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D E S I G N G R O U P

VISUAL IMPACT ASSESSMENT



40 STEWART STREET ERMINGTON 2115

STATE SIGNIFICANT DEVELOPMENT APPLICATION

LOT A IN D29480 / LOT D IN DP29480 / LOT F IN DP29480 / LOT 2 IN DP574056

APRIL, 2026

Project Type: State Significant Development Application

Lot A in D29480 / Lot D in DP29480 / Lot F in DP29480 / Lot 2 in DP574056

Address: No.40 Stewart Street Ermington 2115

CONTENTS

1. INTRODUCTION	3
1.1. Scope and Purpose of Report	3
1.2. The Proposed Development	3
1.2.1. The Site and existing property	3
1.3. Proposed Land Use and Built Form	4
1.4. Methodology of Assessment	5
1.4.1. Process	5
1.4.2. Assessment Methodology	5
1.4.3. Site Inspections	7
1.4.4. Contextual Analysis:	8
1.4.5. Visual Impact Analysis:	8
1.4.6. Statutory Planning Assessment:	8
1.5. References	8
2. THE SITE AND THE VISUAL CONTEXT	9
2.1. The Visual Context	10
2.2. Visual Features and Local Landmarks	10
2.3. Streetscapes	11
2.4. The selected view locations for the local view analysis	11
2.5. Context of View	11
2.6. Extent of View	11
3. VISUAL IMPACT OF THE PROPOSED DEVELOPMENT	11
3.1. Visual Impact Assessments viewpoint locations	11
3.1.1. Method of Assessment	11
3.1.2. Assessment at selected viewpoints	12
4. SUMMARY ASSESSMENT	33
5. APPENDICES	34
5.1. APPENDIX B: Methodology, CV and LEC Guidelines	35
5.2. APPENDIX C: Survey and camera positions	47
5.3. APPENDIX D: Wireframe images	50
5.4. APPENDIX E: Site Photography	56

APPENDIX A: Assessment Images - panoramic (additional PDF)

1. INTRODUCTION

1.1. Scope and Purpose of Report

This Visual impact Assessment is submitted to the Department of Planning, Housing and Infrastructure (DPHI) on behalf of Wesley Mission (the Applicant), to support a State Significant Development Application (SSDA) for the redevelopment of the former Lottie Stewart Hospital, for the purpose of a seniors housing development at no.40 Stewart Street, Ermington.



Figure 1 – Site location shown in yellow overlay.

1.2. The Proposed Development

Under State Significant Development Declaration Order (No 11) 2025, dated 23 July 2025, the following development is declared to be State Significant Development:

(j) Development specified in EOI application 255387 dated 10 April 2025 including development for the purpose of retention of heritage items and seniors housing and provision of affordable housing at 40 Stewart Street, Ermington being Lot A/DP29480, Lot D/DP29480, Lot F/DP29480, Lot 2/DP574056.

1.2.1. The Site and existing property

The site is located at 40 Stewart Street, Ermington within the City of Parramatta Local Government Area (LGA). It is legally identified as Lot A, D and F in DP29480 and Lot 2 in DP574056 and is approximately 4.647 hectares.

The site has a frontage of approximately 220m along Stewart Street, with three (3) separate points for vehicular access. The site is currently occupied by the former Lottie Stewart Hospital, which was then operated as a residential care facility, but ceased operation in 2012. The site is primarily vacant and heavily underutilised. The built form on the site comprises the local heritage item I166 'R E Tebbutt Lodge'.

See Figure 2 for site location.

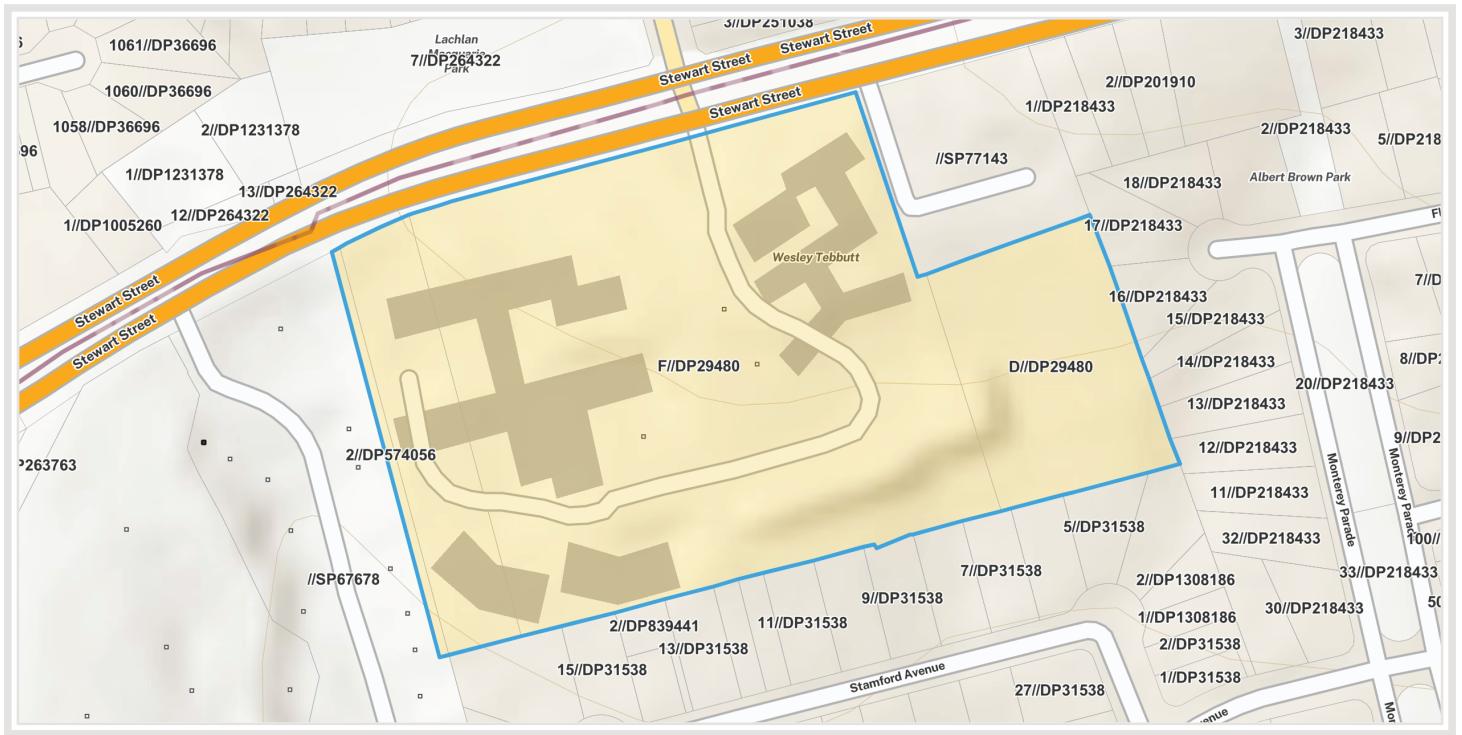


Figure 2 – Subject site shown in yellow overlay.

1.3. Proposed Land Use and Built Form

Specifically, the proposed works include the following:

- Site preparation and early works, including demolition of existing structures;
- Torrens title lot amalgamation of the existing four (4) lots to create one (1) lot;
- Retention of the heritage building, part of the hospital building and other character elements;
- Construction and adaptive reuse of existing buildings for 6 x independent living unit buildings and a range of low-rise detached villas and duplex villas, delivering 218 seniors living units;
- Adaptive reuse of the heritage item (Tebbutt Lodge) including conservation works and curtilage improvements with sympathetic new additions to facilitate the provision of communal facilities, communal and private outdoor open space, and wellness facilities;
- Removal of existing hardscape areas, retention of significant higher value soft landscaping, new landscaping (including tree removal) and public domain works; and
- Augmentation of physical infrastructure and utilities, as required.

Ground floor plan and typical elevations of the proposal are shown in Figures 3 and 4.



Figure 3 – Elevations of Building A by Integrated Design Group.



Figure 4 – Ground floor plan of the proposed design by Integrated Design Group.

1.4. Methodology of Assessment

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

1.4.1. Process

Survey, plans, elevations and model of the proposal were sourced from the architect, Integrated Design Group and aligned to the scene using the survey information from LTS Surveyors, which accompanies the SSDA submission.

A drone assessment was undertaken and triangulated into a 3D point cloud which was aligned to ground control points using a RTK GNSS rover with NTRIP corrections. This was placed into the scene and further verified against the survey DWG.

Virtual cameras were placed into the 3D model to match various selected viewpoints, in both height and position. These locations were measured on-site using a survey provided. From these cameras, rendered views have been generated and photomontaged into the existing photos, using the ground plane for alignment at standing height 1600mm.

The final selection of images shows these stages, including the block montage of the original development application and concluding with an outline, indicating the potential visual impact and view loss. For the purposes of statutory requirements, the images within the report are of a standard lens format.

1.4.2. Assessment Methodology

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

Where a proposal is likely to adversely affect views from either private or public land, Council will give consideration to the Land and Environment Court's Planning Principles. For view sharing from private locations *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 'planning principle' can be used or *Rose Bay Marina Pty Limited v Woollahra Municipal Council & Anr* [2013] NSWLEC 1046 'planning principle' for public domain views.

The Tennacity Planning Principle establishes a four-step assessment to assist in deciding whether or not view sharing is reasonable:

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

The planning principle for public domain views adopted in *Rose Bay Marina* involves a two stage inquiry: the first factual, followed by a second, analytical requiring both quantitative as well as qualitative assessment.

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

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

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

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

Accessible locations that feature a prominent, direct and mostly unobstructed line of sight to the Project are used to assess the visual impact of the proposed development. The impact to each location is then assessed by

overlaying an accurate visualisation of the new design onto the base photography and interpreting the amount of view loss in each situation, together with potential opportunities for mitigation.

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

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

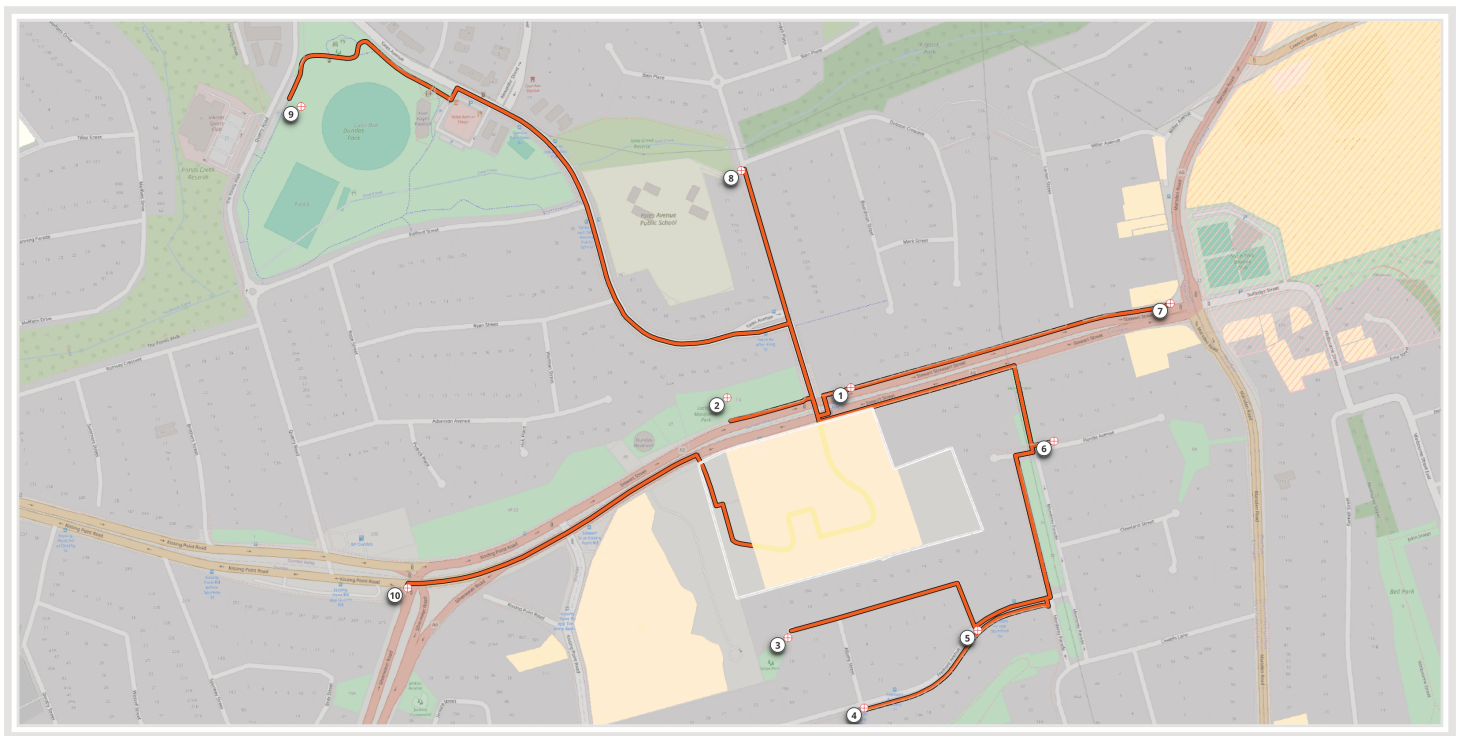


Figure 5: Area investigated during site visit



Figure 6: Selected private or public viewpoint locations for visual impact assessments with site outlined in red.

1.4.3. Site Inspections

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

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

Where photography was not possible or impracticable in regards to time, resources and likely hood of high value view loss, drone images were taken from the boundary or virtual views were used. The map, see figure 6, indicates chosen locations for site photography.

1.4.4. Contextual Analysis:

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

1.4.5. Visual Impact Analysis:

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

1.4.6. Statutory Planning Assessment:

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

1.5. References

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

- *Design Documentation*
- *The design drawings and information relied upon for the preparations of this report were prepared by Integrated Design Group*
- *City of Parramatta Council LEP and DCP*
- *LTS Surveyors*
- *Photography by Urbaine Design Group*
- *Photomontages and 3D by Urbaine Design Group*

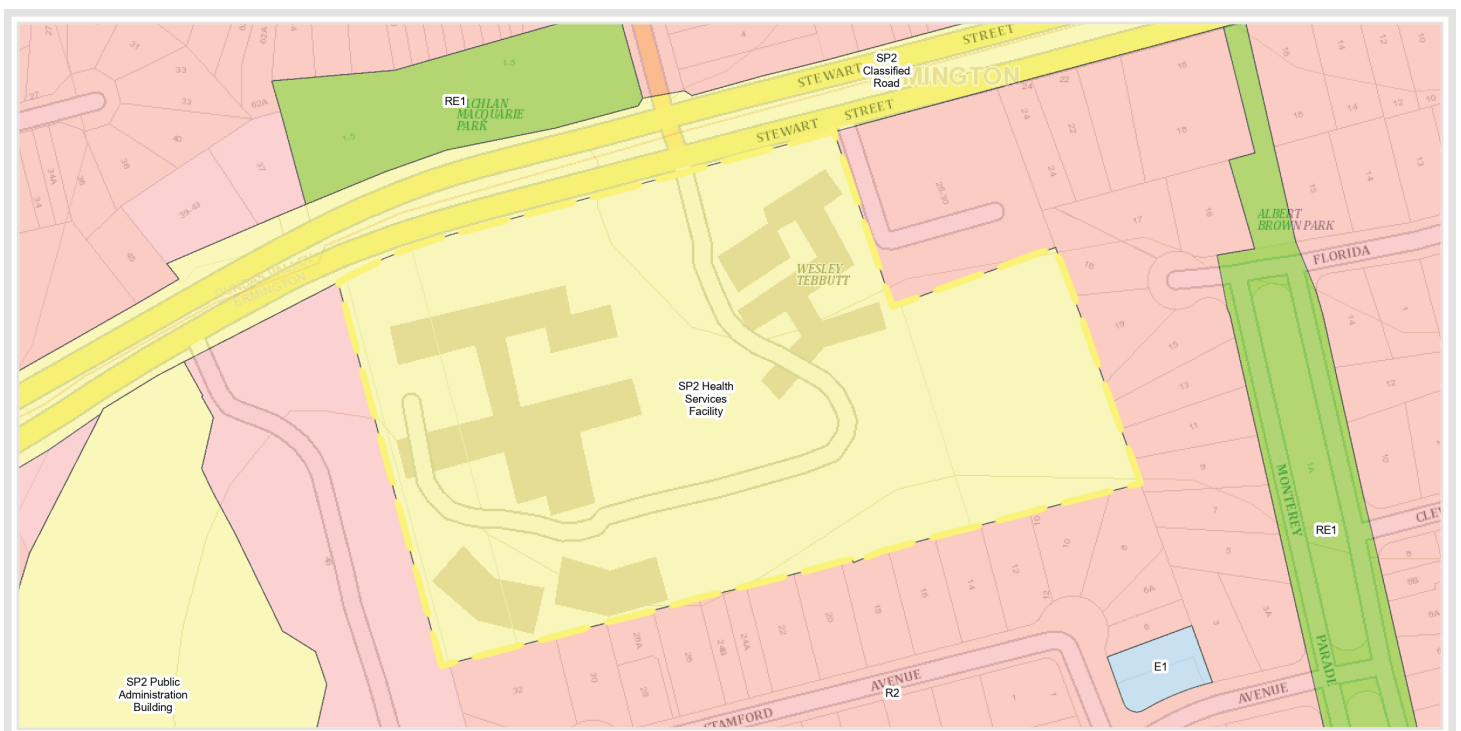


Figure 7: Land zoning map, indicating site with yellow outline.

2. THE SITE AND THE VISUAL CONTEXT

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

Defining the local area relevant to the visual assessment of a proposed development is subject to possible cognitive mapping considerations and statutory planning requirements. Notwithstanding these issues, the surrounding local area that may be affected by the visual impact of the proposed development is considered to be the area identified on in the topographical area map, Figure 8.

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

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

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

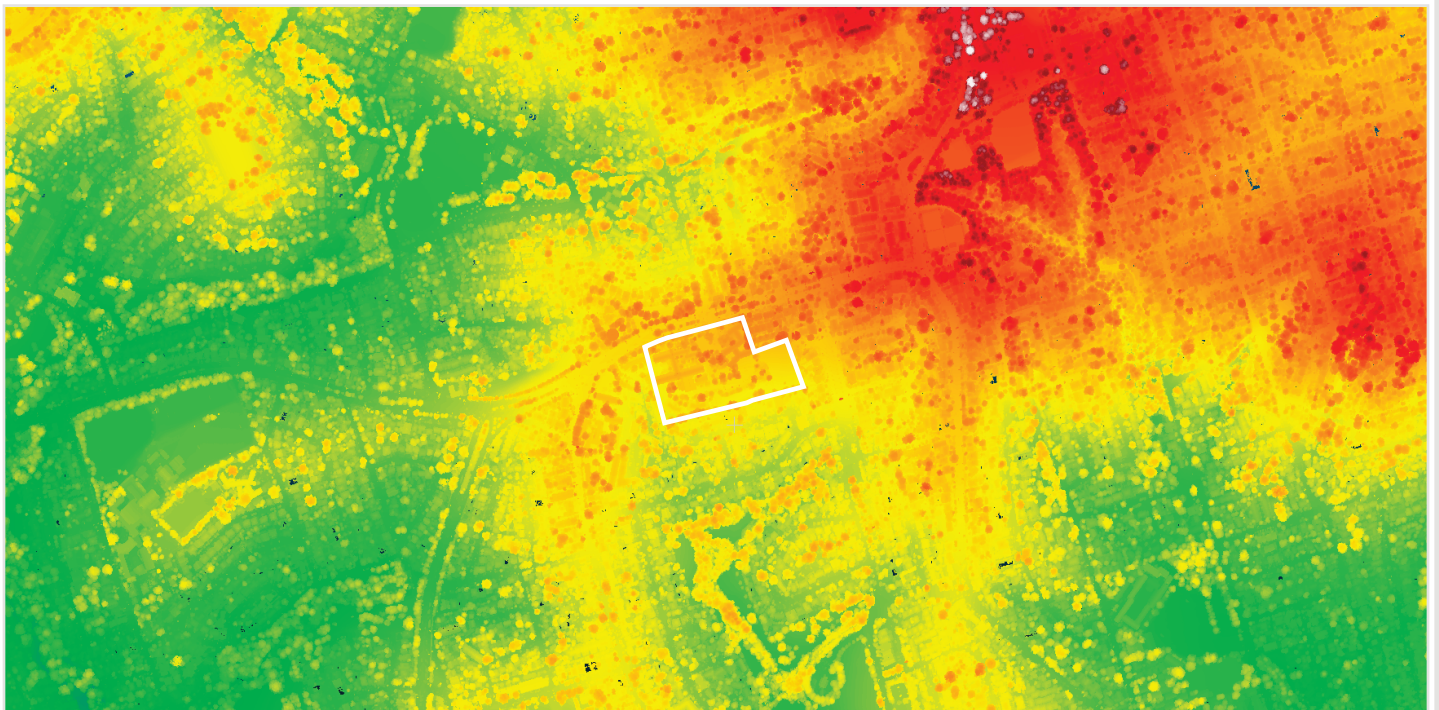


Figure 8: Lidar Point cloud including trees and buildings with gradient ramp to show topography, proposed site in white outline.

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

arrangement and functionality.

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

2.1. The Visual Context

The site at 40 Stewart Street, Ermington is located within a predominantly residential suburban setting characterised by a mix of established housing, newer townhouse and apartment development, and local community or institutional uses. The broader visual context is lower in scale than metropolitan town-centre locations, with the character shaped by suburban streets, landscaped setbacks, and its proximity to the Parramatta River corridor within the Ermington locality.

2.2. Visual Features and Local Landmarks

Key visual reference points in the wider area include the Parramatta River corridor, which helps define Ermington's broader landscape setting, and Timor Barracks near the Stewart Street and Kissing Point Road intersection, which is one of the more recognisable institutional landmarks in the northern part of the suburb. Depending on the exact position and outlook from the site, local streetscape vegetation and surrounding residential buildings are also likely to form the most immediate visual markers.

2.3. Streetscapes

The Stewart Street streetscape is likely to present as a suburban corridor with a mix of residential development forms, vehicle-oriented movement, and intermittent landscape planting. In contrast with denser urban centres, the street character in this part of Ermington is generally expected to be more open and domestic in scale, with built form, driveways, boundary landscaping and street trees contributing strongly to the visual experience at ground level.

2.4. The selected view locations for the local view analysis

As a result of the site's topography, the visual impact is primarily relevant to the residential properties to the south and east of the subject site. A large number of site photos were taken and a smaller number of specific views selected from these, relevant for private viewing locations, as described above. The selected photos are intended to allow consideration of the visual and urban impact of the new development at a local level and, specifically, from the neighbouring properties and public viewing locations.

2.5. Context of View

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

2.6. Extent of View

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

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

3. VISUAL IMPACT OF THE PROPOSED DEVELOPMENT

3.1. Visual Impact Assessments viewpoint locations

10 viewpoint locations from public places have been utilised to undertake the visual impact assessment.

3.1.1. Method of Assessment

In order to allow a quantitative assessment of the visual impact, a Canon EOS Full Frame Digital Camera with fixed focal length 24mm lens was used to take all viewpoint photos, at an eye level of 1600mm.

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

To assess the visual impact, there are 2 relevant aspects - view loss of actual substance (landscape, middle and distance view elements etc.) and also direct sky view loss. To a large extent, the value associated with a view is subjective, although a range of relative values can be assigned to assist with comparing views. Figure 9 is a scale of values from 0 to 15, used to allow a numeric value to be given to a particular view, for the purposes of comparison.

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

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

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

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

Figure 9: Urbaine Group Assessment Table

3.1.2. Assessment at selected viewpoints

VIEWPOINT 01



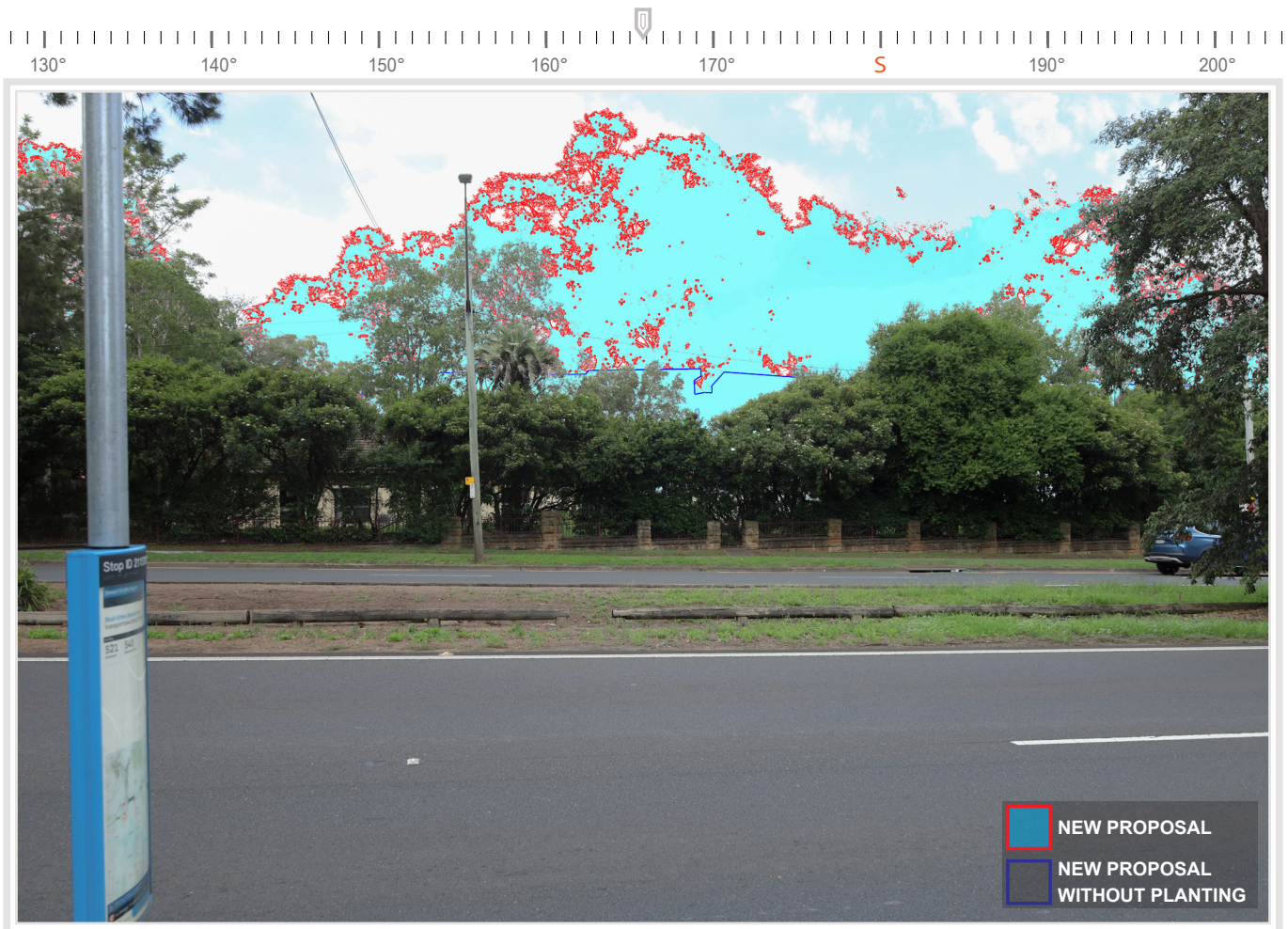
Existing site photo - Stewart Street

From standing position from the northern footpath along Stewart Street
RL + 77.64m - Distance to boundary 135.31m - Bearing direction 165.88 °

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 6%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 0% : 100%*
- *Existing Visual Assessment Scale no: 6 /15 & Visual Impact Assessment Scale no: 1 /15*

This is a static, public viewpoint from the northern footpath along Stewart Street, directed southward, is characterised in the foreground by the asphalt roadway and a slender median strip featuring low grass and timber borders. In the midground, the southern side of Stewart Street is bordered by a low masonry wall with regularly spaced stone piers, which are partially obscured by dense hedging and climbing plants. This mature vegetation establishes a continuous green boundary along the street, effectively filtering the sightlines to the properties situated behind it. In the background, taller trees emerge prominently above the hedgerow, with only limited views of structures discernible through the thick greenery.

The visual impact of the new proposal, from this location, is assessed as Negligible. The proposed landscape will affect the sky view, but it will complement the existing vegetation and contribute to a more complete natural backdrop. These trees are illustrated at 10 year maturity.

Rose Bay Marina Pty Limited v Woollahra Municipal Council Assessment Summary:

- *Value of view: Low-to-Medium*
- *View location: Pavement - public viewing location*
- *Extent of impact: Negligible*

Reasonableness of proposal: Within the context of Stewart Street, where the site is already substantially filtered by mature vegetation and boundary landscaping, the proposal is reasonable from this public viewpoint. The visual change is negligible, limited primarily to a small effect on sky view, and the proposed planting, at maturity, will reinforce and complement the existing vegetated character rather than introduce an intrusive built presence.

VIEWPOINT 02



Existing site photo - Lachlan Macquarie Park

From standing position at grass area within Lachlan Macquarie Park
RL + 70.11m - Distance to boundary 283.23m - Bearing direction 119.50 °

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 8%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 3% : 97%*
- *Existing Visual Assessment Scale no: 8 /15 & Visual Impact Assessment Scale no: 1 /15*

This is a static, public viewpoint from within Lachlan Macquarie Park, facing south, presents an open grassy foreground forming a broad lawn area. The foreground is largely unobstructed, allowing clear sightlines across the park. In the midground, a line of mature trees defines the southern edge of the park. The vegetation forms a natural visual boundary while still allowing filtered views through the trunks and canopy. Beyond the tree line, Stewart Street runs east-west along the southern perimeter of the park and is partially visible through gaps in the vegetation, along with roadside infrastructure. Dense shrubs and landscaped planting soften the interface between the park and the street. To the east of the park lies King Street, which connects to the surrounding residential street network but remains largely screened from direct view by the mature tree canopy and vegetation.

The visual impact of the new proposal, from this location, is assessed as Negligible. The new proposal will be largely screened by the mature tree line along Stewart Street and Lachlan Macquarie Park, with only limited glimpses visible through the gaps between the trees.

Rose Bay Marina Pty Limited v Woollahra Municipal Council Assessment Summary:

- *Value of view: Medium*
- *View location: Public park - public viewing location*
- *Extent of impact: Negligible*

Reasonableness of proposal: Within the context of this public park setting, the proposal is reasonable because it remains largely screened by the mature tree line and vegetation along Stewart Street. Only limited glimpses are available through gaps in the trees, and the proposal does not materially affect the open parkland character or the broader visual amenity enjoyed from this location.

VIEWPOINT 03



Existing site photo - Stamford Avenue

From standing position

RL + 58.97m - Distance to boundary 364.40m - Bearing direction 343.30 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal



Visual impact

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 23%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 14% : 86%*
- *Existing Visual Assessment Scale no: 6 /15 & Visual Impact Assessment Scale no: 6 /15*

This is a static, public viewpoint from Stamford Avenue facing north. The foreground is characterised by the paved surface of the avenue itself, bordered by a slender strip of grass verge that separates the roadway from the front gardens of adjacent residences. The transition from the public thoroughfare to the private front yards is highlighted by low retaining walls and well-maintained lawns. In the north-northwest segment of this view, is No. 32 Stamford Avenue, which is partially framed by neatly trimmed hedges and front garden. Adjacent to it, No.30 Stamford Avenue, a single-storey residence featuring a front lawn positioned behind a low brick retaining wall. The midground is defined by the front setbacks, lawns, and driveways of these properties, while the background showcases a cluster of tall, mature trees that create a dense vegetative canopy extending above the rooftops.

The visual impact of the new proposal, from this location, is assessed as Minor-to-Moderate. The new proposal will be largely obscured from view by the existing buildings and vegetation along Stamford Avenue. Only a small portion towards the northeast will affect the outlook towards the sky, with the visual impact softened by the existing tree canopy.

Rose Bay Marina Pty Limited v Woollahra Municipal Council Assessment Summary:

- *Value of view: Low-to-Medium*
- *View location: Pavement - public viewing location*
- *Extent of impact: Minor-to-Moderate*

Reasonableness of proposal: Within the context of the existing residential streetscape, the proposal is reasonable from this public viewpoint. The development is largely obscured by surrounding dwellings and established tree canopy, with only a small portion of the upper levels affecting the sky outlook. In these circumstances, the visual effect is softened by the existing suburban landscape and does not unreasonably alter the character of the area.

VIEWPOINT 04



Existing site photo - Fremont Avenue

From standing position

RL + 53.95m - Distance to boundary 400.82m - Bearing direction 337.89 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal



Visual impact

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 39%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 21% : 79%*
- *Existing Visual Assessment Scale no: 6 /15 & Visual Impact Assessment Scale no: 7 /15*

This is a static, public viewpoint from Fremont Avenue, looking north towards the junction with Albany Street. This asphalt roadway is bordered by concrete kerbs and narrow grass verges. On the north-northwest side, there is a brick residence at No.15 Fremont Avenue, set within an expansive grassy front yard. To the north-northeast lies a landscaped corner garden bed, defined by low brick retaining walls and featuring an array of shrubs and flowering plants. The mid-ground is characterised by single-storey detached homes that stand behind well-maintained lawns. In the background, Albany Street ascends gently, showcasing several two-storey residences. Mature trees are strategically positioned among the houses, providing a softening effect on the built environment and enhancing the greenery of the suburban landscape.

The visual impact of the new proposal, from this location, is assessed as Moderate. The new proposal will affect the background and the view towards the sky. Existing vegetation and surrounding buildings will largely screen the lower portion, while the upper levels will have some impact on the sky view. Nevertheless, the proposal will integrate with the surrounding built context and contribute to the evolving character of the area.

Rose Bay Marina Pty Limited v Woollahra Municipal Council Assessment Summary:

- *Value of view: Low-to-Medium*
- *View location: Pavement - public viewing location*
- *Extent of impact: Moderate*

Reasonableness of proposal: The proposal is reasonable from this location having regard to the surrounding built form and the moderate level of impact identified. The lower portions of the development are substantially screened by existing buildings and vegetation, while the visible upper levels remain read as part of the background urban context. The proposal therefore contributes to the evolving character of the locality without causing unreasonable visual intrusion.

VIEWPOINT 05



Existing site photo - Fremont Avenue

From standing position

RL + 57.44m - Distance to boundary 290.85m - Bearing direction 326.77 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal



Visual impact

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 31%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 14% : 86%*
- *Existing Visual Assessment Scale no: 5 /15 & Visual Impact Assessment Scale no: 7 /15*

This is a static, public viewpoint from Fremont Avenue looking north towards Stamford Avenue. The streetscape features a blend of low-rise residential buildings alongside small-scale commercial establishments. In the foreground, the asphalt roadway of Fremont Avenue makes a slight curve as it intersects with Stamford Avenue. A grassy verge lines the north-northwest side of the street, complemented by a low brick boundary wall associated with the single-storey residence at No. 5 Fremont Avenue. On the north-northeast side, a two-storey commercial structure with ground-floor shopfront glazing faces the street at No. 3/4 Stamford Avenue. In the midground, detached residential homes can be seen along Stamford Avenue, partially obscured by mature street trees and garden vegetation. In the background, the street ascends to the crest of the hill, where additional residential properties and tree canopy create the concluding view.

The visual impact of the new proposal, from this location, is assessed as Moderate. The proposed development will predominantly be obscured at the lower levels by the existing structures and vegetation. Nonetheless, the upper section of the building will affect the visibility of the sky. The surrounding vegetation will soften the visual impact and partially integrate the new proposal into the local environment.

Rose Bay Marina Pty Limited v Woollahra Municipal Council Assessment Summary:

- *Value of view: Low*
- *View location: Pavement - public viewing location*
- *Extent of impact: Moderate*

Reasonableness of proposal: Within the context of this mixed low-rise streetscape, the proposal is reasonable from this viewpoint. While the upper section of the building will affect part of the sky outlook, the lower levels are screened by existing structures and vegetation, and the visual impact is moderated by the surrounding landscape. The proposal is therefore capable of being accommodated without creating an unacceptable change to the streetscape.

VIEWPOINT 06



Existing site photo - Florida Avenue

From standing position from the footpath along Florida Avenue
RL + 78.64m - Distance to boundary 126.37m - Bearing direction 225.45 °

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 36%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 7% : 93%*
- *Existing Visual Assessment Scale no: 8 /15 & Visual Impact Assessment Scale no: 6 /15*

This is a static, public viewpoint from the footpath along Florida Avenue, oriented toward the west. The foreground is framed by the residential street corridor, which includes the asphalt roadway and the adjoining concrete footpath, complemented by grassy verges. In the midground, Florida Avenue intersects with Monterey Parade to the southwest, creating a spacious intersection characterised by a central median island featuring grass and low-level landscaping. Detached residential properties and their landscaped front gardens line the edges of Monterey Parade. The background is comprised of additional low-density housing interspersed with mature trees and greenery, while the gently rolling topography permits partial views of more distant wooded areas situated beyond the immediate neighbourhood.

The visual impact of the new proposal, from this location, is assessed as Minor-to-Moderate. The new proposal will predominantly be obscured at lower elevations by the existing vegetation and adjacent structures, although its upper section will influence the visual perspective of the sky. Nevertheless, the development will harmonize with the surrounding environment and enhance the urban character of the vicinity.

Rose Bay Marina Pty Limited v Woollahra Municipal Council Assessment Summary:

- *Value of view: Medium*
- *View location: Pavement - public viewing location*
- *Extent of impact: Minor-to-Moderate*

Reasonableness of proposal: Within the context of the surrounding residential environment, the proposal is reasonable from this public viewpoint. The development is predominantly obscured at lower levels by existing vegetation and adjacent structures, with only the upper section contributing to a minor-to-moderate change in the sky outlook. In this setting, the proposal remains visually compatible with the broader urban environment and does not unreasonably dominate the view.

VIEWPOINT 07



Existing site photo - Marsden Road

From standing position at the footpath adjacent to the driveway entrance of No. 146 Marsden Road

Camera - Canon RP

Lens - 24mm

RL + 102.82m - Distance to boundary 267.19m - Bearing direction 240.52 °



Photomontage of Proposal



Visual impact

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view -16%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 89% : 11%*
- *Existing Visual Assessment Scale no: 6 /15 & Visual Impact Assessment Scale no: 2 /15*

This is a static, public viewpoint from the footpath adjacent to the driveway entrance of No. 146 Marsden Road, oriented westward along Stewart Street. In the foreground lies the concrete pedestrian footpath that runs parallel to the roadway, with a slender grassy verge separating it from the asphalt carriageway. In the midground, Stewart Street exhibits a gentle decline towards the west. The street is bordered by residential properties on both sides, including the immediate property at No. 146 Marsden Road, which is marked by a rendered masonry wall and an ornate metal gate set upon a stone base. Further along the street, mature trees and hedges enhance the verdant suburban atmosphere, with individual residences partially obscured by foliage and boundary fencing. In the background, the gently sloping street corridor permits distant vistas where several high-rise structures can be faintly discerned on the horizon, providing an urban backdrop in the distance.

The visual impact of the new proposal, from this location, is assessed as Negligible. The proposed landscaping will imhave a small impact upon sky view, but, enhance and reinforce the existing backdrop vegetation, contributing to a fuller and more cohesive vegetated backdrop.

Rose Bay Marina Pty Limited v Woollahra Municipal Council Assessment Summary:

- *Value of view: Low-to-Medium*
- *View location: Pavement - public viewing location*
- *Extent of impact: Negligible*

Reasonableness of proposal: The proposal is reasonable from this location because its visual effect is negligible and confined mainly to a small change in sky view associated with the proposed landscaping. Rather than diminishing the outlook, the proposal will reinforce the existing vegetated backdrop and contribute to a more cohesive landscape character when viewed along the street corridor.

VIEWPOINT 08



Existing site photo - King Street

From standing position

RL + 53.65m - Distance to boundary 374.70m - Bearing direction 150.42 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal



Visual impact

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 13%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 11% : 89%*
- *Existing Visual Assessment Scale no: 8 /15 & Visual Impact Assessment Scale no: 3 /15*

This is a static, public viewpoint from King Street facing south. The foreground is characterised by an elevated pedestrian crossing that traverses the full width of the roadway. A slender grass verge and footpath are present along both sides of the street. In the midground, King Street ascends gently to the south, establishing a straight residential streetscape. To the east lies the property No.2 Dobson Crescent, which features a detached dwelling situated within landscaped grounds and partially obscured by garden foliage. To the west, the premises of Yates Avenue Public School are marked by black metal fencing and signage that delineate its street presence. Mature trees and landscaped vegetation adorn both sides of the road. In the background, the road continues its ascent towards the summit of the hill, where dense tree canopies and additional residential structures frame the skyline.

The visual impact of the new proposal, from this location, is assessed as Negligible. The proposed development will be predominantly obscured by thick vegetation. A limited segment of the upper levels will provide a view of the sky; nonetheless, the new proposal will be designed to harmonize with the surrounding environment.

Rose Bay Marina Pty Limited v Woollahra Municipal Council Assessment Summary:

- *Value of view: Medium*
- *View location: Road verge - public viewing location*
- *Extent of impact: Negligible*

Reasonableness of proposal: Within the context of this established residential and school-edge streetscape, the proposal is reasonable from this viewpoint. The development is predominantly obscured by thick vegetation, with only limited upper-level visibility, and does not materially interrupt the prevailing character of mature trees, landscaped verges and low-density built form. The resulting visual impact is therefore negligible and acceptable.

VIEWPOINT 09



Existing site photo - Dundas Park

From standing position from within Dundas Park at Curtis Oval
RL + 41.04m - Distance to boundary 861.01m - Bearing direction 116.95 °

Camera - Canon RP
Lens - 24mm



Photomontage of Proposal



Visual impact (proposal not visible from this location)

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 00%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: N/A*
- *Existing Visual Assessment Scale no: 9 /15 & Visual Impact Assessment Scale no: 0 /15*

This is a static, public viewpoint from within Dundas Park at Curtis Oval, oriented towards the east. The perspective reveals a spacious grassy playing field in the foreground, bordered by a line of low seating benches along the nearest boundary. In the midground, the extensive sports oval stretches toward gently ascending terrain, accompanied by several tall light poles and sporting facilities. To the northeast, a small pavilion and low-rise building become partially discernible. The background is characterised by dense groups of mature trees, which create a continuous green canopy that delineates the eastern perimeter of the park.

The visual impact of the new proposal, from this location, is assessed as Nil, as the new proposal will not be visible from this location due to its lower site elevation.

Rose Bay Marina Pty Limited v Woollahra Municipal Council Assessment Summary:

- *Value of view: Medium-to-High*
- *View location: Public park - public viewing location*
- *Extent of impact: Nil*

Reasonableness of proposal: The proposal is reasonable and acceptable from this public park viewpoint because it will not be visible from this location due to the lower site elevation and intervening landscape conditions. As a result, the development does not affect the visual experience of the oval, its open space setting, or the surrounding tree-lined parkland character.

VIEWPOINT 10



Existing site photo - Kissing Point Road

From standing position from the intersection where Silverwater Road intersects with Kissing Point Road

Camera - Canon RP

Lens - 24mm

RL + 57.45m - Distance to boundary 706.05m - Bearing direction 63.82 °



Photomontage of Proposal



Visual impact

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 17%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 21% : 79%*
- *Existing Visual Assessment Scale no: 6 /15 & Visual Impact Assessment Scale no: 2 /15*

This is a static, public viewpoint from the signalised intersection where Silverwater Road intersects with Kissing Point Road, oriented eastward along Kissing Point Road. In the foreground, the expansive asphalt roadway and intersection markings prominently feature, including traffic signals, pedestrian crossing indicators, and lane delineation lines. A median island equipped with signal poles separates the traffic lanes. In the midground, Kissing Point Road gently arcs towards the east, flanked by a wide grass verge and a landscaped median strip, with the junction at Silverwater Road extending further south. Dense vegetation along the roadside and established trees, particularly several palm trees positioned along the verge, distinguish the background. The road corridor seamlessly integrates into this verdant landscape.

The visual impact of the new proposal, from this location, is assessed as Negligible. From this vantage point, the new proposal will be almost entirely screened by the background vegetation. Only a small portion of the proposed landscaping will influence the view of the sky. However, it will complement and enhance the existing verdant, dense backdrop.

Rose Bay Marina Pty Limited v Woollahra Municipal Council Assessment Summary:

- *Value of view: Low-to-Medium*
- *View location: Pavement at road junction - Primary living space.*
- *Extent of impact: Negligible*

Reasonableness of proposal: Within the context of this broad road corridor and heavily vegetated roadside setting, the proposal is reasonable from this public viewpoint. The development is almost entirely screened by existing background vegetation, with only a very limited effect on the sky outlook through proposed landscaping. The visual impact is therefore negligible and the proposal remains consistent with the verdant character of the surrounding road environment.

4. SUMMARY ASSESSMENT

This Visual Impact Assessment from Urbaine Design Group seeks to provide an objective approach to the likely visual impact on the surrounding areas from the development proposal at No.40 Stewart Street Ermington 2115

The Visual Impact Assessment concludes that the proposed development at 40 Stewart Street, Ermington, will achieve an acceptable visual outcome within its established suburban setting. The assessment identifies that the surrounding locality is characterised by a varied residential and open space context, including detached dwellings, small-scale commercial premises, mature tree canopy, landscaped streets, and nearby public parks, such that the proposal will be perceived within an already mixed and evolving built environment.

The assessment considers 10 representative public viewpoints from the surrounding road network and public open spaces, including Stewart Street, Lachlan Macquarie Park, Stamford Avenue, Fremont Avenue, Florida Avenue, Marsden Road, King Street, Dundas Park and Kissing Point Road. Across these viewpoints, the proposal is generally assessed as resulting in negligible to moderate visual impacts. In many instances, particularly from more distant public vantage points and locations with established vegetation, the proposal is found to be substantially screened by existing buildings, tree canopy and landscape elements, resulting in negligible or nil impact. This includes Dundas Park, where the proposal is not visible from the assessed location.

More noticeable change is identified from selected viewpoints along Fremont Avenue, Florida Avenue and Stamford Avenue, where upper portions of the proposed built form become visible against the sky and impacts are assessed as minor-to-moderate or moderate. However, the report notes that the lower portions of the development remain largely obscured, that the proposal will be read in conjunction with the surrounding built form and vegetation, and that the development is capable of integrating satisfactorily with the existing character of the area. The assessment also notes that proposed landscaping will assist in softening the appearance of the development and reinforcing the vegetated backdrop visible from a number of viewpoints.

Having regard to the extent of visibility, the public nature of the assessed views, and the screening provided by the established landscape setting, the report concludes that the proposal will not give rise to any significant adverse visual impact. On that basis, the overall visual impact of the development is considered acceptable and supportive of approval.

Based on our 3D analysis, photography, and site visit it would be my recommendation that the State Significant Development Application be approved on the grounds of an acceptable amount of visual impact and view loss.



John Aspinall, Director,

urbaine design group pty ltd

5. APPENDICES

APPENDIX A: Assessment Images - panoramic (additional PDF)

APPENDIX B: Aspinall CV

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

APPENDIX C: Survey and camera positions

APPENDIX D: Wireframe/alignment images

APPENDIX E: Site photography

5.1. APPENDIX B: Methodology, CV and LEC Guidelines

JOHN ASPINALL. director: urbaine design group

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

24 years' architectural experience in London and Sydney.

Halpin Stow Partnership, London, SW1

John Andrews International, Sydney

Cox and Partners, Sydney

Seidler and associates

NBRS Architects, Milsons Point

Urbaine Pty Ltd (current)

Design Competitions:

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

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

Winner: International Design Competition: Sydney Town Hall, 2000

Finalist: Boy Charlton Swimming pool Competition, Sydney, 2001

Finalist: Coney Island Redevelopment Competition, NY 2003

Design Tutor: UTS, Sydney, 1997 – 2002

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

Design Tutor: UNSW, Sydney 2002 – 2005

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

Current Position: URBaine GROUP Pty Ltd

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

Urbaine specialises in design development via interactive 3d modelling.

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

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

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

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

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

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

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

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

The modular accommodation represents a very low carbon footprint solution

Expert Legal Witness, 2005 to present

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

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

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

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

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

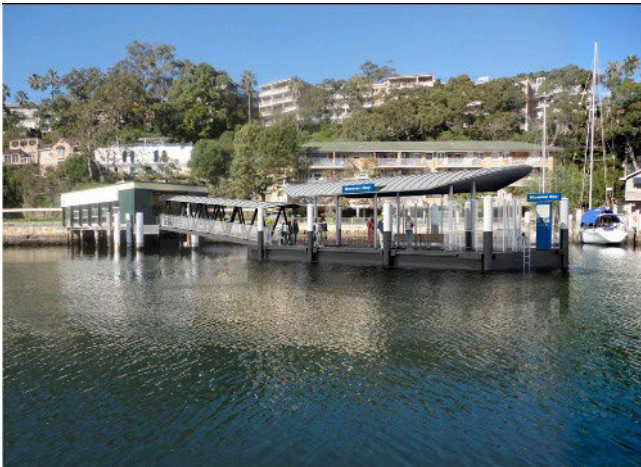


Photomontaged views of new apartment building at Pyrmont: Urbaine

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

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

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



Photomontaged views of new Sydney Harbour wharves: Urbaine

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

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

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

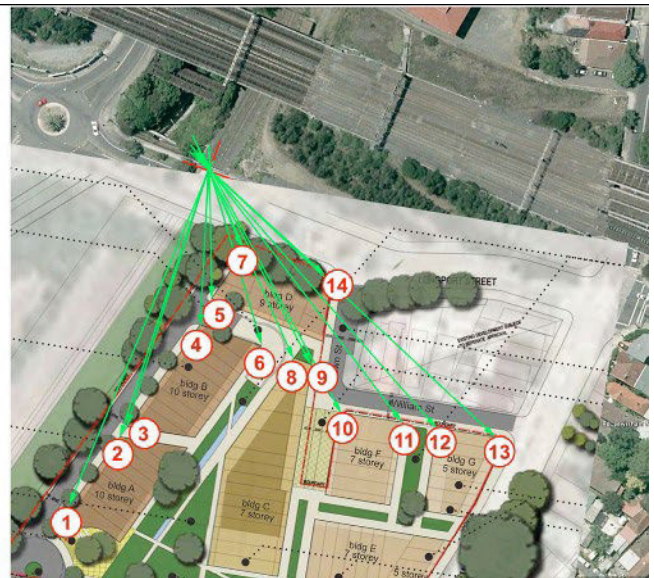
throughout the training of architects.

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

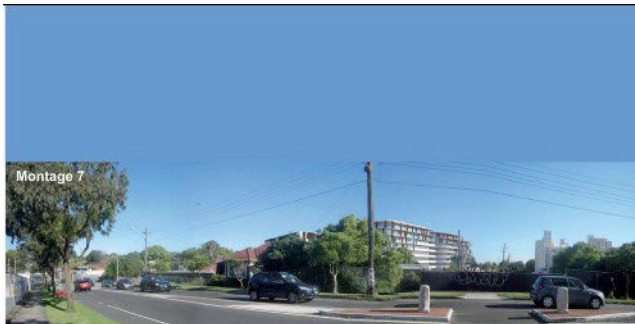
Currently, the Land and Environment Court specifies that any photomontages, relied on as part of expert evidence in Class 1 appeals, must show the existing surveyed elements, corresponding with the same elements in the photograph. Often, any surveyed elements can form such a small portion of a photograph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



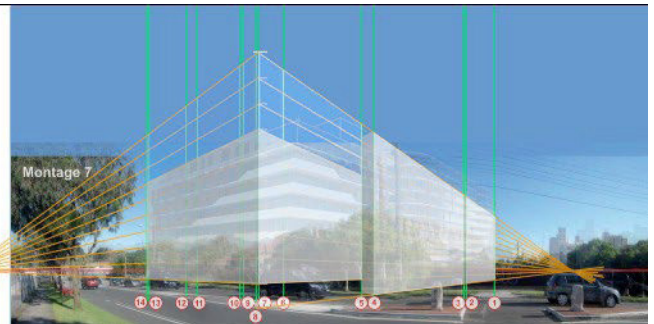
SMH article re inaccurate visualisations



Key visual location points on site: Urbaine



Photomontage submitted by developer



Assessment of inaccuracy by Urbaine

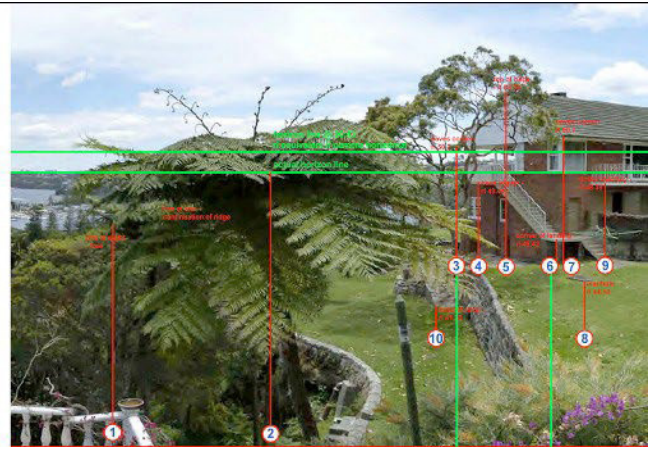
Urbaine has developed a number of methods for adding verification data to the 3d model of proposed buildings and hence to the final photomontages. These include the use of physical site poles, located at known positions and heights around a site, together with drones for accurate height and location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

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

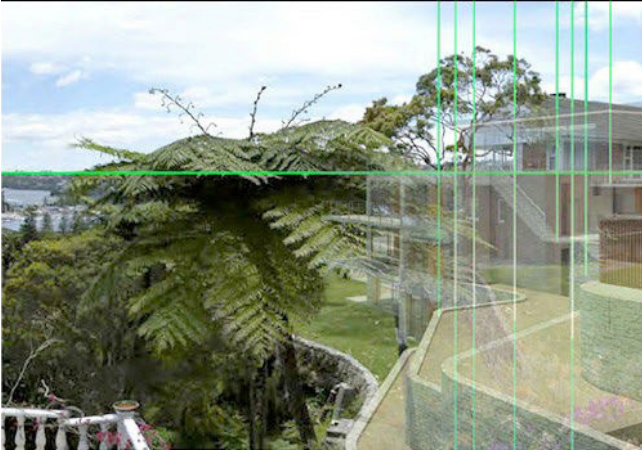
The following example clearly demonstrates this – a house montaged into a view, by others, using very few points of reference for verification. By analysing the existing photo alongside the survey, the existing site was able to be recreated with a series of reference elements built into the model. A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



Photomontage submitted by developer



Key visual location points on site: Urbaine



Key points and 3d model overlaid onto existing photo



Final accurate photomontage: Urbaine

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



Physical 3000mm site poles placed at lot corners



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



Proposed buildings and landscape mounding applied

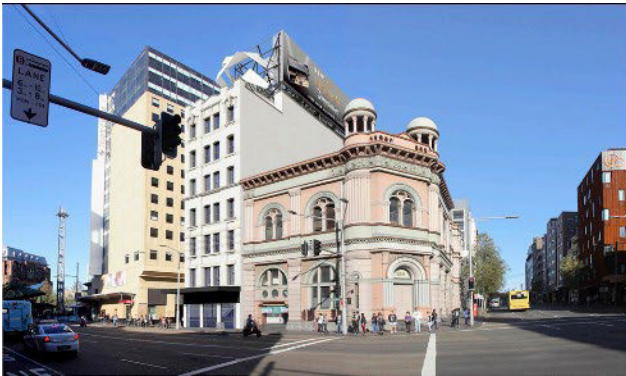


Proposed landscape applied – shown as semi-mature

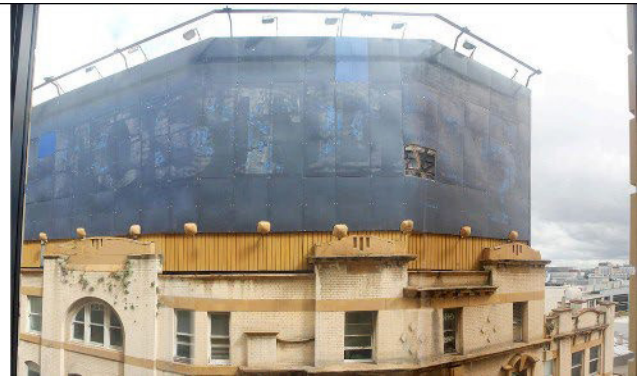


Final verified photomontage by Urbaine

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



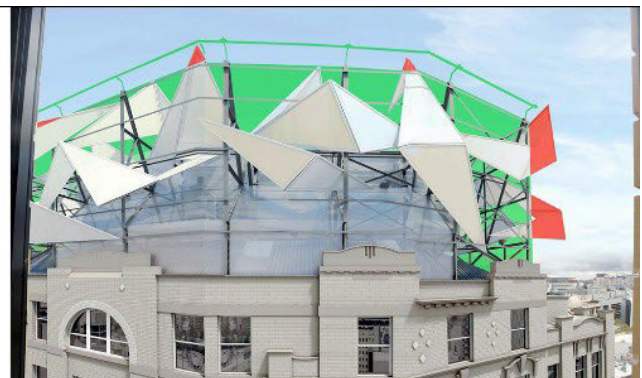
Photomontage of proposed building for digital billboard



Existing situation – view from adjoining hotel

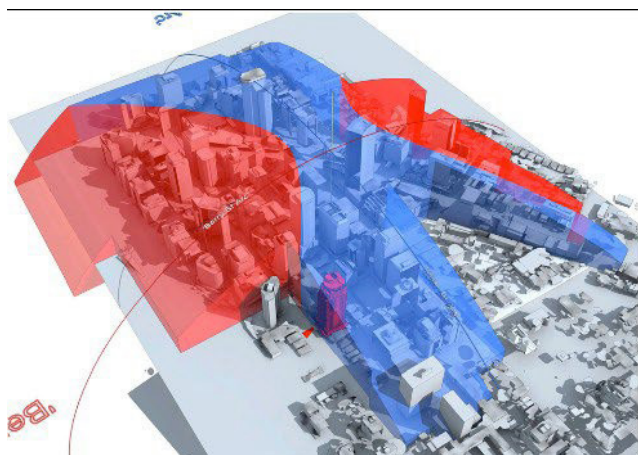


Photomontage of view from hotel

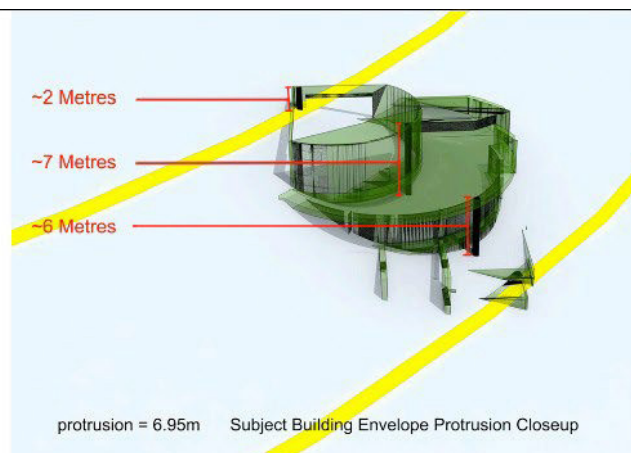


View loss – green = view gain / red = view loss

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



3d model of planning height zones



Extent of protrusion of proposed design prior to re- design

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

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

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

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



Land and Environment
Court
of New South Wales

Policy: Use of Photomontages and Visualisation Tools

Commencement

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

Purpose of the policy

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

Application

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

Definitions

4. In this Policy:

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

CGI means Computer Generated Image.

Commissioner means a Commissioner or Acting Commissioner of the Court.

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

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

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

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

Judge means a Judge of the Court.

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

Registrar means a Registrar of the Court.

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

General principles

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



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



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

Visualisation Tools

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

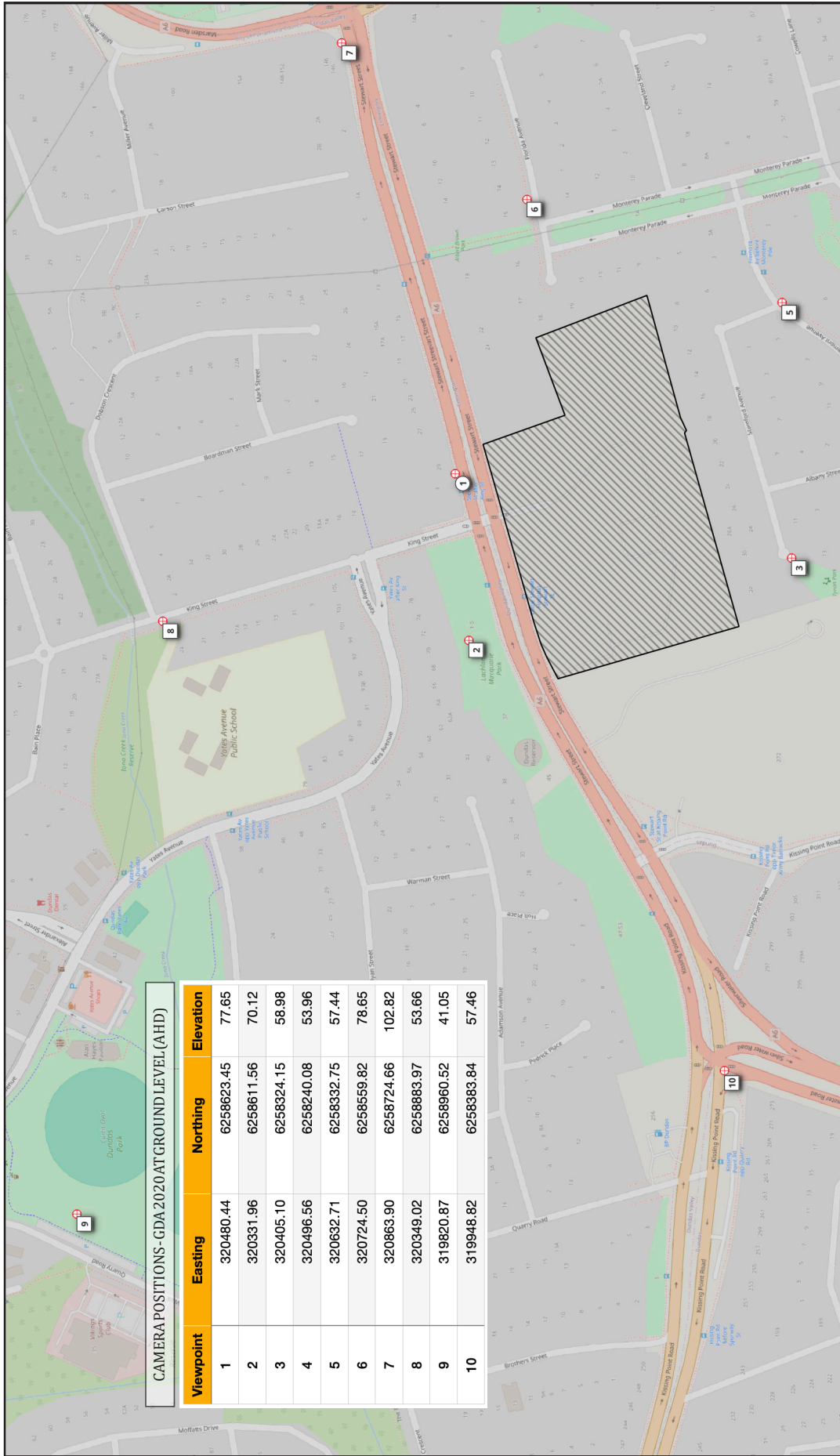
Paperless Hearings

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

Issued by:

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

5.2. APPENDIX C: Survey and camera positions



CAMERA POSITIONS - GDA 2020 AT GROUND LEVEL (AHD)			
Viewpoint	Easting	Northing	Elevation
1	320480.44	6258623.45	77.65
2	320331.96	6258611.56	70.12
3	320405.10	6258324.15	58.98
4	320496.56	6258240.08	53.96
5	320632.71	6258332.75	57.44
6	320724.50	6258559.82	78.65
7	320863.90	6258724.66	102.82
8	320349.02	6258883.97	53.66
9	319820.87	6258960.52	41.05
10	319948.82	6258383.84	57.46

NOTE:

BUILDING POSITIONS ARE INDICATIVE FOR PRESENTATION PURPOSES.
DATA WAS CAPTURED USING GNSS RTK ROVER
CAMERA POSITIONS ARE FROM GNSS WITH NTRIP CORRECTIONS
OBSERVATIONS WITHIN +/- 0.0 IM
LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM (AHD)

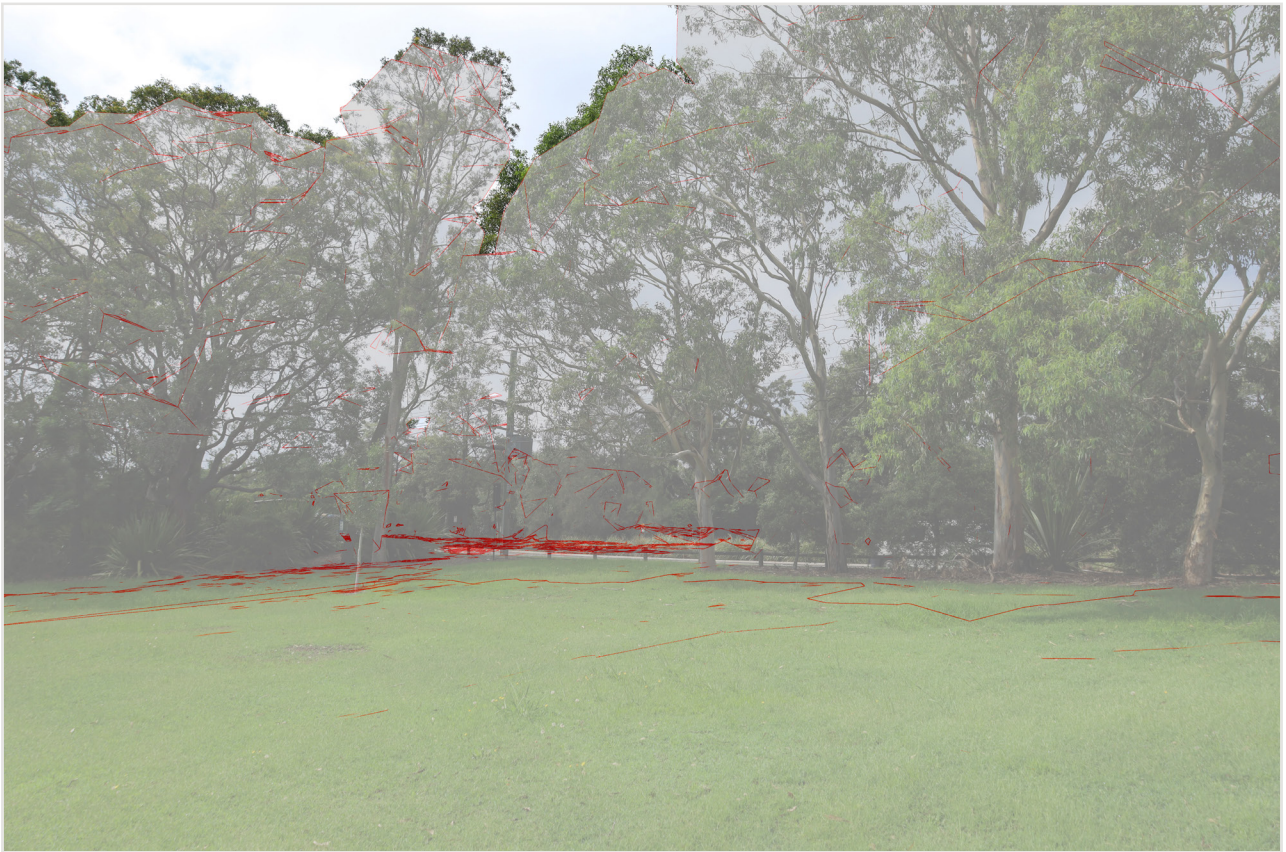
JOB NO: 837_SBR_Lottie Stewart	LGA: CITY OF PARRAMATTA COUNCIL
DATE: 07.10.2025	DATUM: AHD
DRAWN: DK	SCALE: N/A
CHECK: JA	SHEET: 1:1

SKETCH PLAN SHOWING
INDICATIVE CAMERA POSITIONS FOR -
40 STEWART STREET ERMINGTON 2115

5.3. APPENDIX D: Wireframe images



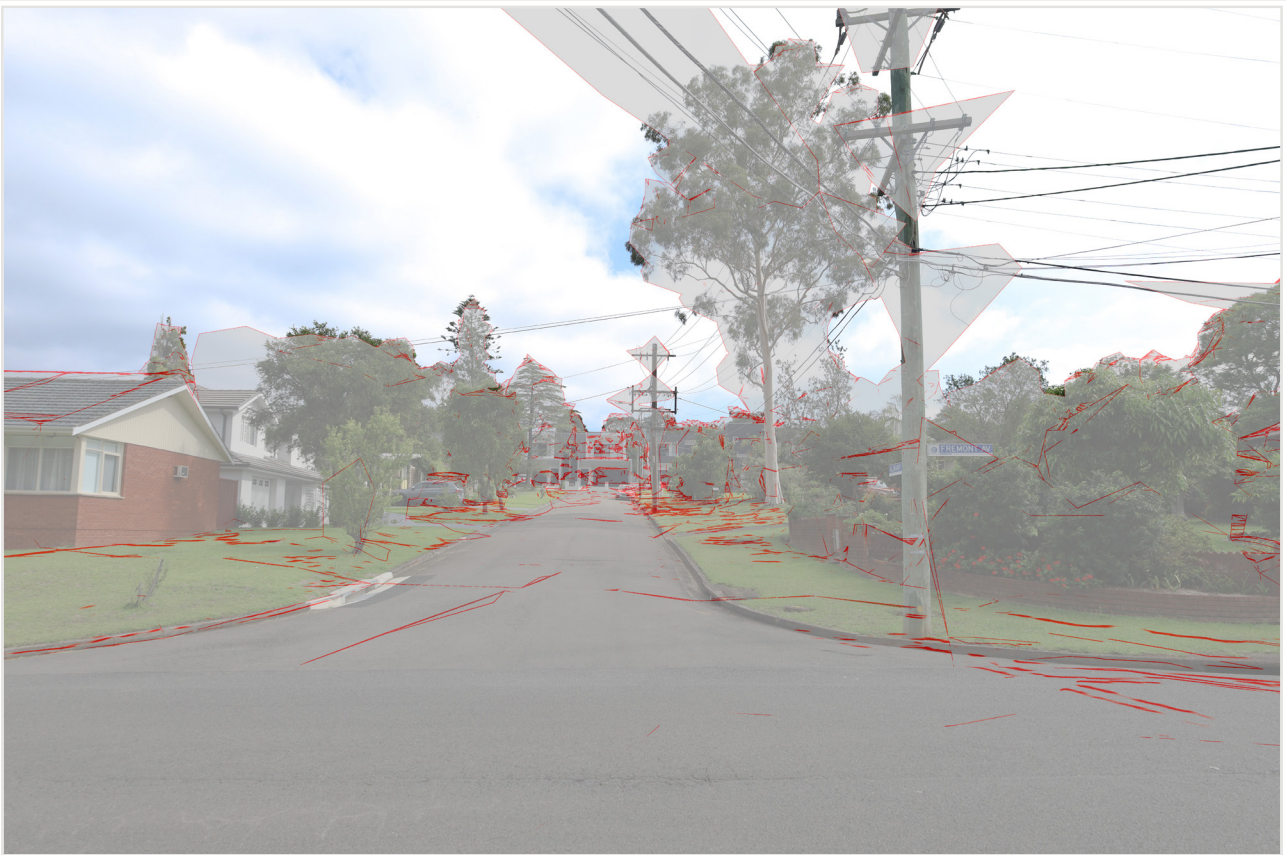
Viewpoint 01



Viewpoint 02



Viewpoint 03



Viewpoint 04



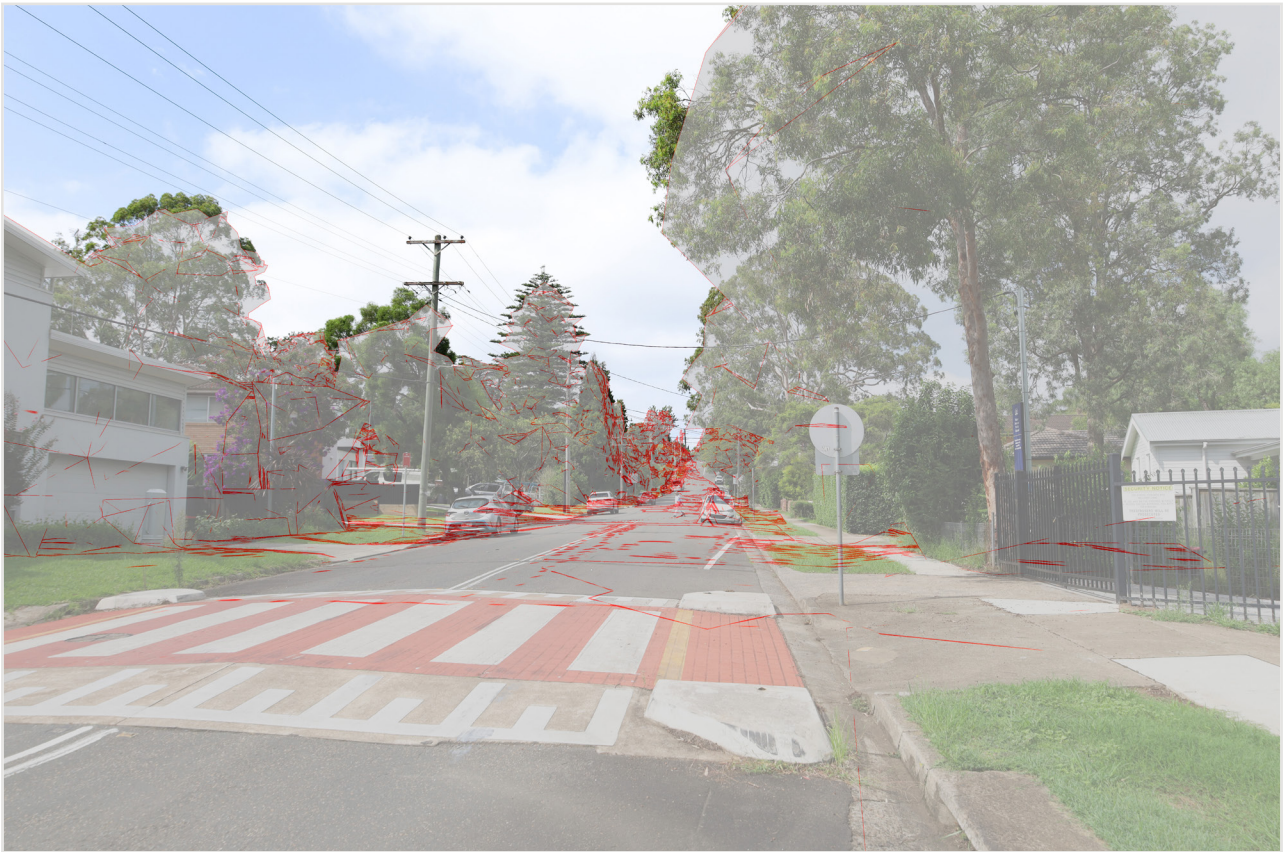
Viewpoint 05



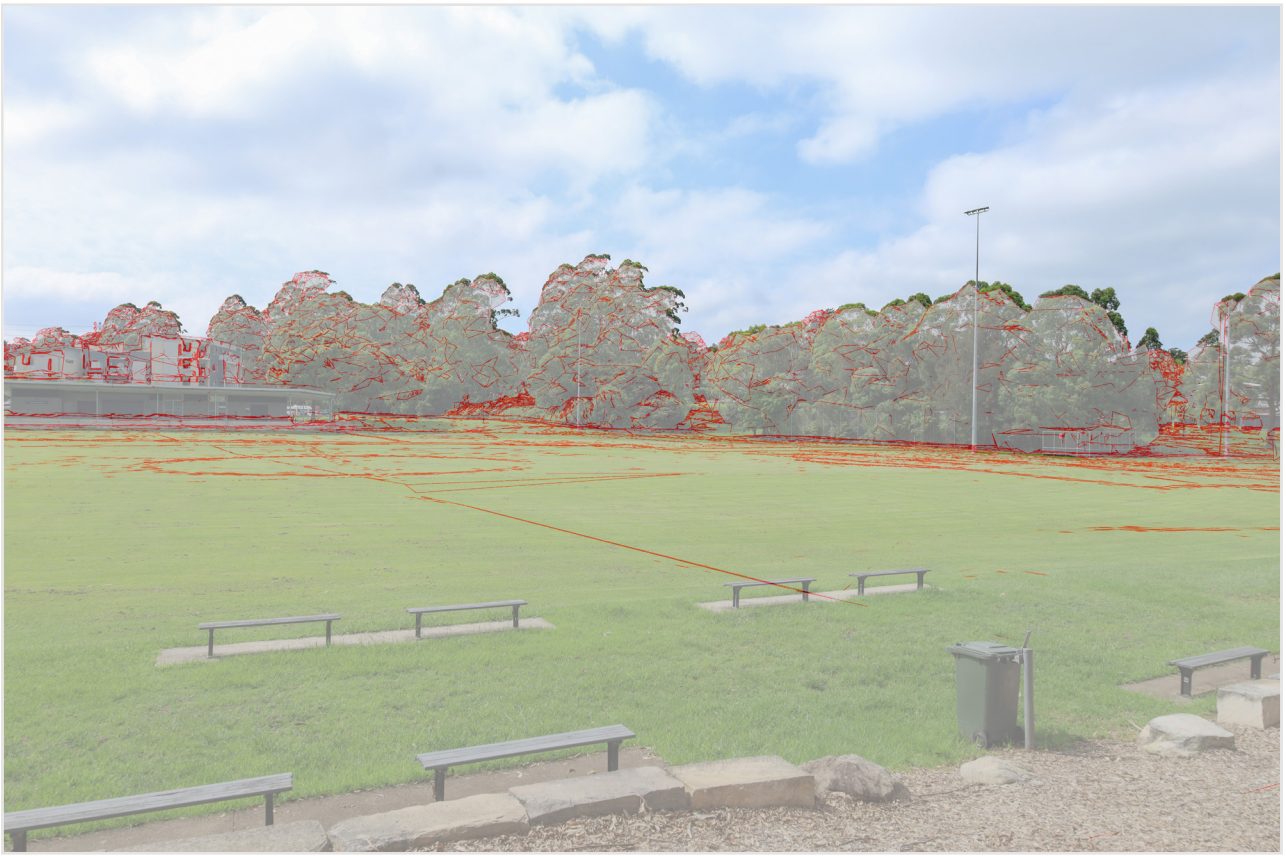
Viewpoint 06



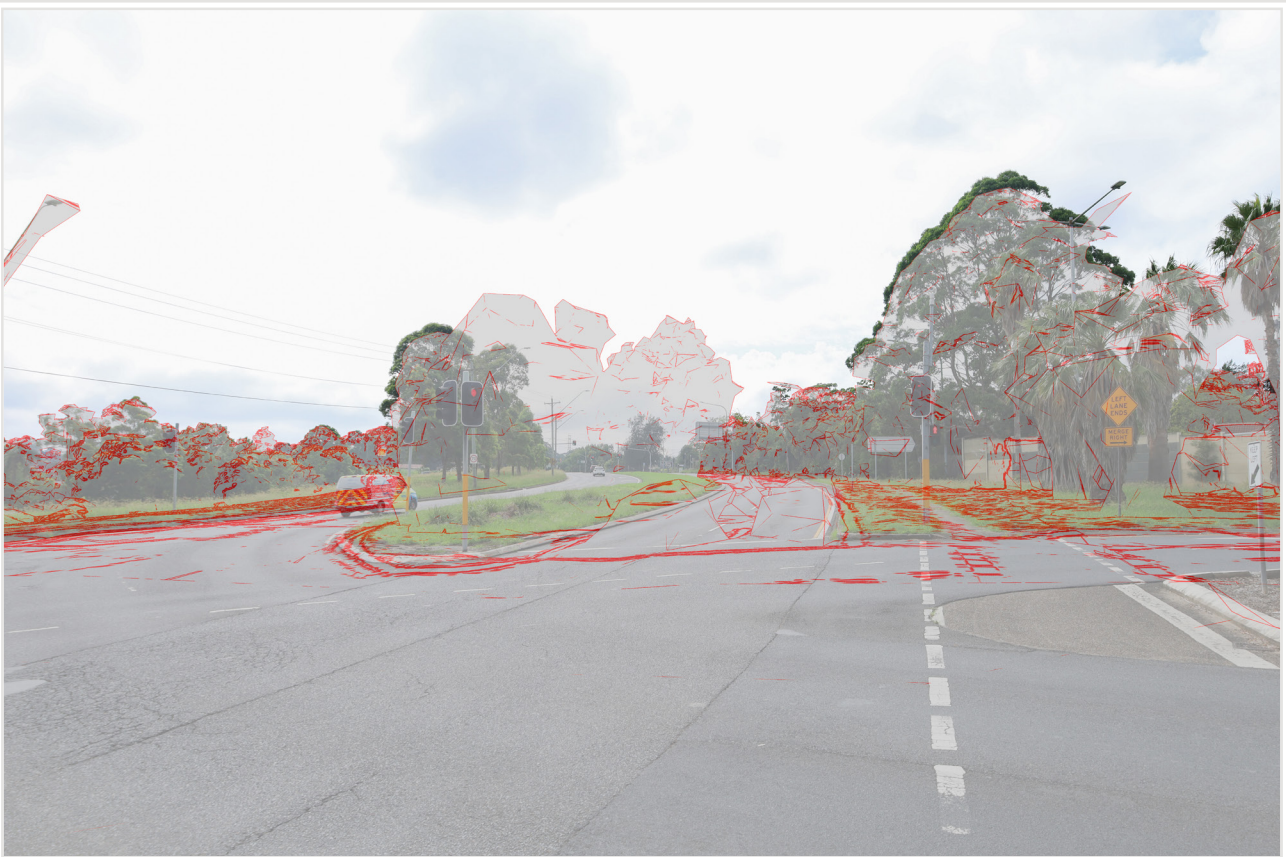
Viewpoint 07



Viewpoint 08



Viewpoint 09



Viewpoint 10

5.4. APPENDIX E: Site Photography





Viewpoint 01



Viewpoint 02



Viewpoint 03



Viewpoint 04



Viewpoint 05



Viewpoint 06



Viewpoint 07



Viewpoint 08



Viewpoint 09



Viewpoint 10



Viewpoint 11



Viewpoint 12



Viewpoint 13



Viewpoint 14



Viewpoint 15



Viewpoint 16



Viewpoint 17



Viewpoint 18



Viewpoint 19



Viewpoint 20