

Visual Impact Assessment

16 Owen Street, Port Macquarie
Additions and Alterations to the
Hastings Secondary College (Port
Macquarie Campus)

Submitted to Department of Planning
Infrastructure and Environment
On behalf of Schools Infrastructure
NSW

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Executive Summary

School Infrastructure NSW (SINSW) has submitted a State Significant Development Application (SSDA) (SSD-11920082) to the NSW Department of Planning, Industry and Environment (DPIE) seeking consent to undertake alterations and additions to Hastings Secondary College (Port Macquarie Campus) (the proposal) located at 16 Owen Street, Port Macquarie (the site).

DPIE issued Secretary's Environmental Assessment Requirements SEARS for this SSDA. The SEARS require address of visual impact matters.

To date, substantial material addressing visual impact has been prepared and publicly exhibited, including:

- Visual Impact Assessment – Public domain assessment (Ethos Urban)
- View Analysis – Desktop assessment, public and private domain (FJMT)
- the EIS prepared by DFP, and in particular part 6.1.1 Views.

This report builds on this material by:

- providing a detailed address of visual impacts on private properties
- assisting in the understanding of visual impact by integrating all relevant matters into one document.

The evidence base for this VIA has been prepared in accordance with the NSW Land and Environment Court (LEC) photomontage policy. For public views, assessment has been made generally in accordance with the international standard Guidelines for Landscape and Visual Impact Assessment version 3 (GLVIA3) published by the Landscape Institute and the Institute of Environmental Management and Assessment in 2013. For private views, assessment has been undertaken in accordance with the LEC planning principle for impact on views established under *Tenacity Consulting v Waringah* [2004] NSWLEC 140.

Key findings – public views

The main findings of this VIA relevant to public views include:

- the primary visual catchment of the proposal is relatively limited, with the greater amount of exposure being from locations in the public domain to the immediate west and north of the site
- the number of people exposed to views of the proposal from the public domain is moderate
- most people will primarily be engaged in active recreational pursuits, in particular walking, sports activities, or accessing jobs, services and tourist destinations by car
- the majority of viewpoints are of moderate sensitivity due to their exposure to residents and visitors located in tourist accommodation in the surrounding area and those involved in outdoor recreation and the value of existing pine trees as a considerable background feature for east-facing viewpoints
- of note, the view obtained from Owen Street from La Mer Apartments has value due to depth of visual field and the view from Pacific Drive has value due to the dominance of well-maintained green open space. However, in all circumstances the views do not contain attributes that give rise to a high sensitivity such as the extensive presence of the ocean or the ocean / land

interface. By way of comparison, views obtained from the elevated, eastern end of Burrawan Street across parkland to the ocean can be considered to have high sensitivity

- magnitude of visual impact ranges from imperceptible from Burrawan Street to considerable on Owen Street
- the significance of visual impact ranges from negligible to moderate. It is considered that visual impact on views obtained from Owen Street adjacent to Port City Bowling Club and Owen Street adjacent to La Mer Apartments are significant. A finding of significance does not mean that the visual impact is unacceptable. Rather, acceptability is determined with reference to the planning framework
- the proposal has an acceptable impact on the overall visual character of Owen Street, including this part of its streetscape. In particular, despite the loss of some trees, CAPA is not considered to give rise to significant, adverse visual impact on the public domain .

Key findings – private views

Due to the siting and scale of the proposal, it is likely that visual impact will be greatest from the following three properties located to the west of the site:

- 11 Owen Street (La Mer, unit complex)
- 17 Owen Street (Mainsail, unit complex)
- 21 Owen Street (house).

It is considered that views from La Mer are likely to be most affected by the proposed Police Citizens Youth Club (PCYC). Views from 21 Owen Street are likely to be affected by both the PCYC and the proposed Creative and Performing Arts (CAPA).

In terms of assessment of views to be affected, it is concluded that:

- largely due to the vegetation, views to the proposal will be largely blocked from 21 Owen Street
- views obtained from Mainsail are largely of the complex's front setback landscaping, Owen Street and the western, Owen Street elevation of Hastings Secondary College – Port Macquarie Campus. Views obtained from units at the north-east corner of the complex are more complex and expansive, with glimpses of the Pacific Ocean visible in parts of the background
- due to the building's layout, views obtained from La Mer are expansive, either being obtained to the north, west, and east, or south, west and east. Views to the east are dominated by the existing school playing field. Due to its height, views from the upper levels of La Mer can be considered spectacular, with views to the Pacific Ocean in the background.

In terms of considering from what part of the property the views are obtained, assessment has concluded that:

- views can be obtained from most rooms in units in La Mer. Views to the east are obtained primarily from the balcony, but may also be seen from the living room and kitchen
- views from Mainsail can be obtained from the balcony of each unit. While full floorplans have not been cited, based on floorplans in the public domain it is likely that these views can also be obtained from at least lounge rooms
- views from 21 Owen Street can be obtained from the front of the house, including the front garden.

In terms of assessing the extent of the impact, it is found that this varied considerably depending on the property, and for La Mer, elevation within the property. Overall, it is concluded that:

- due mainly to the screening effect of vegetation, the impact on views from 21 Owen Street has been assessed as negligible
- due mainly to distance and other factors such as viewing angle and elevation, the impact on views from Mainsail has been assessed as minor. CAPA will integrate with the existing, overall pattern of built form that creates Owen Street's streetscape in this location, and will be framed by vegetation that greatly softens its impact
- the proposal does not block views to an element in the landscape that is dominant and considered to be high value under Tenacity. However, replacement of the college's playing field with built form constitutes a significant change to the existing, broader visual environment. On this basis, the impact on views from the lower and middle levels of La Mer is assessed as severe. It is noted that due to its status as a locally iconic landscape feature, if the PCYC had significantly blocked expansive views of the Pacific Ocean, the assessment would have been considered at the higher end of severe. As due to height views can still be obtained 'over and above' the PCYC, impact on views from the upper levels of La Mer are assessed as being moderate.

Assessment

As has been noted, acceptability of visual impact on the public domain is determined with reference to the planning framework.

As is noted in the Environmental Impact Statement (EIS) prepared by DFP to support the SSDA, the proposal complies in full with relevant planning controls in the Port Macquarie-Hastings Local Environmental Plan 2011 (the PMHLEP2011). Being in the R3 Medium Density Residential zone, it is a use that is permissible with consent. Its maximum height of 13.880m is substantially less than both the 26.5m height control for the Owen Street frontage of the site and the 19m height control for the rear of the site enabled under the PMHLEP2011. Should the proposal have taken advantage of this height, it is likely that it would have exceeded the total height of La Mer, and greatly exceeded that of both Mainsail and 21 Owen Street. The proposal complies with FSR controls. Furthermore as is noted in the EIS, the proposal is consistent with the overall intent of relevant strategic plans that seek to grow Port Macquarie as a regional city

This level of compliance is critically important for visual impact. Council's controls are clear and unambiguous, and generate a reasonable expectation of the nature of future development. When considering zoning, height and FSR, it is clear that council envisages development of considerable scale in this location. In terms of height alone, an approximate reference is La Mer and development on the southern side of William Street (Sandcastle Apartments). Both are nearby in the broader visual catchment. Unlike the current situation where Owen Street forms the 'edge' of tall development in this part of the city, it is clear that council's intent is to enable this edge to shift east to make Oxley Oval and the associated foreshore parkland the edge. In the absence of a detailed plan to the contrary, on this basis it would be unreasonable to assume protection of existing easterly views, and it would be reasonable to assume changes to overall visual character as open space is replaced by development.

Consequently, the proposal is considered to be acceptable reference to the planning framework. Compliance with planning controls also means that the proposal meets the first of the two tests under Tenacity for 'reasonableness'.

On this basis, attention can be turned to whether the proposal demonstrates skilful design as defined under Tenacity as ‘whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.’

The facilities proposed to be accommodated by the PCYC and the CAPA have been determined on a needs basis in consultation with a range of stakeholders, including college staff and students. The scale and massing of both the PCYC and CAPA are heavily influenced by the nature of these facilities. For example, the CAPA accommodates general learning spaces, seminar / rehearsal rooms and a visual arts workshop, while the PCYC will accommodate courts, multipurpose rooms and a gym. It is not possible for a number of these facilities to have an alternative scale, massing or form while maintaining functionality for their intended purpose.

While noting these constraints, the proposal has nonetheless been subject of a rigorous and comprehensive design process. This has included engagement with the State Design Review Panel. As is outlined in the Architectural Design Statement, the proposal was informed by a site analysis that identified a number of key constraints and opportunities. This included topography that sloped downwards to the north, creating a low point at the college’s northern playing field, the absence of significant existing development to the east compared to the west, the presence of existing significant built form at the northern part of the site (the multi-purpose hall) and the presence of remnant vegetation at the school entry. From this analysis, areas of the site which are suitable for development were identified. It was considered that on the balance of constraints and opportunities, locations to the north and west were best placed to accommodate new development. Subsequent to this, the proposal has been designed to deliver a number of positive outcomes, including a layout and treatment of the PCYC that is supportive of the joint use nature of the building and extended opening hours, allowing immediate access to the building from the public domain without requiring internal access to the college. It is considered that in addition to being an overall superior location for new buildings, further development of the northern and western parts of the college site generates lesser visual impact than would otherwise be the case if sited at the southern or eastern ends. In particular, this siting represents a logical extension of existing built form of scale just to the scale at the corner Owen Street and William Street, creates a cohesive cluster of larger buildings and enables a more sensitive transition to the lower rise, more suburban character of land further to the south.

With regard to visual impact, a number of primary measures appropriate to a concept SSDA (eg, siting and massing / form measures) have been incorporated that seek to avoid and minimise any potential significant adverse visual impacts. These include:

- siting measures: such as the rotation of the PCYC building 90 degrees so that it is slimmer to the street and retains partial views across to Oxley Oval from Owen Street between the facility and the Bowling Club
- massing / form measures: such as the size, shape, recessive nature and transparency of the window opening to reduce the bulk and scale and the combination of different yet cohesive materials.

It is further recommended that consideration be given to:

- the treatment of the ground plane setback to Owen Street, including the balance between hard and soft surfaces, the use of landscaping where appropriate (while noting the comprehensive landscaping material submitted as part of the SSDA) and the use of appropriate fencing
- the use of lower reflectivity and neutral colour materials for the roof to help reduce its visual impact when seen from upper levels of La Mer.

Conclusion

It is the conclusion of this VIA that the proposal's visual impact is considered acceptable and reasonable as it complies with the intent and key controls of the planning framework and represents skilful design considering all relevant constraints and opportunities.

On this basis, the proposal can be supported the grounds visual impact.

Glossary

Term	Meaning
DCP	Development Control Plan
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
GLVIA3	Guidelines for Landscape and Visual Impact Assessment (version 3)
LCA	Landscape character area
LEP	Local Environmental Plan
SDRP	State Design Review Panel
SEAR	Planning Secretary's Environmental Assessment Requirements
SINSW	School Infrastructure NSW
SSDA	State Significant Development Application
Tenacity	Tenacity Consulting v Waringah [2004] NSWLEC 140
VIA	Visual Impact Assessment

PART A: Introduction

1.0 Introduction

School Infrastructure NSW (SINSW) has submitted a State Significant Development Application (SSDA) (SSD-11920082) to the NSW Department of Planning, Industry and Environment (DPIE) seeking consent to undertake alterations and additions to Hastings Secondary College (Port Macquarie Campus) (the proposal) located at 16 Owen Street, Port Macquarie (the site).

The purpose of this report is to identify, describe and assess the potential impact of the proposal on views currently obtained from nearby private properties.

The structure of this report is as follows:

- **Part A: Introduction**
 - **Section 1: Introduction:** identifies the purpose and structure of this VIA
 - **Section 2: Background:** provides a background to this VIA
 - **Section 3: Methodology:** outlines the methodology used
 - **Section 4: The site and its context:** provides an overview of the site and surrounding land
 - **Section 5: The proposal:** outlines the proposal
 - **Section 6 – Relevant planning matters:** identifies relevant parts of the framework against which visual impact is to be assessed
 - **Section 7: The visual catchment:** identifies the area from which the proposal is likely to be seen
 - **Section 8: Viewpoints:** identifies the viewpoints that form the basis of this VIA
- **Part B: Impact on the public domain**
 - **Section 9: Visual impact:** identifies the key visual impacts of the proposal through the use of photomontages
 - **Section 10: Visual impact assessment:** undertakes an assessment of visual impact against the factors of sensitivity to the nature of change proposed and the magnitude of the change to identify significant visual impacts
- **Part C: Impact on the private domain**
 - **Section 11: Visual impact:** identifies the key visual impacts of the proposal through the use of photomontages
 - **Section 12: Visual impact assessment:** undertakes an assessment of visual impact against the factors of sensitivity to the nature of change proposed and the magnitude of the change to identify significant visual impacts
- **Part D: Assessment, findings, recommendations and conclusion**
 - **Section 13: Assessment against relevant planning matters:** considers visual impact against the planning framework
 - **Section 14: Mitigation measures:** recommends mitigation measures to address visual impact
 - **Section 15: Findings:** outlines the key findings of this VIA

- **Section 16: Conclusion:** identifies whether the proposal can be supported on overall visual impact grounds.

2.0 Background

On 23 December 2020, DPIE issued Secretary's Environmental Assessment Requirements (SEARS) for this SSDA requiring address of visual impact matters.

Table 1 identifies SEARs that are of relevance to VIA.

Table 1 SEARs that are of relevance to VIA

Matter	SEAR
Built form and urban design	Provide a visual impact assessment that identifies any potential impacts on the surrounding built environment and landscape including views to and from the site and any adjoining heritage items
Environmental Amenity	Assess amenity impacts on the surrounding locality, including...visual privacy, visual amenity... impacts
	Provide...a view analysis, where relevant, of the site from key vantage points and streetscape locations and public domain including photomontages or perspectives showing the proposed and likely future development

In response to this, DFP prepared a comprehensive EIS that addressed all SEARS. In addition to part 6.1.1 Views, the EIS also included:

- Visual Impact Assessment – Public domain assessment (Ethos Urban Appendix 36)
- View Analysis – Desktop assessment, public and private domain (FJMT, See Architectural Plans Appendix 2).

This material was subject to public exhibition. In response to submissions made during public exhibition, an assessment of visual impact on the private domain was undertaken by Ethos Urban. This findings of this additional VIA are consistent with and provides further detail to the following material that was publicly exhibited. In particular, the EIS correctly identified the most affected buildings, and the figure –'Indicative existing and proposed views' (refer **Figure 1**) correctly showed the likely level of impact that this VIA confirms. The value that this VIA brings is the greater level of accuracy due to the LEC compliant survey and photographic material, as well a more 'real world' imagery.

This VIA integrates the public and private domain assessments.



Figure 1 Visualisation material provided in EIS

Source: FJMT

3.0 Methodology

Decisions on visual impact are inherently subjective, and involve professional value judgements. As noted by the Land and Environment Court of New South Wales (the LEC) (*Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046), the key to addressing this challenge is to inform these decisions through VIA that adopts a rigorous methodology.

3.1 The evidence base

It is widely accepted practice in NSW that the evidence base for VIA is the preparation of photomontages showing existing and potential future views should the proposal be approved and developed.

Due to some past industry inaccuracies in some photomontages, the LEC has established a policy for the use of photomontages that requires that they be supported by an existing photograph, be based on survey data and include details on the photographic method. In effect, non-compliance with this policy means that the photomontage cannot be relied upon “in an expert report or as demonstrating an expert opinion as an accurate depiction of some intended future change”.

The evidence base of this VIA is consistent with this requirement.

3.2 Assessment

While sharing many of the same tenets, assessment of visual impact on the public domain (which includes streets and parks) and the private domain (which include people's property) is different. This section outlines the methodologies used for public domain and private domain assessment.

3.3 Public domain

The VIA has been prepared generally in accordance with the international standard Guidelines for Landscape and Visual Impact Assessment version 3 (GLVIA3) published by the Landscape Institute and the Institute of Environmental Management and Assessment in 2013. The GLVIA is widely referenced in Australian VIA (Australian Institute of Landscape Architects, 2018). A summary outline of this methodology is provided in **Figure 2**.

<p>Stage 1 Identify and describe the existing visual environment</p>
<p>Stage 2 Identify and describe potential visual impacts (for each viewpoint)</p>
<p>Stage 3 Determine significance of visual impact based on sensitivity and magnitude (for each viewpoint)</p>
<p>Stage 4 Assess appropriateness against the planning framework</p>
<p>Stage 5 Recommend mitigation measures</p>
<p>Stage 6 Draw conclusion</p>

Figure 2 Summary outline of public domain methodology

It is important to note that this process is largely aligned with that established by the LEC in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046 (Rose Bay). Critically and has already been referenced, the key judgement of the LEC in Rose Bay was that while methodology can vary, it must be rigorous.

Assessment focusses on the factors of:

1. sensitivity
2. magnitude
3. significance.

3.3.1 Sensitivity assessment

Sensitivity involves consideration of

- the type of visual receptor (i.e., people) ordinarily exposed to the view

- the value of the view.

Type of visual receptor

While ultimately a personal matter and subject to variation, for the purposes of VIA each type of visual receptor identified in section 6.1.3 of this report can be considered to have a different level of overall sensitivity to change in their visual environment on a spectrum ranging from higher to lower (refer **Table 2**).

Table 2 Level of likely sensitivity to change

Level of likely sensitivity to change	Type of visual receptor
Higher	<ul style="list-style-type: none"> • Residents at home • People, whether residents or visitors, who are engaged in outdoor recreation, including use of public footpaths, whose attention or interest is likely to be focused on the landscape and on particular views • Travellers on road, rail or other transport routes where travel involves recognised scenic routes • Visitors to heritage assets, or to other attractions, where views of the surroundings are an important contributor to the experience • Communities where views contribute to the landscape setting enjoyed by residents in the area
Lower	<ul style="list-style-type: none"> • Travellers on road or other transport routes • Visitors to facilities or services (e.g., shops, offices, cafes) that meet their day to day needs • People engaged in outdoor sport or recreation which does not involve or depend upon appreciation of views of the landscape • People at their place of work whose attention may be focused on their work or activity, not on their surroundings, and where the setting is not important to the quality of working life

Value

The value of a view can be considered to involve consideration of its characteristics as determined by an interplay of:

- components (i.e., elements and features)
- composition
- other aspects.

As with visual receptors, value exists on a spectrum ranging from higher to lower as shown in **Table 3**. **Appendix B** provides further, relevant detail on the concept of value in VIA.

Table 3 Value

Value	Components	Composition	Other aspects
Higher	<ul style="list-style-type: none"> Natural Water Mountains and hills Skyline features Icons Heritage and heritage conservation areas 	<ul style="list-style-type: none"> Clearly discernible mid ground and background Focal points Whole views 	<ul style="list-style-type: none"> Rare Representative of a valued condition, intact and cohesive Good condition Recognition of the value attached to particular views
Lower	<ul style="list-style-type: none"> Urban Land Level landform No skyline features No icons No heritage or heritage conservation areas 	<ul style="list-style-type: none"> Lesser distinction between midground and background No focal points Partial views 	<ul style="list-style-type: none"> Common Not representative of a valued condition, intact or cohesive Poor condition No recognition of the value attached to particular views

Table 4 provides an overview of the value of the views.

Table 4 Value of selected viewpoints

Ref	Viewpoint	Value
1.	Owen Street adjacent to Port City Bowling Club	View dominated by Owen Street in the foreground, with parts of the bowling greens and school visible in the mid ground. Pine trees are a distinct feature of the background.
2.	Owen Street adjacent to Oxley Cove Apartments	View is dominated by Burrawan Street in the foreground. The mid ground is occupied by a long, low line of demountable classrooms, punctuated and filtered by three large, spreading and well-established pine trees.
3.	Burrawan Street	View dominated by Owen Street in the foreground. The school is partly visible in the mid ground, with much of its screened by established trees
4.	Pacific Drive	Oxley Oval dominates the foreground and midground of this view. The school and parts of broader Port Macquarie, including La Mer Apartments, are visible in the background. Only the uppermost part of the Mainsail rooftop is visible in the background of this view. Due to the dominance of well-maintained green open space, this view has considerable scenic qualities.

Ref	Viewpoint	Value
5.	Owen Street adjacent to La Mer Apartments	View dominated by Owen Street in the foreground. The midground and background is comprised of playing field, and provides for considerable visual depth.

3.3.2 Magnitude

Magnitude is a key measure of visual impact in the GLVIA3 and the “Guideline for landscape character and visual impact assessment” (TfNSW, 2020)

Magnitude is measured based on consideration of:

- size or scale
- geographical extent of the area influenced
- duration and reversibility.

It is important that magnitude is judged is a factor of deviation from the existing visual environment. This includes the current signage.

Size or scale

Size or scale involves consideration of:

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

In general, large-scale changes which introduce new, non-characteristic or discordant or intrusive elements into the view are more likely to be placed in the major category.

Geographical extent of the area influenced

Geographical extent of the area influenced involves consideration of:

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

Duration and reversibility

Duration and reversibility involve consideration of whether the proposal:

1. ongoing and irreversible
2. ongoing and capable of being reversed

3. limited life (5 – 10 years)
4. limited life (< 5 years).

It is important to note that whether a proposal can be considered to be ongoing and irreversible or ongoing capable of being reversed is relative. The development of new education and community facilities at the Hastings Secondary School sites can be considered ongoing and capable of being reversed due to the land remaining under single ownership of the Department of Education and its ability consider reconfiguring the subject land over time as the operational needs of the college changes over time.

These considerations are then combined as shown in **Table 5** to provide a rating of magnitude based on a five point verbal scale:

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

Table 5 Factors of magnitude

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

		Duration and / or reversibility			
	Insignificant change				
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

3.3.3 Significance

Significance of visual impact is determined by combining judgements about sensitivity and magnitude (refer Table 6).

The categories of significance are as follows:

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

The GLVIA3 provides the following guidance for judgements about significance:

- “There are no hard and fast rules about what makes a significant effect, and there cannot be a standard approach since circumstances vary with the location and context and with the type of proposal. In making a judgement about the significance of visual effects the following points should be noted:
 - effects on people who are particularly sensitive to changes in views and visual amenity are more likely to be significant
 - effects on people at recognised and important viewpoints or from recognised scenic routes are more likely to be significant
 - large-scale changes which introduce new, non-characteristic or discordant or intrusive elements into the view are more likely to be significant than small changes or changes involving features already present within the view”.

It should be noted that determination of significance does not automatically mean that the impact is unacceptable. Rather, subsequent consideration is required to be made of the reasonableness of the visual impact. Regard in this matter is to be given to discussion on consistency with the planning framework later in this report.

Table 6 Factors of significance

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

		Magnitude				
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

3.4 Private domain

It is a long established legal principle¹ in Australia that no one has the right to a view.

However, the legal system has acknowledged that views from a person's home can have considerable value (Lindsay Taylor Lawyers, 2015).

To encourage a consistent approach to the address of the impact on private views through development, in 2004 the NSW Land and Environment Court established a planning principle in *Tenacity Consulting v Waringah* [2004] NSWLEC 140 (Tenacity).

While this principle was formulated in particular response to a clause in the relevant LEP (the Warringah Local Environmental Plan 2000) requiring reasonable sharing of views, this principle has been widely adopted by consent authorities even in the absence of such statements due to the public interest test of the EP&A Act. On this basis, Tenacity has been adopted as the relevant test in this case.

In *Tenacity*, Roseth SC noted that the LEP did not “state what is view sharing or when view sharing is reasonable”.

To provide guidance, Roseth SC stated that “The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.)”

To determine whether view sharing is reasonable in the circumstances, Tenacity specifies a four step process:

- “26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.
- 27 The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.
- 28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20%

¹ *Victoria Park Racing & Recreation Grounds Co Ltd v Taylor* [1937] HCA 45 (Taylor)

if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

- 29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable”.

It is noted that while guidance on relevant considerations is provided, judgement on the extent of impact is inherently subjective. In our experience, to be considered devastating under the Tenacity scale, the nature of impact would need to involve:

- blocking of views to a valuable and prominent feature, and / or
- blocking of part of views to a valuable and prominent feature with the effect of significantly reducing the ability to understand and appreciate the feature, and / or
- complete blocking of views from the property, and in particular truncating views to the foreground to leave only outlook remaining.

In general, changes to the broader visual setting, unless involving heritage, can only be considered severe.

3.5 Assumptions, limitations and exclusions

The following limitations apply to this VIA:

- while photomontages provide an indication of likely future visual environment, they can only provide an approximation of the rich visual experience enabled by the human eye. As they are based on photographs, the same limitations that apply to photography, including optical distortion, apply.

The following exclusions apply to this VIA:

- consideration of night-time impact, including lighting, is excluded
- consideration of impact on Aboriginal cultural heritage values associations is excluded. This is only appropriately undertaken by a member or qualified representative of the Aboriginal community.

4.0 The site and its context

4.1 The site

The site is located at 16 Owen Street Port Macquarie and is legally described as Lot 111 DP 1270315) (refer **Figure 3**). It has an area of 3.45ha and frontage of 211m to Owen Street and 130m to Burrawan Street.

The site is occupied by the Hastings Secondary College (Port Macquarie Campus). The Hastings Secondary College (Port Macquarie Campus) contains a range of educational and ancillary buildings

that have been constructed and expanded at various stages since 1962, including classrooms, administration/staff facilities, amenities, multi-purpose hall and recreation facilities.

The following site attributes are relevant to VIA:

- **Topography:** there is a 15m difference in topography from the highest point of the site in the south east corner
- **Vegetation:** vegetation is located near the pedestrian entry area along Owen Street
- **Watercourses:** no natural watercourses are identified as being present on the site
- **Access:** pedestrian access to the school gates is provided via Owen Street which contains 3 pedestrian refuges.
- **Built form:** buildings are clustered in the central part of the site. The northern and southern ends of the site are occupied by playing fields. In this central part, buildings extend across the width of the site. In this arrangement they present built edges to Owen Street and adjoining playing fields to the east. Typical of a school campus layout, the site comprises multiple separate buildings. Due to their siting close to the street, scale and absence of larger scale landscaping, the most visually prominent building is the multi-purpose building fronting Owen Street which has a large and distinct, steeply pitched roof. The school has a maximum building height of two levels and no onsite parking.



Figure 3 The site

Source: DFP

Note: as no development is proposed, the western part of the site (referred to as the 'Ag Plot' is not included in this VIA

4.2 The site context

The site is located approximately 1km south east of the Port Macquarie town centre (bound by Short, Clarence, Munster and William Streets) and is less than 250m west of Oxley Beach and 350m south of Town Beach.

The site is adjacent to Oxley Oval on the eastern boundary, Port City Bowling Club on the northern boundary, Owen Street on the western boundary and Burrawan Street on the southern boundary. Within a 500m radius of the site consists of land uses involving retail, commercial, residential, and short-term rental accommodation (tourism).

The central built part of the site is surrounded by green open space. The most visually distinct of these spaces is Oxley Oval and a larger, elevated grassed park to the south-east of the site. In addition, bowling greens and tennis courts are located to the north. This provides for a clear recreation visual character. When viewed from most directions, in particular the east, the extent and nature of the open space provides for what is often referred to as “absorption capacity”. This is the ability of the surrounding environment to accommodate a proposed change without losing its inherent, existing character.

In terms of visual character, sites are included in broader Landscape Character Areas (LCAs). LCA’s ‘share broadly similar combinations of geology, topography, drainage patterns, vegetation and historical land use and settlement pattern, and perceptual and aesthetic attributes’ (GLVIA3). The site and its context is considered an ‘urban coastal’ LCA.

Figures of the surrounding development is provided in the following figures.



Figure 4 View from looking north/ north-west of the site

Source: DFP



Figure 5 View from looking west of the site

Source: DFP



Figure 6 View from looking north of the site

Source: DFP



Figure 7 **Carpark east of the site (Oxley Park)**

Source: DFP



Figure 8 View of Oxley Beach from Pacific Drive

Source: DFP



Figure 9 Intersection of Gordon Street and Owen Street (showing multi-purpose centre in background)

Source: DFP



Figure 10 Burrawan Street looking west from Owen Street Intersection (showing demountable buildings to the south)

Source: DFP

5.0 The proposal

The proposal involves:

- demolition works to accommodate new works
- upgrade to school entry, including signage
- construction of a new two (2) storey Creative and Performing Arts (CAPA) building
- construction of a new Police Citizens Youth Club (PCYC)
- partial refurbishment of Building L
- partial refurbishment and alteration to Building B
- removal of Building S and demountable buildings
- new lift connections, covered outdoor learning area (COLA) and covered walkways
- associated earthworks, landscaping, stormwater works, service upgrades
- tree removal/ tree safety works.

Development is proposed to occur in a number of stages.

Due to their relative scale, of particular interest to this report is the proposed PCYC and the CAPA.

The following figures show the proposal and highlight the location of the PCYC and the CAPA.

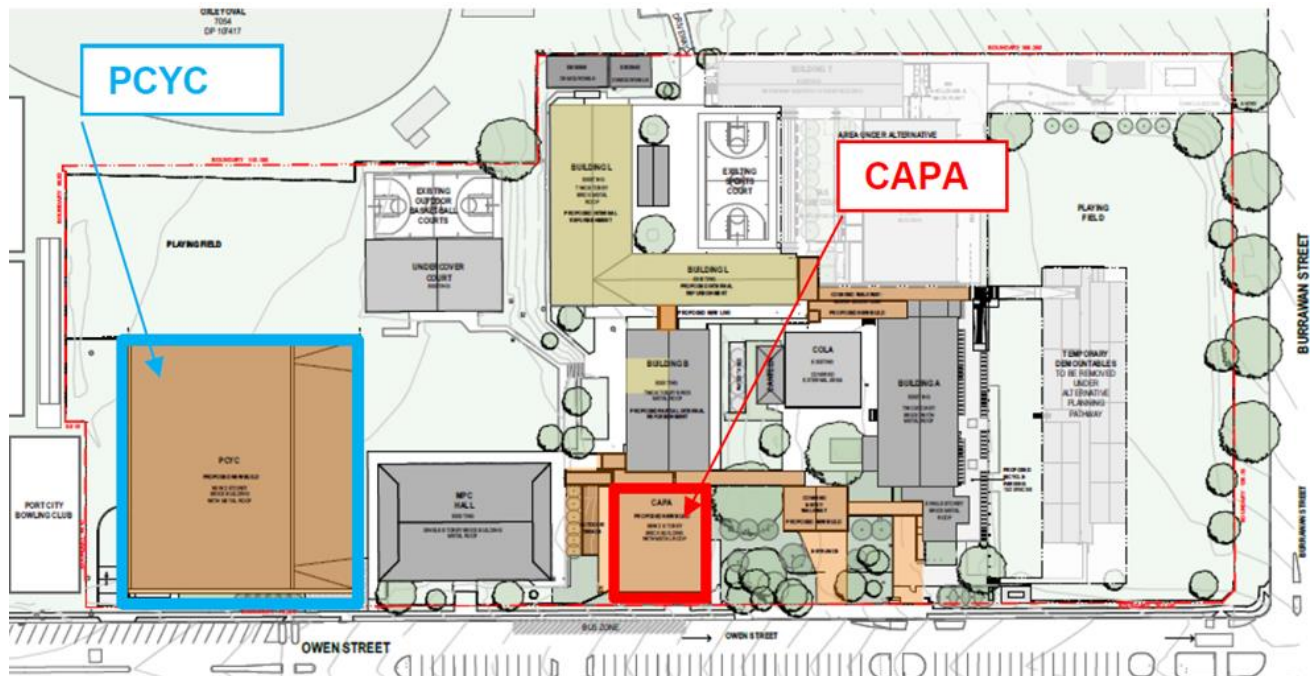


Figure 11 Site plan of the proposal

Source: SINSW



Figure 12 Artists impression of the proposal seen from above

Source: FJMT



Figure 13 Proposed western elevation of the PCYC

Source: FJMT



Figure 14 Proposed southern elevation of CAPA

Source: FJMT



Figure 15 Proposal seen from Gordon Street

Source: FJMT

6.0 Relevant planning matters

Relevant planning matters against which acceptability of visual impact is considered are contained in:

1. Secretary's Environmental Assessment Requirements
2. planning instruments (strategic plans and local strategic planning statements, environmental planning instruments and development control plans)
3. Land and Environment Court planning principles.

6.1 Secretary's Environmental Assessment Requirements

As has already been identified in this report, the Planning Secretary's Environmental Assessment Requirements (SEARS) issued by DPIE on 23 December 2020 provide the scope for which the EIS was to be prepared for the SSDA. The SEARS contain a number of matters, including general requirements, key issues and plans and documents. The SEARS include a comprehensive list of planning instruments. Not all are relevant to VIA.

6.2 Strategic plans and local strategic planning statements

The following strategic plans and local strategic planning statements are relevant to VIA:

1. North Coast Regional Plan 2036
2. Port Macquarie-Hastings Local Strategic Planning Statement.

6.3 Environmental planning instruments

The following environmental planning instruments are relevant to VIA:

1. State Environmental Planning Policy (Infrastructure) 2007
2. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
3. Port Macquarie Hastings Local Environment Plan 2011 (PMH LEP 2011).

6.3.1 Port Macquarie Hastings Local Environment Plan 2011

Under the (PMH LEP 2011) the site is subject to the following parameters:

- **Zone:** R3 Medium Density Residential
- **Floor space ratio:** 1.5:1
- **Maximum building height:** Part 26.5 metres (fronting Owen Street) and part 19 metres
- **Heritage:** There are no listed heritage items within, nor adjoining to, the site.

6.4 Development control plans

The following Development Control Plans are relevant to VIA:

1. Port Macquarie Hastings Development Control Plan 2011.

6.5 Land and Environment Court planning principles

While not explicitly referenced in the SEARS, as has already been identified, it is protocol in NSW to undertake assessment of a proposals impact on views obtained from the private domain in accordance with the tests outlined in the LEC planning principle established by Tenacity Consulting v Waringah [2004] NSWLEC 140.

Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor [2013] NSWLEC 1046 is also broadly of relevance to the assessment of impact on the public domain.

7.0 The visual catchment

7.1 The zone of theoretical visibility

The area in which the proposal may be visible, in totality or in part, is called the “Zone of Theoretical Visibility” (ZTV).

The ZTV is influenced by the interplay of a number of factors. These include physical factors such as landform (refer **Figure 16**), the alignment of streets, the nature of open space and vegetation (in particular that in parks or that is otherwise afforded some level of protection). It also includes other factors such as distance, direction and angle of view, and the siting and scale of the proposal

The area in which the proposal may theoretically be visible is localised and is contained generally to an area delineated by Port City Bowling Club to the north, Pacific Drive to the east, Burrawan Street to the south and land adjoining Owen Street to the west. Further analysis (desktop and field) of other elements such as the location and alignment of streets, the nature of open space, buildings, structures and vegetation showed that this ZTV is further limited to a relatively small area enclosed generally by Gordon Street to the west and Owen Street to the north up to William Street.

Due to matters such as proximity, slope and angle of view, land to the immediate west facing Owen Street is considered to have the greatest potential for visual exposure to the proposal. In addition, due to the relatively larger number of people which may be exposed to the proposal, Oxley Oval was considered to also be of particular interest as part of the VIA.



Figure 16 Surrounding area with contours

7.2 Visual receptors

People within the visual catchment who will be affected by the changes in views and visual amenity are referred to as “visual receptors”. Based on the GLVIA3, there are a number of different types of visual receptor:

- residents at home
- communities where views contribute to the landscape setting enjoyed by residents in the area
- people, whether residents or visitors, who are engaged in outdoor recreation, including use of public footpaths, whose attention or interest is likely to be focused on the landscape and on particular views
- travellers on road, rail or other transport routes
- travellers on road, rail or other transport routes where travel involves recognised scenic routes

- visitors to heritage assets, or to other attractions, where views of the surroundings are an important contributor to the experience
- visitors to facilities or services (eg, shops, offices, cafes) that meet their day to day needs
- people engaged in outdoor sport or recreation which does not involve or depend upon appreciation of views of the landscape
- people at their place of work whose attention may be focused on their work or activity, not on their surroundings, and where the setting is not important to the quality of working life

The following table identifies visual receptors in the visual catchment.

Table 7 Visual receptors in the visual catchment

Direction	Place	Prevailing type of visual receptor	Relative numbers ²
North	Port City Bowling Club	Members and visitors of recreation facility and users of pedestrian pathways	Medium
South	Burrawan Street	Residents at home and visitors of tourist accommodation	Medium
East	Pacific Drive and Oxley Oval	Travellers on road or other transport routes	High
		People engaged in outdoor sport or recreation	Medium
West	Owen Street	Residents at home and visitors of tourist accommodation	Medium

7.3 Pattern of viewing

Consideration of the visual characteristics and the nature of visual receptors in the visual catchment suggests that there are three (3) key patterns of viewing:

1. in the short and medium range from recreational visual contexts
2. in the short and medium range from beach town contexts (dwellings and tourist accommodation)
3. in the medium range from key roads.

8.0 Viewpoints

8.1 Public domain

Viewpoints selected for the assessment and for illustration of the visual effects fall broadly into three (3) groups:

1. **representative viewpoints**, selected to represent the experience of different types of visual receptor, where larger numbers of viewpoints cannot all be included individually and where the significant effects are unlikely to differ

² Relative number of people exposed to views of the proposal from the public domain

2. **specific viewpoints**, chosen because they are key and sometimes promoted viewpoints within the landscape, including for example specific local visitor attractions, viewpoints in areas of particularly noteworthy visual and/or recreational amenity such as landscapes with statutory landscape designations, or viewpoints with particular cultural landscape associations
3. **illustrative viewpoints**, chosen specifically to demonstrate a particular effect or specific issues, which might, for example, be the restricted visibility at certain locations.

Five (5) viewpoints in the public domain were selected to represent this pattern of viewing. **Table 8** identifies their location and provides an outline of key, relevant attributes, **Figure 17** below shows the location of these viewpoints.

While it is acknowledged that there may be some local variance within the visual catchment, this number and spatial distribution, including the capture of viewpoints to the north, east, south and west of the precinct, is considered to provide an acceptable approximation of visual impact.

Table 8 Viewpoints

Ref.	Viewpoint	Pattern of viewing	Group	Accessibility
1	Owen Street adjacent to Port City Bowling Club looking south / south-east;	In the short and medium range from beach town contexts	Representative viewpoint	Public
2	Owen Street adjacent to Oxley Cove Apartments looking east / north-east;	In the short and medium range from beach town contexts	Representative viewpoint	Public
3	Burrawan Street looking north; and	In the medium range from beach town contexts	Representative viewpoint	Public
4	Pacific Drive looking south-east across Oxley Oval.	In the medium range from key road and recreational contexts	Representative viewpoint	Public
5	Owen Street adjacent to La Mer Apartments looking east;	In the short range from beach town contexts	Illustrative viewpoint	Public



Figure 17 Viewpoints

8.2 Private domain

Due to the siting of the proposal, it is likely that visual impact will be greatest from the following three properties located to the west of the site:

- 11 Owen Street (La Mer, unit complex)
- 17 Owen Street (Mainsail, unit complex)
- 21 Owen Street (house).

It is considered that views from La Mer and Mainsail are likely to be most affected by the proposed Police Citizens Youth Club (PCYC). Views from 21 Owen Street are likely to be most affected by the proposed Creative and Performing Arts (CAPA).

La Mer and Mainsail are relatively large developments. While it is preferable to assess the visual impact from all units, this is rarely practical and particularly constrained at present due to COVID considerations. On this basis, the selection of viewpoints within these properties was done on a representative sample, and sought to include a likely 'worst case' of visual impact on the inference that objectively other impacts would be lesser.

To inform selection of viewpoints, consideration of the layout of La Mer and Mainsail was undertaken from information sourced in the public domain. Review determined the following key parameters:

La Mer

- 17 units
- 8 levels (noting #1 does not appear to exist)
- 2 units per floor
- Each unit is oriented with its long axis running north-south for the full extent of the building, providing for either south, east and west or north, east and west views. Example floor plates for south, east and west facing units is provided in **Figure 18**.

Mainsail

- 15 units
- 3 levels
- Unknown number per floor
- Units appear to either primarily face north or east. An example floor plate for north facing units is shown in **Figure 19**
- As can be seen by comparison of **Figure 20** with **Figure 21**, views from east facing units are considered to have a higher likelihood of greater impact than those facing north. On this basis, north facing unit were not carried forward for further, more detailed assessment.

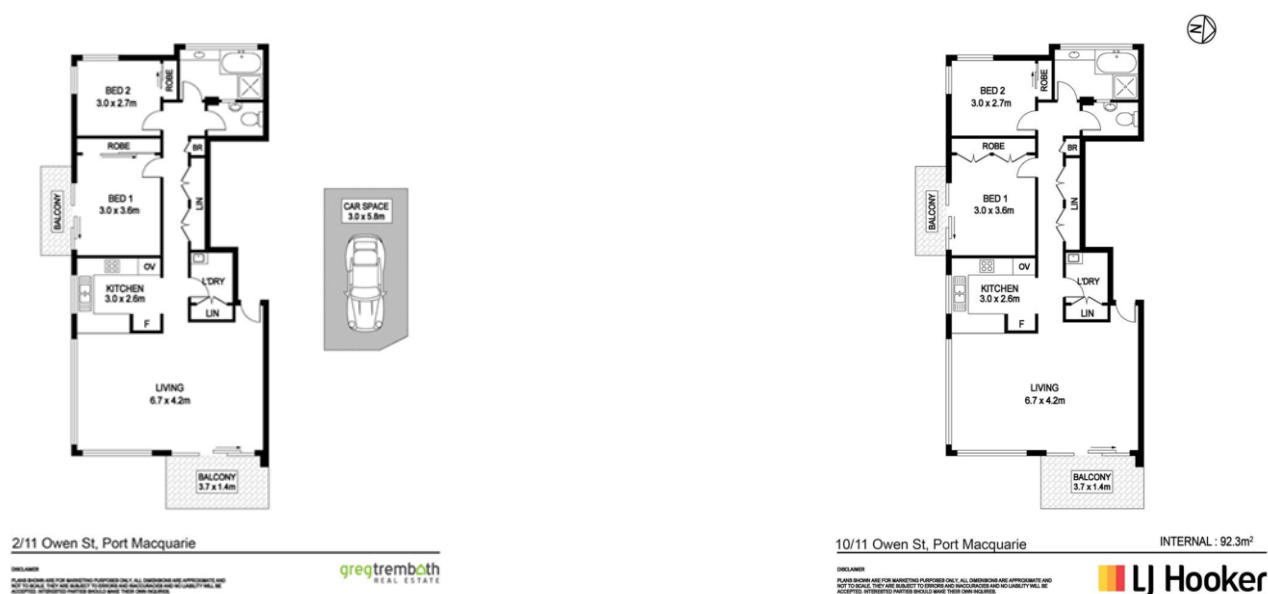
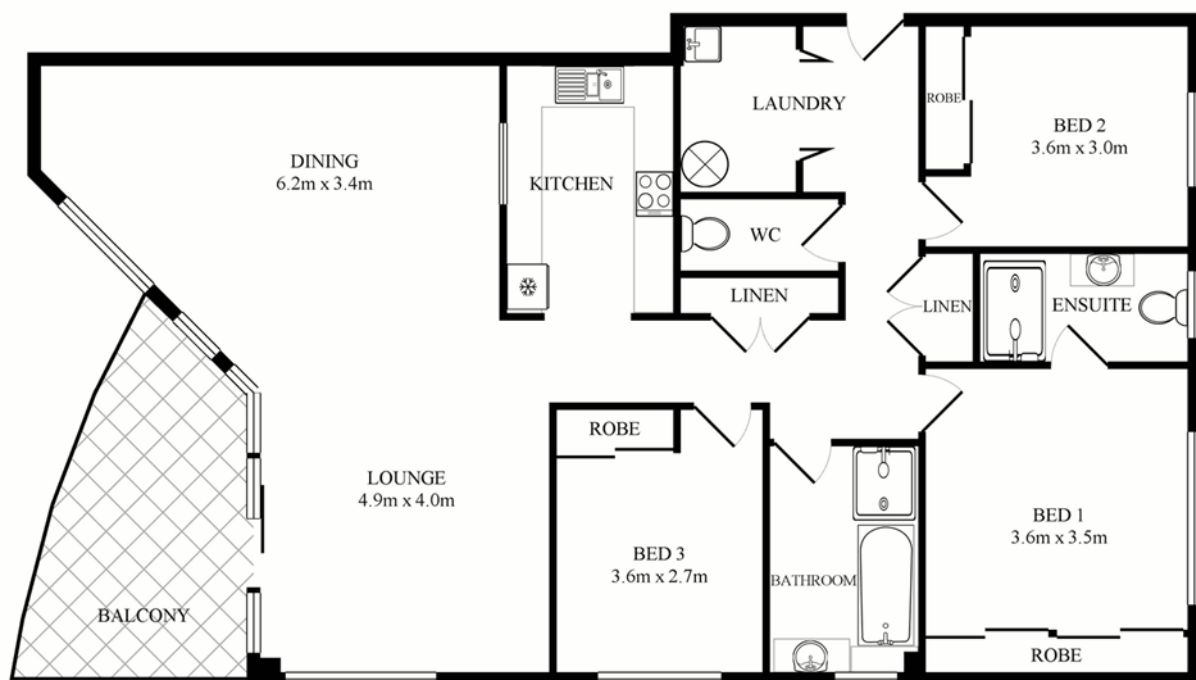


Figure 18 Example floor plates for south, east and west facing units in La Mer

Source: Greg Trembath Real Estate, LJ Hooker and realestate.com



This plan is for illustrative purposes only and dimensions are approximate.

12/17-19 Owen St, Port Macquarie

 **Hudson** Real Estate

Figure 19 Example floor plate for north facing unit in Mainsail

Source: Hudson Real Estate and realestate.com



Figure 20 Example of east facing unit in Mainsail

Source: realestate.com



Figure 21 Example of north facing unit in Mainsail

Source: realestate.com

Further consideration is shown in **Appendix 3**.

On the basis of obtaining a representative sample including a likely 'worst case' scenarios and informed by this review, access to was sought as follows:

- **La Mer:** units facing south, east and west at low (1-2), middle (3-6) and upper (7 – 8) floors, with a priority given to those at the same or similar level of the apex of the proposed new PCYC roof
- **Mainsail:** units facing east at upper levels, with a priority given to corner units facing north-east.

During July 2021, SINSW sought to obtain the consent of the owners and residents to access their units for the purpose of survey and photographic work. This was undertaken by mail (registered post) and follow up telephone calls.

From positive responses, **Table 9** identifies the dwellings selected to form the basis of this VIA.

Table 9 Dwellings selected for assessment

Complex	Street address	Unit number	Level	Representative	Direction of main view
La Mer	11 Owen Street	4	2	Lower level	East and south
		6	3	Middle level	East and south

Complex	Street address	Unit number	Level	Representative	Direction of main view
		14	7	Upper level	East and south
Mainsail	17 – 19 Owen Street	9	3	Upper level	East and north-east
		10	3	Upper level	East and north-east
		11	3	Upper level	East and north-east
21 Owen Street	21 Owen Street	N/a (front garden)	Ground	Ground	East

The location of these units is shown in **Figure 22** and **Figure 23**.

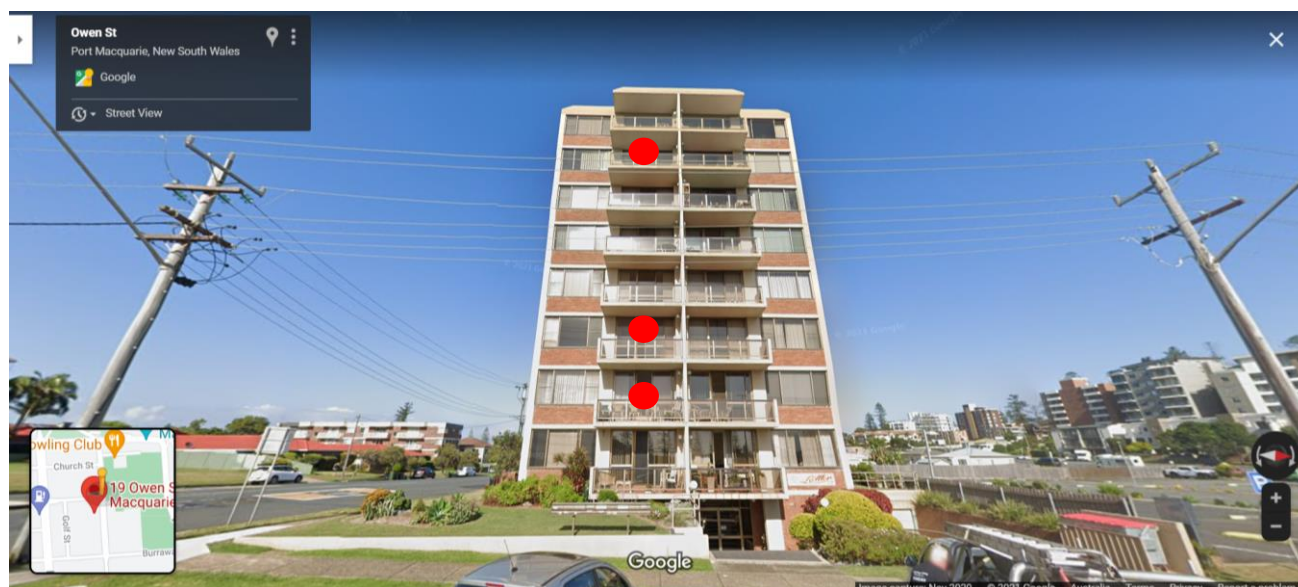


Figure 22 Approximate location of units selected for VIA in La Mer

Source: Google and Ethos Urban



Figure 23 Approximate location of selected for VIA in Mainsail

Source: Google and Ethos Urban

Part B: Impact on the public domain

9.0 Visual impact

This section of the report provides photomontages that illustrate the likely visual impacts of the proposal by comparing existing views with and proposed views from the selected viewpoints (also refer to **Appendix A**).

9.1 Viewpoint 1: Owen Street adjacent to Port City Bowling Club



Figure 24 Viewpoint 1 – Owen Street adjacent to Port City Bowling Club: existing view
Source: Virtual Ideas



Figure 25 Viewpoint 1 – Owen Street adjacent to Port City Bowling Club: existing view
Source: Virtual Ideas

9.2 Viewpoint 2: Owen Street adjacent to Oxley Cove Apartments



Figure 26 Viewpoint 2 – Owen Street adjacent to Oxley Cove Apartments: existing view
Source: Virtual Ideas



Figure 27 Viewpoint 2 – Owen Street adjacent to Oxley Cove Apartments: proposed view
Source: Virtual Ideas

9.3 Viewpoint 3: Burrawan Street



Figure 28 Viewpoint 3 – Burrawan Street: existing view
Source: Virtual Ideas

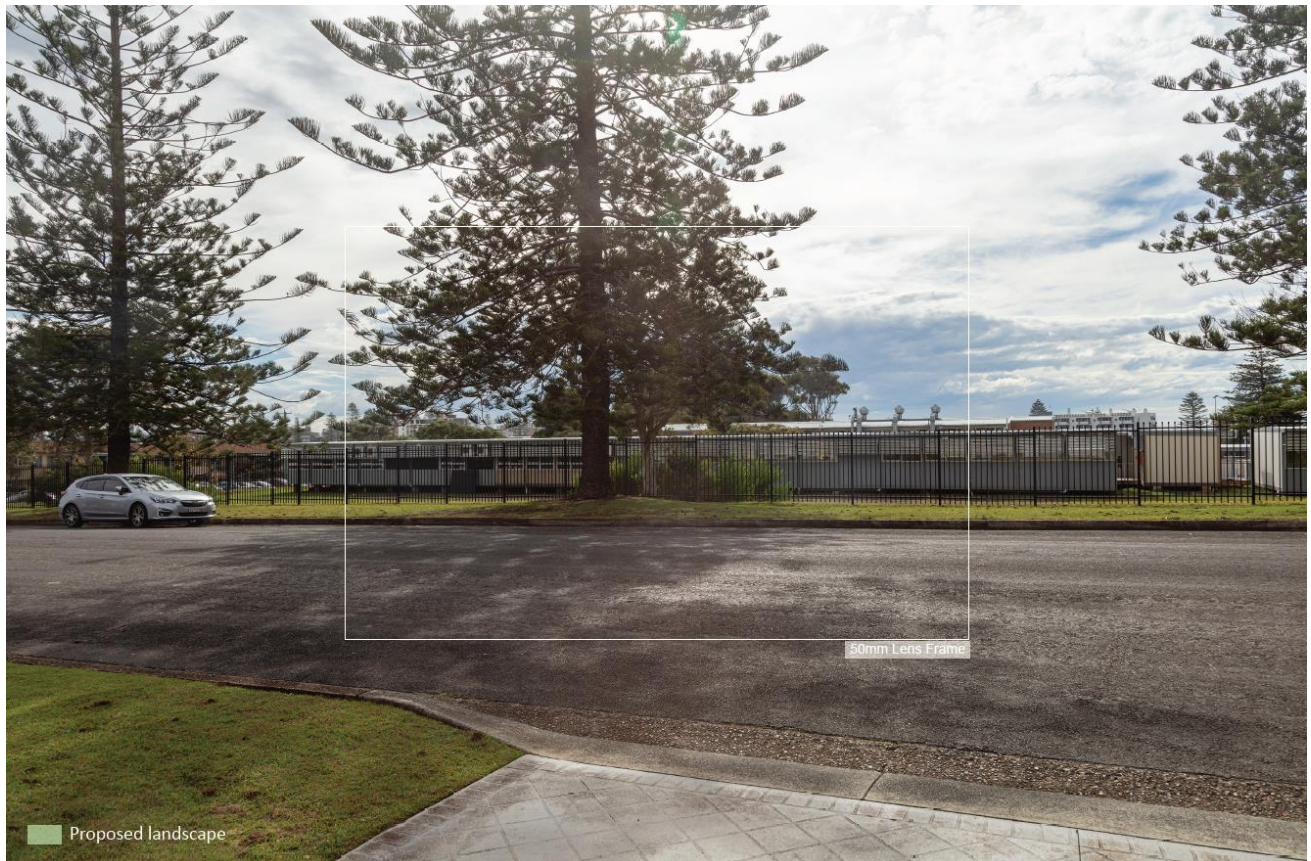


Figure 29 Viewpoint 3 – Burrawan Street: proposed view
Source: Virtual Ideas

9.4 Viewpoint 4: Pacific Drive



Figure 30 Viewpoint 4 – Pacific Drive: existing view
Source: Virtual Ideas



Figure 31 Viewpoint 4 – Pacific Drive: proposed view
Source: Virtual Ideas

9.5 Viewpoint 5: Owen Street adjacent to La Mer Apartments



Figure 32 Viewpoint 5 – Owen Street adjacent to La Mer Apartments: existing view
Source: Virtual Ideas

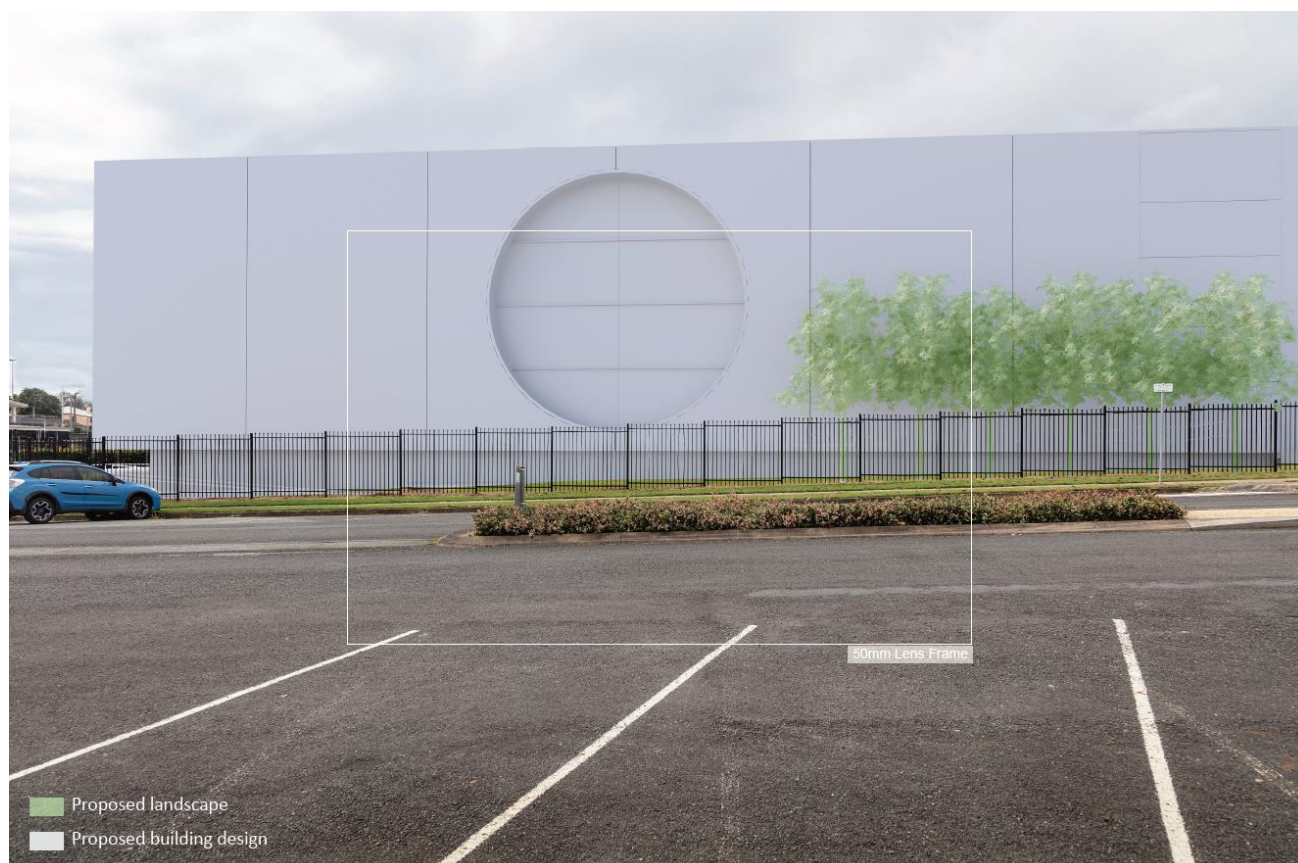


Figure 33 Viewpoint 5 – Owen Street adjacent to La Mer Apartments: proposed view

Source: Virtual Ideas

10.0 Visual impact assessment: public domain

10.1 Viewpoint 1: Owen Street adjacent to Port City Bowling Club

10.1.1 Assessment of sensitivity

The sensitivity of this viewpoint to the nature of change proposed is judged as **Low**.

10.1.2 Assessment of magnitude

The following table (**Table 10**) provides an assessment of the magnitude of the likely visual impact.

Table 10 Viewpoint 1 – Owen Street adjacent to Port City Bowling Club – magnitude of visual impact

		Duration and / or reversibility			
		Ongoing and irreversible	Ongoing capable of being reversed	Limited life (5 – 10 years)	Limited life (< 5 years)
Scale of change	Major change over wide area	Dominant	Considerable	Considerable	Noticeable

		Duration and / or reversibility			
	Major change over restricted area, or Moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area; or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area; or Insignificant change	Perceptible	Perceptible	Perceptible	Imperceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

10.1.3 Assessment of significance of visual impact

The following table (**Table 11**) provides an assessment of the significance of the likely visual impact.

Table 11 Viewpoint 1 – Owen Street adjacent to Port City Bowling Club – significance of visual impact

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

10.2 Viewpoint 2: Owen Street adjacent to Oxley Cove

10.2.1 Assessment of sensitivity

The sensitivity of this viewpoint to the nature of change proposed is judged as **Medium**.

10.2.2 Assessment of magnitude

The following table (**Table 12**) provides an assessment of the magnitude of the likely visual impact.

Table 12 Viewpoint 2 – Owen Street adjacent to Oxley Cove Apartments – magnitude of visual impact

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

10.2.3 Assessment of significance of visual impact

The following table (**Table 13**) provides an assessment of the significance of the likely visual impact.

Table 13 Viewpoint 2 – Owen Street adjacent to Oxley Cove Apartments – significance of visual impact

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

		Magnitude				
	Low	Moderate	Low	Low	Negligible	Negligible
	Negligible	Low	Low	Negligible	Negligible	Negligible

10.3 Viewpoint 3: Burrawan Street

10.3.1 Assessment of sensitivity

The sensitivity of this viewpoint to the nature of change proposed is judged as **Medium**.

10.3.2 Assessment of magnitude

The following table (**Table 14**) provides an assessment of the magnitude of the likely visual impact.

Table 14 Viewpoint 3 – Burrawan Street looking north – magnitude of visual impact

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

10.3.3 Assessment of significance of visual impact

The following table (**Table 15**) provides an assessment of the significance of the likely visual impact.

Table 15 Viewpoint 3 – Burrawan Street looking north – significance of visual impact

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

10.4 Viewpoint 4: Pacific Drive

10.4.1 Assessment of sensitivity

The sensitivity of this viewpoint to the nature of change proposed is judged as **Medium**.

10.4.2 Assessment of magnitude

The following table (**Table 16**) provides an assessment of the magnitude of the likely visual impact.

Table 16 Viewpoint 4 – Pacific Drive – magnitude of visual impact

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

		Duration and / or reversibility			
	Minor change over a restricted area; or Insignificant change	Perceptible	Perceptible	Perceptible	Imperceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

10.4.3 Assessment of significance of visual impact

The following table (**Table 17**) provides an assessment of the significance of the likely visual impact.

Table 17 Viewpoint 4 – Pacific Drive – significance of visual impact

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

10.5 Viewpoint 5: Owen Street adjacent to La Mer Apartments

10.5.1 Assessment of sensitivity

The sensitivity of this viewpoint to the nature of change proposed is judged as **Medium**.

10.5.2 Assessment of magnitude

The following table (**Table 18**) provides an assessment of the magnitude of the likely visual impact.

Table 18 Viewpoint 5 – Owen Street adjacent to La Mer Apartments – magnitude of visual impact

		Duration and / or reversibility			
		Ongoing and irreversible	Ongoing capable of being reversed	Limited life (5 – 10 years)	Limited life (< 5 years)
Scale of change	Major change over wide area	Dominant	Considerable	Considerable	Noticeable

		Duration and / or reversibility			
	Major change over restricted area, or Moderate change over wide area	Considerable	Considerable	Noticeable	Noticeable
	Moderate change over restricted area; or Minor change over a wide area	Considerable	Noticeable	Noticeable	Perceptible
	Minor change over a restricted area; or Insignificant change	Perceptible	Perceptible	Perceptible	Imperceptible
	Imperceptible change	Imperceptible	Imperceptible	Imperceptible	Imperceptible

10.5.3 Assessment of significance of visual impact

The following table (Table 19) provides an assessment of the significance of the likely visual impact.

Table 19 Viewpoint 5 – Owen Street adjacent to La Mer Apartments – significance of visual impact

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

10.6 Impact on the Owen Street streetscape more broadly

The overall visual character of Owen Street and this part of its streetscape

Owen Street is a major north-south street in this part of Port Macquarie, running for over 1km between its intersection with William Street near Town Beach in the north to its intersection with Everard Street near the Macquarie Nature Reserve in the south.

While passing through an urban coastal LCA for its entire length, the elements that make up this LCA combine in different ways to create a variety of streetscapes. For example its northern end built form tends to be larger, with greater bulk and height. The scale and nil street setback of the Luxor Apartments at the north-west corner of Owen Street and William Street in particular is of particular note. This creates a more urban streetscape. Conversely, at its southern end lot size, built form and vegetation combine to create more suburban landscape.

On this basis, Owen Street cannot be described as having a consistent streetscape.

The visual character of this part of the Owen Street streetscape

This part of Owen Street in which the proposal is located is between Church Street and Burrawan Street.

As with the remainder of Owen Street, this part does not have a consistent streetscape. Due to its large physical footprint the school is visually noticeable, and the existing multi-purpose hall is visually prominent. La Mer is also visually prominent. When seen from positions in the public domain to the north, the viewer is aware of further development of scale to the south. As is discussed in this report, the PMHLEP controls enable a considerable scale of future development on both sides of Owen Street in this location, including the site. It is reasonable to expect that a similar scale to development further to the south will in the future occur further to the north in Owen Street, creating a more urban visual character.

While visually noticeable, the college itself presents in different ways to Owen Street. As has been noted, the multi-purpose hall is visually prominent. The existing school entry is also prominent. That part of the school between the multipurpose hall and the main school entry includes a large span, canopied structure, built to the street boundary that provides covered access to the existing art/music building and a cluster of trees. Built form is visible behind and to the side. The trees combine to create a vegetated edge to a small part of the streetscape when seen from the adjoining public domain.

Due to their height and density, these trees truncate the depth of views to the east obtained from Mainsail and block distant views to the Pacific Ocean



Figure 34 View from the Owen Street public domain outside Mainsail looking south-east to the proposed site of the CAPA

Source: Google

The PCYC and CAPA

As has been noted, scoping identified that due to siting outside of the existing overall built footprint of the college and its scale, the proposed PCYC had the greatest potential for visual impact on both the public domain and the private domain. On this basis, much of this VIA has been focussed on identifying, describing and assessing this impact.

Conversely, as the CAPA is located within the existing overall built footprint of the college, is framed by the main school entry to the north and the large, multi-purpose hall to the south and is of lesser scale, it was considered to have lesser scope visual impact. Nonetheless, it is considered to impact on these trees.

Siting of CAPA

As is outlined in this report, the siting of CAPA was selected through a rigorous design process that involved the Government Architect NSW (GANSW).

Following selection of this part of the site as being most appropriate for CAPA, design concepts were evolved.

The resulting proposal is considered to represent the best response to the site constraints, design objectives of the school and desired future learning spaces outcomes and joint use facilities.

In particular, it enables a focus on the main entrance and its connection to the landscape, including regeneration of the remnant trees and a series of new canopies connecting the new Creative and Performing Arts (CAPA) and multi-purpose hall buildings to ensure they provide a strong street presence and increase opportunity for public interaction.

The entry has been redesigned to protect and enhance the stand of trees at the entry to the site and to provide an improved interface with Owen Street and the internal facilities of the School.

Impact of siting on existing trees

The siting of CAPA in this location will result in the removal of a number of trees. The removal of these trees is assessed as being acceptable in the Arboricultural Impact Assessment Report prepared by the Tree MD. Importantly, the stand of remnant trees at the college's Owen Street entry will be protected and enhanced through additional planting of koala feed trees. It should also be noted that replacement planting will provide 32 new trees on site.

A landscape strategy has been developed by FJMT. The landscaping works include native entry planting, large and small-medium shrubs, ground covers and planting to fences. This results in improved accessibility to and within the site and continues to promote the movement of students between formal and natural/ outdoor areas.

Visual impact

The main visual impact of CAPA to the public private domain will be removal of vegetation at the Owen Street frontage of the site and replacement by built form.

This will not block views to a valuable, prominent feature in the landscape. Rather, the impact represents a change to the general visual character of the streetscape.

As has been noted, Owen Street overall and this part of Owen Street does not have a consistent visual character. On that basis, it is more readily able to absorb change without significant, adverse visual impact.

As can be seen in the images and supported by discussion around vegetation and landscaping, the CAPA will be framed either side by existing vegetation. In most views the apex of vegetation will also be visible behind the CAPA. In addition, vegetation to the immediate south of CAPA will retain its existing dense character. This will substantially soften the visual impact of additional built form. While it is understood that due to underground services there is limited opportunity for the planting of substantial new trees in the narrow setback between CAPA and Owen Street, there is opportunity to plant shrubs, ground covers and planting to the fence-line, further softening the visual impact built form.

The design evolution that resulted in the orientation of the long axis of the PCYC to the east west perpendicular to Owen Street has a substantially reduced visual impact than an alternative north south orientation. This also provides greater separation between PCYC and the existing multipurpose hall when seen from Owen Street. This ability to see each building 'in the round' as separate and distinct elements reduces the cumulative impact of built form on the eastern side of Owen Street. The proposal when read together will be visible as a cohesive, yet well separated collection of larger built forms comprising the proposed new PCYC, the existing multipurpose hall and the CAPA..

As can be seen in the images, the proposal will also articulated when seen from Owen Street, with large windows visible. When seen from the north where arguably the greater cumulative visual impact is, the heavily articulated northern elevation of the CAPA will be visible, significantly reducing the appearance of built scale and bulk.

Overall, while resulting in a change to the existing visual environment, the CAPA is assessed as not giving rise to a significant, unacceptable visual impact on the public domain.



Figure 35 Simulated view from the Owen Street public domain outside Mainsail looking east to the proposed site of the CAPA

Source: Google

10.7 Summary of visual impact assessment

Overall, the context is one of moderate sensitivity. While sensitivity is inherently increased with residential development, the value of views obtained from the western side of Owen Street are mitigated by its width and consequent dominance in the foreground. Of note, the view obtained from Owen Street from La Mer Apartments has value due to depth of visual field and the view from Pacific Drive has value due to the dominance of well-maintained green open space. However, in all circumstances the views do not contain attributes that give rise to a high sensitivity such as the extensive presence of the ocean or the ocean and land interface. By way of comparison, views obtained from the elevated, eastern end of Burrawan Street across parkland to the ocean can be considered to have high sensitivity.

Magnitude of visual impact ranges from imperceptible from Burrawan Street to considerable in locations on Oxley Street.

The view from Owen Street adjacent to the Oxley Cove Apartments and the view from Owen Street opposite La Mer Apartments warrant further note.

Due to landscaping, the proposal and indeed much of the school is not highly visible from Owen Street adjacent to the Oxley Cove Apartments. This serves to illustrate that the CAPA building is capable of being effectively screened from most parts of Owen Street, ensuring that it is not a prominent part of the new streetscape. While the magnitude has been assessed as being noticeable, it can also be considered to be the lesser scale of “perceptible”.

In some aspects, the magnitude of the PCYC in the view from Owen Street opposite La Mer Apartments can be considered to be dominant. As the focus of the photomontages are on scale and

form and as such should not include architectural detail, nonetheless careful attention to detail in form, line, colour and texture, has the potential to mitigate the perception of magnitude. Key measures in this regard include the size, shape, recessive nature and transparency of the windows, and the combination of different yet cohesive materials. Magnitude can be further reduced through landscaping in the front setback to Owen Street.

The significance of visual impact ranges from negligible to moderate. It is considered that visual impact on views obtained from Owen Street adjacent to Port City Bowling Club and Owen Street adjacent to La Mer Apartments are significant. A finding of significance does not mean that the visual impact is unacceptable. Rather, acceptability is determined with reference to the planning framework.

Table 20 provides an assessment of the sensitivity of the views.

Table 20 Sensitivity assessment

Ref	Viewpoint	Type of visual receptor	Value	Sensitivity
1.	Owen Street adjacent to Port City Bowling Club	Members and visitors of recreation facility and users of public footpath	Low	Low
2.	Owen Street adjacent to Oxley Cove Apartments	Residents at home and visitors of tourist accommodation and users of public footpath	Low	Medium
3.	Burrawan Street	Residents at home and visitors of tourist accommodation and users of public footpath	Low	Medium
4.	Pacific Drive	Travellers on road, rail or other transport routes or users of oval for active and passive recreation.	Medium	Medium
5.	Owen Street adjacent to La Mer Apartments	Residents at home and visitors of tourist accommodation and users of public footpath	Medium	Medium

The following table (**Table 21**) provides an assessment of the magnitude of visual impact.

Table 21 Magnitude assessment

Ref	Viewpoint	Size and scale	Duration and reversibility	Magnitude
1.	Owen Street adjacent to Port City Bowling Club	Major change over restricted area	Ongoing capable of being reversed	Considerable
2.	Owen Street adjacent to Oxley Cove Apartments	Moderate change over restricted area	Ongoing capable of being reversed	Noticeable

Ref	Viewpoint	Size and scale	Duration and reversibility	Magnitude
3.	Burrawan Street	Minor change over a restricted area	Ongoing capable of being reversed	Imperceptible
4.	Pacific Drive	Moderate change over restricted area	Ongoing capable of being reversed	Noticeable
5.	Owen Street adjacent to La Mer Apartments	Major change over wide area	Ongoing capable of being reversed	Considerable

The following table (**Table 22**) provides a summary of the assessment of the significance of visual impact.

Table 22 Significance assessment

Ref	Viewpoint	Sensitivity	Magnitude	Significance
1.	Owen Street adjacent to Port City Bowling Club	Low	Considerable	Low
2.	Owen Street adjacent to Oxley Cove Apartments	Medium	Noticeable	Low
3.	Burrawan Street	Medium	Imperceptible	Negligible
4.	Pacific Drive	Medium	Noticeable	Low
5.	Owen Street adjacent to La Mer Apartments	Medium	Considerable	Moderate

Part C: Impact on the private domain

11.0 Visual impact

11.1 Viewpoint 1: La Mer, unit 4 (lower level)

Viewing direction	East
Viewing distance	40m (approx.)
Relative elevation	Level 2, below maximum height of proposal



Figure 36 Existing view from viewpoint 1: La Mer, unit 4 (lower level)

Source: Virtual Ideas and King and Campbell



Figure 37 Proposed view from viewpoint 1: La Mer, unit 4 (lower level)

Source: Virtual Ideas and King and Campbell

11.2 Viewpoint 2: La Mer, unit 6 (middle level)

Viewing direction	East
Viewing distance	40m (approx.)
Relative elevation	Level 3, below maximum height of proposal



Figure 38 Existing view from viewpoint 2: La Mer, unit 6 (middle level)

Source: Virtual Ideas and King and Campbell



Figure 39 Proposed view from viewpoint 2: La Mer, unit 6 (middle level)

Source: Virtual Ideas and King and Campbell

11.3 Viewpoint 3: La Mer, unit 14 (upper level)

Viewing direction	East
Viewing distance	40m (approx.)
Relative elevation	Level 7, above maximum height of proposal



Figure 40 Existing view from viewpoint 3: La Mer, unit 14 (upper level)

Source: Virtual Ideas and King and Campbell

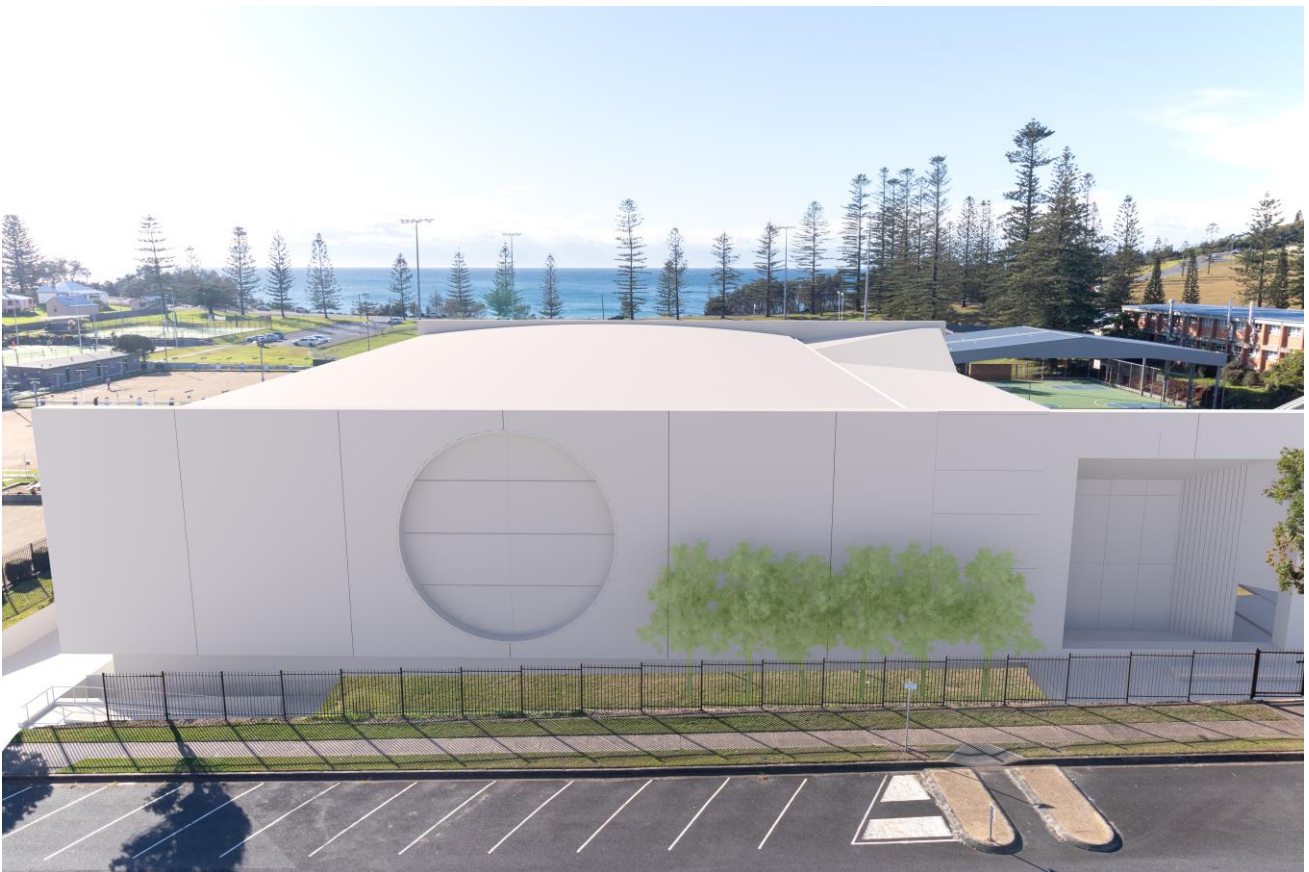


Figure 41 Proposed view from viewpoint 3: La Mer, unit 14 (upper level)

Source: Virtual Ideas and King and Campbell

11.4 Viewpoint 4: Mainsail, unit 9 (upper level)

Viewing direction	North-east
Viewing distance	80m (approx.)
Relative elevation	Level 3, below maximum height of proposal



Figure 42 Existing view from viewpoint 4: Mainsail, unit 9 (upper level)

Source: Virtual Ideas and King and Campbell



Figure 43 Proposed view from viewpoint 4: Mainsail, unit 9 (upper level)

Source: Virtual Ideas and King and Campbell

11.5 Viewpoint 5: Mainsail, unit 10 (upper level)

Viewing direction	North-east
Viewing distance	80m (approx.)
Relative elevation	Level 3, below maximum height of proposal



Figure 44 Existing view from viewpoint 5: Mainsail, unit 10 (upper level)

Source: Virtual Ideas and King and Campbell



Figure 45 Proposed view from viewpoint 5: Mainsail, unit 10 (upper level)

Source: Virtual Ideas and King and Campbell

11.6 Viewpoint 6: Mainsail, unit 11 (upper level)

Viewing direction	North-east
Viewing distance	80m (approx.)
Relative elevation	Level 3, below maximum height of proposal



Figure 46 Existing view from viewpoint 6: Mainsail, unit 11 (upper level)

Source: Virtual Ideas and King and Campbell



Figure 47 Proposed view from viewpoint 6: Mainsail, unit 11 (upper level)

Source: Virtual Ideas and King and Campbell

11.7 Viewpoint 7: 21 Owen Street, front garden (ground level)

Viewing direction	East
Viewing distance	35m (approx.)
Relative elevation	Ground level, below maximum height of proposal



Figure 48 Existing view from viewpoint 7: 21 Owen Street, front garden (ground level)

Source: Virtual Ideas and King and Campbell



Figure 49 Proposed view from viewpoint 7: 21 Owen Street, front garden (ground level)

Source: Virtual Ideas and King and Campbell

12.0 Visual impact assessment: private domain

12.1 Views 1 – 3: La Mer

What type of views are these?

Views obtained from La Mer are panoramic views primarily looking east and south east.

What's in these views?

Views are of an urban coastal LCA.

The LCA is not a designated landscape, and does not feature heritage items or heritage conservation areas.

The view may be broadly described as follows.

Foreground

The foreground is occupied by Owen Street. In this location Owen Street comprises one travel lane in each direction, angled parking adjoining each travel lane and the kerb, footpaths on either side and a pedestrian refuge, runs the entire width of the foreground

Midground

The midground is occupied by a grassed playing field associated with the school, including ancillary elements such as goal posts and boundary fencing. This is edged by the four grassed playing fields of the Port City Bowling Club and associated shelters to the north, and the existing PCYC building and roofed basketball court to the south

Background

Oxley Oval occupies the central field of view in the background, with the Pacific Ocean behind. To the left in the peripheral field of view is at-grade carparking and tennis courts. To the right in the peripheral field of view are scattered Norfolk Island pines.

The proportion of the Pacific Ocean visible in the view varies based on level, ranging from a sliver from the lower levels to a considerable area from upper levels.

The following are considered features of the view:

- the playing fields, due to their dominance in the view
- the Pacific Ocean, due to its value
- Norfolk Island pine trees, due to their distinct form.

What might be important in these views

In its review of the proposal and its setting, the State Design Review Panel (SDRP) noted that the immediate context of the site, being at the mouth of the Hastings River and proximate to the Pacific Ocean, is of high value.

Views to water, in this case the Pacific Ocean, are widely reported in relevant literature to be of high scenic value to people. It is noted however that from mid and lower levels the Pacific Ocean occupies a relatively small proportion of views.

From higher levels, the viewpoint's relative elevation compared to the ground provides for a sense of expansiveness. This is likely to be of value to residents.

From all views, the ability to perceive depth of field running to the horizon is also likely to be of value to residents.

Where are these views obtained?

Views are obtained from the eastern edge of the balcony leading off the living room. The balcony is connected to the living room by a glass sliding door.

This balcony is 3.7m in length (oriented north-south) by 1.4m in depth (oriented east-west). This will typically allow for the accommodation of conventional furniture.

While the focus of the view is to the east, views are also available to the south. Unless standing at the edge, a dividing wall blocks views to the north.

This view is obtained across a front boundary.

The view may be obtained from either a sitting or standing position from the balcony. The view may also be obtained from parts of the living room.

Views from the living room can also be obtained from another large window facing east, and a large window facing south.

Residents of La Mer have considerable scope for views due to its configuration. As has been noted already, La Mer has two units per floor, with each unit running in an east-west direction for the full length of the building. The longest elevation faces either north or south, with a second balcony providing access to views in the relevant direction. Views may also be obtained to the west.

What's new in these views

Views are primarily impacted by the PCYC.

The eastern elevation of the PCYC will be visible in an easterly direction at an angle of 90 degrees to the views and at a distance of approximately 40m. The elevation relative to the PCYC roofline varies according to level, ranging from below (level 4 and below) to above (level 5 and above). From higher levels, views of the entire depth of the PCYC can be obtained.

While not visible in the photos or photomontages, the northern and eastern elevation of the CAPA will likely be visible in a south-easterly direction at an angle of 45 degrees to the views and at a distance of approximately 95m. The elevation relative to the CAPA roofline varies according to level.

Does the proposal block views, in particular of valuable elements or features

The proposed PCYC blocks views obtained from unit 4 and unit 6 to the sliver of the Pacific Ocean visible in the background. Views to most of the Norfolk Island Pines will also be blocked.

Views to the Pacific Ocean and Norfolk Island Pines are maintained from unit 14.

What is the nature of change?

The proposal will replace the college's playing field with the PCYC. This is a significant change to the nature of the view when considered in terms of elements, features and composition.

Extent of impact

As is noted, the replacement of the college's playing field with the PCYC represents a significant change to views currently obtained from unit 4 and unit 6.

However, under Tenacity, assessment of the extent of impact is to be undertaken on the basis of the whole of the property. As has been noted, each floor in La Mer contains two units. These units extend the full length of the floorplate, offering views in a range of directions. For even numbered units such as unit 4 and unit 6, this includes views to the east, south and west. For odd numbered units, this includes views to the east and to the north. Due to solar access, views to the north are likely to be particularly valued. As can be seen in **Figure 51**, the living room comprises a corner space that enjoys views to the east and to the south. While views to the east are likely to be favoured, views to the south can also be considered to have visual amenity, and are not expected to be subject to significant change from the proposal. Furthermore, as can be seen in **Figure 52** and **Figure 53**, views to the south can also be obtained from the kitchen and bedrooms (including a balcony from bedroom 1). The ability to obtain views in all directions, and in particular the nature of the living room space, offsets the significance of impact on views to the east.

It is also noted that the photomontage prepared for unit 4 and unit 6 has been cropped to best correspond with a focussed viewing condition, or a worst case scenario. In reality, the human eye can take in a greater field of view, and typical human viewing behaviour involves movement of the head to take in an even greater amount of visual range. Given this, it is likely that a viewer standing

at the edge of the balcony will be able to appreciate the open space adjoining the PCYC's northern boundary as shown in **Figure 56**.

While the PCYC also represents a change to views obtained to the east from unit 14, as views can be obtained 'over and above' the PCYC, visual impact is considered to be substantially less.

In summary, the extent of the impact can be considered to be severe from unit 4 and unit 6, and moderate from unit 14. However, this conclusion should be read in isolation, and the matters discussed in this section are important context to note when framing judgements about the reasonableness of this impact.

It is noted that due to its status as a locally iconic landscape feature, if the PCYC had significantly blocked expansive views of the Pacific Ocean, the assessment would have been considered at the higher end of severe.

Table 23 Tenacity scale of impact

Unit	Representative of	Tenacity assessment
4	Lower levels	Severe
6	Middle levels	Severe
14	Upper levels	Moderate



Figure 50 Floorplan of unit 2, La Mer as proxy for even numbered units

Source: realestate.com



Figure 51 View from living room of unit 2, La Mer as proxy for even numbered units

Source: realestate.com



Figure 52 View from kitchen of unit 2, La Mer as proxy for even numbered units

Source: realestate.com



Figure 53 View from bedroom 1 of unit 2, La Mer as proxy for even numbered units

Source: realestate.com



Figure 54 View to the north-east from unit 4, La Mer

Source: King and Campbell Surveyors



Figure 55 View to the north-east from unit 4, La Mer

Source: King and Campbell Surveyors



Figure 56 View from public domain adjoining La Mer

Source: Virtual Ideas

12.2 Views 4 – 6: Views from Mainsail

What type of views are these?

Views obtained from Mainsail are panoramic views primarily looking east and north-east.

Views from unit 11 are also available to the north and north-west.

What's in these views?

Views are of an urban coastal LCA.

The LCA is not a designated landscape, and does not feature heritage items or heritage conservation areas.

The view may be broadly described as follows:

Foreground

The foreground is dominated by trees in Mainsail's landscaped setback to Owen Street, in particular the distinct form of palms, are visible. Due to the angled configuration of balconies, the eastern elevation of Mainsail is also present in the foreground of views from unit 9.

Midground

The midground is largely occupied by Owen Street. Owen Street in this location comprises one travel lane in each direction, one row of perpendicular parking in the centre and parallel parking adjoining the northbound travel lane and the kerb, footpaths on either side and a pedestrian refuge, runs the entire width of the midground.

Background

The background comprises the eastern side of Owen Street. The existing Multi Purpose Centre (MPC), and in particular its high, steep and largely singular roof, dominates the right hand side of the background. The playing field upon which the PCYC is proposed is visible in the centre. It is noted that from unit 10 views to the playing field are currently obscured by a palm tree. While the large, long Sandcastle Port Macquarie Apartments is visible in the left background of views, it is glimpsed through vegetation in views from units 9 and 10. It is prominent in views from unit 11. Views from unit 11 also include the existing vacant lot located at the corner of Owen Street and Gordon Street, and which under the LEP is capable of being redeveloped. This has the potential to obscure the extent of views currently obtained to the north, north-east and north-west from unit 11.

A sliver of the Pacific Ocean is visible in the background of all views behind the existing MPC, and a small amount is visible in the background far left of all views.

The following are considered features of the view:

- the palms, due to their dominance in the foreground of the view
- Owen Street, due to the large proportion of the view that it occupies
- the existing MPC, due to its dominance. It is also noted that the material and angle of the roof is likely to create a level of reflectivity, which may also draw visual attention
- from unit 11, the Sandcastle Port Macquarie Apartments is also a feature.

What might be important in these views?

In its review of the proposal and its setting, the State Design Review Panel (SDRP) noted that the immediate context of the site, being at the mouth of the Hastings River and proximate to the Pacific Ocean, is of high value. It is noted however, that views from Mainsail do not provide the most extensive representation of the key characteristics of this context, which is considered to derive in large part to the presence of extensive views of both parkland and ocean juxtaposed against each other.

Views to water, in this case the Pacific Ocean, are widely reported in relevant literature to be of high scenic value to people. It is noted however that the Pacific Ocean occupies a relatively small proportion of these views.

Where are the views obtained?

Views are obtained from the eastern edge of balconies.

Floorplans of the affected unit are not publicly available.

However, inferring from available floorplans (unit 9), it is likely that these balconies are likely connected to a lounge, or possibly a dining room, by a glass sliding door.

While the focus of the view is to the east and north east, views are also available to the south-east. From unit 11, views are obtained to the north and north-west.

Most views are obtained across a front boundary. From unit 11, views to the north and north-west are obtained across a side boundary.

The view may be obtained from either a sitting or standing position from the balcony. The view may also be obtained from parts of the lounge room or dining room.

Views are likely to be obtained from other rooms such as bedrooms within the units.

What's new in these views?

Views are impacted by the PCYC and CAPA. However, despite greater proximity to the CAPA it is considered that the PCYC has the potential for a greater visual impact due to:

- its replacement of open space with a building, compared to the CAPA being located within an area of existing built form
- the small scale of the CAPA
- the screening of the CAPA from the units by existing and supplementary vegetation
- the PCYC being in the direction of views to the Pacific Ocean.

On this basis, the photo and photomontage is focussed on the PCYC.

The eastern and southern elevation of the PCYC will be visible in a north-easterly direction at an angle of 45 degrees to the views and at a distance of approximately 95m. The elevation relative to the PCYC roofline varies according to level.

While not visible in the photos or photomontages, the eastern elevation of the CAPA will likely be visible in an easterly direction at an angle of 90 degrees to the views and at a distance of approximately 40m. The elevation relative to the CAPA roofline varies according to level.

Does the proposal block views, in particular of valuable elements or features

The PCYC obscures a minor part of the Pacific Ocean in the background of the view.

What is the nature of change?

The PCYC is seen as a new built form element in the view, replacing the colleges' playing field. Due mainly to distance and other factors such as viewing angle and elevation, the impact on views from Mainsail has been assessed as minor.

12.3 Views 7: 21 Owen Street

What type of view is this?

Views obtained from 21 Owen Street are filtered views through screening vegetation primarily looking east.

What's in this view?

Views are of an urban coastal LCA.

The LCA is not a designated landscape, and does not feature heritage items or heritage conservation areas.

The view may be broadly described as follows:

Foreground

The foreground is dominated by dense screening vegetation comprising both trees and shrubs in the front setback to Owen Street, and a single, spreading tree at eye level in the adjoining Owen Street public domain.

Midground

The midground is occupied by Owen Street, comprising one travel lane in each direction, one row of perpendicular parking in the centre and parallel parking adjoining the northbound travel lane and the kerb, footpaths on either side and a pedestrian refuge, runs the entire width of the midground. When vehicles are parked in the centre median, the eastern side of Owen Street is obscured from view.

Background

The background is heavily obscured, with no one element visible in its entirety. The background comprises parts of the PCYC, the school's Owen Street boundary fence and existing vegetation in the school's front setback to Owen Street.

The following are considered features of the view:

- the screen vegetation in the foreground, due to their dominance in the view
- Owen Street, and in particular parked vehicles, due to the relatively large proportion of the view it occupies.

What might be important in this view

The foreground vegetation is likely to be of value to some residents, as it screens built elements providing for a more natural character and providing a strong sense of enclosure.

Where is this view obtained?

The view is obtained from the front garden of the house. Due to large windows, this view may also be obtained from rooms at the front of the house.

The view is obtained across a front boundary.

The view is obtained from a standing position.

What's new in this view?

Views are primarily impacted by the CAPA.

The eastern elevation of the CAPA is visible in an easterly direction at an angle of 90 degrees to the view and at a distance of approximately 45m. The view is obtained at an elevation below the CAPA roofline.

Does it block views, in particular of valuable elements or features

The proposal does not block existing views.

What is the nature of the change?

Due mainly to the screening effect of vegetation, the impact on views from 21 Owen Street has been assessed as negligible.

12.4 Impact of CAPA on Mainsail in general

As has been noted, CAPA was considered to have lesser scope for visual impact than the PCYC.

Nonetheless, due to proximity, consideration was given to its impact on Mainsail. As can be seen in **Figure 57** and **Figure 58**, the existing visual environment when seen from Mainsail is comparable to that for the adjoining public domain. Due to their height and density, trees present in views truncate the depth of views to the east obtained from Mainsail and block distant views to the Pacific Ocean.

Figure 59 provides a simulated illustration of CAPA within the streetscape outside Mainsail and **Figure 60** provides a simulated illustration of CAPA when seen from Mainsail. The nature of impact is considered to be similar, and even lesser due to greater distance and higher elevation, to that experienced in the adjoining public domain already discussed in this report. On this basis, the general discussion and findings of this earlier section are relevant to private domain impact. On the Tenacity scale, the visual impact of CAPA to Mainsail is considered to be minor. It is also noted in this regard that the orientation of most east facing balconies provides for a range of viewing direction for people, including views down Owen Street to either the north or south.



Figure 57 View from Mainsail looking east to the proposed site of the CAPA

Source: King and Campbell



Figure 58 View from Mainsail showing how the trees occupy only a small part of the eastern side of the Owen Street streetscape

Source: King and Campbell



Figure 59 Simulated view from Mainsail looking east to the proposed site of the CAPA

Source: FJMT



Figure 60 Simulated view from Mainsail looking east to the proposed site of the CAPA

Source: FJMT

12.4.1 Summary of impact to all properties

In terms of assessment of views to be affected, it is concluded that:

- largely due to the vegetation, views to the proposal will be largely blocked from 21 Owen Street
- views obtained from Mainsail are largely of the complex's front setback landscaping, Owen Street and the western, Owen Street elevation of Hastings Secondary College – Port Macquarie Campus. Views obtained from units at the north-east corner of the complex are more complex and expansive, with glimpses of the Pacific Ocean visible in parts of the background
- due to the building's layout, views obtained from La Mer are expansive, either being obtained to the north, west, and east, or south, west and east. Views to the east are dominated by the existing school playing field. Due to its height, views from the upper levels of La Mer can be considered spectacular, with views to the Pacific Ocean in the background.

In terms of considering from what part of the property the views are obtained, assessment has concluded that:

- views from 21 Owen Street can be obtained from the front of the house, including the front garden
- views from Mainsail can be obtained from the balcony of each unit. While full floorplans have not been cited, based on floorplans in the public domain it is likely that these views can also be obtained from at least lounge rooms
- views can be obtained from most rooms in units in La Mer. Views to the east are obtained primarily from the balcony, but may also be seen from the living room and to a lesser extent the kitchen.

In terms of assessing the extent of the impact, it is found that this varied considerably depending on the property, and for La Mer, elevation within the property. Overall, it is concluded that:

- due mainly to the screening effect of vegetation, the impact on views from 21 Owen Street has been assessed as negligible
- due mainly to distance and other factors such as viewing angle and elevation, the impact on views from Mainsail has been assessed as minor. While photomontages have not been prepared facing due east, those prepared for the public domain VIA show that the CAPA will integrate with the existing, overall pattern of built form that creates Owen Street's streetscape in this location, and has the capability of being largely screened by vegetation
- as it is such a dominant part of views to the east, the replacement of the college's playing field with built form constitutes a significant change to the existing visual environment. On this basis, the impact on views from the lower and middle levels of La Mer is assessed as severe. It is noted that due to its status as a locally iconic landscape feature, if the PCYC had significantly blocked expansive views of the Pacific Ocean, the assessment would have been considered at the higher range of severe. As due to height views can still be obtained 'over and above' the PCYC, impact on views from the upper levels of La Mer are assessed as being moderate.

Part D: Assessment, findings, recommendations and conclusion

13.0 Assessment against relevant planning matters

13.1 Secretary's Environmental Assessment Requirements

Table 24 provides an assessment against the SEARs.

Table 24 Assessment against SEARs

SEAR	Where Addressed
2. Built Form and Urban Design Provide: <ul style="list-style-type: none"> a visual impact assessment that identifies any potential impacts on the surrounding built environment and landscape including views to and from the site and any adjoining heritage items. 	This VIA fulfils this SEARs requirement. Through assessment, it shows that the proposal's layout and design addresses visual and view impacts in a number of ways, including: <ul style="list-style-type: none"> providing connectivity with the public domain and a new street presence for the school and PCYC facilities limiting its building height to a maximum 13.880 metres, despite the maximum building height on the site being up to 26.5 metres the PCYC facade facing both Owen Street and Oxley Oval being broken into three clear parts, reducing the apparent scale of the building form of the PCYC, and signifies the functional use (the courts), the main circulation and the entrance the scale of the brickwork facade is further broken down by the detailing - both the strong circular window which has contextual references to surrounding buildings and the original campus. A fine grain of texture will also be added with header courses.

13.2 Strategic plans and local strategic planning statements

Relevant strategic plans to the assessment of this proposal are:

- North Coast Regional Plan 2036
- Port Macquarie-Hastings Local Strategic Planning Statement.

The strategic intent of these plans is to promote the continued evolution of Port Macquarie as a regional city with a thriving cultural and civic centre. Specifically, the site is located within an urban renewal area which is recognised for its suitability to accommodate growth and infrastructure.

The project is consistent with North Coast Regional Plan and its regional priority to manage and support growth as it proposes upgrades and new facilities to continue to deliver important education and community services.

Planning Priority 13 of the LSPS also recognises the need to ‘leverage and grow our anchor health and education sectors’ in order to support Port Macquarie capacity as a regional city. The proposal assists in growing the education sector through the provision of upgraded and new facilities.

North Coast Regional Plan 2036

Table 25 provides an assessment of the proposal against visual considerations in North Coast Regional Plan 2036.

Table 25 Assessment against North Coast Regional Plan 2036

Consideration	Assessment
There is no specific consideration for visual impact or view protection in the North Coast Regional Plan 2036.	N/A

Port Macquarie Hastings Local Strategic Planning Statement

Table 26 provides an assessment of the proposal against visual considerations in the LSPS.

Table 26 Assessment against Port Macquarie Hastings Local Strategic Planning Statement

Consideration	Assessment
Planning priority 10 – Key principle: Enhance and protect views of scenic and cultural landscapes from public areas	<p>The LSPS recognises that there are landscapes that are valued for their scenic quality, natural conservation values, cultural values and because they provide attractive vistas from public places. These include numerous sites of Aboriginal culture across the LGA and places that have unique and special-built, archaeological and landscape heritage significance.</p> <p>The proposal will not have a significant detrimental impact on the values of visually sensitive land along Port Macquarie’s coastal landscape or any sites of cultural heritage significance.</p>

13.3 Environmental planning instruments

Port Macquarie Hastings Local Environmental Plan 2011

As can be seen from **Table 27** and is noted in the Environmental Impact Statement (EIS) prepared by DFP to support the SSDA, the proposal complies in full with relevant planning controls in the Port Macquarie-Hastings Local Environmental Plan 2011 (the PMHLEP2011). In particular, its maximum height of 13.880m is substantially less than both the 26.5m height control for the Owen Street frontage of the site and the 19m height control for the rear of the site enabled under the PMHLEP2011. Should the proposal have taken advantage of this height, it is likely that it would have exceeded the total height of La Mer, and greatly exceeded that of both Mainsail and 21 Owen Street.

Table 27 Assessment against the Port Macquarie Hastings Local Environmental Plan 2011

Clause	Requirement	Proposal	Complies
4.3 'Height of buildings'	Part 26.5m (Owen Street frontage) and part 19.0m (remainder of site)	13.880m	Yes
4.4 'Floor space ratio'	1.5:1	0.327:1	Yes

This level of compliance is critically important for visual impact.

In his judgement in *Veloshin v Randwick Council* [2007] NSWLEC 428, Roseth SC further elaborated on compatibility through the lens of height and bulk:

- “30 The debate about height and bulk can be meaningful only against the background of local planning controls, such as maximum height, floor space ratio, site coverage and setbacks. While these controls are usually also based on subjective judgment, they have been through a statutory process involving exhibition and the consideration of public comment. They therefore express the subjective preferences of a local community and should be given greater weight than the subjective preferences of individuals”.

Roseth SC stated that a key first question to consider is: “Are the impacts consistent with impacts that may be reasonably expected under the controls? (For complying proposals this question relates to whether the massing has been distributed so as to reduce impacts, rather than to increase them. For non-complying proposals the question cannot be answered unless the difference between the impacts of a complying and a non-complying development is quantified.)”.

Council’s controls are clear and unambiguous, and generate a reasonable expectation of the nature of future development. When considering zoning, height and FSR, it is clear that council envisages development of considerable scale in this location. In terms of height alone, an approximate reference is La Mer and development on the southern side of William Street (Sandcastle Apartments). Both are nearby in the broader visual catchment. Unlike the current situation where Owen Street forms the ‘edge’ of tall development in this part of the city, it is clear that council’s intent is to enable this edge to shift east to make Oxley Oval and the associated foreshore parkland the edge. In the absence of a detailed plan to the contrary, on this basis it would be unreasonable to assume protection of existing easterly views, and it would be reasonable to assume changes to overall visual character as open space is replaced by development.

13.4 Development control plans

Port Macquarie Hastings Development Control Plan 2013

DCPs are not relevant matters in the assessment of development applications for SSD. Nonetheless, for specific matters such as visual impact it is best practice to give a consideration to relevant content.

The Port Macquarie Hastings Development Control Plan 2013 (DCP 2013) includes the following parts in relation to visual matters:

- D2.1 East Port Neighbourhood

This is addressed in **Table 28**.

Table 28 Assessment against Port Macquarie Hastings DCP 2013

Consideration	Assessment
D2.1 East Port Neighbourhood	
Objective: To reduce the visual impact of buildings on coastal views from the public domain (213. Building Height & 214. Streetscape and Front Setbacks)	<p>The proposal will not impact on view corridors identified under the supporting Port Macquarie Hastings DCP 2013.</p> <p>While the proposal will have visual impact, its height complies with the Port Macquarie Hastings LEP 2011 and the relevant building height and streetscape and front setback controls of the DCP 2013.</p>

13.5 Land and Environment Court planning principles

Tenacity

The key LEC planning principle is Tenacity, and specifically its test of reasonableness

Compliance with planning controls also means that the proposal meets the first of the two tests under Tenacity for ‘reasonableness.

On this basis, attention can be turned to whether the proposal demonstrates skilful design as defined under Tenacity as ‘whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.’

The facilities proposed to be accommodated by the PCYC and the CAPA have been determined on a needs basis in consultation with a range of stakeholders, including college staff and students. Unlike many other proposals such as houses and apartments, the scale and massing of both the PCYC and CAPA are heavily influenced by the nature of these facilities. For example, the CAPA accommodates general learning spaces, seminar / rehearsal rooms and a visual arts workshop, while the PCYC will accommodate courts, multipurpose rooms and a gym. It is not possible for a number of these facilities to have an alternative scale, massing or form while maintaining functionality for their intended purpose.

While noting these constraints, the proposal has nonetheless been subject of a rigorous and comprehensive design process. This has included engagement with the State Design Review Panel. As is outlined in the Architectural Design Statement, the proposal was informed by a site analysis that identified a number of key constraints and opportunities. These included:

- topography that slopes downwards to the north, creating a low point at the college’s northern playing field
- landscape character, including an absence of significant existing development to the east compared to the west
- internal open space and recreational areas
- residential and commercial scale and context, including interface with adjoining properties
- retention of remnant vegetation (koala feed species) at the school entry

- existing services
- existing structures (including s170 heritage items).

Consideration of these constraints and opportunities identified areas of the site suitable for development.

It was considered that on the balance of considerations, locations to the north and west were best placed to accommodate new development.

Subsequent to this, a number of possible locations for the PCYC and CAPA buildings were explored. The proposed locations were selected due to the:

- need for the proposed buildings (PCYC and CAPA) to be located within the existing built form structure of the school
- need for a street frontage as it will be in use by the community and co-location to the existing multi-purpose centre which is also a shared use facility.

In particular, the siting of the CAPA and PCYC along the western boundary of the site provides for a number of positive outcomes, including:

- responding to topography, being located at the lowest part of the site
- being closest to the Port Macquarie town centre, providing a more accessible location than any alternative (i.e. southern portion of the site).
- allowing for some retention of ground-level playing field (interacting with Oxley Oval)
- enabling secure community access to the PCYC outside of school hours
- protecting and enhancing remnant vegetation at the entry to the site
- providing a new interface with the public domain at the Owen Street frontage, with layout, location and treatment designed to be supportive of the joint use nature of the building and extended opening hours, allowing immediate access to the building from the public domain without requiring internal access to the college
- protecting significant heritage buildings
- provides greater operational efficiencies and passive surveillance.

The layout of the PCYC building 90 degrees to Owen Street reduces the appearance of scale and bulk when viewed from the west, and retains partial views across to Oxley Oval from Owen Street between the facility and the Bowling Club.

As noted in the earlier VIA of impact on the public domain, the PCYC incorporates a number of more detailed architectural devices to further reduce its appearance of scale and bulk, including the use of extensive transparent glazing in its Owen Street elevation and the combination of different yet cohesive external materiality (refer **Figure 61**).

It is noted that key aspects of the proposal's siting and design are supported by the State Design Review Panel. This includes:

- clarity of the masterplan and axial built form strategy which creates a legible and cohesive campus

- building layouts and relationships intended to promote visual permeability through the site
- opportunities created through the negotiation of topographical changes, such as the generous terraced landscapes
- the potential for joint use of facilities with the wider community
- the setback entry from Owen Street intended to provide ecological value and enhance the landscaped setting of the school along Owen Street

It is acknowledged that the visual impact of the PCYC from some units in La Mer is considerable. It is further acknowledged that views from private properties are valued by owners and residents. However, it is also important to assess the acceptability of this impact against relevant planning criteria. The proposal complies with relevant planning controls and is considered to represent skilful design, accommodating the intended uses and substantially reducing the overall impact on La Mer compared to other alternative, complying proposals that would make full use of the FSR and height allowable under the PMHLEP2013.

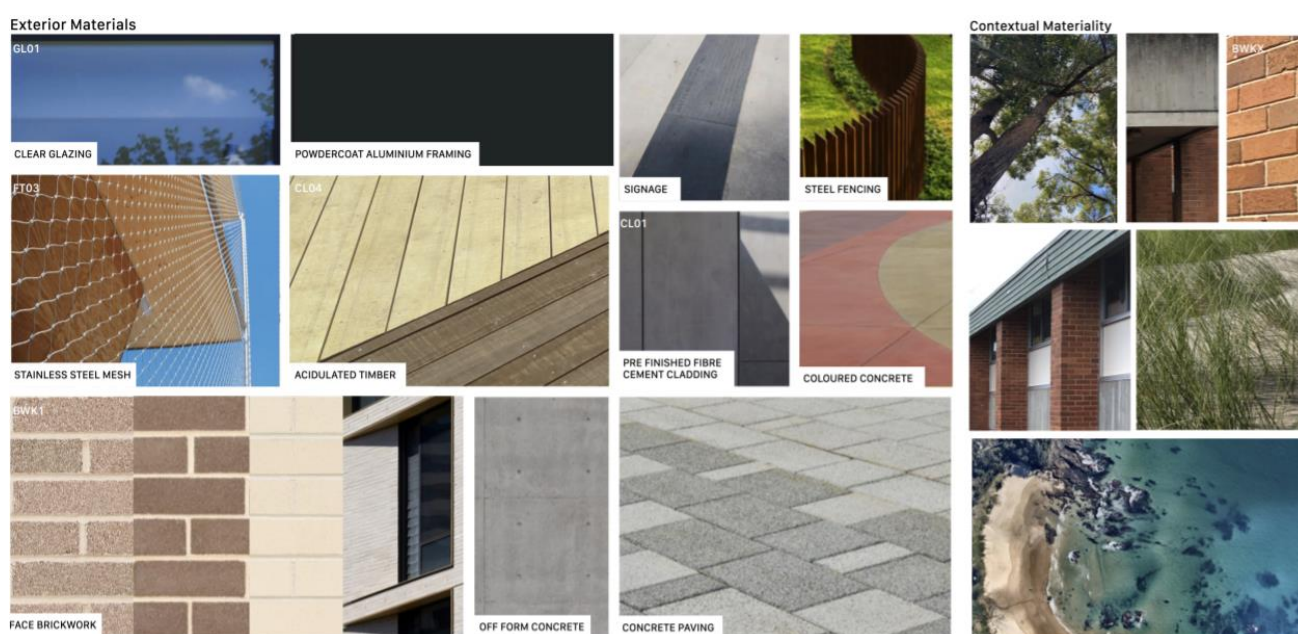


Figure 61 Proposed external materiality

Source: FJMT

14.0 Mitigation measures

There are three broad types of mitigation measures:

1. avoid
2. minimise
3. offset.

This is generally consistent with the principles for the management of environmental impacts in the GLVIA3 (part 3.37).

Under the GLVIA3 (part 4.21), there are a number of stages in the development process when mitigation measures should be considered. Of relevance to this proposal are the following:

- **primary measures:** considered as part of design development and refinement
- **secondary measures:** considered as part of conditioning a development consent.

As has been outlined in the associated EIS, the proposal has been the subject to a rigorous technical and engagement process that has include consideration of visual impact matters. This has resulted in the incorporation of a number of primary measures appropriate to a concept SSDA (eg, siting and massing / form measures) that seek to avoid and minimise any potential significant adverse visual impacts. These include:

- **siting measures:** such as the rotation of the PCYC building 90 degrees so that it is slimmer to the street and retains partial views across to Oxley Oval from Owen Street between the facility and the Bowling Club
- **massing / form measures:** such as the size, shape, recessive nature and transparency of the window opening to reduce the bulk and scale and the combination of different yet cohesive materials.

As has been determined by this VIA, the incorporation of these mitigation measures have been critical to the determination of acceptable visual impact. On this basis, it is not considered necessary to make further fundamental or otherwise large-scale amendments to the proposal in its current form to satisfactorily manage visual impact.

It is further recommended that consideration be given to:

- the treatment of the ground plane setback to Owen Street, including the balance between hard and soft surfaces, the use of landscaping where appropriate (while noting the comprehensive landscaping material submitted as part of the SSDA) and the use of appropriate fencing
- the use of lower reflectivity and neutral colour materials for the roof to help reduce its visual impact when seen from upper levels of La Mer.

15.0 Findings

Public views

The main findings of this VIA relevant to public views include:

- the primary visual catchment of the proposal is relatively limited, with the greater amount of exposure being from locations in the public domain to the immediate west and north of the site
- the number of people exposed to views of the proposal from the public domain is moderate
- most people will primarily be engaged in active recreational pursuits, in particular walking, sports activities, or accessing jobs, services and tourist destinations by car
- the majority of viewpoints are of moderate sensitivity due to their exposure to residents and visitors located in tourist accommodation in the surrounding area and those involved in outdoor recreation and the value of existing pine trees as a considerable background feature for east-facing viewpoints
- of note, the view obtained from Owen Street from La Mer Apartments has value due to depth of visual field and the view from Pacific Drive has value due to the dominance of well-maintained

green open space. However, in all circumstances the views do not contain attributes that give rise to a high sensitivity such as the extensive presence of the ocean or the ocean / land interface. By way of comparison, views obtained from the elevated, eastern end of Burrawan Street across parkland to the ocean can be considered to have high sensitivity

- magnitude of visual impact ranges from imperceptible from Burrawan Street to considerable on Owen Street
- the significance of visual impact ranges from negligible to moderate. It is considered that visual impact on views obtained from Owen Street adjacent to Port City Bowling Club and Owen Street adjacent to La Mer Apartments are significant. A finding of significance does not mean that the visual impact is unacceptable. Rather, acceptability is determined with reference to the planning framework
- the proposal has an acceptable impact on the overall visual character of Owen Street, including this part of its streetscape. In particular, despite the loss of some trees, CAPA is not considered to give rise to significant, adverse visual impact on the public domain .

Private views

In terms of assessment of views to be affected, it is concluded that:

- largely due to the vegetation, views to the proposal will be largely blocked from 21 Owen Street
- views obtained from Mainsail are largely of the complex's front setback landscaping, Owen Street and the western, Owen Street elevation of Hastings Secondary College – Port Macquarie Campus. Views obtained from units at the north-east corner of the complex are more complex and expansive, with glimpses of the Pacific Ocean visible in parts of the background
- due to the building's layout, views obtained from La Mer are expansive, either being obtained to the north, west, and east, or south, west and east. Views to the east are dominated by the existing school playing field. Due to its height, views from the upper levels of La Mer can be considered spectacular, with views to the Pacific Ocean in the background.

In terms of considering from what part of the property the views are obtained, assessment has concluded that:

- views can be obtained from most rooms in units in La Mer. Views to the east are obtained primarily from the balcony, but may also be seen from the living room and kitchen
- views from Mainsail can be obtained from the balcony of each unit. While full floorplans have not been cited, based on floorplans in the public domain it is likely that these views can also be obtained from at least lounge rooms
- views from 21 Owen Street can be obtained from the front of the house, including the front garden.

In terms of assessing the extent of the impact, it is found that this varied considerably depending on the property, and for La Mer, elevation within the property. Overall, it is concluded that:

- due mainly to the screening effect of vegetation, the impact on views from 21 Owen Street has been assessed as negligible
- due mainly to distance and other factors such as viewing angle and elevation, the impact on views from Mainsail has been assessed as minor. CAPA will integrate with the existing, overall pattern of built form that creates Owen Street's streetscape in this location, and will be framed by vegetation that greatly softens its impact

- the proposal does not block views to an element in the landscape that is dominant and considered to be high value under Tenacity. However, replacement of the college's playing field with built form constitutes a significant change to the existing, broader visual environment. On this basis, the impact on views from the lower and middle levels of La Mer is assessed as severe. It is noted that due to its status as a locally iconic landscape feature, if the PCYC had significantly blocked expansive views of the Pacific Ocean, the assessment would have been considered at the higher end of severe. As due to height views can still be obtained 'over and above' the PCYC, impact on views from the upper levels of La Mer are assessed as being moderate.

Assessment

As has been noted, acceptability of visual impact on the public domain is determined with reference to the planning framework.

As is noted in the Environmental Impact Statement (EIS) prepared by DFP to support the SSDA, the proposal complies in full with relevant planning controls in the Port Macquarie-Hastings Local Environmental Plan 2011 (the PMHLEP2011). Being in the R3 Medium Density Residential zone, it is a use that is permissible with consent. Its maximum height of 13.880m is substantially less than both the 26.5m height control for the Owen Street frontage of the site and the 19m height control for the rear of the site enabled under the PMHLEP2011. Should the proposal have taken advantage of this height, it is likely that it would have exceeded the total height of La Mer, and greatly exceeded that of both Mainsail and 21 Owen Street. The proposal complies with FSR controls. Furthermore as is noted in the EIS, the proposal is consistent with the overall intent of relevant strategic plans that seek to grow Port Macquarie as a regional city

This level of compliance is critically important for visual impact. Council's controls are clear and unambiguous, and generate a reasonable expectation of the nature of future development. When considering zoning, height and FSR, it is clear that council envisages development of considerable scale in this location. In terms of height alone, an approximate reference is La Mer and development on the southern side of William Street (Sandcastle Apartments). Both are nearby in the broader visual catchment. Unlike the current situation where Owen Street forms the 'edge' of tall development in this part of the city, it is clear that council's intent is to enable this edge to shift east to make Oxley Oval and the associated foreshore parkland the edge. In the absence of a detailed plan to the contrary, on this basis it would be unreasonable to assume protection of existing easterly views, and it would be reasonable to assume changes to overall visual character as open space is replaced by development.

Consequently, the proposal is considered to be acceptable reference to the planning framework. Compliance with planning controls also means that the proposal meets the first of the two tests under Tenacity for 'reasonableness'.

On this basis, attention can be turned to whether the proposal demonstrates skilful design as defined under Tenacity as 'whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours.'

The facilities proposed to be accommodated by the PCYC and the CAPA have been determined on a needs basis in consultation with a range of stakeholders, including college staff and students. The scale and massing of both the PCYC and CAPA are heavily influenced by the nature of these facilities. For example, the CAPA accommodates general learning spaces, seminar / rehearsal rooms and a visual arts workshop, while the PCYC will accommodate courts, multipurpose rooms and a gym. It is not possible for a number of these facilities to have an alternative scale, massing or form while maintaining functionality for their intended purpose.

While noting these constraints, the proposal has nonetheless been subject of a rigorous and comprehensive design process. This has included engagement with the State Design Review Panel. As is outlined in the Architectural Design Statement, the proposal was informed by a site analysis that identified a number of key constraints and opportunities. This included topography that sloped downwards to the north, creating a low point at the college's northern playing field, the absence of significant existing development to the east compared to the west and the presence of remnant vegetation at the school entry. From this analysis, areas of the site which are suitable for development were identified. It was considered that on the balance of constraints and opportunities, locations to the north and west were best placed to accommodate new development. Subsequent to this, the proposal has been designed to deliver a number of positive outcomes, including a layout and treatment of the PCYC that is supportive of the joint use nature of the building and extended opening hours, allowing immediate access to the building from the public domain without requiring internal access to the college.

With regard to visual impact, a number of primary measures appropriate to a concept SSDA (eg, siting and massing / form measures) have been incorporated that seek to avoid and minimise any potential significant adverse visual impacts. These include:

- siting measures: such as the rotation of the PCYC building 90 degrees so that it is slimmer to the street and retains partial views across to Oxley Oval from Owen Street between the facility and the Bowling Club
- massing / form measures: such as the size, shape, recessive nature and transparency of the window opening to reduce the bulk and scale and the combination of different yet cohesive materials.

16.0 Conclusion

It is the conclusion of this VIA that the proposal's visual impact is considered acceptable and reasonable as it complies with the intent and key controls of the planning framework and represents skilful design considering all relevant constraints and opportunities.

On this basis, the proposal can be supported the grounds visual impact.

Appendices

Appendix A. Visual impact evidence, Virtual Ideas and King & Campbell

This appendix is provided under separate cover.

Appendix B. EIS Assessment of views

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An upgraded entry on Owen Street is proposed to protect and enhance the remnant vegetation and to provide a sense of place and safe entry for students and visitors.

The works comprise new signage, additional landscaping, and new covered walkways (**Figure 43**).



Figure 42 Owen Street Entry (fjmt)

6.1.1 Views

The impacts to views from the public and private domains have been completed via the following assessments:

- Visual Impact Assessment – Public domain assessment (Ethos Urban **Appendix 36**)
- View Analysis – Desktop assessment, public and private domain (FJMT, See Architectural Plans **Appendix 2**)

The proposed upgrades to Hastings Secondary College – Port Macquarie Campus include the provision of new school and joint use facilities including structures up to three (3) storeys in height. The masterplan design development process for the project has determined the most suitable locations for new facilities across the site having regard to current built form, planning controls, connectivity, topography, accessibility, and street connection (amongst other opportunities and constraints). The PCYC was also redesigned to maintain some views through the school and further to the horizon.

Alternative locations for the PCYC have been explored on the school site as they are limited and not considered feasible or appropriate due to the following:

- The approved works to the Hastings Secondary College Port Macquarie Campus are for upgrades rather than full-scale redevelopment. New buildings on the school site are limited to the new CAPA building and new PCYC. The buildings are required to be located within the existing built form structure of the school which is concentrated to the centre of the school site. The only undeveloped land on the school site is comprised of open space areas to the north and south.
- The PCYC requires a street frontage as it will be in use by the community. It is also sited next to the Multipurpose Centre which is also a shared use facility. Both can be easily separated through security fencing from the rest of the school while allowing access to the facilities for the public. The location of the PCYC assists with safety and crime

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prevention through the security fencing separating the shared use facilities from the main school facilities in out of school hours.

- The northern open space area is closest to the Port Macquarie town centre and provides a more accessible location than the open space to the south.

The proposed built form (in particular the new joint-use PCYC facility) will present a two (2) to three (3) storey façade to Owen Street which will provide connectivity with the public domain and a new street presence for the school and PCYC facilities. The new CAPA building provides new specialist facilities within a two (2) storey-built form which is positioned and designed to be more recessive than the PCYC building. There are no alternative locations achievable on the site for the new buildings that would provide the same outcomes with regard to connectivity and street connection, without impacting upon or detracting from existing school facilities or open spaces. All new buildings are compliant with building height controls.

The works have been identified as having a potential impact on dwellings/units at 11 Owen Street, 17-19 Owen Street, 21 Owen Street, and 23 Owen Street. The extent of impacts has been identified as minimal to all properties except for the units in the apartment building at 11 Owen Street. The visual impact analysis carried out by FJMT identifies that of the eight (8) storeys of the apartment building, existing views across the school site to Oxleys Beach and the ocean beyond will be impacted for units at Levels 3-5 inclusive.

Analysis of the floor plan of the building identifies that in general, all units above Level 2 benefit from up to 180° views from Town Beach to the north to Windmill Hill to the southeast. The proposed PCYC building will impact on a portion of this view but will not preclude the remainder of the views enjoyed by the apartments (**Figures 43-46**).

The visual impact analysis has found that the school site is subject to planning controls which would enable built form up to 26.5m along the Owen Street frontage although the height of the PCYC is less than half this control. The assessment has also found that the PCYC is in the most suitable location in terms of site planning and there are no alternative locations that would otherwise avoid the visual impacts to the units at 11 Owen Street, without transferring those impacts elsewhere and resulting in poorer outcomes for the school and PCYC facilities. The extent of view impacts will not detract from all key views of impacted dwellings and therefore on balance, the visual impacts of the proposed new buildings are considered to be acceptable.

The project team has included the following design responses to reduce the visual impacts of the facility:

- In response to design concerns raised by Council, the PCYC building was rotated 90 degrees so that it is slimmer to the street and retains partial views across to the oval from Owen Street between the facility and the Bowling Club; and
- The PCYC will include a window opening to Owen Street that will provide views through the building which removes the unbroken perception of massing and helps to reduce the bulk and scale.

At the time of lodgement, Visual Impact Assessment from the private domain is still being undertaken and will be provided prior to determination.

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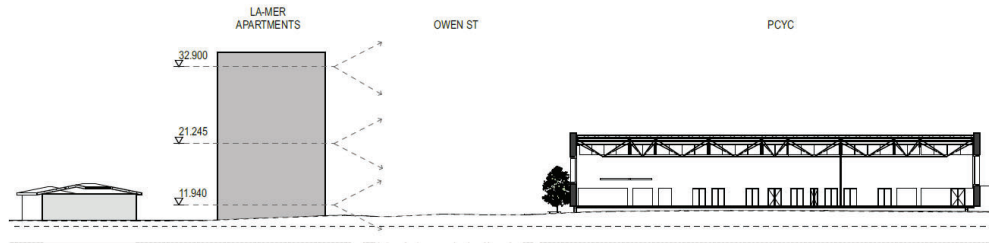


Figure 43 View Analysis (Source: fjmt)

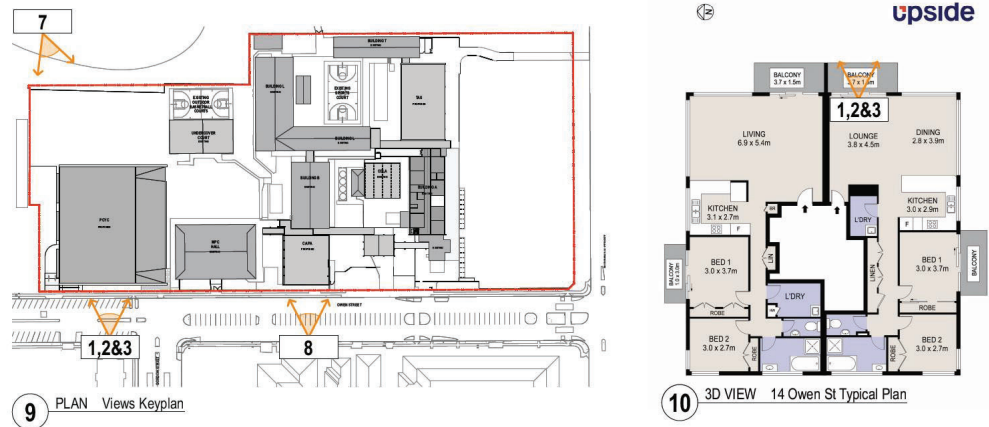


Figure 44 View Plans

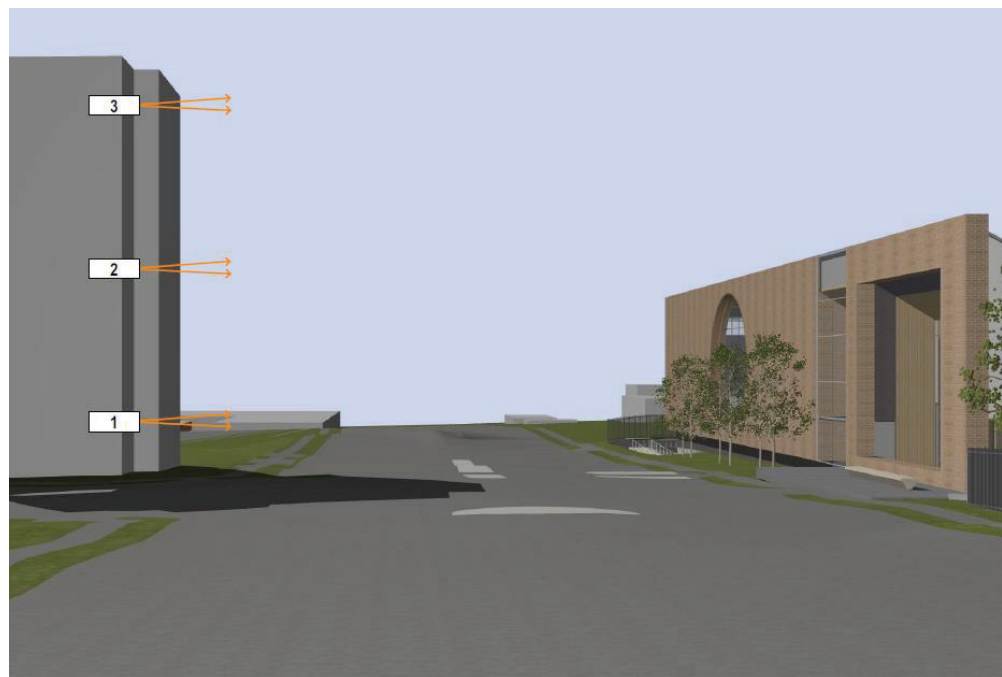


Figure 45 3d image of 11 Owen Street and proposed PCYC – numbers indicate where views are taken from (Source: fjmt)

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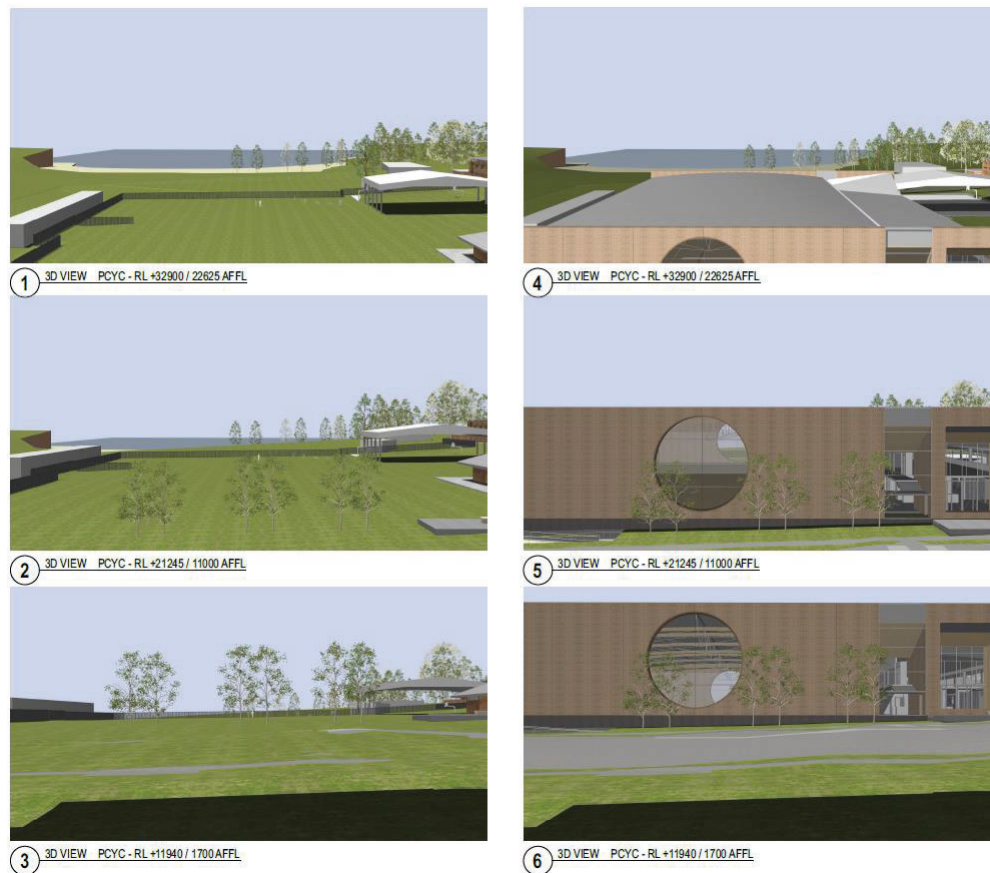


Figure 46 Indicative existing and proposed views (Source: fjmt)

6.2 Heritage Significance

6.2.1 Aboriginal Cultural Heritage

An Aboriginal Cultural Heritage Assessment (ACHA) (**Appendix 10**) has been prepared for the site by EMM Consulting. The ACHA was produced in accordance with the *Guide to Investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011); the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010); the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010); and relevant statutory controls.

Aboriginal community consultation was undertaken for the project following the *Aboriginal cultural heritage consultation requirements for proponents 2010* and resulted in the registration of two (2) unique Registered Aboriginal Parties (RAPs) for the project. The RAPs were involved in consultation throughout the project and provided feedback on the ACHA where required.

An extensive AHIMs search was conducted, which identified 71 registered Aboriginal sites or places within the region, but no sites were identified within the project area.

A site survey was carried out by the archaeologist and representatives of the RAP organisations. The survey identified no observable cultural material and notes that given the level of disturbance, the potential for buried cultural materials was considered unlikely.

The ACHA provides recommendations as follows:

- *Prior to ground disturbance, an Aboriginal heritage management plan (AHMP) must be developed by a heritage specialist in consultation with the Aboriginal stakeholders and consent authority to*

Appendix C. Review of publicly available information on La Mer and Mainsail

4/17-19 Owen Street (Mainsail)



Figure 62 4/17-19 Owen Street (Mainsail)

Source: Realestate.com

11/17-19 Owen Street (Mainsail)



Figure 63 11/17-19 Owen Street (Mainsail)

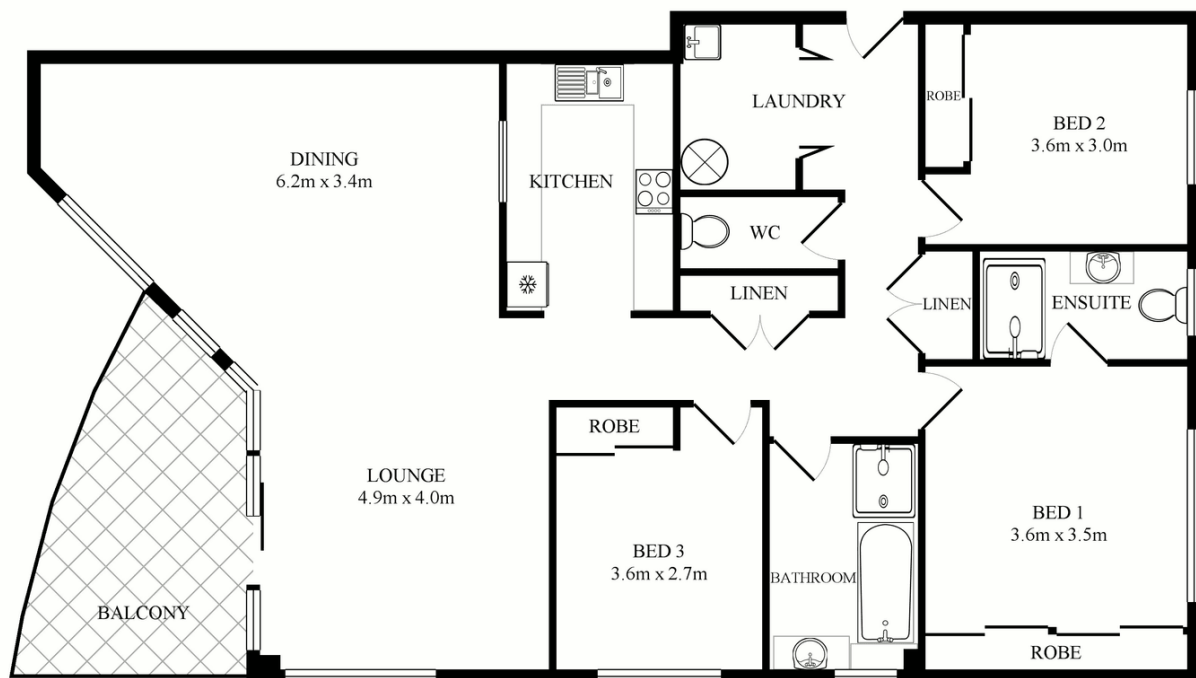
Source: Realestate.com

12/17-19 Owen Street



Figure 64 12/17-19 Owen Street (Mainsail)

Source: Realestate.com



This plan is for illustrative purposes only and dimensions are approximate.

12/17-19 Owen St, Port Macquarie

 **Hudson** Real Estate

Figure 65 12/17-19 Owen Street (Mainsail): floorplan

Source: Realestate.com

2/11 Owen Street (La Mer)

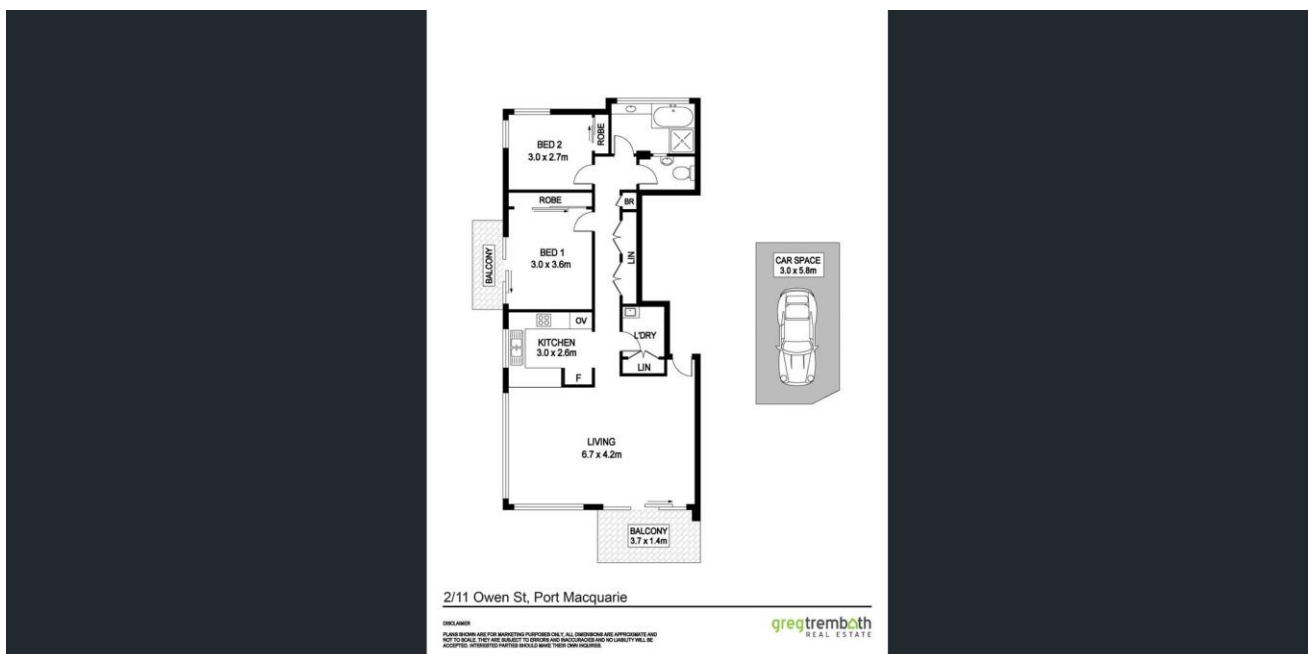


Figure 66 2/11 Owen Street (La Mer)

Source: Realestate.com

3/11 Owen Street



Figure 67 3/11 Owen Street (La Mer)

Source: Realestate.com

9 /11 Owen Street (La Mer)



Figure 68 9 /11 Owen Street (La Mer)

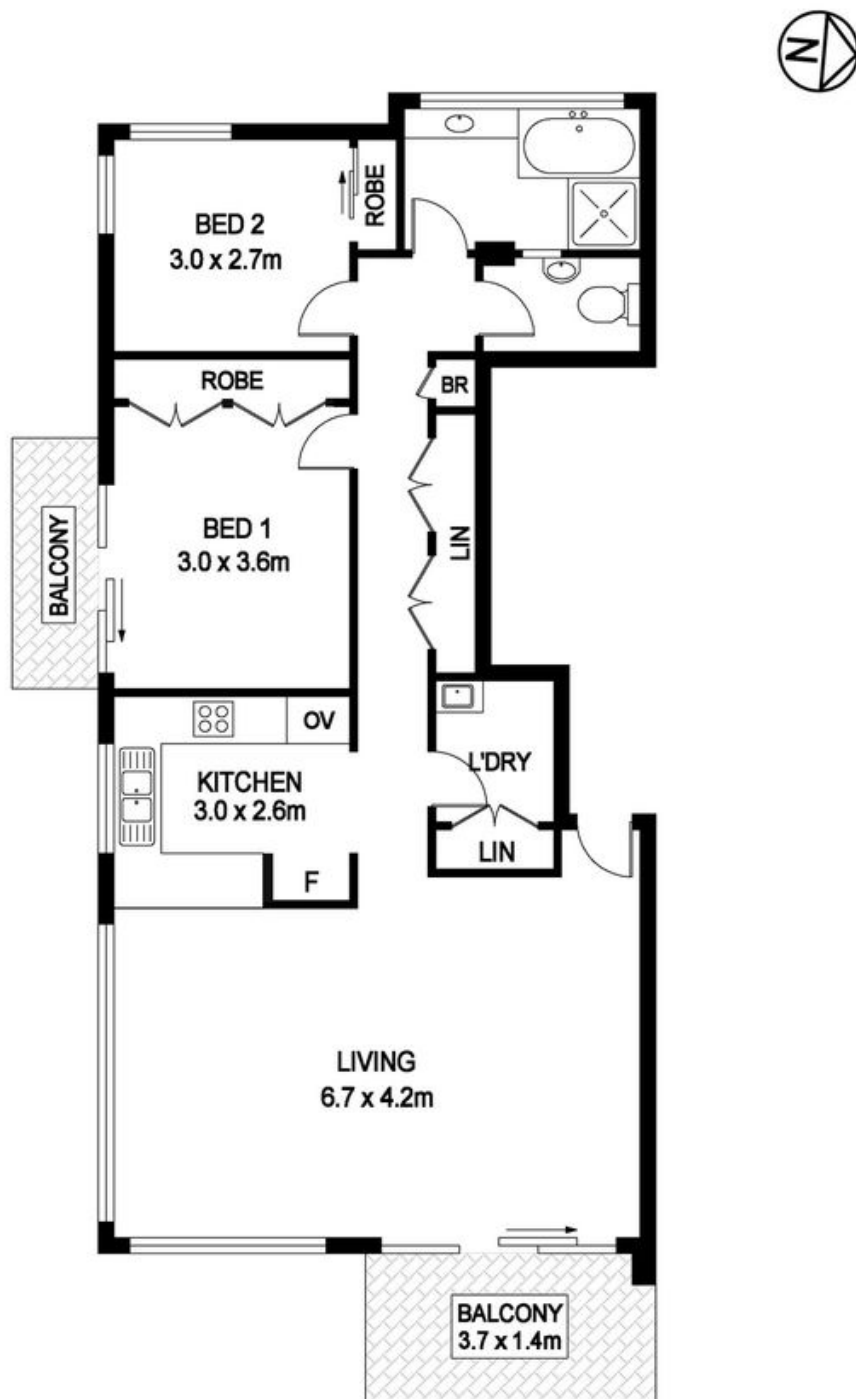
Source: Realestate.com

10/11 Owen Street (La Mer)



Figure 69 10/11 Owen Street (La Mer)

Source: Realestate.com



DISCLAIMER

PLANS SHOWN ARE FOR MARKETING PURPOSES ONLY, ALL DIMENSIONS ARE APPROXIMATE AND NOT TO SCALE. THEY ARE SUBJECT TO ERRORS AND INACCURACIES AND NO LIABILITY WILL BE ACCEPTED. INTERESTED PARTIES SHOULD MAKE THEIR OWN INQUIRES.



Figure 70 10/11 Owen Street (La Mer)

Source: Realestate.com

11/11 Owen Street (La Mer)



Figure 71 11/11 Owen Street (La Mer)

Source: Realestate.com

12/11 Owen Street (La Mer)



This plan is for illustrative purposes only and dimensions are approximate.

12/11 Owen St, Port Macquarie



Figure 72 12/11 Owen Street (La Mer)

Source: Realestate.com

14/11 Owen Street (La Mer)



Figure 73 14/11 Owen Street (La Mer)

Source: Realestate.com

15/11 Owen Street (La Mer)



Figure 74 15/11 Owen Street (La Mer)

Source: Realestate.com

17/11 Owen Street (La Mer)



Figure 75 17/11 Owen Street (La Mer)

Source: Realestate.com