URBIS

EAST END NEWCASTLE

VIEW SHARING & VISUAL IMPACT ASSESSMENT

PREPARED FOR
IRIS CAPITAL

FEB 2024
FOR SUBMISSION - VERSION 2 MINOR AMENDMENTS

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CONTENTS

EXECUTIVE SUMMARY

This report has been prepared by Urbis in response to the Request for Information (RFI) issued by City of Newcastle (CN), by email on 13 November 2023 regarding the Development Application (DA) DA2023/00419, as it relates to Stage 3 and 4 of the development at 121 Hunter Street, Newcastle (East End).

The CN have requested supplementary information in addition to the original View Impact Assessment submitted with the DA, including assessment of private domain view impacts from the Newcastle Club and several residential flat buildings, and an assessment of View Corridor 17 under the Newcastle Development Control Plan 2012 (NDCP 2012).

The purpose of this report is to address the RFIs issued by CN, and specifically, the additional height sought, which sits above the approved development, via a Clause 4.6 Variation Statement. A Concept Development Application (DA2017/00701) was approved on 02 January 2018 by the Hunter and Central Coast Planning Panel which establishes building heights across the precinct (herein referred to as the Approved Concept). MA2023/00175 seeks to modify the Approved Concept heights to align with the built form outcome selected by the Design Excellence Competition Jury.

- Views were inspected, surveyed and modelled to produce accurate and certifiable photomontages that satisfy the requirements of the photomontage policy established by the Land and Environment Court of NSW. This modelling was verified by fieldwork observations including in relation to potentially affected private domain locations, documented DCP views and sensitive public domain locations.
- The preparation of photomontages from private domain view locations has informed our analysis and application of the view sharing Planning Principle established in the Land and Environment Court *Tenacity Consulting v Warringah Council [2004] NSWLEC 140,* commonly referred to as ***Tenacity.***
- The extent and significance of the potential visual change to View Corridor 17 has been informed by the preparation of one photomontage and assessed against our well-established and accepted visual impact assessment methodology.
- Private domain view impacts for all nominated buildings were rated as either **Moderate** or **Minor-Moderate.**
- In our opinion, the proposed development creates low visual effects on the majority of baseline factors such as visual character, scenic quality and view place sensitivity for View Corridor 17. The overall view impact rating was found to be **low.**

In our opinion, based on observations and the use of multiple analytical photomontages, the view sharing outcome for each of the nominated buildings, as whole, is reasonable, based on consideration of the all relevant matters, and the following key reasons:

We consider that the public domain benefit of the creation of a wide north-south view corridor which extends and protects DCP view corridor 15 and 21 (to Christ Church Cathedral), via part of the subject site is a relevant consideration in relation to Step 4 of *Tenacity*.

- Inclusion of the view corridor in the scheme constrains development potential across part of the site which has been re-distributed to compensate. *Tenacity* recognises the need for reasonable development potential across a site to be achieved notwithstanding that some view impacts may arise.
- The majority of view loss is caused by complying built form including below the LEP + 10% bonus and within the existing Approved Concept. The majority of the extent of view loss of scenic features is therefore contemplated by the Approved Concept and LEP controls.
- The extent of view loss caused by the additional height and massing sought under the Clause 4.6 Variation is minor.
- For the majority of private domain compositions affected, views to be lost are fortuitous, gained wholly across a privately owned, underdeveloped site (rather than accessible or created as a result of the application of planning controls which affect views, for example setbacks or height controls). Further, the majority of views are obtained via side or rear boundaries. In *Tenacity*, the expectation to retain views via a side boundary is said to be unrealistic.
- The *Tenacity* assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration and should be afforded some weight.
- On balance, when all relevant matters are considered, as is required in *Tenacity,* we find that the proposed development and Clause 4.6 Variation Application, can be supported on view sharing grounds.

We consider the visual impacts to View Corridor 17 low and acceptable, based on consideration of the all relevant matters and the following key reasons:

- The re-massed built forms results in lower visual impacts and a better public domain view sharing outcome by prioritising views between the Hunter River and Cathedral from a highly accessible, activated and sensitive viewing location.
- The majority of view loss is caused by complying built form including below the LEP + 10% bonus and within the existing Approved Concept. The majority of the extent of view loss of scenic features is therefore contemplated by the Approved Concept and LEP controls.
- Where additional massing is sought, blocking of features that are scenic or highly valued, was found to be minor.
- Considering the visual effects of the proposal and improved public view outcomes, the proposal is considered reasonable, acceptable and can be supported on visual impact grounds.

SECTION 1:
INTRODUCTION

1.1 BACKGROUND

This assessment is a response to the Request for Information (RFI) issued by City of Newcastle (CN), by email on 13 November 2023 regarding the Development Application (DA) DA2023/00419 as it relates to Stage 3 and 4 of the development at 121 Hunter Street, Newcastle (East End).

The lead author of this report and final assessment package, specialises in view loss, view sharing and visual impact matters, and routinely provides objective, independent evidence to the Land and Environment Court of NSW in this regard.

Due to time constraints in December 2023, regarding the preparation of certifiably accurate photomontages (those which satisfy the Land and Environment Court of NSW photomontage policy), Urbis agreed to prepare, assess and submit view sharing assessments to CN for buildings and residential dwellings incrementally, and chronologically as outlined below in **Table 1.**

This report satisfies item 6, and is a consolidated Final View Sharing and Visual Impact Report which includes all incrementally submitted photomontage and assessment material.

Priority order	Task	Submission to Council 2024
1	Newcastle Club, 40 Newcomen Street, assessment of view impacts on the Club as a whole	Tuesday 16th January 2024.
2	Segenhoe Apartments (50 Wolfe Street) assessment of view impacts per dwelling as per residential flat building as a whole.	Friday 19th January 2024.
3	Herald Apartment (60 King) one unit and residential flat building as a whole.	Monday 22nd January 2024.
4	Newcomen Apartments and residential flat building as a whole.	Thursday 24th January 2024.
5	CN DCP view 17 (and assessment against public domain VIA criteria)	Thursday 24th January 2024.
6	A consolidated Final Report (including all incrementally submitted photomontage and assessment material)	Latest, Monday 5th February 2024.

Table 1 Tasks and submission date.

1.2 PURPOSE OF THIS REPORT

The purpose of this report is to address the RFIs issued from CN, and specifically the additional height sought, which sits above the approved development via a Clause 4.6 Variation Statement. A Concept Development Application (DA2017/00701) was approved on 02 January 2018 by the Hunter and Central Coast Planning Panel and granted consent for:

Concept Development Application for a major redevelopment of Hunter Street Mall, a mixed-use development comprising retail, commercial, public spaces, residential (563 apartments), associated car parking and site works.

The Approved Concept Plan (Approved Concept) establishes building heights across the precinct. MA2023/00175 seeks to modify the Approved Concept heights to align with the built form outcome selected by the Design Excellence Competition Jury.

The assessment of **private domain views** is guided by the underlying intent (purpose) and application of the view sharing Planning Principle established in the Land and Environment Court *Tenacity Consulting v Warringah Council [2004] NSWLEC 140,* commonly referred to as ***Tenacity.***

The assessment of **public domain views** follows the **Urbis VIA methodology**, outlined in Section 2.0 of this report.

Our method of assessment includes widely adopted criteria and terminology including the consideration of relevant factors. This assessment does not chronicle the evolution of the design and massing model which is now subject to the Clause 4.6 Variation, or justify the merits of the additional height sought. Notwithstanding, we understand that the current massing model is a result of many years of design development following direction provided by CN and the Design Integrity Panel (DIP) following a Design Excellence process. We note that the DIP endorsed the lodgement of the DA to CN and stated Design Excellence had been achieved. We understand that post lodgement of the DA, referral to CN's Urban Design Review Panel (UDRP) occurred. The UDRP stated that the public domain view impacts were acceptable and that private view impacts were likely to be reasonable and acceptable. Nevertheless, CN have requested the following supplementary information in addition to the original View Impact Assessment submitted with the DA.

Locations of private properties likely to be impacted by the development were also considered. These include The Newcastle Club, Segenhoe Apartments and The Herald Apartments. The Approved Master Plan Concept Consent would have had an impact upon the views obtained from the Newcastle Club that is not dissimilar in its impacts to that of the proposed Modification. Given the relatively low scale of the club as compared to the permissible heights on the subject site, views to the Harbour from the Club would inevitably have been impacted by development on the site. The additional impacts arising from the proposed height increases sought, are sky views and are not significant, given that the Approved Master Plan had already accepted water view losses from the Club.

View losses to The Herald residences arising from the proposed Master Plan as opposed to the Approved Master plan are not considered likely to be significant, given the Herald's location at a similar ground level, and with similar exposure to a northerly aspect to that achieved from the adjacent Building 4S.

Apartments in Segenhoe Flats are more distant from the subject site, which is at a higher ground level than the site. Higher levels within the Segenhoe building enjoy panoramic views, in some instances taking in Nobby's Headland and the Harbour mouth. View loss towards the northeast is likely in some instances to include some obstruction of views to valued locations such as Nobby's, however the proposed development will not be overbearing or visually dominant because of the natural elevation of the Segenhoe ground plane, and the distance of the site from it. The panoramic nature of views will remain available, if not some elements currently enjoyed.

Further accurate modelling of the views from private locations may be considered warranted by CN, but ***the principles outlined in the VIA are accepted by the UDRP, and private view impacts are not likely to be higher than "moderate" at most.***

Further to the above, CN requested assessment of an additional Public View (View Corridor 17) under Section 6.01 of the Newcastle Development Control Plan 2012 (NDCP 2012) as follows:

F. View Corridors

View corridor 17 under Section 6.01 of the NDCP 2012 has not been addressed in the submitted Visual Impact Assessment (VIA). Please provide an amended VIA which includes an assessment of the above view corridor or a written explanation as to why consideration of the corridor was not included in the VIA.

SECTION 2:
METHODS OF ASSESSMENT

2.1 PRIVATE VIEWS

The assessment of potential private domain view impacts has been based on observations from each of the locations outlined in CN's RFI, and Newcomen Apartments, which were identified as a potentially affected building in the original Visual Impact Assessment (VIA) submitted with the DA. Multiple views were inspected, surveyed and modelled from upper floor locations as follows:

Location	Dwellings/ locations Inspected	Building levels inspected	Surveyed Views	Modelled Views
Newcastle Club, 40 Newcomen Street Newcastle	6	G, 1 & 2	6	3
Segenhoe Apartments, 50 Wolfe Street Newcastle	7	6 & 7	7	3
Herald Apartments, 60 king Street Newcastle	2	5 & 6	2	1
Newcomen Apartments, 16-18 Newcomen Street Newcastle	7	G, 3 & 4	7	2

2.1.1 INSPECTION PROCESS

Following written requests for permission to inspect views (October 2023), access was arranged for those who responded to our request and made themselves available. All views inspections were conducted by Jane Maze-Riley (Director) and Naomi Ryan (Associate Director of Planning) in late November.

Views were documented by Urbis (the author of the report) using a tripod-mounted, professional quality camera (Canon EOS 6D Mark 11) at approximately 1.65m above floor level. The original photographs are full frame high resolution single images, using a 50mm and 35mm variable focal length lens (FL), both of which are mid-range focal lengths, appropriate and logical to achieve the required field of view given the close proximity of the view places to the site.

Urbis was accompanied by an independent registered surveyor (Positive Survey Solutions, 51 George Street, Newcastle) and as directed, recorded all necessary view place data (camera and tripod location and height) as well as additional fixed features in each view required to prepare accurate photomontages. The additional fixed features are surveyed 'reference points' used in the photomontage preparation process as markers to be able to insert, align and rotate the 3D architectural model of the DA, into each view. For further information as to the process of preparation please refer to **Appendix 1**. The surveyed fixed features and survey data for all view places and photomontage are included in **Appendix 1** of this report.

2.1.2 ADEQUACY OF URBIS ASSESSMENT

The letter of request issued by Urbis outlined requirements in relation to the inspection of upper level dwellings which present towards, and have views over and above the subject site.

Inspecting views from upper level dwellings and top floors would allow Urbis (and Council) to understand the blocking effects of the Approved Concept, the anticipated blocking effects of the LEP plus the 10% bonus, and then any additional effects of the additional height sought.

Urbis was granted access to dwellings located across the upper floors (top 3) at each building. In our opinion, the spread of inspections (where permission was granted) and the range of selected views for modelling clearly demonstrates the effects of the sections of the massing approved and proposed.

In this regard, the Urbis process, representative modelling and assessment satisfies CN's RFI.

The effects of each part of the mass proposed are clearly defined in each view, the majority of which are within the relative heights requested by CN. This report satisfies the intent and requirements of CN's RFI.

2.1.3 SELECTION OF VIEWS TO BE MODELLED

The views used for the preparation of photomontages were selected to provide a range of compositions from locations at different heights (floor levels) at the nominated buildings.

In our opinion, there is no utility in producing multiple photomontages from each level of the buildings given that the key compositional elements in views are relatively similar. Views were selected for modelling to show the 'worst-case', and potentially most affected compositions. Where accessible, views were recorded from elevated, outdoor terrace locations. This is because they are external views and unconstrained by immediate features such as ceilings, walls, windows etc as is the case for internal views.

2.2 PUBLIC VIEWS

2.2.1 URBIS VIA METHODOLOGY

The methodology employed by Urbis to assess visual impacts is based on a combination of established methods used in NSW and published guidelines in other states. It is based on widely adopted concepts, terminology and objectives for visual impact assessment.

The Urbis VIA method draws on 30 years of academic research and publications by industry leaders whom have considered the specific needs of assessment relevant to a site's visual context and the relevant regional or subregional strategic context for the site.

The method is specific to visual impacts (assessing the quantum and importance of visual change) rather than landscape character visual impacts assessments (LCVIA).

An LCVIA takes a more holistic approach to changes proposed to the physical and visual landscape, which in our opinion is more relevant in greenfield or visually accessible landscapes, that is site that are predominantly characterised by rural or open, less developed landscapes.

The Urbis methodology identifies objective 'visual baseline' information about the site and surrounds, analyses the extent of visual effects (quantum of change) using objective visual aids from key locations, and considers the importance of that change. The significance of the extent of visual effects, is explained and determined in the visual impact assessment section of the method and this report.

The Urbis method also distinguishes and places 'weight' on relevant factors such as the relative importance of a view place, viewer sensitivity, physical absorption capacity and visual compatibility. Our method considers impacts on unique visual settings near the site such as heritage items, conservation areas, views to icons and areas of high scenic quality.

Separating objective facts from subjective opinion provides a robust and comprehensive matrix for analysis and final assessment of visual impacts.

Our method also has regard to:

- *The Landscape Institute Technical Guideline Note - Visual Representation of Development Proposals* (AILA 2019)
- *Guidance note for Landscape and Visual Assessment* (AILA 2018)
- *Guidelines for Landscape Character and Visual Impact assessment, Environmental Impact Assessment practice note EIA -NO4 prepared by the Roads and Maritime Services 2018* (RMS LCIA)

Urbis rely on accurately prepared and certifiable photomontages prepared by ourselves or others to satisfy the NSW Land and Environment Court photomontage policy.

The sequence of steps and logic flow is shown graphically in the method flow chart overleaf at **Figure 1.**

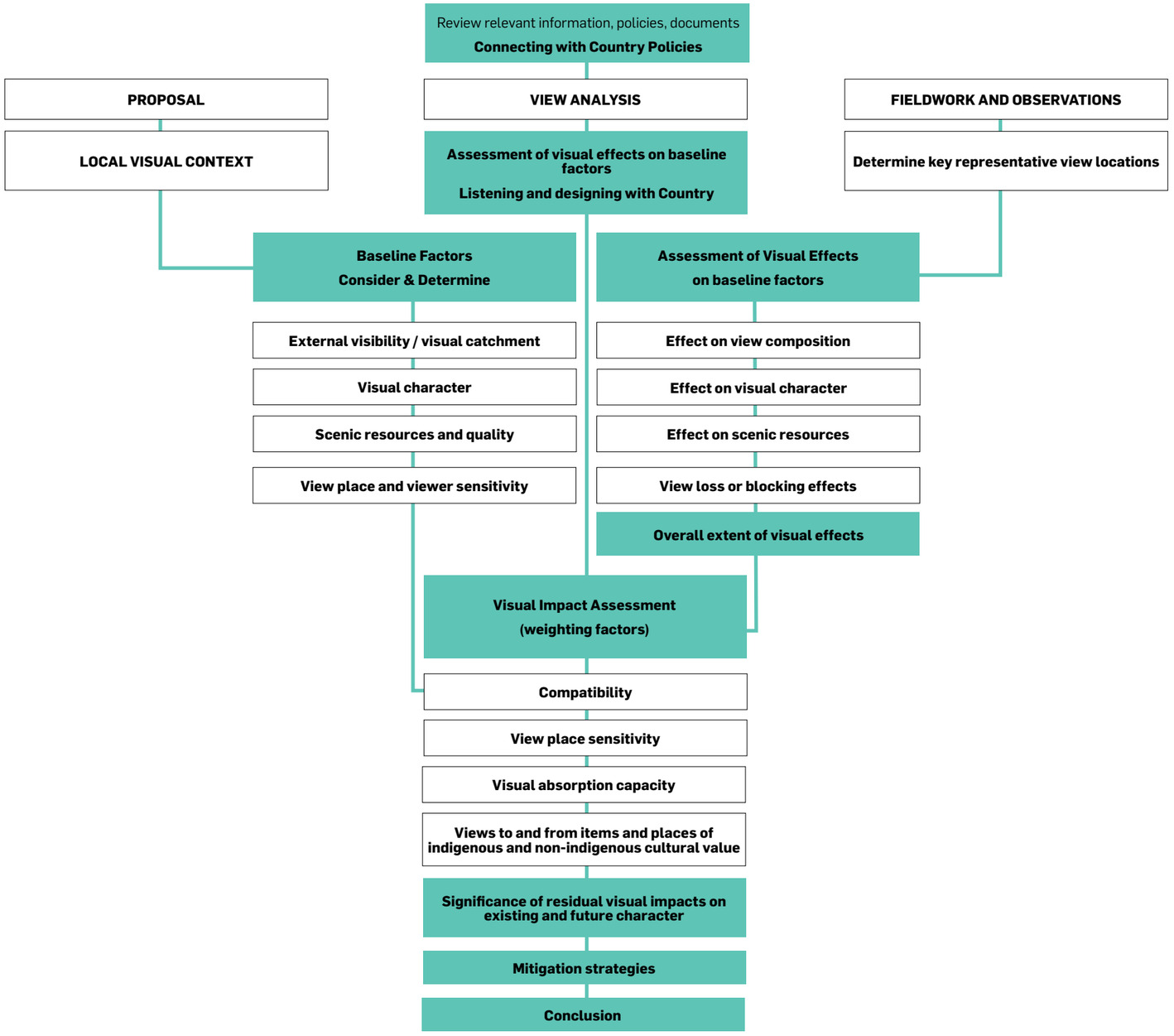

Figure 1 Urbis VIA Methodology Flowchart

2.2.2 PHOTOMONTAGE CERTIFICATION OF ACCURACY

The accuracy of the photomontages has been checked by Urbis in multiple ways:

- Urbis has reviewed the survey data and its application to the montage, where a blue line linking surveyed RLs represents independently surveyed reference points in December 2023. Fine dots represent the use of point cloud LiDar data. The LiDar data provides thousands of additional reference points across the field of view, which allow Urbis modelling experts to georeference the location and alignment of the 3D architectural model into each view accurately.
- The method sued by Urbis exceeds the LEC policy requirements, given our use of an additional survey data set (LiDAR) used to further cross check the accuracy of the placement of the architectural model.
- The location, placement, alignment and relative heights of the model was cross-referenced with respect to the 3D survey and adjacent surveyed reference markers which are visible in the images.
- The location of the camera in relation to the model was established using the survey model and the survey locations, including map locations and RLs. Focal lengths and camera bearings in the meta data of the electronic files of the photographs are known.
- Reference points from the survey were used for cross-checking accuracy in all images.
- The proposed model aligns well and uniformly with the key fixed features in views that have been used of this purpose.
- No significant discrepancies were detected between the known camera locations and those predicted by the computer software. Minor inconsistencies due to the natural distortion created by the camera lens were reviewed by Urbis and were considered to be within reasonable limits.

2.2.3 CERTIFICATION STATEMENT

Urbis is satisfied that the photomontages have been prepared in accordance with the Land and Environment Court of New South Wales photomontage policy and are as accurate as is possible noting the limitations of any software used to create such images.

Urbis certify that photomontages included in this report are sufficiently reliable to assessment potential view impacts and can be relied upon to inform the consent authority.

SECTION 3: RELEVANT PLANNING PRINCIPLES

3.1 OBJECTIVE RATING OF VIEW IMPACTS FOR PRIVATE DWELLINGS

Urbis takes an objective, conservative approach to determining the overall view impact for each dwelling or development. Our approach is based on a considered understanding of, and experience in interpreting the underlying intent of the ***Tenacity*** **Planning Principle**. View impact ratings are not based on the analysis of visual effects as shown in a single photomontage, which shows the change in only one selected view available. The photomontage objectively shows the extent of change that will occur subsequent to the approval and construction of the proposal **but does not equate directly to the view impact, given the principle requires consideration of other relevant factors**.

The photomontage must necessarily demonstrate what of the background view composition (anything available above the current LEP height control and bonus provisions) that would be considered scenic and highly valuable as defined in the guiding planning principle for view sharing, *Tenacity*. This exercise is not to discuss the quantum of visual change that will occur given that significant visual change (which will block the majority of close neighbouring views) has already been approved.

3.2 RELEVANT CONTROLS

In our opinion the Concept Approval and LEP controls are relevant parameters to this assessment. In addition the clear directive and desire of CN to design and retain a wide view corridor from Hunter Street to Christ Church Cathedral via part of the subject site is also relevant, and has formed part of the basis of the massing strategy now subject to the Clause 4.6 Variation Application and this assessment.

3.3 DESIGNED VIEW CORRIDOR

We understand that the notion of a view corridor from Hunter Street to Christ Church Cathedral is well established and has been incorporated in the design supported by various entities over the last decade. The view corridor depends on the restriction of built form at the west edge of the subject site, where in the proposal, building 3W is realigned on a north-north-west axis and Building 3S is moved significantly to the east.

The relocation of the approved 3S building creates a wide public domain view corridor and extension of DCP view 15. Relocating a significant extent (approximately 1/3 of the approved concept floor plate) of building 3S to the east constrains development potential across this part of the site and is the primary reason for the subsequent redistribution of additional height across the site, some of which projects above the LEP control and 10% bonus.

The additional height sought is the focus of this assessment where we assume that the consent authority is comfortable with view loss caused by all other parts of the development including the concept approval mass, proposed built form up to the LEP height control and the additional 10% bonus awarded, following achievement of design excellence.

3.4 TENACITY

View loss or blocking effects refers to the extent to which a development blocks an existing view or part of the composition of a view that is currently enjoyed by others. Where a proposed development may adversely affect views from private land, view sharing assessments typically follow the Planning Principle established in the Land and Environment Court *Tenacity Consulting v Warringah Council [2004] NSWLEC 140 (Tenacity)*. The principle is titled **Principles of View Sharing: Impacts on Neighbours**.

We note that the Newcastle Club is a private commercial entity and not accessible by the general public. Although not a private dwelling the Club, is a neighbour, and as such the principle is relevant to be applied.

Tenacity is the most widely used and referenced planning principle in relation to impacts on private neighbouring views and view sharing. The planning principle is described by the Court as a statement of a 'desirable outcome' in order to reach a planning decision and defines a number of appropriate matters to be considered in making that decision. Therefore, the importance of the principle is in outlining all relevant matters and or the relationships of factors, to be considered. **It is not simply a process of listing features in a composition that may be lost**.

In summary, *Tenacity* is a 'recipe' designed to guide decision making to be able to reach an equitable and reasonable view sharing outcome. The reasonableness of the view sharing outcome is considered in the context of relevant controls.

Tenacity includes a four-step threshold test where the steps are sequential and conditional. Proceeding to further steps is not required if the conditions for satisfying the preceding threshold are not met when considering the quantum and quality of the view loss.

Prior to undertaking Step 1 of the assessment, Roseth discusses the notion of view sharing as quoted below.

"The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. ***(Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.)*** *To decide whether or not view sharing is reasonable, I have adopted a four step assessment".*

The planning principle states that consideration should be given to the causes of the visual impact and whether they are reasonable in the circumstances. As stated in the preamble to the four-step process of the principle, a development that takes the view away from another may, notwithstanding be considered reasonable. This is important to note, because it means that a severe or devastating level of impact may nevertheless be reasonable.

The principle therefore acknowledges that some view loss is acceptable or at least is contemplated, especially in relation to fully complying development. In theory view loss caused by all built form that is located within a permissible envelope is anticipated by the suite of relevant controls that apply to the site.

3.4.1 INTENT OF TENACITY

In our opinion it is critical to understand the purpose and intent of *Tenacity*. Step 1 in the *Tenacity* planning principle describes types of views and attributes, which attribute varying levels of value to them. The level of value relates to the scenic nature and composition of views including the combination of features (one or more definable feature or group of features) which may contribute to the composition being considered a whole or partial view.

Tenacity is underpinned by a ***Notional Hierarchy***. This notional hierarchy of views refers to the value of views, for example highly valued, as distinct from those that are less, or possibly not valued in terms of their main compositional attributes. The logical framework of what follows in Steps 3 and 4 if appropriate to proceed to those steps, which assess the extent of impact and the reasonableness of the proposed development respectively, depend on the ranking of the value of the view and items within it, established in Step 1. In other words, if there is no substantive view loss, or if the items lost are not considered to be valued in *Tenacity* terms, the threshold to proceed beyond Step 1 is not met and there is no justification for proceeding to Step 2, or beyond.

If the items in the view or the composition of the view affected are not highly valued, are low on the scale of scenic quality, or have not been identified for specific consideration in planning instruments or policies in relation to view protection, it is not logical or valid to arrive at a high view impact later on in Step 3 of the assessment. It is, in other words not logically possible in *Tenacity* to conclude in Step 3 that loss of view of low value items identified in Step 1, is a high view impact.

3.5 RATING VIEW IMPACTS

Urbis acknowledge that the loss of any view for neighbours may cause concern. However, as specialists in this kind of assessment, our approach to rating view impacts for whole dwellings or neighbouring developments must necessarily be objective. Therefore, our analysis attempts to remove the subjectivity and personal opinion that is inevitably attributed to view loss by neighbours.

The view impact ratings determined for the each building as a whole, is based on careful interpretation of guidance provided by Senior Commissioner Roseth in *Tenacity*.

In creating and applying his own qualitative rating scale of view loss for the whole dwelling, Roseth reaches a view impact rating of '**severe**' for what is, a very significant extent of view loss, of a scenic and highly valued 'whole view' composition, and for virtually the whole dwelling.

We note that the view in question is a 'magnificent' view and a whole view including land (Manly headland), land-water interface and ocean, that is, a combination of scenic elements. His approach to rating the view impact in this matter is explained and quoted here;

43. ***Para 30***; *Applying the above principles to 7 Bellevue Place, I would classify the view to the ocean and Manly as highly valuable, what most people would describe as magnificent. It is now available from four levels from the rear. The proposal would obliterate views from the lower three levels from sitting and standing positions. From the fourth level it would obliterate it from sitting positions and reduce it from standing positions. In my opinion, the impact would be severe.*

This guidance indicates clearly that if view loss of a 'magnificent' view is as wide spread as described in paragraph 30 of the principle for 3 out of 4 levels of a whole dwelling is rated by Roseth as severe, it follows that a loss of a partial view that is predominantly characterised by vernacular district features, building development with some distant background scenic elements or features (for example the constructed industrial heritage landscapes, river edges and parts of Stockton) although locally well known, would not be considered as iconic, or scenically unique, rare or highly valued and logically could not be rated highly.

In other words, the predominant features in northerly views (which would at the very least include the approved concept), whilst providing a pleasant outlook, in our opinion would not be considered iconic, scenic and highly valued in *Tenacity* terms. This rationale and our experience of rating similar views in similar contexts has informed our view impact ratings.

As noted above, it is not logical or valid for the extent of view impact to be assessed and rated highly in Step 3, if the attributes of the views that were identified in Step 1 have been objectively assessed as being of low significance or scenic value.

3.5.1 EFFECTS AND IMPACTS

Urbis acknowledges that the extent of change proposed is substantial in quantum, however the impact rating in Step 3 relates to the **importance of the effect** (importance = impact) as distinct from simply rating or quantifying the extent of the change (how much of a visual effect there is). The impact rating depends on the consideration of all relevant factors outlined in Steps 1 and 2.

Tenacity does not clearly distinguish between these and tends to equate view loss with impact, whereas the significance of a view lost is a matter of judgement, and giving weight to all relevant factors. It is not useful to conflate the extent of change with the importance of the impact.

3.5.2 REASONABLENESS

The intent of Step 4 is to consider the reasonableness of a view impact in relation to compliance of the proposal with built form controls and other relevant factors including the ability to achieve a reasonable development potential for the site, according to those controls. Step 4 is quoted below;

Step 4 quoted from *Tenacity* paragraph 29;

44. The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

3.5.3 SUMMARY

View impact ratings are derived by considering the importance of each step of the process including for example;

- Scenic quality,
- Objective value,
- Wholeness of the views available,
- Affected formal boundary and primary presentation,
- Room layout and use,
- How a view is gained; and
- The extent of all views available, affected and unaffected.

SECTION 4:
VIEW SHARING ASSESSMENT

NEWCASTLE CLUB

40 NEWCOMEN STREET, NEWCASTLE

DEFINITIONS

- Our definition of additional height sought in relation to the 4.6 Variation Application is any built form above the LEP and 10% competition bonus. We refer to this in *Tenacity* Assessment as 'additional height sought'.
- When we refer to complying built form, this means all built form included within the Approved Concept DA envelope and up to the LEP and additional 10% competition bonus.

4.1 NEWCASTLE CLUB

The Newcastle Club is located at the south west corner of King and Newcomen Streets on sloping land that is elevated above the subject site and is visually prominent. The Newcastle Club site includes a carpark to the south, part-two and part-three storey buildings (s) across the majority of the site, the lower ground floor of which springs from a ground level approximately 5m above the King Street carriageway. The site is retained above the carriage way by two stone walls.

Development on the site is broadly rectangular when considered holistically in plan-view, and appears to include closely spaced or attached two storey ancillary buildings. The main 3 storey clubhouse building is a listed heritage item under Schedule 5 of the *Newcastle LEP 2012* and the State Heritage Inventory (SHI). *Claremont* is one of the original two Victorian Georgian mansions that occupied the site prior to the construction of the clubhouse and is also listed on the SHI. *Claremont* also has a formal presentation to Newcomen Street.

The Club has a formal presentation to Newcomen Street and is an example of Inter-War Georgian Revival 1920s architectural style. When considered in plan-view, the main building is characterised by a reverse "C" shaped floor plate. The upright of the 'C' and longest elevation is parallel to Newcomen Street and includes a centrally located projected mass and main entry defined by classical elements such as a neoclassical portico. The arms of the 'C" project to the west and as such are parallel to King Street.

The SHI listing including the Statement of Significance and Conservation Management Plan, do not cite existing or former views, to or from the club as being of any historical significance. The Approved Concept and proposal will have no material effect on the composition of close views to the Newcastle Club and *Claremont*.

The proposal will not reduce visibility or visual prominence of the item, or its contribution to the streetscape character of Newcomen and King Streets.

4.1.1 ADDITIONAL OBSERVATIONS

We note that the ground level dining room (enclosed veranda) and first floor bar, are both long rectangular rooms occupy all of the west-facing end of the Club. In this regard, larger primary rooms south of these areas are effectively 'internal' with primary presentation to the east to Newcomen Street, and as such have limited access to northerly views.

There are limited or no direct potential views from these internal rooms beyond the site to the north, that are predominantly characterised by compositions of high scenic quality.

In addition, we note that the extent and scenic quality of views from the lower ground level room, lawns and terraces is limited and constrained, partly due to the northern boundary hedge. There is no doubt that parts of the approved development and proposal will be seen from these areas but views to be lost from this level are not considered to be scenic and highly valued in *Tenacity* terms.

We observed that views to the east and west along King Street are unaffected by the proposal.

Figure 2 View location map, Newcastle Club.

VP3 NEWCASTLE CLUB, VIEW NORTH WEST END UPPER GROUND LEVEL GARDEN TERRACE

Figure 3 View location - view north, west end upper ground level garden terrace.

Figure 4 Newcastle Club in plan view, approximate location of view point indicated in teal.

Figure 5 Existing view north from the west end upper ground level garden terrace.

Figure 6 Proposed view north from the west end upper ground level garden terrace.

Figure 7 Proposed view north from the west end upper ground level garden terrace.

VP4 NEWCASTLE CLUB, WEST END MID-LEVEL (ADJACENT 1ST FLOOR) GARDEN TERRACE, VIEW NORTH-NORTH-WEST

Figure 8 View location - view north-north-west, west end mid-level (adjacent 1st floor) garden terrace.

Figure 9 Newcastle Club in plan view, approximate location of viewpoint indicated in teal.

Figure 10 Existing view north-north-west from west end mid-level (adjacent 1st floor) garden terrace.

Figure 11 Proposed view north-north-west from west end mid-level (adjacent 1st floor) garden terrace.

Figure 12 Proposed view north-north-west, from west end mid-level (adjacent 1st floor) garden terrace.

VP5 NEWCASTLE CLUB, CENTRE OF LEVEL 1 BAR (TOP FLOOR) VIEW NORTH

Figure 13 View location from level 1 bar, Newcastle Club.

Figure 14 Newcastle Club in plan view, approximate location of viewpoint indicated in teal.

Figure 15 Existing view from Level 1 bar facing north.

Figure 16 Proposed view from Level 1 bar facing north.

Figure 17 Proposed view from Level 1 bar facing north.

OTHER VIEWS AVAILABLE FROM THE NEWCASTLE CLUB

Figure 18 View east from the lower ground floor garden.

Figure 19 View north-west from the west end elevated ground level terrace.

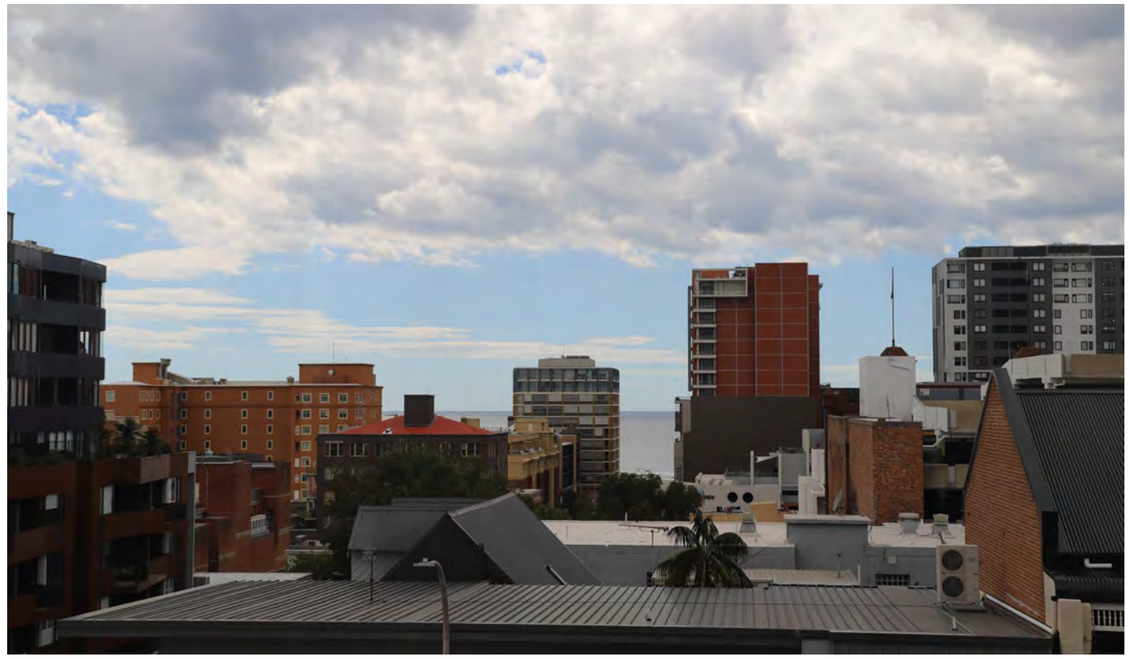

Figure 20 View east from Level 1 bar.

Figure 21 View north-east from Level 1 bar., where a slim vertical part of building 4S (Approved Concept) will occupy the west (left) side of the view.

View Place Location	*Tenacity* Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
VP3 Newcastle Club, West End Upper Ground Level Garden Terrace, View North.	**Existing View** This northerly view includes a foreground predominantly characterised by the grounds of the Newcastle Club itself, built form, and tree canopy of vegetation on the subject site. The mid-ground composition beyond, includes short sections of the Hunter River west and east of residential development, part of Stockton's low flat landscape, parts of Stockton Park and associated open spaces, as well as the constructed seawall and shipwreck walk to the north-east. The distant background composition includes natural topography extending some kilometres to the north-east. Natural elements include parts of Worimi National Park and Stockton sand dunes. Overall, the views include a combination of features and compositions which together may be considered as scenic and highly valued, in *Tenacity* terms. In our opinion, the view is a *whole* view, characterised by some unique topographical elements, open areas of water and sections of land-water interface (some of which are constructed). **Proposed View** The Approved Concept introduces new built form into the immediate foreground. Virtually all of the view is lost, with the exception of the western edge, which remains open. If the viewer were to look to the north-north-west, a section of the whole view (the foreground, mid-ground and background) is retained and unaffected. All of the most scenic features and the combinations of those elements which form the scenic and highly valued view, are blocked by the Approved Concept. All view loss that would attract any weight is caused by low sections and fully compliant parts of the proposed development. The additional height sought (above the green lines) blocks open areas of sky, does not block scenic and highly valued views, and has no material affect on the quantum, or quality of the view loss. The visual effects of the proposal do not increase the view impact rating.	All views assessed from the Newcastle Club are available across the side boundary of the development (King Street) from the northern-most rooms only (ground floor, dining terrace, and bar from seated and standing locations at each level. All views to north beyond the site to more scenic elements, are gained through and over the subject site, which is privately owned land that is currently undeveloped, or under developed. Such views could be considered as 'fortuitous' in the context of urban renewal and the current LEP controls which apply to the subject site and wider area. Notwithstanding that expansive northerly views from the Newcastle Club may have been available for a long period of time and historically, retention of so-called 'heritage' views from private commercial premises (or indeed this item) are not specifically identified in any statutory document including in the State Heritage Inventory listing for Newcastle Club and 'Claremont'. Notwithstanding that the views are technically available via only a side boundary (the retention of which is considered in *Tenacity* terms to be potentially unrealistic) we acknowledge that these views are important views from the Newcastle Club.	The formal presentation of the Newcastle Club is to the east to Newcomen Street. The east elevation includes the majority of windows and formal rooms within the Club, all views from which will be unaffected by the proposed development. All westerly and south-westerly views towards the heritage listed Cathedral Park and Christ Church Cathedral are unaffected by the proposed development. Views from three public -use / front-of-house rooms and western elevated terraces at ground and upper ground level will be affected by the scale of the approved concept and potentially also the perception of additional height sought. The room types affected provide an up-weight to the rating whilst the limited exposure of other main entertaining rooms provides a downweight. ***View Impact Rating - Moderate***	In our opinion, the view sharing outcome for the Newcastle Club as a whole, based on observations and the use of 3 analytical photomontages, is reasonable. This is based on consideration of the all relevant matters and the following key reasons: • The views are fortuitous gained wholly across the centre of a privately owned site (rather than accessible or created as a result of the application of planning controls which affect views for example setbacks or height controls). • The views are all available via a side boundary of the Newcastle Club site, making an expectation of their retention, unrealistic. • The majority of the loss of scenic and more highly valued parts of the views, is caused by lower and complying built form including below the LEP + 10% bonus and within the existing Approved Concept. As such the majority extent of view loss of such scenic features is contemplate by the Approved Concept and the LEP controls. • Northerly views from all three levels at the north end of the Club are not *whole* views, predominantly characterised by either a combination of, or individual features of high scenic quality. • Some views include distant more scenic features, the majority of which are blocked by lower and complying parts of the proposal or Approved Concept. • The additional height sought predominantly blocks areas of open sky and creates no significant or material additional view loss to that which is already approved and complying 'view loss' on the view impacts or view sharing outcome for the Newcastle Club. • The *Tenacity* assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration in the assessment and should be afforded some weight.

Table 2 Tenacity Assessment - Newcastle Club

View Place Location	*Tenacity* Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
VP4 Newcastle Club, West End Mid-Level Garden Terrace, View North-North-West.	**Existing View** This north-north-westerly view includes a foreground predominantly characterised by existing development and a construction site. The scale, forms and height of development in the foreground varies but reveals mid-ground compositional elements including wide sections of the south and north channel of the Hunter River and parts of the working industrial landscape on Kooragang Island, Stockton Bridge and residential development in Stockton. The view includes similar elements as described above such as parts of Stockton Park and associated open spaces as well as the constructed seawall and shipwreck walk to the north-east. The distant background composition includes natural topography, low ridgelines and vegetation in the Worimi area. Overall the views include a combination of features and compositions which together may be considered as scenic, and although potential highly valued by a viewer, would in our opinion not be considered as such, in *Tenacity* terms. In our opinion, the view is a *whole* view characterised by some unique topographical elements, industrial landscapes, open areas of water and sections of land-water interface. **Proposed View** The Approved Concept introduces new built form into the immediate foreground, resulting in sections of the view being blocked. The majority of the *whole* views remains available between the built forms proposed to an extent that the predominant character and depth (distance) of the view can be interrupted, understood and enjoyed. For example the long sections of the view which remain are sufficient for the viewer to be able to understand the continuous nature of the distant topography, horizon and working industrial landscape. Building 3S projects above the LEP + bonus height, where the additional height sought blocks a short section of the constructed seawall along the north side of the Hunter River, associated park area and beyond to parts of Kooragang Island and the suburb of Stockton. The loss of this section, in our opinion, does not significantly affect the scenic quality or value of this view where the upper part of the additional height sought blocks only areas of open sky. All of the most scenic features and the combinations of those elements which form the scenic and highly valued view in relation to Building 4S to the right (east) are blocked by the Approved Concept. All view loss that would attract any weight is caused by low sections and fully compliant parts of the proposed development. The additional height sought particularly by Building 4S, blocks open areas of sky, does not block scenic and highly valued views and has no material affect on the quantum or quality of the view loss.	All views assessed from the Newcastle Club are available across the side boundary of the development (King Street) from the northern-most rooms only (ground floor, dining terrace, and bar from seated and standing locations at each level. All views to north beyond the site to more scenic elements, are gained through and over the subject site, which is privately owned land that is currently undeveloped, or under developed. Such views could be considered as 'fortuitous' in the context of urban renewal and the current LEP controls which apply to the subject site and wider area. Notwithstanding that expansive northerly views from the Newcastle Club may have been available for a long period of time and historically, retention of so-called 'heritage' views from private commercial premises (or indeed this item) are not specifically identified in any statutory document including in the State Heritage Inventory listing for Newcastle Club and 'Claremont'.	The formal presentation of the Newcastle Club is to the east to Newcomen Street. The east elevation includes the majority of windows and formal rooms within the Club, all views from which will be unaffected by the proposed development. All westerly and south-westerly views towards the heritage listed Cathedral Park and Christ Church Cathedral are unaffected by the proposed development. Views from three public -use / front-of-house rooms and western elevated terraces at ground and upper ground level will be affected by the scale of the approved concept and potentially also the perception of additional height sought. The room types affected provide an up-weight to the rating whilst the limited exposure of other main entertaining provides a downweight. ***View Impact Rating - Moderate***	In our opinion, the view sharing outcome for the Newcastle Club as a whole, based on observations and the use of 3 analytical photomontages, is reasonable. This is based on consideration of the all relevant matters and the following key reasons: • The views are fortuitous gained wholly across the centre of a privately owned site (rather than accessible or created as a result of the application of planning controls which affect views for example setbacks or height controls). • The views are all available via a side boundary of the Newcastle Club site, making an expectation of their retention, unrealistic. • The majority of the loss of scenic and more highly valued parts of the views, is caused by lower and complying built form including below the LEP + 10% bonus and within the existing Concept Approval. As such the majority extent of view loss of such scenic features is contemplate by the Approved Concept and the LEP controls. • Northerly views from all three levels at the north end of the Club are not whole views that are predominantly characterised by either a combination of, or individual features of high scenic quality. • Some views include distant more scenic features, the majority of which are blocked by lower and complying parts of the proposal or Approved Concept. • The additional height sought predominantly blocks areas of open sky and creates no significant or material additional view loss to that which is already approved and complying 'view loss' on the view impacts or view sharing outcome for the Newcastle Club. • The *Tenacity* assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration in the assessment and should be afforded some weight.

View Place Location	*Tenacity* Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
VP5 Newcastle Club, Centre of Level 1 Bar (top floor) View North.	**Existing View** This northerly view from the highest floor and central location at the Newcastle Club is predominantly characterised by low built form and tree canopy on the subject site. The mid-ground composition includes an expansive section of the Hunter River, part of Stockton's low flat landscape, Stockton Park and associated open spaces as well as the constructed seawall and part of shipwreck walk to the north-east. The distant background composition includes natural topography extending some kilometres to the north-east and some parts of the Kooragang Island and the industrial working landscapes adjacent to the Hunter River and Port of Newcastle. Natural elements include parts of Worimi National Park and Stockton sand dunes. Overall the views include a combination of features and compositions which together may be considered as scenic and highly valued, in *Tenacity* terms. In our opinion, the view is a *whole* view characterised some unique topographical elements, open areas of water and sections of land-water interface (some of which are constructed). **Proposed View** The Approved Concept introduces new built form into the immediate foreground. Virtually all of the view is lost, with the exception of the western edge, which is partially blocked by the upper part of Building 3S. All of the most scenic features and the combinations of those elements which form the scenic and highly valued view, are blocked by the Approved Concept. The repositioning of building 3S to the north-west of building 4S creates the perception of continuous built form in the foreground of the view. However in reality 3S is significantly setback from the south elevation of building 4S so that the sense of space and depth of the outlook will be evident. The sense of space would be further enhanced due to the difference in architecture style colours and materials of the two buildings. All view loss that would attract any weight is caused by low sections and fully compliant parts of the proposed development. The additional height sought (above the green lines) blocks open areas of sky, does not block scenic and highly valued views and has no material affect on the quantum or quality of the view loss.	All views assessed from the Newcastle Club are available across the side boundary of the development (King Street) from the northern-most rooms only (ground floor, dining terrace, and bar from seated and standing locations at each level. All views to north beyond the site to more scenic elements, are gained through and over the subject site, which is privately owned land that is currently undeveloped, or under developed. Such views could be considered as 'fortuitous' in the context of urban renewal and the current LEP controls which apply to the subject site and wider area. Notwithstanding that expansive northerly views from the Newcastle Club may have been available for a long period of time and historically, retention of so-called 'heritage' views from private commercial premises (or indeed this item) are not specifically identified in any statutory document including in the State Heritage Inventory listing for Newcastle Club and 'Claremont'.	The formal presentation of the Newcastle club is to the east to Newcomen Street. The east elevation includes the majority of windows and formal rooms within the Club, all views from which will be unaffected by the proposed development. All westerly and south-westerly views towards the heritage listed Cathedral Park and Christ Church Cathedral are unaffected by the proposed development. Views from three public -use / front-of-house rooms and western elevated terraces at ground and upper ground level will be affected by the scale of the Approved Concept and potentially also the perception of additional height sought. The room types affected provide an up-weight to the rating whilst the limited exposure of other main entertaining form all rooms provides a down-weight. ***View Impact Rating - Moderate***	In our opinion, the view sharing outcome for the Newcastle Club as a whole, based on observations and the use of 3 analytical photomontages, is reasonable. This is based on consideration of the all relevant matters and the following key reasons: • The views are fortuitous gained wholly across the centre of a privately owned site (rather than accessible or created as a result of the application of planning controls which affect views for example setbacks or height controls). • The views are all available via a side boundary of the Newcastle Club site, making an expectation of their retention, unrealistic. • The majority of the loss of scenic and more highly valued parts of the views, is caused by lower and complying built form including below the LEP + 10% bonus and within the existing Approved Concept. As such the majority extent of view loss of such scenic features is contemplate by the Approved Concept and the LEP controls. • Northerly views from all three levels at the north end of the club are not whole views that are predominantly characterised by either a combination of, or individual features of high scenic quality. • Some views include distant more scenic features, the majority of which are blocked by lower and complying parts of the proposal or Approved Concept. • The additional height sought predominantly blocks areas of open sky and creates no significant or material additional view loss to that which is already approved and complying 'view loss' on the view impacts or view sharing outcome for the Newcastle Club. • The *Tenacity* assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration in the assessment and should be afforded some weight.

SECTION 4:
VIEW SHARING ASSESSMENT

SEGENHOE BUILDING

50 WOLFE STREET, NEWCASTLE

4.2 SEGENHOE BUILDING

The Segenhoe Building (also known as Segenhoe Flats) is a State Heritage listed 7 storey Inter-War Art Deco residential flat building constructed c.1937 comprising 25 dwellings.

The Segenhoe Building is located at 50 Wolfe Street and has a formal street address and presentation to the east towards Wolfe Street. Internally, the majority of rooms and windows are oriented to the north where views are predominantly available via the northern boundary.

The Segenhoe Building is located opposite and lower relative to Cathedral Park. The Park occupies steeply sloping topography, the western edge of which is retained above the road carriage way and is populated by mature vegetation. The site includes the centrally located residential flat building, a port-cochere and hardstand area accessed via Wolfe Street to the east, and common lawns and formal plantings along the northern and western boundaries.

Built form is characterised by an irregular floor plate which occupies two symmetrical blocks of dwellings, linked by a recessed section to the south. The floor plate could be considered as a 'butterfly-shaped' form where two symmetrical masses adjoin a central core. Floor plans available online show that the internal layouts of dwellings include the primary living areas occupy the north elevation. The distinctive octagonal 'card room' projects to either the west or the east. Bedrooms and kitchens predominantly occupy the south elevation of the residential flat building. The building is clad in warm-toned face brick with timber framed sash windows, wrought iron balustrades and a pitched roof. Visually, it is typical of its style and era.

When considered in plan view the Segenhoe Building contains four dwellings per floor, divided evenly across the two blocks where dwellings are aligned to the eastern and western elevations. Views are predominantly obtained via the western and northern elevations (west block) and the northern and eastern elevations (east block). Internal layouts of individual dwellings include several broadly rectangular rooms and two irregular shaped rooms which relate to the projecting bays at the northern, western and eastern elevations. The projecting bays are distinct architectural features of the building, characterised by a stepped profile and vertically proportioned windows.

The SHI listing for the Segenhoe Building does not cite views to or from the site being of any historical significance. The Approved Concept plan and proposal will have no material effect on the composition of close views towards the Segenhoe Building from surrounding streetscape locations.

The proposal will not reduce visibility of the item or the visual prominence of the Segenhoe Building, nor affect its contribution to the streetscape.

4.2.1 ADDITIONAL OBSERVATIONS

We note that the floor plans of the eastern and western blocks of the Segenhoe Building are a mirror image of one another where northerly, north-easterly, westerly and southerly views from the eastern block remain entirely unaffected by the proposal.

Affected compositions are from a limited number of rooms from upper level dwellings, in standing and potentially seated locations with a north-easterly aspect. The orientation of windows across the northern and elevation is to the north. Views to the north-east are therefore highly oblique where the remaining composition to the north and north-west remains unaffected.

The tree canopy located along the western boundary of the adjacent Cathedral Park blocks and/or heavily screens views from east-facing mid and lower level dwellings at the Segenhoe Building.

Figure 22 View location map, Segenhoe Building.

VIEW 01 VP18 APARTMENT 21 SEGENHOE BUILDING (DINING) VIEW NORTH-EAST

Figure 23 View location - Apartment 21 of the Segenhoe Building (dining).

Figure 24 Segenhoe Building in plan view, approximate location of view place indicated in teal.

Figure 25 Existing view, apartment 21 of the Segenhoe Building (dining), view north-east.

Figure 26 Proposed view, apartment 21 of the Segenhoe Building (dining), view north-east.

Figure 27 Proposed view, apartment 21 of the Segenhoe Building (dining), view north-east.

VIEW 02 VP19 APARTMENT 20 SEGENHOE BUILDING (STUDY) VIEW NORTH-EAST

Figure 28 View location - Apartment 20 of the Segenhoe Building (study) view north-east.

Figure 29 Segenhoe Building in plan view, approximate location of view place indicated in teal.

Figure 30 Existing view from apartment 20 of the Segenhoe Building (study) view north-east.

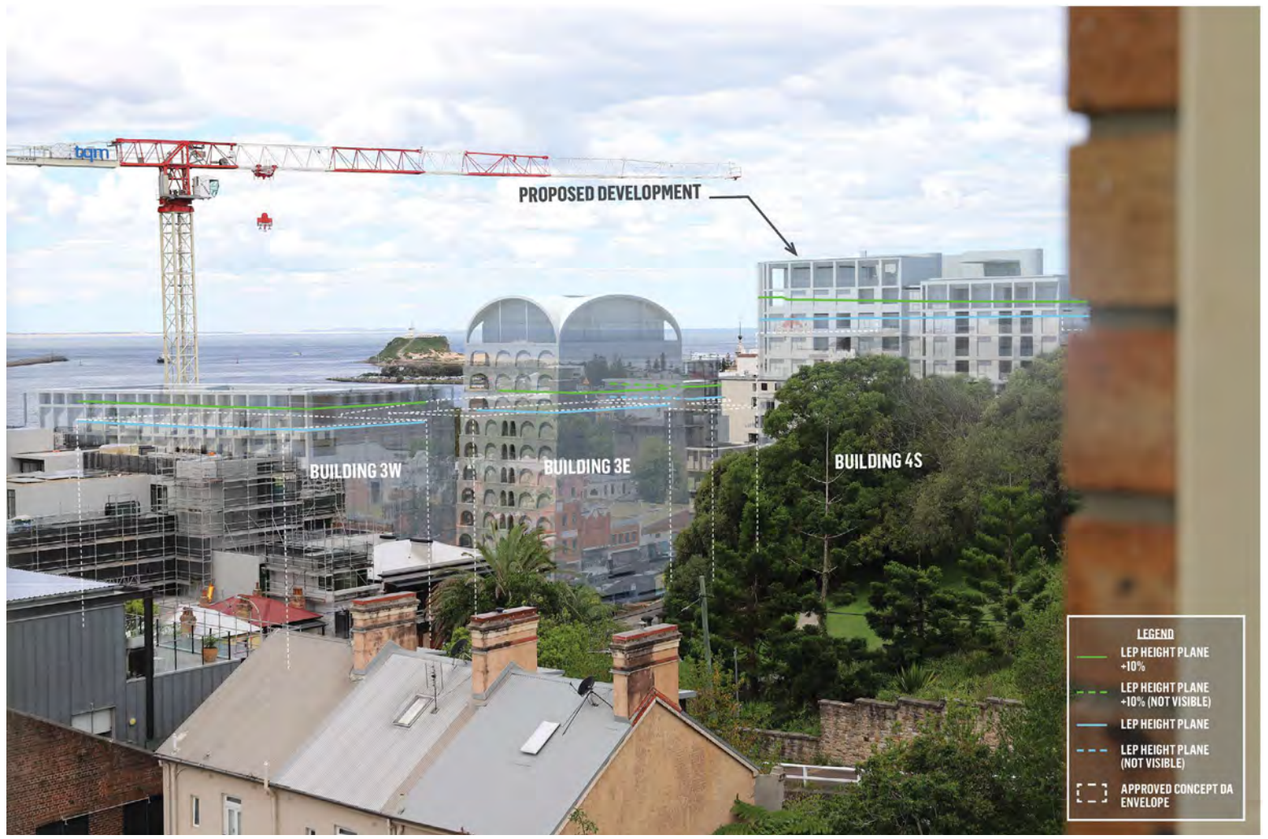

Figure 31 Proposed view from apartment 20 of the Segenhoe Building (study) view north-east.

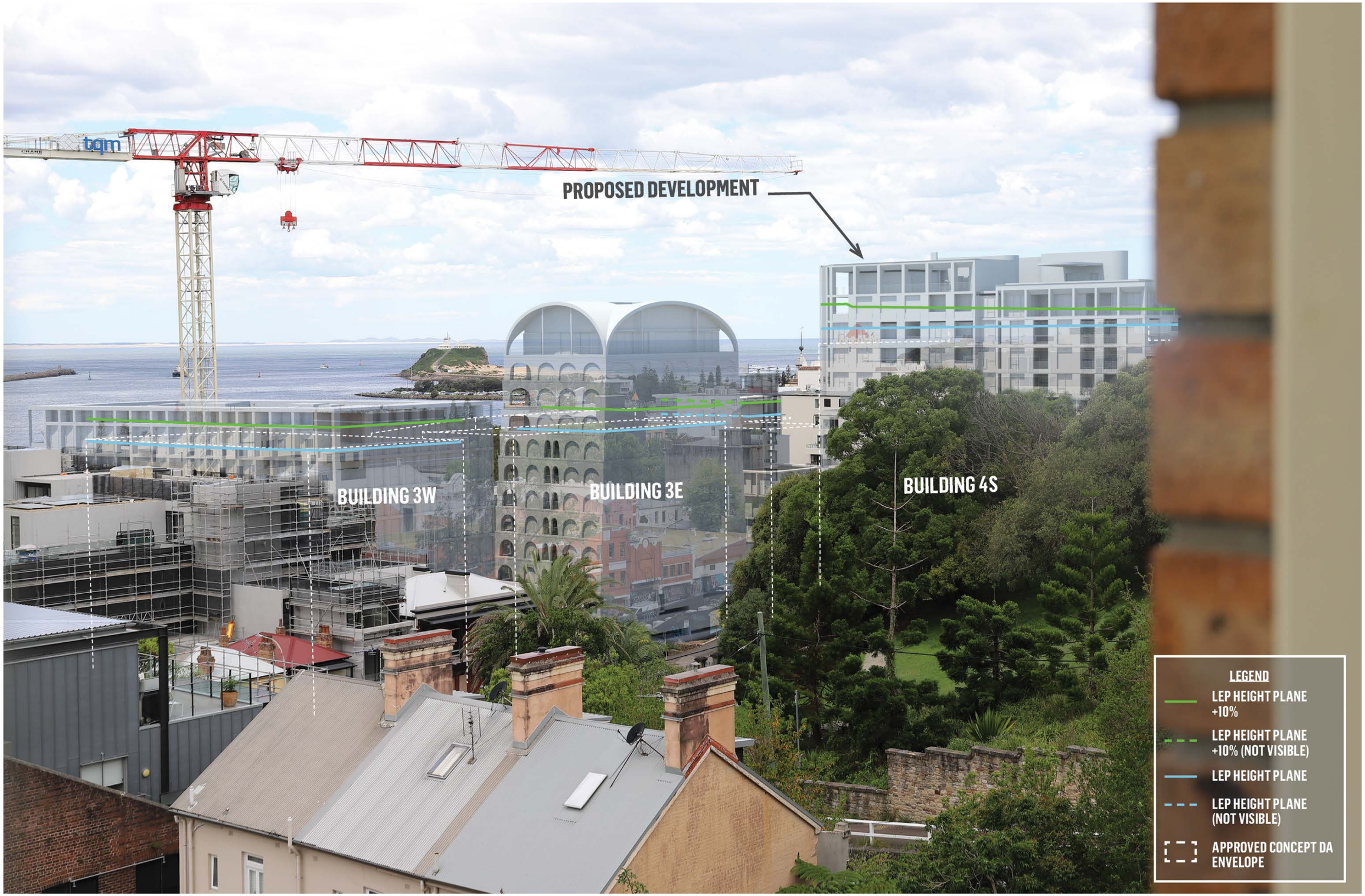

Figure 32 Proposed view from apartment 20 of the Segenhoe Building (study) view north-east.

VIEW 03 VP21 APARTMENT 17 SEGENHOE BUILDING (DINING) VIEW NORTH-EAST

Figure 33 View location - Apartment 17 of the Segenhoe Building (dining).

Figure 34 Segenhoe Building in plan view, approximate location of view place indicated in teal.

Figure 35 Existing view from apartment 17 of the Segenhoe Building (dining), view north-east.

Figure 36 Proposed view from apartment 17 of the Segenhoe Building (dining), view north-east.

Figure 37 Proposed view from apartment 17 of the Segenhoe Building (dining), view north-east.

OTHER VIEWS AVAILABLE FROM THE SEGENHOE BUILDING

Figure 38 Alternate available view from apartment 8, study, view north-east.

Figure 39 Alternate available view from apartment 20, view north-west.

Figure 40 Alternate available view from apartment 22, study, view north.

Figure 41 Alternate available view from apartment 22, study, view north-west.

View Place Location	*Tenacity* Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
VP18 Apartment 21, Segenhoe Building (dining), view north-east.	**Existing View** This north-easterly view includes a foreground predominantly characterised by vegetation within Cathedral Park and built form between King Street and Wharf Road, east of Wolfe Street. The mid-ground composition beyond that includes open sections of water (Hunter River), a short section of part of Stockton's relatively flat landscape and associated open spaces as well as the constructed seawall and shipwreck walk to the north-east. Further north-east is the elevated headland, Nobby's Head and Nobby's Lighthouse. Further to the north-east is a narrow view between intervening buildings, to the upper knoll, vegetation and a minor section of Fort Scratchley. The distant background composition includes natural topography extending some kilometres to the north-east. Natural elements include parts of Worimi National Park and Stockton sand dunes. Overall the views include a combination of features and compositions which together may be considered as scenic and highly valued, in *Tenacity* terms. In our opinion, the view is a whole view characterised by some unique topographical elements, open areas of water and sections of land-water interface (some of which are constructed). **Proposed View** The Approved Concept introduces new built form into the mid-ground composition, blocking existing built form within the Newcastle CBD including local heritage item Fort Scratchley to the north-east. The foreground composition and spatial arrangement of the view does not change. The proposal is located approximately 200m to the north and introduces new contemporary buildings which replace existing lower built forms. The additional height sought for Building 3E blocks the elevated landform Nobby's Head. The section blocked includes land water interface, vegetation, and areas of open water further north. The scenic and highly valued features of the view to the east-north-east, such as parts of Fort Scratchley and its landscape setting, are blocked by lower and fully compliant parts of the proposal. The additional height sought in relation to Building 4S predominantly blocks areas of open sky, which is of no significance in *Tenacity* terms.	This view assessed is from the top level of the Segenhoe Building (apartment 21) and is available across the junction of the side and front boundaries of the development from the dining room (located north-east within the dwelling). The view is from a north-easterly aspect in a standing position. All views north beyond the site to more scenic elements, are gained through and over the subject site, which is privately owned land currently undeveloped, or under developed. Such views could be considered as 'fortuitous' in the context of urban renewal and the current LEP controls which apply to the subject site and wider area. Notwithstanding that expansive north-easterly views from the Segenhoe Building may have been available for some time and historically, retention of so-called 'heritage' views from the Segenhoe Building are not identified in any statutory document including in the State Heritage Inventory listing for the building.	The formal presentation of the Segenhoe Building is to the east facing Wolfe Street, noting the internal layout of the building and orientation of windows appears to have been intentionally designed to obtain views predominantly to the north. The northern elevation includes the majority of living areas with north-facing windows from which all views will be unaffected by the proposal. Views from windows along the southern, western and the majority of eastern elevations will be similarly unaffected. More scenic northerly views (in *Tenacity* terms) towards the Hunter River, Stockton, parts of Worimi National Park and Stockton sand dunes are unaffected by the proposal. Oblique views from a limited number of rooms that occupy the north-east floor plan from upper level dwellings will be affected. In such views the scale and effect of the additional height sought, are unlikely to be easily perceived. The room types affected (dining and living) provide an up-weight to the rating of impact whilst the limited exposure of other parts of the dwelling create a down-weight of impact. ***View Impact Rating - Minor-moderate***	In our opinion, the view sharing outcome for the individual units inspected and assessed, and the Segenhoe Building as a whole, based on observations and the use of 3 analytical photomontages, is reasonable. This is based on consideration of the all relevant matters and the following key reasons: • The view to be lost is fortuitous, gained wholly across a privately owned, underdeveloped site (rather than accessible or created as a result of the application of planning controls which affect views, for example setbacks or height controls). • Views to a well-known and recognisable local landscape feature, Nobby's Head and in some views a minor section of local heritage item Fort Scratchley, are lost from the north-eastern corner of the northern elevation of this dwelling, in one view direction (north-east). Complying parts of Building 4S block the scenic features in the north-easterly view. • The dwellings and flat building enjoy access to an expansive view in a wide arc from the west to the north-east, where the proposal and in particular, the minor extent of additional height sought, occupy only a short and minor extent of the composition. • The views are all available via a side boundary of the Segenhoe Building site, making an expectation of their retention, unrealistic. • The majority of view loss is caused by complying built form including below the LEP + 10% bonus and within the existing Approved Concept. The majority of the extent of view loss of scenic features such as Fort Scratchley is therefore contemplated by the Approved Concept and LEP controls. • The additional height sought in relation to Building 3E (above the green lines) blocks sections of land water interface within the north-east mid-ground composition including to the headland to Nobby's Head. The majority of the composition, which is characterised by all of the most scenic features, and the combinations of those elements which form the scenic and highly valued view are retained. • All northerly views from this dwelling and other dwellings inspected in the Segenhoe Building will not be affected by the proposal. • The *Tenacity* assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration and should be afforded some weight.

Table 3 Tenacity Assessment - Segenhoe Building

View Place Location	*Tenacity* Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
VP19 Apartment 20, Segenhoe Building (study), view north-east.	**Existing View** This north-north-easterly view includes a foreground and mid-ground predominantly characterised by existing built form and vegetation within Newcastle CBD, north-east of the Segenhoe Building and Cathedral park. The mid-ground composition beyond that includes open sections of water (Hunter River), and the elevated landform, Nobby's Head and Nobby's Lighthouse. Further to the north-east a narrow view between intervening buildings, to the upper knoll, vegetation and a minor section of Fort Scratchley. The distant background composition includes natural topography extending some kilometres to the north-east. Natural elements include parts of Worimi National Park and Stockton sand dunes. Overall the views include a combination of features and compositions which together may be considered as scenic and highly valued, in *Tenacity* terms. In our opinion, the view is a whole view characterised by some unique topographical elements, open areas of water and sections of land-water interface. **Proposed View** The Approved Concept introduces new built form into the foreground composition, blocking existing built form within the Newcastle CBD including local heritage item Fort Scratchley to the north-east. The foreground composition and spatial arrangement of the view does not change. The proposal is located approximately 200m to the north and introduces new contemporary buildings which replace existing lower built forms. The additional height sought for building 3E blocks a section of the low landform to the elevated Nobby's Head. The section blocked includes land-water interface, vegetation, and areas of open water further north. The elevated headland itself remains visible and available to the viewer. The scenic and highly valued features of the view to the east-north-east such as part of Fort Scratchley and its landscape setting, are blocked by lower and fully compliant parts of the proposal. The additional height sought in relation to Building 4S predominantly blocks areas of open sky, which is of no significance in *Tenacity* terms.	This view assessed is from the sixth level of the Segenhoe Building (apartment 20) and is available across the side boundary of the development from the study (located in the northern area of the dwelling). The view is from a north-easterly aspect in a standing position. All views beyond the site to more scenic elements, are gained through and over the subject site, which is privately owned land currently undeveloped, or under developed. Such views could be considered as 'fortuitous' in the context of urban renewal and the current LEP controls which apply to the subject site and wider area. Notwithstanding that expansive north-easterly views from the Segenhoe Building may have been available for some time and historically, retention of so-called 'heritage' views from the Segenhoe Building are not specifically identified in any statutory document including in the State Heritage Inventory listing for the building.	The formal presentation of the Segenhoe Building is to the east facing Wolfe Street, noting the internal layout of the building and orientation of windows appears to have been intentionally designed to obtain views predominantly to the north. The northern elevation includes the majority of windows from which all views will be unaffected by the proposal. More scenic, northerly views (in *Tenacity* terms) towards Hunter River, Stockton, parts of Worimi National Park and Stockton sand dunes are unaffected by the proposal. Oblique views from a limited number of northern rooms from upper level dwellings will be affected. In such views the scale and effect of the additional eight sought are unlikely to be easily perceived. The room types affected (study) and limited exposure of other parts of the dwelling create a down-weight of impact. ***View Impact Rating - Minor***	In our opinion, the view sharing outcome for the Segenhoe Building as a whole, based on observations and the use of 3 analytical photomontages, is reasonable. This is based on consideration of the all relevant matters and the following key reasons: • The view to be lost is fortuitous, gained wholly across a privately owned, underdeveloped site (rather than accessible or created as a result of the application of planning controls which affect views, for example setbacks or height controls). • Views to be lost include the lower, northern section of well-known and recognisable local landscape feature, Nobby's Head and in some views a minor section of local heritage item Fort Scratchley, in one view direction (north-east). • The dwellings and flat building enjoy access to an expansive view in a wide arc from the west to the north-east, where the proposal and in particular, the minor extent of additional height sought, occupy only a short and minor extent of the composition. • The views are all available via a side boundary of the Segenhoe Building site, making an expectation of their retention, unrealistic. • The majority of view loss is caused by complying built form including below the LEP + 10% bonus and within the existing Approved Concept. The majority of the extent of view loss of scenic features including Fort Scratchley is therefore contemplated by the Approved Concept and LEP controls. • The additional height sought in relation to Building 3E (above the green lines) blocks sections of land water interface within the north-east mid-ground composition including to the headland to Nobby's Head. Nobby's Head itself within its visual setting remains visible and able to be interpreted and enjoyed. The majority of the composition, which is characterised by all of the most scenic features, and the combinations of those elements which form the scenic and highly valued view are retained. In this regard, the viewer can still see the majority of Nobby's Head and its mid-ground land water interface setting. • All northerly views from this dwelling and other dwellings inspected in the Segenhoe Building will not be affected by the proposal. • The *Tenacity* assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration and should be afforded some weight.

View Place Location	*Tenacity* Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
VP21 Apartment 17, Segenhoe Building (dining), view north-east.	**Existing View** This north-north-easterly view includes a foreground and mid-ground predominantly characterised by existing built form and vegetation within Newcastle CBD, north-east of the Segenhoe Building and Cathedral park. The mid-ground composition beyond includes open sections of water (Hunter River) and the elevated landform, Nobby's Head and Nobby's Lighthouse. The view is an oblique angle view via the east end of the north boundary. The distant background composition includes natural topography extending some kilometres to the north-east. Natural elements include parts of Worimi National Park and Stockton sand dunes. Overall the views include a combination of features and compositions which together may be considered as scenic and highly valued, in *Tenacity* terms. In our opinion, the view is a whole view characterised by some unique topographical elements, open areas of water and sections of land-water interface. **Proposed View** The Approved Concept introduces new built form into the mid-ground composition, blocking existing built form within the Newcastle CBD including local heritage item Fort Scratchley to the north-east. The foreground composition and spatial arrangement of the view does not change. The proposal is located in the mid-ground approximately 200m to the north and introduces new contemporary buildings which replace existing lower built forms. The additional height sought for Building 3E blocks a section Nobby's Head. The section blocked includes land-water interface, vegetation, and areas of open water further north. The scenic and highly valued features of the view to the east-north-east such as part of Fort Scratchley and its landscape setting, are blocked by lower and fully compliant parts of the proposal. The additional height sought in relation to Building 4S predominantly blocks areas of open sky, which is of no significance in *Tenacity* terms. Scenic features, and the combinations of those elements which form the scenic and highly valued view across the majority of the mid-ground are retained.	This view assessed is from the sixth level of the Segenhoe Building (apartment 17) and is available across the side boundary of the development from the dining room (located north-east within the dwelling). The view is from a north-easterly aspect in a standing position. All views beyond the site to more scenic elements, are gained through and over the subject site, which is privately owned land currently undeveloped, or under developed. Such views could be considered as 'fortuitous' in the context of urban renewal and the current LEP controls which apply to the subject site and wider area. Notwithstanding that expansive north-easterly views from the Segenhoe Building may have been available for some time and historically, retention of so-called 'heritage' views from the Segenhoe Building are not specifically identified in any statutory document including in the State Heritage Inventory listing for the building.	The formal presentation of the Segenhoe Building is to the east facing Wolfe Street, noting the internal layout of the building and orientation of windows appears to have been intentionally designed to obtain views predominantly to the north. The northern elevation includes the majority of windows from which all views will be unaffected by the proposal. More scenic northerly views (in Tenacity terms) towards Hunter River, Stockton, parts of Worimi National Park and Stockton sand dunes are unaffected by the proposal. Oblique views from a limited number of north-eastern rooms from upper level dwellings will be affected. In such views the scale and effects of the additional height sought, are unlikely to be perceived. The room types affected (dining) provides an up-weight to the rating of impact whilst the limited exposure of other parts of the dwelling create a down-weight of impact. ***View Impact Rating - Minor-moderate***	In our opinion, the view sharing outcome for the individual units inspected and assessed, and the Segenhoe Building as a whole, based on observations and the use of 3 analytical photomontages, is reasonable. This is based on consideration of the all relevant matters and the following key reasons: • The view to be lost is fortuitous, gained wholly across a privately owned, underdeveloped site (rather than accessible or created as a result of the application of planning controls which affect views, for example setbacks or height controls). • Views to a well-known and recognisable local landscape feature, Nobby's Head are lost from the north-eastern corner of the northern elevation of this dwelling, in one view direction (north-east). Complying parts of Building 4S block the scenic features in the north-easterly view. • The dwellings and flat building enjoy access to an expansive view in a wide arc from the west to the north-east, where the proposal and in particular, the minor extent of additional height sought, occupy only a short extent of the composition. • The views are available via a side boundary of the Segenhoe Building site, making an expectation of their retention, unrealistic. • The majority of view loss is caused by complying built form including below the LEP + 10% bonus and within the existing Approved Concept. The majority of the extent of view loss of scenic features such as Fort Scratchley is therefore contemplated by the Approved Concept and LEP controls. • The additional height sought in relation to Building 3E (above the green lines) blocks sections of land water interface within the north-east mid-ground composition including to the headland to Nobby's Head. The majority of the composition, which is characterised by all of the most scenic features, and the combinations of those elements which form the scenic and highly valued view are retained. • All expansive northerly views from this dwelling and other dwellings inspected in the Segenhoe Building will not be affected by the proposal. The dwelling is characterised by several expansive, scenic and highly valued views in multiple directions. • The *Tenacity* assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration in the assessment and should be afforded some weight.

SECTION 4:
VIEW SHARING ASSESSMENT

HERALD APARTMENTS

60 KING STREET, NEWCASTLE

4.3 HERALD APARTMENTS

The Herald Apartments at 60 King Street completed in 2019, is a contemporary residential flat building with ground level commercial uses, including 116 apartments and 3 commercial suites which includes a restored heritage listed building at 28 Bolton Street (Newcastle Herald Building). The building has 9 levels (a basement, ground and 7 storeys) with essentially a rectangular floor plate with a square shaped extension of the site where it adjoins the retained heritage building.

The Herald Apartments have a formal presentation south to King Street. The building is located mid-slope bound by Newcomen Street to the west and Bolton Street to the east, where the site falls in elevation to the north. The majority of the dwellings within the flat building, are designed to present either to the north or south, with windows and balconies located along these elevations.

The southern and northern elevations are characterised by large windows and balconies (associated with primary living areas) from which northerly views via the rear boundary towards the Hunter River (north) and southerly views via the front boundary towards Christ Church Cathedral (south) are available.

The building is characterised by a rectangular floor plate with nil setback to King and Newcomen Streets. The upper storeys are setback further at upper levels, which allows for open outdoor terraces along the northern and southern elevations. The building is generally characterised by consistent glazing and outdoor balconies which appear to have been design to obtain views from all elevations across various aspects of the Newcastle CBD, and towards Newcastle foreshore.

The northern and eastern boundaries of the site are surrounded by lower existing built from allowing views over and between intervening built form to the north and north-east.

Views assessed are from Unit 701, which is a top floor, amalgamated penthouse unit where the north-western floorplate is occupied by living, dining and recessed covered balconies. A bedroom/study and other bedrooms (currently used as a sewing room) occupy the south-west corner and southern elevation of the floorplate.

Figure 42 View location map, Herald Apartments.

VIEW 01 VP15 UNIT 701, HERALD APARTMENTS VIEW NORTH WEST

Figure 43 View location - unit 701 of the Herald Apartments (balcony).

Figure 44 Herald Apartments in plan view, approximate location of view place and rooms indicated.

Figure 45 Existing view, unit 701 of the Herald Apartments (balcony), view north-west.

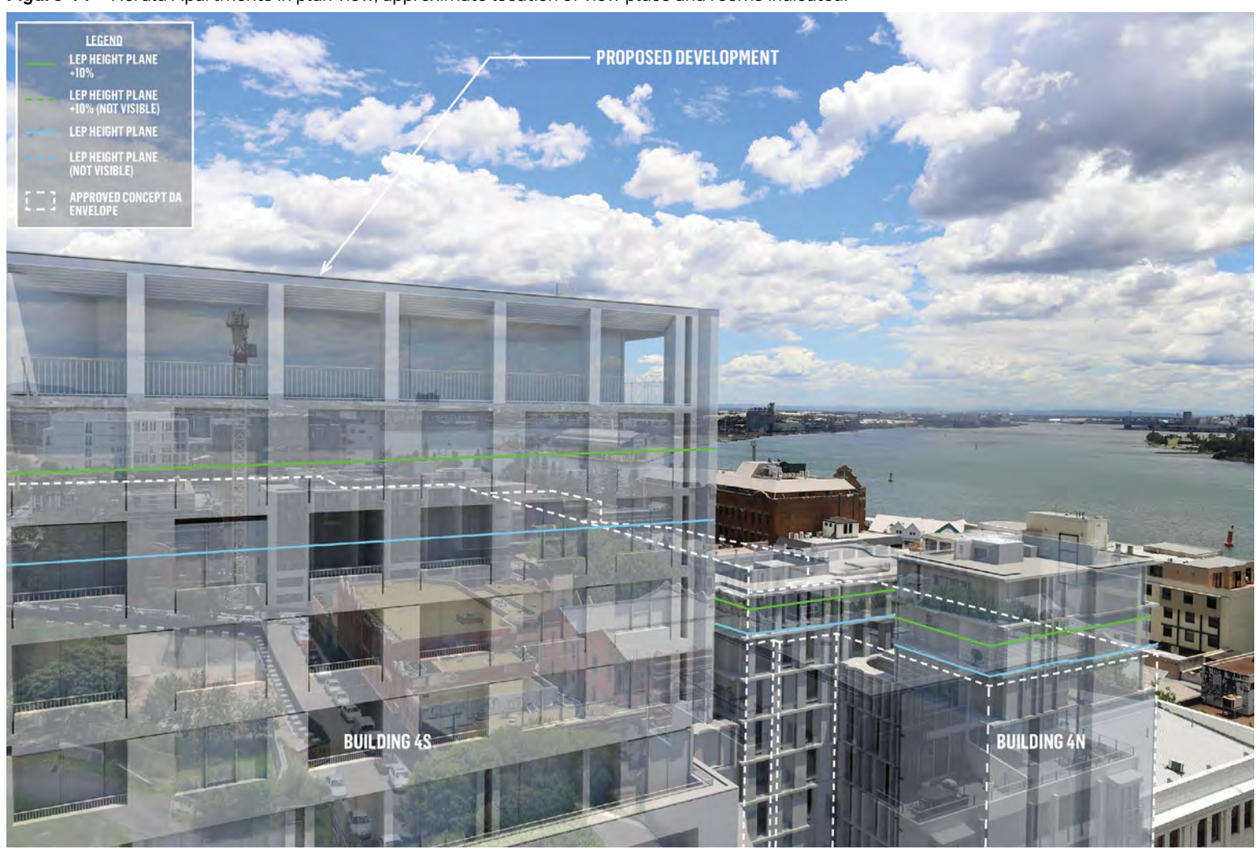

Figure 46 Proposed view, unit 701 of the Herald Apartments (balcony), view north-west.

Figure 47 Proposed view, unit 701 of the Herald Apartments (balcony), view north-east.

OTHER VIEWS AVAILABLE FROM HERALD APARTMENTS

Figure 48 View north from unit 701 (balcony), Herald Apartments.

Figure 49 View north-east from unit 701 (balcony), Herald Apartments.

Figure 50 View south from unit 701 (master bedroom), Herald Apartments.

Figure 51 View north from unit 701 (kitchen), Herald Apartments.

View Place Location	*Tenacity* Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
VP15 Unit 701, Herald Apartments (balcony), view north-east.	**Existing View** This north-westerly view includes a foreground predominantly characterised by lower built form within the Newcastle CBD. The mid-ground composition beyond includes sections of open water (Hunter River) to the north-west either side of the relatively flat landscape of Carrington and Dyke Point which includes associated open spaces and large scale industrial built form. The view takes in the central channel of the northern arm of the Hunter River. The distant background composition includes natural topography extending some kilometres to the north-west. Natural elements include parts of Hunter Wetlands National Park. Overall, the views include a combination of features and compositions which together may be considered as scenic and highly valued, in *Tenacity* terms. In our opinion, the view is a whole view characterised by some unique topographical elements, open areas of as of water and sections of land-water interface (some of which are constructed). **Proposed View** The Approved Concept introduces new built form into the foreground and mid-ground composition, blocking existing development to the west. Lower and fully compliant parts of the proposal introduce new contemporary buildings which replace existing lower building development and alters the spatial arrangement of the view where new built form is closer to the Herald Apartment building. The complying built form blocks a short and narrow section of development, water side vegetation and water. The additional height sought in relation to Building 4S predominantly blocks a short section of land water interface to the north-west including Carrington and Dyke Point, existing development in Newcastle CBD, distant background topography and predominantly areas of open sky. The slim horizontal section and part of the working Port to be lost does not make any significant contribution to this view. Additional height sought in relation to Building 4N blocks existing, lower built form within Newcastle CBD and is of no significance in *Tenacity* terms. The majority of the view to the north-west including the wide arm of the north channel (Hunter River) remains visible and available and is unaffected by the proposal.	The view assessed is from the top level of the Herald Apartments (Apartment No. 701) and is available across the junction of the northern and western boundaries of the building from the outdoor balcony. The view is from a north-westerly aspect in a standing position. All views to north beyond the site to more scenic elements, are gained through and over the subject site, which is privately owned land that is currently undeveloped, or underdeveloped. Such views could be considered as 'fortuitous' in the context of urban renewal and the current LEP controls which apply to the subject site and wider area. The view to be affected is available via a side boundary.	Herald Apartments have a formal presentation to the south to King Street. The northern elevation includes outdoor recessed balconies associated with dwellings on the western side of the building, from which all northerly views will be unaffected by the proposal. Views from windows and balconies at the southern elevation will be similarly unaffected. Unit 701 (as an amalgamated penthouse unit) includes a southern balcony that presents to King Street, the majority of views from which to the west, south and south-west will be unaffected by the proposal. We anticipate that the majority of views towards Christ Church Cathedral from the southern balcony will remain available, given the angle and relative height of such views. More scenic, northerly views (in *Tenacity* terms) towards parts of the Hunter River, Stockton Nobby's head and Fort Scratchley are unaffected by the proposal. Westerly views from the open plan dining room, kitchen and bedrooms, along the western floor plan from upper-level dwellings will be affected. The room types affected (internal and external living areas) provide an up-weight to the rating of impact, whilst the limited exposure to the visual effects from other parts of the dwelling create a down-weight of impact. **View Impact Rating – Minor**	In our opinion, the view sharing outcome for unit 701 (and by default units below this which occupy similar locations including unit 502) and the Herald Apartment residential flat building as a whole, based on observations and the use of 1 analytical photomontage, is reasonable. This is based on consideration of all relevant matters and the following key reasons: • The view to be lost is fortuitous, gained wholly across a privately owned, underdeveloped site (rather than accessible or created as a result of the application of planning controls which affect views, for example setbacks or height controls). • The view to be lost includes a short section of land water interface (some of which is constructed), in one view direction (north-west). • All views to be affected are available via a side boundary only of the Herald Apartments, making an expectation of their retention unrealistic. • The majority of view loss is caused by complying built form including below the LEP + 10% bonus and within the existing Approved Concept. The majority of the extent of view loss is therefore contemplated by the Approved Concept and LEP controls. • The additional height sought in relation to Building 4S (above the green lines) blocks development (not valued) a short section of a constructed, land water interface including the south arm of the Hunter River, near Carrington and Dyke Points. The majority of the view to the north-west, to the north arm of the Hunter River and all of the northerly and north-easterly scenic view composition is unaffected by the proposal. In this regard, the viewer can still see the majority of Hunter River and its mid-ground land water interface setting. • All southerly views from this dwelling and other dwellings in the Herald Apartments will not be affected by the proposal. • The *Tenacity* assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration and should be afforded some weight.

Table 4 *Tenacity* Assessment - Herald Apartments

SECTION 4:
VIEW SHARING ASSESSMENT

NEWCOMEN APARTMENTS

16-18 NEWCOMEN STREET, NEWCASTLE

4.4 16-18 NEWCOMEN STREET

16-18 Newcomen Street is a part 5, part 6 storey contemporary residential flat building with a formal presentation east towards Newcomen Street. The building is located mid-slope between Hunter Street (north) and King Street (south) where the underlying topography falls in elevation to the south. The majority of the windows and recessed balconies are oriented east over the front boundary. The southern and western elevations are characterised by balconies at the lower levels and upper level private open terraces from which westerly and southerly views over the rear and side boundary to parts of Newcastle are available. Northerly views from outdoor terrace areas include sections of Hunter River and Stockton, over and through intervening development north of Hunter Street.

The building is characterised by a rectangular floor plate and is simply massed. In plan view, the south-western corner of the building includes a rectangular extension which projects to the south-west and which houses the upper level terracing and several recessed balconies. The south-western projected part of the building is effectively surrounded by the subject site. The southern and western elevations are rendered with limited fenestration. Internally, dwellings contain 1-2 bedrooms and open plan living space across approximately 70 square meters.

The building is surrounded by existing built form to the north, west and south with no pedestrian or vehicular access to the rear of the building.

4.4.1 ADDITIONAL REGULATORY CONTEXT

16-18 Newcomen Street does not provide an equitable setback as per the Apartment Design Guidelines (ADG) , given it was constructed prior to the ADG coming into affect. As a result of the non-compliance, 16-18 Newcomen Street is built to all maximum boundaries. The proposal is not required to provide additional setbacks to compensate the existing spatial separation under the ADG as this unfairly disadvantages the proposed development. Notwithstanding, the proposal provides sufficient setbacks and aligns with the ADG.

Figure 52 View location map, Newcomen Apartments.

VIEW 01 VP8 APARTMENT 12, 16-18 NEWCOMEN STREET (TERRACE) VIEW NORTH WEST

Figure 53 View location - Unit 12 of Newcomen Apartments (outdoor terrace), view place indicated in red.

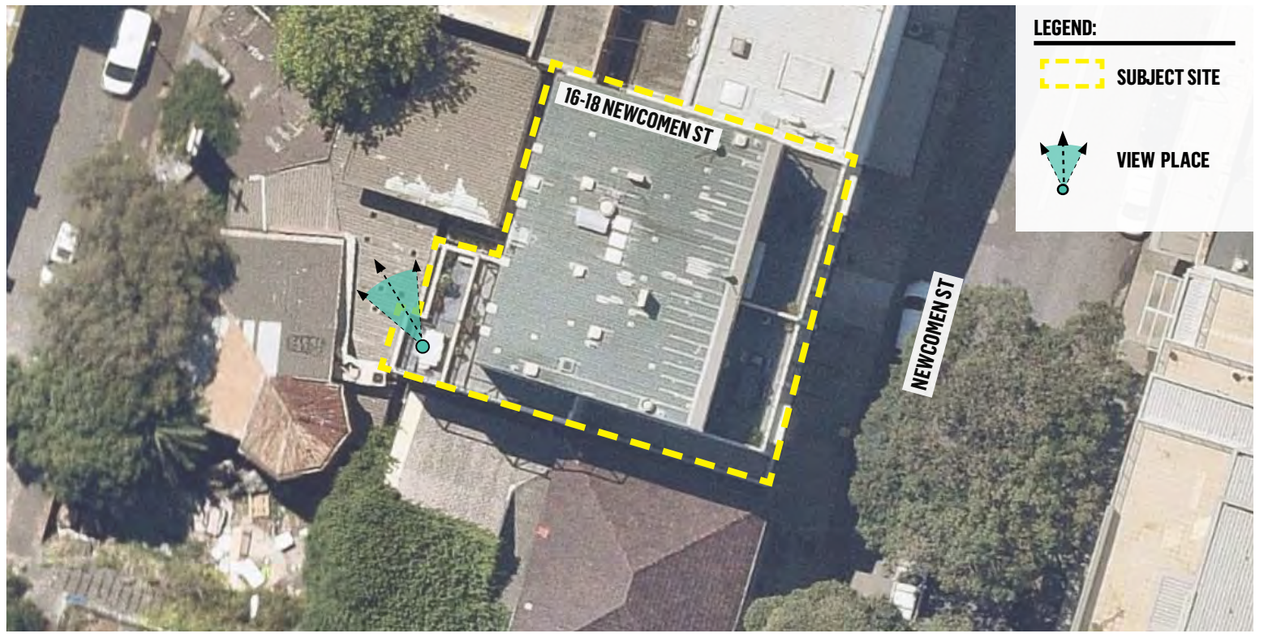

Figure 54 Newcomen Apartments in plan view (indicative layout), approximate location of view place indicated in teal.

Figure 55 Existing view, unit 12 of the Newcomen Apartments (outdoor terrace), view north-west.

Figure 56 Proposed view, unit 12 of the Newcomen Apartments (outdoor terrace), view north-west.

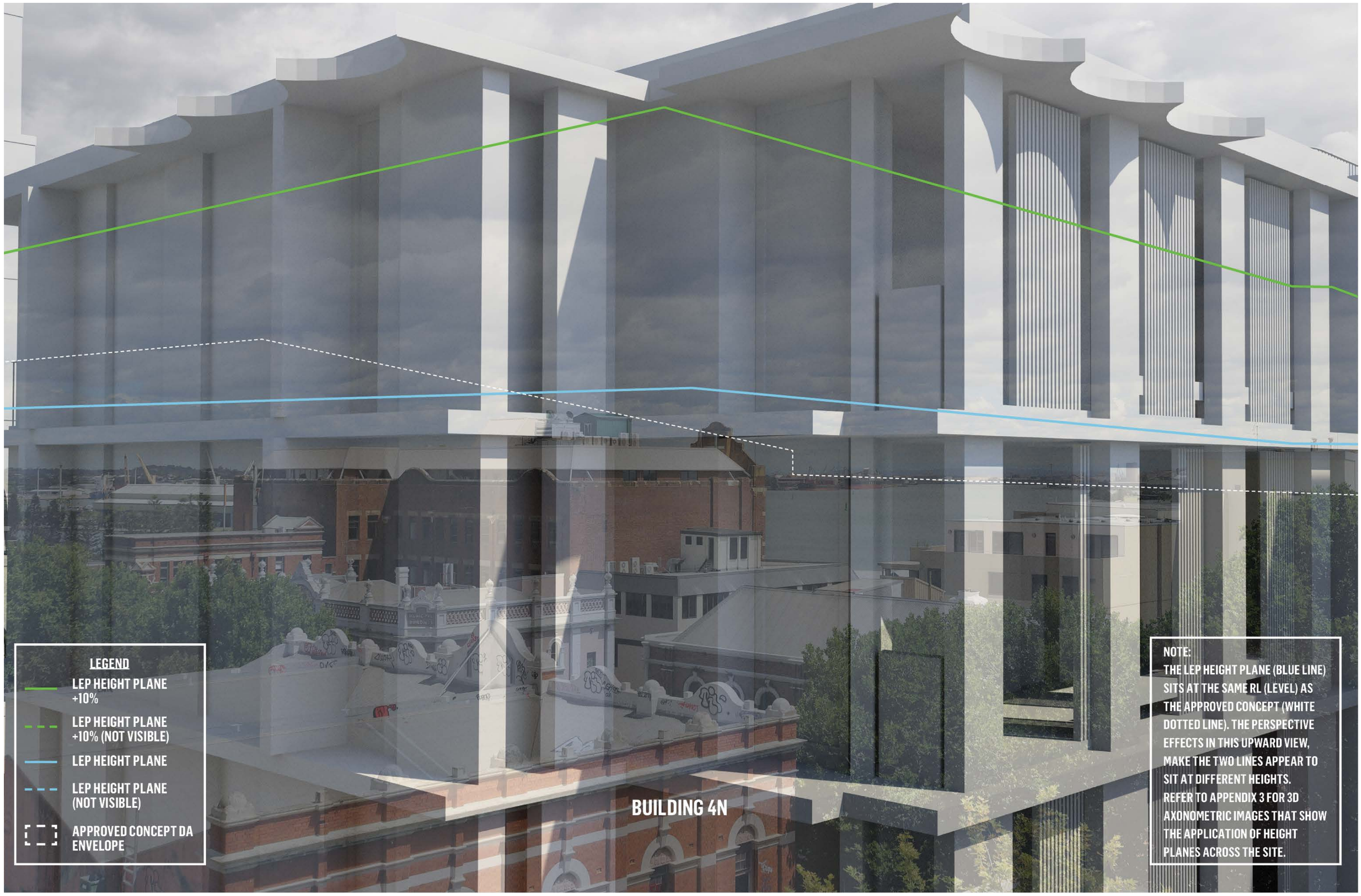

Figure 57 Proposed view, unit 12 of the Newcomen Apartments (balcony), view north-west.

VIEW 02 VP11 APARTMENT 10, 16-18 NEWCOMEN STREET (TERRACE) VIEW NORTH-EAST

Figure 58 View location - Unit 10 of Newcomen Apartments (outdoor terrace), view north-west, view place indicated in red.

Figure 59 Newcomen Apartments in plan view (indicative layout), approximate location of view place indicated in teal.

Figure 60 Existing view from unit 10 of Newcomen Apartments (outdoor terrace), view north-west.

Figure 61 Proposed view from unit 10 of Newcomen Apartments (outdoor terrace), view north-west.

Figure 62 Proposed view from unit 10 of Newcomen Apartments (outdoor terrace), view north-west.

OTHER VIEWS AVAILABLE FROM NEWCOMEN APARTMENTS

Figure 63 Alternate available view from balcony of apartment 12, Newcomen Apartments, view north-east.

Figure 64 Alternate available view from balcony of apartment 12, Newcomen Apartments, view north-east.

View Place Location	*Tenacity* Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
VP8, Unit 12, Newcomen Apartments (outdoor terrace), view north-west.	**Existing View** This split level dwelling includes bedroom windows to the west above the modelled location. All living areas are at its lower level including an expansive living area and terrace which presents to Newcomen Street. This north-easterly view includes a foreground characterised by existing, similar or lower height built form and vegetation within the Newcastle CBD. The mid-ground composition to the left includes built form of a similar bulk and height to the Newcomen Apartments, blocking views to Hunter River beyond. The central mid-ground composition is characterised by a narrow section of the north arm of Hunter River seen over and between existing, lower built form and includes part of Stockton's low flat landscape, and associated open spaces. The background includes a short section of the working Newcastle Ports landscape, where the very distant natural topography does not make a significant contribution to the scenic quality of the view. In our opinion, the view is predominantly characterised by vernacular district features, limited scenic quality and would not be considered in Tenacity terms as a whole, scenic and highly valued view. **Proposed View** The Approved Concept introduces new built form into the foreground and mid ground of this composition, blocking the existing view. All of the individual features and more scenic aspects of the view are blocked by the Approved Concept. The proposal creates a perception of continuous built form, noting the sense of depth and space between Newcomen Apartments and the proposal will be enhanced with the difference in architectural style, colours and materials of the two buildings. All view loss that would attract any weight is caused by low and fully compliant sections of the proposed development. The additional height sought for Building 4N (above the green line) blocks sections of open sky which is of no significance in *Tenacity* terms.	The view assessed is from an upper level (5th storey) outdoor terrace which occupies the south-western floor plan. The oblique view is via a side boundary of the development from a north-westerly aspect in a standing position. All views north beyond the site to more scenic elements, are gained through and over the subject site, which is privately owned land currently undeveloped, or under developed. Such views could be considered as 'fortuitous' in the context of urban renewal and the current LEP controls which apply to the subject site and wider area.	The formal presentation of Newcomen Apartments is east facing Newcomen Street. All views to the south and east will be unaffected by the proposal. Floor plans for dwellings on the western side of the building appear to have been designed to obtain oblique views to scenic features from external balconies and terrace areas, as well as westerly and southerly views to the Newcastle CBD. A limited number of upper level dwellings on the western side of the building will be affected in multiple view directions (north-west, west and south). ***View Impact Rating - Minor***	In our opinion, the view sharing outcome for the Newcomen Apartments as a whole, based on observations and the use of 2 analytical photomontages, is reasonable. This is based on consideration of the all relevant matters and the following key reasons; • The view to be lost is fortuitous, gained wholly across a privately owned, underdeveloped site (rather than accessible or created as a result of the application of planning controls which affect views, for example setbacks or height controls). • The views affected (to be lost) are not predominantly characterised by compositions of high scenic quality. The loss of a view of low scenic quality cannot attract a high view impact rating. • The oblique views are all available via a side boundary of the Newcomen Apartments site, making an expectation of their retention, unrealistic. • All of the view loss of the lower and varying features (buildings, water and distant composition) is blocked by the Approved Concept. The majority of the extent of view loss of scenic features including land water interface is therefore contemplated by the Approved Concept and LEP controls. • The additional height sought (above the green lines) blocks open sky which is of no significance in *Tenacity* terms. • The *Tenacity* assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration in the assessment and should be afforded some weight.

Table 5 Tenacity Assessment - 16-18 Newcomen Street

View Place Location	*Tenacity* Step 1, Existing views to be affected?	*Tenacity* Step 2, From where are the views available?	*Tenacity* Step 3, View Impact Rating (for whole dwelling)	*Tenacity* Step 4. Reasonableness of Impact
VP11 Unit 10, Newcomen Apartments (outdoor terrace), view north-west.	**Existing View** The foreground and mid-ground of this north-westerly view is predominantly characterised by built form and vegetation within the Newcastle CBD of similar or lower height to the Newcomen Apartments. The central mid-ground composition includes a short section of open water (Hunter River, north arm) and flat land water interface (Stockton), which is seen through existing surrounding built form. The background includes a short section of the working Newcastle Ports landscape, where the very distant natural topography does not make a significant contribution to the scenic quality of the view. **Proposed View** The Approved Concept replaces this view with new built form, blocking the existing view. All of the individual features and more scenic aspects of the view are blocked by the Approved Concept The introduced massing creates a perception of continuous built form, noting the sense of depth and space between Newcomen Apartments and the proposal will be enhanced with the difference in architectural style, colours and materials of the two buildings. All view loss that would attract any weight is caused by low and fully compliant sections of the proposed development. The additional height sought for Building 4N (above the green line) blocks sections of open sky which is of no significance in *Tenacity* terms.	The view assessed is from the 4th level (unit 10) of the Newcomen Apartments and is available via the rear boundary of the development from the outdoor terrace, on the western side of the building. The view is from a north-easterly aspect in a standing position. All views north-west beyond the site to more scenic elements, are gained through and over the subject site, which is privately owned land currently undeveloped, or under developed. Such views could be considered as 'fortuitous' in the context of urban renewal and the current LEP controls which apply to the subject site and wider area.	The formal presentation of Newcomen Apartments is east, facing Newcomen Street. All views to the south and east will be unaffected by the proposal. All balconies and windows at the eastern elevation will remain unaffected by the proposal. Views from a limited number of upper level dwellings on the western side of the building will be affected to the west and south. The most scenic and highly valued view compositions (in Tenacity terms) to the north-east are retained and remain unaffected by the proposal. ***View Impact Rating - Minor***	In our opinion, the view sharing outcome for the Newcomen Apartments as a whole, based on observations and the use of 2 analytical photomontages, is reasonable. This is based on consideration of the all relevant matters and the following key reasons; • The view to be lost is fortuitous, gained wholly across a privately owned, underdeveloped site (rather than accessible or created as a result of the application of planning controls which affect views, for example setbacks or height controls). • The views affected (to be lost) are not predominantly characterised by compositions of high scenic quality. The loss of a view of low scenic quality cannot attract a high view impact rating. • The dwelling has access to expansive, scenic and highly valued views to the north-east which will remain unaffected by the proposal. • The views affected are all available via a side boundary of the Newcomen Apartments, making an expectation of their retention, unrealistic. • All of the view loss of the lower and varying features (buildings, water and distant composition) is blocked by the Approved Concept. The majority of the extent of view loss of scenic features including a short extent of land water interface is therefore contemplated by the Approved Concept and LEP controls. • The additional height sought (above the green lines) blocks sections of which is of no significance in *Tenacity* terms. • The *Tenacity* assessment also intimates that achieving reasonable development potential across a site is a relevant matter for consideration in the assessment and should be afforded some weight.

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SECTION 5:
PUBLIC VIEWS

NDCP 2012

VIEW CORRIDOR 17

HUNTER STREET MALL, CORNER OF MORGAN STREET

5.1 MORGAN STREET

NDCP View Corridor 17 is aligned with Morgan Street. Morgan Street is a short laneway which extends south from Hunter Street, between Newcomen Street (east) and Thorn Street (west). The laneway curves to the west where it becomes Laing Street.

The northern section of Morgan Street is characterised by existing heritage facades with nil setback that form part of the buildings that present north to Hunter Street Mall.

Where the street curves to the west built form becomes mixed, including various contemporary buildings and a large concrete, multi-storey carpark.

Morgan Street is not characterised by active street frontages, and appears to provide rear lane access to buildings fronting Hunter Street and is unlikely to attract high user numbers. Notwithstanding its inclusion in the NDCP, it appears (and in our opinion, based on fieldwork observations) to be a thoroughfare of low sensitivity in visual terms.

Upward views to Christ Church Cathedral are available from the north end of Morgan Street near its intersection with Hunter Street.

View Corridor 17 is illustrated in the below extract from the NDCP 2012 (Figure 62). View 17 is circled in teal.

Figure 65 View location map, NDCP 2012 View Corridor 17.

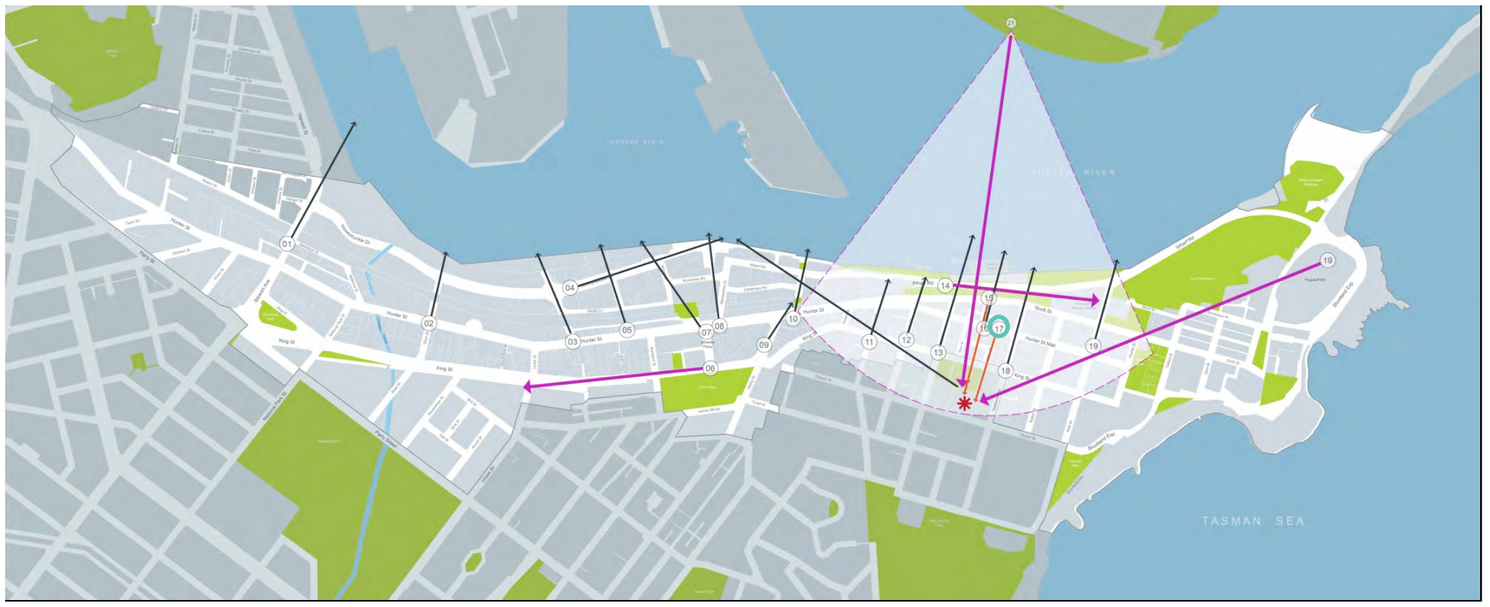

Figure 66 Extract from Newcastle Development Control Plan 2012, View Corridor 17 indicated in teal.

5.2 VIEW CORRIDOR 17

HUNTER STREET MALL, CORNER OF MORGAN STREET

View to Cathedral along Morgan Street from Hunter Street Mall, documented in the Newcastle DCP 2012 as View 17.

DISTANCE CLASS

- Close
- <100m

EXISTING COMPOSITION OF THE VIEW

The foreground of this view is characterised by Morgan Street, which includes a single lane bitumen road with footpaths and built form along both sides of the street which extend into the mid-ground composition. Built form along the western side of Morgan Street includes a part 4, part 2 storey brick heritage building which is characterised by historic face brick, arched fenestration and decorative lintels, parapets and masonry detailing. Built form along the eastern side of Morgan Street includes a modified heritage building characterised by a heavily altered ground floor facade and awning. The first floor facade is painted masonry with vertically proportioned, rectangular sash windows. Part of Christ Church cathedral is visible above and beyond the crib retaining wall and mid-ground vegetation. The composition includes the eastern part of the Cathedral's Nave and tower.

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

The proposal replaces the existing buildings with new built form along the full extent of Morgan Street on both sides of the road. The composition changes to include Building 4N and Building 4S beyond, along the eastern side of the road and Building 3E along the western side of the road. The view to Christ Church Cathedral remains unaffected with only a minor section of the western half of the central tower blocked by the portion of Building 3E. Visibility to and visual prominence of the Cathedral in the view is maintained, with almost the entirety of the Cathedral and its distinctive roof form and tower being unaffected by the proposal.

We note that the blocking effects in this composition are caused by complying built form (that is below the LEP + 10% bonus) and within the existing Approved Concept.

Blocking Effect of Additional Massing Sought

There are no blocking effects by the additional height sought.

Visual effects of proposed development	
Visual Character	low
Scenic Quality	low
View Composition	low
Viewing Period	low
Viewing Distance	high
View Loss & View Blocking Effects	low
Overall rating of effects on baseline factors	low
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	low (down-weight)
Physical Absorption Capacity	high (down-weight)
Compatibility with Urban Context and Visual Character	high (down-weight)
Overall rating of significance of visual impact	**Low**

Figure 67 View Corridor 17 location indicated in teal.

Figure 68 View Corridor 17, Existing View.

Figure 69 View Corridor 17 Photomontage.

5.3 ALTERNATE PUBLIC VIEWS

We note that views of Christ Church Cathedral are retained from alternate locations that align with existing DCP View Corridor 15 - Wharf Road, Corner of Market Street. NDCP views 15 and 21 have been included here to demonstrate that documented view corridors are successfully retained as part of the proposal.

Public domain visual access to Christ Church Cathedral in NDCP Views 15 and 21 are, in our opinion, from more sensitive, highly used and accessible public domain locations.

The composition is also of greater scenic quality in both cases compared to NDCP View 15 such that their protection logically would attract more weight.

The proposed buildings have been massed to create a wide view corridor to protect visual connectivity from the public domain to the Cathedral and in so doing protects and enhances existing DCP View Corridor 15. The massing is proposed to terminate at the Cathedral, providing significant benefit to public views and aligning with the intent of DCP View 15.

We note that the re-massing also benefits DCP View Corridor 21 from Stockton Ferry Wharf from which views to the Cathedral are retained with only a minor section of the Cathedral blocked from view, and the main tower remaining clearly visible. We note that if the viewer moves to the right (west) to other parts of the expansive public domain there are no blocking effects in relation to any part of the Cathedral.

In our opinion, protection from a more sensitive viewing location provides greater public benefit where views of the Cathedral can be enjoyed from accessible, activated locations. We note additional views of the Cathedral are retained from several other highly sensitive public viewing locations including from Queens Wharf Promenade and Nobby's Pedestrian Walkway, that although not outlined in the Newcastle DCP, provide equivalent or improved public view outcomes.

DCP VIEW CORRIDOR 15

VIEW TO CHRIST CHURCH CATHEDRAL FROM MARKET PLACE (CATHEDRAL TO HARBOUR CORRIDOR)

Figure 70 Photomontage from Urbis VIA April 2023, showing DCP View 15 from Wharf Road, corner of Market Street retained and enhanced by proposed development.

DCP VIEW CORRIDOR 21

VIEW TO CHRIST CHURCH CATHEDRAL FROM STOCKTON FERRY WHARF

Figure 71 Photomontage from Urbis VIA April 2023, showing DCP View 21 from Stockton Ferry Wharf retained and enhanced by proposed development.

SUMMARY TABLE: RATINGS & RESULTS

View Place No.	Description	Rating
NEWCASTLE CLUB		
VP 3	View north from west end upper ground level garden terrace	*(for whole of dwelling)* **- Moderate**
VP 4	View north-north-west from west end mid-level garden terrace (adjacent 1st floor)	*(for whole of dwelling)* **- Moderate**
VP 5	View north from centre of level 1 bar (top floor)	*(for whole of dwelling)* **- Moderate**
SEGENHOE BUILDING		
VP 18	View north-east, apartment 21 (dining)	*(for whole of dwelling)* **- Minor-moderate**
VP 19	View north-east, apartment 20 (study)	*(for whole of dwelling)* **- Minor**
VP 21	View north-east, apartment 17 (dining)	*(for whole of dwelling)* **- Minor-moderate**
HERALD APARTMENTS		
VP 15	View north-west, unit 701 (balcony)	*(for whole of dwelling)* **- Minor**
NEWCOMEN APARTMENTS		
VP 18	View north-west, apartment 12 (outdoor terrace)	*(for whole of dwelling)* **- Minor**
VP 11	View north-east, apartment 10 (outdoor terrace)	*(for whole of dwelling)* **- Minor**
NDCP VIEW CORRIDOR 17		
VP 17	View to Christ Church Cathedral along Morgan Street, from Hunter Street Mall, corner of Morgan Street	**Low**

SECTION 5: CONCLUSION

Private Views

- We consider that the public domain benefit of the creation of a wide north-south view corridor which extends and protects DCP view corridor 15 (to Christ Church Cathedral) via part of the subject site is a relevant consideration in relation to Step 4 of *Tenacity.*

- Inclusion of the view corridor in the scheme constrains development potential across part of the site which has been re-distributed to compensate. *Tenacity* recognises the need for reasonable development potential across a site to be achieved notwithstanding that some view impacts may arise.

- The majority of view loss is caused by complying built form, including below the LEP + 10% bonus and within the existing Approved Concept. The majority of the extent of view loss of scenic features including a short extent of land water interface is therefore contemplated by the Approved Concept and LEP controls.

- In the majority of views, the additional height sought creates no significant or material additional view loss to that which caused by approved or is 'complying built form'. The visual effects of the proposal do not increase the view impact rating.

- The additional height sought in some distant, oblique views from Segenhoe Building upper level unit dining rooms will block part of Nobby's Head. Access to this feature will remain partly available from other parts of the dwelling.

- View impacts for whole dwellings range from **Moderate** to **Minor**. These are low and mid-range ratings using the qualitative *Tenacity* scale. View impacts per dwelling are not cumulative in terms of impact for the whole building. Based on inspections and assessments for whole dwellings, view impacts on the Segenhoe Building as a whole are **minor.** The proposed development provides for a view sharing outcome, which in the context of all relevant matters is **reasonable and acceptable.**

- On balance, when all relevant matters are considered as is required in *Tenacity* we find that the proposed development and Clause 4.6 variation application, can be supported on view sharing grounds.

Public Views

- In our opinion the proposed development creates low visual effects on the majority of baseline factors such as visual character, scenic quality and view place sensitivity for View Corridor 17. The overall view impact rating was found to be **low.**

- A minor vertical section of part of the Christ Church Cathedral is blocked by the Approved Concept, to an extent that its visual prominence and visibility is not significantly reduced.

- The proposed development generates a low visual impact in this, and other public domain views including enhancement of NDCP View 15. This is achieved by the inclusion of a wide view corridor between the Hunter River and the Cathedral, and the protection of DCP View Corridor 15 and 21.

- Considering the visual effects of the proposal and improved public domain view outcomes, the proposal is considered reasonable, acceptable and can be supported on visual impact grounds.

SECTION 6:
APPENDIX

APPENDIX 1
VISUAL ASSESSMENT PHOTOMONTAGE METHODOLOGY

CERTIFICATION OF PHOTOMONTAGES

The method of preparation is outlined in Appendix 3 of this report, prepared by Urbis visualisation - lead Ashley Poon.

The accuracy of the locations of the 3D model of the proposed development with respect to the photographic images was checked by Urbis in multiple ways:

1. The model was checked for alignment and height with respect to the 3D survey and adjacent surveyed reference markers which are visible in the images.
2. The location of the view place was determined by the camera's in built GPS system. The visual context was accurately established using LiDar point data. For further information refer to photomontage preparation methodology in Appendix 3.
3. Reference points from the survey were used for cross-checking accuracy in all images.
4. No significant discrepancies were detected between the known camera locations and those predicted by the computer software. Minor inconsistencies due to the natural distortion created by the camera lens, were reviewed by myself and were considered to be within reasonable limits.

I am satisfied that the photomontages have been prepared in accordance with the Land and Environment Court of New South Wales practice direction.

I certify, based on the methods used and taking all relevant information into account, that the photomontages are as accurate as is possible in the circumstances and can be relied upon by the Court for assessment.

URBIS

EAST END NEWCASTLE

NEWCASTLE CLUB
40 NEWCOMEN STREET NEWCASTLE

VISUAL ASSESSMENT | PHOTOMONTAGES

PREPARED FOR
IRIS CAPITAL
JANUARY 2024

PHOTOMONTAGES PREPARED BY:

Urbis, Level 10, 477 Collins Street, MELBOURNE 3000.

DATE PREPARED :

15 January 2024

VISUALISATION ARTIST :

Ashley Poon, Urbis – Lead Visual Technologies Consultant

Bachelor of Planning and Design (Architecture) with over 20 years' experience in 3D visualisation

Enisa Muranovic, Urbis – Visual Technologies Consultant

Bachelor of Design (Landscape Architecture)

LOCATION PHOTOGRAPHERS :

Nick Sisam, Urbis - Associate Director, National Design

Jane Maze-Riley, Urbis - Director, National Design.

CAMERA :

Canon EOS 6D Mark II camera

CAMERA LENS AND TYPE :

Canon EF 24-105mm f/4L IS USM

SOFTWARE USED :

- 3DSMax 2023 with Arnold 5.0 (3D Modelling and Render Engine)
- AutoCAD 2022 (2D CAD Editing)
- Globalmapper 23 (GIS Data Mapping / Processing)
- Photoshop CC 2022 (Photo Editing)

DATA SOURCES :

- Point cloud and Digital Elevation Models from NSW Government Spatial Services datasets - Newcastle 2018 & 2014
- Aerial photography from Nearmap - 2022-01-15
- Proposed 3D model received from Architect - 2023-02-27
- Height planes 3D model received from Architect - 2023-04-03
- Viewplace and fixed features survey data prepared by Positive Survey Solutions - 2023-12-20

METHODOLOGY :

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The process for producing these photomontages are outlined below:

- Photographs have been taken on site using a full-frame digital camera coupled with a quality lens in order to obtain high resolution photos whilst minimising image distortion. Photos are taken using a tripod-mounted Canon EOS 6D Mark II full frame digital camera at a height of 1.65m above natural ground level. Photos have generally been taken at a standard focal length of 50mm or at 35mm to cover a wider context. A photo taken using the 50mm focal length on a full-frame camera (equivalent to 40° horizontal field-of-view / 46.8° diagonal field-of-view) is an accepted photographic standard to approximate human vision.
- Independent survey data has been used in tandem with available geo-spatial data for the site, including aerial photography, digital elevation models and LiDAR point-clouds. This data is used to cross check the accuracy of alignment of the 3D architectural model in each view. The relevant datasets are validated and combined to form a geo-referenced base 3D model from which additional information, such as proposed architecture, landscape and photographic viewpoints can be inserted.
- Layers of the proposed development are obtained from the designers as digital 3D models and 2D plans. All drawings/models are verified and registered to their correct geo-location before being inserted into the base 3D model.
- For each photo being used for the photomontage, the photo's survey location, camera, lens, focal length, time/date and exposure information is extracted, checked and replicated within the 3D base model as a 3D camera. A camera match is created by aligning the 3D camera with the 3D base model against the original photo, matching the original photographic location and orientation.
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- From each viewpoint, the final photomontage is then produced by compositing 3D rendered images of the proposed development into the original photo with editing performed to sit the render at the correct view depth. Photographic elements are cross-checked against the 3D model to ensure elements such as foreground trees and buildings that may occlude views to the proposed development are retained. Conversely, where trees/buildings may be removed as part of the proposal, these are also removed in the photomontage.

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

PHOTOMONTAGES - VIEW LOCATION MAP

DATE: 2024-01-15
JOB NO: P0042943
DWG NO: VP_MAP
REV: -

DISTANCE TO PROJECT - <50M
ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP03 IMG 0013 : NEWCASTLE CLUB, UPPER GROUND LEVEL GARDEN TERRACE VIEW NORTH

EXISTING CONITIONS: 2023-11-30 09:03 AEDT

DATE: 2024-01-15
JOB NO: P0042943
DWG NO: VP_3A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP03 IMG 0013 : NEWCASTLE CLUB, UPPER GROUND LEVEL GARDEN TERRACE VIEW NORTH

CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2024-01-15
JOB NO: P0042943
DWG NO: VP_3B
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP03 IMG 0013 : NEWCASTLE CLUB, UPPER GROUND LEVEL GARDEN TERRACE VIEW NORTH PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-01-15
JOB NO: P0042943
DWG NO: VP_3C
REV: -

DISTANCE TO PROJECT - <50M
ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP04 IMG 0025 : NEWCASTLE CLUB, WEST END MID-LEVEL (ADJACENT GROUND FLOOR) GARDEN TERRACE VIEW NORTH-NORTH-WEST

EXISTING CONDITIONS : 2023-11-30 09:09 AEDT

DATE: 2024-01-15
JOB NO: P0042943
DWG NO: VP_4A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

P04 IMG 0025 : NEWCASTLE CLUB, WEST END MID-LEVEL (ADJACENT GROUND FLOOR) GARDEN TERRACE VIEW NORTH-NORTH-WEST CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2024-01-15
JOB NO: P0042943
DWG NO: VP_4B
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

P04 IMG 0025 : NEWCASTLE CLUB, WEST END MID-LEVEL (ADJACENT GROUND FLOOR) GARDEN TERRACE VIEW NORTH-NORTH-WEST PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-01-15
JOB NO: P0042943
DWG NO: VP_4C
REV: -

DISTANCE TO PROJECT - <50M
ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP05 IMG 0032 : NEWCASTLE CLUB, CENTRE OF LEVEL 1 BAR (TOP FLOOR) VIEW NORTH
EXISTING CONDITIONS : 2023-11-30 09:14 AEDT

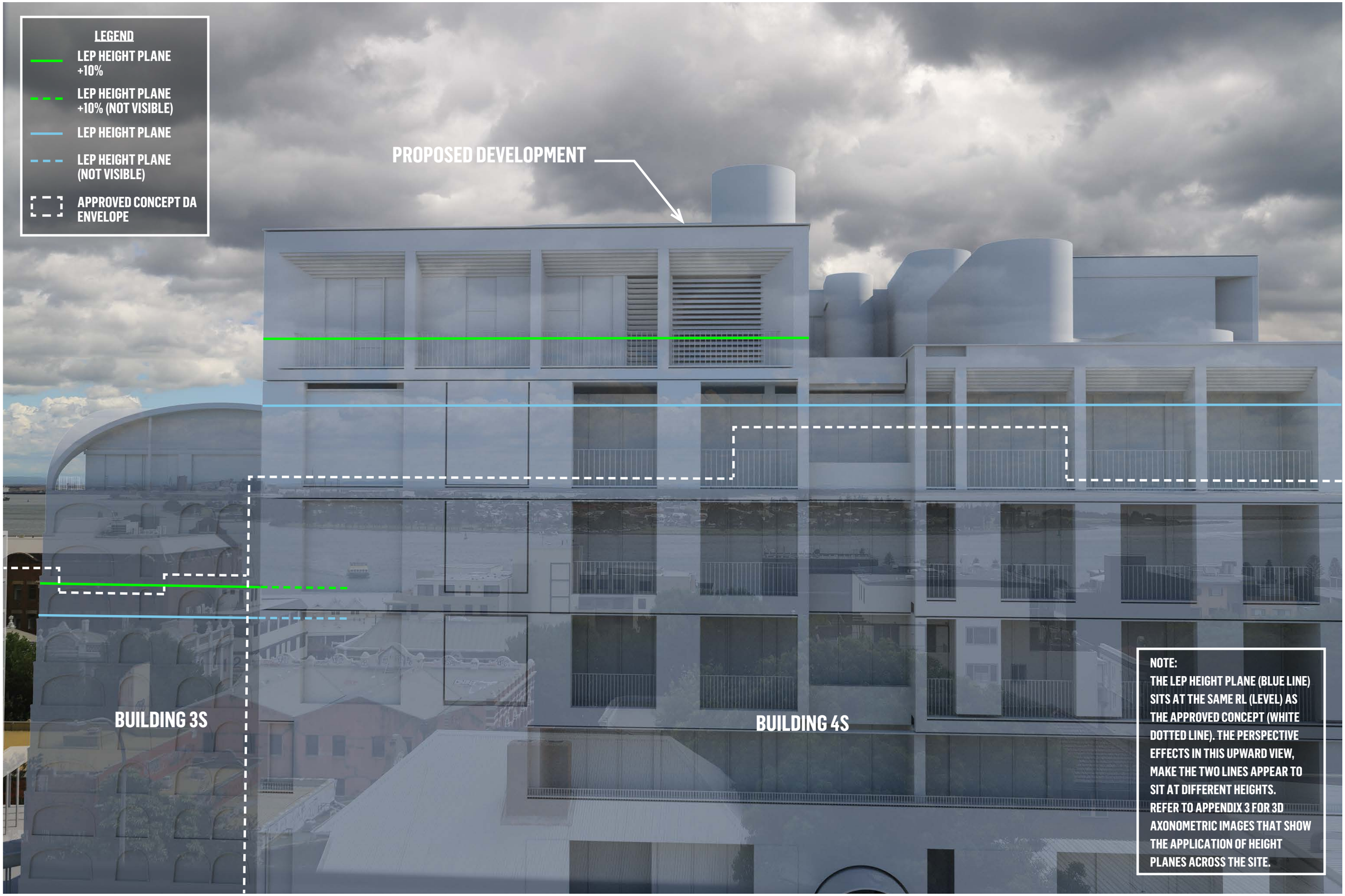
DATE: 2024-01-15
JOB NO: P0042943
DWG NO: VP_5A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP05 IMG 0032 : NEWCASTLE CLUB, CENTRE OF LEVEL 1 BAR (TOP FLOOR) VIEW NORTH
CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2024-01-15
JOB NO: P0042943
DWG NO: VP_5B
REV: -



URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP05 IMG 0032 : NEWCASTLE CLUB, CENTRE OF LEVEL 1 BAR (TOP FLOOR) VIEW NORTH

PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-01-15
JOB NO: P0042943
DWG NO: VP_5C
REV: -

URBIS

EAST END NEWCASTLE

SEGENHOE BUILDING
50 WOLFE STREET NEWCASTLE

VISUAL ASSESSMENT | PHOTOMONTAGES

PREPARED FOR
IRIS CAPITAL
JANUARY 2024

PHOTOMONTAGES PREPARED BY:

Urbis, Level 10, 477 Collins Street, MELBOURNE 3000.

DATE PREPARED :

18 January 2024

VISUALISATION ARTIST :

Ashley Poon, Urbis – Lead Visual Technologies Consultant

Bachelor of Planning and Design (Architecture) with over 20 years' experience in 3D visualisation

Enisa Muranovic, Urbis – Visual Technologies Consultant

Bachelor of Design (Landscape Architecture)

LOCATION PHOTOGRAPHERS :

Nick Sisam, Urbis - Associate Director, National Design

Jane Maze-Riley, Urbis - Director, National Design.

CAMERA :

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CAMERA LENS AND TYPE :

Canon EF 24-105mm f/4L IS USM

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URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

PHOTOMONTAGES - VIEW LOCATION MAP

DATE: 2024-01-18
JOB NO: P0042943
DWG NO: VP_MAP
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP18 IMG 0162 : SEGENHOE APARTMENTS, APARTMENT 21 DINING AREA VIEW NORTH EAST

EXISTING CONDITIONS : 2023-11-30 13:28 AEDT

DATE: 2024-01-18
JOB NO: P0042943
DWG NO: VP_18A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP18 IMG 0162 : SEGENHOE APARTMENTS, APARTMENT 21 DINING AREA VIEW NORTH EAST
CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2024-01-18
JOB NO: P0042943
DWG NO: VP_18B
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP18 IMG 0162 : SEGENHOE APARTMENTS, APARTMENT 21 DINING AREA VIEW NORTH EAST

PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-01-18
JOB NO: P0042943
DWG NO: VP_18C
REV: -

DISTANCE TO PROJECT - 190M
ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP19 IMG 0169 : SEGENHOE APARTMENTS, APARTMENT 20 STUDY AREA VIEW NORTH EAST
EXISTING CONDITIONS : 2023-11-30 13:43 AEDT

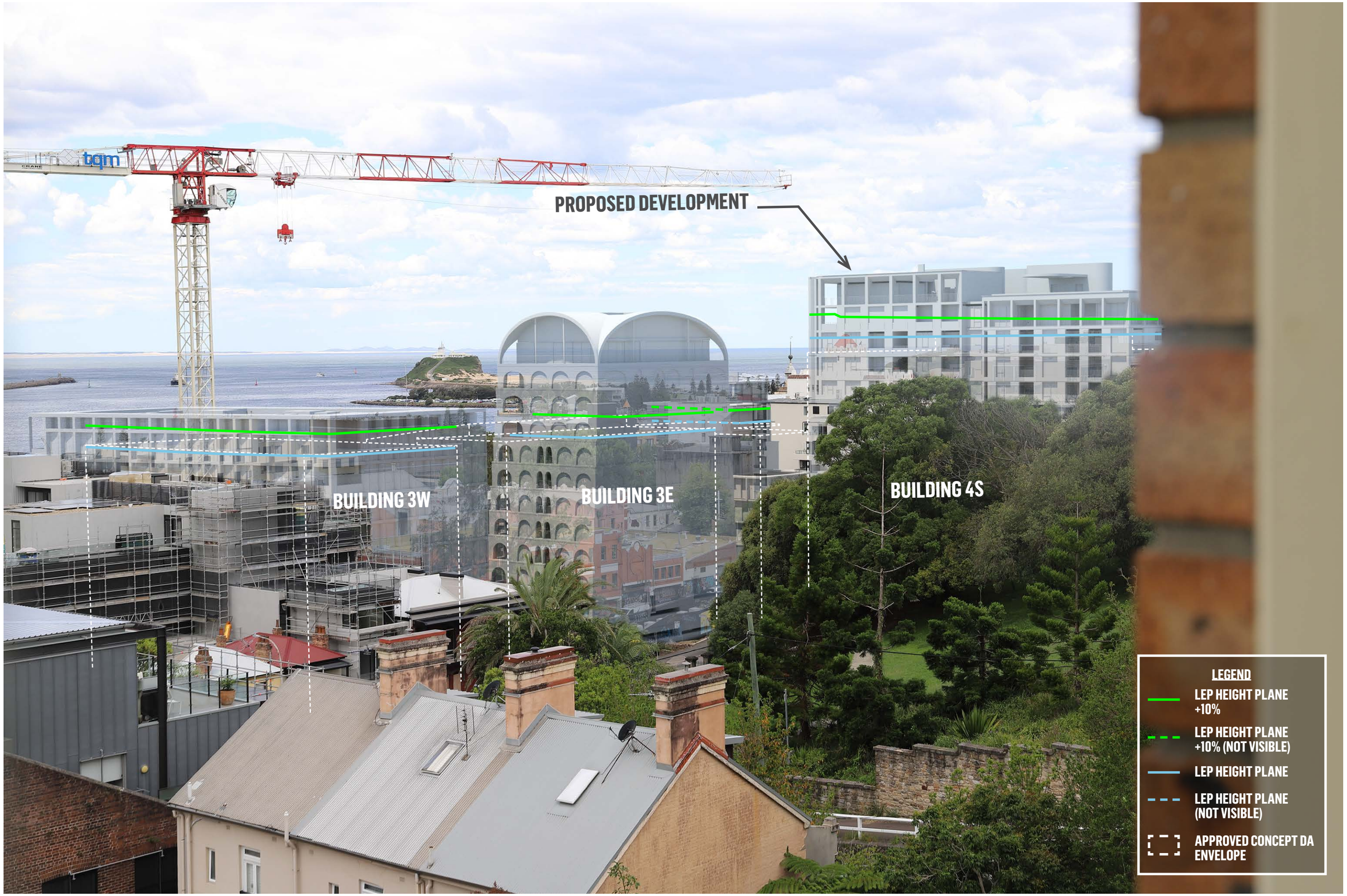
DATE: 2024-01-18
JOB NO: P0042943
DWG NO: VP_19A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP19 IMG 0169 : SEGENHOE APARTMENTS, APARTMENT 20 STUDY AREA VIEW NORTH EAST
CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2024-01-18
JOB NO: P0042943
DWG NO: VP_19B
REV: -



URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP19 IMG 0169 : SEGENHOE APARTMENTS, APARTMENT 20 STUDY AREA VIEW NORTH EAST
PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-01-18
JOB NO: P0042943
DWG NO: VP_19C
REV: -

DISTANCE TO PROJECT - 180M
ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP21 IMG 0189 : SEGENHOE APARTMENTS, APARTMENT 17 DINING AREA VIEW NORTH EAST
EXISTING CONDITIONS : 2023-11-30 14:14 AEDT

DATE: 2024-01-18
JOB NO: P0042943
DWG NO: VP_21A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP21 IMG 0189 : SEGENHOE APARTMENTS, APARTMENT 17 DINING AREA VIEW NORTH EAST
CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2024-01-18
JOB NO: P0042943
DWG NO: VP_21B
REV: -

PROPOSED DEVELOPMENT

BUILDING 3W

BUILDING 3E

BUILDING 4S

LEGEND

- LEP HEIGHT PLANE +10%
- LEP HEIGHT PLANE +10% (NOT VISIBLE)
- LEP HEIGHT PLANE
- LEP HEIGHT PLANE (NOT VISIBLE)
- APPROVED CONCEPT DA ENVELOPE

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP21 IMG 0189 : SEGENHOE APARTMENTS, APARTMENT 17 DINING AREA VIEW NORTH EAST PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-01-18
JOB NO: P0042943
DWG NO: VP_21C
REV: -

URBIS

EAST END NEWCASTLE

HERALD APARTMENTS
60 KING STREET, NEWCASTLE

VISUAL ASSESSMENT | PHOTOMONTAGES

PREPARED FOR
IRIS CAPITAL
JANUARY 2024

PHOTOMONTAGES PREPARED BY:

Urbis, Level 10, 477 Collins Street, MELBOURNE 3000.

DATE PREPARED :

17 January 2024

VISUALISATION ARTIST :

Ashley Poon, Urbis – Lead Visual Technologies Consultant

Bachelor of Planning and Design (Architecture) with over 20 years' experience in 3D visualisation

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URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

PHOTOMONTAGES - VIEW LOCATION MAP

DATE: 2024-01-17
JOB NO: P0042943
DWG NO: VP_MAP
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP15 IMG 0130 : UNIT 701, HERALD TERRACE VIEW NORTH WEST

EXISTING CONDITIONS : 2023-11-30 11:49 AEDT

DATE: 2024-01-17
JOB NO: P0042943
DWG NO: VP_15A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP15 IMG 0130 : UNIT 701, HERALD TERRACE VIEW NORTH WEST
CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2024-01-17
JOB NO: P0042943
DWG NO: VP_15B
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP15 IMG 0130 : UNIT 701, HERALD TERRACE VIEW NORTH WEST PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-01-17
JOB NO: P0042943
DWG NO: VP_15C
REV: -

URBIS

EAST END NEWCASTLE

NEWCOMEN APARTMENTS
16-18 NEWCOMEN STREET NEWCASTLE

VISUAL ASSESSMENT | PHOTOMONTAGES

PREPARED FOR
IRIS CAPITAL
JANUARY 2024

PHOTOMONTAGES PREPARED BY:

Urbis, Level 10, 477 Collins Street, MELBOURNE 3000.

DATE PREPARED :

22 January 2024

VISUALISATION ARTIST :

Ashley Poon, Urbis – Lead Visual Technologies Consultant

Bachelor of Planning and Design (Architecture) with over 20 years' experience in 3D visualisation

Enisa Muranovic, Urbis – Visual Technologies Consultant

Bachelor of Design (Landscape Architecture)

LOCATION PHOTOGRAPHERS :

Nick Sisam, Urbis - Associate Director, National Design

Jane Maze-Riley, Urbis - Director, National Design.

CAMERA :

Canon EOS 6D Mark II camera

CAMERA LENS AND TYPE :

Canon EF 24-105mm f/4L IS USM

SOFTWARE USED :

- 3DSMax 2023 with Arnold 5.0 (3D Modelling and Render Engine)
- AutoCAD 2022 (2D CAD Editing)
- Globalmapper 23 (GIS Data Mapping / Processing)
- Photoshop CC 2022 (Photo Editing)

DATA SOURCES :

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- Aerial photography from Nearmap - 2022-01-15
- Proposed 3D model received from Architect - 2023-02-27
- Height planes 3D model received from Architect - 2023-04-03
- Viewplace and fixed features survey data prepared by Positive Survey Solutions - 2023-12-20

METHODOLOGY :

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- Independent survey data has been used in tandem with available geo-spatial data for the site, including aerial photography, digital elevation models and LiDAR point-clouds. This data is used to cross check the accuracy of alignment of the 3D architectural model in each view. The relevant datasets are validated and combined to form a geo-referenced base 3D model from which additional information, such as proposed architecture, landscape and photographic viewpoints can be inserted.
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URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

PHOTOMONTAGES - VIEW LOCATION MAP

DATE: 2024-01-22
JOB NO: P0042943
DWG NO: VP_MAP
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP8 IMG 0052 : NEWCOMEN APARTMENTS, APARTMENT 12 TERRACE VIEW NORTH WEST

EXISTING CONDITIONS : 2023-11-30 09:48 AEDT

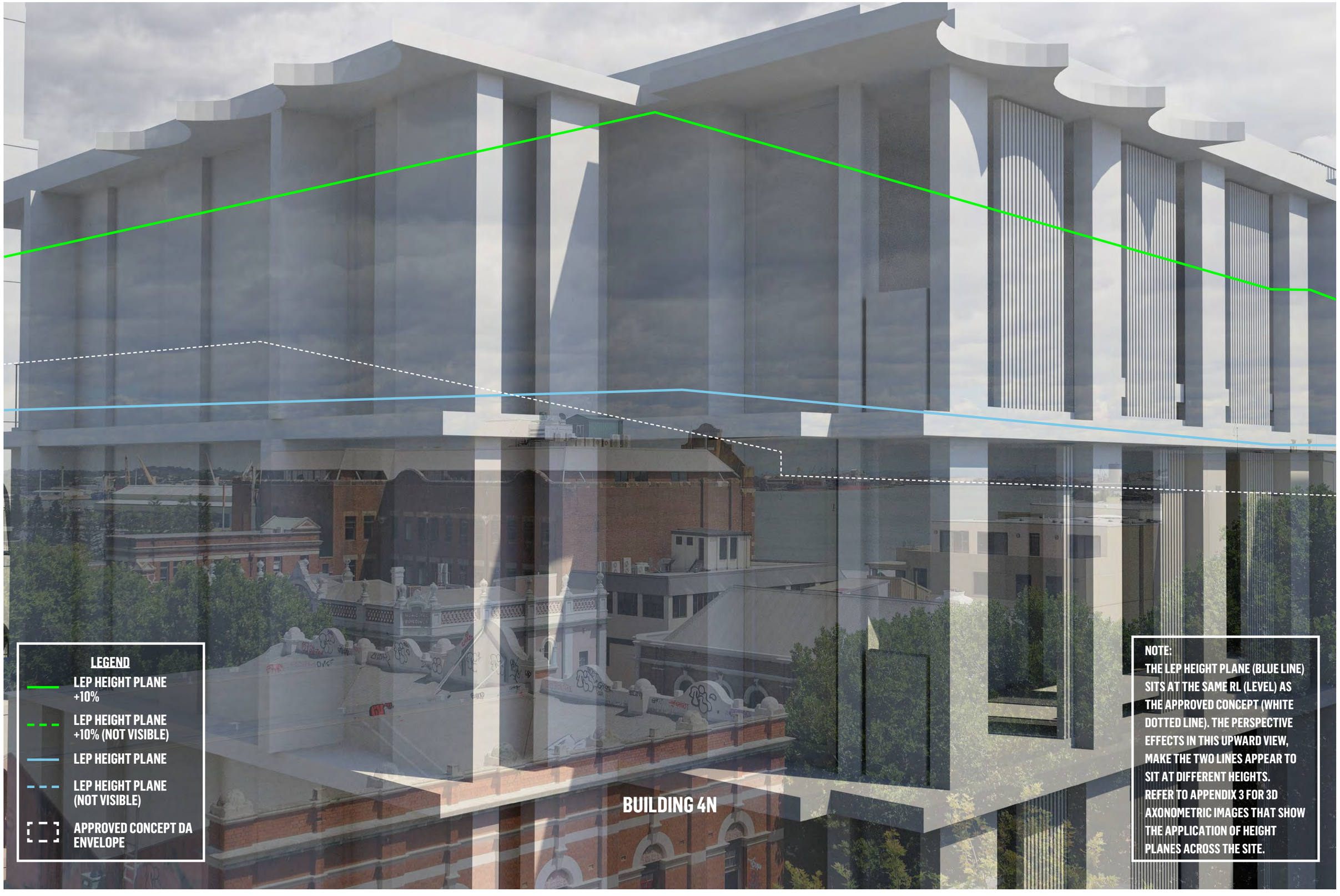
DATE: 2024-01-22
JOB NO: P0042943
DWG NO: VP_8A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP8 IMG 0052 : NEWCOMEN APARTMENTS, APARTMENT 12 TERRACE VIEW NORTH WEST
CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2024-01-22
JOB NO: P0042943
DWG NO: VP_8B
REV: -



URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP8 IMG 0052 : NEWCOMEN APARTMENTS, APARTMENT 12 TERRACE VIEW NORTH WEST
PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-01-22
JOB NO: P0042943
DWG NO: VP_8C
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP11 IMG 0080 : NEWCOMEN APARTMENTS, APARTMENT 10 TERRACE VIEW NORTH WEST

EXISTING CONDITIONS : 2023-11-30 10:39 AEDT

DATE: 2024-01-22
JOB NO: P0042943
DWG NO: VP_11A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP11 IMG 0080 : NEWCOMEN APARTMENTS, APARTMENT 10 TERRACE VIEW NORTH WEST
CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2024-01-22
JOB NO: P0042943
DWG NO: VP_11B
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP11 IMG 0080 : NEWCOMEN APARTMENTS, APARTMENT 10 TERRACE VIEW NORTH WEST PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-01-22
JOB NO: P0042943
DWG NO: VP_11C
REV: -

URBIS

EAST END NEWCASTLE

NDCP VIEW CORRIDOR 17

VISUAL ASSESSMENT | PHOTOMONTAGES

PREPARED FOR
IRIS CAPITAL
JANUARY 2024

PHOTOMONTAGES PREPARED BY:

Urbis, Level 10, 477 Collins Street, MELBOURNE 3000.

DATE PREPARED :

24 January 2024

VISUALISATION ARTIST :

Ashley Poon, Urbis – Lead Visual Technologies Consultant

Bachelor of Planning and Design (Architecture) with over 20 years' experience in 3D visualisation

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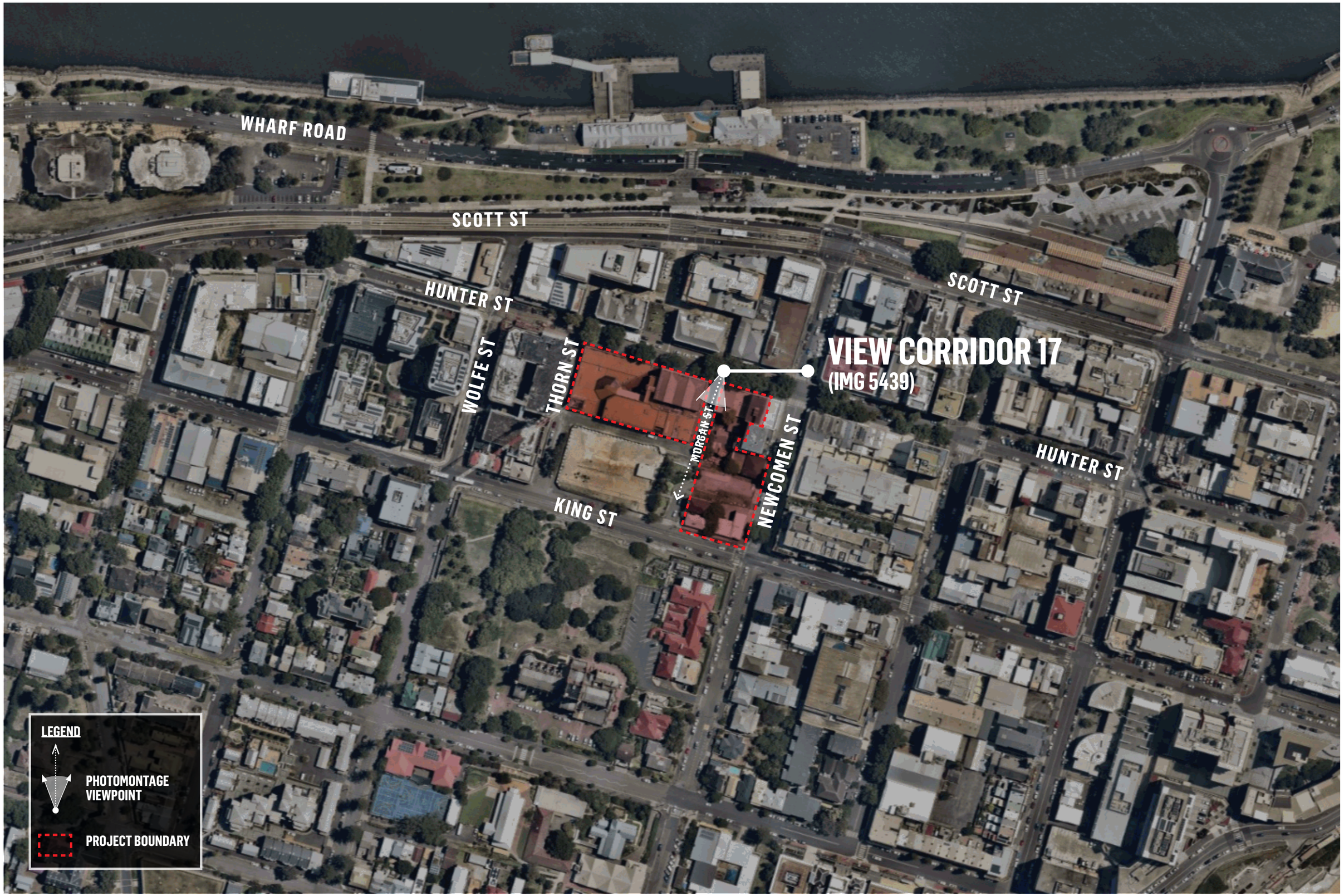


URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

PHOTOMONTAGES - VIEW LOCATION MAP

DATE: 2024-01-24
JOB NO: P0042943
DWG NO: VP_MAP
REV: -

DISTANCE TO PROJECT - <50M
ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VC17 IMG 5439 : MORGAN STREET, LOOKING SOUTH WEST | EXISTING CONDITIONS : 2023-02-08 13:13 AEST

DATE: 2024-01-24
JOB NO: P0042943
DWG NO: VC_17A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VC17 IMG 5439 : MORGAN STREET, LOOKING SOUTH WEST | CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2024-01-24
JOB NO: P0042943
DWG NO: VC_17B
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VC17 IMG 5439 : MORGAN STREET, LOOKING SOUTH WEST | PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-01-24
JOB NO: P0042943
DWG NO: VC_17C
REV: -

URBIS

EAST END STAGE 3 AND 4

VISUAL IMPACT ASSESSMENT

PREPARED FOR
IRIS CAPITAL

APRIL 2023
FINAL

URBIS STAFF RESPONSIBLE FOR THIS REPORT:

Director: Jane Maze-Riley

Project Team: Nicholas Sisam, Oscar James

Project Code: P0042943

Reference: East End VIA

Version: A

Report Status: Final

URBIS.COM.AU

CONTENTS

EXECUTIVE SUMMARY

- This report has been prepared by Urbis to accompany a Development Application and a Modification to the approved Concept Plan to assess the visual impacts of the proposed mixed-use precinct known as East End Stages 3 & 4.
- The proposal involves 5 built forms as well as an urban plaza and public open space.
- Urbis identified the visual catchment using GIS mapping software (LiDar data), to determine the extent of access to views to the tallest built form proposed from the surrounding area. This modelling was verified by fieldwork observations including in relation to documented DCP views and sensitive public domain locations
- The extent and significance of the potential view impacts on the public domain has been assessed using accurate and certifiable photomontages that satisfy the requirements of the photomontage policy established by the Land and Environment Court of NSW.
- The extent and significance of the potential visual change has been assessed using a well-established and accepted visual impact assessment methodology.
- 10 views from representative and significant public places were selected for modelling in photomontages and were used for further analysis to consider the extent of visual change, the effects of those changes on the existing visual environment and the importance of those changes, being the final rating of visual impacts.
- Of the 10 public domain views analysed, 6 views had a low visual impact, 1 view had a low-medium impact and 3 had a medium visual impact.
- Potential visual impacts on private views were assessed in relation to three private domain locations. Potential view impacts were informed and assessed based on publicly available information in the absence of being able to access those locations.
- The extent of potential view loss, view impacts and overall view sharing outcome for dwellings has been assessed at a 'high-level' against relevant planning principles established in the Land and Environment court of NSW.
- Potential view loss from the private domain locations assessed, is predominately caused by the blocking effects of complying built form.
- The additional height sought as part of the Clause 4.6 variation predominantly blocks views of open sky and not scenic or highly valued features as defined in *Tenacity*.
- The re-massed built forms (the Modification) result in lower visual impacts and a better public domain view sharing outcome. This is achieved by the inclusion of a wide view corridor between the Hunter River and the Cathedral and the protection of DCP view 21.
- On balance when all relevant matters are considered, The visual effects and view impacts on both the public and private domain views, caused by the proposed development are considered to be reasonable and acceptable and as such, the DA can be supported on visual impact grounds.

SECTION 1:
INTRODUCTION

1.1 PURPOSE OF THE REPORT

Urbis Pty Ltd (Urbis) has been engaged by Iris Capital to prepare a Visual Impact Assessment (VIA) to accompany a Development Application (DA) and Modification to the approved Concept Plan for a multi-storey mixed-used development in the Newcastle CBD, referred to as stage 3 and 4 of East End. The VIA follows an objective, logical process to determine the importance of the extent of the visual change in relation to the local and wider visual context. Please refer to the method flow chart on page 9.

This VIA includes a certification statement regarding the preparation method and accuracy of photomontages. The photomontages prepared by Urbis included in this report have informed the analysis of visual effects and impacts.

1.2 BACKGROUND

An Architectural Design Competition (Competitive Process) was undertaken for the redevelopment of Stage 3 and 4 East End. The vision was to develop a mixed-use precinct which achieves design excellence through its high-quality built form, high amenity dwellings and has an overall positive public domain benefit. The competitive process was the second competition undertaken within the Newcastle LGA.

The proponent invited four Architectural firms to undertake competitive process. The Jury assessed each scheme against the brief to select the highest quality architectural and urban design approach for the development. SJB in partnership with DBJ and Curious Practice were successful as the winning scheme. In the opinion of the Jury, this scheme is the most capable of achieving design excellence.

One of the key drivers in the re-massing from the Approved Concept DA to the proposed development is the 'Stairway to Heaven' concept proposed by EJE Architecture in 2006, which envisioned a link between Christ Church Cathedral and the harbour via a grand staircase for pedestrian movement while at the same time creating view lines from the foreshore and Hunter Street Mall to the Cathedral.

The Approved Concept DA was unsuccessful in realising this as the Block 3 (south) building prevented both a physical and visual corridor. The revised built form proposed in the Modification establishes a clear connection from the harbour to the Cathedral and allows for Council's realisation of 'Stairway' concept.

In addition the Stage 3 and 4 proposal has gone through six Design Integrity Panel (DIP) meetings, where the DIP has endorsed the lodgement of the DA to the City of Newcastle.

1.3 PROPOSED DEVELOPMENT

The subject site is located at 105-137 Hunter Street, 3 Morgan Street, 22 Newcomen Street and 66-74 King Street, Newcastle. The proposal involves the construction of a mixed-use precinct forming an active ground level, inclusive of retail and commercial tenancies, with five buildings which include:

- Building 3W – 7 storey mixed-use building
- Building 3S – 10 storey mixed use building
- Building 3N – Known as the Municipal Building and is a locally listed heritage item
- Building 4N – 8 storey mixed-use building
- Building 4S – 9 storey mixed-use building.

Table 1: Summary of Building RL's and LEP height control and additional 10% bonus.

Figure 1 Site location and surrounding context.

Building	Concept DA RL	LEP Height	LEP Height + 10%	Proposed Height RL
3W	30m	30m	32.48m	34.30m
3N	20m	20m	21.40m	20.43m
3S	30m	30m	32.30m	45.65m
4N	29m	29m	31.12m	36.82m
4S	42m	42m	44.58m	51.70m

Note: LEP and 10% bonus RL heights have been extracted from the architectural model provided to Urbis.

Visually the proposal introduces as 3 new contemporary buildings that vary in style, materiality and height and floorplates amongst an urban plaza, with building separations allowing for views into and across the site between the various built forms. Each building has unique architectural design features which create visual interest including for example flat and curved roof forms such as the curved roof form of building 3S. The scheme also includes the retention of the some existing building façades, for example the north elevation of 3N as well as the new built form for example building 4N.

Building 3W is located at the north-western corner of the site with a facade composed of a regular rhythm and a rhomboid shaped floorplate with angled concrete blades, recessed windows and balconies and a double height activated ground floor. The longer elevations of the building present internally to the site and to Thorn Street on north to south direction, while the shorter elevations present to Hunter and Laing Streets in a east to west direction.

Building 3S is a stepped tower form with a curved roof form, rectangular floorplate and punched arch windows, both glazed and open to balconies. The longer elevations of the building present to Laing Street and to Building 3N in an east to west direction, while the shorter elevations present internally to the site in a north to south direction.

Building 3N the 'Municipal Building' is a heritage listed three storey brick building connected to 3S and retains its north façade to Hunter Street and east façade, while the southern facade fronting the laneway will be replaced with new brick.

Building 4N retains the façade of 111 Hunter Street while introducing new contemporary form to the east and above the retained façade. The façade of 105 Hunter Street is also retained. The building has a rectangular floorplate, with the longer elevations of the building presenting to Morgan and Newcomen Streets in a north to south directions. The northern elevation presenting to Hunter Street has recessed balconies and a gradiation of columns, with the columns being larger on the lower levels that become progressively finer as the on the upper levels.

Building 4S is located on the south-eastern corner of the site at the corner of King Street and Newcomen Street. The building has a rectangular floorplate with a central open courtyard.

The northern elevation presents internally to the site and has while the eastern facade presents to Newcomen Street, the western to Morgan Street and the southern to King Street. The lower level façade has a more solid expression with deep recessed balconies and an irregular pattern of openings, while the upper levels have larger openings in a more uniformed pattern.

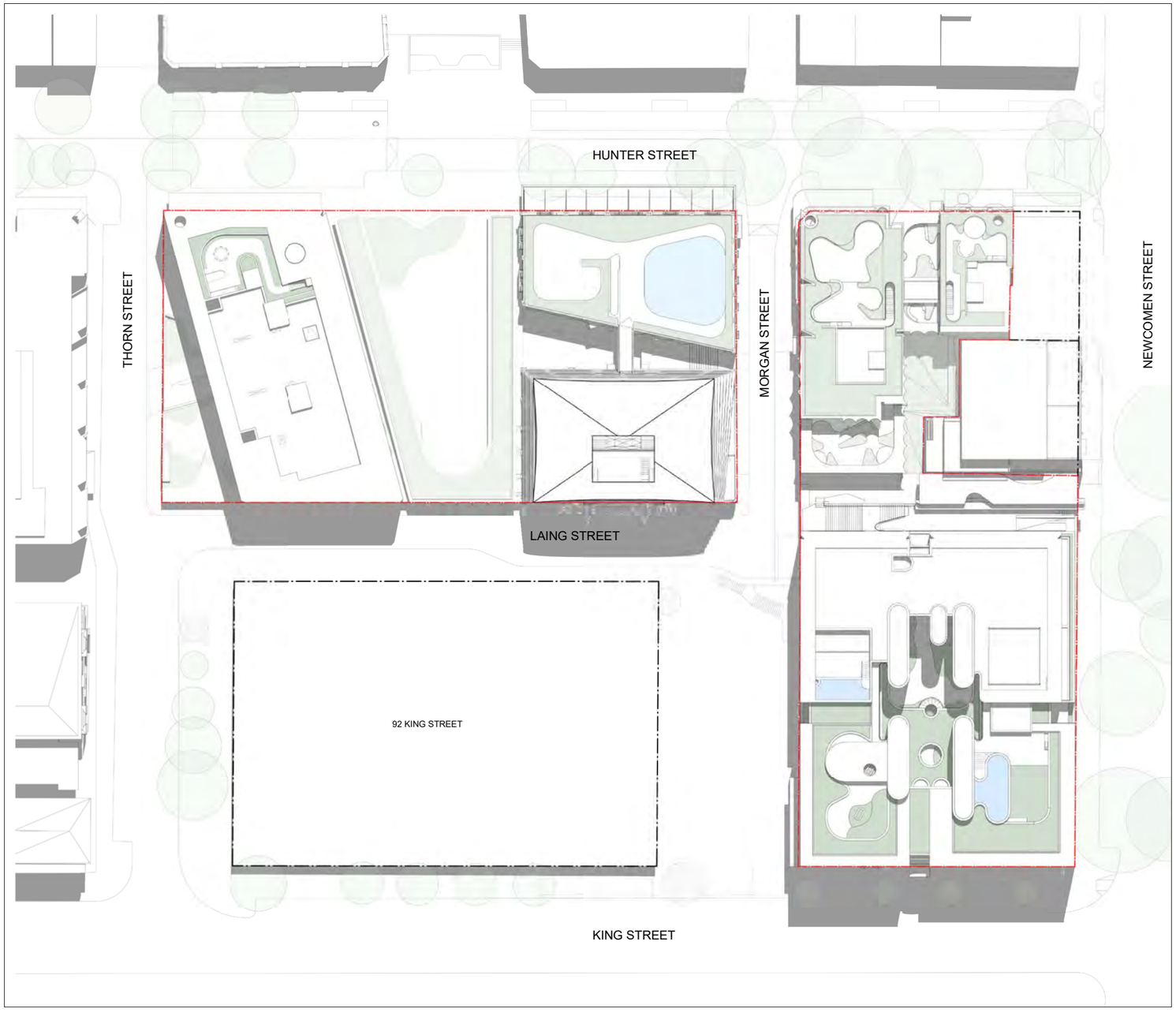


Figure 2 Site Plan (March 2023).

Figure 3 Building 3N & 3S (left) and Building 3W (right)(Source - SJB).

Figure 4 Building 4N (Source- Curious Practice).

SECTION 2:
VIA METHODOLOGY

2.1 URBIS METHODOLOGY

The methodology employed by Urbis is based on a combination of established methods used in NSW. It includes concepts and terminology that included in the Guideline for landscape character and visual impact assessment, Environmental Impact Assessment practice note EIA -N04 prepared by the Roads and Maritime Services December 2018 (RMS LCIA), and other more bespoke approaches developed over the last 30 years by academics at Sydney University.

The Urbis methodology identifies objective information about the existing visual environment, analyses the extent of visual effects on those baseline characteristics and unlike other methods, considers the importance of additional relevant factors including view place sensitivity, compatibility with existing and desired future character and visual absorption capacity etc. Separating objective facts from subjective opinion provides a robust and comprehensive matrix for analysis and final assessment of visual impacts.

The sequence of steps and logic flow is shown graphically below in our method flow chart.

2.2 CERTIFICATION OF PHOTOMONTAGES

The method of preparation is outlined in Appendix 4 of this report, prepared by Urbis visualisation - lead Ashley Poon.

The accuracy of the locations of the 3D model of the proposed development with respect to the photographic images was checked by Urbis in multiple ways:

1. The model was checked for alignment and height with respect to the 3D survey and adjacent surveyed reference markers which are visible in the images.
2. The location of the camera in relation to the model was established using the survey model and the survey locations, including map locations and RLs. Focal lengths and camera bearings in the meta data of the electronic files of the photographs are known.
3. Reference points from the survey were used for cross-checking accuracy in all images.
4. No significant discrepancies were detected between the known camera locations and those predicted by the computer software. Minor inconsistencies due to the natural distortion created by the camera lens, were reviewed by myself and were considered to be within reasonable limits.

I am satisfied that the photomontages have been prepared in accordance with the Land and Environment Court of New South Wales practice direction.

I certify, based on the methods used and taking all relevant information into account, that the photomontages are as accurate as is possible in the circumstances and can be relied upon by the Court for assessment.

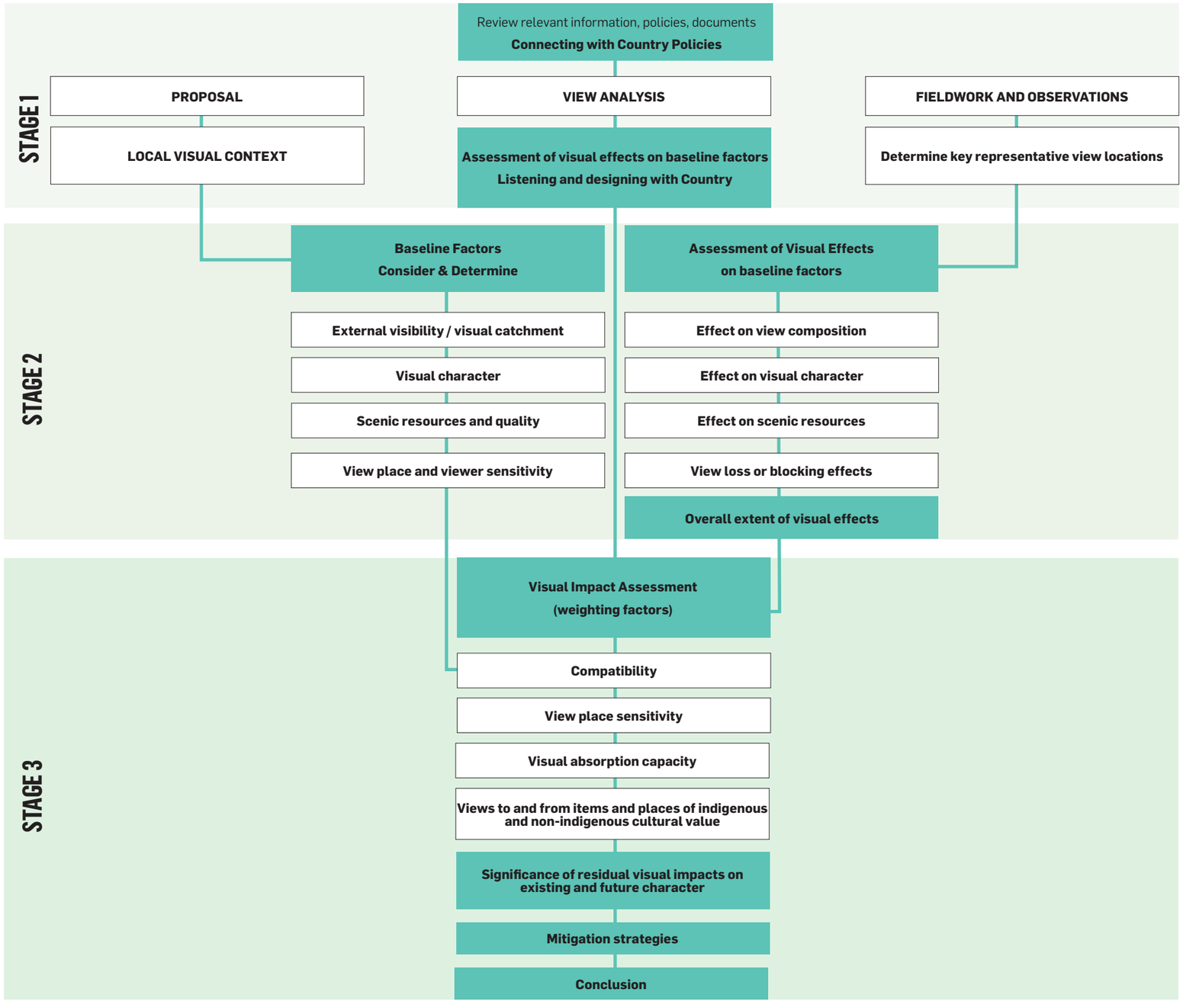


Figure 8 Methodology flowchart.

2.1 VISUAL CATCHMENT

The potential visual catchment is the theoretical area within which parts of the site and proposal may be visible, and, in this regard, the visual catchment is larger than the area within which there would be discernible visual effects of the proposal. The visibility of any proposed development varies depending on constraints such as the blocking effects of intervening built form, vegetation or topography.

Visibility refers to the extent to which the proposal would be physically visible, identifiable for example as a new, novel, contrasting element or alternatively as a recognisable but compatible feature.

Prior to undertaking fieldwork, Urbis undertook a desktop review of all relevant statutory and non-statutory documents in relation to views, analysed aerial imagery and topography. This review combined helped to establish the potential visual catchment and informed fieldwork inspections Field work observations of the site were undertaken from a range of distance classes (close, medium and distant).

Viewshed analysis and fieldwork observations confirmed the following:

- Visibility to the existing site and proposed development is constrained by underlying topography, intervening built form and mature vegetation. The effective visual catchment is therefore generally limited to close range views as follows:
- South-easterly and south-westerly views to the site are restricted given the grid-like road alignment and settlement pattern which includes nil setbacks to built form, streetscape vegetation which partially block views to the site.
- Views of parts of the middle and upper levels of the proposed development are possible from Fort Scratchley.
- The underlying topography south-east of the subject site includes an elevated knoll known as 'the Hill', which is marked by the Obelisk, where land falls in elevation from this high point to the north-west, north, and north-east. A local ridgeline to the south, which emanates from the Hill and broadly follows Reserve Road in a north-east- south-west alignment, marks the southern and south-eastern extent of the potential visual catchment.
- Due to the elevated topography described above there are no potential views to the site from south, southeast, or south-west of the Hill.
- The visual catchment north of the site is potentially extensive extending across the low, relatively flat landscape north of the Hunter River and the water body itself across the suburb of Stockton.
- North of site, long distance views across the Hunter River and built form within the Newcastle CBD will be possible from Stockton.

2.2 VISUAL CONTEXT

NORTH

The immediate visual context north of the site includes west-east aligned streets including Hunter Street, the main commercial and retail road within Newcastle. The section immediately adjoining the site is a shared zone characterised by two and three storey built forms varying architectural styles including Brutalist architecture (136 Hunter Street) and Victorian architecture (164 Hunter Street) as well as a variety of building materials including rendered cement, exposed and painted brick, and glass. The buildings are of comparable size and scale in terms of floorplates and heights.

The area is a Heritage Conservation Area (HCA) and includes several local heritage buildings including:

- 152 Hunter Street (Former Hotel Hunter)
- 164 Hunter Street (Municiple Building)
- 176 Hunter Street (Former AA Danger Building).

The shared zone has several mature London plan trees to both the north and south of Hunter Street, which results in canopy cover over the street and heavily filtered views of built form from the second storey and above, particularly in summer months when the canopy is at its fullest.

SOUTH

South of the site is King Street, which is characterised by a moderate incline from west to east along the site's southern boundary, which crests at the sites south-eastern corner from which it falls towards the east.

The south side of the street includes a stone wall of varying height that separates parallel parking along the street from an elevated footpath. Another, larger stone wall separates the footpath from the elevated heritage listed Cathedral Park that runs parallel to the street. The northern boundary of the park consists of several mature trees and shrubs at the centre which overhang the stone wall, with the eastern and western edges clear of vegetation apart from one tree to the parks north-eastern corner.

Beyond King Street are two State Heritage listed buildings, the Gothic Revival 'Christ Church Cathedral' and the Inter-War Georgian Revival 'Newcastle Club'. The Cathedral is identified as having several criteria which contribute towards it heritage listing, including 'form, scale, colour, texture and materials.' These include exposed brick, stained glass windows (including the Rose window), flying buttresses, spires and pitched roofs.

EAST

East of the site is a residential flat buildings (RFB) at 60 King Street (The Herald Apartments), a mixed-use building at 21 Newcomen Street and a 3 storey local heritage item 'Former Emporium building' at 97-101 Hunter Street.

The Herald Apartments is a contemporary residential building with a restored heritage listed building at 28 Bolton Street (Newcastle Herald Building). The building has 9 levels (a basement, ground and 7 storeys) with a largely rectangular floorplate with a square shaped extension of the site that accommodates the heritage building. Levels 1-3 occupy the same floorplate area, with levels 4 – 7 progressively stepping back from Newcomen and King Streets. The western elevation of the RFB (which presents to the site) has a mixture of covered angled balconies on the lower levels and uncovered and covered terraces above level 4.

21 Newcomen Street is a 7 storey contemporary building. The western façade facing the site consists of covered balconies with deep recesses and glass balustrades and a central section of internal living space that extends to the edge of the terraces and includes adjustable metal louvres.

97-101 Hunter Street is a 3 storey rendered brick Victorian Italianate building with ground floor retail and above retail residential. The upper levels include recessed windows and embellishments such as decorative columns.

5 large mature trees are located on the eastern and western sides of the street, 2 at the intersection of Newcomen and King Streets, 2 at the south-western corner of 21 Newcomen Street and a single tree on the eastern side of the street near the north-western corner of 21 Newcomen Street. The trees canopies extend over the street and filter views of built form of the Herald Apartments and 21 Newcomen Street when viewed from King and Hunter Streets.

WEST

To the west of the site directly is Thorn Street and includes a currently under construction mixed-use development at 147-153 Hunter Street. The approved development includes residential (121 dwellings), retail and commercial, and is Stage 2 of the East End project. Construction is currently underway, with the heritage façade being retained. Further east is the completed Stage 1 of the East

End project, and includes the heritage listed 'David Jones' building and new residential and retail facilities.

WIDER VISUAL CONTEXT

The wider visual context to the north includes the Hunter River, open recreation space and the suburb of Stockton beyond.. Stockton occupies a low lying relatively flat headland and is edged by a wide linear curved open space which adjoins the northern bank of the Hunter River. The space is includes s several separately named areas including from east to west; Pirate Point, Pitt Street Reserve, Stockton Park, Griffith Park Playground and Ballast Ground Park. Given the terrain and access to expansive views to the south, it is likely that the potential visual catchment extends across this area. Built form in Stockton is primarily residential, with a mix of single-family homes of single and double stories which includes both contemporary and early to mid-century built forms. Dwellings located along the north side of Hunter and Wharf Streets have front, formal elevations orientated towards the site.

To the north-west are Port and industrial facilities at Carrington and Kooragang which includes large industrial-scale built forms, often characterised by extensive floorplates, height, bulk and scale.

West of the site and south of the river, the west end of the Newcastle CBD includes residential, commercial and mixed-use buildings along the foreshore and Hunter and King Streets. The area transitions into predominantly residential development of varied heights and densities as well as recreational open spaces, mixed use areas and infrastructure.

South of the site, the visual context includes medium and low density residential development and includes a mixture of detached dwellings of varied architectural styles and construction dates, as well as significant open spaces including the Obelisk on Newcastle Hill, King Edward Park and Nesca Park, as well as connected walkways along the coast.

East of the site includes a both commercial and residential buildings within the Newcastle CBD which create a varied typology that transitions to residential buildings which include both older and more contemporary RFBs, terrace houses and detached dwellings. The State Heritage listed 'Fort Scratchley is located on an elevated hill where residential development ceases and transitions into a peninsula which includes Nobbys Beach, Horseshoe Beach and Nobbys Lighthouse, with a central promenade extending to the end of the peninsula.

Figure 9 Viewshed map showing the indicative visibility of the proposal.

Photo 1. Corner of Hunter and Newcomen Street.

Photo 2. View east along Hunter Street from Wolfe Street.

Photo 3. View north along Wolfe Street

Photo 5. The Herald Apartment Building, corner of King & Newcomen Streets.

Photo 6. The Newcastle Club, corner of King & Newcomen Streets.

Photo 4. View south along Morgan Street

Photo 7. View south from Stockton Wharf towards Newcastle CBD.

Photo 8. View south-west from Nobby's walkway towards Christ Church Cathedral.

Photo 9. View west from Fort Scratchley.

Photo 10. View north towards Stockton from Cathedral Park

SECTION 3:
BASELINE VISUAL ANALYSIS

3.1 VISUAL CHARACTER OF THE SITE

The site currently is predominately occupied by buildings of varying typologies and construction dates. The built form is low (2 - 3 stories) and includes heritage façades fronting Hunter and Morgan Streets.

There is limited vegetation across the site as a whole, with no vegetation on the Stage 3 site, and minimal vegetation to the Stage 4 site consisting of a small number of mature trees and small grassed areas around the open car park.

The Stage 3 site is approximately 3,393m² and has frontages of approximately 81m to Hunter Street to the north, 81m to Laing Street to the south, 42m to Morgan Street to the east and 42m Thorn Street to the west. The block is rectangular in shape and has two buildings that are partially interconnected internally. 113-121 Hunter Street wraps around the western and southern sections of the block while 123-141 Hunter Street is located on the corner of Hunter and Morgan Streets. Both buildings date from very different periods of development dating from the late 19th century (123-141 Hunter Street) to the 1980s (113-121 Hunter Street) which is a two storey brick commercial building with a row of retail frontage which is currently vacant.

The Stage 4 site is approximately 3,056m² and is an irregular shape which has frontages of approximately 30m to Hunter Street to the north, 55m of Newcomen Street to the east, of 40m of King Street to the south and 42m of Morgan Street to the west. The site has several mixed-use buildings with ground floor retail uses along Hunter Street which are connected to one another, while the buildings to the south of the site are free standing brick and timer buildings with a small central hardstand car park.

Photo 11. View of south-eastern corner of Stage 4, corner of Newcomen & King Streets looking north-west.

Photo 12. View of west over Stage 4 car park from Newcomen Street.

3.2 SCENIC QUALITY

Scenic quality relates to the likely expectations of viewers regarding scenic beauty, attractiveness, or preference. Scenic preferences typically relates to the variety of features that are present, and the uniqueness or combination of those features. Scenic quality of the visual setting of the subject site is baseline factor against which to measure visual effects. Criteria and ratings for preferences of scenic quality and cultural values of aesthetic landscapes are based on empirical research undertaken in Australia and internationally.

Therefore, analysis of the existing scenic quality of a site or its visual context and understanding the likely expectations and perception of viewers is an important consideration when assessing visual effects and impacts.

Comment:

The scenic quality of the site is low. The site is characterised by low height built forms, internal streets and at grade parking and vegetation including small groupings of trees, grassed areas, ornamental plantings, and retaining walls to the east of the site. The site includes a locally listed heritage item (Municipal Building) at 121 Hunter Street which has a formal presentation towards Hunter Street. South of the proposed Stage 3 site is an existing vacant lot (formerly a multi-storey Council car park), which further reduces the overall scenic quality of the site. The site does not include any features or visual compositions of high scenic quality.

3.2 VIEW PLACE SENSITIVITY

This factor relates to the likely level of public interest in a view of the proposed development. The level of public interest includes assumptions made about its exposure in terms of distance and number of potential viewers. For example, close and middle-distance views from public places such as surrounding roads and intersections that are subject to large numbers of viewers, would be considered as being sensitive view places. However, the level of sensitivity depends on the nature of the view and whether it is gained from either a moving viewing situation and the duration of exposure to the view for example for short periods of time or for sustained periods.

Comment:

Sensitive public domain locations within the visual catchment include areas from within Cathedral Park, where gaps in vegetation although limited, allow for some visibility to the southern part of the site, Hunter Street immediately north of the site and Queens Wharf foreshore, where southerly views are available to the site between buildings at 2 Market Street and 161 Scott Street. The proposal may be visible from King Street for vehicle users and pedestrians, where views are likely to be experienced for short periods of time from moving viewing situations.

3.3 VIEWER SENSITIVITY

Viewer sensitivity is a judgement as to the likely level of private interest in the views that include the proposed development and the potential for private domain viewers to perceive the visual effects of the proposal. The spatial relationship (distance), the length of exposure and the viewing place within a dwelling are factors which affect the overall rating of the sensitivity to visual effects.

Comment:

Residential private domain views to the site are limited by a variety of factors including:

- **Intervening built from**
- **Intervening vegetation**
- **Topography**
- **Building orientations.**

Fieldwork observations confirmed that private domain views are limited within the immediate visual catchment (Newcomen Street (south of King Street), and King Street.

Medium distant views to the site, south of Christ Church Cathedral along Church Street, albeit elevated, are partially blocked by the Cathedral Building and vegetation within Cathedral Park.

SECTION 4:
VISUAL EFFECTS ANALYSIS

4.1 USE OF PHOTOMONTAGES

Prior to undertaking fieldwork, Urbis undertook a desktop review of all relevant statutory and non-statutory documents, an analysis of aerial imagery and topography and lidar data to establish the potential visual catchment to inform fieldwork inspections. Following fieldwork Urbis selected and recommended 10 public view locations for further analysis.

View No.	VIEWPOINT LOCATION
View 01	View south towards Newcastle CBD from Stockton Ferry Wharf
View 02	View south-west towards site from Fort Scratchley Parade Ground
View 03	View south-west towards site from Nobbys pedestrian walkway
View 04	View south towards Cathedral from Market Place (Cathedral to Harbour Corridor)
View 05	View south towards Cathedral from Queens Wharf promenade (Cathedral to Harbour Corridor)
View 06	View north-east over site from Cathedral Park
View 07	View north towards site from north side of the Cathedral
View 08	View east towards site along Hunter Street
View 09	View south towards Cathedral from The Station public domain
View 10	View north over site from Cathedral Park steps

4.2 DEFINITIONS

- Our definition of additional height sought in relation to the 4.6 variation application is any built form above the LEP and 10% competition bonus. We refer to this in the text below as additional height sought.
- When we refer to complying built form, our understanding is that this mass includes the Approved Concept DA envelope as well as built form up to the LEP and additional 10% competition bonus.

4.3 LEP HEIGHT PLANES

- Urbis have been provided LEP and additional LEP10% calculations by project architects for inclusion in photomontages.
- Example of LEP10% bonus. For Building 4S the LEP is approximately RL42, additional 10% takes this to RL44.58 (from information provided to Urbis from the project architects).

Figure 10 Viewpoint location map.

VIEW 01

VIEW SOUTH TOWARDS NEWCASTLE CBD FROM STOCKTON FERRY WHARF

View to the Cathedral is documented within the Newcastle DCP 2012 (View 21 – Stockton Ferry Wharf)

DISTANCE CLASS

- Medium
- 850M

EXISTING COMPOSITION OF THE VIEW

The foreground and mid-ground of the composition include a wide expanse of the Hunter River, with the Newcastle CBD in the distance. The view encapsulates the Newcastle CBD building typology characterised by forms of varying height, materiality, and age. Groupings of mature trees to the left and right of the image mark areas of public open space. Partial views of buildings along the ridgeline beyond CBD are visible including State Heritage listed buildings (Christ Church Cathedral, Segenhoe Flats and the Newcastle Club) as well as heritage listed open space surrounding the Cathedral (Cathedral Park).

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

The mid and upper levels of Buildings 4N and 3S will be visible from this location, above intervening built form along Scott an Hunter Streets which block views to the lower levels of the proposed development. A partial view of Building 3W is visible, but is largely blocked from view by the Former Beberfaulds Warehouse at 175 Scott Street. The view to Christ Church Cathedral (Newcastle DCP view 21 – Stockton Ferry Wharf) remains unaffected, with only a minor section of the Cathedral blocked from view, while the main tower remains clearly visible. We note that if the viewer moves to the right (west) to other parts of the expansive public domain there are no blocking effects in relation to any part of the Cathedral. We note that the Approved Concept DA Envelope of Building 4 blocks views of the Newcastle Club and the additional height sought for the proposed Building 4N predominantly blocks views of open sky and a minor extent of the western façade of the Newcastle Club. The massing of Building 3S blocks views of a short lower section of the Christ Church Cathedral and small amount of tree canopy within Cathedral Park. The visibility and visual prominence of the Cathedral in the view is maintained, with almost the entirety of the Cathedral and its distinctive roof form and tower being unaffected by the proposal. In our opinion the identified view within the DCP has been retained. The re-massing of the proposed development from the Approved Concept DA results in a better visual impact outcome as it creates a visual connection between the water and the Cathedral

Blocking effect of additional height sought

The additional height sought above the complying development (building 3S) blocks views to a small section of the Christ Church Cathedral and Cathedral Park and open sky beyond.

Visual effects of proposed development	
Visual Character	low
Scenic Quality	low
View Composition	low
Viewing Period	medium
Viewing Distance	low
View Loss & View Blocking Effects	low
Overall rating of effects on baseline factors	low
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	high (down-weight)
Physical Absorption Capacity	high (up-weight)
Compatibility with Urban Context and Visual Character	high (up-weight)
Overall rating of significance of visual impact	**Low**

Figure 11 Viewpoint location.

Figure 12 Viewpoint 01 existing view.

Figure 13 Viewpoint 01 photomontage.

VIEW 02

VIEW SOUTH-WEST TOWARDS SITE FROM FORT SCRATCHLEY PARADE GROUND

View to the Cathedral is documented within the Newcastle DCP 2012 (View 20 – Parade Ground, Fort Scratchley).

DISTANCE CLASS

- Medium
- 150m

EXISTING COMPOSITION OF THE VIEW

The composition is characterised by built form within the CBD, including multi-storey commercial and residential buildings of varying sizes, architectural styles, age and materials. Mature vegetation is visible in the foreground within Foreshore Park.

The tower of the Cathedral is clearly visible against a backdrop of open sky and forms a easily identified and unique landmark along the skyline. Part of the eastern section of the Cathedral is also visible.

Long distance views beyond the CBD include views to vegetated ridgelines including Sugarloaf State Conservation Area.

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

Partial views of Buildings 4S, 3S, and 3W are visible above intervening and lower built form within Newcastle CBD. The proposed development blocks a small section of built form and vegetation, a minor distant section of Sugarloaf State Conservation Area blocked by building 3S. Views to Christ Church Cathedral (Newcastle DCP View 20 – Parade Ground, Fort Scratchley) are unaffected by the proposal. The visibility and visual prominence of the Cathedral within the view is maintained, with almost the entirety of the Cathedral and tower remaining visible. In our opinion the identified view within the DCP has been retained.

Blocking effect of additional height sought

The additional height sought for blocks views of existing roof forms, vegetation, and a small section of vegetated ridgeline in the distance, noting that views of the ridgeline remain visible to either side of the proposal.

Visual effects of proposed development	
Visual Character	low
Scenic Quality	low
View Composition	low
Viewing Period	medium
Viewing Distance	medium
View Loss & View Blocking Effects	low
Overall rating of effects on baseline factors	**Low**
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	high (down-weight)
Physical Absorption Capacity	high (up-weight)
Compatibility with Urban Context and Visual Character	high (up-weight)
Overall rating of significance of visual impact	**Low**

Figure 14 Viewpoint location.

Figure 15 Viewpoint 02 existing view.

Figure 16 Viewpoint 02 photomontage.

VIEW 03

VIEW SOUTH-WEST TOWARDS SITE FROM NOBBYS PEDESTRIAN WALKWAY

DISTANCE CLASS

- Distant
- 1.2km

EXISTING COMPOSITION OF THE VIEW

This composition includes part of Nobbys headland pedestrian promenade. The foreground consists of dense mature vegetation including trees and shrub Beyond, partial views include multi-storey buildings within the CBD and the tower, roof form including internal buttresses along the northern façade of Christ Church Cathedral are clearly visible in the centre of the view.

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

Partial views of Buildings 4N, 4S, 3S, and 3W are visible above intervening vegetation and the Newcastle CBD. The proposal blocks the Segenhoe Flats, low existing built form, vegetation and a small section of open sky beyond. Existing views of Christ Church Cathedral remain almost entirely unaffected, with only a minor section at the north-western corner blocked from view.

Blocking effect of additional height sought

The additional height sought blocks views of existing built form and vegetation and does not block views of scenic or highly valued features.

Visual effects of proposed development	
Visual Character	low
Scenic Quality	low
View Composition	low
Viewing Period	low
Viewing Distance	low
View Loss & View Blocking Effects	low
Overall rating of effects on baseline factors	low
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	high (up-weight)
Physical Absorption Capacity	high (up-weight)
Compatibility with Urban Context and Visual Character	high (up-weight)
Overall rating of significance of visual impact	**Low**

Figure 17 Viewpoint location.

Figure 18 Viewpoint 03 existing view.

Figure 19 Viewpoint 03 photomontage.

VIEW 04

VIEW SOUTH TOWARDS CATHEDRAL FROM MARKET PLACE (CATHEDRAL TO HARBOUR CORRIDOR)

View to the Cathedral is documented within the Newcastle DCP 2012 (View 15 – Wharf Road cnr Market Street). View 4 and the following View 5 are intended to show this view from to locations.

DISTANCE CLASS

- Close
- 75m

EXISTING COMPOSITION OF THE VIEW

This composition includes the upper section and tower of the Christ Church Cathedral viewed from Market Place. This view illustrates an intended 'Harbour to Cathedral view corridor'. The foreground includes the wide public space of Market Place, at grade parking and pedestrian thoroughfare. The foreground steps up in height to include an elevated terraced grassed area beyond with heritage buildings to either side. The mid-ground includes Hunter Street, some commercial buildings and mature street vegetation. Parts of the north elevation of the Christ Church Cathedral and tower are a central focal point and visually prominent.

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

Building 3S (left of the composition) and 3W (right of the composition) are partially visible, with intervening built form along Scott and Hunter Streets and mature vegetation blocking full visibility of the proposal. The proposed buildings have been massed to create a wide view corridor to protect visual connectivity from the public domain to the Cathedral and in so doing protects and enhances the existing DCP view corridor and its proposed extension to terminate at the Cathedral. Notwithstanding a minor section of the Cathedral is blocked from view by the western edge of Building 3S, the majority of the existing view remains intact. The proposed development retains and enhances the intent of DCP in retaining the view towards the Cathedral. We note that the massing proposed, provides a significantly better view outcome compared to the Approved Concept DA as indicated by the white dotted line. Construction of built forms as in the Approved Concept DA would result in all of the view to the Cathedral being blocked. This outcome does not satisfy the intent of the documented DCP view. However, the visibility and prominence of the Cathedral and the intended visual connection to it protect the DCP view, where e virtually all of the Cathedral and tower remain highly visible and prominent In our opinion the identified view within the DCP has been retained. The re-massing of the proposed development from the Approved Concept DA results in a better visual impact outcome as it creates a visual connection between the water and the Cathedral

Blocking effect of additional height sought

The additional height sought blocks views of open sky beyond and does not block any scenic or highly valued features.

Visual effects of proposed development	
Visual Character	low-medium
Scenic Quality	low-medium
View Composition	low-medium
Viewing Period	low
Viewing Distance	high
View Loss & View Blocking Effects	low
Overall rating of effects on baseline factors	low
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	medium (up-weight)
Physical Absorption Capacity	medium (up-weight)
Compatibility with Urban Context and Visual Character	high (up-weight)
Overall rating of significance of visual impact	**Low-medium**

Figure 20 Viewpoint location.

Figure 21 Viewpoint 04 existing view.

Figure 22 Viewpoint 04 photomontage.

VIEW 05

VIEW SOUTH TOWARDS CATHEDRAL FROM QUEENS WHARF PROMENADE (CATHEDRAL TO HARBOUR CORRIDOR)

DISTANCE CLASS

- Close
- 150m

EXISTING COMPOSITION OF THE VIEW

This composition is the view south towards the Christ Church Cathedral from Queens Wharf promenade. Also known as the 'Cathedral to Harbour Corridor'. In the foreground is an open area of public domain between the Hunter River and Hunter and Wharf Road. The mid-ground includes low heritage low buildings such as the old Signal Railway Box and beyond the public domain at Market Place which leads up towards Hunter Street.

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

Building 3S (left of the composition) and a minor section of 3W (right of the composition) are partially visible, with intervening built form along Scott and Hunter Streets and mature vegetation blocking full visibility of the proposed built form. The proposed built form blocks a small section of the Cathedral, Cathedral Park and open sky beyond. The view corridor identified within the Newcastle DCP terminating at the Cathedral remains, and it is noted that while a minor section of Cathedral is blocked from view by the proposed built form, the majority of the existing view remains intact. As such, the intent of DCP is achieved in retaining the view towards the Cathedral.

It is noted that the Approved Concept Envelope entirely blocks views of Cathedral Park and a moderate section of the Cathedral which, in our opinion, does not effectively satisfy the intent of retaining the identified DCP view.

The re-massing of the proposed development from the Approved Concept DA results in a better visual impact outcome as it creates a visual connection between the water and the Cathedral.

Blocking effect of additional height sought

The additional height sought blocks views of open sky beyond and does not block any scenic or highly valued features.

Visual effects of proposed development	
Visual Character	low
Scenic Quality	low
View Composition	low
Viewing Period	low
Viewing Distance	medium
View Loss & View Blocking Effects	low
Overall rating of effects on baseline factors	low
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	medium (neutral)
Physical Absorption Capacity	high (up-weight)
Compatibility with Urban Context and Visual Character	high (up-weight)
Overall rating of significance of visual impact	**Medium**

Figure 23 Viewpoint location.

Figure 24 Viewpoint 05 existing view.

Figure 25 Viewpoint 05 photomontage.

VIEW 06

VIEW NORTH-EAST OVER SITE FROM CATHEDRAL PARK

DISTANCE CLASS

- Close
- 60m

EXISTING COMPOSITION OF THE VIEW

This composition is a view north-east over the towards Nobbys Head from Christ Church Cathedral Park. The foreground is comprised of the sloped north-eastern corner of the park and small section of King Street below. The mid-ground composition includes built form and vegetation both within and surrounding the site. Distant views include the Hunter River with Stockton, Shipwreck Walk and Stockton Beach beyond.

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

Buildings 4S, 4N & 3S are visible. Building 4S blocks views of built form beyond, as well as a partial view of Nobbys Head and Lighthouse visible in a narrow 'slot' view between foreground built forms. Building 4N and 4S block north-eastern views to a small section of the Hunter River, Shipwreck Walk and distant views to Stockton Beach and sand dunes, while building 3S blocks views to built form within the CBD, Pitt Street Reserve in Stockton and Stockton Beach and sand dunes in the distance.

We note that Building 4 of the Approved Concept DA Envelope blocks views to Nobbys Head and partially blocks views of Shipwreck Walk and Stockton Beach beyond. In this regard the extent of view loss is already contemplated by that approval. The non complying parts of Building 4N massing block a short, distant section of Stockton Beach. The Approved Concept DA Envelope for Building 3 blocks a short section of the Hunter River and Pitt Street Reserve and as such this view loss is anticipated by the controls.

Blocking effect of additional height sought

The additional height sought for buildings 4S and 3S blocks views of open sky beyond and does not block any scenic or highly valued features, while 4N blocks a small section of open water and Stockton Beach in the distance.

Visual effects of proposed development	
Visual Character	high
Scenic Quality	medium
View Composition	high
Viewing Period	medium
Viewing Distance	high
View Loss & View Blocking Effects	high
Overall rating of effects on baseline factors	high
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	high (down-weight)
Physical Absorption Capacity	low (up-weight)
Compatibility with Urban Context and Visual Character	high (up-weight)
Overall rating of significance of visual impact	**Medium**

Figure 26 Viewpoint location.

Figure 27 Viewpoint 06 existing view.

Figure 28 Viewpoint 06 photomontage.

VIEW 07

VIEW NORTH TOWARDS SITE FROM NORTH SIDE OF THE CATHEDRAL

DISTANCE CLASS

- Close
- 110m

EXISTING COMPOSITION OF THE VIEW

This view is north towards the site from the north side of Christ Church Cathedral. The foreground includes paving, open-space, the Hannell, Monument and stairway leading towards King Street. The stairway is flanked by grass and mature trees, which obstruct views towards the subject site, other development, the Hunter Rover and Stockton.

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

The subject site and proposed built forms are entirely blocked from view by intervening vegetation within Cathedral Park. Potential heavily filtered and screened views to minor parts of the proposal may be visible pending the removal or movement of existing vegetation. The existing view and visual character from the northern edge of the Cathedral along the alignment of the stairs is retained, as is the prominence of the Hannell Monument.

Blocking effect of additional height sought

The additional height sought is not visible from this location and does not result in any view loss or impact.

Visual effects of proposed development	
Visual Character	low
Scenic Quality	low
View Composition	low
Viewing Period	low
Viewing Distance	high
View Loss & View Blocking Effects	low
Overall rating of effects on baseline factors	low
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	high (up-weight)
Physical Absorption Capacity	high (up-weight)
Compatibility with Urban Context and Visual Character	high (up-weight)
Overall rating of significance of visual impact	**Low**

Figure 29 Viewpoint location.

Figure 30 Viewpoint 07 existing view.

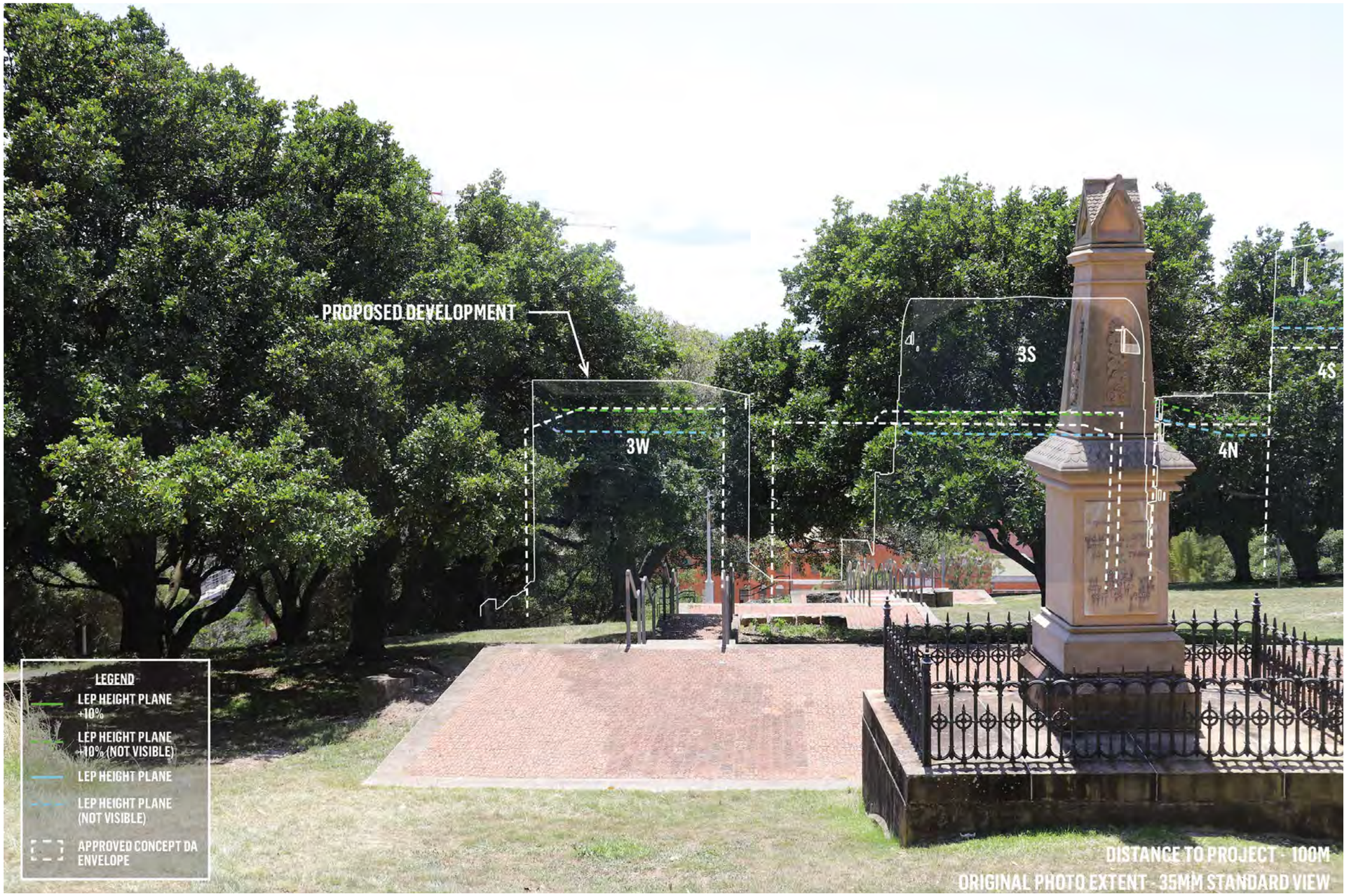


Figure 31 Viewpoint 07 photomontage.

VIEW 08
VIEW EAST TOWARDS SITE ALONG HUNTER STREET

DISTANCE CLASS

- Close
- 70m

EXISTING COMPOSITION OF THE VIEW

The view is easterly oblique towards the site along Hunter Street. The foreground is characterised by road carriageway and footpaths, planting, and buildings along Hunter Street.

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

Building 3W is partially visible behind an East End Stage 2 building that is currently under construction, with the remainder of the proposal blocked from view by intervening built form and vegetation. The proposed development blocks a minor section of built form and open sky beyond but does not block scenic or highly valued features, icons or heritage items. The additional built form proposed is visible above the Approved Concept DA Envelope (Block 3) blocking a minor additional extent of open sky beyond. The visual prominence of the façades of the heritage listed buildings at 185 and 169 Hunter Street and the overall visual character of Hunter Street are not affected by the proposal.

Blocking effect of additional height sought

The additional height sought above the complying development blocks views of open sky and does not block views of any scenic or highly valued features.

Visual effects of proposed development	
Visual Character	low
Scenic Quality	low
View Composition	low
Viewing Period	medium
Viewing Distance	medium
View Loss & View Blocking Effects	low
Overall rating of effects on baseline factors	low
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	medium (neutral)
Physical Absorption Capacity	high (up-weight)
Compatibility with Urban Context and Visual Character	high (up-weight)
Overall rating of significance of visual impact	**Low**

Figure 32 Viewpoint location.

Figure 33 Viewpoint 08 existing view.

Figure 34 Viewpoint 08 photomontage.

VIEW 09

VIEW SOUTH TOWARDS CATHEDRAL FROM THE STATION PUBLIC DOMAIN

DISTANCE CLASS

- Close
- 115m from site boundary

EXISTING COMPOSITION OF THE VIEW

This is a southerly view towards Christ Church Cathedral from The Station public domain. In the foreground of the view is Scott Street running left to right. In the centre of the middle ground is Newcomen Street, a one way road with parking on either side and some mature street trees partially visible. To either side of the street is retail and commercial buildings of varying sizes, material and construction dates.

In the background is the upper levels of the residential building adjacent to the site, the tower of the Cathedral and a small section of the Newcastle Club northern elevation visible against a backdrop of open sky.

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

Partial views of Buildings 4S and 4N are possible, however intervening built form blocks the majority of the proposal from view. A small section of the Cathedral tower and Newcastle Club are blocked from view by complying development within the LEP and LEP10% additional bonus.

Blocking effect of additional height sought

The additional height sought blocks views of open sky beyond and does not block any scenic or highly valued features.

Visual effects of proposed development	
Visual Character	low
Scenic Quality	low
View Composition	low
Viewing Period	low
Viewing Distance	high
View Loss & View Blocking Effects	low
Overall rating of effects on baseline factors	low
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	low (up-weight)
Physical Absorption Capacity	high (up-weight)
Compatibility with Urban Context and Visual Character	high (up-weight)
Overall rating of significance of visual impact	**Low**

Figure 35 Viewpoint location.

Figure 36 Viewpoint 09 existing view.

Figure 37 Viewpoint 09 photomontage.

VIEW 10

VIEW NORTH OVER SITE FROM CATHEDRAL PARK STEPS

This is a reverse view from the Cathedral which includes Stockton Ferry Wharf and is documented within the Newcastle DCP 2012 (View 21 – Stockton Ferry Wharf).

DISTANCE CLASS

- Close
- 60m

EXISTING COMPOSITION OF THE VIEW

This view is to the north over the site from the Cathedral Park stairway. In the foreground is the park retaining wall with King Street below. Beyond King Street, existing buildings on the subject site are visible, with upper levels and roof forms of CBD buildings along Hunter and Market Streets also visible. Partial views of the Hunter River are available, with views to Stockton Shipwreck Walk and Stockton Beach visible in the distance.

VISUAL EFFECTS OF THE PROPOSED DEVELOPMENT ON THE COMPOSITION AS MODELLED

Building 3W (left) Building 3S (centre) and Buildings 4N and 4S (right) are highly visible in the foreground. Building 3W blocks views of built form beyond, and a minor section of Stockton, distant vegetated ridgelines and open sky beyond. Building 3S blocks views of building development along Hunter Street, a minor section of the Hunter River as well as mature vegetation and built form within Stockton, Stockton Beach and sand dunes in the distance. Buildings 4N and 4S block views of the Hunter River, Shipwreck Walk and distant views to Stockton Beach and sand dunes. It is noted that blocking effects of buildings 3W, 3S and 4S are caused by complying development, while the blocking effect of building 4N is primarily within complying development, with a minor extent of built form above the LEP10% bonus blocking distant views to Stockton Beach and sand dunes. The re-massed built form allows for the protection the DCP View 21 (Stockton Ferry Wharf) and creates a view corridor to and from the State Heritage listed Christ Church Cathedral, as well as features that have been blocked by the proposed built form including views of the Hunter River, Stockton, and Stockton Beach. The proposed development creates a lower visual impact compared to the Approved Concept DA Envelope and a better view sharing outcome with the inclusion of a view corridor.

Blocking effect of additional height sought

The additional height sought by buildings 3S and 4S block views of open sky, while 3W blocks open sky. None of these buildings block scenic or highly valued features. Building 4N blocks a minor extent of open water and Stockton Beach in the distance.

Visual effects of proposed development	
Visual Character	medium
Scenic Quality	medium
View Composition	medium
Viewing Period	medium
Viewing Distance	high
View Loss & View Blocking Effects	high
Overall rating of effects on baseline factors	medium
Rating of visual effects on variable weighting factors	
Public Domain View Place Sensitivity	high (up-weight)
Physical Absorption Capacity	low (up-weight)
Compatibility with Urban Context and Visual Character	medium (up-weight)
Overall rating of significance of visual impact	**Medium**

Figure 38 Viewpoint location.

Figure 39 Viewpoint 10 existing view.

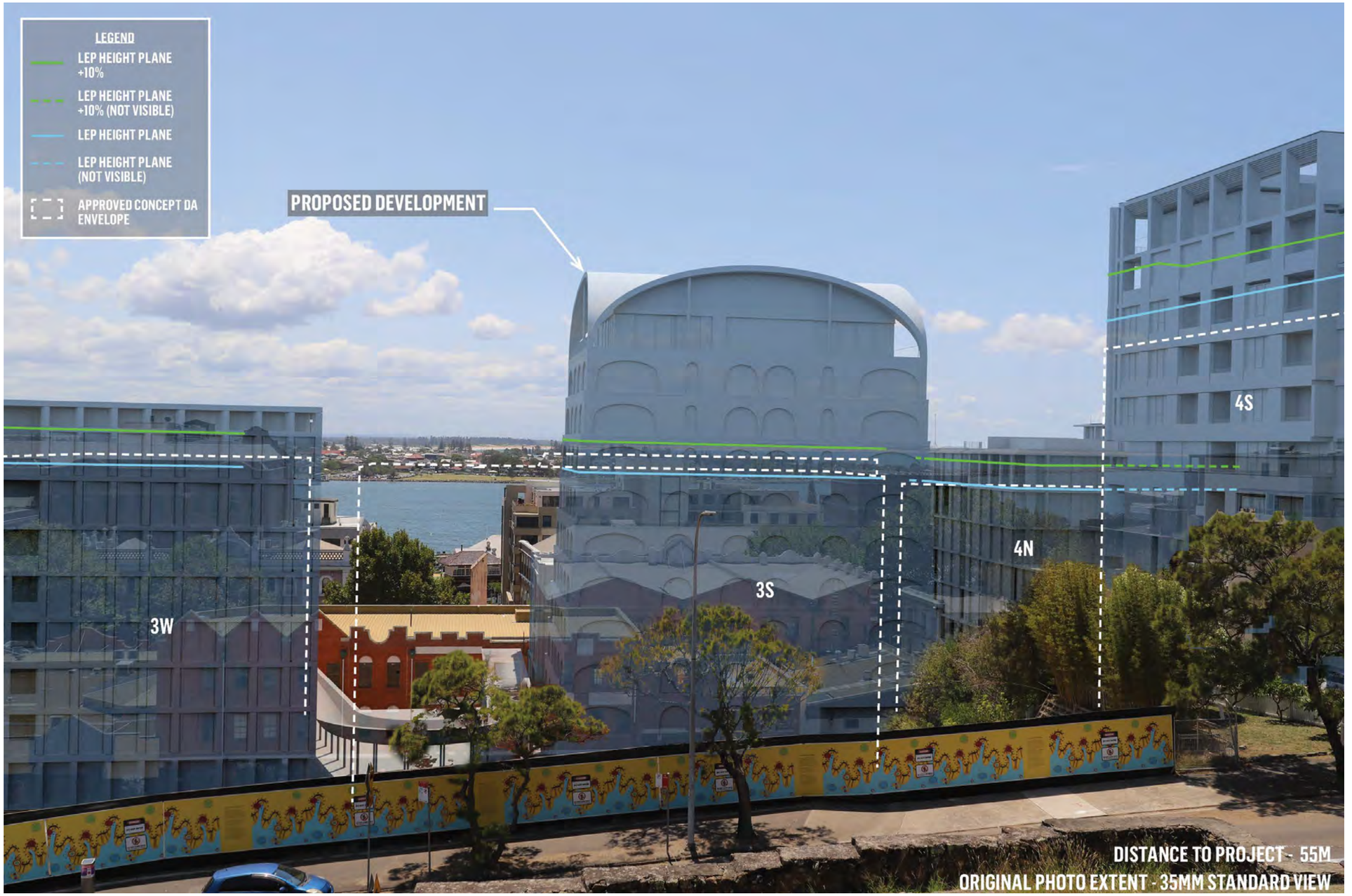


Figure 40 Viewpoint 10 photomontage.

4.4 PRIVATE DOMAIN VIEWS

INTENT OF *TENACITY*

The extent and reasonableness of private domain view loss is typically assessed against the Land and Environment Court of New South Wales planning principle outlined in *Tenacity Consulting v Warringah* [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours (*Tenacity*).

The planning principle has the objective of achieving a 'desirable outcome' and to reaching a planning decision about what is reasonable or not and defines a number of appropriate matters to be considered in making the planning decision. Therefore, the importance of the principle is in outlining all relevant matters and the relationships of factors to be considered throughout the process and is not simply to describe the features within a view that could be lost.

The principle identifies and rates the relative scenic value and importance of some view compositions and combinations of features compared to others. The features described were based on the particulars of that matter, for example water and areas of land-water interface, the presence of a combination of factors to create a whole view as opposed to a partial view and the presence of unique features and icons. Various combinations are attributed greater value than others and as such the loss of more highly views attracts more weight and importance when considering potential view loss. However the principle can be applied to various views and composition for example in relation to land views and city views which have scenic merit depending on their 'wholeness' or partiality and the features and combinations of features, unique items or topography etc which are present in views.

By describing the nature and predominant composition of the views *Tenacity* suggests that if there is no substantive view loss in qualitative or quantitative terms, then the threshold for proceeding to apply the principle may not be warranted.

The underlying intent in *Tenacity* requires the consideration of all relevant factors in reaching an overall view impact rating. Factors include:

- Scenic quality of the view including consideration of the predominant character; its intactness, wholeness or partiality, and whether the composition includes particular features for example 'icons' etc.
- Formal presentation (site boundary) of the dwelling in relation to the proposed development
- Internal room types and uses for the entire dwelling including an assessment of all potential view loss from the dwelling or entire residential flat building including views that will be unaffected,
- Ownership of space through or over which a view is gained,
- Remaining view composition,
- Reasonable development potential of site and,
- Overall reasonableness of potential view loss in the context of a proposal compliance with relevant controls and objectives.

4.5 POTENTIAL PRIVATE DOMAIN VIEW LOSS

Urbis fieldwork observations including consideration of the spatial arrangement, orientation and primary presentation of surrounding development, and an analysis of relative levels (RLs) using GIS software, informed the identification of potentially affected neighbours.

Urbis determined that three close neighbouring developments were likely to be affected to some extent by potential view loss. The three buildings include:

- Segenhoe Flats at 50 Wolfe Street
- Herald Apartments at 60 King Street
- The Newcastle Club at 40 Newcomen Street.

As access to these buildings was not possible, Urbis used available real estate floorplans and photos to understand likely views access and compositions and potential visual impacts of the proposal on those views.

Based on the information available and without the benefit of views inspections from upper level units in the Segenhoe Flats and Herald Apartments or from north facing areas of the Newcastle Club, Urbis make the following comments in relation to a *Tenacity* assessment if one was to be applied. The following analysis discusses the potential view loss which may be experienced from locations at each residential flat building and the Newcastle Club. We have identified two types of built form which are shown in photomontages being; lower and complying parts of the proposal (the upper limit of which is indicated by a blue colour line) and upper and non-complying a parts of the proposed built forms (the upper limit of which is indicated by a green colour line)

This analysis is based on objective data found and included below.

Figure 41 Viewshed map showing the indicative visibility of the proposal.

4.6 THE NEWCASTLE CLUB

View sharing outcomes are assessed against the *Tenacity* planning principle. The planning principle states that view impacts from neighbouring development should be assessed. Notwithstanding, the Newcastle Club is a commercial venture, it is a neighbour. In our opinion it warrants analysis, although we acknowledge that this is not a private dwelling and views are likely to be available for shorter periods.

The State listed heritage item is an Inter-War Georgian Revival 1920s building constructed of dark brick with symmetrical, classical elements including a neoclassical portico, solid wooden doors arched windows.

The building is charaterised broadly by a rectangular floorplate with a tiled hip and valley roof, where the northern terrace is enclosed by perimeter hedge and includes raised grassed areas and wooden pergolas. The site also includes 'Claremont' which is one of the original two Victorian Georgian mansions that occupied the site prior to the construction of the clubhouse. Claremont has a formal presentation to Newcomen Street (see Figure 42).

Step 1 – Existing views to be potentially affected

View compositions to the north and north-east are likely to include a foreground composition characterised by building development within the Newcastle CBD, parts of the Hunter River, and sections of land-water interface along the river's northern bank. The distant view composition will extend some kilometres beyond Stockton and may include notable landforms for example Worimi National Park and sand dunes up to approximately Fingal Bay. Such views include a combination of features and compositions that would be considered as scenic and highly valued, in *Tenacity* terms, for example a 'whole view' that includes unique topography, open areas of water and sections of land-water interface.

Effects of the complying built form

Based on analysis of photomontages from public domain locations, it is likely that the complying built form causes the loss of the scenic and highly valued features and as such the loss of those features is contemplated by the controls.

Effects of the Clause 4.6 Additional Height Sought

It is likely that the additional height sought, will block views of open sky beyond and will not block any scenic or highly valued features, as defined in *Tenacity*.

Step 2 – From where are the views available?

Views are obtained via the northern side boundary from an external terrace and associate indoor spaces (to a lesser extent) where views are likely from a standing position, as well as from the first and second stories both standing and seated. We acknowledge that this is considered to be the primary view from the Newcastle Club.

Step 3 – Extent of view impacts for whole building

It is likely that direct views north from the northern section of the building to and over the site will be blocked by mid and upper sections of Building 4S. From the external terrace it is likely that the majority of the view composition and available views would be of existing built form and tree canopy if standing, with seated views likely blocked by the hedge on the northern boundary of the site.

Easterly views to vernacular built form along Newcomen Street, and upper sections of commercial buildings beyond are likely to be unaffected by the proposal, as are south-westerly views of the Cathedral and Cathedral Park.

Indicative view impact rating for the whole building – Minor-Moderate

Step 4 – Reasonableness of Proposal

In our opinion, the view sharing outcome is reasonable and supportable given that the views of scenic and highly valued features are likely to be blocked by complying built form. In this regard the extent of view loss and view impacts overall for the Newcastle Club are contemplated by the Concept Approval, the LEP height control and the 10% competition bonus. The additional height sought is likely to create view loss of open sky.

Figure 42 View of the north and eastern elevations of the Newcastle Club from the intersection of King and Newcomen Street.

Figure 43 View of north-western corner of Newcastle Club with western orientated windows facing Cathedral Park.

4.7 SEGENHOE FLATS

50 Wolfe Street (known as Segenhoe Flats) is a State Heritage listed 7 storey Inter-War Art Deco residential flat building (RFB) constructed c.1937 with 25 dwellings (see Figure 44).

The building is characterised by an irregular floorplate with symmetrical eastern and western massing's with a narrower and recessed section of the building between the two. The building is clad with textured face brick with a pitched roof. The buildings formal front boundary presents to he east to Wolf Street and has wide setbacks, particularly to the north and south.

The site includes a semi-circular drive, masonry garage blocks to the north and south, a parking area and common gardens to the west and terraced gardens to the north.

Step 1 – Existing views to be potentially affected

View compositions to the north-east and east are likely to include a foreground composition characterised by built form within the Newcastle CBD, views of Cathedral Park and mature vegetation within it, views of Christ Church Cathedral, sections of the Hunter River and Nobbys Head and light house, with potential partial views of Fort Scratchley from the upper level. Such views include a combination of features and compositions that would be considered as scenic and highly valued, in *Tenacity* terms, for example views characterised by 'whole views', unique topography, open areas of water and land-water interface.

Effects of the complying built form

Based on analysis of photomontages from public domain locations, it is likely that the effects of the complying built form is dependent on the level of the dwelling. Complying built form, when viewed from lower levels of the building, is likely to block views of building development within the CBD, sections of the Hunter River, Nobbys Head, as well as land-water interface. From the upper most level the complying built form would likely block views of building development . Views of Nobbys Head, Fort Scratchley and the Hunter River are likely to be unaffected.

Effects of the Clause 4.6 Additional Height Sought

Based on analysis of the photomontages the additional height sought has a variable blocking effect based on the level of the building. It is likely that from the upper levels the additional height sought would block views of Fort Scratchley, a minor extent of open water and built form within the CBD. The additional height sought when viewed from lower levels would likely block views of built form within the CBD, as well as sections of the Hunter River and Nobbys Head.

Step 2 – From where are the views available?

Living rooms, dining rooms, sunrooms, bedrooms and bathrooms.

Step 3 – Extent of view impacts for whole building

It is likely that the proposal will block north-east views of land-water interface around Nobbys Head and the peninsula. The level of blocking is dependent on the height of the dwelling, with the top four stories likely impacted as they have a comparative height with the proposed built form.

The extent of view loss in north-easterly views will vary dependent of the level of the dwelling in the building. We note that views available form the majority of the building remain unaffected by the proposal, including views to the north which include built form in the CBD, the Hunter River and Stockton beyond, and include compositions which are considered scenic and highly valued.

Indicative view impact rating for the whole building - Minor.

Step 4 – Reasonableness of Proposal

In our opinion, the view sharing outcome is reasonable and supportable as the majority of views for the building are unaffected by the proposal. A minor extent of view loss including to scenic and highly valued features may be caused by the complying parts of the proposed development for mid and low level units. The proposal is likely to form a part of the visual composition, with views to the north and east remaining unaffected.

Figure 44 Segenhoe Flats.

Figure 45 Floorplan of east facing dwelling (source: realestate.comau).

Figure 46 Floorplan of Segenhoe Flats based on available real estate plans (source: realestate.com.au).

Figure 47 View north from Segenhoe Flats no. 17/50 - top floor of building (source: realestate.com.au).

Figure 48 View north-east from Segenhoe Flats no. 17/50 top floor of building (source: realestate.com.au).

4.8 THE HERALD APARTMENTS

The Herald Apartments at 60 King Street completed in 2019, is a contemporary residential flat building with ground level commercial uses, Including 116 apartments and 3 commercial suites which includes a restored heritage listed building at 28 Bolton Street (Newcastle Herald Building). The building has 9 levels (a basement, ground and 7 storeys) with essentially a rectangular floorplate with a square shaped extension of the site where it adjoins the retained heritage building. Levels 1-3 occupy the same floorplate area, where levels 4 – 7 step back from the below floors.

Step 1 – Existing views to be potentially affected

Views to the west include existing built from depending on the level of dwelling, with the mid and upper-level dwellings (levels 4-7) having more distant views to development, and partial views of part of the Hunter River and Carrington. Views south-west include oblique views to the Cathedral and Cathedral Park (see Figure 50) and north-westerly views include a section of the Hunter River and the suburb of Stockton. (see Figure 53). Views directly west however consist of vernacular built from which would not be considered to have high scenic quality as defined by *Tenacity*.

From the lower levels of the building, complying parts of the proposal would replace views of existing built form and carparking and partial views of buildings in the distance with views of contemporary built form. From the upper levels (levels 4-7), views directly west would be blocked by the proposal. All view blocking is likely to be cause by complying development (LEP and LEP10% bonus).

Effects of the complying built form

Based on analysis of photomontages from public domain locations, it is likely that the complying built form may cause potential view loss (refer to viewpoint 6) which includes a partial view of the western elevation of the Herald Apartment building.

Effects of the Clause 4.6 Additional Height Sought

The additional height sought blocks views of open sky beyond and does not block any scenic or highly valued features.

Step 2 – From where are the views available?

Living rooms, dining rooms and bedrooms.

Step 3 – Extent of view impacts for whole building

In our opinion, views directly west from dwellings are not characterised by compositions or features of any 'value', as defined in *Tenacity*. That is, they do not include a whole view that is characterised by icons or scenic and highly valued features as defined in *Tenacity* terms. These features are visible through oblique views and are unlikely to be affected by the proposal.

The buildings formal orientation is to King Street, and as such westward views being blocked are across the side boundary of the property, which *Tenacity* contemplates:

"For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries…The expectation to retain side views and sitting views is often unrealistic."

Northerly views from all levels of the residential flat building will be unaffected by the prospered development including complying and non-complying built form.

Views to the east from the mid and upper-level dwellings (levels 4-7) and would be unaffected by the proposal.

Views to the south would not be affected by the proposal.

Oblique views to the Cathedral (south-west) and Hunter River (north-west) remain available.

Indicative view impact rating for the whole building - Minor or less.

Step 4 – Reasonableness of Proposal

In our opinion, the view sharing outcome is reasonable and supportable given that views blocked do not appear to include scenic or highly valued features and the blocking effects are caused by fully complying built form. We also note that the views from the majority of the building remain unaffected by the proposal.

Figure 49 The Herald Apartments.

Figure 50 View south-west from dwelling 601 terrace - The Herald Apartments.

Figure 51 View south-west from dwelling 403 - The Herald Apartments.

Figure 52 View west from dwelling 403 terrace (level 4)- The Herald Apartments.

Figure 53 View north from dwelling 403 (level 4) unaffected - The Herald Apartments.

Figure 54 View west of the site from Newcomen Street.

SECTION 5:
VISUAL IMPACT ASSESSMENT

VIEW REFERENCE	LOCATION	RATING OF VISUAL EFFECTS ON VARIABLE WEIGHTING FACTORS AS LOW, MEDIUM OR HIGH "(Refer to Table 4 in Appendix 1 for descriptions of ratings) NB: high ratings mean low impacts e.g. where there is high compatibility or absorption, this reduces the significance of the weighting factor"			OVERALL RATING OF SIGNIFICANCE OF VISUAL IMPACT
		Public Domain View Place Sensitivity	Physical Absorption Capacity	Compatibility with Urban Context and Visual Character	
VP1	View south towards Newcastle CBD from Stockton Ferry Wharf	HIGH	HIGH	HIGH	LOW
VP2	View south-west towards the site from Fort Scratchley Parade Ground	HIGH	HIGH	HIGH	LOW
VP3	View south-west towards site from Nobbys pedestrian walkway	HIGH	HIGH	HIGH	LOW
VP4	View south towards Cathedral from Market Place (Cathedral to Harbour Corridor)	MEDIUM	MEDIUM	HIGH	LOW-MEDIUM
VP5	View south towards Cathedral from Queens Wharf promenade	MEDIUM	HIGH	HIGH	MEDIUM
VP6	View north-east over site from Cathedral Park	HIGH	LOW	HIGH	MEDIUM
VP7	View north towards site from north side of the Cathedral	LOW	LOW	LOW	LOW
VP8	View east towards site along Hunter Street	MEDIUM	HIGH	HIGH	LOW
VP9	View south towards Cathedral from The Station public domain	LOW	HIGH	HIGH	LOW
VP10	View north over site from Cathedral Park steps	HIGH	LOW	MEDIUM	MEDIUM

Table 1 Summary of ratings of visual effects on weighting factors.

Having determined the extent of the visual change based on the 10 representative modelled views (photomontages). Urbis have applied relevant weighting factors to determine the overall level of visual impacts or importance of the visual effects. The factors have been considered in relation to the visual effects to provide up-weight or down-weights and to determine a final impact rating.

The weighting factors include sensitivity, visual absorption capacity and compatibility with urban features.

5.1 SENSITIVITY

The overall rating for view place sensitivity was weighted according to the influence of variable factors such distance, the location of items of heritage significance or public spaces of high amenity and high user numbers.

The proposal is visible from a number of heritage items, public recreation spaces (some of which also carry heritage listings) and locations with identified views within the DCP to heritage items and therefore have a high level of sensitivity. These view locations however are largely either spatially separated or limited in views of the site and proposal by intervening built form and vegetation (such as from Fort Scratchley, the public promenade to Nobbys Head and north side of the Cathedral within Cathedral Park) or viewed for shorter durations of time. As such, the effects of the proposal on these locations is low, and has a low visual impact.

5.2 PHYSICAL ABSORPTION CAPACITY

Physical Absorption Capacity (PAC) means the extent to which the existing visual environment can reduce or eliminate the perception of the visibility of the proposed redevelopment.

PAC includes the ability of existing elements of the landscape to physically hide, screen or disguise the proposal. It also includes the extent to which the colours, material and finishes of buildings and in the case of buildings, the scale and character of these allows them to blend with or reduce contrast with others of the same or closely similar kinds to the extent that they cannot easily be distinguished as new features of the environment.

Prominence is also an attribute with relevance to PAC. It is assumed in this assessment that higher PAC can only occur where there is low to moderate prominence of the proposal in the scene.

- Low to moderate prominence means:
  - Low: The proposal has either no visual effect on the landscape or the proposal is evident but is subordinate to other elements in the scene by virtue of its small scale, screening by intervening elements, difficulty of being identified or compatibility with existing elements.
  - Moderate: The proposal is either evident or identifiable in the scene, but is less prominent, makes a smaller contribution to the overall scene, or does not contrast substantially with other elements or is a substantial element, but is equivalent in prominence to other elements and landscape alterations in the scene.

The existing visual environment has a high capacity to absorb the visual changes proposed in the modelled views, given that the immediate context includes a significant level of surrounding intervening built forms and vegetation which obstructs large sections of the proposal except from immediately adjacent viewpoints (such as immediately adjacent streetscapes). Long distance views, particularly those identified within the DCP, will have visibility of the proposal, however this will be amongst existing built form and would be visual change as opposed to visual impact.

5.3 VISUAL COMPATIBILITY

Visual Compatibility is not a measure of whether the proposal can be seen or distinguished from its surroundings. The relevant parameters for visual compatibility are whether the proposal can be constructed and utilised without the intrinsic scenic character of the locality being unacceptably changed. It assumes that there is a moderate to high visibility of the project to some viewing places. It further assumes that novel elements which presently do not exist in the immediate context can be perceived as visually compatible with that context provided that they do not result in the loss of or excessive modification of the visual character of the locality.

A comparative analysis of the compatibility of similar items to the proposal with other locations in the area which have similar visual character and scenic quality or likely changed future character can give a guide to the likely future compatibility of the proposal in its setting.

The proposed development has low-moderate compatibility with the existing visual character of the immediate visual context. The visual character surrounding the subject site is characterised by built forms that is of a smaller height to that which is proposed. However, the area is comprised of a variety of built forms as opposed to a homogeneity of built form styles which allows for a degree of built form variation.

The proposal has high visual compatibility due to its location within the Newcastle CBD which has a high level of varied built forms ranging in scale, architectural style construction dates and uses. The proposal would not alter the scenic character of the surrounding visual context and would not be at odds with viewers expectation of a CBD location.

5.4 VIEWING PERIOD

Viewing period in this assessment refers to the influence of time available to a viewer to experience the view to the site and the visual effects of the proposed development. Longer viewing periods, experienced either from fixed or moving viewing places such as dwellings, roads or waterways, provide for greater potential for the viewer to perceive the visual effects.

Visual effects resulting from the proposal with regard to viewing periods are moderate-low. Longer period views are possible from distant and medium public recreation and open space locations including Griffith Park to the north and Fort Scratchley and Nobbys Head to the east and the Hunter River, however as previously identified, the proposal will be viewed amongst existing built form.

Close views from the public domain are possible form the immediately surrounding streetscapes, including King Street, Newcomen Street and Hunter Street. Views from these locations will often be from moving situations (both vehicle and pedestrian) which decreases viewing times.

A more sustained view is possible from parts of Cathedral Park south of the site, however it is noted that mature vegetation within the site blocks views towards the proposal for large parts of the park, and that much of the northern part of the park with views of the site is on a steep incline which is likely to limit the number of viewers who would utilise the space for long periods of time (such as sports, picnicking etc)

5.5 VIEWING DISTANCE

Viewing distance can influence on the perception of the visual effects of the proposal which is caused by the distance between the viewer and the development proposed. It is assumed that the viewing distance is inversely proportional to the perception of visual effects: the greater the potential viewing distance, experienced either from fixed or moving viewing places, the lower the potential for a viewer to perceive and respond to the visual effects of the proposal.

The proposal is visible from close views within the immediate visual catchment, however the visibility of the proposal decreases in the wider visual catchment due to topography, intervening built form and vegetation and as such, the visibility and perceptibility of the proposal as a whole is limited in relation to distance.

5.6 SIGNIFICANCE OF RESIDUAL VISUAL IMPACTS

The final question to be answered after the mitigation factors are assessed, is whether there are any residual visual impacts and whether they are acceptable in the circumstances. These residual impacts are predominantly related to the extent of permanent visual change to the immediate setting.

In terms of the urban component of the development, residual impacts relate to individuals' preferences for the nature and extent of change which cannot be mitigated by means such as colours, materials and the articulation of building surfaces. These personal preferences are to, or resilience towards change to the existing arrangement of views. Individuals or groups may express strong preferences for either the existing, approved or proposed form of urban development.

In our opinion visual impacts on views modelled are similar to the extent of change within the Approved Concept DA scheme, and the level of view impacts and blocking effects between the approved and proposed are of comparable levels.

5.7 APPLYING THE 'WEIGHTING' FACTORS

To arrive at a final level of significance of visual impact, the weighting factors are applied to the overall level of visual effects.

The proposed development has been assessed against the Approved Concept DA Envelopes, LEP height control and additional 10% awarded to the LEP, as well as the proposal's impact on documented views within the Newcastle DCP. While the proposed massing includes additional height, it was found to be compatible with the objectives of the Approved Concept Envelopes and maintained views identified DCP views. This provided a 'down-weight' to the level of visual effects.

5.8 OVERALL VISUAL IMPACTS

Taking into consideration the existing visual context and baseline factors against which to measure change, the level of visual effects of the proposed development and in the context of additional weighting factors, the visual impacts of the proposed development were found to be acceptable.

SECTION 6:
CONCLUSION

- In our opinion the proposed development creates low to medium visual effects on the majority of baseline factors such as visual character, scenic quality and view place sensitivity from public domain view locations.
- Of the 10 public domain views analysed, 6 views were rated as low visual impact, 1 view as low-medium impact and 3 as medium visual impact.
- In summary the majority of views (8 out of 10) visual impacts were rated as low or low-medium. These are low ratings on the qualitative scale.
- The complying parts of the building block the majority of scenic and highly valued items.
- The additional height sought above the complying development blocks predominantly views of open sky from the majority of public domain locations assessed.
- Where additional height sought blocks features that are scenic or highly valued, the additional height sought was found to block a minor and limited extent.
- The likely view impacts on the assessed private domain buildings based on available information was found to be reasonable and acceptable given that:
    - The majority of view loss is a result of complying development
    - When views available from the whole building (not just impacted views) are considered, the majority of views are unaffected by the proposal which therefore limit the overall view sharing impact for each whole dwelling and each whole residential flat building.
- Where the additional height sought blocks features that are scenic or highly valued as defined in *Tenacity*, we determined that it was to a limited and minor extent.
- The re-massed built forms results in lower visual impacts and a better public domain view sharing outcome. This is achieved by the inclusion of a wide view corridor between the Hunter River and the Cathedral and the protection of DCP view 21.
- Considering the visual effects of the proposal and view impacts on both the public and private domain, the proposal is considered reasonable and acceptable and the DA can be supported on visual impact grounds.

SECTION 7:
APPENDIX

APPENDIX 1

ANALYSIS OF VISUAL EFFECTS

Published on the NSW Department of Planning, Industry and Environment website via major projects tab (NSW DPIE). This information has been developed by RLA and is acknowledged as being a comprehensive summary of typical descriptions regarding visual effects. The descriptions below have been used as a guide to make subjective judgements in relation to the effects and impacts of the proposed development on each modelled view.

Factors	Low Effect	Medium Effect	High Effect
Scenic quality	The proposal does not have negative effects on features which are associated with high scenic quality, such as the quality of panoramic views, proportion of or dominance of structures, and the appearance of interfaces.	The proposal has the effect of reducing some or all of the extent of panoramic views, without significantly decreasing their presence in the view or the contribution that the combination of these features make to overall scenic quality	The proposal significantly decreases or eliminates the perception of the integrity of any of panoramic views or important focal views. The result is a significant decrease in perception of the contribution that the combinations of these features make to scenic quality
Visual character	The proposal does not decrease the presence of or conflict with the existing visual character elements such as the built form, building scale and urban fabric	The proposal contrasts with or changes the relationship between existing visual character elements in some individual views by adding new or distinctive features but does not affect the overall visual character of the precinct's setting.	The proposal introduces new or contrasting features which conflict with, reduce or eliminate existing visual character features. The proposal causes a loss of or unacceptable change to the overall visual character of individual items or the locality.
View place sensitivity	Public domain viewing places providing distant views, and/or with small number of users for small periods of viewing time (Glimpses-as explained in viewing period).	Medium distance range views from roads and public domain areas with medium number of viewers for a medium time (a few minutes or up to half day-as explained in viewing period).	Close distance range views from nearby roads and public domain areas with medium to high numbers of users for most the day (as explained in viewing period).
Viewer sensitivity	Residences providing distant views (>1000m).	Residences located at medium range from site (100-1000m) with views of the development available from bedrooms and utility areas.	Residences located at close or middle distance (<100m as explained in viewing distance) with views of the development available from living spaces and private open spaces.
View composition	Panoramic views unaffected, overall view composition retained, or existing views restricted in visibility of the proposal by the screening or blocking effect of structures or buildings.	Expansive or restricted views where the restrictions created by new work do not significantly reduce the visibility of the proposal or important features of the existing visual environment.	Feature or focal views significantly and detrimentally changed.
Viewing period	Glimpse (e.g. moving vehicles).	Few minutes to up to half day (e.g. walking along the road, recreation in adjoining open space).	Majority of the day (e.g. adjoining residence or workplace).
Viewing distance	Distant Views (>1000m).	Medium Range Views (100- 1000m).	Close Views (<100m).
View loss or blocking effect	No view loss or blocking.	Partial or marginal view loss compared to the expanse/extent of views retained. No loss of views of scenic icons.	Loss of majority of available views including loss of views of scenic icons.

Table 2 Description of visual effects.

APPENDIX 2

ANALYSIS OF VISUAL IMPACTS

In order to establish an objective assessment of the extent and significance of the likely visual changes in each view, Urbis have used the following descriptions of visual impacts on baseline factors sourced from Richard Lamb and Associates (RLA).

Factors	Low Impact	Medium Impact	High Impact
Physical absorption capacity	Existing elements of the landscape physically hide, screen or disguise the proposal. The presence of buildings and associated structures in the existing landscape context reduce visibility. Low contrast and high blending within the existing elements of the surrounding setting and built form.	The proposal is of moderate visibility but is not prominent because its components, texture, scale and building form partially blend into the existing scene.	The proposal is of high visibility and it is prominent in some views. The project location is high contrast and low blending within the existing elements of the surrounding setting and built form.
Compatibility with urban/natural features	High compatibility with the character, scale, form, colours, materials and spatial arrangement of the existing urban and natural features in the immediate context. Low contrast with existing elements of the built environment.	Moderate compatibility with the character, scale, form and spatial arrangement of the existing urban and natural features in the immediate context. The proposal introduces new urban features, but these features are compatible with the scenic character and qualities of facilities in similar settings.	The character, scale, form and spatial arrangement of the proposal has low compatibility with the existing urban features in the immediate context which could reasonably be expected to be new additions to it when compared to other examples in similar settings.

Table 3 Indicative Ratings Table of Visual Impact Factors.

APPENDIX 3
VISUAL ASSESSMENT PHOTOMONTAGE METHODOLOGY

CERTIFICATION OF PHOTOMONTAGES

The method of preparation is outlined in Appendix 3 of this report, prepared by Urbis visualisation - lead Ashley Poon.

The accuracy of the locations of the 3D model of the proposed development with respect to the photographic images was checked by Urbis in multiple ways:

1. The model was checked for alignment and height with respect to the 3D survey and adjacent surveyed reference markers which are visible in the images.
2. The location of the view place was determined by the camera's in built GPS system. The visual context was accurately established using LiDar point data. For further information refer to photomontage preparation methodology in Appendix 3.
3. Reference points from the survey were used for cross-checking accuracy in all images.
4. No significant discrepancies were detected between the known camera locations and those predicted by the computer software. Minor inconsistencies due to the natural distortion created by the camera lens, were reviewed by myself and were considered to be within reasonable limits.

I am satisfied that the photomontages have been prepared in accordance with the Land and Environment Court of New South Wales practice direction.

I certify, based on the methods used and taking all relevant information into account, that the photomontages are as accurate as is possible in the circumstances and can be relied upon by the Court for assessment.

URBIS

EAST END NEWCASTLE

VISUAL ASSESSMENT | PHOTOMONTAGES

PREPARED FOR
IRIS CAPITAL
APRIL 2023

PHOTOMONTAGES PREPARED BY:

Urbis, Level 10, 477 Collins Street, MELBOURNE 3000.

DATE PREPARED :

18 April 2023

VISUALISATION ARTIST :

Ashley Poon, Urbis – Lead Visual Technologies Consultant

Bachelor of Planning and Design (Architecture) with over 20 years' experience in 3D visualisation

Enisa Muranovic, Urbis – Visual Technologies Consultant

Bachelor of Design (Landscape Architecture)

LOCATION PHOTOGRAPHERS :

Nick Sisam, Urbis - Associate Director, National Design

Jane Maze-Riley, Urbis - Director, National Design.

CAMERA :

Canon EOS 6D Mark II - 26 Megapixel digital SLR camera (Full-frame sensor)

CAMERA LENS AND TYPE :

Canon EF 24-105mm f/4L IS USM

SOFTWARE USED :

- 3DSMax 2023 with Arnold 5.0 (3D Modelling and Render Engine)
- AutoCAD 2022 (2D CAD Editing)
- Globalmapper 23 (GIS Data Mapping / Processing)
- Photoshop CC 2022 (Photo Editing)

DATA SOURCES :

- Point cloud and Digital Elevation Models from NSW Government Spatial Services datasets - Newcastle 2018 & 2014
- Aerial photography from Nearmap - 2022-01-15
- Proposed 3D model received from Architect - 2023-02-27
- Height planes 3D model received from Architect - 2023-04-03

METHODOLOGY :

Photomontages provided on the following pages have been produced with a high degree of accuracy to comply with the requirements as set out in the practice direction for the use of visual aids in the Land and Environment Court of New South Wales.

The process for producing these photomontages are outlined below:

- Photographs have been taken on site using a full-frame digital camera coupled with a quality lens in order to obtain high resolution photos whilst minimising image distortion. Photos are taken handheld at a standing height of 1.65m above natural ground level. Photos have generally been taken at a standard focal length of 50mm or at 35mm to cover a wider context. A photo taken using the 50mm focal length on a full-frame camera (equivalent to 40° horizontal field-of-view / 46.8° diagonal field-of-view) is an accepted photographic standard to approximate human vision.
- Using available geo-spatial data for the site, including independent site surveys, aerial photography, digital elevation models and LiDAR point-clouds, the relevant datasets are validated and combined to form a geo-referenced base 3D model from which additional information, such as proposed architecture, landscape and photographic viewpoints can be inserted.
- Layers of the proposed development are obtained from the designers as digital 3D models and 2D plans. All drawings/models are verified and registered to their correct geo-location before being inserted into the base 3D model.
- For each photo being used for the photomontage, the photo's survey location, camera, lens, focal length, time/date and exposure information is extracted, checked and replicated within the 3D base model as a 3D camera. A camera match is created by aligning the 3D camera with the 3D base model against the original photo, matching the original photographic location and orientation.
- From each viewpoint, a reference 3D model camera match is generated to verify an accurate match between the base 3D model (existing ground survey/vegetation etc) and original photo. A 3D wireframe image of the 3D base model is rendered in the 3D modelling software and composited over the original photo using the photo-editing software.
- From each viewpoint, the final photomontage is then produced by compositing 3D rendered images of the proposed development into the original photo with editing performed to sit the render at the correct view depth. Photographic elements are cross-checked against the 3D model to ensure elements such as foreground trees and buildings that may occlude views to the proposed development are retained. Conversely, where trees/buildings may be removed as part of the proposal, these are also removed in the photomontage.

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

PHOTOMONTAGES - VIEW LOCATION MAP

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_MAP
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP01 IMG 5376 : EXISTING CONDITIONS : 2023-02-08 09:54 AEST

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_1A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP01 IMG 5376 : CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_1B
REV: -

LEGEND

- LEP HEIGHT PLANE +10%
- LEP HEIGHT PLANE +10% (NOT VISIBLE)
- LEP HEIGHT PLANE
- LEP HEIGHT PLANE (NOT VISIBLE)
- APPROVED CONCEPT DA ENVELOPE

PROPOSED DEVELOPMENT

DISTANCE TO PROJECT - 810M

ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP01 IMG 5376 : PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_1C
REV: -

ORIGINAL PHOTO EXTENT - 105MM VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP02 IMG 5382 : EXISTING CONDITIONS : 2023-02-08 10:51 AEST

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_2A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP02 IMG 5382 : CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_2B
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP02 IMG 5382 : PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_2C
REV: -

ORIGINAL PHOTO EXTENT - 105MM VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP03 IMG 5389 : EXISTING CONDITIONS : 2023-02-08 11:12 AEST

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_3A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP03 IMG 5389 : CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_3B
REV: -

LEGEND

- LEP HEIGHT PLANE +10%
- LEP HEIGHT PLANE +10% (NOT VISIBLE)
- LEP HEIGHT PLANE
- LEP HEIGHT PLANE (NOT VISIBLE)
- APPROVED CONCEPT DA ENVELOPE

PROPOSED DEVELOPMENT

DISTANCE TO PROJECT - 930M
ORIGINAL PHOTO EXTENT - 105MM VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP03 IMG 5389 : PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_3C
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP04 IMG 5399 : EXISTING CONDITIONS : 2023-02-08 11:47 AEST

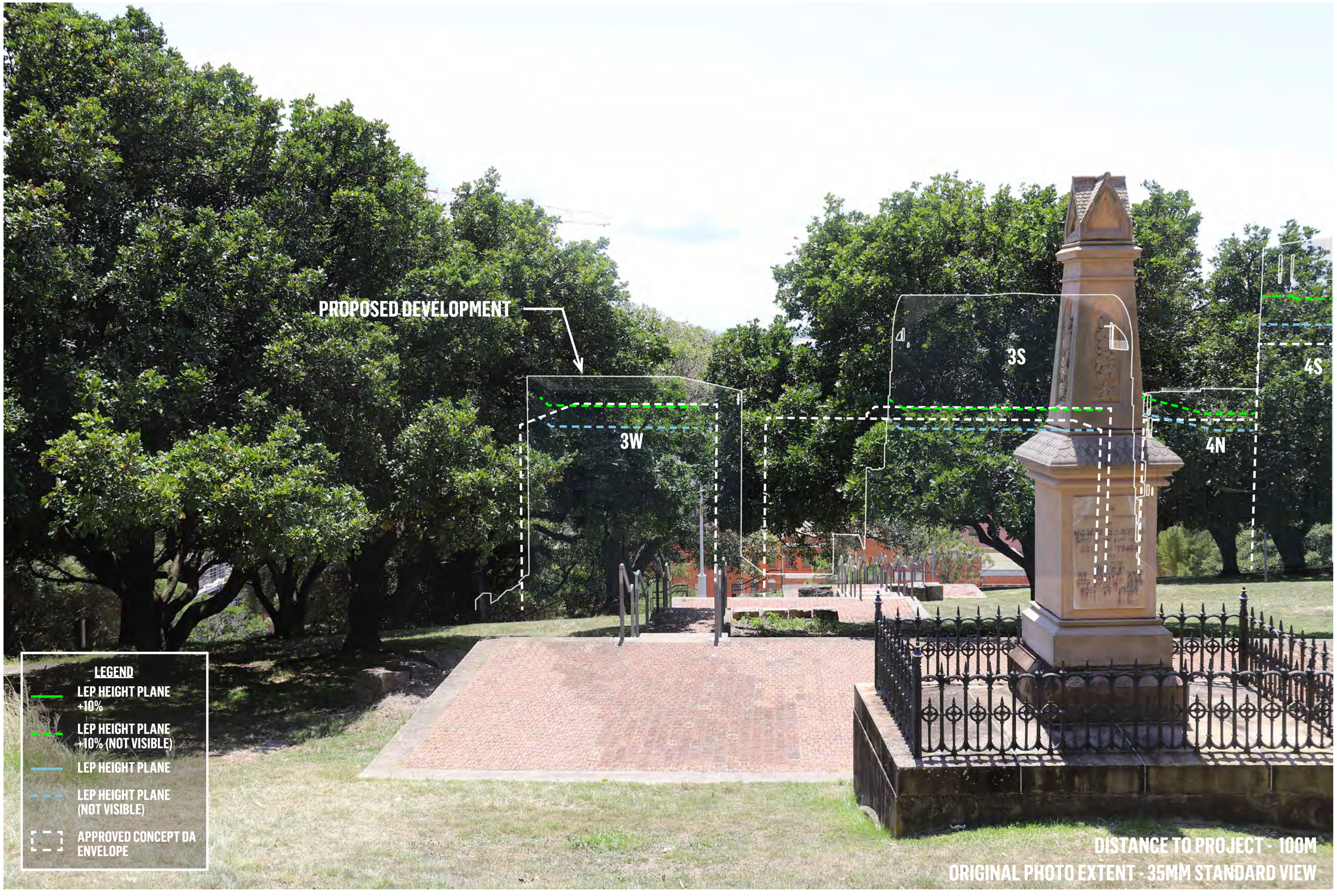
DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_4A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP04 IMG 5399 : CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_4B
REV: -



URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP04 IMG 5399 : PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_4C
REV: -

ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP05 IMG 5405 : EXISTING CONDITIONS : 2023-02-08 11:53 AEST

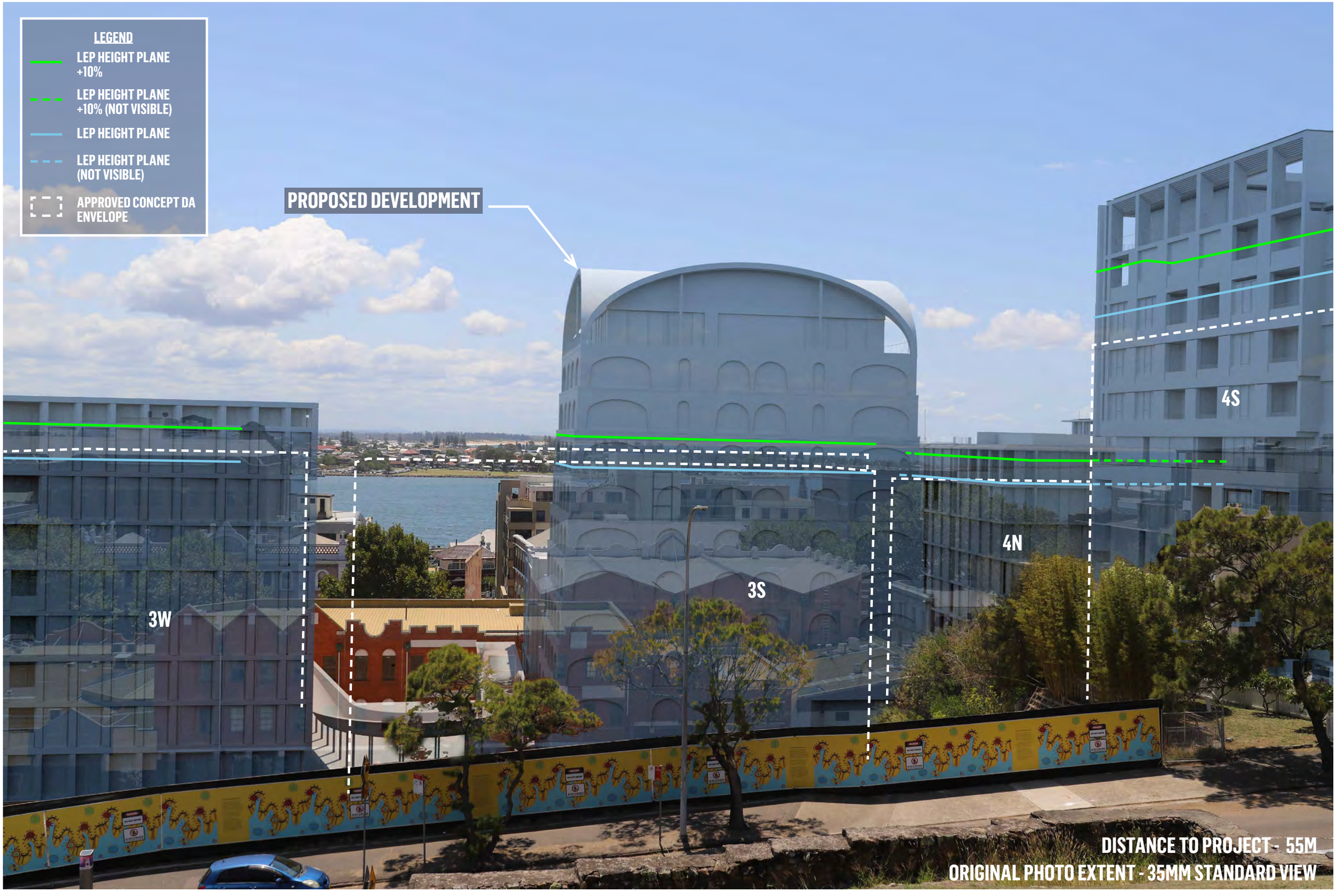
DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_5A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP05 IMG 5405 : CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_5B
REV: -



URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP05 IMG 5405 : PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_5C
REV: -

ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP06 IMG 5407 : EXISTING CONDITIONS : 2023-02-08 11:56 AEST

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_6A
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP06 IMG 5407 : CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_6B
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP06 IMG 5407 : PHOTOMONTAGE - PROPOSED DEVELOPMENT

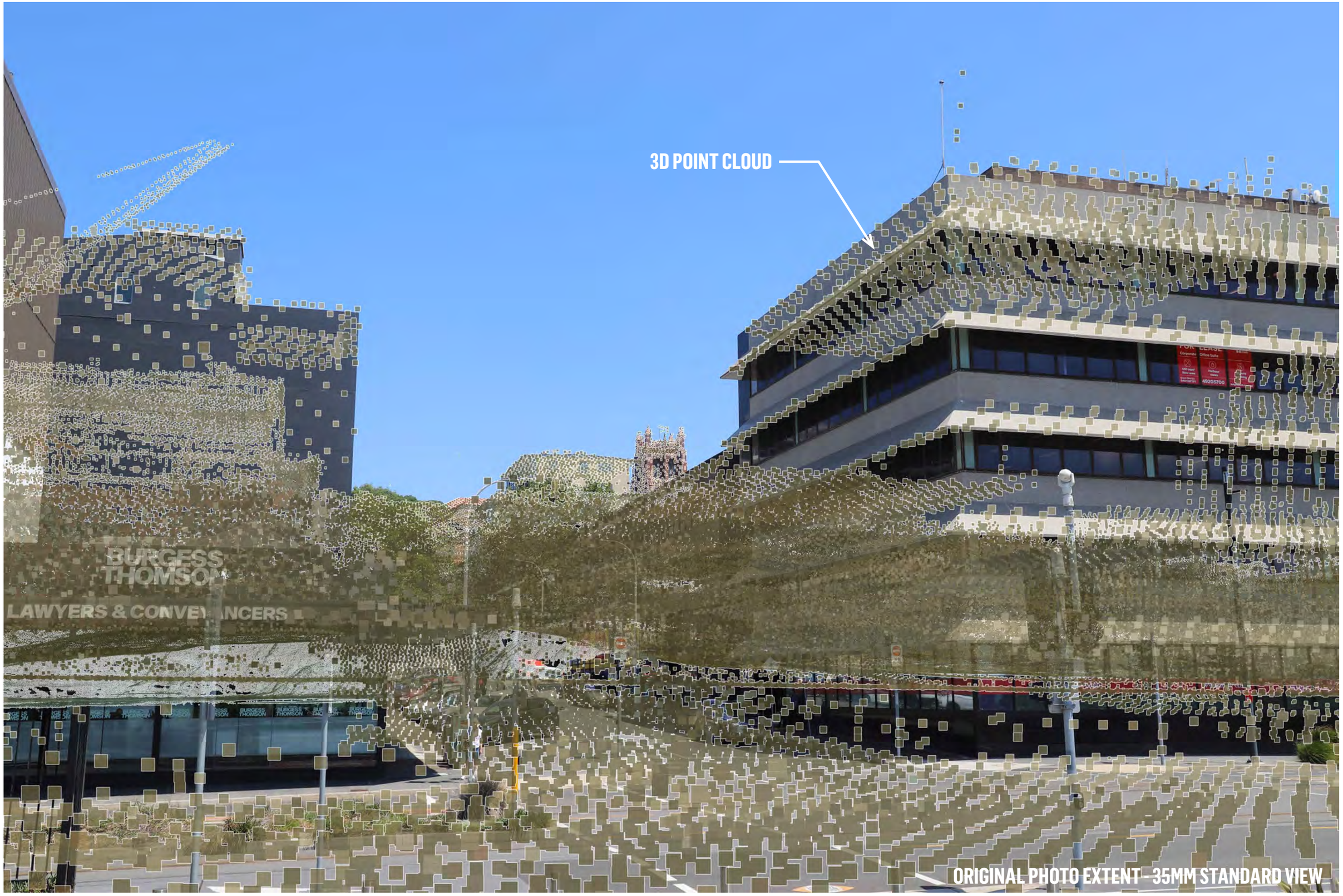
DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_6C
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP07 IMG 5427 : EXISTING CONDITIONS : 2023-02-08 12:59 AEST

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_7A
REV: -



URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP07 IMG 5427 : CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_7B
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP07 IMG 5427 : PHOTOMONTAGE - PROPOSED DEVELOPMENT

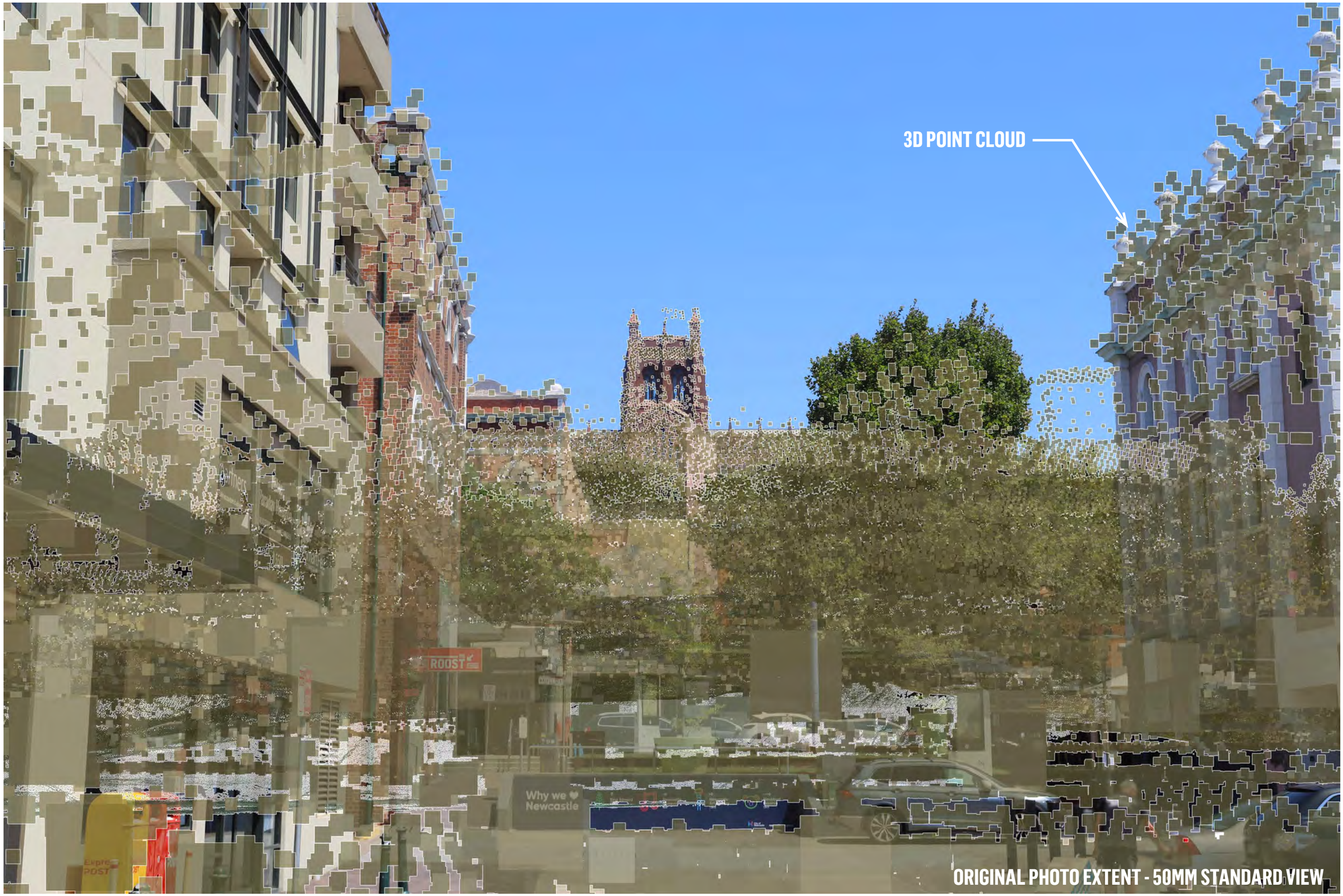
DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_7C
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP08 IMG 5440 : EXISTING CONDITIONS : 2023-02-08 13:15 AEST

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_8A
REV: -



URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP08 IMG 5440 : CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_8B
REV: -

PROPOSED DEVELOPMENT

3S

3W

LEGEND

- LEP HEIGHT PLANE +10%
- LEP HEIGHT PLANE +10% (NOT VISIBLE)
- LEP HEIGHT PLANE
- LEP HEIGHT PLANE (NOT VISIBLE)
- APPROVED CONCEPT DA ENVELOPE

DISTANCE TO PROJECT - 45M

ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP08 IMG 5440 : PHOTOMONTAGE - PROPOSED DEVELOPMENT

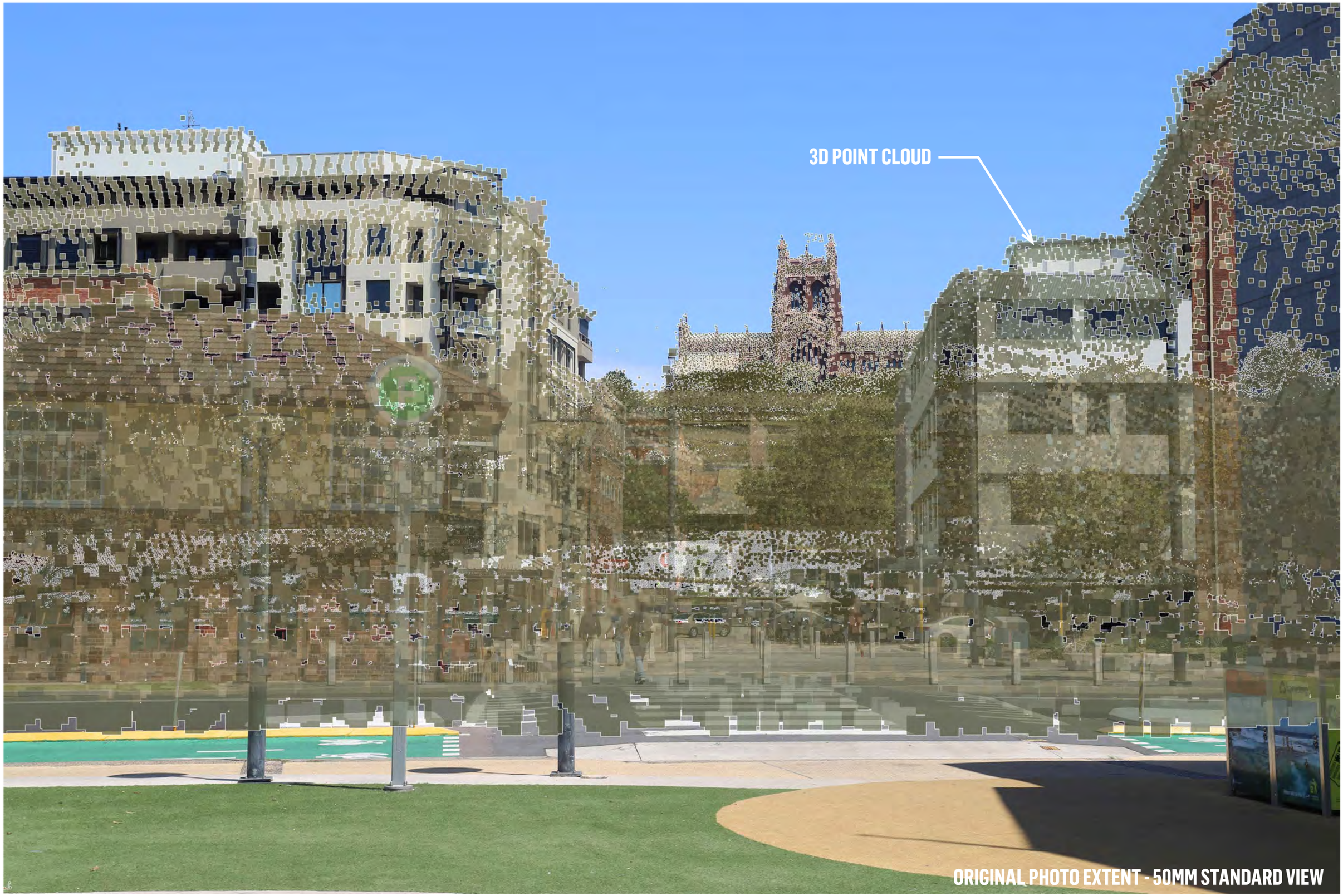
DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_8C
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP09 IMG 5445 : EXISTING CONDITIONS : 2023-02-08 13:17 AEST

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_9A
REV: -



URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP09 IMG 5445 : CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_9B
REV: -

PROPOSED DEVELOPMENT

3S

3W

LEGEND

- LEP HEIGHT PLANE +10%
- LEP HEIGHT PLANE +10% (NOT VISIBLE)
- LEP HEIGHT PLANE
- LEP HEIGHT PLANE (NOT VISIBLE)
- APPROVED CONCEPT DA ENVELOPE

DISTANCE TO PROJECT - 160M

ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP09 IMG 5445 : PHOTOMONTAGE - PROPOSED DEVELOPMENT

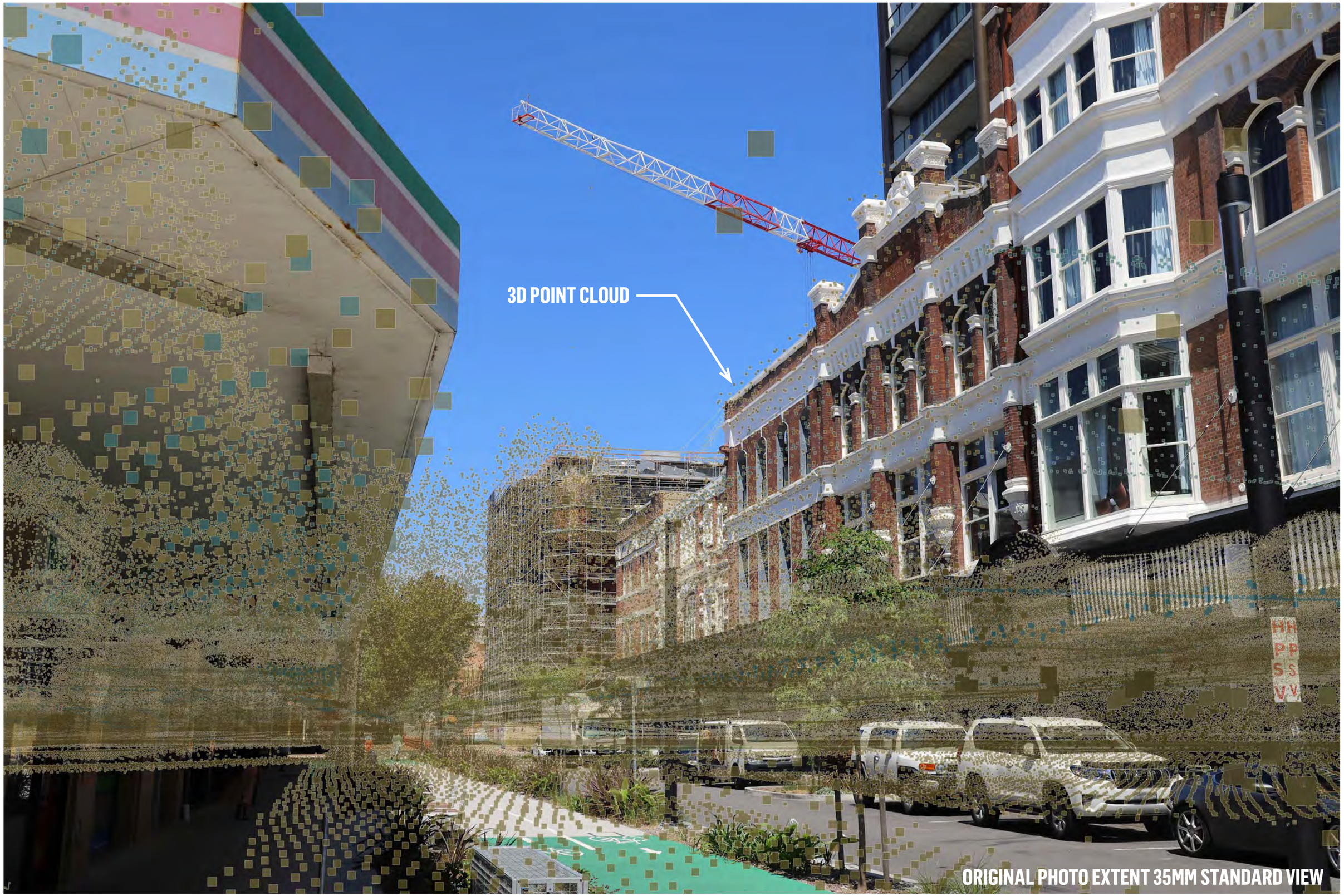
DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_9C
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP10 IMG 5450 : EXISTING CONDITIONS : 2023-02-08 13:29 AEST

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_10A
REV: -



URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP10 IMG 5450 : CAMERA MATCH 3D MODEL TO PHOTO

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_10B
REV: -

URBIS

EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP10 IMG 5450 : PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2023-04-18
JOB NO: P0042943
DWG NO: VP_10C
REV: -