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Application for Approval of Floating Dry Dock

6 John Street, Berrys Bay

Updated Visual Impact Assessment

Amended proposal with top acoustic curtains

Report prepared for: Noakes Group

by Dr. Richard Lamb

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1.0 Introduction

1.1 Purpose of the report

Richard Lamb and Associates (RLA) have been appointed by Noakes Group, the Applicant, to undertake and Updated Visual Impact assessment (UVIA) of the potential visual impacts of the proposed floating dry dock (FDD) at the Noakes Shipyard in Berrys Bay, North Sydney.

RLA prepared the Visual Impact Assessment (the VIA) that accompanied the DA, a View Sharing Assessment (the VSA) specifically addressing view loss and view sharing for a series of private residences and an Addendum Report, assessing the visual impacts of acoustic curtain that would to the ends of the FDD, which would be closed at times to control acoustic impacts. Each of these reports included photorealistic photomontages prepared by David Duloy demonstrating the likely visual effects of the development.

It has now become known that further acoustic mitigation treatments would be necessary at times, utilising upper, or top, acoustic curtains, which have the external appearance of hinged screens the same or a lesser height than the side decks of the FDD.

Visually, when employed, the full acoustic curtains including the end and top curtains enclose each end of the dry dock and the area between the inner walls of the dock and the vessel enclosed. The curtains would be pulled back when not needed, or when the dock is being flooded and swung out to either receiver or release a vessel.

The visual effects of the curtains would be seen intermittently, as the curtains are proposed to be used only to provide sound and dust mitigation, when necessary. I am informed by the applicant that these measures would be employed approximately 70% of the time that vessels are in the FDD. This would equate to approximately 55% of the year, on average, given that vessels are not in the dock for 100% of the year.

A number of photomontages were prepared as part of the VIA and others for the VSA, showing the FDD in the flooded and swung out and in the swung in and fully floating condition, with a vessel of the typical maximum size enclosed.

North Sydney Council as the consent authority have asked in a Request for Information to the Applicant for a further UVIA that includes consideration of the visual impacts of the acoustic curtains including the top curtains. This report (the UVIA) is in answer to that RFI.

As the top curtains would only be used in conjunction with the end curtains, which would only be used when the FDD when swung in, floating fully and with a vessel enclosed, new photomontages were only prepared for this scenario. In addition, as the curtains would not exceed the height of the walls of the FDD, photomontages were prepared only for views where there would be a downward viewing angle in which the top curtains would be visible. This report includes, analyses and assesses the relevant amended photomontages .

The planning context, visual impact assessment methodology used in the VIA and consideration of the Secretary Environmental Assessment Requirements, are the same for the proposal with acoustic curtains (the further amended proposal) as the existing Development Application (DA), as the only change proposed that has potential visual impacts is the curtains themselves.

The following parameters assessed in the VIA with the DA are unchanged in the further amended proposal (please refer to VIA):

1. The sub-regional and local visual context
2. Visual character
3. Scenic quality of the locality
4. View analysis, including:
    a. Viewing places and viewing situations. This further UVIA includes both the public and private domain viewing places that were included in the VIA and in the VSA where the top curtains would be visible.
    b. Visual catchment
5. Use of rendered photorealistic photomontages.
    a. In this further UVIA, photomontages have been prepared using the same technology as in the VIA and in the VSA. To simplify this report, all of the photomontages for both public domain and private dwellings that were shown in the VIA and the VSA have been included to show the effect of the top acoustic curtains in the same context and are included in this single report.
    b. The photomontages that answer the RFI show the proposed development in one of three states relevant to visual impacts, as follows:
        i. Floating dry dock (FDD) flooded and swung out (‘down’ condition), with a vessel inside and curtains not utilised.
        ii. FDD floating in working condition, with all acoustic curtains closed and a vessel inside (‘closed’ condition).
        iii. FDD in working condition, with acoustic curtains open and no vessel inside (‘open’ condition).

2.0 Visual effects analysis

This section summarises the potential visual effects of the amended proposal, using the same terminology as in the VIA and VSA, with regard to the visual impact of the addition of the acoustic top curtains. As noted above, the curtains would be in place for approximately half the time over a years' consideration, during daylight hours when work in the dock is permitted.

2.1 Effect on view composition

The acoustic curtains would not cause any significant change to view composition.

2.2 Effect of viewing level

The presence of the top acoustic curtains, when closed, would cause no increase in view blocking.

There would be no significant effect of the top curtains when closed on views from partly to significantly elevated viewing positions, including dwellings.

2.3 Effect of viewing distance

There would be no significance change in visual effects as a result of viewing distance as a result of the presence of the top curtains.

2.4 Effect of viewing period

The presence of the top curtains would not increase visual effects on places with potentially longer viewing periods. Their presence would be a change in detail of the vessel, when closed and be present intermittently.

2.5 Effect on visual character and scenic quality

We consider that overall there would be low effect of the amended proposal on visual character of the bay and setting. When closed, the acoustic top curtains would add slightly to the perceived bulk of the vessel, but views through the vessel would be occluded by vessels and equipment inside the FDD if the curtains are open. The change would one of detail and not one that would significantly alter the visual character or scenic quality of the views. The site is a working commercial industrial maritime setting and the occasional closing would not significantly decrease or change the existing visual character, with its maritime industrial nature.

2.6 View loss and blocking effect

In the public domain, there would be no increased effect of the top curtains with regard to view blocking.

The photomontages indicate that there would be minor changes to the appearance of views available as a result of the closing of the curtains, when that occurs.

To summarise, the effect of the curtains on views, when closed, would be to cause a minor change in the appearance of the FDD in views from elevated locations and give it a temporarily more enclosed appearance.

2.7 Physical absorption capacity

As the proposed vessel is to be moored in plain sight in the visual catchment, there is a limit to the extent to which PAC can mitigate its appearance. The presence of the curtains when closed would not increase the visual effects of the proposal on the visual catchment.

3.0 Overall extent of visual effects

The assessment in the VIA of the level of visual effects was that the proposal would have minor visual effects on elevated close-range viewing locations and negligible impacts on the medium range elevated viewing locations.

The highest level of visual effect would occur for close range views slightly above the level of the FDD adjacent to the terminus of John Street, where there would be a view into the FDD if the top curtains are open. Closure of the top curtains would result in a reduction of the detail visible but no significant change in view available.

4.0 Visual impact assessment

The findings for the criteria of visual impact assessed in the VIA and VSA would remain the same when the proposed acoustic top curtains are included as a factor.

The same four weighting criteria are appropriate to the overall assessment of visual impacts in the proposed amended application, ie., Visual Compatibility, Sensitivity and the effectiveness or otherwise of proposed Mitigation Measures.

4.1 Maritime industrial features

The proposal is set in the context of the existing maritime industrial Noakes facility, which occupies a site historically and currently associated with working harbour uses and one specifically zoned for the purpose.

The amended proposal would have high visual compatibility with the existing and continuing maritime industrial features present within its visual setting. The presence of the acoustic top curtains, when closed, would not change that finding.

4.2 Urban and natural features

The amended proposal is considered moderately compatible with the combination of urban setting and natural features of the adjacent Berrys Bay. The proposed amendment involving the acoustic top curtains does not significantly change the compatibility of the proposal.

4.3 View place and viewer sensitivity

The supplementary report on view sharing in the private domain considered the likely visual impacts on a range of dwellings. Photomontages have been prepared (see Appendix 1) for all of these locations showing the FDD with the acoustic curtains including the top curtains, if visible, open and closed as typical of the most relevant working states of the FDD.

An assessment of view sharing was undertaken in the VSA. The findings are assessed in relation to the proposed amended proposal, below:

5.0 View sharing assessment

The planning principle in the judgment of Roseth SC of the Land and Environment Court of New South Wales in *Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours* (*Tenacity)* was considered in relation to view sharing in the private domain to the extent that the four-step process is relevant.

It was concluded that the preliminary threshold for the application of the *Tenacity* principle would not be met, as the addition of the top curtains would not cause any additional view loss to any property assessed. As a result, *Tenacity* had no work to do in relation to the impacts of the acoustic top curtains.

5.1 Conclusion in relation to view sharing

The proposed amended development including the acoustic top curtains will have no significant impact on view sharing.

6.0 Overall extent of visual impacts

As determined in the VIA, there would be a localised character change to a small part of the north end of Berrys Bay, adjacent to the existing Noakes facility. The presence of the acoustic top curtains, when closed and therefore visible on some elevated views, would make a negligible qualitative change to the appearance of the vessel.

The VIA concluded that there would be some localised high-level impacts, primarily view loss as a result of the height of the FDD and its proximity to the viewers in an isolated location in John Street. The addition of the acoustic top curtains, when closed, would not change that effect or change in the ability to view the overall scenic features of the setting. No extra weight of significance of

impacts compared the level of visual effects caused by the amended proposal is justified.

7.0 Planning instruments and principles

The VIA concluded with consideration of relevant planning instruments and policies including the Harbour REP, DCP and the *Tenacity* and *Rose Bay Marina* planning principles for view loss in the private and public domain, respectively.

This Updated VIA has concluded that the amended proposal has no significant potential for different or significant visual impacts, compared to the proposal assessed in the VIA, or considered specifically with relation to the view sharing with private dwellings in the VSA. This UVIA concluded that view sharing with private residences, to the extent that it is relevant, is reasonable and no different, when the acoustic top curtains are included in the assessment.

8.0 Conclusion

This assessment concluded, when including consideration of the acoustic top curtains in the amended proposal, that there would be a minimal character change to a small part of the north end of Berrys Bay, adjacent to the existing Noakes facility.

The top curtains would have no significant effect on view sharing and no change in the ability to view the overall scenic features of the setting.

The amended proposal would therefore be consistent with the planning instruments and guidelines that apply to the proposal.

In summary, the visual impacts of the amended proposal are considered to be reasonable. On the basis of merits assessment with regard to potential visual and related amenity impacts, we consider the amended Application to be worthy of support on visual impacts grounds.

Position 1 (Map 2), Photomontage, FDD in down condition, with vessel inside

Position 1 (Map 2), Photomontage, FDD in closed condition, with vessel inside and acoustic curtains closed

Position 1 (Map 2), Photomontage, FDD in open condition, with no vessel inside

Position 2 (Map 2), Photomontage, FDD in down condition, with vessel inside

Position 2 (Map 2), Photomontage, FDD in closed condition, with vessel inside and acoustic curtains closed

Position 2 (Map 2), Photomontage, FDD in open condition, with no vessel inside

Position3 (Map 2), Photomontage, FDD in down condition, with vessel inside

Position3 (Map 2), Photomontage, FDD in closed condition, with vessel inside and acoustic curtains closed

Position3 (Map 2), Photomontage, FDD in open condition, with no vessel inside

Position 4 (Map 2), Photomontage, FDD in down condition, with vessel inside

Position 4 (Map 2), Photomontage, FDD in closed condition, with vessel inside and acoustic curtains closed

Position 4 (Map 2), Photomontage, FDD in open condition, with no vessel inside

Position 5 (Map 2), Photomontage, FDD in down condition, with vessel inside

Position 5 (Map 2), Photomontage, FDD in closed condition, with vessel inside and acoustic curtains closed

Position 5 (Map 2), Photomontage, FDD in open condition, with no vessel inside

Position 6 (Map 2), Photomontage, FDD in down condition, with vessel inside

Position 6 (Map 2), Photomontage, FDD in closed condition, with vessel inside and acoustic curtains closed

Position 6 (Map 2), Photomontage, FDD in open condition, with no vessel inside

Position 7 (Map 2), Photomontage, FDD in down condition, with vessel inside

Position 7 (Map 2), Photomontage, FDD in closed condition, with vessel inside and acoustic curtains closed

Position 7 (Map 2), Photomontage, FDD in open condition, with no vessel inside

2_13 John St Terrace West side standing

Photomontage FDD in down condition with vessel inside

2_13 John St Terrace West side standing

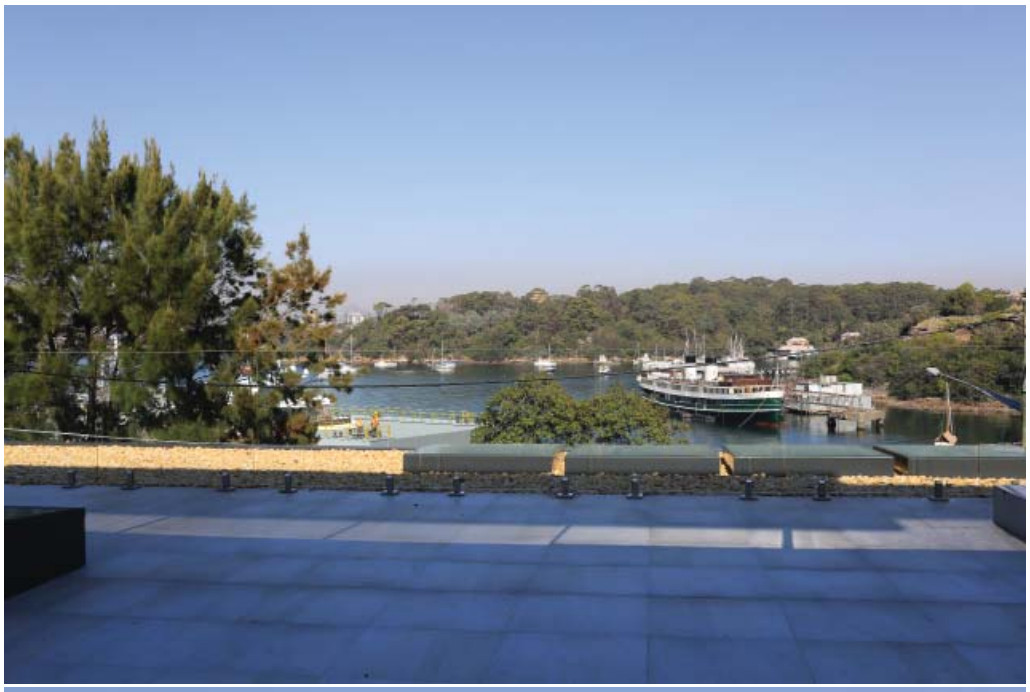
Photomontage FDD in closed condition with vessel inside and acoustic curtains closed

2_13 John St Terrace West side standing

Photomontage FDD in open condition with no vessel inside

1_13 John St Terrace West side standing

FDD in down condition with vessel inside



1_13 John St Terrace West side standing

FDD in closed condition with vessel inside and acoustic curtains closed

1_13 John St Terrace West side standing

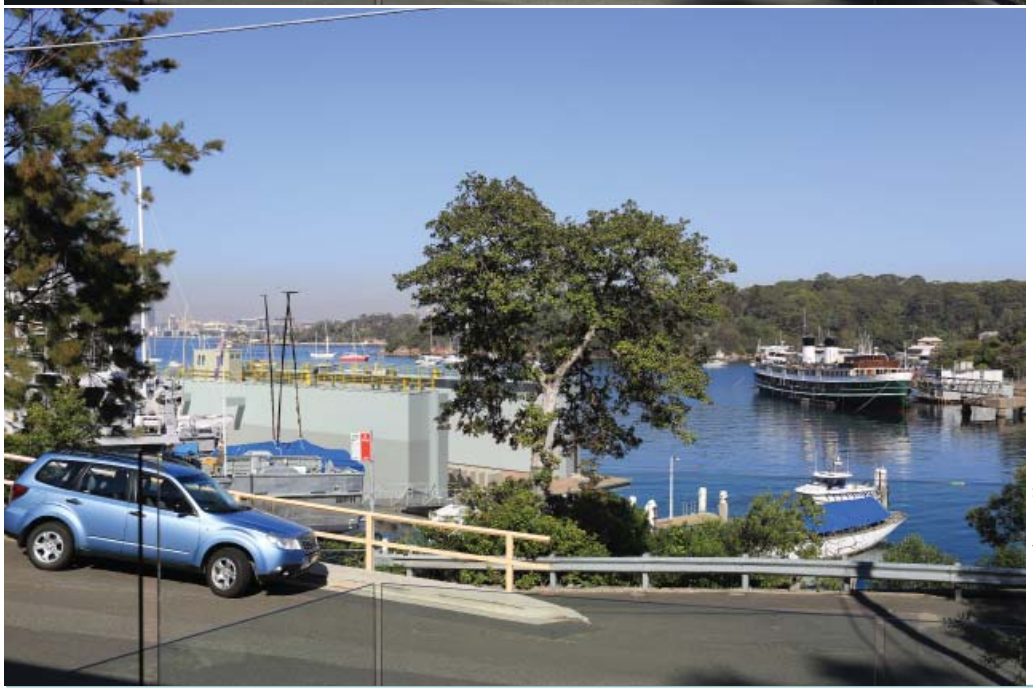
FDD in open condition with no vessel inside

1_11 John St Living Room West side standing

FDD in down condition with vessel inside

1_11 John St Living Room West side standing

FDD in closed condition with vessel inside and acoustic curtains closed



1_11 John St Living Room West side standing

FDD in open condition with no vessel inside

11_9 Commodore St Living balcony standing

FDD in down condition with vessel inside

11_9 Commodore St Living balcony standing

FDD in closed condition with vessel inside and acoustic curtains closed

11_9 Commodore St Living balcony standing

FDD in open condition with no vessel inside

5 Commodore St Balcony South East side standing

FDD in down condition with vessel inside

5 Commodore St Balcony South East side standing

FDD in closed condition with vessel inside and acoustic curtains closed

5 Commodore St Balcony South East side standing

FDD in open condition with no vessel inside

3 Commodore St apex of 2 terraces standing

FDD in down condition with vessel inside

3 Commodore St apex of 2 terraces standing

FDD in closed condition with vessel inside and acoustic curtains closed

3 Commodore St apex of 2 terraces standing

FDD in open condition with no vessel inside

3 Commodore St first floor bedroom

FDD in down condition with vessel inside

3 Commodore St first floor bedroom

FDD in closed condition with vessel inside and acoustic curtains closed

3 Commodore St first floor bedroom

FDD in open condition with no vessel inside

7 Commodore St entry level balcony west side standing

FDD in down condition with vessel inside

7 Commodore St entry level balcony west side standing

FDD in closed condition with vessel inside and acoustic curtains closed

7 Commodore St entry level balcony west side standing

FDD in open condition with no vessel inside

5_18 Munro St lower floor balcony standing

FDD in down condition with vessel inside

5_18 Munro St lower floor balcony standing

FDD in closed condition with vessel inside and acoustic curtains closed

5_18 Munro St lower floor balcony standing

FDD in open condition with no vessel inside

5_17 Munro St Lower floor balcony standing

FDD in down condition with vessel inside

5_17 Munro St Lower floor balcony standing

FDD in closed condition with vessel inside and acoustic curtains closed

5_17 Munro St Lower floor balcony standing

FDD in open condition with no vessel inside

Appendix 2 Summary CV Dr Richard Lamb

- Qualifications
  - Bachelor of Science - First Class Honours, University of New England in 1969
  - Doctor of Philosophy, University of New England in 1975

- Employment history
  - Tutor and teaching fellow – University of New England School of Botany 1969-1974
  - Lecturer, Ecology and environmental biology, School of Life Sciences, NSW Institute of Technology (UTS) 1975-1979
  - Senior lecturer in Landscape Architecture, Architecture and Heritage Conservation in the Faculty of Architecture, Design and Planning at the University of Sydney 1980-2009
  - Director of Master of Heritage Conservation Program, University of Sydney, 1998-2006
  - Principal and Director, Richard Lamb and Associates,1989-2018

- Teaching and research experience
  - visual perception and cognition
  - aesthetic assessment and landscape assessment
  - interpretation of heritage items and places
  - cultural transformations of environments
  - conservation methods and practices

- Academic supervision
  - Undergraduate honours, dissertations and research reports
  - Master and PhD candidates: heritage conservation and environment/behaviour studies

- Professional capability
  - Consultant specialising in visual and heritage impacts assessment
  - 30 year’s experinence in teaching and research on environmental assessment and visual impact assessment.
  - Provides professional services, expert advice and landscape and aesthetic assessments in many different contexts
  - Specialist in documentation and analysis of view loss and view sharing

- Provides expert advice, testimony and evidence to the Land and Environment Court of NSW on visual contentions in various classes of litigation.
- Secondary specialisation in matters of landscape heritage, heritage impacts and heritage view studies
- Appearances in over 275 Land and Environment Court of New South Wales cases, submissions to Commissions of Inquiry and the principal consultant for over 1000 individual consultancies concerning view loss, view sharing, visual impacts and landscape heritage

A full CV can be viewed on the Richard Lamb and Associates website at www.richardlamb.com.au