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20 May 2011

Chris Ritchie  
Manager – Industry,  
Mining & Industry Projects,  
Major Development Assessment,  
Department of Planning,  
GPO Box 39,  
**SYDNEY. NSW 2001.**

Dear Sir,

**RE: PROPOSED HORSLEY PARK INDUSTRIAL ESTATE  
PROJECT APPLICATIONS 10\_0129 AND 10\_0130**

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We refer to your letters of 29 March and 21 April 2011 relating to the above applications and enclose our Submissions/Objections dated 20 May 2011

Further to the Submissions, we formally invite the relevant officers of the Department who are to assess the application to attend an onsite inspection of our property and the neighbouring properties in Greenway Place to assist in understanding the impact of the development as it is currently proposed.

We look forward to hearing from you.

Yours faithfully,

**Kathleen and Joseph CRESTANI**

**SUBMISSIONS / OBJECTIONS TO**  
**PROJECT APPLICATIONS 10\_0129 AND 10\_0130**  
**PROPOSED HORSLEY PARK INDUSTRIAL ESTATE**

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**Joseph CRESTANI**

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20 May 2011

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**SUBMISSIONS / OBJECTIONS TO**  
**PROJECT APPLICATIONS 10\_0129 AND 10\_0130**  
**PROPOSED HORSLEY PARK INDUSTRIAL ESTATE**

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**ATTACHMENT A - Report of Dr. Richard Lamb of 19 May 2011**

**SUBMISSIONS / OBJECTIONS TO**  
**PROJECT APPLICATIONS 10\_0129 AND 10\_0130**  
**PROPOSED HORSLEY PARK INDUSTRIAL ESTATE**

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**1. OUR LOCATION:**

- 1.1 We reside at 1-17 Capitol Hill Drive, Mt. Vernon (also known as Lot 1671). The property is zoned rural residential and is located to the immediate south of the proposed development site.

We have lived at this address for 15 years.

- 1.2 Figure 1 below is a photograph of our residence taken on 28 April 2011.



**Figure 1**

Figure 2 is an aerial photograph of the proposed development site (incorporating the location of our property).



**Figure 2**

## 2. **OBJECTION 1 – PROCEDURAL UNFAIRNESS:**

- 2.1 On 4 April 2011, we received correspondence from NSW Planning dated 29 March 2011 advising that Jacfin Pty Limited (Jacfin) had lodged a major project application and environmental assessment under Part 3A of the *Environmental Planning and Assessment Act 1979*, seeking approval for a Concept Plan (10\_0129) to establish an industrial and employment park on 93.5 hectares of land at Horsley Park in the Penrith LGA. The proposal also included a project application (10\_0130) for stage 1 involving a subdivision of the site and development of a warehouse building.

The application includes a preliminary environmental assessment report by JBA Planning dated July 2010, a second environmental assessment report by JBA Planning dated March 2011 and 21 appendices ranging from Director General's requirements, design guidelines, tables of compliance, a sustainability statement, plans and the following expert reports:

- Geotechnical Assessment.
- Environmental Assessment.
- Flora and Fauna Assessment.
- Heritage Impact Assessment.
- Bush Fire Assessment.
- Traffic Impact Assessment.
- Infrastructure and Services.
- Landscape Plan and Report.
- Storm Water Management Plan.
- Noise Assessment.
- Visual Impact Assessment.

The application, assessments, guidelines, plans and reports in total number 970 pages.

Having regard to the lack of any notice of the application until 29 March 2011, the volume of material to be considered and the need to obtain independent expert advice, we do not consider that the period specified for the lodgement of submissions (23 May 2011) allows us a sufficient opportunity in which to complete our response.

## 3. **OBJECTION 2 – FAILURE TO CONSULT:**

- 3.1 There has been no attempt by Jacfin or its representatives to consult with us or any other affected landowner during the process of environmental assessment, notwithstanding the express direction of the Director General on 12 August as follows:

*"During the preparation of the Environmental Assessment, you (the proponent) should consult with the relevant local, state ... community groups and affected landowners".*

- 3.2 Furthermore, we are aware that in October 2007, the Department of Planning issued Guidelines for Major Project Community Consultation. These Guidelines confirmed the importance of community consultation as part of the environmental process for Part 3A applications and provided an outline, inter alia, of what the Department expected from proponents as it related to community consultation prior to, during and after the assessment of concept or project applications. Specifically, proponents were expected to consult early (particularly where the project was likely to be contentious), commit adequate resources to consultation, clearly describe who had been consulted and what issues were raised and finally, demonstrate how the issues raised during the consultation process had been addressed in the environmental process.

The Guidelines additionally provided an outline of what the Department considered an adequate consultation process:

*"The account of the consultation process included in the environmental assessment may be considered adequate if it demonstrates that:*

1. *Those individuals and organizations likely to have an interest in the proposal had enough opportunity to express their views. The community of interest can be broadly categorised into three groups:*

- a. *those directly impacted by the project (eg neighbouring residents ...."*

- 3.3 Notwithstanding the knowledge of the proponent of our interest as an adjoining owner directly affected by the concept plan, no attempt has been made whatsoever to consult with us. On any view, Jacfin has failed to comply with any of the Guidelines as it relates to the requirement of a proponent to consult with adjoining owners.

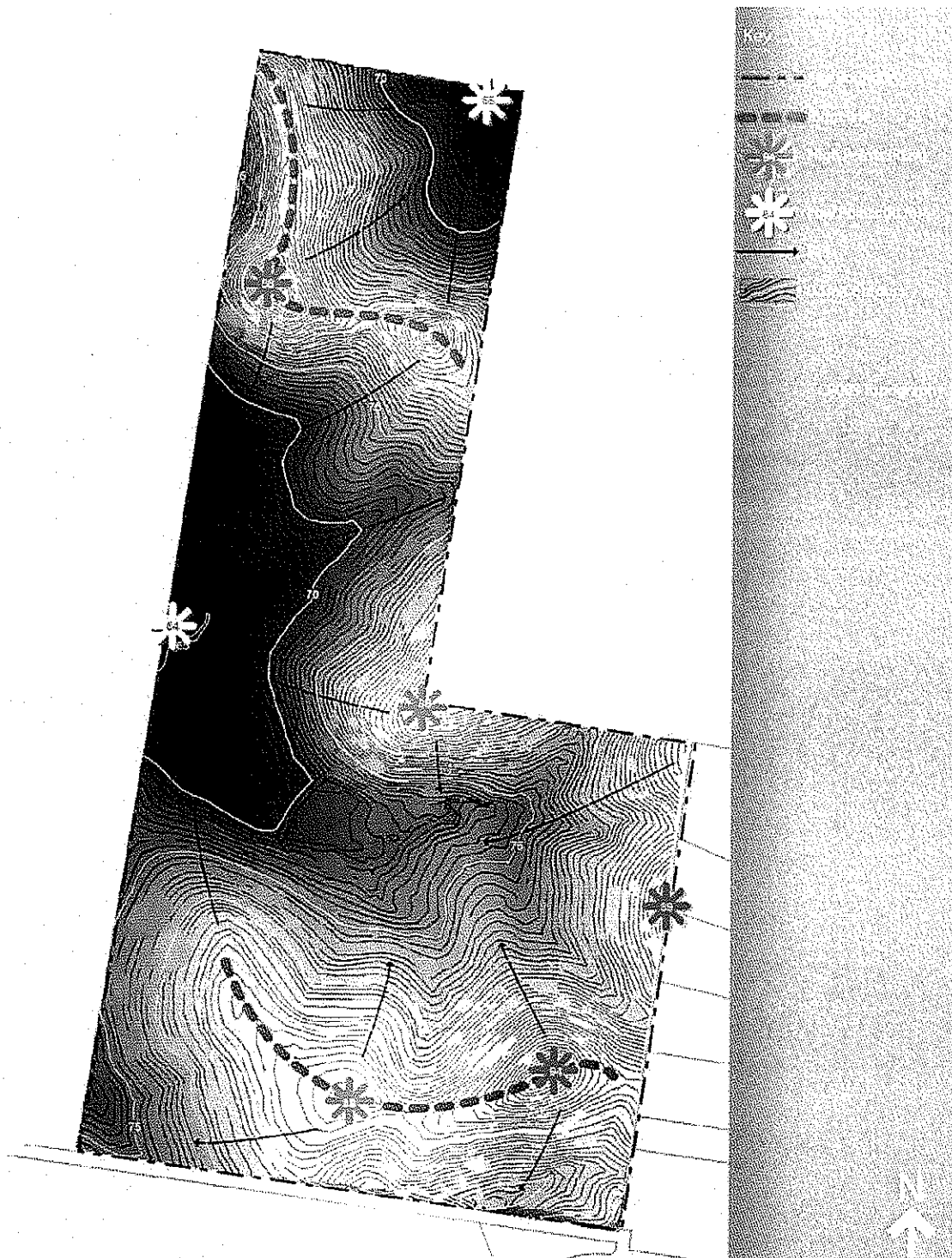
It follows that the Environmental Assessment Report of JBA Planning is deficient in satisfying the threshold requirement of an adequate consultation process.

- 3.4 On the ground of the deliberate failure of the proponent to undertake any process of consultation with us, it is our submission that the Applications should be rejected.

#### 4. OBJECTION 3 – FAILURE OF THE CONCEPT PLAN AND THE ENVIRONMENTAL ASSESSMENT REPORT TO TAKE INTO CONSIDERATION THE EXISTING TOPOGRAPHY:

- 4.1 The parcel of land owned by Jacfin Pty Limited is located at the most southern end of the industrial zoned precinct (8). Significantly, it encroaches directly into the existing rural landscape and residential neighbourhoods of Horsley Park and Mt. Vernon.
- 4.2 The JBA Environmental Assessment report of March 2011 basically describes the development site as one characterised by undulating topography with a ridgeline running generally northwest to southeast across the northern section of the site and a second ridge that extends east-west across the southern section of the site.

The report identifies the location of the highest point at the southeastern corner of the ridge at the site of a dwelling. The high point is at RL94metres. The site topography is as shown in figure 3 below.



**Figure 3**



4.3 Figures 4, 5, 6 and 7 are photographs taken of the hillside extending northwards from the rear of our property up to the ridgeline running along the southern section of the site. It represents a significant natural landform. The rear section of our house and recreational area faces north and has a direct view of the hillside as shown in the photographs.



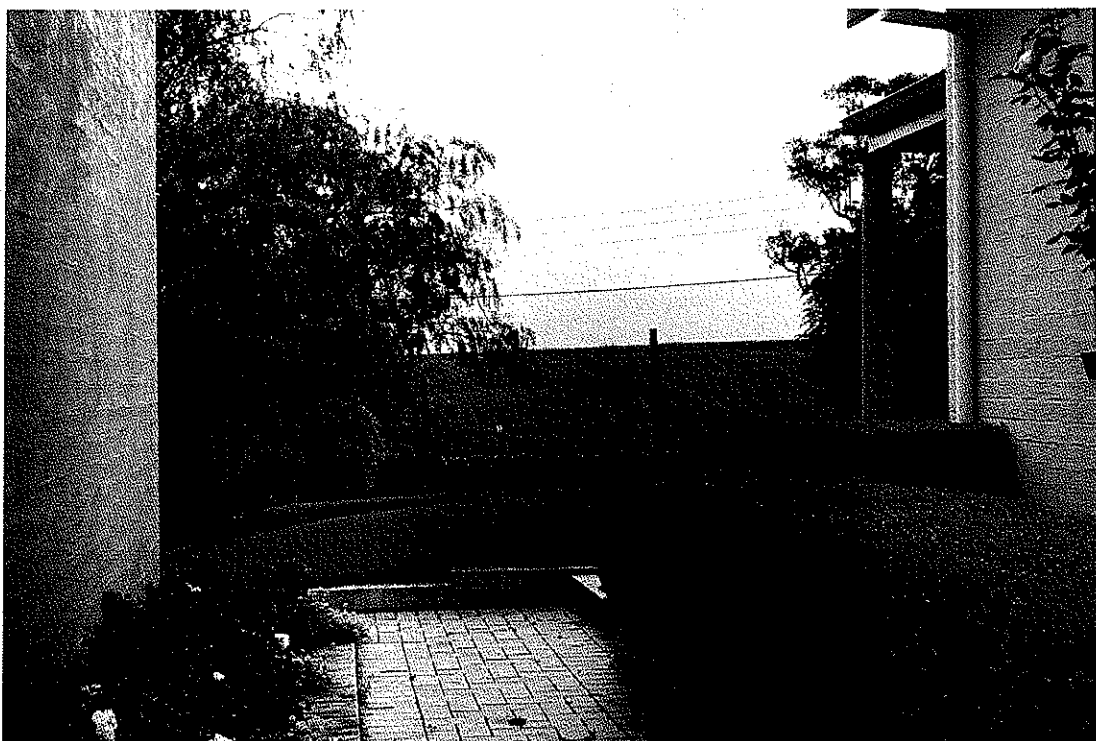
**Figure 4**



**Figure 5**



**Figure 6**



**Figure 7**

- 4.4 Apart from providing a favourable visual outlook from the position of our residence, the hillside and ridgeline provide a substantial visual buffer between the existing rural residential landscape incorporating properties situated to the south (the whole of the Capitol Hill Estate numbering approximately 100 rural residential properties), the southern end of Greenway Place and various properties situated in Horsley Road, and industrial development already underway to the far north of the proposed development site. By way of illustration, Figure 8 below is a photograph taken from Horsley Road at the eastern entry of Capitol Hill Estate depicting the glimpse of warehouse development to the distant north.



**Figure 8**

- 4.5 When considering the topography, it is also relevant in our view that a significant proportion of the development site is of inherent scenic quality with panoramic vistas of the Blue Mountains from the southern ridgeline and the southeastern boundary. The JBA Environmental Assessment Report of March 2011 fails to mention this characteristic.

In retrospect, we question the underlying basis of the decision of the previous Labor government in August 2009 to rezone the whole of the parcel to IN1 General Industrial given the elevated topography of the site toward the southern and south eastern boundaries and the proximity to adjoining rural residential properties. As with the present environmental assessment process, we note the process of rezoning occurred without any form of individual notice or attempt by anyone to consult us as an adjoining landowner.

- 4.6 With complete disregard of the issue of topography on the southern and southeastern side, the Concept Plan and the Environmental Assessment Report propose cutting into the existing southern hillside and filling in the lower part to create level pads for the construction of a substantial warehouse to the immediate rear of our boundary, two other substantial warehouses further west along the southern boundary and another two further north along the eastern boundary. The Concept Plan appears to incorrectly assume that as the parcel of land has been zoned General Industrial, Jacfin is entitled to develop the area by effectively leveling the whole of the site to build warehouse facilities from end to end.

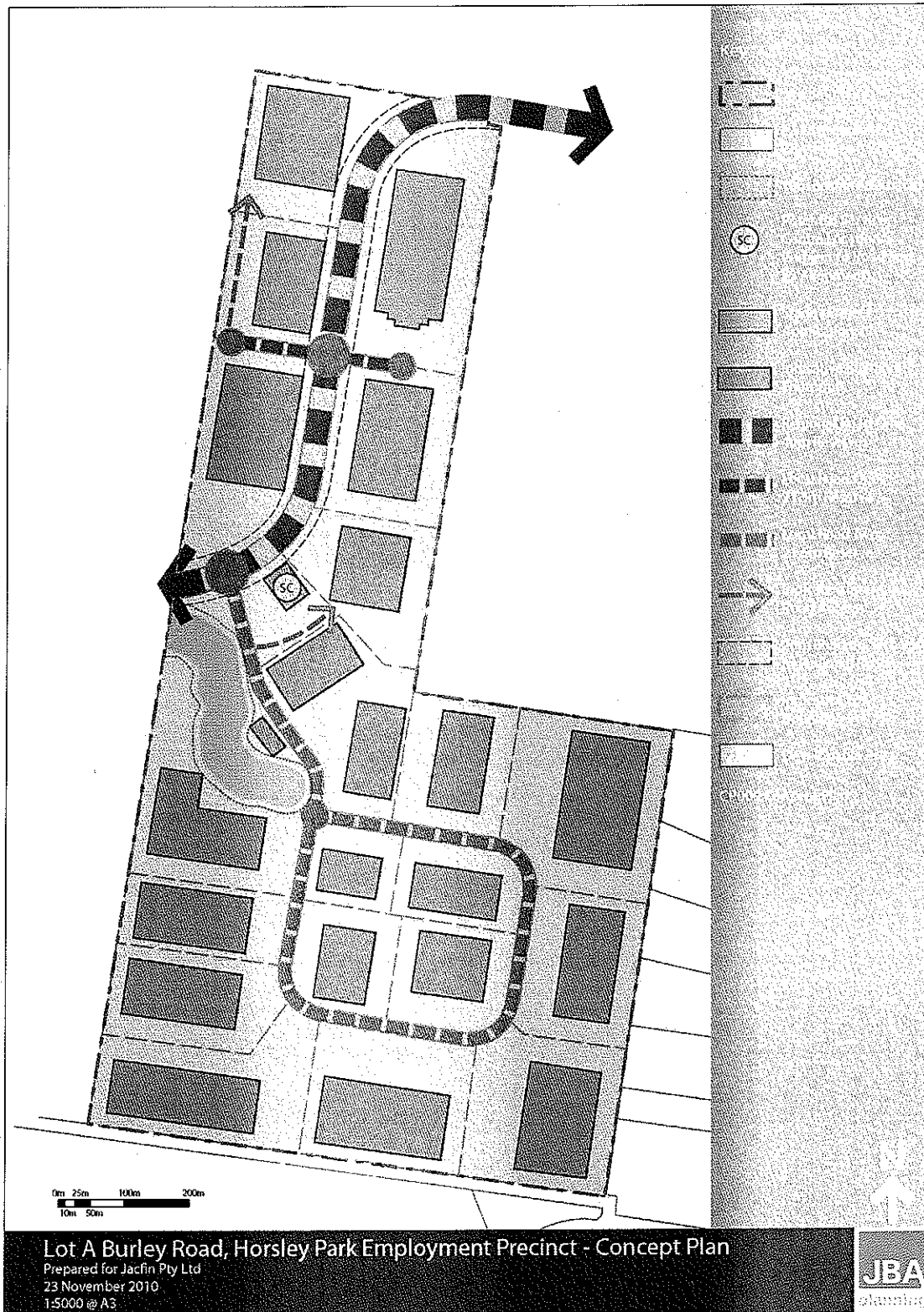
On my calculations, the creation of a pad level for buildings along the eastern boundary (as suggested at RL 78-85m) will require a massive excavation of the hillside (at a ridgeline level of RL94) of between 9 and up to 16 metres.

The proposed area of "cut and fill" is as shown in figure 9 below.



**Figure 9**

The proposed Concept Plan is shown in figure 10 below.



**Figure 10**

4.7 It is inconceivable that any objectively based environmental assessment would support the removal of a significant existing ridgeline and hillside to permit the construction of large warehouse facilities, given the particular characteristics of the rural landscape and the proximity of rural residential properties to the southeast and southern boundaries. A visual inspection of the hillside to the immediate rear of our property will readily determine the unreasonableness of the proposal to remove the existing hillside.

4.8 Section 21 of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* expressly provides that consent must not be granted to development on land to which the Policy applies unless it is satisfied that:

(a) *Building heights will not adversely impact on the amenity of adjacent residential areas and;*

(b) ***Site topography has been taken into consideration.***

By any standard, the Concept Plan and the Environmental Assessment Report of JBA Planning fail at a most basic level to take into consideration the existing topography.

4.9 Of further relevance are the key principles required to be addressed in a visual impact assessment according to the Penrith City Council Development Control Plan 2010. These include the protection of areas with high scenic and landscape values by:

- Protecting, maintaining and enhancing important natural features, including ridgelines, hillsides, water courses and riparian corridors, vegetation and landform.
- Planning and siting new development to enhance local identity, with a view to effectively integrating with the surrounding landscape so that any change as a result of the new development does not compromise the character of the landscape.

The DCP confirms as to building form that any applicant must demonstrate how the height, bulk and scale of a building will avoid or minimise negative impacts on an area's landscape, scenic or rural character, taking into account the topography of the area, the surrounding landscape and views to and from the site.

The DCP also provides some guidance in responding to the topography of the site at Clause 1.2.4 by requiring:

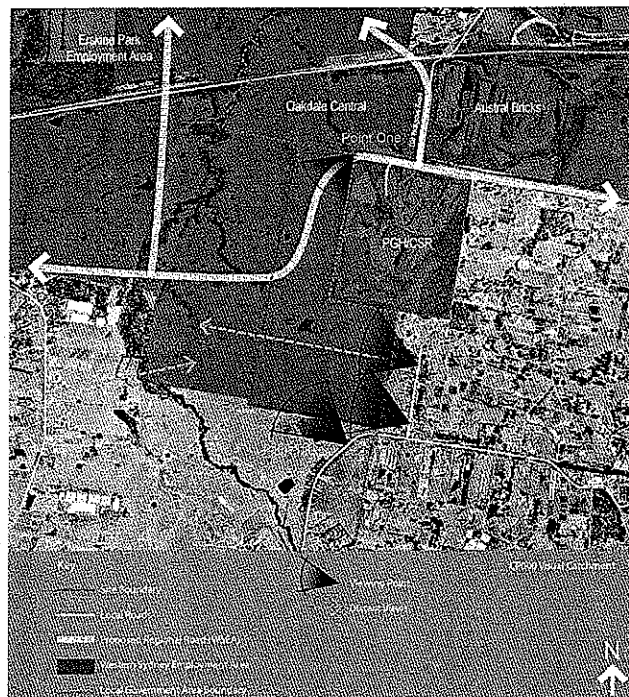
- (a) Applicants to demonstrate how the development responds to the natural topography and landform of the site based on analysis drawings.
- (b) Any built form should be located, oriented and designed to minimise excavation, cut and fill in accordance with the requirements of Chapter 4 "Land Management" of this Plan.

- (c) The built form should respond to the natural topography by; (iii) avoiding steep slopes for buildings, (iv) aligning the built form with the contours and (v) utilising split level design on slopes.
- (d) Where relevant, buildings should be placed so there is a backdrop of a hill, slope or rise behind the buildings. In this way, the ridgeline of any building is lower than the highest level of any hill, slope or rise on which the building is placed to avoid being visible above that hill, slope or rise.

Clause 4 of C4 Land Management requires that earthworks to create a building platform shall not be undertaken where excavation and/or filling would exceed 1 metre from the existing natural ground level of the site.

**5. OBJECTION 4 – FAILURE OF THE CONCEPT PLAN TO TAKE INTO ACCOUNT THE VISUAL IMPACT:**

- 5.1 A visual impact assessment by JBA Planning of November 2010 has been submitted as part of the Concept Plan application.
- 5.2 The assessment acknowledges that our property is one exposed to “a relatively high visual sensitivity”, due to the proximity of the property to the development site, the scale and proximity of the industrial/warehouse buildings, the orientation of the dwelling providing a view into the site, the openness of the landscape and lack of existing vegetation within the site.
- 5.3 The visual impact report also acknowledges that other areas of the southeastern corner will be subject to relatively high visual sensitivity including the residents of Greenway Place and the parcel of land located to the west of our property. The visual catchment is as shown in figure 11 below.



**Figure 11**



- 5.4 The visual impact assessment does not illustrate the extent of the visual impact of the proposed development from our location or other potentially affected properties. In particular, there are no photomontages of the proposed warehouses as viewed from:

- The immediate rear of our residence.
- Properties located along Horsley Road near to the entry of the Capitol Hill Estate in their view of the proposed development.
- The parcel of land to the west of our property (other than at a distant view from Capitol Hill Drive).
- Properties located in Greenway Place (other than from views taken from road level at two locations).

Furthermore, the Environmental Assessment Report of March 2009 at figures 41 and 42 depict incorrect orientations of the position of the proposed warehouses. In figure 41, the photomontage incorrectly depicts the remaining existence of a ridgeline and trees in the background. In figure 42, the photomontage depicts the width of warehouses along the southern boundary and not their lengths as proposed in the Concept Plan.

- 5.5 As with the environmental assessment report, the visual impact assessment fails to consider the issue of existing topography, or the principles required to be addressed according to the Penrith City Council Development Control Plan 2010.
- 5.6 In terms of mitigation, JBA propose a minimum setback of 20 metres to the southern boundary and 30 metres to the eastern boundary. The assessment also proposes a lowering of the ground level along the eastern boundary to minimise the visual impact of the development on the rural residential properties in Greenway Place. The assessment assumes a building height of up to 14 metres.

Despite the acknowledgement that our property is exposed to a high visual sensitivity to the proposed development, the visual impact assessment does not address the issue of mitigation other than for the implementation of a 20 metre setback and a future "strategy" for landscaping and boundary treatment as part of project application.

- 5.7 The site development guidelines prepared by JBA Planning of November 2010 confirm a maximum building height for the proposed warehouses of 14 metres, a 20 metre setback from the southern boundary and add the possible inclusion of a 2 metre high wall partially along the southern boundary.
- 5.8 As previously noted, Section 21 of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* specifies that the consent authority must not grant consent to development on land to which this policy applies unless it is satisfied that:

***"(a) Building heights will not adversely impact on the amenity of adjacent residential areas and;***



**(b) Site topography has been taken into consideration."**

5.9 Furthermore, Section 23 prescribes that the consent authority must not grant consent to development on land to which the Policy applies that is within 250 metres of land zoned primarily for residential purposes 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) 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**
- (d) Noise generation from fixed sources or motor vehicles associated with the development are effectively insulated or otherwise minimised, and**
- (e) The development will not otherwise cause nuisance to residents by way of hours of operation, traffic movement, parking, headlight glare, security lighting or like and.."**

5.10 Although the Tables of Compliance submitted by JBA Planning suggest that future applications will include a design guideline to demonstrate that the height of the proposed buildings will not adversely affect the amenity of neighbouring properties, the Concept Plan, the Environmental Assessment report, the Visual Impact Assessment and the Site Development Guideline leave no doubt that the proposal envisages the location of substantial warehouses and in particular the location of a 25,300 square metre warehouse 110 m wide, 230 m long and 14 m high at a setback of 20 metres from the southern boundary.

5.11 Our residential property is affected by Sections 21 and 23. The distance between the rear doorstep of our residence and the proposed location of the warehouse will be 64.5 metres. On any reasonable view, it could not be seriously contended that the proposed construction of a warehouse of this dimension within this distance would meet the criteria of either Section 21 which requires that the building height will not adversely impact on the amenity of adjacent residential areas, or Section 23 which requires that the building is compatible with the height, scale, siting and character of existing residential buildings in the vicinity.

5.12 By way of illustration, I attach at pages 15 – 19 Visual Impact Diagrams drawn to scale by **Peter Morson**, an architect who has been retained on our behalf. These visually show the position and scale of the proposed building relative to our residence and the obvious severe visual impact:

- AO1 - Site and Context Plan
- AO2 - 3D Views both Existing and as Proposed
- AO3 - 3D Views of Existing and as Proposed
- AO4 - 3D Views and Sections of Existing and as Proposed

5.13 Further to these Submissions and Diagrams, I also attach (as **Attachment A**) Objection/Visual Impact Report of **Dr. Richard Lamb** of 19 May 2011.

5.14 Apart from the severe visual impact of the proposed development on our property, the Concept Plan also fails to comply with the criteria of either Sections 21 or 23 of SEPPWSEA as it relates to the properties located along the south eastern boundary (Greenway Place). These properties have long range views of the Blue Mountains.

In relation to the Greenway properties, the JBA Visual Impact Statement also fails to take into account the key principles required to be addressed by the Penrith City Council Development Control Plan 2010 and in particular:

- C1 Site Planning and Design Principles which require the protection, maintenance and enhancement of views and vistas from vantage points and an integration of development with the surrounding landscape so that any changes as a result of new development do not compromise the character of the existing landscape.
- C1 Building Form dealing with character and setbacks/separations.
- D4 Industrial Development limiting the height of industrial buildings to 12 metres (and not the 14 metres as proposed) and the added proviso that development may not be permitted up to 12 metres if it will have an adverse impact on views to or from areas of visual importance.

5.15 The Director-General's Requirements issued on 12 August 2010 directed that any visual assessment should include a detailed landscaping, lighting and signage strategy for the whole site.

The Visual Impact Report of August 2010 simply states that landscaping treatment is envisaged to the south and southeastern boundaries. This does not comply with the above directions.

## **6 OBJECTION 5 – FAILURE OF THE CONCEPT PLAN AND THE ENVIRONMENTAL ASSESSMENT REPORT TO TAKE INTO ACCOUNT THE IMPACT OF NOISE:**

6.1 The proponent has submitted a Noise and Vibration Impact Assessment prepared by Wilkinson Murray in December 2010. The assessment assumes the operation of facilities 24 hours per day and a Concept Plan as proposed by JBA Planning.

Ambient noise levels were monitored at 4 locations surrounding the site, including our location which confirmed the obvious finding it was a quiet area.

The report provides predicted  $L_{Aeq}$  Construction Noise Levels in Table 6-1 and concedes that the predicted construction noise criterion at our residence is likely to be exceeded during the earthmoving phase and also during the period of development of the proposed warehouse of the southeast corner. The report estimates that during the earthmoving phase, a total site  $L_{Aeq}$  sound power of 116dBa can be expected. The impact of noise at this level would clearly be intolerable.

- 6.2 In assessing the operational noise, the report suggests that the major source of noise associated with the facility is expected to be that from the movement of trucks and loading/unloading operations at loading bays and yard areas and other site noise associated with the use of forklifts, reversing alarms and rooftop fans.

The report acknowledges that as a result of noise modelling, compliance with established noise criteria is indicated at surrounding residences including an orientation of the three eastern warehouses so that the buildings run in a north-south direction to provide an effective barrier to Greenway Place, the location of loading docks of the eastern buildings on the western side and barriers in the order of 5 metres in height to be constructed in gaps between the three eastern warehouse facilities.

Whilst acknowledging a need to implement measures to reduce the impact of noise to residents of Greenway Place, the report fails to give any such attention to our property, notwithstanding the direct exposure to the operating noise of the suggested loading docks on the western side of the warehouse located to the immediate rear of our house and pool/recreational area.

- 6.3 The report of Wilkinson Murray acknowledges that our area is subject to westerly winds and has assumed in its modelling, winds of up to 2.6 m/s during the evening and night periods. In formulating this estimate, the expert has sought to rely on seasonal wind records obtained from the Air Quality Monitoring Station located at St. Marys.

It is obvious that wind conditions will affect the impact of noise. We question the accuracy of the assumptions made by the expert as they fail to take into account adequately or at all the particular exposure of our residence (and those of the more elevated properties in Greenway Place) to the westerly winds and the frequency of our experience of very severe westerly conditions, particularly in the months of August and September in the 15 years in which we have lived at this address.

- 6.4 We additionally note that the Environmental Assessment Report fails to address the issue of air and dust pollution on nearby residential properties as a result of the proposed earthworks and the exposure of the properties to severe westerly wind conditions.
- 6.5 The Environmental Assessment Report of JBA Planning proposes a development operating 24 hours per day 7 days a week. Other than for a reference in the Tables of Compliance to obtaining noise assessments in future project applications, there is no such caveat on the proposal for the hours of operation within the environmental assessment report.
- 6.6 The Noise and Vibration Impact Assessment Report is labelled Version F. The report however refers to a series of earlier reports including a draft (A) on 2 August 2010, a final (B) on 4 August 2010, a final (C) on 6 August 2010, a final (D) on 30 November 2010 and another final (E) on 3 December 2010.

In order to more fully understand the final report we request access to all previous "final" acoustic reports. On the supply of these reports, we reserve the right to engage an independent acoustic engineer to separately assess the issue of the impact of noise.

7. **OBJECTION 6 – OUTSTANDING ROAD NETWORK ISSUES:**

- 7.1 We understand that the Department of Planning and RTA have commissioned a study into proposed extensions to the State Government's Erskine Park Link Road Network to service the Western Sydney employment lands which may result in changes to the alignment/route of the proposed road network through the development site.

It is premature in our view to consider the Concept Plan until such time as the new road network for Erskine Park Link Road Network and adjoining roads has been determined.

8. **OBJECTION 7 – FAILURE OF THE ENVIRONMENTAL ASSESSMENT REPORT TO CONSIDER ALTERNATIVES:**

- 8.1 The Director-General's Requirements issued on 12 August 2010 directed that an environmental assessment must include a consideration of *alternatives*.

On our reading, the JBA Environmental Assessment Report of March 2011 fails to address this mandatory requirement.

9. **OBJECTION 8 – FAILURE OF THE ENVIRONMENTAL ASSESSMENT REPORT TO CONFIRM THAT NO SURFACE DRAINAGE WILL ENTER ADJOINING PROPERTIES:**

- 9.1 The report of Brown Consulting Engineers of August 2010 proposes the construction of a basin on the development site near to the western side of the rear of our boundary. The purpose of the basin is to hold and allow storm water to be released to previous storm water levels.

On the basis of the report, we are not satisfied that the development as proposed would not create significantly concentrated flows, or increase the flow path of flooding or storm water discharging onto our property.

10. **OBJECTION 9 – FAILURE OF THE ENVIRONMENTAL ASSESSMENT REPORT TO CONSIDER THE LOCATION OF ON-SITE TREES IN ASSESSING THE SITING AND LAYOUT OF THE DEVELOPMENT:**

- 10.1 Section 32 requires a proponent to preserve the amenity of the area through the preservation of trees and other vegetation.

The Concept Plan of JBA Planning proposes a complete removal of the southern ridgeline and hillside. From our view, this will necessarily result in the removal of a cluster of 12 eucalyptus trees situated at the highest point of the ridge (adjacent to the dwelling). There is also a further cluster of trees near to the south eastern boundary.

In our view, steps should be taken to preserve these clusters of onsite trees.

## 11. SUBMISSIONS:

- 11.1 The Concept Plan as proposed is unacceptable to us. It presumably represents an ambit claim and a wish list by the proponent. If permitted, the development will have a significant adverse impact on us, particularly with the confronting view from the rear of our home of a monolithic warehouse and the prospect of the constant irritation of noise, activity, lighting and other detriments associated with the operation of a 24 hour a day facility.
- 11.2 The development in its current form will also have the potential to adversely affect the interests of many residents in the surrounding areas as follows:
1. The development as proposed is incompatible with the existing rural residential landscape and character of Horsley Park and Mt. Vernon.
  2. The removal of the southern ridgeline and hillside will take away the only remaining buffer between the current rural residential landscape and the proposed industrial area.
  3. The severe visual impact of being confronted with the view of large 14 metre high factories and metal sheet roofing from Greenway Place, Horsley Road and Capitol Hill Drive.
  4. The lack of provision of any buffer area to separate the industrial estate from the residential area.
  5. The impact of noise during the course of the proposed earthworks and construction of the development and the ongoing operating noise of the warehouses during both day and night.
  6. The effect of lighting of the proposed development during the night period on residents occupying the adjoining rural residential properties and surrounding areas.
  7. The risk of air and other pollutants.
  8. The devaluation of properties in the area.
- 11.3 We very strongly oppose the development of the site in the form currently proposed by the Concept Plan and object to the Major Project Applications 10\_0129 and 10\_0130 which have been lodged by the proponent. It is our application that the Applications be rejected on the grounds of objection listed in these Submissions, including but not limited to:
- **The failure of the proponent and JBA Planning to consult us as affected landowners, contrary to the requirements of the Director-General and the Guidelines of the Department of Planning.**
  - **The failure of JBA Planning to consider the site topography as required by Section 21 SEPPWSEA.**

- The failure of JBA Planning to consider the impact on the amenity of adjacent residential areas and compatibility of the proposed development with the height, scale, siting and character of our residence, as required by Sections 21 and 23 SEPPWSEA respectively.
- The failure of JBA Planning to consider alternatives as required by the Director-General's Requirements.
- The failure of JBA Planning to consider the key principles of the Penrith City Council Development Control Plan 2010 in their Tables of Compliance (referring incorrectly to the outdated Penrith DCP 2006).
- Notwithstanding the acknowledgement by JBA Planning in the visual impact assessment that our property is exposed to relatively high visual sensitivity, the failure of the assessor to demonstrate by photomontage the position of the proposed warehouse relative to our view, or address the issue of mitigation, other than for a 20 metre setback and a future strategy for landscaping.
- Notwithstanding the acknowledgement by Wilkinson Murray that compliance with established noise criteria is indicated at surrounding residences, the report fails to give any such attention to our residence, which will be directly exposed to the operating noise of the loading docks on the western side of the proposed warehouse.
- The failure of JBA Planning to provide a detailed landscaping, lighting and signage strategy in the visual impact report for the whole site as directed by the Director-General.

All of the above represent either mandatory or fundamental requirements of the environmental assessment process. In the absence of compliance with these substantive requirements, we submit that the Concept Plan and the Environmental Assessment Report should be rejected in whole.

11.4 We note the rejection of the Part 3A applications will not prevent the proponent from separately proceeding with an application for development/construction of a warehouse to the north eastern corner of the site, utilising the ordinary process of applying for such applications. To the extent that Jacfin may seek to proceed with such a development (which is in reality all that the proponent is proposing to do in the short term in any event), we do not have an objection.

11.5 In our view, and without prejudice to our opposition to the Applications, an appropriate Concept Plan for the site, given the particular characteristics of the topography, the proximity of adjoining rural residential properties to the southern and eastern boundaries and the surrounding rural landscape should necessarily require:

- (a) The preservation of the ridgeline running along the southern section of the site.

- (b) A setback to the north of the southern ridgeline of such a distance as to restrict the construction of warehouses at a height which is lower than the level of the ridgeline.
- (c) A setback/buffer of 250 metres between the south eastern boundary of the Greenway properties and any development.
- (d) Appropriate landscaping of the hillside sloping down to the southern boundary.
- (e) Appropriate landscaping of the buffer area referred to in (c) above.
- (f) Restriction of the form of industry to uses associated with a low emission level of noise.
- (g) Restriction of operating hours to reasonable hours of daily weekday activity.

11.6 The preservation of the existing southern ridgeline and hillside will provide:

- A substantial visual buffer between the existing rural residential properties situated to the south (the whole of the Capitol Hill Estate), the southern end of Greenway Place and various properties situated in Horsley Road, and the proposed development.
- A significant natural buffer in reducing the impact of noise of the proposed development site on the existing rural residential properties to the south.

11.7 We have not made a disclosable political donation.

*K. Crestani*

*[Signature]*

**Kathleen and Joseph CRESTANI**

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20 May 2011

Contact Details:

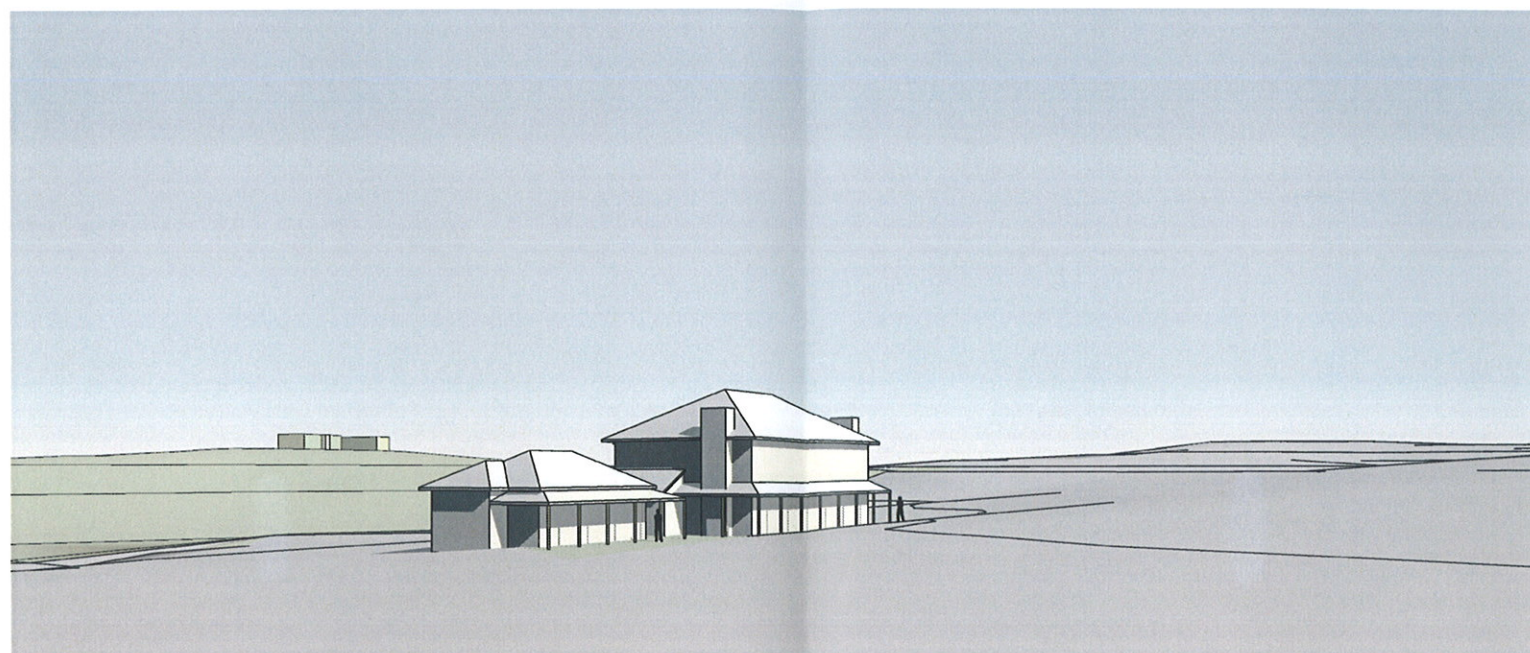
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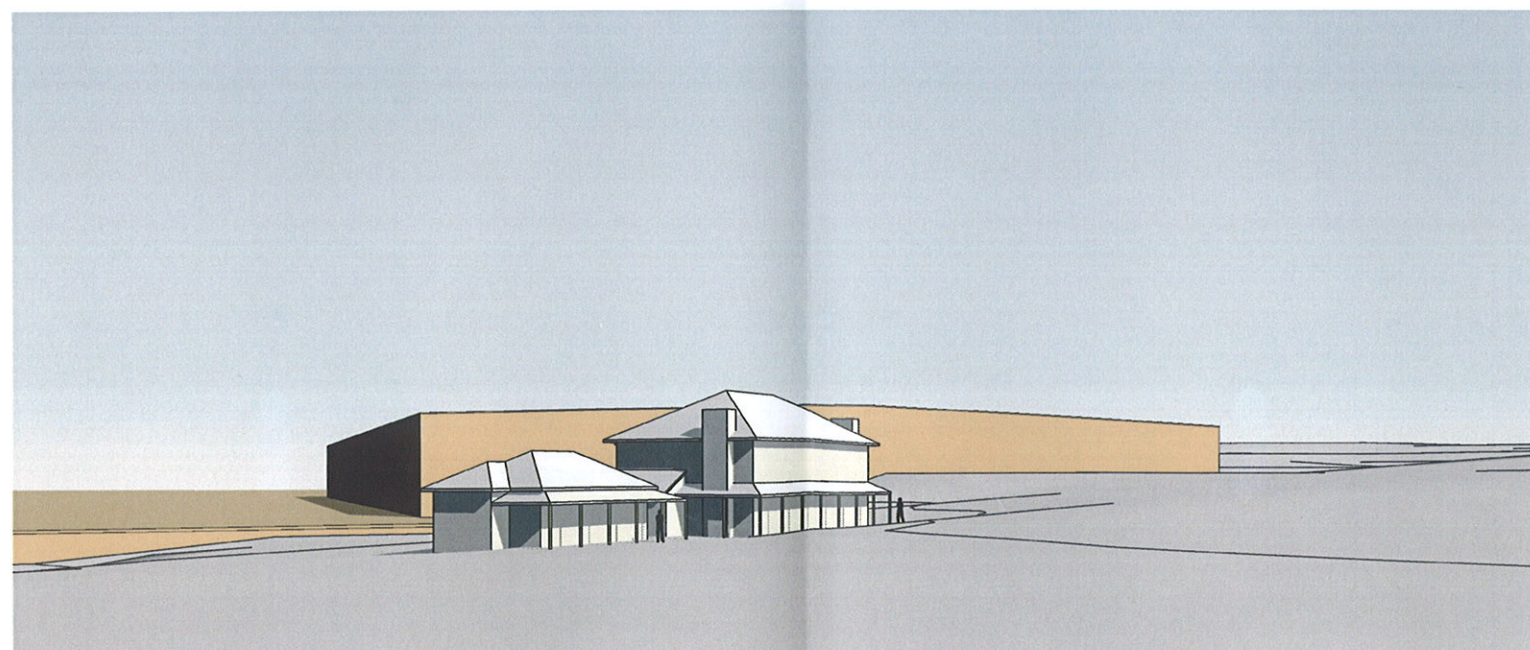
Mobile: 0404 08 7970

Email Address: jcrestani@jmclegal.com.au





**VIEW 4 - EXISTING**



**VIEW 4 - PROPOSED DEVELOPMENT**

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PROJECT  
**VISUAL IMPACT STUDY OF PROPOSED JACFIN DEVELOPMENT  
 ON 1 CAPITOL HILL DRIVE, MT VERNON**

ADDRESS  
 1 CAPITOL HILL DRIVE, MT VERNON

CLIENT  
 MR. JOE CRESTANI

DRAWING  
**3D VIEWS**

VISUAL IMPACT STUDY PREPARED BY:  
**PETER MORSON**  
 ARCHITECT  
 REGISTRATION NO: 8100 (NSW)

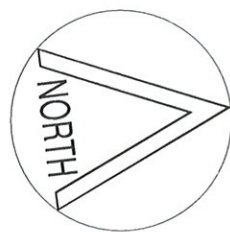
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PROJECT  
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ON 1 CAPITOL HILL DRIVE, MT VERNON**

ADDRESS  
1 CAPITOL HILL DRIVE, MT VERNON

CLIENT  
MR. JOE CRESTANI

DRAWING  
**SITE & CONTEXT PLAN**

VISUAL IMPACT STUDY PREPARED BY:  
**PETER MORSON**  
ARCHITECT  
REGISTRATION NO: 8100 (NSW)

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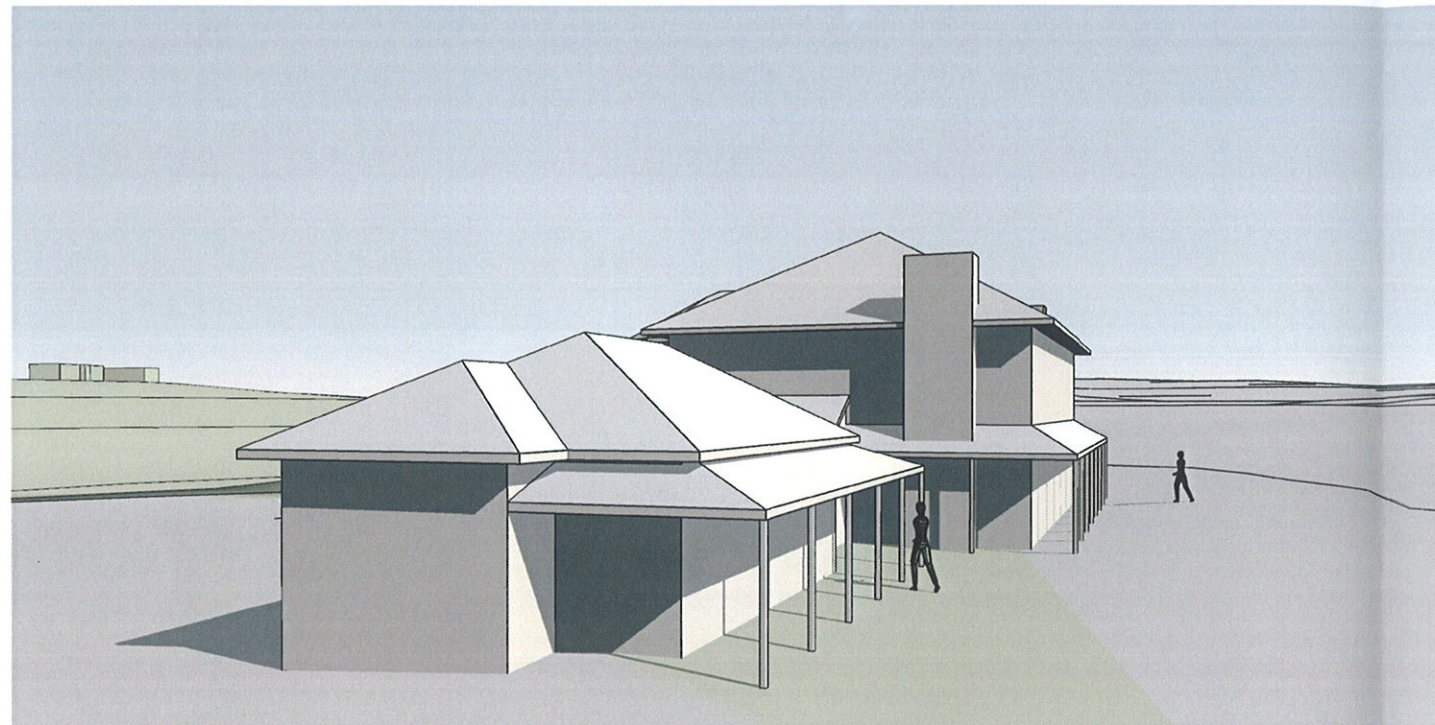
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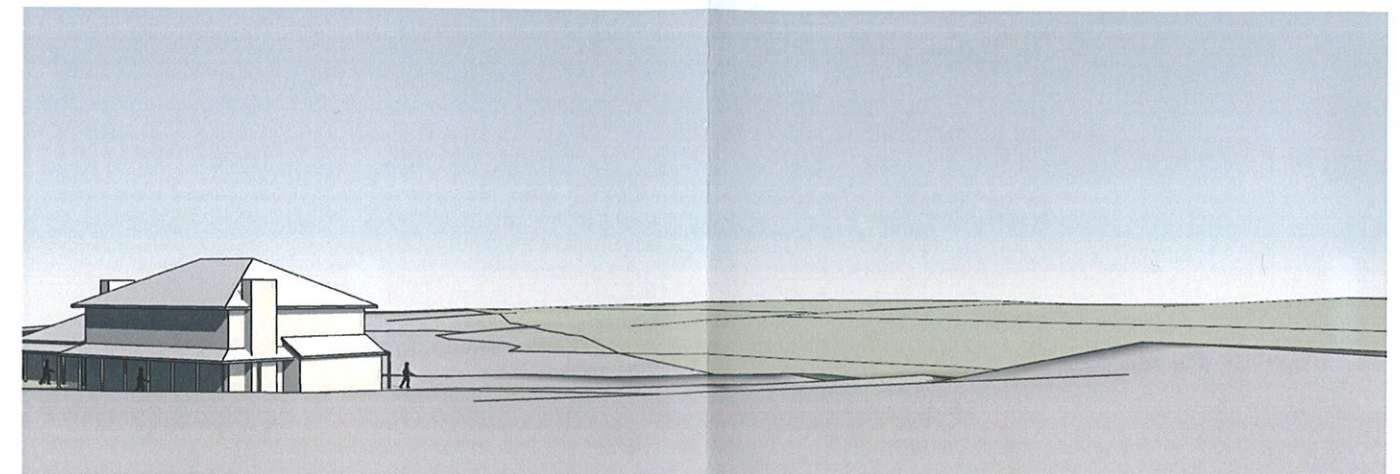
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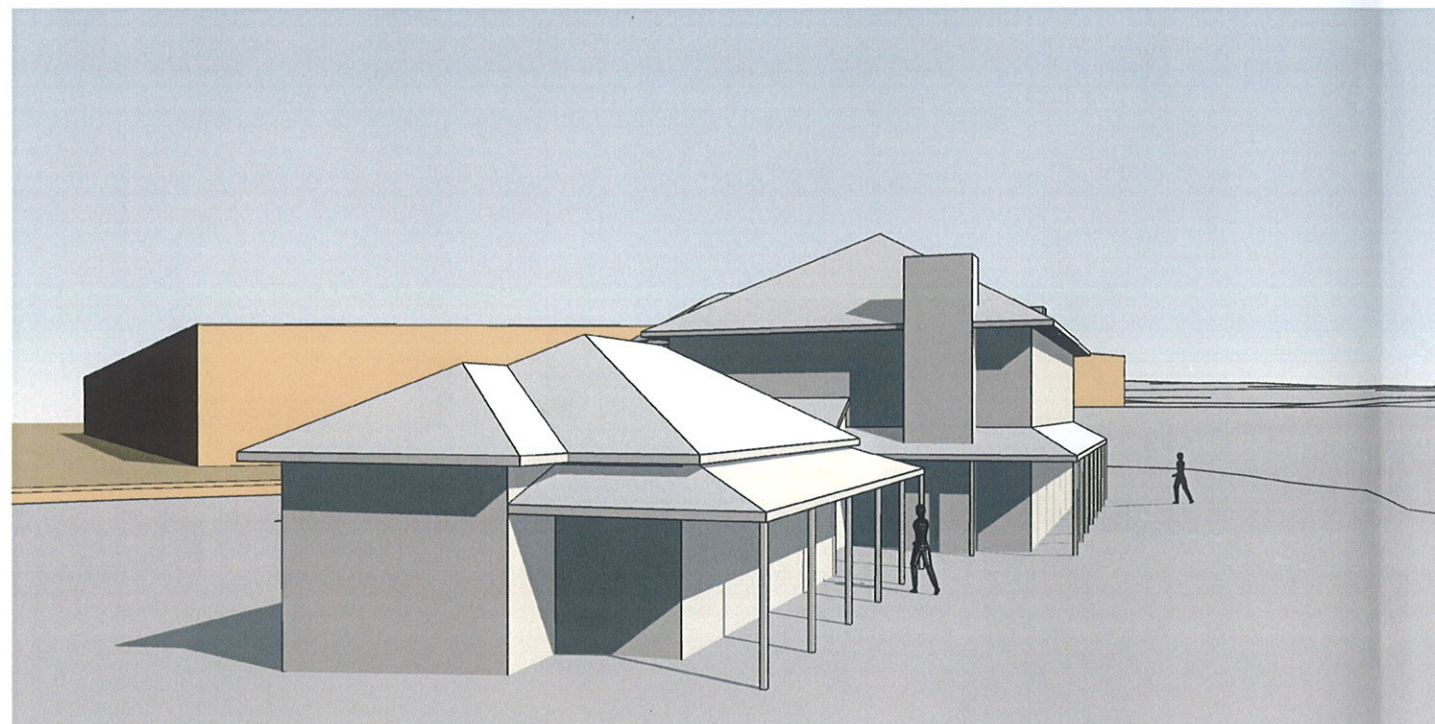




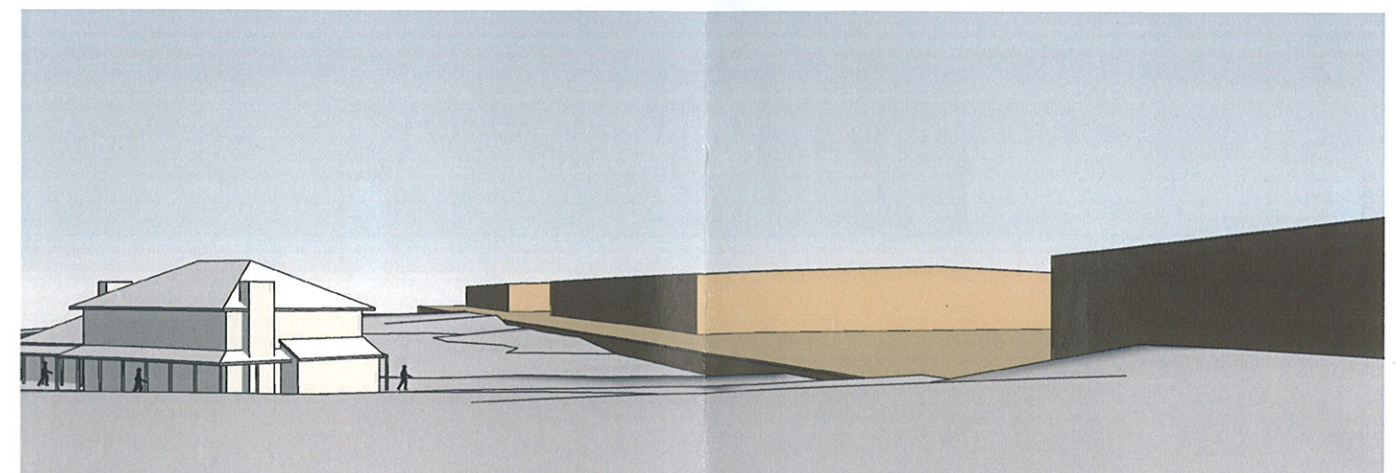
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VIEW 1 - PROPOSED DEVELOPMENT



VIEW 2 - PROPOSED DEVELOPMENT

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 ON 1 CAPITOL HILL DRIVE, MT VERNON**

ADDRESS  
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CLIENT  
 MR. JOE CRESTANI

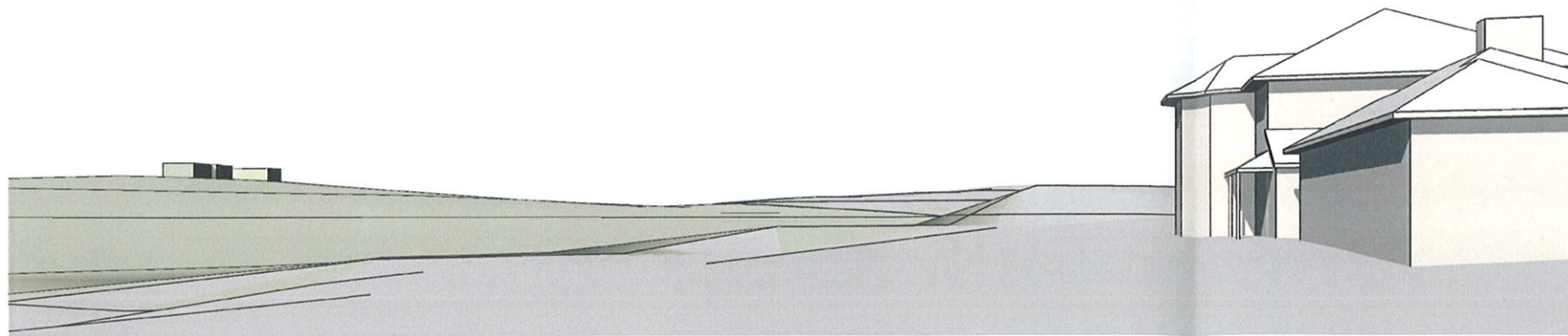
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**3D VIEWS**

VISUAL IMPACT STUDY PREPARED BY:  
**PETER MORSON**  
 ARCHITECT  
 REGISTRATION NO: 8100 (NSW)

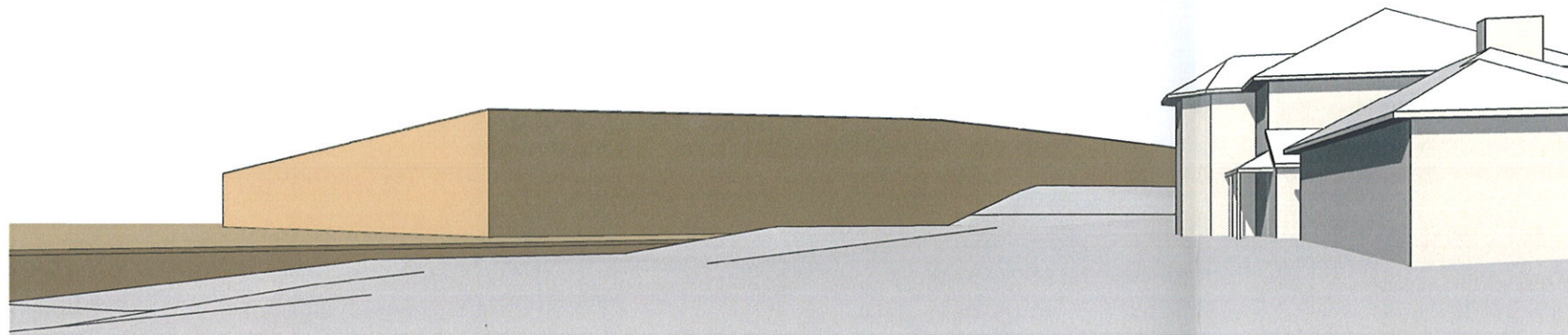
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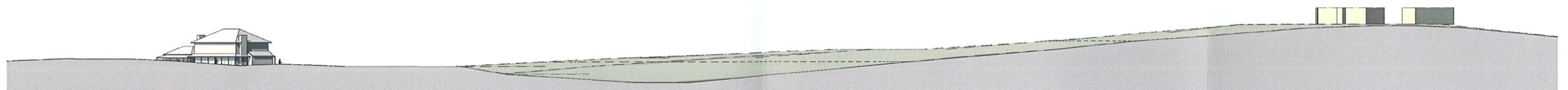




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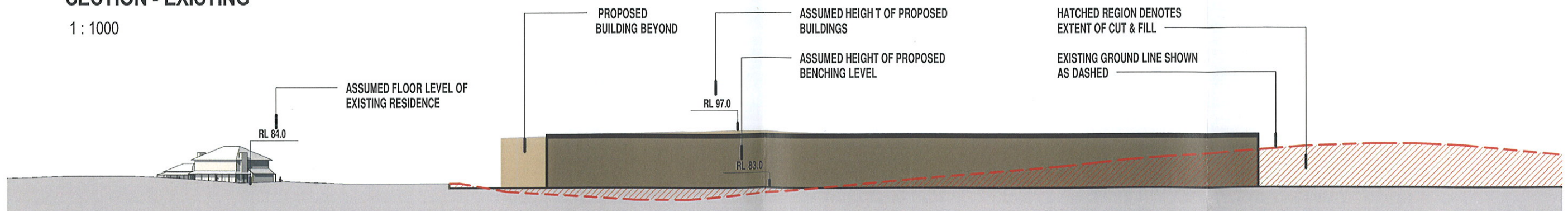


VIEW 3 - PROPOSED DEVELOPMENT



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SECTION - PROPOSED DEVELOPMENT

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CLIENT  
 MR. JOE CRESTANI

DRAWING  
**3D VIEWS & SECTIONS**

VISUAL IMPACT STUDY PREPARED BY:  
**PETER MORSON**  
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Proposed Employment Land Development

**Jacfin Burley Road, Horsley Park Project**

Objection on behalf of Kathleen Crestani

1 Capitol Hill Drive, Mt Vernon

by Dr. Richard Lamb

May 2011



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## **1.0 Introduction**

### **1.1 Purpose of this Report**

Mrs Kathleen Crestani, Proprietor of 1 Capitol Hill Drive, Mt Vernon 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 from her residential land, which directly adjoins the subject site along the south boundary.

An assessment of the subject land was conducted on the basis of field work and observations carried out on 9 and 10 May 2011, on which date I also took some photographs of the subject land as seen from the Crestani property. My assessment was assisted by photographs provided to me by Mrs Crestani and by 3-D perspectives of the relationship between her residence and the proposed building most adjacent to it prepared by Peter Morson, Architect.

### **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](http://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.
- 3-D perspectives Drawing Nos. A01 to A04 prepared by Peter Morson, Architect and dated 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 property of Mrs Crestani.

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 Visual Impacts of 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.



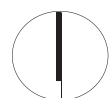
**Map 1: Subject Site in relation to Crestani Property**



Approximate location of subject site

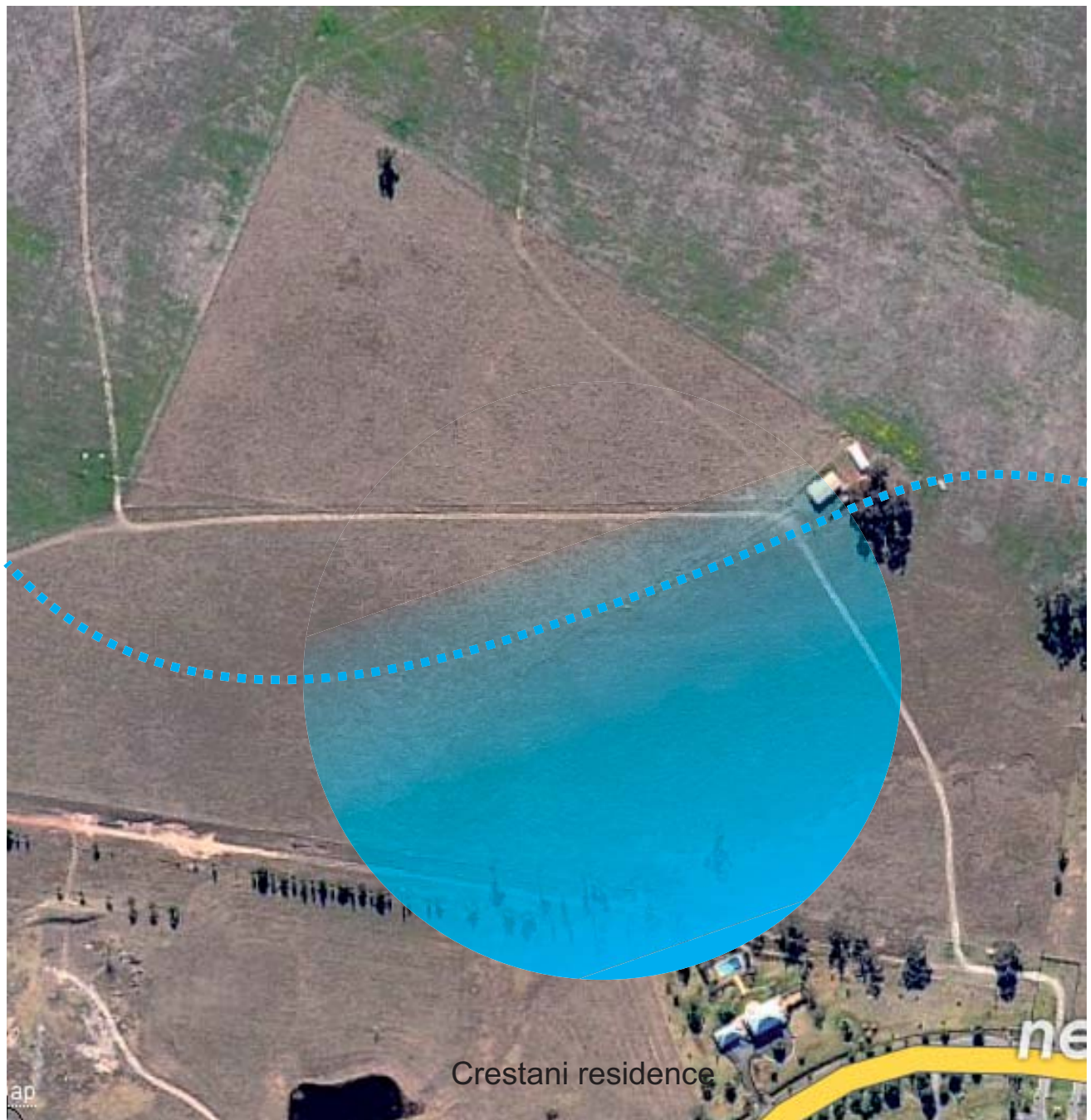


Ridge that Defines Visual Catchment of Residence



Not to Scale





### Map2: Immediate Setting of the Crestani Property



View Orientation of Residence Primary Living areas



Ridge that Defines Visual Catchment



Not to Scale



**Map3: Detail of Orientation of the Crestani Property to the View**



-  Approximate location of subject site
-  Approximate location of paper road between residence and subject site







Plate 1  
View north west from terrace of Crestani residence (photo by R Lamb)



Plate 2  
View north from terrace of Crestani residence (photo by R Lamb)



Plate 3  
View from Horsley Road toward ridge and demountable cottage  
(photo by Joe Crestani)



Plate 4  
View toward the Crestani residence from Capitol Hill Drive entrance  
(photo by Joe Crestani)





Plate 5

View between garage and dwelling toward subject land, looking north west (photo by Joe Crestani)



Plate 6

View west north west from the boundary of the Crestani property across the paper road reserve and the subject land



Plate 7

View of the western side of the Crestani residence showing living areas orientated toward the yard, garden and the views



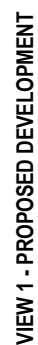
Plate 7

View of the western side of the Crestani residence showing living areas and formal gardens orientated toward and between the dwelling and the subject land





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## 3D VIEWS

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VISUAL IMPACT STUDY OF PROPOSED JACFIN DEVELOPMENT  
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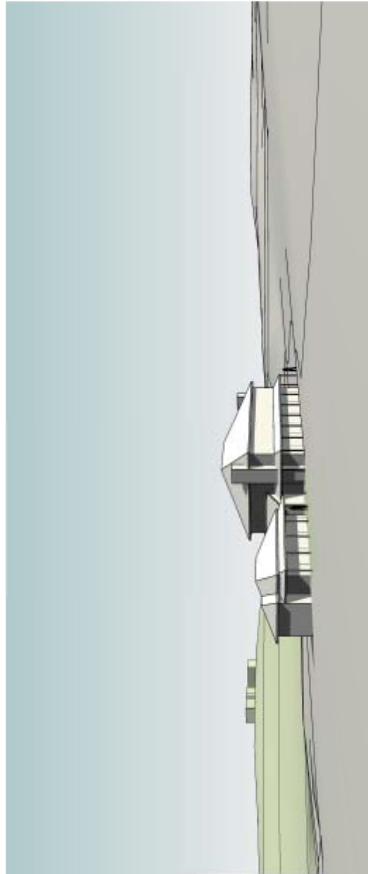
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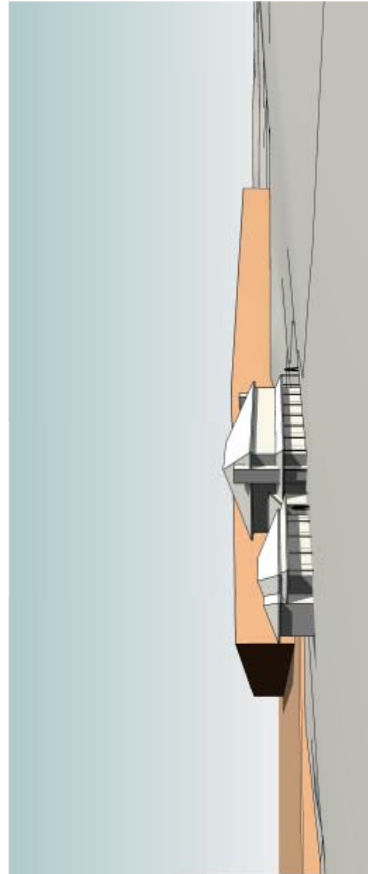




View Study and 3D Perspectives prepared for  
Mrs Crestani



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VIEW 4 - PROPOSED DEVELOPMENT

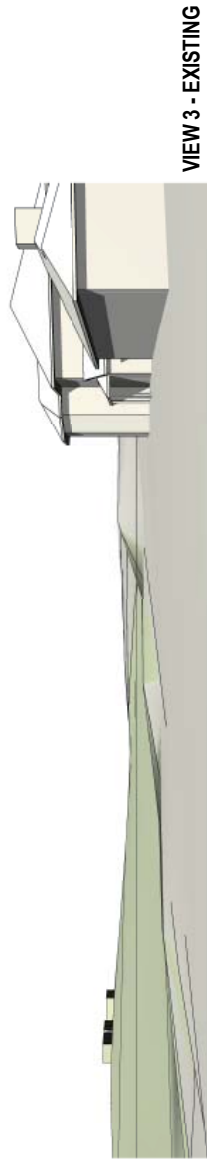
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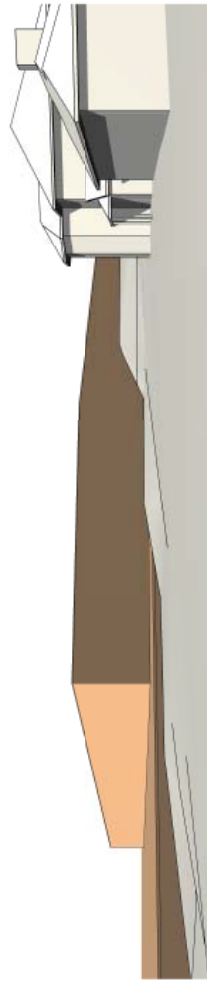
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MR. JOE CRESTANI

View Study and 3D Perspectives prepared for Mrs Crestani



VIEW 3 - EXISTING

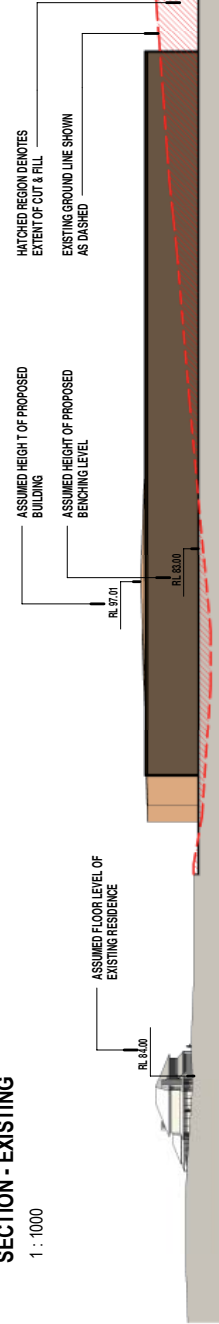


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3D VIEWS & SECTIONS

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CLIENT  
MR. JOE CRESTANI

DATE	17/05/2011
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## **Summary of Findings in relation to Clause 21 of SEPPWSEA**

### *Clause 21(a)*

Building heights will adversely impact on the amenity of the adjacent residential area in which the Crestani property exists. The impacts of future building heights have not been adequately addressed in the application. The buildings are as high or higher than existing natural topography.

### *Clause 21(b)*

The site topography has not been taken into consideration in the proposed development. The property has an existing pleasant outlook over sloping rural land that will be removed and replaced with the bulk, scale, height and amenity impacts of buildings at close range.

## **Clause 23**

1.4.2 Clause 23(1) of SEPPWSEA, Development adjoining residential land, applies to the subject land, because it is within 250m of land of my client 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 view from residential buildings and associated land, and
- (c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and
- (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. It took no account of the impacts on the Crestani property.

- (a) the proposed buildings are not compatible with the height, scale, siting and character of existing residential buildings, including the Crestani residence.
- (b) there is no proof provided that items capable of causing visual impacts will be suitably screened from views from the property.
- (c) no visualisations were prepared that are relevant to the Crestani property to show how the proposal could be designed to present an attractive appearance, and



- (e) there is no proof provided that traffic movement, headlight glare, security lighting or the like will not have significant impacts on the residence; the buffers are inadequate and not appropriately landscaped.
- (g) there is no overall landscape plan that shows that the development will mitigate impacts on Capitol Hill Drive.

### **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 the Crestani residence.
- 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 the Crestani property, which is a sensitive receiver. The layout does not minimise impacts of the location height and setbacks of buildings on residents of the property.

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. No montages were prepared that are relevant to assessing the impacts on the property:
  - 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.



## **2.0 Visual Assessment**

I undertook a more detailed analysis of the visual context and character of the subject land when viewed from my client's property 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 Capitol Hill Drive, including the Crestani property. The northern part, including the site of the Stage 1 application is not visible. The land is cleared of any former native vegetation and is grazing land in character.

The land slopes generally to the west. A ridge that runs to the west and northwest approximately parallel to the southern boundary of the site is a significant foreground scenic feature of the view from the Crestani property. The intrinsic scenic quality of the land is moderate.

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

### **2.2 Visual Context**

The Crestani property enjoys a close range view of the sloping side slope and ridge crest from the rear of the dwelling and its primary living areas and outdoor spaces. The south west side of the property has more expansive views over adjacent future rural residential land owned by Pazit Pty Ltd, across part of the Ropes Creek valley and the Blue Mountains behind. This view is not available from primary living and outdoor areas. The views over the land are otherwise 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 (ie, the focus and containing element of the view) and replace it with flat land with very large buildings close to the boundary. The transformation of this view will be dramatic. Its scenic quality will decrease from moderate to low and the quiet and peaceful scene will be replaced with a noisy, active one dominated by very large buildings seen at close range, as well as the noise and light impacts of the use for industrial purposes.

### **2.3 Visual Resources of the Subject Land**

The subject land is a significant visual resource to the public in Capitol Hill Drive 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.
- 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 residence 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, a pleasant and quiet outlook, to a low quality industrial view dominated by large buildings, roofs, hard surfaces, light and noise nuisances.
- The visual quality and character of the existing slope and ridge is 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 Crestani property, at least by implication (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 land that has the highest sensitivity on the plan at Figure 39 is the land that is proposed to be cut in the Areas of Cut and Fill Plan (Figure 27 at Page 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 that the whole ridge and side slope landscape that provides the visual setting for the living spaces of the Crestani residence will be removed. 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) and 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 subject residence, there is no proposed solution to visual impacts. The pad level of the most proximate building appears to be similar to the boundary between the properties. The building however is taller than the height of the ridge to be removed and the highest part is much closer to the boundary. As such, the building will become the only topography visible from the living areas of the property and will dominate and overpower that area.





The building is of the maximum height permissible and its footprint size and scale does not relate to the heights, scales, siting or character of the adjacent Crestani residence or those on existing residential land adjacent. These relationships can be seen in the 3-D views prepared for Mrs Crestani and it is evident that it does not satisfy the specific requirements of Clause 23(2)(a) of SEPPWSEA, in my opinion.

My interpretation of the contour and cut and fill plans with regard to the Crestani land appears to indicate that the nearest buildings will be springing from a level little different from the level of view from the prime living area of the dwellings and virtually on-grade with the rear boundary of the Crestani yard.

The attached 3-D images give a useful impression of the relationship that is intended to exist between the proposed buildings and the Crestani residence. They confirm my assessment of the likely relative levels between the buildings and they also show the totally unrelated building scale and form that will exist between them.

The sections on Drawing No. A04 are particularly useful in showing how the existing topography that provides the existing setting for views from the Crestani property is proposed to be totally removed and replaced by a flat plane on which are very large buildings close to the boundaries and which will clearly dominate the view and be incompatible with the form, scale, character and height of the adjacent buildings.

## **2.5 The Visual Assessment in the EAR**

The visual assessment relative to Capitol Hill Drive is largely irrelevant to the Crestani property, which despite being the closest residence to the subject site was effectively ignored (Appendix T to the EAR). There are no montages that are specifically relevant to assessing the impacts of the proposal on this property.

The main measure to reduce visual impacts on views from the east is to sink the buildings into the ground but somehow when it comes to the Crestani property, which is immediately adjacent to the south boundary, the buildings in the south east corner of the site are more or less on grade with its boundary. This is curious to say the least, given that some of the back boundaries of properties in Greenway Place, that are shown in montage views to have buildings significantly cut into the landscape are at similar levels to the Crestani property boundary with the subject land.

## **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 montage in Volume 2 of the EAR that is relevant to the Crestani property, 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 left side is the side adjacent to the Crestani property. The natural appearance of the area between the building and the boundary is unlikely to be correct, given that there is either cut there, as the montage shows, or, if as I consider to be more correct there is little cutting on that side, but rather some filling, the base of the building should be visible. It should also appear both closer to the viewer and taller, because it is taller than the hill to which I refer in the next paragraph and as such it should appear to be taller than that feature. 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 also be a fence, earth mound and other features at the top of the cut, according to Appendix T, 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. As indicated above, the building is taller than the hill and therefore the building shown in the montage is too low. 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 for some unexplained reason, 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.

## **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 height will adversely impact on the amenity of the Crestani property 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.

The application recognises the proximity of residences such as that of my client inside the 250m distance relevant to the SEPPWSEA, but, it does not properly establish the environment that she enjoys, 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.



### **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 currently enjoyed by the Crestani family.

The applicant should be required to reconsider the layout of the proposed development so as to make use of the topography and substantially re-design the Concept Plan 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 way, 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'. The signature is stylized, with the first letters of the first and last names being capitalized and prominent.

Richard Lamb and Associates

19 May, 2011



## **Curriculum Vitae: Dr Richard Lamb**

### **Summary**

- Professional consultant specialising in visual and heritage 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 experience 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 matters 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