

Attachment J1

Submissions

From: [REDACTED]
Sent on: Wednesday, September 20, 2023 9:01:00 PM
To: [REDACTED]
Subject: Re: DA20230727 - Submission - Development Application - 21C Billyard Avenue & 10 Onslow Avenue, Elizabeth Bay
Attachments: DA 2023 727 Darnley Hall 12 Onslow Ave Submission.pdf (6.88 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear David Reynolds

Please see attached our building submission, on behalf of Darnley Hall Pty Ltd, the company title for 12 Onslow Ave, Elizabeth Bay.

Darnley Hall Pty Ltd's submission has five parts:

1. Written submission from the company Darnley Hall Pty Ltd, a company title building of the address 12 Onslow Ave, Elizabeth Bay, 2011. Authored by the directors of Darnley Hall Pty Ltd, Olivia Ross, Maryanne Dever, Elizabeth Caswell, and Anni Browning. - this document

The following were submitted, as part of our report, by Brett Daintry, in the document [submission](#) and the folder [20230920 - Submission & Annexures](#):

2. Town planning report, commissioned by Darnley Hall Pty Ltd, written by Brett Daintry, town planner MPIA, MAIBS, MEHA, MEPLA.
3. Heritage Assessment Report for 21C Billyard Ave and 10 Onslow Ave Elizabeth Bay, commissioned as an independent report by Darnley Hall Pty Ltd, written by GML Heritage.
4. Shadowing Diagram, commissioned by Darnley Hall Pty Ltd, written and prepared by CAD Draft NSW
5. View sharing report, commissioned by Darnley Hall Pty Ltd, written and prepared by Urbaine, John Aspinall BA(Hons) BArch(Hons).

Thank you,

Olivia,
on behalf of the Directors of Darnley Hall Pty Ltd
Anni, Elizabeth, Maryanne, and Olivia

Darnley Hall Pty Ltd
12 Onslow Ave Elizabeth Bay
ACN 000 099 034

From: [REDACTED]
[REDACTED] September 2023 7:20 PM
To: council@cityofsydney.nsw.gov.au <council@cityofsydney.nsw.gov.au>
Cc: [REDACTED]
Subject: DA20230727 - Submission - Development Application - 21C Billyard Avenue & 10 Onslow Avenue, Elizabeth Bay

Our Ref: Project 966
Your Ref: DA20230727

20 September 2023

General Manager
The Council of the City of Sydney

(by email: council@cityofsydney.nsw.gov.au)

Attention: **Mr David Reynolds, Assessment Officer**

Re: Submission - Development Application

Property:, 21C Billyard Avenue & 10 Onslow Avenue, Elizabeth Bay (the development site)

I am instructed by the Directors of 12 Onslow Avenue, Elizabeth Bay (Darnley Hall) to review the proposal, as neighbour notified, and make submissions for consent authority's consideration under section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* (EPA Act).

Please find attached my [submission](#), and the following Annexures are contained in the [20230920 - Submission & Annexures](#) folder, as the cumulative file size it too big to email :

1. View Loss Analysis
 - a. [Visual Impact Assessment](#)
 - b. [Visual Impact Assessment Appendix A](#)
2. [Shadow Analysis](#)
3. [Heritage Assessment](#)

I also provide this folder link for sharing with referral officers if required: [20230920 - Submission & Annexures](#).

I request that Council's Heritage Officers be provided with a copy of the GML [Heritage Assessment](#) Report and that the Heritage Officers provide considered recommendations informing your assessment.

For the purposed of your site inspection at Darnley Hall please contact Darnley Hall Pty Ltd ACN 000 099 034 <directors@darnleyhall.com.au>.

Should Council require any further information please don't hesitate to contact me.

Regards

Brett

Brett Daintry, MPiA, MAIBS, MEHA, MEPLA

Director

Daintry Associates Pty Ltd



OBJECTION TO DA 2023/727

SUBMISSION ON BEHALF OF

DARNLEY HALL PTY LTD

12 ONSLOW AVE

ELIZABETH BAY

TOTAL CONTENTS OF OUR PACKAGE

1. Written submission from the company Darnley Hall Pty Ltd, a company title building of the address 12 Onslow Ave, Elizabeth Bay, 2011. Authored by the directors of Darnley Hall Pty Ltd, Olivia Ross, Maryanne Dever, Elizabeth Caswell, and Anni Browning – this document.
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The most critical issues we raise in this document create cascading reasons for declining the application in its current form.

1. The buildings are contributory to the Heritage Conservation Area – not neutral. They are in good condition, and an excellent example of an era of design that is recognised for being valuable yet under-protected.
 - The DA needs strong justification for not re-using, adapting, or renovating these contributory buildings.
 - Their destruction would be irreversible and a net negative.
2. The existing ground level for 10 Onslow Ave has been labelled incorrectly and is instead several metres below the stated height. The existing ground is also flat, not sloped, and this applies to both buildings. Applying the principles of Merman Investments.
 - This makes the representation of the height request in the DA incorrect and vastly underplays the stated height overrun by entire floors.
 - This is neither reasonable nor necessary.
3. The greatest impact from lost views are from constantly used living and working areas, violating Tenacity precedent.
 - It is not sharing to remove a significant portion of the most cherished and important views to the North East for three apartments.
 - These are lost from dining areas, studies, and living areas.
 - Nor is it sharing to remove the entirety of the North facing view from an apartment, including Fort Denison, Garden Island, Sirius Cove, Arthur McElhone Reserve, and Elizabeth Bay House, when the removed views include those from a home office used 8-12 hours a day.
 - It is not sharing to remove side views of significant heritage sites such as Elizabeth Bay House which are of a high value and not replicated in other areas of the property.

Darnley Hall Pty Ltd believes the appropriate resolution is that this development application to be rejected.

Further, the buildings themselves should not be demolished as they contribute to the heritage conservation area. Any future proposals should be for the suitable renovation and remediation of the buildings that will address any legitimate concerns.

The application should be rejected because it:

- Proposes the demolition of two contributory buildings to the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area
- Incorrectly calculated the measurements for several key planning principles, including critically, height.
- Incorrectly calculated average setbacks, boundary, and distance between buildings and inappropriately designated the habitable/non-habitable/blank standards for building distance, therefore applying inappropriate distances between buildings and setbacks.
- Is requesting an unreasonable and excessive height overrun of more than an entire story on each building.
- Is attempting to violate the principles of view sharing, by monopolising the most valued and critical views from our residences.
- Is attempting to monopolise these views by using incorrectly calculated measurements for height, and by requesting unreasonable and unnecessary height overruns.
- Fails to propose a replacement design for buildings in a HCA that fulfills the heritage infill guidelines for NSW in scale, form, or siting.
- Fails to propose a replacement design for buildings in an HCA that respects the State Heritage Inventory requirements for the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area.
- Incorrectly proposes to dominate the solar access of the building to habitable rooms and living areas, by failing to meet the standards of 3B-2, 4A, 4A-1 of the Apartment Design Guidelines
- Is proposing to remove a significant number of affordable residences and replaces them with fewer, more expensive residences, going against the basic aims of housing policy, and should they not be entitled to the exemption, against the goals of SEPP (Housing) 2021
- Failed to adequately consult with the community in any meaningful form.

THESE ARE CONTRIBUTORY BUILDINGS – NOT NEUTRAL

Darnley Hall commissioned an independent report by GML Heritage. They concluded that 10 Onslow Ave and 21C Billyard Ave are not neutral buildings, but instead are contributory to the Heritage Conservation Area.

“It is the conclusion of this report that the building should be identified as a contributory item within the Elizabeth Bay and Rushcutters Bays Heritage Conservation Area (HCA) and Sydney 2012 DCP and that the policies of the HCA should be applied, namely that contributory items be retained and conserved.”

Because, (extracted quote):

- The building is of a high-quality design, intact and in good condition.
- The building shares characteristics with other buildings identified as contributory to the values of the HCA including Ithaca Gardens, International House and others.
- The building makes a positive contribution to the established character, setting and significance of the Elizabeth and Rushcutters Bay HCA with generous side setbacks, appropriate height and sympathetic materials.

We believe these buildings have value. They meet the thresholds for aesthetic significance and representativeness and while not quite reaching the threshold for associative significance, design was done by the architectural firm established by John James, who contributed to the initial overall shape and several key features of these buildings, before being finalised by other architects in the firm including Peru Perumal.

The State Heritage Inventory is clear on the expected management guidelines of the area (non-applicable eras and features excluded from quote), some of which were omitted from the heritage report submitted with the DA (in bold):

POLICY RECOMMENDATIONS

1. *Protection of Significance*
 - a) *Subdivision*
 - *Do not allow amalgamation of sites*
 - b) *Key Period Significant (Contributory) Development:*
 - **Retain Post-war 1960-1975 apartment buildings identified as Contributory**
 - *Retain Scale*
 - *Maintain building alignment*
 - *Retain form*
 - *Retain finishes and details particularly face brick and now rare slate roofing*
 - *Additions to rear of low scale building not to exceed ridge height and retain original roof form*
2. *Redevelopment of Non-Contributory Sites*
 - *For post-war (1945-1960) and late-twentieth century (1960-1975) buildings, investigate and consider potential individual architectural significance when planning major external change*
 - **Retain small scale of development in low scale areas**
 - **Respect scale and form of significant development**
 - **Respect building line of significant development**
 - **Encourage rendered and painted finishes. Face brick finishes need to be carefully selected and detailed.**
 - *Encourage contemporary detail*
 - *Limit carparking access from street*
 - *Do not allow carparking forward of building line*
 - *Do not allow additions forward of building line*
 - *Rationalise existing additions forward of building line*

3. *Enhance Significance of Area*
 - **Reinforce the existing landscaped character**
 - *Provide landscape screening to detracting sites*
4. *Other Recommendations:*
 - *Contributory buildings should be retained and conserved. A Heritage Assessment and Heritage Impact Statement should be prepared for contributory buildings prior to any major works being undertaken. There shall be no vertical additions to such buildings and no alterations to the façade of the building other than to reinstate original features. Any additions and alterations should be confined to the rear in areas of less significance, should not be visibly prominent and shall be in accordance with the relevant planning controls.*
 - **Neutral and detracting buildings should where possible be enhanced. Replacement of such buildings should be in accordance with the infill provisions of the relevant planning controls.**

We believe the requirement of looking after contributory buildings is located in

DCP 3.9.7 Contributory buildings

Contributory buildings are buildings that make an important and significant contribution to the character and significance of the heritage conservation area. They have a reasonable to high degree of integrity and date from a key development period of significance of the heritage conservation area. They are buildings:

- *from a significant historical period and are highly or substantially intact;*

(1) Contributory buildings are to be retained unless the consent authority determines the replacement is justified in exceptional circumstances.

Whether or not demolition is accepted was dealt with in *Helou V Strathfield*, where commissioner Moore noted that even extreme issues with a building are not automatic grounds for demolition. eg even if the building is *structurally unsafe*:

there is still a need to consider the extent of the contribution the building makes to the heritage significance of the conservation area.

And:

Is the replacement of such quality that it will fit into the conservation area? If the replacement does not fit, the building should be retained until a proposal of suitable quality is approved.

It is therefore the stance of Darnley Hall Pty Ltd that these buildings should not be demolished. They should join us and be listed as contributory to the heritage of this area, be renovated as necessary for minor improvement, and continue to be a valued part of the fabric of this neighbourhood.

IMPORTANT:

We will continue further with our objection, discussing the other serious limitations and oversights in the development application. However, our discussion of other aspects or deficits of the development application should not be taken to mean we accept or endorse the destruction of these contributory buildings in favour of any new design.

CRITICAL ISSUE 2 - UNREASONABLE AND INCORRECT HEIGHT OVERRUN

TECHNICAL OBJECTIONS FOR 10 ONSLOW AVE

Their request for an LEP 4.6 height overrun exemption is unreasonable, as they have incorrectly calculated and shaped the existing ground level of the building. They should have used the rules as defined in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582.

- First, the existing ground level they are using is incorrectly high. It should be 12.1m
- Secondly, the height plane should be flat, not sloped, as the existing ground level is flat. The ground level only steps up to 14.7m when it is 14m from the Onslow Ave boundary (when measured from the north side), when it is then flat again.
- This results in an excess of 7.97m at the maximum discrepancy. A 36% height overrun.

TECHNICAL OBJECTIONS FOR 21C BILLYARD AVE

Their request for a 4.6 height overrun exemption is unreasonable, as they have incorrectly shaped the existing ground level of their building.

- The height plane should be flat, not sloped, as the existing ground level is flat. It then steps upwards at the far western edge of the block, then is flat again.
- This results in a 4 meter overrun along the centred half of the building. Only half of the staircase exit at the western end is under the limit.
- The elevator overrun is exceptionally large.
- The elevator overrun should not be in the position that blocks the majority of the affected views from Darnley Hall.

UNREASONABLE IMPACT ON AMENITY

The requested height overruns have an unreasonable impact on our building and residents. By:

- Increasing the amount of noise we are subject to from rooftop common areas.
- Increasing shadowing, particularly on north-facing living areas, including kitchen/dining rooms and study/offices across several floors.
- Blocking highly appreciated harbour views from living areas and studies.

It is also:

- Requires the destruction of buildings assessed as contributory to the HCA.
- Does not provide amenity to the proposed buildings that cannot be acquired by alternative design.
- Does not positively contribute to the appearance of the building from public areas such as the street, the harbour, or parks.
- For 10 Onslow Ave the height limit violation breaks the sloping roof line that exists between Elizabeth Bay House and Arthur McElhone Reserve, and Darnley Hall.
- For 21c Billyard Ave it breaks the level roofline between Arthur McElhone Reserve and 23A Billyard Ave.

Granting this height overrun exception would disregard carefully crafted planning guidelines and undermine the predictability and transparency of the planning process, necessary for public trust in the regulatory framework.

CRITICAL ISSUE 3 - VIEW LOSS

The proposed scale and height of the buildings unjustly blocks existing views from essential living spaces in our building. They are contrary to the requirements as set by precedent in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 and *Furlong v Northern Beaches Council* [2022] NSWLEC 1208.

- The additional height of 21C Billyard Ave blocks more than half of the water view from Apartment 5, and impacts the water views of Apartment 7, and 9. The blocked portion of the view is exceptional, of the harbour towards Sirius Cove and Garden Island. The views are being blocked from studies and living areas.
- The additional height of 10 Onslow Ave blocks the exceptional views Unit 12 has northwards towards the harbour, including Fort Denison and Garden Island, as well as Elizabeth Bay House, Arthus McElhone Reserve, and the rest of the neighbourhood. These views are being blocked from nearly all north facing windows, including a home office used daily. =

The view sharing expert notes *"The extent of additional view loss varies from 'Moderate' to 'Severe-to-Devastating', which, for a non-compliant building proposal is not considered acceptable."* (Urbaine, p 38)

UNREASONABLE CLAIM OF VIEW SHARING BASED ON UNREASONABLE HEIGHT

This cannot be considered view sharing under 4.6 of the LEP. The view loss is a direct result of the unreasonable, and incorrectly calculated, height overrun requests.

It appears illogical to justify the mass loss of important views with unnecessary and overblown height overrun exception requests.

Ultimately, if the buildings were not designed higher than permitted and with inadequate setbacks, the views would not be in jeopardy. And as the buildings should not be that high or wide, the views should not be at risk.

UNREASONABLE CLAIM THE VIEWS ARE INSIGNIFICANT

NORTH

The views lost across our building are more than beautiful, they also include two heritage listed items, Elizabeth Bay House, and Fort Denison.

If these were constructed, the view loss of Fort Denison is expected to be total – from no part of Darnley Hall will someone be able to see Fort Denison.

The view of Elizabeth Bay House is barely retained – it will be partially visible by leaning out the window of the Northwesternmost rooms on levels 1-3, and it may be partly visible from the northwestern-most room of level 4.

Apart from the legal precedent, we believe this is not complying with the DCP 3.9.6 requirements of development around heritage items of *"responding sympathetically to: 3.9.6 (1) (b) views to and from the site;"*

EAST

The views lost of the water from Lower Ground 2, Ground, and Level 1 are significant.

- Lower Ground 2 will lose the entirety of their water view, while
- Ground and Level 1 will lose a significant horizontal span of the most cherished and valuable part of their view.

This is view monopolisation.

SUMMARY OF VIEW LOSS

Given the cost per view, we only had a small number of our affected windows assessed. However, there are similar views lost between Units 8, 6, and 10. And similar loss between Units 7, 9, and 11.

The independent analysis we commissioned shows at best a moderate-severe impact and at worst a catastrophic impact. Please see the report attached.

<i>Unit</i>	<i>Level</i>	<i>Direction</i>	<i>Room</i>	<i>Impact</i>
<i>Unit 3</i>	LG2	East	Living room	10/15
<i>Unit 5</i>	G	East	Dining	7/15
<i>Unit 5</i>	G	East	Balcony	10/15
<i>Unit 5</i>	G	East	Living	11/15
<i>Unit 7</i>	1	East	Living	9/15
<i>Unit 8</i>	2	North West	Rumpus/Study	10/15
<i>Unit 9</i>	2	East	Study	10/15
<i>Unit 11</i>	3	East	Kitchen	8/15
<i>Unit 12</i>	4	East	Balcony	13/15
<i>Unit 12</i>	5	North	Study 1	12/15
<i>Unit 12</i>	5	North	Study 2	13/15

It is noted that it is conventional to limit the measurement of the impact of overshadowing to living rooms and balconies, however this appears to be artificially narrowing the allowance for consideration, according to other clauses in the ADG.

3B-2

Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access

This appears to direct that living 'areas' are to be assessed under 4A, not only living 'rooms'. As the only other criteria in 4a-1 applies to *any* rooms, and 3B-2 narrows its scope to 'living areas, private open space and communal open space', the living 'areas' of this statement can only apply to design criteria 4A-1 1, and 4A-1 2

4A

Access to sunlight for **habitable rooms** and private open space is measured at mid winter (21 June) as this is when the sun is lowest in the sky, representing the 'worst case' scenario for solar access.

This further directs that the measurements should be made for habitable rooms, not simply living rooms. Again, this specifically references 'private open spaces' but the more specific option of living 'rooms' is instead forgone in favour of 'habitable rooms'.

Objective 4A-1

To optimise the number of apartments receiving sunlight to **habitable rooms**, **primary windows** and private open space

There can be no real optimisation of the sunlight to 'habitable rooms', and 'primary windows', if only living rooms are considered.

And if we were to consider instead if it refers to 4A-1 3, which applies to any rooms, then sunlight could exclusively fall onto bathrooms, and satisfy 4A-1-3 and never satisfy objective 4A-1.

According to the shadowing report from CAD Draft NSW, there is a dramatic difference between the amenity lost in just living rooms, vs living 'areas' including kitchens. If we are to be provided with the protection of ADG 3B-2 that *"Living areas, ... should receive solar access in accordance with sections ... 4A Solar and daylight access"* then additional rooms must be included. Otherwise, not measuring these rooms fails the instruction of 4A, there will not be compliance with 3B-2, and it will fail the aims of 4A-1

The kitchens of Darnley Hall are substantial and significant living areas, as the building was built in an era where these rooms were large, and separate. The overshadowing in the kitchens has been tested for compliance using the same timings as 4A-1, but following the instructions of 3B-2 that living 'areas' should receive the same protection.

EXAMPLE DARNLEY HALL KITCHEN, UNIT 6, LEVEL 1



Our independently commissioned shadowing report shows the following results:

Unit	Existing	Proposed	Access Lost	% Lost
1	0.25 hours	0	-.25 hours	100%
2a	0.25 hours	0	-.25 hours	100%
3	0.25 hours	0	-.25 hours	100%
5	0.25 hours	0	-.25 hours	100%
6	3.25 hours	0	-3.25 hours	100%
7	2 hours	0	-2 hours	100%
8	4.8 hours	0	-4.8 hours	100%
9	4	0	-4 hours	100%
10	6	0	-6 hours	100%
11	6	0.5 hours	-5.5 hours	91%
12	6	3.75 hours	-2.25 hours	37%

Please see the report attached.

NO. 12 ONSLOW NORTHERN KITCHEN WINDOWS SOLAR ACCESS JUNE 21ST:										
	9:00	9:15	9:30	9:45	10:00	10:15	10:30	10:45	11:00	
UNIT 1 K	●	X	X	X	X	X	X	X	X	
UNIT 2a K	X	X	X	X	X	X	X	X	X	
UNIT 3 K	●	X	X	X	X	X	X	X	X	
UNIT 5 K	●	X	X	X	X	X	X	X	X	
UNIT 6 K	●	●	●	X	X	X	X	X	●	
UNIT 7 K	●	●	●	●	●	●	●	●	X	
UNIT 8 K	●	●	●	●	X	X	X	X	X	
UNIT 9 K	●	●	●	●	●	●	●	●	X	
UNIT 10 K	●	●	●	●	●	●	●	●	●	
UNIT 11 K	●	●	●	●	●	●	●	●	●	
UNIT 12 K	●	●	●	●	●	●	●	●	●	

NO. 12 ONSLOW NORTHERN KITCHEN WINDOWS SOLAR ACCESS JUNE 21ST:										
	11:15	11:30	11:45	12:00	12:15	12:30	12:45	1:00	1:15	
UNIT 1 K	X	X	X	X	X	X	X	X	X	
UNIT 2a K	X	X	X	X	X	X	X	X	X	
UNIT 3 K	X	X	X	X	X	X	X	X	X	
UNIT 5 K	X	X	X	X	X	X	X	X	X	
UNIT 6 K	●	●	●	●	●	●	●	X	X	
UNIT 7 K	X	X	X	X	X	X	X	X	X	
UNIT 8 K	X	●	●	●	●	●	●	●	●	
UNIT 9 K	X	X	X	X	X	X	X	X	●	
UNIT 10 K	●	●	●	●	●	●	●	●	●	
UNIT 11 K	●	●	●	●	●	●	●	●	●	
UNIT 12 K	●	●	●	●	●	●	●	●	●	

NO. 12 ONSLOW NORTHERN KITCHEN WINDOWS SOLAR ACCESS JUNE 21ST:										
	1:30	1:45	2:00	2:15	2:30	2:45	3:00			
UNIT 1 K	X	X	X	X	X	X	X			
UNIT 2a K	X	X	X	X	X	X	●			
UNIT 3 K	X	X	X	X	X	X	X			
UNIT 5 K	X	X	X	X	X	X	X			
UNIT 6 K	X	X	X	X	●	●	●			
UNIT 7 K	X	X	X	X	X	X	X			
UNIT 8 K	●	●	●	●	●	●	●			
UNIT 9 K	●	●	●	●	●	●	●			
UNIT 10 K	●	●	●	●	●	●	●			
UNIT 11 K	●	●	●	●	●	●	●			
UNIT 12 K	●	●	●	●	●	●	●			

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:				
9:00AM - 3:00PM				
	EXISTING	PROPOSED	ACCESS LOST	% LOST
UNIT 1 K	0.25 HOURS	0 HOURS	-.0.25 HOURS	100%
UNIT 2a K	0.25 HOURS	0 HOURS	-.0.25 HOURS	100%
UNIT 3 K	0.25 HOURS	0 HOURS	-.0.25 HOURS	100%
UNIT 5 K	0.25 HOURS	0 HOURS	-.0.25 HOURS	100%
UNIT 6 K	3.25 HOURS	0 HOURS	-3.25 HOURS	100%
UNIT 7 K	2 HOURS	0 HOURS	-2 HOURS	100%
UNIT 8 K	4.8 HOURS	0 HOURS	-4.8 HOURS	100%
UNIT 9 K	4 HOURS	0 HOURS	-4 HOURS	100%
UNIT 10 K	6 HOURS	0 HOURS	-6 HOURS	100%
UNIT 11 K	6 HOURS	0.5 HOURS	-5.5 HOURS	91%
UNIT 12 K	6 HOURS	3.75 HOURS	-2.25 HOURS	37%

HERITAGE AND ENVIRONMENTAL CONCERNS

ARCHAEOLOGY AND ABORIGINAL HERITAGE

Despite the lots touching the original walls of Elizabeth Bay House, there appear to be no plans for the protection of historical artifacts. It seems at least possible that there would be archaeologically significant items from Elizabeth Bay House under these buildings.

Further, this area has been fertile and inhabited for millennia. There should also be plans for the protection and preservation of Aboriginal heritage.

We note that the development at 1 Onslow Place conducted and submitted these reports with their application, showing initiative, foresight and respect for the storied past of this area.

DARNLEY HALL AS A CONTRIBUTORY BUILDING TO THE HCA

While not heritage listed, Darnley Hall is a significant contributory building within the local heritage conservation area. It is an outstanding example of Australian neo-Georgian domestic architecture, and its setting should not be crowded by unsympathetic adjacent development that dominates the streetscape and limits the ability of Darnley Hall to be properly appreciated. One of the key architectural features of Darnley Hall as an example of Australian neo-Georgian architecture is its pitched roof and the proposed development will severely compromise or entirely remove views from Onslow Avenue of the roof.

3.9.6 (1) b of the DCP requires a sympathetic response to “*views to and from the site;*” yet this the current view between Elizabeth Bay House and 12 Onslow Ave, and an indicative illustration of the change.



The statement of environmental impacts says that the “The proposed development will not generate any material or adverse visual impacts on the established character, setting, or significance of nearby heritage or contributory items” as required by LEP 5.10. But we can see this is untrue.

We submit that it is not in keeping with heritage planning principles to:

1. block a heritage listed building’s views of a contributory building,
2. by knocking down a contributory building
3. to install a neutral building that does not comply with the majority of planning guidelines

The City of Sydney has publicly committed to sustainability in its [Environmental Strategy 2021-2025](#). It explicitly states that “we want to work together to make buildings and transport better for the environment”.

We question why the renewal rather than demolition and rebuilding of the blocks at 10 Onslow/21c Billyard should not be a priority. The DA gives scant detail on this option, suggesting that the blocks are at end of life, something the attached heritage assessment from GML disputes. The Fortis Company are quoted as saying that they “originally intended to ‘renew’ the buildings, [but] it was deemed this would result in a much poorer outcome and so they would be demolished” ([“Fortis Files Residential Towers Plan at Elizabeth Bay”](#)). If they undertook appropriate investigation of this option, which is alluded to several times, then it is curious that full details were not included as part of the current DA.

Appendix D – Design Report, page 109: The initial technical analysis pertaining to architectural, building code, structural engineering and building services constraints has shown that retention of the existing building would not be viable for a range of reasons.

The sole expert opinions on the viability of the existing buildings appears to be confined to two letters in Appendix D on pages 92, and 94. These assessments were conducted on the 8th of March. A summary of the reasons is given on page 31-34.

DCP REQUIREMENTS FOR DEMOLITION OF CONTRIBUTORY BUILDINGS

In addition to, and following on from the heritage finding by GML, Darnley Hall is concerned that approving the knocking down of these buildings is environmentally unsound.

Under 3.9.1 (6) (a) the DCP requires developers to justify why a sound building must be demolished, instead of refurbished, and the justification provided by the developers is lacking. The GML report suggests that moderate interior refurbishments would be sufficient to remedy any shortcomings, whilst preserving *two* contributory buildings in the HCA.

The arguments for why they *must* destroy these buildings is lacking. The application lists some points, including fire compliance. We believe this is highlighted to alarm council, whereas Darnley Hall had to involve creative solutions to become fire compliant, and we have done so. Our building had many challenging features and fire engineers solved them all. If fire compliance is possible in a 100 year old building made of masonry and timber flooring, we feel confident it is possible in a 50 year old building.

NEUTRAL STILL REQUIRES GOOD REASON

Further, even if the buildings were not contributory in the HCA, it is a violation of the general principles of sustainability to dismiss re-use and renovation. The existing buildings have passive cooling, large gardens, and long-lived trees. Replacement vegetation will take exceptionally long to regrow and the coverage may forever be worse.

DCP 3.9.8

(1) Demolition of neutral buildings will only be considered where it can be demonstrated that:

(a) restoration of the building is not reasonable; and

(b) the replacement building will not compromise the heritage significance of the heritage conservation area.

Neither of these two conditions appear to be satisfied.

POTENTIAL DAMAGE AND LOSS – REQUIRE ASSURANCES

Darnley Hall is a contributory building to the HCA, approaching 100 years since construction. The foundations of this building have not been assessed by modern geophysical techniques and we rely upon the original blueprints for indicative structural design.

Given the proposed buildings' proximity and their plans for extensive excavation, Darnley Hall is adamant that we require some significant assurances and sense of security over the structural integrity of our own building.

We request that in-depth dilapidation reports be conducted independently, at the developer's cost. We also request a secured deposit in escrow or evidence of guaranteed insurance that can be used to repair damage to our building in any event where the developer is unable to make good.

NOISE

The elevation of common areas to the rooftops of 10 Onslow Ave, and 21C Billyard Ave, will amplify sound across to our building. This appears to breach the requirements of

DCP 4.2.3.11

(3) Development is to incorporate measures that reduce the entry of noise from external sources into dwellings,

(4) Where possible, the attenuation of noise at its source is preferred. Where this option is adopted, the applicant will need to demonstrate that the measures to be undertaken:

(a) have the consent of relevant parties associated with that noise source; and

(b) last for the life of the development proposal.

Further, we do not believe the rooftop areas satisfy:

DCP 4.2.3.8

(4) The design of exterior private open spaces such as roof top gardens must address visual and acoustic privacy, safety, security and wind effects.

And

objective 4J-2 of the ADG "Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission"

The proposed recreation areas on these roofs, which are already blocking highly cherished views, will dramatically reduce the ability to obtain peaceful enjoyment of our apartments. Not every apartment in Darnley Hall has the same layout, meaning the sound that may travel into a living room on one level, is travelling into a bedroom on another. Proposals may be made about regulating time of day usage of these common areas, but they are not readily enforceable nor are they unchangeable.

Further, a 270-degree private rooftop area for the proposed penthouse on 10 Onslow Ave will be unbounded by any practical restrictions on time of day use.

PRIVACY VIOLATIONS

CAUSED BY SETBACKS

The proposed setbacks that reduce the space between our building and 10 Onslow by half grossly compromises our privacy.

Their bedroom windows will be able to look directly into some of our bathrooms, toilets, dressing rooms, and bedrooms, because, despite claims otherwise, the proposed blockers at almost any angle, except perhaps fully shut, will still be able to see things less than 6m away.

CAUSED BY HEIGHT

The proposed development does not protect the privacy of adjacent buildings because the roof terraces, elevated above the height restrictions, especially on 21C Billyard, provide ample lines of sight into bedrooms and the main living areas of our apartments.

CAUSED BY INCREASED LIGHTING

The proposed useable rooftop spaces will compromise our amenity under

DCP 3.2.8 External Lighting.

(6) External lighting must not reduce the amenity of residents in the locality.

The elevation of walkable areas to roof height will create nuisance lighting that spills into our habitable areas or private areas at all times of the night.

Increased lighting is not preventable if the roof spaces are accessible, as people cannot be stopped from circumventing any programmed restrictions, simply by bringing their own lighting. And the penthouse will be bound by no restrictions at all.

COMMUNITY CONSULTATION

The community consultation with Darnley Hall was inadequate.

1. The letter informing us of the request to meet was not properly mailed. It was slipped under the front door of the building. It was picked up by a resident who put it aside for days, and it easily could have been lost.
2. Requests to hold the meeting on a mutually convenient date were denied, as was holding the meeting earlier, even though they indicated they wanted our feedback before submission. Overall, there was inflexibility in the offered meeting times.
3. The meeting was not a properly structured consultation, but a briefing presentation. It was staffed by approximately a dozen representatives of the developer, and we only had two building representatives. Requests to photograph the presentation slides were refused and there was no material available to take away and study.
4. The materials were not able to be viewed flexibly or independently – so informed conclusions and examination were not possible. A 3d model would have enabled this – either digital or physical – but none was provided or offered.
5. Even their proposed schedule left no time for responding to community concerns. They claimed they wanted to submit a mere three weeks later.
6. Instead, four weeks later they submitted a design that did not respond to our few raised concerns in any way.

INFILL DEVELOPMENT IN HERITAGE CONSERVATION AREAS

Fortis claim they are proposing a “site-responsive architectural design that meets council’s planning intent for ‘The Bays’ neighbourhood” (“Fortis Files Residential Towers Plan at Elizabeth Bay”). We submit that this is an assertion merely and that the design in fact falls well short of the planning intent for this area in a concerning number of areas.

Locality Statements for this area (DCP 2012, Section 2) indicate that “new buildings should be positioned in the middle of lots and surrounded by gardens and informal tree planting” (Principle e). The proposed design completely fails to respect this by minimising setbacks all round, removing existing gardens and allocating minimal space for deep soil gardens by way of replacement.

The same locality statement highlights that this area is characterised by “a landscape setting that allows view sharing to continue from the private domain and gaps between buildings’ (2.4.6). The proposed design creates significant view loss (not sharing) for surrounding buildings and seeks to narrow the gaps between buildings in ways that further remove neighbourhood views.

Design in Context: Guidelines for Infill Development in the Heritage Environment (2005) states that “infill design should recognise the predominant scale (height, bulk, density, grain) of the setting and then respond sympathetically. The impact of an inappropriately scaled building cannot be compensated for by building form, design or detailing” (p.8). Rather than a neutral infill building in the heritage environment, the proposed building has a height, scale, bulk, and form that means it will dominate the streetscape in ways that seriously detract from the historical environment. In this respect, the proposed development would be a detracting building defined in the Heritage DCP 2006 as “buildings that are intrusive to a heritage conservation area or heritage streetscape because of inappropriate scale, bulk, setbacks, setting or materials”.

Statements concerning the appropriateness of the brick colour do nothing to compensate for the bulk of the proposed development. Furthermore, we would question the appropriateness of the dark brick selection in contrast to the lighter colouring of the current building, Darley Hall, Tradewinds (14-16 Onslow) and others along Onslow Avenue.

Design in Context highlights that “the character of an individual building or group of building is also shaped by the solid to void relationships, the play of light and shadow on the façades, and the proportions of openings” (p.6). The proposed design does not respect the above and in fact plans for radical reductions in openings between buildings and insensitive alterations to existing and longstanding patterns of solid and void.

Design in Context also highlights how “new buildings should allow for the retention of significant views and vistas to and from the building, a townscape or a landscape”. The proposed development will irrevocably alter or remove views and vistas from individual dwellings and from the surrounding streetscape.

Further to this, specifically, “building with minimum setbacks on both sides where this is not the pattern, can increase the bulk of the building and have an obtrusive and unacceptable impact” (p. 11).

HERITAGE INFILL GUIDELINES SUMMARY

Darnley Hall is not satisfied the proposed design contributes to the historic context of the Heritage Conservation Area.

Not only does the GML Heritage report indicate that the existing buildings are contributory and worth preserving, but the replacement design is also wholly unsuitable according to the heritage design principles of the NSW Government.

- It fails to meet the required standards of siting, swapping expansive and spacious setbacks for an enormous footprint that encroaches on contributory buildings.
- The proposed design is unsuitable in scale, unnecessarily and unjustifiably larger and more dominant than what it is replacing.
- And its form is unsympathetic in context, jutting above and breaking the sympathetic slopes of the current rooflines. Features visible from multiple public areas, including a large expanse of the harbour and even the ferry lanes, would no longer be seen.

A successful infill building will not be a copycat of the scale and bulk of the largest building in the street. It needs to be a sympathetic replacement for the building that existed before.

It should provide equal or greater amenity to the locality than the original building provided. These buildings do not do that.

SITING - SETBACK

"New buildings in a valued historic context should add sympathetically to the local streetscape and the grain of the area." - Design in Context by NSW Heritage Office. And the Royal Australia Institute of Architects NSW Chapter.

The proposed setbacks are out of character with the requirements of appropriate 'siting'.

Currently, only the art deco buildings on Onslow Ave are set directly against the footpath. The interwar Darnley Hall is a hybrid – neither wholly on the footpath nor clearly separate. Post-war buildings are buffered by ample setbacks, open spaces and gardens. The application also acknowledges that their proposed zero setback on Onslow Ave is not consistent.

The original DA for Vanessa Lodge at 10 Onslow Avenue was altered in the approval process expressly to bring the building frontage on Onslow Avenue into line with the stepped line of frontages running from 6 Onslow Avenue to 12 Onslow Avenue. The current proposal would break this arrangement, block the pedestrian view of Darnley Hall at 12 Onslow Avenue, and result in 10 Onslow jutting out from the rest of the buildings and dominating that stretch of Onslow Avenue.

SETBACKS – EVIDENCE

The setbacks on Onslow Ave are not correctly assessed. The gaps are visible from Google Earth, ArcGIS, or any other satellite/aerial program. A real or even virtual walk in google maps will demonstrate.

The submitted Statement of Environment Impacts says: *“In the circumstances of this site, the proposal seeks to provide more than an equitable share of separation, with generally much greater setbacks provided (compared with neighbours).”*

This is verifiably false.

DIAGRAM OF ALL THE SPACE IN FRONT OF BUILDINGS ON ONSLOW AVE, EASTWARDS.

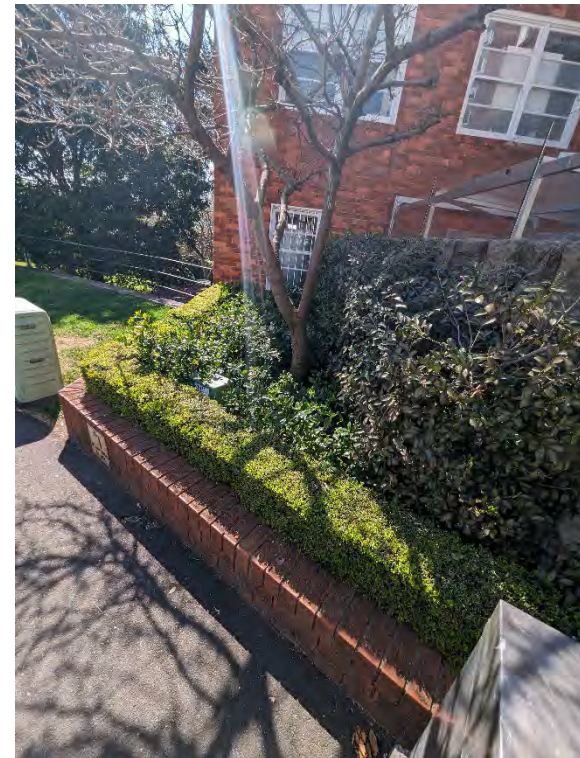
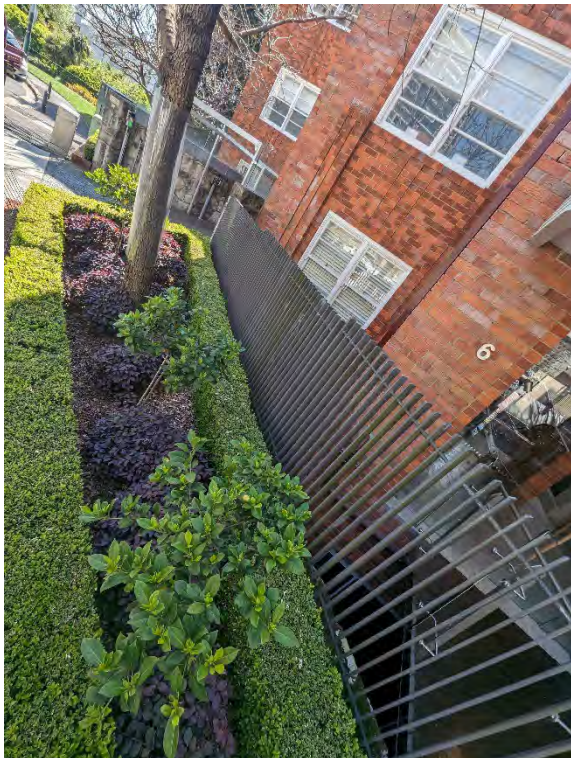
- To the west the buildings have boundary walls, because of the slope.



- Only the short interwar building at 16/18 has no setback.
- At the far end (bottom right) 24-26 may have no gap between where pedestrians can walk and the building, but it is on the corner of the Greenknowe Ave commercial zone which uniformly has zero setbacks as a commercial zone, and in front of the building is a very wide pavement area with gardens, very old trees, benches, and a small plaza.

FRONT OF 6 AND 8 ONSLOW

- The frontage zigzags but these buildings are setback between 2m and 6m on a in wedge shapes.



FRONT OF 10 ONSLOW

- The existing building is approximately 4.5m from the pavement.



FRONT OF 12 ONSLOW

- Approximately 2m



FRONT OF 14 ONSLOW

- Approximately 4.5m



FRONT OF 16-18 ONSLOW AVE

- The front of 16-18 is on the street, and it is only 2 stories high.
- However, in an ideal situation, this building would have a setback or a wider pavement because this span of the street is uncomfortably narrow.



FRONT OF 20 ONSLOW AVE

- 20 Onslow Ave's lot curves but it has between a 5m and 9m setback.
- At no point does the front of this building touch the street.



FRONT OF 24-26 ONSLOW AVE

These abut the Greenknowe Ave commercial area with shops. It has zero setback. However, in front of the building is a very wide pavement area with gardens, very old trees, benches, and a small plaza. The pavement area is exceptionally wide.



SITING - GAPS BETWEEN BUILDINGS

The proposed gaps between 10 Onslow Ave and 12 Onslow Ave are unreasonably narrow and they do not respect the heritage infill design guide:

"Infill development should reflect the specific boundary setbacks in each locality."

Also

DCP 3.2.2 (9) Align breaks between buildings with nearby streets, lanes and pedestrian links to enable view connections.

DCP 2.4.6 (c) Maintain view corridors to Sydney Harbour and parks.

Currently the distance between Darnley Hall and 10 Onslow Ave is approximately 9 meters. And this new design has a gap as narrow as 4.2m. This additional bulk and encroachment on Darnley Hall will sacrifice the light and air in both buildings. Producing a worse outcome for both buildings. We are also aware it will cause the same issues for 23 Billyard Ave, and it too will produce a worse outcome for both buildings. This is an overbearing encroachment on our northern face and will severely affect our amenity.

The DA provides images of narrow setbacks between buildings and suggests these are characteristic of the entire local streetscape. As the images contained in this submission demonstrate, the gaps between buildings on Onslow Avenue are consistently wide and provide generous visual corridors through which the harbour may be glimpsed from Onslow Avenue and the street above. This feature of the street is in line with the Locality Statements contained in the Sydney Development Control Plan 2012 which highlight: *"The Bays is a predominantly residential area with a diversity of housing styles and densities within a landscape setting that allows view sharing to continue from the private domain and gaps between buildings"*.

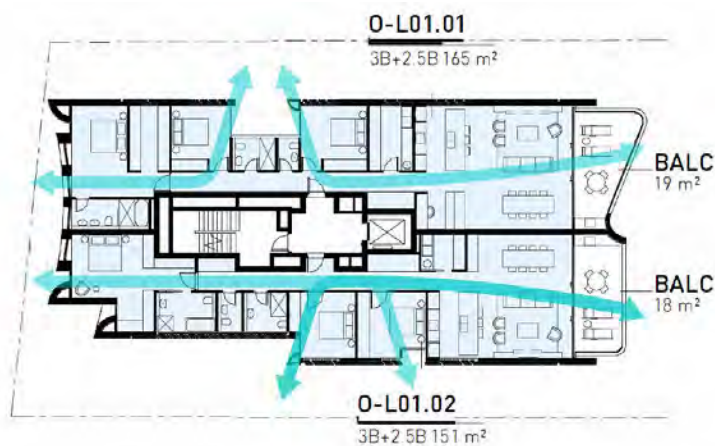
There is a complaint in the Statement of Environmental Effects that being ADG compliant with setbacks would force a design that is uncharacteristic in terms of massing, scale and character, which is manifestly untrue, not the least as the *existing* buildings have appropriate scale, mass, height and setbacks, and by their mere presence they form part of the character of the neighbourhood.

They also mention being compliant with gaps and setbacks would make the development unviable, which we are concerned is implying it would make the development financially unappealing, which we do not believe should be council's concern nor factor into the decision whatsoever. Indeed, giving any positive weighting to the desire for profit in a private business, at the cost of amenity to current residents and compliance with town planning instruments, would be extremely concerning. These proposed buildings would be a net negative to the neighbourhood and do not need to be constructed.

They also state they have adopted the 'non-habitable' setback criteria. But we are not sure why they believe 'non-habitable' is correct given that our side is distinctly habitable, and their side is too with windows albeit some with 'privacy' bricks. Elsewhere they assert that the southern wall is treated as 'blank' which cannot be true in any sense of the word, given it has windows.

There may be an argument that the privacy bricks prevent looking into our apartments, but we do not see how this is possible, unless the fins are angled to be essentially closed, because if they are angled 45 degree to the south west, they will look into the western side of Darnley Hall to studies, kitchens, bathroom, toilet and dressing room. If they are angled 45 degrees to the south east they will look into Darnley Hall's eastern side with even more studies, toilets, bathrooms, and kitchens. Ultimately, privacy cannot be maintained with a setback of mere metres in a building they want to be 22m tall, next to a building that uses its boundary wall for habitable rooms.

This airflow diagram distinctly shows that these are rooms with windows that open (p 34 Appendix C):



This closeup very clearly shows that these are habitable rooms with windows, albeit with privacy fins (p 30 Appendix C):



We also do not know why they chose the distance appropriate for a building less than 12m tall, when the building is going to fall between 12m-25m tall, and be up to 8 stories tall, which means it needs a setback of 9m, and ideally a total distance of up to 18m from us.

The ADG 3F figure 3F.3 clearly shows that a new development against a non-compliant existing development must maintain the distance of 6m *“New development adjacent to existing buildings should provide adequate separation distances to the boundary in accordance with the design criteria.”*

And the total distance between 12 Onslow Ave and 10 Onslow Ave under ADG 2F should: *assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook*

Table 1 Minimum building separation increases proportionally to the building height

Building height	Separation distance
9 storeys and above	12-24m
Up to 8 storeys	9-18m
Up to 4 storeys	6-12m

And under ADG 3F

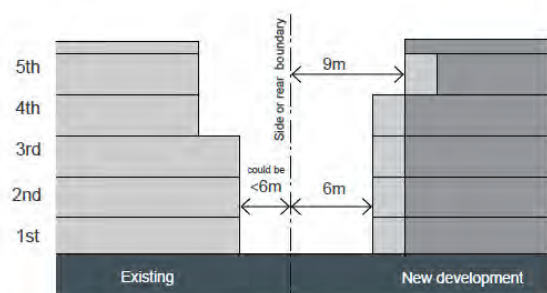


Figure 3F.3 New development adjacent to existing buildings should provide adequate separation distances to the boundary in accordance with the design criteria

Objective 3F-1
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy

Design criteria

1. Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Because the rules of building separation in the ADG states its aims are:

ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings

assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook

And we note that these are expressly noted as the **minimum** in every document and reference, as we could find.

and

“Building separation may need to be increased to achieve adequate sunlight access and enough open space on the site, for example on slopes “ ADG 2F

and

If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy

The statement of environmental impacts claims that “The ADG also mentions that a new development site is not expected to make up for a shortfall on an adjoining development site.” However, we could not find this clause and instead ask what is to be done when an existing building is closer to its boundary than it ideally would be, but allowing the new building to take the barest minimum distance between the two would violate all the intentions of the ADG and other planning laws regarding setbacks, building distance, daylight, views, and privacy?

Because, if this is to be the standard, then poor design anywhere would be justification for poor design everywhere, meaning that a neighbourhood could never improve above the lowest common denominators of non-compliance and boundary pushing. Instead, we believe that as planning instruments are created and implemented, they are wielded to accommodate the age, legacy, or grandfathering in of the existing building’s design, and the new building is required to respond sympathetically and positively to the existing buildings.

THE NORTH FACE OF DARNLEY HALL

- Comprising of at least ten kitchens, four studies, one dining room, and seven bathrooms or toilets, and one dressing room.



GAPS – EVIDENCE

The gaps between the buildings in the area can be seen from low satellite imagery like Google Earth, or professional programs like ArcGis.

The Statement of Environment Impacts says: “In the circumstances of this site, the proposal seeks to provide more than an equitable share of separation, with generally *much greater setbacks provided (compared with neighbours).*”

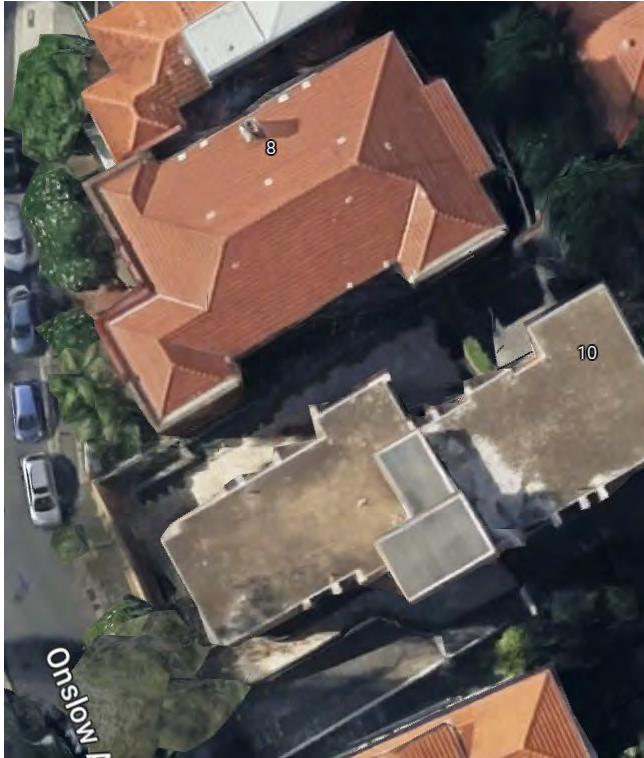
This is verifiably false.

This diagram highlights the gaps between the buildings that are viewable or perceptible from public land. These are significant and wide spaces, permitting views of the neighbourhood, contributory buildings, gardens, parks, and the water. Visible from our properties, and also whilst walking down either street.



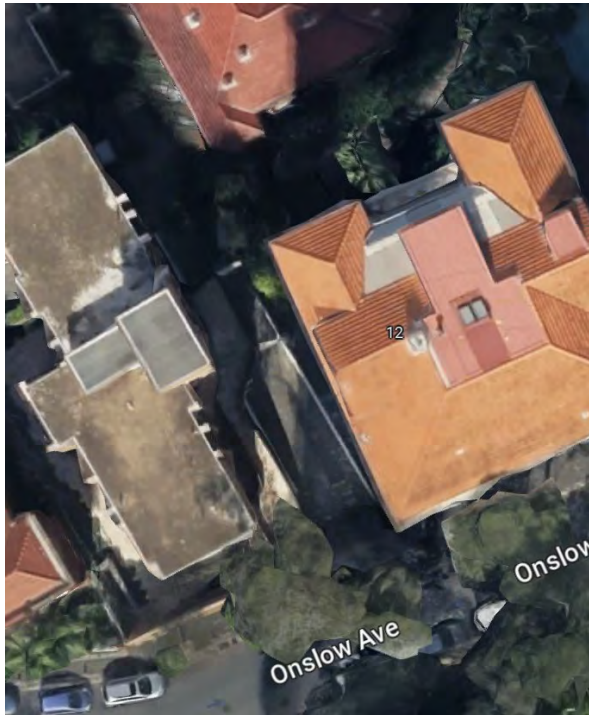
GAP BETWEEN 8 ONSLOW AND 10 ONSLOW

- Approximately 6m.
- Noting that 10 Onslow was designed to respond to 8 Onslow, which was the existing building, by following the shape of 8 Onslow, and assuming all the boundary requirements.
- This is also the gap that preserves the views of Meudon.
- Also note that these walls are *genuinely* blank at the portion parallel to each other and were still designed to have a 6m gap.



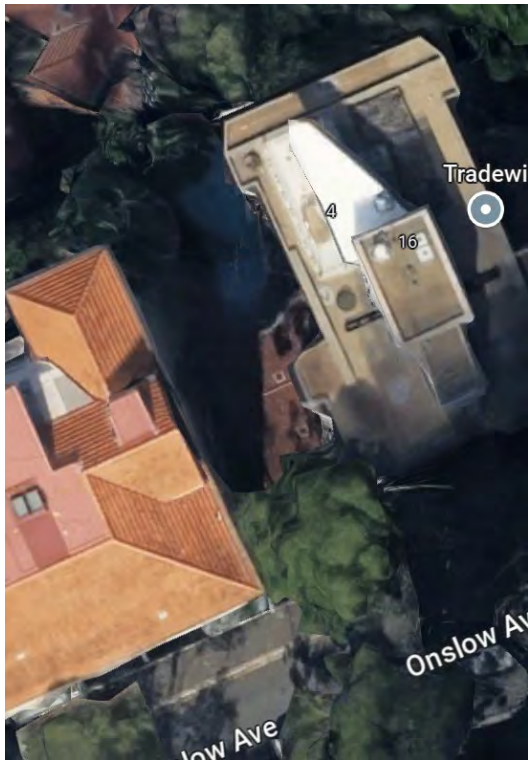
GAP BETWEEN 10 ONSLOW AND 12 ONSLOW

- Approximately 9m metres along the majority of our shared boundary.
- This is the gap that preserves the views of Elizabeth Bay Gardens, including from their common area.



GAP BETWEEN 12 ONSLOW AVE AND 14-16 ONSLOW AVE

- This is approximately 9m also.



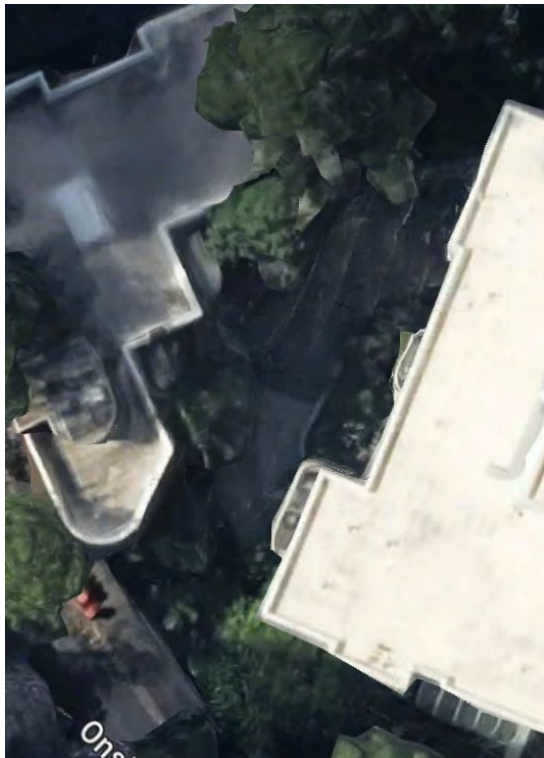
GAP BETWEEN 14-16 ONSLOW AVE AND 18 ONSLOW AVE

- This gap is approximately 8m



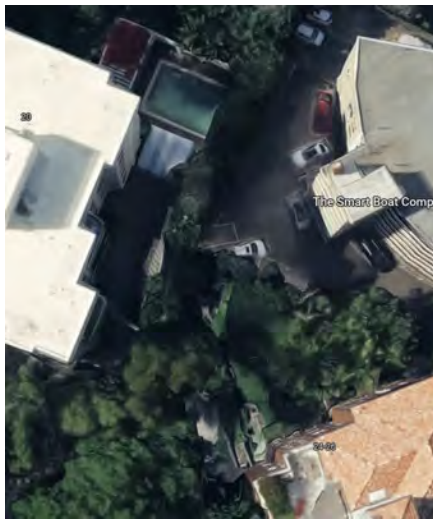
GAP BETWEEN 18 ONSLOW AVE AND 20 ONSLOW AVE

- This gap is approximately 11m, except for the very front portion at 7 metres.



GAPS BETWEEN 20 ONSLOW AVE AND 24-26 ONSLOW AVE, 20 ONSLOW AVE AND 19 ITHACA RD

- 24-26 Onslow Ave, and 19 Ithaca Road are both approximately 20 metres apart from 20 Onslow Ave, and about 10 metres apart from each other.



GAPS BETWEEN 6/8 ONSLOW, 21A/B BILLYARD

- The only exception is 6/8 Onslow Ave, and counterparts 21a/21b Billyard Ave. They adjoin each other, touching blank walls to blank walls, but they are also only two and three stories tall at street level, respectively.
- These four appear to have been designed to synergise with each other in the interwar period, and they are complementary to the streetscape in form, scale, and siting.

SCALE

Infill buildings should fit within their context. *“The impact of an inappropriately scaled building cannot be compensated for by building form, design or detailing.”*

The original buildings in the area occupied a larger area of their lot than successive buildings. The successive buildings then had to respond to the existence of the originals, and hence they have a more modest profile, larger setbacks and wider gaps. This is to be expected when doing infill development, because subsequent designs have had to appropriately respond to the layout of the existing community.

The scale of these buildings appears to have been set in a vacuum, as though none of the surrounding buildings should be part of their design. The scale is not appropriate in context, which appears to be the emphatic warning from the aforementioned quote from Heritage NSW: ***“The impact of an inappropriately scaled building cannot be compensated for by building form, design or detailing.”***

The scale also goes against

SEPP65 principle 2: Built form and scale

Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

We also cannot determine if the buildings are meeting the “less than 70% of the building envelope should be occupied guidelines” from 2D and 2B of the ADG, and they should provide 3d modelling to demonstrate.

The proposed building setbacks violate the aims of scale in ADG 2F: *ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings.*

FORM - ROOFLINE

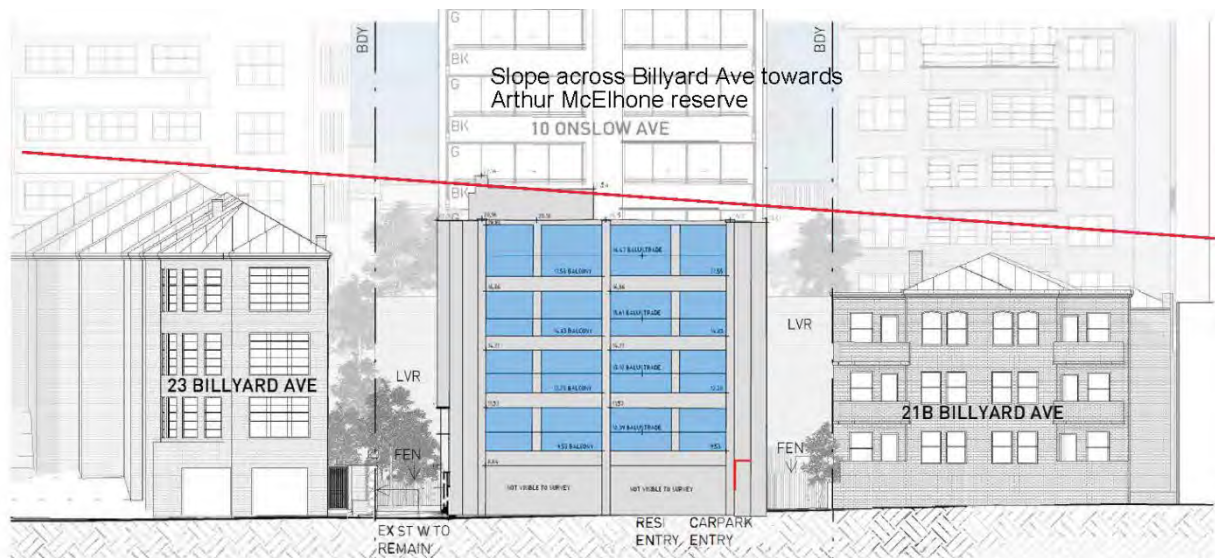
Both rooflines fail to respond to the neighbourhood character. *“Infill buildings should respond to, or reinforce, existing ridge or parapet lines, roof slopes and other features such as party walls and chimneys.”*

They both break the roof slopes established by their adjoining buildings, creating a jut that is visible not just from our apartments but from public areas such as Arthur McElhone Reserve, the street, Beare Park and the water.

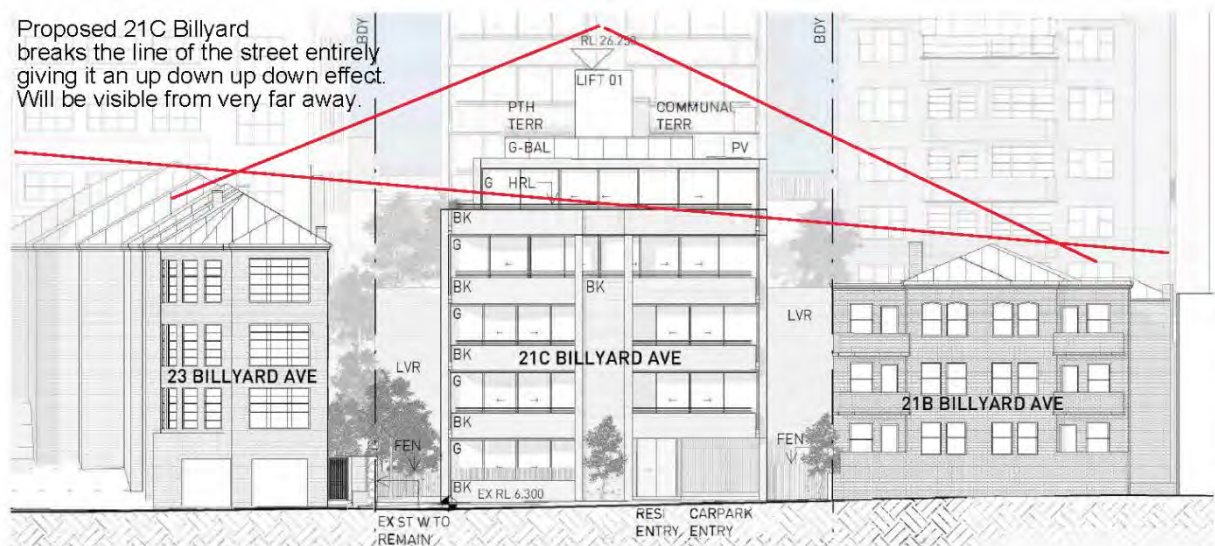
The current buildings sit in sympathetic lines, in their respective streets.

- In Onslow Ave, the current building follows the line from 14 Onslow down to Arthur McElhone Reserve. Making the graduated roofline visible from the Reserve and from the front of Elizabeth Bay House.
- In Billyard Ave, the current building sits in a gently sloped line with its neighbours, barely rising above their height, even with the small stairwell overrun.
- Further, the sympathetic roof level of 21c Billyard Ave permits public appreciation of the existing gardens, including the large trees that sit between it and 10 Onslow Ave.

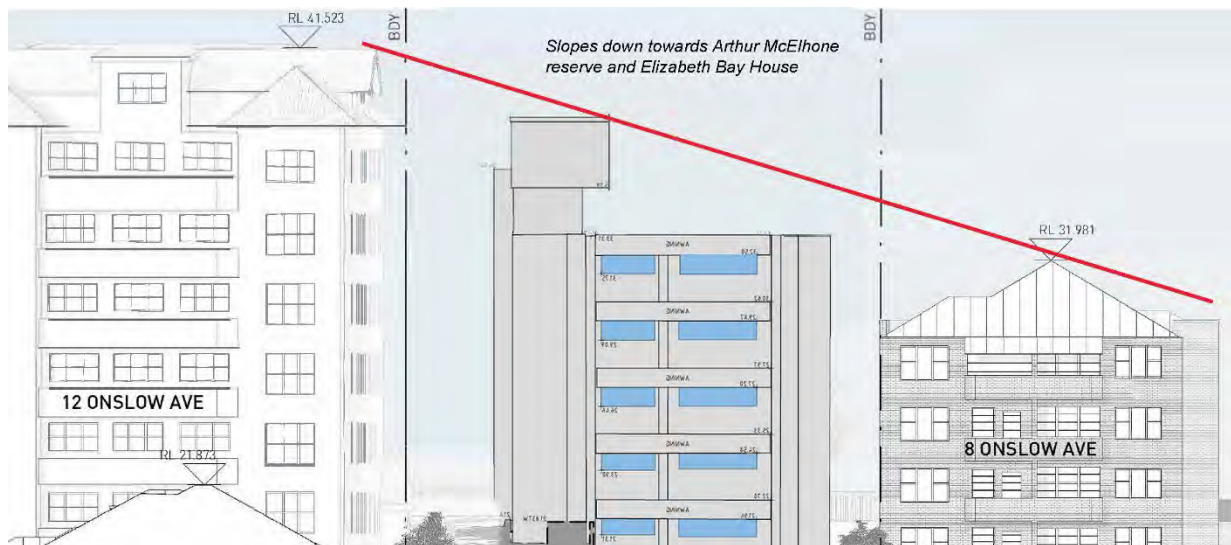
EXISTING – 21C BILLYARD AVE (FACING WEST)



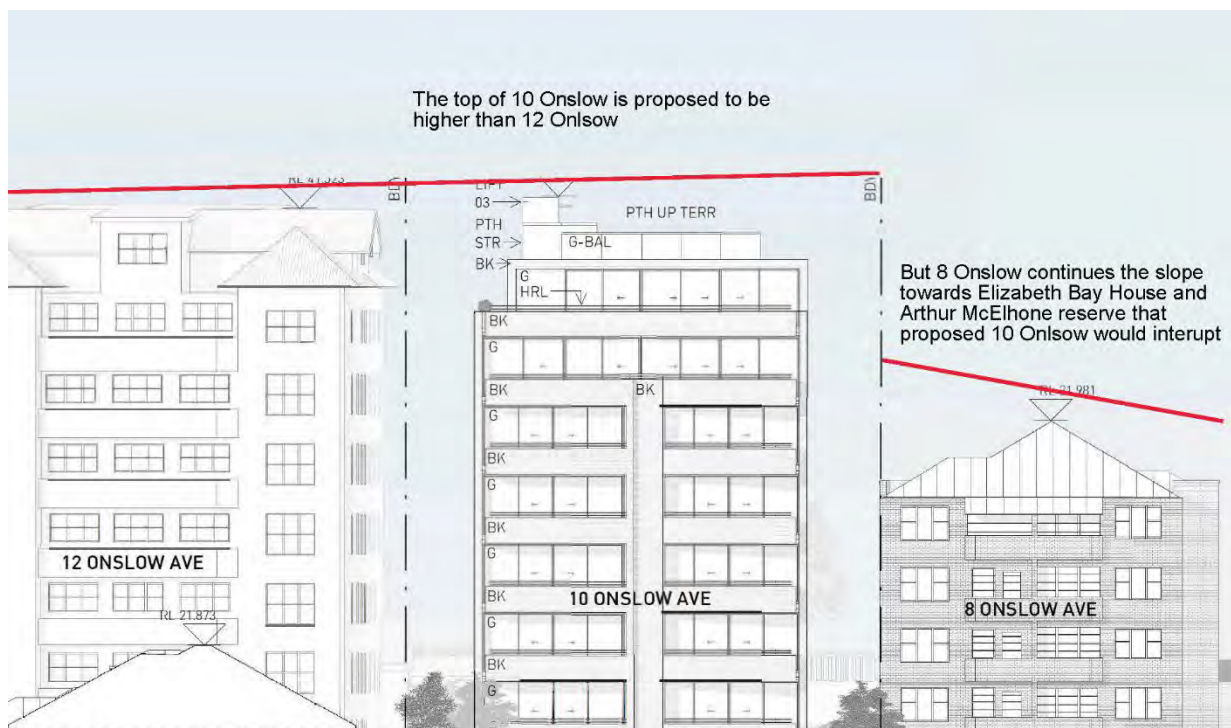
PROPOSED



EXISTING – 10 ONSLOW AVE (FACING WEST)



PROPOSED



MATERIALS

During consultation, excessive attention was drawn to the proposed exterior material: red brick.

Whilst red brick is a perfectly adequate building component, and it is copying the design of their neighbours, 8 Onslow Ave and 21B Billyard Ave, this material is not going to significantly contribute to the area. The current brick colour is soft, and sympathetic, highlighting the spaciousness of the sitting. The lighter brick also reflects the light and brightens up the gap between our buildings.

In contrast, red brick will darken the passages they have already proposed to unreasonably narrow, (and raised higher), and it will result in less light for Darnley Hall. We do not believe a red brick wall that towers several stories higher and halves the distance between us, is compensating for those poor design proposals.

Like the Heritage Department, we do not believe the selection of a basic building material compensates for the inappropriate scale of the proposed design.

SOCIAL MIX AND AFFORDABLE HOUSING

This proposal reduces the number of apartments from 28 to 22. And replaces moderately affordable buildings with exceptionally expensive buildings. The current buildings have a significant proportion of tenants, and, with a potential total revenue of the new buildings being over \$200,000,000, it is unlikely that they will be rented out or sold to people within any proximity to the median income.

We request that council not accept the assertion that they are not bound by Part 3 of Chapter 2 of the SEPP (Housing) 2021 without compelling evidence and thorough analysis. We would like to be assured that council is completely satisfied and convinced that they are allowed to convert themselves to a strata which then exempts having to justify reducing affordable rental accommodation, instead of under the legislation which permits the council to:

(2) In determining whether to grant development consent, the consent authority must take into account the guidelines and the following—

- (a) whether the development will reduce the amount of affordable housing in the area,*
- (b) whether there is available sufficient comparable accommodation to satisfy the demand for the accommodation,*
- (c) whether the development is likely to result in adverse social and economic effects on the general community,*
- (d) whether adequate arrangements have been made to assist the residents who are likely to be displaced to find comparable accommodation,*
- (e) the extent to which the development will contribute to a cumulative loss of affordable housing in the local government area,*

Furthermore, should it come to this issue in the future, we do not believe that *(g) ... the imposition of an affordable housing condition requiring the payment of a monetary contribution would adequately mitigate the reduction of affordable housing resulting from the development.*

The monetary contribution would need to be exceptionally high to offset the net loss of six homes in total, and a further significant number of at least *moderately* affordable apartments on top of that.

We believe this goes against the provisions in these planning instruments:

DCP 4.2.3.12 Flexible housing and dwelling mix

Objectives

(b) Provide a mix of dwellings to cater for the needs of the existing and future resident population and to encourage a diverse population and achieve social diversity.

And:

SEPP 65 states that:

(3) Improving the design quality of residential apartment development aims—

(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and

(f) to contribute to the provision of a variety of dwelling types to meet population growth, and

(g) to support housing affordability,

In this instance, the best way to achieve these three SEPP 65 aims is to preserve the current buildings as they are, and perhaps renovate them as necessary for improved internal amenity.

The proposed designs do not improve the amenity of the neighbourhood, do not improve affordable housing, do not increase housing supply, do not provide more diversity of dwellings than already exist on the site, and knocking down and rebuilding perfectly sound, contributory buildings in an HCA is not environmentally sound or sustainable.

In part, the Statement of Environmental Effects tries to promote the social and economic impacts with the flimsiest of justifications, including such self-evident statements as how the proposed expensive apartments would benefit future residents, and that construction is a job. They notably have no statements on the expected astronomical cost of the apartments, or the consequences of removing 28 moderately affordable homes in one go, or the impact of removing dozens of affordable tenancies and legacy residents.

We believe removing 28 modest apartments will have a negative social impact and it is contributing to a trend of exclusion.

PARKING AND TRAFFIC

These proposed buildings contain one parking space for each apartment - 22 parking spaces (plus 2 handicapped, and 3 visitor spots). This is exceptionally few parking spaces for a building that they hope to sell for more than \$200,000,000.

We are not convinced that owners of apartments that cost tens of millions of dollars will be content with owning 1 car. This will create additional chaos with the parking situation in the area – particularly creating additional strain on street parking.

This may be the maximum permitted under the LEP, but we are not convinced it is wise to approve such an expensive development with so little parking, as the lack of parking will not be respected as an incentive to have less cars and it will become our collective problem.

DA RELIANCE ON FSR TO JUSTIFY NON-COMPLIANCE

Several times the DA documents note the FSR maximum is not being reached on these sites. This is true, but it is *impossible* for a compliant building in any respect to remotely approach the FSR for these two sites, and so this is not really to the design's credit.

This is because the FSR calculation is floorspace divided by area, so we know that any building with less than 4 stories would have to cover the entirety of its lot to come close to approaching 4.5, and any building with 7 stories must cover more than 65% of its lot to approach 4.5.

Example: 21C Billyard Ave has a height limit of 15m, effectively five stories. Meaning it would have to cover 100% of its lot, edge to edge, with 100% liveable space, for four stories, to get an FSR of 4. If it then added half a floor for level 5, (the last floor it can add to remain under the height limit of 15m), only now is it at 4.5.

Example: 10 Onslow Ave has a height limit of 22m and an area of 780m², approximately. This means with the seven stories permitted, it would need to be a block-shaped monolith with a minimum building footprint of 500sqm, with setbacks all-around of less than 2m, to reach an FSR of 4.5.

Example: Darnley Hall has a GFA of ~1850, meaning that, given its current footprint, it could have a boundary extending barely 75cm, and only then would it have an FSR of 4.5.

As these examples illustrate, the FSR allowance for these sites is so far beyond what any compliant building could achieve, it could also be considered infinite.

The ADG itself notes:

"it is important to note that FSR controls set the theoretical maximum capacity. It may not always be possible to reach the maximum allowable floor space due to other development controls or constraints specific to the site such as lot size or shape, existing landscape features, neighbouring properties or heritage considerations. (p 32)

GRATITUDE AND THANKS

We are grateful for the opportunity to voice our concerns and to be heard by Council. No doubt the process of analysing and assessing these applications is a time consuming and exacting task and we thank you for your commitment to following due process.

We trust the way forward will be fair and balanced and look forward to the outcome.

Sincerely,

The Directors of Darnley Hall Pty

Olivia Ross, Anni Browning, Maryanne Dever, and Elizabeth Caswell.

From: [REDACTED]
Sent on: Wednesday, September 20, 2023 7:20:32 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
CC: [REDACTED]
Subject: DA20230727 - Submission - Development Application - 21C Billyard Avenue & 10 Onslow Avenue, Elizabeth Bay
Attachments: 20230920 - DA20230727 - Submission.pdf (438.51 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Our Ref: Project 966
Your Ref: DA20230727

20 September 2023

General Manager
The Council of the City of Sydney

(by email: council@cityofsydney.nsw.gov.au)

Attention: **Mr David Reynolds, Assessment Officer**

Re: Submission - Development Application
Property:, 21C Billyard Avenue & 10 Onslow Avenue, Elizabeth Bay (the development site)

I am instructed by the Directors of 12 Onslow Avenue, Elizabeth Bay (Darnley Hall) to review the proposal, as neighbour notified, and make submissions for consent authority's consideration under section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* (EPA Act).

Please find attached my [submission](#), and the following Annexures are contained in the [20230920 - Submission & Annexures](#) folder, as the cumulative file size it too big to email :

1. View Loss Analysis
 - a. [Visual Impact Assessment](#)
 - b. [Visual Impact Assessment Appendix A](#)
2. [Shadow Analysis](#)
3. [Heritage Assessment](#)

I also provide this folder link for sharing with referral officers if required: [20230920 - Submission & Annexures](#).

I request that Council's Heritage Officers be provided with a copy of the GML [Heritage Assessment](#) Report and that the Heritage Officers provide considered recommendations informing your assessment.

For the purposed of your site inspection at Darnley Hall please contact Darnley Hall Pty Ltd ACN 000 099 034 <directors@darnleyhall.com.au>.

Should Council require any further information please don't hesitate to contact me.

Regards

Brett

Brett Daintry, MPIA, MAIBS, MEHA, MEPLA
Director
Daintry Associates Pty Ltd

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20 September 2023

General Manager
The Council of the City of Sydney

(by email: council@cityofsydney.nsw.gov.au)

Attention: Mr David Reynolds, Assessment Officer

Re: Submission - Development Application

Property: 21C Billyard Avenue & 10 Onslow Avenue, Elizabeth Bay (the development site)

I am instructed by the Directors of 12 Onslow Avenue, Elizabeth Bay (**Darnley Hall**) to review the proposal, as neighbour notified, and make submissions for consent authority's consideration under section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* (EPA Act).

The primary impact upon **Darnley Hall** are:

- Severe a loss of iconic, water and land-water interface views north of the site over Garden Island to Fort Denison and to the north-east from the upper levels of **Darnley Hall** caused by a breach of the maximum 22m HOB under *Sydney Local Environmental Plan 2012* (LEP) by the proposed western tower.
- Severe a loss of water and land-water interface views north-east of the site to the northern foreshore of Elizabeth Bay and beyond to Bradleys Head's land-water interface from the lower levels of **Darnley Hall** caused by a breach of the maximum 15m HOB under *Sydney Local Environmental Plan 2012* (LEP) by the proposed western tower.
- Severe additional shadowing of **Darnley Hall** exacerbated by a breach of the maximum 22m HOB under *Sydney Local Environmental Plan 2012* (LEP) by the proposed western tower. We note that the eastern tower will have a similar adverse impacts upon the southern neighbours to that tower.
- Noise and Lights Spill impacts from elevated Cos and POS
- Loss of Contributory Buildings
- Noise
- Light Spill

The existing views are very high amenity and highly cherished element of the views from Darnley Hall and, for that matter, all residential buildings within the immediate vicinity of the development site. Darnley Hall have procured a detailed Visual Impact Assessment by Urbaine Design Group Pty Ltd. I note that the impacts identified have been based upon the built form and the height exceedances, upon a height plain claimed by the Applicant. I submit that the Applicant's Height Plain is wrong, and I rely upon Figure 2 below.

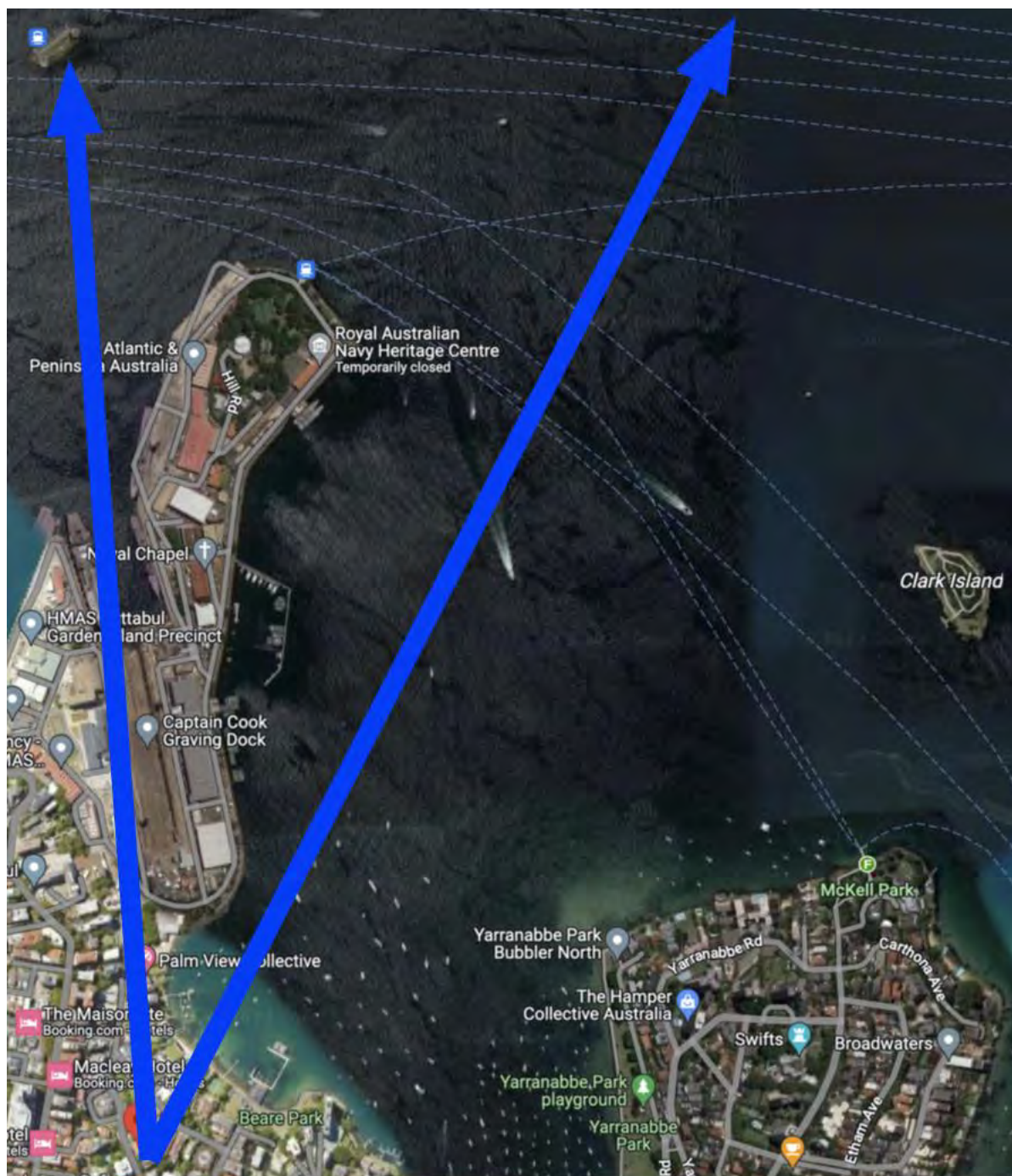


Figure 1 - View line over the development site to Darling Point

It is my submission that:

1. The views that would be lost are severe in a *Tenacity*¹ sense being the loss of iconic views such as Fort Denison, water views and land-water interface views from the principal living/lounge rooms, studies, and kitchens within Darnley Hall.
2. The views that would be lost are directly attributable to a breach of the height of building (HOB) development standards for both the eastern and western towers proposed, regardless of whether that HOB is calculated applying the approach in *Bettar*² as the Applicant relies upon, or worse again by applying the approach taken in *Merman*³.
3. The clause 4.6 does not correctly calculate the HOB applying the definition of HOB in the LEP. The clause 4.6 adopts the approach in *Bettar*⁴ whereas the later approach taken in *Merman*⁵ is the correct test that should be applied.
4. Applying the *Merman* approach to the calculation of the HOB, the western tower exceeds the 22m HOB by 7.97m. This is a 36.22% exceedance of the 22m HOB prescribed by the LEP for the western tower.
5. The clause 4.6 does not demonstrate that:
 - a. compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
 - b. there are not sufficient environmental planning grounds to justify contravening the development standard.
 - c. the proposed height is consistent with:
 - i. clause 4.3(1)(a) of the LEP and I submit that the height of development is not appropriate to the condition of the site and its context.
 - ii. clause 4.3(1)(b) of the LEP and I submit that the proposed height will not ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas.
 - iii. clause 4.3(1)(c) of the LEP and I submit that the proposal does not promote the sharing of views outside Central Sydney.
6. The purported amenity benefit for the future occupants of the proposed Penthouse, by creating roof top private open space, represents a monopolisation of the harbour views in the locality and it does not achieve the equitable distribution of views between properties, contrary to the view sharing

¹ [Tenacity Consulting v Waringah \[2004\] NSWLEC 140](#)

² [Bettar v Council of the City of Sydney \[2014\] NSWLEC 1070](#)

³ [Merman Investments Pty Ltd v Woollahra Municipal Council \[2021\] NSWLEC 1582](#) at [73] and [Cadele Investments Pty Ltd v Randwick City Council \[2021\] NSWLEC 1484](#) at [90]-[91]

⁴ *ibid* [4]

⁵ *ibid* [5]

objectives of the LEP and DCP and is not consistent with the approach taken by the application of the *Tenacity*, and *Davies* Planning Principles.

7. The loss of solar access to most apartments in Darnley Hall is severe, and the exceedance of the HOB is the major contributor to the impacts.

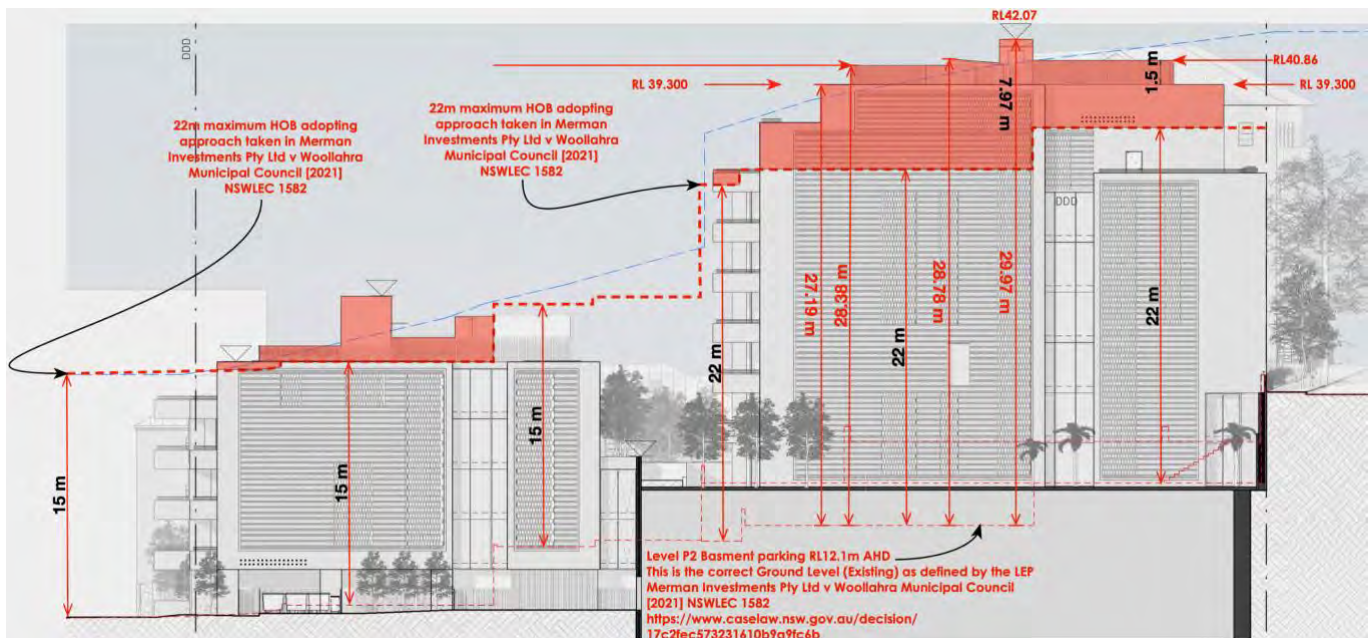


Figure 2 - Correct HOB Applying Merman Approach

Appendix E - Clause 4.6 Variation Request

The crux of the Applicant's justification for the clause 4.6 is that the exceedance is required to provide equitable access to roof top private open space (POS). In the first instance it must be noted that the penthouse is provided with ADG compliant POS at the level below the roof top POS proposed. There is no reasonable necessity to provide additional roof top POS. Whilst this would be nice for future occupants and no doubt increase the value for the sale of this unit for the Applicant, the planning question, applying the *Davies Planning Principle*⁶ is "How reasonable is the proposal causing the impact?"

Unlike the stated "*Factors Affecting Billyard Building Specifically*" (clause 6.3.2 at p.18 of the clause 4.6) which is communal open space (COS) the environmental planning justification for exceeding the HOB "*Factors Affecting Onslow Building Specifically*" (clause 6.3.3 at p.18 of the Clause 4.6) only relates to private open space (POS).

Nor do I accept that a lift is required for DDA and NCC-BCA access within a strata dwelling lot being a *sole occupancy unit* as defined by the NCC-BCA. This is not common vertical circulation it is private access within a strata lot and a *sole occupancy unit*.

I submit that whilst it would be valuable for the applicant to improve the amenity of the proposed new penthouse, it is not reasonable to create this level of high amenity for - one unit, namely the penthouse, giving it even more unfettered water views., I submit that this would represent a complete monopolisation of the harbour views, especially

⁶ *Davies v Penrith City Council* [2013] NSWLEC 1141 at [116] to [121] - Impact on neighbouring properties - revised principle.

since -the penthouse is already designed to have unfettered harbour views at its primary living room level.

Taking away views from many neighbours to provide a very high amenity outcome for one penthouse, by creating roof top "private" open space, exceeding the HOB, is not reasonable. The provision of excessively high screens and an excessively high lift overrun 4m above the 15m HOB is also unnecessary and unreasonable. The 4m high lift overrun on the eastern Billyard Ave building is unnecessary and unreasonable along with the high screens to the roof top COS. These elements all breach the 15m HOB and are the cause a sever loss of views from the lower levels of Darnley Hall.

The proposal is not consistent with the LEP's HOB objectives. Applying the *Tenacity*, and *Davies* Planning Principles, the proposal - is simply too greedy and has a detrimental adverse impacts upon most apartments in Darnley Hall, and also many other apartments in other neighbouring buildings.

In *Kamenev v Woollahra Municipal Council (No 2)* [2018] NSWLEC 1228, Commissioner O'Neill found that despite that proposal complying with the maximum floorplate (equivalent to GFA) by a significant degree, and being below the maximum HOB, as well as fully compliant with the DCP's envelope provisions that:

"The impact of the proposal on the existing harbour views from the ground floor living areas and private open space of 28 Coolong Road would have a significant and detrimental impact on this important aspect of the amenity of the existing dwelling at 28 Coolong Road. The impact of the proposal on this view represents a monopolisation of the harbour views in the locality and it does not achieve the equitable distribution of views between properties, contrary to the view sharing objectives and controls in DCP 2015."

Commissioner O'Neill refused *Kamenev* consent because *it represented a monopolisation of the harbour views in the locality.*

I submit as to the loss of views from this property to the south of the development site, that:

1. The roof top elements causing the view loss are not reasonable or necessary in the same sense as the *Davies* planning principles ask the consent authority to consider.
2. The roof terrace's impacts must be also assessed with heightened sensitivity *ibid* Super Studio⁷ as noise and privacy are also relevant for other neighbours.
3. The clause 4.6 must fail as detailed above, as the proposal is not consistent with the objectives of the LEP's HOB development standard.

Solar Access

Annexed to this submission is a detailed report that provides views from the sun that confirm the existing shadows, proposed shadows and demonstrate that these additional impacts are unacceptable.

⁷ Super Studio v Waverley Council [2004] NSWLEC 91 at 5-7

Again it is the exceedance of the maximum HOB primarily in the case of Darnley Hall the exceedance of the 22m HOB by up to 7.97m (36.22%) and the eastern and western protrusion of the new building at No.10, that contributes to these unreasonable impacts.

The adverse impacts are plain from the 2. Shadow Analysis annexed to this submission.

Heritage

The Directors of Darnley Hall have procured the expert heritage advice of GML. This advice is annexed to this submissions.

I request that Council's own heritage experts be provided with this submission and more importantly the detailed expert heritage advice of GML.

Adopting GML's analysis the proposal fails to properly address clause 5.10 of the LEP and as one must in the first instance seek to avoid such impacts, the Applicant has not justified the demolition of the existing buildings.

GML is conclusion that the existing buildings are contributory buildings that should be retained and conserved.

The adaptive reuse of the existing buildings, maintaining dwelling capacity, not reducing dwelling capacity, must be explored to seek to preserve the heritage significance of the HCA.

The Council need to be satisfied that the proposal has as an option considered avoidance of the heritage impacts, retaining the buildings, in the first instance.

Noise

The large COS and POS roof terraces present obvious noise sources for potential offensive noise. In the case the COS terrace areas, if permitted to remain at all, must have a 10pm to 7am curfew, sleep disturbance impacts upon neighbours. With respect to the proposed POS roof terrace on the western tower I submit that this cannot be regulated for controlled and this presents another reason by the roof top POS for the proposed penthouse should be deleted.

I further note that extensive plant and equipment, primarily air condition units are proposed upon both towers. On the case of both they are proximate to habitable areas and bedrooms in the neighbouring apartments. A more skilful design is required as well as operational conditions are required to ensure that this plant and equipment does not cause any offensive noise as defined by the Protection of the Environment Operation Act 1997 and will not cause any sleep disturbance.

We note that the proposal as be accompanied by an acoustic assessment by Pulse White Noise Acoustics Pty - Appendix M - Acoustic and Vibration Report 21C Billyard and 10 Onslow Avenue, Elizabeth Bay_PAN-353785, dated 12 July 2023. This is of a technical nature that needs to be carefully reviewed by Council's own acoustic experts. *Suffice to observe applying* Stockland Developments v Wollongong Council and others [2004] NSWLEC 470 at 6 that:

“As a general planning principle, where there is conflict between a noise source and a sensitive receptor preference should be given to the attenuation of any

noise from the source rather than at the sensitive receptor. This is true whether the noise source generated by a proposal is a new noise and the receptor exists or the noise generator exists and the receptor is a proposed use. In deciding whether the noise should be attenuated at the source, consideration should be given to the degree of conflict between the appropriate noise goals, the difficulty and cost associated with treating the noise at the source, the willingness of the noise generator to be treated and the potential amenity impacts associated with noise attenuation at the receptor. Depending on the circumstances of the case, the cost of attenuation measures may be borne by either party or shared between them, irrespective of the location."

To be clear, the inclusion of high and opaque attenuation screens that would then breach the HOB and occasion further loss of views and loss of sunlight is not acceptable.

Light Nuisance

All outdoor lighting must comply with Australian Standard 4282 --- Control of the obtrusive effects of outdoor lighting, which sets out guidelines for control of the obtrusive effects of outdoor lighting and gives recommended limits for relevant lighting levels to contain these effects within tolerable levels. My submission is that a lighting plans and report demonstrating compliance with Australian Standard 4282 are necessary given the proximate location of bedrooms and POS within the neighbouring properties.

Possible Amendments

The roof top terrace for the western tower can be deleted as there is ample private open space, with unfettered water and land water interface views, available to the proposed Penthouse and this Penthouse should share these views with its neighbours.

The upper habitable level of the eastern tower should be deleted, and the COS provided at RL 19.1m AHD, or in a redesigned landscape area between the two proposed buildings.

The proposal, in its current form would have a significant, and detrimental impact the amenity of the existing dwellings within Darnley Hall as well as upon other neighbours.

The impact of the proposal on this view represents a monopolisation of the water and land-water interface views in the locality and it does not achieve the equitable distribution of views. The extent of additional shadows cast upon the southern neighbours, including Darnley Hall are unacceptable. The noise impacts of the elevated POS cannot be controlled, and this large roof top "party" terrace should be deleted.

In conclusion, I also request that the assessing officer undertake a site inspection from the Darnley Hall.

Please don't hesitate to contact me on 0408 463 714 or by email brett@daintry.com.au.

Yours faithfully,



Brett Daintry, MPIO, MAIBS, MEHA, MEPLA
Director

cc. [REDACTED]

Annexures:

1. View Loss Analysis
 - a. Visual Impact Assessment
 - b. Visual Impact Assessment Appendix A
2. Shadow Analysis
3. Heritage Assessment

urbaine

D E S I G N G R O U P

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

**Combined Objection to a Development Application: D/2023/727
No.10, Onslow Avenue and No.21C, Billyard Avenue,
Elizabeth Bay - Residential Flat Building
Visual Impact Assessment Report, September, 2023**

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CLIENT:



PROJECT:



702

ISSUE:



20 September 2023

DWG NO:



VIA_1

urbaine
D E S I G N G R O U P
Urbaine Design Group Pty Ltd, 19c / 74, The Corso, Manly, NSW 2095

urbaine design group

Visual Impact Assessment Report

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1. 1. INTRODUCTION

1.1 Scope and Purpose of Report.

This Visual Impact Report has been prepared by Urbaine Design Group for an objection to the development at 10, Onslow Avenue and 21C, Billyard Avenue, Elizabeth Bay, NSW 2011: D/2023/727. The objection is being raised by various residents of the residential apartment building to the south of the subject site, at No.12, Onslow Avenue, Elizabeth Bay, being the residents of Units 3,5,7,8,9,11 and 12.

Urbaine Design, and its Director, John Aspinall, BA(Hons), BArch(Hons) have been preparing 3d imagery and Visual Impact Assessments, both in Australia and Internationally for over 25 years. Their methods are regularly published in planning and architectural journals and John Aspinall has lectured in Architectural Design at both the University of Technology Sydney and The University of New South Wales.

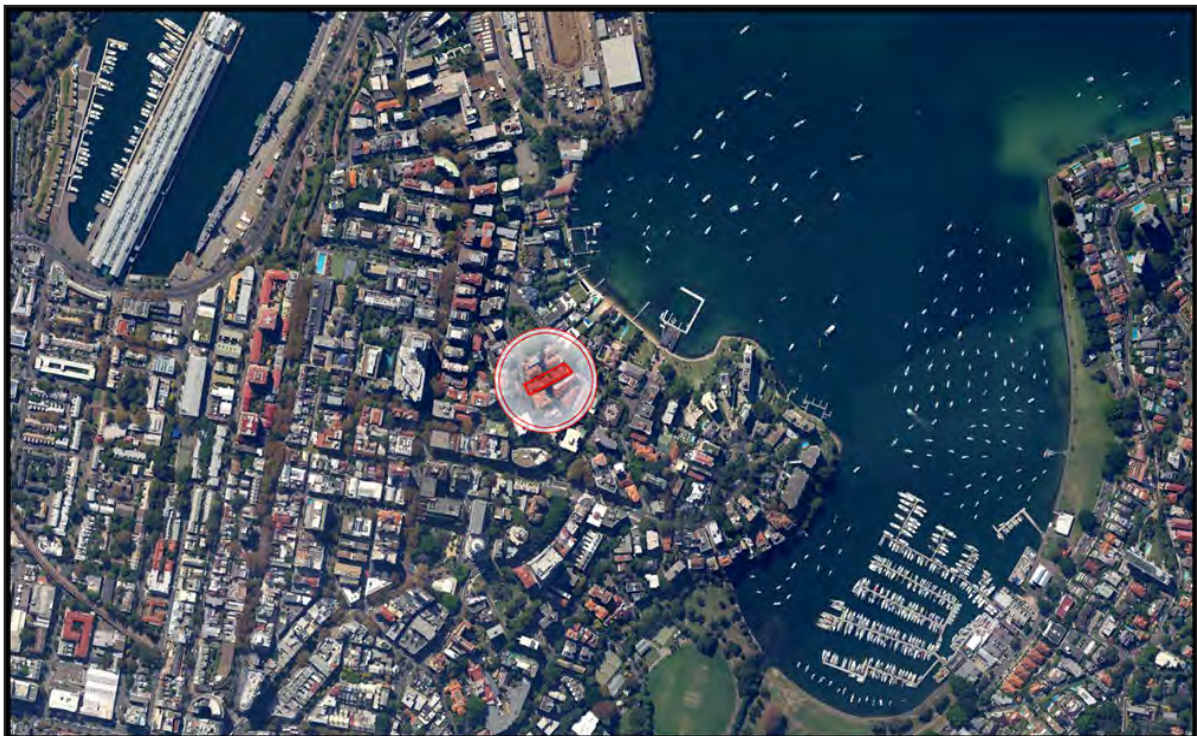


Figure 1 – site location shown in red overlay.

1.2 The Proposed Development

1.2.1. The Site and existing property:

The subject site is known as 21C, Billyard Avenue and 10 Onslow Avenue, or known formally as S.P.9561. The site falls within the boundaries of City of Sydney Council. The closest crossroads are Greenknowe Avenue, Elizabeth Bay Road and Ithaca Road.

The site is not listed as an item of heritage significance in Schedule 5 of the Sydney Local Environmental Plan (LEP) 2012. However, it falls within C21 Elizabeth and Rushcutters Bay Heritage Conservation Area (HCA) as noted in Schedule 5, Part 2 of the Sydney LEP 2012. It is also identified as a neutral item in the Sydney Development Control Plan (DCP) 2012, Building Contribution Map.

The site is in the vicinity of a number of heritage items including: 3 items of State significance - 7–9 Onslow Avenue “Elizabeth Bay House” (I594) - 14–16 Onslow Avenue ‘Grotto site of Elizabeth Bay House’ (I596) - 42 Billyard Avenue “Boomerang” (I575), and 3 items of Local significance - 13 Onslow Avenue “Meudon” (I595) -

Onslow Place 'Cliff face behind Elizabeth Bay House' (I597) - 36 Billyard Avenue "Berthong" (I574); The site area is 1464 sqm and the site is occupied by two brick residential flat buildings.

The subject site is classed as Zone R and also Zone O. The subject site is therefore considered to have two maximum permissible heights of 15 metres to the north-east and 22 metres to the south-west. The proposed development is confined to the 22 metre height limit portion of the site. The proposal exceeds both of these building height controls, which will require a Clause 4.6 Variation Request to justify this exceedance, particularly in relation to view loss and visual impact to neighbouring properties.

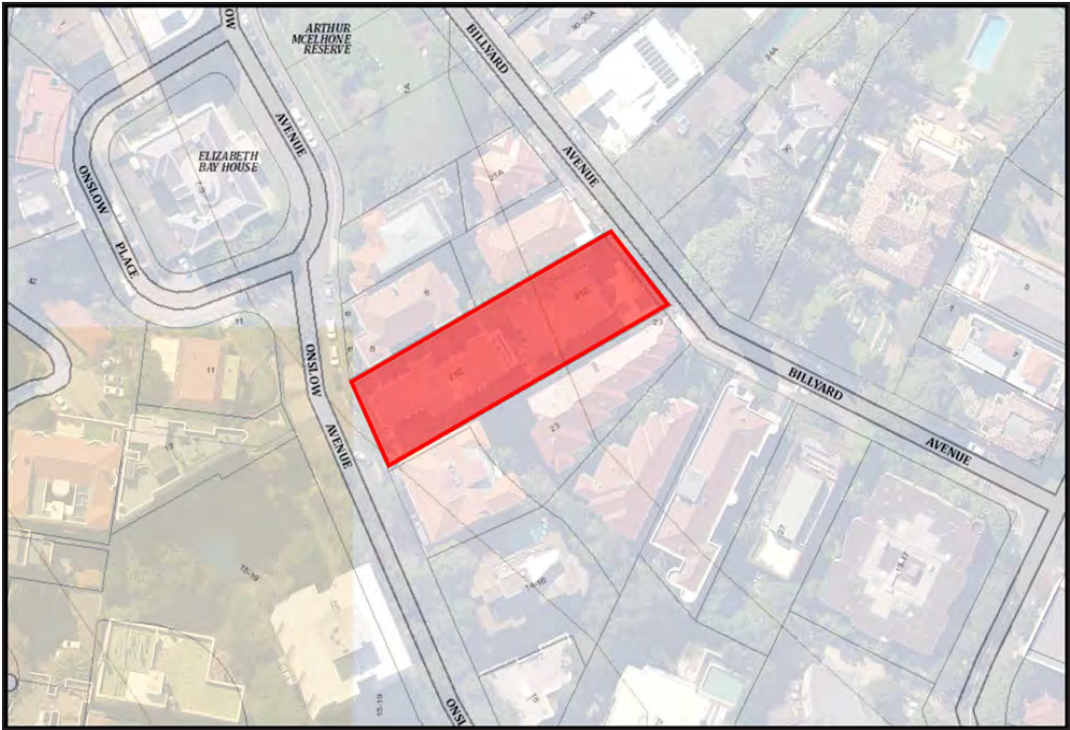


Figure 2 – site location shown in red overlay.

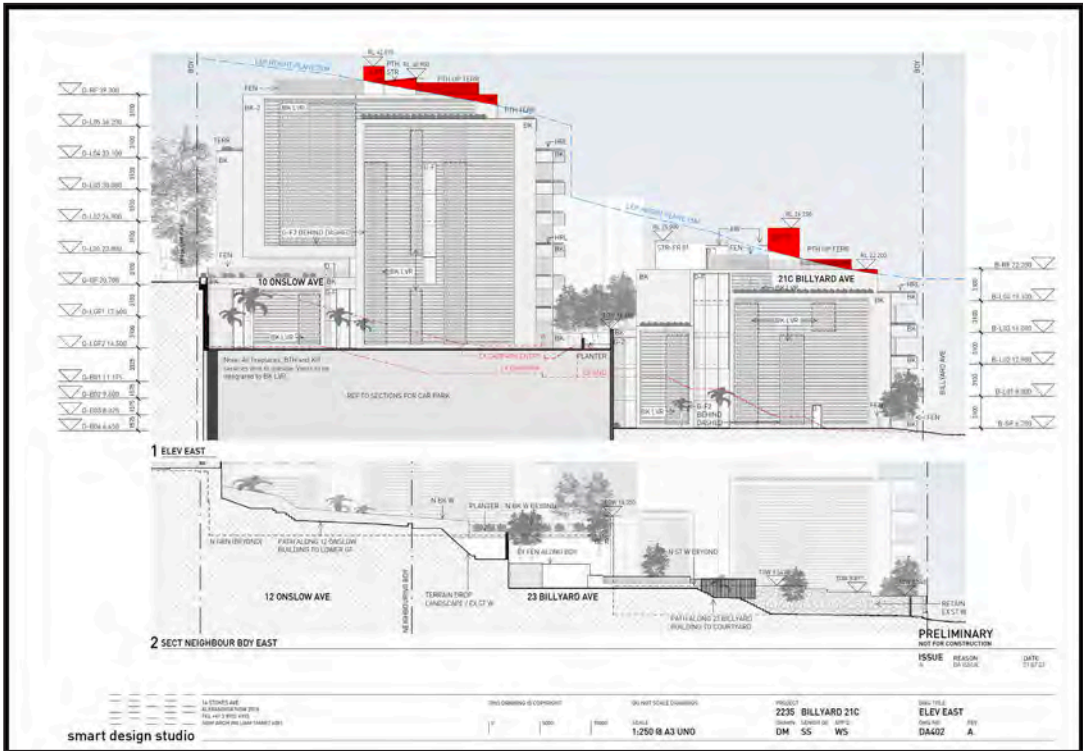


Figure 3 – East elevation, indicating height exceedance in red overlay. Smart Design Studio.

1.2.2. Proposed Land Use and Built Form:

The new development proposal includes: the demolition of existing buildings, tree removal, excavation and construction of two new residential flat buildings, 6 to 8 storeys in height, with 22 apartments, 4 basement levels containing 27 car spaces, rooftop terraces, swimming pools and associated landscaping works including new tree plantings. The application is Integrated Development requiring the approval of Water NSW under the Water Management Act, 2000.



Figure 4 – Typical floor plan of proposed design by Smart Design Studio.

1.3 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 B. A combination of the methods described were utilised in the preparation of the photomontaged views used in this visual impact assessment report, below.

1.3.1. Process:

Initially, a fully contoured 3d model was created of the site and surrounding buildings to the extent of the designated viewpoints, with detailed modelling matching the building envelope of the latest Smart Design Studio design and its associated interaction with the surrounding site (see Figure 4 for typical floor plan). Virtual cameras were placed into the 3D model to match various selected viewpoints, in both height and position. These locations were measured on-site, relative to known, existing physical elements, such as trees, light poles, walls etc. From these cameras, rendered views have been generated and photomontaged into the existing photos, using the ground plane for alignment (allowing 2 set camera heights, where necessary, for standing and sitting positions being at 1600mm and 1100mm respectively). Several site location poles were placed, both physically and also into the 3d model to allow accurate alignment with the original photo. 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. The images within the report are of a standard lens format, as are the views contained within Appendix A. The Visual Impact Assessment includes detailed evaluation of views from several neighbouring properties at various levels, as described further below.

1.3.2. 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 (Appendix C).

Where a proposal is likely to adversely affect views from either private or public land, Council will give consideration to the Land and Environment Court's Planning Principle for view sharing established in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140. This Planning Principle establishes a four-step assessment to assist in deciding whether or not view sharing is reasonable:

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

It is noted that the preliminary proposal complies with the development standards of the City of Sydney Council LEP 2012 and some private view loss is unavoidable within a highly urbanised environment, such as Potts Point.

An additional source of reference in relation to view sharing and visual impact in this area is found within the neighbouring Woolahra Council DCP, 2012. This states:

'View sharing concerns the equitable distribution of views between properties. The view sharing controls in this DCP seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties. Development should be designed to reflect the view sharing principles in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140.'

However, although these reference documents provide guidelines for assessment, there is no peer review system for determining the accuracy of the base material used for such visual impact assessments. As a result, Urbaine Design provides a detailed description of its methodologies and the resultant accuracy verifiability – this is contained within Appendix B.

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, or privately accessible locations that may be impacted by it, evaluate the visual sensitivity of the Design Proposal to each location and determine the overall visual impact of the Design Proposal. Accessible locations that feature a prominent, direct and mostly unobstructed line of sight to the subject site are used to assess the visual impact of the Design Proposal. The impact to each location is then assessed by overlaying an accurate visualisation of the new design onto the base photography and interpreting the amount of view loss in each situation, together with potential opportunities for mitigation.

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

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

Site Inspections:

2 site inspections were undertaken to photograph the site and surrounding area to investigate:

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

The site map, see figure 5, indicates chosen locations for site photography – also shown in Appendix A.



Figure 5: Selected neighbouring property viewpoint locations for visual impact assessments.

Contextual Analysis

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

Visual Impact Analysis

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

Statutory Planning Assessment

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

1.4 References:

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

- The design drawings and information relied upon for the preparations of this report were prepared by Smart Design Studio .
- City of Sydney Council DCP, 2012.
- Creating Places for People - An Urban Design Protocol for Australian Cities:
- Australia and New Zealand Urban Design Protocol:

■ The Value of Urban Design:

■ Fifteen Qualities of Good Urban Places:

■ The Image of the City (1960), Kevin Lynch

2. THE SITE AND THE VISUAL CONTEXT.

Visual impacts occur within an existing visual context where they can affect its character and amenity. This section of the report describes the existing visual context and identifies its defining visual characteristics. Defining the local area relevant to the visual assessment of a proposed development is subject to possible cognitive mapping considerations and statutory planning requirements. Notwithstanding these issues, the surrounding local area that may be affected by the visual impact of the proposed development is considered to be the area identified on in the topographical area map, Figure 6.

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. This shows the rising landform to the south and east of the subject site.

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

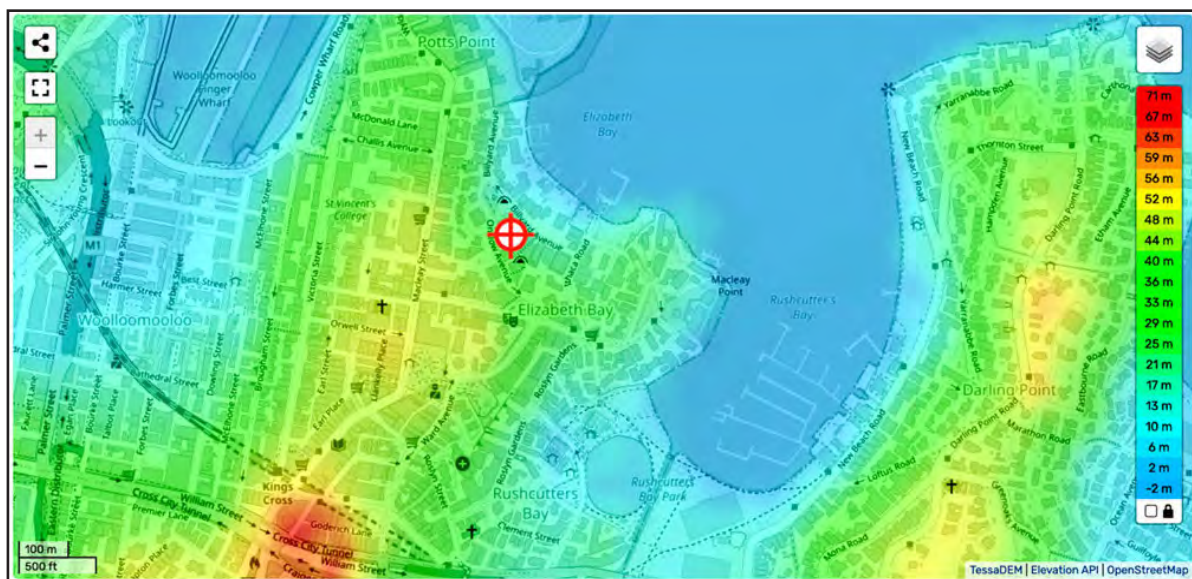


Figure 6: Onslow Avenue. - subject area topographical map.

The ‘Street Context’ provides a frame of reference for reviewing the visual relationship of the new development (and in particular its facades) in relation to the adjoining 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.

The ‘Neighbourhood Context’ provides a broader frame of reference that relates the appearance of the development as a whole to the appearance of other developments within the local area. As a frame of reference, it evolves from the understanding gained after experiencing the site context and the low density of development. Within this context the relative appearance, size and scale of different buildings are compared for their visual

compatibility and contribution to a shared character from which a unique “sense of place” may emerge. This frame of reference involves the consideration of developments not necessarily available to view at the same time. It therefore has greater recourse to memory and the need to consider developments separated in time and space. The neighbourhood context is relevant to the visual ‘legibility’ of a development and its relationship to other developments, which informs the cognitive mapping of the local area to provide an understanding of its arrangement and functionality.

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

2.1 The Visual Context:

Within the street context, there is a mix of property types, sizes and architectural styles, most of which maximise viewlines to the north and west in their orientation.

Within the urban context, there is a very diverse fabric, in terms of planning and scale, consisting of a mix of Residential properties of many varying architectural designs and styles. There are also several heritage listed buildings in this area, Elizabeth Bay House in particular.

2.2 Visual Features and Local Landmarks:

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

Views are observed from this area to Sydney Harbour, Rushcutters Bay, Elizabeth Bay, Garden Island, Clark Island, lower North Shore Harbour suburbs and the far distant locations of Manly, Watsons Bay and the Harbour Heads.

2.3 Streetscapes:

Within the immediate and surrounding areas, the streetscapes are typical of the suburbs of Elizabeth Bay, being a mixture of individual houses and apartments blocks of varying scales. There are several heritage buildings within the area and the landscaping is predominantly mature and well established.

2.4 The selected view locations for the local view analysis:

As a result of the site’s topography, the visual impact is primarily relevant to the residential properties to the south and west northwest and southeast 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. These are all static viewpoints, namely, fixed locations where potential view loss could be considered significant

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 on Onslow Avenue and Billyard Avenue. They incorporate private viewing locations with more distant, elevated, or panoramic views, where the subject site falls within, and impacts on the midground and background views.

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 in parts of this assessment, 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. In this case, the proposal is for a new residential apartment building, larger than the existing. It is therefore considered to have a local scale visual impact. If the development proposal was located in an area containing buildings of a similar scale and height, it would 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, apart from within the existing street trees surrounding the subject site.

3. VISUAL IMPACT OF THE PROPOSED DEVELOPMENT.

3.1 Visual Impact Assessments from 12 viewpoint locations – from apartments within the residential flat building at No.12, Onslow avenue.

3.1.1. Method of Assessment:

In order to allow a quantitative assessment of the visual impact, photos were selected that represented relevant viewing locations from the specific locations likely to be affected. Within these areas, photographs were taken from the property boundaries, equating to standing height views within the relevant buildings.

A Canon EOS Full Frame Digital Camera with fixed focal length 35mm lens was used to take all viewpoint photos, at an eye level of 1600mm. This was tripod-mounted and levelled.

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 7 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 – also in figure 7.

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

Scale	Value	Visual Quality	Visual Impact	Tenacity Value
0	Negligible	N/A	No negative impact on the pre-existing visual quality of the view.	Nil
1		Predominant presence of low quality manmade features. Minimal views of natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc). Uniformity of land form.	A minor negative impact on the pre-existing visual quality of the view. Examples: <ul style="list-style-type: none">Minor impacts on natural landscapes.No impact on iconic viewsImpacts on a small number of receivers.Significant distance between the development and receiver.	
2				
3				
4				
5	Low			Negligible
6	Medium	Presence of some natural features mixed with manmade features. Some views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc).	A medium negative impact on the pre-existing visual quality of the view: Examples: <ul style="list-style-type: none">Moderate impacts on iconic views or natural landscapes.Impacts on a moderate number of receivers.Located nearby the receiver.	Minor
7				
8				
9				
10				
11	High	Predominantly natural features. Minimal manmade features, however if present of a high architectural standard. Significant views of distinct natural formations (e.g. cliffs, mountains, coastlines, waterways, ridges etc). Presence of iconic regional views or landmark features.	A high negative impact on the pre-existing visual quality of a view: Examples: <ul style="list-style-type: none">Loss of iconic views.Impacts on a significant number of receivers.Overshadowing effect.Directly adjacent the receiver.	Moderate
12				
13				
14				
15				
				Severe
				Devastating

Figure 7 – Urbaine Design Visual Assessment Scale

3.1.2 Assessment at selected viewpoints.

Viewpoint no.01 - Unit 3



P58 PXL_2405603 a.jpg

Existing site photo

From main living room, 1600mm, behind glazing line, facing north-northeast towards subject site

RL: +20.59m

Distance to site boundary: 9.91m

Distance to centre of subject site: 30.111m



P58 PXL_2405603 c.jpg

Photomontage of proposal



P58 PXL_2405603 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact – Amount of new building visible in view – 29%

Visual impact ratio of view loss to sky view loss in visible portion. 63%: 37%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no:10 /15.

This is a static, private viewpoint from the main living room of Unit 3 in the residential apartment building at no.12, Onslow Avenue, looking north-northeast over the subject site.

The existing, partial view is across Elizabeth Bay, to Port Jackson, Bradleys Head and Athol Bay foreshore in the distance. Further to the east, the North Harbour National Park is observed in the far distance.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. This height exceedance causes significant view loss to the entirety of the visible portion of the Athol Bay and Bradleys Head foreshore from this location, both being high value visual features. The upper levels of the new proposal also impact upon the Bradleys Head ridgeline beyond and a portion of the sky view above the existing building on the site.

Tenacity Assessment Summary:

Value of view: Medium-to-High (filtered)

View location: Primary, indoor living space – standing 1m behind glazing line.

Extent of impact: Moderate-to-Severe

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.02 - Unit 5



P27 IMG_8681 a.jpg

Existing site photo

From external balcony at standing height, 1600mm facing northeast towards subject site

RL: +23.745m

Distance to site boundary: 12.041m

Distance to centre of subject site: 30.111m



P27 IMG_8681 c.jpg

Photomontage of proposal



P27 IMG_8681 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact – Amount of new building visible in view – 34%

Visual impact ratio of view loss to sky view loss in visible portion. 86%: 14%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 10 /15.

This is a static, private viewpoint from the balcony of Unit 5 in the residential apartment building at no.12, Onslow Avenue, looking north-northeast over the subject site.

The existing, filtered view is across Elizabeth Bay, to Port Jackson, Bradleys Head and Athol Bay foreshore in the distance. Further to the east in the view is Clark Island, Rose Bay, Neilsen Park, Watsons Bay, South Head and North Harbour in the far distance.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. This height exceedance causes significant view loss to a significant portion of the Athol Bay and Bradleys Head foreshore and the ridgeline above, both being high value visual features.

Tenacity Assessment Summary:

Value of view: High (filtered)

View location: Primary, outdoor living space – standing 1m behind balcony edge.

Extent of impact: Moderate-to-Severe

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.03 - Unit 5



P32 IMG_8730 a.jpg

Existing site photo

From dining room at standing height, 1600mm facing northeast towards subject site

RL: +23.77m

Distance to site boundary: 6.225m

Distance to centre of subject site: 25.133m



P32 IMG_8730 c.jpg

Photomontage of proposal



P32 IMG_8730 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact – Amount of new building visible in view – 27%

Visual impact ratio of view loss to sky view loss in visible portion. 89%: 11%

Existing Visual Quality Scale no: 8 /15 Visual Impact Assessment Scale no: 7 /15.

This is a static, private viewpoint from the dining room of Unit 5 in the residential apartment building at no.12, Onslow Avenue, looking north-northeast over the subject site.

The existing view is partially screened by mature trees in the middle distance. Beyond these are views to Port Jackson, Bradleys Head and Athol Bay foreshore and ridgeline in the far distance. From this location, views to the east are terminated by the window aperture.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. This height exceedance causes moderate view loss to Port Jackson, parts of the Athol Bay and Bradleys Head foreshore, both being high value visual features. The profile of the non-compliant upper levels of the new proposal also breach the profile of the distant ridgeline beyond Bradleys Head.

Tenacity Assessment Summary:

Value of view: Medium (filtered)

View location: Secondary living space – standing 1m behind balcony edge.

Extent of impact: Moderate.

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.04 - Unit 5



P36 IMG_8757 a.jpg

Existing site photo

From living room at standing height, 1600mm facing northeast towards subject site

RL: +24.039m

Distance to site boundary: 13.451m

Distance to centre of subject site: 32.718m



P36 IMG_8757 c.jpg

Photomontage of proposal



P36 IMG_8757 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact – Amount of new building visible in view – 31%

Visual impact ratio of view loss to sky view loss in visible portion. 89%: 11%

Existing Visual Quality Scale no: 10 /15 Visual Impact Assessment Scale no: 11 /15.

This is a static, private viewpoint from the main living room of Unit 5 in the residential apartment building at no.12, Onslow Avenue, looking north-northeast over the subject site.

The existing view is partially filtered through mature trees and is then observed across parts of Elizabeth Bay, to Port Jackson, Bradleys Head headland and Athol Bay foreshore in the distance. Further to the east in the view is a filtered view of Clark Island, Rose Bay, North Harbour and North Harbour National Park in the far distance.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. This height exceedance causes significant view loss to Port Jackson and a approximately 50% of the Athol Bay and Bradleys Head foreshore, both being high value visual features.

Tenacity Assessment Summary:

Value of view: High (filtered)

View location: Primary, indoor living space – standing 1m behind glazing line.

Extent of impact: Severe

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.05 - Unit 7



P38 IMG_8773 a.jpg

Existing site photo

From living area/office at standing height, 1600mm facing north east towards subject site
Distance to site boundary: 13.454m
Distance to centre of subject site: 32.718m



P38 IMG_8773 c.jpg

Photomontage of proposal



P38 IMG_8773 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact – Amount of new building visible in view – 28%

Visual impact ratio of view loss to sky view loss in visible portion. 100%: 0%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 9 /15.

This is a static, private viewpoint from a primary living space, being a living room in Unit 7 of the residential apartment building at no.12, Onslow Avenue, looking north-northeast over the subject site.

The existing view, partially filtered though exisitng, mature trees, is across Elizabeth Bay, to Port Jackson, Bradleys Head and Athol Bay foreshore in the distance. Further to the east in the view is Clark Island, Rose Bay, Neilsen Park, Watsons Bay, South Head and North Harbour in the far distance.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. This height exceedance causes view loss to parts of Port Jackson and the water at the northeastern portion of Elizabeth Bay.

Tenacity Assessment Summary:

Value of view: High (filtered)

View location: Primary, indoor living space – standing 1m behind glazing line.

Extent of impact: Moderate.

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.06 - Unit 7



P42 IMG_8838 a.jpg

Existing site photo

From external balcony at standing height, 1600mm facing north east towards subject site

RL: +27.141m

Distance to site boundary: 12.302m

Distance to centre of subject site: 29.788m



P42 IMG_8838 c.jpg

Photomontage of proposal



P42 IMG_8838 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact – Amount of new building visible in view – 61%

Visual impact ratio of view loss to sky view loss in visible portion. 79%: 21%

Existing Visual Quality Scale no: 12 /15 Visual Impact Assessment Scale no: 10 /15.

This is a static, private viewpoint from a private outdoor space on the balcony of Unit 7 of the residential apartment building at no.12, Onslow Avenue, looking north-northeast over the subject site.

The existing view, partially filtered through existing trees, is across the northern portions of Elizabeth Bay, the eastern headlands of Potts Point and Garden Island, to Port Jackson, Robertsons Point, Little Sirius Cove, Athol Bay and Bradleys Head and foreshore in the distance. Further to the east in the view is Clark Island, Rose Bay, Neilsen Park, Watsons Bay, South Head and North Harbour in the far distance.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. This height exceedance causes view loss to parts of Port Jackson and Elizabeth Bay. Beyond this, a small portion of the eastern headlands of Potts Point and Garden Island and the Athol Bay foreshore is impacted, together with a significant impact upon the sky above the existing building, much of which is caused by the non-compliant portion of the new proposal.

Tenacity Assessment Summary:

Value of view: High (filtered)

View location: Primary, private outdoor living space – standing 1m behind balcony edge.

Extent of impact: Moderate-to-Severe

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.07 - Unit 8



P14 IMG_8584 a.jpg

Existing site photo

From living room / rumpus / study at standing height, 1600mm facing northwest towards northern end of the subject site.

RL: +29.779m

Distance to site boundary: 1.807m

Distance to centre of subject site: 36.985m



P14 IMG_8584 c.jpg

Photomontage of proposal



P14 IMG_8584 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact – Amount of new building visible in view – 9%

Visual impact ratio of view loss to sky view loss in visible portion. 68%: 32%

Existing Visual Quality Scale no: 7 /15 Visual Impact Assessment Scale no: 10 /15 (Heritage Building).

This is a static, private viewpoint from the second living room / rumpus / study of Unit 8 in the residential apartment building at no.12, Onslow Avenue, looking northwest over the northern portion of the subject site. The existing view, partially filtered though exisitng trees, is to a portion of the exisitng building on the site, with Onslow Avenue to the west of this and Elizabeth Bay House (heritage listed) in the middle distance. Beyond this are the many residential apartment buildings around Onslow Place, Onslow Avenue and Macleay Street to the west.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. The view loss from the new proposal includes the entirety of the heritage-listed Elizabeth Bay House, which represents the highest value componenet of the existing view. Views to Onslow Avenue and its street landscape are also impacted. In the distacne, sky views and distant apartment views are also obscured.

Tenacity Assessment Summary:

Value of view: Medium-to-High.(Heritage building).

View location: Primary indoor living space – standing 1m behind glazing line.

Extent of impact: Moderate-to-Severe

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.08 - Unit 9



P24 IMG_8644 a.jpg

Existing site photo

From study at standing height, 1600mm facing north east towards subject site

RL: +30.031m

Distance to site boundary: 4.803m

Distance to centre of subject site: 24.469m



P24 IMG_8644 c.jpg

Photomontage of proposal



P24 IMG_8644 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact – Amount of new building visible in view – 22%

Visual impact ratio of view loss to sky view loss in visible portion. 77%: 23%

Existing Visual Quality Scale no: 11 /15 Visual Impact Assessment Scale no: 10 /15.

This is a static, private viewpoint from the study of Unit 9 in the residential apartment building at no.12, Onslow Avenue, looking north-northeast over the subject site.

The existing view is across the northern portions of Elizabeth Bay, with mature trees in the foreground, to Port Jackson, Athol Bay and Bradleys Head and foreshore in the distance. Further to the northeast in the view is North Harbour National Park in the far distance.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. This height exceedance causes view loss to parts of Port Jackson and Elizabeth Bay. Beyond this, parts of Bradleys Head and the sky view above the line of the existing building are impacted.

Tenacity Assessment Summary:

Value of view: High.

View location: Primary living space – standing 1m behind glazing line.

Extent of impact: Moderate-to-Severe.

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.09 - Unit 11



P57 IMG_8976 a.jpg

Existing site photo

From kitchen at standing height, 1600mm facing north east towards subject site
Distance to site boundary: 15.683m
Distance to centre of subject site: 33.149m



P57 IMG_8976 c.jpg

Photomontage of proposal



P57 IMG_8976 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact – Amount of new building visible in view – 14%

Visual impact ratio of view loss to sky view loss in visible portion. 48%: 52%

Existing Visual Quality Scale no: 10 /15 Visual Impact Assessment Scale no: 8 /15.

This is a static, private viewpoint from the kitchen, being a primary living space, of Unit 11 in the residential apartment building at no.12, Onslow Avenue, looking north-northeast over the subject site.

The existing view, above existing trees in the foreground, is across the northern portions of Elizabeth Bay, the eastern headlands of Potts Point and Garden Island, to Port Jackson, Robertsons Point, Little Sirius Cove, Athol Bay and Bradleys Head and foreshore in the distance. The ridgeline of Cremorne and Mosman is also visible above the roof of the existing building to the west of the view.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. This height exceedance causes view loss to parts of Port Jackson and Elizabeth Bay. Beyond this, parts of the distant ridgeline of Cremorne and the sky view above the line of the existing building are impacted.

Tenacity Assessment Summary:

Value of view: Medium-to-High.

View location: Primary living space - kitchen - standing 1m behind glazing line.

Extent of impact: Moderate.

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.10 - Unit 12



P01_IMG_8477 a.jpg

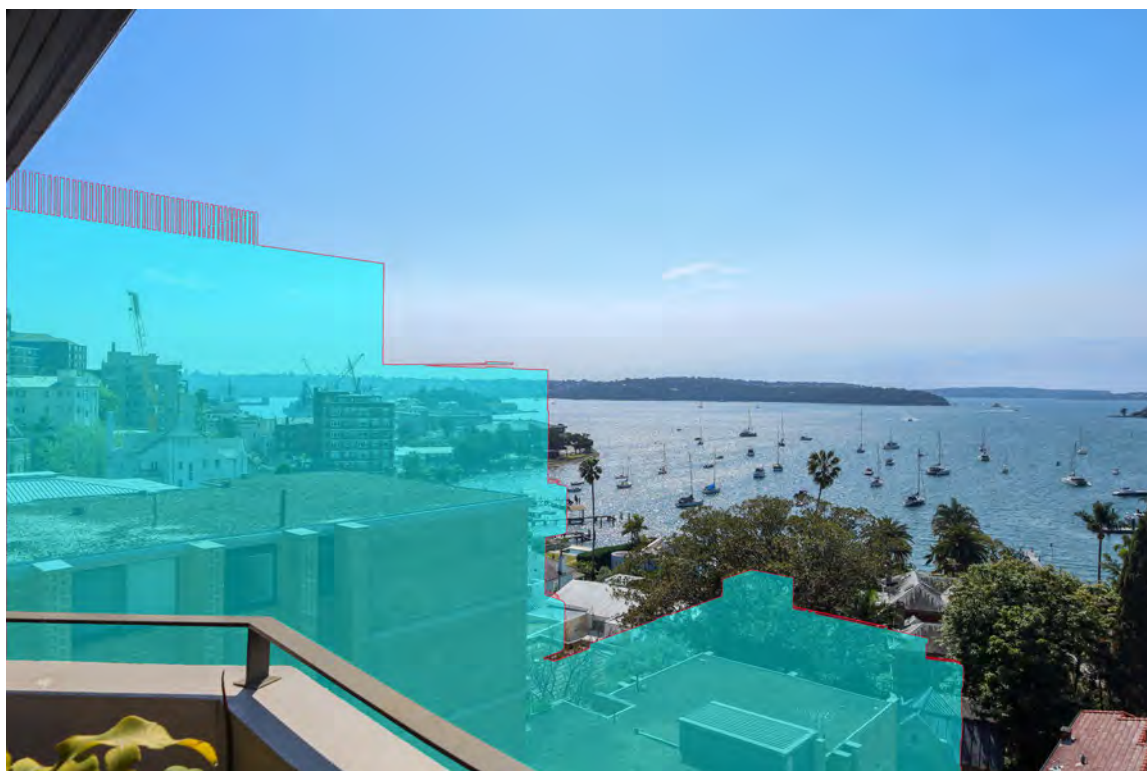
Existing site photo

From external balcony at standing height, 1600mm facing north east towards subject site

RL: +36.634m

Distance to site boundary: 10.488m

Distance to centre of subject site: 28.264m



P01_IMG_8477 d.jpg

Photomontage of proposal

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P01_IMG_8477 c.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact - Amount of new building visible in view - 42%

Visual impact ratio of view loss to sky view loss in visible portion: 82%: 18%

Existing Visual Quality Scale no: 13 /15 Visual Impact Assessment Scale no: 13 /15.

This is a static, private viewpoint from the outdoor private space on the main balcony, of Unit 12 in the residential apartment building at no.12, Onslow Avenue, looking north-northeast over the subject site.

The view, above the existing buildings on the site, is across the northern portions of Elizabeth Bay, the eastern headlands of Potts Point and Garden Island, to Port Jackson and Fort Denison, Kurraba Point, Robertsons Point, Little Sirius Cove, Athol Bay and Bradleys Head and foreshore in the distance. The ridegline of Cremorne and Mosman is also visible above the roof of the existing building to the west of the view. Further to the east in the view is Clark Island, Watsons Bay, South Head and North Harbour National Park in the far distance.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. This height exceedance causes significant view loss to parts of Port Jackson and Elizabeth Bay. Beyond this, Garden Island, Fort Denison and the foreshore of the suburbs around Kurraba Point are also impacted.

Tenacity Assessment Summary:

Value of view: High

View location: Primary living space - kitchen - standing 1m behind glazing line.

Extent of impact: Severe-to-Devastating.

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.11 - Unit 12



P05 IMG_8541 a.jpg

Existing site photo

From office at seated height, 1300 mm facing north towards subject site.

RL: +39.389m

Distance to site boundary: 2.826m

Distance to centre of subject site: 29.356m



P05 IMG_8541 c.jpg

Photomontage of proposal



P05 IMG_8541 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact - Amount of new building visible in view - 14%

Visual impact ratio of view loss to sky view loss in visible portion: 79%: 21%

Existing Visual Quality Scale no: 9 /15 Visual Impact Assessment Scale no: 12 /15.

This is a static, private viewpoint from a secondary indoor living space (office), of Unit 12 in the residential apartment building at no.12, Onslow Avenue, looking north-northwest over the subject site.

The existing view, is to a portion of the existing building's roof on the site, with Onslow Avenue to the west of this and Elizabeth Bay House (heritage listed) in the middle distance. Beyond this are the many residential apartment buildings around Onslow Place, Onslow Avenue and Macleay Street to the east and the western headland of Garden Island, to Port Jackson, Fort Denison and Kurraba Point in the far distance. The ridgeline of Cremorne and Mosman is also visible beyond this.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. The view loss from the new proposal includes the entirety of the heritage-listed Elizabeth Bay House, which represents the highest value component of the existing view. Views to Onslow Avenue and its street landscape are also impacted. In the distance, the Harbour water view, Fort Denison, Kurraba Point and the distant ridgeline, together with sky views and distant apartment views are totally obscured by the new proposal.

Tenacity Assessment Summary:

Value of view: Medium-to-High.(Heritage building).

View location: Secondary indoor living space – standing 1m behind glazing line.

Extent of impact: Severe.

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

Viewpoint no.12 - Unit 12



P09 IMG_8551 a.jpg

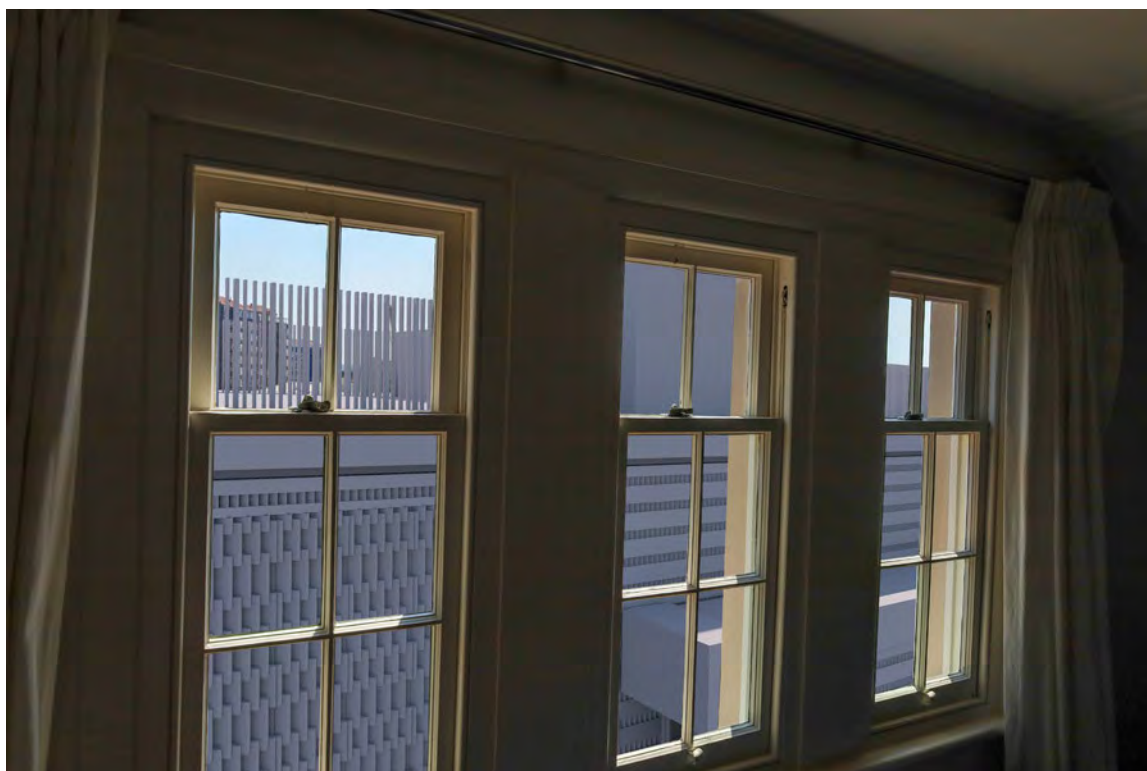
Existing site photo

From office at standing height, 1600mm facing north east towards subject site

RL: +39.689m

Distance to site boundary: 3.022m

Distance to centre of subject site: 31.329m



P09 IMG_8551 c.jpg

Photomontage of proposal

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CLIENT:

PROJECT:

736

ISSUE:

20 September 2023

DWG NO:

VIA_35

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



P09 IMG_8551 d.jpg

Extent of visual impact of proposed development indicated in cyan with red outline

Visual Impact Assessment:

Visual impact - Amount of new building visible in view - 27%

Visual impact ratio of view loss to sky view loss in visible portion: 88%: 12%

Existing Visual Quality Scale no: 10 /15 Visual Impact Assessment Scale no: 13 /15.

This is a static, private viewpoint from secondary indoor living space (office), of Unit 12 in the residential apartment building at no.12, Onslow Avenue, looking north-northwest over the subject site.

The existing view, is to a portion of the existing building's roof on the site, with Onslow Avenue to the west of this and Elizabeth Bay House (heritage listed) in the middle distance. Beyond this are the many residential apartment buildings around Onslow Place, Onslow Avenue and Macleay Street to the east and the eastern headland of Garden Island, to Port Jackson and Kurraba Point in the far distance. The ridgeline of Cremorne and Mosman is also visible. Further to the east, Bradleys ahead and the water of Elizabeth Bay is clearly seen above the existing buildings on the subject site.

The new development proposal, at No.10, Onslow Avenue and No.21C, Billyard Avenue, rises to a height that is above the permitted building envelope designated to this site. The view loss from the new proposal includes the entirety of the heritage-listed Elizabeth Bay House, which represents the highest value component of the existing view. Views to Onslow Avenue and its street landscape are also impacted. In the distance, the Harbour water view, Garden Island, the distant ridgeline, together with sky views and distant apartment views are obscured. Views of Elizabeth Bay and Bradleys Head to the East are lost entirely.

Tenacity Assessment Summary:

Value of view: Medium-to-High.(Heritage building).

View location: Secondary indoor living space – standing 1m behind glazing line.

Extent of impact: Severe-to-Devastating.

Reasonableness of proposal: The extent of view loss, caused by the upper levels of the proposal, including a non-compliant height exceedance, creates view loss to this residence that would be considered unacceptable, in relation to the visual quality of the view being impacted, particularly the iconic elements.

4. CONCLUSIONS + PLANNING SCHEME PROVISIONS RELATING TO VISUAL IMPACTS

This Visual Impact Assessment from Urbaine Design Group seeks to provide an objective approach to the likely visual impact and potential view loss from neighbours, surrounding the site of a new proposed development at No.10, Onslow Avenue and No.21C, Billyard Avenue. The view loss assessment is submitted to support an objection to the development, in relation to the adjoining residential property on the southern side of the subject site, at No.12, Onslow Avenue.

In reviewing the information, supplied to Sydney City Council, on behalf of the landowner and developer, there are a number of issues to address, in terms of visual impact and the design's response to the City of Sydney Council DCP, 2012.

Firstly, it is important to acknowledge the extent of visual impact and view loss incurred as a result of the existing building on the site. Alongside this, the architectural and material quality of the existing building can also be considered in the overall assessment, when viewed alongside the new proposal. Significantly, the City of Sydney Council DCP, 2012 also contains a series of guidelines as to the architectural quality of any proposal:

- 1 To ensure that the built form is compatible with the streetscape and the desired future character of the area
- 2 To ensure that development is of high visual quality and enhances the street.
- 3 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings.
- 4 To ensure that roof forms are consistent with the existing predominant roof forms in the street and minimise impacts to neighbouring properties.

View loss and visual impact is observed from a number of neighbouring properties, including the ones reviewed above. Several of these apartment buildings experience their existing views across primary boundaries, which is significantly more relevant within the terms of the Tenacity Judgement. Others have views that are constrained by the adjoining, or neighbouring buildings.

Some of the most severe potential for visual impact is experienced by the apartments at No.12, Onslow Avenue, who currently enjoy views to the north and east, including iconic elements and landscape features of very high value

The planning principle of 'view sharing' requires that the collective of neighbouring buildings be considered and, within this context, the increase view loss at No.12, Onslow Avenue is deemed unacceptable. The neighbouring Council has a similar approach to view sharing: Woollahra Council DCP, 2015, Section B3.5.3: Public and Private Views. This states:

'View sharing concerns the equitable distribution of views between properties. The view sharing controls in this DCP seek to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties. Development should be designed to reflect the view sharing principles in Tenacity Consulting v Warringah Council [2004] NSWLEC 140.'

In this instance, the design does not satisfy the requirements for view sharing, particularly as a result of its non-compliant upper levels of accommodation.

In conclusion, the new proposal represents a variation to the existing visual impact and view loss to neighbouring residential properties along Onslow Avenue. The highest value views are middle and distant views to the east and north, namely to Elizabeth Bay, across Beara Park, to Rushcutters Bay and the northwestern point of Darling Point, beyond this. Further to the east in the view is Clark Island, Rose Bay, Neilsen Park, Watsons Bay, South Head and North Harbour in the far distance. Northwestern views currently include Port Jackson, Fort Denison and various parts of the foreshore to the lower north shore suburbs.

The extent of additional view loss varies from 'Moderate' to 'Severe-to-Devastating', which, for a non-compliant building proposal is not considered acceptable.



John Aspinall BA(Hons) BArch(Hons), Director: urbane design group

5. APPENDICES

- 5.1 APPENDIX A: Photomontages of the Proposed and Wireframe Images – LEC Compliance.
- 5.2 APPENDIX B: Methodology article – Planning Australia, by Urbaine Architecture.
- 5.3 APPENDIX C: Land and Environment Court guidelines for photomontages.

APPENDIX B:

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

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 deci-

sions from the earliest stages of concept design. Because much of URBANE'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 URBANE'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



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%.



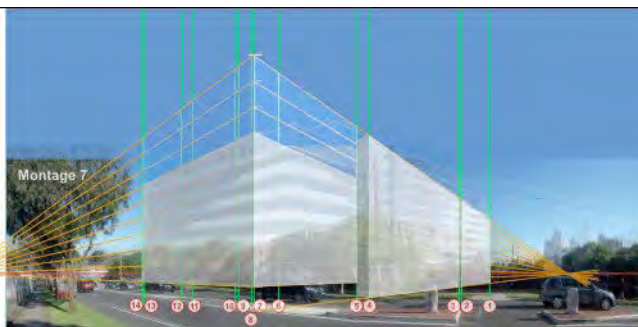
SMH article re inaccurate visualisations



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.

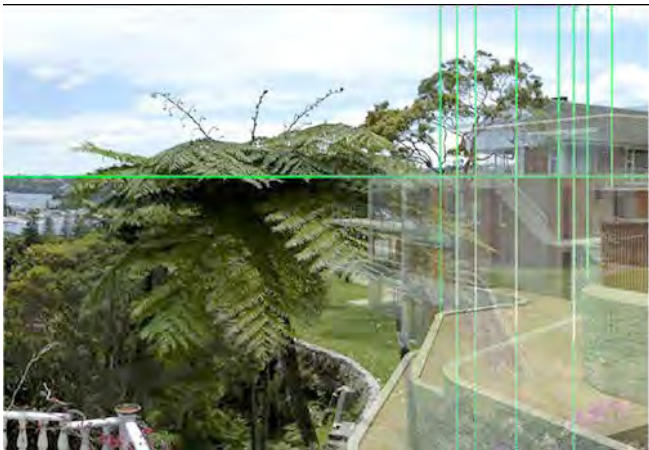
The following example clearly demonstrates this – a house montaged into a view, by others, using very few points of reference for verification. By analysing the existing photo alongside the survey, the existing site was able to be recreated with a series of reference elements built into the model. A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



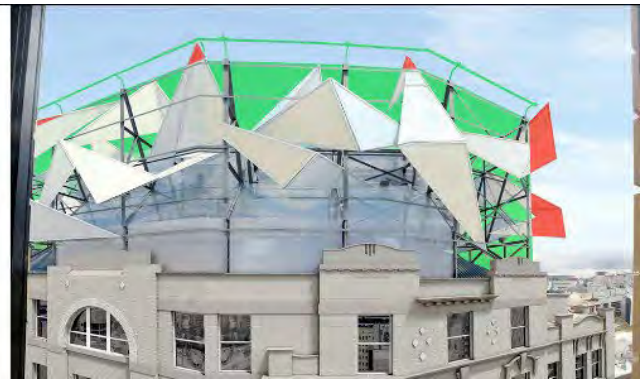
Photomontage of proposed building for digital billboard



Existing situation – view from adjoining hotel

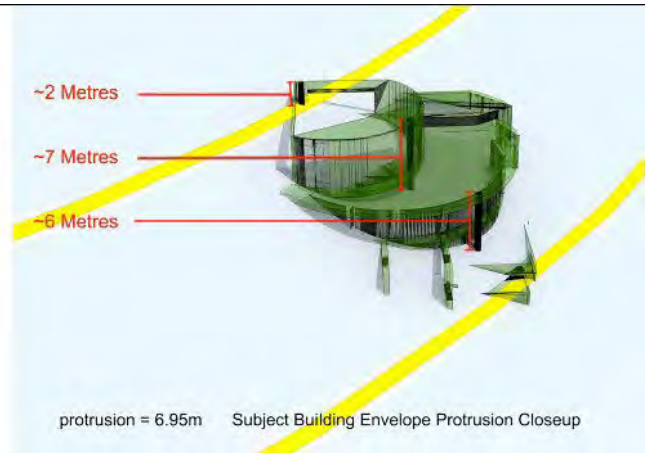
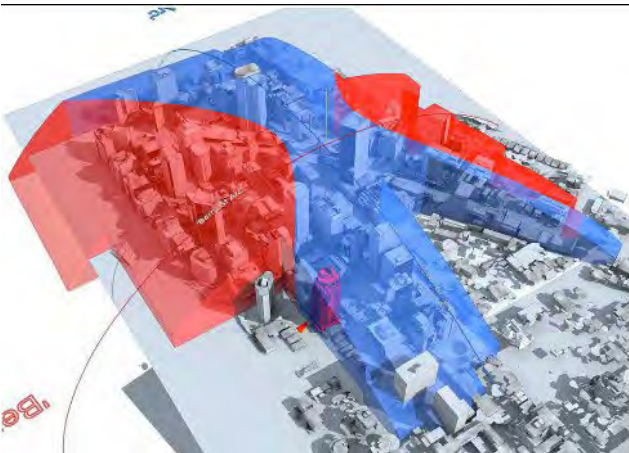


Photomontage of view from hotel



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 placed 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.

APPENDIX C:

Land and Environment Court guidelines for photomontages.

Use of photomontages

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

Requirements for photomontages

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

Existing Photograph.

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

Survey data.

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

2. Any expert statement or other document demonstrating an expert opinion that proposes to rely on a photomontage is to include details of:

- a) The name and qualifications of the surveyor who prepared the survey information from which the underlying data for the wire frame from which the photomontage was derived was obtained; and
- b) The camera type and field of view of the lens used for the purpose of the photograph in (1) (a) from which the photomontage has been derived.

urbaine

D E S I G N G R O U P

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

Appendix A

VIEWPOINT 01



P58 PXL_2405603 3Pg

Site image



P58 PXL_2405603 4Pg

Photomontage of proposal



P58 RXL_2405603 dPg

Visual impact in cyan with red outline

VIEWPOINT 02



P27 IMG_8681 ajPg

Site image



P27 IMG_8681 cjPg

Photomontage of proposal



P27 IMG_8681 dJpG

Visual impact in cyan with red outline



P32 IMG_8730 ajPg

Site image



P32 IMG_8730 cjPg

Photomontage of proposal



P32 IMG_8730 dJpG

Visual impact in cyan with red outline

VIEWPOINT 04



P36 IMG_8757 ajPg

Site image



P36 IMG_8757 cjPg

Photomontage of proposal



P36 IMG_8757 dJpG

Visual impact in cyan with red outline



P38 IMG_8773 ajPg

Site image



P38 IMG_8773 cjPg

Photomontage of proposal



P38 IMG_8773 dJpG

Visual impact in cyan with red outline



P42 IMG_8838 ajPg

Site image



P42 IMG_8838 cjPg

Photomontage of proposal



P42 IMG_8838 dJpG

Visual impact in cyan with red outline



P14 IMg_8584 ajPg

Site image



P14 IMg_8584 cjPg

Photomontage of proposal



P14 IMG_8584 dJpG

Visual impact in cyan with red outline



P24 IMG_8644 ajPg

Site image



P24 IMG_8644 cjPg

Photomontage of proposal



P24 IMG_8644 dJpG

Visual impact in cyan with red outline



P57 IMG_8976 ajPg

Site image



P57 IMG_8976 cjPg

Photomontage of proposal



P571Mg_8976 dJpG

Visual impact in cyan with red outline

VIEWPOINT 10



P01_IMG_8477 ajPg

Site image



P01_IMG_8477 cjPg

Photomontage of proposal



P01_IMG_8477 dJpG

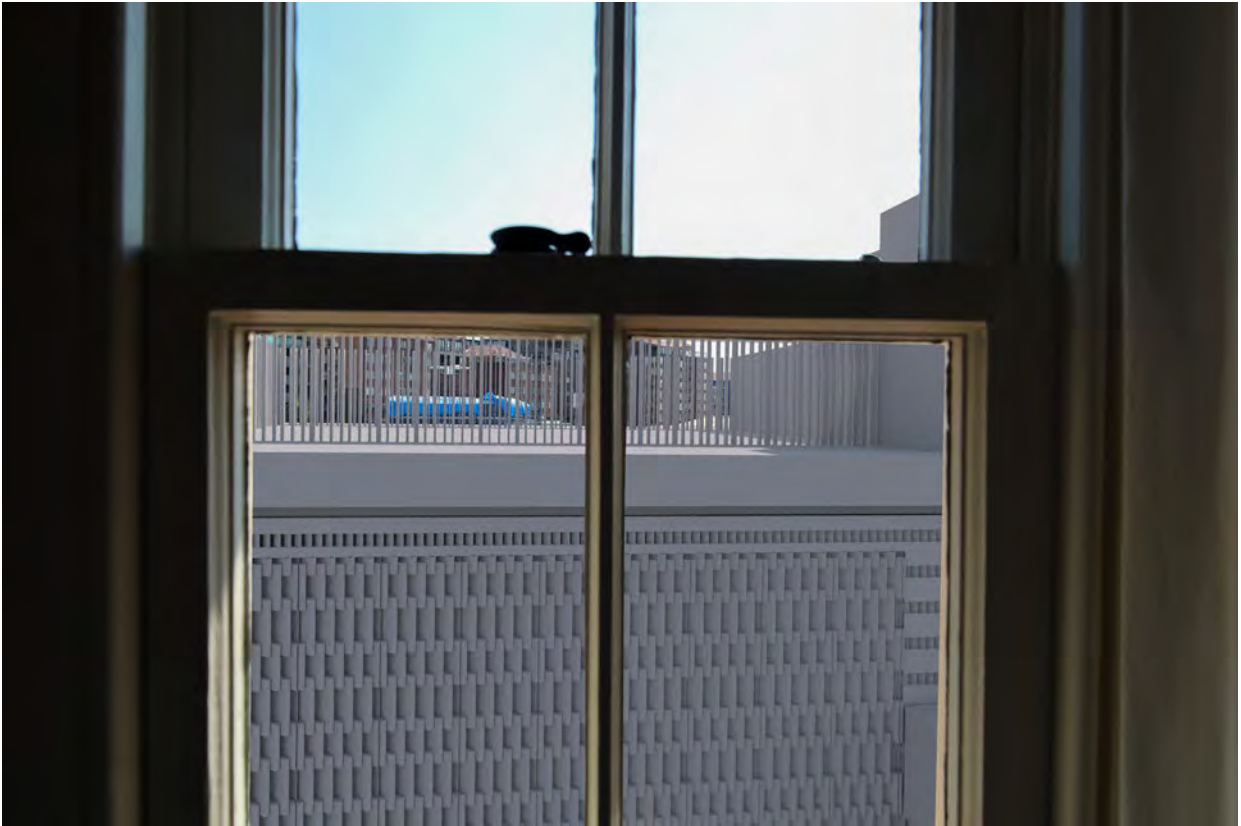
Visual impact in cyan with red outline

VIEWPOINT 11



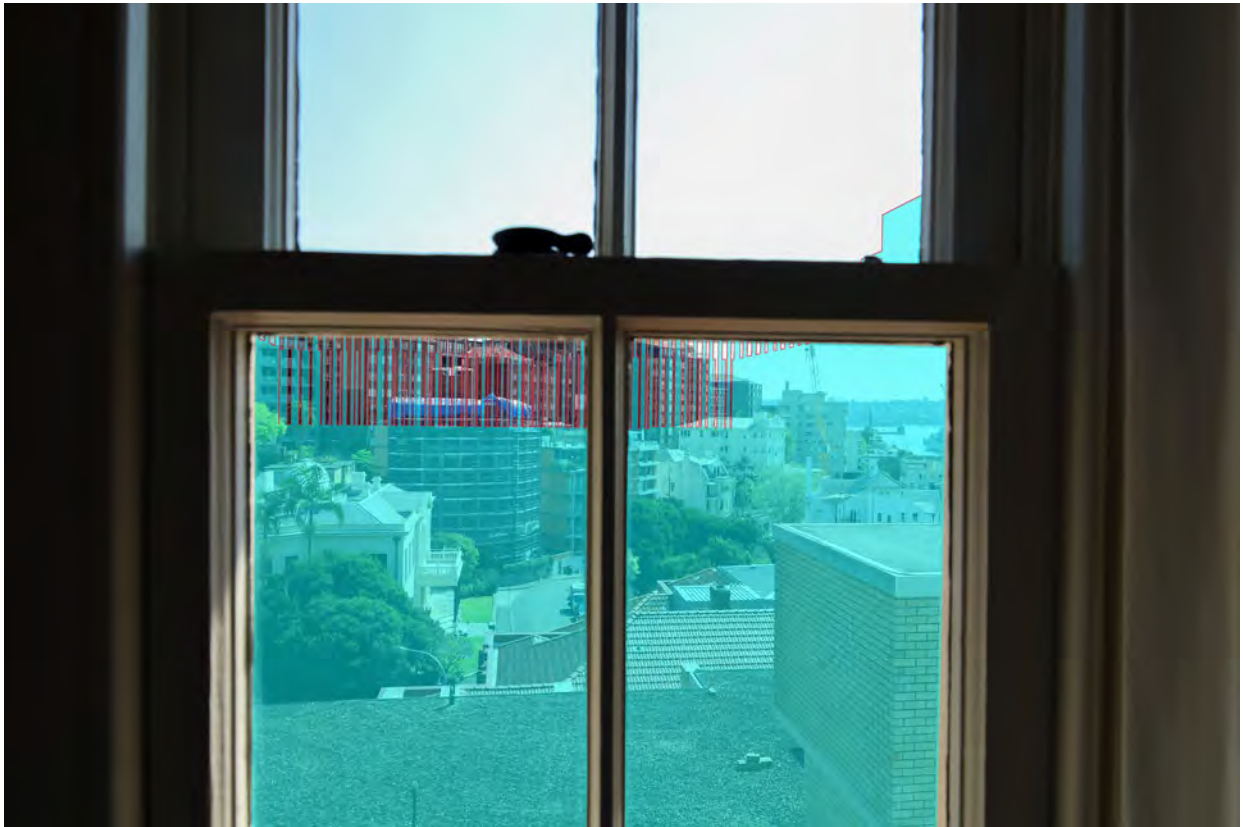
P05 IMG_8541 ajPg

Site image



P05 IMG_8541 cjPg

Photomontage of proposal



P05 IMG_8541 dJpG

Visual impact in cyan with red outline

VIEWPOINT 12



P09 IMG_8551 ajPg

Site image



P09 IMG_8551 cjPg

Photomontage of proposal



P09 IMG_8551 dJpG

Visual impact in cyan with red outline

Wireframe / Point Cloud alignment images



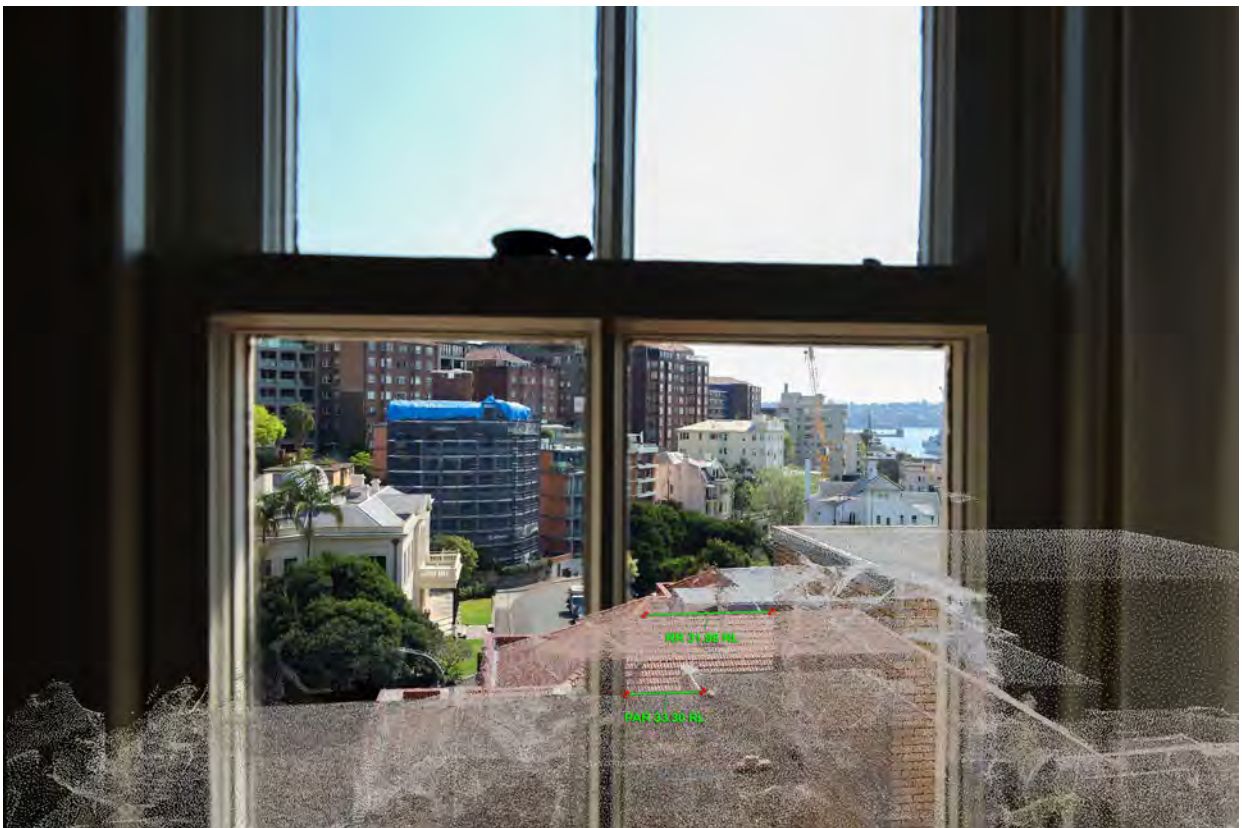
Viewpoint 01

P58 RXL_2405603 hPg



P01_img_8477 bJpg

Viewpoint 02



P05_img_8541 bJpg

Viewpoint 03



P09 IMG_8551 bjPg

Viewpoint 04



P14 IMG_8584 bjPg

Viewpoint 05



P24 IMG_8644 bJpg

Viewpoint 06



P27 IMG_8681 bJpg

Viewpoint 07



P32 IMG_8730 bjPg

Viewpoint 08



P36 IMG_8757 bjPg

Viewpoint 09



P38 IMG_8773 bjPg

Viewpoint 10



P42 IMG_8838 bjPg

Viewpoint 11



P57 IMG_8976 bJpg

Viewpoint 12



21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay

Heritage Assessment Report

Acknowledgement of Country

We respect and acknowledge the Gadigal people of the Eora Nation, their lands and waterways, their rich cultural heritage and their deep connection to Country, and we acknowledge their Elders past and present. We are committed to truth-telling and to engaging with Gadigal representatives to support the protection of their culture and heritage. We strongly advocate social and cultural justice and support the Uluru Statement from the Heart.

Cultural warning

Aboriginal and Torres Strait Islander readers are advised that this report may contain images or names of First Nations people who have passed away.

Report register

The following report register documents the development of this report, in accordance with GML's Quality Management System.

Job No.	Issue No.	Notes/Description	Issue Date
23-0324	1	Draft Report	15 September 2023
23-0324	2	Final Report	19 September 2023

Quality management

The report has been reviewed and approved for issue in accordance with the GML quality management policy and procedures.

It aligns with best-practice heritage conservation and management, *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013* and heritage and environmental legislation and guidelines relevant to the subject place.

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Cover image

10 Onslow Avenue. (Source: © GML Heritage)

Executive summary

Darnley Hall Pty Ltd has commissioned GML Heritage Pty Ltd (GML) to provide a heritage assessment of the property at 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay (the buildings).

This heritage assessment has found that:

- The buildings are associated with the significant and noteworthy architect John James; however it appears that association is peripheral as James had left the practice when the final building was designed and constructed.
- The HCA identifies high-quality post-war apartments constructed between 1960 and 1975 as an important phase of the area's development.
- The buildings share characteristics with other buildings identified as contributory to the values of the HCA including Ithaca Gardens, International House and others.
- The buildings are of a high-quality design, intact and in good condition.
- The buildings make a positive contribution to the established character, setting and significance of the Elizabeth and Rushcutters Bays HCA with generous side setbacks, appropriate height and sympathetic materials.

It is the conclusion of this report that the buildings should be identified as a contributory item within the Elizabeth and Rushcutters Bays Heritage Conservation Area (HCA) and Sydney 2012 DCP and that the policies of the HCA should be applied, namely that contributory items be retained and conserved.

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1 Introduction

1.1 Background

Darnley Hall Pty Ltd has commissioned GML Heritage Pty Ltd (GML) to provide a heritage assessment of the property at 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay. The property is located within the Elizabeth and Rushcutters Bays HCA which is listed under the Sydney Local Environmental Plan 2012 (LEP) (C20, local significance). It is not identified as a LEP 2012 heritage item but is located in the vicinity of several listed heritage items. The property is currently identified as a Neutral item within the HCA under the Sydney Development Control Plan 2012 (DCP).

The City of Sydney Council has received a development application (D/2023/727) that involves demolition of the buildings. Section 3.9, Heritage, of the Sydney Development Control Plan 2012 (DCP) notes that the 'consent authority may not grant consent to a development application that proposes substantial demolition or major alterations to a building older than 50 years until it has considered a heritage impact statement, so as to enable it to fully consider the heritage significance of a building and the impact that the proposed development has on the building and its setting.' A review of the Heritage Impact Statement submitted as part of D/2023/727 (Urbis July 2023) indicates the significance of the existing buildings have not been adequately investigated or assessed.

The following report provides an investigation of the history and development of the buildings and an assessment of their significance in the context of the Elizabeth and Rushcutters Bays HCA.

1.2 Methodology

This Heritage Assessment (HA) report uses methodology and terminology consistent with the NSW Department of Planning and Environment guidelines, including *Assessing Heritage Significance: Guidelines for Assessing Places and Objects against the Heritage Council of NSW Criteria*,¹ and the guidelines of the Burra Charter.²

1.3 Terminology

The terminology used in this report is consistent with the NSW Heritage Manual, prepared by the Heritage Office (now Heritage Division), and the Burra Charter.

- **Place** means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

- **Cultural significance** means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups.
- **Fabric** means all the physical material of the place including components, fixtures, contents, and objects.
- **Conservation** means all the processes of looking after a place so to retain its cultural significance.
- **Maintenance** means the continuous protective care of the fabric and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction.
- **Preservation** means maintaining the fabric of a place in its existing state and retarding deterioration.
- **Restoration** means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.
- **Reconstruction** means returning the place to a known earlier state and is distinguished from restoration by the introduction of new material into the fabric.
- **Adaptation** means modifying a place to suit the existing use or a proposed use.
- **Use** means the functions of a place, as well as the activities and practices that may occur at the place.
- **Compatible use** means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.
- **Curtilage** is defined as the area of land surrounding an item that is required to retain its heritage significance. The nature and extent of the curtilage will vary and can include but is not limited to lot boundaries and visual catchments.
- **Setting** means the area around a place, which may include the visual catchment.
- **Related place** means a place that contributes to the cultural significance of another place.

1.4 Limitations

This report focuses on the history and significance of the existing buildings. It does not include historical research as to earlier periods of the site development.

The report has been prepared in a short time frame for submission during the exhibition period of D/2023/727. As a result, there has been limited time for additional research. Where sources have not been able to be located, they are noted as requiring further investigation.

1.5 Authorship and acknowledgements

This report has been prepared by Rebecca Hawcroft, Head of Heritage Places and Leonie Massie, Historian, with review from Sharon Veale, Chief Executive Officer.

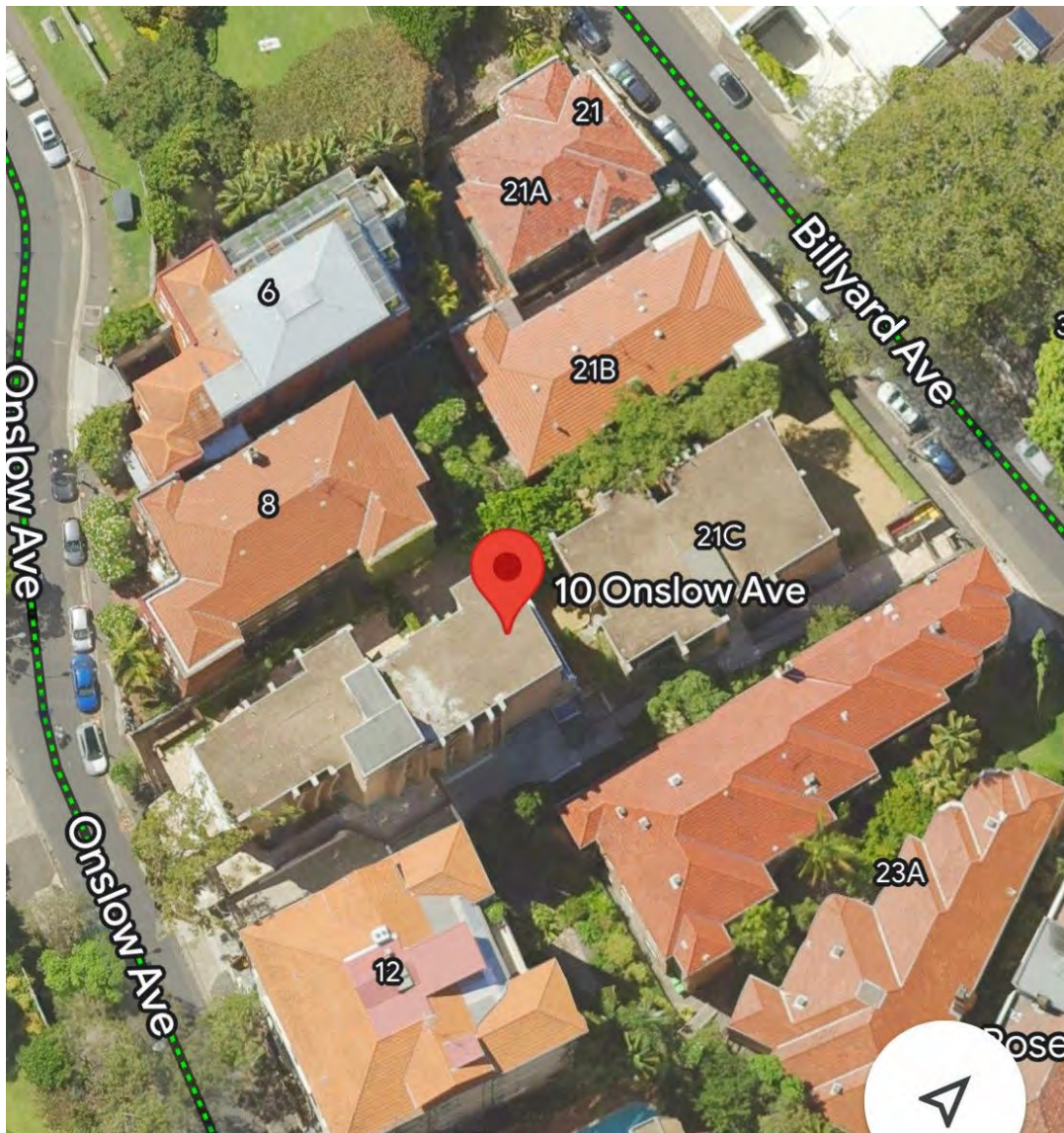


Figure 1.1 The subject site at 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay. (Source: Google Maps)

1.6 Endnotes

- ¹ Department of Planning and Environment 2023, *Assessing Heritage Significance: Guidelines for Assessing Places and Objects against the Heritage Council of NSW Criteria*, <https://www.environment.nsw.gov.au/research-and-publications/publications-search/assessing-heritage-significance>.
- ² Australia ICOMOS Inc, *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013*, Australia ICOMOS Inc, Burwood, VIC, 2000.

2 Statutory context

2.1 Introduction

In NSW items of heritage significance are afforded statutory protection under the following Acts:

- the *Heritage Act 1977* (NSW) (Heritage Act); and
- the *Environmental Planning and Assessment Act 1979* (NSW) (EPA Act).

2.2 Heritage Act 1977

The Heritage Act establishes the Heritage Council and the State Heritage Register and aims to conserve and regulate activities and impacts to NSW's environmental heritage. The Heritage Act describes a heritage item as 'a place, building, work, relic, moveable object or precinct'.

The subject site is not listed on the State Heritage Register (SHR) but is located in the vicinity of several State listed heritage items as identified below.

2.3 Environmental Planning and Assessment Act 1979

The EPA Act is administered by the NSW Department of Planning and Environment and provides for environmental planning instruments to be made to guide the process of development and land use. The EPA Act also provides for the protection of local heritage items and conservation areas through listing on Local Environmental Plans (LEPs) and State Environmental Planning Policies (SEPPs), which provide local councils with the framework required to make planning decisions.

2.3.1 City of Sydney Local Environmental Plan 2012

The site is located within the Elizabeth and Rushcutters Bays Heritage Conservation Area (HCA) which is listed under the Sydney Local Environmental Plan 2012 (LEP) (C20, local significance). The site is identified as a Neutral item within the HCA under the Sydney Development Control Plan 2012 (DCP).

Elizabeth and Rushcutters Bays HCA

The HCA heritage inventory form located on the [NSW State Heritage Inventory](#) includes the following statement of significance:

Elizabeth Bay and Rushcutters Bay has significance for its original pattern of nineteenth century marine villas and grand residences, and terraces of late nineteenth and early twentieth century.

The area has significance for a later overlay of interwar apartment housing, followed by a subsequent period after World War II. Together with Potts Point nowhere else in Australia were apartments built to this height or level of density. The area has fine streetscapes of strong urban form and a largely Victorian, Federation and Interwar character. **The Conservation Area also encompasses key examples of architecture dating between 1960 and 1975, demonstrating principal characteristics of a then emerging type, class or group.**

The area provides building types that represent the last 150 years of development that co-exist in a harmonious way.

It is noted that the area is significant at a local level because:

The area is representative of the residential expansion of the Colony in the mid-nineteenth century and subsequent Victorian, Federation, Inter-war and late twentieth century development.

The physical description notes:

The area has a dense urban character. It comprises early villas, terrace houses, grand houses such as Elizabeth Bay House, Boomerang, Ashton, Kincoppal and Tresco, and twentieth century residential flat buildings. The many notable flats include Birtley Towers at 8 Birtley Place, Marlborough Hall at 4 Ward Avenue, and Meudon at 13 Onslow Avenue. There are several fine rows of terraces including Brent Terrace at 13A–27 Roslyn Gardens. **There are also several high-quality post-war apartment developments that represent an important later phase of development between 1960 and 1975, including Ithaca Gardens, International Lodge and Oceana.**

Relevant street ratings include:

Billyard Avenue: 'Boomerang', Grand villas of Victorian period, Post WW II development, water glimpses, detracting garages on street at rear of properties. Rating A

Onslow Avenue: Elizabeth Bay House provides focus. Park ensures view. Rating A

Relevant policy recommendations identified in the listing include:

1. Protection of significance:
 - (b) Key Period Significant (Contributory) Development:
 - Retain Post-war 1960–1975 apartment buildings identified as Contributory.
2. Redevelopment of Non-Contributory Sites:
 - For post-war (1945–1960) and late-twentieth century (1960–1975) buildings, investigate and consider potential individual architectural significance when planning major external change.

3. Other Recommendations:

- Contributory buildings should be retained and conserved. A Heritage Assessment and Heritage Impact Statement should be prepared for contributory buildings prior to any major works being undertaken.

2.4 Heritage items in the vicinity

The site is situated in the vicinity of the following heritage items, as listed in the Sydney LEP 2012 and State Heritage Register:

- House 'Berthong' including interior, garage and grounds, 36 Billyard Avenue (local significance, I574).
- House 'Boomerang' including interior and garden, 42 Billyard Avenue (State significance, I575).
- House and grounds 'Elizabeth Bay House' including interior and grounds, 7–9 Onslow Avenue (State significance, I594).
- Flat building 'Meudon' including interior, 13 Onslow Avenue (local significance, I595)
- Cliff face behind Elizabeth Bay House, Onslow Avenue (local significance, I597).
- Grotto site of Elizabeth Bay House, 14–16 Onslow Avenue (State significance, I596).

2.5 Conclusions

The HCA statement of significance identifies high-quality apartments constructed between 1960 and 1975 as an important phase of the area's development. The physical description of the HCA specifically identifies this type as characterised by Ithaca Gardens, International Lodge and Oceana. Section 6.2, Comparative Assessment, of this report compares those buildings with the subject site.

Billyard Avenue is specifically noted as a location for post-World War II development and water glimpses.

3 Historical overview

3.1 Introduction

This report focuses on the design and development of the existing residential flat buildings located at 12 Billyard Avenue and 10 Onslow Avenue. It is noted the Heritage Impact Statement (HIS) for the current development, completed by Urbis in 2023, includes a description of the historical development of the site up until the construction of the existing buildings. As a result that information is not reproduced in this report.

The 2023 HIS, however, includes scant information about the buildings and notes that an architect could not be identified. This report identifies the architects and provides further detail regarding the building's design and context to inform the assessment of significance in Section 6.

This historical overview is based upon archival research conducted at City of Sydney and the Australian Institute of Architects (AIA), including the AIA Register of Significant Buildings. The *Architecture Bulletin* and contemporary architecture articles published in the *Sydney Morning Herald* and other publications, and the authors made direct contact with architect John James.

The Aboriginal connection to the property is acknowledged but is not further identified in this report.

3.2 Development of the current buildings

Petver Projects Pty Ltd of 16/18 Mount Street, North Sydney, submitted a development application to the City of Sydney Council in January 1971 for residential home units on Lots A and B (adjoining 23 Billyard Avenue) and Lot C (10 Onslow Avenue), Elizabeth Bay. Petver was an investment and real estate company and according to their letterhead 'consultants, developers, designers, construction, management, syndicate formation and financiers' and included several group companies including Petver Projects Pty Ltd. The owner of the property was Vanlow Investments Pty Ltd. The estimated cost of the development was \$400,000.

An amended application was submitted at the beginning of March 1971.

As the site was located within a Foreshore Scenic Protection Area the application was submitted to the State Planning Authority of NSW. The proposed development comprised a 'six-storey building, with basement, containing twenty-eight (28) flats'.¹ The development was to be known as 'Vanessa Lodge' and described by Petver Projects Pty Ltd as follows:

The project consists of a Home Unit Development set on a hillside site which will be extensively landscaped. It will replace an outdated flat building and vacant site.

In order to produce the most desirable form of development the project has been designed in two building each at different levels of the site. This has enabled most advantage to be taken of the harbour views obtainable from the site without impairing the amenity of the area and allowing all car parking to be contained within the structure of the building out of view.

The larger building fronting Onslow Avenue has been designed to contain all three bedroom apartments to harmonise the environment of the inhabitants. There are twelve apartments in this building which is proposed to be of six floors built over the car parking area.

The smaller building will contain 13 one bedroom and 3 bedsitting room apartments.²

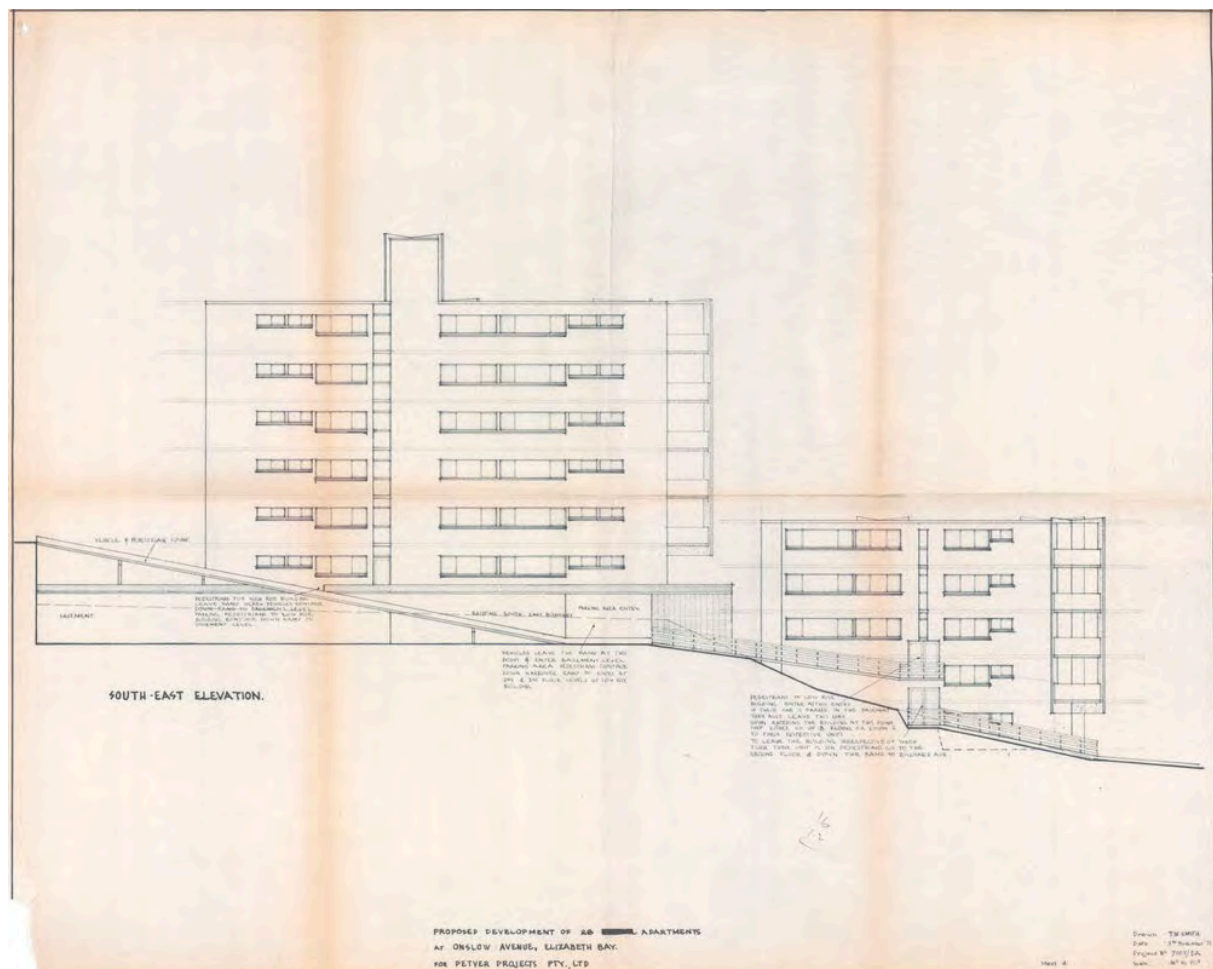


Figure 3.1 Proposed development of 28 apartments at Onslow Avenue, Elizabeth Bay for Petver Projects Pty Ltd. Drawn by TW Smith, November 1971. (Source: City of Sydney Archives. A-00164499)

The City Building Surveyor's Department recommended approval of the development application in June 1971 subject to lodgement of plans addressing nine amendments. Eventually in December the same year the council granted consent to the development application subject to 13 conditions and submission of a building application.

Vanlow Investments Pty Ltd of 307 Pitt Street, Sydney lodged the building application to City of Sydney in September 1972 for 'two (2) residential flat buildings' on Lots A and B (adjoining 23 Billyard Avenue) and No 10 (Lot C) Onslow Avenue, Elizabeth Bay. The estimated cost of the proposed building was \$440,000. The architect was John James, Perumal & Partners Architects Pty Ltd (300 George Street, Sydney) and the Structural Engineer was DE Wolfe & Associates (301 Kingsway, Caringbah). The proposed two buildings were to be constructed in brick and reinforced concrete totalling 4700 square feet. Building one (1) comprised a ground floor and five upper floors. Building two (2) comprised a ground floor and four upper floors. The site also included carparking at basement level.

In October 1972 the City of Sydney Council approved building application 976/72 for construction of two multi-level apartment buildings, subject to minor amendments. Development Application 35/71 was approved by council and work commenced on the site in December 1972 by the building contractors, Artisan Developments Pty Ltd of 3 Wentworth Road, Vaucluse. Demolition of 10 Onslow Avenue was underway in January 1973.

Ian O'Neill was the principal correspondent for John James, Perumal + Partners Architects Pty Ltd during progress of the building application and subsequent development of the present 10 Onslow Avenue.

3.3 Construction and early modifications

Structural plans were submitted in August 1973 and approved in stages in October and November the same year. According to a survey plan dated 13 August 1973, the building on Lots A and B was under construction with a frontage to Billyard Avenue. The position of Building 1 fronting Onslow Avenue was advised to council in a survey plan dated October 1973.

Amended plans were submitted by John James, Perumal + Partners Architects Pty Ltd in November 1973 for a reduction of the balconies to floors 2, 3 and 5, adjustment to ground levels related to Building 2 facing Billyard Avenue, and clarification of the side boundary retaining walls. These plans were approved the following month.

Building 1 on Onslow Avenue was under construction on Lot C by early February 1974.

John James, Perumal + Partners Architects Pty Ltd applied to council in June 1974 for a certificate of completion for Building 2 facing Billyard Avenue 'in advance of Building 1

facing Onslow Avenue, treating the two buildings as separate entities in regard to strata titling and occupancy'.³ The architects also indicated in their letter to council that Building 1 would be completed approximately three months after Building 2. The council approved occupancy of Building 2 in August 1974.

John James, Perumal + Partners Architects Pty Ltd submitted plans the following month to erect new wing walls to create court areas to the two front units and these plans were approved in the same month.

The buildings were completed in accordance with BA 976/72 in April 1975.

A landscaping plan was submitted to the Council in September 1974. Amendments to the plans were requested and these approved in November the same year.

In October 1984 Max Cooper & Sons Pty Ltd sought prices from contractors to undertake external repairs to Vanessa Lodge, Elizabeth Bay (10 Onslow Ave). (SMH, 22 Oct 1984, p 33) and in a subsequent advertisement referred to 'rectification work'. (SMH 31 Oct 1984, p 36)

Table 3.1 Table of Development and Building Applications from 1971 to date.

Year	BA/DA No.	Applicant	Description
1971	35/02 71	Petver Projects Pty Ltd	DA erection of new building (28 unites) on Lots A, B, C
1972	976/72	J James, Perumal & partners	Two (2) residential flat buildings \$440,000
1974	10 13/74	Vanlow Investments Pty Ltd	Proposed strata subdivision
1975	149/75	Vanlow Investments Pty Ltd	Erection of TV aerial \$50
1975	159/75	Vanlow Investments Pty Ltd	Certificate of compliance
1975	766/76	John James, Perumal + Partners Architects Pty Ltd	Stairwell housing cladding (Building No 2) \$400
1981	45-81 0754	Proprietors of SP 9561	Erect brick fence \$2,550
1982	44.82 0362	Prestige Aluminium	DA enclosure of balcony (unit 4)
1982	45.82 0749	Prestige Aluminium	Enclosure of balconies \$2,300

Year	BA/DA No.	Applicant	Description
2000	DA2000/315		Demolition of internal load-bearing walls in Unity 12
2002	U02/01039-01		Replacement of balcony balustrades to units 3, 6, 8, 10, 11 and 12
2007	DA2007/553		Internal alterations and additions to Unit 11
2013	DA2013/722		Alterations and additions to existing residential flat building
2020	DA2019/665		Alterations and additions to residential flat building comprising an additional level to create new apartment space

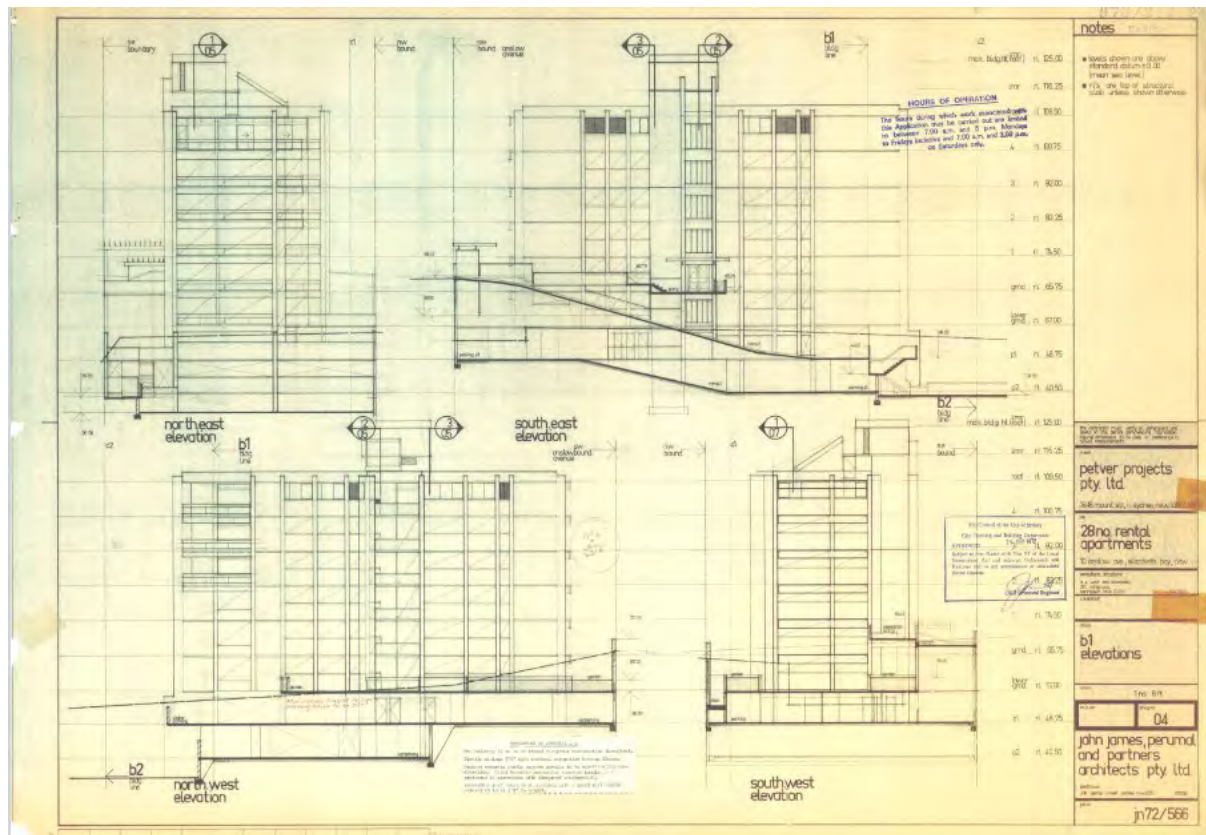


Figure 3.2 Submitted architectural drawings, Building 1, elevations, 1972. (Source: City of Sydney Archives, A-00590018)

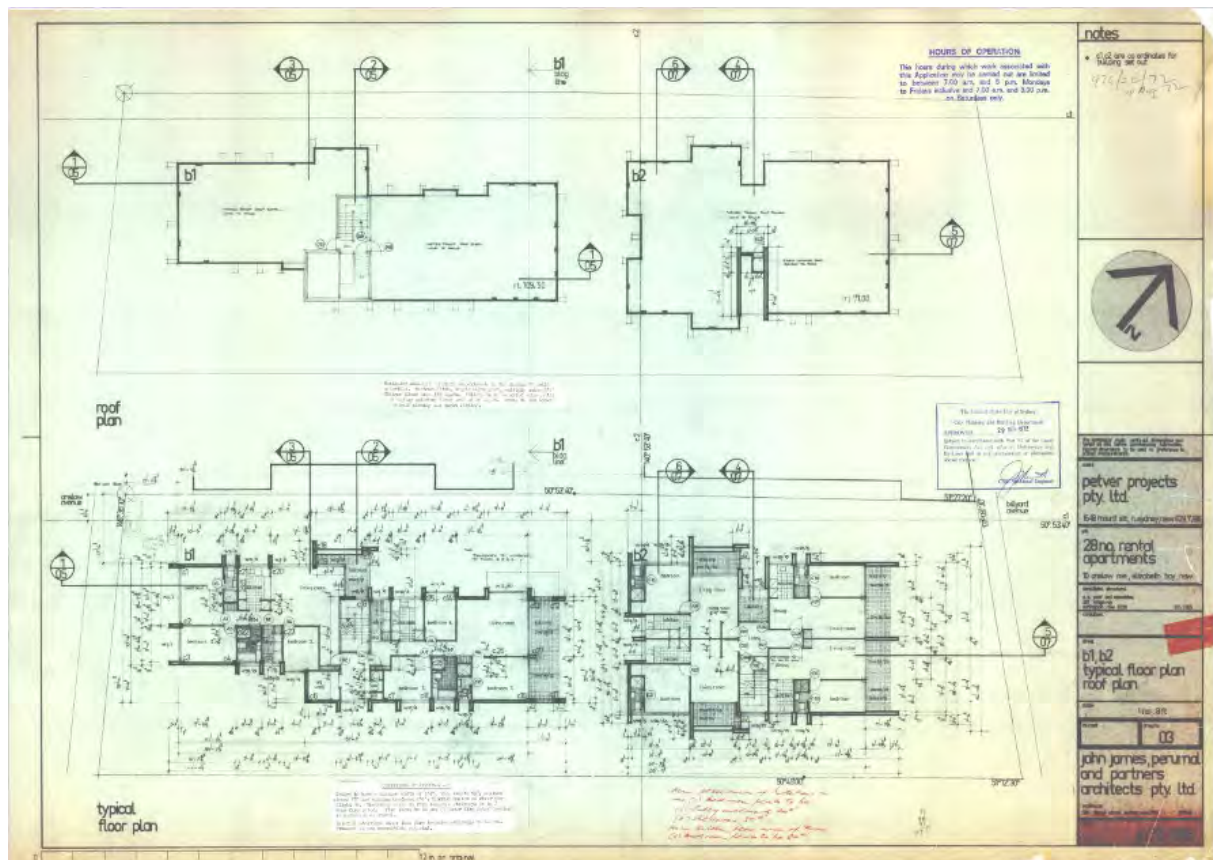


Figure 3.3 Submitted architectural drawings, Building 1 and 2 typical floor plans, 1972. (Source: City of Sydney Archives, A-00590018)

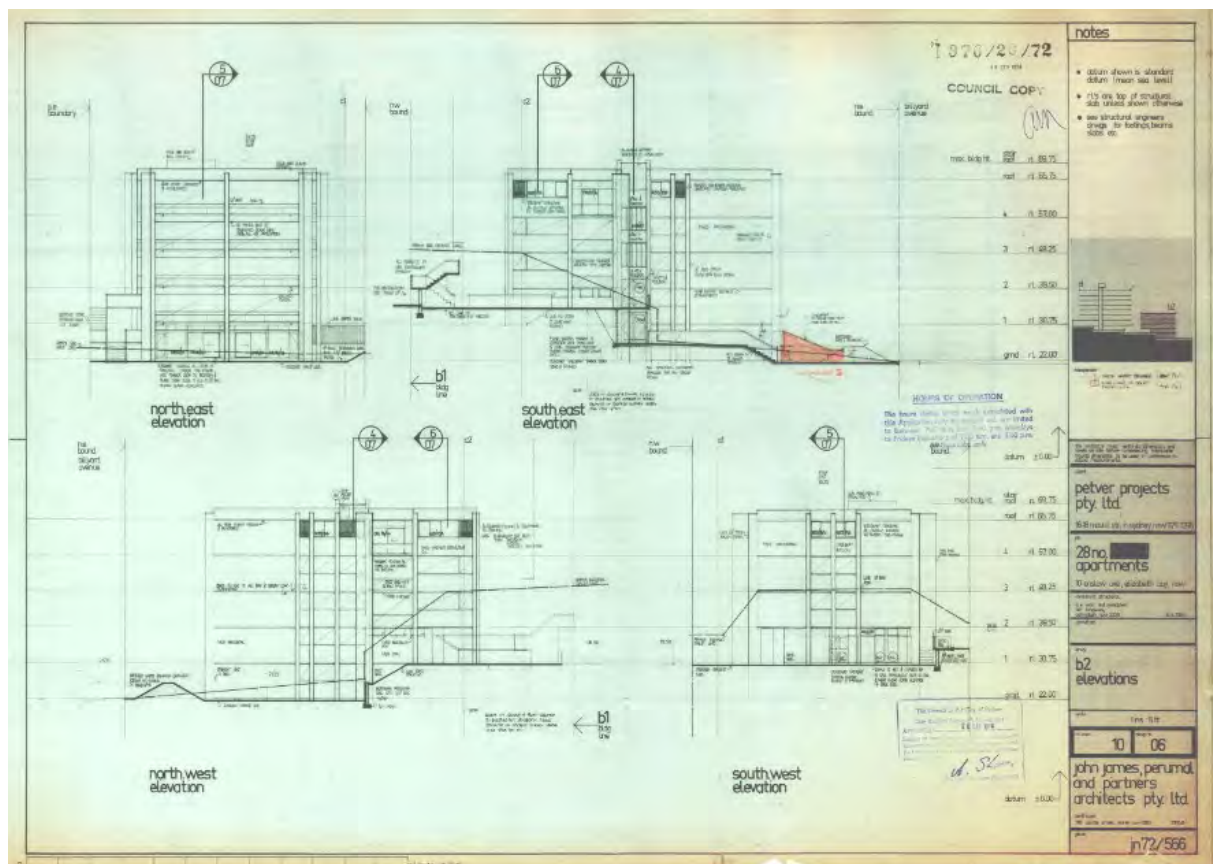


Figure 3.4 Submitted architectural drawings, Building 2 elevations, 1972. John James, Perumal and Partners Pty Ltd. (Source: City of Sydney Archives, A-00590018)

3.4 The buildings' architects

The buildings were designed by John James, Perumal + Partners Architects Pty Ltd. At the time of design the main principals of the firm were John James and Peru Perumal with Ian David Neill as an associate, who was also the main correspondent with Council during the application and building period.

In recent correspondence with the authors, James stated that he had effectively left the practice by August 1969 but was involved in early concept plans of the development.⁴ In reviewing the buildings' plans, James recognised the brick fins or 'slab walls' and the clean separation between them and the windows, particularly on the side elevations, as reflecting his design input. James does not however appear to have been involved in the final detailed design, with Perumal and Neill (the more junior member of the firm), completing the project.

3.4.1 Dr John Roger Houghton James, 1931–

Dr John Roger Houghton James has made a significant contribution to architecture in Sydney. James was born in London in 1931. He received his Bachelor in Architecture (Hons) at the University of Melbourne in 1949–1953. He subsequently received his Masters in Building Science at the University of Sydney in 1963–1966. He commenced practice as an architect in 1956 and the following year was registered by the NSW Board of Architects in June, when he founded his own architectural practice in Roseville which he ran for 13 years as John James and Associates from 1957 to 1969. Ross Yuncken joined him in partnership in 1959. Later, Peru Perumal became an associate and then partner in the firm.

Featuring in Jennifer Taylor's influential publication of 1972, *An Australian Identity: houses for Sydney 1953–63*, and the 1971 publication *Living and Partly Living*, James was a member of the Sydney School of architects. His own home in Mosman of 1965 was widely published and the former Reader's Digest Building, Surry Hills, of 1968 is considered to be of exceptional architectural merit and is listed as a heritage item on Schedule 5 of the City of Sydney LEP.

The firm was restyled as John James and Partners between 1969 and 1972, with James absent from August 1969, living in Europe. From 1972 to 1978 the firm was renamed John James Perumal and Partners Architects.

James' last attributed buildings, as listed on his website, date from 1969.⁵ From the late 1970s James focused on researching medieval architecture and teaching. In 2008 he was awarded an OAM 'for service to architecture as a practitioner, educator and historian, particularly as a leading scholar on French Gothic architectural history'.

3.4.2 Peru Vengadasalam Perumal, 1941–2020

Peru Perumal is not a well-known architect but had a long career in Sydney. Born in Kuala Kangsar, Malaysia on 20 September 1941, Peru attended Clifford School Kuala Kangsar University from 1947 to 1958. He emigrated to Australia the following year and attained a Bachelor of Architecture at the University of New South Wales in 1961–1966 and a Diploma in Town and Country Planning from the University of Sydney. About this date he joined John James in partnership as John James, Perumal and Partners, running the business when John James and his partner lived overseas from 1969 to 1974.

Perumal continued in architectural practice under various names and with a succession of partners for the next 40 years, most recently as Perumal Padavolu Pty Ltd. One of the firm's larger projects was the Leichardt Council Chambers of 1973.

In the 1970s Peru was appointed as a member of the Local Government Appeals Tribunal. He also ran the *Glebe Weekly*, which folded in 1980. He became known in the 1990s for preparing heritage studies for local government authorities.

Peru lived in Glebe for many years and was the President of the Glebe Society in 1973 and 1974 and was a member of the Urban Conservation Committee of the National Trust from 1875 to 1992. He passed away on 26 May 2020 aged 78 years.

3.5 Endnotes

- ¹ Building Application File 35/71, City of Sydney Archives.
- ² 'Vanessa Lodge...a new distinction in apartments at Onslow and Billyard Avenues, Elizabeth Bay, proposed by Petver Projects Pty Ltd', DA File 35/1971 City of Sydney Archives.
- ³ Correspondence, John James, Perumal + Partners Architects Pty Ltd to the Town Clerk, 27 June 1974, BA File 976/72, City of Sydney Archives.
- ⁴ John James, correspondence with the authors, September 2023.
- ⁵ Source <www.johnjames.com.au>

4 Site analysis

4.1 The buildings

21C Billyard Avenue and 10 Onslow Avenue are essentially two separate buildings but function as a single site however are referred to here as 'the buildings'.

4.1.1 Exterior

The existing 28-unit residential flat buildings presents as a six-storey built form at Onslow Avenue (southwest) and five storeys at the Billyard Avenue frontage (northeast). The buildings utilise a steeply sloping site to provide views for apartments on the northeast elevation of both buildings.

The buildings are constructed of a reinforced concrete structure with blonde brick infill panels. The buildings' main street facing elevations feature concrete spandrels painted off-white. The spandrels define the internal floor levels and are extended past the external skin providing fire separation between units at glazed areas and sunshade to balconies. At the Onslow Avenue (southwest) frontage there are narrow horizontal aluminium windows above these spandrels; at the Billyard Avenue (northeast) frontage, however, these spandrels form the base of glazed balustrades for the balconies. The overall effect is strong horizontals, recessed windows and balcony spaces.

Each balcony level at the Billyard Avenue frontage services two apartments, with a projected brick wall dividing the balcony into two halves.

This horizontality is contrasted strongly with the side elevations. Both the side elevations of the buildings contain a series of projected brick fin or slab walls, running vertically and framing the window openings. The fins, 600 x 350mm and 1850 x 350mm, represent a substantial material investment giving privacy to side windows and balconies, and providing a strong verticality and articulation to the side elevations.

At street level on the Onslow Avenue frontage, the site is defined by a low brick wall and at the Billyard Avenue frontage by a metal palisade fence. At Billyard Avenue there is a wide pedestrian entry to the east and, as the building is set back from the street, a landscaped area to the front and north with mature palms.

Vehicle access to the site is from Onslow Avenue on the northern side. The pedestrian entry is located adjacent with cast concrete balustrade curving out to the entry foyer on the southern side of the site. Outdoor pedestrian areas, including the private courtyards at ground level, are paved with cut stone pavers.

The concrete driveway leads to sub-ground carparking levels below 10 Onslow Avenue.

4.1.2 Interior

It is noted that the HIS 2023 does not include plans or elevations of the existing buildings. Copies of the building plans have sourced from City of Sydney a selection of which are reproduced in this report.

The interior of the buildings were not able to be accessed for this study. We note the HIS 2023 identifies that the apartments 'appear to have been variously altered over time to suit the changing needs and lifestyles of the building's residents, however to our knowledge the original layout of the apartments within the building remains unchanged.' (page 19).

Available online real estate images show well designed and laid out apartments of high quality and integrity. A sample of which are reproduced below.

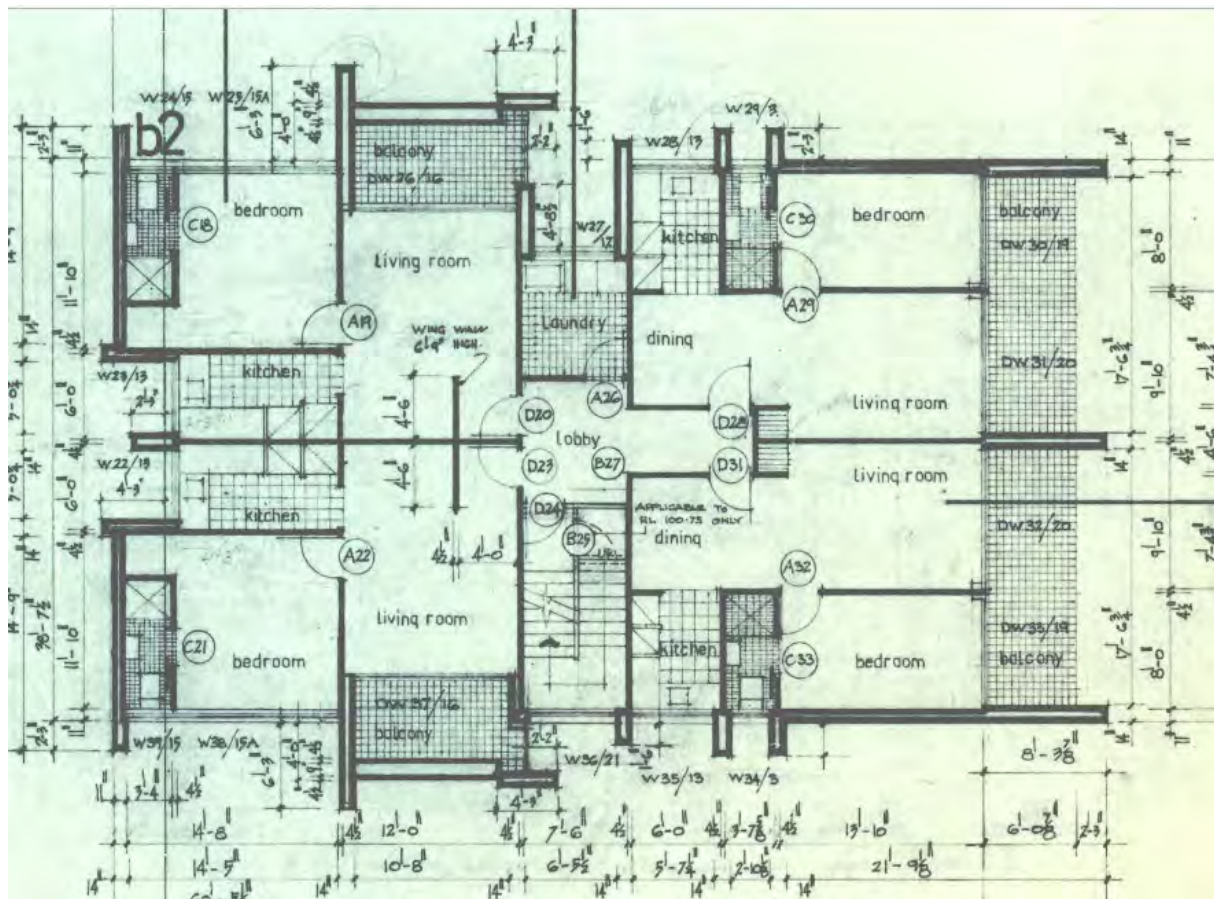


Figure 4.1 Submitted architectural drawings, 21C Billyard Avenue typical floor plan (detail), 1972 showing the one bedroom apartments. The expression of the brick fin walls in the plan is notable, along with the careful articulation of balcony spaces with privacy screens and planters. (Source: City of Sydney Archives, A-00590018)

4.1.3 Site photographs

The following photographs were taken by GML September 2023 from the public domain.

Exterior images



Figure 4.2 10 Onslow Avenue presents a narrow frontage with the entry foyer located on the southeast elevation.



Figure 4.3 10 Onslow Avenue showing the vehicular entry to the basement carparking and wide setback from Darnley Hall.



Figure 4.4 The concrete spandrels are expressed on the main elevations.



Figure 4.5 Narrow window bands line the main elevation on Onslow Avenue.



Figure 4.6 Ramped vehicular entry at Onslow Avenue, and the side elevation of brick fins and lift tower.



Figure 4.7 Crazy paved path to main entry on the southeast elevation with cast concrete balustrades.



Figure 4.8 Brick fins animate the side elevations and provide privacy to side windows and balconies.



Figure 4.9 Paved courtyards at ground level viewed from Onslow Avenue.



Figure 4.10 The five-level 21C Billyard Avenue is a modest presence in its setting.



Figure 4.11 The brick fins of the side elevations are expressed by the generous separation walls between apartments. Balustrades are fitted to the concrete spandrels.



Figure 4.12 Generous pedestrian entry at Billyyard Avenue.



Figure 4.13 Landscape buffer between 21C Billyyard Avenue and its neighbour.



Figure 4.14 The setback from the street front contributes to the recessive presence of the building in its significant heritage context at Billyyard Avenue.

Interior images

The interior of the buildings were not able to be inspected for this report. The following is a selection of online images of the apartments and sample plans.



Figure 4.15 Interior image of flat 1/10 Onslow Avenue.

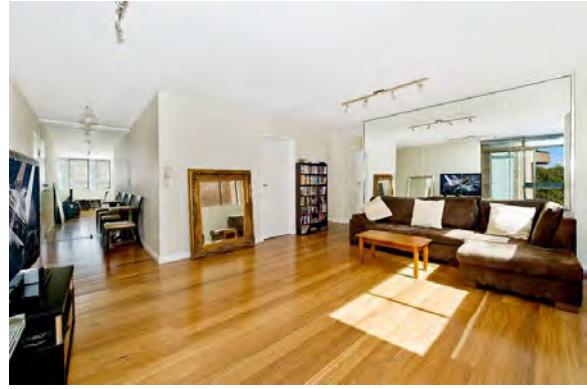


Figure 4.16 Interior image of flat 5/10 Onslow Avenue.



Figure 4.17 Interior image of flat 5/10 Onslow Avenue.



Figure 4.18 Interior image of flat 4/10 Onslow Avenue.



Figure 4.19 Interior image of flat 19/21C Billyard Avenue.



Figure 4.20 Interior image of flat 19/21C Billyard Avenue.

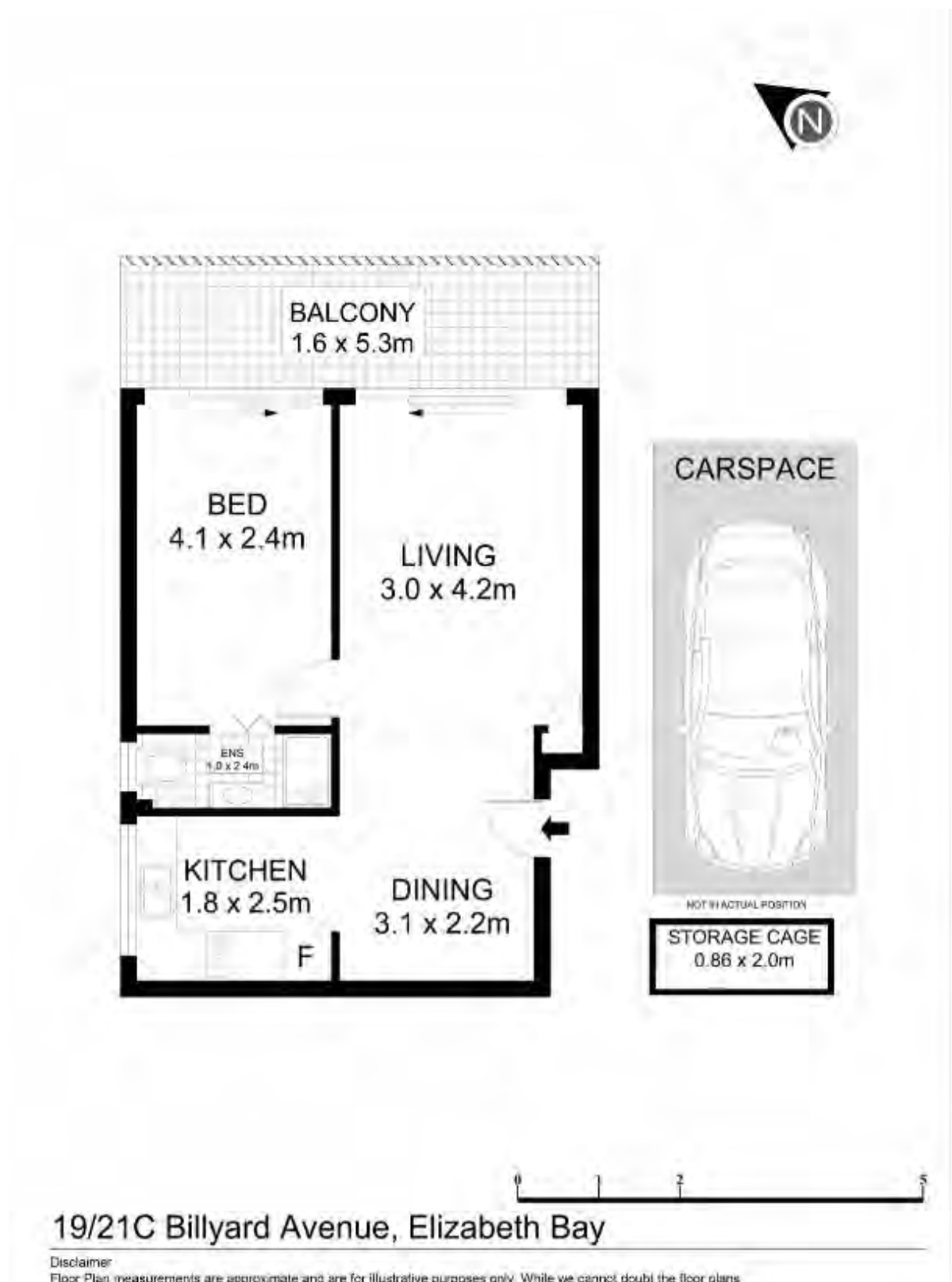


Figure 4.21 Floor plan, flat 19/21C Billyard Avenue.



Patrick Moxey
mob: 0407 900 243

D'Leanne Lewis
mob: 0419 676 667

5/10 Onslow Avenue, Elizabeth Bay



Figure 4.22 Floor plan, flat 5/10 Onslow Avenue.



Figure 4.23 Floor plan, flat 1/10 Onslow Avenue. Ground floor apartment plan.

5 Assessment of significance

The following section contains an assessment of the significance of 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay, based on the Heritage Council of NSW's Heritage Significance Assessment Criteria. The assessment is informed by analysis of the documentary evidence and physical evidence presented in Sections 3.0 and 4.0 respectively.

5.1 Integrity

The HIS 2023 identifies that, aside from minor internal alterations, the buildings are substantially intact. The list of previous development applications in Section 3 indicates no major alterations have been undertaken. Externally the buildings appear to be in good condition.

5.2 Comparative assessment

This comparative analysis has been undertaken based on buildings of similar architectural style and age within the HCA to identify if the subject site can be seen to be a contributory item within the HCA. The HCA statement of significance identifies that it encompasses:

...key examples of architecture dating between 1960 and 1975, demonstrating principal characteristics of a then emerging type, class or group.

Comparative analysis of twentieth century buildings is generally more complex due to the scarcity of items that are subject to statutory protection as heritage items. Given the constraints, this comparative analysis relies on consideration of select buildings from the period 1960 to 1975.

5.2.1 1960–1975 residential flat buildings, Elizabeth Bay

The HCA contains many residential flat buildings dating from 1960–1975, a number of which are considered outstanding examples of the typology. One such example is Ithaca Gardens, a Harry Seidler design apartment building dating from 1960 that is located in close proximity to the site. Several similar celebrated buildings of comparable scale, style and age to the subject site that are located in the HCA or adjacent HCAs include:

- 'Ercildoune', 85 Elizabeth Bay Road, Elizabeth Bay;
- 'Macleay Gardens', 6–8 Macleay Street, Potts Point; and
- 'International Lodge', Elizabeth Bay Road, Elizabeth Bay.

It is noted that none of these examples are identified as items of significance in the City of Sydney LEP and hence do not have individual statements of significance.

'Macley Gardens', 6–8 Macleay Street, Potts Point

Date: 1966–1967 **Architect:** Hugo Stossel

Heritage Significance n/a

Key Features

- Eight-storey block of apartments.
- Set above street level on concrete columns.
- Constructed of cream face brick with expressed concrete floor plates used to shade the full width balconies on the main elevations.



Figure 5.1 Macley Gardens. (Source: MHNSW)

'Ercildoune', 85 Elizabeth Bay Road, Elizabeth Bay

Date: 1965 **Architect:** Harry Seidler

Heritage Significance n/a

Key Features

- 74 apartments in a multi-storey brick and concrete building.
- Consists of two wings with an eight-storey wing to the southeast fronting Elizabeth Bay Crescent with connecting walkways, lift and stairs.
- Exceptional example of apartment planning with two level apartments entered from shared walkways.
- Building is oriented to the entry court located off Elizabeth Bay Road.



Figure 5.2 85 Elizabeth Bay Road, Elizabeth Bay. (Source: Realestate.com.au)

'Ithaca Gardens', 12 Ithaca Road, Elizabeth Bay

Date: 1960	Architect: Harry Seidler
Heritage Significance	RAIA Register of Significant Architecture in NSW (RAIA #4702866), nominated for state heritage listing (intention to list has not been issued to date).
Key Features <ul style="list-style-type: none"> • 11-storey apartment block with part of the ground floor level dedicated as a separate open car parking area with saw tooth thin concrete roof • Blonde brick construction with expressed concrete frames and aluminium-framed windows. • Experimental planning with external circulation areas. • The building features a concrete winged portico. 	



Figure 5.3 Ithaca Gardens entrance with winged portico. (Source: Sydney Living Museums)

International Lodge, 100 Elizabeth Bay Road, Elizabeth Bay

Date: 1962	Architect: Harry Seidler
Heritage Significance	RAIA Register of Significant Architecture in NSW (RAIA #4702799)
Key Features <ul style="list-style-type: none"> • Eight-storey block of apartments. • The building is of blonde face brick with expressed concrete floor plate and aluminium-framed windows. • Larger areas of unpainted cast concrete demonstrating the brutalist architectural style. 	



Figure 5.4 International Lodge. (Source: Google Maps 2021)

5.2.2 John James Perumal and Partners

John James had a varied and prolific career as a builder-architect with numerous works listed on his website until 1969, when it appears he ceased designing buildings. Works by John James listed on the Australian Institute of Architects register of significant buildings include:

- Ford Clements House, Lindfield, 1958.
- John and Hilary James House 2, Mosman, 1965.
- Readers Digest Building, Surry Hills, 1968.

The John and Hilary James House and Readers Digest Building are also listed on the register of DoCoMoMo Australia.

John James has noted he was involved in the buildings' early design, particularly the treatment of the side elevations. The distinctive projecting brick blades strongly emphasise the building's verticality and rhythmically separate the fenestration pattern providing both privacy and sun screening. The strong vertical emphasis and monumentality evident in the building's side elevations evokes the Reader's Digest building, which is also distinctive for strong vertical blades flanking window openings.

The subject site is also similar to Reader's Digest building in the use of materials to create form in contrast to international style modernism which focused on horizontality and limited use of materials and reduced ornamentation.

While similar to the Reader's Digest building in this regard the subject site displays a mix of influences, with the horizontality of the concrete spandrels on the main elevations contrasting with the vertically of the brick features on the side elevations.

It is noted the buildings are well planned and of a high quality, demonstrating a thoughtful consideration of design.

There are few works by Peru Perumal to undertake a comparison and none are recognised as significant examples of architecture.



Figure 5.5 Readers Digest building, 1968, John James' most acclaimed and largest completed building.

5.2.3 Conclusion

When compared to 'key examples of architecture dating between 1960 and 1975, demonstrating principal characteristics of a then emerging type, class or group' located within or near the HCA, the subject site can be seen to demonstrate similar construction techniques and materials, namely the use of a limited materials palette of reinforced concrete frame and brick infill panels and use of concrete structural elements to form horizontal apartment separations, sun shading and fire separation.

In contrast to these examples, the subject site is less utilitarian; its investment in non-functional brick fin walls for vertical articulation of the side façades demonstrates qualities in contrast with functional international style modernism that emphasised horizontality. There may be elements of John James' Sydney School influence in the use of brick articulation in the buildings. In contrast to the examples above, the apartments in the subject site are generously planned with articulated balconies and privacy screens.

The subject site hence demonstrates some features typical of key examples of architecture dating between 1960 and 1975. It also has other aspects that designate significance in its own right, namely as a variation of an import class of building types. The subject site shares many characteristics with other significant and celebrated examples of residential flat buildings located in the HCA and wider area. It can be seen to display key traits identified in the HCA statement of significance and physical analysis.

5.3 Assessment against standard criteria

This section sets out an assessment of the heritage significance of 21C Billyard Avenue and 10 Onslow Avenue (the buildings) in accordance with the standard criteria established in the NSW Heritage Office guideline *Assessing Heritage Significance* (June 2023). These guidelines incorporate the five types of cultural heritage values identified in the Burra Charter into a specially structured framework, which is the format required by heritage authorities in New South Wales.

5.3.1 Criterion A (historical significance)

An item is important in the course, or pattern, of NSW's—or the local area's—cultural or natural history.

The buildings are part of the phase of significant post-World War II residential apartment development in the Elizabeth and Rushcutters Bays HCA, however, they make a minor contribution to the course and pattern of the historic period.

The buildings do not meet threshold under this criterion at local level.

5.3.2 Criterion B (associative significance)

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's—and/or the local area's—cultural or natural history.

The buildings are associated with acclaimed architect John James; however, as James was not involved in the final design or construction this association is considered incidental.

The buildings do not meet threshold under this criterion at local level.

5.3.3 Criterion C (aesthetic significance)

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW—or the local area.

The buildings demonstrate characteristics shared by the typology of 1960–1975 residential flat buildings that form a significant part of the Elizabeth and Rushcutters Bays HCA, this includes the use of a limited palette of materials, reinforced concrete frame and brick infill panels and use of concrete structural elements to form horizontal apartment separations, sun shading and fire separation. They demonstrate a high degree of integrity and intactness and incorporate several architectural features typical of the style and period.

21C Billyard Avenue and 10 Onslow Avenue has cultural significance at a local level under this criterion.

5.3.4 Criterion D (social significance)

An item has strong or special association with a particular community or cultural group in NSW—or the local area—for social, cultural or spiritual reasons.

There is no evidence to suggest that the buildings hold any strong or significant associations with any local community or cultural groups.

The buildings do not meet threshold under this criterion at local level.

5.3.5 Criterion E (research potential)

An item has potential to yield information that will contribute to an understanding of NSW's—or the local area's—cultural or natural history.

There is no evidence to suggest that the buildings hold any research potential of a local or State level of significance.

The buildings do not meet threshold under this criterion at local level.

5.3.6 Criterion F (rarity)

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Although potentially a late work of architect John James, and a rare work of Peru Perumal, the building cannot be considered rare.

The buildings do not meet threshold under this criterion at local level.

5.3.7 Criterion G (Representativeness)

An item is important in demonstrating the principal characteristics of a class of NSW's (or a class of the local area's):

- cultural or natural places; or
- cultural or natural environments

The buildings demonstrate key characteristics of the typology of 1960–1975 residential flat buildings within the Elizabeth and Rushcutters Bay HCA.

The buildings are a good example of a late twentieth-century apartments. They exhibit typical features of this period, including the use of infill brick panels and reinforced concrete detailing. They also have aspects that designate significance in their own right,

namely as a variation of an important class of building types. The subject site shares many characteristics with other significant and celebrated examples of residential flat buildings located in the HCA and wider area and can be seen to display key characteristics identified in the HCA statement of significance and physical analysis.

The buildings' design and configuration, including planning for views and amenity for a range of apartment sizes, demonstrates a high-quality example of the style and period. The buildings' inclusion of one and three-bedroom apartment types demonstrates the residential character of the area at the time of construction and contributes to the values identified in the HCA statement of significance.

The high degree of integrity and intactness of the subject site make them a fine example of their type.

The property at 21C Billyard Avenue and 10 Onslow Avenue has cultural significance at a local level under this criterion.

5.4 Statement of significance

21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay are good examples of a late twentieth-century apartment buildings that demonstrates the typology of 1960–1975 residential flat buildings which form a significant part of the Elizabeth and Rushcutters Bays HCA. The subject site shares characteristics with other significant and celebrated examples of residential flat buildings located in the HCA and the wider area, and can be seen to evidence features identified in the HCA statement of significance and physical analysis. The buildings have a high degree of intactness.

Well designed with generous spaces, the apartment buildings demonstrate planning for views and amenity for a range of dwelling sizes. They are a good example of the style and period.

6 Conclusions and recommendations

This report has assessed the heritage significance of the buildings at 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay, based on historical research and site investigation, within the limitations of the current project.

The report has undertaken a preliminary comparative analysis of the buildings against similar items, and an assessment of their local context. It includes an assessment of the property against the NSW heritage significance criteria to determine its significance. Further this report considers whether the buildings can be seen to be a contributory item within the Elizabeth and Rushcutters Bays HCA.

It is noted that the HIS 2023 has not adequately researched or assessed the significance of the subject site. This is contrary to the policy recommendations of the Elizabeth and Rushcutters Bays HCA:

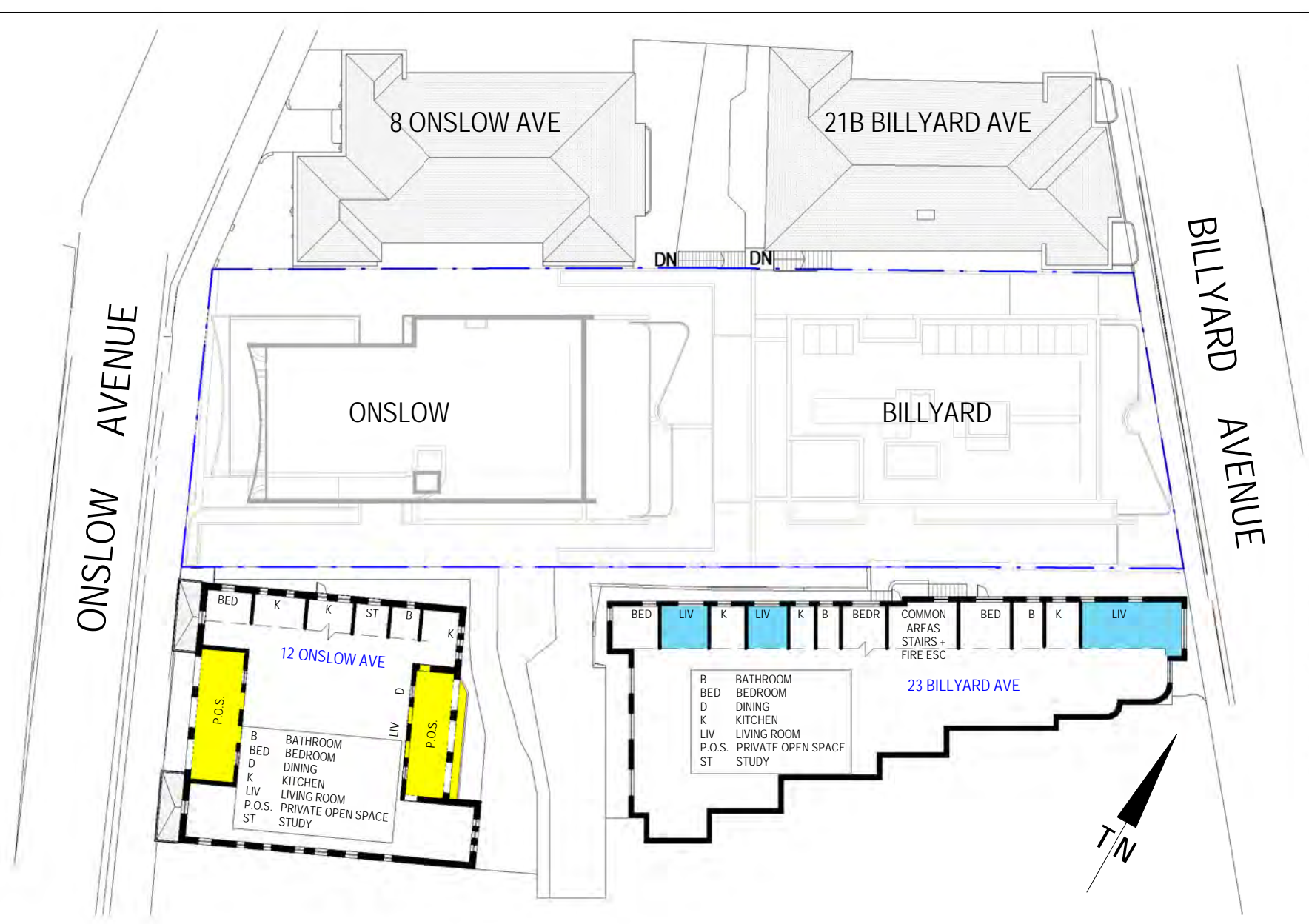
- For post-war (1945–1960) and late-twentieth century (1960–1975) buildings, investigate and consider potential individual architectural significance when planning major external change.

It is the conclusion of this heritage assessment that 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay, does not meet threshold under the criteria for listing as a heritage item, but should be considered a contributory item to the Elizabeth and Rushcutters Bays HCA for the following reasons:

- 21C Billyard Avenue and 10 Onslow Avenue share key characteristics with several high-quality post-war apartment developments that represent an important later phase of development between 1960 and 1975, including Ithaca Gardens, International Lodge and others.
- 21C Billyard Avenue and 10 Onslow Avenue are good examples of late twentieth-century development helping to demonstrate the HCA's significant representative heritage values.
- 21C Billyard Avenue and 10 Onslow Avenue are well mannered and well sited, respecting views and providing setbacks to neighbouring properties and important visual through links to the harbour, contributing to the 'A' street ratings for Onslow and Billyard Avenues.

As a result, the policy recommendations of the Elizabeth and Rushcutters Bays HCA should be followed, specifically:

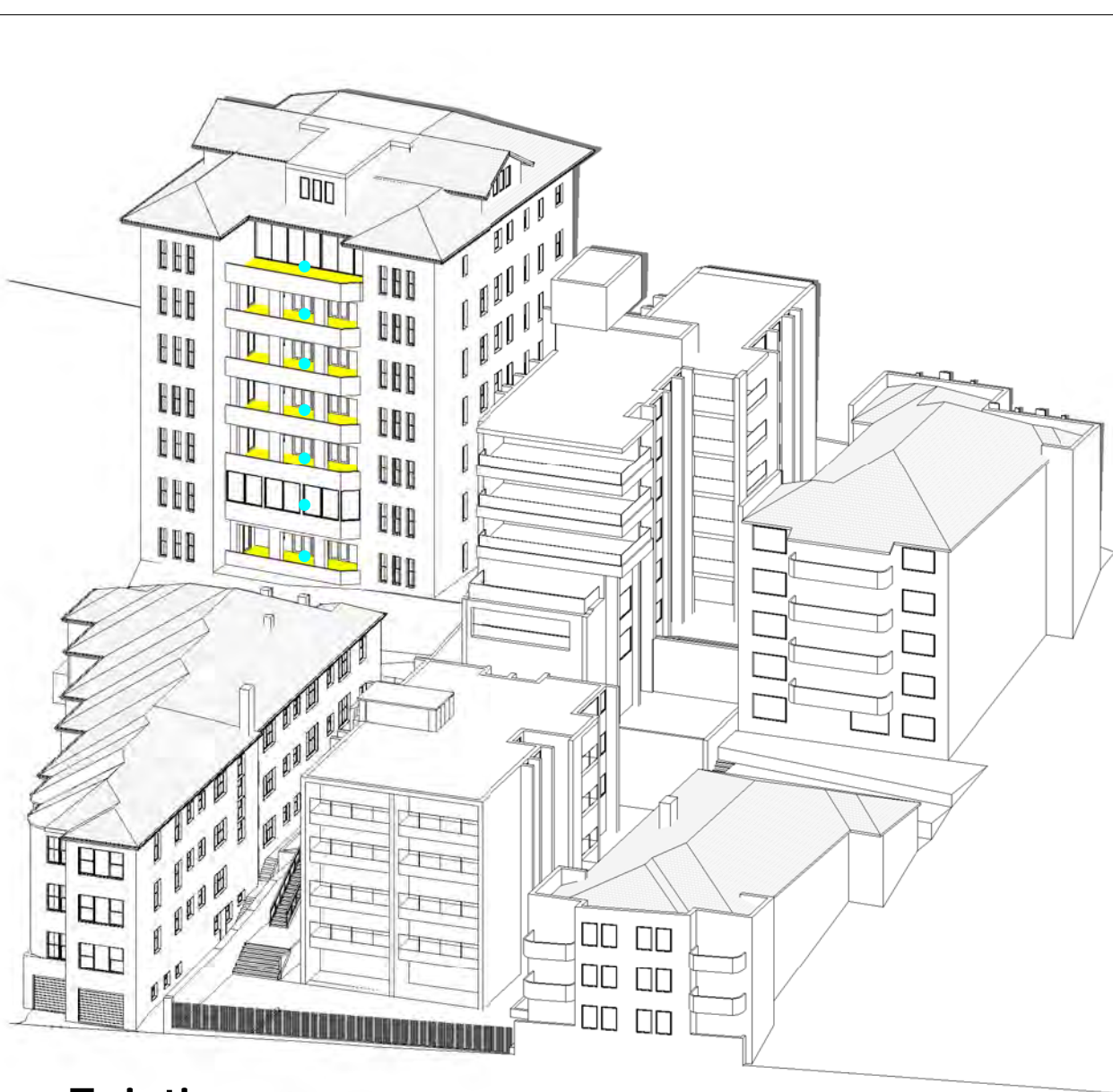
- Retain post-war 1960–1975 apartment buildings identified as Contributory.



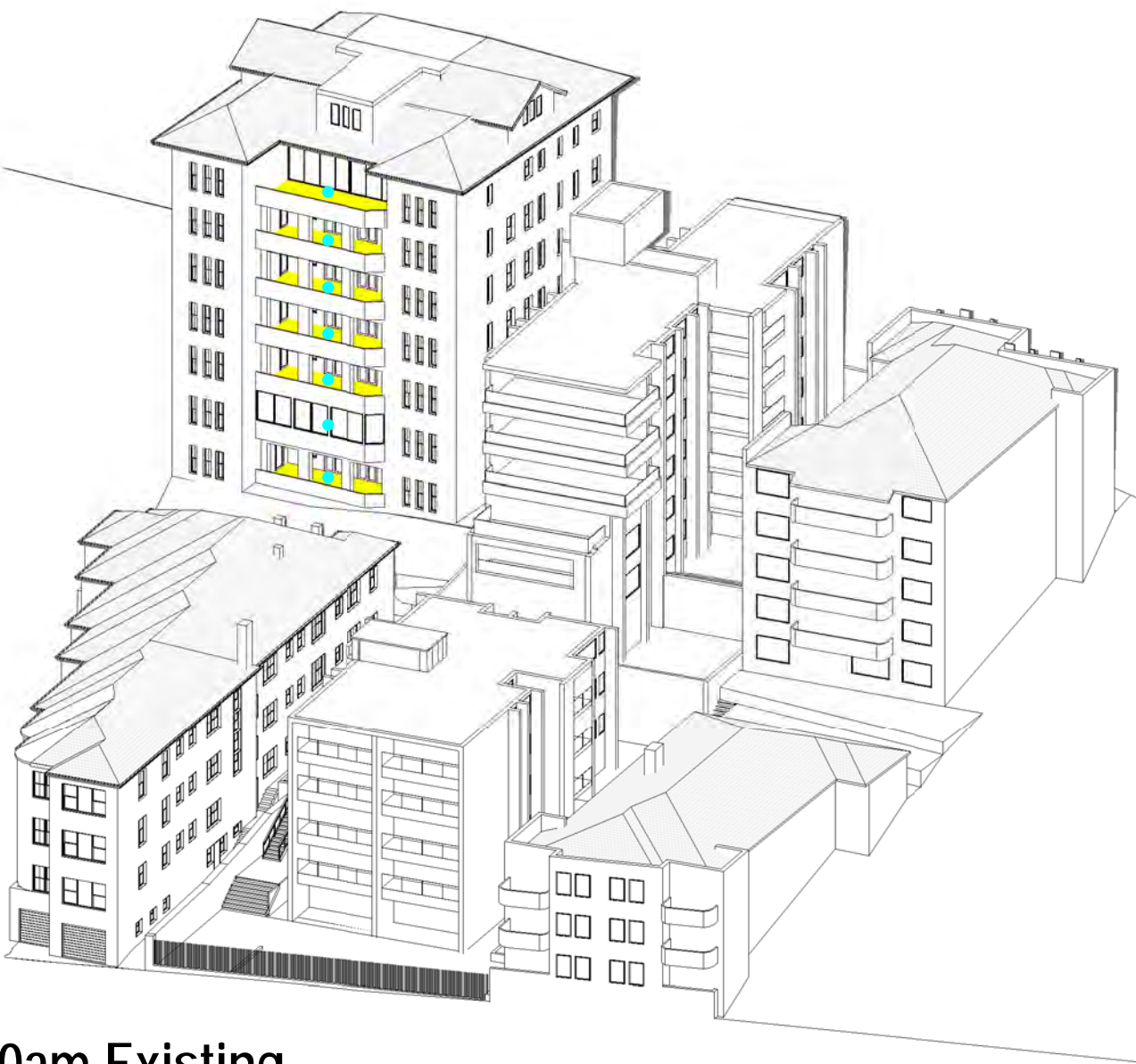
TYPICAL ROOM USAGE PER WINDOW



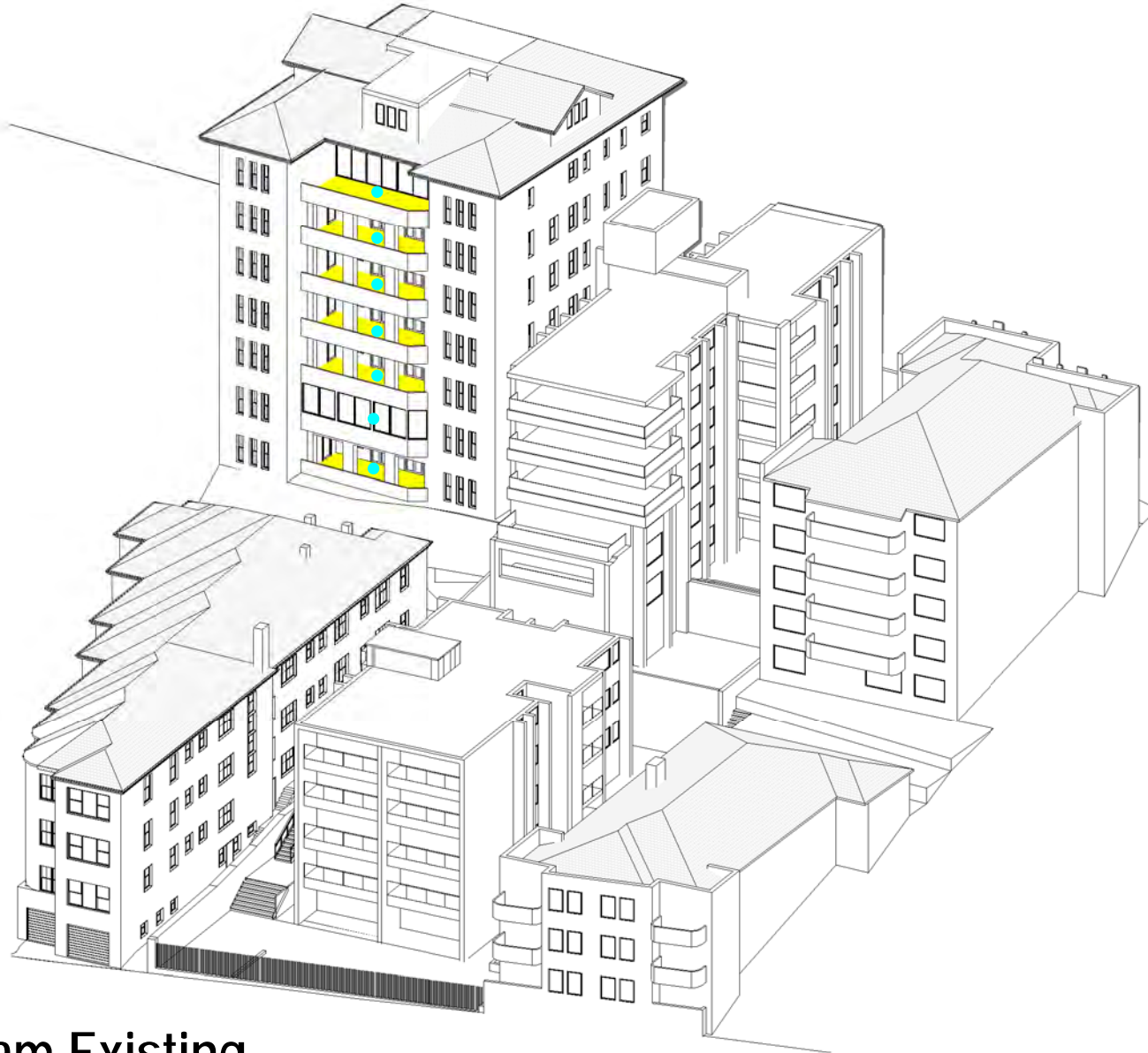
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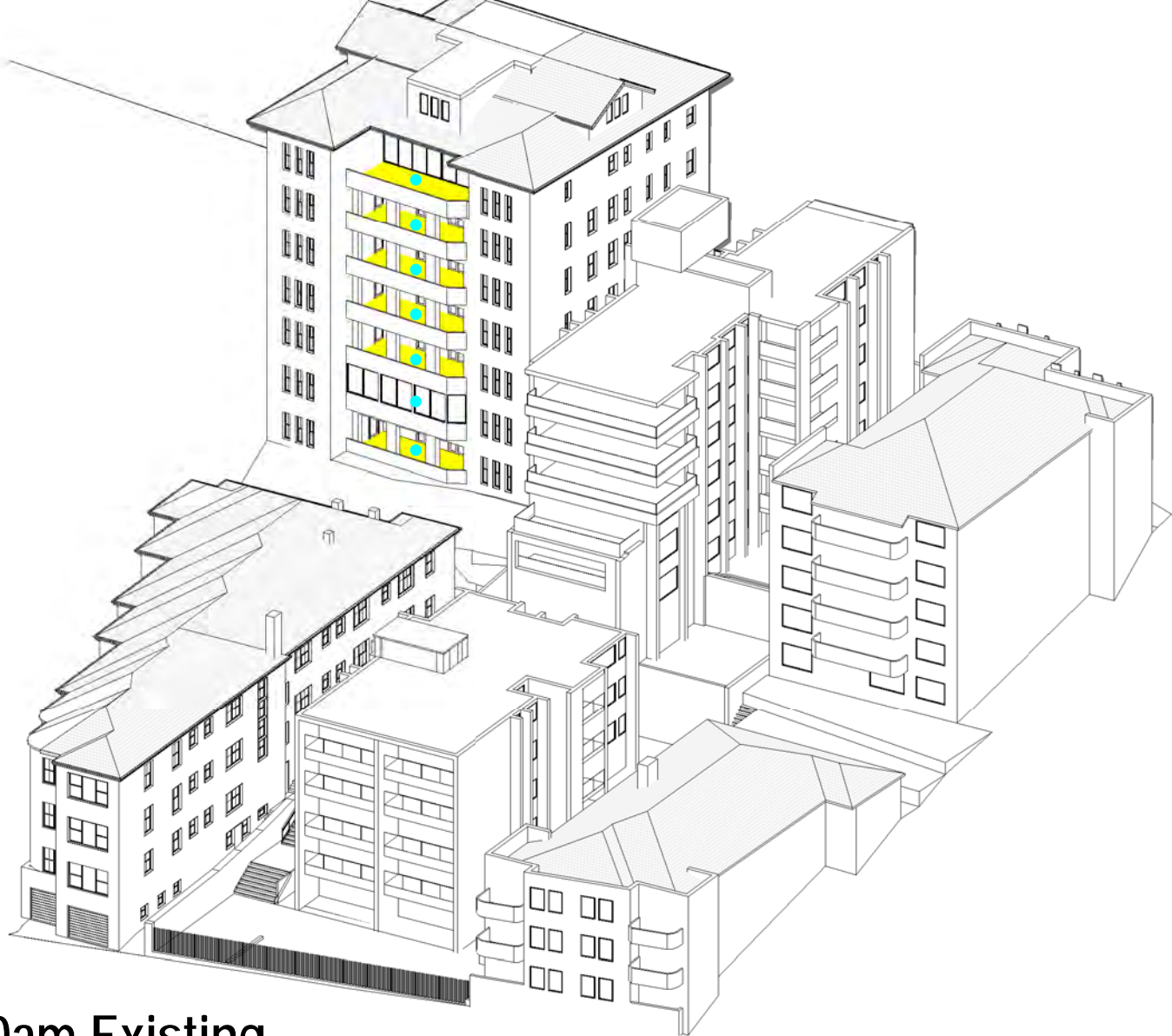
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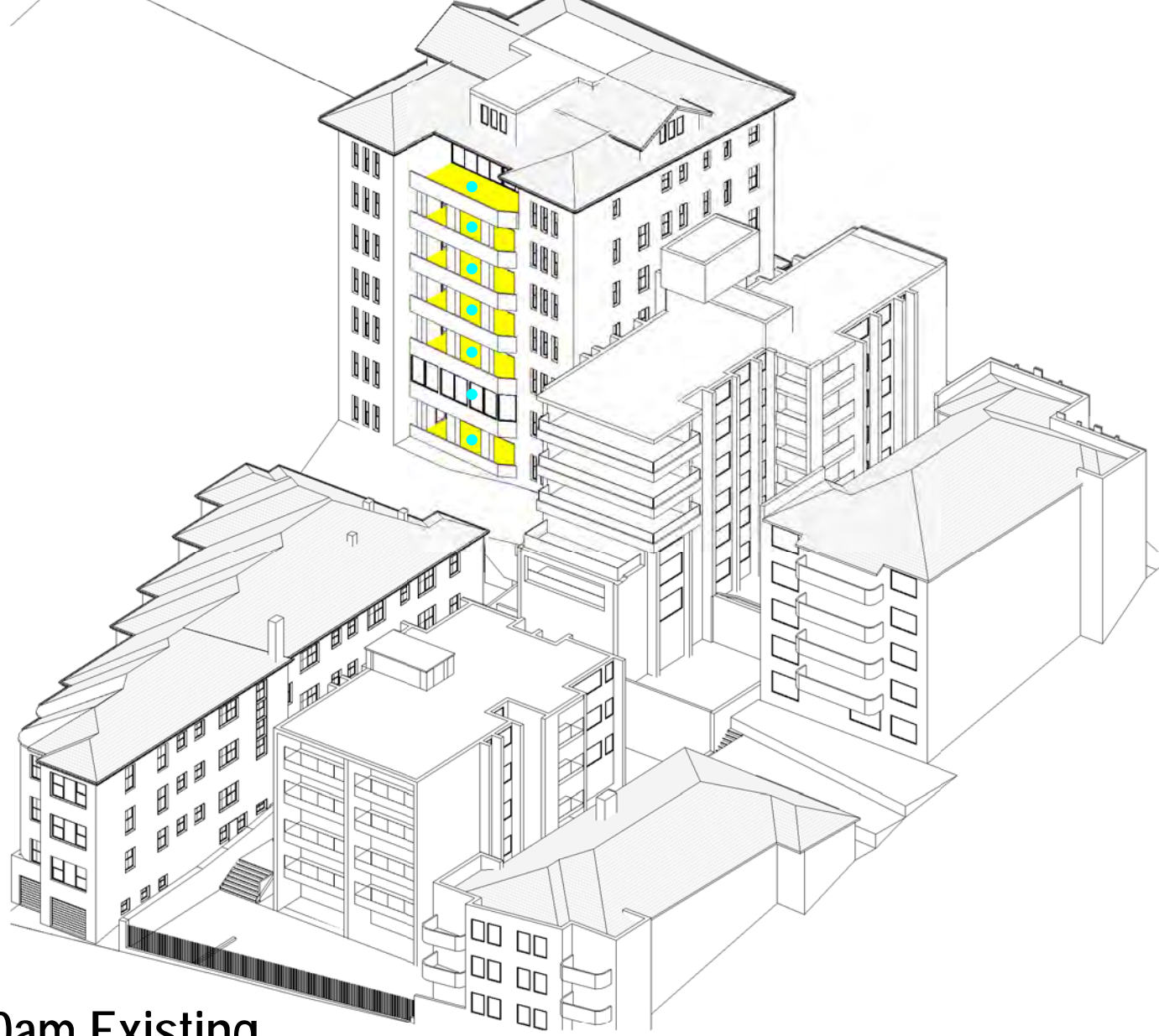
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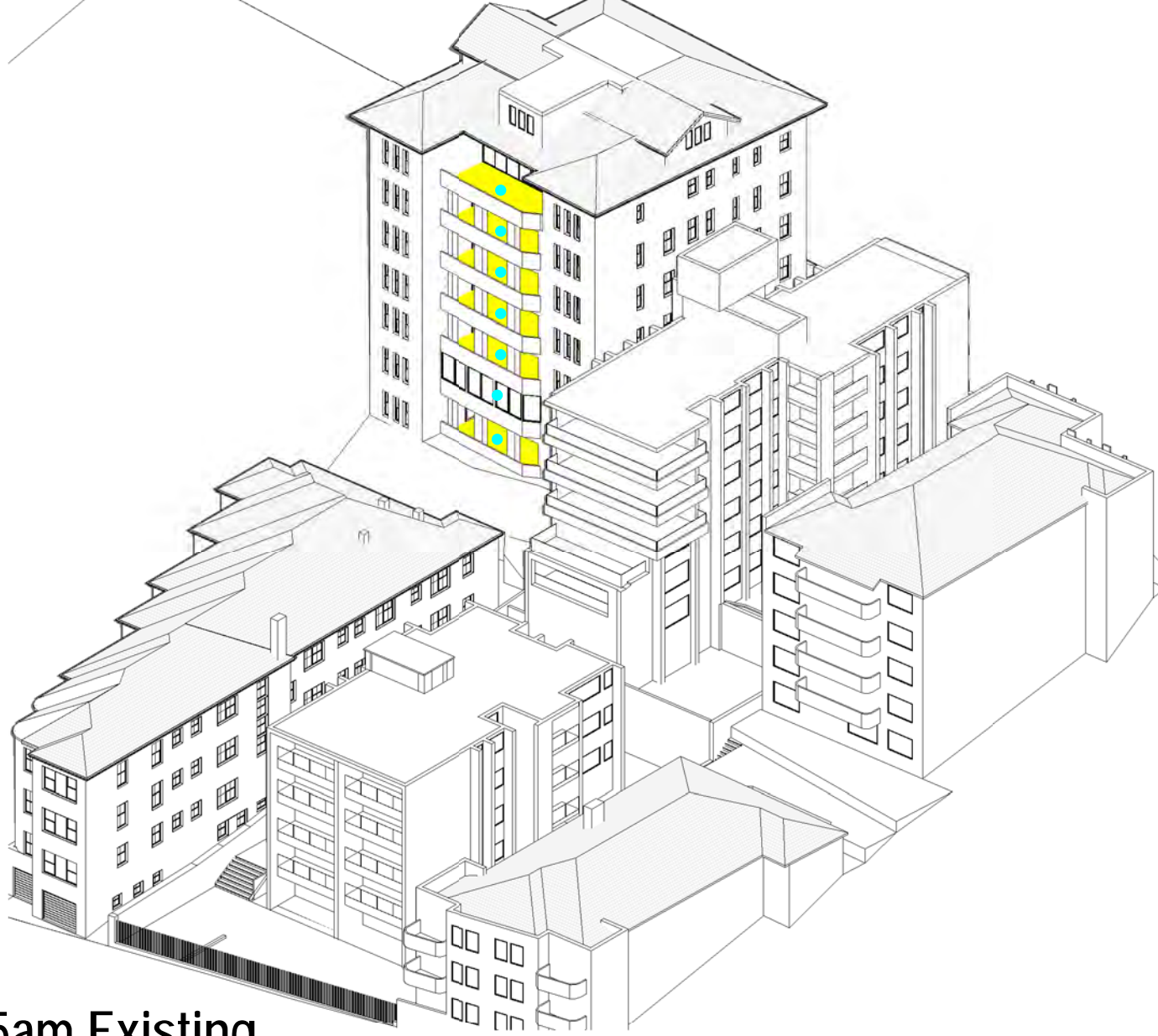
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DENOTES BALCONIES TO NO 12 ONSLOW AVENUE (PRIVATE OPEN SPACE)

DENOTES P.O.S RECEIVING DIRECT SUNLIGHT

DENOTES P.O.S PARTIAL LOSS OF DIRECT SUNLIGHT

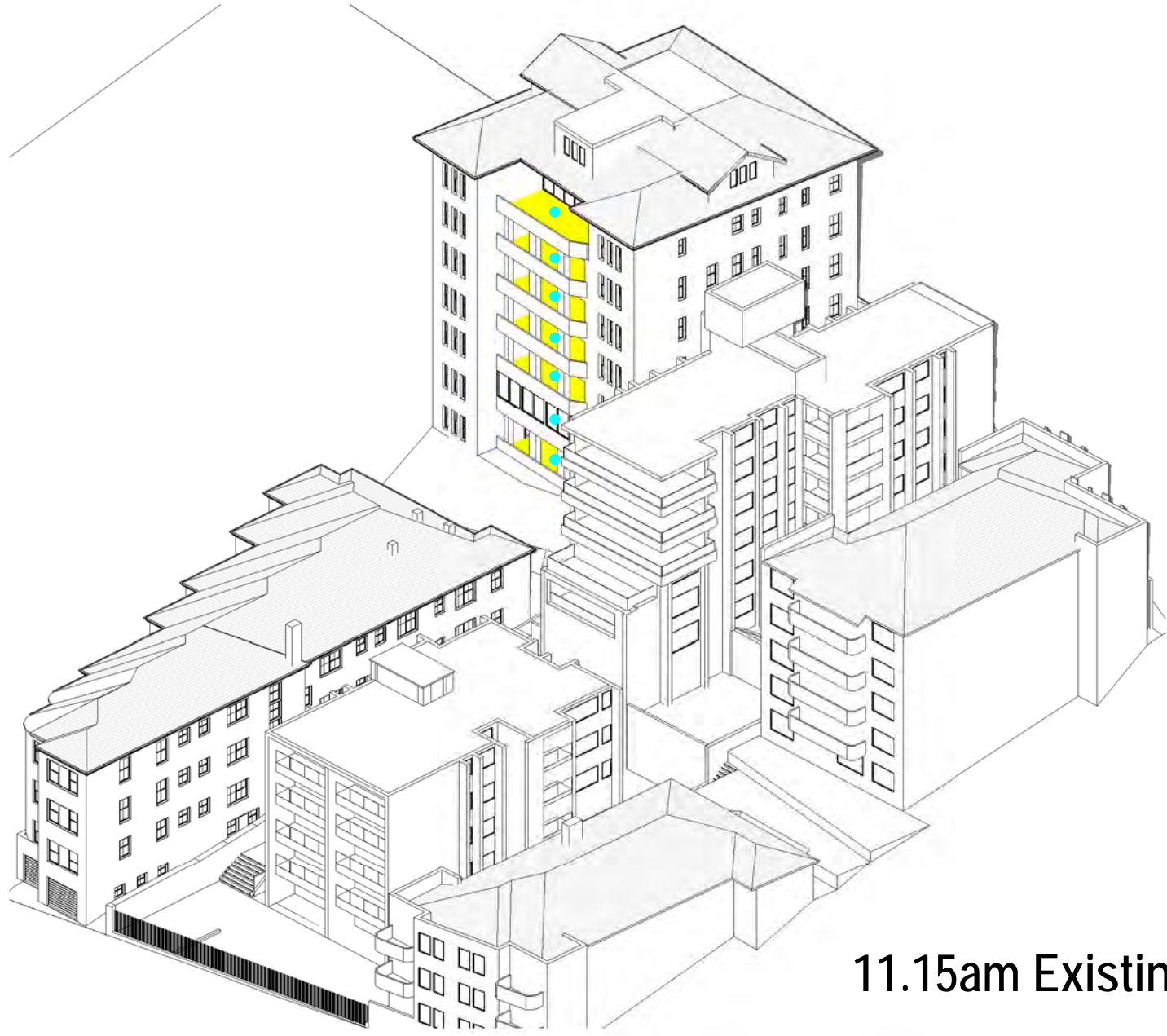
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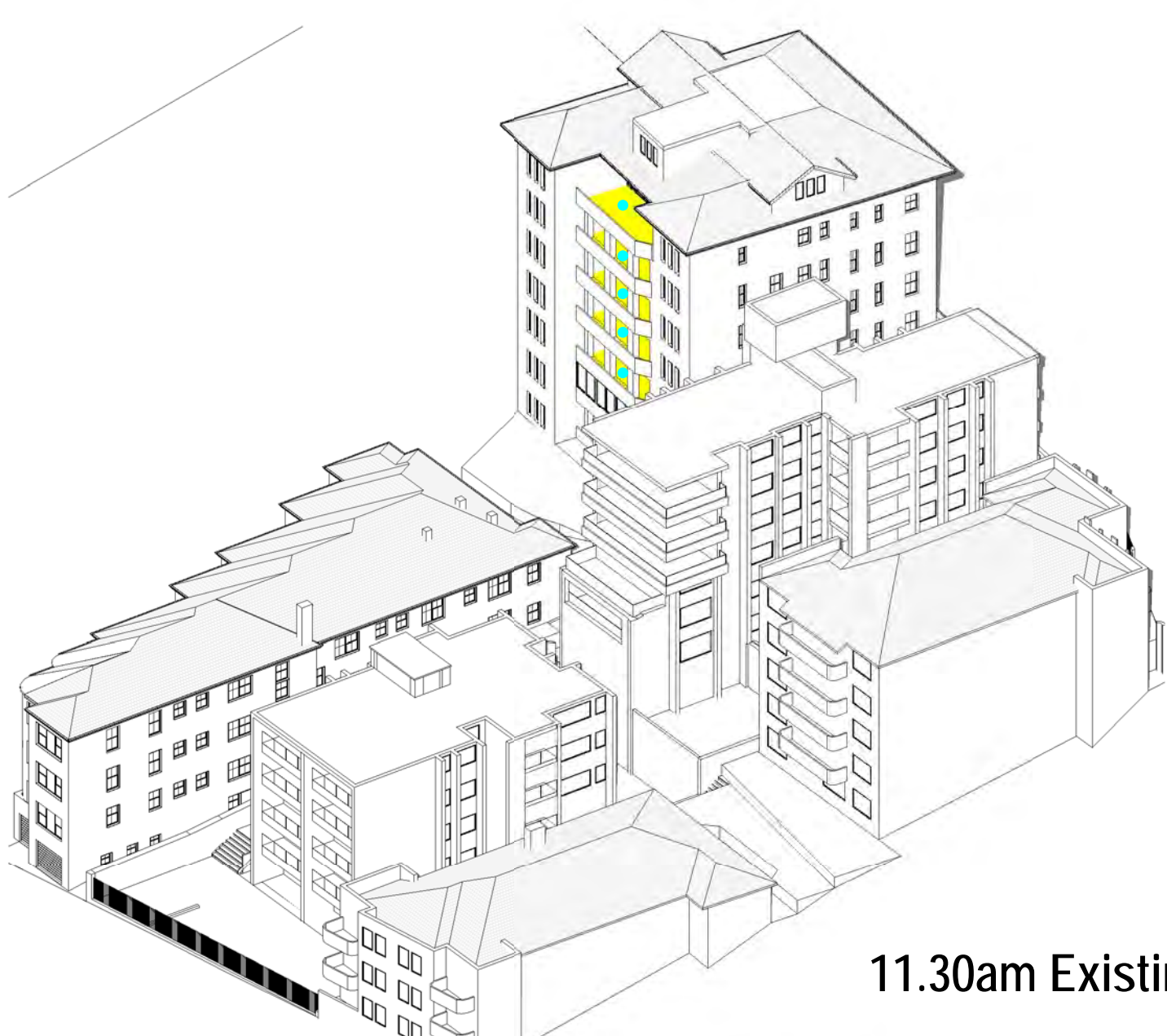
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LG2 UNIT 1								
LG1 UNIT 3								
GF UNIT 5								
1 UNIT 7								
2 UNIT 9								
3 UNIT 11								
4 UNIT 12								
TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:								
9.00AM - 3.00PM								
	EXISTING:	PROPOSED:						
P.O.S.					ACCESS LOST:	% LOST:		
LG2 UNIT 1	3.25 HOURS	1.75 HOURS			- 1 HOUR	44%		
LG1 UNIT 3	3.25 HOURS	1.75 HOURS			- 1 HOUR	44%		
GF UNIT 5	3.25 HOURS	1.75 HOURS			- 1 HOUR	44%		
1 UNIT 7	3.25 HOURS	2.25 HOURS			- 0.75 HOUR	33%		
2 UNIT 9	3.25 HOURS	3.25 HOURS			0			
3 UNIT 11	3.25 HOURS	3.25 HOURS			0			
4 UNIT 12	4 HOURS	4 HOURS			0			
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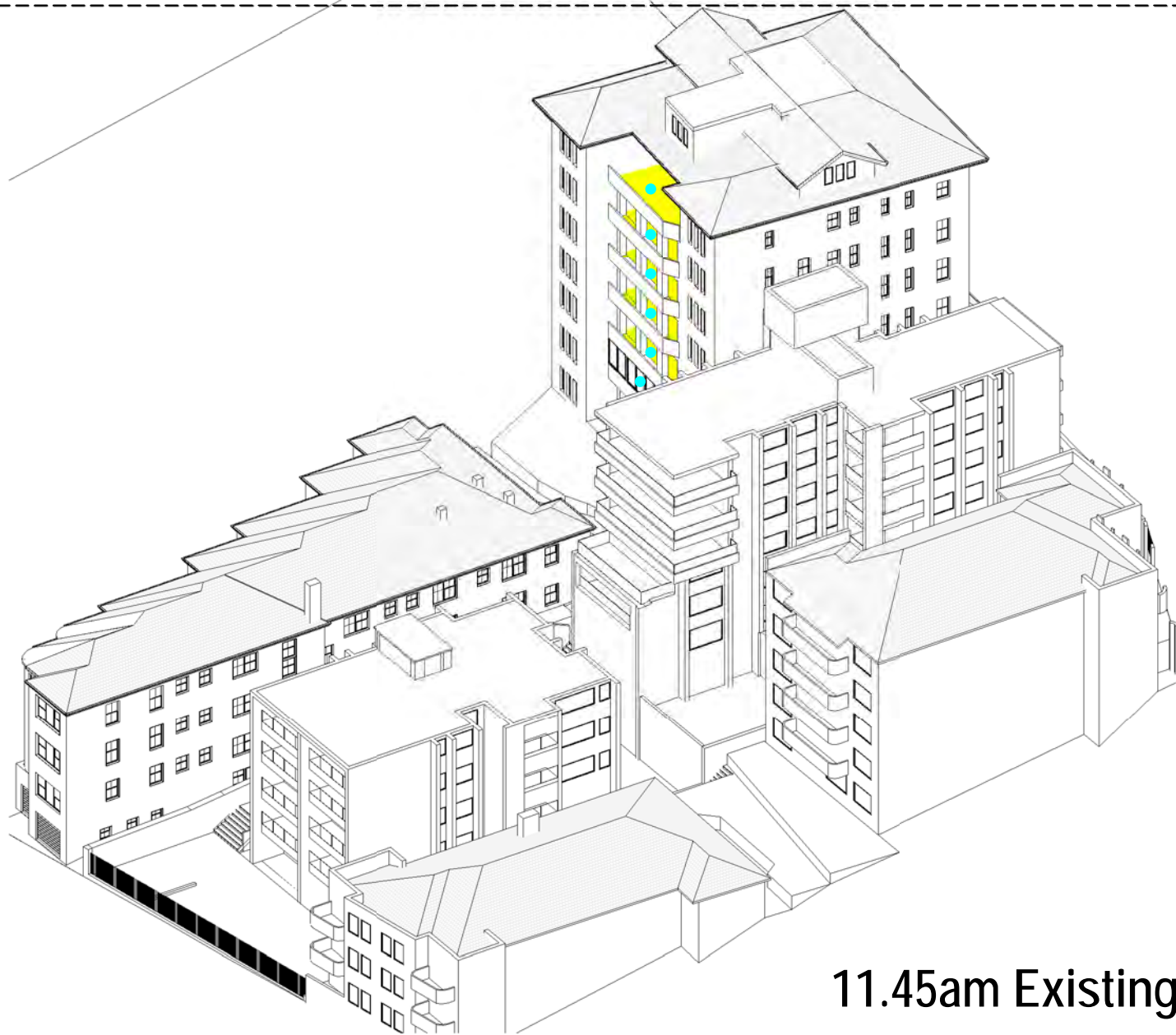
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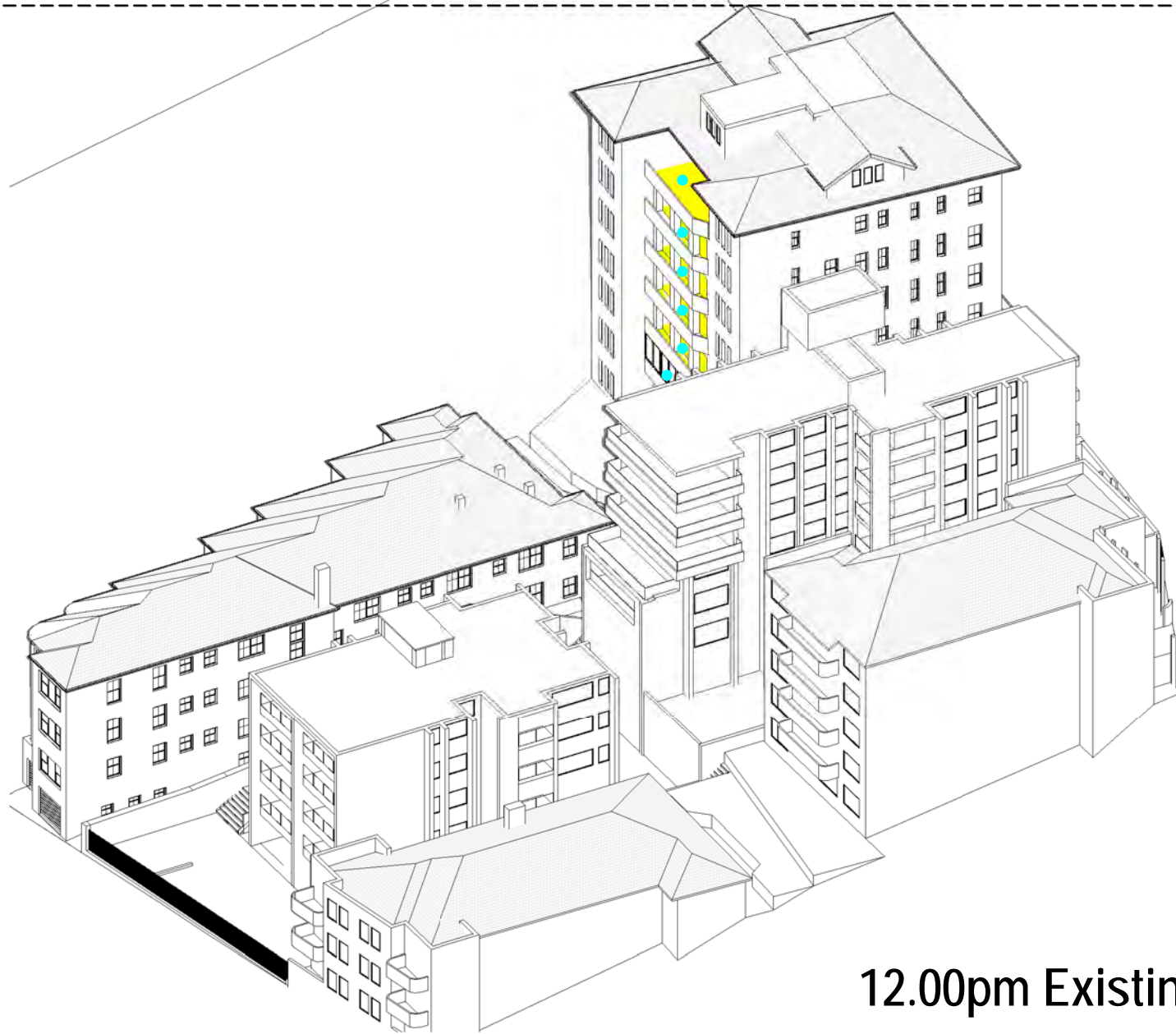
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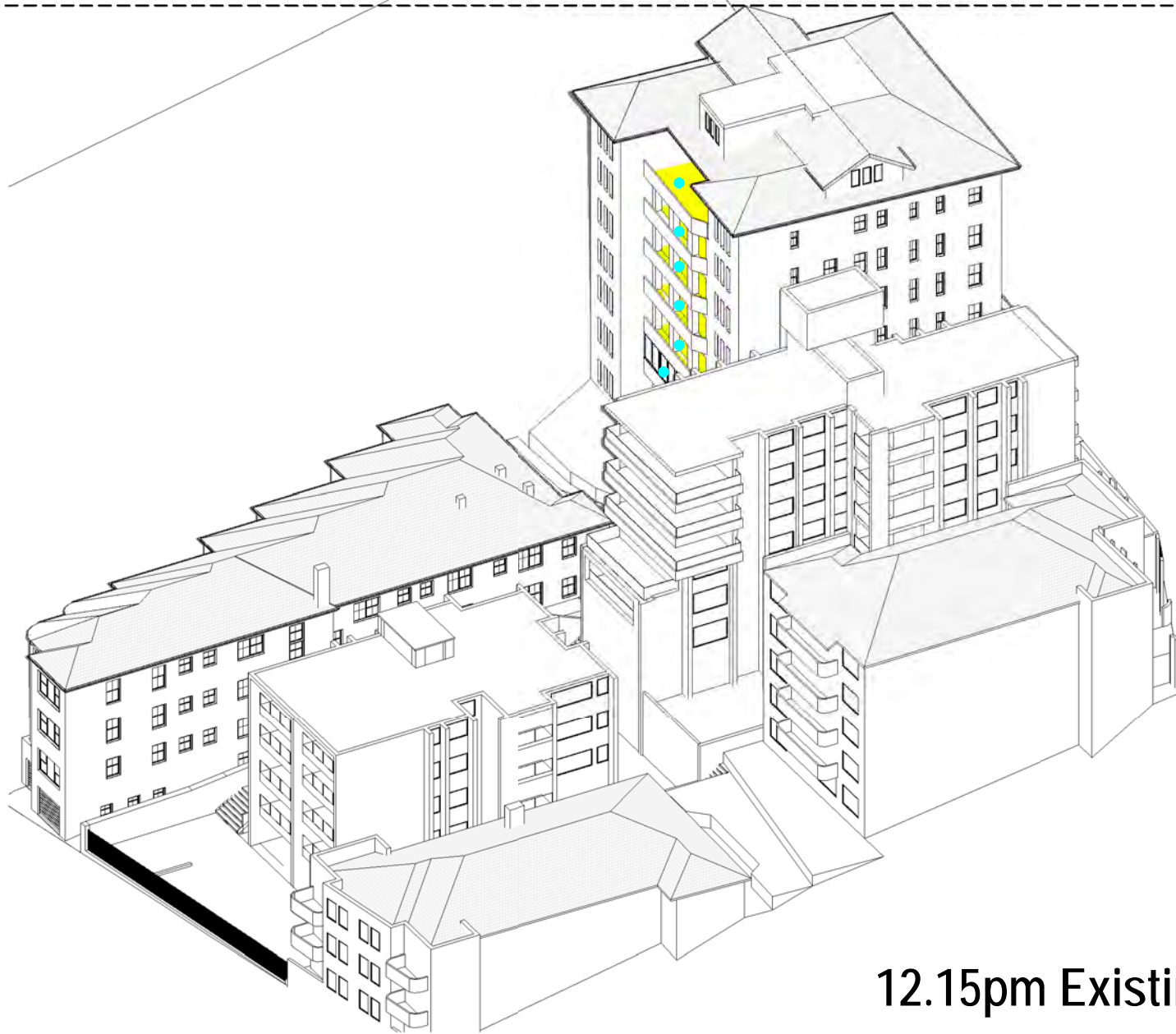
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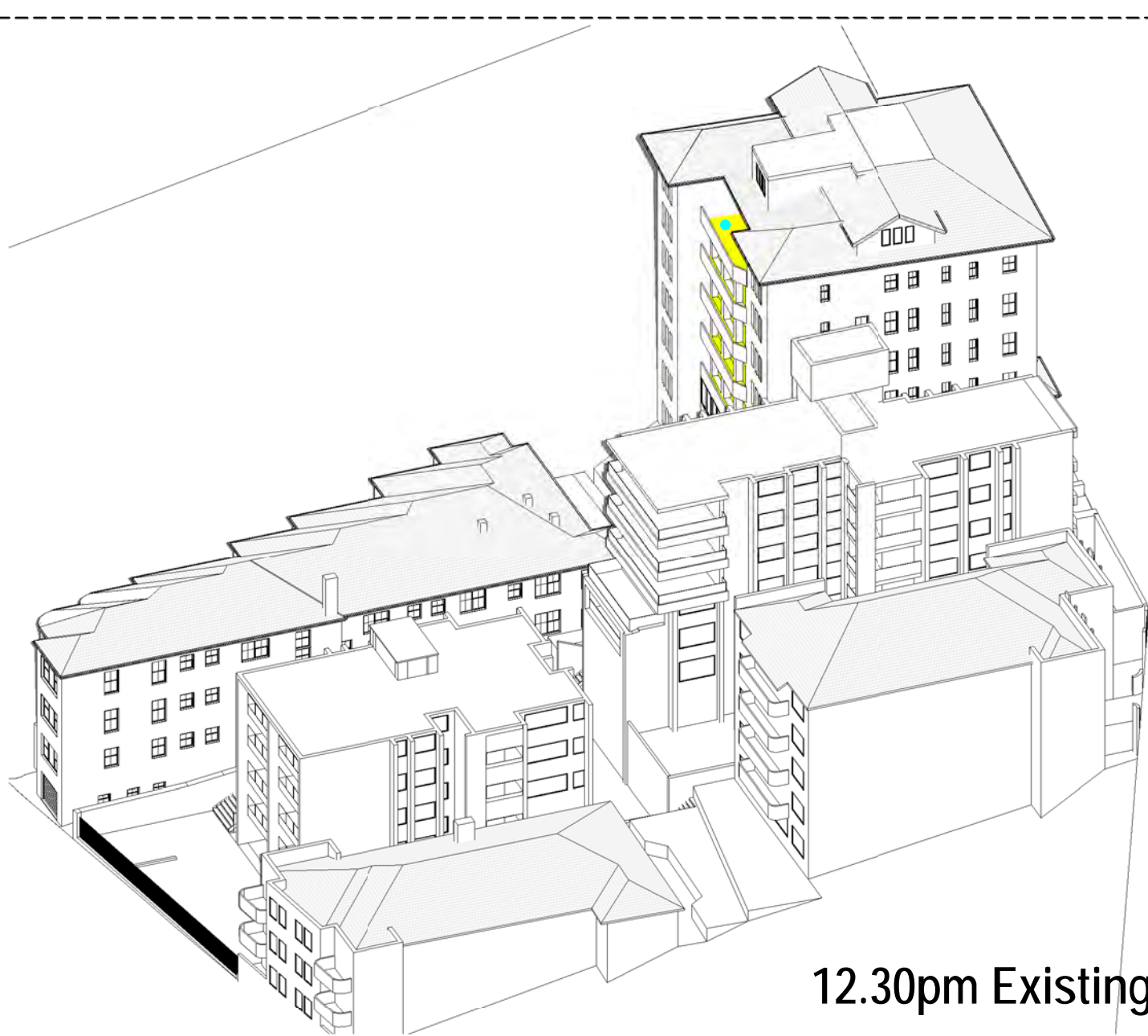
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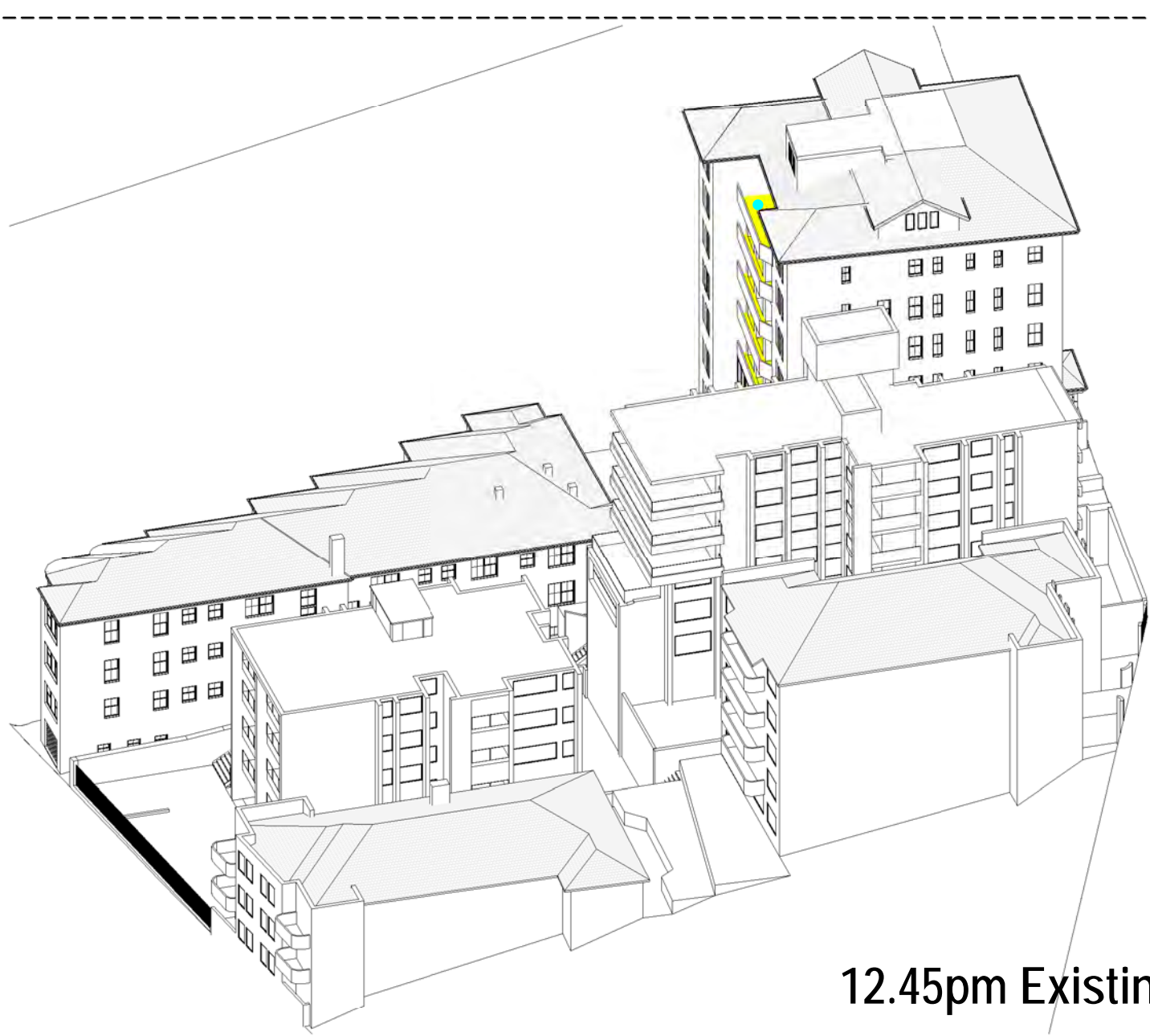
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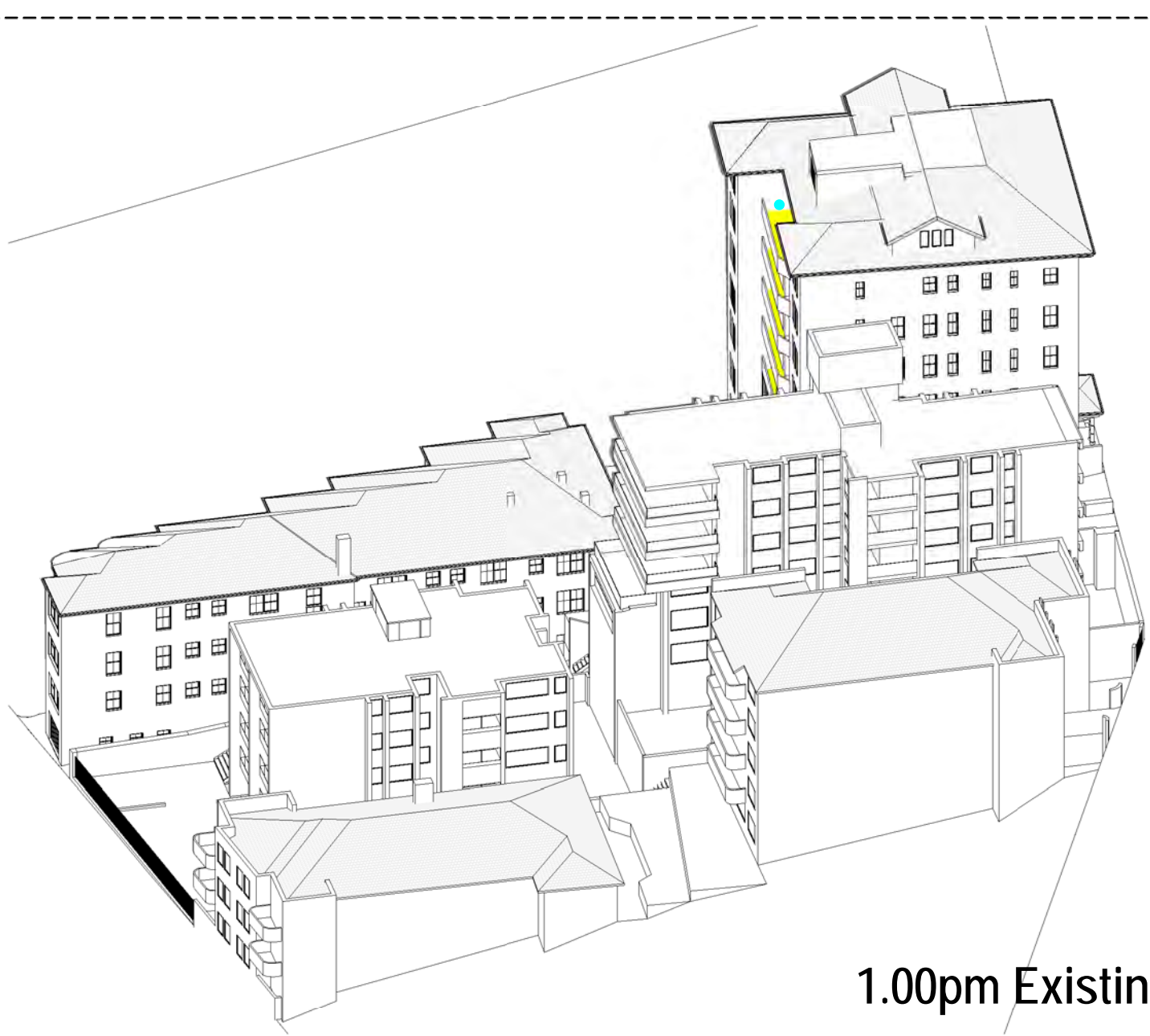
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1.00pm Existing

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- DENOTES P.O.S RECEIVING DIRECT SUNLIGHT
- DENOTES P.O.S PARTIAL LOSS OF DIRECT SUNLIGHT
- DENOTES P.O.S LOSS OF DIRECT SUNLIGHT

PRIVATE OPEN SPACE CALCULATIONS JUNE 21ST:
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UNIT 1							X	X	X
LG1									
UNIT 3							X	X	X
GF									
UNIT 5							X	X	X
1									
UNIT 7							X	X	X
2									
UNIT 9							X	X	X
3									
UNIT 11							X	X	X
4									
UNIT 12									

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

9.00AM - 3.00PM				
	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:
P.O.S.				
LG2	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
UNIT 1	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
LG1	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
UNIT 3	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
GF	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
UNIT 5	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
1	3.25 HOURS	2.25 HOURS	- 0.75 HOUR	33%
UNIT 7	3.25 HOURS	3.25 HOURS	0	
2	3.25 HOURS	3.25 HOURS	0	
UNIT 9	3.25 HOURS	3.25 HOURS	0	
3	3.25 HOURS	3.25 HOURS	0	
UNIT 11	3.25 HOURS	3.25 HOURS	0	
4	4 HOURS	4 HOURS	0	
UNIT 12	4 HOURS	4 HOURS	0	

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV.B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO

SHADOW
ANALYSIS
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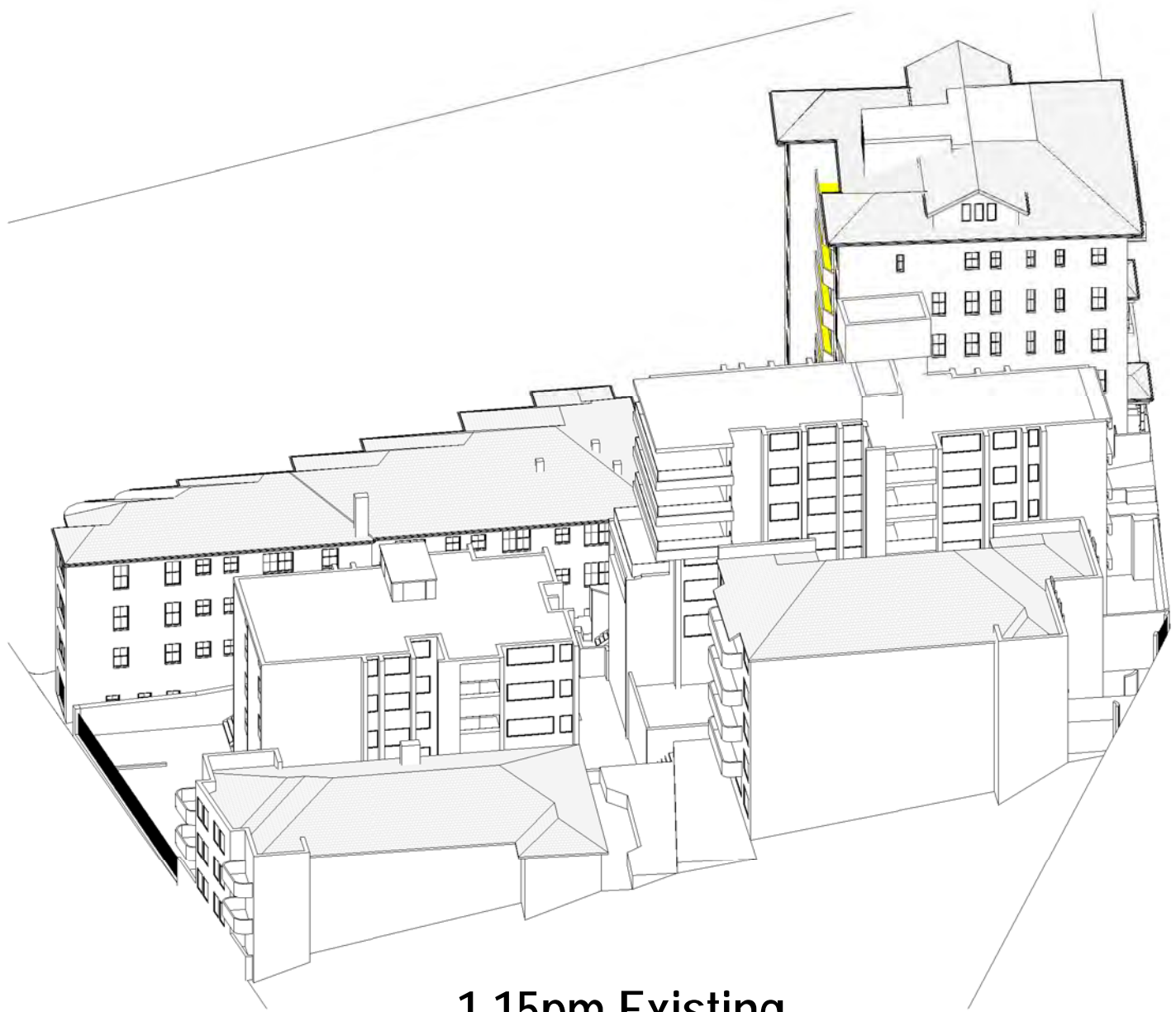
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NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

Drawing title:
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11.00am-1.00pm Existing

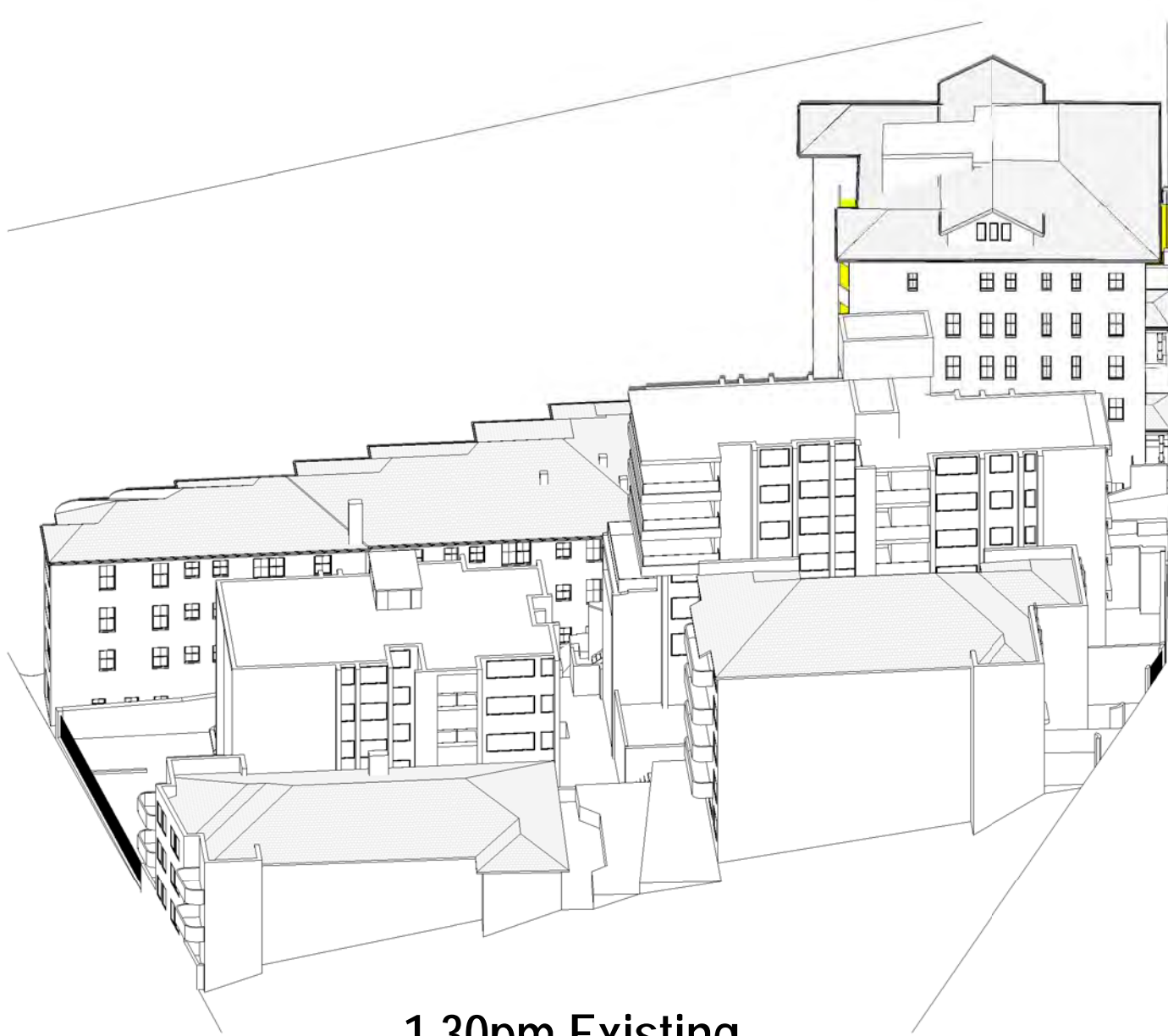
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KITCHEN WINDOW REVIEW

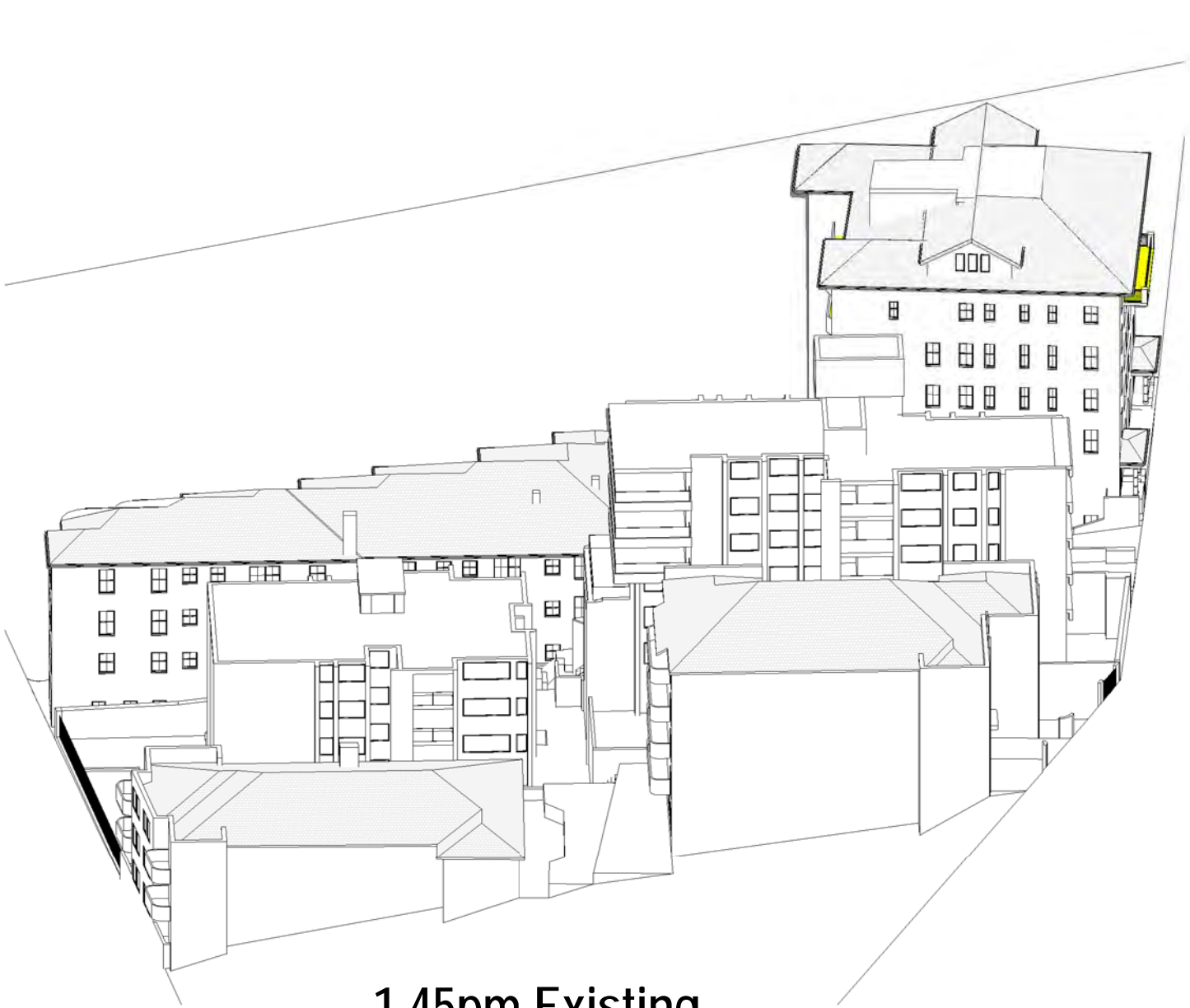
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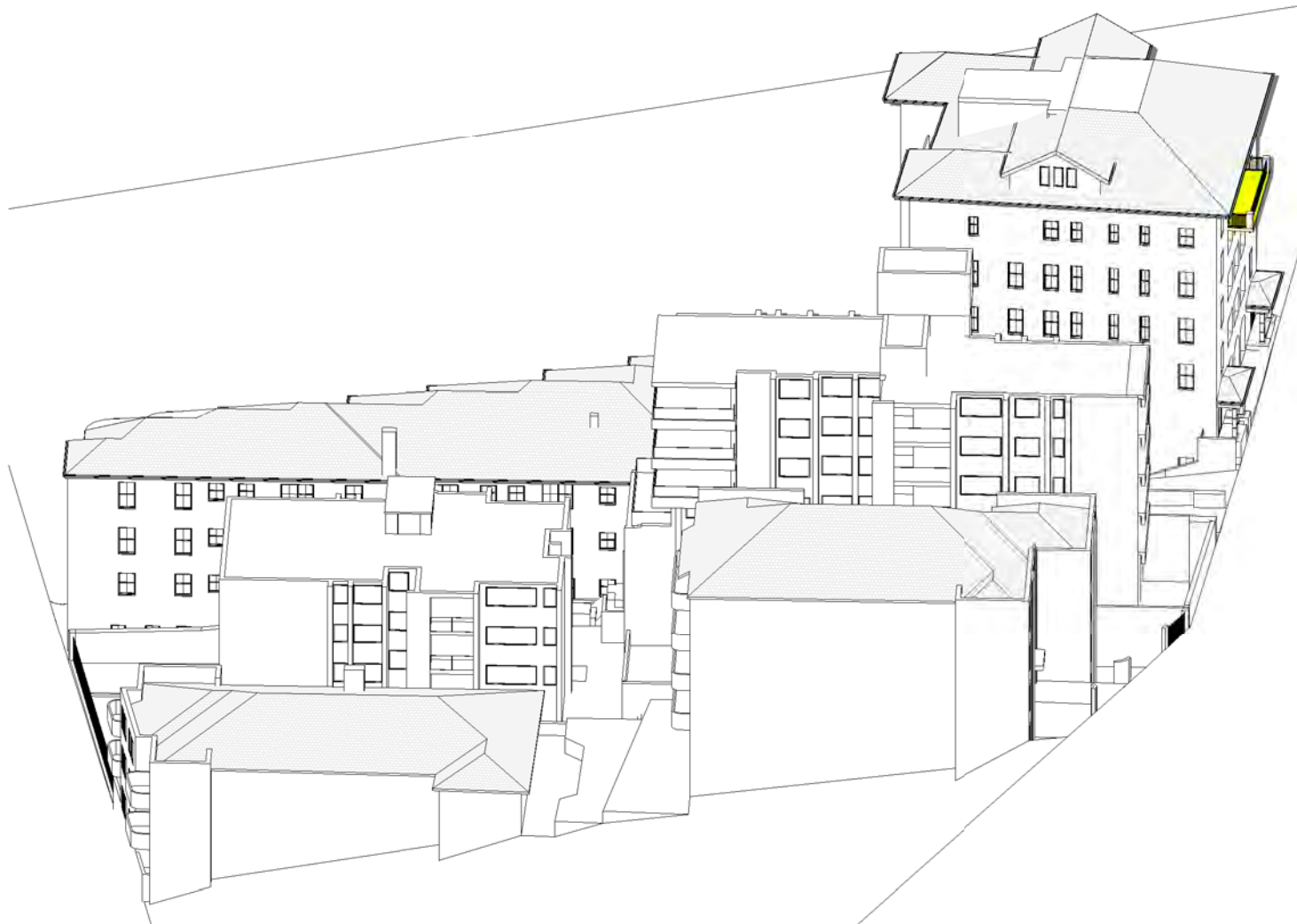
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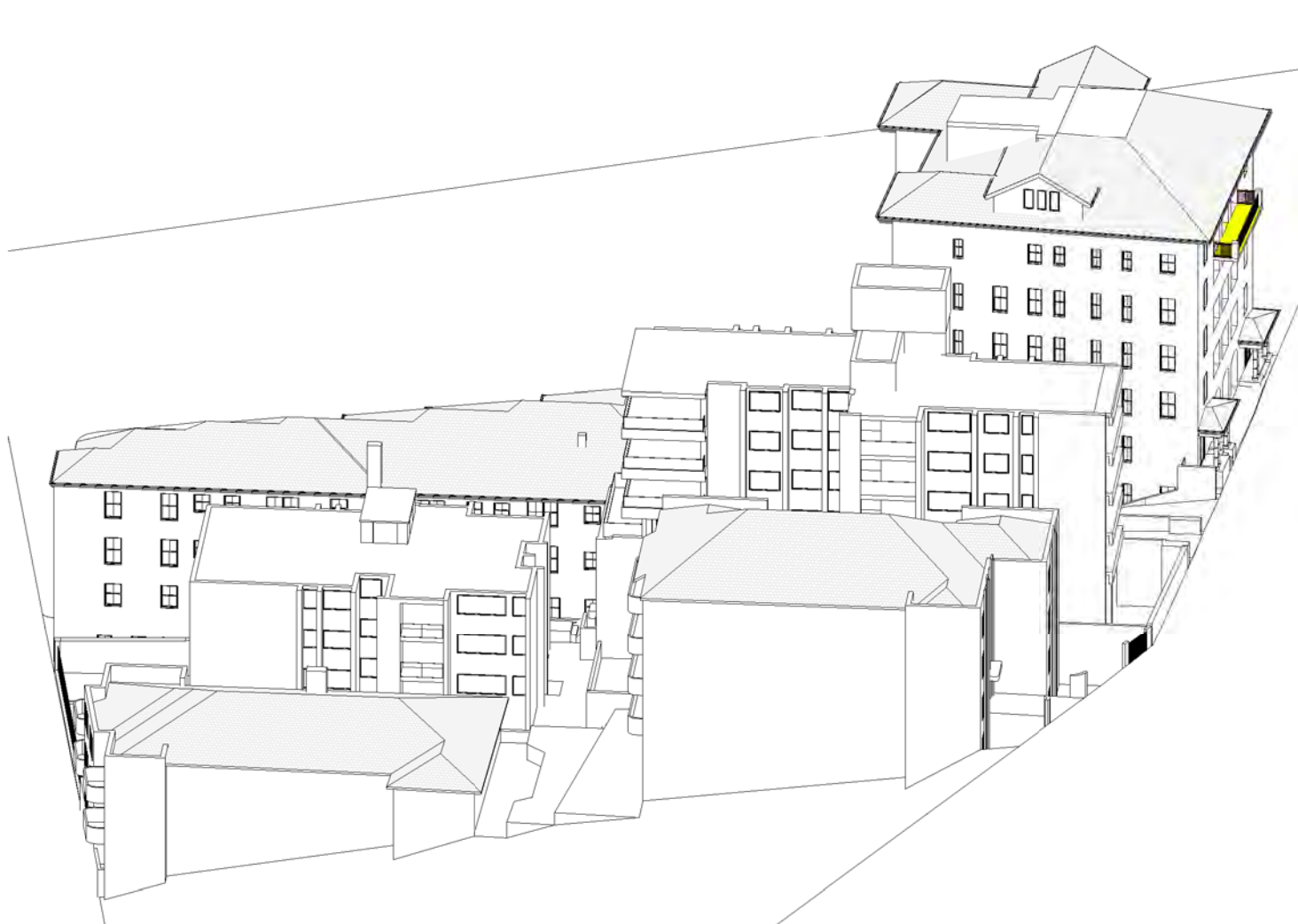
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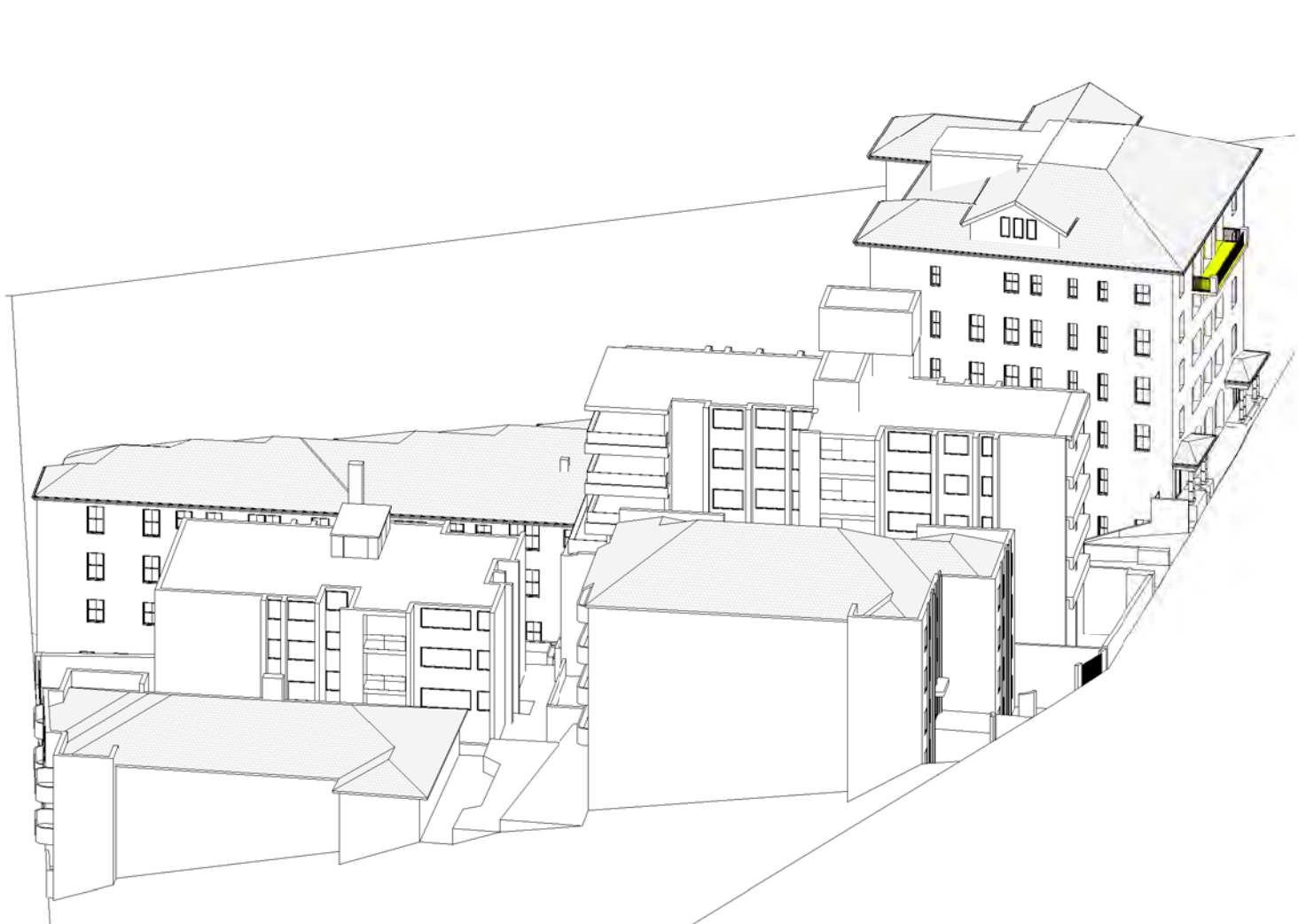
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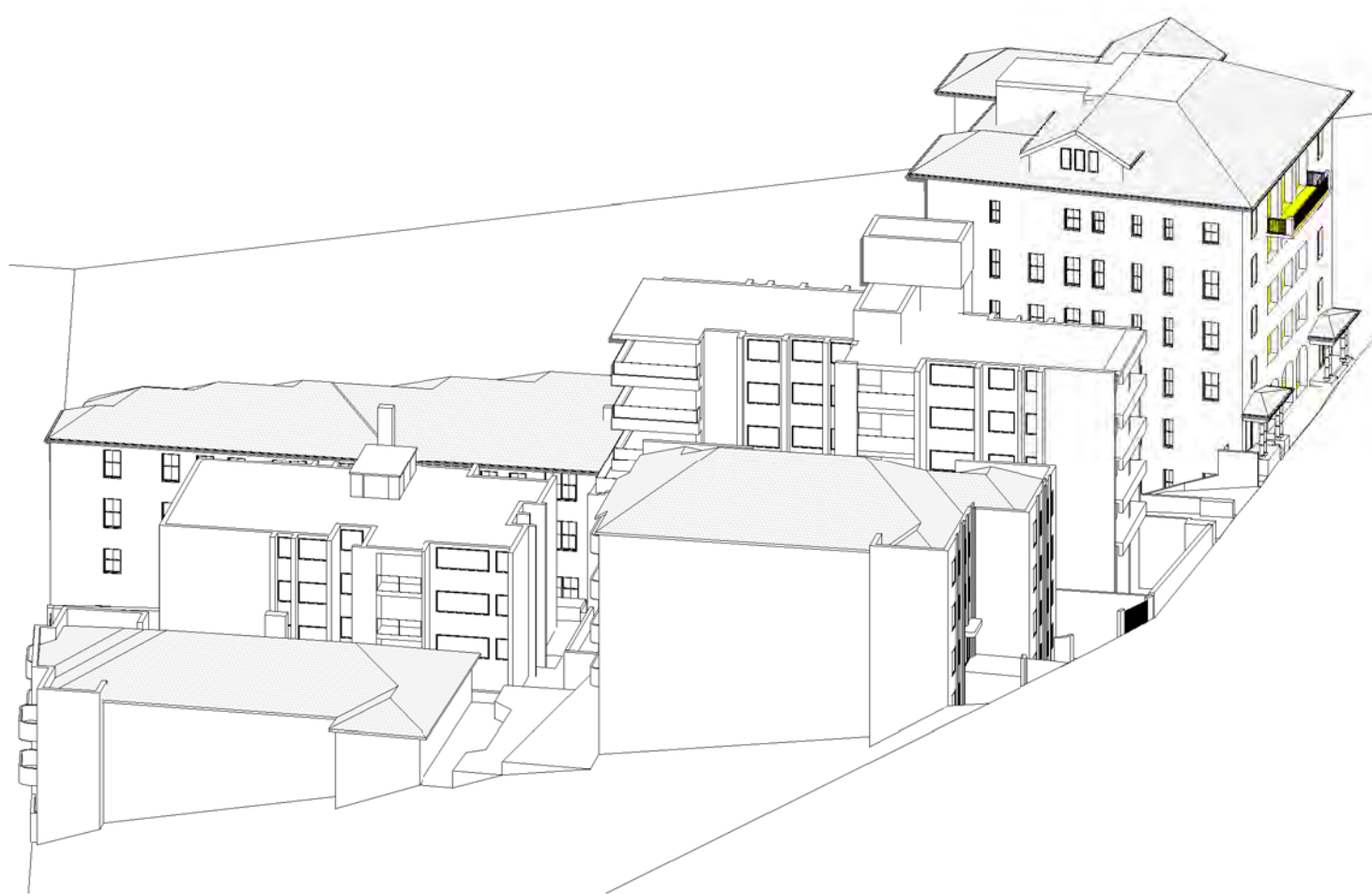
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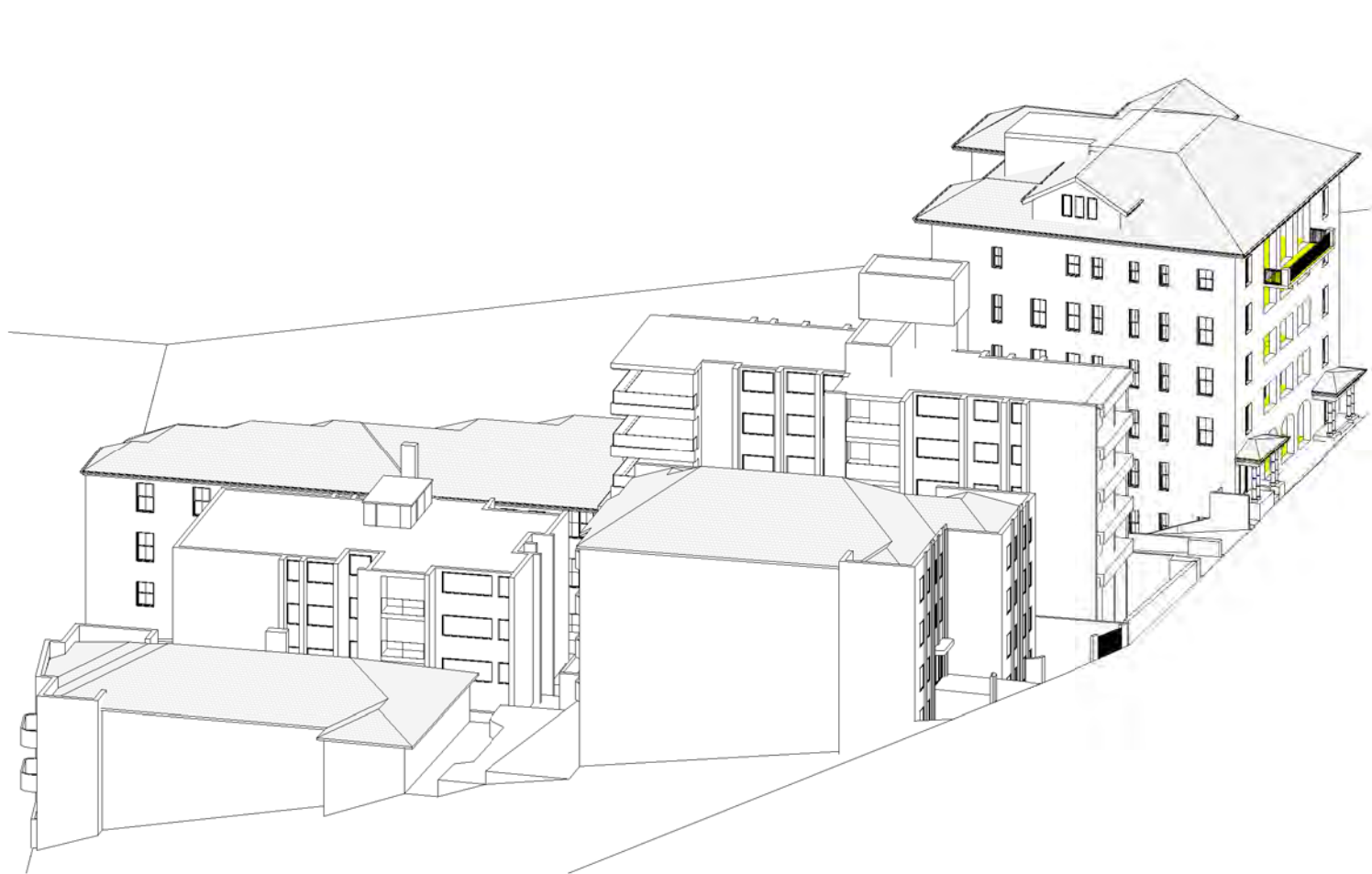
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2.45pm Existing



3.00pm Existing

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- DENOTES P.O.S PARTIAL LOSS OF DIRECT SUNLIGHT
- DENOTES P.O.S LOSS OF DIRECT SUNLIGHT

PRIVATE OPEN SPACE CALCULATIONS JUNE 21ST:								
EXISTING:								
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UNIT 1	X	X	X	X	X	X	X	X
LG1								
UNIT 3	X	X	X	X	X	X	X	X
GF								
UNIT 5	X	X	X	X	X	X	X	X
1								
UNIT 7	X	X	X	X	X	X	X	X
2								
UNIT 9	X	X	X	X	X	X	X	X
3								
UNIT 11	X	X	X	X	X	X	X	X
4								
UNIT 12	X	X	X	X	X	X	X	X

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:				
9.00AM - 3.00PM				
	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:
P.O.S.				
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UNIT 1				
LG1	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
UNIT 3				
GF	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
UNIT 5				
1	3.25 HOURS	2.25 HOURS	- 0.75 HOUR	33%
UNIT 7				
2	3.25 HOURS	3.25 HOURS	0	
UNIT 9				
3	3.25 HOURS	3.25 HOURS	0	
UNIT 11				
4	4 HOURS	4 HOURS	0	
UNIT 12				

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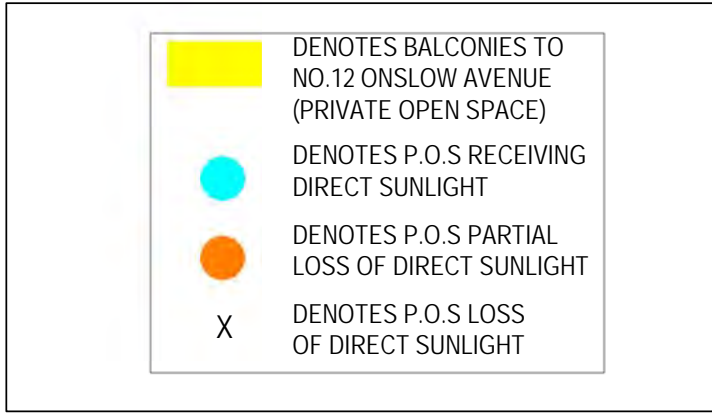
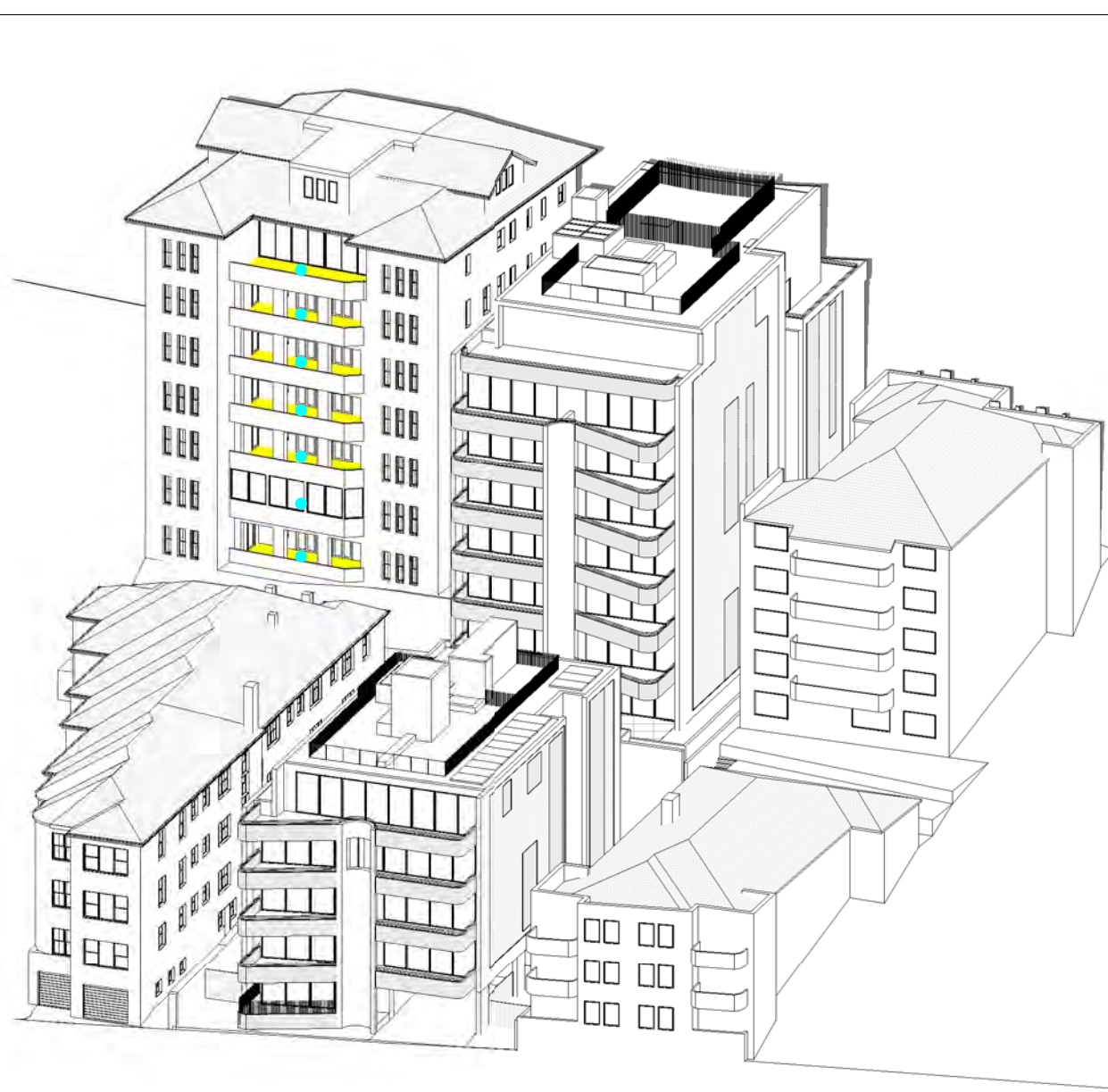
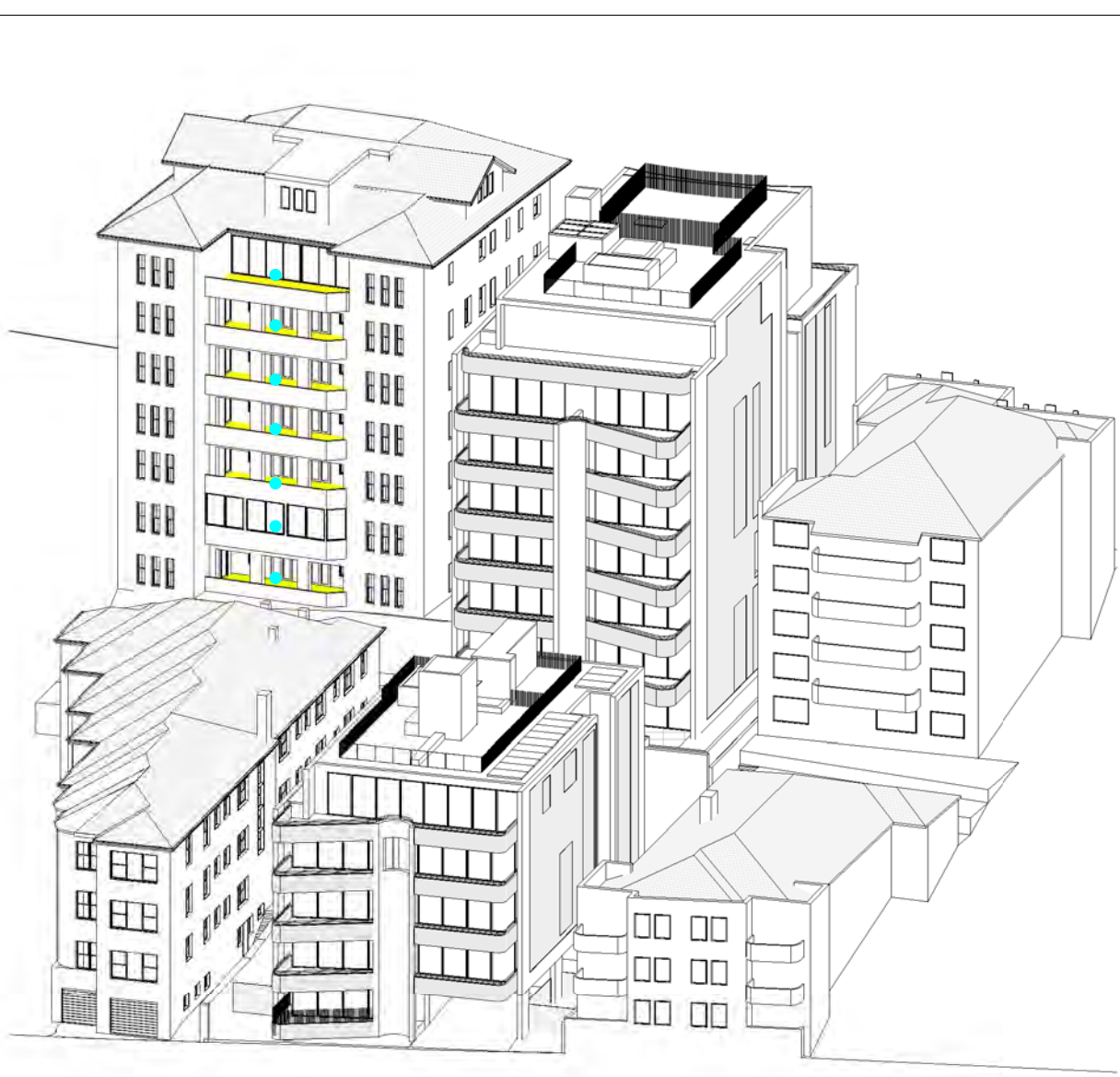
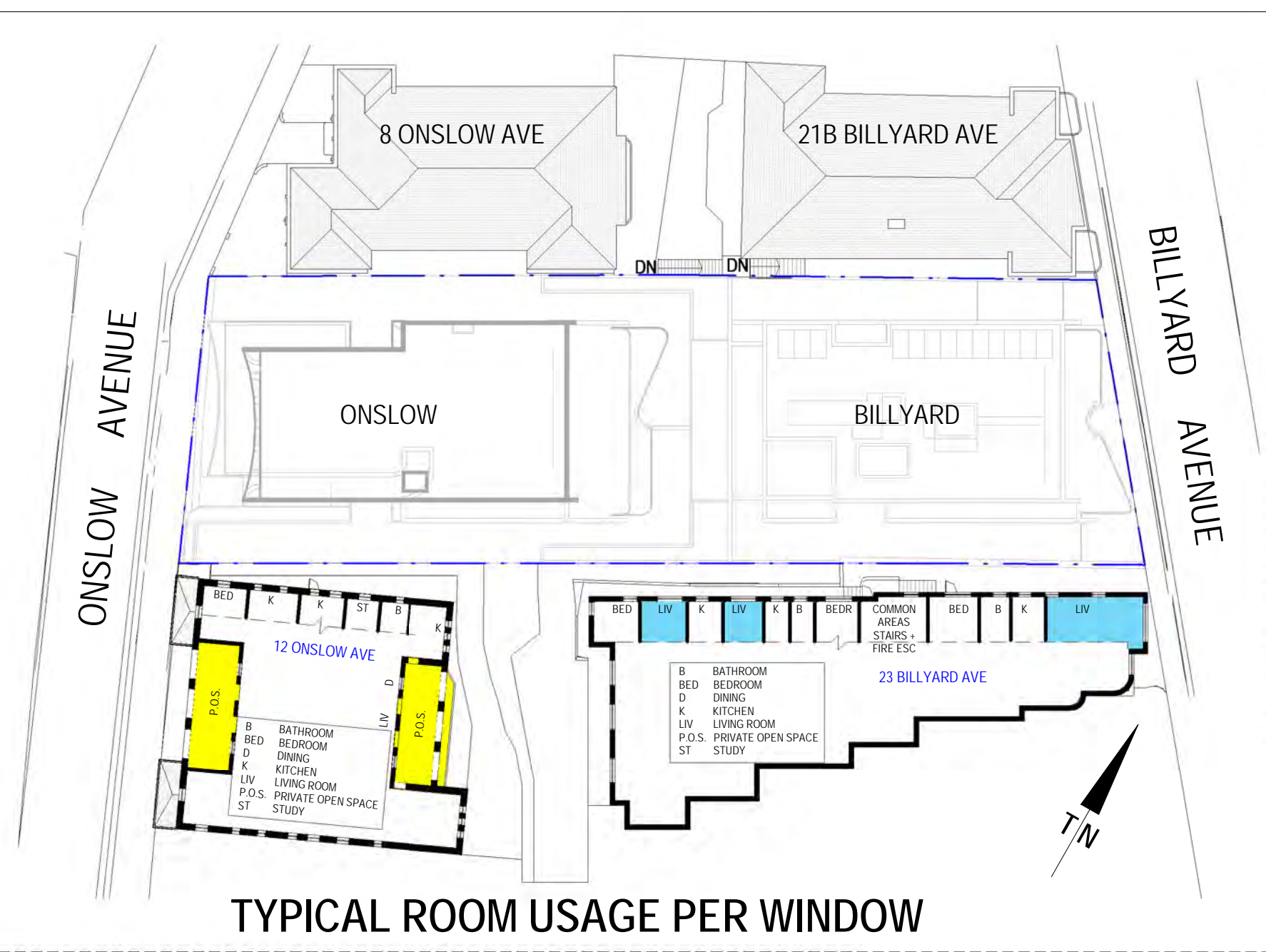
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NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

Drawing title:
Sun Eye Views June 21st
1.15pm-3.00pm Existing

Date: 20-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

KITCHEN WINDOW REVIEW

Project number 23-130 A102



PRIVATE OPEN SPACE CALCULATIONS JUNE 21ST:								
PROPOSED:								
P.O.S.	9.00	9.15	9.30	9.45	10.00	10.15	10.30	10.45
LG2								
UNIT 1								
LG1								
UNIT 3								
GF								
UNIT 5								
1								
UNIT 7								
2								
UNIT 9								
3								
UNIT 11								
4								
UNIT 12								

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:				
9.00AM - 3.00PM				
	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:
P.O.S.				
LG2				
UNIT 1	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
LG1				
UNIT 3	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
GF				
UNIT 5	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
1				
UNIT 7	3.25 HOURS	2.25 HOURS	- 0.75 HOUR	33%
2				
UNIT 9	3.25 HOURS	3.25 HOURS	0	
3				
UNIT 11	3.25 HOURS	3.25 HOURS	0	
4				
UNIT 12	4 HOURS	4 HOURS	0	

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV.B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO

9.30am Proposed

9.45am Proposed

10.00am Proposed

10.15am Proposed

10.30am Proposed

10.45am Proposed

SHADOW
ANALYSIS
REVIEW

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Cad Draft P/L

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MOBILE: 0410 699919
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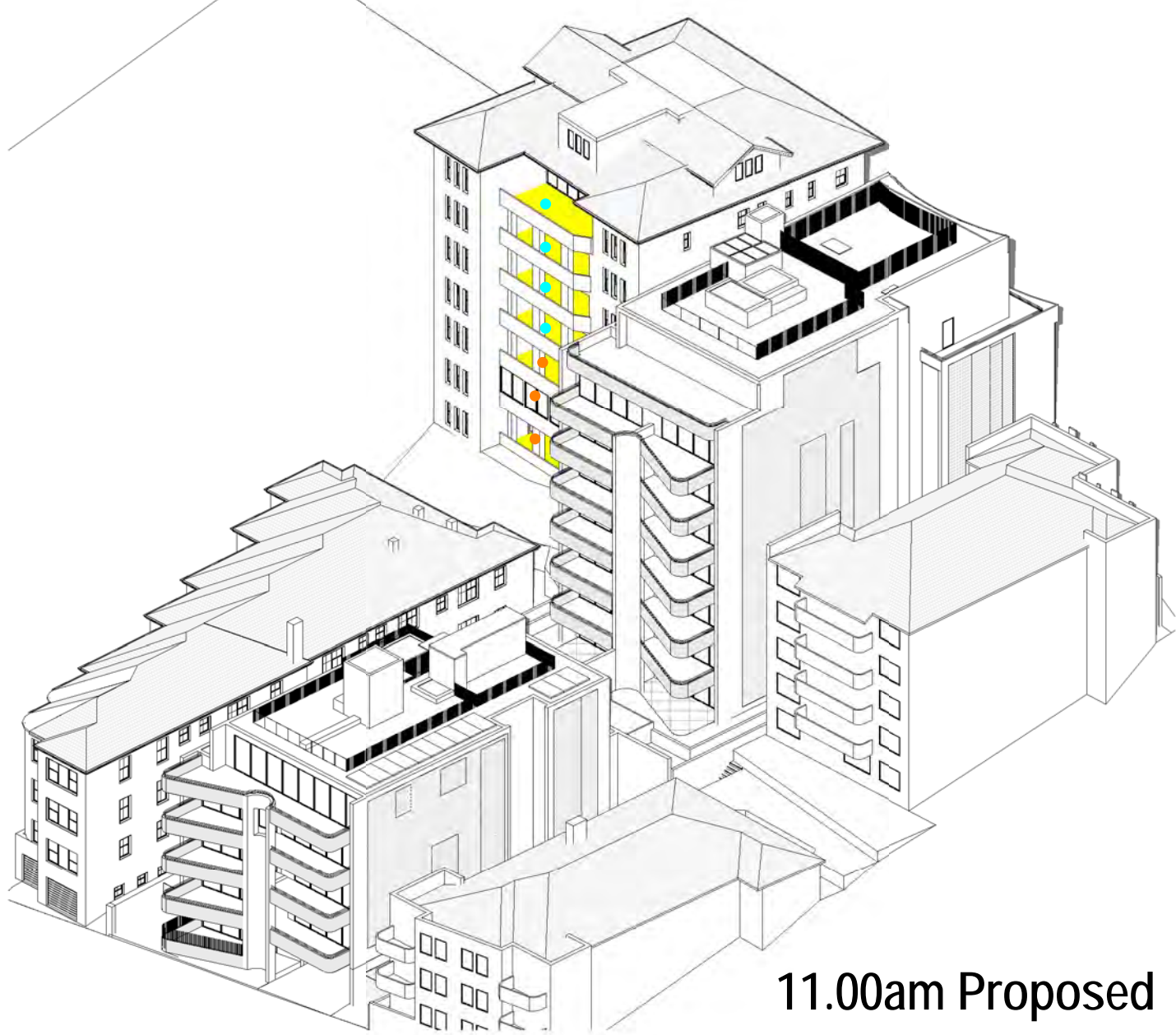
Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

Drawing title:
Sun Eye Views June 21st
9.00am-10.45am Proposed

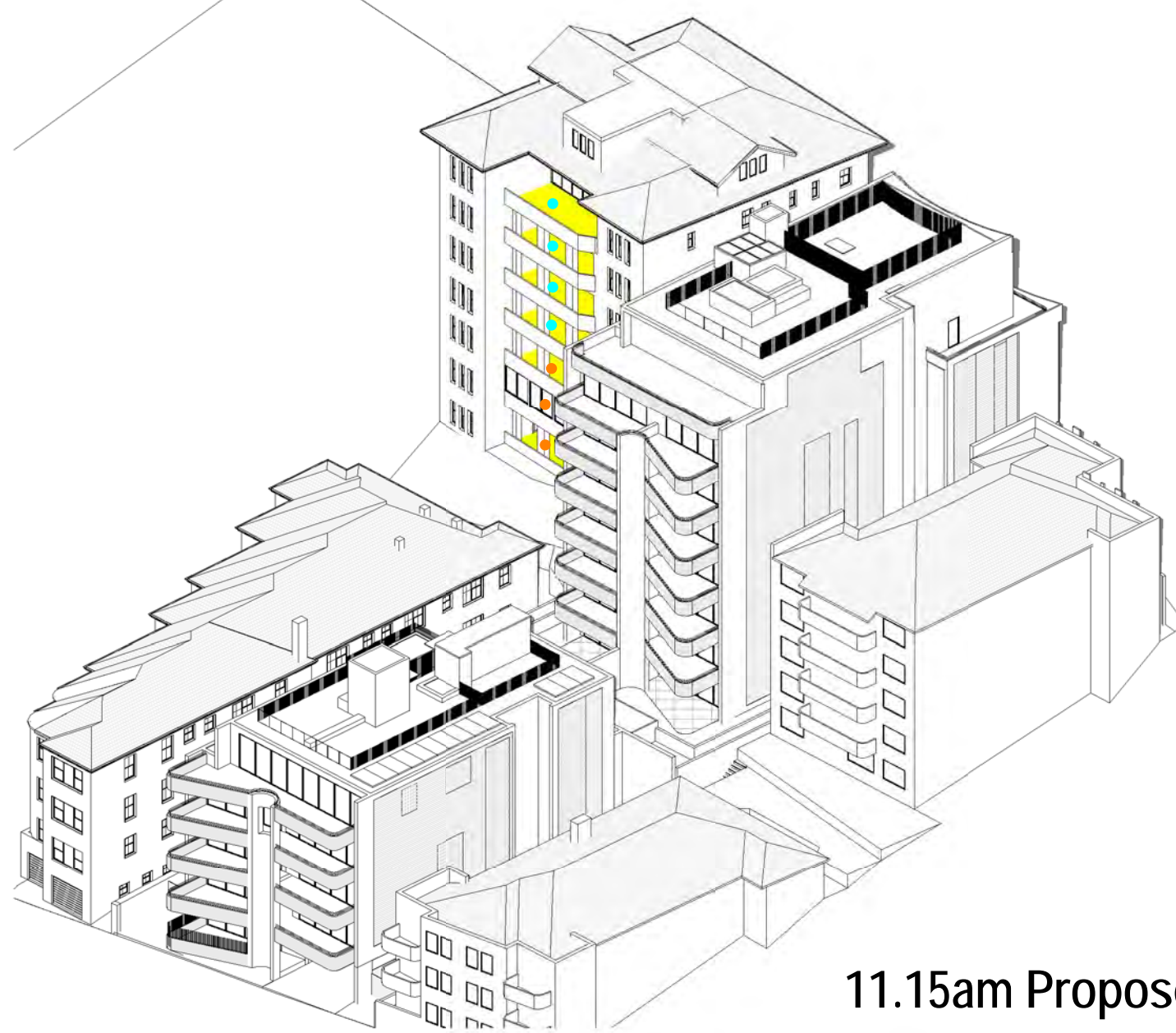
Date: 20-09-23
Scale: As indicated
Drawn by: KP
Checked by: JD

KITCHEN WINDOW REVIEW

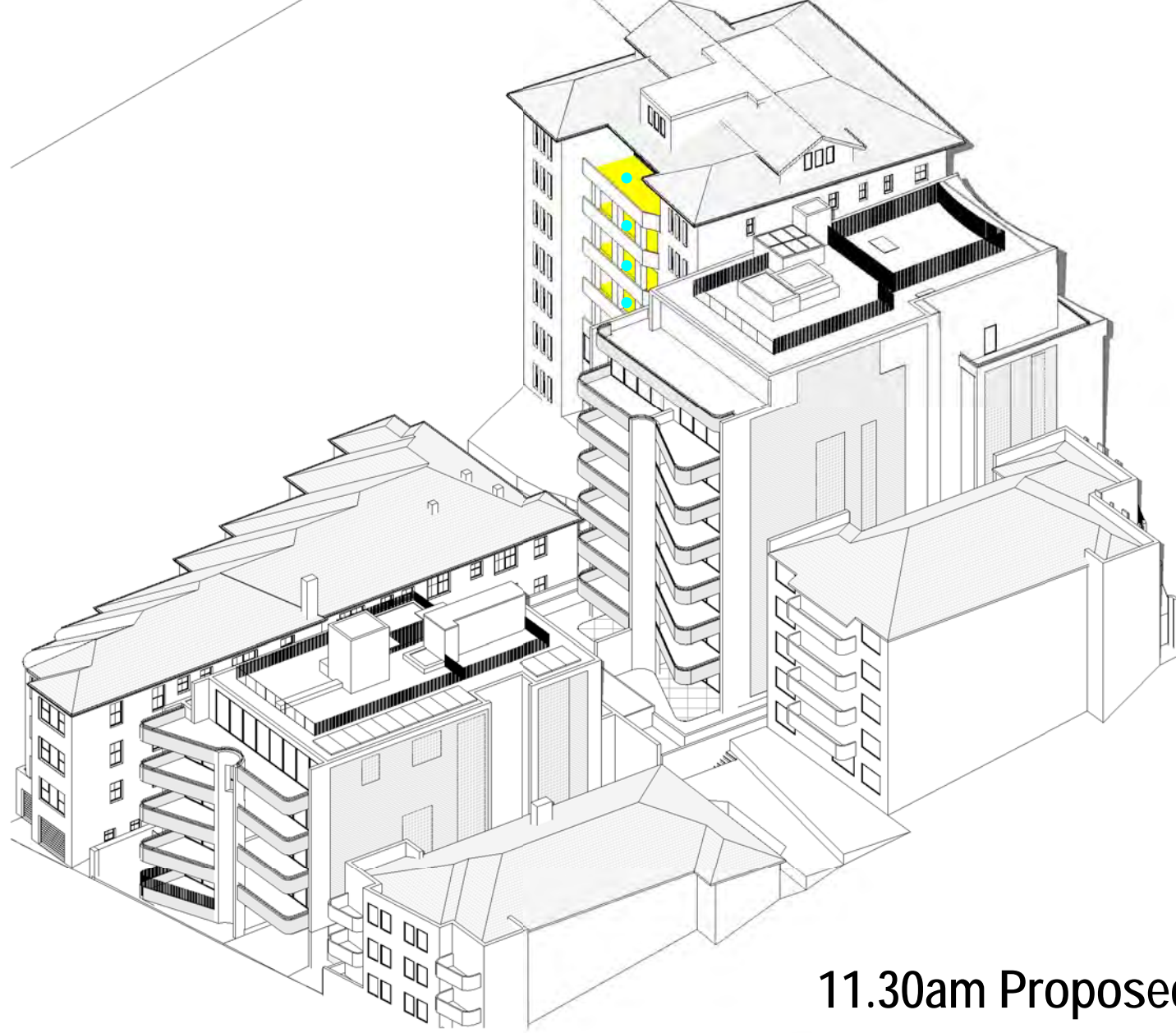
Project number 23-130 A103



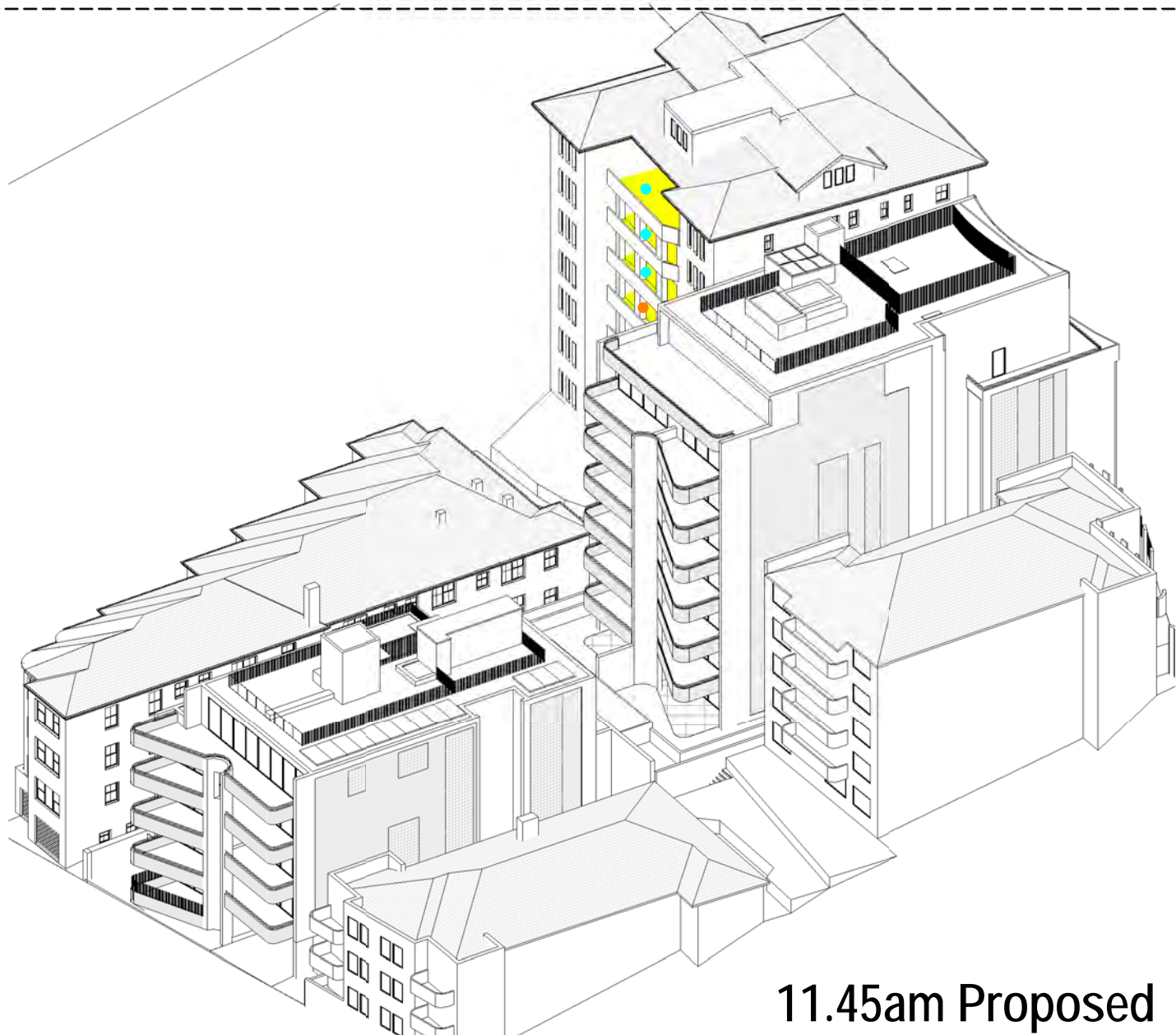
11.00am Proposed



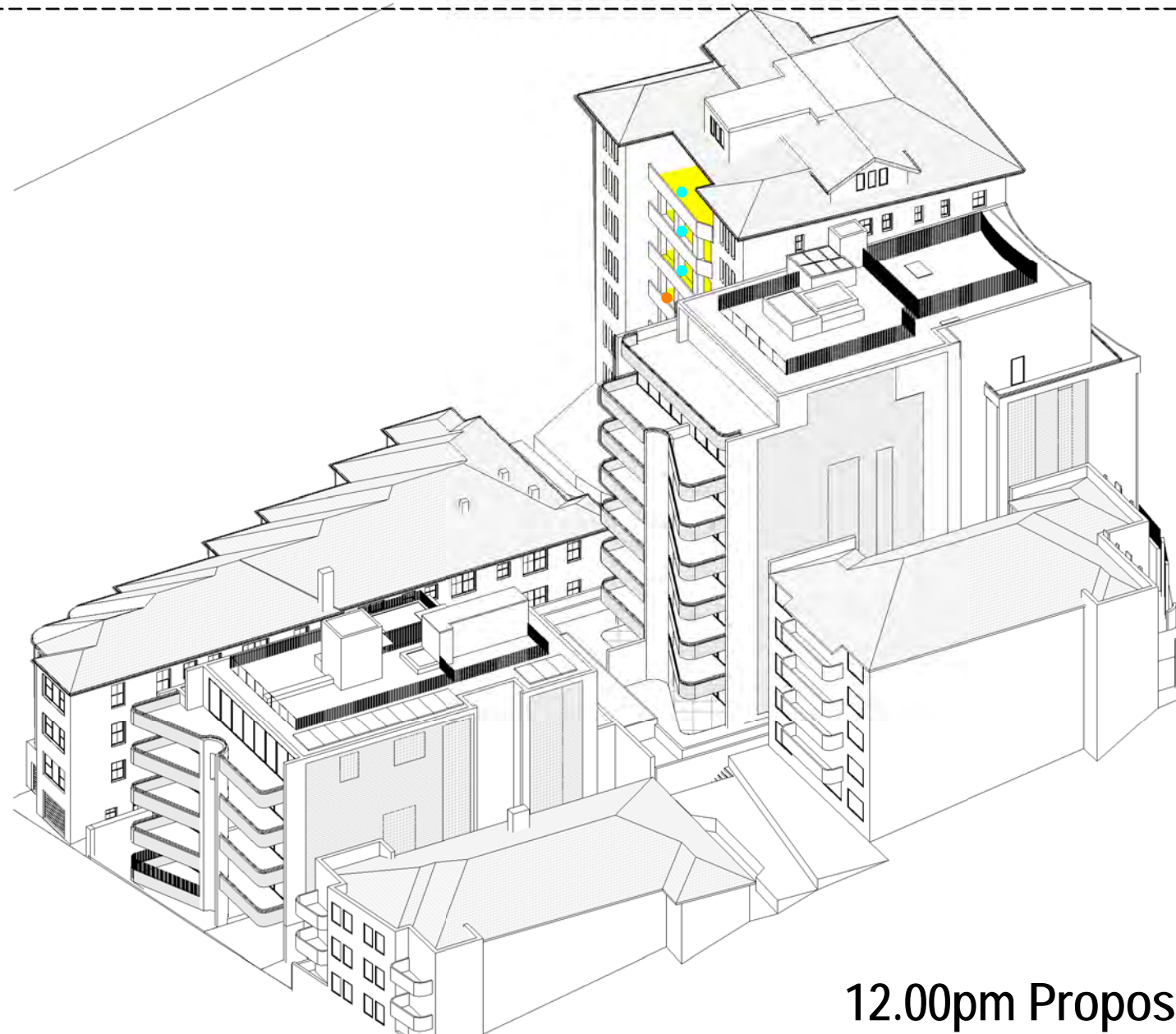
11.15am Proposed



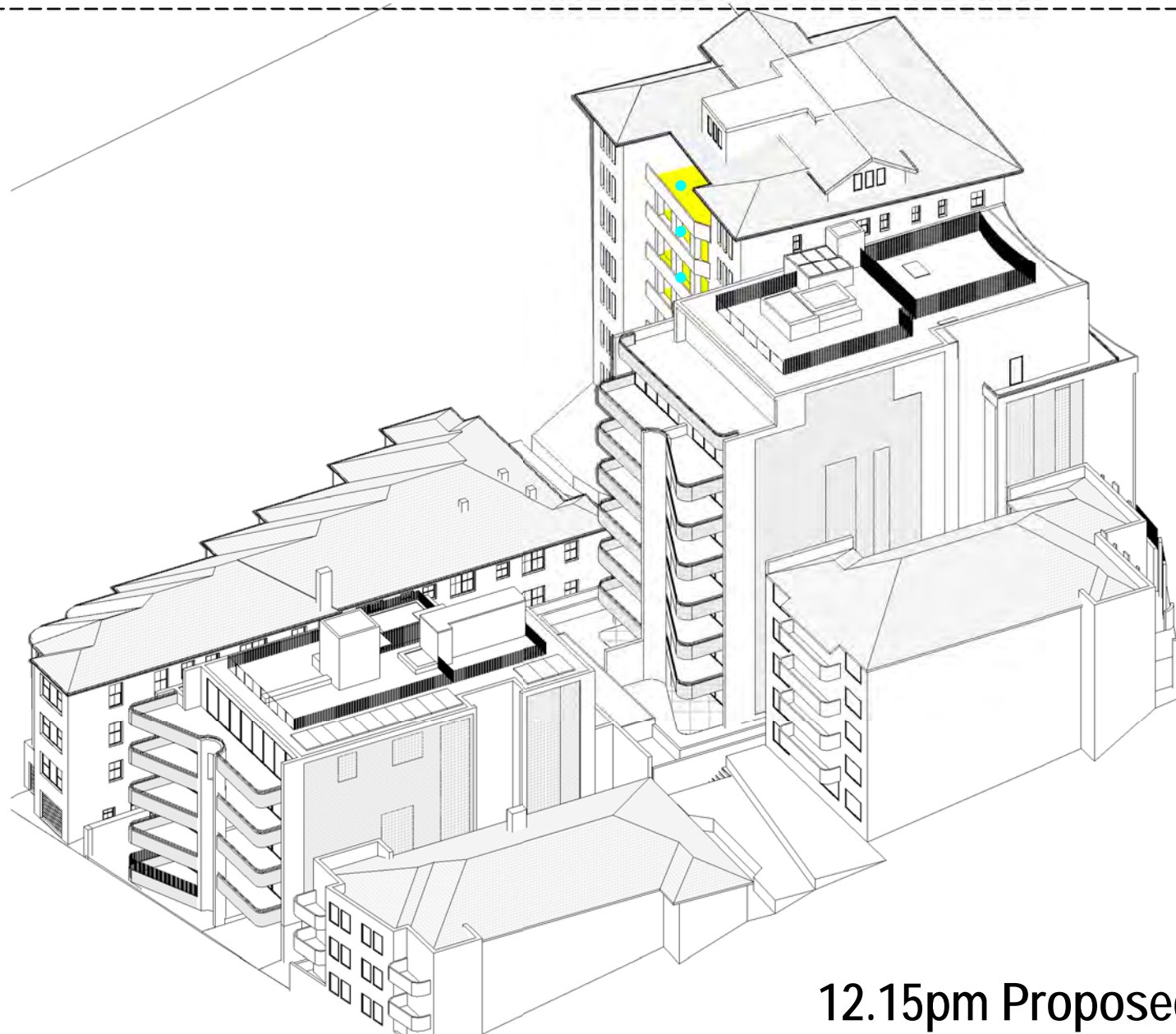
11.30am Proposed



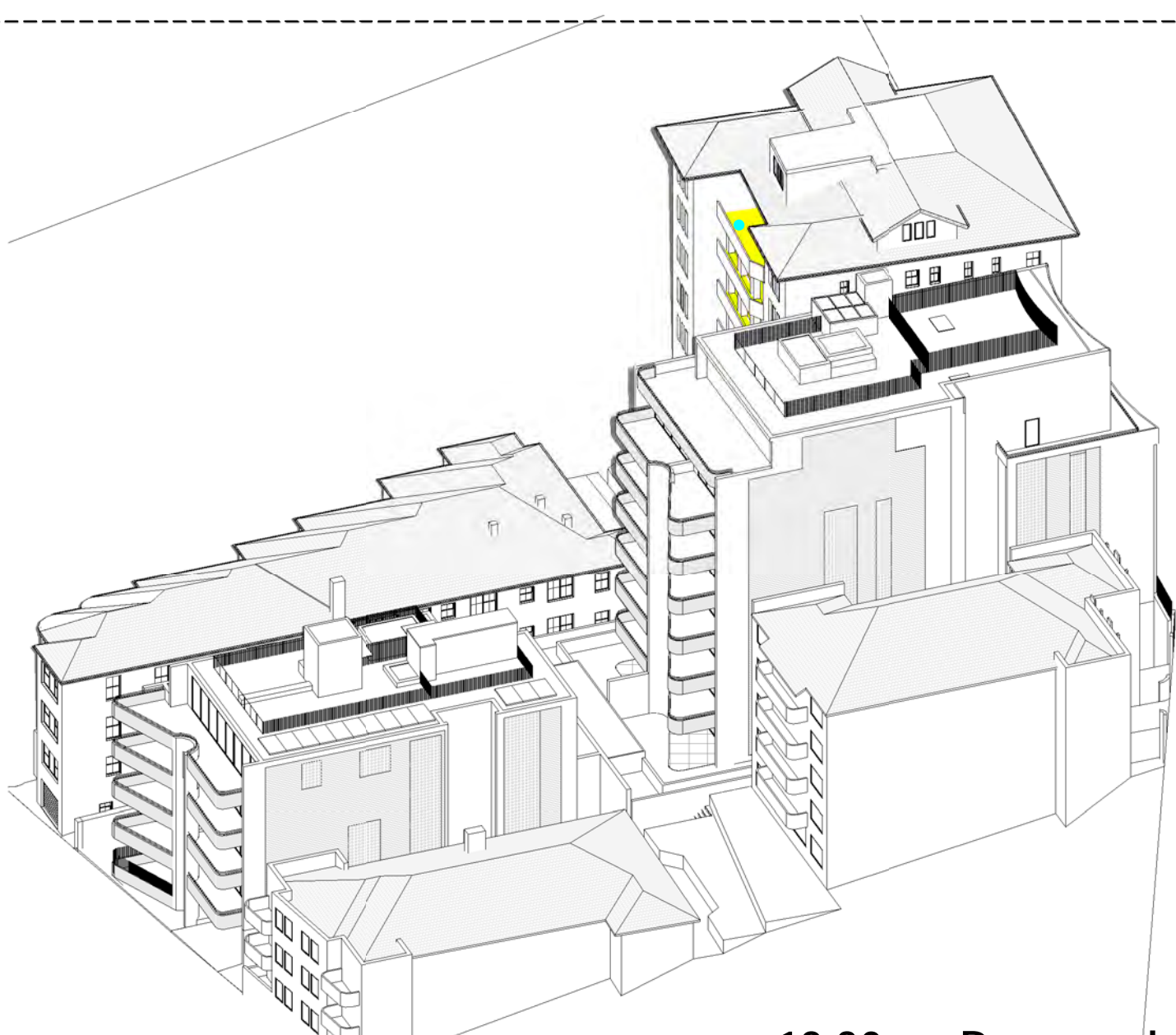
11.45am Proposed



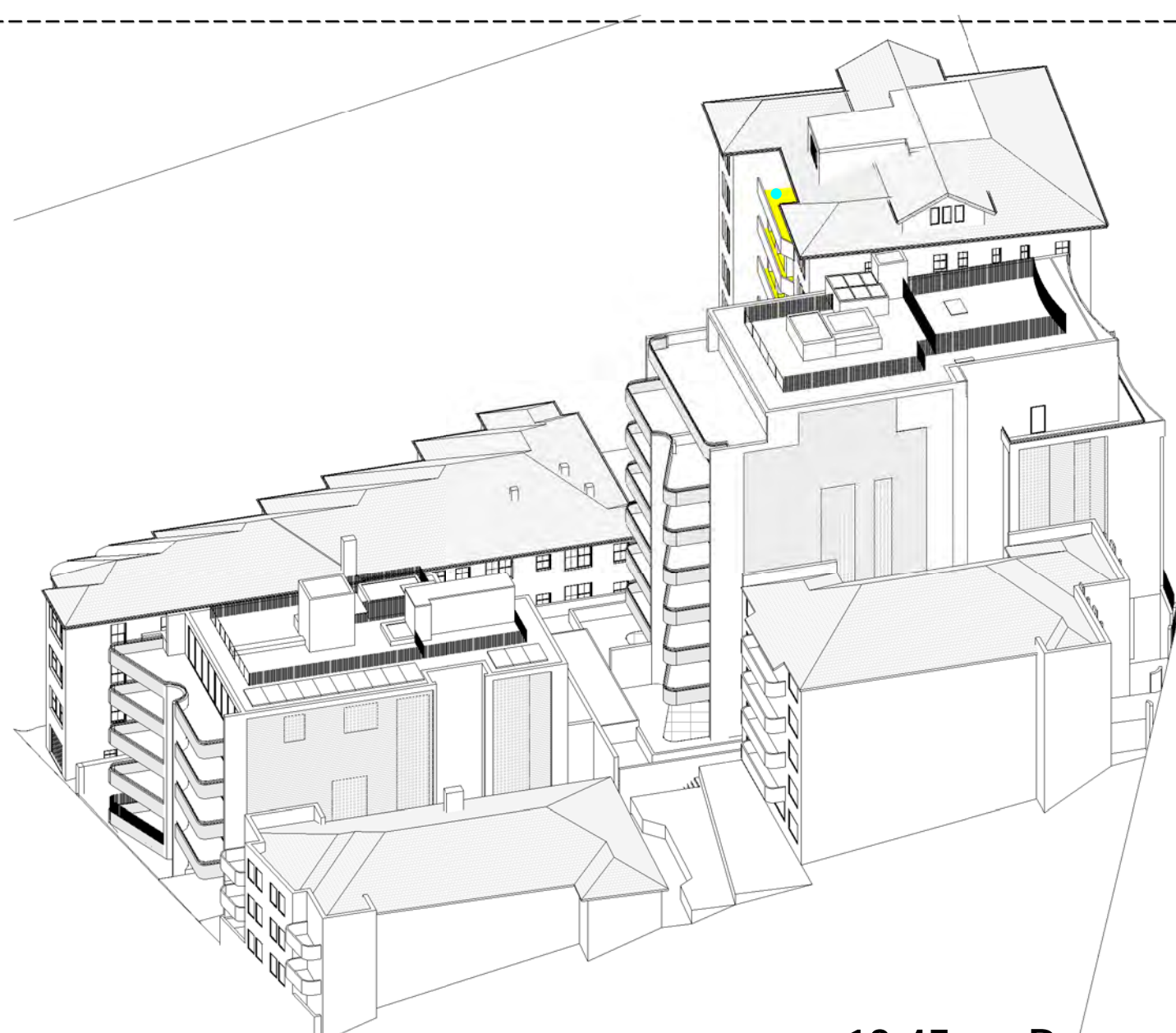
12.00pm Proposed



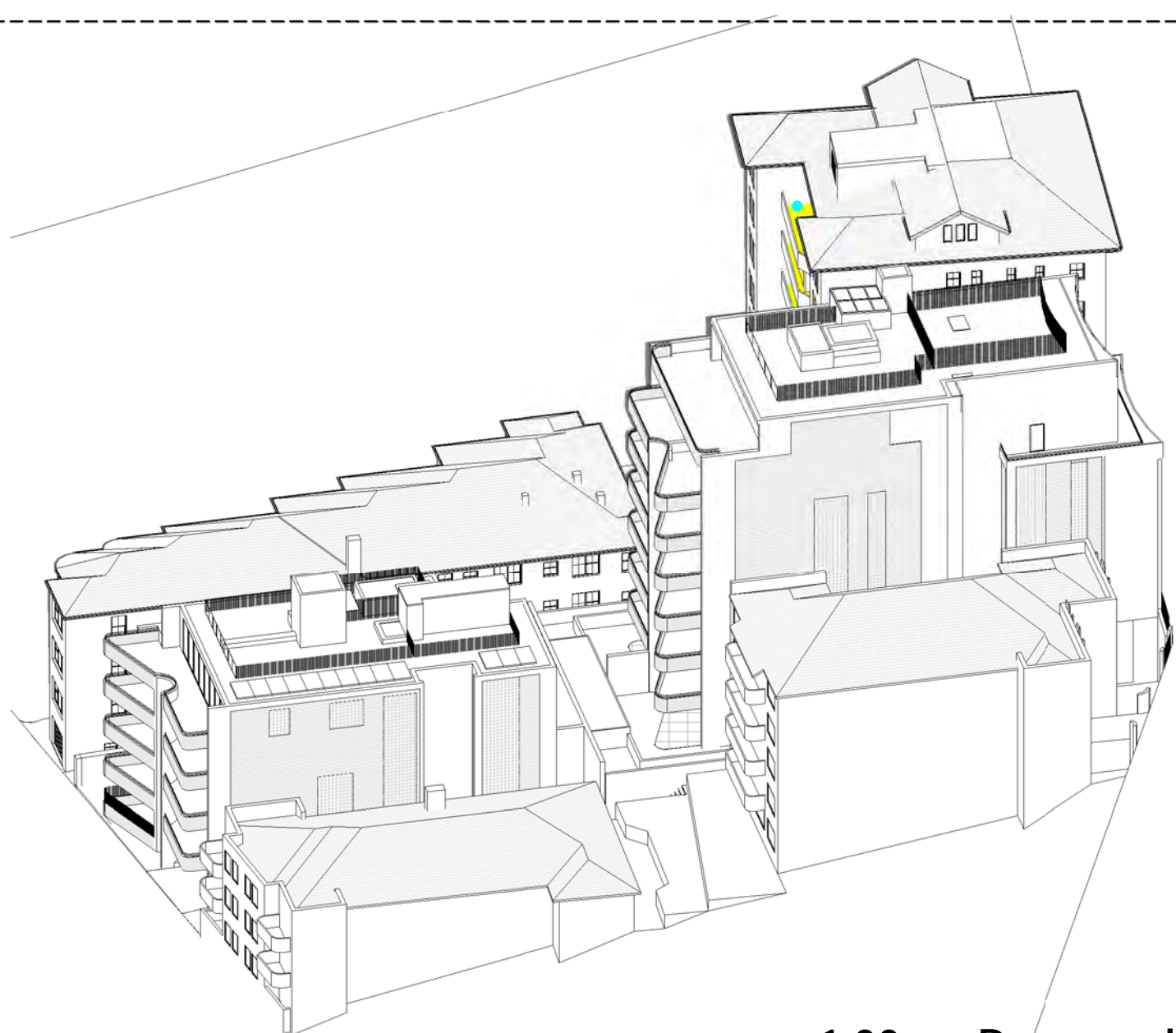
12.15pm Proposed



12.30pm Proposed



12.45pm Proposed



1.00pm Proposed

DENOTES BALCONIES TO NO.12 ONSLOW AVENUE (PRIVATE OPEN SPACE)

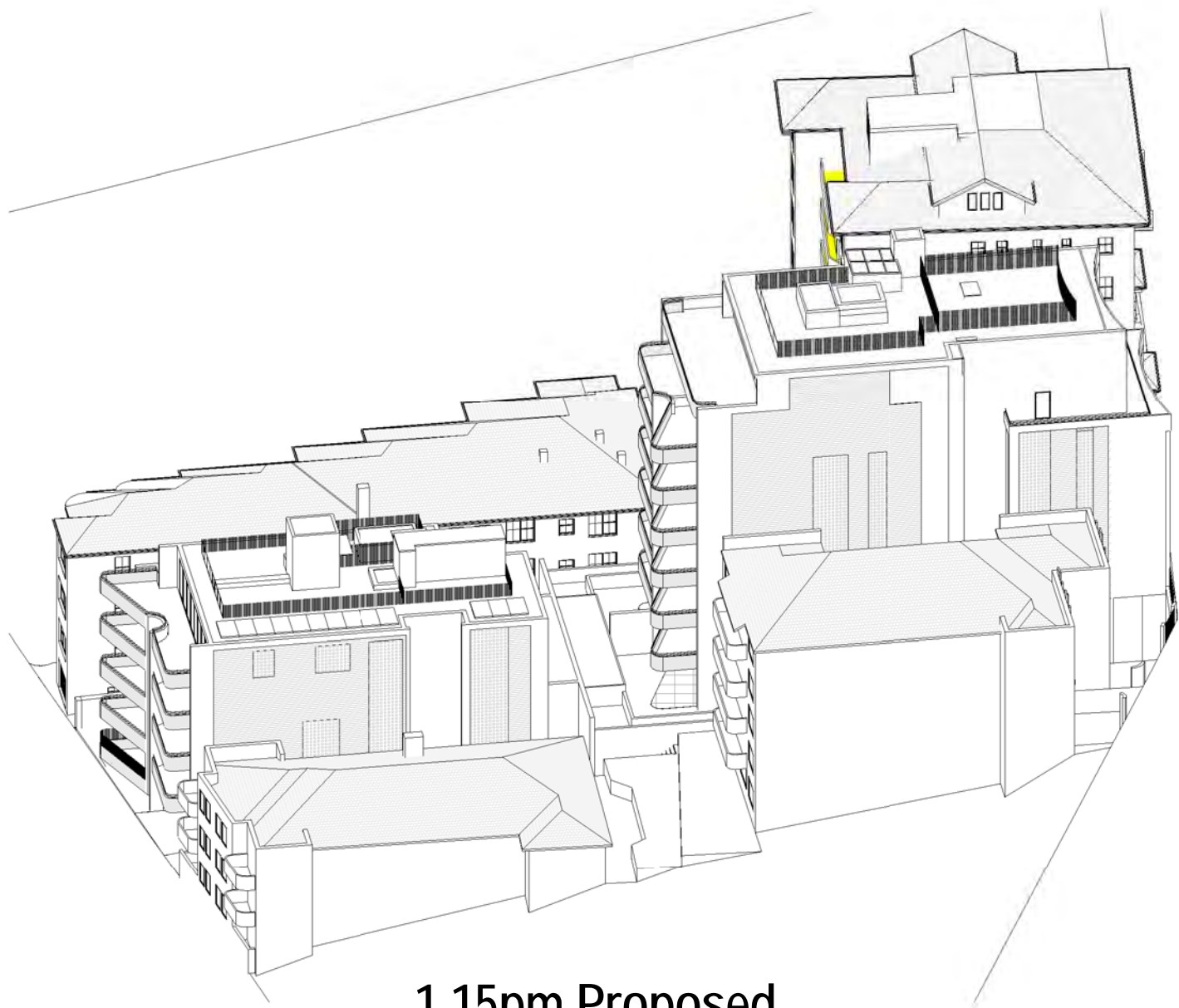
DENOTES P.O.S RECEIVING DIRECT SUNLIGHT

DENOTES P.O.S PARTIAL LOSS OF DIRECT SUNLIGHT

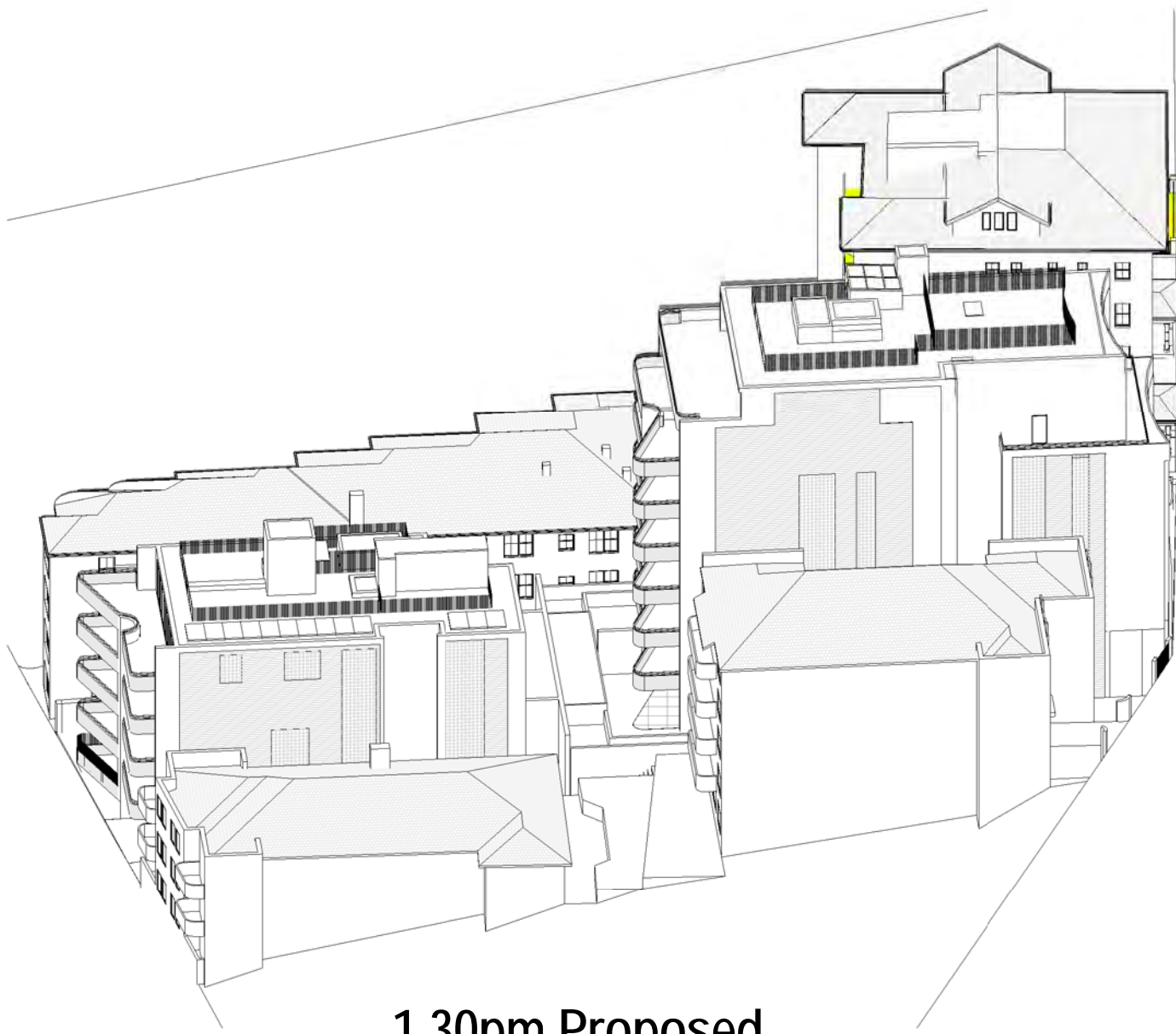
X

DENOTES P.O.S LOSS OF DIRECT SUNLIGHT

PRIVATE OPEN SPACE CALCULATIONS JUNE 21ST:										
PROPOSED:										
P.O.S.	11.00	11.15	11.30	11.45	12.00	12.15	12.30	12.45	1.00	
LG2 UNIT 1	●	●	X	X	X	X	X	X	X	
LG1 UNIT 3	●	●	X	X	X	X	X	X	X	
GF UNIT 5	●	●	X	X	X	X	X	X	X	
1 UNIT 7	●	●	●	●	●	X	X	X	X	
2 UNIT 9	●	●	●	●	●	●	X	X	X	
3 UNIT 11	●	●	●	●	●	●	X	X	X	
4 UNIT 12	●	●	●	●	●	●	●	●	●	
TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:										
9.00AM - 3.00PM										
	EXISTING:	PROPOSED:			ACCESS LOST:		% LOST:			
P.O.S.										
LG2 UNIT 1	3.25 HOURS	1.75 HOURS			- 1 HOUR		44%			
LG1 UNIT 3	3.25 HOURS	1.75 HOURS			- 1 HOUR		44%			
GF UNIT 5	3.25 HOURS	1.75 HOURS			- 1 HOUR		44%			
1 UNIT 7	3.25 HOURS	2.25 HOURS			- 0.75 HOUR		33%			
2 UNIT 9	3.25 HOURS	3.25 HOURS			0					
3 UNIT 11	3.25 HOURS	3.25 HOURS			0					
4 UNIT 12	4 HOURS	4 HOURS			0					



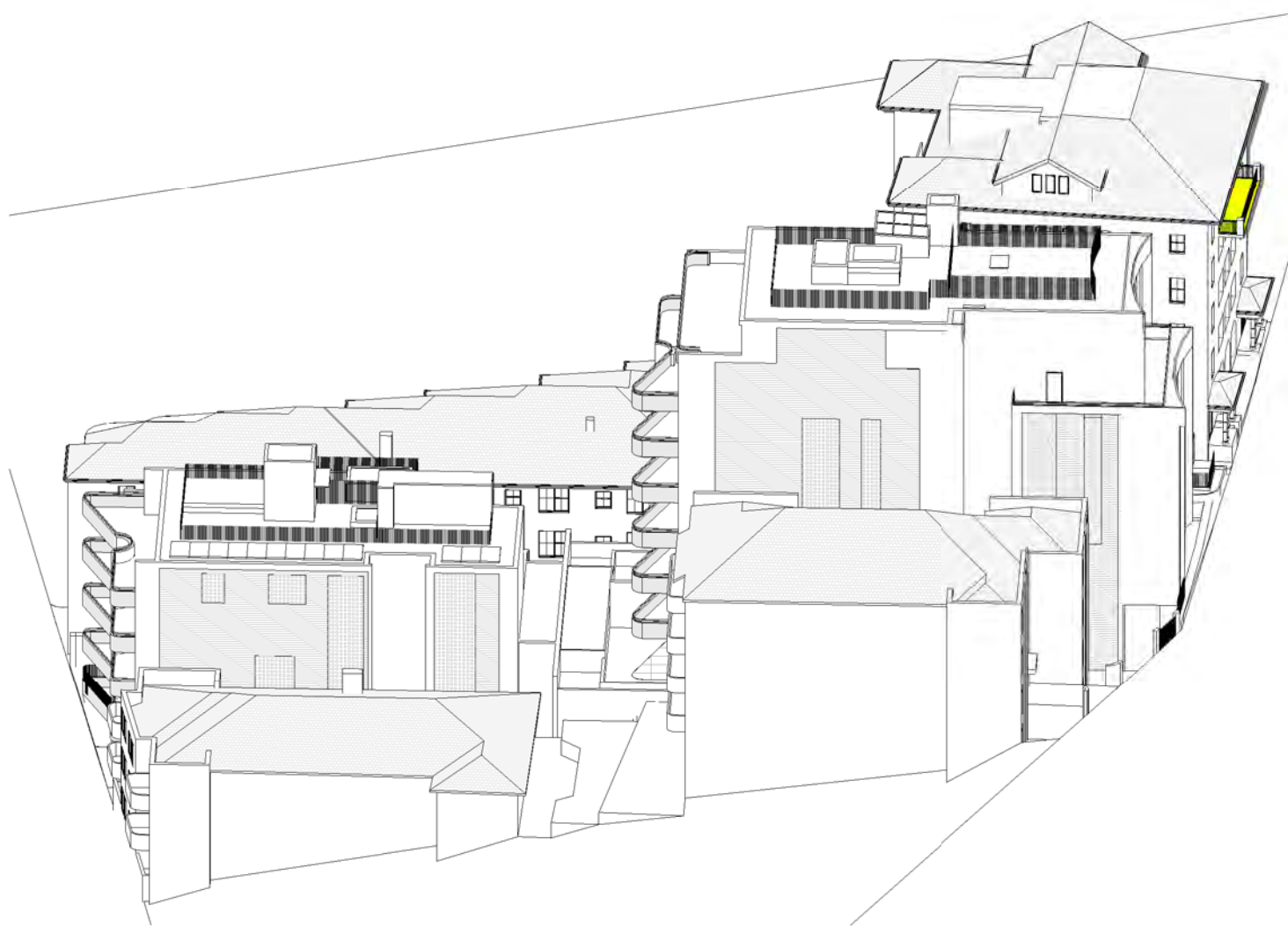
1.15pm Proposed



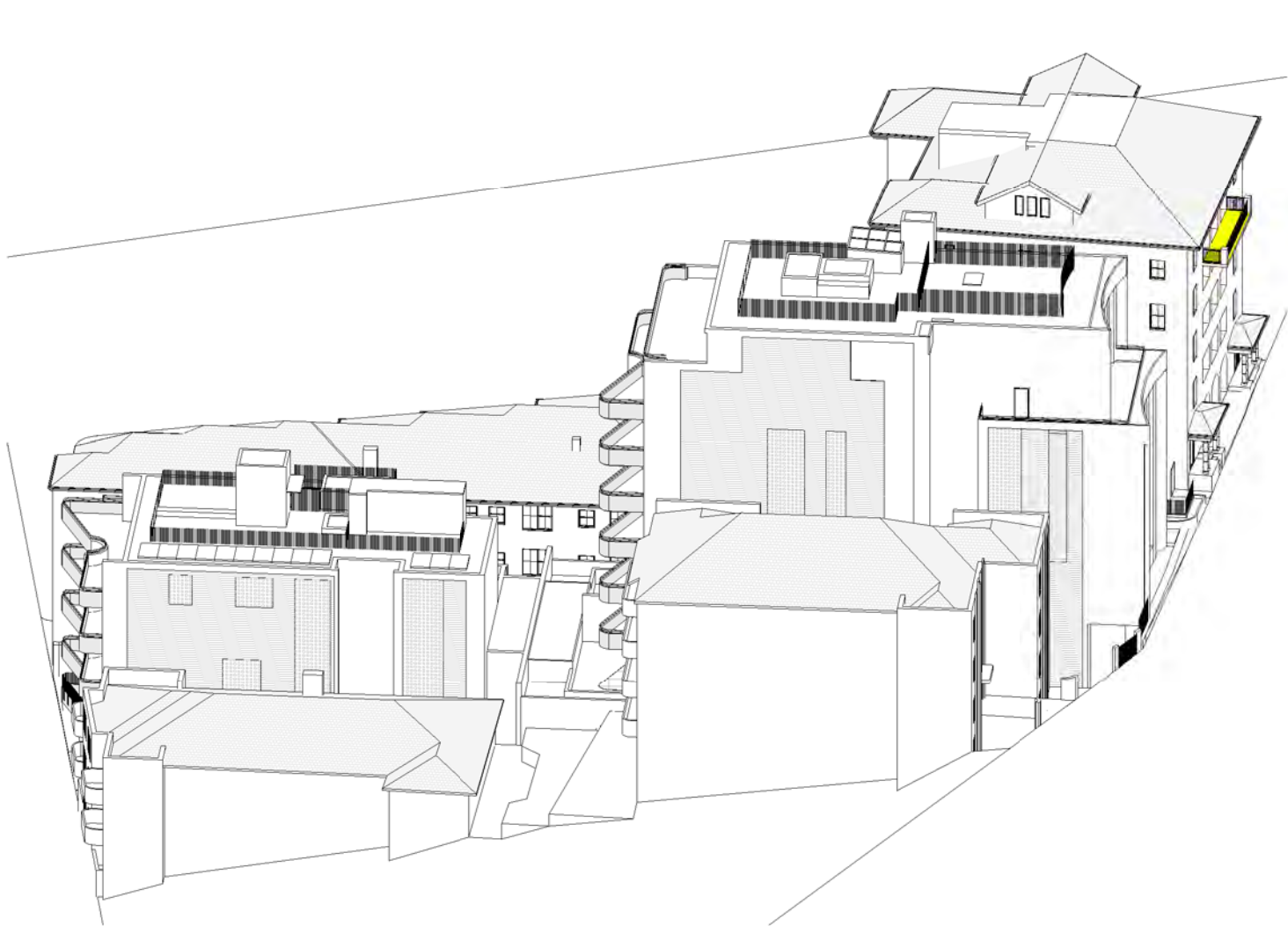
1.30pm Proposed



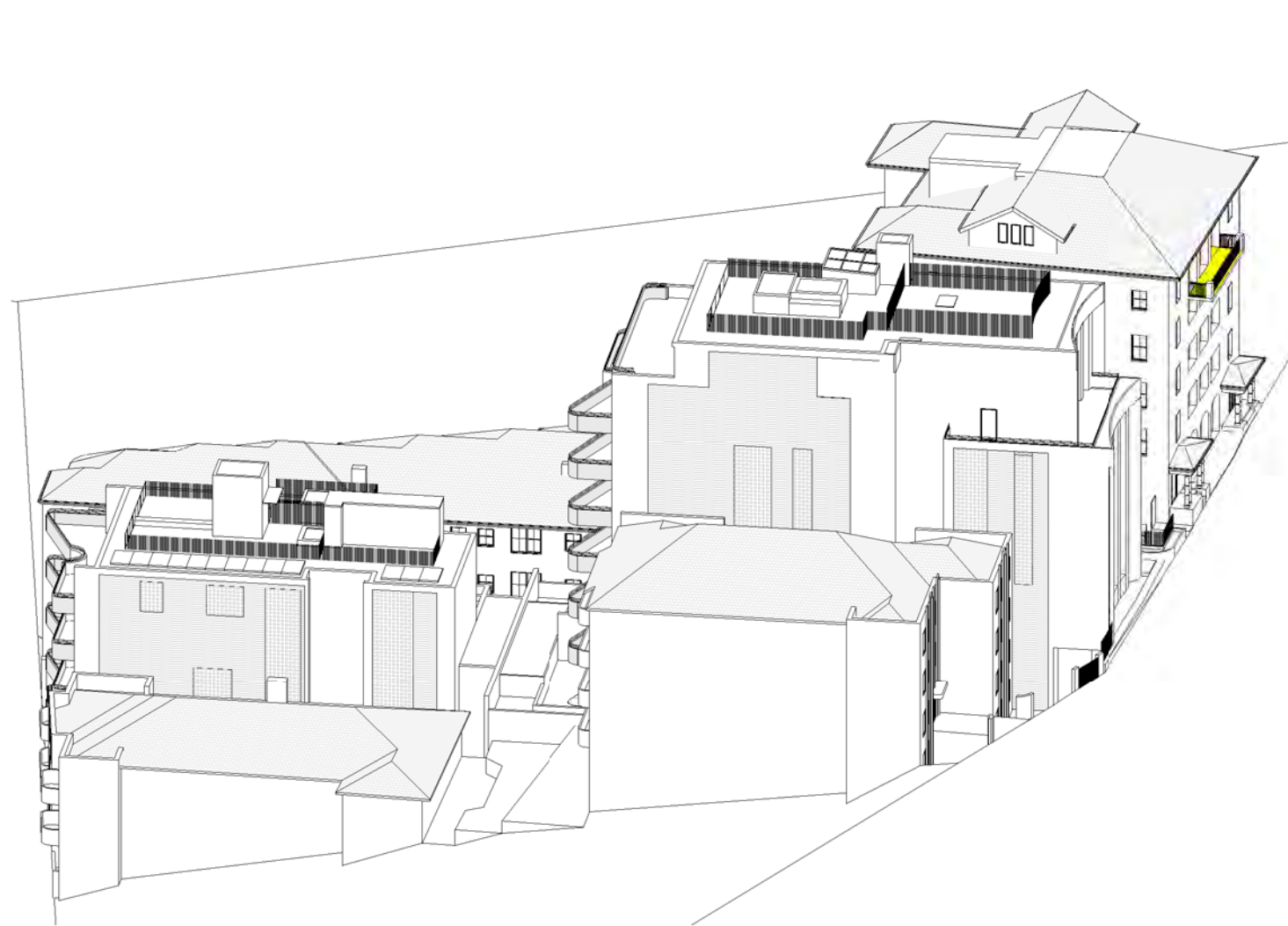
1.45pm Proposed



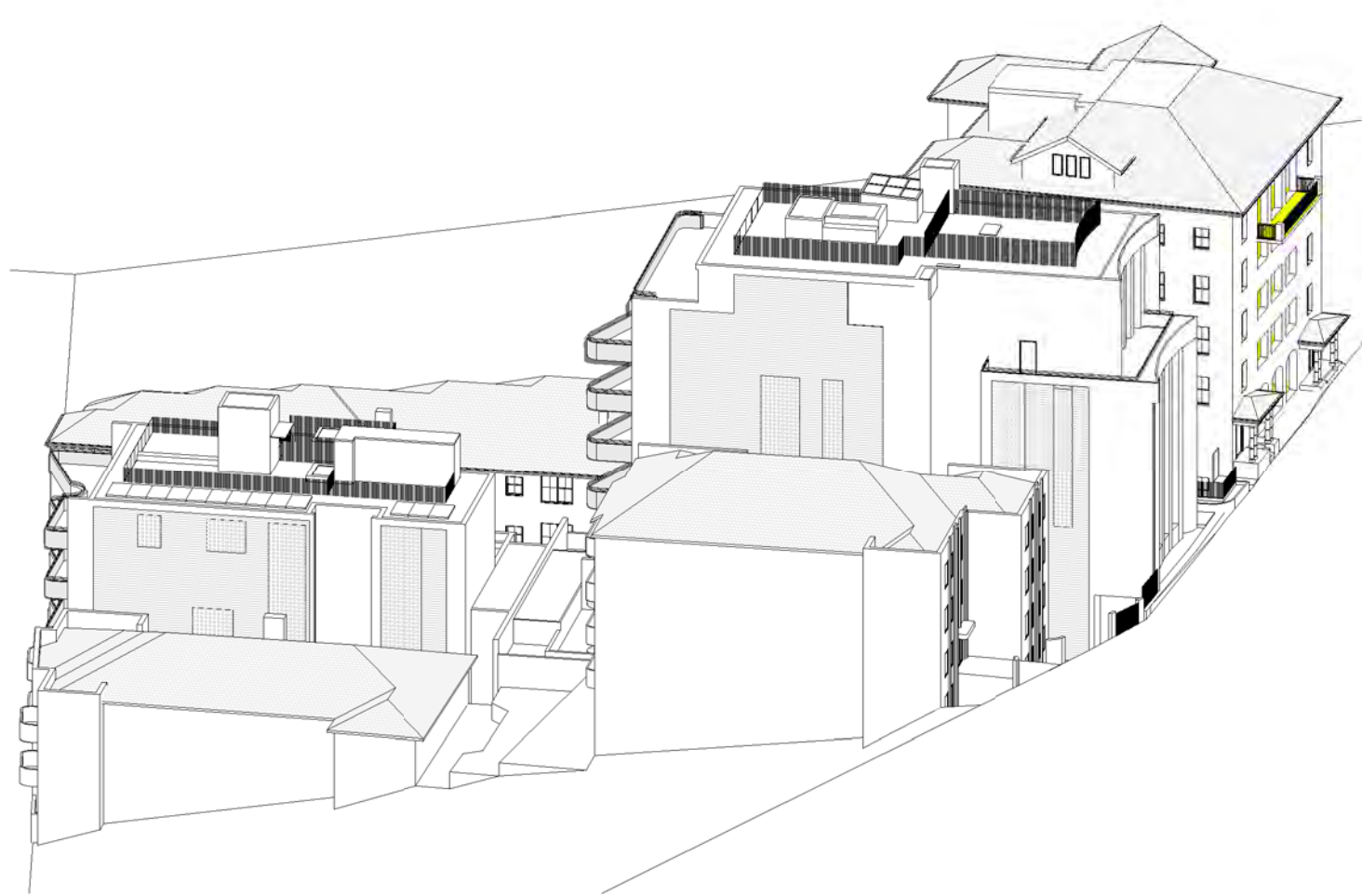
2.00pm Proposed



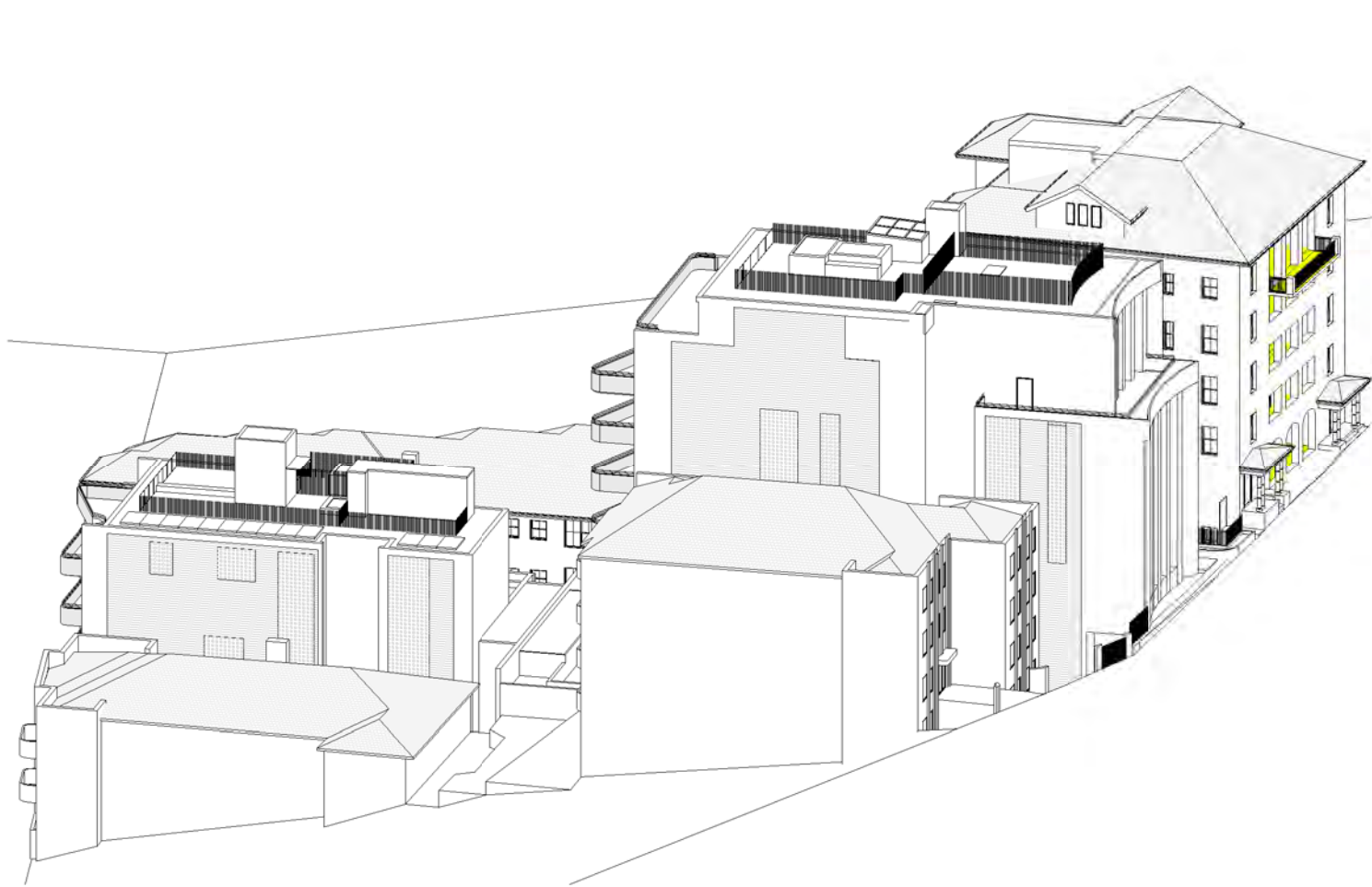
2.15pm Proposed



2.30pm Proposed



2.45pm Proposed



3.00pm Proposed

- DENOTES BALCONIES TO NO.12 ONSLOW AVENUE (PRIVATE OPEN SPACE)
- DENOTES P.O.S RECEIVING DIRECT SUNLIGHT
- DENOTES P.O.S PARTIAL LOSS OF DIRECT SUNLIGHT
- DENOTES P.O.S LOSS OF DIRECT SUNLIGHT

PRIVATE OPEN SPACE CALCULATIONS JUNE 21ST:									
PROPOSED:									
P.O.S.	1.15	1.30	1.45	2.00	2.15	2.30	2.45	3.00	
LG2									
UNIT 1	X	X	X	X	X	X	X	X	
LG1									
UNIT 3	X	X	X	X	X	X	X	X	
GF									
UNIT 5	X	X	X	X	X	X	X	X	
1									
UNIT 7	X	X	X	X	X	X	X	X	
2									
UNIT 9	X	X	X	X	X	X	X	X	
3									
UNIT 11	X	X	X	X	X	X	X	X	
4									
UNIT 12	X	X	X	X	X	X	X	X	

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:				
9.00AM - 3.00PM				
	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:
P.O.S.				
LG2				
UNIT 1	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
LG1				
UNIT 3	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
GF				
UNIT 5	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
1				
UNIT 7	3.25 HOURS	2.25 HOURS	- 0.75 HOUR	33%
2				
UNIT 9	3.25 HOURS	3.25 HOURS	0	
3				
UNIT 11	3.25 HOURS	3.25 HOURS	0	
4				
UNIT 12	4 HOURS	4 HOURS	0	

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO

SHADOW
ANALYSIS
REVIEW

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MOBILE: 0410 699919
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Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

Drawing title:
Sun Eye Views June 21st
1.15pm-3.00pm Proposed

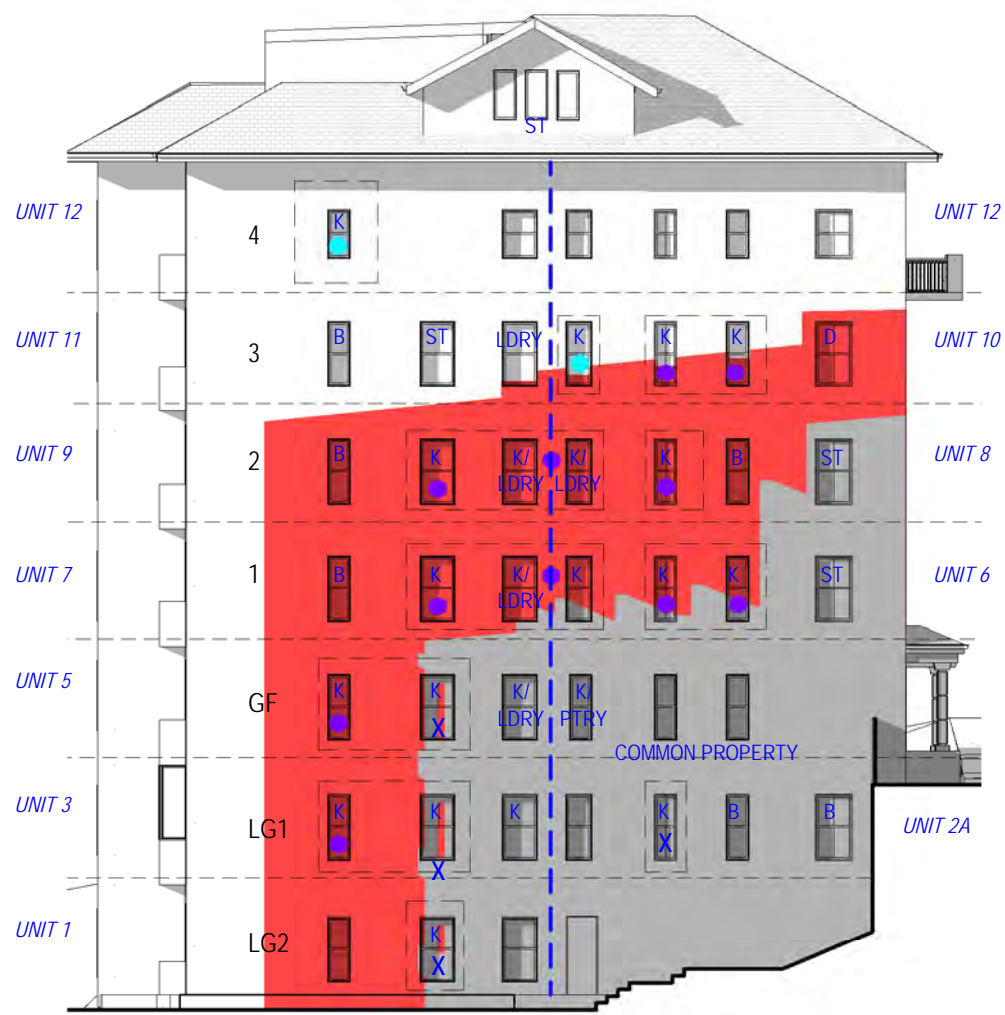
Date: 20-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

KITCHEN WINDOW REVIEW

Project number 23-130 A105



NO 12 Northern Elevation 9.00am
1 : 200



NO 12 Northern Elevation 9.15am
1 : 200



NO 12 Northern Elevation 9.30am
1 : 200



NO 12 Northern Elevation 9.45am
1 : 200



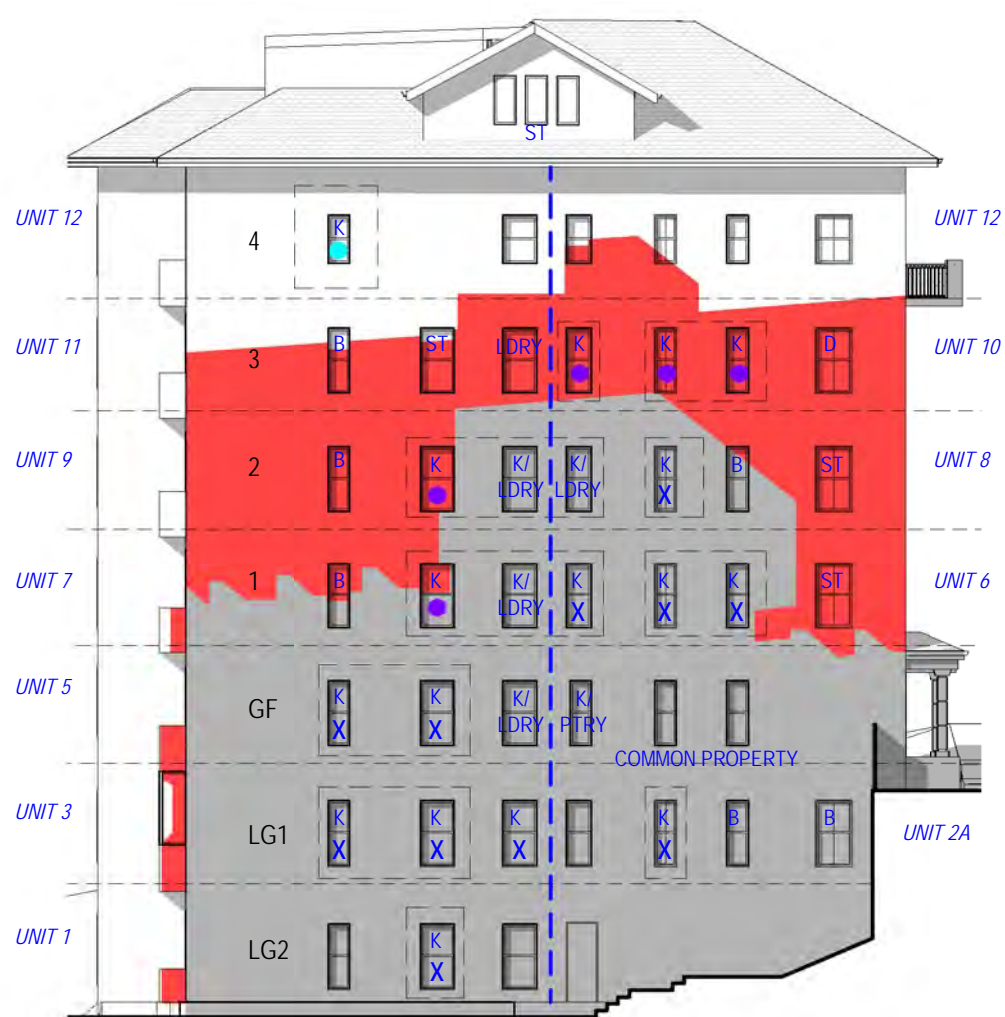
NO 12 Northern Elevation 10.00am
1 : 200



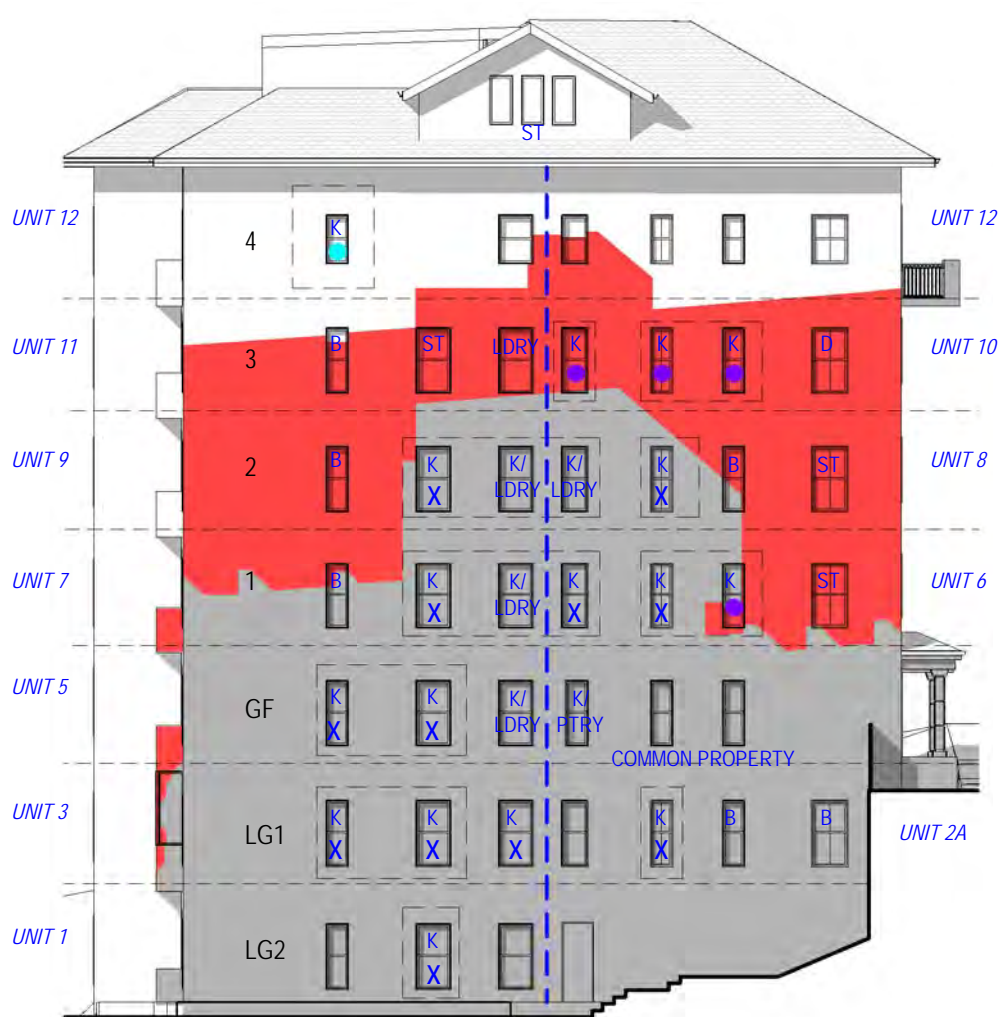
NO 12 Northern Elevation 10.15am
1 : 200



NO 12 Northern Elevation 10.30am
1 : 200



NO 12 Northern Elevation 10.45am
1 : 200



NO 12 Northern Elevation 11.00am
1 : 200

LEGEND:	
	DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
	DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
	DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)

LEGEND:	
BALC	BALCONY
BTH	BATHROOM
B	BEDROOM
D	DINING
K	KITCHEN
LIV	LIVING ROOM
P.O.S.	PRIVATE OPEN SPACE
ST	STUDY

LEGEND:	
	DENOTES WINDOWS TO KITCHEN SPACES
	DENOTES WINDOWS WITH NO SOLAR ACCESS EXISTING
	DENOTES KITCHEN SPACE WINDOWS WHICH RETAIN DIRECT SUNLIGHT
	DENOTES KITCHEN SPACE WINDOWS WHICH LOSE DIRECT SUNLIGHT
	DENOTES KITCHEN SPACE WINDOWS WHICH GAIN DIRECT SUNLIGHT

NO. 12 ONSLOW NORTHERN KITCHEN WINDOWS SOLAR ACCESS JUNE 21ST:											
	9.00	9.15	9.30	9.45	10.00	10.15	10.30	10.45	11.00		
UNIT 1 K	●	X	X	X	X	X	X	X	X		
UNIT 2A K	X	X	X	X	X	X	X	X	X		
UNIT 3 K	●	X	X	X	X	X	X	X	X		
UNIT 5 K	●	X	X	X	X	X	X	X	X		
UNIT 6 K	●	●	●	●	X	X	X	X	●		
UNIT 7 K	●	●	●	●	●	●	●	●	X		
UNIT 8 K	●	●	●	●	X	X	X	X	X		
UNIT 9 K	●	●	●	●	●	●	●	●	X		
UNIT 10 K	●	●	●	●	●	●	●	●	●		
UNIT 12 K	●	●	●	●	●	●	●	●	●		

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:				
9.00AM - 3.00PM				
	EXISTING	PROPOSED	ACCESS LOST	% LOST
UNIT 1 K	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
UNIT 2A K	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
UNIT 3 K	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
UNIT 5 K	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
UNIT 6 K	3.25 HOURS	0 HOURS	- 3.25 HOURS	100%
UNIT 7 K	2 HOURS	0 HOURS	- 2 HOURS	100%
UNIT 8 K	4.8 HOURS	0 HOURS	- 4.8 HOURS	100%
UNIT 9 K	4 HOURS	0 HOURS	- 4 HOURS	100%
UNIT 10 K	6 HOURS	0 HOURS	- 6 HOURS	100%
UNIT 12 K	6 HOURS	3.75 HOURS	- 2.25 HOURS	37%

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV.B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO

SHADOW
ANALYSIS
REVIEW

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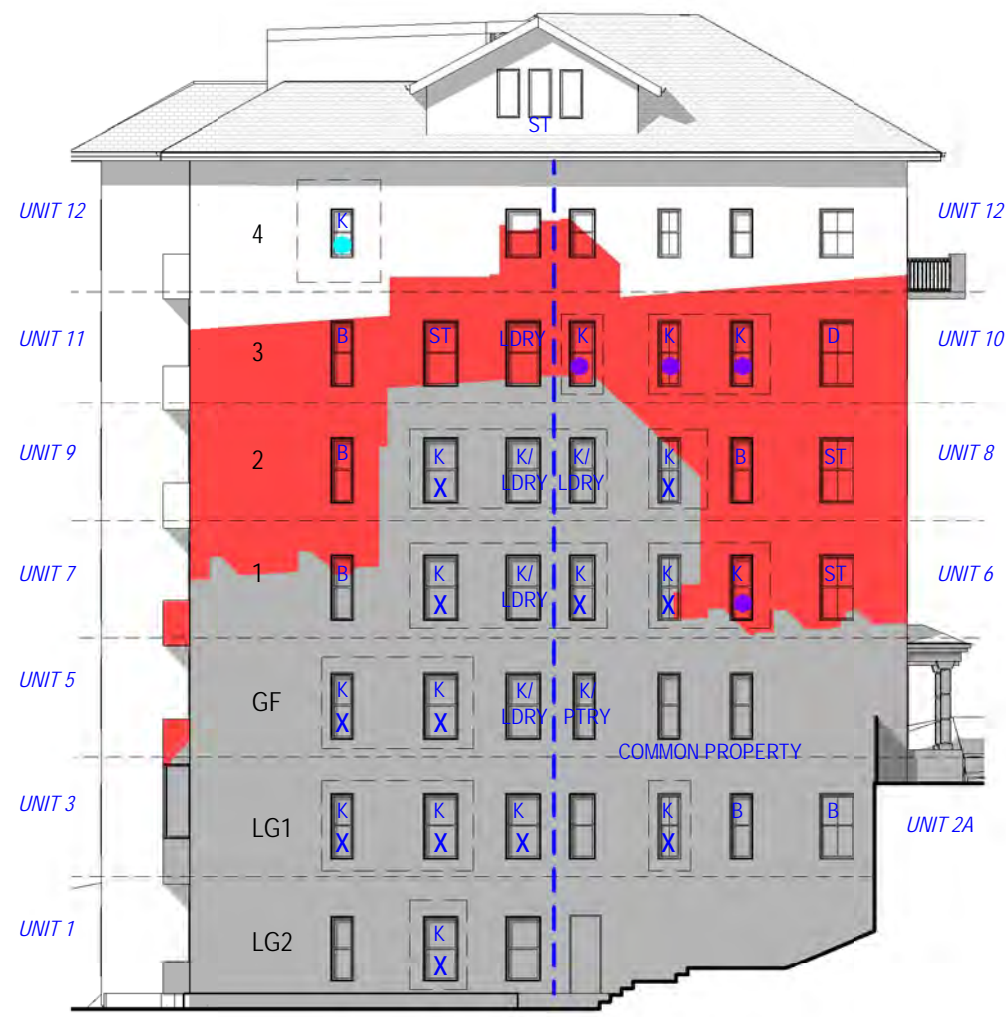
Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

Drawing title:
No.12 Onslow Ave Northern
Elevation Shadow June 21st
9.00am-11.00am

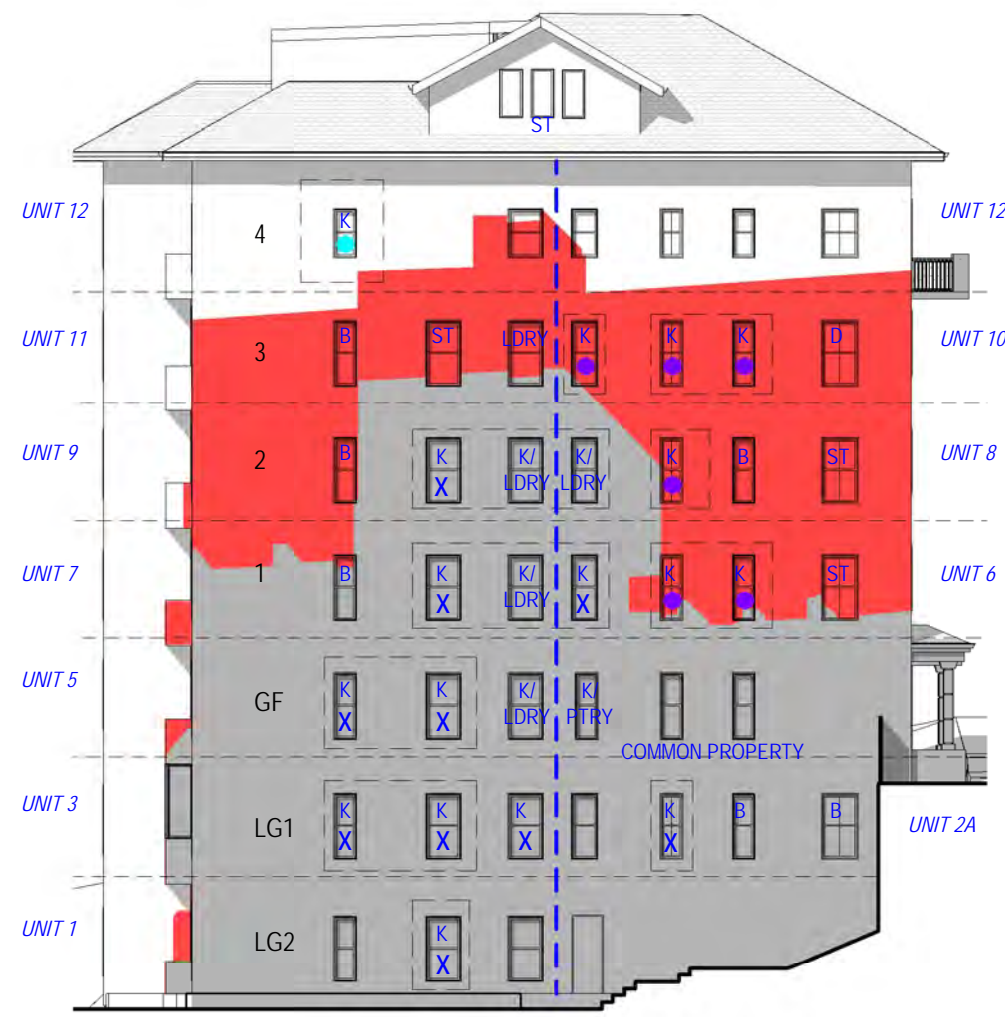
Date: 20-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

KITCHEN WINDOW REVIEW

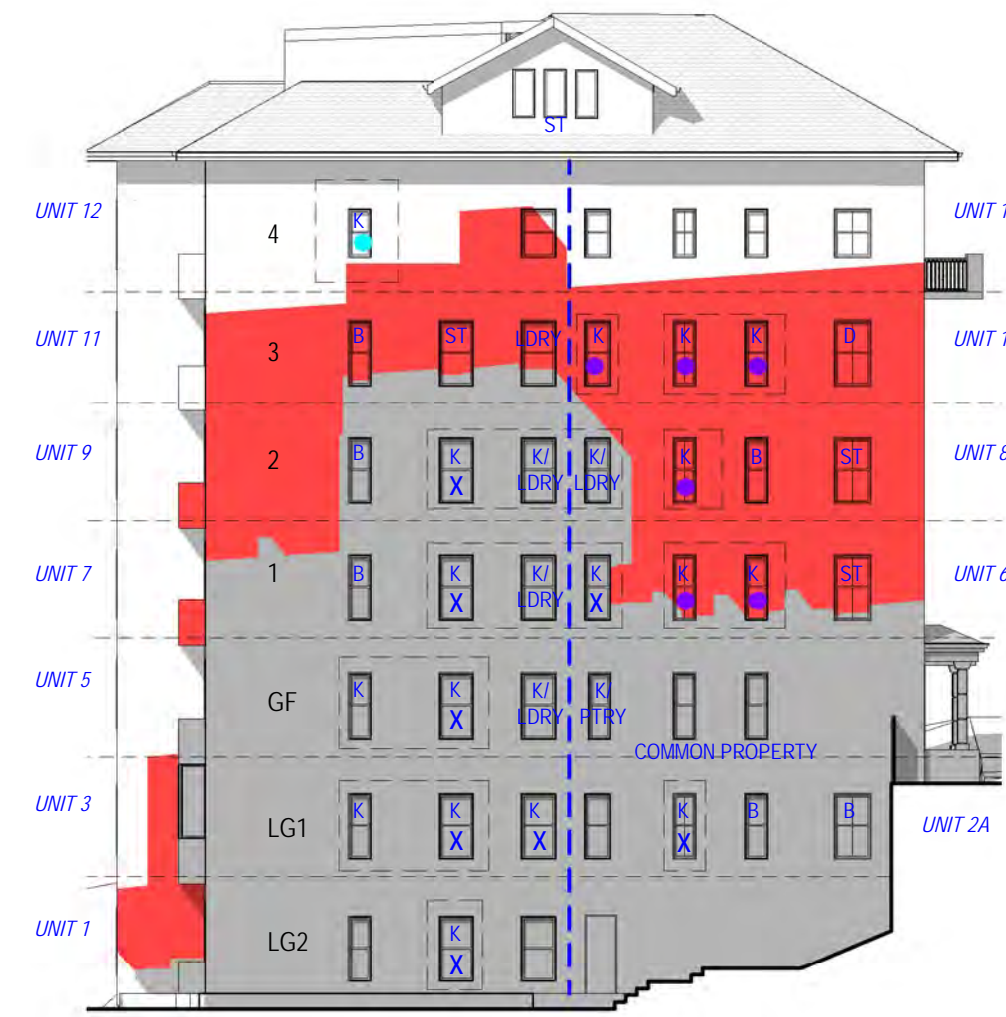
Project number 23-130 A106



NO 12 Northern Elevation 11.15am
1 : 200



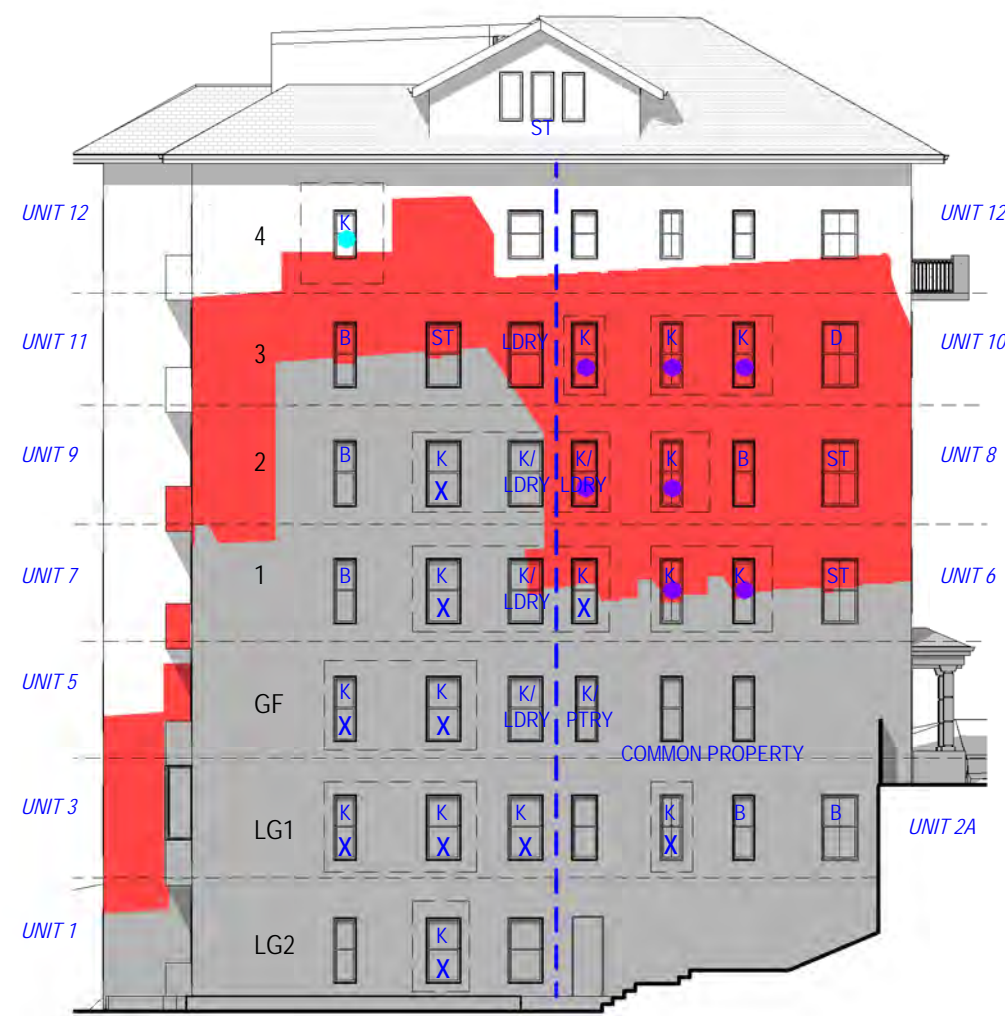
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1 : 200



NO 12 Northern Elevation 11.45am
1 : 200



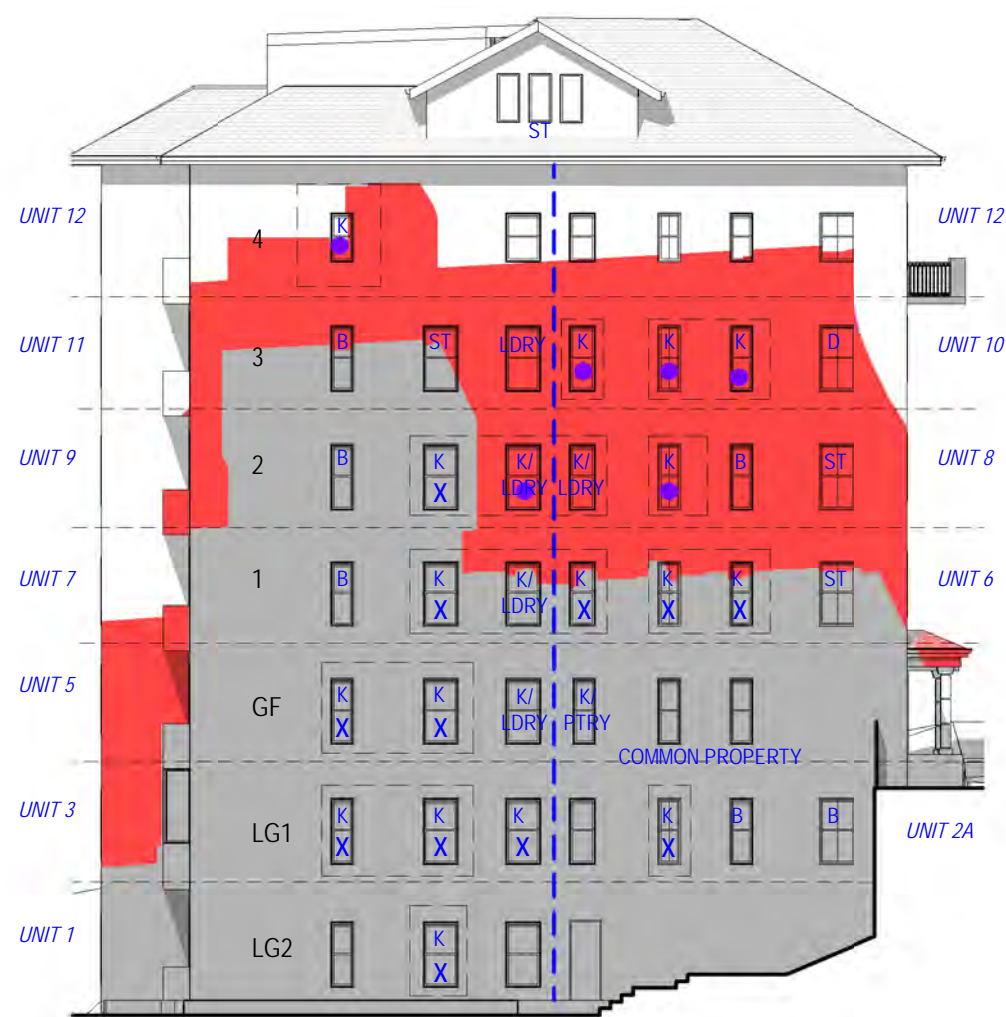
NO 12 Northern Elevation 12.00pm
1 : 200



NO 12 Northern Elevation 12.15pm
1 : 200



NO 12 Northern Elevation 12.30pm
1 : 200



NO 12 Northern Elevation 12.45pm
1 : 200



NO 12 Northern Elevation 1.00pm
1 : 200



NO 12 Northern Elevation 1.15pm
1 : 200

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)

LEGEND:

- BALC. BALCONY
- BTH. BATHROOM
- B. BEDROOM
- D. DINING
- K. KITCHEN
- LIV. LIVING ROOM
- P.O.S. PRIVATE OPEN SPACE
- ST. STUDY

LEGEND:

- K. DENOTES WINDOWS TO KITCHEN SPACES
- X. DENOTES WINDOWS WITH NO SOLAR ACCESS EXISTING
- DENOTES KITCHEN SPACE WINDOWS WHICH RETAIN DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH LOSE DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH GAIN DIRECT SUNLIGHT

NO. 12 ONSLOW NORTHERN KITCHEN WINDOWS SOLAR ACCESS JUNE 21ST:

	11.15	11.30	11.45	12.00	12.15	12.30	12.45	1.00	1.15
UNIT 1 K	X	X	X	X	X	X	X	X	X
UNIT 2A K	X	X	X	X	X	X	X	X	X
UNIT 3 K	X	X	X	X	X	X	X	X	X
UNIT 5 K	X	X	X	X	X	X	X	X	X
UNIT 6 K	•	•	•	•	•	•	X	X	X
UNIT 7 K	X	X	X	X	X	X	X	X	X
UNIT 8 K	X	•	•	•	•	•	•	•	•
UNIT 9 K	X	X	X	X	X	X	X	X	•
UNIT 10 K	•	•	•	•	•	•	•	•	•
UNIT 12 K	•	•	•	•	•	•	•	•	•

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:
UNIT 1 K	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
UNIT 2A K	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
UNIT 3 K	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
UNIT 5 K	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
UNIT 6 K	3.25 HOURS	0 HOURS	- 3.25 HOURS	100%
UNIT 7 K	2 HOURS	0 HOURS	- 2 HOURS	100%
UNIT 8 K	4.8 HOURS	0 HOURS	- 4.8 HOURS	100%
UNIT 9 K	4 HOURS	0 HOURS	- 4 HOURS	100%
UNIT 10 K	6 HOURS	0 HOURS	- 6 HOURS	100%
UNIT 12 K	6 HOURS	3.75 HOURS	- 2.25 HOURS	37%

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO

SHADOW
ANALYSIS
REVIEW

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MOBILE: 0410 699919
info@cadrafnsw.com.au

Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

Drawing title:
No.12 Onslow Ave Northern
Elevation Shadow June 21st
11.15am-1.15pm

Date: 20-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

KITCHEN WINDOW REVEIW

Project number 23-130 A107



NO 12 Northern Elevation 1.30pm
1 : 200



NO 12 Northern Elevation 1.45pm
1 : 200



NO 12 Northern Elevation 2.00pm
1 : 200



NO 12 Northern Elevation 2.15pm
1 : 200



NO 12 Northern Elevation 2.30pm
1 : 200



NO 12 Northern Elevation 2.45pm
1 : 200



NO 12 Northern Elevation 3.00pm
1 : 200

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)

LEGEND:

- BALC BALCONY
- BTH BATHROOM
- B BEDROOM
- D DINING
- K KITCHEN
- LIV LIVING ROOM
- P.O.S PRIVATE OPEN SPACE
- ST STUDY

LEGEND:

- K DENOTES WINDOWS TO KITCHEN SPACES
- X DENOTES WINDOWS WITH NO SOLAR ACCESS EXISTING
- DENOTES KITCHEN SPACE WINDOWS WHICH RETAIN DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH LOSE DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH GAIN DIRECT SUNLIGHT

NO. 12 ONSLOW NORTHERN KITCHEN WINDOWS SOLAR ACCESS JUNE 21ST:							
	1.30	1.45	2.00	2.15	2.30	2.45	3.00
UNIT 1 K	X	X	X	X	X	X	X
UNIT 2A K	X	X	X	X	X	X	●
UNIT 3 K	X	X	X	X	X	X	X
UNIT 5 K	X	X	X	X	X	X	X
UNIT 6 K	X	X	X	X	●	●	●
UNIT 7 K	X	X	X	X	X	X	X
UNIT 8 K	●	●	●	●	●	●	●
UNIT 9 K	●	●	●	●	●	●	●
UNIT 10 K	●	●	●	●	●	●	●
UNIT 12 K	●	●	●	●	●	●	●

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:			
9.00AM - 3.00PM			
	EXISTING	PROPOSED	ACCESS LOST: % LOST:
UNIT 1 K	0.25 HOURS	0 HOURS	- 0.25 HOURS 100%
UNIT 2A K	0.25 HOURS	0 HOURS	- 0.25 HOURS 100%
UNIT 3 K	0.25 HOURS	0 HOURS	- 0.25 HOURS 100%
UNIT 5 K	0.25 HOURS	0 HOURS	- 0.25 HOURS 100%
UNIT 6 K	3.25 HOURS	0 HOURS	- 3.25 HOURS 100%
UNIT 7 K	2 HOURS	0 HOURS	- 2 HOURS 100%
UNIT 8 K	4.8 HOURS	0 HOURS	- 4.8 HOURS 100%
UNIT 9 K	4 HOURS	0 HOURS	- 4 HOURS 100%
UNIT 10 K	6 HOURS	0 HOURS	- 6 HOURS 100%
UNIT 12 K	6 HOURS	3.75 HOURS	- 2.25 HOURS 37%

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV.B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO



NO 12 Eastern Elevation 9.00am
1 : 200



NO 12 Eastern Elevation 9.15am
1 : 200



NO 12 Eastern Elevation 9.30am
1 : 200



NO 12 Eastern Elevation 9.45am
1 : 200



NO 12 Eastern Elevation 10.00am
1 : 200



NO 12 Eastern Elevation 10.15am
1 : 200



NO 12 Eastern Elevation 10.30am
1 : 200



NO 12 Eastern Elevation 10.45am
1 : 200



NO 12 Eastern Elevation 11.00am
1 : 200

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)

LEGEND:

- BALC BALCONY
- BTH BATHROOM
- B BEDROOM
- D DINING
- K KITCHEN
- LIV LIVING ROOM
- P.O.S. PRIVATE OPEN SPACE
- ST STUDY

LEGEND:

- K DENOTES WINDOWS TO KITCHEN SPACES
- X DENOTES WINDOWS WITH NO SOLAR ACCESS EXISTING
- DENOTES KITCHEN SPACE WINDOWS WHICH RETAIN DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH LOSE DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH GAIN DIRECT SUNLIGHT

NO. 12 ONSLOW EASTERN KITCHEN WINDOWS SOLAR ACCESS JUNE 21ST:

	9.00	9.15	9.30	9.45	10.00	10.15	10.30	10.45	11.00
UNIT 12 K									

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:
UNIT 12 K	3.5 HOURS	3.5 HOURS	0	0%

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO

SHADOW
ANALYSIS
REVIEW

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ABN 27 083 288 153
SUITE 1, 505 BALMAIN ROAD,
LILYFIELD, NSW
P.O BOX 446 GLADESVILLE 2111

MOBILE: 0410 699919
info@cadrafrnsw.com.au

Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

Drawing title:
No.12 Onslow Ave Eastern
Elevation Shadow June 21st
9.00am-11.00am

Date: 20-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

KITCHEN WINDOW REVEIW

Project number 23-130 A109



NO 12 Eastern Elevation 11.15am
1 : 200



NO 12 Eastern Elevation 11.30am
1 : 200



NO 12 Eastern Elevation 11.45am
1 : 200



NO 12 Eastern Elevation 12.00pm
1 : 200



NO 12 Eastern Elevation 12.15pm
1 : 200



NO 12 Eastern Elevation 12.30pm
1 : 200



NO 12 Eastern Elevation 12.45pm
1 : 200



NO 12 Eastern Elevation 1.00pm
1 : 200



NO 12 Eastern Elevation 1.15pm
1 : 200

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)

LEGEND:

- BALC BALCONY
- BTH BATHROOM
- B BEDROOM
- D DINING
- K KITCHEN
- LIV LIVING ROOM
- P.O.S. PRIVATE OPEN SPACE
- ST STUDY

LEGEND:

- K DENOTES WINDOWS TO KITCHEN SPACES
- X DENOTES WINDOWS WITH NO SOLAR ACCESS EXISTING
- DENOTES KITCHEN SPACE WINDOWS WHICH RETAIN DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH LOSE DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH GAIN DIRECT SUNLIGHT

NO. 12 ONSLOW EASTERN KITCHEN
WINDOWS SOLAR ACCESS JUNE 21ST:

	11.15	11.30	11.45	12.00	12.15	12.30	12.45	1.00	1.15
UNIT 12 K							X	X	X

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

9.00AM - 3.00PM

	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:
UNIT 12 K	3.5 HOURS	3.5 HOURS	0	0%

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV.B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO

SHADOW
ANALYSIS
REVIEW

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Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

Drawing title:
No.12 Onslow Ave Eastern
Elevation Shadow June 21st
11.15am-1.15pm

Date: 20-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

KITCHEN WINDOW REVIEW

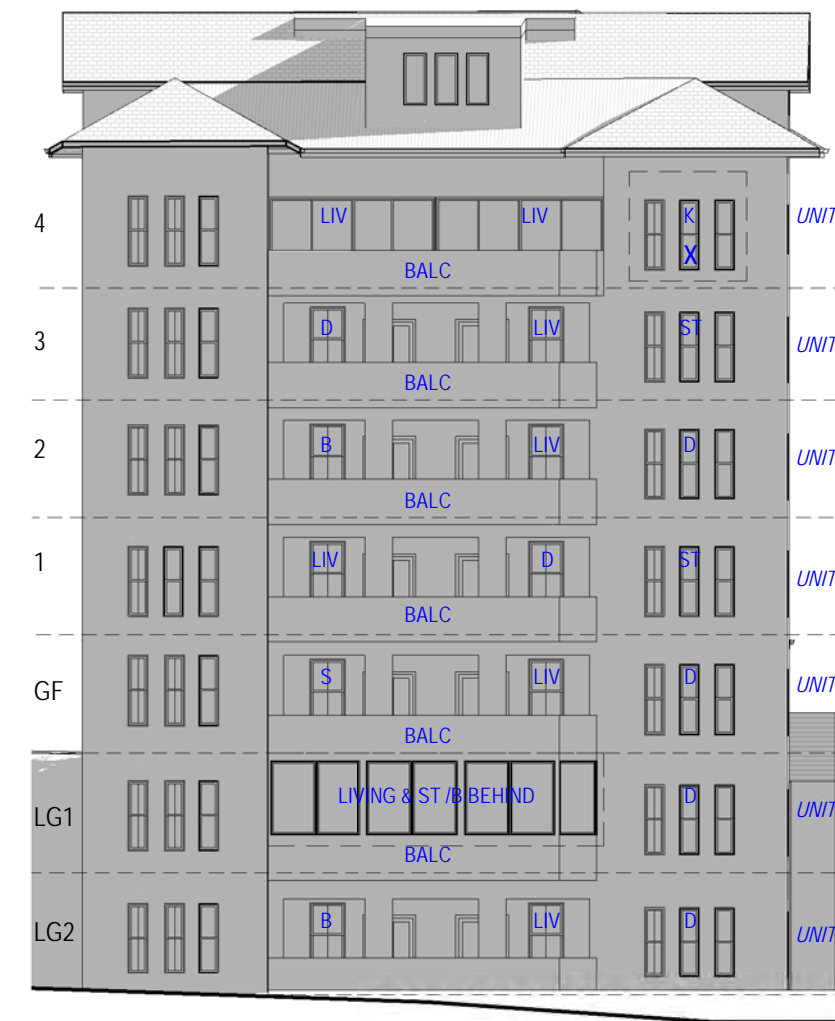
Project number 23-130 A110



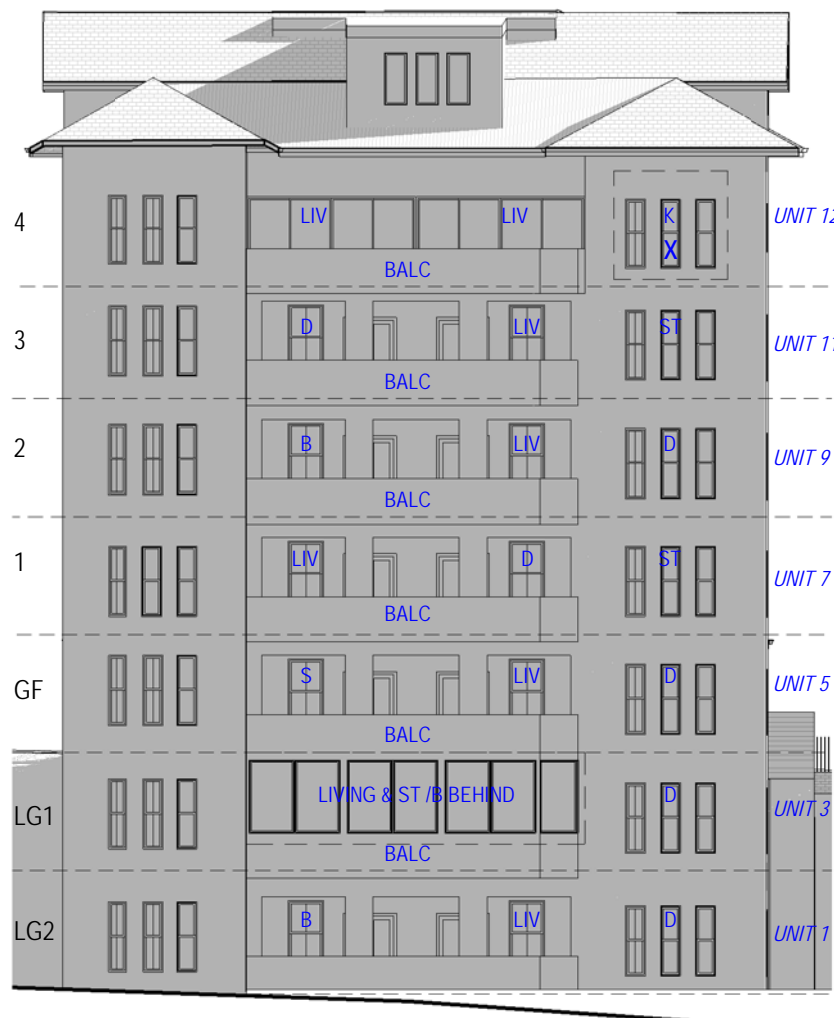
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1 : 200



NO 12 Eastern Elevation 1.45pm
1 : 200



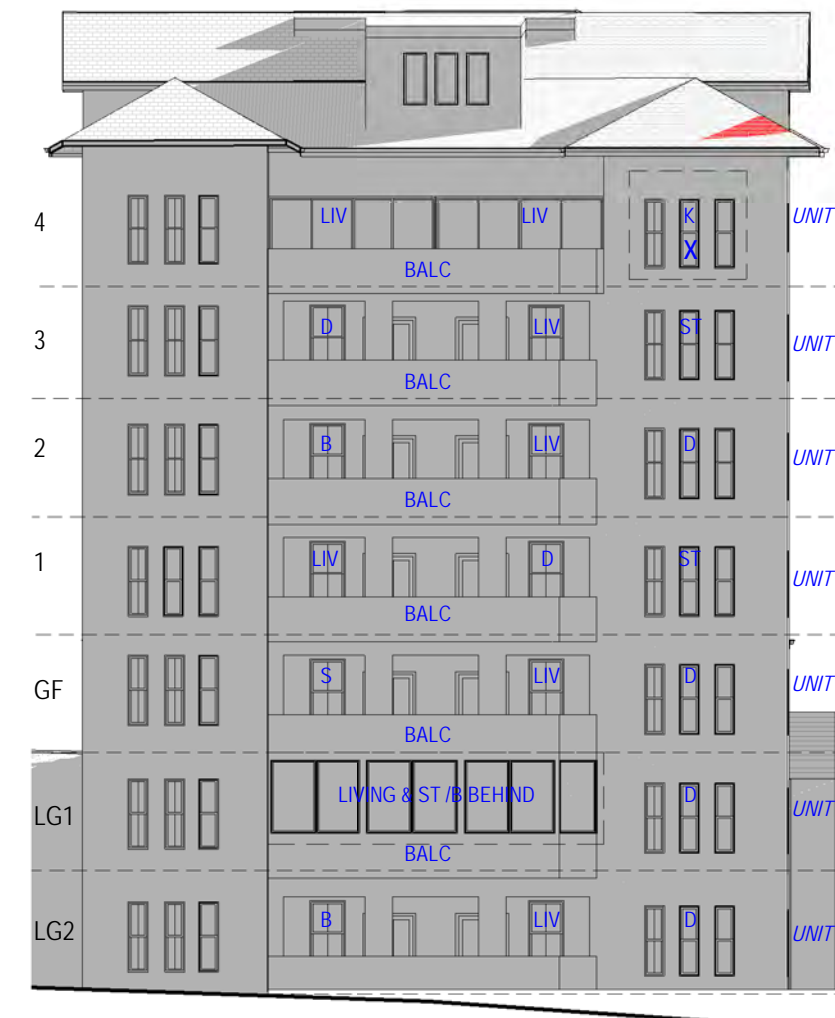
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1 : 200



NO 12 Eastern Elevation 2.15pm
1 : 200



NO 12 Eastern Elevation 2.30pm
1 : 200



NO 12 Eastern Elevation 2.45pm
1 : 200



NO 12 Eastern Elevation 3.00pm
1 : 200

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)

LEGEND:

- BALC BALCONY
- BTH BATHROOM
- B BEDROOM
- D DINING
- K KITCHEN
- LIV LIVING ROOM
- P.O.S. PRIVATE OPEN SPACE
- ST STUDY

LEGEND:

- K DENOTES WINDOWS TO KITCHEN SPACES
- X DENOTES WINDOWS WITH NO SOLAR ACCESS EXISTING
- DENOTES KITCHEN SPACE WINDOWS WHICH RETAIN DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH LOSE DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH GAIN DIRECT SUNLIGHT

NO. 12 ONSLOW EASTERN KITCHEN WINDOWS SOLAR ACCESS JUNE 21ST:

	1.30	1.45	2.00	2.15	2.30	2.45	3.00		
UNIT 12 K	X	X	X	X	X	X	X		

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

9.00AM - 3.00PM

	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:
UNIT 12 K	3.5 HOURS	3.5 HOURS	0	0%

NOTE:

SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV.B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO



NO 23 Northern Elevation 9.00am
1 : 200



NO 23 Northern Elevation 9.45am
1 : 200



NO 23 Northern Elevation 10.30am
1 : 200



NO 23 Northern Elevation 9.15am
1 : 200



NO 23 Northern Elevation 10.00am
1 : 200



NO 23 Northern Elevation 10.45am
1 : 200



NO 23 Northern Elevation 9.30am
1 : 200



NO 23 Northern Elevation 10.15am
1 : 200



NO 23 Northern Elevation 11.00am
1 : 200

LEGEND:

- Denotes area of existing & surrounding building shadow
- Denotes area of proposed additional building shadow
- Denotes area of proposed reduction of building shadow (structures to be demolished)

LEGEND:

- BALC BALCONY
- BTH BATHROOM
- B BEDROOM
- D DINING
- K KITCHEN
- LIV LIVING ROOM
- P.O.S. PRIVATE OPEN SPACE
- ST STUDY

LEGEND:

- Denotes windows to kitchen spaces
- Denotes windows with no solar access existing
- Denotes kitchen space windows which retain direct sunlight
- Denotes kitchen space windows which lose direct sunlight
- Denotes kitchen space windows which gain direct sunlight

NO. 23 BILLYARD NORTHERN KITCHEN WINDOWS SOLAR ACCESS JUNE 21ST:

	9.00	9.15	9.30	9.45	10.00	10.15	10.30	10.45	11.00
UNIT 6 BTH	X	X	X	X	X	X	X	X	X
UNIT 7 K	●	●	X	X	X	X	X	X	X
UNIT 1 K	●	●	●	●	●	●	●	●	●
UNIT 17 LIV	●	●	●	●	X	X	X	X	●
UNIT 18 K	●	●	●	●	●	●	●	X	●
UNIT 11 K	●	●	●	●	●	●	●	●	●
UNIT 26 K	●	●	●	●	●	●	●	●	●
UNIT 27 K	●	●	●	●	●	●	●	●	●
UNIT 21 K	●	●	●	●	●	●	●	●	●

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:
UNIT 6 K	0.75 HOURS	0 HOURS	-0.75 HOURS	100%
UNIT 7 K	0.5 HOURS	0 HOURS	-0.5 HOURS	100%
UNIT 1 K	5 HOURS	1.75 HOURS	-3.25 HOURS	65%
UNIT 17 K	2 HOURS	1 HOUR	-1.0 HOUR	50%
UNIT 18 K	2 HOURS	0.75 HOURS	-1.25 HOURS	62%
UNIT 11 K	5 HOURS	1.75 HOURS	-3.25 HOURS	65%
UNIT 26 K	5.5 HOURS	5.75 HOURS	+0.75 HOURS	+5%
UNIT 27 K	5.25 HOURS	0 HOURS	0	0%
UNIT 21 K	5.5 HOURS	3 HOURS	-2.5 HOURS	45%

NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO



NO 23 Northern Elevation 11.15am
1 : 200



NO 23 Northern Elevation 11.30am
1 : 200



NO 23 Northern Elevation 11.45am
1 : 200

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)

LEGEND:

- BALC BALCONY
- BTH BATHROOM
- B BEDROOM
- D DINING
- K KITCHEN
- LIV LIVING ROOM
- P.O.S. PRIVATE OPEN SPACE
- ST STUDY

LEGEND:

- K DENOTES WINDOWS TO KITCHEN SPACES
- X DENOTES WINDOWS WITH NO SOLAR ACCESS EXISTING
- DENOTES KITCHEN SPACE WINDOWS WHICH RETAIN DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH LOSE DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH GAIN DIRECT SUNLIGHT



NO 23 Northern Elevation 12.00pm
1 : 200



NO 23 Northern Elevation 12.15pm
1 : 200



NO 23 Northern Elevation 12.30pm
1 : 200

NO. 23 BILLYARD NORTHERN KITCHEN WINDOWS SOLAR ACCESS JUNE 21ST:									
	11.15	11.30	11.45	12.00	12.15	12.30	12.45	1.00	1.15
UNIT 6 K	X	X	X	X	X	X	X	X	X
UNIT 7 K	X	X	X	X	X	X	X	X	X
UNIT 1 K	●	●	●	●	●	●	●	●	●
UNIT 17 K	●	X	X	X	X	●	●	●	●
UNIT 18 K	X	X	X	X	X	X	X	X	X
UNIT 11 K	●	●	●	●	●	●	●	●	●
UNIT 26 K	●	●	●	●	●	●	●	●	●
UNIT 27 K	●	●	●	●	●	●	●	●	●
UNIT 21 K	●	●	●	●	●	●	●	●	●
TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:									
9.00AM - 3.00PM									
	EXISTING:	PROPOSED:	ACCESS LOST:		% LOST:				
UNIT 6 K	0.75 HOURS	0 HOURS	-0.75 HOURS		100%				
UNIT 7 K	0.5 HOURS	0 HOURS	-0.5 HOURS		100%				
UNIT 1 K	5 HOURS	1.75 HOURS	-3.25 HOURS		65%				
UNIT 17 K	2 HOURS	1 HOUR	-1.0 HOUR		50%				
UNIT 18 K	2 HOURS	0.75 HOURS	-1.25 HOURS		62%				
UNIT 11 K	5 HOURS	1.75 HOURS	-3.25 HOURS		65%				
UNIT 26 K	5.5 HOURS	5.75 HOURS	+0.75 HOURS		+5%				
UNIT 27 K	5.25 HOURS	0 HOURS	0		0%				
UNIT 21 K	5.5 HOURS	3 HOURS	-2.5 HOURS		45%				
<div>NOTE: SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV.B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO</div>									



NO 23 Northern Elevation 12.45pm
1 : 200



NO 23 Northern Elevation 1.00pm
1 : 200



NO 23 Northern Elevation 1.15pm
1 : 200



NO 23 Northern Elevation 1.30pm
1 : 200



NO 23 Northern Elevation 1.45pm
1 : 200



NO 23 Northern Elevation 2.00pm
1 : 200



NO 23 Northern Elevation 2.15pm
1 : 200



NO 23 Northern Elevation 2.30pm
1 : 200



NO 23 Northern Elevation 2.45pm
1 : 200



NO 23 Northern Elevation 3.00pm
1 : 200

LEGEND:

- DENOTES AREA OF EXISTING & SURROUNDING BUILDING SHADOW
- DENOTES AREA OF PROPOSED ADDITIONAL BUILDING SHADOW
- DENOTES AREA OF PROPOSED REDUCTION OF BUILDING SHADOW (STRUCTURES TO BE DEMOLISHED)

LEGEND:

- BALC BALCONY
- BTH BATHROOM
- B BEDROOM
- D DINING
- K KITCHEN
- LIV LIVING ROOM
- P.O.S. PRIVATE OPEN SPACE
- ST STUDY

LEGEND:

- K DENOTES WINDOWS TO KITCHEN SPACES
- X DENOTES WINDOWS WITH NO SOLAR ACCESS EXISTING
- DENOTES KITCHEN SPACE WINDOWS WHICH RETAIN DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH LOSE DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH GAIN DIRECT SUNLIGHT

	1.30	1.45	2.00	2.15	2.30	2.45	3.00	
UNIT 6 K	•	•	•	X	X	X	X	
UNIT 7 K	X	X	X	X	X	X	X	
UNIT 1 K	•	•	•	X	X	X	X	
UNIT 17 K	•	•	•	•	X	X	X	
UNIT 18 K	X	X	X	X	•	•	•	
UNIT 11 K	•	•	•	X	X	X	X	
UNIT 26 K	•	•	•	•	•	•	X	
UNIT 27 K	•	•	•	•	•	•	•	
UNIT 21 K	•	•	•	•	•	X	X	
TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:								
9.00AM - 3.00PM								
	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:				
UNIT 6 K	0.75 HOURS	0 HOURS	-0.75 HOURS	100%				
UNIT 7 K	0.5 HOURS	0 HOURS	-0.5 HOURS	100%				
UNIT 1 K	5 HOURS	1.75 HOURS	-3.25 HOURS	65%				
UNIT 17 K	2 HOURS	1 HOUR	-1.0 HOUR	50%				
UNIT 18 K	2 HOURS	0.75 HOURS	-1.25 HOURS	62%				
UNIT 11 K	5 HOURS	1.75 HOURS	-3.25 HOURS	65%				
UNIT 26 K	5.5 HOURS	5.75 HOURS	+0.75 HOURS	+5%				
UNIT 27 K	5.25 HOURS	0 HOURS	0	0%				
UNIT 21 K	5.5 HOURS	3 HOURS	-2.5 HOURS	45%				

NOTE:

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From: [REDACTED]
Sent on: Monday, October 16, 2023 12:51:19 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Olivia Ross - DA 2023 727 - part 1 of 3
Attachments: Olivia Ross DA 2023 727.pdf (2.25 MB), additional cover page 3.pdf (261.83 KB), 3. 23-0324 10 Onslow Ave, Elizabeth Bay FINAL Heritage Assessment Report.pdf (5.66 MB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear David Reynolds

Please see attached my submission in opposition to development 727.

I have been convinced by the heritage report from GML Heritage that the buildings should be considered contributory to the HCA, as they are perhaps the only remaining example of their kind in such good, and unaltered, condition in the area.

This email includes my written submission and the GML Heritage Report. My submission includes further arguments and examples.

The next two emails include the referenced View Sharing Report from Urbaine.

Thank you,
Olivia
Unit 12, 12 Onslow Ave, Elizabeth Bay

DEAR PLANNING COMMITTEE

ABOUT ME

I am Olivia Ross. I live at Unit 12 of 12 Onslow Ave. I have contributed to my building's submission, as Darnley Hall Pty Ltd, as the Chairman of the board, and along with my fellow directors, we helped organize our neighbours through a community group. But this is my own submission that only includes my most personal concerns.

First, I acknowledge I am a self-interested party, being a resident of the building immediately next door to the proposal. Secondly, I also acknowledge I am a fortunate and privileged person to own in Darnley Hall.

I live in 12 with my partner Mark Dowd. And my cousin lives in Unit 2a, but is currently on sabbatical in the Americas until next year, (and Unit 2a is about to be fully remediated for poor flooring structure, century-old electrical wiring, and asbestos removal.)

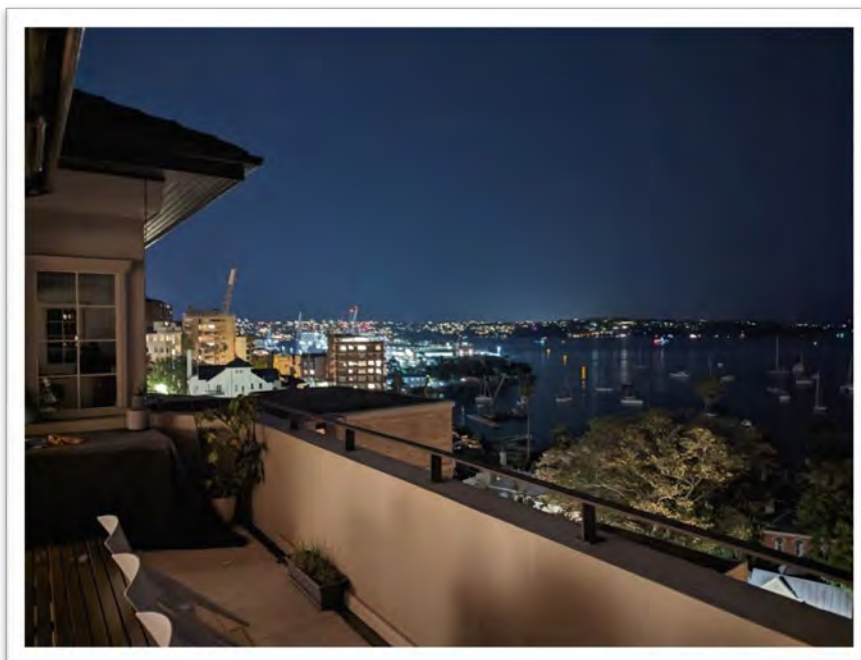
THE APPLICATION

I have done my best to consider this proposal, impartially, and despite my best efforts I find it incongruous and, in parts, odd. It contains a collection of bold claims and assertions that are falsifiable. And another large collection that, even when not falsifiable by hard numbers, are nevertheless unbelievable.

Perhaps it is considered business as usual and expected, but my impression of the tone of the documentation is an assumption their requests are inevitable and any objections council has already expressed, or which they have anticipated, are unimportant and trivial.

Nevertheless, the impression I have acquired is that this development made no attempt at compromise or modesty in its design, and that it lacks respect either for the current residents going about our daily lives, or for our role as custodians and bit-players of a heritage conservation area.

MY REQUEST: that the application be rejected, and the current buildings preserved for their superior suitability to the HCA and amenity for the neighbourhood.



IMPLAUSIBILITIES IN THE CLAIMS

1. EXCESSIVE HEIGHT AND WIDTH

It makes justifications for setbacks, gaps, and widths, that make no sense, and would create buildings that would menace their neighbours through excessive height and extreme closeness.

They are proposing an increase in volume over the two designed buildings of *more than two entire Olympic sized swimming pools*.¹



¹ This may seem implausible, but the calculations demonstrate:

- An Olympic swimming pool is 2500m³.
- The area for the two proposed developments is 4500m² with a floor height of 3m. $4500 \times 3 = 13500\text{m}^3$.
- The current volume of the existing buildings is approximately $270\text{m}^2 \times 6 \text{ storeys} \times 2.7\text{m} + 250\text{m}^2 \times 5 \text{ storeys} \times 2.7\text{m} \sim 7749\text{m}^3$
- The difference is equivalent to 2.3 Olympic swimming pools.

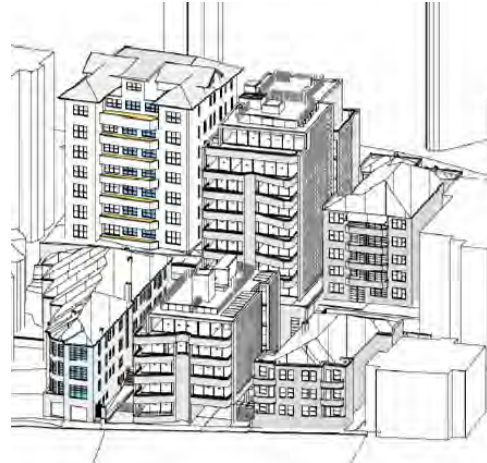
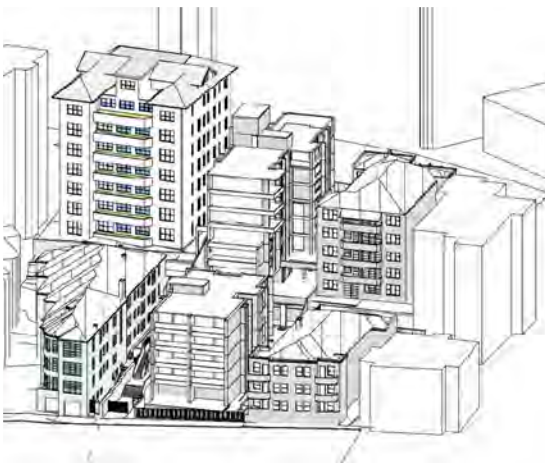
2. IMPROPER SCALE AND UNSUITABLE DESIGN

It claims a design that is unobtrusive and sympathetic, whilst it would block off views of heritage and contributory buildings, while taking up 5m of additional space in all directions, affecting the rooflines, slope lines, view corridors, and removing trees and gardens.

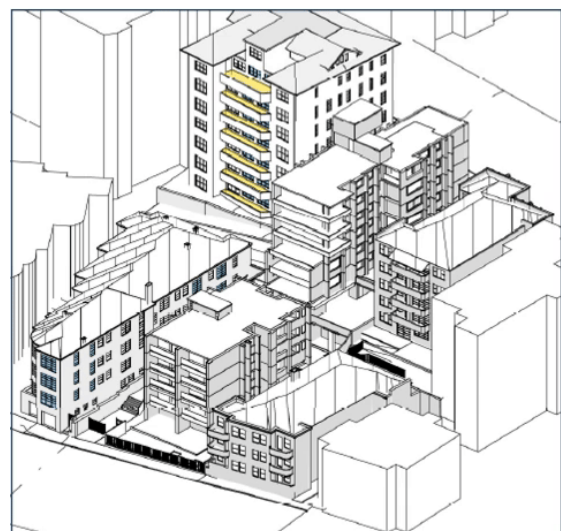
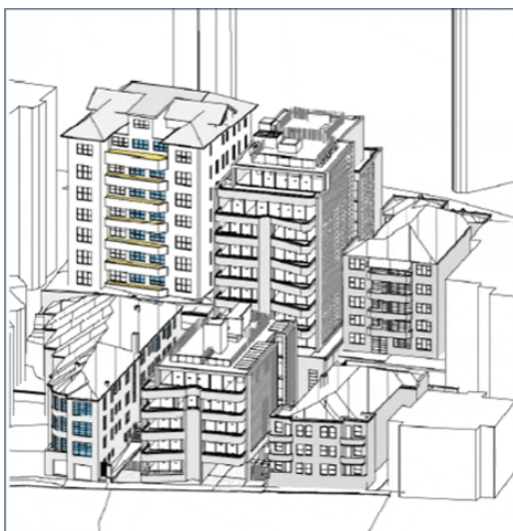
This illustrates a best guess effort at the view that will be blocked from Elizabeth Bay House towards Darnley Hall.



The applicants failed to provide images of models, or models themselves that demonstrate the difference in scale between the two buildings, hence we have had to extrapolate ourselves every comparison. Except in one document – the solar shadowing diagrams show the modelling that was done of the existing building, compared with the new proposal. It is a small image, but discernable.



ANIMATED GIFS OF THE SIZE DIFFERENCE



3. INEXPLICABLE CLAIMS REGARDING IMPACT ON VIEWS

The application implausibly claims the impact on our views would be negligible and that those views are not valuable. The methodology for this claim is indecipherable to me.

I witnessed a cohort standing, in person, on the roof of the existing buildings. And while they did not have photography from inside my apartment it is a simple process to observe the view being blocked if standing exactly where the proposed block would be, between my windows and the current view:



Ultimately, I believe they had the ability to know what views would be blocked by their design, their quality and value, and they should have known this before we submitted our report by Urbaine.

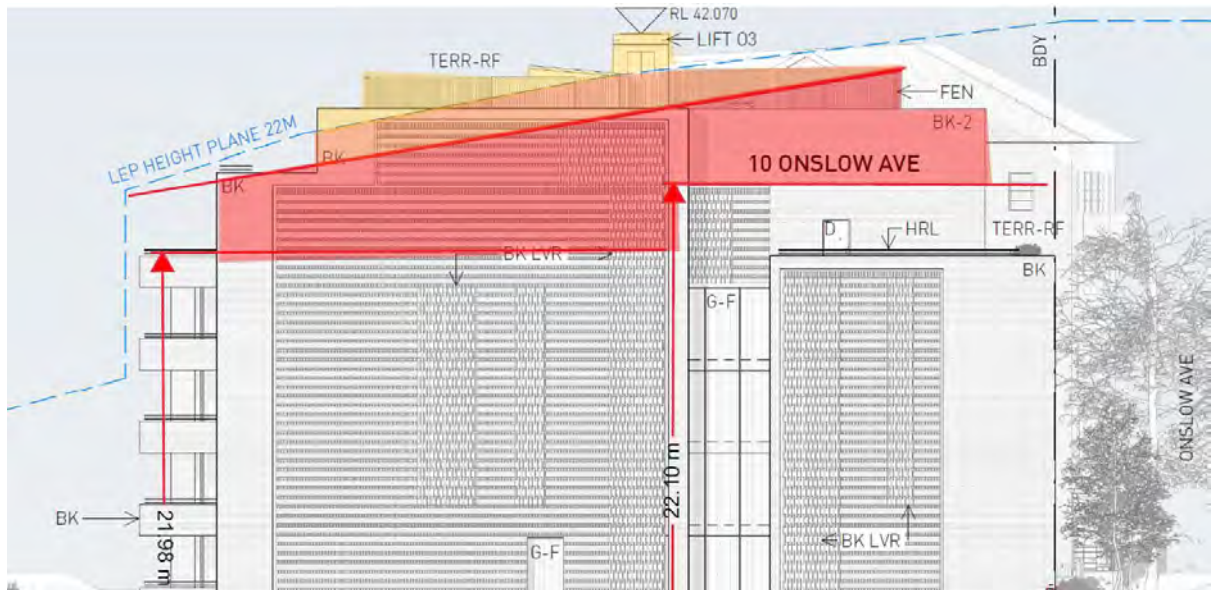


4. INCORRECT METHODOLOGY

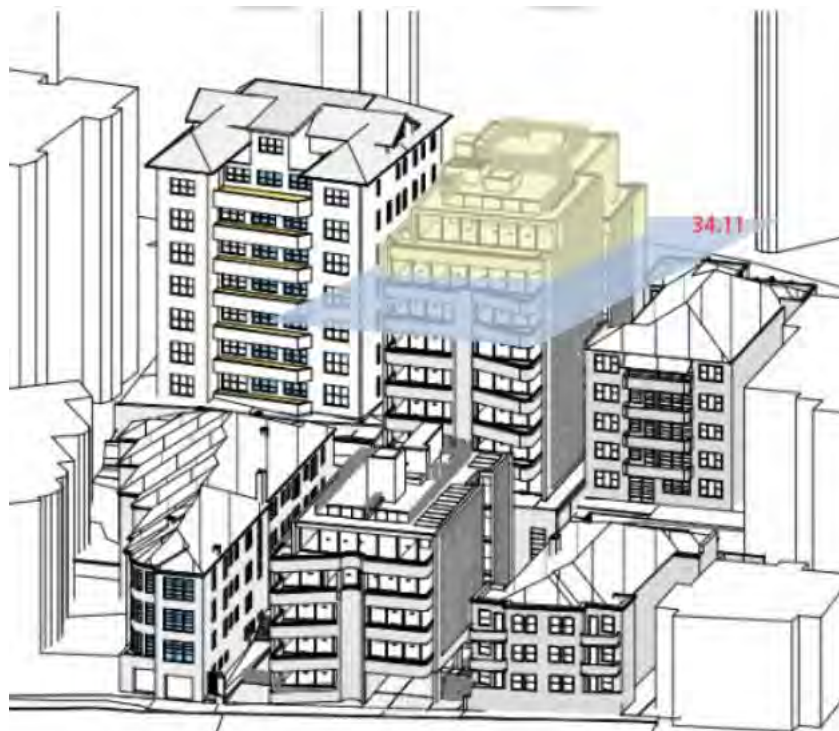
It makes claims for how it has calculated height, setback, scale, and so on, that are puzzling. The DA used an out-of-date method of measuring ground level, which is disappointing, because it eroded my trust in the entirety of the submission.

Even in their diagrams their claimed sloping line is presented without any justification for its measurements and shape.

- The red area is the excessive height as based on the current way of measuring ground level
- The orange area is the excess created by inexplicably bending the imaginary slope of the ground upwards.
- The yellow area is the alleged excess, after ignoring the orange and red areas.



Considering the DEP prohibits a building that steps up with the slope of the land, the building roof should be flat. This makes the excess requested look like this:



5. LACK OF COMMUNITY ENGAGEMENT

It makes claims of community consultation, but we witnessed firsthand the rebuffing of our offer to meet earlier, and the exceptionally short time between the presentation and the submission. It made us question the sincerity of the process.

On the 20th of June, we proposed a meeting on the 26th or 30th of June. We were rebuffed and offered the earliest at the 6th of July. This shortened both our times to react by, functionally, two weeks (our offer was a Monday, theirs the following Thursday).

Further there did not appear to be any modifications based on our raised concerns. The designs as submitted five weeks later appeared to be the same, according to the director's who participated.

6. HERITAGE VALUE

The supplied heritage report is incomplete and selective. It selectively omits in its quotes any references in the heritage documentation anything that could refer to the current buildings.

They omitted (in bold) these items from the State Heritage Inventory:

1. *Protection of Significance*
 - a) *Subdivision*
 - *Do not allow amalgamation of sites*
 - b) *Key Period Significant (Contributory) Development:*
 - **Retain Post-war 1960-1975 apartment buildings identified as Contributory**
 - *Retain Scale*
 - *Maintain building alignment*
 - *Retain form*
 - *Retain finishes and details particularly face brick and now rare slate roofing*
 - *Additions to rear of low scale building not to exceed ridge height and retain original roof form*
2. *Redevelopment of Non-Contributory Sites*
 - *For post-war (1945-1960) and late-twentieth century (1960-1975) buildings, investigate and consider potential individual architectural significance when planning major external change*
 - **Retain small scale of development in low scale areas**
 - **Respect scale and form of significant development**
 - **Respect building line of significant development**
 - **Encourage rendered and painted finishes. Face brick finishes need to be carefully selected and detailed.**

Instead, our building sourced a report from GML Heritage, for which we had no expectations or promises of the outcome. This report showed that the existing buildings should be considered *contributory* to the Heritage Conservation Area.

"It is the conclusion of this report that the building should be identified as a contributory item within the Elizabeth Bay and Rushcutters Bays Heritage Conservation Area (HCA) and Sydney 2012 DCP and that the policies of the HCA should be applied, namely that contributory items be retained and conserved."

This makes sense. The buildings are in great condition. They are solid. The supplied reasoning to counter this appears to be stretching. They are broadly unmodified and are considered a great example of their type. And their original conceptual design was contributed by the architect John James (though he didn't do the whole thing).

These buildings are threatened by the current designs-du-jour and there may not be any other buildings in the area in such great condition and unmodified. This may be the last real chance to preserve this kind of architecture in its original form, in this area.

REQUESTS

MY REQUEST: that the application be rejected, and the current buildings preserved for their superior suitability to the HCA and amenity for the neighbourhood.

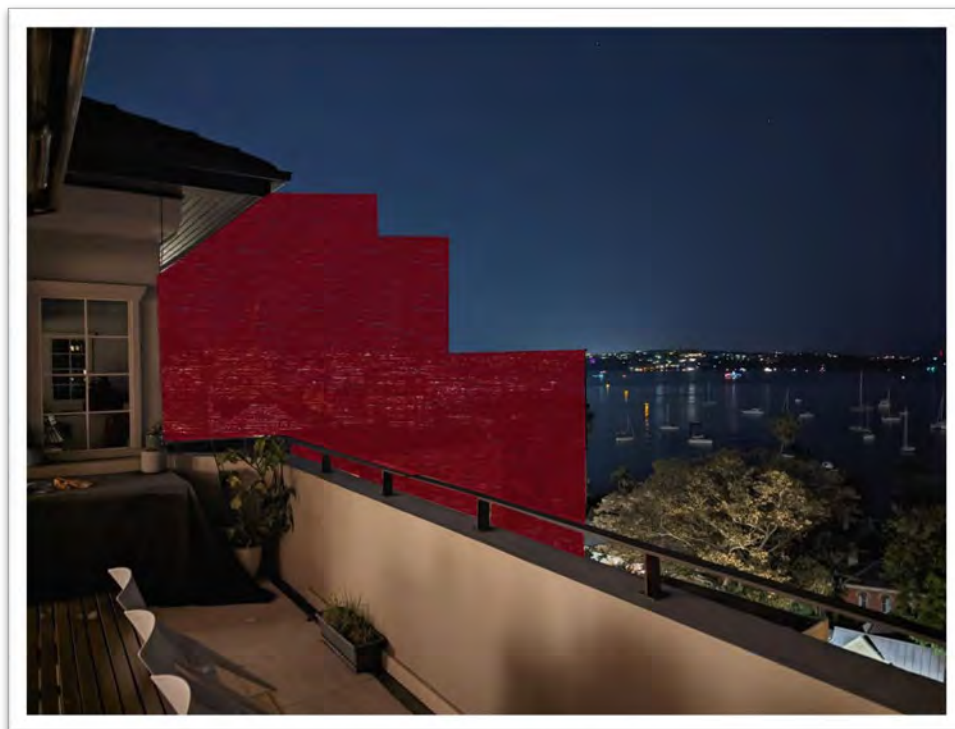
Further – that the architects provide accurate 3d models of their design in situ, so they can be compared with our buildings on our own terms.

– that council conduct an independent report on the suitability of the existing buildings and properly assess their value.

– that the impact of complete loss of solar access to windows be taken into consideration. Given the broad definition of habitable areas in the ADG. Also, the narrow definition that excludes kitchens, appears to be a policy that undervalues the opinions of women in town planning policy.

– that council conduct an independent report on the methods to preserve archaeological and historical artifacts in the soil under the site. Especially considering that the wall for Elizabeth Bay House is Darnley Hall's retaining wall to the East.

– given the contributory value of Darnley Hall, and its impeccable condition, council should consider the processes that will be required to preserve and protect the structural integrity of our building. Our building is 100 years old, it has gas lines throughout, and it rests upon a 200 year old retaining wall that is of unknown condition that extends under the proposed development site.



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

**Combined Objection to a Development Application: D/2023/727
No.10, Onslow Avenue and No.21C, Billyard Avenue,
Elizabeth Bay - Residential Flat Building
Visual Impact Assessment Report, September, 2023**

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