context and character of the subject land when viewed from Greenway Place and my clients' properties that are relevant to the application. This assessment follows.

2.1 Character of the Subject Site

The southern part of the subject land is highly visible from Greenway Place and the residences on the west side of the street in particular, including those of the McHales and Micallefs. The northern part, including the site of the Stage 1 application is not of significant visibility. The land is cleared of any former native vegetation and is grazing land in character.

The land slopes generally to the west. A ridge runs to the west and northwest approximately parallel to the southern boundary of the site. The intrinsic scenic quality of the land is moderate. The northern boundary of this part of the land is shared with the nearby quarry, which features a tall, linear, vegetated and steep sided bund wall.

The subject land is predominantly of rural character at present. The existing immediately adjacent residential context is provided by existing development established in Greenway Place on the southeast edges of the subject land.

2.2 Visual Context

The adjacent residential land in Greenway Place generally enjoys panoramic views over the subject land toward the Ropes Creek valley to the west and the Blue Mountains Plateau beyond. The views over the land are not significantly restricted by the ridge inside the subject land that is parallel to its southern boundary. The proposal is to remove the natural topography of the view and replace it with flat land in cuts of variable depths and with very large buildings instead, over and between which there will be little in the way of access to the view beyond.

2.3 Visual Resources of the Subject Land

The subject land is a significant visual resource to the public in Greenway Place and to private residential land owners. Future development of the subject land is appropriate given the zoning and strategic significance of the locality generally. It can be compatible with retaining critical aspects of that resource, but requires a closer examination of the nature of the resource and constraints on its recognition and management in the future.

I consider that :

- The primary existing visual resource value of the subject land is the undeveloped backdrop/ foreground it provides to significant views in the public and private domain.
- The second primary resource value of the subject land is to maintain a sense of separation between the residential land and the perception of expanding industrial development. The residences on Greenway Place will be faced with a totally transformed scenic quality that removes the natural topography in toto. The landscape scenic quality will decrease from a present moderate quality foreground and high quality background, producing a significant and valuable composition, to a low quality industrial view dominated by large buildings,

roofs and hard surfaces.

- The visual quality and character of the existing slopes and ridge are considered to be a significant resource to be protected and promoted to achieve each of the above implicit aims, ie. remain an undeveloped backdrop, a separating element between the residential area and industrial development beyond and an interface that is compatible with the competing values across the boundaries of both kinds of land.

2.4 Lack of Sensitivity of the Application to the Scenic Resources

The EAR acknowledges the sensitivity of the subject land in relation to the residential users in Greenway Place (Figure 39 at page 70), but is insensitive to this assessment. Rather than acknowledging that this sensitivity demands a solution that is relevant to the constraints that occur along the boundary, it takes a gross solution instead, that ignores the topography and proposes extensive cuts and earthworks across the entire site.

A reasonable proposal would consider how to locate development in a way that satisfies the requirements of Clauses 21 and 23 of SEPPWSEA without destroying the amenity and views of the directly adjacent residential properties. The sensitivity that is the highest on the plan at Figure 39 is land that is proposed to be cut in the Areas of Cut and Fill Plan (Figure 27 at Plate 33 of the EAR).

It appears, rather than being a matter to be taken into account in providing a sensitive outcome, that the topography of the subject land has been considered no more than a constraint on providing a large area of flat land for industrial units in the application. The fact that the land adjacent to residences is sensitive did not produce an outcome sensitive to the existing landform, scale of the buildings, or landscape character.

The cut and fill diagram shows virtually none of the site will escape from landform modification. However since the original topography is shown at one scale and contour interval (Figure 13) and the cut and fill is shown at another (Figure 27), while there is no final landform plan that shows the internal topography or the cuts and fills that are presumably around the perimeters, it is difficult to ascertain precisely what is proposed.

With regard to the adjacent residential properties above the site in Greeway Place, the solution to visual impacts is not to provide a buffer of any substance but to cut the site and sink the buildings into it. The buildings are of the maximum heights permissible and their footprint sizes, locations and scale do not relate to the heights, scales, siting or character of the adjacent existing and future residential land adjacent. The application does not satisfy the specific requirements of Clause 23(2)(a) of SEPPWSEA in my opinion.

Leaving aside the issue of whether deep cuts are appropriate at the eastern boundary at all, for the moment, the depth of cut shown on the plans does not appear to accord with the descriptions in the EAR. The EAR claims that building footprints are intended to be up to 13-18m below the levels of dwellings in Greenway Place. The stated intention is to make certain that views over the buildings are retained from residential properties.

My interpretation of the contour and cut and fill plans with regard to the McHale and Micallef residences however, appears to indicate that the nearest buildings will be springing from as little as 3-4m below the level of view from the prime living area of the dwellings and virtually on-grade



with the rear boundary of the McHales' yard.

The attached survey plan by T Grabara and Associates shows the floor levels of primary living areas of each of my clients' properties. As a guide to what the likely effect on their views will be, the location and height of a prominent residual ironbark tree in the subject land was also surveyed. The tree is visible in the photographs attached, which depict views from inside each property.

Taking each property in turn:

McHale, 38-40 Greenway Place

The rear terrace of the McHale residence has a level of RL 91.60. The building pad for the nearest building has an approximate level of RL 85. The base of the tree in the photographs and on the survey is at RL 84.4 and it has a canopy height of approximately RL 99.0, giving a height above natural ground level of approximately 14.6m.

In the photographs taken by myself and Ms McHale, the tree can be seen to extend above the horizon of the Blue Mountains Plateau in the view line. The tree is about 45m inside the boundary of the subject land and is therefore inside the setback (that is, it is inside the building zone). Relative to the back boundary of the McHale land, the pad of the nearest building is at approximately the same level as the base of the tree.

As such, the 14m height of a building is approximately the same as the tree. The buildings will block the view from the terrace toward the Ropes Creek valley and the Blue Mountains Plateau beyond. The view blocking effect would be greater for a standing viewer in the rear yard, or a seated viewer inside the residence itself.

Micallef, 33-37 Greenway Place

The rear verandah of the Micallef residence has a level of RL 95.72. The Micallef residence has a more expansive view in a horizontal sense than the McHale enjoy. As before, the building pad of the nearest building is at approximately RL 85.

In the photographs, taken by Ms McHale from a standing position on the verandah, the same tree as a scale object can be seen. The canopy of the tree is as high as the mountain horizon in the background. On the basis of the same logic used above, it is clear that the building proposed in the application will block the view toward the Mountains for a standing viewer at the rear of the dwelling, contrary to the claims in Volume 2 of the EAR and in Appendix T. The view blocking effect would be greater for a standing viewer in the rear yard, or a seated viewer inside the residence itself.

2.5 The Visual Assessment in the EAR

The visual assessment relative to Greenway Place depends on observations from a very small number of viewing points (Appendix T to the EAR).

The main measure to reduce visual impacts on views from the east and south east is to sink the buildings into the ground. However, the topography of the site is undulating and has the greatest cross falls adjacent to the east and south east boundaries. This means that this is the area that would inevitably be cut the most to produce flat building platforms and as such the mitigation of visual impacts by lowering the buildings seems to be more of an afterthought than a strategy.

The effect of this on the landscape is shown in Figures 17 and 18 of Volume 2 of the EAR, which

claims a footprint level for the nearest building to 30-32 Greenway Place and 14-20 Greenway Place that are each 18m below the level of the dwelling.

My client Mr Micallef is directly adjacent to No.30-32 Greenway Place, the view adjacent to which is represented by the montage of Viewing Point No. 4 at Figure 15 in Appendix T. The relationship between the residence and the nearest building is represented by the section shown in Figure 17

The analysis above however, clearly throws considerable doubt on the accuracy of the montage and the visualisation of the heights of the buildings relative to the view. If the floor level claimed for No. 30-32 Greenway Place is correct, it is only approximately 0.28m higher than the Micallef residence. This would make no significant difference to the view blocking effects of the buildings and they should be shown in the montage to be considerably taller.

Even if one assumes the section in Figure 17 to be correct, the montage (Figure 15) that shows the relationship between the view from the road and this building does not seem correct. A viewer should be looking only slightly downward onto the roof of the proposed building and see virtually none of the side elevation. However, in the montage, the side wall of the building is visible, meaning that it is shown to be too far away from the viewer to be correct and therefore it may be too small to be realistic, regardless of its height relative to the viewer's eye.

2.6 Photomontages

The Visual Assessment is accompanied by a small number of photomontages. Those in the Appendix to the EAR are not all the same as those in the EAR, the reasons for which are not explained. There are differences in the sizes, shapes, locations and landscaping of the buildings and there appear to be differences in side setbacks in some cases.

In relation to the montages in Volume 2 of the EAR, I have a number of comments, as follows.

Figure 41

The side setbacks on both the south (left) side and the east side (toward the viewer) are greater than is proposed. The natural appearance of the area between the building and the boundary is unlikely to be correct, given that there is proposed to be a very deep cut close to the boundary and demarked by a straight line. There is no landscape plan that shows what the buffer should be like and as such the buffer area is an artist's impression, not a representation of reality of the application. There is proposed to be a fence, earth mound and other features at the top of the cut, which do not appear to be shown.

On the right side of the montage is a hill with trees on it. This hill has a demountable cottage on it in reality. In the plans, this hill is proposed to be cut down to a flat surface on which the building is standing. All of the topography in the montage that is to the right of the building is incorrect. The remainder of the buildings in the southern part of the development site to the right of the view should be dominating the remainder of the view. The impression of a building or two standing in a natural setting is at the best an illusion.

Figure 13 of Appendix T shows the same view but a different building. Given the inaccuracies of the other montage that shows the same view place, there is little confidence that can be placed in either. The right side of the view has been corrected; however the building in the middle of the view is proposed to be in a deep cut according to the sections through this boundary. What appears



to be most of the side wall toward the viewer is visible in this view, which questions whether it appears to be the correct height, or the right distance from the viewer. Compared to Figure 41, the side setback on the left appears to have decreased to a more realistic distance from the side boundary.

Figure 43

The montage appears to be the same as Figure 15 of Appendix T. It shows buildings that appear to be too low and too far away from the viewer to accord with the layout plans, the cut and fill plans and the analysis of relative levels undertaken above. The proposed fence, earth bank and landscape claimed to be present in the setback are not shown. I do not know where the trees that are shown growing between the building and the viewer are springing from.

2.7 Overall

In my opinion the visual impacts assessment is not adequate for a variety of reasons. I consider that it is not consistent with the statutory provisions of SEPPWSEA and does not satisfy the specific requirements of Clauses 21 and 23.

The building heights will adversely impact on the amenity of adjacent residential properties in Greenway Place and in particular those of my clients, and the consent authority cannot be satisfied that it has been proven otherwise. The site topography has been ignored rather than taken into consideration in proposing the development and the layout of buildings, their heights and scales have not been taken into account.

The application recognises the proximity of residences inside the 250m distance relevant to the SEPPWSEA, but, it does not properly establish the environment that they enjoy, or attempt to manage the impacts of development inside its own land, other than in a cursory way. It would be more appropriate and equitable for the development to share some of the responsibility for managing the impacts by proposing specific controls over subdivision, building locations and heights, design, setbacks, FSR and landscaping.

An alternative strategy would be to have substantial buffers to the development on the eastern boundary, arrange the buildings beyond the buffer to retain views between, over and through the development, propose buildings of a smaller footprint and lower, residential heights adjacent to the buffer, employ deep soil landscape areas to mitigate impacts and increase scenic value and design quality.



3.0 Conclusion

In my opinion the application cannot be supported at this time. The visual assessment is not adequate and the strategies that are proposed for mitigation of visual impacts on residential land are inconsistent and unconvincing. The layout of the proposed development is in my opinion not consistent with the scenic and landscape resources that are enjoyed by existing residents in Greenway Place, which deserve to be enjoyed by residents.

The applicant should be required to re-design the layout of the proposed development so as to make use of the topography, relate the size of buildings on the eastern periphery of the subject land more appropriately to the scale of adjacent buildings and mitigate the visual impacts of the scale and appearance of the proposed buildings in a way that relates to the sensitivity of the site that is identified in the EAR.

As a part of that reconsideration, the visual assessment should be carried out in a comprehensive and systematic way with a fully explicit, consistent, collegial and consultative approach, with a justifiable methodology that can effectively answer the statutory framework and the DGRs.

Dr Richard Lamb

A handwritten signature in black ink that reads 'Richard Lamb'.

Richard Lamb and Associates

18 May, 2011

























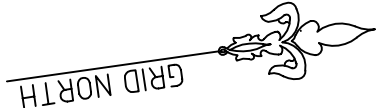
Curriculum Vitae: Dr Richard Lamb

Summary

- Professional consultant specialising in visual and herittage impacts assessment and the principal of Richard Lamb and Associates (RLA)
- Honorary senior lecturer in Architecture and Heritage Conservation in the Faculty of Architecture, Design and Planning at the University of Sydney
- Director of Master of Heritage Conservation Program, University of Sydney, 1998-2006.
- 30 years experinence in teaching and research in environmental impact, heritage and visual impact assessment.
- Teaching and research expertise in interpretation of heritage items and places, cultural transformations of environments, conservation methods and practices.
- Teaching and research experience in visual perception and cognition, aesthetic assessment and landscape assessment,.
- Supervision of Master and PhD students postgraduate students in heritage conservation and environment/behaviour studies..
- Member of the EBS disciplinary group. The field is based around empirical research into human aspects of the built environment, in particular aspects of aesthetic assessment, visual perception, landscape preference and environmental psychology.
- Richard Lamb and Associates provides:
 - professional services, expert advice and landscape and aesthetic assessments in many different contexts
 - Strategic planning studies to protect and enhance scenic quality and landscape heritage values
 - Scenic and aesthetic assessments in all contexts, from rural to urban, provide advice on view loss, view sharing and landscape heritage studies.
 - Expert advice, testimony and evidence to the Land and Environment Court of NSW and Planning and Environment Court of Queensland in various classes of litigation.
 - Specialisation in mattes of heritage landscapes, visual impacts, and urban design
 - Appearances in over 150 cases and submissions to several Commissions of Inquiry and the principal consultant for over 400 consultancies.

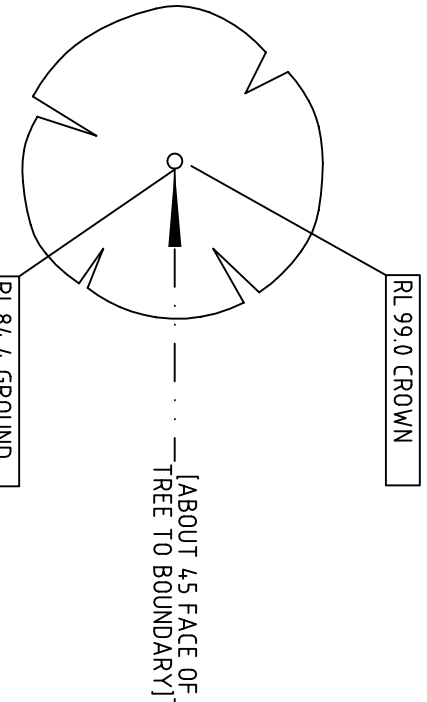
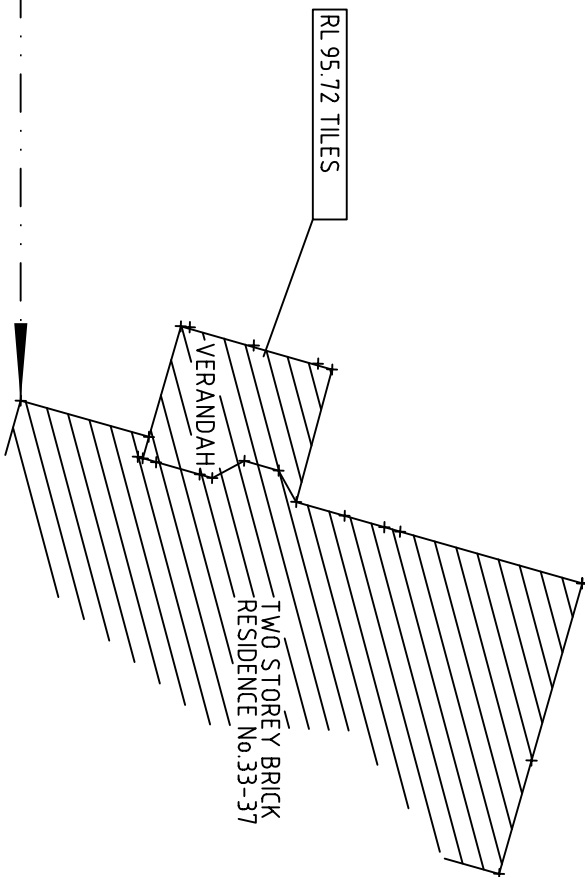
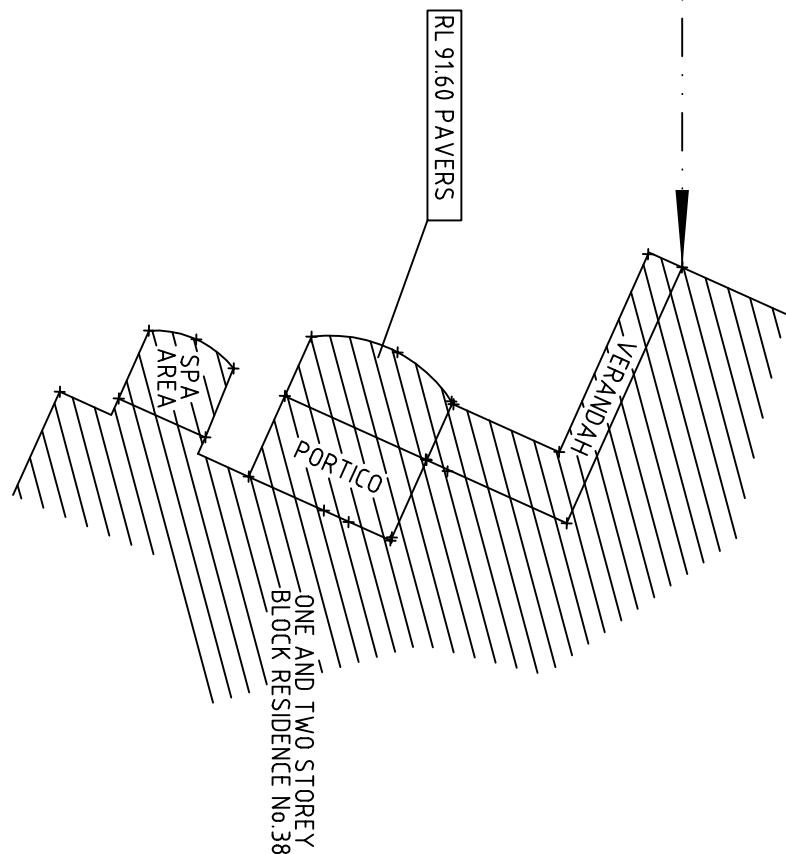
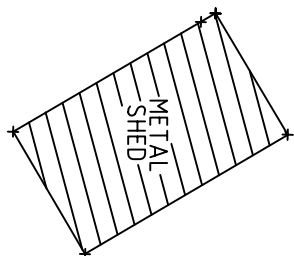


- Qualifications
 - Bachelor of Science - First Class Honours, University of New England
 - Doctor of Philosophy, University of New England in 1975
 - Accredited Administrator and Assessor, Myers Briggs Psychological Type Indicator
- International Journals for which Publications are Refereed
 - Landscape & Urban Planning
 - Journal of Architectural & Planning Research
 - Architectural Science Review
 - People and Physical Environment Research
 - Journal of Environmental Psychology
 - Australasian Journal of Environmental Management
 - Ecological Management & Restoration
 - Urban Design Review International

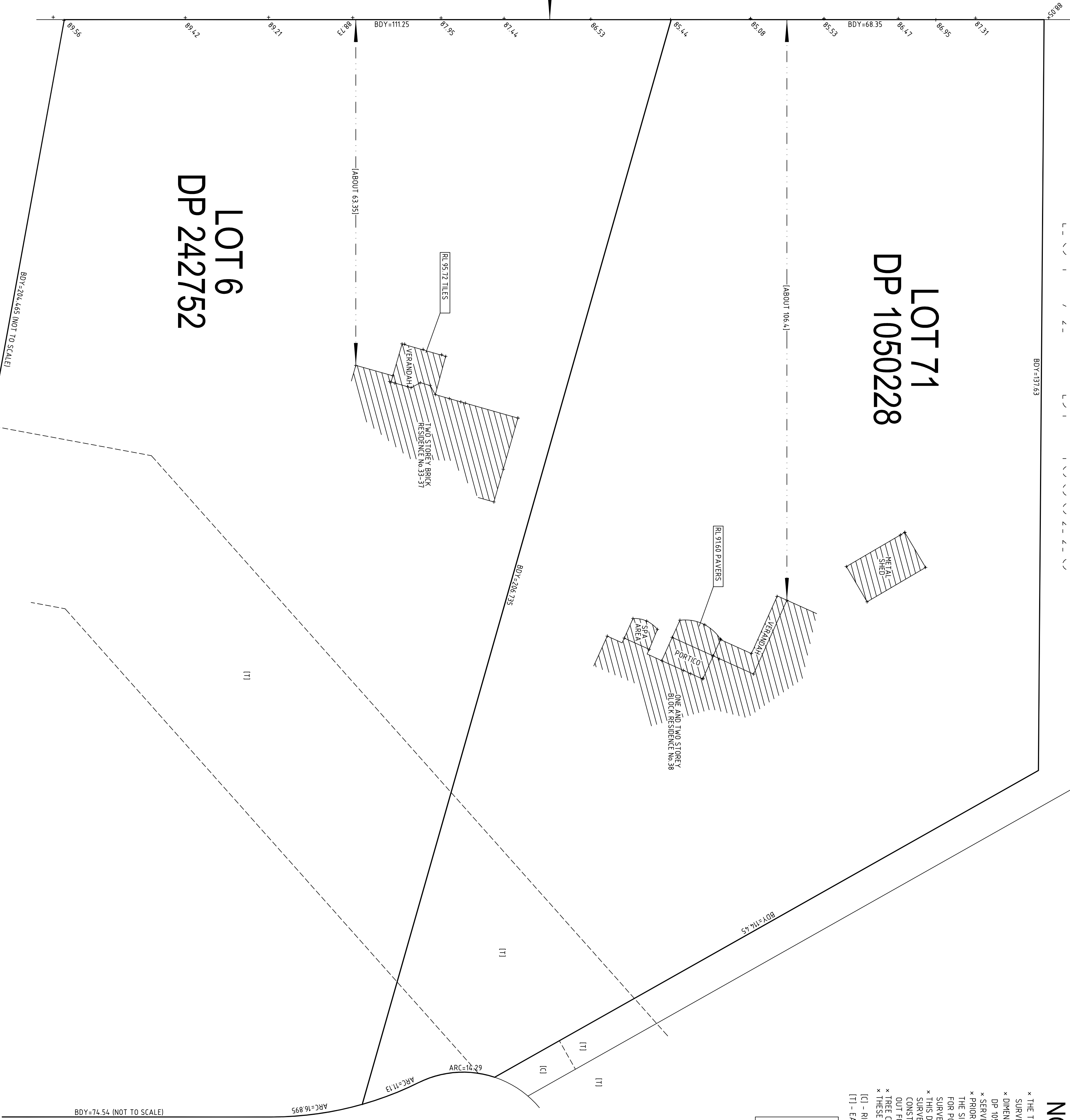


LOT 72 DP 10502228

LOT 71
DP 10502228



LOT 6
DP 242752

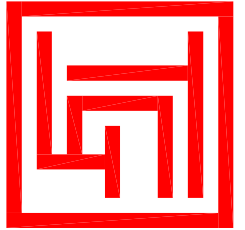


NOTES

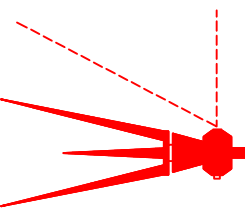
- * THE TITLE BOUNDARIES OF THE PROPERTY HAVE NOT BEEN SURVEYED.
- * DIMENSIONS AND AREAS WHERE SHOWN HAVE BEEN TAKEN FROM DP 1050228 AND DP 242752.
- * SERVICES HAVE NOT BEEN SHOWN.
- * PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF UNDERGROUND SERVICES NOT SURVEYED.
- * THIS DETAIL SURVEY IS NOT A "SURVEY" AS DEFINED BY THE SURVEYING AND SPATIAL INFORMATION ACT, 2002. IF ANY CONSTRUCTION IS PLANNED IT WOULD BE ADVISABLE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.
- * TREE CANOPY IS INDICATIVE ONLY.
- * THESE NOTES ARE AN INTEGRAL PART OF THE PLAN.
- (C) - RIGHT CARRIAGEWAY 6 M WIDE AND VARIABLE WIDTH (DP 1050228)
- (T) - EASEMENT FOR TRANSMISSION LINE 30.48 M WIDE (WIDE 423082)



DECLARATION
NO RESPONSIBILITY WILL BE ACCEPTED BY T GRABARA & ASSOCIATES & ANY PART OF WHOLE OR THIS PLAN HAS BEEN ALTERED, VARIOUS, IMPROVED, DELETED, ADDED OR MISREPRESENTED IN ANY WAY.



T GRABARA & ASSOCIATES
A DIVISION OF TIKAZI PARTNERS LTD ACN 602 207 735
SURVEYORS & DEVELOPMENT CONSULTANTS
No 4/188-190 QUEEN STREET, ST MARYS NSW 2760
PO BOX 50 ST MARYS NSW 2790 DX 29810 ST MARYS
Phone: (02) 9833-2733 Facsimile: (02) 9623-0131 Email: tga@grabara.com.au



| | |
|--|------------------------|
| REFERENCE: 3769 | LOCALITY: HORSLEY PARK |
| DATE: May 12th, 2011 | LGA: FAIRFIELD/PENRITH |
| SCALE: 1:400 | SHEET 1 OF 1 SHEETS |
| DATUM: AHD (ORIGIN OF LEVELS \$SM 15573 RL 83.25m) | REVISION 3769-LEV |
| PLAN OF LEVELS & APPROXIMATE LOCATIONS OF FEATURES AT LOT 71 DP 1050228 & LOT 6 DP 242752 BEING NO 38 & NO 33-37 GREENWAY PLACE, HORSLEY PARK & ON LOT A DP 392643 FOR MR AND MRS McHALE | |