

**The City of Sydney acknowledges
the Gadigal of the Eora Nation as the
Traditional Custodians of our local area.**

Local Planning Panel

8 June 2022

Address: 17 Billyard Avenue, Elizabeth Bay

Application Number: D/2021/1261

Applicant / Architect: Environa Studio

Owner: Mr J C Pooley

Planning Consultant: Sutherland & Associates Planning

Heritage Consultant: Graham Hall and Partners

proposal

- alterations and additions to the existing building
- construct 6, part 7 storey rear addition with undercroft
- use as a boarding house containing 29 rooms

recommendation

refusal

proposal background

- pre-DA advice provided to applicant on 2 September 2020 for:
 - alterations and additions to the existing building
 - construction of a 7 storey rear addition
 - use as a boarding house with 17 dual occupancy rooms

proposal background

- pre-DA proposal not supported, concern raised in relation to:
 - inappropriate position bulk and scale of rear addition to contributory building within the Elizabeth and Rushcutters Bays Heritage Conservation Area
 - non-compliant storey height, unacceptable side and rear setbacks & associated visual and acoustic privacy impacts
 - potentially devastating view loss impacts
 - unclear overshadowing impacts

proposal background

- poor internal amenity, including lack of private open space, non-compliant communal living room and undersize private and communal kitchens
- non-compliant bicycle parking
- pre-DA proposal overall does not exhibit design excellence

subject application chronology

- request for amended CAD and physical models sent on 4 November 2021
- CAD and physical models submitted on 24 January 2022 and 15 February 2022
- request for withdrawal or amendment of application sent on 14 February 2022, allowing until 14 March 2022 and included the following:
 - DAPRS advice and recommendations
 - potential height exceedance

subject application chronology

- no view sharing assessment
- solar access to communal rooms and overshadowing impact
- minimal rear and side setbacks and associated impacts
- potential visual and acoustic privacy impacts
- non-compliant boarding room size
- poor boarding room amenity
- potential light spill and reflectivity impacts

subject application chronology

- incompatible with local area character
- heritage impacts
- landscape design not feasible, not coordinated and will not achieve canopy cover target
- no geotechnical or structural assessment
- no construction management plan
- inadequate waste management plan

subject application chronology

- request for specific adjoining properties to be included in a view sharing assessment sent on 9 March 2022
- applicant responded on 14 March 2022 advising no withdrawal and requesting access to Council records and for Council staff to arrange access to objector properties for view loss assessment
- Council staff responded on 14 March 2022 with advice on Council's record access and archives services and that view loss assessment access be organised directly with objectors
- no amended application or additional information received by Council to date

notification information

- exhibition period 8 November 2021 to 7 December 2021
- 1,315 owners and occupiers notified
- 178 submissions received, 177 in objection, 1 in support

submissions

issues raised in the submissions include concerns relating, but not limited to:



- view loss
- heritage impacts
- design excellence
- height, bulk and scale
- visual and acoustic privacy impacts
- traffic and parking impacts
- reflectivity and light spill impacts

submissions

- setbacks
- tree impacts
- construction impacts
- overshadowing
- loss of property value
- mental health impacts
- boarding house use
- fire safety

submissions



-  subject site
-  submitters

note: not all
submitter
properties
shown

site





site viewed from Billyard Ave looking south-west



site viewed from Billyard Ave looking north-west



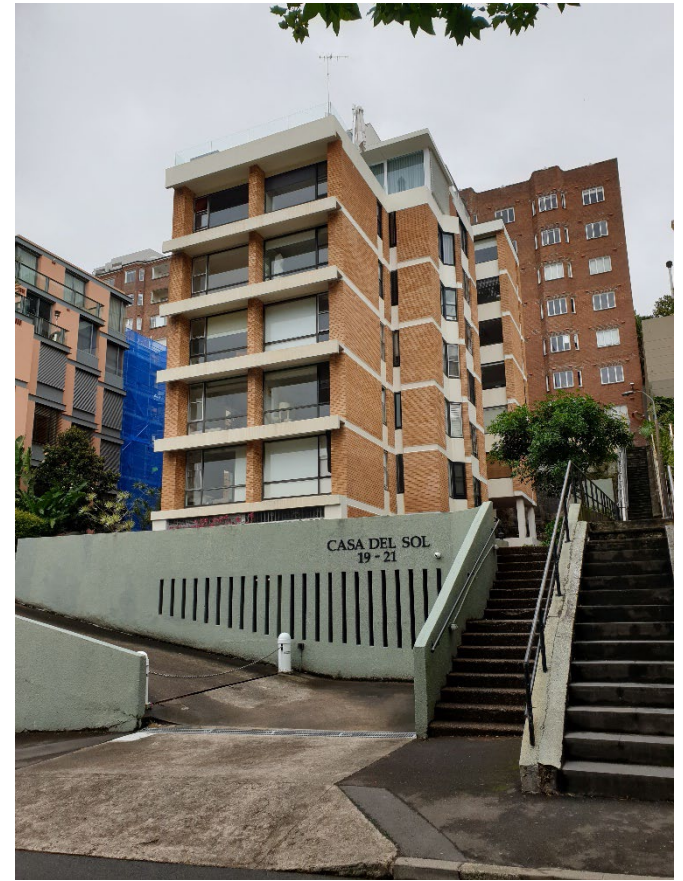
adjoining RFB at 15 Billyard Ave (left) and RFB at 11A Billyard Ave (right)



RFB at 1-3 Onslow Ave (left) & substation at 1A Onslow Ave (right)



heritage listed Arthur McElhone Reserve



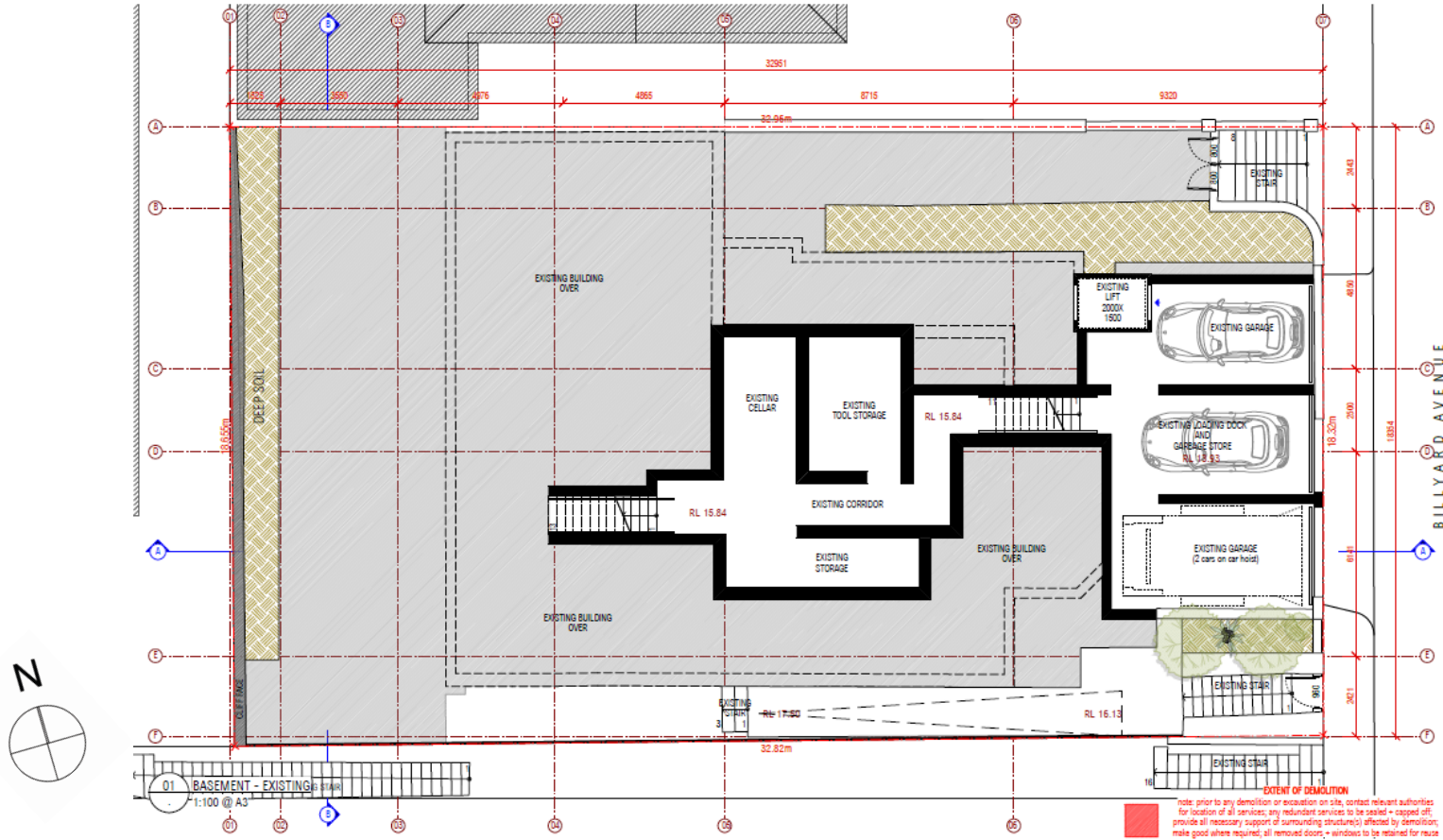
RFB opposite at 22-24 Billyard Ave (left) and RFB at 19-21 Billyard Ave (right)



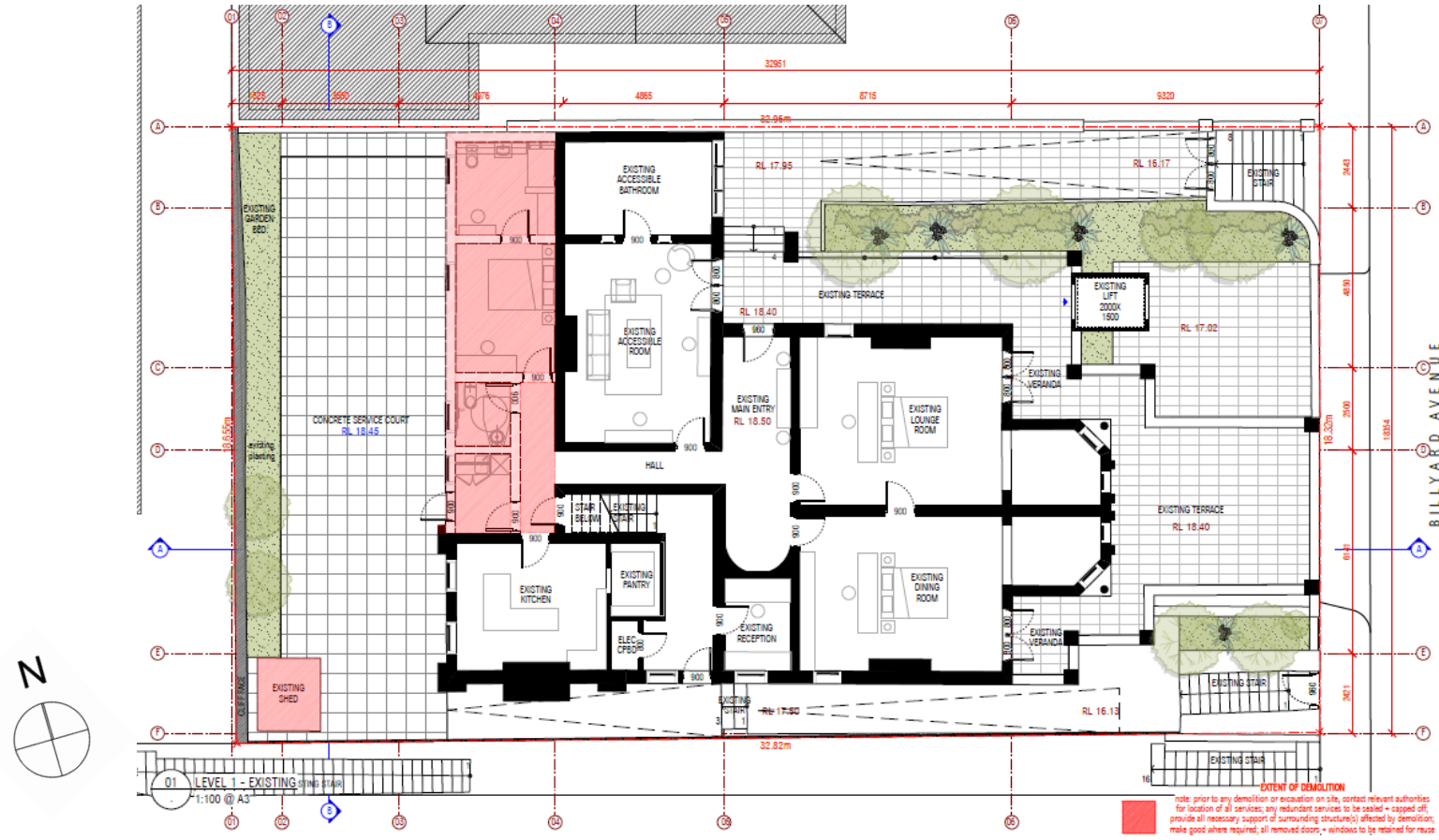
heritage item opposite at 18-18A Billyard Ave



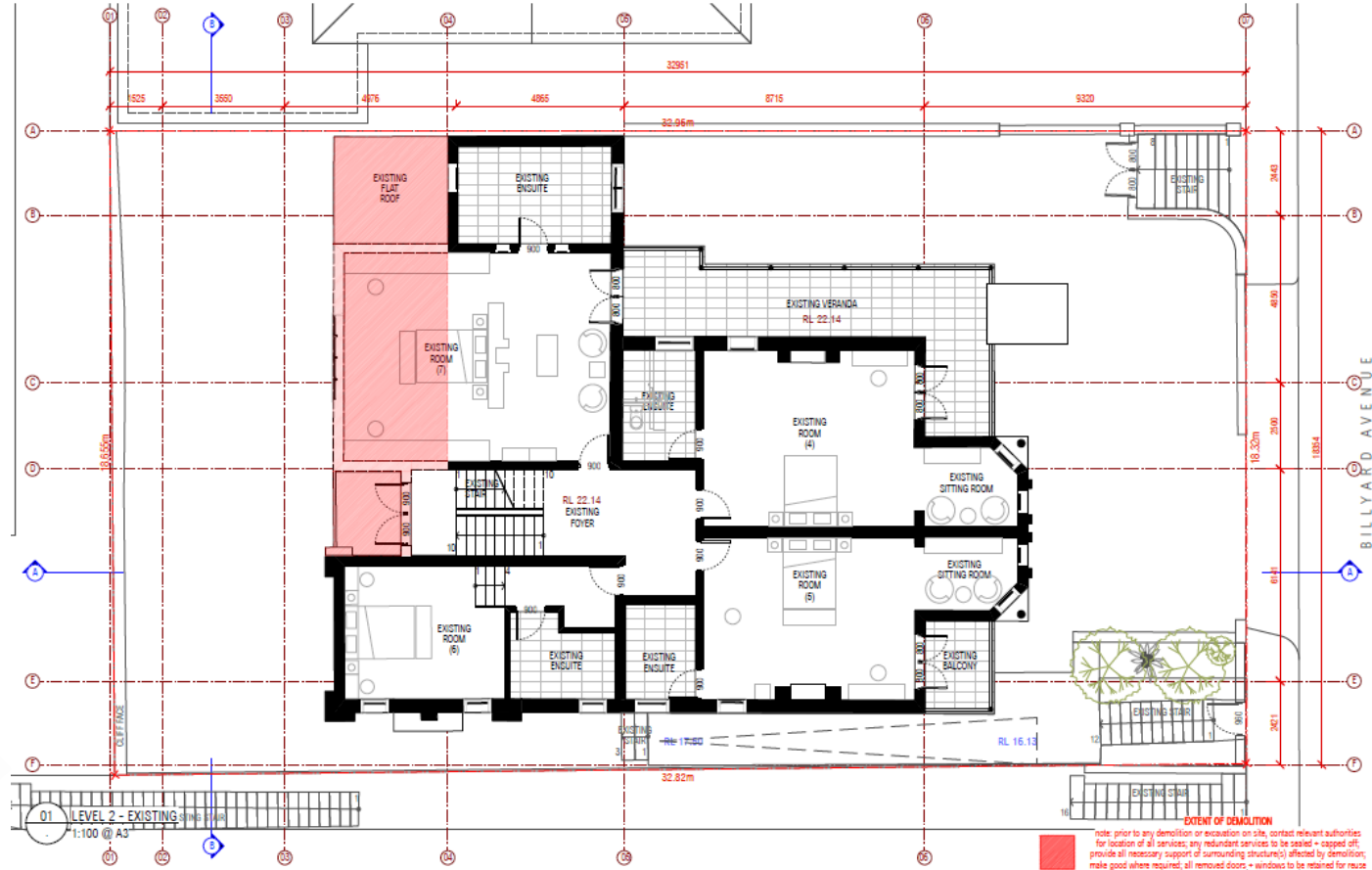
RFB opposite at 12-16 Billyard Ave



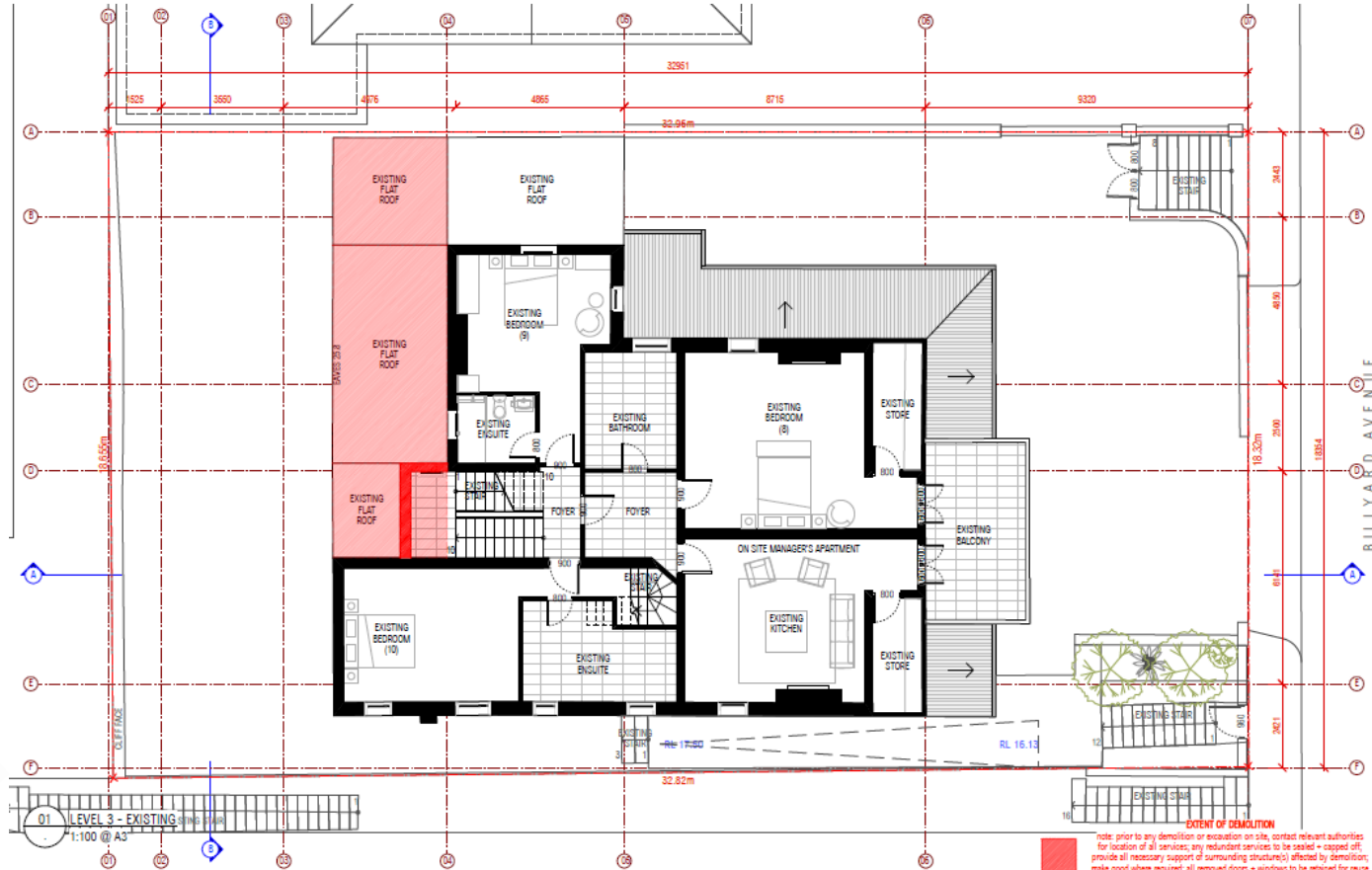
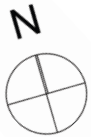
existing / demolition basement plan



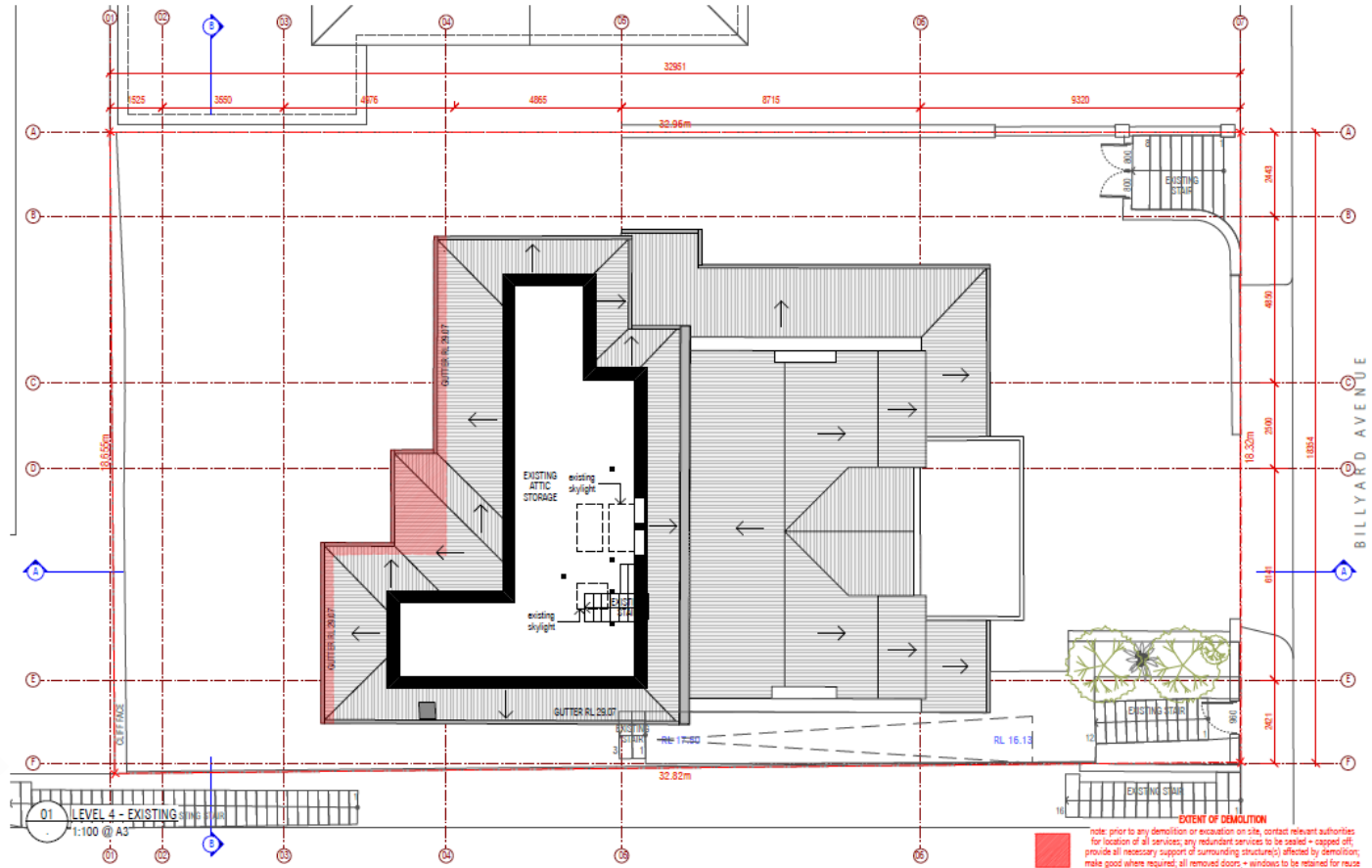
existing / demolition level 1 plan



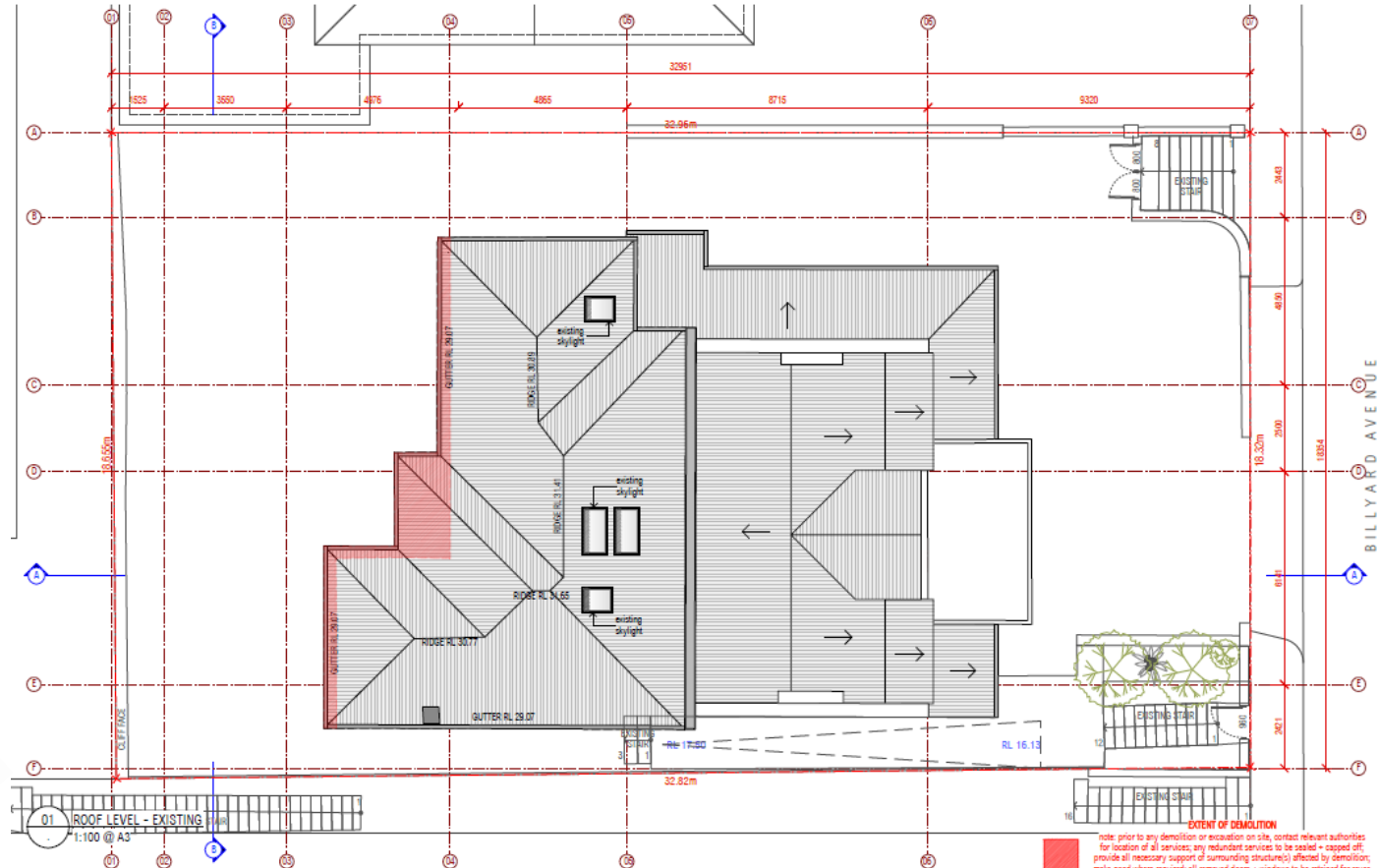
existing / demolition level 2 plan



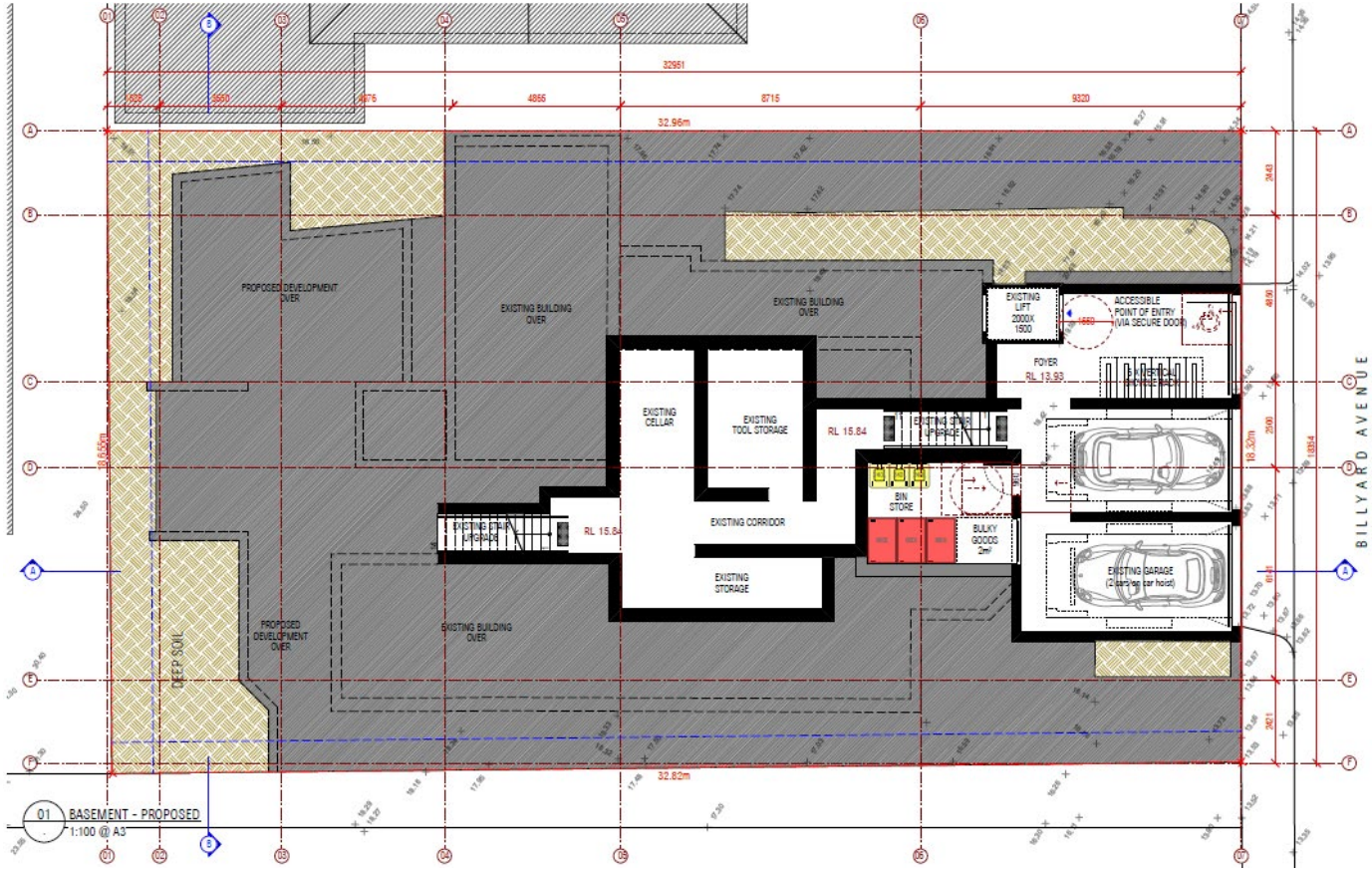
existing / demolition level 3 plan



existing / demolition level 4 plan

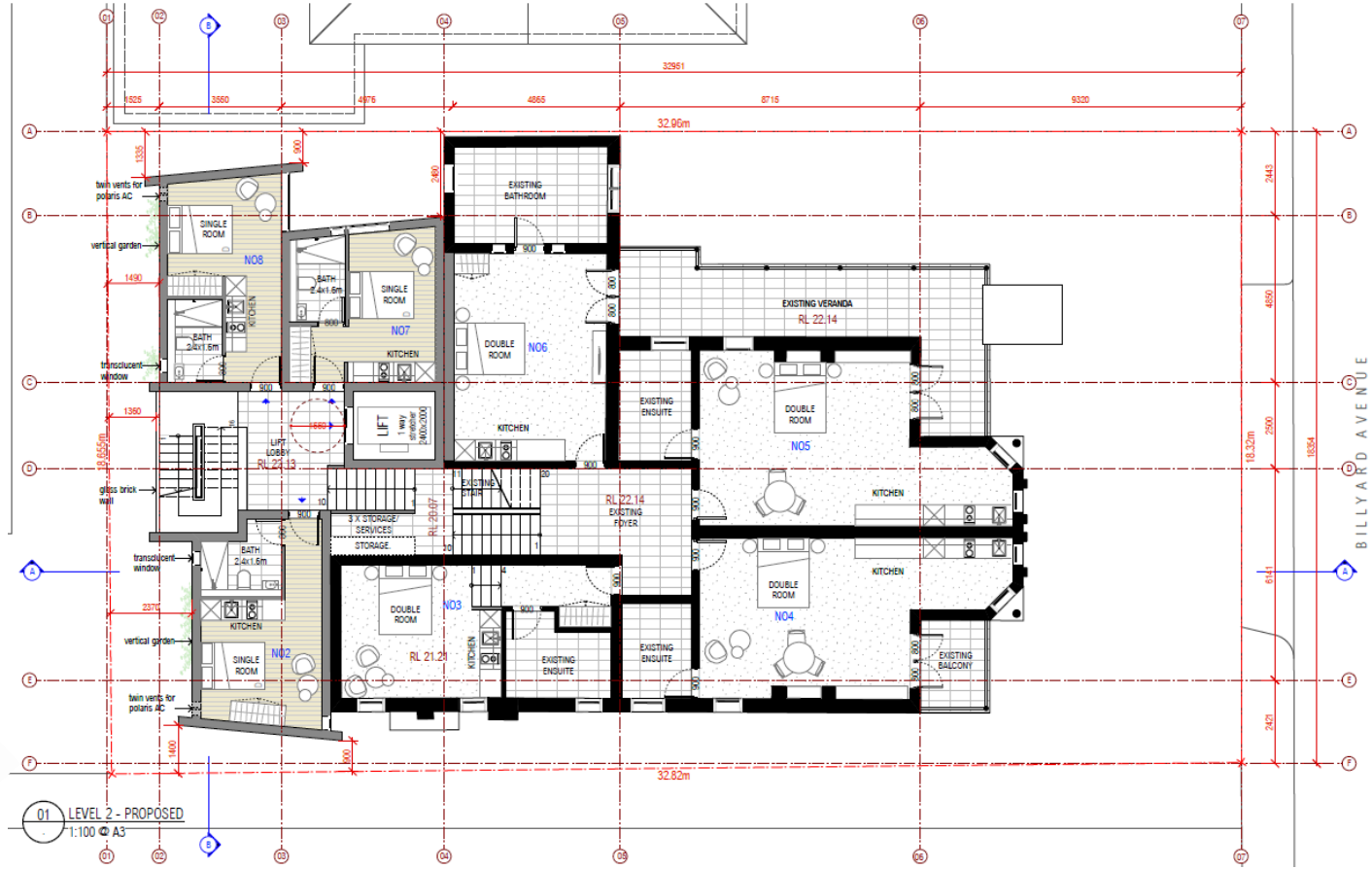


existing / demolition roof plan



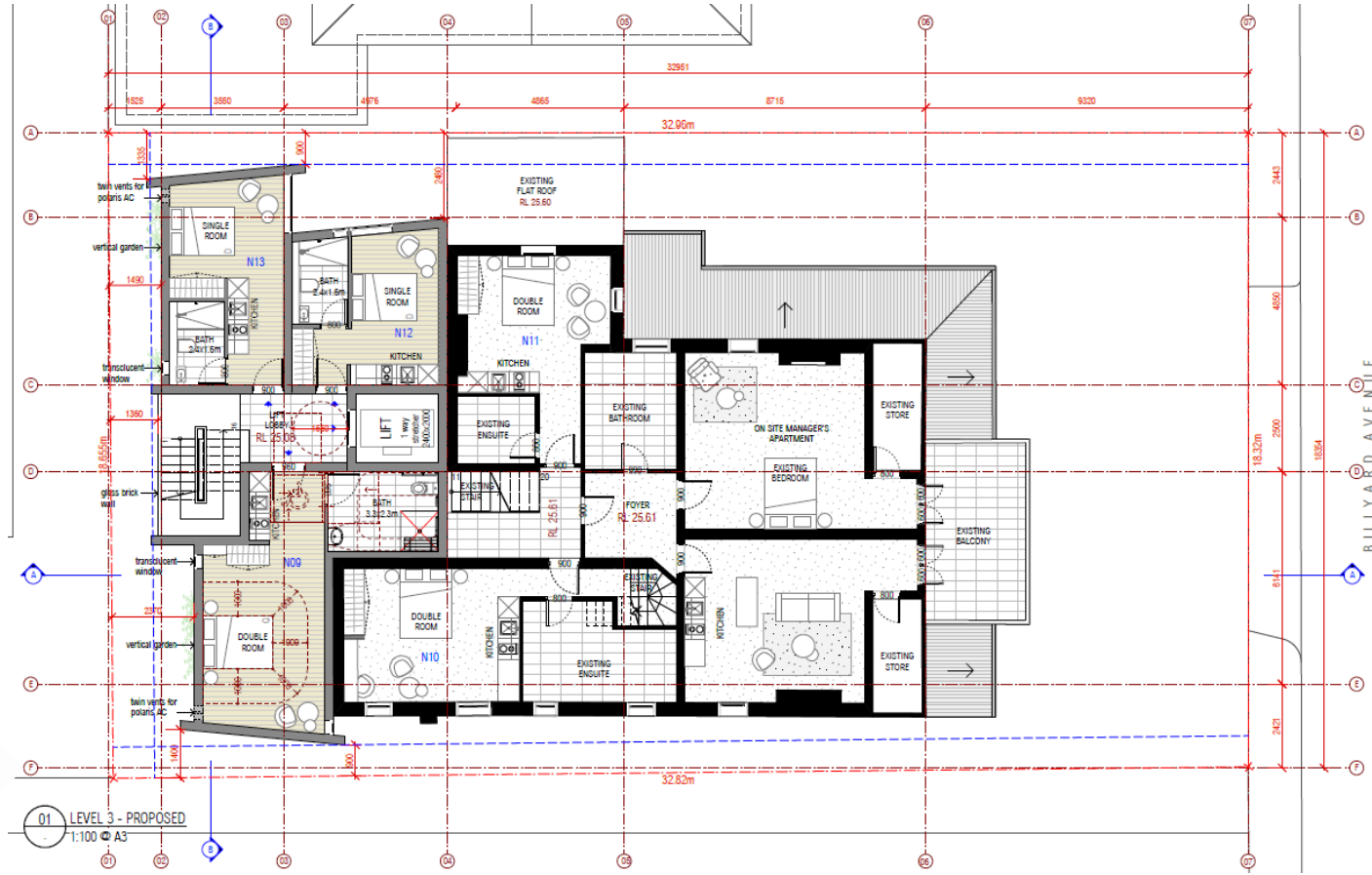
BILLYARD AVENUE

proposed basement plan



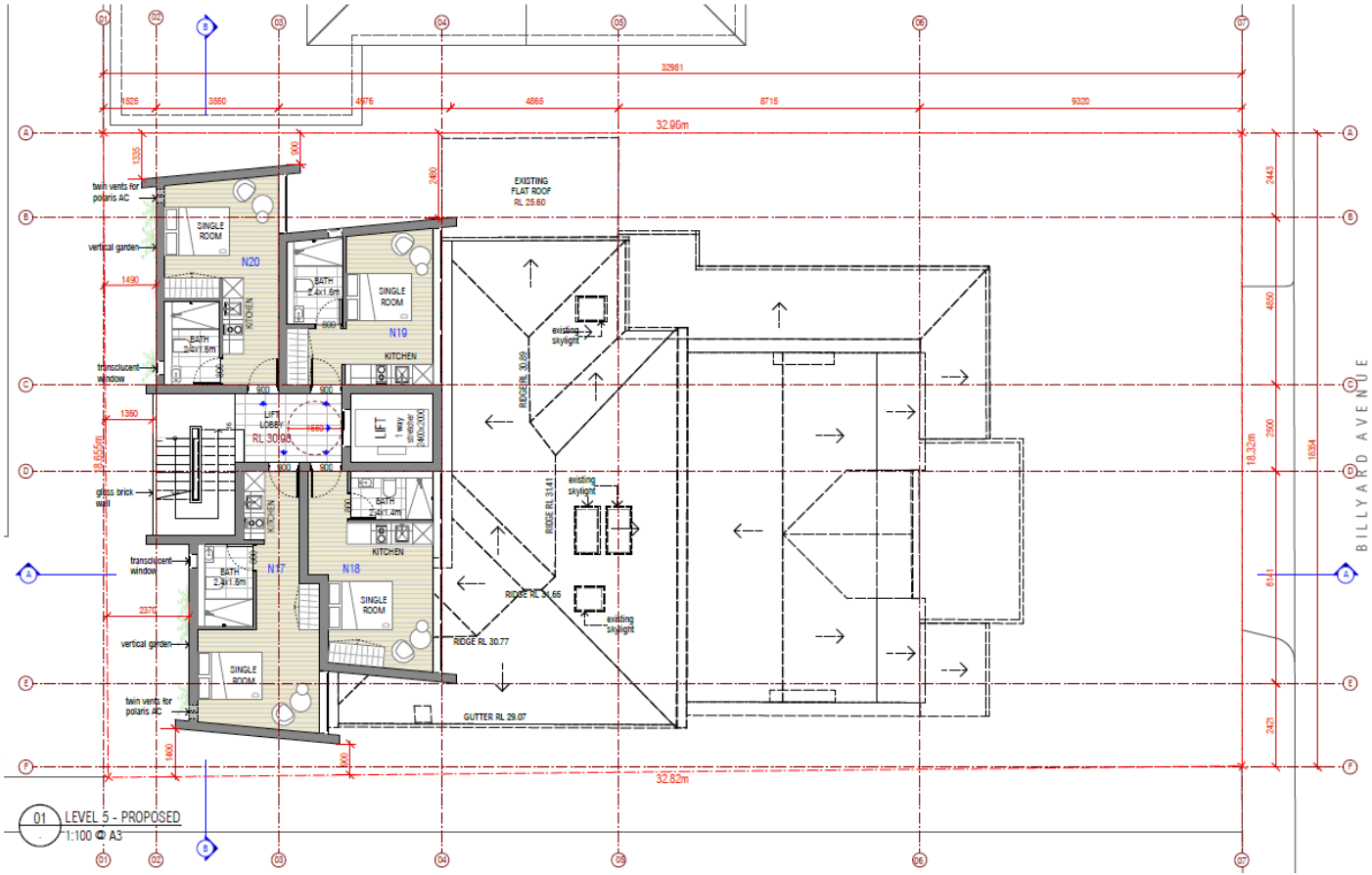
01 LEVEL 2 - PROPOSED
1:100 © A3

proposed level 2 plan



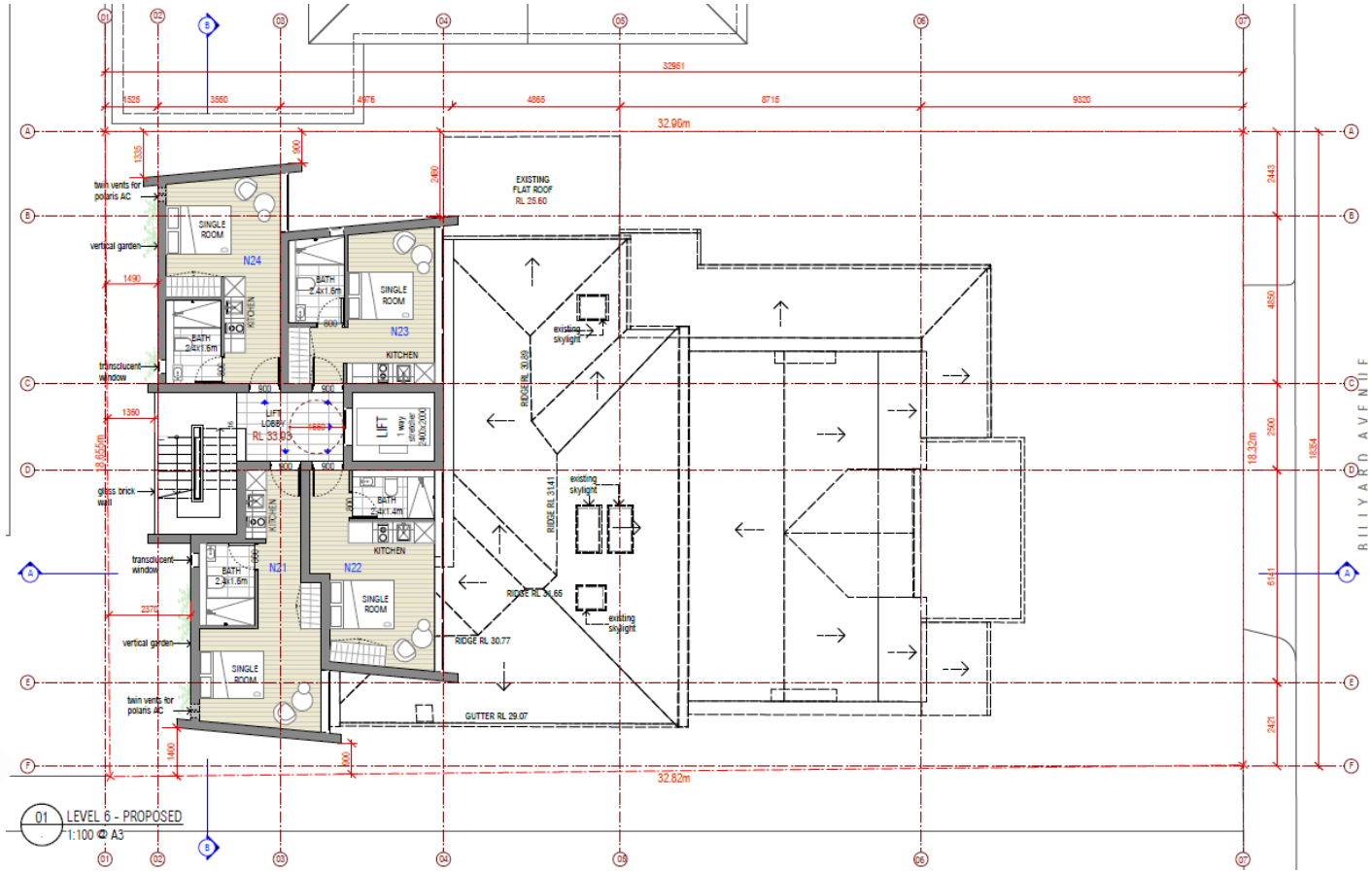
01 LEVEL 3 - PROPOSED
1:100 @ A3

proposed level 3 plan



01 LEVEL 5 - PROPOSED
1:100 @ A3

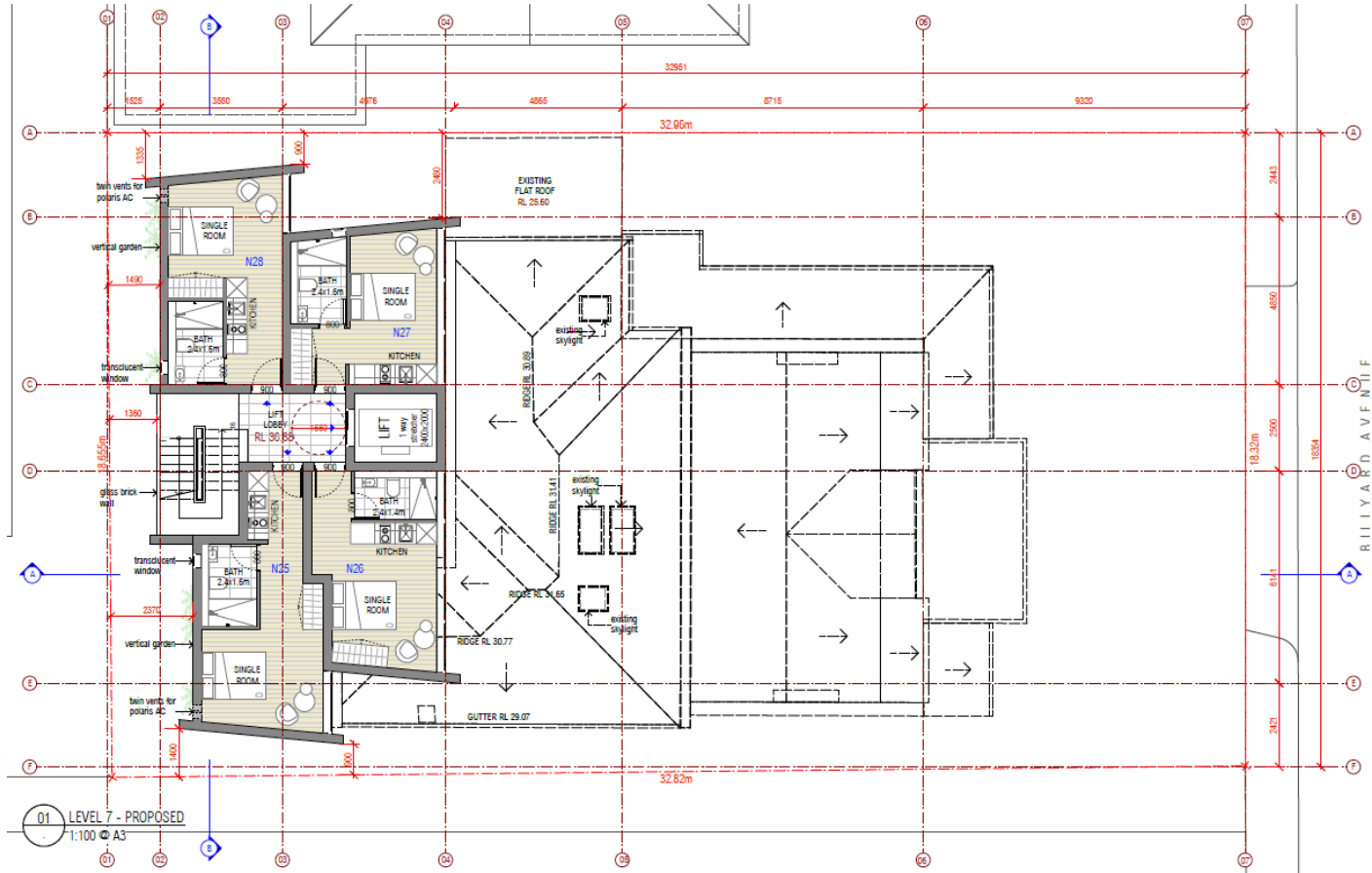
proposed level 5 plan



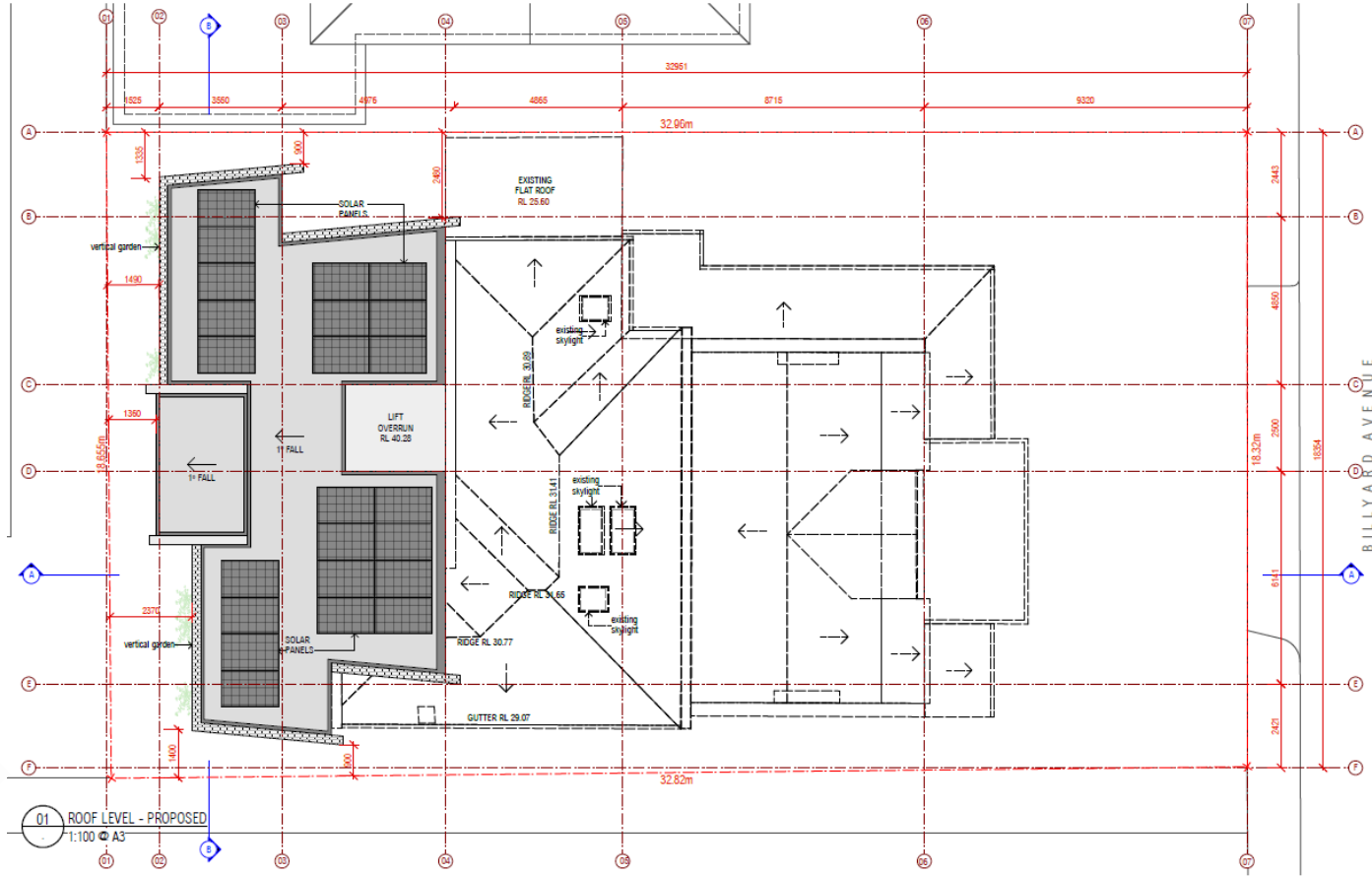
01 LEVEL 6 - PROPOSED
1:100 @ A3



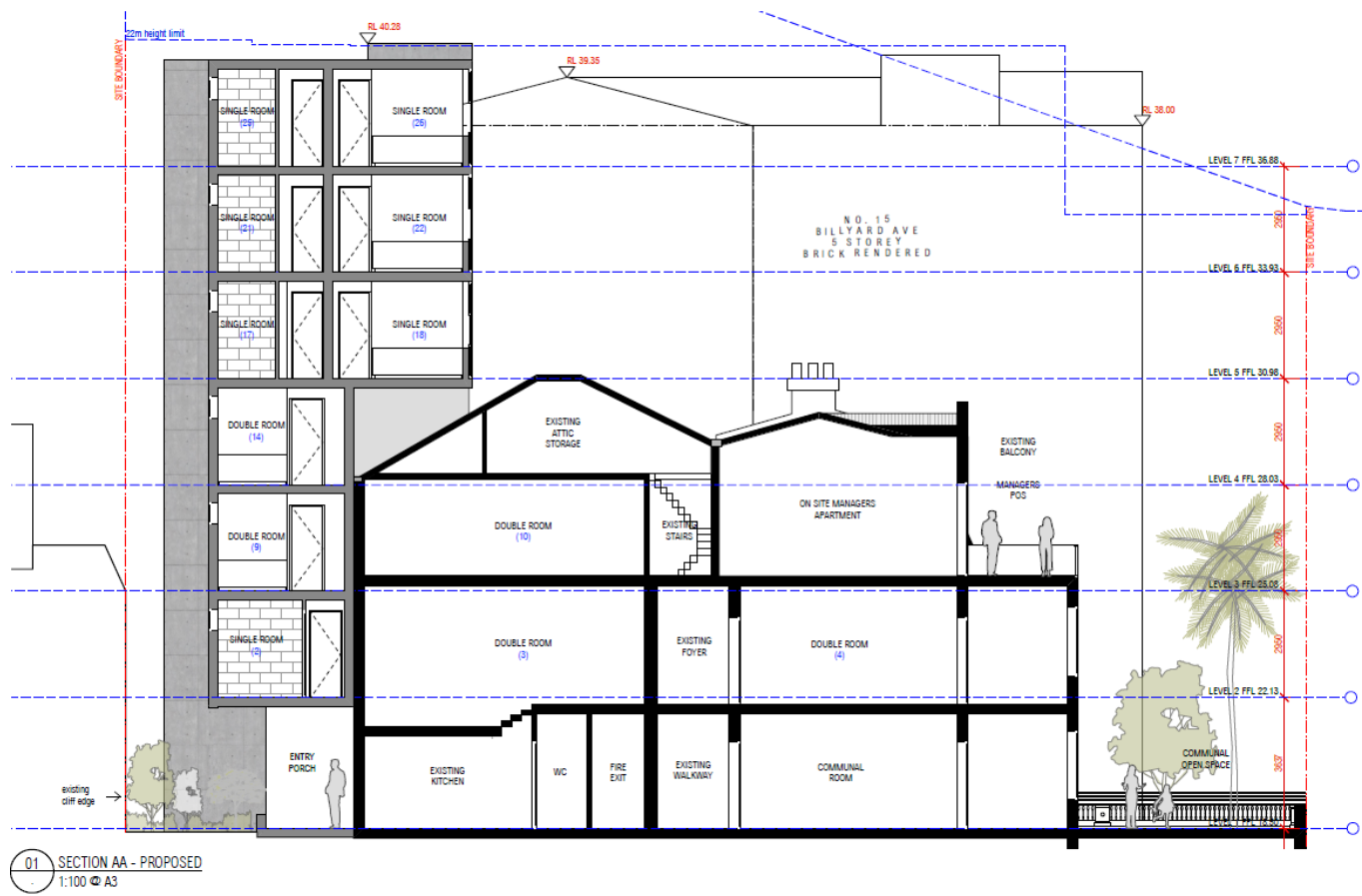
proposed level 6 plan



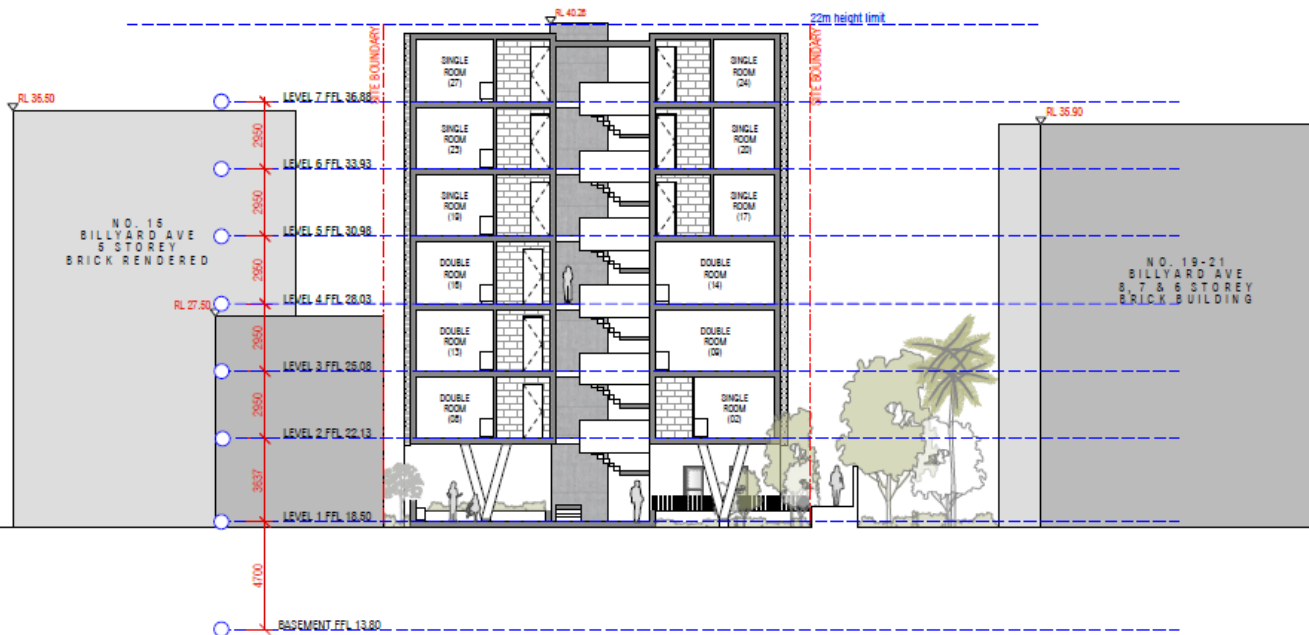
proposed level 7 plan



proposed roof plan

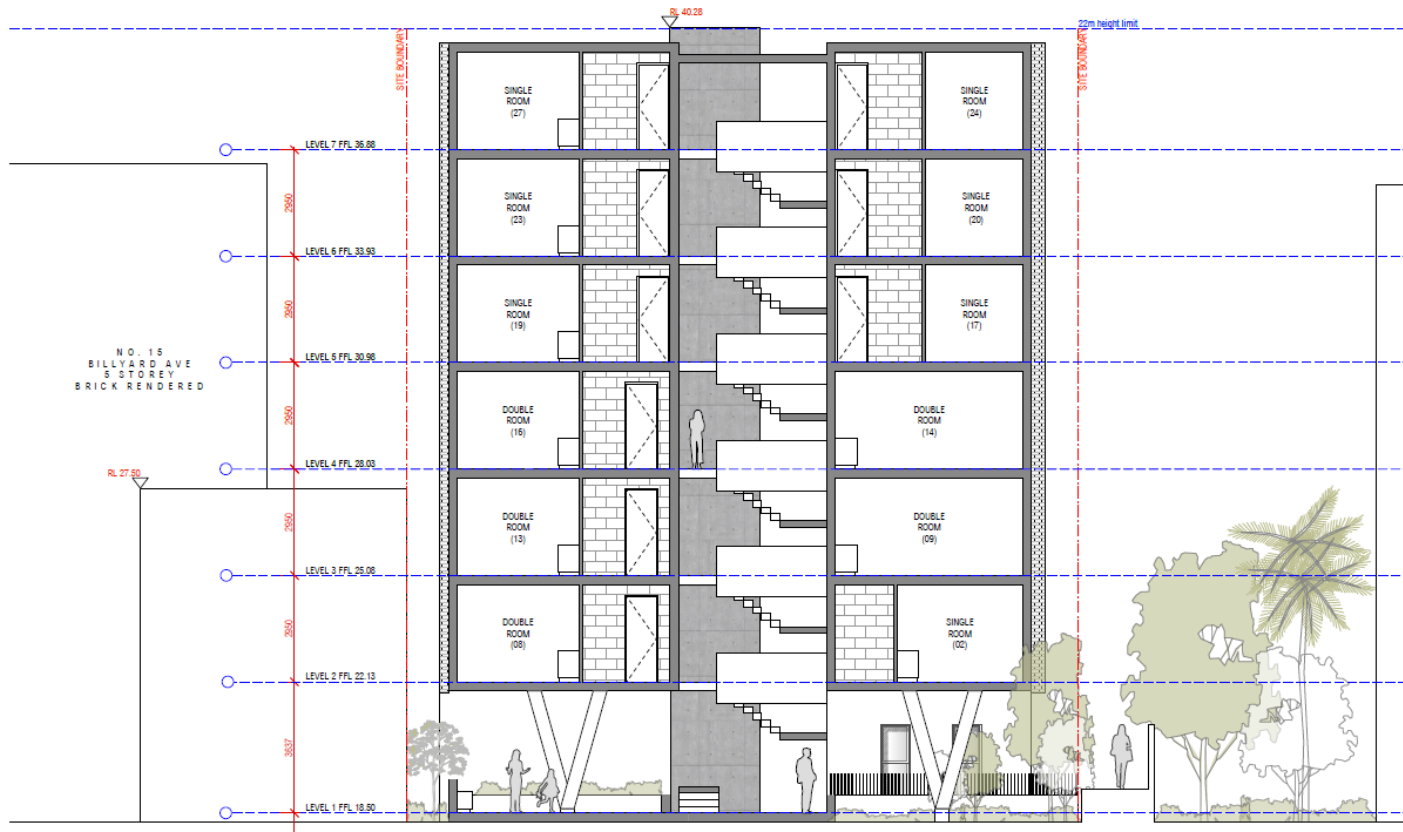


proposed detail section AA



01 SECTION BB - PROPOSED
1:200 @ A3

proposed context section BB



01 SECTION BB - PROPOSED
1:100 A3

proposed detail section BB

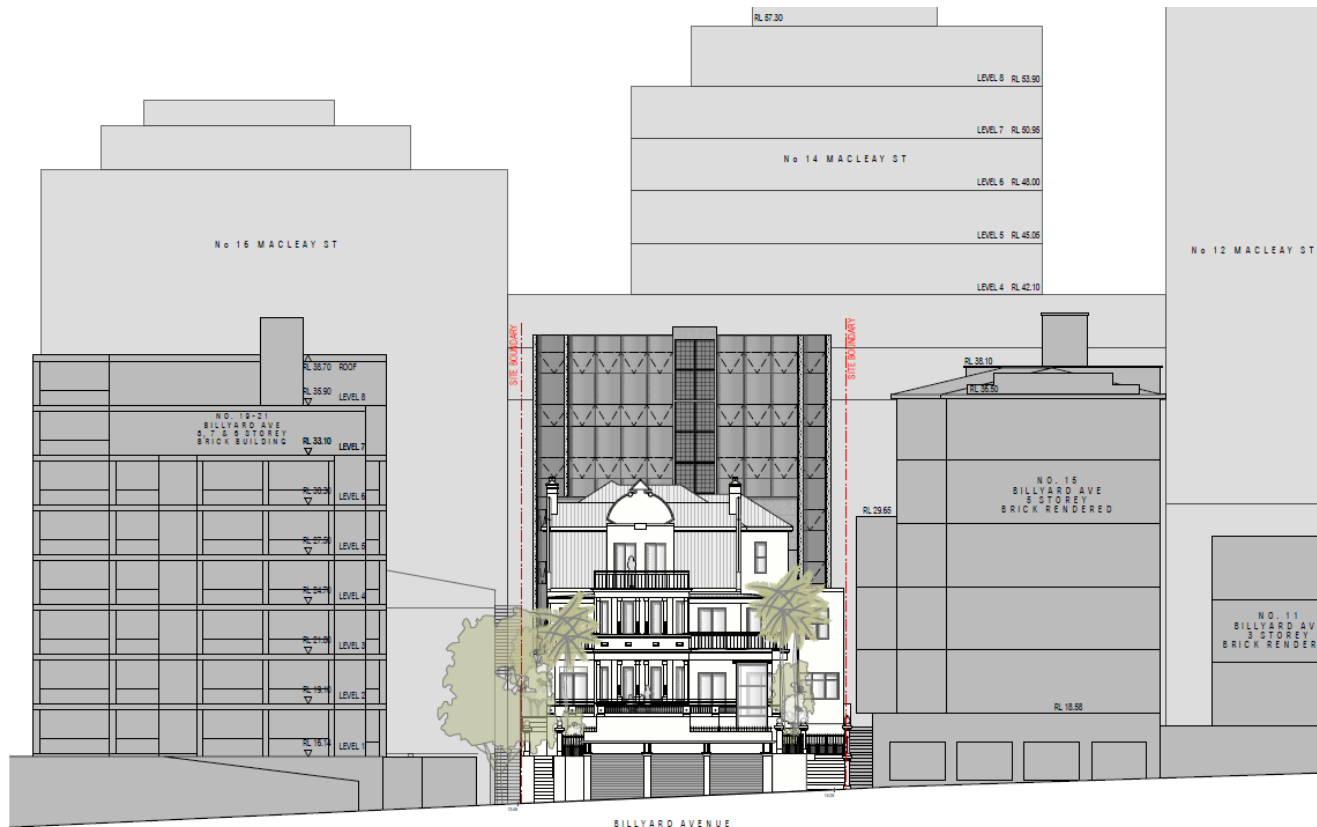


01 NORTH ELEVATION - PROPOSED
1:200 A3

proposed context north elevation

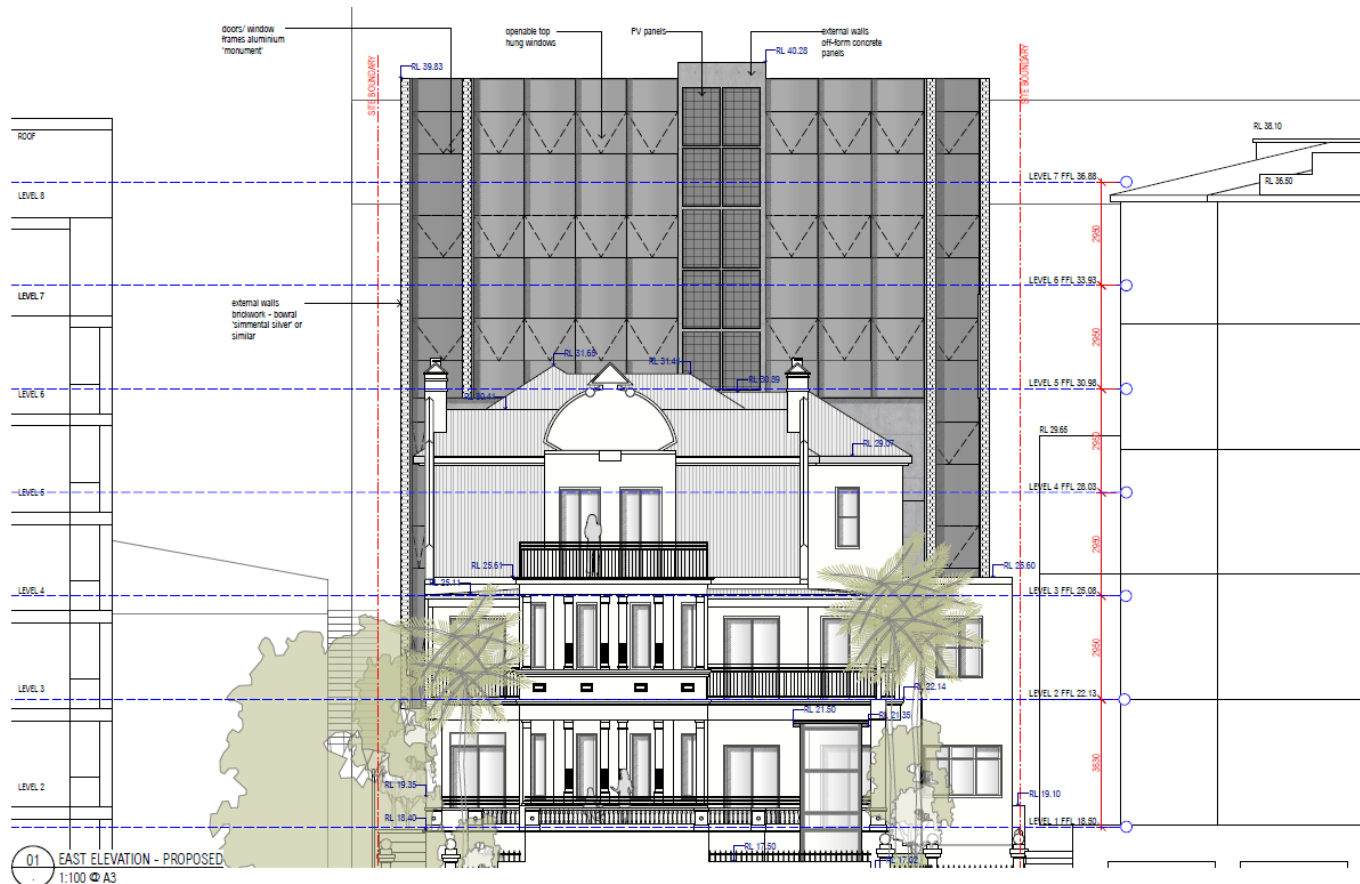


proposed detail north elevation

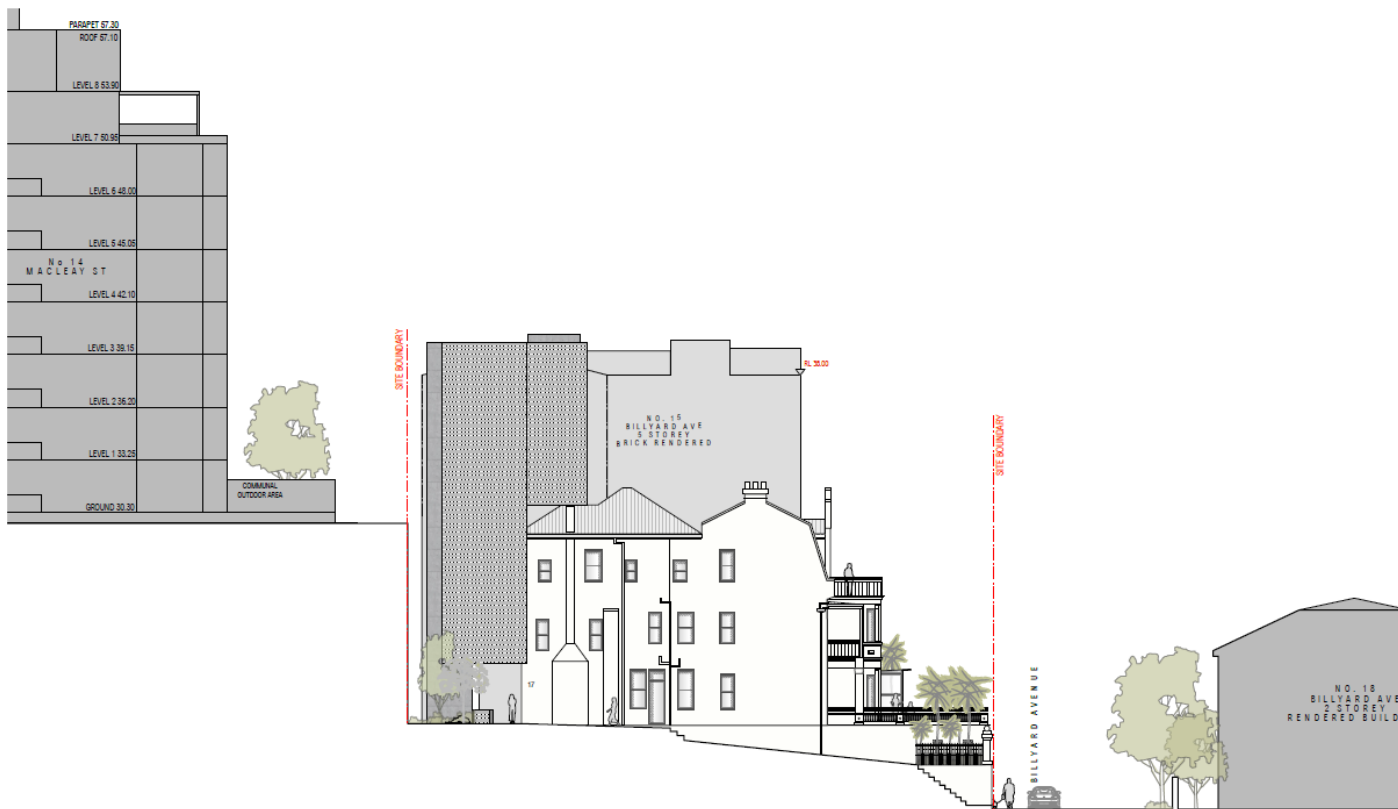


01 EAST ELEVATION - PROPOSED
1:200 @ A3

proposed context east (Billyard Avenue) elevation

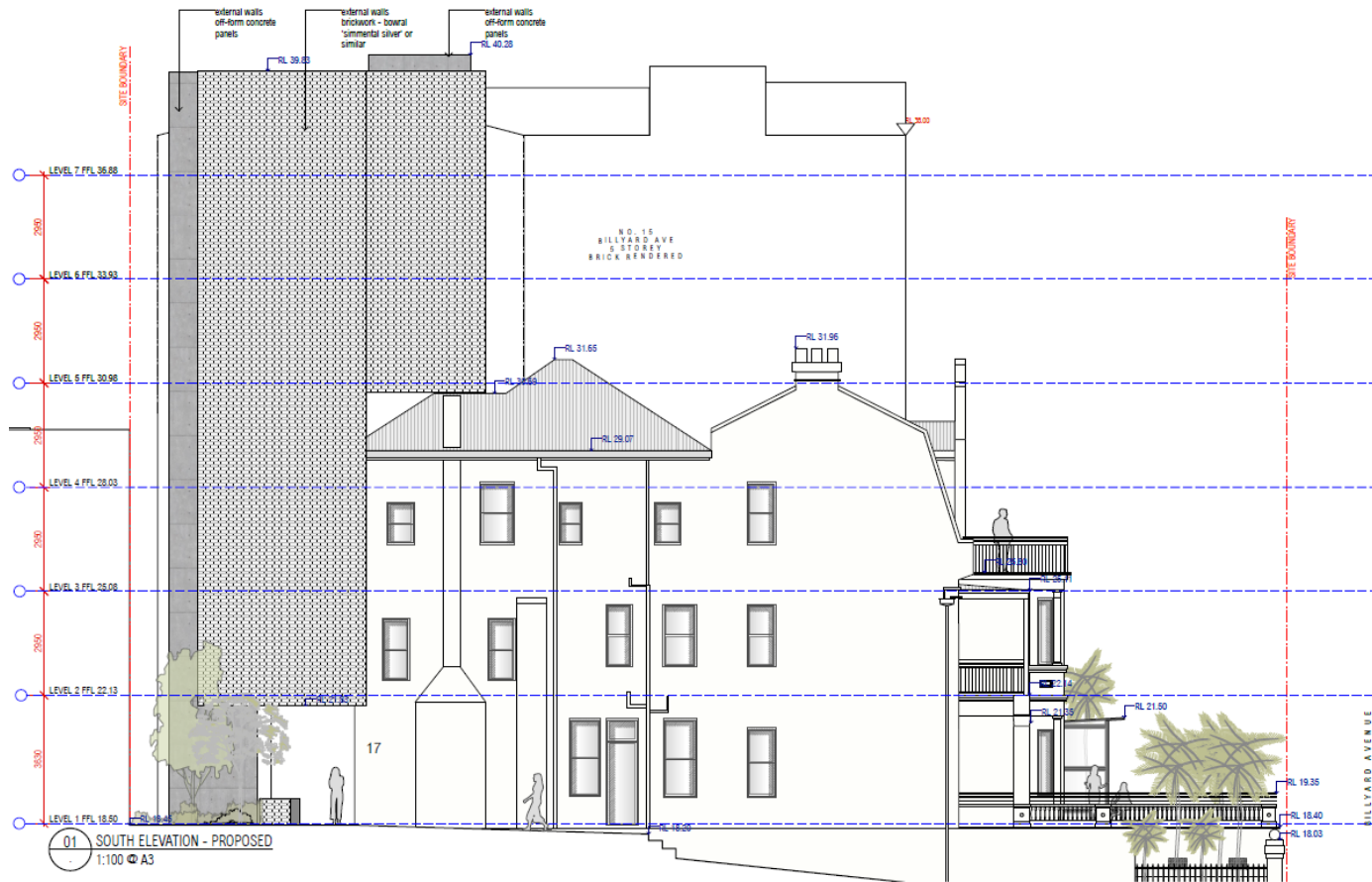


proposed detail east (Billyard Avenue) elevation

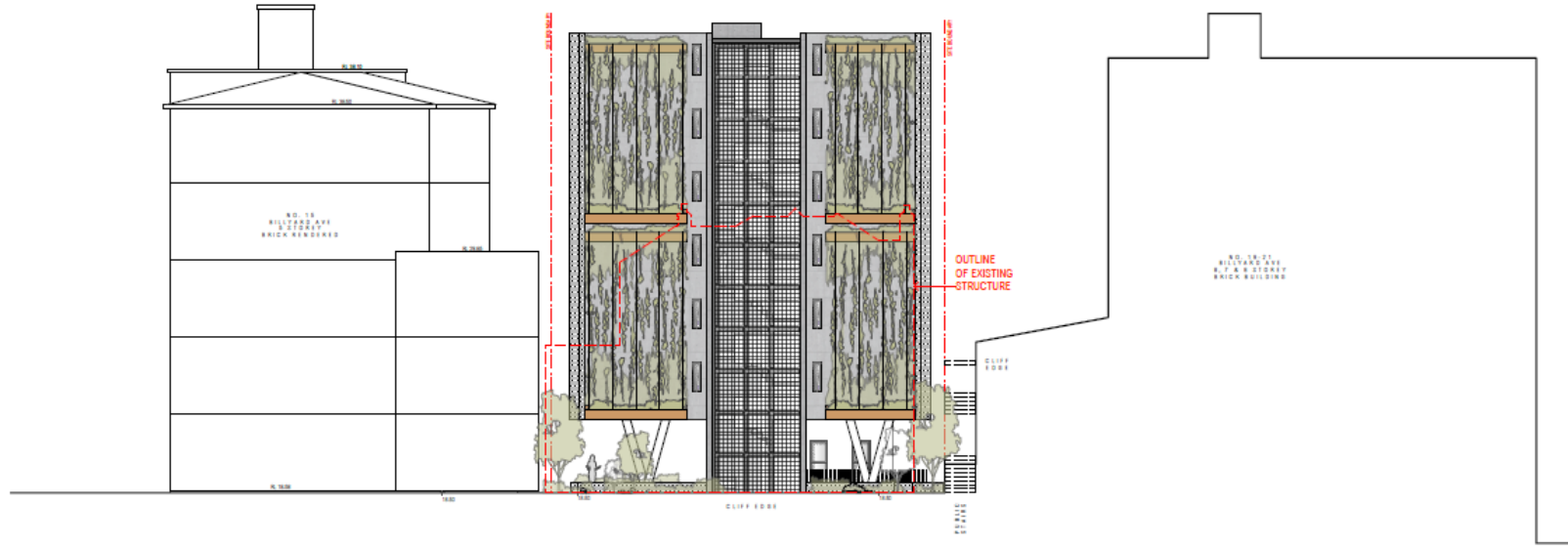


01 SOUTH ELEVATION - PROPOSED
1:200 A3

proposed context south elevation

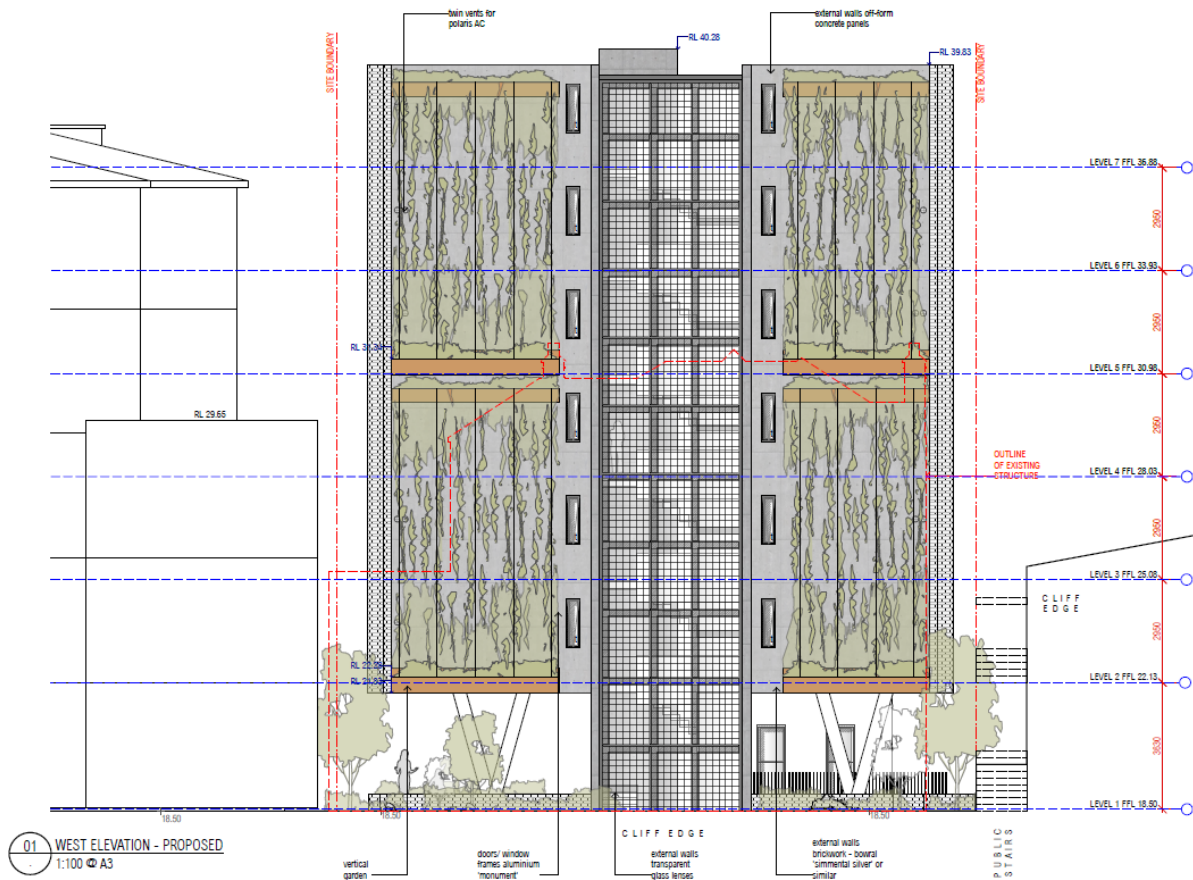


proposed detail south elevation









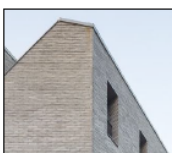











01 WEST ELEVATION - PROPOSED
1:200 @ A3

proposed context west elevation



proposed detail west elevation

| EXTERNAL ITEMS | | MATERIAL | COLOUR CODE (NAME) | EXTERNAL ITEMS | | MATERIAL | COLOUR CODE (NAME) |
|---|---|----------------|--------------------|---|---|------------------------------|---|
|  |  | EXTERNAL WALLS | MICROKA FINISH |  |  | TINTED EXTERNAL GLAZING | GLASS "smoke grey" |
|  |  | EXTERNAL WALLS | CONCRETE |  |  | DOOR FRAMES WINDOW FRAMES | ALUMINIUM "monument" or similar |
|  |  | EXTERNAL WALLS | BRICKWORK |  |  | EXTERNAL PAVING | CONCRETE troom finish "concrete grey" |
|  |  | EXTERNAL WALLS | GLASS LENSES |  |  | BALLUSTRADES/ FENCING | STEEL POWDERCOATED "black" |
|  |  | EXTERNAL WALLS | VERTICAL GARDEN | | | | |

proposed materials and finishes schedule



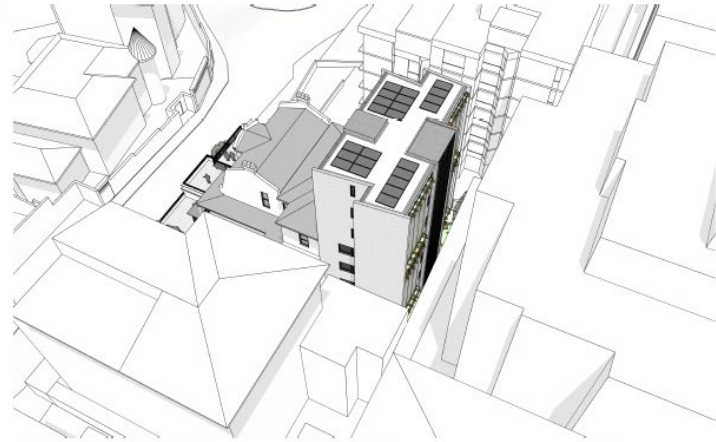
photomontage looking north-west



photomontage looking south-west



perspectives









perspectives

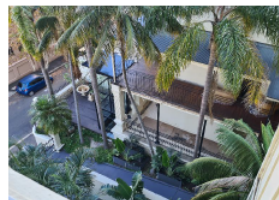
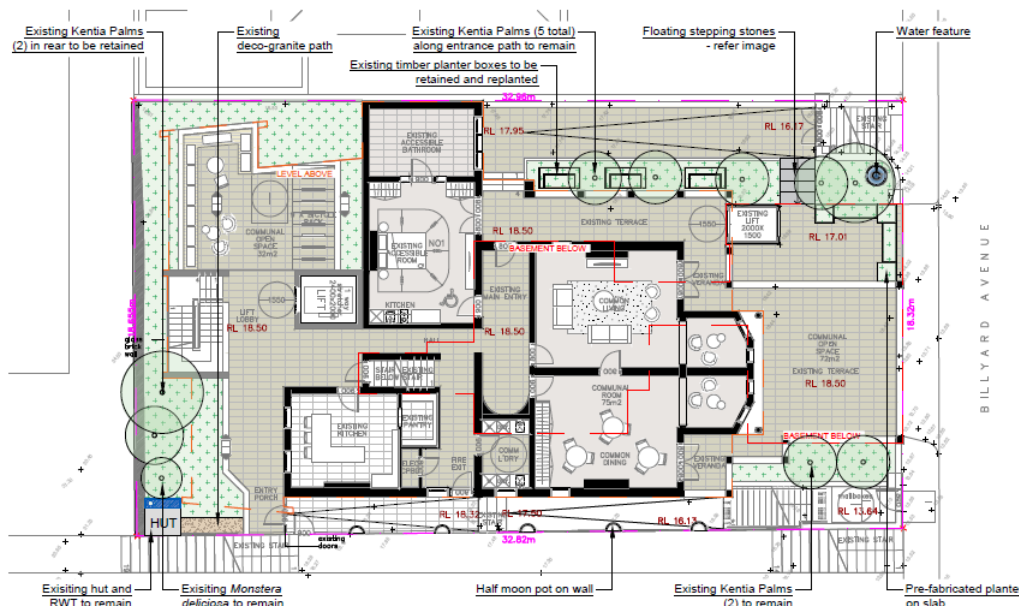
LOCATION PLAN

Scale: NTS



OTHER LANDSCAPE ITEMS

-  Retaining / raised planter wall - refer detail
-  Existing palms proposed to be retained and protected
-  Pre-fabricated tree planter on slab - refer detail
-  Floating stepping stones - refer image
-  Deco-granite path
-  Existing water feature to be relocated by owners



NORTH ENTRANCE PATH



NORTH ENTRANCE PATH



SOUTH FACADE



REAR CLIFF WALL



REAR CLIFF WALL



WEST NEIGHBOUR



Floating stepping stones



Pre-fabricated tree planter on slab

hard landscape plan

LEGEND & SCHEDULE

NOTE:
 1. ALL FINAL PLANT QUANTITIES INDICATED ON PLANS SHALL BE CHECKED AND VERIFIED BY SUCCESSFUL LANDSCAPE CONTRACTOR.
 2. ANY PLANT SUBSTITUTES REQUIRED DUE TO UNAVAILABILITY SHALL BE RECOMMENDED BY THE LANDSCAPE CONTRACTOR TO BEST MATCH SUBSTITUTED PLANTS AND APPROVED PRIOR TO PURCHASING BY THE LANDSCAPE ARCHITECT.
 3. WORKING DRAWINGS SHALL BE PROVIDED TO THE LANDSCAPE ARCHITECT TO MATCH APPROVED LANDSCAPE PLANS.
 4. LANDSCAPE CONTRACTOR SHALL LOCATE AND AVOID SITE STORM WATER & DRAINAGE SERVICES. LOCATE TREES A MINIMUM 1.5M FROM STPS.
 5. ALL PLANTING AND DESIGN PROPOSALS SHALL BE REFERRED TO AVOID DAMAGE AND CLASHING WITH SERVICES ROUTES.
 6. THE NATIVE STRIP APPLICABLE PROVISIONS FOR THE SITE IS PUBLIC LAND, AND ONLY AUTHORIZED WORKS MAY OCCUR HERE. EXISTING CONDITIONS SUCH AS STREET TREES, CURBS, PLANTINGS ETC. SHALL BE MAINTAINED UNLESS SO DURING CONSTRUCTION, UNLESS SPECIFIC APPROVAL HAS BEEN GRANTED FOR NEW WORK IN THIS AREA.

TREES



Botanical Name: *Plumeria acutifolia*
 Common Name: Frangipani (Exotic)
 Pot size: 75L
 Maturity H x B: 5m x 4m
 Qty Required: 4

SHRUBS AND HEDGES



Botanical Name: *Gardenia augusta 'True love'*
 Common Name: Gardenia (Exotic)
 Pot size: 300mm
 Maturity H x B: 1m x 1m
 Qty Required: 16

SHADES & FERNS



Botanical Name: *Cyathia australis*
 Common Name: Rough Tree Fern (Native)
 Pot size: 45L (0.8m 1m trunk)
 Maturity H x B: 2.5m x 3m
 Qty Required: 4



Botanical Name: *Asplenium australasicum*
 Common Name: Birds Nest Fern (Native)
 Pot size: 200mm
 Maturity H x B: 1m x 1.4m
 Qty Required: 6



Botanical Name: *Monstera deliciosa*
 Common Name: Ceriman (Exotic)
 Pot size: 200mm
 Maturity H x B: 1.5m x 2m
 Qty Required: 12



Botanical Name: *Zamia furfuracea*
 Common Name: Cardboard Palm (Exotic)
 Pot size: 200mm
 Maturity H x B: 1m x 1.25m
 Qty Required: 6



Botanical Name: *Rhaphis excelsa*
 Common Name: Rhaphis Palm (Exotic)
 Pot size: 200mm
 Maturity H x B: 3m x 1.5m
 Qty Required: 6

ACCENTS



Botanical Name: *Alcantarea imperialis 'Rubra'*
 Common Name: Ruby Imperial Bromeliad (Exotic)
 Pot size: 200mm
 Maturity H x B: 0.8m x 0.9m
 Qty Required: 3



Botanical Name: *Cordyline 'Red Fountain'*
 Common Name: Ruby Fountain Cordyline (Exotic)
 Pot size: 200mm
 Maturity H x B: 1.2m x 0.8m
 Qty Required: 5

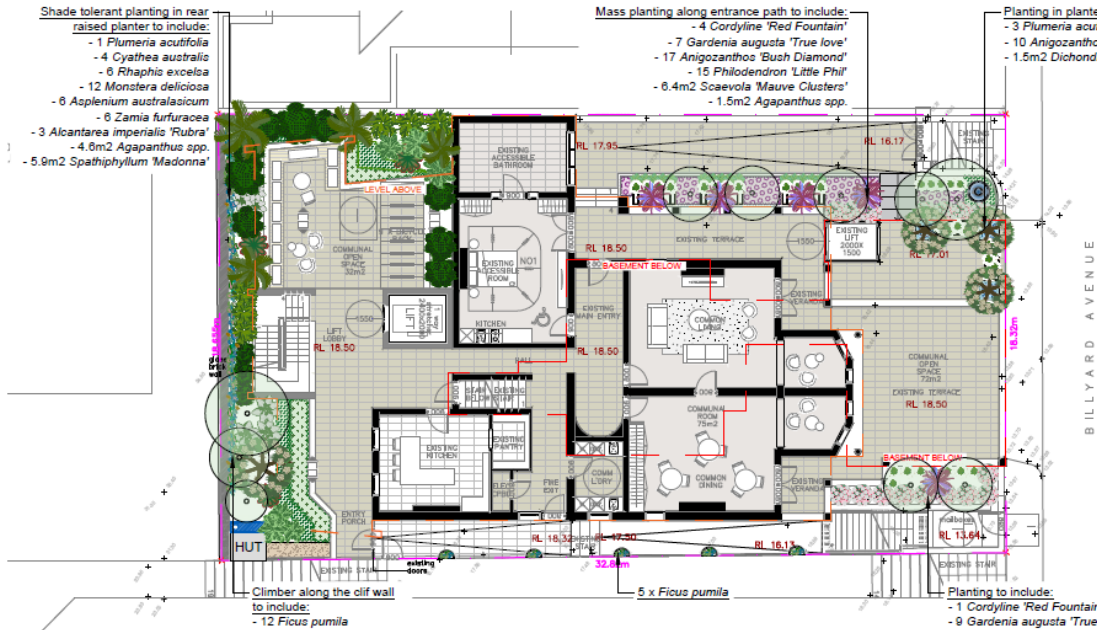


Botanical Name: *Anigozanthos 'Bush Diamond'*
 Common Name: Anigozanthos Fair Crea (Native)
 Pot size: 150mm
 Maturity H x B: 0.6m x 0.6m
 Qty Required: 35

Shade tolerant planting in rear raised planter to include:
 - 1 *Plumeria acutifolia*
 - 4 *Cyathia australis*
 - 6 *Rhaphis excelsa*
 - 12 *Monstera deliciosa*
 - 6 *Asplenium australasicum*
 - 6 *Zamia furfuracea*
 - 3 *Alcantarea imperialis 'Rubra'*
 - 4.0m² *Agapanthus* spp.
 - 5.0m² *Spathiphyllum 'Madonna'*

Mass planting along entrance path to include:
 - 4 *Cordyline 'Red Fountain'*
 - 7 *Gardenia augusta 'True love'*
 - 17 *Anigozanthos 'Bush Diamond'*
 - 15 *Philodendron 'Little Phil'*
 - 6.4m² *Scaevola 'Maueu Clusters'*
 - 1.5m² *Agapanthus* spp.

Planting in planter box to include:
 - 3 *Plumeria acutifolia*
 - 10 *Anigozanthos 'Bush Diamond'*
 - 1.5m² *Dichondra 'Silver Falls'*



Planting to include:
 - 1 *Cordyline 'Red Fountain'*
 - 9 *Gardenia augusta 'True love'*
 - 8 *Anigozanthos 'Bush Diamond'*

CLIMBERS

Botanical Name: *Ficus pumila*
 Common Name: Creeping Fig (Native)
 Pot size: 140mm
 Maturity H x B: 0.1m x climbing
 Qty Required: 17

GROUNDCOVERS

Botanical Name: *Philodendron 'Little Phil'*
 Common Name: Little Phil (Exotic)
 Pot size: 140mm
 Maturity H x B: 0.4m x 0.5m
 Qty Required: 15

Botanical Name: *Scaevola 'Maueu Clusters'*
 Common Name: Fairy Fan Flower (Exotic)
 Pot size: 140mm
 Maturity H x B: 0.4m x 0.5m
 Qty Required: 7m² (8.6m² total)

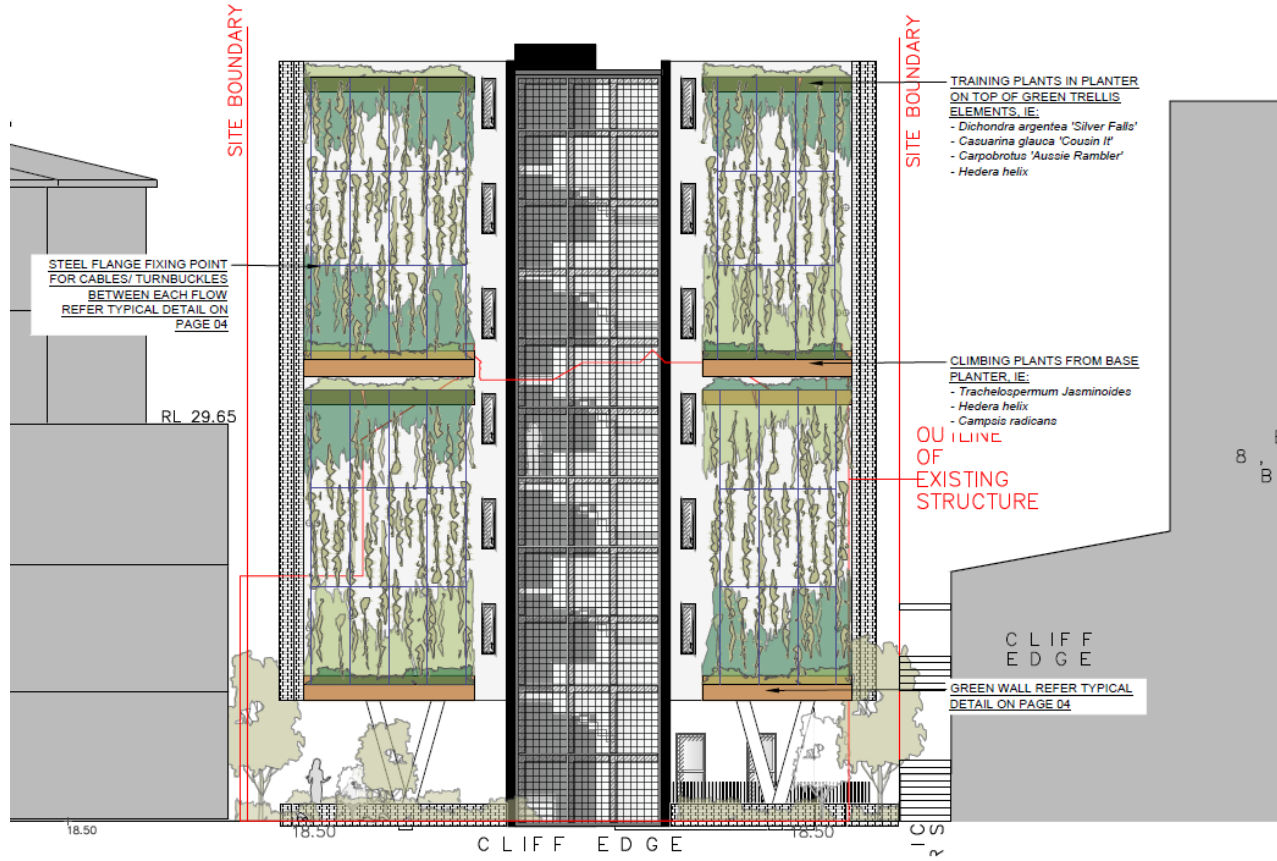
Botanical Name: *Spathiphyllum 'Madonna'*
 Common Name: Madonna Lily (Exotic)
 Pot size: 140mm
 Maturity H x B: 0.5m x 0.4
 Qty Required: 7m² (8.6m² total)

Botanical Name: *Agapanthus* spp.
 Common Name: African Lily (Exotic)
 Pot size: 140mm
 Maturity H x B: 0.8m x 0.5m
 Qty Required: 5m² (8.6m² total)

Botanical Name: *Dichondra argentea 'Silver Falls'*
 Common Name: Silver Falls Dichondra (Exotic)
 Pot size: 140mm
 Maturity H x B: 0.15m x spreading
 Qty Required: 9m² (11.6m² total)



landscape level 1 plan



green wall elevation

compliance with key LEP standards

| | control | proposed | compliance |
|-------------------|---------|----------|------------|
| height | 22m | 22m | yes |
| floor space ratio | 2.5:1 | 1.977:1 | yes |

compliance with key development controls

| | control | proposed | compliance |
|--------------------------|---------|----------|------------|
| bicycle parking | 6 | 15 | yes |
| motorcycle parking | 6 | 0 | no |
| car parking | 15 | 2 | Yes |
| future tree canopy cover | 15% | <15% | no |

compliance with key development controls

| | control | proposed | compliance |
|------------------------------|---------------------------------------|--|------------|
| communal indoor solar access | 3 hours | 1 hour | no |
| communal open space | 20m ² 3m min dimension | 72m ² >3m dimension | yes |
| manager's dwelling | 1 | 1 | yes |
| manager's private open space | 8m ² 2.5m min dimension | 14m ² 2.759m min dimension | yes |

compliance with key development controls

| | control | proposed | compliance |
|------------------|---------|---------------------------------|------------|
| communal room | 1 | 3 | yes |
| lodgers per room | 2 | 19 single rooms, 9 double rooms | yes |
| manager's room | 1 | 1 | yes |

compliance with key development controls

| | control | proposed | compliance |
|---------------------|--|--|------------|
| adaptable dwellings | 3 | 3 | yes |
| boarding room size | min 12m ² single min 16m ² double max 25m ² excl. kitchens & bathrooms | all single rooms exceed 12m ² all double rooms exceed 16m ² 2 rooms exceed 25m ² | no |

compliance with key development controls

| | control | proposed | compliance |
|------------------|-------------------|--------------------|------------|
| ensuite size | 2.9m ² | >2.9m ² | yes |
| kitchenette size | 2m ² | <2m ² | no |
| window size | 1 >10% floor area | 1 >10% floor area | yes |
| storage | 1.5m ² | <1.5m ² | no |

compliance with key development controls

| | control | proposed | compliance |
|----------------------------------|------------------------------------|------------------|------------|
| communal kitchen | 1 | 1 | yes |
| communal living room | 12.5m ² 3m min width | 75m ² | yes |
| communal open space solar access | 2 hours | 2 hours | yes |

Design Advisory Panel Residential Subcommittee

DAPRS reviewed the application on 7 December 2021

The subcommittee did not support the proposal, providing the following advice and recommendations:

- the design does not exhibit design excellence
- reduce physical and visual impacts
- reduce overall height
- increase boundary setbacks
- reduce extent of cantilevered rear addition form over existing building

issues

- no Clause 4.6 variation request to maximum boarding room size
- incompatibility with the character of the local area
- impacts to significance of heritage conservation area
- amenity and view sharing impacts
- inadequate landscape design
- inadequate boarding house amenity
- inadequate parking, servicing and waste management provision
- invalid BASIX
- failure to exhibit design excellence

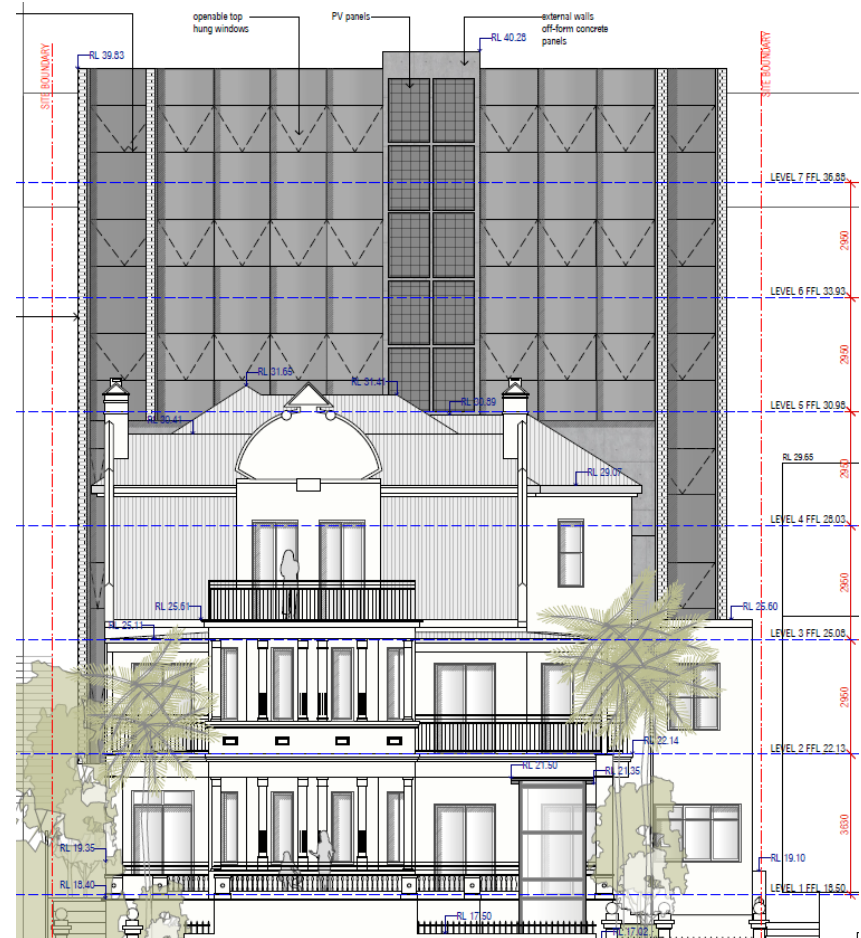
boarding room size

- kitchen area (11.3m²) shown is excessive, actual kitchen size is 2.5m²
- boarding room size exceeds 25m² maximum standard by 8.4m²
- no Clause 4.6 variation request



incompatibility with character of local area

- minimal boundary setbacks, overbearing bulk, scale and amenity impacts do not meet LEC planning principle tests for compatibility
- proposed architectural style, height, form, and appearance do not meet Affordable Rental Housing SEPP local character test
- landscape design not adequately developed or integrated with architectural design



incompatibility with character of local area

- expression, materials and appearance do not meet Affordable Rental Housing SEPP local character test
- appears as commercial building, not residential
- lacks adequate fenestration / articulation



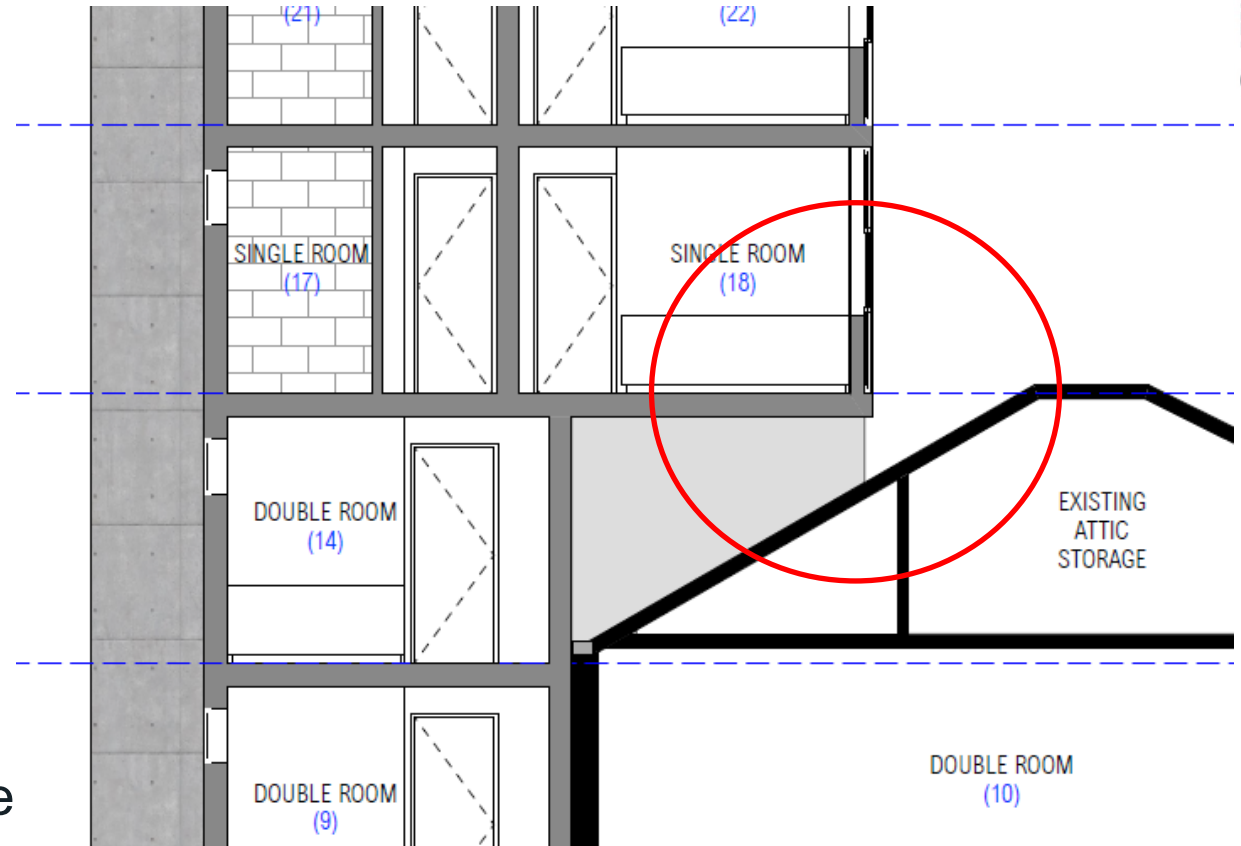
impacts to heritage conservation area

- bulk, scale and form of addition inappropriate to existing contributory building
- addition does not respect character and heritage significance of existing contributory building



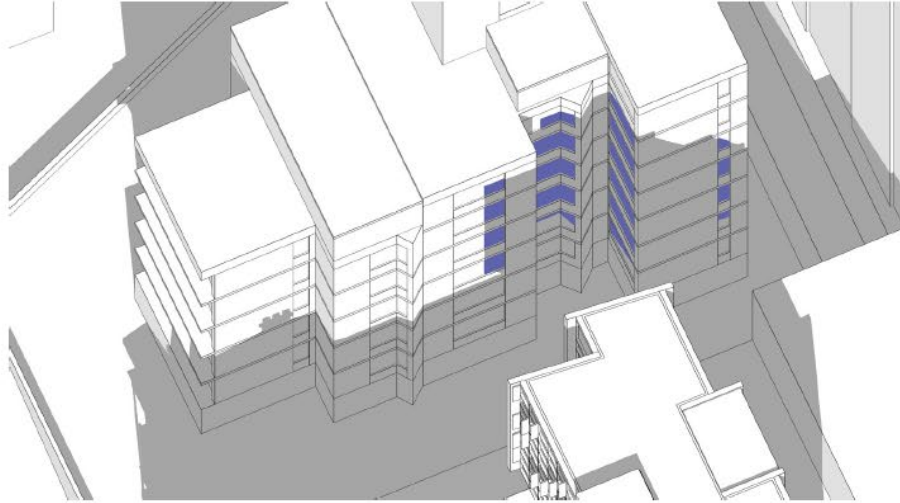
impacts to heritage conservation area

- cantilever not supported by any structural detail
- visual impacts to heritage conservation area
- too close to contributory building fabric to make safe during construction / for future maintenance

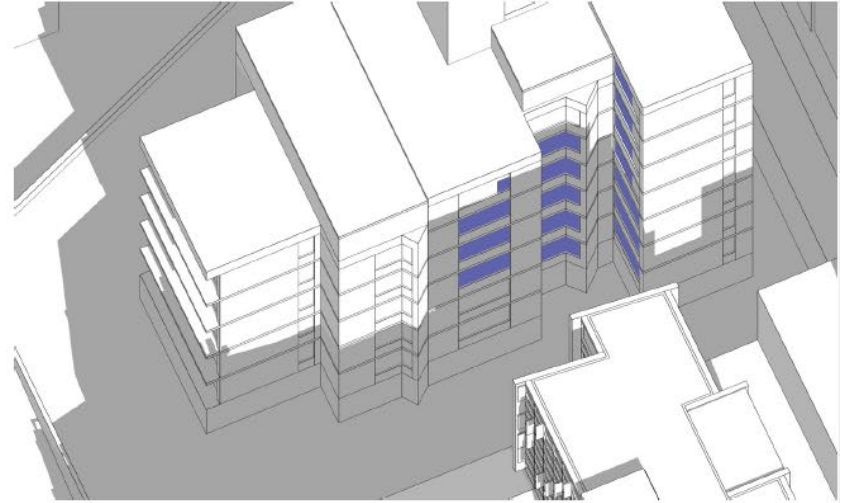


amenity impacts

- sun's eye view diagrams not provided
- overshadowing impacts to RFB at 19-21 Billyard Ave



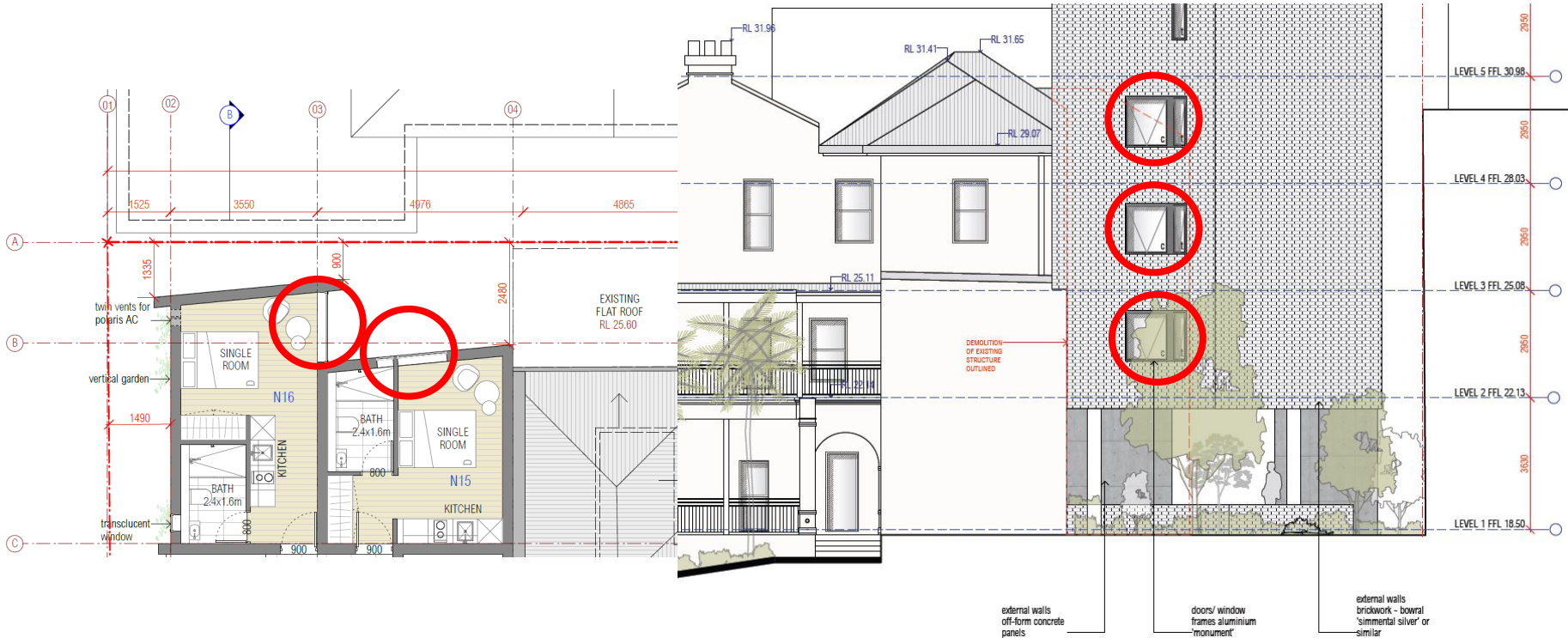
june 21
10am



june 21
11am

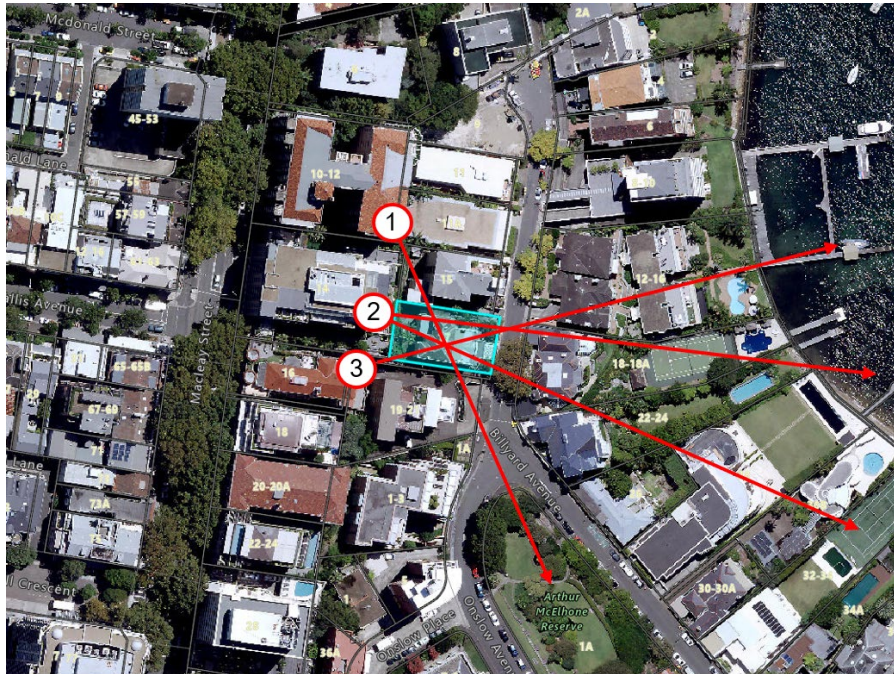
amenity impacts

- potential privacy, overlooking and cross viewing impacts



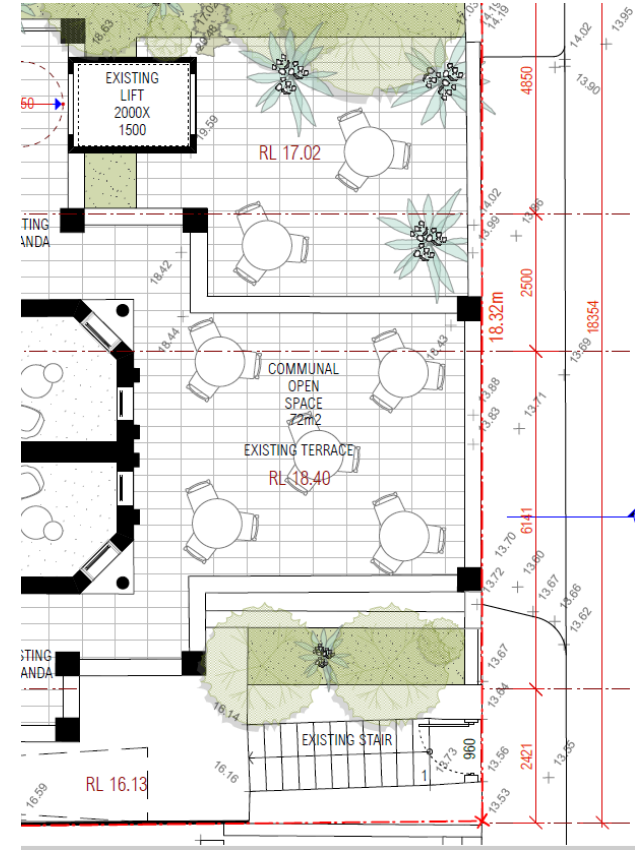
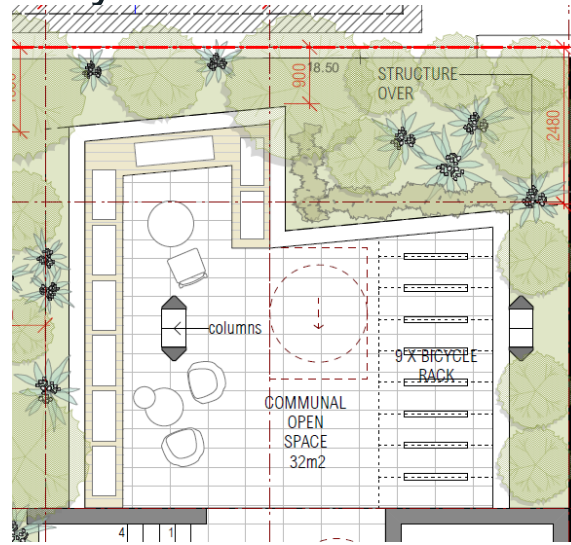
view sharing impacts

- view sharing assessment not provided
- appears to result in unacceptable view sharing impacts



amenity impacts / inadequate landscape design

- poor amenity to western communal open space (within undercroft)
- elevated level 1 eastern communal open spaces to Billyard Ave may result in amenity impacts



inadequate landscape design

- design viability and future maintenance of green wall / 'vertical garden' not demonstrated
- uncoordinated landscape and architectural drawings
- does not demonstrate design excellence in landscape integration



inadequate landscape design

- Frangipani tree plantings will not meet canopy target
- insufficient information on protection and retention of sandstone cliff face

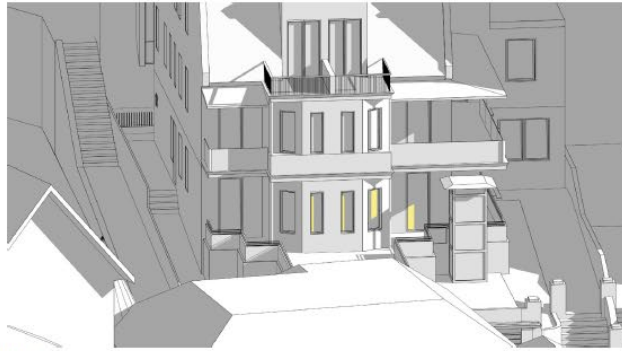


inadequate boarding house amenity

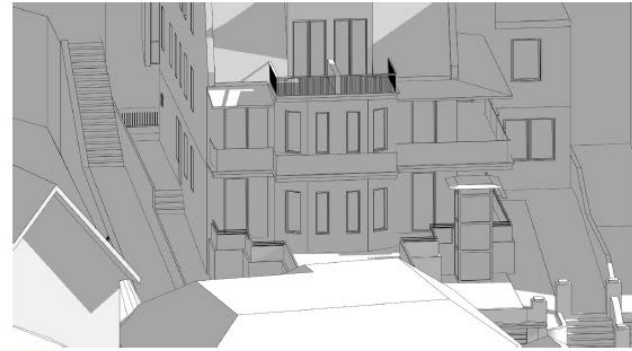
- level 1 communal living rooms do not receive compliant solar access



june 21
9am



june 21
10am

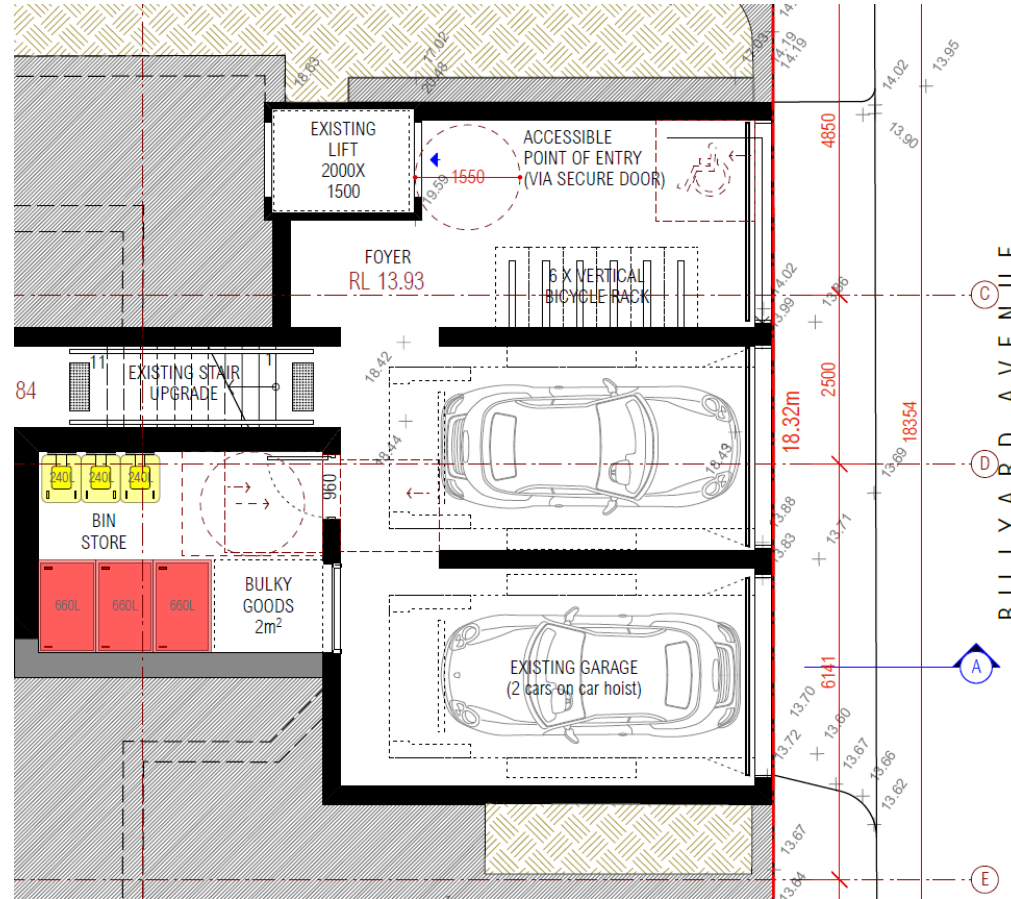


june 21
11am

- undersized kitchens and wardrobes
- insufficient laundry and drying facilities

inadequate parking and servicing

- no accessible parking provision
- no service vehicle parking provision
- insufficiently detailed waste management plan



invalid BASIX

- BASIX certificate issued more than 3 months prior to DA lodgement

BASIX[®] Certificate

Building Sustainability Index www.basix.nsw.gov.au

Multi Dwelling

Certificate number: 1209293M

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary

Date of issue: Tuesday, 08 June 2021

To be valid, this certificate must be lodged within 3 months of the date of issue.



Planning,
Industry &
Environment

| Project summary | | |
|--|--|------------------------|
| Project name | Boarding House - 17 Billyard Avenue, Elizabeth Bay | |
| Street address | 17 Billyard Avenue Elizabeth Bay 2011 | |
| Local Government Area | Sydney City Council | |
| Plan type and plan number | deposited 540212 | |
| Lot no. | 1 | |
| Section no. | - | |
| No. of residential flat buildings | 1 | |
| No. of units in residential flat buildings | 21 | |
| No. of multi-dwelling houses | 0 | |
| No. of single dwelling houses | 0 | |
| Project score | | |
| Water | ✔ 40 | Target 40 |
| Thermal Comfort | ✔ | concession Target Pass |
| Energy | ✔ 48 | Target 45 |

recommendation

- refusal