



## VIA – 127 High street, wallalong

**Seniors Housing (Self-Contained Dwellings – Single Storey  
Serviced Self-Care Housing)**



**127 High Street, Wallalong,  
NSW, 2320**

**(LOT: 9 DP: 1167540)**

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# 1 INTRODUCTION

## 1.1 PURPOSE AND METHODOLOGY

Perception Planning Pty Ltd has been engaged by the landowners to prepare a Visual Impact Assessment (VIA) for a proposed seniors housing development (self-contained dwellings – single storey serviced self-care housing) at 127 High Street, Wallalong, NSW, 2320 (**'the site'**).

The purpose of this Visual Impact Assessment (VIA) is to assist the Department of Planning, Infrastructure and Environment (DPI&E) and Council in their assessment and determination of the proposed development and to assist the community in understanding the development and associated visual 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, 3<sup>rd</sup> 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 known that no-one has a 'right to a view'. This includes situations where a residential's property 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 also 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 factors for consideration is based on the number of people affected, land use and the distance of the viewer from the proposal (EDAW, 2000).

For the purposes of this assessment, consideration of the private domain views from the immediately adjoining residences to the site and beyond and view from High Street and adjoining local roads towards the site has occurred.

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).

### **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
- b. 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.

## 1.2 REPORT FORMAT

The principal tasks of the visual impact assessment process are reflected in the reports format, as follows:

- **Task 1:** Description of the existing environment and context of the site;
- **Task 2:** Identification of prominent viewpoints / vistas and a range of people and places that have visibility to the site;
- **Task 3:** Description of the proposal and associated materials, colours and design;
- **Task 4:** Determination of the likely visual impact for people and from places;
- **Task 5:** Assessment of significance associated with the visual impact and/or change;
- **Task 6:** Key findings and conclusion.

## 2 EXISTING ENVIRONMENT

### 2.1 SITE DETAILS

Site Characteristics	
Lot/DP	LOT: 91 DP: 1167540
Address	127 High Street, Wallalong, NSW, 2320
Area	Approx. 10 ha
Slope	The site primarily slopes towards the north east property boundary from High Street, however is generally flat in nature.
Zoning	RU1 – Primary Production
Consent Authority	Port Stephens Council
Current Use	Two storey dwelling, two storey brick garage and small shed.
Site Constraints	Bushfire prone land – vegetation category 1 and buffer; Acid sulfate soils – class 5.

## 2.2 SITE DESCRIPTION

The site particulars are summarised in the table above, with site constraints obtained from the NSW Planning Portal. The site is irregular in shape and measures approximately 10ha in size. Access to the site is direct from High Street, Wallalong, with a frontage of approximately 182m.

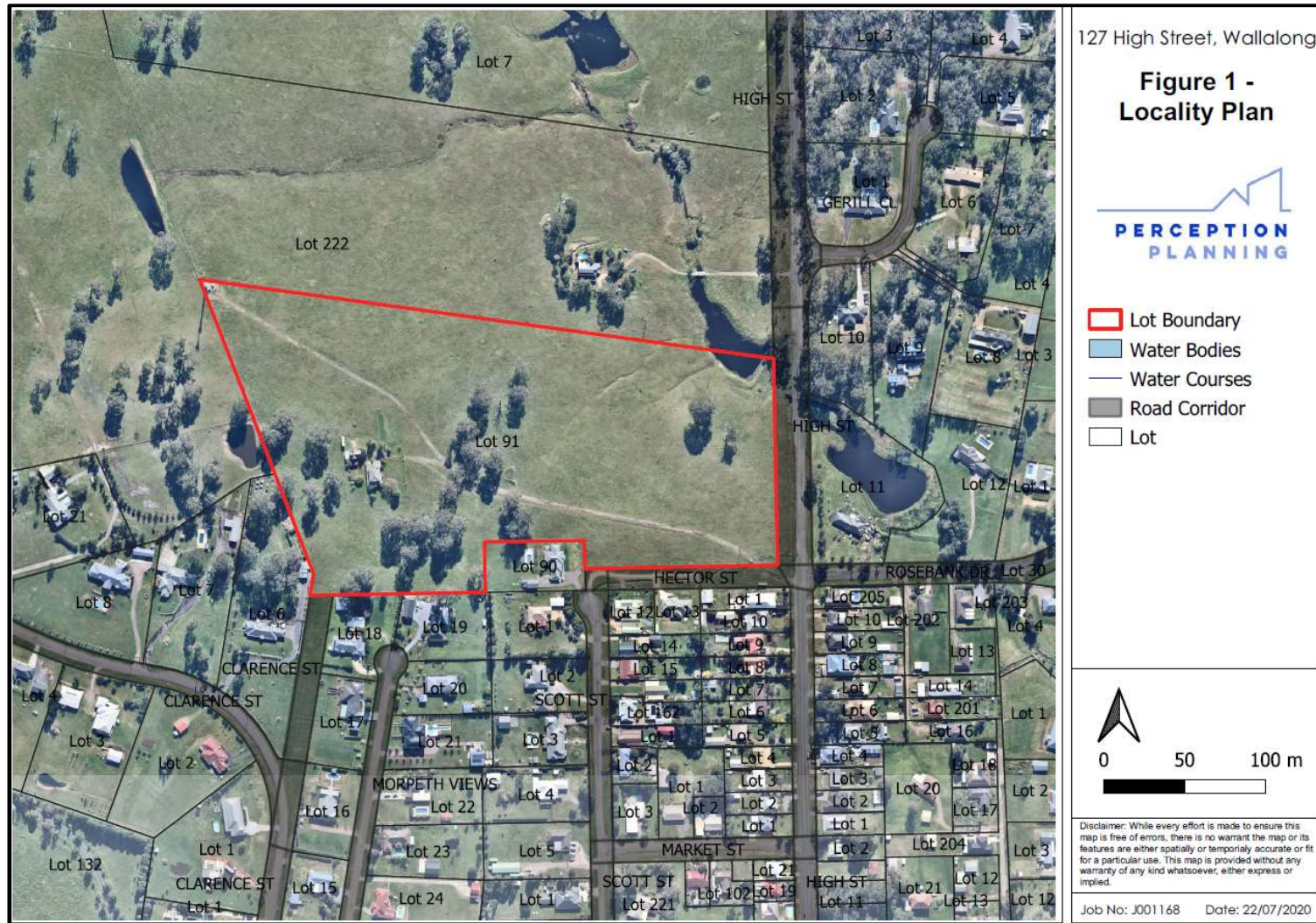
The site is located on the northern side of the rural town / village of Wallalong, on the western side of High Street. The land comprises primarily of cleared land and pasture with some scattered mature trees, two storey dwelling, two storey brick garage and small shed. The site primarily slopes towards the north east property boundary. The site has historic rural use for cattle grazing.

Wallalong is a developing township located approximately 9.5km north of the Maitland Central Business District and 11.5km north-west of Raymond Terrace. The site immediately adjoins land zoned R2 Low Density Residential (located to the south) and land zoned R5 Large Lot Residential (to the east) used for urban purposes. Existing allotments in Wallalong within the R2 zone are larger than the typical urban zone for various reasons, including, but not limited to, historical lot layout and the lack of sewer services in the area. A small rural-residential development is located to the south of the site along Morpeth Views (R2 Low Density Residential) and along Clarence Street (RU1 Primary Production). The large rural-residential estate "Rosebank" is located on the opposite, eastern side of High Street (R5 Large Lot Residential). The local character of Wallalong consists of density clustered on either side of High Street, consisting of single storey dwellings of contemporary nature.

Under the Port Stephens Local Environmental Plan (LEP) 2013, the site is not subject to a maximum height of building or floor space ratio limitation.



Figure 1: Locality Plan (Source: NearMaps)





## 2.3 CHARACTER OF LOCALITY

Character is what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels and differentiates an area apart from another. It includes the sense of belonging a person feels to that place, the way people respond to the atmosphere and their emotional response to that place (NSW Gov, 2019). Desired future character refers to an agreed vision of how an area will change over time, including an identification of characteristics to be retained or enhanced. Visual character is formed by patterns created by the relationship of all elements within an area, including both the public and private domain.

Wallalong is a rural – residential suburb that is situated within the western portion of the Port Stephens Local Government Area, that experiences steady residential growth, reflective of the ageing population of the area and its proximity to Maitland and Raymond Terrace Town Centres. As detailed within the Port Stephens Planning Strategy (2011), the increasing car ownership, increasing affluence and the creation of high-speed roads has changed development patterns. As a result, low density residential development has become the predominant development pattern close to the Wallalong neighbourhood centre with a mixture of large-lot residential development when travelling away from the centre. The subject site is adjacent to the dense urban development area within Wallalong. The location of the site is not isolated, in comparison to the rural properties located further away from the Wallalong neighbourhood centre. Port Stephens Council have stated the following regarding bulk, scale, built form and character of the land:

*"Typical housing in the surrounding locality comprises single storey detached dwellings on residential land to the south east and agricultural land to the north and west. The character of the surrounding residential land includes allotments ranging from approximately 500sqm to 1,500sqm with generous front setbacks resulting in low and horizontal building form."*

This design and character are reflective of the greater environment consisting of generally flat or low-lying topography of the land. The style of buildings is contemporary in nature, varying between weatherboard and brick veneer. The informality of the street layout is emphasized by the lack of footpaths and front fences and the existence of grassy verges.

Council has identified Wallalong as an Urban Release Area within the Port Stephens Planning Strategy, which at its lowest density will be zoned R2 – Low Density Residential. Further to this, the immediately adjoining southern land is currently zoned R2 – Low Density Residential. To this extent, the character of the area is subject to change to a certain extent in relation to built form and density.

### 3 DEVELOPMENT AND PLANNING CONTEXT

#### 3.1 PROPOSED DEVELOPMENT

The proposed development is defined as self-contained dwellings (serviced self-care housing) under the SEPP (Housing for Seniors or People with a Disability) 2004.

The proposed development incorporates 180 single storey units, comprising a mix of two and three bedrooms, with one bathroom and ensuite, open plan kitchen, dining and living area, single or double lock up garage and patio. A community hall, BBQ and communal area, swimming pool and visitor car parking is also incorporated into the design. The indicative site layout is provided within **(FIGURE 2)** below.

The development will consist of formalised internal roads with primary access from High Street and Scott Street. An associated extension of Scott Street will occur as part of the development in accordance with Council's standard design and construction requirements. High quality landscaping will be implemented within the development to increase the visual appeal of the site within the locality and to ensure the natural environment and topography of adjoining lands is maintained and softened visually.

The subject site and proposed development are reflective of the character and overall pattern of development within Wallalong, through the incorporation of single storey contemporary dwellings. The proposed development is setback generously from the front property boundary (High Street) in accordance with other dwellings in the area. The proposed development respects the low scale nature of the built form within the locality and uses a variety of material and finishes without the dominance of fences or carparking.

**Figure 2:** Proposed layout (Source: Toner Design)



## 3.2 PLANNING CONTEXT

### Port Stephens Local Environmental Plan 2013 (PSLEP 2013)

The subject land is zoned RU1 – Primary Production and is adjoined by land on the southern boundary, zoned for urban purposes, being R2 Low Density Residential and on the eastern boundary, being R5 Large Lot Residential. The objectives of the RU1 zone include:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

It is noted that Port Stephens Council have provided the following feedback to the development design:

*“The proposed development incorporates single storey detached dwellings, however, the scale and density of the development, including allotment sizes of approximately 300sqm for each dwelling, is not considered to conform to the established scale and character of the surrounding locality, being a village atmosphere within a rural setting.*

*Further consideration of appropriate dwelling densities, response to, and integration with, existing character and the location of non-residential uses, including a potential town centre, may occur should the planning for the potential URA proceed. The proposed development may pre-empt these broader considerations and has not considered any impacts on the outcomes for the URA”.*

It is however noted that Council is encouraging attached dwellings on lots that have a minimum lot size of 200sqm or detached dwellings that have a minimum lot size of 250sqm within the Zone R2 – Low Density Residential under the PSLEP 2013 (Clause 4.1C). From this, Council's vision for this locality can clearly be understood to be dwellings on lots as low as 200sqm, not the existing character, which is described as between 500sqm to 1,500sqm. At 300sqm lots, the proposal can be seen to be slightly greater than the minimum desired character of 200sqm and the existing minimum character of 500sqm.

Maintaining character does not mean change cannot occur. Change will likely be necessary to retain the vitality, viability and significance of the place. The amount of change should be guided by whether the attributes that warranted the main characterisation will be retained (NSW Gov, 2019). As part of the DA design phase, post Site Compatibility Certificate (SCC) issue, the development has scope to be

amended to incorporate larger lots adjoining the northern, western and portion of the southern property boundaries (adjoining 21 Scott Street), to better integrate the development in with the existing large and small Lot residential properties and rural-residential character. This will reinforce the mixed rural-residential nature of the locality and allows for a respected transition from the residential to rural zone character and density in both the local and wider community.

Port Stephens Development Control Plan 2014 (PSDCP 2014)

Section C5 – Multi-dwelling housing and Seniors Living Development

The objectives of this section relevant to Seniors Housing include:

- *To ensure development for seniors housing provides adequate area for communal open space.*
- *To ensure development activates streetscape to provide passive surveillance and privacy.*
- *To ensure development provides continuity and consistency to the public domain.*

Amenity impacts relate to the surrounding residential and rural zoned land. The residential zoned land surrounding the site and existing uses are consistent with the seniors housing that will make up this development. The locality has seen and will continue to see the construction of new dwellings. Please refer to comments under the LEP section above in relation to potential design amendments to improve continuity and consistency to the public domain.

## 4 VIEWPOINTS AND IMPACT

### 4.0 SUMMARY

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.

Locations can be visually sensitive for a number of reasons however generally relate to aspects including landscape type, landscape character, extent of vegetation, scenic quality and visibility, and how these each combine. Three main visual amenity issues have been identified as key concerns when considering the proposed Seniors Living Development of the subject site, including:

- Change to the existing character of the site and the need to achieve an attractive overall development appropriate to the rural-residential character and setting of Wallalong;
- The potential effect on the surrounding low residential and rural settings due to any changes in views approaching the site from surrounding street connections; and
- Potential visual amenity impacts on and from nearby properties, particularly those to the north, south and east of the site.

Given the subject site incorporates a rising topography from High Street towards the rear (western) property boundary, with a higher elevation to High Street and its surrounding neighbours, three prominent viewpoints / vistas have been chosen to capture the overall visual impact of the proposed development.

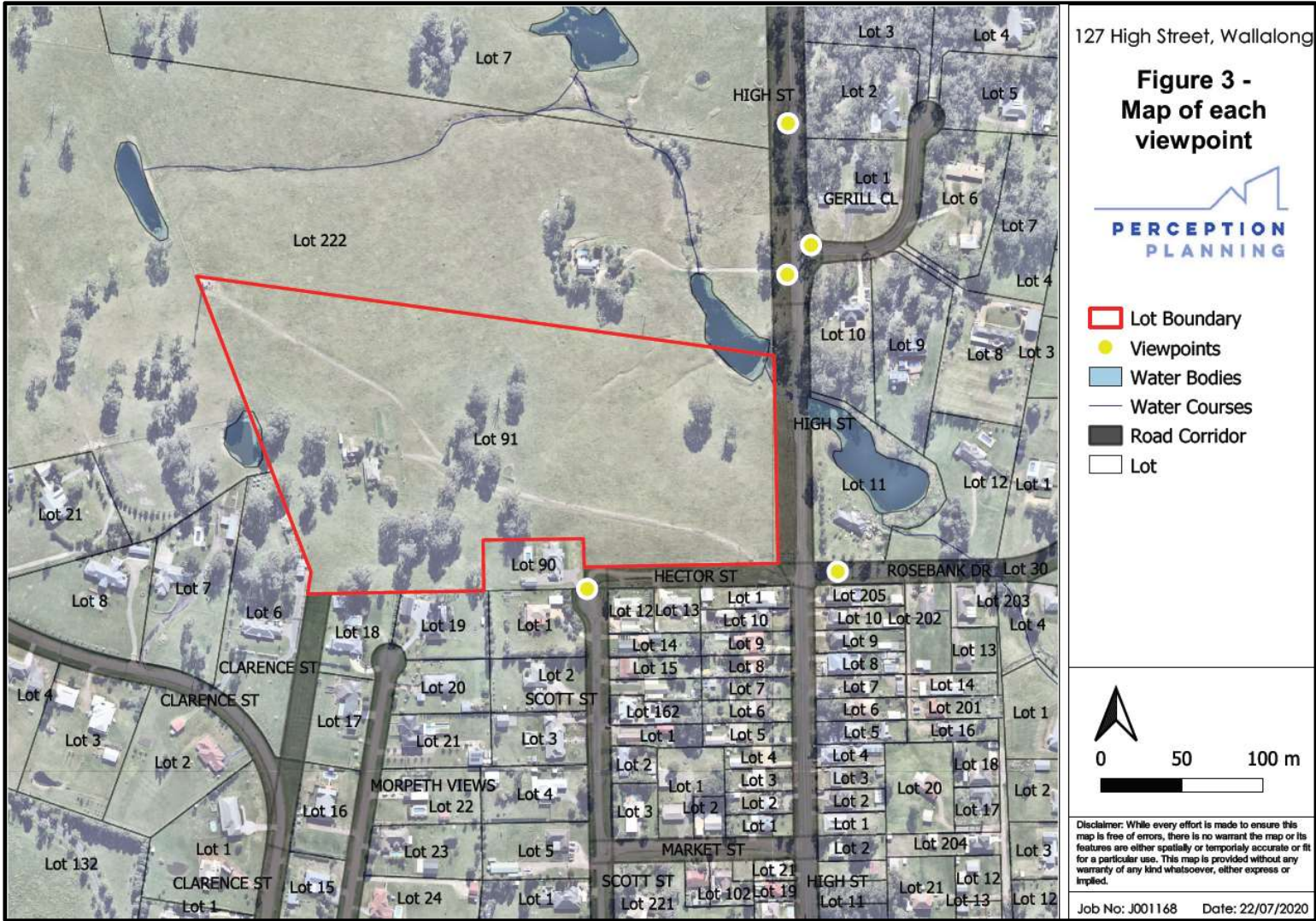
A summary of the prominent viewpoints / vistas towards the proposed development includes the following, as shown within **(FIGURE 3)**:

- **Viewpoint 1** – site viewed from High Street (multiple locations) looking south-west.
- **Viewpoint 2** – site viewed from Rosebank Drive looking east.
- **Viewpoint 3** – site viewed from Scott Street looking north-east.

To assist in appropriately assessing the visual impact from each of these locations, provision of the 'existing' view and landscape has also been provided for contextual analysis. These images are shown in **Images 1 – 7** below.



**Figure 3:** Map of each viewpoint



#### 4.1 VIEWPOINT 1: SITE VIEWED FROM HIGH STREET



**Image 1:** Site viewed from driveway of 137 High Street Wallalong, looking south-west.





**Image 2:** Site viewed from Geril Close looking south-west



**Image 3:** Site viewed from High Street looking south-west

As evidenced by **(IMAGE 1 to 3)**, due to the topography of the site rising from High Street towards the rear (western) property boundary, and rising topography of High Street from the property driving towards the north (towards Largs), views from varying perspectives towards the development decreases in a fast manner and is screened by vegetation adjoining the road. The sensitivity to change at the nearest point is higher than what occurs further from the site, given the changes in topography and vegetation screening. The sensitivity to change from the viewpoints closest to the subject site is high when in a stationary position however High Street incorporates a low – medium traffic volume, which leads the site to have medium visibility when in transit.

When considering the above holistically, sensitivity to change and the degree of change to visual amenity are in turn, low. The development will blend in with the existing character of Wallalong and associated residential properties from these viewpoints, due to its single storey nature.

The proposed development from the locations along High Street is well integrated into the surrounds and does not result in dominating structures to the skyline or existing streetscape. When considering the development in context with the surrounding properties, it is appropriate in scale, proportion and form and will assist in providing additional landscaping and natural elements within the area identification to provide further visual interest from High Street towards the site. The proposed development is not visually obtrusive from these viewpoints and in turn, the magnitude of change from these viewpoints is moderate.

#### 4.2 **VIEWPOINT 2:** SITE VIEWED FROM ROSEBANK DRIVE LOOKING EAST



**Image 4:** Site viewed from Rosebank Drive looking towards the east.





**Image 5:** Site viewed from Rosebank Drive looking east.



As evidenced by **(IMAGE 4 and 5)**, the sensitivity to change from Rosebank Drive and adjoining properties closest to High Street towards the site is high when in a stationary position. It is however noted that no existing significant views are maintained by these properties, and views towards the site (when developed) will be consistent with the R2 residential development adjoining, closest to High Street.

The vegetation existing on the ridgeline establishes the scale and form of the site from this particular viewpoint. The proposed development from this location is well integrated into the surrounds and will not result in dominating structures to the skyline or existing streetscape.

When considering the development in context with the surrounding properties, it is appropriate in scale, proportion and form and will assist in providing additional landscaping and natural elements within the area identification to provide further visual interest from Rosebank Drive and adjoining properties towards the site. The proposed development is not visually obtrusive from this viewpoint and in turn, the magnitude of change from these viewpoints is moderate.

#### 4.3 **VIEWPOINT 3:** SITE VIEWED FROM SCOTT STREET LOOKING NORTH-EAST



**Image 6:** Site viewed from Scott Street looking north-east



**Image 7:** Site viewed from Scott Street looking north-east

When considering the proposed development from Scott Street, an understanding and appreciation of the desired built form on-site is formed. Scott Street will provide access into the proposed development and is the mid-point of the development from a visual catchment perspective.

As evidenced by **(IMAGE 6 and 7)**, the adjoining properties to the south and south-west of the site have a high sensitivity to change due to their permanent view of the site and associated development. Upon inspection of the 'view' held by these properties, it was revealed that the extent of the view is moderate towards rural / agricultural land and existing vegetation. This 'view' is not significant.

Generally, views are not owned and are shared and there are no guarantees that views from a site as a result of a development will be maintained. However, there are situations where the loss of a view may be challenged. While each situation requires a complex planning and legal evaluation, the general principles are laid out by Senior Commissioner Roseth SC in *Tenacity Consulting v Warringah Council (2004) NSWLEC 140 ('Tenacity')*.

It is noted that a 'planning principle' is not a binding law. Rather, it is described by the Court as a statement of a desirable outcome or a list of appropriate matters to be considered in making a planning decision. The 'planning principle' within this particular case established a four-step process for considering the impact of a development on views, including:

1. An assessment of the value of views to be affected by reference to their nature, extent and completeness.
2. A consideration of how views are obtained and what part of the property the views are obtained from.
3. A qualitative assessment of the extent of the impact in terms of severity particularly as to whether that impact is negligible minor, moderate, severe or devastating.
4. An assessment of the reasonableness of the proposal causing the impact particularly in terms of compliance with applicable planning controls and whether a different or complying design must produce a better result. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable.

The subject site is not affected by a maximum height of buildings standard under Clause 4.3 of the PS LEP 2013. Regardless, the objective of Clause 4.3 is to ensure that the height of buildings is appropriate for the context and character of the area. It is

considered that the proposed development is of an acceptable height for the location and will not detrimentally affect the values of the site or adjoining sites.

The height of the proposed development is single storey and follows the topography of the land to respect the existing development located on adjoining properties. As a result of the development, the view currently held by the adjoining properties towards the north will be spoilt and therefore the magnitude of change from these locations is substantial. However as noted above, there is the potential and scope to review the layout of the development to include 'transition' lots and increased setbacks from the western and southern boundaries of the site, and cluster the density around the extension to Scott Street, proposed road network internal to the site and on the lower portion of the site adjoining High Street, in an attempt to reduce privacy and visual impact caused by associated bulk. The setback area will be extensively landscaped to soften the appearance of the development and contribute to the natural setting in which it is located.

Overall, it is considered that the proposed development achieves sympathy to the surrounding properties and through the detailed design stage may incorporate the above amendments to ensure appropriateness in relation to the context and character of the area. This may be developed in consultation with Council and the Community.

## 5 KEY FINDINGS AND SOLUTIONS

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

- The situation from which people may view components of the development (e.g. residential occupancy or motorists);
- 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.

Generally, the duration of time that a person may view the development from High Street or surrounding roads is low – moderate, given that they are in transit along the local or main roads. Those low-density residences positioned within the closest proximity to the development that would have a permanent view of the development are not considered to be highly affected due to the inclusion of appropriate setbacks, landscaping, materials, colours and articulation to soften the appearance of the dwellings. There is however scope to amend the development to increase the setbacks of a number of dwellings adjoining the western and southern property boundaries to better respect the existing scale and character of the locality.

This VIA has found that the proposed development would have a low to medium visual effect on the existing visual catchment surrounding the subject site. Visibility of the development is most prominent from the immediate streets; however, visibility quickly decreases when stepping away from the site due to the rising and sloping ridgeline in all directions, which in turn screens the site with vegetation or existing structures.

As further detailed, a property owner does not 'own' a view and does not provide that anyone has a proprietary right to retain all or part of the views enjoyed from their land, which has been reinforced on several occasions and decisions of the Court, and as legal principle, remains relatively unchanged. The development contributes to the use and nature of the site without adversely affecting the character of the existing streets and associated development. The proposed development includes visually compatible elements within the streetscape and does not result in a negative impact to the subject site and locality.