

# Attachment J2

<b>Submissions</b>
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# urbaine

D E S I G N G R O U P

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

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**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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## 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.

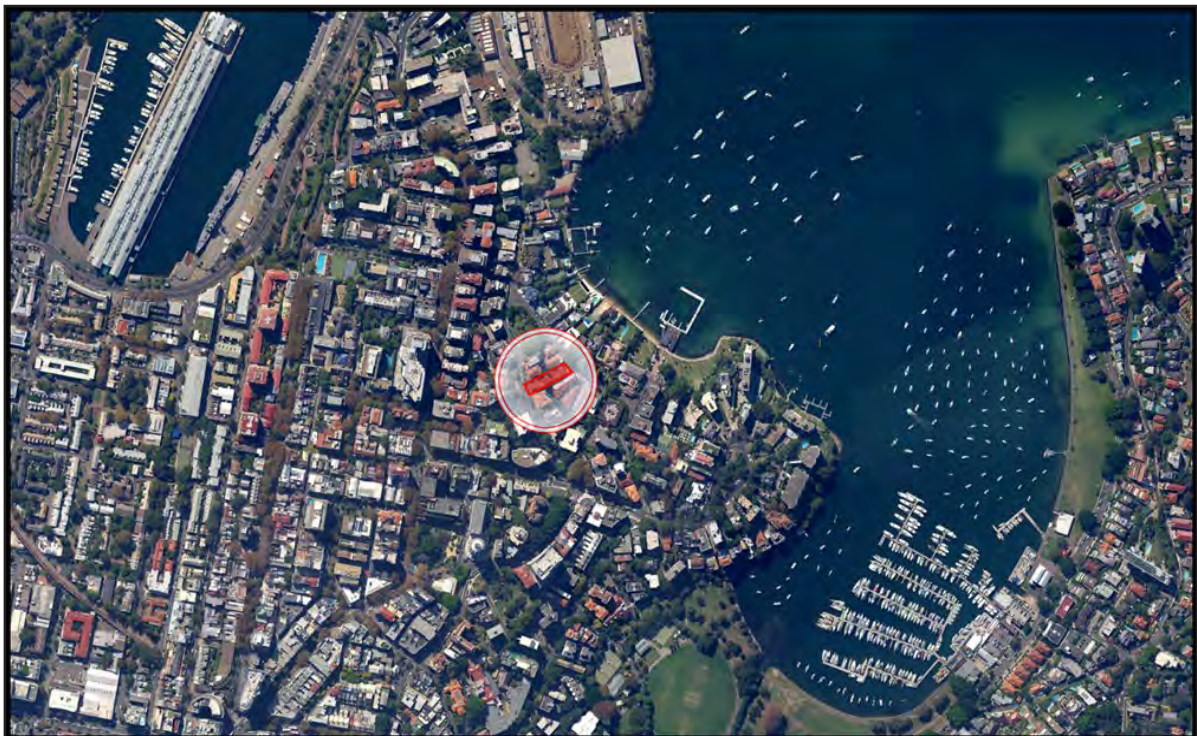


Figure 1 – site location shown in red overlay.

## 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.

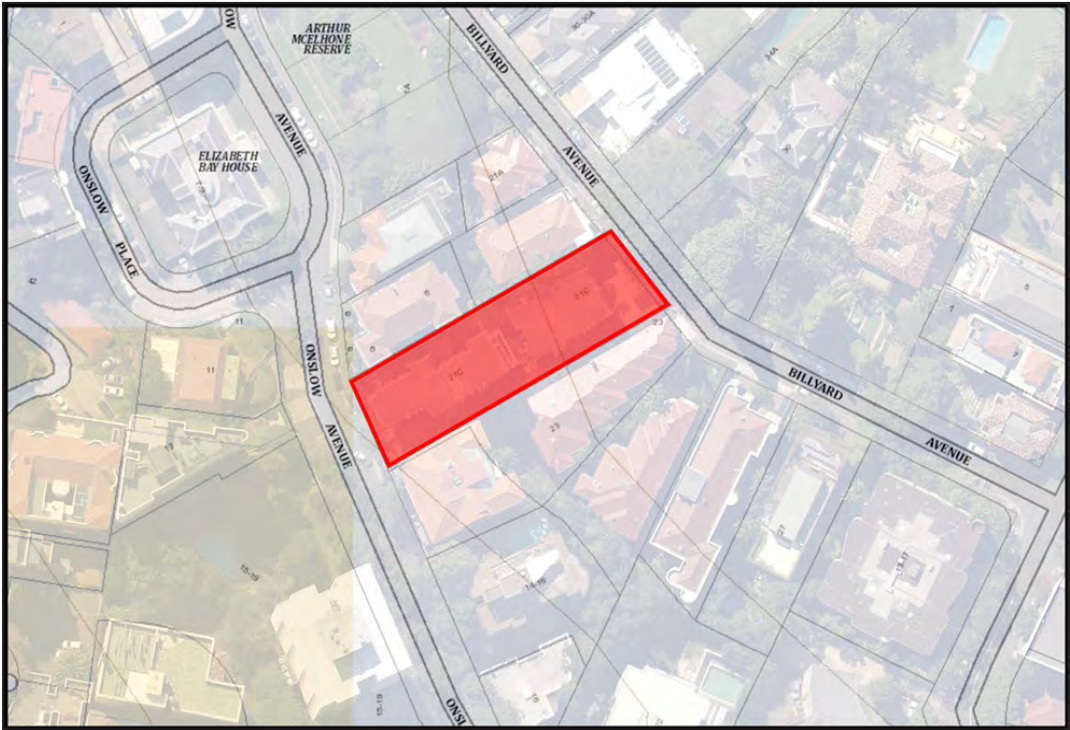


Figure 2 – site location shown in red overlay.

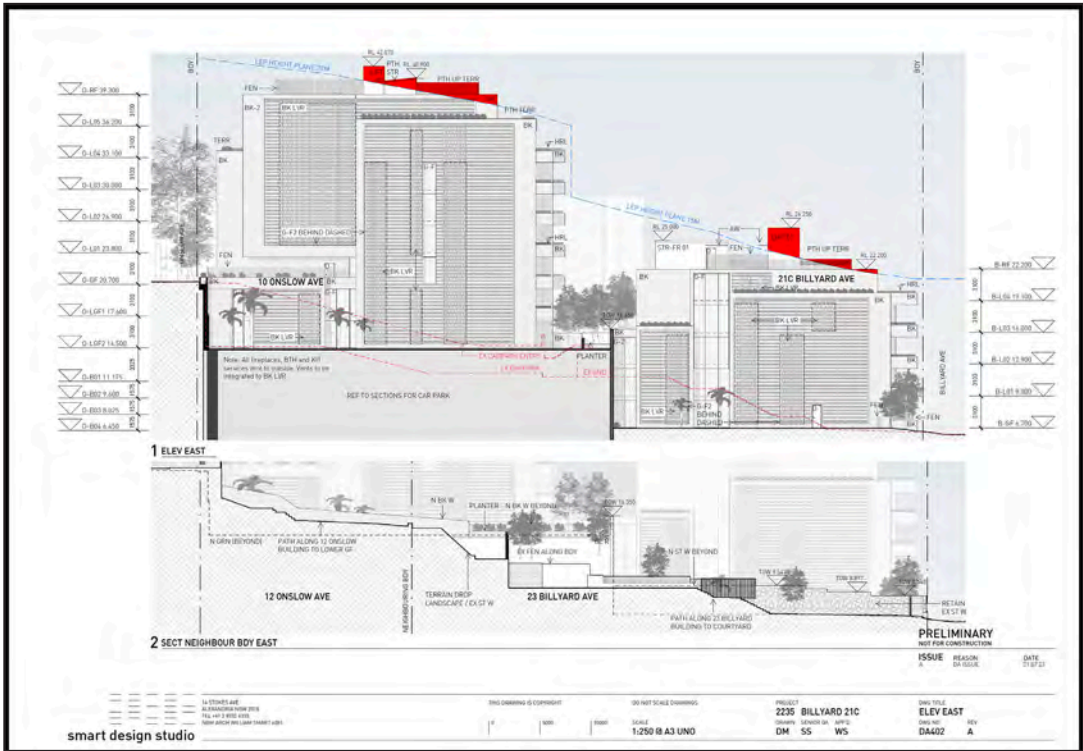


Figure 3 – East elevation, indicating height exceedance in red overlay. Smart Design Studio.

### 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.

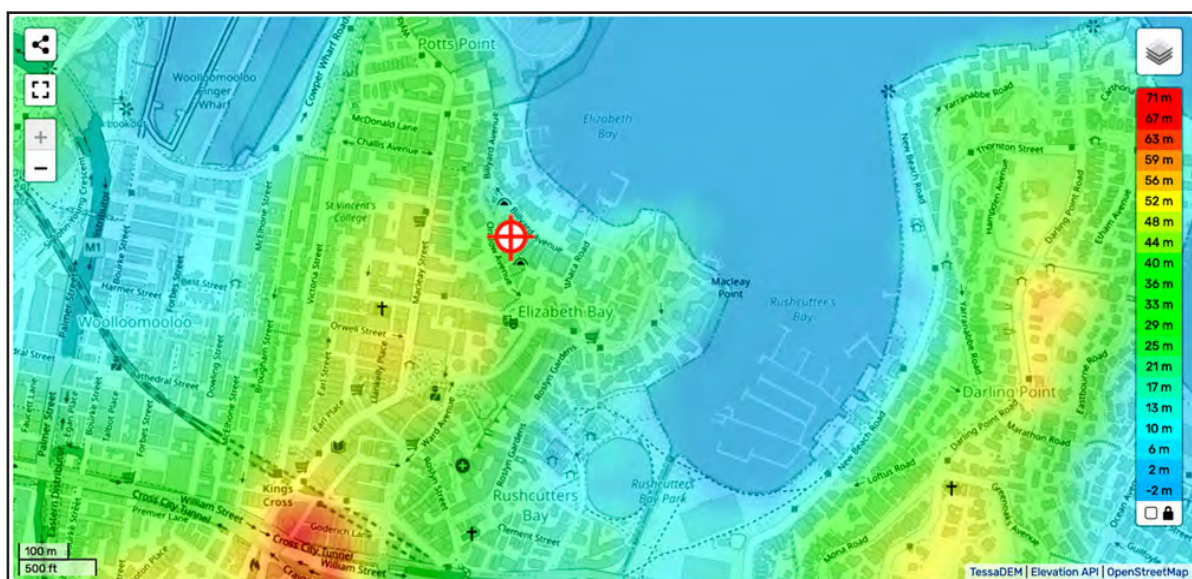


Figure 6: Onslow Avenue. - subject area topographical map.

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.

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## 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"><li>– Minor impacts on natural landscapes.</li><li>– No impact on iconic views</li><li>– Impacts on a small number of receivers.</li><li>– Significant distance between the development and receiver.</li></ul>	
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"><li>– Moderate impacts on iconic views or natural landscapes.</li><li>– Impacts on a moderate number of receivers.</li><li>– Located nearby the receiver.</li></ul>	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"><li>– Loss of iconic views.</li><li>– Impacts on a significant number of receivers.</li><li>– Overshadowing effect.</li><li>– Directly adjacent the receiver.</li></ul>	Moderate
12				
13				
14				
15				
				Severe
				Devastating

Figure 7 – Urbaine Design Visual Assessment Scale

3.1.2 Assessment at selected viewpoints.

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## 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:

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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



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:**

883

#### **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: urbaine design group

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## 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:

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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 URBAINÉ'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 URBAINÉ'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%.

**The Sydney Morning Herald**

**Inaccurate images anger residents**

February 21

Kelsey Munro

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

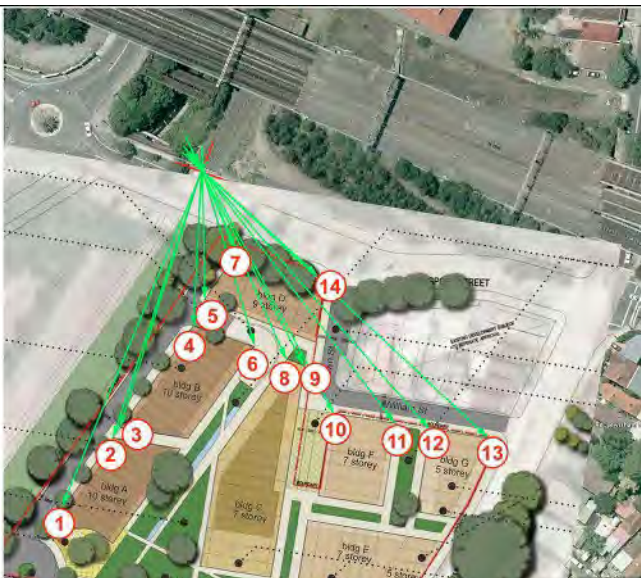
CAN residents affected by big development proposals rely on developers' photo montages? One inner west group thinks not, after inaccuracies were found in a series of digital photo montages which made the proposed Lewisham Estates development appear much smaller than it would if built.

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

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

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

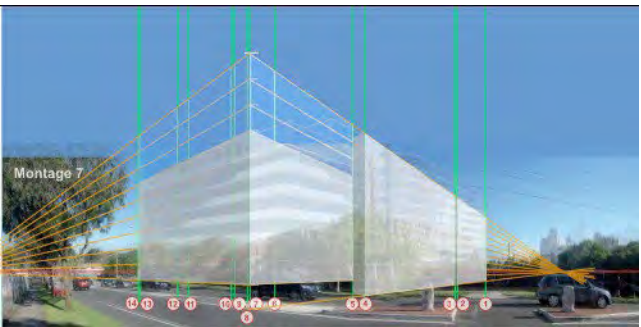
SMH article re inaccurate visualisations



Key visual location points on site: Urbaine



Photomontage submitted by developer



Assessment of inaccuracy by Urbaine

Urbaine has developed a number of methods for adding verification data to the 3d model of 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.

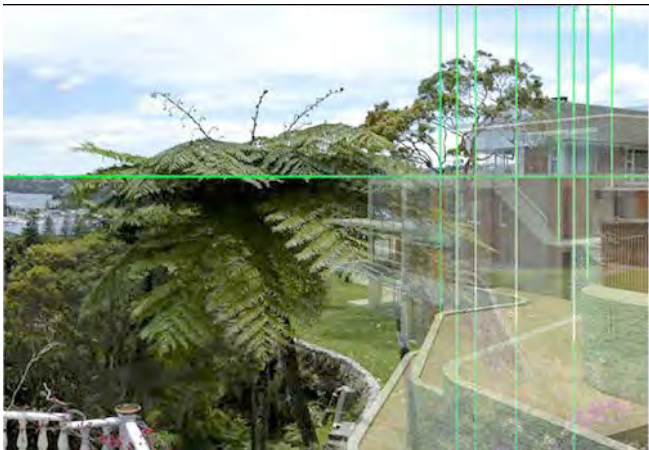
The following example clearly demonstrates this – a house montaged into a view, by others, using very few points of reference for verification. By analysing the existing photo alongside the survey, the existing site was able to be recreated with a series of reference elements built into the model. A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





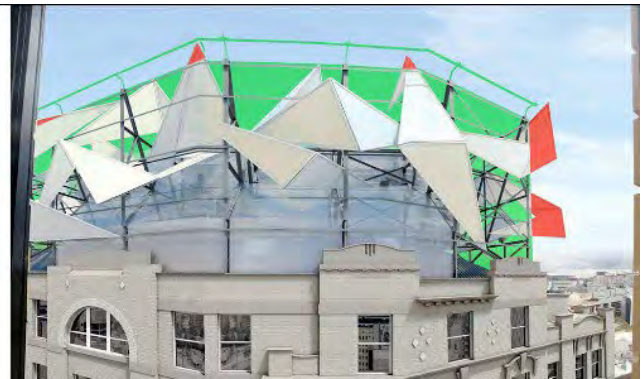
Photomontage of proposed building for digital billboard



Existing situation – view from adjoining hotel

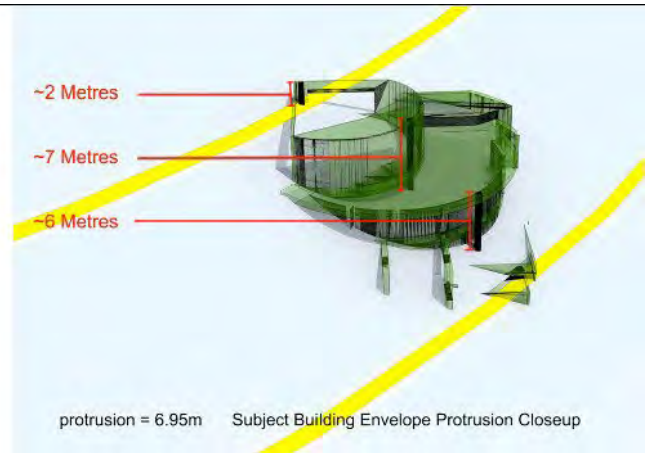
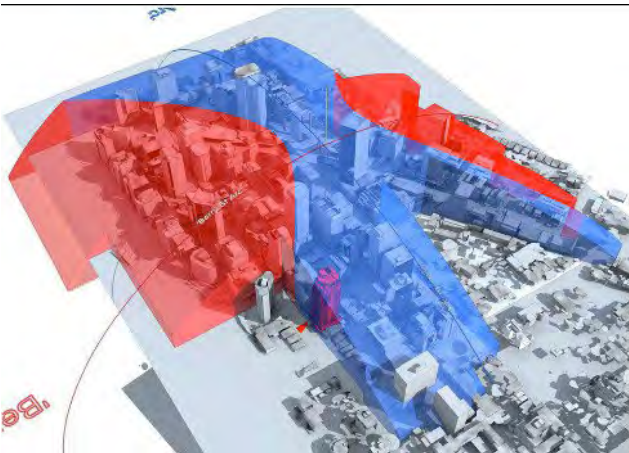


Photomontage of view from hotel



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:

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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

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## Appendix A

VIEWPOINT 01



P58 PXL\_2405603 3Pg

Site image



P58 PXL\_2405603 4Pg

Photomontage of proposal



P58 PKL\_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

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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



P01\_IMG\_8477 ajPg

Site image



P01\_IMG\_8477 cjPg

Photomontage of proposal



P01\_IMG\_8477 dJpG

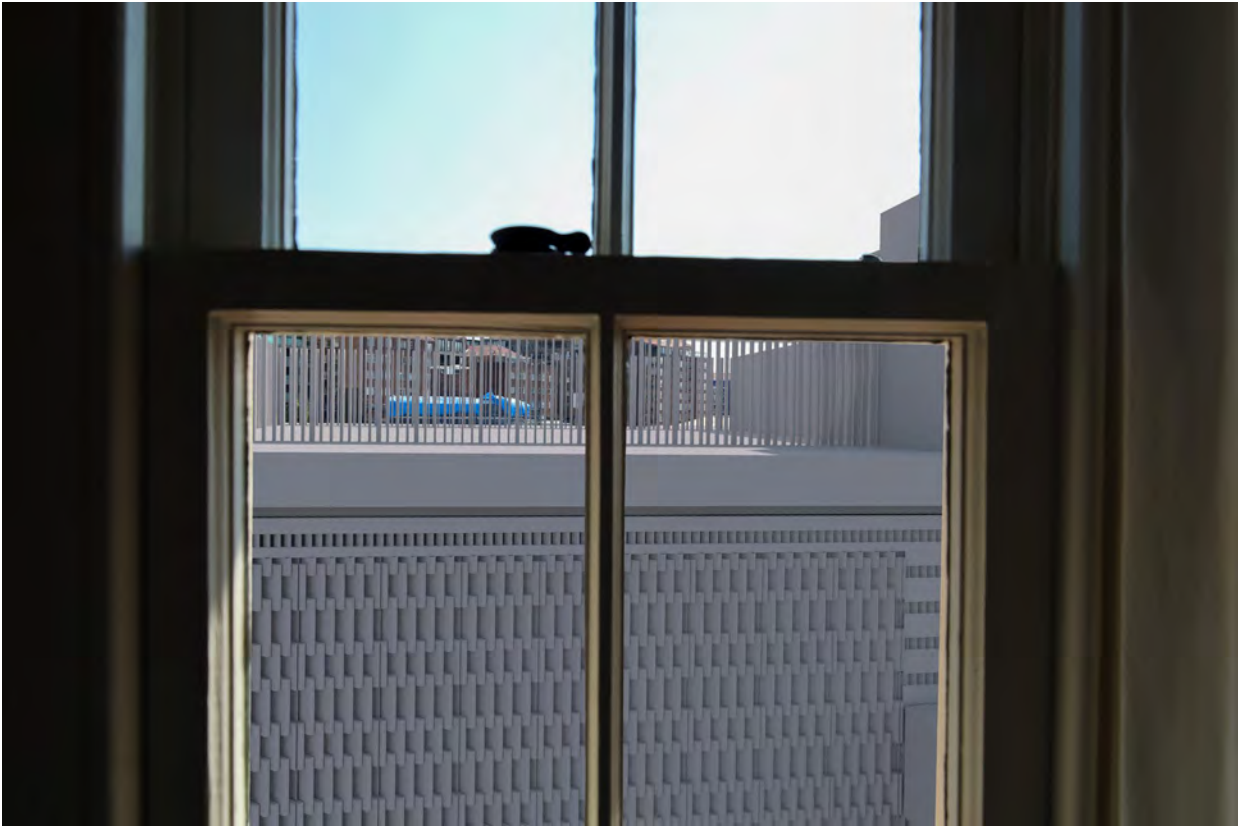
Visual impact in cyan with red outline





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



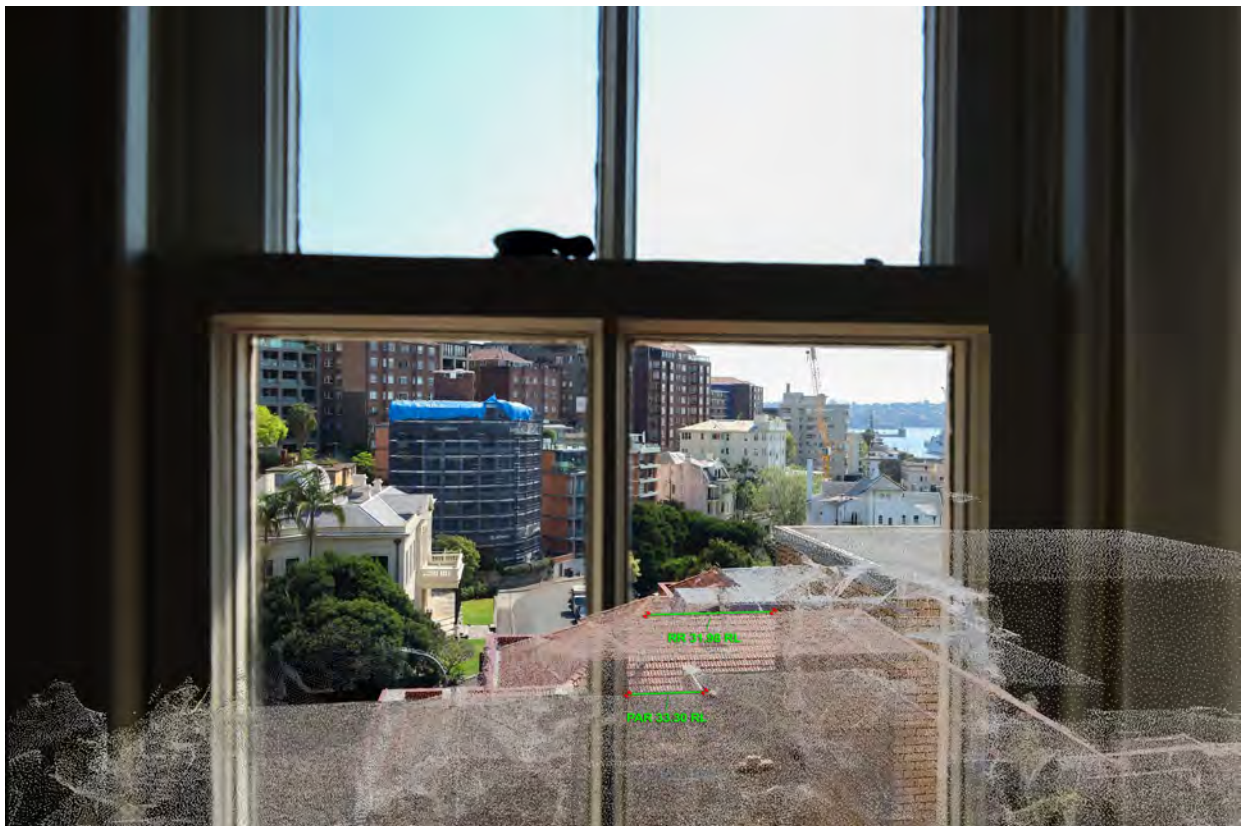
Viewpoint 01

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





Viewpoint 08

P32 IMG\_8730 bjPg



Viewpoint 09

P36 IMG\_8757 bjPg





P38 IMG\_8773 bJpg

Viewpoint 10



P42 IMG\_8838 bJpg

Viewpoint 11

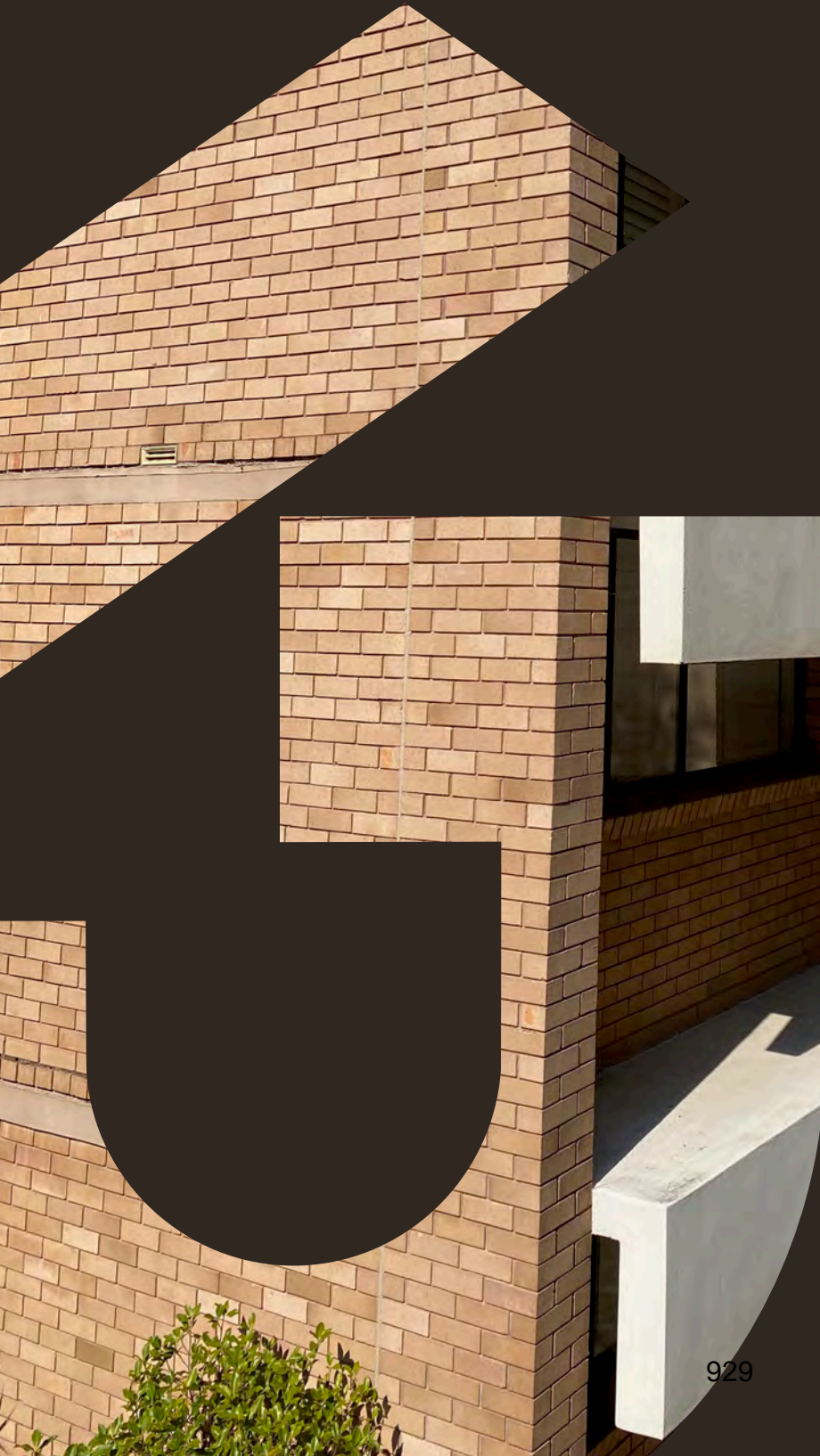
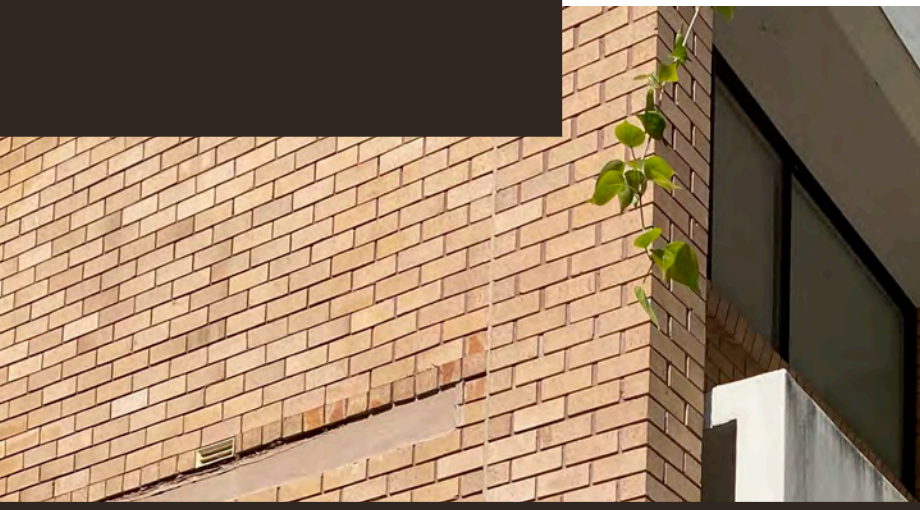




P57 IMG\_8976 bJpg

## Viewpoint 12

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# 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.

## Copyright

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Source of images is GML unless otherwise stated.

## 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*,<sup>1</sup> and the guidelines of the Burra Charter.<sup>2</sup>

## 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.

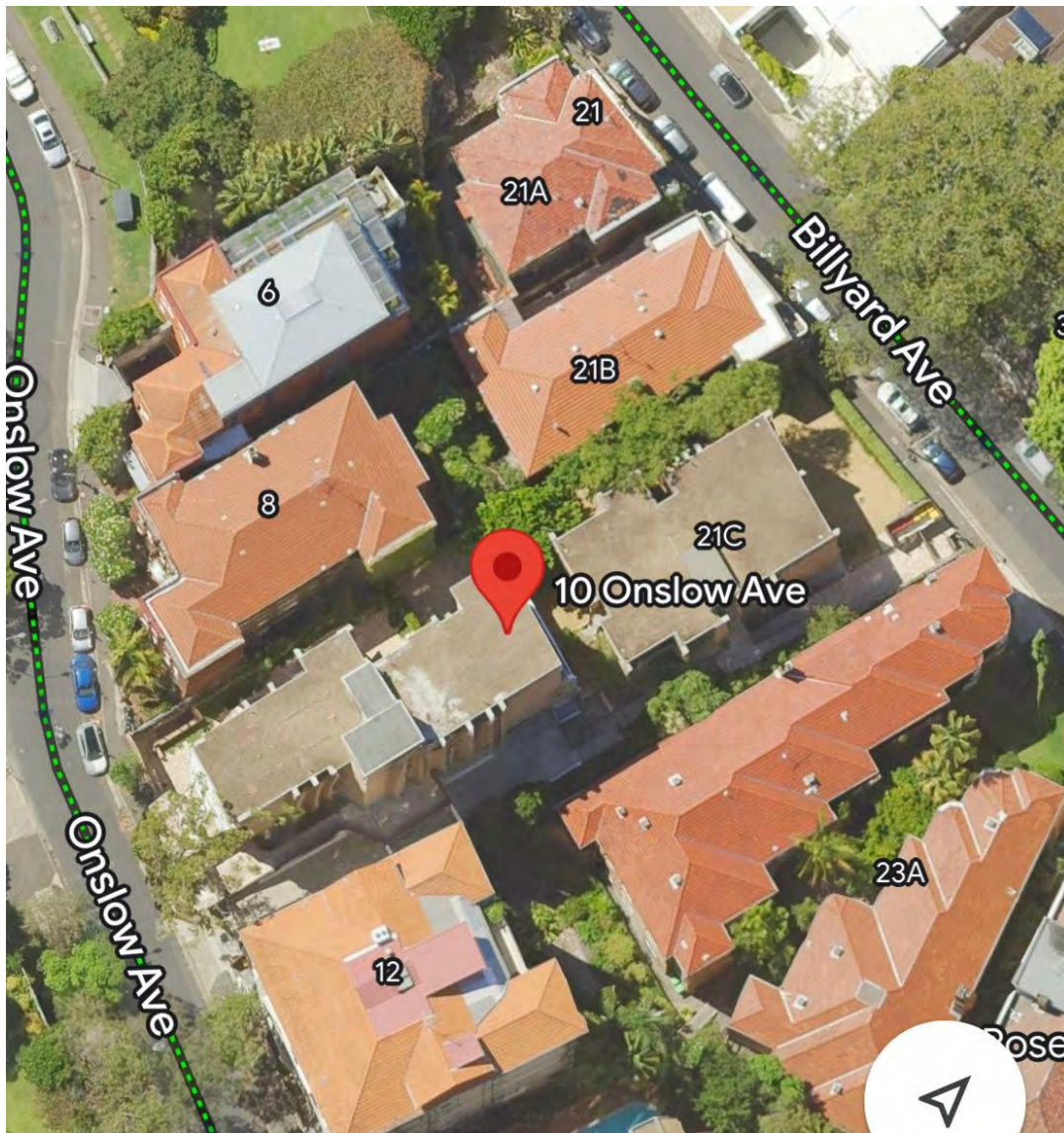


Figure 1.1 The subject site at 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay. (Source: Google Maps)

## 1.6 Endnotes

- <sup>1</sup> 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>.
- <sup>2</sup> 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'.<sup>1</sup> 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.<sup>2</sup>

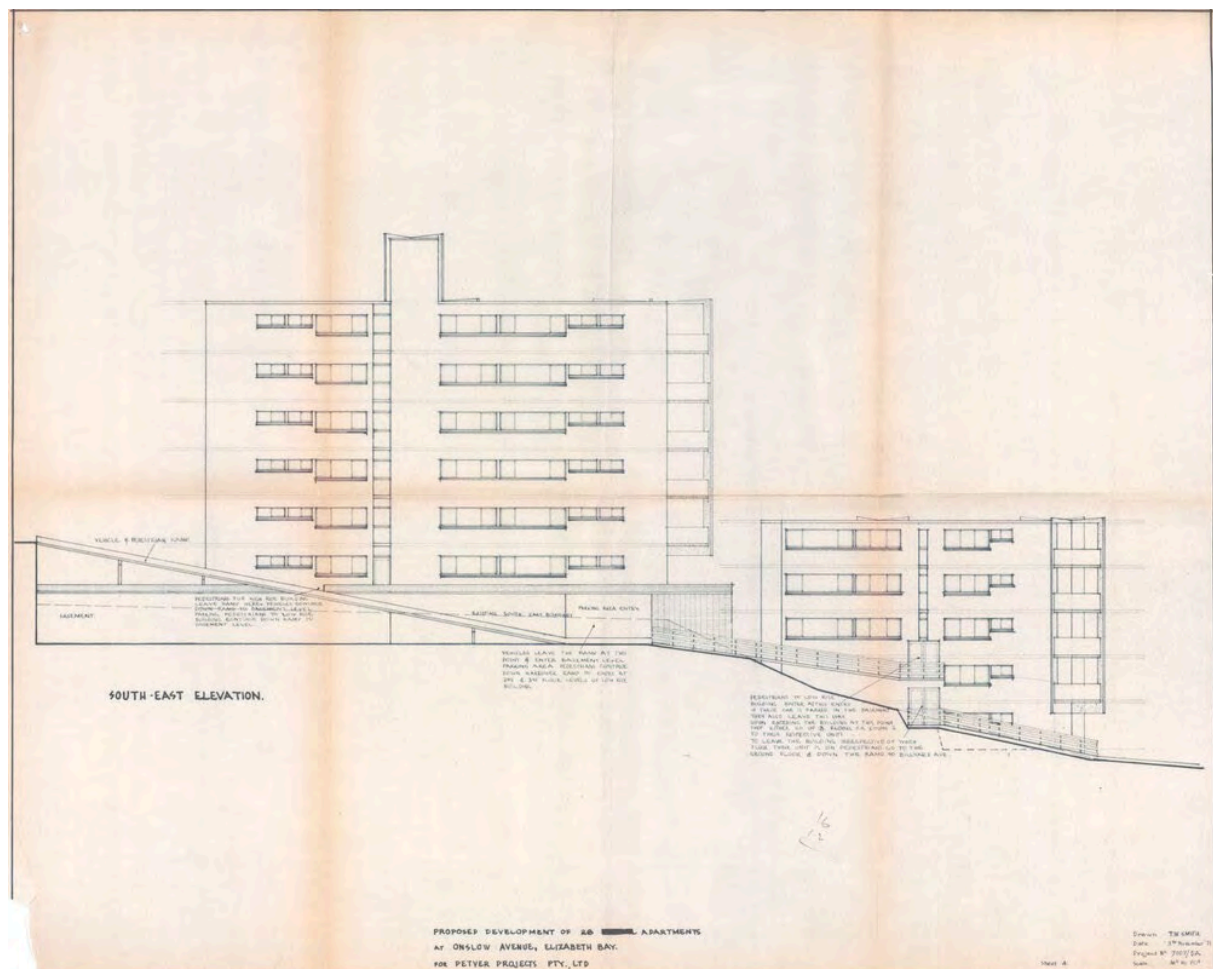


Figure 3.1 Proposed development of 28 apartments at Onslow Avenue, Elizabeth Bay for Petver Projects Pty Ltd. Drawn by TW Smith, November 1971. (Source: City of Sydney Archives. A-00164499)

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'.<sup>3</sup> 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
<b>1971</b>	35/02 71	Petver Projects Pty Ltd	DA erection of new building (28 unites) on Lots A, B, C
<b>1972</b>	976/72	J James, Perumal & partners	Two (2) residential flat buildings \$440,000
<b>1974</b>	10 13/74	Vanlow Investments Pty Ltd	Proposed strata subdivision
<b>1975</b>	149/75	Vanlow Investments Pty Ltd	Erection of TV aerial \$50
<b>1975</b>	159/75	Vanlow Investments Pty Ltd	Certificate of compliance
<b>1975</b>	766/76	John James, Perumal + Partners Architects Pty Ltd	Stairwell housing cladding (Building No 2) \$400
<b>1981</b>	45-81 0754	Proprietors of SP 9561	Erect brick fence \$2,550
<b>1982</b>	44.82 0362	Prestige Aluminium	DA enclosure of balcony (unit 4)
<b>1982</b>	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

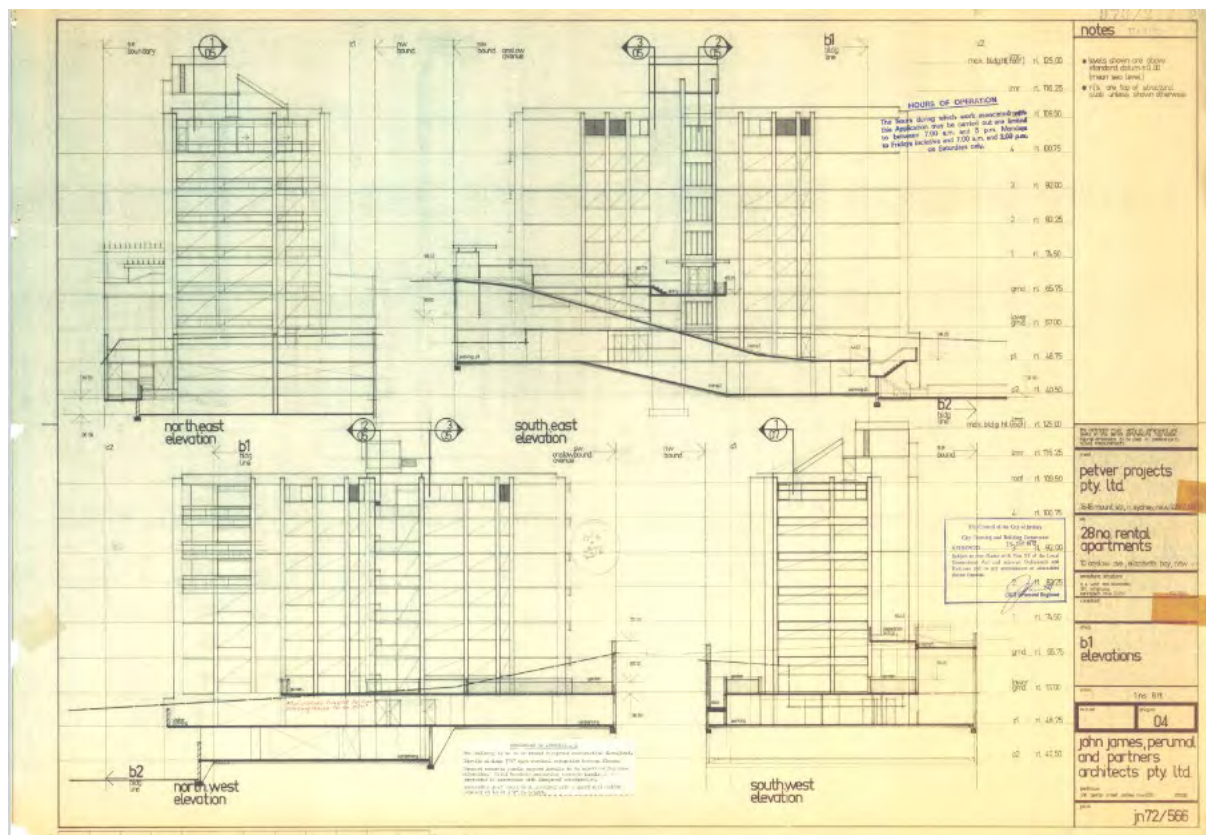
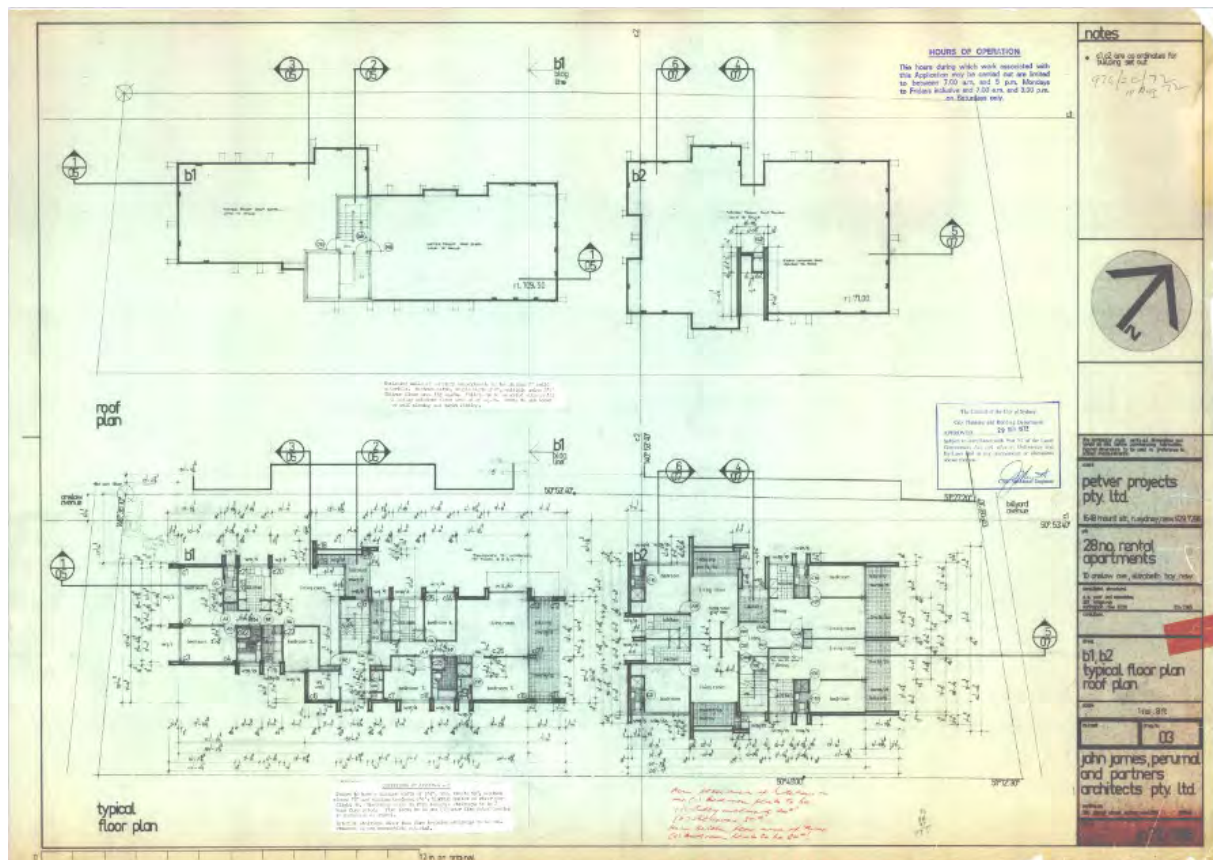


Figure 3.2 Submitted architectural drawings, Building 1, elevations, 1972. (Source: City of Sydney Archives, A-00590018)





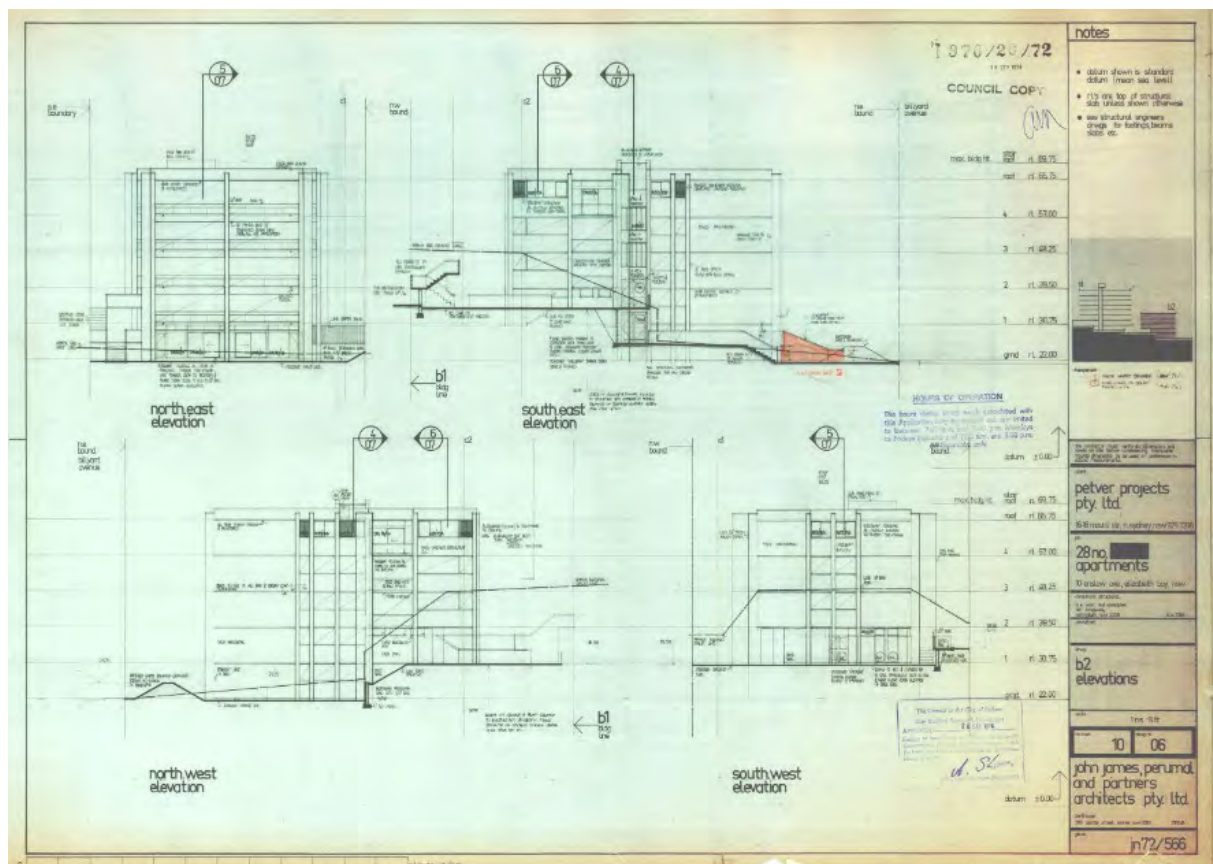


Figure 3.4 Submitted architectural drawings, Building 2 elevations, 1972. John James, Perumal and Partners Pty Ltd. (Source: City of Sydney Archives, A-00590018)

## 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.<sup>4</sup> 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.<sup>5</sup> 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

- <sup>1</sup> Building Application File 35/71, City of Sydney Archives.
- <sup>2</sup> '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.
- <sup>3</sup> Correspondence, John James, Perumal + Partners Architects Pty Ltd to the Town Clerk, 27 June 1974, BA File 976/72, City of Sydney Archives.
- <sup>4</sup> John James, correspondence with the authors, September 2023.
- <sup>5</sup> Source <[www.johnjames.com.au](http://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.

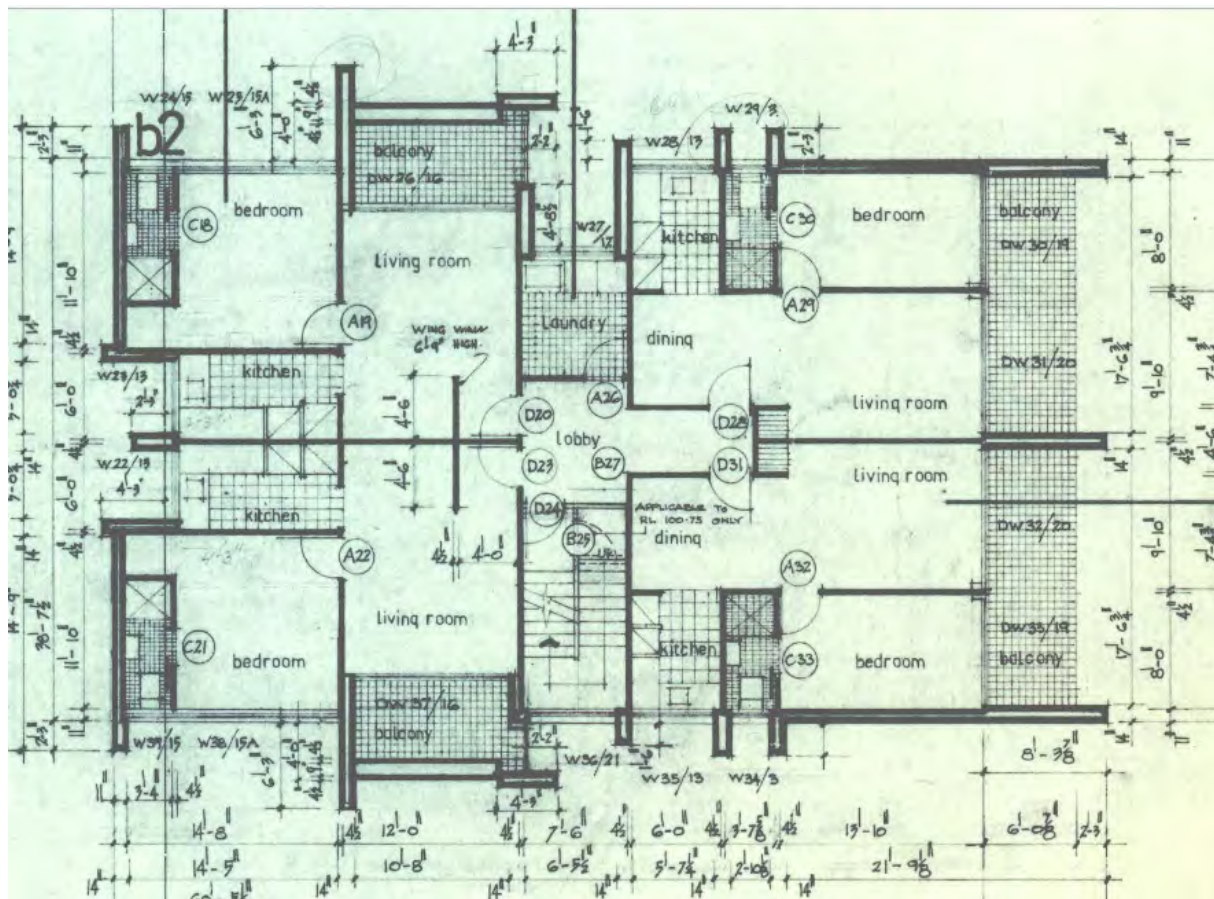


Figure 4.1 Submitted architectural drawings, 21C Billyard Avenue typical floor plan (detail), 1972 showing the one bedroom apartments. The expression of the brick fin walls in the plan is notable, along with the careful articulation of balcony spaces with privacy screens and planters. (Source: City of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



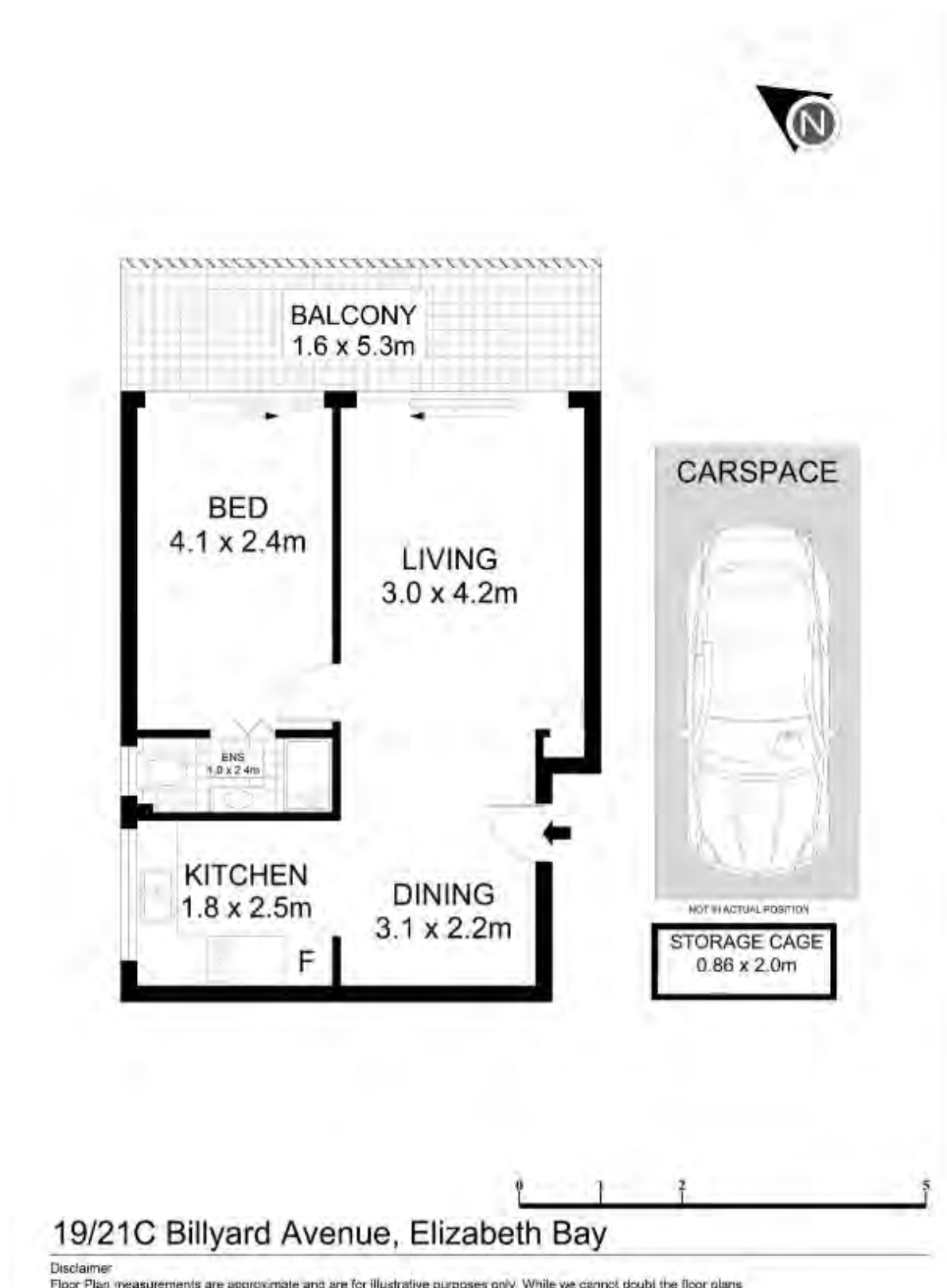


Figure 4.21 Floor plan, flat 19/21C Billyard Avenue.





Patrick Moxey  
mob: 0407 900 243

D'Leanne Lewis  
mob: 0419 676 667

## 5/10 Onslow Avenue, Elizabeth Bay



This diagram is for illustrative purpose only. All reasonable care has been taken in the preparation, but no warranty is given as to the accuracy of the information. This document does not constitute any part of any offer or contract. Dimensions shown are approximate only. Prospective purchasers must rely on their own enquiries.

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

<b>Date:</b> 1960	<b>Architect:</b> Harry Seidler
<b>Heritage Significance</b>	RAIA Register of Significant Architecture in NSW (RAIA #4702866), nominated for state heritage listing (intention to list has not been issued to date).
<b>Key Features</b> <ul style="list-style-type: none"> <li>• 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</li> <li>• Blonde brick construction with expressed concrete frames and aluminium-framed windows.</li> <li>• Experimental planning with external circulation areas.</li> <li>• The building features a concrete winged portico.</li> </ul>	



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

### International Lodge, 100 Elizabeth Bay Road, Elizabeth Bay

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



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.

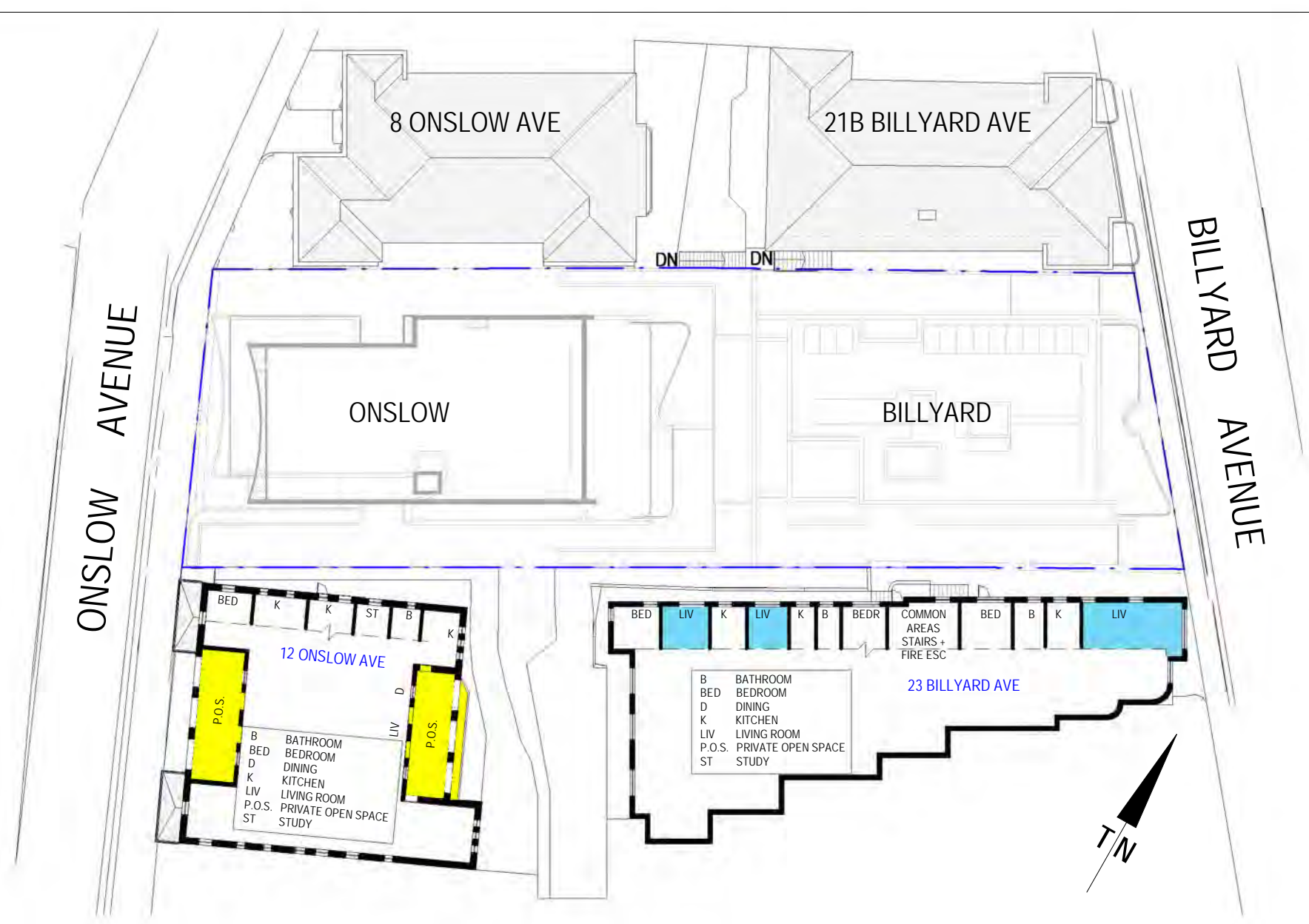
It is the conclusion of this heritage assessment that 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay, does not meet threshold under the criteria for listing as a heritage item, but should be considered a contributory item to the Elizabeth and Rushcutters Bays HCA for the following reasons:

- 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.

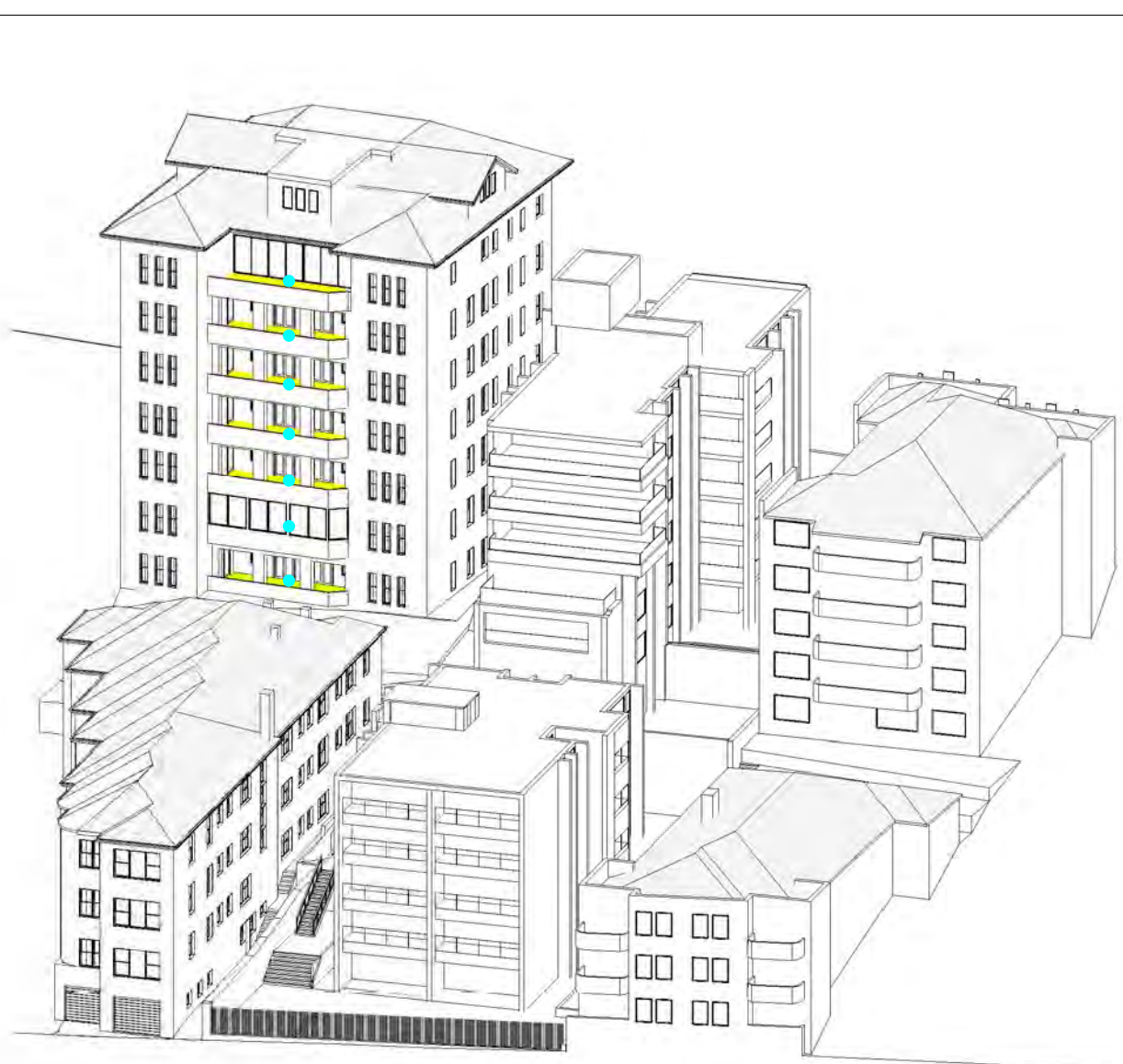
As a result, the policy recommendations of the Elizabeth and Rushcutters Bays HCA should be followed, specifically:

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





TYPICAL ROOM USAGE PER WINDOW



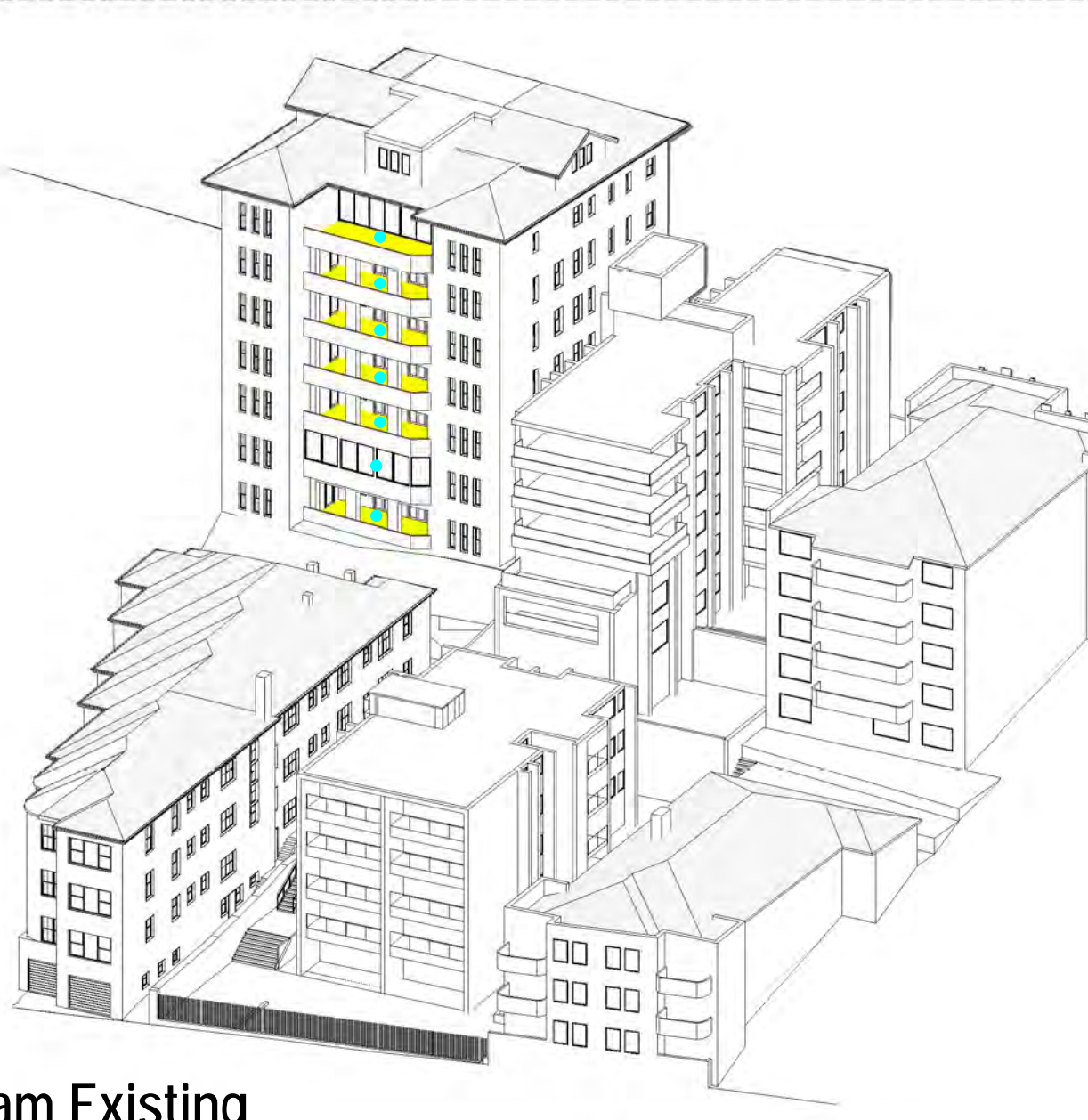
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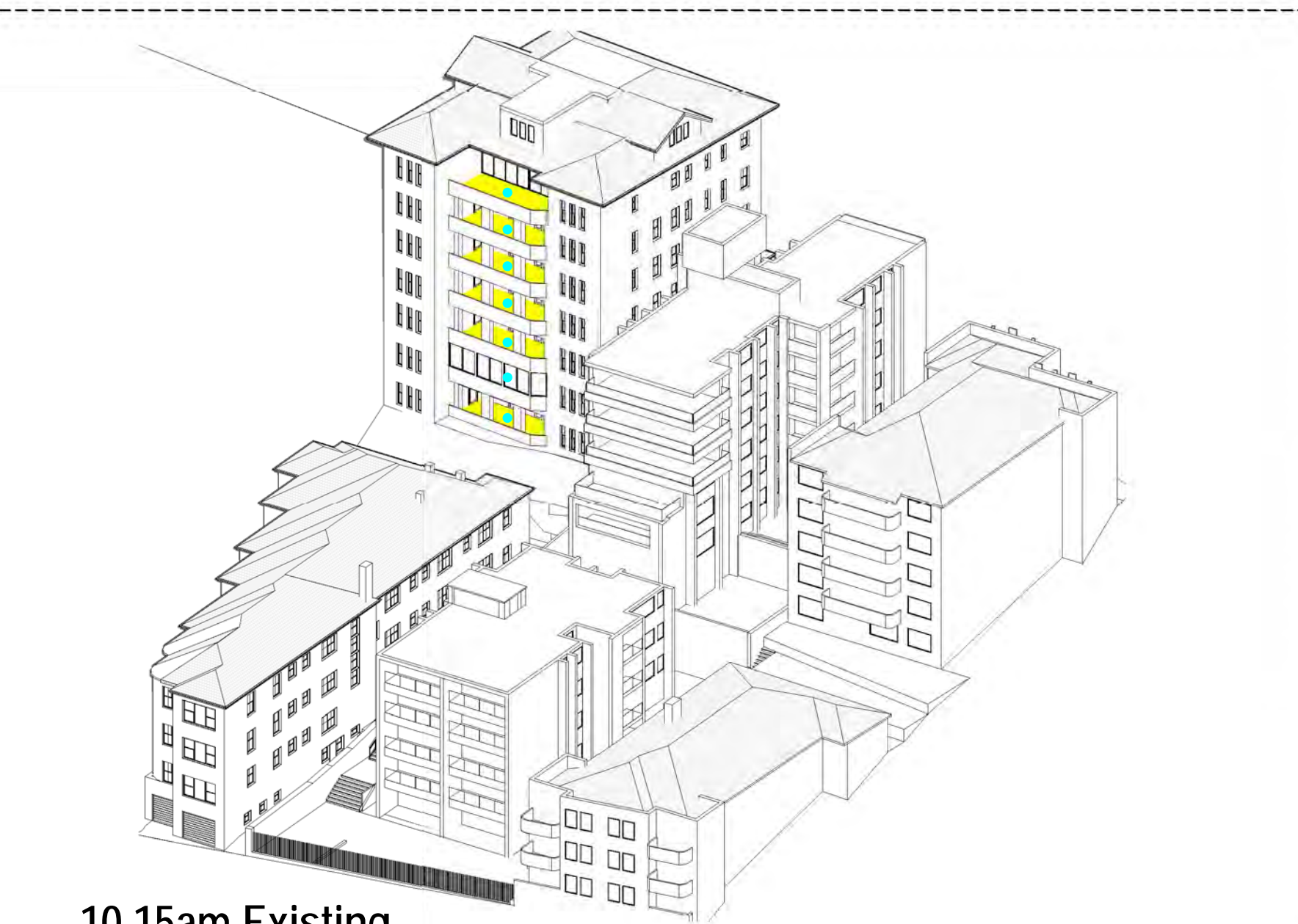
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9.45am Existing



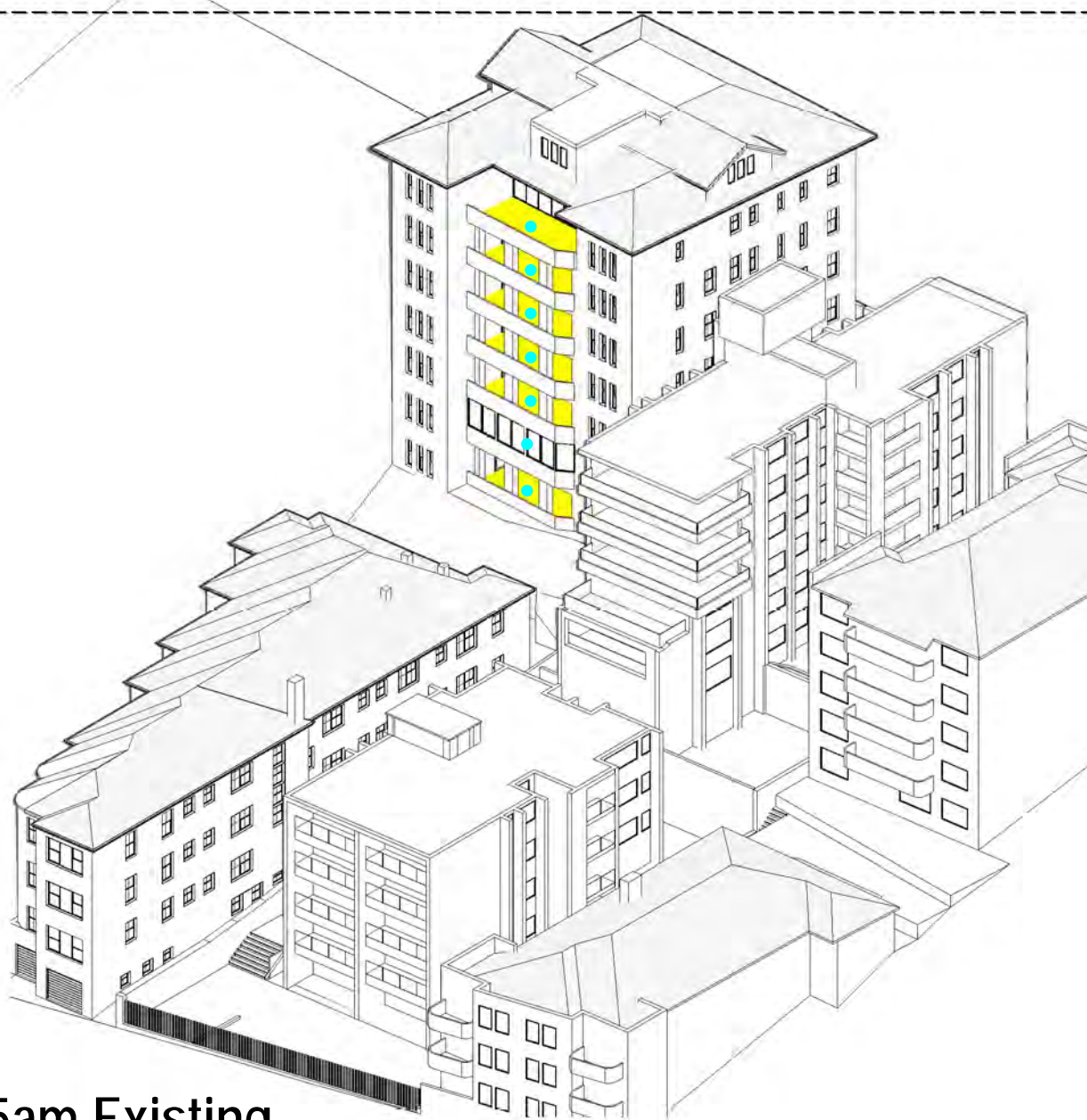
10.00am Existing



10.15am Existing



10.30am Existing



10.45am Existing

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:  
EXISTING:

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

SHADOW  
ANALYSIS  
REVIEW

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Use figured dimensions in preference to scaling of drawings, notify architect of any discrepancies prior to commencement of work.

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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

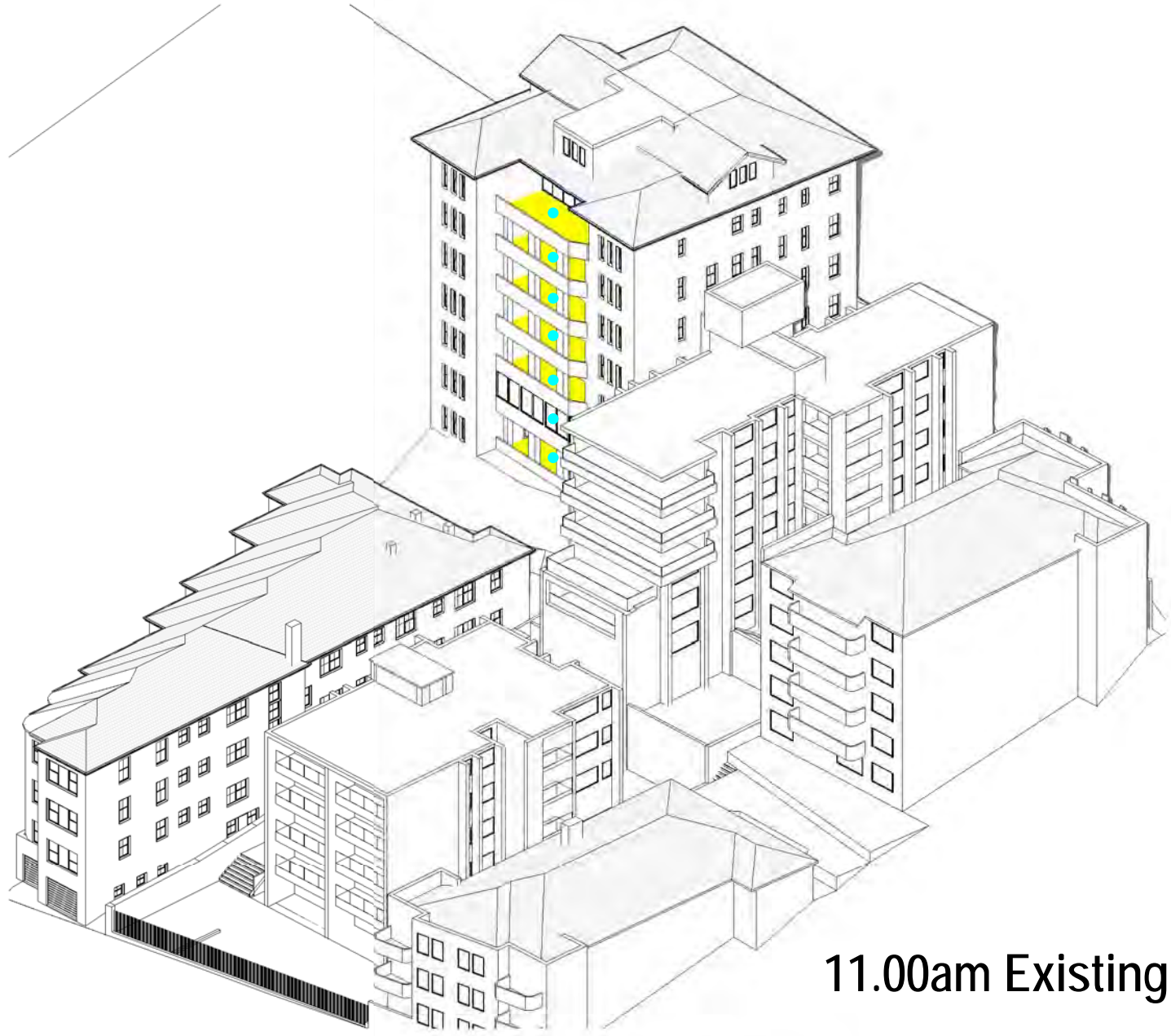
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Drawn by: KP  
Checked by: JD

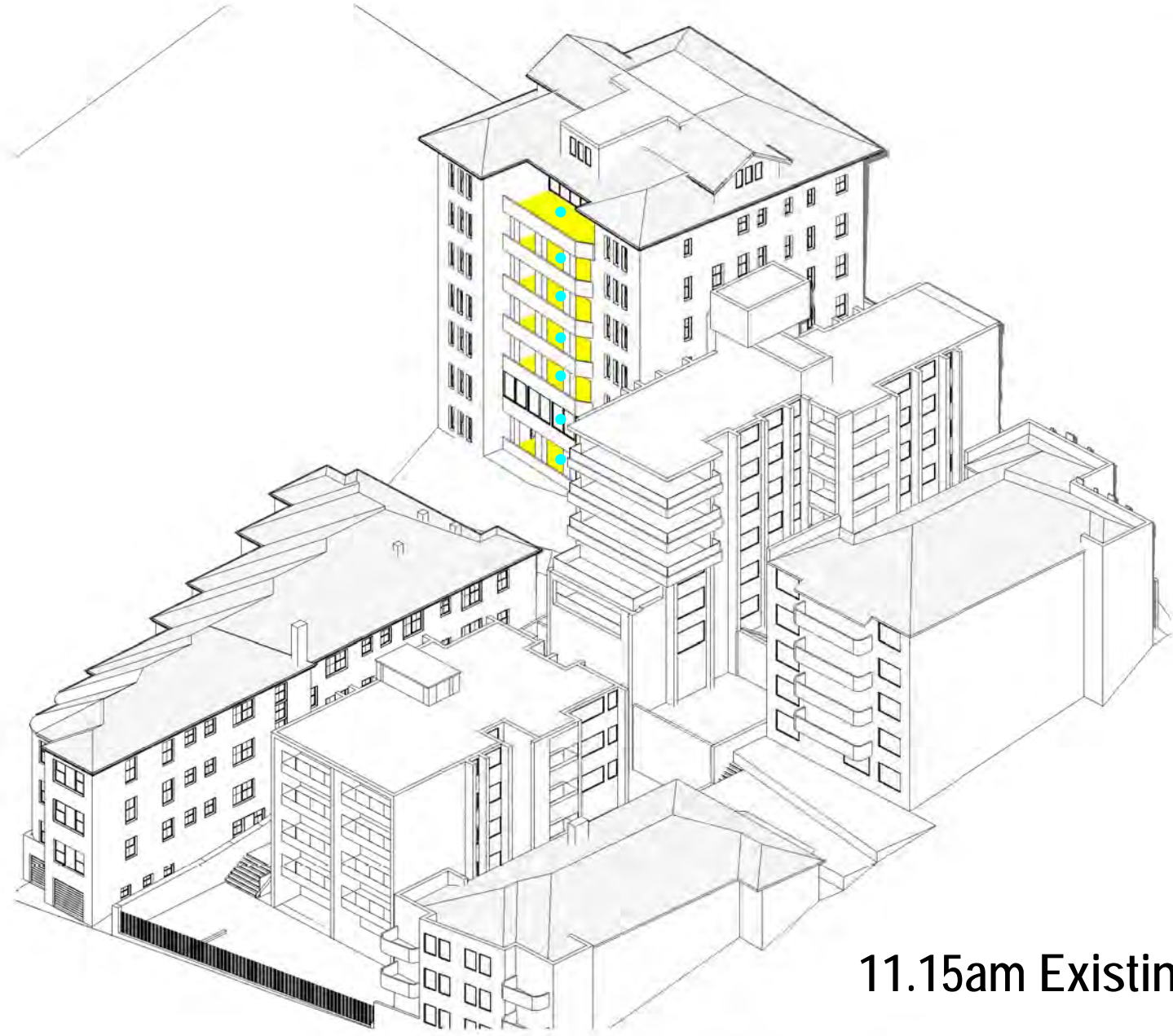
KITCHEN WINDOW REVIEW

Project number 23-130 A100

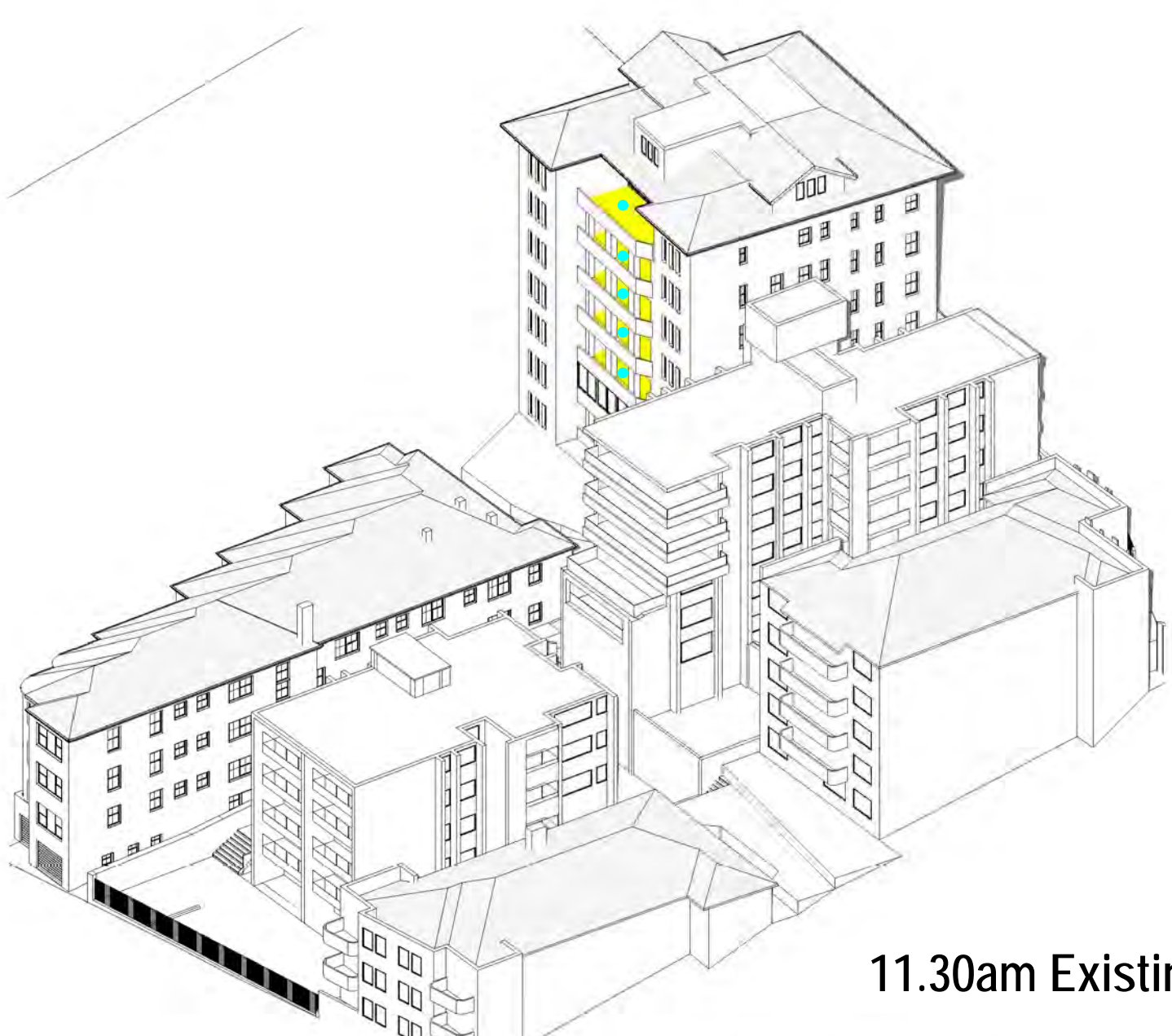




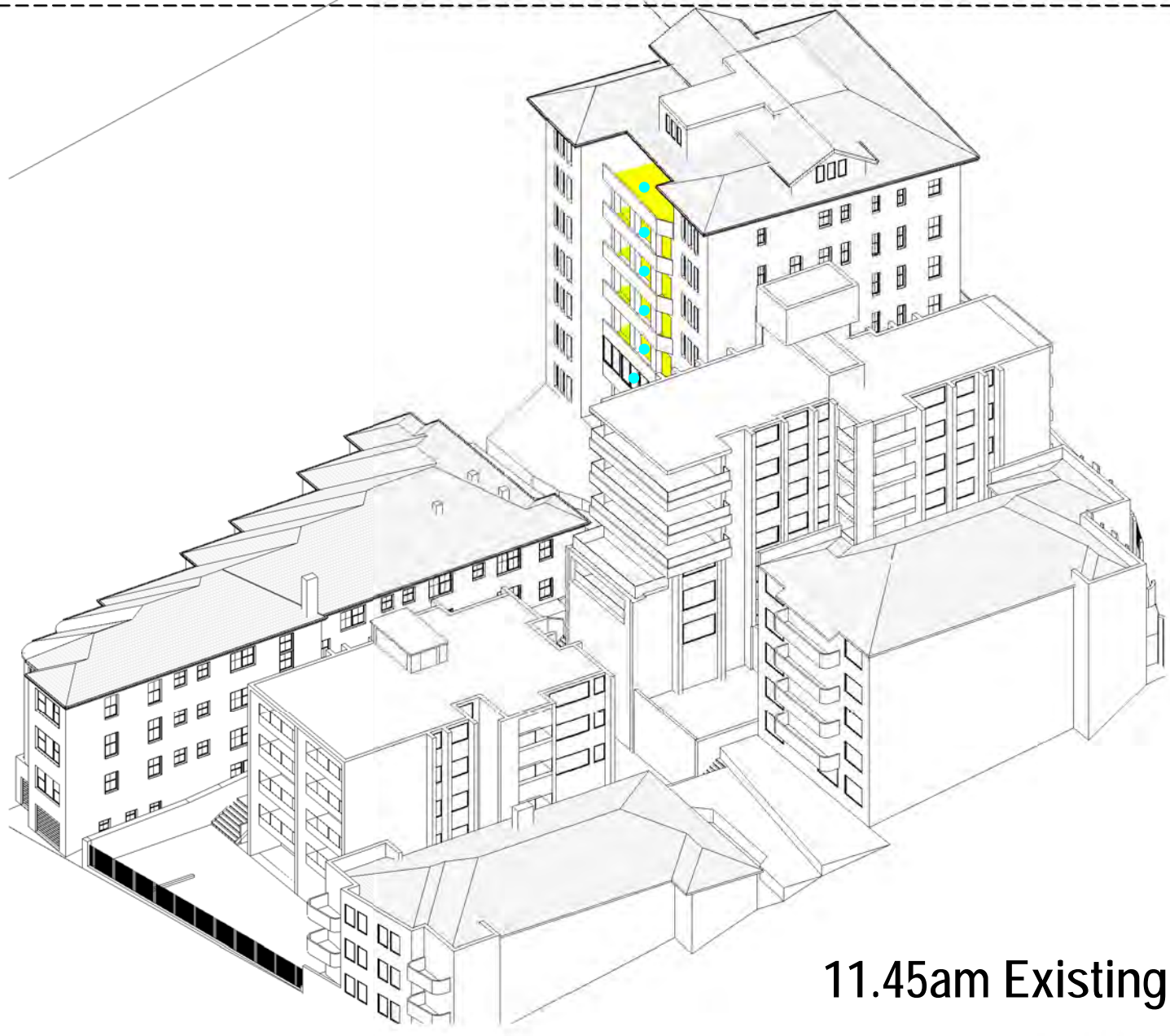
11.00am Existing



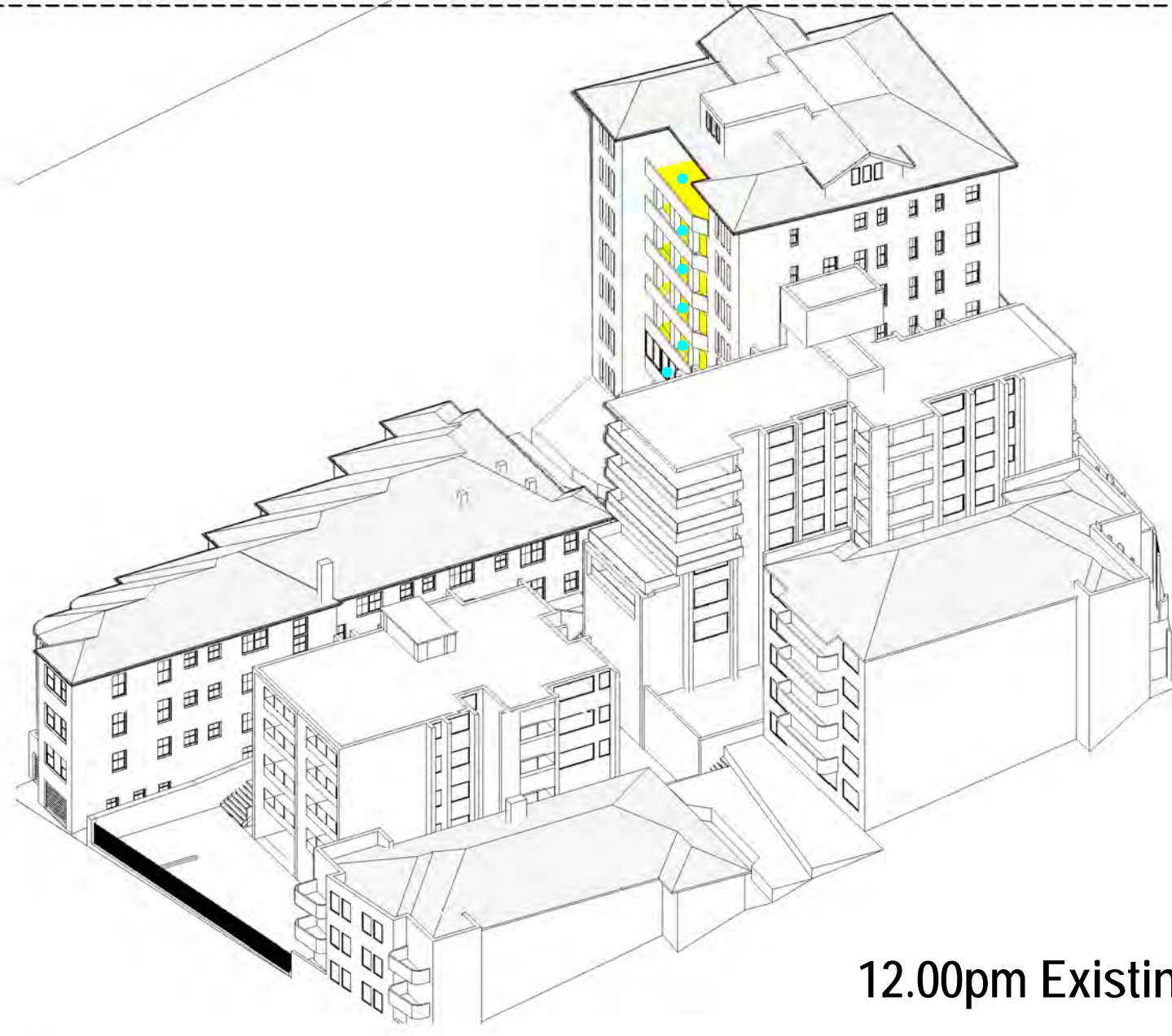
11.15am Existing



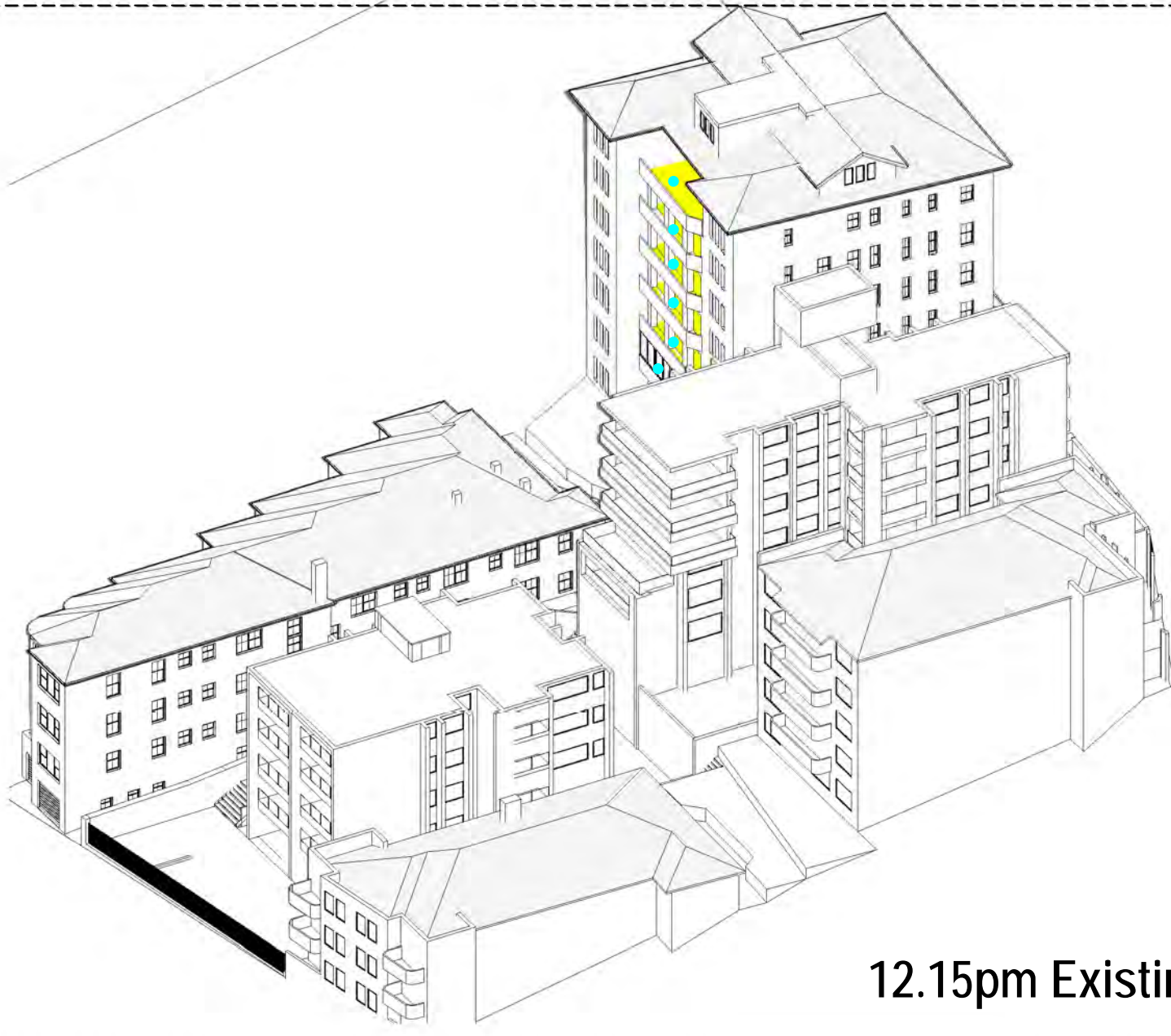
11.30am Existing



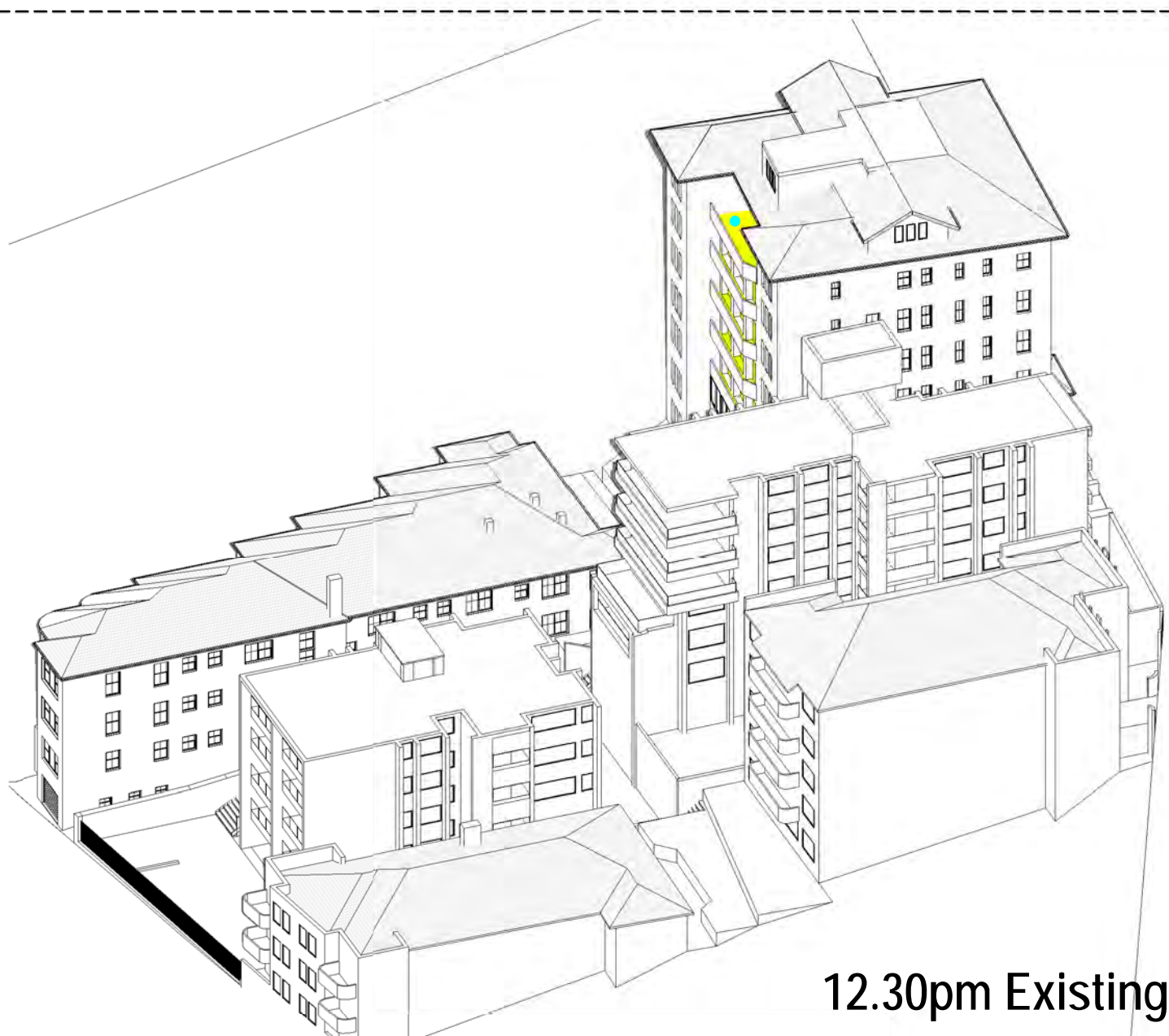
11.45am Existing



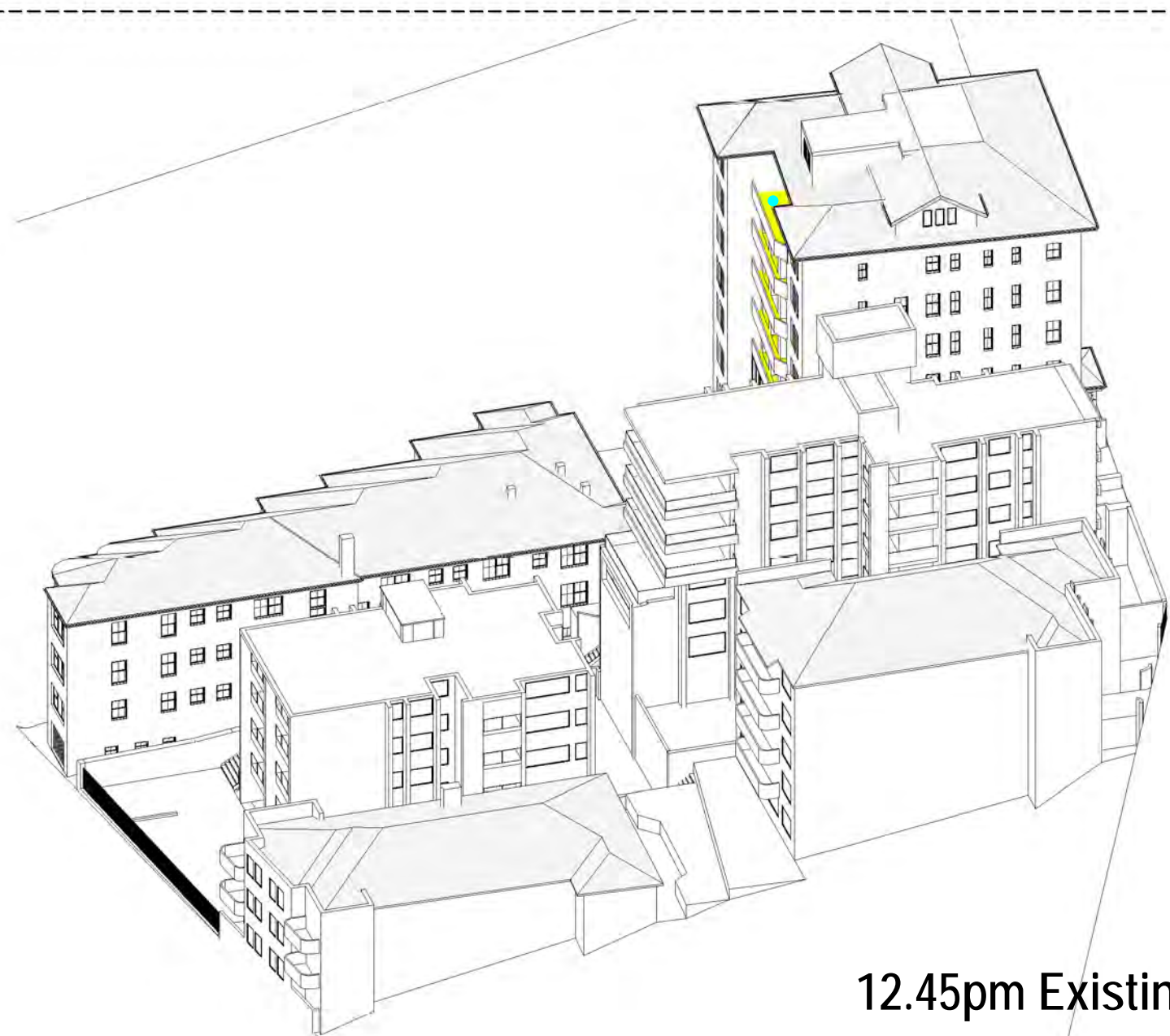
12.00pm Existing



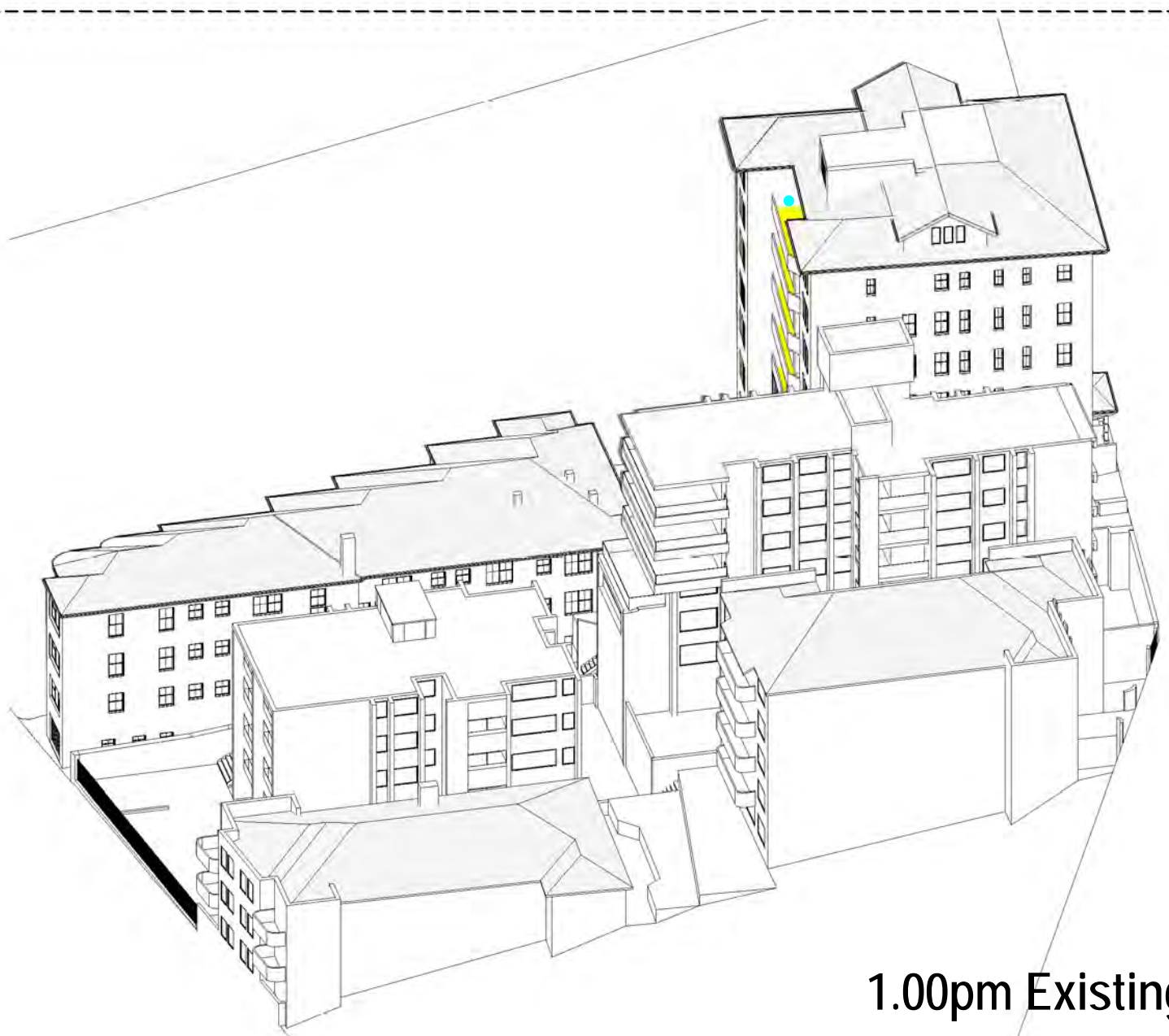
12.15pm Existing



12.30pm Existing



12.45pm Existing



1.00pm Existing

- 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:

EXISTING:

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
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:		
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	

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

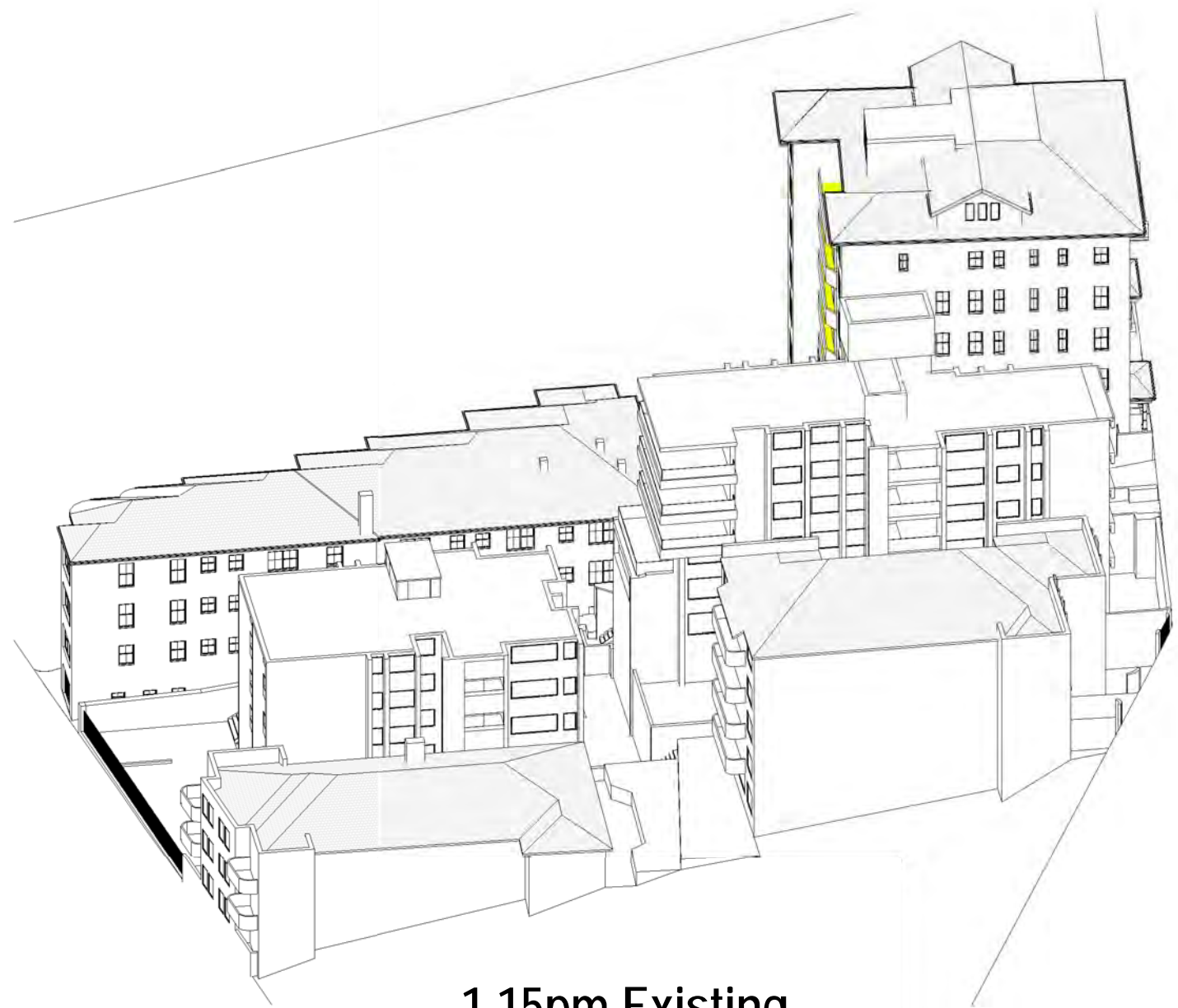
Drawing title:  
Sun Eye Views June 21st  
11.00am-1.00pm Existing

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

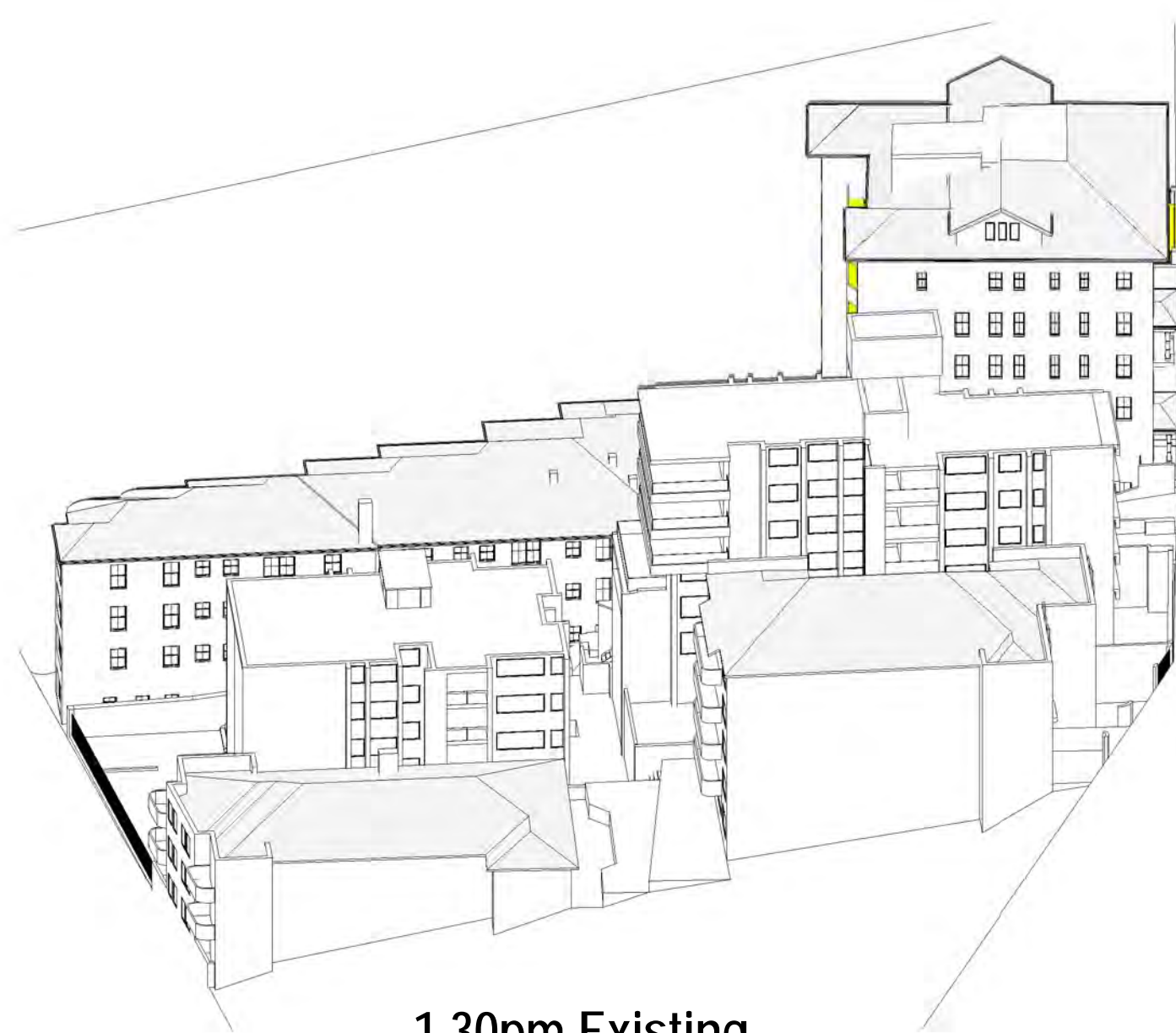
KITCHEN WINDOW REVIEW

Project number 23-130 A101

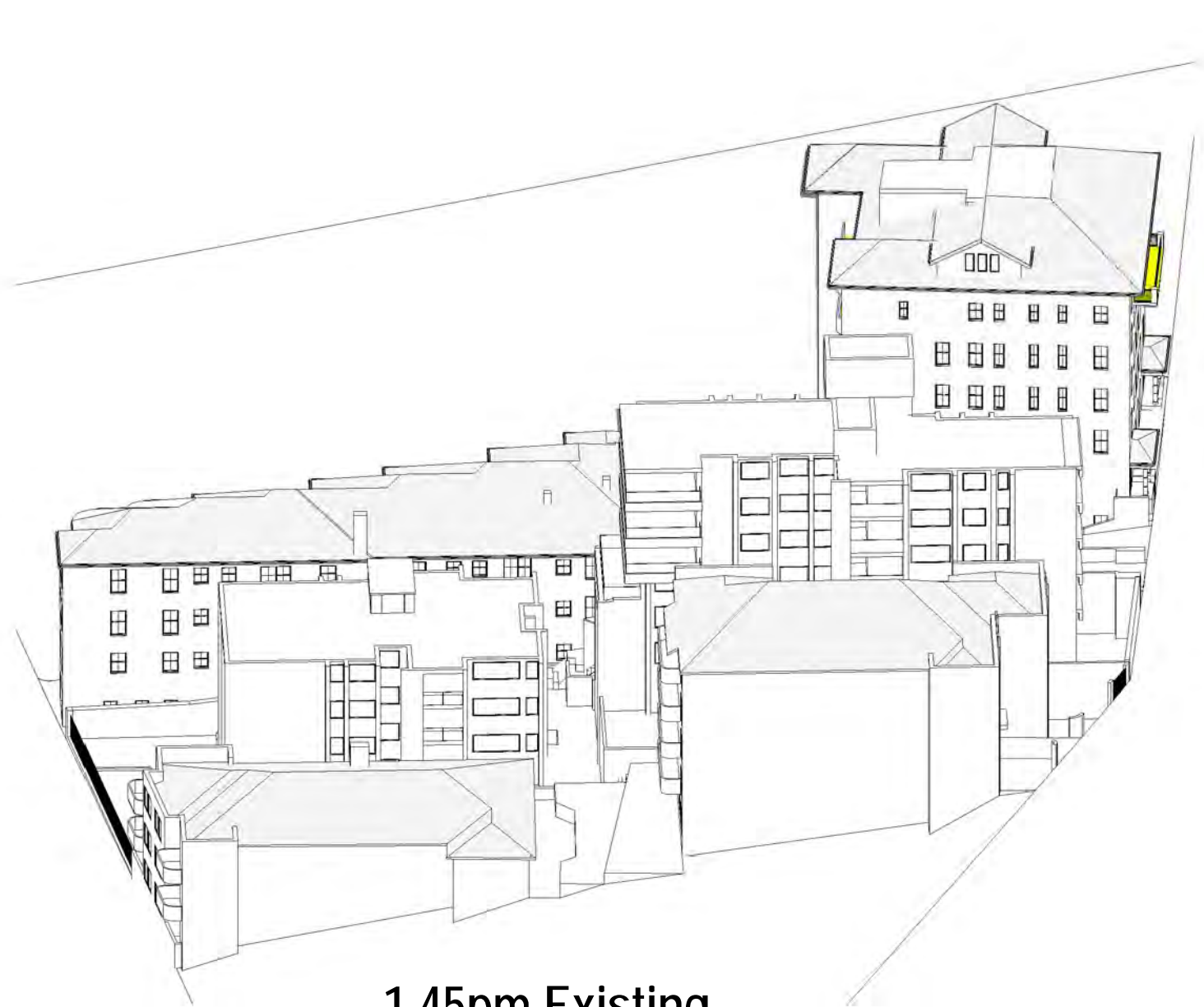




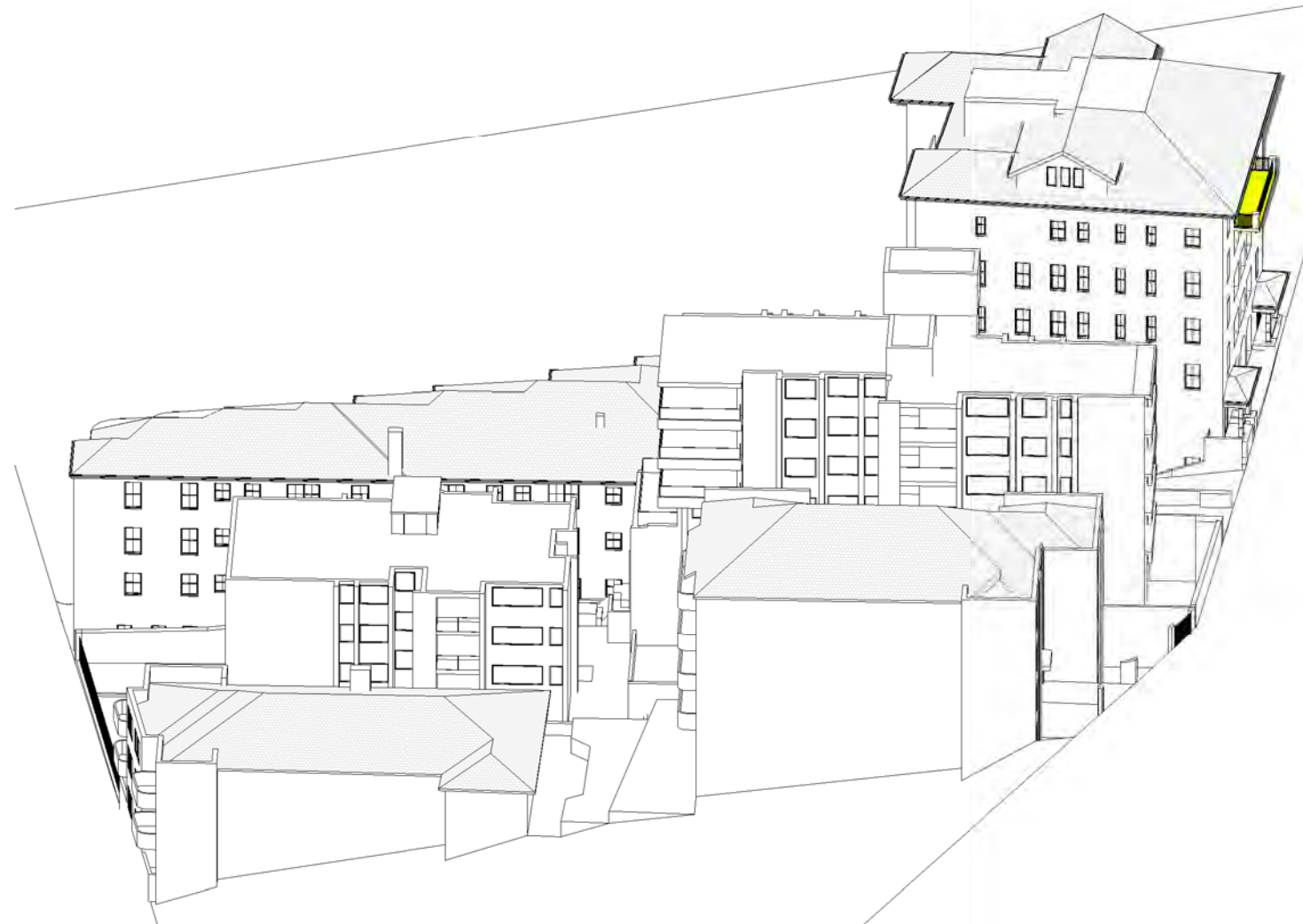
1.15pm Existing



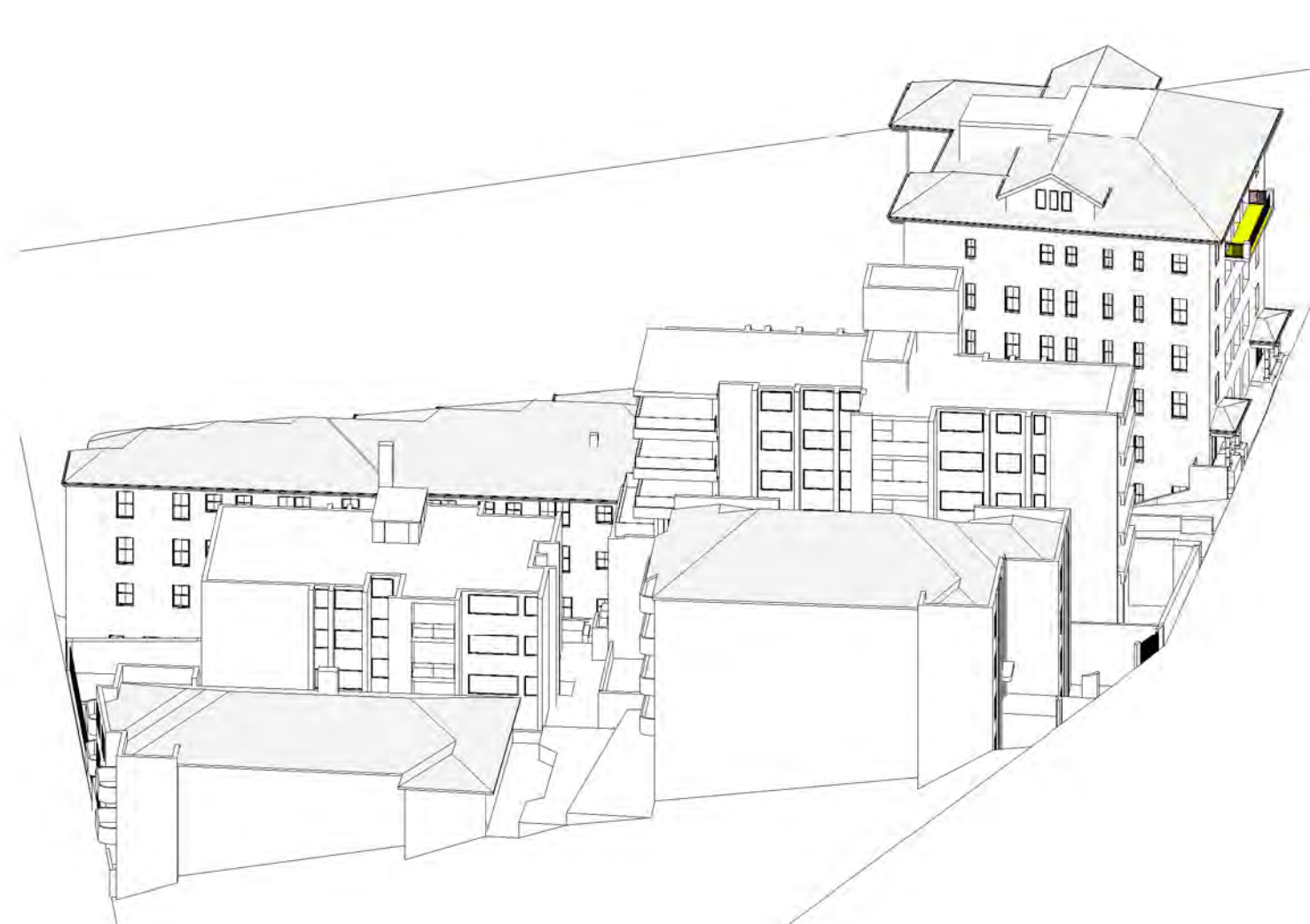
1.30pm Existing



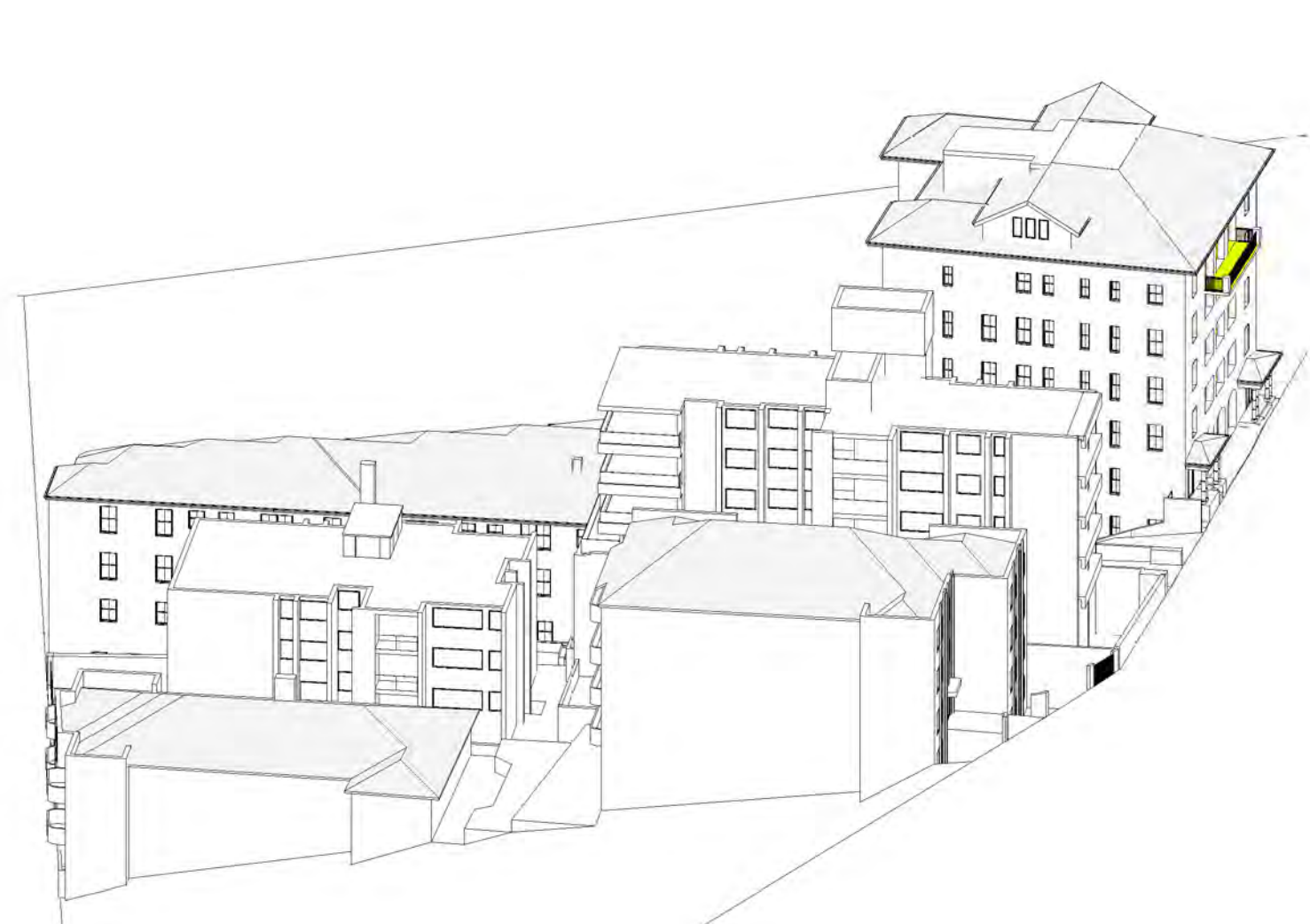
1.45pm Existing



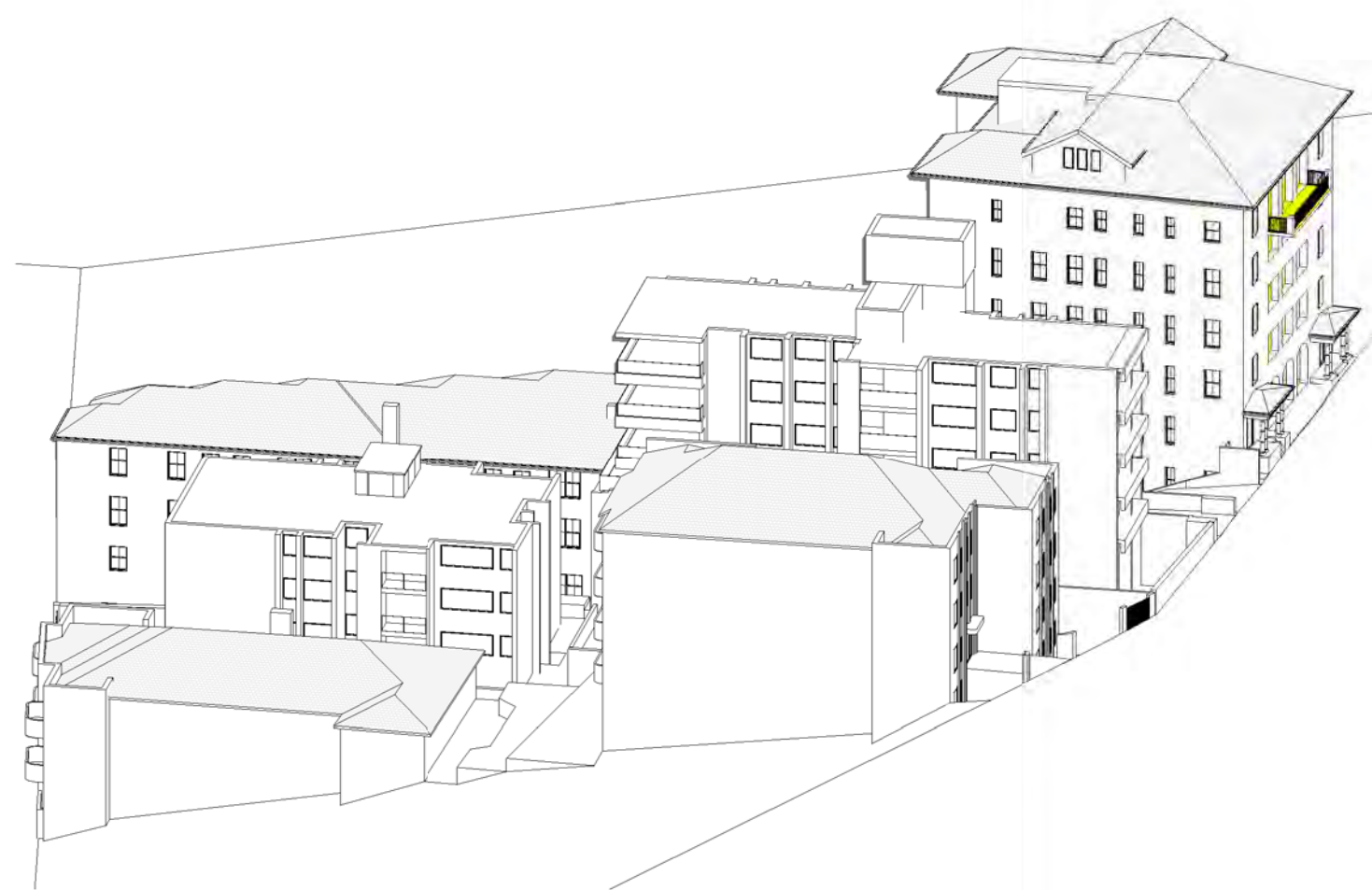
2.00pm Existing



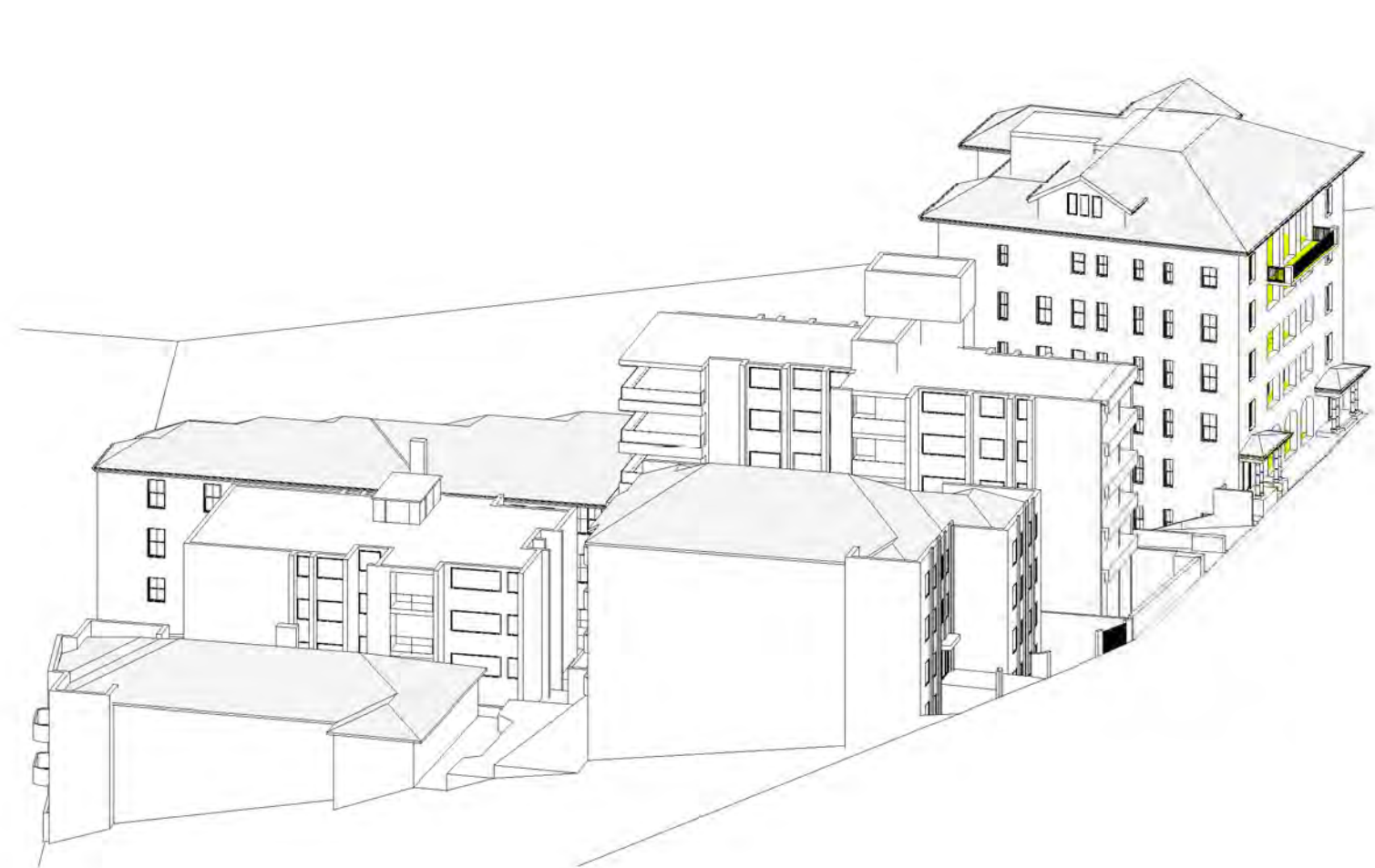
2.15pm Existing



2.30pm Existing



2.45pm Existing



3.00pm Existing

- 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:								
EXISTING:								
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	3.25 HOURS	1.75 HOURS	- 1 HOUR	44%
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				

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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info@cadraftnsw.com.au

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

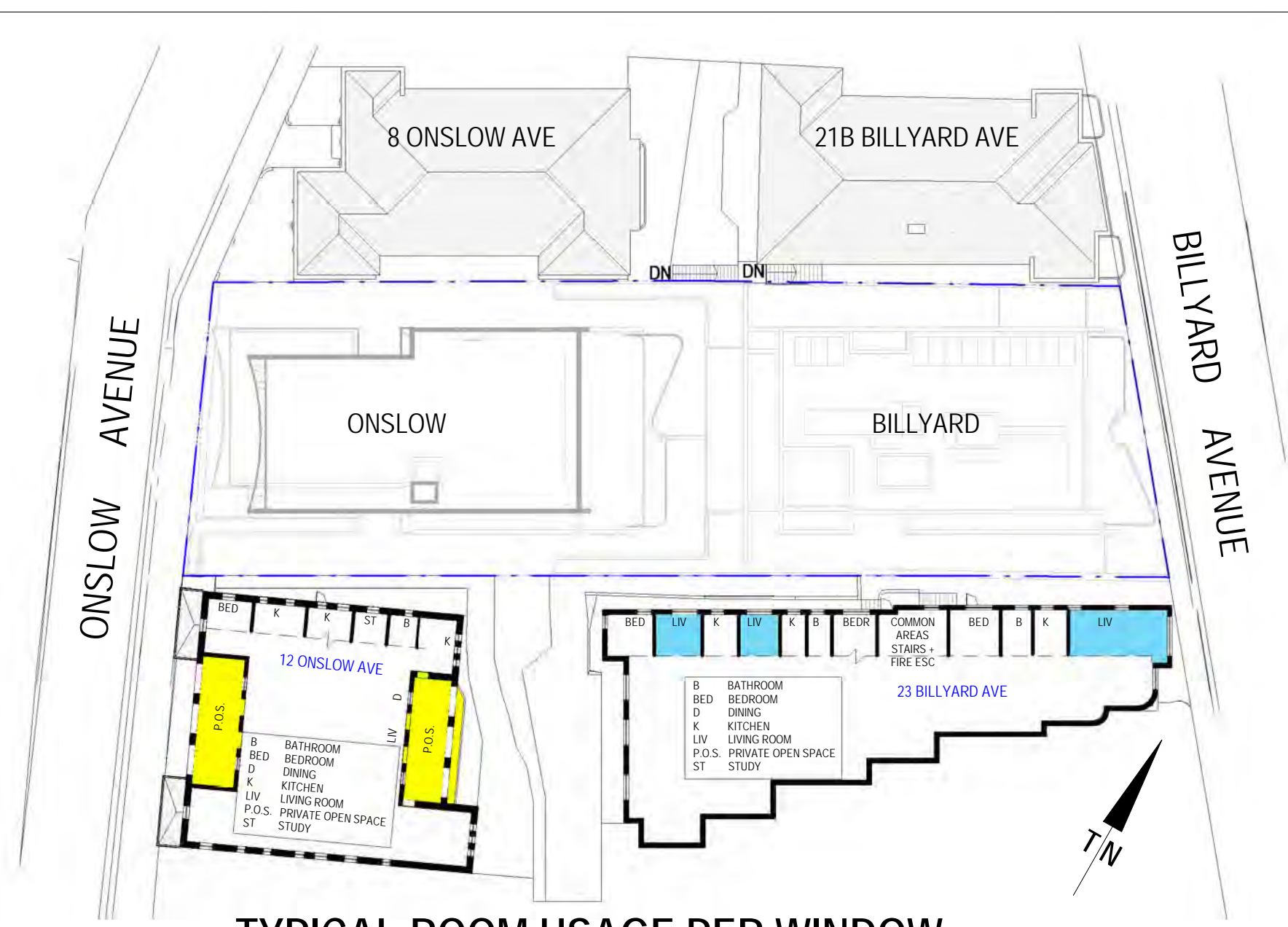
Drawing title:  
Sun Eye Views June 21st  
1.15pm-3.00pm Existing

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

KITCHEN WINDOW REVIEW

Project number 23-130 A102





9.00am Proposed



9.15am 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.	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				
P.O.S.	EXISTING:	PROPOSED:	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	

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

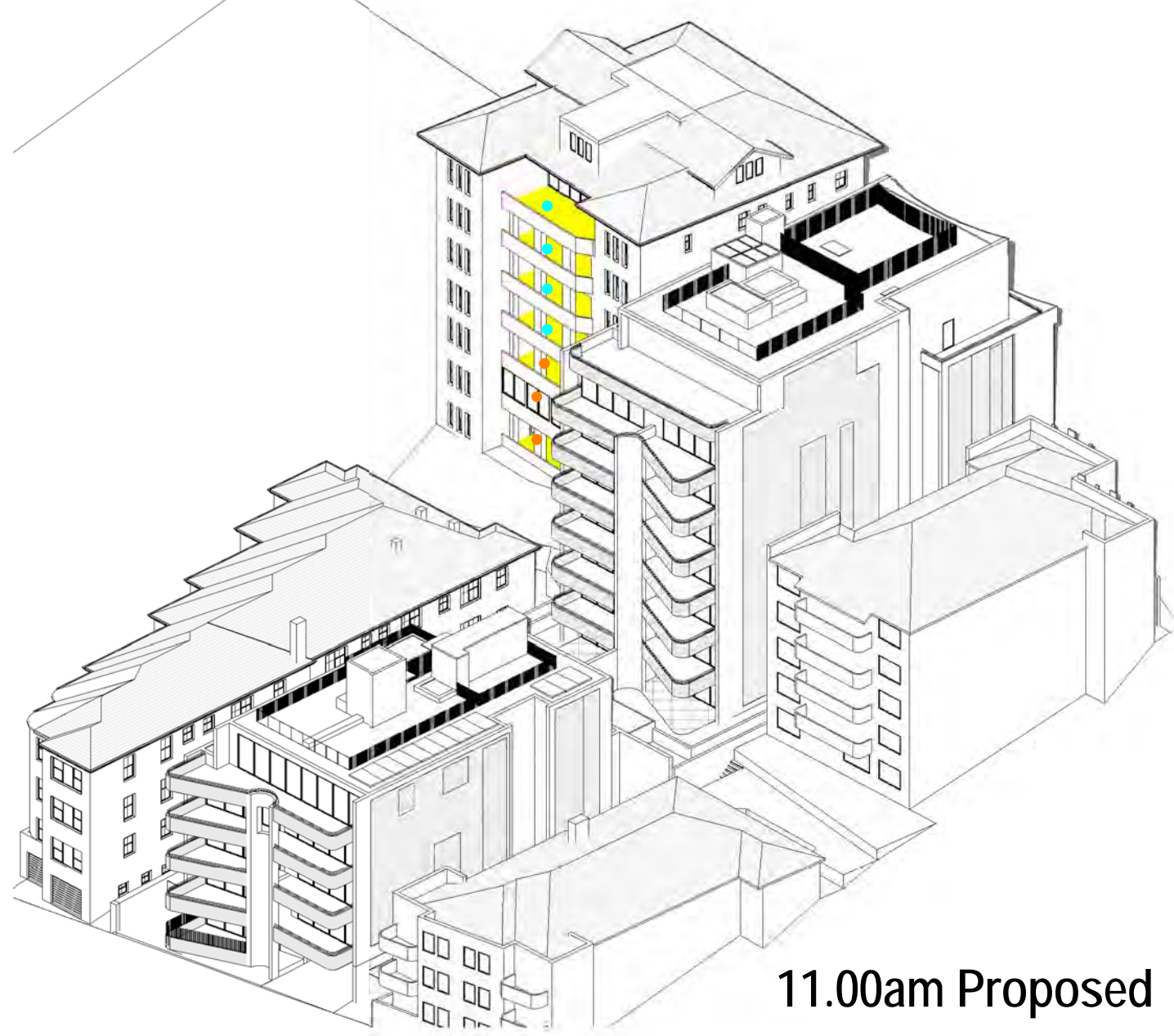
Drawing title:  
Sun Eye Views June 21st  
9.00am-10.45am Proposed

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

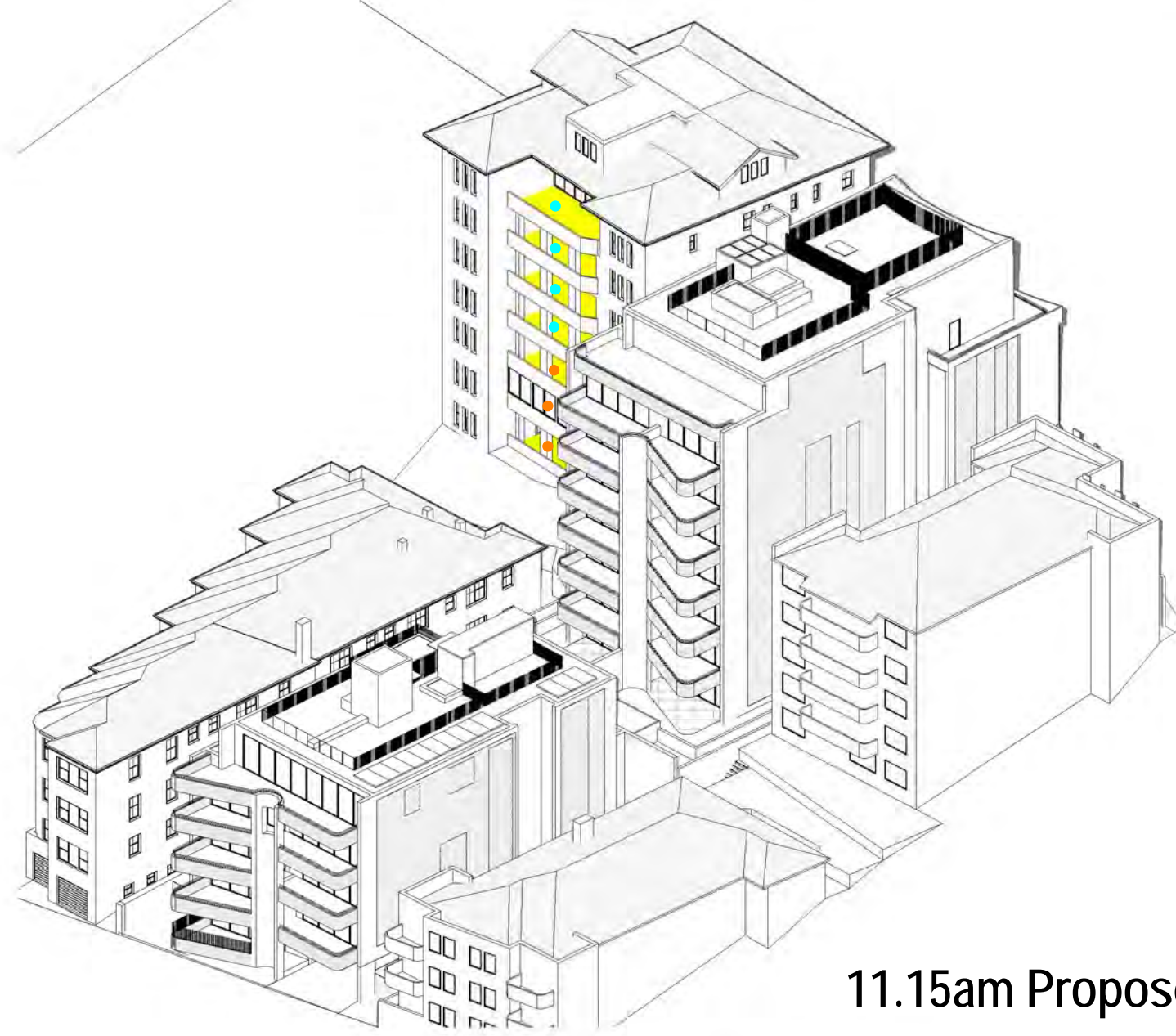
KITCHEN WINDOW REVIEW

Project number 23-130 A103

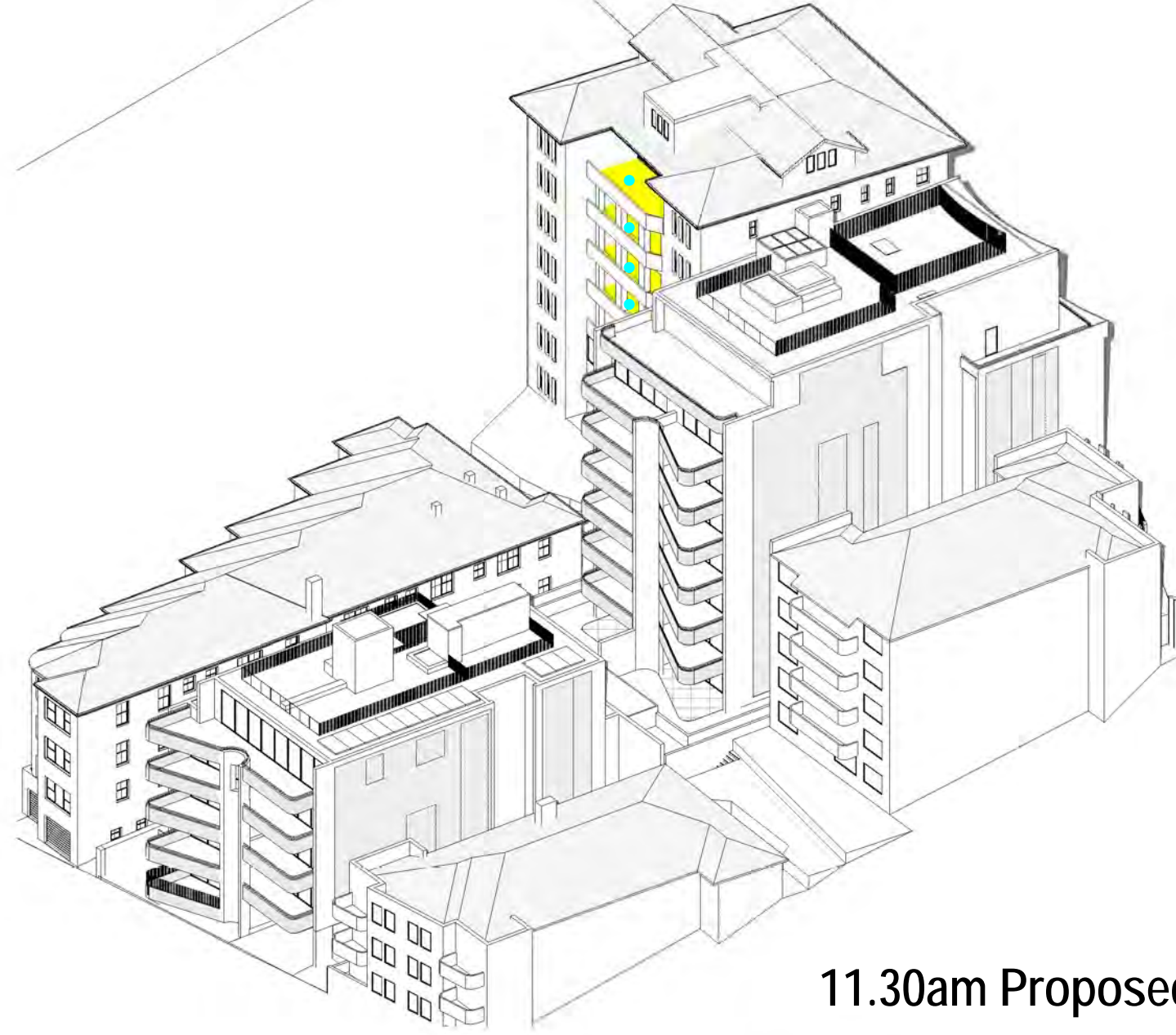




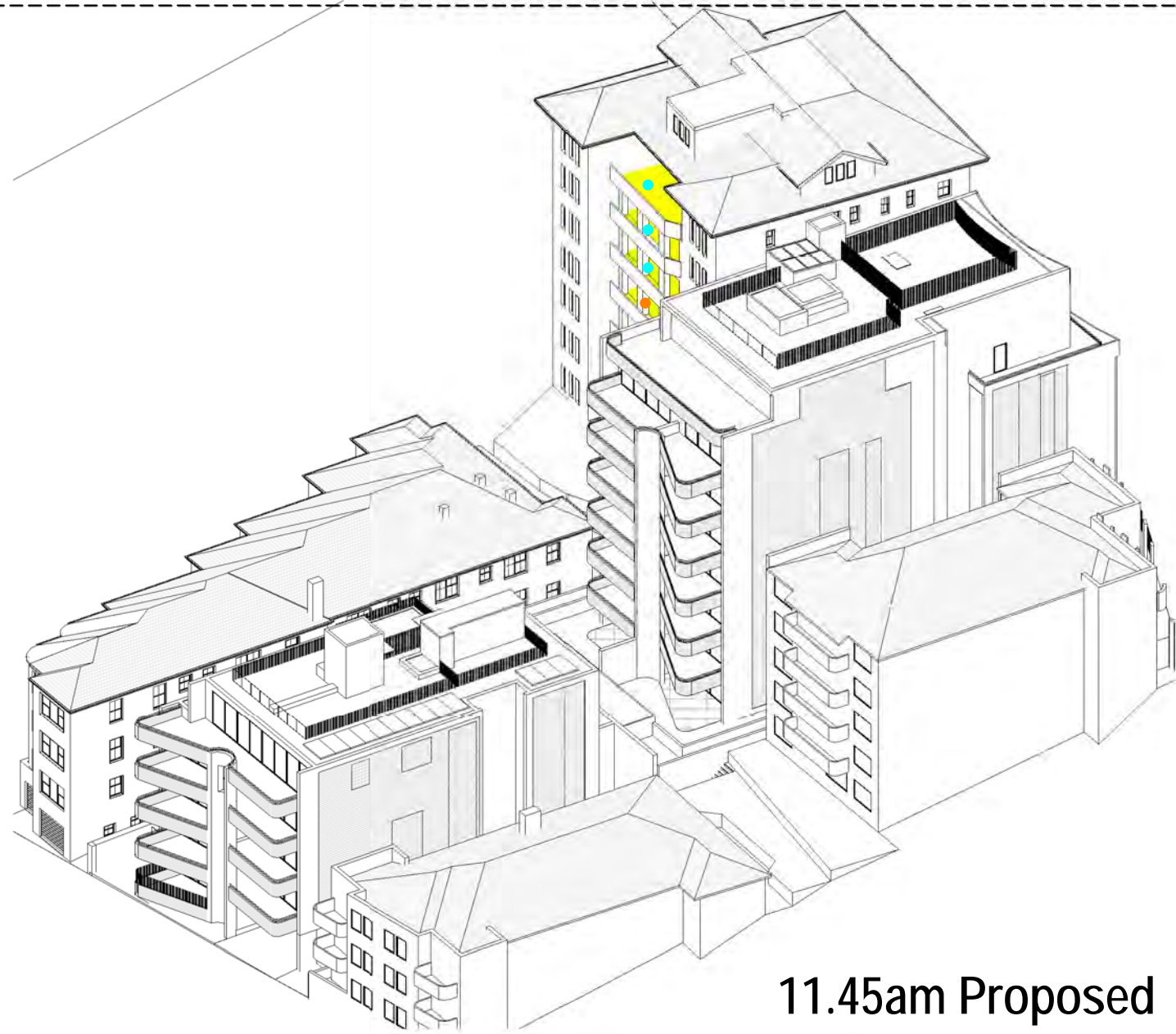
11.00am Proposed



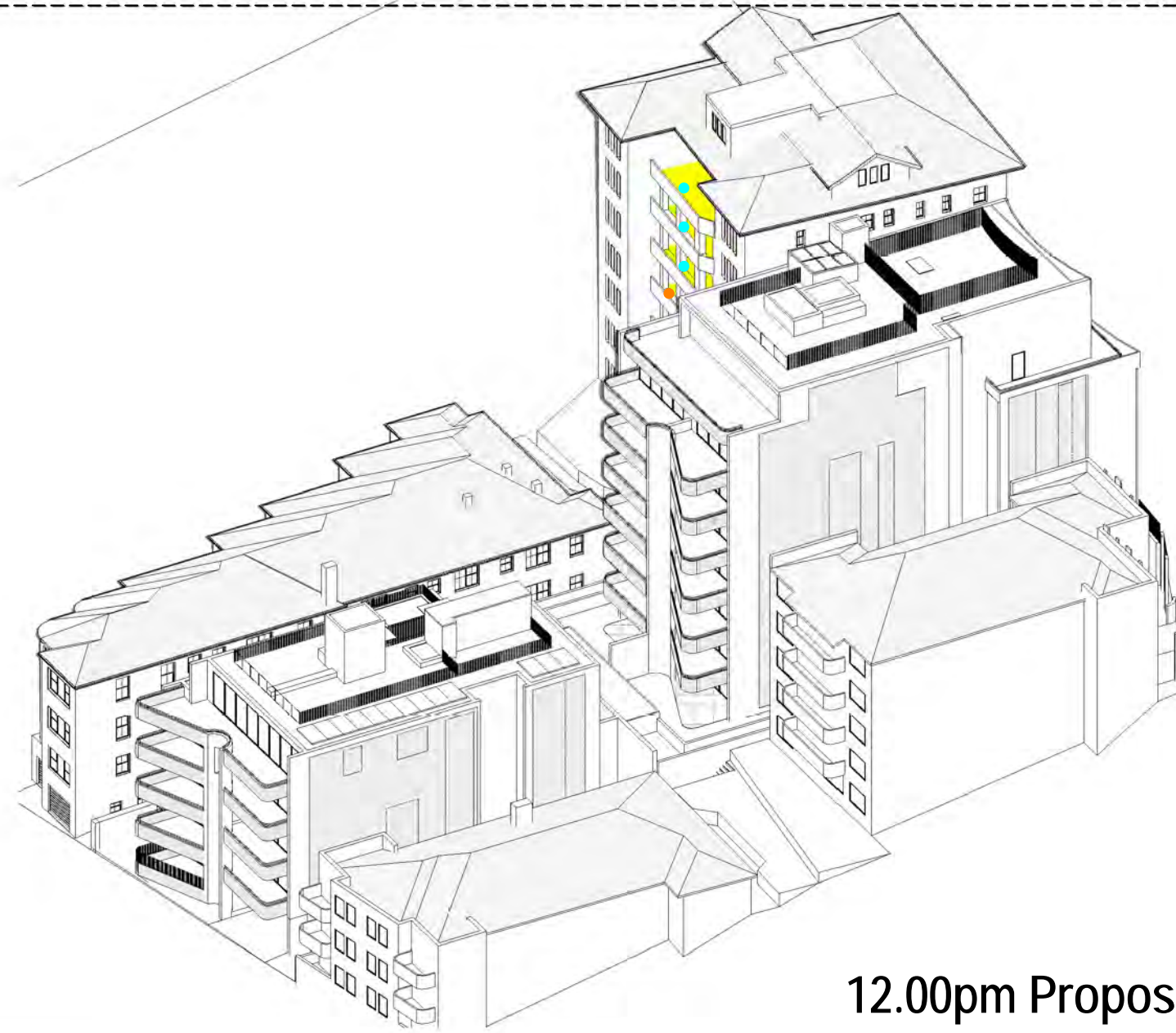
11.15am Proposed



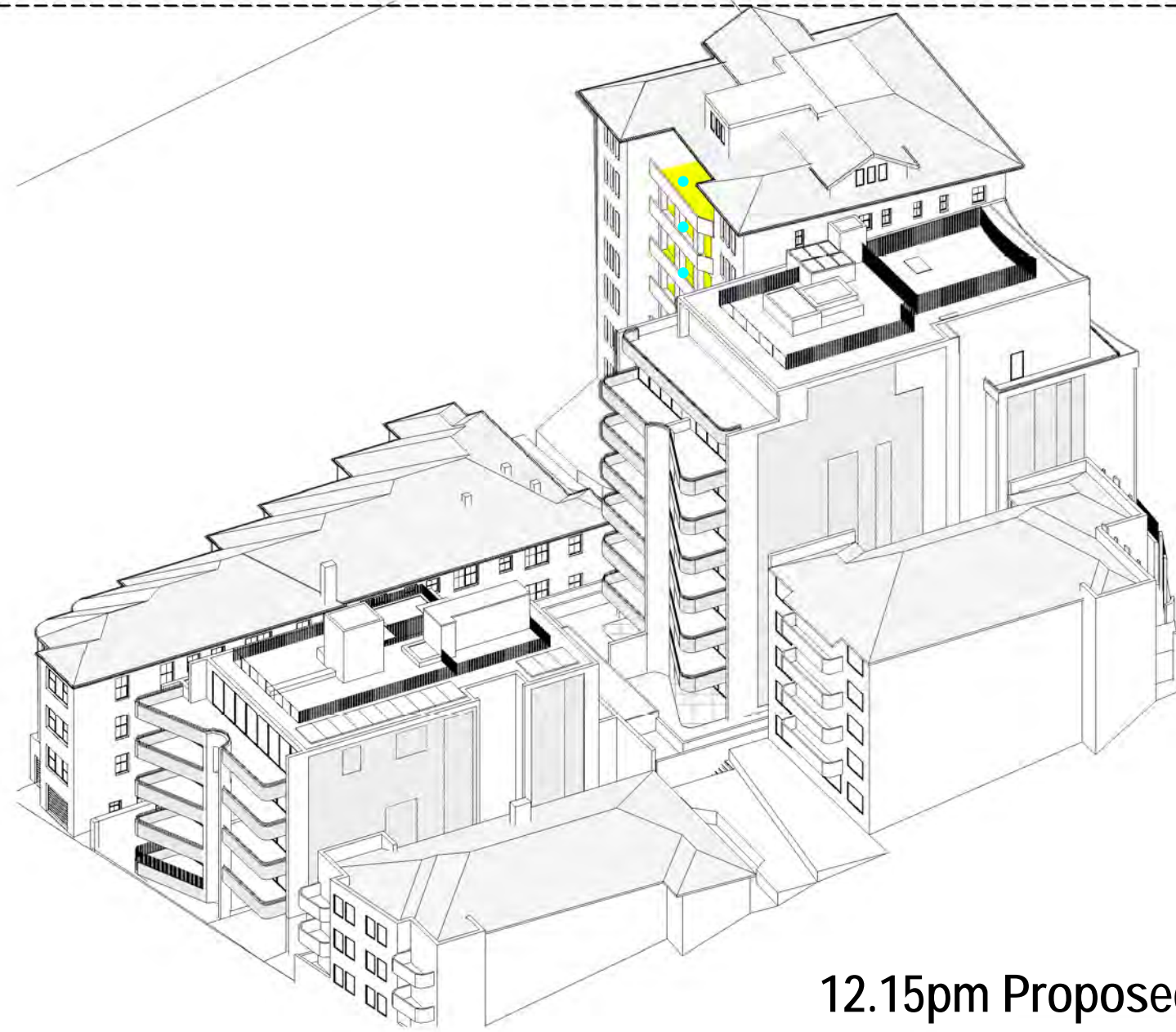
11.30am Proposed



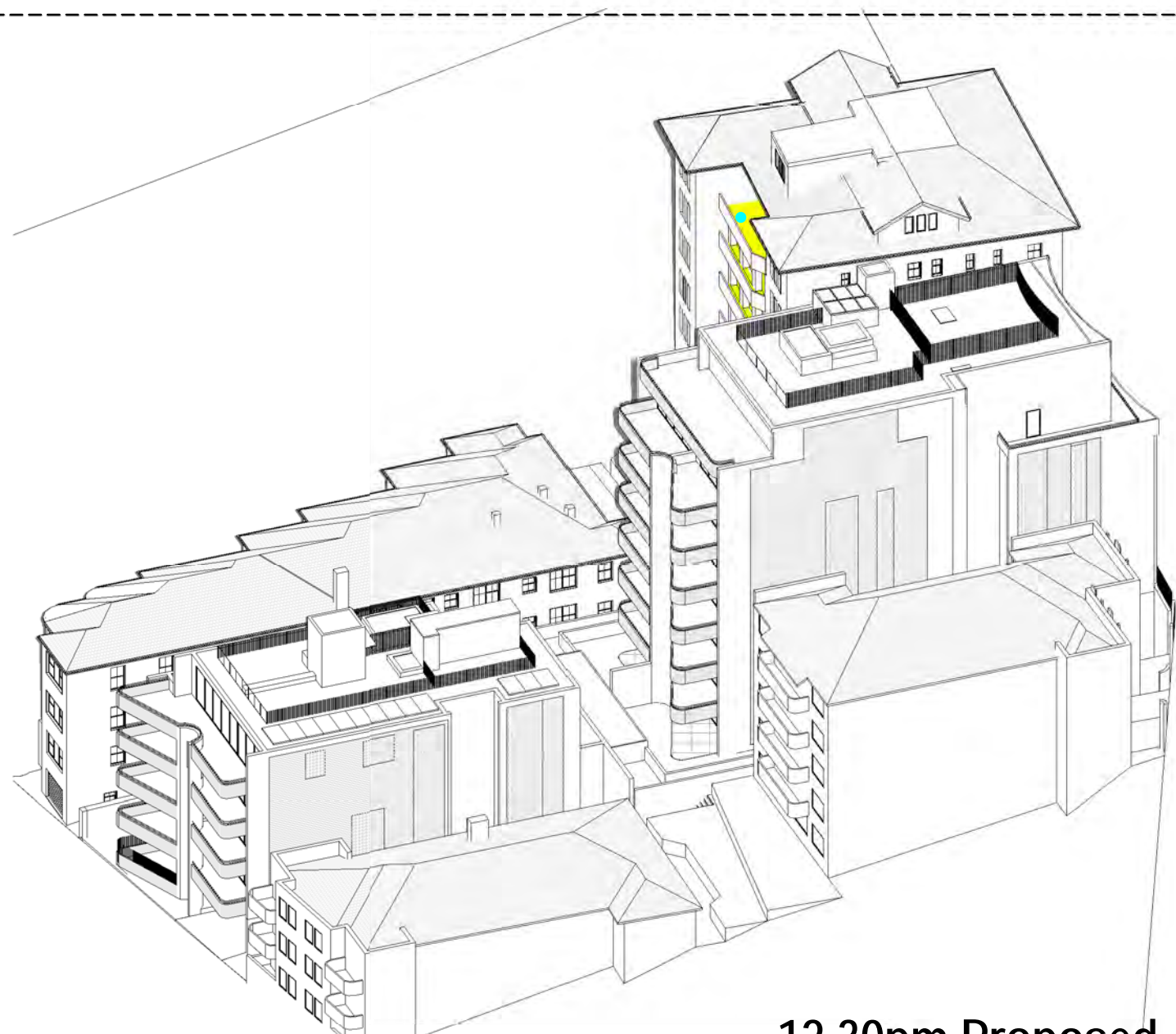
11.45am Proposed



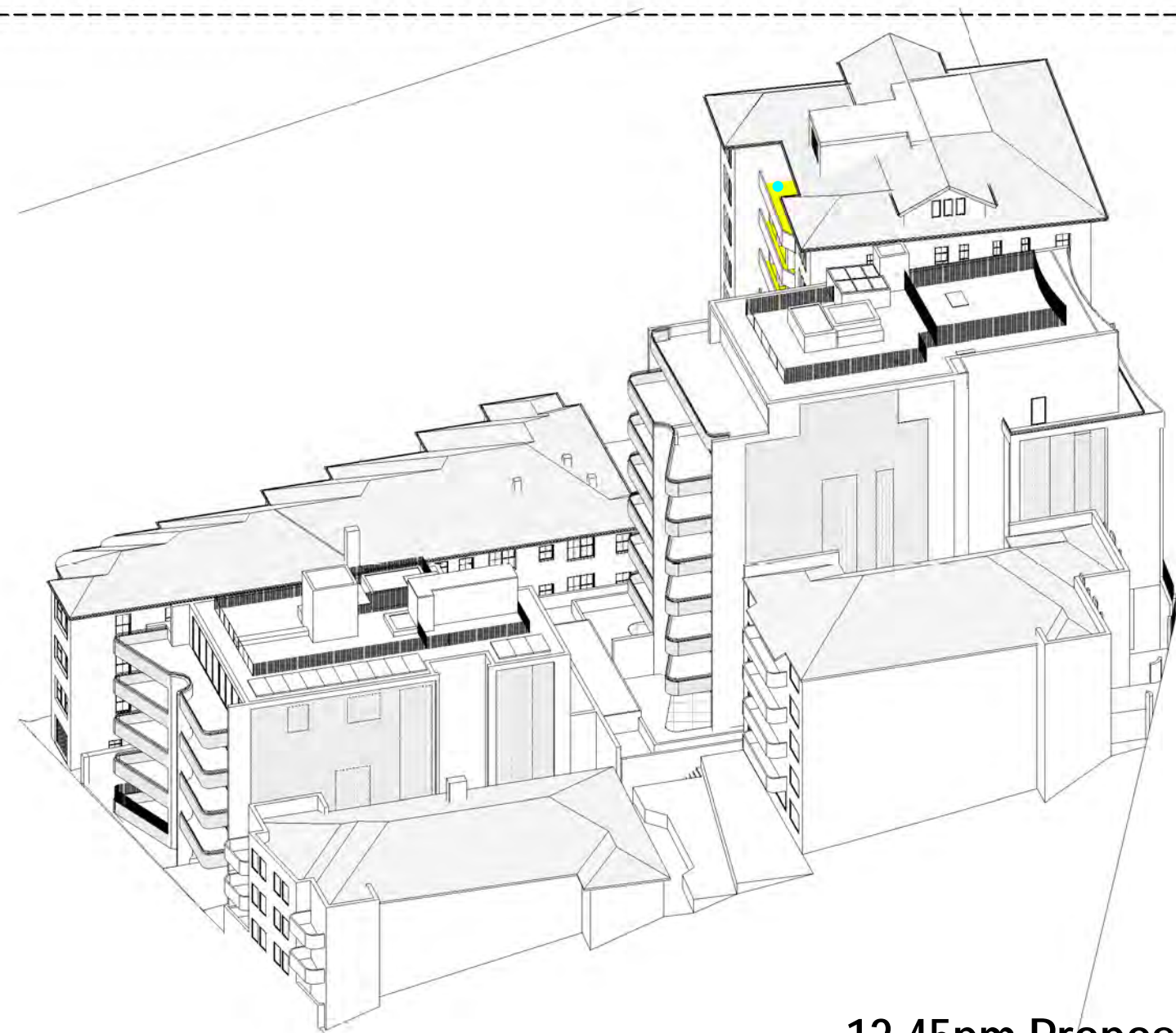
12.00pm Proposed



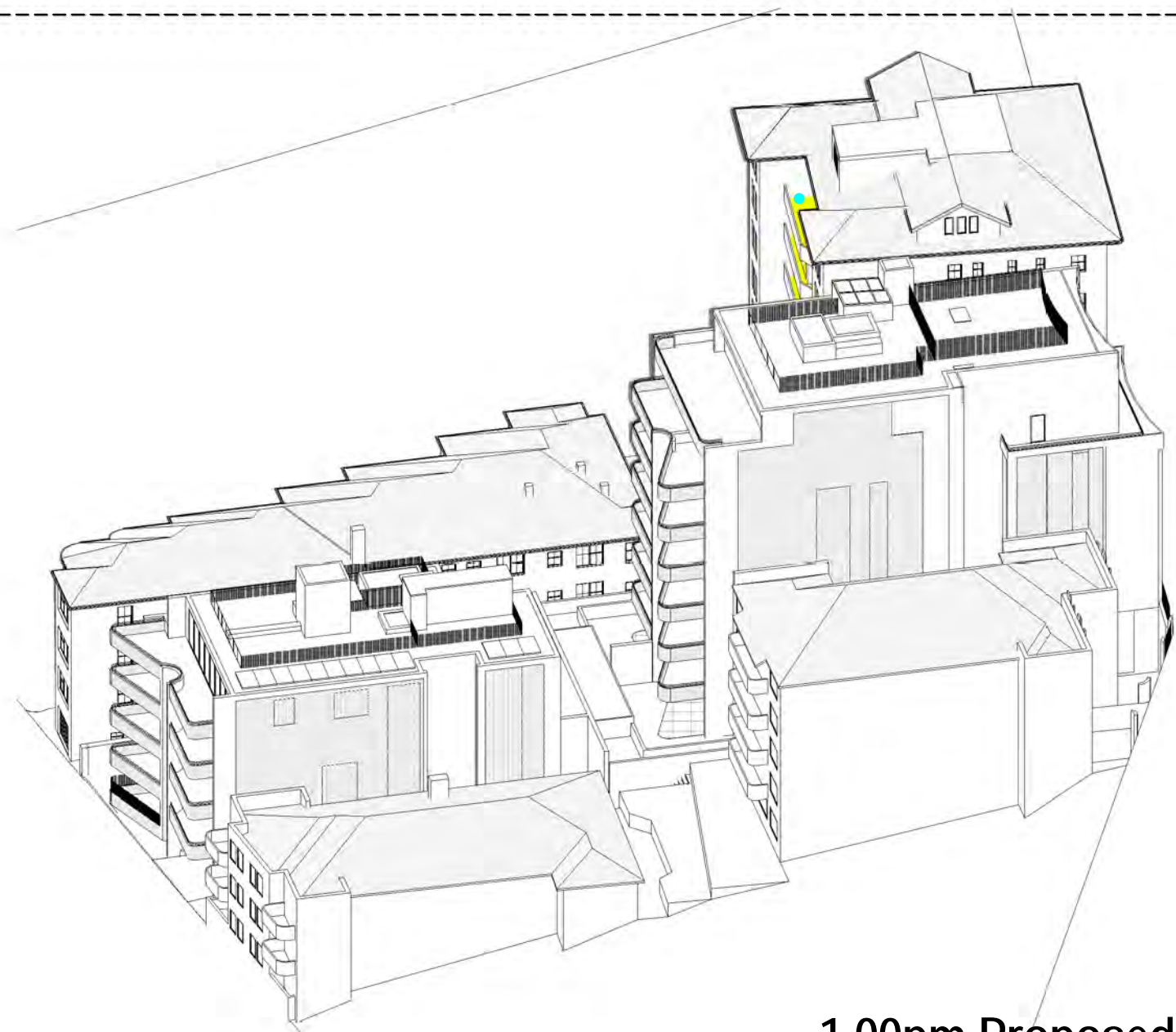
12.15pm Proposed



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				

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

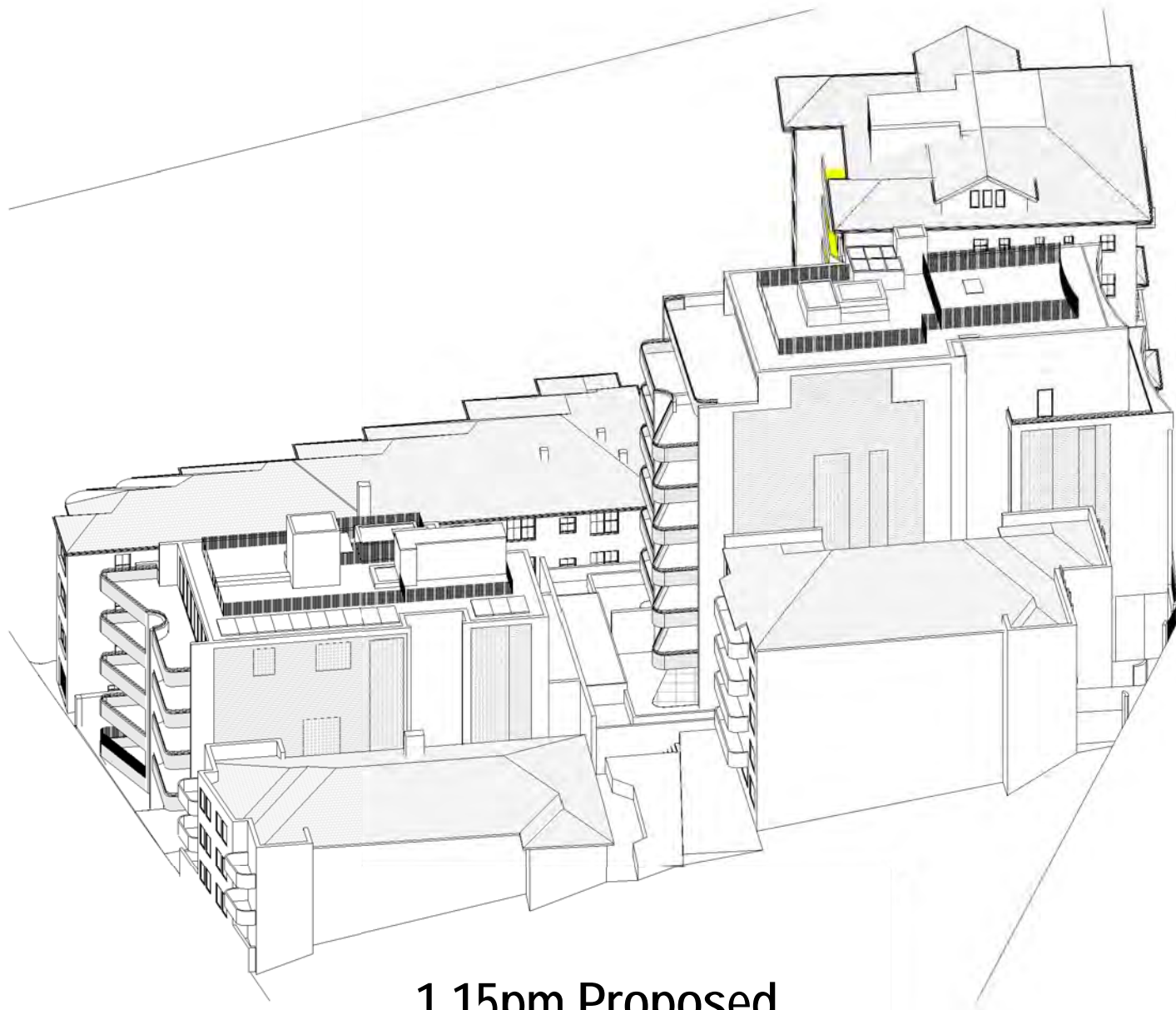
Drawing title:  
Sun Eye Views June 21st  
11.00am-1.00pm Proposed

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

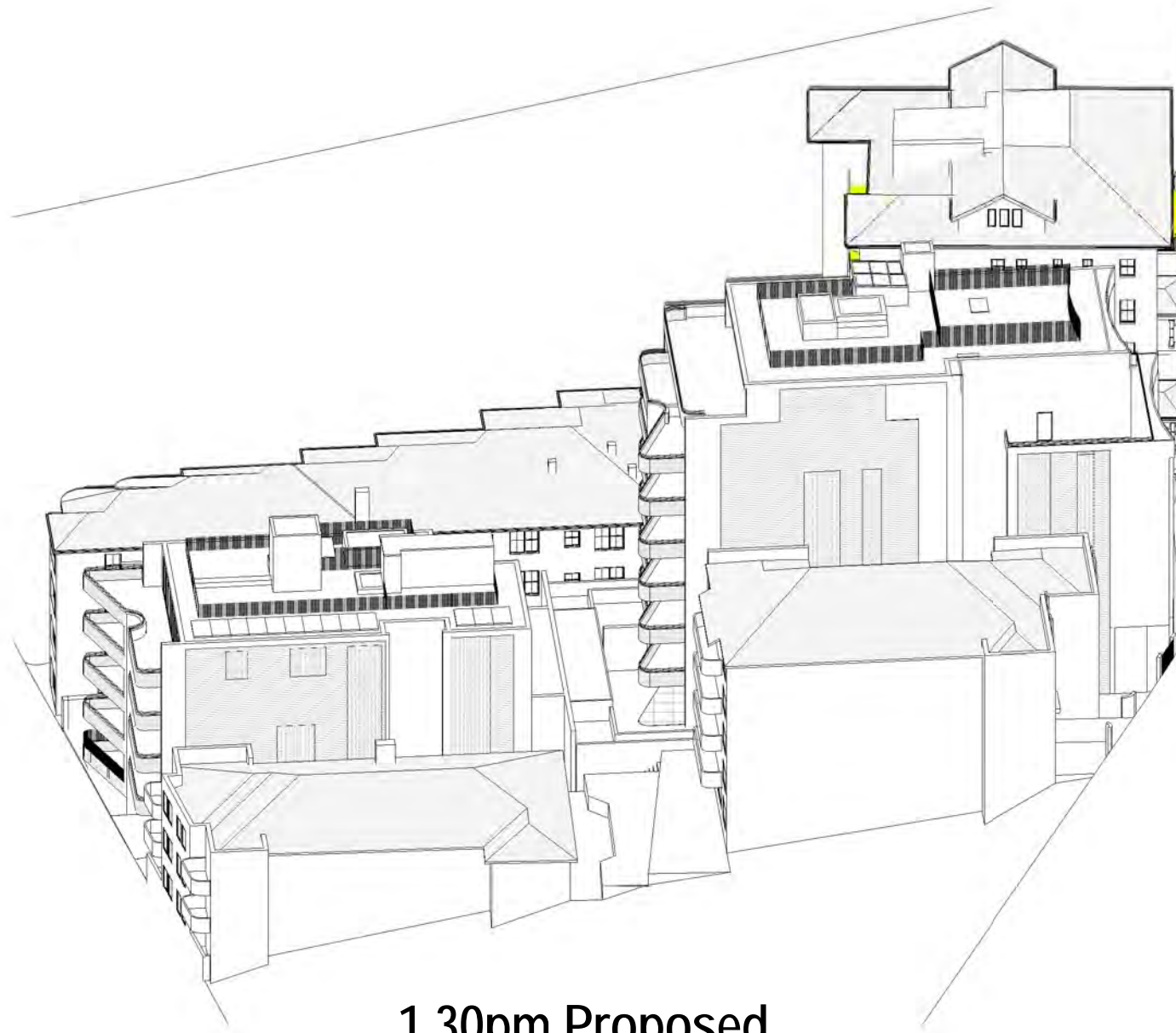
KITCHEN WINDOW REVIEW

Project number 23-130 A104

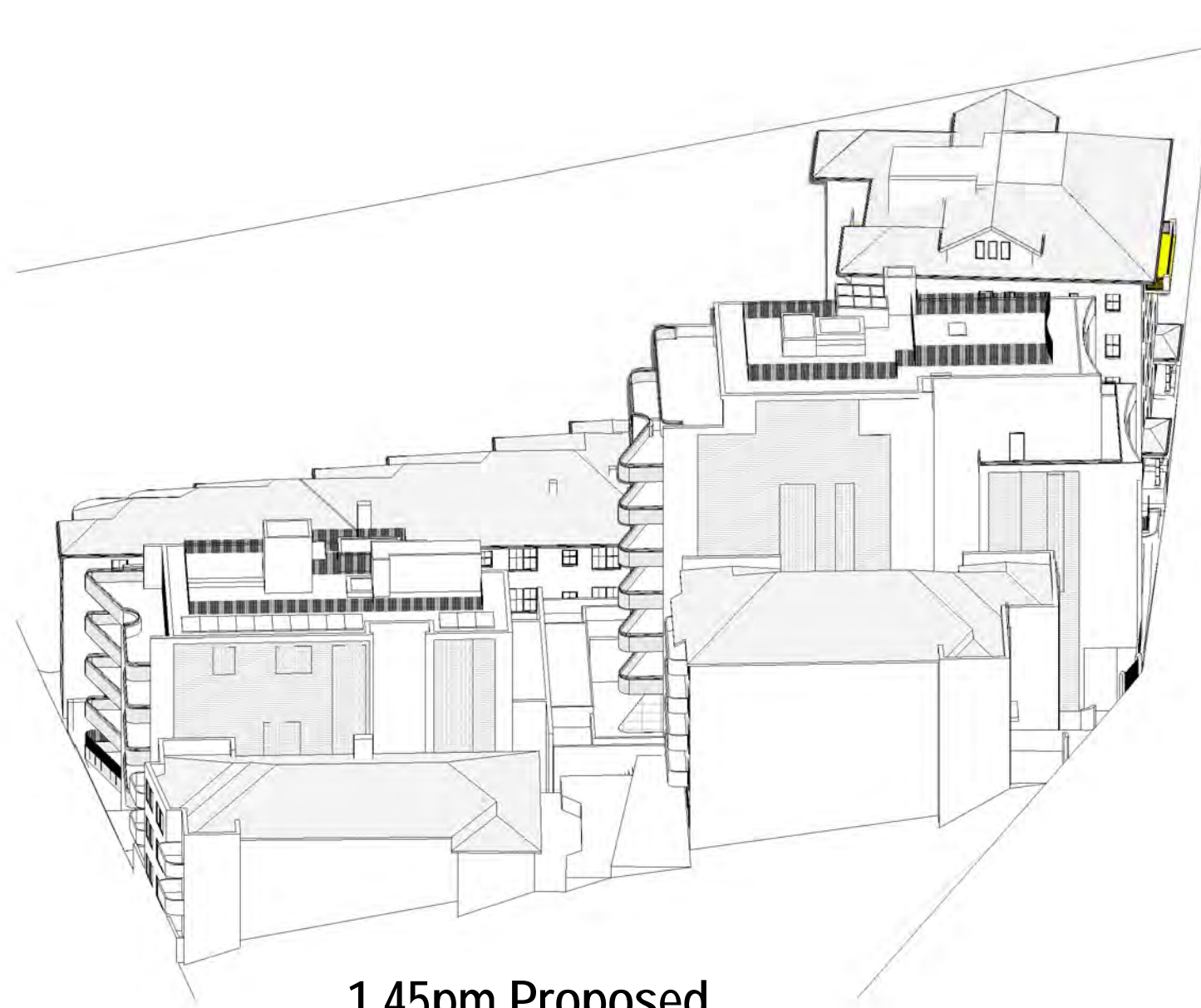




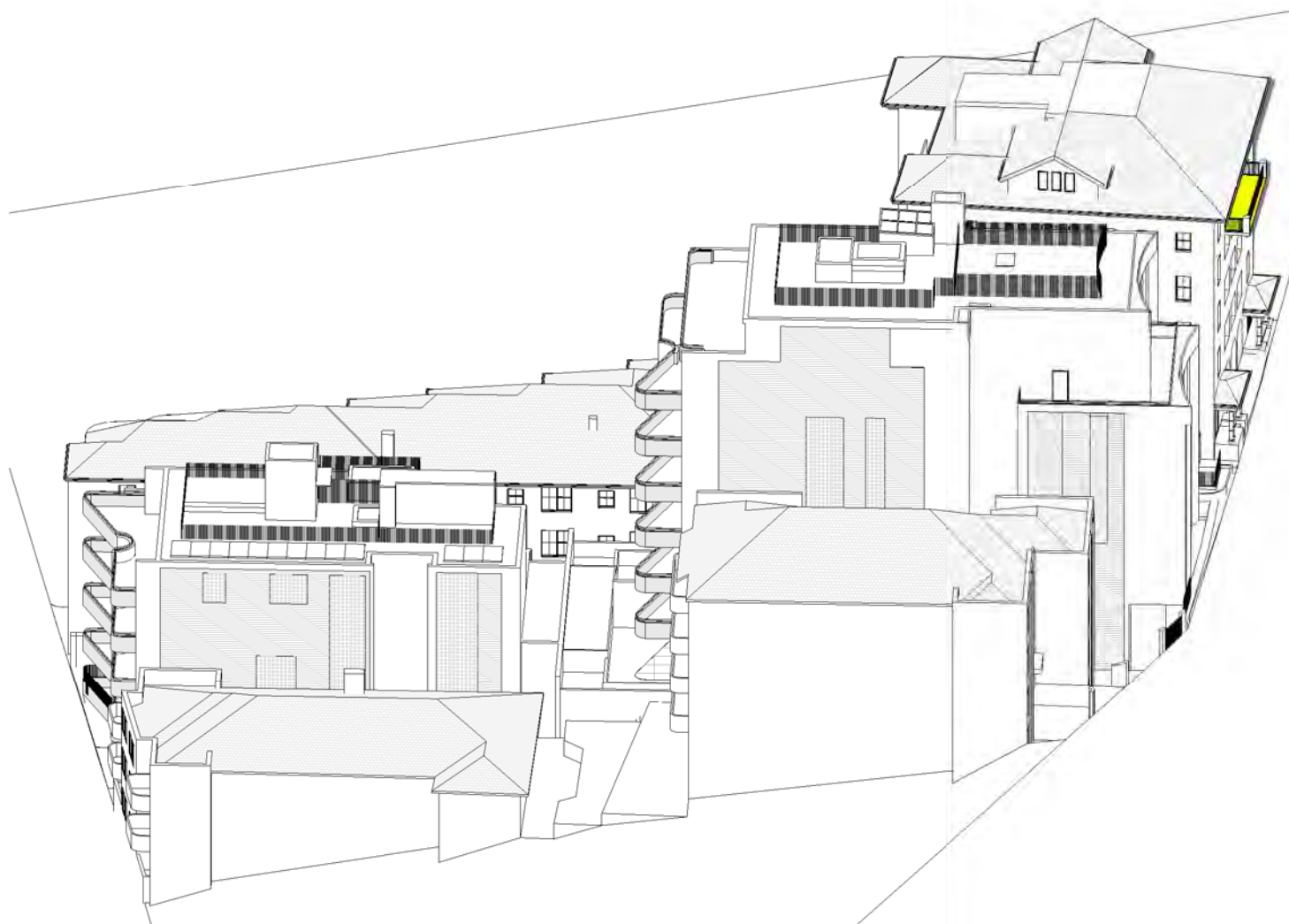
1.15pm Proposed



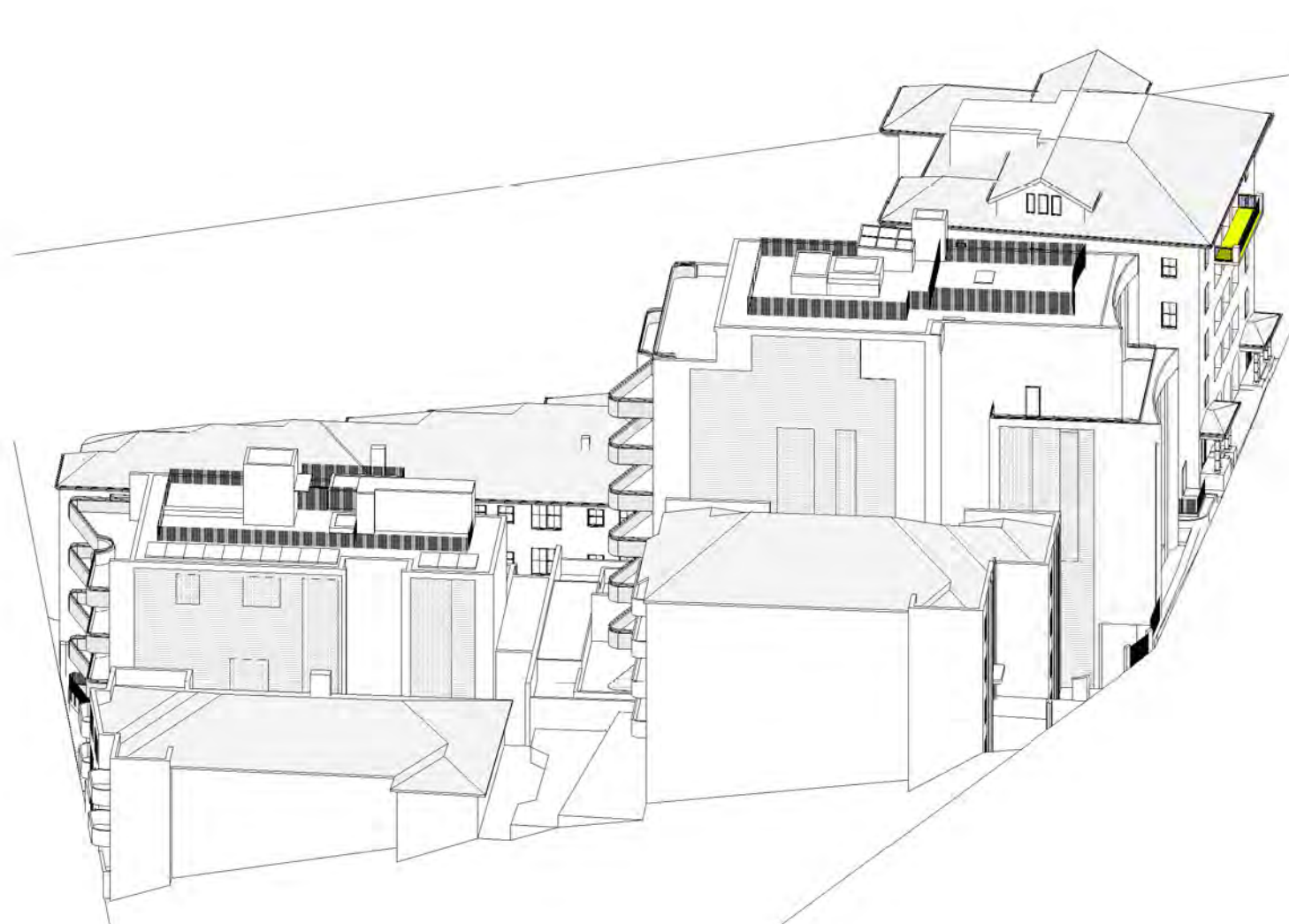
1.30pm Proposed



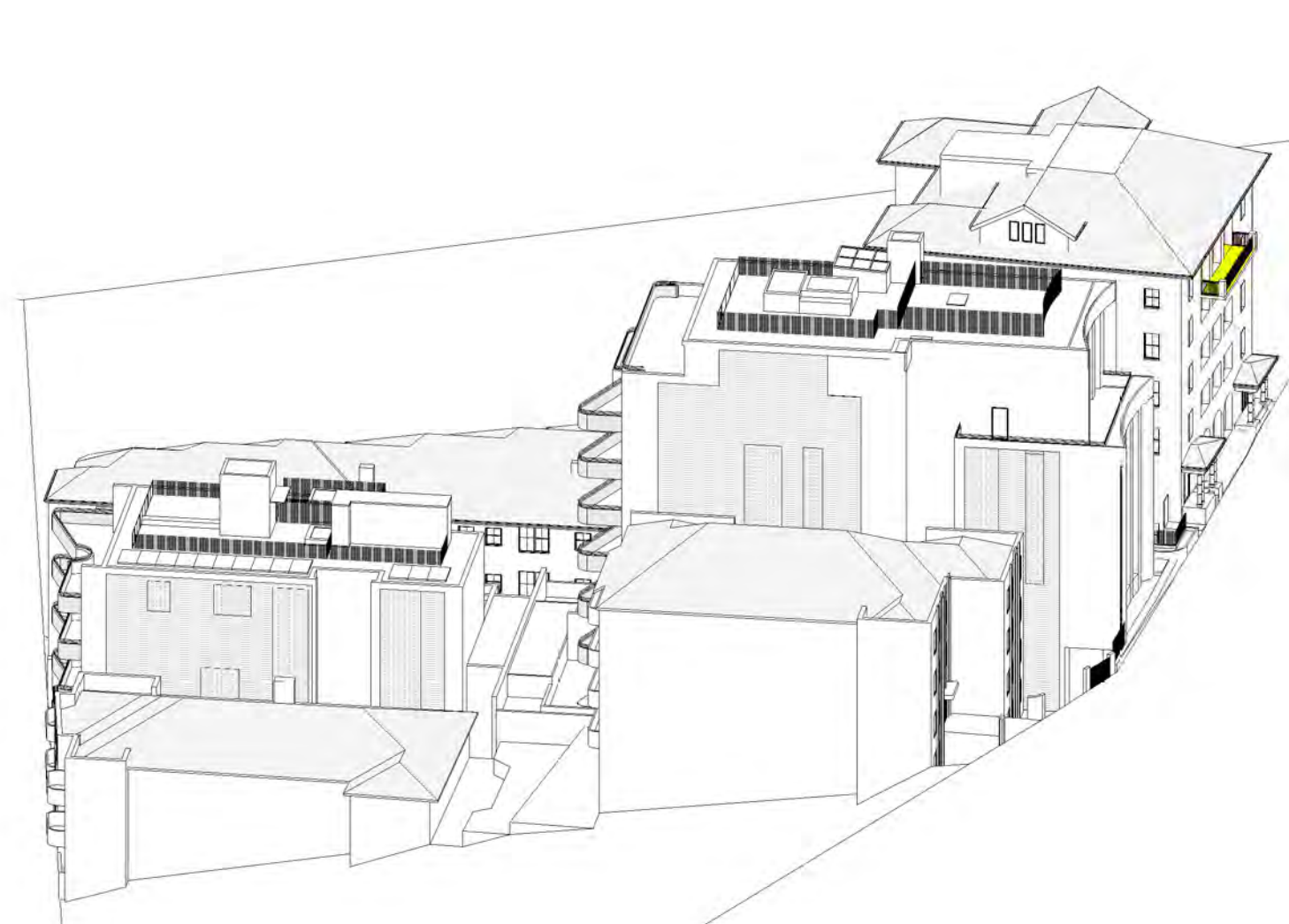
1.45pm Proposed



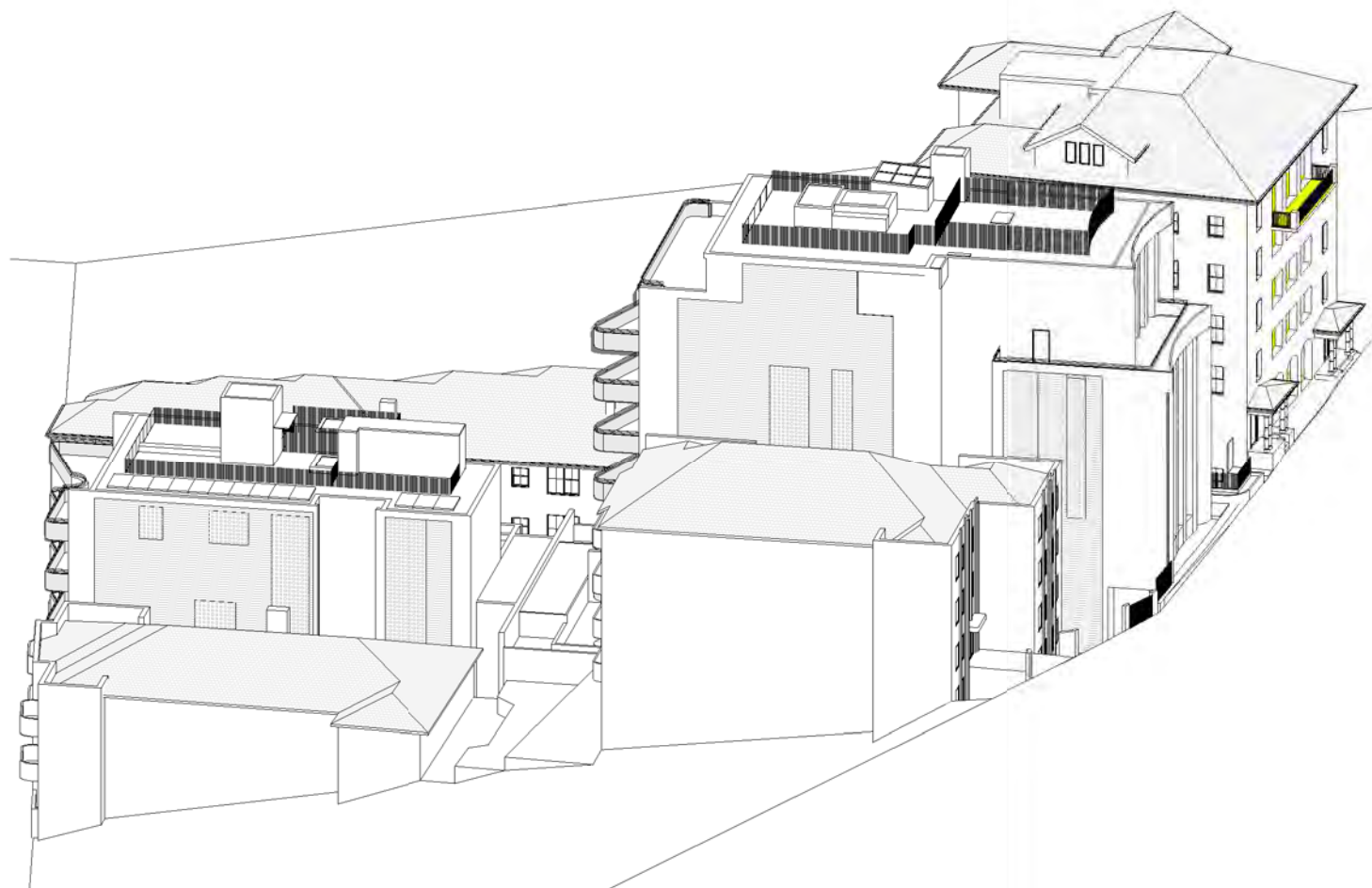
2.00pm Proposed



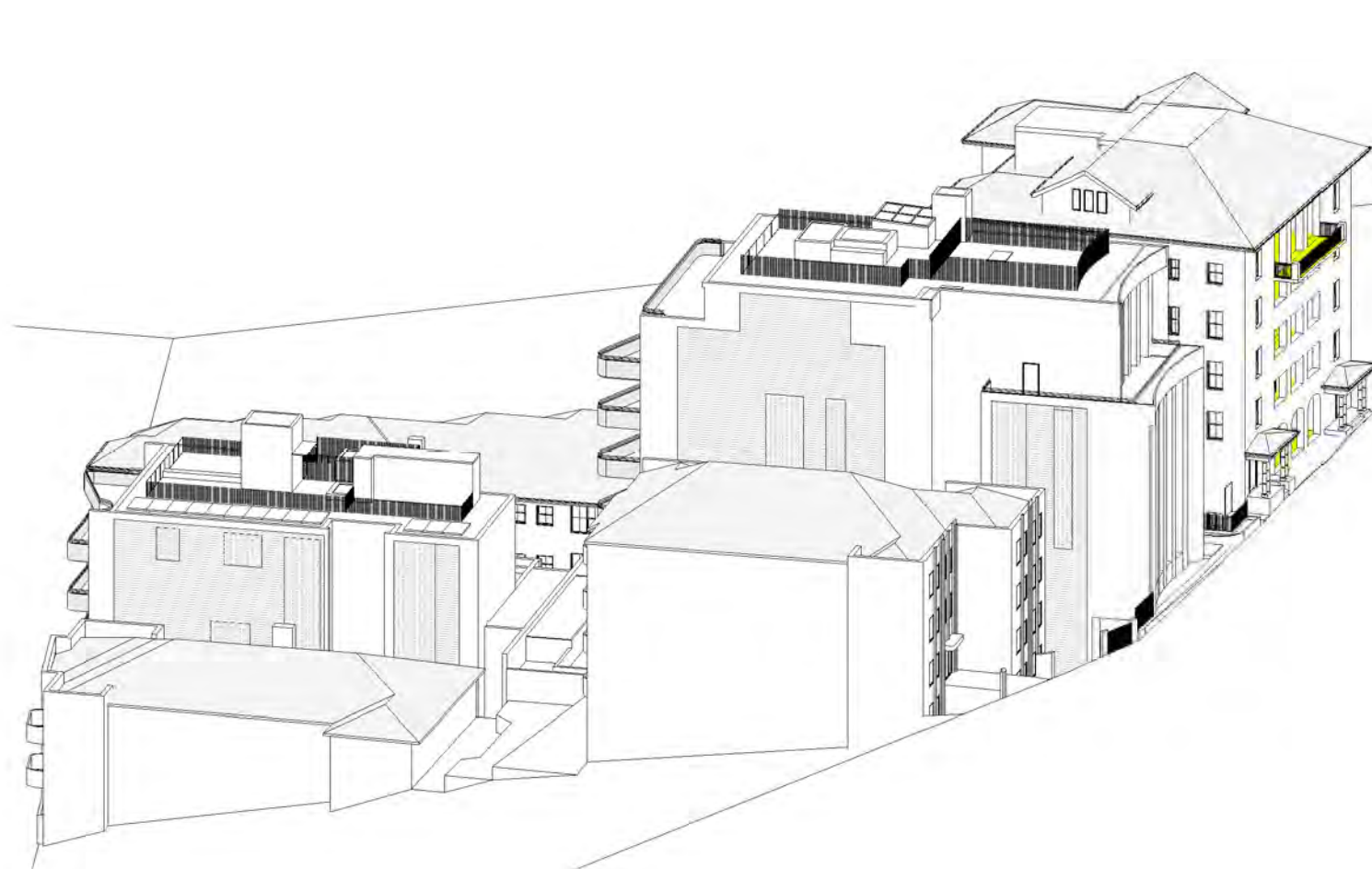
2.15pm Proposed



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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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

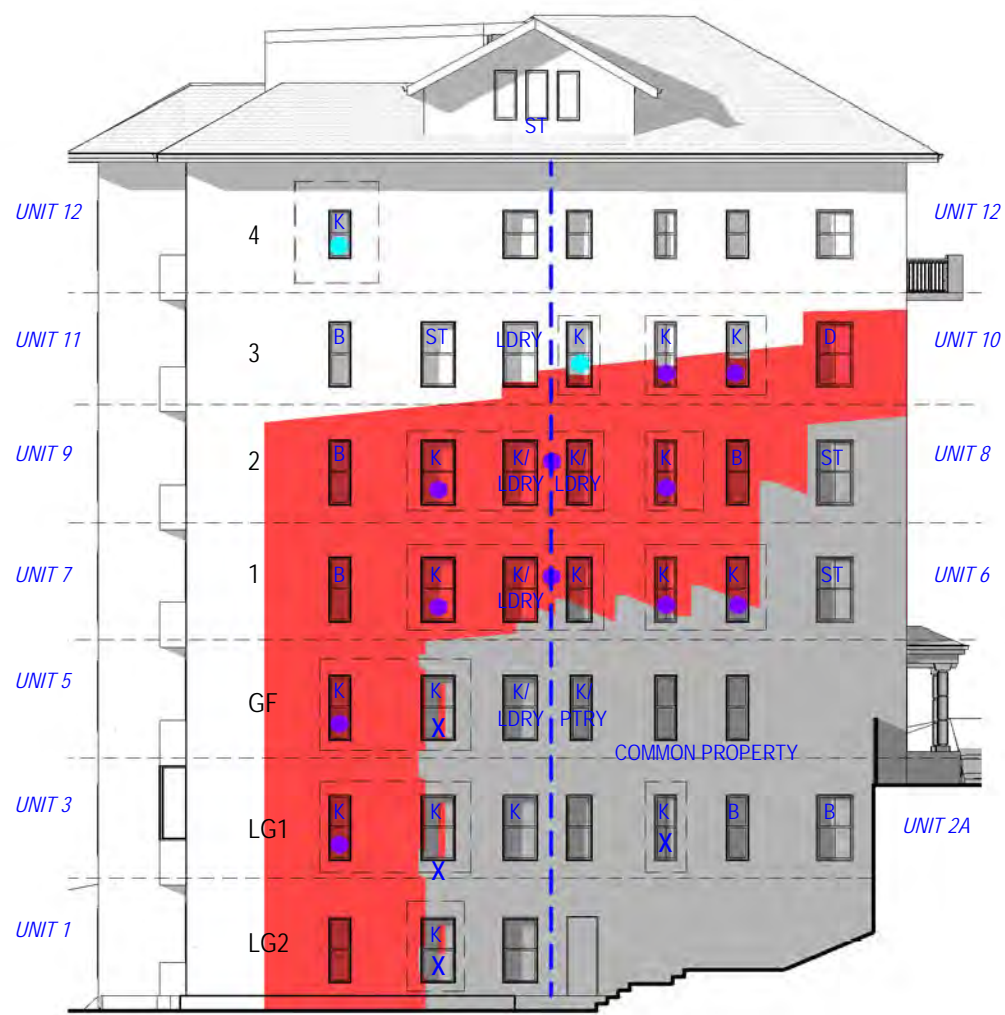
KITCHEN WINDOW REVIEW

Project number 23-130 A105





NO 12 Northern Elevation 9.00am  
1 : 200



NO 12 Northern Elevation 9.15am  
1 : 200



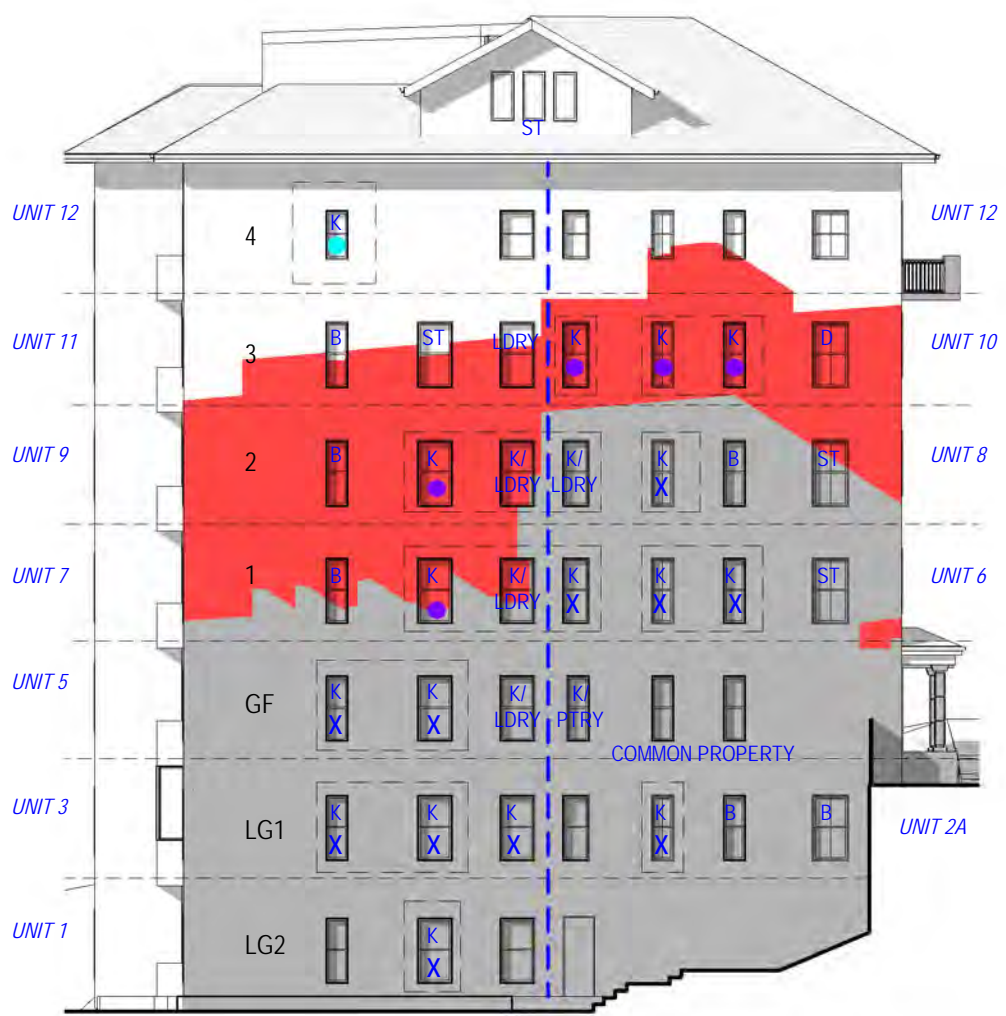
NO 12 Northern Elevation 9.30am  
1 : 200



NO 12 Northern Elevation 9.45am  
1 : 200



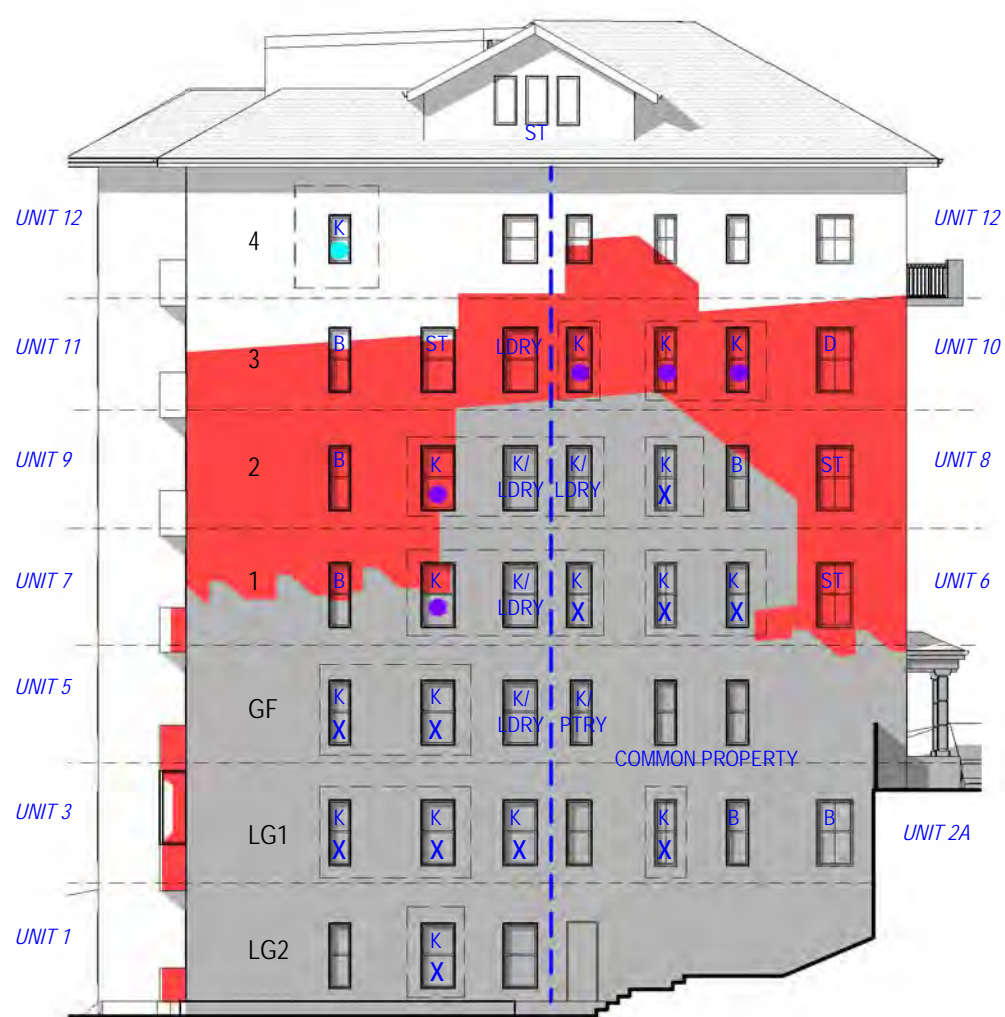
NO 12 Northern Elevation 10.00am  
1 : 200



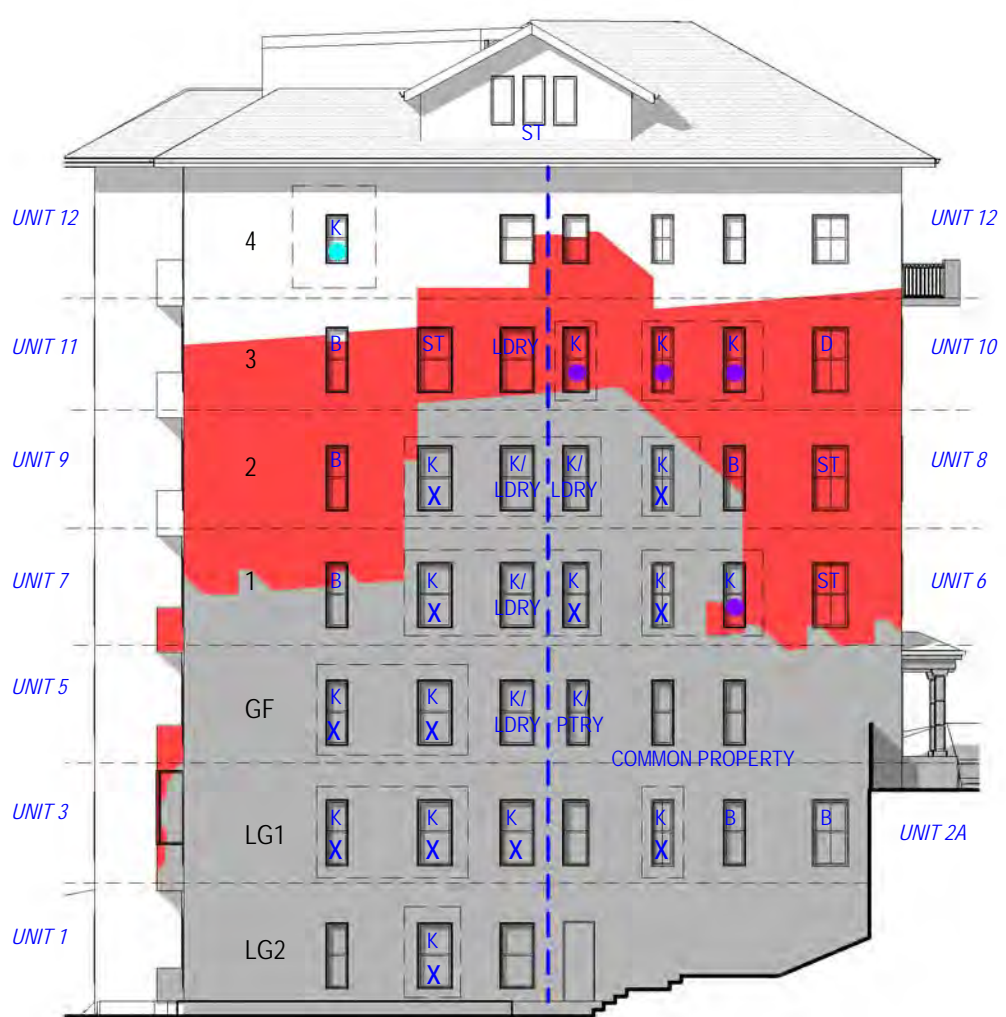
NO 12 Northern Elevation 10.15am  
1 : 200



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:

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:

	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 12 K									

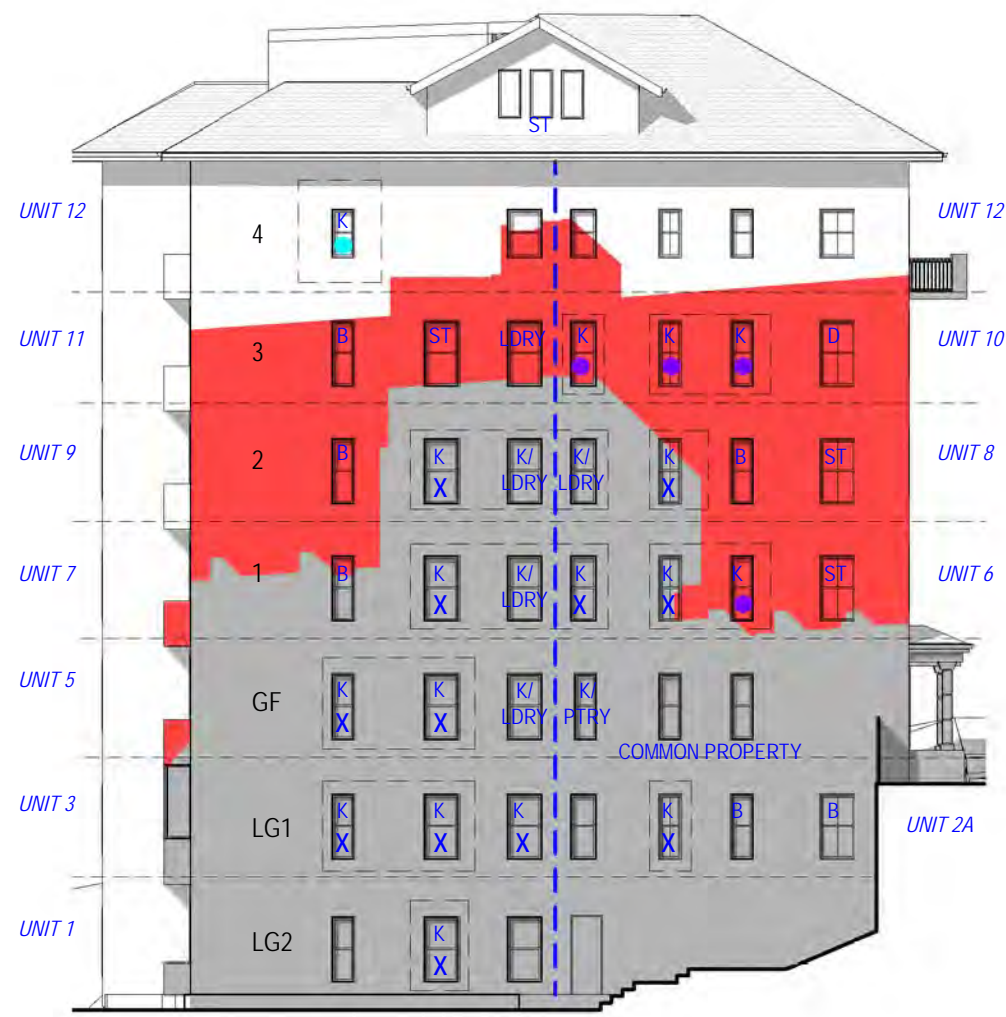
TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

	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





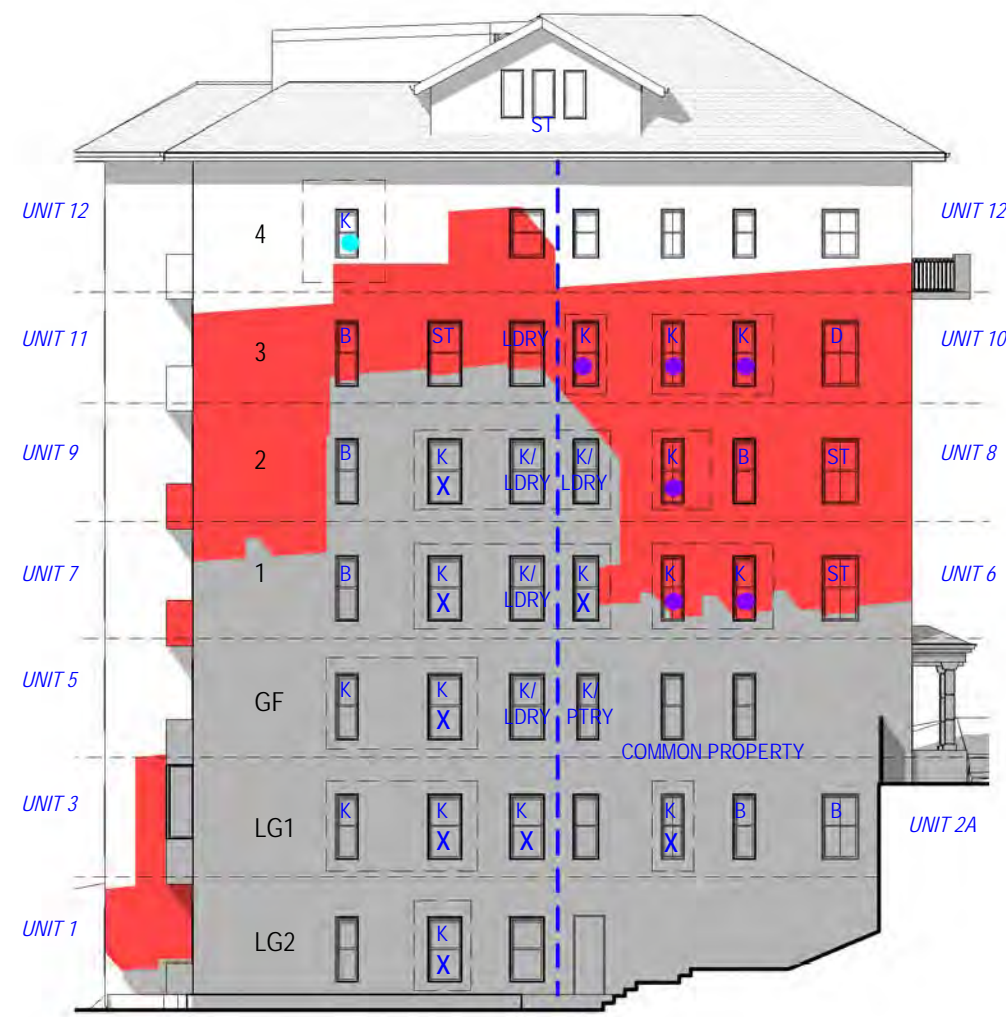
NO 12 Northern Elevation 11.15am

1 : 200



NO 12 Northern Elevation 11.30am

1 : 200



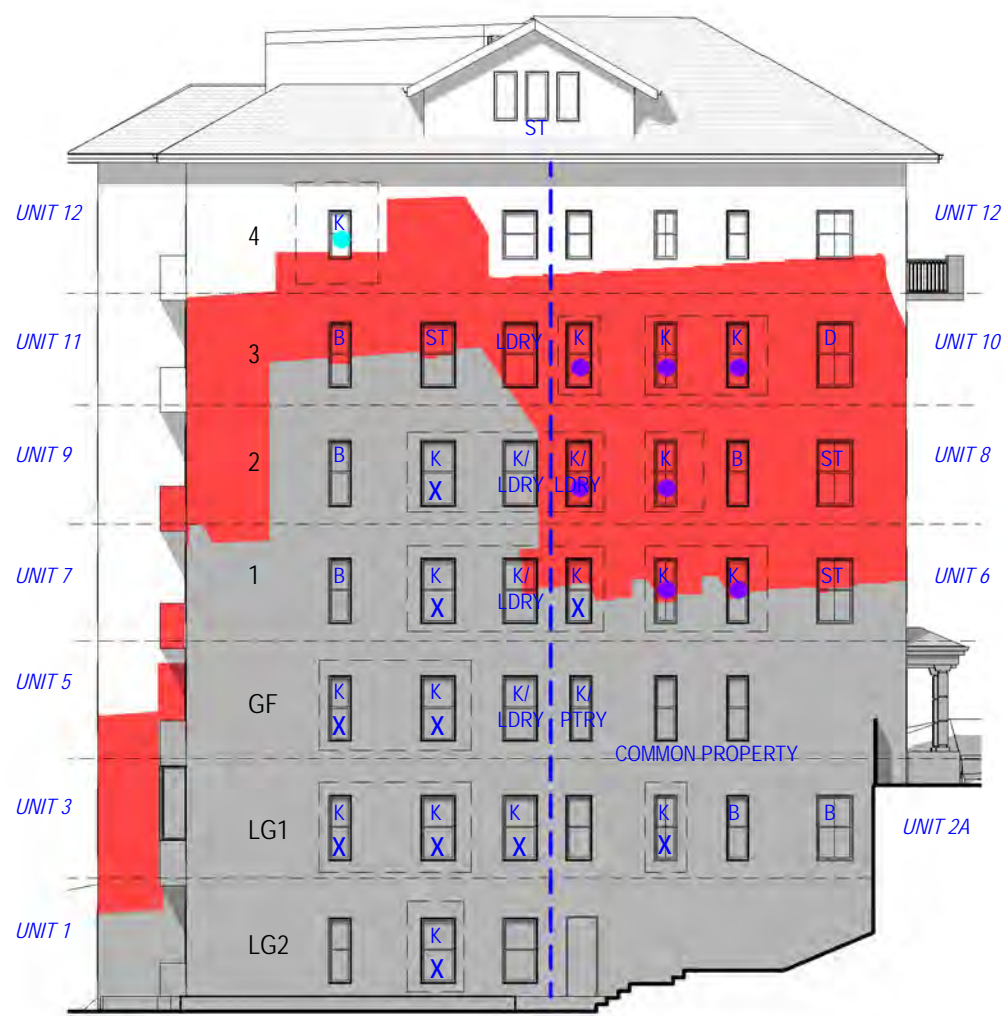
NO 12 Northern Elevation 11.45am

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





NO 12 Northern Elevation 1.30pm  
1 : 200



NO 12 Northern Elevation 1.45pm  
1 : 200



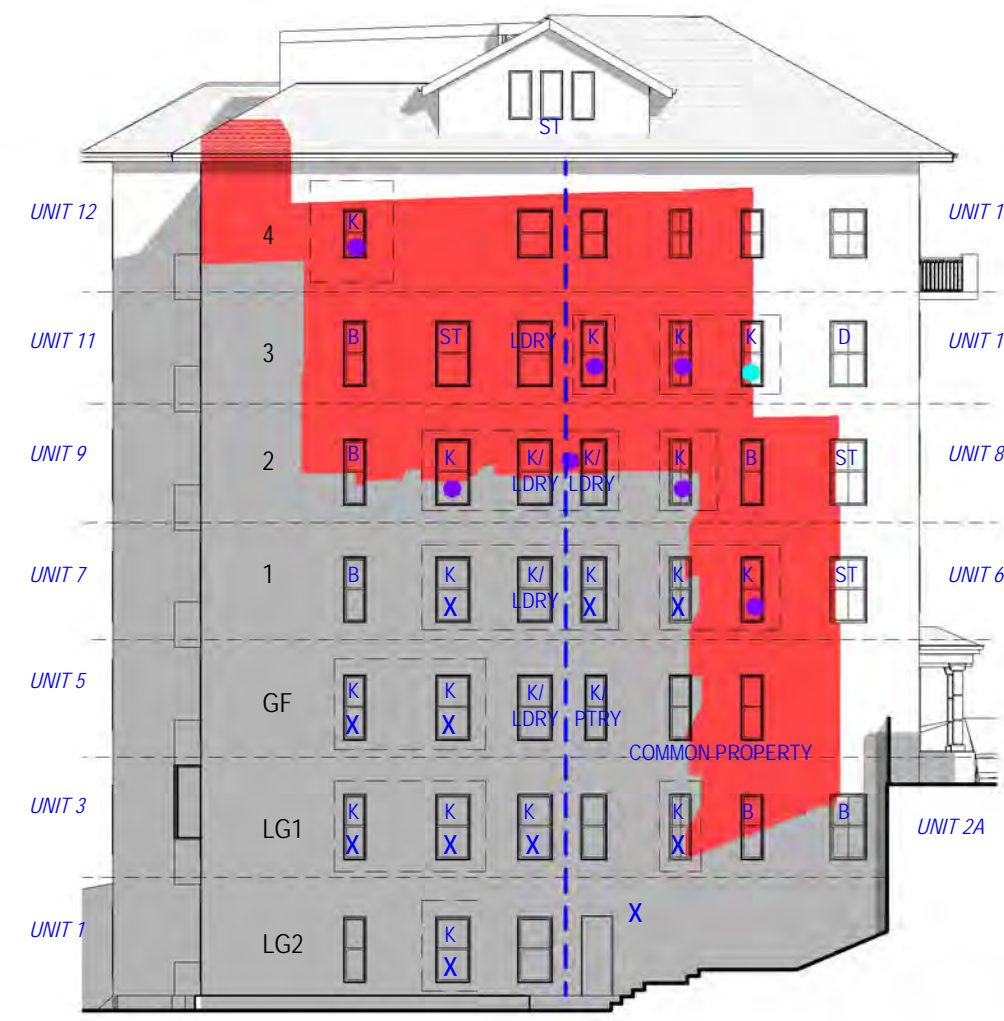
NO 12 Northern Elevation 2.00pm  
1 : 200



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

## SHADOW ANALYSIS REVIEW

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Use figured dimensions in preference to scaling of drawings, notify architect of any discrepancies prior to commencement of work.

## Cad Draft P/L

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SUITE 1, 505 BALMAIN ROAD,  
LILYFIELD, NSW  
P.O BOX 446 GLADESVILLE 2111

MOBILE: 0410 699919  
info@cadraftnsw.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  
1.30pm-3.00pm

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

## KITCHEN WINDOW REVIEW

Project number 23-130 A108





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:

	9.00AM - 3.00PM
UNIT 12 K	EXISTING: 3.5 HOURS PROPOSED: 3.5 HOURS ACCESS LOST: 0 % LOST: 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 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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Use figured dimensions in preference to scaling of drawings, notify architect of any discrepancies prior to commencement of work.

Cad Draft P/L

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

MOBILE: 0410 699919  
info@cadrafftnsw.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  
11.15am-1.15pm

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

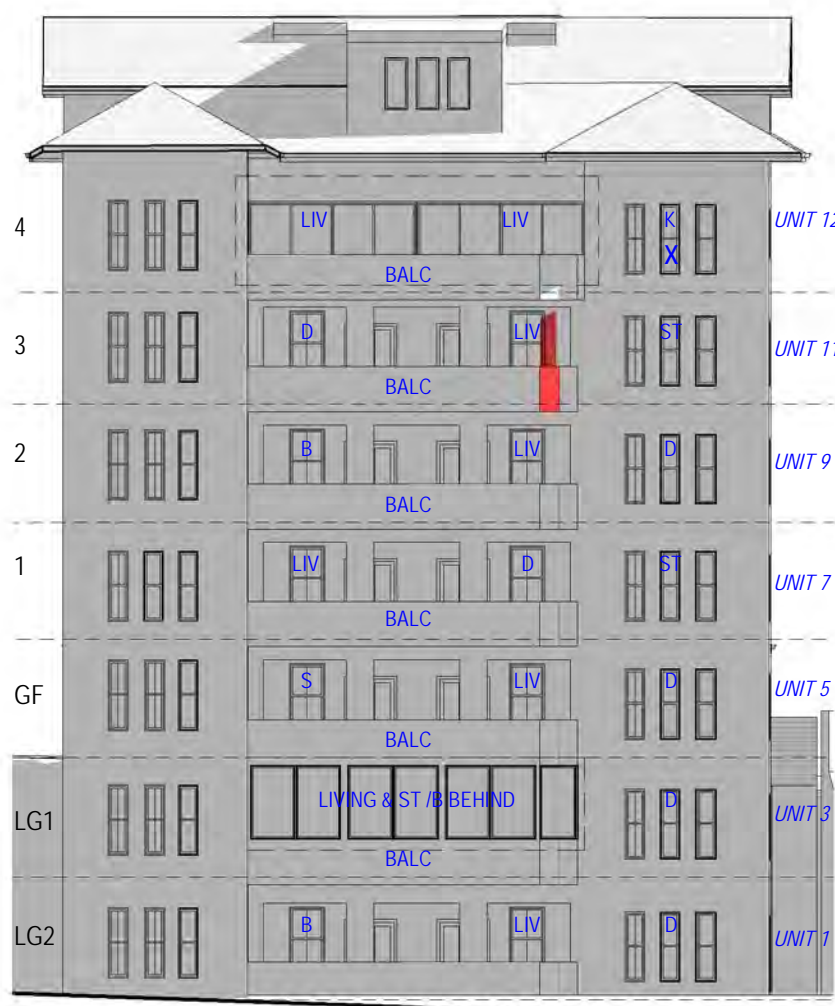
KITCHEN WINDOW REVIEW

Project number 23-130 A110





NO 12 Eastern Elevation 1.30pm  
1 : 200



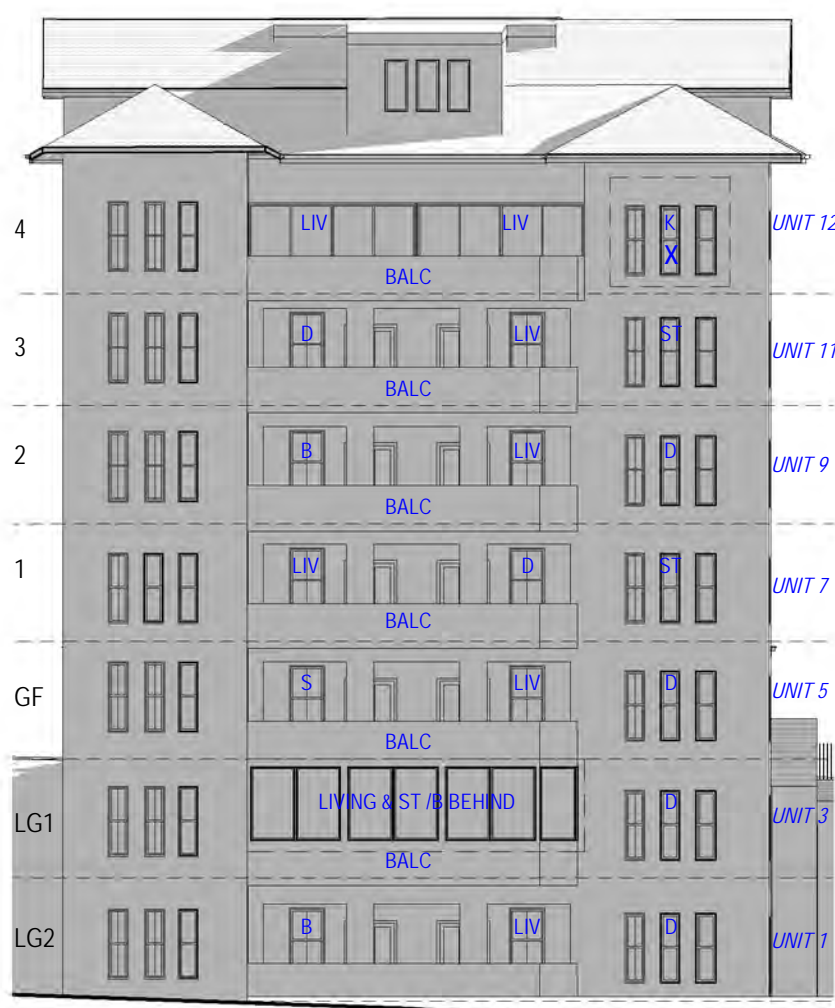
NO 12 Eastern Elevation 1.45pm  
1 : 200



NO 12 Eastern Elevation 2.00pm  
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:

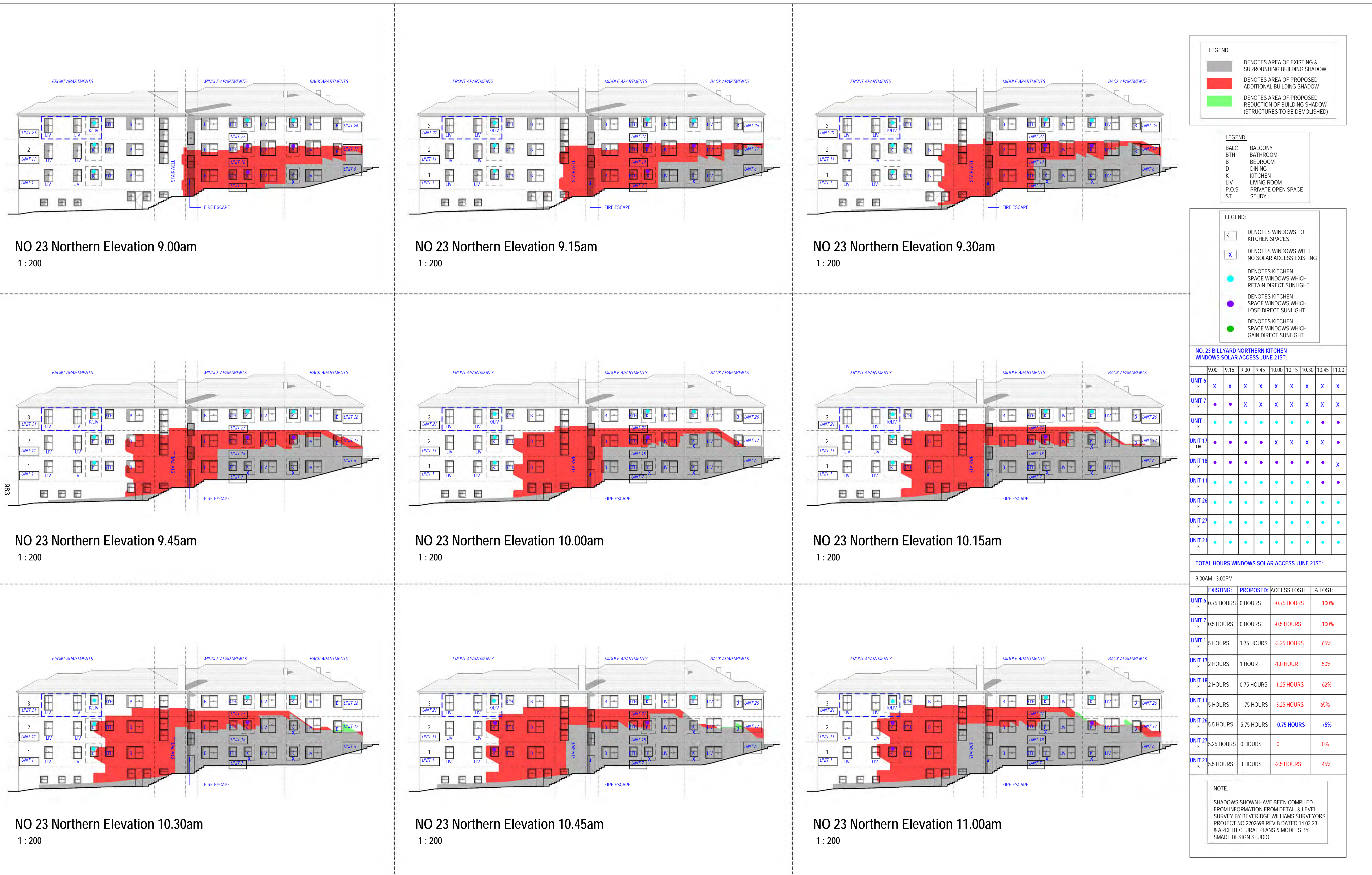
- K DENOTES WINDOWS TO KITCHEN SPACES
- X DENOTES WINDOWS WITH NO SOLAR ACCESS EXISTING
- DENOTES KITCHEN SPACE WINDOWS WHICH RETAIN DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH LOSE DIRECT SUNLIGHT
- DENOTES KITCHEN SPACE WINDOWS WHICH GAIN DIRECT SUNLIGHT

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 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 &amp; LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV.B DATED 14.03.23 &amp; ARCHITECTURAL PLANS &amp; MODELS BY SMART DESIGN STUDIO</div>									





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:

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



**From:** [REDACTED]  
**Sent on:** Wednesday, September 20, 2023 3:32:38 PM  
**To:** DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>  
**CC:** [REDACTED]  
**Subject:** Submission - D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds  
**Attachments:** DA2023727. - 21C Billyard Avenue Submission pdf.pdf (14.93 MB)

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Dear David,

On behalf of the strata committee for 8 Onslow Avenue, please find attached our response to the Development application D/2023/727 for 21C Billyard Avenue, Elizabeth Bay 2011.

We appreciate your consideration of our response and look forward to the council's response.

Best,

Jen Davie  
[REDACTED]  
[REDACTED]

City of Sydney  
GPO Box 1591  
Sydney NSW 2000

Attention: David Reynolds

Dear David,

**RE: Submission to DA/2023/727**

Proposed Residential Flat Building Development at No. 21C Billyard Avenue,  
Elizabeth Bay

Thank you for the opportunity to provide a response to this development application (DA) for the demolition of two existing buildings and construction of two new residential flat buildings at 21C Billyard Avenue, Elizabeth Bay. On behalf of Strata Plan 12818 and the residents of 8 Onslow Avenue, Elizabeth Bay we would like to express our strong objection to the currently proposed plans for the site. Whilst we do not oppose new development along the street in general, we believe this particular proposal represents a gross overdevelopment of the site which is not in keeping with the heritage characteristic of the area. There are also concerning inaccuracies in the applicant's documentation that may mean there is insufficient information for an informed decision. The chief objections from our perspective are as follows:

- Inaccurate height calculation;
- Inadequate notification;
- Inconsistency with SEPP No 65 – Design Quality of Residential Apartment Developments;
- Building bulk breaches;
- Unregulated rooftop terrace;
- View loss; and
- Heritage.

## **1. Inaccurate Height Calculation**

The DA documentation relies on inaccurate and misleading calculations of the maximum building height. The height calculation shown on the architectural plans and subsequently relied upon in the Statement of Environmental Effects (SEE) and Clause 4.6 Variation has inaccurately interpreted the 'ground level (existing)', as defined in the Sydney Local Environmental Plan (SLEP). As a result, the Clause 4.6 Variation has failed to assess the actual extent of the non-compliance and Council cannot be satisfied that Clause 4.6(4)(a)(i) of the SLEP has been addressed.

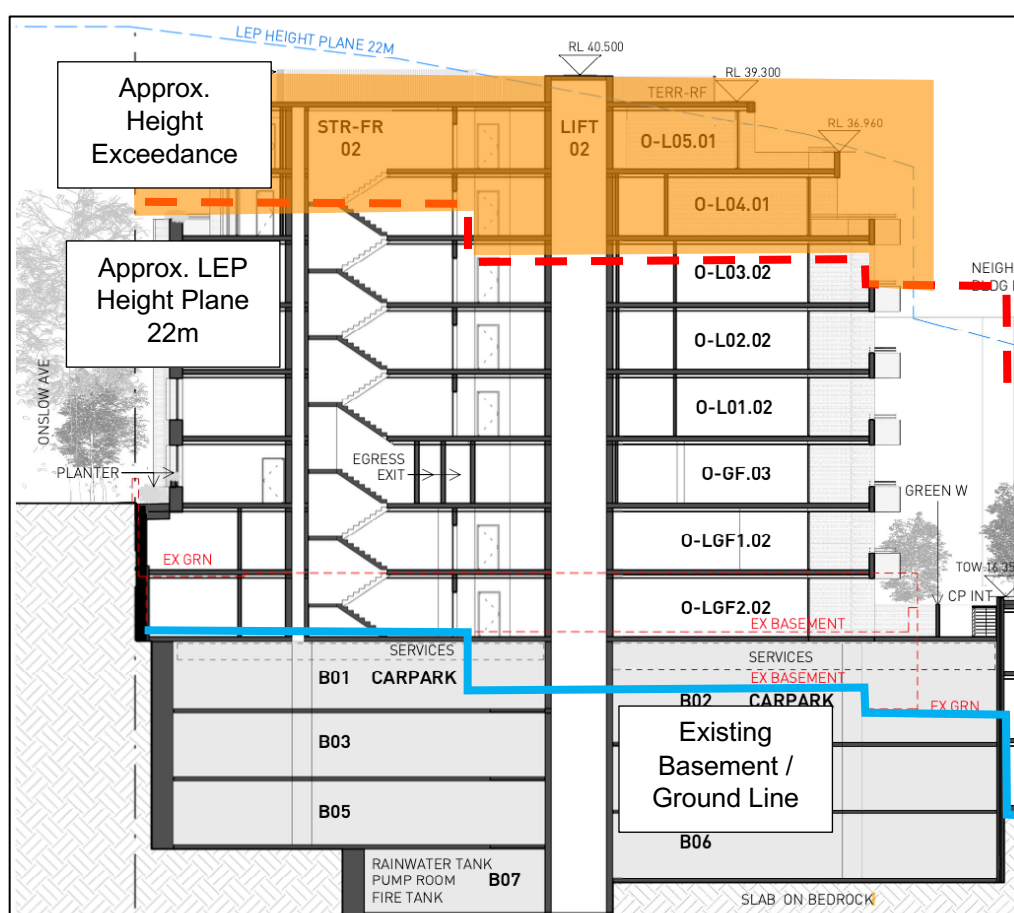
On Page 5 of the Clause 4.6 Variation, the planners for the applicant explain in a footnote that they have relied upon the Court authority in *Bettar v Council of City of Sydney* [2014] NSWLEC 1070 at [39]-[41] (*Bettar*) to calculate the existing ground level. *Bettar* related to a specific scenario where the site was entirely excavated. In this situation, the Court allowed spot heights on the boundaries to be interpolated to create an assumed 'natural' ground level. Since this case, it has been standard



The most recent interpretation of the law, also by Commissioner O'Neill, concerns facts much closer to the proposed development. In *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC 1582 (*Merman*). (Since followed in *Cadele Investments Pty Ltd v Randwick City Council* [2021] NSWLEC 1484). O'Neill C states at [73]:

*The 'ground level (existing)' within the footprint of the existing building is the existing excavated ground level on the site.*

Accordingly, the underside of the slab of the existing basement at 10 Onslow Avenue should be taken at the existing ground level, reflecting the ordinary and natural use of the word 'existing'. The LEP Height Plane line should then be reflected directly above the configuration of the existing basement line direct below (see **Figure 1**). Had the applicant used this method for height calculation it is likely that the height breach would be much more significant than currently shown. Whilst we are unable to provide our own exact calculation, it would appear to result in a breach of at least one storey.



**Figure 1: Maximum Building Height Under *Bettar***

The Clause 4.6 written request has assessed the wrong extent of the breach and therefore has not conclusively demonstrated the various tests in the clause. Given the extent of the breach is likely much more significant than currently assessed against,

the environmental impacts of the breach should be reassessed. Where the non-compliance results in direct impacts such as overshadowing and view loss, as appears to be the case here, the application should be refused.

Such a significant height breach would be unreasonable in the context of the streetscape and would undermine the integrity of the height development standard in the SLEP. These building heights standards reflect Council's strategic planning and community expectations of development. In other words, it reflects the desired future character. It is also unclear where the delegation authority would rest with such a significant numerical breach. Would Council please confirm if the extent of exceedance can be approved under delegation, the CEO or Local Planning Panel?

Notwithstanding the lack of adequate assessment of the height breach, removing the 'exceeding' height would also retain the prevailing height transition along the streetscape (see **Figure 2**).



**Figure 2: Height Transition from Streetscape**



Currently, the tapering in height between 12 Onslow Ave and 8 Onslow Ave provides a gradual transition between the building heights. Under the proposed design this transition is removed creating a visual inconsistency and resulting in additional bulk and scale along the street. This is also exacerbated by the proposals zero front setback from the street.

There is no right or expectation to achieve the maximum development standards on a site, they represent the maximum that is permitted if no other impacts are present. This is not the case with the proposed development which is relying on a breach of height to justify other building envelope breaches, such as setback / building separation controls. This results in compounding impacts that stem from the original non-compliance.

Accordingly, we recommend Council enforces a more rigorous assessment in accordance with the current approach under *Merman*. It is likely that this assessment would find the maximum building height far exceeding the standards under the SLEP and would result in direct impacts as well as be incompatible with the streetscape.

## 2. Inadequate Notification

DAs are required to be notified under the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the *Environmental Planning and Assessment Regulation 2021 (Regulations)*. Further, Appendix C of the City of Sydney Community Participation Plan (CPP) outlines the requirements for land use planning notification. Under Section 58 of the *Regulations*, a notice for the DA must be displayed on a signpost or board. Further, the CPP requires the following for site notices:

*Site notices as required by this plan will be placed on the main frontage(s)... in a position where it will be able to be read from a public place.*

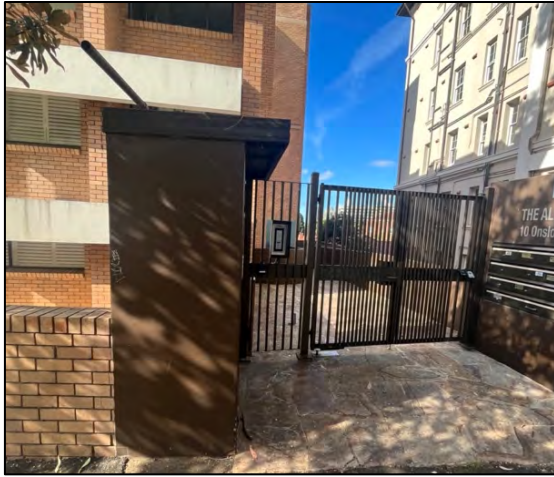
As a new residential flat building comprising three or more storeys, the proposal is required by the CPP to be notified for 21 days. Concerningly, a notification was originally along only one of the two site frontages, instead of both frontages to Onslow Avenue and Billyard Avenue<sup>1</sup> (see **Figure 3** on the following page).

Exacerbating the issue, the two buildings on the site have two different street addresses. It is possible those who were unaware of this fact may mistake the notification sign to only apply to 21C Billyard and not 10 Onslow as well. It is therefore a reasonable expectation that notification be provided along both frontages for the required amount of time. It is also noted that Council's CPP has a direct reference to 'frontage(s)', the use of a plural would explicitly imply that where two street frontages are present there should be notification on both.

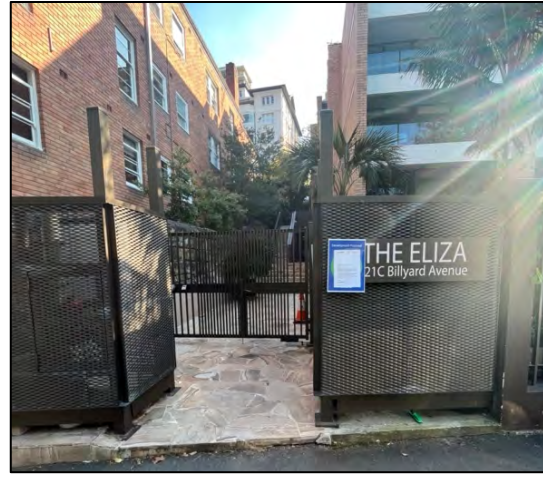
The lack of adequate notification reduces community consultation and is in direct contention with the intent of Council's CPP. It may also form a jurisdictional prerequisite. Accordingly, it is requested that the application be renotified in accordance with the requirements under the *EP&A Act*, *Regulations* and CPP.

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<sup>1</sup> It is noted that the applicant has since erected a notification sign on the Onslow Avenue frontage some time since 7 September 2023. However, it is requested that the application be renotified to reflect the difference.



Onslow Avenue (Photo Taken August 26, 2023)



Billyard Avenue (Photo Taken August 26, 2023)

**Figure 3:** Disparity in Notification Signs

### 3. Consideration of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

As the proposed development is greater than three storeys and contains more than four self-contained dwellings, State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) applies. Under the Objects of the Act, the SEPP aims to improve the design quality of residential apartment developments in recognition of the environmental, social and economic impacts that these developments cause. Under the SEPP, the consent authority is to consider:

- (a) the advice (if any) obtained from the design review panel, and
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide (ADG).

Given the intention of the Act is to mitigate the impacts this type of development causes, there is a reasonable public expectation of compliance as SEPP 65 co-opts the ADG. Our primary concern regarding the lack of adherence to the ADG is the non-compliant building separation. Objective 3F-1 of the ADG requires adequate building separation between neighbouring sites. The criteria for buildings up to 25m (5-8 storeys) is 9m for habitable rooms and 4.5m for non-habitable rooms (see **Figure 4**).

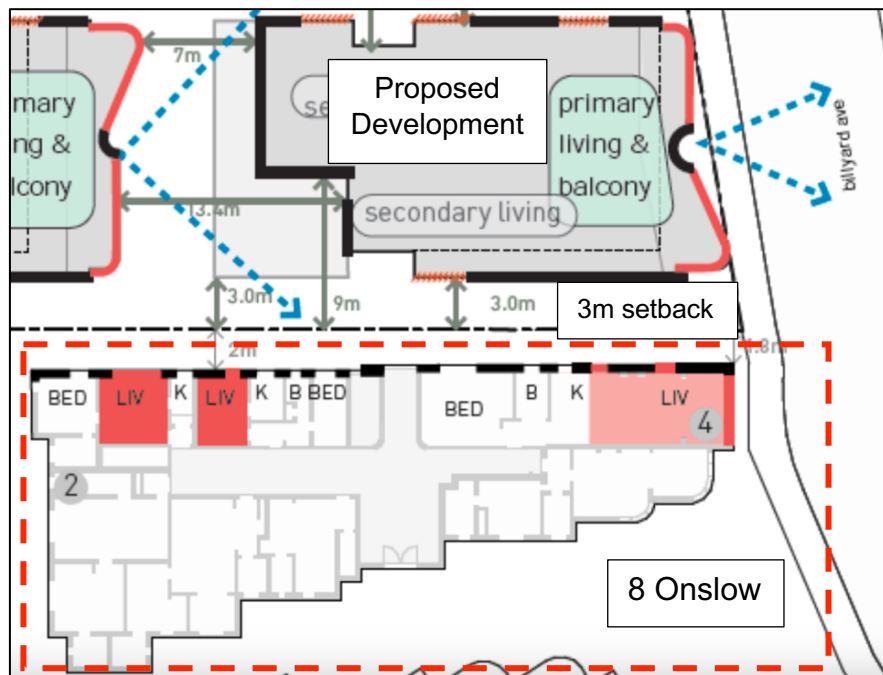
Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Source: Apartment Design Guide

**Figure 4:** Minimum Side Setback Requirement



With the proposal having a purported maximum building height of 24.13m and maximum of eight storeys (Onslow Avenue side) the proposed minimum side setback of 3m to 8 Onslow Avenue is in breach of the ADG requirements and will result in additional privacy, acoustic and solar loss impacts. It is noted that Council raised this non-compliance with the applicant at a Pre-DA meeting. Instead of addressing Council's concerns, the applicant has seemingly arbitrarily used the 3m non-habitable setback criteria as a 'base to work from'. Whilst it is unclear why the incorrect setback has been selected, it is also misleading as the building faces several habitable rooms in 8 Onslow, as shown in **Figure 5**. The rooms include bedrooms, living rooms and dining rooms which have been incorrectly identified on the submitted drawings.



**Figure 5: Proposed Side Setback (Habitable Rooms)**

It also appears the applicant has misinterpreted the definition of a 'habitable' room in Figure 11 in the SEE. The Building Code of Australia (BCA) defines a habitable room as meaning:

A room used for normal domestic activities and –

- a. includes a **bedroom**, **living room**, lounge room, music room, television room, **kitchen**, **dining room**, sewing room, **study**, playroom, family room, home theatre and **sunroom**.

(Our emphasis added)

This interpretation is also followed in the planning principle in *Meriton v City of Sydney Council* [2004] NSWLEC 313 at [46]:

*The **use** of a space determines the importance of its privacy. Within a dwelling, the privacy of living areas, including kitchens, is more important than that of bedrooms.*

Accordingly, the habitable room drawings provided by the architects are misleading and the justification provided in the SEE is based upon inaccurate documentation. It requested that these be amended to provide an accurate assessment of the potential impacts to our building.

The applicant has arbitrarily referred to the incorrect ADG requirement in an attempt to justify a non-compliance. Further, there has been zero regard for Council's input

during the Pre-DA meeting, with the applicant instead arbitrarily selecting standard that suits them. Further, as noted in the planning principle in *CSA Architects v Randwick City Council* [2004] NSWLEC 179 at [16] “The most critical control for small and narrow sites is that for setbacks.” The proposed side setbacks, building separate and configuration of fenestration are all considered grossly inadequate. It is requested that Council enforce the correct building separation to mitigate privacy, solar access and acoustic impacts.

## 4. Building Bulk Breaches

Various components of the proposal do not comply with the required building standards and controls which results in an incompatible building design with the local area. Accordingly, Council should not approve the building in its current form until these non-compliances are addressed. The primary bulk breaches are the front and rear setbacks as well as the proposed number of storeys.

### Setbacks

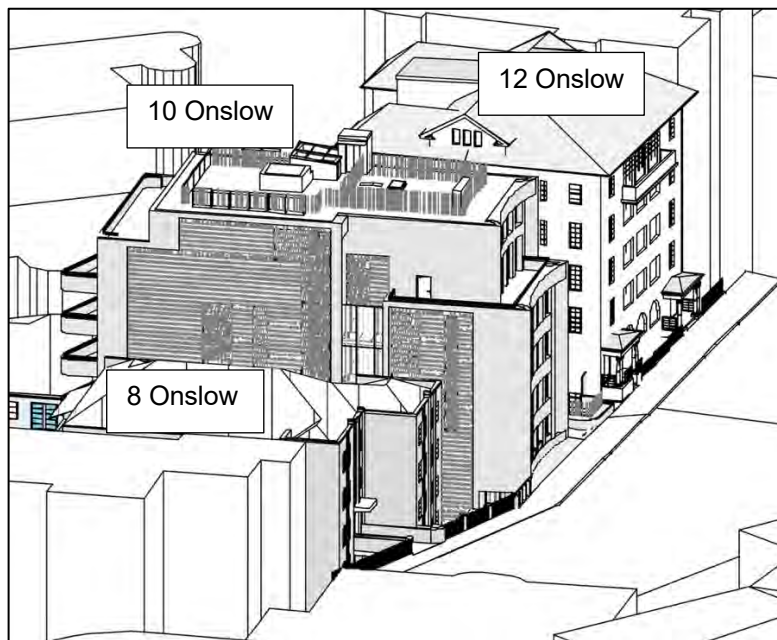
The proposed front and rear setbacks of the Onslow Avenue building are inconsistent with the neighbouring developments and therefore does not comply with the Sydney Development Control Plan (DCP) 2012 controls. The proposal exceeds the prevailing front and rear setbacks of the neighboring buildings along Onslow Avenue and will result in unacceptable impacts.

Section 4.2.2.1, Clause 1 of the DCP requires buildings to be consistent with adjoining buildings where there are no setbacks shown in the Building Setback and Alignment map. The proposed front setback for the design is a zero-setback from Onslow Avenue, with the justification only taking into account only one neighbouring building. The design has failed to take into account the prevailing front setback in relation to our building, which shows a tapered front setback (see **Figure 6**).



Existing





**Proposed**  
**Figure 6: Prevailing Front Setback (Onslow Avenue)**

The proposed nil setback is not in keeping with the area, which features a range of front setbacks, and is likely to contribute additional bulk to the streetscape. Further, it is noted that the ADG requires new apartment developments to be consistent with the established pattern of the street, which the proposal is inconsistent with. Our building is stepped to reflect the angled frontage and it is reasonably expected that the proposal should do something similar.

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Section 4.2.2.1, Clause 3 of the DCP requires the rear setback of buildings to be consistent with adjoining buildings. The proposal represents a significant increase in the rear setback along Onslow Avenue which will far exceed the prevailing setback of our building (see **Figure 7** on the following page). There are concerns that the incongruous rear setback will result in privacy impacts with the proposal including private open space at the rear where the noncompliance occurs. Of primary concern, the applicant has not provided sightline diagrams which assess the impact. Accordingly, Council is unable to adequately assess the actual impact of the development on our building. Any environmental impact resulting from a breach of planning controls is not considered acceptable.