
Urbaine Design Group Pty Ltd, 19c/74 , The Corso, Manly, NSW 2095



VISUAL IMPACT ASSESSMENT

STATE SIGNIFICANT DEVELOPMENT APPLICATION
NO.65 MUSTON STREET, MOSMAN 2088

MARCH 5 2026

Project Type: State Significant Development Application

Address: No.65 Muston Street, Mosman 2088

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1. INTRODUCTION

1.1. Scope and Purpose of Report

This Visual Impact Assessment Report has been prepared for Proske Property Pty Ltd. and is submitted to the Department of Planning, Housing and Infrastructure in support of a State Significant Development Application (SSDA) for a Residential Flat Building at 65 Muston Street, Mosman 2088 (the site). The report provides an analysis of the proposed development's visual impact in relation to its visual and statutory contexts, including the SSD-98068713 SEARS Requirements nos.7 and 8. It is to be read in conjunction with the drawings and other material submitted with the SSDA.



Figure 1 – Site location shown in yellow overlay.

1.2. The Proposed Development

The proposal is for the demolition of the existing strata-titled residential flat building and associated structures on the site, tree removal and the construction of a new residential flat building containing and 13 x 3 bedroom units and basement car parking and associated works. At least 10% of the gross floor area will be used for affordable housing (affordable housing component).

1.2.1. The Site and existing property

The subject site is an area of approximately 1,342m² (by survey), with a frontage of around 24 metres to Muston Street and 36.5 metres to Redan Lane. Erected on the site is a strata-titled residential flat building.

It is located within the Mosman Municipal Council LGA and is located within 400 metres walking distance of Mosman Town Centre. Characteristics of the site include a pronounced slope from west (approximately RL 70m AHD) to east (approximately RL62m AHD), which is consistent with the general topographic form of the area.

The site is within the established residential area of Mosman on the Balmoral slopes in a locality characterised by a mix of residential types including dwelling houses, semi-detached and duplex dwellings, town houses and residential flat buildings.

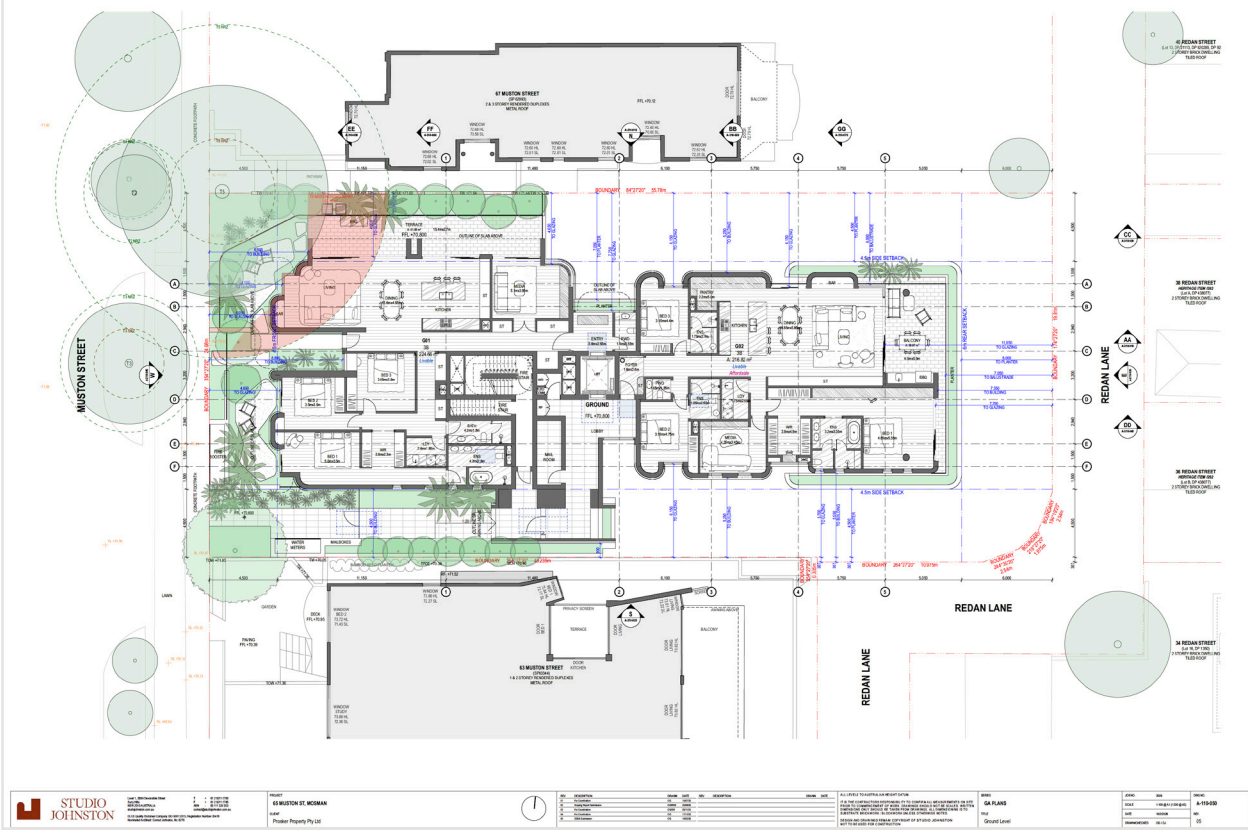
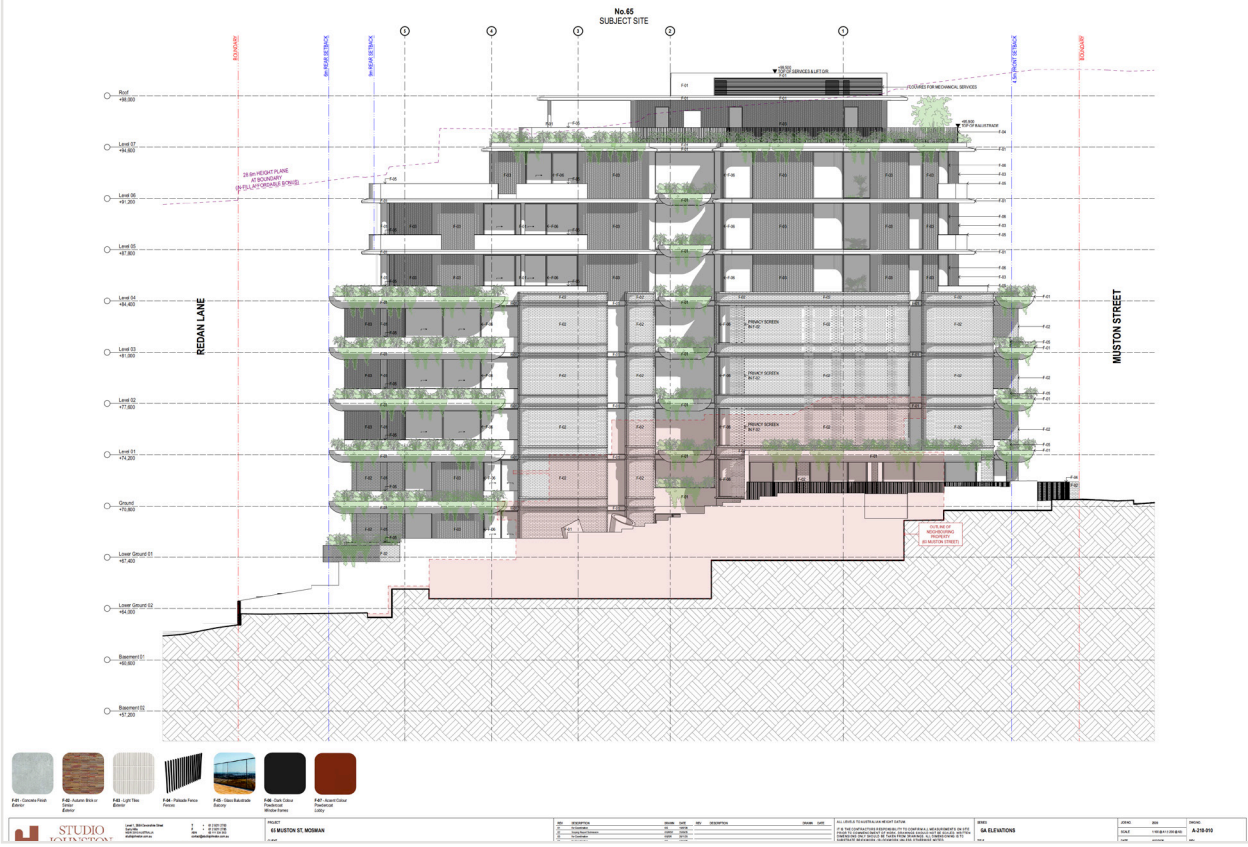


Figure 2 – Subject site shown in yellow overlay.

1.3. Proposed Land Use and Built Form

The proposal is for the demolition of existing buildings and associated structures on the site, preparatory site works, excavation and the erection of a new residential flat building containing 13 x 3 bedroom units all but one of which is oriented to the view (i.e. to the east). On Levels 1 – 3 there will be two units per floor each aligned east-west. On Levels 4 – 6, there will be one unit per floor. Parking will be provided for residents and visitors over four basement levels with access off Redan Lane at the site's north eastern corner (utilising an existing double width kerb crossing).

For more information read the EIS document by BBC Consulting Planners which accompanies this application.



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, Studio Johnston Architects and aligned to the scene using the survey information from CMS Surveyors, which accompanies the DA 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 Principle for view sharing established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140. This Planning Principle establishes a four-step assessment to assist in deciding whether or not view sharing is reasonable:

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

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

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

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

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

Accessible locations that feature a prominent, direct and mostly unobstructed line of sight to the Project are used to assess the visual impact of the Design Proposal. The impact to each location is then assessed by overlaying an accurate visualisation of the new design onto the base photography and interpreting the amount of view loss in each situation, together with potential opportunities for mitigation.

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

or no natural features.

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



Figure 5: Selected private 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 5, indicates chosen locations for site photography.

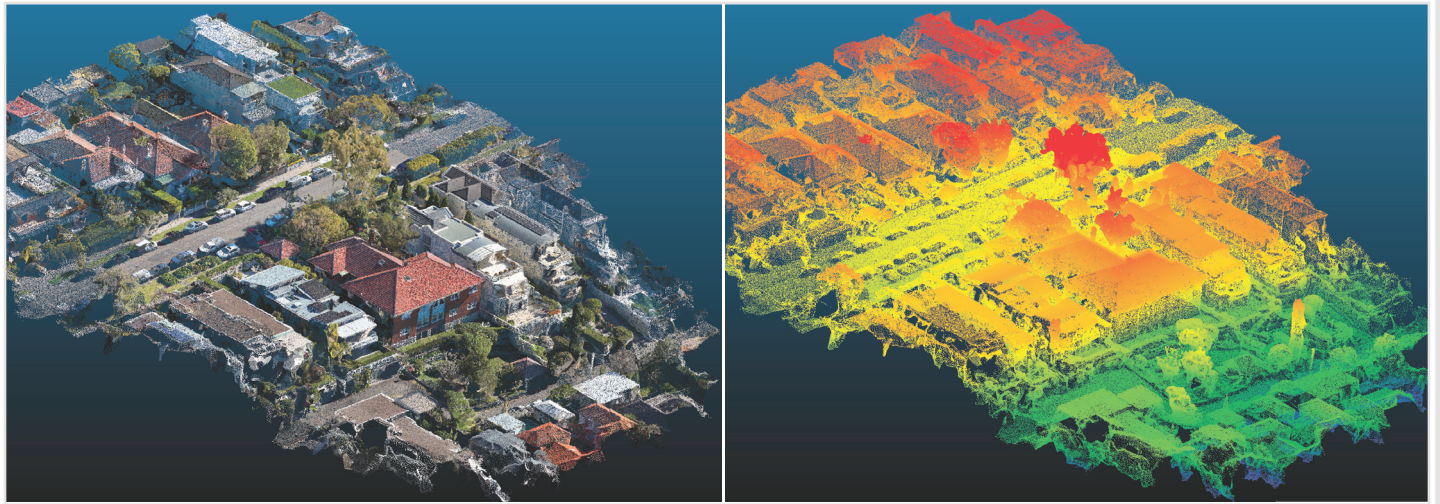


Figure 6: Neighbourhood with gradient ramp - Proposed site ridge height and above in yellow to red, below in green - blue.

Virtual analysis was also undertaken to assess the potential for high value view loss base on relative height of the proposal and current site, see figure 6.

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 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 Studio Johnston. February, 2026.*
- *EIS document by BBC Consulting Planner*
- *Photography by Urbaine Group*
- *Photomontages by Urbaine Group*
- *Survey by CMS Surveyors*
- *State Environmental Planning Policy No. 55 - Remediation of Land;*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;*
- *Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (the Harbour REP).*
- *Chapters 2, 4 and 6 of SEPP (Housing) 2021*
- *Mosman LEP 2012*

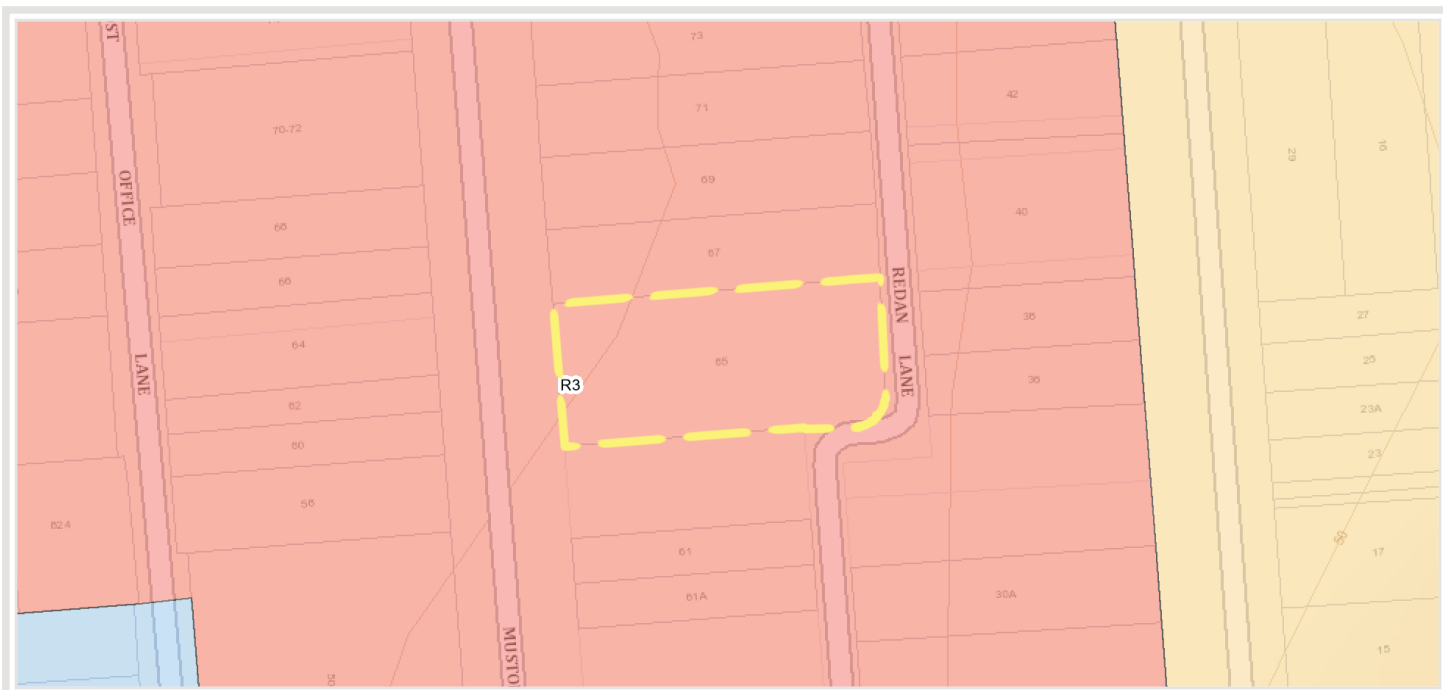


Figure 7: Land zoning map, indicating site with yellow outline.

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.

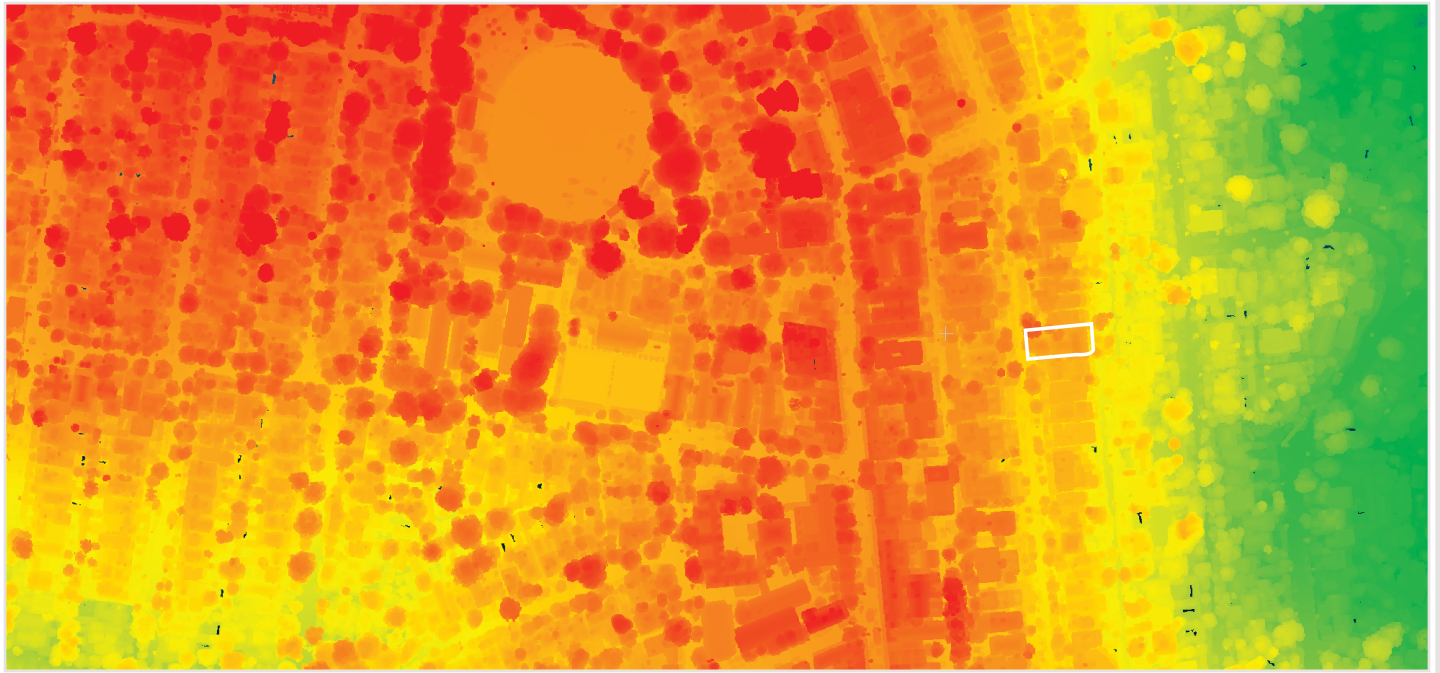


Figure 8: Lidar Point cloud including trees and buidlings with gradient ramp to show topography, propped site in white outline.

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

Within the street context, development is predominantly 2,3 and 4 storey residential developments, orientated to maximise ocean views. The subject property is not heritage listed Within the urban context, there is a diverse fabric consisting of predominantly low density residential, with wide streets, large plot sizes and mature, established landscaping. The iconic views from Muston Street are to the east, the harbour, Manly and North Head, considered to be an iconic view.

2.2. Visual Features and Local Landmarks

Particular elements in the urban pattern, through either location and/or built form provide visual nodes and landmarks that assist in differentiating locations within the broader visual context. The following visual nodes are considered to be of the greatest significance in terms of their contribution to the character and legibility of the local and surrounding area:

Within the local and surrounding areas, the streetscapes are typical of a well-established suburban area, that being focused on public amenity. The residential lots are medium to large and, as a result of the topography, have the option of enabling view sharing throughout the neighbourhood

2.3. Streetscapes

The streets on the sloping landscape, which rises from Balmoral Beach, are predominantly running parallel to each other from north to south, aligning with the main access road on the Mosman ridgeline, Military Road. The steep topography allows 2 and 3 storey houses and residential flat buildings to exist at close proximity to each other, without compromising their valued views to the east.

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 west 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

Visual Impact Assessments from 17 viewpoint locations – around No.65 Muston Street, Mosman 2088

3.1.1. Method of Assessment

In order to allow a quantitative assessment of the visual impact locations where view impact and view loss, a Canon EOS Full Frame Digital Camera with fixed focal length 24mm lens was used to take all viewpoint photos, at an eye level of 1600mm. Where this was not possible a micro drone was used with equivalent lens

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

To assess the visual impact, there are 2 relevant aspects - view loss of actual substance (landscape, middle and distance view elements etc.) and also direct sky view loss. To a large extent, the value associated with a view is subjective, although a range of relative values can be assigned to assist with comparing views. Figure 8 is a scale of values from 0 to 15, used to allow a numeric value to be given to a particular view, for the purposes of comparison.

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

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

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

TENACITY / SCALE / VALUE		VISUAL IMPACT		VISUAL QUALITY
NIL	0	NEGLECTIBLE	No negative impact on the pre-existing visual quality of the view	N/A
	1	LOW	A minor negative impact on the pre-existing visual quality of the view Examples: minor impact on natural landscapes no impact on iconic views impact on small number of receivers significant distance between the development and receiver	Predominant presence of low quality man made features Minimal views of natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc.) Uniformity of land forms
NEGLECTIBLE	2			
	3			
	4			
	5			
MINOR	6	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.)
	7			
	8			
MODERATE	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 - Muston Street

From standing position on pavement.

RL: +70.76m Distance to boundary: 52.84m - Bearing direction 145.92°

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 68%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 6% : 94%*
- *Existing Visual Assessment Scale no: 6 /15 Visual Impact Assessment Scale no: 8 /15*

This is a static and dynamic, public viewpoint from the western pavement of Muston Street, adjoining the driveway of No.74. street, looking in a south-southeasterly direction, towards the subject site, at standing height. From this location, the immediate foreground of the view looks beyond the pavement towards the upper levels of the residential dwellings along the eastern side of Muston Street. These properties present as 2 storey heights towards the street, continuing to the south and the junction with Raglan Street. Views of the houses on the western side of Muston Street are significantly obscured by street trees running along the road verge. To the south, in the far distance, the topography rises towards Military Road, which traverses the far ridgeline.

The view loss from this location, as a result of the new proposal relates, for the mostpart to the sky view above the subject site and to a very small area of the distant ridgeline in the far distance. The visual impact is more significant, in redefining the height and form of the overall streetscape.

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

- *Value of view: High.*
- *View location: Public pavement.*
- *Extent of impact: Moderate.*

Reasonableness of proposal: Within the context of the development's height compliance within the LMR building envelope (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since view loss is almost entirely to sky view beyond the site and no views of high value are impacted.

VIEWPOINT 02



Existing site photo - Muston / Almora Streets.

From standing position on pavement.

RL: +72.66m Distance to boundary: 150.10m - Bearing direction 164.58°

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 44%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 3% : 97%*
- *Existing Visual Assessment Scale no: 5 /15 Visual Impact Assessment Scale no: 6 /15*

This is a static and dynamic, public viewpoint from the northern pavement Almora Street, looking in a southerly direction, towards the subject site, at standing height. From this location, the immediate foreground of the view looks across the road junction, towards the residential flat buildings, at no.58, Almora Street, at the southeastern corner of the junction and no.84, Almora Street on the southwestern corner. Beyond these the road continues to the south, with a mixture of mature street trees and consistent roof heights of houses seen on the eastern side of the street. The topography rises towards the western side and there are varied heights of buildings in this direction. To the south, in the far distance, the topography rises towards Military Road, which traverses the far, visible ridgeline.

The view loss from this location, as a result of the new proposal relates, for the mostpart to the sky view above the subject site and to small components of landscape to the south. The visual impact, from this distance is less significant, with a visual relationship to the buildings on the eastern side of Muston Street and the filtering of the building by the street trees.

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

- *Value of view: Low.*
- *View location: Upper roof terrace - secondary, outdoor living space.*
- *Extent of impact: Minor-to-Moderate.*

Reasonableness of proposal: Within the context of the development's height compliance within the LMR building envelope (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since view loss is almost entirely to sky view beyond the site and no views of high value are impacted.

VIEWPOINT 03



Existing site photo - Muston Street.

From standing position on pavement.

RL: +66.69m Distance to boundary: 116.42m - Bearing direction 8.12 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 63%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 8% : 92%*
- *Existing Visual Assessment Scale no: 6 /15 Visual Impact Assessment Scale no: 8 /15*

This is a static and dynamic, public viewpoint from the western pavement of Muston Street, adjoining the midpoint of the front garden of the residential flat building at no.42, looking in a north-northeasterly direction, towards the subject site, at standing height. From this location, the immediate foreground of the view looks beyond the pavement across Muston Street and, from there, towards the eastern facing frontage of the houses opposite. These properties present as 2 storey heights towards the street, continuing to the north and the junction with Almora Street. Views of the houses on the western side of Muston Street are significantly obscured by street trees running along the road verge. To the north, in the far distance, the topography rises towards Mandalong Road and Spit road in the far distance, which traverses the far ridgeline.

The view loss from this location, as a result of the new proposal relates, for the mostpart to the sky view above the subject site and to small components of landscape to the northern side of the subject site. The lower levels of the proposal are obscured behind existing buildings and trees. The visual impact, from this distance is moderate, with the building creating an overall increase in the street frontage to Muston Street, in contrast with the predominantly 2 storey neighbouring houses.

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

- *Value of view: Low-to-Medium.*
- *View location: Public pavement.*
- *Extent of impact: Moderate.*

Reasonableness of proposal: Within the context of the development's height compliance within the LMR building envelope (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since view loss is almost entirely to sky view beyond the site and no views of high value are impacted.

VIEWPOINT 04



Existing site photo - Muston / Raglan Streets.

From standing position on pavement.

RL: +74.90m Distance to boundary: 282.45m - Bearing direction 7.10 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 41%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 4% : 96%*
- *Existing Visual Assessment Scale no: 6 /15 Visual Impact Assessment Scale no: 6 /15*

This is a static and dynamic, public viewpoint from the southwestern corner of the Muston Street / Raglan Street roundabout junction, looking in a north-northeasterly direction, towards the subject site, at standing height. From this location, the immediate foreground of the view looks across the junction's roundabout and, from there, towards Muston Street. The properties on the eastern side of Muston Street present as 2 storey heights towards the street, continuing to the north and the junction with Almora Street, not visible in this view. Views of the houses on the western side of Muston Street include the residential flat building on the northwestern corner of the junction and partial views of other apartment buildings beyond this. Distant views, to the north are obscured by the street trees along both sides of Muston Street.

The view loss from this location, as a result of the new proposal relates, almost entirely, to the sky view above the subject site and to small components of landscape to its northern side. The visual impact, from this distance is less significant, with a visual relationship to the buildings on the eastern side of Muston Street and the filtering of the building by the street trees at its eastern edge.

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

- *Value of view: Low-to-Medium.*
- *View location: Public pavement.*
- *Extent of impact: Minor-to-Moderate.*

Reasonableness of proposal: Within the context of the development's height compliance within the LMR building envelope (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since view loss is almost entirely to sky view beyond the site and no views of high value are impacted.

VIEWPOINT 05



Existing site photo - Raglan Street.

From standing position on pavement.

RL:+79.86 Distance to boundary: 295.33m - Bearing direction 31.28 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 11%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 0% : 100%*
- *Existing Visual Assessment Scale no: 5 /15 Visual Impact Assessment Scale no: 1 /15*

This is a static and dynamic, public viewpoint from the southern pavement of Raglan Street, adjoining the steps to Raglan Square, looking in a northeasterly direction, towards the subject site, at standing height. From this location, the immediate foreground of the view looks across Raglan Street to the commercial property at no. 914, Military Road and beyond this, to the public car park and western elevations of the residential flat buildings on Muston Street. There are no views through to the eastern side of Muston Street, as a result of the height of these apartment buildings and the falling topography from west to east. Large mature trees along Raglan Street and within the car park further filter views towards the site.

The view loss and visual impact from this location is minimal as a result of the existing buildings in the foreground and the large tree canopies that filter most of its form.

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

- *Value of view: Low-.*
- *View location: Public pavement.*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's height compliance within the LMR building envelope (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since view loss is minimal and no high value views are impacted.

VIEWPOINT 06



Existing site photo - Military Road (rear).

From approximate standing position L2 window

RL: + 85.97m Distance to boundary: 76.99m - Bearing direction 106°

Camera - Drone

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 47%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 41% : 59%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 10 /15*

This is a static, private (drone equivalent) view from standing height, within the apartment no.16 of no.810 Military Road, looking east-southeast, towards the subject site. The foreground of the view is across Post Office Lane and, from there across the garden and flat roof of the individual house at no.68, Muston Street, with similarly sized houses, to the north and south of this. Partial elements of properties on the eastern side of Muston Street are observed beyond this, in the middle distance, with the land then falling away further east and down towards Balmoral Beach. There are several large, mature trees along Muston Street that partially impact upon the further distant views. Most of Balmoral Bay is seen, with Cobblers Bay Headland Beyond and North Head in the far distance. To the southeast, the ridgeline rises from east to west, from Middle Head towards Mosman and ocean / horizon views beyond this.

The view loss from this location relates to the far distant views, including the lower reaches of the eastern end of Mosman and an area of the ridgeline from Middle Head beyond this. There may be partial water view loss between the tree branches in the foreground of the subject site. Above this, the view loss is to sky view. High value views to North Head and Hunters Bay are fully retained. The visual impact is greater, since the height of the proposal is the only built form that will cross the ocean / horizon interface in the far distance and the redefines the streetscape at the upper levels of the Balmoral slopes residential area.

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private residential property.*
- *Extent of impact: Moderate-to-Severe.*

Reasonableness of proposal: Within the context of the development's height compliance within the LMR building envelope (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since many of the high value components of the view remain and views to the northeast are not impacted, including the views to North Head and Cobblers Bay foreshore.

VIEWPOINT 07



Existing site photo - Military Road (rear).

From approximate standing position L2 window

RL: + 86.78m Distance to boundary: 73.24m - Bearing direction 92.37°

Camera - Drone

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 56%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 55% : 45%*
- *Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 11 /15*

This is a static, private (drone equivalent) view from standing height, within the Level 3, southeastern corner apartment of no.822 Military Road, looking east-southeast, towards the subject site. The foreground of the view is across Post Office Lane and, from there across the garden and flat roofs of the individual houses and residential flat building at nos.60-66, Muston Street, with similarly sized houses, to the north and south of these. Partial views of the upper floors and roofs of properties on the eastern side of Muston Street are observed beyond this, in the middle distance, with the land then falling away further east and down towards Balmoral Beach. There are several large, mature trees along Muston Street that partially impact upon the further distant views. Most of Balmoral Bay is already impacted, with Cobblers Bay Headland beyond and Hunters Bay and North Head in the far distance. To the southeast, the ridgeline rises from east to west, from Middle Head towards Mosman and ocean / horizon views beyond this.

The view loss from this location relates to the far distant views, including the lower reaches of the eastern end of Mosman, the Balmoral Naval Hospital and an area of the ridgeline from Middle Head and the ocean beyond this. There may be partial water view loss, towards Balmoral Bay, between the tree branches in the foreground of the subject site. Above this, the view loss is to sky view. High value views to North Head and Hunters Bay are fully retained. The visual impact is greater, since the height of the proposal is the only built form that will cross the ocean / horizon interface in the far distance and the redefines the streetscape at the upper levels of the Balmoral slopes residential area.

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private residential property.*
- *Extent of impact: Severe.*

Reasonableness of proposal: Within the context of the development's height compliance within the LMR building envelope (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since many of the high value components of the view remain and views to the northeast are not impacted.

VIEWPOINT 08



Existing site photo - Military Road (rear).

From approximate standing position L2 window

RL: + 84.07m Distance to boundary: 70.72m - Bearing direction 82 °

Camera - Drone

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 61%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 51% : 49%*
- *Existing Visual Assessment Scale no: 11 /15 & Visual Impact Assessment Scale no: 12 /15*

This is a static, private (drone equivalent) view from standing height, within the apartment no.8 of no.824 Military Road, looking east towards the subject site. The foreground of the view is across Post Office Lane and the rear garages of the houses at nos.60-64, Muston Street, from there across the pitched, tiled roofs of the individual houses on the western side of Muston Street, with similarly sized houses, to the north and south of these. Street trees and partial elements of properties on the eastern side of Muston Street are observed beyond this, in the middle distance, with the land then falling away further east and down towards Balmoral Beach. There are several large, mature trees along Muston Street that partially impact upon the further distant views. North Head and Grotto Point are seen in the far distance, across Hunters Bay. To the southeast, the ridgeline rises from east to west, from Middle Head towards Mosman and ocean / horizon views beyond this.

The view loss from this location relates to the far distant views, including the Balmoral Naval Hospital and an area of the ridgeline from Middle Head and the ocean beyond this. The view of North Head National park is also impacted towards its eastern edge. Above this, the view loss is to sky view and views to Grotto Point and the national Park remain.. The visual impact is greater, since the height of the proposal is the only built form that will cross the ocean / horizon interface in the far distance and the redefines the streetscape at the upper levels of the Balmoral slopes residential area.

Tenacity Assessment Summary:

- *Value of view: High.*
- *View location: Private residential property.*
- *Extent of impact: Severe.*

Reasonableness of proposal: Within the context of the development's height compliance within the LMR building envelope (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since many of the high value components of the view remain and views to the northeast are not impacted.

VIEWPOINT 09



Existing site photo - Balmoral Pool.

From standing position on pavement.

RL: + 3.86m Distance to boundary: 655.35m - Bearing direction 275.89 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 72%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 14% : 86%*
- *Existing Visual Assessment Scale no: 11 /15 & Visual Impact Assessment Scale no: 5 /15*

This view is taken from the timber walkway surrounding the fenced Balmoral pool, aligned with the eastern edge of the boat moorings within the bay. A large expanse of Balmoral Beach is observed beyond this and, further to the west, the sea wall, with rows of mature trees and various sizes of houses and apartments along The Esplanade. The landform then rises to the west, with a mix of large houses, apartments and mature, trees lining the streets and the ridgeline of Military Road beyond. A number of large trees and apartment buildings break the continuity of the ridgeline.

The new proposal can be observed at the centre of the view, with the lower levels sitting below the distant ridgeline. The profile of the upper levels of the design, filtered by existing tree canopies, rise above the ridgeline of Mosman and Military Road to the west, creating a change to the distant skyline, in relation to the lower level residential properties that surround the site.

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

- *Value of view: High.*
- *View location: Deck over water, surrounding public pool.*
- *Extent of impact: Negligible-to-Minor.*

Reasonableness of proposal: Within the context of the development's height compliance (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since the highest value components of the view remain and views to the south and west are not impacted to any great degree. The extent of mature landscaping along The Esplanade ensures the visibility of the proposal is limited from key public areas.

VIEWPOINT 10



Existing site photo - Balmoral Foreshore Reserve.

From standing position on pavement.

RL: + 5.04m Distance to boundary: 745.75m - Bearing direction 246.03 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 9%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 0% : 100%*
- *Existing Visual Assessment Scale no: 10 /15 & Visual Impact Assessment Scale no: 2 /15*

This is a static, public view from the park area of Balmoral Foreshore Reserve, at the access bridge to Rocky Point. The location is to the east of the Balmoral Rotunda, looking in a southwesterly direction at standing height.

From this location, the immediate foreground of the view looks across the parkland, with its collection of mature trees, towards the car parking alongside The Esplanade and the junction with Hunter Road. Most of the middle ground of the view is obscured by the tree canopies, with the topography of the land rising, further west, towards the ridgeline of Mosman and Military Road. Elements of residential properties are observed on the sloping land, between mature trees.

The proposal is only partially visible at its upper levels above the tree canopies of the park, The view loss is minimal and related to sky view only, while the visual impact is also marginal at this distance.

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

- *Value of view: Medium-to-High.*
- *View location: Public park.*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's height compliance (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since the highest value components of the view remain and views to the south and west are not impacted to any great degree. The extent of mature landscaping along The Esplanade ensures the visibility of the proposal is limited from key public areas.

VIEWPOINT 11



Existing site photo - The Esplanade.

From standing position on pavement.

RL: + 7.84m Distance to boundary: 650.68m - Bearing direction 242.10 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 43%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 12% : 88%*
- *Existing Visual Assessment Scale no: 7 /15 & Visual Impact Assessment Scale no: 2 /15*

This is a static and dynamic, public ground level view from the parking area on the eastern side of The Esplanade, looking in a southwesterly direction, across the road junction between The Esplanade and Hunter Road, at standing height. The view, beyond the junction incorporates the large, mature trees within the grounds of Hunter Park and along Hunter Street to the southwest, before the landform rises to the Balmoral slopes and the ridgeline of Mosman and Military Road in the far distance. To the west, the distant views are impacted by the existing, two-storey house at No.47, The Esplanade, which is surrounded by large hedges on its eastern and southern boundaries.

The view loss and visual impact from this location is minimal, with almost the entirety of the proposal concealed behind the dense tree canopies of the Hunter Park landscape.

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

- *Value of view: Medium.*
- *View location: Public pavement.*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's height compliance, the proposal can be deemed acceptable (excluding rooftop structures such as plant and awning), since the highest value components of the view remain and views to the south and west are not impacted to any great degree. The extent of mature landscaping along The Esplanade ensures the visibility of the proposal is limited from key public areas.

VIEWPOINT 12



Existing site photo - The Esplanade.

From standing position on pavement.

RL: + 3.86m Distance to boundary: 656.08m - Bearing direction 262.25 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 43%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 12% : 88%*
- *Existing Visual Assessment Scale no: 7 /15 & Visual Impact Assessment Scale no: 2 /15*

This is a static and dynamic, public ground level view from the parking area on the eastern side of The Esplanade, looking in a southwesterly direction, across the road junction between The Esplanade and Hunter Road, at standing height. The view, beyond the junction incorporates the large, mature trees within the grounds of Hunter Park and along Hunter Street to the southwest, before the landform rises to the Balmoral slopes and the ridgeline of Mosman and Military Road in the far distance. To the west, the distant views are impacted by the existing, two-storey house at No.47, The Esplanade, which is surrounded by large hedges on its eastern and southern boundaries.

The view loss and visual impact from this location is minimal, with almost the entirety of the proposal concealed behind the dense tree canopies of the Hunter Park landscape.

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

- *Value of view: Medium.*
- *View location: Public pavement.*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the development's height compliance (excluding rooftop structures such as plant and awning), the proposal can be deemed acceptable, since the highest value components of the view remain and views to the south and west are not impacted to any great degree. The extent of mature landscaping along The Esplanade ensures the visibility of the proposal is limited from key public areas.

VIEWPOINT 13



Existing site photo - No.63, Muston Street.

From approximate living area standing position - drone equivalent, 2/63, Muston Street
RL: + 70.38m Distance to boundary: 3.28m - Bearing direction 42.18 °

Camera - Drone
Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 29%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 12% : 88%*
- *Existing Visual Assessment Scale no: 9 /15 & Visual Impact Assessment Scale no: 10 /15*

This is a static, private (drone equivalent) view from standing height, from the living area of no.1 / 63 Muston Street, looking northeast across the side boundary to the subject site and beyond. This area is predominantly characterized by mature landscaping, including shrubs and substantial canopy trees that mitigate the visual impact of the street beyond. A slender walkway extends towards Redan Lane, located at the property's eastern boundary. In the midground, residential structures of Mosman are interspersed, with their tiled roofs partially discernible amidst the thick foliage. A prominent conifer rises to the north of centre, serving as a vertical focal point in the composition. Redan Lane is partially perceptible through the trees on the southeast side. The background reveals Middle Harbour, where the visible body of water, along with the distant elevated shoreline, Clontarf / Seaforth area of Middle Harbour is visible, but filtered through trees. To the east, a construction crane is seen above the waterfront, indicative of ongoing redevelopment in the Balmoral precinct.

The visual impact of the new proposal from this vantage point can be assessed as Moderate-to-Severe. The proposed design exhibits a significant visual effect, primarily due to the diminished natural scenery, decreased sense of openness, and an enhanced physical presence in close proximity to the viewpoint, although, the broader views of the harbour are significantly preserved in the background. The view loss is experienced across the property's side boundary.

Tenacity Assessment Summary:

- *Value of view: Medium-to-High*
- *View location: Living room - Primary living space.*
- *Extent of impact: Moderate-to-Severe.*

Reasonableness of proposal: Within the context of the proposal's general compliance, the visual impact can be considered acceptable from this location. High value views are retained directly to the front of the property and the view loss is across the property's side boundary.

VIEWPOINT 14



Existing site photo - No.63, Muston Street.

From outdoor terrace, approximate location - drone equivalent
RL: + 72.88m Distance to boundary: 3.92m - Bearing direction 43.36 °

Camera - Drone
Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- Visual impact – Amount of new development visible in view - 17%
- Visual impact ratio - view loss (including buildings) : sky view loss: 12% : 88%
- Existing Visual Assessment Scale no: 12 /15 & Visual Impact Assessment Scale no: 7 /15

This is a static, private (drone equivalent) view from the main living room balcony of no.2 / 63 Muston Street, facing north-east. The foreground is comprised of the tree canopies and landscaped garden foliage within the subject site to the west. Beyond this vegetation, to the north, the rear yard and roofline of No.36 Redan Lane can be observed, revealing its tiled roofing, fenced periphery, and modest garden space. The road itself traverses horizontally across the lower section of the view, partially obscured by surrounding landscape. Aligned rows of individual residential properties extend towards the north, distinguished by their various roof types. These dwellings are positioned on the descending incline toward Balmoral Beach, contributing to a tiered residential skyline. The vista broadens considerably towards Balmoral Beach and Hunter Bay, which constitute the prominent visual element in the background. The waters of Middle Harbour occupy the central and eastern segments of the scene, interspersed with moored vessels, characteristic of the sheltered bay. The opposing coastline, encompassing Clontarf and Manly in the far distance, forms an uninterrupted headland extending across the horizon.

The visual impact of the new proposal from this perspective can be assessed as Moderate. Upon the removal of the screening trees, the proposal emerges as a significant visual feature, resulting in a moderate impact due to the reduction of sky visibility and open perspective on the northeast side of the view, while the principal harbour aspect remains unchanged. The view loss is experienced across the property's side boundary.

Tenacity Assessment Summary:

- Value of view: High
- View location: External balcony - Secondary living area.
- Extent of impact: Moderate

Reasonableness of proposal: Within the context of the proposal's general compliance, the visual impact can be considered acceptable from this location. High value views are retained directly to the front of the property and the view loss is across the property's side boundary.

VIEWPOINT 15



Existing site photo - No.63, Muston Street.

From approximate drone equivalent of the outdoor terrace.

RL: + 70.73m Distance to boundary: 3.86m - Bearing direction 44.32 °

Camera - Drone

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- Visual impact – Amount of new development visible in view - 19%
- Visual impact ratio - view loss (including buildings) : sky view loss: 12% : 88%
- Existing Visual Assessment Scale no: 11 /15 & Visual Impact Assessment Scale no: 7 /15

This is a static, private (drone equivalent) view from standing height, from the northern edge of the outdoor terrace of no.1 / 63 Muston Street, looking across the side boundary to the subject site and beyond. This area is predominantly characterized by mature landscaping, including shrubs and substantial canopy trees that mitigate the visual impact of the street beyond, to the west. A slender walkway extends towards Redan Lane, located at the property's eastern boundary. In the midground, beyond the subject site's northern boundary, residential properties are interspersed with mature trees, with their tiled roofs partially discernible amidst the thick foliage. The vista broadens considerably towards Balmoral Beach and Hunter Bay, which constitute the prominent visual element in the background. The waters of Middle Harbour occupy the central and southern segments of the scene, interspersed with anchored vessels characteristic of the sheltered bay. The opposing coastline, encompassing Clontarf forms an uninterrupted headland extending across the horizon.

The visual impact of the new proposal would diminish sky visibility and establish a significant architectural presence on the northeastern aspect of the perspective, thereby rendering the outlook more confined. Nevertheless, the principal views of the harbour and water to the east are almost entirely preserved, resulting in an overall impact that is Moderate. The view loss is experienced across the property's side boundary.

Tenacity Assessment Summary:

- Value of view: High
- View location: Outdoor terrace - Secondary living space.
- Extent of impact: Moderate

Reasonableness of proposal: Within the context of the proposal's general compliance, the visual impact can be considered acceptable from this location. High value views are fully retained directly to the front of the property and the view loss is across the property's side boundary.

VIEWPOINT 16



Existing site photo - No.67A / 67B Muston Street

From standing position at top floor, outdoor balcony

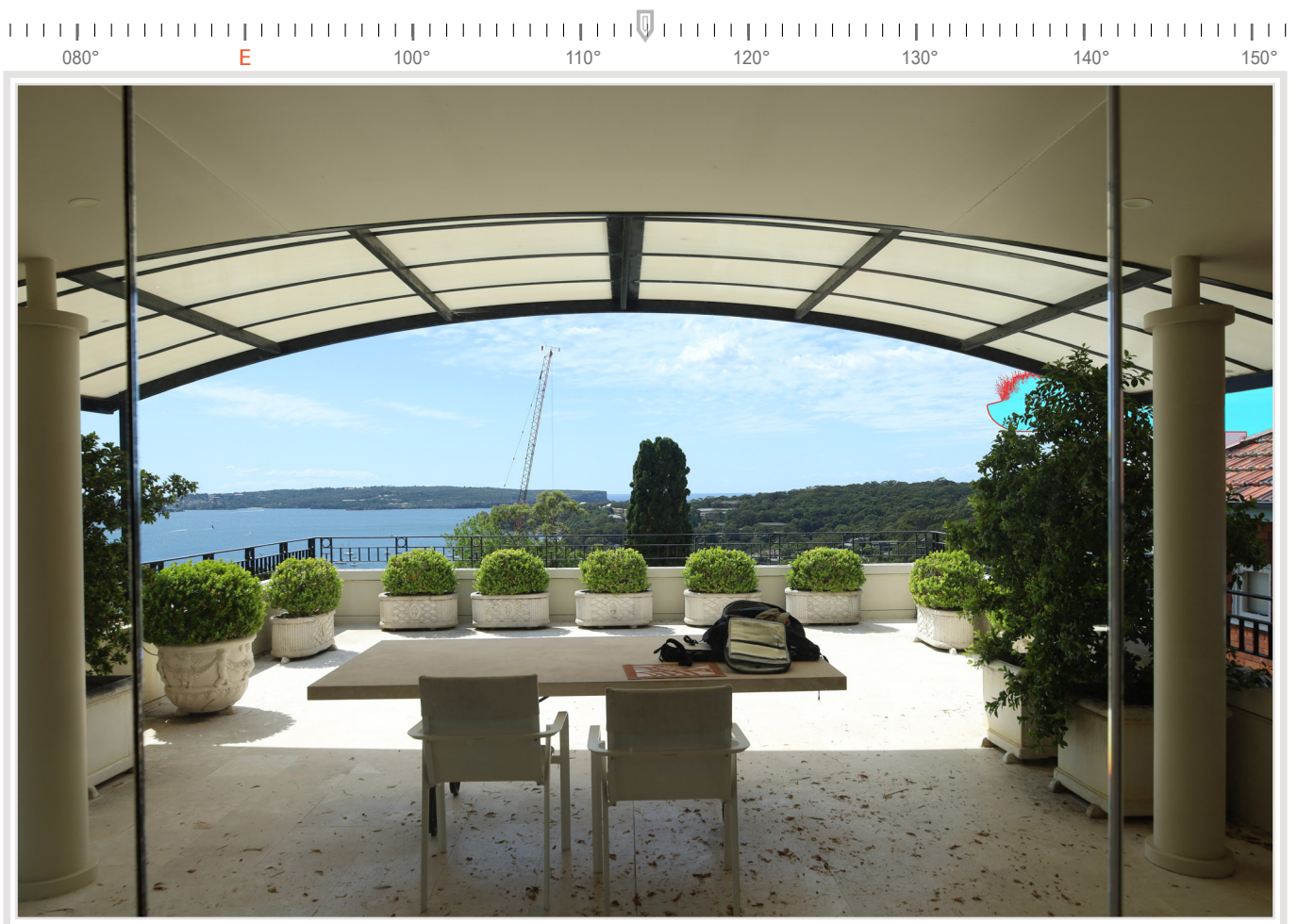
RL: +75.16m Distance to boundary: 6.07m - Bearing direction 113.94 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 4%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 12% : 88%*
- *Existing Visual Assessment Scale no: 11 /15 & Visual Impact Assessment Scale no: 2 /15*

This is a static private view from the top floor, outdoor balcony, at its threshold with the main living area, of property No.67A / 67B Muston Street, facing east-northeast. The foreground features the stone-tiled terrace, partially covered by an arched translucent canopy. Beyond the terrace, the landform descends, revealing elements of Mosman's residential landscape, with tree canopies and dense vegetation prevalent to the east-southeast and Middle Head. A tall tree to the southeast serves as a focal point, while lower rooftops and gardens sporadically populate the southeastern distant view. The vista opens to Balmoral Bay, part of Middle Harbour, framed by the opposing headlands and bushland ridges of Middle Head and the surrounding foreshore on the southeastern horizon. The Sound and North Head form the horizon of the far distance view.

The visual impact from this position can be assessed as minor, as the new proposal introduces a minor upper-level element on the east-southeast edge of the view. It is positioned above existing rooflines resulting in minimal reduction of sky visibility and it does not obstruct central water views and headland scenes. The view loss is experienced across the property's side boundary.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Living room opening - Primary living area.*
- *Extent of impact: Negligible.*

Reasonableness of proposal: Within the context of the proposal's general compliance, the visual impact can be considered acceptable from this location. High value views are retained directly to the front of the property and the view loss is across the property's side boundary.

VIEWPOINT 17



Existing site photo - No.67A / 67B Muston Street

From standing position on the outdoor balcony

RL:+ 75.03m Distance to boundary: 5.86m - Bearing direction 103.51°

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal including future potential LMR schemes with IAH bonus applied



Visual impact in cyan with red outline

Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 7%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 12% : 88%*
- *Existing Visual Assessment Scale no: 11 /15 & Visual Impact Assessment Scale no: 5 /15*

This is a static private view from the outdoor terrace of property No.67A / 67B Muston Street, facing southeast. The south-east-facing perspective reveals an expansive tiled terrace adorned with ornamental planters and well-groomed shrubs. Beyond this terrace, the terrain descends towards the water, interspersed with various rooftops, accompanied by a prominent conifer situated slightly southeast. The vista opens to Balmoral Bay, part of Middle Harbour, framed by the opposing headlands and bushland ridges of Middle Head and the surrounding foreshore on the southeastern horizon. The Sound and North Head form the horizon of the far distance view.

The visual impact from this vantage point can be assessed as Minor, the new proposal is situated on the far east-southeastern edge of the outlook, occupying a limited peripheral area. Its presence would result in a slight decrease in sky visibility in that area, but it will preserve the predominant water views, headlands and open sky. The view loss is experienced across the property's side boundary.

Tenacity Assessment Summary:

- *Value of view: High*
- *View location: Outdoor terrace - Secondary living area.*
- *Extent of impact: Minor*

Reasonableness of proposal: Within the context of the proposal's general compliance, the visual impact can be considered acceptable from this location. High value views are retained directly to the front of the property and the view loss is across the property's side boundary.

4. SUMMARY ASSESSMENT

This Visual Impact Assessment from Urbaine Design seeks to provide an objective approach to the likely visual impact on the surrounding areas from the development proposal at No.65, Muston Street, Mosman.

This Visual Impact Assessment has undertaken a review of the proposal, within its future setting and concludes that, although there are locations within the neighbouring properties that are impacted by the new development, the relevant views, as selected within the report, are observed from both public and private viewing locations within a reasonable proximity to the site

The visual impact and view loss is, predominantly caused by the building's height, when combined with the descending topography of the site and its surroundings. The proposed building contains 8 storeys. The proposal does not comply with the maximum building height control in S16(2) of the Housing SEPP and the 7.2m wall height control (above existing ground level) in Clause 4.3A(4) of the MLEP. However, the Housing SEPP prevails over MLEP 2012 insofar as the height controls are concerned.

The assessment of view loss experienced from public and private locations varies between Negligible and Severe. These have been assessed in primary and secondary living areas, in addition to public street views. Where view loss has been classified as Severe, it would not be considered likely that significant views would be retained from these positions with a compliant design, within the LMR envelope. Additionally, many views are maintained to the east-northeast, across the harbour towards Manly and North Head.

Where the impact of the proposal relates to the upper ridgeline of Mosman, from viewpoints looking east this should be reviewed within the context of future developments in the area under the LMR SEPP with infill affordable housing in and around the Spit Junction Town Centre. Over time, the cumulative effect will diminish the impact of any individual proposal.

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



John Aspinall, Director,

urbaine design group Pty Ltd

5. APPENDICES

APPENDIX A: Assessment Images - panoramic (additional PDF)

APPENDIX B: Aspinall CV

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

APPENDIX C: Survey

APPENDIX D: Wireframe/alignment images

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.

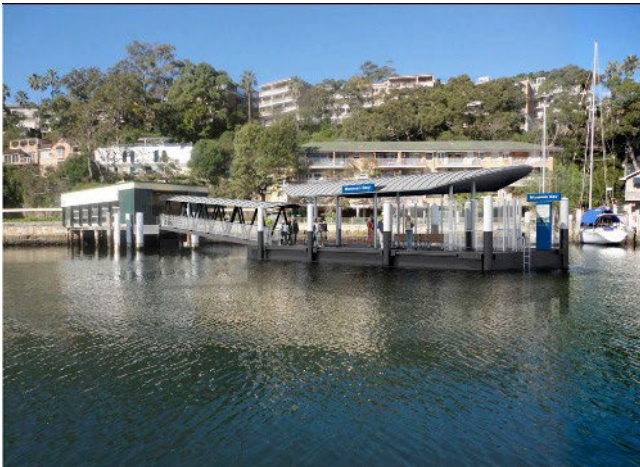


Photomontaged views of new apartment building at Pyrmont: Urbaine

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

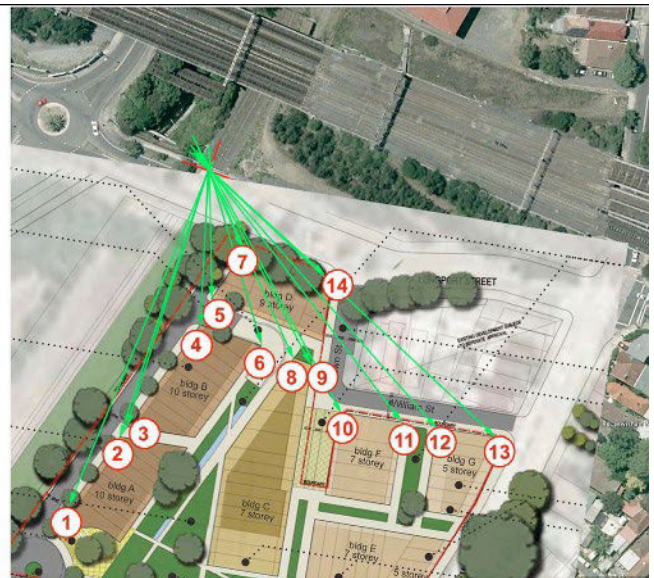
throughout the training of architects.

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.

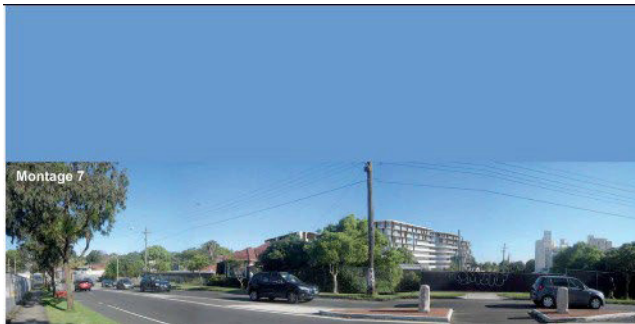
Currently, the Land and Environment Court specifies that any photomontages, relied on as part of expert evidence in Class 1 appeals, must show the existing surveyed elements, corresponding with the same elements in the photograph. Often, any surveyed elements can form such a small portion of a photograph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



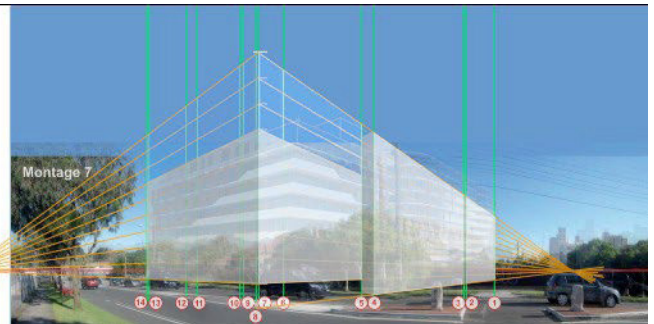
SMH article re inaccurate visualisations



Key visual location points on site: Urbaine



Photomontage submitted by developer



Assessment of inaccuracy by Urbaine

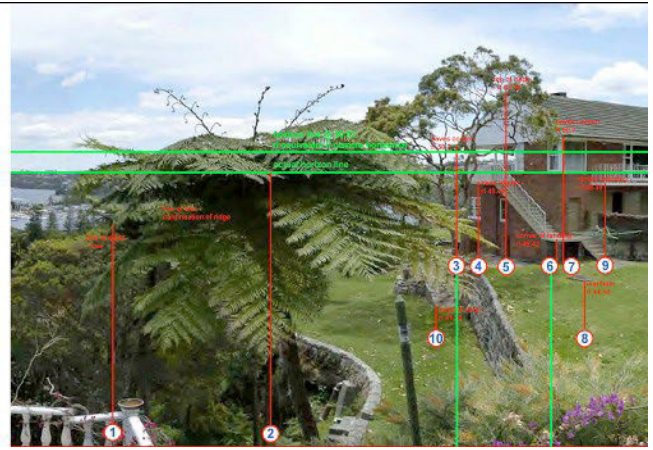
Urbaine has developed a number of methods for adding verification data to the 3d model of proposed buildings and hence to the final photomontages. These include the use of physical site poles, located at known positions and heights around a site, together with drones for accurate height and location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

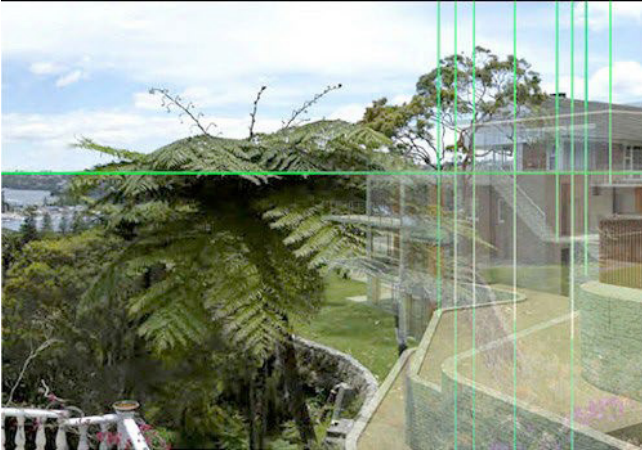
The following example clearly demonstrates this – a house montaged into a view, by others, using very few points of reference for verification. By analysing the existing photo alongside the survey, the existing site was able to be recreated with a series of reference elements built into the model. A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

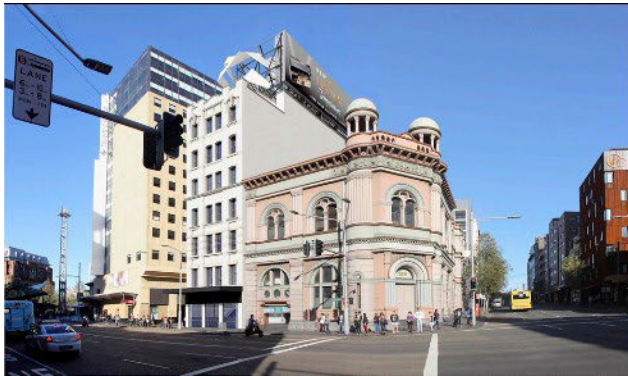


Proposed landscape applied – shown as semi-mature

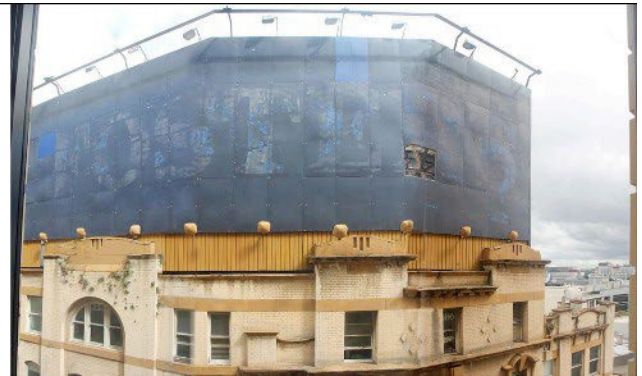


Final verified photomontage by Urbaine

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.



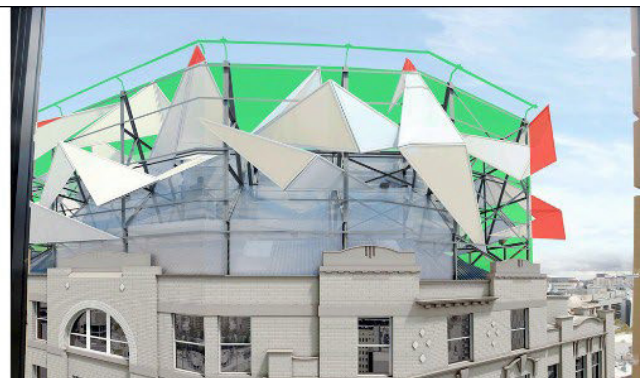
Photomontage of proposed building for digital billboard



Existing situation – view from adjoining hotel

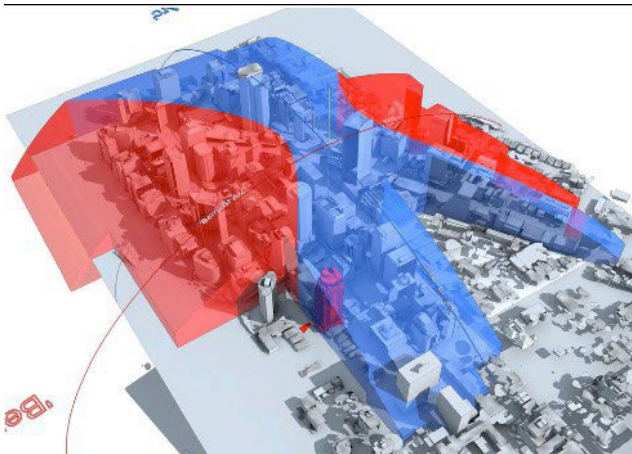


Photomontage of view from hotel

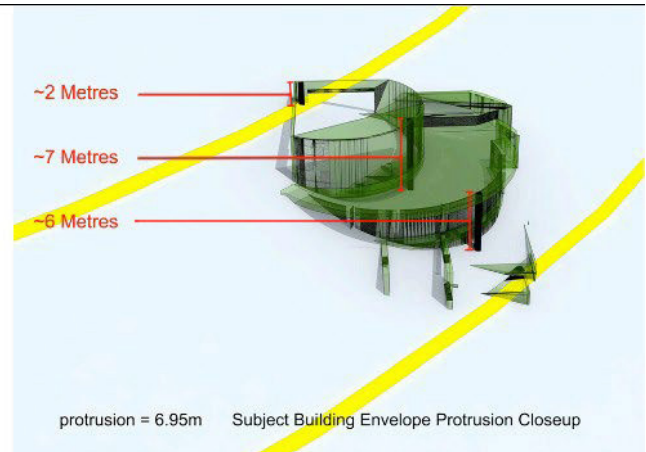


View loss – green = view gain / red = view loss

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.

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

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



Viewpoint 11



Viewpoint 12



Viewpoint 13



Viewpoint 14



Viewpoint 15



Viewpoint 16



Viewpoint 17