HWL EBSWORTH
LAWYERS

Our Ref: PNL:ACS:979050

26 August 2020

Bruce Zhang
Environmental Assessment Officer - Industry Assessment
Department of Planning, Industry & Environment
4 Parramatta Square,
12 Darcy Street
Parramatta NSW 2150

By Email

Dear Sir

Jacfin Pty Ltd - Submission on ESR Horsley Logistics Park
State Significant Development Application 10436
Site: 6 Johnston Crescent, Horsley Park

We act for Jacfin Pty Ltd (***Jacfin***).

We refer to State Significant Development Application 10436 (***Application***), by which ESR Developments (Australia) Pty Ltd (***Proponent***) seeks approval for the development of a new industrial warehouse and distribution precinct, including the construction and fit-out of six warehouses, on-lot stormwater, infrastructure and services (***Development***) on the Site.

Jacfin is the registered proprietor of the adjoining land to the south and west of the Site, being the land known as 2B Aldington Road, Kemps Creek (***Jacfin Land***). The location of the proposed development in relation to the adjoining Jacfin Land is depicted in Appendix A.

This submission is made further to Jacfin's preliminary submission dated 19 August 2020.

Jacfin commissioned GLN Planning to review the Application. A copy of the objection to State Significant Development Application ESR Horsley Logistics Park prepared by GLN Planning dated 19 August 2020 (***GLN Report***) is **enclosed**.

Jacfin has also engaged:

1. Wilkinson Murray Acoustical Consultants to assess acoustic impacts; and

2. Urbaine Architectural to assess visual impacts.

Jacfin will make a further submission on these issues within 14 days of the date of this submission.

Level 14, Australia Square, 264-278 George Street, Sydney NSW 2000 Australia
GPO Box 5408, Sydney NSW 2001 Australia
DX 129 Sydney

Telephone +61 2 9334 8555
Facsimile 1300 369 656 (Australia) +61 2 8507 6584 (International)
hwlebsworth.com.au

ABN 37 246 549 189

Executive Summary

Jacfin submits as follows.

1. The Application fails to comply with the setbacks required under Development Approval DA893.1/2013 granted by the Land and Environment Court (***Court Approval***).

2. The Proponent's assessment of contamination and the suitability of the Site for the proposed use is inadequate, and does not satisfy the requirements of SEPP 55.

3. The Application is premature as the Proponent seeks to rely on a mechanism for the management of landfill gas which is not yet constructed and is subject of a development application which is under assessment by Fairfield Council and is undetermined.

4. The measures proposed to mitigate amenity impacts on adjoining residential land are inadequate.

5. The Application provides no details on the proposed management of the landscaped buffer area along the southern boundary of the Site as required under the Court Approval.

Jacfin is particularly concerned with the inappropriate location of the 240 vehicle carpark and associated truck hardstand area on the boundary at the south western corner of the Site. This location is ill-considered and will cause serious deleterious impacts on the amenity of the future residents of Jacfin's approved residential subdivision.

The location of this carpark and hardstand are in the part of the Site is also inconsistent with the Court Approval. The Development must be redesigned to relocate the proposed carpark and hardstand area to a more suitable location away from the boundary and internal to the Site.

Background

As mentioned above and shown at **Appendix A**, the Jacfin Land adjoins the southern and western boundaries of the Site.

A significant part of the adjoining Jacfin Land is zoned RU4 - Primary Production Small Lots under the *Penrith Local Environmental Plan 2010* (***PLEP***). As discussed below, development consent for the residential subdivision of the land was granted by Penrith City Council on 21 August 2020.

The remainder of the Jacfin Land which adjoins the Site is zoned IN1 - General Industrial under WSEA SEPP.

On 28 October 2013, the Planning and Assessment Commission granted Concept Approval MP10_0129 for an industrial park of warehouses, light industries and associated infrastructure across the Jacfin Land (***Concept Approval***).

The Concept Approval relevantly established a 250m (35ha) rural residential interface zone in order to manage interface impacts between the existing residential and future industrial development.

Following the determination of the Concept Approval, Jacfin lodged a Planning Proposal to rezone the 250m (35ha) residential interface zone as RU4 - Primary Production Small Lots in the PLEP. The rezoning came into force on 24 June 2016.

On 21 August 2020, Penrith City Council determined to approve Development Application DA19/0785 for the subdivision of the Jacfin Land zoned RU4 into 11 rural residential lots, two residue lots and allocated public roads.

Court Approval

As detailed in the GLN Report, the Site forms part of a larger estate located at 327-335 Burley Rd, which is required to comply with the conditions contained within the Court Approval.

Condition 3(e) of the Court Approval states:

> *[t]he following conditions must be complied with in respect of the development:*
>
> *…*
>
> *(e) The retaining wall along the southern boundary is to have a maximum of 2 tiers, with the retaining structures at each tier to be a maximum of 1.5m high. The top of the retaining wall shall be setback a minimum of 10m from the southern boundary. The planter bed between the 2 tiers shall have a minimum width of 6m. The remaining 4m landscape setback shall be provided from the top of the retaining wall and landscaped with shade tolerant plant species.*

Condition 3(e) requires that any development on the southern boundary is to be setback a total of 14m, comprising 10m to the top of the retaining wall, and a further 4m to be a vegetated area measured from the top of the retaining wall. Accordingly, a vegetated buffer of 14m is required along the southern boundary.

The Application does not provide the 14m setback required by the Court Approval, providing a setback of only 10m.

The Application must be amended so that the warehouse on Lot 201 is redesigned to enable the provision of the full 14m setback mandated by the Court Approval.

Site Contamination

The Environmental Impact Statement dated July 2020, which accompanied the Application (***EIS***) states that it has considered the requirements of *State Environmental Planning Policy 55 - Remediation of Land* (***SEPP 55***).

The EIS concludes that given the existing consents relating to the Site, and the remediation action plan and proposed development application, '*the [S]ite is suitable for development under the provisions of SEPP 55.*'

Clause 7(1) of the SEPP 55 states:

> *A consent authority must not consent to the carrying out of any development on land unless—*
>
> *(a) it has considered whether the land is contaminated, and*
>
> *(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
>
> *(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The EIS relies on Development Consent DA437.1/2016 which approved the installation of a biofiltration trench, which was to form a ring around the Former Camide Landfill (***Landfill Site***) adjoining the northern boundary of Lot 201. The purpose of the biofiltration trench was to manage the migration of landfill gas emanating from the Landfill Site.

The Application contains no information or evidence establishing that the biofiltration trench was ever constructed. Rather, it appears that the consent was sought to be modified so as to replace the biofiltration trench with a gas collection system and flare. On 27 November 2017, Council requested the withdrawal of that modification application as it was not considered to be substantially the same development.

Development Application DA20.1/2020 was subsequently lodged on 25 January 2020 seeking development consent for a revised gas collection system and flare and is currently being assessed by Fairfield City Council.

The Application omits any reference to the above, the issue of landfill gas or the ongoing assessment of DA20.1/2020. Given the uncertainty as to the presence of biofiltration trench and the absence of any infrastructure to mitigate the impacts of landfill gas, the Proponent must undertake landfill gas testing on the Site to ensure that the Site is suitable for the proposed use, as required by SEPP 55. In the absence of such testing, the Department cannot approve the Application as it cannot achieve the requisite level of satisfaction under clause 7 of SEPP 55.

The lack of information in relation to the presence of landfill gas on the Site means that the Department, Jacfin and other relevant stockholders are not able to fully understand the likely impacts of the Development, as required under s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* (***Act***).

Reliance on an Undetermined Development Application

The compliance of the Application with SEPP 55 is also reliant on development application DA21.1/2020, which is currently being assessed by Fairfield Council and seeks consent for

the excavation of a containment cell for the storage of contaminated material. The size of the containment cell is estimated to be 200,000m^3.

As outlined above, clause 7 of the SEPP 55 precludes the Department granting consent to the Application unless it is satisfied that the Site, once remediated, will be sutable for the proposed use.

The Site is contaminated by reason of its historic use. In this respect, the EIS states:

> *the main potential sources of contamination are associated with quarrying and brickmaking activities that occurred on the site. Investigations conclude that asbestos contamination is also within soils and there are isolated hotspots of hydrocarbon contamination due to former fuel storage tanks located near the factory.*

The Department must be satisfied that, following the completion of the remediation process, the Site will be suitable for the proposed use. Based on the EIS, it appears that the remediation of the Site is contingent on the works proposed by DA21.1/2020, which is currently undetermined.

In the circumstances, the Department is not able to be satisfied of the matters in clauses 7(b) and (c) of the SEPP 55, until such time as DA21.1/2020 is determined by Fairfield Council, and a Validation Report verifying the remediation of the Site (in accordance with any consent granted) has issued.

Amenity Impacts

Clause 23 of the WSEA SEPP applies to all land within the WSEA that is within 250m of land zoned primarily for residential purposes. Clause 23(2) relevantly states:

> *[t]he consent authority must not grant consent to development on land to which this clause applies unless it is satisfied that—*
>
> *…*
>
> *(c) the elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance, and*
>
> *(d) noise generation from fixed sources or motor vehicles associated with the development will be effectively insulated or otherwise minimised, and*
>
> *(e) the development will not otherwise cause nuisance to residents, by way of hours of operation, traffic movement, parking, headlight glare, security lighting or the like, and*
>
> *…*
>
> *(g) the site of the proposed development will be suitably landscaped, particularly between any building and the street alignment.*

Jacfin submits that the Development has not been designed so as to mitigate the likely significant deleterious amenity impacts on the Jacfin Land that is now approved for residential use.

To avoid the likely significant acoustic, visual and light spill impacts, it is Jacfin's submission that the car park and truck hardstand area proposed on Lot 201 be relocated away from the common boundary and into the centre of the Site. In addition, the Development must be amended to provide visual screening and an acoustic barrier along the length of the southern boundary of the Site to the commencement of the earthen bund constructed in accordance with the Court Approval.

Management of the Southern Boundary

Condition 121(A) of the Court Approval requires that a positive covenant be registered on the title of Lots 201 and 202:

> *[t]he proprietor of the burdened lot from time to time shall do all things necessary to maintain, repair and replace the landscaping and maintain the embankment or retaining system within the land so burdened in accordance with the Vegetation Management Plan prepared by Stuart Noble Associates Pty Ltd, dated 15 June 2015, Issue A and all other relevant landscaping conditions specified under this Consent.*

The Proponent will be the registered proprietor of Lots 201 and 202, and will be obligated to comply with the positive covenant.

The Landscape Master Plan prepared by Geoscapes dated 15 June 2020 indicates that the management of the southern landscape buffer will be managed by others.

The Application must be amended to correct this error and to confirm that the Proponent will be responsible for the maintenance of the vegetated area on the southern boundary of the Site, including the maintenance of the gabion retaining walls, in accordance with the Court Approval.

Jacfin holds serious concerns for the ongoing maintenance of this area, particularly the gabion retaining walls given the recent significant of discharge of water which occurred through the gabion retaining walls, resulting in the discharge of water and soils onto Jacfin's Land.

Jacfin submits that the Department must ensure the ongoing management of this area given the serious consequences that a further failure of the wall may have on the amenity and safety of the future residents of the Jacfin Land.

Landfill Management

Condition 122 of the Court Approval states that:

> *[a] positive covenant is to be registered on the title of proposed Lot 201 requiring the landfill area to be maintained in accordance with any applicable environmental protection licence that applies to the land*.

As the Proponent will be the registered proprietor of Lot 201, it will responsible for compliance with the positive covenant.

Environmental Protection Licence 123 (***EPL***) applies to the Landfill Site. The EPL is currently issued to PGH Bricks & Pavers Pty Limited and relates to the broader site, not only the Landfill Site.

The Proponent should detail how it proposes to manage the landfill and whether it will become the holder of an environmental protection licence for the Landfill Site.

Further Submission

As mentioned above, Jacfin is currently finalising its consideration of the acoustic and visual impacts of the Development on the adjoining Jacfin Land, and will make a further submission on these issues within 14 days of the date of this submission.

Yours faithfully

Paul Lalich
Partner
HWL Ebsworth Lawyers
+61 2 9334 8830
plalich@hwle.com.au

Andrew Scully
Senior Associate
HWL Ebsworth Lawyers
+61 2 9334 8777
ascully@hwle.com.au

Appendix A

19 August 2020

Our Ref: GLN11281_EIS Submission

Director - Industry Assessments, Planning and Assessment
Department of Planning, Industry and Environment
Locked Bay 5022
PARRAMATTA NSW 2124
ATTN: Bruce Zhang (Contact Planner)

Dear Mr Bruce Zhang

RE: Objection to State Significant Development Application ESR Horsley Logistics Park

This submission has been prepared by GLN Planning Pty Ltd (**GLN**) on behalf of Jacfin Pty Ltd (**Jacfin**) the owners of land at 2B Aldington Road, Kemps Creek (**Jacfin site**) (see **Figure 1**).

The submission is in relation to the notification of State Significant Development Application (**SSD**) made by ESR, over land at 6 Johnston Crescent, Horsley Park (legally described as Lot 103 at DP121419) (**the site**) for:

"*construction, fit-out and operation of six warehousing and distribution buildings on four lots with a total gross floor area of 114,492m^2, loading docks, hardstand areas, truck and car parking spaces, landscaping and utilities*" (Reference SSD-10436).

Source: SIX Maps

Figure 1 Aerial of SSD site and Jacfin site

This submission has reviewed and considered the information provided within the Request for Secretary's Environmental Assessment Requirements (SEARs) Report prepared by Urbis (dated 10 March 2020), the Department of Planning, Industry and Environment (**DPIE**) issued SEARs (dated 26 March 2020), Environmental Impact Statement (**EIS**) prepared by Urbis (dated July 2020) and supporting plans and specialist reports. The documents have been considered in the context of the impact the proposal has on the Jacfin site as well as considering relevant existing Development Consents and current Development Applications over the ESR land.

The issues raised in this submission can be categorised into:

- Relationship with existing consents and applications,
- Visual and landscaping,
- Drainage,
- Noise,
- Lighting Detail,
- Structures near common boundary,
- Internal movement of trucks and parking, and
- Management of former landfill site.

The items of concern raised in this submission generally reflect those detailed in correspondence to ESR prepared by HWL Ebsworth Lawyers dated 31 July 2020. The 31 July 2020 correspondence was sent to ESR as part of the formal consultation requirements imposed on them by the SEARs. It appears that many of the concerns originally raised by Jacfin in the 31 July 2020 correspondence have not been addressed in the EIS. Many of the issues raised could be suitably addressed by reconsidering the location of the truck hardstand, storage and car parking in the south western corner of proposed Lot 201. Screening this area with the building mass would provide the best outcome in terms of minimising the impact of noise and light spill on the Jacfin site.

In addition, the civil engineering and landscaping design has largely ignored the existing and approved condition of the retaining wall and landscaped buffer. Although approved under a previous consent, the operation of the wall, drainage and landscaping to minimise impact on the Jacfin site was a paramount consideration in the Land and Environment Court (**LEC**) proceedings under *CSR Building Products Ltd v Fairfield City Council [2015] NSW LEC 1284* (the **Court Case**). The requirements of that subdivision consent were imposed as conditions and must be carried across to the future development of the approved lots.

The failure of the SSD to adequately consider the abovementioned issues is a failure to consider the matters addressed in the previous Court Case and subsequent applications. In consideration of the proposal under DA893.1/2013 for the subdivision of the land to create the site subject of the SSD, the Commissioner examined a number of contentions and provided a range of conditions to ensure suitable future development can be acceptably delivered on the site. The proposal has not been adequately designed in respect to these conditions. Furthermore, the SSD relies on a number of existing applications related to modification of the existing approved subdivision configuration,

remediation action plans (**RAP**s), completion of existing approved drainage works and development of a contamination containment cell. These applications have not yet been approved.

Jacfin acknowledge that the site will be delivered for employment purposes. However, until such time that the proposal can properly consider the conditions applied under the Court Case and the raft of existing and current DAs, the application is not capable of being approved.

Relationship with existing consents and applications

The land subject of the SSD is part of the site at 6 Johnston Crescent, Horsley Park. The site as described in the EIS prepared by Urbis is shown in **Figure 2**. The Jacfin land adjoins the site to the south and west.

The site is currently subject of an existing Development Consent DA893.6/2013, which was originally approved by the LEC, subsequent to an appeal for a Deemed Refusal *(CSR Building Products Ltd v Fairfield City Council [2015] NSW LEC 1284*) for:

> *"industrial subdivision in three stages to create a total of 14 lots for employment purposes, a conservation lot, new public roads and associated drainage".*

The case centred around how/whether the resultant lots could deliver suitable future industrial development without unreasonably impacting on adjoining land. In this way, although DA893.6/2013 is for the subdivision of the land, the subdivision consent provided a number of conditions and explored many considerations that are relevant to the resultant built form. Furthermore, there have been subsequent DAs that have been submitted that will impact land subject of this SSD.

Source: Urbis

Figure 2 Aerial Identifying the Site Subject of SSD-10436

The SSD has failed to consider the relevant setbacks and restrictions that were conditioned as part of the DA893.6/2013, furthermore the application relies on further modifications to DA893.6/2013 as

well as a revised remediation action plan (under DA20.1/2020) and delivery of a contamination containment cell (DA21.1/2020) in lieu of previously approved processes and biofilter trenches. These further modifications are not yet resolved and consequently the SSD must be considered to be premature.

One of the contentions argued in the Court Case relates to the interface of the site and the Jacfin site. The subdivision application includes the construction of a large bund and retaining walls along the southern boundary of the site. The portion of the Jacfin site that adjoins the southern boundary of the site is zoned RU4 Primary Production Small Lots and is identified for rural residential development under Major Projects Concept Approval 10/0129. This RU4 land is currently subject of a Development Application for an 11 lot rural-residential subdivision and 2 x residue lots under DA19/0785, which is under assessment by the Penrith City Council.

In the Court Case, CSR's experts provided evidence that the design of the wall and proposed landscaping would provide an adequate buffer from any future development of the site on land on the southern (lower) side of the bund.

In [70] of the judgement Commissioner Morris outlined:

> "*What is important is that the new bund is constructed early and the landscaping reaches heights adequate to provide a visual buffer to any factory buildings that would be constructed ins stage 2*" [69], and
>
> "*(However) until such time as the tree planting achieves heights of at least 5m above the finished lot levels, development should not occur. The early construction of the land It is not necessary*" [70].

As a result, Commissioner Morris [77] required a number of conditions be applied to the consent, with the aim ensuring that the future development of the allotments would not unacceptably impact on the surrounding land uses, most notably the Jacfin land to the south;

- *"Finished level of Lot 201 shall be RL86.5*
- *The landscaped setback along the entire southern property boundary shall be completed as part of the stage 1 works and shall be carried out without reducing the effective height of the existing bund and completed prior to the release of the subdivision certificate for stage 1.*
- *Denser tree planting at the toe of the bund/retaining walls with a minimum 1m soil depth, a plating density of 4 plants/sqm on the bund which one is to be small tree/large shrub with a trunk that will not exceed 80mm in diameter at maturity.*
- *Retention of existing trees and accommodation of necessary drainage swale in the 3m lower portion of the setback adjacent to the southern property boundary.*
- *Retaining wall in max of 2 tiers (2 x 1.5m high sections as indicated on the plans in the joint report with a top tier at the 10m line to increase width of planter beds to 6m and to provide a 4m landscaped setback from the top of the retaining wall to negate the need for the top tier "sacrificial planting", use shade tolerant plantings.*

- *A minimum 10m (western portion without retaining walls), 14m (western section where retaining walls are propose) and 21m (eastern section with bund) wide landscape setback be provided along the southern boundary and maintained for the lift of the consent to ensure that no conflict with SEPP 2008".*

The original consent issued by the Land and Environment Court has been modified several times - the most recent being DA893.6/2013, which amended the staging of the consent (**Figure 3**). It is important to recognise that the alignment of the subdivision as detailed in Figure 3 does not correspond with the proposal under SSD-10436 (**Figure 2**). The proposal subject of the SSD does not include any subdivision and the EIS specifically states that the proposal only seeks consent for the on-lot building works as all other works are approved.

Considering the site image provided within the EIS (**Figure 2**) does not align with the most recent approved plan of proposed subdivision (**Figure 3**) the proposal must rely on a further amendment to the existing approval under DA893.6/2013. We understand that there are three applications currently under assessment by Fairfield City Council (**Council**), one of which includes DA893.7/2013, being "an application to modify stage 2 under existing Development Consent DA893.1/2013".

Despite the obvious differences between the lot layout within the SSD and that approved under DA893.6/2013 and considering the SSD does not include subdivision, the EIS fails to detail how the described lot configuration is delivered.

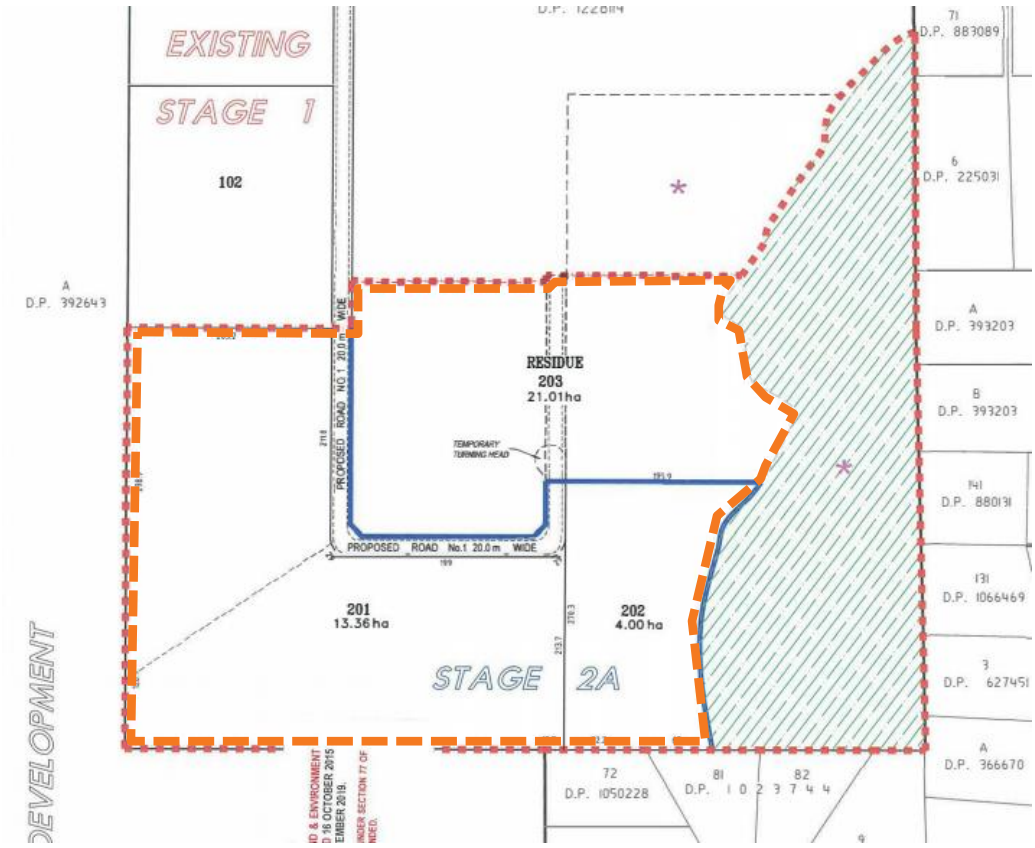


Figure 3 Approved Plan under DA893.6/2013 (Stage 2 of the consent, subject of ESR SSD highlighted in orange)

In addition to the DA893.7/2013 currently under assessment by Council, there are two other applications under assessment by Council that apply to the subject site:

- DA20.1/2020 for a "gas collection and flair for existing landfill site", and
- DA21.1/2020 for "construction of a containment cell for contaminated material".

The proposal under DA20.1/2020 does not apply to the site subject to SSD as described by Urbis in the SSD (**Figure 2**), it does however apply to Lot 103 at DP121419 (being the subject site) and land currently approved within Stage 2 of DA893.6/2013 (see **Figure 4**). The scope of the proposal under DA20.1/2020 is ambiguous and does not detail how the proposed works will meet the requirements of condition 112 of DA893.6/2013, which requires the former landfill site to obtain an environmental protection licence.

It is our understanding that an Environmental Protection Licence (EPL #123) was granted for the site in accordance with a Landfill Closure Plan (**LCP**) prepared by Ergis Consulting in April 1999. Part of the LCP included the preparation of a plan for gas management. In accordance with the EPL #123 the site has been subject to the ongoing monitoring of gasses, which have indicated that some of the gas monitoring wells have consistently been exceeding the requirements of the licence. Despite the proposal under DA20.1/2020 impacting the subdivision approval under DA893.6/2013, the SSD does not consider the proposal in the context of these new works.

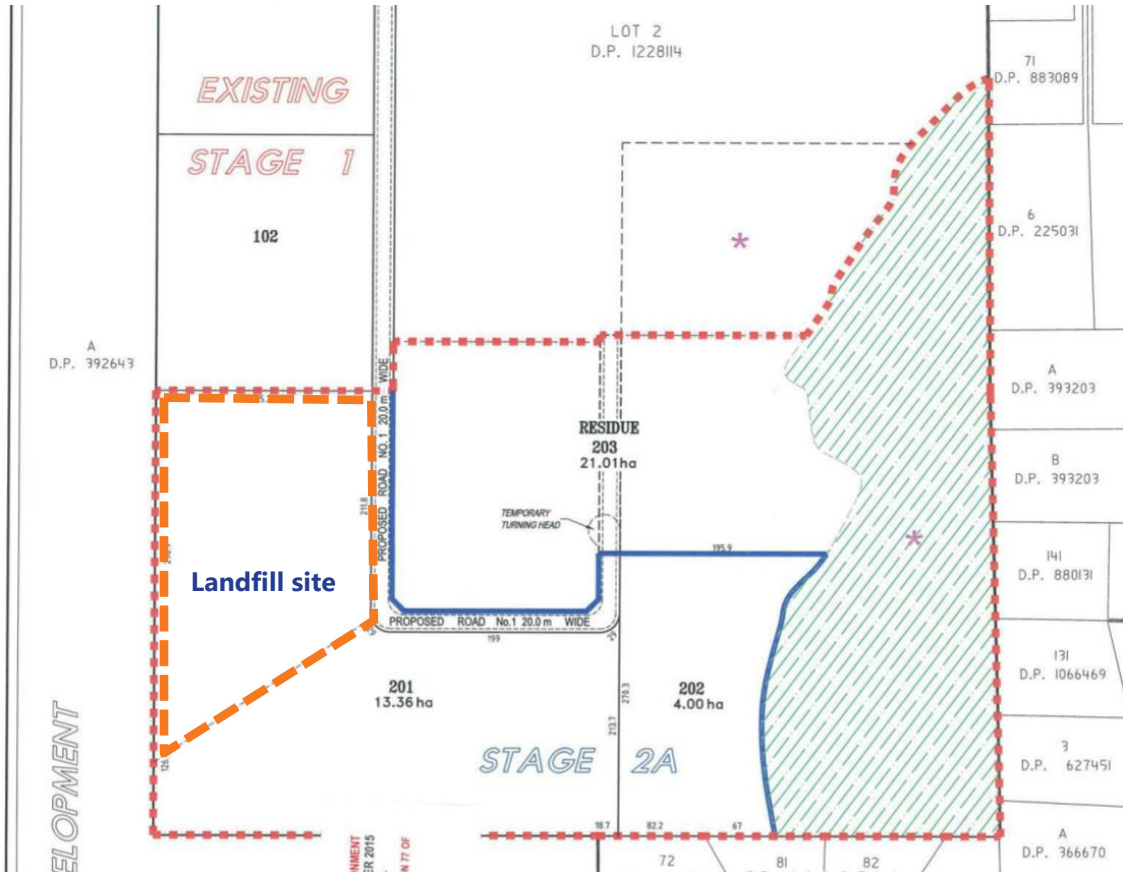


Figure 4 Approved Plan under DA893.6/2013 with Landfill site highlighted in orange

The development proposed under DA21.1/2020 directly relates the site remediation required to make the site suitable for the development under DA893.6/2013. In accordance with the SEE and the Engineering Plans, this DA only includes the excavation and construction of the containment cell which is to be located within the area described as future Lot 306, within Stage 3 of the DA893.6/2013 (see **Figure 5**). This DA ultimately requires the works to be considered independent of those works proposed under the RAP. However, the area affected by the RAP is much larger than the site of the proposed containment cell and includes the land subject of SSD-10436 (see **Figure 6**).

The revised RAP provided within DA21.1/2020 is a revised version of that previously approved and conditioned under DA893.6/2013 (condition 59) and therefore impacts the site subject of of the SSD. The relationship between the revised RAP in DA21.2020 and the RAP approved under DA893.6/2013 is not detailed in the SSD.

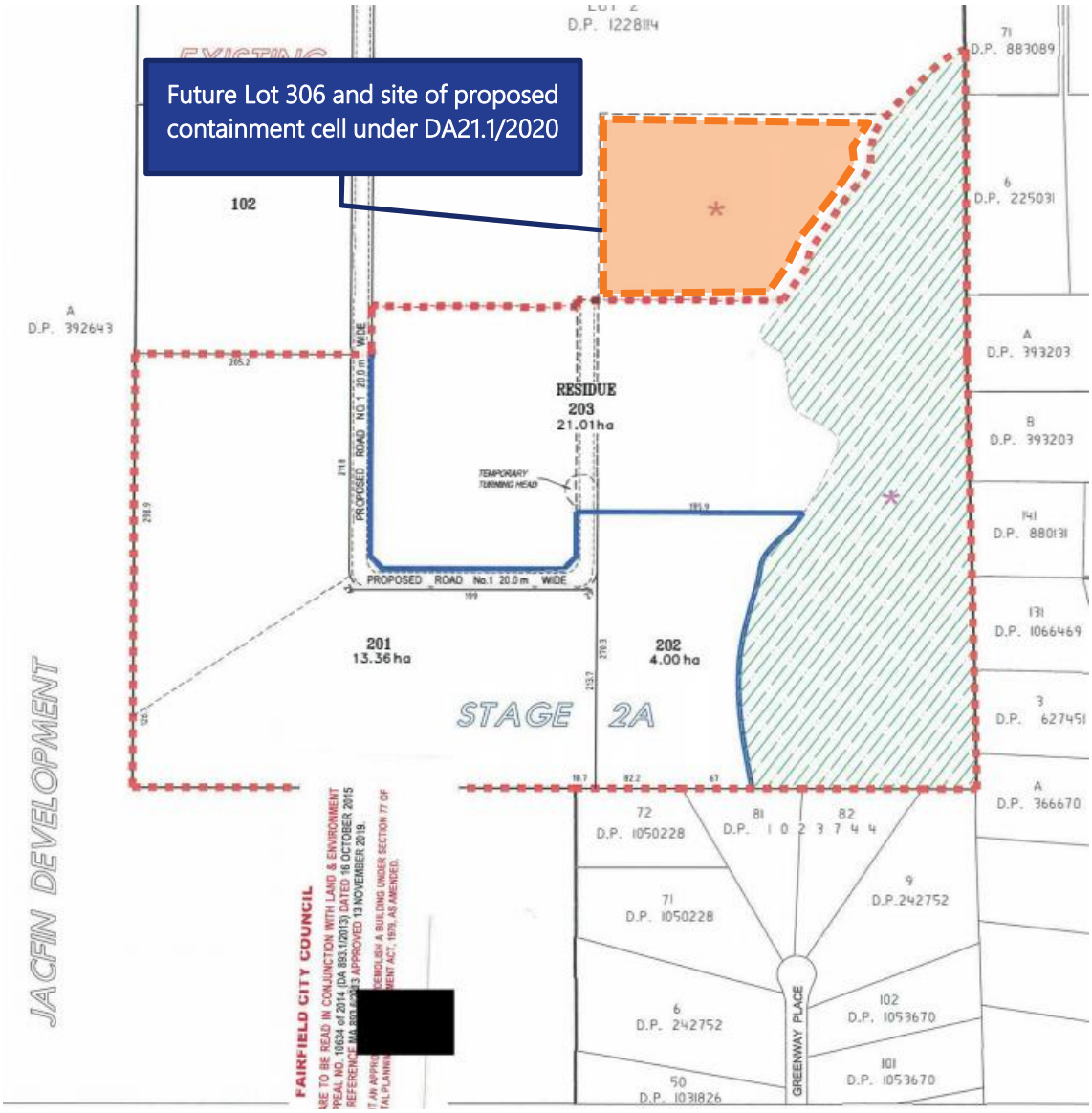


Figure 5 Approved Plan under DA893.6/2013 (Site subject of DA21.1/2020 in orange)

Source: ERM (As amended by GLN)

Figure 6 Map of AECs - Figure 3 from RAP in DA21.1/2020 (area applicable to RAP in dashed orange)

The EIS fails to examine and clarify the context of the subject site in the context of these existing consents and current DAs. As the site context is reliant on the approval of a modification to the lot layout as established under DA893.6/2013 as well as the approval of a revised Remediation Action Plan (DA21.2020) and a contamination containment cell (DA20.1/2020) the application is premature. Due the prematurity of the application the total cumulative impact of the existing Consents, DAs and the SSD cannot reasonably be considered.

Visual impact and landscaping

The following amendments to the development need to be undertaken to ensure that no unreasonable visual impact result from the proposal:

- Landscaped setback to the southern boundary is to be increased by 4m to comply with the conditions established by the LEC under DA893.6/2013
- The materials and colours proposed on the southern elevation of the building on proposed Lot 201 are to be more subdued.

As per the Court Orders (CSR Building Products Ltd v Fairfield City Council, 2015), condition 3(e) and approved plans (Site Regrading Plan prepared by Calibre, Project No.15-001115.13, Dwg. 201, dated 24/07/2019) of DA 893.6/2013 the SSD plans should accommodate an additional 4.664m landscaped setback (i.e. 14m in total), with shade tolerant species, from the top of the retaining wall (along the southern boundary).

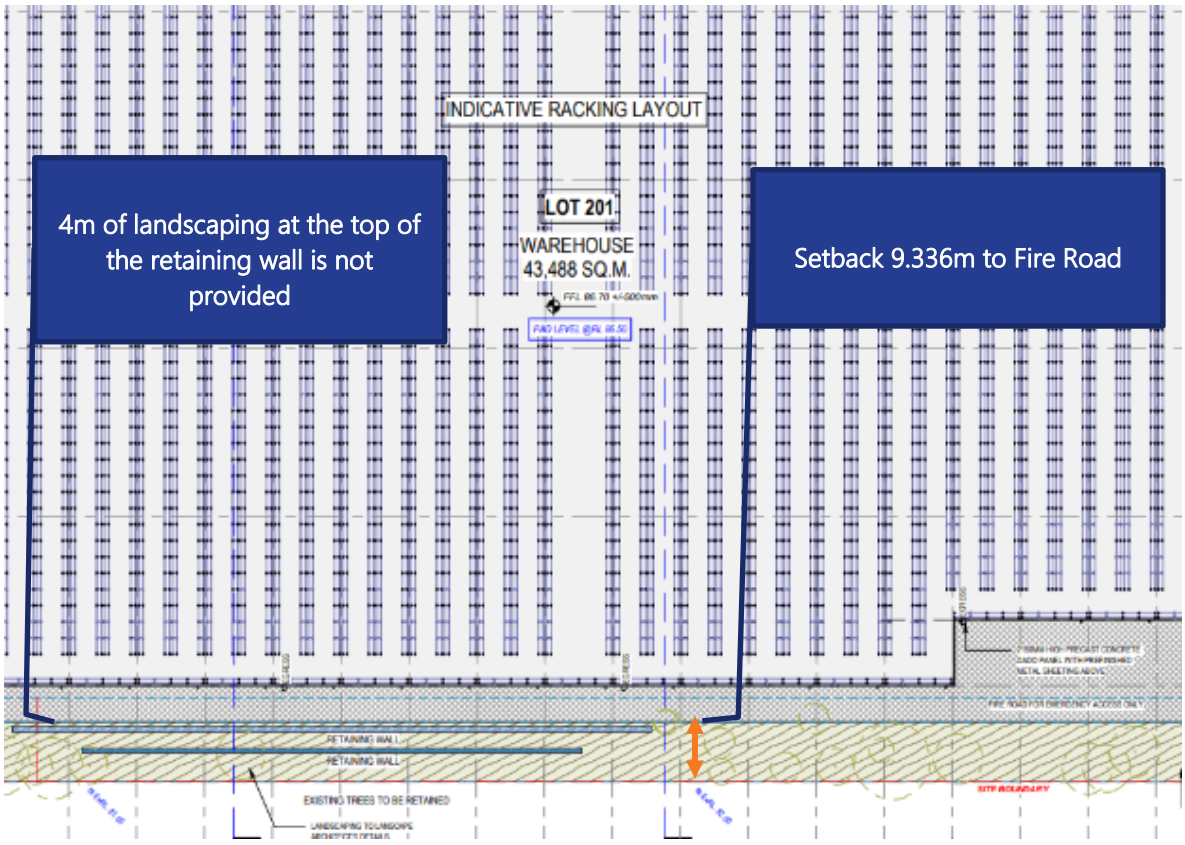
The current plans prepared by HLA Architects (Lot 201 Site & Facility Plan Drawing No 200226-DA-201-A100 issue B) show a 15.336m setback, however 6m of this setback is a Fire Road (see

Figure 7). As a result the planted setback is only 9.336m. This configuration does not comply with the required 10m and 14m setbacks established under DA893.6/2013 by the LEC.

The Landscape Plans prepared by Geo Scapes (Drawing No. LDA-01 Revision C) show the proposed setback, however outline that "Southern landscape buffer (by others)". The landscape plan suggests that the landscaping of this buffer is provided under DA893.6/2013 and therefore does not need to be shown on this application. The maintenance of the landscaped setback will be the responsibility of ESR and should therefore be detailed on the EIS and be suitably conditioned. The EIS should also consider the existing and proposed height of the landscaping at the time of construction noting Commissioner Morris's comments in the judgement [70]:

> "*(However) until such time as the tree planting achieves heights of at least 5m above the finished lot levels, development should not occur. The early construction of the land It is not necessary*".

The proposal needs to be amended to show a greater planted setback in line with the conditions of the Court. Furthermore the landscaping for the buffer needs to be considered as part of this EIS in the context of the buildings proposed to ensure the landscaping is dense and large enough to properly screen the proposed development.



Source: HLA Architects

Figure 7 Snapshot of Lot 201 Site & Facility Plan Drawing No 200226-DA-201-A100 issue B

In the Court Case, Commissioner Morris outlined that there is no expectations that the buildings be "invisible" (at [69]) however, building design and landscaping should demonstrate an active

attempt to minimise the visual impact of the proposal on the surrounding residential (existing and proposed) development. The colours chosen on the southern elevation of the building on proposed Lot 201 includes a two toned design with a red "racing stripe" (see **Figure 8**). The choice of colours and inclusion of a racing stripe does not reflect a choice of colours that would reduce the impact of the development.

The proposal should be amended to provide a more subdued colour on the southern elevation and removal of any coloured racing stripe or other highlights.

Source: HLA Architects.

Figure 8 Snapshot of part of proposed Southern elevation

Drainage

Similar to landscaping details the proposal appears to have considered the impact of the works in isolation from the existing site context. The proposal should identify the existing approved drainage arrangements and consider their current effectiveness.

Details of what is proposed for the management of surface water and groundwater near the boundaries should be provided. The Court order and condition 3(c) of DA 893.6/2013 required a drainage swale to be accommodated in the 3m lower portion of the setback adjacent the southern boundary.

The authority to concentrate and discharge stormwater across common boundaries is unclear. While it is appreciated that the subdivision development plans propose drainage be directed inwards within the site, concentrated water discharges off batters along the edge of the site appear to have been occurring. Additionally, we are instructed that there has been an incidence of a batter failure and deposition of material onto the Jacfin site.

It is only reasonable that the DPIE require the applicant to identify the existing and approved drainage on the site as well as address the overall effectiveness of these systems.

Noise

The Noise Impact Assessment prepared by SLR (**SLR Report**) provides an assessment of the existing and potential future acoustic environments. The assessment considers that the proposed warehouses will have 24/7 operations, large plant significant vehicle movement. However, despite the proposed 24/7 operations the Construction Noise and Vibration Assessment has outlined that construction will only occur between 7:00am-6:00pm Monday to Friday and 8:00am – 1:00pm

Saturdays. Furthermore, the assessment of the construction noise in Table 22 of the SLR Report shows that no noise impact will be received from NCA01. This is despite the fact the SLR Report outlines;

> *"The highest construction noise impacts are predicted during bulk earthworks when construction equipment is located [at] the southern portion of the site, near NCA02*".

As shown below in **Figure 9**, NCA02 is directly adjoining NCA01 (Jacfin site), however Table 22 within the SLR Report outlines that NCA02 will have Predicted Worst Case LAeq(15 minute) Noise level (dBA) of 56 and 58 decibels but shows no impact on NCA01. We believe it to be unlikely that this is the case.

Source: SLR

Figure 9 Site Map showing Noise Monitoring Locations and Sensitive Receptors

The SLR Report has outlined that the building configurations on the sites have lessened the acoustic noise on the surrounding receivers. It should however be noted that the proposed 24/7

operations creates significant concern, particularly with noise emanating from the car parking area and truck hardstand on Lot 201. Although much of the loading facilities will be internal to the site, the design still provides truck loading and car parking on Lot 201 within a direct line of sight to future rural residential properties and nominated house sites on the Jacfin site. The preference of Jacfin is that the car parking area and truck hardstand be repositioned internal to the site and shielded by appropriately designed buildings. If this is not undertaken then as a minimum, and subject to acceptable detail design, an acoustic wall around this area (similar to the acoustic wall provided by industrial development to the west) should be provided. This should be located at the top of the filled platform with landscaped screening between the boundary and the wall.

Lighting Details

The proposal does not include details of proposed lighting and measures to prevent light spill across to future rural residential properties. In particular, details of lighting proposed around the warehouse buildings on Lot 201, car parking area/ truck hardstand on Lot 201, fire road around the building on Lot 201 and any other security lighting.

As previously outlined, it is our belief that the best outcome is to locate all truck loading and car parking internal to the site, rather than providing parking and some truck hardstand in the south western corner of Lot 201 where it adjoins the Jacfin site. Relocating this car parking and hardstand away from the direct line of sight of the Jacfin site will lessen both the acoustic and light spill impacts.

Detail of structures near common boundary

In the previous correspondence to ESR, Jacfin requested additional detail be provided relating to the structures along the common boundary with the Jacfin site. Of particularly concern is the fencing and measures to contain the existing batter along the western boundary of Lot 201. It appears that this has not been addressed in the EIS and supporting documents. It is therefore requested that the DPIE request the following documentation:

- Details of final proposed fencing along all common boundaries.
- Interim measures to contain the fill batter along western boundary of Lot 201 need to be provided. The batter shows signs of failing which could affect Jacfin land as has occurred in the past.
- Final Intention for containing the fill batter along western boundary of Lot 201. The masterplan indicates a wall but details in regard to materials and structural design, including the span of footings in relation to the site boundary, are lacking.

Internal movement of trucks

The EIS has included gates as shown on the proposal plans, restricting access to the proposed "Fire Road" along the southern façade of the proposed building on Lot 201. However, there is no detail provided about what access is proposed to the Fire road, and how will this be controlled.

The intention for truck storage/ hardstand area on Lot 201 needs to be explained and assessed. As previously outlined, the truck storage, hardstand and car parking area on the south western corner of Lot 201 is a poor planning outcome, as it is in direct sight of the proposed rural residential

development on the Jacfin site. The proposed building on Lot 201 exceeds 4.3ha of gross floor area, includes significant truck and hardstand area and 240 car parking spaces. Considering operations from the site are proposed to be 24/7 the DPIE should require that building be appropriately reconfigured to ensure the hardstand, storage and parking areas are preferably screened by the building mass to limit the impact on the adjoining Jacfin site.

The EIS has not detailed what specific operations will occur from the site, so there is no critical operational requirement for parking, truck hardstand and storage to be located in this area.

Management of land fill site

The EPA Licence for pollutants refers to a discharge point along the common boundary with the Jacfin site adjacent the land fill site but, as noted above, the authority to concentrate and discharge stormwater across the boundary is unclear.

We request that the applicant provide details of water quality monitoring near the EPA noted discharge point along the common boundary.

Conclusion

We consider all the above issues important and critical. Accordingly, we would expect that all these matters will be addressed in detail, which should involve plan modifications and additional documentation, and will be available for consideration.

Should you have any questions regarding matters in this letter please do not hesitate to contact myself (0411 876 521).

Yours faithfully

GLN PLANNING PTY LTD

PAUL GRECH
DIRECTOR

HWL EBSWORTH
LAWYERS

Our Ref: PNL:ACS:979050

7 September 2020

Bruce Zhang
Environmental Assessment Officer - Industry Assessment
Department of Planning, Industry & Environment
4 Parramatta Square,
12 Darcy Street
Parramatta NSW 2150

By Email

Dear Sir

Jacfin Pty Ltd - Further Submission on ESR Horsley Logistics Park
State Significant Development Application 10436
Site: 6 Johnston Crescent, Horsley Park

We act for Jacfin Pty Ltd (***Jacfin***) and refer to Jacfin's previous submission dated 26 August 2020 (***Submission***).

Acoustic Impacts

As foreshadowed in the Submission, Jacfin commissioned Wilkinson Murray to conduct an independent assessment of the Noise and Vibration Impact Assessment prepared by SLR Consulting dated July 2020 (***NVIA***) to assess the acoustic impacts of the Development on the Jacfin Land. A copy of the Noise Assessment prepared by Wilkinson Murray dated 3 September 2020 (***Acoustic Assessment***) is **enclosed**.

For the reasons detailed in the Acoustic assessment, Jacfin submits as follows.

1. The NVIA does not contain adequate information to permit the Department of Planning, Industry and Environment (***Department***) to adequately assess the acoustic impacts on the Jacfin Land, which is approved for residential development, and the existing residences on Greenway Place.

2. The NVIA fails to model the noise impacts emanating from the carpark and truck hardstand area of Lot 201, which may be in the order of 50dBA. These impacts will result in a breach of the sleep disturbance criteria under the EPA Industrial Noise Policy.

Given the failure by the Applicant to adequately model the acoustic impacts of the Development on the adjoining residential land, the Department cannot be satisfied that the noise generation '*from fixed sources or motor vehicles associated with the [D]evelopment will be effectively insulated or otherwise minimised*', as required by clause 23(2) of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

Level 14, Australia Square, 264-278 George Street, Sydney NSW 2000 Australia
GPO Box 5408, Sydney NSW 2001 Australia
DX 129 Sydney

Telephone +61 2 9334 8555
Facsimile 1300 369 656 (Australia) +61 2 8507 6584 (International)
hwlebsworth.com.au

Adelaide
Brisbane
Canberra
Darwin
Hobart
Melbourne
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Sydney

ABN 37 246 549 189

In addition, the failure by the Applicant to model the noise impacts of the Site means that the Department, Jacfin and other relevant stockholders (such as the residents of Greenway Place) are not able to fully understand the likely impacts of the Development, as required under s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

Accordingly, Jacfin submits that the Development should be redesigned to reposition the carpark and truck hardstand area to an internal area of the Site to ensure that the acoustic amenity of the adjoining residential land is protected.

The determinative nature of the issues raised in the Noise Assessment is such that, absent further information, consent to the application must be refused.

Visual Impacts

Jacfin will provide its assessment in relation to the visual impacts of the Development by 9 September 2020.

Yours faithfully

Paul Lalich
Partner
HWL Ebsworth Lawyers

+61 2 9334 8830
plalich@hwle.com.au

Andrew Scully
Senior Associate
HWL Ebsworth Lawyers

+61 2 9334 8777
ascully@hwle.com.au

WILKINSON MURRAY

3 September 2020

WM Project Number: 20343
Our Ref: JB 030315BC ltr

Andrew Scully
HWL Ebsworth
Level 14, 264-278 George Street
Sydney NSW 2000

Dear Sir

Re: ESR Proposed Horsley Logistics Park
Noise Assessment

A review of potential noise impacts associated with the proposed ESR Proposed Horsley Logistics Park at Horsley Park has been conducted with respect to the Jacfin residential lands that are located immediately to the south of the subject site. In particular, the review has focused on the potential impact of the proposed 24/7 operational noise emanating from the car parking area and truck hardstand on Lot 201.

The review has been predominately based on the noise assessment prepared by SLR Consulting titled:

ESR Horsley Logistics Park State Significant Development Application Noise and Vibration Impact Assessment SLR Ref No: 610.19360-R02-v1.3.doc July 2020

Executive Summary

In relation to the assessment we draw to your attention the following issues:

- The SLR report provides no explanation for the abnormities stated as being present in the noise monitoring data.
- The SLR report incorrectly applies the noise criteria from the Oakdale South Estate (SSD 6917) in place of the site amenity noise criteria as determined in the report.
- A preliminary assessment indicated that the carpark and hardstand area located on Lot 201 may emit noise levels up to 50 dBA. On this basis, it is not clear whether the SLR report has modelled the acoustic impacts of the car park and truck hardstand area.
- In the absence of further assessment, the noise impacts of the proposal cannot be properly understood and assessed.

Noise Monitoring

Three locations being L01, L02 and L03 were chosen in the vicinity of the Jacfin Land designated NCA1 in the SLR report. Locations L02 and L03 are located on the site southern boundary and were selected by SLR as appropriate locations for noise logging.

A review of the results indicates abnormalities whereby there is night data excluded for no apparent reason and it appears the resulting night RBL levels are higher, or the same, as daytime background noise levels. We question the suitability of use of this data when noise levels at location L01, which is 200 m away from L02 and L03, has recorded a night RBL of 34 dBA.

Noise Criteria

The SLR report indicates that noise criteria applicable to the Jacfin residential land should be that which was applied to Oakdale South Estate (SDD 6917). We question how criteria applied to one site under a specific SDD can automatically be applied to a separate development.

It is our opinion the controlling noise criterion should be 38 dBA as determined in the SLR report based on site amenity noise criteria.

Noise Modelling

The area of concern on the ESR site is the car parking area and truck hardstand on Lot 201. It is not clear from noise modelling what will occur in this location or what has been modelled.

Should trucks use this area then noise levels at the Jacfin residential area could be in the order of 50 dBA based on the noise levels presented in the SLR assessment. Similarly maximum noise levels from trucks would also be significantly higher than presented in the report.

Given that the site may operate on a 24-hour basis and the area is designated a truck area it is reasonable that any noise assessment should include the potential for trucks operating in this area during any period of the day.

Conclusion

A review of the proposed ESR Horsley Logistics Park has been conducted with respect to potential noise impact on the Jacfin residential lands. It has been determined that there is potential for significant adverse impact from operation of trucks on the south western corner of Lot 201.

A review of the SLR Consulting noise assessment indicates that the potential impact from this area has not been adequately assessed and that the noise impacts generated by the proposed development are unable to be accurately assessed.

It is recommended that a supplementary noise assessment of this area be conducted to determine the magnitude of noise impact and, where applicable, determine the necessary noise control measures, including consideration of a redesign of the site layout to ensure that acoustic amenity of future residents is protected.

I trust this information is sufficient. Please contact us if you have any further queries.

Yours faithfully
WILKINSON MURRAY

Brian Clarke
Senior Associate

HWL EBSWORTH
LAWYERS

Our Ref: PNL:ACS:979050

8 September 2020

Bruce Zhang
Environmental Assessment Officer - Industry Assessment
Department of Planning, Industry & Environment
4 Parramatta Square,
12 Darcy Street
Parramatta NSW 2150

By Email

Dear Sir

Jacfin Pty Ltd - Further Submission on ESR Horsley Logistics Park
State Significant Development Application 10436
Site: 6 Johnston Crescent, Horsley Park

We act for Jacfin Pty Ltd (***Jacfin***) and refer to Jacfin's previous submissions dated 26 August 2020 and 7 September 2020 (***Submissions***).

As foreshadowed in the Submission, Jacfin commissioned Urbaine Architectural to conduct an independent visual impact assessment of the Development on the Jacfin Land and neighbouring residential land. A copy of the Visual Impact Assessment prepared by Urbaine Architectural dated September 2020 (***VIA***) is **enclosed**.

For the reasons detailed in the VIA, Jacfin submits as follows.

1. The Development does not provide adequate visual protection to Jacfin's residential land or the surrounding existing residencies in the vicinity of the Site.

2. The Development is required to be resigned to incorporate significant visual screening so to avoid deleterious impacts on Jacfin's residential land or the surrounding existing residencies in the vicinity of the Site.

The Application fails to adequately mitigate the visual impacts of the Development on the adjoining residential land, such that the Department cannot be satisfied that the:

(a) '*goods, plant, equipment and other material resulting from the development are to be stored within a building or will be suitably screened from view from residential buildings and associated land*'; and

(b) *'elevation of any building facing, or significantly exposed to view from, land on which a dwelling house is situated has been designed to present an attractive appearance*',

as required by clause 23(2) of the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (***WSEA SEPP***).

Level 14, Australia Square, 264-278 George Street, Sydney NSW 2000 Australia
GPO Box 5408, Sydney NSW 2001 Australia
DX 129 Sydney

Telephone +61 2 9334 8555
Facsimile 1300 369 656 (Australia) +61 2 8507 6584 (International)
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The VIA indicates that without adequate mitigation measures the Department cannot be satisfied that '*proposed buildings are compatible with the height, scale, siting and character of existing residential buildings in the vicinity'* as required by clause 23(2)(a) of the WSEA SEPP.

Jacfin remains concerned that the location and siting of the warehouse on Lot 201 and the carpark and truck hardstand area on the south western corner of the Site, will create unacceptable amenity impacts on Jacfin's adjoining residential land. The Development should be redesigned so as to provide the significant mitigation required along the southern boundary of the Site to the existing earthen bund wall to remove the visual impacts of the Development to the adjoining and adjacent residential land.

Yours faithfully

Paul Lalich
Partner
HWL Ebsworth Lawyers

+61 2 9334 8830
plalich@hwle.com.au

Andrew Scully
Senior Associate
HWL Ebsworth Lawyers

+61 2 9334 8777
ascully@hwle.com.au

Visual Impact Assessment Report

Lot 2, D.P. 1228114, No. 327 Burley Road and Lots 100, 101, 102 & 103, D.P. 1214912, 2-6 Johnston Crescent, Horsley Park.

September 2020

urbaine architectural

urbaine architectural Suite 6, 15 The Corso, Manly NSW 2095
ABN: 313 182 542 24 T: 61 2 8355 6770

Visual Impact Assessment: Lot 2, D.P. 1228114, No. 327 Burley Road and Lots 100, 101, 102 & 103, D.P. 1214912, No.'s 2-6 Johnston Crescent, Horsley Park.

September, 2020.

CONTENTS

1. INTRODUCTION

1.1 Scope and Purpose of Report.

This Visual Impact Report has been prepared by Urbaine Architectural for JACFIN Pty Ltd, landowner of 2B Aldington Road, Kemps Creek, which adjoins the ESR subject site. The report is provided to accompany a review of State Significant Development Application for Horsley Logistics Park Submitted by ESR over land at 6 Johnston Crescent, Horsley Park
This report provides an analysis of the proposed development's visual impact in relation to its visual and statutory contexts and is to be read in conjunction with the drawings and other material submitted with the development application.

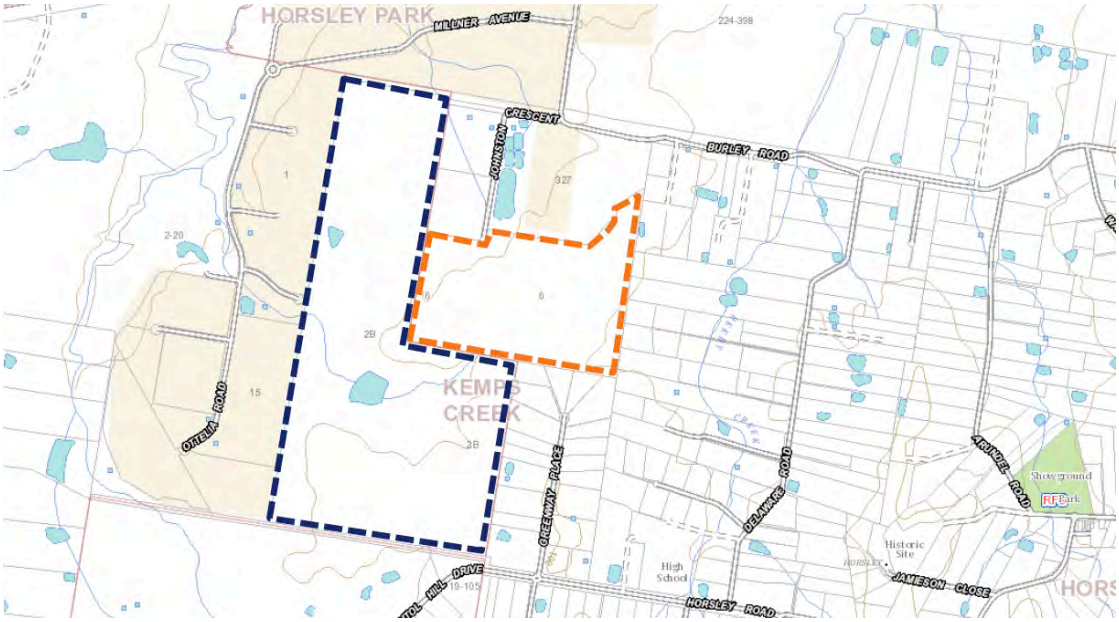


Figure 1 – site location shown in orange dotted outline, JACFIN site shown in blue dotted outline.

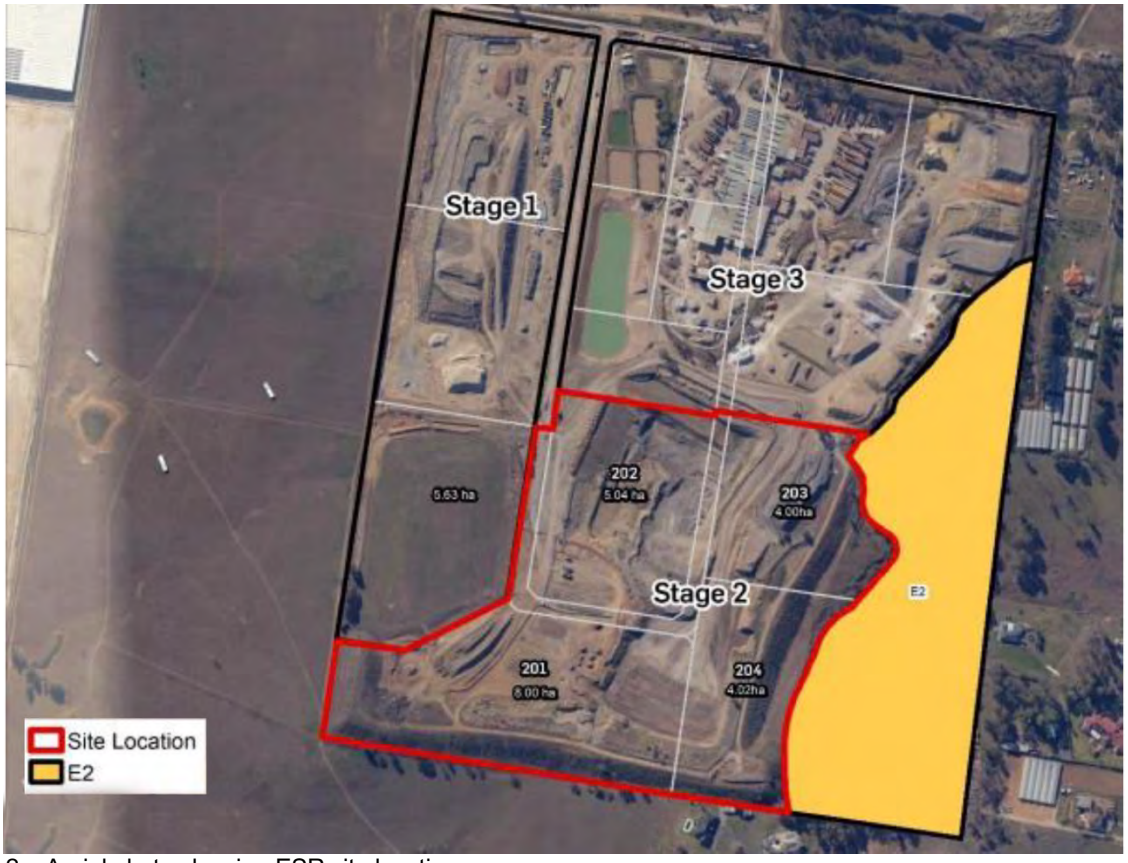


Figure 2 – Aerial photo showing ESR site location.

1.2 The Proposed Development

1.2.1 Project Overview

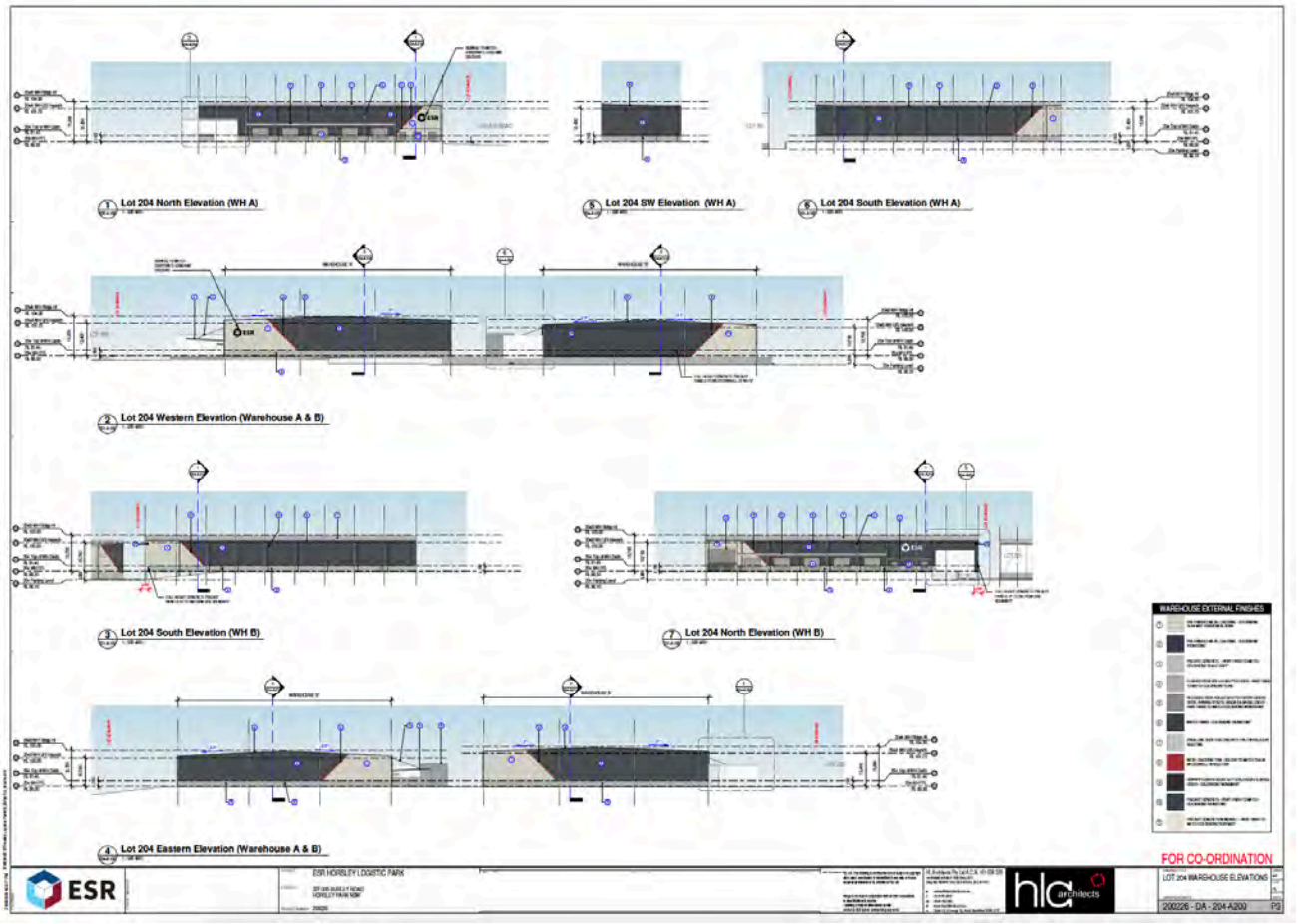


Figure 3 – Typical elevations of proposed design –by HLA Architects.

1.2.2 The Site

The subject site, referred to as the Horsley Logistics Park, is located within the existing CSR quarry at 6 Johnston Crescent, Horsley Park. The site comprises 20.8 ha of land south of the Sydney Water Pipeline, at the western extent of the WSEA. It is located within the Fairfield local government area (LGA) and is approximately 15km from the Penrith Central Business District (CBD), 17km from the Parramatta CBD, and 35km from Sydney CBD.

The site is immediately bordered to the north by the remainder of the original CSR quarry site which was excised from the site and subdivided into future Stage 3 as part of DA 893.1/2013. Beyond the quarry site the surrounding land uses include:

- The Oakdale Central business Hub (SSD 6078) to the north;
- Land zoned RU4 – Primary Production land that includes a number of rural residential lots to the east;
- Land zoned RU4 – Primary Production land and the residential subdivision Greenway Place to the south; and
- Horsley Park Warehousing Hub (MP 10_0129 & MP 10_0130) to the west.

The Horsley Logistics Park comprises a single allotment – Lot 103 DP 1214912 and is irregular in shape with a south-eastern boundary that follows the alignment of the E2 – Environmental Conservation corridor adjacent to the site. The site is zoned IN1 – General Industrial under the WSEA SEPP. The site is currently identified as a singular allotment, however concept approval for the subdivision of the lot to reflect the proposed masterplan was approved in DA 893.1/2013.

1.2.3 Proposed Land Use and Built Form

The proposed SSD DA for the Horsley Logistics Park includes:
• A Concept Plan to guide the staged development of the Horsley Logistics Park including:
- An Indicative Master Plan and Development Master Plan;
- Development Controls for future development stages; and
- Landscape Concept Plan.
• Stage 1 development of Lot 201 comprising:
- On-lot stormwater, infrastructure and services;
- Construction and fit out of buildings;
- Construction of hardstand, loading and car parking;
- Landscaping, retaining walls and signage; and
- Use of buildings for generic warehousing and distribution uses.

1.3 Visual Impact Assessment Methodology

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 D. A combination of the methods described were utilised in the preparation of the photomontaged views used in this visual impact assessment report. This same methodology is currently under review by the Land and Environment Court as a basis for future VIA guidelines to supercede the current instructions.

1.3.1 Process

Initially, a fully contoured 3d model was created of the site and surrounding buildings to the extent of the designated viewpoints, with detailed modelling matching the building envelope of the latest HLA Architects design of the industrial buildings, landscape and associated interaction with the surrounding site.
Virtual cameras were placed into the model to match various selected viewpoints, in both height and position. From these cameras, rendered views have been generated and photomontaged into the existing photos, using the ground plane for alignment (allowing 2 set camera heights for standing and sitting positions being at 1600mm and 1100mm respectively). Several site location poles were placed into the 3d model to allow accurate alignment with the original photo. These poles align with known elements of the building and surroundings, such as top of ridge and eaves location on the dwelling, together with existing trees and site boundary intersections.
The rendered views create an accurate interpretation of the visual impact and provide a basis for minimising any view loss by the incorporation of amended building heights and landscape, where appropriate.
The final selection of images shows these stages, concluding with an outline, indicating the potential visual impact, with and without landscaping. In addition, Appendix A contains ‘full context’ 120 degree panoramic photos from each location. It is from these that a better understanding can be gained, regarding the visual impact in the overall urban context, although for the purposes of statutory requirements, the images within the report are of a standard lens format.
The Visual Impact Assessment includes detailed evaluation of views from locations across the JACFIN land at 2B Aldington Road, Kemps Creek.

1.3.2 Assessment Methodology

There are no set guidelines within Australia regarding the methodology for visual impact assessment.
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 Architectural provides a detailed description of its methodologies and the resultant accuracy verifiability – this is contained within Appendix D.
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 subject site 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.

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 positions on JACFIN's land, at 2B Aldington Road, Kemps Creek, most likely to be affected by the Proposal
- Important vistas and viewsheds
- Other major influences on local character and amenity
The site map, see figure 4, indicates chosen locations for site photography. The relevant photos are contained in Appendix A.

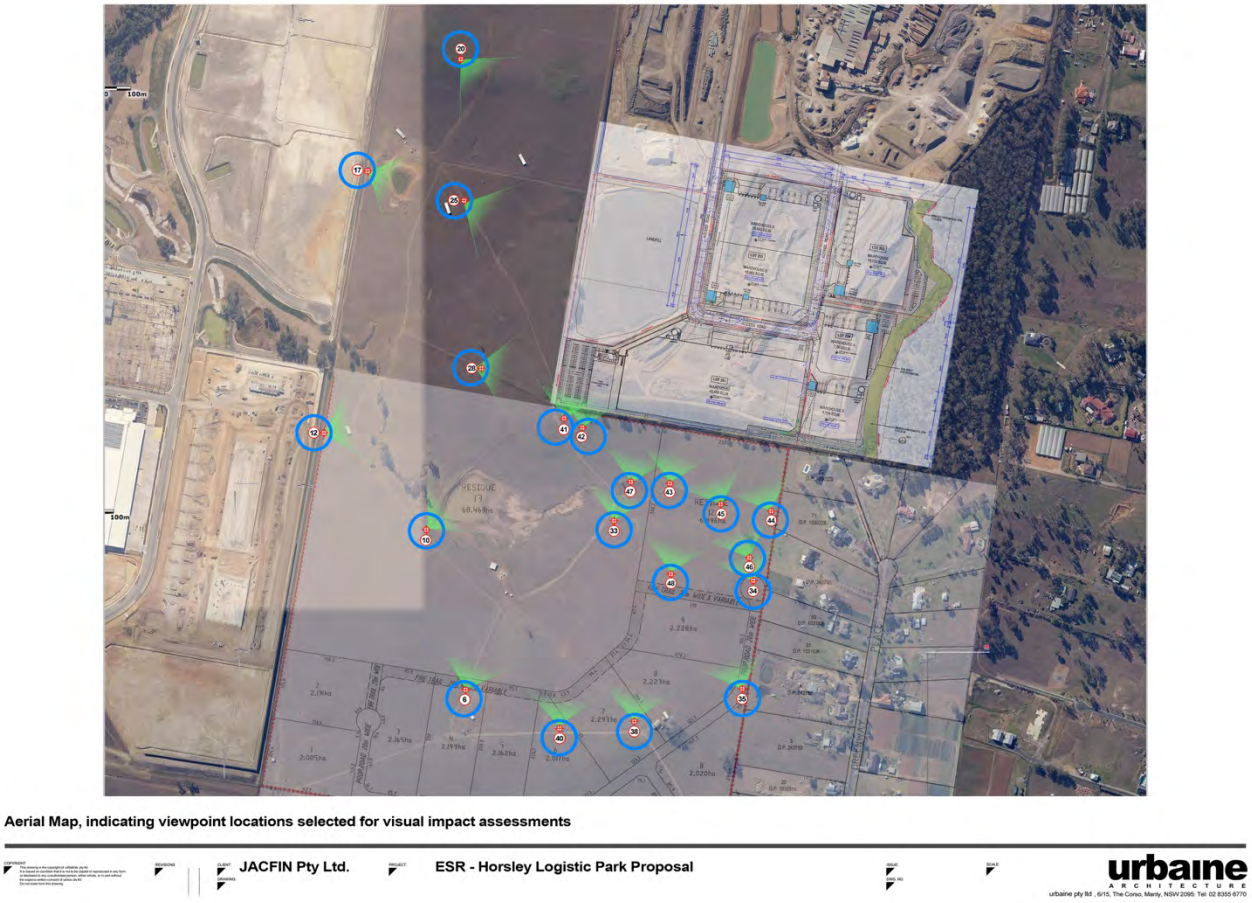


Figure 4: Selected viewpoint locations for visual impact assessments from JACFIN property.

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

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.

Statutory Planning Assessment
The results of the local view impact assessment are included in Section 3 of this report, with large format images included in Appendix A.

1.4 References

The following documentation and references informed the preparation of this report:
- NSW Environmental Planning and Assessment Act 1979
- Biodiversity Conservation Act 2016 (Biodiversity Act)
- NSW Native Vegetation Act 1997 (NV Act)
- NSW National Parks and Wildlife Act 1974 (NPW Act)
- NSW Heritage Act 1977 (Heritage Act)
- NSW Roads Act 1973 (Roads Act)
- SEPP No 55 – Remediation of Land
- SEPP (Infrastructure) 2007
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2018

- SEPP (Western Sydney Employment Area) 2009
- Design Documentation . The design drawings and information relied upon for the preparations of this report were prepared by HLA Architects Pty Ltd, dated 31st May, 2020.

■ Creating Places for People - An Urban Design Protocol for Australian Cities: www.urbandesign.gov.au/downloads/index.as
■ 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;
■ Australia and New Zealand Urban Design Protocol: www.mfe.govt.nz/publications/urban/design-protocol-mar05/urban-design-protocol-colour.pdf
■ The Value of Urban Design: www.designcouncil.org.uk/Documents/Documents/Publications/CABE/the-value-of-urban-design.pdf
■ Fifteen Qualities of Good Urban Places: www.goldcoast.qld.gov.au/planning-and-building/fifteen-qualities-of- good-urban-places-3774.html
■ The Image of the City (1960), Kevin Lynch

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 general topographical area map, Figure 5. This shows the general fall of the land from the subject site to the south and west.
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. Within the scope of this report the public realm is 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.

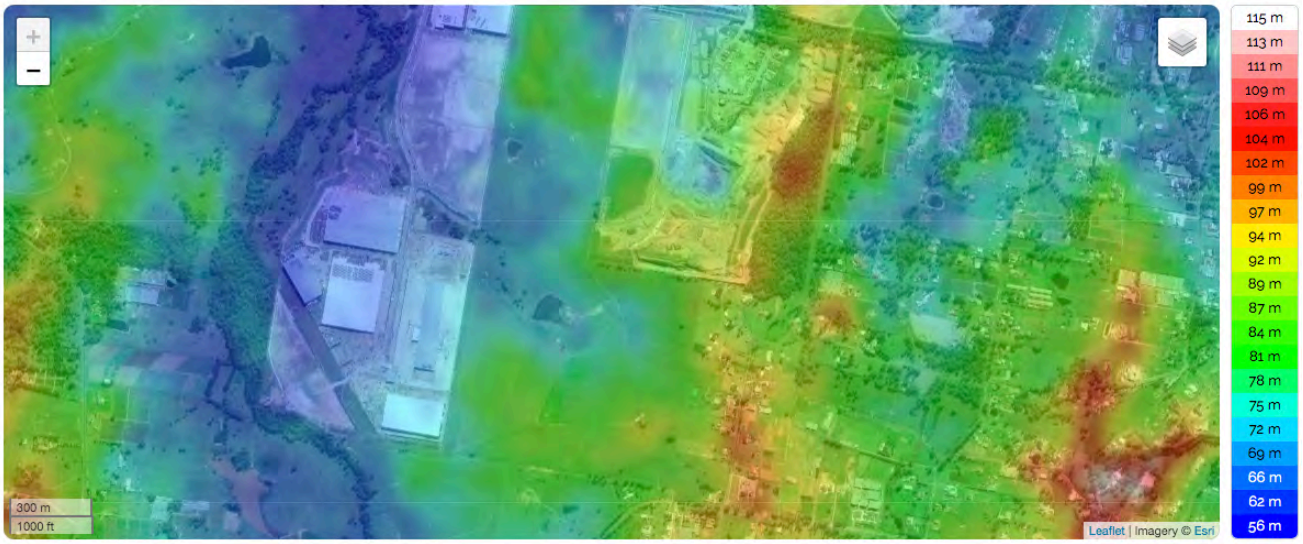


Figure 5: Subject Site topographical map

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 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.

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.

2.1 The Visual Context:

Within the street context, development is predominantly medium and high scale industrial warehousing. Within the urban context, there is a diverse fabric consisting of large residential lots, major distribution warehousing, agricultural and industrial.

2.2 Streetscapes

Within the local and surrounding areas, the streetscapes are typical of an industrial and warehouse distribution region, sitting alongside established large lot residential properties and farmland.

2.3 The selected view locations for the local view analysis:

As a result of the site’s topography, the visual impact is primarily relevant from the JACFIN land at 2B Aldington Road. A large number of site photos were taken and a smaller number of suitable views selected from these, relevant for private and public viewing locations, as described above. These are a mixture of dynamic and static viewpoints, namely, fixed locations and locations where viewing from a vehicle may be more likely – dynamic.
The selected photos are intended to allow consideration of the visual and urban impact of the new development at both an individual and local level. They incorporate viewing locations where the subject site falls within, and impacts on, the neighbouring views, particularly in relation to privacy and potential visual and sound impact/

2.4 Period of View:

The view is either
(a) Intermittent, or Dynamic if it will be viewed from a car travelling along a road; or
(b) Stationary, or Static if the proposal can be viewed from a fixed location or for an extended period of time. In this instance, most views will be considered as stationary, since the impact is most significant on views from adjoining gardens.

Context of View:

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

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 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.

The submitted architectural drawings include elevations that typically indentify the roof ridge heights at RL 103.00, relative to the height of the existing levelled land. This demonstrates that the objective of placing the approved building envelope in this location will be clearly visible from adjoining lan and public viewing locations, in addition to the adjoining future private residences on JACFIN land.

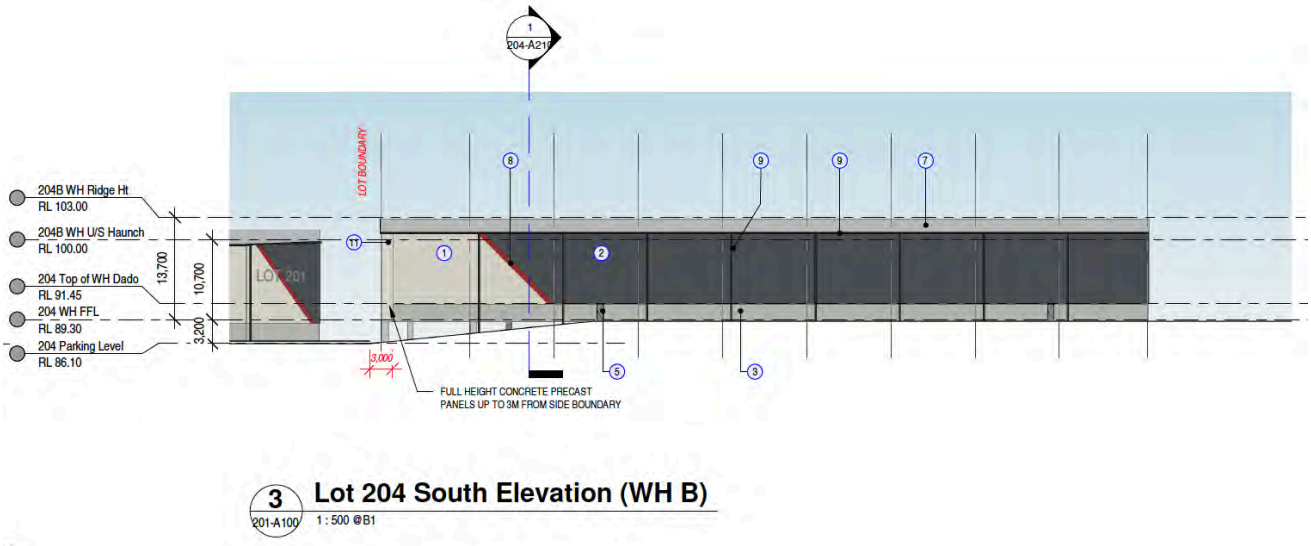


Figure 6: Drawing 200226 - DA - 204-A200 from HLA Architects indicating ridge height of RL 103.00

3. VISUAL IMPACT OF THE PROPOSED DEVELOPMENT

3.1 Visual Impact Assessments, with reference to the requirements of the Land and Environment Court.
When undertaking the assessment of visual impacts, the guidelines stipulated by the Land and Environment Court, NSW, are used as a starting point for compliance.

3.2 Visual Impact Assessments from 12 local viewpoint locations:

3.2.1 Method of Assessment:

In order to allow a quantitative assessment of the visual impact, photos were selected that represented relevant viewing locations from the surrounding property and public viewing locations. A Canon EOS Full Frame Digital Camera with fixed focal length 35mm 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 3.2.2 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 6 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 7.

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

Scale	*Value*	*Visual quality*	*Visual impact*
0	**Negligible**	N/A	No negative impact on the pre-existing visual quality of the view.
1 2 3 4 5	**Low**	Predominant presence of low quality manmade features. Minimal views of natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc). Uniformity of land form.	A minor negative impact on the pre-existing visual quality of the view. Examples: – Minor impacts on natural landscapes. – No impact on iconic views – Impacts on a small number of receivers. – Significant distance between the development and receiver.
6 7 8 9 10	**Medium**	Presence of some natural features mixed with manmade features. Some views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc).	A medium negative impact on the pre-existing visual quality of the view: Examples: – Moderate impacts on iconic views or natural landscapes. – Impacts on a moderate number of receivers. – Located nearby the receiver.
11 12 13 14 15	**High**	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 or landmark features.	A high negative impact on the pre-existing visual quality of a view: Examples: – Loss of iconic views. – Impacts on a significant number of receivers. – Overshadowing effect. – Directly adjacent the receiver.

Figure 7 – Urbaine Architectural Visual Assessment Scale

3.2.2 Assessment at selected viewpoints

Viewpoint no.6: Existing site photo.
RL +86.5 – see site map for location – Appendix A.
Distance to site boundary: 610. Distance to proposed buildings: 632m

Viewpoint no.6: Photomontage of new proposal

Viewpoint no.6: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.10

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location.
The viewpoint is at the boundary of the 14 lot rural residential subdivision of this land and demonstrates potential views from future residential properties. This represents a view from the ridgeline running from the existing farmhouse on the JACFIN property to the western boundary and is the first point at which the subject site becomes visible above the terrain that rises from the southern boundary. Views of the approach to this location can be seen in Appendix B – views 1 to 5.
The proposed development is in full view and the extent of existing / proposed landscaping and physical mounding would not provide sufficient protection from visual or noise impact.
When viewed from this ridgeline, the vista to the subject site is uninterrupted, looking across a natural undulation in the topography of the site. There is no existing landscape on the JACFIN site to mitigate the visual impact of the new development. The full southern elevation of the largest proposed building on the south-western corner of the subject site, Lot 201, is almost entirely visible. With 24/7 operations being conducted on the subject site, visual and acoustic impact from vehicular movements would be continuous.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint.

Viewpoint no.10: Existing site photo.
RL +72.5 – see site map for location – Appendix A.
Distance to site boundary: 321m. Distance to proposed buildings: 367m

Viewpoint no.10: Photomontage of new proposal.

Viewpoint no.10: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.10

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 200m north of the boundary of the 14 lot rural residential subdivision of this land and north-north-west of viewpoint 6.
In this location the topography of the JACFIN land drops down to a dam and hence to a small creek. The view is looking north-east to the subject site, which is approximately 25m below the pad level of Lot 201.
The proposed development on Lot 201 is in full view, with partial views of Warehouse B and Lot 202, The building outline rise above the natural ridgeline and this is only partly diminished by existing and proposed trees. The extent of existing / proposed landscaping and physical mounding would not provide sufficient protection from visual on noise impact, as outlined in viewpoint no.6.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint.

Viewpoint no.12: Existing site photo.
RL +69.5 – see site map for location – Appendix A.
Distance to site boundary: 424m. Distance to proposed building: 481m

Viewpoint no.12: Photomontage of new proposal.

Viewpoint no.12: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.8

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 450m north-north-west of the boundary of the 14 lot rural residential subdivision of this land and located on the western boundary of the JACFIN site.
The proposed development on Lots 201 and 202 are partially visible (70% estimate) and the extent of existing / proposed landscaping and physical mounding would not provide sufficient protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location. This currently sits atop the finished pad level with minimal landscaping or screening to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint.

Viewpoint no.17: Existing site photo.
RL +70.5 – see site map for location – Appendix A.
Distance to site boundary: 381m. Distance to proposed buildings: 541m

Viewpoint no.17: Photomontage of new proposal.

Viewpoint no.17: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.8

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 900m north of the boundary of the 14 lot rural residential subdivision of this land and located on the western boundary of the JACFIN site. It aligns with the northern face of Warehouse A on Lot 202.
The proposed development on Lots 201 and 202 are partially visible (60% estimate), with the building profiles projecting above the natural ridgeling to the east. The extent of existing / proposed landscaping and physical mounding would not provide sufficient protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution.

Viewpoint no.20: Existing site photo.
RL +86.5 – see site map for location – Appendix A.
Distance to site boundary: 396m. Distance to proposed buildings: 678m.

Viewpoint no.20: Photomontage of new proposal.

Viewpoint no.20: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.8

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 1150m north of the boundary of the 14 lot rural residential subdivision of this land and located 210m from the western boundary of the site. This represents the highest viewing location on the JACFIN site, not adjoining the subject site.
The proposed development on Lots 201,202 and 203 are partially visible (75% estimate), with the building profiles obscuring the distant horizon line and middle-to-distant views. The extent of existing / proposed landscaping and physical mounding would not provide sufficient protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution.

Viewpoint no.25: Existing site photo.
RL +72.5 – see site map for location – Appendix A.
Distance to site boundary: 198m. Distance to proposed buildings: 405m

Viewpoint no.25: Photomontage of new proposal.

Viewpoint no.25: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.7

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 1050m north of the boundary of the 14 lot rural residential subdivision of this land and located 240m from the western boundary of the JACFIN site.
This aligns with the gap between proposed buildings on Lots 201 and 202 on the subject site.
The proposed development on Lots 201,202 and 203 are partially visible (55% estimate), with the building profiles obscuring the distant horizon line and sky. The extent of existing / proposed landscaping and physical mounding would not provide sufficient protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution.

Viewpoint no.28: Existing site photo.
RL +75.5 – see site map for location – Appendix A.
Distance to site boundary: 150m. Distance to proposed buildings: 223m

Viewpoint no.28: Photomontage of new proposal.

Viewpoint no.28: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.4

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 720m north of the boundary of the 14 lot rural residential subdivision of this land and located 240m from the western boundary of the JACFIN site.
This aligns with the northern elevation of the proposed buildings on Lot 201 on the subject site.
The proposed developments on Lots 201 202 are partially visible (30% estimate), but are significantly obscured as a result of the RL position relative to the finished pad level on the subject site. However, the extent of existing / proposed landscaping and physical mounding would still not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the boundary of Lot 201.

Viewpoint no.33: Existing site photo.
RL +75.5 – see site map for location – Appendix A.
Distance to site boundary: 202m. Distance to proposed buildings: 219m

Viewpoint no.33: Photomontage of new proposal.

Viewpoint no.33: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.10

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 370m north of the boundary of the 14 lot rural residential subdivision of this land and located 320m from the eastern boundary of the JACFIN site.
This aligns with the western elevation of the proposed main warehouse building on Lot 201 on the subject site.
The proposed developments on Lots 201 and 204 are significantly visible (80% estimate), and not particularly obscured as a result of the lower RL position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.

Viewpoint no.34: Existing site photo.
RL +89.5 – see site map for location – Appendix A.
Distance to site boundary: 324m. Distance to proposed buildings: 337m.

Viewpoint no.34: Photomontage of new proposal.

Viewpoint no.34: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.11

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 160m north of the boundary of the 14 lot rural residential subdivision of this land and located 20m from the eastern boundary of the JACFIN site.
This aligns with the gap between the proposed building on Lot 201 and Warehouse B on Lot 204. The proposed developments on Lots 201 and 204 are significantly visible (80% estimate), and not particularly obscured as a result of the lower RL position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.

Viewpoint no.35: Existing site photo.
RL +87.4 – see site map for location – Appendix A.
Distance to site boundary: 498m. Distance to proposed buildings: 518m.

Viewpoint no.35: Photomontage of new proposal.

Viewpoint no.35: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.10

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is within the 14 lot rural residential subdivision of this land and located on the eastern boundary of the JACFIN site.
This viewpoint aligns with the gap between the proposed building on Lot 201 and Warehouse B on Lot 204. The viewpoint is located due east of the existing farmhouse on the JACFIN site
The proposed developments on Lots 201 and 204 are significantly visible (80% estimate), and not particularly obscured as a result of the lower RL position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.

Viewpoint no.38: Existing site photo.
RL +93.5 – see site map for location – Appendix A.
Distance to site boundary: 554m. Distance to proposed buildings: 576m

Viewpoint no.38: Photomontage of new proposal.

Viewpoint no.38: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.10

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is within the 14 lot rural residential subdivision of this land and located on the eastern boundary of the JACFIN site. The viewpoint is located due west of the existing farmhouse on the JACFIN site and aligns with the western elevation of the main warehouse building on Lot 201
The proposed developments on Lots 201 and 204 are significantly visible (80% estimate), and not particularly obscured as a result of the lower RL position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.

Viewpoint no.40: Existing site photo.
RL +89.8 – see site map for location – Appendix A.
Distance to site boundary: 585m. Distance to proposed buildings: 616m.

Viewpoint no.40: Photomontage of new proposal.

Viewpoint no.40: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.9

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately within the 14 lot rural residential subdivision of this land and located on the eastern boundary of the JACFIN site. The viewpoint is located due east of the existing farmhouse on the JACFIN site
This viewpoint also aligns with the gap between the proposed building on Lot 201 and Warehouse B on Lot 204.
The proposed developments on Lots 201 and 204 are significantly visible (80% estimate), and not particularly obscured as a result of the lower RL position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.

Viewpoint no.41: Existing site photo.
RL +88.4 – see site map for location – Appendix A.
Distance to site boundary: 8m. Distance to proposed buildings: 97m.

Viewpoint no.41: Photomontage of new proposal.

Viewpoint no.41: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.10

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The viewpoint is located south-east of the south-west boundary corner of the ESR site
This viewpoint looks along the southern boundary of the site towards the existing houses on Greenway Place and the proposed residential lots of JACFIN's Lot Residue 12
The proposed developments on Lots 201 and 204 are significantly visible (60% estimate), and not obscured by any existing or proposed landscaping. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, from the proposed car parking on the south western corner, clearly visible from this location. This car park currently sits atop the finished pad level with minimal landscaping or screening on the southern site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.
From this viewpoint, the extended batter would provide visual and acoustic screening to the existing and proposed residential lots.

Viewpoint no.42: Existing site photo.
RL +87.5 – see site map for location – Appendix A.
Distance to site boundary: 18m. Distance to proposed buildings: 44m.

Viewpoint no.42: Photomontage of new proposal.

Viewpoint no.42: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.10

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The viewpoint is located east of the south-west boundary corner of the ESR site
This viewpoint looks along the southern boundary of the site towards the existing houses on Greenway Place and the proposed residential lots of JACFIN's Lot Residue 12
The proposed developments on Lots 201 and 204 are significantly visible (80% estimate), and not obscured by any existing or proposed landscaping. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, from the proposed car parking on the south western corner, clearly visible from this location. This car park currently sits atop the finished pad level with minimal landscaping or screening on the southern site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.
From this viewpoint, the extended batter would provide visual and acoustic screening to the existing and proposed residential lots.

Viewpoint no.43: Existing site photo.
RL +83.7– see site map for location – Appendix A.
Distance to site boundary: 109m. Distance to proposed buildings: 143m.

Viewpoint no.43: Photomontage of new proposal.

Viewpoint no.43: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.11

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 109m due south of the boundary of the ESR Lot – opposite the midpoint of the gabion wall battering and water drainage wall.
The proposed developments on Lots 201 and 204 are significantly visible (80% estimate), and not particularly obscured as a result of the lower RL position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.
This viewpoint represents an actual house location for the proposed residential lots on JACFIN Lot Residue 12.

Viewpoint no.44: Existing site photo.
RL +89.7 – see site map for location – Appendix A.
Distance to site boundary: 128m. Distance to proposed buildings: 156m.

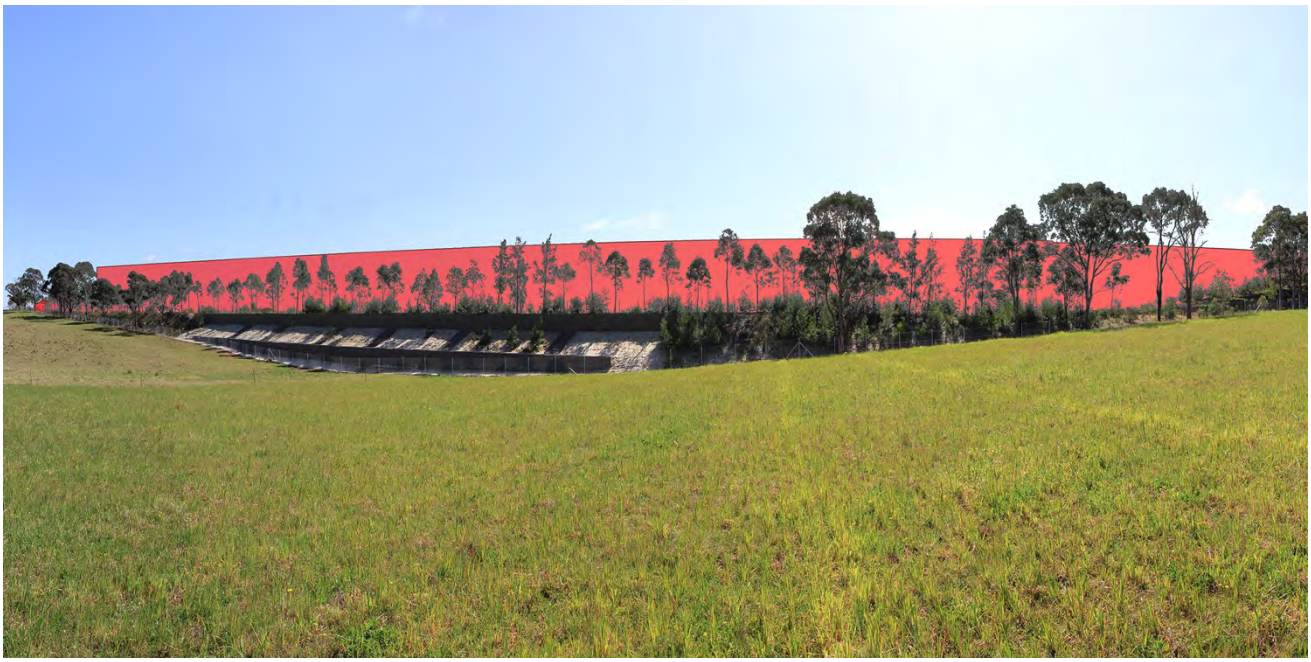
Viewpoint no.44: Photomontage of new proposal.

Viewpoint no.44: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.9

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is at the boundary of the existing residetial lot 72 of DP 1050228, on Greenway Place and also located within the proposed residential lots on JACFINS Residue 12 plot. This viewpoint also aligns with the gap between the proposed building on Lot 201 and Warehouse B on Lot 204.
The proposed developments on Lots 201 and 204 are significantly visible (70% estimate), and not particularly obscured as a result of the higher RL viewpoint position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
It is clear from this viewing angle that an extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, and also the existing residences, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.

Viewpoint no.45: Existing site photo.
RL +86.7 – see site map for location – Appendix A.
Distance to site boundary: 121m. Distance to proposed buildings: 148m.

Viewpoint no.45: Photomontage of new proposal.



Viewpoint no.45: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.9

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 121m due south of the boundary of the ESR Lot – opposite the eastern end of the gabion wall battering and water drainage wall.
The proposed developments on Lots 201 and 204 are significantly visible (80% estimate), and not particularly obscured as a result of the lower RL position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.
This viewpoint represents an actual house location for the proposed residential lots on JACFIN Lot Residue 12.

Viewpoint no.46: Existing site photo.
RL +89.2 – see site map for location – Appendix A.
Distance to site boundary: 239m. Distance to proposed buildings: 264m.

Viewpoint no.46: Photomontage of new proposal.

Viewpoint no.46: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.9

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 160m north of the boundary of the 14 lot rural residential subdivision of this land and located 20m from the eastern boundary of the JACFIN site.
This aligns with the gap between the proposed building on Lot 201 and Warehouse B on Lot 204. The proposed developments on Lots 201 and 204 are significantly visible (80% estimate), and not particularly obscured as a result of the lower RL position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.

Viewpoint no.47: Existing site photo.
RL +89.1 – see site map for location – Appendix A.
Distance to site boundary: 123m. Distance to proposed buildings: 153m.

Viewpoint no.47: Photomontage of new proposal.

Viewpoint no.47: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.9

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 123m due south of the boundary of the ESR Lot – aligned with the western edge of the ESR proposed warehouse.
The proposed developments on Lots 201 and 204 are significantly visible (80% estimate), and not particularly obscured as a result of the lower RL position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.
This viewpoint represents an actual house location for the proposed residential lots on JACFIN Lot Residue 12.

Viewpoint no.48: Existing site photo.
RL +86.7 – see site map for location – Appendix A.
Distance to site boundary: 268m. Distance to proposed buildings: 293m.

Viewpoint no.48: Photomontage of new proposal.

Viewpoint no.48: Visual Impact indicated in red overlay.
Visual Impact Assessment: Scale no.9

This is a static, private viewpoint on JACFIN land at 2B Aldington Road - see Appendix A site map for location. The location is approximately 268m due south of the boundary of the ESR Lot – opposite the eastern edge of the gabion wall battering and water drainage wall.
The proposed developments on Lots 201 and 204 are significantly visible (75% estimate), and not particularly obscured as a result of the lower RL position relative to the finished pad level on the subject site. The extent of existing / proposed landscaping and physical mounding on the southern boundary of Lots 201 and 204 would not provide suitable protection from visual or noise impact for a 24/7 operation with associated vehicular movements. In particular, the proposed car parking on the south western corner of the subject site would be visible from this location, as would larger lorry movements. This car park currently sits atop the finished pad level with minimal landscaping or screening on the western site boundary to mitigate acoustic, or visual impact to the JACFIN site.
An extension of the landscaped batter, currently in place at the south-eastern corner of the subject site, adjoining the residential properties on Greenway Place, continuing around the south-western corner of the subject site and further to the north to conceal the proposed car park would provide an acceptable solution for the JACFIN land, when assessed from this viewpoint. The batter could extend around the northern edge of the proposed car park before dropping down to existing ground level for a preferred solution. This is particularly pertinent in this location, since the car parking lots extend to the southern and western boundaries of Lot 201.
This viewpoint represents an actual house location for the proposed residential lots on JACFIN Lot Residue 12.

4. CONCLUSIONS + PLANNING SCHEME PROVISIONS RELATING TO VISUAL IMPACTS

The proposed development by ESR over land at 6 Johnston Crescent, Horsley Park does not attempt to provide sufficient visual or acoustic protection to the JACFIN site, and in particular the residential subdivision lots, at 2B Aldington Road, all of which will require such amenity.

A gabion wall and green terramesh earth bund has been proposed and is in place for the south-eastern corner of the subject site, but the extent of this does not spread sufficiently around the site to protect the future development of JACFIN's property from visual and acoustic impact – see GE Inventions Consulting Drawing No: GEOINV_CSR_001/2 for the extent of the physical protection, figure 8.

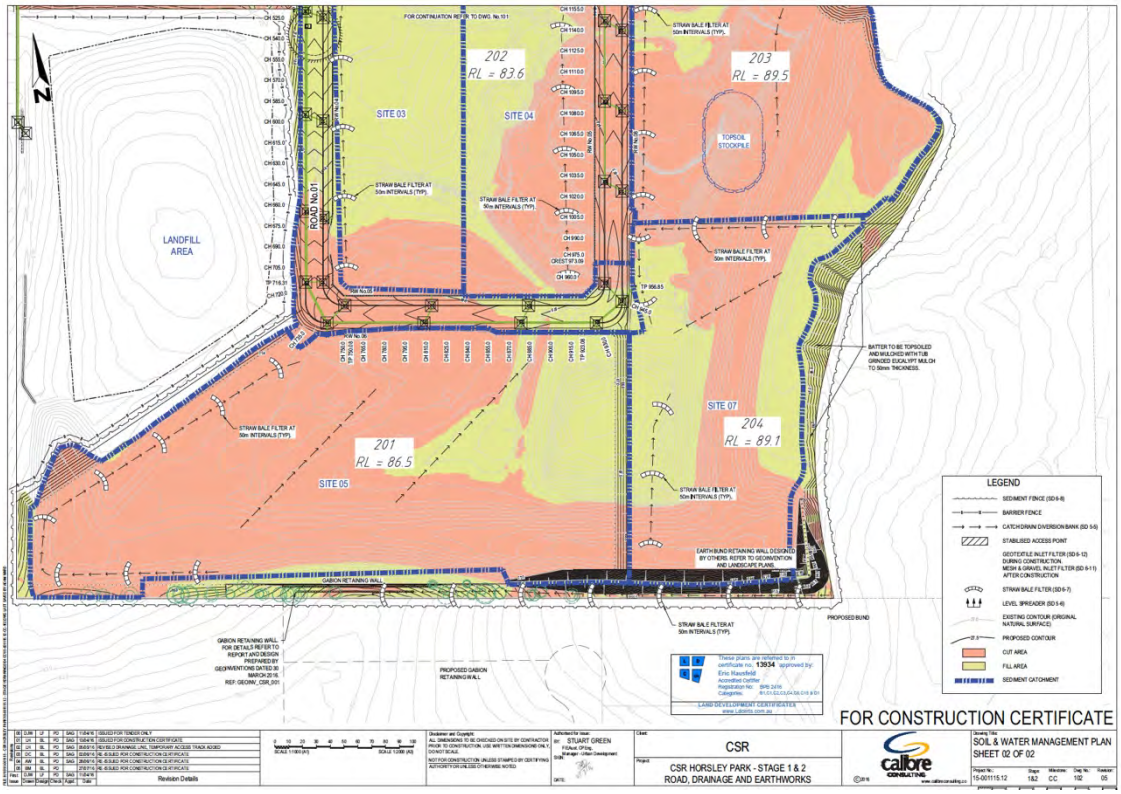


Figure 8: Extent of landscape batter provided to south-eastern corner of ESR site.

Having undertaken an extensive investigation of the JACFIN land and the associated visual impact from the new development, it is apparent that, with a 24/7 operation associated with such warehousing, a more robust approach should be taken to the mitigation of noise and view loss. Existing landscaping, even at maturity will not provide this.

This general area is generally noted for the co-existence of many and varied land uses, from farming to residential, warehousing and industrial. There are many examples of successful mitigation approaches that allow such diversity to operate in a mutually respectful manner. In this case, the requirements for the ESR development may require a reconfiguration of the warehouse size and positioning, particularly on the southern boundary of Lot 201, to accommodate an extension of the existing batter.

Urbaine remains available to visually assess any future proposals on the subject site.

5. APPENDICES

- 5.1 APPENDIX A: Full Panoramic Photomontages of the Proposed Development from specified viewpoints + verification diagrams.

- 5.2 APPENDIX B: Full selection of site photograpny.

- 5.2 APPENDIX C: Land and Environment Court: Guidelines for Photomontages.

- 5.3 APPENDIX D: Aspinall CV and Expert Witness experience. Methodology article – Planning Australia, by Urbaine Architectural.

APPENDIX A

Visual Impact Assessment
ESR Site Horsley Park

REVISIONS

CLIENT: JACFIN Pty Ltd.

DRAWING:

PROJECT: ESR - Horsley Logistic Park Proposal

ISSUE:

DWG. NO.

SCALE:

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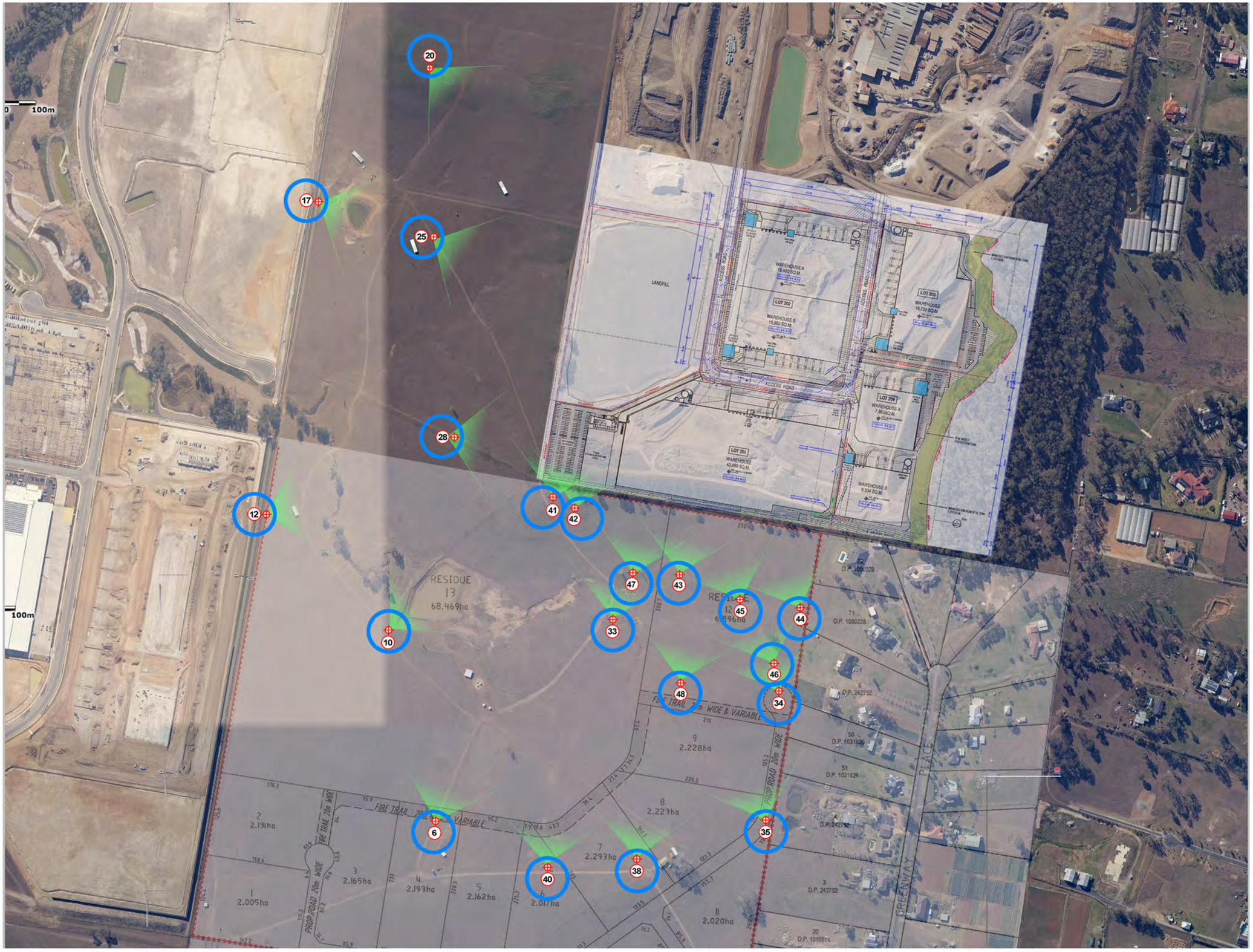

Aerial Map, indicating viewpoint locations selected for visual impact assessments

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP6 - Original site photo @ 1600mm eye level - standing

VP6 - Overlay of 3d model and reference elements on site

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CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP6 - Photomontage of development proposal

VP6 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP10 - Original site photo @ 1600mm eye level - standing

VP10 - Overlay of 3d model and reference elements on site

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CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP10 - Photomontage of development proposal

VP10 - Extent of visual impact indicated in red overlay

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CLIENT: **JACFIN Pty Ltd.**

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VP12 - Original site photo @ 1600mm eye level - standing

VP12 - Overlay of 3d model and reference elements on site

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VP12 - Photomontage of development proposal

VP12 - Extent of visual impact indicated in red overlay

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VP17 - Original site photo @ 1600mm eye level - standing

VP17 - Overlay of 3d model and reference elements on site

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VP17 - Photomontage of development proposal

VP17 - Extent of visual impact indicated in red overlay

REVISIONS

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP20 - Original site photo @ 1600mm eye level - standing

VP20 - Overlay of 3d model and reference elements on site

REVISIONS

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP20 - Photomontage of development proposal

VP20 - Extent of visual impact indicated in red overlay

REVISIONS

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VP25 - Original site photo @ 1600mm eye level - standing

VP25 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP25 - Photomontage of development proposal

VP25 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP28 - Original site photo @ 1600mm eye level - standing

VP28 - Overlay of 3d model and reference elements on site

REVISIONS

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VP28 - Photomontage of development proposal

VP28 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP33 - Original site photo @ 1600mm eye level - standing

VP33 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

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VP33 - Photomontage of development proposal

VP33 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

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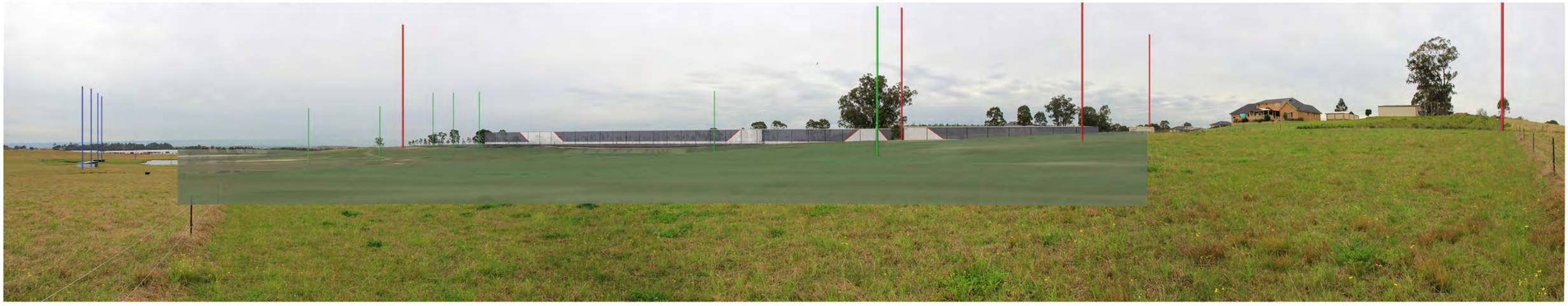
VP34 - Original site photo @ 1600mm eye level - standing



VP34 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP34 - Photomontage of development proposal

VP34 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP35 - Original site photo @ 1600mm eye level - standing

VP35 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP35 - Photomontage of development proposal

VP35 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP38 - Original site photo @ 1600mm eye level - standing

VP38 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

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VP38 - Photomontage of development proposal

VP38 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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VP40 - Original site photo @ 1600mm eye level - standing

VP40 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

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VP40 - Photomontage of development proposal

VP40 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP41 - Original site photo @ 1600mm eye level - standing

VP41 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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VP41 - Photomontage of development proposal

VP41 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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SCALE:

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VP42 - Original site photo @ 1600mm eye level - standing

VP42 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

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SCALE:

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VP42 - Photomontage of development proposal

VP42 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

DWG. NO.

SCALE:

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ARCHITECTURE
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VP43 - Original site photo @ 1600mm eye level - standing

VP43 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

DWG. NO.

SCALE:

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ARCHITECTURE
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VP43 - Photomontage of development proposal

VP43 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

DWG. NO.

SCALE:

urbaine
ARCHITECTURE
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770

VP44 - Original site photo @ 1600mm eye level - standing

VP44 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

DWG. NO.

SCALE:

urbaine
ARCHITECTURE
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770

VP44 - Photomontage of development proposal

VP44 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

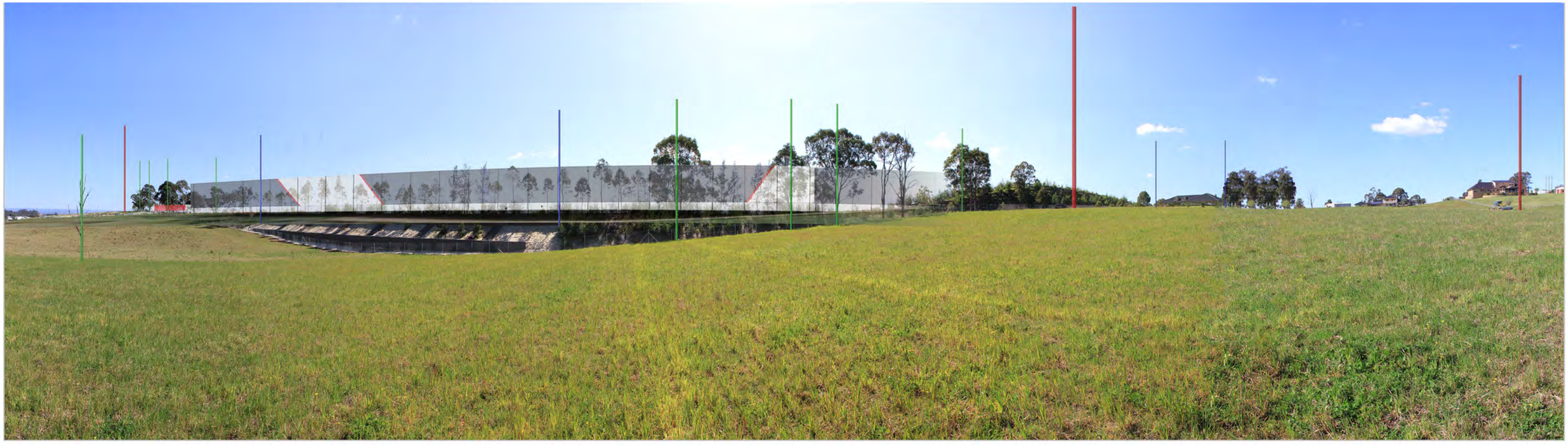
ISSUE:

DWG. NO.

SCALE:

urbaine
ARCHITECTURE
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770

VP45 - Original site photo @ 1600mm eye level - standing



VP45 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

DWG. NO.

SCALE:

urbaine
ARCHITECTURE
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770

VP45 - Photomontage of development proposal

VP45 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

DWG. NO.

SCALE:

urbaine
ARCHITECTURE
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770

VP46 - Original site photo @ 1600mm eye level - standing

VP46 - Overlay of 3d model and reference elements on site

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

DWG. NO.

SCALE:

urbaine
ARCHITECTURE
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770

VP46 - Photomontage of development proposal

VP46 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

DWG. NO.

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urbaine
ARCHITECTURE
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770

VP47 - Original site photo @ 1600mm eye level - standing

VP47 - Overlay of 3d model and reference elements on site

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VP47 - Photomontage of development proposal

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SCALE:

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ARCHITECTURE
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770

VP48 - Original site photo @ 1600mm eye level - standing

VP48 - Overlay of 3d model and reference elements on site

REVISIONS

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VP48 - Photomontage of development proposal

VP48 - Extent of visual impact indicated in red overlay

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

DRAWING:

PROJECT: **ESR - Horsley Logistic Park Proposal**

ISSUE:

DWG. NO.

SCALE:

urbaine
ARCHITECTURE
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770

APPENDIX B

Original Site Photography
ESR Site Horsley Park

REVISIONS

CLIENT: JACFIN Pty Ltd.

DRAWING:

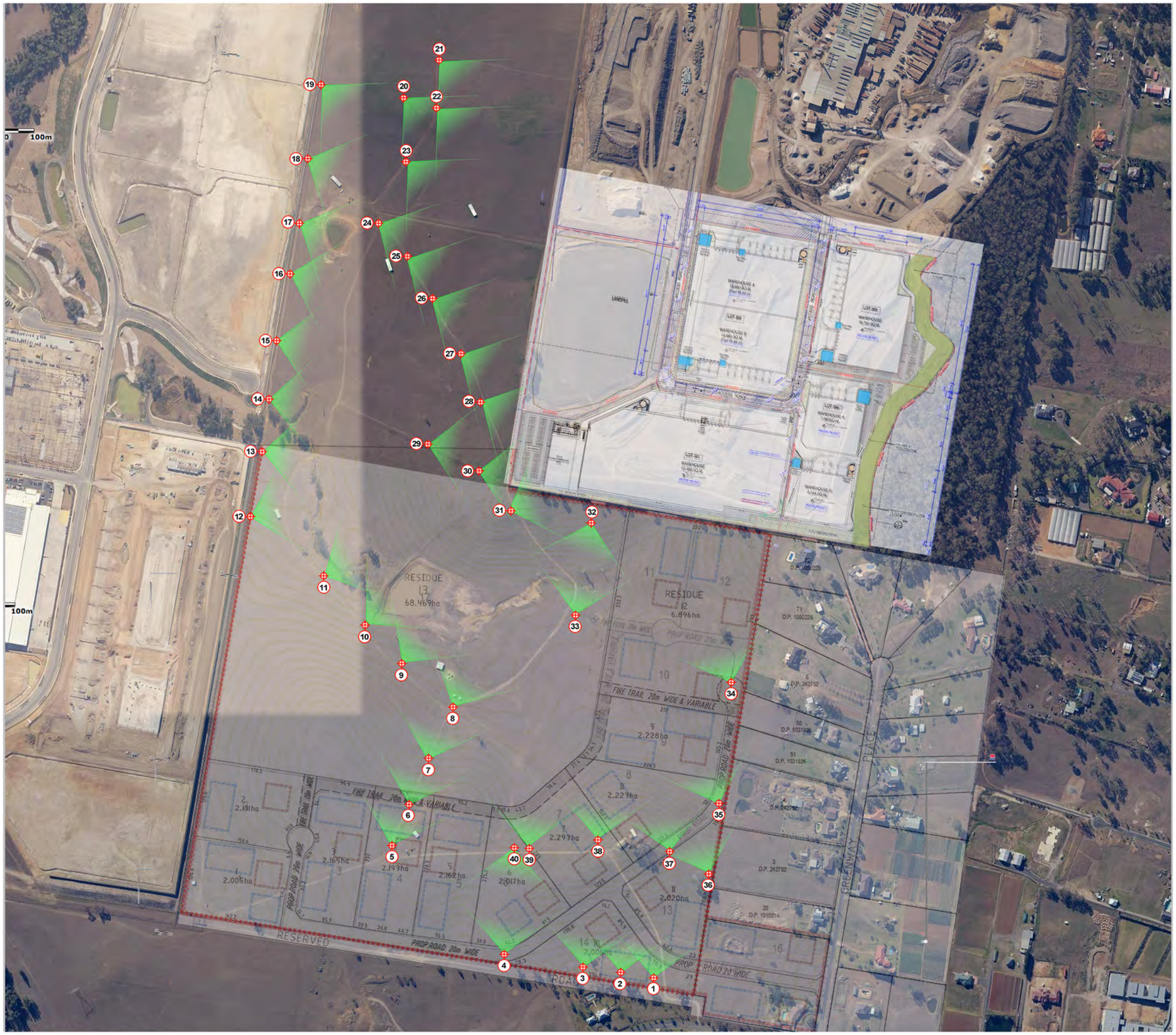
PROJECT: ESR - Horsley Logistic Park Proposal

ISSUE:

DWG. NO.

SCALE:

urbaine
ARCHITECTURE
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770



Aerial Map, indicating viewpoint locations

REVISIONS

CLIENT: **JACFIN Pty Ltd.**

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PROJECT: **ESR - Horsley Logistic Park Proposal**

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ARCHITECTURE
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Viewpoint No.1

Viewpoint No.2

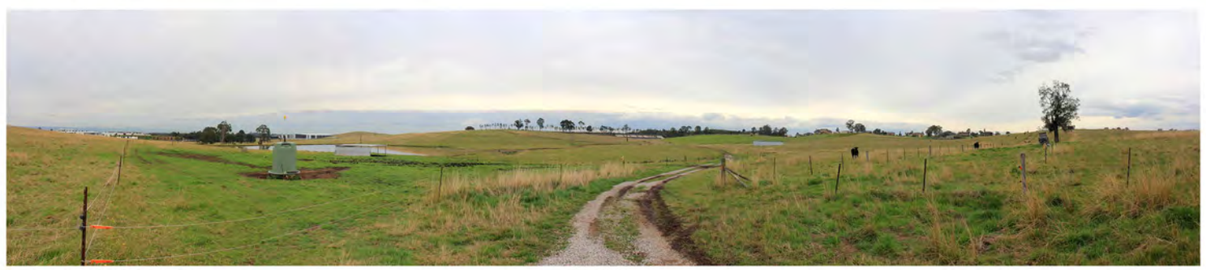
Viewpoint No.3

Viewpoint No.4

Viewpoint No.5

Viewpoint No.6

Viewpoint No.7



Viewpoint No.8

Viewpoint No.9

Viewpoint No.10

REVISIONS

CLIENT: JACFIN Pty Ltd.

DRAWING:

PROJECT: ESR - Horsley Logistic Park Proposal

ISSUE:

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Viewpoint No.11

Viewpoint No.12

Viewpoint No.13

Viewpoint No.14

Viewpoint No.15

Viewpoint No.16

Viewpoint No.17

Viewpoint No.18

Viewpoint No.19

Viewpoint No.20

REVISIONS

CLIENT: JACFIN Pty Ltd.

DRAWING:

PROJECT: ESR - Horsley Logistic Park Proposal

ISSUE:

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SCALE:

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Viewpoint No.21

Viewpoint No.22

Viewpoint No.23

Viewpoint No.24

Viewpoint No.25

Viewpoint No.26

Viewpoint No.27

Viewpoint No.28

Viewpoint No.29

Viewpoint No.30

REVISIONS

CLIENT: JACFIN Pty Ltd.

DRAWING:

PROJECT: ESR - Horsley Logistic Park Proposal

ISSUE:

DWG. NO.

SCALE:

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Viewpoint No.31

Viewpoint No.32

Viewpoint No.33

Viewpoint No.34

Viewpoint No.35

Viewpoint No.36

Viewpoint No.37

Viewpoint No.38

Viewpoint No.39

Viewpoint No.40

REVISIONS

CLIENT: JACFIN Pty Ltd.

DRAWING:

PROJECT: ESR - Horsley Logistic Park Proposal

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Do not scale this drawing.

REVISIONS

NOTES

CLIENT: PAZIT pty ltd

ISSUE:

DRAWING:

DWG. NO.

PROJECT: Bowood Road, Mount Vernon

SCALE: n.t.s.

ISSUE:

DWG. NO.

urbaine
A R C H I T E C T U R E
urbaine pty ltd , 6/15, The Corso, Manly, NSW 2095: Tel: 02 8355 6770

APPENDIX C:

Land and Environment Court: Guidelines for Photomontages

LAND AND ENVIRONMENT COURT
Use of photomontages

The following requirements for photomontages proposed to be relied on as or as part of expert evidence in Class 1 appeals will apply for proceedings commenced on or after 1 October 2013. The following directions will apply to photomontages from that date:

Requirements for photomontages

1. Any photomontage proposed to be relied on in an expert report or as demonstrating an expert opinion as an accurate depiction of some intended future change to the present physical position concerning an identified location is to be accompanied by:

   Existing Photograph.
   a) A photograph showing the current, unchanged view of the location depicted in the photomontage from the same viewing point as that of the photomontage (the existing photograph);
   b) A copy of the existing photograph with the wire frame lines depicted so as to demonstrate the data from which the photomontage has been constructed. The wire frame overlay represents the existing surveyed elements which correspond with the same elements in the existing photograph; and
   c) A 2D plan showing the location of the camera and target point that corresponds to the same location the existing photograph was taken.

   Survey data.
   d) Confirmation that accurate 2D/3D survey data has been used to prepare the Photomontages. This is to include confirmation that survey data was used:
      i. for depiction of existing buildings or existing elements as shown in the wire frame; and
      ii. to establish an accurate camera location and RL of the camera.

2. Any expert statement or other document demonstrating an expert opinion that proposes to rely on a photomontage is to include details of:
   a) The name and qualifications of the surveyor who prepared the survey information from which the underlying data for the wire frame from which the photomontage was derived was obtained; and
   b) The camera type and field of view of the lens used for the purpose of the photograph in (1)(a) from which the photomontage has been derived.

APPENDIX D:

Aspinall CV and Expert Witness experience.
Methodology article – Planning Australia, by Urbaine Architecture.

CURRICULUM VITAE:

JOHN ASPINALL. Expert Witness – Land and Environment Court.

dob 8.2.63

Registered Architect RIBA BA(Hons) BArch(Hons) Liverpool University, UK.
Qualified 1987, London 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 Architectural (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 programmes 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 Architectural. 2005 to present.
Currently, Principal Architect of Urbaine Architectural - architectural design development and visualisation consultancy: 24 staff, with offices in: Sydney, Shanghai, Doha and Sarajevo.
Specialist in design development via interactive 3d modelling.

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, 1998 to present.
In Australia and the UK, for the Land and Environment Court. Expert witness for visual impact studies and view loss assessments 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 many articles relating to the accuracy of Visual Impact Assessments. An article contained in Australian Planner Magazine, 2018, is attached as Appendix A.

The experience, in architectural design and 3D visualisation, over 30 years, as outlined above, gives John Aspinall a foundation of skills and experience to deliver highly competent visual information as the basis for very accurate visual impact assessment reports, both in Australia and internationally.

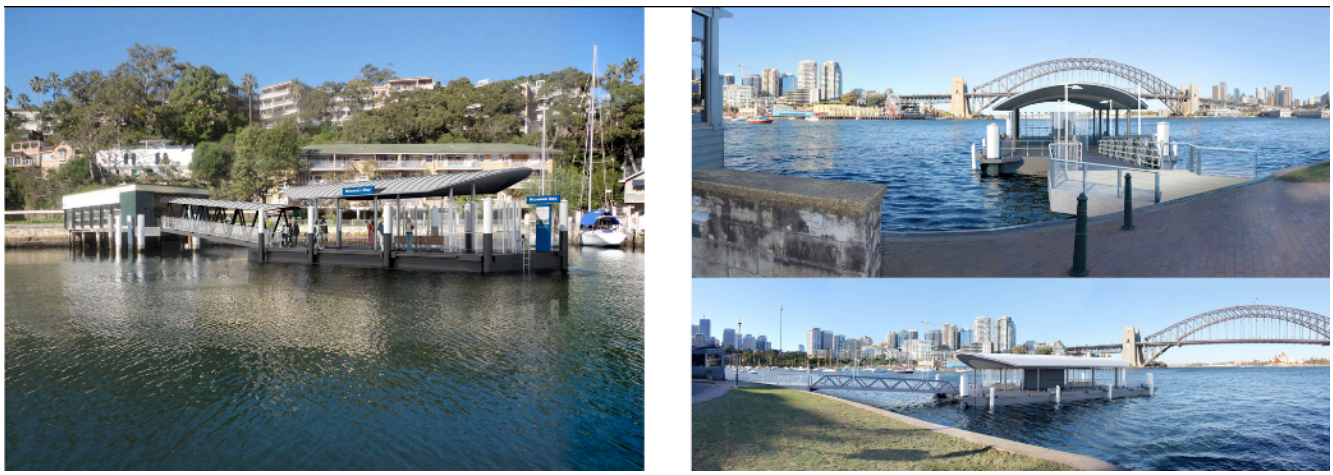
VISUAL IMPACT ASSESSMENTS: A REALITY CHECK. BY JOHN ASPINALL.

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%.

Domain

The Sydney Morning Herald

Inaccurate images anger residents

February 21

Kelsey Munro

Picture imperfect ... the original interpretation of how the Lewisham Estates development will look.

CAN residents affected by big development proposals rely on developers' photo montages?

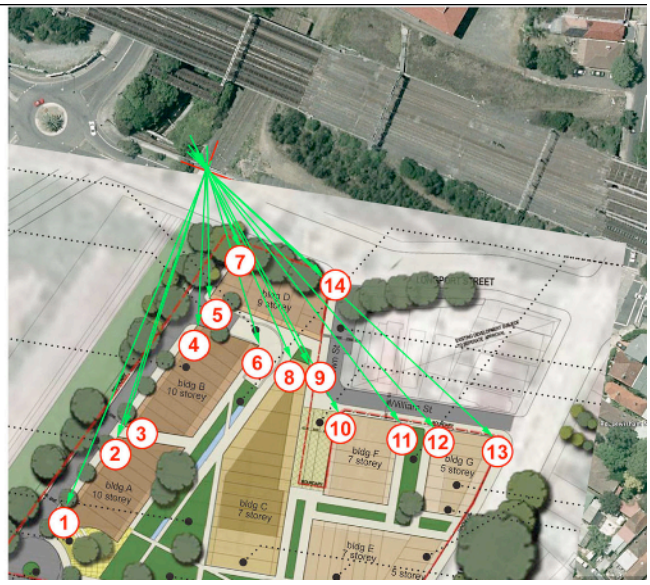
One inner west group thinks not, after inaccuracies were found in a series of digital photo montages which made the proposed Lewisham Estates development appear much smaller than it would if built.

The developer was sent back to the drawing board by the Department of Planning to redo the images that were publicly exhibited for the project after questions were raised over their accuracy.

The corrected interpretation of how the Lewisham Estates development will look.

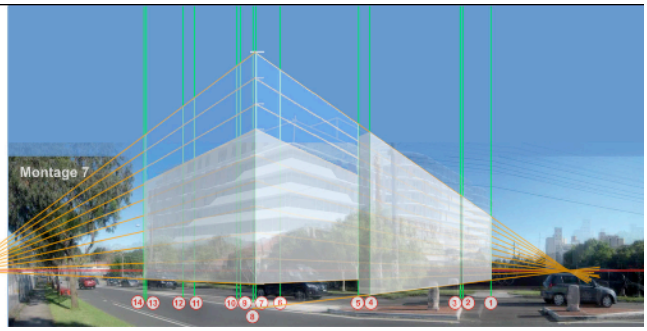
The No Lewisham Towers residents' action group claims the original images were so misleading that the corrected ones should go on public exhibition before the Planning Assessment Commission makes its determination next week.

SMH article re inaccurate visualisations



Key visual location points on site: Urbaine

Photomontage submitted by developer



Assessment of inaccuracy by Urbaine

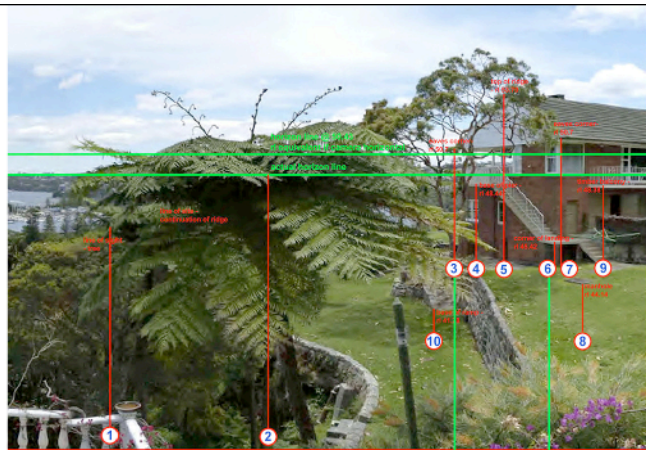
Urbaine has developed a number of methods for adding verification data to the 3d model of new proposals and hence to the final photomontages. These include the use of physical site poles, located at known positions and heights around a site, together with drones for accurate height and location verification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

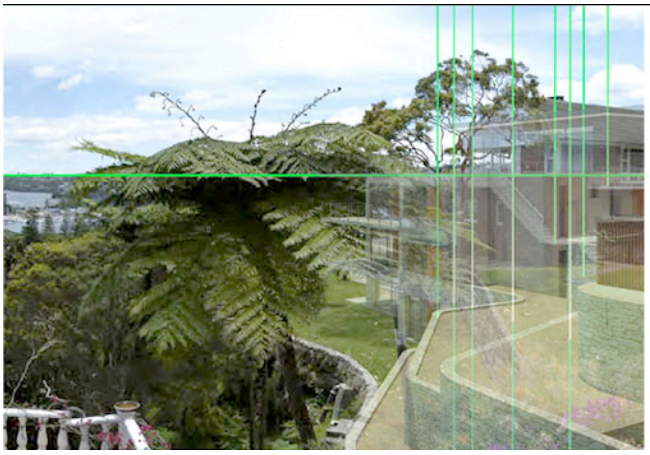
The following example clearly demonstrates this – a house montaged into a view, by others, using very few points of reference for verification. By analysing the existing photo alongside the survey, the existing site was able to be recreated with a series of reference elements built into the model. A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

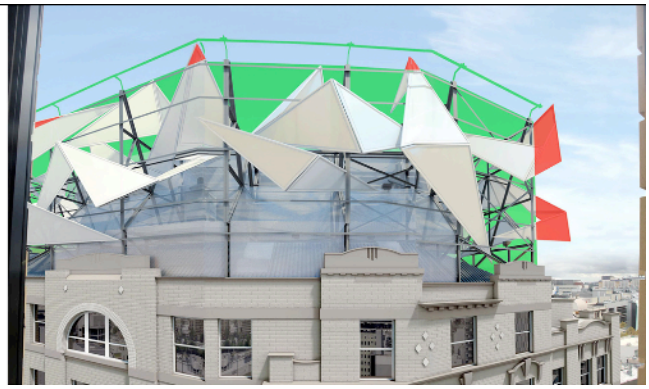
Final verified photomontage by Urbaine

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 new proposal for digital billboard

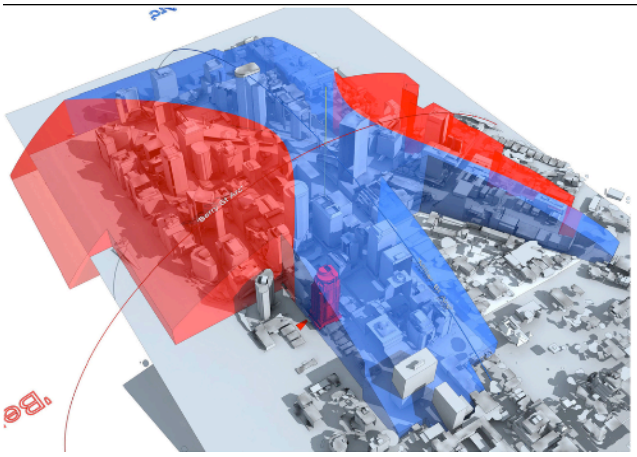
Existing situation – view from adjoining hotel

Photomontage of view from hotel

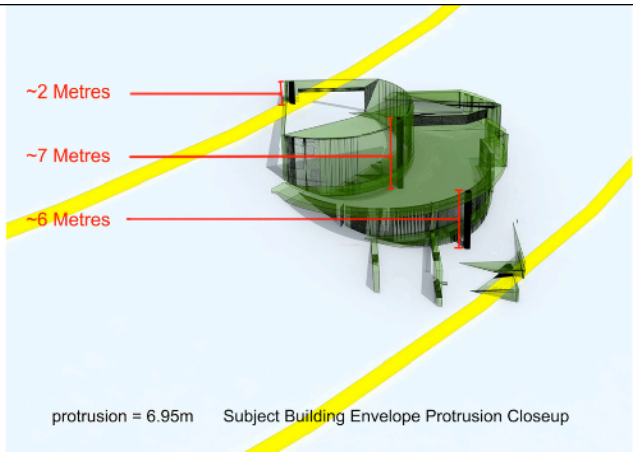


View loss – green = view gain / red = view loss

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.

Verified photomontage for proposed apartments in Milsons Point by Urbaine.