

VISUAL IMPACT ASSESSMENT

RESIDENTIAL FLAT BUILDING (10 STOREYS, COMPRISING 50 UNITS, COMMUNAL COURTYARD, POOL AND BASEMENT PARKING), TWO COMMERCIAL PREMISES AND STRATA SUBDIVISION

38 STOCKTON STREET, NELSON BAY, NSW, 2315 (781/-/DP802108) AND 8A TOMAREE STREET, NELSON BAY, NSW, 2315





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Document Versions and Control

Visual Impact Assessment, 38 Stockton Street and 8A Tomaree Street

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INTRODUCTION

Perception Planning Pty Ltd has been engaged by COHO Property to prepare a Visual Impact Assessment (VIA) for the construction of a Residential Flat Building (10 storeys comprising 50 units, communal courtyard and pool and basement parking), two commercial premises and associated strata subdivision at 38 Stockton Street, Nelson Bay, NSW, 2315 (781/-/DP802108) and 8A Tomaree Street, Nelson Bay, NSW, 2315 (782/-/DP802108) ('the site').

The purpose of this Visual Impact Assessment (VIA) is to assist Port Stephens Council in their assessment and determination of the proposed development and to assist the community in understanding the development and associated impacts relating to scale, height, density and bulk from prominent vistas within the locality.

This VIA has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and Environmental Planning and Assessment Act (EP&A Act) 1979 (s4.15). In the absence of national or state level guidelines for VIA preparation, an approach has been developed in accordance with the following best practice guidelines:

- 1. Guidelines for Landscape and Visual Impact Assessment (The Landscape Institute & The Institute of Environmental Management and Assessment, 3rd Edition, 2013)
- 2. Residential Visual Amenity Assessment (Landscape Institute Guidance Note, March 2019)
- 3. NSW Government, 2019, 'Local Character and Place Guideline'.

Changes in views and visual amenity are a consideration within the planning process under s4.15 of the EP&A Act. In respect of private views and visual amenity, it is widely acknowledged that no-one has a 'right to a view'. This includes situations where a residential property's outlook and/or visual amenity is judged to be 'significantly' affected by a proposed development. Visibility is a product of both how easily a site is seen and the number of viewers that see it. Visibility also relates to visual sensitivity and how the viewer is impacted by the development. The objectives and methodology of this VIA are as follows:

- To provide a description of the site, existing development and the surrounding locality,
- To provide a description and nature of the proposed development,
- To identify and provide a discussion on the prominent vistas towards the proposed development, and
- To provide an assessment of the impact of the development on the visual amenity of the surrounding locality.



For the purposes of the assessment, two key criteria; 'sensitivity to change' and 'magnitude of change' have been used to identify and assess the level of potential visual impact, as follows:

Criteria 1: Sensitivity

Sensitivity includes both the 'susceptibility' of the viewer or receptor, and the 'value' of the landscape in which the viewer experiences change. These two concepts are co-dependent in determining the sensitivity of a landscape and the extent to which it can accept change of a particular type and scale without adverse effects on its character. Generally, the key factor for consideration is based on the number of people affected, land use and the distance of the viewer from the proposal (EDAW, 2000). In this case, sensitivity can be reasonably assumed in advance. Those living within view of the site are usually regarded as the highest sensitivity group, as it is recognised that in considering the likely effects on visual amenity experienced by residents that 'residents at home, especially using rooms normally occupied in walking or daylight hours, are likely to experience views for longer than those briefly passing through an area' (GLVIA3 para 6.36).

The subject site is located within a visually significant area of the LGA and forms part of the locally significant residential coastal landscape character along Christmas Bush Avenue which is situated within Nelson Bay. Thus, it is a requirement that a visual analysis be prepared and submitted outlining the impact of the proposed development within its visual landscape.

Criteria 2: Magnitude of Change

The magnitude of change at any particular residential or rural-residential property depends on the nature, scale and duration of the particular change that is expected to occur and is described as substantial, moderate, slight or negligible based on interpretation of the following parameters:

- a. Distance of the property from the development
- Extent of the development in the view
- c. Angle of view in relation to orientation of the property
- d. Proportion of the view occupied by the development
- e. Local context in which the development is seen
- f. Extent of other built development visible, in particular vertical elements



THE DEVELOPMENT AND SITE

The site is located at 38 Stockton Street, Nelson Bay, NSW, 2315 (781/-/DP802108) and 8A Tomaree Street, Nelson Bay, NSW, 2315 (782/-/DP802108), and is zoned E1 Local Centre. Adjoining the site includes:

- North existing 2 storey residential development to the north with multi-storey development located further north incorporating commercial premises and a Woolworths shopping centre including parking.
- South existing 4 storey Bayview Apartments to the south,
- **East** existing 2 storey commercial and office building at 35 Stockton Street to the east.
- **West** existing 2 storey residential flat building at 8 Tomaree Street and adjoining similar residential development to the north including 10 Tomaree Street,

The site is located on the southern fringe of the Nelson Bay Town Centre (classified as the E1 Zone) measuring a combined 2262m² in size. The site is located within walking distance to the centre and business precinct, accessible via Stockton Street. The Nelson Bay centre consists of large and smaller specialty shops and facilities, including banks, post office, supermarkets, doctors and health practitioners, convenience stores, restaurants and entertainment.

The site is currently clear of any structures with minimal vegetation located to the west of the site along the boundary. DA16-2015-616-1 resulted in the demolition of the existing service station and associated remediation of the site which has been implemented on site. The site falls diagonally toward the north-eastern boundary from the eastern boundary. It is noted that Tomaree Street naturally inclines to the east with Stockton Street sloping to the Nelson Bay town centre to the north. It is noted that the site is currently used informally as off-street carparking. The site is a corner lot with a combined frontage measuring approximately 98m in length.

VIEW ANALYSIS

To inform additional assessment, montages have been created from key viewpoints as shown in the assessment below.



1. View from corner of Stockton Street and Tomaree Street

The view held from the corner adjacent to the Site demonstrates the development and contribution to the Stockton and Tomaree Street intersection. When viewing the Site in a north-western direction, it is evident that the proposed development will result in a material change to the existing height and built form present on-site and adjoining, when situated within the context of existing built form to the north and west. The viewpoint is taken from an eyeline view at standing height.

As evidenced on the overleaf, the visual impact of the development when viewed from the corner of Stockton Street and Tomaree Street is moderate, given the overall building height is compliant with the 28m height control prescribed by the Port Stephens Local Environmental Plan 2013.

The highest point of the proposed development is at the north-eastern corner with a maximum height of 27.96m. As per the below image, the north-eastern portion of the site slopes towards the Nelson Bay Town Centre therefore minimising the visual impression of the maximum height. The first four floors present a podium and visually aligns with the scale of development to the south of the subject site. From Level 5, the building is setback from the podium to reduce the overall bulk of the development and provide visual relief of the building when viewed from this position. The magnitude of the proposed change is considered to align with the existing approved development within the locality, yet to be constructed, and represents gentrification being experienced by the Nelson Bay Town Centre consistent with the intended effect of the PSLEP height controls. The increase to height of buildings under the PSLEP results in a defined eastern edge as per the PSLEP Maps. Additionally, the site borders the E1 zone extent to the west therefore is considered to provide a suitable 'gateway' to the Nelson Bay Town Centre.

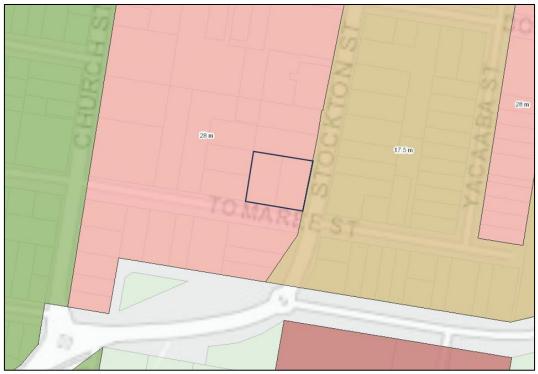


Figure 1 - Maximum Height of Building (NSW Planning Portal Digital EPI Viewer 2024)





2. View from Tomaree Street

The view held from Tomaree Street to the east of the Site depicts the scale of development in comparison to the southern residential development. No substantial view is however held from this location, noting the visual impact primarily relates to a change in context and character experienced because of the proposed development and associated built form. When viewing the Site from the lower portion of Tomaree Street to the west, the proposed development alters the built form most noticeably within the front corner adjoining Stockton and Tomaree Streets. The development exceeds the height of existing built form to the south of the Site however incorporates appropriate setbacks above the first four levels to minimise the bulk and scale of the development. The viewpoint is understood to represent eyeline view at standing height.

Consistent with the above, due to the topography of the site being sloping from the north-western corner to the north-eastern corner, the highest portion of the building is appropriate within its context. The magnitude of change is minimal from an eastern viewpoint due to the rising topography along Tomaree Street. As such, it is not anticipated that the development is restricting any viewpoints to the east of the Site. Therefore, considering the extent of existing development on site and associated views held not being adversely impacted as result of the proposed development, cumulatively the magnitude of change is negligible.





3. Aerial view of Nelson Bay Town Centre

The aerial view across the western portion of the Nelson Bay Town Centre demonstrates Nelson Bay and a portion of the Marina in context. The viewpoint has been achieved by a drone at a height exceeding 28m.

As evidenced below, architecturally, the design has incorporated a flat roof profile rather than a pitched roof, to reduce potential visual impacts that could otherwise result when viewed from Kurrara Hill and surrounding southern development. The contemporary nature of development is evident through the implementation of a modern design, with a natural colour and materials schedule which will complement the coastal environment in which the site is located. The image demonstrates careful design in relation to the treatment of bulk and scale in terms of the existing topography of the land to reduce massing, bulk, scale and height impact to the adjoining neighbours. The prominence of this corner site results in a large perceived scale of development however is acknowledged to align with residential flat building development to the north-west of the development site. Consistent with the conclusions made above that the increase to height of buildings under the PSLEP results in a defined eastern edge as per the PSLEP Maps. Additionally, as the site borders the E1 zone extent to the west therefore is considered to provide a suitable 'gateway' to the Nelson Bay Town Centre





4. View from Marina towards development site

The view held from the Nelson Bay Marina to the south demonstrates the proposed development in context to the Town Centre and Kurrara Hill. When viewing the Site from the Marina, the proposed development alters the built form most noticeably along the eastern façade. The development demonstrates consistency and limited visual access with development to the west. The viewpoint is understood to represent eyeline view at standing height.

From this viewpoint the magnitude of change is identified to be minor due to the scale of surrounding development particularly to the west. The proposed development maintains a corridor of residential flat buildings that have been endorsed through alterations to the PSLEP particularly relating to maximum height of building and floor space ratio. The roofline of the proposed development acknowledges the surrounding natural features specifically Kurrara Hill which is demonstrated to provide a backdrop when viewing the site and development from the Marina.





CONCLUSION

When considering the effect of the proposed development from the provided viewpoints, the level of impact is determined by a combination of:

- The number of people with a view towards the development from any one location;
- The distance between a person and components of the development; and
- Duration of time that a person may view the development.

The existing landscape character of the subject site is predominantly mixed use of commercial and residential apartments. The sites natural topography has informed the overall layout of the development with the design positioned central to the site, incorporating a flat roof profile to minimise the visual and height impact. It is noted that the proposal does not exceed the prescribed Clause 4.3 - maximum height of building being 28m, ensuring architectural consistency with the pattern of existing established development within the context of the development site, minimising visual disparity from the viewpoints detailed within this assessment.

This VIA has found that the proposed development would have a moderate visual effect on the existing visual catchment surrounding the subject site. Visibility of the development is most prominent from existing residential properties located on Tomaree Street, due to their position directly adjoining the site to the south. Visibility quickly decreases when stepping away from the site toward the Nelson Bay Town Centre and due to the rise of topography.

It is maintained that the proposed development is consistent with and complimentary to the established and intended scale and character of the area with minimal visual impact on the surrounding visual landscape. The development does not propose an envelope or scale that is incompatible with the high-quality natural setting, particularly noting that the height and scale sit within the confines of the established and approved scale of development that is located on the site, and adjoining sites surrounds the site. Precinct character is established by the proposed built form, materials and colours.

The site is located on the southern edge of the town centre and assists in creating the 'frame' due to the strategic location wherein it borders the E1 Zone and the increased maximum height of building to 28m, to ensure the inner village is protected. It is therefore contended that the development reflects the hierarchy of the Nelson Bay Centre and associated land use structure. The proposed development includes visually compatible elements within the streetscape and results in a positive impact to the subject site and locality.