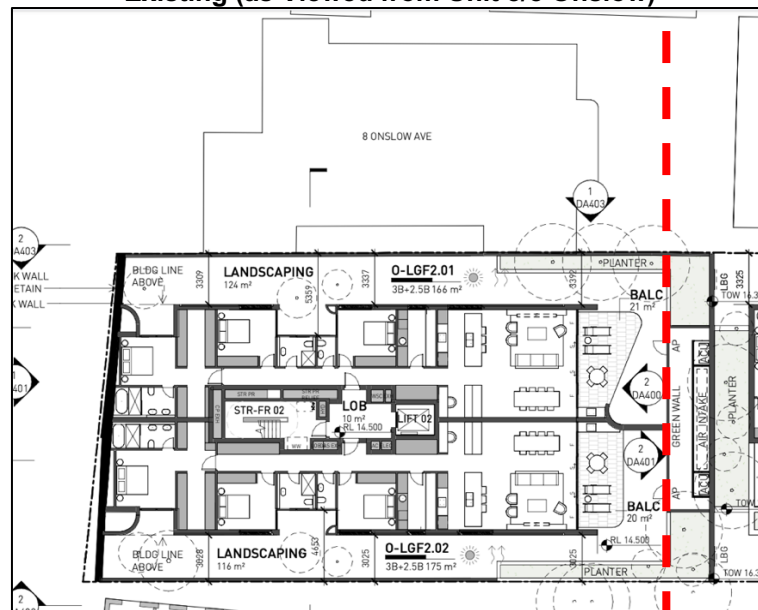


Attachment J3

Submissions



Existing (as Viewed from Unit 8/8 Onslow)



Proposed

Figure 7: Rear Setback (Onslow Avenue)

Number of Storeys

Section 4.2.1.1, Provision 1 of the DCP requires developments not exceed the maximum number of storeys shown in the *Building Height Storey Map* provided by Council. As shown in **Figure 8** on the following page, the maximum number of storeys permitted on the site is six storeys.

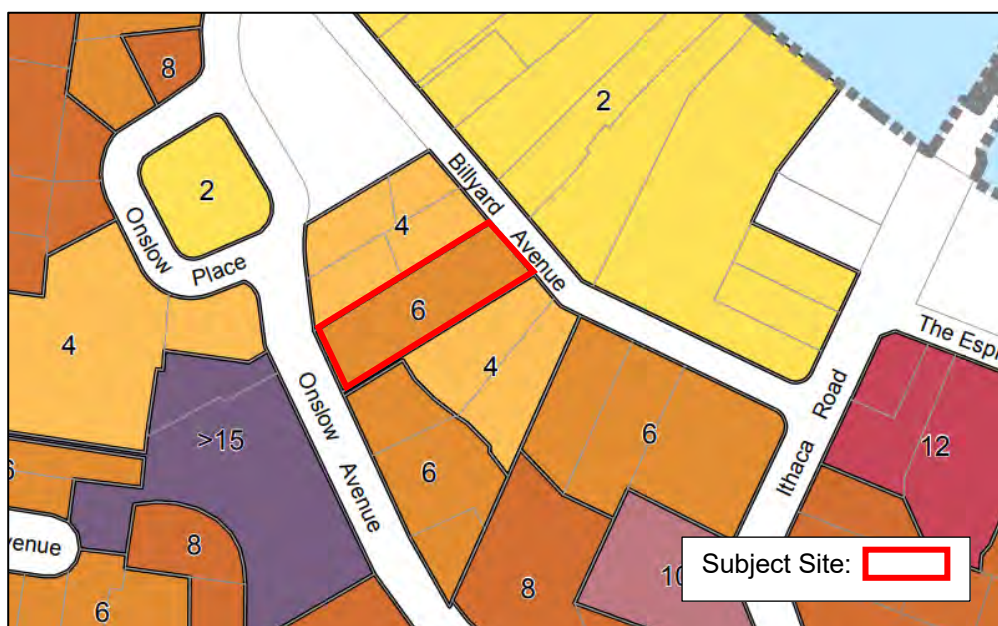


Figure 8: Maximum Storeys Building Height

As noted in the description provided by Council on the DA, the proposed development on Onslow Avenue comprises an eight-storey development that exceeds the six-storey limit. Whilst the applicant has attempted to justify this breach by noting there are only six storeys visible from the streetscape, there is no such exception included in the DCP which defines a storey as:

A storey is the space between a floor and the next floor level above. It does not include an attic, a mezzanine or a space that contains only a lift shaft, stairway or meter room.

Accordingly, it is unclear why the applicant has not included the recessed two storeys in the total number. As shown in **Figure 9** on the following page, the correct total number of storeys is eight. Notwithstanding the storey breach of the development, it is noted that Provision 2 states the maximum number of storeys may only be achieved where it can be demonstrated that the proposed development:

- (a) reinforces the neighbourhood character;
- (b) is consistent with the scale and form of surrounding buildings in heritage conservation areas;
- and
- (c) does not detract from the character and significance of the existing building.

As outlined in this submission, the proposal does not comply with any of these objectives and thus shouldn't be entitled to reach the maximum.

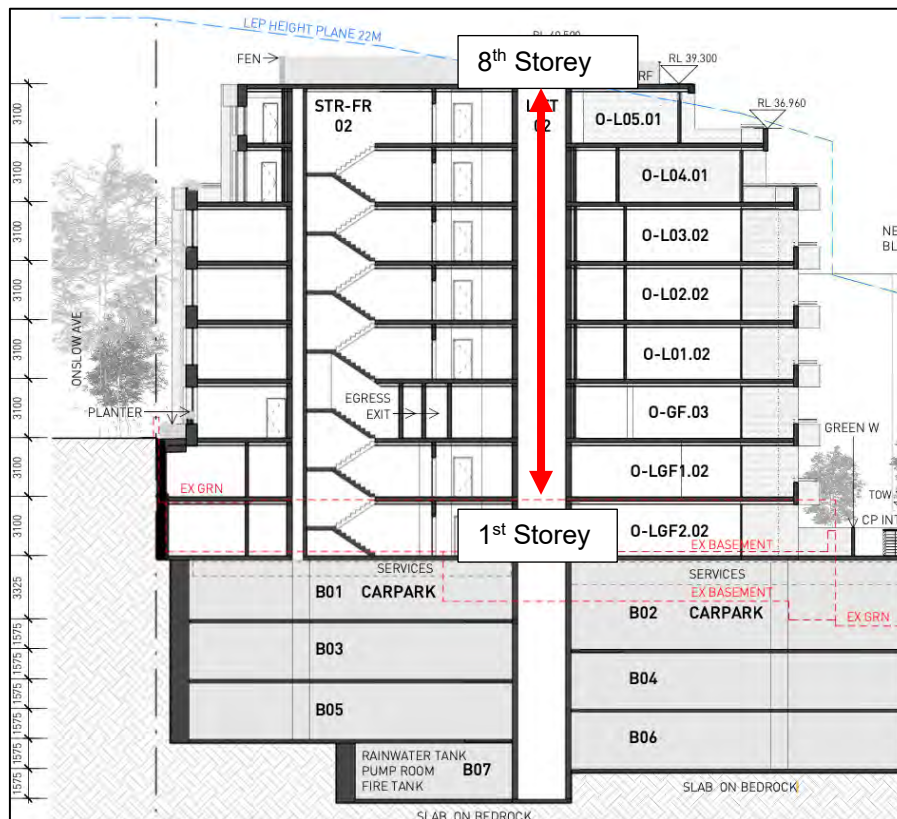


Figure 9: Number of Storeys

Notwithstanding the alleged indiscernibility from the public domain, the seventh and eighth storey add to already considerable view loss, solar and privacy impacts. Whilst it is noted that the *EP&A Act* allows for a flexible application of DCP controls, this is only in circumstances where the proposed development is seeking “reasonable alternative solutions that achieve the objects of those standards.” In this instance there is seemingly no reasonable alternatives that have been explored given the numerous non-compliances with building height and setbacks. Accordingly, it is requested that Council enforce the maximum number of storeys control and that the DCP height of storeys control should not be applied flexibly in this instance.

Urban Design

Whilst we are not qualified architects/designers, the proposal appears significantly bulkier than the surrounding developments and seems a poor urban design outcome for the street. The bulkiness is exacerbated by the use of redbrick as the sole building material for the façade. This results in very little visual relief and presents as a one single mass when viewed from Onslow Avenue. Further, the reliance on overt privacy screening along the side setback creates one long continuous wall that has limited breakup. Whilst we appreciate the use of privacy screening to comply with the relevant controls, such an overreliance as to stem the whole length of the northern side boundary seems to be a poor and thoughtless design outcome. It is requested that the Design Review Panel look at these in greater detail and provide input.

5. Unregulated Rooftop Terrace

We have serious concerns regarding the proposed rooftop common area, which includes a rooftop pool. There are almost no rooftop common areas in Elizabeth Bay, with most rooftop areas comprising private open space. Where a rooftop common area is present, it is typically used for clothes lines or passive activities. There are no rooftop pools in the area. Accordingly, the proposed BBQ area and rooftop pool are uncharacteristic for the area and incompatible with the surrounding residential land uses. As noted in the planning principle in *Super Studio v Waverley* [2004] NSWLEC 91 at [7], the approval of one communal rooftop may set a precedent for the area which would have unknown impacts:

The third principle relates to the extent to which an approval for this application would be used as a precedent in favour of approving other applications for roof terraces...Other rooftop terraces would have different impacts from the current proposal.

Given the atypical inclusion of such noise polluting faculties, it was expected the accompanying documentation would assess them rigorously. However, this was not the case. The SEE did not seem to seriously assess the potential aural impacts of the common area and simply suggested some mild 'operational parameters' which are not guaranteed under a Plan of Management document like other noise polluting land uses. Further, the submitted Acoustic Report has also failed to adequately assess the acoustic impacts of the common area, providing a measly noise generation assumption:

For the purpose of this assessment, we have assumed the following noise levels:

- *Single person talking – 69dBA LAeq.*

Rooftop common areas are known to generate significant noise, especially when containing a pool. To downplay or dismiss these very real impacts raises concerns over the integrity of the entire assessment. It is unclear how a common area that has an assumed maximum patronage of twenty people can be based off the noise assumption of one individual talking? This scenario seems so absurd as to almost be disingenuous. It is noted that the noise impacts of communal areas are often exponential and can vary depending on the size of a group. With a maximum of 20 people proposed, crowd noise should not be characterised by a single noise parameter rather multiple descriptive parameters are required to adequately quantify crowd noise.

Compounding the impacts, it is noted that the rooftop common area and pool is located in an area that exceeds the LEP height requirements.

While the Acoustic Report concludes the proposal would result in reasonable aural impacts, it is undermined by inconsistencies and apparent errors. Of primary concern, the report has seemingly assessed the impact of external plant noise prior to knowing its location or final design:

At this stage of the project, the exact locations of key plant items, and the selection of items to be installed, have not been selected. As such, a detailed assessment of noise associated with engineering services cannot be undertaken.

Rather than assess the actual proposal, the Acoustic Report has instead assumed compliance based on other designs:

Experience with similar projects indicates that the acoustic treatment of whatever mechanical equipment is to be installed on the project is both possible and practical.

Accordingly, the acoustic assessment in the DA submission has not adequately addressed the potential acoustic impacts. It is requested that an assessment of the actual design be undertaken. The application would need to be renotified as the existing documentation is inadequate for residents to fully comprehend the impacts. It is also requested that Council remove the rooftop common area and pool as a condition of consent due to its incompatibility with the area and associated impacts.

6. View Loss

As part of the proposal, Urbis prepared a View Sharing Report to examine the impact of view loss as part of the proposal. The report assessed the “views from six units deemed to be potentially affected and to represent the ‘worst-case’ scenario in terms of potential view loss.” However, the View Sharing Report has failed to include an assessment from our building at 8 Onslow Avenue and is therefore incomplete and reaches misleading conclusions regarding the extent to which the proposed building will impact existing views from surrounding development. As a direct neighbour, this omission is somewhat surprising.

Of primary concern, the views from our building include land-water interface and open undifferentiated water. Without proper assessment and consideration it is unclear what the proposal’s impacts may be. Residents on the southern end of our building (closest to the development) may experience loss of scenic views and reduced privacy due to the increase of height of the Billyard Avenue building. Further, there will also be a significant loss of publicly available harbour views corridors from Onslow Avenue as a result of non-complaint side setbacks (see **Figure 10**).



Figure 10: Existing view corridor from the public domain

Given the nature and scale of the proposed development, it seems reasonable that the applicant should assess the impacts for all surrounding neighbouring developments. Accordingly, we request that a view impact assessment be completed for our building so that these visual impacts can be captured.

7. Heritage

To provide a professional assessment of the heritage impacts of the proposal we have engaged a Heritage Planner. Please find the assessment under Annexure A at the end of this submission. The key points include:

- Inadequate heritage assessment
- Failure to consider surrounding Heritage Items
- Inappropriate in the HCA

8. Conclusion

There are several, serious concerns relating to DA/2023/727 for the demolition of two existing buildings and the construction of two new residential flat buildings at 21C Billyard Avenue, Elizabeth Bay. The proposal will have significant negative impacts on the neighboring developments including potential visual, acoustic and solar amenity. A number of these impacts are unable to adequately understood or assessed due to the inaccurate, misleading or incorrect documentation provided by the applicant. If this required documentation is provided, it is requested that the application be renotified in order for residents to fully appreciate the likely environmental impacts. Given the number of inconsistencies and non-compliances it cannot be seen how this development is in the public interest.

Please advise us of the progress of the DA, including any renotification and Design Review Panel and Local Planning Panel dates.

Thanking you in anticipation.

Strata Board of SP 12818
Residents of 8 Onslow Avenue, Elizabeth Bay

Annexure A – Heritage Assessment

STUDIO AALMA

heritage, Design and Planning

Heritage Consultants & Architectural Design

herit age SUBMiSSION

21C Billyard Avenue & 10 Onslow Street, Elizabeth Bay NSW

September 2023



1.0

Introduction

This report has been prepared by Alin Almasan, Heritage Consultant and director of Studio Aalma Heritage. The author of this heritage report is an experienced Heritage Consultant with qualifications in Architecture and Heritage Conservation. The author of this report has experience in Local Government Heritage Advisory roles. The author also has previous architectural experience in private architectural practices across Sydney.

The subject site is located within a heritage sensitive context residing in a HCA featuring a varied array of listed heritage stock ranging from highly significant state heritage listed individual dwelling houses, apartment buildings, parks and the Elizabeth Bay Grotto. It is important to have the heritage constraints of the site at the forefront of the discussion whilst discussing the various heritage issues with the proposal. A map of the area's various heritage overlays is featured below

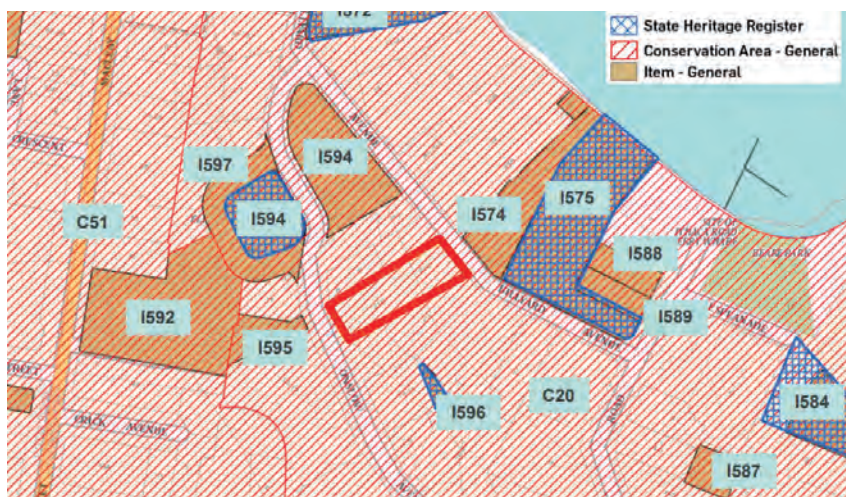


Figure 1: Heritage map with the subject site highlighted.

There is some research that indicates the building proposed for demolition was designed by John James, Perumal and Partners Architects Pty Ltd who had John James and Peru Perumal at the helm. James had left the practice in 1969 after likely playing a part in the concept plans of the development with Peruaml and other staffers being key designers of the building. John James is a notable Sydney architect, and has made a significant contribution to architecture in Sydney 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'..

Peru Perumal had a long career in Sydney as an architect was also president of the Glebe society who was instrumental in lobbying for the heritage protection of the Glebe and Leichhardt areas and was known to conduct heritage work for several local Councils. Perumal also co-directed architectural practices in Sydney for approximately 40 years The heritage report notes in the history section on page 32 that the building proposed for demolition has no identified architect. The heritage report in the significance assessment under criterion C on page 34 says that the building is not a major work by an important architect. This claim demonstrates this has not been researched/assessed properly and extinguishes the credibility of the significance criterion assessment in the HIS.

I recommend that Sydney Council's heritage advisors conduct their own assessment on the significance of the RFB proposed to be demolished to form their own conclusion on the significance of the existing building rather than to completely rely on the assessment in the submitted HIS. Furthermore, it may be that Urbis are to completely re-assess the heritage merit of the building, create an addendum to the original report and Council to re-notify the DA.

It may be that the building may still not be of requisite significance to retain and that demolition is acceptable, however, the issues relating to bulk, scale and impact to the view catchment of several highly significant items requires due and proper assessment. Under the Environmental Planning and Assessment Act 1979, Sydney Council must take into consideration the impact of any proposed development on the significance of the heritage item and any listed items in the vicinity.

The subject property at 21C Billyard Avenue and 10 Onslow Street Elizabeth Bay is not listed as an Item of Heritage Significance in a Statutory Instrument (LEP), but is however located in a HCA. The subject site is also located in the wider vicinity of several items of state and local heritage significance along both front and rear boundaries.

2.0

Sydney LeP 2012

The LEP compliance table at 5.10(1) on page 39 of the report fails to mention the bulk and scale impacts the proposal has to the views and setting of vicinity heritage items. The report does not offer adequate information to satisfy the consent authority that the proposal conserves the setting and views of adjacent items.

The view impact assessment produced by Urbis provides an array of visual imagery and concessions made in the report state that the 'imagery is CGI and are constructed views and do not include real world-built features or accurate height and density of vegetation' (page 24 section 5.1) which indicates that accuracy to scale is difficult. This does not seem reliable enough to be relied upon from Council's perspective as there is little guarantee as to the accuracy of the imagery.

The report also concedes on the last page that the imagery is purely 3D and was not matched to any real-world photos, which again would mean that the data remains in paper-space and does not demonstrate, scaled height and bulk impacts and again fails to demonstrate there is no adverse effect to the setting and views of adjacent items pursuant to 5.10(1) of the SLEP.

The view impact assessment report gives zero detail or modelling on what the impact and perceived bulk and scale of the proposed development will be from the adjacent state heritage items, Boomerang and Elizabeth Bay House. However, it is acknowledged that the study was mainly produced to create a Tenacity assessment which analysed harbour view loss. The report only found 6 residences to be meaningfully affected which seems optimistic given the height, bulk and scale of the proposed RFB.

Upon a detailed assessment of the submitted HIS, it does not seem that that the submitted report actually satisfies the requirement under 5.10(5) of the SLEP to provide a heritage management document that would assist the consent authority under 5.10(4) to consider the effect upon the significance of the adjacent items and persuade the consent authority to be satisfied with the heritage impacts of the proposal.

The applicant has engaged a heritage consultant to prepare a heritage report as per subclause 5 of the LEP. The report fails to adequately address the real and actual impacts of the proposal because upon a detailed reading of the assessment section of the report, the only real recurring commentary of the proposal is that the proposed RFB:

- Does not breach side, front, and rear setbacks, essentially meaning the proposal sits within its own allotment;
- Is designed to be constructed in brick materiality;
- Is generally commensurate in height (notwithstanding the clause 4.6 due to height breaches) and that it will be a new neutral building in the HCA.

The claims within the heritage assessment portion of the report do not actually specify in any meaningful way why the building is acceptable outside of the scope of the reasons listed above. At a very basic minimum a building/project is to remain within its allotment, retain adequate or compliant setbacks and respond to its surrounding context. Because the building's incompatibility with its surroundings arises mainly from its size relative to the scale of the buildings around it, the increase in building volume will increase the extent of incompatibility.

3.0

Sydney LeP 2012

The report makes little mention of the direct impact of the proposed development to the heritage items directly across from the site and makes brief mention that there is no impact to Elizabeth Bay House. The report fails to assess the impacts or discuss the impacts of the proposal to the state heritage listed 'Boomerang' I575 (SHR 00038) which is directly adjacent the site and closer proximity than Elizabeth Bay House.

The report also does not discuss the impacts of the proposal to the local items flanking its front and rear boundaries and has made zero effort in the way of assessing the impact the proposal has to the visual catchment of two highly significant state heritage listed places.

ELIZABETH AND RUSHCUTTERS BAYS HCA - The following statement of significance for the Elizabeth and Rushcutters Bays HCA has been reproduced, in full, from the NSW State Heritage Inventory: *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.*

The statement of significance for the conservation area makes mention of the vast collection of development in the area coexisting in a harmonious way to which the proposed design is purported by the heritage consultant in several parts of the report to be a "new contemporary neutral infill building of high architectural quality" without specific mention other than the proposed brick materiality as to exactly why/how the proposed design is of high quality.

The report does not specifically demonstrate in an assessment of the design, bulk and scale of the building how it will co-exist in its sensitive heritage context in a harmonious way. This is because the bulk, scale and height of the proposed development seeks to extend the remit of the architectural co-existence picked up in the HCA's statement of significance.

The proposed building appears significantly bigger, and therefore more alien to its surroundings, than the existing building. The heritage report claims that the change is negligible. This conclusion is explained only by the possibility that Urbis based it on the non-scaled 3D modelling in the view assessment report. The proposed extension in building mass would increase the visual bulk of the building. It would make it more out of scale and even less appropriate in its surroundings. It would appear more prominent in views from heritage items. Its impact on the built environment is, therefore, unacceptable.

The rendered image below taken from the architectural drawing set depicts a diagrammatically clear reference point to assess the added bulk and scale the proposal will introduce to the HCA. The rendering is captured from across the street towards the site on Billyard Avenue from the vantage point of where state listed Boomerang would be located and the significant difference in built form and bulk from existing to proposed is clear.



Figure 2. 3D rendering showing a more detailed view of the proposed development than featured in the view impact assessment report.

The comments assessing the proposal against 3.9.5 in the SDCP regarding Heritage Items (vicinity) is not sufficient or specific enough to satisfy the consent authority to the impacts the proposal poses to the heritage sensitive context in which it sits. This is because point a merely describes the building residing in the centre of the site/lot allowing for landscaping and notes the building will be an infill.

This does not meaningfully address the control which states the 'development of sites in the vicinity of a heritage item are to be designed to respect and complement the heritage in terms of the building envelope'. The assessment commentary against SDCP control 3.9.5(4) (to minimise impact of the items setting) again states without any meaningful explanation that state listed properties will be unaffected materially or visually by the proposed development.

Much like in Urbis' assessment against the provisions of the LEP noted above in this report, the assessment of the proposal against the provisions of the DCP can be again boiled down to easily digested points where we note that the;

- Building maintains its setbacks, remains in the centre of the allotment,
- Features brick materiality of high quality,
- The height is generally the same or similar to existing.

In terms of an assessment of a new RFB posing bulk and height encroachments within a highly heritage sensitive context these arguments are low hanging fruit as any new building at the outset needs to have compliant/adequate setbacks and be contextually sensitive. The actual impacts of the proposal are not examined by the submitted heritage report, but merely justify overdevelopment.

The proposal has merit if the bulk and scale impacts are mitigated, and the building envelope matches and hugs that of the existing envelope to create a logical height transition along the streetscape. The brick materiality is indeed a positive feature, and the curvature of the balconies are referential to the art-deco curved balconies/ façade of the interwar buildings either side of the development.

In my opinion, the proposed extension would increase the visual bulk of the building. It would make it more out of scale and even less appropriate in its surroundings. It would appear more prominent in views from heritage items. Its impact on the built environment is therefore unacceptable. The submitted heritage report (assessment section) does little in the way of actually examining the impact of the development on the heritage sensitive contexts.

It is my professional opinion that, it should be found, from Sydney Councils perspective the report fails to be an adequate heritage management document pursuant to 5.10(5) of the LEP to meaningfully persuade the Council of the impacts of the development. This would leave Council (as is standard practice) to conduct their own assessment pursuant to 5.10(4) of the SLEP, with the scope that the proposals bulk, height and scale impacts are to be ameliorated to facilitate the conservation of the setting for adjacent heritage items.

I recommend that Sydney Council's heritage advisors conduct their own assessment on the significance of the RFB proposed to be demolished to form their own conclusion on the significance of the existing building rather than to completely rely on the assessment in the submitted HIS. Furthermore, it may be that Urbis are to completely re-assess the heritage merit of the building, create an addendum to the original report and Council to re-notify the DA.

It may be that the building may still not be of requisite significance to retain, and that demolition is acceptable, however, the issues relating to bulk, scale and impact to the view catchment of several highly significant items requires due and proper assessment.

Regards,

Alin Almasan,



Heritage Consultant
B.Arch M.Herit Cons
0449 288 311

From: [REDACTED]
Sent on: Wednesday, September 20, 2023 4:23:01 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: [REDACTED]
Subject: Submission - D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds (Email 1 of 2) for 23 Billyard Avenue
Attachments: Planning Submission_21C Billyard Avenue Elizabeth Bay NSW 2011_D2023_727_20 September 2023_For SP 67057.pdf (950.79 KB), Attachment 1 230920 21C Billyard Ave 10 Onslow Ave Elizabeth Bay LIVING ROOM WINDOWS 23 Billyard.pdf (12.35 MB)

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

Dear David,

I hope this email finds you well.

Please find attached, a Planning Submission relating to the abovementioned DA for the adjoining building at 23 Billyard Avenue, Elizabeth Bay (SP 67057).

Thank you for reviewing our detailed points. Concerns are raised relating to scale, shadow, privacy, lack of landscaping and general impacts on the neighbours.

Attached is also 1 part of a *solar impact review* which has been engaged by the concerned neighbours. The attachment relates to impact on solar access to living areas.

The next email, *email 2 of 2* will contain the 2nd part of the solar study which relates to kitchens, kitchens are part of the living areas.

We would appreciate if you could be in contact when the time comes to review the apartments.

Please be in contact with any questions.

Thank you and regards,
Natalie

Natalie Richter Planning
[REDACTED]
[REDACTED]

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20 September 2023

The General Manager
City of Sydney Council
Attention: Mr David Reynolds, Planning Assessments

Planning Submission
For: SP 67057: 23 Billyard Avenue, Elizabeth Bay

Development Application ('DA') No. 2023/0727
'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.'

Summary:

This submission has been prepared for SP 67057 ('the SP'), the southern adjoining residential apartment building known as 23 Billyard Avenue. The building is named 'Somerset'.

This adjoining part 3, part 4 storey brick apartment building, steps with the slope of the topography towards Billyard Avenue and contains 21 highly valued apartments. Living spaces are oriented to the north to bring in sunshine. Bedroom, kitchen and bathroom windows also have large north facing windows and pull in key sunshine which is vital for health and living, light and ventilation.

Large sash windows (which are indicated on the submitted elevation survey) are located at either side of fireplaces. These openings bring in streams of sunshine, light and warmth as well as breezes, ventilation and the pleasant outlook over the Billyard Avenue historic streetscape. There is view to sky, the streetscape and treetops. The north facing windows to all these rooms stand to be adversely impacted by the proposed inadequate building separation, height and scale/wall of louvres, number of balconies and lack of articulation and planting.

The building at 23 Billyard Avenue is vintage/Art Deco in style and era and apartments do not have external balcony living spaces. Therefore, the apartments gain considerable and unique amenity from north facing windows - particularly to their only living areas which face north and east. The sun, light, outlook, breezes and amenity provided are highly valued by existing, many long-standing residents within this higher density apartment living context. *These warm, sunny, private, and pleasant living areas are absolutely critical to health, residential amenity and wellbeing.*

Consequently, the owners of these impacted apartments are very concerned over the potential material and adverse impacts to these spaces and their homes.

The inadequate and non-compliant separation and side setbacks, close and elevated series of balconies and the roof terrace will have the capacity to visually and acoustically impact on the existing level of privacy.

SP 67057 is surrounded to the southern side and rear by extensive gardens and sandstone features. Within the rear garden is area some remnant sandstone walls and a circa 1885 cave grotto which we understand may have formed part of the famous landscaped design of Elizabeth Bay House. This a State Heritage Item. The site is within a Heritage Conservation Area ('HCA') as a result.

The heritage and National Trust listings relating to Elizabeth Bay house and the area refer to landscaped elements and these sandstone features within the listing.

Nearby 'Bennelong' and the landscaped setting, plantings and remaining relics are likewise important in this area.

These relevant remnants of the historical development of Sydney have the potential to be over scaled and overshadowed. This garden area is important as a public thoroughfare. The remnant sandstone elements dating back to 1885 allow reflection for the public, residents and the community as to the history of plantings, spaces and landscapes. This publicly accessible open space and would be detrimentally impacted by the scale, impact on the setting and impact on plants. This has not been considered or discussed.

Shadow diagrams indicate that the partially historic and well established planted/sandstone back garden area of the SP, with its traditional 'Hills Hoist' drying area will be overshadowed for the full day on June 21. These spaces would be additionally impacted during March from mid-afternoon. This would impact courtyard amenity, clothes drying and reduce the viability of established plantings.

An existing remnant sandstone boundary wall has the potential to be impacted structurally (with 13m deep excavation next to a remnant sandstone boundary wall) as well by an over scaled development in the context. Plus, proposed boundary landscaping and level changes at the other side. Impact on the common boundary wall has not been detailed or assessed.

The 'site planning' does not seem to duly consider the direct or broad context in an objective or accurate way. The submitted documentation is focussed on the merits of the design for the benefit the development site and concerningly lacks balance, objectivity and accuracy.

As such, the surrounding neighbours are concerned about the actual impacts of the development. The accuracy of the solar diagrams is of particular concern.

This Planning Submission has been prepared to articulate the concerns of the existing neighbours and is based on a site inspection of homes, discussions with owners and based on an assessment of the available DA documents and planning controls. A summary of key concerns which are discussed within this Submission are as follows:

- *Representations as to the actual direct and surrounding character in terms of scales, forms and landscapes.*
- *The impacts of a much larger, and significantly non-compliant form, scale and landscaped outcome on the southern adjoining property.*
- *Impacts of concern include: potential direct overlooking from east facing balconies proximate to the north facing living area windows of 23, adverse acoustic privacy impacts from the proposed large eating area atop the building, the effect of inadequate setbacks and modulation on light, visual amenity, sustainability and*

ventilation, shadow, scale and privacy. Also, impact on the historically relevant and important public pedestrian access way/landscaped open space.

- The proposal is not *considered to be site responsive and creates unreasonable impacts* in the context.
- The development presents *considerably larger* than anything in the direct streetscape. This proposal seeks to utilise and *further exacerbate height* which is *already much higher* (reflecting the more contemporary building on the site). It is noted that the subject site has a 6 storey DCP limit and is surrounded directly by 4 and 2 storeys. *Further height exacerbation is unreasonable and incongruous.*
- The development *does not provide adequate separation* for the site or the context and *does not provide common open space and planting* which would be important for incoming residents as well as to suit the landscaped context.
- *Lack of objective assessment* relating to the actual *streetscape and area character* being of a *historic and landscaped* nature along Billyard Avenue, with a predominance of far lower and more historical building forms and mansions. The prevalence of landscaping and trees. The subject site is located in a key area, surrounded by *many lower scale buildings*, flanked by heritage buildings, landscaped features, plantings and enveloped by an HCA which looks for infill development to respect these key elements and protect this historical snapshot of the development of Sydney, the setting of a State listed heritage item and a particularly unique and high amenity exclusive suburb of Sydney. All attributes which are highly valued by existing property owners. These are *amenities which should be shared and considered in line with the objectives of all planning controls.*
- The proposal *does not comply with a number of planning controls under the Apartment Design Guide ('ADG'), the Sydney Local Environmental Plan ('SLEP') and the Sydney Development Control Plan ('DCP').* The proposal is much higher and also seeks to be overly close to boundaries and *selectively choose compliance with relevant contemporary controls for a re-build.* The effect of this *incongruous scale is considered likely to impact on area character, the qualities and desirable themes noted in controls for the HCA, potential impact on Harbour scenic quality, surrounding views access as well as impacting on juxtaposed neighbours.*
- The DA submission has generated *considerable upset in the community.* The assertions as to designing according to consultation we submit cannot be considered accurate. The proposal is *not in line with the reasonable expectations or hopes of existing residents, nor does the design align with the NSW and City planning controls.*
- The *breaches* of Council height standards, landscaping and setback/separation and open space requirements *are not considered justifiable given ranging impacts* on the HCA, streetscape, solar access, shadowing, views and privacy.
- NSW State based '*Apartment Design Guide*' ('ADG') controls (referenced in the DA) require a development to respect the context and provide an area asset.
- The proposal *worsens impacts on solar access for others.* This element *has been independently reviewed by the SP* given concerns over accuracy and the considerable and devastating potential impacts. Based on the review, the application documents appear to be inaccurate, and the *proposed solar impacts appear to be worse than conveyed.* The *whole development and building design should be amended to consider and respect solar access and sustainability for existing buildings and their established gardens and open spaces.*

- The documentation lacks balance. The application package appears to be preoccupied with justifying the highest density for the site, attempting to increase an already high development, using existing examples as reasons not to comply with current controls, yet also asking for additional height outside contemporary standards and expectations – to the considerable detriment of others.
- The *heritage report lacks independence* and appears to approach the proposal from the point of view of dismissing buildings and the prevailing scale and sensitive context. There are misleading statements suggesting that the proposal is expected by the heritage/planning controls (yet presents a range of variations). *No assessment is provided as to the removal of trees or landscaping in terms of heritage, nor discussion of the remnant sandstone wall along the boundary or the heritage relevant landscaped items at the rear of 23.*
- The outcome presented by the applicant *is not considered to represent the public interest. Further modulation, design details, view and solar testing is requested to ensure equity and fairness for existing residents.*
- The proposed *elevated large balconies and roof terraces have the potential to overlook SP residents* and into bedroom, bathroom, kitchen and living area windows.
- A roof terrace with an outdoor dining area next to the SP with inadequate separation would impose unreasonable acoustic privacy impacts within this sensitive residential setting.
- Concern is raised in relation to the 13m *excavation so close to the boundary* and the impact on the aquifer (which is also not addressed in detail), stability of adjoining early constructed buildings and in relation to ground water/water table and flooding. No robust assessment has been made as to the impact of this in relation to adjoining buildings or original sandstone items of the heritage setting.
- Providing the 'maximum' number of parking spaces in this well accessed area is not considered reasonable under these circumstances and given the potential impacts on others. Also, there is no provision for service/larger vehicles despite this prevalence of private parking and this has the potential to lead to blockages in the street network to impact other residents and visitors.
- The degree of basement/excavation would be unnecessarily disruptive of the existing landform, structural *stability of other buildings, water table, water management aspects and potentially damaging to the original sandstone wall* at the common boundary. We submit that *in the context of an Integrated Development relating to water management, excavation of this nature should not be supported where given the proximity to city services, employment and public transport.*
- *Inadequate drainage, soft planting and absorption at the boundaries to manage water* given the scale of the building and protecting other areas from adverse impact.

Introduction to Strata Plan 67057:

SP 67057, otherwise known as 23 Billyard Avenue, Elizabeth Bay is the southern adjoining part 3 and 4 storey (stepped) brick apartment building to the site.

This apartment building was constructed during the 1930s and appears on the following Council property Data Sheet in 1949 (as noted in the application documents).

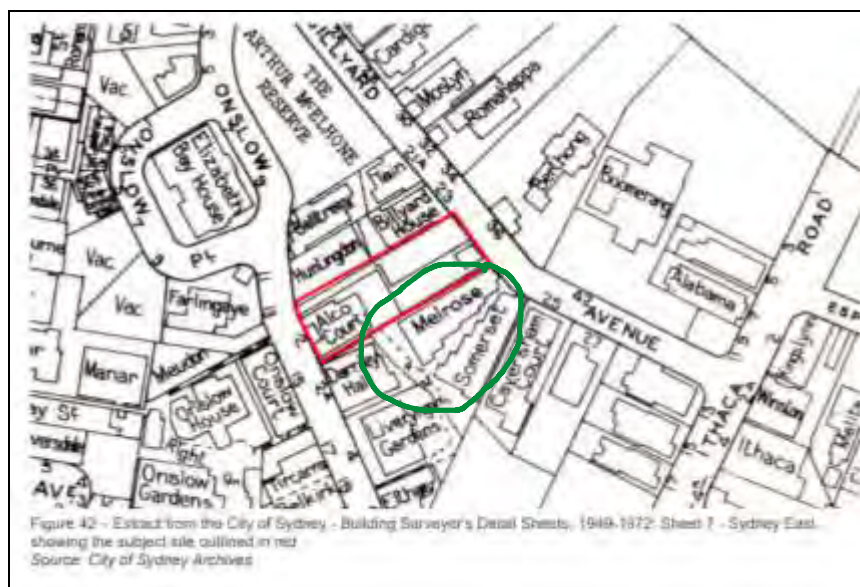
The building is an elegant example of an Art Deco apartment building set within a well-established and pleasant courtyard garden setting (as detailed in the following photographs).

The southern presentation of 23 Billyard provides a sawtooth/staggered setback and the apartment building addresses the opposite, similarly styled and constructed building located at 23A Billyard Avenue - across the garden, via a central landscaped pathway between. The building entries are designed to face the common garden.

The central beautifully planted, historically established formal garden courtyard provides *key communal open space* (in the absence of balconies due to the vintage of the building). This area also importantly *provides a public thoroughfare through it to* Billyard Avenue from the hill areas above. Connection to the Harbour and larger homes along the foreshore. There is an access easement on title from the rear of the courtyard Onslow Avenue which is on the title of 23. There is public access to the garden and a pathway to Onslow Avenue via a pedestrian walkway near the Grotto.

This internal courtyard is part of the local pedestrian connection network, and the garden component at the rear of these buildings provides a quiet place with remnants of the original estate (Grotto pictured below and engraved/carved sandstone retaining walls etc).

The following extract is taken from the submitted Heritage Impact Statement ('HIS'). This shows the shape and relationship of these 2 buildings (circled in green) in context to the proposed development site marked with a red rectangle. This shows the space around the buildings, the area of the internal courtyard and the rear garden/pedestrian space at the rear of Melrose and Somerset where some of the historical relics are located (please note, in this plan extract the names of the buildings 'Melrose' and 'Somerset' are around the wrong way).



Extract. Urbis HIS. 2023

The following aerial photograph shows the landscaped setting of 23 Billyard Avenue (notably surrounded by landscaping and tall tree planting). The aerial also shows the throughfare at the back.



Map extract sixmaps, highlighting 23 Billyard Avenue and the pedestrian walkway connected to Onslow

The following photographs indicate a detailed character of 23 Billyard Avenue.

The Billyard Avenue streetscape is considered to be particularly sensitive and significant in terms of the presence of the original modest interwar apartment buildings (fine grain) and the lower style estate homes on the opposite and lower side of the street (visible in the aerial above). Buildings are surrounded by a predominance of mature and historical plantings and green space.

The following photographs show the pathway and courtyard and the building entry, looking up towards the rear landscaped garden area as described above.



*Front pathway and well established central courtyard between 23 and Billyard Avenue
Front entry to 23 Billyard, facing into courtyard*



Front pathway and well established central courtyard to the side of 23 Billyard Avenue



Rear courtyard gardens, showing the existing building on the development site (centre left photograph) & Rear courtyard, publically accessible gardens at the back of the Billyard Avenue apartments and the remnant grotto/cave (left second photograph)



Existing remnant grotto/heritage significance/connection to original estate '1885' detailed



*Rear formal garden (looking towards subject site showing existing building)
Note significant plantings to be overshadowed, Hills Hoist to be overshadowed & original carved sandstone garden wall features within this rear open space – near the back corner/adjoining the subject site*



Central courtyard - character from the rear courtyard looking towards Billyard Avenue



*Existing remnant sandstone wall along the common side boundary of the subject site with 23 Billyard
This wall is noted to be partially over the side of 23 (based on the survey).
Potentially impacted by excavation, planting on the other side. Impact on this is not assessed in the documents.*



Survey extract – DA submission (Beveridge Williams)

The survey provided with the DA (elevation extract above) indicates the abovementioned series of large north facing windows across the elevation of 23 Billyard Avenue.

Being north facing, these windows provide sunshine in and abundant light into the only living areas (as well as bedrooms, bathrooms and kitchens which are designed also to obtain this

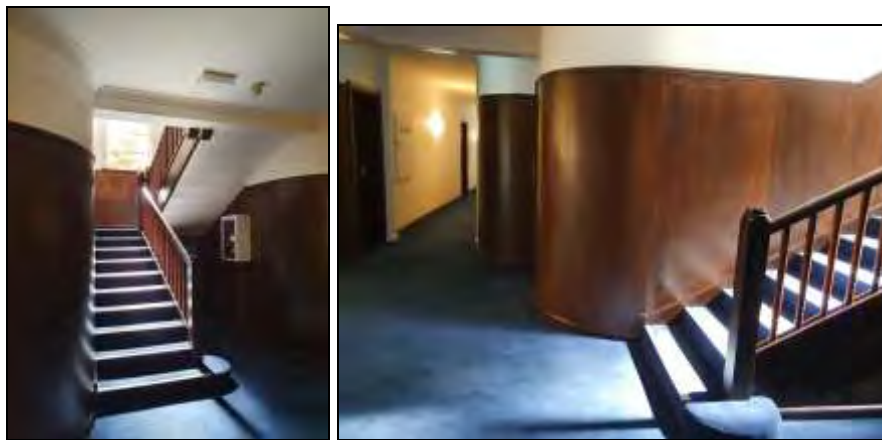
sunshine light and ventilation for the length of the units). Attached to this document is an indicative floor plan layout of these adjoining units to indicate the layout which pursues sunshine and light.

The available and highly valued sunlight/sunshine as well as *abundant natural light, district views (some water glimpses toward the north east), breezes/ventilation* are key and *important amenity elements to these apartments*. These are made even more *crucial to homes, health and enjoyment with no external private open space/living areas*.

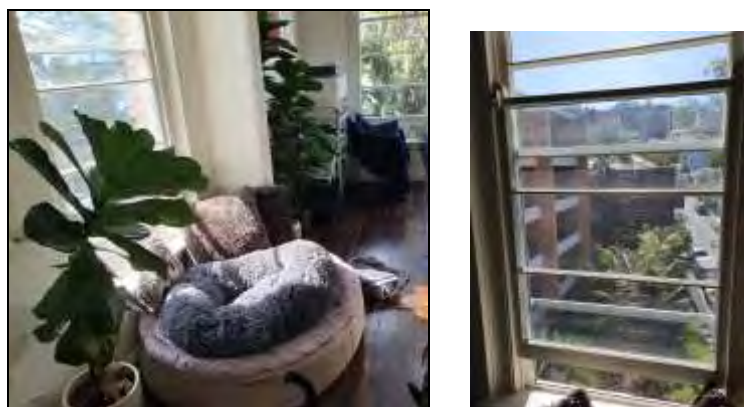
Many of the residents have lived within the SP for many years and draw significant and high value amenity from these aspects. Some residents work from home and light, sun, privacy and amenity are naturally important for health, productivity and wellbeing.

In this higher density urban setting, these high valued attributes are very important to living and enjoyment and have chosen by these represented homeowners. The residents love living in this area due to the sunny nature of their spaces, the elegant aesthetics of the Art Deco building and the vibrant and unique area setting.

The following photographs show the sun/light attributes and amenity provided to apartments and the stair lobby given the unique and large windows facing the direction of the subject site, where the scale would significantly block light and sun, with minimal physical separation and modulation.



Front entry and sunny light stair to apartments (sunlight and light to be blocked by the development to this area)



Sun streaming into the existing north facing windows given the front setback of the existing building on the subject site. The sun shines across the floor of the apartments within the living and kitchen areas



Sunshine currently available from the north facing windows across the bathroom floor and into the hall, important for amenity and drying



Sun streaming into the existing north facing windows given the front setback of the existing building on the subject site. The sun shines across the floor of the apartments within the living and kitchen areas



Style of large feature windows which for an older style of building provide highly valued light, sun, outlook and ventilation. These would have a larger building across and next to them with vast areas of unarticulated elevation and louvres (given the proposed privacy issues)



Amenity and character gained from the north facing windows and current pleasant and landscaped outlook. This is to a living area where seating has been provided to take in the breeze, light, outlook and sun



Sunshine, space and privacy/separation currently available to 23 Billyard Avenue building – Courtesy Philip Erbacher

Impact on light and solar access from a building which seeks maximum scale:

It is noted in the submitted Statement of Environmental Effects ('SEE') that at Pre-DA stage, Council planning staff advised the applicant that 23 Billyard Avenue already has some solar impact and alerted the applicant to Clause 3B-2 of the ADG which states that where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring buildings is not reduced by more than 20%.

The solar diagrams show worsening of solar access to these only areas of living space (no balconies available). It is noted that staff requested 15 minute intervals and these have not been provided for 23 Billyard Avenue.

The solar access available to the SP apartments are so important and highly valued (as detailed above) that an independent review of solar access diagrams has been undertaken. This shows a worse scenario for some apartments and a %/number of hours reduction which is unreasonable. This solar elevation and sun eye view review is provided as an attachment to this submission.

The applicant again is preoccupied with what is 'allowed by the controls' and what is stated in the SEE to be 'development which is commensurate with what the City of Sydney Council and neighbouring developments would expect from a compliant built form'. This statement is unreasonable and inaccurate. Even though *the controls are breached in a number of respects*, whether or not it is simply numerically compliant, *good design involves effort so as to achieve a redevelopment which also allows reasonable protections* (in accordance with guidelines) for critical solar access for others.

Considerate design and design strategy is required so as to not to impact this way on neighbours and to avoid this level of impact which will adversely impact on sustainability of these units and the viability/protection of these older, important heritage forms into the future.

The shadow diagrams indicate that the proposed scale would overshadow and impact the adjoining important and heritage relevant garden space for a large part of the day.

This level of impact is considered only in the interests of the subject site and the development. Not only is it *detrimental to neighbours and original garden elements and substantial plantings*, but *detrimental to the integrity of the planning controls* in this regard. Therefore, *residents request design revisions and options to improve the solar and general amenity sharing scenario*.

The Context: Elizabeth Bay and 'The Bays' Character:

The buildings around the subject site are generally lower in height and scale. The housing over the opposite side of Billyard Avenue is lower again. This provides a tapering of built form (surrounded by landscaping) which eventually leads up to higher forms on the ridge. This leads also to a tapering of form within landscaping when viewed from Sydney Harbour adding to the aesthetic of the neighbourhood from that important vantage point.

A lively village environment is created through the unique collection of vintage buildings in the direct vicinity of the site with interesting landscaped treatments to the front, in between and across elevations. Plus, mature street tree plantings. In this area, community access is

available to public open spaces which provide connection with the historical garden development. Retail/dining and entertainments are within close walking distance as are parks and the Harbour foreshore. High level public transport access and proximity to a range of other City areas and facilities is available. This is a proud and engaged community. With the above character in mind, considering what is described in the planning and scale controls, and with the broader area strongly characterised by important heritage (HCA/and surrounded by local and state significant heritage items), *residents consider that the proposed envelope and large, uncharacteristic building do not adequately consider or respond to the unique heritage context*, or the broader scenic and character qualities.

Additionally, residents feel that further *consideration could have been afforded to re-use of the existing building which contains more apartments than proposed*. Demolition would result in a *loss of apartments*. These existing apartments were designed to protect privacy and off-set/set back to allow sun.

The existing building at 21C Billyard Avenue is already higher than the directly adjoining and opposite sites (1970s vintage versus 1930/40s or earlier surrounding buildings). As such, the existing height of the more modern building on 21C is reflected in a 6 storey height control under the DCP. This reflects what is there despite the directly surrounding buildings being 2 and 4 storey. This DA seeks to further breach the already recognised higher scale which is not reasonable and we argue that further pushing the scale outside what is intended and desired in the context of the nuanced heritage and area character controls, and the LEP height limit, is not an approach which is intended by and of the planning frameworks.

The Sydney DCP describes The Bays locality in Part 2.4.6 as:

'The Bays is a predominantly residential area with a diversity of housing styles and densities within a landscape setting that allows view sharing to continue from the private domain and gaps between buildings. Elizabeth Bay House is to be preserved as a heritage item and a landmark heritage building. There are small clusters of shops at Elizabeth Road and Bayswater Road that complement the Kings Cross centre.'

As detailed in the DCP discussion below, The Bays section of the DCP is clear on preserving forms, allowing significant and iconic water views through, maintaining the interpretation of heritage, responding scale to heritage items and streetscapes, graduating scale with the slope of topography and *siting development within landscaped settings*.

The Bays controls are clear on protecting older housing stock for their importance to heritage and character. Therefore, in accordance with this direction, the *amenity of existing housing should not be so severely compromised by a development which also seeks to depart from a range of these scale, form, siting and landscaping mandates*.

The following photographs which have been provided by professional photographers within the SP. These are provided to represent a more balanced view of the Billyard Avenue vantage of the current building and those around it. These clearly show the streetscape comprised of lower forms, fine grain character via smaller historic apartments and the 'treed' and impression along this section of Billyard Avenue.



Relationship of 23 and 21C (building setback to allow sun and provide privacy, vistas and garden)



Streetscape, Billyard Avenue, showing existing building as it blends with and does not dominate older 3 and 4 storey forms



Elegant, lower style and interesting forms, Billyard Avenue, looking to 23 Billyard, noting also the single storey garaging over the opposite side of the road and visible trees



Elegant, lower style and interesting forms, shade and planting, Billyard Avenue, looking to 23 Billyard, noting also the single storey gateway and much lower heritage form over the opposite side of the road. Visible historical plantings



Streetscape shot capturing the actual scales within the streetscape and the existing building looking far more in context with the neighbours

The submitted Heritage Impact Statement ('HIS') says of the area:

'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 naturally important for new buildings to continue to be ‘*harmonious*’ as driven by the planning and context controls.

Points on Inconsistency with Council’s Planning Controls and Objectives:

The *Sydney Local Environmental Plan 2012* (the ‘SLEP’) contains a number of relevant planning objectives in relation to protection of amenities, views and development of the area.

The proposal is considered to be inconsistent with the following highlighted objectives which are relevant to our submission and to the development.

Clause 2.1 – General SLEP 2012 - 3 Aims of development:

- (g) *to ensure that the pattern of land use and density in the City of Sydney reflects the existing and future capacity of the transport network and facilitates walking, cycling and the use of public transport.*
- (h) *to enhance the amenity and quality of life of local communities,*
- (j) *to achieve a high quality urban form by ensuring that new development exhibits design excellence and reflects the existing or desired future character of particular localities,*
- (k) *to conserve the environmental heritage of the City of Sydney.*
- (l) *to protect, and to enhance the enjoyment of, the natural environment of the City of Sydney, its harbour setting and its recreation areas.*

The amount of parking, at the maximum is not considered to ensure that the traffic, pedestrian, cycling and public transport network is facilitated or managed.

As discussed, the proposed incongruent scale (with potential impacts) is not considered to deliver a high-quality outcome for existing developments or respect the existing or desired character.

The proposal is over scaled when considered next to the lower density heritage surrounds and the proposal is not considered to promote heritage conservation for Elizabeth Bay.

As detailed, the proposal is not considered to protect or enhance the enjoyment of the natural environment particularly given the ‘dominance’ over others, over landscaping and open space, over heritage and in terms of potential impacts on the Harbour views back.

Zone R1 Residential General - Zone Objectives:

Objectives of the zone:

- To provide for the housing needs of the community.*
- To provide for a variety of housing types and densities.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- To maintain the existing land use pattern of predominantly residential uses.*

The proposal is not considered to strongly align with the objectives of the SLEP and DCP for this zone, in this location.

The proposal results in a loss of units (28 existing to 22) and creates 82% of 3 bedroom types and no single bedroom offerings. This does not cater for different needs or affordability

price points. This results in a loss of housing and opportunities. This *does not promote smaller housing types to promote smaller tenures and ageing in place.*

SLEP 2012 Clause 4.3 Height of Buildings – Development Standard – Objectives:

(1) The objectives of this clause are as follows—

- (a) to **ensure the height of development is appropriate to the condition of the site and its context,***
- (b) to **ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas,***
- (c) to **promote the sharing of views outside Central Sydney.***
- (d) to ensure appropriate height transitions from Central Sydney and Green Square Town Centre to adjoining areas,*

The height is not considered appropriate to the site or context for the reasons and the context detailed above. This is a height 'limit' intended for a building to fit and step within it. The existing building is already higher than others in the line and the proposal unreasonably seeks to push beyond the statutory height limit.

This height does not provide the transitioning intended by the local detailed design DCP controls. Excess height is not reasonable in the context of a jarring and looming scale relationship, shadow impacts, light impacts with limited separation and some area view impacts. This excess is not considered to respect amenities, the aims of all Sydney planning controls, or the heritage context.

The extreme height difference would create a visibly incongruous and overbearing relationship with direct and prevailing lower scales, and this would seem clear in the range of 3D images provided as can be seen in the following extracts from the DA submission.



By Smart Design Studio – Montage showing the height of building relative to lower surrounding housing and forms.

Sydney DCP ('DCP') – Urban Design and Specific Precinct Controls:

The subject site is located within 'The Bays' Locality under Clause 2.4.6 of the DCP.

Key articulated aspects to be valued and adopted in new developments occurring in this area include (in summary):

- Predominantly residential area.
- Diversity of housing styles and densities within a landscape setting that allows view sharing to continue from the private domain and gaps between buildings.
- Elizabeth Bay House is to be preserved as a heritage item and a landmark heritage building.

As relevant to the development, the DCP requires that development in the area should. The areas of inconsistency are highlighted for this Submission:

- Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes.
- Maintain views, particularly views to Elizabeth House from the Harbour and from Elizabeth House to the Harbour.
- Maintain buildings within a landscape setting. New buildings should be positioned in the middle of lots and surrounded by gardens and informal tree planting.
- Retain the loop on Elizabeth Bay Road and their landscaped settings.
- Preserve harbour frontage landscaping and pedestrian networks.
- Preserve the diversity of building types, architectural periods and heights in the area by retaining buildings from the Federation, Victorian and interwar periods.
- 'New building forms with narrow street frontages and building separations are encouraged to provide views to the harbour and sky and creating opportunities for vegetation/tree planting.'
- Design new buildings to maintain a consistent height datum (RL) while responding to a change in topography to enable lower building heights on the top of the slope and taller building heights at the bottom of the slope. Built form that steps in elevation with the topography is not supported.

Development should respect the heritage provisions within the DCP in terms of consideration for the specific attributes of an HCA, remnant components of local and state heritage items (including original landscape elements) and should consider the effect of excavation on heritage.

The application material is preoccupied with justifying the site-specific proposal. No assessment is provided as to landscaping or loss of trees. Landscaping in this area is clearly relevant to the heritage connection with the original estate.

The DCP reflects on the importance of a thorough assessment in terms of State heritage items. Also, that archaeological assessment may be required. This has not been provided and is considered relevant to impact on the remnant sandstone wall as discussed.

3.9.6 of the DCP says (suggested areas of inconsistency highlighted):

New development in heritage conservation areas must be designed to respect neighbouring buildings and the character of the area, particularly roofscapes and window proportions.

Infill development should enhance and complement existing character but not replicate heritage buildings.

(1) Development within a heritage conservation area is to be compatible with the surrounding built form and urban pattern by addressing the heritage conservation area statement of significance and responding sympathetically to:

(a) topography and landscape;

(b) views to and from the site;

(c) significant subdivision patterns and layout, and front and side setbacks;

(d) the type, siting, form, height, bulk, roofscape, scale, materials and details of adjoining or nearby contributory buildings;

(e) the interface between the public domain and building alignments and property boundaries; and

(f) colour schemes that have a hue and tonal relationship with traditional colour schemes.

(2) New infill buildings and alterations and additions to existing buildings in a heritage conservation area are not to be designed as a copy or replica of other buildings in the area, but are to complement the character of the heritage conservation area by sympathetically responding to the matters identified in (1)(a) to (e) above.

(3) Infill development is not to include garages and car access to the front elevation of the development where these are not characteristic of the area.

Part 3.9.11 calls up '*public domain elements to be protected where important to heritage*'. In this case, the landscaped courtyard around the Grotto, the established planting in this area (and solar access to support it) as well as water, landscaping and excavation impacts to original sandstone fences/retaining walls. This area has the potential to be impacted by shadow, visual impact, and water runoff with no deep soil zones next to the boundary/pervious areas proposed next to the boundary.

General DCP merit assessment provisions relating to residential apartment buildings and mixed-use development (Part 4.21) specify in relation to height: '*Ensure the height in storeys and street frontage height in storeys reinforces the existing or future neighbourhood character*'.

The DCP specifies that the '*maximum may only be achieved where it can be demonstrated that the proposed development: (a) reinforces the neighbourhood character; (b) is consistent with the scale and form of surrounding buildings in heritage conservation areas; and (c) does not detract from the character and significance of the existing building*'. As detailed, these elements are not demonstrated in this case.

DCP 4.2.3.6 requires that for *residential apartment buildings to integrate deep soil planting within site planning. The minimum amount of deep soil is to be 10% of the site area*. For lots greater than 1,000sqm, the deep soil area is to be consolidated with a minimum dimension of 10m. All remaining deep soil areas are to have a *minimum dimension of 3m*. Where site conditions allow, the deep soil is to be consolidated as one area to assist with the ease of drainage and allow for *effective deep soil planting*.

As detailed in the DA, *the proposal does not comply with the minimum 10%* and areas less than 3m in dimension are included. When these are excluded, this results in 9% which is *unacceptable for a development of this nature and in this particular landscaped context*. The lack of landscaping and separation then worsens impacts for the neighbours. There is *no*

meaningful landscaping provided within the front setback of the development with virtually no space is provided.

4.2.3.8 requires that an area of *'common open space under common title that is at least 25% of the total site area and has a minimum dimension of 6m'* is provided. This is to have *'good amenity and solar access and can provide passive surveillance, be seen from the street between other buildings and provide passive and active areas for residents'*. Unpaved soft landscaped area must comprise a minimum of 50% of the total area of common open space. The proposal does not comply and then seeks to provide a roof top terrace.

The DCP allows for *'rooftop and elevated areas only where (7) The minimum consolidated area of common open space will only be permitted above the ground level where: (a) a location at ground level is not possible due to conditions of the site; (b) the proposed common open space will provide a similar level of amenity as a common open space at ground level; and (c) there will be no significant impact on surrounding properties in respect to the loss of privacy'*.

Given the height above others and the close interface, the proposed rooftop balcony with a pool and large/useable eating area would impact acoustically on the neighbours. Minimal attempt has been made to provide the desired and appropriate common open space at ground level. This scenario is therefore not allowed by the merit controls.

Developments that propose *'more than 20 dwellings are to provide a mix of dwellings'* consistent with the following percentage mix: (a) Studio: 5 - 10%; (b) 1 bedroom: 10 – 30% (c) 2 bedroom: 40 – 75%; and (d) 3+ bedroom: 10 - 100%. The proposal does not comply, provides no studio and single bedroom types and a dominance of large, 3 bedroom types (82%). No single bedroom units are proposed at all and only 3 x 2 bedroom and 1 x 4 bedroom apartment.

This does not provide flexible living, different affordability levels or support different living needs for this area which is well located. The proposal results in a loss of housing numbers and choices. Variety should be expected within a new development to meet contemporary housing needs and to address current shortages.

The articulation controls in 4.2.4 seek to protect fine grain and *'ensure that the scale, modulation and façade articulation of development responds to its context'*. Buildings should be articulated to provide relief along long sections. The proposed building provides a close and lengthy elevation covered in louvres which add to visual bulk and presence.

Relationship to other buildings has been discussed in detail and the proposal is not considered responsive.

State Environmental Planning Policy 65 and Apartment Design Guide ('ADG') Points

The general aims of SEPP 65 seek to ensure buildings are *'long term assets'* to neighbourhoods and objective 3 (b) *'to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define'*.

The specific Design Quality Principles in the State policy called upon include as the first item:

'Principle 1: Context and neighbourhood character

Good design responds and contributes to its context. *Context is the key natural and built features of an area, their relationship and the character they create when combined.* It also includes social, economic, health and environmental conditions.

Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.

Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.'

The principles go on to say that bulk and scale, desirable elements of streetscapes, aesthetics, careful access points and amenity should also consider the neighbourhood. Not just the development site.

The ADG also contains chapters relating to the site context, orientation, scaling as well as internal amenity factors. Including, of relevance:

'Good design responds and contributes to its context.

Context is everything that has a bearing on an area and comprises its key natural and built features. Context also includes social, economic and environmental factors. Understanding the context means understanding how the inter-relationships between all these factors, including between the local area and the region, will impact on the area over time. The process of defining the context's setting and scale has direct implications for design quality of apartments. It establishes the parameters for individual development and how new buildings should respond to and enhance the quality and identity of an area.

Desired future character

The desired future character can vary from preserving the existing look and feel of an area to establishing a completely new character based on different uses, street patterns, subdivisions, densities and typologies. Establishing the desired future character is determined through the strategic planning process in consultation with the community, industry and other key stakeholders. Understanding the context during this process is crucial to support change and determine appropriate building types and planning controls.'

There are Principles to do with *desired outcomes for landscaping, sustainability and housing diversity and social interaction* which are also relevant.

The desired future character for Elizabeth Bay is established by the existing detailed character of the neighbourhood and reference to the specific DCP and SLEP objectives and controls.

The proposal seeks to depart from a range of important design expectations of the ADG relation to building separation, landscaping and common open space requirements for a new apartment in order to ensure the expected high quality. These variations are key compliance and amenity issues. Compliance with these items would better respect the context, the desired character and provide the desirable high amenity of both existing and proposed apartments.

The proposed lack of separation is not reasonable when it significantly impacts on neighbours. The proposal acknowledges that 'blank walls' with louvred screens are provided facing the SP in order to deal with the lack of separation. These will be viewed from living area windows as discussed, with considerable adverse light and visual impact. Treating an extensive elevation with privacy louvres is reflective of the lack of reasonable separation and design for privacy.

The proposal should not select some design controls and abandon others. The proposal seeks to justify non-compliant height, landscaping and separation due to reference to existing much smaller buildings which it seeks then to impact. This not reasonable or considerate.

Landscaping and common open expectations should also not be varied where this adversely impacts on the area character, the HCA and the amenities of existing residents.

Public Interest and Information Concerns:

- Residents wish to express that the Consultation report contains *inaccurate statements*, 23 Billyard Avenue have not been notified or consulted regarding the development.
- We are concerned that the reports and public consultation assertions contain numerous *factual errors* in describing the area and the fit of the development with the area, omitting features, not containing levels near boundaries (on the landscape plan), not addressing tree removal and planting in the context of heritage, providing limited assessment on broad heritage and archaeology, impact of excavation etc.
- Concern is raised as to the *accuracy of the solar access study* based on an independent review which finds the solar impacts are worse along the northern elevation of 23.
- The HIS is not independent. *Given the importance of the original estate, the landscape and components of development in the area - State and National Trust wise, independence and balance aside from simply 'promoting' the development/site specific approach is important for the public interest and City heritage.*
- The SEE misrepresents the impacts on the context and does not justify variation to important separation and solar access controls.
- The application is not considered to justify why the existing building, which is contemporary in nature, can not be retained.
- In addition to misrepresentations, the application appears aimed at *selectively applying relevant planning controls seeking to breach some (to the detriment of scale, shadow, visual amenity and view) whilst also seeking to use non-compliant separations to further mutual amenities. Key impacts are created.* The mutual privacy impact created is recognised in the need to provide further impacting privacy screens across the interfacing elevation with the SP.
- The proposal *does not offer back landscaping or open space at ground level to accord with the area character, blend, provide residential amenity* for the development or comply with reasonable DCP and ADG guidelines.
- The scale *would overshadow and impact the adjoining important and heritage relevant garden space for a large part of the day*, and this is not addressed.
- The *application seeks to develop beyond the height potential yet utilise existing parks as its open space.*
- Clear RLS around balconies and floor levels, compared with RLs at adjoining buildings might assist with obtaining a clear view of potential overlooking impacts.
- The Stormwater Plans indicate negligible infiltration areas at the rear/higher part of the subject site. Concern is raised as to the potential to worsen flooding and runoff impacts on the back garden area. The rear of the building at 23 Billyard Avenue is already capturing and retaining a lot of water at the back of the building. The basement is also proposed right to the side boundary with no deep soil. Flooding could impact the building as well as the existing planting.

- The residents of the SP advise that there is some dispute to who holds legal title in regard to the driveway/access area between SP 67057 and No 10 Onslow Avenue/ 21C Billyard Avenue. It would appear that the 1939 Land Title Deeds remain in force to this day and that the Somerset Owners Corporation owns a section of the current driveway on the Darnley Hall boundary lines. Clarification is required.

Summary:

The proposed development should not be supported for the following reasons:

- The proposal has the *potential to adversely impact on sunlight, light, ventilation, visual amenity, privacy, existing ground level open space, the setting and stability of heritage remnants and the viability of significant plantings enjoyed and valued by residents of SP 67057*. These impacts have the potential to impact on environmental sustainability of these homes in terms of ventilation, heating and provision of solar panels. *These attributes are critical for residential amenity enjoyed and reasonably expected by these neighbours under planning controls. This potential impact would be devastating to these valued, original, heritage apartment homes.*
- The proposal seeks additional height and form and non-compliant open space, landscaping and building separation. These non-compliances conflict with the desired outcomes for this area. *The outcome put forward is not considered responsive to all layers of relevant planning controls and objectives, is not site responsive or balanced and would be detrimental.*
- The DA submission documents are *not independent or balanced* when looking to increase height and scale on a site focussed basis. The documentation is *not considered to have accurately or robustly assessed or detailed a number of important planning and heritage considerations.*
- The excess scale outlined is *not considered at all reasonable* under these circumstances, *given the range of potential impacts for a large number of surrounding owners. Numerous properties are impacted.* We understand there may be numerous objections raised in relation to *scale and unreasonable amenity, heritage, solar and view impacts.*
- It is submitted that a *compliant proposal with ADG and Council controls could be made to allow equitable access to light, amenity, privacy and views in line with policies.*
- The current application *should not be supported or should be modified to be reasonable with respect to sharing of amenities between properties and to maintain the iconic and heritage character of harbourside Elizabeth Bay.*
- This *area is valued by residents and visitors. A suitable and sensitive contextual response would serve the public interest and ensure consistency with state and local planning objectives for apartments suited to context.*

On behalf of the residents of SP 67057, *thank you for considering these points.*

Yours sincerely,



Natalie Richter, Consultant Town Planner for SP 67057 (Bachelor of Town Planning, UNSW)

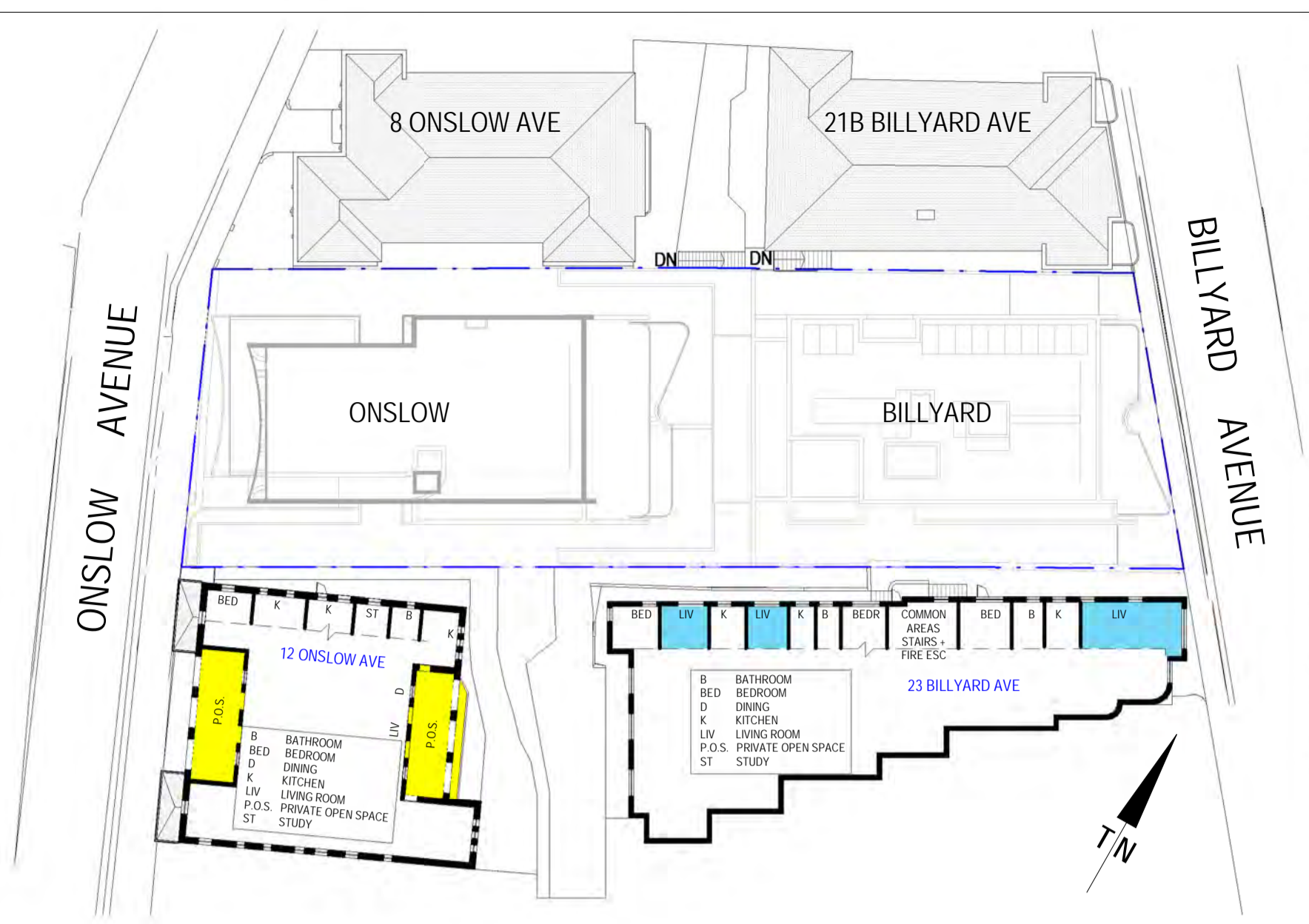
Attachments: Solar Reviews – Living Areas/Kitchens prepared for SP 67057 by CAD Draft Pty Ltd

Indicative Floor plan – 23 Billyard Avenue

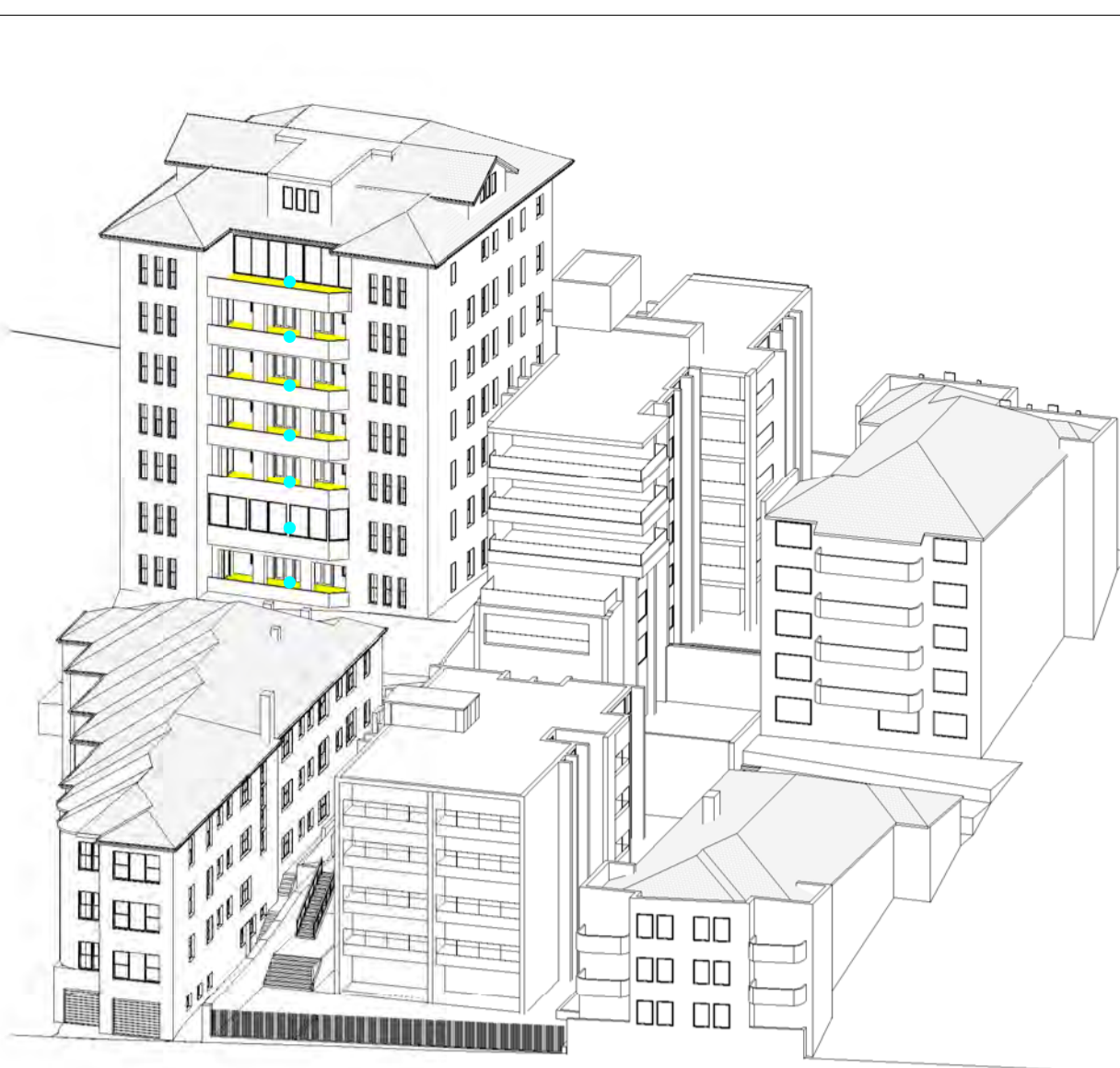
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Attachment – Indicative Floor Plans, 23 Billyard Avenue, to be compared with the Solar Review Assessment (separate attachments)

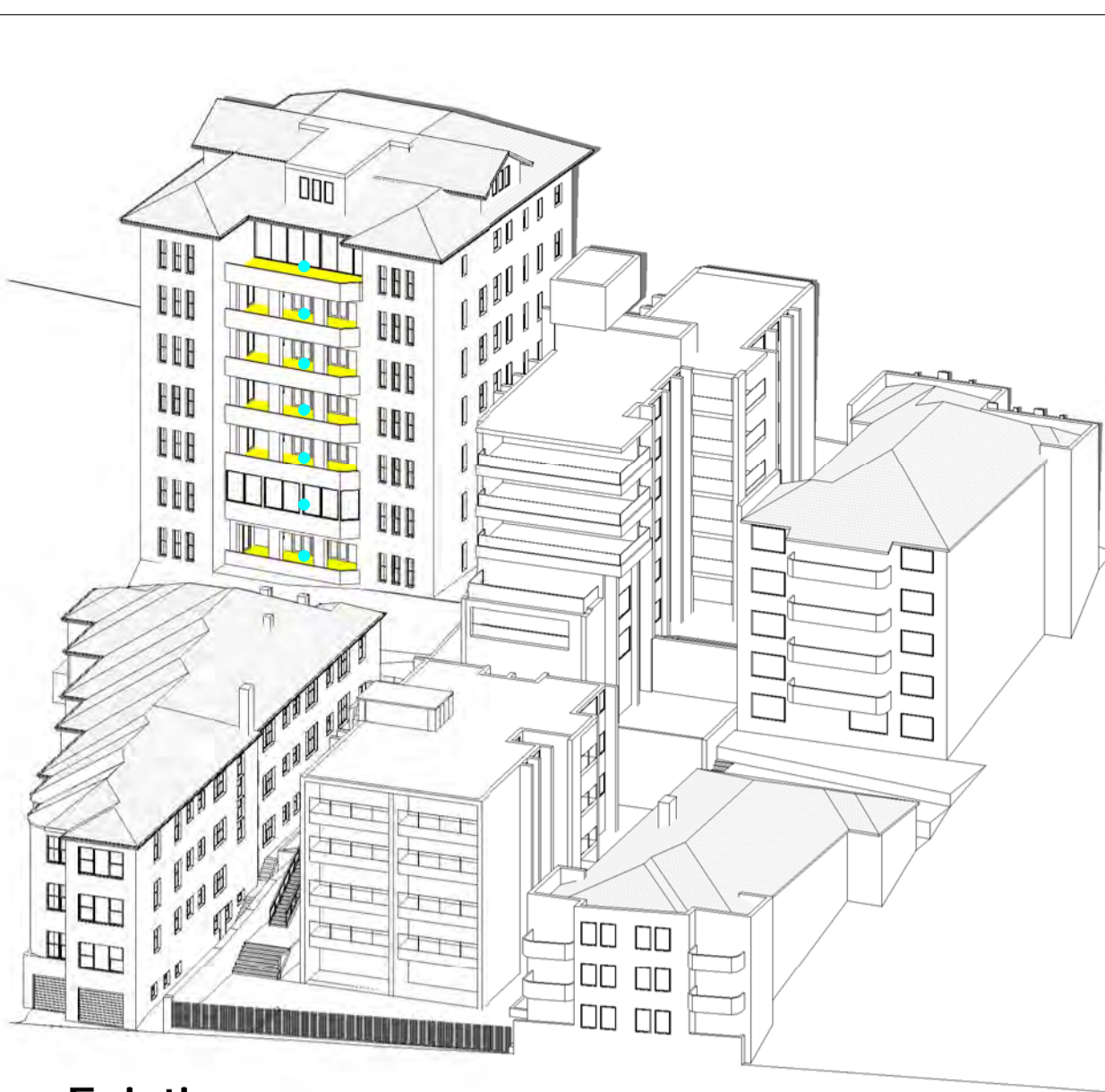




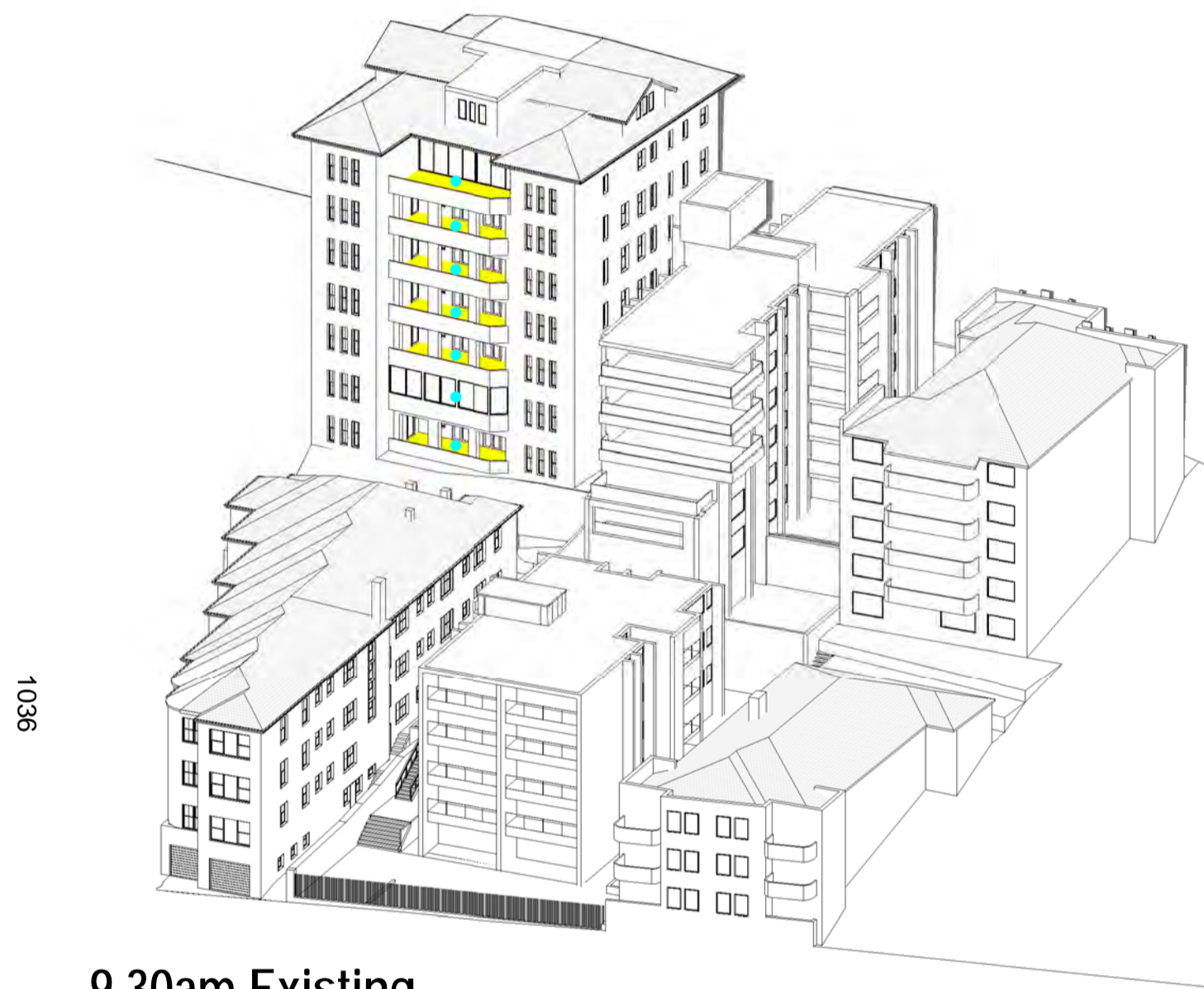
TYPICAL ROOM USAGE PER WINDOW



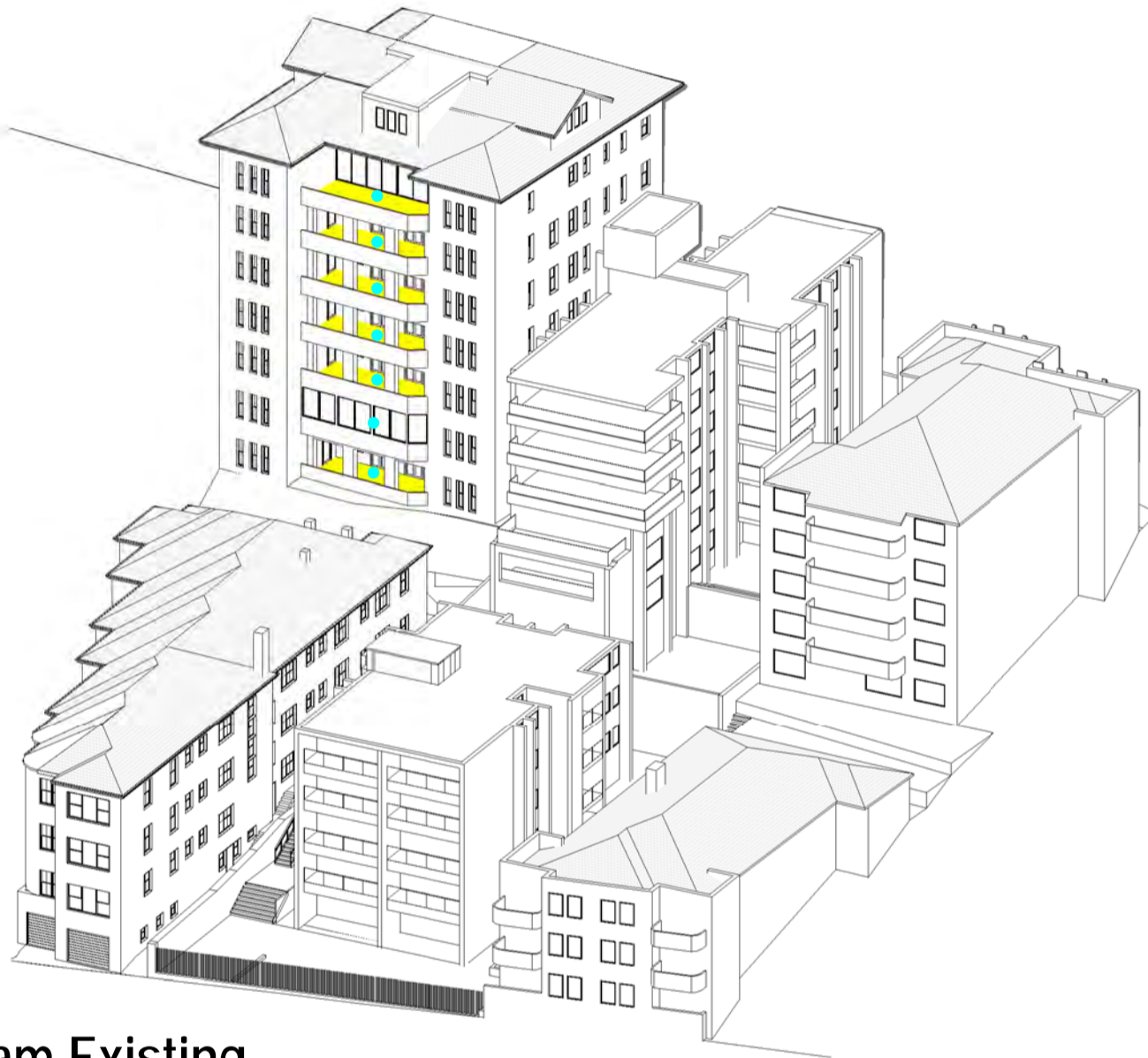
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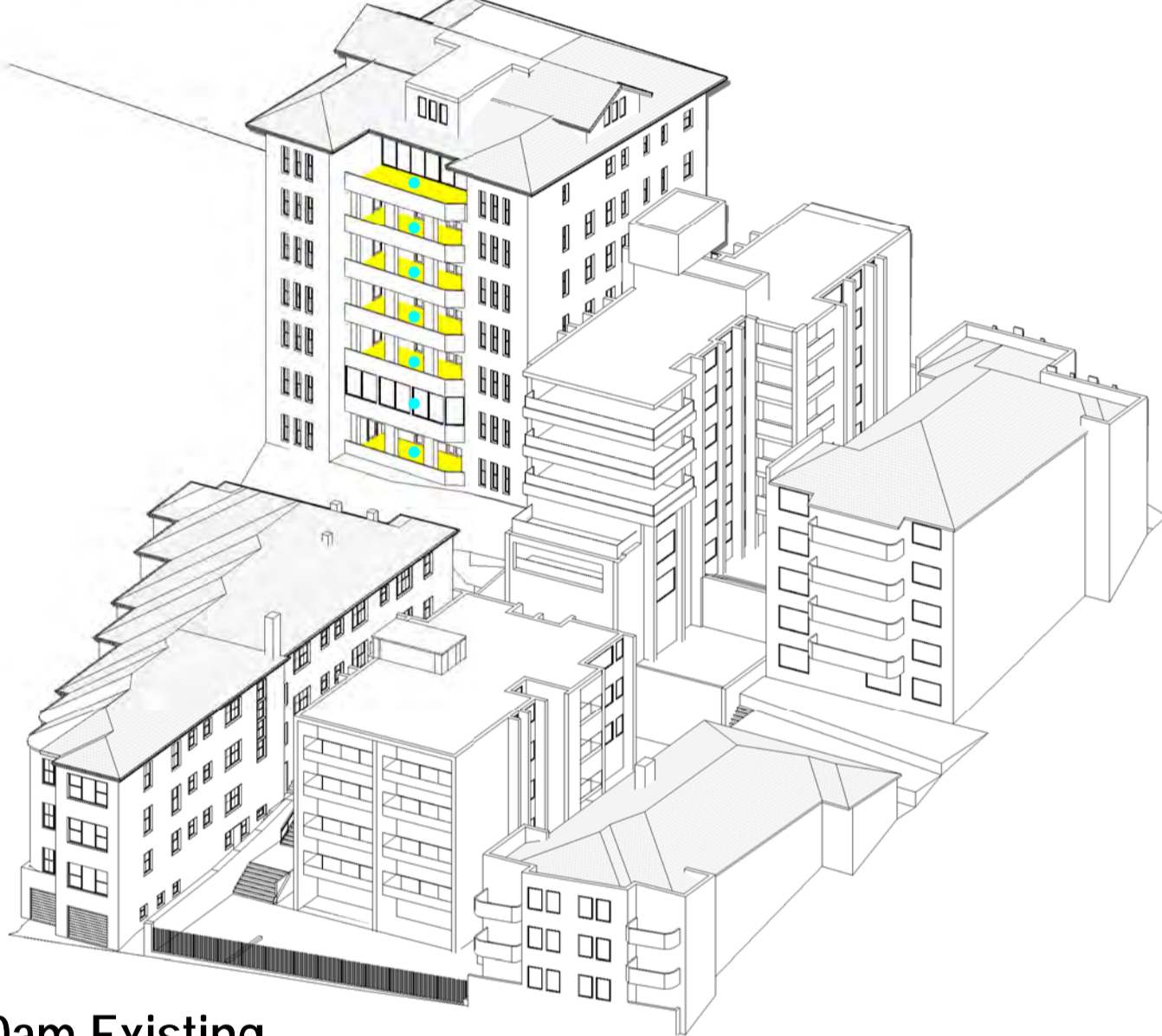
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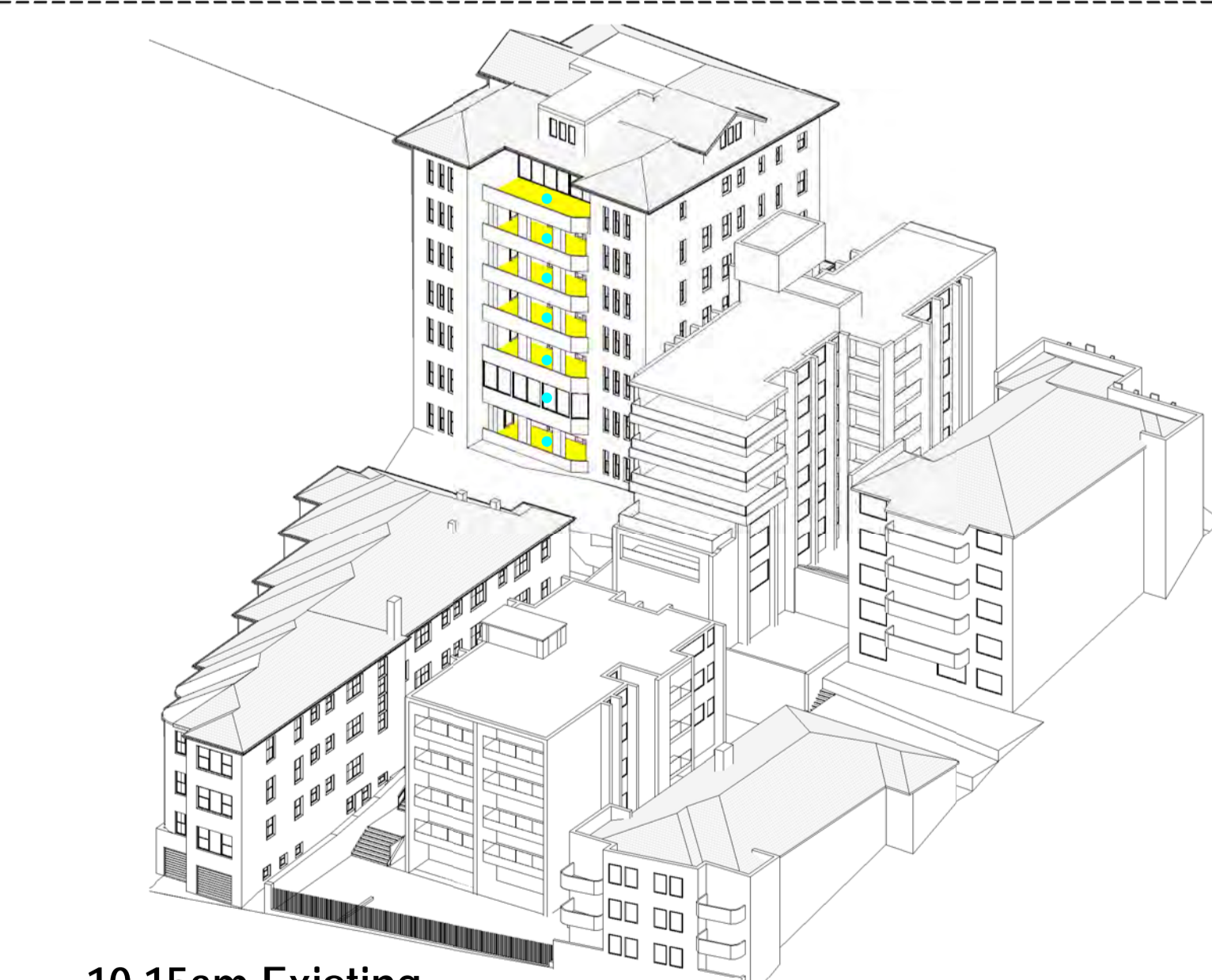
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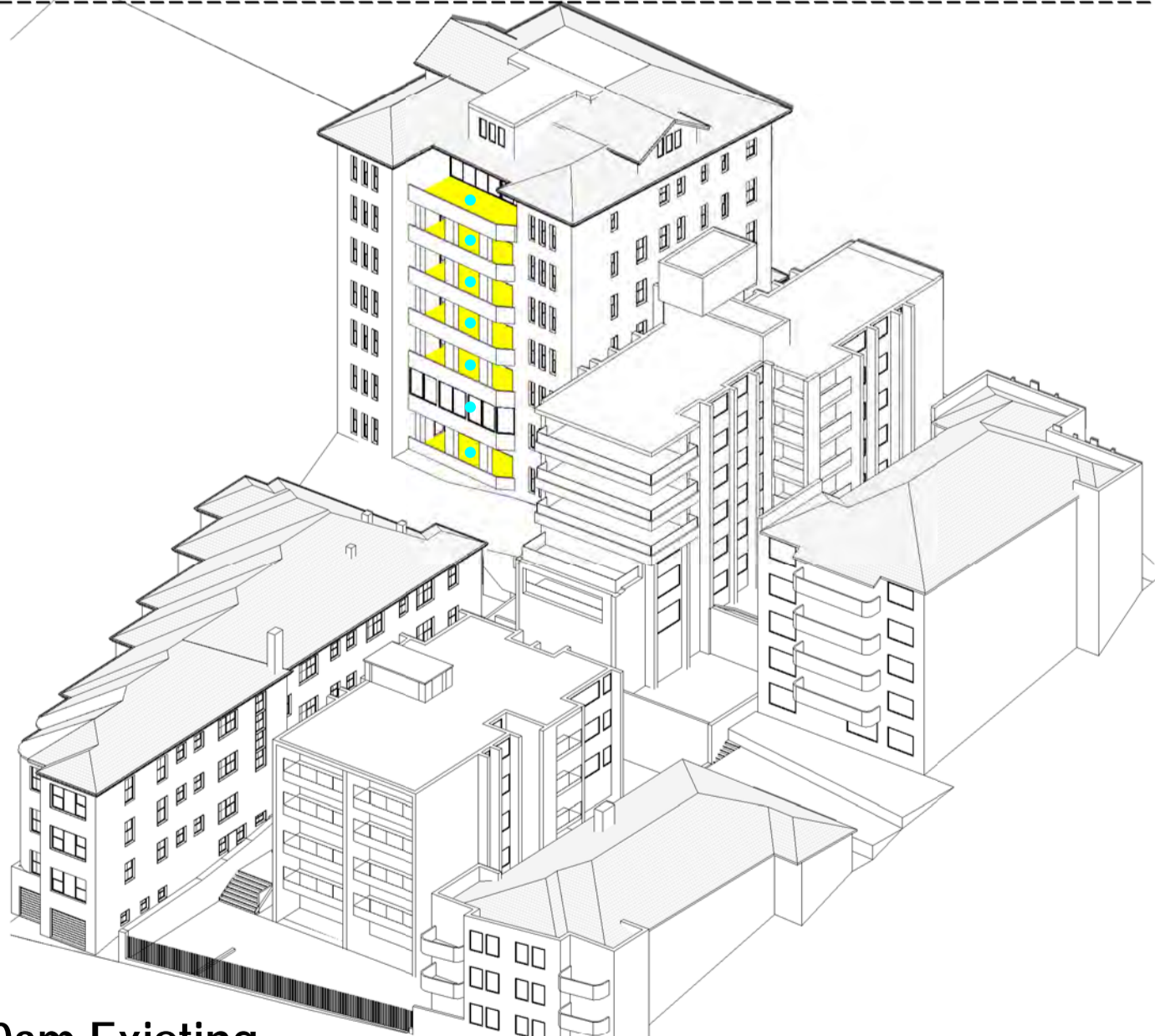
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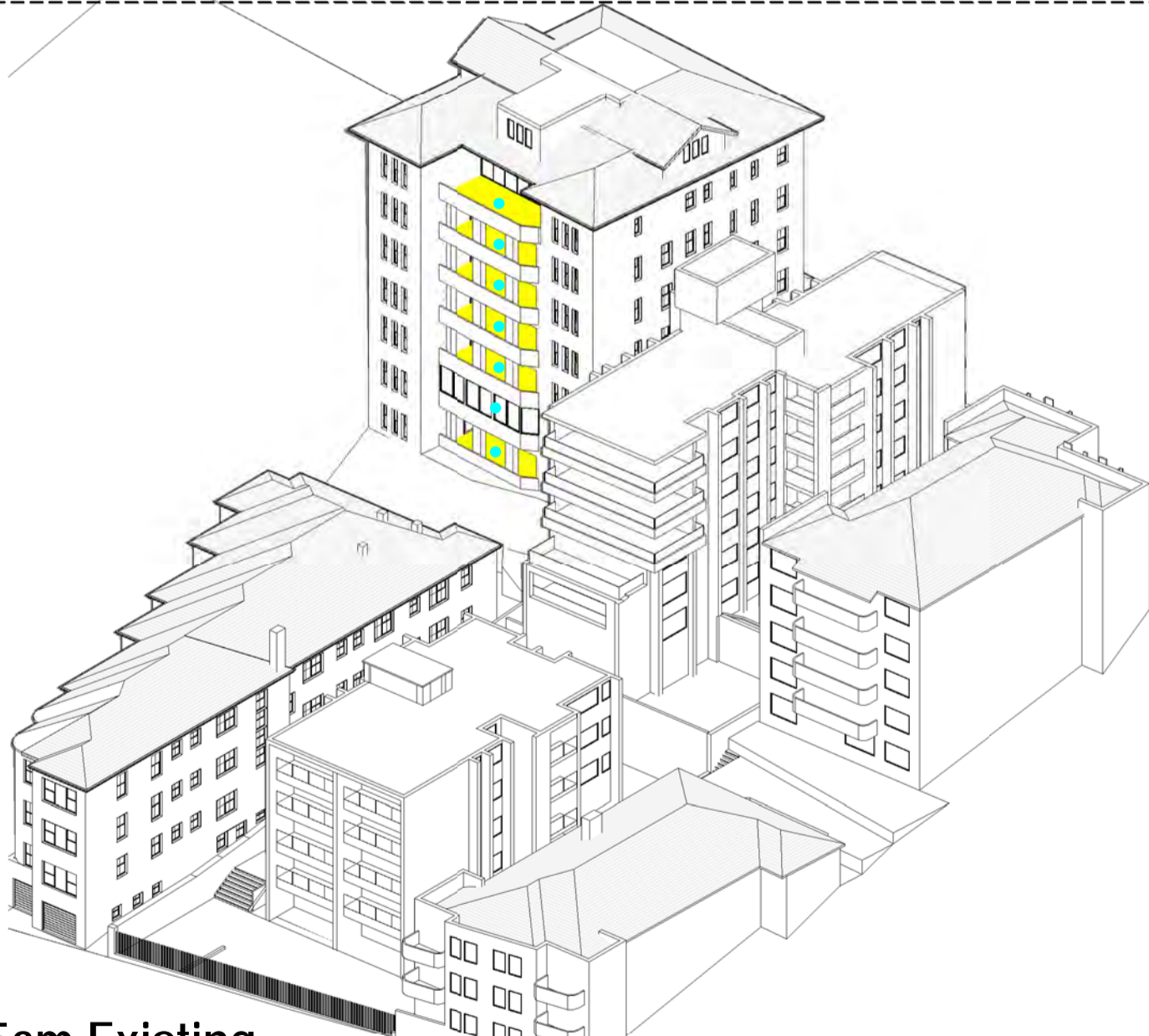
10.00am Existing



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

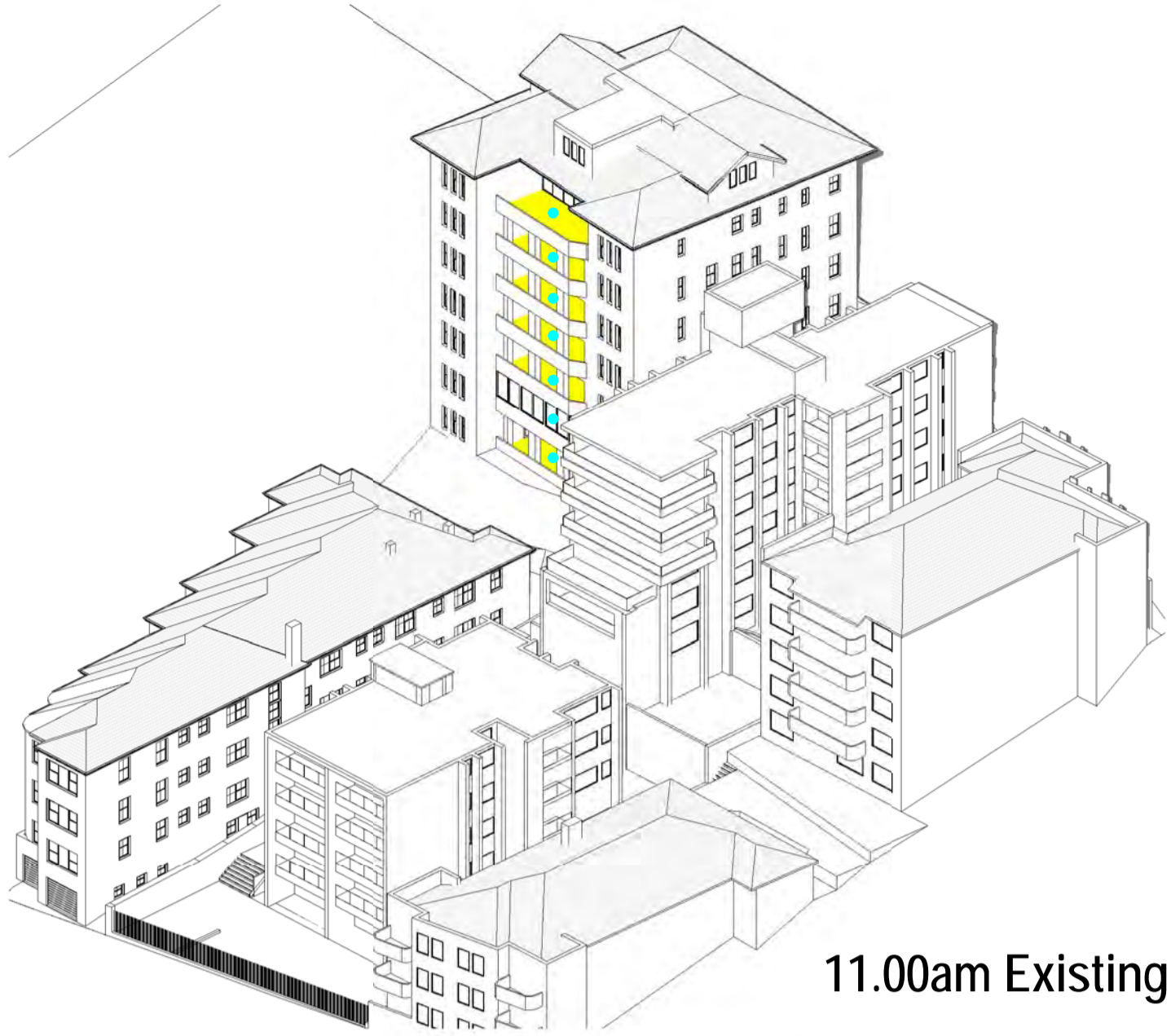
PRIVATE OPEN SPACE CALCULATIONS JUNE 21ST:
NO. 12 ONSLOW AVE - EXISTING:

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								

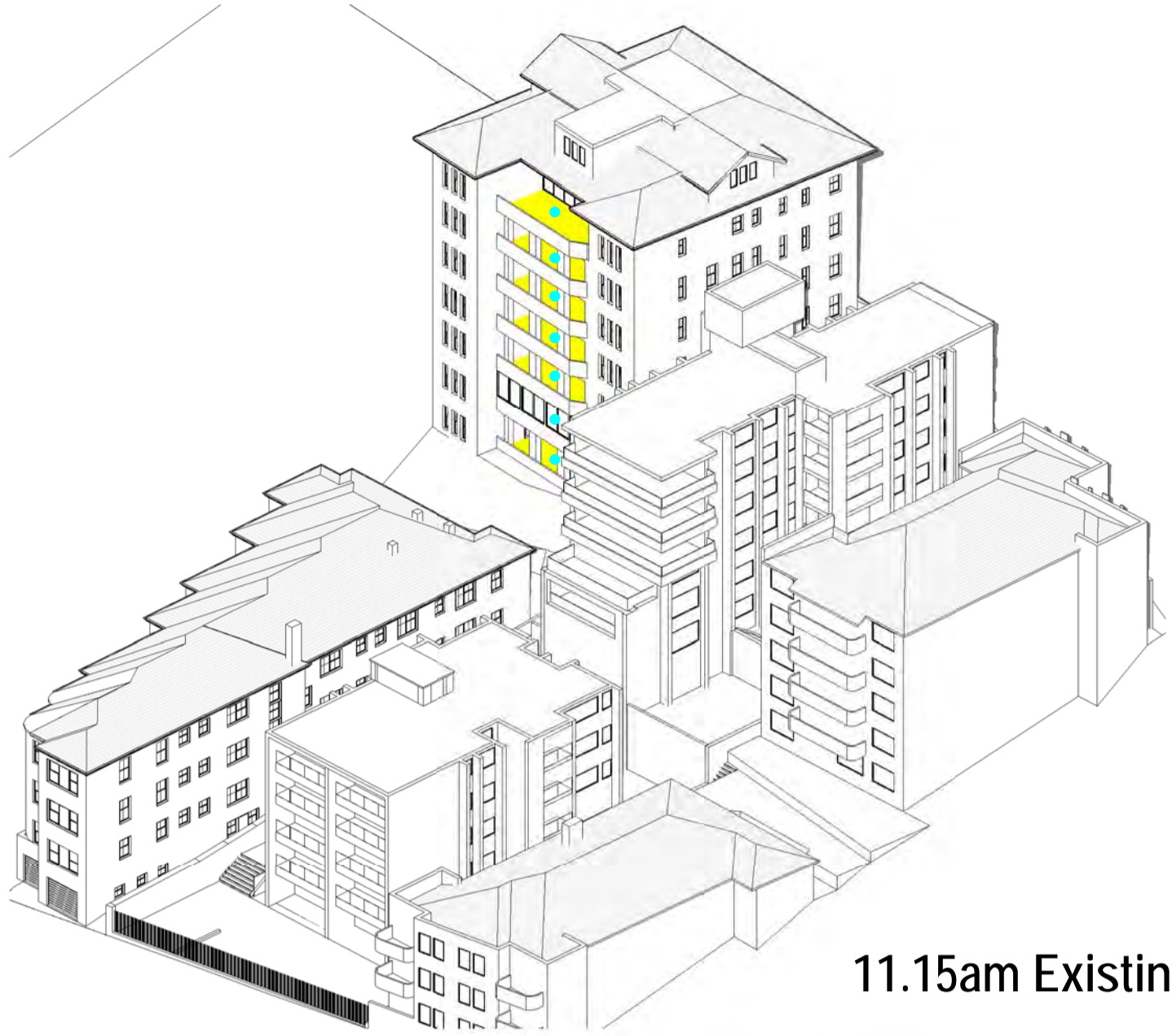
TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

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	

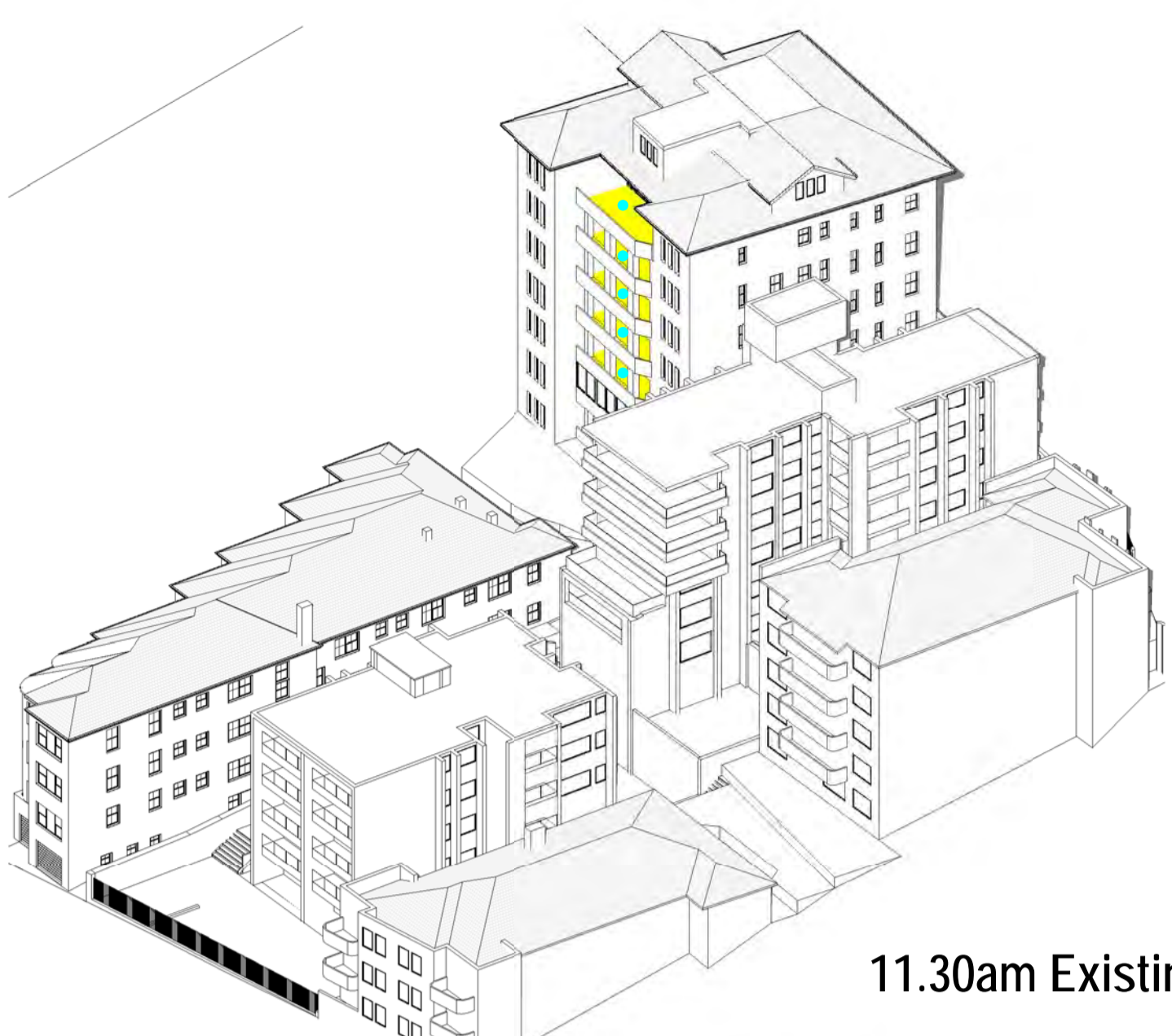
NOTE:
SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV.B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO



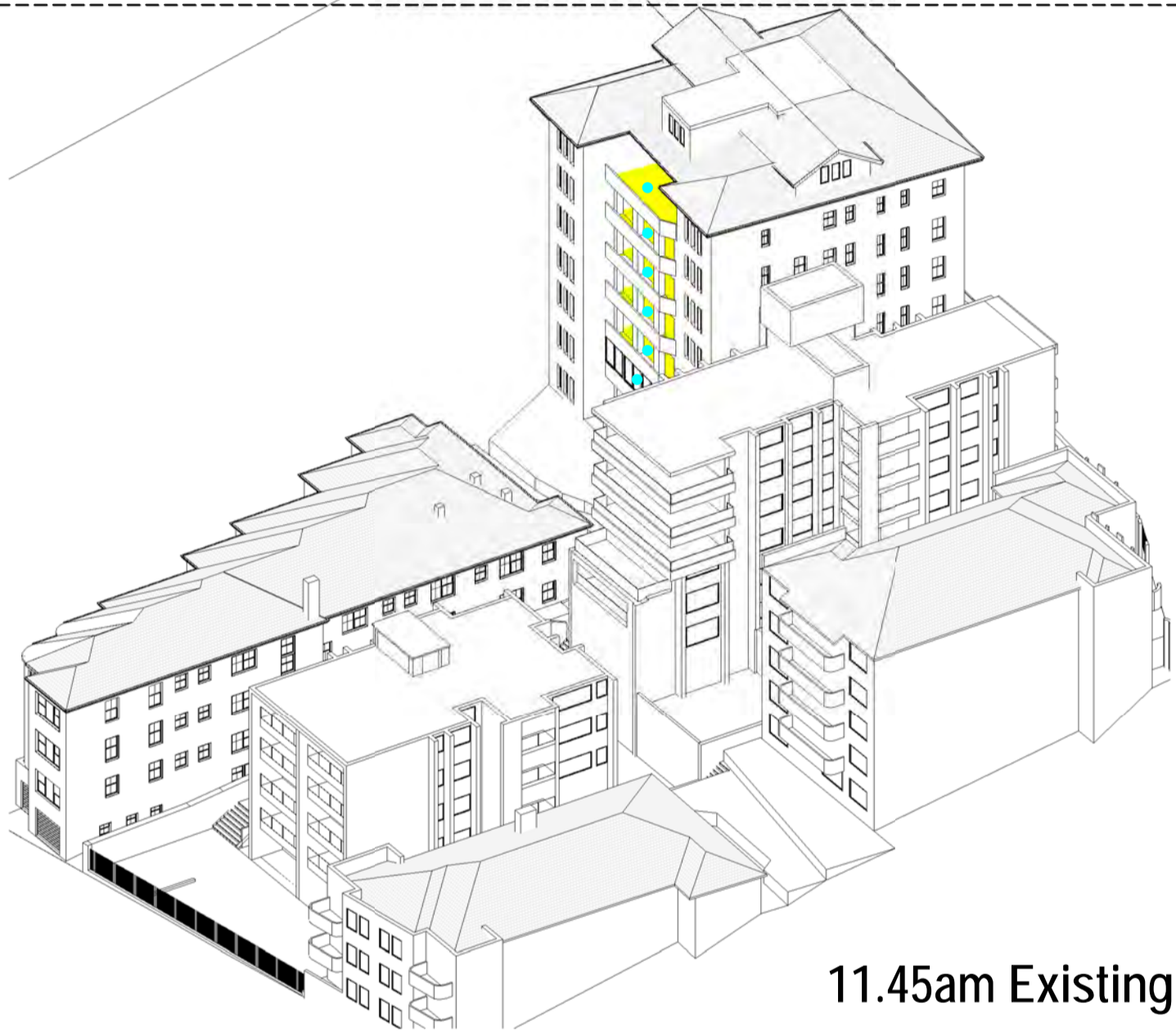
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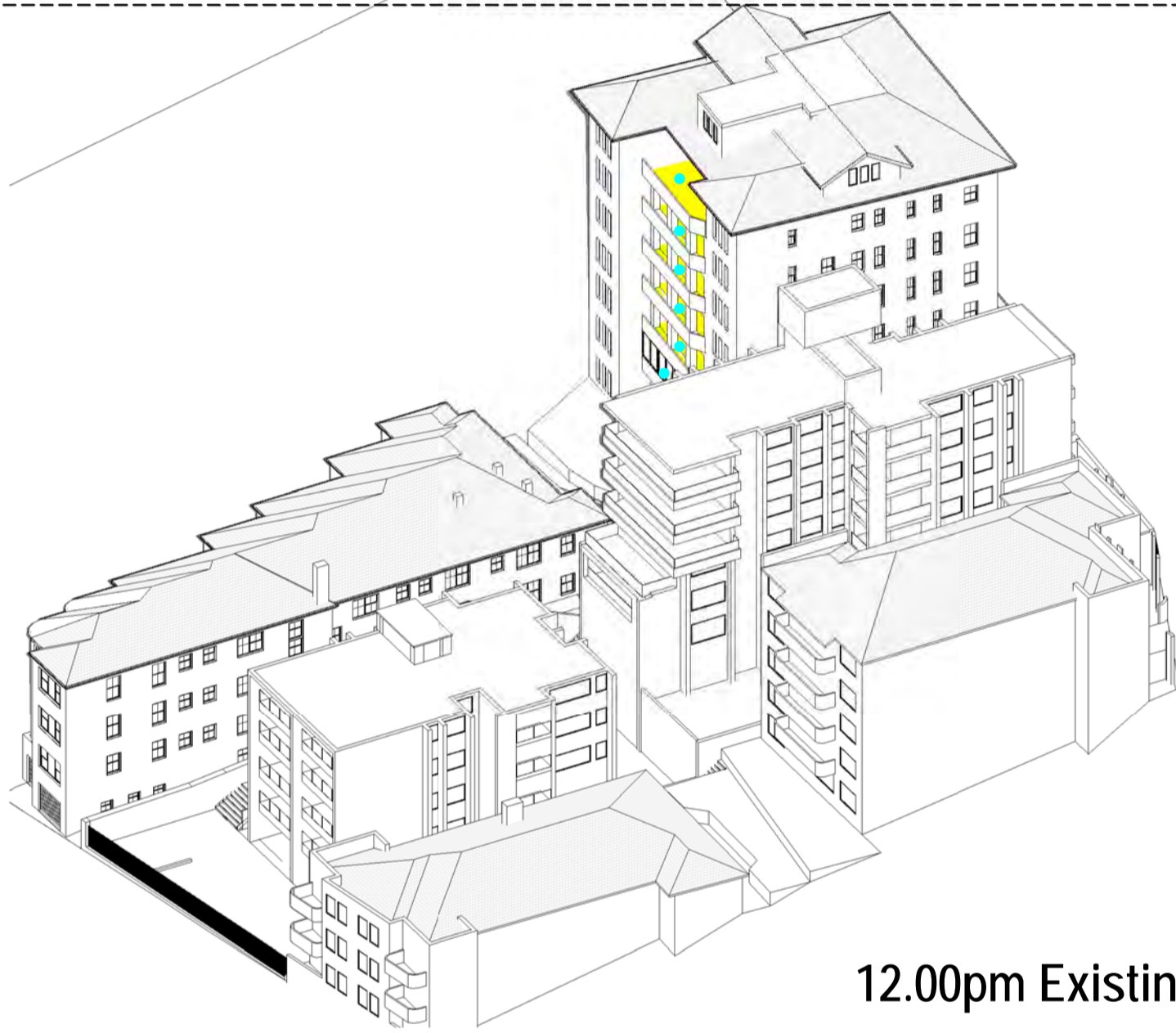
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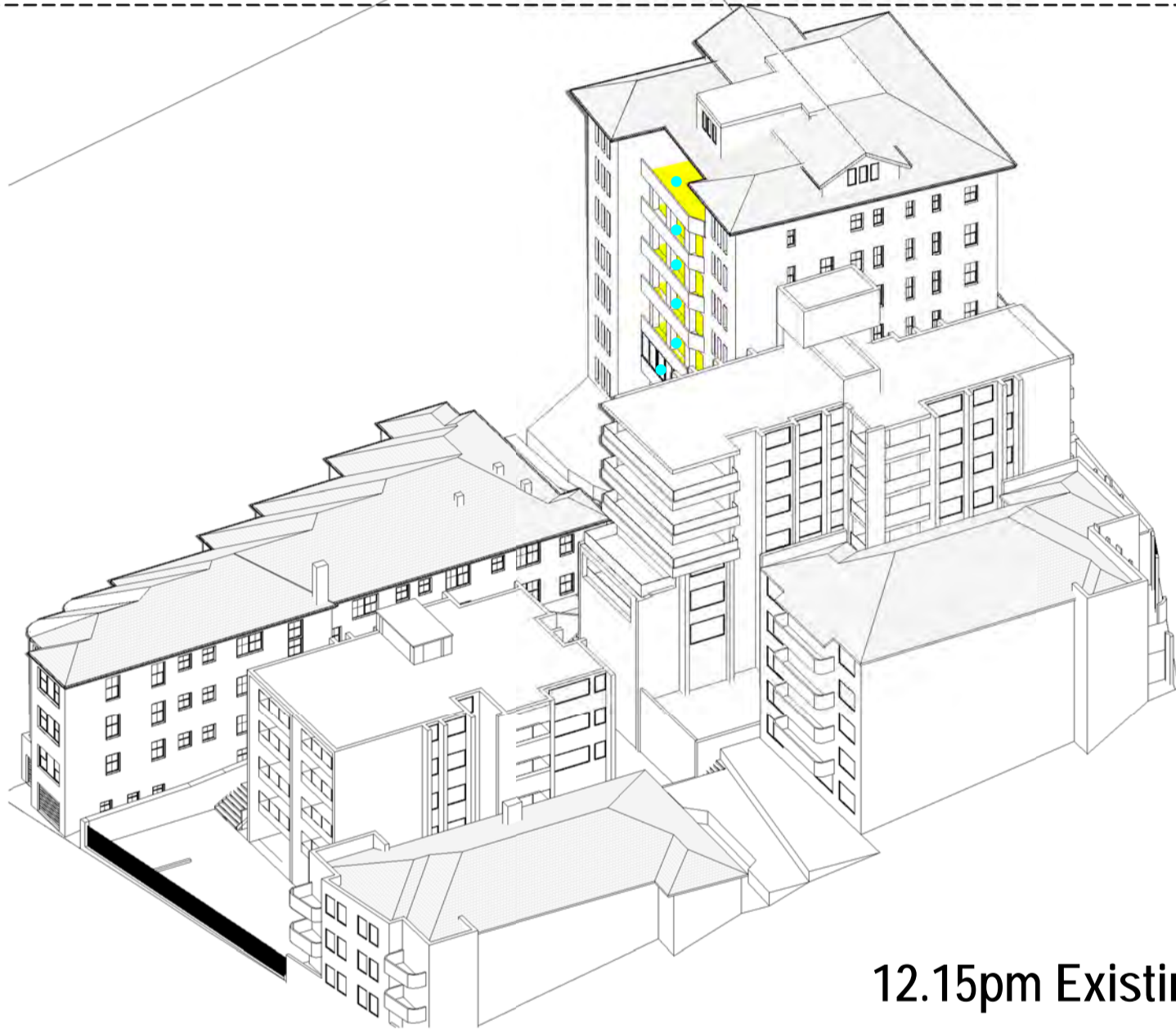
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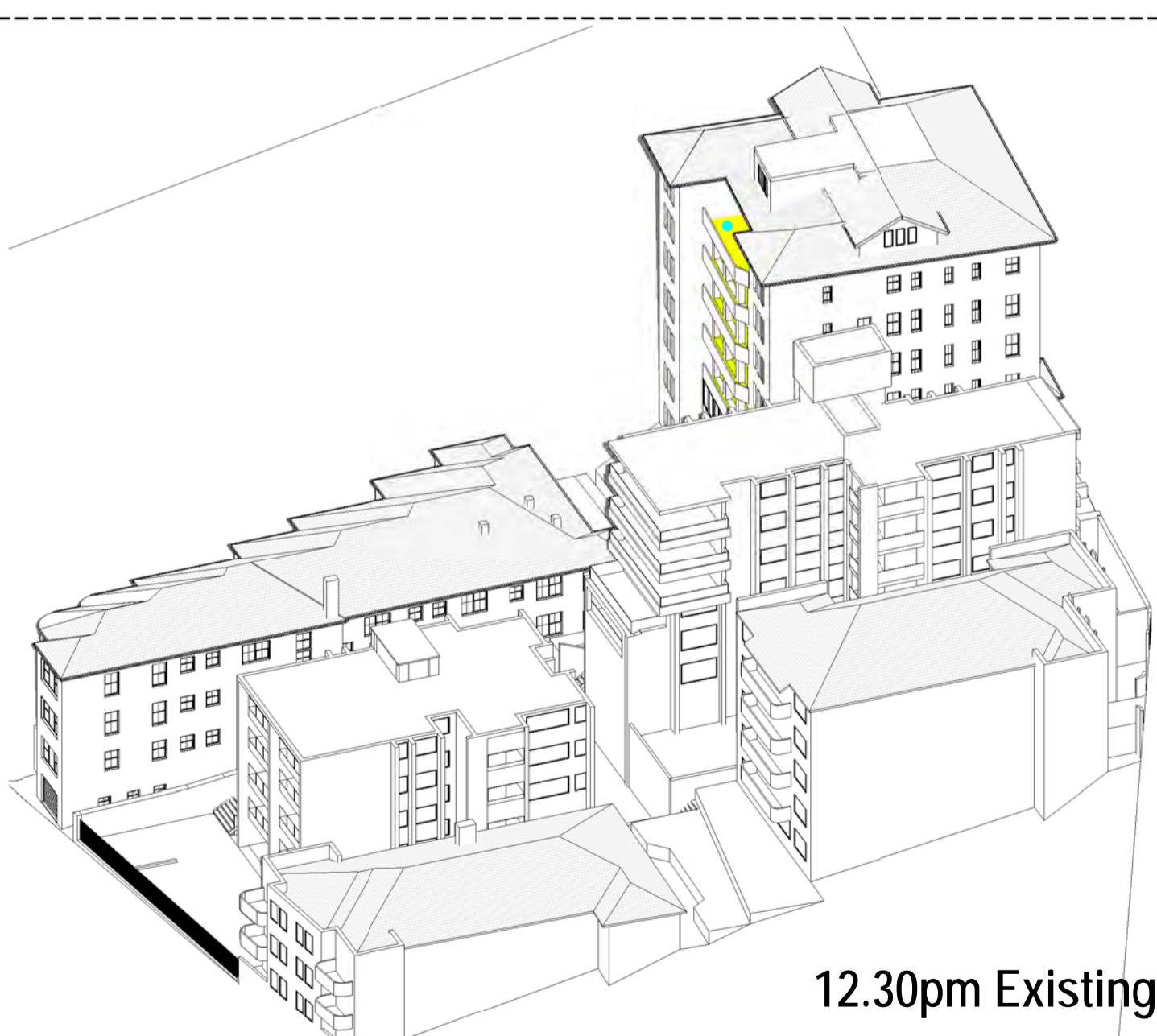
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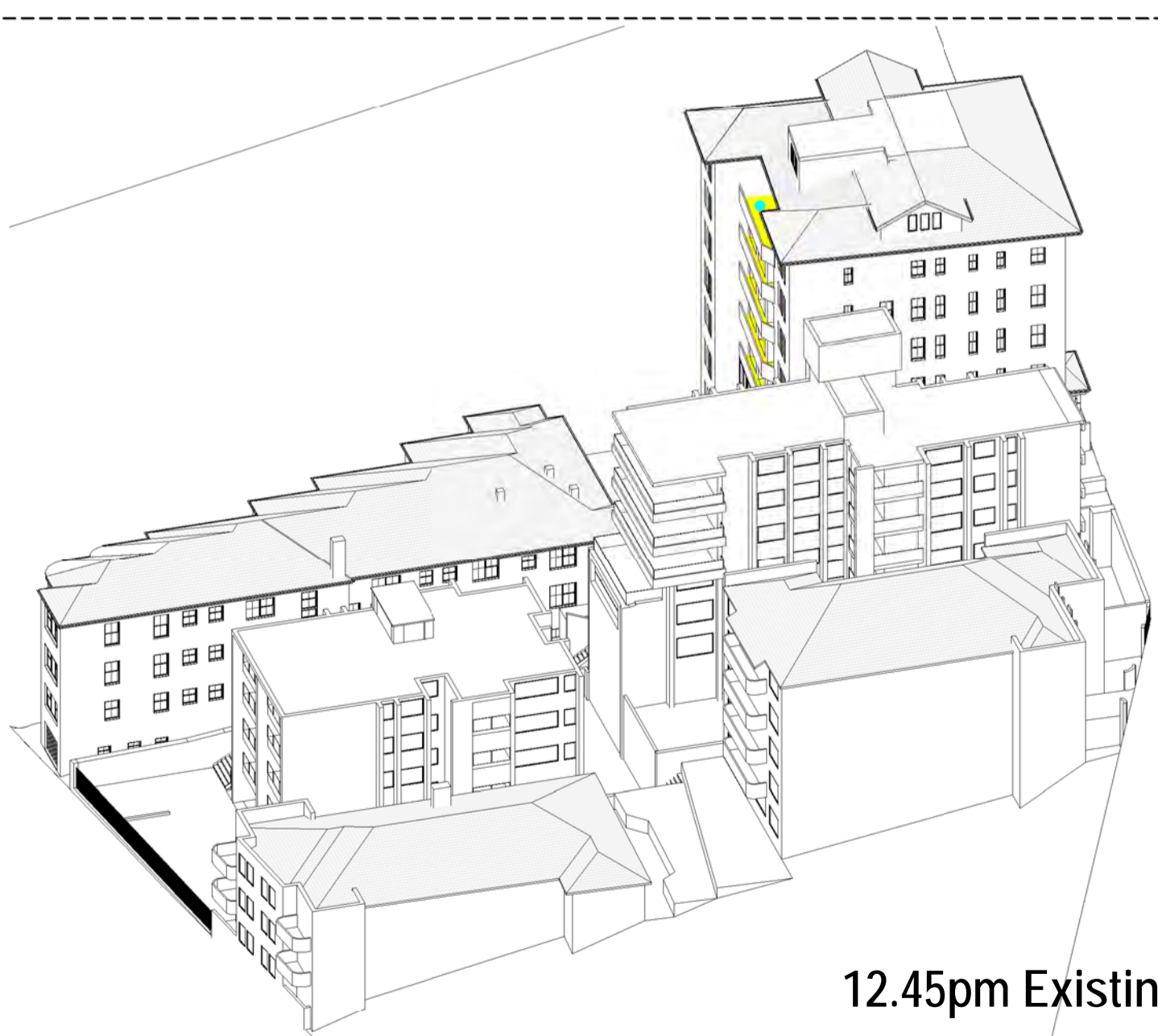
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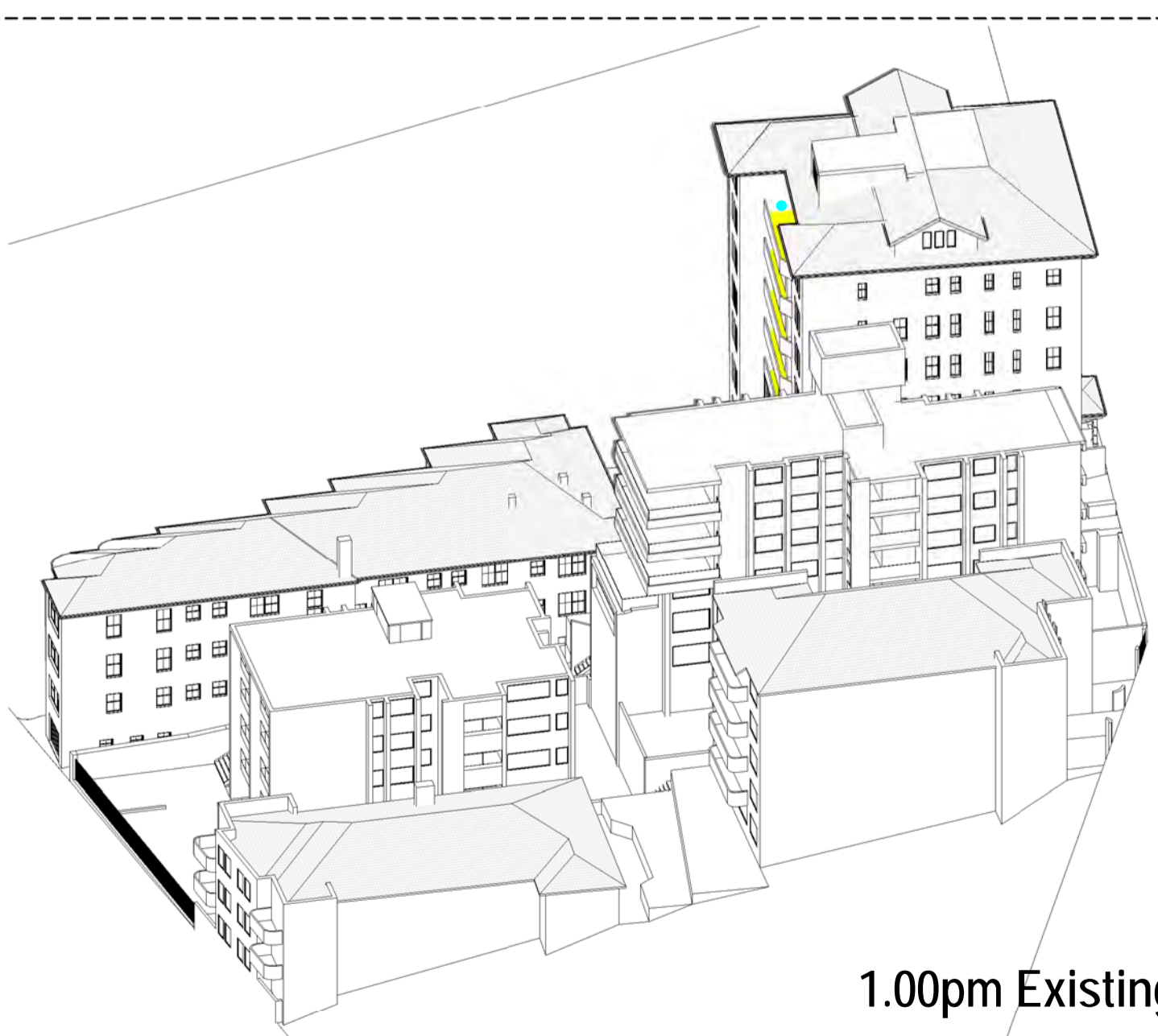
12.15pm Existing



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

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

SHADOW
ANALYSIS
REVIEW

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LILYFIELD, NSW
P.O BOX 446 GLADESVILLE 2111

MOBILE: 0410 699919
info@cadraftnsw.com.au

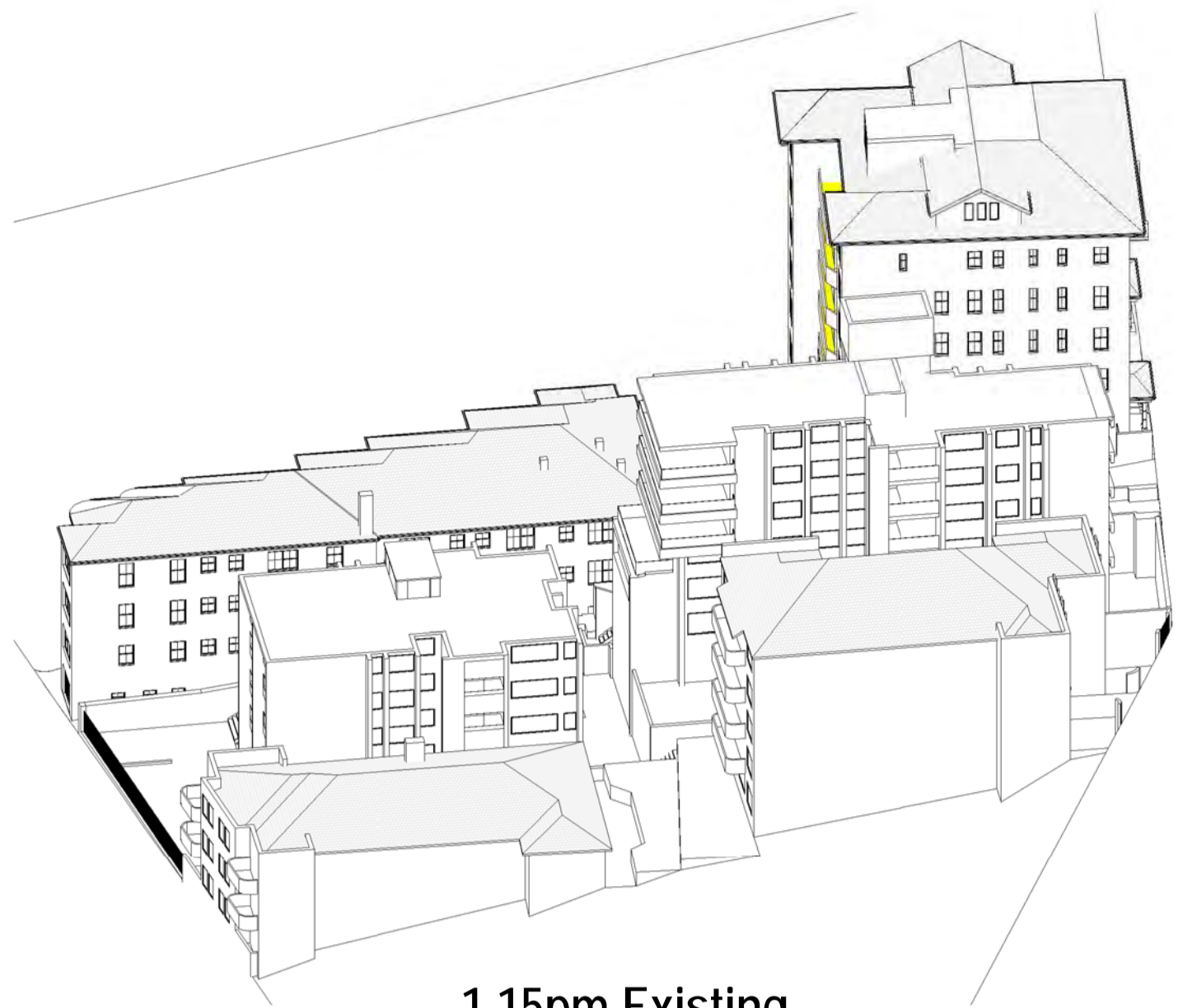
Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

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

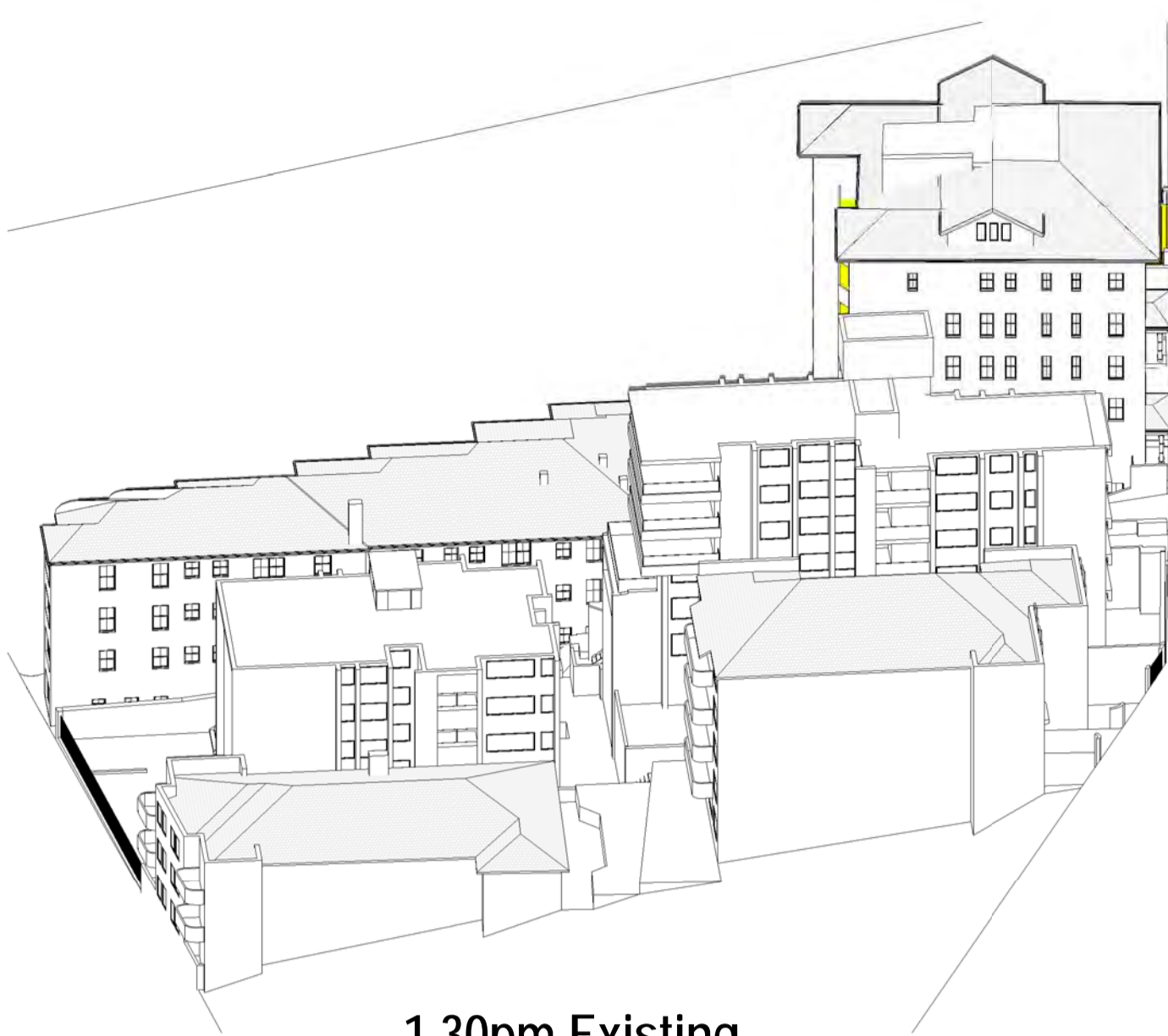
Date: 19-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

LIVING ROOM WINDOW REVIEW

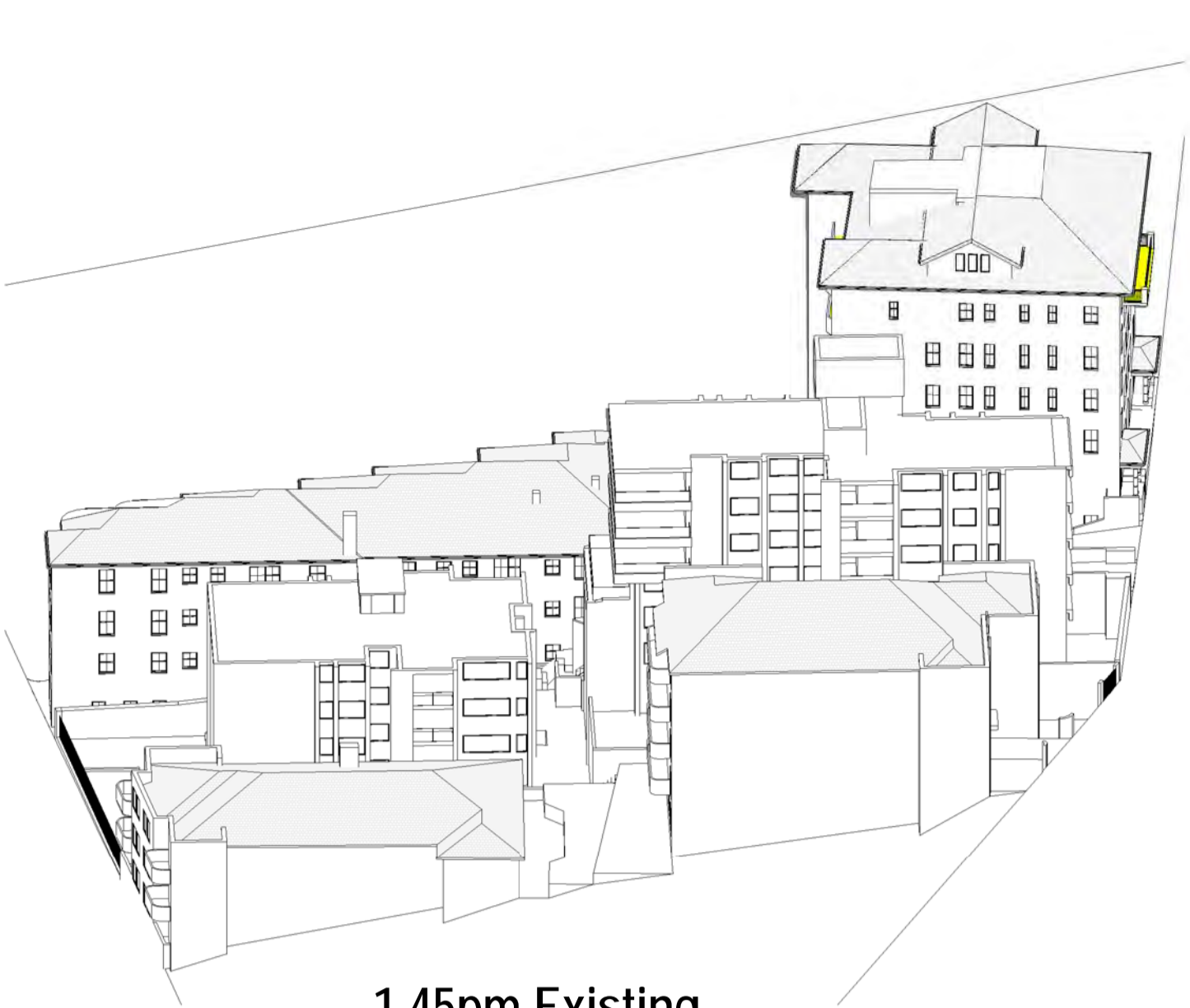
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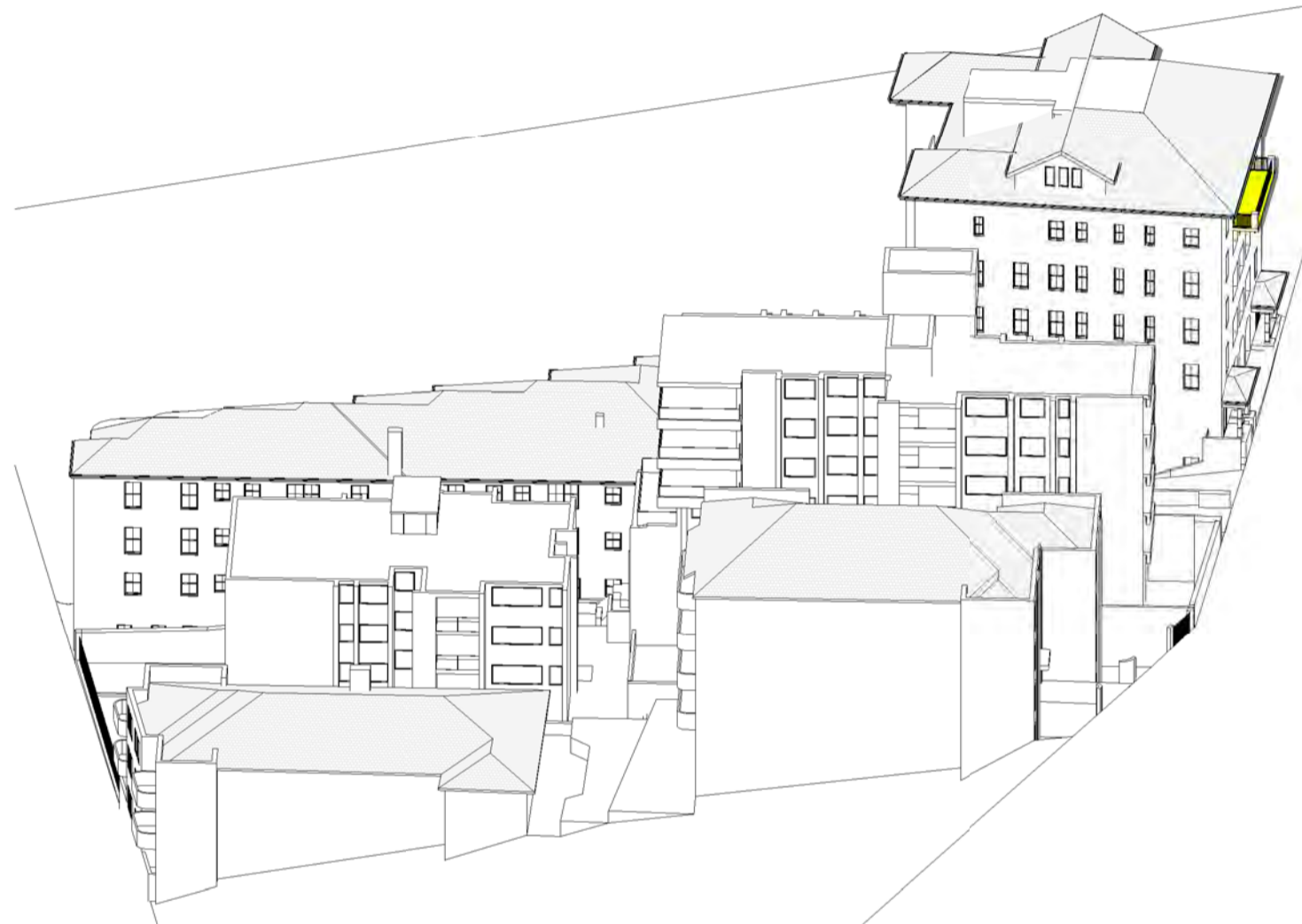
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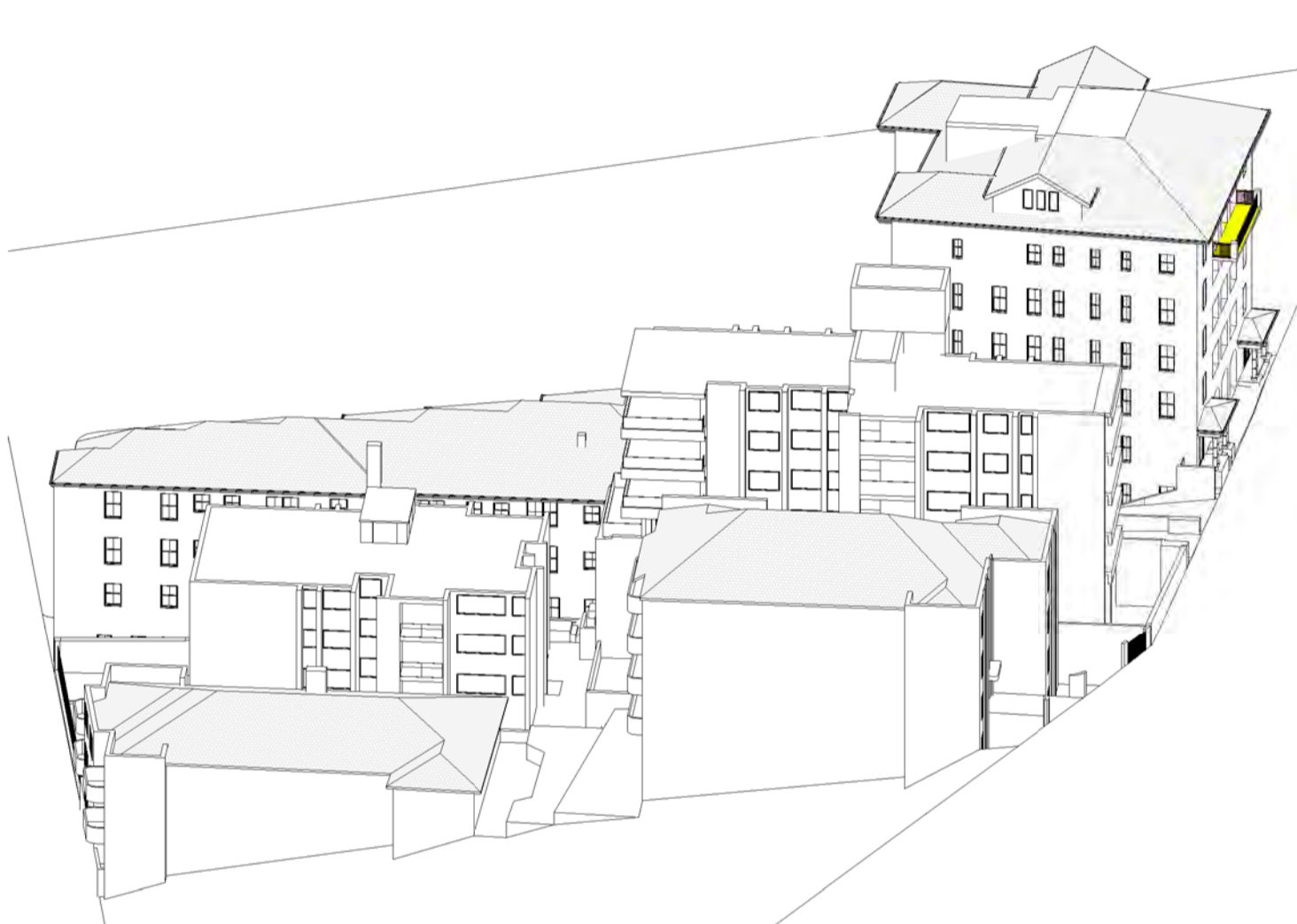
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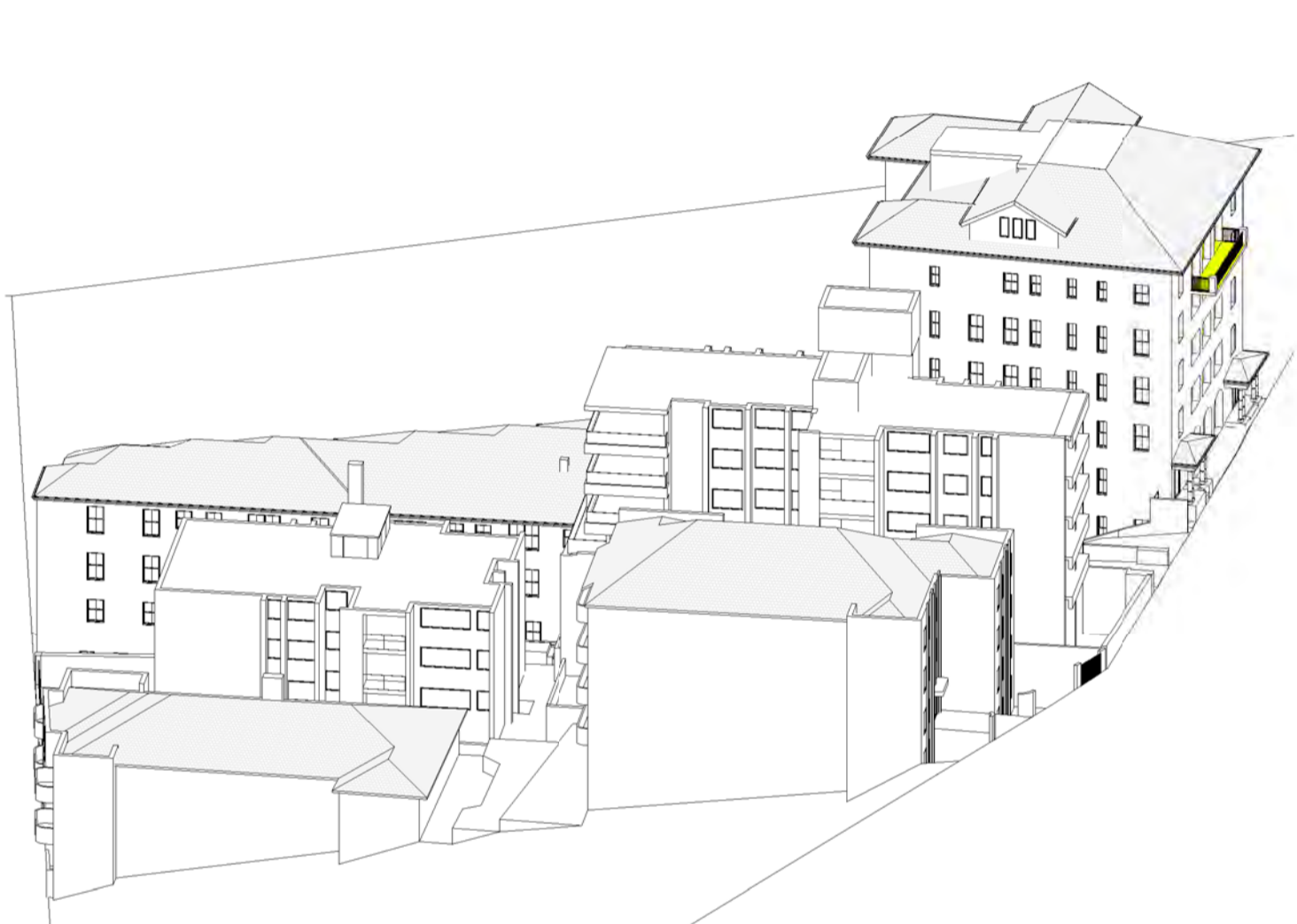
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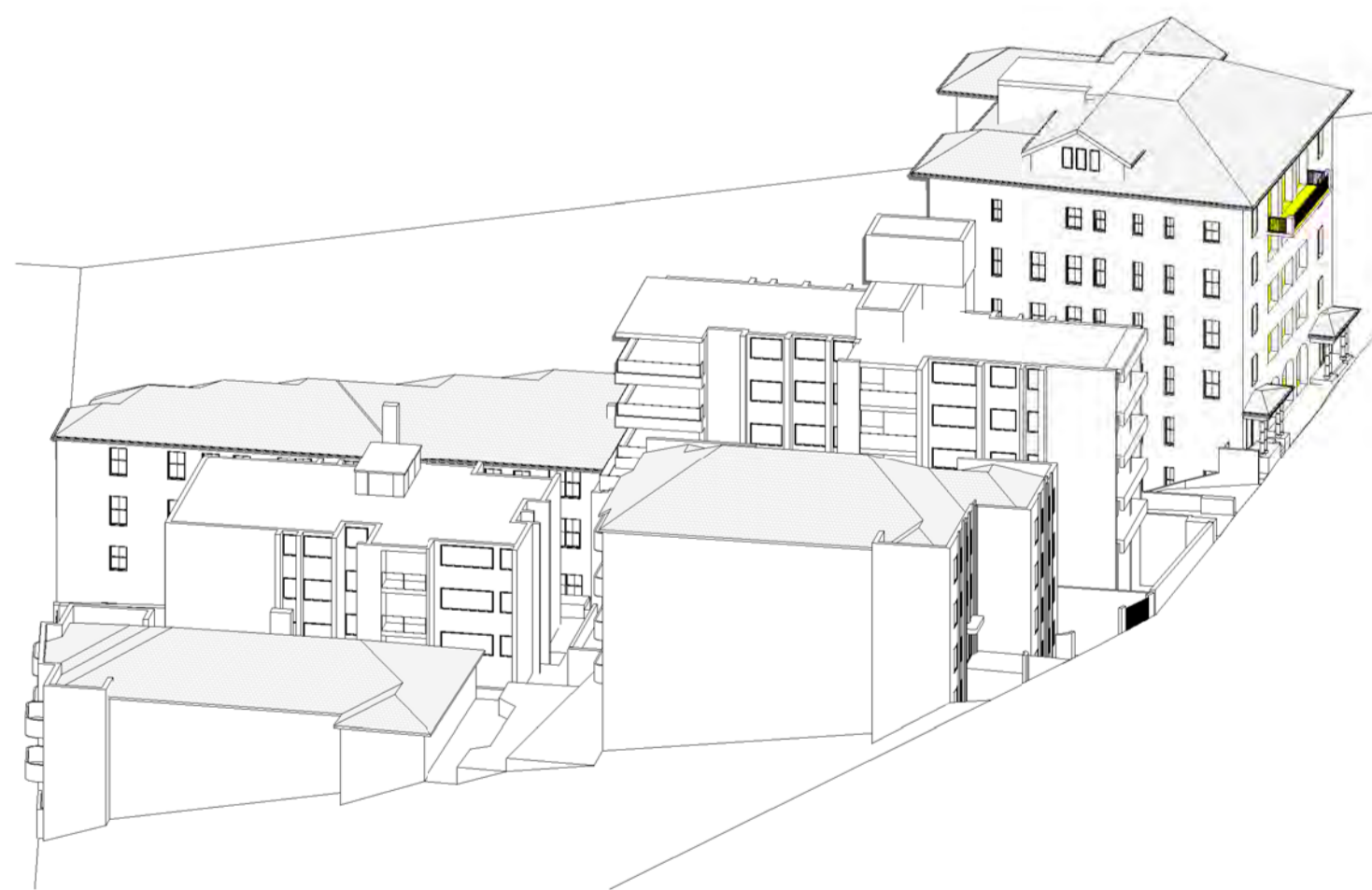
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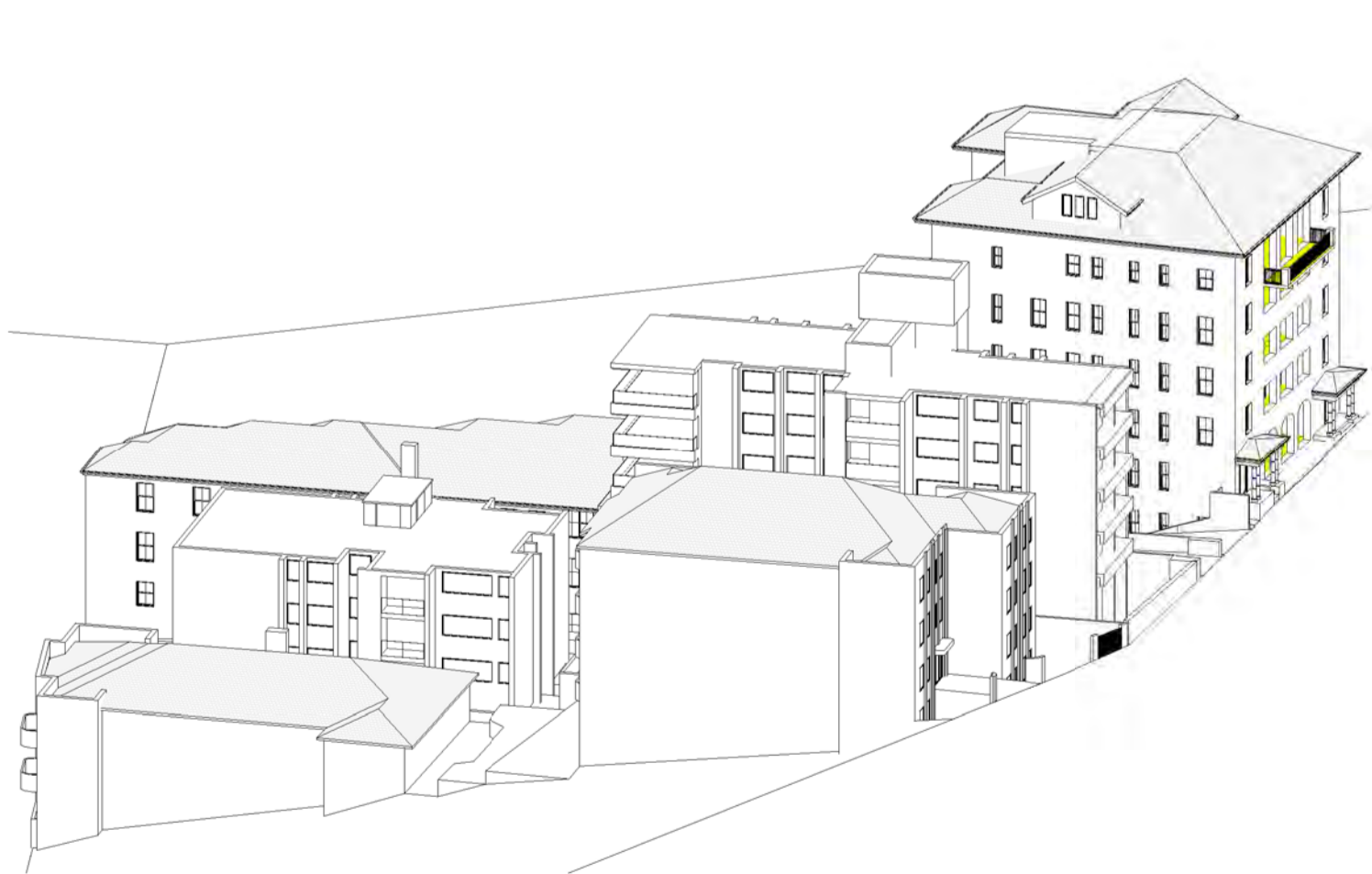
2.15pm Existing



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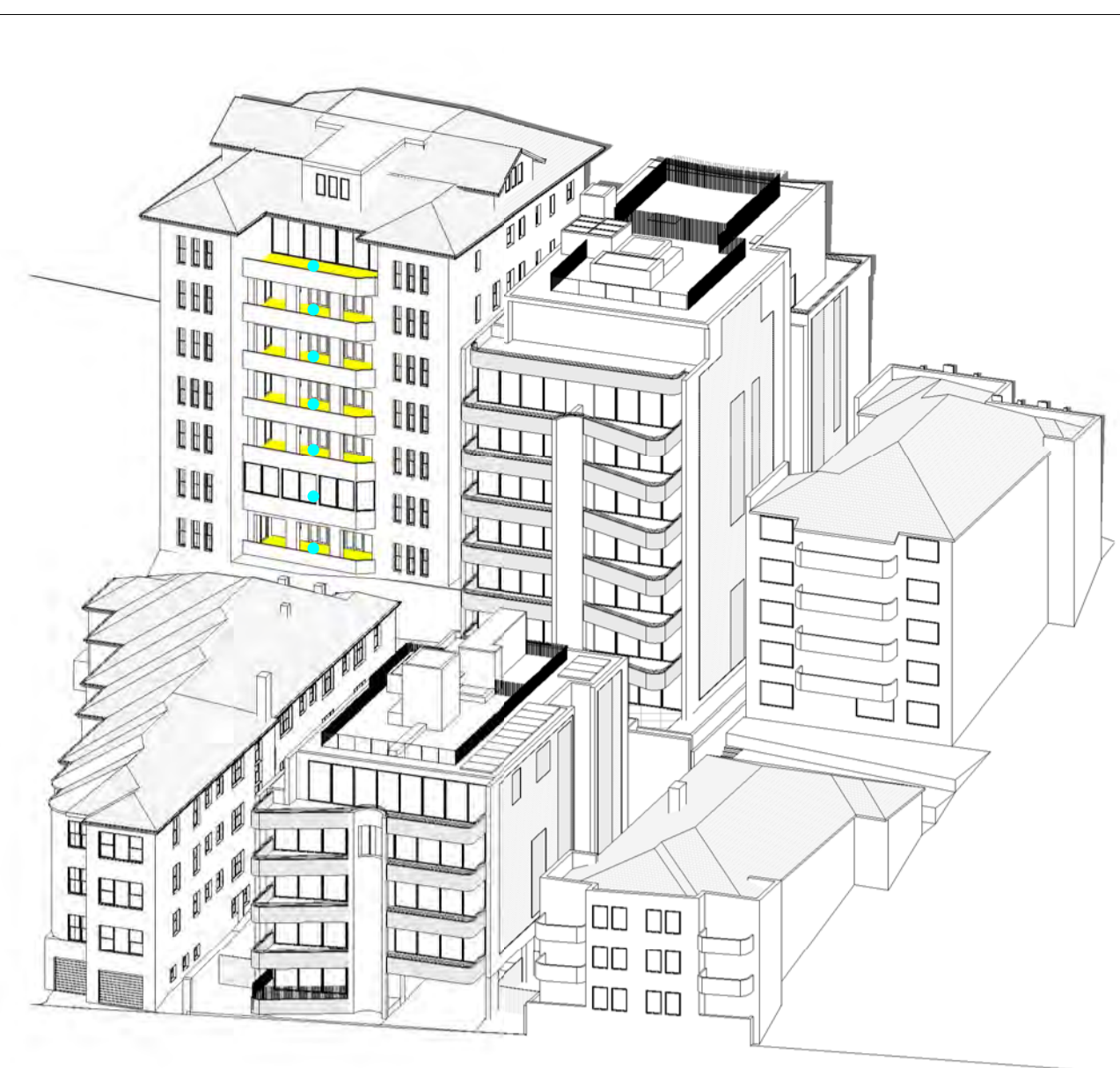
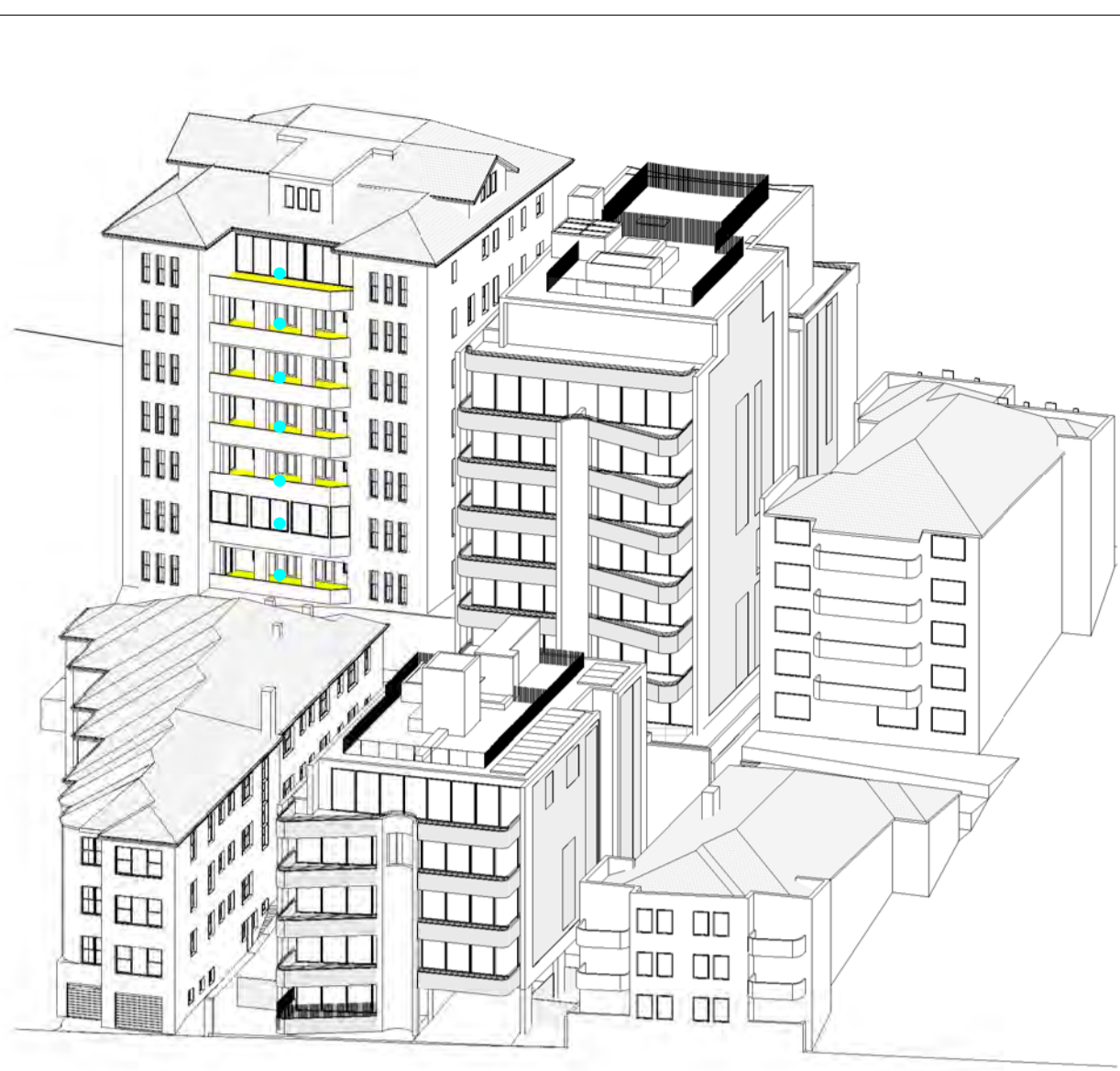
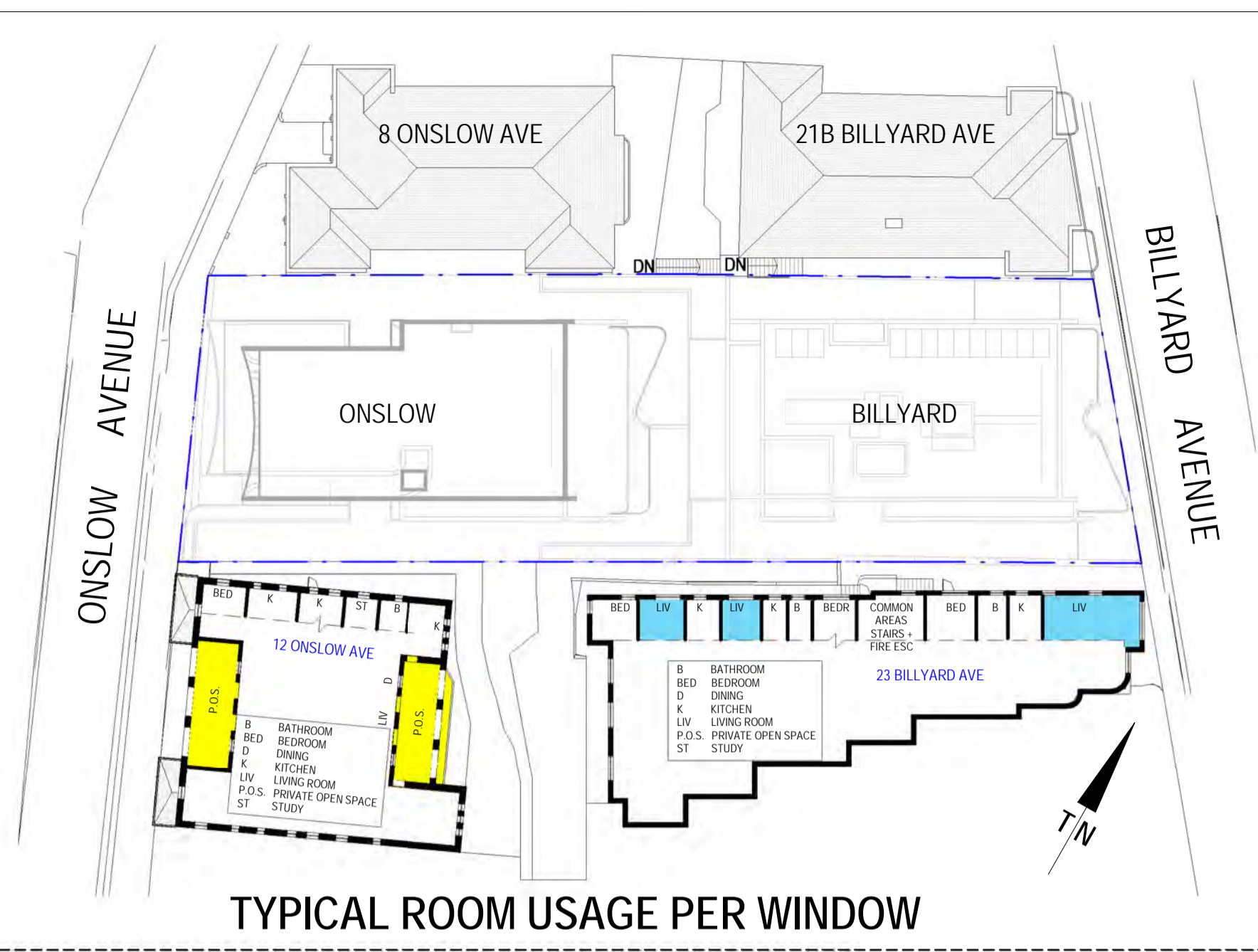
Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

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

Date: 19-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

LIVING ROOM WINDOW REVIEW

Project number 23-130 A102



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

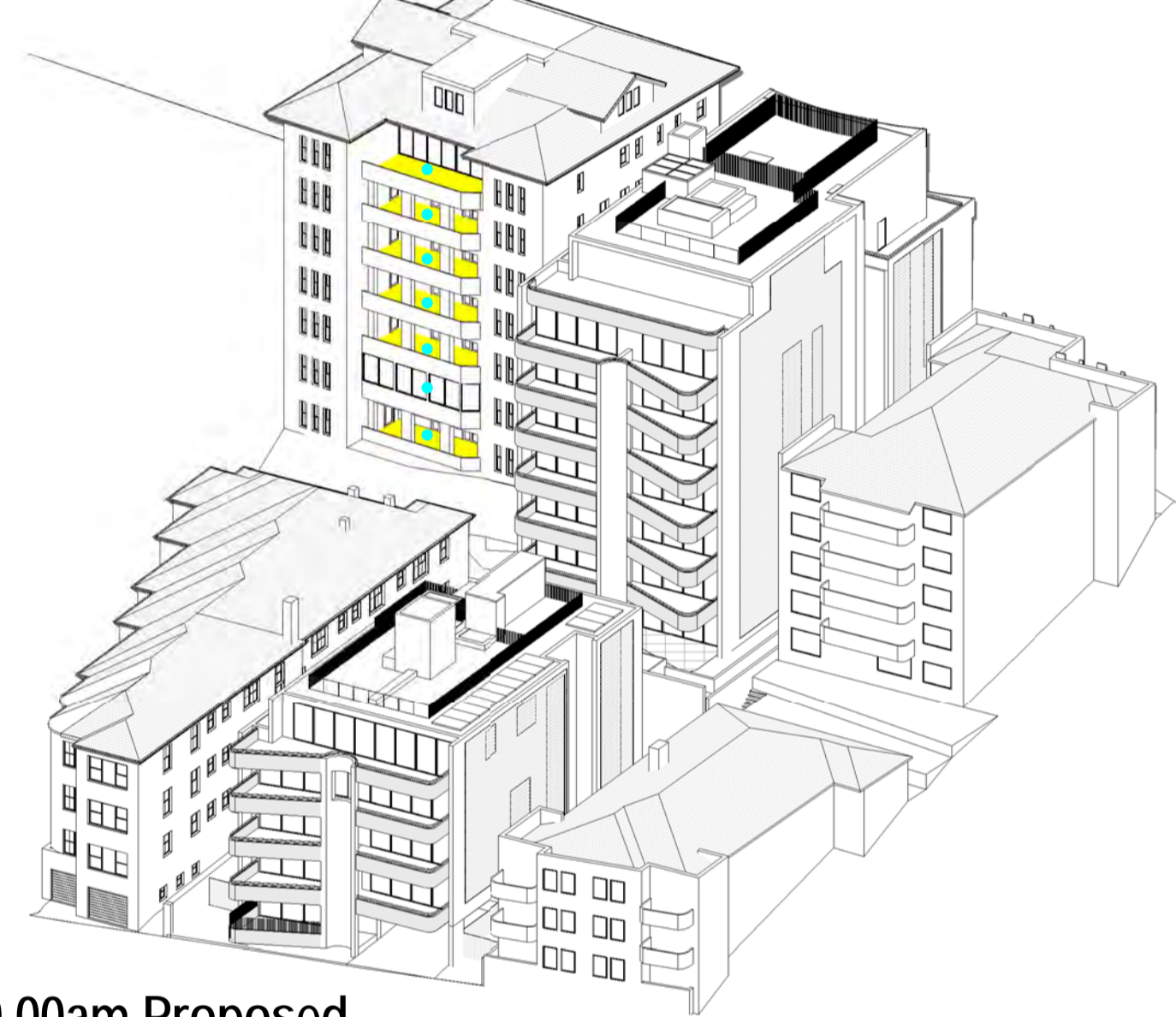
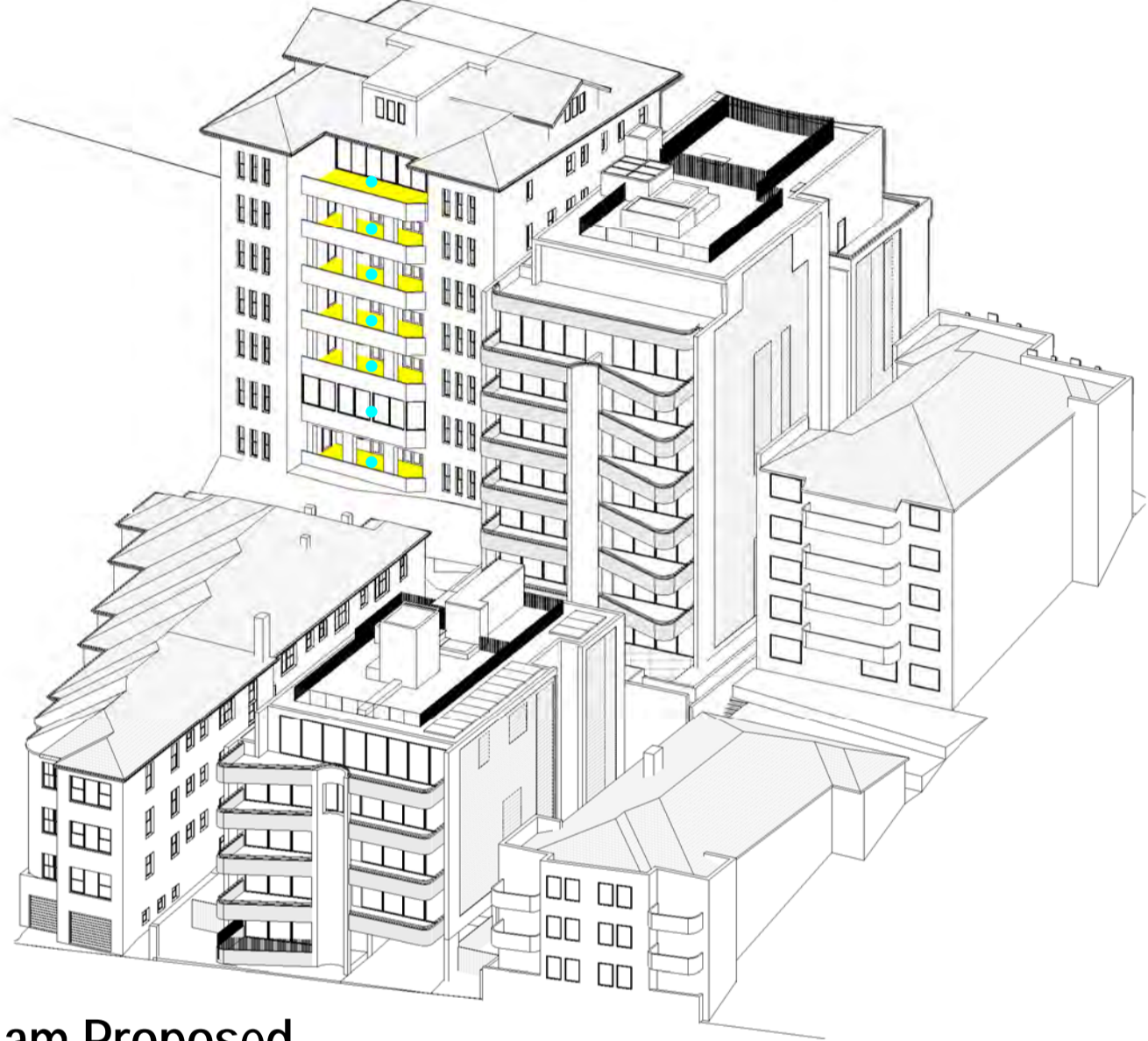
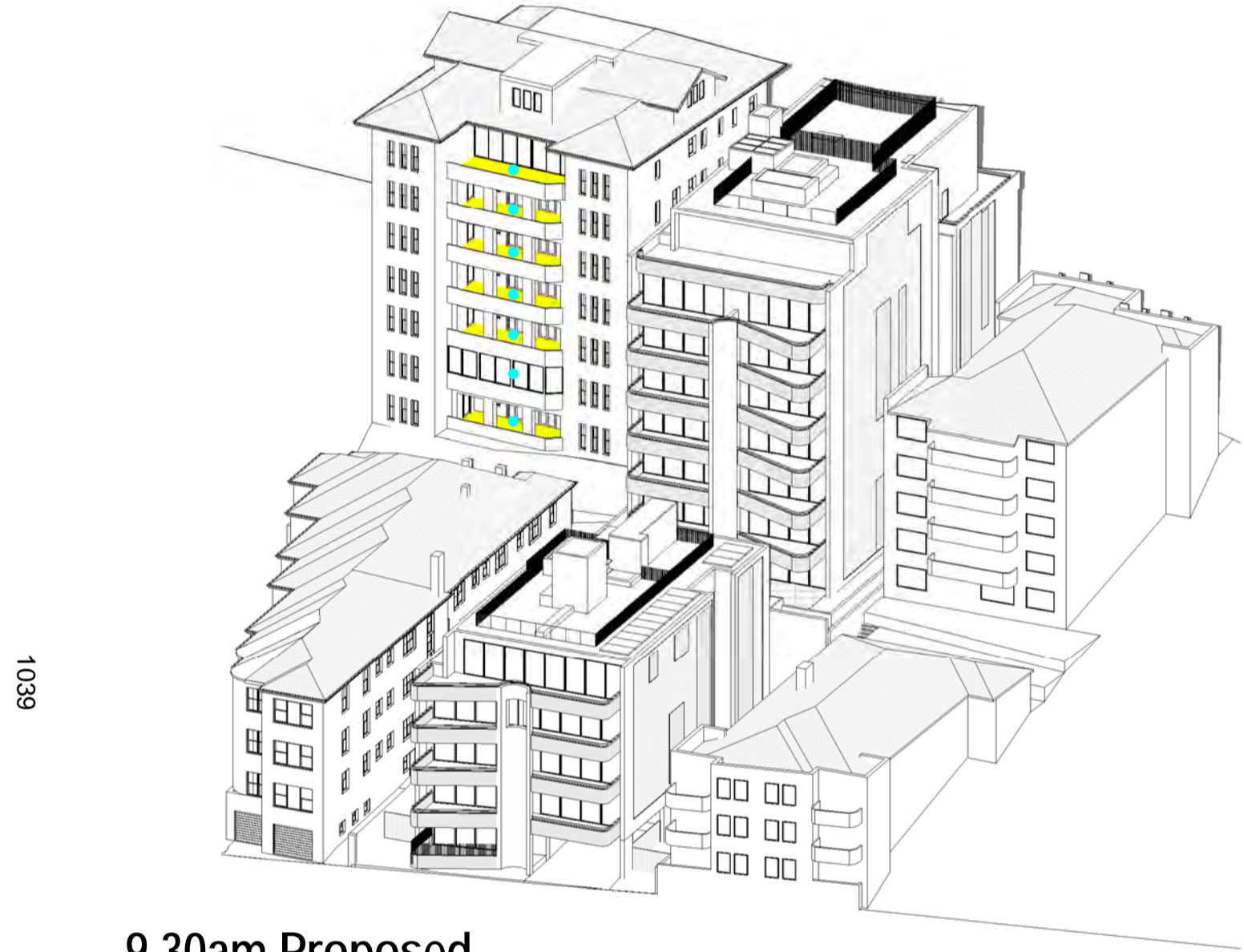
DENOTES P.O.S LOSS OF DIRECT SUNLIGHT

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								
	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			

TYPICAL ROOM USAGE PER WINDOW

9.00am Proposed

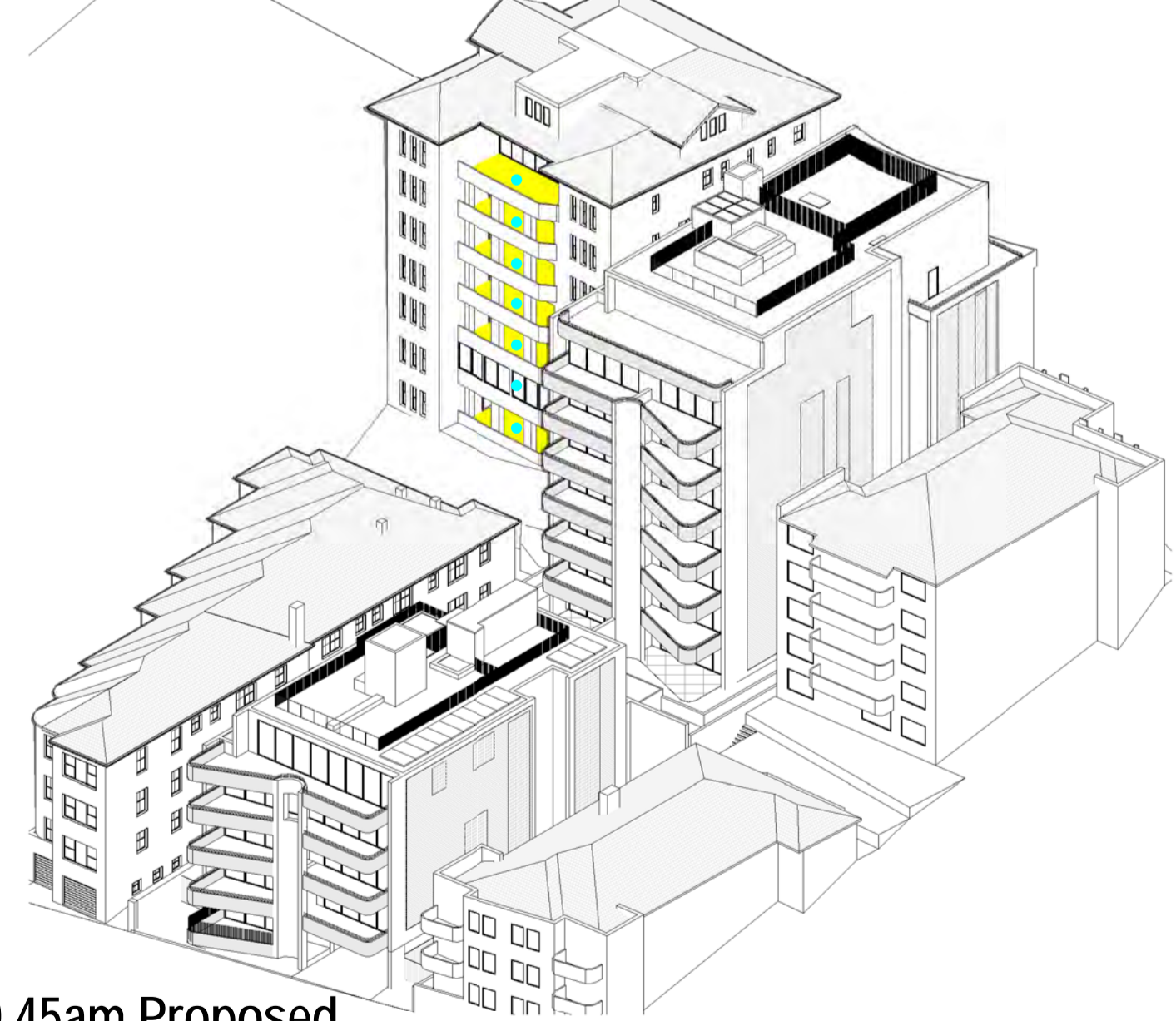
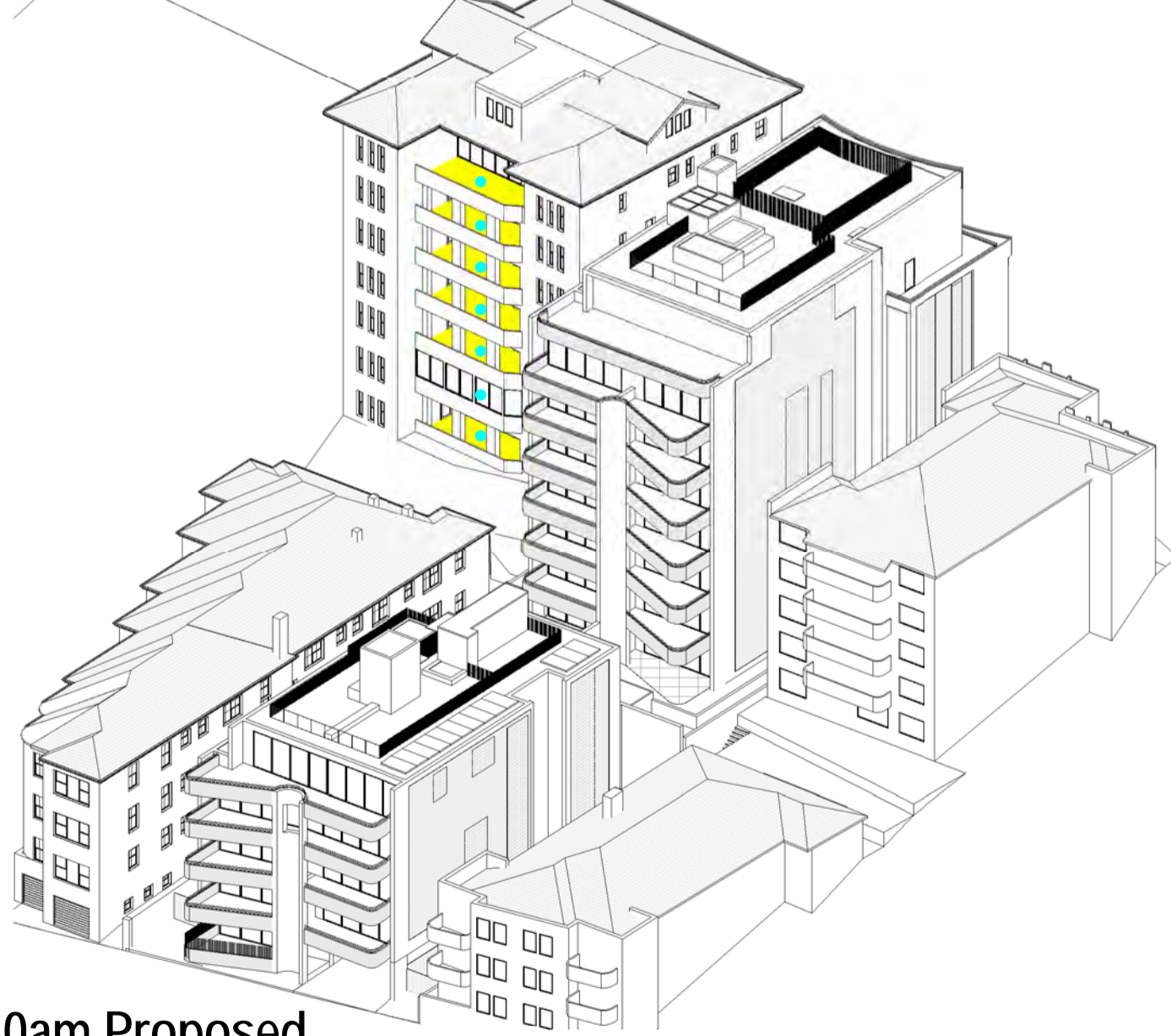
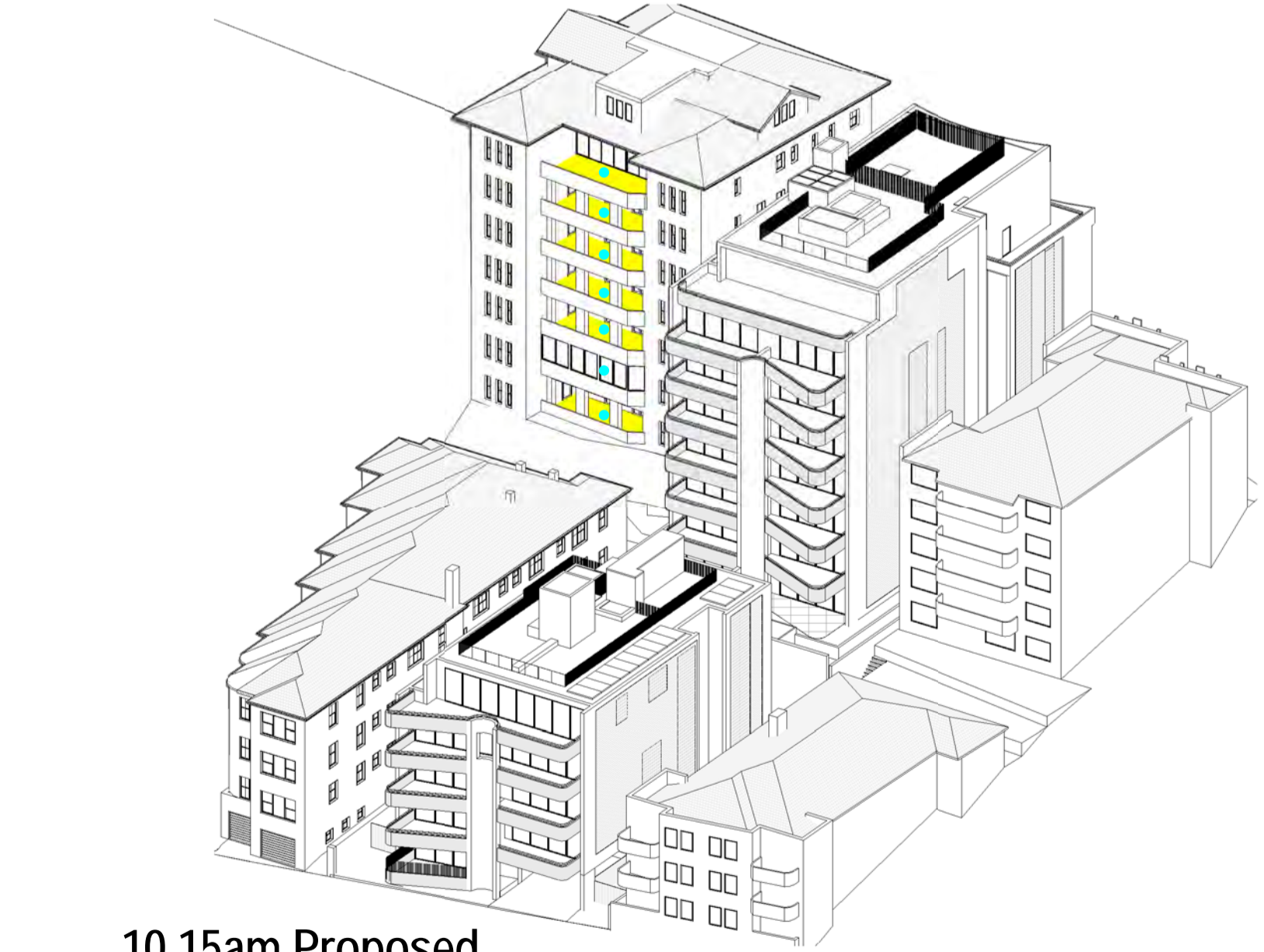
9.15am Proposed



9.30am Proposed

9.45am Proposed

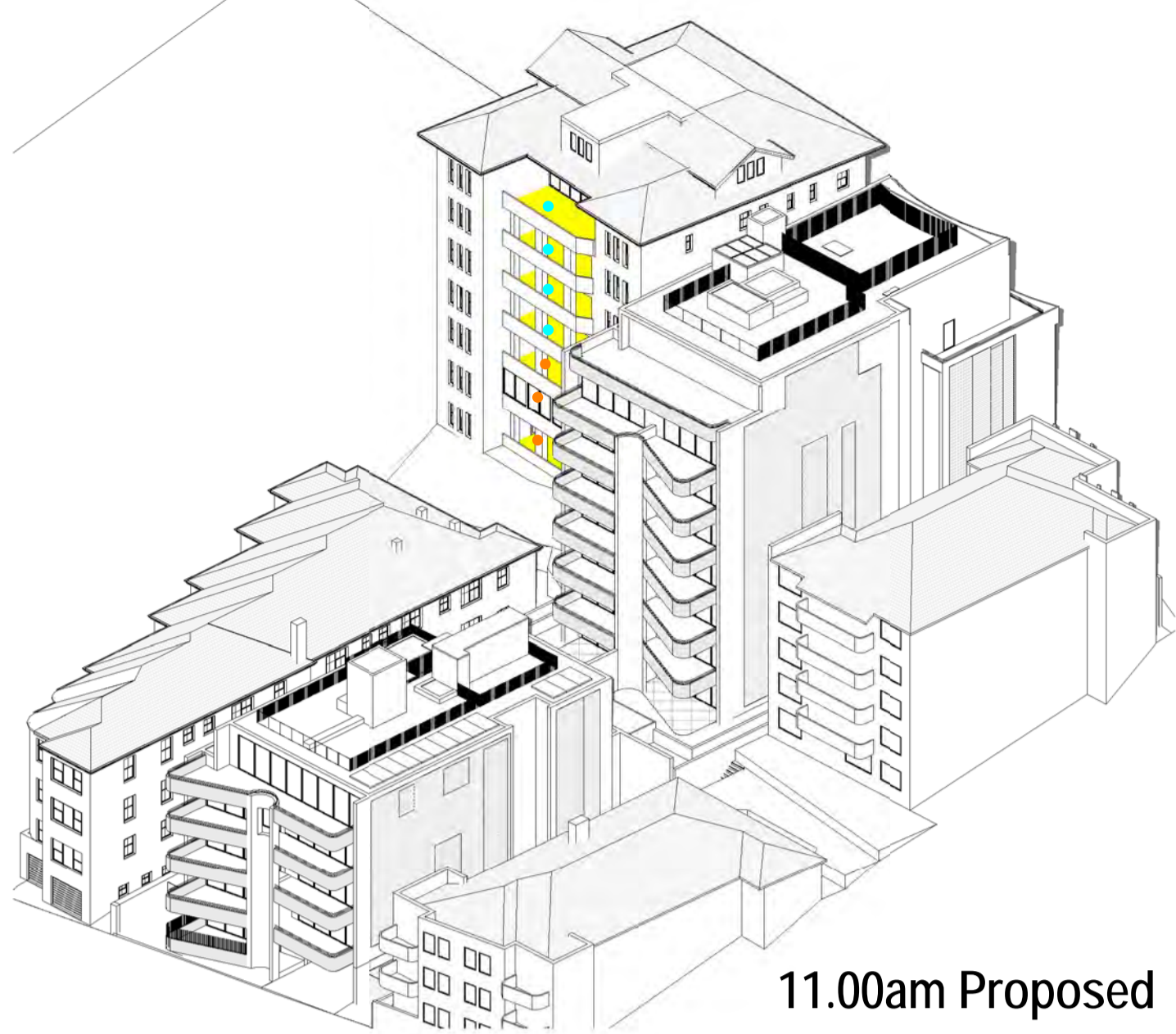
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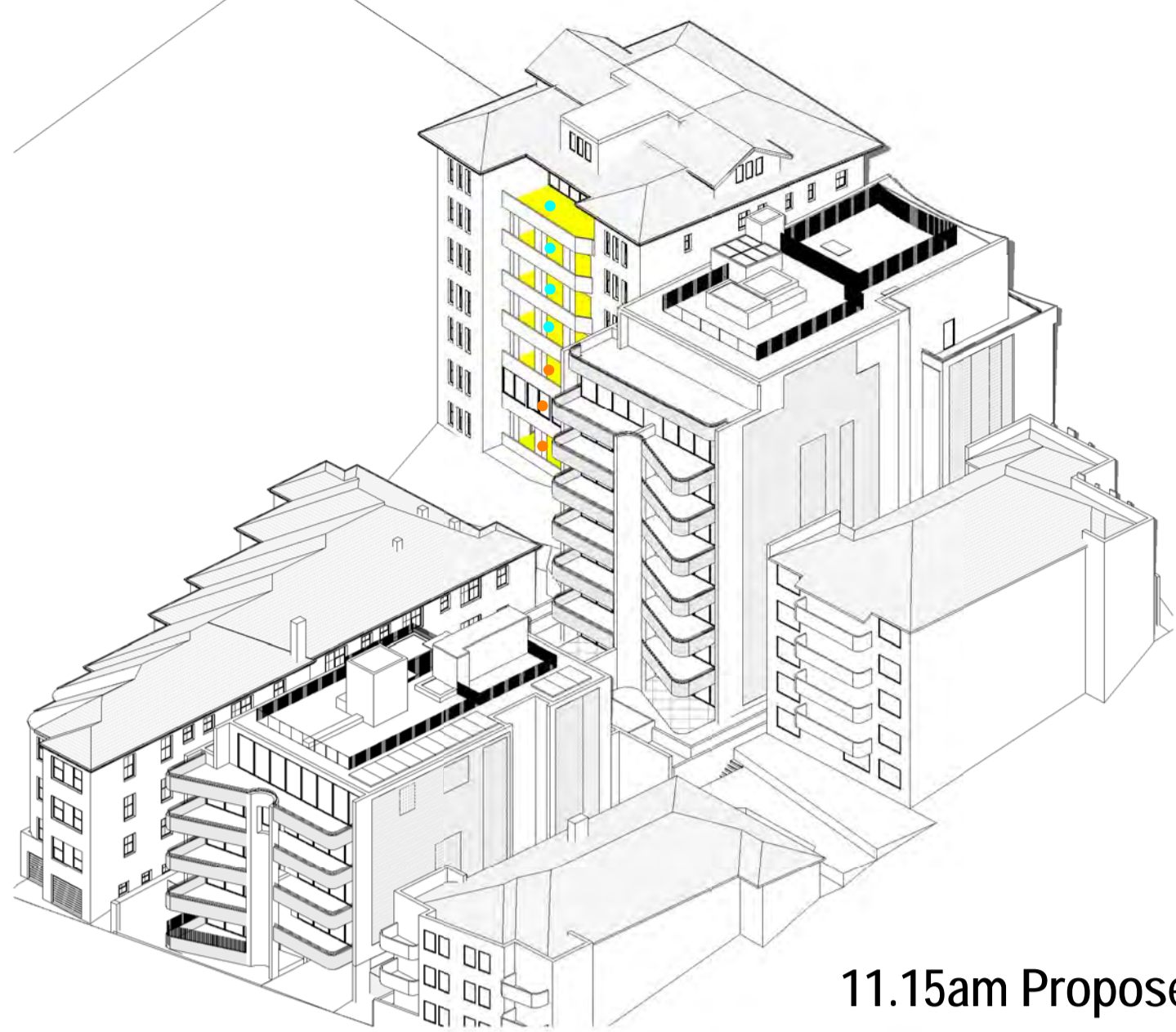
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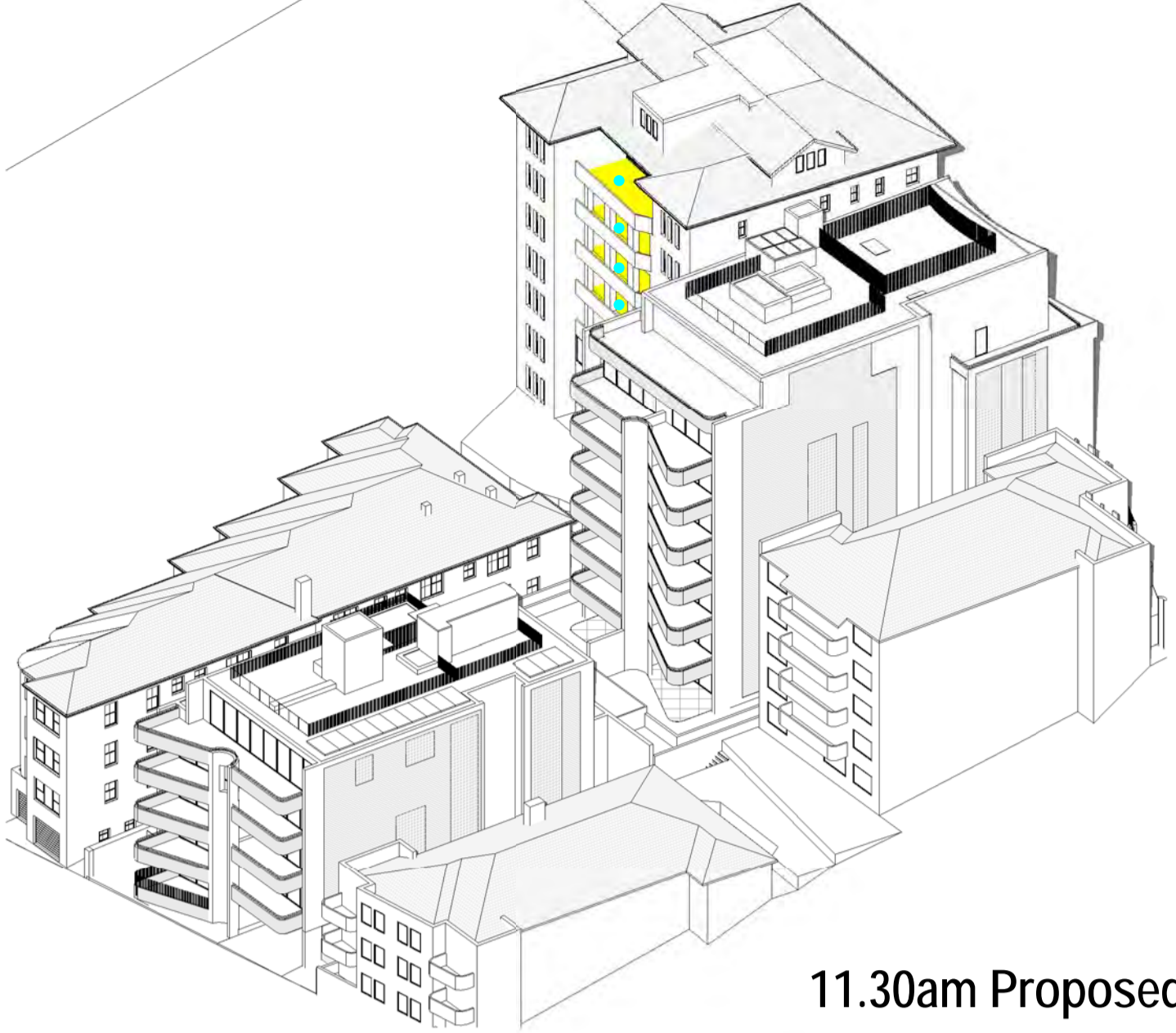
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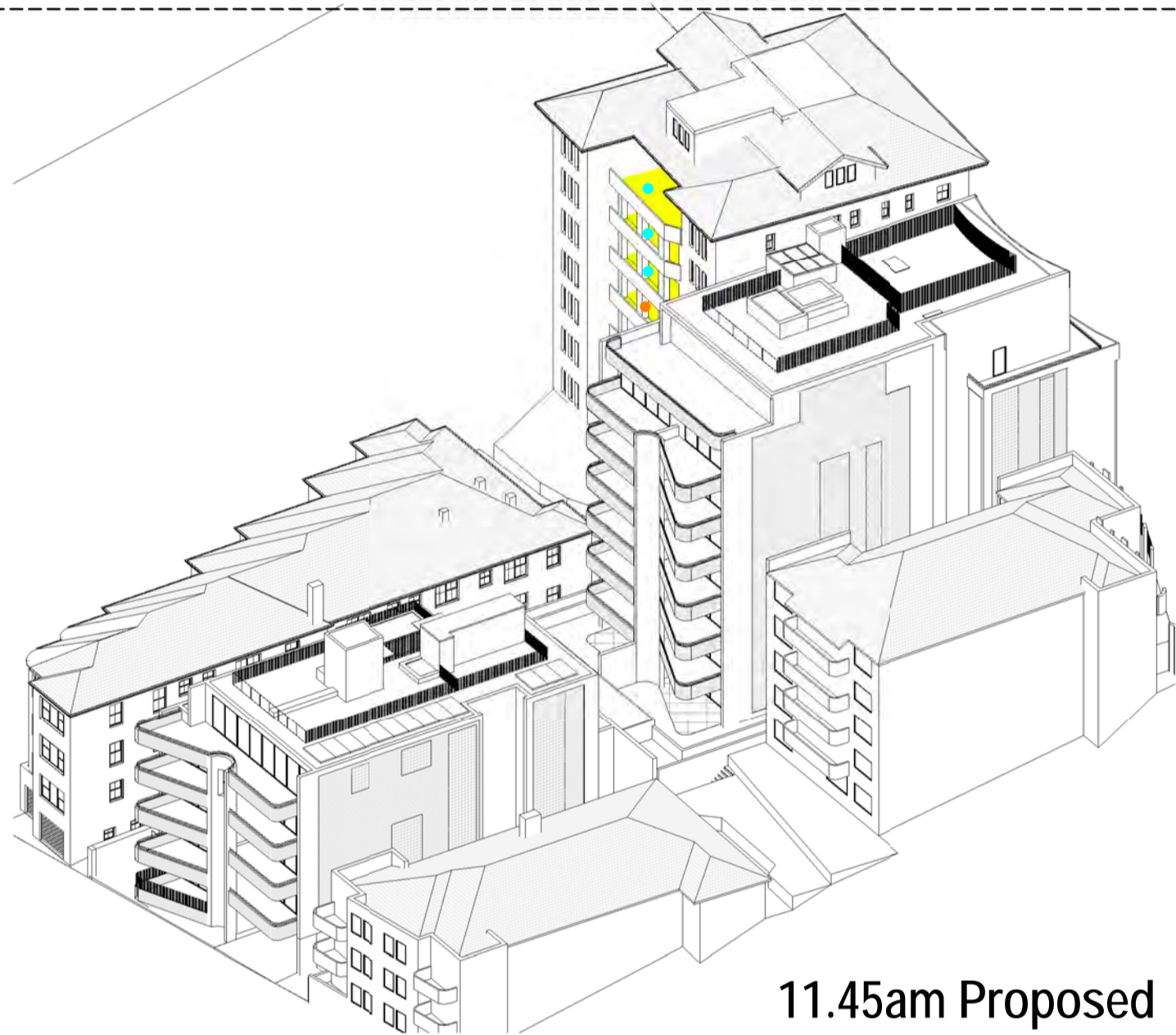
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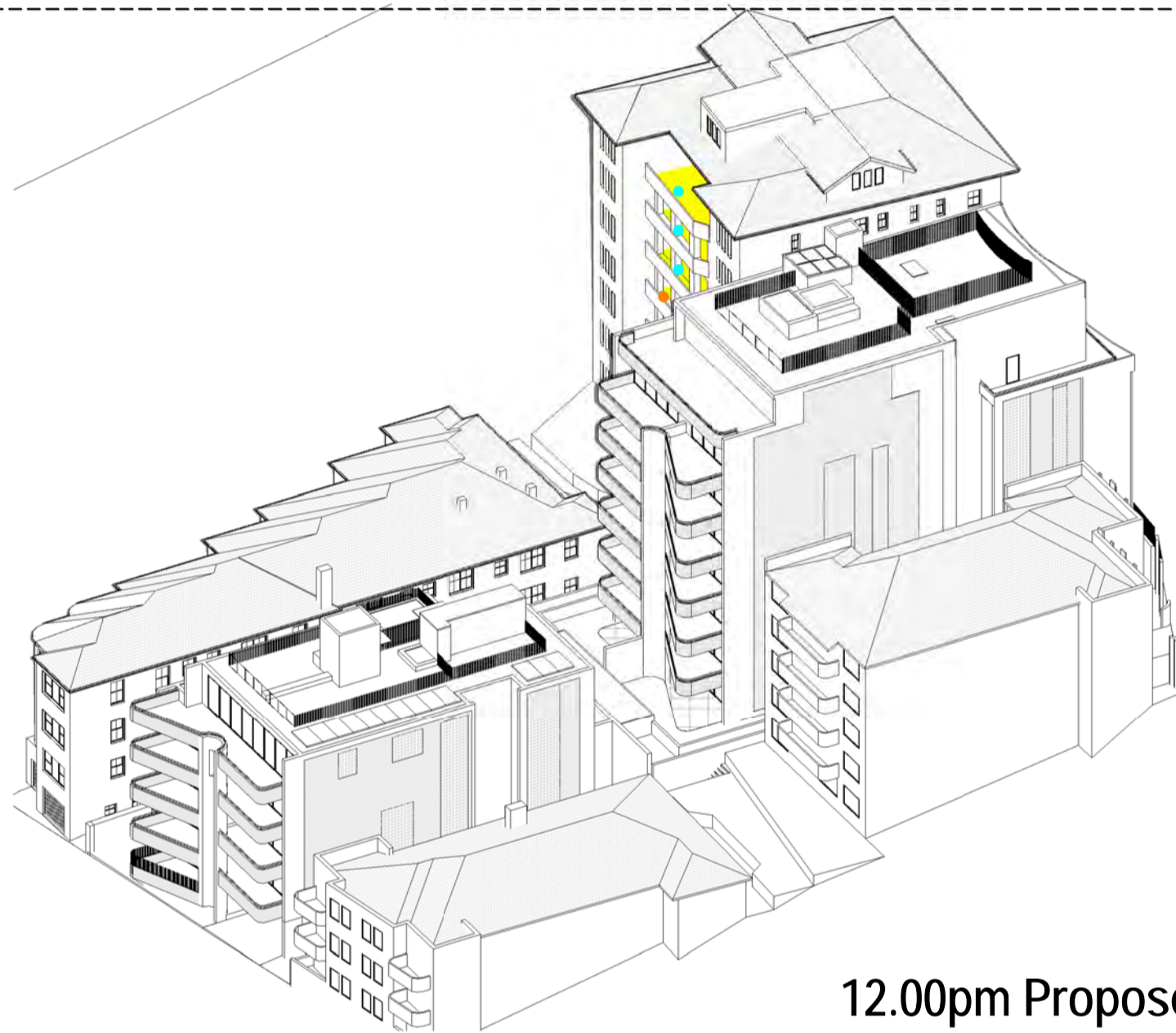
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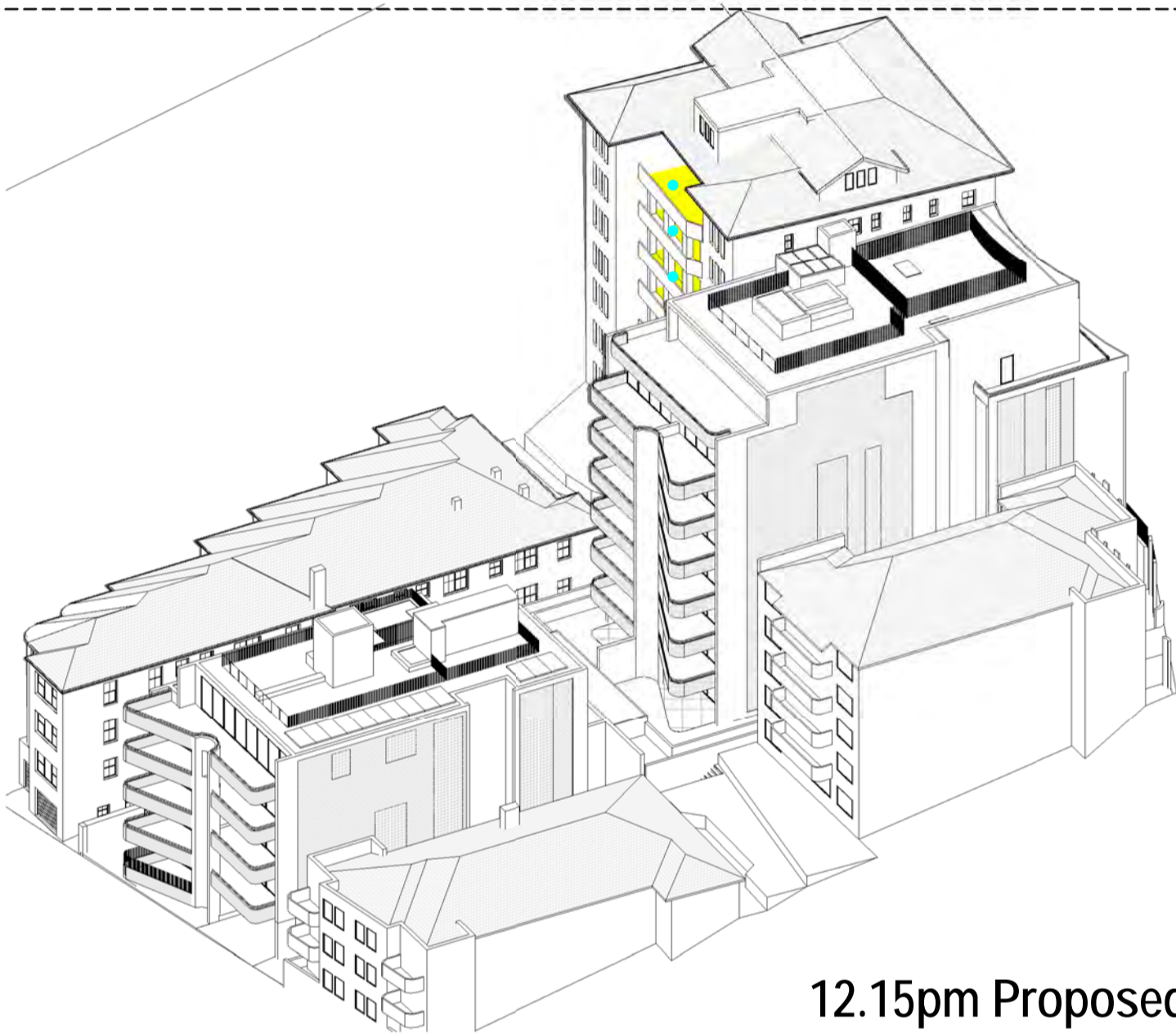
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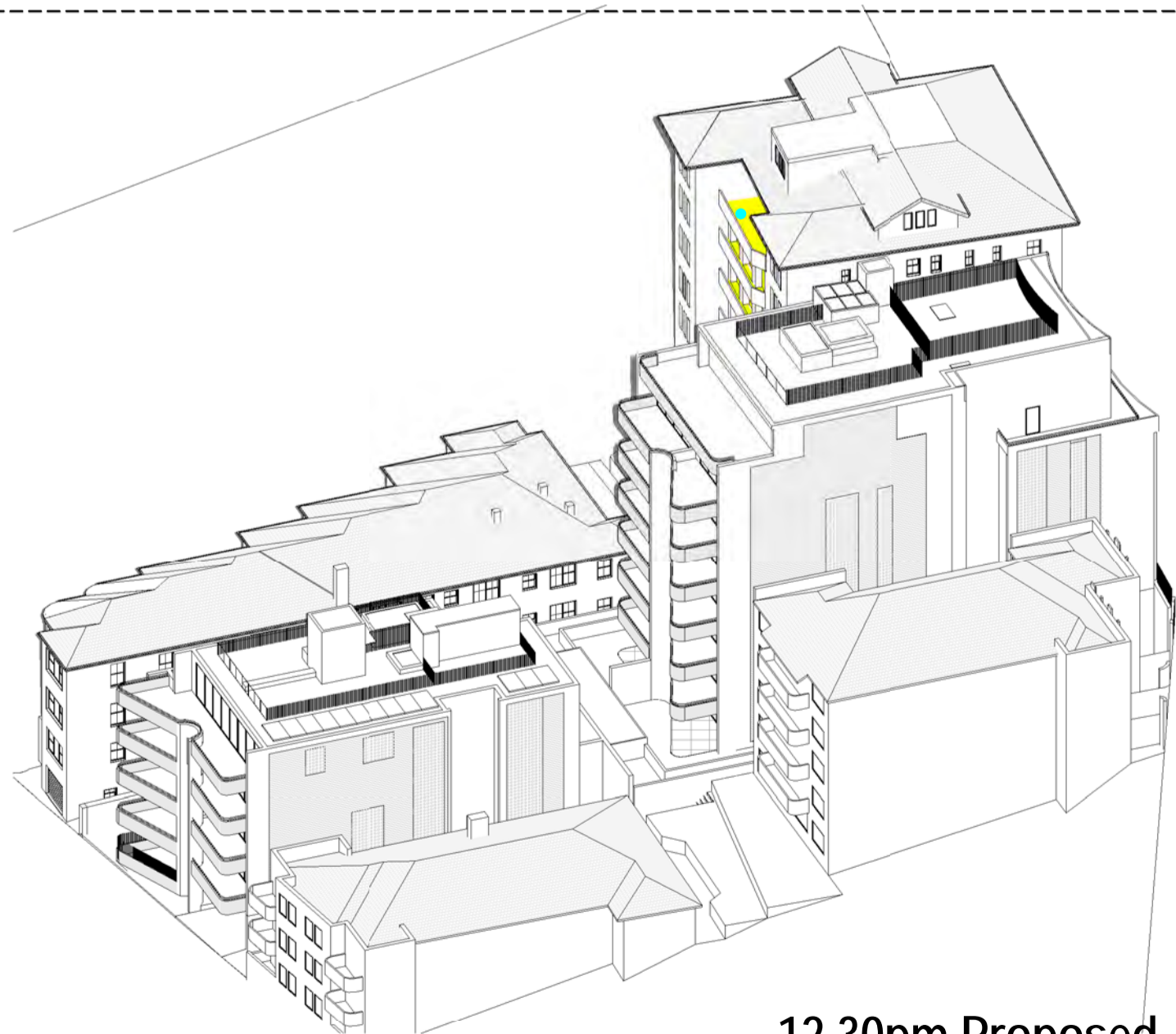
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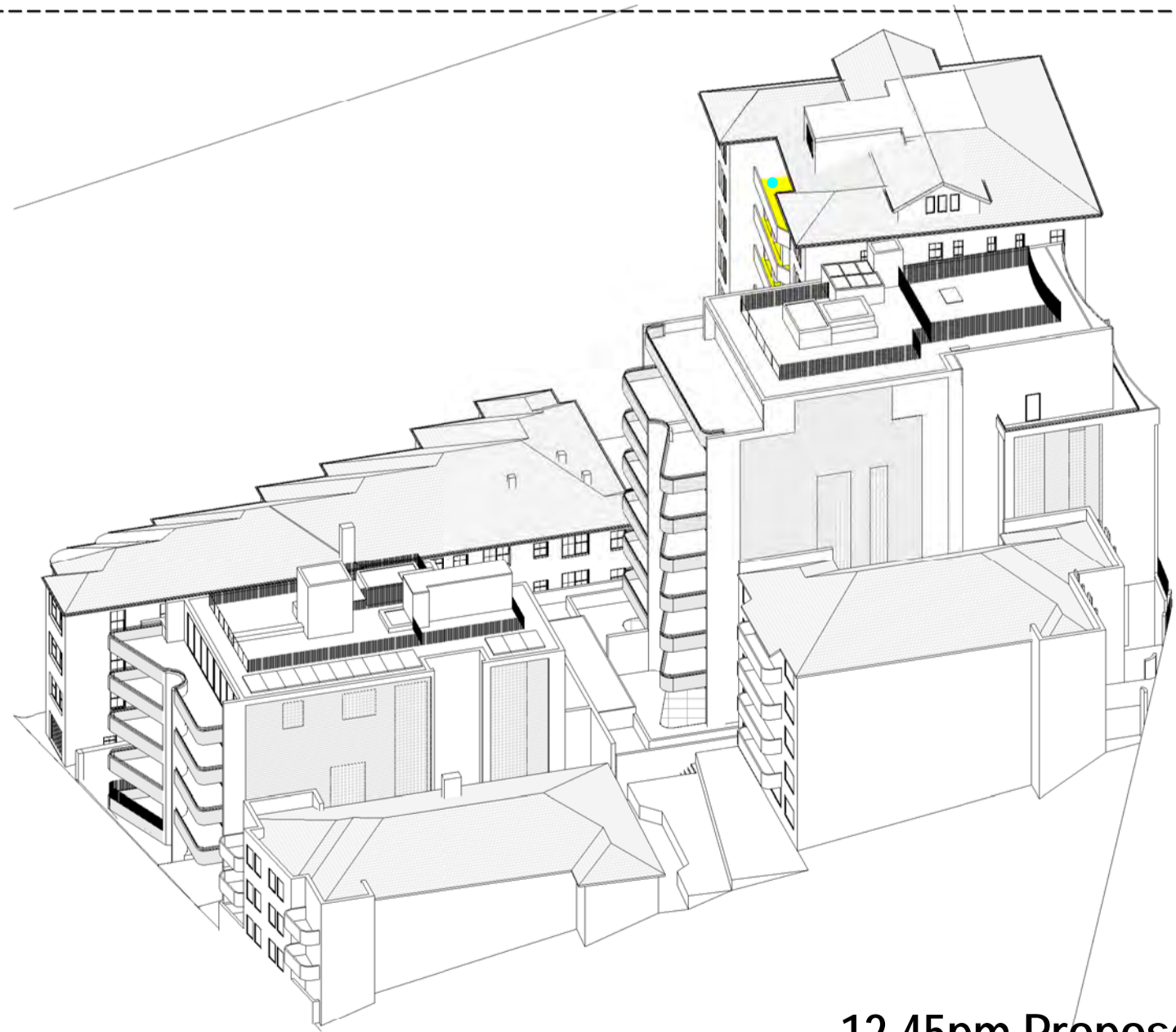
12.00pm Proposed



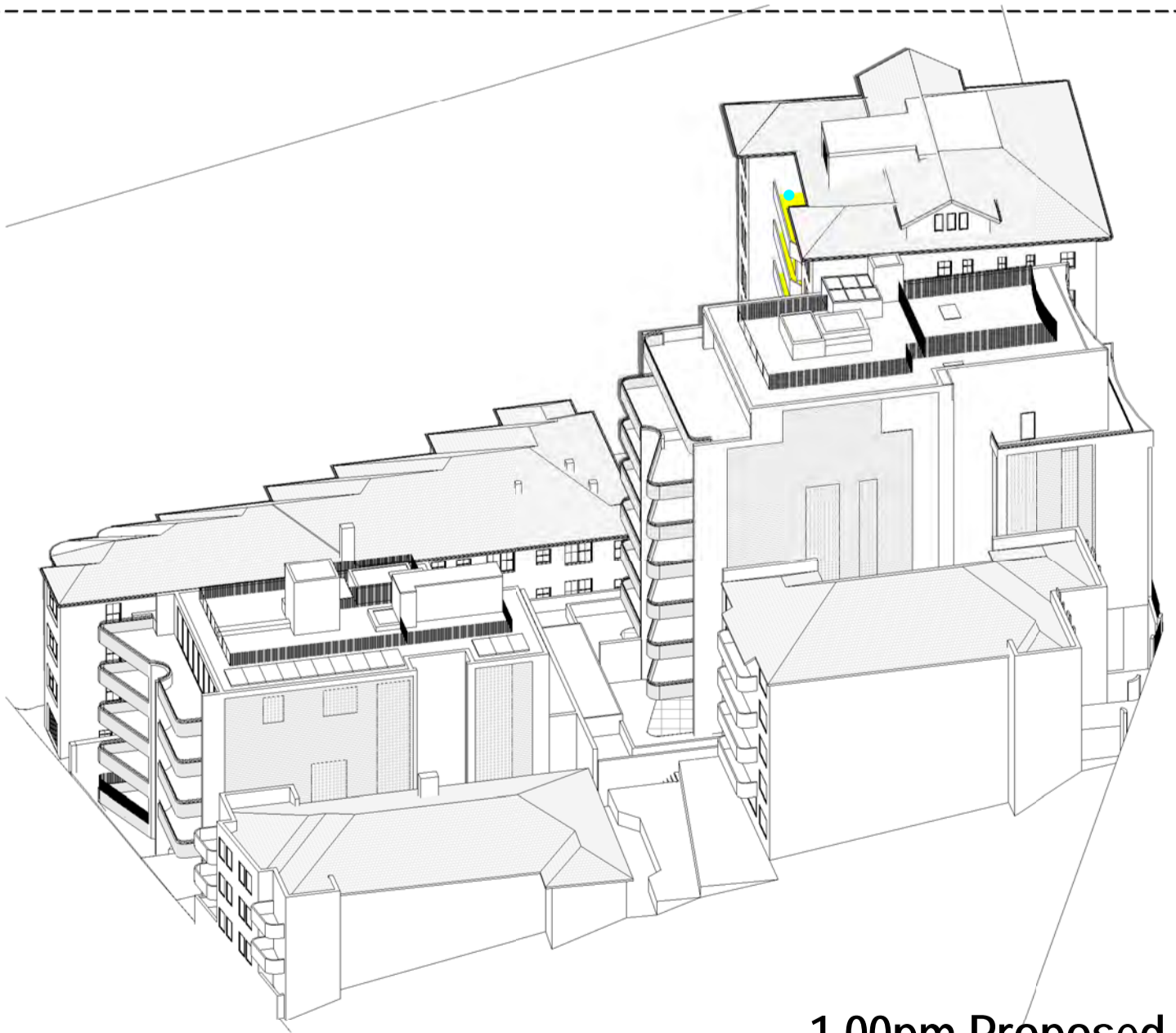
12.15pm Proposed



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
- 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			X	X	X	X	X	X	X
UNIT 5									
1						X	X	X	X
UNIT 7									
2							X	X	X
UNIT 9									
3							X	X	X
UNIT 11									
4									
UNIT 12									

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

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

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

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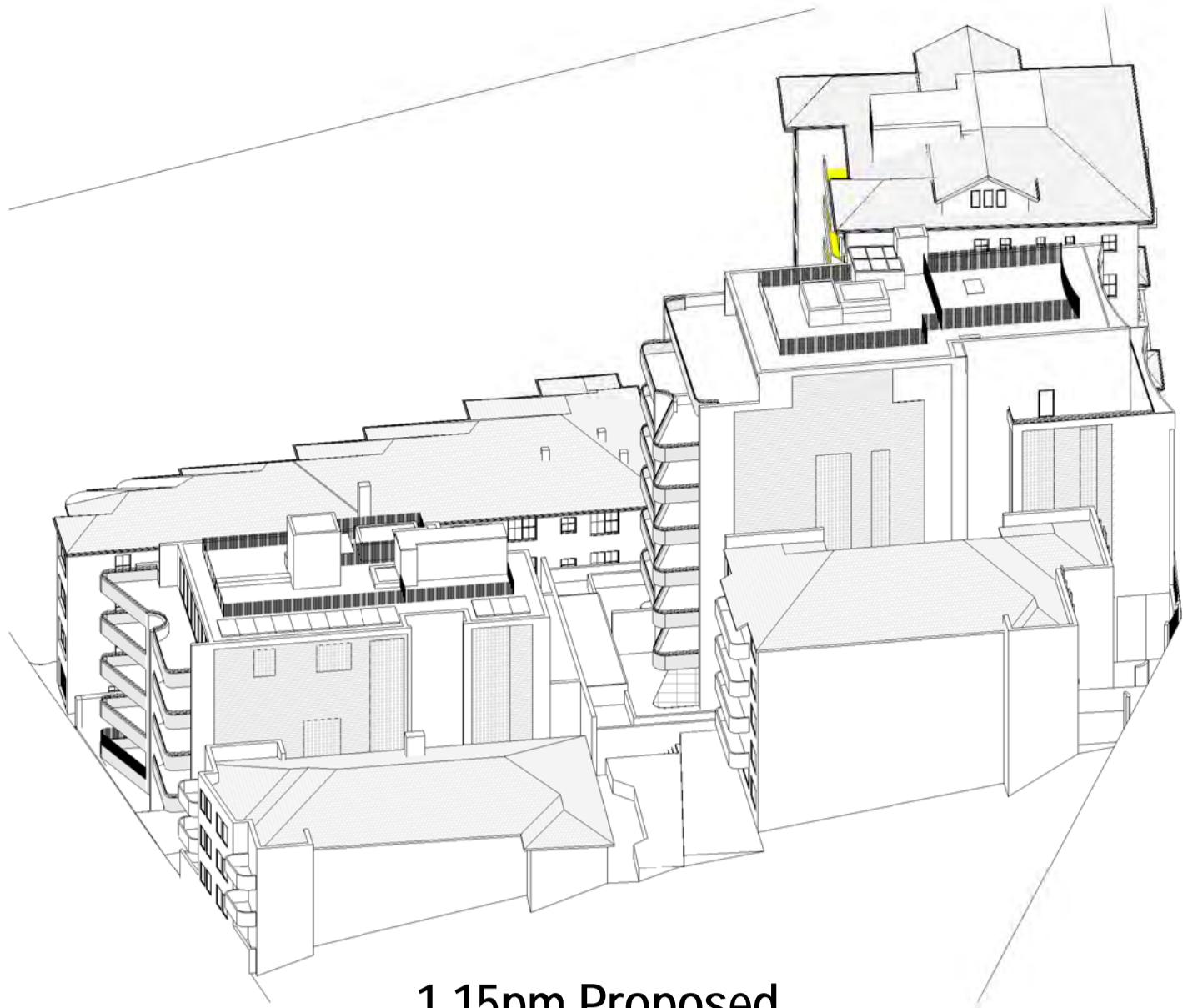
Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

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

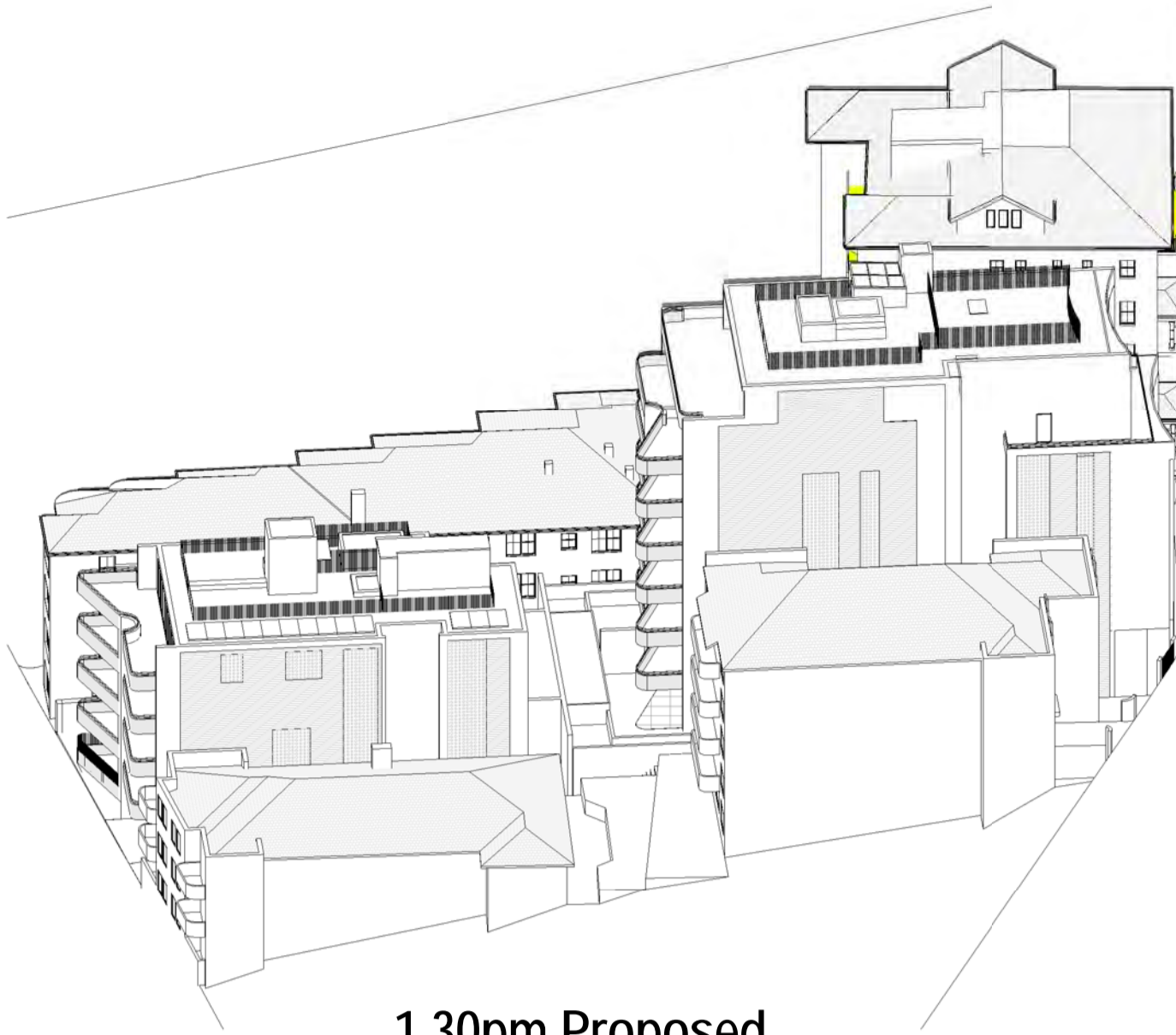
Date: 19-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

LIVING ROOM WINDOW REVIEW

Project number 23-130 A104



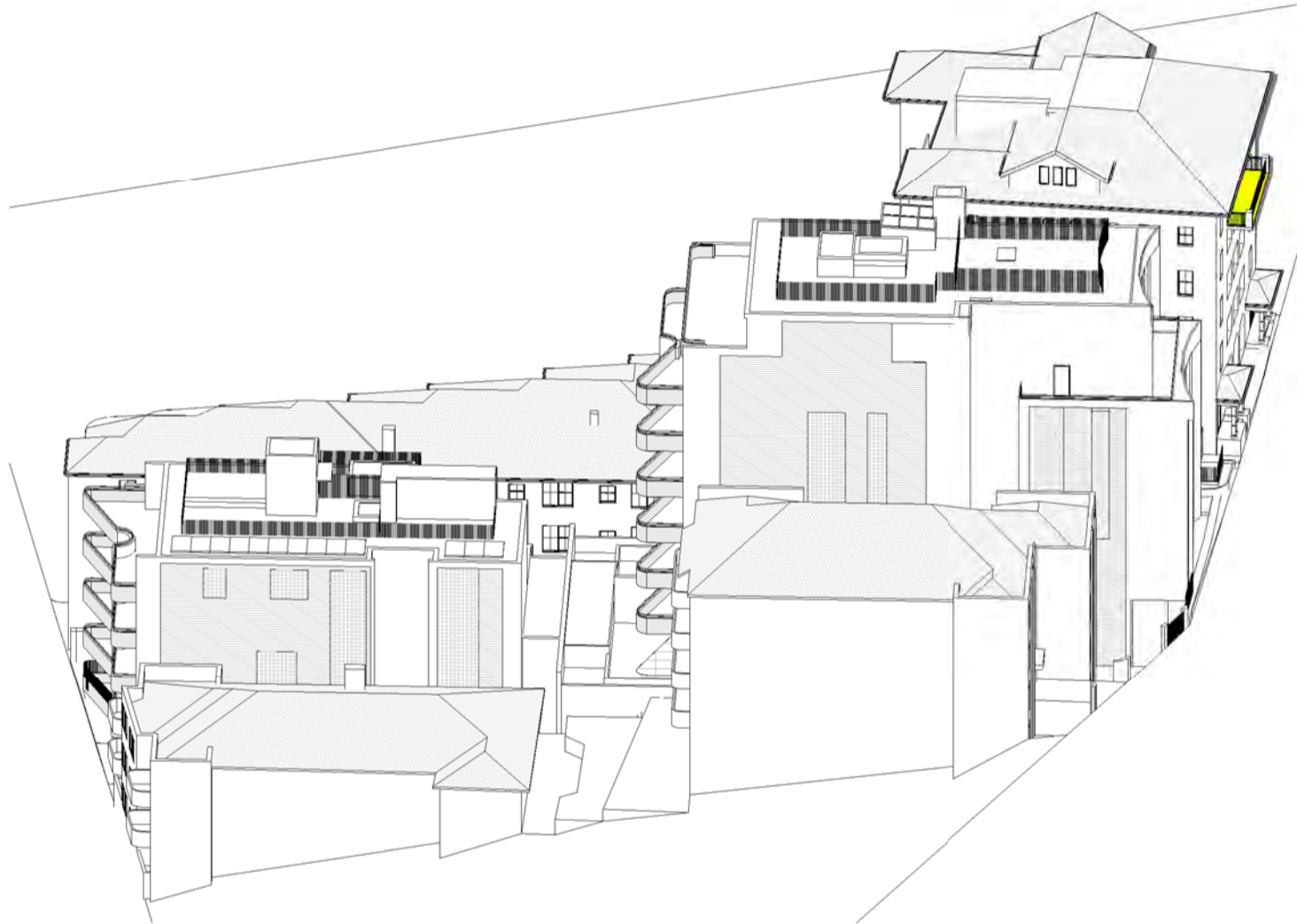
1.15pm Proposed



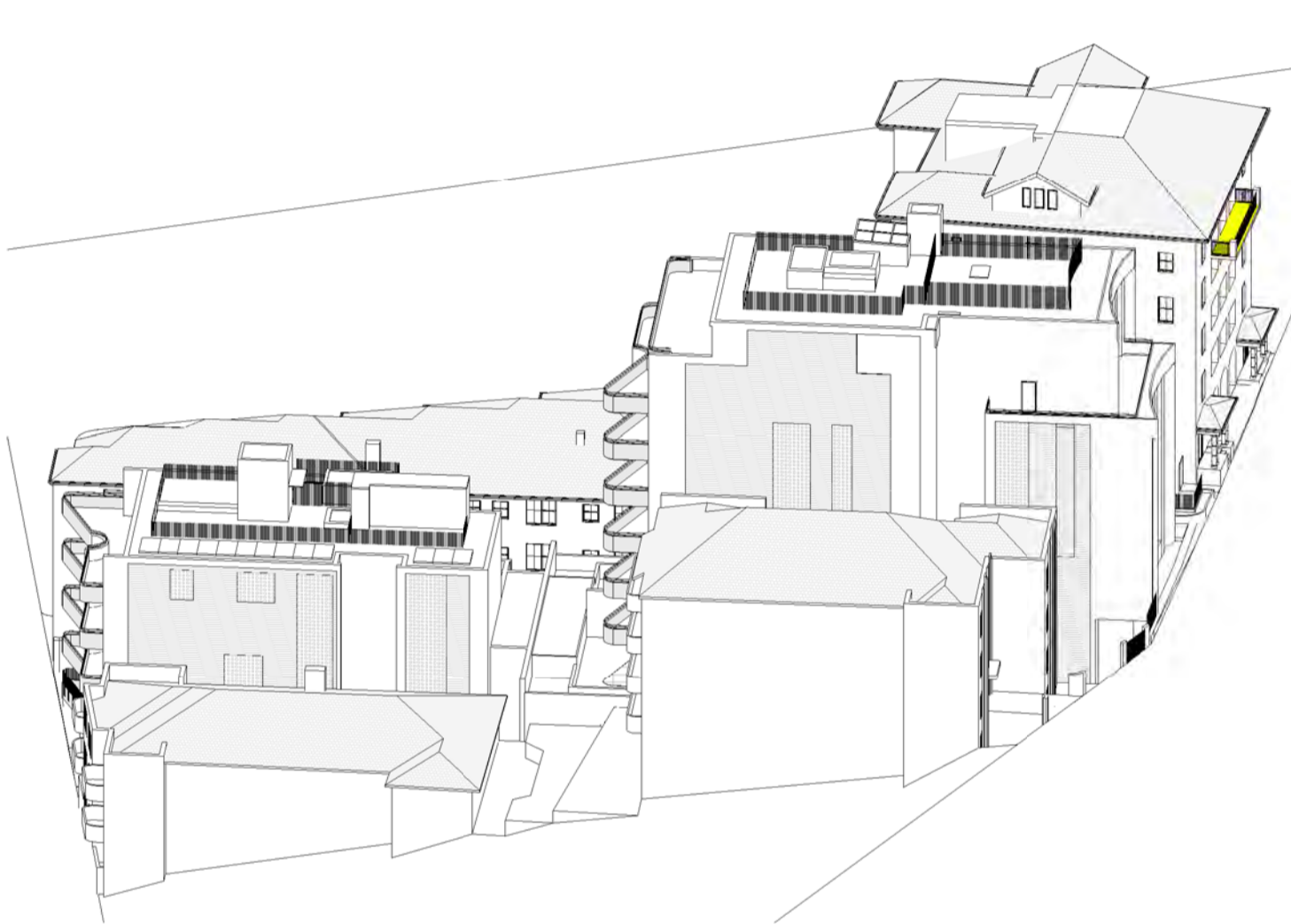
1.30pm Proposed



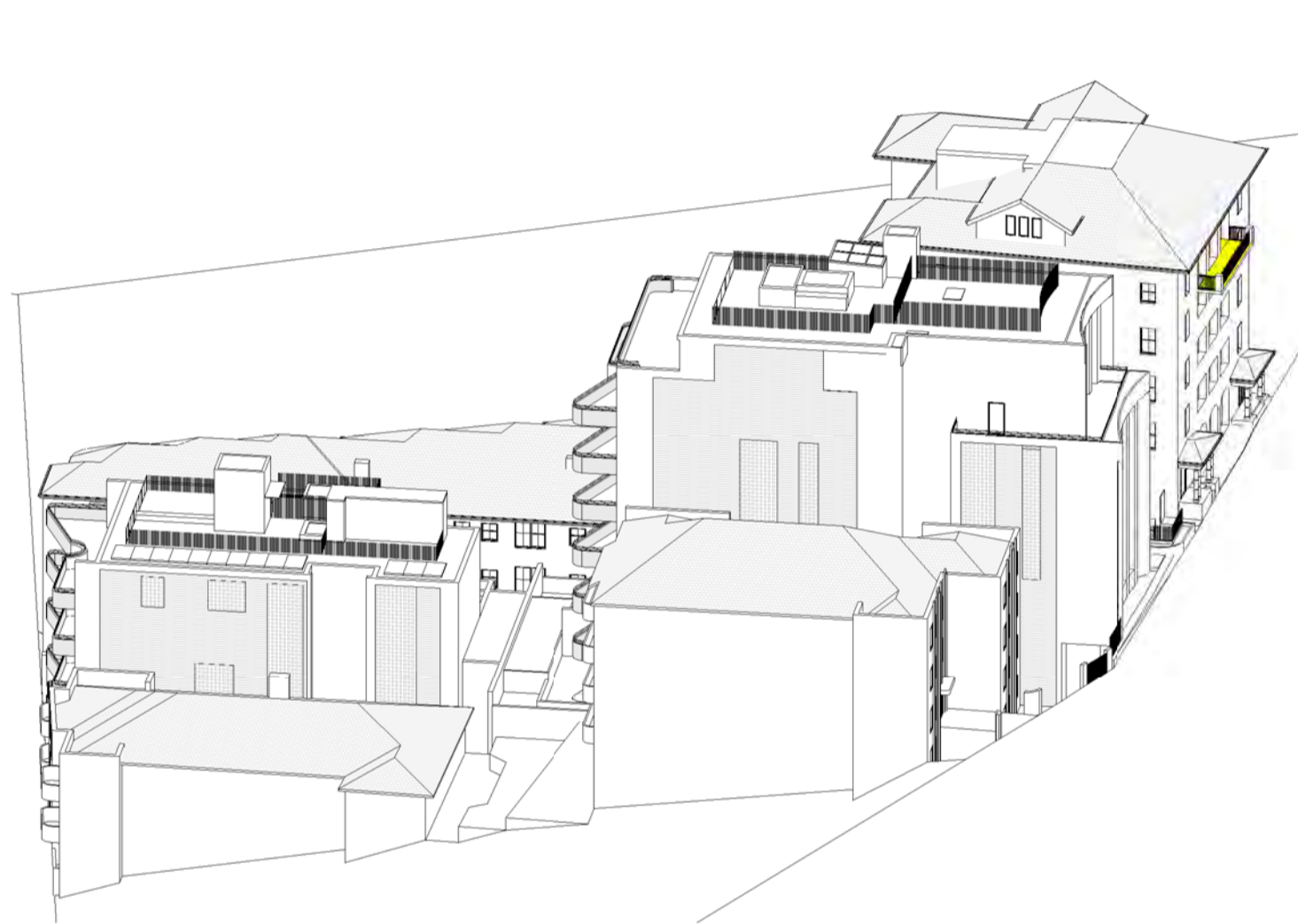
1.45pm Proposed



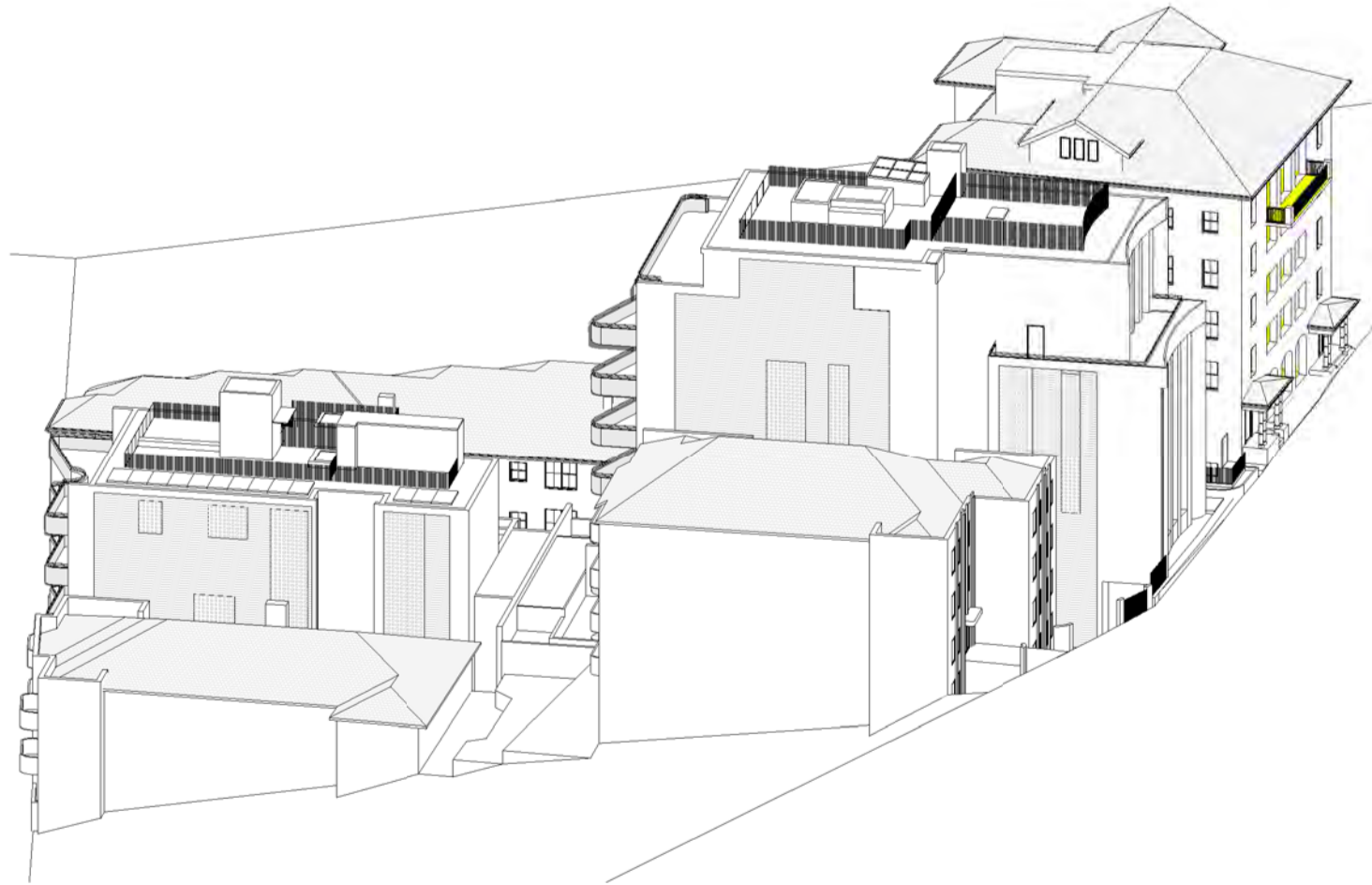
2.00pm Proposed



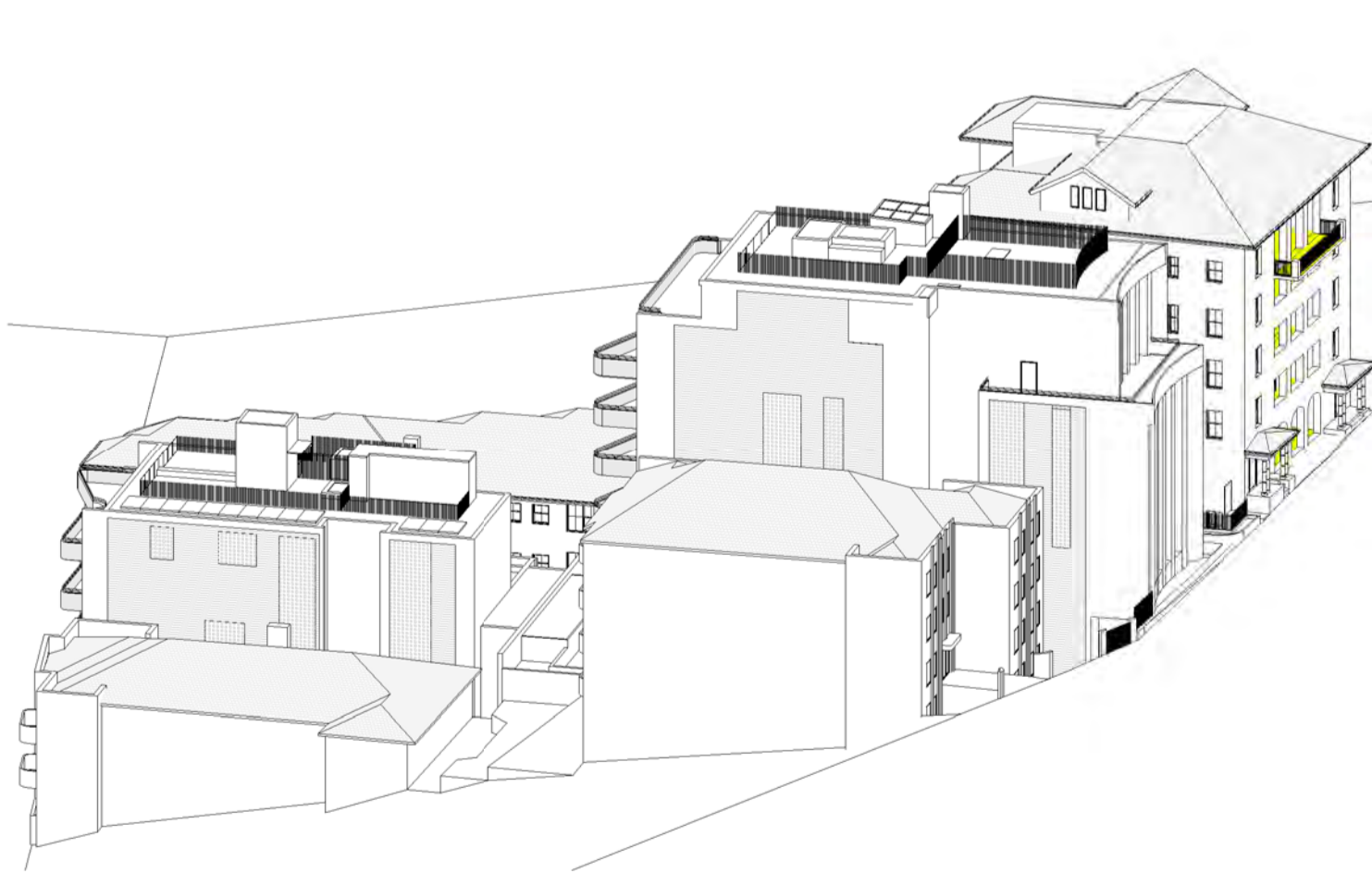
2.15pm Proposed



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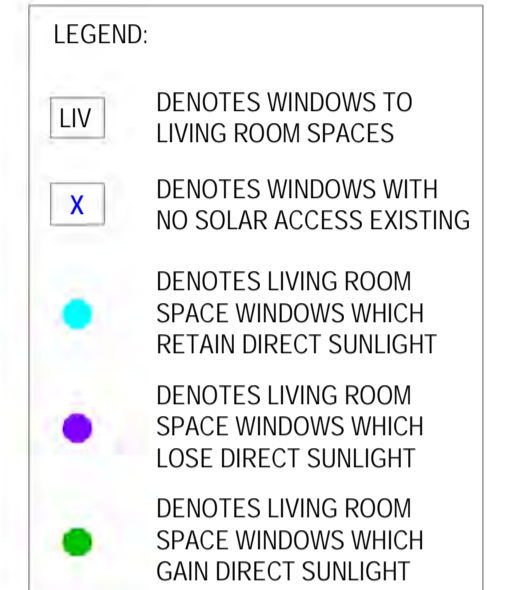
Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

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

Date: 19-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

LIVING ROOM WINDOW REVIEW

Project number 23-130 A105

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

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
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NO 23 Northern Elevation 11.15am
1 : 200



NO 23 Northern Elevation 11.30am
1 : 200



NO 23 Northern Elevation 11.45am
1 : 200



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 Northern Elevation 12.45pm
1 : 200



NO 23 Northern Elevation 1.00pm
1 : 200



NO 23 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:

- LIV DENOTES WINDOWS TO LIVING ROOM SPACES
- X DENOTES WINDOWS WITH NO SOLAR ACCESS EXISTING
- DENOTES LIVING ROOM SPACE WINDOWS WHICH RETAIN DIRECT SUNLIGHT
- DENOTES LIVING ROOM SPACE WINDOWS WHICH LOSE DIRECT SUNLIGHT
- DENOTES LIVING ROOM SPACE WINDOWS WHICH GAIN DIRECT SUNLIGHT

NO.23 BILLYARD NORTHERN LIVING SPACE 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 LIV	X	X	X	X	X	X	X	X	X
UNIT 7 LIV	X	X	X	X	X	X	X	X	X
UNIT 1 LIV									
UNIT 17 LIV	X	X	X						
UNIT 18 LIV	X	X	X	X	X	X	X	X	X
UNIT 11 LIV									
UNIT 26 LIV									
UNIT 27 LIV									
UNIT 21 LIV									

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:
UNIT 6 LIV	0 HOURS	0 HOURS	0	0%
UNIT 7 LIV	0.25 HOURS	0 HOURS	-0.25 HOURS	100%
UNIT 1 LIV	6.0 HOURS	2.0 HOURS	-4.0 HOURS	66%
UNIT 17 LIV	3.25 HOURS	2.25 HOURS	-1.0 HOUR	30%
UNIT 18 LIV	1.5 HOURS	1.25 HOURS	-0.25 HOURS	16%
UNIT 11 LIV	6.0 HOURS	2.0 HOURS	-4.0 HOURS	66%
UNIT 26 LIV	4.25 HOURS	5 HOURS	+0.75 HOURS	+17%
UNIT 27 LIV	6.0 HOURS	6.0 HOURS	0	0%
UNIT 21 LIV	6.0 HOURS	3.5 HOURS	-2.5 HOURS	42%

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

SHADOW
ANALYSIS
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P.O BOX 446 GLADESVILLE 2111

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

Drawing title:
No.23B Billyard Ave Northern
Elevation Shadow June 21st
11.15am-1.15pm

Date: 19-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

LIVING ROOM WINDOW REVIEW

Project number 23-130 A113



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

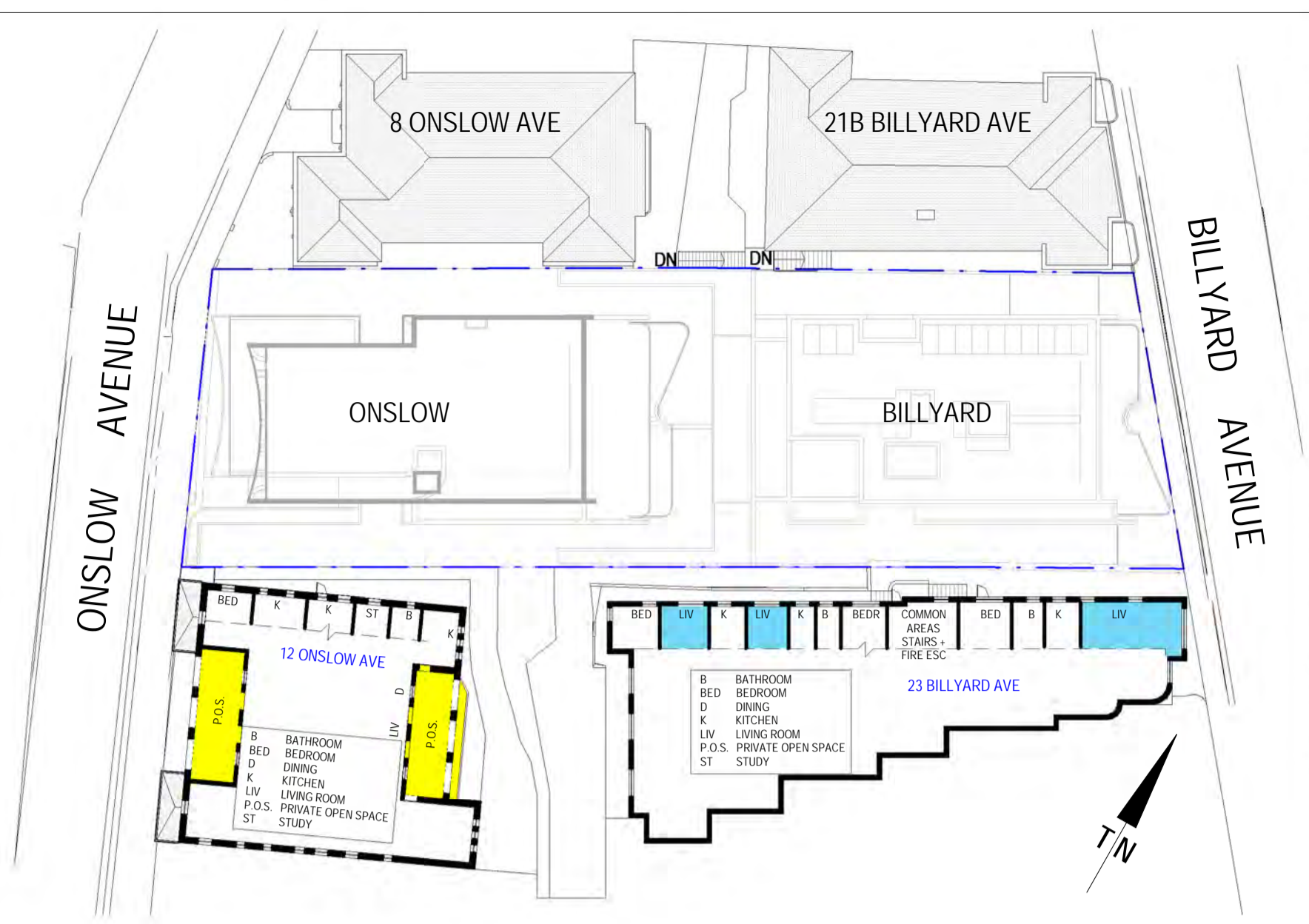
LEGEND:

- LIV Denotes windows to living room spaces
- X Denotes windows with no solar access existing
- Denotes living room space windows which retain direct sunlight
- Denotes living room space windows which lose direct sunlight
- Denotes living room space windows which gain direct sunlight

	1.30	1.45	2.00	2.15	2.30	2.45	3.00	
UNIT 6 LIV	X	X	X	X	X	X	X	
UNIT 7 LIV	X	X	X	X	X	X	X	
UNIT 1 LIV	•	•	•	•	•	•	•	
UNIT 17 LIV	X	X	X	X	X	X	X	
UNIT 18 LIV	•	•	•	•	•	X	X	
UNIT 11 LIV	•	•	•	•	•	•	•	
UNIT 26 LIV	•	•	•	X	X	X	X	
UNIT 27 LIV	•	•	•	•	•	•	•	
UNIT 21 LIV	•	•	•	•	•	•	•	
TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:								
9.00AM - 3.00PM								
	EXISTING:	PROPOSED:	ACCESS LOST:	% LOST:				
UNIT 6 LIV	0 HOURS	0 HOURS	0	0%				
UNIT 7 LIV	0.25 HOURS	0 HOURS	-0.25 HOURS	100%				
UNIT 1 LIV	6.0 HOURS	2.0 HOURS	-4.0 HOURS	66%				
UNIT 17 LIV	3.25 HOURS	2.25 HOURS	-1.0 HOUR	30%				
UNIT 18 LIV	1.5 HOURS	1.25 HOURS	-0.25 HOURS	16%				
UNIT 11 LIV	6.0 HOURS	2.0 HOURS	-4.0 HOURS	66%				
UNIT 26 LIV	4.25 HOURS	5 HOURS	+0.75 HOURS	+17%				
UNIT 27 LIV	6.0 HOURS	6.0 HOURS	0	0%				
UNIT 21 LIV	6.0 HOURS	3.5 HOURS	-2.5 HOURS	42%				

NOTE:

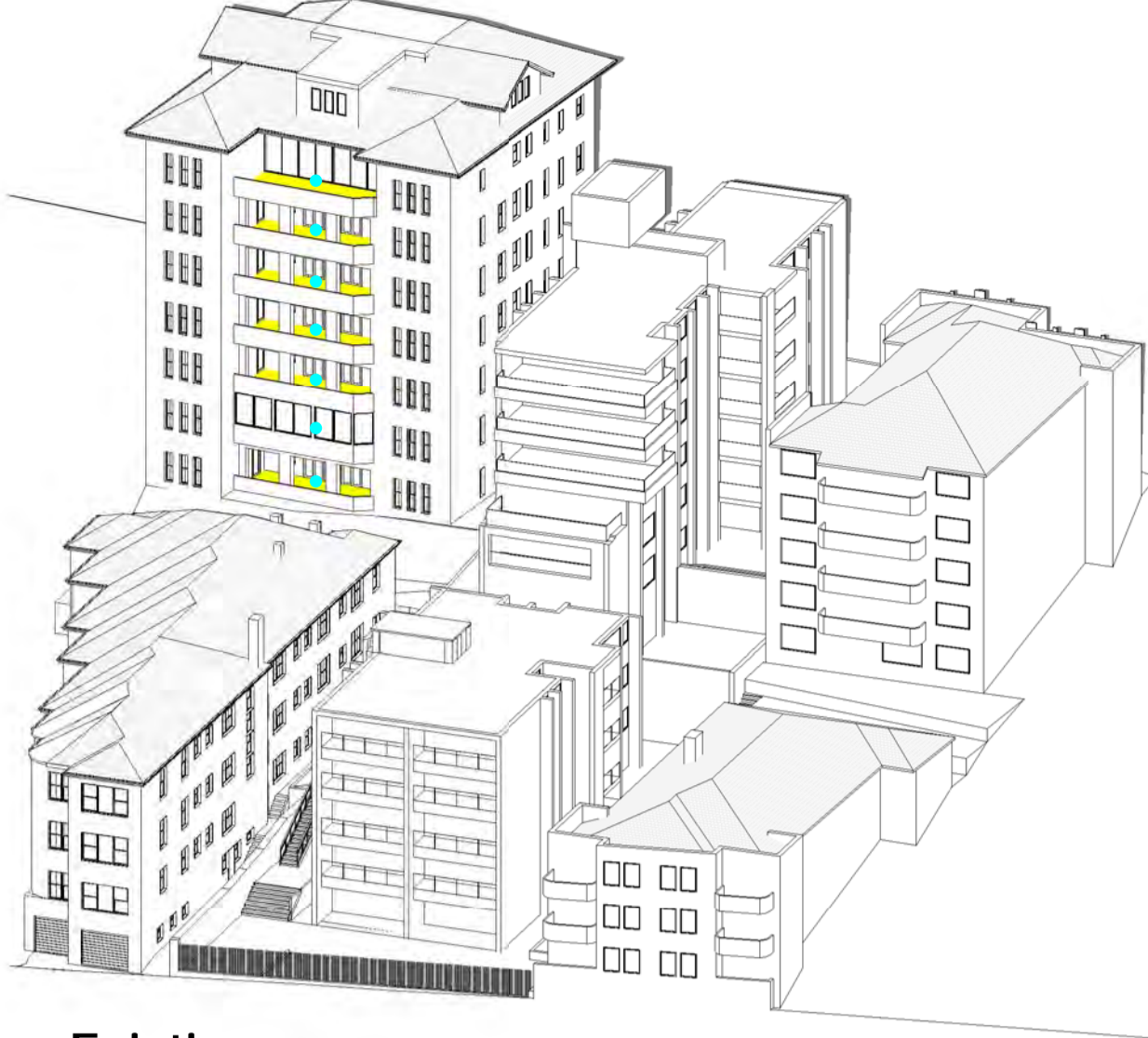
SHADOWS SHOWN HAVE BEEN COMPILED FROM INFORMATION FROM DETAIL & LEVEL SURVEY BY BEVERIDGE WILLIAMS SURVEYORS PROJECT NO.2202698 REV B DATED 14.03.23 & ARCHITECTURAL PLANS & MODELS BY SMART DESIGN STUDIO



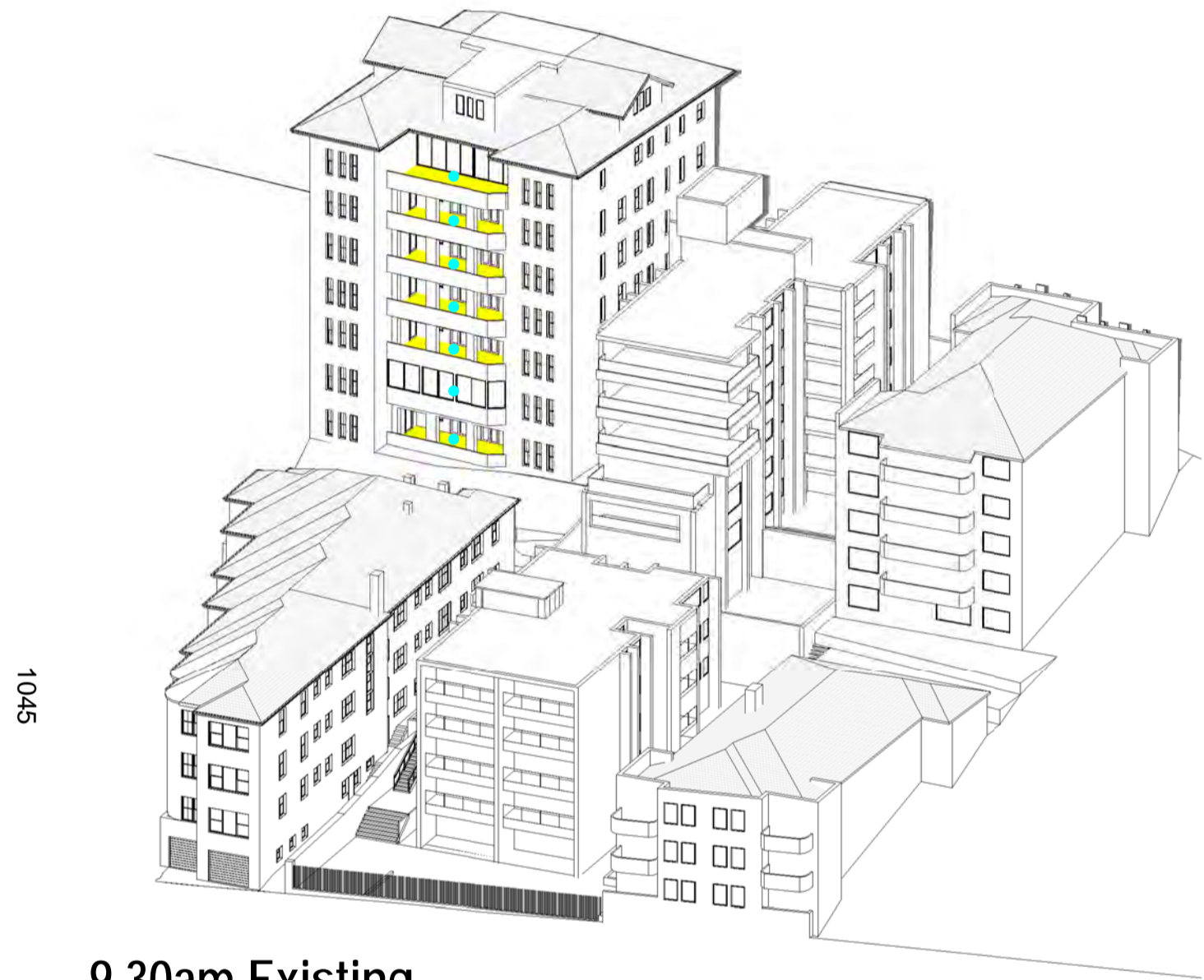
TYPICAL ROOM USAGE PER WINDOW



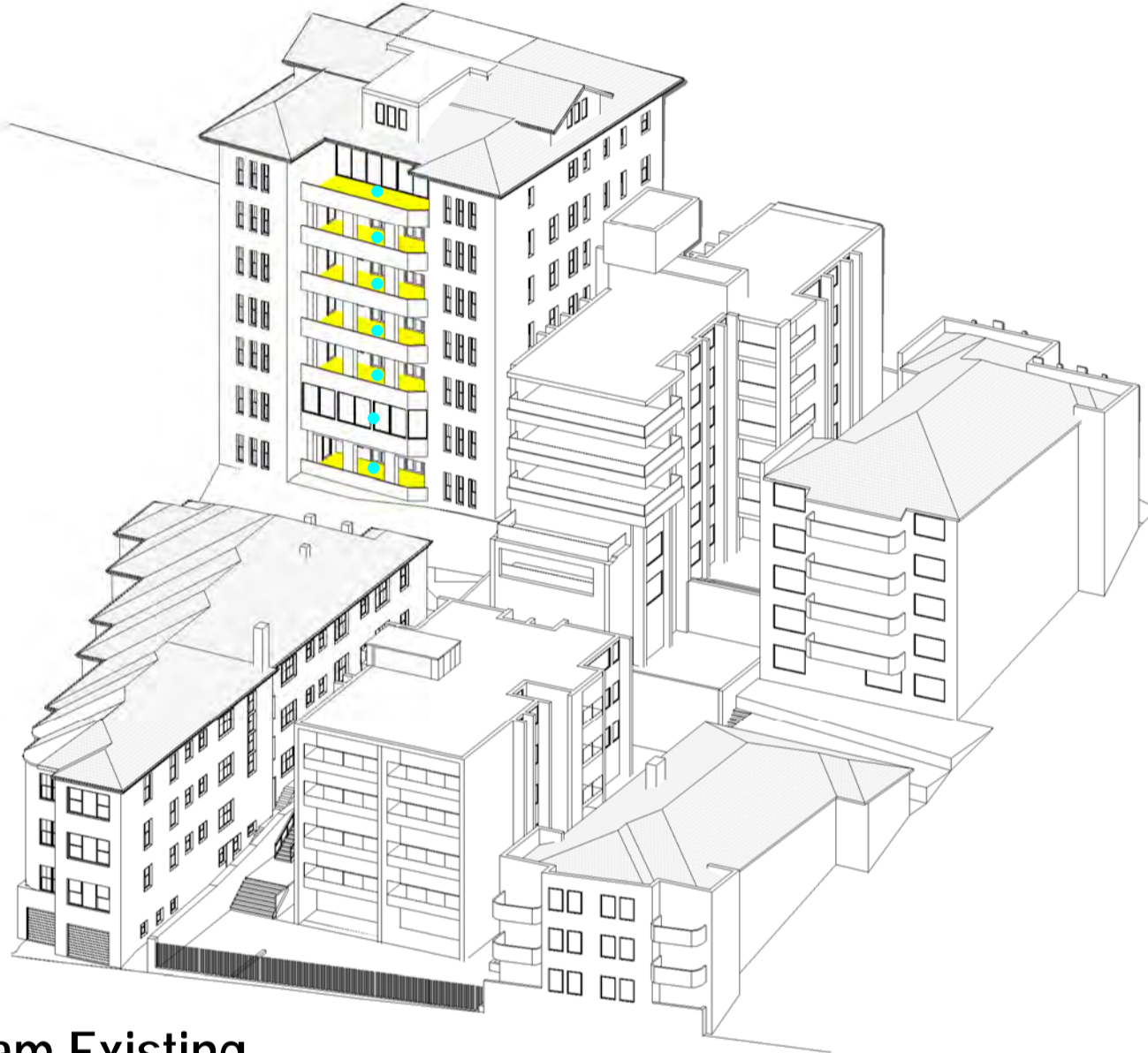
9.00am Existing



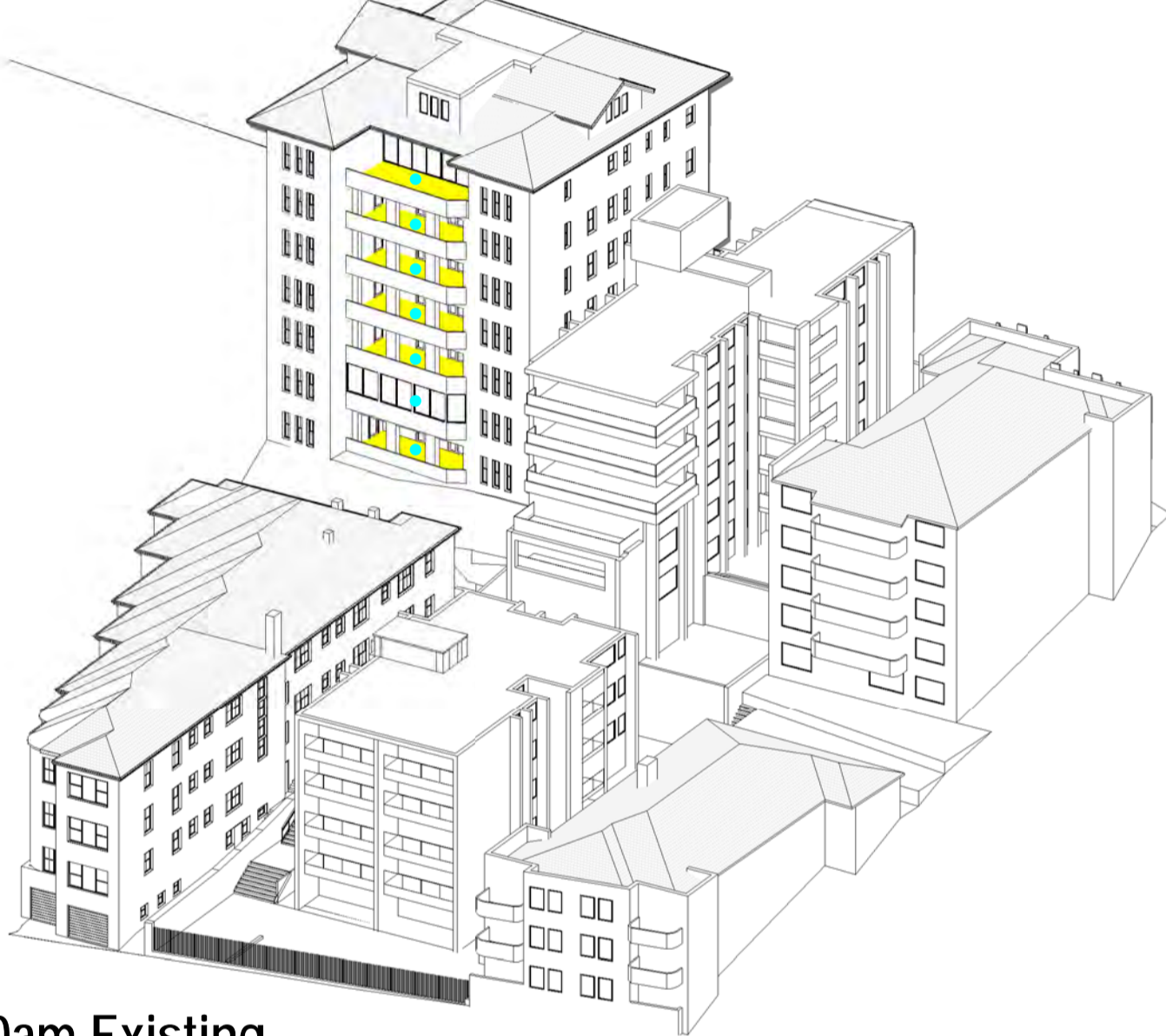
9.15am Existing



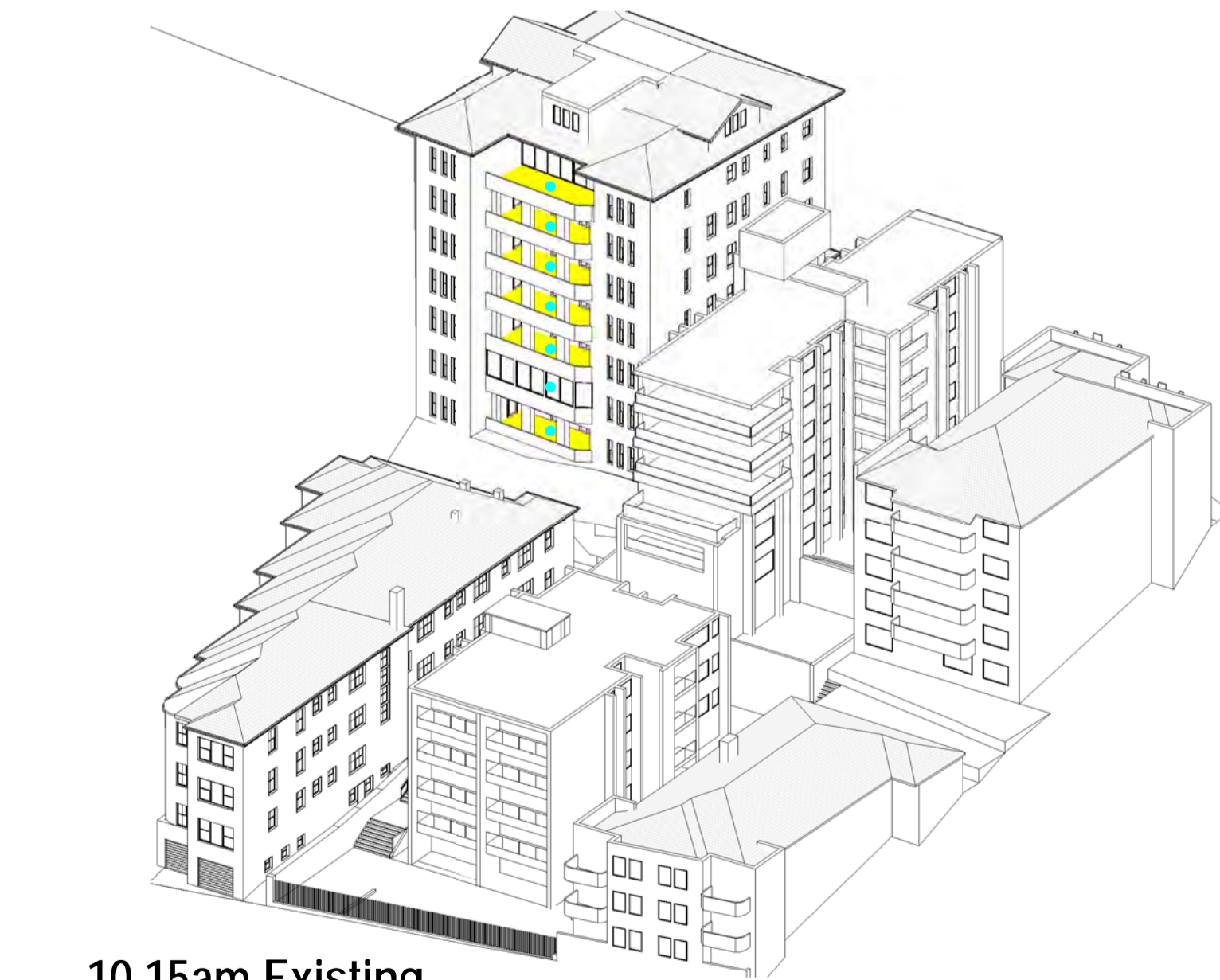
9.30am Existing



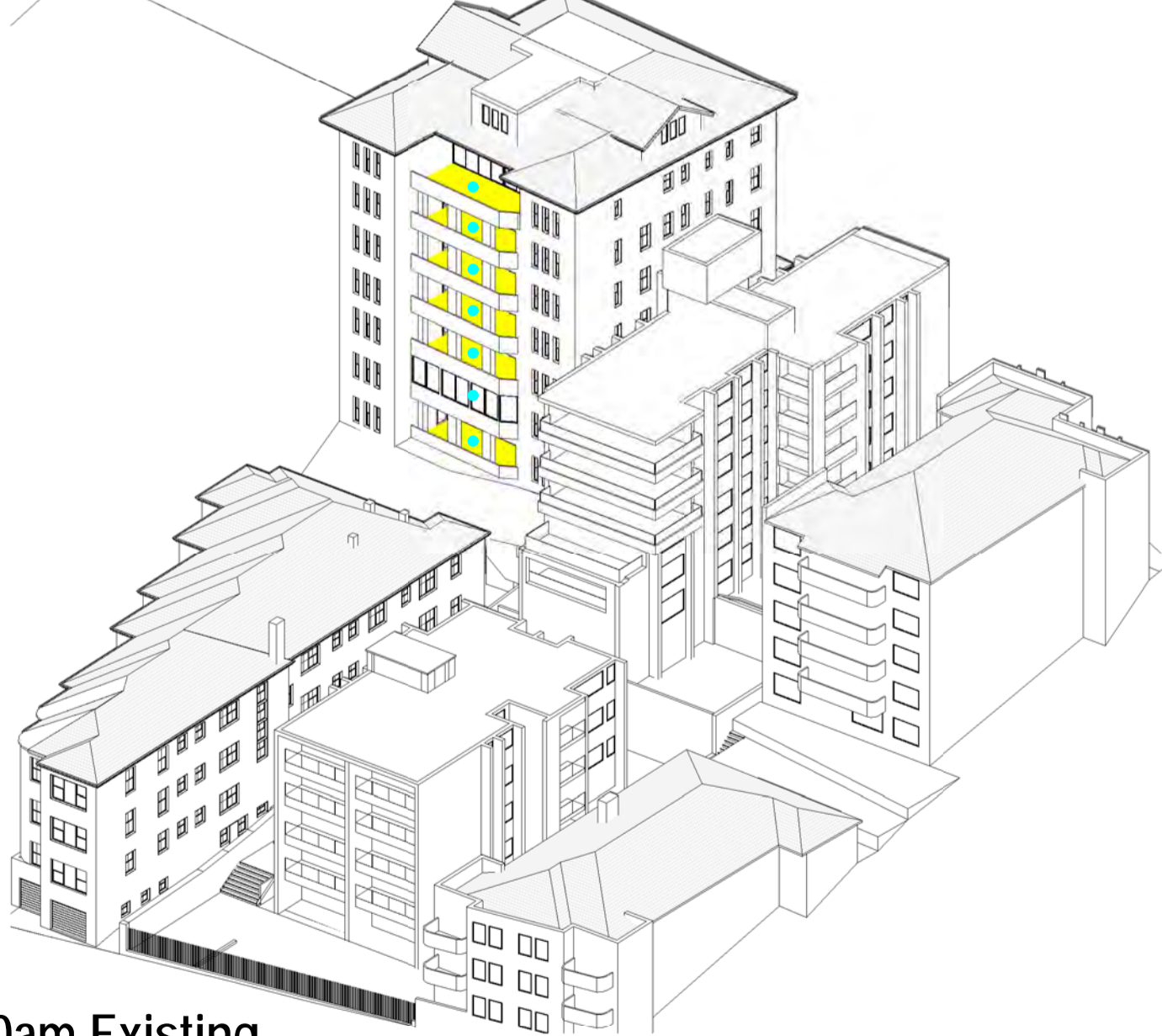
9.45am Existing



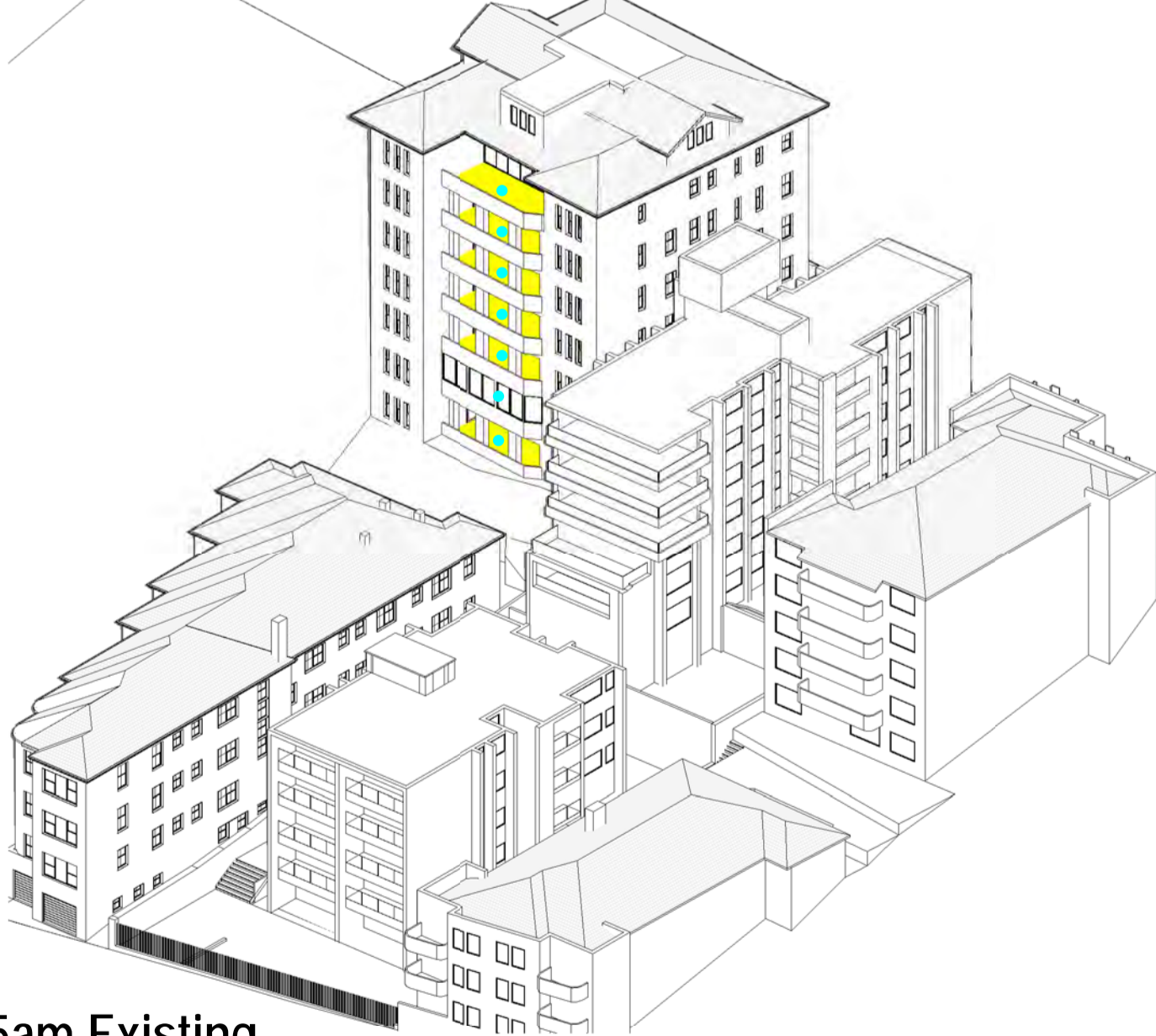
10.00am Existing



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

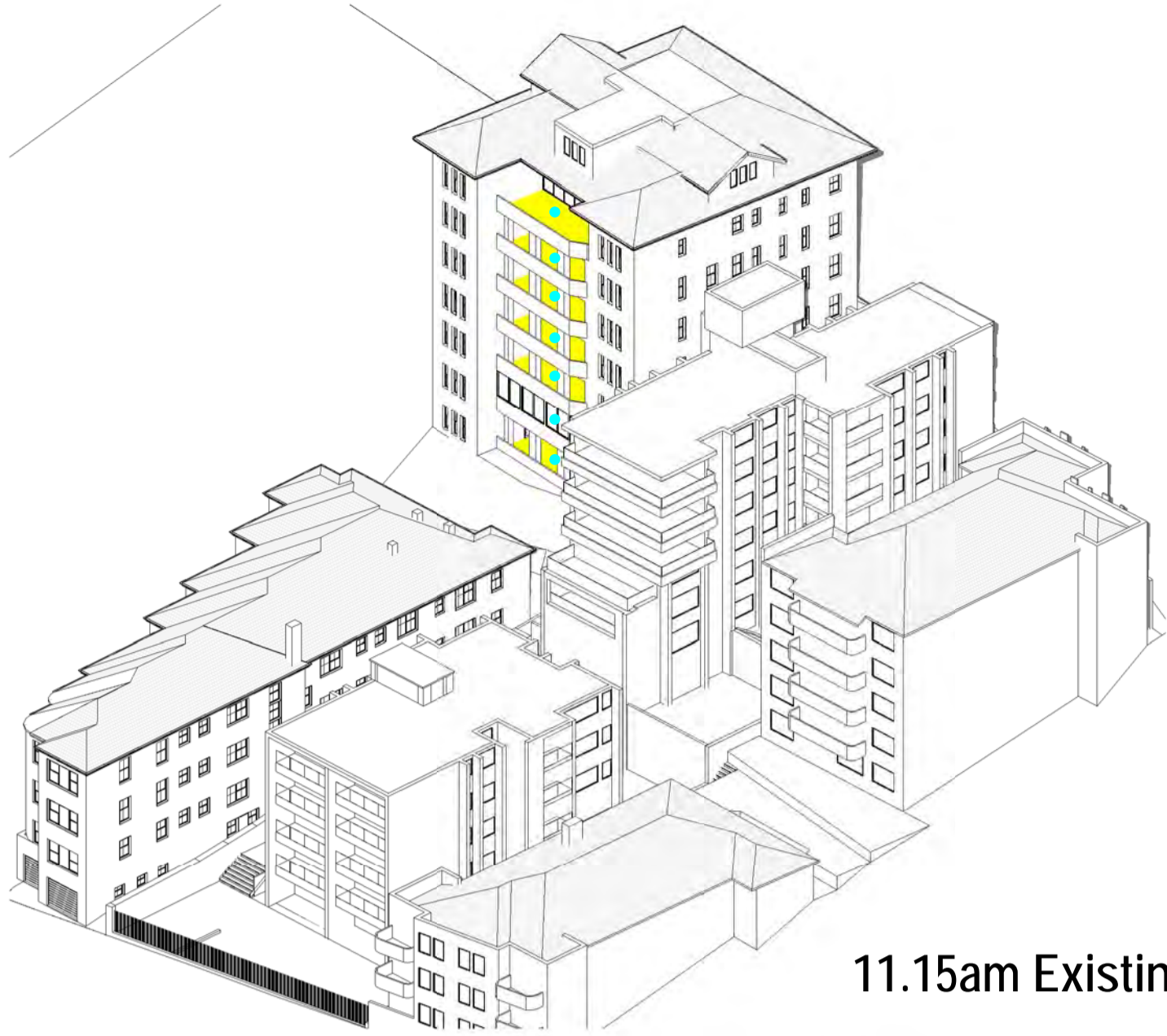
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DENOTES P.O.S LOSS OF DIRECT SUNLIGHT

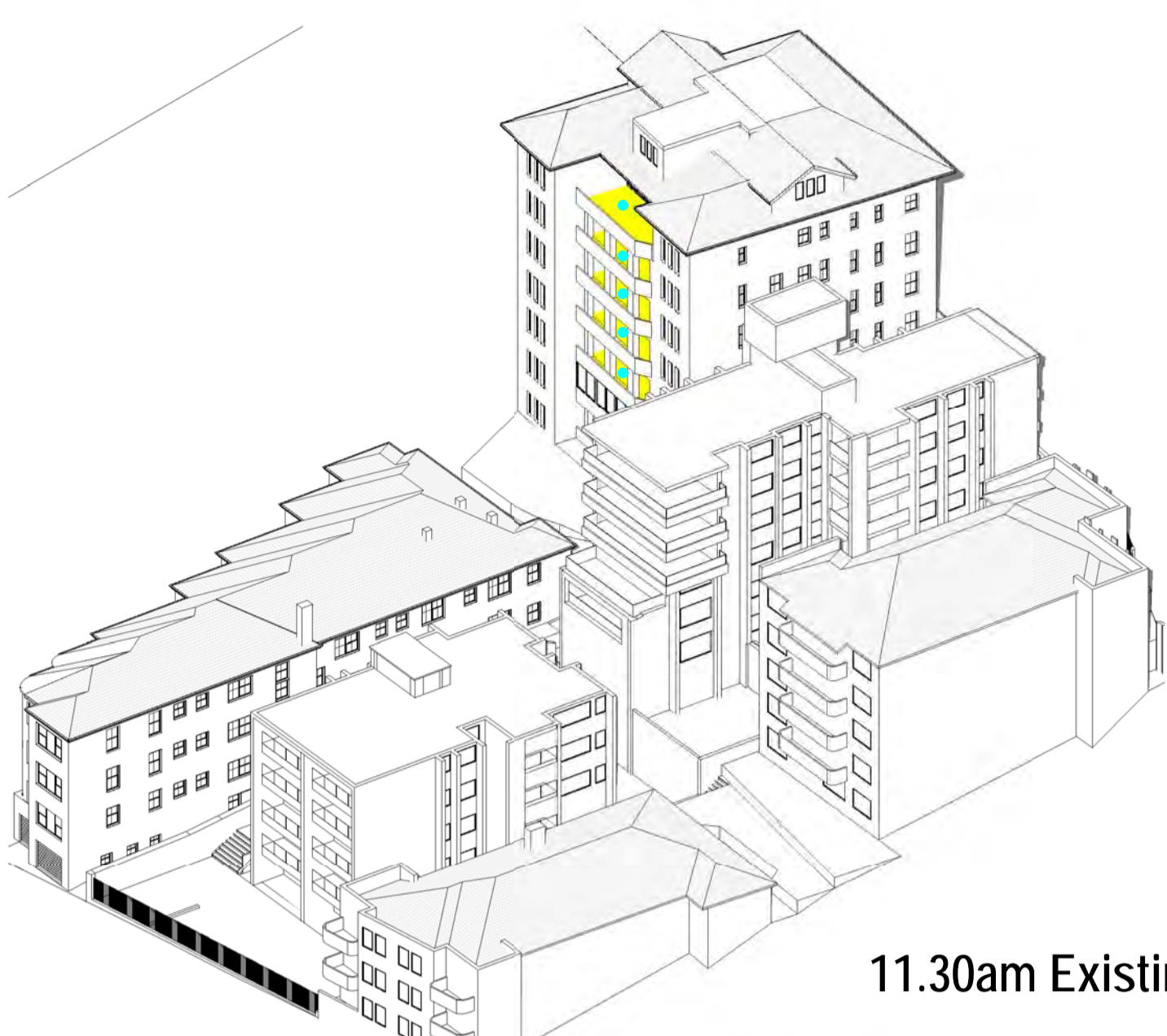
PRIVATE OPEN SPACE CALCULATIONS JUNE 21ST:								
EXISTING:								
P.O.S.	9.00	9.15	9.30	9.45	10.00	10.15	10.30	10.45
LG2 UNIT 1								
LG1 UNIT 3								
GF UNIT 5								
1 UNIT 7								
2 UNIT 9								
3 UNIT 11								
4 UNIT 12								
TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:								
9.00AM - 3.00PM								
	EXISTING:	PROPOSED:						
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			



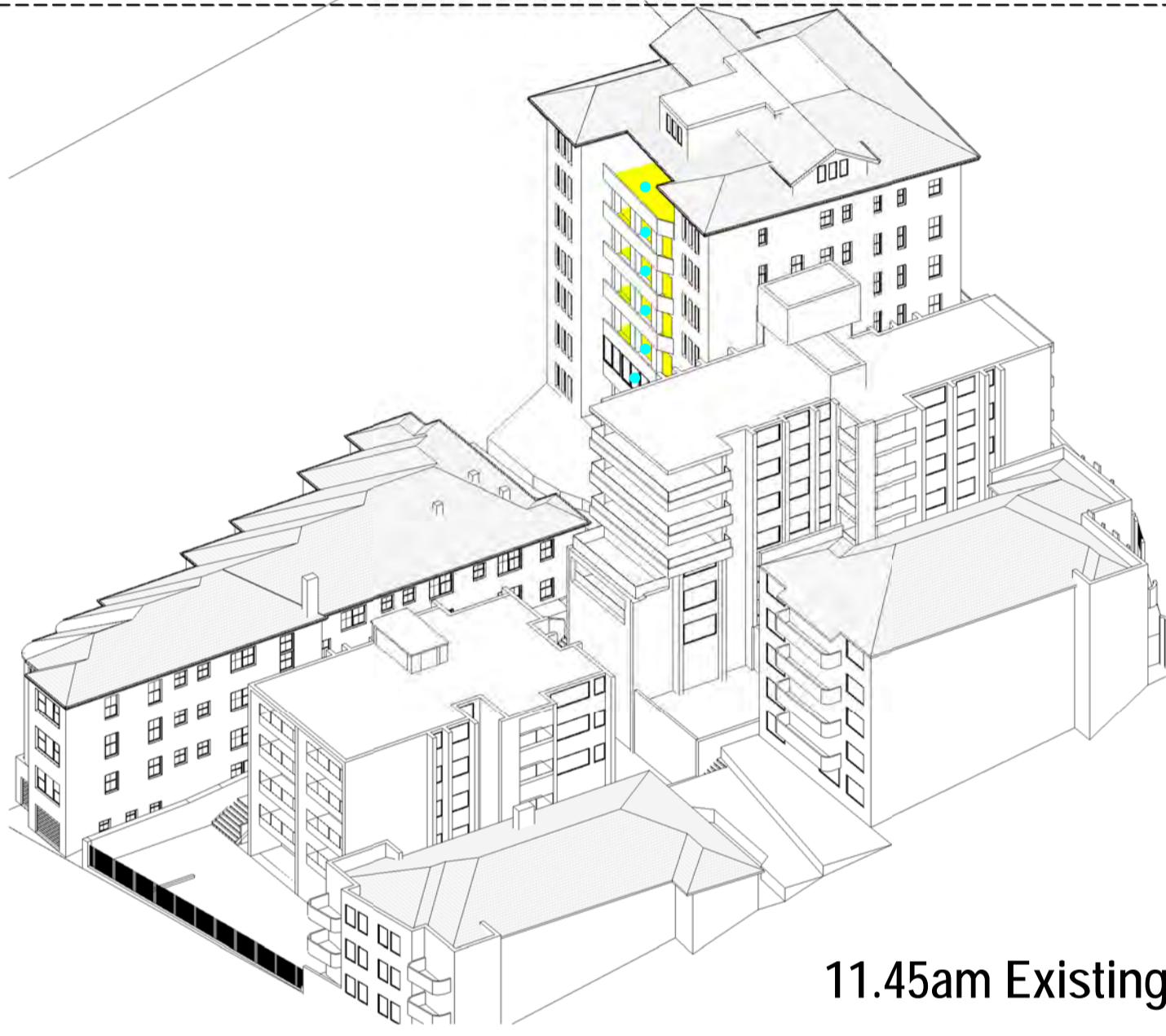
11.00am Existing



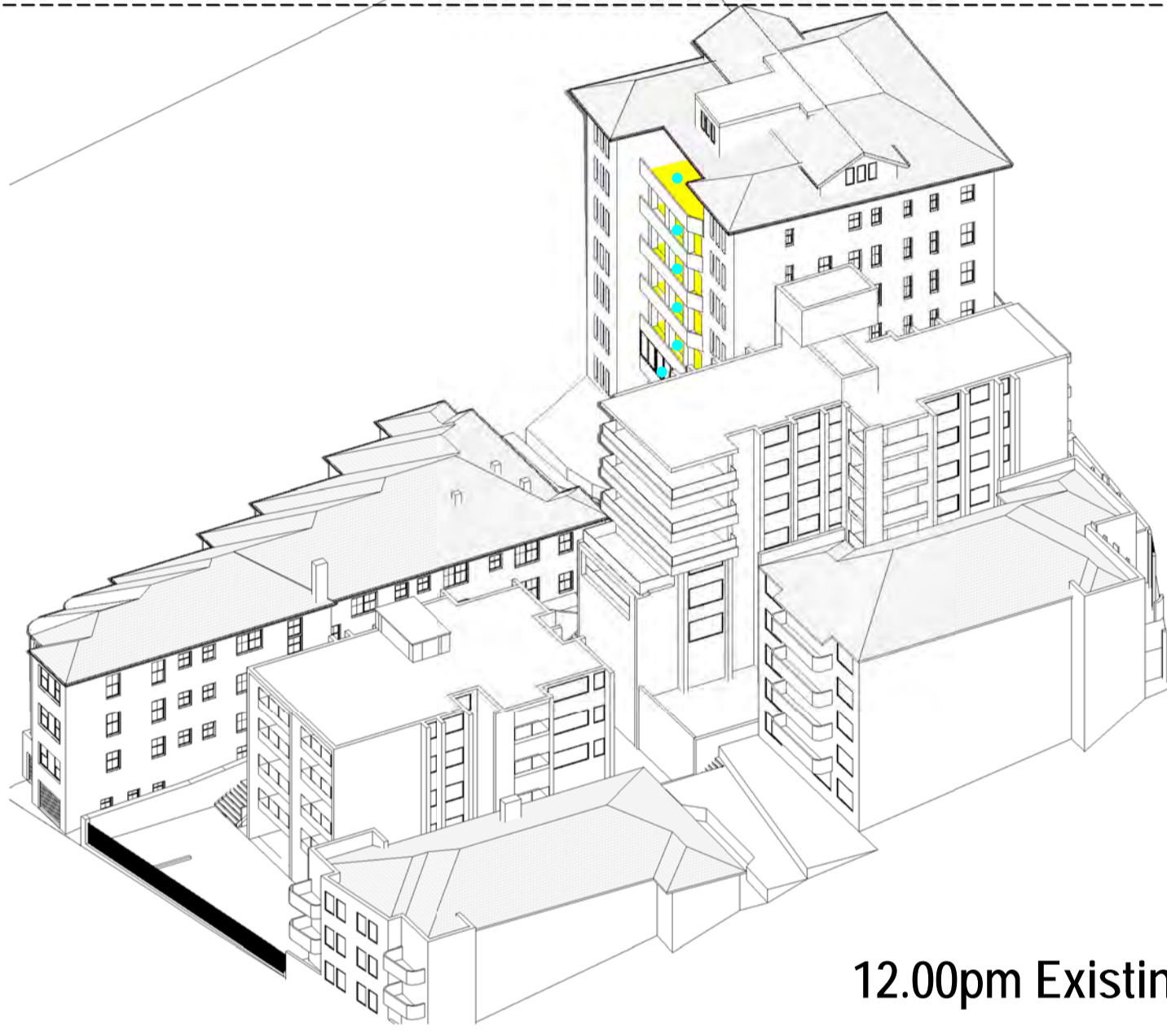
11.15am Existing



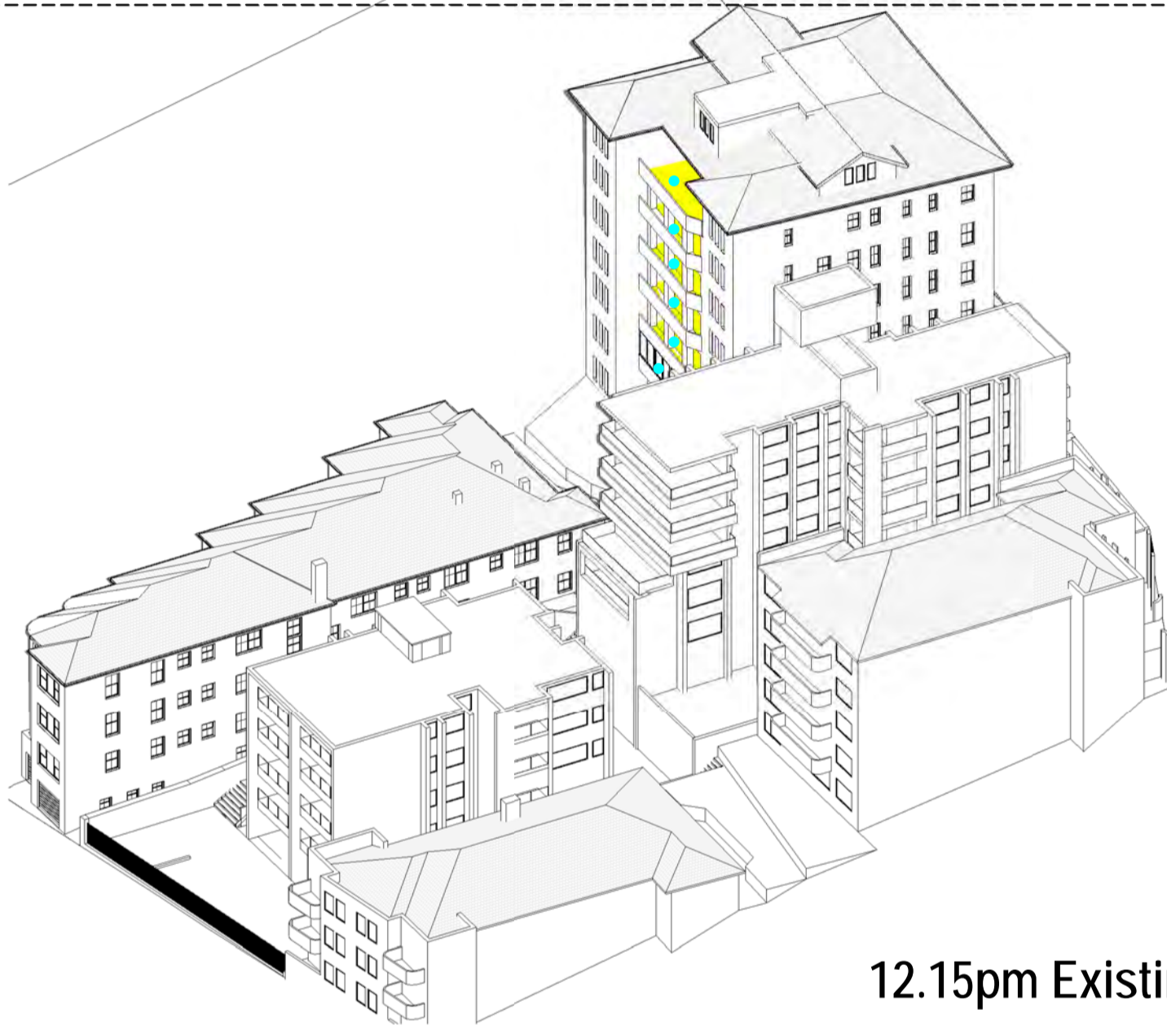
11.30am Existing



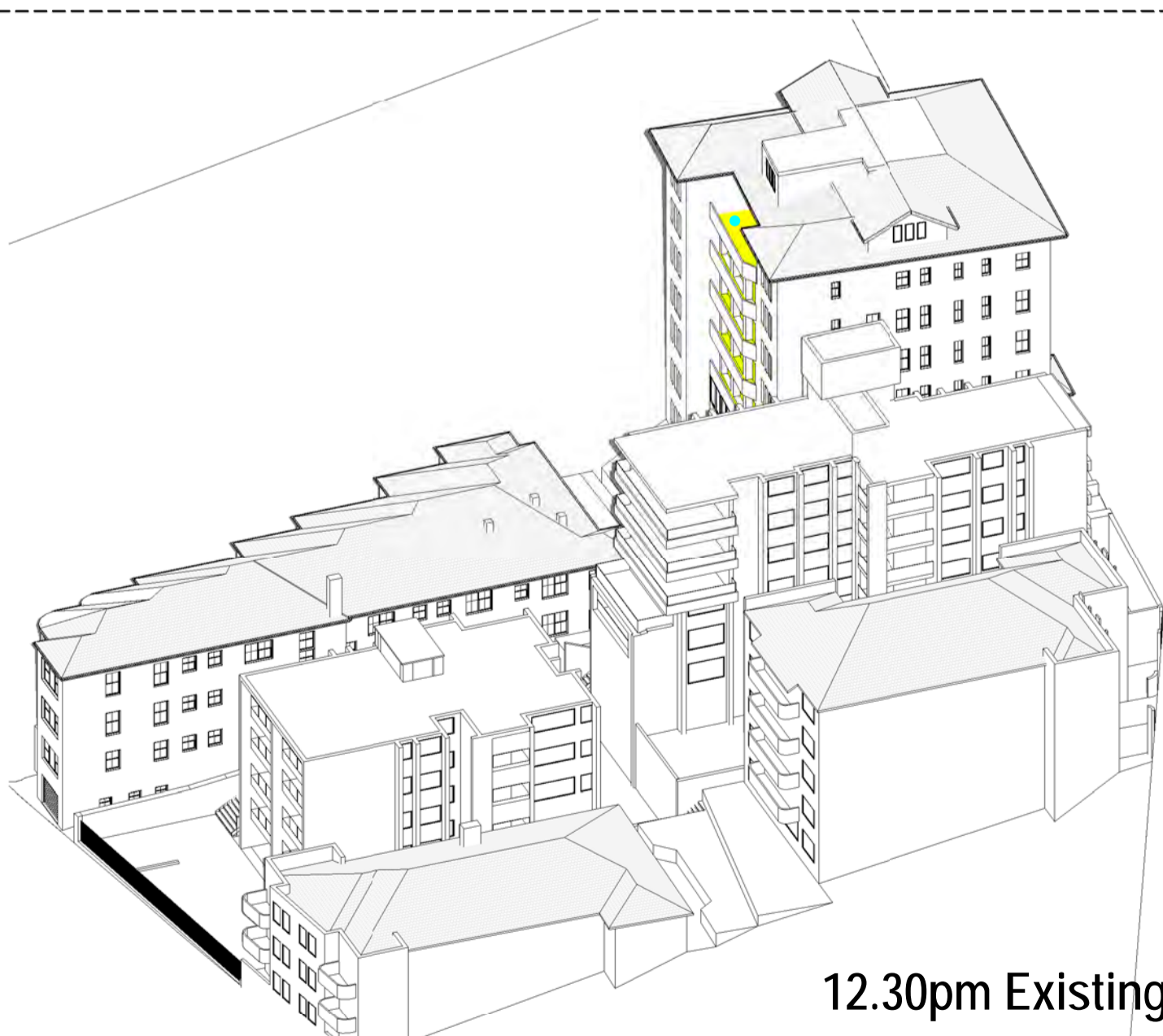
11.45am Existing



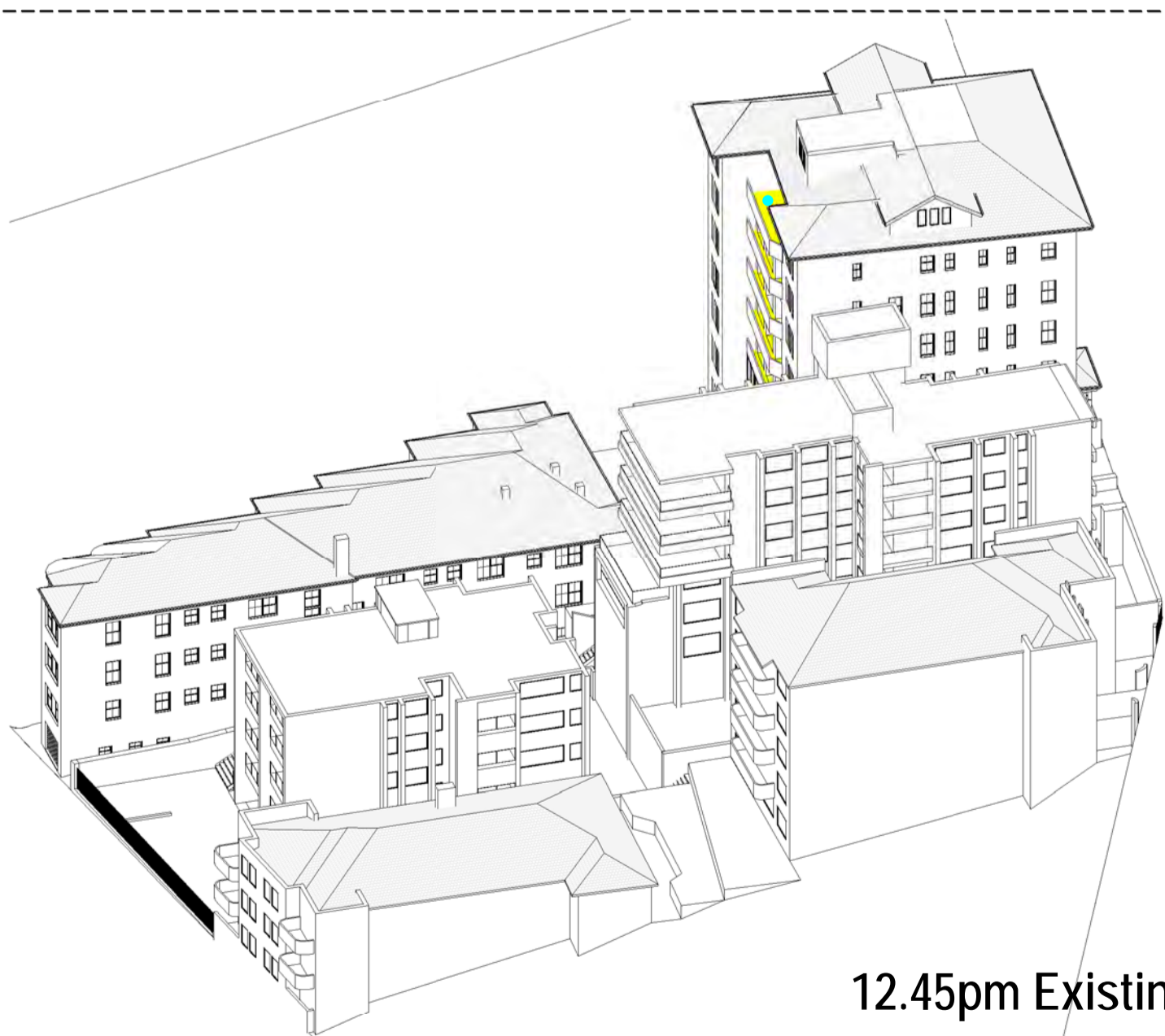
12.00pm Existing



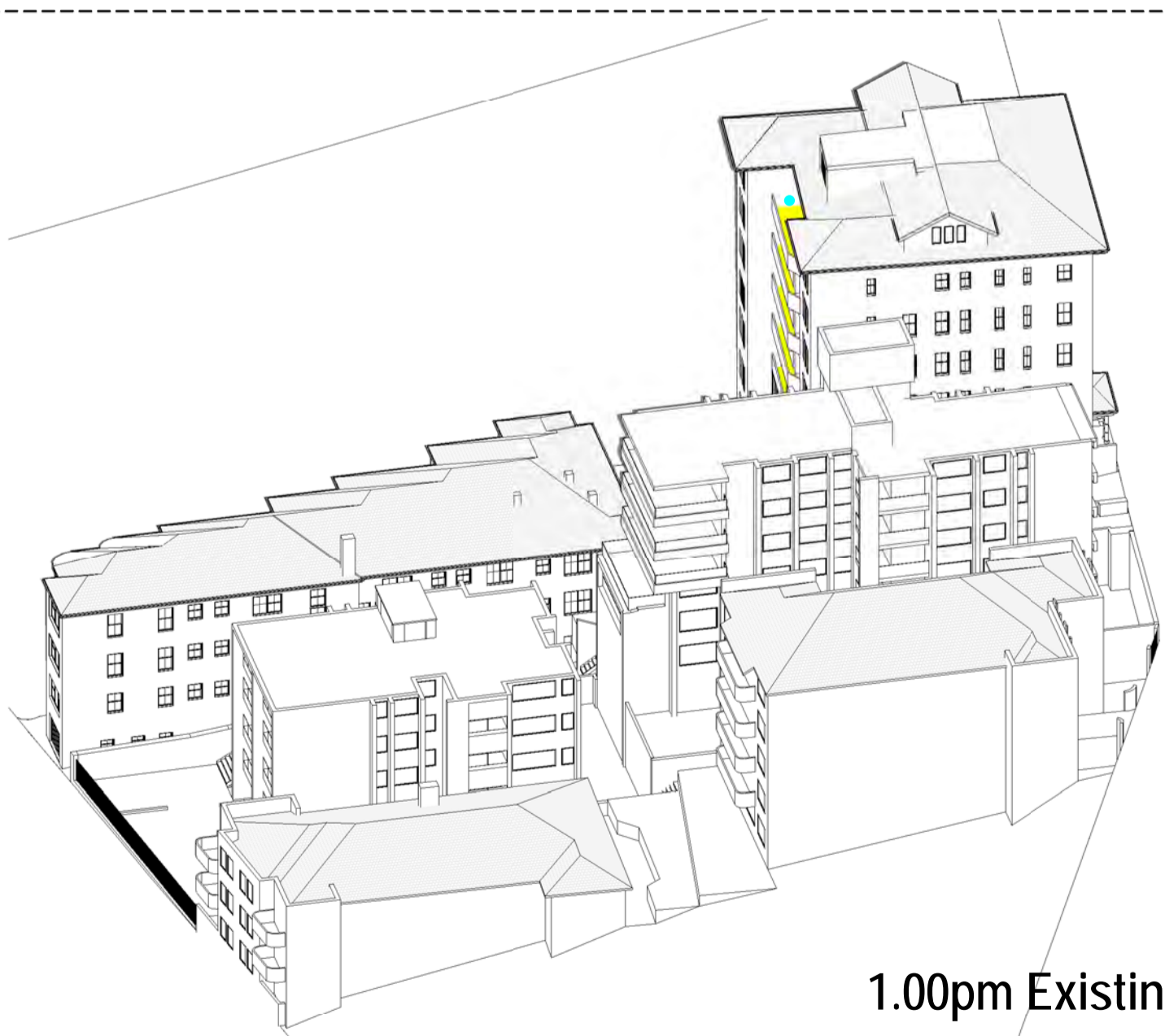
12.15pm Existing



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:	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:

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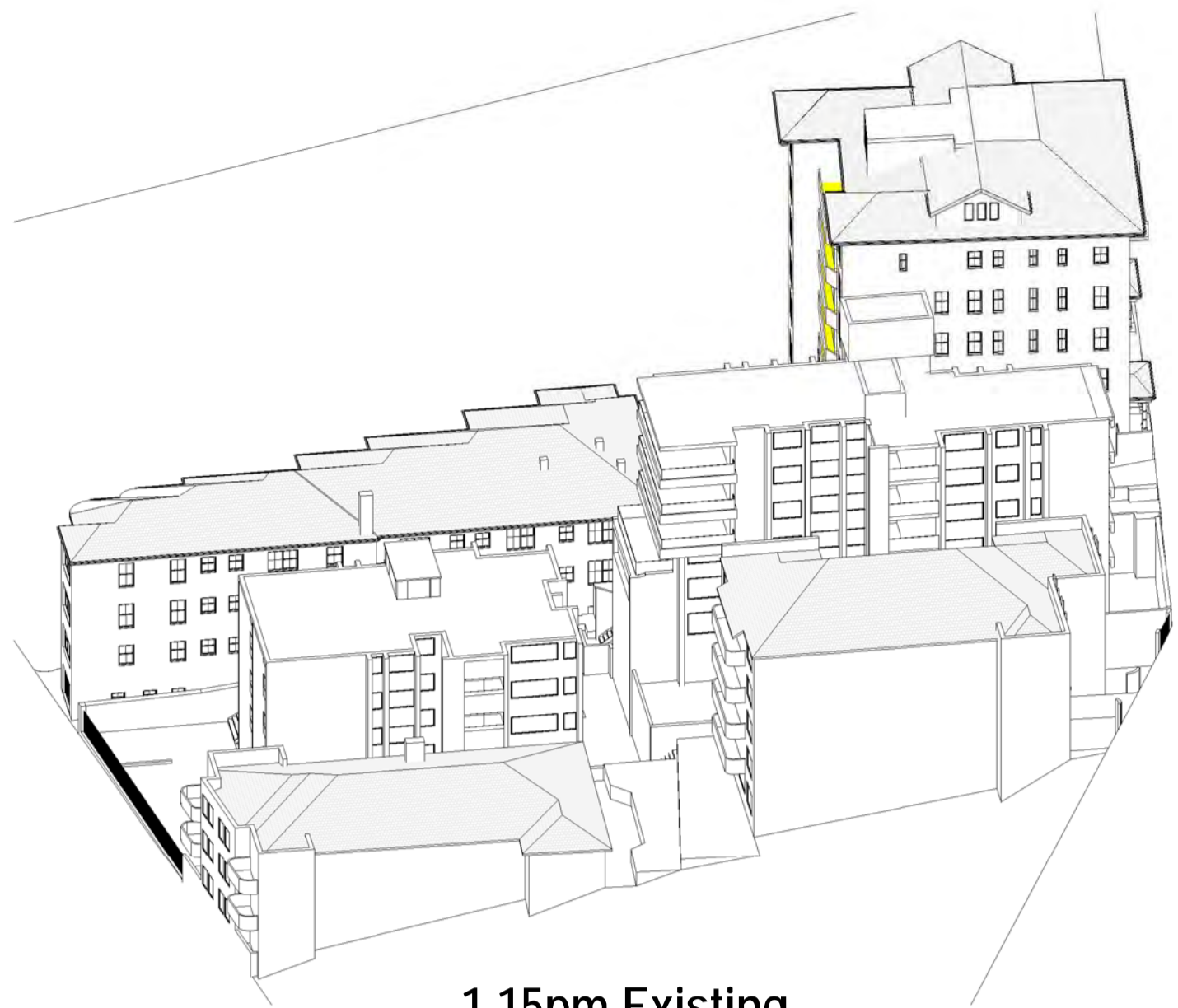
Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

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

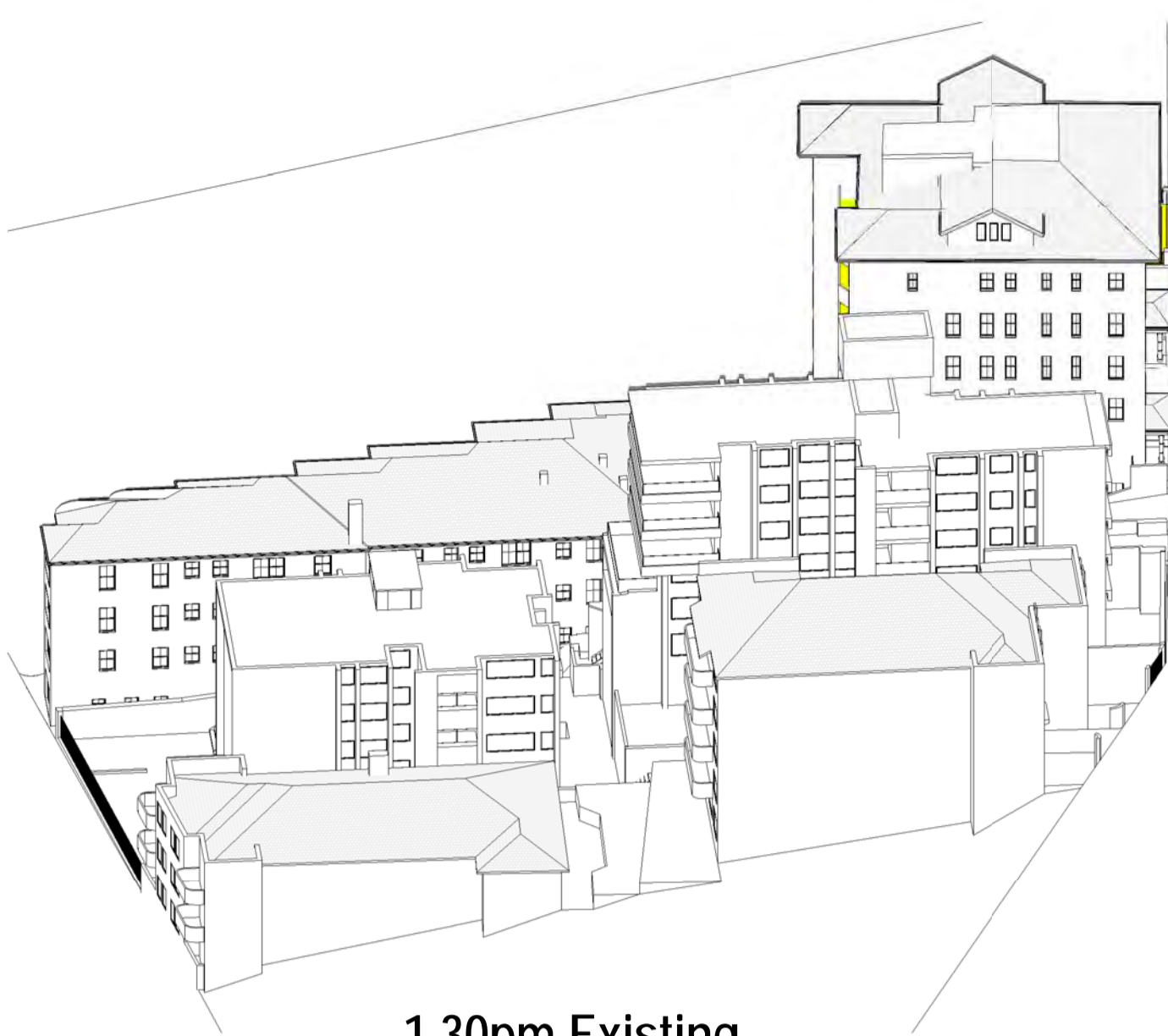
Date: 20-09-23
Scale: 1 : 200
Drawn by: KP
Checked by: JD

KITCHEN WINDOW REVIEW

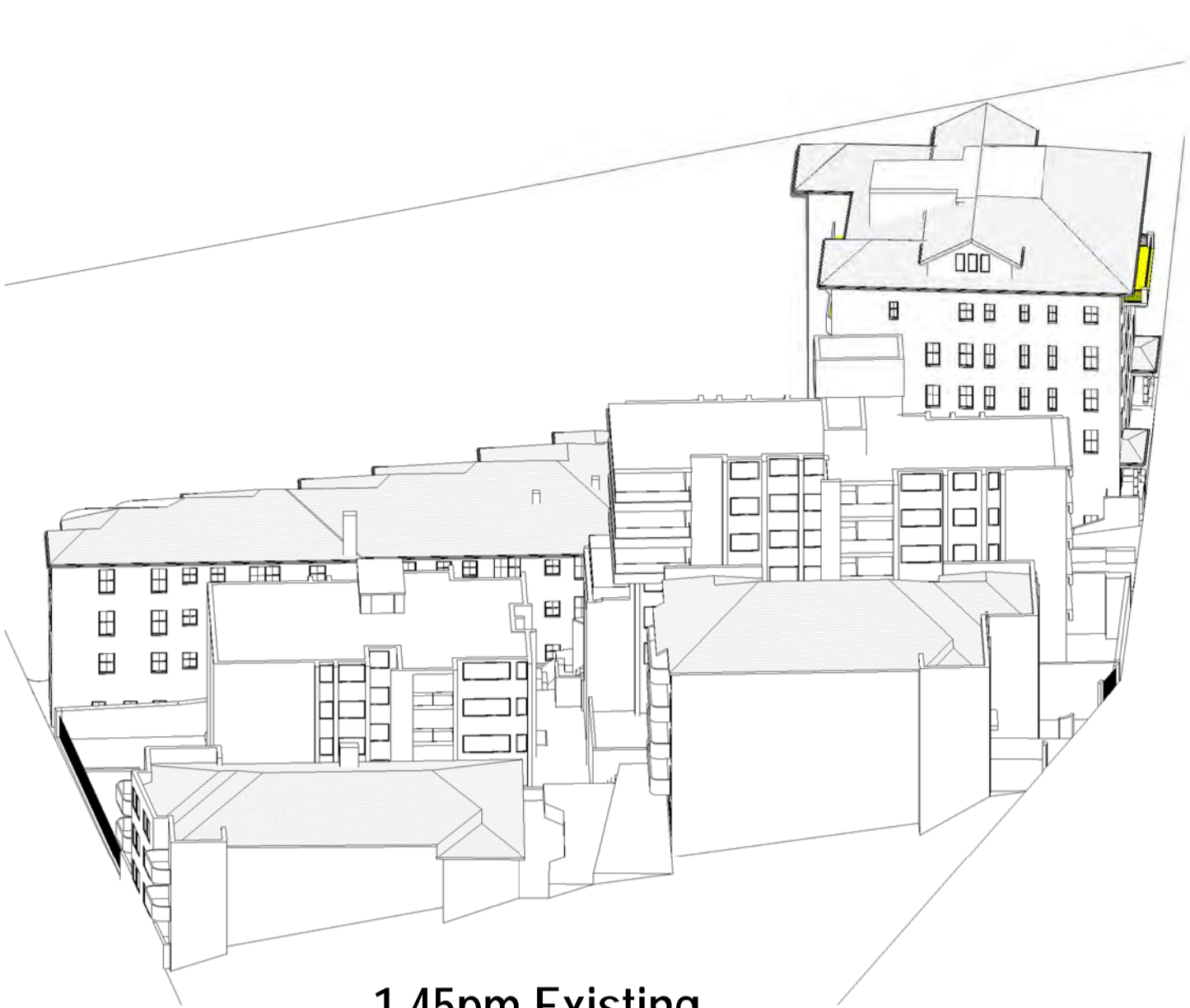
Project number 23-130 A101



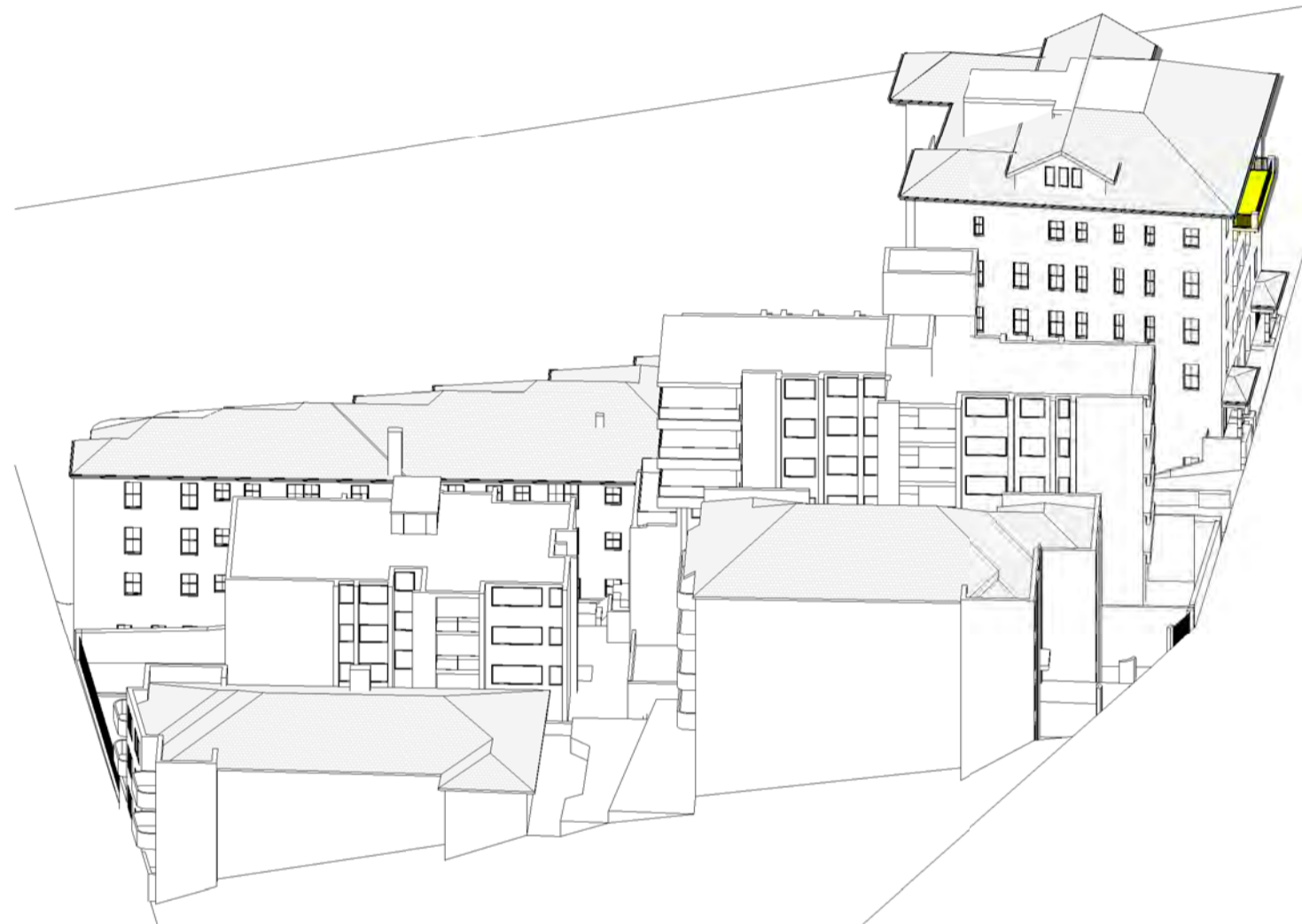
1.15pm Existing



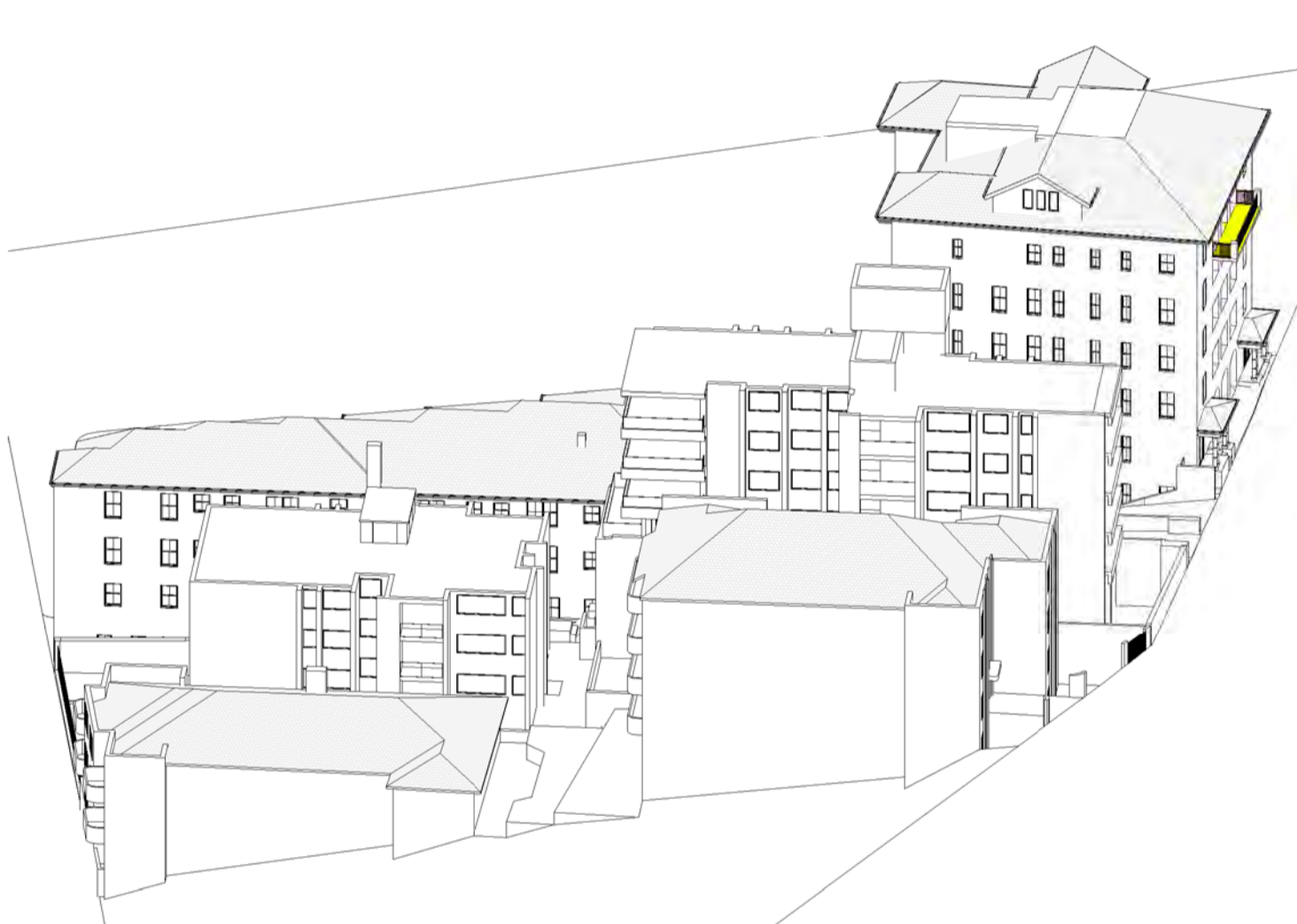
1.30pm Existing



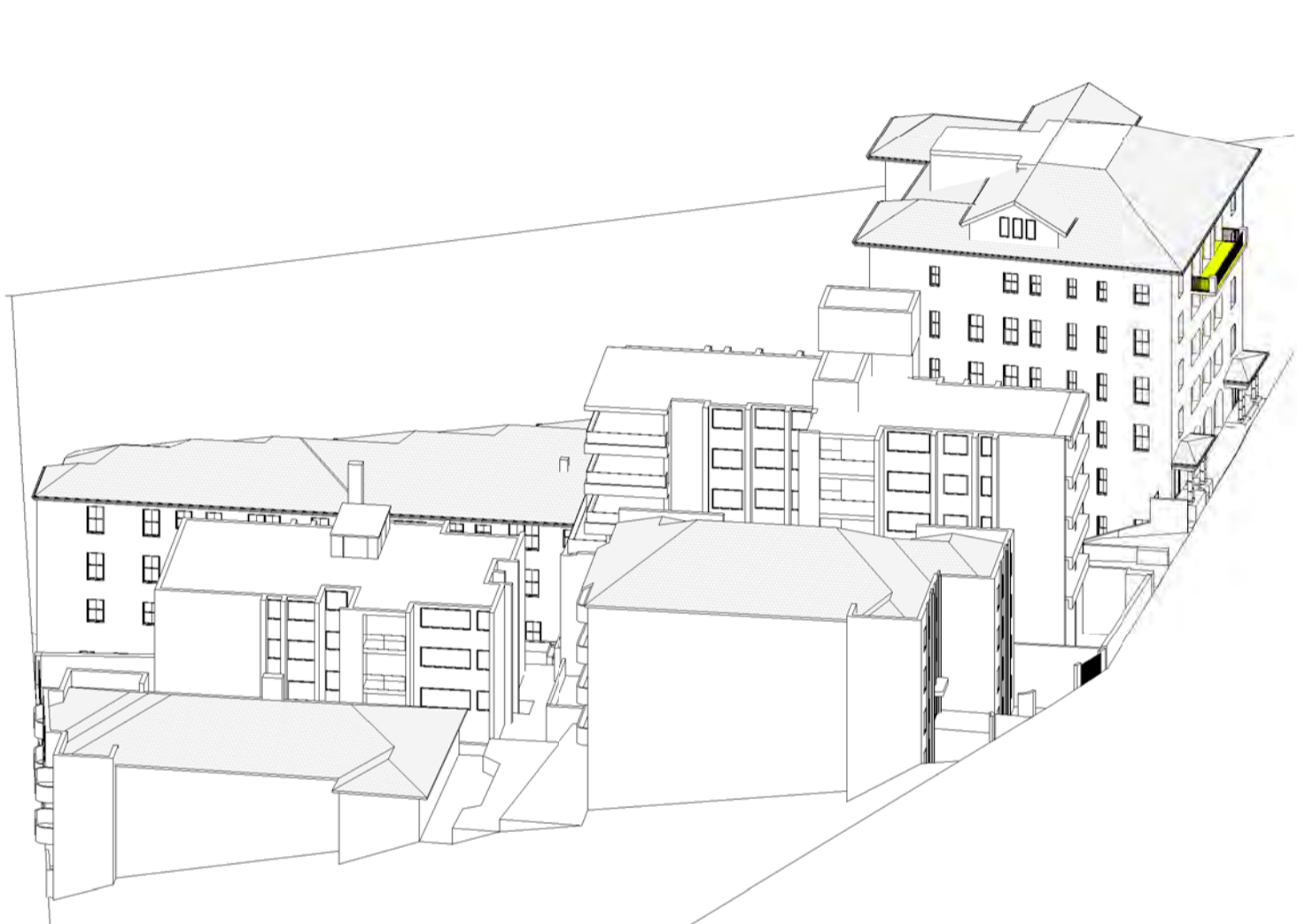
1.45pm Existing



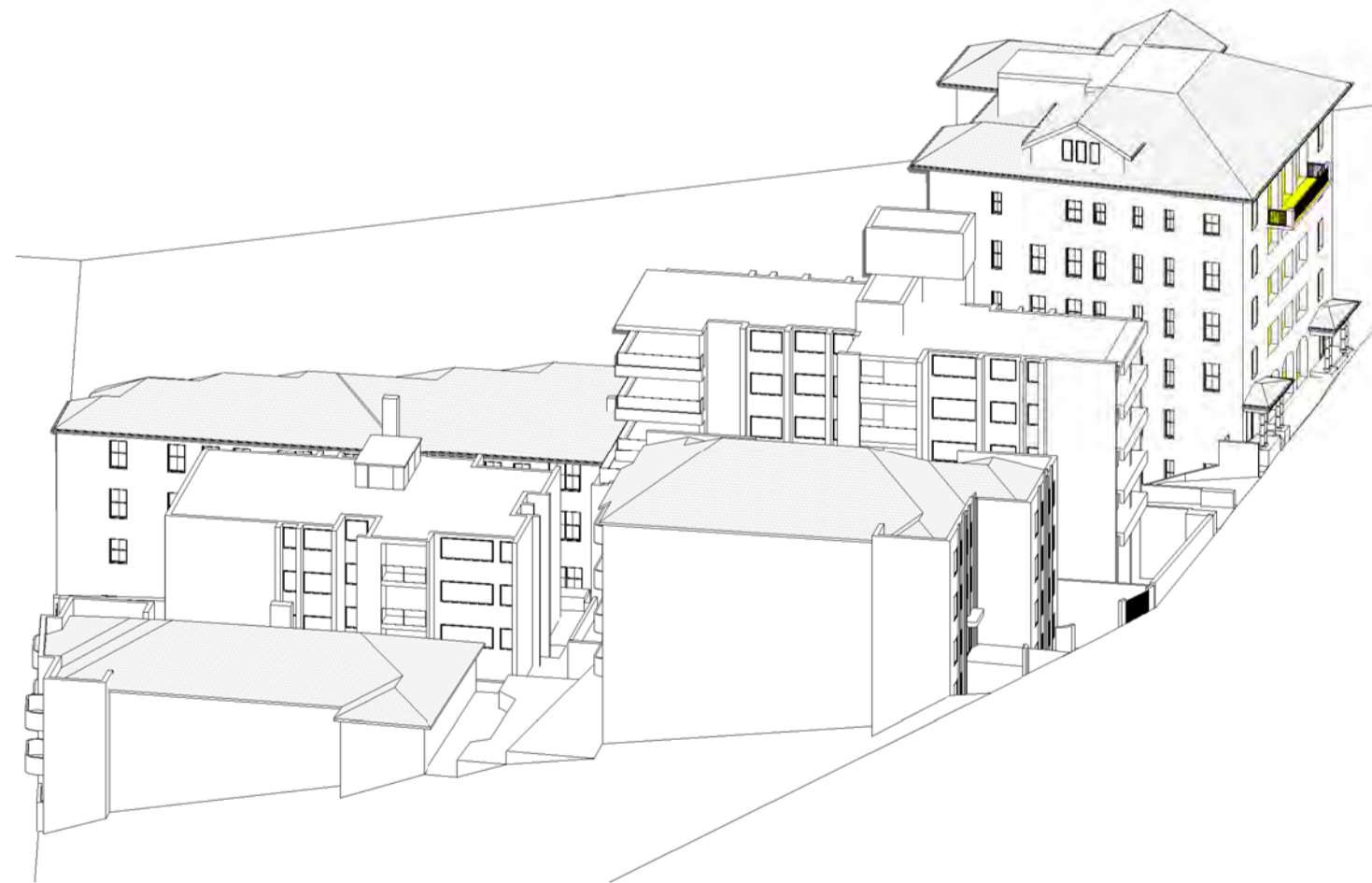
2.00pm Existing



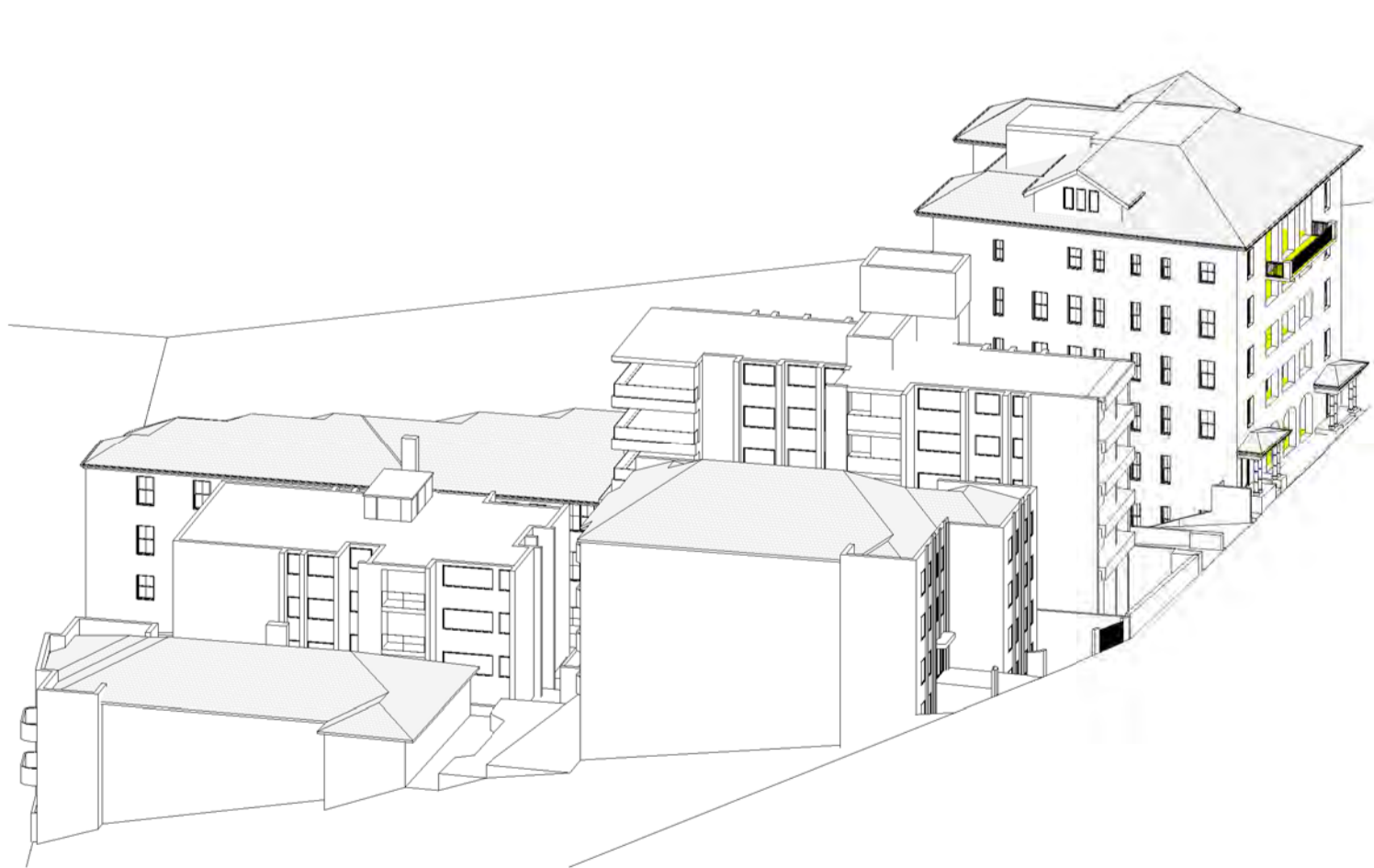
2.15pm Existing



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

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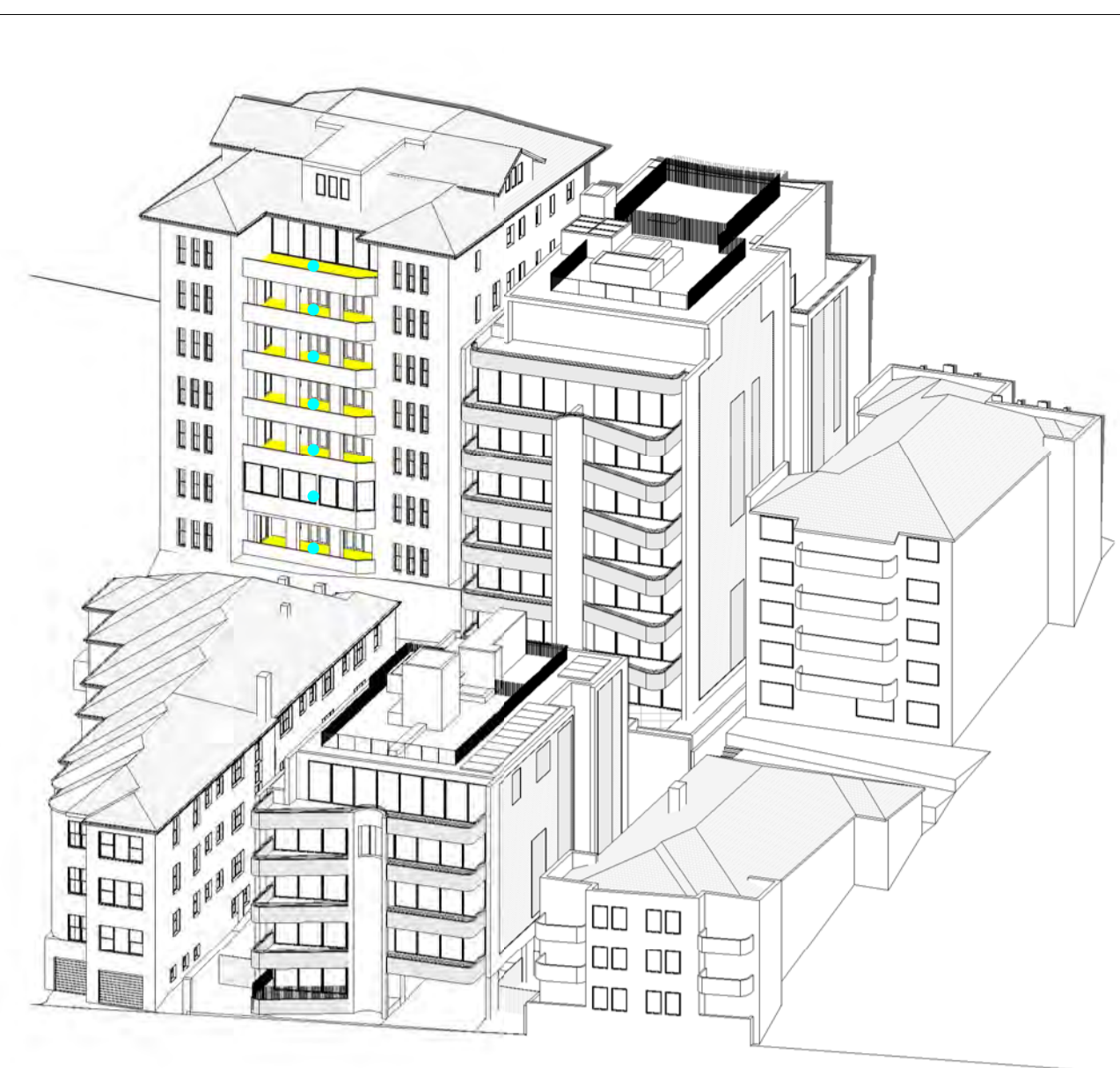
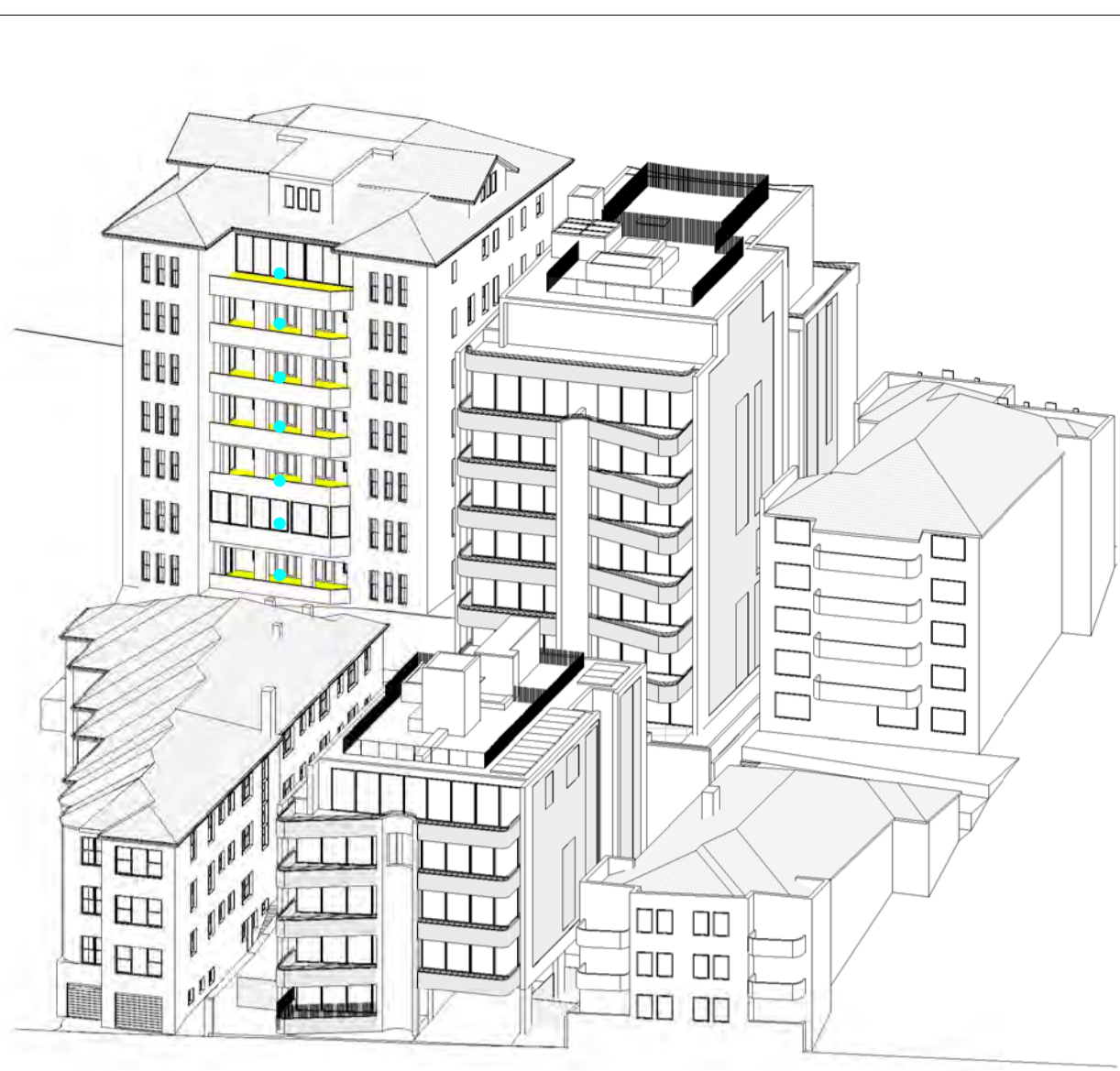
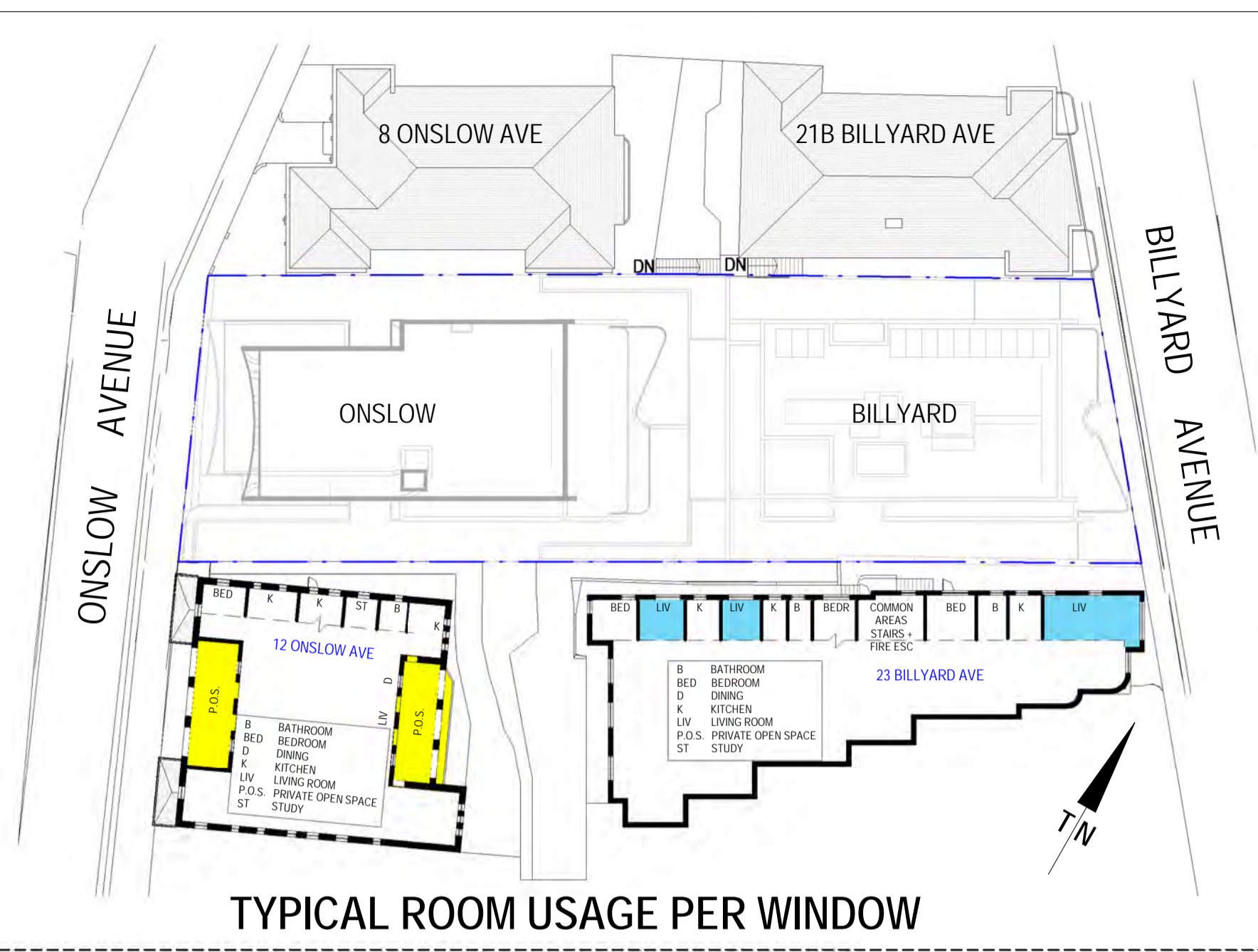
Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

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

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

KITCHEN WINDOW REVIEW

Project number 23-130 A102



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

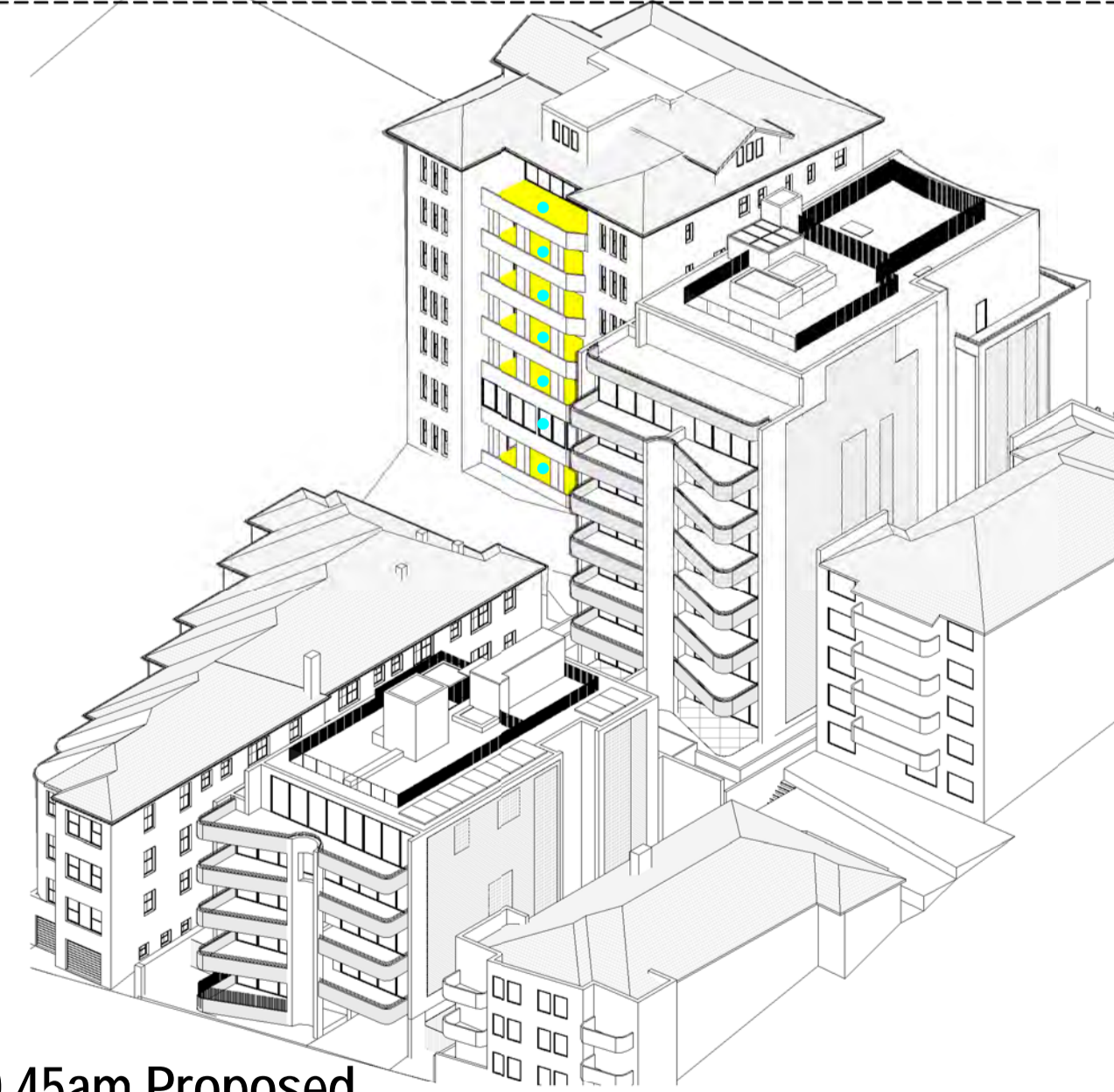
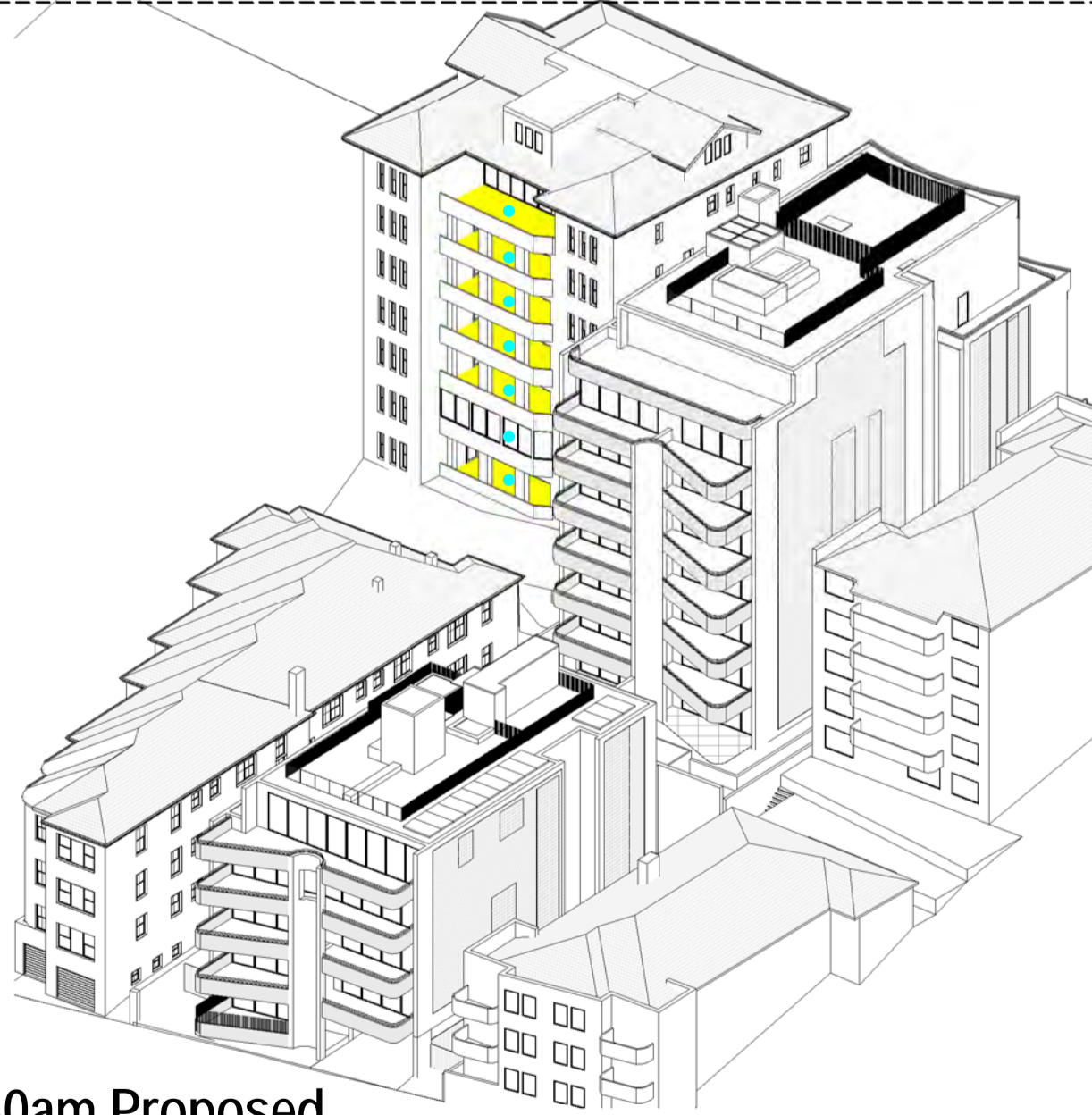
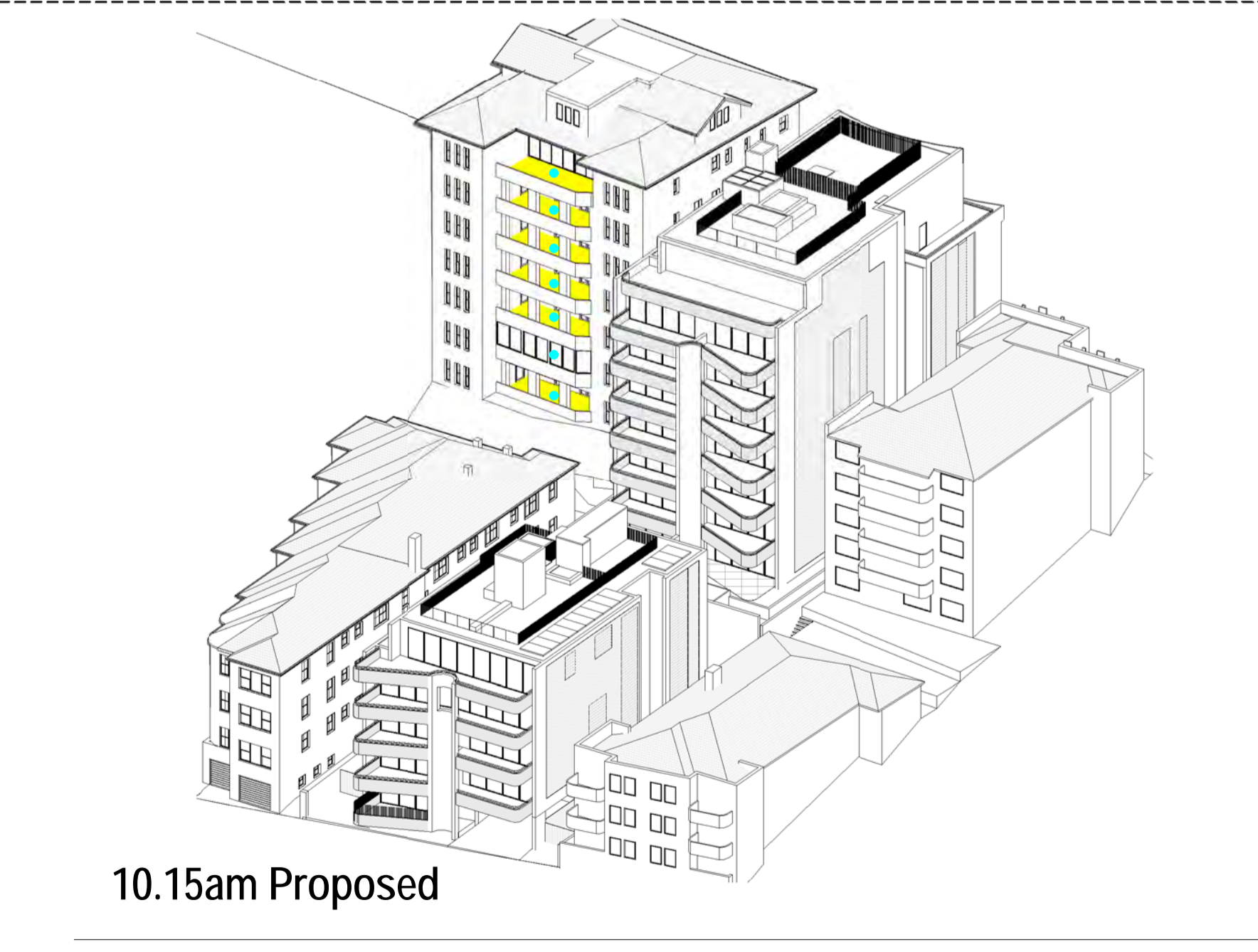
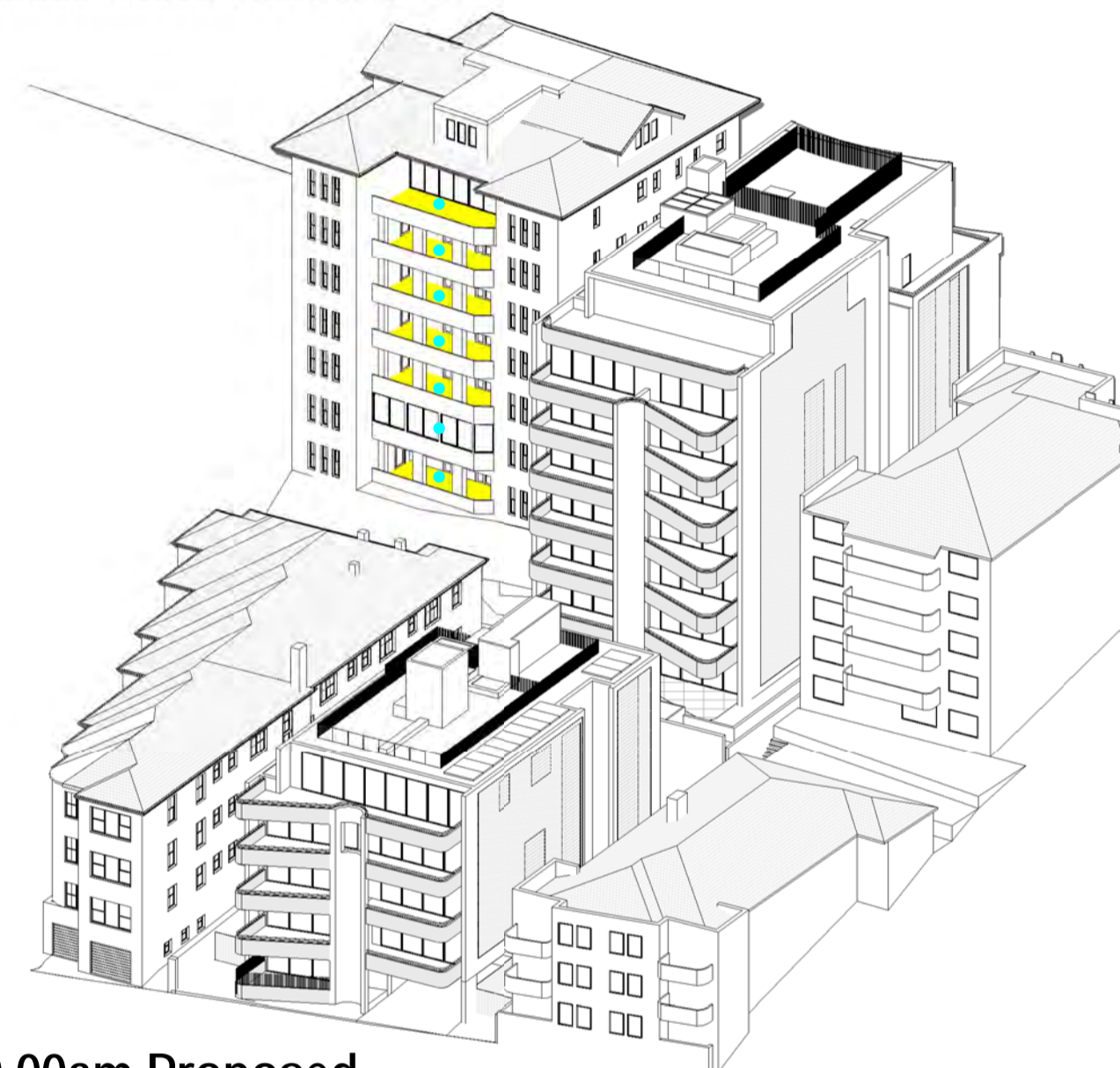
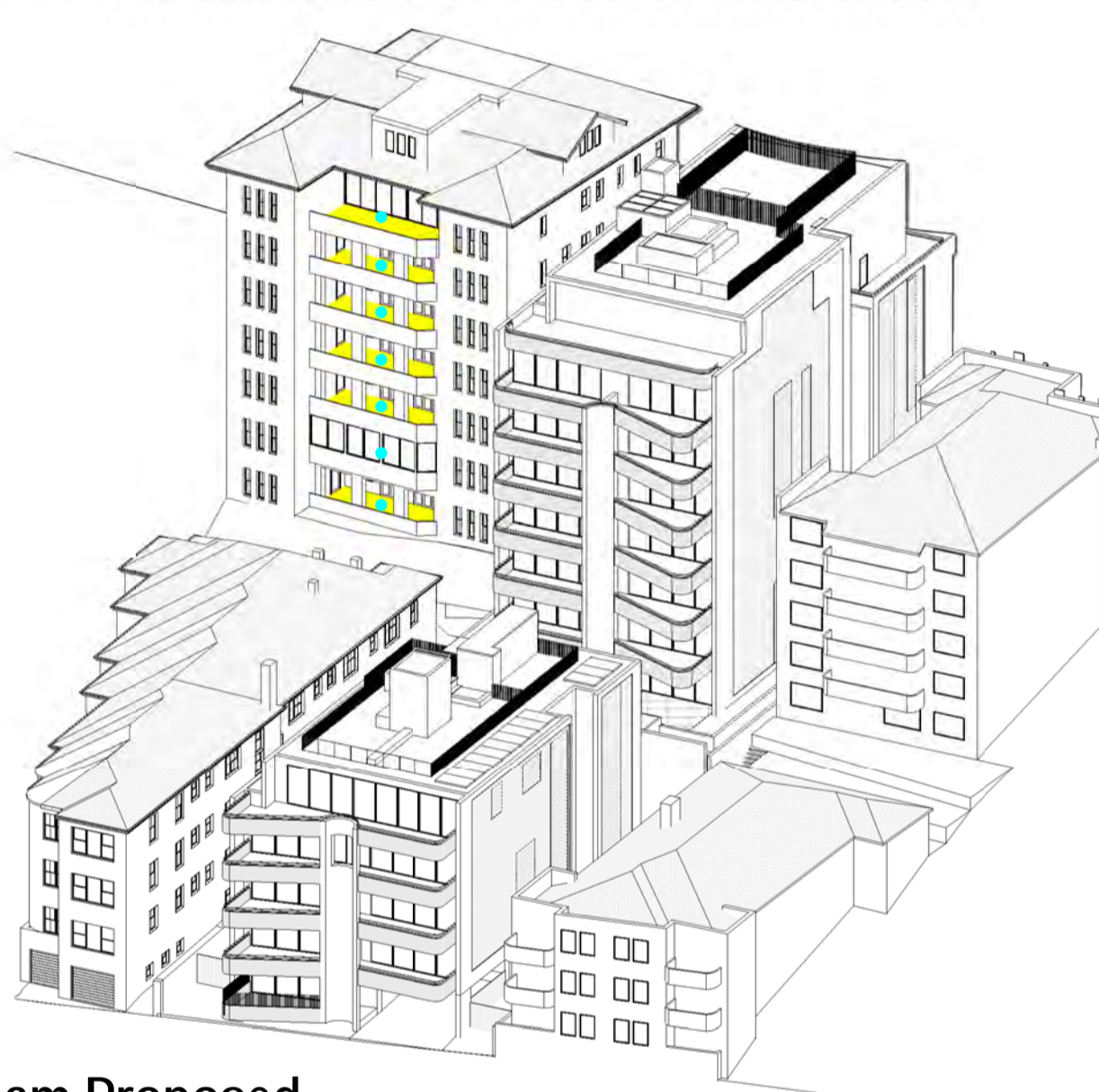
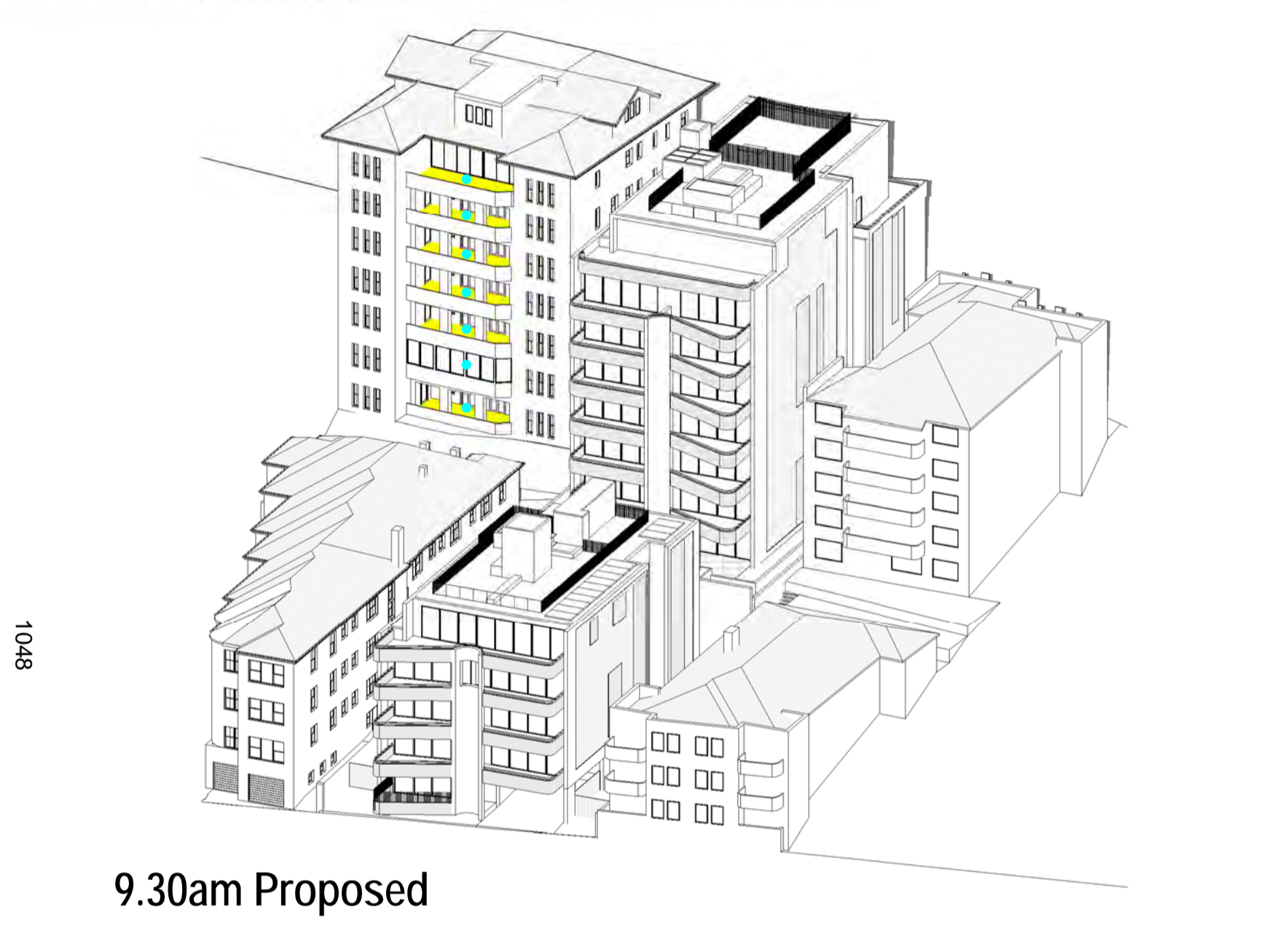
DENOTES P.O.S LOSS OF DIRECT SUNLIGHT

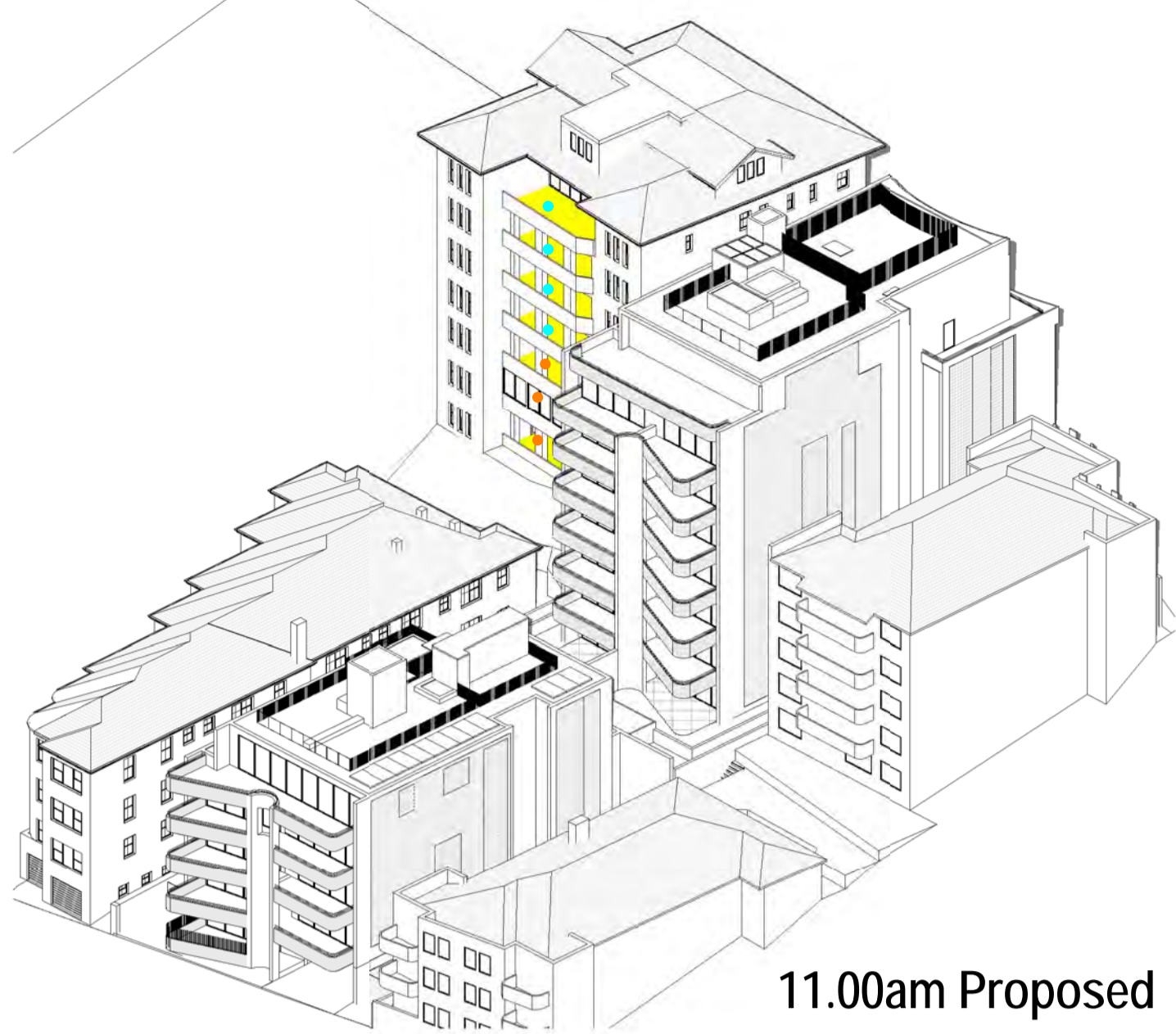
PRIVATE OPEN SPACE CALCULATIONS JUNE 21ST:									
PROPOSED:									
P.O.S.	9.00	9.15	9.30	9.45	10.00	10.15	10.30	10.45	
LG2									
UNIT 1									
LG1									
UNIT 3									
GF									
UNIT 5									
1									
UNIT 7									
2									
UNIT 9									
3									
UNIT 11									
4								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

TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:				
9.00AM - 3.00PM				
	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	

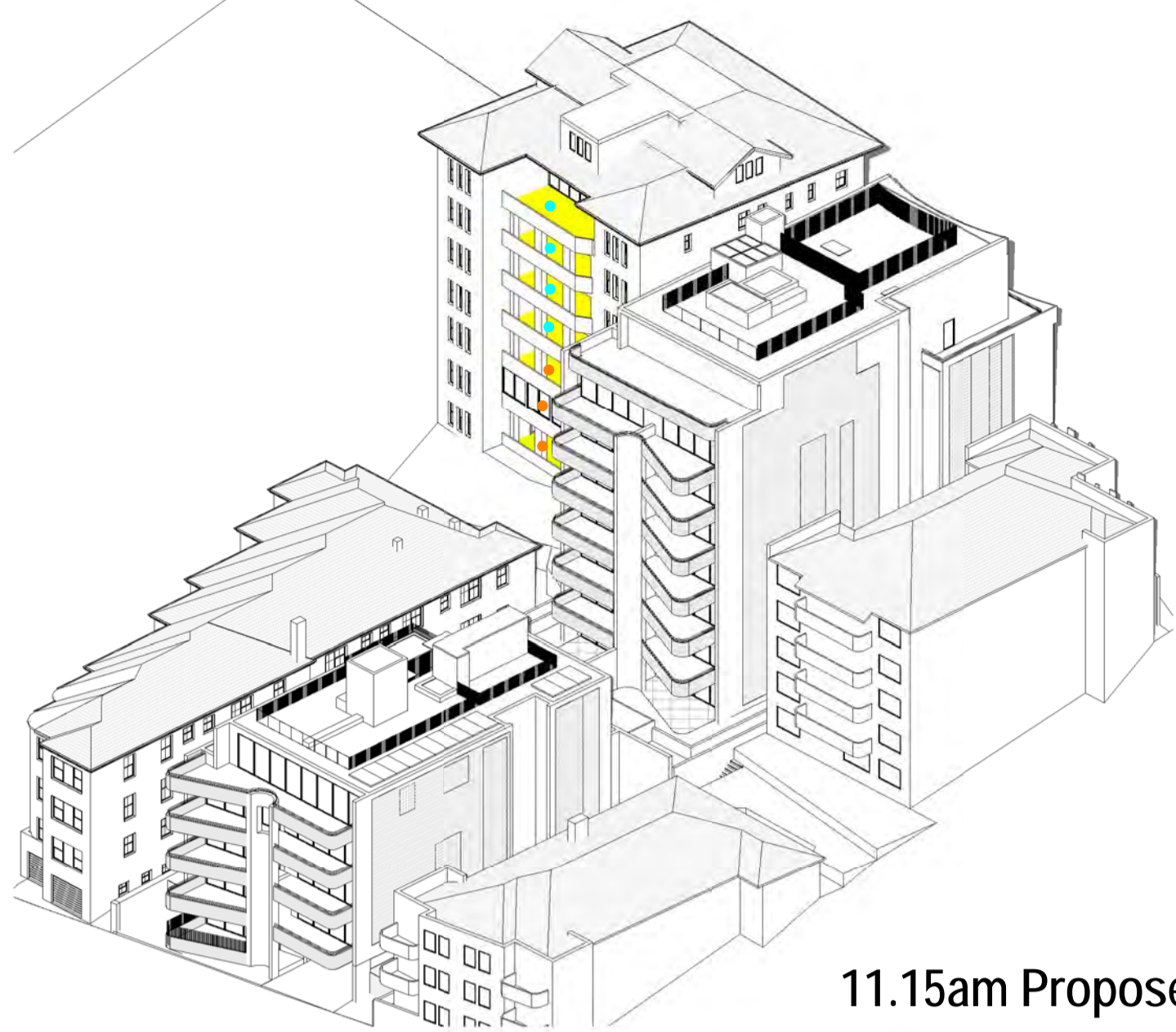
NOTE:

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

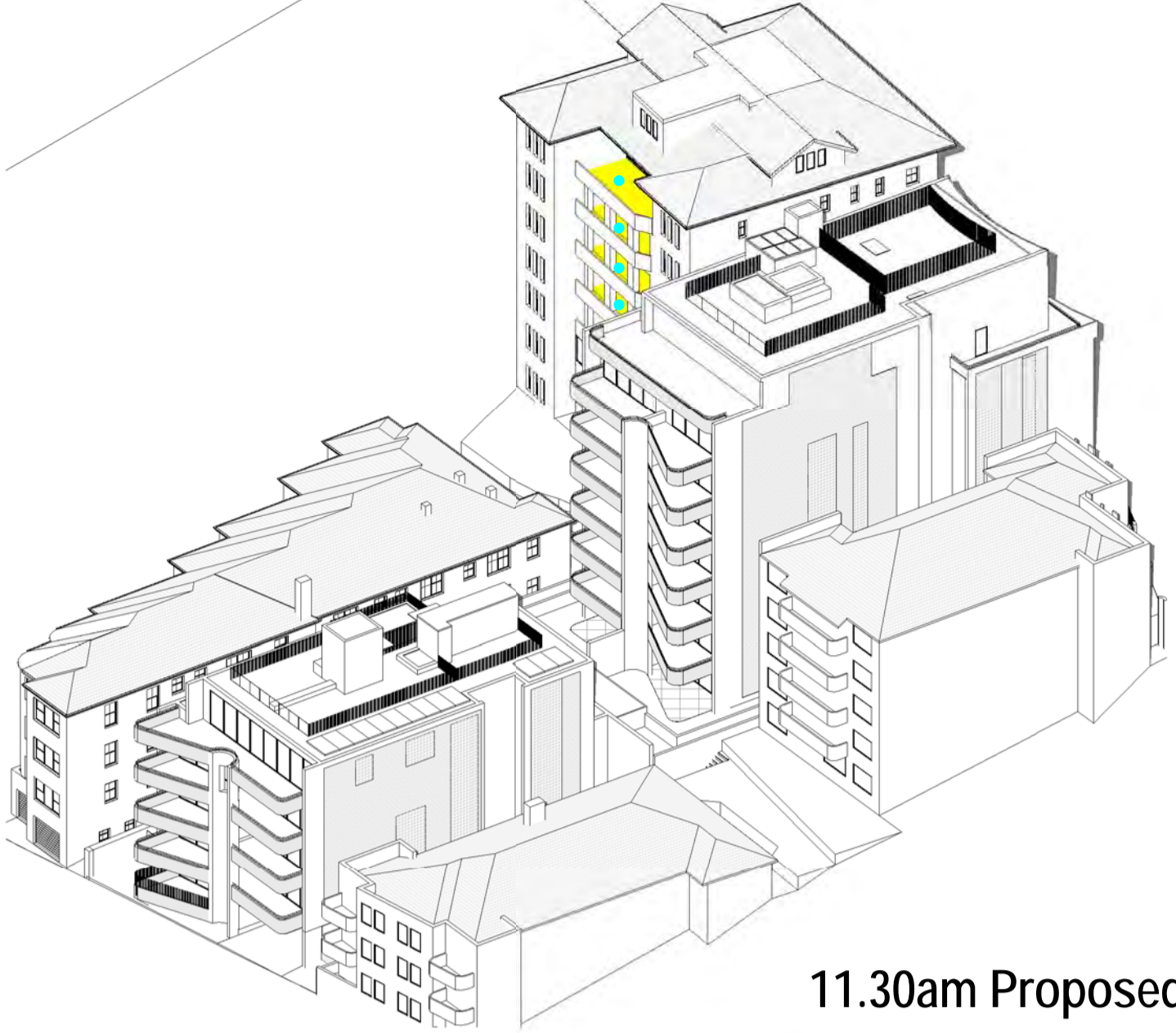




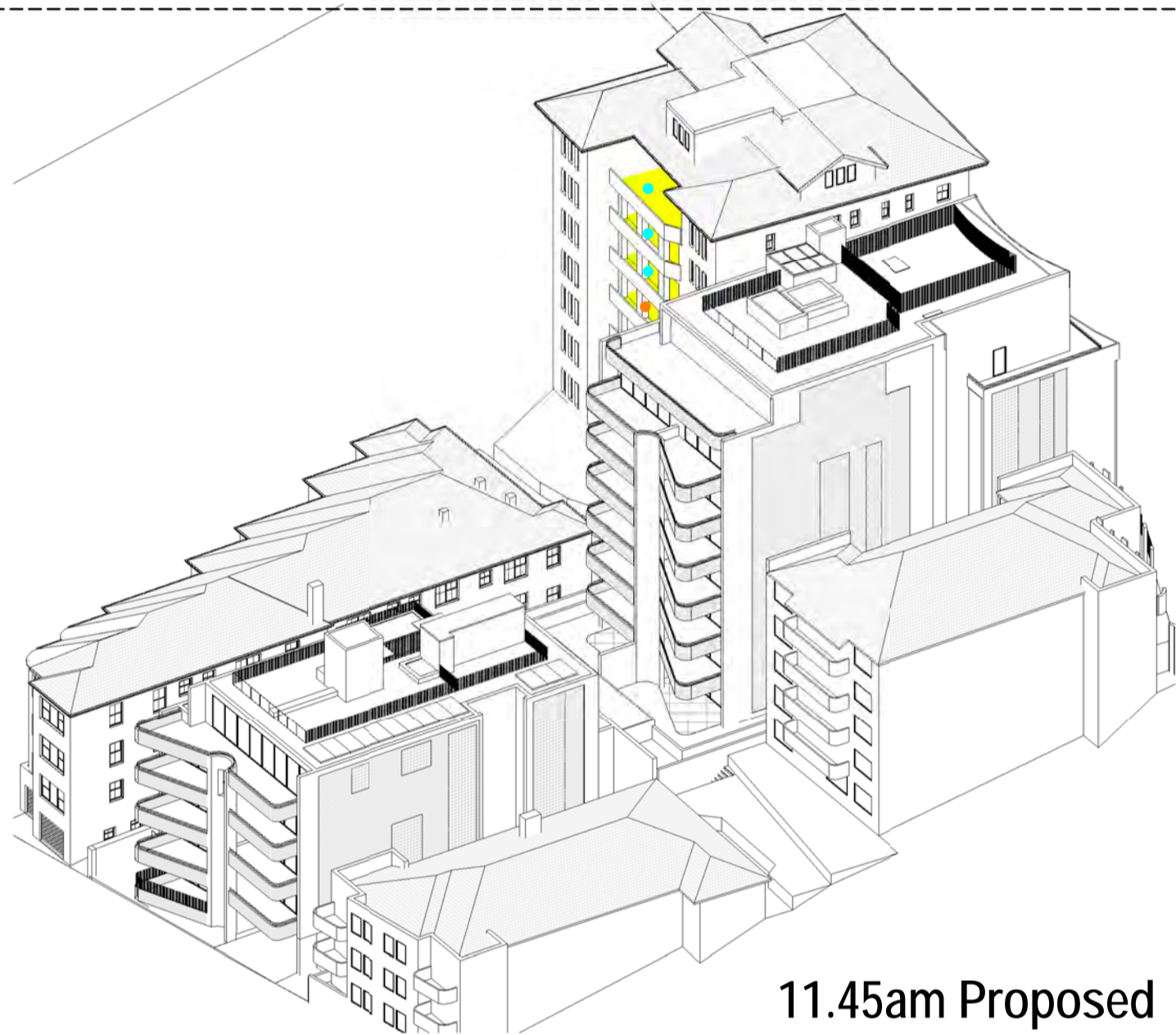
11.00am Proposed



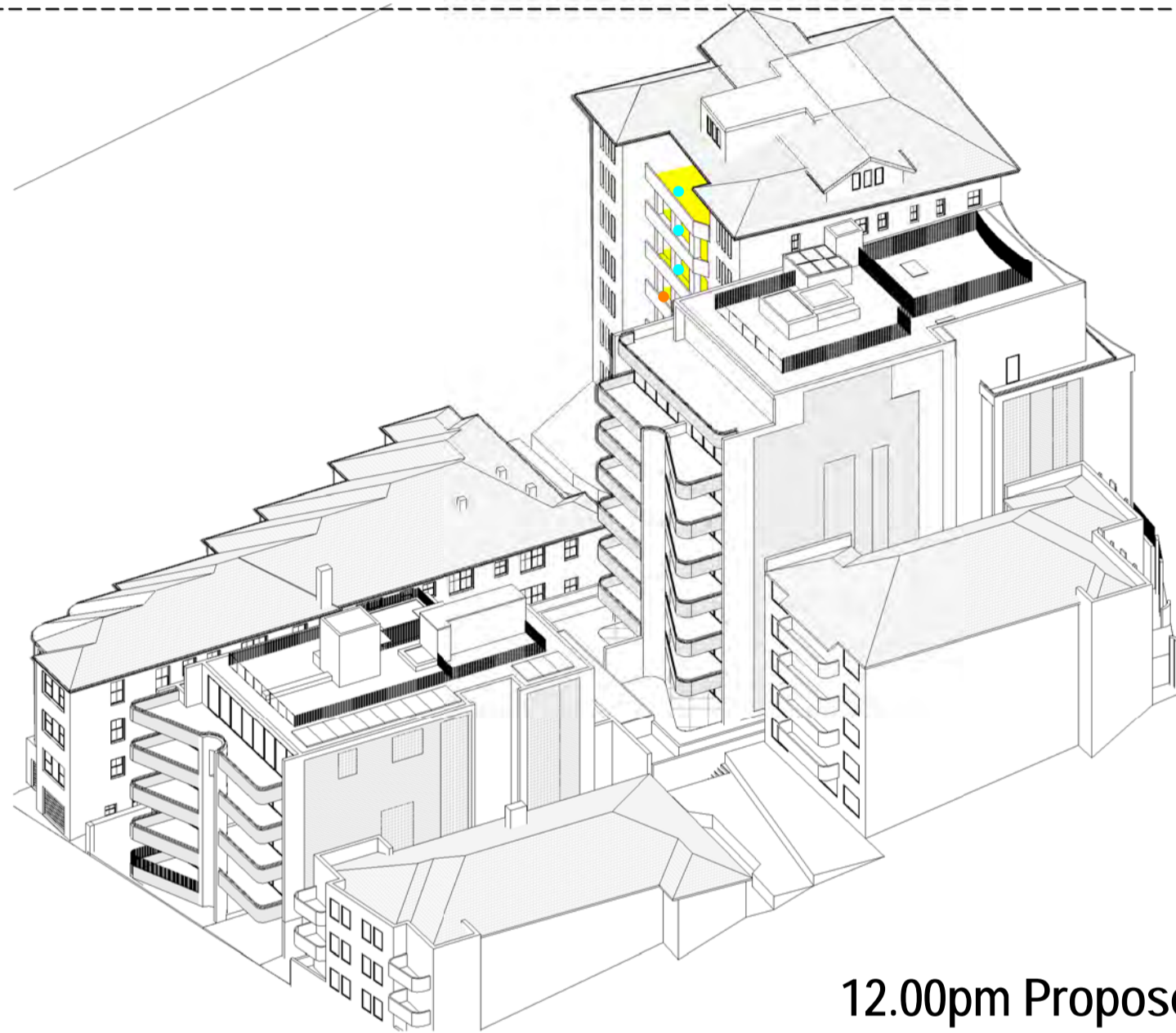
11.15am Proposed



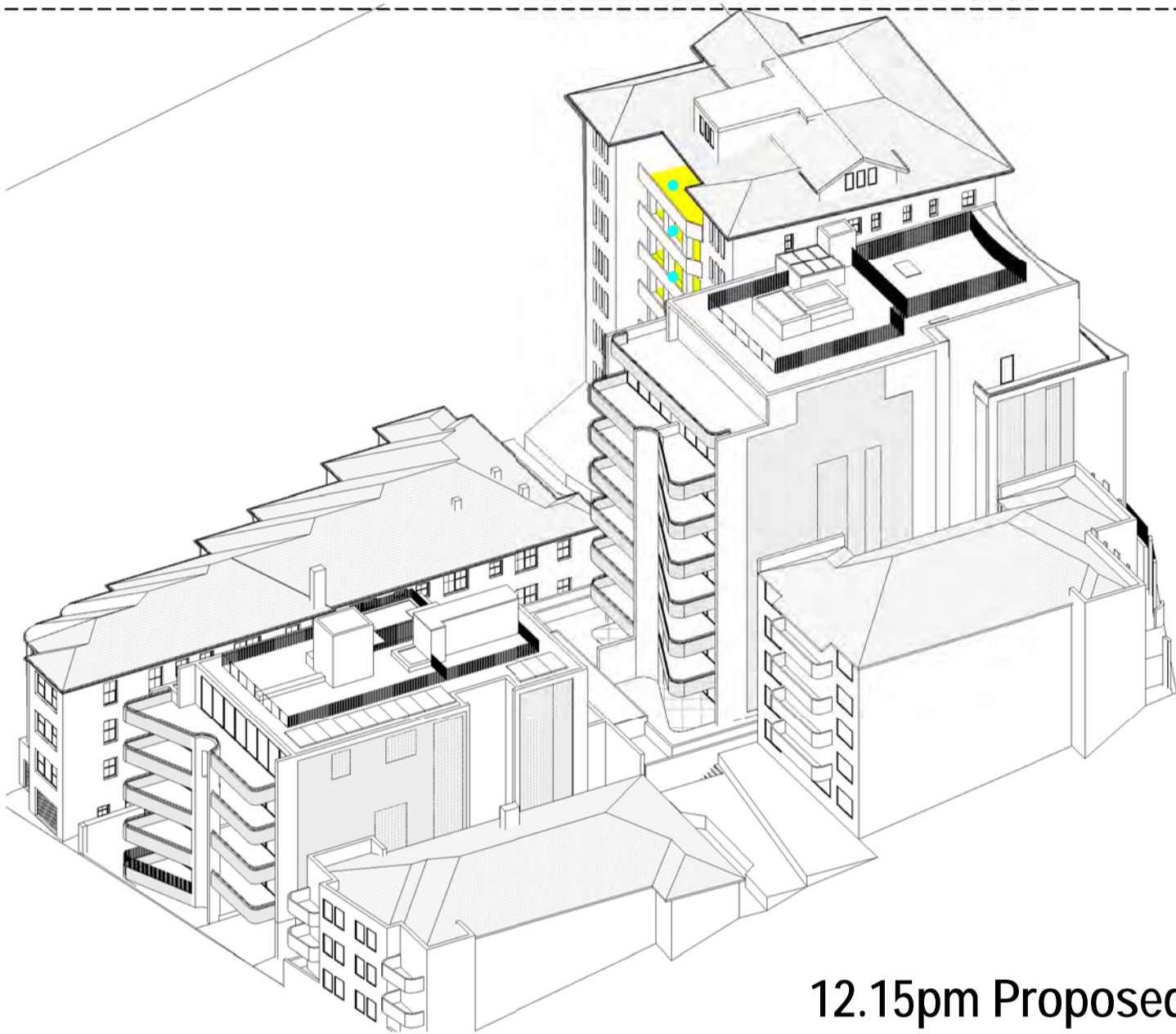
11.30am Proposed



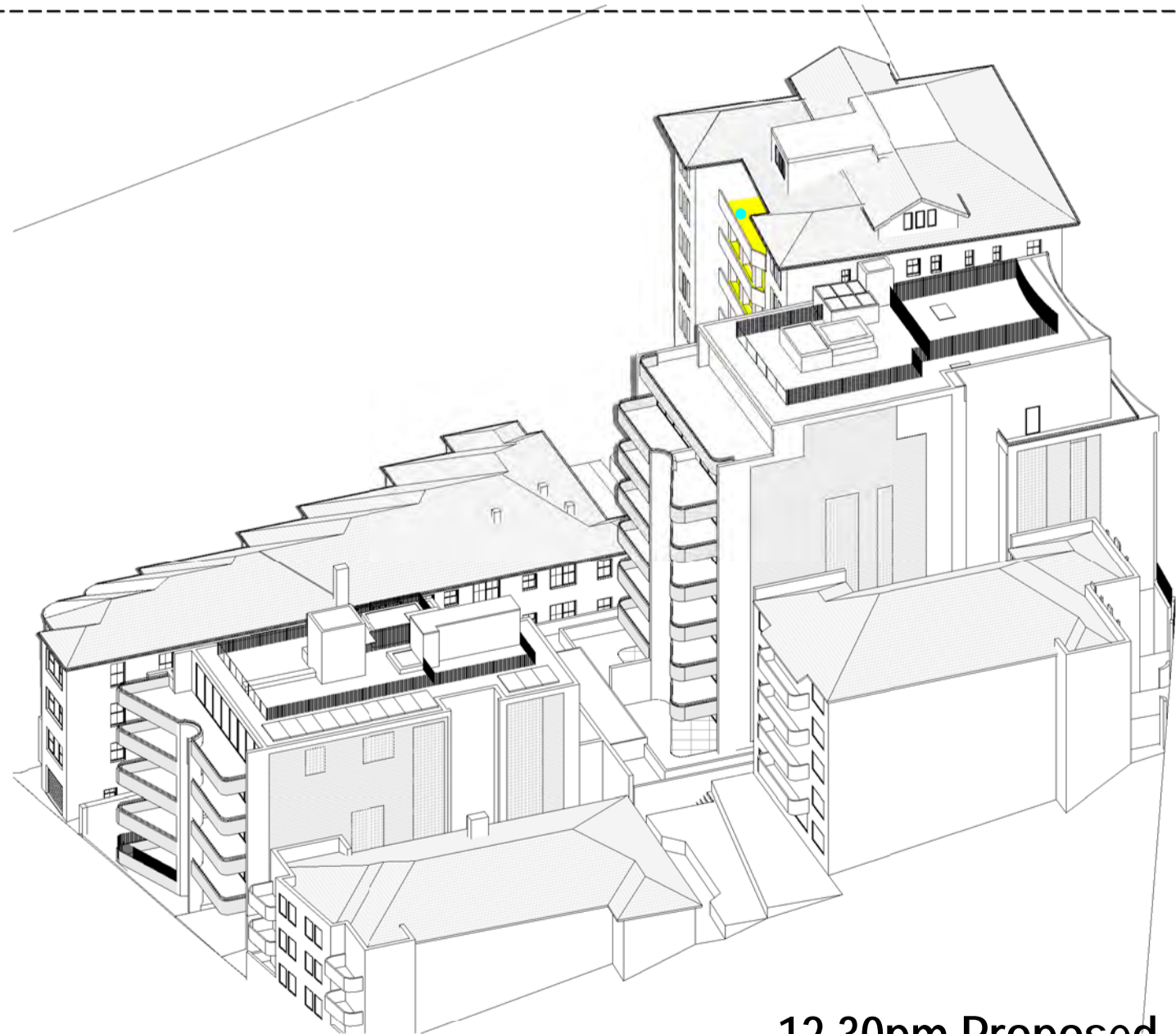
11.45am Proposed



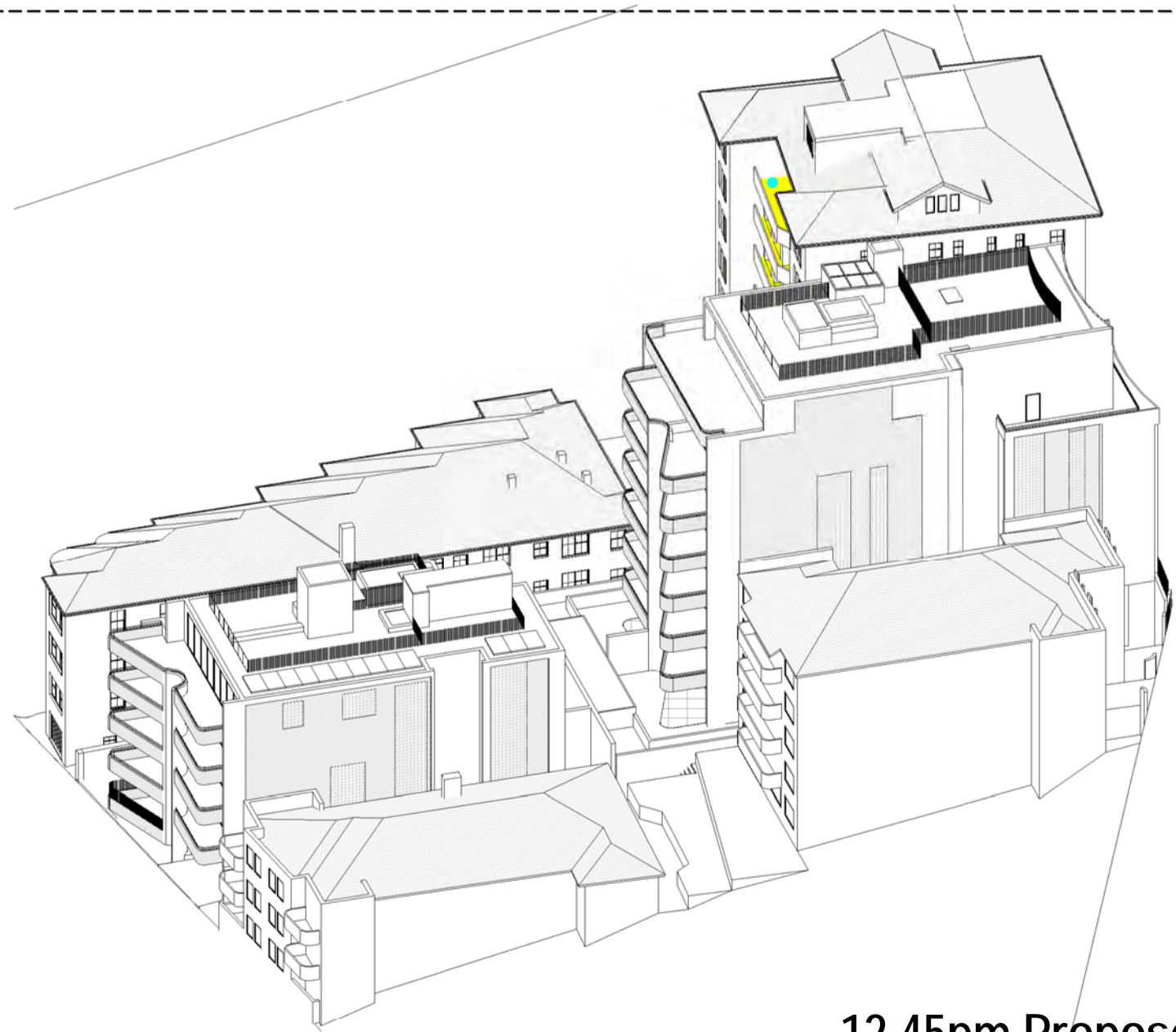
12.00pm Proposed



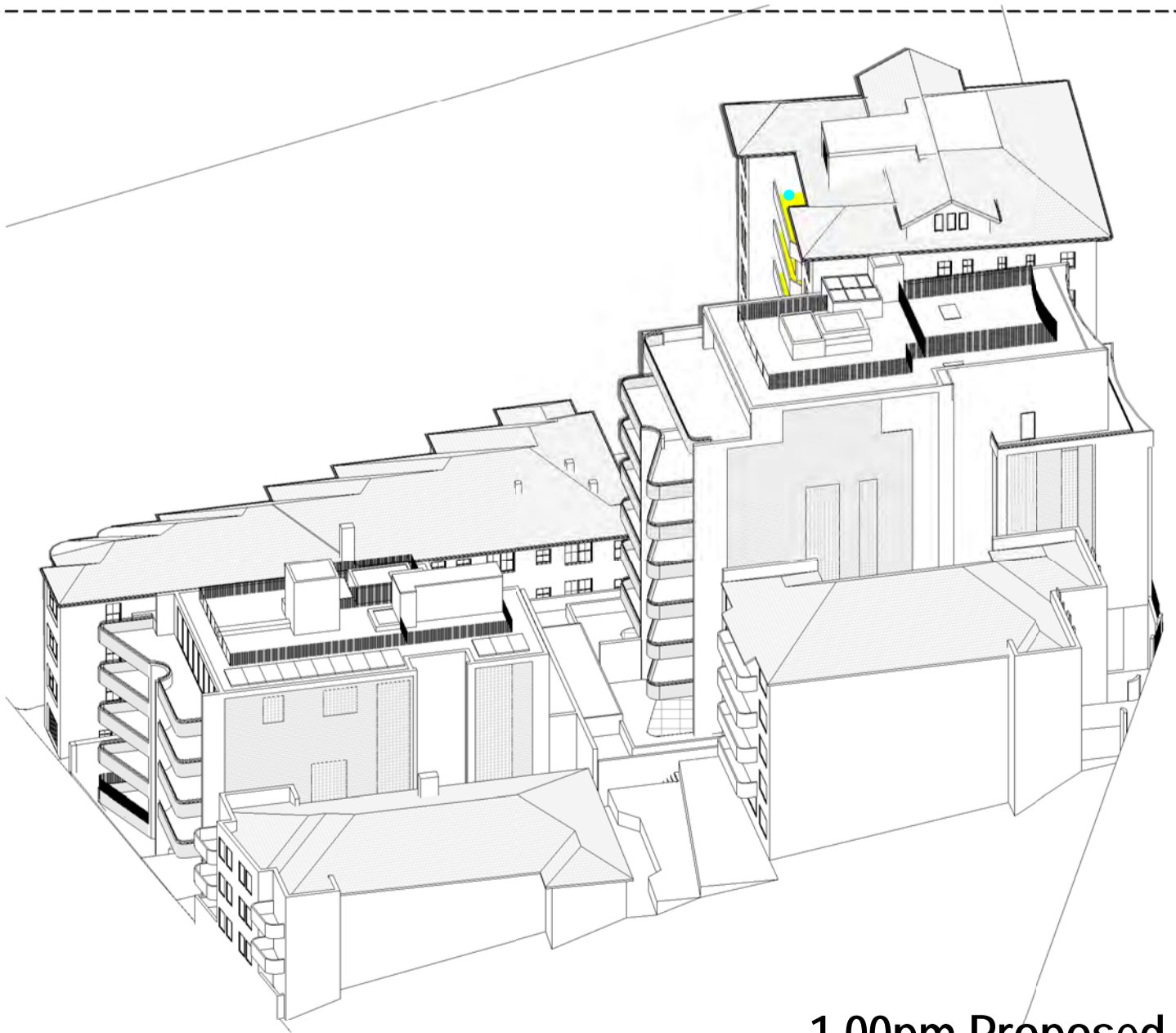
12.15pm Proposed



12.30pm Proposed



12.45pm Proposed



1.00pm Proposed

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

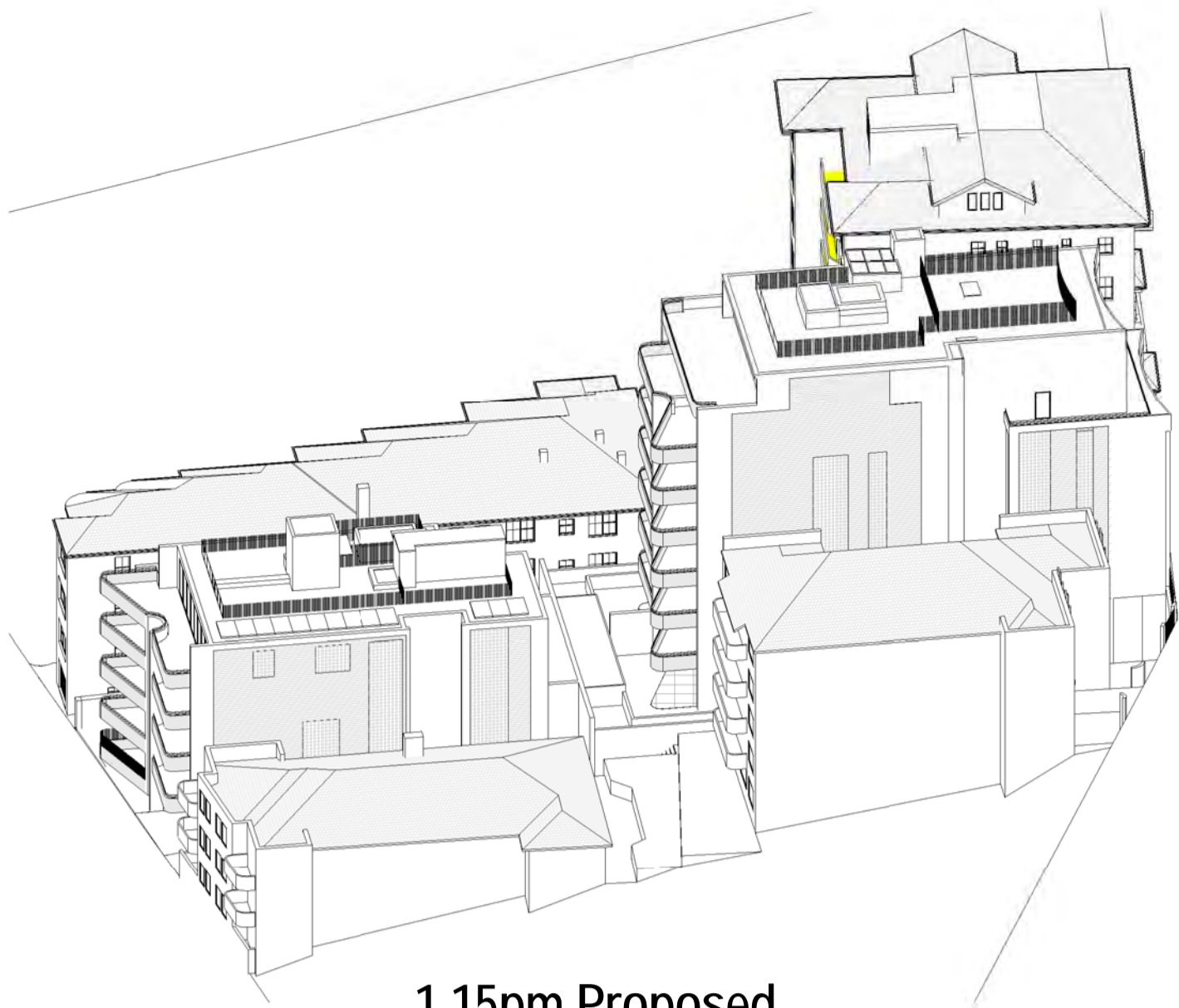
DENOTES P.O.S RECEIVING DIRECT SUNLIGHT

DENOTES P.O.S PARTIAL LOSS OF DIRECT SUNLIGHT

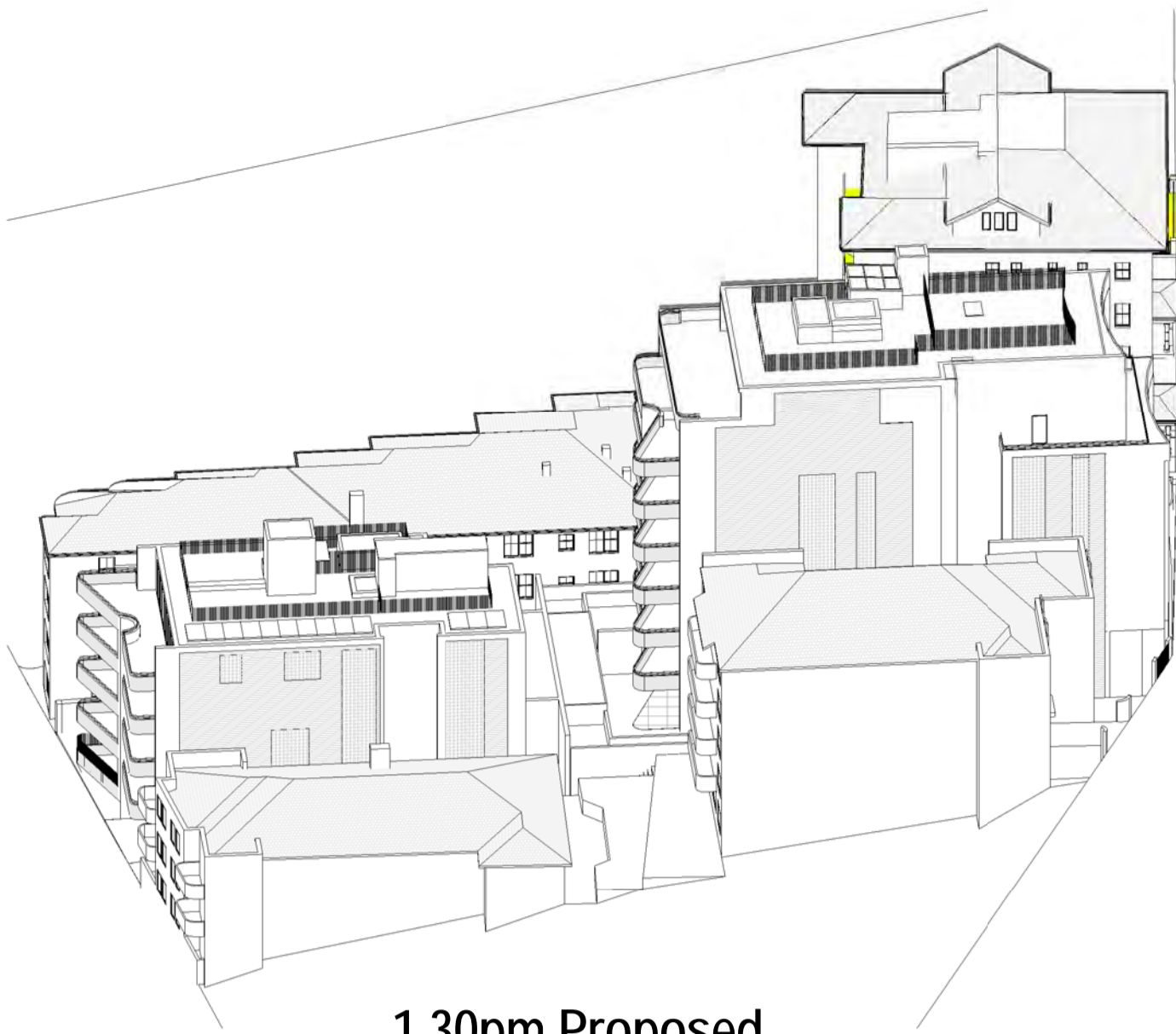
X

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	●	●	X	X	X	X	X	X	X	
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	●	●	●	●	●	●	X	X	X	
UNIT 9	●	●	●	●	●	●				
3	●	●	●	●	●	●	X	X	X	
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	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										



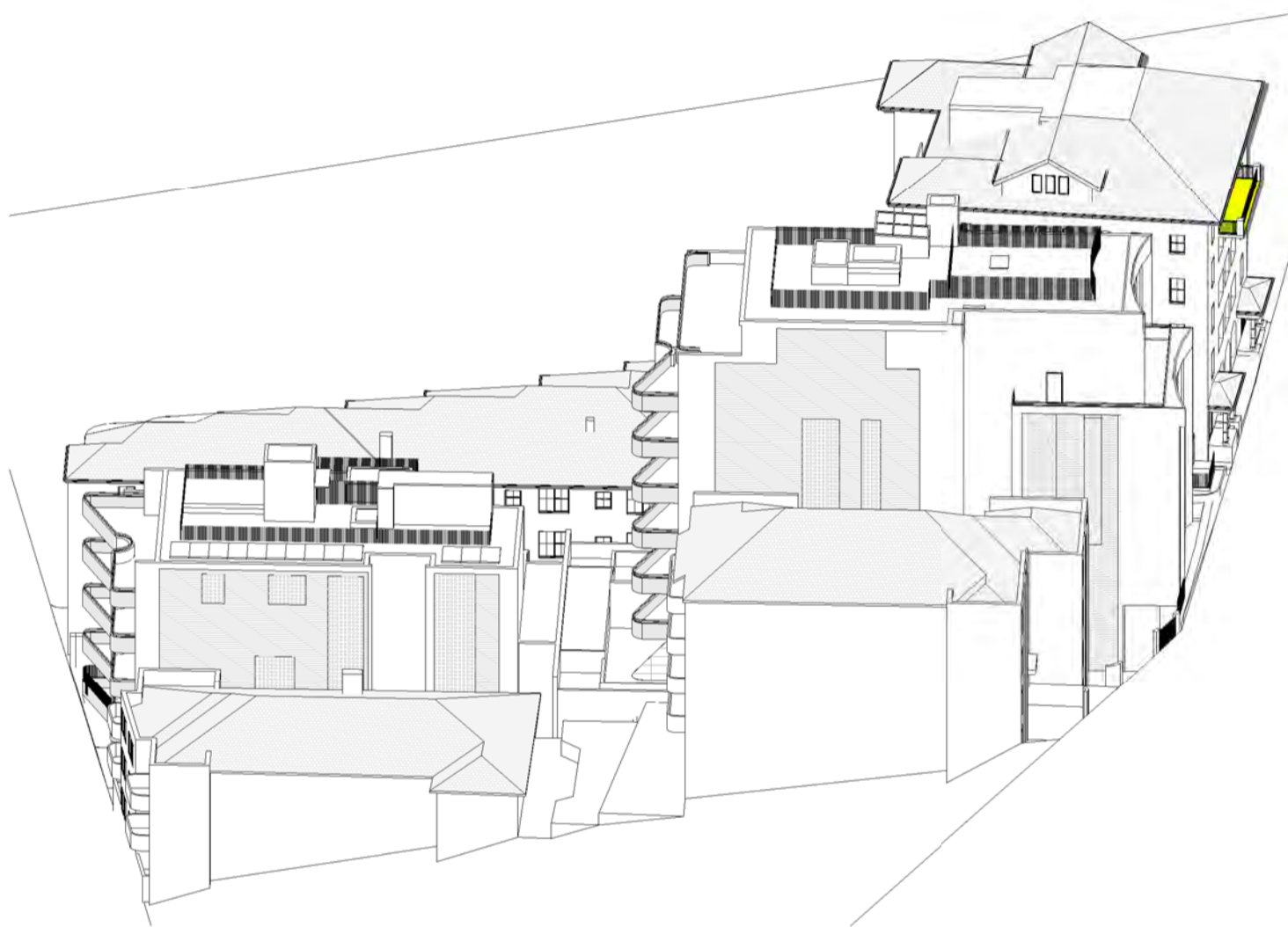
1.15pm Proposed



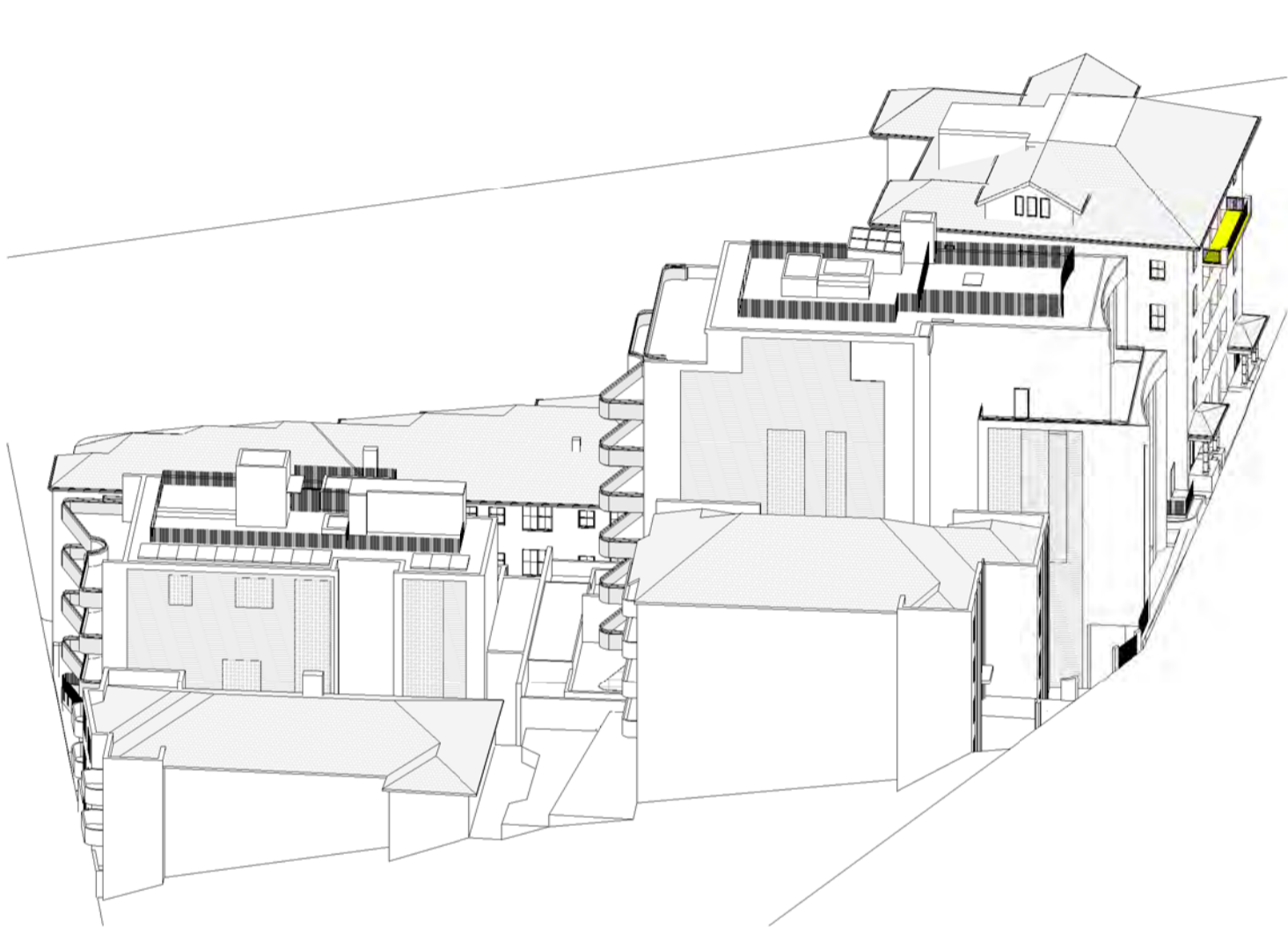
1.30pm Proposed



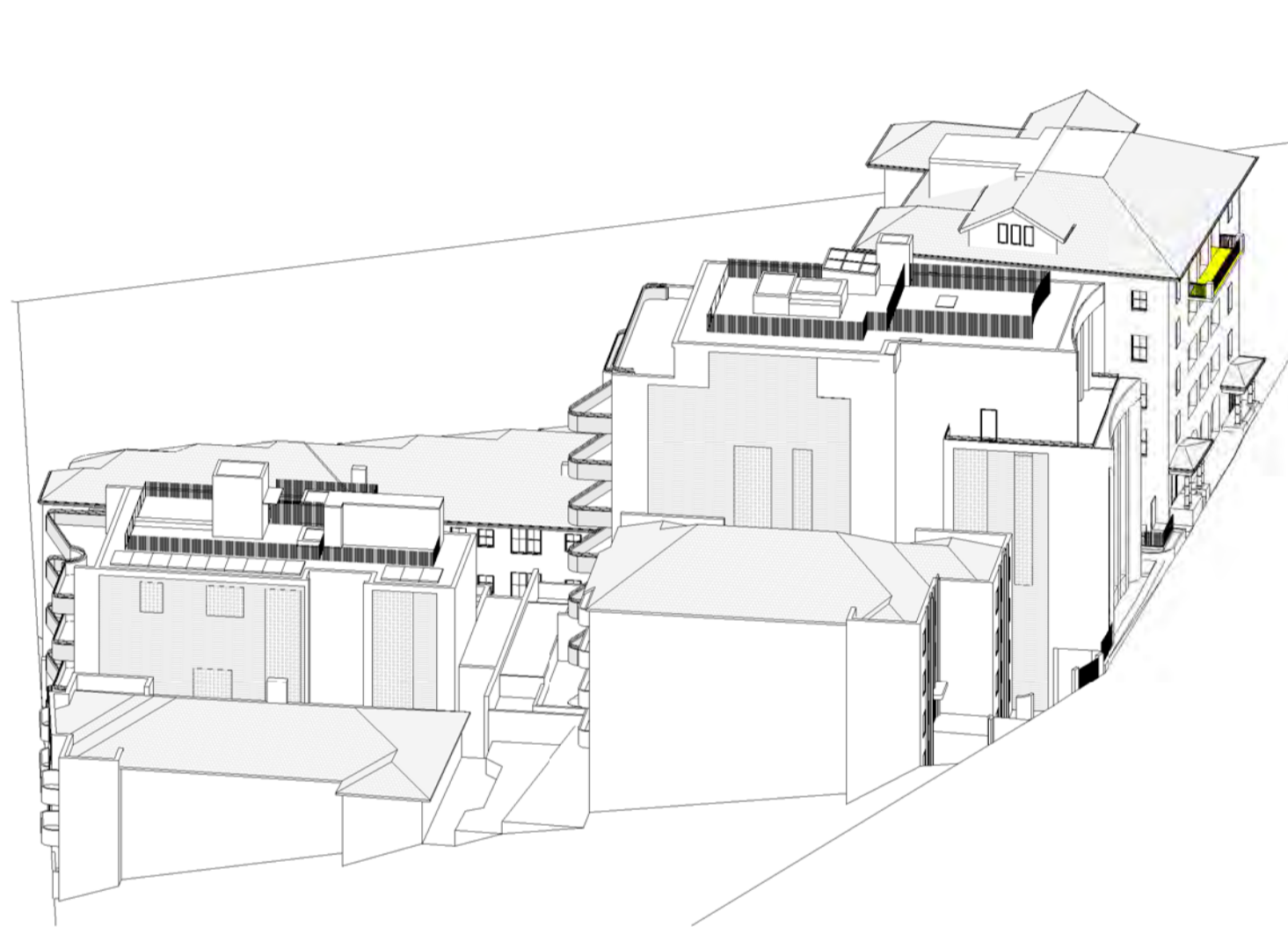
1.45pm Proposed



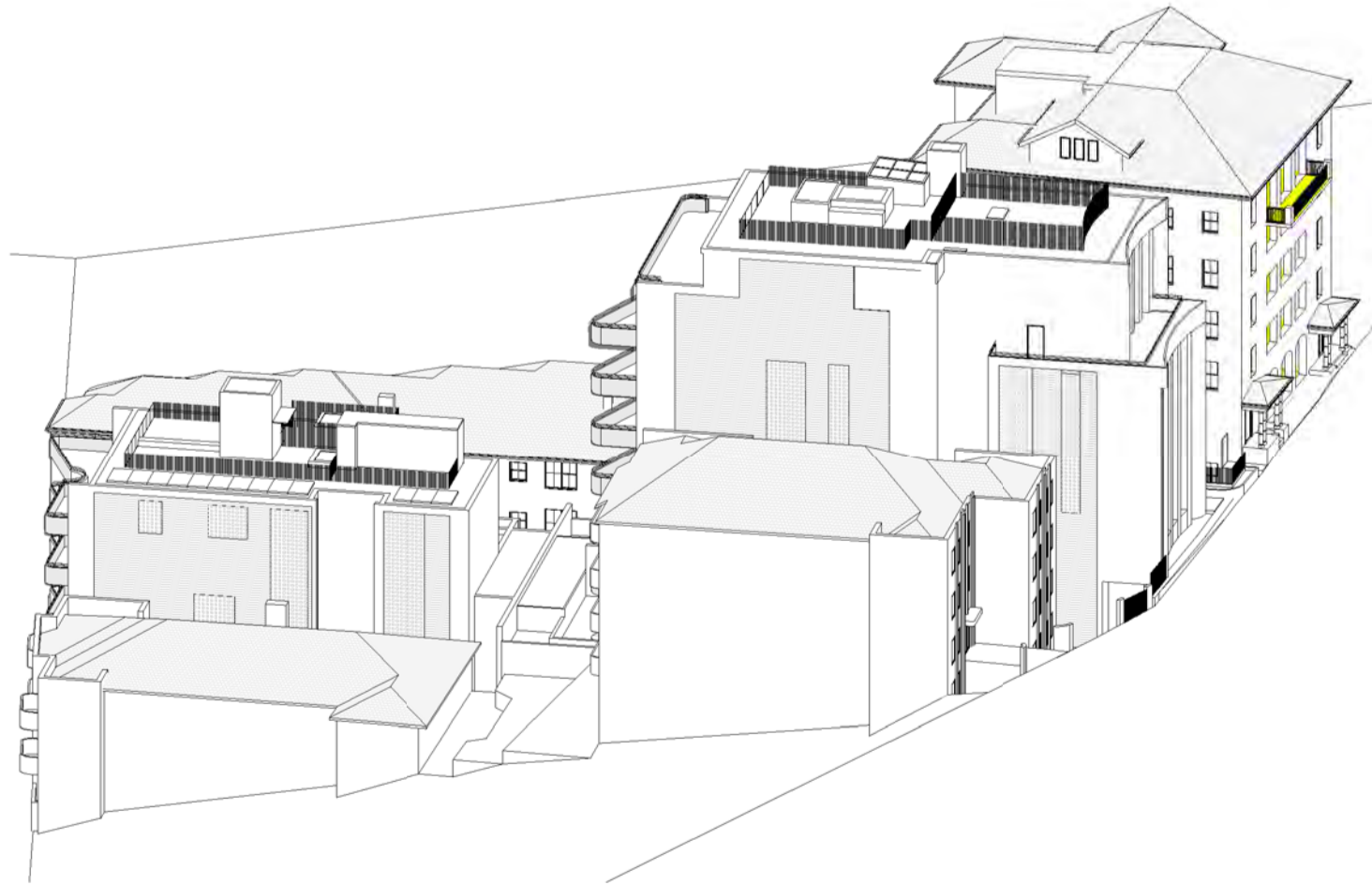
2.00pm Proposed



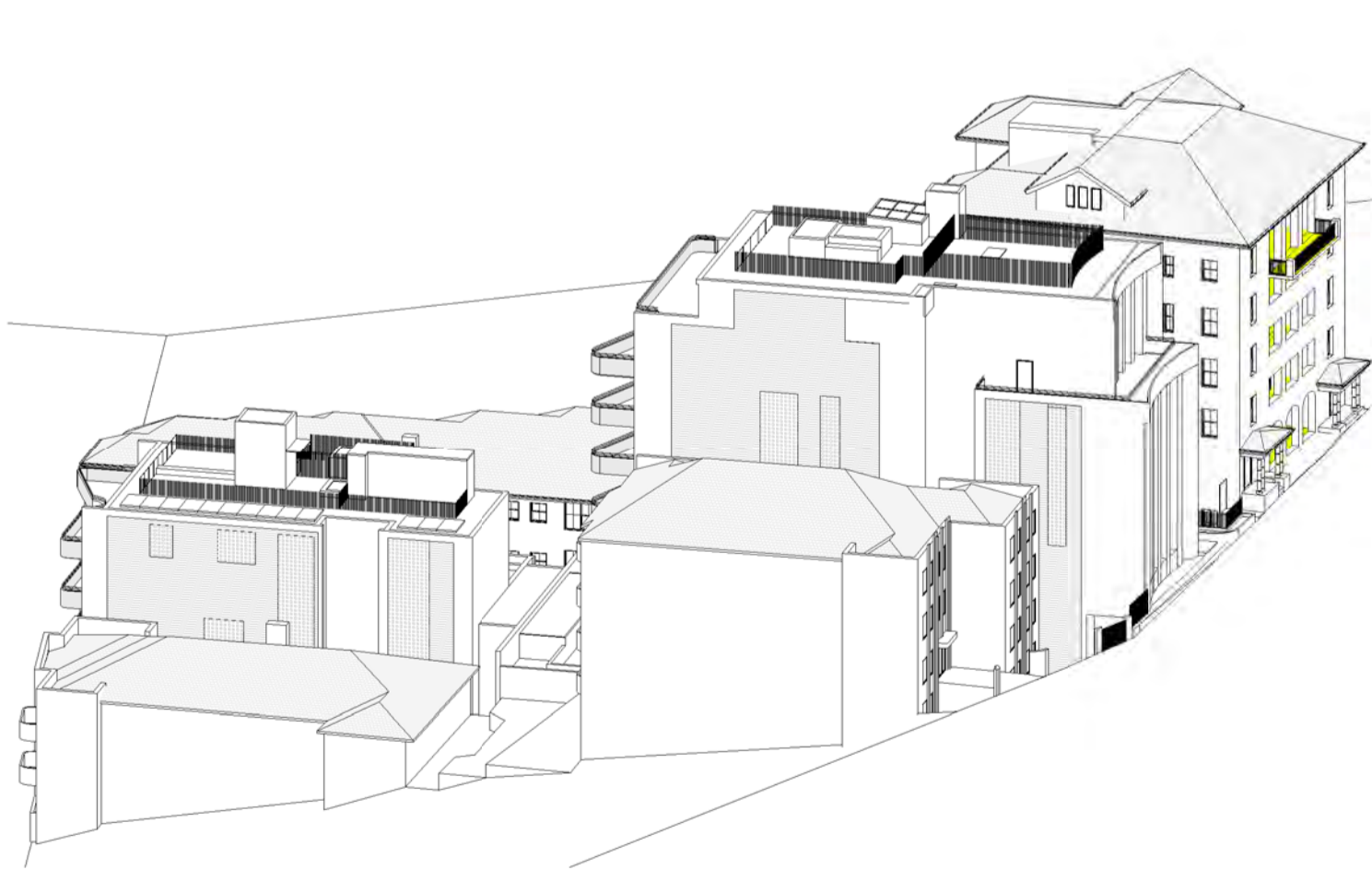
2.15pm Proposed



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

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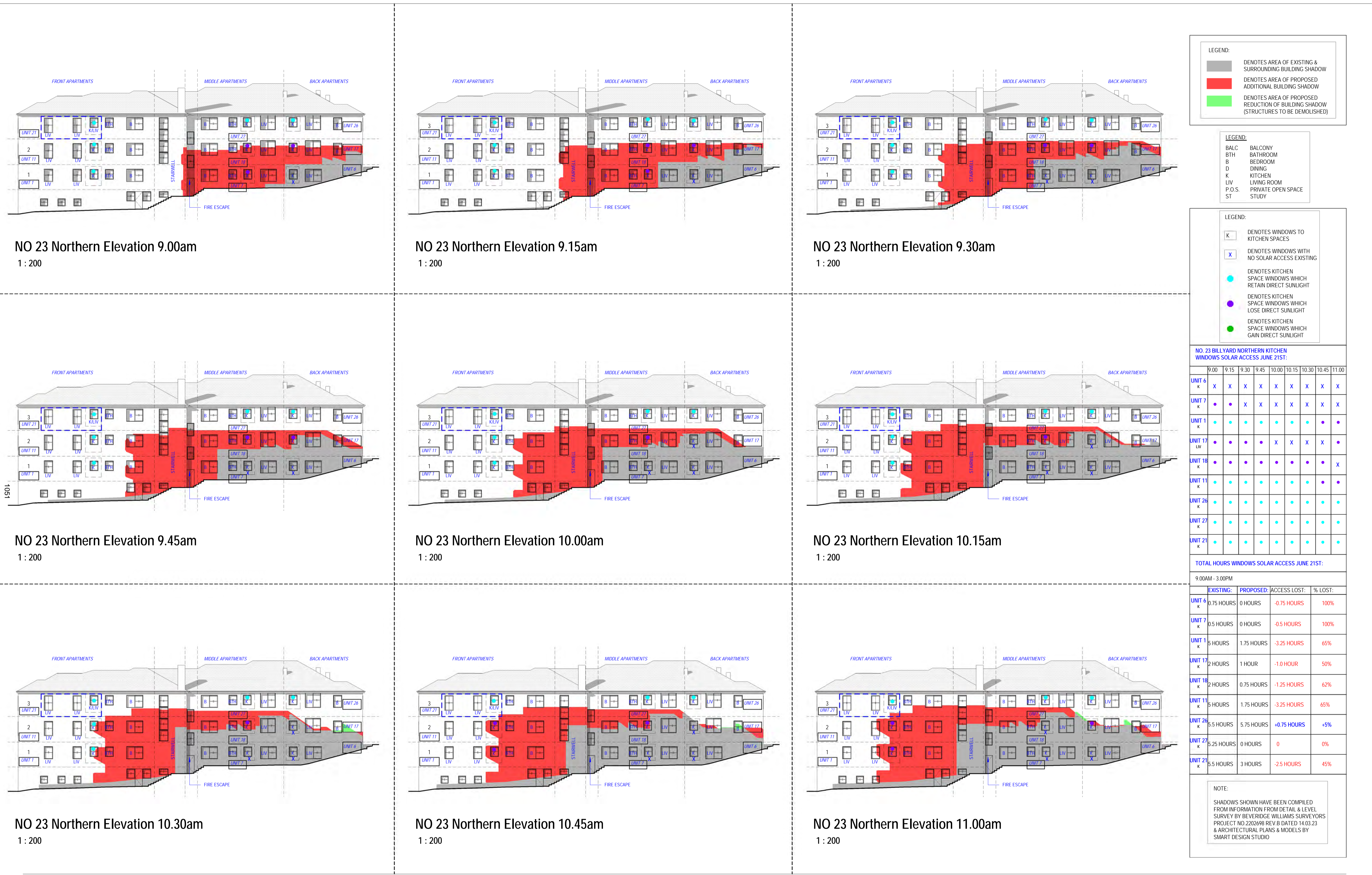
Project:
SHADOW ANALYSIS REVIEW
NO 10 ONSLOW AVE & 21C BILLYARD AVE
ELIZABETH BAY NSW
CLIENT: DARNLEY HALL PTY LTD

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 23 Northern Elevation 11.15am
1 : 200



NO 23 Northern Elevation 11.30am
1 : 200



NO 23 Northern Elevation 11.45am
1 : 200



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 Northern Elevation 12.45pm
1 : 200



NO 23 Northern Elevation 1.00pm
1 : 200



NO 23 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

	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	●	●	●	●	●	●	●	●	●

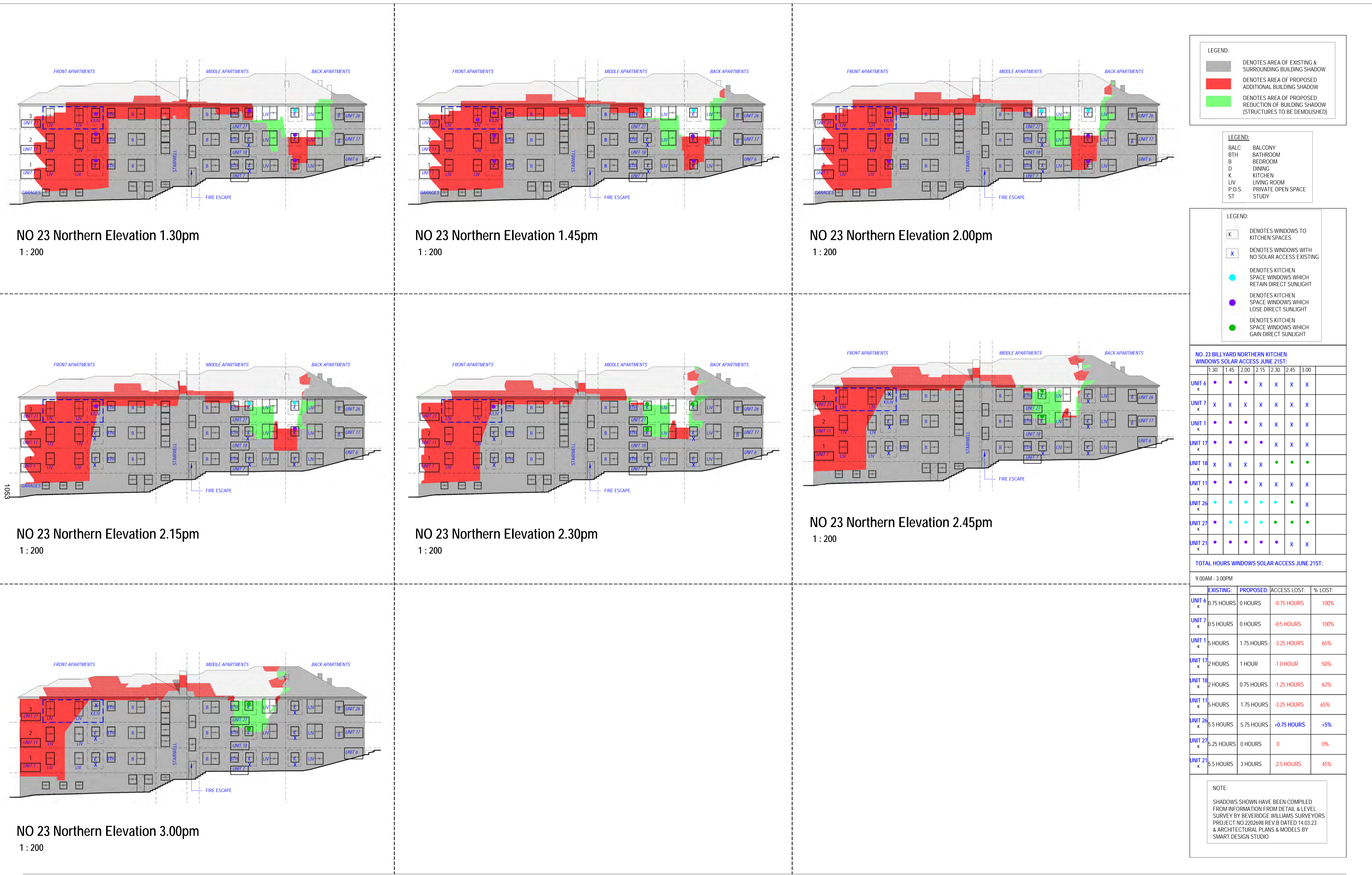
TOTAL HOURS WINDOWS SOLAR ACCESS JUNE 21ST:

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%

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: Thursday, October 5, 2023 11:43:18 AM
To: Council <council@cityofsydney.nsw.gov.au>
Subject: DA2023/727 - Submission: 21C Billyard Avenue & 10 Onslow Avenue, Elizabeth Bay
Attachments: DA 2023 727 Darnley Hall 12 Onslow Ave Submission.pdf (6.88 MB)

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

We apologies for the lateness of our submission.

We have read the submission by the Directors of Darnley Hall in detail and agree with their submission - see attachment.

In addition, we wish to make a submission in relation to the arborist's report submitted by the applicant.

We object to this report on the following grounds, namely:

1 the arborist is not competently qualified to recommend removal of the trees as proposed. Without their removal the DA cannot proceed and can be rejected;

2 we have requested his academic qualifications and membership details of any arborist's association. None has been forthcoming. Is this person merely a man with a chainsaw?

3 he has made recommendations in relation other trees other than those relating to the DA proposal. His report is therefore partly irrelevant;

4 he has not specified or nominated clearly enough which criteria have been used to justify his conclusions. Where he has borrowed criteria these do not relate directly to the Australian or Sydney Council urban environment. His report lacks credibility;

5 his conclusions are not justified and can be set aside;

6 removal of the trees as proposed is therefore not justified and is contrary to council's Urban Forestry Policy for all trees to "fully integrated within the urban landscape, with coordinated design and implementation of nature-based solutions that will prioritise trees and urban canopy cover."

Thank you

Andrew Woodhouse
Potts Point & Kings Cross Heritage Conservation Society
[REDACTED]

=====

From: [REDACTED]
Sent on: Friday, October 20, 2023 9:39:16 AM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: Query: D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011
Attachments: DA Darnley Hall.pdf (3.31 MB)

From: [REDACTED]
Sent: Thursday, October 19, 2023 6:36 PM
To: David Reynolds <DReynolds@cityofsydney.nsw.gov.au>
Subject: Query: D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011

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

Dear Mr Reynolds,
I live in Darnley Hall, next door to the proposed development.
I have previously submitted an objection to the development application D/2023/727. However I would like to add the following.

I was fortunate to enjoy walking around Rushcutters Bay this afternoon. Looking back towards Darnley Hall and the site of the planned "demolish and rebuild" site I was struck by how harmonious the current neighbourhood is viewed across the water. The buildings along Billyard and Onslow Avenues slope gently toward Garden Island with lower building on the waters edge.

The building envisaged by Fortis will completely disrupt this visual harmony.

I was moved to think that this proposal, in another arena, would be considered frivolous given that it disregards almost every applicable state and council guideline, rule and law. The so-called community consultation was so cursory as to be meaningless. Had they actually asked the neighbours we all might have pointed out the multiple shortcomings and saved everyone a lot of bother.

As it is we have all spent many thousands of dollars on expertise and advice that could have been easily avoided if the plans adhered to the clear and reasonable guidelines. It does seem unfair that what one could consider an ambit claim creates such needless expense.

Thank you for the opportunity to make an additional submission.

Kind regards
[REDACTED]



██████████



From: [REDACTED]
Sent on: Wednesday, November 22, 2023 1:13:24 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: D-2023-727 - View Sharing Report
Attachments: D-2023-727 Comments on View Assessment Report.pdf (2.4 MB)

From: [REDACTED]
Sent: Wednesday, November 22, 2023 1:02 PM
To: [REDACTED]
Cc: [REDACTED]
<cain1234@bigpond.net.au>
Subject: D-2023-727 - View Sharing Report

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

Hello David

I understand you are inspecting numerous units in Meudon 13 Onslow Avenue, Elizabeth Bay, on Friday.

My client owns Unit 6, on Level 2, which rates a specific mention [VP11] in the View Sharing Report.

I have just reviewed the View Sharing report and notice there are numerous inaccuracies regarding Meudon [VP10 - Unit 10 and VP11 - Unit 6] in the report, which brings into question the merit of the report and its conclusions regarding the adverse impacts of D-2023-727 on Meudon views.

I have attached a number of the report pages with my marked-up comments, which I request you read prior to your site inspection. Unfortunately, the owner and I are unavailable to be present in Unit 6 when you visit, but I have arranged for one of the company directors to open up the unit for you.

kind regards

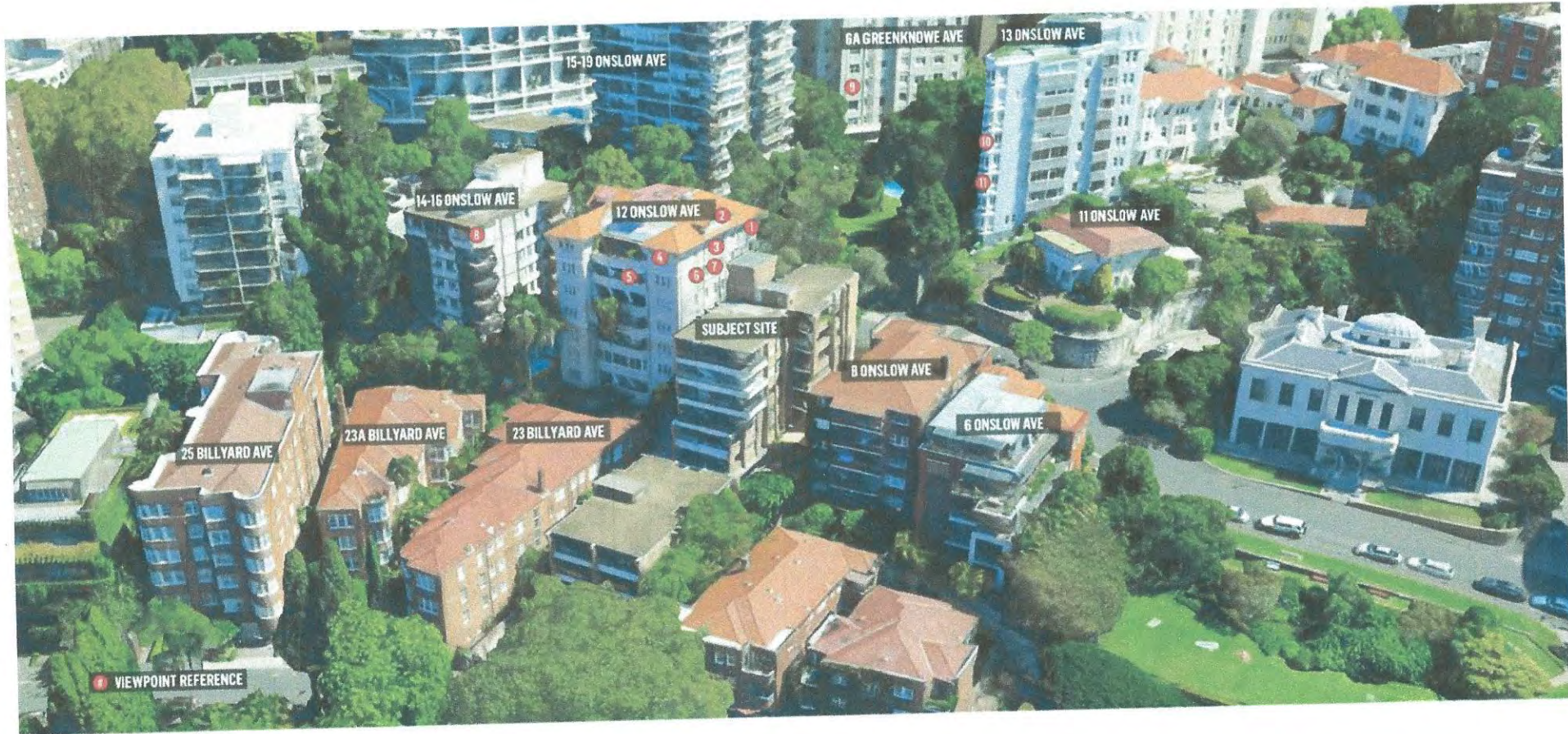
Ian Kelly, on behalf of Michael Thompson [Unit 6]

21C BILLYARD AVENUE AND 10 ONSLOW AVENUE

VIEW SHARING REPORT

PREPARED FOR FORTIS

JULY 2023
FOR SUBMISSION



VIEWPLACE LOCATIONS



FIGURE 8 INDICATIVE VIEW LOCATIONS

VIEWPLACE LOCATIONS DATA

ID	LOCATION DESCRIPTION	LATITUDE	LONGITUDE	X	Y	Z	HEADING	FIELD OF VIEW
VP1	12 ONSLOW AVENUE, UNIT 12, NORTH-FACING SOUTH-WEST CORNER WINDOW	-33.870006	151.220878	338010.7081	610771.283	38	350	150
VP2	12 ONSLOW AVENUE, UNIT 12, NORTH-FACING CENTRAL CORNER WINDOW, AT 110	-33.870029	151.227018	338012.2622	610771.361	38	340	150
VP3	12 ONSLOW AVENUE, UNIT 12, NORTH-FACING CENTRAL WINDOW	-33.870029	151.227038	338012.2622	610771.381	38	340	150
VP4	12 ONSLOW AVENUE, UNIT 12, EAST-FACING NORTH-EAST CORNER WINDOW	-33.870008	151.227121	338018.4938	610772.863	38	90	140
VP5	12 ONSLOW AVENUE, UNIT 11, EAST-FACING BALCONY	-33.870687	151.22714	338021.7053	610782.728			
VP6	12 ONSLOW AVENUE, UNIT 11, NORTH-FACING NORTH-EASTERN CORNER WINDOW	-33.870682	151.227105	338018.6758	610773.269			
VP7	12 ONSLOW AVENUE, UNIT 11, NORTH-FACING CENTRAL WINDOW	-33.870629	151.227038	338012.2622	610771.361	30		190
VP8	14 ONSLOW AVENUE TOP FLOOR NW CORNER WINDOW, VIEW NW	-33.870605	151.227264	338036.6781	610750.208			
VP9	84 GREENHEDGE AVENUE, MID-LEVEL, DWELLING NORTH-EAST CORNER WINDOW	-33.871018	151.228415	335957.6465	610724.557			
VP10	18 ONSLOW AVENUE, LEVEL 4 APEX WINDOW 8 VIEW NORTH	-33.870608	151.226844	338090.8412	610788.43	445		
VP11	13 ONSLOW AVENUE, LEVEL 2 APEX WINDOW 8 VIEW NORTH	-33.870603	151.226544	338090.8412	610788.43			

In the following indicative GCLs the proposed development is shown as a light blue coloured mass.

Unit 10
not Unit 8
1062

13 ONSLOW AVENUE

VIEWPLACE (DWELLING)	STEP 1 VIEWS TO BE AFFECTED	STEP 2 ROOM WHERE ARE VIEWS AVAILABLE (UPPER ASSUME IN ALL CASES THAT VIEWS ARE AVAILABLE FROM SEATED AND STANDING LOCATIONS)	STEP 3 EXTENT OF VIEWLOSS PER VIEW (PRIOR TO IMPACT FOR WHOLE DWELLING)	STEP 4 REASONABLENESS OF IMPACT IN THE CONTEXT OF COMPLIANCE	SUMMARY VIEW SHARING OUTCOME FOR WHOLE OF DWELLING
13 ONSLOW AVENUE, MID-LEVEL DWELLING (UNIT 8) VP 10	Northerly views include the roof forms and development along Onslow Avenue, including built form on the subject site, parts of Garden Island, Sydney Harbour, Fort Denison, Clark Island, Shark Is and sections of land water interface to the east along the North Shore and parts of Darling Point (Varranobbe Park) to the east.	Side boundary (living room)	Potential view loss in this bedroom view includes a narrow section of Sydney Harbour and a replacement of existing residential built form with new residential built form.	View loss for this unit (considering effects in other views along the building's north elevation (ie. hall room views) are reasonable and rated as minor/moderate for the whole dwelling. The leading edge of the proposed development (closest to the views) including lower, competing parts proposed appears to block the iconic and highly valued parts of the view. In this regard, the view loss is contemplated by the controls.	This view loss for the dwelling is reasonable and acceptable. The additional height sought in relation to the clause 4.6 application does not create view loss for this unit from one view direction from one room.

VIEW 10 Unit 10 13 ONSLOW AVENUE LEVEL 4 CENTRAL TRIANGULAR WINDOW VIEW NORTH



FIGURE 48 COG INDICATIVE EXISTING VIEW

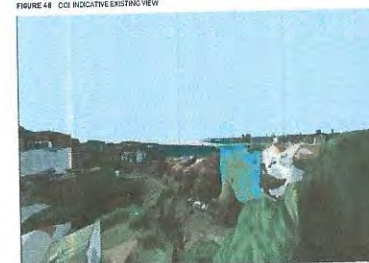


FIGURE 49 COG INDICATIVE VIEW INCLUDING PROPOSED DEVELOPMENT AND HEIGHT PLANE APPLIED IN GREEN

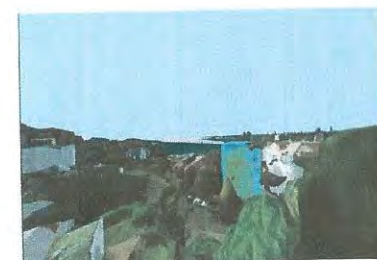


FIGURE 47 COG INDICATIVE VIEW INCLUDING PROPOSED DEVELOPMENT



FIGURE 46 COG INDICATIVE VIEW PLACE LOCATION

13 ONSLOW AVENUE

VIEWPLACE (DWELLING)	STEP 1 VIEWS TO BE AFFECTED	STEP 2 ROOM WHERE ARE VIEWS AVAILABLE (UBBES ASSUME IN ALL CASES THAT VIEWS ARE AVAILABLE FROM SEATED AND STANDING LOCATIONS)	STEP 3 EXTENT OF VIEW LOSS AND VIEW SPREAD TO IMPACT FOR WHOLE DWELLING	STEP 4 REASONABLENESS OF IMPACT IN THE CONTEXT OF COMPLIANCE	SUMMARY VIEW SHARING OUTCOME FOR WHOLE OF DWELLING
13 ONSLOW AVENUE, MID-LEVEL DWELLING (UNIT 10) VP 10	Northerly views include the roof forms and upper portions of southern elevations of existing development along Onslow Avenue, including built form on the subject site, parts of Garden Island, Sydney Harbour, Fort Denison, Clark Island, Shark Island and sections of Lindeman Island to the west along the North Shore and parts of Darling Point (Yarranubba Park) to the east.	Side boundary (living room).	Potential view loss in this bedroom view includes; a narrow section of Sydney Harbour and a replacement of existing residential built form with new residential built form.	View loss for this unit (considering effects on other views along the dwelling's north elevation to sun room views) are reasonable and noted as minor/moderate for the whole dwelling. The leading edge of the proposed development (closest to the viewer) including towers, complying parts proposed appears to block the scenic and highly valued parts of the view. In this regard, the view loss is contemplated by the controls.	The view loss for this dwelling is reasonable and acceptable. The additional height sought in relation to the scheme 4.D application does not create view loss for this unit from any view directions from one room.

Unit 10
not Unit 8

VIEWPLACE LOCATIONS

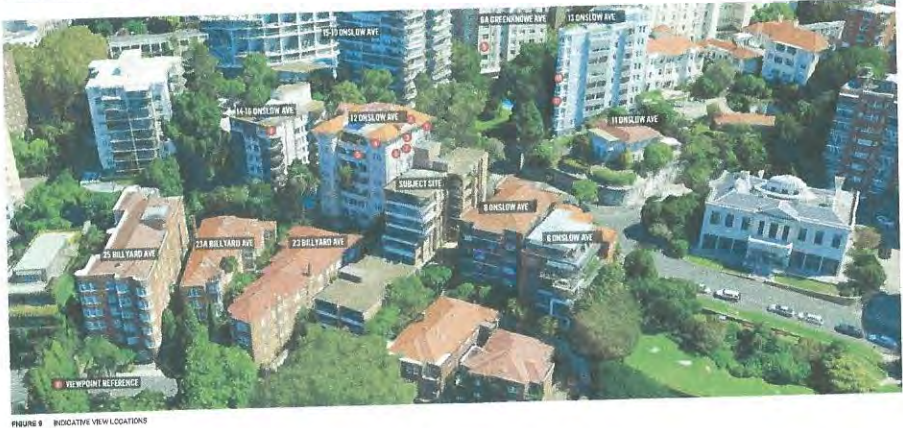


FIGURE 9 INDICATIVE VIEW LOCATIONS

VIEWPLACE LOCATIONS DATA

ID	LOCATION/DESCRIPTION	LATITUDE	LONGITUDE	X	Y	Z	HEADING	FIELD OF VIEW
VP1	12 ONSLOW AVENUE, UNIT 12, NORTH-FACING SOUTH-WEST CORNER WINDOW	-33.870668	151.226826	336015.2061	6250771.363	38	350	150
VP2	12 ONSLOW AVENUE, UNIT 12, NORTH-FACING CENTRAL CORNER WINDOW, AT TIC	-33.870629	151.227018	336012.0022	6250773.361	38	340	150
VP3	12 ONSLOW AVENUE, UNIT 12, NORTH-FACING CENTRAL WINDOW	-33.870629	151.227018	336012.2632	6250773.361	38	340	150
VP4	12 ONSLOW AVENUE, UNIT 12, EAST-FACING NORTH-EAST CORNER WINDOW	-33.870009	151.227122	336018.4688	6250773.363	38	50	140
VP5	12 ONSLOW AVENUE, UNIT 11, EAST-FACING BALCONY	-33.870087	151.227114	336021.7053	6250763.728			
VP6	12 ONSLOW AVENUE, UNIT 11, NORTH-FACING NORTH-EASTERN CORNER WINDOW	-33.870082	151.227106	336018.8758	6250773.265			
VP7	12 ONSLOW AVENUE, UNIT 11, NORTH-FACING CENTRAL WINDOW	-33.870029	151.227018	336015.0832	6250773.361	30		150
VP8	14 ONSLOW AVENUE TOP FLOOR NW CORNER WINDOW, VIEW VIEW	-33.870805	151.227304	336038.6781	6250750.220			
VP9	8A GREENKNOWE AVENUE, MID LEVEL DWELLING NORTH-EAST CORNER WINDOW	-33.871016	151.226449	335957.8485	6250734.557			
VP10	13 ONSLOW AVENUE, LEVEL 4, APEX WINDOW 9 VIEW NORTH	-33.870008	151.226844	336085.8417	6250780.43	44.5		
VP11	13 ONSLOW AVENUE, LEVEL 2, APEX WINDOW 9 VIEW NORTH	-33.870009	151.226844	336085.8417	6250780.43			

In the following indicative GCIs the proposed development is shown as a light blue coloured mass.

13 Onslow Avenue

13 Onslow Avenue is a residential flat building located west of the subject site, on the western, and higher side of Onslow Avenue. The building is characterised by a triangular-shaped floorplate, broadly opposite the subject site and includes 10 dwellings across 8 levels with a formal presentation to the south-east. The eastern part of the floorplate, presenting towards the site, is occupied by 6 living rooms.

Potential Views

The eastern apex of the building is oriented towards the development site with potential views to the north, north-east and east via multi-paned vertically proportioned windows which curve around the eastern apex. Views from upper level units only may be available above and beyond the existing roof form on the site and via its southern side boundary setback. Lower level units are unlikely to have access to expansive scenic views due to the intervening built form and tall canopy trees located along Onslow Avenue.

View compositions to the north, north-east and east via the apex include surrounding built form, areas of open water (Sydney Harbour), Fort Denison and Otarike Island, and land-water interface (north shore and northern suburbs). View compositions to the north from side windows appear to be the primary views, reflecting the primary orientation of the dwelling and include surrounding built form, such as Fort Denison and Garden Island, and areas of open water and land-water interface.

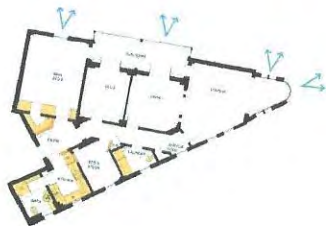


Figure 6 PLAN OF 13 ONSLOW AVENUE

15 210 Dillfield Avenue and 13 Onslow Avenue View Sharing Report



Plate 24 Detail east and north elevations of 13 Onslow Avenue

Unit 6 (Level 2)

VIEWS FROM MID-LEVEL DWELLING 13 ONSLOW AVENUE

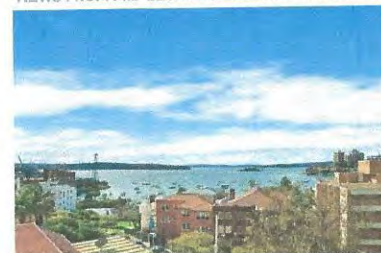


Plate 25 Indicative easterly view from mid-level dwelling, 13 Onslow Avenue.



Plate 27 Indicative north-easterly view from mid-level dwelling, 13 Onslow Avenue.



Plate 26 Indicative north-easterly view from mid-level dwelling, 13 Onslow Avenue.



Plate 28 Living room and apex windows, mid-level dwelling, 13 Onslow Avenue.

Prepared by Urban

Photos taken from sale brochure in 2011. !!

Unit 6
not Unit 8

1066

13 ONSLOW AVENUE

VIEW/PLACE (DWELLING)	STEP 1 VIEWS TO BE AFFECTED	STEP 2 ROOM WHERE VIEWS ARE AVAILABLE (USERS ASSUME IN ALL CASES THAT VIEWS ARE AVAILABLE FROM SEATED AND STANDING LOCATIONS)	STEP 3 EXTENT OF VIEWLOSSES PER VIEW (PRIOR TO IMPACT FOR WHOLE DWELLING)	STEP 4 REASONABLENESS OF IMPACT IN THE CONTEXT OF COMPLIANCE	SUMMARY VIEW SHAPING OUTCOME FOR WHOLE OF DWELLING
13 ONSLOW AVENUE, MID-LEVEL DWELLING (UNIT VP 1) 6	Northerly views include the roof forms and upper portions of apartment elevations of existing development along Onslow Avenue, including built form on the subject site, parts of Garden Island, Sydney Harbour, Fort Denison, Clarke Island, Shark Island and sections of land/water interface to the east along the North Shore and parts of Darling Point (Horseshoe Park) to the east.	Side boundary (living room).	Potential view uses in this bedroom view includes: a narrow section of Sydney Harbour, and a replacement of existing residential built form with new residential built form.	View loss for this unit, providing effects in other views along the dwelling's north elevation in sun room views are reasonable and need no minor for the whole dwelling. The comping and lower parts of the proposed development block the scene and highly valued features of the view.	The view loss for this dwelling is limited. The additional steps sought in relation to the clause 4.8 application does not create view loss for this unit from one view direction from one room.

VIEW 11

13 ONSLOW AVENUE LEVEL 6 APEX WINDOW VIEW NORTH



FIGURE 80 - C01 INDICATIVE EXISTING VIEW



FIGURE 82 - C01 INDICATIVE VIEW INCLUDING PROPOSED DEVELOPMENT AND HEIGHT PLANE APPLIED IN GREEN



FIGURE 81 - C01 INDICATIVE VIEW INCLUDING PROPOSED DEVELOPMENT SHOWN IN BLUE



FIGURE 83 - C01 INDICATIVE VIEW/PLACE LOCATION

13 ONSLOW AVENUE

VIEWPLACE (DWELLING)	STEP 1 VIEWS TO BE AFFECTED	STEP 2 ROOM WHERE ARE VIEWS AVAILABLE (SUNBATH ASSUME IN ALL CASES THAT VIEWS ARE AVAILABLE FROM SEATED AND STANDING LOCATIONS)	STEP 3 EXTENT OF VIEW LOSS (PER VIEW PRIOR TO IMPACT FOR WHOLE DWELLING)	STEP 4 REASONABLENESS OF IMPACT IN THE CONTEXT OF COMPLIANCE	SUMMARY VIEW SHADING OUTCOME FOR WHOLE OF DWELLING
13 ONSLOW AVENUE, MID-LEVEL DWELLING (UNIT 6) WP 22	Northerly views include the roof forms and upper portions of southern elevations of existing development along Onslow Avenue, including built form on the subject site, parts of Garden Island, Sydney Harbour, Fort Denison, Clark Island, Shark Island and sections of landwater interface to the east along the North Shore and parts of Darling Point (Farranubba Park) to the west.	Side boundary living room.	Potential view loss in this bedroom view includes; a narrow section of Sydney Harbour and a replacement of existing residential built form with new residential built form.	View loss for this unit (considering effects in other views along the dwelling's north elevation (bath room view)) are reasonable and raised as minor for the whole dwelling. The complying and low or parts of the proposed development block the scenic and highly valued features of the view.	The view loss for this dwelling is limited. The additional height sought in relation to the clause 4.6 application does not create view loss for this unit from one view direction from one room.

Unit 6
not Unit 8

From: [REDACTED]
Sent on: Thursday, October 19, 2023 3:26:08 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds
Attachments: 23 Billyard Ave Elizabeth Bay - Solar Access Cover Letter.pdf (1.43 MB)

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

Dear David,

I write as the strata managing agents for the owners corporation SP 67057 located at 23 Billyard Avenue Elizabeth Bay, as instructed to submit the attached Solar Access Cover Letter further to a previous report submitted to Council.

Please confirm receipt of this email.

Regards,

Nick Campbell
Strata Manager
Licensed Strata Managing Agent



GK Strata Management

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

Website: gkstrata.com.au

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Suite 1,
505 Balmain Rd
Lilyfield, NSW 2040
m 0410 699919

10-10-23

SP 67057
C/- GK Strata Management
No23 Billyard Ave,
Elizabeth Bay, NSW

RE: No.23 Billyard Ave, Elizabeth Bay NSW - SP67057
DA Applcation - Shadow Analysls Review DA 2023/787
21C Billyard Ave & No.10 Onslow Ave, Elizabeth Bay

Please find shadow analysis plans for proposed DA2023 / 787 in relation to solar impact to adjoining residential unit building No.23 Billyard Ave, Elizabeth Bay

The shadow analysis diagrams have been prepared from information obtained from council records including survey by "Beveridge Williams Surveyors" Project No.2202698 Rev.B 14/3/23, architectural plans by "Smart Studio Design" & site inspection.

All have been 3D modeled (Revit) & are relative to True North.

Shadows have been calculated June 21st @ 1/4 hourly intervals between 9.00am & 3.00pm existing & proposed developments.

Vertical elevational diagrams together with 3D Solar views from the sun @ 1/4 hourly intervals between 9.00am-3.00pm June 21st to accurately demonstrate existing / proposed solar access comparison.
"Refer to Plans prepared by "Cad Draft Pty Ltd" Proj. No23-130 dated 19-9-23

Sydney Development Control Plan DCP 2012 - Section 4 Development Types

4.2.3.1 Solar access

(1) Development applications are to include diagrams in plan and elevation that show solar access to proposed apartments and the shadow impact on neighbouring development at hourly intervals between 9am, 12noon and 3pm on 22 March and 21 June. In some cases, Council may require hourly intervals.

(2) Proposed apartments in a development and neighbouring developments must achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and a minimum 50% of the required minimum area of private open space area. Note: This provision applies to at least 70% of the apartments in a development (in accordance with the requirements of the NSW Residential Flat Design Code 2002).

(3) New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June.

(4) Where the consent authority considers that the level of daylight access to living rooms of proposed dwellings may be inadequate, the applicant will be required to provide a Daylight Report. A Daylight Report is to include an analysis of daylight levels in principal living spaces of residential units and serviced apartments with and compliance with the DCP

Site Description:

No.23 Billyard Ave, Elizabeth Bay contains a 3 level (20) residential unit building with garage's under within SP 67057 orientated East - West, located on the Western side of Billyard Ave & directly South of the proposed development No.21C Billyard Ave.

The diagrams prepared (Northern Elevation) describe subject units contained on each level as located within front, middle & back sections of building.

No.23 Billyard Ave, Elizabeth Bay



Existing / proposed solar access levels No.23 Billyard indicate 9 of 21 units (43%) receive the minimum 2hrs direct sunlight to living room windows June 21st between 9.00am-3.00pm located on both the Northern & Eastern elevations.

The proposed development further reduces existing solar access levels received to units below min. 2hr levels required "refer unit's 7, 17 & 18" - Northern elevation

Although Units 1, 11 & 21 located in the front section (Northern Elevation) maintain min. 2hrs solar access to living room windows between 9.00am - 11.00am the proposed development substantially reduces solar access currently received June 21st between 11.00am - 3.00pm affecting all units habitable kitchen / bedroom windows including glazed stair well's providing natural light to common areas on each level.

The solar access diagrams prepared demonstrates the proposed development will serverley impact the amenity of the adjoining units located on the Northern elevation of No.23 Billyard Ave. in relation to proposed solar access levels received.

Please don't hesitate to contact me if you require any additional clarification


JOHN DENTON (DIRECTOR)
Yours Faithfully

CAD DRAFT P/L

From:

Sent on: Wednesday, September 20, 2023 4:15:50 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: RE: DA 2023/0727 - Neighbouring Resident Commentary

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

The General Manager
City of Sydney Council
Attention: Mr David Reynolds, Town Planner

Planning Submission

For: SP 67057: 23 Billyard Avenue, Elizabeth Bay

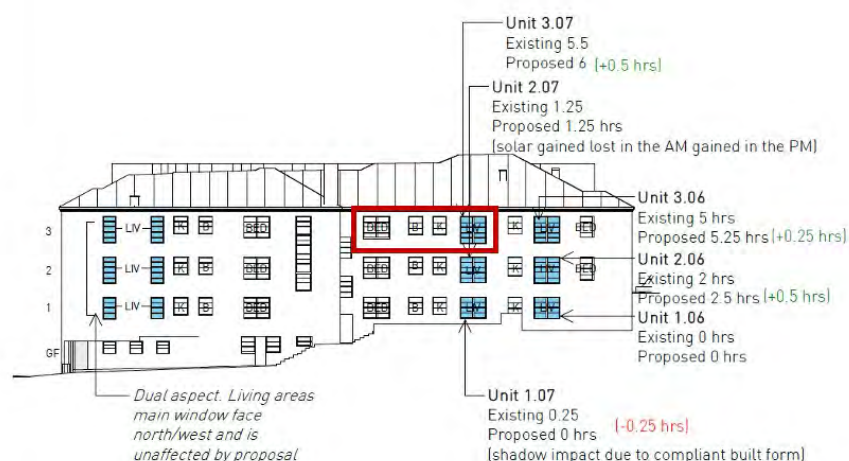
RE: DA 2023/0727

'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.'

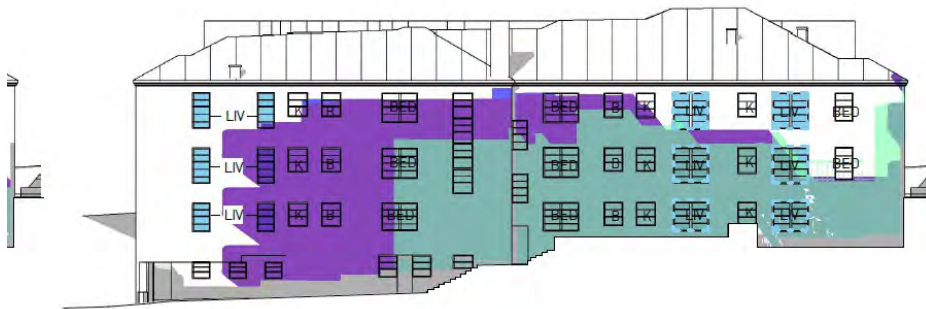
Dear David,

Thank you for the notification of the proposed DA.

I am the resident/owner of Unit 27, (referenced as 3.07) a top level apartment on the north western side, and directly bordering the proposed development, see below.



1 23B ELEV WEST



I have owned the apartment and lived in the area since 2007, 16 years.

The aspects I highly value about my home and the area include how light and bright the apartment is, and how peaceful and quiet the apartment is, with harbour aspect and quiet street frontage.

I acknowledge the potential development of the adjacent property. I understand it is imperative that any such development is undertaken with consideration to the site-specific and surrounding area nuances, particularly Somerset, 23 Billyard Avenue. This development should neither adversely affect the adjacent stakeholders nor detract from the area's esteemed heritage value.

As a resident I would expect a development to be highly sympathetic to the Elizabeth Bay area, and in particular Billyard Avenue's high degree of historical, scenic value and that the size and scale of the residences within the development do not change with a new development.

While externally it can be argued that the amenity and design quality meet the objectives of relevant state and local apartment design policies and the Council's area specific guidelines, I argue that the development changes the fabric of the area with traditional single bedroom flats and compact density living unique to this area.

During this consultation, neither myself or other building residents have not been consulted with as the owners and residents of Somerset, 23 Billyard Avenue, Elizabeth, where the application states consultation with 23A Billyard Avenue, and not our building or a building the borders the development site.

Solar Access

Impact on solar access to the windows in my apartment is inadequately considered, where the surveyed windows are large, and the only source of light all year round. Given that this is a one bedroom dwelling, the large adjacent window provided light for areas for working from home, and is grossly impacted by the change in profile of the opposite building.

Proximity

The closeness of the proposed building to my windows drastically impacts the aspect from my property, with the dark wall cladding and lack of organic materials, greenery and reflective materials negatively impacts the current neighbouring aspect. Most importantly, the 21C building's larger profile, and relationship encroaching towards Billyard Avenue would obstruct and eliminate current harbour view aspect and or tree aspect from properties on Billyard Avenue foreshore.

Relationship to surrounds of proposed development

I feel strongly that the 21c buildings profile from Billyard Ave, being further forward and encroaching on

Billyard Avenue will be imposing and dramatically change the streetscape, particularly as this location is where the Avenue bend is and natural sunlight abounds. The current building stone is less offensive and more intrinsic to the natural sandstone and grottos in the immediate proximity.

Overlooking and privacy

The large terraces and windows at the rear of 21c Billyard Ave will face directly into the living areas of my property, and impact privacy.

Noise

Location of large roof terrace area, and the balconies at the rear of 21c will undoubtedly have an impact to noise, particularly as the noise reverberates between buildings and echos as it is already. Potential for acoustic impacts.

Deep Soil Landscaping

I am aware of the Council controls relating to the provision of deep soil/landscaping/planting and balanced ratios of open space on sites. Also, common open space areas around the building.

Also, that the area specific controls look for developments to be set within landscaping in this area. We have spent significant time and money on our properties landscaping and common back garden for equine of enjoyment and utility, to which this property will adversely impact.

The Bays DCP objectives for the area include to 'Maintain buildings within a landscape setting. New buildings should be positioned in the middle of lots and surrounded by gardens and informal tree planting'.

There is a maximum height Development Standard which is exceeded, and this is considered unreasonable given the impacts.

The proposal is not consistent with a number of adopted planning controls and standards for apartment buildings and the area (common open space, landscaping, setbacks, height, separation).

The height of buildings on Billyard Avenue is part of its protected appeal and characterises the unique appeal of Billyard Avenue to streets in Potts Point. In this precinct, building profiles and heights are historically significant or set back appropriately from the street to maintain an open and airy streetscape.

Other newer buildings constructed, planned or approved are more sympathetic in design to the post war deco style building and red brick facades, maintaining curved facades and window profiles. This development does not; only referencing curves in the balcony edges.

Harbourside vistas are directly impacted from my property, not to mention those properties behind and adjacent to this development.

I have significant concerns over the change of vehicular access from Onslow Avenue to Billyard Avenue.

1. Significant traffic jams and congestion on Billyard Avenue due to one way nature of Billyard Avenue and traffic light system for vehicular access.
2. The removal of timed permit car spaces on Billyard Avenue to accommodate the driveway, where parking is at a premium on Billyard Avenue, and no off-street parking is available for most apartments in our building.

Given the depth of excavations (4 stories), and below water level, I have concerns over the structural impact to our building, the brittle timber windows and potential subsidence, for little gain in the return (versus the current property).

Air conditioning units and ventilation units are problematic on mass, not only from noise but also aesthetic appeal.

Please accept this as my formal objection and commentary to this Development Proposal.

Regards,
James Curtis



From: [REDACTED]
Sent on: Tuesday, September 19, 2023 8:51:41 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds
Attachments: Adkins Obejctions to D2023727 .pdf (12.92 MB)

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

Please find attached submission regarding D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011.

Sincerely,
Lisa Adkins

Objection to D/2023/727 10 Onslow Avenue and 21C Billyard Avenue

Background

I am a resident of Darnley Hall, 12 Onslow Avenue which sits next door to 10 Onslow Avenue. My partner and I purchased apartment 6 in April 2022 and completed renovations in the apartment in sympathy with the neo-Georgian features of Darnley Hall. Once the renovations were complete, we moved into the apartment in November 2022.

We purchased Apartment 6, 12 Darnley Hall because of its:

- location in the Bays Heritage Conservation Area (HCA)
- known and documented historical association with key Sydney modern artists
- neo-Georgian architecture
- status as a significant Contributory building to the Bays HCA
- views along the beautiful streetscape of Onslow Avenue to the heritage listed Elizabeth Bay House
- extensive light-filled rooms (two of which are triple aspect), and
- the social mix of Elizabeth Bay.

The proposed development will alter these attributes of the apartment, building, street and conservation area irrevocably and moreover do so in a way that contravenes many of the Council's and State's stated policies, principles, guidelines and values, including those relating to HCAs.

Summary

The objections laid out in this document are as follows:

- Incorrect Space Use Categorization
- Loss of Natural Light and Views in Primary Living Areas
- Permanent Changes to the Heritage Streetscape of Onslow Avenue and to the Bays Heritage Conservation Area
- Social Mix and Housing Affordability
- Role of 10 Onslow Avenue and 21C Billyard Avenue in the HCA
- Viability of Existing Buildings at 10 Onslow Avenue and 21C Billyard Avenue: Refurbishment and Environmental Sustainability
- Wellbeing: Human and Companion Animals

1. Incorrect Space Use Categorization

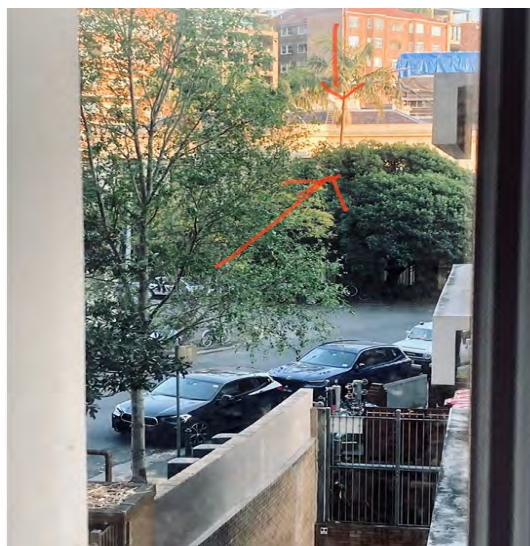
We spend 80% of our time in our apartment in our large kitchen-dining room, a room that the DA incorrectly classifies - along with a connecting sitting room/library - as a 'secondary living space'. This is an inaccuracy which shows no understanding of space utilization in Darnley Hall and is based on assumptions rather than empirical facts. Indeed, if the developers had approached us to inspect our apartment to assess space utilization and apartment layout, we would have gladly cooperated. Unfortunately, FORTIS did not seek to engage residents of Darnley Hall on this matter.



Apartment 6, Darnley Hall Kitchen-Dining Room.

2. Loss of Natural Light and Views in Primary Living Areas

These two rooms - the kitchen-dining room and connecting sitting room/library - will be dramatically affected by the proposed development. The beautiful streetscape views to Elizabeth Bay House which these rooms have enjoyed for close to 100 years will be blocked leaving us with views of brick walls (see Before and After below). In addition, and consequently, these light-filled rooms will lose direct sunlight.



Before and After Showing View Loss from Kitchen-Dining Room, Apartment 6 Darnley Hall (Red Arrows Indicate Elizabeth Bay House)

The atmosphere and character of these rooms will therefore be irreversibly changed and, if the DA is approved, is most likely to cause us to sell up and move. These effects of the proposed development are also likely to have a significant negative impact on the market value of our apartment: critical features that motivated us to purchase this property and have been part of its attributes for close to a century will be entirely removed. The elimination of these attributes should therefore not simply be understood

through the prism of financial value but through the lens of the historical integrity of Darnley Hall and its place and role in the immersive heritage experience of Onslow Avenue and the broader Bays HCA.



Before and After Showing View Loss from Sitting Room/Library, Apartment 6 Darnley Hall (Yellow Arrow Indicates Elizabeth Bay House)

3. Permanent Changes to the Heritage Streetscape of Onslow Avenue and to the Bays Heritage Conservation Area

The proposed development will extend the footprint of the existing building at 10 Onslow Avenue adding substantial bulk and height and reducing side setbacks. In so doing it will disrupt the immersive heritage corridor of Onslow Avenue whereby heritage and historical buildings (Elizabeth Bay House, Darnley Hall and Meudon) are linked visually and spatially. At present the view from Darnley Hall to Elizabeth Bay House is made possible by a considered stepping of residential buildings such that Darnley Hall sits at the pinnacle point of the eastern side of the Avenue. This stepping and the visual connections between Elizabeth Bay House, Darnley Hall and Meudon it affords will be entirely disrupted if the development goes ahead since the new building will be pushed to the property boundaries, including to the Onslow Avenue pavement. The heritage streetscape and integrity of Onslow Avenue and therefore of the HCA will therefore be permanently changed.



Stepping of Residential Buildings Along Onslow Avenue to Darnley Hall

It is precisely the proposed expanded building footprint that will block the natural light and views in primary living spaces in our own apartment as outlined above. The suggested expansion of the building footprint out to the boundaries of the property will place it within 3 metres of the side windows to our kitchen-dining area and sitting room/library. The distance between our side windows and the current building is approximately 7.5 metres. This expansion will therefore reduce the separation (side setback) between buildings when generous separations are a characteristic of Onslow Avenue as a whole. The NSW Heritage Office publication [Design in Context: Guidelines for Infill Development in the Heritage Environment](#) is explicit that 'where there is an established pattern of side setbacks that contribute to the character of the streetscape this should also be reinforced by new buildings'. It also notes that 'buildings with minimum setbacks on both sides where this is not the pattern, can increase the bulk of the building and have an obtrusive and unacceptable impact'. The DA offers images of narrow setbacks in the local area but avoids images of the current generous setbacks along Onslow Avenue and at either side of Darnley Hall. The side setbacks are key to our building's historical setting and to the appreciation of the full architectural impact of Darnley Hall in the Avenue and in the HCA.



Current Side Setback Darnley Hall and 10 Onslow Avenue



Current Side Setbacks Along Onslow Avenue

4. Social Mix and Housing Affordability

The City of Sydney's vision for sustainability ([Sustainable Sydney 2030-2050](#)) includes the following goal: 'This is a city where everyone has a home. Social, affordable and supported housing is available for those who need it. High-quality housing is available for everyone'.

The proposed development does not align with this goal in that it will replace relatively affordable housing stock with exclusive (and fewer) high-end apartments. The less well-off will effectively be displaced from the two existing buildings and replaced by those who can afford multi-million-dollar apartments. This population replacement will alter the social mix of Elizabeth Bay. Along with other residents in Darnley Hall I value the social mix of our community and I would add that there has been no community consultation on the social impacts of the proposed development. Australia's increasing wealth inequalities are [rooted in housing](#) and we do not want our suburb to be transformed into a homogeneous enclave for the very wealthy, whose wealth becomes ever more supercharged by housing-based capital gains.

5. Role of 10 Onslow Avenue and 21C Billyard Avenue in the HCA

An independent report by GML Heritage sourced by the Darnley Hall Board has identified the existing building at 10 Onslow Avenue (as well as 21C Billyard Avenue) as **Contributory** to the HCA:

'The building makes a positive contribution to the established character, setting and significance of the Elizabeth and Rushcutters Bay HCA with generous side setbacks, appropriate height and sympathetic materials'.

In John James (OAM) this building had a notable architect and is an excellent example of post war 1960-1975 architectural style. In as much as GML Heritage has identified this building as Contributory, it suggests that demolition would contravene the stated intent of the [Sydney Development Control Plan \(2012\)](#) regarding the Bays neighbourhood to 'preserve the diversity of building types, architectural periods and heights in the area'. The importance of the preserving the diversity of building types in Elizabeth Bay has been made explicit in Peter Sheridan's (2021) *Sydney Art Deco & Modernist Walks: Potts Point and Elizabeth Bay* where the co-existence of architectural styles is shown to be a key defining feature of this area. 1970s (as well as 1960s) architectural styling (for example, International Architecture) is increasingly celebrated, valued and protected internationally via heritage status. It is surely necessary that the City of Sydney follow the worldwide trend to recognize and value the heritage contribution of such buildings and the need to protect and preserve them. Indeed, it is incumbent on the City of Sydney to follow the policy recommendations of the Elizabeth Bay and Rushcutters Bay HCA, specifically to retain post-war 1960-1975 apartment buildings identified as Contributory. It is made explicit in the [State Heritage Inventory for the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area](#) that the following policy recommendation for the Elizabeth Bay and Rushcutters Bay HCA should be followed, namely: 'Retain post-war 1960-1975 apartment buildings identified as Contributory'.

6. Viability of Existing Buildings at 10 Onslow Avenue and 21C Billyard Avenue: Refurbishment and Environmental Sustainability

The independent GML Heritage report has also found unequivocally that there is no need to demolish 10 Onslow Avenue (or 21C Billyard Avenue) as it is viable: *'the building is of a high-quality design, intact and in good condition'*. This raises the question of why – apart from the obvious motivation for profit on the part of the developers – the City would approve its demolition. Rather than demolishing and developing a new building, retaining, upgrading and refurbishing as appropriate would be consistent not

only with the [Sydney Development Control Plan \(2012\)](#) for the Bays area but also with the City of Sydney's stated public commitment to environmental sustainability ([Sustainable Sydney 2030-2050](#)). There is considerable scientific [evidence](#) demonstrating that refurbishing residential buildings is a far more environmentally friendly choice than demolishing and rebuilding, including in regard to carbon emissions and environmental protection. Given that the *'the building is of a high-quality design, intact and in good condition'*, it is surely incumbent on the Council to fulfill its commitment to environmental sustainability by rejecting demolishing and rebuild for 10 Onslow Avenue and 21C Billyard Avenue. Indeed, it is curious and somewhat inexplicable that the DA does not evidence the developers paying any serious attention to a refurbish option. Given the City's stated commitment to affordable housing, it is also important to stress that retaining and refurbishing existing residential buildings is [internationally recognized](#) as a significant contributor to affordable housing supply.

7. Wellbeing: Human and Companion Animals

We purchased our home in part because of the peaceful atmosphere of Darnley Hall and Onslow Avenue. The proposed development will take place literally metres from our apartment and, if the DA is approved, we face the prospect of the noise of demolition, excavation and build for an extended period, impacting our mental wellbeing as well as our quality of life and enjoyment of our home. We predict that if the development goes ahead whole sections of our home will become unusable as the noise, vibrations and dust will be intolerable. As we work from home for at least two days per week this scenario is untenable. In the City of Sydney's [Social Sustainability Policy and Action Plan](#) it is stated that key wellbeing principles include ensuring that the city's 'environment supports health and wellbeing' and that 'people's wellbeing [is] at the heart of our city'. It is difficult to see how the DA respects these principles especially since, as articulated above, the demolition of 10 Onslow Avenue (as well as 21C Billyard Avenue) is actually unnecessary.

There is also another dimension to wellbeing that is important to recognize, namely that of companion animals. We have a rescue cat that spends her time entirely (and currently peacefully) indoors. She is extremely nervous and reacts negatively to any noise or disturbance (even the ring of the doorbell). The noises and vibrations from a major demolition, excavation and build within just a few metres of our home day-in day-out for the extended period that the proposed development will require will cause her immense suffering. While some might consider this a trivial objection, it should be noted it is [increasingly recognized](#) that companion animals contribute to household and societal wellbeing and are critical members of our urban communities. We should therefore understand that the proposed development if approved will have impacts that are multifaceted and extend well beyond humans.



Companion Animal, Resident of 6 Darnley Hall

Conclusion

In this document I have set out my objections to D/2023/727. Many of these objections turn around contraventions of the Council's as well as the State's own published policies, principles, guidelines, and values, including those relating to the Bays HCA, sustainability, housing affordability, community and wellbeing. There is a paradox in my having to point out these contraventions, as it would be hoped that the Council would themselves be aware of them and act accordingly. As well as submitting individual objections, residents in Darnley Hall have also sourced technical expert reports and spent thousands of dollars to put together a considered response to the DA. One especially worrisome aspect of this process is that while one would assume that the protections afforded to residential buildings in the Bays area would be fixed and taken for granted by virtue of the HCA, development proposals such as D/2023/727 are effectively suggesting that these protections are open to contestation by developers. This is unacceptable and it is incumbent on the Council to ensure that such contestation is not possible and to preserve the heritage values of the Bays area.

Sincerely,

Lisa Adkins

Professor Lisa Adkins

From: [REDACTED]
Sent on: Tuesday, September 19, 2023 2:40:51 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: DA/2023/727 – MHNSW RESPONSE TO 21C BILLYARD AVENUE ELIZABETH BAY NSW 2011
Attachments: 15092023 - MHNSW Response to DA 21C Billyard Ave.pdf (156.14 KB)

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

To whom it may concern,

Please find attached MHNSW response to DA/2023/727 – 21C BILLYARD AVENUE ELIZABETH BAY NSW 2011.

Kind regards,



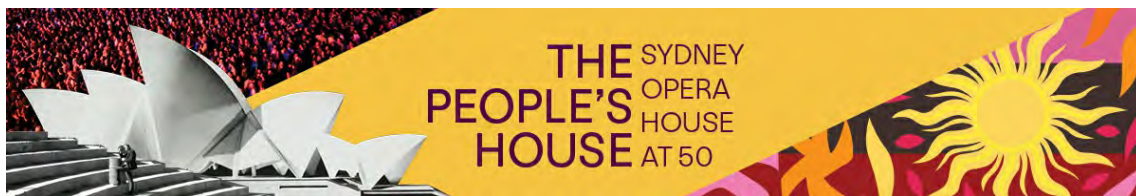
Amy Keighran (*she/her*)
Head of Heritage
Strategy & External Relations
Museums of History NSW



The Mint, 10 Macquarie St, Sydney NSW 2000
On Gadigal Country

Western Sydney Records Centre, 161 O'Connell St, Kingswood NSW 2747
On Darug Country

I acknowledge the traditional custodians of the land and pay respects to Elders past, present and emerging.
mhnsw.au



D23/17249

15 September 2023

City of Sydney
GPO Box 1591
SYDNEY NSW 2001

ATTN: DAVID REYNOLDS - DA/2023/727 – 21C BILLYARD AVENUE ELIZABETH BAY NSW 2011

Museums of History NSW (MHNSW; formerly Sydney Living Museums) was notified of the above application as the owner of the landmark heritage building Elizabeth Bay House which is in proximity to the proposed development.

Elizabeth Bay House (EBH) is a state significant Greek Revival villa of the Colonial period at 7 Onslow Avenue Elizabeth Bay. It was constructed between 1835 -1839, by the architect John Verge, as the home of Colonial Secretary Alexander Macleay and his family. EBH is one of the most sophisticated works of architecture of the early 19th century in New South Wales, once known as "the finest house in the colony". The house is significant for its association with the history of the intellectual life of NSW in the areas of scientific (natural history, particularly entomology, botany) and aesthetic endeavour through its association with three generations of the Macleay family.

The original 1826 land grant to Macleay comprised a 21.8-hectare estate known for its sophisticated landscape design and collection of rare plants, incorporating a well-developed sensibility for the Picturesque, adapted to an Australian setting, leading to the retention of native bushland and rocky outcrops. The setting of the house and its outbuildings and the layout of drives and garden terraces were carefully planned to maximise the dramatic topography, vistas and scenery of the Sydney Harbour site.

Two hundred years of subdivision and development around the villa have eroded its setting including loss of significant landscape elements and its relationship with the surrounding topography. The Harbour, North Shore and Heads form the foreground and background of the principal vista of the house. The Harbourside topography was carefully considered and improved to create an amphitheatre formation from which the principal vista could be enjoyed. Arthur McElhone Reserve preserves EBH's views to the harbour and is the sole remaining portion of open space adjacent to the villa with development to all other sides.

MHNSW has reviewed the suite of documentation associated with the development application, however remains concerned with the lack of detail around vibrational impacts and the associated management controls that will be implemented. MHNSW understands that bulk excavation of the subfloor basements is expected to extend through fill and beyond to the assumed underlying bedrock. However, the Structural Engineering and Geotechnical reports both advise of the requirement for further geotechnical investigation to inform development of structural design and associated construction methodology which is, at this stage, undeveloped.¹ Consequently, vibration impacts are also unknown. We expect City of Sydney council will ensure this significant detail is understood and adequate management provisions are in place prior to commencement of work should the project be approved, as per the relevant provisions for excavation beneath or adjacent to heritage items/or buildings in heritage conservation areas in Section 3.9.13 of the *Sydney DCP* 2012.

¹ Appendix AA – *Structural Engineering Letter 21C Billyard and 10 Onslow Ave, Elizabeth Bay*_PAN-353785; Appendix S – *Geotechnical Report 21C Billyard and 10 Onslow Avenue, Elizabeth Bay*_PAN-353785

Due to the age of the structure and traditional construction methods, EBH is particularly vulnerable to damage from vibration; as evidenced in resulting cracks in the building from previous nearby development of high-density apartments. MHNSW also remains concerned with the cumulative impact of construction and vibration from the multiple, ongoing construction activities that surround EBH. Considering this, MHNSW requests that preparation of a dilapidation report, regular monitoring and rectification of damage to EBH resulting from construction are included as conditions, if the DA is approved.

MHNSW is also concerned about the impact of construction works and associated traffic on visitors to EBH. MHNSW request that no construction work is permitted outside allowable/regular construction work times, in particular Saturdays and Sundays and that this is enforced throughout the construction period for this project.

[Redacted signature area]

Regards,



Kathryn Natoli
Director, Strategy and External Relations
Museums of History NSW

From: [REDACTED]

Sent on: Tuesday, September 19, 2023 6:41:01 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds

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

OBJECTION TO D/2023/727

My name is [REDACTED] I own and live in unit 11/12 Onslow ave. Darnley Hall, next door to 10 Onslow ave, which curiously seems to label itself 21C Billyard ave. Perhaps this is because the new plan intrudes even further with balconies across the division of the adjoining block, taking more of the garden island views, where the bay meets the land edge.

IMPACT OF MY VIEW

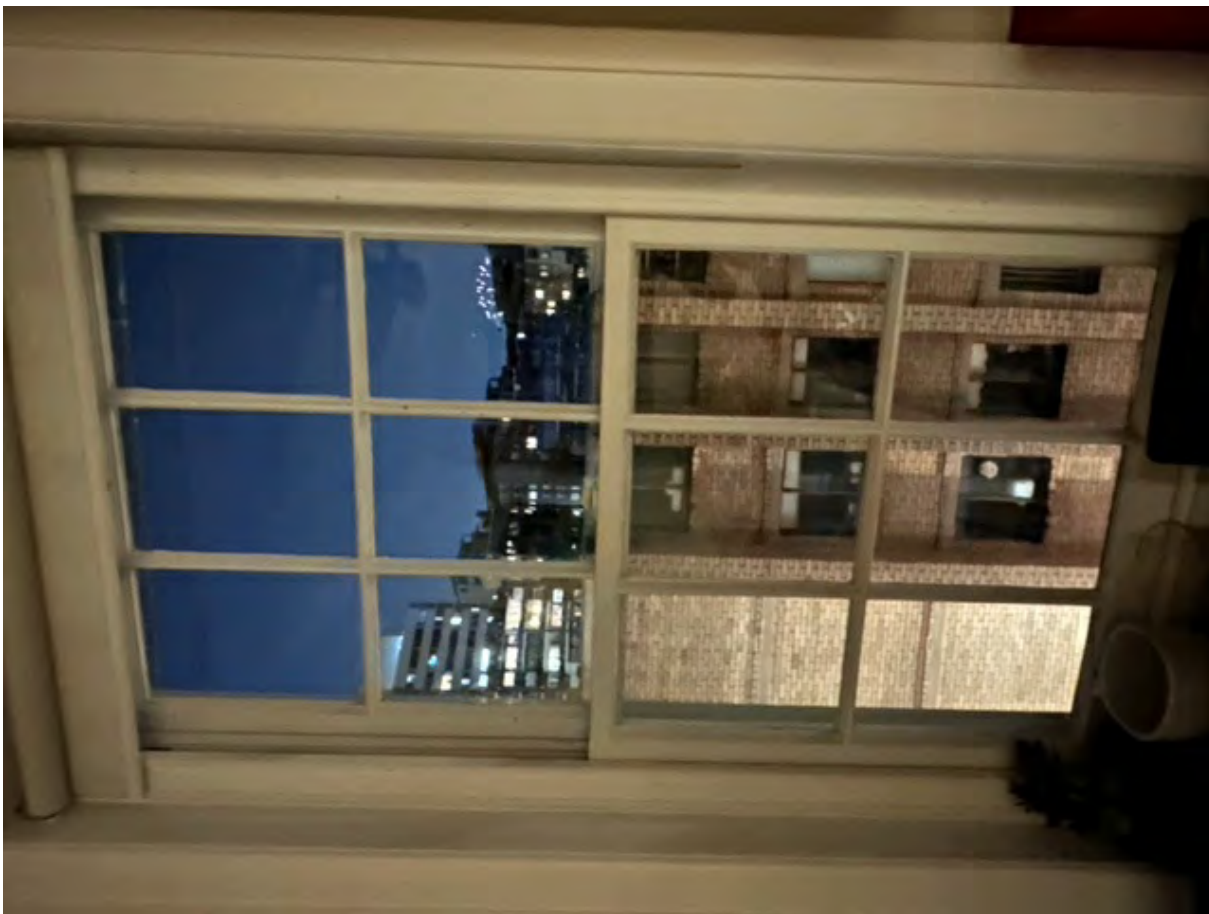
My husband has written a more detailed appraisal of what is intended so I shan't go over the same ground, except to say that I would ask the Council to come view my room and see how you assess the change from blue sky to brown wall, outside the only window of where I work in my home office. I wonder if the window on the other side behind the crenelation will open to allow the residents to make normal noise and impinge on what is total quiet to becoming a noisy neighbour

When we bought this apartment in 2014 the previous owner, an old friend, told how the area had changed since they had bought in '68. This happened with the demolition of the Villa next door in 1972 when the views of Elizabeth Bay house and Garden Island were mostly removed, despite objections at the time, all of which we have on record. The household came to accept the idea of shared views. Now it seems a new developer is returning, demolishing a perfectly good building and thus taking the remaining view and replacing the direct sunshine with a crenelated brick wall directly in front of what is my home office. It is not a great view, but it does have direct sunshine, blue sky with birds and gardens of the surrounding buildings. A blank wall does not seem a fair exchange to me. Certainly not view sharing. It takes all my outlook and places windows even closer to the boundary, outside the Building Code.





night view which will be replaced by a brick wall.



NOISE

I wish the Developer had done some homework about room use and consulted the adjoining neighbours of the impact of this construction, being so large and close, so one will hear any noise from adjoining windows while taking all the

views of Elizabeth Bay from pedestrians in Onslow ave. and removes established trees to replace with a noisy roof garden for private use.

WASTEFUL DEMOLITION

Given the great concern we all have about the housing shortage, I am saddened that this new construction will take a larger space from the environment, in fact almost 50% more and yet provide 6 less homes for the area. It seems even more wasteful to demolish such a new building which has some very fine units which the developer does not show. Council guidelines are in place for the betterment of all and yet they have taken little notice and seek to justify not being to code by the need of profit while providing fewer homes and taking more from the surrounding environment.

VISUAL AMENITY from Onslow ave.

These two photos show the intended change.





I trust Council will follow its own guidelines and disapprove the current DA.
Thank you.
Anne

[REDACTED]

From:

[REDACTED]

[REDACTED]

Friday, September 15, 2023 6:01:18 PM

To:

DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>

Subject:

Objection to DA D/2023/727

Attachments: DA Objection 13923.pdf (5.15 MB)

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

Please find my submission re the DA D/2023/727

Regards,

Anni

[REDACTED]

MY NAME IS [REDACTED]

I OWN AND LIVE AT DARNLEY HALL, UNIT 5, 12 ONSLOW AVENUE, ELIZABETH BAY.
I CAN BE CONTACTED ON 0417 409 833

I am writing to object to the Development Application D/2023/727
10 Onslow Avenue and 21C Billyard Avenue, next door to my building.

I have major concerns regarding the height, view, sunlight, amenity and diversity loss. The significant change to the nature of the community, housing affordability and reduced number of apartments is also worrying. In addition noise and traffic issues and lack of gardens and greenery will also impact us and the neighbourhood in general. I would urge the relevant assessor to visit my apartment to see first hand the impact this proposed development will have.

My detailed objections are as follows:

HEIGHT AND LOSS OF VIEWS

- The proposed building exceeds the height limits both by the developer's own reckoning and by the council's regulations. As a result at least 60% of our existing view will be obliterated. This is exacerbated by the fact that the developers plan to build almost to the edge of the property further cutting our view. (Predicted view loss picture is attached.)
- The increased height also destroys the consistency of roof lines along Billyard Avenue which spoils the attractive nature of the area.
- Given that 21C Billyard Avenue and 10 Onslow Avenue both already have substantial views the concept of view sharing is not relevant. View stealing might be more to the point.



Before
Anticipated loss of Views from 5 Darnley Hall



After

OVERSHADOWING

- The additional width and height of the proposal means that the sunlight and ambient light we receive will be significantly reduced. Our balcony, dining room and kitchen

will all be adversely affected, particularly in the kitchen, by the greatly increased proximity of the new Onslow Ave building.

BULK AND SCALE

- The proposed new building is far bulkier than the existing building. The spaces between the buildings and the views from the street and neighbouring communal spaces will be greatly reduced as a result. (Photo attached)
- The State Government Guideline for apartments proposes much greater setbacks between building than this plan shows.
<https://www.planning.nsw.gov.au/sites/default/files/2023-03/apartment-design-guide.pdf>

NOISE AND LACK OF PRIVACY

- The developers have added rooftop decks and pools to both buildings. This was not part of the plans during the consultation period. The potential noise from these outdoor entertaining areas is significant. The fact that the Billyard Avenue pool deck will overlook several balconies and adjacent living areas in Darnley Hall is not acceptable. (See the apartment design guide again.) People on that roof deck will overlook our balcony, dining-room, living room, study/studio and bedroom.
- Elizabeth Bay was a charming and very liveable and diverse village until demolition and construction made the daytime noise nearly unbearable. This, and rumoured future demolition and rebuilds, will make it both an ongoing construction site and ultimately a haven for the very rich. A far cry from the current character.

TREES AND GREENERY

- The current buildings have trees and gardens around and between them. There will be almost no room for deep soil gardens to capture rain and storm water before it washes away. And very little space for greenery in general.

LOSS OF AFFORDABLE HOUSING, DIVERSITY OF NEIGHBOURHOOD

- The neighbourhood is currently quite diverse. The building in question have a range of apartments with varying degrees of affordability. The new building will only cater to the very wealthy. In addition, the number of apartments will be reduced from 28 to 22 further reducing housing supply when we have a housing and rental crisis. Refurbishing what is a solid and serviceable building and a great example of the post war architecture of the period would seem a much better solution.

EXCAVATION

- Having experienced damage from excavation in a previous home I am very worried about the amount of proposed excavation right on the fence line to Darnley Hall. This is a near century old building and may well have fragile foundations prone to damage by digging and vibrations. A dilapidation report must be essential.

TRAFFIC AND PARKING

- With the car park entrance to be on the very narrow Billyard Ave, instead of the wider Onslow Ave, the likelihood of frequent traffic back-ups in Billyard Ave and Ithaca

Road is expected. This is a concern regarding access for emergency services reaching Onslow Ave.

CONSISTENCY WITH THE SYDNEY DEVELOPMENT CONTROL PLAN 2012

The Development Control Plan includes the following excerpted points – my emphasis. All of the highlighted principles have been ignored in this development proposal.

*The Bays is a predominantly residential area with a diversity of housing styles and densities within a **landscape setting that allows view sharing to continue from the private domain and gaps between buildings**. Elizabeth Bay House is to be preserved as a heritage item and a landmark heritage building.*

Principles

a) *Development must achieve and satisfy the outcomes expressed in the character statement and supporting principles.*

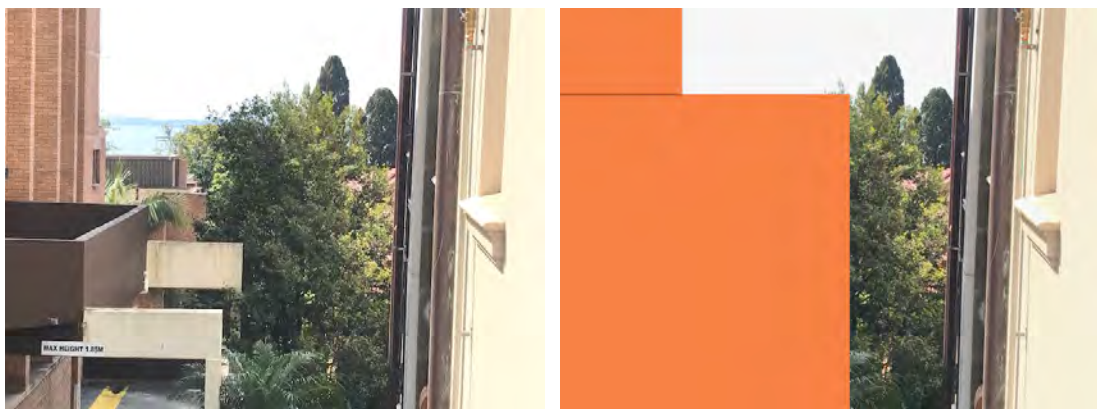
b) *Development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, **including streetscapes and lanes**.*

c) ***Maintain view corridors to Sydney Harbour and parks.***

e) ***Maintain buildings within a landscape setting. New buildings should be positioned in the middle of lots and surrounded by gardens and informal tree planting.***

i) ***Preserve the diversity of building types, architectural periods and heights in the area by retaining buildings from the Federation, Victorian and interwar periods.***

j) ***New building forms with narrow street frontages and building separations are encouraged to provide views to the harbour and sky and creating opportunities for vegetation/tree planting.***



Before
Anticipated loss of views from the street

After

COMMUNITY CONSULTATION AND NOTICE

- The developers claim they did extensive consultation and felt the community found it satisfactory. That is far from our experience. Apart from significant adverse design

features added after the “consultation” there was little interest in community views, little opportunity to inspect the details of the proposed DA and certainly no follow up of conversations to address what they must have known would be major objections.



Before
After
Anticipated view loss at Elizabeth Bay Gardens pool area

From: [REDACTED]
Sent on: Thursday, September 21, 2023 8:14:36 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: D/2023/727 - 10 Onslow Ave & 21c Billyard Ave, Elizabeth Bay

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

hi,

My name is Bridget Atkinson, I live in an apartment overlooking the proposed development site, & write to make an objection to the above DA.

The proposed development will significantly reduce views to the water from our apartment. Ideally, the design should be reviewed & amended, to remain within the stepped height of the existing building envelope.

Reduction of water views from our apartment
The height of the proposed development will block a significant proportion of our views of the water in Elizabeth Bay. Our views will be impacted from all our living spaces - living, dining & balcony.
We have 2 young children - 9yo & 12yo - & the views out to the water are important for our sense of space, & connection with nature. They were a big part of our decision to live in Elizabeth Bay, & to bring up our family in a dense urban environment.
I work from home 1-2 days each week, & the views to the bay & changing colours of the water are also key moments of respite & joy in my working days.

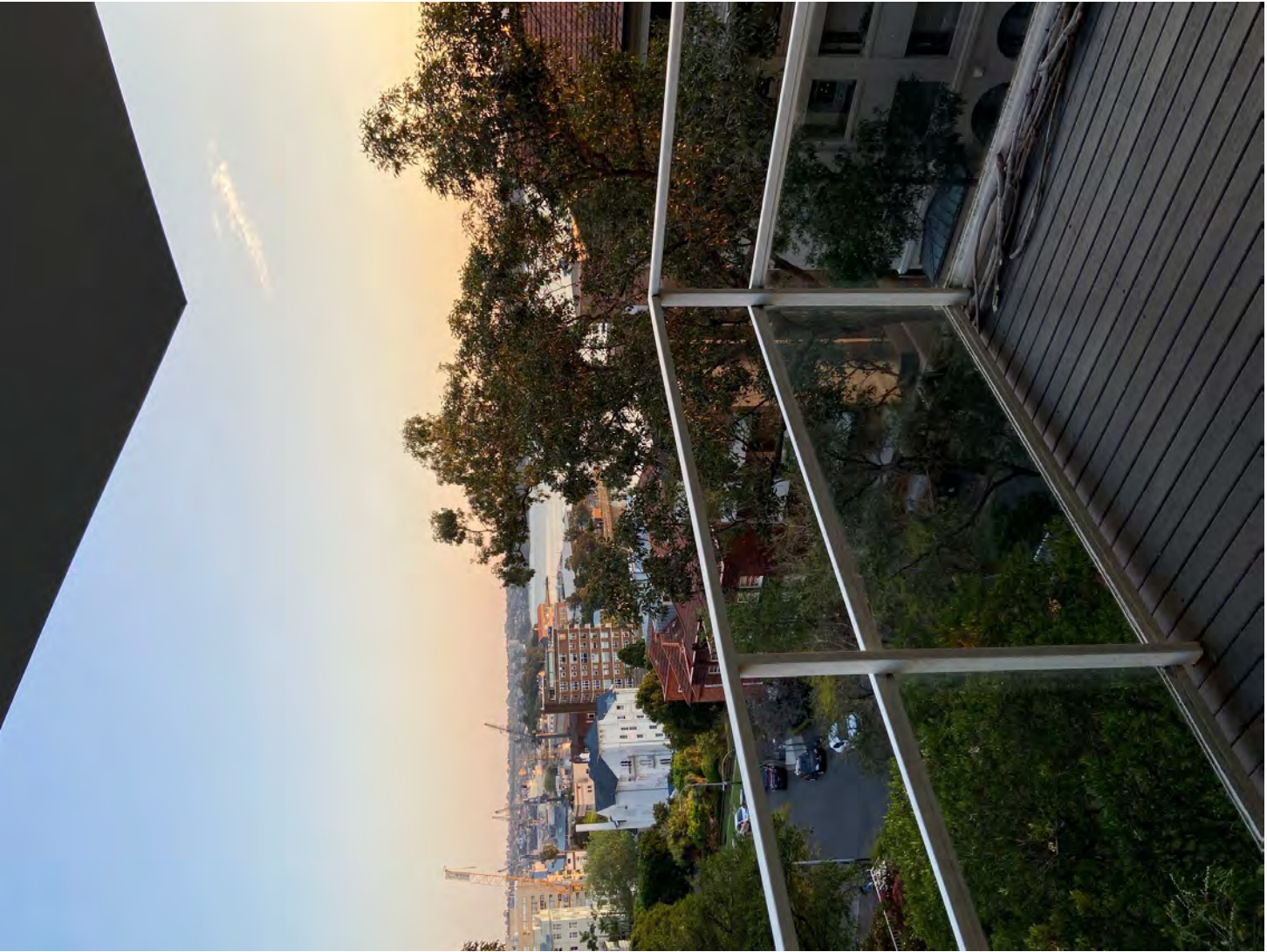
Reduction of view corridor from communal garden
The width of the proposed development will approximately halve the width of the existing view corridor from our building's communal garden to the harbour, between 10 and 12 Onslow Ave.
Our family uses the garden to swim & picnic extensively all through summer and the warmer months. The view through the existing buildings is to a slice of the harbour & Clark Island, placing the garden in the context of the First Nations & colonial history of this area.

I'm attaching a photograph from our living space, & one from our balcony, looking towards the bay & 10 Onslow Ave. I'm also happy for council to visit, as part of the DA review process.

thanks
Bridget

~
Bridget Atkinson
6C /15-19 Onslow Ave
Elizabeth Bay NSW 2011
[REDACTED]





From: [REDACTED]
Sent on: Tuesday, September 26, 2023 3:36:12 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: Query: D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011

From: [REDACTED]
Sent: Friday, September 22, 2023 12:04 AM
To: David Reynolds <DReynolds@cityofsydney.nsw.gov.au>
Subject: Query: D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011

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

Dear David

I wish to submit an objection to the DA D/2024/727 for 21c Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay.

I am the owner of an apartment in Elizabeth Bay Gardens and currently overseas at the moment. I understand that objections closing date was yesterday. However I also understand that Council is required to take into account all objections including those submitted late.

This DA application for what I can ascertain from the documents does not comply with the current DCP in many instances. Of particular importance it does not comply with the side setbacks making the proposed building is wider than allowed. Its proposed height also does not comply with the DCP height limit.

The non compliance with the side setbacks has serious implications for those at Darnley Hall, 12 Onslow Avenue and for Elizabeth Bay Gardens. The non complying width of the building reduces drastically the view corridor to Elizabeth Bay currently enjoyed and valued by Elizabeth Bay Gardens residents. The loss of this view corridor is not in keeping with the streetscape of Onslow Avenue where there are view corridors for residents and pedestrians between the buildings along Onslow Avenue.

As Council would be aware important heritage items originating in properties in Billyard Avenue and Onslow Avenue from the gardens of Elizabeth Bay are extant. Excavation, construction work and hydraulic engineering for this proposed project would need to protect these items.

Thank you.
Carol Hardwick
9f 15-19 Onslow Ave.

From: [REDACTED]
Sent on: Thursday, October 19, 2023 5:08:37 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Solar Access Document re Objection to Proposed Development, DA/2023/727 located at 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay
Attachments: Sydney City Council - objection to Proposed Development, DA_2023_727 located at 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay.pdf (2.9 MB), DA.pdf (57.26 KB), 23 Billyard Ave Elizabeth Bay - Solar Access Cover Letter.pdf (1.43 MB)

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

Please find Solar Access document attached as referenced in my initial email. Thank you for your kind consideration.

----- Forwarded message -----

From: **Danielle McGuinness** <danielle.mcguinness66@gmail.com>
Date: Wed, Sep 20, 2023 at 2:03 PM
Subject: Objection to Proposed Development, DA/2023/727 located at 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay
To: <dasubmissions@cityofsydney.nsw.gov.au>

The General Manager
City of Sydney Council
Attention: Mr David Reynolds, Town Planner

Please find attached letter stating objections to the above development and also a letter from my real estate agent in support. Please note the community are waiting on an independent Shadow report which will be furnished by me as an addendum to this email as soon as possible. I am aware that today is the deadline for submissions, hence I wanted to send this without delay.

Thank you so much for your kind consideration.

Danielle

--
Danielle McGuinness
[REDACTED]

--
Danielle Richard

To: City of Sydney Council
dasubmissions@cityofsydney.nsw.gov.au

Objection to Proposed Development, DA/2023/727 located at 21C Billyard Avenue and 10
Onslow Avenue, Elizabeth Bay

Danielle McGuinness
11/23 Billyard Avenue
Elizabeth Bay



The General Manager
City of Sydney Council
Attention: Mr David Reynolds, Town Planner

Planning Submission
For: SP 67057: 23 Billyard Avenue, Elizabeth Bay

RE: DA 2023/0727

'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.'

Dear David,

Thank you for the notification of the proposed DA.

I am the owner of Unit 11, 23 Billyard Avenue which is adjacent to the proposed development. I purchased the unit on 21 April 2022 for its sunny aspect, filtered harbour views, privacy, heritage feel and quiet environment. I deeply value the character, community, and environmental balance and historical significance of Elizabeth Bay. I just love my apartment!

I wish to state my **strong objection** to this DA due to the following -

1. Shadowing - I purchased the unit approximately 18 months ago. One of the key reasons I purchased the unit was for the light that currently streams into the lounge/dining/kitchen and bedroom. I have included photos below. The unit was purchased at a premium price for the block due mainly to the light bright interiors.

The development's reduced setbacks and choice of material will lead to significant

loss of ambient light and direct sunlight for my apartment and neighbouring apartments. The potential for direct shadowing will adversely impact the kitchen, living area, bedroom as well as the common gardens.

The existing proposal will essentially block light coming into these rooms - please see shadow document. My advice from local estate agents (please see attached) is that the shadowing will significantly affect the resale value of my property. In addition, the apartment's bright interior is fantastic for my mental health.

Please note - based on the independent Shadow diagram (to be forwarded in separate email) the light will be severely diminished - up to 66% loss of overall light in the apartment. This will also affect the heat/warmth in the apartment especially during the winter months (thermal heating from bricks). Also I currently am lucky enough to have filtered harbour views which will be lost if the current DA is approved.

2. Landscaping - The development lacks adequate provision for future tree cover and deep soil planting. The development's proposed design will significantly obstruct the previously unobstructed views of the street-side gardens, particularly along Billyard Ave, diminishing the aesthetic appeal and natural ambiance of the neighbourhood.

3. Privacy - Currently I have no unit/balcony looking into/onto my apartment - the current proposal will significantly impact my outlook and the ability for others to see into my apartment. My privacy will be impacted significantly. Privacy was another key feature in my decision to purchase the apartment. I believe the impeachment on privacy will affect the liveability and value of the apartment.

4. Noise - Currently the environment around my apartment and hence inside my apartment is very quiet. A building of these dimensions, plus the outside balconies in such close proximity to my apartment will create significant noise as people entertain on their terraces. My advice from local estate agents (please see attached) is that the balconies will significantly affect the value of my property. Rooftop terraces with pools will generate noise that will directly affect neighbouring buildings.

The building of the apartments will significantly impact my lifestyle/ability to live in the apartment for approximately 2-3 years. I work from home which involves telephone work. My advice from local real estate agents is that it would be very difficult to rent out the apartment during this time. One of the significant reasons I purchased the apartment was the quiet surroundings in which to live and work.

I understand that the developer has purchased the building and wishes to upgrade - however, I would hope that it would be within the existing footprint/set back from street so as to not take away amenities from neighbours and the neighbourhood.

5. Streetscape/Heritage - I believe this building situated so close to the road will significantly diminish the heritage streetscape. The current DA results in excessive weight and bulk to the existing streetscape.

6. Negative impact on the value of my apartment - The current DA proposal will significantly negatively impact the value of and the ability to sell my apartment.

7. Negative emotional impact of proposed DA - The impact of this development on my financial position, privacy and right to the quiet enjoyment of my apartment is stressful. The loss of light will negatively affect the light and bright positive feel in the apartment.

8. Negative impact on my financial future - the existing DA will significantly affect the value of my property for resale.

I urge the City of Sydney Council to give due consideration to the many issues raised by myself and other members of our community. The proposed development, in its current form, will have lasting detrimental effects on the character, liveability, and environment of our highly regarded neighbourhood.

Please see photos of existing light and privacy/outlook in my unit.

Lounge - light/privacy will be affected on left side.





View from Living Room windows





Bedroom - light and privacy will be significantly affected



Attachments -

1. Letter from local real estate agent Ray White Taylor and Partners stating impact of development on my apartment.
2. Shadow document. - To be forwarded in separate email.

15 September 2023

To whom it may concern,

Re: Proposed Development Application
Property: 10 Onslow Avenue & 21c Billyard Avenue, Elizabeth Bay

We are the managing agents of 11/23 Billyard Avenue, Elizabeth Bay. We manage this apartment on behalf of Danielle McGuinness.

The Development Application has been brought to our attention by the owner of unit 11 but also by some of the neighbouring owners.

It is in our opinion, that the current DA that has been submitted will significantly impact unit 11 once the construction is complete. At present, unit 11 has a bright and leafy outlook, this appeals to not only the current tenant but prospective tenants and buyers. This would also negatively impact Danielle the lot owner should she ever move into the property.

One of the selling points, is the large windows that the unit has. All of the windows, except for three look out onto the neighbouring gardens at 21c. If the current DA is approved, this will change the entire aspect of the unit. We are not opposed to development, however are opposed to the current plans and how close to the street it will be. This will add further congestion to Billyard Avenue as well.

Should you have any further queries, you are welcome to contact me on 0450 388 059.

Regards,

A handwritten signature in black ink, appearing to read "CRG", is positioned above the printed name of the sender.

COREY ROTUNNO-GRANT
Senior Portfolio Manager
Ray White Taylor + Partners

Suite 1,
505 Balmain Rd
Lilyfield, NSW 2040
m 0410 699919

10-10-23

SP 67057
C/- GK Strata Management
No23 Billyard Ave,
Elizabeth Bay, NSW

RE: No.23 Billyard Ave, Elizabeth Bay NSW - SP67057
DA Applcation - Shadow Analysls Review DA 2023/787
21C Billyard Ave & No.10 Onslow Ave, Elizabeth Bay

Please find shadow analysis plans for proposed DA2023 / 787 in relation to solar impact to adjoining residential unit building No.23 Billyard Ave, Elizabeth Bay

The shadow analysis diagrams have been prepared from information obtained from council records including survey by "Beveridge Williams Surveyors" Project No.2202698 Rev.B 14/3/23, architectural plans by "Smart Studio Design" & site inspection.

All have been 3D modeled (Revit) & are relative to True North.

Shadows have been calculated June 21st @ 1/4 hourly intervals between 9.00am & 3.00pm existing & proposed developments.

Vertical elevational diagrams together with 3D Solar views from the sun @ 1/4 hourly intervals between 9.00am-3.00pm June 21st to accurately demonstrate existing / proposed solar access comparison.
"Refer to Plans prepared by "Cad Draft Pty Ltd" Proj. No23-130 dated 19-9-23

Sydney Development Control Plan DCP 2012 - Section 4 Development Types

4.2.3.1 Solar access

(1) Development applications are to include diagrams in plan and elevation that show solar access to proposed apartments and the shadow impact on neighbouring development at hourly intervals between 9am, 12noon and 3pm on 22 March and 21 June. In some cases, Council may require hourly intervals.

(2) Proposed apartments in a development and neighbouring developments must achieve a minimum of 2 hours direct sunlight between 9am and 3pm on 21 June onto at least 1sqm of living room windows and a minimum 50% of the required minimum area of private open space area. Note: This provision applies to at least 70% of the apartments in a development (in accordance with the requirements of the NSW Residential Flat Design Code 2002).

(3) New development must not create any additional overshadowing onto a neighbouring dwelling where that dwelling currently receives less than 2 hours direct sunlight to habitable rooms and 50% of the private open space between 9am and 3pm on 21 June.

(4) Where the consent authority considers that the level of daylight access to living rooms of proposed dwellings may be inadequate, the applicant will be required to provide a Daylight Report. A Daylight Report is to include an analysis of daylight levels in principal living spaces of residential units and serviced apartments with and compliance with the DCP

Site Description:

No.23 Billyard Ave, Elizabeth Bay contains a 3 level (20) residential unit building with garage's under within SP 67057 orientated East - West, located on the Western side of Billyard Ave & directly South of the proposed development No.21C Billyard Ave.

The diagrams prepared (Northern Elevation) describe subject units contained on each level as located within front, middle & back sections of building.

No.23 Billyard Ave, Elizabeth Bay



Existing / proposed solar access levels No.23 Billyard indicate 9 of 21 units (43%) receive the minimum 2hrs direct sunlight to living room windows June 21st between 9.00am-3.00pm located on both the Northern & Eastern elevations.

The proposed development further reduces existing solar access levels received to units below min. 2hr levels required "refer unit's 7, 17 & 18" - Northern elevation

Although Units 1, 11 & 21 located in the front section (Northern Elevation) maintain min. 2hrs solar access to living room windows between 9.00am - 11.00am the proposed development substantially reduces solar access currently received June 21st between 11.00am - 3.00pm affecting all units habitable kitchen / bedroom windows including glazed stair well's providing natural light to common areas on each level.

The solar access diagrams prepared demonstrates the proposed development will serverley impact the amenity of the adjoining units located on the Northern elevation of No.23 Billyard Ave. in relation to proposed solar access levels received.

Please don't hesitate to contact me if you require any additional clarification


JOHN DENTON (DIRECTOR)
Yours Faithfully

CAD DRAFT P/L

From:

Sent on: Wednesday, September 20, 2023 4:26:43 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds

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

Dear David/To Whom it may Concern,

My name is Dr Lisa Friederich, I wish to offer an opinion the DA from a dual perspective. I am currently a renter in apartment 21/23 Billyard Avenue and I am also an owner at Elizabeth Bay Gardens, 10c 15-19 Onslow Avenue. I am currently renovating the latter but have lived at the former for the last 2 years.

I have many concerns regarding the proposed development at 21C Billyard Avenue/10 Onslow Avenue.

In summary, I believe the building footprint is aggressively large in all dimensions, well past the current building footprint. This will have a significant deleterious impact on the liability and value of adjacent properties, not only in the demolition and construction phase, but in the longterm. I also do not believe that it will add any aesthetic or architectural value to the suburb or street, but rather become a large eyesore as it is out of balance in size and style with the surrounding properties. Whilst I am in favour of increasing the value of Elizabeth Bay, this should not be done at the cost of the other residents, nor the historical look and feel of our community. It does not seem as though the developer has considered this building in the context of the street and its residents.

I also have significant concerns regarding the noise levels and building works. As you're aware there have been significant works ongoing along Billyard and Onslow Avenue this year. Builders have been active Monday to Saturday and the current noise levels are unacceptable. When I moved here it was a quiet and beautiful community but it has been overcome with noise pollution. Associated with tradespeople is a reduction in parking, an increase in illegal parking, and my garage is frequently blocked by trucks or tradesmen.

An ideal resolution I believe it may be more appropriate to redevelop or refurbish the existing structure. Whether this is done or a new building is constructed *I strongly believe it should preserve the current footplate in all directions.* Surrounding properties and their residents should not be penalised for the benefits of developers.

The building schedules should also be considered- there is currently enough work on Billyard and Onslow for at least the next two years, and we can only deal with so much noise pollution and reduction in parking. This is a small one way loop and can only sustain so much activity at one point in time.

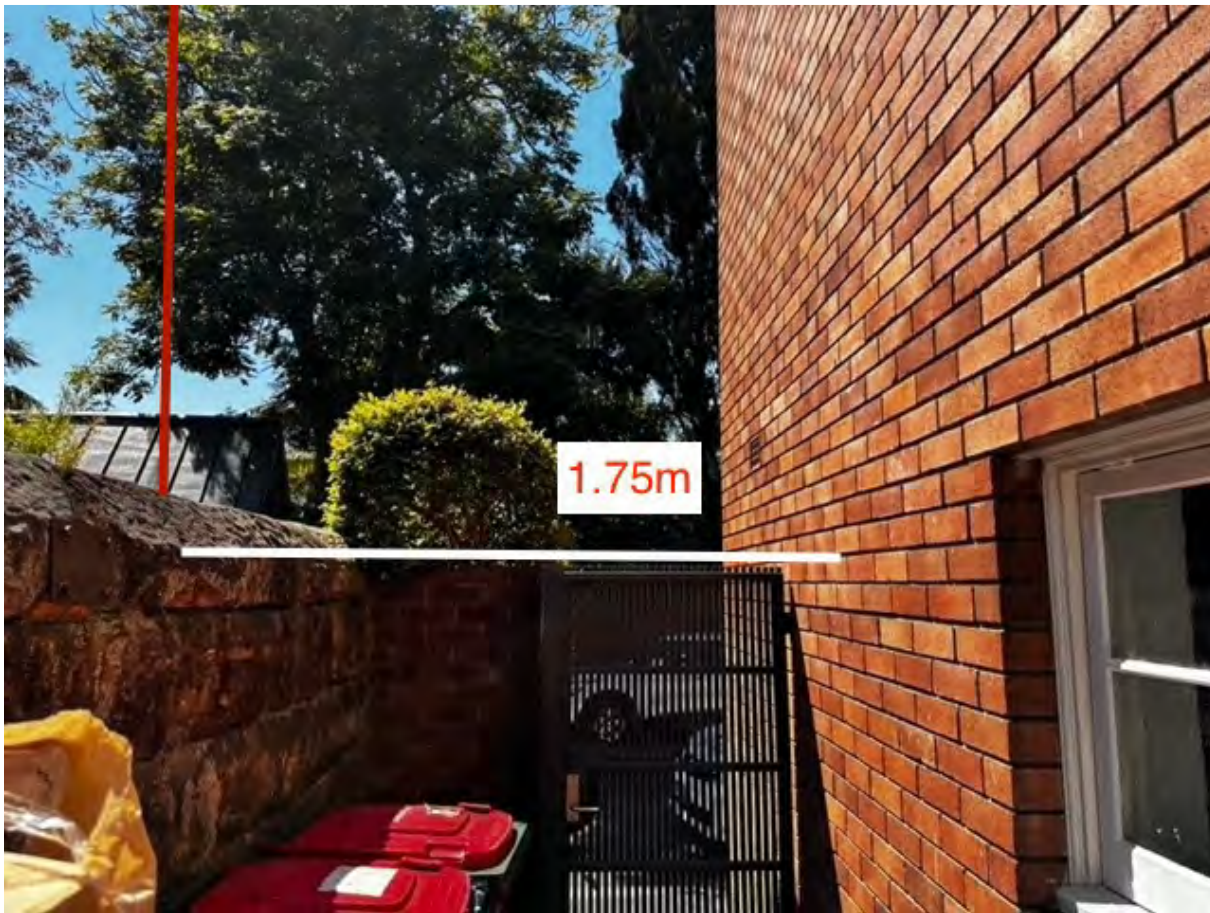
Specific to 23 Billyard Avenue The impact of the quality of life on the residents of 23 Billyard Avenue will be significant as it is directly adjacent to the proposed development. I currently reside in what might be considered the penthouse apartment on the northern aspect. It is a small one bedroom apartment but well designed with large west and north facing windows throughout. From the western side there are views to the city and the streetscape of Billyard Avenue through to the iconic stairway up to MacCleay Street. There is an open street vista and it provides an airy and light living experience. Significant breeze comes through from this direction. The front north facing windows overlook Boomerang and the adjacent property at 36 Billyard Avenue. There are large trees that block both harbour views and breeze.

The proposed development significantly extends its footprint all the way to the front footpath and to the side wall that divides the properties.. This wall is 1.75m from my windows. Although they do not plan to extend the building to the wall, this is the only place where they will plant deep rooted vegetation, which together with the building structure beyond, will completely obliterate the current west facing views, light, and breeze. There are also balconies at the front, at least three of which will have direct views into all of my west facing windows and living area.

In all this will give a very closed in feeling, decreasing/ removing privacy and increasing noise. I believe it will have a significant decrease on the quality of living within this apartment and building, but also a significant impact on the property value. This apartment (21/23 Billyard Avenue) was recently valued at 3.7 million a year and a half ago.

If I had not purchased an apartment within Elizabeth Bay Gardens and already planned to move, I absolutely would given news of this development. I believe this development will be completely untenable to live next door to while it's made and significantly less enjoyable once completed.

Below pics- **In red a rough estimate of the increase in the significant change to the vista from apartment 21 /23 Billyard Avenue. I think this is self explanatory.**



As a resident of **Elizabeth Bay Gardens**, my apartment will look out over the proposed development, restricting my views of the buildings and harbour beyond. Our long established garden area will also suffer as a result as the proposed development significantly narrows the view to the harbour. I access my parking within Elizabeth Bay Gardens via Billyard Avenue and this will be further compromised by building restrictions.

Overall I urge for serious reconsideration of this development proposal as it stands. The above issues are the main ones, but I expect that if I were able to invest the required time I would potentially find many more technical issues.

I would also like to reserve the option to comment further beyond the current deadline.

Sincerely,
Dr Lisa Friederich

From: [REDACTED]
Sent on: Wednesday, November 8, 2023 6:57:19 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Re: D/2023/727
Attachments: PXL_20231107_194938728.MP.jpg (7.8 MB)

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

Good morning,

It could be too late to add to this submission, but as it is November now, the sun was just going over the building on Billyard Avenue at 6.30 am. It means that the building next door and our apartment will lose beautiful sunlight in summer in the morning as the proposed new building is much higher. I hope you can prevent this development from going up, or at least keep it the same height.

Thank you,

Ekaterina

On Tue, 19 Sept 2023, 2:15 pm Katya Manevtsova, [REDACTED] wrote:
Dear City of Sydney,

I would like to oppose the development proposal at 10 Onslow Avenue and 21C Billyard Avenue for the following reasons:

1. Trees marked to be removed provide habitat and food for brushtail and ringtail possums (please see photos attached). The trees that are currently between 21B and 21C Billyard Avenue are frequently used by possums. I assume the garden in the front as well as it is currently a beautiful healthy garden. Developer's suggested replacement is not sufficient. According to their documents, they will be replacing the trees with ferns and Weeping Lilly and the front garden will be completely gone. This is insufficient and will also wipe out the animals that currently live there. Also, I oppose the removal of fiddly fig tree between our property and 10 Onslow Ave. It's a gorgeous, well established tree that also provides food for flying foxes (see photo).
2. The new building will be blocking our afternoon light as it reflects from the building in Elizabeth Bay Marina
3. Loss of privacy- new residents will be looking into our bedroom. They will be able to see all the way into our bedroom that we share with our 3.5 year old daughter.
4. Additional noise from the air conditioning units and pools. We already have noise and light issues from 6 Onslow Avenue and it made our second bedroom unusable for rest.
5. Environmental factor- a well establish building will be demolished for no apparent reason sending tons into landfill.
6. Housing factor-less apartments in the mids of housing crises.

City of Sydney positions itself as a council that cares about climate change. It would be great if you started to carefully look at this proposals as they have a really negative impact on environment and our community.

Thank you,

Ekaterina Weiss,

3/8 Onslow Ave Elizabeth Bay 2011



Thank you



From: [REDACTED]

Sent on: Wednesday, September 20, 2023 6:05:51 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Fwd: DA 2023 / 727

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

Sent from my iPad

Begin forwarded message:

From: [REDACTED]

Date: 20 September 2023 at 4:08:34 pm AEST

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: DA 2023 / 727

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Hello ,

My name is George Anastas and I'm a resident of 23 Billyard Ave Elizabeth Bay 2011

I have been in this neighbourhood since 2003 and am familiar with the area and needs of the people living here .

I feel the proposed DA 2023/727 will have considerable adverse impacts on our sensitive environment .

1. Excessive footprint for site
2. Height and overshadowing
3. Loss of vistas and views between buildings in historic area (see attached photos)
4. Removing existing building that is structurally sound and good example of 1970s design
5. Reducing number of available dwellings for fewer on larger footprint
6. Extensive excavation risks destabilising older buildings
7. Risks of flooding and water damage
8. Installing rooftop recreation areas instead of on ground will create amphitheater like noise issues
9. Boundary dispute between buildings , our Land Title deeds include path belonging to 23 Billyard which has been used as driveway for 10 Onslow Ave (See attached photos)

The proposed development exceeds the current envelope of existing building on the site.
It inflicts itself on footpaths and side boundaries with a further imposing height.
The balconies are bulky and loom over the streetscape
It overshadows and diminishes the light and views of its neighbours.
By exceeding its footprint on the block it takes away the vistas of harbour and trees
which are part of the character of this historic environment and walking trail .

I have become aware of some serious issues created by the previous development on
the site of 10 Onslow Ave and 21c Billyard Ave from 1972
Please see attached copy of Title Deeds for 23 Billyard Ave Elizabeth Bay
From the diagrams it appears that the developers appropriated a pathway of approximately 1 metre wide
running up to Onslow Ave that belongs to 23 Billyard Ave
How does this affect the proposed development and its boundaries?
See attached photo showing corner of historic sandstone wall and besablock retaining wall with driveway
overhead .

From historical evidence, there was a stream that flowed on and off over the site of 21c Billyard Ave .
When the 1972 building and car park were created , this stream was diverted over our boundary which
created a water and damp issue under our building.
The owner of our building at the time, created drainage infrastructure to deal with this subterranean flow .
We are worried that more extensive excavation closer to our boundaries will worsen these damp issues if
further springs are diverted towards us.

The extent of excavation close to boundaries on this fragile geology also poses risks
of destabilisation to surrounding older buildings.

Increasing the footprint and height will have adverse effects on our common back garden amenities and
original Hills hoist still used for drying . See photo attached
These areas will stay in shadow for a longer part of the year .
Residents will lose large amounts of precious sunlight and views diminishing the health
of their living environments
The present footprint and height has already impacted our environment and should not be increased.
New gardens and amenities for proposed development should remain on ground level
and not installed on roof top as this will create amphitheater like noise issues for this built up sensitive
environment.

Please take our concerns into consideration for the benefit of this neighbourhood and environment.

Best Regards
George Anastas
Sent from my iPad





From: [REDACTED]
Sent on: Wednesday, September 20, 2023 7:37:13 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Objection to D/2023/727 - Proposed Development at 10 Onslow Avenue and 21C Billyard Avenue ELIZABETH BAY NSW 2011
Attachments: SUBMISSION REGARDING D2023727 - TI.pdf (521.35 KB)

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

Dear Sir/Madam

I submit the attached objection to D/2023/727.

I reserve my right to make subsequent submissions as additional reports are obtained to support the case for my objections.

Yours sincerely

Takako Ishige

SUBMISSION REGARDING D/2023/727

PROPOSED DEVELOPMENT AT 10 ONSLOW AVENUE AND 21C BILLYARD AVENUE ELIZABETH BAY NSW 2011

WHY I AM MAKING A SUBMISSION

I own the apartment in Darnley Hall, 10/12 Onslow Avenue, Elizabeth Bay, and reside at, 8/12 Onslow Avenue, Elizabeth Bay, 2011. The apartment is tenanted to long term tenants.

My apartment is on the third floor above street level, on the western face of Darnley Hall, adjacent to 10 Onslow Avenue, on its southern boundary.

WHY I AM OBJECTING TO THE CURRENT PROPOSAL

My husband and I support quality development that enhances the Elizabeth Bay / Potts Point / Rushcutters Bay area, is sympathetic to the surrounding environment, respects the heritage nature of the precinct, contributes in a positive way to the community and neighbourhood, and complies with Sydney City Council and NSW planning guidelines.

We believe the current proposal D/2023/727 fails each of these elements.

The proposed development, in its current form, will have significant negative affect to the local community, to most residents of Darnley Hall, and specifically to my apartment.

The current proposal is avaricious – it seeks to maximise the footprint, height and bulk of the building, offering spectacular harbour views to new residents, whilst removing (not sharing) views from existing apartments. It will reduce the amenity of the neighbourhood, reduce views for those visiting the area, add to the noise in the area, especially at night, and increase congestion in on street car parking. It reduces apartments at a time the State and Council are trying to increase housing density, and diminishes the diversity of households in the area.

KEY POINTS OF OBJECTION:

Quality of proposal – the proposed development submission is inaccurate in many ways, makes statements that are inaccurate, therefore raising doubt over the veracity of other claims.

Absence of genuine consultation – limited and inadequate consultation was provided to the local community, despite claims to the contrary.

Cost to the local community in assessing the submission – due to inaccuracies and failings in the submission, affected residents and neighbours have had to spend hundreds of hours and tens of thousands of dollars to engage qualified independent advisors to identify inaccuracies and obtain critical information that has been excluded from the submission.

This has had to be done in a very short time, whilst the developers have had months and months to present their plans. As a result, the company Darnley Hall Pty Ltd has had to engage a range of professional reports, and I reserve my right to make further submissions when these are available.

Bulk and Scale – setbacks with the current proposal are substantially reduced from the existing building, narrowing the space, in places to less than current State Planning guidelines specify.

Overshadowing – the scale of the building will reduce light to living and working areas, and increase darkness and shadows. The proposal inaccurately describes living and working areas in some apartments as bedrooms – they are not.

Height – the proposed building exceeds height limits under the LEP, and we believe the advised proposed height is inaccurate as it calculates height from an incorrect ground level. We believe not only does the proposed height exceed State Planning guidelines in its current form, but that if measured from the correct ground level, it does so by even a greater margin.

Loss of views - whilst I appreciate views are to be shared, the proposed development removes our view entirely from the north western corner of the building of Elizabeth Bay House, diminishing significantly the quality of view and the natural light in the dining room and kitchen.

It also removes the view for the entire neighbourhood and all visitors to the area whose views between buildings will be significantly diminished, especially views of the harbour between 10 and 12 Onslow Avenue – this is a loss to everyone in the community.

Rooftop garden, pool and ventilation equipment noise – noise is magnified and echoes in the Onslow Avenue precinct due to the adjacent western side buildings and Potts Point ridge. Noise bounces back across the street. Having a pool, barbecue common area, garden which will attract residents at night is bound to create noise, will disturb everyone in Onslow Avenue and those in Billyard Avenue.

Reduced Privacy – the closeness of the adjacent wall will significantly reduce privacy for occupants of Darnley Hall.

Landscaping – the proposal provides insufficient tree cover, and insufficient deep soil planting.

Environmental issues – the proposal fails to indicate why the existing building cannot be repurposed. The proposed structure will have a range of negative environmental impacts, including on passive ventilation of our apartment and building; will increase cooling and heating costs of our apartment and building; amongst other negative environmental impacts.

Heritage considerations – the bulk and scale of the building diminish the character of the streetscape. Contrary to the proposal, we believe the proposed building does not provide a complementary in fill, rather changes the skyline of the area, detracts from the pre and post-war architecture, and diminishes the attractiveness of the Elizabeth Bay and Potts Point area.

Excavation and construction period – how will the integrity of Darnley Hall be guaranteed during the construction phase ? What is the process for remediation in the event of damage to the structural integrity of the building ?

Financial viability of Fortis Group – as reported in the Australian Newspaper on 18 April 2023, *“The development arm of Sydney-based property and finance house Pallas Group is in the eye of the storm engulfing property markets, after striking deals worth billions in the last five years.”*

SPECIFIC OBJECTIONS:

Quality of proposal – the proposed development submission is inaccurate in many ways, makes statements that are inaccurate, therefore raising doubt over the veracity of other claims:

- it incorrectly labels rooms in our apartment, and other rooms in apartments in Darnley Hall, as being bedrooms when in fact they are home offices, dining rooms or living rooms.
- it claims there has been extensive consultation with the community which is incorrect
- it presents the planned height of the building as marginally above allowable guidelines, but this is also incorrect
- we believe it inaccurately measures the height of the building from an inaccurate ground level

Absence of genuine consultation – limited and inadequate consultation was provided to the local community, despite claims to the contrary:

- I am aware of only one meeting where only limited participants were able to attend
- One affected building was completely ignored as they had inaccurately understood the street addresses
- Requests by others to attend, some with greater expertise to participate, were denied
- Those who did attend asked to photograph slide presentations to enable sharing with other residents in our building, but this was denied on the basis plans were not final. But this was on 7 July 2023, for a submission on 28 July 2023 – not final ?
- There was no attempt to consult with shareholders of the most affected building, Darnley Hall, and view sharing and overshadowing assessments are not provided for a number of apartments

Cost to the local community in assessing the submission – due to inaccuracies in the development proposal, affected residents and neighbours have had to spend hundreds of hours and tens of thousands of dollars to identify the full nature of inaccuracies and obtain critical information that has been excluded from the submission:

- Independent view sharing, overshadowing, heritage and town planning reports have been commissioned by Darnley Hall Pty Ltd.
- Due to the short time frame between the proposals submission and the window for feedback, we reserve our right to make a further submission when this information is available.

Bulk and Scale – setbacks are substantially reduced from the existing building, narrowing the space, in places to less than current State Planning guidelines specify:

- Darnley Hall is setback from Onslow Avenue, with space on northern and southern sides.
- More recent developments have complying heights and generous setbacks containing green space, light and views between buildings.
- The existing building provides setbacks that allow attractive views between 10 and 12 Onslow Avenue, with the many residents and visitors to the neighbourhood being able to appreciate the views of Sydney Harbour as they walk along Onslow Avenue. The proposed development will severely diminish or remove these views.
- A few inter-war buildings were constructed closer to Onslow Avenue, but these are poor examples of design, and reflective of the economy at the time of construction.
- I disagree with the applicants response to Council in their *Statement of Environmental Impact* that ADG compliant separation would essentially eliminate the possibility of **viably redeveloping**. A building with similar setbacks to the existing building would be far more compatible with the newer structures in the area, and preserve the amenity of neighbours, and the views of the harbour, available to all who pass along Onslow Avenue.
- The bulk and scale of the proposal will mean Darnley Hall loses significant views, from some apartments of a devastating nature, and the northern side will lose significant light, making mid winter an especially dark and gloomy time in the kitchen, dining rooms and home offices located on the northern side of the building.

Overshadowing – the scale of the building will reduce light to living and working areas, and increase darkness and shadows.

- The proposed building will significantly reduce light to the dining room on the north western corner of the building, as well as to the kitchen
- In winter the reduction in light will make these rooms significantly less attractive with less light, more shadow, and earlier darkness

Height – the proposed building exceeds height limits under the LEP, and we believe the advised height is inaccurate as it calculates from an incorrect ground level.

- The claimed overrun of height shown on the diagrams is inaccurately described as being less than it will actually be if allowed to proceed
- The height overrun is more than presented, and if based on an inaccurate ground level, which we believe to be the case, then significantly over the heights allowed in the current Council guidelines.

Loss of views - whilst I appreciate views are to be shared, the proposed development removes our view entirely from the north western corner of the building of Elizabeth Bay House, diminishing significantly the quality of view and the natural light in our home office:

- A development is not compliant if it monopolises views, as the LEP requires views to be shared.
- Prior to the construction of the existing building at 10 Onslow Avenue, residents of Darnley Hall had more extensive and more attractive views on both the eastern side to Sydney Harbour, and on the north-western corner overlooking the Philippines Consulate, Elizabeth Bay House, and Arthur McHelone Reserve.
- Darnley Hall has already shared its view with SP 9561 in 1972. Some of the former residents lost the view of Elizabeth Bay House entirely and a good proportion of the outlook over Garden Island to the north.
- Residents of Darnley Hall have already 'shared' their views when the existing building was constructed.
- We are now being asked to 'share them again.' But in fact we won't be sharing them now, we will lose them. Our view of Elizabeth Bay House from the dining room completely gone – instead looking into an unattractive brick wall, and /or someone's bedroom !
- The proposal maximises the attractiveness for the sale of the new apartments by presenting spectacular views – yet this appealing element of the new building will be denied to existing residents of Darnley Hall.
- The new proposed apartments are being marketed on the basis of attractive views that are taken from existing Darnley Hall residents, not shared.
- No view loss assessment has been performed of Apartment 10, which stands to lose entirely its view of Elizabeth Bay House from the northwestern corner room used as a dining room.
- Sydney City Council has visited Apartment 10, spoken with the tenants, and taken photos of the loss of view.
- It also removes the view for the entire neighbourhood and visitors to the heritage precinct whose views between buildings will be significantly diminished.
- See Attachment One
- A significant number of visitors (both local, national and international) walk along Onslow Avenue to Elizabeth Bay House and McHelone Reserve to admire the views offered in this heritage precinct, overlooking Sydney Harbour.
- All will be denied these views due to the narrow setbacks proposed.

Reduced Privacy – the closeness of the adjacent wall will significantly reduce privacy for occupants of Darnley Hall:

- The dining room and kitchen will look directly into either a brick wall or a bedroom, creating the need to close curtains to ensure privacy, removing view and light entirely.

Rooftop garden, pool and ventilation equipment noise – noise is magnified and echoes in the Onslow Avenue precinct due to the adjacent western side buildings and Potts Point ridge. Noise bounces back across the street. Having a pool, barbecue common area, garden which will attract residents at night and is bound to create noise, will disturb everyone in Onslow Avenue and behind in Billyard Avenue:

- A common area with pool is bound to be a magnet for evening activity, especially during summer months, with resultant noise. How will this be managed ? Who will monitor the proposed ban on amplified noise ?
- The existing nearby apartment building Manhattan has occasional residents holding parties on open balconies, creating significant noise and disturbance in Onslow Avenue. I have called the police, and nothing happens. If police do come, they cannot identify which of the apartments is responsible, and so nothing happens.
- Experience has shown that Kings Cross police are either too busy to attend noise complaints, or they are unable to do anything about them as they cannot identify the individuals responsible.
- The existing car parking is open and does not require ventilation. The proposed underground car park will require 24hr ventilation with air extraction fans operating on the roof, creating noise and disturbance.

Landscaping – the proposal provides insufficient tree cover, and insufficient deep soil planting.

- Removal of existing trees leads to replacement with too few trees

Environmental issues – the proposal fails to indicate why the existing building cannot be repurposed. The proposed structure will have a range of negative environmental impacts, including on passive ventilation of our apartment and building; will increase cooling and heating costs of our apartment and building:

- overshadowing not only reduces natural light but natural heating. A 2m² window will deliver anything from 1000 – 3000 watts of energy which will have to be replaced by coal generated electricity meaning higher energy bills in exchange for the enrichment of the developer. ***This is contrary to the national policy to be carbon neutral by 2050 and Sydney City Council's own publicised policy.***
- parking – the proposal provides for 27 car spaces in a building with 22 apartments. It is hard to believe that occupants of a \$7 - \$15 million apartment will only have one car. In a precinct with limited off street parking, this will add significantly to the traffic congestion and parking in the street.

- during the period of construction, parking for residents in the area will be further reduced by the equipment placed on Onslow Avenue.
- given the scale of the equipment necessary to demolish and then rebuild, how will traffic be managed during this period, access for emergency vehicles be guaranteed, and dust and noise be managed.
- the existing building comprises 28 apartments. The proposed building has 22, a 21% reduction of dwellings when Sydney needs higher density. 18 of the proposed flats are described as having 3 bedrooms. The number of two generation families in Elizabeth Bay is minimal. Refer to the ABS Census 2021.
- the proposed building uses most of the land for fewer dwellings, none of which will be affordable. How does that comply with Council's Strategic Plan? It is designed to maximise profit while claiming to have consulted nearby stakeholders two weeks before they planned to submit a DA. That's not consultation, it's an announcement.

Heritage considerations –

- I disagree with the conclusions and recommendations of the Heritage Impact Statement prepared by Urbis, dated 18 July 2023.
- Darnley Hall Pty Ltd commissioned GML Heritage Pty Ltd (GML) to provide a heritage assessment of the property at 21C Billyard Avenue & 10 Onslow Avenue, Elizabeth Bay in order to determine its status as a contributory item within the Elizabeth and Rushcutters Bays Heritage Conservation Area (HCA).
- The report argues the existing building should be identified as a contributory item within the HCA and Sydney 2012 DCP and that the policies of the HCA should be applied, namely that contributory items be retained and conserved.
- The building is of a high-quality design, intact and in good condition; the HCA identifies high-quality post-war apartments constructed between 1960 and 1975 as an important phase of the area's development; the building shares characteristics with other buildings identified as contributory to the values of the HCA including Ithaca Gardens, International House amongst others; the building makes a positive contribution to the established character, setting and significance of the Elizabeth and Rushcutters Bay HCA **with generous side setbacks, appropriate height and sympathetic materials.**
- As a contributory building, developers have to have good reasons to knock them down, as opposed to reuse and renovation. Under 3.9.1 (6) (a) the DCP requires developers to justify why a sound building must be demolished, instead of refurbished. The proposal in its current form fails to do so.
- To refurbish the existing building is more environmentally sustainable, and internationally recognised as a pathway to more affordable housing

- The cultural integrity of the precinct is compromised by this proposed development.
- We disagree with their claim that the buildings contribution to the precinct will be 'neutral' – it will be 'negative' due to the size and bulk of the structure.
- The ability to appreciate the distinctive neo-Georgian architecture of Darnley Hall, an appealing element to those who visit the area, will be diminished due to the reduced visibility afforded by the absence of appropriate setbacks.

Financial viability of Fortis Group – as reported in the Australian Newspaper on 18 April 2023:

"The development arm of Sydney-based property and finance house Pallas Group is in the eye of the storm engulfing property markets, after striking deals worth billions in the last five years."

"Several Fortis sites the firm paid big money for have also been knocked back after the developer's dreams were terminated in planning."

"Mr Mellick's vision has been to grow Fortis, but some industry watchers are cautious of his record after the failure of his previous operation."

What are the protections provided by Fortis in the event the development commences but cannot be concluded ?

CONCLUSION

- Every aspect of this proposal is problematic.
- The proposal has required a much higher level of scrutiny of myriad claims made, than should be expected, and has required extensive independent assessment by experts to verify broad statements of compliance and justification for exemptions.
- The proposal does not complement the existing developments, nor add to the amenity of the neighbourhood.
- The scale and bulk of the structure seeks to maximise profit for developers, views and light for the new owners, whilst diminishing every aspect of the quality of life for those currently living in Onslow Avenue, Elizabeth Bay.
- We ask Council to withhold consent for the development and require a compliant development that genuinely enhances the community in which it is placed.

Takako Ishige
Apartment 10
12 Onslow Avenue
ELIZABETH BAY 2011

19 September 2023

ATTACHMENT ONE

Current view that will be denied all who visit Onslow Avenue, Elizabeth Bay



From:

Sent on:

Thursday, October 26, 2023 6:00:14 PM

To:

DASubmissions <dasubmissions@cityofsydney.nsw.gov.au>

Subject:

Objection D/2023/27. 21A Billyard Ave & 10 Onslow Ave, Elizabeth Bay, NSW 2011

Attachments: DA Objection 10 Onslow Ave Clarke.pdf (336.52 KB)

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

City of Sydney

I originally submitted an objection to the above development on 17 September 2023. Please find attached a follow up objection providing further information when you consider this matter.

Kind regards

John Clarke

P O Box 1826
Potts Point
NSW 1335

26 October 2023

DA Submissions
City of Sydney
dasubmissions@cityofsydney.nsw.gov.au

Re: D/2023/727. 21A Billyard Ave & 10 Onslow Ave, Elizabeth Bay, NSW 2011

Identification.

My name is John Clarke and I own and reside at 4/6 Onslow Ave, Elizabeth Bay. I am again writing to you after having lodged an initial objection on 17 September 2023.

Additional Information.

I wish to provide additional information to you about the above. I have been advised that developers have approached residents in two adjacent buildings being 8 Onslow Ave and 14-16 Onslow Ave, Elizabeth Bay. These approaches were about if the residents of each of these buildings would be interested in selling their units by way of an option agreement, so that the developer would then be able to prepare development designs, a business case and then lodge a DA to redevelop each of these buildings.

This information was very concerning to me and so I questioned various development participants, and I was advised the following:

1. There continues to be significant demand for new up-market apartments in the Easter Suburbs of Sydney,
2. The development market continues to be highly lucrative with very large profit margins,
3. New development sites in Double Bay and Bellevue Hill are scarce, and
4. Elizabeth Bay has been identified as being the next attractive development market as it has:
 - a. an intimate village atmosphere with quiet one-way streets,
 - b. close access to the shopping and restaurant precincts of Macleay Street,
 - c. sites slope down from Macleay Street and enjoy N looking views over Sydney Harbour, and
 - d. there are a number of 1930's to 1960's buildings that provide good development opportunities.

Given this, I believe that the Planning Division of the City of Sydney should be acutely aware of this very recent activity in Elizabeth Bay. To maintain balance in the Elizabeth Bay community, it is important that strict adherence to current building codes must be maintained.

Specifically, if any relaxation of the building codes in D/2023/727- 21A Billyard Ave & 10 Onslow Ave, Elizabeth Bay is made, these will clearly set precedents for future developments, which would be materially detrimental to the Elizabeth Bay community.

Please contact me if you have any queries.

Kind regards



John Clarke

From:

Sent on:

Sunday, September 17, 2023 1:56:56 PM

To:

council@cityofsydney.nsw.gov.au; dasubmissions@cityofsydney.nsw.gov.au

Subject:

DA Objection- 10 Onslow Ave, NSW 2011

Attachments: DA Objection 10 Onslow Ave.pdf (591.31 KB)

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

City of Sydney

Earlier today I lodged a letter of DA Objection re D/2023/727: 21A Billyard and 10 Onslow Ave, Elizabeth Bay. After I emailed this, I was advised by you that my letter would be lodged into the public arena which gave me privacy concerns. I have therefore modified my original letter by removing both my mobile number and email address. I ask that you replace my original letter with this attached letter.

Many thanks for your assistance

Kind regards

John Clarke
[REDACTED]

R John Clarke
P O Box 1826
Potts Point
NSW 1335

17 September 2023

DA Submissions
City of Sydney
dasubmissions@cityofsydney.nsw.gov.au

Re: D/2023/727. 21A Billyard Ave & 10 Onslow Ave, Elizabeth Bay, NSW 2011

Identification.

My name is John Clarke and I own and reside at 4/6 Onslow Ave, Elizabeth Bay. This is a suburb that I adore; it is an historic heritage area that needs very careful assessment of all future buildings. Given this, I believe that the planned development as identified above, is in some important details, materially detrimental to residents and neighbourhood ambience.

Summary.

Here is a summary of my submission:

1. The current building has little architectural merit and its replacement by the new building would be very positive for the streetscape. The use of bricks and other sympathetic materials would enhance the "art deco" appearance of both avenues.
2. However, what I believe is wrong with key details of the current design are:
 - a. the current design is too bulky and should be reduced,
 - b. there should be more space between the neighbouring buildings,
 - c. there should be larger setbacks of the building from both venues, and
 - d. the building should remove the top floors so that it fully complies with the planning requirements and decreases the impact on residents.
3. I believe that the above changes will have the following benefits:
 - a. It will maintain some visual connections between Onslow Ave and Sydney harbour along each side of the building. This aspect is materially decreased due to the increased width of the planned new building.
 - b. Larger setbacks from both avenues will ensure Onslow Avenue will not be narrowed in its appearance and provide greater width for light and for tree growth.
 - c. The overall decrease in width, length and height will lessen the material adverse impacts on neighbouring buildings for light, overshadowing, privacy, and views.
 - d. A smaller new compliant building will provide significant improvements to the streetscape of both avenues.

Details

1. My residence, named "Belltrees" at 6 Onslow Avenue, is now 12 years old but from the street it retains its 1930's look and as residents, we are proud of this contribution made to our heritage streetscape. Belltrees is not materially impacted by the planned development. Rather, my concerns are for our immediate unique neighbourhood which is a high heritage

- area with many physical public connections to Sydney Harbour. That is why this is the first time I have ever lodged an objection to a DA.
2. The existing 1960's building has little architectural merit. When you look around Elizabeth Bay and over the water to Darling Point, the blight on this view is the 1960's high rise towers that dominate. I put this current building into this group and support its demolition.
 3. I believe that the new design will enhance the brick-based art-deco appearance of both the southern side of Billyard Ave and the northern side of Onslow Ave. This small pocket of land is unique as it leads down the slope towards Sydney Harbour. This is why I support the replacement of both the existing tower blocks with a compliant building in an art deco style.
 4. However, as stated above, the new development is too big and too high and does not comply in many important respects with the current planning requirements. I have stated my objections to this above and I am sure that those who are directly compromised will be able to provide important information to the City of Sydney. I implore you take notice of their objections as I believe the impacts on their lives are unfair, driven by maximisation of development profit, rather than what is fair and equitable for both residents and our neighbourhood.
 5. Further, I believe it will materially impact on the connection of Onslow Ave to the Sydney Harbour as these views will be reduced to peeks and this will materially detract from the neighbourhood forever. Please do not compromise our neighbourhood to enhance a property developer's profit.

Please contact me if you have any queries.

Kind regards



John Clarke

From: [REDACTED] u> on [REDACTED]
[REDACTED]
Sent on: Wednesday, September 20, 2023 4:49:34 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: OBJECTION TO DA No. DA 2023/727 - DESTRUCTION AND REPLACEMENT OF
EXISTING RESIDENTIAL FLAT BUILDING AT 10 ONSLOW AVENUE, ELIZABETH BAY,
NSW
Attachments: 2_13 Onslow Ave objection to City of Sydney DA Application D_2023_727 - 20Sep2023.pdf (1.18
MB)

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

To Whom it May Concern,

Our first objection for your consideration.

Regards,
Lester & Dawn Sutton

20 September 2023

City of Sydney
GPO Box 1591, Sydney NSW 2001
DASubmissions@cityofsydney.nsw.gov.au

GREED OBJECTION TO DA No. DA 2023/727 - DESTRUCTION AND REPLACEMENT OF EXISTING RESIDENTIAL FLAT BUILDING AT 10 ONSLOW AVENUE, ELIZABETH BAY, NSW

References:

- A. **D/2019/665** for Site Address 21C Billyard Ave, Elizabeth Bay NSW 2011
- B. Renotification for **D/2019/665** for Site Address 21C Billyard Ave, Elizabeth Bay NSW 2011
- C. **DA 2023/727** for Site Address 21C Billyard Ave, Elizabeth Bay NSW 2011

To Whom it May Concern,

In Reference A, the owner of 11/10 Onslow Ave submitted a DA Request to City of Sydney Council to effectively build a second story to his existing 'penthouse' unit atop the building. While the Council's initial determination was "This proposal is recommended for refusal" - based on the numerous objections from affected neighbours and its inadequate view impact assessment; it was modified, resubmitted (Reference B) and approved.

In Reference C, developers (The Trustee for Billyard Ave Development Trust) have submitted a DA Request to City of Sydney Council to demolish the above fully-brick 1960's building and replace it with a **non-compliant**^{1,2} monolith that is taller, longer and wider than the existing building.

Consistency with previous Council Decisions

My wife and I can't see how the conclusions drawn to approve the previous DA for the site (Reference B) lead to the following conclusion from the current developers:

*"From a heritage perspective, there is no known way to adapt the building in such a way that it makes an improved contribution to the established character, setting, and significance of the locality and the HCA [Heritage Conservation Area]."*³

¹ With either the the wording or intent of the *Environmental Planning and Assessment Act 1979, Local Environmental Plan (LEP) and Development Control Plan*.

² At the briefing I attended with the Developers, the Developers admitted that the proposed building height exceeded the Council guidance in some areas; however, argued that as the height was also beneath the guidance in other areas; the two effectively cancelled each other out.

³ Statement of Environmental Effects - 21C Billyard Avenue & 10 Onslow Avenue, Elizabeth Bay - Prepared for Fortis July 2023
Page 1 of 5 Pages

View Obstruction

Our Unit 2's views are already affected by a previous renovation to the top floor of 6 Onslow Ave (see below) ...



so we were naturally sceptical of claims in the original DAs (References A and B) that our view towards 10 Onslow Ave was only “peripheral” and “partially obscured”; however we are astounded that our Unit 2's view loss doesn't even rate under the current proposal for a building that will now be taller, longer and wider than the building with the previously-approved penthouse extension⁴.



As can be seen from this picture taken on the same day as the photograph above, our ground-floor Unit 2's MAIN VIEW of Sydney Harbour is that between 8 Onslow Avenue and 10 Onslow Avenue – that will be almost obliterated by the width of the proposed new building.

Members of the City of Sydney Council planning committee previously inspected the views from our Unit 2 as part of their deliberations for the previous DA proposal for 10 Onslow Avenue. My wife and I invite you again to see for yourselves how our quiet enjoyment of our forever home in Elizabeth Bay's Heritage Conservation Area will be majorly impacted if the proposed monolith is approved.

While the majority of Meudon residents enjoy a NE view towards Sydney Harbour, our views (from the ground floor) are considerably obscured by the neighbouring Filipino Residence and buildings along the eastern side of Onslow Ave (see Picture 1). The Filipino Residence blocks our northern view almost entirely (see picture below).



As can be seen in the picture below, Meudon Unit 2 has a ‘unique to Meudon’ fully open balcony with the (thankfully narrow) 10 Onslow Avenue building featuring prominently in Unit’2 balcony views to the harbour.



Conclusion

Given the major height envelope non-compliance that impacts numerous neighbouring properties I'm confident that a revised proposal will be required from the Developers. Given their previous admission on this, I sure they are at least half-expecting this initial proposal to require amendment.

If this does occur, I anticipate making a fuller objection that encompasses other matters (eg. if they build right up to the currently proposed building footprint, where will the cranes and other vehicles fit on an already narrow one-way street during the extended demolition and reconstruction phases?)

For your consideration,

A handwritten signature in black ink, appearing to read 'Lester Sutton', with a stylized flourish at the end.

Lester Sutton
Board Director, Meudon Pty Ltd
[REDACTED]

From: [REDACTED]
Sent on: Tuesday, October 17, 2023 11:44:45 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Fwd: Fwd: D/2023/727 21C Billyard Avenue
Attachments: D2023724 submission L Serjeant.pdf (473.93 KB)

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

Unfortunately there is an error in the D/2023 number in the submission, although it is correct in the subject line.

Would you like it corrected?

----- Original Message -----

From: [REDACTED]
To: dasubmissions@cityofsydney.nsw.gov.au
Sent: Mon, 09 Oct 2023 14:53:15 +1100
Subject: D/2023/727 21C Billyard Avenue
Please see attached submission.

Please do not reveal my email address as I am just forwarding this submission as a favour.

D/2023/727 21C Billyard Avenue, Elizabeth Bay 2011

9/10/2023

by email
attention: Bill Mackay, manager planning assessments
dasubmissions@cityofsydney.nsw.gov.au

Dear Sir,

D/2023/727 21C Billyard Avenue, Elizabeth Bay 2011

which also involves 10 Onslow Avenue, Elizabeth Bay 2011

I am a self-funded retiree and own an apartment and two carparks in Elizabeth Bay Gardens (EBG), 15-19 Onslow Avenue, Elizabeth Bay.

While residing in EBG I frequently use the garden and swimming pool and take my guests there for a picnic, a swim or to just absorb some vitamin C. Both garden and pool are immaculately maintained and have views to the harbour through the setbacks between 10 Onslow Avenue and *Darnley Hall* at 12 Onslow Avenue.

In fact, the garden has won two awards. It was created by the late Jan Ruddock-Guerry and the awards came from the City of Sydney council.

With this development application, what the applicant is proposing will absolutely ruin the views from:

- a. my apartment
- b. the award winning gardens and swimming pool

It will decrease the value of my apartment and car spaces.

If the applicant builds to the maximum length and width of the block, and increases the height of the two buildings, EBG will lose its viewing corridor. I know EBG will submit drawings to this effect.

More importantly, it will ruin the ambiance of the community.

When EBG was built in the 1970s, at about the same time as 10 Onslow Avenue and 21c Billyard Avenue, it had to provide green space hence our beautiful gardens.

Narrow view corridors will increase wind tunnels and curtail infill plant growth.

How many tourists walk down Onslow Avenue every day of the week to visit Elizabeth Bay House? This development will completely destroy their promenade. At the moment they have beautiful views of the harbour and can visualise the vistas and remnant sandstone gardens enjoyed by Alexander Macleay, which date from 1835.

It compromises heritage and significant contributory buildings:

Elizabeth Bay House,

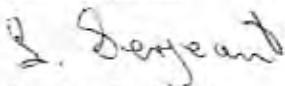
Somerset, Melrose & Caversham 23, 23a & 25 Billyard Avenue respectively with listed grotto and garden sandstone walls.

My main concerns are:

- the applicant has not provided ground level common area space
- pools and barbecues on rooftop will be noisy: no control over strata rules for common area pool and no control at all over use of penthouse pool
- height exceeds that allowed
- bulk, form and scale are detrimental to the street and historic buildings: Elizabeth Bay House, the Phillipines Consulate, *Darnley Hall*
- reducing apartment numbers from 28 to 22 takes much needed rental apartments away and replaces them with expensive owner-occupier apartments
- of the 22 proposed apartments there are no studios or one bedders, only 3 x 2 beds but 18 x beds and a penthouse with 4 beds
- view sharing was established in the 1970s
- there was no community consultation by the applicant
- the impacts on neighbours and the local community have been selfishly ignored
- this overdevelopment is not wanted in Billyard and Onslow Avenues which takes their tone from the arrival of the Macleays in 1835.
- remand sandstone walls and gardens beside the applicant's land are far more important than his profits.

In conclusion, I believe the existing buildings are fit for purpose and affordable. They should be retained and maintained and renovated. They offer a mix of apartment sizes, conform with height, width and length restrictions, fulfil council's green space requirements and fit quietly into the ambience that is Elizabeth Bay.

Kind regards,



Louise Serjeant

LYNN SERJEANT

From: [REDACTED]
Sent on: Friday, October 13, 2023 7:13:12 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011
Attachments: Final Submission - D-2023-727 21C Billyard Avenue, Elizabeth Bay.pdf (2.16 MB)

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

Hello,

I am the owner of Unit 12, 12 Onslow Ave, Elizabeth Bay. Please accept my submission of opposition regarding 21C Billyard Ave.

Thanks,
Mark Dowd

13 October 2023

Bill MacKay
Manager Planning Assessment
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

ATTN: David Reynolds

Dear Mr Reynolds,

**SUBMISSION TO DEVELOPMENT APPLICATION NO. D/2023/727
21C BILLYARD AVENUE (INCLUDING 10 ONSLOW AVENUE), ELIZABETH BAY NSW 2011**

Creative Planning Solutions (CPS) represents the owner Mark Dowd of unit 12 at 12 Onslow Avenue, Elizabeth Bay. This site adjoins the southern side boundary of 10 Onslow Avenue, Elizabeth Bay ('the subject site'); refer to Figure 1 below.

The development application, D/2023/727, ('the DA') is stated to seek consent for the demolition of the two existing residential apartment buildings comprising twenty-eight (28) strata apartments and basement carpark accessed off Onslow Avenue; and the construction of two new residential apartment buildings comprising twenty two (22) strata apartments with basement carparking accessed off Billyard Avenue, common areas and associated landscaping. The application is Integrated Development requiring the approval of Water NSW under the *Water Management Act 2000*.

The notification letter indicates that the advertising period ends on 20 September 2023. As per section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*, the consent authority is to take into consideration any submissions made with respect to the application. Given the DA remains under assessment by the Council, and has yet to be determined by the City of Sydney Local Planning Panel, we provide this submission for consideration as part of the assessment and determination of this DA.



Figure 1: Photo of the subject locality, with the development site outlined in red and the affected property outlined in yellow.
Source: Nearmap, 20 June 2023.

On behalf of Mark Dowd, the owner of unit 12, 12 Onslow Avenue, the following objections are raised:

1. Height Variation

The site is identified on *Sydney Local Environmental Plan 2012* (SLEP) Height of Buildings Map as having a maximum building height of 22m at Onslow Avenue and 15m at Billyard Avenue.

The Statement of Environmental Effects (SEE) provided with the DA has identified that the maximum building height of the development is 24.13m at the Onslow Avenue building and 17.89m at the Billyard Avenue building.

When calculating the maximum building height of the development, regard to the following definitions within the Dictionary of SLEP is required:

building height (or height of building) means:

- a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
- b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

ground level (existing) means the existing level of a site at any point.

The Survey Plan provided with the DA identifies that the level marked as 'Level 2 Basement' has a finished floor level of RL12.11 (Figure 2) for the building fronting Onslow Avenue. The finished floor level of RL12.11 is located both within and outside the existing building footprint on the site (Figure 3). The Survey Plan also identifies that the ground level (existing) in the location of the proposed building fronting Billyard Avenue varies but is approximately RL6.5 (Figure 4).

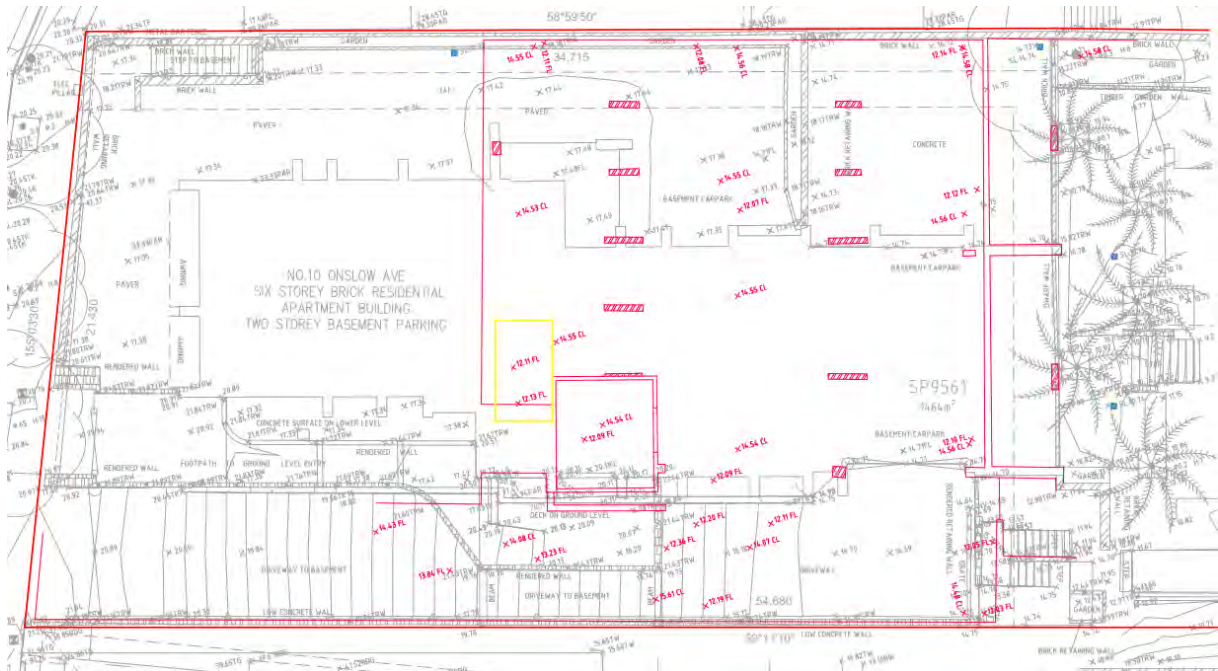


Figure 2: Excerpt of Survey Plan for Level 2 Basement Parking of the existing site. The existing ground level below the highest point of the building is outlined in yellow for the Onslow Avenue building.



Figure 3: Approximate location of ground level existing as viewed from the communal open space of 23 Billyard Avenue and 12 Onslow Avenue.

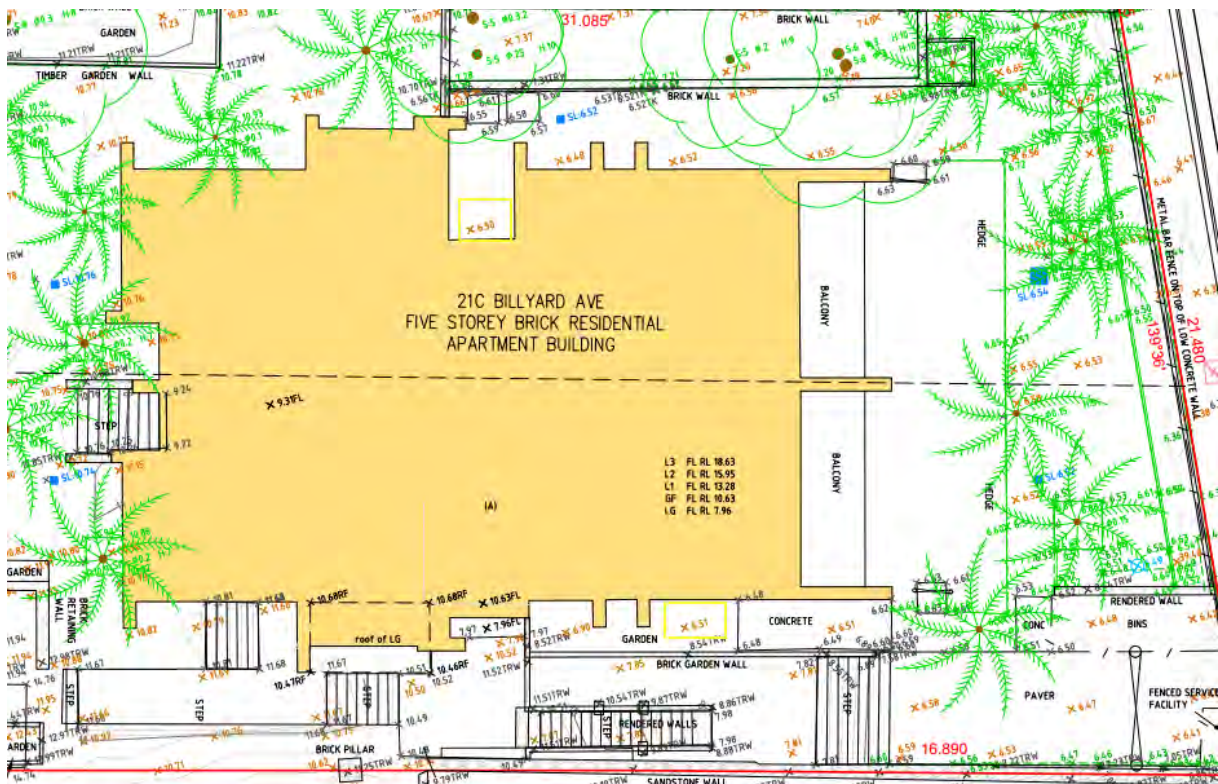


Figure 4: Excerpt of Detail Survey Plan for existing site. The existing ground level below the highest point of the building is outlined in yellow for the Billyard Avenue building.

With respect to the above definitions and Figure 3 and Figure 4, the ground level (existing) is established to be RL12.11 for the building fronting Onslow Avenue and the ground level (existing) is established to be RL6.5 for the building fronting Billyard Avenue.

The maximum building height for the development is calculated to be 29.96m at Onslow Avenue (maximum building RL42.07 - existing ground RL12.11), which is a contravention to the 22m development standard prescribed by clause 4.3 of 7.96m or 36.18%. With respect to the building height at Billyard Avenue, the development provides a maximum building height of 19.75m (maximum building RL26.25 - existing ground RL6.5), which is a contravention to the 15m development standard prescribed by clause 4.3 of 4.75m or 31.67%.

The written request to vary the height of buildings development standard has been prepared on the basis that the variation largely relates to lift overruns and plant equipment. However, the assessment carried out by CPS has identified that, at a minimum, the entirety of Level 5 along with the private open space for the penthouse wholly exceeds the maximum building height that is prescribed for the building at Onslow Avenue (refer to Figure 5). Similarly, the upper portion of unit B-L04.01 and the private open space area of the unit, communal open space and plant of the building facing Billyard Avenue exceeds the maximum building height (refer to Figure 6).



Figure 5: Mark up of the sun eye view diagram demonstrating the accurate portion of building that sits above the building height limit as highlighted in yellow.



Figure 6: Mark up of the sun eye view diagram demonstrating the accurate portion of building that sits above the building height limit as highlighted in yellow.

The method of calculating the building height of the proposed development within the written request is based upon the calculation method within *Bettar v Council of the City of Sydney* [2014] NSWLEC 1070). This methodology given within the *Bettar* decision is generally only applicable to be used where there are no existing ground levels to be taken as the whole of the site has been excavated. The existing ground level of the site is then to be determined by extrapolating the ground levels found on the footpath (i.e. – outside the site) across the entire site to measure the vertical distance to the highest point of the building. A simple site inspection and/ or review of the Survey Plan provided with the DA illustrates that there are numerous existing ground levels that can be taken to determine the existing ground level of the site. When applied to the site, if you stand at ground level (existing) (RL12.11), a direct eye level view is provided to the communal open space of 12 Onslow Avenue and 23 Billyard Avenue and vis versa (Figure 3).

A better approach to determine the existing ground levels of the site would be to rely upon the method of calculation in *Merman Investments Pty Ltd v Woollahra Municipal Council* [2021] NSWLEC158. This decision in *Merman* relates to a site containing an existing building whereby past excavation has occurred, both within and outside the building footprint, such that a lower level sits above the surrounding natural ground level, and thereby establishes a new natural ground level. As the level labelled as ‘Basement 2’ is not a genuine basement, the ground level (existing) is determined by reference to be the ground level established by the floor level which currently exists on the site, and not the former “natural” ground level that existed prior to the excavation and construction of the existing building. A strict interpretation would require that it is actually the area beneath the slab of ‘Basement Level 2’ that actually establishes ground level (existing).

Notwithstanding the above, the building height plane provided on the plans is flawed as it does not properly represent the extrapolation method within *Bettar* given it does not show a line relied upon for extrapolation.

Additionally, one of the figures within the written request does not correspond with the argument provided by within that same written request, being the argument that the contravention largely relates to lift overruns and plant equipment. The figure clearly shows that the proposed development exhibits a whole storey above the maximum building height and adjoining buildings (Figure 7).

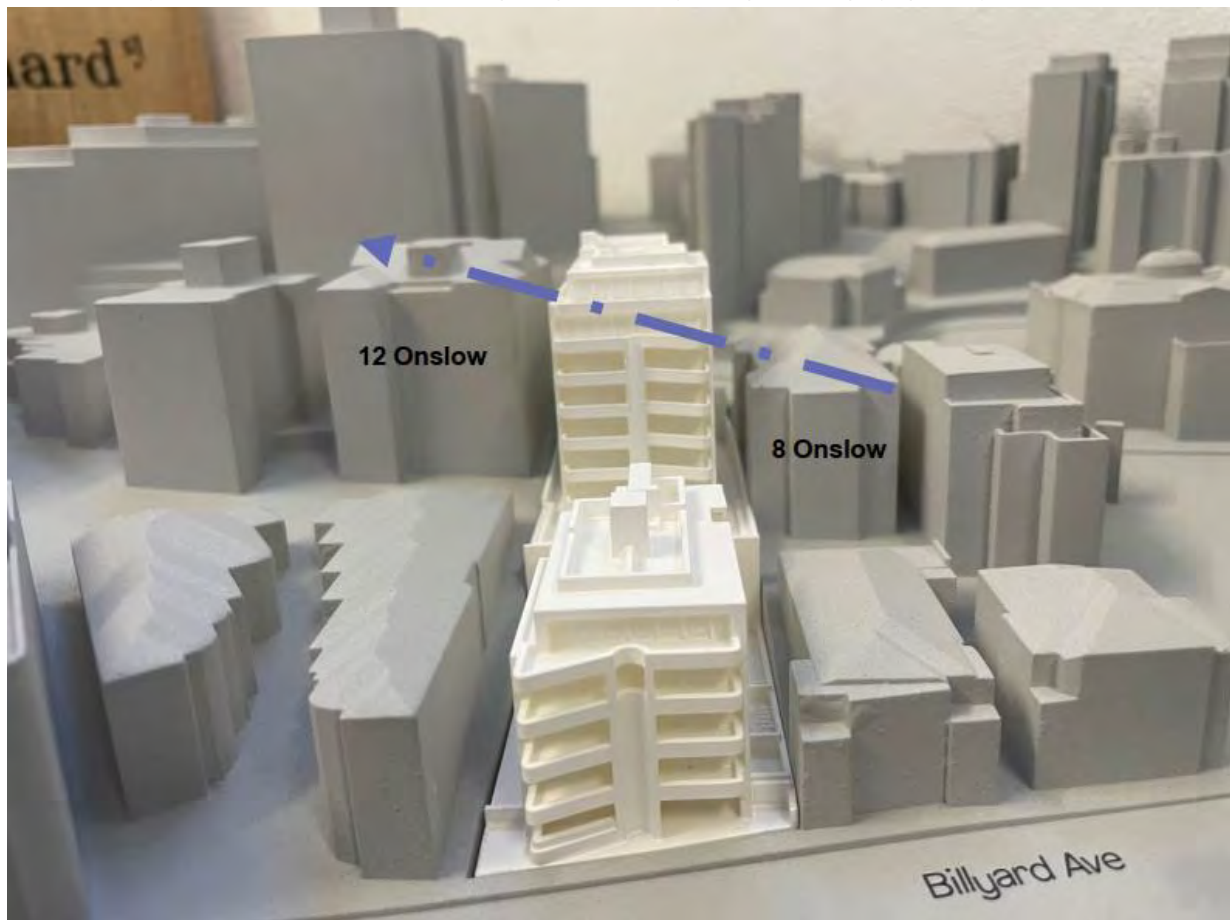


Figure 7: Image within written request prepared by Urbis showing the portion of the building that sits above the maximum building height.

The written request prepared to contravene the development standard does not accurately identify the variation to the standard or the environmental impacts, as a result of the development.

In addition to clause 4.3 within SLEP, Sydney Development Control Plan 2012 (SDCP) provides controls for building height, to ensure the height in storeys and street frontage height in storeys reinforces the existing or future neighbourhood character. The site is identified on the Height in Storeys Map Sheet 021 with a maximum height of six storeys. The development however provides a building with eight storeys.

The site is not identified on the Street frontage height of buildings map, as such, the maximum street frontage height must generally be consistent with the street frontage height in storeys of adjacent buildings, or the predominant street frontage height in storeys in the vicinity of the proposed building. The site benefits from two separate frontages and provides two separate buildings on the site to address each frontage, accordingly, the building height in storeys at the street should be based on the average building height in storeys at the respective street frontage. The adjoining building at 12 Onslow Avenue provides five storeys facing the street and the adjoining building at 8 Onslow Avenue (as well as No 6

Onslow Avenue) provides three storeys facing the street. The average street frontage height of the building in storeys for the site at Onslow Avenue would be four storeys. The development however has provided six storeys to Onslow Avenue.

The adjoining building at 23 Billyard Avenue provides four storeys facing the street and the adjoining building at 21B Billyard Avenue provides three storeys facing the street. The average street frontage height of the building in storeys for the building at Onslow Avenue would be either three or four storeys. The development however has provided five storeys to Billyard Avenue. As such, the development in storeys as viewed from the public domain is incongruent with the streetscape and is an overdevelopment of the site as it provides unnecessary bulk and scale to the public domain. Figure 8 and Figure 11 provided below illustrate the location of the proposed building envelope over the existing building and the proposal's impact in the context of the streetscape. The photomontages prepared by the applicant also demonstrate how the proposal is incompatible with the streetscape character and for convenience are reproduced below at Figure 9 and Figure 11.



Figure 8: Onslow Avenue streetscape with building envelope outline of approximate location of new building in context to the streetscape.



Figure 9: Photomontage of development from Onslow Avenue.



Figure 10: Photo taken from Onslow Avenue looking south towards subject site and approximate location of new building outlined to illustrate impact of the development within the context of the area.