

Attachment C1

Visual Impact Assessment – 2 May 2025

urbaine

D E S I G N G R O U P

VISUAL IMPACT ASSESSMENT

DEVELOPMENT APPLICATION - MODIFICATION

LOTT 12 IN DP 1197140

NOS.93-97, MACQUARIE STREET SYDNEY 2000

Project Type: Development Application

Lot: 12/-/DP1197140

Address: Nos.93-97, Macquarie Street, Sydney 2000

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APPENDIX A: Assessment Images - panoramic (additional PDF)

1. INTRODUCTION

1.1. Scope and Purpose of Report

This Visual Impact Report has been prepared for SNC and is submitted to the Council of the City of Sydney in support of an update to an approved Development Application (DA) for a Residential Flat Building at 93-97 Macquarie Street (the site) and provide additional information on the likely view loss and visual impact.

This additional Visual Impact Assessment seeks to provide the following:

1. Detailed analysis of the Intercontinental site that show the impacts at higher levels including the top level and provide data on the amount of impacted viewpoints and iconic elements.
2. Compare the approved envelope, the proposed envelope with the detailed design.

The report provides an analysis of the proposed development's visual impact in relation to its visual and statutory contexts and is to be read in conjunction with the drawings and other material submitted with the development application.

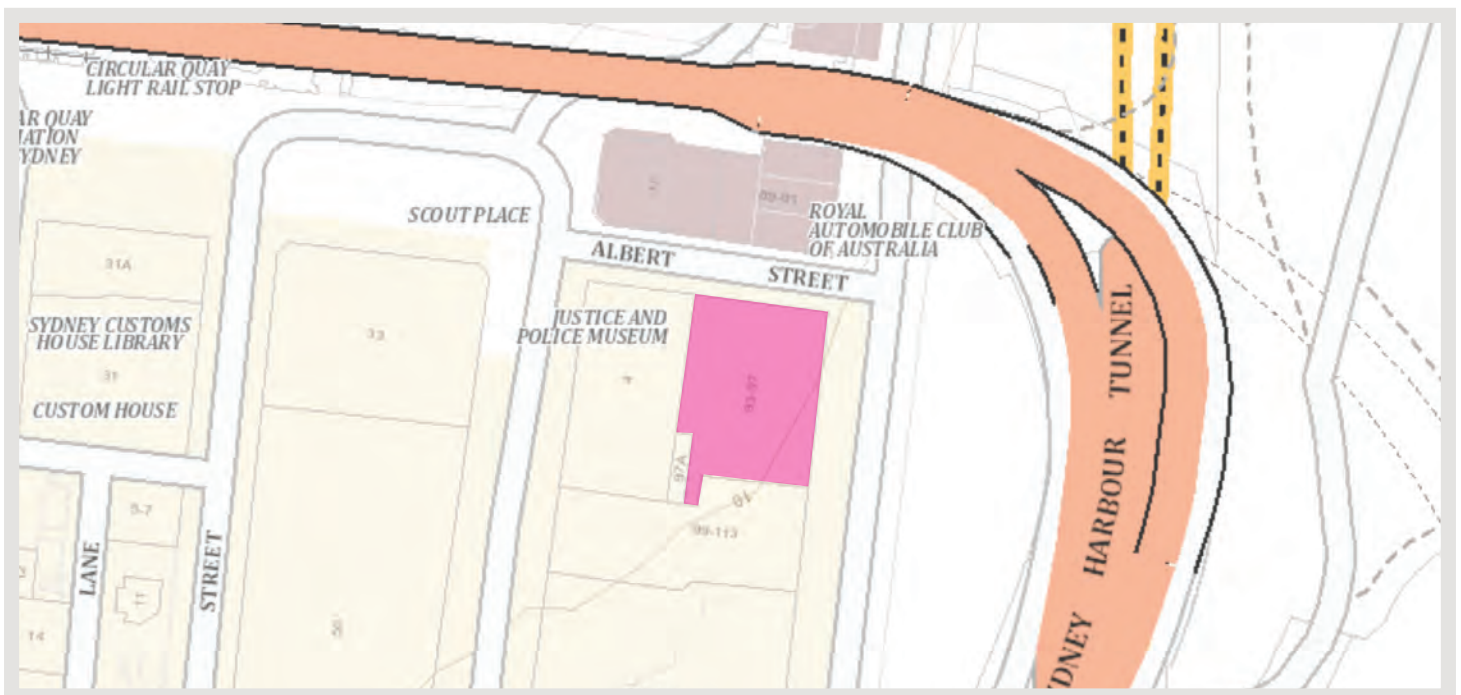


Figure 1 – Site location shown in magenta

1.2. The Proposed Development

The proposed development comprises of amendment to the approved DA

1.2.1. The Site and existing property

Located at Nos.93-97 Macquarie Street, Sydney NSW 2000, within the City of Sydney locale, this site encompasses both the Health Building and the Sir Stamford Hotel. Spanning approximately 1,612m², it is framed by Macquarie Street to the east, Albert Street to the north, Phillip Street to the west, and Bridge Street to the south.

This location boasts a rich historical backdrop, surrounded by iconic landmarks such as the rejuvenated Intercontinental Hotel (formerly the Treasury Building), the historic Transport House (formerly the Department of Roads, Transport, and Tramways building), and the Water Police Station and Water Police Courthouse buildings.

The expanse of The Royal Botanic Gardens is to the east while, in terms of accessibility, the site enjoys prime positioning. Circular Quay's integrated transportation hub, encompassing ferry, light rail, and train services, lies a mere 200m to the northwest. Meanwhile, multiple bus stops along Macquarie Street and Alfred Street further enhance connectivity.

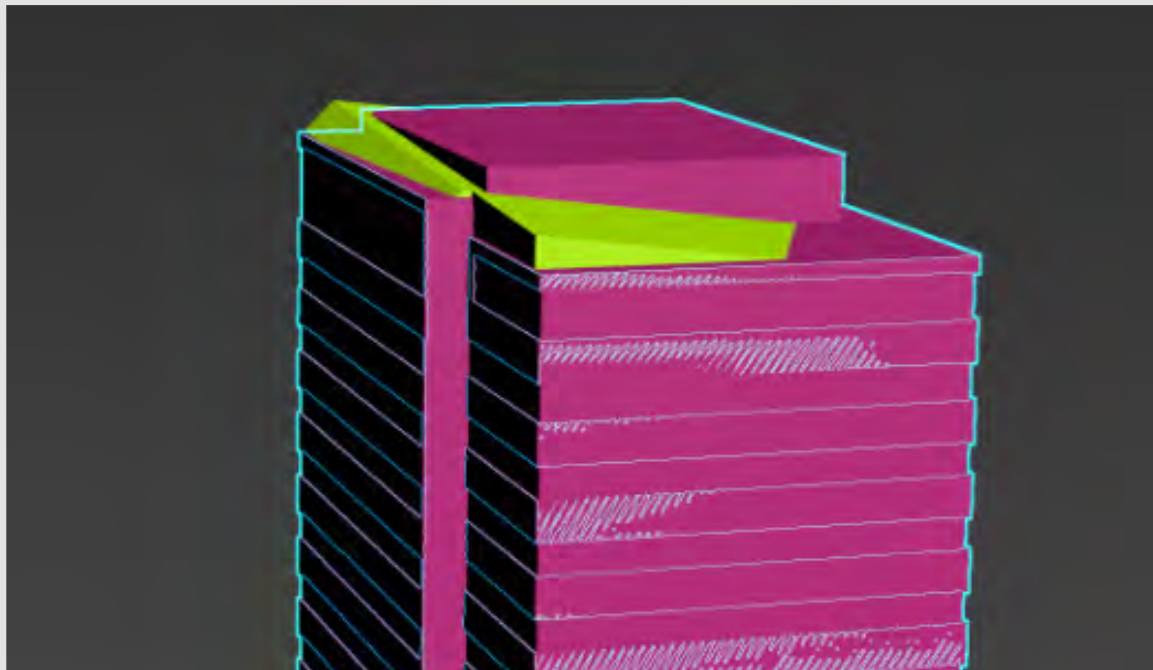


Figure 2 – Approved Envelope in green with proposed envelope in magenta

1.3. Proposed Land Use and Built Form

The DA seeks approval for the construction of a 13-storey, mixed-use development with commercial and retail uses at 93-97 Macquarie Street, Sydney NSW 2000.



Figure 3 – Elevations of the proposed design by BVN Architects.



Figure 4 – Typical floor plan of the proposed design by BVN Architects.

1.4. VIA Methodology

The methods used by Urbaine, for the generation of photomontaged images, showing the proposed development in photomontaged context are summarised in an article prepared for New Planner magazine in December 2018 and contained in Appendix B. A combination of the methods described were utilised in the preparation of the photomontaged views used in this visual impact assessment report, below.

1.5. Process for photomontaging:

Initially, a 5.3Gb LEICA point cloud survey of the site and surrounding buildings was provided by CMS Surveyors. The scan provided to Urbaine Group was on MGA-GDA2020 Truncated at E334000 N6251000 and down-sampled to 235 million points, capturing full detail of all relevant buildings. see figure 5b for an example of the detail level provided.

A detailed modelling matching the building envelope of the latest BVN Architects design and its associated interaction with the surrounding site (see Figure 4 for typical floor plan) was matched to the scene to known surveyed positions and the existing building

Virtual cameras were placed into the 3D model with the same mathematical known lenses and sensor sizes and characteristics to match various selected viewpoints, in both height, position and roll, pitch and yaw using a process of triangulation. The precision is verified by a high quality match to the physically accurate point cloud and surveyed positions of the existing building.

From these cameras, rendered views have been generated and photomontaged into the existing photos.

The final selection of images shows these stages, including the block montage of the original development application and concluding with an outline, indicating the potential visual impact and view loss. The images within the report are of a standard lens format, as are the views contained within Appendix A.

The Visual Impact Assessment includes detailed evaluation of views from several neighbouring properties at various levels, as described further below.



Figure 5a – LEICA Point cloud survey provided by CMS Surveyors

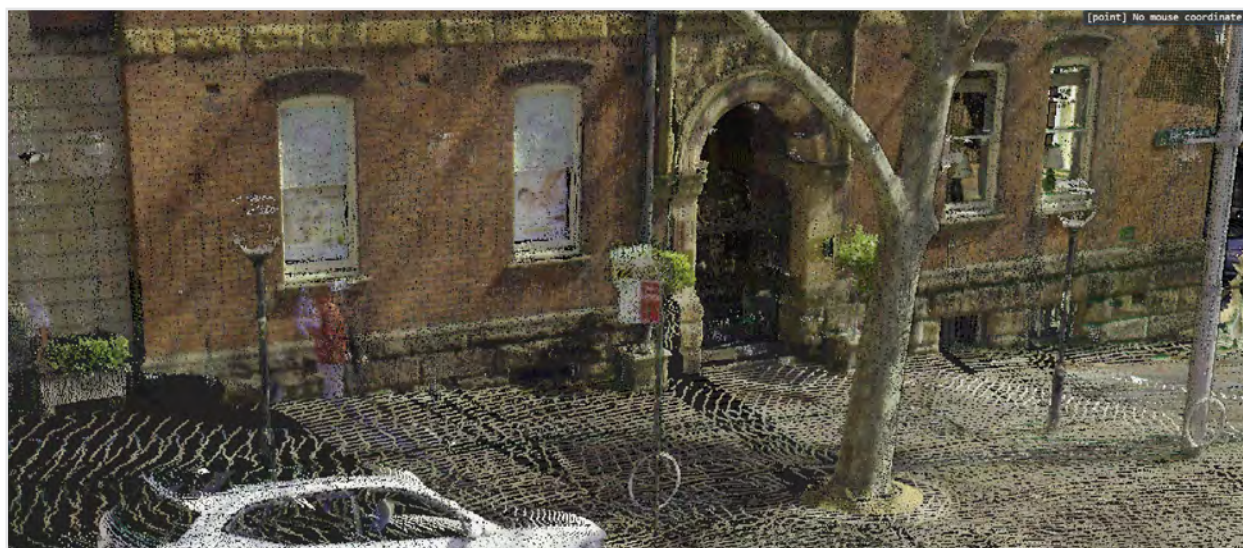


Figure 5b – Detailed LEICA point cloud provided by CMS Surveyors - Path, tree and front entrance of No.93, Macquarie St.

1.6. Process for Virtual Assessments of The Intercontinental

A wider area LIDAR model was incorporated into the scene to provide a further distance view and test photomontages were created to verify the accuracy of the alignment, see figure 6a and 6b. Virtual cameras were placed into the windows, 1m back from the glazing, 1.6m for the approximate floor level with a wider field of view, (102 degrees horizontal) approximating binocular stereopsis and window shape.

A total of 224 Virtual viewpoints from 24 floors x 7 windows can be viewed in the additional Appendix A

Images 6a and 6b demonstrate the various methods of photomontage preparation, including an actual photo from the neighbouring property, shown alongside the point-cloud rendered view, aligned for accuracy and the fully virtual view from the same location.



Figure 6a– Left: Photo from inside hotel from Room 01



Point Cloud render of local site montaged



Figure 6b – Left: Montage with wider LIDAR model



Montage with proposed model

1.6.1. Assessment Methodology

There are no set guidelines within Australia regarding the actual methodology for visual impact assessment, although there are a number of requirements defined by the Land and Environment Court (LEC) relating to the preparation of photomontages upon which an assessment can be based.

Where a proposal is likely to adversely affect views from either private or public land, Council will give consideration to the Land and Environment Court's Planning Principle for view sharing established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140. This Planning Principle establishes a four-step assessment to assist in deciding whether or not view sharing is reasonable:

- *Step 1: assessment of views to be affected.*
- *Step 2: consider from what part of the property the views are obtained.*
- *Step 3: assess the extent of the impact.*
- *Step 4: assess the reasonableness of the proposal that is causing the impact.*

However, there is no peer review system for determining the accuracy of the base material used for visual impact assessments. As a result, Urbaine Group provides a detailed description of its methodologies and the resultant accuracy verifiability – this is contained within Appendix A.

The methodology applied to the visual assessment of the current design proposal has been developed from consideration of the following key documents:

- *Environmental Impact Assessment Practice Note, Guideline for Landscape Character and Visual Impact Assessment (EIA-N04) NSW RMS (2013);*
- *Visual Landscape Planning in Western Australia, A Manual for Evaluation, Assessment, Siting and Design, Western Australia Planning Commission (2007);*
- *Guidelines for Landscape and Visual Impact Assessment, (Wilson, 2002);*

In order to assess the visual impact of the Design Proposal, it is necessary to identify a suitable scope of publicly accessible locations that may be impacted by it, evaluate the visual sensitivity of the Design Proposal to each location and determine the overall visual impact of the Design Proposal.

Accessible locations that feature a prominent, direct and mostly unobstructed line of sight to the Project are used to assess the visual impact of the Design Proposal. The impact to each location is then assessed by overlaying an accurate visualisation of the new design onto the base photography and interpreting the amount of view loss in each situation, together with potential opportunities for mitigation.

Views of high visual quality are those featuring a variety of natural environments/ landmark features, long range, distant views and with no, or minimal, disturbance as a result of human development or activity. Views of low visual quality are those featuring highly developed environments and short range, close distance views, with little or no natural features.

Visual sensitivity is evaluated through consideration of distance of the view location to the site boundary and also to proposed buildings on the site within the Design Proposal. Then, as an assessment of how the Design Proposal will impact on the particular viewpoint. Visual sensitivity provides the reference point to the potential visual impact of the Design Proposal to both the public and residents, located within, and near to the viewpoint locations.

For public viewing locations, the Planning Principle for Public domain views - Rose Bay Marina Pty Limited v Woollahra Municipal Council (2013) forms a means of assessment. The assessment process from this principle includes: Identification Stage:

Identify the nature and scope of the existing views from the public domain:

- *the nature and extent of any existing obstruction of the view*
- *relevant compositional elements of the view*
- *what might not be in the view - such as the absence of human structures in the outlook across a natural area*
- *is the change permanent or temporary.*

This is followed by identifying the locations in the public domain from which the potentially interrupted view is enjoyed and the extent of obstruction at each relevant location. The intensity of use of this locations is also to be recorded. Finally, the existence of any documents that identifies the importance of the view - ie. international, national, state or local heritage recognition is ascertained.

Analysis of impacts:

- *The analysis required of a particular development proposal's public domain view impact is both quantitative as well as qualitative.*
- *A quantitative evaluation of a view requires an assessment of the extent of the present view, the compositional elements within it and the extent to which the view will be obstructed by or have new elements inserted into it by the proposed development.*
- *In the absence of any planning document objective/aim, the fundamental quantitative question is whether the view that will remain after the development (if permitted) is still sufficient to understand and appreciate the nature of and attractive or significant elements within the presently unobstructed or partially obstructed view. If the view remaining (if the development were to be approved) will be sufficient to understand and appreciate the nature of the existing view, the fundamental quantitative question is likely to be satisfied.*
- *The outcome of a qualitative assessment will necessarily be subjective. However, although beauty is inevitably in the eye of the beholder, the framework for how an assessment is undertaken must be clearly articulated.*
- *Any qualitative assessment must set out the factors taken into account and the weight attached to them. Whilst minds may differ on outcomes of such an assessment, there should not be issues arising concerning the rigour of the process.*
- *As with Tenacity, a high value is to be placed on what may be regarded as iconic views (major landmarks or physical features such as land/water interfaces).*
- *Other factors to be considered in undertaking a qualitative assessment of a public domain view impact include:*
- *Is any significance attached to the view likely to be altered?*
- *If so, who or what organisation has attributed that significance and why have they done so?*
- *Is the present view regarded as desirable and would the change make it less so (and why)?*
- *Should any change to whether the view is a static or dynamic one be regarded as positive or negative and why?*
- *If the present view attracts the public to specific locations, why and how will that attraction be impacted?*
- *Is any present obstruction of the view so extensive as to render preservation of the existing view tokenistic?*
- *However, on the other hand, if the present obstruction of the view is extensive, does that which remains nonetheless warrant preservation (it may retain all or part of an iconic feature, for example)?*
- *If the change to the view is its alteration by the insertion of some new element(s), how does that alter the nature of the present view?*

The principles established by the Court from both cases have been integrated into the approach adopted for this

evaluation. In order to assess the visual impact of the Design Proposal, it is necessary to identify a suitable scope of publicly accessible locations that may be impacted by it, evaluate the visual sensitivity of the Design Proposal to each location and determine the overall visual impact of the Design Proposal. Accessible locations that feature a prominent, direct and mostly unobstructed line of sight to the Project are used to assess the visual impact of the Design Proposal. The impact to each location is then assessed by overlaying an accurate visualisation of the new design onto the base photography and interpreting the amount of view loss in each situation, together with potential opportunities for mitigation.

Views of high visual quality are those featuring a variety of natural environments/ landmark features, long range, distant views and with no, or minimal, disturbance as a result of human development or activity. Views of low visual quality are those featuring highly developed environments and short range, close distance views, with little or no natural features. Visual sensitivity is evaluated through consideration of distance of the view location to the site boundary and also to proposed buildings on the site within the Design Proposal. Then, as an assessment of how the Design Proposal will impact on the particular viewpoint. Visual sensitivity provides the reference point to the potential visual impact of the Design Proposal to both the public and residents, located within, and near to the viewpoint locations.

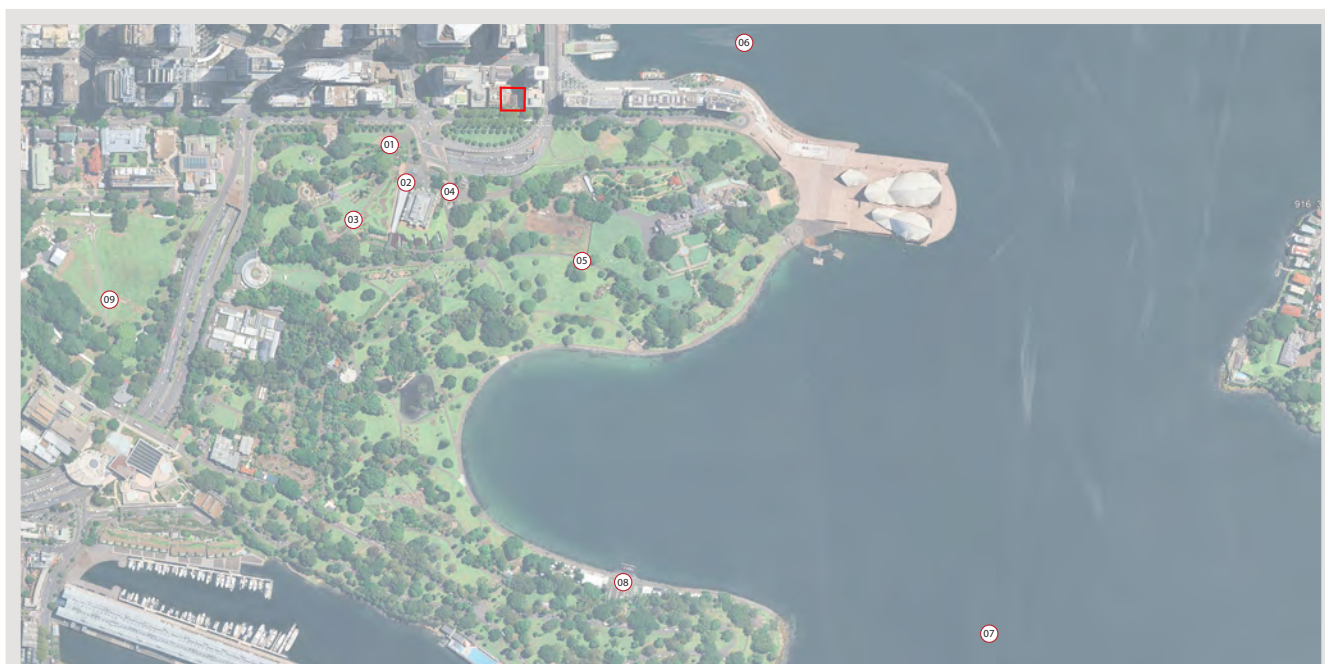
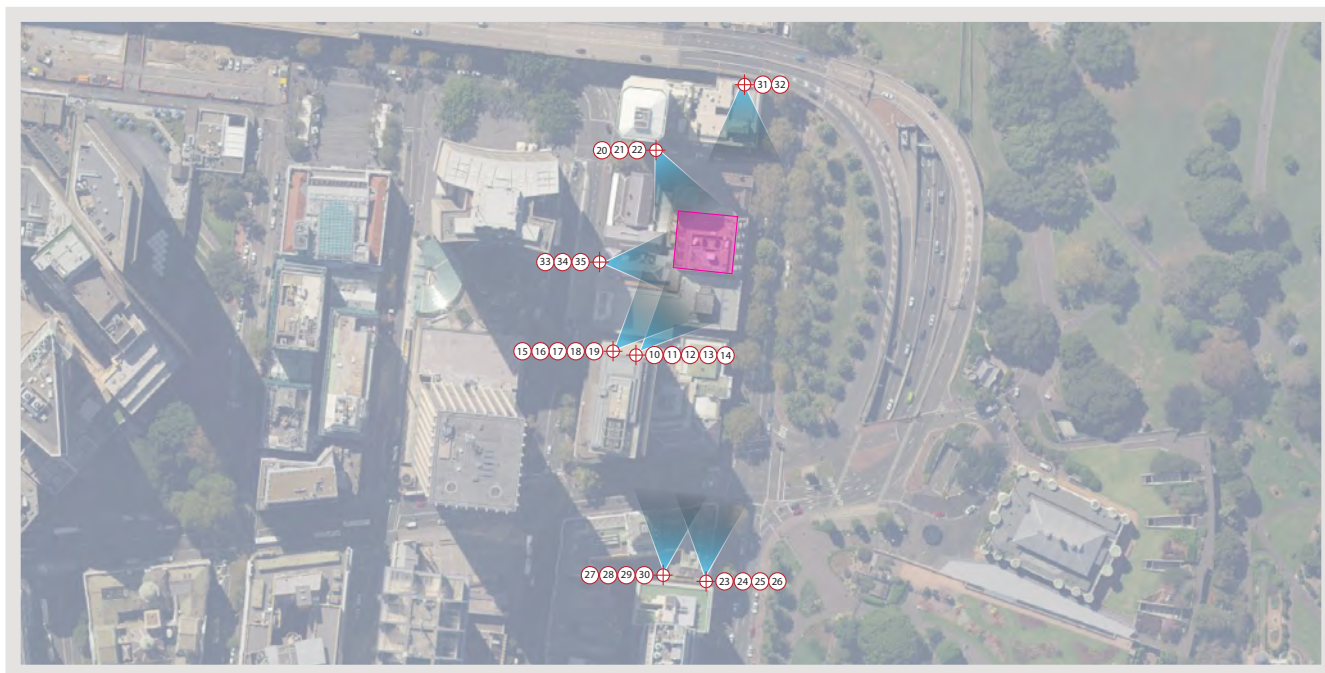


Figure 5: Selected private viewpoint locations for visual impact assessments with site outlined in red.

1.6.2. Site Inspections

A site inspection was undertaken to photograph the site and surrounding area to investigate:

- The topography and existing urban structure of the local area
- The streetscapes and houses most likely to be affected by the Proposal
- Important vistas and viewsheds
- Other major influences on local character and amenity

The map, see figure 5, indicates chosen locations for site photography.

1.6.3. Contextual Analysis:

An analysis was undertaken of the visual and statutory planning contexts relevant to the assessment of visual impacts in a Development Application.

1.6.4. Visual Impact Analysis:

The visual impacts of the proposed development were analysed in relation to the visual context and assessed for their likely impact upon the local area and upon specific residential properties.

1.6.5. Statutory Planning Assessment:

The results of the local view impact assessment are included in Section 3 of this report.

1.7. References

The following documentation and references informed the preparation of this report:

- Design Documentation
- The design drawings, 3D model and information relied upon for the preparations of this report were prepared by BVN Architects,
- Local point cloud provided by CMS Surveyors
- Wider LIDAR model provided by Aerometrix
- Photography by Urbaine Group
- Photo montages by Urbaine Group

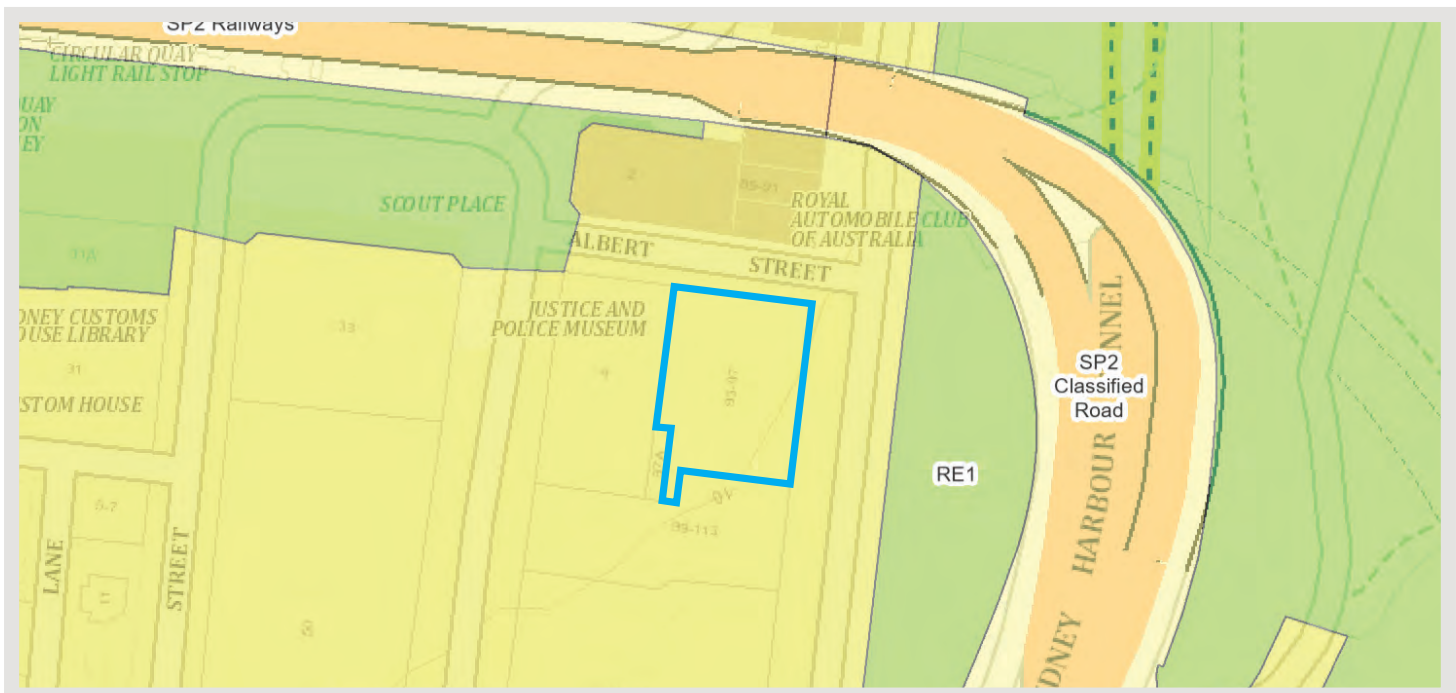


Figure 6: Land zoning map, indicating site with blue outline.

2. THE SITE AND THE VISUAL CONTEXT

Visual impacts occur within an existing visual context where they can affect its character and amenity. This section of the report describes the existing visual context and identifies its defining visual characteristics.

Defining the local area relevant to the visual assessment of a proposed development is subject to possible cognitive mapping considerations and statutory planning requirements. Notwithstanding these issues, the surrounding local area that may be affected by the visual impact of the proposed development is considered to be the area identified on in the topographical area map, Figure 7.

Although some individuals may experience the visual context from private properties with associated views, the general public primarily experiences the visual context from within the public realm where they form impressions in relation to its character and amenity. The public realm is generally considered to include the public roads, reserves, open spaces and public buildings.

The visual context is subject to “frames of reference” that structure the cognitive association of visual elements. The “local area” (as discussed above) provides one such frame of reference. Other “frames of reference” include the different contextual scales at which visual associations are established and influence the legibility, character and amenity of the urban environment. Within the scope of this report three contextual scales are considered relevant to the analysis of the visual context and the visual impact of the proposed development.

The ‘Street Context’ provides a frame of reference for reviewing the visual relationship of the new development (and in particular its facades) in relation to the adjoining pedestrian spaces and roads. Elements of the development within this frame of reference are experienced in relatively close proximity where, if compatible with the human scale they are more likely to facilitate positive visual engagement and contribute to the “activation” of adjoining pedestrian spaces.

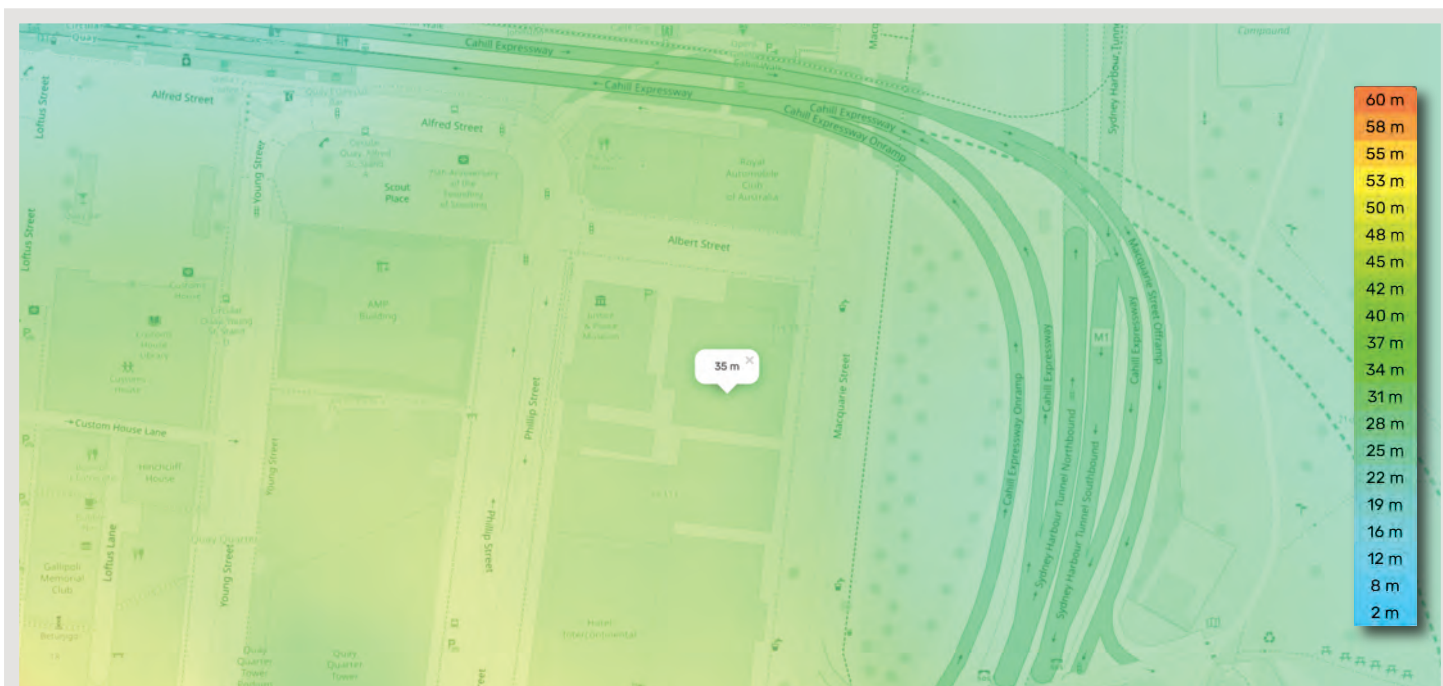


Figure 7: Subject area topographical map.

The ‘Neighbourhood Context’ provides a broader frame of reference that relates the appearance of the development as a whole to the appearance of other developments within the local area. As a frame of reference, it evolves from the understanding gained after experiencing the site context and the low density of development. Within this context the relative appearance, size and scale of different buildings are compared for their visual compatibility and contribution to a shared character from which a unique “sense of place” may emerge. This frame of reference involves the consideration of developments not necessarily available to view at the same time. It therefore has greater recourse to memory and the need to consider developments separated in time and space. The neighbourhood context is relevant to the visual ‘legibility’ of a development and its relationship to other developments, which informs the cognitive mapping of the local area to provide an understanding of its arrangement and functionality.

The 'Town / City Context' provides a frame of reference that relates the significance of key developments or neighbourhoods to the town as a whole. The contribution that distinctive neighbourhoods make (or may potentially make) to the image of the city can be affected by the visual impact of an individual development through its influence on the neighbourhood's character and legibility. Within this context, it is also important to be aware of other proposed developments in the area.

2.1. The Visual Context: Visual Features and Local Landmarks

Situated to the east of the site, across Macquarie Street, lies the Cahill Expressway and the Royal Botanic Gardens. Within the gardens, is the Sydney Conservatorium of Music and Government House, both characterised by their low-rise structures. Moving further south, along the eastern side of Macquarie Street, are various public and government institutions, including the State Library of NSW, NSW Parliament House, Sydney Hospital, The Mint, and Hyde Park Barracks.

On the western side of Macquarie Street, the built environment presents a contrast, with a mix of larger-scale developments, housing predominantly commercial offices with some residential, retail, and dining establishments. The structures range from three-storey commercial buildings to towers exceeding twenty stories in height.

To the north, across Albert Street, stands the six-story Royal Automobile Club of Australia and the residential 'The Quay' apartment building. Beyond them lies the Cahill Expressway and Circular Quay.

Directly north of the Cahill Expressway at 71-79 Macquarie Street, the Opera Residences development dominates the skyline. This recently completed twenty-storey mixed-use marvel houses 109 residential and serviced apartments, along with retail spaces. Just south of the site, sits the heritage-listed Transport House, a five-storey commercial building. Further south, the InterContinental Hotel is the dominant form, comprising the former Treasury Building, listed as an item of State Heritage significance, and a thirty-two-story tower with 509 guest rooms.

On the western side of the site, Phillip Street is lined with the State heritage-listed Justice and Police Museum. Across the street and high-rise commercial office towers, some currently under construction.

2.2. Streetscapes

The site is surrounded by several former government buildings including the former Treasury Building (now the Intercontinental Hotel), the former Department of Roads, Transport and Tramways building (Transport House) and the former Water Police Station and Water Police Courthouse buildings. There are a number of recreational opportunities within close proximity of the site including The Royal Botanic Gardens (directly east), Mrs Macquarie's Chair, Andrew (Boy) Charlton Pool, and Sydney Opera House as well as cafés, bars, and restaurants in Circular Quay.

2.3. The selected view locations for the local view analysis

As a result of the site's topography, the visual impact is primarily relevant from the residential and commercial properties surrounding the subject site, particularly to the south and also from the gaps between various buildings, observed from the street. The properties on the southern and western boundaries of the site have the greatest potential for negative visual impact, being orientated towards the harbour and opera House.

A large number of site photos were taken and a smaller number of local views selected from these, relevant for the public and private viewing locations, as described above. These are a mixture of static viewpoints, namely, fixed locations, as opposed to locations where viewing from a vehicle may be more likely – dynamic.

The selected photos are intended to allow consideration of the visual and urban impact of the new development at both an individual and local level. They incorporate private viewing locations from properties to the north of the subject site, where the new proposal falls within direct line of sight and impacts on the neighbouring views and light access.

2.4. Context of View

The context of the view relates to where the proposed development is being viewed from. The context is different if viewed from a neighbouring building, or garden, as is the case here, where views can be considered for an extended period of time, as opposed to a glimpse obtained from a moving vehicle.

2.5. Extent of View

The extent to which various components of a development would be visible is critical. For example, if the visibility assessment is of a multi-storey development proposal in a low-density context of 2 to 3 storey buildings, it would be considered to have a significant local scale visual impact, whereas if a development proposal is located in an area of a CBD containing buildings of a similar scale and height, it may be considered to have a lower scale visual impact.

The capacity of the landscape to absorb the development is to be ranked as high, medium or low, with a low ranking representing the highest visual impact upon the scenic environmental quality of the specific locality, since there is little capacity to absorb the visual impact within the landscape.

3. VISUAL IMPACT OF THE PROPOSED DEVELOPMENT

3.1. Visual Impact Assessments viewpoint locations

Visual Impact Assessments from 32 photographic viewpoint locations and 224 Virtual viewpoints (24 Floors x 7 Windows)

3.1.1. Method of Assessment

In order to allow a quantitative assessment of the visual impact locations where view impact and view loss, a Canon EOS Full Frame Digital Camera with fixed focal length 24mm lens was used to take all viewpoint photos, at an eye level of 1600mm. Where access was not possible a micro drone with a 35mm format equivalent lens of 24mm was used with a horizontal field of view of 73.7degrees. For the virtual assessment a virtual camera with a 16mm lens equivalent was used to provide a wider viewpoint of 102 degrees

The photos include location descriptions, to be read in conjunction with the site map, contained in Appendix A. Additionally, information is supplied as to the distance from the site boundary for each location and the distance to the closest built form is provided in Section 3.1.2 below.

To assess the visual impact, there are 2 relevant aspects - view loss of actual substance (landscape, middle and distance view elements etc.) and also direct sky view loss. To a large extent, the value associated with a view is subjective, although a range of relative values can be assigned to assist with comparing views. Figure 8 is a scale of values from 0 to 15, used to allow a numeric value to be given to a particular view, for the purposes of comparison.

On the same table are a series of values, from zero to 15, that reflect the amount of visual impact.

The second means of assessment relates to assigning a qualitative value to the existing view, based on criteria of visual quality defined in the table – see figure 9.

The % visual content is then assessed, together with a visual assessment of the new development's ability to blend into the existing surroundings.

TENACITY / SCALE / VALUE		VISUAL IMPACT		VISUAL QUALITY	
NIL	0	NEGLECTIBLE	No negative impact on the pre-existing visual quality of the view	N/A	
	1	LOW	A minor negative impact on the pre-existing visual quality of the view Examples: minor impact on natural landscapes no impact on iconic views impact on small number of receivers significant distance between the development and receiver	Predominant presence of low quality man made features	
NEGLECTIBLE	2			Minimal views of natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc.)	
	3			Uniformity of land forms	
	4				
MINOR	5	MEDIUM	A medium negative impact on the pre-existing visual quality of the view Examples: moderate impact on iconic views or natural landscapes impact on moderate number of receivers located nearby the receiver	Presence of some natural features mixed with manmade features	
	6			Some views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc.)	
	7				
MODERATE	8				
	9				
	10	HIGH	A high negative impact on the pre-existing visual quality of a view Examples: loss of iconic view impact on significant number of receivers overshadowing effect directly adjacent the receiver	Predominantly natural features	
SEVERE	11			Minimal manmade features, however if present of a high architectural standard	
	12			Significant views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc.)	
	13			Presence of iconic regional views of landmark features	
DEVASTATING	14				
	15				

Figure 8: Urbaine Group Assessment Table

3.1.2. Assessment at selected viewpoints

VIEWPOINT 01



Existing site photo - Sydney Conservatorium of Music

From standing position on the upper terrace
RL +24.23m, Distance to boundary - 157.78m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.1: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 78%

Visual impact ratio - view loss (including buildings) : sky view loss: 69% : 31%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 4 / 15

This is a static and dynamic, public viewpoint at the entry forecourt to the Sydney Conservatorium of Music, looking towards the subject site in a northeasterly direction. The view is across the road junction between Bridge Street and Macquarie Street, with landscaping and palm trees lining these roads. The Intercontinental Hotel is seen to the south of the subject site, with the residential apartment building at No.2, Phillip Street seen to the west. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Royal Automobile Club of Australia to the north of the subject site. Further to the northwest, a significant area of the harbour bridge arch is also observed.

The view loss and visual impact, in the context of available views from this location, would be considered Minor under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the buildings and sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel.

LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

Value of view: Medium.

View location: Public - pavement

Extent of impact: Minor

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a public pavement), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 02



Existing site photo - Royal Botanical Gardens entrance Macquarie St

From standing position on the upper terrace
RL +28.22m, Distance to boundary - 153.73m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.2: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 83%

Visual impact ratio - view loss (including buildings) : sky view loss: 88% : 12%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 4 / 15

This is a static and dynamic, public viewpoint, approximately 45m to the southeast of the main, northwestern entry gate to the Royal Botanic Gardens, Beyond the gates, the view is across the road junction between Bridge Street and Macquarie Street, with landscaping and palm trees lining these roads and the edge of the park. The Intercontinental Hotel is seen to the south of the subject site, with the residential apartment building at No.2, Phillip Street seen to the northwest. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Royal Automobile Club of Australia to the north of the subject site. Beyond these, a small area of the harbour bridge arch is also observed.

The view loss and visual impact, in the context of available views from this location, would be considered Minor under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the buildings and sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel.

LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

Value of view: Medium-to-High

View location: Public - park footpath

Extent of impact: Minor.

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a public park), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 03



Existing site photo - Royal Botanical Garden - near rose garden

From standing position on the upper terrace
RL +26.89m, Distance to boundary - 255.89m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.3: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 77%

Visual impact ratio - view loss (including buildings) : sky view loss: 42% : 58%

Existing Visual Quality Scale no: 10 /15 Visual Impact Assessment Scale no: 6 / 15

This is a static and dynamic, public viewpoint, approximately 117m to the east-southeast of the main, northwestern entry gate to the Royal Botanic Gardens, Beyond the gates, the view is across the road junction between Bridge Street and Macquarie Street, with landscaping and palm trees lining these roads and the edge of the park. The Intercontinental Hotel is seen to the south of the subject site, with the new AMP tower at Quay Quarter beyond this. The residential apartment building at No.2, Phillip Street seen to the northwest of this location. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Royal Automobile Club of Australia to the north of the subject site. Beyond these, a moderate area of the harbour bridge arch is also observed.

The view loss and visual impact, in the context of available views from this location, would be considered Minor-to-Moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the buildings and sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel.

LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

Value of view: Medium-to-High

View location: Public - park footpath

Extent of impact: Minor-to-Moderate

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a public park), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 04



Existing site photo - Royal Botanical Garden, Conservatorium Rd

From standing position on the upper terrace
RL +22.67m, Distance to boundary - 132.90m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.4: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 92%

Visual impact ratio - view loss (including buildings) : sky view loss: 41% : 59%

Existing Visual Quality Scale no: 7 /15 Visual Impact Assessment Scale no: 6 / 15

This is a static and dynamic, public viewpoint at the northern end of Conservatorium road and adjoining the Royal Botanic Gardens gateway building. The view is across the road junction between Bridge Street and the slipway off the Cahill Expressway, with landscaping and palm trees lining these roads. The Intercontinental Hotel is seen to the south of the subject site, with the residential apartment building at No.2, Phillip Street seen to the west. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Royal Automobile Club of Australia to the north of the subject site.

The view loss and visual impact, in the context of available views from this location, would be considered Minor-to-Moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel.

LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

Value of view: Medium

View location: Public - pavement

Extent of impact: Minor-to-Moderate

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a public pavement), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 05



Existing site photo - Royal Botanical Garden, near Government House

From standing position on the upper terrace
RL +14.47m, Distance to boundary - 256.22m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.5: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 39%

Visual impact ratio - view loss (including buildings) : sky view loss: 96% : 4%

Existing Visual Quality Scale no: 10 /15 Visual Impact Assessment Scale no: 3 / 15

This is a static and dynamic, public viewpoint from within the Royal Botanic Gardens, approximately 247m to the east-northeast of the subject site. The view is across the open parkland, towards the trees bordering the access road to Government House. The Intercontinental Hotel is seen to the south of the subject site, with the new AMP tower at Quay Quarter beyond this. To the north of the site, the apartment tower above the Royal Automobile Club of Australia rises above the treeline, with the residential apartments along east circular Quay to the north of this. There is an array of commercial buildings beyond the subject site to the west and to the south, with the park trees terminating the view extents to the north.

The view loss and visual impact, in the context of available views from this location, would be considered Negligible under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the buildings above the roof of the existing building on the subject site, the Sir Stamford Hotel.

LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

Value of view: High

View location: Public - park footpath

Extent of impact: Negligible

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.



Existing site photo - Circular Quay from Manly ferry

From standing position on the upper terrace
RL +3.45m, Distance to boundary - 345.16m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.6: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 68%

Visual impact ratio - view loss (including buildings) : sky view loss: 91% : 9%

Existing Visual Quality Scale no: 10 /15 Visual Impact Assessment Scale no: 5 / 15

This is a static and dynamic, public view from the Manly ferry, on its approach into the Circular Quay wharf. To the east, the residential flat buildings, are seen along the eastern edge of the quay, with the subject site observed between these and the RAC Apartment building, to the south-southeast. From here, to the west of the site, the CBD towers rise in height progressively, with the lower structures of Customs House, the Cahill Expressway and Circular Quay station to the north of these.

The view loss and visual impact, in the context of available views from this location, would be considered Minor-to-Moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel.

LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

Value of view: High

View location: Private - ferry deck

Extent of impact: Minor-to-Moderate

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a ferry within Circular Quay), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 07



Existing site photo - Sydney Harbour from Manly ferry

From standing position on the main deck
RL +3.48m, Distance to boundary - 1107.06m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.7: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 78%

Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%

Existing Visual Quality Scale no: 13 /15 Visual Impact Assessment Scale no: 3 / 15

This is a dynamic public viewpoint from the Manly ferry, looking west-southwest towards the Sydney CBD and the subject site. Almost the entirety of the Sydney CBD is observed, with Bennelong Point and the Sydney Opera House at the northern point and the ramp to the harbour bridge beyond this, to the west. The lower levels of the CBD are obscured by the dense treeline of the Royal Botanic Gardens. In the foreground of the view is the water of Sydney Cove and Farm Cove. The Intercontinental Hotel is seen to the south of the subject site, with the new AMP tower at Quay Quarter beyond this. To the north of the site, the apartment tower above the Royal Automobile Club of Australia rises above the treeline, with the residential apartments along east circular Quay to the north of this.

The view loss and visual impact, in the context of available views from this location, would be considered Negligible under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the buildings to the west and above the roof of the existing building on the subject site, the Sir Stamford Hotel.

LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

Value of view: High

View location: Public - ferry deck

Extent of impact: Negligible

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a moving ferry on the harbour), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern and northwestern corners of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 08



Existing site photo - Royal Botanical Garden, Fleet Steps

From standing position on the promenade
RL +3.83m, Distance to boundary - 752.86m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.8: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 64%

Visual impact ratio - view loss (including buildings) : sky view loss: 100% : 0%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 3 / 15

This is a static and dynamic public viewpoint from the waterfront walking path that wraps around Mrs McQuaries Point and Farm Cove. A significant portion of the northern end of the Sydney CBD is observed, with the start of Bennelong Point at the northern point. The lower levels of the CBD are obscured by the dense treeline of the Royal Botanic Gardens. In the foreground of the view is the water of Farm Cove. The Intercontinental Hotel is seen to the south of the subject site, with the new AMP tower at Quay Quarter beyond this. To the north of the site, the apartment tower above the Royal Automobile Club of Australia rises above the treeline, with the residential apartments along east circular Quay to the north of this.

The view loss and visual impact, in the context of available views from this location, would be considered Negligible under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the buildings to the west and above the roof of the existing building on the subject site, the Sir Stamford Hotel.

LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

Value of view: High

View location: Public - park footpath around harbour

Extent of impact: Negligible

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a walkway within a public park), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern and northwestern corners of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 09



Existing site photo - The Domain - Phillip Precinct

From standing position on the path
RL +24.41m, Distance to boundary - 648.47m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.9: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 7%

Visual impact ratio - view loss (including buildings) : sky view loss: 59% : 41%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 1 / 15

This is a static and dynamic, public viewpoint from the large, grassed park area, within the Royal Botanic Gardens, approximately 665m to the east-southeast of the subject site. The view is across the open parkland, towards the trees bordering the Cahill Expressway. The Intercontinental Hotel is seen to the south of the subject site, with the new AMP tower at Quay Quarter beyond this. Further south, the commercial towers of the eastern edge of the CBD increase in elevation from north to south.

The view loss and visual impact, in the context of available views from this location, would be considered Negligible under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, with the new proposal significantly screened by the foreground trees.

LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

Value of view: Medium-to-High

View location: Public - park footpath

Extent of impact: Negligible

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a public park), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corners of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 10



Approximate site photo - InterContinental Hotel

From approximate standing position
RL +46.89m, Distance to boundary - 14.87m

Camera - Micro drone
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.10: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 71%

Visual impact ratio - view loss (including buildings) : sky view loss: 49% : 51%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 8/ 15

This is a static, private viewpoint from the northeast corner suite of the Intercontinental Hotel. The view is in a north-northeasterly direction across the subject site in the foreground. In the immediate foreground, part of the plantroom structure on the roof of the commercial building at Nos.99-113, Macquarie Street screens a portion of the Royal Botanic Gardens. To the west, the corner of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay. A small portion of Sydney Cove is observed, with the foreshore of Kirribilli in the distance. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Sir Stamford Hotel on the subject site. To the east, the northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove, Fort Denison, Athol Bay and Bradleys Head foreshore in the far distance.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured..

There is a small amount of view gain at the southeastern corner of the site, which results in additional water and Royal Botanic Garden views.

Tenacity Assessment Summary:

Value of view: Medium-to-High

View location: Private (hotel)

Extent of impact: Moderate

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 11



Approximate site photo - InterContinental Hotel

From approximate standing position
RL +50.28m, Distance to boundary - 14.85m

Camera - Micro drone
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.11: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 74%

Visual impact ratio - view loss (including buildings) : sky view loss: 49% : 51%

Existing Visual Quality Scale no: 11 / 15 Visual Impact Assessment Scale no: 11 / 15

This is a static, private viewpoint from the northeast corner suite of the Intercontinental Hotel. The view is in a north-northeasterly direction across the subject site in the foreground. In the immediate foreground, part of the plantroom structure on the roof of the commercial building at Nos.99-113, Macquarie Street screens a portion of the Royal Botanic Gardens. To the west, the corner of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay. A small portion of Sydney Cove is observed, with the foreshore of Kirribilli in the distance. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Sir Stamford Hotel on the subject site. From here, the upper section of the eastern Opera House sail is observed and the distant foreshore of Cremorne Point. To the east, the northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove, Fort Denison, Athol Bay and Bradleys Head foreshore in the far distance.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured.

There is a small amount of view gain at the southeastern corner of the site, which results in additional water and Royal Botanic Garden views.

Tenacity Assessment Summary:

Value of view: High

View location: Private (hotel)

Extent of impact: Severe

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 12



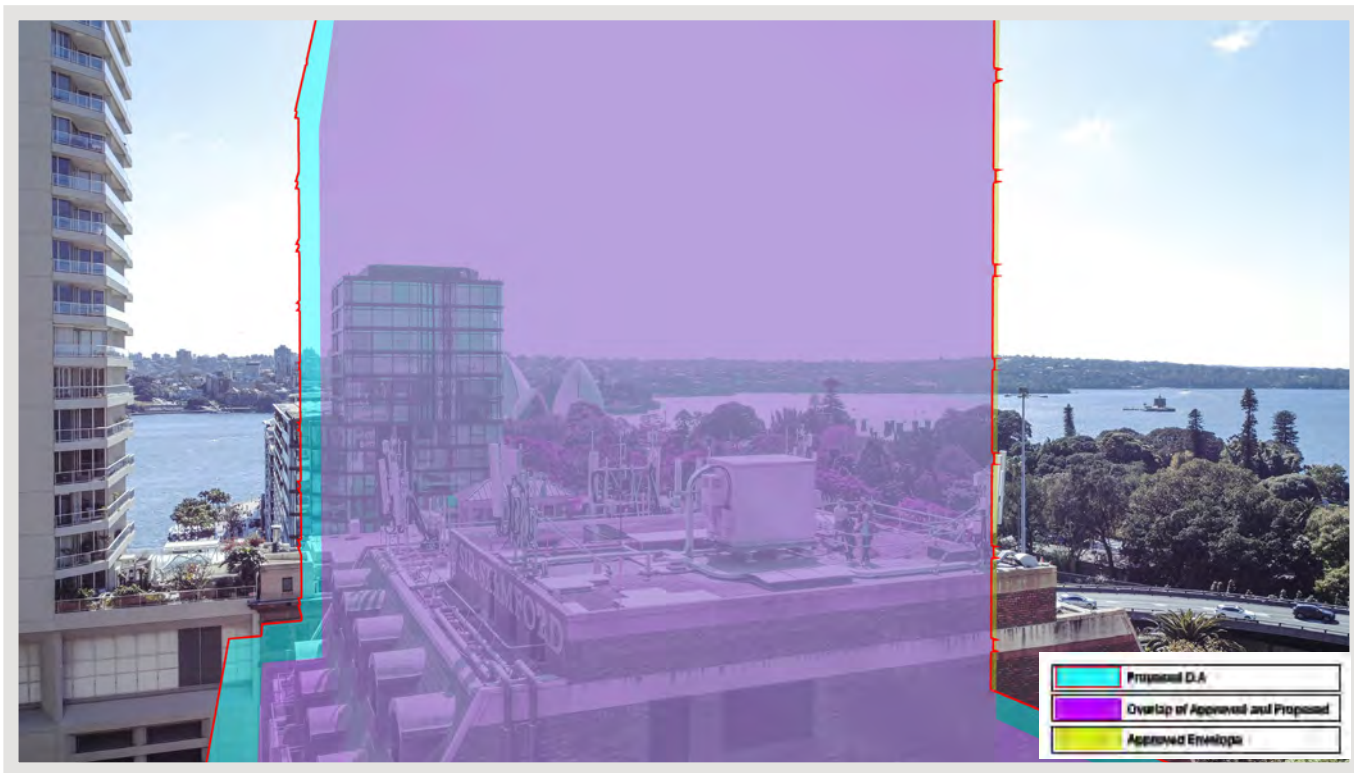
Approximate site photo - InterContinental Hotel

From approximate standing position
RL +53.17m, Distance to boundary - 15.82m

Camera - Micro drone
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.12: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 81%

Visual impact ratio - view loss (including buildings) : sky view loss: 49% : 51%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 12 / 15

This is a static, private viewpoint from the northeast corner suite of the Intercontinental Hotel. The view is in a north-northeasterly direction across the subject site in the foreground. In the immediate foreground, part of the plantroom structure on the roof of the commercial building at Nos.99-113, Macquarie Street screens a portion of the Royal Botanic Gardens. To the west, the corner of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay. A small portion of Sydney Cove is observed, with the foreshore of Kirribilli in the distance. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Sir Stamford Hotel on the subject site. From here, the upper sections of the Opera House sails are observed and the distant foreshores of Kirribilli, Kurraba and Cremorne Points. To the east, the Cahill Expressway and northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove, Fort Denison, Athol Bay and Bradleys Head foreshore in the far distance.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured.

There is a small amount of view gain at the southeastern corner of the site, which results in additional water and Royal Botanic Garden views.

Tenacity Assessment Summary:

Value of view: High

View location: Private (hotel)

Extent of impact: Severe

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 13



Approximate site photo - InterContinental Hotel

From approximate standing position
RL +56.06m, Distance to boundary - 16.06m

Camera - Micro drone
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.13: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 81%

Visual impact ratio - view loss (including buildings) : sky view loss: 49% : 51%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 12 / 15

This is a static, private viewpoint from the northeast corner suite of the Intercontinental Hotel. The view is in a north-northeasterly direction across the subject site in the foreground. In the immediate foreground, part of the plantroom structure on the roof of the commercial building at Nos.99-113, Macquarie Street screens a portion of the Royal Botanic Gardens. To the west, the corner of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay. A small portion of Sydney Cove is observed, with the foreshore of Kirribilli in the distance. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Sir Stamford Hotel on the subject site. From here, the upper sections of the Opera House sails are observed and the distant foreshores of Kirribilli, Kurraba and Cremorne Points. To the east, the Cahill Expressway and northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove, Fort Denison, Athol Bay and Bradleys Head foreshore in the far distance.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured.

There is a small amount of view gain at the southeastern corner of the site, which results in additional water and Royal Botanic Garden views.

Tenacity Assessment Summary:

Value of view: High

View location: Private (hotel)

Extent of impact: Severe

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 14



Approximate site photo - InterContinental Hotel

From approximate standing position
RL +58.08m, Distance to boundary - 16.06m

Camera - Micro drone
Lens - 24mm



Photomontage of Proposal



Photomontage, shown within panoramic context photograph

Viewpoint No.14: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 81%

Visual impact ratio - view loss (including buildings) : sky view loss: 49% : 51%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 12 / 15

This is a static, private viewpoint from the northeast corner suite of the Intercontinental Hotel. The view is in a north-northeasterly direction across the subject site in the foreground. In the immediate foreground, part of the plantroom structure on the roof of the commercial building at Nos.99-113, Macquarie Street screens a portion of the Royal Botanic Gardens. To the west, the corner of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay. A small portion of Sydney Cove is observed, with the foreshore of Kirribilli in the distance. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Sir Stamford Hotel on the subject site. From here, the upper sections of the Opera House sails are observed and the distant foreshores of Kirribilli, Kurraba and Cremorne Points. To the east, the Cahill Expressway and northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove, Fort Denison, Athol Bay and Bradleys Head foreshore in the far distance.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured. There is a small amount of view gain at the southeastern corner of the site, which results in additional water and Royal Botanic Garden views.

Tenacity Assessment Summary:

Value of view: High

View location: Private (hotel)

Extent of impact: Severe

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 15



Approximate site photo - InterContinental Hotel

From approximate standing position
RL +46.94m, Distance to boundary - 30.08m

Camera - Micro drone
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.15: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 91%

Visual impact ratio - view loss (including buildings) : sky view loss: 46% : 54%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 8/ 15

This is a static, private viewpoint from the northwest corner suite of the Intercontinental Hotel. The view is in a northeasterly direction across the subject site in the foreground. In the immediate foreground, part of the plantroom structure on the roof of the commercial building at Nos.99-113, Macquarie Street screens a portion of the Royal Botanic Gardens. To the west, the corner of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Royal Automobile Club of Australia to the north of the subject site. To the east, the northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove, Mrs Macquaries Point and Bradleys Head foreshore in the far distance.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured.

There is a small amount of view gain at the southeastern corner of the site, which results in additional water and Royal Botanic Garden views.

Tenacity Assessment Summary:

Value of view: High

View location: Private (hotel)

Extent of impact: Moderate

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 16



Approximate site photo - InterContinental Hotel

From approximate standing position
RL +50.10m, Distance to boundary - 30.27m

Camera - Micro drone
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.16: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 91%

Visual impact ratio - view loss (including buildings) : sky view loss: 46% : 54%

Existing Visual Quality Scale no: 10 /15 Visual Impact Assessment Scale no: 10 / 15

This is a static, private viewpoint from the northwest corner suite of the Intercontinental Hotel. The view is in a northeasterly direction across the subject site in the foreground. In the immediate foreground, part of the plantroom structure on the roof of the commercial building at Nos.99-113, Macquarie Street screens a portion of the Royal Botanic Gardens. To the west, the corner of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Royal Automobile Club of Australia to the north of the subject site. To the east, the northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove, Mrs Macquaries Point and Bradleys Head foreshore in the far distance. Beyond this, the outer eastern suburbs are glimpsed.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured. There is a small amount of view gain at the southeastern corner of the site, which results in additional water and Royal Botanic Garden views.

Tenacity Assessment Summary:

Value of view: High

View location: Private (hotel)

Extent of impact: Moderate-to-Severe.

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed develop-

VIEWPOINT 17



Approximate site photo - InterContinental Hotel

From approximate standing position
RL +53.04m, Distance to boundary - 31.25m

Camera - Micro drone
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.17: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 94%

Visual impact ratio - view loss (including buildings) : sky view loss: 44% : 56%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 11 / 15

This is a static, private viewpoint from the northwest corner suite of the Intercontinental Hotel. The view is in a northeasterly direction across the subject site in the foreground. In the immediate foreground, part of the plantroom structure on the roof of the commercial building at Nos.99-113, Macquarie Street screens a portion of the Royal Botanic Gardens. To the west, the corner of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Royal Automobile Club of Australia to the north of the subject site. To the east, the northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove, Mrs Macquaries Point and Bradleys Head foreshore in the far distance. Beyond this, the outer eastern suburbs are glimpsed.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured. There is a small amount of view gain at the southeastern corner of the site, which results in additional water and Royal Botanic Garden views.

Tenacity Assessment Summary:

Value of view: High

View location: Private (hotel)

Extent of impact: Severe.

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 18



Approximate site photo - InterContinental Hotel

From approximate standing position
RL +55.97m, Distance to boundary - 32.20m

Camera - Micro drone
Lens - 24mm



Photomontage of Proposal



Photomontage, shown within panoramic context photograph

Viewpoint No.18: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 94%

Visual impact ratio - view loss (including buildings) : sky view loss: 44% : 56%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 11 / 15

This is a static, private viewpoint from the northwest corner suite of the Intercontinental Hotel. The view is in a northeasterly direction across the subject site in the foreground. In the immediate foreground, part of the plantroom structure on the roof of the commercial building at Nos.99-113, Macquarie Street screens a portion of the Royal Botanic Gardens. To the west, the corner of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Royal Automobile Club of Australia to the north of the subject site. To the east, the northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove, Mrs Macquaries Point and Bradleys Head foreshore in the far distance. Beyond this, the outer eastern suburbs are glimpsed.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured. There is a small amount of view gain at the southeastern corner of the site, which results in additional water and Royal Botanic Garden views.

Tenacity Assessment Summary:

Value of view: High

View location: Private (hotel)

Extent of impact: Severe.

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 19



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +59.21m, Distance to boundary - 32.30m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Photomontage, shown within panoramic context photograph

Viewpoint No.19: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 94%

Visual impact ratio - view loss (including buildings) : sky view loss: 44% : 56%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 12 / 15

This is a static, private viewpoint from the northwest corner suite of the Intercontinental Hotel. The view is in a northeasterly direction across the subject site in the foreground. In the immediate foreground, part of the plantroom structure on the roof of the commercial building at Nos.99-113, Macquarie Street screens a portion of the Royal Botanic Gardens. To the west, the corner of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay. The residential apartment buildings along the eastern side of Sydney Cove can be seen above the roof of the Royal Automobile Club of Australia to the north of the subject site. To the east, the northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove, Mrs Macquaries Point and Bradleys Head foreshore in the far distance. Beyond this, the outer eastern suburbs are glimpsed.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured. There is a small amount of view gain at the southeastern corner of the site, which results in additional water and Royal Botanic Garden views.

Tenacity Assessment Summary:

Value of view: High

View location: Private (hotel)

Extent of impact: Severe.

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 20



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +52.68m, Distance to boundary - 13.68m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Viewpoint No.20: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 86%

Visual impact ratio - view loss (including buildings) : sky view loss:56% : 44%

Existing Visual Quality Scale no: 7 /15 Visual Impact Assessment Scale no: 7 / 15

This is a static, private viewpoint from the southeast corner apartment of the residential apartment building at No.2, Phillip Street. The view is in a south-southeasterly direction across Albert Street and the subject site in the foreground. Behind this, is Macquarie Street and the Sydney Conservatorium of Music and Royal Botanic Gardens. To the east, the towers of the residential apartment buildings at Kings Cross and Darlinghurst can be seen, and from there the towers along William St to the southeast. To the south, the buildings along Macquarie Street are observed, including the Astor apartment building at nos.123-125, Macquarie St and the Colonial Secretary building at no.121, Macquarie Street and Bridge Street. To the east of these, the tower of the Intercontinental Hotel bounds the existing view.

The view loss and visual impact, in the context of available views from this location, would be considered moderate-to-severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A portion of the Royal Botanic Gardens and distant eastern suburbs views are also impacted.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: Medium-High

View location: Private

Extent of impact: Moderate-to-Severe

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the Furlong v Northern Beaches Council [2022] NSWLEC 1208 judgement. Since extensive views are uncompromised, this should be considered alongside the assessment of the visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 21



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +55.68m, Distance to boundary - 14.00m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.21: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 77%

Visual impact ratio - view loss (including buildings) : sky view loss:61% : 39%

Existing Visual Quality Scale no:9 /15 Visual Impact Assessment Scale no: 10 / 15

This is a static, private viewpoint from the southeast corner apartment of the residential apartment building at No.2, Phillip Street. The view is in a south-southeasterly direction across Albert Street and the subject site in the foreground. Behind this, is Macquarie Street and the Sydney Conservatorium of Music and a significant view of the Royal Botanic Gardens. To the east, the towers of the residential apartment buildings at Kings Cross and Darlinghurst can be seen, and from there the towers along William St to the southeast. To the south, the buildings along Macquarie Street are observed, including the Astor apartment building at nos.123-125, Macquarie St and the Colonial Secretary building at no.121, Macquarie Street and Bridge Street. To the east of these, the tower of the Intercontinental Hotel bounds the existing view.

The view loss and visual impact, in the context of available views from this location, would be considered severe under the assessment guidelines of the *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 judgement, being partly of the sky view, but with a significant portion of the Royal Botanic Gardens and distant eastern suburbs views also being impacted.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Severe

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the *Furlong v Northern Beaches Council* [2022] NSWLEC 1208 judgement. Since extensive views are uncompromised, this should be considered alongside the assessment of the visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 22



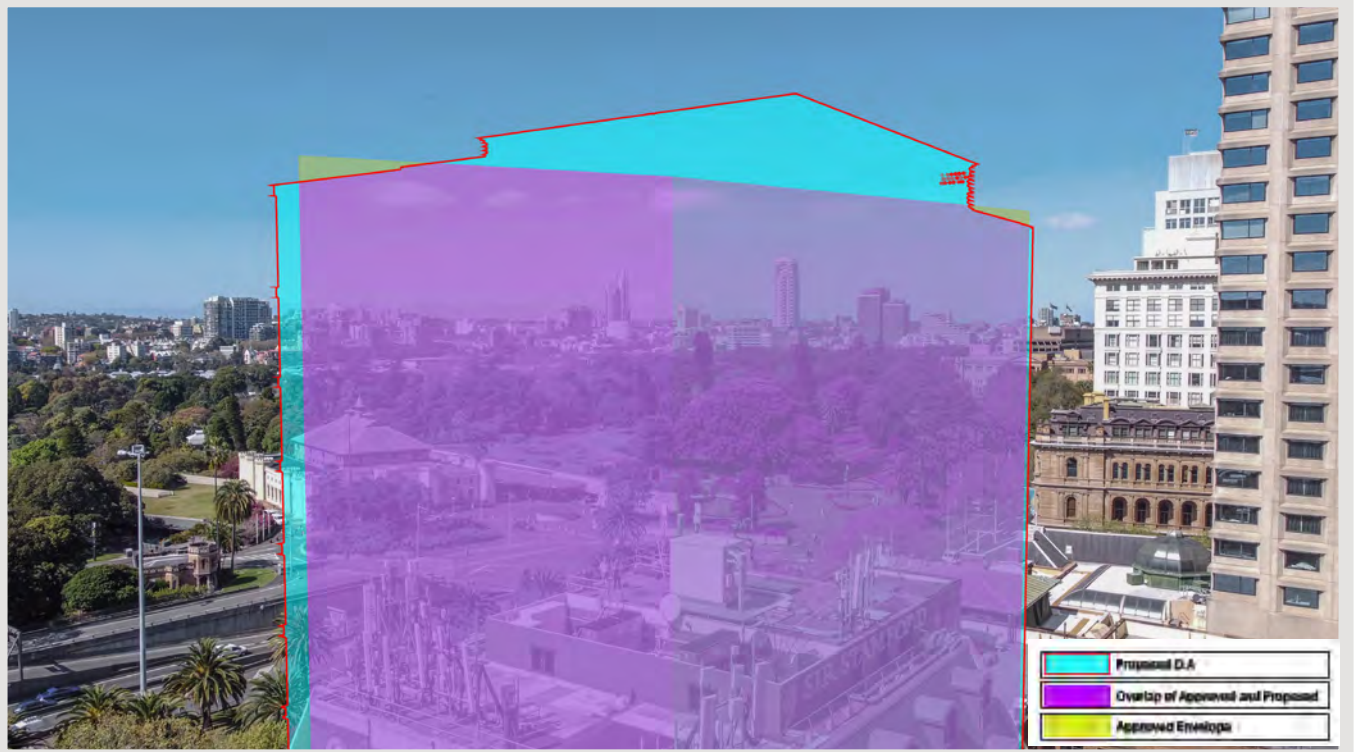
Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +60.04m, Distance to boundary - 14.89m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Photomontage, shown within panoramic context photograph

Viewpoint No.22: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 59%

Visual impact ratio - view loss (including buildings) : sky view loss: 83% : 17%

Existing Visual Quality Scale no: 10 /15 Visual Impact Assessment Scale no: 11 / 15

This is a static, private viewpoint from the southeast corner apartment of the residential apartment building at No.2, Phillip Street. The view is in a south-southeasterly direction across Albert Street and the subject site in the foreground. Behind this, is Macquarie Street and the Sydney Conservatorium of Music and a significant view of the Royal Botanic Gardens. To the east, the towers of the residential apartment buildings at Kings Cross and Darlinghurst can be seen, and from there the towers along William St to the southeast. To the south, the buildings along Macquarie Street are observed, including the Astor apartment building at nos.123-125, Macquarie St and the Colonial Secretary building at no.121, Macquarie Street and Bridge Street. To the east of these, the tower of the Intercontinental Hotel bounds the existing view.

The view loss and visual impact, in the context of available views from this location, would be considered severe under the assessment guidelines of the *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 judgement, being only partially of the sky view, but with a significant portion of the Royal Botanic Gardens and distant eastern suburbs views also being impacted.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Severe

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the *Furlong v Northern Beaches Council* [2022] NSWLEC 1208 judgement. Since extensive views are uncompromised, this should be considered alongside the assessment of the visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 23



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +53.79m, Distance to boundary - 127.02m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Visual impact in cyan with red outline, view gain in yellow

Viewpoint No.23: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 94%

Visual impact ratio - view loss (including buildings) : sky view loss: 66% : 34%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 11 / 15

This is a static, private viewpoint from the northeast corner apartment of the residential apartment building, The Astor, at nos.123-125, Macquarie St. The view is in a northerly direction across Phillip Lane and the subject site in the middle distance. To the west, the tower of the Intercontinental Hotel is observed and, from here, small portions of Sydney Cove, Circular Quay and the Harbour Bridge. This water view is broken by the apartment building at No.2, Phillip St and the residential apartment buildings along the eastern side of Sydney Cove. To the east of Macquarie St, both sails of the Opera House are visible, with the northern end of the Royal Botanic Gardens in front. In the far distance, beyond the harbour, the foreshore of Milsons Point, Kirribilli, Kurraba Point and Cremorne can be clearly seen.

The extent of high value view loss is limited to the gap between the 2 apartment buildings to the north and includes the view of the northern bridge pylon and water of Sydney Cove.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Severe

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the Furlong v Northern Beaches Council [2022] NSWLEC 1208 judgement. Since other, extensive views to the east, are uncompromised, this should be a contributing factor in the assessment of the overall visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 24



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +58.05m, Distance to boundary - 126.81m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.24: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 94%

Visual impact ratio - view loss (including buildings) : sky view loss: 71% : 29%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 10 / 15

This is a static, private viewpoint from the northeast corner apartment of the residential apartment building, The Astor, at nos.123-125, Macquarie St. The view is in a northerly direction across Phillip Lane and the subject site in the middle distance. To the west, the tower of the Intercontinental Hotel is observed and, from here, small portions of Sydney Cove, Circular Quay and the Harbour Bridge. This water view is broken by the apartment building at No.2, Phillip St and the residential apartment buildings along the eastern side of Sydney Cove. To the east of Macquarie St, both sails of the Opera House are visible, with the northern end of the Royal Botanic Gardens in front. In the far distance, beyond the harbour, the foreshore of Milsons Point, Kirribilli, Kurraba Point and Cremorne can be clearly seen.

The extent of high value view loss is limited to the gap between the 2 apartment buildings to the north and includes the view of the northern bridge pylon and water of Sydney Cove.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Moderate-to-Severe

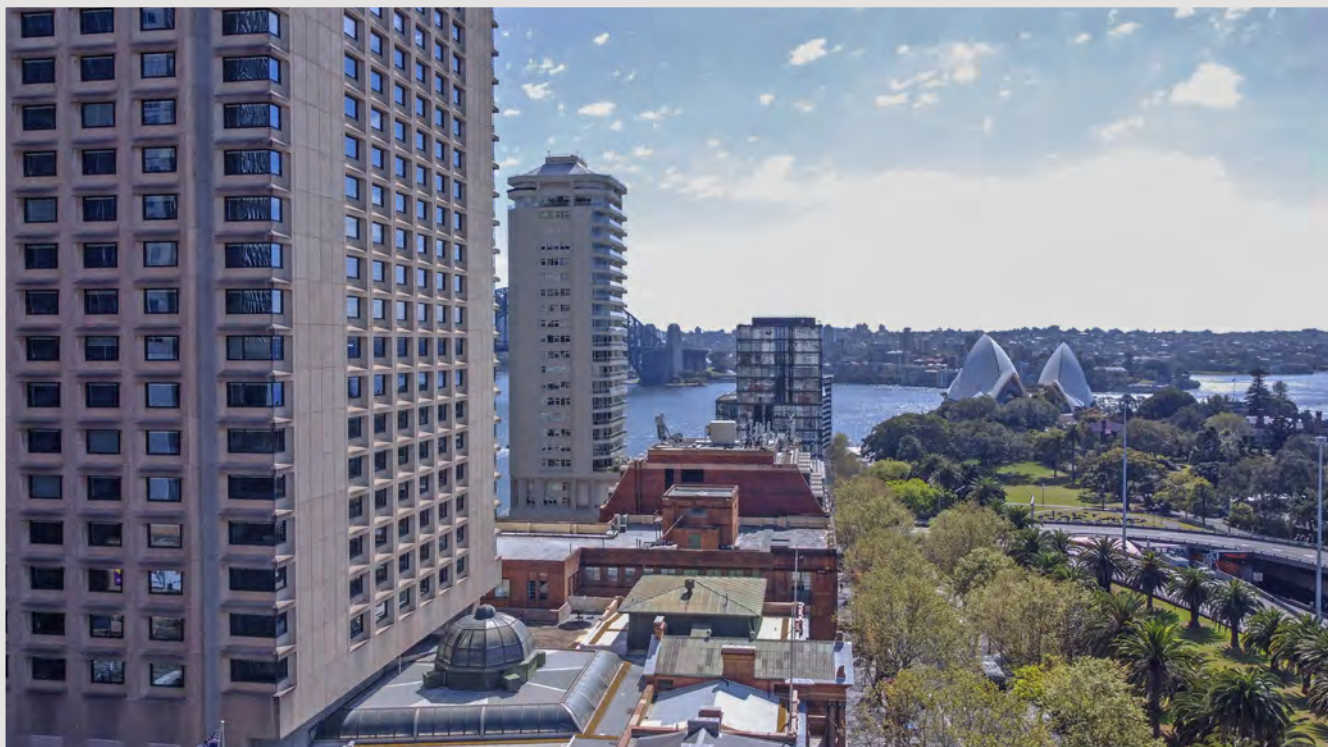
Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the Furlong v Northern Beaches Council [2022] NSWLEC 1208 judgement. Since other, extensive views to the east, are uncompromised, this should be a contributing factor in the assessment of the overall visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

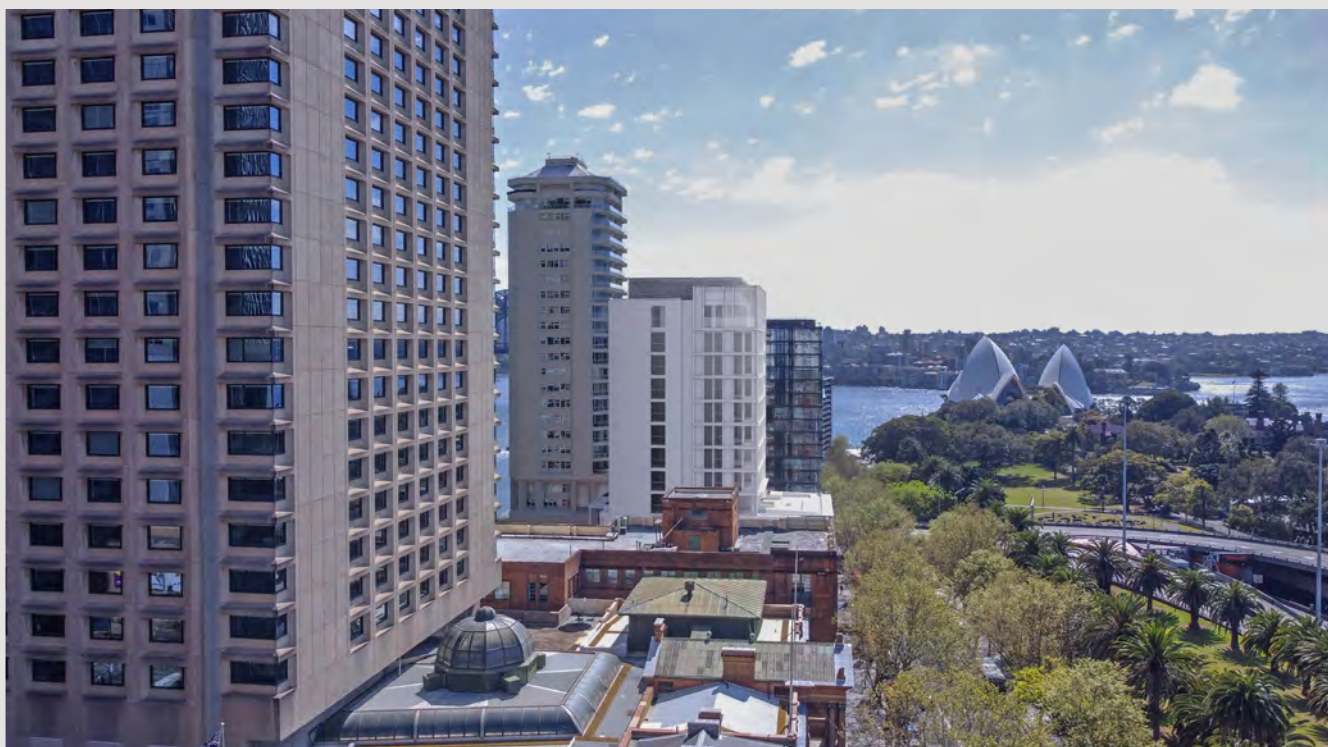
VIEWPOINT 25



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +61.08m, Distance to boundary - 126.90m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Viewpoint No.25: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 95%

Visual impact ratio - view loss (including buildings) : sky view loss: 78% : 22%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 11 / 15

This is a static, private viewpoint from the northeast corner apartment of the residential apartment building, The Astor, at nos.123-125, Macquarie St. The view is in a northerly direction across Phillip Lane and the subject site in the middle distance. To the west, the tower of the Intercontinental Hotel is observed and, from here, small portions of Sydney Cove, Circular Quay and the Harbour Bridge. This water view is broken by the apartment building at No.2, Phillip St and the residential apartment buildings along the eastern side of Sydney Cove. To the east of Macquarie St, both sails of the Opera House are visible, with the northern end of the Royal Botanic Gardens in front. In the far distance, beyond the harbour, the foreshore of Milsons Point, Kirribilli, Kurraba Point and Cremorne can be clearly seen.

The extent of high value view loss is limited to the gap between the 2 apartment buildings to the north and includes the view of the northern bridge pylon and water of Sydney Cove.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Severe

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the *Furlong v Northern Beaches Council* [2022] NSWLEC 1208 judgement. Since other, extensive views to the east, are uncompromised, this should be a contributing factor in the assessment of the overall visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

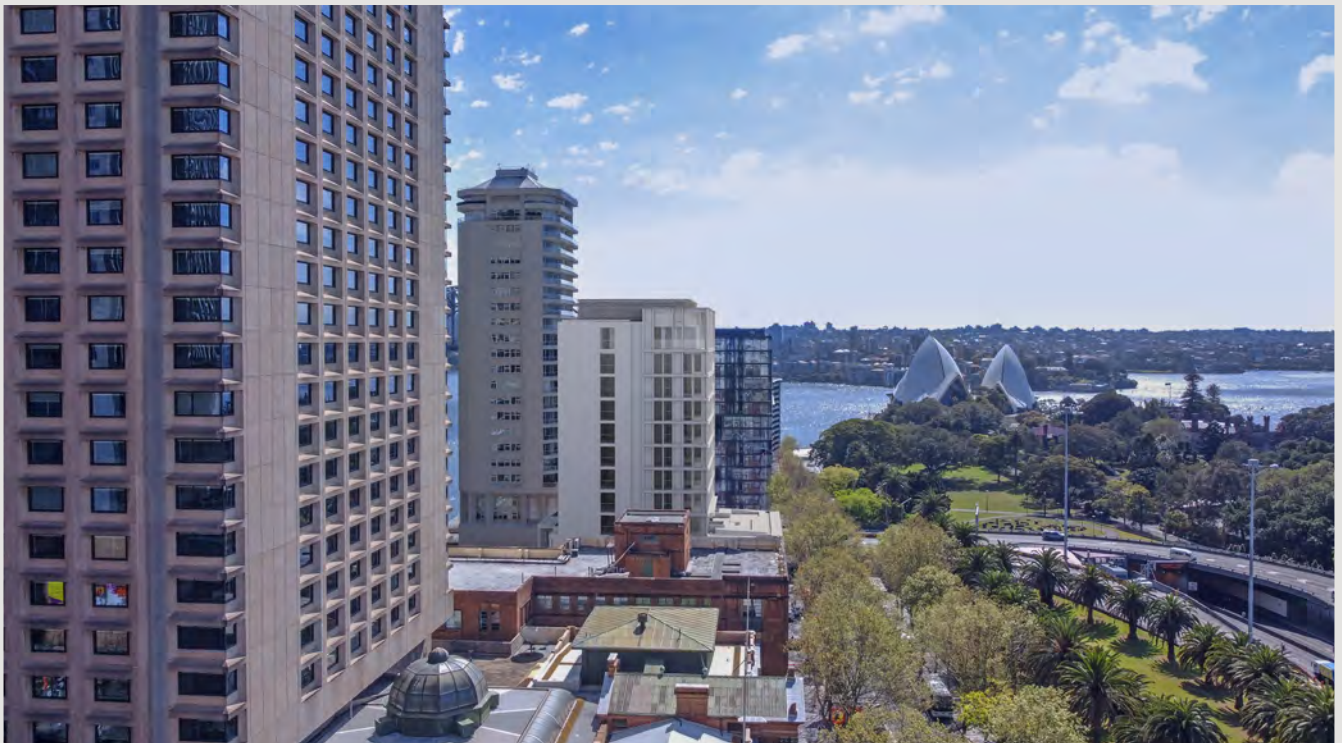
VIEWPOINT 26



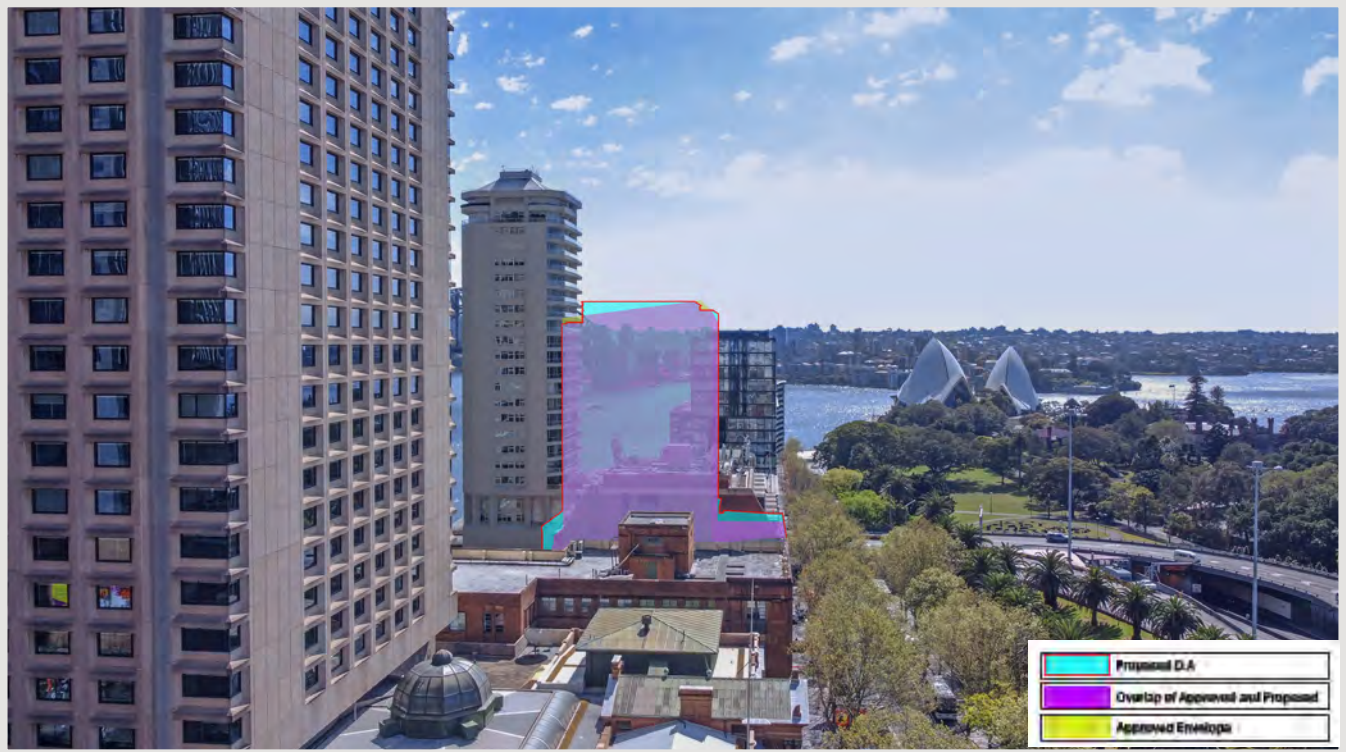
Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +64.80m, Distance to boundary - 127.08m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.26: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 95%

Visual impact ratio - view loss (including buildings) : sky view loss: 89% : 11%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 11 / 15

This is a static, private viewpoint from the northeast corner apartment of the residential apartment building, The Astor, at nos.123-125, Macquarie St. The view is in a northerly direction across Phillip Lane and the subject site in the middle distance. To the west, the tower of the Intercontinental Hotel is observed and, from here, small portions of Sydney Cove, Circular Quay and the Harbour Bridge. This water view is broken by the apartment building at No.2, Phillip St and the residential apartment buildings along the eastern side of Sydney Cove. To the east of Macquarie St, both sails of the Opera House are visible, with the northern end of the Royal Botanic Gardens in front. In the far distance, beyond the harbour, the foreshore of Milsons Point, Kirribilli, Kurraba Point and Cremorne can be clearly seen.

The extent of high value view loss is limited to the gap between the 2 apartment buildings to the north and includes the view of the northern bridge pylon and water of Sydney Cove.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Severe

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the Furlong v Northern Beaches Council [2022] NSWLEC 1208 judgement. Since other, extensive views to the east, are uncompromised, this should be a contributing factor in the assessment of the overall visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 27



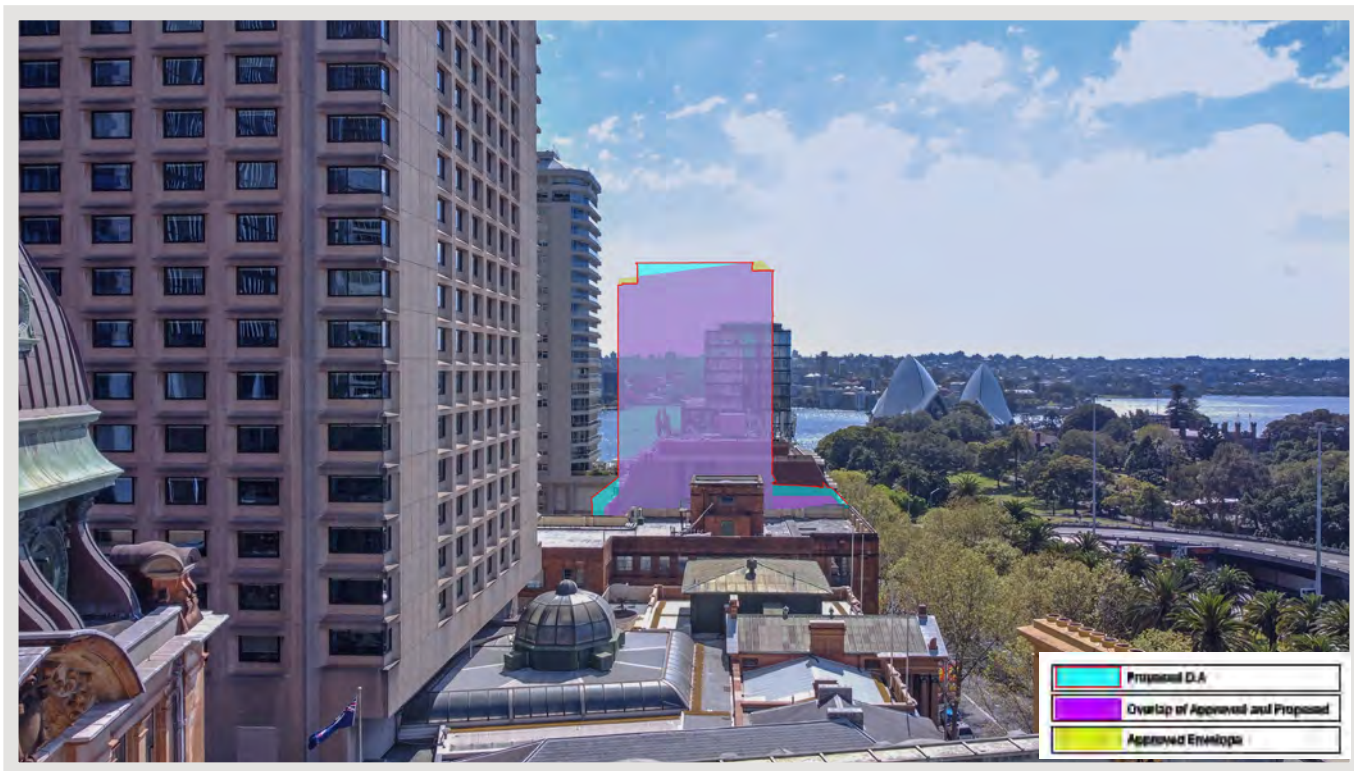
Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +55.90m, Distance to boundary - 121.11m

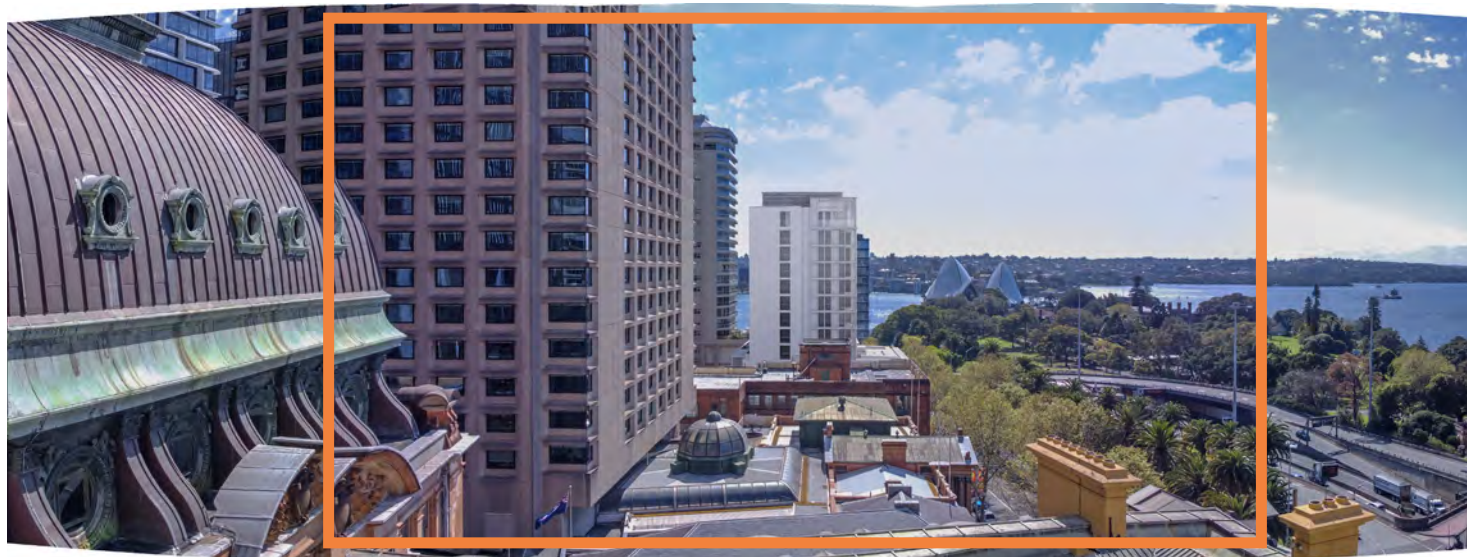
Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.27: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 92%

Visual impact ratio - view loss (including buildings) : sky view loss: 81% : 19%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 8 / 15

This is a static, private viewpoint from the centre northwestern apartment of the residential apartment building, The Astor, at nos.123-125, Macquarie St. The view is in a northerly direction across Phillip Lane and the subject site in the middle distance. To the west, the tower of the Intercontinental Hotel is observed and, from here, the apartment building at No.2, Phillip which effectively blocks the view of the Harbour Bridge. This water view is further broken by the residential apartment buildings along the eastern side of Sydney Cove. To the east of Macquarie St, both sails of the Opera House are visible, with the northern end of the Royal Botanic Gardens in front. In the far distance, beyond the harbour, the foreshore of Kirribilli, Kurraba Point and Cremorne can be clearly seen.

The extent of high value view loss is limited to the gap between the apartment buildings to the north and includes the view of the water of Sydney Cove and the Kirribilli foreshore.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Moderate

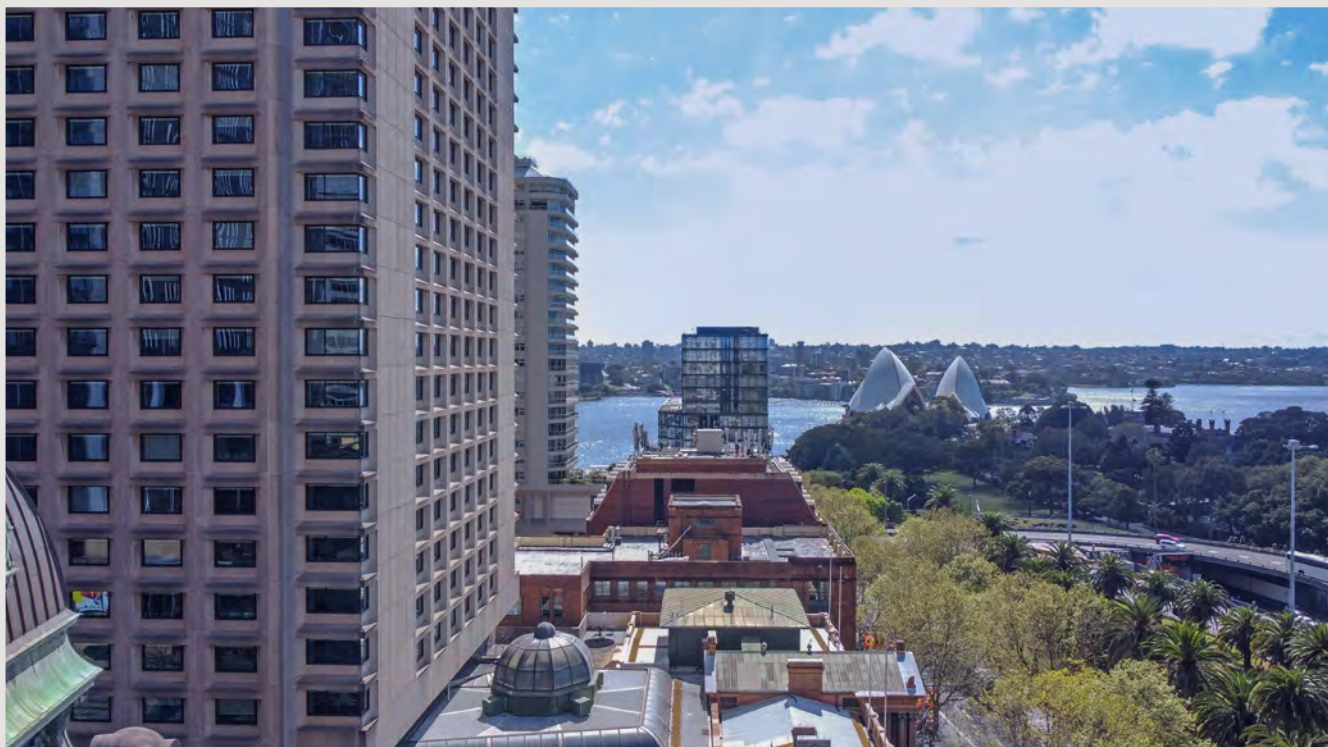
Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the Furlong v Northern Beaches Council [2022] NSWLEC 1208 judgement. Since other, extensive views to the east, are uncompromised, this should be a contributing factor in the assessment of the overall visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 28



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +60.43m, Distance to boundary - 122.93m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.28: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 92%

Visual impact ratio - view loss (including buildings) : sky view loss: 86% : 14%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 9 / 15

This is a static, private viewpoint from the centre northwestern apartment of the residential apartment building, The Astor, at nos.123-125, Macquarie St. The view is in a northerly direction across Phillip Lane and the subject site in the middle distance. To the west, the tower of the Intercontinental Hotel is observed and, from here, the apartment building at No.2, Phillip which effectively blocks the view of the Harbour Bridge. This water view is further broken by the residential apartment buildings along the eastern side of Sydney Cove. To the east of Macquarie St, both sails of the Opera House are visible, with the northern end of the Royal Botanic Gardens in front. In the far distance, beyond the harbour, the foreshore of Kirribilli, Kurraba Point and Cremorne can be clearly seen.

The extent of high value view loss is limited to the gap between the apartment buildings to the north and includes the view of the water of Sydney Cove and the Kirribilli foreshore.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Moderate

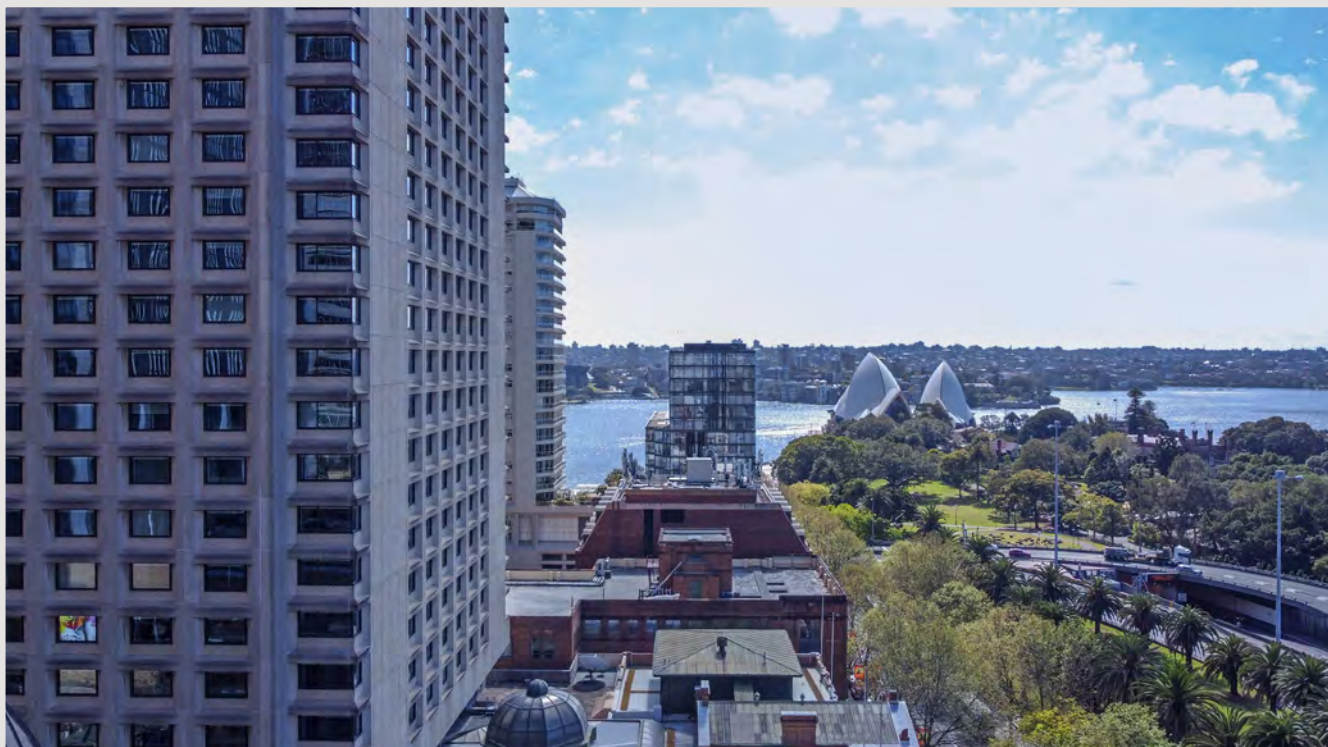
Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the Furlong v Northern Beaches Council [2022] NSWLEC 1208 judgement. Since other, extensive views to the east, are uncompromised, this should be a contributing factor in the assessment of the overall visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

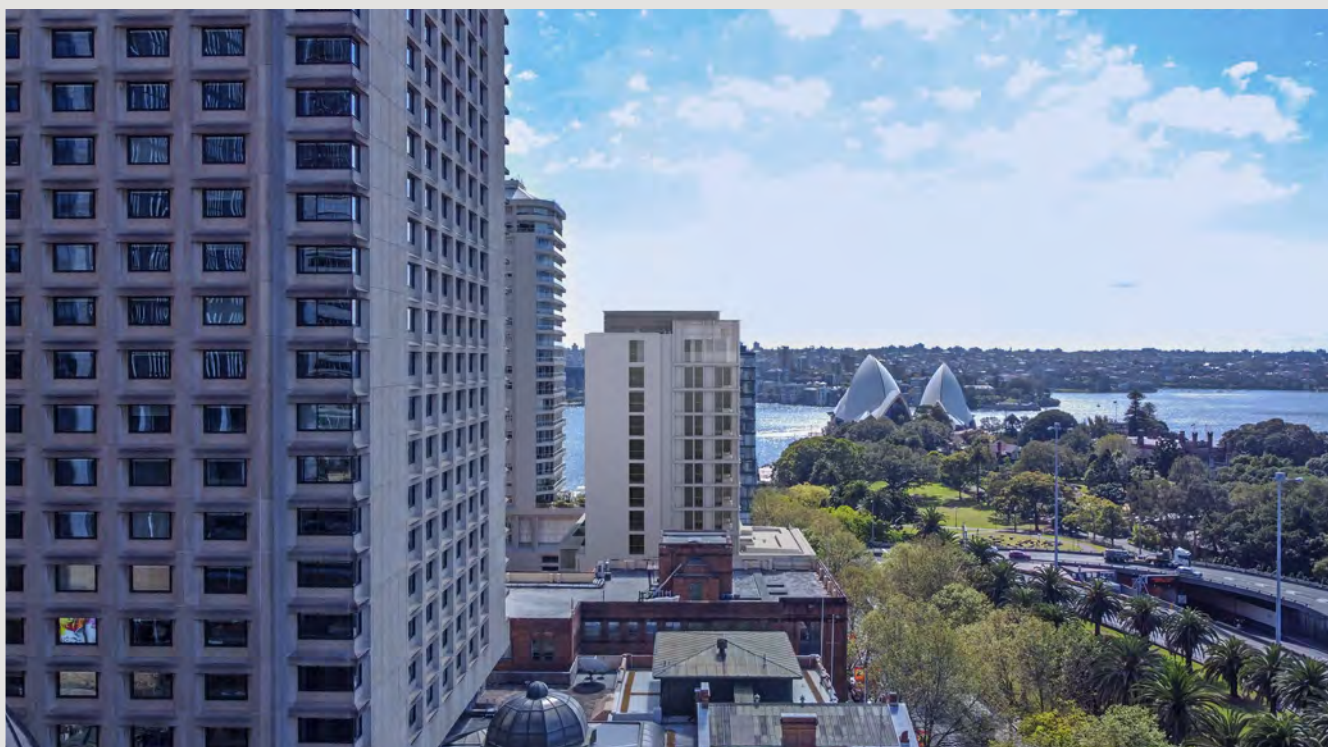
VIEWPOINT 29



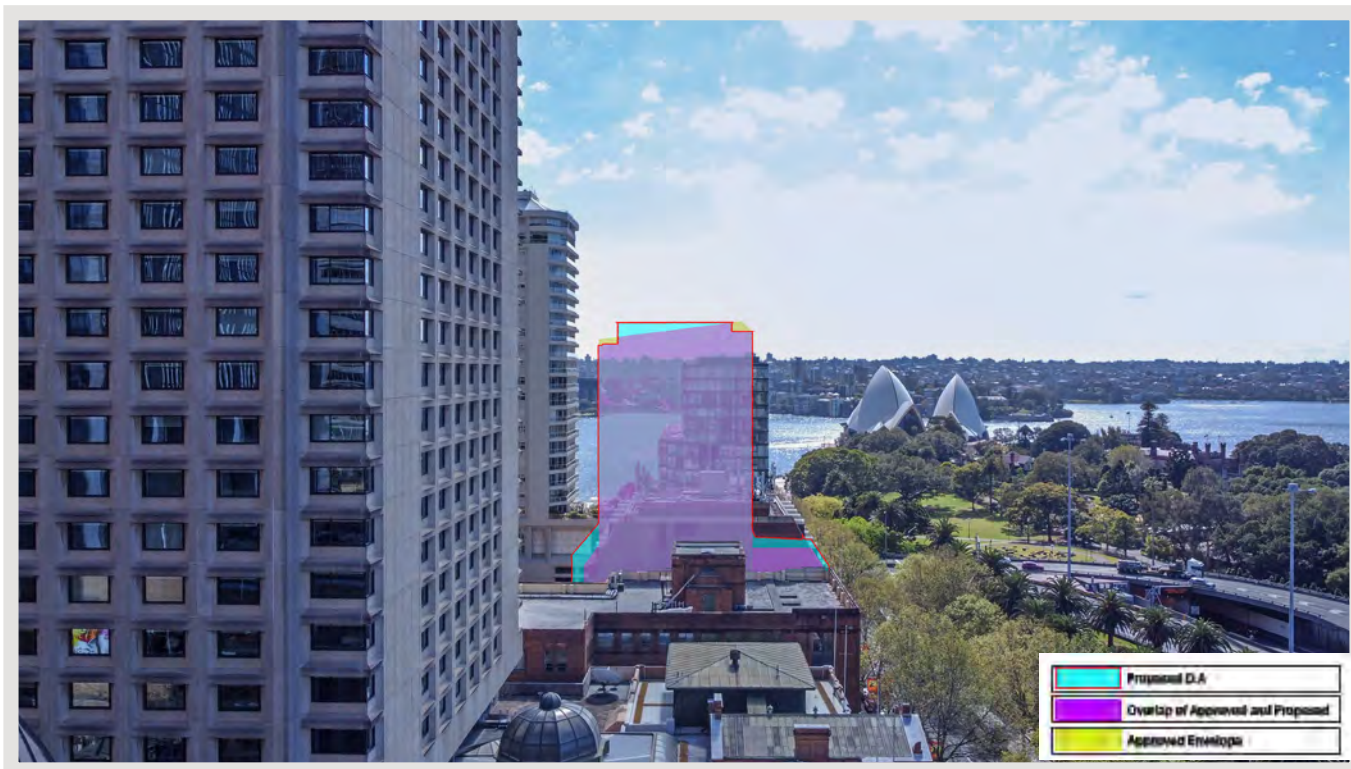
Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +64.19m, Distance to boundary - 122.37m

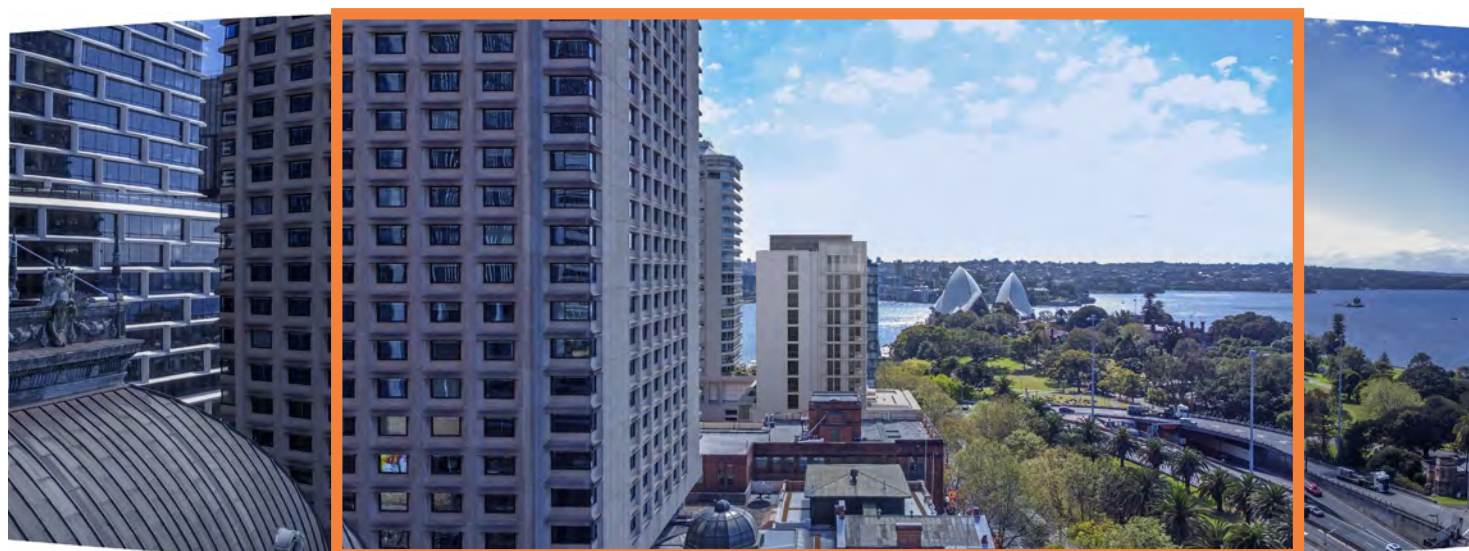
Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.29: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 92%

Visual impact ratio - view loss (including buildings) : sky view loss: 91% : 9%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 9 / 15

This is a static, private viewpoint from the centre northwestern apartment of the residential apartment building, The Astor, at nos.123-125, Macquarie St. The view is in a northerly direction across Phillip Lane and the subject site in the middle distance. To the west, the tower of the Intercontinental Hotel is observed and, from here, the apartment building at No.2, Phillip which effectively blocks the view of the Harbour Bridge. This water view is further broken by the residential apartment buildings along the eastern side of Sydney Cove. To the east of Macquarie St, both sails of the Opera House are visible, with the northern end of the Royal Botanic Gardens in front. In the far distance, beyond the harbour, the foreshore of Kirribilli, Kurraba Point and Cremorne can be clearly seen.

The extent of high value view loss is limited to the gap between the apartment buildings to the north and includes the view of the water of Sydney Cove and the Kirribilli foreshore.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Moderate

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the Furlong v Northern Beaches Council [2022] NSWLEC 1208 judgement. Since other, extensive views to the east, are uncompromised, this should be a contributing factor in the assessment of the overall visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 30



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +67.95m, Distance to boundary - 120.11m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Photomontage, shown within panoramic context photograph

Viewpoint No.30: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 93%

Visual impact ratio - view loss (including buildings) : sky view loss: 96% : 4%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 9 / 15

This is a static, private viewpoint from the northwestern apartment of the residential apartment building, The Astor, at nos.123-125, Macquarie St. The view is in a northerly direction across Phillip Lane and the subject site in the middle distance. To the west, the tower of the Intercontinental Hotel is observed and, from here, the apartment building at No.2, Phillip which effectively blocks the view of the Harbour Bridge. This water view is further broken by the residential apartment buildings along the eastern side of Sydney Cove. To the east of Macquarie St, both sails of the Opera House are visible, with the northern end of the Royal Botanic Gardens in front. In the far distance, beyond the harbour, the foreshore of Kirribilli, Kurraba Point and Cremorne can be clearly seen.

The extent of high value view loss is limited to the gap between the apartment buildings to the north and includes the view of the water of Sydney Cove and the Kirribilli foreshore.

There is a small amount of view gain at the northeastern corner of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Moderate

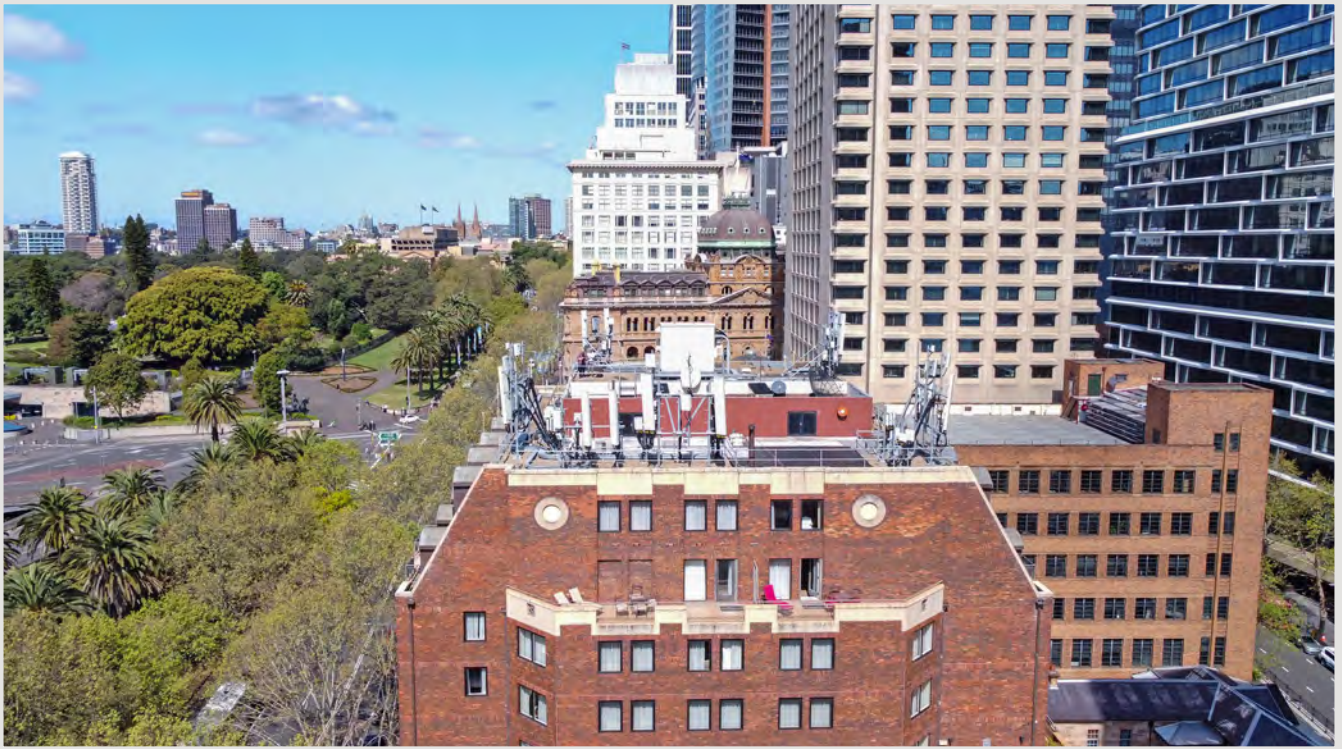
Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a hotel), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the Furlong v Northern Beaches Council [2022] NSWLEC 1208 judgement. Since other, extensive views to the east, are uncompromised, this should be a contributing factor in the assessment of the overall visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 31



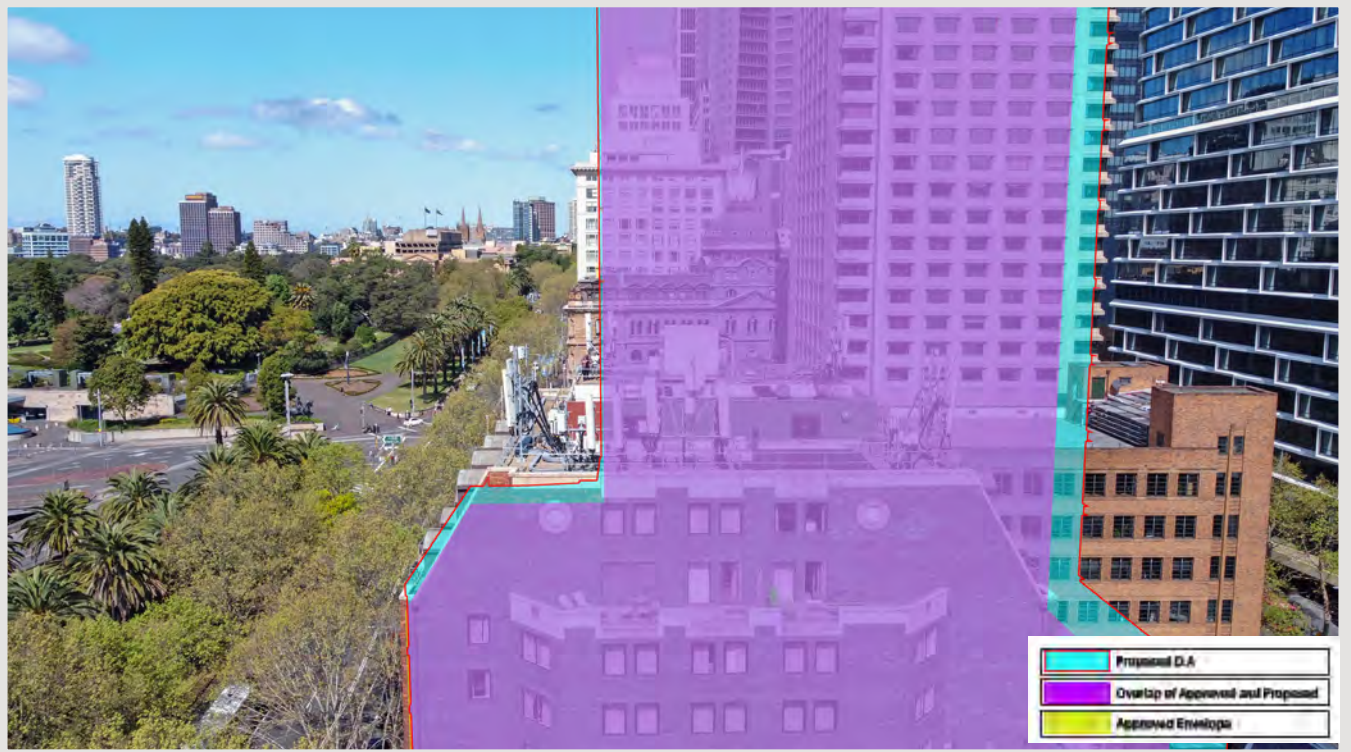
Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +55.03m, Distance to boundary - 29.55m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Photomontage, shown within panoramic context photograph

Viewpoint No.31: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 76%

Visual impact ratio - view loss (including buildings) : sky view loss: 93% : 7%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 8 / 15

This is a static, private viewpoint from the southern side of the Royal Automobile Club of Australia, at nos.89-91, Macquarie Street. The view is in a south-southeasterly direction across Albert Street and the subject site in the foreground. Behind this, is Macquarie Street and the entrance to the Sydney Conservatorium of Music and Royal Botanic Gardens. To the east, the towers of the residential apartment buildings at Kings Cross and Darlinghurst can be seen, and from there the towers along William St to the southeast. To the south, the buildings along Macquarie Street are observed, including the Colonial Secretary building at no.121, Macquarie Street and Bridge Street and the Astor apartment building at nos.123-125, Macquarie St. To the east of these, is the tower of the Intercontinental Hotel and the new AMP Tower, at no.50, Bridge St bounds the existing view to the east.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the multi-storey buildings to the south of the subject site, to the rear of the Sir Stamford Hotel. A small portion of sky view also impacted.

There is a small amount of view gain at the eastern side of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: Medium-High

View location: Private

Extent of impact: Moderate.

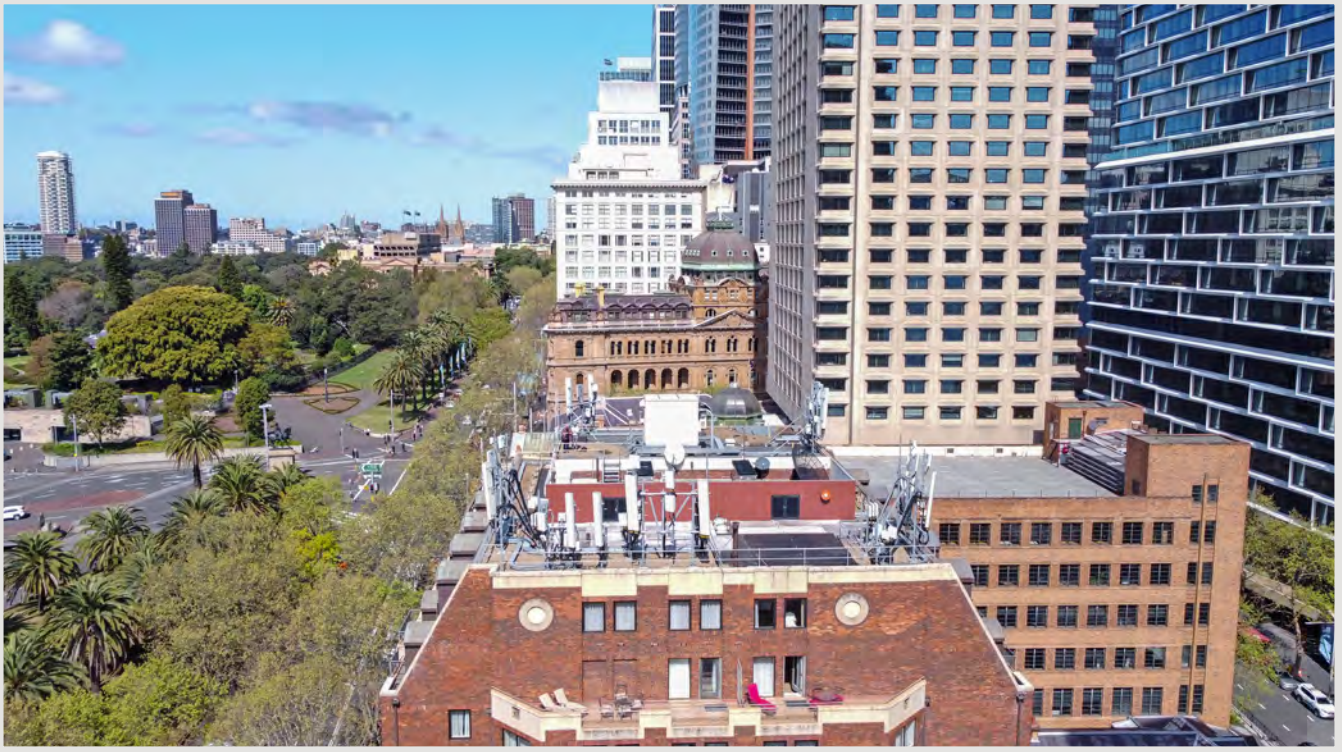
Reasonableness of proposal: Acceptable within the context of the location and viewpoint, the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the Furlong v Northern Beaches Council [2022] NSWLEC 1208 judgement. Since extensive views are uncompromised, this should be considered alongside the assessment of the visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 32



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +59.84m, Distance to boundary - 29.50m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.32 : Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 87%

Visual impact ratio - view loss (including buildings) : sky view loss: 93% : 7%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 7 / 15

This is a static, private viewpoint from the southern side of the Royal Automobile Club of Australia, at nos.89-91, Macquarie Street. The view is in a south-southeasterly direction across Albert Street and the subject site in the foreground. Behind this, is Macquarie Street and the entrance to the Sydney Conservatorium of Music and Royal Botanic Gardens. To the east, the towers of the residential apartment buildings at Kings Cross and Darlinghurst can be seen, and from there the towers along William St to the southeast. To the south, the buildings along Macquarie Street are observed, including the Colonial Secretary building at no.121, Macquarie Street and Bridge Street and the Astor apartment building at nos.123-125, Macquarie St. To the east of these, is the tower of the Intercontinental Hotel and the new AMP Tower, at no.50, Bridge St bounds the existing view to the east.

The view loss and visual impact, in the context of available views from this location, would be considered moderate under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the multi-storey buildings to the south of the subject site, to the rear of the Sir Stamford Hotel. A small portion of sky view also impacted.

There is a small amount of view gain at the eastern side of the site, which results in additional views to the street edge and trees.

Tenacity Assessment Summary:

Value of view: Medium-High

View location: Private

Extent of impact: Moderate.

Reasonableness of proposal: Acceptable within the context of the location and viewpoint, the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

The view loss should be considered alongside other available views from this location, as outlined within the Furlong v Northern Beaches Council [2022] NSWLEC 1208 judgement. Since extensive views are uncompromised, this should be considered alongside the assessment of the visual impact in this direction.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northwestern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 33



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +49.95m, Distance to boundary - 14.82m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Photomontage, shown within panoramic context photograph

Viewpoint No.33: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 32%

Visual impact ratio - view loss (including buildings) : sky view loss: 59% : 41%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 13 / 15

This is a static, private viewpoint from the southeastern corner suite of the existing AMP tower building, at no.33, Alfred Street. The view is in a easterly direction across the subject site in the foreground. In the immediate foreground, the upper levels of the Sir Stamford hotel, with its mansard roof elevation on the upper 2 floors and plant rooms above. To the east, the harbour and Bradleys Head foreshore are observed to the north. Mrs Macquaries Point and the northern reaches of the Royal Botanic Gardens are visible in the middle distance, with a portion of Farm Cove to the east. Beyond this, residential apartment buildings of Kings Cross and the outer eastern suburbs are glimpsed.

The view loss and visual impact, in the context of available views from this location, would be considered severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured.

Tenacity Assessment Summary:

Value of view: Medium-to-High

View location: Private

Extent of impact: Severe-to-Devastating (non-residential).

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a commercial office building), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 34



Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +53.79m, Distance to boundary - 14.93m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Viewpoint No.34: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 37%

Visual impact ratio - view loss (including buildings) : sky view loss:71% : 29%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 13 / 15

This is a static, private viewpoint from the southeastern corner suite of the existing AMP tower building, at no.33, Alfred Street. The view is in a easterly direction across the subject site in the foreground. In the immediate foreground are the upper levels of the Sir Stamford hotel, with its mansard roof elevation on the upper 2 floors and plant rooms above. To the east, the harbour and Bradleys Head foreshore are observed to the north. Mrs Macquaries Point, the Conservatorium of Music and large areas of the Royal Botanic Gardens are visible in the middle distance, together with Farm Cove to the east. Beyond this, residential apartment buildings of Kings Cross, Rushcutters Bay, Elizabeth Bay and the outer eastern suburbs are glimpsed, as far as Watsons Bay.

The view loss and visual impact, in the context of available views from this location, would be considered severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Extent of impact: Severe-to-Devastating (non-residential).

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a commercial office building), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

VIEWPOINT 35



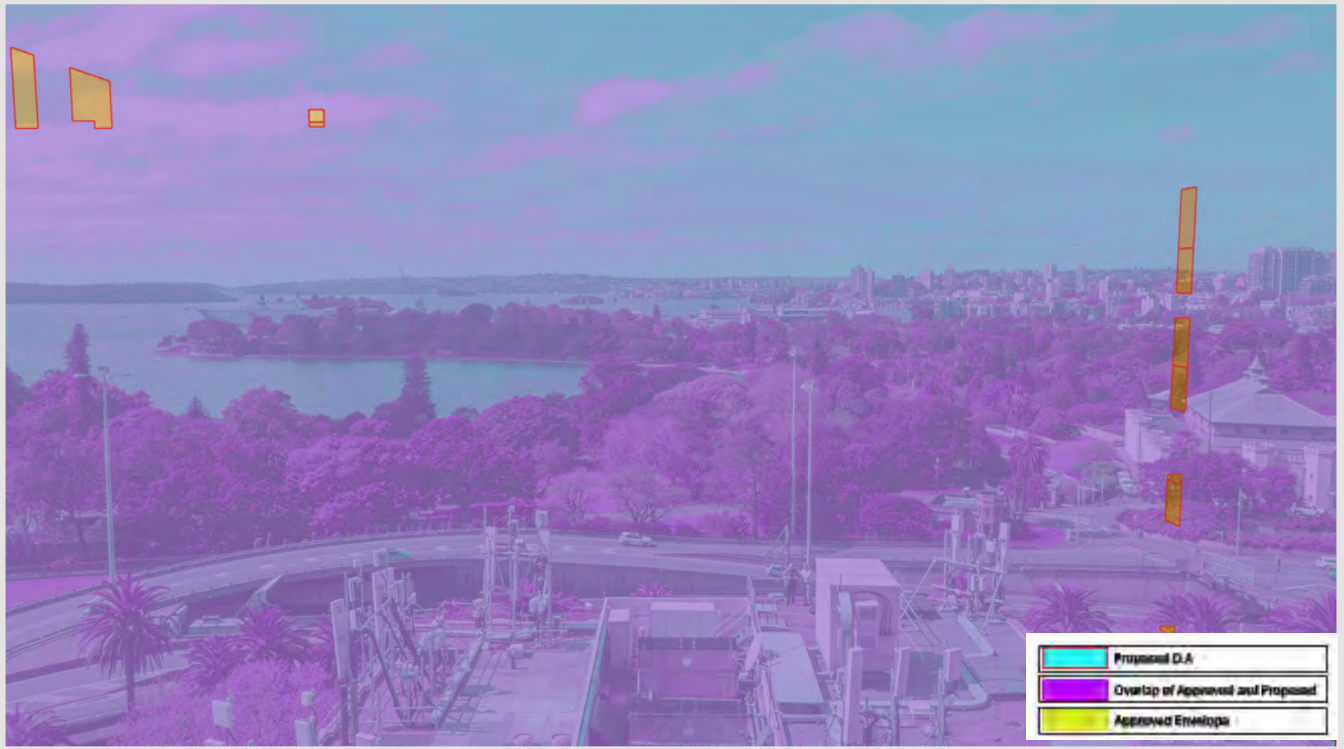
Existing site photo - No.317, Victoria Parade - upper level

From standing position on the upper terrace
RL +60.37m, Distance to boundary - 14.61m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact shown in overlay: purple - approved proposal, cyan - revised DA, yellow - approved envelope



Photomontage, shown within panoramic context photograph

Viewpoint No.35: Assessment:

Visual impact – Amount of new development (non-landscape) visible in view - 33%

Visual impact ratio - view loss (including buildings) : sky view loss: 66% : 34%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 14 / 15

This is a static, private viewpoint from the southeastern corner suite of the existing AMP tower building, at no.33, Alfred Street. The view is in a easterly direction across the subject site in the foreground. In the immediate foreground is the roof and plant of the Sir Stamford hotel. To the east, the harbour and Bradleys Head foreshore are observed to the north. Mrs Macquaries Point, the Conservatorium of Music and large areas of the Royal Botanic Gardens are visible in the middle distance, together with Farm Cove to the east. Beyond this, residential apartment buildings of Kings Cross, Rushcutters Bay, Elizabeth Bay and the outer eastern suburbs are glimpsed, as far as Watsons Bay.

The view loss and visual impact, in the context of available views from this location, would be considered severe under the assessment guidelines of the Tenacity Consulting v Warringah Council [2004] NSWLEC 140 judgement, being mostly confined to the sky view above the roof of the existing building on the subject site, the Sir Stamford Hotel. A small portion of the distant ridgeline on the lower north shore is also obscured.

Tenacity Assessment Summary:

Value of view: High

View location: Private

Extent of impact: Devastating (non-residential).

Reasonableness of proposal: Acceptable within the context of the location and viewpoint (being from a commercial office building), the proposal is of an appropriate scale and mass for the site, particularly when assessed within the context of the desired future character of the area. The existing developments along Macquarie Street decrease in height towards Circular Quay, whilst the towers to the west are significantly higher. Within this framework, the scale of the proposal continues the form of the diminishing skyline profile towards the north and can be considered a good design outcome in relation to its urban context.

Visual Impact of Amended Design:

A very small area of additional visual impact is observed on the northeastern corner of the proposed development and above the approved roofline. The extent is not sufficient to increase the overall assessment rating.

4. SUMMARY ASSESSMENT

This Visual Impact Assessment from Urbaine Design seeks to provide an objective approach to the likely visual impact on the surrounding areas from the amended development proposal.

All 168 north facing windows assessed from the intercontinental have an iconic view of the Harbour Bridge and harbour, 90 have views of the opera house (15 small, 13 moderate, 62 full). The proposed D.A would affect 13 views, 2 severely, 8 moderately and 3 to a minor degree, see Appendix A figure. 1-4

The increase in view loss as a result of the view loss ranges from 0 - 4.21%, with the greatest amount from the upper floors looking down onto the rooftop. The average is approximately 2% of total view available and is primarily of sky or local buildings

This Visual Impact Assessment has undertaken a review of the proposal, within its future setting and concludes that the additional impact caused, as a result of the amended design, is, in almost all cases, negligible.

This is in relation to views from both public and private viewing locations. Where access to private viewing locations within the Intercontinental Hotel was not possible, verifiable views have been generated to demonstrate any potential impact on iconic view elements. Again, these impacts are minimal, both in location and magnitude and, when assessed within the context of the approved development are barely discernible. A definitive assessment table has been provided, with percentage calculation of the measured increase.

Based on our 3D analysis, photography, and site visit it would be my recommendation that the Amended Development Application be approved on the grounds of an acceptable amount of additional visual impact and view loss, when assessed against the approved development proposal for this site.



John Aspinall, Director,

urbaine design group pty ltd

5. APPENDICES

APPENDIX A: Virtual Assessment Images from The Intercontinental - panoramic (additional PDF)

APPENDIX B: Aspinall CV

- *LEC Guidelines for Photomontages*
- *Visual Impact Assessment Methodology*

APPENDIX C: Public Camera Positions

APPENDIX D: Wireframe/alignment images

5.1. APPENDIX B: Methodology, C.V and L.E.C Guidelines

JOHN ASPINALL. director: urbaine design group

UK Qualified Architect RIBA BA(Hons) BArch(Hons) Liverpool University, UK.

24 years' architectural experience in London and Sydney.

Halpin Stow Partnership, London, SW1

John Andrews International, Sydney

Cox and Partners, Sydney

Seidler and associates

NBRS Architects, Milsons Point

Urbaine Pty Ltd (current)

Design Competitions:

UK 1990 – Final 6. RIBA 'housing in a hostile environment'. Exhibited at the Royal Academy, London

UK Design Council – innovation development scheme finalist – various products, 1990.

Winner: International Design Competition: Sydney Town Hall, 2000

Finalist: Boy Charlton Swimming pool Competition, Sydney, 2001

Finalist: Coney Island Redevelopment Competition, NY 2003

Design Tutor: UTS, Sydney, 1997 – 2002

This role involved tutoring students within years 1 to 3 of the BA Architecture course. Specifically, I developed programs and tasks to break down the conventional problem-solving thinking, instilled through the secondary education system. Weekly briefs would seek to challenge their preconceived ideas and encourage a return to design thinking, based on First Principles.

Design Tutor: UNSW, Sydney 2002 – 2005

This role involved tutoring students within years 4 to 6 of the BArch course. Major design projects would be undertaken during this time, lasting between 6 and 8 weeks. I was focused on encouraging rationality of design decision-making, rather than post-rationalisation, which is an ongoing difficulty in design justification.

Current Position: URBaine GROUP Pty Ltd

Currently, Principal Architect of Urbaine - architectural design development and visualisation consultancy: 24 staff, with offices in: Sydney, Shanghai, Doha and Sarajevo.

Urbaine specialises in design development via interactive 3d modelling.

Urbaine's scale of work varies from city master planning to furniture and product design, while our client base consists of architects, Government bodies, developers, interior designers, planners, advertising agencies and video producers.

URBAINE encourages all clients to bring the 3D visualisation facility into the design process sufficiently early to allow far more effective design development in a short time frame. This process is utilised extensively by many local and international companies, including Lend Lease, Multiplex, Hassell, PTW, Foster and Partners, City of Sydney, Landcom and several other Governmental bodies. URBaine involves all members of the design team in assessing the impact of design decisions from the earliest stages of concept design. Because much of URBaine's work is International, the 3D CAD model projects are rotated between the various offices, effectively allowing a 24hr cycle of operation during the design development process, for clients in any location.

An ever-increasing proportion of URBaine's work is related to public consultation visualisations and assessments. As a result, there has also been an increase in the Land And Environment Court representations. Extensive experience in creating and validating photomontaged views of building and environmental proposals. Experience with 3D photomontages began in 1990 and has included work for many of the world's leading architectural practices and legal firms.

Co-Founder Quicksmart Homes Pty Ltd. , 2007 - 2009

Responsible for the design and construction of 360 student accommodation building at ANU Canberra, utilising standard shipping containers as the base modules.

Design Principal and co-owner of Excalibur Modular Systems Pty Ltd: 2009 to present.

High specification prefabricated building solutions, designed in Sydney and being produced in China.

Excalibur has developed a number of modular designs for instant delivery and deployment around the world. Currently working with the Cameroon Government providing social infrastructure for this rapidly developing country.

The modular accommodation represents a very low carbon footprint solution

Expert Legal Witness, 2005 to present

In Australia and the UK, for the Land and Environment Court. Expert witness for visual impact studies of new developments.

Currently consulting with many NSW Councils and large developers and planners, including City of Sydney, Lend Lease, Mirvac, Foster + Partners, Linklaters.

Author of several articles in 'Planning Australia' and 'Architecture Australia' relating to design development and to the assessment of visual impacts, specifically related to the accuracy of photomontaging.

Currently preparing a set of revised recommendations for the Land and Environment Court relating to the preparation and verification of photomontaged views for the purposes of assessing visual impact

VISUAL IMPACT ASSESSMENTS: A REALITY CHECK.
BY JOHN ASPINALL.



Photomontaged views of new apartment building at Pyrmont: Urbaine

Australia's rapid construction growth over the past 10 years has coincided with significant advances in the technology behind the delivery of built projects. In particular, BIM (Building Information Modelling). Virtual Reality and ever-faster methods of preparing CAD construction documentation.

Alongside these advances, sits a number of potential problems that need to be considered by all of those involved in the process of building procurement. Specifically, the ease with which CAD software creates the appearance of very credible drawn information, often without the thoroughness and deliberation afforded by architects, and others, in years past.

Nowhere is this more apparent than in the area of visual impact assessments, where a very accurate representation of a building project in context is the starting point for discussion on a project's suitability for a site. The consequences of any inaccuracies in this imagery are significant and far-reaching, with little opportunity to redress any errors once a development is approved.



Photomontaged views of new Sydney Harbour wharves: Urbaine

Urbaine Architecture has been involved in the preparation of visual impact studies over a 20 year period, in Australia and Internationally. Urbaine's Director, John Aspinall, has been at the forefront of developing methods of verifying the accuracy of visualisations, particularly in his role as an expert witness in Land and Environment Court cases.

In Urbaine's experience, a significant majority of visualisation material presented to court is inaccurate to the point of being invalid for any legal planning decisions. Equally concerning is the amount of time spent, by other consultants, analysing and responding to this base material, which again can be redundant in light of the frequent inaccuracies. The cost of planning consultant reports and legal advice far exceeds that of generating the imagery around which all the decisions are being made.

Over the last 10 years, advances in 3d modelling and digital photography have allowed many practitioners to claim levels of expertise that are based more on the performance of software than on a rigorous understanding of geometry, architecture and visual perspective. From a traditional architect's training, prior to the introduction of CAD and 3d modelling, a good understanding of the principles of perspective, light, shadow and building articulation, were taught

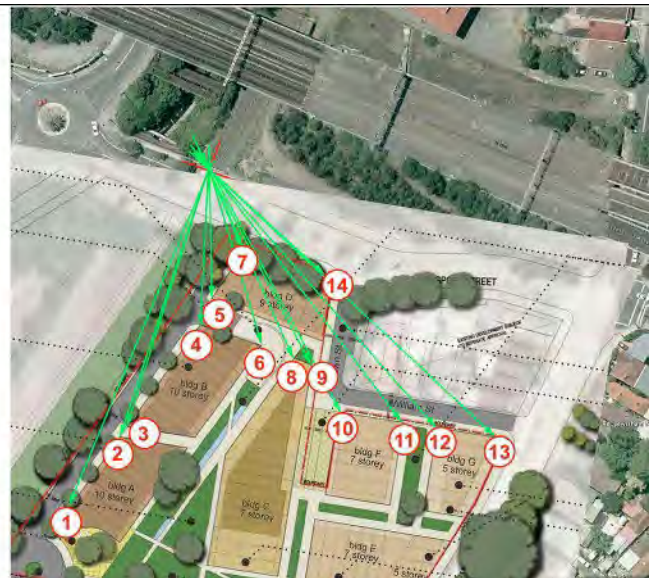
throughout the training of architects.

Statutory Authorities, and in particular the Land and Environment Court, have attempted to introduce a degree of compliance, but, as yet, this is more quantitative, than qualitative and is resulting in an outward appearance of accuracy verification, without any actual explanation being requested behind the creation of the work.

Currently, the Land and Environment Court specifies that any photomontages, relied on as part of expert evidence in Class 1 appeals, must show the existing surveyed elements, corresponding with the same elements in the photograph. Often, any surveyed elements can form such a small portion of a photograph that, even by overlaying the surveyed elements as a 3d model, any degree of accuracy is almost impossible to verify. For sites where there are no existing structures, which is frequent, this presents a far more challenging exercise. Below is one such example, highlighted in the Sydney Morning Herald, as an example of extreme inaccuracy of a visual impact assessment. Urbaine was engaged to assess the degree to which the images were incorrect – determined to be by a factor of almost 75%.



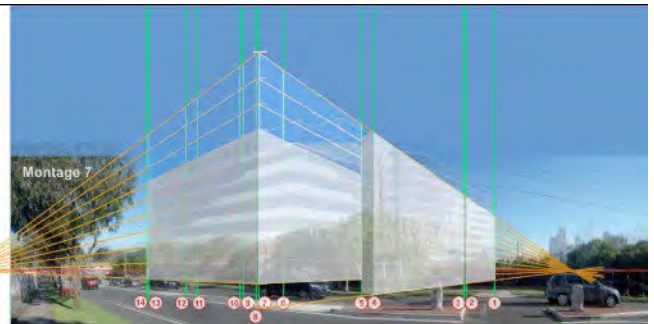
SMH article re inaccurate visualisations



Key visual location points on site: Urbaine



Photomontage submitted by developer



Assessment of inaccuracy by Urbaine

Urbaine has developed a number of methods for adding verification data to the 3d model of proposed buildings and hence to the final photomontages. These include the use of physical site poles, located at known positions and heights around a site, together with drones for accurate height and location verification and the use of landscaped elements within the 3d model to further add known points of references. Elements observed in a photograph can be used to align with the corresponding elements of the new building in plan. If 4 or more known positions can be aligned, as a minimum, there is a good opportunity to create a verifiable alignment.

Every site presents different opportunities for verification and, often, Urbaine is required to assess montages from photographs taken by a third party. In these cases, a combination of assessing aerial photography, alongside a survey will allow reference points to be placed into the relevant 3d model prior to overlaying onto the photos for checking.

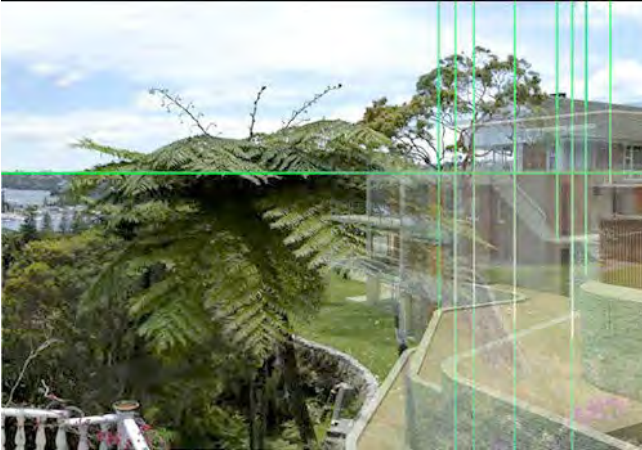
The following example clearly demonstrates this – a house montaged into a view, by others, using very few points of reference for verification. By analysing the existing photo alongside the survey, the existing site was able to be recreated with a series of reference elements built into the model. A fully rendered version of all the elements was then placed over the photo and the final model applied to this. As can be seen, the original montage and the final verified version are dramatically different and, in this case, to the disadvantage of the complainant.



Photomontage submitted by developer



Key visual location points on site: Urbaine



Key points and 3d model overlaid onto existing photo



Final accurate photomontage: Urbaine

Often, Urbaine's work is on very open sites, where contentious proposals for development will be relying on minimising the visual impact through mounding and landscaping. In these cases, accuracy is critical, particularly in relation to the heights above existing ground levels. In the following example, a business park was proposed on very large open site, adjoining several residential properties, with views through to the Blue Mountains, to the West of Sydney. Urbaine spent a day preparing the site, by placing a number of site poles, all of 3m in height. These were located on junctions of the various land lots, as observed in the survey information. These 3d poles were then replicated in the 3d CAD model in the same height and position as on the actual site. This permitted the buildings and the landscaping to be very accurately positioned into the photographs and, subsequently, for accurate sections to be taken through the 3d model to assess the actual percentage view loss of close and distant views.



Physical 3000mm site poles placed at lot corners



3d poles located in the 3d model and positioned on photo



Proposed buildings and landscape mounding applied



Proposed landscape applied – shown as semi-mature



Final verified photomontage by Urbaine

Further examples, below, show similar methods being used to give an actual percentage figure to view loss, shown in red, in these images. This was for a digital advertising hoarding, adjoining a hotel. As can be seen, the view loss is far outweighed by the view gain, in addition to being based around a far more visually engaging sculpture. In terms of being used as a factual tool for legal representation and negotiation, these images are proving to be very useful and are accompanied by a series of diagrams explaining the methodology of their compilation and, hence verifying their accuracy.



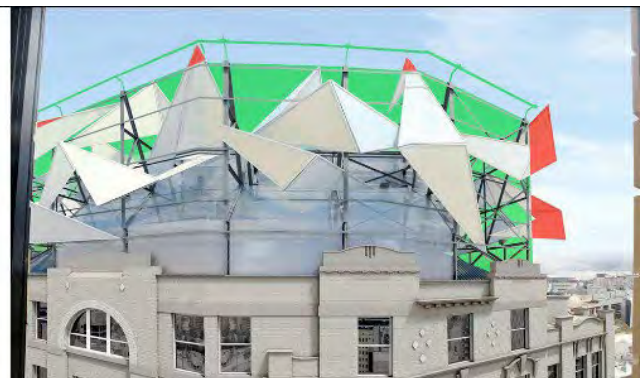
Photomontage of proposed building for digital billboard



Existing situation – view from adjoining hotel

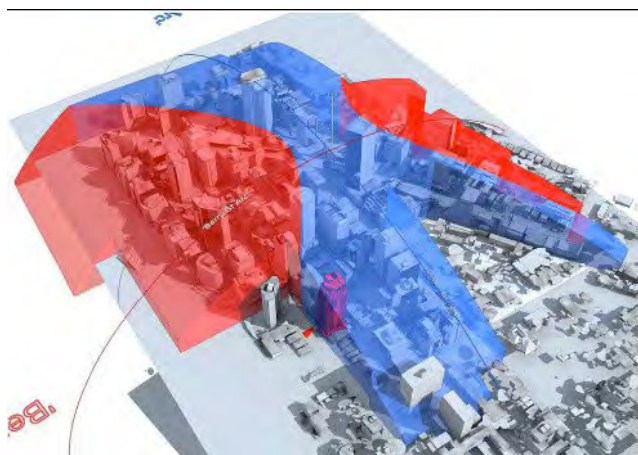


Photomontage of view from hotel

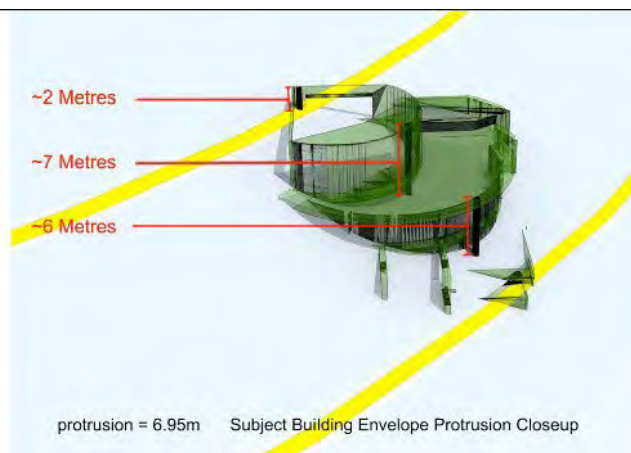


View loss – green = view gain / red = view loss

There are also several areas of assessment that can be used to resolve potential planning approval issues in the early stages of design. In the case below, the permissible building envelope in North Sydney CBD was modelled in 3d to determine if a building proposal would exceed the permitted height limit. Information relating to the amount of encroachment beyond the envelope allowed the architect to re-design the plant room profiles accordingly to avoid any breach.



3d model of planning height zones



Extent of protrusion of proposed design prior to re- design

Urbaine's experience in this field has place the company in a strong position to advise on the verification of imagery and also to assist in developing more robust methods of analysis of such imagery. As a minimum, Urbaine would suggest that anyone engaging the services of

visualisation companies should request the following information, as a minimum requirement:

1. Height and plan location of camera to be verified and clearly shown on an aerial photo, along with the sun position at time of photography.
2. A minimum of 4 surveyed points identified in plan, at ground level relating to elements on the photograph and hence to the location of the superimposed building.
3. A minimum of 4 surveyed height points to locate the imposed building in the vertical plane.
4. A series of images to be prepared to explain each photomontaged view, in line with the above stages.

This is an absolute minimum from which a client can determine the verifiability of a photomontaged image. From this point the images can be assessed by other consultants and used to prepare a legal case for planning approval.



Policy: Use of Photomontages and Visualisation Tools

Commencement

1. This policy commences on 17 May 2024 and replaces the policy published 21 August 2013.

Purpose of the policy

2. This policy is to guide the preparation of photomontages, still images, video images, and other visualisation tools to depict the development in an appeal under the *Environmental Planning and Assessment Act 1979*, to ensure that the data they present is represented and interpreted accurately, and that their use would assist the Court in determining the appeal.

Application

3. The policy applies to appeals under the EPA Act, where photomontages or other visual tools are to be submitted as part of expert evidence.

Definitions

4. In this Policy:

Appeal means an appeal to the Court under the EPA Act.

CGI means Computer Generated Image.

Commissioner means a Commissioner or Acting Commissioner of the Court.

Court means the Land and Environment Court of New South Wales.

Development means the development for which consent is sought in the development application that is the subject of the appeal.

EPA Act means the *Environmental Planning and Assessment Act 1979*.

Existing Image means an unchanged or unaltered image of the location, viewing angle and approximate conditions on which the proposed development will be overlaid, to convey the issues in dispute.

Judge means a Judge of the Court.

Photomontages means, for the purpose of this policy, any visual tool or aid, whether still image, video, computer generated image, two dimensional (2D) or three dimensional (3D) or other visual means to depict development plans.

Registrar means a Registrar of the Court.

RL Reduced Level or Relative Level as defined in Australian Standard® AS1100 Technical Drawings.

General principles

5. A photomontage submitted in an appeal should provide to the Judge, Commissioner or Registrar the most accurate visual images of the development in its real-world location, so as to specifically convey the issues in dispute.
6. A photomontage must include:
 - 6.1 the existing image;
 - 6.2 a 2D plan and/or elevation showing the location of the camera, target point/viewing angle, and lighting source that corresponds to the location from where the existing image was taken; and
 - 6.3 the proposed built envelope and key features of the development overlaid on the existing image in the form of a wire frame and/or 'block massing' model to demonstrate the development.
7. Where a photorealistic CGI of the development is used:
 - 7.1 the metadata from the existing image to create an identical 3D computer generated camera should be provided;
 - 7.2 the environmental conditions of the CGI should be set to the same parameters as the existing image;
 - 7.3 colour matching in the CGI is to correspond with the existing image; and



- 7.4 the details of the software used in creating the CGI should be stated as part of the submission of the photomontage.
8. A detailed summary of the methodology used to create the photomontage should be provided, including:
- 8.1 survey data that is used to create the photomontages, including the name and qualifications of the surveyor who prepared the survey information from which the underlying data for the wire frame was obtained;
 - 8.2 site specific topographical data used to create the photomontages, including the source and references utilised for the topographical data (for example paper, or survey inputs from file types such as from 'DWG' or 'DXF');
 - 8.3 the camera type, lens, focal length or field of view, and sensor used for the purpose of the photograph from which the existing image has been derived;
 - 8.4 accurate location, alignment and direction of the camera (whether fixed on tripod or drone) and RL of the camera for the existing image;
 - 8.5 data that was used to prepare the photomontages, such as:
 - 8.5.1 use of relevant plans and data for the depiction of existing buildings or existing elements as shown in the wire frame, block massing model or photorealistic CGI;
 - 8.5.2 the means by which terrain has been generated (such as surveyed spot levels and/or contours or by some form of point cloud, or Ground Control Point survey method);
 - 8.5.3 any variables applied to the images such as, time of day, lighting and weather conditions;
 - 8.5.4 consistency in application of scale and interpretation of the relevant data;
 - 8.5.5 rationale for selecting a particular view, use of camera lens or conditions in creating the image. For example, in circumstances where a development is best depicted with an expanded field of view or panoramic view, the type of panorama head and equipment must be stated, in addition to the data above.



- 8.6 where a photomontage has used more than one baseline image to represent the existing context (that is where multiple images are 'stitched together'), this must be stated, and the requirements above should be adapted to convey the key data required to verify its accuracy; and
- 8.7 whether any editing software or other visual manipulation has been used in the preparation of the final image, for example an adjustment in contrast, saturation, tilt shift or the like.

Visualisation Tools

9. As technology emerges, the principles outlined above are to be applied. What is important is that the Court has an unaltered and real life baseline, summary of metadata so the veracity of imagery presented can be verified, and application of relevant overlays of the proposed development that assists in the Court's consideration of the real issues in dispute.
10. All effort is to be made and the 'best practices' are to be applied when utilising technology for the purposes of visualisation of the development to ensure accuracy and avoid bias of information interpretation.

Paperless Hearings

11. Parties should be prepared to display the photomontage electronically if it is to be relied upon, or be the subject of an examination of an expert witness.
12. It will be the responsibility of the party whose expert is being examined, to provide a device compatible with courtroom technology which can display the photomontage electronically. This will allow the presiding officer, the experts, lawyers and all other people to be able to see in real time and on a common image, the subject of the examination.

Issued by:

***The Honourable Justice Brian J Preston
Chief Judge – Land and Environment Court of NSW
Date: 17 May 2024***

5.2. APPENDIX C: Camera Positions

CAMERA POSITIONS - GDA 2020 AT GROUND LEVEL (AHD)

SKETCH PLAN SHOWING
INDICATIVE CAMERA POSITIONS FOR -
93-97 Macquarie St

Viewpoint	Easting	Northing	Elevation	Camera Height
1	334783.377	6251536.168	21.484	23.084
2	334729.842	6251512.626	25.678	27.278
3	334832.292	6251452.357	24.542	26.142
4	334803.456	6251597.44	20.322	21.922
5	334925.449	6251780.655	12.117	13.717
8	335434.411	6251807.4	1.194	2.794
9	334938.388	6251054.297	21.6	23.2

NOTE:

BUILDING POSITIONS ARE INDICATIVE FOR PRESENTATION PURPOSES.

DATA WAS CAPTURED USING GNSS RTK ROVER

CAMERA POSITIONS ARE FROM GNSS WITH NTRIP CORRECTIONS

OBSERVATIONS WITHIN +/- 0.01M.

JOB NO: 433 DCO_Macquarie

DATE: 29.4.2025

DRAWN: DK

CHECK: JA

LGA: City of Sydney Council

DATUM: AHD

SCALE: N/A

SHEET: 1-1

5.3. APPENDIX D: Wireframe images



Viewpoint 01



Viewpoint 02



Viewpoint 03



Viewpoint 04



Viewpoint 05



Viewpoint 06



Viewpoint 07



Viewpoint 08



Viewpoint 09



Viewpoint 10



Viewpoint 11



Viewpoint 12



Viewpoint 13



Viewpoint 14



Viewpoint 15



Viewpoint 16



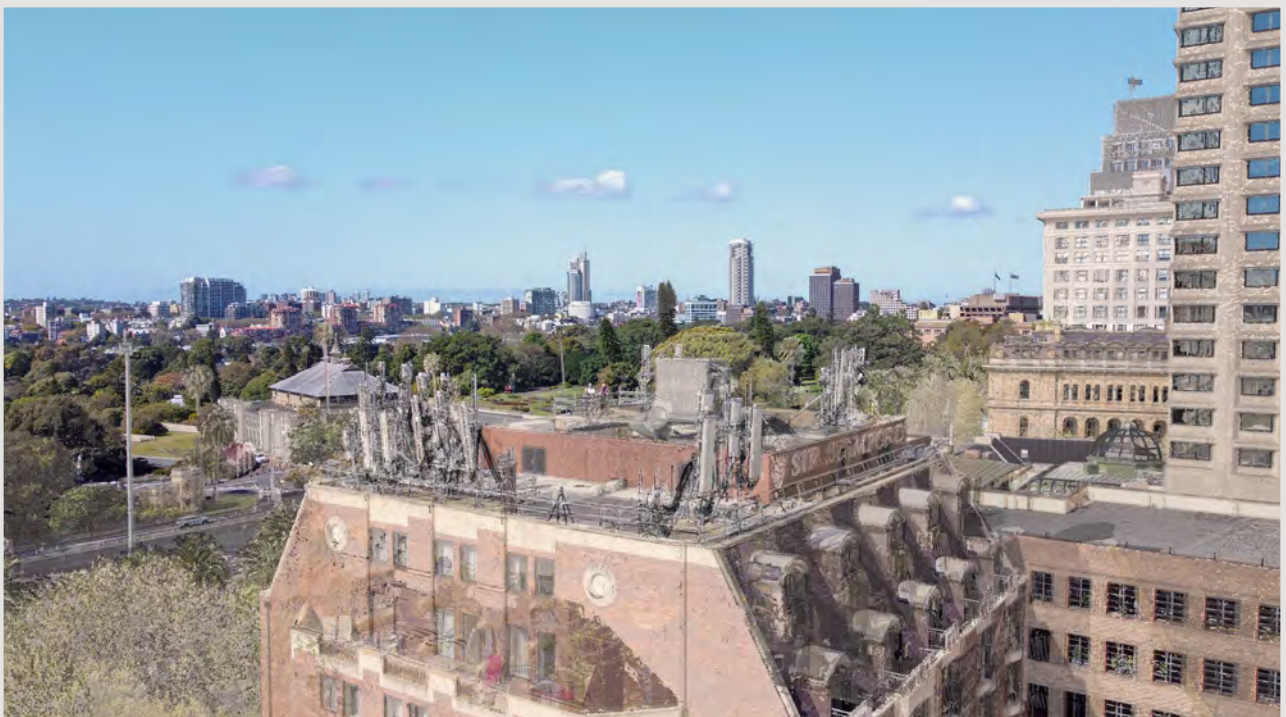
Viewpoint 17



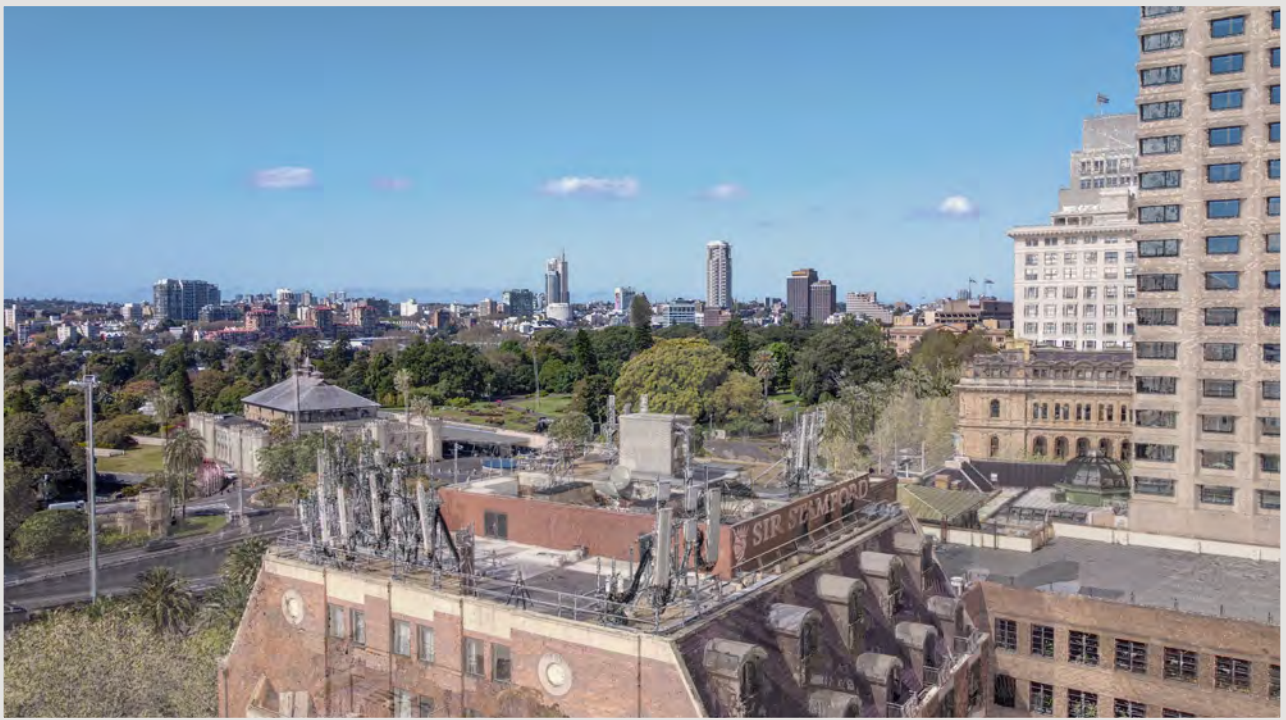
Viewpoint 18



Viewpoint 19



Viewpoint 20



Viewpoint 21



Viewpoint 22



Viewpoint 23



Viewpoint 24



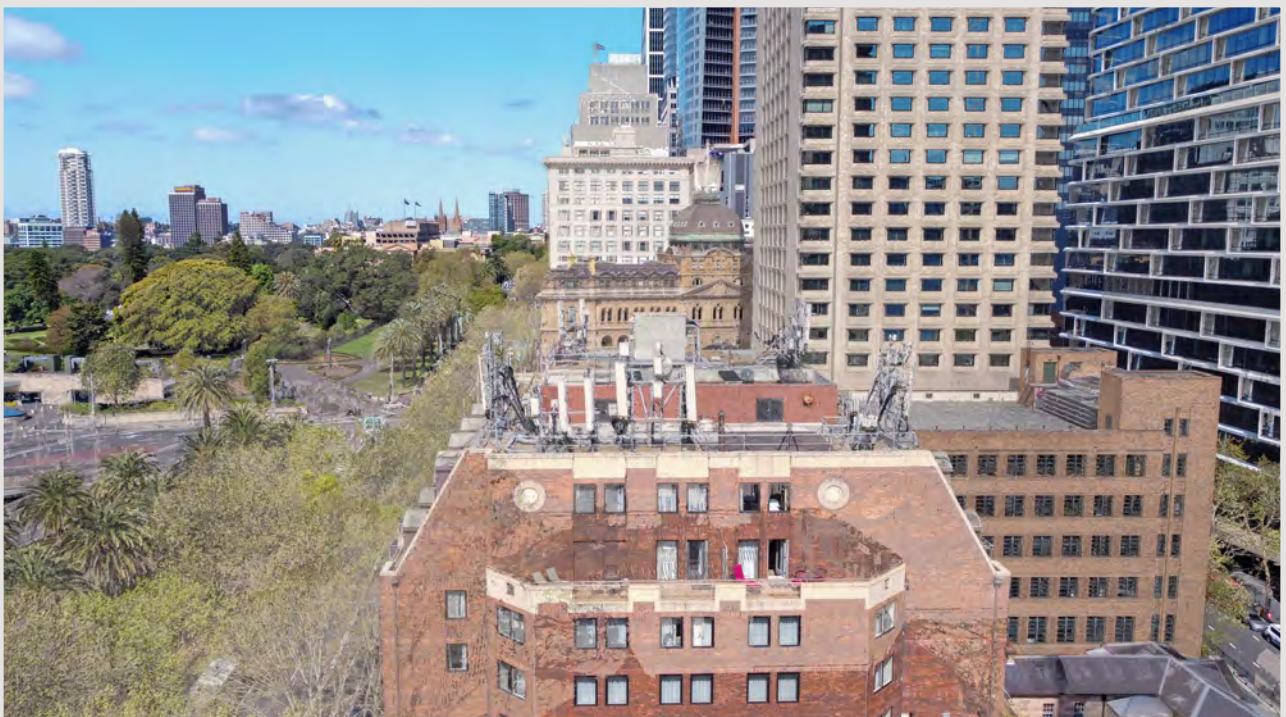
Viewpoint 25



Viewpoint 26



Viewpoint 27



Viewpoint 28



Viewpoint 29



Viewpoint 30



Viewpoint 31



Viewpoint 32