

Planning Report Comments	Responses
<p>I should note the Office of Environment and Heritage (OEH) granted concurrence to the proposed subdivision.</p> <p>6.1.2 Drainage Easements</p>	<p>The Hunter Central Rivers CMA Aboriginal officer, Geotechnical assessment has shown the 20 m setback buffer will prevent any impact from subdivision works. The buffer ensures the requirement to protect items under the NPW Act 1974, OEH has provided its General Terms of Approval to the proposal.</p> <p>The "Butterfly Cave" is now subject to an application to have the site declared an Aboriginal Place under the NPW Act 1974. The Applicant has had regular contact with OEH Sydney in regard to the nomination. The advice from OEH was that there was no conflict under the NPW Act between the proposed subdivision, the proposed 20 metre setback and the nomination as an Aboriginal Place.</p> <p>There are no statutory or planning issues to resolve, via this DA, in respect of Aboriginal Heritage.</p>
<p>I understand the DA requires the provision of drainage easements over adjoining lands and the Applicant proposes that this matter should be the matter of a Deferred Commencement condition.</p>	
<p>I have seen a brief advice from Council's Solicitor that he "saw no legal problem with the proposal to impose a deferred commencement condition to address the matter of the stormwater easement."</p>	<p>Agree</p>

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<p>s. 3 Acoustic Impact:</p> <p>The Applicant had previously submitted an Acoustic Report prepared by a qualified Acoustic Consultant. This report acknowledged that "future traffic movements have the potential to cause elevated noise levels at many of the proposed lots." The Applicant's Acoustic Consultant also advised that "some lots will benefit from careful placement of acoustic barriers and that building design and landscaping measures will assist in minimising the noise impact on the most affected lots." The Applicant's Acoustic Consultant concluded that the development of housing on the subject land is "acceptable provided the recommendations outlined in this report are implemented. This can include acoustic barriers and facade treatment of the dwellings most affected by traffic noise. The details of noise controls for individual sites should be determined at the dwelling design stage."</p>	<p>An updated Noise Impact Assessment has been prepared and submitted to Council. A copy of this report is included at Attachment D.</p>
<p>Mr Chris Baker, Council's Environmental Officer, makes the following comments in relation to the Noise Impact Assessment submitted with the DA,</p> <p>"This report made reference to the then NSW Environmental Criteria for Road Traffic Noise, which was recently superseded in July 2011 by the NSW Road Noise Policy.</p>	<p>The updated report addresses the NSW Road Noise Policy. (refer to s3.1 Table 3 of Attachment D).</p>
<p>Whilst there are many similarities within both documents, there have been some changes to the criteria for residential exposure levels and how they are calculated, which will affect those dwellings on local roads, i.e., those other than Withers St, Carrington St and George Booth Drive.</p>	<p>All relevant noise criteria are addressed by the updated report. (refer to s5, Table 3 of Attachment D).</p>

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Both Withers and Carrington Steels are now categorised as "Sub Arterial" and not Collector roads, so the criteria is altered.	Traffic noise is addressed in detail in the updated report
Vipac have data logged existing traffic noise in the tree above mentioned streets and carried out predictive calculations till the year 2021.	Predicted noise is now based on traffic increases to 2022, (refer to s4.3 of Attachment D).
I don't think that the abovementioned will change Council's view that streetscape is preferable to acoustic barriers, and we all agree that acoustic treatment of affected new dwellings is the preferred option, with some focus on the design, orientation and planting relatively quiet recreation areas.	Agree roadside acoustic barriers are inappropriate for the site and are not required for noise mitigation purposes.
This aspect, as I have mentioned at our meeting, allows the developer to cost shift acoustic treatments to the individual home owners, who will have a section 888 notation placed on their affected property, requiring the provision of an acoustically designed dwelling and recreation area.	The cost shifting is balanced by the reduction in the market price of land for lots on or near busy roads.
There are two different noise goals used with this road traffic noise assessment, one for existing premises and the other for new dwellings and allotments; the latter being more stringent.	The updated assessment addresses the applicable noise criteria.
The consultant had predicted an increase in average road traffic noise levels to be less than 2 decibels, which means that existing allotments in Withers and Carrington streets will not require any treatments, but new allotments will.	The updated assessment finds a maximum 2.7 dB (A) increase in road noise which is acceptable without mitigation for existing dwellings. (Refer to s.5.3 of Attachment D).
There has been no assessment carried out on the noise increases to existing dwellings located on existing local roads, nor the effects that proposed new local road openings traffic will have on those dwellings.	The effects on existing dwellings are established through likely traffic increases associated with development. This has been addressed in the updated report; (refer to s.5.3 of Attachment D).
My view is that the acoustic report submitted should be updated to reflect the new Road Noise Policy, and further, that assessment is extended to include traffic noise to existing local roads.	An updated report has been provided.
The noise contours presented are difficult to interpret, due to the size, which causes a blurred coloured contour map, and I would suggest a more definable version be provided, therefore allowing a clearer view of affected allotments."	The maps are simply a means of expressing overall noise modelling results. They are sufficient for identifying project noise levels in relation to existing and proposed development. The report also includes plans which clearly identify the lots affected.

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Based on the advice of Mr Baker, the Applicant's Acoustic Report does not provide a sufficient assessment. An updated Acoustic Report should be prepared to cover the matters raised by Mr Baker. I also note that an updated Acoustic Report should consider the following matters:	The requirements as identified have all been addressed by the updated report.
<ul style="list-style-type: none"> <li>The acoustic environment both within the dwellings and their adjacent open space areas.</li> </ul>	Bath are addressed in the updated report.
<ul style="list-style-type: none"> <li>Any acoustic impact arising from the likely removal of trees resulting from the proposed subdivision and the proposed electricity easement along the eastern side of the subject site adjacent to George Booth Drive.</li> </ul>	The noise modelling is based on the topography without trees.
<ul style="list-style-type: none"> <li>Any acoustic impact arising from any proposed widening of George Booth Drive by the RMS (formerly RTA). I note a report to the "Operations Committee Meeting" of Council on the 24 January, 2006 that "the RTA has plans to upgrade George Booth Drive to a four-lane in the future." On this point, I have not received advice as to when such road widening will take place and this advice needs to be obtained from the RMS. I have received recent advice from Council Officers that "the Hunter Expressway, which is currently under construction, is expected to reduce volumes on George Booth Drive by 25%."</li> </ul>	This is not an impact of the subdivision proposal. The impact would be assessed as part of the approval of the road widening George Booth Drive where it adjoins the subject site is already three (3) and four (4) lanes. The 3 lane section is on the eastern and downhill traffic side of the road so any widening is likely to have minimal effects on traffic noise.
<ul style="list-style-type: none"> <li>The change in volumes of traffic flow along George Booth Drive resulting from approved developments in the immediate vicinity (whether or not built), some of which were granted to the current Applicant.</li> </ul>	The change in volumes is accounted for in the modelled George Booth Drive traffic increases.
<ul style="list-style-type: none"> <li>The visual impact of any proposed acoustic barriers or shields. On this point, consider that any proposed acoustic barriers or shields must be assessed at this stage.</li> </ul>	No acoustic barriers or shields are required or proposed.
The abovementioned matters raised by Mr C Baker and myself need to be considered in an updated Acoustic Report.	The updated report has been provided.
I have advised Council that the advice of Mr C Baker should be forwarded to the Applicant with a request to provide an updated Acoustic Report.	See comment immediately above

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5.1.4 Flora and Fauna		
Sarah Warner, Development Planner (Flora Fauna) of Council, states as follows:		
<p>Council recently engaged an owl expert John Young <a href="http://www.johnyoungwildlife.com/">http://www.johnyoungwildlife.com/</a> to complete a large forest owl pilot survey in the north west sector of the city. As part of this work John was provided with a number of owl records for the area. John mentioned during discussions that the record of two sooty owls in March on the West Wallaseid site could indicate that the bats may nest within a few hundred metres of this record (i.e. potentially on the site). While Niche Environment and Heritage inspected one potential nest site and slag watched another, John indicated that this work may not have been sufficient to dismiss the potential for a nest site to occur. Powerful owl habitat was also discussed. The powerful owl record was in March, which he thought too early to determine if there was a nest site for this species. I have forwarded owl sections of the Niche SIS assessment to John so that he may be able to provide his advice in writing.</p>		<p>The implications of the recent presence of an owl or adjoining land have been assessed by Niche (Refer to Attachment B). Niche concludes that the SIS and subdivision layout adequately address owl requirements. An extract of the letter is provided below:</p> <p>"the two trees on Lots 103 and 105 that provide potential nesting habitat for the Sooty Owl will not be removed and are well buffered from the development, so no direct impacts to the reproductive cycle of the Sooty Owl would occur even if they were breeding in one of these two trees. Given that the assessment for this species within the SIS took into consideration that the species was present on site and that potential breeding habitat was present, new assessments or surveys for this species are not necessary. Therefore, the recent sighting does not constitute a fundamental change to the knowledge of this species on the site compared with that at the time of the SIS and so there is no requirement for OEH to reconsider concurrence for the SIS."</p>
<p>I realise the application has CEH concurrence and sign off from Councils previous ecologist, but I thought I should at least bring this new information to your attention (i.e. that potentially a threatened owl nest site has been overlooked and that possibly the site warrants further inspection by an owl expert).</p> <p>On this point I do note that the DA has already received the concurrence of Office of Environment and Heritage (OOEH) but this matter, in my view, needs to be drawn to the attention of OEH as to whether it constitutes a fundamental change which would necessitate review of its decision. On this point, I</p>		<p>The owl presence and requirements have not been over looked and have been adequately addressed (refer to Attachment B)</p>
		<p>The matter does not require review by OEH as it is fully addressed by the SIS and subsequent concurrence from OEH.</p>

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note the advice of Mr J Andrews that "there may be a need for further survey work to be undertaken by the Applicant; however, this will depend on the decision of OEH, particularly as they have currently signed off on the proposal."	
5.1.5 Proposed Removal of Tramway Line Corridor The proposed development over the Tramway Line Corridor is obviously a contentious matter with a number of local residents and has been the subject of scrutiny and assessment by the Applicant's Consultants. Council Officers and local residents. I do not have expertise in the area of Heritage Impact and I defer to the advice of appropriate experts.	The impact of the proposal on the corridor has been assessed and appropriate interpretation of the item included in the proposal. The JRP has assessed this aspect of the proposal and has not required further information.
It should also be noted that the Applicant has also implemented a Tramway Management Plan for that part of the tramway within is adjoining Parramulung Forest Development at Carrerion Park.	The applicant has prepared a Plan of Management for the most significant remaining section of the corridor on adjoining land which includes bridge ruins and a readily interpretable embankment. Located in an area of future open space adjoining a shopping centre the corridor will undergo adaptive reuse as a shared pathway, respecting and celebrating the previous transport function. With the proposed interpretive materials there will be a prominent and broadly accessible local reminder of the original function of the corridor.
5.1.6 Social Impact Advice has been received by Stephen McAlester, Coordinator Social and Community Planning of Council as follows; <i>"The SIA submitted for DA/13/2011 is the same as that submitted with the original proposal. However, it has been updated to take into account the revised population projections and provides 2 additional appendices. One of these, Appendix 3, provides a response to my comments on the original SIA. However, this response does address any of the issues or concerns that I raised in my original response. Rather, it just seeks to refute most of my concerns. In addition, whilst it accepts my concerns that the proposed development will place additional strain on community facilities (in particular health and child care), the response is that the additional demand will lead to an increase in supply. However, evidence</i>	All the concerns raised in respect of the original proposal have been addressed.

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<i>would suggest that this is not the case, as we are currently experiencing great strain on community facilities with demand already far exceeding supply. Therefore, the concerns that I raised in my original referral response still stand. I believe that the proposal will result in a net negative social loss, and that the measures that are identified in the SIA will not minimise the positive social impacts or mitigate the potential negative impacts. If the proposed development is to be approved, additional measures will need to be identified that will directly address the negative social impacts, with specific actions and strategies (rather than just promises to communicate/discuss/consult with other parties). This measure will need to be a condition of consent to ensure that they are implemented."</i>	These matters have been considered by the JRPP. No new issues have been raised.
I note that the Applicant submitted a Social Impact Statement and various other reports in response to the concerns of Stephen McAlister. I am not an expert.	No additional measures are required. The proposed mitigation measures are adequate for the circumstances.
6.1.7 Contamination The JRPP required further information from the Applicant relating to the assessment of contamination of Lot 15 DP 4849003. I defer to appropriate experts.	All matters raised by Council officers were responded to.
6.1.8 Climate Change The JRPP sought further information from the Applicant regarding "consideration of climate change in the stormwater and flood assessment." I defer to appropriate experts.	The contamination issue has been revised to address the JRPP concerns.
6.1.9 Offset Lands The JRPP sought further information from the Applicant regarding the "agreement of all interested parties to the dedication of offset lands as required by OEH concurrence conditions 3 and 6." On this point, I note the advice of the Applicant's Planning Consultant that, "The Mortgagee of the	The stormwater design requirements have been reassessed and minor modifications to detention basins made to accommodate Council's range of rainfall scenarios under climate change.
	The required letter from the Mortgagee has now been provided to Council.

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land has indicated a willingness to provide written confirmation of acceptance of the dedication of the offsets land. The process however requires a range of internal procedures to be completed. The process should be completed in January 2012 and the appropriate documentation will be forwarded to Council at that time.	
I will make further investigations as to whether the "appropriate documentation" has been submitted to Council. If not, I would be concerned with the lack of certainty regarding this matter.	The matter has been closed by provision of the Mortgage letter.



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<b>7. CONCLUSION</b>	
7.1 The subject site has been zoned residential since the mid 1980's.	
7.2 A number of objectors believe the subject site should be rezoned back to a bushland conservation zoning. The Department of Planning, in line with their broader strategic goals of increasing housing, has previously refused such a request. The subject site should be developed for residential housing and I do not support those objectors who seek stop residential development on the subject site and seek a rezoning of the subject site.	Agree.
7.3 I have assumed that residential development is appropriate and the ultimate question is the design of such residential development.	Agree and believes the current proposal is an appropriate and balanced outcome for the site.
7.4 The subject site is a sensitive one due to a range of factors including, but not limited to, its topography, flora and fauna, Heritage Items and its visual significance. Accordingly, any proposal for the subject site must be a sensitive one responding to the constraints of the subject site.	All site sensitivities are addressed by the proposal and as required by Council policy.
7.5 In its current design, consider that the current DA is not worthy of approval for the reasons outlined in my Planning Report. Furthermore, I consider that my issues of concern cannot be resolved by Conditions of Consent as they are essential matters for consideration (apart from the issue of drainage easements which can be resolved via deferred commencement conditions in accordance with the advice of Council's Solicitor).	All concerns and issues raised in support of the contention that the proposal is unworthy have either been refuted or are a matter of opinion. Where matters of opinion are raised in the Planning Report they tend to be narrowly focused and ignore the overall benefits of the proposal. The social, economic and environmental benefits of the proposal are given little weight in the Planning Report.
7.6 The failure to provide small lot housing is also of significant concern and the Applicant's SEPP 1 Objection is not supported.	The report fails to make any sound argument against the SEPP 1 Objection or the proposed smaller conventional lots as a viable substitute for small lot housing.

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<p>7.7 I am strongly of the view that an alternative amended subdivision design for the subject site is possible, subject to a more sensitive design</p>	<p>The conclusion reached in the Moody and Doyle Planning Report is not supported by the conclusions reached in all consultation reports prepared in support of the development proposal, nor is it supported by the previous Council Officers assessment recommending approval subject to conditions. The Council assessment was undertaken by numerous staff with expertise across numerous disciplines, many of which the author openly admits is not an expert.</p> <p>Furthermore the Moody &amp; Doyle Planning Report does not give sufficient weight to the positive aspects of the proposal (or all the achieved policy compliances) and the sign off by all relevant statutory authorities. It also does not recognise the matters raised by the JRPP which it needed to be addressed prior to determining the application. It can only be assumed that many of the matters raised have already been considered by the JRPP and it was satisfied in this regard.</p>

## **Attachment A**

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MOIR LANDSCAPE ARCHITECTURE - DETAILED ADDITIONAL COMMENT ON THE MATTERS RELATING TO  
VISUAL IMPACT.



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23rd May 2012

**Wes van der Gardner**  
General Manager – Development  
Hammersmith Management Pty Ltd  
365 New South Head  
Double Bay, NSW 2028

**Re: Subdivision of Lot 103 & Lot 105 West Wallsend  
Response to Planning Report prepared by Moody and Doyle**

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Dear Wes,

As requested, Moir Landscape Architecture has prepared a response to the Planning Report prepared by Moody and Doyle to the Joint Regional Planning Panel Hunter and Central Coast Region for the above-mentioned subdivision, where it relates to our discipline.

Moir Landscape Architecture was involved in the preparation of a Landscape and Visual Impact Assessment (LVIA), Landscape DA Documentation and a Vegetation Management Plan (VMP) for the development proposal.

#### 4. ADVERSE VISUAL IMPACT

##### 4.1 Relevant Planning Controls

The Planning Report makes direct reference to numerous planning controls relevant to the Local Government Area (LGA) however it does not explain how the (LVIA) fails to address these planning controls. LMCC's Scenic Quality Guidelines, (a key document for the preparation of Visual Impact Assessments in the LGA), is mentioned briefly in the Planning Report however it does not detail the core objectives of those guidelines, that in Moody and Doyle's opinion the proposal fails to address. An extract from the LVIA conclusion is provided which summarises how the core objectives of the guidelines have been addressed by the proposal.

##### Extract from LVIA Conclusion:

*The core landscape values for West Wallsend, as identified in LMCC's Scenic Quality Guidelines (2004) are the towns heritage and scenic quality, its association with its natural landscape and its separation from the F3 Freeway. West Wallsend and Holmesville are situated in a bushland setting. Factors that contribute to this bushland setting are distant views to the Sugarloaf Ranges, Mt Sugarloaf and the sense of separation from other villages offered by perimeter bushland, particularly the eastern and northern treed ridgelines.*

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*This eastern ridgeline forms a visual backdrop to the Proposal, extending beyond the extents of The Site. In the context of this assessment and the location of The Proposal, (primarily on the eastern extents of West Wallsend), maintenance of buffer zones along the eastern ridgeline and protection of horizon lines are key to maintaining this visual and physical separation.*

*It is also important to note that there is not one locality within West Wallsend where the Proposal would be viewed in its entirety. Gregory Park would provide the best vantage point due to its central location, size and openness. From streets, residential areas and commercial zones the Proposal is viewed in part and largely screened or fragmented by a combination of topography, orientation of streets and dwellings, off site vegetation and existing built form.*

*When implemented with appropriate environmental management and employment of the recommended mitigation measures, the proposed development could be undertaken with an ultimate low impact on the surrounding environment whilst retaining the core landscape values identified in LMCC's Scenic Quality Guidelines and within this report.*

#### 4.2 Withers Street Entrance

Generally the entry to West Wallsend via Withers Street is documented as exhibiting a bushland character however this character has been significantly eroded by poorly integrated development, fragmented and potentially unauthorised clearing and the formation of access tracks and trails within road reserves and private land. Houses at the eastern end of Seaham Street are currently clearly visible from George Booth Drive and the Withers Street entry. According to the heritage consultant (EJE Heritage) 'the actual entry to the historical gateway (i.e. the grid pattern of streets) to the historic West Wallsend is no longer defined as a gateway'.

The proposal involves rehabilitation of existing degraded land to screen views to existing houses off Seaham Street, and retention of existing trees between a section of Withers Street and the proposed basin. Combined with extensive landscaping proposed for Basin 1, the proposed street tree planting and the landscaping requirements to the rear of lots where they adjoin Withers Street, the bushland arrival to West Wallsend, although shorter, would be strengthened and enhanced. This is shown, in concept form in Figure 1 and illustrated in Photomontage 1 prepared as part of the LVA.

The Planning Report considers 'that the subject DA should not further diminish the value of this gateway and that the DA provides an opportunity to reinvigorate the positive values of the Withers Street entrance'. The Planning Report fails to acknowledge the positive aspects of the Proposal which, in addition to the items listed above, include mandatory landscaping setbacks, tree planting, fencing and built form controls that ensure that future development is sympathetic to the intended character of this area.

The Planning Report raises concern over the bushland arrival and its ability to provide protection from high speed traffic associated with George Booth Drive. From George Booth Drive to the first proposed lots is a distance in excess of 250m of

retained or planted locally native vegetation. This is a considerable distance and provides sufficient separation and transition from the "harsh environment" of George Booth Drive to the residential areas of West Wallsend (inclusive of the proposed development). The separation is further accentuated by the fact that the traffic speed slows to 60km/h after exiting the George Booth Drive intersection.

#### 4.2.1 Linear Extension

Reference is also made to the impact on the bushland setting by a linear extension of residential lots along Withers Street. Considering the proximity of residences associated with Seaham Street and Government Road (Holmesville) to the south and southeast of the Withers Street entry it is clear that residential properties already contribute to the identity of the Withers Street bushland character. Although shorter, the bushland entry to Withers Street is retained and in some aspects enhanced with the rehabilitation of the currently degraded bushland adjacent to the roadway. The current proposal therefore does not drastically alter the entrance character to West Wallsend at Withers Street.

A proposed Tramway Reserve is located adjacent to retained bushland on the northern side of Withers Street and at the start of the off road cycleway. The Tramway Reserve is proposed to preserve and celebrate the tramways contribution to West Wallsend's sense of place and history. The proposed bush/parkland is sited at the entry of the proposed subdivision on a section of the former tram line easement. Methods of interpretation such as interpretative signage, alignment of the pathway with the former tramway and symbolic use of materials combine to enhance the understanding and appreciation of the sites history and meaning.

It can be seen in Figure 1 that the proposed detention basin occurs on land that has been partially cleared of vegetation. A pocket of vegetation parallel to Withers street unaffected by the proposed basin earthworks is proposed to be retained. Refer also Photomontage 1.

Whilst some clearing associated with the basin is likely to have an initial visual impact, the impacts would be mitigated in the short to medium term through proposed landscaping which would ensure the bushland character is maintained in perpetuity. Typically the growth rates of planting within detention basins are rapid owing to a reliable source of nutrient and water.

#### 4.2.2 Rear Fences

In accordance with the Heritage and Urban Design Guidelines prepared by Roberts Day and in response to concerns raised with lots backing onto Withers Street:

*Landscaping in the form of foreground screen planting shall be provided within a 3 metre wide landscape setback to the rear of lots where lots back onto an existing road such as Withers Street.*

*For lots backing onto Withers Street the following provisions apply in order to create consistency on both sides of the street:*

- *Rear setback minimum 5m, and*
- *Rear fencing shall be between 0.7 and 1.2 m in height and constructed with an open style (minimum 50% transparent).*

#### 4.2.5 Removal of Trees

The extent of tree clearing is covered in detail in the Species Impact Statement (SIS) and Offsets Package. The SIS was used as a basis for the preparation of a Vegetation Management Plan (VMP), which detailed the extent of earthworks, proposed remediation works and associated methodologies.

The VMP was structured to initially analyse and assess the condition of the existing vegetation communities across the site, assess the proposed development and the potential impacts upon the vegetation zones, and finally, develop criteria for the establishment and ongoing management of the vegetation zones within the context of the subdivision and development of the site.

It should be noted that the staged nature of the development allows for defined areas within the site to be progressively rehabilitated over a number of years.

Contrary to statements made in the Planning Report the extent of vegetation clearing associated with the subdivision was considered in detail as part of the assessment for visual impacts.

#### 4.2.6 Detention Basins

It was considered that the stormwater detention basins would provide a positive contribution and improve the visual quality of the proposal and as such details of their appearance from adjoining areas was not illustrated in great detail. Photomontage 1 provides a glimpse view from Withers Street. Additionally sketch plans are attached which give a general indication of proposed form and planting arrangements.

The Planning Report claims 'the detention basins will reduce opportunities to provide trees'. To the contrary the detention basins will maximise opportunities for landscaping and tree planting. Refer to attached Figures 3 and 4 and photographs.

The Planning Report also raises concerns over the 'visual aesthetics' of the proposed basins. To the contrary some of the most sought after lots within subdivisions are located in close proximity to a landscaped basin.

Questions are raised about the type and height of fencing. Fencing is generally a black, open style, steel palisade fence in accordance with LMCC standards details. As the proposed basins are dry the fencing is generally limited to drop off areas associated with headwalls or gross pollutants traps.

It is considered that the stormwater detention basins would provide a positive contribution to the development proposal not only in terms of visual quality but also

with regard to flood mitigation, water quality improvement, habitat creation etc. Furthermore, during the design phase the Landscape Architect worked closely with the Engineer to ensure a more naturalistic, less engineered design outcome, and it is envisaged this partnership will continue for the detailed design process.

Extract from Landscape Design Report:

*The drainage reserves are essential for flood mitigation and provide good visual separation between parts of the established residential housing and the proposed lots. Supplementary tree planting within the reserves will provide green pockets between proposed housing and assist in providing good visual integration with surrounding areas of bushland. Planting of native grasses and sedges will slow run-off velocity, capture silt and allow planting to take up the excess water and nutrient leachate. The species proposed for use in basins and surrounding areas will consist of species endemic to the local area. Proposed species will restore lost habitat and provide a self sustaining and low maintenance landscape.*

*The objectives of the proposal include:*

- Tree planting to replace lost habitat and provide visual integration with surrounding pockets of bushland.*
- Mass planting of grasses, sedges and rushes to slow run-off velocity, filter stormwater and increase infiltration.*
- Utilise stormwater in the landscape by incorporating corridors that maximise the visual amenity of the development.*
- Provide a self-sustaining environment utilising endemic species to build on vegetation communities originally occurring in the local area.*
- Protect natural systems by treating, storing and improving the quality of stormwater drainage lines.*
- Utilise stormwater in the landscape by incorporating corridors that maximise the visual amenity of the development.*
- The informal basin areas will be weeded and supplementary planting of fast growing sedges, rushes, and trees will be provided.*
- Incorporation of landscaped berms, mass planting and tree planting to control erosion, slow run-off and further assist in filtering stormwater.*

4.3 Proposed Amendments – Withers Street Entrance

The intention of the sketch (Figure 2) provided in the Planning Report and relating to Withers Street is unclear. The sketch is not dimensioned nor are contours shown. It is not clear if trees shown in a landscaped median are to be planted or retained. Existing trees along the northern side of Withers Street in the location of the proposed median are limited. The edge of the road has been partially cleared for overhead powerlines and existing larger trees are well setback from the existing road alignment. The introduction of a median in this location would simply result in increased areas of road, smaller and steeper lots and additional cut requirements. Refer Figure 2.

Councils Landscape Assessment Officer, Lin Yang was consulted in late december of 2010 and January of 2011 as part of the preparation of the LVIA. A meeting was held at LMCC, drafts were reviewed and comments were incorporated as part of the final



document. At no point were the figures included as part of the Planning Report presented to Moir Landscape Architecture or raised as significant concerns. We are of the understanding that Council was satisfied with the final document which is reinforced by their statements pertaining to the Visual Impact Assessment in the Council Officers Assessment Report to the JRPP.

#### 4.4 Carrington Street Entrance

The suggestion that the character of the entry at Carrington Street would be dramatically altered by the proposal is unreasonable considering that the existing bushland curtilage to Carrington Street is reduced from approximately 300m to approximately 250m which in terms of transition is a reduction of approximately 3 seconds traveling time from the current 18 seconds at the prescribed speed of 60km/h. The proposal retains vegetation associated with the ridgeline between Carrington Street and proposed lots, which are set down on the other side of this ridgeline which naturally screens the proposed development from Carrington Road. A building envelope is proposed for Lot 822 which directly adjoins existing lots on the Carrington Street entry to the proposed subdivision. The building envelope provides a setback from Carrington Street to create a landscape buffer to the entrance to the existing lots of West Wallsend.

#### Extract from LVIA

*Carrington Street forms the northern entry to West Wallsend. The descent from George Booth Drive is characterised by open forest vegetation with distant views to the Sugarloaf Ranges. A vegetated ridgeline on the southern side of Carrington street provides significant screening of The Site. The alignment of Carrington Street provides an attractive entry to West Wallsend, characterised by a view corridor that extends through bushland to a well maintained cottage with the Sugarloaf Ranges in the background. This arrival contributes significantly to the perceived character of West Wallsend. Entering the established residential zone the road is aligned with Mt Sugarloaf at its terminus. Carrington Street and Withers Street converge to form the commercial precinct of West Wallsend.*

*The current proposal would have minimal adverse visual impact on the Carrington Street arrival as proposed lots are located at a lower level and visually and physically separated by a vegetated ridgeline*

*A combination of topography and vegetation would provide complete screening of the proposal from the north eastern sections of Carrington Street. The early subdivision pattern will continue to define the 'gateway entry' to the town and the view would terminate in the eastern most existing cottage. Further west, entering the residential zone the dominant visual feature is the view to Mt Sugarloaf framed by the commercial streetscape and associated architecture.*

#### 4.5 Proposed Amendments – Carrington Street Entrance

The sketch (Figure 3) provided in the Planning Report shows principles which are not too dissimilar to what is proposed. A landscaped setback along Robertson Street is proposed and retention of on and off site vegetation associated with the ridgeline

between Carrington Street and proposed lots. A building envelope is proposed for Lot 822 providing a setback from Carrington Street to create a landscape buffer to the entrance to the existing lots of West Wallsend.

One major difference is the location of the access road off Carrington Street which shows a lack of understanding of the existing topography in this area. A plan and section of this area, prepared as part of the DA submission, is included to provide clarification. Refer to Figure 3.

#### 4.6.1 Cut/Fill

It has been identified in the LVIA that the visual significance and protection of the eastern ridgeline is integral in reducing the visual impacts associated within any development proposed for The Site. The ridgeline and associated tree coverage assists in retaining a vegetated backdrop to the Proposal, especially when viewed from established areas of West Wallsend.

This eastern ridgeline forms a visual backdrop to the Proposal, extending beyond the extents of The Site. In the context of the visual assessment and the location of the Proposal, (below the ridgeline and tree line), the buffer zones along the eastern ridgeline and protection of horizon lines are a primary measure of mitigation which would significantly reduce the visual impact of future housing.

#### 4.6.2 Removal of Trees (powerline easement)

It is understood that the powerline easement is approved. It does not form part of this submission however was considered as part of the assessment. Reference is made in the viewpoint analysis to future clearing which cannot be addressed in any detail as the details pertaining to the timing and extent of clearing are unknown, as the plans just indicated the easement for the approved transmission lines.

It should be noted that unlike other transmission line easements in the area (of which there are numerous) which pay little regard to topography this easement roughly follows the alignment of George Booth Drive with vegetation being retained on both the upper and lower slopes limiting the visual impacts when viewed from West Wallsend.

#### Extract from LVIA

*Transmission lines, towers and associated cleared easements are a dominant feature of the landscape, traversing indiscriminately through bushland, across hillsides, roads and residential areas. This is primarily due to the presence of the Newcastle 330kV substation located just north of Killingworth.*

#### 4.6.2 Removal of Trees (Asset protection zones)

Asset protection zones are shown on the Landscape Master Plans. The majority of the APZs have been incorporated into perimeter roads or residential lots providing

residents the opportunity to manage their own APZ areas. Proposed street trees along perimeter roads incorporate locally native, fire retardant species. Fire retardant trees can protect from fire by acting as a shield against radiant heat, trap burning material (embers) and releasing stored water through the foliage during a fire event. The incorporation of APZs would have minimal impact on existing vegetation.

#### 4.6.4 Design Guidelines (JRPP)

The JRPP (in the minutes of the meeting held on the 3rd November, 2011) also states 'The Visual Impact Assessment report being updated to include the small lot housing components of the proposal'. This has been addressed in detail in an addendum to the LVIA. The report focused on the land previously identified as two future development lots, Lots 239 and 359, and the visual impacts associated with the proposal to develop lots ranging between 450 and 658 square metres as now proposed. The visual impact was assessed from an additional 8 key viewpoints.

This was not referenced in the Planning Report and one could only assume that it has not been reviewed.

#### 4.8 Visual Impact Assessment by Applicant

In response to the concerns raised by the author of the Planning Report, MLA has undertaken a rigorous assessment. A Landscape Assessment and Visual Impact Assessment has been prepared to identify and determine the value, significance and sensitivity of the West Wallsend landscape.

The method applied to this study involved systematically evaluating the visual environment pertaining to the site and the potential impacts associated with the proposal. The assessment was undertaken in stages as noted below:

##### Extract from LVIA

*The process involves:*

- *Classification of the landscape into different character types and a description of those types. These are referred to as Landscape Character Units (LCU).*
- *Objective assessment of the relative aesthetic value of the landscape, defined as Visual Quality and expressed as high, medium or low. This assessment generally relates to variety, uniqueness, prominence and naturalness of the landform, vegetation and water forms within each character type or LCU.*
- *Determination of the landscapes ability to absorb different types of development on the basis of physical and environmental character.*
- *An assessment of viewer sensitivity to change. This includes how different groups of people view the landscape (for example, a resident as opposed to a tourist), and how many people are viewing and from how far.*
- *The undertaking of a viewpoint analysis to identify areas likely to be affected by development of The Site and a photographic survey using a digital camera and a handheld GPS unit to record position and altitude.*

- *An assessment of visual impacts; and the preparation of recommendations for impact mitigation and suggestions for suitable development patterns that would maintain the areas visual quality.*

*The purpose of the above methodology is reduce the amount of subjectivity entering into visual impact assessment and to provide sufficient data to allow for third party verification of results.*

*The second stage of the assessment involves a quantitative approach. The quantification of the visual impacts is defined by methods including:*

- *Digital terrain modelling for The Site plus its surrounds (3km radius).*
- *View shed analysis to determine visibility of the Proposal.*
- *Preparation of survey accurate photomontages depicting the Proposal and mitigation measures.*

The author of the Planning Report has not made any reference to the methodologies utilised in the preparation of the LVIA nor have they provided any alternative means for assessing the likely visual impacts. They have merely made subjective judgements and opinions based on assumptions and anecdotal evidence.

In the authors concluding paragraph they consider that based on the assumption that certain information has not been considered that 'one cannot properly assess the visual impact of the proposed subdivision and likely future dwellings'.

In fact, a comprehensive LVIA has been prepared based on the review of all available documentation and in accordance with the requirements of, and in consultation with, Lake Macquarie City Council.

Furthermore, it is our understanding that Council officers are supportive of the LVIA and its recommendations. See below extract from the Council Officers Assessment Report (Ref. DA/113/2011) submitted to the JRPP:

Part 2.7.6 Views

*The Visual Impact Assessment prepared by Moir Landscape Architecture, reference U670 dated 27/01/2011 provides a comprehensive analysis of the visual impact of the proposed development in accordance with LMCC Scenic Quality Guidelines. The report has identified and considered 22 viewpoints of significance and produced 4 photomontages. The report has concluded that residential development of the existing bush land area will have an adverse visual impact. However, with the incorporation of proposed mitigation measures such as ridge/line protection, street trees, setbacks, and controls on building materials the resultant visual impact is considered low and acceptable for the context and the underlying zoning.*

Additionally in regards to management of existing vegetation:

Part 2.1.4 Tree Preservation and Management

*The Landscape Master Plan Report and Vegetation Management Plan prepared by Moir Landscape Architects provides adequate detail of measures to manage/recover the existing*



*vegetation in the natural bushland areas, including riparian corridors, open space zones, revegetation areas, and APZs.*

*Approximately 50% of the site will remain in its current vegetated state, with an additional offset of 240ha of vegetation at a ratio of 7.3:1. Given the zoning of the land, the proposed retention of native vegetation is considered acceptable.*

#### CONCLUSION

The criticisms of the LVIA within the Planning Report are purely subjective, based on vague assumptions and without any clear or quantifiable justification. As a result of considerable time and effort analysing the site and the potential impacts of the proposed development the submitted LVIA received support from both LMCC Council officers and the JRPP.

It is apparent that the author of the Planning Report has not undertaken the same rigorous assessment of either the character of the site, the development proposal, or the LVIA and has failed to review and analyse the necessary information, including the LVIA itself. In fact, the author has repeatedly chosen to selectively paraphrase sections of the LVIA out of context to support their opinion whilst ignoring significant key findings and their associated justification.

MLA is a professional practice with considerable experience in the field of landscape and visual impact assessment and we remain confident in the applied methodology and findings of the West Wallsend LVA .

Please do not hesitate to contact me if you have any queries or require clarification on any point.

Regards,



**PHILLIP WALBANK** BhortSc GDLA Dip.Arb AAILA MAIH  
Senior Associate Landscape Architect  
**Moir Landscape Architecture Pty Ltd**

# Visual Impact Assessment

PAVILLIONS  
TOWERS  
17.1.2009  
18.1.2009  
19.1.2009  
20.1.2009  
21.1.2009  
22.1.2009

Page 70



Photomontage 1A: Existing view west along Withers Street.

Vegetation to be removed for proposed development.

Vegetation to be removed for Stage 1 of the proposed development.



Photomontage 1B: Proposed vegetation removal along Withers Street.

Existing vegetation to be removed for proposed development.

Proposed vegetation removal along Withers Street.

Existing vegetation to be removed for Stage 1 of the background.



Photomontage 1C: Proposed photomontage along Withers Street. Southern entry to West Wallbore.





**FIGURE 1**



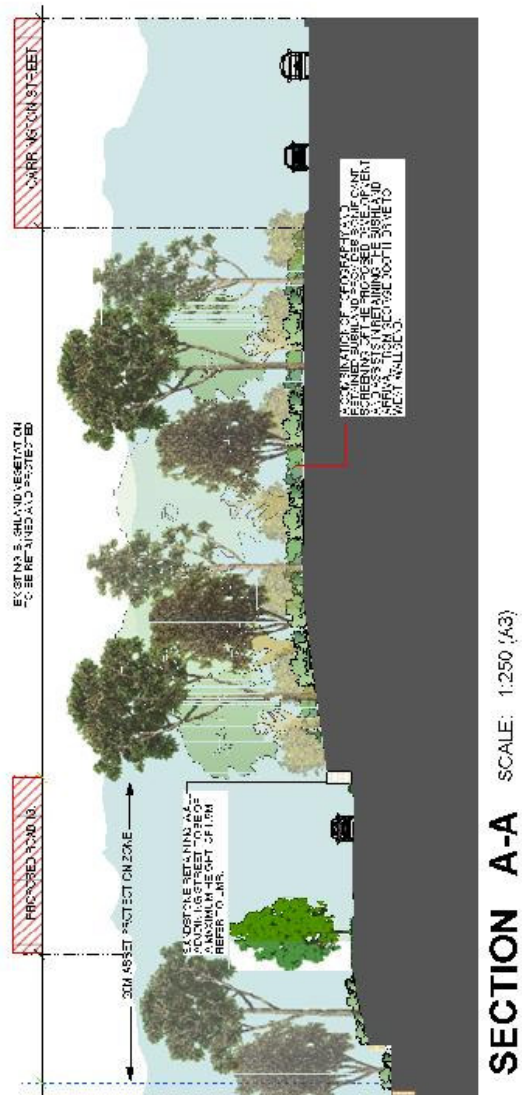


**NOTE:**  
 WITHIN THE PROPOSED MEDIAN STRIP  
 ZONE THERE IS LIMITED OPPORTUNITY  
 FOR RELINQUISHING EXISTING RIGHTS AND  
 VIOLATING THE CURB CUTTING  
 TO LOGS OF ROAD

**LEGEND**  
 LOCATION OF  
 PROPOSED  
 MEDIAN STRIP

**FIGURE 2**







**BASIN SKETCH PLAN 1**



**BASIN SKETCH PLAN 2**

## **Attachment B**

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NICHE ENVIRONMENTAL - ADDITIONAL CONSIDERATION OF OWL HABITAT ISSUES.



15 May 2012

Wesley van der Gardener  
Roche Group  
365 New South Head Road  
Double Bay NSW 2028

**RE: LOTS 103 & 105 GEORGE BOOTH DRIVE, WEST WALLSEND – RESPONSE TO MOODY AND DOYLE'S PLANNING REPORT DATED MAY 2012 REGARDING THE SIGHTING OF SOOTY OWLS ON THE SITE**

Dear Wes

This letter is to provide advice to Hammersmith Management (the proponent) regarding the comments provided to Moody and Doyle from Councils Development Planner (Sarah Warner) as detailed in Section 6.1.4 (pages 25-26) of the Moody and Doyle Planning Report.

It is stated in this Section that "the record of two Sooty Owls in March on the West Walsend site could indicate that the pair may nest within a few hundred metres of this record (i.e. potentially on the site)". It is unclear what "the site" refers to, but it is assumed that it refers to Lots 103 and 105, although there have been no owl surveys on Lots 103 and 105 since March 2010 (surveys for the SIS by Niche) to the knowledge of Hammersmith Management. It is also unclear which year "March" refers to, but it is assumed to be 2012, although it is not understood who made these records.

This advice is based on a review of the SIS (Niche 2010) and discussions with Dr Kristy McQueen (Coast Ecology) and Dr Rod Kavanagh (Principal Research Ecologist, Niche Environment and Heritage). Kristy McQueen stated that she had detected one, possibly two Sooty Owls during recent surveys (30 April 2012 - 7 May 2012) in the northwest of Lot 1000 in DP 1092785 (previously Lot 104 in DP 1000408), on the north-eastern side of George Booth Drive, as part of the survey requirements of the Plan of Management associated with the development of this land. Kristy believes it/they flew into the call-playback survey from the north, from outside Lot 1000.

As stated in Section 4.2.1.2 of the SIS (Niche 2010) call-playback, stag watch and spotlighting surveys targeting Masked, Powerful, Barking and Sooty Owls were undertaken throughout the Subject Site in February 2006, March 2006 and March 2007 by Andrews.Neil (2009), and March 2010 by Niche (2010). The Sooty Owl has been previously recorded on Lots 103 and 105 by Andrews.Neil (2009) – refer to Figure 13 (page 103) of the SIS (Niche 2010). Two trees on Lots 103 and 105 were identified with hollows suitable as nest sites for large forest owls (see Figure 13 of the SIS; the >300 mm and the most southerly >200 mm hollow trees). Inspection of these trees failed to detect use or signs of use by any large forest owls. The two trees identified with hollows suitable for nesting by large forest owls are not to be impacted by the proposal and are well buffered (>100 m) from the nearest edge of the proposed development.

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Given that the Sooty Owl has previously been recorded from the site, the recent sighting of Sooty Owls on the site does not provide new information that would necessitate the re-assessment of impacts from the proposal. Additionally, the two trees on Lots 103 and 105 that provide potential nesting habitat for the Sooty Owl will not be removed and are well buffered from the development, so no direct impacts to the reproductive cycle of the Sooty Owl would occur even if they were breeding in one of these two trees. Given that the assessment for this species within the SIS took into consideration that the species was present on site and that potential breeding habitat was present, new assessments or surveys for this species are not necessary. Therefore, the recent sighting does not constitute a fundamental change to the knowledge of this species on the site compared with that at the time of the SIS and so there is no requirement for OFH to reconsider concurrence for the SIS.

Yours sincerely,



Dr Rhidian Harrington  
Director/ Ecologist

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## **Attachment C**

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**BROWN CONSULTING - INFORMATION ON ENGINEERING ASPECTS OF THE PROPOSAL INCLUDING CUT  
AND FILL, CLEARING AND DETENTION BASINS**

**Our Ref:** L05016.009  
**Contact:** Toby Tames



Wes van der Gardner  
General Manager - Development  
Hammersmith Management Pty Ltd  
365 New South Head Road  
Double Bay NSW 2028

23 May 2012

**Attention:** Mr Wes van der Gardner

Dear Wes,

**Subdivision of Lot 103 & Lot 105 West Wallsend  
Response to Planning Report prepared by Moody and Doyle**

As requested, Brown Consulting has prepared a response to the Planning Report prepared by Moody and Doyle to the Joint Regional Planning Panel Hunter and Central Coast Region for the abovementioned subdivision, where it relates to our discipline.

**4.2 Withers Street Entrance**

**4.2.4 Cut/Fill**

The earthworks proposed to be undertaken as part of this development is not considered excessive. It is unrealistic to expect a development of this size over land which is undulating to restrict cut/fill levels to 600mm. All roads within the development comply with Council's minimum/maximum grades and a balanced cut/fill ratio is expected to be achieved over the entire site. There has been careful consideration of the impact on the existing landscape throughout the engineering feasibility and design stages of this development.

The proposed street layout has been prepared with due consideration to the existing street pattern, topography of the site, the natural waterways and vegetation retention.

**4.2.5 Removal of Trees**

As mentioned previously, careful consideration of the impact on existing topography has been undertaken. Proposed roads have been designed to match as close as possible to the existing landscape while complying with minimum/maximum grades, thus reducing the amount of vegetation to be removed. Where possible, roads have been battered back to existing levels to reduce vegetation removal and the impact on the existing landscape. This design solution is evident throughout the proposed development. The amount of regrading area has been limited in order to maintain maximum natural form as possible. Furthermore, the proposed development maintains the natural topography through its finger like development, to maintain the existing vegetation and tree canopy throughout the site.

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#### 4.2.6 Detention Basins

The Moody & Doyle report (ref12059TM) lists several concerns regarding to the provision of detention basins throughout the proposed development. The comments below address these concerns:

*Whilst detention basins are often desirable from a perspective of reducing flooding concerns.*

The provision of onsite detention is required for the site to meet Councils DCPs and Engineering guidelines. The basins not only serve to detain flows for stormwater quantity management, but also integrate bioretention filtration of flows to treat stormwater quality to a level that is required in Councils Water Cycle Management Guidelines.

*Open Detention Basins are not characteristic of the locality.*

Open detention basins are standard practise for residential developments of this nature. Open detention basins have been used within the area for similar residential developments. There are at least 6 examples of open detention basins within 3km of the site either constructed or approved pending construction.

*The Applicant has not provided details of how the drainage basins will appear from surrounding areas including inadequate cross sections of the detention basins and proposed fill.*

Typical sections have been provided for all proposed detention basins which show the general arrangement of the basin and grading of batters and embankments. The amount of detail provided on the concept drawings is standard practice for Development Application. Provision of detailed cross sections when required is provided at Construction Certificate stage.

*The location of a number of the detention basins immediately adjoining residential lots is of concern including issues of safety and visual aesthetics. I further note the concerns raised by a local doctor regarding the potential increase in diseases by mosquitoes but I must defer to appropriate experts.*

The proposed internal batter slopes of the basins have been designed such that safe egress of persons can be achieved. All detention basins are located on existing natural drainage flow paths upstream of the existing discharge point from the site, which is necessary to manage stormwater flows discharging from the site. The basins are designed to be dry basins. Retention times proposed are sufficiently short such that dewatering of the basins will be achieved in less than 48 hours following a rainfall event. These basins will not hold permanent water.

*Query whether fencing is required.*

As with many detention basins of this nature, fencing will be required only in selective locations and not required for the entire perimeter of all basins. The detail and extent of fencing is a detailed design matter. Location, type and heights of fencing is to be determined at the construction certificate stage, however this does not have any bearing on the size or location of basins. Basins nearby have provided pool type fencing to provide minimal visual impact while maintaining safety.

#### 4.6 Eastern Slopes

##### 4.6.1 Cut/Fill

As stated in 4.2.4 (above), earthworks within the proposed development is not considered excessive for the size and type of development. Wherever possible, earthworks have been minimised by careful planning, placement and grading of roads throughout the undulating terrain.

##### 4.6.2 Removal of Trees

The removal of trees associated with the transmission line easement has been approved under a separate application.

The Asset Protection Zone (APZ) is provided by the road system and the residential lots. There is no tree removal required within the proposed conservation area for APZ purposes. The development has therefore taken into account the Asset Protection Zone totally within its development boundaries.

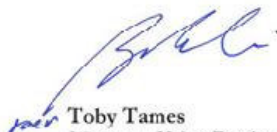
##### 4.6.3 Lot Size

The report prepared by Moody & Doyle (ref 12059TM) addresses the issue of the size of proposed new lots on two occasions. It should be noted that the Applicant has provided a carefully considered development proposal that complies with Council standards and policies within land that has been zoned for residential development. The Moody & Doyle report states a concern about the lack of provision for small (affordable) lot housing in the Executive Summary (section 2). The current proposal incorporates 13% of proposed new lots with sizes between 450m<sup>2</sup> and 550m<sup>2</sup> to meet this requirement.

Under section 4.6.3 of the Moody & Doyle report, concerns about the proposed average lot size being smaller than the existing average lot size are raised. It is worth noting that 47% of proposed new lots are over 650m<sup>2</sup>, which is generous by comparison to residential development around NSW and reasonably close to the existing average, especially considering the required provision for 13% of lots within the 450m<sup>2</sup> – 550m<sup>2</sup> range. It is also worth noting that a larger lot size would not necessarily reduce the amount of earthworks and subsequent vegetation removal.

We hope this information is of assistance to you should you require any additional information please do not hesitate to contact me.

Yours sincerely  
**Brown Consulting (NSW) Pty Ltd**

  
**Toby Tames**  
Manager – Urban Development  
Encl.

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## Attachment D

VIPAC ENGINEERS – UPDATED NOISE IMPACT ASSESSMENT

Hammersmith Management Pty Ltd  
Lots 103 and 105 West Wallsend, NSW  
Noise Impact Assessment

Report No. 29N-11-0075-TRP-470930-1

22 May 2012



♦ Acoustics ♦ Vibration ♦ Air Quality ♦ Mechanical & Structural Systems ♦ Fluid Mechanics ♦ Sustainability ♦ Building Technologies