

Attachment D1

**Supplementary Visual Impact Assessment
1 June 2025**

urbaine

D E S I G N G R O U P

VISUAL IMPACT ASSESSMENT

DEVELOPMENT APPLICATION

LOT 12 / PLAN 1197140

NOS.93-97 MACQUARIE STREET, SYDNEY NSW 2000

Project Type: Development Application
Lot: 12, Plan 1197140
Address: 93-97 Macquarie Street, Sydney NSW 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 Macquarie Street Development 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.

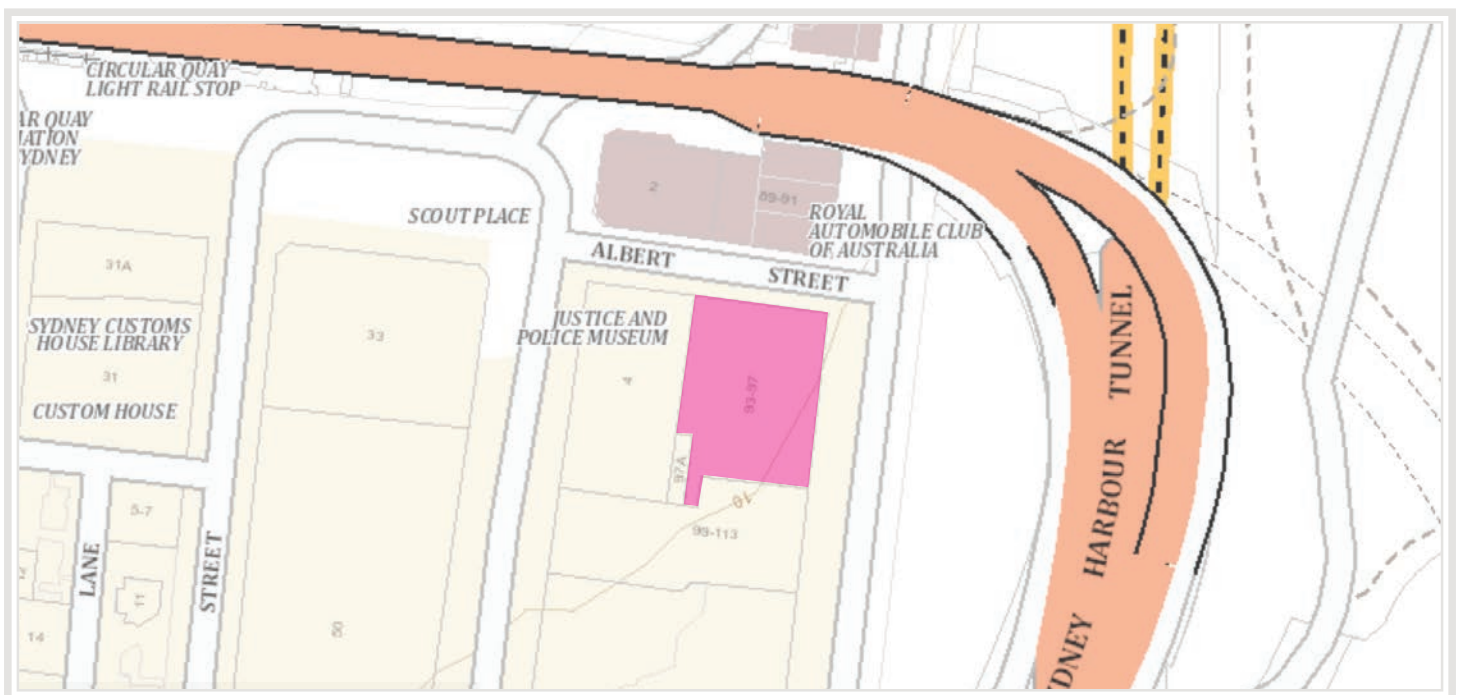


Figure 1 – Site location shown in magenta

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.

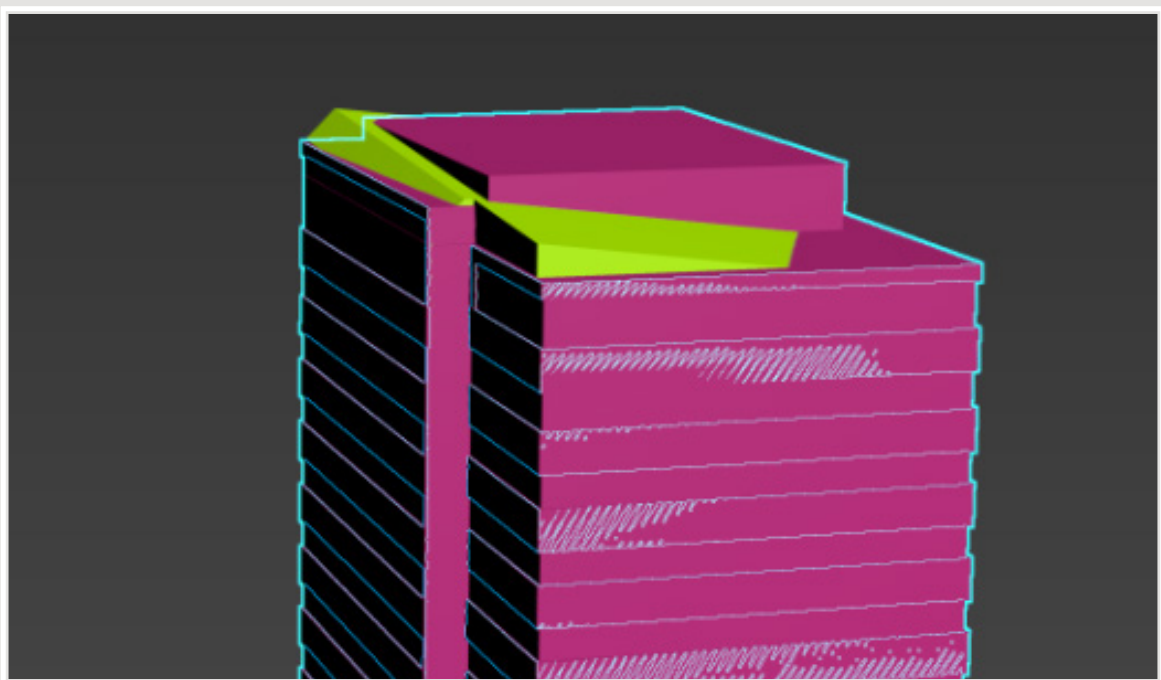


Figure 2 – Approved Envelope in green with proposed envelope in magenta

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.

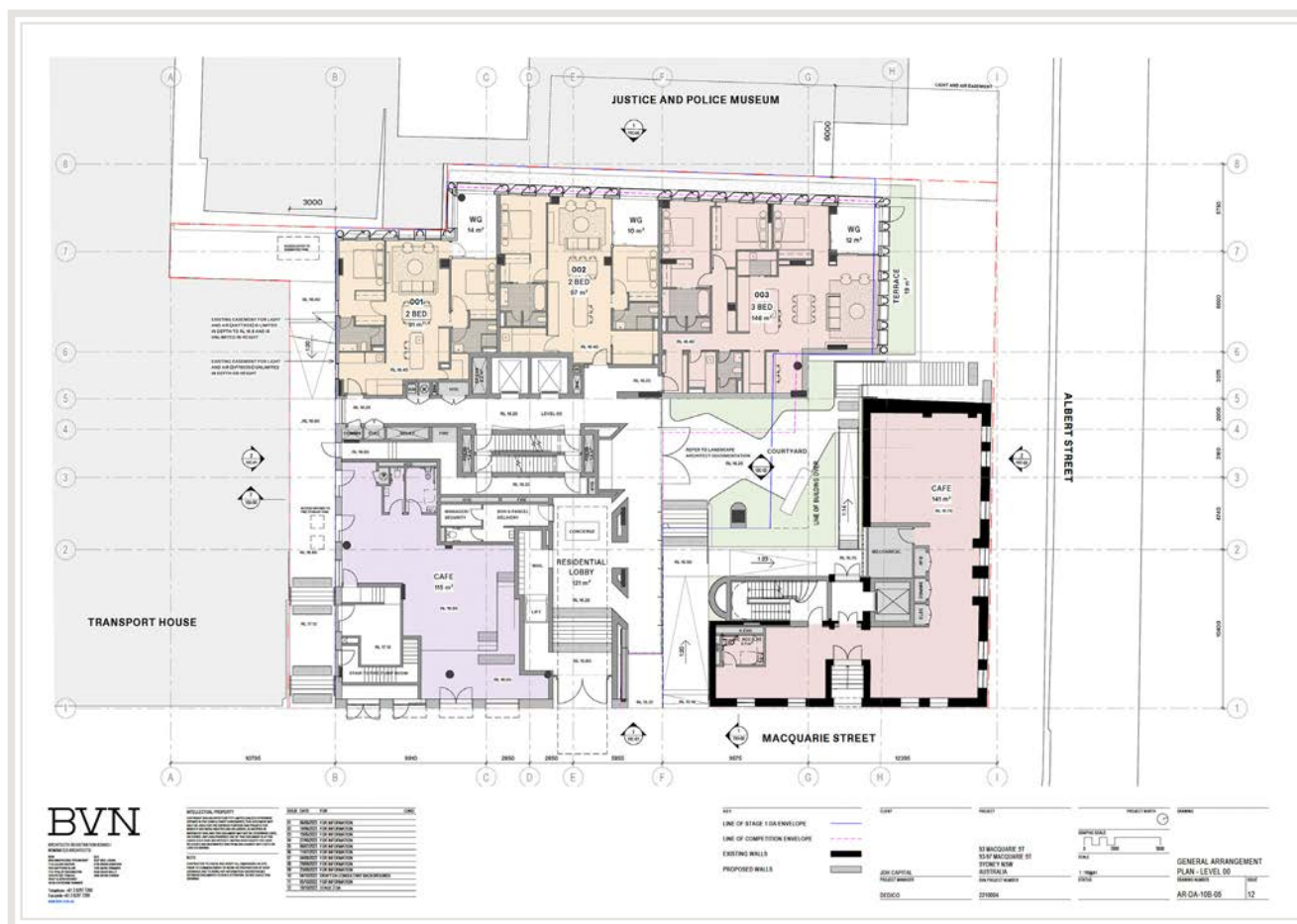


Figure 4 – Typical floor plan of the proposed design by BVN Architects.

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.

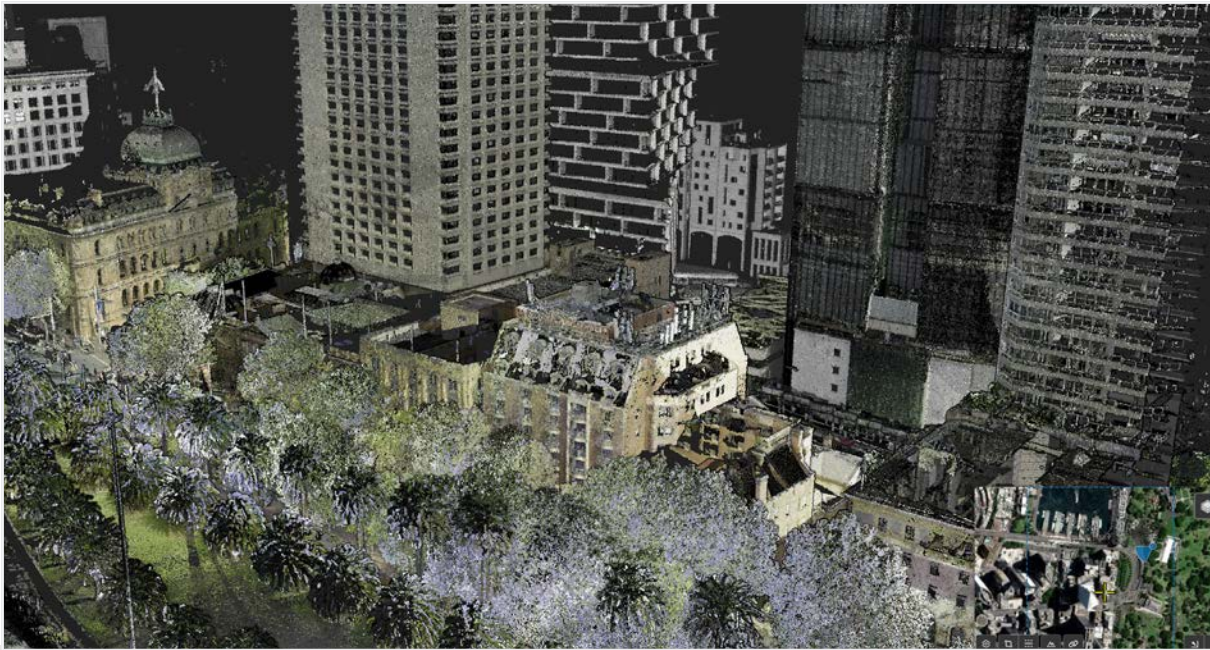


Figure 5a – LEICA Point cloud survey provided by CMS Surveyors



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

1.6. Process for Assessments from The Intercontinental Hotel.

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.

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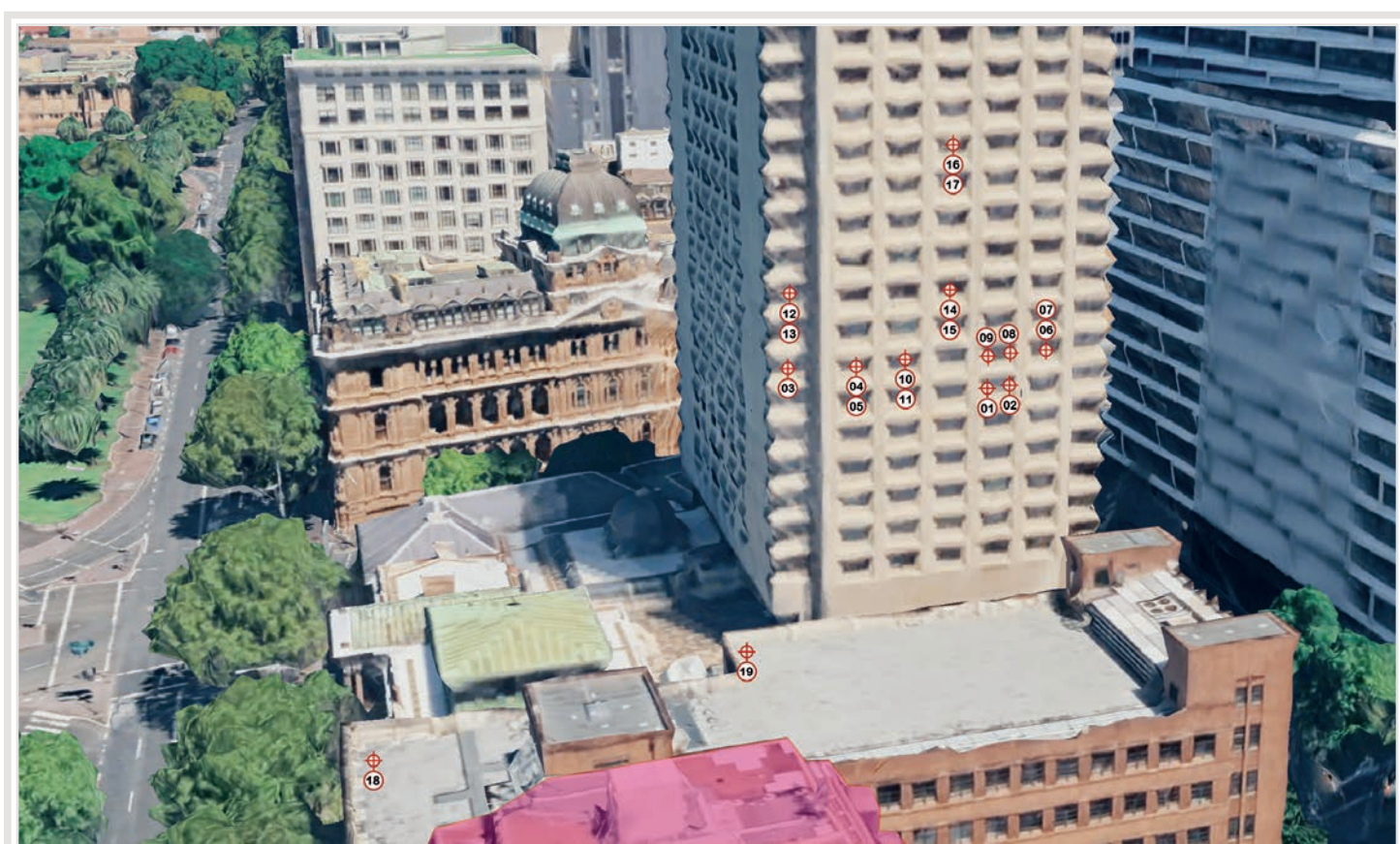


Figure 5: Selected private viewpoint locations for visual impact assessments with site outlined in red.

1.6.2. Site Inspections

A site inspection was undertaken to photograph the site from selected hotel rooms within the Intercontinental Hotel to the south of the subject site.

- The topography and existing urban structure of the local area
- The hotel rooms 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*

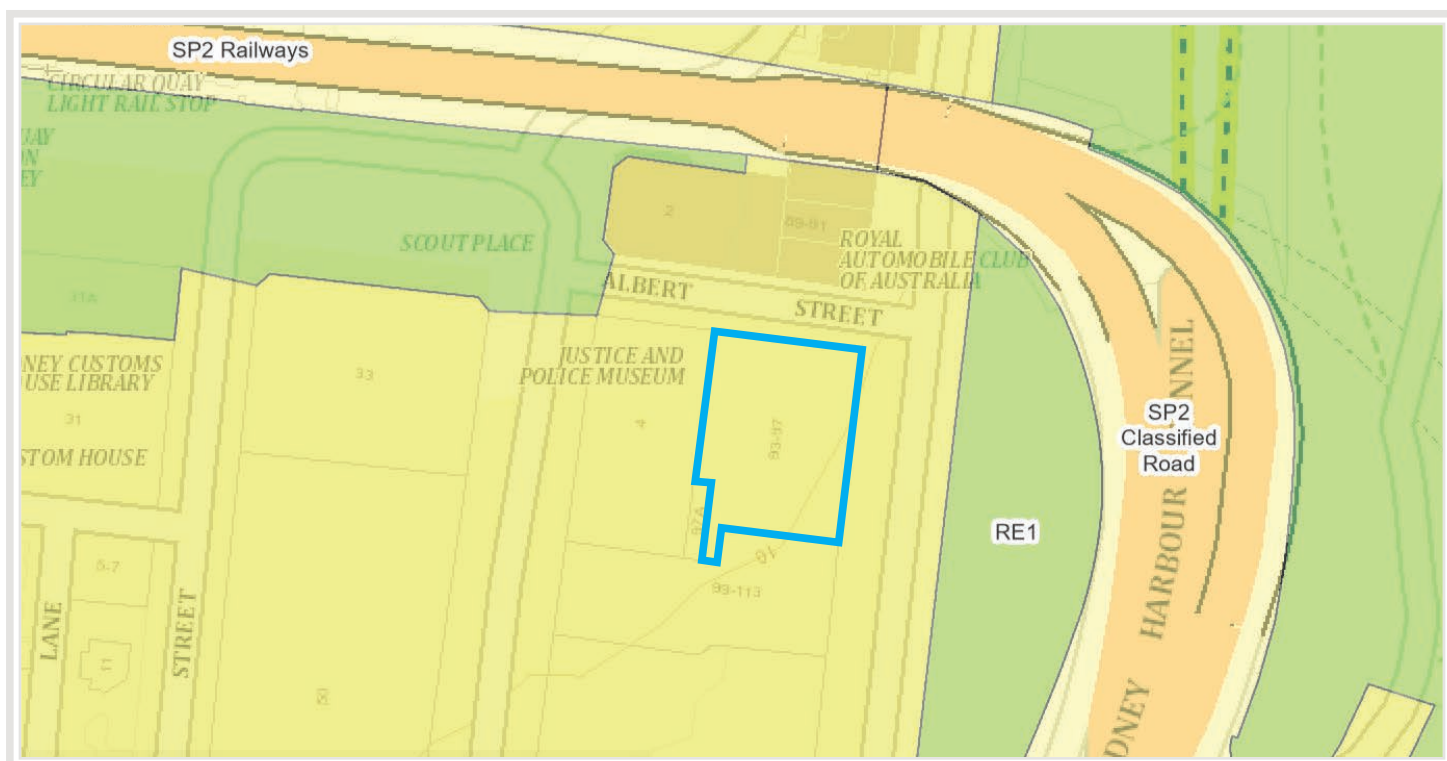


Figure 6: Land zoning map, indicating site with blue outline.

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.

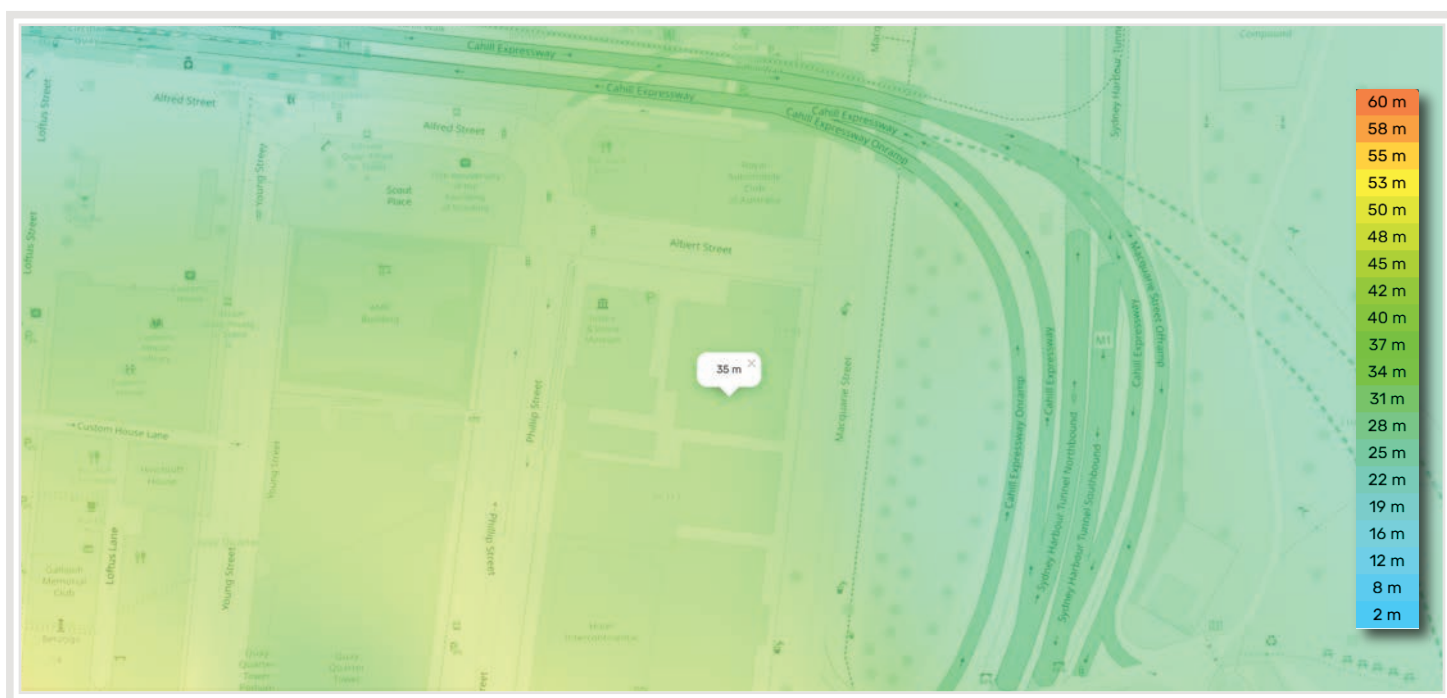


Figure 7: Subject area topographical map.

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-storey 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 development 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-storey 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 19 photographic viewpoint locations.

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 Minimal views of natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc.) Uniformity of land forms
NEGLECTIBLE	2			
	3			
	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 Some views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc.)
	6			
	7			
MODERATE	8			
	9			
	10			
SEVERE	11	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 Minimal manmade features, however if present of a high architectural standard Significant views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc.) Presence of iconic regional views of landmark features
	12			
	13			
DEVASTATING	14			
	15			

Figure 8: Urbaine Group Assessment Table

3.1.2. Assessment at selected viewpoints

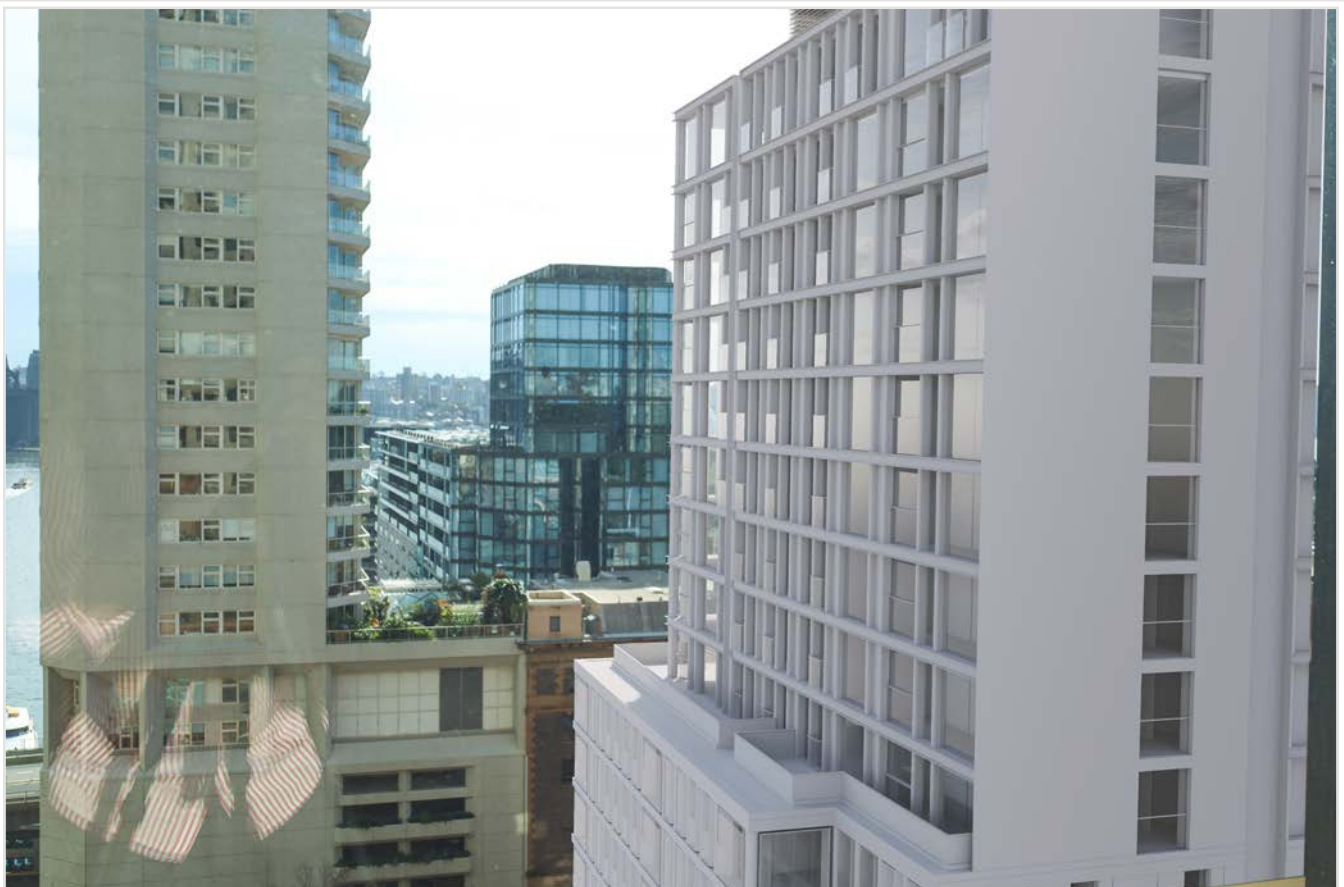
VIEWPOINT 01



Existing site photo Intercontinental Hotel: Level 13 - Room 1325.

From standing position on the upperlevel window of Unit 1502
RL + 52.33m- Distance to boundary 32.46m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



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

P71 IMG_6751 d.jpg



Visual Impact comparing approved and proposed model

P71 IMG_6751 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <4%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 68% : 32%*
- *Existing Visual Assessment Scale no: 11 /15*
- *Visual Impact Assessment Scale of new proposal beyond approved: 3 /15*

This is a static, private viewpoint from Level 13, room 1325 of the Intercontinental Hotel. The view is in a north-northeasterly direction, across the subject site. To the west, the southern elevation of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the view of Circular Quay, although small glimpses are available on either side. 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 upper tree canopies of the northern reaches of the Royal Botanic Gardens are visible in the middle distance, together with a portion of Farm Cove, and the northern foreshore in the far distance, across the harbour.

The additional 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 sky view and parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia.

There is a small amount of view gain at the northwestern corner of the site.

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private hotel room no.1325.*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 02



Existing site photo Intercontinental Hotel: Level 13 - Room 1325.

From standing position on the upper level window
RL + 52.63m - Distance to boundary 33.03m

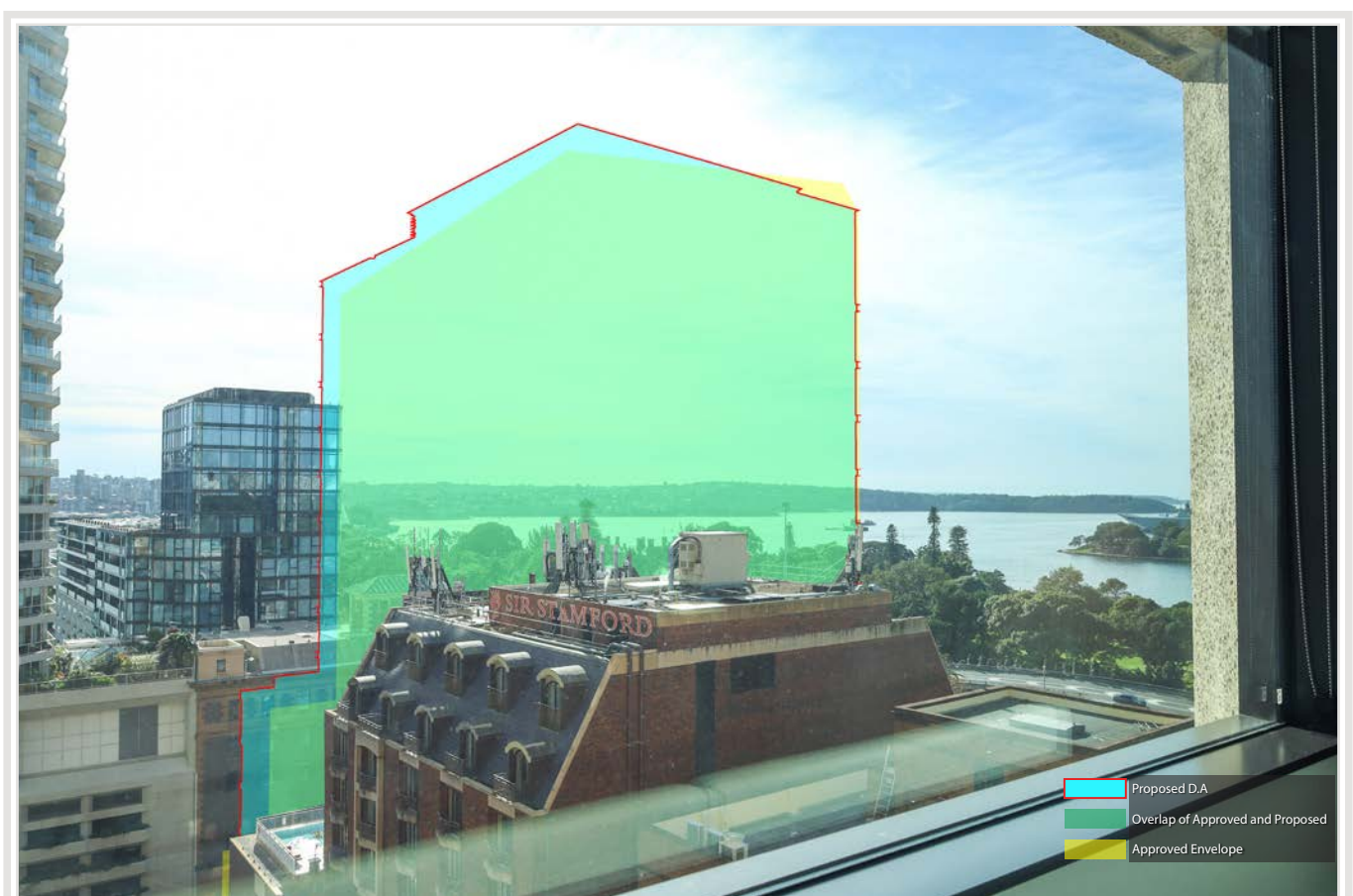
Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



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



Visual Impact comparing approved and proposed model

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <6%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 62% : 38%*
- *Existing Visual Assessment Scale no: 12 /15*
- *Visual Impact Assessment Scale of new proposal beyond approved: 4 /15*

This is a static, private viewpoint from Level 13, room 1325 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. A very small area of the eastern sail of the Opera House is observed in the middle distance.

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 sky view above the roof of the existing, approved building on the subject site, the Sir Stamford Hotel and parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia.

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

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private hotel room no.1325.*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 03



Existing site photo Intercontinental Hotel: Level 15 - Room 1502.

From standing position on the upper level window
RL + 58.02m - Distance to boundary 31.11m

Camera - Canon RP
Lens - 24mm

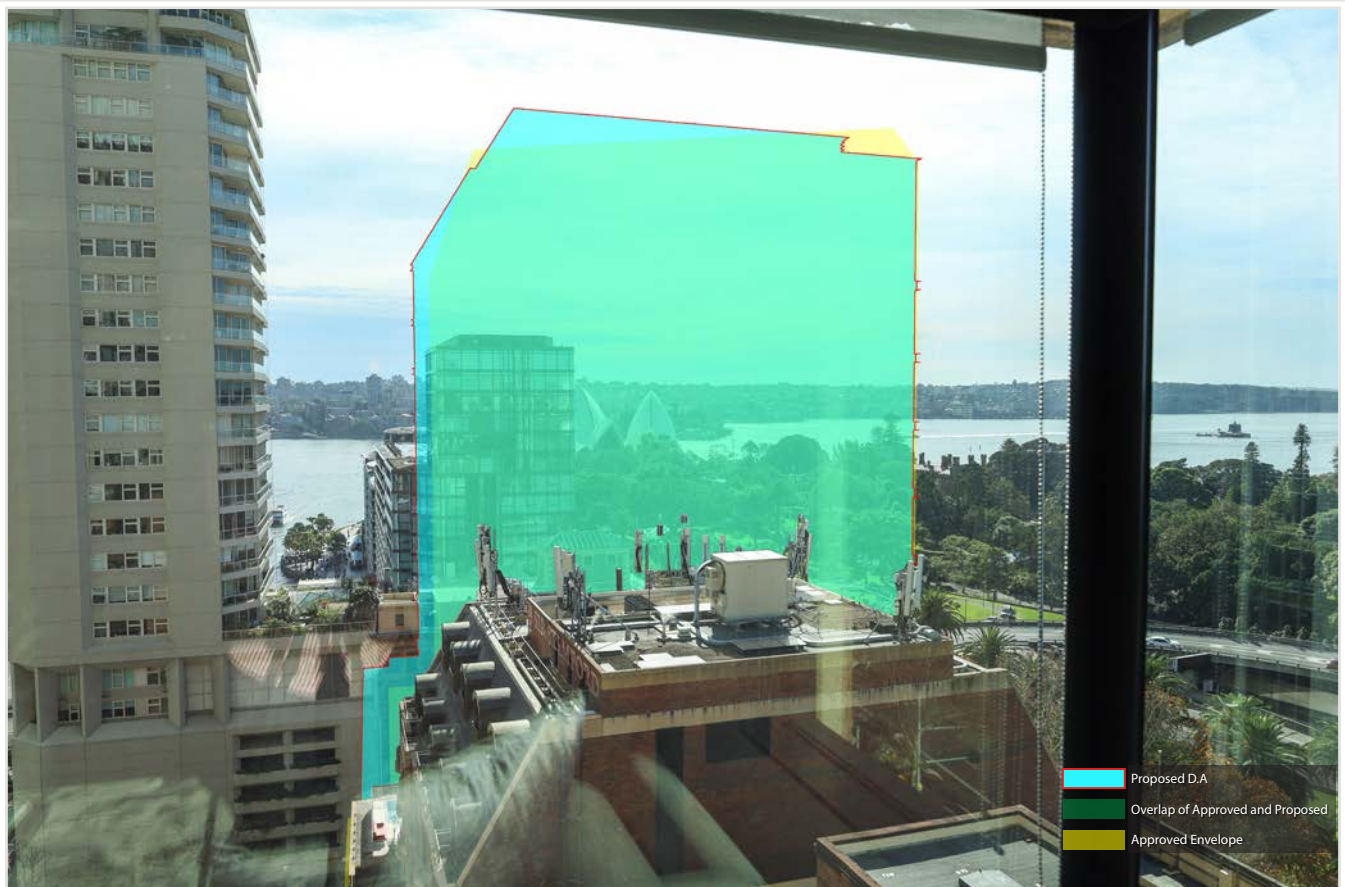


Photomontage of Proposal



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

P73 IMG_6762 d.jpg



Proposed D.A.
Overlap of Approved and Proposed
Approved Envelope

Visual Impact comparing approved and proposed model

P73 IMG_6762 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <6%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 64% : 36%*
- *Existing Visual Assessment Scale no: 12 /15*
- *Visual Impact Assessment Scale of new proposal beyond approved: 4 /15*

This is a static, private viewpoint from Level 15, room 1502 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 can be seen. To the west, the southern elevation of the residential apartment building at No.2, Phillip Street impacts upon the open views obtained through to Circular Quay and the Harbour Bridge. 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 and the northern foreshore in the far distance, across the harbour. A large proportion of the Opera House sails are also observed beyond the Royal Botanic Gardens

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 sky view and parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia.

There is a small amount of view gain at the eastern boundary and the northwestern corner of the site.

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private hotel room no.1502.*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 04



Existing site photo Intercontinental Hotel: Level 15 - Room 1502.

From standing position on the upper level window
RL + 58.20m - Distance to boundary 27.74m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



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

P75 IMG_6768 d.jpg



Visual Impact comparing approved and proposed model

P75 IMG_6768 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <6%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 68% : 32%*
- *Existing Visual Assessment Scale no: 14 /15 &*
- *Visual Impact Assessment Scale of new proposal beyond approved: 4 /15*

This is a static, private viewpoint from the northeast corner suite, 1502, on level 15 of the Intercontinental Hotel. The view is in a north-northeasterly direction across the subject site in the foreground. In the immediate foreground, the southern elevation of the Sir Stamford Hotel is seen. To the west, the residential apartment building at No.2, Phillip Street can be seen, with significant views to Circular Quay and the Harbour Bridge beyond this. The residential apartment buildings along the eastern side of Sydney Cove are observed 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 and the northern foreshore in the far distance, across the harbour. A large proportion of the eastern Opera House sails is also observed beyond the Royal Botanic Gardens

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 sky view and parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia.

There is a small amount of view gain at the eastern boundary and the northwestern corner of the site.

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private hotel room no.1502.*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 05



Existing site photo Intercontinental Hotel: Level 15 - Room 1502.

From standing position on the upper level window
RL + 58.19m - Distance to boundary 28.28m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



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



- Proposed D.A
- Overlap of Approved and Proposed
- Approved Envelope

Visual Impact comparing approved and proposed model

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <4%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 83% : 17%*
- *Existing Visual Assessment Scale no: 11 /15*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 3 /15*

This is a static, private viewpoint from the northeast corner suite, 1502, on level 15 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 is seen in front of the site. To the west, the corner of the residential apartment building at No.2, Phillip Street 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 are visible above the roof of the Sir Stamford Hotel on the subject site. From here, the upper sections of the eastern Opera House sail is 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 Negligible 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 and parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia. 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 eastern boundary and the northwestern corner of the site.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Private hotel room no.1502.*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 06



Existing site photo Intercontinental Hotel: Level 15 - Room 1525.

From standing position on the upper level window
RL + 58.10m - Distance to boundary 36.92m

Camera - Canon RP
Lens - 24mm

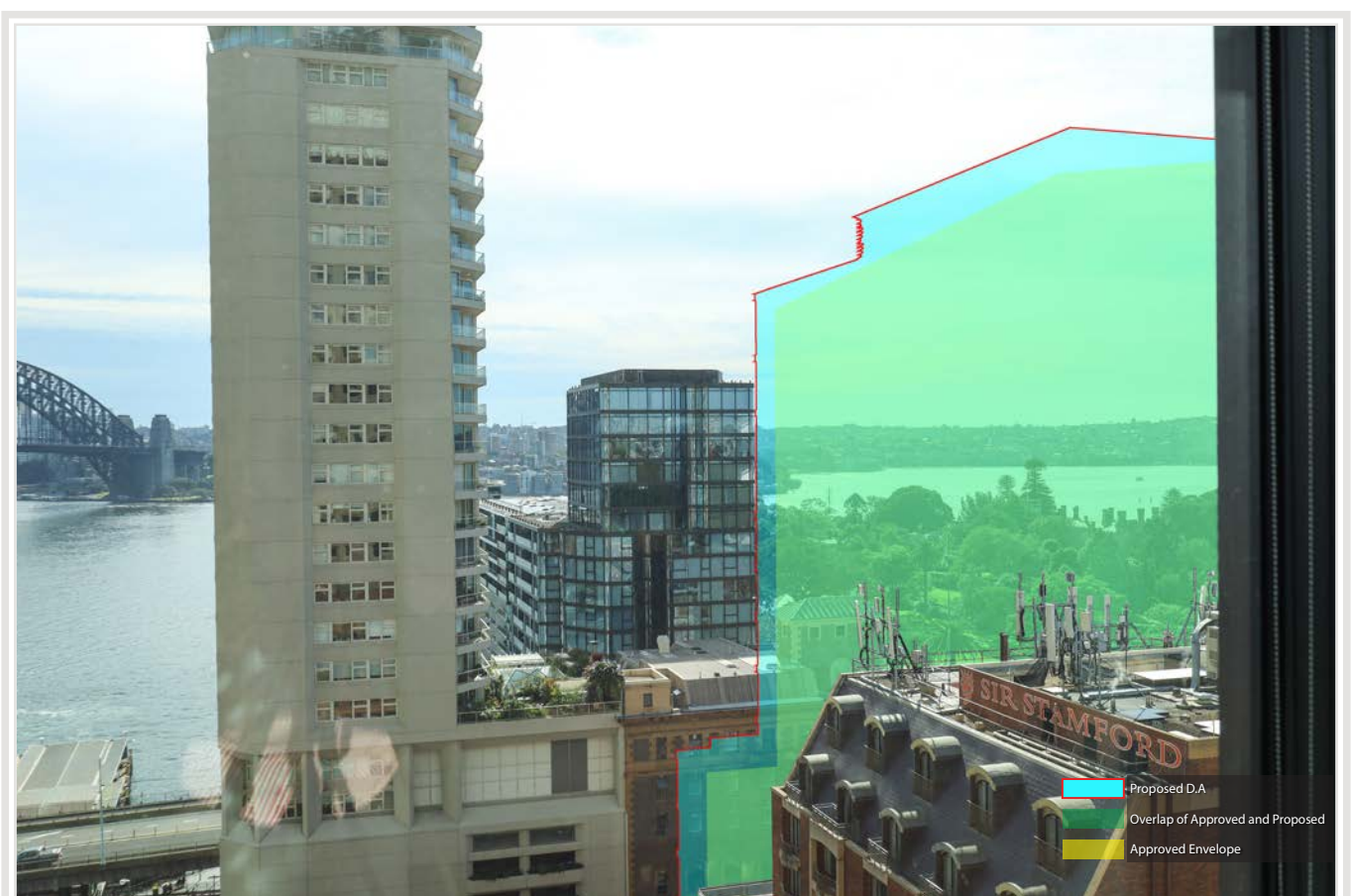


Photomontage of Proposal



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

P77 IMG_6776 d.jpg



Visual Impact comparing approved and proposed model

P77 IMG_6776 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <5%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 59% : 41%*
- *Existing Visual Assessment Scale no: 12 /15 &*
- *Visual Impact Assessment Scale of new proposal beyond approved: 6 /15*

The view is in a north-northeasterly direction across the subject site in the foreground. In the immediate foreground, is the western facade of the Sir Stamford Hotel. To the west, the southern elevation of the residential apartment building at No.2, Phillip Street can be seen, with significant views to Circular Quay and the Harbour Bridge beyond this. The residential apartment buildings along the eastern side of Sydney Cove are visible 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 seen in the middle distance, with a portion of the northern foreshore in the far distance, across the harbour. A small portion of the eastern Opera House sails are also observed beyond the Royal Botanic Gardens

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 existing, approved building and small areas of the southern elevation of the Royal Automobile Club of Australia and minor parts of the distant harbour foreshore.

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private hotel room no.1525*
- *Extent of impact: Minor-to-Moderate.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 07



Existing site photo Intercontinental Hotel: Level 15 - Room 1525.

From standing position on the upper level window
RL + 58.32m - Distance to boundary 37.85m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



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

P78 IMG_6779 d.jpg



Visual Impact comparing approved and proposed model

P78 IMG_6779 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved 5%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 0% : 100%*
- *Existing Visual Assessment Scale no: 12 /15 &*
- *Visual Impact Assessment Scale of new proposal beyond approved: 1 /15*

This is a static, private viewpoint from Level 15, room 1525 of the Intercontinental Hotel. The view is in a northeasterly direction across the subject site in the foreground. In the immediate foreground, the western and southern elevations of the Sir Stamford Hotel partially impact on views to the Royal Botanic Gardens. 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 further northern harbour foreshores can be seen

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 confined to the sky view above the roof of the existing, approved building on the subject site, the Sir Stamford Hotel.

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

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private hotel room no.1525*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 08



Existing site photo Intercontinental Hotel: Level 15 - Room 1525.

From standing position on the upper level window
RL + 58.26m - Distance to boundary 33.70m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



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

P80 IMG_6783 d.jpg



Visual Impact comparing approved and proposed model

P80 IMG_6783 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <5%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 61% : 39%*
- *Existing Visual Assessment Scale no: 12 /15*
- *Visual Impact Assessment Scale of new proposal beyond approved: 3 /15*

This is a static, private viewpoint from Level 15, room 1525 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 western elevation of the Sir Stamford Hotel can be observed. To the west, the residential apartment building at No.2, Phillip Street can be seen, which obscures the eastern side views of Circular Quay, while maintaining almost the entirety of the Harbour Bridge. 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 and the northern foreshore in the far distance.

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 sky view above the roof of the existing, approved building on the subject site, the Sir Stamford Hotel and parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia.

There is a small amount of view gain at the northwestern corner of the site.

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private hotel room no.1525*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 09



Existing site photo Intercontinental Hotel: Level 15 - Room 1525.

From standing position on the upper level window
RL + 57.75m - Distance to boundary 33.57m

Camera - Canon RP
Lens - 24mm

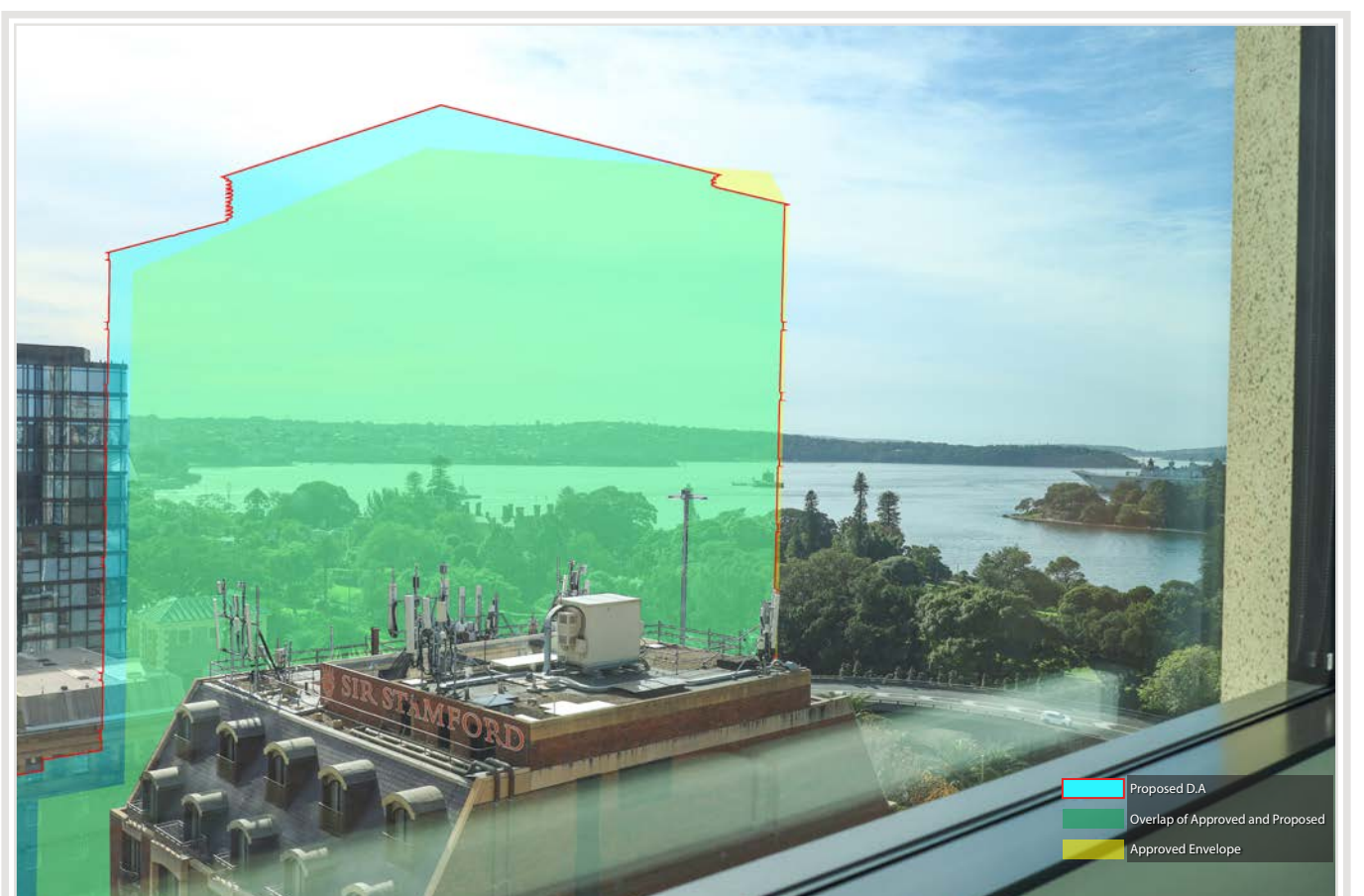


Photomontage of Proposal



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

P81 IMG_6787 d.jpg



Visual Impact comparing approved and proposed model

P81 IMG_6787 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <7%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 52% : 48%*
- *Existing Visual Assessment Scale no: 12 /15*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 4 /15*

This is a static, private viewpoint from Level 15, room 1525 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 Negligible 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, approved building on the subject site, the Sir Stamford Hotel and parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia.

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

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private hotel room no.1525*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 10



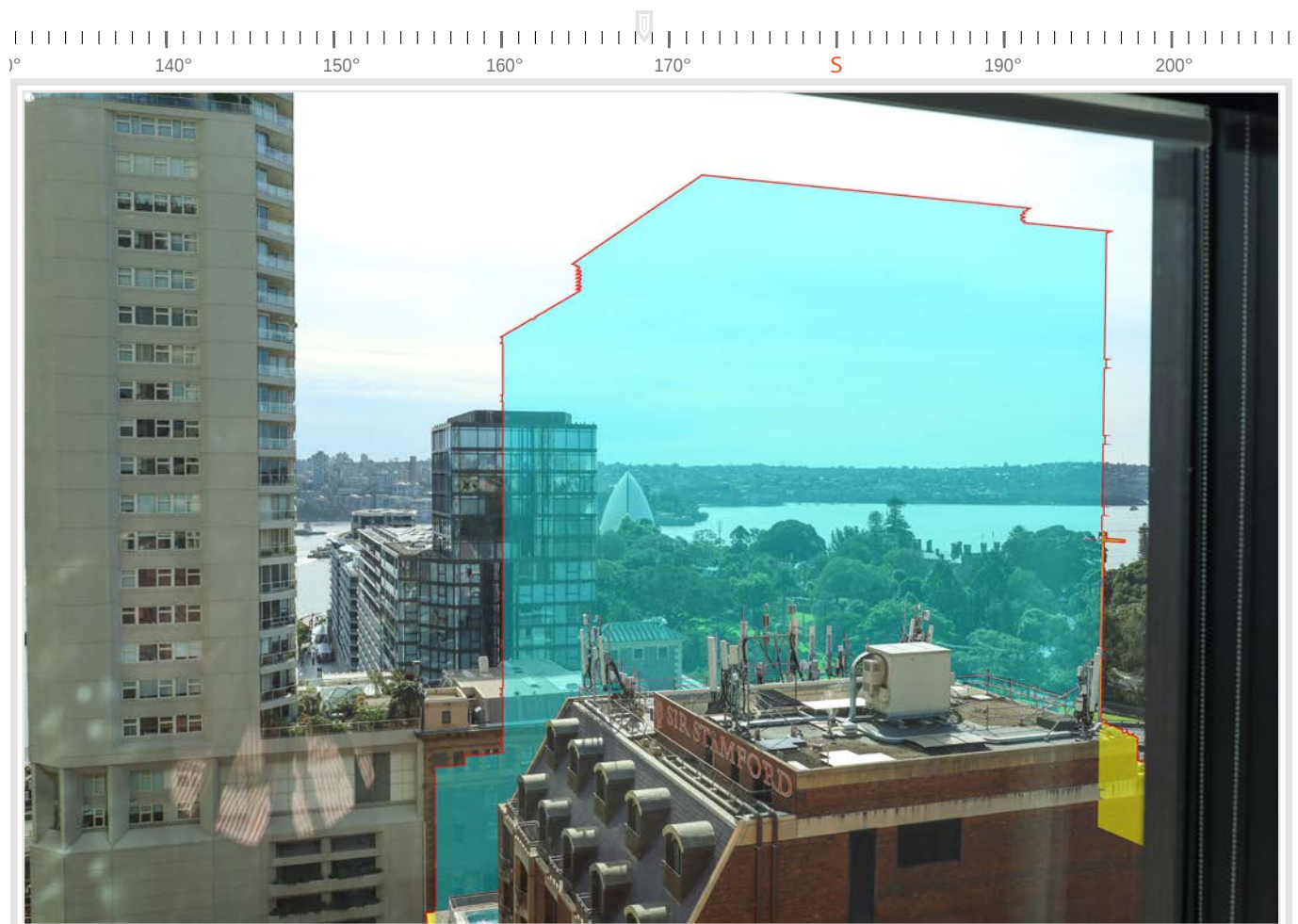
Existing site photo Intercontinental Hotel: Level 15 - Room 1526.

From standing position on the upper level window
RL + 58.18m - Distance to boundary 30.02m

Camera - Canon RP
Lens - 24mm

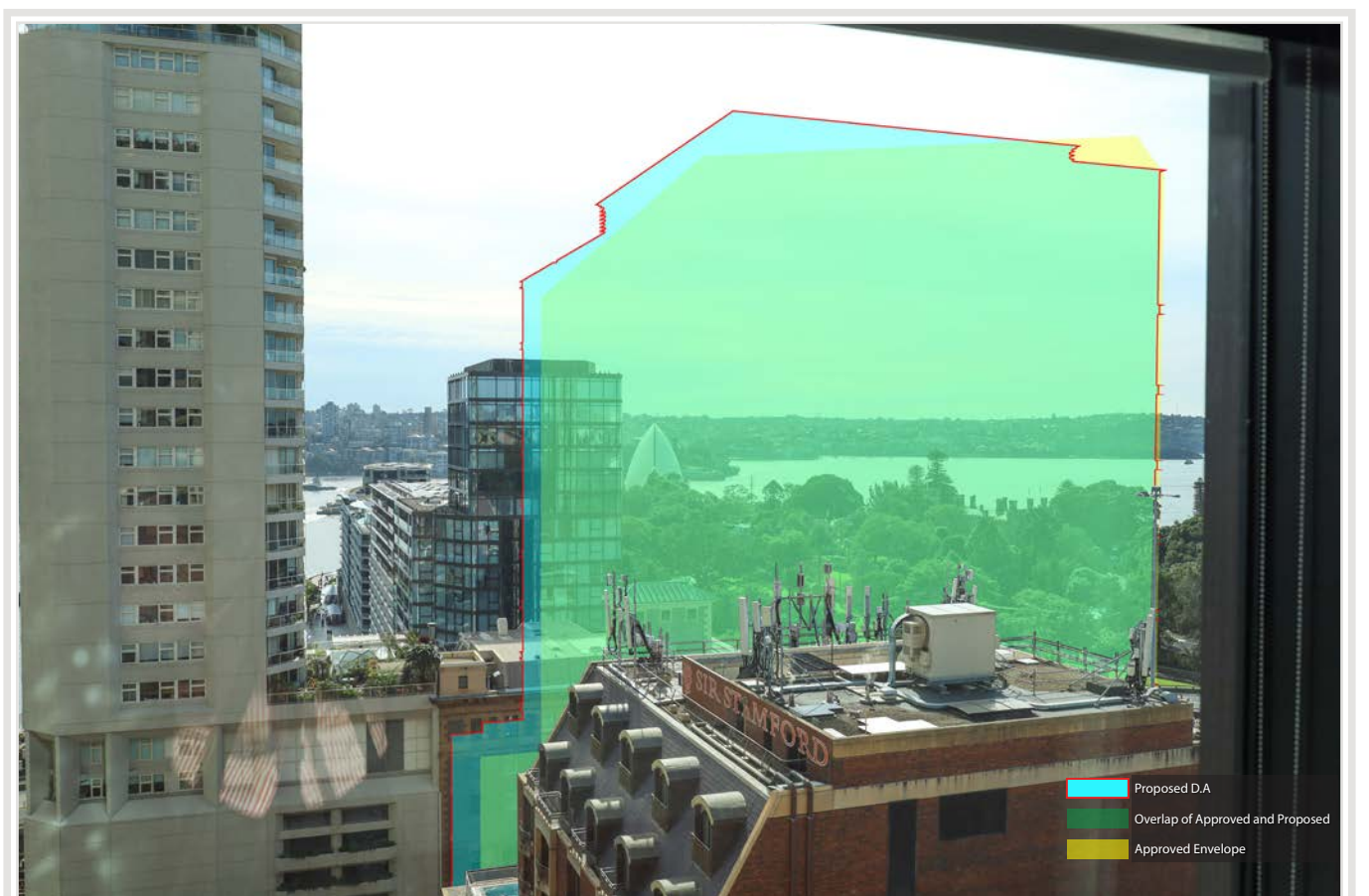


Photomontage of Proposal



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

P82 IMG_6791 d.jpg



Visual Impact comparing approved and proposed model

P82 IMG_6791 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <7%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 51% : 49%*
- *Existing Visual Assessment Scale no: 12 /15*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 4 /15*

This is a static, private viewpoint from Level 15, room 1526 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. 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 Negligible 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, approved building on the subject site, the Sir Stamford Hotel and parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia.

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

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private hotel room no.1526*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 11



Existing site photo Intercontinental Hotel: Level 15 - Room 1526.

From standing position on the upper level window
RL + 58.18m - Distance to boundary 30.02m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



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

P83 IMG_6797 d.jpg



Visual Impact comparing approved and proposed model

P83 IMG_6797 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <3%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 0% : 100%*
- *Existing Visual Assessment Scale no: 12 /15 &*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 2 /15*

This is a static, private viewpoint from Level 15, room 1526 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 Negligible 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, approved building on the subject site, the Sir Stamford Hotel.

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 room no.1526*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 12



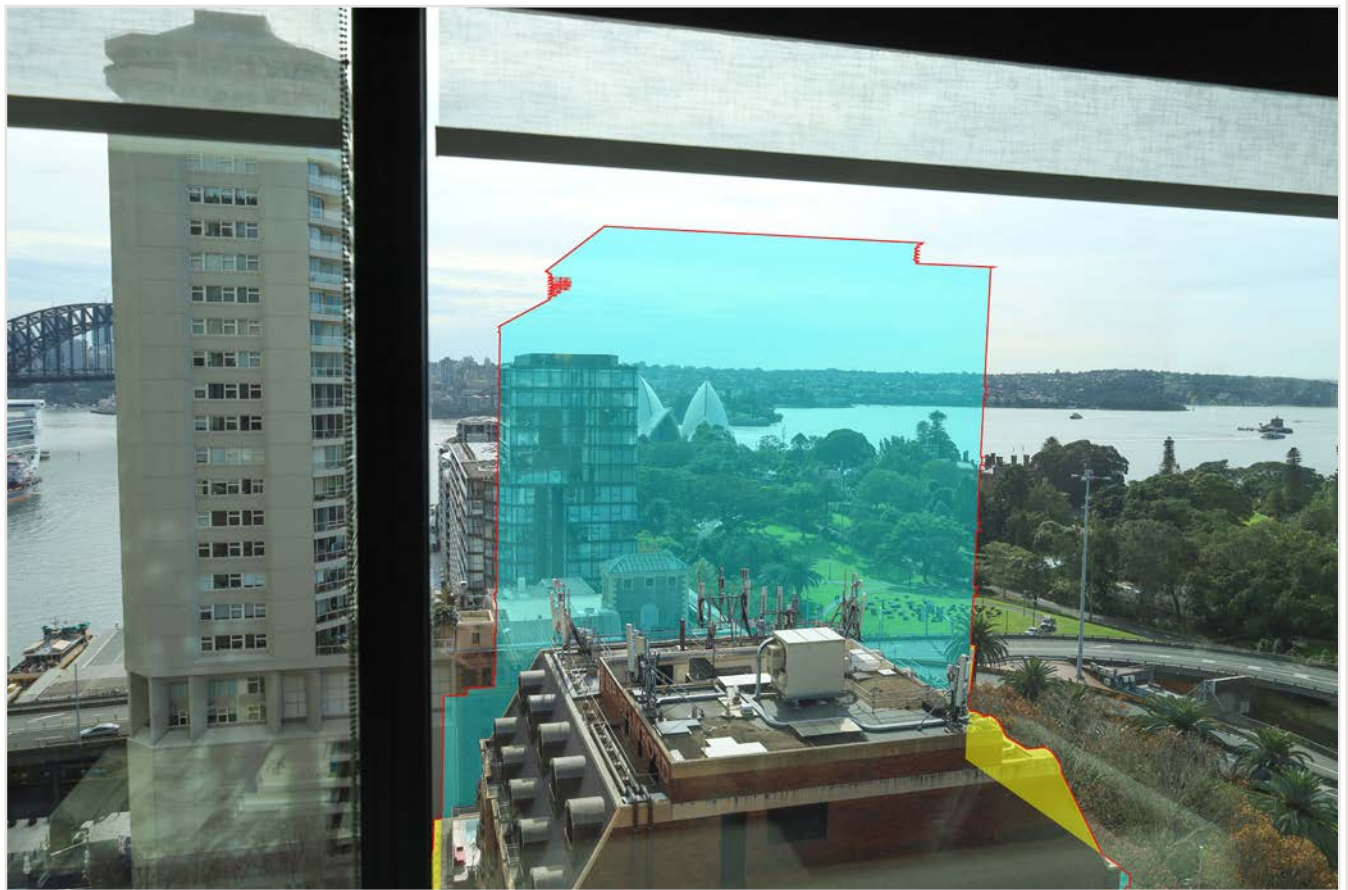
Existing site photo Intercontinental Hotel: Level 17 - Room 1702.

From standing position on the upper level window
RL + 63.74m- Distance to boundary 28.19m

Camera - Canon RP
Lens - 24mm

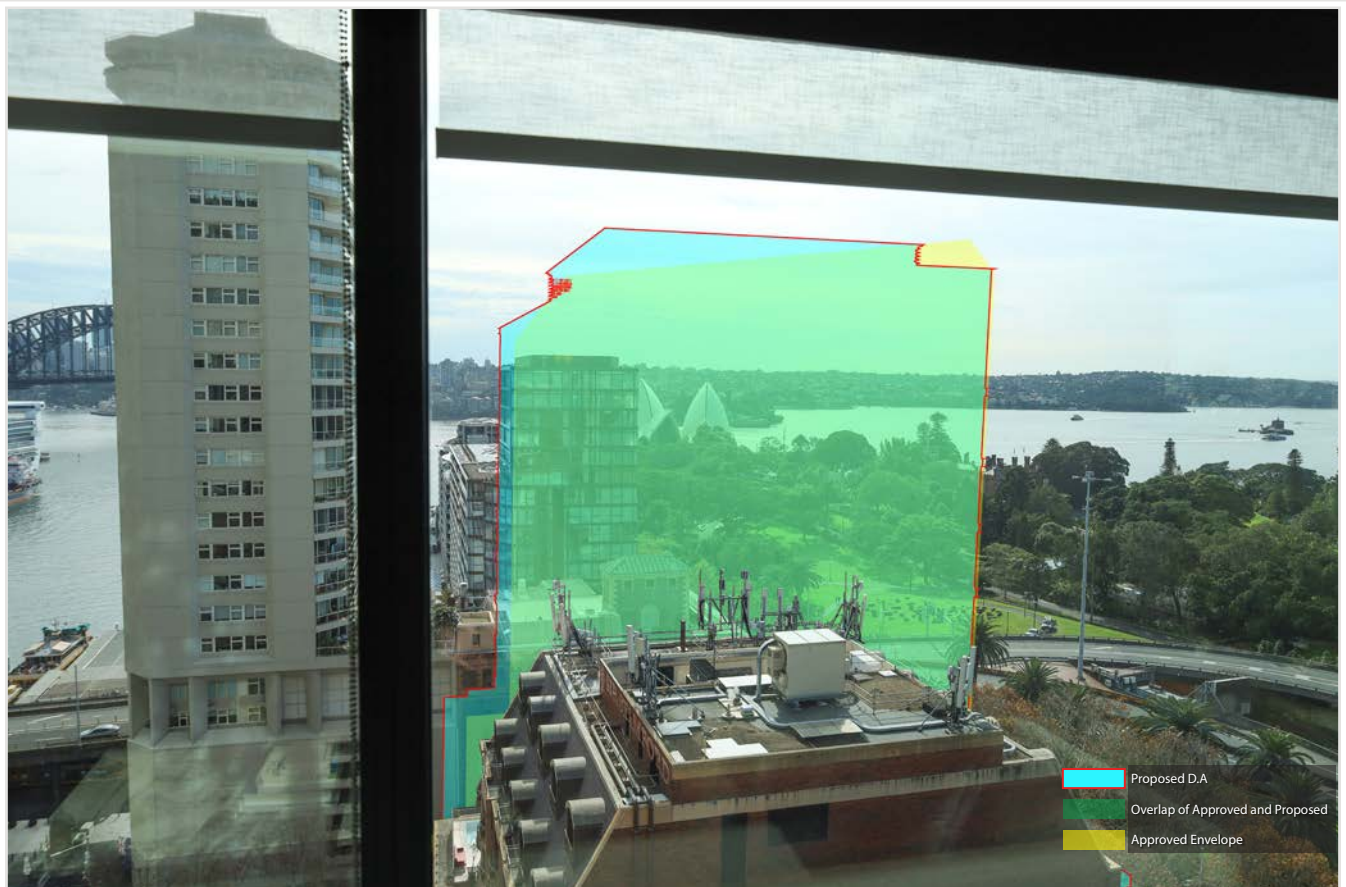


Photomontage of Proposal



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

P87 IMG_6809 d.jpg



Proposed D.A.
Overlap of Approved and Proposed
Approved Envelope

Visual Impact comparing approved and proposed model

P87 IMG_6809 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <7%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 49% : 51%*
- *Existing Visual Assessment Scale no: 13 /15*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 4 /15*

This is a static, private viewpoint from the northeast corner suite, 1702, on level 17 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 Negligible 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, approved building on the subject site, the Sir Stamford Hotel and parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia. 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 room no.1702*
- *Extent of impact: Negligible-to-Minor.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 13



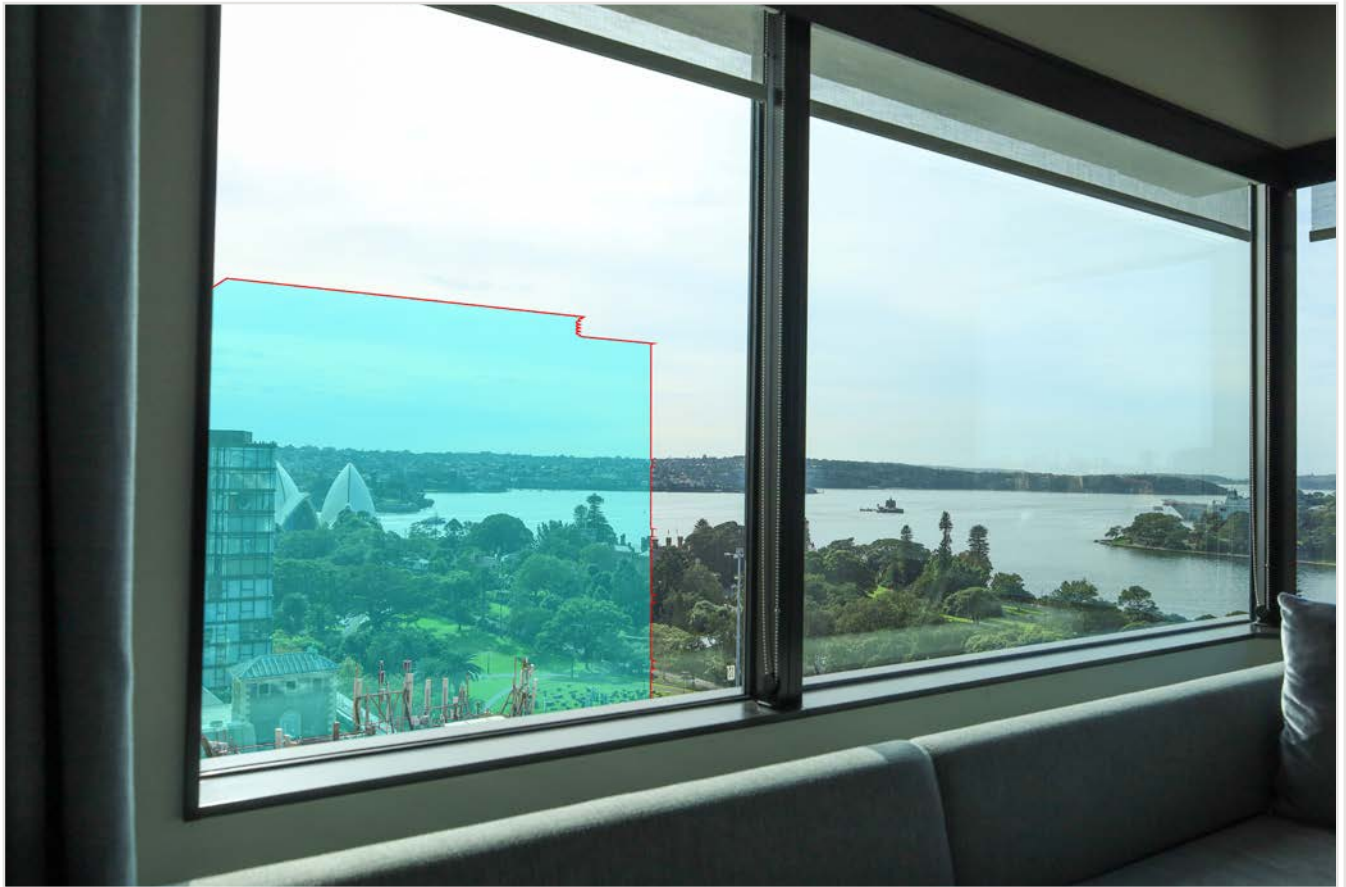
Existing site photo Intercontinental Hotel: Level 17 - Room 1702.

From standing position on the upper level window
RL + 63.33m - Distance to boundary 28.03m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



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

P87a IMG_6814 d.jpg



Visual Impact comparing approved and proposed model

P87a IMG_6814 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <3%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 0% : 100%*
- *Existing Visual Assessment Scale no: 12 /15 &*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 2 /15*

This is a static, private viewpoint from the northeast corner suite, 1702, on level 17 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. 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 Negligible 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, approved building on the subject site, the Sir Stamford Hotel. 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 room no.1702*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 14



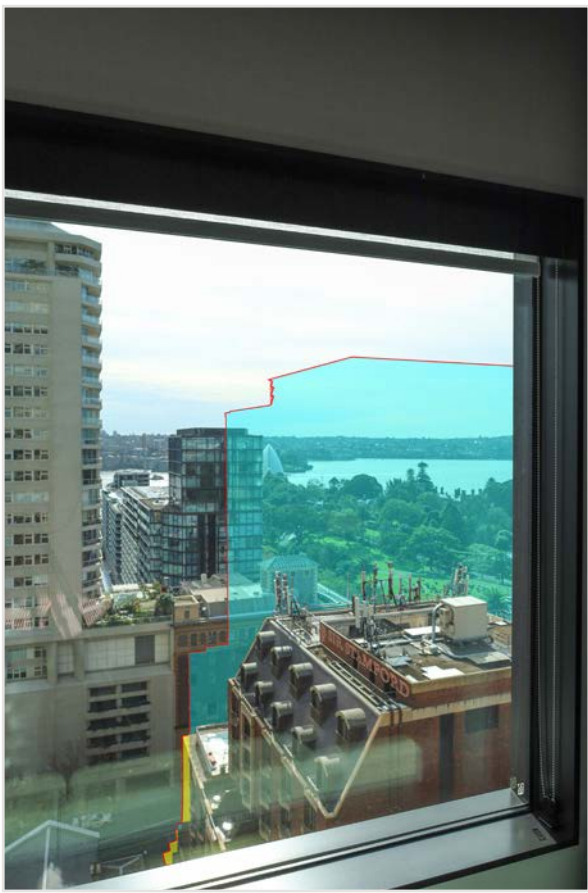
Existing site photo Intercontinental Hotel: Level 17 - Room 1725.

From standing position on the upper level window
RL + 64.05m- Distance to boundary 33.18m

Camera - Canon RP
Lens - 24mm

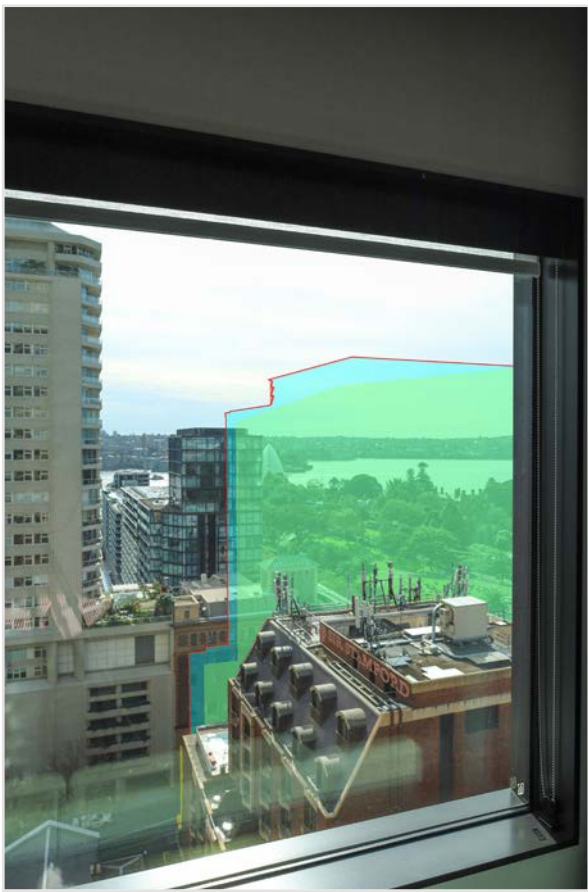


Photomontage of Proposal



P85 IMG_6802 d.jpg

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



- Proposed D.A
- Overlap of Approved and Proposed
- Approved Envelope

P85 IMG_6802 d1.jpg

Visual Impact comparing approved and proposed model

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <6%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 48% : 52%*
- *Existing Visual Assessment Scale no: 12 /15 &*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 4 /15*

This is a static, private viewpoint from Level 17, room 1725 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. 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 Negligible 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, approved building on the subject site, the Sir Stamford Hotel and parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia.

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 room no.1725*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 15



Existing site photo Intercontinental Hotel: Level 17 - Room 1725.

From standing position on the upper level window
RL + 63.64m - Distance to boundary 33.13m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



P86 IMG_6805 d.jpg

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



Proposed D.A.
Overlap of Approved and Proposed
Approved Envelope

P86 IMG_6805 d1.jpg

Visual Impact comparing approved and proposed model

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <4%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 0% : 100%*
- *Existing Visual Assessment Scale no: 12 /15 &*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 2 /15*

This is a static, private viewpoint from Level 17, room 1725 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 Negligible 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, approved building on the subject site, the Sir Stamford Hotel and a small portion of the southern elevation of the the Royal Automobile Club of Australia. 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 room no.1725*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a minor increase in visual impact and view loss, with no further view loss to any iconic elements. This would be deemed acceptable.

VIEWPOINT 16



Existing site photo Intercontinental Hotel: Level 21 - Room 2125.

From standing position on the upper level window
RL + 75.17m - Distance to boundary 32.98m

Camera - Canon RP
Lens - 24mm

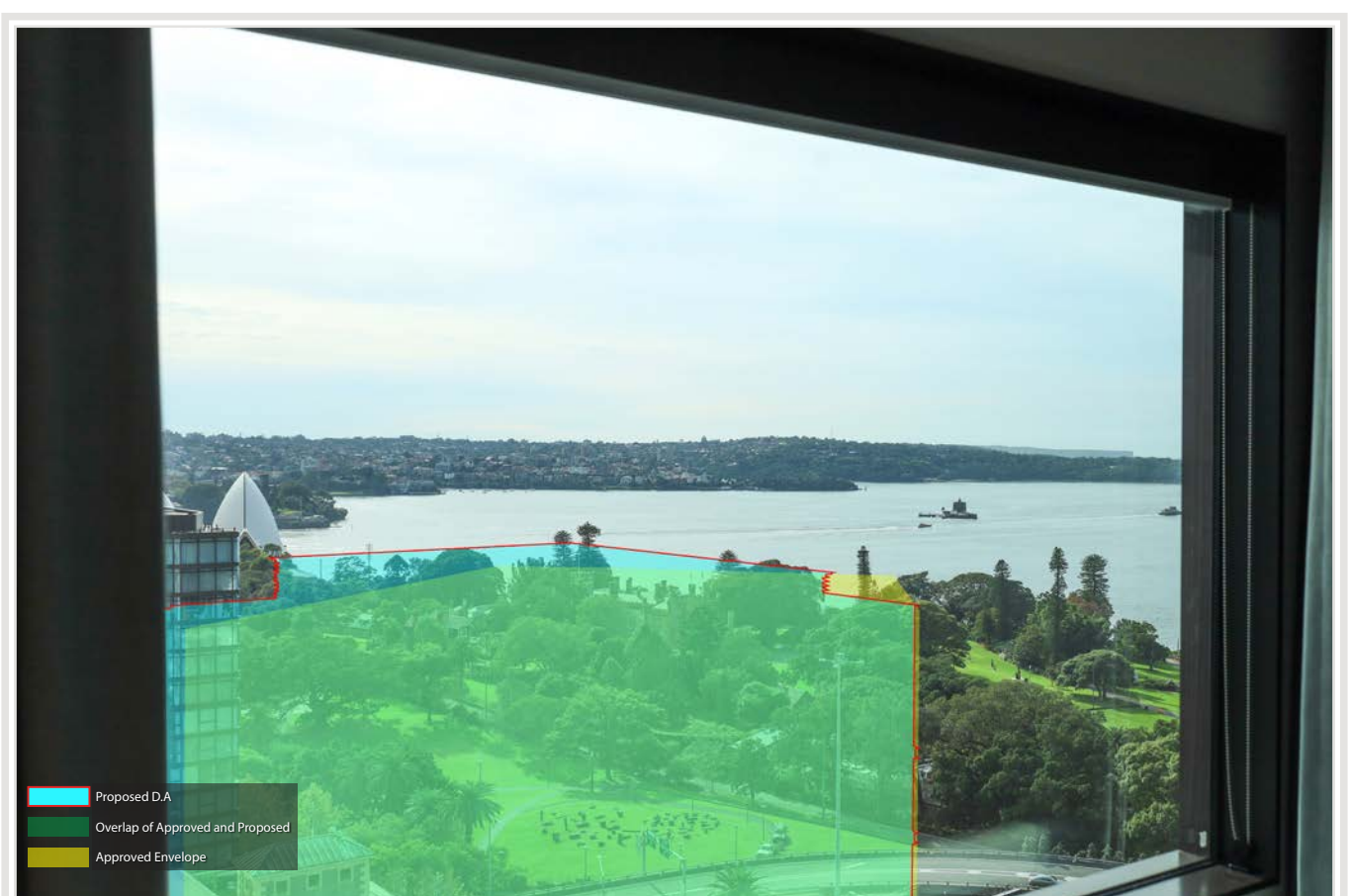


Photomontage of Proposal



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

P91 IMG_6825 d.jpg



Visual Impact comparing approved and proposed model

P91 IMG_6825 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <4%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 13 /15 &*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 8 /15*

This is a static, private viewpoint from Level 21, room 2125 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. The view loss occurs to areas of the royal Botanic Gardens and its foreshore and areas of water within the harbour to the north of this. Also, to parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia.

There is a small amount of view gain at the upper, 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 room no.2125*
- *Extent of impact: Moderate.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a moderate increase in visual impact and view loss, with a small area of water view and foreshore impacted. This would be deemed acceptable.

VIEWPOINT 17



Existing site photo Intercontinental Hotel: Level 21 - Room 2125.

From standing position on the upper level window
RL + 75.17m - Distance to boundary 32.98m

Camera - Canon RP
Lens - 24mm

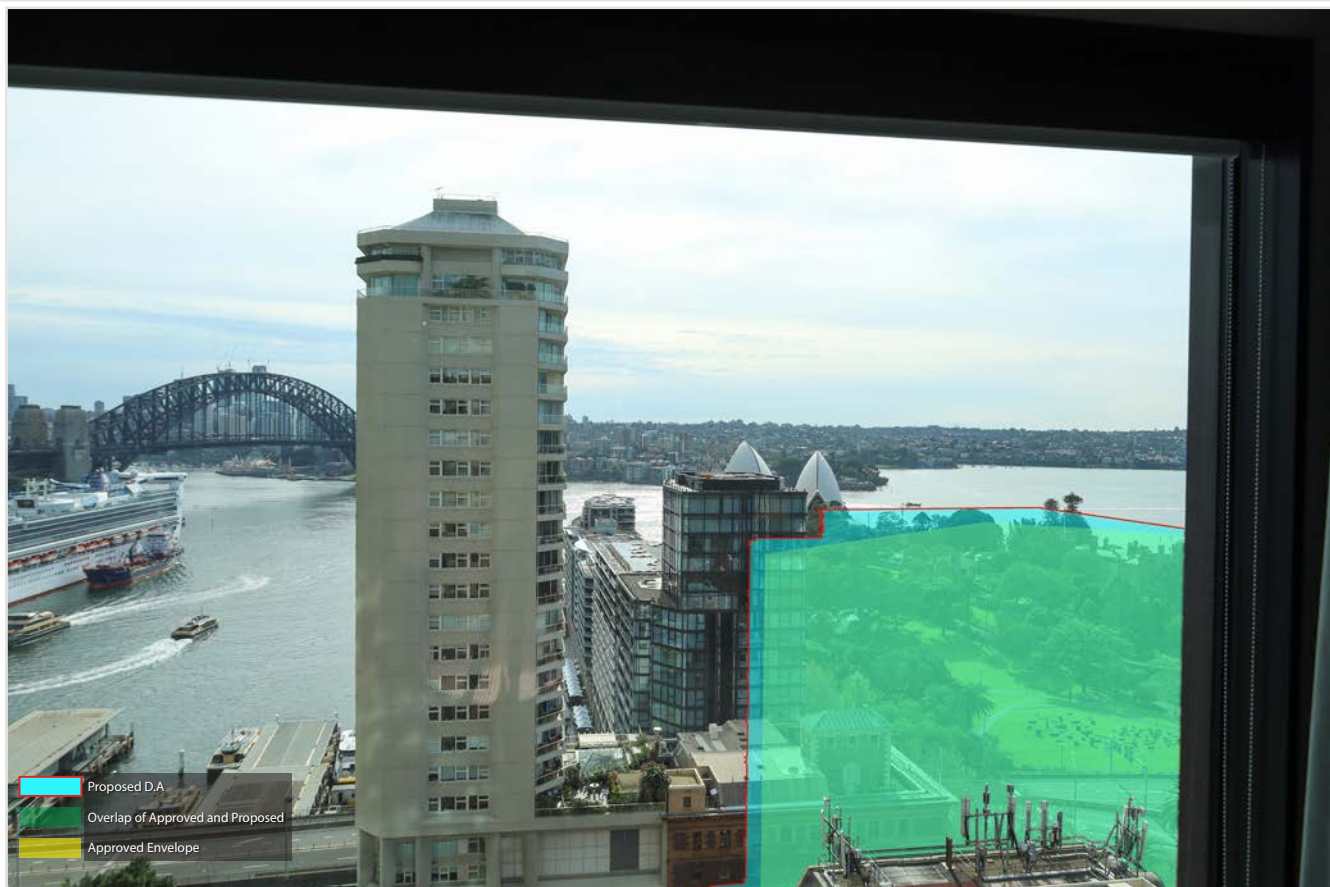


Photomontage of Proposal



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

P89 IMG_6820 d.jpg



Visual Impact comparing approved and proposed model

P89 IMG_6820 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved <5%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 100% : 0%*
- *Existing Visual Assessment Scale no: 13 /15 &*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 8 /15*

This is a static, private viewpoint from Level 21, room 2125 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. The view loss occurs to areas of the royal Botanic Gardens and its foreshore and areas of water within the harbour to the north of this, Also, to parts of the southern elevations of the apartment building at nos.61-69, Macquarie Street and the Royal Automobile Club of Australia.

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 room no.2125*
- *Extent of impact: Moderate.*

Reasonableness of proposal: Within the context of the development's previously approved building envelope, the new proposal represents a moderate increase in visual impact and view loss, with a small area of water view and foreshore impacted. This would be deemed acceptable.

VIEWPOINT 18



Existing site photo Intercontinental Hotel: - adjoining rooftop

From standing position on the roof area
RL + 39.00m - Distance to boundary 20.38m

Camera - Canon RP
Lens - 24mm

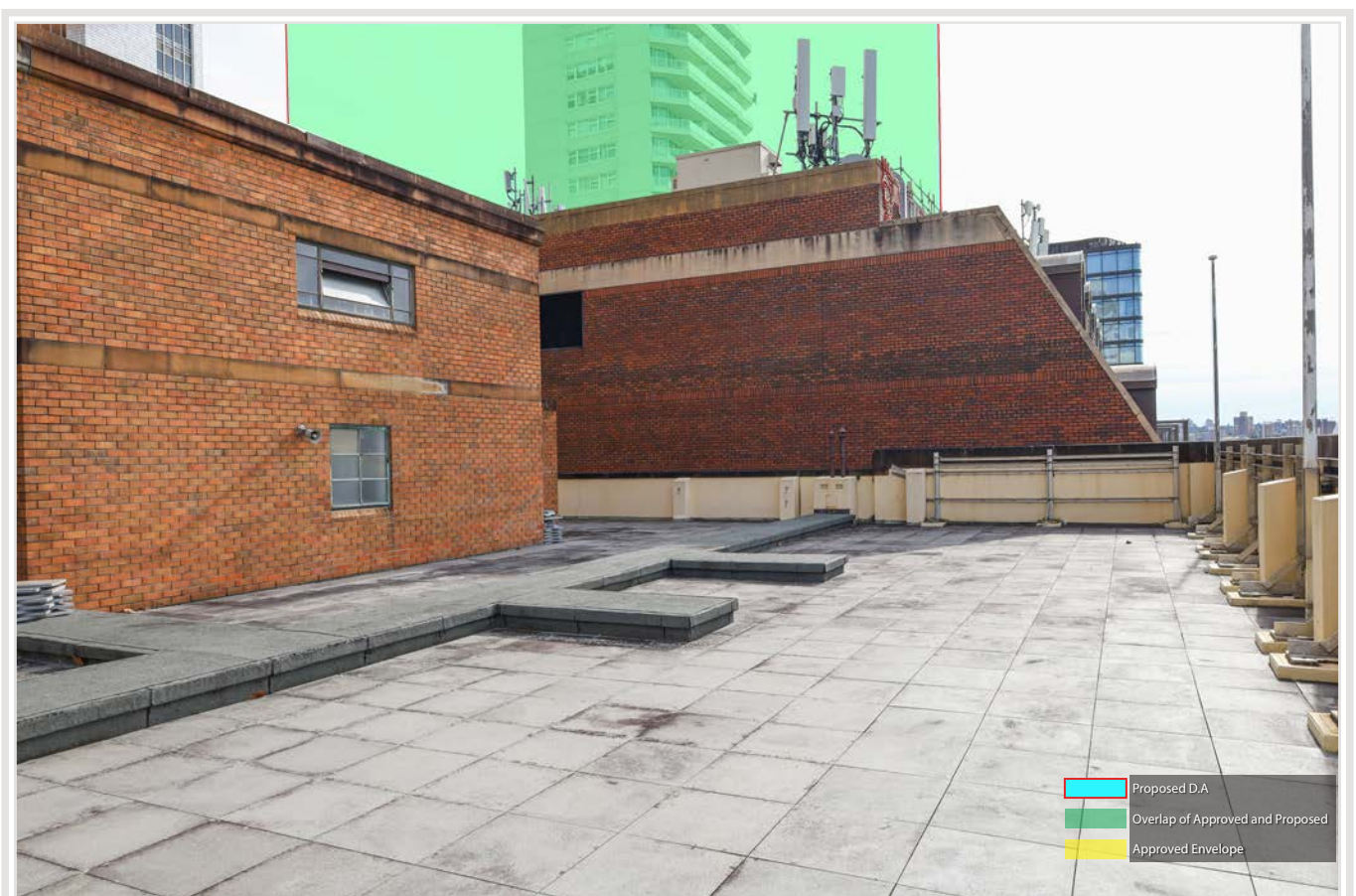


Photomontage of Proposal



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

P94 IMG_6838 d.jpg



Visual Impact comparing approved and proposed model

P94 IMG_6838 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved 0%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 0% : 0%*
- *Existing Visual Assessment Scale no: 3 /15*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 0 /15*

This is a static, private rooftop view from the Transport House, adjoining the Intercontinental Hotel, looking due north at standing height. The foreground consists of the rooftop area, extending to the northern parapet wall and the upper 3 levels of the existing Sir Stamford Hotel. Beyond this, to the west, the upper levels of the residential apartment building at No.2, Phillip Street can be seen, which obscures much of the sky view. The southeastern corner of 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.

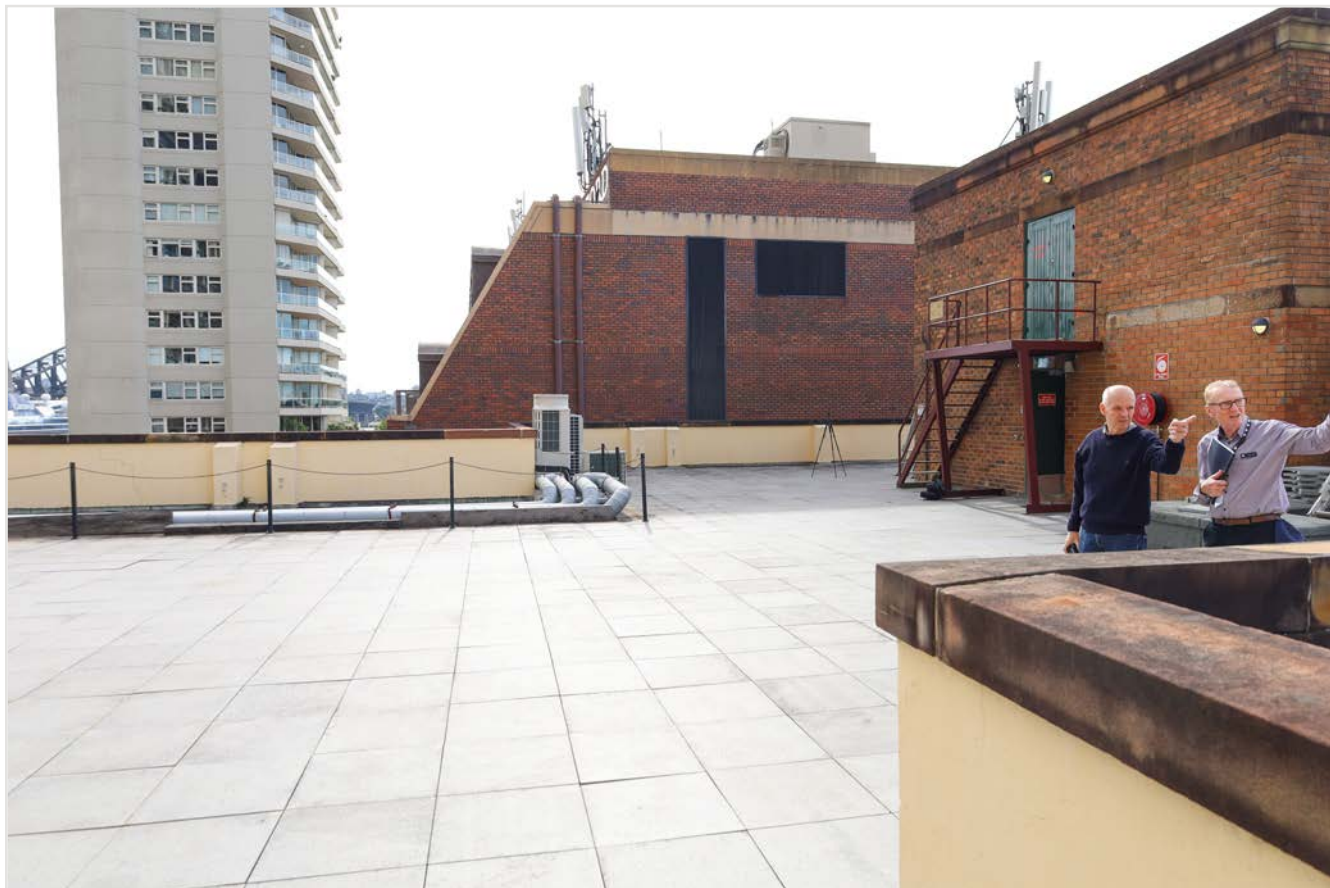
From this location, there is no additional impact, beyond that already incurred by the approved building and the extent of additional impact from this location is Nil

Tenacity Assessment Summary:

- *Value of view: Low*
- *View location: Private roof area adjoining the Intercontinental Hotel.*
- *Extent of impact: Nil.*

Reasonableness of proposal: Within the context of the proposed additions, relative to the approved Development, the proposal can be deemed acceptable, since there is no additional view loss.

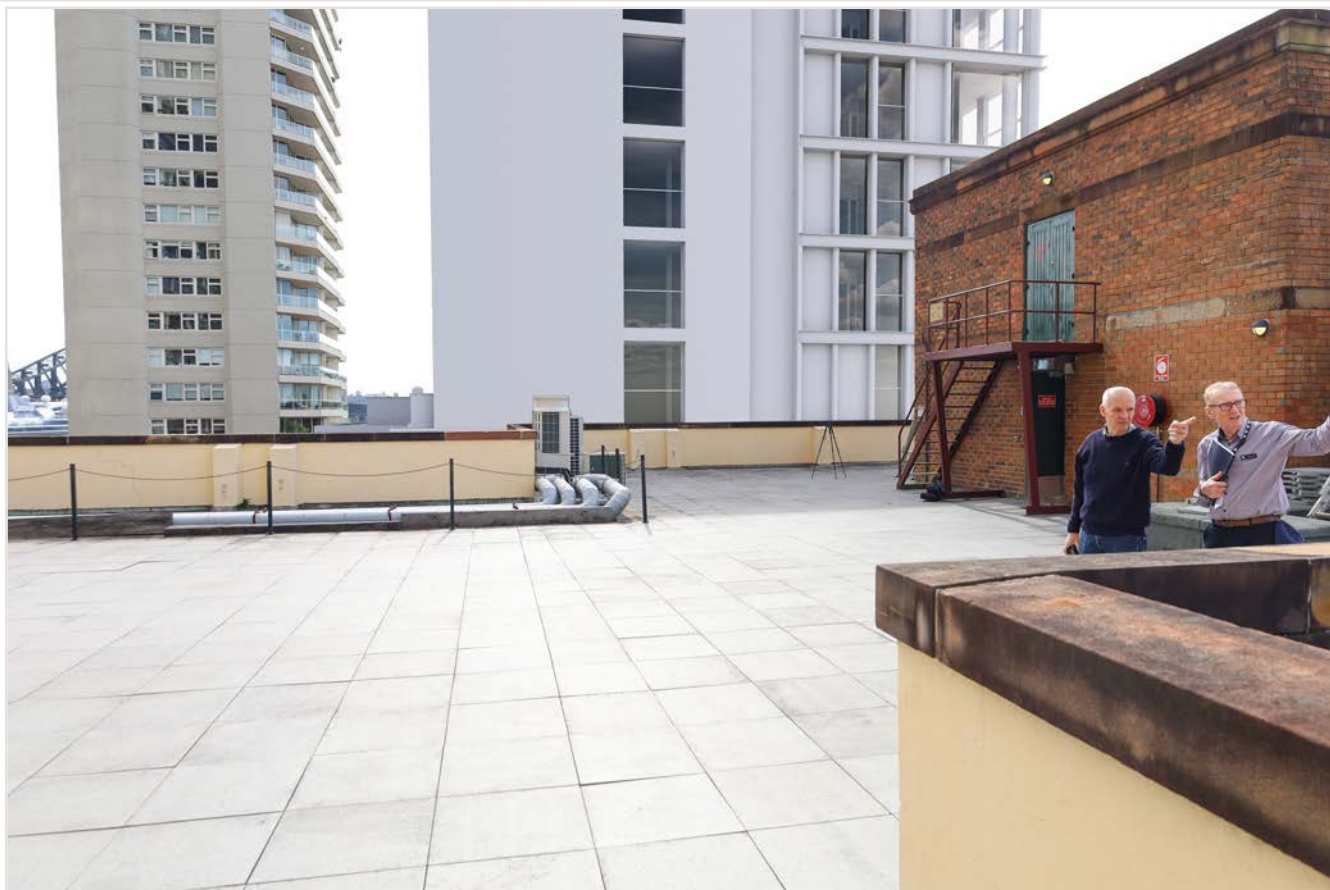
VIEWPOINT 19



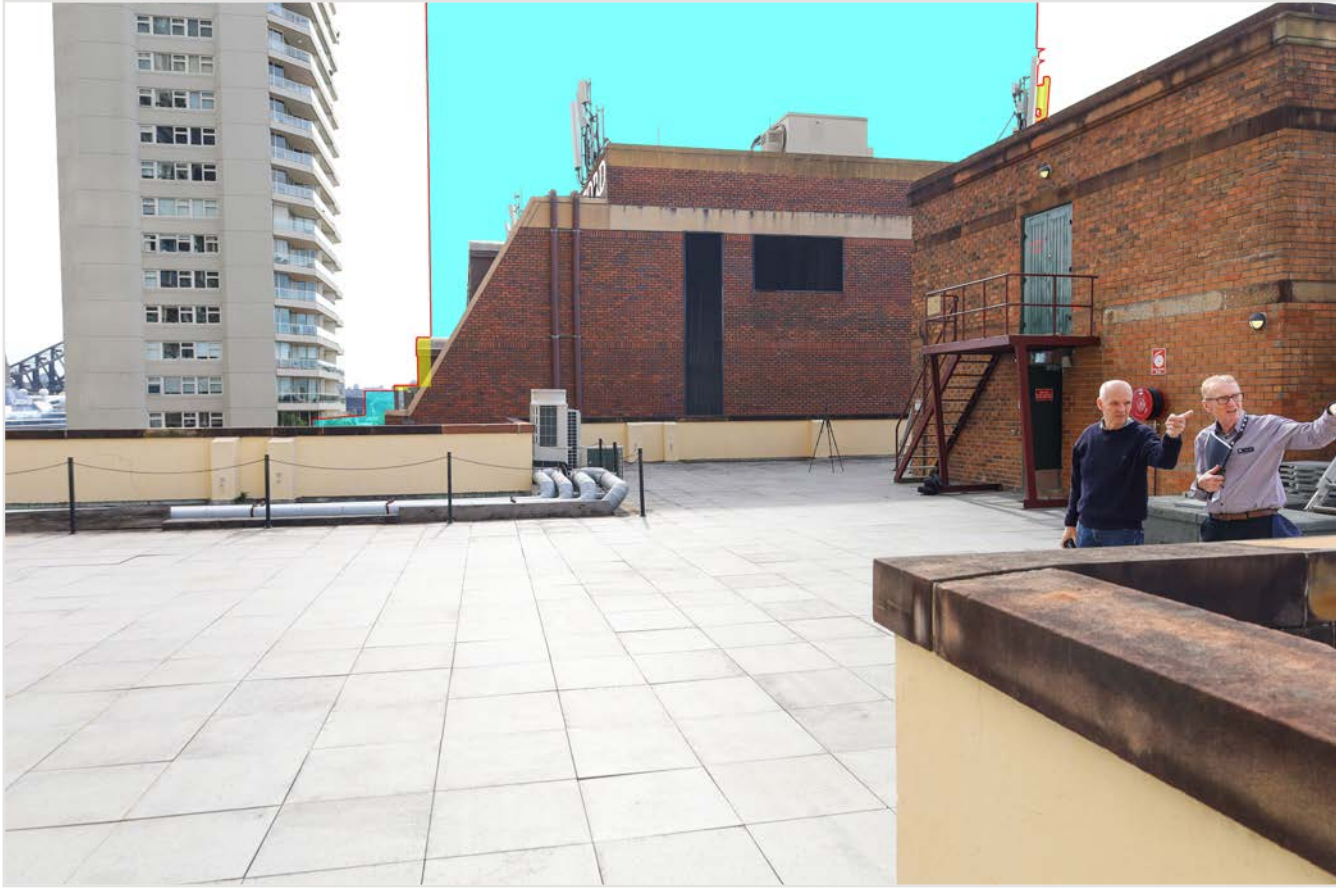
Existing site photo Intercontinental Hotel: -rooftop area

From standing position on the roof area
RL + 38.87m - Distance to boundary 17.03m

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



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

P96 IMG_6845 d.jpg



Visual Impact comparing approved and proposed model

P96 IMG_6845 d1.jpg

Visual Impact Assessment:

- *Visual impact – Amount of new proposal visible in view - beyond approved 2%*
- *Visual impact ratio of current proposal - view loss (including buildings) : sky view loss: 0% : 100%*
- *Existing Visual Assessment Scale no: 6 /15*
- *Visual Impact Assessment Scale no. of new proposal beyond approved: 1 /15*

This is a static, private rooftop view from the Transport House, adjoining the Intercontinental Hotel, looking due north at standing height. The foreground consists of the rooftop area, extending to the northern parapet wall and the upper 3 levels of the existing Sir Stamford Hotel. Beyond this, to the west, the mid and upper levels of the residential apartment building at No.2, Phillip Street can be seen, with the southern portion of the Harbour Bridge to the west of this. A small area of the northern Harbour foreshore is seen to the east of the tower,

From this location, there is no additional impact, beyond that already incurred by the approved building and the extent of additional impact from this location is Nil

Tenacity Assessment Summary:

- *Value of view: Low*
- *View location: Private roof area adjoining the Intercontinental Hotel.*
- *Extent of impact: Nil.*

Reasonableness of proposal: Within the context of the proposed additions, relative to the approved Development, the proposal can be deemed acceptable, since there is no additional view loss.

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 development proposal for additions to the approved DA at Nos.93-97 Macquarie Street, Sydney NSW. 2000. This Visual Impact Assessment has undertaken a review of the proposal, within its future setting and concludes that, although there are locations within the neighbouring properties that are impacted by the new development, the relevant views, as selected within the report, are all observed from rooms and external spaces within and adjoining the Intercontinental Hotel on Macquarie Street, to the south of the subject site.

The assessment of view loss experienced by residents of the hotel vary between Nil and Moderate. These have mostly been assessed from hotel bedrooms and suites. The assessment is limited to the area of visual impact beyond that already created by the approved building on the site.

Since the proposal is largely compliant, it satisfies the Council's guidelines for view sharing between neighbouring properties.

Based on our 3D analysis, photography, and site visit it would be my recommendation that the current Development Application be approved on the grounds of an acceptable amount of visual impact and view loss, when assessed against the permissible building envelope, and previously approved DA, for the site.



John Aspinall, Director,

urbaine design group pty ltd

5. APPENDICES

APPENDIX A: Assessment Images - panoramic (additional PDF)

APPENDIX B: Aspinall CV

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

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.

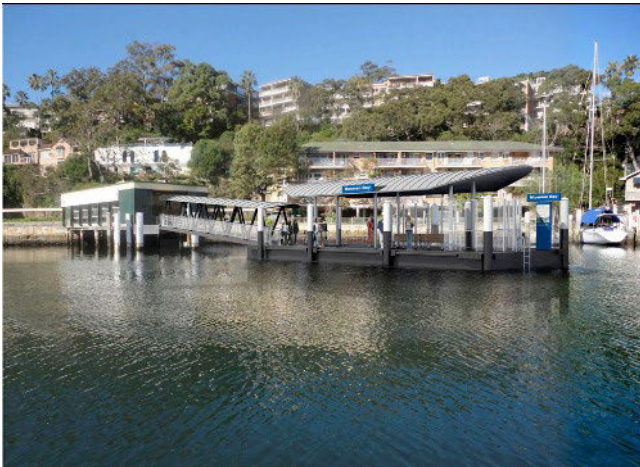


Photomontaged views of new apartment building at Pyrmont: Urbaine

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

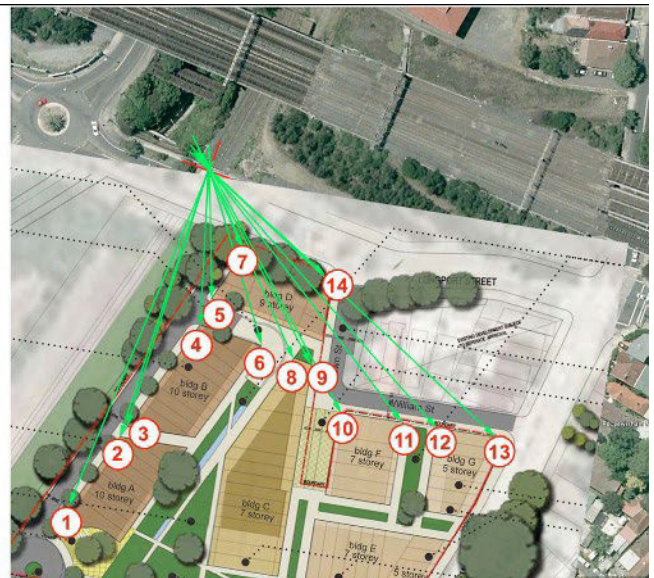
throughout the training of architects.

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.

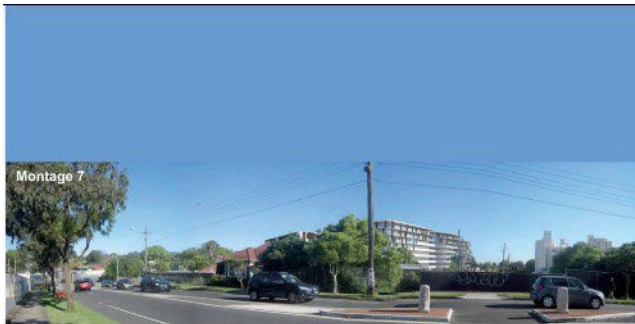
Currently, the Land and Environment Court specifies that any photomontages, relied on as part of expert evidence in Class 1 appeals, must show the existing surveyed elements, corresponding with the same elements in the photograph. Often, any surveyed elements can form such a small portion of a photograph 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%.



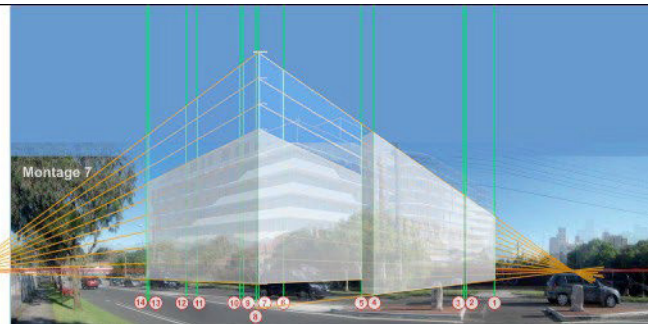
SMH article re inaccurate visualisations



Key visual location points on site: Urbaine



Photomontage submitted by developer



Assessment of inaccuracy by Urbaine

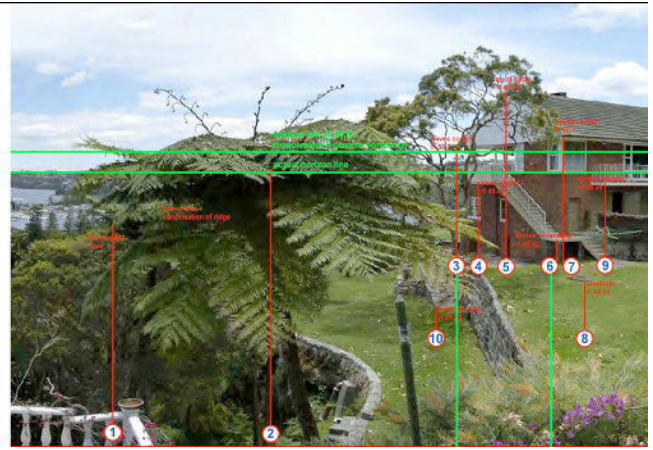
Urbaine has developed a number of methods for adding verification data to the 3d model of proposed buildings and hence to the final photomontages. These include the use of physical site poles, located at known positions and heights around a site, together with drones for accurate height and location 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.

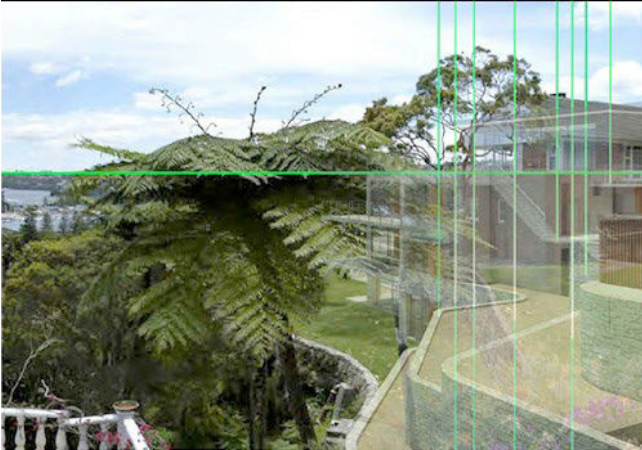
The following example clearly demonstrates this – a house montaged into a view, by others, using very few points of reference for verification. By analysing the existing photo alongside the survey, the existing site was able to be recreated with a series of reference elements built into the model. A 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

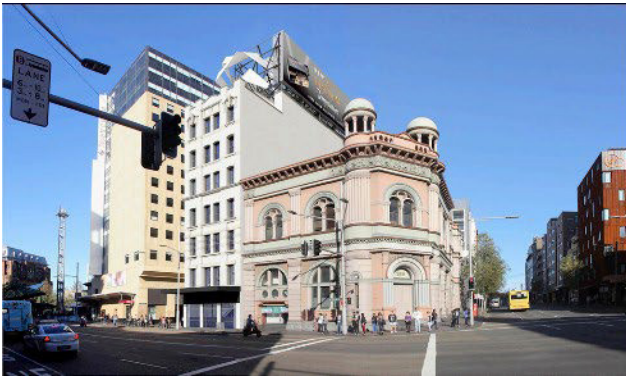


Proposed landscape applied – shown as semi-mature

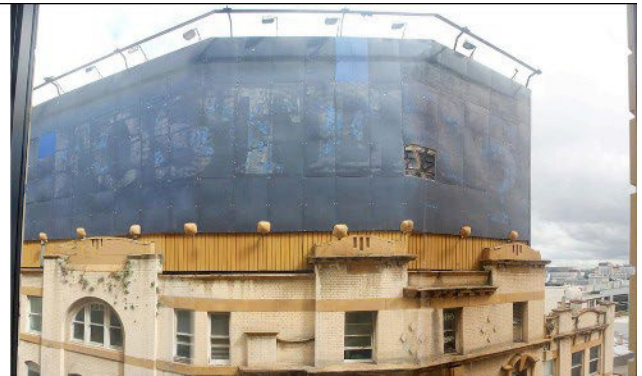


Final verified photomontage by Urbaine

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.



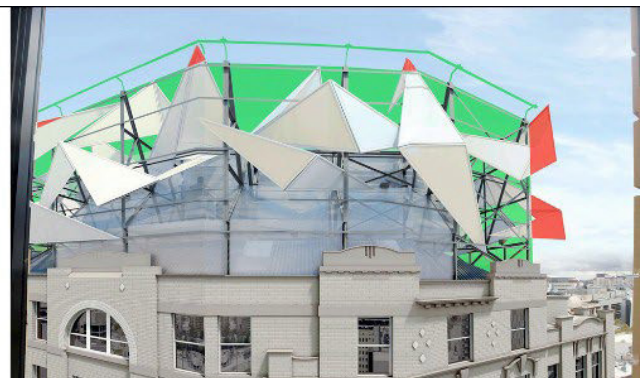
Photomontage of proposed building for digital billboard



Existing situation – view from adjoining hotel

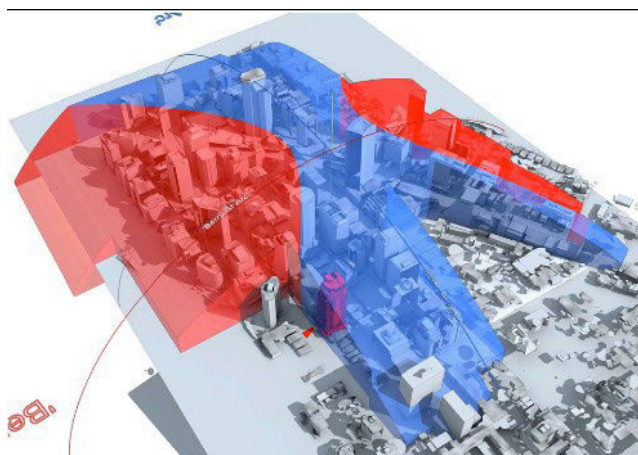


Photomontage of view from hotel

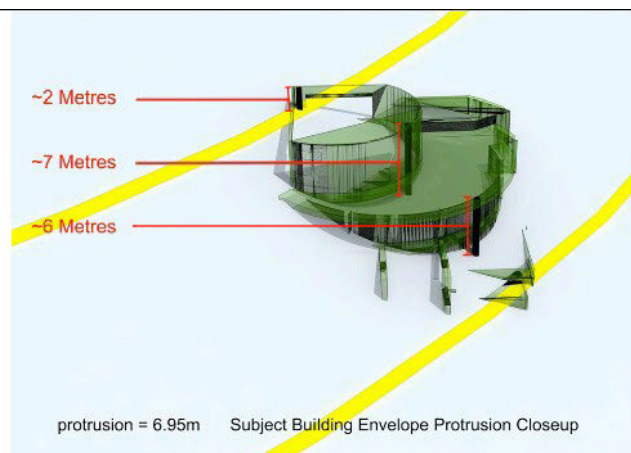


View loss – green = view gain / red = view loss

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***