

**ANGEL PLACE  
LEVEL 8, 123 PITT STREET  
SYDNEY NSW 2000**

URBIS.COM.AU  
Urbis Pty Ltd  
ABN 50 105 256 228

16th November 2022

Guy Smith  
Goodman Pty Ltd  
The Hayesbery  
1-11 Hayes Road  
Rosebery NSW 2018

Dear Guy,

## **OAKDALE EAST ESTATE ADDENDUM LETTER**

This Addendum Letter has been prepared to provide additional information requested by Goodman Property Services (Aust.) Pty Ltd to address views from the neighbouring eastern property at 198-222 Burley Road, Horsley Park. This letter should be read in conjunction with the exhibited *Oakdale Industrial Estate - Landscape Character and Visual Impact Assessment* (Issue C, 21/04/2022) prepared by Clouston Associates.

The LCVIA was undertaken from 12 public domain locations and concluded that given the site's context which is surrounded by predominantly industrial land, visual impacts are relatively low. Rural residential receivers in proximity of the site to the south will not be detrimentally impacted by the development given the existing dense vegetation between the site and these receivers which screens any potential sightlines.

The additional viewpoint location is located on neighbouring private land, and therefore the assessment of the reasonableness of the proposal has been undertaken against *Tenacity Consulting v Warringah [2004] NSWLEC 140* which is outlined below.

### **Tenacity Consulting v Warringah [2004] NSWLEC 140 – Private View Sharing**

The extent and reasonableness of private domain view loss is typically assessed against the Land and Environment Court of New South Wales planning principle *Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours (Tenacity)*. This is the most widely used and referenced planning principle in relation to the assessment of development on private views.

The planning principle is described by the Court as a statement of a 'desirable outcome' aimed at reaching a planning decision 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 or the relationships of factors to be considered throughout the process and is not simply to list features that could be lost. In other words, *Tenacity* is a recipe designed to guide decision making in relation to being able to achieve an equitable view sharing outcome.

View loss or blocking effects refers to the extent to which a proposal is responsible for blocking access to an existing view or part of the composition of a view. The principle also describes the extent of view loss using a qualitative scale and takes into consideration the value of features in the composition and

from where the views are available. Photomontages are frequently used as objective visual aids to assist in modelling and therefore quantifying the extent of visual change that would occur.

Roseth SC in *Tenacity* defines a four-step process to assist in the determination of the impacts of a development on views from the private domain. The steps are sequential and conditional, meaning that proceeding to further steps may not be required if the conditions for satisfying the preceding threshold are not met in each view considered. Prior to undertaking the assessment however Roseth discusses the notion of view sharing and is quoted as follows:

*“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”.*

*Tenacity* includes descriptions of highly valued features, iconic views and whole views which refer to the particulars of that matter, for example water and areas of land-water interface. By describing the nature and composition of the views and rating the value of the composition *Tenacity* suggests that if there no substantive view loss in qualitative or quantitative terms, then the threshold to proceed to Step 1 may not be met and continuing with other steps in the process may not be justified.

## PRIVATE DOMAIN VIEW VISUAL EFFECTS

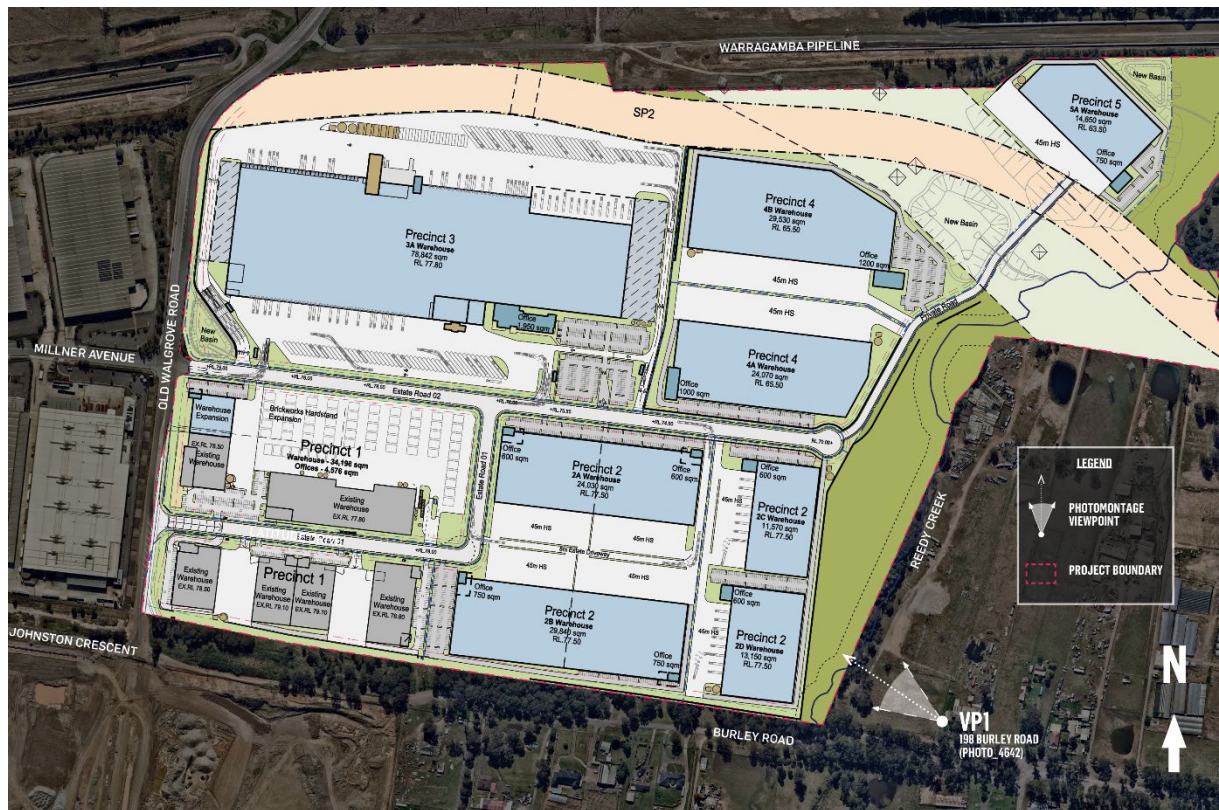


Figure 1: Viewpoint location – 198-122 Burley Road.

## Existing Views



**Figure 2:** *Existing view – 198-222 Burley Road.*

Existing views to the west are available from the side elevation of the single storey private dwelling located at the south-eastern corner of the property. The composition is characterised by a flat, open expanse of grassland in the foreground. The mid-ground is comprised of band of mature riparian vegetation of varying tree species surrounding Reedy Creek which largely obstructs views to the site, with only a small amount of elevated land visible to the right of the view. No items are visible in the distance. The view does not include items that are considered to be highly valued.



### Anticipated Proposed View



**Figure 3:** *Proposed view – 198-222 Burley Road.*

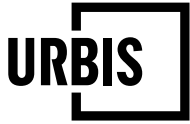
The eastern elevations of Warehouse 2D and Warehouse 2C will be partially visible through retained vegetation within the riparian corridor of Reedy Creek, with the proposed built form separated from the western elevation of the dwelling by a wide spatial setback of approximately 190 metres.

### Summary of Visual Effects

Based on the information available and observations made of this dwelling, the proposed built form will occupy an elevated position in the mid-ground composition, with the most affected view places being the external terrace and living area. The view lost is characterised by loss of views of open sky in the distance and will leave the foreground and majority of the mid-ground composition unaffected.

If view loss was rated against the *Tenacity* planning principle, in our opinion, it would rate as minor given that:

- the view composition does not include scenic or highly valued icons or features,
- not all views from the dwelling would be affected,
- views are gained via a side boundary which *Tenacity* states is more difficult to retain,
- the proposed built form is spatially well separated from the boundary of the dwelling and would be partially screened by retained vegetation within the riparian corridor.



## SUMMARY

The view west from the neighbouring property has been modelled accurately in a photomontage prepared by Urbis to show the visual effects of the proposed built form on the visual composition.

Views from neighbouring 198-222 Burley Road were inspected and documented. Notwithstanding that the approval and construction of warehouses in Precinct 2 would result in some view loss of open sky, overall, the level of view loss is considered acceptable based on the reasons provided above including for example, that the majority of the visual composition remains unaffected and that the proposed built form does not obstruct views of any scenic or highly valued icons or features, and overall, there is no substantive view loss.

Kind regards,

A handwritten signature in black ink, consisting of a stylized, cursive 'N' followed by a horizontal line.

Nick Sisam  
Senior Consultant  
+61 2 8233 9975  
nsisam@urbis.com.au

# **OAKDALE EAST INDUSTRIAL ESTATE, HORSLEY PARK NSW**

## **VISUAL ASSESSMENT | PHOTOMONTAGES**

PREPARED FOR  
**GOODMAN GROUP**  
NOVEMBER 2022

**PHOTOMONTAGES PREPARED BY:**

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

**DATE PREPARED :**

15 November 2022

**VISUALISATION ARTISTS :**

Ashley Poon, Urbis – Lead Visual Technologies Consultant

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

**LOCATION PHOTOGRAPHER :**

Nick Sisam, Urbis - Senior Consultant, National Design

under direction from 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 2023 (Photo Editing)

**DATA SOURCES :**

- Point cloud and Digital Elevation Models from NSW Government Spatial Services datasets - Penrith 2019-06
- Aerial photography from Nearmap - 2022-09-11
- Proposed architectural drawings from Architect dated - 2022-05-23
- Proposed 3D model received from Virtual Ideas - 2022-11-08
- Site survey drawings from project surveyor - 2022-11-07

**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 been taken at a focal length of 35mm to provide a slightly wider context given the proximity of the viewpoint to the project. 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 GPS 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.









ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW



**OAKDALE EAST INDUSTRIAL ESTATE, HORSLEY PARK NSW - VISUAL ASSESSMENT**  
VP1 : (PHOTO 4642) LOOKING NORTH WEST FROM RESIDENCE AT 198 BURLEY ROAD | EXISTING PHOTO : 2022-11-01 10:43 AEDT

DATE: 2022-11-15  
JOB NO: P0043536  
DWG NO: VP\_1A  
REV: -









**DISTANCE TO PROJECT (NEAREST BUILDING) - 190M**  
**ORIGINAL PHOTO EXTENT - 35MM STANDARD VIEW**



**OAKDALE EAST INDUSTRIAL ESTATE, HORSLEY PARK NSW - VISUAL ASSESSMENT**  
**VP1 : (PHOTO 4642) LOOKING NORTH WEST FROM RESIDENCE AT 198 BURLEY ROAD | PHOTOMONTAGE - PROPOSED MASSING**

DATE: 2022-11-15  
JOB NO: P0043536  
DWG NO: VP\_1C  
REV: -