

Review of determination and stage 3 & 4 of the
East End Development at 121 Hunter Street
Newcastle

VISUAL IMPACT ASSESSMENT REVIEW

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Visual Impact Assessment Review

Prepared for: City of Newcastle

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*We wish to acknowledge the Traditional Owners of country throughout Australia
and recognise their continuing connection to land, waters and community.
We pay our respects to them and their cultures; and to elders both past and present.*

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1.1 Purpose of this review

This report reviews relevant visual impact matters associated with a modification application refused by the Hunter and Central Coast Regional Planning Panel (HCCRPP) on 15 May 2024, that is the subject of a *Division 8.2* application by the Applicant to review that decision (ref. MA2023/00175 and RE2024/00002). The modification application proposes to modify the building heights and envelopes approved under the Concept DA (ref. DA2017/00701).

The subject site is generally referred to as Stage 3 and 4 of the East End Development at 121 Hunter Street Newcastle

The HCCRPP gave four reasons for refusing MA2023/00175, hereafter referred to as the 'MOD'). This report was commissioned by the City of Newcastle (Council) primarily to address the second reason for that refusal, being:

'The modification application will have unacceptable cumulative impacts on both the public and private views and is therefore unacceptable pursuant to Section 4.15(1)(b) Environmental Planning and Assessment Act 1979'.

In response, this report focusses on the most important information relating to that second reason, including the potential effects on both public and private views, the potential cumulative visual impacts and the acceptability (or reasonableness) of those impacts. It also compares the visual impacts of the Concept DA (the current approved development for the site) to the MOD.

The report does not make specific recommendations. Its role is to provide an assessment of the visual effects of the MOD, including comparing it with the Concept DA, that is as objective as possible.

The Key Findings (last section) summarises the main points made in report.

Scope of engagement

Council requested the following be covered in this review in terms of visual impact assessment:

- Public domain impacts - including reviewing updated public domain montages
- Cumulative view impact analysis to address the reasons for refusal in the Panel determination
- Impacts to private views - including site visits to key objector sites and addressing *Tenacity*

- Analysis of view impacts between existing concept approval and proposed modification to the concept
- Peer review of Applicant's submitted VIA, including desktop review of the geolocational software application and images.

1.2 Approach to review

In addition to reviewing relevant documents (listed below), as part of preparing this report I have:

- Undertaken field observations from all of the main public viewpoints assessed in the VIA
- Visited the Newcastle Club and six apartments in the Segenhoe building, six apartments in the Herald Apartments and two apartments in the Newcomen Apartments to make observations and consider potential view loss from those private viewpoints
- Participated in a HCCRPP briefing, including a visit to public sites (including Stockton, Queens Wharf, Market Street and the grounds of Christ Church Cathedral and listening to presentations by representatives of the Applicant and the Council
- Requested additional information from the Applicant through a Council Request for Information (RFI), which included requesting two additional photomontages from the Stockton side of the harbour.

Note on Urbis photomontages

The main photomontages referred to in this report (which are listed in **Table 4-1** in the last 'Key Findings' section) have been consolidated into **Appendix A (main effects to public views)** and **Appendix B (main effects to private views)** for ease of reference. All other additional images are provided in the *VS&VIA*.

Photomontages are usually only subject to specific requirements when a proposed development is a NSW Land and Environment Court (LEC) matter, with the LEC photomontage practice notes (both the now superseded 2013 and current 2024 documents) designed to standardise the preparation of photomontages and ensure consistency. The development application for the MOD therefore does not require photomontages that meet the LEC policy standard, however, Urbis states in the *VIA View A and B* that '*photomontages have been prepared to satisfy the LECNSW photomontage policy May 2024*' and the *VS&VIA* refers to the photomontages being '*Certifiably accurate photomontages (as per Land and Environment Court of NSW policy)*'.

A review has shown, however, that the photomontages in both those documents do not fully comply with LEC 2013 or 2024 photomontage practice note requirements and

should therefore be considered as approximate. Further details are provided in **Appendix D**.

Regardless of the limitations described above, the Urbis photomontages have been used to assist my review where relevant in the absence of alternative illustrations.

1.3 Relevant documents

The most relevant documents in regard to view impact and view sharing assessment for this Division 8.2 review, are:

- *Consolidated Section 8.2 Review Planning Report* prepared by Urbis dated October 2024, referred to hereafter as 'S8.2 Review Planning Report'.
- *Applicants Response to RFI dated 26 September 2024 Cover Letter* prepared by Urbis, referred to hereafter as 'RFI 26 Sep 2024 Cover Letter'.
- *East End Stage 3 and 4 Visual Impact Assessment* prepared by Urbis dated April 2023, referred to hereafter as 'VIA'
- *East End Newcastle View Sharing & Visual Impact Assessment* prepared by Urbis dated February 2024, referred to hereafter as 'VS&VIA'.
- *Response to RFI dated 26 September 2024 View A and View B* prepared by Urbis dated October 2024, referred to hereafter as 'VIA View A and B'.

The RFI 26 Oct 2024 Cover Letter provides confirmation that the above-mentioned reports remain relevant for assessment and that previous documentation pertaining to visual impact not mentioned above should be assumed to be superseded.

1.4 Proposed development (MOD) and history

The subject site is located at 105-137 Hunter Street, 3 Morgan Street, 22 Newcomen Street and 66-74 King Street, Newcastle. A Staged Development Application (DA2017/00701) (the Concept DA) for the East End precinct was approved by the JRPP in 2017. The modification application (MA2023/00175) was lodged in 2023 to amend the Concept DA.

The changes are proposed to enable the winning architectural scheme from the Design Competition held in relation to the site, including the realisation of a view corridor between the harbour and Cathedral and construction of a public plaza in this area. In summary, the changes relate to an increase in building height for four of the five approved envelopes,

being buildings 3 West (3W), 3 South (3S)¹, 4 North (4N) and 4 South (4S). Building 3 North ((3N) also known as the Municipal Building), experiences a reduction in building height, as the three-levels of approved massing atop of the parapet is proposed to be deleted. The siting of 3W is now splayed, with an increased side setback from the western boundary.

The approved and modified building envelopes proposed under this application are shown in **Table 1-1**.

Table 1-1: Summary of Concept DA and MOD proposed Building RLs (reduced levels) (source: Council)

	Approved Concept Plan Height	Modification Application
Municipal Building	RL+31.28	RL+20.43
Building 3W	RL+30.20	RL+34.30
Building 3S	RL+30.20	RL+45.65
Building 4N	RL+28.35	RL+36.92
Building 4S	RL+42.00	RL+51.70

1.5 Review author

As the author (Stacey Brodbeck), I have over 30 years of professional experience specialising in visual impact assessment and hold a Bachelor of Landscape Architecture, a Master of Environmental Planning, and am a Registered Landscape Architect (#719) and Registered Planner (#7761).

I hold, and have held, ministerial appointments on numerous government expert planning panels, with current appointments on Mosman Local Planning Panel, Central Coast Local Planning Panel and Lake Macquarie Design Review Panel. Prior to becoming the Director of Envisage Consulting in 2006, I worked for both local government and multi-disciplinary firms for 15 years. I am a recognised expert in visual impact and view loss matters in the NSW Land and Environment Court (LEC) and recently represented North Sydney Council in a high-profile case involving the MLC heritage building. I have also recently prepared an independent review for the NSW Department of Planning on a visual matter. I have worked and resided in the local region for most of my professional career.

¹ It is noted that the applicant's supporting documentation contains two alternate building references to the 'dome' building, being building 3 South and building 3 East. For clarity, individually this building is referred to herein as Building 3 South (3S (dome)). The collective reference term for the Municipal and the dome buildings together, is 3 East (3E).

2.1 Assessment methodology

There is no specific methodology for assessing the impact to public views for this type of proposed development that is established by either NSW or Federal legislation.

As a result, in NSW individual practitioners specialising in visual impact assessment usually apply a methodology developed from a mix of recognised Australian and international guidelines that they have developed into their own methodology over time. Such is the case in this instance, where Urbis have developed a specific detailed methodology which has been applied in their main visual impact assessment. In the Urbis *VIA View A & B* a second assessment method has also been used, however, for simplicity and consistency this review has focussed on the dominant assessment method used.

My response to assessing view impacts

I have focussed on the two main factors² which are conventionally applied to identify view impact levels, being:

1. How sensitive is the view to change? (considers aspects such as the nature of receptors (viewers), the value given to the view, susceptibility to change)
2. What would be the extent of change to the view? (e.g. the magnitude of change, including considering scale, contrast to character, loss of valued elements and opportunity for positive outcomes, etc).

This acknowledges that magnitude (extent of visual change) alone is not the sole factor in determining the acceptability of visual impact. Rather, magnitude is combined with the concept of 'sensitivity of the view' to inform this judgement. When a higher sensitivity or value is given to a view, even a small change can be considered of relatively high visual impact.

In general, the Urbis methodology in the VIA is generally consistent with considering the two numbered questions listed above (1 and 2). My review therefore concentrates on my response to the overall conclusions made, and impact levels given, for the public viewpoints assessed. A second methodology (identified as '*Rose Bay*') was used by Urbis for public viewpoints A and B. However, as this additional methodology was not applied to other public viewpoints it is not specifically referred to in this review.

² *Guidelines for Landscape and Visual Impact Assessment, Third edition* (United Kingdom Landscape Institute and Institute of Environmental Management and Assessment, 2013)

2.2 Public views to MOD

Overall, 13 public views were illustrated with photomontages by Urbis in their VS&VIA (and VIA), including the three relevant View Corridors from Council's *Development Control Plan (DCP) 2012*. Two additional views were also requested in Council's RFI which are the subject of Urbis' *VIA View A&B*. Maps showing all viewpoints considered by Urbis are provided overleaf and all are listed in **Table 2-1**, which also summarises Urbis' visual impact rating and my response.

It is my opinion that due to the State Heritage status of the Cathedral that the views to it from Stockton (and associated eastern end of Newcastle Harbour), are of at least the same value as the two DCP view corridors of 15 (Market Street) and 21 (Stockton Ferry Wharf) and more valuable than the more minor DCP view corridor of 17 (Morgan Street).

Table 2-1: Summary of public viewpoints illustrated by Urbis photomontages and impact levels (including my opinion)

Public view	Description	Urbis rating	My response
NDCP View Corridor 17	Morgan Street, looking south west (from Hunter Street Mall)	Low	Agree
View 01 DCP View Corridor 21	View south towards Newcastle CBD from Stockton Ferry Wharf	Low	Medium (discussion section. 2.4.1)
View 02	View south-west towards site from Fort Scratchley Parade Ground	Low	Agree
View 03	View south-west towards site from Nobbys pedestrian walkway	Low	Agree
View 04 (DCP View Corridor 15)	View south towards Cathedral from Market Place (Cathedral to Harbour Corridor)	Low-medium	Agree
View 05 (DCP View Corridor 15)	View south towards Cathedral from Queens Wharf promenade (Cathedral to Harbour Corridor)	Medium	Agree
View 06	View north-east over site from Cathedral Park	Medium	Agree
View 07	View north towards site from north side of the Cathedral	Low	Agree
View 08	View east towards site along Hunter Street	Low	Agree
View 09	View south towards Cathedral from The Station public domain	Low	Agree
View 10	View north over site from Cathedral Park steps	Medium	Agree
View A	View south towards Newcastle CBD from Pitt Street Reserve (Stockton)	Low	Medium (discussion section. 2.4.2)
View B	View south towards Newcastle CBD from Lions Park (Stockton)	Low	Medium (discussion section. 2.4.2)



Figure 2-1: Map of all viewpoints considered in visual impact assessment by Urbis (source Urbis' VS&VIA)



Figure 2-2: Locations of viewpoints A and B (source Urbis *VIA View A and B*)

2.1 VIEW PLACE LOCATIONS

View No.	VIEWPOINT LOCATION & DESCRIPTION
View A	View south towards Newcastle CBD from Pitt Street Reserve
View B	View south towards Newcastle CBD from Lions Park
View 01	View south towards Newcastle CBD from Stockton Ferry Wharf
View 08	View south towards Christ Church Cathedral from Market Place
View 09	View south towards Christ Church Cathedral from Queens Wharf
View 04	Newcastle Club, west end mid-level (adjacent to first floor) Garden Terrace
View 19	Apartment 20 Segenhoe Building (study) view north-east
View 21	Apartment 17 Segenhoe Building (dining) view north-east



Figure 2-3: Main views discussed further in this document (source Urbis *VIA View A and B*)

2.3 Positive effects to public views

Table 2-2 (at end of this section) summarises my opinion of the main positive and negative visual effects of the MOD from the most relevant viewpoints and compares it against the Concept DA and Urbis' assessment. The main positive effects of the MOD are described further below.

DCP View Corridor 15 - View corridor from Newcastle Harbour to the Cathedral

The opportunity for a view corridor from Newcastle Harbour to the Cathedral (*DCP 2012* View Corridor 15) is the most positive outcome that would occur with the MOD, an opportunity that has arisen due to the demolition of the previous Council car park that blocked that view and the re-location of part of the building mass of the Concept DA under the MOD. That change is the starkest difference between the MOD and the Concept DA in terms of the effect on public views, and the public benefit of this new view corridor is acknowledged as very positive.

This corridor facilitates views to the Cathedral from Queens Wharf and the city centre. The location of the view corridor is the only place that such a direct line of sight is possible from the harbour (between the buildings of the city centre), through to the Cathedral.

Other low view impacts

I agree with Urbis that the MOD would result in relatively low impacts to views from the Cathedral and its surrounding parkland towards the harbour (in addition to those impacts that would already occur with the Concept DA).

There would also be only a small loss of the view of the Cathedral from the western side of *DCP View Corridor 17* (Hunter Street Mall, corner of Morgan Street) due to the MOD. That effect would not occur with the Concept DA, however, I agree with Urbis that this would have a low visual impact and therefore that this change is not of particular concern.

2.4 Impact to public views (views of Cathedral as part of city skyline)

The main other effects of the MOD are described further below.

Three viewpoints illustrate potential impact to views of the Cathedral as part of the city skyline:

- View 01: View south towards Newcastle CBD from Stockton Ferry Wharf' (given a low view impact rating by Urbis, my response is it should be medium)
- View A: View south towards Newcastle CBD from Pitt Street Reserve, Stockton (given low impact rating by Urbis, my response is it should be medium)

- View B: View south towards Newcastle CBD from Lions Park, Stockton (given low impact rating by Urbis, my response is it should be medium).

My response to the impact to each viewpoint is further elaborated in **Section 2.4.1** and **Section 2.4.2** below.

Urbis state that:

The modification will not impact views to the Christ Church Cathedral as claimed by objectors. The modification does not result in any significant loss of public views (S8.2 Review Planning Report, page 81).

I disagree with that statement as it is my opinion that the photomontages for the above three views show that there are some notable view impacts to views of the Cathedral and that insufficient weighting has been given to the value of those views. A map in the *VIA View A and B* (Figure 1) does not show the full extent of where those view impacts occur.

The relevance of understanding the value of views of Cathedral

To understand the impact on public views toward the Cathedral it is essential to clarify the 'value' given to those views. That value is intrinsically linked to the heritage value of the Cathedral which is listed on the State Heritage Register (SHR).

State Heritage Register - Statement of Significance

The SHR is a primary source for establishing the value given to the Cathedral and views to it, with the overall 'Statement of Significance' describing it as:

'the largest of the cathedrals designed by Horbury Hunt, the largest Anglican cathedral in New South Wales, the largest provincial Anglican cathedral in Australia and an extraordinary piece of architecture in a most dramatic setting'.

Under the criteria of 'Aesthetic Significance', the listing notably refers to how the Cathedral is seen, its landmark role on the city skyline and the value of views toward it, stating that:

'The Cathedral meets this criterion of State significance because it is the largest Anglican cathedral in New South Wales and the largest of the three designed by John Horbury Hunt. It has landmark qualities, having dominated and defined the Newcastle skyline for many years. The form, scale, colour, texture and materials of the fabric combine to present a piece of extraordinary architecture in a most dramatic setting.'

2.4.1. Views from opposite side of Newcastle Harbour and Harbour itself west of Stockton Ferry Wharf

Urbis assessed a view from **Stockton Ferry Wharf** (referred to as V01: South Towards Newcastle CBD from Stockton Ferry Wharf (Urbis view impact rating - low, my response is it should be medium).

Their assessment includes a statement that (Urbis VIA Page 18):

'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'.

My response:

Although there is only a small loss of the Cathedral building from this view, the high value given to the building and views to it mean that any loss is noteworthy.

The Concept DA retained a visual separation and 'space' on the eastern side of the Cathedral which allowed for the entire outline of the building to be appreciated against the skyline, which is an outline that has been visible since construction of the Cathedral.

It is my opinion is that the loss of the 'space' on the eastern side and the same lower end of the building (left side) warrants a visual impact rating to this view of medium.

2.4.2 Views from opposite side of Newcastle Harbour and Harbour itself east of Stockton Ferry Wharf (Views A and B)

Representative views illustrated are:

- View A: View south towards Newcastle CBD from Pitt Street Reserve, Stockton
- View B: View south towards Newcastle CBD from Lions Park, Stockton.

The reason for the RFI request for these two additional views (and photomontages) was explained in the RFI as:

The only photomontage provided from the opposite side of the harbour is from the Stockton Ferry Wharf, which is insufficient to illustrate the potential view changes from the large public foreshore to the east of Stockton Ferry Wharf, or from the harbour itself. The assessment of view impacts from the opposite side of the harbour should not be restricted to the view corridors described in the Newcastle Development Control Plan 2012 (NDCP 2012) (View 21 – Stockton Ferry Wharf) as the entirety of view impacts to the city skyline, and most importantly the Cathedral, requires consideration.

As a result, Views A and B were selected as representative of the impact to views of the Cathedral on the Newcastle skyline, from east of Stockton Ferry Wharf, and importantly from the eastern part of the harbour. It is only from those foreshore and harbour locations that a side on, full view of the Newcastle skyline, with the Cathedral's silhouette at its apex and harbour in the foreground, can be appreciated. It is my understanding that such a scene is unique in any Australian city.

My response to Urbis' assessment:

It should be acknowledged that these two individual viewpoints are also representative of wider views and that similar views occur over a large area of the eastern Stockton public foreshore and most importantly the eastern harbour. Similar effects would likely be seen from the harbour entrance from where the Cathedral is first seen when entering the harbour.

The value of those views is confirmed by its State Heritage listing under the 'aesthetic significance' criteria which refers to '*It has landmark qualities, having dominated and defined the Newcastle skyline for many years*'.

There would be a loss of a large part of the view of the Cathedral from the area east of Stockton Ferry Wharf, with views becoming increasingly affected as viewers move further east, including from the water of the harbour.

In assessing the impact to both views, Urbis refers to '*the Cathedral tower and western roof form above the Nave remain visually prominent*' and that '*the extent of obstruction is minor*'. However, at least half of the view of the Cathedral building is lost. The same view loss would similarly occur to views from the harbour and become more prevalent as one moves east from Stockton Ferry Wharf, being caused firstly by the upper storeys of Building 3S (dome), and then eventually by Building 4S. The effect would reduce views of the Cathedral's silhouette and its historic dominance of Newcastle's city skyline which is a valued view of Newcastle.

Again, refer to **Table 2-2** for a summary of the main positive and negative visual effects of the MOD and comparison against the Concept DA.

Table 2-2: Summary of public impacts and comparison of Concept DA with MOD (for main views affected)

Location	Urbis assessment		Author's comparison of view loss of Concept DA (not including LEP height plane+ 10%) to MOD based on Urbis photomontages (NB: Urbis report provides ratings for entire development only)			
	Urbis view loss Impact rating	Author's comment on Urbis rating**	MOD 3W	MOD 3S (dome)	MOD 4S	MOD 4N
Urbis assessment that I agree with (in addition to agreeing with the Urbis assessment of all other public viewpoints apart from those listed below as disagreed with)						
VP 09 DCP corridor (Queens Wharf)	Medium	Agree	Neutral Little difference	Noticeably positive Allows for full DCP 2012 public view corridor from Newcastle harbour through to Cathedral (only location such a direct view could occur).	Neutral Little difference	Neutral Little difference
VP 08 DCP corridor (Market Square)	Medium	Agree	Neutral Little difference	Noticeably positive Allows for full DCP 2012 public view corridor from Newcastle harbour through to Cathedral (only location such a direct view could occur). Building 3S (dome) would still block part of eastern side of Cathedral currently available which is somewhat negative.	Neutral Little difference	Neutral Little difference
Urbis assessment that I disagree with						
VP01 Stockton Ferry Terminal	Low	Medium Insufficient weight has been given to the loss of part of the view of the Cathedral. Although it is only a small loss, the high value given to the building means any loss is regrettable.	Neutral Little difference	Partly negative Loss of views of lower part of Cathedral on eastern side and loss of 'space' on the eastern side which visually separates the Cathedral on Newcastle's built skyline, means current views of the full silhouette are lost. Those effects are caused by the upper storeys of Building 3S (dome). The impact level acknowledges and reflects the State Heritage value of Cathedral.	Neutral Little difference	Neutral Visually competes with Cathedral to a degree however views not blocked.

Location	Urbis assessment		Author's comparison of view loss of Concept DA (not including LEP height plane+ 10%) to MOD based on Urbis photomontages (NB: Urbis report provides ratings for entire development only)			
	Urbis view loss Impact rating	Author's comment on Urbis rating**	MOD 3W	MOD 3S (dome)	MOD 4S	MOD 4N
View A: View south towards Newcastle CBD from Pitt Street Reserve	Low	Medium, possibly higher Insufficient weight has been given to the loss of a large part the Cathedral from views from the eastern Stockton foreshore and eastern Newcastle Harbour.	Neutral Little difference	Partly to noticeably negative Loss of eastern half of Cathedral and part of western side of Cathedral on Newcastle's built skyline, which means views of the full silhouette are lost. Those effects are caused by the upper storeys of Building 3S (dome) and Building 4S. The impact level acknowledges and reflects the State Heritage value of Cathedral.		Neutral Little difference
View B: View south towards Newcastle CBD from Lions Park.	Low					Neutral Little difference

3.1 Assessment methodology

The most relevant method to assess the impact to private views is to apply the four step 'Tenacity' assessment method as established by the NSW Land and Environment Court (LEC) in *Tenacity Consulting v Warringah [2004] NSWLEC 140*.

Those four steps are (refer **Appendix C** for full description):

- Step 1 - Assessment of views and view values
- Step 2 - Assessing from where views are obtained
- Step 3 - Assessing the extent of impact
- Step 4 – Assessing the 'Reasonableness' of impact.

As appropriate, the *Tenacity* assessment method was used by Urbis to assess the impact on private views from the Newcastle Club and the three apartment buildings of Segenhoe, the Herald and Newcomen Apartments. The results of that assessment were reviewed for this report through a combination of on-site observations and the photomontages prepared by Urbis.

Table 3-1 lists all private viewpoints both illustrated by photomontages and assessed by Urbis, as well as identifying the impact ratings given and my response to that assessment. **Table 3-1** also clarifies my opinion of how each of the four main proposed MOD buildings contribute to any view loss based on the Urbis photomontages and compares the Concept DA to the MOD.

3.2 Summary of impact to private views

From both the Newcastle Club and Segenhoe Apartments parts of their valued views would be lost due to the MOD. In the case of the Newcastle Club, extensive views are already lost by the Concept DA from three levels (where the garden terrace, function/dining rooms and bar are located), and the MOD would lead to further loss or Newcastle Harbour views, leading to at least a moderate view loss impact, as assessed by Urbis. From the Segenhoe building I agree with Urbis that the maximum view loss would be minor-moderate for up to 12 units.

For both Segenhoe residents and the Newcastle Club while it is not the only consideration, it is relevant to take into account additional view loss due to height exceedance above the statutory controls.

I generally agree with Urbis' assessment of view loss impacts to apartments in the Herald building as being a maximum of 'minor' and that this view loss is reasonable. I also broadly agree with Urbis' assessment of a minor view loss rating for impacts to apartments in the Newcomen building and that this view loss is reasonable.

3.3 Newcastle Club

Refer to photomontages in Appendix B.

Three viewpoints from the Newcastle Club were specifically assessed by Urbis and illustrated by photomontages, being those from:

- VP3 - Garden Terrace (NW end upper ground level) (Urbis impact rating medium which I agree with)
- VP4 - West end mid level garden terrace (Urbis impact rating medium which I agree with)
- VP5- Level 1 Bar (top floor) (Urbis impact rating medium which I agree with).

Note on Urbis photomontages:

The Urbis photomontages for the Newcastle Club for all three viewpoints only show a part of the affected view, which means that it is difficult to gain an overall impression of the extent of view lost. The photomontages are also based on a 35mm focal length (and not the 50mm focal length as for views from most other locations, which provides a more realistic view of what a human eye sees). It is noted that it is likely that the 35mm focal length has been used as the proposed buildings are so close that this 'wider' lens was used to capture more of the view affected, however, as established by the LEC, the use of a wider lens 'imply a greater distance of the viewer from objects in the view than is perceived by the naked eye and more voluminous spaces³.

Applying Tenacity Step 1 (Assessment of views and view values) and Step 2 (Assessing from where views are obtained)

I agree with Urbis' general description of available views from the Newcastle Club. I disagree, however, with the identification of King Street as a 'side boundary', with the implication that the views in that direction toward Newcastle Harbour are of less importance than toward Newcomen Street.

Although the entrance to the Newcastle Club fronts Newcomen Street, the building sits at the corner of King Street and has been designed so that the building itself and the

³ Stannards Marine Pty Ltd v North Sydney Council [2022] NSWLEC 99 (paragraph 268)

majority of function rooms, outside terraces and the bar take advantage of the northern views of Newcastle Harbour and the coast.

Similarly, I disagree that views to the east are particularly important from inside the club, evidenced by the main windows and outside terraces being orientated to face the harbour. Therefore, it is my opinion that the main views from the building are toward the harbour (from north-west around to north-east) and this should not be considered a side view.

Applying Tenacity - Step 3 (Assessing the extent of impact)

For all three viewpoints the following assessment was provided by Urbis under Step 3 (quoted sections indicated in italics):

- *'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.'*

My response:

Again, as above, my opinion is that the main views from the building are toward the harbour (from north-west around to north-east). The majority of function rooms, outside terraces and the bar take advantage of the northern views of Newcastle Harbour and the coast.

Applying Tenacity Step 4 (Assessing the 'Reasonableness' of impact)

The Urbis assessment argues that the view loss the Newcastle Club is 'reasonable'. The main arguments for that conclusion (taken from *VS&VIA*, page 21 and is the same for all three viewpoints (quoted sections indicated in italics)) are provided below with my response (note some points have been grouped together):

- *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).*

My response:

While it is not the only consideration, it is relevant to take into account additional view loss due to height exceedance above the statutory controls. Nevertheless, my assessment aligns with Urbis of there being a moderate impact.

- *The views are all available via a side boundary of the Newcastle Club site, making an expectation of their retention, unrealistic.*

My response:

As discussed above, it is argued that the affected views are not over a side boundary as the northern side faces a main street and hence should be given a similar weighting to views from Newcomen Street.

- *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 contemplated by the Approved Concept and the LEP controls.*

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.

My response:

It is agreed that the Concept DA blocks all harbour views where Building 4S is located, and that the MOD Building 4S would not further block any views apart from sky.

The upper levels of the MOD Building 3S (dome), however, are above the Concept DA level (and also the LEP + 10% level) and therefore have an additional impact to views. Although the photomontages do not illustrate a complete view, it is evident that although MOD Building 3S (dome) is further away, it would further block some of the views of Newcastle Harbour when compared to the Concept DA.

While it is not the only consideration, it is relevant to take into account additional view loss due to height exceedance above the statutory 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.*

My response:

Noted.

- *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.*

My response:

Under Step 4 *Tenacity* states that: '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'. This could be considered applicable in terms of a moderate impact to views from the Newcastle Club.

3.4 Segenhoe Building

Refer to photomontages in Appendix B.

The Segenhoe building represents the most affected private residential view loss due to the MOD. I broadly agree with Urbis' *VS&VA* that view loss would occur to the upper three levels (all 12 apartments) and could be rated at a maximum of **minor-moderate**, depending on the level and orientation of units. I disagree, however, that the view loss can be wholly considered reasonable, as elaborated on below.

While private views have been assessed in several reports, I have used the Urbis *VS&VA* to inform my review.

Applying Tenacity Step 1 (Assessment of views and view values) and Step 2 (Assessing from where views are obtained)

In general, I agree with Urbis in terms of identifying the units and views affected by additional view loss due to the MOD (i.e. Steps 1 and 2 of Tenacity), being broadly:

- 16 units across levels 1, 2, 3 and 4 retain all existing views in all directions and are unaffected by the proposal.
- All 12 units which cover levels 5, 6 and 7 have potential views to the proposal.

Based on on-site observations, the rooms mostly affected in all units are not bedrooms, being rooms such as living/dining, kitchen and study areas.

Applying Tenacity - Step 3 'Assessing the extent of impact'

Urbis' *VS&VA* under Step 3 describes the view effects (and presents photomontages) for three individual units, as:

- Unit 17: Minor-moderate
- Unit 20: Minor

- Unit 21: Minor-moderate.

It is my opinion that the impact levels presented in the *VS&VIA* for those three units, are generally reflective of the view loss impact level when applying Step 3. Applying those ratings to units in a similar position leads to the overall ratings for view loss of:

- Nine (9) units: Minor
- Three (3) units: Minor-moderate (those on north-east corner of each level, Units 12, 17 and 21).

My analysis of the visual impact:

The majority of view loss occurs due to the upper levels of Building 3S (dome), involving the loss in most cases of the highly valued views of Nobbys Head and visually breaks the land/water interface and ocean horizon. There is also some minor view loss of Fort Scratchley due to Building 4S, although as it is on the edge of the view it has far less effect and is therefore of less concern. Refer **Table 3-1** clarifies the view loss of each MOD building compared to the Concept DA.

Applying Tenacity Step 4 (Assessing the 'Reasonableness' of impact)

The Urbis assessment argues that the view loss to units in the Segenhoe building is 'reasonable'. The main arguments for that conclusion (taken from *VS&VIA*, page 35 and almost the same for Unit 17 and 21 which are rated as having a view loss impact of minor-moderate) are provided below with my response (quotes from Urbis *VS&VIA* in italics):

- *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).*

My response:

While it is not the only consideration, it is relevant to take into account additional view loss due to height exceedance above the statutory controls on the subject site.

- *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 [NB this comment is common to Urbis assessment for Units 17 and 21], in one view direction (north-east). Complying parts of Building 4S block the scenic features in the north-easterly view.*

My response:

I agree.

- *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.*

My response:

Tenacity places an emphasis on how 'valued' views are when considering the impact of their loss. I agree that the loss of views due to the MOD is only a portion of the overall views that are available, however, it is my opinion that the value of the elements lost should be given more weight. The very recognisable Nobbys Head, in particular, could arguably be considered an important view from Segenhoe, with that value enhanced by its position against an unbroken ocean horizon.

- *The views are all available via a side boundary of the Segenhoe Building site, making an expectation of their retention, unrealistic.*

My response:

Tenacity actually states that 'the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries', which can be interpreted to referring to the immediate boundaries of a site (such as a neighbour). It is my opinion that it is not applicable to apply that as a justification in this situation.

- *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.*

My response:

I disagree that 'The majority of view loss is caused by complying built form including below the LEP + 10% bonus and within the existing Approved Concept'. As shown in the photomontage for unit 17 (refer **Appendix B**) the Concept DA (including with the LEP + 10% bonus) results in a relatively small extent of view loss – with Nobbys Head and the northern harbour entry (and Stockton Bight beyond) unaffected, and an uninterrupted ocean horizon retained, with those elements lost under the MOD. The only commonly lost feature under both the Concept DA and the MOD is the very top of Fort Scratchley on the far right of the view, which could be argued to be a less valued component of that view.

Also, it does not follow that because views have already been lost by the Concept DA that it is of relatively minor concern for further view loss to occur due to the MOD.

- *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 Nobbys 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.*

My response:

I disagree as Nobbys Head is lost and it is a highly valued part of the view.

- *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.*

My response:

I agree that some northerly views would be retained, however, the north-easterly views toward Nobbys Head and the ocean are a highly valued part of the overall view.

- *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.*

My response:

Agree in general, however, it is noted that the Concept DA also presumably achieved a 'reasonable development potential'.

3.5 Herald Apartments

One viewpoint in the Herald building was specifically assessed by Urbis and illustrated by a photomontage, being:

- VP15, Unit 701 (balcony), view north-east – Urbis impact rating: Minor.

The VS&VIA states that:

'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'.

Based on observations from that apartment and five others within that building, I broadly agree with that rating of 'minor' as a maximum rating for view loss which will be limited to three western facing dwellings at levels six and seven and that this view loss is reasonable, particularly as (NB: italics from *VS&VIA*, page 41):

- The majority of view loss would occur with the Concept DA.
- The additional views lost due to the MOD are primarily less valued (*'a short section of a constructed, land water interface including the south arm of the Hunter River, near Carrington and Dyke Points'* with *'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.*

3.6 Newcomen Apartments

Two viewpoints from two different apartments were specifically assessed by Urbis and illustrated by photomontages, being:

- View 01 VP8, Apartment 12 (terrace) view north-west - Urbis impact rating: Minor.
- View 02 VP11, Apartment 10 (Terrace) view north-east - Urbis impact rating: Minor.

The *VS&VIA* states that:

'the view sharing outcome for the Newcomen Apartments as a whole, based on observations and the use of 2 analytical photomontages, is reasonable.'

Based on observations from that apartment and one other within the building, I broadly agree with that rating of 'minor' and that this view loss is reasonable, particularly as:

- The majority of view loss would occur with the Concept DA.
- The MOD would not block any additional view of significance in *Tenacity* terms.

3.7 Summary of impact to private views (including comparing visual impact of Concept DA to MOD)

Table 3-1 summarises the view impact ratings to private views that have been illustrated by the Urbis photomontages, with those ratings generally agreed with. The table also highlights which buildings in the MOD would lead to view loss and from which locations, comparing that change to the Concept DA in terms of change (in my opinion).

A range of ratings have been used by me to clarify the impact of the different proposed buildings – with the ratings being termed as being either 'partly positive', 'noticeably [more] positive', 'neutral', 'partly negative' or 'noticeably [more] negative'.

My main findings, including the likely overall view loss to the views from each building are:

- **Newcastle Club** - I broadly agree with Urbis' *VS&VA* that a **moderate** rating of view loss would occur to all three levels of the Newcastle Club that face north (which includes the ground floor garden terrace/function area, second floor function/dining room and bar on entire upper floor).

The upper levels of Building 3S (dome) of the MOD lead to the loss of additional valued views of the harbour that would remain under the Concept DA. While it is not the only consideration, it is relevant to take into account additional view loss due to height exceedance above the statutory controls. A counterargument is that the view loss already approved by the Concept DA makes the remaining views even more valued by the Newcastle Club.

- **Segenhoe building** - I agree that the extent of view loss varies from **minor to minor-moderate** depending upon the location and orientation of the apartment. Building 3S (dome) is responsible for the loss of some high value views of parts of the eastern harbour (including in some cases Nobbys Head) and the ocean horizon from the upper three levels (all 12 apartments), in addition to that those views lost through the Concept DA.

- **Herald Apartments and Newcomen Apartments** - I generally agree with Urbis' assessment of view loss impacts to apartments in the Herald building as being **a maximum of 'minor'** and that this view loss is reasonable. I also broadly agree with Urbis' assessment of a **minor view loss** rating for impacts to apartments in the Newcomen building and that this view loss is reasonable.

Views to the west from both of these apartment buildings would already be lost due to the Concept DA. The additional height of the MOD (due to Building 4S and 4N) would mean the loss of views west over the city for three western facing dwellings at levels six and seven (two upper levels) and apartments on the two upper levels of the Newcomen Apartments due to Building 4S and 4N, however, those views are of much lesser value than the higher value views to the north of the harbour that would be retained.

Table 3-1: Summary of private view impacts and comparison of Concept DA with MOD (for views illustrated by photomontages)

Location			Urbis assessment			Author's comparison of view loss of Concept DA (not including LEP height plane+10%) to MOD based on photomontages (NB: Urbis report provides ratings for entire development only)			
Unit or apartment	Floor or level*	Visited by author	Photomontage provided by Urbis	Urbis view loss Impact rating	Author's comment on Urbis rating**	MOD 3W	MOD 3S (dome)	MOD 4S	MOD 4N
Herald Apartments (REFER PHOTOMONTAGES IN VS&VIA)									
701	7 th – penthouse, west side	Yes	Yes, however full development not shown (to left)	Minor	Agree with impact rating, however, some assumptions made as entire development not shown on photomontage	Neutral No change	Neutral No change	Partly negative Upper storeys responsible for loss of distant views west of Carrington peninsula, (including inner harbour and to western ranges) and possibly some close views of Cathedral from living area. Northern views (most harbour views and ocean views) unaffected	Neutral No change
Segenhoe apartments (REFER PHOTOMONTAGES IN APPENDIX B)									
17	6 (strata plan floor 4)	No	Yes	Minor-moderate	Agree	Neutral Little difference	Noticeably negative Upper storeys responsible for loss of entire Nobbys Headland view and break in ocean horizon	Neutral No change	Neutral Little difference
20	6 (strata plan floor 4)	Yes	Yes	Minor	Agree	Neutral Little difference	Partly negative Upper storeys responsible for loss of land connection to Nobbys Headland, and break in ocean horizon, however headland still seen view	Neutral No change	Neutral Little difference
21	7 (strata plan floor 5)	No	Yes	Minor-moderate	Agree	Neutral Little difference	Noticeably negative Upper storeys responsible for loss of entire Nobbys Headland view and break in ocean horizon	Neutral No change	Neutral Some loss of ocean horizon however

Location			Urbis assessment			Author's comparison of view loss of Concept DA (not including LEP height plane+10%) to MOD based on photomontages (NB: Urbis report provides ratings for entire development only)			
Unit or apartment	Floor or level*	Visited by author	Photomontage provided by Urbis	Urbis view loss Impact rating	Author's comment on Urbis rating**	MOD 3W	MOD 3S (dome)	MOD 4S	MOD 4N
									relatively minor difference between Concept DA building
Newcomen Apartments (REFER PHOTOMONTAGES IN V/S&V/A)									
10	4	Yes	Yes	Minor	Agree	Neutral No change	Neutral Little difference	Neutral No change	Neutral No change
12	5	No	Yes	Minor	Agree	Neutral No change	Neutral Little difference	Neutral No change	Neutral No change
Newcastle Club (REFER PHOTOMONTAGES IN APPENDIX B)									
Garden Terrace (NW end upper ground level)	Upper ground	Yes	VP3 - does not show MOD 3S (dome) & 35mm focal length used which makes view changes appear further away and is not comparable to most other photomontages which are based on 50mm focal length	Moderate	Agree with impact rating, however, some assumptions made as entire development not shown on photomontage. 35mm focal length makes view changes appear further away and is not comparable to most other photomontages which are based on 50mm focal length	Not shown	Not shown	Neutral Little difference (additional sky lost)	Neutral No change
West end mid level garden terrace	Mid level	Yes	VP4 - does not show full view to E & 35mm focal length used	Moderate	Agree with impact rating, however, some assumptions made as entire	Neutral Little difference	Noticeably negative Loss of some harbour views/Stockton due to upper storeys (rating reflects value of	Neutral Little difference (additional sky lost)	Neutral No change

Location			Urbis assessment			Author's comparison of view loss of Concept DA (not including LEP height plane+10%) to MOD based on photomontages (NB: Urbis report provides ratings for entire development only)			
Unit or apartment	Floor or level*	Visited by author	Photomontage provided by Urbis	Urbis view loss Impact rating	Author's comment on Urbis rating**	MOD 3W	MOD 3S (dome)	MOD 4S	MOD 4N
			which makes view changes appear further away and is not comparable to most other photomontages which are based on 50mm focal length		development not shown.		these views due to other harbour views already lost by Concept DA Building 4S)		
Level 1 Bar (top floor)	Level 1	Yes	VP5 - does not show full view to W & 35mm focal length used which makes view changes appear further away and is not comparable to most other photomontages which are based on 50mm focal length	Moderate	Agree with impact rating, however, some assumptions made as entire development not shown.	Neutral Little difference	Noticeably negative Loss of some harbour views/Stockton due to upper storeys (rating reflects value of these views due to other harbour views already lost by Concept DA Building 4S).	Neutral Little difference (additional sky lost)	Neutral No change

*levels given use same floor level as Urbis reports, however, strata plans refer to levels differently so for clarity strata levels are provided in brackets in table

**Based on Urbis photomontages

Summary of findings: Comparison of Concept DA to MOD and cumulative impact

This section provides a summary of cumulative impacts (refer **Section 4-1** and **Table 4-1**), culminating in a discussion of the overall positive and negative visual effects of the Concept DA and MOD in **Section 4-2**.

A more detailed breakdown of the visual impact of each of the four main buildings has been provided previously in **Table 2-1** (Section 2.0) and **Table 3-1**.

As noted in the introduction, this report does not make specific recommendations. Its role is to provide an assessment of the visual effects of the MOD, including comparing it with the Concept DA, that is as objective as possible.

4.1 MOD's main effect on public views

POSITIVE:

- Allows for full public view corridor from Newcastle Harbour through to the Cathedral, which is the only location that such a direct view could occur. The public benefit of this new view corridor is acknowledged as very positive and desirable. This outcome is not possible under the Concept DA.

NEGATIVE:

- Loss of views of full silhouette of Cathedral on Newcastle city skyline as referred to the State Heritage listing under the 'aesthetic significance' criteria (*'It has landmark qualities, having dominated and defined the Newcastle skyline for many years'*). That loss of view occurs from just east of Stockton Ferry Wharf and increases as one moves further east, being caused firstly by the upper levels of Building 3S (the dome) and eventually also caused by the upper levels of Building 4S by the time Lions Park is reached in about 400m and continues further east.

4.2 MOD's main effect on private views

NEGATIVE:

- Newcastle Club: The upper levels of Building 3S (dome) leads to additional loss of valued views of Newcastle Harbour, including the central harbour and Stockton.

- Segehoe apartment building: Loss of some high value views of parts of the eastern harbour (including in some cases Nobbys Head) and the ocean horizon from the upper three levels (12 apartments). The extent of view loss varies from minor to minor-moderate depending upon the location and orientation of the apartment.

Table 4-1: Comparison of Concept DA and MOD (cumulative visual impact)

Location	Reference photomontages (refer Appendix A)	Comparison of impact to views between Concept DA and MOD (based on Urbis photomontages)	
		Concept DA	MOD
Main effects to public views (REFER PHOTOMONTAGES IN APPENDIX A)			
Views of Cathedral on Newcastle city skyline (from opposite side of harbour at Stockton and harbour itself)	VP01 Stockton Ferry Terminal View A: View south towards Newcastle CBD from Pitt Street Reserve View B: View south towards Newcastle CBD from Lions Park	Positive Views of Newcastle skyline remain unaffected and dominated by Cathedral (seen from Newcastle Harbour and Stockton side).	Negative Loss of views of full silhouette of Cathedral on Newcastle city skyline as referred to as significant under its State Heritage listing. Those effects increase from Stockton Ferry Wharf as one moves east, being caused firstly by the upper storeys of Building 3S (the dome) near Ferry Wharf and being eventually also by building 4S (upper storeys).
Views corridor from Newcastle Harbour to the Cathedral	VP 09 DCP corridor (Queens Wharf) VP 08 DCP corridor (Market Square)	Negative Does not allow for full public view corridor from Newcastle Harbour through to Cathedral (only location such a direct view could occur).	Positive Allows for full public view corridor from Newcastle harbour through to Cathedral (only location such a direct view could occur).
Main effects to private views (REFER PHOTOMONTAGES IN APPENDIX B)			
Newcastle Club	VP3, VP4, VP5	Negative Loss of valued views of the eastern harbour and distant views over Stockton Bight to Port Stephens from three levels (where the garden terrace, function/dining rooms and bar are located). Retention of views to north-west of western side of Newcastle Harbour, including Stockton, Carrington and distant western ranges.	Negative The upper levels of Building 3S (dome) leads to additional loss of valued views from three levels (where the garden terrace, function/dining rooms and bar are located). over of Newcastle Harbour, including the central harbour and Stockton. More negative effect than the Concept DA.
Segenhoe apartment building	Views shown for Units 17, 20 and 21	Positive Most high value views retained from all apartments, including upper three levels (12 apartments).	Negative Loss of some high value views of parts of the eastern harbour (including in some cases Nobbys Head) and the ocean horizon from the upper three levels (12 apartments). The extent of view loss varies from minor to minor-moderate depending upon the location and orientation of the apartment.

4.3 Summary of findings discussion

Public views

The value of public views toward the Cathedral are strongly linked to its heritage value, with the State Heritage listing stating that:

'The Cathedral meets this criterion of State significance because it is the largest Anglican cathedral in New South Wales. ...It has landmark qualities, having dominated and defined the Newcastle skyline for many years. The form, scale, colour, texture and materials of the fabric combine to present a piece of extraordinary architecture in a most dramatic setting.'

The opportunity for a view corridor to the Cathedral from Newcastle Harbour is the most positive outcome that would occur with the MOD, an opportunity that has arisen due to the demolition of the previous Council car park that blocked that view and the re-design of the Concept DA that is the MOD. That change is the starkest difference between the MOD and the Concept DA in terms of view effects. The public benefit of retaining this new view corridor (DCP View Corridor 15) due to the MOD is considerable, and that location is the only place that such a direct line of sight is possible from the harbour, through the buildings of the city centre, to the Cathedral.

However, the realisation of that view corridor under the MOD comes with a notable cost to other valued public views, including DCP view corridor 21 (from Stockton Ferry Wharf) where part of the Cathedral is blocked and the space that visually separates it on the east from on the skyline is lost. The upper storeys of Building 3S (dome), and to a lesser extent Building 4S, would reduce views of the Cathedral's silhouette and its historic dominance of Newcastle's city skyline. That image of the Cathedral over the city is a valued view of Newcastle.

The following statement does not acknowledge this:

The modification will not impact views to the Christ Church Cathedral as claimed by objectors. ('S8.2 Review Planning Report, page 81).

It is my opinion that due to the State Heritage status of the Cathedral that the views to it from Stockton (and associated eastern end of Newcastle Harbour), are of at least the same value as the two DCP view corridors of 15 (Market Street) and 21 (Stockton Ferry Wharf).

Private views

Of lesser concern is the impact to private views, yet to those affected any loss of valued views is a loss, and the NSW Land and Environment Court's (LEC's) *Tenacity* principle establishes that private views should be considered. It is acknowledged, however, that impacts to private views are generally given less weight than to public views.

From both the Newcastle Club and Segenhoe Apartments parts of their valued views would be lost due to the MOD. In the case of the Newcastle Club, views are lost by the Concept DA from three levels (where the garden terrace, function/dining rooms and bar are located), and the MOD leads to further loss of Newcastle Harbour views, leading to at least a moderate view loss impact, as assessed by Urbis. From the Segenhoe building I agree with Urbis that the maximum view loss would be minor-moderate for up to 12 units.

For both Segenhoe residents and the Newcastle Club, while it is not the only consideration, it is relevant to take into account additional view loss due to height exceedance above the statutory controls.

I generally agree with Urbis' assessment of view loss impacts to apartments in the Herald building as being a maximum of 'minor' and that this view loss is reasonable. I also broadly agree with Urbis' assessment of a minor view loss rating for impacts to apartments in the Newcomen building and that this view loss is reasonable.

Appendix A – Photomontages, main effects to public views

Note: In some of the photomontages MOD building 3S has been incorrectly labelled as 3E

All photomontages have been included from the Urbis' *VIA View A and B* (refer map on first page) plus others have been included from the *VS&VIA'* (some maps inserted to show locations for Newcastle Club and Segenhoe building).

Best attempt has been made to clarify viewpoint numbers, however, due to the high number of images and document sets, readers should reference the original documents if any clarification is needed.

2.1 VIEW PLACE LOCATIONS

View No. VIEWPOINT LOCATION & DESCRIPTION

View A	View south towards Newcastle CBD from Pitt Street Reserve
View B	View south towards Newcastle CBD from Lions Park
View 01	View south towards Newcastle CBD from Stockton Ferry Wharf
View 08	View south towards Christ Church Cathedral from Market Place
View 09	View south towards Christ Church Cathedral from Queens Wharf
View 04	Newcastle Club, west end mid-level (adjacent to first floor) Garden Terrace
View 19	Apartment 20 Segenhoe Building (study) view north-east
View 21	Apartment 17 Segenhoe Building (dining) view north-east



Map showing main public viewpoints, and some of the private viewpoints, illustrated by photomontages



APPROVED CONCEPT DA

DISTANCE TO PROJECT - 840M
ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT
VP1 (IMG 0010) VIEW LOOKING SSW FROM STOCKTON PARK: PHOTOMONTAGE - APPROVED CONCEPT DA

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_1C
REV: -



DISTANCE TO PROJECT - 840M
ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT
VP1 (IMG 0010) VIEW LOOKING SSW FROM STOCKTON PARK: PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_1D
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 ENVELOPE

BUILDING 4S

BUILDING 3E

BUILDING 3W

DISTANCE TO PROJECT - 840M

ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP1 (IMG 0010) VIEW LOOKING SSW FROM STOCKTON PARK: PHOTOMONTAGE - APPROVED CONCEPT DS AND PROPOSED DEVELOPMENT

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_1E
REV: -



ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW





APPROVED CONCEPT DA

DISTANCE TO PROJECT - 1050M
ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT
VPA (IMG 0008) VIEW LOOKING SOUTH WEST FROM STOCKTON PARK: PHOTOMONTAGE - APPROVED CONCEPT DA

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_AC
REV: -








EAST END - NEWCASTLE - VISUAL ASSESSMENT

VPA (IMG 0008) VIEW LOOKING SOUTH WEST FROM STOCKTON PARK: PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_AD
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 ENVELOPE

BUILDING 4S

BUILDING 3E

BUILDING 3W

DISTANCE TO PROJECT - 1050M

ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT

VPA (IMG 0008) VIEW LOOKING SOUTH WEST FROM STOCKTON PARK: PHOTOMONTAGE - APPROVED CONCEPT DA AND PROPOSED DEVELOPMENT

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_AE
REV: -



ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW





APPROVED CONCEPT DA

DISTANCE TO PROJECT - 930M
ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT
VPB (IMG 0006) VIEW LOOKING SOUTH WEST FROM STOCKTON PARK: PHOTOMONTAGE - APPROVED DA CONCEPT

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_BC
REV: -



EAST END - NEWCASTLE - VISUAL ASSESSMENT

VPB (IMG 0006) VIEW LOOKING SOUTH WEST FROM STOCKTON PARK: PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_BD
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 ENVELOPE

BUILDING 4S

BUILDING 3E

BUILDING 3W

DISTANCE TO PROJECT - 930M
ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW





ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT
VP5 (IMG 0004) LOOKING SOUTH FROM QUEENS WHARF: EXISTING CONDITIONS : 2024-08-28 10:12 AEST

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_5A
REV: -



EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP5 (IMG 0004) LOOKING SOUTH FROM QUEENS WHARF: PHOTOMONTAGE - APPROVED CONCEPT DA

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_5C
REV: -



DISTANCE TO PROJECT - 170M
ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT
VP5 (IMG 0004) LOOKING SOUTH FROM QUEENS WHARF: PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_5D
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 ENVELOPE

BUILDING 3E

BUILDING 3W

2
MARKET
PLACE

DISTANCE TO PROJECT - 170M
ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT
VP5 (IMG 0004) LOOKING SOUTH FROM QUEENS WHARF: PHOTOMONTAGE - PROPOSED DEVELOPMENT

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_5E
REV: -



ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW





APPROVED CONCEPT DA

DISTANCE TO PROJECT - 80M

ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW







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 ENVELOPE

BUILDING 3E

BUILDING 3W

DISTANCE TO PROJECT - 80M

ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT
VP4 (IMG 0002) LOOKING SSW ALONG MARKET STREET: PHOTOMONTAGE - APPROVED CONCEPT DA AND PROPOSED DEVELOPMENT

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_4E
REV: -

Appendix B – Photomontages, main effects to private views (Newcastle Club and Segenhoe apartments)


Note: In some of the photomontages MOD building 3S has been incorrectly labelled as 3E


Photomontages are from Urbis' *VIA View A and B* (refer map on first page) plus others are from the *VS&VIA*' (maps inserted to show locations for Newcastle Club and Segenhoe building).

Best attempt has been made to clarify viewpoint numbers, however, due to the high number of images and document sets, readers should reference the original documents if any clarification is needed.



LEGEND

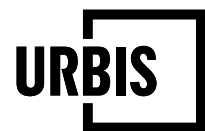
 **PHOTOMONTAGE VIEWPOINT**

 **PROJECT BOUNDARY**

Newcastle Club



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



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: -



LEGEND

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

NOTE:
THE LEP HEIGHT PLANE (BLUE LINE) SITS AT THE SAME RL (LEVEL) AS THE APPROVED CONCEPT (WHITE DOTTED LINE). THE PERSPECTIVE EFFECTS IN THIS UPWARD VIEW, MAKE THE TWO LINES APPEAR TO SIT AT DIFFERENT HEIGHTS. REFER TO APPENDIX 3 FOR 3D AXONOMETRIC IMAGES THAT SHOW THE APPLICATION OF HEIGHT PLANES ACROSS THE SITE.



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: -

LEGEND

LEP HEIGHT PLANE +10%

LEP HEIGHT PLANE +10% (NOT VISIBLE)

LEP HEIGHT PLANE

LEP HEIGHT PLANE (NOT VISIBLE)

APPROVED CONCEPT DA ENVELOPE



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: -

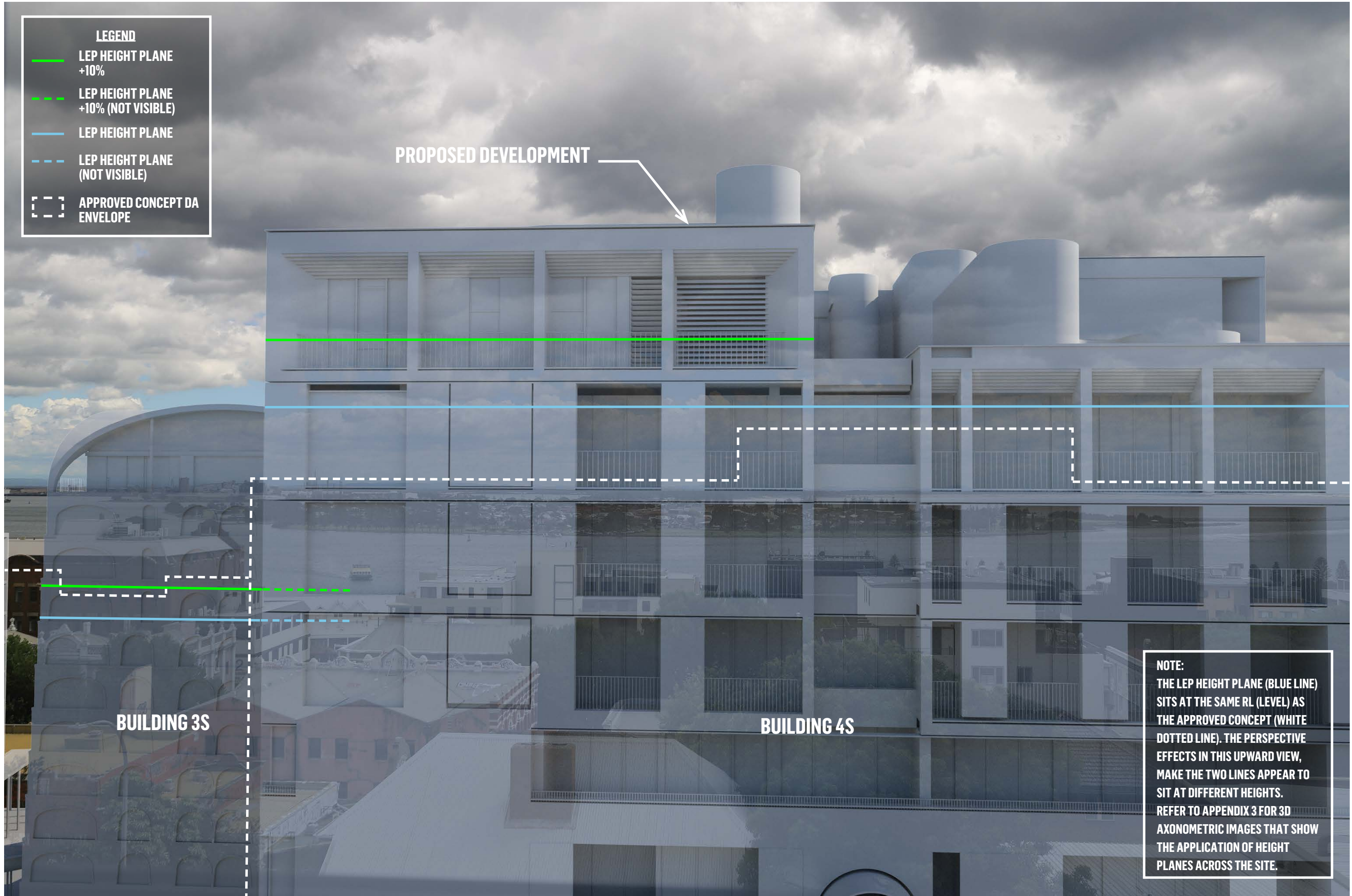


DISTANCE TO PROJECT - <50M
ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW



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: -



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

BUILDING 3S

BUILDING 4S

NOTE:
THE LEP HEIGHT PLANE (BLUE LINE)
SITS AT THE SAME RL (LEVEL) AS
THE APPROVED CONCEPT (WHITE
DOTTED LINE). THE PERSPECTIVE
EFFECTS IN THIS UPWARD VIEW,
MAKE THE TWO LINES APPEAR TO
SIT AT DIFFERENT HEIGHTS.
REFER TO APPENDIX 3 FOR 3D
AXONOMETRIC IMAGES THAT SHOW
THE APPLICATION OF HEIGHT
PLANES ACROSS THE SITE.



ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW



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: 2024-09-09
JOB NO: P0042943
DWG NO: VP_04A
REV: -



EAST END - NEWCASTLE - VISUAL ASSESSMENT

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

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_04C
REV: -



PROPOSED DEVELOPMENT

BUILDING 3W

BUILDING 3S

BUILDING 4S

DISTANCE TO PROJECT - <50M

ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW



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: 2024-09-09
JOB NO: P0042943
DWG NO: VP_04D
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 ENVELOPE

BUILDING 3W

BUILDING 3S

BUILDING 4S

DISTANCE TO PROJECT - <50M

ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW

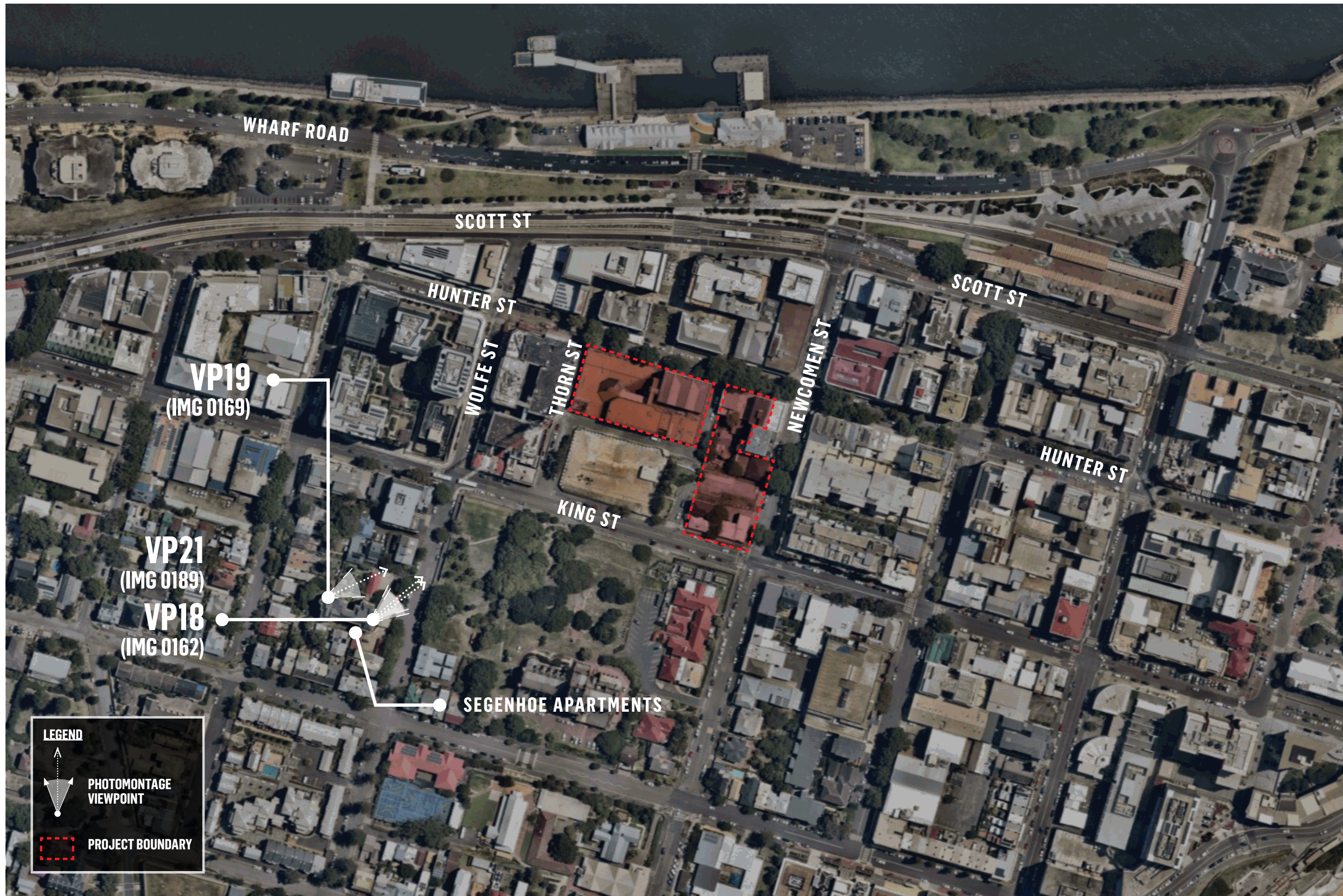


EAST END - NEWCASTLE - VISUAL ASSESSMENT

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

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_04E
REV: -

Segenhoe building





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: -



EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP18 IMG 0162 : SEGENHOE APARTMENTS, APARTMENT 21 DINING AREA VIEW NORTH EAST
PHOTOMONTAGE - PROPOSED DEVELOPMENT

LEGEND

LEP HEIGHT PLANE
+10%

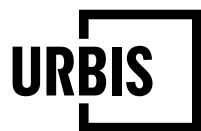
LEP HEIGHT PLANE
+10% (NOT VISIBLE)

LEP HEIGHT PLANE

LEP HEIGHT PLANE
(NOT VISIBLE)

APPROVED CONCEPT DA
ENVELOPE

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



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: 2024-09-09
JOB NO: P0042943
DWG NO: VP_21A
REV: -



APPROVED CONCEPT DA

DISTANCE TO PROJECT - 180M

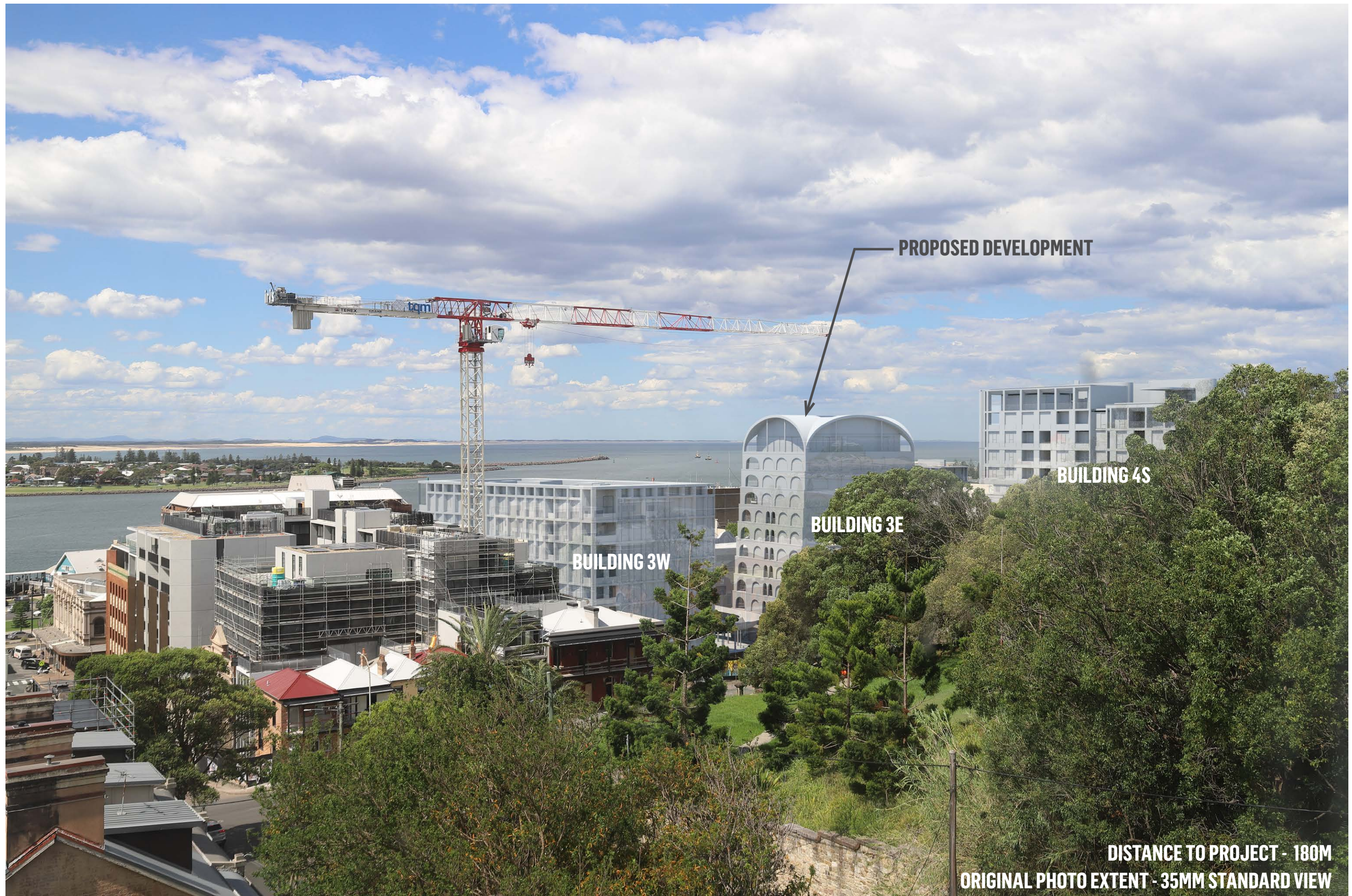
ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP21 IMG 0189 : SEGENHOE APARTMENTS, APARTMENT 17 DINING AREA VIEW NORTH EAST
PHOTOMONTAGE - APPROVED CONCEPT DA

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_21C
REV: -



PROPOSED DEVELOPMENT

BUILDING 4S

BUILDING 3E

BUILDING 3W

DISTANCE TO PROJECT - 180M

ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT

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

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_21D
REV: -



LEGEND

LEP HEIGHT PLANE +10%

LEP HEIGHT PLANE +10% (NOT VISIBLE)

LEP HEIGHT PLANE

LEP HEIGHT PLANE (NOT VISIBLE)

APPROVED CONCEPT DA ENVELOPE

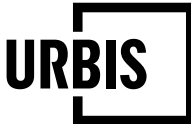
PROPOSED DEVELOPMENT ENVELOPE

BUILDING 3W

BUILDING 3E

BUILDING 4S

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





ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



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: 2024-09-09
JOB NO: P0042943
DWG NO: VP_19A
REV: -



APPROVED CONCEPT DA

DISTANCE TO PROJECT - 190M

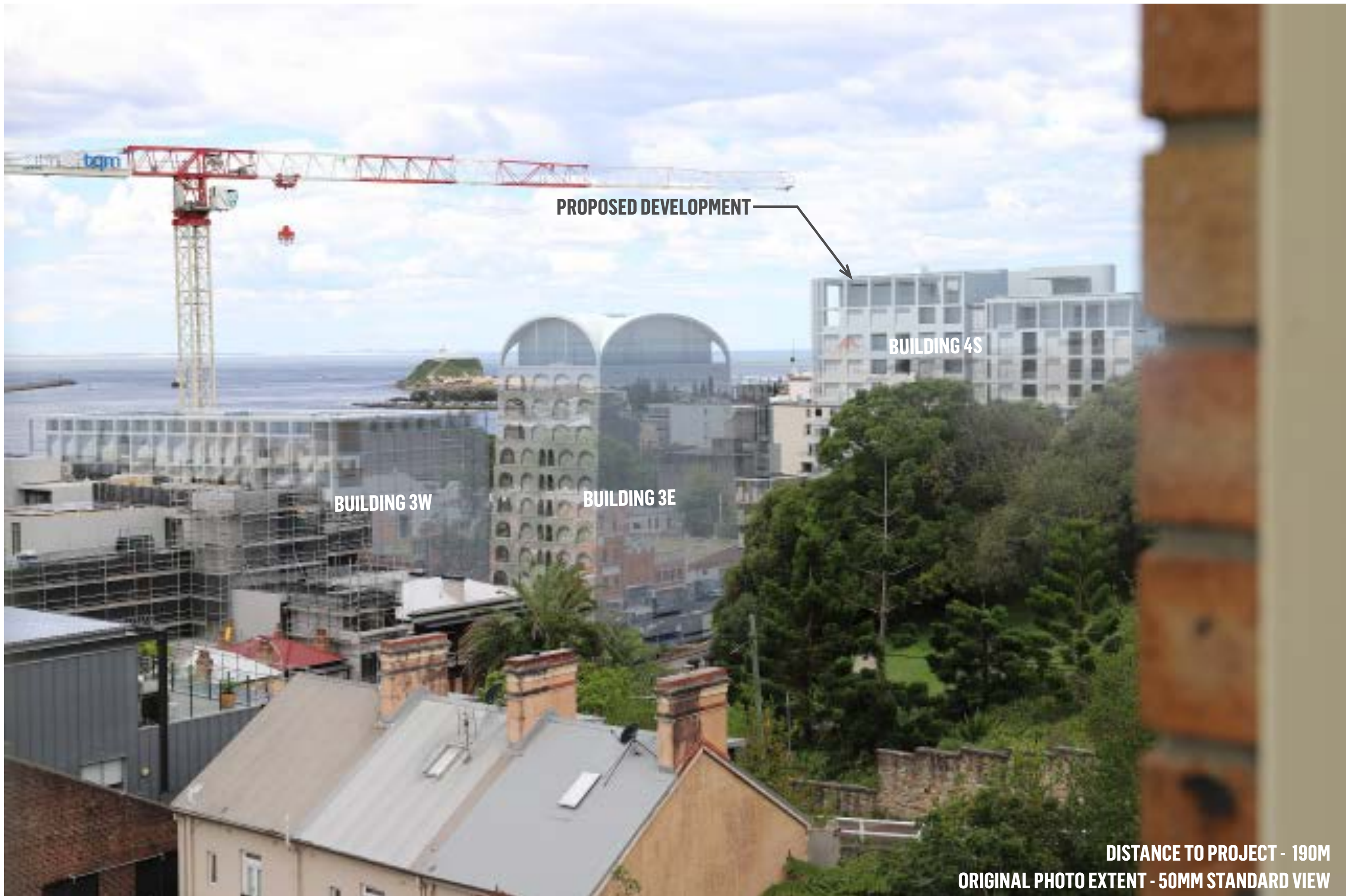
ORIGINAL PHOTO EXTENT - 50MM STANDARD VIEW



EAST END - NEWCASTLE - VISUAL ASSESSMENT

VP19 IMG 0169 : SEGENHOE APARTMENTS, APARTMENT 20 STUDY AREA VIEW NORTH EAST
PHOTOMONTAGE - APPROVED CONCEPT DA

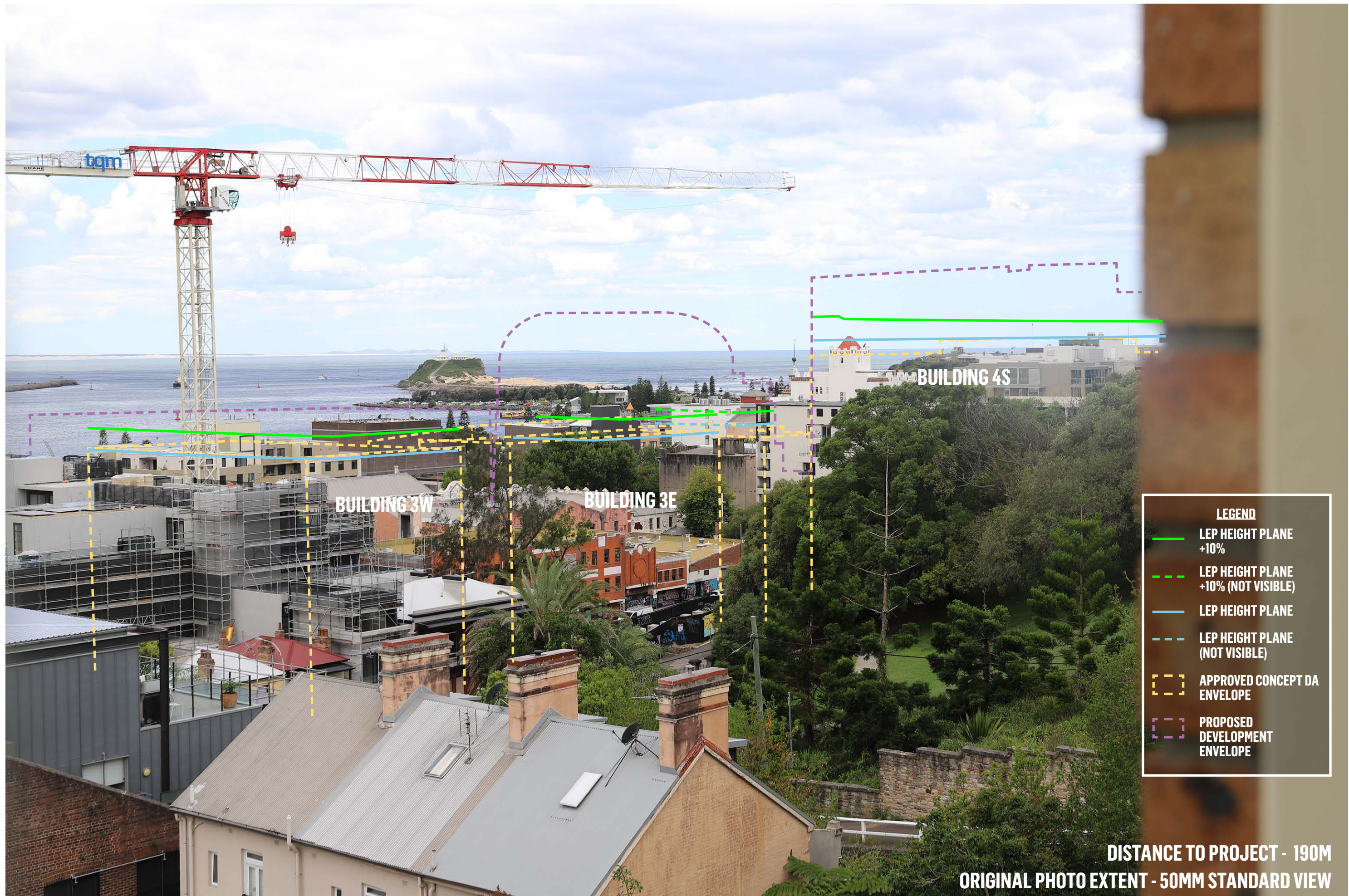
DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_19C
REV: -



EAST END - NEWCASTLE - VISUAL ASSESSMENT

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

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_19D
REV: -



EAST END - NEWCASTLE - VISUAL ASSESSMENT

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

DATE: 2024-09-09
JOB NO: P0042943
DWG NO: VP_19E
REV: -

Appendix C: 'Tenacity' four step assessment process (for private view impact)

The four steps of Tenacity are set out below:

- Step 1 - Assessment of views and view values

"The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured".

- Step 2 - Assessing from where views are obtained

"The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic".

- Step 3 - Assessing the extent of impact

"The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating."

- Step 4 – Assessing the 'Reasonableness' of impact

"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".

Appendix D – Detailed technical review of photomontages

Summary

A technical review of the Urbis photomontages was undertaken by Derek Mascarenhas, Managing Director | Information Design at Cambium Group, who is a specialist in this area and regularly prepares compliant photomontage documentation for the NSW Land and Environment (LEC) Class 1 appeals. It is declared that Envisage Consulting frequently works with Cambium Group, however, their comments are independent.

A summary of shortcomings is provided below.

Note due to the timing of when documents were produced, it has been assumed that the 2024 LEC photomontage practice note generally only applies to the *VIA View A and B* and the 2013 practice note to the VS&VIA.

The following comments generally apply to:

- VS&VIA
- VIA View A and B.

Software

- All stated software used for the creation of photomontages is acceptable.

LiDAR

- There are inconsistencies between the projected coordinate system of the point cloud data and digital elevation model (GDA1994 MGA zone 56) and the fixed features survey stated to be captured on 20/12/23 (GDA2020 MGA zone 56).
- Therefore, due to the point cloud data quality and date, the alignment with the architectural model (to produce the photomontages) cannot be confirmed as fully accurate.

Comments on VS&VIA

Survey

- Not compliant with LEC requirements. Surveyed camera location metadata for VS&VIA photomontages was requested via RFI and not received at the time of writing this response dated 13/09/2024.

Photomontages

- Photomontages remain non-compliant with LEC photomontage practice note.
- Where "survey data" points are identified (i.e. VP1 (IMG 0010) CAMERA MATCH 3D MODEL TO PHOTO) these calibration markers should be rendered onto the existing photograph to demonstrate calibration of virtual and physical cameras, not merely added to the photograph as text/symbols.

Comments on VIA View A and B

Survey

- Positive Survey Solutions references note 5 "CO-ORDINATES AND REDUCED LEVELS SHOWN HAVE BEEN DETERMINED FROM THE APPROXIMATE VIEW POINTS 08 AND 09 LOCATIONS." , which is not an accurate survey of the camera location and implies it was not likely not undertaken at the same time as the photography.

The survey also states that surveyed camera locations for VPA, VPB, VP01 and VP01A are approximate or accurate to within $\pm 20\text{mm}$.

Photomontages

- Where "survey data" points are identified (i.e. VP1 (IMG 0010) CAMERA MATCH 3D MODEL TO PHOTO) these calibration markers should be rendered onto the existing photograph to demonstrate calibration of virtual and physical cameras, not merely added to the photograph as text/symbols.