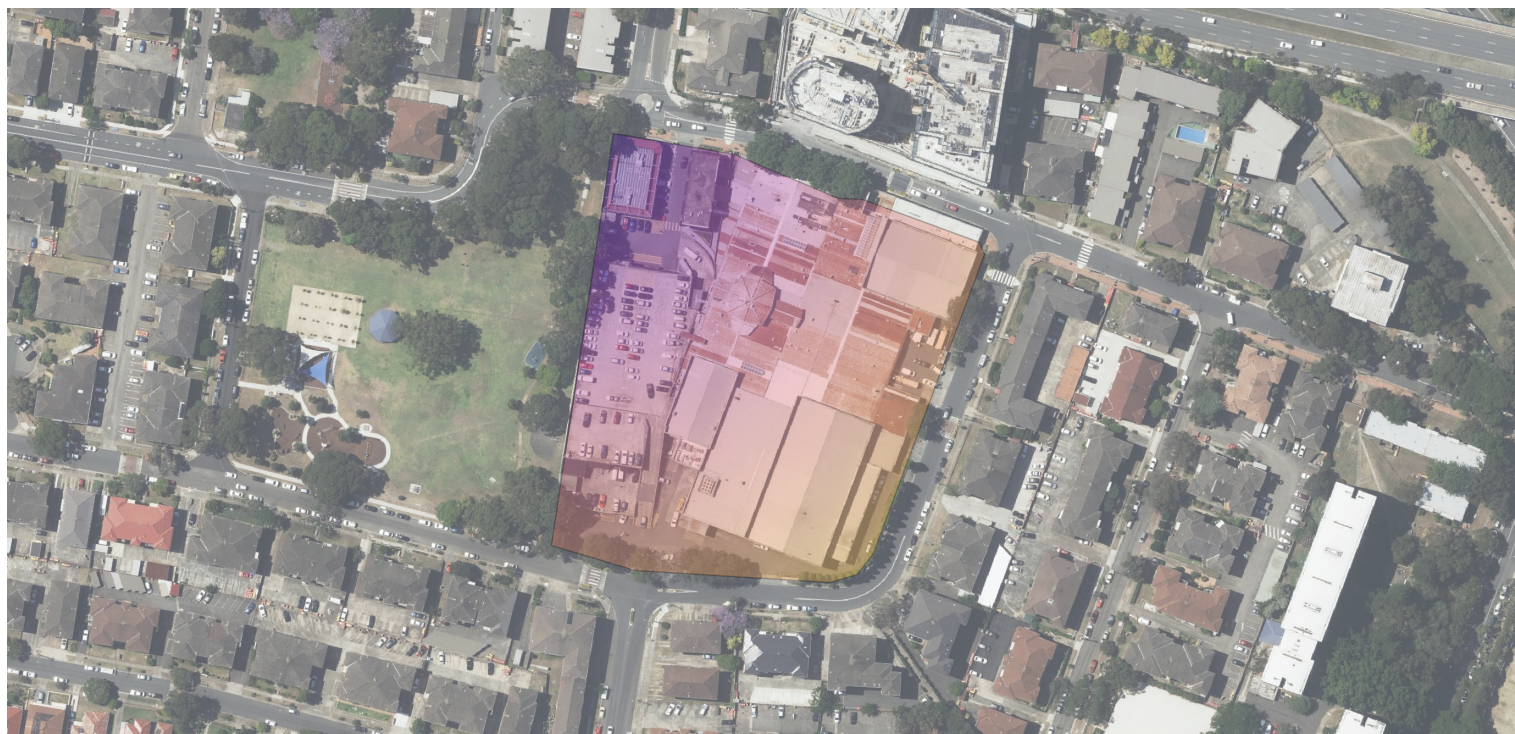


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# urbaine

D E S I G N G R O U P

## VISUAL IMPACT ASSESSMENT



19A EVANS AVENUE EASTLAKES 2018

STATE SIGNIFICANT DEVELOPMENT APPLICATION

LOT: 30/-/DP1246820

MAY 25 2026



Project Type: State Significant Development Application

Lot: 30/-/DP1246820

Address: 19A Evans Avenue Eastlakes 2018

## CONTENTS

|                                                              |           |
|--------------------------------------------------------------|-----------|
| <b>1. INTRODUCTION</b>                                       | <b>3</b>  |
| 1.1. Scope and Purpose of Report                             | 3         |
| 1.2. The Proposed Development                                | 3         |
| 1.2.1. The Site and existing property                        | 3         |
| 1.3. Proposed Land Use and Built Form                        | 4         |
| 1.4. Methodology of Assessment                               | 6         |
| 1.4.1. Process                                               | 6         |
| 1.4.2. Assessment Methodology                                | 6         |
| 1.4.3. Site Inspections                                      | 7         |
| 1.4.4. Contextual Analysis:                                  | 8         |
| 1.4.5. Visual Impact Analysis:                               | 8         |
| 1.4.6. Statutory Planning Assessment:                        | 8         |
| 1.5. References                                              | 8         |
| <b>2. THE SITE AND THE VISUAL CONTEXT</b>                    | <b>9</b>  |
| 2.1. The Visual Context                                      | 10        |
| 2.2. Visual Features and Local Landmarks                     | 10        |
| 2.3. Streetscapes                                            | 11        |
| 2.4. The selected view locations for the local view analysis | 11        |
| 2.5. Context of View                                         | 11        |
| 2.6. Extent of View                                          | 11        |
| <b>3. VISUAL IMPACT OF THE PROPOSED DEVELOPMENT</b>          | <b>11</b> |
| 3.1. Visual Impact Assessments viewpoint locations           | 11        |
| 3.1.1. Method of Assessment                                  | 11        |
| 3.1.2. Assessment at selected viewpoints                     | 12        |
| <b>4. SUMMARY ASSESSMENT</b>                                 | <b>31</b> |
| <b>5. APPENDICES</b>                                         | <b>32</b> |
| 5.1. APPENDIX B: Methodology, CV and LEC Guidelines          | 33        |
| 5.2. APPENDIX C: Survey and camera positions                 | 45        |
| 5.3. APPENDIX D: Wireframe images                            | 48        |
| 5.4. APPENDIX E: Site Photography                            | 54        |

### APPENDIX A: Assessment Images - panoramic (additional PDF)

# 1. INTRODUCTION

## 1.1. Scope and Purpose of Report

This Visual Impact Report has been prepared by DKO Architecture on behalf of Conquest in support of the State Significant Development Application (SSDA) to be submitted to the NSW Department of Planning, Housing and Infrastructure, for the proposed re-development of the subject site 19A, Evans Avenue, Eastlakes. It is to be read in conjunction with the corresponding Architectural drawing set, as well as other accompanying multi-disciplinary reports. The Environmental Impact Statement (EIS) prepared by Principle Planning provides a summary of the complete SSDA application material.

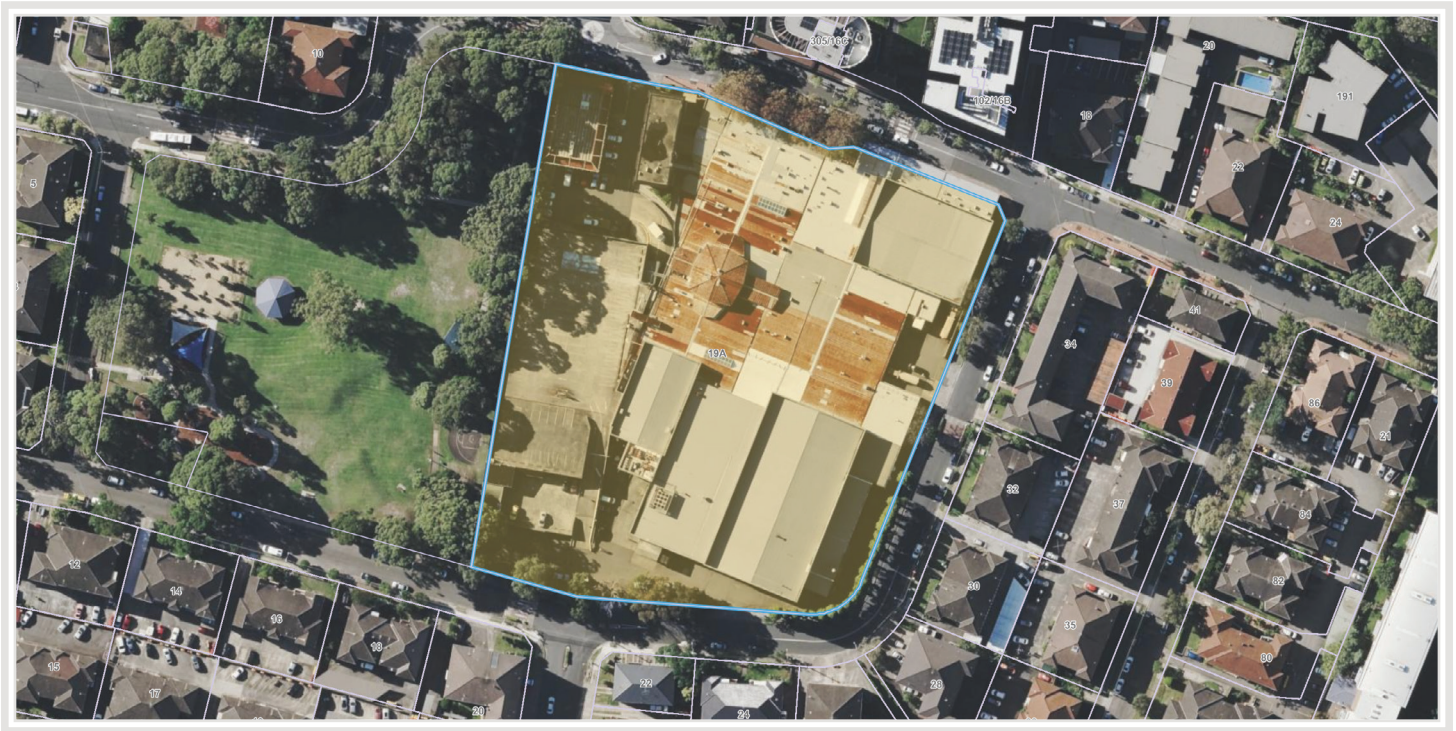


Figure 1 – Site location shown in yellow overlay.

## 1.2. The Proposed Development

The proposed development seeks consent for a mixed-use development at 19A Evans Avenue, Eastlakes, comprising residential, retail and commercial uses, with associated communal open space, basement parking and subdivision.

### 1.2.1. The Site and existing property

The site is located within the Bayside LGA, to the south of Gardeners Road, approximately 6km south of the Sydney CBD.

Immediately to the south and east along Barber Avenue are three storey brick walk up apartment buildings.

To the west the site directly adjoins Jack Munday Reserve. Further beyond the reserve are more three storey brick walk up buildings along Longworth Avenue.

To the north is the recently 'The Grand' shopping centre with a Woolworths Metro, Aldi and specialty shops. On top of the shopping centre are 5-8 storey apartment buildings. Further north is Gardeners Road.

The site area is 1.796ha (17,960m<sup>2</sup>) and falls within the Mascot, Roseberry and Eastlakes catchment and is subject to flash flooding with warning times of less than 120 minutes. Under the 1% AEP event with year 2100 climate change applied, flood depths reach up to 190mm on Evans Avenue and 330mm at the Barber Avenue/St Helena Parade intersection, with hazard predominantly Low (H1).

The development does not result in any significant increase in flood levels at surrounding properties and complies with Bayside DCP afflux thresholds. The only recommended mitigation measure is the suspension of



construction.

The site is bound by Evans Avenue to the North, Jack Munday Reserve fronting Longworth Avenue to the west and Barber Avenue to the south and east.

The site has a northern frontage of 142.665m to Evans Avenue and western frontage of 148.47m to Jack Munday Reserve. The site has a southern side boundary of 120.165 and 114.63m boundary to the east.

The site is relatively flat however there is a slope of approximately 2m from northeast to southwest.



Figure 2 – Subject site shown in yellow overlay.

### 1.3. Proposed Land Use and Built Form

This SSDA seeks consent for the construction of a mixed-use development comprising of a 2-storey podium with ground floor and second floor speciality retail and commercial tenancies, four 17 and 18-storey residential envelopes above the proposed ground level with communal open space on the rooftop, and 4 basement levels with a total of 1223 car parking spaces. The proposal includes a total number of 877 dwellings, inclusive of 74 affordable dwellings, market housing and Build-to-Rent dwellings. The proposal will include stratum and strata subdivision at 19A Evans Avenue, Eastlakes.



Figure 3 – Elevations of the proposed design by DKO Architects.

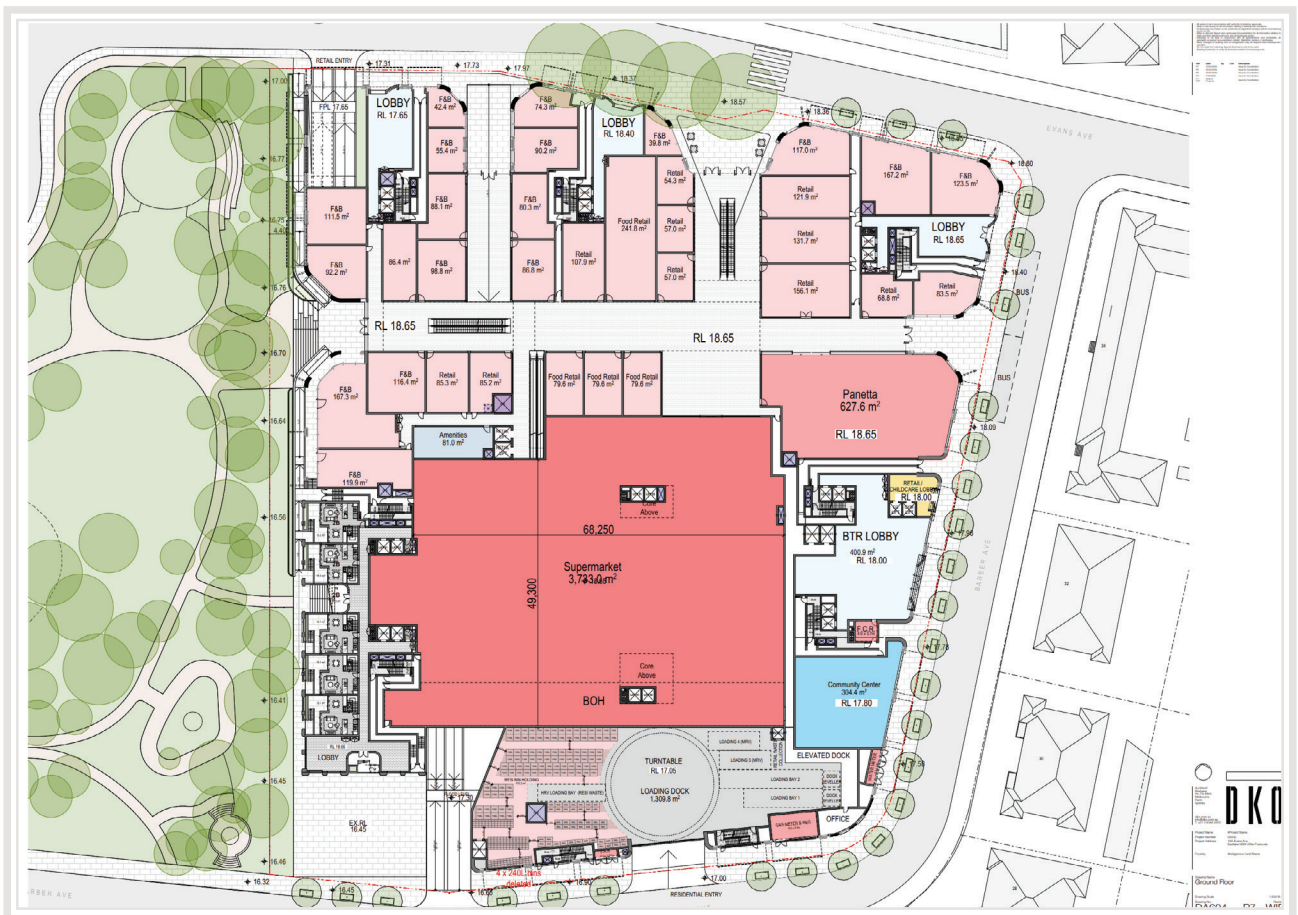


Figure 4 – Typical floor plan of the proposed design by DKO Architects.



## 1.4. Methodology of Assessment

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

### 1.4.1. Process

Survey, plans, elevations and model of the proposal were sourced from the architect, DKO Architects and aligned to the scene using the survey information from LTS Surveyors, which accompanies the DA submission.

A drone assessment was undertaken and triangulated into a 3D point cloud which was aligned to ground control points using a RTK GNSS rover with NTRIP corrections. This was placed into the scene and further verified against the survey DWG. Virtual cameras were placed into the 3D model to match various selected viewpoints, in both height and position. These locations were measured on-site using a survey provided. From these cameras, rendered views have been generated and photomontaged into the existing photos, using the ground plane for alignment at standing height 1600mm.

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

### 1.4.2. Assessment Methodology

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

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

The planning principle for public domain views adopted in *Rose Bay Marina* involves a two stage inquiry: the first factual, followed by a second, analytical requiring both quantitative as well as qualitative assessment. However, there is no peer review system for determining the accuracy of the base material used for visual impact assessments. As a result, Urbaine Design Group provides a detailed description of its methodologies and the resultant accuracy verifiability – this is contained within Appendix A. The methodology applied to the visual assessment of the current design proposal has been developed from consideration of the following key documents:

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

In order to assess the visual impact of the Design Proposal, it is necessary to identify a suitable scope of publicly accessible locations that may be impacted by it, evaluate the visual sensitivity of the Design Proposal to each location and determine the overall visual impact of the Design Proposal. Accessible locations that feature a prominent, direct and mostly unobstructed line of sight to the Project are used to assess the visual impact of the Design Proposal. The impact to each location is then assessed by overlaying an accurate visualisation of the new design onto the base photography and interpreting the amount of view loss in each situation, together with potential opportunities for mitigation. Views of high visual quality are those featuring a variety of natural environments/ landmark features, long range, distant views and with no, or minimal, disturbance as a result of human development or activity. Views of low visual quality are those featuring highly developed environments and short range, close distance views, with little or no natural features.

Visual sensitivity is evaluated through consideration of distance of the view location to the site boundary and also to proposed buildings on the site within the Design Proposal. Then, as an assessment of how the Design Proposal will impact on the particular viewpoint.







Virtual analysis was also undertaken to assess the potential for high value view loss based on relative height of the proposal and current site, see figure 7.



Figure 7: Neighbourhood with gradient ramp - Proposed site ridge height and above in yellow to red, below in green - blue.

#### 1.4.4. Contextual Analysis:

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

#### 1.4.5. Visual Impact Analysis:

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

#### 1.4.6. Statutory Planning Assessment:

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

### 1.5. References

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

- *Design Documentation*
- *The design drawings and information relied upon for the preparations of this report were prepared by DKO Architects*
- *Bayside Council*
- *LTS Surveyors*
- *Photography by Urbaine Design Group*
- *Photomontages and 3D by Urbaine Design Group*
- *Wider LIDAR model from Intergovernmental Committee on Surveying and Mapping (ICSM)*
- *Local model by Aerometrix*



Figure 8: Land zoning map, indicating site with yellow outline.

## 2. THE SITE AND THE VISUAL CONTEXT

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

Defining the local area relevant to the visual assessment of a proposed development is subject to possible cognitive mapping considerations and statutory planning requirements. Notwithstanding these issues, the surrounding local area that may be affected by the visual impact of the proposed development is considered to be the area identified on in the topographical area map, Figure 9.

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

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

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



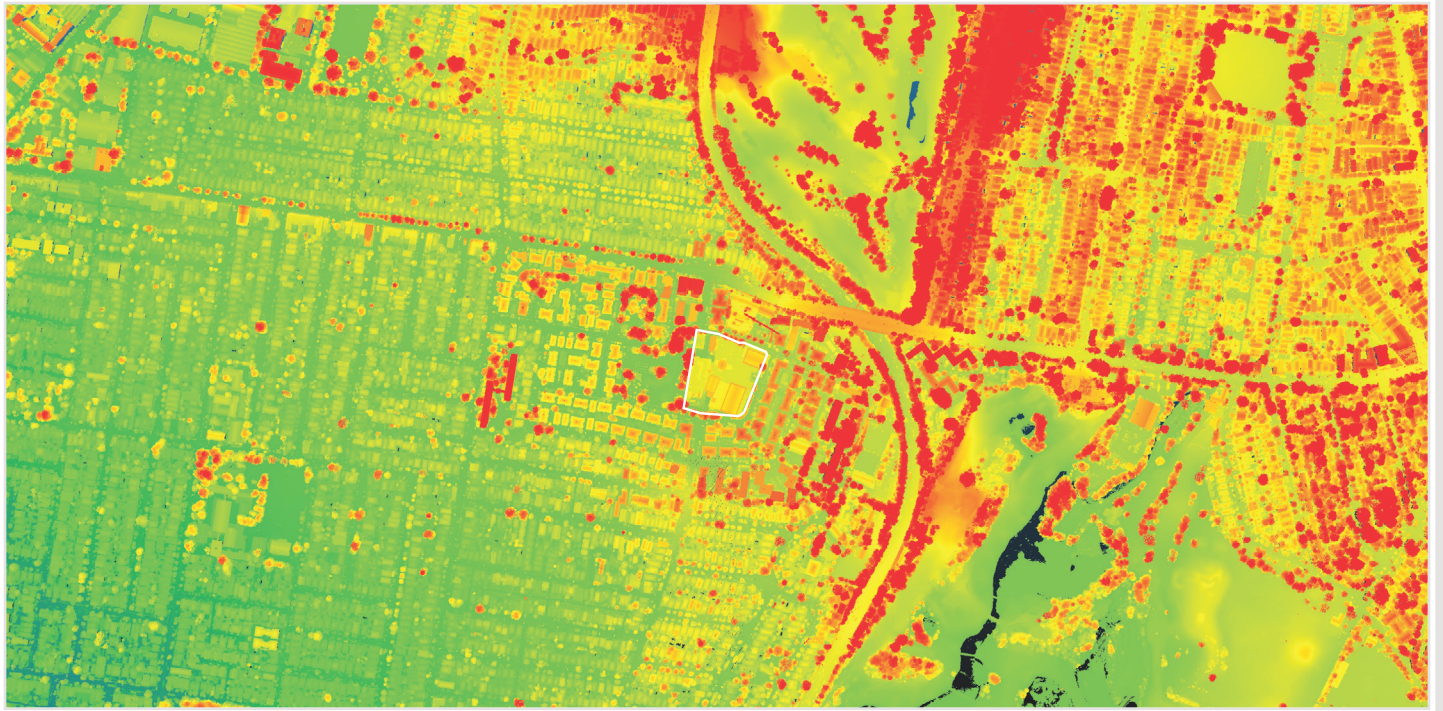


Figure 9: Lidar Point cloud including trees and buildings with gradient ramp to show topography, proposed site in white outline.

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

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

## 2.1. The Visual Context

The site at 19A Evans Avenue, Eastlakes is located within a changing urban centre setting rather than a purely low-density suburban environment. The broader visual context is shaped by the established Eastlakes residential neighbourhood together with the ongoing transformation of the town centre into a larger mixed-use precinct comprising retail, housing, podium forms, basement parking and upgraded public domain. Public scoping material for the site describes a substantial mixed-use proposal, indicating that the locality is evolving toward a denser and more metropolitan character.

## 2.2. Visual Features and Local Landmarks

Key visual features and landmarks in the wider locality include the Eastlakes Town Centre, Evans Avenue as the main street spine, and Eastlakes Reserve, which is specifically identified in project material as an important public open space interface. Planning and project sources also refer to a new Market Square and an upgraded retail and public-domain environment along Evans Avenue, which together contribute to the legibility and identity of this part of Eastlakes.

## 2.3. Streetscapes

The Evans Avenue streetscape is best understood as a centre-edge urban street in transition, combining existing residential and commercial elements with newer mixed-use development and public-domain upgrades. Project information for the broader Eastlakes Town Centre specifically describes a significantly improved main street along Evans Avenue activated by retail uses, landscaping and public space, suggesting a streetscape that is becoming more urban, pedestrian-focused and visually active than the traditional suburban street pattern that previously characterised parts of Eastlakes.

## 2.4. The selected view locations for the local view analysis

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

## 2.5. Context of View

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

## 2.6. Extent of View

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

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

# 3. VISUAL IMPACT OF THE PROPOSED DEVELOPMENT

## 3.1. Visual Impact Assessments viewpoint locations

Visual Impact Assessments from 9 viewpoint locations – from public places

### 3.1.1. Method of Assessment

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

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

To assess the visual impact, there are 2 relevant aspects - view loss of actual substance (landscape, middle and distance view elements etc.) and also direct sky view loss. To a large extent, the value associated with a view is subjective, although a range of relative values can be assigned to assist with comparing views. Figure 10 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 10.

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

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

Figure 10: Urbaine Group Assessment Table

### 3.1.2. Assessment at selected viewpoints



## VIEWPOINT 01



Existing site photo - Gardeners Road

From standing position

RL + 17.25m - Distance to boundary 469.41m - Bearing direction 110.27 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal





Visual impact

### Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 29%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 0% : 100%*
- *Existing Visual Assessment Scale no: 9 /15 & Visual Impact Assessment Scale no: 3 /15*

This is a static public viewpoint from Gardeners Road, looking east along an established commercial corridor. In the foreground, the footpath and kerb edge run alongside the roadway, while the prominent curved corner form of The Lakes Hotel defines the southeastern edge of the scene. Awnings, signage and shopfronts contribute to an active commercial streetscape. To the east and northeast, a line of smaller commercial buildings continues the street frontage, while mature trees on the northern side of Gardeners Road introduce shade and soften the broader corridor. The view terminates toward the east-southeast at the intersection with Maloney Street, where the street widens slightly and the sky opens beyond the existing built form.

From this location, the proposal is largely screened by the existing commercial frontage and is principally experienced as a limited addition to the background skyline. The visible effect is concentrated in the upper portion of the view and largely confined to sky loss, with little change to the established street wall or pedestrian experience. The overall visual impact is negligible.

### LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

- *Value of view: Medium.*
- *View location: Pavement - public viewpoint*
- *Extent of impact: Negligible*

Reasonableness of proposal: The proposal may reasonably be regarded as acceptable from this location. The change is visually limited, the lower built form is screened by the existing commercial streetscape, and the visible component is confined to a modest extension of built form within an already urban setting. On that basis, the impact is reasonable.



## VIEWPOINT 02



Existing site photo - Evans Avenue

From standing position

RL + 16.22m - Distance to boundary 294.01m - Bearing direction 92.40 °

Camera - Canon RP

Lens - 24mm



Photomontage of Proposal





Visual impact

### Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 47%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 6% : 94%*
- *Existing Visual Assessment Scale no: 4 /15 & Visual Impact Assessment Scale no: 6 /15*

This is a static public viewpoint from Evans Avenue, looking east along a broad residential street lined with mature trees and brick apartment buildings. In the foreground, a pedestrian refuge island and safety rails mark a crossing point within the roadway. Footpaths to either side are accompanied by lawn strips, small garden beds and landscaped setbacks. Brick apartment buildings frame both sides of the street, while mature trees form a dense vegetated edge toward the eastern end of the avenue. The view narrows in the distance toward a tree-lined horizon, which presently provides the principal visual focus.

The proposal would introduce a substantial new skyline element above the existing tree canopy and surrounding low-rise apartment buildings. While the lower podium and base levels are moderated by intervening buildings and vegetation, the tower forms would be clearly visible and would reduce part of the present sky view. This results in a noticeable increase in vertical scale and background bulk. The visual impact is minor-moderate.

### LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

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

Reasonableness of proposal: The proposal may nevertheless be regarded as reasonable from this location. Although the towers introduce a pronounced new built form, the view itself is of relatively low value and occurs within an area already identified as undergoing urban change. In that context, the proposal is read as part of the evolving Eastlakes centre rather than as an isolated intrusion into an intact suburban skyline.



## VIEWPOINT 03



Existing site photo - Jack Munday Reserve

From standing position at the playground

RL + 17.13m - Distance to boundary 111.92m - Bearing direction 72.81 °

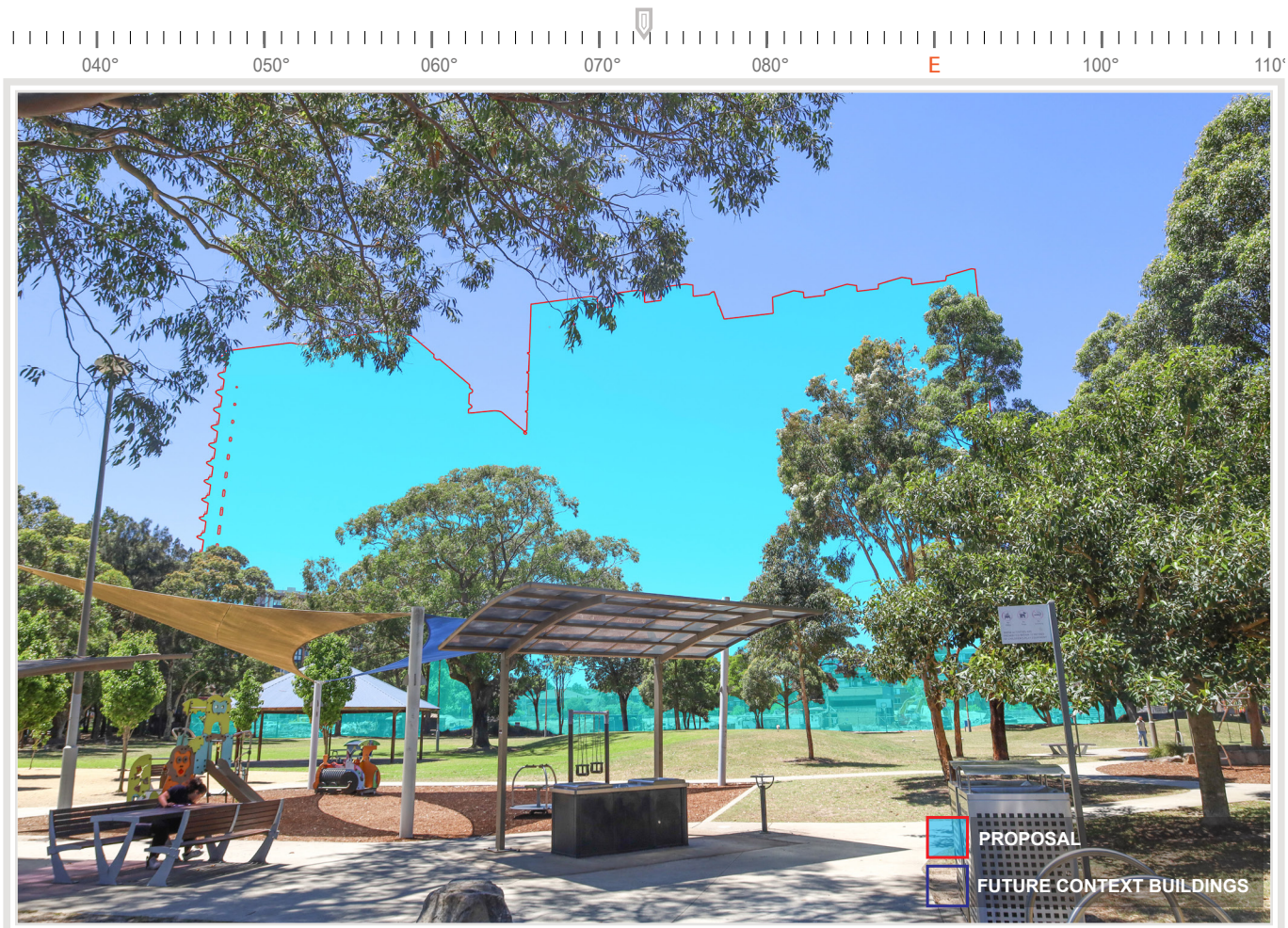
Camera - Canon RP

Lens - 24mm



Photomontage of Proposal





Visual impact

### Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 68%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 19% : 81%*
- *Existing Visual Assessment Scale no: 10 /15 & Visual Impact Assessment Scale no: 10 /15*

This is a static public viewpoint from the playground within Jack Munday Reserve, looking northeast across a broad open park setting. In the foreground are picnic tables, shade structures, play equipment, paved paths and a small shelter, all set within a landscaped recreation space. The reserve then opens into a larger grassed area extending toward the east and northeast, framed by mature eucalyptus and other established trees. The tree canopy presently forms the dominant upper edge of the view, with only limited fragments of surrounding built form visible through vegetation in the far background.

From this location, the proposal would rise prominently above the existing tree canopy and would become a clear background element within the reserve outlook. The tower forms would reduce a noticeable portion of sky and would add substantial built bulk to the northeastern edge of the view. Although lower levels remain partly softened by vegetation, the proposal would give the reserve a more urban backdrop. The visual impact is moderate-severe.

### LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

- *Value of view: Medium-to-High.*
- *View location: Pavement - public viewpoint*
- *Extent of impact: Moderate-to-Severe*

Reasonableness of proposal: This is one of the stronger public-domain impacts in the VIA. Even so, the proposal may still be regarded as capable of acceptance, given that the reserve remains visually dominated by its foreground open space, recreation facilities and mature planting. The change is concentrated in the distant background and is consistent with the broader transformation of the surrounding centre.



## VIEWPOINT 04



Existing site photo - Gardeners Road

From standing position

RL + 18.76m - Distance to boundary 124.41m - Bearing direction 154.59 °

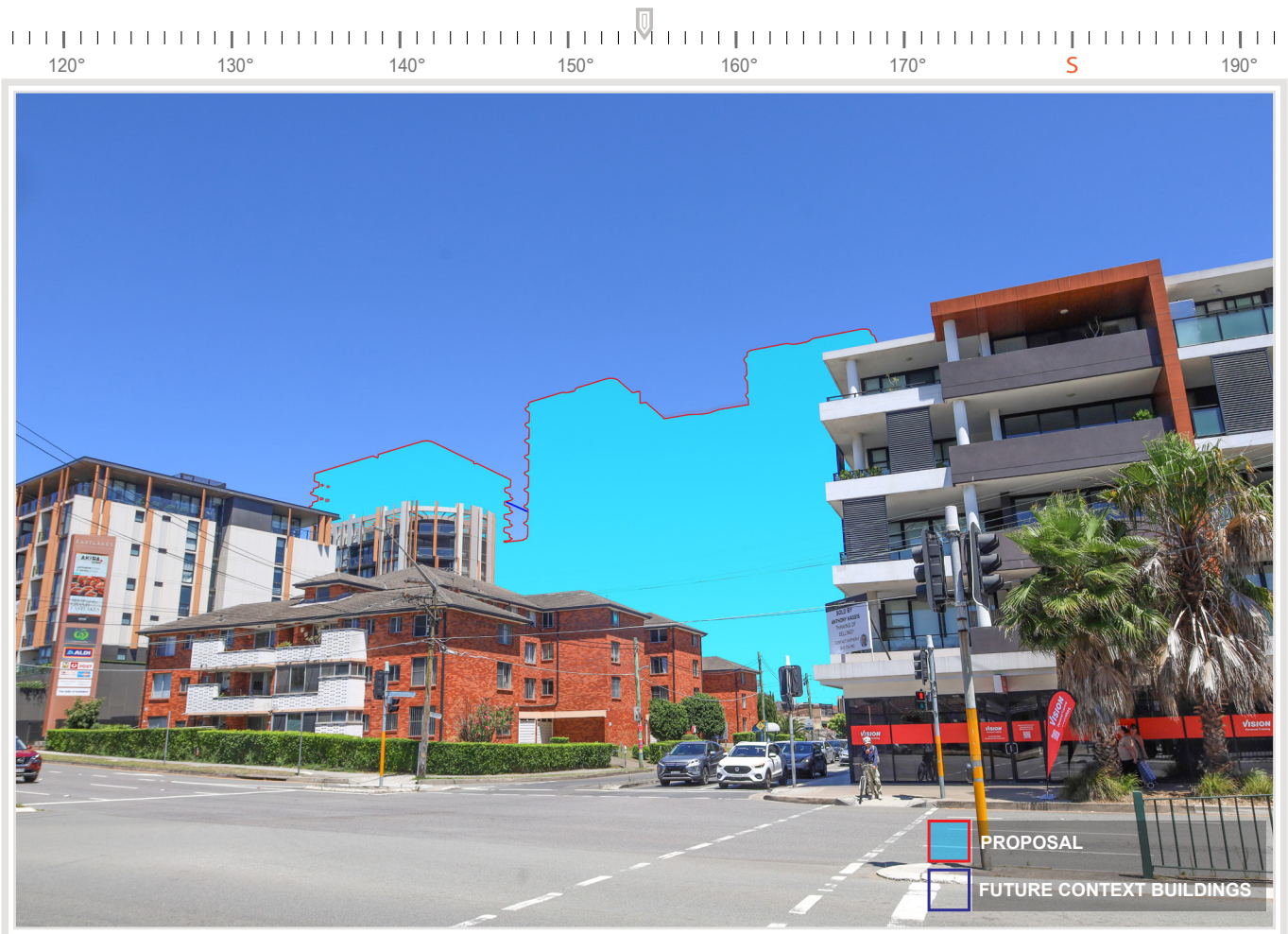
Camera - Canon RP

Lens - 24mm



Photomontage of Proposal





Visual impact

### Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 54%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 8% : 92%*
- *Existing Visual Assessment Scale no: 3 /15 & Visual Impact Assessment Scale no: 7 /15*

This is a static public viewpoint from Gardeners Road, looking south across a mixed urban streetscape. In the foreground, the intersection with Racecourse Place is marked by kerbs, signals, crossing infrastructure and traffic lanes. The immediate built context is varied, with newer apartment buildings, older brick residential buildings and commercial forms layered across the scene. Palm trees and landscaping soften parts of the street edge, while mid-rise development already contributes to a distinctly urban character. The view is framed by existing built form rather than natural landscape.

The proposal would noticeably increase the scale and density of the built skyline from this location. The towers would rise above the surrounding lower forms and would introduce considerable mass and vertical emphasis into the mid-ground and background. While some lower parts remain screened by existing buildings, the upper levels would become a dominant part of the outlook. The visual impact is moderate.

### LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

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

Reasonableness of proposal: The proposal may reasonably be regarded as acceptable from this viewpoint. The existing view is already highly urban and of relatively low visual value, with surrounding built form of varying scale and age. In that context, the proposal intensifies an established urban condition rather than disrupting a high-value landscape or public vista.



## VIEWPOINT 05



Existing site photo - Gardeners Road

From standing position at the footpath along Gardeners Road  
RL + 29.08m - Distance to boundary 202.63m - Bearing direction 234.56 °

Camera - Canon RP  
Lens - 24mm



Photomontage of Proposal





Visual impact

### Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 67%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 7% : 93%*
- *Existing Visual Assessment Scale no: 4 /15 & Visual Impact Assessment Scale no: 6 /15*

This is a static public viewpoint from the footpath along Gardeners Road, looking west along a broad urban road corridor. In the foreground, the pedestrian path runs beside a metal safety fence, with the multi-lane roadway occupying much of the visual field. Beyond the road, dense vegetation and planted edges create a green buffer between the corridor and adjoining development. Mid-rise mixed-use and residential buildings are visible in the broader background skyline, contributing to a varied urban horizon.

The proposal would be visible above the existing vegetation and would add further bulk and height to the background skyline. Its lower levels would remain moderated by trees and the broad road corridor, while the upper levels would be more readily visible and would modestly reduce existing sky view. The impact is therefore mainly one of increased skyline density rather than direct streetscape enclosure. The visual impact is minor-to-moderate.

### LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

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

Reasonableness of proposal: The proposal may be regarded as reasonable from this location. The view is already dominated by a wide road corridor, existing urban development and infrastructure, and the proposal reads as an extension of that metropolitan setting. Although noticeable, the change is consistent with the evolving context of Eastlakes.



## VIEWPOINT 06



Existing site photo - Evans Avenue

From standing position at the footpath along Evans Avenue  
RL + 20.62m - Distance to boundary 49.52m - Bearing direction 263.59°

Camera - Canon RP  
Lens - 24mm



Photomontage of Proposal





Visual impact

### Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 32%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 14% : 86%*
- *Existing Visual Assessment Scale no: 5 /15 & Visual Impact Assessment Scale no: 9 /15*

This is a static public viewpoint from the footpath along Evans Avenue, looking west through a mixed residential and urban transition streetscape. In the foreground, the footpath is lined with low planting, small palms and retaining walls, while parked vehicles and utility infrastructure occupy the road edge. Existing apartment buildings of varying scale define both sides of the street. Toward the west, the street narrows visually around a cluster of mature trees, beyond which open land and newer development become apparent. The present character is mixed, with both older brick apartments and more recent multi-storey forms.

From this close location, the proposal would become a substantial and highly visible built form within the immediate streetscape. The tower element would significantly increase the apparent height, scale and enclosure of the western end of Evans Avenue and would reduce a material portion of visible sky. The proposal would therefore transform the present low- to mid-rise character into a much denser urban edge condition. The visual impact is moderate-to-severe.

### LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

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

**Reasonableness of proposal:** This is one of the most pronounced public-domain impacts identified in the report. Nevertheless, the proposal may still be regarded as capable of acceptance given the site's position within the Eastlakes centre and the broader shift toward a higher-density urban form. While the change is substantial, it occurs in a location already transitioning away from a purely suburban character.



## VIEWPOINT 07



Existing site photo - Mascot Drive

From standing position at the footpath along Mascot Drive.  
RL + 20.20m - Distance to boundary 97.14m - Bearing direction 281.09 °

Camera - Canon RP  
Lens - 24mm



Photomontage of Proposal





Visual impact

### Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 12%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 0% : 100%*
- *Existing Visual Assessment Scale no: 3 /15 & Visual Impact Assessment Scale no: 5 /15*

This is a static public viewpoint from the footpath along Mascot Drive, looking west-northwest through an established residential setting. In the foreground, parked vehicles, overhead wires and the street verge frame the view. Two red-brick apartment buildings form the primary built elements on either side of a central driveway leading to internal communal space beyond. Additional apartment forms are visible deeper in the site through the gap, while mature trees and smaller plantings soften the edges of the view and contribute to a settled residential character.

The proposal would be seen mainly in its upper levels above the existing low-rise apartment buildings, with the lower built form screened by the foreground residential blocks. The visual effect is therefore concentrated in the skyline, where the proposal would add some bulk and height without materially changing the immediate street-level experience. The visual impact is minor.

### LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

- *Value of view: Low*
- *View location: Pavement - public viewpoint*
- *Extent of impact: Minor*

Reasonableness of proposal: The proposal may reasonably be accepted from this location. The visible change is limited to the upper background and does not fundamentally alter the existing residential foreground or the character of Mascot Drive at street level. In that respect, the impact remains within an acceptable range.



## VIEWPOINT 08



Existing site photo - Lismore Street

From standing position at a grass area adjacent to Lismore Street  
RL + 19.16m - Distance to boundary 324.09m - Bearing direction 330.20 °

Camera - Canon RP  
Lens - 24mm



Photomontage of Proposal





Visual impact

### Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 9%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 4% : 96%*
- *Existing Visual Assessment Scale no: 7 /15 & Visual Impact Assessment Scale no: 2 /15*

This is a static public viewpoint from a grassed area adjoining Lismore Street, looking north toward the intersection with Florence Avenue. The foreground is defined by an open grass verge that creates a broad setback to the road. In the midground, a landscaped median, bus shelter and roadside planting shape the intersection. Large mature trees dominate the northern side of the scene, forming a dense vegetated canopy above boundary fencing and partly screening surrounding residential buildings. The overall setting is leafy and open, with vegetation being the principal visual feature.

From this location, the proposal would be substantially filtered by the existing tree canopy and would only be intermittently perceptible, particularly when foliage cover is reduced. Its effect is limited to a minor change in the upper background and some slight reduction in sky visibility. The visual impact is negligible.

### LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

- *Value of view: Medium.*
- *View location: Grass verg on road edge - public viewpoint*
- *Extent of impact: Negligible*

**Reasonableness of proposal:** The proposal is capable of being regarded as reasonable from this viewpoint. The dominant experience of the view remains the mature vegetation and open roadside setting, and the proposal would only be partially visible through foliage. The change is therefore slight and not unreasonable in planning terms.



## VIEWPOINT 09



Existing site photo - Astrolabe Park

From standing position at the grass area within Astrolabe Park  
RL + 37.80m - Distance to boundary 1129.59m - Bearing direction 279.49 °

Camera - Canon RP  
Lens - 24mm



Photomontage of Proposal





Visual impact

### Visual Impact Assessment:

- *Visual impact – Amount of new development visible in view - 38%*
- *Visual impact ratio - view loss (including buildings) : sky view loss: 7% : 93%*
- *Existing Visual Assessment Scale no: 11 /15 & Visual Impact Assessment Scale no: 4 /15*

This is a static public viewpoint from the grassed area within Astrolabe Park, looking north across a broad open landscape. The foreground and midground are characterised by an expansive gently rising grassed field, with little interruption by built elements. Along the northern horizon, a continuous band of mature trees forms a dense and largely uninterrupted green edge. Above this, the sky is expansive and open, giving the view a more spacious and scenic quality than the closer urban viewpoints.

The proposal would be mostly concealed by the existing tree line, with only a limited upper segment becoming visible above the canopy. As a consequence, the effect is confined to a small interruption of the horizon and a slight reduction in sky view. The visual impact is minor.

### LEC Judgement: Rose Bay Marina v Woollahra Council (2013) Assessment Criteria:

- *Value of view: High*
- *View location: Park - public viewpoint*
- *Extent of impact: Minor*

Reasonableness of proposal: The proposal may reasonably be accepted from this location. Although this is one of the higher-value public views in the assessment, the development remains largely screened by the tree line and does not materially diminish the open parkland character of Astrolabe Park. The visible change is slight and confined to the distant background.



## 4. SUMMARY ASSESSMENT

This Visual Impact Assessment considers the likely visual effects of the proposed mixed-use redevelopment at 19A Evans Avenue, Eastlakes, comprising a two-storey podium with retail and commercial uses and four residential towers of approximately 14 to 18 storeys, together with communal open space and basement parking. The report identifies the site as being within a changing urban centre setting, influenced by the ongoing transformation of the Eastlakes town centre into a denser mixed-use precinct, rather than within a stable low-density suburban environment.

Across the 9 assessed public viewpoints, the VIA demonstrates a hierarchy of impacts. The more modest outcomes occur from locations where the proposal is screened by existing buildings or vegetation, or where it is viewed only as a limited background element. These include Viewpoints 01, 07, 08 and 09, where the proposal is assessed as minor, minor-to-negligible, or visually limited in its effect. At these locations, the change is largely confined to the skyline and does not materially alter the foreground character of the public realm.

The stronger effects arise at viewpoints closer to the site or more directly aligned with it, including Viewpoints 02, 03, 04, 05 and 06. In these views, the proposal introduces a more substantial amount of built form into the background or midground and contributes to a denser, more vertical urban skyline. The most pronounced effect occurs from Viewpoint 06 on Evans Avenue, where the development would significantly change the apparent scale and enclosure of the immediate streetscape. Even there, however, the proposal is experienced within an area already undergoing urban intensification, with recent multi-storey development, mixed-use forms and the broader Eastlakes centre transformation providing the relevant visual context.

A consistent theme through the assessment is that the proposal is most visible where the existing context is already urban and changing, and less visible where vegetation, setbacks or topography moderate its presence. The report also makes clear that the locality is no longer to be understood solely as a low-rise suburban environment. Instead, the visual context is increasingly that of a mixed-use centre with upgraded public domain, retail activity and a more metropolitan built form pattern. That broader context is important in assessing the reasonableness of the proposal's visual presence.

In my opinion, the overall visual outcome is capable of being regarded as acceptable in planning terms. While the proposal would clearly introduce substantial new built form and would have noticeable effects from several nearby public viewpoints, those effects occur within a precinct already identified for significant urban change. The proposal does not intrude into a high-value natural landscape or iconic public vista; rather, it contributes to the emerging scale and identity of the Eastlakes centre. On that basis, the proposal's visual impact may reasonably be regarded as acceptable when assessed against the site's evolving urban context and the permissible planning framework applying to the site.

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



John Aspinall, Director,

**urbaine design group pty ltd**



## 5. APPENDICES

**APPENDIX A:** Assessment Images - panoramic (additional PDF)

**APPENDIX B:** Aspinall CV

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

**APPENDIX C:** Survey and camera positions

**APPENDIX D:** Wireframe/alignment images

**APPENDIX E:** Site photography



## **5.1. APPENDIX B:** Methodology, CV and LEC Guidelines

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## **JOHN ASPINALL. director: urbaine design group**

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

24 years' architectural experience in London and Sydney.

Halpin Stow Partnership, London, SW1

John Andrews International, Sydney

Cox and Partners, Sydney

Seidler and associates

NBRS Architects, Milsons Point

Urbaine Pty Ltd (current)

### **Design Competitions:**

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

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

Winner: International Design Competition: Sydney Town Hall, 2000

Finalist: Boy Charlton Swimming pool Competition, Sydney, 2001

Finalist: Coney Island Redevelopment Competition, NY 2003

### **Design Tutor: UTS, Sydney, 1997 – 2002**

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

### **Design Tutor: UNSW, Sydney 2002 – 2005**

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

### **Current Position: URBaine GROUP Pty Ltd**

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

Urbaine specialises in design development via interactive 3d modelling.

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

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

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

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

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

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

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

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

The modular accommodation represents a very low carbon footprint solution

**Expert Legal Witness, 2005 to present**

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

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

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

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



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

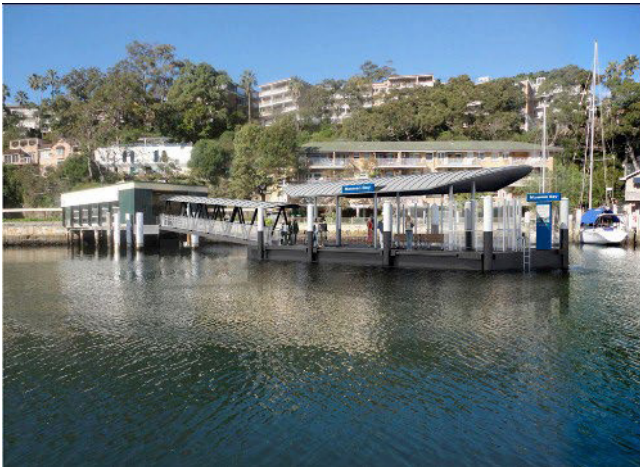


Photomontaged views of new apartment building at Pyrmont: Urbaine

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

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

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



Photomontaged views of new Sydney Harbour wharves: Urbaine

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

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

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



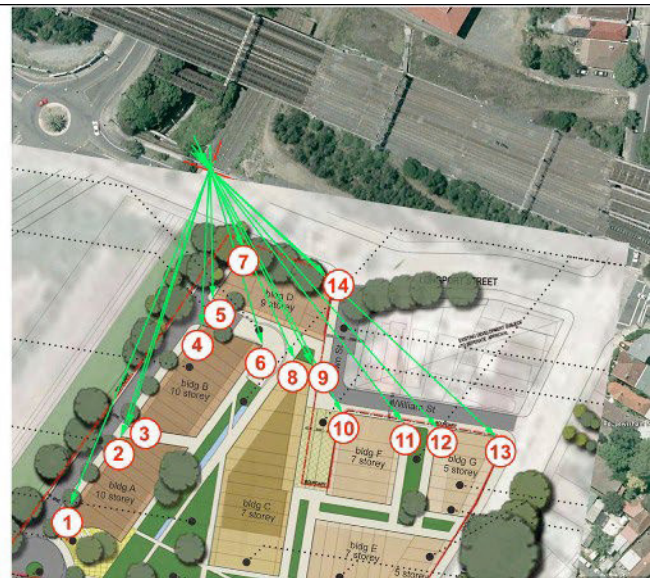
throughout the training of architects.

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

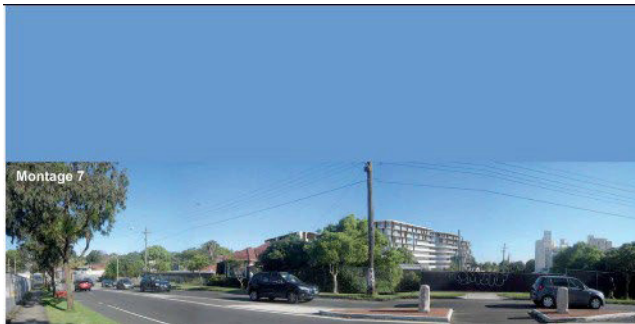
Currently, the Land and Environment Court specifies that any photomontages, relied on as part of expert evidence in Class 1 appeals, must show the existing surveyed elements, corresponding with the same elements in the photograph. Often, any surveyed elements can form such a small portion of a photograph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



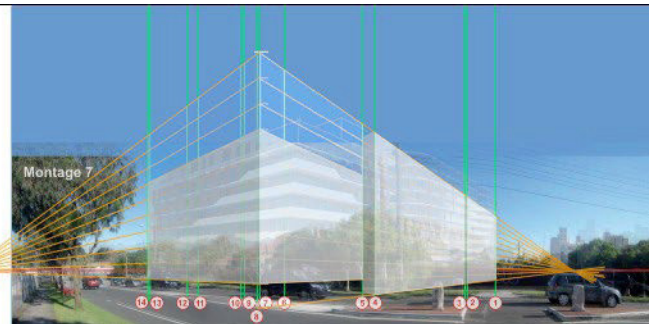
SMH article re inaccurate visualisations



Key visual location points on site: Urbaine



Photomontage submitted by developer



Assessment of inaccuracy by Urbaine

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

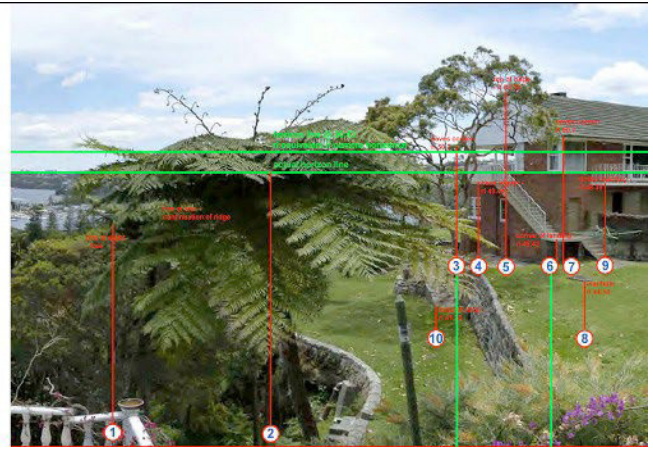
Every site presents different opportunities for verification and, often, Urbaine is required to assess montages from photographs taken by a third party. In these cases, a combination of assessing aerial photography, alongside a survey will allow reference points to be placed into the relevant 3d model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

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

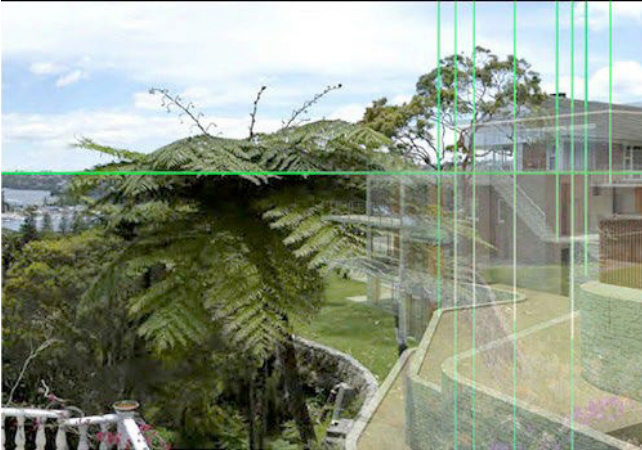




Photomontage submitted by developer



Key visual location points on site: Urbaine



Key points and 3d model overlaid onto existing photo



Final accurate photomontage: Urbaine

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



Physical 3000mm site poles placed at lot corners



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





Proposed buildings and landscape mounding applied

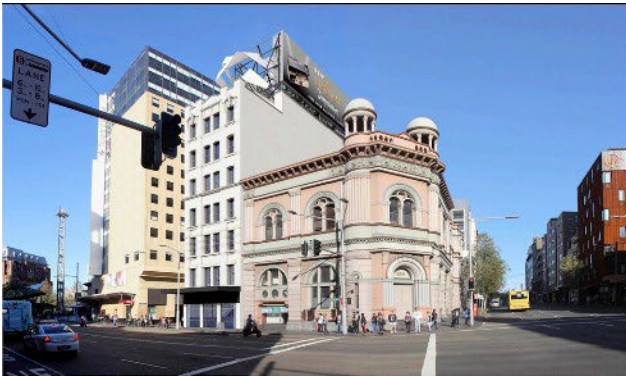


Proposed landscape applied – shown as semi-mature

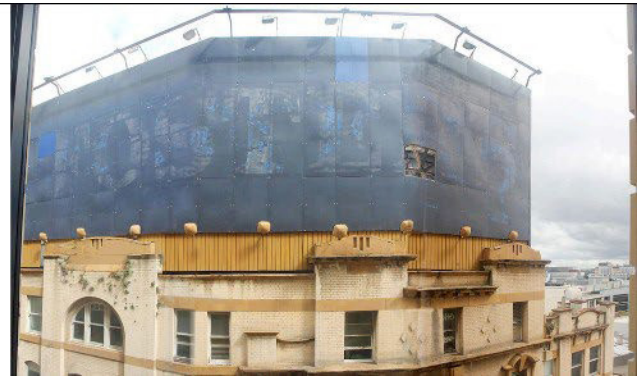


Final verified photomontage by Urbaine

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



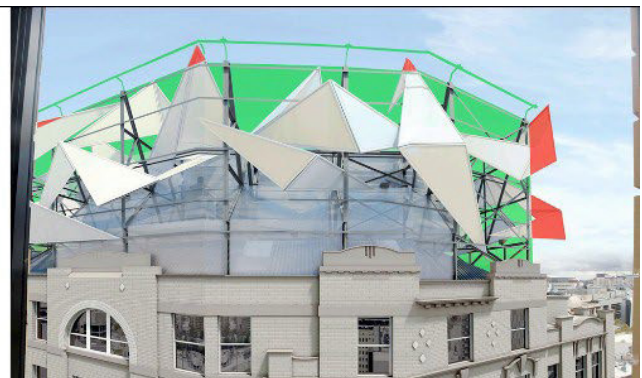
Photomontage of proposed building for digital billboard



Existing situation – view from adjoining hotel



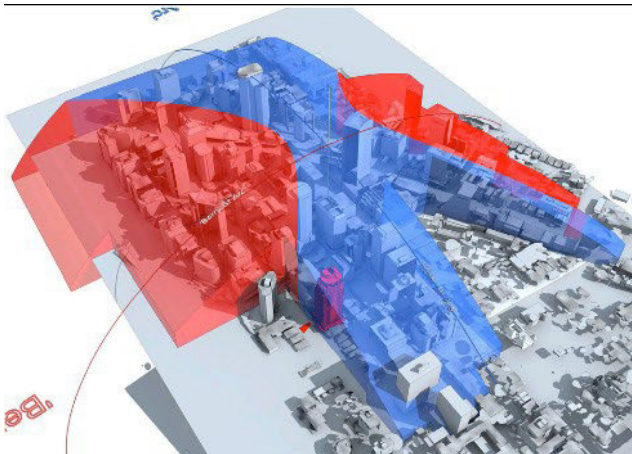
Photomontage of view from hotel



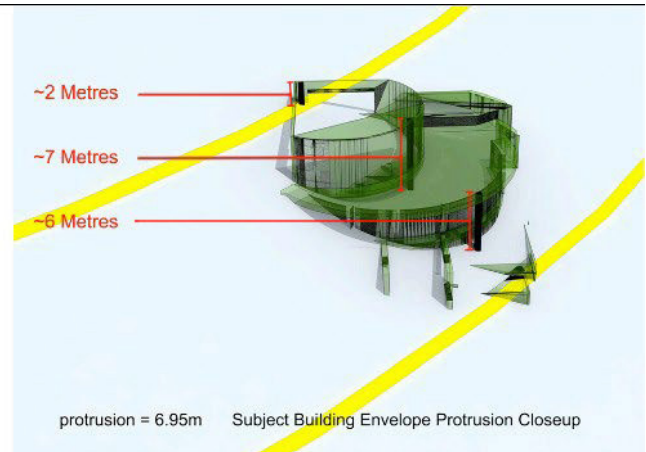
View loss – green = view gain / red = view loss



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



3d model of planning height zones



Extent of protrusion of proposed design prior to re- design

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

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

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

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



# Policy: Use of Photomontages and Visualisation Tools

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## Commencement

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

## Purpose of the policy

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

## Application

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

## Definitions

4. In this Policy:

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

**CGI** means Computer Generated Image.

**Commissioner** means a Commissioner or Acting Commissioner of the Court.

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

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

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



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

**Judge** means a Judge of the Court.

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

**Registrar** means a Registrar of the Court.

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

## General principles

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



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





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

### **Visualisation Tools**

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

### **Paperless Hearings**

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

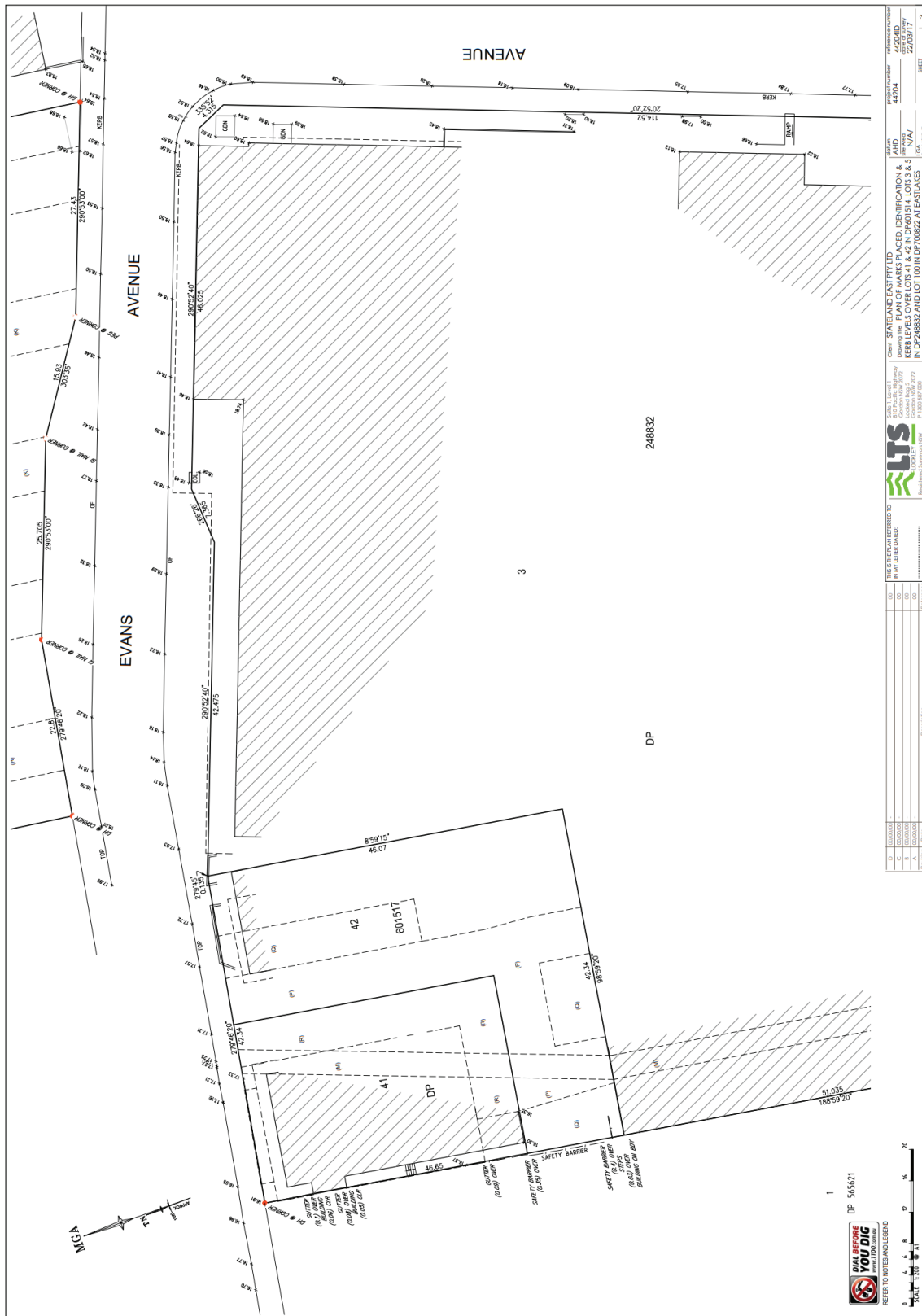
**Issued by:**

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

## 5.2. APPENDIX C: Survey and camera positions

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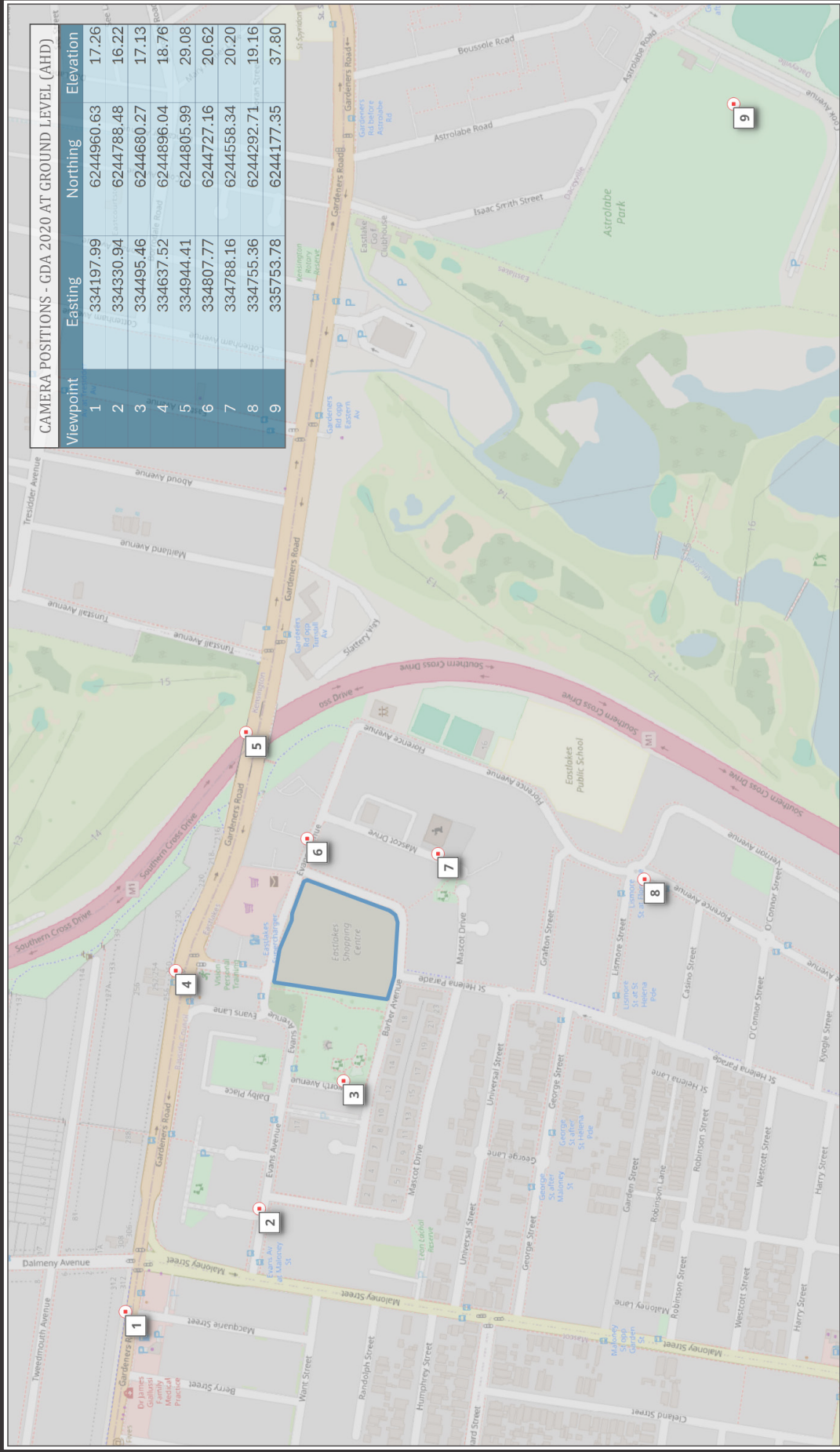


**For Approval**

project  
**CGE\_Eastlakes Display Suite**  
**EVANS AVENUE - EASTLAKES SHOPPING CENTRE**  
**SYDNEY NSW 2018**

**fjmt**  
fjmt studio architecture interiors landscape urban  
sydney melbourne oxford  
Level 5, 70 King Street t +61 2 9251 7077 w [fjmtstudio.com](http://fjmtstudio.com)

|     |         |              |     |                |              |
|-----|---------|--------------|-----|----------------|--------------|
|     |         | title        |     | General Survey |              |
| 02  | 27/6/17 | For Approval | GDA |                |              |
| 01  | 23/6/17 | For Approval | HK  |                |              |
| rev | date    | name         | by  | chk            | scale        |
|     |         |              |     |                | Not to Scale |
|     |         |              |     | code           | CGE          |
|     |         |              |     | sheet no.      | 1201         |
|     |         |              |     | rev            | 02           |



NOTE:  
BUILDING POSITIONS ARE INDICATIVE FOR PRESENTATION PURPOSES.  
DATA WAS CAPTURED USING GNSS RTK ROVER  
CAMERA POSITIONS ARE FROM GNSS WITH NTRIP CORRECTIONS OBSERVATIONS WITHIN +/- 0.01M.  
LEVELS ARE BASED ON AUSTRALIAN HEIGHT DATUM (AHD)

|                           |                      |
|---------------------------|----------------------|
| JOB NO: 772 CQT_EastLakes | LGA: BAYSIDE COUNCIL |
| DATE: 13.05.2026          | DATUM: AHD           |
| DRAWN: DK                 | SCALE: N/A           |
| CHECK: JA                 | SHEET: 1:1           |

SKETCH PLAN SHOWING  
INDICATIVE CAMERA POSITIONS FOR -  
19A EVANS AVENUE EASTLAKES 2018



### 5.3. APPENDIX D: Wireframe images

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Viewpoint 01



Viewpoint 02





Viewpoint 03



Viewpoint 04





Viewpoint 05



Viewpoint 06

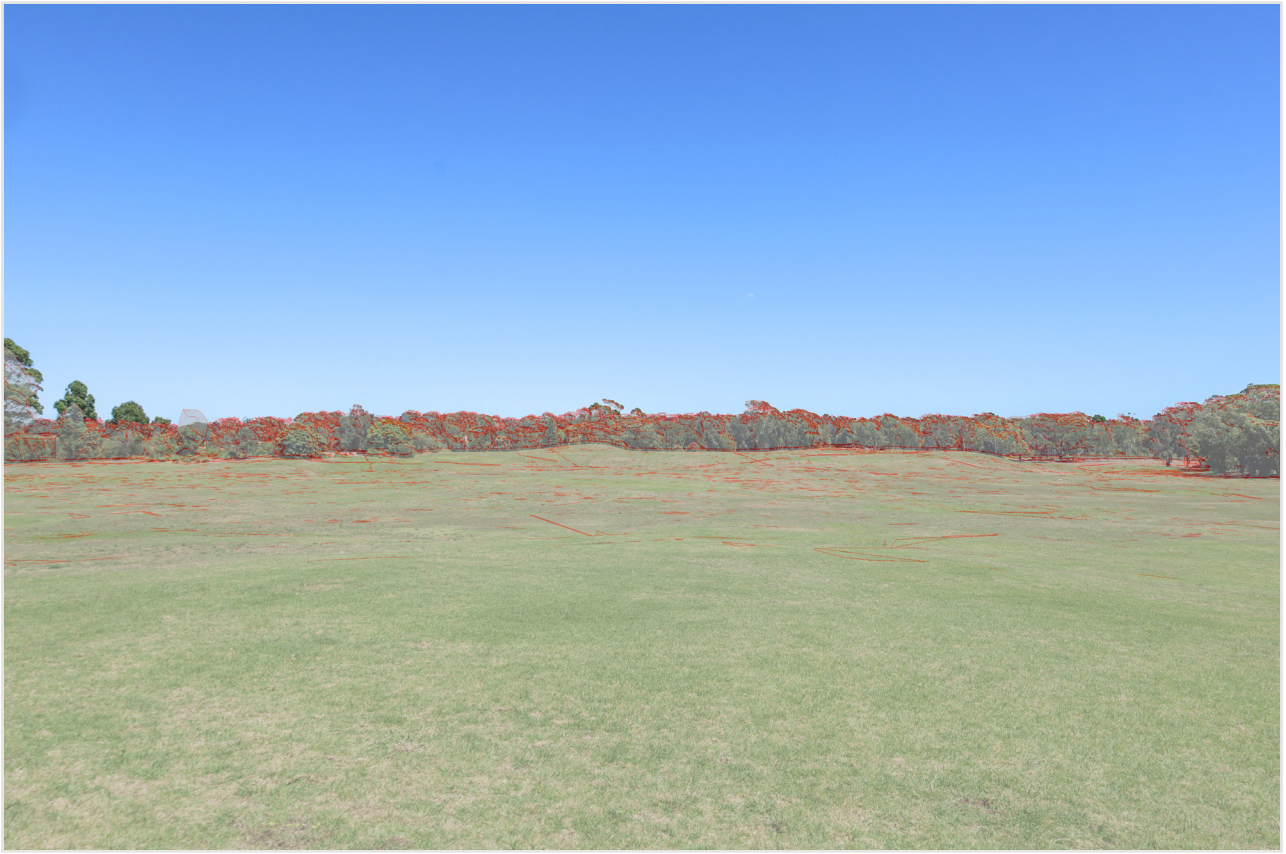




Viewpoint 07



Viewpoint 08



Viewpoint 09



## **5.4. APPENDIX E:** Site Photography

---









Viewpoint 01



Viewpoint 02



Viewpoint 03



Viewpoint 04



Viewpoint 05



Viewpoint 06



Viewpoint 07



Viewpoint 08





Viewpoint 09



Viewpoint 10



Viewpoint 11



Viewpoint 12



Viewpoint 13



Viewpoint 14



Viewpoint 15



Viewpoint 16





Viewpoint 17



Viewpoint 18



Viewpoint 19



Viewpoint 20



Viewpoint 21



Viewpoint 22



Appendix A

19A Evans Ave, Eastlakes, NSW





Camera positions map with proposed D.A site in magenta





Site Image

A18 IMG\_0378 a.jpg



Photomontage of Proposal

A18 IMG\_0378 c.jpg





Visual impact

A18 IMG\_0378 d.jpg



Photomontage and future context buildings in orange frame, nested in panorama for natural field of view





Site Image

A15 IMG\_0333 a.jpg



Photomontage of Proposal

A15 IMG\_0333 c.jpg





Visual impact

A15 IMG\_0333 d.jpg



Photomontage and future context buildings in orange frame, nested in panorama for natural field of view





Site Image

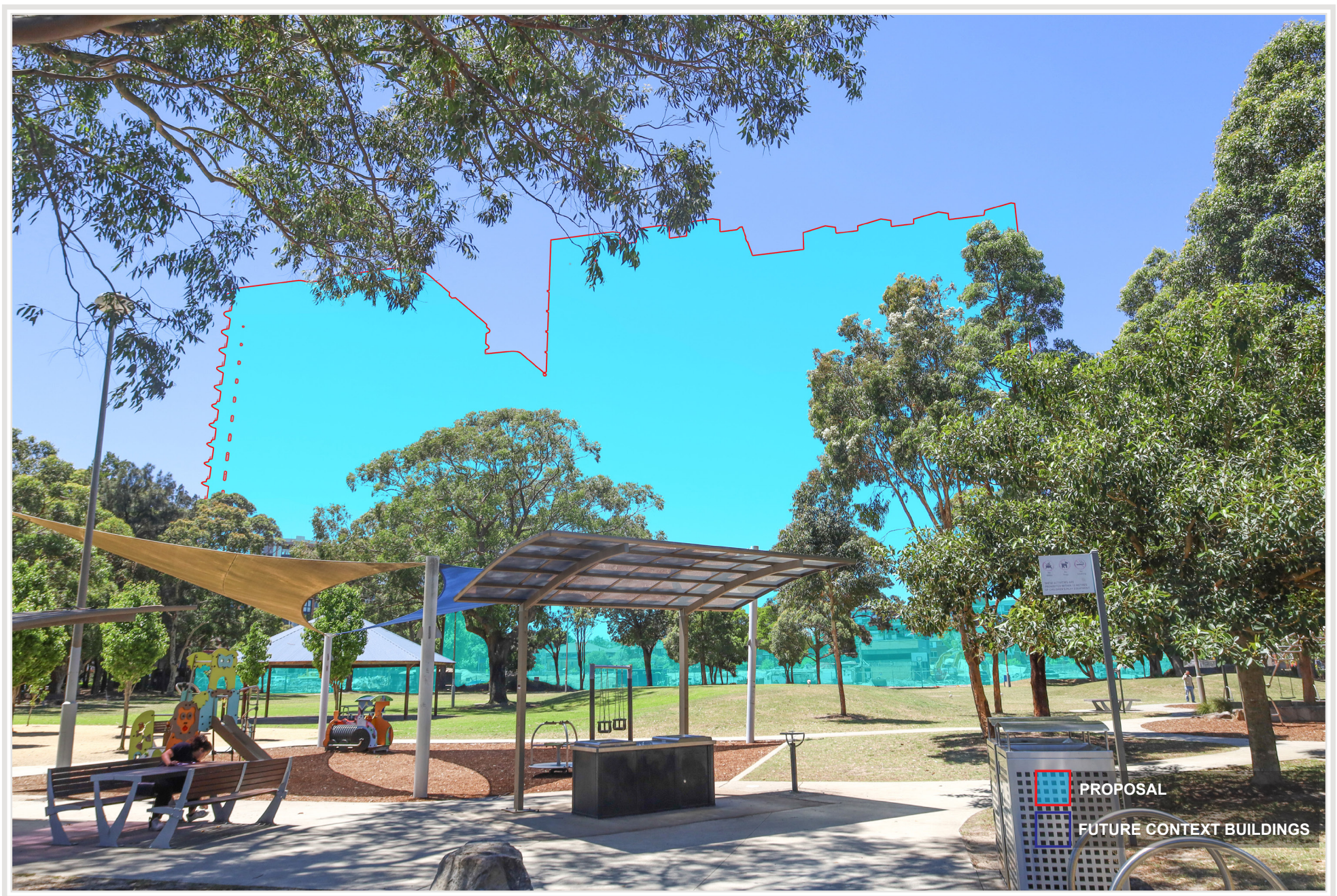
A12 IMG\_0277 a.jpg



Photomontage of Proposal

A12 IMG\_0277 c.jpg





Visual impact

A12 IMG\_0277 d.jpg



Photomontage and future context buildings in orange frame, nested in panorama for natural field of view





Site Image

A22 IMG\_0430 a.jpg



Photomontage of Proposal

A22 IMG\_0430 c.jpg





Visual impact

A22 IMG\_0430 d.jpg



Photomontage and future context buildings in orange frame, nested in panorama for natural field of view





Site Image

A03 IMG\_0178 a.jpg



Photomontage of Proposal

A03 IMG\_0178 c.jpg





Visual impact

A03 IMG\_0178 d.jpg



Photomontage and future context buildings in orange frame, nested in panorama for natural field of view





Site Image

A11 IMG\_0267 a.jpg



Photomontage of Proposal

A11 IMG\_0267 c.jpg





Visual impact

A11 IMG\_0267 d.jpg



Photomontage and future context buildings in orange frame, nested in panorama for natural field of view





Site Image

A09 IMG\_0240 a.jpg



Photomontage of Proposal

A09 IMG\_0240 c.jpg





Visual impact

A09 IMG\_0240 d.jpg



Photomontage and future context buildings in orange frame, nested in panorama for natural field of view





Site Image

A05 IMG\_0203 a.jpg



Photomontage of Proposal

A05 IMG\_0203 c.jpg





Visual impact

A05 IMG\_0203 d.jpg



Photomontage and future context buildings in orange frame, nested in panorama for natural field of view





Site Image

A01 IMG\_0159 a.jpg



Photomontage of Proposal

A01 IMG\_0159 c.jpg





Visual impact

A01 IMG\_0159 d.jpg



Photomontage and future context buildings in orange frame, nested in panorama for natural field of view



## Appendix C: Wireframe / Point cloud alignment

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Viewpoint 01

A18 IMG\_0378 b.jpg



Viewpoint 02

A15 IMG\_0333 b.jpg





Viewpoint 03

A12 IMG\_0277 b.jpg



Viewpoint 04

A22 IMG\_0430 b.jpg





Viewpoint 05

A03 IMG\_0178 b.jpg



Viewpoint 06

A11 IMG\_0267 b.jpg





Viewpoint 07

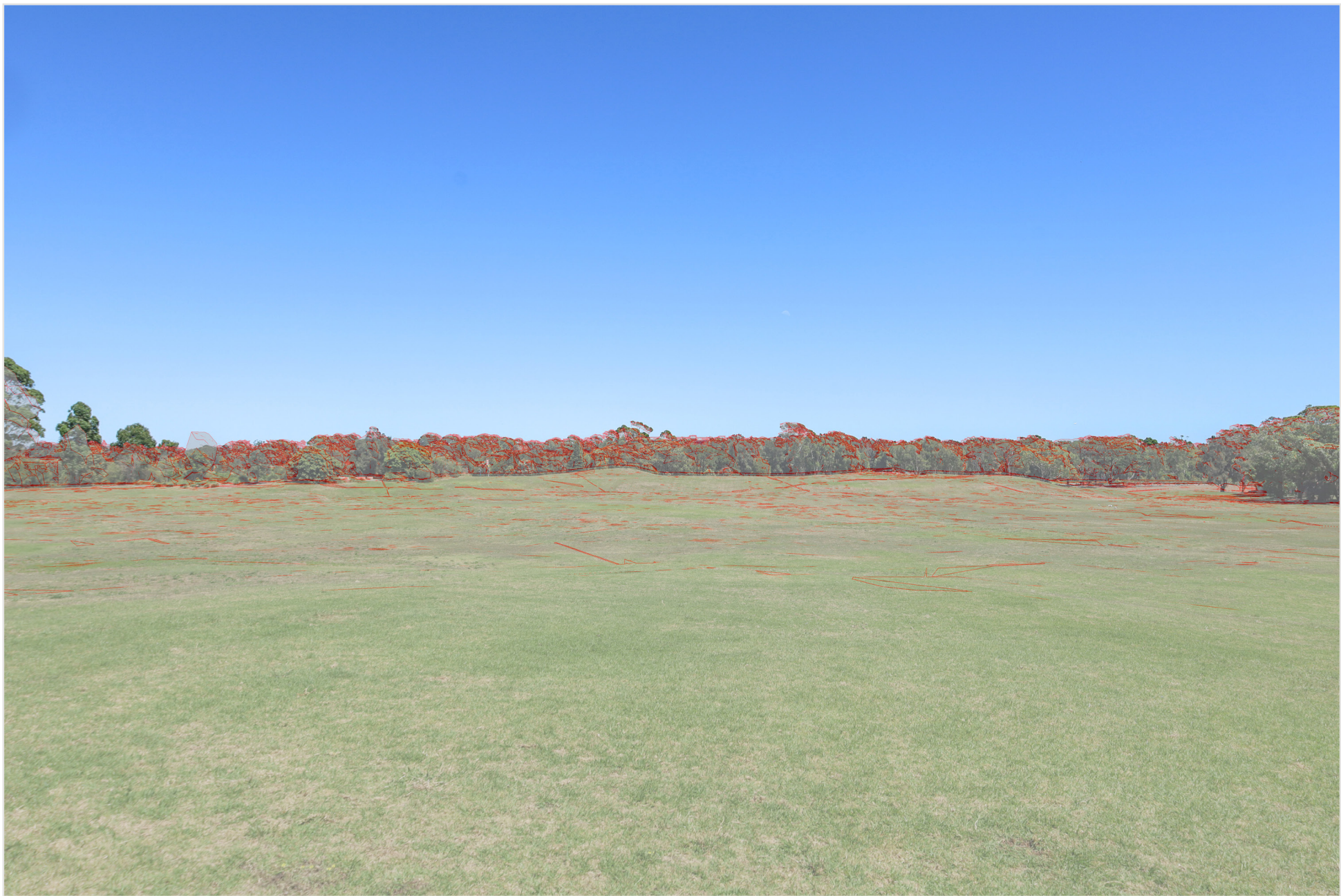
A09 IMG\_0240 b.jpg



Viewpoint 08

A05 IMG\_0203 b.jpg





Viewpoint 09

A01 IMG\_0159 b.jpg