

Attachment J4

Submissions



Figure 11: Photomontage of development from Billyard Avenue looking west towards the subject site in context to neighbouring development.

The fact that 'Basement 2' is not part a genuine basement is acknowledged on the submitted plans. The extract from the south elevation below (incorrectly labelled as 'elev east') indicates that the existing ground level sits outside of the building footprint and is in fact lower than the existing finished floor level that sits adjacent, further demonstrating that the decision in Merman better applies to this development. This image also indicates that a blank basement wall will sit several metres above the existing ground level, where it will be viewed prominently from the dwellings that adjoin to the south. The elevation omits any details of the design of this wall and instead refers to a section plan. This element not only results in a prominent basement wall that is not contained within the footprint of the building, but also an approximately 9.65m high retaining wall which will be visible from surrounding dwellings and communal space (Figure 12).



Figure 12: Excerpt of plan labelled elev east, illustrating location of 9.65m high retaining wall.

Based on all the above, the proposed request to contravene the height of buildings development standard should not be supported as the DA is an overdevelopment of the site and is discordant with the character of the area. The written request prepared for the DA is flawed and does not satisfy clause 4.6(3) of SLEP.

2. View loss

Unit 12, 12 Onslow Avenue, Elizabeth Bay is afforded views from the principal private open space to views across the northern portions of Elizabeth Bay, the eastern headlands of Potts Point and Garden Island, to Port Jackson and Fort Denison, Kurraba Point, Robertsons Point, Little Sirius Cove, Athol Bay and Bradleys Head and foreshore in the distance. The ridgeline of Cremorne and Mosman is also visible above the roof of the existing building to the west of the vista. Further to the east is Clark Island, Watsons Bay, South Head and North Harbour National Park in the far distance. Elizabeth Bay House (state heritage item) is also visible from the north facing rooms.

The SEE provided with the DA provides a view loss assessment against neighbouring dwellings, which comes to the following conclusions:

- *In both cases view impacts overall were considered to be limited, reasonable and acceptable for the whole dwelling. These are low ratings on the Tenacity qualitative impact rating scale.*
- *The additional height sought above the LEP height control does not appear to block scenic and highly valued parts of the views, or whole compositions.*
- *The loss of scenic and valuable features was found to be caused by lower and complying parts of the development, where the minor height non-compliances and trailing edge projections of the upper massing proposed, either block areas of sky or background building development.*
- *The eastern projection of the lower built form proposed (the narrower setback to Billyard Avenue) changes the spatial composition for neighbouring dwellings but does not cause view loss of any significance.*
- *In this regard, the extent of view loss that would be occasioned by the construction of a permissible envelope is contemplated by those controls and as such it follows that, the view impacts is also anticipated.*
- *Based on representative modelled views, low view impact ratings, the constrained visual catchment, limited number of affected dwellings, and the low-loss of scenic features being caused by complying elements, in our opinion the view sharing outcomes are reasonable and acceptable.*

A view loss assessment has been carried out by Urbaine which discredits the comments provided above. The assessment has found that the proposal will result in severe to devastating impacts as significant views from parts of Port Jackson, Elizabeth Bay, Garden Island, Fort Denison and the foreshore of the

suburbs around Kurraba Point will be impacted upon as viewed from the balcony of unit 12 (refer to Figure 13).

The view loss from the office of unit 12 has been assessed as being of severe impact, as the development will obscure views of the heritage-listed Elizabeth Bay House, Onslow Avenue and its street landscape and the Harbour water view, Fort Denison, Kurraba Point and the distant ridgeline, together with sky views.

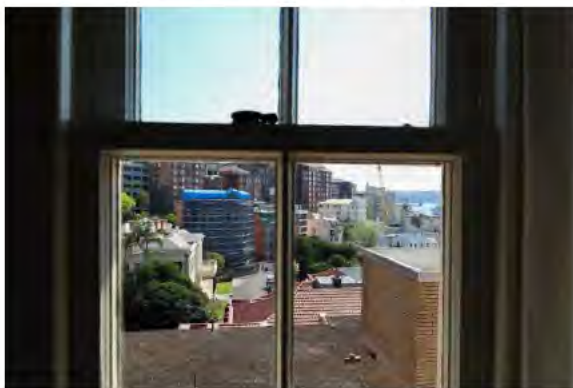
The proposed contravention of clause 4.4 of SLEP and noncompliant building setbacks (discussed below) result in a proposal that has severe to devastating view loss impacts. The development can be provided with a more sensitive design which better responds to the amenity and views afforded to unit 12, 12 Onslow Avenue. Given the view impacts are a direct response of departures from planning controls, the application should be refused in its current form.



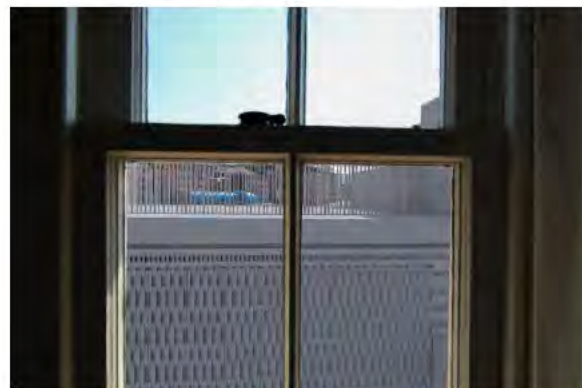
Existing view from external balcony at standing height of 1600mm, facing north east towards subject site.



View impact from external balcony at standing height of 1600mm, facing north east towards subject site.



Existing view from office at seated height of 1300mm, facing north towards subject site.



View impact from office at seated height of 1300mm, facing north towards subject site.



Existing view from office at standing height of 1600mm, facing north east towards subject site.



View impact from office at standing height of 1600mm, facing north east towards subject site

Figure 13: View impact assessment of existing views provided to Unit 12, 12 Onslow Avenue and future views as a result of the proposed development.

3. Building setbacks

Page 9 of the SEE, the applicant has stated that a 3m separation distance is proposed as it reflects the existing building on the site and separation distances provided by neighbouring buildings, despite the existing building's shortfall of achieving the requirements within Part 3F of the Apartment Design Guide (ADG). Nevertheless, the proposal seeks to further reduce the established separation distances provided to the northern and southern side boundaries of the building fronting Onslow Avenue.

Specifically, in relation to the Onslow Avenue building, the proposal seeks to provide a 3m separation distance from habitable rooms to the southern boundary at levels 0-LGF – L04 and a 4.6m southern setback to Level L05 of the building. At the northern boundary, the development provides a 3.3m separation distance at levels 0-LGF – L05 for the building. The development, however, would require a separation distance of 6m from habitable rooms at levels 0-LGF - 0-L01 of the building and a 9m separation distance at levels 0-L02 – 0-L05 of the building. The building fronting Billyard Avenue also fails to deliver the required separation distances provided under Part 3F of the ADG and creates a similar building envelope provided for the building fronting Onslow Avenue. The noncompliant separation distances provided for the development borrows the amenity afforded to neighbouring sites including reduced solar access, privacy impacts and view loss.

Part 4.2.2.1 of SDCP provides that setbacks and building alignments must be consistent with adjoining buildings. The figures provided above (Figure 8) illustrate that buildings along Onslow Avenue, to the north of the site, have setbacks of 3 – 4.5m and follow the alignment of the road. The development however seeks to provide a setback of 0 – 1.5m to Onslow Avenue at Levels 0-LGF – L04 of the building. As a result, the building projects prominently forward of neighbouring buildings in the street and is a visual eyesore that detracts from the overall amenity of the locality.

The site is located opposite two heritage buildings being, Item Nos. I595 and I594. To reduce the visual impact on these buildings and to respect the heritage significance of these items the building should be setback to satisfy part 4.2.2.2 of SDCP.

When considering the items raised above, it is clear that the building envelope created on the site is inconsistent with the streetscape character and as a result, provides unacceptable environmental impacts in the form of view loss, overshadowing and blatant disregard for the nearby heritage items.

4. Solar access and overshadowing

The consequence of the building height and building setback items raised above, is a development reduces the solar access provided to neighbouring buildings and ultimately steals the amenity afforded to neighbouring buildings.

Part 3B-2 of the ADG outlines that the overshadowing of neighbouring properties is to be minimised during mid-winter and to achieve this objective the following design guidance is provided:

- *Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.*

Part 4.2.3.1 of SDCP also requires development to achieve the following solar access requirements:

- *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*
- *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.*

When reviewing the information provided by the applicant and the separate solar access modelling completed by Cad Draft P/L, the finding are as follows:

Table 1: Solar Access assessment for kitchen of units within 12 Onslow Avenue

Unit	Existing Solar Access	Solar Access received after development	Solar Access Lost	% Solar Access Lost
Unit 1	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
Unit 2a	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
Unit 3	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
Unit 5	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
Unit 6	3.25 HOURS	0 HOURS	- 3.25 HOURS	100%
Unit 7	2 HOURS	0 HOURS	- 2 HOURS	100%
Unit 8	4.8 HOURS	0 HOURS	- 4.8 HOURS	100%
Unit 9	4 HOURS	0 HOURS	- 4 HOURS	100%
Unit 10	6 HOURS	0 HOURS	- 6 HOURS	100%
Unit 11	6 HOURS	0.5 HOURS	- 5.5 HOURS	91%
Unit 12	6 HOURS	3.75 HOURS	- 2.25 HOURS	37%

Table 2: Solar Access assessment for living area of units within 23 Billyard Avenue

Unit	Existing Solar Access	Solar Access received after development	Solar Access Lost	% Solar Access Lost
Unit 6	0 HOURS	0 HOURS	0	0%
Unit 7	0.25 HOURS	0 HOURS	- 0.25 HOURS	100%
Unit 1	6 HOURS	2 HOURS	- 4 HOURS	66%
Unit 17	3.25 HOURS	2.25 HOURS	- 1 HOURS	30%
Unit 18	1.5 HOURS	1.25 HOURS	- 0.25 HOURS	16%
Unit 11	6 HOURS	2 HOURS	- 4 HOURS	66%
Unit 26	4.25 HOURS	5 HOURS	+0.75 HOURS	+17%
Unit 27	6 HOURS	6 HOURS	0	0%
Unit 21	6 HOURS	3.5 HOURS	- 2.5 HOURS	42%

The tables above demonstrate that the proposed development reduces more than 20% solar access to all units with north facing aspects within the building of 12 Onslow Avenue, which is contrary to Part 3B-2 of the ADG. As a result of the development, Units 1, 2, 3, 5, 6, 7, 8, 9, 10 and 11, will be provided with less than 2 hours of solar access to the kitchen which is a primary habitable room and as such, fails to satisfy Part 4.2.3.1 of SDCP.

Additionally, several units within 23 Billyard Avenue will lose more than 20% solar access to the living areas as a consequence of the development. The development will also result in Units 7 and 18 of 23 Billyard Avenue, receiving less than 2 hours solar access to the principal living areas which fails to satisfy Part 4.2.3.1 of SDCP.

In addition to the above, the shadow diagrams prepared to accompany the DA cannot be relied upon for the purpose of shadow elements that have occurred due to 'non-complaint' aspects of the development (refer to Figure 14) because the building height calculated for the development is incorrect as established within point one of this submission.

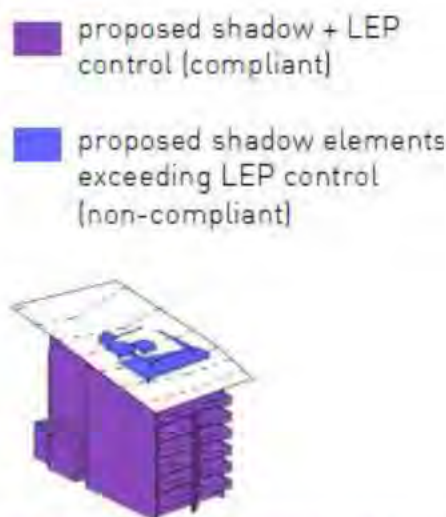


Figure 14: Excerpt of overshadowing diagram utilised by applicant to show overshadowing as a result of a non-complaint building height.

The overshadowing impacts to the existing residential buildings at 12 Onslow Avenue and 23 Billyard Avenue arising from the development are not justified and have occurred due to the excessive building height and noncompliant separation distances attempted within this DA. The proposal is a product of a

development taking away the amenity of neighbouring buildings and is a key reason for this application to be refused in its current form.

5. Heritage and character

The subject site is located within the Elizabeth Bay/Rushcutters Bay local heritage conservation area and is located opposite two heritage buildings being, Item Nos. I595 and I594. Whilst the site itself is not a heritage item, it is an example of high quality post-war apartment developments that represent an important later phase of development between 1960 and 1975 and should be considered a contributory building to the conservation area rather than a neutral building.

The proposal also has no regard to neighbouring heritage items and the siting of the development on the site is inappropriate as it does not respect viewing angles to heritage items.

The proposal is also inconsistent with section 3.9 of SDCP which requires post-war 1960-1975 apartment buildings to be retained. The Heritage Impact Statement prepared to support the development does not provide sound reasoning as to why the buildings should be demolished or why the envelope proposed on site is appropriate. These comments have also been echoed within a Heritage Assessment prepared by GLM (under separate cover).

6. Flood planning

The site is affected by overland flows and a Flood Impact Report has been prepared for the DA. The assessment has outlined that the habitable floor levels for the development must be provided in accordance with Figure 15. The development, however, has habitable floor levels for the building fronting Onslow Avenue starting at RL14.5, which lies below the required habitable floor level of RL20.70.

The development does not satisfy clause 5.20 of SLEP and is a reason for refusal.

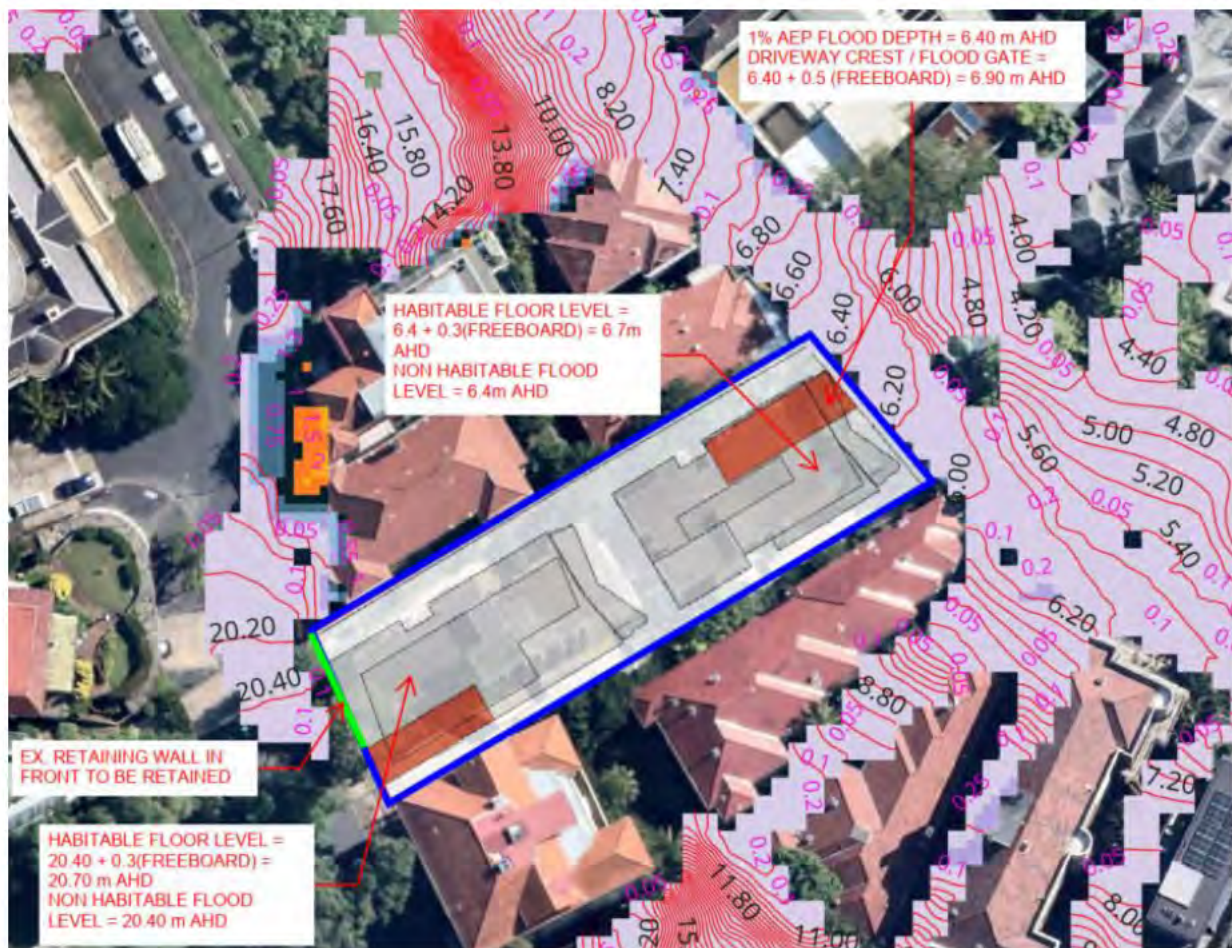


Figure 15: Attachment 2 of Flood Impact and Risk Management Report.

CONCLUSION

Based on the information submitted, it is clear the proposal constitutes an overdevelopment of the site. Little regard has been given to the context of the area and the development cannot exist in harmony with the neighbouring buildings, the natural or built environments.

The proposal fails to satisfy numerous planning controls, which helps demonstrate the site is not suitable for the scale of development proposed. The proposal is therefore not in the public interest.

Should any revised plans or documents be submitted to Council as additional information, CPS and adjoining landowners at unit 12, 12 Onslow Avenue, Elizabeth Bay, hereby request to be notified and furnished with the revised plans or documents for review.

Yours sincerely,



Sonya Constantinou

Senior Planner - Creative Planning Solutions Pty Limited



Brendon Clendenning

Principal Planner - Creative Planning Solutions Pty Limited


From: [REDACTED]

Sent on: Tuesday, September 19, 2023 8:54:42 PM

To: dasubmissions@cityofsydney.nsw.gov.au

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

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 [21c billyard avenue & 10 onslow avenue elizabet...](#)

Dear David

See objection attached.

Regards

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[REDACTED]

City of Sydney
Town Hall House
Gadigal Country
Level 2, 456 Kent Street
Sydney NSW 2000

19 September 2023

RE: 21c Billyard Ave & 10 Onslow Ave Elizabeth Bay, Development Application - D/2023/727

Dear David Reynolds

I am the owner of 6C/ 15-19 Onslow Avenue, the site directly south west of the subject site, also known as Elizabeth Bay Gardens. I would like to bring to council's attention several concerns with the proposed development, its impacts to the neighbouring dwellings, and the lack of detail in the drawings to be able to access the scheme sufficiently.

Building Separation

The existing apartment building on the site currently does not comply with the ADG building separation controls and the proposed development proposes to reduce the side setbacks even further. The controls require 6m setbacks from the boundary for the first 4 floors and 9m for the floor above, typically 3m - 3.4m is proposed to the first 4 floors and 3.1m - 4.6m to the floors above.

While the existing building is well articulated along the side boundaries with significant stepping of the facade in and out. This variation is very important to providing improved amenity of daylight and privacy between the buildings. On the contrary the proposed development has almost no articulation and provides an almost sheer wall approximately 3m off the boundary and up to 8 storeys tall in the centre of the site.

This results in really poor amenity to the proposed bedrooms with narrow light wells that have windows with no privacy screens that will look directly into the neighbouring apartments.

Front Setback

The front setback to Onslow Avenue appears to be out of character with the adjacent properties. All the buildings from 6 Onslow Avenue to 16 Onslow Avenue are all setback from the boundary and generally landscaping incorporated in the setback. The proposed development builds the NW corner of the facade to the street boundary that will create a very imposing wall when viewed from Elizabeth Bay House looking south, refer street view below. The rhythm of the equal width proportions of the stepping facades and the view to 12 Onslow Avenue will be impacted, as well as the historic views from 12 Onslow Avenue to Elizabeth Bay House. Based on the above the proposed

development should maintain the existing front setback to the first 4 floors to be consistent with the streetscape character.



View from Onslow Avenue looking south

The upper level setback of approximately 2m will also create a much more dominate built form within the streetscape. Clause 2.4.6 (b) states development is to respond to and complement heritage items and contributory buildings within heritage conservation areas, including streetscapes and lanes. The transition in height appears to be out of scale and character to the adjacent context. Based on the above the proposal should increase the upper level setback to the street and reduce the height of the building to be complementary to the streetscape in the heritage conservation area.

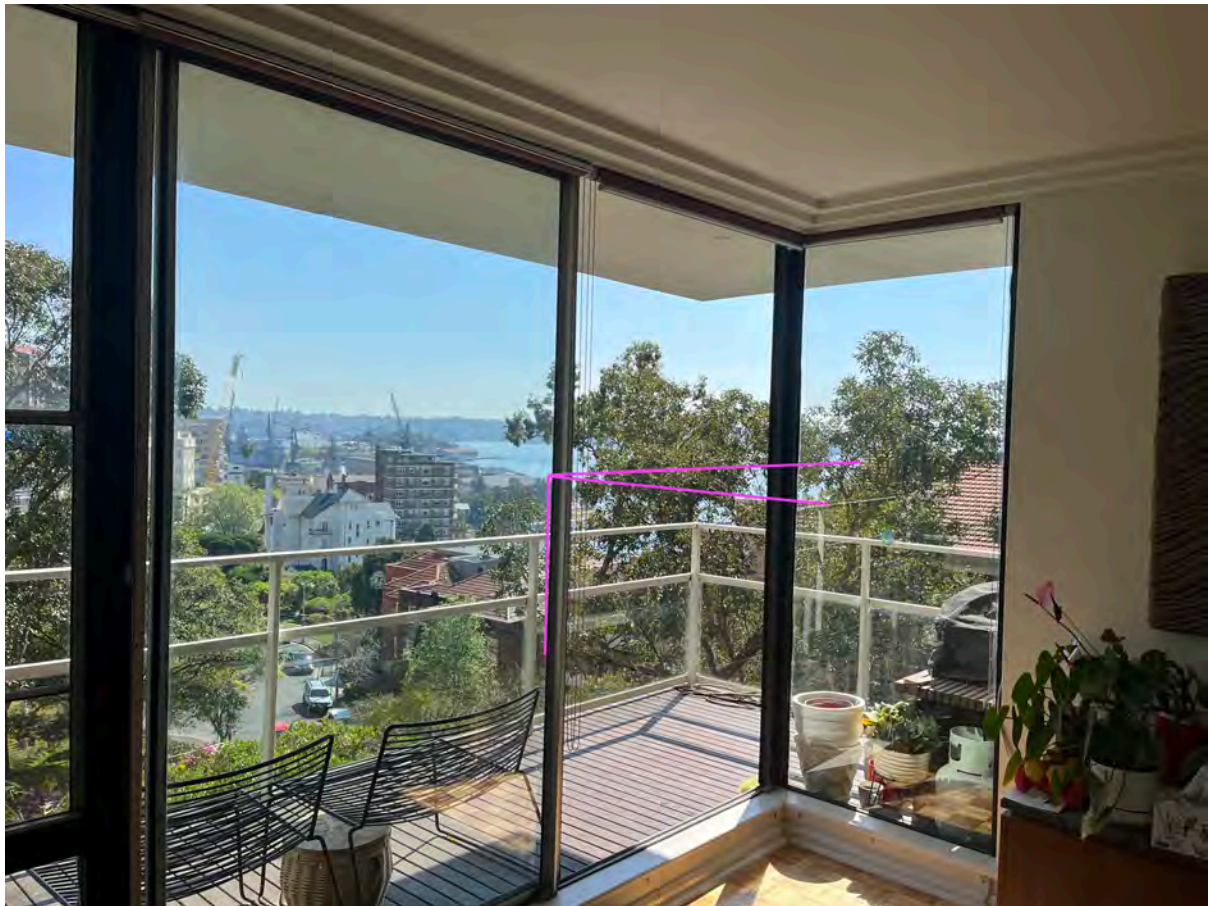
Further no streetscape photomontages have been included in the documents. Can the architect please provide existing and proposed photomontages looking north and south along Onslow Avenue.

View Loss

The method for assessing view loss in the View Sharing Report is not an accurate indication of the potential loss of views. The modelling of the trees provides such an exaggerated massing that any true indication of the loss of views can not be assessed with any certainty. The focal point of the camera lens appears not to reflect the focal point of a person's eye, and the views are not taken from within the apartment spaces but externally which significantly change the impact of the view.

Can the applicant please take photos with GPS coordinates and a 35mm focal lens from each individual apartment to provide a more accurate assessment of the loss of views. We note the applicant did not contact any neighbouring apartments to assess the real view loss impacts.

Views will also be impacted from 15-19 Onslow Avenue levels 3-7 to the C and D stack apartments which have not been considered. My apartment 6C will have significant view impacts to our primary view due to the additional height and bulk of the building. Refer photos below. Almost the entire view of Elizabeth Bay will be removed along with the interface between the land and the water. At no time during the design process did the applicant contact me to discuss my potential view loss. I would have been more than happy to show them the view from my apartment.



View from Apartment 6c Living room standing



View from Apartment 6c Living room siXng



View from Apartment 6c Dining room siXng

Further it appears the buildings along Macleay Street that would look over the subject site, refer Plate 16 of the View Sharing Report, will also be impacted and have not been assessed.

Harbour views from our communal open space of 15-19 Onslow Avenue will also be impacted. We currently have a beautiful historic vista from our garden between 10 and 12 Onslow Avenue to the harbour and the heritage listed Clarke Island. This view is the most popular place to sit in the garden either when sitting on a garden bench seat or when in the pool. Refer to image below.



View from Onslow Avenue communal open space looking east

There is currently a view of the harbour between 8 and 10, and 10 and 12 Onslow Avenue from the footpaths of Onslow Avenue. The proposed southern boundary setback will completely block any views to the harbour from the public domain, which is not consistent with the Clause 2.4.6 (c) of the DCP - maintain view corridors to Sydney Harbour and parks, that creates the unique character of the this area. Refer to street views below.



View from Onslow Avenue footpath
looking east to the harbour

Building Height Plane

Section B on Drawing DA451 does not indicate the existing ground level and the building height line does not appear to reflect the existing ground level. This is very important as it determines the allowable height of the buildings on the site. It is unclear in the survey drawing what is the lowest level of basement fronting Onslow Avenue. Can all the basement levels be added to the survey plans and the survey elevation on Sheet 5 of 11 be updated to show the basement levels across the entire site.

Based on the survey drawing it appears the lowest basement level to Onslow Ave is RL14.73, less say 200mm for the concrete slab would make the existing ground level to Onslow Avenue at RL14.71. With a 22m height limit the maximum building height would be RL36.73. The proposed roof level is RL39.3, 2.57m above the allowable height limit and the lift over run 5.34m above the allowable height limit.

Can the applicant provide a 3D view similar to the images on Page 62 of the Design Report showing the existing ground level with the outline of the existing building and RL's of the existing ground at regular intervals. Then provide similar images with the allowable height plane extruded up from the existing ground plane and indicate RL's along the height plane. Then provide a final image with the proposed building and the height plane to accurately assess compliance with the allowable building height.

Overshadowing of Neighbouring Properties

There are discrepancies with the view from sun diagrams and the elevation shadow diagrams. Drawing DA 824, 9am and 10am elevations do not match the view from sun drawings. Can these elevations be amended to match the view from sun.

DA 812 drawing indicates 3 apartment living rooms and private open space to 12 Onslow Avenue will not receive a minimum of 2 hours of solar access in mid winter (Between 9-11am) based on the proposed built form, which does not match the elevation drawing on DA825. Can the built form be setback to maintain a minimum of 2 hours of solar access to these apartments.

DA 830 drawing showing the direct sun comparison is not legible as the 2 hours of solar access is indicated by a blue colour which could also be interpreted as less than 2 hours of solar access. Can the legend and colours be adjusted so that 2 hours of solar access starts with a yellow colour to clearly show what is receiving 2 hours of solar access. Can the architect also include a solar heat map showing the existing building and layout out the existing and proposed diagrams side by side to be easily compared.

The shadow diagrams do not include 15-19 Onslow Avenue communal open space in the assessment. It is unclear if the communal area receives the required amount of solar access and if the proposed development impacts this further. The communal open space of 15-19 Onslow Avenue is raised off the street but this does not look like it has been modelled in the view from sun diagrams. Can the view from sun and shadow diagrams be updated to include the full extent of 15-19 Onslow Avenue communal open space.

Floor to Floor Heights

The floor to floor heights for the apartment levels are 3.1m. This appears to be low to comply with wet area setbacks, acoustic, thermal insulation, drainage, fire ratings, floor finishes, ceiling heights and building tolerances that need to be considered to comply with the latest BCA and Design and Building Practitioners Act. From my understanding typical floor to floor heights need to be closer to 3.25m and higher for rooftop which would significantly raise the height of the building and further amenity impacts. Can detailed sections be provided showing compliance of the above can be achieved with these floor heights for both typical floors and rooftop levels.

Visual & Acoustic Privacy

As noted above the bedrooms along the north and south facades have no privacy screens proposed to the recessed windows within the light wells.

The plans also indicate large windows along the northern and southern boundaries that indicate brick louver screens in front of them. There are no details provided of these screens. Can the architects please propose a detailed drawing of these showing how visual and acoustic privacy will be achieved between buildings, as well as the ability to maintain and clean these windows with brick louvers directly in front of them.

Based on the above it would appear that once all these bedroom windows have permanent screens installed these rooms will have zero outlook and very poor amenity, and would be an unbelievably poor outcome to the residents of these apartments.

Roof Terrace

A private roof terrace is proposed along the Onslow Avenue. As it is a private space it will almost be impossible to control hours of use, noise, placement of furniture, shade structures, planter boxes or use as a storage area. These objects will further impact view loss from the neighbouring apartments as well as creating visual and acoustic privacy concerns. We propose that the rooftop terrace be removed from the proposal. We also note that the lift that accesses the rooftop along with the balustrade are also above the maximum building height and would become compliant if the roof terrace was removed.

Air Conditioning

Is air conditioning proposed and if so can the plans be updated to indicate where the condenser units will be located.

Roof Top Plant

Please confirm what plant if any will be located on the roof, indicate heights, screening and roof access details.

Communal Open Space

25% of the site area is required to be communal open space. It is unclear from the documents where the communal open space is measured from. From our observations as the terrace area for Unit 2 is not included in the calculation, the communal open space appears significantly less than 25% of the site area. A detailed area plan should be provided.

The communal open space is also poorly laid out with the majority of the communal space overshadowed as it is located to the south of the building, with narrow dimensions that are almost entirely unusable.

From: [REDACTED]
Sent on: Wednesday, September 20, 2023 8:04:36 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds
Attachments: Dean O'Brien D2023727.pdf (6.2 MB)

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Dear Mr Reynolds.

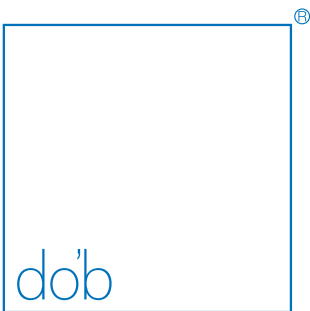
Please find attached my objections to the above development application.

Kind regards

Dean O'brien

[REDACTED]

[REDACTED]



Your reference D/2023/727

<https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2114331>

Dear Mr Reynolds

I am writing to in regard to the above development proposal and I wish to object to it for the reasons outlined below.

- The small suburb of Elizabeth Bay has many unique sites some of which will be directly affected by the proposed development, including the following listed on the New South Wales State Heritage Register: 18-18a Billyard Avenue: Edgerley, 42 Billyard Avenue: Boomerang and 7 Onslow Ave: Elizabeth Bay House.
- The design is inappropriate for the area because the proposed development has not taken into consideration the surrounding buildings apart from using a brick facade. It would be too big for the site and block views of the harbour for pedestrians who frequently visit the area on weekends and public holidays.
- The proposed size would considerably restrict air flow around the building and reduce sunlight to the adjacent buildings, especially the lower floors.
- It would be built against the Onslow Avenue boundary which would require the removal of a tall brick retaining wall. Behind this wall are the remains of a heritage stone wall that was part of the Elizabeth House Estate and the driveway to the House. A few years ago the City Council (rightly so) went to great expense to conserve and secure part of this historic wall that is in front of 12 Onslow Avenue. I suspect upon further investigation there are more artifacts relating to the gardens and infrastructure of Elizabeth Bay House underneath 10 Onslow Avenue that would be destroyed by the proposed underground car park.
- Although not on the State Heritage Register, 12 Onslow Avenue: Darnley Hall, is of architectural significance. It was designed by Sir Charles Rosenthal, President of the Federal Council of the Australian Institute of Architects, almost 100 years ago. The proposed building would dominate Darnley Hall and it's elegant neo-Georgian porticoes that are frequently used by fashion students and passing tourists for unequalled location shots.
- I am surprised that the developers were allowed to buy-out the residents of 10 Onslow Avenue (some against their wishes) as it was a building with a diverse range of people, many of whom have been forced to leave the area because they cannot keep up with the high prices demanded by developments such as the proposed.

Dean O'Brien
Apt 7/12 Onslow Avenue
Elizabeth Bay NSW 2011

[REDACTED]

[REDACTED]

- Having looked for apartments in this and similar areas for many years, I know for a fact that a flat with a harbour view is worth a lot more than one without a view. In some cases at least one million dollars more, therefore to have views blocked where the buyer paid a premium for them is unfair and should be illegal. A good example would be the development at 1 Onslow Place, recently approved by Council, that uses the views of Elizabeth Bay as it's primary selling proposition (below).



- I am a visual artist (currently studying for a Bachelor of Fine Arts at the National Art School). I work from home and have a small studio set up on the north-west corner of Darnley Hall on level one. The proposed development will obliterate the view from my frequently used office/studio and reduce the sunlight markedly. The developers of 10 Onslow Avenue have incorrectly marked this as a bedroom (view before and after below).



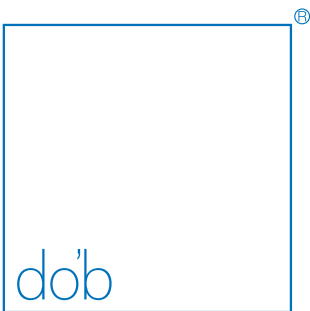
- The view from our building has inspired Australian artists for generations, two fine examples are Adrian Feint and Margaret Olley. The later painted many scenes from Darnley Hall, some of them are shown below. I understand this is not a commercial point however I wonder if Ms Olley would have painted so many scenes of the view if there was an oversized apartment block obscuring a good part of it. I have taken the liberty to demonstrate what the view would look like if she had painted it with the new development in place (see next page).

Dean O'Brien
Apt 7/12 Onslow Avenue
Elizabeth Bay NSW 2011



Margaret Olley paintings from Darnley Hall and a mock-up of the what the view would look like if the proposed development of 10 Onslow Avenue was approved by Council.

Dean O'Brien
Apt 7/12 Onslow Avenue
Elizabeth Bay NSW 2011



- The current building at 10 Onslow Avenue was designed by the architect, John James, who has confirmed that he made a personal contribution to this project. James was a significant contributor to the Sydney School for his research and publications. His best known work is the exceptional, Modernist Reader's Digest building in Surry Hills. The unusual 'wings' that are a feature of 10 Onslow Avenue are also a design element on the Reader's Digest structure (below). The James family home in Mosman was widely published and he was the first 'architect-builder' approved by the NSW chapter of the RAI in 1958.



It seems inconceivable that a perfectly healthy (and recently renovated) building such as 10 Onslow Avenue could be demolished at a time when buildings such as this are rare. I'm not sure how this proposal aligns with the City's Environmental Strategy? Perhaps the developers could refurbish this site and plant more trees and gardens in the grounds that surround it, creating a better environment for all members of the community, not just the multi-millionaires.



The current view from our apartment and a conservative estimate of what it would be after development.

Yours sincerely

Dean O'Brien

Dean O'Brien
Apt 7/12 Onslow Avenue
Elizabeth Bay NSW 2011

[Redacted]

[Redacted]

Our main living and eating area.



The current view from our apartment.



A conservative estimate of what it would be after development.

Solar access to at least 50% of the communal space in mid winter also does not appear to be provided, can the view from sun diagrams be extended and the area shaded to show the solar access provided to the communal space.

Carpark Layout

The traffic report does not indicate how access and egress to the visitor carspaces can be achieved, along with what looks like a blade wall encroaching within the aisle way and access path of the visitor space.

Community Consultation

We would like to note that the consultation with the neighbouring properties was very poor. They contacted various buildings in the area and limited the number of people that could attend, in our case, Elizabeth Bay Gardens, only 6 people could attend. Hardly a true consultation process considering we have 100+ people residing in our building alone. They also conducted these as 1 on 1 sessions rather than a full community meeting. At the meeting we were not allowed to take photos nor did they provide us with any material that we could take away. It appeared to the residents that the meeting was conducted more like a presentation style than in a true consultation way. The meeting was conducted on the 12.07.23 only a few weeks before the DA was lodged on the 14.08.23 leaving very little time to seriously consider any neighbouring comments and potentially amend the design to reflect the community concerns. The applicant and the consultant team have not undertaken consultation with the neighbours in a meaningful way.

Based on the above the proposed development significantly breaches the primary controls of the SEPP65 Apartment Design Guide and the building height, and has several loss of view impacts that have not been properly assessed.

As such it would seem reasonable that the proposed development needs to be significantly reduced in bulk and scale to be more consistent with the existing built form to minimise its impacts to the neighbouring buildings and be in keeping with the scale and character of the adjacent context and heritage conservation area.

We request that the additional information noted above be submitted to council with any revised design. If you require any further information please contact me on 0 [REDACTED]

Yours sincerely



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

From: [REDACTED]
Sent on: Tuesday, September 19, 2023 8:47:21 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds
Attachments: DEVER Objection to D_2023_727.docx.pdf (1.52 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 in relation to D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011.

Sincerely,
Maryanne Dever

Dr Maryanne Dever

Apartment 6, Darnley Hall
12 Onslow Avenue, Elizabeth Bay, NSW, 2011

ATTENTION: City of Sydney dasubmissions@cityofsydney.nsw.gov.au

Objection to D/2023/727 21C Billyard Avenue, Elizabeth Bay

My name is Maryanne Dever and I live in apartment 6 at Darnley Hall, 12 Onslow Avenue, Elizabeth Bay. As the proposed development is located right next door at 10 Onslow Avenue, I will be directly impacted should this development proceed.

I purchased this apartment with my partner in April 2022 and moved into Darnley Hall in November 2022 following extensive renovations. We chose to live in Elizabeth Bay because of the attractive heritage elements in this area, its social mix and strong community atmosphere. Fortis' consultation with the community and with my building has been inadequate, resulting in a minimisation in their application of the impact on residents such as myself at 12 Onslow Avenue.

In addition to these personal impacts, I believe that the proposed development departs in significant and worrying ways from the values and principles articulated by the City of Sydney in its published plans and policies and that it stands to undermine important characteristics of this area and impact general amenity.

We cannot allow the incremental erosion and ultimately the elimination of all that makes this area what it is. The City of Sydney has a responsibility to uphold the principles and values it espouses in relation to sustainability, affordable housing, and heritage. Residents should not have to spend thousands of dollars on expert reports to persuade the City's officers to do so.

In particular, in my submission I highlight concerns around:

1. Failures in consultation on the part of the developer
2. Failures in notification on the part of City of Sydney
3. Incorrect categorisation of space usage with Darnley Hall
4. Loss of views and natural light
5. Impact of construction on amenity of the local area
6. Setbacks and building separation
7. Sustainability and the heritage value of modern buildings (international style)
8. Housing affordability and social mix
9. Impact on Darnley Hall as a contributory building in a HCA
10. Irreversible changes to the heritage streetscape of Onslow Avenue and the cultural-historical fabric of the street

1. Failures in consultation on the part of the developer

I am surprised to see a Fortis representative claiming in the press in August 2023 that “community is at the heart of what we do, and...we engaged with numerous stakeholders over the previous months”, as I do not consider what we experienced to reflect anything like best practice for engaged and respectful community consultation.

The invitation to be consulted about this proposed development was not appropriately and professionally communicated to our building. The notice was pushed under the building front door in the form of a flyer with no specific addressee(s). I am also aware that only a limited number of buildings were contacted, meaning that many impacted residents received no briefing and had no awareness of the proposed development.

On 7 July 2023 I attended a meeting via Teams as a director of Darnley Hall Pty Ltd, together with another director who attended in person at the Urbis office in Double Bay. No real flexibility was offered around this meeting time. At least 12 people (architects, town planners, and other experts) attended for the developer. There was no real consultation, merely a briefing presentation. We received no documentation on the day and were informed we could not take any photos of the presentation. Considering that their displayed schedule showed they planned to submit a DA by 28 July 2023, I doubt there was any intention or opportunity to take the views of residents into account at that late stage. Certainly, no visible changes arose from remarks I made on the day about the likely negative impact of the proposed narrower setbacks. The meeting bore the hallmarks of a perfunctory box-ticking exercise. Further, as we discovered once the DA was lodged, key aspects of the design were not presented (e.g. rooftop swimming pools) in the briefing.

2. Failures in notification on the part of City of Sydney

Notices distributed by the City of Sydney regarding the proposed development were potentially misleading as they initially listed only “21C Billyard Avenue” as the subject of the DA with no clear reference to 10 Onslow Avenue also being included. This means that some local residents may have misunderstood the potential impact of the development on them and on their street and may not have engaged with the DA. There was also no physical notice displayed on 10 Onslow Avenue for the first two weeks of the public review period. Once a formal notice was attached to 10 Onslow Avenue, it was done in such an insecure manner that it fell off the gate and onto the ground. It was only securely fixed in place by a resident of Darnley Hall. This again means that some residents may not have had an opportunity to learn of the DA and respond.

3. Incorrect categorisation of space utilisation within Darnley Hall

In the proposed DA there is a clear failure to understand the use of certain rooms within Darley Hall apartments. In the DA documents, many rooms on the northern side of the building facing

10 Onslow Avenue are incorrectly labeled secondary living spaces (e.g, bedrooms) with the implication that they warrant limited or no consideration when it comes to overshadowing, view loss or general loss of amenity. The developers made no attempt to establish the accuracy of their information. In the case of apartment 6, rooms are labeled “kitchen”, “laundry” and “bedroom” when they are in fact a kitchen/dining room and study/library. These are among the most heavily used rooms in the apartment, not least because of the abundant sunshine, direct light and views they offer. The pleasant aspect of these rooms was key to our decision to purchase this apartment in 2022 and we consider the proposed development will alter these rooms in devastating ways by radically reducing the amount of daylight and direct sunshine, and replacing views with a solid brick wall approximately 3 metres from our windows. We will also be overlooked in ways we currently are not resulting in a significant loss of privacy. Had the developers contacted me I would have been happy to allow them to view the impacted spaces so as to understand their use. Unfortunately, Fortis did not seek to engage Darnley Hall residents on this important matter.



Figure 1. Kitchen/dining room in apartment 6, Darnley Hall. This is a primary living area within the apartment. Images: J. Turk.

4. Loss of views and natural light in primary living areas

As noted above, we currently enjoy views from our kitchen/dining rooms windows and from our study/library across the Onslow Ave streetscape, stretching to buildings on Onslow Place and Macleay Street and encompassing Elizabeth Bay House, a key heritage site. We consider the views of the latter to be highly valued. These are rooms in which we spend a significant amount of time each day and the views are not available from other rooms in the apartment. In terms of

view sharing, Darnley Hall has already shared (and reduced) its views with the development of the existing building at 10 Onslow/21C Billyard. The impact of the proposed development would not constitute further view sharing but the devastating loss of almost the entire views which would be replaced by a brick wall only 3 metres from the windows. While these views would be characterised as side views, the *Furlong* decision establishes that for side boundary views which are of a high value and not replicated in other areas of the property, it is appropriate to protect those views and refuse the proposed development.

Similarly, the proposed development with its reduced setbacks and increased height (significantly exceeding height regulations) will dramatically alter the solar access. In particular, our apartment will lose significant direct sunlight and experience increased overshadowing and reduced overall natural light. This will entirely alter the ways in which we experience key living areas in our apartment. As the available light and views in these rooms were integral to our decision to buy and renovate this apartment, I believe we will have no choice other than to sell if the proposed development goes ahead. Further, in light of the above impacts there is no doubt that the market value of this apartment will be badly affected. Residents should not be driven out of their homes by incompatible development.

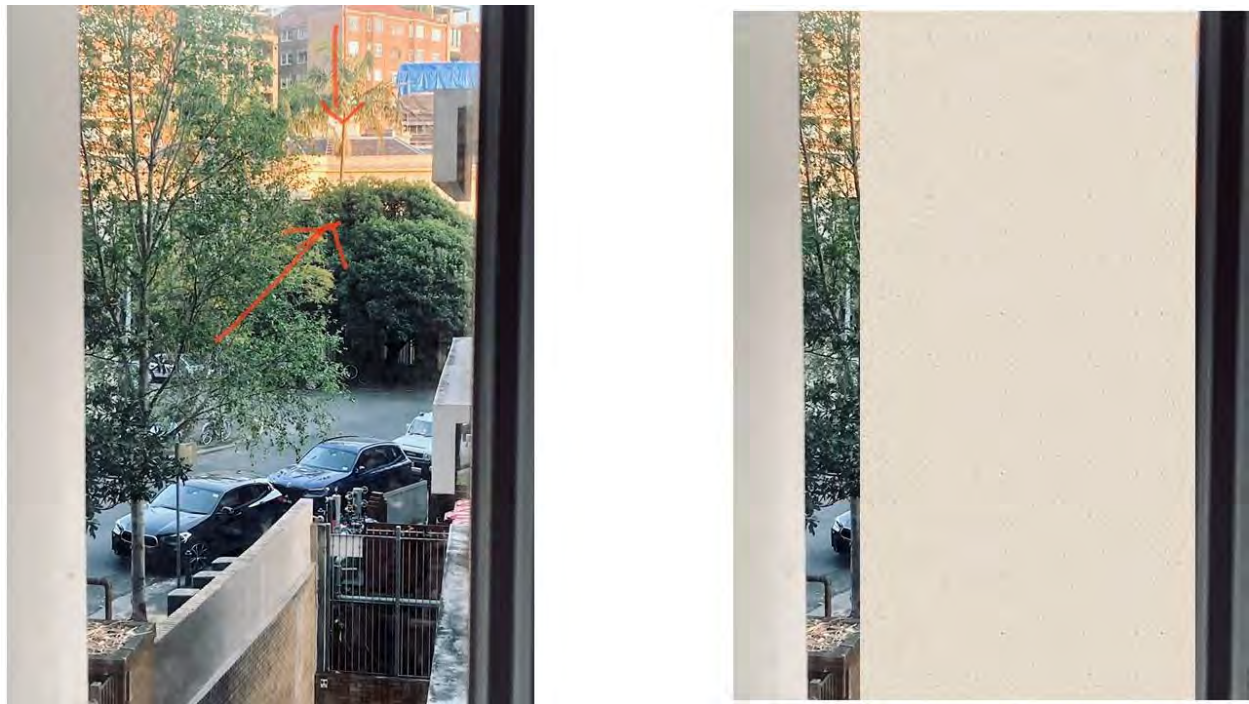


Figure 2. Projected devastating loss of views of Elizabeth Bay House from the kitchen/dining room of apartment 6 in Darnley Hall, 12 Onslow Avenue, if the current proposal goes ahead.

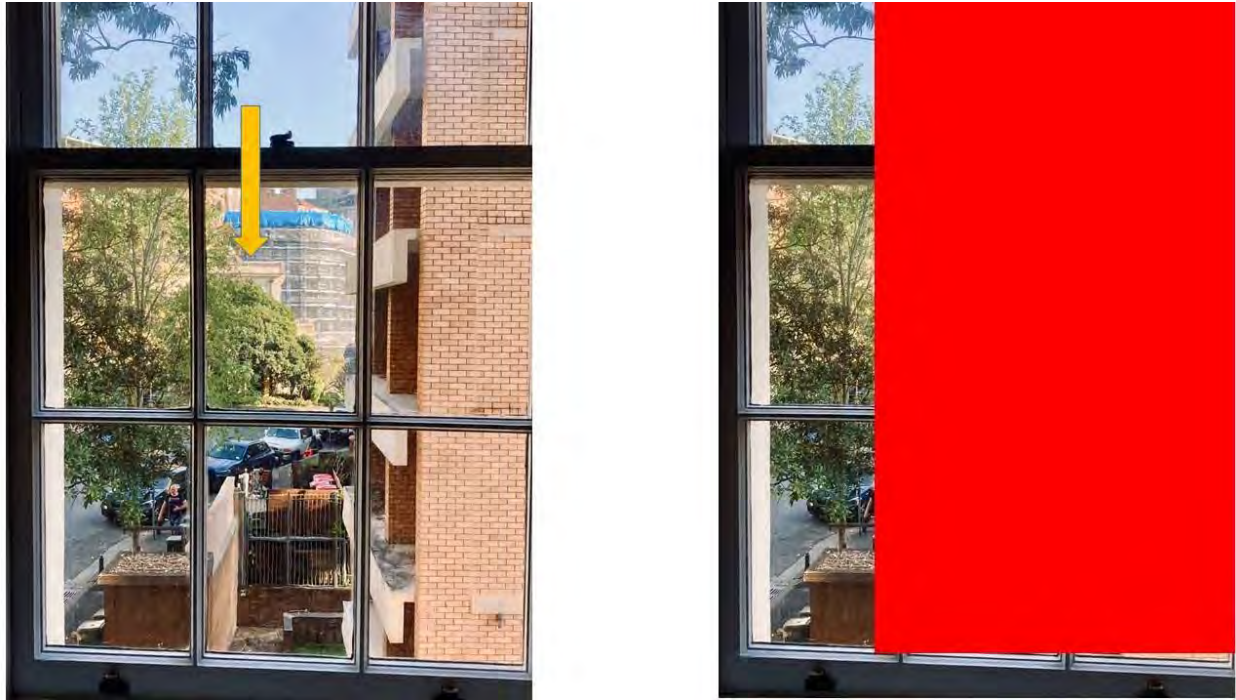


Figure 3. Projected devastating loss of views of Elizabeth Bay House from the study/library of apartment 6 in Darnley Hall, 12 Onslow Avenue, if the current proposal goes ahead.

5. Setbacks and building separation

The proposed development involves a radical reduction in the space between Darnley Hall and the structure at 10 Onslow/21C Billyard Avenue. This will result in a range of negative impacts for our apartment, including reduced light, loss of privacy, increased noise etc. [*Design in Context: Guidelines for Infill Development in the Heritage Environment*](#) (2005) is clear 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” (p.10). It also specifically notes that “building with minimum setbacks on both sides where this is not the pattern, can increase the bulk of the building and have an obtrusive and unacceptable impact” (p. 11). Documentation for the proposed development offers images of narrow setbacks in the local area but specifically avoids images of the current more generous setbacks in Onslow Avenue and at either side of Darnley Hall. The latter are key to our building’s historical setting and to the ability of passersby to appreciate the full architectural impact of Darnley Hall.

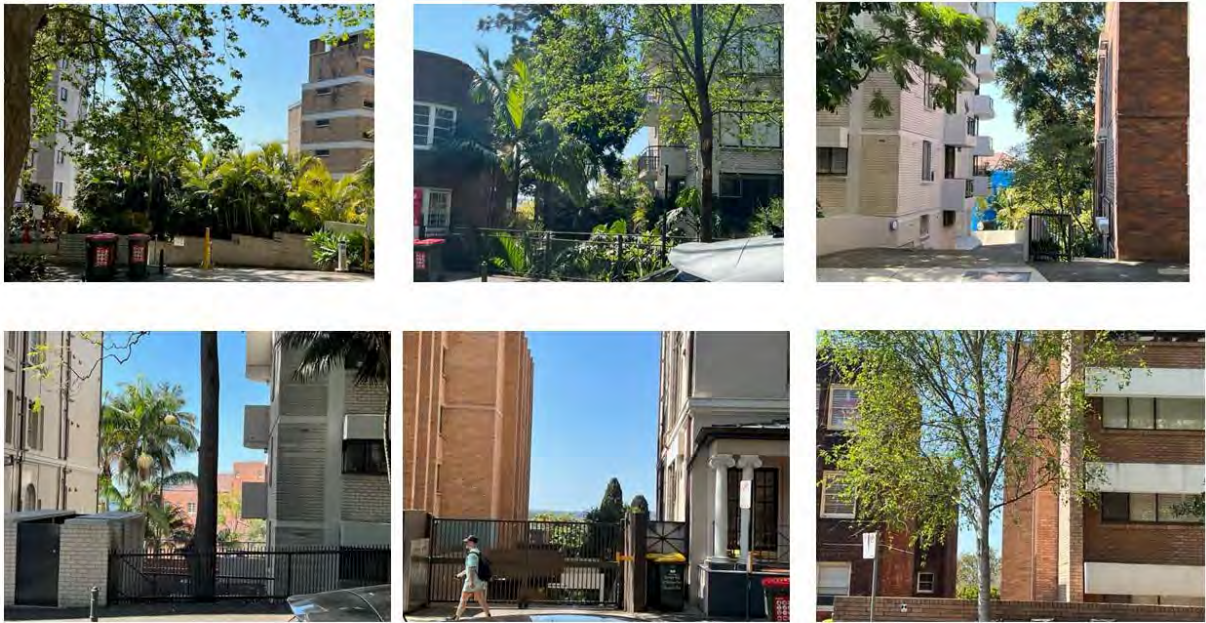


Figure 4. Characteristic wide setbacks between buildings along Onslow Avenue, Elizabeth Bay.

Further, the DA shows the proposed design removing all space between the building and the footpath such that 10 Onslow Avenue will dominate the streetscape and destroy the current stepped setbacks that characterise the relationship between buildings on this stretch of Onslow Avenue. It should be noted that the plans for the existing building at 10 Onslow Avenue were altered in the approval process precisely to align with others on Onslow Avenue and adhere to the 'stepped line of buildings along the street'.



Figure 5. Stepped frontages along 6, 8, 10 and 12 Onslow Avenue.

6. Impact of construction on the amenity of the local area

Onslow Avenue and Billyard Avenue are both narrow, one-way streets. It is impossible to see how a multi-year demolition, excavation, and building program can be carried out without significant disruption to traffic and without in fact blocking these streets. How are residents meant to function under these circumstances? Furthermore, as the proposed development has limited car parking provision relative to the number of apartments, the construction of this building is also likely to have an enduring impact on traffic and parking in the area as more residents seek on-street parking in an already crowded set of streets. The proposed DA takes no account of the above.

7. Sustainability and the heritage value of modern buildings (international style)

The City of Sydney has publicly committed to sustainability in its [Environmental Strategy 2021-2025](#). It explicitly states that “we want to work together to make buildings and transport better for the environment”. I question why the developers are not seriously proposing renewal rather than demolition and rebuilding of the blocks at 10 Onslow/21 Billyard as this would align with City of Sydney stated priorities and have a significantly lower carbon impact. The DA gives scant detail on this option, suggesting that the blocks are at end-of-life. The Fortis Company are quoted as saying that they “originally intended to ‘renew’ the buildings, [but] it was deemed this would result in a much poorer outcome and so they would be demolished” ([“Fortis Files Residential Towers Plan at Elizabeth Bay”](#)). If Fortis undertook appropriate investigation of this option, it is surprising that they did not provide full details as part of the current DA. Notably, an independent heritage assessment conducted by GML Heritage concluded that the building is “of a high-quality design, intact and in good condition”. The latter is surely an argument for rejecting any proposal for 10 Onslow/21C Billyard requiring demolition and rebuilding.

The DA specifically disregards the heritage value of modern developments in the minimalist “[international style](#)” of the postwar era. As the [State Heritage Inventory for the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area](#) makes clear, buildings of the 1960s and 1970s period also represent an integral part of the fabric of this area and, as such, they form part of the diversity of architectural periods that should be protected. Indeed, the co-existence of 1960s and 1970s buildings alongside those of earlier periods is recognised as a key defining feature of this area. There has been [public criticism of the City of Sydney’s failure to register the heritage value of buildings from the 1960s and 1970s](#) and to offer due protection for them. This DA ignores the heritage contribution of these buildings and, if successful, would undermine an important, if under-acknowledged, element of diversity that the City of Sydney should protect. Importantly, GML Heritage in their independent report identified 10 Onslow/21C Billyard as a contributory building within the HCA and highlighted the relevant the policy recommendations of the Elizabeth Bay and Rushcutters Bay HCA that should be followed, namely: “Retain Post-war 1960-1975 apartment buildings identified as Contributory”.

7. Housing affordability and social mix

I am, coincidentally, the daughter of the original developer of 10 Onslow Avenue/21C Billyard Avenue, Peter Dever of Petver Projects. I have been familiar with this building since my childhood. I understand the vision of urban living that inspired it and how the original proposal in the 1970s was made with an explicit view of combining larger apartments with smaller and more affordable ones (Source: City of Sydney Archives Unique ID A-00137000). The current proposal is for luxury apartments and reduces the number of dwellings from 28 to 22 which is clearly not in keeping with the City of Sydney's stated commitments to being "a city where everyone has a home" ([Sustainable Sydney 2030-2050](#)). This development proposal and others like it in the Elizabeth Bay/Potts Points area takes aim at the stock of relatively affordable housing, particularly rental housing, with the very clear intention of extracting profits from replacing it with a more limited number of homes for the wealthy. Other examples include: [1 Onslow Place](#), [45-53 Macleay Street](#), and the [corner of Oak Lane and Wylde Street](#). If successful, developments such as this threaten the local social fabric and risk rapidly transforming an area long celebrated for its diversity and social mix into an elite enclave.

8. Impact on Darnley Hall as a contributory building in a HCA

Designed by architects Rosenthal and Day, Darnley Hall was completed in 1927 and has been described as "[the most important 20th century Neo-Georgian-style apartment building in Elizabeth Bay](#)". While not heritage listed, Darnley Hall has been a feature of this neighbourhood for nearly 100 years and is listed as a significant contributory building within the local heritage conservation area. Its integrity and its setting should not be compromised or crowded by unsympathetic adjacent development that limits the ability of Darnley Hall to be properly appreciated.

A distinguishing feature of Australian neo-Georgian domestic architecture is the presence of a distinctive pitched roof. Pedestrian views of this feature will be entirely obscured by the increased height and bulk of the proposed development.



Figure 6. The pitched roof of Darnley Hall clearly visible from Onslow Avenue.

The proposed development falls within the category of an infill development in a heritage area and, as such, could reasonably be expected to align with the principles outlined in the NSW Heritage Office publication, [Design in Context: Guidelines for Infill Development in the Heritage Environment](#) (2005). Indeed, the developers claim they have proposed a “sympathetic contemporary infill within its historical setting”, but their design fails to meet key principles for infill development.

- *Design in Context* states that “infill design should recognise the predominant scale (height, bulk, density, grain) of the setting and then respond sympathetically. The impact of an inappropriately scaled building cannot be compensated for by building form, design or detailing” (p.8). Rather than a neutral infill building in the heritage environment, the proposed building has a height, scale, bulk, and form that mean it will dominate the streetscape in ways that seriously detract from the historical environment. In this respect, the proposed development would be a detracting building defined in the [Heritage DCP 2006](#) as “buildings that are intrusive to a heritage conservation area or heritage streetscape because of inappropriate scale, bulk, setbacks, setting or materials”.
- Statements concerning the appropriateness of the brick colour do nothing to compensate for the bulk of the proposed development. Furthermore, I would question the appropriateness of the dark brick selection in contrast to the lighter colouring of the current building, Darley Hall, Tradewinds (14-16 Onslow) and others along Onslow Avenue.
- *Design in Context* highlights that “the character of an individual building or group of building is also shaped by the solid to void relationships, the play of light and shadow on the façades, and the proportions of openings” (p.6). The proposed design does not respect the above and in fact plans for radical reductions in openings between buildings and insensitive alterations to existing and longstanding patterns of solid and void.
- *Design in Context* also highlights how “new buildings should allow for the retention of significant views and vistas to and from the building, a townscape or a landscape”. The proposed development will irrevocably alter or remove views and vistas from individual dwellings and from the surrounding streetscape.

9. Irreversible changes to the heritage streetscape of Onslow Avenue and the cultural-historical fabric of the street

Darnley Hall and the Onslow Avenue streetscape are culturally significant. Onslow Avenue has been captured from Darnley Hall in noted paintings by the celebrated Sydney modernist artist, Adrian Feint (1894-1971), who lived in Darnley Hall from 1932-1953. Specifically, “Morning in Onslow Avenue” (1940, Art Gallery of South Australia), “Jacaranda Tree” (1940, National Gallery of Australia) and “From the Balcony” (c1940s, Manly Art Gallery and Museum) all celebrate the environment of Onslow Avenue and capture many features of the street that are still present today and some that are not. The Board of Directors of Darnley Hall are supporting an application in the next round of the Heritage NSW Blue Plaques program for a plaque for Adrian Feint at Darnley Hall. The painter Margaret Olley (1923-2011) similarly spent time in Darnley Hall and repeatedly captured the view from the building across the harbour in her paintings.



From the balcony, c1940s, oil on canvas, 66.0 x 41.0 cm; Manly Art Gallery and Museum, Sydney; Photograph: Christopher Shain



Jacaranda tree, 1940, oil on wood panel, 40.5 x 32.3 cm; National Gallery of Australia, Canberra

Figures 7 and 8. *Left:* Adrian Feint, *From the Balcony*, c1940s, Manly Art Gallery and Museum. This view is from the balcony of Darnley Hall and clearly shows Meudon opposite (left) at 13 Onslow Avenue.

Right: Adrian Feint, *Jacaranda Tree*, 1940, National Gallery of Australia. This is from the balcony of Darnley Hall with its entrance visible left. The jacaranda trees are still present along the street.



Morning in Onslow Avenue, 1940, Sydney, oil on canvas, 45.7 x 40.6 cm; Elder Bequest Fund 1940, Art Gallery of South Australia, Adelaide



Figures 9 and 10. *Left:* Adrian Feint, *Morning in Onslow Avenue*, 1940, Art Gallery of South Australia. Again this is from the balcony of Darnley Hall and shows buildings previously standing across the road in Onslow Avenue. *Right:* Margaret Olley painting capturing Elizabeth Bay from Darnley Hall rear apartment.

Further, Darnley Hall, Meudon, and Elizabeth Bay House are the most significant buildings historically and architecturally in this section of Onslow Avenue and they currently enjoy clear triangulated views from one to another. The proposed development would rupture this relationship and destroy the clear sightlines that have been present between Elizabeth Bay House and Darnley Hall for nearly 100 years. We believe preserving the integrity of the streetscape should be a priority in a heritage conservation area.



Figure 11. Blocking of existing sightlines between significant Onslow Avenue buildings within the HCA.

In light of the above, I would argue that the proposed development negatively impacts the visual setting of both Darnley Hall and Elizabeth Bay House by altering longstanding and culturally sensitive elements of the surrounding environment, blocking views and vistas, and effectively undermining the important sense of continuity with the past that is key to this unique streetscape. Onslow Avenue is frequented by tourists and sightseers who — along with residents — should be able to immerse themselves in an environment that retains strong and visible links with its artistic and cultural history. The [State Heritage Inventory for](#)

[the Elizabeth Bay and Rushcutters Bay Heritage Conservation Area](#) gives Onslow Avenue an A rating noting that “Elizabeth Bay House provides focus”. This would indicate that preservation of the integrity of the streetscape surrounding Elizabeth Bay House should be a high priority.

For the reasons outlined above, I submit that the proposed development should not proceed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Maryanne Dever', followed by a circular stamp or mark.

Dr Maryanne Dever

From: [REDACTED] >>
Sent on: Monday, September 18, 2023 12:56:40 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Objection to D/2023/727
Attachments: OBJECTION TO D-2023-727.pdf (385.46 KB), OBJECTION TO D-2023-727.docx (867.64 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.

Please find my objection to DA/2023/727 attached in .pdf and MS Word formats.

Yours,

[REDACTED]

[REDACTED]

OBJECTION - D/2023/727

Introduction

My name is [REDACTED]. We own and reside at 11/12 Onslow Avenue Elizabeth Bay. Our apartment is on the eastern façade and the floor below the penthouse. Our building, Darnley Hall is contiguous to 10 Onslow Avenue on its southern boundary.

Our household welcomes renewal which complies with current guidelines for better design, which is sympathetic with its surrounding built and natural environment and adds to the ambience of the neighbourhood. I submit herein the following objection to D/2023/727 which does not warrant our approval.

Summary of Objections

I object to the DA on the basis that the proposed building will dominate both streetscapes, is unsympathetic with its surroundings, does not comply with existing regulations and guidelines, will negatively impact views both public and private, overshadow its neighbours, and create ongoing noise disturbances.

Overall Size and Design

The contemporary buildings in Onslow Avenue reflect most of the requirements of the DCP and ADG far better than the subject design. These buildings have appropriate heights and generous setbacks containing surrounding trees and green spaces. The inter-war buildings reflect an outdated style with minimal setbacks better suited to a commercial area. I think the newer buildings represent good urban planning, as required by Council, and in time will result in a more attractive precinct as the older ones are inevitably replaced. To claim, as the developer has, that their proposed scale and setbacks is sympathetic with the older buildings, lacks the vision of more enlightened times and ties their proposal to a cluttered version of the past. In my opinion the key words in their response to Council in their *Statement of Environmental Impact* pp9 on this topic are:

♣ ADG compliant separation would essentially eliminate the possibility of **viably redeveloping** the sites due to their reasonably narrow (21m) width, and would in any event then present as entirely uncharacteristic building in terms of massing, scale and character in the conservation area and Bays Precinct

I disagree. The viability of complying development resides in a more efficient allocation of floorspace, and in the number of dwellings proposed. Wasteful extravagance is unwelcome in a city crying out for housing.

A building with greater setbacks would be far more compatible with the newer structures, preserve the amenity of neighbours, and the public glimpses of the harbour from Onslow Avenue. Many groups walk in our area.

The ziggurat facades, minimal setbacks and dominating size of the proposed plan degrade the streetscape. Darnley Hall will lose a significant amount of sunlight on its Northern façade and some apartments will have view losses in living areas ranging from moderate to devastating. The existing building contains 28 dwellings whereas the proposal has only 22 with a footprint far larger than what it replaces.

Our Neo-Georgian building, Darnley Hall, contains 13 multi-room spacious residences on a significantly smaller site. It comprises 1 x 5br, 9 x 3 br, and 3 x 1 br apartments.

It's a greedy plan which adds little and takes much.

Are “Bedrooms” always Bedrooms?

In our neighbourhood the euphemism “bedrooms” as a real estate descriptor mostly means extra rooms available for other purposes, including living and daylight occupation. Households with more than two people are less common and two generation families a rarity in Elizabeth Bay as illustrated in the census statistics below.

<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL11398>

People	4,878
Male	50.6%
Female	49.4%
Median age	43

Families	966
Average number of children per family	null
for families with children	1.4
for all households (a)	0.1

All private dwellings	3,840
Average number of people per household	1.5
Median weekly household income	\$2,116
Median monthly mortgage repayments	\$2,582
Median weekly rent (b)	\$500
Average number of motor vehicles per dwelling	0.7

Age	Number	Percentage
0-4 years	92	1.9%
5-9 years	52	1.1%
10-14 years	39	0.8%
15-19 years	40	0.8%

Loss of View from Our Apartment 11

As stated previously, the proposal makes incorrect assumptions about the use of rooms on the northern side of Darnley Hall. In the case of our residence, the room marked as a kitchen is my wife's study where she spends much of each day working. Our kitchen is in the southeast corner. At present her study has a fine view of the built environment to the north and northwest. The proposed building will block this outlook entirely and leave her looking at a brick curtain wall. Devastating.

Home office c. TV on northern façade - Apartment 11 Darnley Hall



On the next page is a photo of the oblique standing view taken from the room pictured above.



Overshadowing

Our building has engaged a solar traverse expert to advise on the extent of overshadowing as a second opinion, so we are currently unsure about its impact on our apartment. We suspect we may lose more of our frontal view to the northeast but hope that another of our building's experts can provide advice on that aspect.

Accordingly, I seek leave to add these findings to my submission after the closing date of 20 September because the time allowed may not be sufficient for the studies to be completed. That seems fair because the developer has not had the same time constraints when conducting their own studies.

Noise

We are very concerned about the proposed roof garden because noise travels far and wide in Elizabeth Bay, particularly from the open harbour side. Any noisy gathering outside is bound to be intrusive, especially if it occurs late at night. The proposed ban on “amplified music”, whatever that means exactly, will be unenforceable. History reveals that our local police are far too busy to respond to noise complaints promptly, if at all. We can see the outdoor area becoming an ongoing nuisance contributing to discord in our community and probably in the development itself. This roof garden appears to be a facile solution for a common outdoor area on an overdeveloped block of land. I think it defies the spirit and intent of the guidelines.

Incremental View Losses

Darnley Hall has already shared its view with SP 9561 10 Onslow, in 1972 despite vigorous objections at that time. We have original documentation to support this statement. Our former residents lost the view of Elizabeth Bay House and a good proportion of the outlook over Garden Island to Fort Denison to the north. To the best of my knowledge, the courts have not yet ruled on the principle of incremental loss via sequential “view sharing” claims. The old development takes some of the view and the new development takes even more, despite the existing building on Onslow Avenue already having far better views in all directions than ours.

Neither *Tenacity v Warringah Council* nor *Furlong v Northern Beaches Council* address this issue, although the latter puts more value onto side views, viz:

Protecting Side Boundary Views of High Value: Furlong v Northern Beaches Council [2022] NSWLEC 1208 Refines the View Loss Planning Principle

Court's Decision

Commissioner Walsh upheld the Council's decision on the basis that the proposal would bring about "severe view loss impacts" when there was a reasonable design alternative available which would significantly moderate the impact.

The Commissioner assessed the view loss impacts in line with the principles from *Tenacity*:^[1]

1. *What are the views to be affected?*

The primary view to be affected had "panoramic" and "iconic" views of North Head, Curl Curl Beach, the ocean and horizon, as well as foreground suburbs. The whole view would be lost, leading the Commissioner to find the neighbour would suffer from a "devastating view loss".

2. *What part of the property are the views obtained from?*

The view is obtained across a side boundary. The general rule drawn from *Tenacity* is that views across side boundaries are more difficult to protect than views from the front and rear boundaries of a home.

The Commissioner did not agree with that proposition entirely and found that protection of side boundary views may be appropriate in some circumstances and is not always unrealistic. This suggests that the location of the vantage point may be offset by some other factor, such as the value of the view.

3. *What is the extent of the impact on the whole property?*

There were other views which would be affected, however they were of lesser value than the primary view. Despite this, the Commissioner assessed the impact on the property as a whole as "severe".

4. *What is the reasonableness of the proposal that is bringing about the impact?*

The assessment of reasonableness considers compliance with the local planning controls and whether there are any reasonable design alternatives which would reduce the impact on view loss.

The Commissioner found that compliance with development controls does not, of itself, overcome policy settings aimed at reasonable view sharing. The Commissioner held that the proposal "does not pay sufficient regard" to the local development control plan which required view sharing.

Further, the Commissioner found that a design alternative which shifted the position of the proposed extension by 3.5m was reasonable and would not impede the view to the same extent.

Developer Consultation

I refer to the *Statement of Environmental Impact Sect. 3.3* which I believe is misleading. It states:

Urbis Engagement undertook preliminary community consultation for the project, which included:

- Stakeholder briefings with the strata committees of neighbouring properties; and
- A project 1800 number and email address. Urbis Engagement's approach was adapted from the International Association of Public Participation's (IAP2) Public Participation spectrum. The objective of the exercise was to:

- Provide information to assist stakeholders and the community in understanding the proposal; and
- Obtain feedback on the proposal prior to finalising technical assessments and the design scheme.

The last statement is framed in the active tense whereas the execution, or lack of it, was distinctly passive. This is hardly a candid statement.

On 7 July I attended a meeting at the Urbis office in Double Bay as a director of Darnley Hall Pty Ltd. My colleague Maryanne Dever also tuned in via Zoom. On the other side of the table were at least 12 people who were architects, town planners, and other experts. When they started showing slides, I asked if I could photograph them for future reference, but my request was denied on the basis that these were “not final”. I suppose we saw 20 slides covering many aspects of the proposal including aesthetics, plan views and elevations, surveys, overshadowing and effects on views.

We did not make a follow up call to Urbis because we were bombarded with so much information that without any tangible references nor the opportunity to consider the ramifications other than from memory, further questions were pointless. Any meaningful briefing to our residents was impossible. It proved easier to lodge an objection to their DA when we had access to their documents and drawings. Had the developer collaborated with neighbours, much time would surely not have been wasted by both Council and the community now.

Considering that their revealed schedule was to submit a DA by 28 July, we wonder how preliminary their plans were. In my opinion, the exercise either poorly planned or designed to tick a box rather than to seek, heed and use properly considered feedback.

Request to Reject DA/2023/727

We submit this objection in the hope that Council will reject the current application and require any future submissions to comply with a more sympathetic design which would contribute to green space and the ambience of the area, and conserve as far as possible both the amenity currently enjoyed by residents as well as those in the public domain. As a footnote, one wonders why two perfectly sound buildings are being demolished in the first place.

Yours truly,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OBJECTION - D/2023/727

Introduction

My name is Michael Timbrell. We own and reside at 11/12 Onslow Avenue Elizabeth Bay. Our apartment is on the eastern façade and the floor below the penthouse. Our building, Darnley Hall is contiguous to 10 Onslow Avenue on its southern boundary.

Our household welcomes renewal which complies with current guidelines for better design, which is sympathetic with its surrounding built and natural environment and adds to the ambience of the neighbourhood. I submit herein the following objection to D/2023/727 which does not warrant our approval.

Summary of Objections

I object to the DA on the basis that the proposed building will dominate both streetscapes, is unsympathetic with its surroundings, does not comply with existing regulations and guidelines, will negatively impact views both public and private, overshadow its neighbours, and create ongoing noise disturbances.

Overall Size and Design

The contemporary buildings in Onslow Avenue reflect most of the requirements of the DCP and ADG far better than the subject design. These buildings have appropriate heights and generous setbacks containing surrounding trees and green spaces. The inter-war buildings reflect an outdated style with minimal setbacks better suited to a commercial area. I think the newer buildings represent good urban planning, as required by Council, and in time will result in a more attractive precinct as the older ones are inevitably replaced. To claim, as the developer has, that their proposed scale and setbacks is sympathetic with the older buildings, lacks the vision of more enlightened times and ties their proposal to a cluttered version of the past. In my opinion the key words in their response to Council in their *Statement of Environmental Impact* pp9 on this topic are:

♣ ADG compliant separation would essentially eliminate the possibility of **viably redeveloping** the sites due to their reasonably narrow (21m) width, and would in any event then present as entirely uncharacteristic building in terms of massing, scale and character in the conservation area and Bays Precinct

I disagree. The viability of complying development resides in a more efficient allocation of floorspace, and in the number of dwellings proposed. Wasteful extravagance is unwelcome in a city crying out for housing.

A building with greater setbacks would be far more compatible with the newer structures, preserve the amenity of neighbours, and the public glimpses of the harbour from Onslow Avenue. Many groups walk in our area.

The ziggurat facades, minimal setbacks and dominating size of the proposed plan degrade the streetscape. Darnley Hall will lose a significant amount of sunlight on its Northern façade and some apartments will have view losses in living areas ranging from moderate to devastating. The existing building contains 28 dwellings whereas the proposal has only 22 with a footprint far larger than what it replaces.

Our Neo-Georgian building, Darnley Hall, contains 13 multi-room spacious residences on a significantly smaller site. It comprises 1 x 5br, 9 x 3 br, and 3 x 1 br apartments.

It's a greedy plan which adds little and takes much.

Are “Bedrooms” always Bedrooms?

In our neighbourhood the euphemism “bedrooms” as a real estate descriptor mostly means extra rooms available for other purposes, including living and daylight occupation. Households with more than two people are less common and two generation families a rarity in Elizabeth Bay as illustrated in the census statistics below.

<https://www.abs.gov.au/census/find-census-data/quickstats/2021/SAL11398>

People	4,878
Male	50.6%
Female	49.4%
Median age	43

Families	966
Average number of children per family	null
for families with children	1.4
for all households (a)	0.1

All private dwellings	3,840
Average number of people per household	1.5
Median weekly household income	\$2,116
Median monthly mortgage repayments	\$2,582
Median weekly rent (b)	\$500
Average number of motor vehicles per dwelling	0.7

Age	Number	Percentage
0-4 years	92	1.9%
5-9 years	52	1.1%
10-14 years	39	0.8%
15-19 years	40	0.8%

Loss of View from Our Apartment 11

As stated previously, the proposal makes incorrect assumptions about the use of rooms on the northern side of Darnley Hall. In the case of our residence, the room marked as a kitchen is my wife's study where she spends much of each day working. Our kitchen is in the southeast corner. At present her study has a fine view of the built environment to the north and northwest. The proposed building will block this outlook entirely and leave her looking at a brick curtain wall. Devastating.

Home office c. TV on northern façade - Apartment 11 Darnley Hall



On the next page is a photo of the oblique standing view taken from the room pictured above.



Overshadowing

Our building has engaged a solar traverse expert to advise on the extent of overshadowing as a second opinion, so we are currently unsure about its impact on our apartment. We suspect we may lose more of our frontal view to the northeast but hope that another of our building's experts can provide advice on that aspect.

Accordingly, I seek leave to add these findings to my submission after the closing date of 20 September because the time allowed may not be sufficient for the studies to be completed. That seems fair because the developer has not had the same time constraints when conducting their own studies.

Noise

We are very concerned about the proposed roof garden because noise travels far and wide in Elizabeth Bay, particularly from the open harbour side. Any noisy gathering outside is bound to be intrusive, especially if it occurs late at night. The proposed ban on “amplified music”, whatever that means exactly, will be unenforceable. History reveals that our local police are far too busy to respond to noise complaints promptly, if at all. We can see the outdoor area becoming an ongoing nuisance contributing to discord in our community and probably in the development itself. This roof garden appears to be a facile solution for a common outdoor area on an overdeveloped block of land. I think it defies the spirit and intent of the guidelines.

Incremental View Losses

Darnley Hall has already shared its view with SP 9561 10 Onslow, in 1972 despite vigorous objections at that time. We have original documentation to support this statement. Our former residents lost the view of Elizabeth Bay House and a good proportion of the outlook over Garden Island to Fort Denison to the north. To the best of my knowledge, the courts have not yet ruled on the principle of incremental loss via sequential “view sharing” claims. The old development takes some of the view and the new development takes even more, despite the existing building on Onslow Avenue already having far better views in all directions than ours.

Neither *Tenacity v Warringah Council* nor *Furlong v Northern Beaches Council* address this issue, although the latter puts more value onto side views, viz:

Protecting Side Boundary Views of High Value: *Furlong v*

Northern Beaches Council [2022] NSWLEC 1208 Refines the View

Loss Planning Principle

Court's Decision

Commissioner Walsh upheld the Council’s decision on the basis that the proposal would bring about “severe view loss impacts” when there was a reasonable design alternative available which would significantly moderate the impact.

The Commissioner assessed the view loss impacts in line with the principles from *Tenacity*:^[1]

1. What are the views to be affected?

The primary view to be affected had “panoramic” and “iconic” views of North Head, Curl Curl Beach, the ocean and horizon, as well as foreground suburbs. The whole view would be lost, leading the Commissioner to find the neighbour would suffer from a “devastating view loss”.

2. What part of the property are the views obtained from?

The view is obtained across a side boundary. The general rule drawn from *Tenacity* is that views across side boundaries are more difficult to protect than views from the front and rear boundaries of a home.

The Commissioner did not agree with that proposition entirely and found that protection of side boundary views may be appropriate in some circumstances and is not always unrealistic. This suggests that the location of the vantage point may be offset by some other factor, such as the value of the view.

3. What is the extent of the impact on the whole property?

There were other views which would be affected, however they were of lesser value than the primary view. Despite this, the Commissioner assessed the impact on the property as a whole as “severe”.

4. What is the reasonableness of the proposal that is bringing about the impact?

The assessment of reasonableness considers compliance with the local planning controls and whether there are any reasonable design alternatives which would reduce the impact on view loss.

The Commissioner found that compliance with development controls does not, of itself, overcome policy settings aimed at reasonable view sharing. The Commissioner held that the proposal “does not pay sufficient regard” to the local development control plan which required view sharing.

Further, the Commissioner found that a design alternative which shifted the position of the proposed extension by 3.5m was reasonable and would not impede the view to the same extent.

Developer Consultation

I refer to the *Statement of Environmental Impact Sect. 3.3* which I believe is misleading. It states:

Urbis Engagement undertook preliminary community consultation for the project, which included:

- Stakeholder briefings with the strata committees of neighbouring properties; and
- A project 1800 number and email address. Urbis Engagement’s approach was adapted from the International Association of Public Participation’s (IAP2) Public Participation spectrum. The objective of the exercise was to:
 - Provide information to assist stakeholders and the community in understanding the proposal; and
 - Obtain feedback on the proposal prior to finalising technical assessments and the design scheme.

The last statement is framed in the active tense whereas the execution, or lack of it, was distinctly passive. This is hardly a candid statement.

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Request to Reject DA/2023/727

We submit this objection in the hope that Council will reject the current application and require any future submissions to comply with a more sympathetic design which would contribute to green space and the ambience of the area, and conserve as far as possible both the amenity currently enjoyed by residents as well as those in the public domain. As a footnote, one wonders why two perfectly sound buildings are being demolished in the first place.

Yours truly,

Michael Timbrell,

11/12 Onslow Avenue, Elizabeth Bay NSW 2011

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent on: Wednesday, September 20, 2023 9:27:32 AM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: [REDACTED]
Subject: Submission - D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds
Attachments: DA D2023727 .docx (4.72 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 Mr Reynolds

Please find attached my observations and objections to the above development application.

Thank you

Neil Cochrane

Neil Cochrane
7 Darnley Hall
12 Onslow Ave
Elizabeth Bay
Sydney 2011

Dear Mr Reynolds,

Re D/2023/727

<https://eplanning.cityofsydney.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=2114331>

I am writing to you to register my objections to the demolition and re-development of 10 Onslow Ave and reserve my right to make further submissions.

- Onslow Ave is known as a significant and attractive heritage area within Elizabeth Bay. The proposed building is very large and lacks the sympathetic design to complement the area.
- For a couple hundred meters on either side of 10 Onslow Ave all the buildings are set back from the road, enabling a line of sight to Elizabeth Bay House from a distance. This setback enables the buildings to complement each other. The new design ignores the aesthetic of the street and is built right up to the limit of the property boundary, thereby blocking views of Elizabeth Bay House.
- The historic retaining wall of Elizabeth Bay House runs the length of the above mentioned area and was a further reason for the buildings being set back. 10 Onslow Ave currently has this wall covered by a brick wall and whatever the outcome of the development the historic wall must be once again exposed and publicly viewable, complying to the Council's own standards. One can't see

how this would be possible with the proposal being to build right to the boundary. The Council went to great expense in 2016/17 to protect and sure-up the historic wall on the Darnley Hall property.

- From the drawings and supporting documents provided, there is clearly insufficient deep soil and appropriate drainage and flood control in the design.
- Darnley Hall, 12 Onslow Ave, was designed by the renowned architect Sir Charles Rosenthal, who also designed Scots Church on Kent St and many monuments. The building is nearly 100 years old and has been an important contributor to the street's appeal. It was designed to be seen clearly from all angles and not squeezed in as the proposed building will do, as it will be only a few meters away. This would be a violation of an important and widely respected building. Darnley Hall is always a stopping point for all heritage tours of the area.
- The new building's close proximity and height relative to Darnley Hall will eliminate important sun light into our kitchen, as attached, taken mid -afternoon. There is the kitchen, a bathroom and laundry on this side of the apartment which are prone to mold and need daily sunlight. The height and proximity of the proposed building will prevent any sunlight at any time of the day.



-
- The Council places great store on “Sydney, a City of Villages”, yet the very nature of the community of Elizabeth Bay is under treat as more people are forced out of affordable housing such as in 10 Onslow Ave.
- 1 Onslow Place with many affordable units is to be pulled down and replaced with seven ultra-luxurious apartments, All the original tenants have been forced to leave the area.
- To pretend that the loss of an iconic view is inconsequential is clearly nonsense. Each level of Darnley Hall has sold for larger amounts due to the superior views on the higher floors and the developer of 1 Onslow Place obviously plans to benefit from the demand for the view, as attached photo. To take a view from one community member and monetarize it for another is surely neither ethical, fair nor recognizes the reality of the market. See attached impact on our unit.



- Current vista and proposed development





-
- 10 Onslow Ave is a recognized architectural feature of the street, designed by renowned architect John James and has heritage value, as assessed by independent Heritage Consultancy GML Heritage Pty Ltd and submitted by Darnley Hall.
- There is really no clear reason to knock the building down when it is in good condition and could be refurbished at significantly less disturbance to the community while continuing to provide affordable housing.
- Elizabeth Bay has been through significant construction over the past year and the local residents tolerance for construction noise is wearing very thin.
- I invite the Council to visit our area and my apartment to see for themselves the potential risk to Elizabeth Bay that this development poses.

- I welcome good building design and development in the area but the 10 Onslow Ave proposal is neither and the building could be better used if renovated.

Thank you for consideration of my submission.

Neil C Cochrane

From: [REDACTED]
Sent on: Tuesday, September 19, 2023 9:22:06 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Submission - D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds
Urgent: High

Attachments: Indicative Difference from EBG Garden.pdf (636.69 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,

I write to object to the above mentioned development for multiple reasons.

I am a owner in Elizabeth Bay Gardens (15-19 Onslow Avenue – built in 1970) and have the following objections.

HEIGHT AND IMPACT ON VIEWS

- The scale and height of the proposed development of 10 Onslow is greater than that of the existing building. Whereas the roofline of the current 10 Onslow Ave is staggered/stepped up with the elevator tower being the highest point, the proposed roofline will cover a more expansive building, be of equal height across its expanse and exceed that of the current elevator tower.
- The proposed development will result in a detrimental impact to my current water view from a property that was constructed in the early 1970's.
- The proposed development will have a significantly adverse impact on the corridor view through to the water from the common garden of Elizabeth Bay Gardens. This common garden is a substantial and unique asset of the of Elizabeth Bay Gardens that is enjoyed by all residents and guests of Elizabeth Bay Gardens. Loss of this corridor view that has been long held detrimentally effects the enjoyment that is gained from this beautiful common garden not to mention the adverse impact on property prices of all properties of 15-19 Onslow Avenue should that corridor view be lost to this proposal. (See attached).
- I would anticipate there are many other established properties that will have their existing and long held views adversely impacted by this development proposal, specifically apartments within 13 Onslow Avenue (Muedon) – constructed in the 1920's and 6a Greenknow Avenue (Onslow Gardens) – an art deco building, for example.

NOISE

- I understand the proposed buildings will feature rooftop terraces and pools. This will result in excessive noise impacting many existing residents of the area. The nature of the valley as it slopes down from Onslow Avenue to the water means there is a tendency for noise to amplify. The proposal of an elevated rooftop (foreign to this pocket (Onslow to Billyard)) will attract loud gatherings that will result in excessive noise and ruin what is so tranquil about this area. I anticipate I will personally be significantly impacted by noise from the rooftop terrace of the proposed development of 10 Onslow Avenue.
- The inclusion of mechanical ventilation associated with the proposed construction vs passive ventilation of the current building will add to the noise that adjacent buildings will be subjected to. I anticipate I will personally be significantly impacted by noise from the rooftop terrace of the proposed property that is located on Onslow Avenue.
- The noise associated with complete demolition of two properties stretching from Onslow to Billyard Avenue, followed by prolonged construction will adversely impact the enjoyment and mental health of countless residents for a prolonged period of time all to deliver less housing than the current properties (28 apartments replaced by 22 apartments). Enjoyment of the Arthur McElhone Reserve and Elizabeth Bay House will be adversely affected during demolition, construction and on an ongoing basis as a result of noise generated by and bulk and scale of the proposed development.

HERITAGE and BULK AND SCALE

- Impact on existing and sympathetic typography of existing rooflines on Onslow Avenue. The impact of the proposed development of 10 Onslow Avenue on the streetscape topography/roof line is inconsistent with the current buildings

in that the existing building typography follows the slope of the street of Onslow Avenue. The new development of 10 Onslow would mean a loss of the current stepped up slope of the roofline typography that the buildings currently follow from numbers 6 Onslow through to 12 Onslow and so on.

- Darnley Hall (12 Onslow Avenue), built in the 1930's is a positively unique part of the streetscape of Onslow Avenue and visible to all that use Onslow Avenue. The proposed development is completely unsympathetic to this building due to its bulk and scale and proposed setbacks that are substantially closer to Darnley Hall than that of the existing 10 Onslow Avenue.
- The existing buildings that will be demolished to accommodate this proposal have been assessed by the highly-regarding consulting company GML to be identified as a "contributory" item within the Heritage Conservation Areas and Sydney 2012 DCP. Should this assessment be accepted then the polic(i)es of the HCA should be applied(:) namely that contributory items be retained and conserved. If this is the case, what is the compelling reason (aside from developer profit) to demolish the existing buildings? Has it been demonstrated that the existing buildings, considered contributory by GML are not capable of retention or re-use?

TRAFFIC AND PARKING

- Total of approximately 50 bedrooms will be serviced by 22 allocated parks and 3 visitor parks for the proposed development. Access to parking for the proposed construction will all be via Billyard Avenue resulting in congestion. Onslow is only accessible via Billyard. The increased congestion affects Ithica (back up of congestion), Billyard and Onslow Avenue.

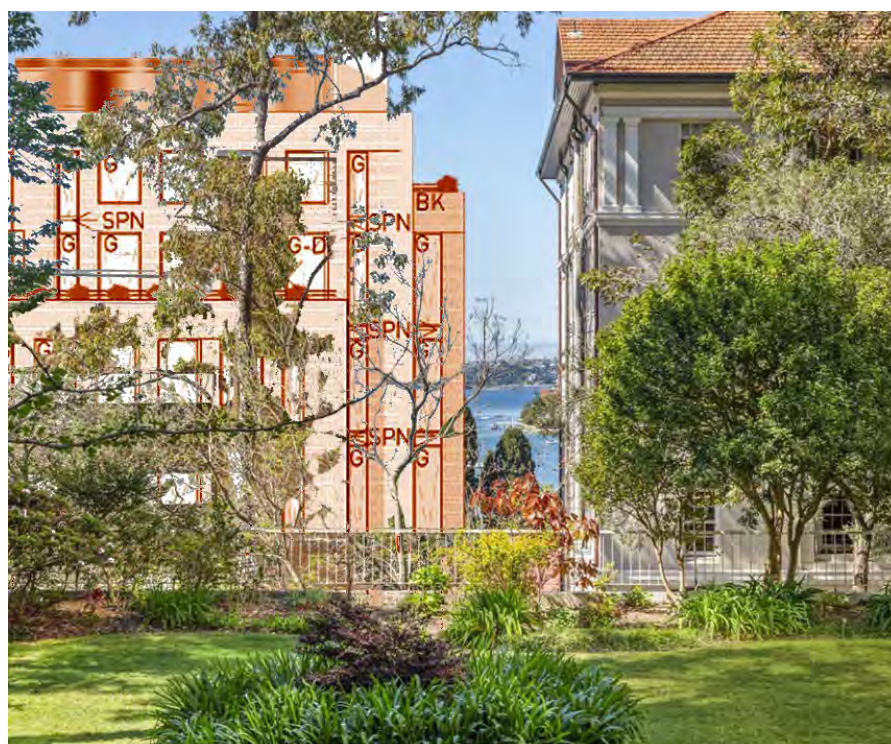
Thank you for your consideration.

I wish to receive feedback regarding this objection please.

Nicky Treacy

Indicative* Difference DA/2023/727 From EBG Gardens

Distance between 10 Onslow Ave and 12 Onslow Ave shrinking to less than 4.5m



*(*Best efforts made given lack of downloadable 3d model within DA submission. Image taken from page 18 of Appendix C of DA 2023 727)*

From: [REDACTED]-Donnet
<owen@digitor.com.au> <Owen Johnstone-Donnet <owen@digitor.com.au>>
Sent on: Wednesday, September 20, 2023 7:31:40 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 - OJD.pdf (1.29 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 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

Owen Johnstone-Donnet

[REDACTED]
[REDACTED]

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 and reside at Darnley Hall, 8/12 Onslow Avenue, Elizabeth Bay, 2011.

Our apartment is on the second 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 wife 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 our home office 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 out home office on the north western corners 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 our home office completely gone – instead looking into an unattractive brick wall, and /or someone's bedroom ! (See attachment 1.)
- 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 8, which stands to lose entirely its view of Elizabeth Bay House from the northwestern corner room used as a home office.
- 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 Three
- 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:

- Our home office 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.

Owen Johnstone-Donnet
Apartment 8
12 Onslow Avenue
ELIZABETH BAY 2011

19 September 2023

ATTACHMENT ONE

Current view from home office of 8/12 Onslow Avenue. This view will be entirely lost.



ATTACHMENT TWO

Current view from kitchen of 8/12 Onslow Avenue. This view will be entirely lost



ATTACHMENT THREE

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



From: [REDACTED]
Sent on: Wednesday, September 20, 2023 4:45:21 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: [REDACTED]
[REDACTED] - Attention David Reynolds
Attachments: Planning Submission Letter_20-09-23 - D_2023_727.pdf (1.22 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 a submission in respect of DA reference D/2023/727 at 21C Billyard Avenue.

The DA proposes *“Demolition of existing buildings, tree removal, excavation and construction of two new residential flat buildings, 6 to 8 storeys in height, with 22 apartments.....”*

We trust that this submission will be taken into consideration in Council's assessment of the DA. Should any material design changes or additional documents be lodged by the applicant, we request that we are notified of these, and reserve the opportunity to make further submission(s).

If safe receipt of this letter can be confirmed, it would be appreciated.

Regards

PAUL KEYWOOD
Associate Director

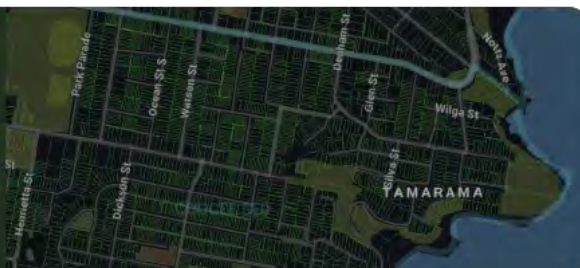
[REDACTED]
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20 September 2023

City of Sydney Council
456 Kent Street,
Sydney NSW 2000

FAO. Mr David Reynolds

Dear Mr Reynolds

RE: Submission to Development Application D/2023/727 – 21C Billyard Avenue, Elizabeth Bay

1. Introduction

This submission has been prepared by Mecone Group Pty Ltd (Mecone) on behalf of Mr C Barter in response to Development Application (DA) **D/2023/727** for the site at **21C Billyard Avenue, Elizabeth Bay** (the site).

The DA seeks consent for the following scope of works:

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.

Mecone has reviewed the proposal on behalf of Mr Barter, property owner at Billyard Avenue. A number of concerns are raised which are detailed in the following sections of this submission. In summary, this submission raises contentions in respect of the following matters:

1. Overshadowing and solar access
2. Boundary setbacks and separation
3. View impacts and height exceedance
4. Façade design and treatment
5. Parking and access
6. Communal open space

In the interest of surrounding residents, as well as the broader public interest, we request that Council consider these matters in their assessment of the DA. As it stands, there are several grounds on which the current proposal should not be supported. Council will note that a number of design revisions are advocated by this letter to address the concerns raised, and additional information items are also identified.

2. Boundary Setbacks and Separation

The proposal relies on non-compliant Apartment Design Guide (ADG) building separation distances between the proposed building and the existing residential buildings to the north (21B Billyard Avenue) and south (23 Billyard Avenue). These are habitable-to-habitable interfaces in each direction.

The design criteria within Objective 3F-1 of the ADG requires setbacks from the boundary of **6 metres** (up to 4 storeys) and **9 metres** (up to 8 storeys), as illustrated in Figure 3F.3 of the ADG (**Figure 1** below) and reiterated at ADG Figure 3F.6.

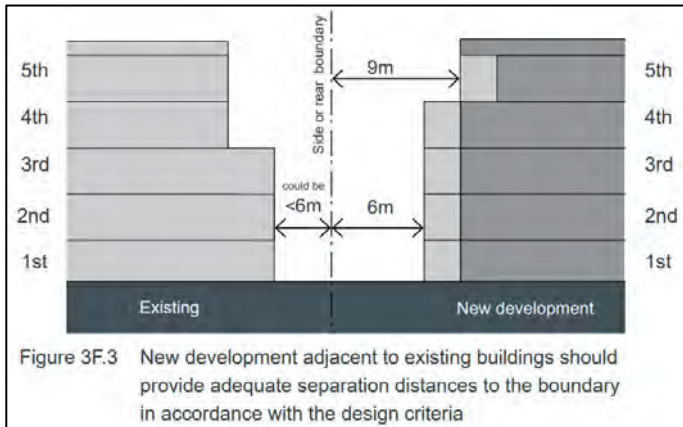


Figure 1. Figure 3F.3, Apartment Design Guide, DPE

The boundary setback distances proposed are well short of the 6m minimum, as summarised below and shown at page 75 of the applicant's Design Report lodged with the DA (refer to **Figure 2** below).

The proposed building provides the following side setback distances (for lower levels):

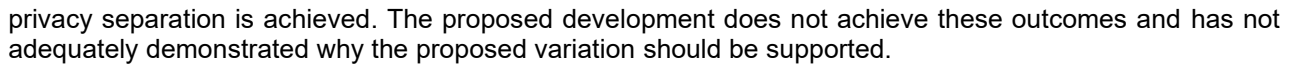
- Northern boundary setbacks:
 - Eastern building (facing Billyard Avenue): 3.1m - 4.6m
 - Western building (facing Onslow Avenue): 3.3m - 5.4m
- Southern boundary setbacks:
 - Eastern building (facing Billyard Avenue): 3m
 - Western building (facing Onslow Avenue): 3.02m - 4.6m



Figure 2. Extract from applicant Design Report identifying proposed boundary setbacks (Smart Design Studio)

The ADG does contemplate scenarios where existing buildings on an adjoining site comprise setbacks less than that required under the ADG.

It is acknowledged that the proposed development at the site is subject to such circumstances. Notwithstanding this, the ADG still imposes those setbacks prescribed under the Objective 3F-1 design criteria (6m and 9m) from the property boundary (illustrated by ADG Figure 3F.3 above) to ensure adequate



As illustrated in **Figure 3** below, the existing building setbacks and separations, while still non-compliant, are far greater than those proposed and more effectively promote visual privacy to the existing neighbouring buildings.



A key item raised by Council as part of their pre-lodgement advice was in relation to the non-compliant side setbacks. In response, the SEE states the following:

"The side setbacks have adopted the ADG 'non-habitable' setback criteria (3m) as a base to work from, given:

- *Primary living areas are orientated to face the street and harbour, while secondary living areas are located behind screened walls.*
- *The glazing behind the screens is fixed to also ensure acoustic privacy. All operable windows are provided within indented portions of the façade.*

In response to Council's comments, it is also noted:

- *The Elizabeth Bay locality is characterised by narrow blocks and setbacks. Neighbouring buildings are setback on average less than 3m.*
- *Careful consideration has been given to minimising visual privacy, view sharing and overshadowing impacts (refer to Section 6 below).*
- *ADG compliant separation would essentially eliminate the possibility of viably redeveloping the sites due to their reasonably narrow (21m) width and would in any event then present as entirely uncharacteristic building in terms of massing, scale and character in the conservation area and Bays Precinct”.*

The DA nominates living areas and bedrooms which adopt privacy measures as 'non-habitable' rooms and subsequently adopts a 3m requirement under the ADG.

The DA seeks to further justify the proposed setbacks by stating that the habitable spaces located on the side of the proposed buildings are 'secondary living' spaces and as such do not comprise a habitable space for the purpose of applying building setbacks.

The ADG defines a habitable space as “a room used for normal domestic activities, and includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom.

family room and sunroom; but excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods, as defined by the BCA”.

The architectural plans clearly show habitable spaces (including living rooms and bedrooms) in the proposed development which are orientated towards the neighbouring living, kitchen and bedroom spaces. Nominating these as non-habitable rooms to achieve compliance, regardless of any privacy measures, does not align with the ADG. The non-habitable setbacks applied are therefore not appropriate in this instance as they result in the proposal borrowing amenity from the neighbouring sites and ‘secondary living’ spaces will still directly affect privacy. In this respect, the DA applies an incorrect separation provision which is not compliant with Objective 3F-1 of the ADG and the setbacks as shown in **Figure 1** above.

A further justification provided in the SEE is in regard to the existing narrow nature of the blocks and setbacks adjoining the site. The applicant has further sought to justify the boundary setback non-compliance by explaining that redevelopment of the site would not be feasible if the compliant boundary setback was adopted. To set aside such a key ADG provision, due to the site being constrained by its size is not sufficient justification in this instance and also undermines the objectives of the ADG.

Although the ADG does contemplate scenarios where existing buildings on adjoining sites provide an existing setback less than that required under the ADG, Figure 3F.6 of the ADG (see **Figure 4** below) reiterates that there is still an onus on the new development to provide minimum boundary setbacks to a non-compliant existing setback.

While it is acknowledged that the existing context of the area comprises a dense urban environment with building setbacks less than that required under the ADG, any proposed development in such an environment seeking dispensation to the design criteria should not result in increased amenity impacts.

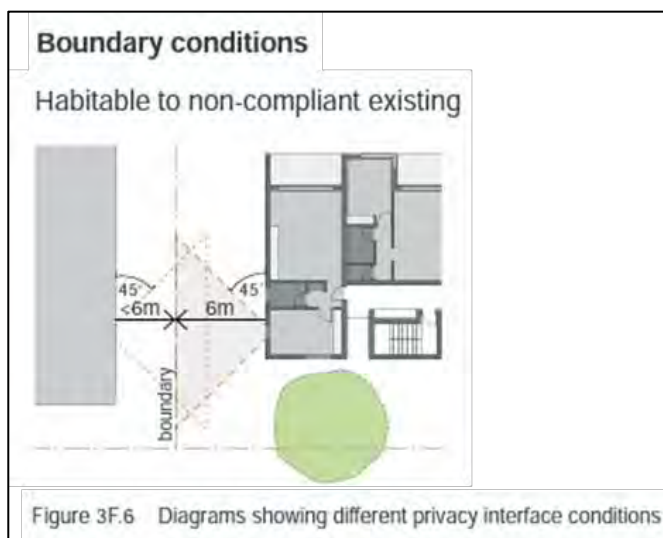


Figure 4. Figure 3F.6, Apartment Design Guide, DPE

The SEE provides that “the ADG also mentions that a new development site is not expected to make up for a shortfall on an adjoining development site”. While this might be true when contributing to the total building separation distances required, this does not apply to the boundary setbacks prescribed within the design criteria for within the development site itself.

As illustrated in **Figure 3** above, the existing building setbacks and separations, while non-compliant, are far greater than those proposed and more effectively promote visual privacy to the existing neighbouring buildings. In this respect, the proposed development will further exacerbate any existing amenity impacts arising from these non-compliant building separations. While it is acknowledged that the prevailing character and built form within the locality is dense and includes reduced setbacks, the building envelope proposed is far more excessive in bulk and scale compared to the existing building at the site and therefore is not consistent with the prevailing character – and will give rise to increased amenity impacts.



While privacy measures have been adopted, such as screening and blank walls, the design fails to appropriately offset living rooms and bedrooms between buildings. It is suggested that such a design response be considered to better address the visual privacy objectives of the ADG, and more closely maintain existing boundary setbacks as a minimum.

Of further note is the interface between the flank southern wall of the proposed basement car park (where this rises above ground level) and a number of the bedroom and living windows of 23 Billyard Avenue. The car park basement wall offers a **0m setback** to the site boundary. In total there would be only an approximate 2m separation to these 23 Billyard Avenue windows. The separation from this proposed wall to the neighbouring building is a significant reduction from the existing building which ranges from 5.9m – 6.7m.

The 0m setback and proximity to the existing windows is illustrated by the mark-up of DA drawings DA103 Rev.A and DA401 Rev.A, (**Figures 5 and 6**) below. The car park external wall is the same height as the top of the **2nd floor** level of 23 Billyard Avenue.

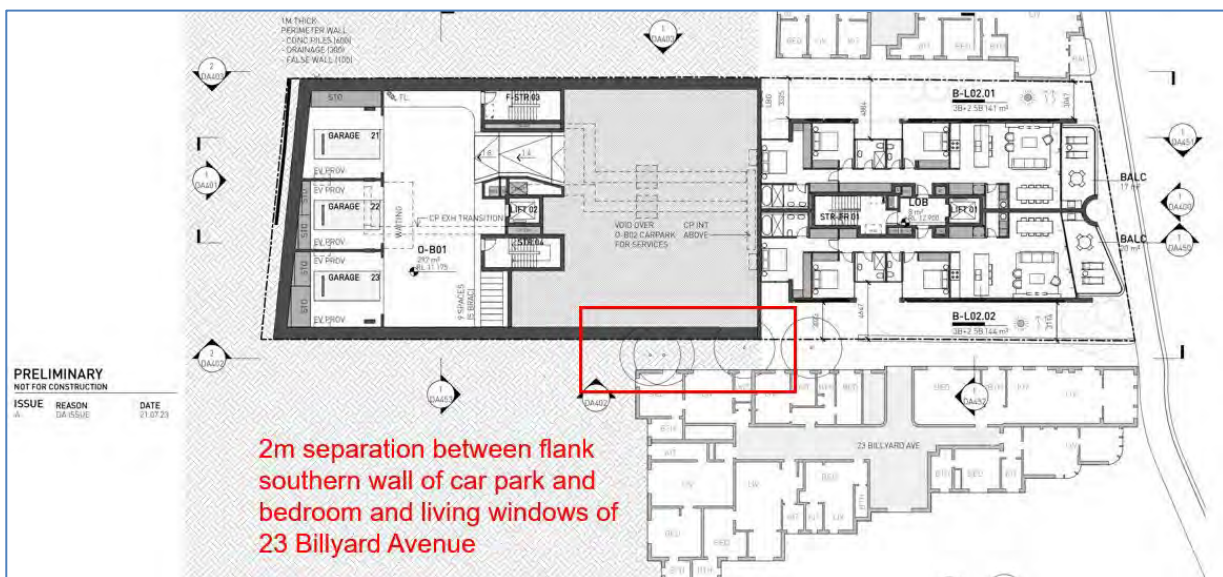


Figure 5. Basement car park proximity to 23 Billyard Avenue, drawing DA103 Rev.A. (Smart Design Studio) Annotation added

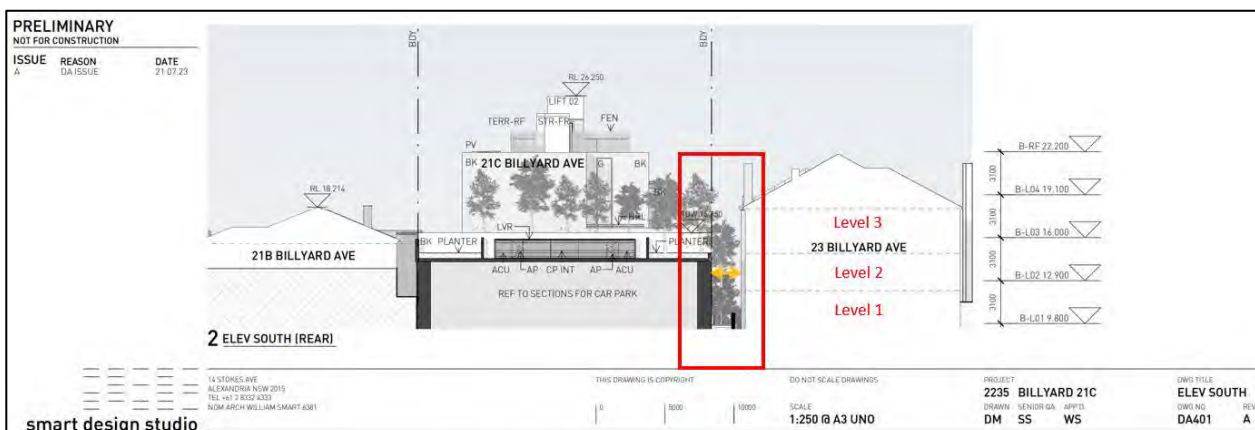


Figure 6. Section showing proposed basement car park (above ground) interface with 23 Billyard Avenue, drawing DA401 Rev.A (Smart Design Studio) Annotation added

Figure 7 below from the Urban Design Report further illustrates the impact of the development on the lower levels of 23 Billyard Avenue (shown on the left of Figure 7). The basement car park projection above ground is behind the tree in the centre of the image.



Figure 7. Interface between proposed development at 21C Billyard Avenue (right) and 23 Billyard Avenue (left). (Source: applicant Design Report, Smart Design Studio)

Whilst we understand the applicant seeks to maximise the building envelope on the site, the proposed side boundary setbacks and resulting building separation distances will give rise to significant privacy, amenity and outlook impacts on the living rooms and bedrooms of neighbouring properties. The proposal is therefore not supportable in its current form given this non-compliance and for this reason, does not demonstrate design excellence in accordance with clause 6.21 of the SLEP 2012.

3. Overshadowing and Solar Access

Section 4A of the ADG states that:

“Solar and daylight access are important for apartment buildings, reducing the reliance on artificial lighting and heating, improving energy efficiency and residential amenity through pleasant conditions to live and work”.

Objective 4A-1 of the ADG is *“To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space”.*

These are important principles which are a key determinant to the quality of life for people living within their homes. It is therefore important also that design does not just target the minimum guideline. Objective 4A-2 is relevant to this principle and states the objective that *“Daylight access is maximised where sunlight is limited”.*

The design criteria under Objective 4A-1 provides that *“Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in Sydney”.*

It is noted that a total of 95% of the proposed apartments in the DA achieve the ADG guideline of solar access to living spaces and private open space. Whilst this is laudable, approximately only 50% of 12 Onslow Avenue apartments and less than 30% of 23 Billyard Avenue apartments receive the 2 hours minimum (as existing and proposed). The DA **reduces** the already limited amount of direct sunlight and daylight access received by living rooms in existing neighbouring developments.

The ADG states that *“A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm mid-winter”.* This is reiterated for *existing* development in the City of Sydney draft ‘Minimising overshadowing of neighbouring apartments’ guide. As existing, at 23 Billyard Avenue, 52.4% of apartments receive no direct sun. The proposal will exacerbate this and increase the figure to 57.1% (see applicant Solar Access Tally tables at pages 135 and 136 of the Design Report).

The living room window at apartment at 23 Billyard Avenue labelled 1.07 in the DA documents currently receives less than one hour of light per day (approximately 15 minutes) at mid-winter. As evidenced in the Solar Access Tally table provided in the Design Report, it will receive no direct sunlight at all at mid-winter when the proposed development is completed.

The loss of all direct sunlight to unit 1.07 at 23 Billyard Avenue therefore fails design guidance under ADG Objective 3B-2 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 properties is not reduced by more than 20%”*. In this instance, the reduction is 100%, leaving the dwelling with 0 hours direct sunlight in mid-winter.

The proposal therefore also does not comply with City of Sydney DCP controls under section 4.2.3.1 in relation to solar access for neighbouring developments.

Cumulatively, the proposal also reduces the direct sunlight received by units 2.02, 1.02, GF.02, and LG1.02 at 12 Onslow Avenue at mid-winter. This exceeds other minor increases, as shown in **Figure 8** and **Figure 9** below, extracted from pages 53 and 54 of the Smart Design Studio architectural plans.

In this scenario, Design guidance under ADG Objective 3B-2 states that *“If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy”*. Furthermore, *“Overshadowing should be minimised to the south or down hill by increased upper level setbacks”*. The same principle is reiterated in draft City of Sydney guidance ‘*Minimising overshadowing of neighbouring apartments*’.

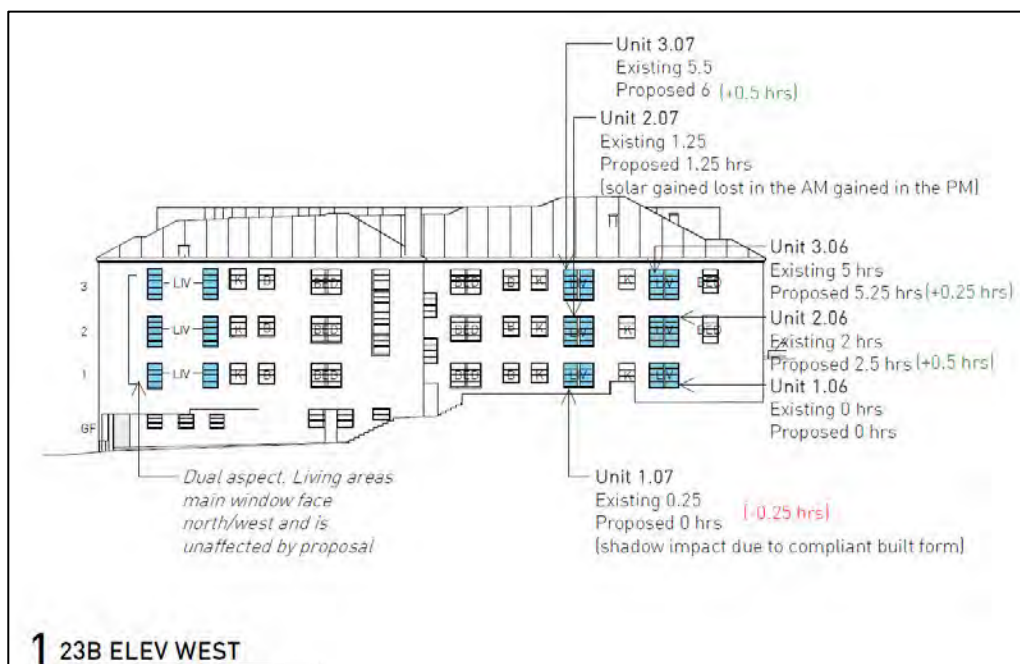


Figure 8. Impact on direct sunlight received by north-facing apartments, 23 Billyard Avenue (Source: Architectural Plans, Smart Design Studio)



Figure 9. Impact on direct sunlight received by north-facing apartments, 12 Onslow Avenue (red figures added). (Source: Architectural Plans, Smart Design Studio)

The proposal does not meet minimum boundary setbacks (as demonstrated above). Council should therefore ask the applicant to increase setbacks on the south elevation to address these ADG non-compliances, which will otherwise harm the residential amenity of a number of existing neighbours to the proposal through loss of both sunlight and daylight.

Of note is that the Solar Access Tally table at page 134 of the applicant's Design Report is missing rows in its assessment of solar impacts on 12 Onslow Avenue. This means that it is difficult to be certain of the findings of the assessment. Corrected tables should be requested from the applicant.

4. View Impacts

A View Sharing Report (VSR) has been undertaken on behalf of the applicant which contemplates the view impacts from the existing properties surrounding 21C Billyard Avenue. The report concludes that the development would have minor or minor-moderate view impacts for all dwellings assessed, noting the most affected dwellings as being 12/12 Onslow Avenue and 8/12 Onslow Avenue. Mecone have reviewed the VSR, and it is understood that the following views are most impacted by the increased bulk and scale of the proposed development:

- View 03 – 12 Onslow Avenue (first top floor central west)
- View 06 – 12 Onslow Avenue (second top floor north-west)
- View 07 – 12 Onslow Avenue (second top floor central west)

The proposal comprises a new development that is significantly larger than that of the existing and includes exceedances to the maximum building height under clause 4.3 of SLEP 2012. Regarding View 07 (**Figure 8**), the proposed development does impact their scenic view of the water to the north-east.



Figure 8. Extract of View 07 from 12 Onslow Avenue (Source: applicant View Sharing Report, Urbis)

In *'Tenacity Consulting v Waringah [2004] NSWLEC140' (Tenacity)*, a four-step assessment is required to guide whether or not view sharing is reasonable. The VSR submitted includes the required test against the key principles of *Tenacity*, concluding overall that *"In total, out of 6 dwellings assessed, all were found to have minor or minor-moderate view impacts for the whole dwelling"*.

This notion is questioned, particularly noting the scenic view from View 07 is entirely lost as a result of the proposed development. As described in the VSR, *"Easterly views from the kitchen bay window are expansive and include a wide section of Sydney Harbour, some islands and sections of land-water interface which together create a scenic and highly valued 'whole view composition' as defined in Tenacity."* View 07 takes in a portion of the easterly view, which is described as a 'highly valued' view across Sydney Harbour, encompassing water and harbour islands. The remaining scenic qualities of this view corridor have been completely removed by the additional bulk and scale presented by the proposed development. The VSR notes that the impact on 11/12 Onslow Avenue is 'minor' for the whole dwelling, however as exemplified above and in **Figure 8**, the impact to the top floor central west elevation (View 07) is greater than that determined to be 'minor', given the entire view corridor is lost.

Overall, the additional bulk and scale proposed as part of the development will have an impact on the view and outlook from surrounding properties (particularly 12 Onslow Avenue) which is inconsistent with the outlook and promotion of view sharing provisions. In this regard, the extent of view loss for 11/12 Onslow Avenue that would result from the proposed development, is not 'minor' and as such does not promote view sharing for all the adjoining residents. In addition, the built form with the additional height is overbearing on the surrounding properties along Onslow Avenue and Billyard Avenue and is therefore not consistent with the local character.

On this basis, the proposed development should be redesigned to reduce the bulk and scale of the built form and to minimise the exceedance in building height, to encourage appropriate view sharing and resultant improved amenity for all surrounding residents.

5. Clause 4.6 – Height Exceedance

A Clause 4.6 Variation Request has been undertaken on behalf of the applicant, demonstrating a non-compliance with clause 4.3 of SLEP 2012. The proposed height exceedance (as shown in **Figure 9** below) includes not only the lift overrun, but also the roof terrace on the Onslow Avenue building and leading edge of the top floor of the Billyard Avenue building. This exceedance is unreasonable, impacting on the height transition between the adjoining properties and fostering detrimental amenity impacts.

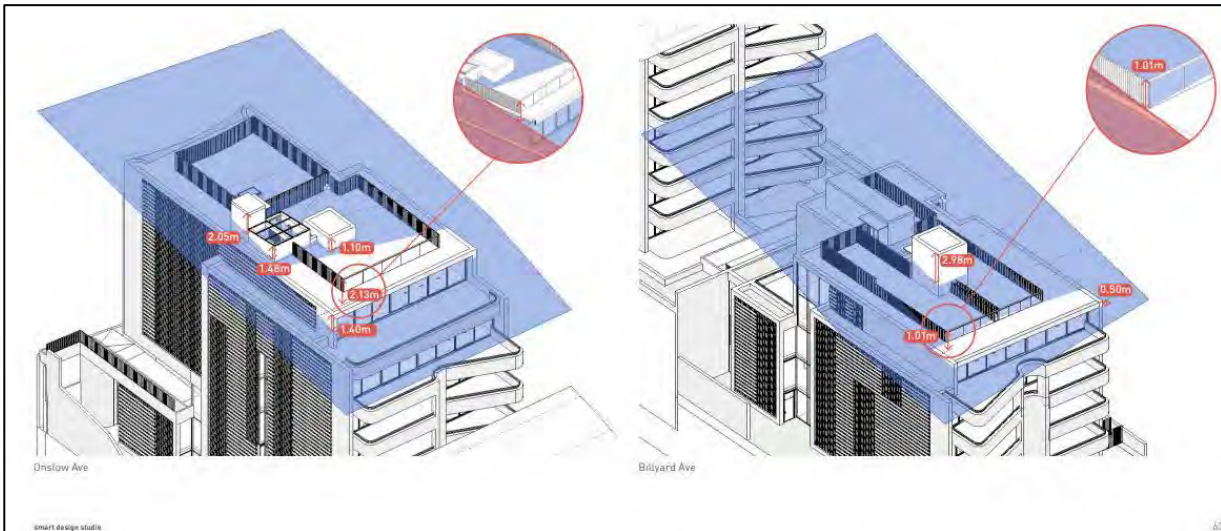


Figure 9. Height Exceedance Diagrams (Source: applicant Clause 4.6 Variation Report, Urbis)

The proposed exceedance in building height is not consistent with the objectives of clause 4.3 of SLEP 2012. Particularly regarding clause 4.3(1)(c) of SLEP 2012, which is *'To promote the sharing of views outside Central Sydney'*. The cumulative impact of the additional height and scale results in the proposal undermining objectives of clause 4.3(1)(c) of SLEP 2012, as the upper massing proposed does block views to the sky and imposes on the solar amenity of surrounding buildings.

In this regard, the proposal is not consistent with the objectives provided in clause 4.3 of SLEP 2012 and the additional bulk and scale presented by the height exceedance should be minimised to address identified impacts on the amenity and outlook of the surrounding residents.

6. Façade Design and Treatment

The Design Report lodged with the DA explains the rationale to the selection of materials and treatment of the façades. The materiality is generally suited to the location and context. However, the north and south elevations of the proposal over-use the brick material. This provides limited design interest or relief for the neighbours who look directly at the large expanses of monochrome brick.

Indeed, the heading on page 47 of the Design Report describes one of the façade principles as 'screened blank walls'. The text states that *"The side east and west [actually north and south] facades are characterised by large, angled brick screens. These elevations are considered, crafted and expressive. Experienced by pedestrians from an oblique angle the brick screens will be seen as an expressive texture tapestry that is visually interesting"*.

The 'experience' of pedestrians will only be for a few seconds. More important will be the experience of the existing residents of the neighbouring properties, particularly at 21B and 23 Billyard Avenue, who will only be able to see these blank brick elevations from their living rooms and other windows. Refer to **Figure 10** and **11** below. In this regard, the proposal does not demonstrate design excellence in accordance with clause 6.21 of the SLEP 2012. Refinement is needed to the design of the north and south elevations of the development, to create greater variety, visual interest, and responsiveness to the context of the proposed building.



Figure 10. North elevation of 21C Billyard Avenue proposal (Source: applicant Design Report, Smart Design Studio)

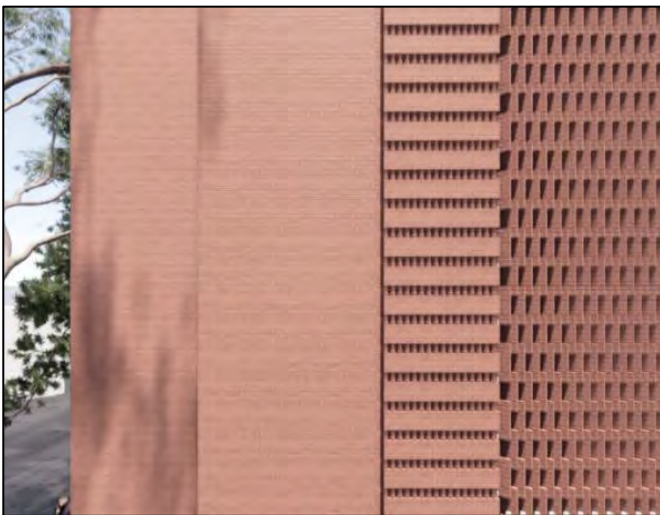


Figure 11. North/south façade detail (Source: applicant Design Report, Smart Design Studio)

7. Parking and Access

It is noted from the DA documentation that the proposal include provision for 23 residential and 4 visitor car parking spaces, at basement levels. The proposed basement (located underneath the Onslow Avenue building) is accessed via a 3.6m driveway from Billyard Avenue. The access arrangement comprises a one-lane, two-way ramp, controlled by a traffic signal system.

Although the number of car parking and visitor spaces fall within the maximum car parking rate within the SLEP 2012, the spaces appear tightly configured (particularly at levels B02 – B06), with very limited clearance margins shown in the swept path diagrams at Appendix A of the applicant's Traffic Impact Assessment (TIA).

Furthermore, there are no dimensions shown for parking spaces or aisle widths in the architectural drawings or swept path analysis drawings. Therefore, the compliance of the basement and access design for parking cannot properly assessed or checked by Council.

This should be a matter for Council to include in an RFI – to enable a detailed compliance check to be carried out with regard to AS 2890.1, 3 and 6.

Section 6.2.4 of the TIA states that *“In summary, the internal parking arrangements have been **generally** designed in accordance with AS 2890.1, AS 2890.3 and AS 2890.6”* (emphasis added). This suggests that



there are non-compliances, which should therefore be properly checked prior to any determination.

8. Communal Open Space

The requirement for communal open space to enhance residential amenity is provided at Objective 3D-1 of the ADG. The design criterion is a minimum area to 25% of the site. The Design Report incorrectly identifies this design criterion within Objective 3D-1 being complied with.

The DA provides 52 sqm of communal open space, which equates to **only 3.6%** of the area of the site (1,464 sqm). The SEE states that “*The proposal reinforces the high-density residential use of the site...*” but provides only a very small proportion of the quantity of communal open space specified in the ADG communal open space design criterion.

This is inadequate for ‘high density living’, especially for less mobile residents of the development who cannot easily walk to nearby public spaces. The design should be revised to more closely achieve the ADG Objective 3D-1 criterion.

9. Conclusion

As detailed throughout this submission, the cumulative impact of the proposed development on the amenity of the adjoining properties is significant and is therefore considered to be detrimental to the local context and not in the public interest. On this basis, the Development Application in its current form should be refused for the following reasons:

- The proposal does not comply with a number of key built form provisions in the ADG and SLEP 2012, including:
 - building separation and boundary setbacks (ADG Objective 3F-1)
 - building height (SLEP 2012 cl.4.3)
 - solar access (ADG Objectives 3B-2, 4A-1, 4A-2, SDCP 2012 section 4.2.3.1)
 - communal open space (ADG Objective 3D-1), and
 - design excellence (SLEP 2012 cl.6.21).
- The proposal will give rise to a number of significant amenity impacts to surrounding properties and residents, particularly to those residing adjacent. The impact of the non-compliant boundary setbacks (in this habitable-to-habitable context) is significant for residents of 23 Billyard Avenue and 21B Billyard Avenue in particular. The proposed side setbacks are overbearing on the adjoining neighbours, having impact on solar amenity and outlook. The proposed setbacks should more closely maintain existing boundary setbacks as a minimum. A 0m setback for part of the basement car park further contributes to loss of resident amenity compared to the setbacks of the existing buildings at 21C Billyard Avenue. In these respects, the proposed development does not demonstrate design excellence in accordance with clause 6.21 of the SLEP 2012.
- The proposed exceedance in building height is not consistent with the objectives of clause 4.3 of SLEP 2012. Particularly regarding clause 4.3(1)(c), which is as follows ‘*To promote the sharing of views outside Central Sydney*’. The cumulative impact of the additional height and scale results in the proposal undermining objectives of clause 4.3(1)(c) of SLEP 2012, as the upper massing proposed does block some additional areas of sky and imposes on the solar amenity of surrounding buildings.
- The proposed communal open space is inadequate in size and is inconsistent with Objective 3D-1 of the ADG.
- Refinement is needed to the design of the development, to create greater variety, visual interest, and responsiveness to the context of the proposed building, including addressing the large areas of blank side façades. In its current form, the proposal does not demonstrate design excellence in accordance with clause 6.21 of the SLEP 2012 in this respect.
- There are a number of identified issues within the documents submitted, including incomplete Solar Access Tally tables for 12 Onslow Avenue, and missing dimensioned architectural drawings for the



basement parking levels. These documents should be updated to ensure Council can properly assess the compliance of the proposal in relation to the abovementioned matters.

In light of the above, the proposal in its current form should not be supported by Council as it exhibits notable amenity impacts on the surrounding residents and is not in the wider public interest. In addition, there are deficiencies in the documentation provided to Council.

We urge Council consider the contents of this submission. Should you wish to discuss further, please do not hesitate to contact the undersigned.

Yours sincerely,

Tom Cook

Director

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

20/9/2023

by email

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

Dear Sir,

D/2023/727

Thank you for the opportunity to comment on this development application by The Trustee for Billyard Ave Development Trust.

I am a resident of Darnley Hall, 12 Onslow Avenue, the 1924 building south of 10 Onslow Avenue.

This is an initial response and I would like to reserve the right to add to it or make additional comments as information comes to hand. Various reports have been commissioned: town planing, view sharing, solar energy study and heritage and these are not all to hand. We have been given some 25 reports numbering 1211 pages to digest and analyse in less than three weeks.

My conclusion is, after reading the independent* heritage assessment by GML¹ policy recommendations of the Elizabeth Bay and Rushcutters Bay HCA should be followed, specifically:

- Retain Post-war 1960-1975 apartment buildings identified as contributory
- This building should be identified as contributory

*I say independent assessment because Darnley Hall was told it could not influence or seek an outcome, we had to accept GML's findings.

I believe the buildings at 10 Onslow Avenue and 21C Billyard Avenue should be retained in their present building envelopes.

The Heritage Impact statement prepared by Urbis² could not:

1. correctly identify the property identifying it as 20C [sic] Billyard Avenue on the document's first/front page
2. did not find the relevant DA and BAs in the 1970s
3. could not identify the architect, in fact said it was not designed by a prominent architect

Dr John James will not be thrilled to learn he's not a prominent architect.

For the record, Darnley Hall was designed by prominent architect Sir Charles Rosenthal and Harry Cooper Day. It is listed 12th on the Royal Australian Institute of Architect (RAiA) on its register of 20th century buildings in Australia.³

¹ prepared by Rebecca Hawcroft, head of Heritage Places and Leonie Massie, historian

² appendix J

³ Jason Boon <https://jasonboon.com.au/suburb-spotlight/darnley-hall/> accessed 30/5/2019

The proposed building, of "design excellence," by Smart Design Studio Pty Ltd, doesn't seem to name an architect. Smart Design's report will be covered in my next submission but this is a sample of errors:

- p 14 12 Onslow Ave is not next to 1A Onslow Ave - perhaps they mean 14-16 Onslow
- p 14 15 Onslow - 15-19 Onslow
- p 14 map not to scale
- Billyard ave [sic] is a one way street which can only be accessed from Itacha [sic] Road. Onslow also a once [sic] way street with street parking accessed by Billyard ave [sic the parking for the existing site is accessed beside 10 Onslow Avenue.]

The applicant (Fortis) dismisses the idea of renovating the existing building in favour of demolition and rebuilding. Fortis is apparently to pay \$78m for the site, spend \$23m, a total of \$101m for an end selling price of \$230m.⁴ A massive gross profit of \$129m.

Fortis is in the "holding finance" stage having only paid unit owners a non-refundable, quantum unknown, deposit. The balance is not due to existing owners until Fortis has development approval in place. It may decide to proceed or walk away from the contracts with the owners without any cost other than loss of the deposit.

Owners are unhappy as real estate prices have risen since signing up (one in particular under strong pressure); unable to find similar property to buy in Elizabeth Bay; cannot pay for it until paid; length of time to determine DA; hands are tied; repairs and maintenance on building have ceased (see photo ferns growing south side building), carpark access gate, front door and security compromises; still having to fund own repairs; the owner of 11/10 who received L&EC approval to extend his apartment D/2019/66 never contributed to levy funds as appeal halted by this DA.

At a time when the government is calling for more affordable rental accommodations, Fortis wants to reduce the number of apartments in the building from 28 to 22 and provide no studio apartments, no one bedrooms, only 3 x two bedrooms 18 x three bedrooms and one 4 bed room apartment. The average selling price per unit is approaching \$10m.

Currently, the building is 70% rented with 30% owner-occupied.⁵

A vendor is apparently being paid around \$2m for a two bed apartment with harbour views and carpark and the developer is apparently quoting a price of \$7m for a two bedroom apartment.⁷

So Fortis will provide 64 bedrooms at a cost of about \$98m at a selling price of \$230m (3.6m per bedroom). It will eliminate the supply of rental housing for about three years while under construction and because of the very high selling price eliminate any possibility of long term affordable rental accommodation.

Demolition is wasteful. It is much cheaper to retain, refurbish and re-utilise.

I also considered the following before reaching my conclusions:

the proposed plans

- cover the whole width and length of the block and are non-compliant and would be detrimental to the streetscape

⁴ <https://www.fortis.com.au/fortis-files-residential-towers-plan-at-elizabeth-bay/> accessed 25/8/2023

⁵ <https://www.domain.com.au/building-profile/10-onslow-avenue-elizabeth-bay-nsw-2011> accessed 20/8/2023

⁶ <https://www.domain.com.au/building-profile/21c-billyard-avenue-elizabeth-bay-nsw-2011> accessed 20/8/2023

⁷ conversations with owners and residents

- exceed height restrictions: the proposed building heights exceed the height controls under the LEP 2012
- no common open space is proposed when 25% of the site should be dedicated open space DCP 2012
- the two rooftop swimming pools and barbecues, only one of which is available for common use, will hinder views and be noisy; any use of rooftop height has to be taken into account; next they will adding sunshades, clothes lines and other paraphernalia to be dislodged by the windows
- depart from council's aim to build in the centre of the block surrounded by landscaping
- thereby also ruining existing view corridors
- take advantage of a development approval for a small extension to 11/10 Onslow Avenue, denied an appeal in the Land & Environment Court by this DA
- would affect, in fact take away views of the harbour towards Garden Island from my sitting and dining room⁸ and those of others in my building
- increased heights would:
 - take away my winter sun and light in my kitchen/dining and utility room
 - drastically, adversely affect the value of my apartment
 - ruins the view to and from Elizabeth Bay house of Darnley Hall
 - would take away my view of Macleay Street buildings (lovely night lights) and of the Philippine consulate at 11 Onslow Avenue
- detrimentally change the sweeping streetscape from 6-12 Onslow Avenue by projecting the building in front of Darnley Hall and blocking it from view
- p17 photo shows a beautiful streetscape which would be ruined were this building to be built as planned right on the street; the photo shows the sweep of the street climbing up to Darnley Hall with no building, not #6 nor #8 nor #10 detracting from the view of Darnley Hall

I note neighbouring the neighbouring Woollahra Council refused DA 592/2022 on 13-16 JUNE 2023.⁹

Woollahra Municipal Council rejected plans for the site at 186-192 Old South Head road over its size and the mix of apartments.

According to plans initially filed in January, the apartment of buildings on site would be of five to six storeys. A trio of units would also have private pools, according to plans from Chanine Developments.

However, the council said that the proposal was inconsistent with some design quality principles.

It said that the bulk, form and scale of the amended proposal would be "inconsistent ... and unsympathetic" to adjacent sites in the neighbourhood and of a bulk and scale that is "intrusive, overbearing and incongruous" with the streetscape.

According to the initial development application, the surrounding area consists of a mixture of residential flat buildings, multi-home buildings and single houses, generally from two to nine storeys with limited landscaping.

The Council continued that there was "poor internal amenity" and landscape design that failed to enhance the development's environmental performance.

Additionally, excessive Bulk, scale, non-compliant setbacks and poor floor plan configurations and solar access: would result in unacceptable adverse impacts for residents.

⁸ the developer incorrectly assumes my dining room is a bedroom

⁹ <https://www.theurbandeveloper.com/articles/eastern-sydney-luxury-apartment-plans-refused> accessed 17/9/2023

It also failed to achieve a mix of apartment sizes, provide house choice for different demographics, living needs and household budgets, the council said.

This is far from the only project knocked back by a Sydney council recently.

An "overdeveloped" Sydney tower was refused this month as Sydney councils and the NSW building Commissioner call for better quality and more appropriate and diverse developments to meet housing supply targets.

The D/2023/727 for 21C Billyard and 10 Onslow Avenue fails the test the Woollahra Council applied to D/592/2022.

I am also an owner of two lots in Elizabeth Bay Gardens, 15-19 Onslow Avenue, Elizabeth Bay, and share the view of other EBG owners that it is entirely inappropriate to adversely impact the outlook from many apartments and in particular to completely ruin the view from the substantial, much used award winning gardens and swimming pool.

The view corridor will be severely affected if Fortis builds. The proposal borrows amenity from many neighbouring sites as well as EBG and its garden. Although some may not be able to voice their opinion, it does not follow that a developer should be allowed to take their view.

When 10 Onslow and 21C Billyard Avenue were built in the c1972, Elizabeth Bay House, Darnley Hall, Elizabeth Bay Gardens, the Philippine consulate and many surrounding buildings, shared their view. I feel it unfair that a developer should come back and want to take a bigger share of that view.

I am seriously concerned site preparation and excavation, of depths up to 13m for carparks, may damage Darnley Hall, the old sandstone wall in the Melrose gardens and Elizabeth Bay House,

Urbis' report said, incorrectly:

- The most affected dwellings assessed include 12/12 Onslow Avenue and unit 8 at 13 Onslow Avenue

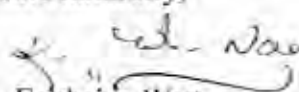
Would Urbis, and in fact the whole Fortis group, please explain why it denies that my apartment, number 9/12 Onslow Avenue, will not be affected by view sharing and shadowing. It doesn't appear on any of their tables. Also, the room beside my sitting room is a dining/living room - **not** a bedroom.

I would like council to view share test every apartment that believes its views, sun and light will be affected.

Easements and Restrictions There is an existing covenant on title (restricting building height on a portion of the site) which was registered in 1957 and is no longer relevant to the land or development. As part of the development process, this covenant will be extinguished via NSW Land Registry Services. **Please explain why.**

For now,

Yours faithfully,



R. Fairbairn-Watt



1250

From: [REDACTED]
Sent on: Tuesday, October 10, 2023 10:17:20 AM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: OBJECTION TO PROPOSED DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 2 NEW RESIDENTIAL FLAT BUILDINGS, DA-D/2023/727, PPTY: 21C BILLYARD AVENUE, ELIZABETH BAY
Attachments: 0663_001.pdf (125.35 KB)

From: [REDACTED]
Sent: Tuesday, October 10, 2023 8:40 AM
[REDACTED]
[REDACTED]
Subject: RE: OBJECTION TO PROPOSED DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 2 NEW RESIDENTIAL FLAT BUILDINGS, DA-D/2023/727, PPTY: 21C BILLYARD AVENUE, 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.

ATTENTION: DAVID REYNOLDS, AREA CO-ORDINATOR, PLANNING ASSESSMENT

RE: OBJECTION TO PROPOSED DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 2 NEW RESIDENTIAL FLAT BUILDINGS, DA-D/2023/727, PPTY: 21C BILLYARD AVENUE, ELIZABETH BAY

Dear David,

I refer to the abovementioned Development Application (DA) on a property known as 21C Billyard Avenue, Elizabeth Bay (subject site). The subject site also comprises 10 Onslow Avenue, Elizabeth Bay.

I was requested by the owners and residents of an adjoining flat building at "Elizabeth Bay Garden", 15-19 Onslow Avenue, Elizabeth Bay, to provide my assessment of the abovementioned proposed Development Application (DA).

My Clients' residential flat building lies to the west and southwest of the subject site.

I have reviewed the documents, plans, reports and Statement of Environmental Effects (SEE) prepared in support of the proposed development.

I have assessed the current DA against the relevant Planning Controls of City of Sydney Council (Council), including Sydney Local Environmental Plan 2012 (LEP 2012) and Sydney Development Control Plan 2012 (DCP 2012). I have also assessed the current DA against the Apartment Design Guide (ADG).

I confirm that I have inspected the property of my Clients and also viewed the subject site from my Clients' property and the adjoining public domain.

Prior to providing my assessment of the abovementioned DA, I wish to make the following preliminary comments:

- Thank you for your advice that you will accept my submission after the formal exhibition period.
- By way of introduction, I wish to advise you of my qualifications and experience. I am a Consultant Planner with 15 years' experience in 3 Local Government Councils, including 9 years as a Senior Development Control Planner. I hold a Bachelor of Town Planning Degree from the University of NSW and a Bachelor of Laws Degree (Hons) from the University of Technology, including a High Distinction in Environmental Studies. I have appeared as an Expert Planning Witness for 9 Local Government Councils, and I have also appeared as a Court Appointed Expert before the Land and Environment Court (Court).

My points of objection against the current DA are as follows:

1. Responses to SEE and Clause 4.6 Request:

- In the 2nd paragraph on page 1, the SEE refers to the existing development as an “ageing residential flat building”. It appears that one of the claims by the Applicant in support of the proposed demolition of the existing buildings is that the existing buildings are not, in effect, fit for purpose. This is a questionable claim, particularly when one considers the fact that the Applicant obtained approval for an additional top floor only 3 years ago. Council approved D/2019/665 dated 12 August 2020 for an additional level. This previous application made **no** claim that the existing buildings were “ageing” and not fit for purpose. Please refer to additional comments below.
- In the middle section on page 3, the SEE correctly notes the reference to “The Bays’ Locality” under DCP 2012. Of significant importance is the fact that Principle (c) for The Bays’ Locality under DCP 2012 requires that a proposed development must “maintain view corridors from Sydney Harbour and parks”. Principle (j) also requires “new building forms with narrow street frontages and building separation are encouraged to provide views to the harbour and sky and creating opportunities for vegetation/tree planting”. On this point, I strongly consider that the proposed development does not achieve the above Principles, by reducing views of Sydney Harbour from various units within my Clients’ building, and also reducing views from the communal open space on my Clients’ property. Furthermore, the existing views between buildings from the public domain will also be reduced. Please refer to additional comments below and the attached Indicative Drawing at the end of the submission.
- Figure 1 on page 5 indicates the subject site. My Clients’ property is noted as building 11. I also note my Clients’ communal open space, which contains a swimming pool. By any measure, my Clients’ communal open space is a very high standard area for use by all of the residents and visitors of my Clients’ building. The views from my Clients’ communal open space are of significance and are to be reduced by the proposed development, contrary to the above Principles. Please again refer to the attached Indicative Drawing. I also consider that there are some units within my Clients’ building, which will likely suffer unreasonable View Loss.
- In the middle of page 8 in the “Response” column, the SEE claims that the existing buildings contains “fundamental BCA and ADG issues relating to retention” of the existing buildings. I respond as follows:
 - i. Approval was previously granted by Council for D/2019/665 dated 12 August 2020. Curiously, when this previous application was lodged, there was no reference to any “fundamental BCA and ADG issues relating to retention”. In other words, if there had been “fundamental BCA and ADG issues relating to retention” of the existing buildings, one would presume that such issues would have been raised when the previous application was considered. There was **no** previous problem with the existing building raised when the previous application was lodged.
 - ii. One of the reasons for demolition of the existing buildings raised by the Applicant is “fundamental.....ADG issues”, but the current DA itself breaches a number of ADG Controls. Thus, the current proposed development generates additional ADG issues, with consequential adverse impacts on my Clients’ building, other adjoining buildings and the public domain.
- At the top of page 9, the SEE seeks to vary the Side Setback Control under the ADG for reasons that “primary living areas are orientated to face the street and harbour”. I question this claim. It appears to me that there are “habitable rooms” within the adjoining 12 Onslow Avenue facing towards the proposed development. I will leave this matter for your assessment.
- Furthermore, I again note that the SEE claims that the existing building has “ADG issues”, but the current DA also generates “ADG issues”. For example, the DA does not comply with the Building Separation Distance Control under the ADG. When one is considering an application for total demolition, surely current ADG requirements should be satisfied, rather than perpetuating existing “ADG issues”.
- In the middle of page 10 entitled “Building Height”, there is a Clause 4.6 Request relating to a breach of the Height of Buildings Standard under LEP 2012. My responses to the Clause 4.6 Request are provided below.
- At the top of page 11 in the section entitled “Common Open Space”, there is reference to the proposed communal open space. I am concerned with potential Overlooking Impact from this proposed communal open space into the units to the south at 12 Onslow Avenue, as well as Loss of Views from a number of my Clients’ units and their communal open space.
- In the middle of page 11 and on page 12, there is reference to “Solar Access”. I am concerned that a number of units at 12 Onslow Avenue to the south do not achieve the current Solar Access Control. It appears to me that adjoining units will suffer adverse Overshadowing Impact, in circumstances where there is a breach of Council’s Planning Controls relating to Solar Access. I leave this matter for your assessment.
- I consider that Figures 4 and 5 on pages 14 and 15 evidence the excessive Height, Bulk and Scale of the proposed development relative to the prevailing character of the locality. Whilst there are taller buildings in the street, the prevailing character is generally of 3-4 storeys residential flat buildings. The images on figures 4 and 5 evidence the fact that the proposed building is significantly greater in Height, Bulk and Scale compared to the prevailing character. As to the proposed materials of construction, I defer to the advice of Council’s Heritage Consultant.

- In the middle of page 16 in Section 4.4 entitled “Parking, Access and Servicing”, I defer to your assessment as to the manoeuvring area associated with the proposed parking arrangements.
- In the middle of page 20, there is reference to the Building Separation Control under the ADG. The SEE fails to mention that the inadequate building separation distances generate adverse View Loss from the public domain and from my Clients’ communal open space. Please again refer to the attached Indicative Drawing.
- At page 21, the SEE correctly notes the breaches of the Height of Buildings Standard, at various points of the proposed development. A Clause 4.6 Request has been lodged. My responses to the Clause 4.6 Request are provided later in this submission.
- At page 23, there is a section relating to Clause 4.10 entitled “Heritage Conservation”, I defer to the advice of Council’s Heritage Officer.
- In the middle of page 24, there is a reference to Clause 6.21 entitled “Design Excellence”. I agree that the proposed development will provide “high levels of amenity for future occupants”, but I consider that this breaching development generates adverse impacts on a number of my Clients’ units, their private communal open space and will also result in a Loss of Views from the public domain.
- At pages 26 and 27, there is an assessment of “Built Form and Scale”. I strongly consider that the images at photographs 4 and 5 demonstrate the excessive Height, Bulk and Scale compared to adjoining buildings. I also note that the proposed development is significantly greater in Height, Bulk and Scale than the existing building. Simply put, the proposed development is incompatible with adjoining existing buildings.
- At Section 6.2 on page 29 entitled “Adaptive Re-Use”, there are various reasons raised in the SEE for demolition of the existing buildings. Again, I raise a query as to why such concerns were not raised when a previous application was approved by Council 3 years ago for an additional top floor.
- At Section 6.3.1 on page 29 in the section entitled “Solar Access and Ventilation”, there is no reference to the fact that Solar Access to the adjoining 12 Onslow Avenue will be impacted. I leave this matter for your assessment.
- At Section 6.3.2 entitled “Building Separation”, there are various reasons raised in support of the inadequate Building Separation Control under the ADG. I again stress that the current proposed development is for a new development. Furthermore, to justify a breaching separation distance on the basis of existing older style buildings is, in my opinion, unjustified when such inadequate side setbacks generate adverse impacts on adjoining existing buildings.
- At Section 6.3.3 entitled “Communal Open Space”, I raise a concern relating to Overshadowing Impact and Overlooking Impact relating to the proposed communal open space. I also raise a concern relating to Acoustic Impact.
- In terms of Section 6.4.1 on pages 31 and 32 entitled “View Sharing”, I raise serious concerns relating to the adequacy of the “View Sharing Report”, on the following grounds:
 - i. There are only a limited number of dwellings assessed in a locality, which may be impacted by the proposed breaching development.
 - ii. There is no assessment of View Loss from my Clients’ communal open space.
 - iii. There is also no assessment of View Loss from the public domain. On this point, I again note that The Bays’ Locality under Council’s DCP 2012 stresses the need for view retention from the public domain between buildings. No assessment has been made in the SEE in response to this Planning Control.
 - iv. The author of the View Sharing Report openly concedes that “Urbis has not been able to inspect views from dwellings to better understand the nature of all compositions available from all rooms and all directions”. Thus, the View Sharing Report is clearly flawed and cannot be a comprehensive assessment.
- In terms of Overshadowing Impact, I am very concerned that the Overshadowing Impact assessment has “relied on surveyed elevational details together with real estate information to make informed assumptions on where adjoining living room windows are located”. I consider that this a flawed assessment. The Applicant’s Consultants should have sought access to the adjoining building at 12 Onslow Avenue to make an “informed” assessment.
- At the bottom of page 33, the 4 bullet points are in my view, highly questionable given the lack of a proper informed assessment. One highly questionable claim is that “the reasons why Potts Point and Elizabeth Bay are attractive places to live do not relate to the 2 hour Solar Access threshold in the ADG”. This is a most curious statement and is not based on any factual survey evidence. The Planning Consultant should have not made such an ill-informed claim.
- At Section 6.5 entitled “Heritage” on page 36, I leave the matter of “Heritage” to Council’s Heritage Officer.
- At Section 6.12 on page 39 entitled “Social and Economic Impacts”, there is a claim that the proposed development “meets Council’s Planning intent for ‘The Bays’ neighbourhood”. I strongly disagree. For the reasons referred to in this submission, there is a range of adverse impacts on adjoining buildings, including my Clients’ building and the communal open space. Of particular note is the reduction in views of Sydney Harbour between the proposed building and the adjoining 12 Onslow Avenue. The views of Sydney Harbour which are enjoyed between the existing buildings would be significantly reduced under the existing DA. Please again refer to the attached Indicative Drawing.
- In the middle of page 40, the SEE claims that the “building has been designed to minimise amenity impacts to surrounding properties”. I strongly disagree for the reasons raised in this SEE.
- At Section 6.15 on page 40 entitled “Public Interest”, the SEE makes various unfounded claims, particularly that the proposed development is “consistent with relevant State and Local Planning Controls” and the proposed development will not create an “unreasonable impact the amenity of surrounding properties”. Both these claims are unfounded, particularly noting the numerous breaches of relevant State and Local Planning Controls and unreasonable impacts on

adjoining properties. Even the SEE acknowledges the numerous breaches of State and Local Planning Controls.

- In response to the Clause 4.6 Request, I wish to advise as follows:
 - i. It should be firstly stressed that not only does the proposed development breach the Height of Buildings Standard, the proposed development also breaches the Separation Distance Control under the ADG. Thus, the proposed building envelope is clearly excessive.
 - ii. Again, I consider that Figure 2 in the SEE demonstrates the excessive Height, Bulk and Scale of the proposed development when viewed from Onslow Avenue.
 - iii. In the 2nd last paragraph on page 7, the Clause 4.6 Request claims that there are “sufficient environmental planning grounds to justify the requested variation”. I strongly disagree. Rather than the Applicant demonstrating **positive** environmental planning grounds as required under Clause 4.6, I consider that the proposed development generates **negative** environmental planning grounds, in terms of adverse impacts on adjoining units and the public domain.
 - iv. The proposed roof top terrace, lift overruns and plant equipment generate not only Loss of Views, but also Overshadowing Impact and Overlooking Impact. I also note that the proposed development significantly exceeds the current existing development.
 - v. On the bottom half of page 10, the Clause 4.6 Request refers to the View Sharing Report by Urbis. I strongly disagree with the claim for the following reasons:
 - a. Only a very limited number of adjoining units has been assessed.
 - b. Even those limited number of units which have been assessed, Urbis has conceded that no one has inspected those units to “better understand the nature of compositions available”.
 - vi. Figure 8 on page 13 of the Clause 4.6 Request clearly evidences the fact that the proposed development fronting Billyard Avenue and Onslow Avenue are significantly in excess of the neighbouring buildings. This fact is also confirmed by the photomontages in both the Clause 4.6 Request and SEE.
 - vii. At page 14, the Clause 4.6 Request refers to “Overshadowing Diagrams”, but I again express significant concern regarding the fact that no inspection has been undertaken of adjoining units. Simply put, the author of the SEE and Clause 4.6 Request has assumed the location of the living/habitable rooms. This is unfounded. Furthermore, there are units within the adjoining building to the south at 12 Onslow Avenue which will receive inadequate Solar Access based on Council’s DCP Controls and this inadequate Solar Access is a direct result of a breaching building envelope.
 - viii. Section 6.3.2 at page 18 discusses the proposed rooftop communal open space. This proposed communal open space will contribute to the adverse Overshadowing Impact and adverse Overlooking Impact. On this point, at Section 6.3.4 entitled “Conclusion”, the Clause 4.6 Request claims that there is “appropriate mitigation of environmental impacts”. I strongly disagree for the reasons raised in this submission.
 - ix. In the middle of page 20, the Clause 4.6 Request asks whether there is “a public benefit of maintaining the Planning Control Standard”. I strongly consider that this is the case. Not only are there adverse impacts on adjoining units, including my Clients’ building, but there is also Loss of Views from the public domain.
 - x. In the 1st paragraph of the conclusion, the Clause 4.6 Request claims that “there are sufficient environmental planning grounds to justify the proposed variation and it is in the public interest to do so”. Again, I strongly disagree. Not only does the proposed development breach the Height of Buildings Standard, it also breaches the Separation Distance Control under the ADG and also generates a range of adverse impacts on adjoining properties and the public domain. Overall, I consider that the breaches of the Height of Buildings Standard and Separation Control under the ADG are not well founded.

2. Breaches of Building Envelope Controls and Excessive Height, Bulk and Scale:

- As previously conceded in the SEE, the proposed development breaches the Height of Buildings Standard under LEP 2012 and the Building Separation Control under the ADG.
- I also consider that the Model indicated in the Clause 4.6 Request and the Photomontages at pages 4 and 5 of the SEE clearly reflect the fact that the proposed development is of excessive Height, Bulk and Scale compared to the adjoining buildings.
- Not only is the proposed development of excessive Height, Bulk and Scale, this excessive nature generates a range of adverse impacts on adjoining properties, including View Loss from my Clients’ property and Overshadowing Impact to the adjoining flat building to the south, subject to further confirmation, and Overlooking Impact on the adjoining property to the south.

3. Adverse View Loss from my Clients’ Property:

- As previously noted, the View Sharing Report undertaken by Urbis has only assessed a very limited number of units in the immediate locality which, by any measure, is a very limited

Furthermore, the author of the View Sharing Report has **not** inspected those very limited number of units.

- Furthermore, there has been no assessment of the Loss of Views generated on my Clients' communal open space.
- The attached Indicative Drawing demonstrating the views from my Clients' communal open space clearly indicate public views between the existing building on the subject site and the adjoining building to the south at 12 Onslow Avenue. The proposed breaching development will reduce views of the Sydney Harbour between the existing buildings, which I consider is unreasonable, particularly in light of the relevant Planning Controls contained within DCP 2012.

4. Adverse View Loss from the Public Domain:

- As previously noted, there is no assessment of the View Loss from the public domain, being the public footpaths on the adjoining Onslow Avenue.
- View Loss from the public domain is a subject of a Court Planning Principle in *Rose Bay Marina v Woollahra Council*, which considered the View Loss primarily from the Rose Bay Promenade adjoining Sydney Harbour. I note that Woollahra Council was successful in its opposition to the proposed redevelopment of Rose Bay Marina and I was the Expert Planning Witness for Woollahra Council. My primary objection against the proposed redevelopment was the View Loss from the Rose Bay Promenade.
- I am pleased to note that the Court dismissed the Rose Bay Marina Appeal and refused the proposed development, primarily for the reasons of the View Loss from the Rose Bay Promenade. The Court considered this issue to be so significant that it established a Planning Principle based on this Appeal. The Court established various parameters in this Planning Principle which included "identification stage" and "analysis of impacts". One of the steps is to identify whether or not there is any document that identifies the importance of the view to be assessed. In this case, Council's DCP 2012 clearly requires "Development is to improve public views to.....Sydney Harbour" under Section 3.2.1.2 entitled "Public Views". Furthermore, the provisions under DCP 2012 for "The Bays' Locality" seeks to maintain view corridors of Sydney Harbour between buildings. Thus, the question of the impact on Public Domain Views must be considered. Unfortunately, the SEE and Clause 4.6 Request have failed to even consider the Public Domain Views from the adjoining Onslow Avenue.
- Based on my assessment, I consider that the proposed development does not maintain Public Views from Onslow Avenue and, in fact, diminishes such views. Please refer to the attached Indicative Drawing of these existing Public Domain Views. The proposed development clearly will reduce such views due to the fact that the proposed external walls will diminish the current views. Thus, I strongly consider that the proposed development will be contrary to the relevant provisions of Council's DCP 2012 relating to View Loss from the Public Domain.
- I note that the recent approval over the subject site, being D/2019/665, sought to maintain waterfront views from adjoining units. The previous approval satisfied this objective, but the current DA **does not**.
- I should also note that Onslow Avenue is not merely a public street, but is also an important access route for the local community and general public for access to a very significant State Heritage Item, being Elizabeth Bay House. Thus, I consider that the proposed development is contrary to Council's Planning Controls relating to Public Domain Views and also contrary to the Court's Planning Principle in the Rose Bay Marina Appeal. In fact, as previously advised, this issue of Public Domain View Loss has not even been considered in the Applicant's documentation.

5. Adequacy of Existing Built Structure on Subject Site:

- As previously noted, Council approved D/2019/665 for an additional level on the subject site on 12 August 2020. It is interesting to note that this previous application raised no concerns relating to the adequacy of the existing buildings.

6. Additional Points of Objection:

- I wish to acknowledge again that my Clients' property lies on the opposite side of Onslow Avenue, Elizabeth Bay. Accordingly, the primary point of objection is that of View Loss from both their property and also View Loss from the public domain. Furthermore, this View Loss is a direct result of a breaching development.
- I also wish to raise the following points of objection against the proposed development. These points of objection do not directly impact on my Clients' property, but are nonetheless consider additional points of objection which should be considered. I note that Mecone, Planning Consultants, also raised a number of the following points on behalf of one of the adjoining objectors.
- The first point of objection is a potential Overshadowing Impact on the adjoining property to the south at 12 Onslow Avenue. Based on my assessment, it appears that the proposed development will reduce the Solar Access into a number of the units to the south at 12 Onslow Avenue in breach of Council's DCP Controls. On this point, I note Section 4.2.3.1 relating to Solar Access.
- The issue of View Loss must also be considered from other adjoining properties (in addition to my Clients' property), particularly from 12 Onslow Avenue. I leave this matter for your consideration.

- I am also concerned with the breach of the Height of Buildings Standard arising from the proposed roof terrace and its subsequent Overshadowing Impact and Overlooking Impact on the adjoining building to the south at 12 Onslow Avenue.
- Of particular importance to adjoining properties and the public domain are the exceedances in the Height, Bulk and Scale of the proposed development.
- I note the submission from Amy Keighran of the Museums of History NSW, which raises potential impact on Elizabeth Bay House arising from vibrational impacts and the lack of assessment of this impact in the DA documentation. Amy Keighran also raises concern of the impact of construction work and traffic on visitors to Elizabeth Bay House.

Conclusion:

I must firstly raise a query as to why the Applicant now asserts that the existing buildings are subject to concerns relating to the ADG and BCA provisions when, in fact, Council only 3 years ago approved a Top Floor Addition to the existing building. There was no comment in the previous application, being D/209/665, that there were issues in relation to the ADG or BCA provisions. Inexplicably, these issues are now raised by the Applicant in support of demolition of the existing buildings. Furthermore, the proposed development now exacerbates the breach of the Side Separation Control under the ADG.

Secondly, the proposed building envelope is clearly in breach of the Height of Buildings Standard and the Side Separation Control under the ADG. Accordingly, I consider that the Height, Bulk and Scale of the proposed development are not compatible with the prevailing character. On this point, I consider that the Photomontages and the Model produced by the Applicant, which are contained in the SEE and Clause 4.6 Request, clearly demonstrate a building of excessive Height, Bulk and Scale compared to the immediately adjoining buildings and the prevailing character in the locality.

Thirdly, I consider that the proposed development generates adverse View Loss from both adjoining units, some of which are in my Clients' building. I also consider that the View Sharing Report prepared in support of the DA is flawed and inadequate for the reasons referred to in this submission. Furthermore, I raise significant concern relating to Overshadowing Impact and Overlooking Impact.

Fourthly, I consider that the proposed development generates unreasonable View Loss from the Public Domain based on the relevant Public Views provisions under DCP 2012 and the Court's Planning Principle in the Rose Bay Marina Appeal. In fact, the issue of View Loss from the Public Domain has not been considered in any of the relevant Planning documents associated with the current DA.

Accordingly, I consider that the proposed development is not in a form which is reasonable and is not worthy of approval.

My Clients request the opportunity for you to inspect their property to fully inform yourself of the potential impacts. I also urge you to walk along Onslow Avenue to see the View Loss from the Public Domain.

Thank you for considering this submission.

Yours Sincerely,

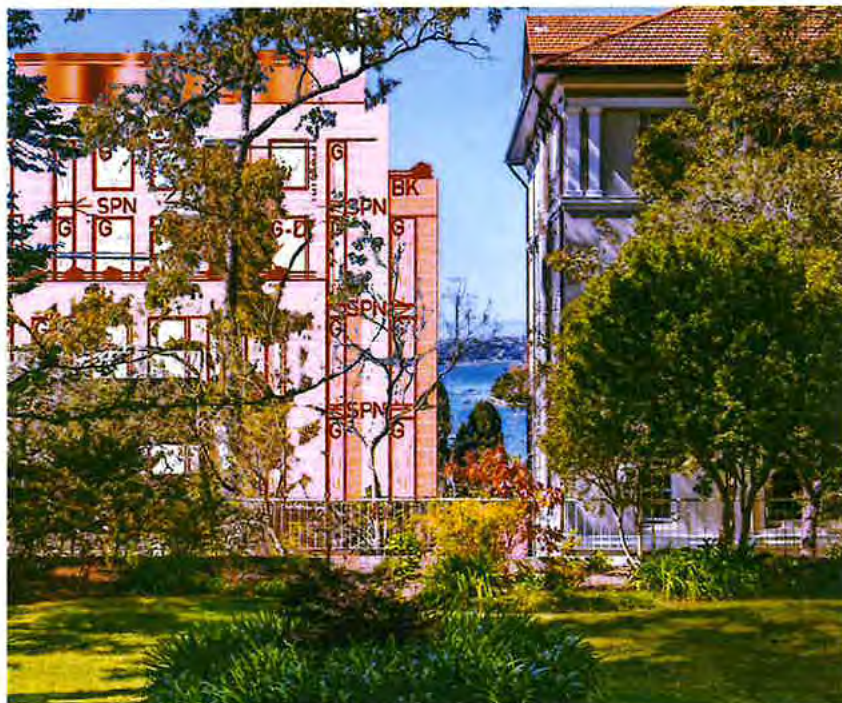
Tony Moody

[Redacted signature block]

[Redacted text] for the use of the individual or entity to which they are addressed. If you are not the intended recipient you are not permitted to distribute or use this email or any of its attachments in any way. We also request that you advise the sender of the incorrect addressing. Tony Moody Planning and Development Pty Ltd accepts no liability for any consequential damage resulting from email containing any computer viruses.

Indicative* Difference DA/2023/727 From EBG Gardens

Distance between 10 Onslow Ave and 12 Onslow Ave shrinking to less than 4.5m



(*Best efforts made given lack of downloadable 3d model within DA submission. Image taken from page 18 of Appendix C of DA 2023 727)

From: [REDACTED]

Sent on: Wednesday, September 20, 2023 9:13:10 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 Mr Reynolds,

I am writing to express my concerns about the proposed redevelopment of 21C Billyard Avenue.

I live approximately 100 metres away, at 54/2 Ithaca Road, Elizabeth Bay.

For the past six to twelve months, we have endured a major redevelopment of 13-17 Ithaca Road, which is across the road. This has resulted in extreme noise during weekdays, air pollution and reduced parking.

On July 7th, my partner and I had a baby. Hence, I have needed to spend the majority of time at home, putting up with the consequences listed in the previous paragraph – without much reprieve. The only way I can escape the noise is by visiting local parks, which, depending on the baby and the weather, is not always feasible, or local cafes, where, of course, I must spend money.

Further, we park in the street, and my partner, upon returning from work, has repeatedly been unable to find a spot.

I find it unimaginable that we must now endure another major redevelopment nearby, which is bound to generate similar levels of noise, pollution and greater reduction of parking.

Surely, as local residents, we should be able to enjoy our homes and local area in peace.

I am also deeply upset by the limited advertisement of the redevelopment, given its significance. Had I not happened to walk past the note on the property today, I would not have known anything about it. Before such major works, the community should be informed and consulted exhaustively – via wide advertising and multiple avenues of communication.

I hope that you will consider my concerns carefully. I look forward to hearing from you. Thank you for your time and attention.

Best wishes,

[REDACTED]

[REDACTED]

From:

Sent on: Wednesday, September 20, 2023 4:56:42 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission to Object to Proposed Development at 21C Billyard Ave and 10 Onslow Ave | D/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.

To: Mr. David Reynolds,

I am writing to express my concerns regarding the proposed development application (DA) for the properties at 21C Billyard Ave and 10 Onslow Ave.

As a long-term resident of [REDACTED], 23 Billyard Avenue for over thirteen years, I believe I am well positioned to comment on the potential impacts of this development on both the built and natural environment of the Elizabeth Bay area.

Light and Overshadowing:

Professionally and personally, I have a strong appreciation for the role of natural light. The proposed development threatens to substantially diminish the natural light that currently illuminates my home and the surrounding area. Pre existing exterior flora offers incredible beauty outside and spectacular light and shadow play inside my apartment throughout the entire daytime.

The potential loss of light will adversely affect my plants, pets, and personal well-being. I also use the various effected windows to assess the weather of the day so as to dress appropriately or to plan for work. The proposal sacrifices almost all of this light. I anticipate my electricity bill will increase sharply due to loss of light and heat from the sun. This is both a financial and ethical burden.

The design also seems to overlook my building's opportunities for sustainable energy use, such as solar panels, due to diminished access to sunlight.

There is also a large amount of naturally occurring moisture in the area. Decreasing sunlight to the area will escalate mould and water damage.

Bulk, Scale, and Loss of Views :

The sheer expansion across every possible axis of the proposed development in terms of volume and height will detrimentally impact the current residents' privacy and views. Such an increase in scale whilst decreasing quantity of apartments disregards the pressing issue of housing affordability and the value of open space within an urban environment. The forward and sideways projection at 21C will have a heartbreaking impact on my views and privacy.

Except for one tree situated directly in front of my favourite window that will further obscure the light and view all the way up the street and beyond, it seems most publicly visible garden will be migrated to private rooftop areas. This drastic loss of street level garden degrades the visual and environmental experience of all residents, pedestrians and visitors in the area.

Diversity of Neighbourhood:

The proposal appears to prioritise high-end units, potentially compromising the socio-economic diversity of residents that enrich the community.

Environmental Considerations:

The existing buildings on the sites in question are functionally sound and have maintained full occupancy for years. Serious concerns arise about the environmental impacts of demolition, subterranean excavation, a complete rebuild and stormwater management.

Replacing naturally ventilated buildings with mechanically ventilated structures raises sustainability and health concerns.

The removal of mature gardens and trees disrupts habitats and degrades the aesthetic quality of the area.

There is a naturally occurring flow of water through the rock strata in the area. It travels through and over a near vertical drop of approx. three storeys. It is an already fragile system of stormwater and amenities drainage as it is. Any subterranean excavation invites an array of issues, including destabilisation of the building foundations and the integrity of the subterranean geology of all surrounding buildings.

I did not see a publicly accessible report addressing these issues in the proposal.

Design and Heritage:

The design does not integrate harmoniously with the streetscape and skyline, particularly when viewed from public spaces. Essential heritage and archaeological elements may be at risk without proper planning or documentation.

Traffic and Parking:

The limited parking allocations in the proposal seem inadequate for the number of proposed apartments.

Billyard Avenue and Onslow Avenue are already one lane, one way roads.

The single entry for the two building complex will force a sharp increase in bottle necking and hindering emergency services on Billyard Avenue.

Noise Pollution:

The introduction of rooftop terraces, pools, and mechanical ventilation systems are likely to exacerbate noise levels, affecting the peace and quiet of neighbouring properties.

Community Consultation and Notice:

Initial consultations with the developers were non existent or restricted and lacked transparency. Information was presented without opportunities for independent assessment. Insufficient notice periods and flawed community consultation processes failed to consider feedback meaningfully.

Elizabeth Bay is a cherished area with a delicate balance between urbanity and nature. This proposal, in its current form, threatens that equilibrium. I urge the council to seriously consider the long-term impacts of this development on the residents, environment, and heritage of the area.

I am also intending to submit a follow-up objection with additional materials and photos.

Sincerely,

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

From: [REDACTED]

Sent on: Tuesday, September 19, 2023 12:17:12 PM

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

Subject: FW: Submission Deadline of Sept 20.2023 for Comments on Development Proposal involving 10 Onslow Avenue Fwd: FW: EBG garden

From: [REDACTED]

Sent: Tuesday, September 19, 2023 11:37 AM

To: [REDACTED]

Subject: Submission Deadline of Sept 20.2023 for Comments on Development Proposal involving 10 Onslow Avenue Fwd: FW: EBG garden

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 day

Thank you for your message.

In view of the nature of our work, kindly be advised that the Philippine Consulate General in Sydney is not able to participate in any administrative proceedings relative to the development proposal/application involving

10 Onslow Avenue, Elizabeth Bay 2011

In this regard, the Consulate shall not put forward a comment to the City Council on this development application.

Your group may continue to update us on any actions relative to this proposal for the Consulate's information and reference.

Thank you for your understanding.

Kind regards,

PHILIPPINE CONSULATE GENERAL IN SYDNEY



From:

Sent on: Tuesday, September 19, 2023 12:57:27 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: D/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.

Hello City of Sydney

Hope this finds you well

Personal

Name: Johanna Sinclair

Address: 7a 15- 19 Onslow Avenue, Elizabeth Bay.

Status: owner, occupier

Objections

-

Height

-

- The height proposed for 10 Onslow Ave, is over the height restriction. Proposing that you remove a level from the plans.

-

Community views

-

- Loss of community views to the water , these are common areas shared by
 - 1/ Elizabeth Bay Gardens
 - 2/ Onslow Gardens 6a Greenknowe Ave
 - 3/ Meudon 13 Onslow Ave

This is a significant loss for the community. The water views that we all share from the garden area, will be diminished as the corridor between 10-12 Onslow Ave, is proposed to be narrower. We will lose the view of heritage islands of Clark and Shark. This is a part of the beauty of living in Elizabeth Bay Gardens, that you share in harbour views.

Rubbish removal & bins

- The bin area is not covered in the current proposal, bins in the area should be covered from street view.

Balconies on Onslow Ave

-

- New balconies on Onslow Avenue, that will also overlook the communal pool and garden area of Elizabeth Bay Gardens, this will increase the noise to Onslow Avenue, to note, in the current building there are no balconies on Onslow Avenue.

Elizabeth Bay House – Heritage listed

-

- Lost views from Elizabeth Bay House, a Heritage listed site. Open to the public and site for many tourists. Losing these views to the Harbour is of major significance.

Elizabeth Bay House

-

- Has significant gardens and stone works that date back to 1839 that ran along the borders of the properties 8/10/12/14 Onslow , there is no access to this through 10 Onslow Ave, was it agreed with council that would be closed off to the public? There is an access point at 12 – 14 Onslow Ave, where you still have access to the garden.

-

Request

-

- Would like a site visit, so we can share with you, the loss of the community view from the garden.

Thank you for your time and consideration to the points raised.

Best Jo

ART
IST
GRO
UP



From: [REDACTED]
Sent on: Wednesday, September 20, 2023 1:48:51 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: D/2023/727 21C Billyard Ave Elizabeth Bay 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.

Assessment Officer
D/2023/727
City Of Sydney
Planning Assessments

Dear Madam/Sir

I am the owner of a one-bedroom apartment in Elizabeth Bay Gardens(Apt 8B, 15-19 Onslow Ave, Elizabeth Bay). I am renting this small apartment as affordable housing. We have had the same tenant for over 20 years, and he is fully entrenched in the Elizabeth Bay and the broader surrounding community.

Regarding this DA for demolition of the existing buildings and construction of two new larger buildings, I am completely opposed to the proposal. The impacts on my ownership, the liveability of the occupants to the outdoor space provided at Elizabeth Bay Gardens and the appeal of the diversity of the local community are too high a price to be paid by the majority for the profit of a few. The developer is greedy in expecting it is ok to snatch others' views (from our common property – gardens and pool area as well as the streets), creating unnecessary shadows with the size and bulk of the new buildings and breaching others privacy, both aural and visual, with the close proximity and two sundecks and pools. Visually, the design is ugly and intimidating to the surrounding buildings.

Below I will elaborate on my specific objections and concerns with this development application:

- Dense residential areas should lead to full compliance with LEP, DCP and NSW State guidelines, not give developers an excuse to increase height, scale, and bulk. This is especially true when the number of apartments and people accommodated in the new design will be less than the existing building. The secret to dense housing is a public and private sharing of the villages' assets not denying or snatching from others. Community harmony also relies on public and privately owned gardens and trees, views, and light.
- Developers need to be able to turn a sufficient profit by working with the existing building. That building is what others have had to design around and different assessment officers have ruled on. City of Sydney has embraced green change and with that is reusing and repurposing what you have, not creating more landfill and disposal of workable assets. The building in its current form contributes architecturally and historically to the tapestry and character of the Elizabeth Bay village. The proposed demolition, height, bulk and scale does not achieve the design future character of the Elizabeth Bay precinct. I will be encouraging City of Sydney councillors to bring a ruling that demolition and rebuild of existing residential flat buildings should only result in a smaller footprint and bulk, never anything larger. Use what you have or go smaller!
- It should never be ok for plans to be submitted to Council for development, that denies others their district and harbour views, space, fresh air, daylight, and sunshine. Greed is a very nasty mistress. Elizabeth Bay is a community that is shared by many socio-economic groups, tourists, and visitors. The demolition and rebuild of these buildings create significant change to that of exclusivity.
- Changes to traffic flows and reduction of setbacks will have a direct negative impact on access for Emergency Services. This should be a non-negotiable issue.
- The demolition and excavation of the site requires me to request a dilapidation report at the applicant's expense to be completed before works begin. Being in a building built circa 1970, the main construction materials were brick and concrete. Both materials do not react well to earth movement. I would like to be confident that the hydrology report has addressed storm water runoff in the neighbourhood and the possibility of a stream running thru the property. A lot of buildings experience water penetration problems with stormwater runoff, including the basement garages of ours.

- My apartment is a small one bedroom with no balcony. This confined space is mitigated with the common property providing wonderful gardens and a substantial swimming pool. The proposed development will look directly at this area and cast shadows on areas accustomed to sunlight for the last 53 years. The health benefits of this area shouldn't be minimized or undervalued as the gardens and pool area are a perfect escape from densely populated buildings and the city.
- I was not advised of the community consultation of the proposed development. Also, from the documents available, I have not seen any reports outlining the direct impacts on Elizabeth Bay Gardens. These matters need to be addressed.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED] s
[REDACTED]

Sent on: Wednesday, September 20, 2023 4:25:31 PM

To: dasubmissions@cityofsydney.nsw.gov.au

CC: Marcus Haynes <cusdog1@yahoo.com.au>

Subject: Objection from local residents regarding 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.

To Whom It May Concern,

Personal Introduction:

We are Amy and Marcus Haynes, the owners and residents of 5C/15-19 Onslow Ave, Elizabeth Bay. We have just welcomed a young baby into our family, who is currently 8 days old. Despite the busy-ness of new parenthood, we are taking the time to officially make a submission objecting to the development application for 10 Onslow Ave and 21C Billyard Ave - DA/2023/727, due to our high level of concern of the proposed development.

Summary of objections:

In summary, our objections include:

1. The loss of our iconic views of the harbour from our apartment. The proposed development would halve our view of the harbour, greatly affecting our outlook and apartment value.
2. The expected noise of the rooftop disturbing the peace in this quiet pocket of Elizabeth Bay, impacting our ability to sleep, and our baby's sleep, given proximity of rooftop to our bedroom. Note there are a number of small babies in our building, and we would expect this to continue to be the case given the demographic of residents.
3. The noise and dust related to the construction of the new building is a major concern to us, given the proximity of the building from our bedroom and living room, and especially as we have a newborn baby.
4. Loss of privacy from the common garden areas of Elizabeth Bay Gardens.

Ideal result:

The ideal result from our perspective is for the current buildings to be maintained, and quietly renovated if the new building owners would like. If a new building was approved to be built by council, an ideal result would be for this new building:

1. to go no higher than the existing building, so the iconic views are not taken from us;
2. to not incorporate a rooftop, to preserve the peace and quiet for residents in this pocket of Elizabeth Bay

Thank you for considering this objection. If you have any questions regarding our objection, please feel free to reach out to us via email or phone - [REDACTED]

Amy and Marcus Haynes

From:

Sent on: Monday, September 18, 2023 9:03:37 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.

Dear Mr Reynolds

I refer to the proposed development located at 21C Billyard Ave Elizabeth Bay NSW 2011 D/2023/727 (**Proposed Development**).

I wish to raise the following objections to the Proposed Development:

1. the height of level 4, the terrace, plant and lift on the 21C Billyard Ave site all exceed the LEP Height Plane;
2. the height of level 5, the terrace, plant and lift on the 10 Onslow Ave site all exceed the LEP Height Plane; and
3. the terraces on both sites are likely to generate a great deal of noise which will interfere with the quiet and peaceful enjoyment of nearby owners / occupiers of apartments located in 8 Onslow Ave and 12 Onslow Ave as well as other surrounding apartment buildings.

Thank you in advance for considering these objections.

Please do not hesitate to contact me if you wish to discuss.

Yours sincerely

Andrew G Moore

From:

Sent on: Tuesday, September 19, 2023 9:28:51 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Development Application Objection 10 Onslow Ave and 21c Billyard Ave D/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.

Dear Council,

I am Angela Cara and I reside in Elizabeth Bay Gardens directly opposite the proposed re development site .

I wholeheartedly object to the proposed re development as this would have a huge impact on my fellow residents and the surrounding buildings.

Personally this proposed development would block the wonderful water views from our beautiful garden which I spend many days relaxing and unwinding after long and stressful days at work. I find the garden provides many of its residents the peacefulness and tranquility much needed living in such highly densely populated area as it is.

This now becomes a mental health issue.

Also I object to the proposed rooftop terraces and pool .This would create noise issues for neighbouring buildings again upsetting the peaceful environment we currently enjoy.

This is a residential suburb it's not the city allowing for rooftop bars ,dining and pool parties .

I believe that the current building be preserved and a renovation be undertaken.

Kind Regards
Angela Cara

Sent from my iPad

From:

Sent on: Monday, September 18, 2023 11:29:36 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.

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

Dear Mr Reynolds,

Thank you for the opportunity to lodge my personal objection to the above proposed development.

My husband and I own Unit 1, 12 Onslow Avenue, in the building immediately adjacent to it.

Both he and the board of directors of our building are preparing more detailed submissions to you. My husband has already submitted his response.

On that basis, may I say that I fully support all the points made in both these more formal submissions.

However, additionally, I would ask you to please seriously consider my very personal concern, that the proposal involves the destruction of what appears to be a very sound existing building. I cannot see what this achieves, except profit for the developers, at the cost of providing reduced, and less affordable, accommodation in this historic area.

Thank you for your consideration,

Yours Faithfully,

Anne Mackay Cook B.A. Dip. Ed.

From: [REDACTED]
Sent on: Tuesday, September 19, 2023 8:53:59 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: D/2023/727
Attachments: Submission to Council re D2023727.docx (34.91 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.

Good evening,

Please find a submission attached with regards to D/2023/727.

I appreciate your consideration of the concerns I raise in my letter.

Please confirm receipt of this submission and don't hesitate to reach out if you have any questions.

Kind regards,

Ashleigh

Ms Ashleigh Webster
Unit 9B/ 15-19 Onslow Avenue
Elizabeth Bay
NSW 2011

Development Applications
City of Sydney Council
GPO Box 1591
Sydney
NSW 2001

To whom it may concern,

Re: Development Application D/2023/727

I am a resident of Elizabeth Bay Gardens (EBG), Unit 9B, 15-19 Onslow Avenue, Elizabeth Bay, 2011. I purchased my apartment just under two years ago and plan to continue residing here for many years to come. The primary reason I decided to pursue a property within EBG was because of the unique sanctuary of the common garden area with stunning harbour views.

I am very concerned about the proposed Development Application for 10 Onslow Avenue and 21C Billyard Avenue and the impact this will have on the local surrounds. I believe the most sustainable way forward is to preserve the current building and renovate.

Under the proposed Development Application the loss of views from the EBG common garden area will be significant and impacts every resident within the EBG complex. The development will also block views from and of the surrounding areas including Elizabeth Bay House, Arthur McElhone Reserve, Atoll Bay, Sirius Cove, Fort Denison, Clark Island, Shark Island, Garden Island, and heritage conservation area. This would be devastating for so many people in the local community.

I would like to thank you for your time in considering this submission.

Yours sincerely,



Ashleigh Webster



From:

Sent on: Monday, September 18, 2023 11:53:04 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.

I live in the building Elizabeth Bay Gardens 15-19 Onslow Ave Elizabeth Bay.

I object to the development proposal D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011.

It seems completely unnecessary and environmentally irresponsible to demolish a relatively new (for the area) perfectly good conditioned apartment building to build another with less apartments.

It doesn't seem like this project will benefit enough people. There are less apartments in the new proposal than the old one, so it is just the developers and a few rich people buying the apartments that will benefit. A far greater number of people in the surrounding area will suffer, For no other motivation than money.

Regards,
Ben Sullivan.

From: [REDACTED]
Sent on: Thursday, September 21, 2023 1:34:07 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: Development Application 2023/727
Attachments: The Planning Department.docx (109.74 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.

For the attention of David Reynolds Town Planner City of Sydney Council.

Dear David

Could you substitute the attached submission instead of the one I emailed to you yesterday afternoon.

I have made some corrections to the submission relating to spelling and punctuation.

It would be much appreciated if you could submit this attachment to the public file.

With kind regards, [REDACTED]

The Planning Department
City of Sydney Council

For the attention of Mr David Reynolds Planning Officer
City of Sydney

Thank you for notification of the proposed Development Application for No 21C
Billyard Avenue / No 10 Onslow Avenue Elizabeth Bay NSW 2011

D/2023/727

I am an owner and resident at Somerset SP 67057, No 23 Billyard Avenue
Elizabeth Bay, which is one of the neighbouring properties on the eastern side of
the proposed development.

I am a long time resident of Elizabeth Bay having lived in my apartment for the
past 33 years. I rented the apartment for the first 17 years and purchased it in
2007.

My apartment is situated on Level 1 at the south western corner of the building
and the neighbouring building is 21 C Billyard Avenue.

No 10 Onslow Avenue is situated at the rear and extends down to part of the
western side of my apartment

Despite high density in population, the Billyard Avenue area retains a peaceful
quiet ambience. There is good current separation between the building in which
I live and the neighbouring buildings at 21 C Billyard Avenue/ 10 Onslow Avenue

It is my view that the current property layout of 21C Billyard Avenue/ 10 Onslow
Avenue of deep soil landscaping, plants, bushes and trees on the perimeters of
the property conforms to the Sydney Development Control Plan and
complements the landscaping layout of the Somerset apartment building of
which I am a resident.

It is notable that the colonial stonework from the Elizabeth Bay House estate
surrounds the Somerset apartment building. The Grotto at the rear of the
property is heritage protected.

A section of the sandstone walls from the Elizabeth Bay House Estate are
situated mainly on the Somerset boundary side of the line between 23 Billyard
Avenue and 21C Billyard Avenue.

The colonial stonework bordering the original pathway from Elizabeth Bay
House to the Grotto remains in place along the back section of the Somerset
property. The area around the perimeters of the Somerset building and the art
deco architecture of Somerset and the adjoining art deco buildings are of
special interest to visitors and tourists to the area.

It is also noted that Somerset, 23 Billyard Avenue has ownership of part of the current driveway leading to the 10 Onslow Avenue garage.

Land title deeds from the time the Somerset building was completed in 1939 confirms such and the Somerset Owners Corporation retains ownership of this space to the present day.

It is noted in this regard that the Developers of the neighbouring property have not been given any authority by the Owners Corporation at Somerset to submit building plans for development of this section of the neighbouring driveway.

Despite statements made by the developers Fortis, in their Statement of Environmental Effects Page 13, headed Preliminary Stakeholder Consultation, no contact has been made to date with the Owners Corporation Strata Committee at Somerset nor with our Strata Manager at GK Strata.

The statements made by the developers in that particular section of the report 'that they held consultation sessions with the Owners of Somerset prior to the submission of their Development Application are false and misleading.

Somerset, 23 Billyard Avenue along with its neighbouring art deco buildings, Melrose, 23a Billyard Avenue and Caversham, 25 Billyard Avenue are identified as significant contributory buildings within the Elizabeth Bay/ Rushcutters Bay Heritage Conservation area and any development along side their boundaries has a direct impact on the amenity and character of these buildings.

The development plan submitted by Fortis to take place on the 21C Billyard/10 Onslow avenue property in my view does not compliment or add to the character of the area.

The building plans this firm has submitted are oversized structures of no particular architectural character and dwarf the neighbouring residential buildings.

A shading report secured by the Somerset Owners Corporation SP 67057 reveals that a survey from 21 June 2023 indicates that most of the apartments along the western side of the building will lose a significant degree of sunlight should the current buildings proceed to be constructed.

It is noted that not only is there a loss of sunlight, but this will also contribute to spreading damp and mould outbreaks within apartments. The majority of apartments on the western side of the building under present conditions enjoy good sunlight, ventilation and do not have damp or mould problems.

I also wish to draw the Council's attention to the intention of the developers after demolition of the existing buildings, that they intend to proceed with deep excavation of the site to approximately 13 metres down and beneath the water table to provide for a further level for car parking purposes.

Recent discussions I had with a retired construction engineer indicated that he pointed to vulnerability of surrounding buildings to any vibration activity from heavy earthmoving machinery involved in demolition, excavation and building construction.

The advice I received indicated that Council has a duty of care in this regard to ensure that any demolition, excavation or building must be carried out with exacting oversight procedures in place to ensure that no destabilisation takes place in the demolition, excavation or building process.

Somerset, 23 Billyard Avenue is an 87-year-old building. I note that from a laypersons point of view, it is a solid well constructed building, but given its age and its significant heritage situation, every effort must be made to ensure that no degradation or destabilisation takes place during these building processes.

I could find no reference in the Development application before Council as to how the developers will address these issues.

In summary, although I have no overall objection to the neighbouring property being developed, the present plans put forward by Fortis developers are oversized structures and in my view make no significant architectural contribution to the historical character of the Elizabeth Bay/Rushcutters Bay Heritage Conservation area.

I therefore cannot support their current plans and suggest that they go back to the drawing boards and submit better-purposed designs in keeping with the current size of the 21 C Billyard and 10 Onslow Avenue property taking into account the architectural character of the local area.

Should I have further submissions to make on these issues I will do so in due course. Thanking you for your attention in regard to this matter

[REDACTED]

[REDACTED]

[REDACTED]

From:

Sent on: Wednesday, September 20, 2023 10:28:09 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: 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.

To whom it may concern,

My partner and I live at 23 Billyard Avenue, Elizabeth Bay, and have illustrated below some points about why we **don't** think this development should be approved.

Community Well-Being: Noise pollution already significantly impacts the quality of life for residents due to the current development of "29 Billyard" at 29 Billyard Ave, Elizabeth Bay. In close-knit communities, residents are often aware of and care for each other. Noisy construction can disrupt the lives of not only the immediate neighbours but the entire community, particularly elderly residents, children, and now more so than ever, those who work from home. It is impossible to peacefully work from home anymore – adding another mammoth development will make the area very hard to live in. Excessive noise during construction disrupts daily routines, causes stress, and hinders social interactions.

This Development Plan Shows Lack/ Loss Of Respect for Local Character: Elizabeth Bay has a distinct character and aesthetic that residents value. Noisy construction projects that disregard the architectural and cultural uniqueness of the area will start to further erode the local identity and sense of place that the community takes pride in. This project does not sit aesthetically well within the neighbourhood. This project is replacing more affordable housing with elite housing which is too exclusive for a lot of people who would otherwise be able to enjoy the community.

Protection of Historic and Architectural Heritage: Elizabeth Bay has very historic and architecturally significant buildings. The structure and aesthetic of these buildings needs to be maintained. Loud construction activities can pose a risk to these structures due to vibrations, potential damage, and even long-term effects on their structural integrity.

Environmental Considerations: Harbourside neighbourhoods have sensitive ecosystems and waterfront environments. Loud and prolonged construction activities will disturb local wildlife, can cause soil erosion, and impact water quality.

Ethical Responsibility: Developers have a social and ethical responsibility to be considerate of the impact their projects have on the environments and communities they operate in. Adding another large scale project to Billyard Avenue is not the way to do this.

Regards,

Cameron Peters

Head Creative



Level 5, 1 Chalmers Crescent
Mascot NSW 2020
Australia

apgandco.com

From:

Sent on: Wednesday, September 20, 2023 10:29:51 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: 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.

Noise pollution already significantly impacts the quality of life for residents due to the current development of "29 Billyard" at 29 Billyard Ave, Elizabeth Bay. In close-knit communities, residents are often aware of and care for each other. Noisy construction can disrupt the lives of not only the immediate neighbours but the entire community, particularly elderly residents, children, and now more so than ever, those who work from home. It is impossible to peacefully work from home anymore – adding another mammoth development will make the area very hard to live in. Excessive noise during construction disrupts daily routines, causes stress, and hinders social interactions.

Developers have a social and ethical responsibility to be considerate of the impact their projects have on the environments and communities they operate in. Adding another large scale project to Billyard Avenue is not the way to do this.

Thank you.

From [REDACTED]
Sent on: **Thursday, September 20, 2023 9:14:43 AM**
To: **Elizabeth Bay - C&G** (mailto:elizabethbay@cityofsydney.nsw.gov.au)
Subject: **Objection to development application in On the Bay and Elizabeth Bay NSW 2023**
Content: The email comes from our site the original email. Don't click link, or open attachments unless you know the sender, and were expecting the email.
Options: to 2023 727

My first hand and I live at 3-5 On the Bay and Elizabeth Bay NSW 2023
The project of development will have a detrimental impact on the view from our site to the water.
A. From the photo below the view of the project of development will be a view of the water. View from our site to the water.



2. We are concerned that the increase in width and height of the project of development will cause a loss of both sight and view, and thus detract from the beauty of the 'best' affected. This will negatively impact the quality of life of all in the area and is for the whole.
3. We agree that the drilling of the road to create a 4-lane car park. This is a major impact to the environment for the sustainable goals. We should be at compensating the loss of car and enhancing public transport and public space. We should be at compensating the loss of car and enhancing public transport and public space. We should be at compensating the loss of car and enhancing public transport and public space.
4. We are concerned about the environmental sustainability of the project of development and its impact on the environment. We are concerned about the environmental sustainability of the project of development and its impact on the environment. We are concerned about the environmental sustainability of the project of development and its impact on the environment.
5. Finally and very importantly, we are very concerned about the environmental sustainability of the project of development and its impact on the environment. We are concerned about the environmental sustainability of the project of development and its impact on the environment. We are concerned about the environmental sustainability of the project of development and its impact on the environment.
6. We believe that the project of development will have a detrimental impact on the view from our site to the water. We believe that the project of development will have a detrimental impact on the view from our site to the water. We believe that the project of development will have a detrimental impact on the view from our site to the water.
7. We believe that the project of development will have a detrimental impact on the view from our site to the water. We believe that the project of development will have a detrimental impact on the view from our site to the water. We believe that the project of development will have a detrimental impact on the view from our site to the water.
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9. We believe that the project of development will have a detrimental impact on the view from our site to the water. We believe that the project of development will have a detrimental impact on the view from our site to the water. We believe that the project of development will have a detrimental impact on the view from our site to the water.
10. We believe that the project of development will have a detrimental impact on the view from our site to the water. We believe that the project of development will have a detrimental impact on the view from our site to the water. We believe that the project of development will have a detrimental impact on the view from our site to the water.

From:

Sent on: Wednesday, September 20, 2023 4:22:33 PM

To: dasubmissions@cityofsydney.nsw.gov.au

CC: Deane <dhornsby@marketfusion.com.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,

Our property is Unit 50, 8 Greenknowe Avenue, Elizabeth Bay, 2011 (The Manhattan).

My husband and I recently received the Development Application details for 10 Onslow Ave and 21c Billyard Avenue.

In review, we would like to express our concerns in regard to proposed development application in the following areas:

1. Noise pollution

The area of the proposed development is known as an acoustic tunnel in which sounds are amplified significantly.

Elizabeth Bay is a quite community, made up mostly of elderly owners and occupiers.

Given the proposed rooftops and pools areas, this would, in our opinion significantly increase the noise to all residents of the area.

2. Building height and floor space ratio

The proposal suggests "6-8 floors", which appear to significantly increase the building height from the original structures. Our understanding is the highest number of residential storeys in the development covered BASIX certificate (1385335M) is 6.

While we appreciate the sloping nature of the site, there are exceedances to the LEP height controls.

We question that "non-compliance of this nature is commonplace". Many other building works around our area are compliant.

In addition, we also question the reasoning to not comply being meeting Council "design excellence" criteria which seems weak.

3. Tree removal

From an environmental protection perspective, we are no supportive of removing any existing trees and flora.

Given the impact of climate change we are now facing, clearing for a building's sake would, in our opinion, be the wrong sentiment.

Our Council has done a great deal to preserve the beauty of Elizabeth Bay as a well-planned area, with a quiet and peaceful community.

While our property is not directly impacted by a potential streetscape change, we felt obliged to raise concerns as part of our community.

Furthermore, we feel it paramount not to allow a development of this proposed height set a new precedent for future developers.

Please feel free to reach out if you have any questions.

Kind Regards

Carolyn Henley
Marketing Director
Marketfusion Pty Limited

From:

Sent on: Monday, September 18, 2023 1:34:39 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011 - Attention David Reynolds [SPARKE-MATT.FID1042061]

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 Assessment Team

Submission for 18/23 Billyard Avenue

I make this submission in behalf of the owner and occupant of 18/23 Billyard Avenue, who both object to the proposed application on the following grounds:

- Unit 18 faces west and will likely be adversely impacted from noise and overlooking from the balconies proposed to the northern facing units to the Onslow Avenue building.
- The living room in particular will be most adversely affected; there does not seem to be any screening proposed that would otherwise mitigate any visual impact from overlooking.
- The noise and general disruption during construction will also significantly impact the amenity of unit 18/23 Billyard Ave; any quiet enjoyment will be severely disrupted over a lengthy period of time.
- There will be adverse noise and dust impacts for construction of the proposed development.
- There will likely be on-street parking impacts as a result of the intensification of the use of the Billyard and Onslow sites; parking in the vicinity of these sites (from visitors for example) is already at capacity.
- The proposed design will likely have adverse impacts on the heritage significance of the HCA of Elizabeth Bay; the proposed design is not in keeping with or particularly respectful of the existing heritage fabric of the area.
- The proposed bulk and scale is excessive and the 6.9m separation between the Billyard and Onslow buildings is inadequate (and will likely exacerbate the perception of bulk particularly from 18/23 Billyard Ave).
- The overshadowing impacts during the afternoon will be exacerbated to an unacceptable degree.
- The proposed height of the Onslow building is excessive; the proposed building envelope should step down more sensitively, to respond better to the 22m height plane under the LEP.

This development is too great an intensification of the use of these sites and will have significant adverse impacts not only the amenity of 18/23 Billyard Ave but also on surrounding development and the fabric of the HCA.

Kind Regards,

Catherine Morton

This email (including any attachments) may contain confidential and/or legally privileged information intended only for the addressee. If you are not the intended addressee, please notify us by telephone and delete the email and any attachments. Any privilege and/or confidentiality is not waived and any storage, use or reproduction is strictly prohibited.

From:

Sent on: Sunday, September 17, 2023 5:51:38 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission regarding D/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.

My letter of objection attached. Please acknowledge receipt.

With thanks

3/6 Onslow Ave
Elizabeth Bay
NSW 2011

18 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

As a near neighbour of the proposed new development, I believe there are certain aspects of the proposal which will have negative impacts on residents of the 2 avenues it runs between & of the neighbourhood ambience.

While I believe the current apartment complex has little architectural merit & the concept of a more 'art deco' appearance of the proposed development is more in keeping with the immediate area, I have a number of specific objections:

1. The proposed design is too bulky both in width & height, having a detrimental impact on nearby residents & failing to comply with current planning requirements.
2. There should be greater setbacks from both Onslow & Billyard Avenues, providing more opportunity for light & landscaping/tree planting.
3. Its proposed greater width & height impacts on the connection of Onslow Ave to Sydney Harbour, a negative impact on what is an historic heritage area.

In summary, I believe a smaller new compliant building will address these issues & provide improvements to the streetscape of both avenues.

Kind regards

Celia Bischoff

From:

Sent on: Wednesday, September 20, 2023 2:49:15 PM

To: dasubmissions@cityofsydney.nsw.gov.au

CC: Coralie Mitchell <coraliefaemitchell@hotmail.com>

Subject: Development application 10 Onslow Avenue

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.

D/2023,/727

To Whom It May Concern

I am writing to express my strong objections regarding the proposed development of 10 Onslow Avenue and 21c Billyard Avenue Elizabeth Bay

My name is Coralie Mitchell and I own 5D unit in the Elizabeth Bay Gardens block. My apartment faces diagonally opposite 10 Onslow Avenue.

My concerns/objections are as follows:

1 Loss of light and views

One of the reasons I bought my north facing apartment is because of the amount of light I receive in the apartment and on my balcony. I am greatly concerned about the potential loss of both morning and afternoon sun and light as well as loss of reflected and ambient light both to my own apartment and the garden area of EGB. I also have limited water views from my living area which may also be impacted by the new development , thus potentially effecting the value of my property.

Ditto the water views from the gardens within the EBG complex.

2 Loss of privacy

From images supplied of the proposed new structure it appears that it will be significantly higher and wider than the current structure. The roof of 10 Onslow Avenue is currently in line with my apartment. Any additional height will negatively impact upon my privacy especially in the living area, balcony and kitchen. My concerns also extend to privacy in the building's garden and pool areas.

3 Noise issues

As I understand the proposed buildings have rooftop terraces with pools which will create additional noise within the surrounding neighbourhood. The noise and dust etc created development will also be an issue especially for those of us living in close proximity to the site..

Please dont hesitate to contact me wigh any questions tegarding the above

Regards

Coralie Mitchell
5D EBG

From: [REDACTED]
Sent on: Wednesday, September 20, 2023 2:37:37 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: [REDACTED]
Subject: Development objection - 10 Onslow Avenue & 21c Billyard Ave 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.

Dear Council,

We are the owners of apartment 7E Elizabeth Bay Gardens, 15 - 19 Onslow Ave Elizabeth Bay. Elizabeth Bay Gardens is directly opposite the proposed development. Having just returned from travelling abroad the following email is an initial objection to the proposed development which may be followed up by a more comprehensive submission.

We object to the proposed development on the basis that there will be:

1. A loss of view between 10 and 12 Onslow Ave from the gardens of Elizabeth Bay Gardens.
2. A loss of privacy from the gardens of Elizabeth Gardens which are a major recreational space for the residents of Elizabeth Bay Gardens.
3. An impact on the already limited street parking available to all residents of Elizabeth Bay Gardens and the existing surrounding buildings.
4. An increase in the noise and quiet enjoyment of our apartment as a result of the proposed rooftop recreational spaces.

It is noted that the development application fails to address the impacts on Elizabeth Bay Gardens.

We are not opposed to development and enhancement of Elizabeth Bay however the impact of any new development should be minimised and take into account the existing buildings and community. To maintain the community and its existing rights and benefits any new development of 10 Onslow Ave and 21C Billyard Ave should be kept within their existing footprint.

Council is invited to attend Elizabeth Bay Gardens to assess the impacts as detailed above.

Kind regards
Craig Hyland and Sharyn Page

From: [REDACTED]

Sent on: Thursday, August 31, 2023 7:10:10 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: D/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.

I live at 13 Onslow Ave Elizabeth Bay and would like to express my concern about the proposed development at 10 Onslow Ave.

The development does not comply with Council's own rules on many levels and I would like to flag my deepest alarm at what I consider to be an overdevelopment of the existing site.

I would also like to say that the amount and quality of information from the developer of 10 Onslow has been disingenuous at best and, at worst, suspiciously misleading. They recently held an information evening that was merely a PR exercise and which disallowed more than six residents of this building.

I shall be preparing a detailed response to submit to Council at some further point,

sincerely,

Dr Candice Bruce

[REDACTED]

16/13 Onslow Ave
Elizabeth Bay 2011

From: [REDACTED]

Sent on: Monday, September 18, 2023 4:37:56 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.

I am an owner 4/18 Onslow Avenue Elizabeth Bay 2023. Whilst I appreciate the need for renewal I am concerned about a number of issues

1. **Increasingly, and probably understandably the accommodation is not going to be low cost.** One of the buildings to be torn down has some smaller lower cost and rent value apartments. This tends to be a trend in Elizabeth Bay. Nett loss of affordable apartments growing. We have nurses, and other health and service workers living in our area many of whom are displaced by these developments and have to seek alternate accommodation outside of the area. Many workers are shift workers, working in the nearby aged care facilities, or one of the three hospitals nearby. I was of the understanding that developers were to address this need by building some low cost accommodation but where will this be located. More than likely not in our area but hours of commute time away.
2. **Disruption and construction noise.** There has been considerable noise, disruption to resident parking in the area from developments. Trucks arrive around 6.30 and noise starts at 7 and this noise is difficult for shift workers, and residents like myself working from home. I am aware of there not being much flexibility around this. The state noise restrictions offer very little assistance to residents. We have been enduring extended periods of noise from two large developments one in Greenknowe Avenue and the one on the corner of Billyard Avenue for 6 days a weeks for much of the last two years. Now we have developments proposed for 21C / 10 Onslow , and 1 & 5 Onslow Avenue. What consideration can be afforded to residents having to further endure this , especially shift workers. We are living in an echo chamber in Elizabeth Bay. It's one thing to have noise to upgrade facilities such as roads, footpaths and sewage and another to endure this for luxury apartments. I have a sense of hopelessness about this as nobody wants to look at mitigation eg 5 instead of 6 days of work, or later excavation or heavy machinery starts.
3. **Vibration and possible damage to neighbouring property foundations.** We are on a graded landscape what guarantees are in place to those of us on the "sandstone slopes " that this property will not dame our buildings. Owners of buildings nearby will have go to the expense of getting building dilapidation reports to monitor their buildings are not adversely impacted by developments..
4. **Loss of sunshine increasingly** some of the older buildings are being overshadowed by these newer developments. 21c will block sunshine from the north for some of the apartments in our building in Onslow Avenue.
5. **Loss of adult trees.** Yes indeed developers always indicate that they will replace but with what ? When?

Kathleen Casey
[REDACTED]

From:

[REDACTED]

Sent on: Tuesday, September 19, 2023 6:13:02 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Objections to DA 2023/0727 - 21C Billyard Avenue - 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.

Dear Madam or Sir,

As a co-owner of Unit 2 at 23 Billyard Avenue, Elizabeth Bay, I wish to express a number of objections to the proposed planning submission covering both 10 Onslow Ave. and 21C Billyard Ave. , Elizabeth Bay.

I am surprised that this development proposal is about replacing 28 apartments by 22 apartments which will be obviously much more expensive.

At the same time, the creation of an underground car park for 27 cars seem to go against common sense in a small suburb with a substantial shopping area within walking distance as well a being very well served by train and buses lines. It also does not seem evident that the storage of garbage bins have been taken into account in a street with narrow footpaths ?

It seems inappropriate to scrap a building, a fine example of the post-war architecture when this building could easily be renovated if necessary, especially considering the proximity of heritage art-deco buildings (including 23 and 23A Billyard Avenue, and of course ELIZABETH BAY HOUSE ! One should take into account that this new building will be seen from the water !

The proposed height of the building of the building should be based on the 21C Billyard avenue level and the existing greenery at that level should remain.

Best regards,

Elizabeth Girault

From:

Sent on: Tuesday, August 29, 2023 6:57:46 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.

Good morning,

I would like to strongly object to the proposed development at 21C Billyard Avenue. I am the owner of one of the apartments at 23 Billyard Avenue. I object for a number of reasons:

1. Elizabeth Bay is a beautiful, heritage suburb of Sydney with mostly art deco apartment buildings, making it fairly unique in Sydney and indeed Australia . **The design of this monolith is modern, boring, and will look ugly as soon as it is built** and just become uglier over time. The few 1950s/60s buildings that exist in Elizabeth Bay hugely detract from the area and this is no better (and it is bigger).
2. The **size of this ugly building is significantly bigger than the current site on Billyard Avenue**, and it will take over the street scape. This is one of the most beautiful streets in Sydney and this building would make it look like any other street with architecturally offensive buildings such as exists all over Sydney, like Alexandria or Rosebery etc. The size of the building on Onslow Avenue is also significantly larger and will **completely block the natural light to apartments at the back of 23 Billyard Avenue**, of which mine is one.
3. On street car parking is already a HUGE issue in Elizabeth Bay, and many buildings (especially the art deco ones) do not have car spaces (including 23). **The number of spaces provided in this plan are completely inadequate for the number of apartments and residents**, and the visitors parking is completely inadequate as well. In addition to the traffic impact, the pressure on parking for existing residents of Billyard Avenue and Elizabeth Bay is not sustainable. Billyard Avenue is also a lovely, quiet street enjoyed by residents and tourists, and having the main entry on Billyard will create a significant amount of traffic that will destroy the amenity of the area.
4. The **disruption and noise for this development is significant and will go on for years**, especially with the amount of excavation proposed for building the car park. This will hugely impact the quality of life for existing residents. Furthermore, given heritage restrictions on what work can be done to surrounding art deco buildings, I don't believe new windows can be installed that are completely sound proof or acoustically protected. I sincerely hope this development is not approved, but if it is, I think a minimum condition should be that the developer offers to install completely new, soundproof windows for all of the surrounding units, before development commences. There would still be a huge issue though that residents can't open their windows, and again in art deco buildings most units do not have air conditioning. This will make life impossible for the residents for the whole period of development. I also note in the acoustic report that the unattended noise monitoring was only done ON both streets, where the noise is much higher – the back of the building (23 Billyard) is significantly quieter than the front, so this intrusion will be far greater than is measured in the report.

I am not anti development. But this site needs something tasteful, in the character of the area, of a smaller size, to ensure that Elizabeth Bay retains it's beautiful character, its mix of building sizes, or it will turn into any other generic suburb full of high rises. I also think, if approved, the developers should be required to pay compensation to the owners of the flats whose properties will be materially devalued as a result of the development - the impact of having no natural light will be material to the value of mine and others' properties. How is it appropriate that we should lose out so a developer can gain?

I would request a full evaluation and impact statement for each individual apartment directly impacted by this development, it is the absolute minimum that should be provided.

Kind regards,
Erica Lockhart

From:

[REDACTED]
[REDACTED]
[REDACTED]

Sent on: Tuesday, September 19, 2023 3:50:01 PM

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

Subject: FW: 10 Onslow Ave Eliz Bay - D/2023/727

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

From:

[REDACTED]

Sent: Friday, September 15, 2023 9:16 AM

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

Subject: 10 Onslow Ave Eliz Bay - D/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.

I object strongly to this development as this area can not take any more demolition and tree removal. It is extremely unhealthy physically and mentally to all residents in this area. Also the one way narrow streets can not tolerate any more vehicles or any large vehicles. As this area is sitting on stone it would require considerable jackhammering etc that affects our mental being and the extreme dust and particles is detrimental to our health.

There is no reason why there has to be demolition nor height additions to this area.

Why block the light, sun and views that people have paid for and we're advised by council that it would never be built out.

Thanking you for your consideration.

G Witcher

8e Elizabeth Bay Gardens

Sent using the mobile mail app

From:

[REDACTED]

Sent on: Wednesday, September 20, 2023 7:05:11 PM

To: DASubmissions@cityofsydney.nsw.gov.au

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

Attachments: DA 20230727 V Wardell.pdf (847.36 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 David,

I hope this email finds you well.

Please find attached a Planning Submission relating to the DA D/2023/727 from myself, the owner of neighbouring Unit 1/23 Billyard Avenue, Elizabeth Bay (SP 67057).

I request that personal descriptions and photos not be shared with the public and be kept confidential.

Please be in contact with any questions.

With thanks,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.

My name is [REDACTED] and I am the owner of [REDACTED] 23 Billyard Ave, Elizabeth Bay. I have lived here for [REDACTED] in a freelance cinematographer and also work from home.

This place has always been a sanctuary to me but particularly through lockdowns. I value the light that fills the apartment both through the direct sun and the sky. I am constantly fascinated by the light in this apartment and the coincidental reflections that stream in from outside or bounce around the rooms. The greenery that surrounds us and the fresh air that flows through. I love the heritage nature of this area and our building 'Somerset'. The neighbourhood and sense of community here are also really important to me.

I have felt a sense of safety and serenity here that I wasn't expecting to be under threat in this area as it has been well established as a desirable place to live. The proposed development in its current form will encroach on our light, access to breeze and air, our privacy, the peaceful enjoyment of our place due to increased noise and reduced security (cutting off view of the street and boxing our building in.)

Light & Solar Access

Although we have windows on the front of our apartment (as noted in the submission) they are not a main light source for the apartment. Most of our light comes from the northern windows. The proposal as it stands will cause a drastic reduction in direct sun light from 6 hours to 2 hours as well as the obscure the sky light due to unreasonable increases in height and reductions of setbacks. Our kitchen space should also be considered and will have a reduction down to 1.75 hours. We currently grow plants and rosemary and other herbs on our windowsills. *A shadow report to follow.*

In the morning I open up the blinds and windows to get fresh air and light in. The current plans would result in the loss of sun by in all but one window by 11:30am (which fades by 12:30pm) taking away our afternoon sun which usually stays with us till about 3pm. This is a greatly impactful change to the amenity, liveability and enjoyment of our apartment. The loss of these amenities will feel oppressive.

Loss of sun heating the building will effect the warmth of our apartment in winter. Such a large reduction will not allow enough time for the bricks to heat up and passively warm the building. Issues with dampness and mould could result as there is a lot of moisture toward the rear of the building.

The common areas are filled with sunlight in the stairwells. They will lose so much light and plunge the stairwells into darkness throughout the day.

Our strata has been investigating solar panels for our buildings hot water (we all share a common hot water system) as well as the laundry and common area lighting. This development would compromise our prospects of collecting solar energy and our building to be powered sustainably.

Views & Privacy

Today we can see up the street to the historic Del Rio and parts of Boomerang as well as the sky and lovely trees. We also have a clear view of the street for security purposes.

The plans show the proposed building will block our view and sky light and wall us in.

Balconies from the new building would compromise the privacy of our apartments, eroding the sense of safety and solitude we currently enjoy. The proposed balconies will be directly in front of or overlooking our living spaces and take away our privacy. The distance from their boundary is only 3.1 metres, so very close to our window. Any noise will impact us as well as any smoke or smells from outdoor cooking.



Noise

The large roof terrace and other amenities could introduce unwarranted noise pollution. As this is made up of communal areas and private spaces it will not be easy to control or limit the noise. Many apartment buildings in the area already have limits to times and types for use of rooftops which illustrates how noise travels in this area.

Design

People always stop on the street to take photos of our building 'Somerset'. There are often historical walks in the area. The new design does not strike me as sympathetic to the area. The mass and bulk dwarfs the surrounding buildings. The deficit it creates for its neighbours does signal design excellence.

The new building design may have borrowed colour inspiration from its neighbours but this seems like a misfire. The current building compliments and contrasts the existing heritage buildings. The blonde brick and set back from the street with greenery and gardens is harmonious and pleasing. The development's juxtaposition feels out of place and could disrupt the historic streetscape that makes our community unique.



Development Height

Exceeding the established height standards is alarming, especially when it's at odds with multiple planning controls and standards.

Heritage Concerns

The existing sandstone wall and the neighbourhood's historic buildings contribute to our community's charm and character. This development poses a threat to these invaluable features.

Excavation Concerns

The extent and possible repercussions of the proposed excavation have not been made clear.

Equipment Concerns

The impact of proposed mechanical ventilation and other equipment needs further elaboration.

Community Consultation

The absence of community consultation feels disingenuous, and this only exacerbates existing concerns. Our Strata was not contacted for comment or consultation even though we are directly affected by the development and one of their nearest neighbours.

Construction Disturbance

The potential disruption during the construction phase must be weighed against the tangible benefits to the community and design excellence.

Additional Supporting information to follow this submission.

Thank you for your attention regarding this matter. I remain available for further discussion or clarification on any points raised.

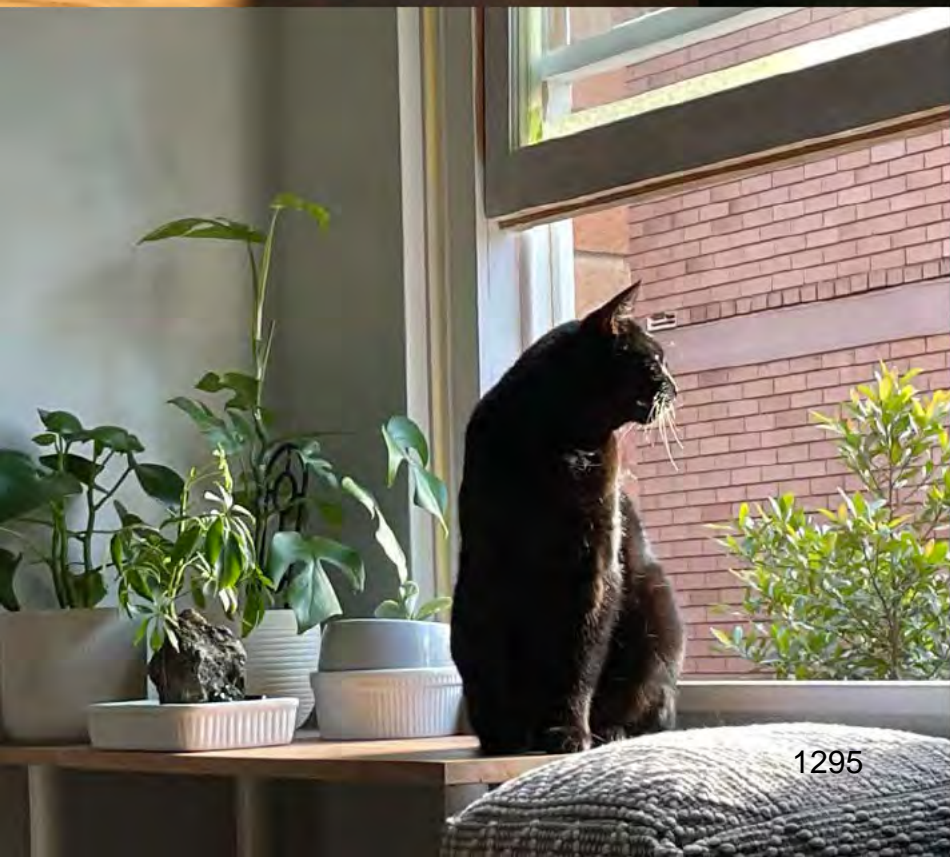
Warm regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



From:

[REDACTED]

Sent on: Monday, September 18, 2023 6:55:39 AM

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

Subject: D/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.

Gail Page
11e Elizabeth Bay Gardens
15-19 Onslow Avenue
Elizabeth Bay 2011

I wish to object to the building application as listed above.

Height

This building will block my view and the common area garden view. It will also cause lack of morning and afternoon light.

Environmental

Why are these buildings being knocked down when they are still perfectly good and functionable buildings. It is unhealthy for residents in the area having to put up with the noise and dust this causes. We already are dealing with two in Billyard Ave. Excavation problems will exist and traffic and parking is already a problem in this one way street.

Where are our trees and gardens that our needed for our health and recreation? This area is already high density and it can not tolerate any more impact.

Thanking you for your consideration

Gail Page

[REDACTED]

Sent from my iPhone

From:

Sent on: Wednesday, September 13, 2023 7:28:35 AM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: Re D/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.

21C Billyard Ave Elizabeth Bay

I object to this application as the height should be restricted to original buildings

I object to the building as Billyard Ave is overbuilt already and the streets leading to and from are not made for more traffic. The noise from this sort of building is not fair on residents in area. Already there is excessive building noise.

Diagore Services

Potts Point NSW 1335

Sent from my iPhone

From: [REDACTED]

Sent on: Thursday, August 24, 2023 2:56:25 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.

Hello David,

I am writing to you in regard to the proposed development noted above. I have an apartment in 15-19 Onslow Ave Elizabeth Bay Gardens (unit 7D) and i am concerned that this development will impinge on my view to the harbour.

Could I please have an understanding of how this development will be viewed from my apartment please

thank you

regards

gary

Gary Hatcher

From:

Sent on: Friday, August 25, 2023 1:55:09 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.

I am writing in respect to the above proposed development.

I rent unit 10, 21B Billyard Ave, Elizabeth Bay from my son who lives overseas.

Since the beginning of the year there has been constant noise in Billyard Ave from building work, especially from the building on the corner which is being converted to luxury apartments.

Demolition of 21C, excavation and construction of 22 apartments will add more noise pollution and will last at least a year. I am a retiree, and spend much time at home. It will be impossible to rest during the day due to the constant noise, and I am afraid I will be forced to move to a quieter address. I think my son would find it difficult to rent the unit due to the noise from the building works at 21C.

In addition, precious parking spaces will be taken up by the construction workers and tradies who drive large vehicles and take up much of the parking places during the daytime.

If this building goes ahead, there should be financial compensation to owners and renters in Billyard Ave, or at the very least, payment for residents to use the Council Car Park.

Thank you.

Yours sincerely,

Glynis Johns

From: [REDACTED]

Sent on: Wednesday, September 20, 2023 4:57:39 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: D/2023/727 Proposal for 10 Onslow and 21C Billyard Ave Elizabeth Bay 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.

Attention: David Reynolds

I hereby object to the approval of the proposed demolition and construction of 2 new residential unit buildings for the following reasons:

- The 2 proposed new buildings will not improve the heritage value of Onslow Ave as:
- It will dominate both 8 and 12 Onslow Ave due to its much greater height and bulk (8 stories versus the current 6 and side set-backs reduced by around 7m).
- My currently beautiful harbour view that I observe, when I wake up will be reduced by at least 50% (Out my bathroom window).
- It will tower over and present significant increases in noise and shading for the buildings at both 8 Onslow and 12 Onslow, especially due to the very great reduction in side set-backs.
- The increased height and bulk of the building fronting Onslow Ave will also seriously damage some unit's views in Meudon, Onslow Gardens and the Consulate building opposite Elizabeth Bay House.
- Reduction in harbour views from units 16/8 and 21/8 Onslow Ave which will be in excess of 50% are not even mentioned by Urbis in their DA.
- Noise and privacy issues caused by the massive reduction in side set-backs is also largely ignored in the DA.
- Common property open space is only around a seventh of the requirements, once again caused by the huge proposed reduction in side set-backs.

!6 existing trees to be removed but no details concerning the species or positioning of any replacements

In conclusion I suggest that the motive for demolition and rebuilding is motivated purely by maximising Urbis' profit. The building appears sound and could easily be refurbished to suit most current building standards/requirements.

Yours

Graham Malcolm & Lisa Malcolm

Unit 21/8 Onslow Ave Elizabeth Bay 2011

--

Stay happy & healthy always...

From: [REDACTED]
Sent on: Tuesday, September 26, 2023 3:36:28 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: Query: D/2023/727 21C Bilyard Avenue ELIZABETH BAY NSW 2011

From [REDACTED]
Sent: Thursday, September 21, 2023 8:04 PM
To: David Reynolds <DReynolds@cityofsydney.nsw.gov.au>
Subject: Query: D/2023/727 21C Bilyard Avenue ELIZABETH BAY NSW 2011

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

Dear Sir or Madam,

I am writing this email on behalf of my mother, Judith Freckman, who lives in Apartment 3D/15/19 Onslow Avenue, NSW 2011. She is nearly 92 years old with very limited mobility but still very good vision, so she spends her days in her apartment looking out of her window. She doesn't have much else to do and can't get outside of her apartment without the assistance of support workers. She is most distressed by the thought of losing this respect of seeing the harbour from her living room which she enjoys viewing the activity on the water in the distance. She currently has water views over 10 Onslow Avenue, Elizabeth Bay, NSW 2011. The DA number D/2023/727 proposes to remove this view totally, viewing nothing for her to look at besides the building that will replace the existing structure due to the proposed increase in height. Please see the photo attached of the harbour views in the distance over the current room one of 10 Onslow Avenue. Please feel free to contact me on the number below for any further information needed or assistance to her home is required.

Regards,

Gregory Freckmann
[REDACTED]
4C/20/22 Onslow Avenue, Elizabeth Bay, NSW 2011



From:

Sent on: Thursday, September 14, 2023 10:46:58 AM

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

Subject: DA Objection D/2023/727

Attachments: Helen Objection.pdf (17.79 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.

Please find attached my objection submission to the DA for 10 Onslow and 21C Billyard Avenues D/2023/727

My name is Helen Evans and I am an owner occupier at Unit 5 Darnley Hall, 12 Onslow Avenue, Elizabeth Bay.

I wish to lodge an objection to the proposed development at 10 Onslow and 21C Billyard Avenues – D/2023/727.

When I bought my apartment I was attracted by the quiet ambience, the sunshine and the view. The diversity of the neighbourhood was also an appeal.

I had hoped to spend many peaceful years here.

Now the proposal to demolish and rebuild next door has shattered my hopes and dreams. It will no doubt take at least two years of continual extreme noise, disruption and dust.

To include a rooftop pool and terrace means the next door residents will be able to look right into my balcony, as well as have views into my bedroom, lounge room, dining room and studio. And it will be so much noisier on the roof all day and right up to 10pm especially in summer.

The wellbeing of the area will be severely challenged by a building that is a great deal larger than the current one and will have less apartments but of a much higher value. This means no affordable apartments, only expensive ones for the very well off. In a time of rental crisis this seems to be the opposite of council's policy of places for everyone.

Also given that the next door building already have lovely views the plan to take most of mine is extremely unfair. And the sunshine that I love and that keeps me healthy and sane is also going to be badly reduced because the building will be so close and so high. On top of that the natural light which is so essential to my work in my studio will also be greatly reduced.

This DA application will so seriously damage the ambience and the wellbeing of the neighbourhood I really urge the council to reject it.

Perhaps you could encourage the builders to refurbish what is a perfectly sound block of flats. I am told it is a very fine example of between wars architecture so why not keep it to add to the diversity of Elizabeth Bay.

Helen Evans

[REDACTED]

From: [REDACTED]
on: Wednesday, September 20, 2023 12:40:57 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: Jacqueline Newman (Personal) <jacqueline.pidd@gmail.com>; Tristan Pidd <Tristan.Pidd@turntown.com>
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.

Hi David,

My husband and I are property owners of 4C, 15-19 Onslow Ave, Elizabeth Bay.

I am writing to formally object to the proposed development application with reference to the Application number D/2023/727, which pertains to the development of 21C Bilyard Ave, Elizabeth Bay.

While I understand the importance of progress and development, I have grave concerns around the potential impact of this project.

1. Heritage Preservation

The proposed development is situated in an area of historical significance, which holds deep cultural and architectural value. Our community takes pride in preserving its historical character and this development threatens to compromise that. The design will impact the character of the streetscape due to size, style and height. It will not marry to slope, alternatively the design creates a distinct peak instead of a flat line.

2. Traffic and Parking issues

The current infrastructure in the area is already strained due to the existing traffic and limited parking available. The proposed development, if approved, will undoubtedly exacerbate these issues. With the proposed development only offering 22 allocated spots, 2 handicapped spots, 3 visitor spots, for a complex with approximately 50 bedrooms, this is not an ideal solution and will result in stress.

3. Noise concerns

The noise generated from proposed rooftop terraces, with pools, will send noise directly into the neighbouring building across the valley. The proposed decreased setbacks and increased height magnifies this issue. This would lead to elevated noise levels, adversely impacting the quality of life for residents in the vicinity.

In light of these concerns, I urge the Planning department to thoroughly evaluate the potential adverse effects of this development on surrounding properties and our community. Preserving our heritage, maintain traffic flow and parking availability and ensuring noise disruption are vital for the well-being and sustainability of our neighbourhood. It is imperative that a detailed environment impact assessment be conducted to address these issues adequately.

Thank you for your attention to this matter and I look forward to a response outlining the steps and how these will be addressed.

Jacqueline Pidd
Manager, Partnerships
Business | Australia Pacific

+ [REDACTED]



From:

[REDACTED]

Sent on: Wednesday, September 20, 2023 3:12:48 PM

To: dasubmissions@cityofsydney.nsw.gov.au

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

Attachments: To City of Sydney objection to - development 10 Onslow Ave and 21c Billyard Ave.pdf (120.05 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.

Please find attached my objections to submissions D/2023/727.

Regards,
Jane Ryan
4/12 Onslow Ave

20 September 2023

To City of Sydney – Planning **D/2023/727**

Attention: David Reynolds

From: Jane Ryan

Address: Unit 4/12 Onslow Avenue Elizabeth Bay 2011

Re: Proposed development for both 10 Onslow Ave and 21c Billyard Ave - D/2023/727

I object to the development proposed development D/2023/727 for the following reasons:

- 1) The existing building contributes to the heritage and character of the neighbourhood and has been maintained in good condition.

A report commissioned by Darnley Hall (12 Onslow Ave) identified the following regarding the existing 10 Onslow Ave:

- The building is of high-quality design and a good example of post-war apartments constructed between 1960 and 1975 representing 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, and others.
 - The building makes a positive contribution to the established character, setting and significance of the Elizabeth and Rushcutters Bay HCA with generous side setbacks, appropriate height, and sympathetic materials.
- 2) The bulk and height of the buildings proposed in D/2023/727 have serious impact on surrounding buildings.
 - The proximity of the proposed building to 12 Onslow Avenue will impact access to light at units in Darnley Hall (12 Onslow Avenue).

Thank you for considering my objection, I expect to have some supplementary information which will be submitted in due course.

Yours sincerely,
Jane Ryan

A handwritten signature in black ink, appearing to be 'JR' followed by a long horizontal flourish.

From: [REDACTED]
Sent on: Tuesday, September 19, 2023 11:27:48 AM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: John Beaton <jfbeaton@iinet.net.au>
Subject: Development DA. D/2023?727
Attachments: Document1.docx (15.02 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.

Please see attached document.

Kind regards,
John Beaton

[REDACTED]
[REDACTED] 1360
[REDACTED]
[REDACTED]

Submission re Development for both 10 Onslow Ave and 21C Billyard Ave – D/2023/727

My name is John Francis BEATON of 10/12 Onslow Ave Elizabeth Bay NSW 2011.

Overshadowing

As I live on the third floor of the apartment, there are two major rooms that face north, which would become affected.

Height

In my previous submission, the Council visited my unit and took many photographs.

The height of any new development on the north side of our building would be a major problem.

Loss of View

It is obvious that a new building on our north side would mean that we would suffer a loss of views.

Excavation – Potential Problems.

The excavation and removal of existing buildings would be of most concern in regard to noise and dust.

Traffic and Parking.

As Onslow Avenue is a one-way road with parking on one side, this type of excavation would present a major problem.

Noise

The noise problem would be of most concern as we are non-workers and spend a great deal of time at home.

Environmental Consideration

The proposal to knock down a very substantial building is environmentally unsound.

Garbage

With many workers attending over months the rubbish removal would be a problem.

I hope that these issues will be taken into account and the DA be refused or cancelled.

Kind regards

John F Beaton.

From: [REDACTED]

Sent on: Wednesday, September 20, 2023 2:47:03 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: 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.

Hello, my name is [REDACTED]

In 1992 I bought my first apartment and lived in it at 21B Billyard Ave Elizabeth Bay. As time went on I continued to buy apartments in this building even after I had moved out as it is a small unique building sitting in a wonderful street and area. I now currently own 5 apartments at 21B Billyard Ave. Many of my tenants are long term, in fact one family has been there 16 years.

There are a total of 12 apartments in our building. The new proposed development at 21C Billyard Ave will directly impact 6 of our apartments (4 of which I own) and I am writing to object to DA 2023/727.

Heritage Conservation Area

The wall and rock shelf that runs from Elizabeth Bay House and its gardens extends all the way along, behind 21B and 23 and 23A Billyard ave. I suspect that it currently runs between the 2 existing buildings at 21C Billyard Ave. How is this going to be preserved when the development proposes to cut through the sandstone rock shelf in order to excavate and create an entirely new car park entrance and deeper levels of parking that run under both the new buildings?

Cracking, Damage, Water flow

It is possible that as there is complete demolition of the 2 large buildings, massive excavation, enormous drilling and work done to existing rock shelf at 21C, that our building will be impacted. Our building is significantly older and we spend considerable money in our upkeep and maintenance.

I am also concerned about the adequacy of a flood and groundwater plan. The existing rock shelf that I have mentioned before is constantly wet for days after a small amount of rainfall. How is this going to be managed including the impact on neighbouring properties? Where and how will the natural water flow be directed?

Entrance

The proposed new 21C Billyard Ave car park entrance from the existing 10 Onslow Ave entrance will directly change the whole traffic flow on both streets and I suspect this will include Ithaca Rd. It will directly impact on the number of car spaces available on the street as the entrance will take away at least 2 spaces. This is already very challenging for residents in neighbouring blocks and houses who own a car.

The proposed new entrance runs the entire length of our building. The headlights of cars entering and leaving 24/7 as well as the noise of the security garage doors opening and closing 24/7 will all directly impact 6 of our 12 apartments, half our block.

There is currently an existing car park entrance at Onslow Ave that they are planning to stop using. Why change the car park entrance and complete traffic flow of what is currently working? Once again the the quiet enjoyment and peace of a neighbouring block will be enormously impacted.

Waste Management

We are deeply concerned that the proposed bin area, over flow of rubbish and storage of organic waste will be stored in an open fenced area directly on our common boundary. The existing building at 21C has never stored their bins or waste on our side or close to any of the neighbouring property walls. The increase of vermin, the smell and the noise of bins being opened/closed as well as the noise of the gates to the fenced area being opened and closed will directly affect the quiet enjoyment of 6 of our apartments. Half of our residents. Those apartments have a collection of bedrooms and living areas as well as kitchens directly beside the proposed waste storage area.

Many apartment blocks have a waste/garbage room inside a car park and the bins are brought out to the street only on

collection days.

Why can't they store their waste and bins where their garbage chutes are inside the car park area?

Light

The increased height, width and size of the new building at 21C Billyard ave as well as the proposed new setbacks from the street and our common boundary wall will reduce the natural ambient light to our building. The 6 apartments in our building on that side, as mentioned earlier, have a collection of bedrooms, living areas and kitchens. The front 3 apartments closest to 21C boundary will directly lose their street views from their balconies, bedrooms and living areas as the new building is pushing forward close to 7m and the 3 apartments at the back of our block directly lose the natural indirect light to their kitchen, bedroom and living room windows. Why is this new building pushing forward so far to the front and sides as well increasing its height? It is not in character of the street and will change so much for many residents. The other side of 21C is 23 Billyard and they are also enormously impacted by this including their increase in shadows from 21C.

In conclusion I would like to ask why 21C and 10 Onslow can't use the existing buildings and repurpose/renovate/refurbish? That would be the more environmentally sound option. Why do they need to completely demolish 2 existing buildings, embark on massive excavation, change configuration of car parks and entrances and impact many many people and their surrounds.

Elizabeth Bay is a beautiful niche that has so much history and heritage, it would be a great shame to make such enormous changes and impact to this area and the quiet enjoyment of the people who love living here.

Regards



Sent from my iPhone

From:

Sent on: Thursday, September 28, 2023 9:24:06 PM

To: council@cityofsydney.nsw.gov.au

Subject: Billyard Ave 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.

12k/15-19 Onslow Avenue
Elizabeth Bay.

Dear Members of the Council,

The joy of living in Elizabeth Bay is that this is a quiet haven of bird song in a busy metropolis. The noisy disruption of this proposed construction, and the optical blight of its cumbersome design, has made local residents upset and fuming, for good reason.

Isn't the city of Sydney built up enough? Can't we continue to cherish the bits of Potts Point and Elizabeth Bay which still maintain their quaint, low—rise charm without adding more architectural acne to the city's concrete complexion?

Desperately hoping you'll agree with the residents of our building that this proposed structure will do nothing to enhance our beautiful peninsular, creating unacceptable levels of noise and disruption.

Thank you for taking our complaints and concerns seriously and I'm sure you'll agree with us that this is an unnecessary and ugly project.

Yours sincerely, Kathy Lette

From:

Sent on: Monday, September 18, 2023 12:31:54 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.

We are writing on behalf of Kathy Lette the owner of 12K/15-19 Onslow Ave Elizabeth Bay.

Ms Lette would like to register her objection to the new development being proposed at 10 Onslow Ave / 21C Billyard Ave Elizabeth Bay for the following reasons.

- Traffic is already at capacity in the area and the new development would increase this problem.
- The corridor between 10 & 12 Onslow Avenue brings light and views to the communal areas of the buildings already on Onslow Ave. This would be greatly reduced by the narrowing of the opening.
- Loss of privacy from the newly proposed building into the apartments and common areas. The views and light will also be effected to the swimming pool and communal gardens.
- Noise from the increased capacity and the rooftop terraces in particular.
- This development is not in keeping with the village plan for Elizabeth Bay.

Ms Lette has been a long time resident of Onslow Gardens and hopes the current residents objections are taken into consideration and the development adjusted accordingly.

Kind Regards,

Craig Nock as instructed by Kathy Lette

Sent from [Mail](#) for Windows

From: [REDACTED]

Sent on: Monday, October 9, 2023 1:40:57 PM

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

Subject: FW: Query: D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011

From: [REDACTED]

Sent: Monday, October 9, 2023 1:39 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.

Hello – I am writing to express concern with the expanded scale of this development application compared to the existing buildings. I would also to ask CoS to reconsider the sheer number of development applications in the Elizabeth Bay area being approved concurrently.

This application should not be allowed to expand by height and scale the existing buildings on Onslow Avenue or Billyard Avenue nor join two separate buildings into one large scale building. This is unfair to adjoining neighbours for multiple reasons including:

- Loss of privacy to adjoining residents due to height
- Shading to adjoining residents
- Loss of water and district views to other long established residents through the increased height of the buildings
- Concentrated vehicle numbers on Billyard Avenue

The developers attempt to take property from Onslow Avenue and make this part of Billyard Avenue (given Billyard Avenue is the street that has significantly higher property values) is nothing but a cash grab and would severely impact traffic on this narrow one way street. This proposal is unfair to those living on this street who have higher property values due to it exclusivity.

Its also homogenising the area with developers constantly searching for all properties in the area they can replace to make money that aren't heritage listed. Elizabeth Bay has character and charm because it is a mix of buildings from many eras. The city should reject this application on this fact alone.

Finally, can the CoS please take a holistic view of the number of development applications for the amenity of neighbours. The approval of this application would make at least six major apartment block developments within a 200-250 metre radius (or less) of my apartment on Greenknowe Avenue. This scale of works is unfair to the 20,000 plus residents living in the area given many of work from home. Elizabeth Bay is a natural amphitheatre and the noise and impacts from these works need to be considered together and scaled back accordingly. Allowing six concurrent developments would make living in my location untenable for the duration of the works.

Thanks, Liz.

Elizabeth Coad
Communication and Engagement Manager
Resilience Hub
Regional and Outer Metropolitan
Transport for NSW

[REDACTED] -

From: [REDACTED]

Sent on: Monday, September 18, 2023 9:07:50 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 Reynolds,

I hope this email finds you well. I am writing to express my concerns regarding the development application for 21C Billyard Avenue in Elizabeth Bay, NSW 2011. As a resident of this area, I believe it is important to ensure that any development aligns with the character and livability of our community. I have identified several key concerns with the proposed development that I would like to bring to your attention.

Additional Building Height: One of the most significant concerns is the proposed increase in building height. This height increase has the potential to impact the views enjoyed by residents in the surrounding area. It may also reduce the amount of sunlight reaching neighbouring properties and decrease the privacy of residents due to increased visibility into their homes.

Rear Building Setback: The reduction in the rear building setback is worrisome as it could compromise the privacy of adjacent properties. A diminished setback might also disrupt the aesthetics and harmony of the area, which is known for its open and spacious atmosphere.

Reduced Side Setbacks: The proposed reduction in side setbacks could have similar negative effects. It might lead to less solar access for neighbouring properties and a decrease in overall privacy for residents in the area.

Rooftop Pool and BBQ Area: The inclusion of a rooftop pool and BBQ area raises concerns about potential acoustic disturbances and privacy issues. These amenities could generate noise and disrupt the peaceful environment of our community.

Poor Building Design: Lastly, the design of the proposed building does not appear to be in keeping with the heritage character of Elizabeth Bay. Preserving the heritage and aesthetics of our neighbourhood is essential to maintaining its unique charm and appeal.

I kindly request that you consider these concerns when evaluating the development application for 21C Billyard Avenue. It is crucial that any new construction enhances rather than detracts from the quality of life in our neighbourhood and respects the character and needs of the community.

I would appreciate the opportunity to discuss these concerns further or participate in any community consultations related to this development application. Please let me know if there are any upcoming meetings or avenues for residents to provide input on this matter.

Thank you for your attention to these concerns.

Best,

LUKE DAVIE
16/8 Onslow Ave
Elizabeth Bay, NSW, 2011
[REDACTED]

From:

Sent on: Monday, September 18, 2023 3:50:24 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: ATTN: David Reynolds D/2023/727 21C BillyardAv, Elizabeth Bay2011

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.

Mark Longley

H631/780 Bourke st.

Redfern 2016

Dear David,

Regarding D/2023/727 on 21C Billiard Av. including 10

Onslow Av. Elizabeth Bay.

Our community was stunned to learn of this redevelopment proposal and incensed by the developers hubris, the fact there has been no communication with the locals and there by passing us a complement that we might like to have a say on the redevelopment of the sight where many have been living and dutifully paying out rates for years.

As a self funded retiree I have been investing in this already highly developed suburb for over 30 years, I have owned property in Birtley Towers, Elizabeth Bay Road and in Darnley Hall, 12 Onslow Av.(I understand owners in Darnley Hall are furious about the shadows that would be caused by the preposed new height of this construction next door)

I have always been attracted to Elizabeth Bay because of its charm and sense of community. By sense of community I mean that its offers up living spaces for a cross section of incomes not just for the wealthy.

I own and rent out a one bed room property in 15/19 Onslow Av. Elizabeth Bay Gardens, it is called Elizabeth Bay gardens because of the award-winning gardens that sits opposite this new proposed redevelopment, with its harbour outlook captured between the walls of 10 Onslow and 12 Onslow Av. the view is a major feature of the beautiful garden and its not just about harbour views its about green space , although my place does not command harbour views the tenants feed back has always been how fantastic the green spaces in the garden with a pool and views of the harbour are and for many its as close as they will get in sharing the views of "their harbour" to allow the widening of 10 Onslow Av. virtually cuts out this view. As I understand it when 10 Onslow Av was constructed in the 1970,s this view/ air space was part of a DA agreement by surrounding Neighbours.

Bit by Bit all the apartments along Billyard Av. and Onslow Av are being redeveloped into abodes for the rich which not only makes Elizabeth Bay spinless and uninteresting but its morally corrupt by excluding less wealthy folk from having a share in this beautiful harbour suburb.

Where is it written that all new development is to be reserved exclusively for the high end of town ... why isn't it written that new developments must offer up a mix of one two and 3 bedrooms places if not a couple of studios as well ?

We live in the age of greed grab and go!

yours sincerely

Mark Longley

1315

From:

Sent on: Tuesday, September 19, 2023 3:07:13 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.

Attention: David Reynolds

As an owner of 11D/15-19 Onslow Avenue Elizabeth Bay and resident of 3E/15-19 Onslow Avenue Elizabeth Bay, I would like to register my objection to the proposed development D/2023/727.

While I like some aspects of the proposed building, I will be making a full submission as soon as possible that will object to the proposed development.

City of Sydney notification

I also wanted to say I was extremely disappointed by the City of Sydney notification about this development.

The site address only mentions one site (21C Billyard Ave), when in fact there are two (2). 10 Onslow Avenue was completely left off the City of Sydney notification.

Unfortunately, this comes across as a deliberate attempt to deceive impacted owners, occupiers and the public.

This is especially disappointing given there is plenty of room on the notification letter for the second site address.

I believe the only acceptable way to rectify this omission is to reissue the notifications correctly with both site addresses listed, and provide further time for comments to be submitted.

Thank you for registering my objection, I will be back in touch with a full submission.

Melissa Ash

From:

Sent on: Wednesday, September 20, 2023 5:03:01 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Fwd: D/2023/727 21C Billyard Avenue, Elizabeth Bay 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.

Re Comments for the proposal.

I am the Rental Manager for a property my husband owns in Elizabeth Bay Gardens, 8B 15-19 Onslow Avenue Elizabeth Bay. This property is a small one bedroom apartment with no balcony.

I write this with the current public discussion topics and concerns being the lack of available housing and more importantly affordable housing as well as the impacts of climate change on our planet and local environment. City of Sydney Council has been very fast to adopt many initiatives that help address the needs of the planet, including recycling, bike lanes, ev charging stations and the reuse of existing. One example of a successful reuse of a historically significant building with unbelievable views is the Sirius building at Circular Quay. I know there are always differences between sites but City of Sydney has a policy requiring buildings not to be demolished and thus repurposed successfully. This should be the outcome of the redevelopment of the site referred to in this development application. People are used to living and seeing the bulk and scale of the existing buildings and should not incur any more detrimental impacts on their lifestyle with reduction of setbacks and increase in height. The streets currently allow glimpses of the neighbourhood and Harbour as well as other buildings, trees and gardens but will not if this proposal is approved. All of these negatives and still less apartments are being proposed, so the environment and the housing crises are both negatively impacted by this proposal.

Noise, vibration, parking, traffic congestion and stop and go lollipops will impact our tenant negatively during the construction stage (probably at least 2-3 years). Also going forward post construction, the tenant will still have noise from the two penthouse terraces and pools, as well as overshadowing and reduction of sunlight on our beautiful gardens and pool area – an essential part of the Elizabeth Bay Gardens lifestyle with no balcony in our apartment. The reduction of available car spaces within the proposed building will put undue pressure on surrounding buildings with double parking, parking across driveways and a general selfish perspective. The lack of internal provision for filled garbage and recycling bins will also congest the footpath and or affect available parking spots. Not a responsible or community minded solution. Rats and vermin will love a regular snack stop.

Though with the lack of soft and deep soil planting I don't expect the green waste bin will be needed very often.

Issues that I haven't seen addressed are:

- Reuse viability of the existing buildings
- Shadow diagrams and noise studies for neighbourhood buildings including those across the street, including ours
- Commitment to Dilapidation reports for surrounding buildings including ours
- Accurate methodology for establishment of ground level for height measurement
- Acknowledgement and management of the historical significance of the current buildings and the architect responsible work, the wall from Elizabeth Bay House, the often spoken about stream running thru this property, the first nations and early settlers potential artifacts that are common in this inner Sydney area, maintenance of view corridors to the Harbour and parks, inconsistency of roof shape with neighbouring buildings, significantly changing the character of Elizabeth Bay village with a high net worth only building.
- redefining neighbourhood airflow with the reduction of setbacks
- neighbourhood and landmark buildings views lost from the Harbour including Elizabeth Bay House

- loss of affordable housing, especially important within a 5km radius from the City
- noise impacts from all the hard surfaces

There are substantial grounds for refusing this proposed overdevelopment of this site, please listen to the village and judiciously apply the regulations to uphold the future of this precious area.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]

From:

Sent on: Tuesday, August 22, 2023 6:11:36 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 Council

this design is fairly ordinary and doesn't add to the architectural look of the area. It also has no deep soil/ earth drainage area as it uses every bit of the block. The current building on Billyard Avenue is set back from the road and provides a garden, drainage and small oasis for birds and other animals.

Can the developer do something more imaginative please?

Regards
Michael Cain
Elizabeth Bay

From:

Sent on: Friday, September 15, 2023 4:53:24 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: D/2023/727 D.A for both 10 Onslow Ave and 21c Billyard Ave

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,

My name is Mitzi Skyring and I am the owner of 12/23 Billyard Ave, Elizabeth Bay.

I'm writing regarding my concerns over this D.A.

1- My building 23 Billyard Ave was completely ignored in community consultation and the proposed development is right next door and is very much affected by this large development.

2- In a small heritage street, it is an aggressive McMansion style over development. Their height illustrations don't seem correct and the bulk and scale of the project doesn't suit either street frontages or the suburb. There will be overshadowing and light lost from many existing homes.

3- The development has changed its access from Onslow Ave, which is wider at that point than narrow Billyard Ave. It's also just after a tight corner that is already illegally used by drivers and delivery trucks which if allowed will make it busy, difficult to see and dangerous for local users.

4- The loss of gardens and trees from Billyard Ave will have a major effect on the streetscape.

5- I'm very concerned about loss of affordable apartment spaces , being replaced with more expensive and fewer apartments.

6- The development is close to the water and is in an already high density so the additional rooftop terraces and 2 pools will send noise right across the valley. All the mechanical ventilation, which is very close to existing building will add more constant noise.

7- Finally , I love the old building I live in with its small green street and am so worried about the damage the excavation will make to it and surrounding buildings. There are water courses that run underneath our building (and others) as well as Elizabeth Bay House's original Grotto that is at the back of my building . To lose any parking spaces in the street ,that are already so difficult to find ,would make living here so much more difficult.

I hope that there is community consultation and architecturally sensitive design that serves the existing people as well as the developers prevails.

Kind regards

Mitzi Skyring

From:

Sent on: Friday, September 22, 2023 9:07:50 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: 10 Onslow Avenue & 21 Billiad Avenur 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.

I wish to lodge an objection to DA/2023/727.

*The proposed building is unreasonably over the height limit.

*The non- arrangement for the unsightly garbage to be out of sight, encouraging Vermin and scavenging.

*Noise from roof top entertaining area unacceptable and with the increased height will be unacceptable.

*Extra parking problems. Very narrow road.

*Ideal Result I feel would be to keep the new design but tuck in the setbacks and cut off the top floors.

Thank you,

Neryl Ramsay.

14 J Elizabeth Bay Gardens.

Onslow Avenue, Elizabeth Bay.

From:

[REDACTED]

Sent on: Sunday, August 27, 2023 9:14:06 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.

As a resident of Ithaca Road, Elizabeth Bay, I appreciate the visual character and the sense of community in our suburb. The initial visual plans of the submission D/2023/727 are a very dramatic overdevelopment and would create, in my opinion, a blight on the streetscape. I refer only to the size of the development, not to the style or idea. I am most against the proposal in its current format.

Penelope van Blommestein
22/19 Ithaca Road
Elizabeth Bay 2021

From:

Sent on: Thursday, September 14, 2023 4:08:59 PM

To: dasubmissions@cityofsydney.nsw.gov.au

CC:

Subject: Opposition to proposed development: 10 Onslow Avenue and 21C Billyard Avenue, Elizabeth Bay NSW 2011 - Reference number D/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.

We, Peter Hemming and my partner Merle Cockerill, live in the immediate vicinity of the proposed development at Apartment 2, 6 Onslow Avenue, Elizabeth Bay which I purchased in 2012.

We strenuously oppose the proposed development particularly in relation to the suggested height of '*6 to 8 storeys*'.

It seems to us that such a development has insufficient regard for the neighbours generally and its impact would be most detrimental, having regard to :

- . The height of 6 to 8 storeys would seriously impact views from relevant dwellings.
- . These proposed heights appear contrary to those permitted in the surrounding streetscape.
- . Any building of the height being sought, would cast wide shadows and would negatively impact the amount of sunlight to be enjoyed by neighbours.
- . The noise level from swimming pools (the suggestion is more than one) would be detrimental to the enjoyment of quiet living of those in the immediate neighbourhood.

I trust that Council will protect the rights of existing dwellers in our neighbourhood and not accept the unit height of those apartments in the project being sought by the developers.

As suggested by Bill MacKay, Manager Planning Assessments in his notification of the proposed development, I have attempted to contact David Reynolds and am awaiting his call.

Sincerely,

Peter Hemming

Peter Hemming

Onslow Avenue,
Elizabeth Bay,
NSW 2011

From: [REDACTED]

Sent on: Tuesday, September 19, 2023 9:15:28 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Objection in relation to: D/2023/727 - 21c Billyard Avenue and 10 Onslow Avenue, 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.

Dear Planning Department,

My name is Peter Outridge and I am an owner and resident of 14K 15-19 Onslow Avenue, Elizabeth Bay – immediately behind the DA site.

I wish to make an objection to the current DA D/2023/727 as it is overly bulky and excessive for the site, and will negatively impact the quiet enjoyment and quality of life of both residents and visitors to the suburb. Furthermore, at a time when we are experiencing a national housing crisis this DA seeks to reduce the capacity to house residents when the government and taxpayers are investing billions to increase housing capacity. The current structures have also been identified as contributory items within the HCA and Sydney 2012 DCP and that the polic(i)es of the HCA should be applied(:) namely that contributory items be retained and conserved.

I request that the current DA be rejected outright. Any future submissions must be within the envelop of the current structures and should not negatively impact the quiet enjoyment of residents by creating additional noise (once constructed) nor contribute to additional traffic conjection. My specific objections are set out below:

OVERSHADOWING

- Loss of reflected or ambient light from reduced setbacks, height, and material choice(bricks)
- Direct shadowing, especially in kitchens, studies, living areas, and loss of light in common outdoor spaces and public land
- Morning light loss and afternoon light loss

HEIGHT

- The existing ground level is potentially incorrectly calculated for 10 Onslow Ave making the maximum height appear artificially higher. From expert opinion there is reason to believe there is inconsistency between the way the ground level is meant to be calculated, and the way it has been represented, meaning the height overrun is larger than indicated.
- The submission's own illustration of the height allowances do not appear to be consistent, even when comparing the lines within the same diagram - and it gives the application more height.
- The proposed buildings are unreasonably over the height limit even in the submission as is, using it's submitted measurements.
- Are we certain the proposed buildings correctly match the coordinates of the 22m and 15m height limits under the LEP – is 10 Onslow Ave too far eastward?

BULK AND SCALE

- All setbacks are substantially closer than the existing building - narrowing the space between the proposed buildings and it's neighbours, and the street – at some points less than 5m building to building.
- Much narrower than the state planning guidelines stipulate.
- Loss of privacy, and lack of future privacy for proposed residents with bedroom and bathroom windows so close to neighbouring buildings

LOSS OF VIEWS FROM

- Individual apartments
- Common areas – eg from the garden of Elizabeth Bay Gardens
- Public areas from the street – particularly between 12 Onslow Ave and 10 Onslow Ave towards the water.
- Views lost of Elizabeth Bay House, Arthur McElhone Reserve, Atoll Bay, Sirius Cove, Fort Denison, Clark Island, Shark Island, Garden Island, water views, and views of the heritage conservation area.

LANDSCAPING

- Insufficient future tree cover, and soft landscaping. Unacceptable to move to the roof. Fixing one underrun with (landscaping) with an overrun (height)
- Loss of street view of gardens, especially from Billyard Ave
- Insufficient deep soil planting, semi-permeable membranes

LOSS OF AFFORDABLE HOUSING, DIVERSITY OF NEIGHBOURHOOD

- Removing 28 apartments to create 22.
- Replacing a more affordable building with an unaffordable building

ENVIRONMENTAL CONSIDERATIONS

- Building not being repurposed and renovated - inadequate expert reasoning and reports that demonstrates why the building can't be renovated – should there be an independent Adaptive and Re-use Assessment Plan conducted by council?
- Environmentally unsound to knock down a building that can be renovated, or is otherwise adequate in its current form.
- Unable to determine adequacy of water retention tank for stormwater and hard surfacerunoff.
- Have issues to the water table, including flooding, and the ground not necessarily being sandstone been adequately accounted for? We believe there is an underground stream somewhere on this hill – where is it and will this development affect where water runs and pools as it comes down the hill?
- Passively ventilated buildings being replaced by air conditioned and mechanically ventilated buildings.
- Increased shadowing in Winter will increase heating costs and electrical usage on neighbouring buildings.
- Health considerations from the loss of natural light, sunshine, blue sky, increased white noise from ventilation and air conditioning, and the removal of garden and water views from multiple points in the neighbourhood.
- Potential changes to airflow through the buildings, including increased wind and gusts from the narrower setbacks.
- Currently unconvinced on plans for groundwater and flooding and management of water overflow
- Removal of established and existing gardens and trees that provide habitat for animals. Some of the large trees cannot be replaced in the soil and space proposed.
- There are no guarantees the work will preserve the lives of the trees currently just outside the area – including old eucalyptus trees.

HERITAGE

- Concerns about the impact on the character of the streetscape due to eg: size, style, height, layout, and setbacks.
- Impact on the skyline and sightline - from public areas, including the water – as the new buildings change the line of the roofs sloping towards Elizabeth Bay House and across to Arthur McElhone Reserve.
- Instead of sloping, the new 10 Onslow juts out into the slope, and the new 21c Billyard creates a distinct peak instead of a flat line. This is all visible from public areas, the street and the water.
- The view from the water and across the water is publicly significant due to the history of the area – this is a heritage conservation area with features visible from the water, by ferry and private craft, and by public lands across the bay. Any consideration of the roofline and streetscape should take into consideration the impact from public viewpoints.
- Potential loss of heritage and archaeologically significant items under the building, which have not been adequately planned for or documented. Why are there no provisions for protection of Aboriginal heritage, convict or early settlement items?
- Why are there no expectations of finding structures from Elizabeth Bay House? There are known structures from Elizabeth Bay House *immediately* next to this land on either side, (and behind on Onslow Ave), so it seems presumptuous that there are none on the land currently.
- Removing the buildings is a loss of quintessential examples of postwar architecture, of which good examples in sound condition are rapidly disappearing.

EXCAVATION - POTENTIAL PROBLEMS

- How will the excavation protect the surrounding buildings, including those that are contributory to the heritage

conservation area?

- The building stratas and boards want reassurances on the risks and remediation should excavation damage our buildings. Each apartment and each strata/board can ask for a dilapidation report.
- What if the development fails or stalls as a project/investment and there is damage to surrounding buildings? Can we ask for assurances? A deposit in a trust?
- Is the only safeguard to flooding and other issues, mechanical and electrical systems? Because what happens if the power is cut or the machinery fails?

DESIGN CONSIDERATIONS

- Design does not consider roofline consistency in either building.
- Stepped back design that somewhat follows a stepped slope up the hill instead of being flat as stipulated in the DCP guidelines
- Unclear how the walls, fences and retaining walls will be structured between the buildings and adjacent neighbouring buildings – will they be built up or dug further down? Flat or stepped? What materials and thickness?
- Verandahs on Billyard Ave are very large – right on the street? Verandahs will just abut the street, with no garden, and no natural barrier.

TRAFFIC AND PARKING

- Only 22 allocated spots, 2 handicapped spots, 3 visitor spots, for a complex with approximately 50 bedrooms.
- Entrance to be on Billyard Ave, instead of Onslow Ave, backing up Billyard Ave and Ithaca earlier than the current Onslow Ave entrance.
- Potential to backup emergency services from reaching Onslow Ave.

NOISE

- The proposed buildings both have rooftop terraces, with pools, sending noise from those roofs directly into the neighbouring buildings and across the valley. The proposed decreased setbacks and increased height magnifies this issue.
- Mechanical ventilation creates additional, constant, and very close, noise for the adjacent buildings.
- The construction period will be untenably noisy.

Please keep me informed on the progress of the DA. Feel free to reach out to me at any time.

Best regards
Peter Outridge

From:

Sent on: Sunday, September 17, 2023 2:14:59 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.

DA for 10 Onslow and 21c Billyard Ave. D/2023/727

I wish to object to the above development in the most strenuous terms as it is perhaps the worst example of current inappropriate redevelopments which are damaging the integrity, heritage and amenity of Potts Point and Elizabeth Bay.

The proposed building is aesthetically unsightly, and architecturally bland. It has no merit as a building other than a bloated appearance that clearly seeks to maximise every centimetre of height and floor space. As such it is disproportionate in footprint and elevation to surrounding buildings, with minimum setbacks and almost no space between it and surrounding buildings which is atypical for the area.

Potts Point and Elizabeth Bay are suburbs which are the ideal model for low-rise living close to the city. With some 98% of residents living in apartments, the 20th century apartment blocks actually provide multiple small studios and one-bedroom apartments for purchase or rental.

This development actually reduces the number of apartments on the site and by only providing larger apartments it actually reduces not only the number of people living in the area but restricts ownership to wealthy downsizers and will force many residents out of the area. This is the opposite of the claimed intent of state government and council to provide affordable accommodation close to the city.

If this proposed building is approved it is an embarrassing and shameful legacy for Sydney Council and its Councillors as they will have clearly failed to protect and preserve one of the special areas in Sydney by allowing an inappropriate and inharmonious overdevelopment that is clearly inimical to the aesthetics, integrity and amenity of the neighbourhood.

I write this as the convenor of a newly formed resident action organisation THE POTTS POINT PRESERVATION GROUP which advocates the preparation of a master plan for Potts Point and Elizabeth Bay that identifies and endorses its distinctive historical and contemporary features and amenities, both individually and collectively. The goal is to maintain the innate beauty and liveability of the precinct and to foster an understanding and appreciation of its distinctive attributes. We are particularly concerned that protection for 20th century buildings is either insubstantial or absent and this allows these buildings, many of which are important Art Deco and Modernist buildings in Sydney, to be easy targets for demolition.

There is a desperate need for State and Local Council to protect the area's heritage and amenity as we are witnessing a current flood of proposed redevelopments in Potts Point and Elizabeth Bay all of which have no sense of integration or harmony with the community. Their size and footprint seriously impinges and impacts on neighbouring buildings while reducing the number and affordability of apartments. Not all change is progress and it is time Sydney City Council showed some leadership and visionary thinking in protecting our community from inappropriate overdevelopment.

Dr Peter Sheridan AM
Convenor, Potts Point Preservation Group

Peter Sheridan

Dr Peter Sheridan AM BDS MDS FICD FADI / Clinical Senior Lecturer, Sydney University

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

From:

Sent on: Saturday, September 16, 2023 3:37:32 PM

To: dasubmissions@cityofsydney.nsw.gov.au

CC:

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 Mr Reynolds,

SUMMARY

- * I am the owner of an apartment seriously affected by the proposed Development.
- * The Board of Directors of our building has commissioned professionals to address concerns by way of detailed reports, which will be presented to you on behalf of all the shareholders.
- * I have been involved with this consultation amongst the building's owners.
- * I fully agree with all the details of this more formal presentation, but wish to offer a separate, more personal list of issues which particularly concern me.
- * Conceptually, if any development is approved I would prefer the current building be redeveloped, rather than destroyed.

DETAILS

My wife and I are the owners, through a standard Company Title arrangement, of Unit 1, of 12 Onslow Avenue, immediately adjacent to the subject of this Development Application.

Our Board of Directors has consulted frequently with our building's fellow owners and has commissioned professional town planners, heritage experts and others to respond to the opportunity to object to this development.

I will be privy to the final reports which will constitute the majority substance of the Board's submission. I fully support all the concerns and objections which are to be included in that.

However, at a more personal and less formal level, I wish to offer comments which particularly concern me.

1. The development submission flagrantly ignores Council's requirements by proposing a structure which exceeds height limits for these sites.
2. Similarly, it ignores setback recommendations, requesting Council to approve a structure with side and frontage setback dimensions significantly less than are strongly recommended.
3. One consequence of this appears to be that the development will allow significantly less greenery that is present currently.
4. At a time when Council and all authorities are encouraging the provision of additional accommodation and more affordable housing options, the development reduces the number of apartments and would appear to supply fewer and more expensive living options.
5. It appears that the developer has ignored heritage and historical investigation. I see no discussion of Aboriginal, Convict or Early Settler considerations. There also is no mention of the possibility that structures associated with heritage protected Elizabeth Bay House (which are present in properties neighbouring the development site).

I am not a NIMBY but believe strongly that this proposal should be rejected, preferably outright. However failing that, my preferred option, and I understand one which Council generally supports, is to refurbish the current building, rather than destroy it.

Thank you for considering my submission.

Rhoderic Cook

Sent from my iPad

From:

Sent on: Sunday, September 17, 2023 8:30:19 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,

As an owner in 8 Onslow Avenue I have grave concerns for the Development proposed at 21C Billiard Avenue, in particular the second building in the proposal - 10 Onslow Ave, which is right next door to my building.

My primary concerns are as follows:

he additional building height potentially impacting views, reducing solar access and reducing privacy

he lack of setback from Onslow Avenue

he increase in the rear building setback reducing privacy

he reduced side setbacks reducing solar access and reducing privacy

he inclusion of a rooftop pool and BBQ area creating additional acoustic impacts and privacy impacts

he poor design of the building not in keeping with the heritage character of the area

Thank you for considering my application.

Regards

Rod Robinson
11/8 Onslow Ave
Elizabeth Bay NSW

From:

Sent on: Tuesday, September 19, 2023 5:35:24 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: DA 2023/0727

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 refer to the planning submission for both 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay (DA 2023/0727).

I am the current co-owner of Unit 2, 23 Billyard Avenue, Elizabeth Bay since December 2015.

I wish to express a number of concerns and oppositions and list below just a few of these objections in the present submission.

- 1) Overshadowing : I object to the proposed project as it will mean a large loss of ambient or reflected light to our building at 23 Billyard Avenue.
- 2) There is no detailed explanation as to how the proposed excavation will not affect the neighbouring buildings, especially our heritage building at 23 Billyard Avenue. I could not trace a dilapidation report in the submission.
- 3) The access from Billyard Avenue to the 27 parking spots of the proposed building while there are none currently will transform the area. In addition, The proposed 22 flats will translate into 44 garbage bins which will occupy a very narrow footpath of Billyard Avenue, as well as overflow to the street itself.
- 4) The excessive height of the proposed building will be further increased by the need for a necessary fencing of the large roof top area, itself a source of noise for the whole neighbourhood.

There are other issues relevant to this project in respect of its proposed design, and the loss of the existing building which is a fine example of the post WW2 architecture.

Other objections can be added to the above issues which I hope will retain your attention,

With my best regards,

Roland Girault

From: [REDACTED]

Sent on: Wednesday, September 20, 2023 8:34:09 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Objection in relation to: D/2023/727 - 21c Billyard Avenue and 10 Onslow Avenue, 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.

Dear Planning Department,

My name is Ron Christianson and I am an owner and resident of 14K 15-19 Onslow Avenue, Elizabeth Bay – immediately behind the DA site.

I wish to make an objection to the current DA D/2023/727. Upon review of the development it is clear that it is bulky and excessive for the site, and as such will negatively impact the quiet enjoyment and quality of life of both residents and visitors to the suburb. Furthermore, at a time when we are experiencing a national housing crisis this DA seeks to reduce the capacity to house residents when the government and taxpayers are investing billions to increase housing capacity. The current structures have also been identified as contributory items within the HCA and Sydney 2012 DCP and that the polic(i)es of the HCA should be applied(:) namely that contributory items be retained and conserved.

I request that the current DA be rejected outright. Any future submissions must be within the envelope of the current structures and should not negatively impact the quiet enjoyment of residents by creating additional noise (once constructed) nor contribute to additional traffic congestion. My specific objections are set out below:

OVERSHADOWING

- Loss of reflected or ambient light from reduced setbacks, height, and material choice (bricks)
- Direct shadowing, especially in kitchens, studies, living areas, and loss of light in common outdoor spaces and public land
- Morning light loss and afternoon light loss

HEIGHT

- The existing ground level is potentially incorrectly calculated for 10 Onslow Ave making the maximum height appear artificially higher. From expert opinion there is reason to believe there is inconsistency between the way the ground level is meant to be calculated, and the way it has been represented, meaning the height overrun is larger than indicated.
- The submission's own illustration of the height allowances do not appear to be consistent, even when comparing the lines within the same diagram - and it gives the application more height.
- The proposed buildings are unreasonably over the height limit even in the submission as is, using its submitted measurements.
- Are we certain the proposed buildings correctly match the coordinates of the 22m and 15m height limits under the LEP – is 10 Onslow Ave too far eastward?

BULK AND SCALE

- All setbacks are substantially closer than the existing building - narrowing the space between the proposed buildings and its neighbours, and the street – at some points less than 5m building to building.
- Much narrower than the state planning guidelines stipulate.
- Loss of privacy, and lack of future privacy for proposed residents with bedroom and

bathroom windows so close to neighbouring buildings

LOSS OF VIEWS FROM

- Individual apartments
- Common areas – eg from the garden of Elizabeth Bay Gardens
- Public areas from the street – particularly between 12 Onslow Ave and 10 Onslow Ave towards the water.
- Views lost of Elizabeth Bay House, Arthur McElhone Reserve, Atoll Bay, Sirius Cove, Fort Denison, Clark Island, Shark Island, Garden Island, water views, and views of the heritage conservation area.

LANDSCAPING

- Insufficient future tree cover, and soft landscaping. Unacceptable to move to the roof. Fixing one underrun with (landscaping) with an overrun (height)
- Loss of street view of gardens, especially from Billyard Ave
- Insufficient deep soil planting, semi-permeable membranes

LOSS OF AFFORDABLE HOUSING, DIVERSITY OF NEIGHBOURHOOD

- Removing 28 apartments to create 22.
- Replacing a more affordable building with an unaffordable building

ENVIRONMENTAL CONSIDERATIONS

- Building not being repurposed and renovated - inadequate expert reasoning and reports that demonstrates why the building can't be renovated – should there be an independent Adaptive and Re-use Assessment Plan conducted by council?
- Environmentally unsound to knock down a building that can be renovated, or is otherwise adequate in its current form.
- Unable to determine adequacy of water retention tank for stormwater and hard surface runoff.
- Have issues to the water table, including flooding, and the ground not necessarily being sandstone been adequately accounted for? We believe there is an underground stream somewhere on this hill – where is it and will this development affect where water runs and pools as it comes down the hill?
- Passively ventilated buildings being replaced by air conditioned and mechanically ventilated buildings.
- Increased shadowing in winter will increase heating costs and electrical usage on neighbouring buildings.
- Health considerations from the loss of natural light, sunshine, blue sky, increased white noise from ventilation and air conditioning, and the removal of garden and water views from multiple points in the neighbourhood.
- Potential changes to airflow through the buildings, including increased wind and gusts from the narrower setbacks.
- Currently unconvinced on plans for groundwater and flooding and management of water overflow
- Removal of established and existing gardens and trees that provide habitat for animals. Some of the large trees cannot be replaced in the soil and space proposed.
- There are no guarantees the work will preserve the lives of the trees currently just outside the area – including old eucalyptus trees.

HERITAGE

- Concerns about the impact on the character of the streetscape due to eg: size, style, height, layout, and setbacks.
- Impact on the skyline and sightline - from public areas, including the water – as the new buildings change the line of the roofs sloping towards Elizabeth Bay House and across to Arthur McElhone Reserve.
- Instead of sloping, the new 10 Onslow juts out into the slope, and the new 21c Billyard creates a distinct peak instead of a flat line. This is all visible from public areas, the street and the water.
- The view from the water and across the water is publicly significant due to the history of

the area – this is a heritage conservation area with features visible from the water, by ferry and private craft, and by public lands across the bay. Any consideration of the roofline and streetscape should take into consideration the impact from public viewpoints.

- Potential loss of heritage and archaeologically significant items under the building, which have not been adequately planned for or documented. Why are there no provisions for protection of Aboriginal heritage, convict or early settlement items?
- Why are there no expectations of finding structures from Elizabeth Bay House? There are known structures from Elizabeth Bay House *immediately* next to this land on either side, (and behind on Onslow Ave), so it seems presumptuous that there are none on the land currently.
- Removing the buildings is a loss of quintessential examples of postwar architecture, of which good examples in sound condition are rapidly disappearing.

EXCAVATION - POTENTIAL PROBLEMS

- How will the excavation protect the surrounding buildings, including those that are contributory to the heritage conservation area?
- The building stratas and boards want reassurances on the risks and remediation should excavation damage our buildings. Each apartment and each strata/board can ask for a dilapidation report.
- What if the development fails or stalls as a project/investment and there is damage to surrounding buildings? Can we ask for assurances? A deposit in a trust?
- Is the only safeguard to flooding and other issues, mechanical and electrical systems? Because what happens if the power is cut or the machinery fails?

DESIGN CONSIDERATIONS

- Design does not consider roofline consistency in either building.
- Stepped back design that somewhat follows a stepped slope up the hill instead of being flat as stipulated in the DCP guidelines
- Unclear how the walls, fences and retaining walls will be structured between the buildings and adjacent neighbouring buildings – will they be built up or dug further down? Flat or stepped? What materials and thickness?
- Verandahs on Billyard Ave are very large – right on the street? Verandahs will just abut the street, with no garden, and no natural barrier.

TRAFFIC AND PARKING

- Only 22 allocated spots, 2 handicapped spots, 3 visitor spots, for a complex with approximately 50 bedrooms.
- Entrance to be on Billyard Ave, instead of Onslow Ave, backing up Billyard Ave and Ithaca earlier than the current Onslow Ave entrance.
- Potential to backup emergency services from reaching Onslow Ave.

NOISE

- The proposed buildings both have rooftop terraces, with pools, sending noise from those roofs directly into the neighbouring buildings and across the valley. The proposed decreased setbacks and increased height magnifies this issue.
- Mechanical ventilation creates additional, constant, and very close, noise for the adjacent buildings.
- The construction period will be untenably noisy.

Please keep me informed on the progress of the DA.

Best regards,

Ron Christianson

From:

Sent on: Friday, October 27, 2023 10:22:18 AM

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

Subject: FW: D/2023/727 26/10/2023

Attachments: D2023727 submissions in favour 26102023.pdf (152.94 KB)

From:

Sent: Thursday, October 26, 2023 10:59 PM

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

Subject: D/2023/727 26/10/2023

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,

10 Onslow Avenue & 21C Billyard Avenue Elizabeth Bay NSW 2011

D/2023/727

I would like to submit results of updated research into submissions in favour of D/2023/727.

I trust you will be able to publish this promptly i.e. within the 10 days working format.

Yours sincerely,
Rosie Fairbairn-Watt

**D/2023/727 21C Billyard Avenue, Elizabeth Bay 2011 &
10 Onslow Avenue, Elizabeth Bay 2011**

26/10/2023

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

Dear Sir,

D/2023/727 21C Billyard Avenue & 10 Onslow Avenue Elizabeth Bay

I am very excited¹ and would like to share my research with you.

I would like to commend the team at Fortis and Pallas for their 14 (out of only 15) favourable submissions for this development application.

Surprisingly they all said pretty much the same thing about praising their employer, seven commending themselves, four as part of the “broader project team.” And, like three of them, I hope this letter finds you well.

Unfortunately only one knew where she lived (in Billyard Avenue) and not one of the 14 owned up to working for Fortis/Pallas.

Since my previous summation, where I said there were two original submissions in favour of the development, I have done further research and now say there is only one original submission.

My research shows recurring themes and clichés:

I trust this letter finds you well	3
commend/commendation/credit/familiar with, impressed, testament to	14
broad/broader/entire/whole project team	8
well-considered scheme	3
the proposal is highly considered [sic]	5
revitalisation	3
ageing residential building	} 5
aging [sic] residential building/structure	=13 } 8
traditional ‘Art Deco’ style of architecture	} 5
through careful use of the ‘Art Deco’ style	=13 } 5

¹ like Brad Hanning, Charlie Wyer, David Mellick, John Keenan, Justine Wallace, Matthew Barakat and Zein Karamy

with a nod to the traditional architectural style		3
positive addition to the streetscape		5
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heritage significance of the heritage conservation area		6
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breathe life		5
breathes new life into a cherished site		2
revitalising a cherished space		5
revitalises the site	= 13	1
our community ²		3
the community's heritage	= 8	5
the potential ... to enhance the character of Elizabeth Bay		5
sympathetic		5
I am excited	7	

One can only imagine all the breathing of new life, nodding and excitement!

1. 15/9/2023 BRAD HANNING **submission same as Charlie Wyer, David Mellick, John Keenan, Matthew Barakat & Zein Karamy**

I commend Smart Design Studio, Fortis, Urbis and their broader project team for developing a well-considered scheme...

The proposal will renew³ an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the

² Where do Charlie Wyer, David Mellick and Matthew Barakat live?

³ renew equals renovation not destruction and total replacement

heritage conservation area. It will complement, but in no way compete with, the traditional buildings of the suburb.

I am excited to see this development ...

2. 18/9/2023 CHARLES/CHARLIE WYER **Fortis, Development Manager⁴**

I trust this letter finds you well.

... I would like to extend my sincere commendation to the collective efforts of Smart Design Studio, Fortis, Urbis and the entire project team. Their commitment to striving for excellent design practices....

The proposal is a needed revitalisation of an aging [sic] residential structure, thoughtfully incorporating a responsive and aesthetically captivating architectural scheme. ... With a nod to the traditional architectural style that is prominent throughout the suburb ... the existing streetscape.

I am excited about the positive impact ... The proposed project not only breathes new life into a cherished site... the lasting positive contribution ... can bring to our community.

3. 15/9/2023 DAVID MELLICK **Fortis, Strategic Relationships⁵
Pallas Capital, Partner for Strategic Relationships & Distribution⁶**

I trust this letter finds you well.

... I would like to extend my sincere commendation to the collective efforts of Smart Design Studio, Fortis, Urbis and the entire project team. Their commitment to striving for excellent design practices is evident in the proposal.

The proposal is a needed revitalisation of an aging [sic] residential structure, thoughtfully incorporating a responsive and aesthetically captivating architectural scheme. ... With a nod to the traditional 'Art Deco' architectural style that is prominent throughout the suburb, the proposed design seamlessly ties in with the existing streetscape. .

I am excited about the positive impact ... the lasting positive contribution ... can bring to our community.

⁴ Charles/Charlie Wyer <https://www.fortis.com.au/about/>

⁵ David Mellick <https://www.fortis.com.au/about/>

⁶ David Mellick <https://www.pallascapital.com.au/about-us/>

4. 15/9/2023 ED EVE **Fortis, Associate Director⁷**

I am extremely impressed by the Smart Design Studio proposal ...

I agree that the development will renew⁸ an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture... positive addition to the streetscape and will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional building of the suburb.

5. 18/9/2023 GABRIEL BANASIAK **Fortis, Development Manager⁹**

This proposal is testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

... the proposal seeks to breathe life into an aging [sic] residential building... Through careful use of the 'Art Deco' style ... surrounding streetscape

The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalising a cherished space while preserving the essence of the community's heritage.

6. 15/9/2023 J./JESS BORELLA **Fortis, Development Manager¹⁰**

Credit to the whole project team... revitalises the site

7. 15/9/2023 JOHN KEENAN **Fortis, Junior Assistant Development Manager¹¹
Fortis Distribution Intern¹²
Pallas Capital Ambassador¹³
possibly related to Fortis chairman Patrick Keenan¹⁴
possibly related to Fortis associate director Ben Keenan¹⁵**

⁷ Ed Eve <https://www.fortis.com.au/about/>

⁸ renew equals renovation not destruction and total replacement

⁹ Gabriel Banasiak <https://www.fortis.com.au/about/>

¹⁰ Jess Borella <https://www.fortis.com.au/redesigning-dining/>

¹¹ John Keenan <https://au.linkedin.com/in/john-keenan-350495268>

¹² John Keenan <https://au.linkedin.com/in/john-keenan-350495268>

¹³ John Keenan <https://au.linkedin.com/in/john-keenan-350495268>

¹⁴ Patrick Keenan <https://www.fortis.com.au/about/>

¹⁵ Ben Keenan <https://www.fortis.com.au/about/>

I commend Smart Design Studio, Fortis, Urbis and their broader project team for developing a well-considered scheme...

The proposal will renew¹⁶ an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional buildings of the suburb.

I am excited to see this development ...

8. 15/9/2023 JUSTINE WALLACE Fortis, Senior Client Relations Manager¹⁷

I am familiar with the Smart Design Studio, Fortis, Urbis and their broader project team...

The proposal will renew¹⁸ an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional buildings...

I am excited to see this development ...

9. 20/9/2023 LAUREN DARRAGH

As a resident of Billyard Avenue ...

We need more dwellings close to the city ...

More weight should be given to residents who have not written in with explicit support, as it can be assumed most of them also have no issue with it going ahead.¹⁹

10. 18/9/2023 MATTHEW BARAKAT Fortis, Commercial Leasing & Acquisitions²⁰

I trust this letter finds you well.

¹⁶ renew equals renovation not destruction and total replacement

¹⁷ Justin Wallace <https://www.fortis.com.au/about/>

¹⁸ renew equals renovation not destruction and total replacement

¹⁹ That's a very big assumption! Many are indirectly affected. Read the comments on Potts Pointers facebook page. Some have diplomacy constraints.

²⁰ Matthew Barakat <https://www.fortis.com.au/about/>

...I would like to extend my sincere commendation to the collective efforts of Smart Design Studio, Fortis, Urbis and the entire project team. Their commitment to striving for excellent design practices is evident in the proposal....

The proposal is a needed revitalisation of an aging [sic] residential structure, thoughtfully incorporating a responsive and aesthetically captivating architectural scheme. ... With a nod to the traditional 'Art Deco' architectural style that is prominent throughout the suburb, the proposed design seamlessly ties in with the existing streetscape.

I am excited about the positive impact ... The proposed project not only breathes new life into a cherished site ...the lasting positive contribution ... can bring to our community.

11. 18/9/2023 PATRICK BALDOCK Fortis, Associate Director²¹

This proposal is testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

... the proposal seeks to breathe life into an aging [sic] residential building... Through careful use of the 'Art Deco' style ... melds effortlessly with the surrounding streetscape, upholding the heritage conservation area's significance.

The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalising a cherished space while preserving the essence of the community's heritage.

12. 18/9/2023 ROMMY PETTERSEN Fortis, Marketing Manager²²

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The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalising a cherished space while preserving the essence of the community's heritage.

²¹ Patrick Baldock <https://www.fortis.com.au/about/>

²² Rommy Pettersen <https://www.fortis.com.au/about/>

13. 15/9/2023 SAM BARCLAY **Fortis, Development Manager²³**

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14. 15/9/2023 SOPHIE HULSE **Fortis, Development Manager²⁴**

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15. 15/9/2023 ZEIN KARAMY **Fortis, Senior Tenancy Delivery Manager²⁵**

I commend Smart Design Studio, Fortis, Urbis and their broader project team for developing a well-considered scheme...

The proposal will renew²⁶ an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional buildings of the suburb.

²³ Sam Barclay <https://www.fortis.com.au/about/>

²⁴ Ed Eve <https://www.fortis.com.au/about/>

²⁵ Zein Karamy <https://www.fortis.com.au/about/>

²⁶ renew equals renovation not destruction and total replacement

I am excited to see this development ...

		original submission	address	no address	number of identical phrases in submission	employed by Fortis/Challis
1	BRAD HANNING			X	12	submission same as: Charlie Wyer, David Mellick, John Keenan, Matthew Barakat & Zein Karamy
2	CHARLES/CHARLIE WYER			X	10	FORTIS Development Manager
3	DAVID MELICK			X	10	FORTIS Strategic Relationships PALLAS Capital Partner for Strategic Relationships & Distribution
4	ED EVE			X	9	FORTIS Associate Director
5	GABRIEL BANASIAK			X	10	FORTIS Development Manager
6	J./JESS BORELLA			X	3	FORTIS Development Manager
7	JOHN KEENAN			X	12	FORTIS Junior Assistant Development Manager - FORTIS Distribution Intern - PALLAS Capital Ambassador
8	JUSTINE WALLACE			X	11	FORTIS Senior Client Relations Manager
9	LAUREN DARRAGH	X	X		0	
10	MATTHEW BARAKAT			X	11	FORTIS Commercial Leasing & Acquisitions
11	PATRICK BALDOCK			X	11	FORTIS Associate Director
12	ROMMY PETTERSEN			X	11	FORTIS Marketing Manager
13	SAM BARCLAY			X	11	FORTIS Development Manager
14	SOPHIE HULSE			X	11	FORTIS Development Manager
15	ZEIN KARAMY			X	10	FORTIS Senior Tenancy Delivery Manager

While in part tongue in cheek, this submission is factually correct.

I would like this information taken into account when this development application is reviewed: be it by council, independent panel or land and environment court.

I ask council who is eligible to make a submission? Is it a misuse of power for the applicant to pay its employees to make submissions? Are there clear and fair conduct rules excluding submissions from anyone employed by or associated in any way with an employee and the applicant? This would include family members.

After all, in this matter Fortis has already made a 1211 page submission.

Yours faithfully,

Rosie Fairbairn-Watt

R. Fairbairn-Watt

From:

Sent on: Friday, October 27, 2023 10:22:18 AM

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

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10 Onslow Avenue & 21C Billyard Avenue Elizabeth Bay NSW 2011

D/2023/727

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I trust you will be able to publish this promptly i.e. within the 10 days working format.

Yours sincerely,
Rosie Fairbairn-Watt

**D/2023/727 21C Billyard Avenue, Elizabeth Bay 2011 &
10 Onslow Avenue, Elizabeth Bay 2011**

26/10/2023

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

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heritage conservation area. It will complement, but in no way compete with, the traditional buildings of the suburb.

I am excited to see this development ...

2. 18/9/2023 CHARLES/CHARLIE WYER **Fortis, Development Manager⁴**

I trust this letter finds you well.

... I would like to extend my sincere commendation to the collective efforts of Smart Design Studio, Fortis, Urbis and the entire project team. Their commitment to striving for excellent design practices....

The proposal is a needed revitalisation of an aging [sic] residential structure, thoughtfully incorporating a responsive and aesthetically captivating architectural scheme. ... With a nod to the traditional architectural style that is prominent throughout the suburb ... the existing streetscape.

I am excited about the positive impact ... The proposed project not only breathes new life into a cherished site... the lasting positive contribution ... can bring to our community.

3. 15/9/2023 DAVID MELLICK **Fortis, Strategic Relationships⁵
Pallas Capital, Partner for Strategic Relationships & Distribution⁶**

I trust this letter finds you well.

... I would like to extend my sincere commendation to the collective efforts of Smart Design Studio, Fortis, Urbis and the entire project team. Their commitment to striving for excellent design practices is evident in the proposal.

The proposal is a needed revitalisation of an aging [sic] residential structure, thoughtfully incorporating a responsive and aesthetically captivating architectural scheme. ... With a nod to the traditional 'Art Deco' architectural style that is prominent throughout the suburb, the proposed design seamlessly ties in with the existing streetscape. .

I am excited about the positive impact ... the lasting positive contribution ... can bring to our community.

⁴ Charles/Charlie Wyer <https://www.fortis.com.au/about/>

⁵ David Mellick <https://www.fortis.com.au/about/>

⁶ David Mellick <https://www.pallascapital.com.au/about-us/>

4. 15/9/2023 ED EVE **Fortis, Associate Director⁷**

I am extremely impressed by the Smart Design Studio proposal ...

I agree that the development will renew⁸ an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture... positive addition to the streetscape and will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional building of the suburb.

5. 18/9/2023 GABRIEL BANASIAK **Fortis, Development Manager⁹**

This proposal is testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

... the proposal seeks to breathe life into an aging [sic] residential building... Through careful use of the 'Art Deco' style ... surrounding streetscape

The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalising a cherished space while preserving the essence of the community's heritage.

6. 15/9/2023 J./JESS BORELLA **Fortis, Development Manager¹⁰**

Credit to the whole project team... revitalises the site

7. 15/9/2023 JOHN KEENAN **Fortis, Junior Assistant Development Manager¹¹
Fortis Distribution Intern¹²
Pallas Capital Ambassador¹³
possibly related to Fortis chairman Patrick Keenan¹⁴
possibly related to Fortis associate director Ben Keenan¹⁵**

⁷ Ed Eve <https://www.fortis.com.au/about/>

⁸ renew equals renovation not destruction and total replacement

⁹ Gabriel Banasiak <https://www.fortis.com.au/about/>

¹⁰ Jess Borella <https://www.fortis.com.au/redesigning-dining/>

¹¹ John Keenan <https://au.linkedin.com/in/john-keenan-350495268>

¹² John Keenan <https://au.linkedin.com/in/john-keenan-350495268>

¹³ John Keenan <https://au.linkedin.com/in/john-keenan-350495268>

¹⁴ Patrick Keenan <https://www.fortis.com.au/about/>

¹⁵ Ben Keenan <https://www.fortis.com.au/about/>

I commend Smart Design Studio, Fortis, Urbis and their broader project team for developing a well-considered scheme...

The proposal will renew¹⁶ an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional buildings of the suburb.

I am excited to see this development ...

8. 15/9/2023 JUSTINE WALLACE Fortis, Senior Client Relations Manager¹⁷

I am familiar with the Smart Design Studio, Fortis, Urbis and their broader project team...

The proposal will renew¹⁸ an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional buildings...

I am excited to see this development ...

9. 20/9/2023 LAUREN DARRAGH

As a resident of Billyard Avenue ...

We need more dwellings close to the city ...

More weight should be given to residents who have not written in with explicit support, as it can be assumed most of them also have no issue with it going ahead.¹⁹

10. 18/9/2023 MATTHEW BARAKAT Fortis, Commercial Leasing & Acquisitions²⁰

I trust this letter finds you well.

¹⁶ renew equals renovation not destruction and total replacement

¹⁷ Justin Wallace <https://www.fortis.com.au/about/>

¹⁸ renew equals renovation not destruction and total replacement

¹⁹ That's a very big assumption! Many are indirectly affected. Read the comments on Potts Pointers facebook page. Some have diplomacy constraints.

²⁰ Matthew Barakat <https://www.fortis.com.au/about/>

...I would like to extend my sincere commendation to the collective efforts of Smart Design Studio, Fortis, Urbis and the entire project team. Their commitment to striving for excellent design practices is evident in the proposal....

The proposal is a needed revitalisation of an aging [sic] residential structure, thoughtfully incorporating a responsive and aesthetically captivating architectural scheme. ... With a nod to the traditional 'Art Deco' architectural style that is prominent throughout the suburb, the proposed design seamlessly ties in with the existing streetscape.

I am excited about the positive impact ... The proposed project not only breathes new life into a cherished site ...the lasting positive contribution ... can bring to our community.

11. 18/9/2023 PATRICK BALDOCK Fortis, Associate Director²¹

This proposal is testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

... the proposal seeks to breathe life into an aging [sic] residential building... Through careful use of the 'Art Deco' style ... melds effortlessly with the surrounding streetscape, upholding the heritage conservation area's significance.

The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalising a cherished space while preserving the essence of the community's heritage.

12. 18/9/2023 ROMMY PETTERSEN Fortis, Marketing Manager²²

This proposal is testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

... the proposal seeks to breathe life into an aging [sic] residential building... Through careful use of the 'Art Deco' style ... melds effortlessly with the surrounding streetscape, upholding the heritage conservation area's significance.

The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalising a cherished space while preserving the essence of the community's heritage.

²¹ Patrick Baldock <https://www.fortis.com.au/about/>

²² Rommy Pettersen <https://www.fortis.com.au/about/>

13. 15/9/2023 SAM BARCLAY **Fortis, Development Manager²³**

This proposal is testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

... the proposal seeks to breathe life into an aging [sic] residential building... Through careful use of the 'Art Deco' style ... melds effortlessly with the surrounding streetscape, upholding the heritage conservation area's significance.

The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalising a cherished space while preserving the essence of the community's heritage.

14. 15/9/2023 SOPHIE HULSE **Fortis, Development Manager²⁴**

This proposal is testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

... the proposal seeks to breathe life into an aging [sic] residential building... Through careful use of the 'Art Deco' style ... melds effortlessly with the surrounding streetscape, upholding the heritage conservation area's significance.

The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalising a cherished space while preserving the essence of the community's heritage.

15. 15/9/2023 ZEIN KARAMY **Fortis, Senior Tenancy Delivery Manager²⁵**

I commend Smart Design Studio, Fortis, Urbis and their broader project team for developing a well-considered scheme...

The proposal will renew²⁶ an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional buildings of the suburb.

²³ Sam Barclay <https://www.fortis.com.au/about/>

²⁴ Ed Eve <https://www.fortis.com.au/about/>

²⁵ Zein Karamy <https://www.fortis.com.au/about/>

²⁶ renew equals renovation not destruction and total replacement

I am excited to see this development ...

		original submission	address	no address	number of identical phrases in submission	employed by Fortis/Challis
1	BRAD HANNING			X	12	submission same as: Charlie Wyer, David Mellick, John Keenan, Matthew Barakat & Zein Karamy
2	CHARLES/CHARLIE WYER			X	10	FORTIS Development Manager
3	DAVID MELLICK			X	10	FORTIS Strategic Relationships PALLAS Capital Partner for Strategic Relationships & Distribution
4	ED EVE			X	9	FORTIS Associate Director
5	GABRIEL BANASIAK			X	10	FORTIS Development Manager
6	J./JESS BORELLA			X	3	FORTIS Development Manager
7	JOHN KEENAN			X	12	FORTIS Junior Assistant Development Manager - FORTIS Distribution Intern - PALLAS Capital Ambassador
8	JUSTINE WALLACE			X	11	FORTIS Senior Client Relations Manager
9	LAUREN DARRAGH	X	X		0	
10	MATTHEW BARAKAT			X	11	FORTIS Commercial Leasing & Acquisitions
11	PATRICK BALDOCK			X	11	FORTIS Associate Director
12	ROMMY PETTERSEN			X	11	FORTIS Marketing Manager
13	SAM BARCLAY			X	11	FORTIS Development Manager
14	SOPHIE HULSE			X	11	FORTIS Development Manager
15	ZEIN KARAMY			X	10	FORTIS Senior Tenancy Delivery Manager

While in part tongue in cheek, this submission is factually correct.

I would like this information taken into account when this development application is reviewed: be it by council, independent panel or land and environment court.

I ask council who is eligible to make a submission? Is it a misuse of power for the applicant to pay its employees to make submissions? Are there clear and fair conduct rules excluding submissions from anyone employed by or associated in any way with an employee and the applicant? This would include family members.

After all, in this matter Fortis has already made a 1211 page submission.

Yours faithfully,

Rosie Fairbairn-Watt

R. Fairbairn-Watt

From:

Sent on: Monday, September 18, 2023 12:58:11 PM

To:

Subject: D/2023/727 Objection to the DA for 10 Onslow Ave

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.

Attention: David Reynolds

I forward the email below from Wendy May & Ross Harmston as they are overseas at the moment.

Could you kindly acknowledge receipt of this email. I have cc'd Ross and Wendy.

Thank you,
Todd Cassidy

Begin forwarded message:

From:

Date: 15 September 2023 at 6:21:30 pm GMT+2

To:

Subject: DA for 10 Onslow Ave

We are the owners of apartment 4D which is in the NE corner of Elizabeth Bay Gardens at 15-19 Onslow Ave, Elizabeth Bay.

We are overseas at present and not returning until the 22nd September which is after the closing date for objections noted on the Council notification.

We will be directly affected by the proposed development with considerable view loss and the loss of some privacy.

Whilst there is already an approved development application to add an addition storey to the building and this would have impacted our view, this was set back a considerable distance from the street.

The current proposal to increase the building height by two storeys and add a roof terrace in addition to moving the building closer to Onslow Avenue will have a much more significant affect on our views and our privacy.

We also consider that the scale of this proposal will impact on the street presentation which currently steps down from Darnley Hall towards McElhone Reserve.

We would like time to prepare a more detailed submission on our return to Australia but wish to have this objection registered.

Wendy May and Ross Harmston

Sent from my iPhone

From: [REDACTED]

Sent on: Wednesday, September 20, 2023 3:59:16 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: DA/2023/727 Onslow and Billyard Avenue

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.

DA/2023/727 Onslow and Billyard Avenue

My name is Ruth Ritchie. I live across the road from the site of the intended development in Billyard Ave. As a resident at this address since 1998, I have seen massive changes every year, and have never felt the need to object to a project so strongly. When ever a building excavates for garages, we lose more street parking and endure high decibel noise pollution in the process. With the renovation of the Elizabeth Bay Marina, pedestrian and automobile traffic has increased tenfold. On weekends this dozy one way street turns into Grand Final day, and STILL, I have never complained. Until now!

SPECIFIC OBJECTIONS

NEUTRAL V CONTRIBUTORY

The developer suggests the existing building is "neutral", while it is in fact "contributory". The existing 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.

It's suggested replacement is a contradiction and no improvement.. While losing vegetation, side a front setbacks, privacy for the building and neighbours, it accommodates less people. More masonry. Less garden. Less apartments.

AFFORDABLE HOUSING?

The nod to compliance with clause 7.13 of the Affordable Housing Program, is token at best. (Is it two or three one bedders?) The project will dislodge so many residents who will probably have to leave the the 2011 postcode, to make room for wealthy down-sizers. As an established resident, living in one of Elizabeth Bay's few houses, the irony of this complaint isn't lost on me. But historically, the beauty of this community has rested in its diversity. St Canice's and Boomerang, affordable rentals and first homebuyers' mid-century apartments, and corner shops coexist in harmony. The new building will be far beyond the reach of current residents.

DISTRUPTION

The one way street ecosystem that is Billyard Ave and Onslow Ave, is already extremely clogged with building works and foot traffic. (Most of Billyard Ave was not notified of the proposed development although they can only use these streets to enter and leave). The length of this build and significant disruption during the building process will only be worse on completion. The addition of more than 50 waste bins on Billyard means locals with dogs and strollers will have to walk down the middle of the already narrow, and again loop-like one way street system.

THE VIBE

To quote The Castle...

"It's the vibe. It's the Constitution. It's Mabo. It's justice. It's law. It's the vibe and... ah, no. That's it. It's the vibe. I rest my case."

Ruth Ritchie
34a Billyard Avenue

1355

From:

Sent on: Saturday, September 16, 2023 12:29:36 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: 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.

Hello

Please accept this email containing my objections to:

Application: D/2023/727

Address: 21C Billyard Avenue ELIZABETH BAY NSW 2011

Applicant: THE TRUSTEE FOR BILLYARD AVE DEVELOPMENT TRUST

Objector: Sandra Walter

My Property: Unit 6D Elizabeth Bay Gardens, 15-19 Onslow Avenue, Elizabeth Bay.

I am the registered owner of **Unit 6D Elizabeth Bay Gardens, 15-19 Onslow Avenue, Elizabeth Bay**. This unit is currently occupied by my daughter and her partner. I purchased this unit for the purpose of having it as my second residence in my retirement, so that I may spend time with my daughter and her family in Sydney. My principal place of residence is on the Gold Coast.

I purchased the Unit 6D specifically because of the view across to the Bay and the amenities of the Elizabeth Bay heritage area and neighbourhood. In regard to the amenities, of import was the heritage character of the buildings, the restrained footprint of the multi-level buildings allowing for privacy and views between buildings and also for the continued presence of green space that is an important character of the neighbourhood.

I have reviewed the development application but I am not an expert in analysing plans and have many concerns about what has been submitted. **Of import there is no overlay image that I could find that showed the new building superimposed over the existing building in a 3D environment so that the neighbouring properties could properly assess the impact of the development.**

My unit is on corner of the North side of my building and I look over the development site from two sides of my apartment, apparently directly at where the new proposed roof of the building will be. Accordingly, I will be directly impacted by this development.

Summary of my objections:

Please refer to the [detailed submissions/objections below](#) but I provide a summary as follows:

- **Impact on Views**
- This application fails the *tenacity test* as outline below. The height of the building should be reduced to below the maximum allowed to ensure reasonable view sharing with impacted properties.
- **Height:**
- The proposed roof top entertainment area will allow an invasion of my privacy as there will be direct sight lines into my windows at that height. This area will be used at night, which will increase the invasion of my privacy and force me to keep my blinds down at night. Currently there are no other buildings across from me that have sight lines into my living room space.
- I object to the developer being given any relaxation to the height restrictions applicable to the building on Onslow Avenue.
- I object to the overall height of the building if built within current height limits. I submit that to protect the amenities and views of the surrounding buildings (and my view specifically) and other neighbouring properties, the height of the building should be below current limits.
- I submit the overall height of the Onslow Avenue building should not be higher than the existing building on the site.
- **Bulk, Scale & Landscaping:**

- Allowing the building to occupy a greater footprint will necessarily mean that the landscaping post build will be more limited and will diminish the green character of Elizabeth Bay, which is known for its leafy treed streets and landscaped common spaces.
- The bulk and scale will diminish the privacy of my unit as noted above and generally the privacy of the current and future residents of Elizabeth Bay. This includes the future residents of the proposed building.
- No allowances for the bulk and scale of the building should be made and existing set back between neighbouring buildings and the street should be maintained.
- If a roof terrace is allowed, no landscaping with potential height issues due to the nature of the planting should be allowed. Only low growing shrubbery should be allowed that does not extend beyond the roof line of the approved building.
- Moving landscaping requirements from the ground to a roof terrace does not fulfill the amenities brief of landscaping, which is for the benefit of the whole neighbourhood, not just the residents of the building.
- **Noise:**
- The proposed rooftop pool and entertainment area will impact greatly on the neighbourhood's noise privacy and mine in particular.
- The space will be used at night, when noise travels easier and I would submit travels easier from a rooftop space, where surrounding buildings/trees do not absorb the noise.
- Any limit as to curfews regarding noise are not enforceable.

Impacts on Views

My view will be severely impacted by the height and size of the building. In this regard, I note:

- The **View Sharing Report** did not mention my building as being potentially affected when it clearly is.
- The photos supplied in the Report are misleading as they are taken of the surrounding buildings from the ground, not the affected levels.
- Views from the top of the site omit an image of my building
- I submit it has been an intentional omission on the part of the developer to essentially *disappear* Elizabeth Bay Gardens from its View Report.
- **My Unit (6D) is not considered in the Viewplace Locations Data**
- **Level 6 of Elizabeth Bay Gardens is one of the lowest floor to have views over the rooflines to the Bay.**
- **The more than 70-80% of my view to water to the North West is across the subject site and it will be obliterated/devastated by the new height of the building (photos to be supplied).**
- **If the building is constructed to the proposed height my view amenity will be devastated (if not obliterated) and the value of my property will be severely impacted.**
- In relation to the view loss assessment on the basis of the principle of the *Tenacity* steps it appears that **the developer has only selected views where it could possible establish the loss of view was acceptable and has avoided locations, like mine, where the loss of view would be unacceptable.**
- On the basis of the concept of *view sharing*, **the developer has not addressed how the development will allow my property to continue to share the view.** It will no longer have the view to water, which was the predominant motivating feature for purchasing the unit and justified the price I paid. Other equivalent units were readily available in Elizabeth Bay without the premium for the view to water.
- In relation to the **Tenacity steps**, I submit as follows:
 - **First Step: my partial water views are of high value and define the value of my unit.**
 - **Second Step: my views are obtained from the North, North West (Front) and West (Side) sides of my unit. I am a corner unit. The West side view is unencumbered as it is over our building's open space to water. The views are from the corner balcony (North West corner), Living room, and kitchen. The views will be obstructed by the proposed building while both sitting and standing. My Living Room windows are floor to ceiling and my Western windows are tall.**
 - **Third Step: The extent of the impact of the View Loss on my property as a whole is from severe to devastating. It is a small apartment and the living areas with their light and views is what improves the quality of life in such a small residence and with such a tiny corner balcony.**
 - **Fourth Step: reasonableness of the proposal. The development does not comply with planning controls regarding heights and seeks a relaxation in regard to height. I am not able to determine if it otherwise complies with planning controls. I doubt it does. Even if it later complies with planning controls regarding height they are a maximum height and there would be other *more skillful design* that could be employed to enable the developer to take advantage of the views and its development within the planning laws without adversely impacting on the views of the neighbours. It is clear this is an ambit claim on the part of the developer. It is not a reasonable proposal in respect of View Sharing with respect to my property and the other surrounding properties, whose views will be severely impacted.**

Any increase in the footprint of this site will have a significant adverse affect on the View amenity of the neighbourhood, with respect to views through the current side setbacks of the building. This is part of what makes Elziabeth Bay a unique neighbourhood in Sydney and provides significant amenity not just for the local residents but for visitors and locals who use our neighbourhood for their walks, runs, etc.

Height

In relation to the **height of the bulding to be built on Onslow Avenue**, I note and submit:

- The building, from ground level, is currently 5 levels and is proposed to be 8 levels.
- The 8th level appearing to be of an increased height due to the roof top entertainment area and then further building facilities plant and equipment ontop of the level 8 roof, thereby increasing the overall height of the level and the overal height impact.
- **I am concerned due to the sloping nature of the block that any calculation regarding overall change in height has been done accurately and so as not to mislead the Council regarding the final height of the built structure. Has the existing ground level on Onslow Avenue been correctly calculated?**
- I have read the **CLAUSE 4.6 VARIATION REQUEST – BUILDING HEIGHT** Report but I do not have the techical expertise to determine whether the report is accurate or, as I suspect, misleading.
- **No variation in height request should be allowed by Council given the impact that will have on Views in general and mine specifically.**
- **Further, continued relaxtion of height restrictions in Elizabeth Bay will ulimately have a cumulative effect that will destroy the character of the locale.**
- **Image 8's 3D image is misleading, even when compared to preceding Image 7, in relation to the height of the proposed Onslow Ave building.**
- At page 14, there is no way of *minimising the visibility of non-compliant elements from Onslow Avenue*, when the new height of the building severely impacts the residents of Elizabeth Bay Gardesn, particularly levels 5,6, and 7.
- The impact on Elizabeth Bay Gardens in relation to the appplication to vary the height limits has not been considered in this report.
- **Page 12: Any reliance on flooding and the necessity to raise the level of the ground floor should be considered irrelevant to an application to increase the height of the building.** It is a *too bad* principle, **all properties owners needs to accommodate future developments in relation to flooding and that by necessity may mean less development on their land.** Clearly we are dealing with this dayly on the Gold Coast. Overdevelopment of a block and adversely affecting the amenity of the neighbours and neighbourhood cannot be justified by flood mitigatgion requirements.
- **Page 12: Again, non-compliance resulting from *the natural fall of the site* is a baseless argument on the same principles noted above. The developer needs to develop the site withing the height restrictions currently in place and taken into account the natural fall of the site in doing so.** That is part of the risk of purchasing a site that is on slope.
- **Page 12: *Having regard to the built form in the locality, the proposal represents an appropriate addition to the streetscape*, the built form of the proposed buidling is not an appropriate addition to the streetscape.** It is an overdevelopment of the site seeking to maximise profit and ignore the constraints of the block choosen to develop.
- **Page 12: The reference to Elizabeth Bay Gardens with the statement, *in this respect, the building height is considered appropriate for its context – which is characterised by tall residential flat buildings on narrow lots facing Sydney Harbour*, is facetious given that our building is on a very wide block, half of which is reserved as open garden space, allowing buildings behind to have an unencumbered view to the bay.**
- The proposed roof top entertainment area will allow an invasion of my privacy as there will be direct sight lines into my windows at that height. This area will be used at night, which will increase the invasion of my privacy and force me to keep my blinds down at night. Currently there are no other buildings across from me that have sight lines into my living room space.
- I object to the developer being given any relaxation to the height restrictions applicable to the building on Onslow Avenue.
- I object to the overall height of the building if built within current height limits. I submit that to protect the amenities and views of the surrounding buildings (and my view specifically) and other neighbouring properties, the height of the building should be below current limits.
- I submit the overall height of the Onslow Avenue building should not be higher than the existing building on the site.

Bulk and Scale & Landscaping

I have addressed my objectoins regarding the buld and scale of the bulding on Onslow Avenue regarding Height and

View issues above, I also not my objections as follows:

- **Allowing the building to occupy a greater footprint will necessarily mean that the landscaping post build will be more limited and will diminish the green character of Elizabeth Bay, which is known for its leafy treed streets and landscaped common spaces.**
- **The bulk and scale will diminish the privacy of my unit as noted above and generally the privacy of the current and future residents of Elizabeth Bay. This includes the future residents of the proposed building.**
- **No allowances for the bulk and scale of the building should be made and existing set back between neighbouring buildings and the street should be maintained.**
- **If a roof terrace is allowed, no landscaping with potential height issues due to the nature of the planting should be allowed. Only low growing shrubbery should be allowed that does not extend beyond the roof line of the approved building.**
- **Moving landscaping requirements from the ground to a roof terrace does not fulfill the amenities brief of landscaping, which is for the benefit of the whole neighbourhood, not just the residents of the building.**

Noise

My objections regarding noise include:

- **The proposed rooftop pool and entertainment area will impact greatly on the neighbourhood's noise privacy and mine in particular.**
- **The space will be used at night, when noise travels easier and I would submit travels easier from a rooftop space, where surrounding buildings/trees do not absorb the noise.**
- **Any limit as to curfews regarding noise are not enforceable.** Current demands on NSW police are such that call outs generally only occur if a part becomes violent or spills onto the street. Local concerns regarding late night noise are of low priority with both the police and local council. **This has been confirmed by the NSW police officer known to me.**
- Any action that could be taken by local council would inevitably be prolonged and, in most cases, not successful in maintaining compliance with a curfew.
- My unit will be one of the most affected in the area regarding noise as I will be directly across from the Onslow Avenue roof top entertainment area.

Yours sincerely
Sandra Walter



Sandra Walter

BA (Hons) LLB (Hons)
General Manager



From:

Sent on:

Wednesday, September 20, 2023 7:57:09 AM

To:

council@cityofsydney.nsw.gov.au

Subject:

Submission - DA/2023/727 10 Onslow Ave Elizabeth Bay

Attachments: Submission regarding DA 10 Onslow Ave and 21c Billyard Ave Elizabeth Bay.pdf (78.3 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

Please see attached Submission from Meudon Pty Limited regarding DA/2023/727 10 Onslow Avenue and 21c Billyard Ave Elizabeth Bay.

Kind regards

Sarah Armstrong
Secretary
Meudon Pty Limited

General Manager
The Council of the City of Sydney

20 September 2023

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

Attention: Mr David Reynolds, Assessment Officer

Submission regarding DA 10 Onslow Ave and 21c Billyard Ave Elizabeth Bay

DA/2023/727

This submission is made by the Board of Meudon Pty Limited on behalf of its shareholders ('**Meudon**'). Meudon is a company in the heritage listed apartment building built in the 1920s, situated at no. 13 Onslow Avenue. Its shareholders own individual apartments in the building.

The apartments in Meudon that face the proposed development at 10 Onslow Avenue will lose significant and highly cherished water and land-water interface views east of the site from their living areas due to the significantly increased height of the proposed building at 10 Onslow Avenue, which involves a breach of the maximum 22m HOB under Sydney Local Environment Plan 2012 (LEP).

Meudon objects to DA/2023/727 on the following grounds:

1. Obstruction of harbour and land-water interface views from living areas

- The proposed new building at 10 Onslow Ave will obstruct highly valued views of Rushcutters Bay and the Darling Point headland currently enjoyed by apartments with an eastern aspect, especially apartments 6, 8, and 10. Those views are currently enjoyed from the living rooms of the apartments.
- The proposed new height of 10 Onslow Ave unreasonably exceeds the LEP 2012 maximum height line as it will constitute a

monopolisation of a highly valued amenity, namely the views currently enjoyed by several apartments, by one apartment, the proposed Penthouse at 10 Onslow Ave. This is in direct conflict with the 'sharing of views' policy as it is a monopolisation of views resulting in an inequitable and non-existent distribution of views between properties.

- The DA has used an incorrect base line from which to calculate the height of the proposed building, thereby understating the distance it exceeds the maximum Sydney LEP 2012 height line.
- The proposed height causes significant and devastating view loss from the living areas of apartments 6, 8 and 10.
- The proposed non-conforming height and imposing scale of the development is not appropriate and will not be harmonious with heritage items such as Meudon, Elizabeth Bay House and other character heritage buildings in the neighbouring vicinity.

2. Noise from the roof top pool and terrace, and air conditioning units, will negatively impact on the quiet enjoyment of Meudon residents.

Meudon submits that the upper levels of the proposed western tower at 10 Onslow Ave, and the rooftop terrace for the proposed penthouse (including the plunge pool, fence and accompanying elements) are deleted from the development so that the height of the proposed building is no higher than it is currently. The proposed height is not an essential component of the development and will result in unreasonable and inequitable outcomes.

3. Proposed new setback is too narrow

- The setback proposed by the DA between Meudon and 10 Onslow Avenue is too narrow as it will obliterate the current view corridor between those buildings. The current view corridor is an important amenity enjoyed by residents of Meudon, for example from apartment 2, and by neighbouring buildings, Elizabeth Bay Gardens in particular. That view is also an important and cherished amenity enjoyed by pedestrians walking along Onslow Avenue.

Meudon therefore submits that the current northern side boundary setback (and resulting view corridor) is maintained in its existing form.

If you would like to discuss any aspect of this submission, please contact the Meudon Board via its Managing Agent Danielle Marchand by email danielle@companyt lemanagement.com.

Yours sincerely

The Directors of Meudon Pty Ltd

From: [REDACTED]
Sent on: Tuesday, September 26, 2023 9:33:58 AM
To: dasubmissions@cityofsydney.nsw.gov.au
[REDACTED]
Subject: Submission - D/2023/727- 10 Onslow Ave & 21c Billyard Av, 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.

To whom it may concern,

I am writing this email on behalf of myself and my husband (David Poltorak) to object to the development proposal for 10 Onslow Ave & 21c Billyard Av, Elizabeth Bay (Development application D/2023/727).

We live in Meudon Unit 4 13 Onslow Av, Elizabeth Bay which is on Level 1 of the building.

As can be seen circled in red in the photos below, the proposed development has an increase in height and width to the existing property that will obscure part of our existing views towards the harbour from both our main bedroom and our open balcony:





We strongly object to this loss of amenity and potential loss of value to our unit in Meudon.

Yours sincerely,

Shauna Phillips & David Poltorak

Shareholders of Meudon

Unit 4 /13 Onslow Ave, Elizabeth Bay

From:

Sent on: Wednesday, September 20, 2023 11:32:48 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: 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.

I make submission for DA 2023/727.

The proposed development will affect my amenity, specifically views and through breezes from/to Sydney Harbour. I attach one photo of my current view looking towards the area of the DA proposal.

I find the proposed development will be disruptive to the amenity of many of the surrounding buildings and residents.

The current buildings appear in good condition and surely a redevelopment would be a waste of resources. Also, going from 28 to 22 apartments means losing housing space while at the same time increasing building volume considerably.

12 Onslow Ave will lose considerable amenity for no gain.

Swallows often congregate in the airspace above Elizabeth Bay Gardens garden/pool area and the proposal's building volume might seriously disrupt their entry, exit and use of this airspace. I believe this is something that should be investigated.

given the location of these addresses in the suburb, I see no benefit in granting approval for this DA. I see only loss of amenity for the entire local area.

Damley Hall is one of the most important historical buildings in this area. The DA will destroy much amenity and beauty for this special building and it's residents.

Kind regards,

Simon Wilson
Unit 11 6a Greenknowe Ave
Elizabeth Bay NSW 2011
Australia



From:

Sent on: Wednesday, September 20, 2023 11:29:21 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.

Dear Sir/Madam,

I am responding to the proposed development at 21C Billyard Avenue Elizabeth Bay.

As a long term resident of this area I have several concerns about the proposed development.

The demolition work is likely to take quite some time and this with the building work will add more noise and dust to the already crowded construction zone that is Elizabeth Bay /Potts point.

The tree removal along with the excavation is likely cause problems for surrounding buildings and with climate change already upon us, removal of trees is shown to increase the surrounding temperature significantly.

In addition to all these, I also have concerns about the number of apartments and with only 27 car spaces for 22 apartments visitors and relatives of the apartment dwellers will cause even more parking chaos in this already strained area.

Please consider the above objections

Regards
Sophie Dalglish
Elizabeth Bay

Sent from my iPhone

From:

Sent on: Wednesday, September 20, 2023 1:35:59 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.

Hello

I would like to comment and object this development.

The reasons are:

- The height of the proposed buildings should be no more than the height of the existing buildings at 10 Onslow and 21C Billyard – to maintain the character of the area especially the north side of Onslow Ave which benefits from apartment buildings being 4 stories only (and does not block views or amenity from the south side of Onslow Ave).
- The building themselves are not in character architecturally with the rest of the street area.
- The height will cause unnecessary and undesirable shadowing of neighbouring buildings.
- The construction of these buildings will impact residents for too long and in a negative way – if it were a smaller development the construction time frames would be shorter and the impact less.

I would be interested to comment further and provide more detailed feedback as I feel very strongly that the current building heights are too high and the footprint on the site too big.

Kind regards

Suzanne McPhersen

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Frazer-Nash Consultancy Limited. Incorporated in England as company number 02562870

Registered Office: Hill Park Court, Springfield Drive, Leatherhead, Surrey, KT22 7NL, UK. Tel: +44 (0) 306 885050.

From:

[REDACTED]

Sent on: Monday, October 16, 2023 12:32:22 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: DA 2023/727 opposition

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.

I am currently away but have been living in 2a 12 Onslow Ave. I would like to express my unhappiness with this proposed development. The new block will come so close and go so high as to remove all the natural light in this apartment.

Thank you

Sent from my iPhone

From: [REDACTED]
Sent on: Tuesday, September 12, 2023 2:26:50 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Reference number D/2023/727
Attachments: OBJECTION_10 ONSLOW AVE EBAY.pdf (46.93 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.

HELLO!
Attention Bill MacKay

Please see attached letter of correspondence re development in 10 Onslow Ave.

Best,

Thérèse Leuver (aka Tricky)
Art Direction / Graphic Design / Illustration

[REDACTED]

[REDACTED]

Website - Illustration only: theresechic.com
Website - Advertising / Graphic design: leuver.com.au



FROM: Thérèse Leuver

ADDRESS: ELIZABETH BAY GARDENS

2E /15-19 Onslow Ave

Elizabeth Bay NSW

Australia 2011

DATE: 12.09.2023

TO: CITY OF SYDNEY

DEVELOPMENT OBJECTION APPLICATIONS

RE: The Trustee for Billyard Ave Development Trust

Development application D/2023/727

for 10 Onslow Ave & 21c Billyard Ave

Elizabeth Bay NSW 2011

Hello:

To All It May Concern and Bill Mackay,

I strongly object to the application D/2023/727 to the maxed out height and width space.

The proposal increases the height, width, and length of the buildings across a much larger footprint and impacts to BLOCK VIEWS from 15-19 Onslow Ave Elizabeth Bay Gardens and our local environment.

This area is classified as a 'bay' and the current plans do not comply with council standards.

We have voted the Sydney City Council for this electorale so we ask you to support the wishes of our community.

Regards,

Thérèse Leuver



From:

Sent on: Wednesday, September 20, 2023 3:03:24 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Comments re 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.

Attention: David Reynolds

Dear David,

As resident of 8 Onslow Ave, next to the proposed development site, I strongly object to the proposal for reasons itemised below:

Height:

- The proposal entails an additional 2.5 stories (Onslow) and 1.5 (Billyard) which will result in significant view loss from surrounding buildings and is also **out of line with current building heights**. Currently, building heights **taper in a stepwise manner according to the sloped lay of the land** - the proposal is out of step with the current building height streetscape.
- No impact assessment was modelled regarding my apartment (**or any at 8 Onslow Ave**), which will have significant view loss and overshadowing if the heights are increased as proposed.
- The blueprints from the proposal clearly shows the plans **breaching their own defined height plane**.
- **The council website for planning controls** says only **6 Storeys** maximum while the proposal is for **8 Storeys** + rooftop recreation. **Given the proposed height is far greater than what the planning controls allow, the proposal should be immediately rejected.**

Heritage:

- The proposal is for a **Heritage listed area** and the relevant building is **not detracting** (according the **Council planning controls**). Also, **no heritage impact assessment was conducted**. What's the point of having a Heritage area if non-detracting heritage buildings can be razed to the ground?

Look/Suitability:

- The proposal is overly bulky and out of step with the current streetscape. It will eclipse buildings on either side.
- The proposal outlines no setback to the street on either end, out of line with the current streetscape and creating overshadowing.
- The design is far too modern / tacky, out of step with a heritage listed area.
- Communal rooftop recreation areas will cause significant acoustic / noise pollution, detract from views, and again, are **out of step with surrounding rooftops**.

While I don't object to new development in general, this proposal ought to be rejected. It entails plans for gross overdevelopment, detrimental to a large number of surrounding and local residents, all based on flawed, inaccurate and misleading blueprints and assessments.

The plans ought to be toned down to work within the heights and widths of the existing structure and **the developments controls listed on the council website**. Further consultation, consideration and compensation of/to surrounding residents and their lots also needs to be undertaken before anything gets approved.

Regards,

Tim, 8 Onslow Ave

From:

Sent on: Wednesday, September 20, 2023 12:16:30 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: D/A for 10 Onslow Avenue and 21C Billyard Avenue D/2023/727I

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.

My name is Wendy Nash and I live and have lived at 9/13 Onslow Avenue Elizabeth Bay NSW 2011 for 31 Years.

I want to voice my strong objection to the DA nominated in the Subject line above. D/2023/7271.

SUMMARY

The development is an overdevelopment of the site, reduces residential living spaces in Elizabeth Bay, reduces affordability of living spaces in Elizabeth Bay. The current building should be identified as a contributory item within the HCA and Sydney 2012 DCP, the policies of the HCA should be applied, ie that contributory items should be retained and conserved. The proposed building reduces views for many neighbouring apartment buildings, pedestrians, tourists. Noise pollution from rooftop garden and pool likely to echo throughout the neighbourhood.

1. HERITAGE REPORT BY GML FOR DARNLEY HALL - 12 ONSLOW AVENUE ELIZABETH BAY

Recently submitted the Report includes:

the 10 Onslow Avenue building should be identified as a contributory item within the HCA and Sydney 2012 DCP and that the polic(i)es of the HCA should be applied(:) namely that contributory items be retained and conserved. (A contributory building cannot be demolished or significantly altered without compelling reasons).

- 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 and others.*
- The building is of a high-quality design, intact and in good condition.*
- 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.*

The DA must demonstrate why the building is not capable of retention or re-use;

Further, even if the building is not changed to be contributory in time,

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

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

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

2. HEIGHT, BULK AND SCALE

I query whether the proposed buildings correctly match the coordinates of the 22m and 15m height limits under the LEP.

The proposed buildings are unreasonably over the height limit.

All setbacks are substantially closer than the existing building - narrowing the space between the proposed buildings and their neighbours, and the street. They are much narrower than the state planning guidelines stipulate, causing loss of privacy to neighbouring buildings.

3. LOSS OF VIEWS & OVERSHADOWING

Loss of views from many individual apartments in the area, common areas eg from the garden of Elizabeth Bay Gardens and the walkway to Level 1 of Meudon, public areas from the street particularly between 12 and 10 Onslow Avenue towards the water. Loss of reflected or ambient light from reduced setbacks and height. Direct shadowing especially in kitchens, studies,

living areas and loss of light in common outdoor spaces and public land. Morning and afternoon light loss.

4. LOSS OF AFFORDABLE HOUSING, DIVERSITY OF NEIGHBOURHOOD

Removing 28 apartments to create 22.

Replacing a more affordable building with an unaffordable building.

5. HERITAGE

The current building should be identified as a contributory item within the HCA and Sydney 2012 DCP, the policies of the HCA should be applied, namely that contributory items should be retained and conserved.

Concerns about the impact on the character of the streetscape due to eg: size, style, height, layout, and setbacks.

Impact on the skyline and sightline - from public areas, including the water – as the new buildings change the line of the roofs sloping towards Elizabeth Bay House and across to Arthur McElhone Reserve.

The view from the water and across the water is publicly significant due to the history of the area – this is a heritage conservation area with features visible from the water, by ferry and private craft, and by public lands across the bay. Any consideration of the roofline and streetscape should take into consideration the impact from public viewpoints.

Potential loss of heritage and archaeologically significant items under the building, which have not been adequately planned for or documented including protection of Aboriginal heritage and convict or early settlement items.

Loss of a potentially quintessential example of postwar architecture.

6. ENVIRONMENTAL CONSIDERATIONS

See Heritage above.

Environmentally unsound to knock down a building that can be renovated, or is otherwise adequate in its current form.

7. EXCAVATION - POTENTIAL PROBLEMS

How will the excavation protect the surrounding buildings, including those that are contributory to the heritage conservation area?

Want reassurances on the risks and remediation.

8. DESIGN CONSIDERATIONS

Massive bulk unaesthetic and intrusive to the community.

9. NOISE

The proposed buildings both have rooftop terraces, with pools, sending noise from those roofs directly into the neighbouring buildings and across the valley. The proposed decreased setbacks and increased height magnifies this issue.

Mechanical ventilation creates additional, constant, and very close, noise for the adjacent buildings.

The construction period will be untenably noisy and polluting.

9. COMMUNITY CONSULTATION AND NOTICE

Insufficient:

Invitation requests to meet the developers earlier were denied, and requests to bring specifically qualified residents were denied.

Insufficient illustration of the proposal to compare before and after.

No malleable 3d modelling that permitted independent assessment of the proposed impact.

Attendees could only view the information as presented with no independent analysis possible.

23 Billyard Ave was completely ignored in community consultation.

The time between the meetings and the submission was too short for any changes to be made. And no obvious changes were made as a result of the consultation process.

Notice inadequately attached to 10 Onslow Ave, making it without signage for nearly 3 weeks.

Wendy Nash

wendyhnash@gmail.com

**9/13 Onslow Avenue
Elizabeth Bay NSW 2011**

From:

Sent on: Wednesday, August 23, 2023 11:11:01 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.

To whom it may concern, We re writing to you regarding DA D/2023/727.

We have reviewed the proposal and are writing to request an extension to the period allowed for feedback and objections given the complexity and size of the proposal and it's very significant impact on our property. We own and live in Unit 5 Darnley Hall and will directly and detrimentally affected by this proposal.

Our concerns include but are not limited to the following.

1. The plans exceed the height limitations for the area. The “artist impressions” are disingenuous in the minimising and negating of the over height extensions in many aspects.
2. The plans indicate significant loss of our views of Sydney Harbour, Taronga Zoo and Bradleys Head. The site to be demolished and rebuilt already has very substantial views. Taking around 60% of ours is not view sharing but view theft.
3. There will be significant overshadowing and loss of daylight especially on our northern rooms, including a dining room and kitchen, given the proximity of the new buildings to our border.
4. The communal terrace and pool on the roof of 21C Billyard will create unacceptable noise and invasion of privacy to our balcony.
5. The expansion of the building to all edges of the property reduces the sight lines along Onslow Avenue and diminishes the heritage nature of the neighbourhood and the aspect from Elizabeth Bay House towards Darnley Hall.
6. The anticipated noise of construction for the projected 2 years, and particularly during the drilling for the underground carpark, will make life intolerable during the day. The neighbourhood is already struggling with extended major construction impacts.

We look forward to your positive consideration of our request for an additional 21 days to submit a formal response.

Kind regards,

From: [REDACTED]

Sent on: Thursday, October 19, 2023 1:34:11 PM

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

Subject: FW: Query: D/2023/727 - 21C Billyard Avenue ELIZABETH BAY NSW 2011

From: [REDACTED]

Sent: Thursday, October 19, 2023 1:32 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.

Private and Confidential

[REDACTED]

Dear David,

I am contacting you regarding. The document "**Submissions D/2023/727 21 September 20023 10:06am**"

I have reviewed submissions online can see that the majority of those in favour and endorsing the submission are from employees of Fortis or people connected to Fortis and the development.

I note that the following names have been on form style letter submissions to council commending Fortis (and the the proposal) to demolish 21cC Billyard & 10 Onslow Avenue.

The following names match names of employees or people closely connected to Fortis or the proposed development.

<https://www.fortis.com.au/about/>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent on: Wednesday, September 20, 2023 4:13:34 PM
To: council@cityofsydney.nsw.gov.au
Subject: Development application D/2023/727
Attachments: Submission on 10 Onslow Development 20 September 2023.docx (13.67 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.

Site address 21C Billyard Avenue and 10 Onslow Avenue Elizabeth Bay, NSW 2011

Please see attached.

[REDACTED]

20 September 2023

Manager Planning Assessments

City of Sydney, Town Hall House

456 Kent Street

SYDNEY NSW 2000

Email: council@city of Sydney.nsw.gov.au

Reference number: D/2023/727

Site address: 21C Billyard Avenue and 10 Onslow Avenue, Elizabeth Bay, NSW, 2011

I would like my name, contact details and address kept private as I am an older woman who lives alone.

I live in and own apartment [REDACTED] 15-19 Onslow Avenue, Elizabeth Bay, NSW. My apartment overlooks 10 Onslow Avenue. While the existing building is partly shielded by street trees, they are mature gum trees and will not live forever. The proposed development would extend above the existing trees and would block part of my existing harbour views. Further, the proposed open air entertainment area would pose an increased risk of noise from parties and gatherings. This is a very quiet area and I would like to keep it this way.

Further, the proposed development would reduce the harbour views from the common garden in our building. The garden has lawn, trees and a pool. We have a lively community in this area from all walks of life. Many residents use the garden, although parties are prohibited. This harbour view is just lovely and it would be very sad to see it diminished to make money for a developer.

Further, in an era of a lack of affordable housing, two small apartment blocks are being demolished to build a larger building for fewer occupants. Fewer people in more expensive apartments is poor public policy.

Please do not hesitate to contact me (mobile [REDACTED]) if you have any queries, or would like to inspect the view from either the gardens in the common area or my apartment.

Regards

[REDACTED]

From: [REDACTED]

Sent on: Wednesday, September 20, 2023 11:50:19 AM

To: council@cityofsydney.nsw.gov.au

Subject: Reference number D/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.

SITE ADDRESS

21c Billyard Ave .Elisabeth Bay NSW 2011

My name is [REDACTED] from 36 Billyard Ave . I would appreciate having my name and address kept private .
I am happy to be contacted by Council by email .
My email address is [REDACTED]

My concerns regarding the proposed development is that an attractive building which is set back from the street and its neighbours , set in attractive landscaped gardens would be replaced with an oversized building with inadequate setbacks and virtually no gardens .

Ongoing impacts on the residents of Billyard Ave., caused by this development if it were to be approved would also be negative such as increased traffic , poor management of garbage increased noise created by the reliance of residents using rooftop areas for recreation and a loss of privacy and views caused by the closer proximity to adjacent buildings .

In addition the construction phase would cause enormous inconvenience to the inhabitants of Billyard Ave; with noise ,loss of access caused by large construction vehicles in a narrow one way street , dirt and dust . The distress caused particularly to the residents of the adjacent buildings during this extremely difficult and lengthy construction phase would be immeasurable and in the process would lose privacy and views as a result of the new development .

SIZE , SCALE AND LANDSCAPING

* The size and scale of the proposed development greatly reduces the setbacks from both the street and the neighbouring buildings impacting privacy , air flow between buildings , soft landscaping and areas for recreation . The allowance for soft landscaping at ground level is only 4% instead of the required 25%. The current building has generous setbacks and attractive gardens . The new development relies on a roof garden and local parks to provide recreational opportunities for residents . This seems to be regrettable in a densely populated area .

MANAGEMENT OF COMPLETED DEVELOPMENT , VEHICLES AND GARBAGE .

* All cars for the two buildings in the proposed development will enter and exit Billyard Ave., and given that currently no cars from the exiting building enters Billyard Ave this will greatly increase congestion and pose difficulty for pedestrians .

* All Garbage bins from both buildings in the proposed development will be put out on the footpath in Billyard Ave . Potentially 44 bins at a time . This does not happen with the current building .This would render the footpath unusable forcing pedestrians to use the road . Billyard ave, is a thoroughfare for pedestrians from various parts of Potts Point accessing the Marina . Garbage bins on the footpath encourages vermin and looks unsightly .

CONSTRUCTION PHASE

* The excavation of the site is of great concern given the potential for water issues both during excavation and after completion together with the possibility of damage to neighbouring buildings and heritage buildings nearby .

The construction Phase of this very large , steep development site in such a confined and very built up area will cause enormous inconvenience , disruption , lack of access ,noise , dirt and dust to everyone living in the area as well as visitors to this historical and beautiful part of Sydney . Developing this steep site with large buildings on either side and two busy , single lane roads at either end would be extraordinarily difficult with a very long build time .. With local residents already greatly inconvenienced and distressed by the amount of development currently happening in the area this would be a huge impost .

Yours Sincerely ,
[REDACTED]

From: [REDACTED]
Sent on: Tuesday, September 19, 2023 4:02:28 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: D/2023/727 - 21c Billyard/10 Onslow
Attachments: DA Objection 10 Onslow.pdf (65.21 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.

Hi,

I emailed a copy to the general city website because I was told to do so if I wanted privacy but the automatic replied made me worry the document would be seen too late for the deadline, so here it is again. Privacy for my personal details is requested, though I am unsure if it will be granted.

Thank you,

[REDACTED]

D/2023/727 OBJECTION

I own and live in [REDACTED] on level LG1 at 12 Onslow Avenue. 12 Onslow is adjacent on the northern side to the lot that incorporates numbers 10 Onslow and 21c Billyard Avenues – the proposed development site.

I have lived at 3/12 Onslow for 33 years and I know the area very well and I have seen many changes over time. One of its best and most enduring characteristics is the availability of affordable housing. Allowing, in particular, for the enjoyment of one of the loveliest areas of Sydney by people who have only modest incomes.

Unfortunately, that seems to be under serious threat. There are currently in the Elizabeth Bay and PoOs Point areas a number of older buildings being turned into luxury accommodation and others are in negotiations for sale and I know of one that has their strata committee being pressured by a developer to vote for their shareholder's approval to that developer's prospectus – and it happens to be another 1960's/70's building in my area.

This brings me to D/2023/727. In this time of rental crisis for many ordinary Australians a developer wants to eliminate small, affordable accommodation by building luxury living only for the very wealthy. Surely this wouldn't be supported by Sydney City Council.

The developer, Fortis, can only be interested in making money. It didn't buy the site for the good of the community, no matter what they say in their DA about enhancing the community's wellbeing and the HCA. In fact, when The Council states: "The proposed side setbacks are non-compliant with the building separation requirements of the Apartment Design Guide (ADG)"; the developer replies: "ADG compliant separation would essentially eliminate the possibility of viably redeveloping the sites due to their narrow (21m) width, and would in any event then present as entirely

uncharacteristic building in terms of massing, scale and character in the conservation area and Bays Precinct.”

To this last point first, I say, that the Onslow Avenue building that exists there now is already characteristic of the area, **especially** since its side setbacks are **the same** as every other unit building block in Onslow Avenue – wide and generous in light, airflow and views.

The other point speaks volumes when the developer says “viably”, because that word, in this context, means the developer couldn’t make a big enough profit if its proposed design had compliant side setbacks.

And while the developer is thinking only of their profits, if the current DA was approved, I would have to think about how my small but much-loved water view would be 100% eliminated by their greed.

I am rerouted and looking throughout the day at my little view is the only sweet spot amidst a landscape of predominantly roof tops and sides of buildings.

I did note in the View Sharing section of their DA that they didn’t mention at all the significant view loss percentage from units 9, 7 and 5 let alone the 100% of mine. They also grossly underestimated the loss from units 12 and 11 when they were mentioned as the only ones adversely affected by view loss at number 12 Onslow, but not ‘significantly’.

My other very serious concern with this DA is the potential for **noise** from the proposed building. I have read all the PDF documents supplied by The Council for this DA and I have concluded the ongoing, daily amount of noise coming from the proposed building would be considerable. Considerable enough to have a distressing impact on the mental wellbeing of many neighbours. Noise in this area carries far and wide and with intensity. When I read that there

are two roof top swimming pools proposed and a common area on one roof top space, with an allowed capacity of 20 people, I really got worried.

The developer states that there would be an allowed mode of use of the communal areas from 7am until 10pm. Well, that's a really wide window and who's going to enforce it? It also doesn't apply to the private rooftop areas that contain the pools. They could have many hours of people jumping in the pools and talking at high levels and possibly playing loud music – no matter that the common area rules say no music – this is a private area and not subject to any restrictions. Everyone knows also that complaints to police are most likely to not be followed through due to the much greater demands on their services. How could they even be heard if they rang the doorbell?

Pool plant equipment (a pool filter that would run 24/7) and air conditioning condensers (mentioned in the DA as being located on the balconies or rooftops) would be a serious noise problem; extraction fans for the underground car park "mechanically ventilated" system (ALSO emitting concentrated car fumes into the atmosphere at peak modes of use) would be unacceptable.

The developer claims "...an ongoing commitment to sustainability." With the electricity demands, however, operating the heating and cooling needs of the air conditioners and the 24/7 pool filter and car park extraction fans, plus operating kitchen and bathroom fans, ventilation systems and refrigeration, this is a doubtful claim.

I would like to conclude by making reference to the highly inadequate responses the developer had to non-compliance issues. At times I thought they were arrogant and offensive to those asking for compliance; at other times I thought they were just stupid. When The Council referred to Common Open Space: "No common open space area is proposed which is not supported..It should be 25% of

the site area". The developer says there is 4% on the rooftop of 21c and "...it is considered adequate." I wonder who considers it so? Certainly not our city council.

The developers go on to say "...the site is on a relatively small lot, within a highly dense urban area." I would say that's an argument for keeping the building smaller. They go on to say how nice the 4% will look and the balconies are oversized and there are nearby parks anyway! Finally the developer says that "The communal space we have provided is considered proportionate to the apartment count." Again, I ask who considers it so? There is no indication Council does.

To really conclude this Fme, I mention the very important area of Social and Economic Impacts of the proposed development. The developer's response left me absolutely dumfounded. They start out saying the renewal of the site delivers high amenity apartments and the unit's communal open space will be good for the future owners. No social and economic benefits for the community that I can see.

Employment and activity (not sure what that last word really means) during construction contributes to the local and broader community. Well, so would building a compliant development on the existing footprint and the community would be far more greatly served. It's the last part I will quote, however, that is utterly ridiculous and I don't know where to start unravelling it: "The proposal's proximity to existing public transport infrastructure will provide high levels of connectivity to employment centres in Greater Sydney, while also sustaining Elizabeth Bay as a walkable mixed-use neighbourhood."

That's all for now.

Thank you for your Fme,



From:

[REDACTED]

Sent on: Friday, September 15, 2023 8:25:41 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,

I write in relation to the recent Development Application submitted for the site [21C Billyard Avenue, Elizabeth Bay 2011](#)D/2023/727

I commend Smart Design Studio, Fortis, Urbis and their broader project team for developing a well-considered scheme for this site, and wish to support the DA.

The proposal will renew an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional buildings of the suburb.

I am excited to see this development contribute to the character of Elizabeth Bay, and encourage Council to grant approval for the DA at 21C Billyard Avenue.

Yours Sincerely,

Brad Hanning

From:

[REDACTED]

Sent on: Monday, September 18, 2023 8:51:36 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.

Dear David,

I trust this letter finds you well. I am writing to express my wholehearted support for the recent Development Application (DA) submitted for the property located at 21C Billyard Avenue, Elizabeth Bay 2011 (D/2023/727).

Foremost, I would like to extend my sincere commendation to the collective efforts of Smart Design Studio, Fortis, Urbis, and the entire project team. Their commitment to striving for excellent design practices is evident in the proposal. The proposal would be an excellent addition to the area.

The proposal is a needed revitalisation of an aging residential structure, thoughtfully incorporating a responsive and aesthetically captivating architectural scheme. What sets this proposal apart is its remarkable sensitivity to the distinct local character of Elizabeth Bay. With a nod to the traditional 'Art Deco' architectural style that is prominent throughout the suburb, the proposed design seamlessly ties in with the existing streetscape. This integration stands as a testament to the team's dedication to preserving the heritage conservation area's integrity.

I am excited about the positive impact of this development on Elizabeth Bay's overall character. The proposed project not only breathes new life into a cherished site but also exemplifies how modernity and tradition can merge to create something remarkable. In light of this, I urge the Council to consider the lasting positive contribution that the Development Application at 21C Billyard Avenue can bring to our community.

Thank you for your time and consideration.

Warm regards,

Charlie

[REDACTED]

From: [REDACTED].au> on behalf of David Mellick <david@mellick.com.au> <David Mellick <david@mellick.com.au>>
Sent on: Friday, September 15, 2023 7:03:00 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: In Support of DA Approval for 21C Billyard Avenue, 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.

Dear David Reynolds

I trust this letter finds you well. I am writing to express my wholehearted support for the recent Development Application (DA) submitted for the property located at 21C Billyard Avenue, Elizabeth Bay 2011 (D/2023/727).

Foremost, I would like to extend my sincere commendation to the collective efforts of Smart Design Studio, Fortis, Urbis, and the entire project team. Their commitment to striving for excellent design practices is evident in the proposal.. The proposal would be an excellent addition to the area.

The proposal is a needed revitalisation of an aging residential structure, thoughtfully incorporating a responsive and aesthetically captivating architectural scheme. What sets this proposal apart is its remarkable sensitivity to the distinct local character of Elizabeth Bay. With a nod to the traditional 'Art Deco' architectural style that is prominent throughout the suburb, the proposed design seamlessly ties in with the existing streetscape. This integration stands as a testament to the team's dedication to preserving the heritage conservation area's integrity.

I am excited about the positive impact of this development on Elizabeth Bay's overall character. The proposed project not only breathes new life into a cherished site but also exemplifies how modernity and tradition can merge to create something remarkable. In light of this, I urge the Council to consider the lasting positive contribution that the Development Application at 21C Billyard Avenue can bring to our community.

Thank you for your time and consideration.

Warm regards,

David Mellick

Please consider the environment before printing this e-mail. Let's conserve.

From:

[REDACTED]

Sent on: Friday, September 15, 2023 3:41:51 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,

I write in relation to the recent Development Application submitted for the site 21C Billyard Avenue, Elizabeth Bay 2011 D/2023/727

I am extremely impressed by the Smart Design Studio proposal for this site, and wish to support the DA.

I agree that the development will renew an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. I agree that the design of the building would be a positive addition to the streetscape and will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional buildings of the suburb. I expect this proposal could indeed become an item of future heritage for this harbourside suburb.

I encourage Council to grant approval for the DA at 21C Billyard Avenue and continue to stimulate the local economy by doing so in a timely fashion.

Sincerely,

Edward Eve

From:

[REDACTED]

Sent on: Monday, September 18, 2023 1:45:27 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.

To whom it may concern,

I am writing to offer my endorsement for the recent Development Application (DA) submitted for the property situated at 21C Billyard Avenue, Elizabeth Bay (DA: D/2023/727).

This proposal is a testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

At its core, this proposal seeks to breathe life into an aging residential building through a carefully considered architectural design. What sets this endeavour apart is its respect for the distinctive character of Elizabeth Bay. Through careful use of the 'Art Deco' style that defines the area, the proposed design effortlessly melds with the surrounding streetscape, upholding the heritage conservation area's significance.

The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalizing a cherished space while preserving the essence of the community's heritage.

With this in mind, I implore the Council to grant approval for the Development Application at 21C Billyard Avenue.

Thank you for your thoughtful consideration.

Kind Regards,

From:

Sent on: Friday, September 15, 2023 2:42:09 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - 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.

Attention David Reynolds:

Dear David,

I wholeheartedly support the Development Application (DA: D/2023/727) for 21C Billyard Avenue, Elizabeth Bay. Credit to the whole project team for their collaborative and excellent work. Their proposal seamlessly blends architectural design with Elizabeth Bay's charm, paying homage to the existing style of the area. This project revitalizes the site while respecting heritage. I recommend the Council to approve the DA; it greatly benefits the suburb's aesthetics and culture.

Thank you for your careful consideration.

Best regards,
Jess Borella

From:

[REDACTED]

Sent on: Friday, September 15, 2023 8:10:23 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,

I write in relation to the recent Development Application submitted for the site 21C Billyard Avenue, Elizabeth Bay 2011 D/2023/727

I commend Smart Design Studio, Fortis, Urbis and their broader project team for developing a well-considered scheme for this site, and wish to support the DA.

The proposal will renew an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional buildings of the suburb.

I am excited to see this development contribute to the character of Elizabeth Bay, and encourage Council to grant approval for the DA at 21C Billyard Avenue.

Kind regards,

John Keenan

From:

[REDACTED]

Sent on: Friday, September 15, 2023 3:29:08 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Development at 21C Billyard Avenue, 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.

Development at 21C Billyard Avenue, Elizabeth Bay

Attention: David Reynolds
City of Sydney

Dear David,

I write in relation to the recent Development Application submitted for the site 21C Billyard Avenue, Elizabeth Bay 2011 D/2023/727

I am familiar with the Smart Design Studio, Fortis, Urbis and their broader project team and am confident in them developing a well-considered scheme for this site, and wish to support the DA.

The proposal will renew an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the heritage conservation area. It will complement, but not compete with the traditional buildings of beautiful Elizabeth Bay.

I am excited to see this development progress and contribute to the character of Elizabeth Bay and I encourage Council to grant approval for the DA at 21C Billyard Avenue.

Yours Sincerely,

Justine Wallace

[REDACTED]

From:

[REDACTED]

Sent on: Wednesday, September 20, 2023 8:43:43 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: DA submission for 21C Billyard Avenue, ELIZABETH BAY, 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.

Good morning,

As a resident of Billyard Avenue in Elizabeth Bay, I would like to write in support of the development proposed for 21C Billyard Avenue.

We need more dwellings close to the city and amenities and I hope this development goes ahead.

I also believe more weight should be given to residents who have not written in with explicit support, as it can be assumed most of them also have no issue with it going ahead.

All the best,
Lauren

From:

Sent on: Monday, September 18, 2023 7:44:17 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - 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.

To whom it may concern,

I trust this letter finds you well. I am writing to express my wholehearted support for the recent Development Application (DA) submitted for the property located at 21C Billyard Avenue, Elizabeth Bay 2011 (D/2023/727).

Foremost, I would like to extend my sincere commendation to the collective efforts of Smart Design Studio, Fortis, Urbis, and the entire project team. Their commitment to striving for excellent design practices is evident in the proposal.. The proposal would be an excellent addition to the area.

The proposal is a needed revitalisation of an aging residential structure, thoughtfully incorporating a responsive and aesthetically captivating architectural scheme. What sets this proposal apart is its remarkable sensitivity to the distinct local character of Elizabeth Bay. With a nod to the traditional 'Art Deco' architectural style that is prominent throughout the suburb, the proposed design seamlessly ties in with the existing streetscape. This integration stands as a testament to the team's dedication to preserving the heritage conservation area's integrity.

I am excited about the positive impact of this development on Elizabeth Bay's overall character. The proposed project not only breathes new life into a cherished site but also exemplifies how modernity and tradition can merge to create something remarkable. In light of this, I urge the Council to consider the lasting positive contribution that the Development Application at 21C Billyard Avenue can bring to our community.

Thank you for your time and consideration.

Warm regards,
Matthew Barakat

From: [REDACTED]

Sent on: Monday, September 18, 2023 1:36:11 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,

I am writing to offer my endorsement for the recent Development Application (DA) submitted for the property situated at 21C Billyard Avenue, Elizabeth Bay (DA: D/2023/727).

This proposal is a testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

At its core, this proposal seeks to breathe life into an aging residential building through a carefully considered architectural design. What sets this endeavour apart is its respect for the distinctive character of Elizabeth Bay. Through careful use of the 'Art Deco' style that defines the area, the proposed design effortlessly melds with the surrounding streetscape, upholding the heritage conservation area's significance.

The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalizing a cherished space while preserving the essence of the community's heritage.

With this in mind, I implore the Council to grant approval for the Development Application at 21C Billyard Avenue.

Thank you for your thoughtful consideration.

Sincerely,
Patrick Baldock

[REDACTED]

From:

Sent on: Monday, September 18, 2023 12:01:34 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: A Compelling Case for Approval: Development Application (DA: D/2023/727) at 21C Billyard Avenue

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

Dear David Reynolds,

I am writing to offer my endorsement for the recent Development Application (DA) submitted for the property situated at 21C Billyard Avenue, Elizabeth Bay (DA: D/2023/727).

This proposal is a testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

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The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalizing a cherished space while preserving the essence of the community's heritage.

With this in mind, I implore the Council to grant approval for the Development Application at 21C Billyard Avenue.

Thank you for your thoughtful consideration.

Sincerely,

Rommy Pettersen

From:

Sent on: Friday, September 15, 2023 3:38:16 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: A Compelling Case for Approval: Development Application (DA: D/2023/727) at 21C Billyard Avenue

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

Dear David Reynolds,

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This proposal is a testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

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The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalizing a cherished space while preserving the essence of the community's heritage.

With this in mind, I implore the Council to grant approval for the Development Application at 21C Billyard Avenue.

Thank you for your thoughtful consideration.

Sincerely,

Sam Barclay

From:

[REDACTED]

Sent on: Friday, September 15, 2023 2:51:36 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 Council,

I am writing to offer my endorsement for the recent Development Application (DA) submitted for the property situated at 21C Billyard Avenue, Elizabeth Bay (DA: D/2023/727).

This proposal is a testament to the collaborative efforts of Smart Design Studio, Fortis, and Urbis. The proposal is highly considered and clearly has the existing streetscape front of mind.

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The potential of this development to enhance the character of Elizabeth Bay is something that should be considered. It holds the promise of revitalizing a cherished space while preserving the essence of the community's heritage.

With this in mind, I implore the Council to grant approval for the Development Application at 21C Billyard Avenue.

Thank you for your thoughtful consideration.

Well wishes,
Sophie

From:

Sent on: Friday, September 15, 2023 2:44:52 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,

I write in relation to the recent Development Application submitted for the site 21C Billyard Avenue, Elizabeth Bay 2011 D/2023/727

I commend Smart Design Studio, Fortis, Urbis and their broader project team for developing a well-considered scheme for this site, and wish to support the DA.

The proposal will renew an ageing residential building with a responsive and beautifully considered architectural design that is sympathetic to the local area of Elizabeth Bay and traditional 'Art Deco' style of architecture. The design of the building would be a positive addition to the streetscape as it will not compromise the heritage significance of the heritage conservation area. It will complement, but in no way compete with, the traditional buildings of the suburb.

I am excited to see this development contribute to the character of Elizabeth Bay, and encourage Council to grant approval for the DA at 21C Billyard Avenue.

Yours Sincerely,

Zein Karamy

From: Todd Cassidy [REDACTED]
Sent: Monday, 18 September 2023 3:01 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Cc: Todd Cassidy
Subject: Objection to D/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.

Attention: David Reynolds

REF: D/2023/727

Site: 21C Billyard Avenue & 10 Onslow Avenue Elizabeth Bay

I own unit 11D/15-19 Onslow Avenue Elizabeth Bay and I write to register I will be submitting an objection to the development application D/2023/727.

I believe there are significant issues with the proposed development.

Some of the points I will cover in my full objection submission include:

1. height, setbacks and scale of the proposed building 2. loss of views from the public domain on Onslow Avenue 3. loss of views through view corridors from common grounds 4. permeable surfaces 5. landscaping 6. roof top plant area 7. consultation process 8. building height plane 9. heritage area impacts

Due to the significance of this development and the complexity due to the proposed structure being in a heritage conservation area, the volume and scale of issues are more significant than I first thought.

Please register my objection and I will lodge my full objection as soon as possible.

Yours sincerely,

Todd Cassidy
11D / 15-19 Onslow Avenue
Elizabeth Bay NSW 2011

From: Todd Cassidy [REDACTED]
Sent: Monday, 18 September 2023 3:01 PM
To: DASubmissions
Cc: Todd Cassidy
Subject: Objection to D/2023/727

Follow Up Flag: Follow up
Flag Status: Completed

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.

Attention: David Reynolds

REF: D/2023/727

Site: 21C Billyard Avenue & 10 Onslow Avenue Elizabeth Bay

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Due to the significance of this development and the complexity due to the proposed structure being in a heritage conservation area, the volume and scale of issues are more significant than I first thought.

Please register my objection and I will lodge my full objection as soon as possible.

Yours sincerely,

Todd Cassidy
11D / 15-19 Onslow Avenue
Elizabeth Bay NSW 2011

From:



Subject:

Submission and Peer Review Documents - Re: DA 21C Billyard Avenue, and 10 Onslow Avenue, Elizabeth Bay Development Application No. D/2023/727 For: 23 Billyard Avenue Elizabeth Bay

Date:

Tuesday, 22 October 2024 8:54:15 PM

Attachments:

[Acoustic Peer Review_R240666R1_Rev0 - 21C Billyard Avenue Elizabeth Bay_August 2024.pdf](#)
[Geotechnical Peer Review_36892Hlet Elizabeth Bay_August 2024.pdf](#)
[Submission_Amended Plans_21C Billyard Avenue Elizabeth Bay NSW 2011_D2023_727_22 October 2024.pdf](#)

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 Commissioner and Council Staff,

Attached please find our *Planning Submission prepared for the adjoining residents at 23 Billyard Avenue Elizabeth Bay.*

This addresses the plans of August 2024 which the group has obtained access to via the Court.

Attached again are the 2 x *Peer Reviews* referred to in the planning submission. One relating to *Geotechnical* aspects due to concerns and the other, relating to adverse *Acoustic* aspects and lack of balanced assessment. These reports were prepared in August and raise alternative views and some issues with representations made. These do not appear to have been addressed in the latest documents. These are reasonable, professionally prepared assessments which raise concern in relation to the accuracy and information accompanying the DA.

We have added 2 photographs of June sun into the north facing elevation/rooms of No. 23 which provide considerable sunshine across the floor plans.

The amended plans remain problematic in terms of a range of adverse and unreasonable impacts on neighbours with the non-compliant scale.

Thank you for your attention to this matter.

Regards,
Natalie

Natalie Richter Planning



with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. The contents and attachments are not to be altered or reproduced without our consent or used for any other purpose. If you have received this email in error then please delete the email and inform us of the error by return email. We are not liable for any loss arising from the receipt or use of this email or attachments. It is the responsibility of the receiver to be satisfied that this email and attachments contain no computer viruses.

22 October 2024

The Presiding Commissioner of the Land and Environment Court of NSW
C/o: Andrew Simpson, Senior Solicitor Legal and Governance Division +
Julia Errington, Council Town Planner
By email to City of Sydney Council

Re: Billyard Ave Developments Pty Ltd ATF Billyard Avenue Development Trust v City of Sydney Council Land and Environment Court Proceedings No 2023/00440488
21C Billyard Avenue, and 10 Onslow Avenue, Elizabeth Bay Development Application No. D/2023/727 for 'Demolition of existing buildings, tree removal, excavation and construction of two new residential flat buildings, 6 to 8 storeys in height, with 20 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.'

Submission for: SP 67057: 23 Billyard Avenue, Elizabeth Bay

Thank you for the opportunity to provide a further submission. This is based on the latest documents we are permitted to see, dated August 2024. The amended plans do little to improve privacy, scale or solar access.

The following summarises the concerns for the building known as 'Somerset' SP 67057/23 Billyard Avenue. No. 23 adjoins the subject site directly to the south and is severely impacted by the scale and lack of compliant building separation.

- The applicant's **solar access assessment misrepresents impacts**. The **key, north facing side, living area windows of No. 23 are adversely impacted by worsened solar loss**. These windows bring in sunshine and the diagrams indicate that the front section towards Billyard Avenue will be more impacted.
- The front living areas at No. 23 Billyard Avenue do not have 'dual aspect' windows for the purposes of sunshine into units during mid-winter. The front windows facing towards the east do not provide the same amount of sunshine in.
- The windows along the northern elevation of No. 23 provide sunshine through the day, well into the floor plans.
- We have provided winter photographs of the sunshine coming through these north facing windows and across living room floors (as well as kitchens, bathrooms and bedrooms).
- The sunshine into apartments in June was observed by the Court at the site visit.
- The current solar access provides health and amenity to living areas. As these apartments do not have external open space areas internal amenity is high value.
- Inaccurate details are provided as to the real impact, yet the proposal seeks a range of separation and height non-compliances.
- The development proposes non compliances which create adverse impacts, substantially reduces housing without replacing a mix of types and affordability, and impacts on the landscaped and heritage character of Elizabeth Bay.
- The plans detrimentally and unreasonably impact scale, light, separation, privacy and solar aspects. Large, solid, high wall structures are close to the boundary.
- The geotechnical assessment should not be supported given the close older buildings, lack of assessment in relation to a number of matters, and the excessive level of excavation proposed in the context of insufficient separation.

- **Roof top terraces should not be provided in replacement of reasonable ground level open space in this location. 2 x large proposed unnecessary roof open spaces breach the height standard and create acoustic issues for others. The Sydney DCP does not encourage roof top terraces where they impact on neighbours or breach height planes.**

The following expands upon the above summary objections.

Solar Impact:

- The proposal **removes areas of sun coming into existing north facing living windows and this is evident in the elevational solar access diagrams.**
- The **plans misrepresent the situation** and suggest these are dual aspect windows (at the front section of No. 23). The front windows do not provide the key sunlight. **The north-facing windows (impacted) provide most sunshine in. These are severely impacted and provide amenity, warmth, ability to dry and assist in drying moisture levels within this building.** These windows are to living areas, kitchens, bathrooms and bedrooms.
- **Impact on solar access to the bathrooms will have an impact on drying etc.**
- Without balconies due to the art deco vintage, **internal solar access to within the older style units provides significant and highly valued amenity.**
- **Protection of this has not been considered from the outset. Impacts from a fully compliant development should be reviewed.**
- The **proposal fails to address a range of controls including building separation. Impacts are unreasonable.**
- **Impacts on sun would impact on costs in needing to heat, cool and light the southern existing adjoining units.**
- It is noted that **large walls appear to be located at the boundary which would potentially impact on solar access (unit 2.06).**
- The SEE refers to the **impact on existing solar access to the rear courtyard common open space of No. 23** as being 'inconsequential' which is inaccurate. **Additional shadow is demonstrated in the plans to be cast over the courtyard. This common open space contains established plantings to be affected, pathways to be affected by moisture and shade as well and a communal drying area/clothes line which is important for an older style apartment building.**
- The height and scale remove the opportunity for No. 23 to mitigate adverse solar, light and ventilation impacts via providing via solar panels (to power necessary heating, lighting and drying). This additional impact conflicts with building amenity and sustainability objectives for neighbours.
- The elevational solar diagrams indicate that the non-compliant height would cast additional afternoon winter shadow over some windows and the north facing roof of No. 23.

Excessive and impacting scale:

- The **building is clearly much larger than any along Billyard Avenue.**
- The proposal **significantly breaches the statutory height limit.** The Billyard Avenue building is 3.5m over the 22m limit.
- **Areas of the impacting roof top terrace are within this non-compliant area.**

- The proposal seeks to 'choose' between compliance and non-compliance with local and state apartment planning controls.
- The updated SEE indicates that the development holistically looks at amenity protection which this is untrue. The **proposed non-compliant separation creates adverse impacts in terms of close physical scale.**
- **Living areas and balconies are proposed located close to living areas of No. 23.**
- **Large solid structures proposed at the boundary to try and mitigate privacy issues close-in the outlook of No. 23 apartments, reduce light and ventilation, remove solar access and introduce imposing, solid privacy screens close to the boundary.**
- Given the **excessive scale, height and closeness of the proposal to No. 23 Billyard, the proposal would create unreasonable and adverse impacts on sunlight, light, ventilation, visual amenity, privacy, feeling of space around boundaries and the ability to provide area appropriate landscaping.**
- Existing neighbours at No. 23 who currently have a reasonable outlook will have their **north facing windows staring straight at a non-compliant brick wall, with sunshine and space removed. This does not comply with the Apartment Design Guide ('ADG') and creates unreasonable impacts.**
- **Adequate separation should comply with ADG given the height which is clearly larger than neighbouring buildings.**
- The **objectives of 3F-1 (Visual Privacy) the ADG in relation to separation look for 'adequate building separation distances being shared equitably between neighbouring sites, to achieve reasonable levels of external and visual privacy'. The development is not considered to share equitably with existing residents.**
- In addition, **roof top terraces will create further acoustic issues**, despite the 'oversized balconies' provided.
- The proposal presents a **mass and bulk which is uncharacteristic and detrimental to the character of the area** outlined in the Bays controls.
- It is indicated in the applicant's SEE that Council's **pre-DA instructions** included that **any roof top open space areas and shade structures should be within the building height plane. Roof top balustrades and elements breach the maximum height standard and create unreasonable amenity issues.**
- **The scale tangibly reduces/impacts on views for some properties and impacts unreasonably on visual scale, solar access, natural light and privacy for No. 23. Therefore, the Clause 4.6 variation is not considered justified and conflicts with the public interest. The Clause 4.6 does not provide reasonable planning justifications given these adverse impacts.**
- The proposed **height breach fails against the aims of Clause 4.3 (Maximum Building Height) as the scale does not '(a) ensure the height of development is appropriate to the condition of the site and its context'. The development is not considered to '(b) ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas'.**

Structural Issues:

- Given substantial concern over the extent and proximity of excavation to a range of older buildings next to the site, **the DA documents have been peer reviewed**

by JK Geotechnics (peer review is attached). The review indicates shortfalls in the application. The Geotechnical Report provided should not be relied upon for assessment.

- The review recommended that **additional geotechnical investigation should be carried out to provide adequate site coverage and to assess whether the sandstone bedrock is likely to be stable when cut vertically and the extent of any shoring.**
- Care is required in relation to the basement structures at 10 Onslow Avenue.
- The JK Geotechnics report recommends additional investigation should include test pits (to be inspected by the project geotechnical and structural engineers) along the site boundaries to assess the footing details and foundation materials of any boundary structures, so that the structural engineer can provide advice on the extent of any shoring and/or underpinning that may be required.
- As the proposed basement excavation will extend below groundwater, construction of the basement is considered to be an aquifer interference activity and these activities are subject to *the Water Management Act 2000 and NSW Aquifer Interference Policy* and are regulated by the Department of Planning, Housing and Infrastructure (DPHI) [formerly the Department of Planning, and Environment (DPE)], WaterNSW and Natural Resource Access Regulator (NRAR). Significant concern has been raised by neighbours in relation to water issues.
- DPHI's policy on basements is that ongoing or frequent dewatering of basements over their life is inconsistent with the principles of sustainable development and, where such dewatering is required, basements should be tanked. Dewatering during construction is permitted but is regulated through licencing which must either be obtained from WaterNSW. The DPE document, 'Minimum Requirements for Building Site Groundwater 7 36892Hlet Investigations and Reporting', dated October 2022 outlines the minimum scope of investigation required where a proposed basement intersects groundwater. Therefore, the additional geotechnical investigation must also meet the requirements of this document, including the requirement for long term groundwater level and quality monitoring.
- Given the age and position of buildings and older structures, Dilapidation Surveys should be provided.
- The existing sandstone remnant wall which straddles the common boundary with No. 23 is suggested to be retained. Information is required in terms of how the excavation is to occur to protect this wall.

Privacy Impact:

- **North facing, primary living areas of No. 23 will be impacted visually, with less light, breezes and more noise given the proximity of proposed living areas and balconies. Living areas are proposed to open out to elevated balconies next to/near the living room windows facing north at No. 23.**
- **Privacy screening measures which recognise the lack of separation and privacy impact. These will exacerbate impacts close to the boundary.**
- **The large roof top terraces can accommodate large and noisy gatherings to create unreasonable acoustic and privacy issues.**
- **As the proposal now appears to provide more than 25% common open space, the 2 x roof top terraces which add to scale, height excess, acoustic impact close to other living areas and bedrooms should not be necessary.**

- The applicant indicates that a **large area of open space is provided within the basement and that ‘oversize balconies’ and nearby parks are provided.** Therefore, impacting, elevated and noisy roof terraces can and should be avoided.
- The Council DCP controls indicate roof terraces would only be considered where: ***‘(a) (b) (c) a location at ground level is not possible due to conditions of the site; the proposed common open space will provide a similar level of amenity as a common open space at ground level; and there will be no significant impact on surrounding properties in respect to the loss of privacy’.*** Common open space should be provided at ground level.
- **Acoustic impact created by mechanical plant should be considered given the separation non-compliance and potential impact on bedroom and living windows for homes at No. 23.**
- The available Acoustic Reports submitted have been peer reviewed due to concern over acoustic privacy impact by Rodney Stevens Acoustics (attached).
- The Rodney Stevens assessment indicates that ***‘Section 5.7 of the submitted acoustic assessment does not address the noise impact from the proposed terrace. The report makes a single mention of a noise level of 1 person being 69 dB(A). The terrace has an approximate floor area of 150m² which calculates to an estimated capacity of 100 people. The report does not provide numeric assessment based on a scenario of 100 people (maximum) capacity and the resulting noise levels at the most affected sensitive receivers including the units within the development and presenting them against the noise criteria.***
- ***Section 5.7.2 provides a number of treatments that include limiting the use of the terrace to 20 people, the hours of operation and forbids the use of amplified music. These measures will be difficult to control as the terrace provides capacity for more than 20 people and people using the terrace can bring portable speakers.***
- ***A detailed assessment of the use of the terrace must be carried out where patron sound power levels must be presented as well as the different vocal efforts as per The Association of Australasian Acoustical Consultants guidelines or any suitable published or measured noise level for vocal efforts.***
- ***A scenario must be presented where the maximum patron capacity of the terrace is assessed with the correct vocal effort i.e. raised vocal and the resulting noise levels at each sensitive receiver are compared with the relevant noise criteria for day, evening and nighttime (where applicable)’.***
- The Rodney Stevens Acoustic Review indicates that ***‘a revised noise assessment using the correct methodology as per relevant guidelines must be prepared to determine if the proposed development complies with noise criteria requirements.’***
- The suggestion that acoustic privacy impacts can be resolved via a ‘cap’ on people numbers on the rooftop, ‘no amplified music’ and a time curfew are impractical. This will lead to issues for Council’s Compliance Team and the Police.
- **Acoustic impacts from the use of 2 x roof top terraces day and night would create an unreasonable and adverse impact on residential amenity, working from home and sleeping opportunities for long standing residents in this sensitive residential setting.**

Loss of Housing in a Housing Supply and Affordability Crisis:

- The **proposal results in a considerable loss of housing** (28 homes to 20) in this well-located area, close to employment and transport.
- The proposal creates **90% of 3 bedroom types with minimal mix**. This **does not represent apartment or affordability mix**.
- The proposal **undermines mandates of the Australian and NSW Governments to alleviate and solve the housing supply and affordability 'crisis'**.
- The **proposal is inconsistent with Clause 1.2 Aims/(e) of the SLEP 2012** which seeks **'to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing'**.

Boundary Comments:

- **Concern is raised to the impact of the scale of development and extensive and potentially damaging excavation on structures at the boundary.**
- **Concern is raised as to the height of walls at the boundary with No. 23 Billyard Avenue, and the potential additional scale and shadow impact.** These structures are not considered to be clearly legible on all plans.
- **Planting has the potential to worsen solar and light access impacts.**

Public Interest:

- **The proposal leads to impacts on solar, views, scale, privacy, net loss of housing and minimal re-supply of housing, or attainable/affordable housing.**
- **The proposal creates significant and adverse breaches of ADG separation and SLEP maximum height controls, with material impacts detailed and assessed.**
- **The proposal does not provide adequate information to rely on to determine the impacts.**
- **Existing ground levels and the assessment against the height provisions/interpretation are in question. The height variation is significant and results in adverse views, scale, solar, visual and acoustic privacy, heritage and area character impacts.**
- **Scale and amenity protection variations should not be supported where the public interest is significantly undermined. It is clear from the significant number and diversity of objections generated to this proposed development that it is widely considered to be out of step the public interest.**

Thank you for your consideration.

Sincerely,



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

Attachments:

Rodney Stevens Acoustic Assessment/Peer Review, August 2024

JK Geotechnics, Geotechnical Peer Review, August 2024

Photographs from June into apartments of No. 23 Billyard

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Additional Photographs of Sun into Northern Elevation, No. 23 Billyard Avenue (refer also to our original - 2023 submission)



Example of midwinter sunshine into apartments, northern elevation, No. 23 Billyard Avenue



Sunshine into the kitchen, northern elevation, No. 23 (June)



REPORT R240666R1

Revision 0

Peer Review Report
Proposed Development
21C Billyard Avenue, Elizabeth Bay

PREPARED FOR:
Natalie Ritcher Planning

7 August 2024

Peer Review Report

Proposed Development

21C Billyard Avenue, Elizabeth Bay

PREPARED BY:

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DOCUMENT CONTROL

Reference	Status	Date	Prepared	Checked	Authorised
R240666R1	Revision 0	7 August 2024	Camilo Castillo	Desmond Raymond	Desmond Raymond

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1 INTRODUCTION

Rodney Stevens Acoustics Pty Ltd (RSA) has been engaged by Natalie Ritcher Planning to conduct a peer review of the acoustic report 230100 - EB1 Elizabeth Bay - DA Acoustic Assessment – R2 dated 12th July 2023 and Addendum Letter 230100 - EB1 Elizabeth Bay – Updated DA Acoustic Review – R0 dated 19th July 2024 prepared by Pulse White Noise Acoustics PWNA) for the Proposed Development at 21C Billyard Avenue, Elizabeth Bay.

RSA's methodology consisted of reviewing the operation scenarios, methodology and acoustic assessment presented in both documents.

2 REVIEW

The report addresses the noise impacts from the proposed development 21C Billyard Avenue, Elizabeth Bay. The assessment forms part of the required DA documentation and covers the following acoustic aspects:

- Traffic Noise Intrusion from Onslow Avenue and Billyard Avenue
- Mechanical Plant noise
- Carpark Noise
- Communal Area
- Construction Noise Impact
- National Construction Code (NCC) formerly Building Code of Australia (BCA)

The PWNA report provides all relevant noise criteria based on standards, council and regulatory agencies in Sections 3 and 4 of the report. This is common practice in DA reports, however we note that the outdated reference to the BCA is made including the wrong section that covers acoustics. The report refers to Section F5 when the current NCC provides all requirements in Section F7

2.1 Ambient Noise Assessment and Criteria

Section 2.3.1 refers to the existing acoustic environment, the report presents the results of the ambient noise survey carried out in March 2023, the location of the noise logger and methodology falls in line with the requirements established in the Noise Policy for Industry (NPfI). The noise criteria for all time periods are correct and complies with all regulations referenced in the report



2.2 Noise Impacts and Assessment

2.2.1 Traffic Noise Intrusion

Section 5.1 of the PWNA presents the noise levels measured/predicted from both roads, the noise levels fall below the minimum required to have windows and doors closed to meet internal noise criteria. The NSW EPA Development Near Rail Corridors And Busy Roads – Interim Guideline in Section 3.6.1 states the following:

If internal noise levels with windows or doors open exceed the criteria by more than 10 dB(A), the design of the ventilation for these rooms should be such that occupants can leave windows closed, if they so desire, and also to meet the ventilation requirements of the Building Code of Australia

Standard window glazing of a building will typically attenuate noise ingress by 20 dB(A) with windows closed and 10 dB(A) with windows open (allowing for natural ventilation). Accordingly, the external noise threshold above which a dwelling will require mechanical ventilation is an $L_{Aeq(9\text{hour})}$ 55 dB(A) for bedrooms and $L_{Aeq(15\text{hour})}$ 60 dB(A) for other areas.

Where windows must be kept closed, the adopted ventilation systems must meet the requirements of the Building Code of Australia and Australian Standard 1668 – The use of ventilation and air conditioning in buildings.

It is common practice to design the facades most exposed to traffic noise to have an Rw30 glazing rating of 30, this is to safeguard from low frequency content from traffic noise. Table 17 provides the minimum glazing system requirements and states that a Rw 31 is required, this is in line with what would be expected from the traffic noise levels impacting on the building

Table 17 also provides indicative construction and specifies a 6.38mm laminates glass system, this system does not correlate to the required Rw rating of 31. The system is likely to achieve a Rw 35 rating (minimum). The table is misleading and can be interpreted as a requirement.

2.2.2 Mechanical Plant Noise

Section 5.3 presents the external noise emissions from the use of mechanical plant, the assessment provides generic recommendations for noise treatment. This is common practice for DA assessments where mechanical plant design is not available.

2.2.3 Communal Area Noise

Section 5.7 fails to address the noise impact from the proposed terrace. The report makes a single mention of a noise level of 1 person being 69 dB(A). The terrace has an approximate floor area of 150m² which calculates to an estimated capacity of 100 people.

The report does not provide numeric assessment based on a scenario of 100 people (maximum) capacity and the resulting noise levels at the most affected sensitive receivers including the units within the development and presenting them against the noise criteria.

Section 5.7.2 provides a number of treatments that include limiting the use of the terrace to 20 people, the hours of operation and forbids the use of amplified music. These measures will be difficult to control as the terrace provides capacity for more than 20 people and people using the terrace can bring portable speakers



A detailed assessment of the use of the terrace must be carried out where patron sound power levels must be presented as well as the different vocal efforts as per The Association of Australasian Acoustical Consultants guidelines or any suitable published or measured noise level for vocal efforts

A scenario must be presented where the maximum patron capacity of the terrace is assessed with the correct vocal effort i.e. raised vocal and the resulting noise levels at each sensitive receiver are compared with the relevant noise criteria for day, evening and night time (where applicable)

2.2.4 Acoustic Separation NCC

The report does not provide an assessment of inter-tenancy walls and floors, this is common at DA stage there is no detailed information on what building elements will be constructed

2.2.5 Construction Noise Impacts

Section 6 presents mitigation measures that deal with noise exceedances resulting from construction noise. The report fails to provide a numeric assessment of the noise generated during the construction stages.

3 DISCUSSION

PWNA's methodology, establishment of noise criteria and noise levels used for calculation purposes are not satisfactory for the assessment of noise from the proposed development. The findings presented in PWNA's report show that under their assumptions the proposed development has the potential to comply with the noise criteria. This is based on the unclear operational scenarios and not based on specific source sound power levels.

It is our opinion that a revised noise assessment must be carried out, specific scenarios for each time period must be provided representing the worst case scenario. The sound power levels used must be revised and patron and construction machinery noise must be included in each assessment.

4 CONCLUSION

RSA has conducted a review of acoustic report 230100 - EB1 Elizabeth Bay - DA Acoustic Assessment – R2 dated 12th July 2023 and Adendum Letter 230100 - EB1 Elizabeth Bay – Updated DA Acoustic Review – R0 dated 19th July 2024 prepared by Pulse White Noise Acoustics. The review looks into the methodology and noise control measures in the report and can confirm, the calculations and assumptions do not satisfy the relevant requirements

A revised noise assessment using the correct methodology as per relevant guidelines must be prepared to determine if the proposed development complies with noise criteria requirements

RSA trusts the above information meets with the immediate requirements and expectations. Please do not hesitate to contact RSA if you require further information or clarification

Prepared by:



Camilo Castillo

Principal Acoustic Consultant

Approved by:



Desmond Raymond

Director

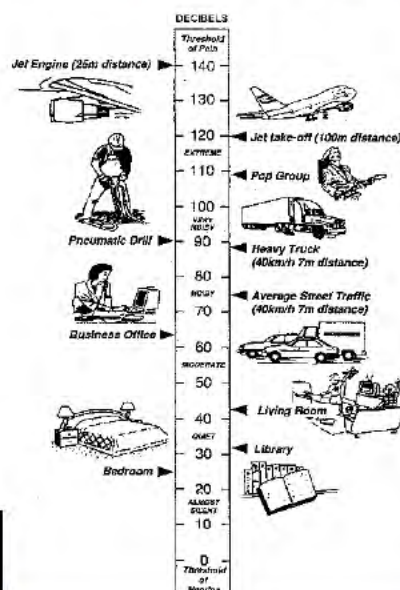


Appendix A – Acoustic Terminology

A-weighted sound pressure	The human ear is not equally sensitive to sound at different frequencies. People are more sensitive to sound in the range of 1 to 4 kHz (1000 – 4000 vibrations per second) and less sensitive to lower and higher frequency sound. During noise measurement an electronic ' <i>A-weighting</i> ' frequency filter is applied to the measured sound level <i>dB(A)</i> to account for these sensitivities. Other frequency weightings (B, C and D) are less commonly used. Sound measured without a filter is denoted as linear weighted <i>dB(linear)</i> .
Ambient noise	The total noise in a given situation, inclusive of all noise source contributions in the near and far field.
Community annoyance	Includes noise annoyance due to: character of the noise (e.g. sound pressure level, tonality, impulsiveness, low-frequency content) character of the environment (e.g. very quiet suburban, suburban, urban, near industry) miscellaneous circumstances (e.g. noise avoidance possibilities, cognitive noise, unpleasant associations) human activity being interrupted (e.g. sleep, communicating, reading, working, listening to radio/TV, recreation).
Compliance	The process of checking that source noise levels meet with the noise limits in a statutory context.
Cumulative noise level	The total level of noise from all sources.
Extraneous noise	Noise resulting from activities that are not typical to the area. Atypical activities may include construction, and traffic generated by holiday periods and by special events such as concerts or sporting events. Normal daily traffic is not considered to be extraneous.
Feasible and reasonable measures	Feasibility relates to engineering considerations and what is practical to build; reasonableness relates to the application of judgement in arriving at a decision, taking into account the following factors: Noise mitigation benefits (amount of noise reduction provided, number of people protected). Cost of mitigation (cost of mitigation versus benefit provided). Community views (aesthetic impacts and community wishes). Noise levels for affected land uses (existing and future levels, and changes in noise levels).
Impulsiveness	Impulsive noise is noise with a high peak of short duration or a sequence of

Low frequency	Noise containing major components in the low-frequency range (20 to 250 Hz) of the frequency spectrum.
Noise criteria	The general set of non-mandatory noise levels for protecting against intrusive noise (for example, background noise plus 5 dB) and loss of amenity (e.g. noise levels for various land use).
Noise level (goal)	A noise level that should be adopted for planning purposes as the highest acceptable noise level for the specific area, land use and time of day.
Noise limits	Enforceable noise levels that appear in conditions on consents and licences. The noise limits are based on achievable noise levels, which the proponent has predicted can be met during the environmental assessment. Exceedance of the noise limits can result in the requirement for either the development of noise management plans or legal action.
Performance-based goals	Goals specified in terms of the outcomes/performance to be achieved, but not in terms of the means of achieving them.
Rating Background Level (RBL)	Rating background noise level (RBL) – the overall single-figure background level representing each assessment period (day/evening/night) over the whole monitoring period (as opposed to over each 24-hour period used for the assessment background level). The rating background level is the median L_{A90} noise level measured over all day, evening and night time monitoring periods.
Receptor	The noise-sensitive land use at which noise from a development can be heard.
Sleep disturbance	Awakenings and disturbance of sleep stages.
Sound and decibels (dB)	Sound (or noise) is caused by minute changes in atmospheric pressure that are detected by the human ear. The ratio between the quietest noise audible and that which should cause permanent hearing damage is a million times the change in sound pressure. To simplify this range the sound pressures are logarithmically converted to decibels from a reference level of 2×10^{-5} Pa.

The picture below indicates typical noise levels from common noise sources.



dB is the abbreviation for decibel – a unit of sound measurement. It is equivalent to 10 times the logarithm (to base 10) of the ratio of a given sound pressure to a reference pressure.

Sound power Level (SWL)

The sound power level of a noise source is the sound energy emitted by the source. Notated as SWL, sound power levels are typically presented in *dB(A)*.

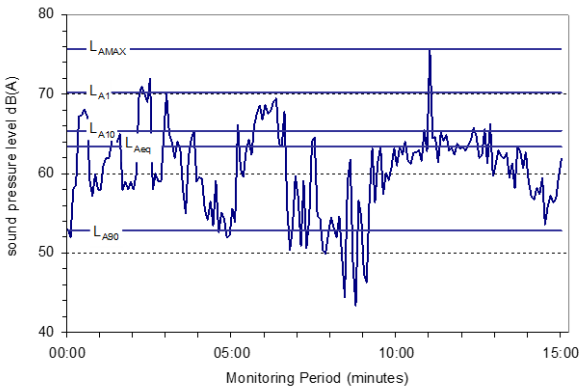
Sound Pressure Level (SPL)

The level of noise, usually expressed as SPL in *dB(A)*, as measured by a standard sound level meter with a pressure microphone. The sound pressure level in *dB(A)* gives a close indication of the subjective loudness of the noise.

Statistic noise levels

Noise levels varying over time (e.g. community noise, traffic noise, construction noise) are described in terms of the statistical exceedance level.

A hypothetical example of A weighted noise levels over a 15 minute measurement period is indicated in the following figure:



Key descriptors:

- L_{Amax}** Maximum recorded noise level.
- L_{A1}** The noise level exceeded for 1% of the 15 minute interval.
- L_{A10}** Noise level present for 10% of the 15 minute interval. Commonly referred to the average maximum noise level.
- L_{Aeq}** Equivalent continuous (energy average) A-weighted sound pressure level. It is defined as the steady sound level that contains the same amount of acoustic energy as the corresponding time-varying sound.
- L_{A90}** Noise level exceeded for 90% of time (background level). The average minimum background sound level (in the absence of the source under consideration).

Threshold

The lowest sound pressure level that produces a detectable response (in an instrument/person).

Tonality

Tonal noise contains one or more prominent tones (and characterised by a distinct frequency components) and is considered more annoying. A 2 to 5 *dB(A)* penalty is typically applied to noise sources with tonal characteristics



Appendix B – Curriculum Vitae

Camilo Castillo

Principal Acoustic Consultant

Qualifications

- Masters Degree in Design Science (Audio and Acoustics)
- Member of the Australian Acoustical Society

Industry Skills

I am a principal consultant at Rodney Stevens Acoustics and have been practicing in the field of acoustics for over 15 years.

I have a Masters Degree in Design Science (Audio and Acoustics) from the University of Sydney, I have experience across a broad spectrum of acoustic related projects. Main duties involve assessing noise impacts from commercial, industrial and other sources into sensitive receivers, preparation of acoustic reports for submission to councils and other regulatory bodies for the purpose of development applications, construction and occupation certificates; design, analysis and mitigation of measures to achieve compliance with relevant regulations in terms of noise and vibration.

Experience

Environmental Assessments

Greyhound Australia Bus Depot – redevelopments of current facilities; Ausgrid – review and treatment recommendation of current and future network assets; Parliament House – Assessment of proposed mechanical plant changes; Penrith Showground Race Track – Noise impact from race track on adjoining new development; Belfield College – Design and assessment of proposed upgrade; Marian Catholic College – Design of new building on campus; Sasanadhaja Temple – Design and assessment of proposed temple; Glenwood Sikh Gurdawara Temple – Design and assessment of proposed hall extensions; Child Care Center assessments for a number of councils across Sydney; Licensed venues – Chamberlain Hotel, Guildford Bowling Club, Brighton Le Sans RSL Club, Revesby Bowling Club, ABL Club, Petersham Inn, Greystanes Hotel.

Building Acoustic

F45 Gymnasium – Assessment of noise impact from F45 gyms across Sydney; St Madeleine Sophie Parish Church – Internal design and reverberation time; Office Point – Design of new fit out; 3 Corrie Road, North Manly – Acoustic assessment of inter-tenancy noise transmission; Mars Factory – Design of EWIS system; The Jazz Factory – Design of dance studios and other spaces; Show Season Salon – Design of internal spaces – Duti Studios – St Luke's Catholic School – Qualtrics Office fit out – St Agnes Catholic School

Aircraft Noise

Assessments of aircraft noise for developments from Kingsford Smith, Badgerys Creek, Bankstown and



Vibration

Assessment of train vibration for multiple developments across Sydney; Construction noise vibration assessment and monitoring for 1 Newland Street, Bondi Junction (Krulis Commercial); Vibration assessments for F45 gymnasiums across Sydney, ongoing vibration monitoring at Macquarie Hospital

Professional History

- August 2015 to present date – Principal Consultant
Rodney Stevens Acoustics
- November 2009 to July 2015 – Project Engineer
PKA Acoustic Consulting
- April 2008 to July 2009 – Graduate Consultant
SLR Consulting (Heggies Pty Ltd)

Date: 7 August 2024

Ref: 36892Hlet

The Owners – Strata Plan 67057
C/- GK Strata Management Pty Ltd
Locked Bag 22
HAYMARKET NSW 1240

GEOTECHNICAL OPINION

PEER REVIEW OF PROPOSED DEVELOPMENT AT 21C BILLYARD AVENUE, ELIZABETH BAY, NSW

1 INTRODUCTION

This letter has been prepared by Adrian Hulskamp, a Principal Associate Geotechnical Engineer at JK Geotechnics, and presents his geotechnical peer review of the proposed development at the above site.

I understand from a letter prepared by Bill MacKay of City of Sydney (COS) dated 24 July 2024, that the development proposal (D/2023/727) was refused by COS and is being appealed in the Land and Environment Court.

I was instructed to carry out the peer review by Natalie Richter Planning in an email dated 31 July 2024, on behalf of The Owners – Strata Plan 67057.

A summary of the proposed development is provided in Section 2 below. A site location plan is presented as Figure 1. For the purpose of this letter, I have taken Billyard Avenue and Onslow Avenue to bound the development site to the north-east and south-west, respectively.

My peer review is presented in Section 6 below

I am a practicing Geotechnical Engineer with a Bachelor of Engineering (in Environmental Engineering) and a Master of Engineering Science (in Geotechnical Engineering) from the University of NSW. I have over 24 years experience as a Geotechnical Engineer, a significant portion of which has been providing geotechnical advice to avoid the damage to structures as a result of deep excavation, shoring and construction works for developments in Sydney, as well as carrying out inspections and providing geotechnical advice during construction. My Curriculum Vitae is attached in Appendix A.



2 SUMMARY OF PROPOSED DEVELOPMENT

From the provided architectural drawings by Smart Design Studio (Project. 2235 Billyard 21C, Issue F, dated 18 July 2024), I understand that following demolition of the existing buildings at 21C Billyard Avenue and 10 Onslow Avenue (“the site”), the proposed development will comprise construction of two residential towers up to eight storeys high over several basement levels that will extend to, or relatively close to, the north-western, south-western and south-eastern site boundaries.

The outlines of the three lowest proposed basement levels (B06, B07 and B08) are shown on the attached Existing and Proposed Basement Layout Plan presented as Figure 2. The finished floor levels (FFL) of these basement levels are at RL3.3m (B06), RL1.725m (B07) and RL0.197m (B08). To achieve the basement FFLs, I envisage that excavation to maximum depth of about 13.1m will be required most of which will be within the south-western portion of the site and below the existing basement within 10 Onslow Avenue.

The ground floor FFL of the proposed tower to be located within the north-eastern portion of the site will range from RL6.45m to RL6.9m. To achieve these levels, excavation to a maximum depth of about 4.6m will be required within the central portion of the site outside the footprint of the existing basement within 10 Onslow Avenue with the depth of excavation tapering to about on-grade along the Billyard Avenue frontage.

3 ASSESSMENT PROCEDURE

As part of the peer review, I carried out a walkover inspection within the neighbouring properties (i.e. 21B and 23 Billyard Avenue and 8 and 12 Onslow Avenue) and along Billyard Avenue and Onslow Avenue adjacent to the site on 2 August 2024, to observe the topographic, surface drainage and geological conditions of the area and its immediate environs.

No access to the site was possible at the time of my inspection, and no additional subsurface investigation was carried out.

I referred to the following relevant documents for the proposed development as part of the review:

- Survey plans prepared by Beveridge Williams (Project No. 2202698, Drawing Ref. DET-001, Sheets 1 to 11, dated 5 July 2024). The survey datum is the Australian Height Datum (AHD);
- Architectural drawings by Smart Design Studio as referenced in Section 2 above;
- Geotechnical Investigation Report by Morrow Geotechnics Pty Ltd, Ref. P2843_01 rev3, dated 2 July 2024 [Morrow2024];
- A Structural Letter by Eckersley O’Callaghan Pty Ltd (Ref. 723013.C020001.0m dated 4 July 2023); and
- A DA Acoustic Assessment report by Pulse White Noise Acoustics (Report Ref. 230100 – EB1 Elizabeth Bay – DA Acoustic Assessment – R2, dated 12 July 2023, Issue 2).

Morrow2024 included the drilling of six cored boreholes (BH1 to BH6) to the depths/RLs tabulated below. The approximate borehole locations are shown on Figure 2.

Borehole	Approximate Surface RL (mAHD)	Depth(m)/RL(mAHD)
1	6.5	5.0/1.5
2	6.5	5.0/1.5
3	10.7	9.98/0.72
4	10.7	10.69/0.01
5	14.7	15.35/-0.65
6	10.8	20.84/-10.04

4 SUBSURFACE CONDITIONS

From the results of Morrow2024, reference to the core photographs provided and my site observations, I provide the following summary of the subsurface conditions encountered in Morrow2024, along with some comments.

1. The 1:100,000 series geological map of Sydney (Geological Survey of NSW, Geological Series Sheet 9130) indicates the site, as well as the neighbouring properties to the north-west and south-east, to be underlain by man-made fill close to the contact with the underlying Hawkesbury Sandstone. From my experience, the boundaries between the different geological units shown on the geological map are approximate only, as I would expect the majority of the site to be underlain by sandstone bedrock at shallow depth noting the presence of sandstone bedrock outcrops in the neighbouring properties.
2. The boreholes generally encountered sandy or gravelly fill ranging in depth from 0.48m (BH3) to 0.8m (BH1) overlying sandstone bedrock. BH5, which was drilled inside the existing P1 basement, encountered a 100mm thick concrete floor slab directly underlain by sandstone bedrock. Morrow2024 made no assessment of the fill compaction, but from my experience on other nearby sites, I would expect the fill to be poorly compacted.
3. The sandstone bedrock was assessed by Morrow Geotechnics to be mostly highly and moderately weathered from first contact improving with depth to slightly weathered and fresh, and of predominantly medium to high strength. The rock cores show the sandstone bedrock encountered in the boreholes contained relatively few and often widely spaced defects.
4. In accordance with the paper 'Classification of Sandstones and Shales in the Sydney Region: A Forty Year Review' by Pells et al., Australian Geomechanics, June 2019, I consider that most of the sandstone bedrock encountered in the rock cores to be Class III and Class II sandstone, with some Class IV sandstone, which is broadly the same as interpreted in Morrow2024.
5. Morrow2024 reports the shallow groundwater measured in the monitoring wells installed into BH1 and BH2 to be affected by surface water infiltration so should not be relied upon. The reported groundwater levels in BH5 between 3 May 2023 and 12 June 2024, were between depths of 7.09m and 7.53m. No other long term groundwater monitoring was carried out. A groundwater monitoring well was installed into BH6 with a response zone within the bedrock, though no groundwater level monitoring from BH6 was reported in Morrow2024.

5 NEIGHBOURING BUILDINGS

Morrow2024 did not describe the neighbouring buildings to the site. To provide some context when I present by geotechnical opinion in Section 6, I note below some of the relevant observations of the neighbouring structures from my walkover inspection.

21B Billyard Avenue

The first neighbouring property to the north-west (21B Billyard Avenue) contained a brick apartment building that was set back at least 0.2m from the common boundary, though most of the building was set back about 1.8m from the common boundary.

There was a brick fence along most of the common boundary which supported ground surface levels within the neighbouring property to a maximum height of about 0.3m, but up to about 0.7m at its north-eastern end. As the rear (south-western portion) of the building had been constructed by excavating into the hillside, cut faces of moderately weathered sandstone bedrock of generally medium strength were exposed behind the rear of the building and near the staircase at the south-western corner. An exposure of sandstone bedrock is outlined by the red circle in Plate 1 below.



Plate 1: View looking south-west between 21C Billyard Avenue (left side) and 21B Billyard Avenue (right side).

8 Onslow Avenue

The second neighbouring property to the north-west (8 Onslow Avenue) contained a brick apartment building that abutted the common boundary. The survey plan indicates a two level basement car park below the building, however I have been advised by the neighbour that is incorrect. From our walkover inspection and observations from Onslow Avenue, it was difficult to assess the surface levels across the common boundary but I note the adjoining basement within 10 Onslow Avenue which extends to the common boundary and is at a lower level. Refer to Plate 2 below.



Plate 2: View looking north-east between 8 Onslow Avenue (left side) and 10 Onslow Avenue (right side)

23 Billyard Avenue

The first neighbouring property to the south-east (23 Billyard Avenue) contained a brick apartment building that was set back about 2.0m from the common boundary. Along the north-eastern end of the common boundary was a mortared sandstone block wall, which I understand is to be retained as part of the proposed development. There was erosion of the mortar between some blocks and the wall appeared to have a slight lean to the north-west. Ground surface levels on either side of the wall were generally similar. Refer to Plates 3 and 4 below.



Plate 3: View looking north-east between 21C Billyard Avenue (left side) and 23 Billyard Avenue (right side)



Plate 4: View looking south-west between 23 Billyard Avenue (left side) and 21C Billyard Avenue (right side)

12 Onslow Avenue

The second neighbouring property to the south-east (12 Onslow Avenue) contained a rendered brick apartment building that was set back between about 1.0m and 3.0m from the common boundary. Ground surface levels across the common boundary were lower noting the adjoining ramp down into the basement within the site, however, I note the adjoining basement within 10 Onslow Avenue which extends to the common boundary and is at a lower level. Refer to Plate 5 below.



Plate 5: View looking north-east between 10 Onslow Avenue (left side) and 12 Onslow Avenue (right side)

6 GEOTECHNICAL OPINION

I outline my geotechnical opinion below in response to the subsurface investigation that has been completed, the recommendations provided in Morrow2024 and any inadequacies therein. My opinion is based on a review of the provided information, my understanding of the proposed development, my site observations, the available subsurface information and my experience as a geotechnical engineer.

Additional Geotechnical Investigation

1. Whilst Morrow2024 included the drilling of cored boreholes to assess the depth to and quality of the underlying sandstone bedrock, no advice on any further geotechnical investigation was provided. I note that five of the six boreholes were located within the north-eastern portion of the site, and only one borehole was drilled within the south-western portion of the site where the majority of the excavation will be carried out. Apart from BH6, the other boreholes were only just drilled to be below the lowest proposed basement level. In my opinion, an additional geotechnical investigation should be carried out to provide adequate site coverage and to assess whether the sandstone bedrock will likely be stable when cut vertically and the extent of any shoring.
2. I consider that at least an additional four deep cored boreholes should be drilled to at least 3m below the lowest proposed basement level within the south-western portion of the site.
3. There is an existing basement below 10 Onslow Avenue, and the basement retaining walls extend to the north-western, south-western and south-eastern site boundaries. As the existing basement structure will be demolished as part of the proposed development, care must be taken during demolition and subsequent excavation to not remove support from the site boundaries, as this may result in damage to the adjoining buildings and any boundary walls. Temporary propping of the existing basement retaining walls along with a staged removal process will probably be required, with the details of the propping to be advised by the project structural engineer.
4. Prior to or during demolition, but before the commencement of bulk excavation, the additional investigation must include test pits (to be inspected by the project geotechnical and structural engineers) along the site boundaries to assess the footing details and foundation materials of any boundary structures, so that the structural engineer can provide advice on the extent of any shoring and/or underpinning that may be required.
5. As the proposed basement excavation will extend below groundwater, construction of the basement is considered to be an aquifer interference activity. Such activities are subject to the Water Management Act 2000 and NSW Aquifer Interference Policy and are regulated by the Department of Planning, Housing and Infrastructure (DPHI) [formerly the Department of Planning, and Environment (DPE)], WaterNSW and Natural Resource Access Regulator (NRAR). DPHI's policy on basements is that ongoing or frequent dewatering of basements over their life is inconsistent with the principles of sustainable development and, where such dewatering is required, basements should be tanked. Dewatering during construction is permitted but is regulated through licencing which must either be obtained from WaterNSW. The DPE document, 'Minimum Requirements for Building Site Groundwater

Investigations and Reporting', dated October 2022 outlines the minimum scope of investigation required where a proposed basement intersects groundwater. Therefore, the additional geotechnical investigation must also meet the requirements of this document, including the requirement for long term groundwater level and quality monitoring.

Dilapidation Surveys

6. Morrow2024 provides no advice on completing dilapidation surveys on the neighbouring structures. Dilapidation survey reports can be used as a benchmark against which to set vibration limits for rock excavation and for assessing possible future claims for damage arising from the works.
7. Prior to the commencement of any demolition, dilapidation surveys should be completed on the neighbouring buildings to the north-west (8 Onslow Avenue and 21B Billyard Avenue) and south-east (12 Onslow Avenue and 23 Billyard Avenue), as well as any boundary walls/fences, or other landscape walls, which are to be retained. The respective owners should be asked to confirm in writing that the dilapidation survey report on their property presents a fair assessment of the existing conditions. As dilapidation survey reports are relied upon for the assessment of potential future damage claims, they must be carried out thoroughly with all defects rigorously described (ie. defect type, defect location, crack width, crack length etc) and defects photographed where practical. I note that Council may also request dilapidation surveys on their assets (ie. roadways, footpaths, kerb and gutters etc).
8. Dilapidation survey reports where only photographs and very brief or no defect descriptions are provided and without a plan showing the defect locations should be rejected.

Batter Slopes and Shoring

9. Morrow2024 provides general advice and earth pressure parameters in relation to excavation retention, but does not provide specific shoring recommendations for the subsurface conditions, i.e. shallow sandy fill over expected good quality sandstone bedrock. Subject to completion of the additional geotechnical investigation and inspection of the test pits as discussed above, the likely scenario for the shoring along the site boundaries would be concrete gravity retaining walls constructed in stages along the crest of sandstone cut faces to support the soils, with permanent sandstone cut faces below. The exception might be where there is already a boundary wall, that is either founded on bedrock, or underpinned to the bedrock.
10. Although unlikely, if the results of the additional investigation indicate areas of potentially deeper soils or poorer quality bedrock, alternative shoring would need to be installed such as an anchored soldier pile or contiguous pile wall terminated in the underlying better quality sandstone bedrock.
11. Subject to completion of, and confirmation by, the additional geotechnical investigation, as well as frequent geotechnical inspection of the cut faces at regular depth intervals during excavation (usually not more than about 1.5m apart), it is likely the sandstone bedrock along the sides of the excavation can be cut vertically. The purpose of the inspections is to identify adversely orientated defects which can isolate blocks or wedges of sandstone and/or bands of weaker rock which may require

stabilisation, such as with rock bolts, reinforced shotcrete, etc. Temporary rock bolts which extend across the site boundary will require permission from the neighbouring property owner to install. In the permanent case, a retaining wall would need to be constructed in front of the cut face and backfilled with no-fines concrete, as I expect permission to install permanent rock bolts will not be provided by the neighbours as an easement would be required.

Excavation and Vibration Monitoring

12. Whilst Morrow2024 provides advice on the type of plant and rock excavation equipment to excavate the fill and sandstone bedrock, Morrow2024 states that *'Monitoring of vibration levels may be required to ensure vibrations levels remain below threshold values during the construction period'*. In my opinion, the use of hydraulic rock hammers on the site must be strictly controlled as there will almost certainly be transmission of ground vibrations to the neighbouring buildings which are all expected to be founded on sandstone bedrock, and buried services.
13. Rather than recommending 'safe working distances for vibration intensive plant' as stated in Morrow2024, I consider it more appropriate to carry out continuous quantitative vibration monitoring whenever hydraulic rock hammers are used during demolition and excavation to check that the vibrations are within acceptable limits. If the vibrations are too high, such vibrations may cause damage to nearby structures. Vibration monitors should therefore be set up on the neighbouring buildings to the north-west and south-east and the monitors fitted with flashing warning lights and sirens which would warn if vibrations exceed the pre-set limits.
14. The vibrations on the neighbouring buildings should be tentatively limited to a peak particle velocity of 5mm/sec, subject to confirmation by the structural engineer following their review of the dilapidation survey reports. A lower vibration limit may be applicable for any sandstone block walls, or other more sensitive structures. If higher vibrations are recorded, they should be assessed against the values in the German Standard DIN 4150 – Part 3: 1999, as higher velocities may be acceptable depending on the associated vibration frequency.
15. Where vibrations are monitored and within acceptable limits, they may still be perceptible to humans inside the neighbouring buildings.
16. Apart from advising on 'safe working distances' depending on the type of plant being used, Morrow2024 does not provide any other specific advice on ways to manage or reduce vibrations, such as by providing saw cuts around the perimeter of the rock excavation, ahead of the bulk excavation, or what precautions should be implemented if the transmitted vibrations are excessive, such as changing to alternative lower vibration emitting excavation equipment like a smaller rock hammer, rotary grinder or sawing into blocks, etc.
17. Depending on the set back and construction methodology of the neighbouring basement structures, there is a possibility that the proposed excavation may result in rock plinths being formed along some sections of the site boundaries. Prior to bulk excavation, a surveyor under the direction of the architect,

should prepare sections across the north-western and south-eastern site boundaries at approximately 3m intervals. If a potentially unstable rock plinth may be formed, then the plinth will need to be supported such as by using vertical rock bolts or a retaining wall, or may be able to be removed, subject to further geotechnical assessment.

Stress Relief

18. Morrow2024 provides no comment that in Sydney, there is a relatively high in-situ horizontal stress field. When an excavation extends into sandstone bedrock, horizontal stresses can be relieved, resulting in possible movement of the cut faces into the excavation. These movements can be in the order of about 0.5mm but up to 2.5mm for each metre depth of excavation into sandstone bedrock. These movements are expected to reduce with distance away from the cut faces and are expected to occur during excavation.
19. As the site is on the side of a hill and there has already been excavation carried out for the existing basement below 10 Onslow Avenue, these factors will counteract the effects of any further stress relief and I would expect the range of possible movement to be towards the lower to mid-range of the values reported above in item 18.
20. Due to the insitu stresses in the bedrock, it is not feasible to restrain the cut faces from these movements. To predict the magnitude of possible lateral ground movements due to horizontal stress relief, the additional geotechnical investigation should allow for 3D finite element modelling of the proposed basement excavation. Once the magnitude of ground movements due to stress relief are predicted, the project structural engineer must advise how the effects of such will be managed during construction with such advice to be included in the GHMP and CMS; refer to items 21 and 22 below.

Concluding Remarks and Preparation of a Geotechnical and Hydrogeological Monitoring Program (GHMP)

21. The proposed development will require demolition of the existing buildings within the site followed by a deep excavation that is expected to extend through shallow fill but mostly into sandstone bedrock of at least medium strength. The neighbouring buildings are in close proximity to the existing/proposed basement excavation and all within the 'zone of influence' of the excavation. Therefore, demolition, temporary support measures, shoring and retaining wall construction, excavation, provision of drainage and subsequent construction activities will require careful sequencing so that support is not removed from the site boundaries and any transmitted vibrations are kept within acceptable limits.
22. Prior to the commencement of any site works, the builder should submit a Construction Method Statement (CMS). The CMS should include, but not be limited to, the proposed demolition, shoring and excavation sequencing, the type of equipment and plant to be used and the various inspection intervals and/or hold points. Each activity must be satisfactorily completed and signed off by the relevant consultant, before the next activity is commenced. The project geotechnical engineer and structural engineer must review and approve the CMS, prior to its implementation.
23. Prior to any site works, the project geotechnical engineer should prepare a GHMP which must set out the geotechnical and hydrogeological monitoring required during construction. Part of the GHMP is to

review and approve the structural and hydraulic drawings for the development. The GHMP must set out a Vibration Monitoring Program (VMP) and a Movement Monitoring Program (MMP). The VMP is to prescribe the vibration limits, the type of vibration monitoring instrumentation to be used, the monitoring frequency and a recommended work procedure. The MMP is to prescribe settlement and lateral deflection limits, the proposed monitoring locations, the survey monitoring instrumentation, the monitoring frequency and a recommended work procedure.

24. Once the GHMP has been prepared, it should also be peer reviewed.

Should you require any further information regarding the above, please do not hesitate to contact the undersigned.

Yours faithfully
For and on behalf of
JK GEOTECHNICS



Adrian Hulskamp
Principal Associate I Geotechnical Engineer
NSW Fair Trading RPE No. PRE0000739

Figure 1: Site Location Plan
Figure 2: Existing and Proposed Basement Layout Plan
Appendix A: Curriculum Vitae for Adrian Hulskamp

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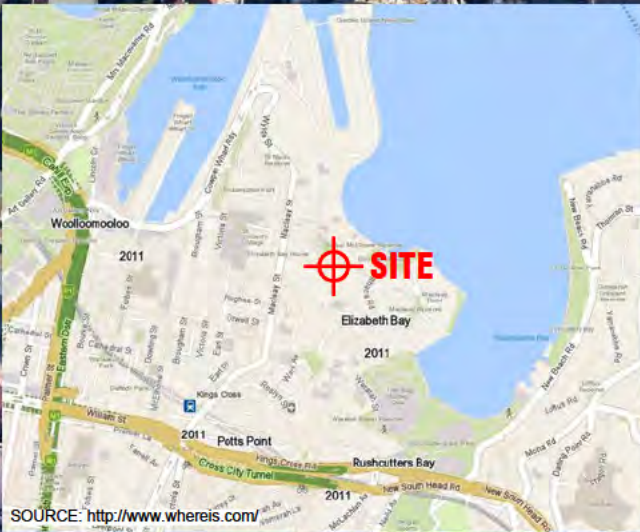
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- a) JKG's proposal in respect of the work covered by the Report;
- b) The limitations defined in the Client's brief to JKG;
- c) The terms of contract between JK and the Client, including terms limiting the liability of JKG.

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AERIAL IMAGE SOURCE: MAPS.AU.NEARMAP.COM

Title:

SITE LOCATION PLAN

Location: 21C BILLYARD AVENUE AND 10 ONSLOW AVENUE,
ELIZABETH BAY, NSW

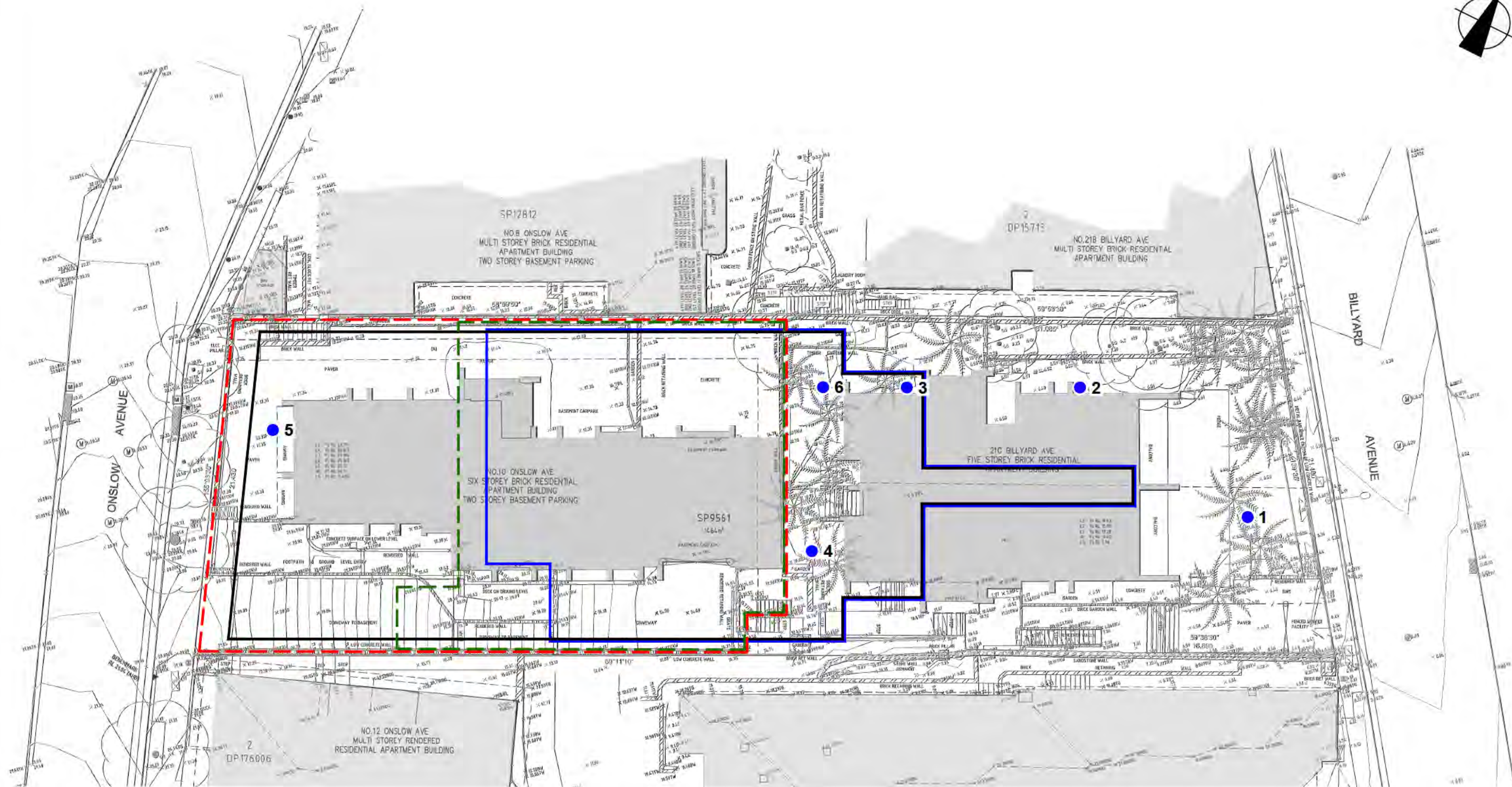
Report No: 36892PH

Figure No: 1

This plan should be read in conjunction with the JK Geotechnics report.

JK Geotechnics





LEGEND

- APPROXIMATE PREVIOUS BOREHOLE LOCATION BY MORROW GEOTECHNICS
- APPROXIMATE OUTLINE OF EXISTING BASEMENT LEVEL P1 RL14.73
- APPROXIMATE OUTLINE OF EXISTING BASEMENT LEVEL P2 RL12.10
- APPROXIMATE OUTLINE OF PROPOSED BASEMENT LEVEL B07-B06 RL1.725 AND RL3.300
- APPROXIMATE OUTLINE OF PROPOSED BASEMENT LEVEL B08 RL0.197

0 2.5 5 7.5 10 12.5
SCALE 1:250 @A3 METRES

This plan should be read in conjunction with the JK Geotechnics report.

Title: **EXISTING AND PROPOSED BASEMENT LAYOUT PLAN**

Location: 21C BILLYARD AVENUE AND 10 ONSLOW AVENUE, ELIZABETH BAY, NSW

Report No: 36892PH

Figure No: 2

JKGeotechnics





APPENDIX A

Adrian Hulskamp

EDUCATIONAL QUALIFICATIONS	Bachelor of Engineering (Environmental), UNSW (Honours Class 2) 2000 Master of Engineering Science (Geotechnical Engineering) UNSW 2008
MEMBERSHIPS	Member, Engineers Australia (EA) ID1480317 Member, Australian Geomechanics Society NSW Fair Trading Registered Professional Engineer (RPE) PRE0000739 Chartered Professional Engineer (CPEng), NER



PROFESSIONAL HISTORY

2000 – Present	<p>Principal Associate, formerly Senior Associate (2014 – October 2023), Associate (2010 – 2014), Senior Geotechnical Engineer (2005 – 2010) and Geotechnical Engineer (2000 – 2005) JK Geotechnics, Sydney, NSW</p> <p>Responsibilities and achievements:</p> <ul style="list-style-type: none"> • Coordination of insitu investigation techniques including spiral auger drilling, hollow flight auger drilling, mud drilling, diamond coring (NMLC and TT56) and test pit excavations. Experienced in a variety of sampling techniques such as disturbed auger sampling, disturbed bulk sampling, U50 tube sampling, environmental soil sampling and Acid Sulphate Soil Sampling. Responsible for directing the geotechnical field investigation for proposed development at East Darling harbour (now Barangaroo) which included the direction of drilling of 120 geotechnical boreholes. • Field testing experience includes Dynamic Cone Penetrometer, Standard Penetration Testing, insitu permeability tests, soil index tests, hand penetrometer tests, vane shear testing, Water Pressure 'Packer' testing, Point Load Strength Index testing, fill compaction, stockpile sampling, PID testing and Schmidt Hammer testing. • Assisted and coordinated a number of large geotechnical inspection projects including site supervision of the shoring piles and internal footings for the 'Arena' apartments in Rockdale, Sydney, NSW and the Special Operations Working Accommodation project at Holsworthy Barracks, NSW. Inspection experience for different types of footing solutions include pad/strip footings, bored piles and grout injected auger piles. Inspection experience also includes proof rolling inspections for the detection of 'soft' or 'unstable' subgrade. • Piezometer installation (including VW Piezometer and Casagrande Piezometer), groundwater monitoring and sampling. • Stability assessments including detailed walkover surveys, geotechnical mapping, and comprehensive drilling, test pit, inclinometer and piezometer monitoring. • Computer based stability analyses have been undertaken to assess the stability of existing seawalls for projects located at Mosman Bay, Cronulla Beach and Kogarah Bay, both in their existing condition as well as effects of erosion, saturation, rapid drawdown on stability and proposed designs. • Investigations for several seawalls, marinas and waterway rehabilitation works along the Sydney coastline and Sydney Harbour, Georges River, Woronora River and Pittwater, comprising detailed investigations including boreholes, off-shore drilling from barges, test pits and computer based stability analyses. • Preparation of Expert Witness reports. • Project Management, analysis and reporting for all types of geotechnical investigations, including large residential developments with deep basements, bridges, bridge upgrades and pavement investigations. • Forensic investigations, including the geotechnical investigation into the Pacific Highway collapse above Piles Creek in Somersby, NSW and the failure of the IDAL embankments at West Camden STD, NSW • Investigations for proposed track reconditioning works for Rail Corporation NSW (now Sydney Trains). Fieldwork included excavation of test pits both within the four foot and at the base of platform retaining walls and other structures to assess ballast depth, thickness of capping and subgrade formation.
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- Completion of the AGS Engineering Geology Course in Wollongong in 2010
- Completion of IAMA Expert Witness Course in Sydney in 2012.
- JK Geotechnics Training Committee Member.

Adrian Hulskamp is a Chartered Professional Engineer, has over 24 years experience as a geotechnical engineer and has a wide range of experience throughout the Sydney metropolitan area, regional NSW and selected interstate and overseas locations. Adrian's experience ranges from directing the fieldwork for a geotechnical investigation, preparing tenders and scopes of work including costing for geotechnical investigations and assessments, analysis of the results, assessing the stability of excavations, preparing geotechnical reports and delivering to the Client.

Adrian has extensive experience assessing the geotechnical stability of sites for projects in the Snowy Mountains region of NSW, in accordance with the requirements of the Kosciuszko Alpine Resorts Geotechnical Policy.

Key Projects	<ul style="list-style-type: none">• IKEA Tempe: Geotechnical investigations and over 50 site inspections during construction over an 18 month period. IKEA Tempe comprises the largest warehouse store in the southern hemisphere with a total area of 39,000m².• Information Technology and Engineering (ITE) Building at Broadway for UTS: The 12 storey building was constructed over 4 basement levels, requiring excavation to a maximum depth of 23m, immediately adjacent to existing roads and buildings. Adrian was responsible for directing the site investigation which included the drilling of deep cored boreholes (both vertical and inclined boreholes) below the lowest basement level and preparing the geotechnical and hydrogeological investigation report with advice on excavation conditions, excavation support, retaining wall design parameters and footings. Key constraints for the project included the possible presence of future twin railway tunnels adjacent to the basement and an existing Transgrid tunnel.• Barangaroo, Sydney: Adrian was directly responsible for leading the geotechnical investigation which included a grid of over 100 cored boreholes across the site.• Digital Train Radio System (DTRS) for UGL Infrastructure: Geotechnical investigation and provision of design services for proposed communication towers at over 100 individual sites, as well as providing advice on construction issues.• Proposed Mixed Use Development at Campbelltown: Development approval was given for a multi-level apartment building underlain by two basement car parking levels that was located immediately adjacent to the rail corridor. The initial geotechnical investigation included both augered and cored boreholes. Adrian carried out 2D finite element analysis to assess the potential impact of the proposed development on the adjoining rail corridor. A track monitoring program was also prepared and submitted to Sydney Trains.• Manly Oval Carpark: Geotechnical investigations and groundwater monitoring for a complex geological site in Manly, Sydney. The investigation included deep cored boreholes ranging in depth up to 38m for a proposed two level basement carpark.• Expert Witness for a Damaged Property, Rushcutters Bay: Provision of geotechnical expert advice in relation to a damaged property in Rushcutters Bay, due to adverse retaining wall movements and vibrations on an adjoining property.• Friday Flat Car Park CP2, Thredbo Ski Resort: Adrian was responsible for carrying out a geotechnical investigation and stability assessment for a proposed new car park on the northern side of Friday Drive in Thredbo Ski resort. The project continued to design and construction and included review of the civil drawings and carrying out several geotechnical inspections during construction. These inspections provided specific advice to the builder and
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earthworks contractor on subgrade preparation, including design and construction of a 'bridging layer' where heaving of the subgrade occurred during proof rolling. Our advice was in consultation with the project civil engineer.

- **Existing Warehouses, Wetherill Park:** Geotechnical investigations and load rating assessments of two very large warehouses in Wetherill Park. The load rating assessment was based on the rigorous design methods outlined in the Cement and Concrete and Aggregates Australia (CCAA) T48 'Guide to Industrial Floors and Pavements'.
 - **Rock Face Stabilisation Works, Cronulla:** Following a rock slide from a portion of a heritage cliff face along The Esplanade in Cronulla, NSW, Adrian was responsible for assessing the stability of the cliff face within, and adjacent to, the property where the slide occurred, and providing subsequent geotechnical advice on stability, risk levels and stabilisation measures to the property owner, Council and contractor.
 - **Expert Witness for a Damaged Property, Sans Souci:** Provision of geotechnical expert advice in relation to a damaged property in Sans Souci, due to adverse retaining wall movements from an excavation on an adjoining property.
 - **Expert Witness for Two Damaged Properties, Maroubra:** Provision of geotechnical expert advice in relation to damaged properties in Maroubra, due to ground disturbance from an excavation on an adjoining property.
-

From: [REDACTED]
Sent on: Wednesday, August 7, 2024 5:45:45 PM
To: Julia Errington <JErrington@cityofsydney.nsw.gov.au>
CC: [REDACTED]
Subject: Submission and Peer Review Documents - Re: DA 21C Billyard Avenue, and 10 Onslow Avenue, Elizabeth Bay Development Application No. D/2023/727 For: 23 Billyard Avenue Elizabeth Bay
Urgent: High

Attachments: Submission_Amended Plans_21C Billyard Avenue Elizabeth Bay NSW 2011_D2023_727_7 August 2024.pdf (383.63 KB), Geotechnical Peer Review_36892Hlet Elizabeth Bay_August 2024.pdf (5.14 MB), Acoustic Peer Review_R240666R1 Rev0 - 21C Billyard Avenue Elizabeth Bay_August 2024.pdf (324.44 KB), Planning Submission_21C Billyard Avenue Elizabeth Bay NSW 2011_D2023_727_20 September 2023_For SP 67057.pdf (950.79 KB)

Follow up: Follow up
Follow up status: Completed
Completed on: Monday, August 12, 2024 11:46:00 AM

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 Julia and Council Staff,

Attached please find our Planning Submission/Amended Plans prepared for the adjoining residents at 23 Billyard Avenue Elizabeth Bay.

Attached also are 2 x Peer Reviews – one into Geotechnical aspects due to concerns and the other, Acoustic aspects. These reports dated today's date, they raise alternative views and some issues with representations made and require assessment.

For background and to provide photos of amenity and solar access to be impacted by the proposed plans, I have also *attached our original submission from 2023* to the DA just as background.

The amended plans remain problematic in terms of impacts on neighbours with the non-compliant scale.

Thank you for reading this Submission and we are available to answer any questions you may have.

Thank you for your attention to this matter.

Regards,

Natalie

Natalie Richter Planning
[REDACTED]

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7 August 2024

**The Presiding Commissioner of the Land and Environment Court of NSW
C/o: Andrew Simpson, Senior Solicitor Legal and Governance Division +
Julia Errington, Council Town Planner
By email to City of Sydney Council**

**Re: Billyard Ave Developments Pty Ltd ATF Billyard Avenue Development Trust v City
of Sydney Council Land and Environment Court Proceedings No 2023/00440488
21C Billyard Avenue, and 10 Onslow Avenue, Elizabeth Bay Development Application
No. D/2023/727**

Amended Plans and Documents July 2024 'Demolition of existing buildings, tree removal, excavation and construction of two new residential flat buildings, 6 to 8 storeys in height, with 20 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.'

Submission for: SP 67057: 23 Billyard Avenue, Elizabeth Bay

Thank you for the opportunity to provide a submission to the amended plans. This summarises the remaining concerns for the building known as 'Somerset' SP 67057/23 Billyard Avenue which adjoins the subject site directly to the south.

It is noted that the amended plans do little to improve privacy, scale or solar access.

The proposed scale has not been significantly adjusted. The amended plans maintain a range of non-compliances in relation to building separation/setback and maximum building height.

These scale non-compliances manifest in unreasonable privacy, light, ventilation, spatial separation/visual impact and solar access issues for No. 23.

Further reducing sun access, natural light and warmth into apartments, reducing breezes with a closed in built form, and impacting on the ability to open windows (with interfacing living areas and balconies close) will detrimentally impact the living and building/unit conditions of these adjoining residents and limit their energy efficiency.

The proposal results in a severe loss of affordable 1 bedroom units and replaces these with mostly 3 bedroom/90%, without a replacement mix.

The roof top terrace and deeper excavation would create additional and worsened adverse impacts for the surrounding residential apartment buildings.

Due to significant concerns in relation to impact of excavation and building on older neighbouring buildings a geotechnical peer review has been engaged. This indicates that further assessment and consideration is required to protect existing buildings. The report by JK Geotechnics is attached for assessment.

The proposed development introduces detrimental and unreasonable rooftop terraces to impose on visual and acoustic privacy for surrounding buildings. Excessive building footprint should not lead to the need to provide large roof top terraces for open space to then impact

on existing residents. The Sydney DCP does not encourage roof top terraces where they impact on neighbours. Acoustic and privacy impacts will result.

These objections are detailed in the following sections.

Scale and Solar Impact:

- Given the excessive scale, height and closeness of the proposal to No. 23 Billyard, the proposal would create unreasonable and adverse impacts on sunlight, light, ventilation, visual amenity, privacy, feeling of space around boundaries and the ability to provide area appropriate landscaping.
- These *impacts are not expected by the contemporary apartment development controls* which the proposal should address (being a new development).
- The plans do not provide overall compliance with relevant ADG separation controls. The proposed building can be seen in the plans and modelling as presenting high and solid structures very close to No. 23. This would create a solid visual rise and taking light, privacy and sun for existing residents.
- High retaining/wall structures and planting along the boundaries require consideration in terms of the cumulative solar and light impacts on No. 23.
- *The Court viewed the north facing solar access into bedrooms, kitchens and living areas of the adjoining apartments in June. These are the only, critical living areas for these units, as they do not have balconies. Therefore, it is important to be able to open the windows, bring sun, breeze and light in. This sun and warmth provided by the sun into these assists with amenity, drying, energy efficiency and this proposal has not been designed from the outset to consider or protect these.*
- The plans have provided little change in terms of spatial separation from the neighbours. The 3m separation is non-compliant with the ADG as the applicant seeks to 'select' parts of the ADG to comply with and parts to ignore. Re-developing a large and excessive building to ignore design controls should not be accepted by the Council or the Court where this creates a range of devastating detrimental impacts for existing residents.
- The objectives of the ADG look for developments which respond, sympathise and provide amenity for existing as well as incoming residents of an area.
- The objectives of 3F-1 (Visual Privacy) the ADG in relation to separation look for '*adequate building separation distances being shared equitably between neighbouring sites, to achieve reasonable levels of external and visual privacy*'.
- The proposal suggests that just because existing developments (pre-dating ADG) do not strictly comply with ADG and current controls, that a new infill should be able to impose a much larger building with non-complaint setbacks. A distinctly higher building, only 3m from the side. This minimal separation is not commensurate with the scale and does not alleviate the sheer physical and visual scale, visual impact, impact on privacy, light, and solar access to be imposed on the neighbours.
- The Design Criteria of the ADG requires minimum separation distances between living areas of 6m for up to 4 storeys - to protect privacy.
- Creating a much larger building, which breaches height, separation, solar, privacy protection, setback/separation controls and choosing between compliance and non-compliance with planning controls to impose an excessive development is not considered to share equitably with existing residents.

- *The large brick wall and privacy screens and the solid balustrades which come forward of reasonable front setbacks/the predominant front building line are considered to further likely impact on natural light and sun.*
- The SEE suggests the adjoining living areas as 'dual aspect' as far as solar access. The north facing sunshine and sunlight which comes into the units at No. 23 for a considerable extent of floor area and for significant parts of the day are to the north facing living and bedroom area windows – not the front facing windows.
- For these units, sun is important for the complete amenity of the units. Many of the combined living and kitchen areas within No. 23 which face north are demonstrated to be impacted as well as north facing bathrooms and bedrooms. Sun into the only bedrooms is important. Likewise, sun, light and ventilation into bathrooms for resolving moisture/protection of the building condition and allowing drying. Solar access is critical to living amenity and health.
- Impacts on sun, light and ventilation would impact on costs in needing to heat, cool and light the existing adjoining units.
- No. 23 Billyard Avenue had planned to install solar collectors. This would allow improved energy efficiency. *Roof overshadowing to No. 23 Billyard Avenue due to the building height would potentially impact the future performance of solar collectors.*
- Although the proposed scheme provides additional solar access to units 1.01, 2.01 and 3.01 located on the northern elevation of No. 23, living room window solar access to unit 2.07 located on level 2 is further reduced to levels under the required 2 hours (1m²) due to the height and scale.
- Concern is raised in relation to worsened impact to units 2.06 and 2.07 of No. 23 and whether this meets the 20% ADG impact guideline.
- *Impacts from a fully compliant development should be reviewed to ascertain the solar access sharing and saving for No. 23.*
- The solar access diagrams should provide information as to the availability of sunlight over the floor plate of these impacted units and their open plan living areas.
- *Given this development remains non-complaint with separation and height controls (and a Clause 4.6 variation), even the smallest loss of solar access such as suggested to unit 1.07 of No. 23 should not be considered reasonable.*
- Design to promote solar access has not occurred with this DA from the outset.
- Statements provided within the amended submission seek to minimise and misrepresent the impact on the No. 23 residents.
- Concern remains over the potential impact of shadow on adjoining courtyard plantings and the drying area.
- The proposal presents a mass and bulk which is uncharacteristic and detrimental to the amenity of the area for living, and as a destination.
- The development is not site responsive or balanced and would be detrimental to this iconic, high amenity location where there is a balance between buildings and landscaping (to be protected under the Sydney DCP controls for the Bays Area).
- The proposal imposes a much larger building which is not considered to be a sensitive infill for this area as can be seen in the following plan extract. The proposal is much higher than the adjoining buildings along Billyard Avenue and does not comply with the LEP height expectation for this area.



Extracts from amended DA material showing scale relative to existing apartments

- The proposal does not provide the desired level of ground open space and landscaping desired by The Bays DCP objectives. Rather, the plans seek to provide open space areas on rooftops (with associated acoustic and visual privacy impacts, and view impacts). This is not reasonable in the context.
- The proposal remains in breach of the *Sydney Local Environmental Plan, 2012 Maximum Building Height Development Standard*. Compliance with Standards is a legislated scale expectation for development to be designed to fit within.
- Development *can* be designed on a stepped site to comply. This could be achieved as buildings in this unique and iconic context are sensitively tapered and stepped and lower in height.
- Irrespective of flooding issues, the development can be designed to comply.
- The proposal does not sympathise with the area and is not considered to be at a scale or landscaped presentation in line with the desired Bays Area character.
- The proposal imposes scale and impacts on neighbours and the heritage area.
- The proposal removes and does not replace attainable housing for people to accord with LEP planning objectives (current and draft).
- *The scale tangibly reduces/impacts on views and impacts unreasonably on solar access, natural light and privacy.*
- *Therefore, the Clause 4.6 variation is not in the public interest, does not demonstrate a better planning outcome, manifests in adverse and demonstrated impacts on other homes and is unreasonable in this context.*

- The proposed height breach fails against the *aims* of Clause 4.3 (Maximum Building Height) as the scale does not '*(a) ensure the height of development is appropriate to the condition of the site and its context nor does this (b) ensure appropriate height transitions between new development and heritage items and buildings in heritage conservation areas or special character areas*'.
- The proposal is clearly much larger than other buildings and seeks a large building which does not provide appropriate spatial relief from some existing smaller and older buildings.
- *The proposal which leads to impacts on solar, views, scale, privacy, net loss of housing is not considered to align with the public interest.*
- The proposal takes away equitable housing for the community and reduces housing numbers whilst also 'selecting' planning controls - utilising some to maximise scale and density advantage and avoiding others which would protect neighbours (excessive/impacting physical and visual scale, solar design, privacy impact and height excess).

Structural Issues:

- Given substantial concern over the extent and proximity of excavation to a range of older buildings next to the site, the DA documents have been peer reviewed by JK Geotechnics. This independent review is attached for Council's assessment.
- The review indicates shortfalls in the application.
- It is recommended that additional geotechnical investigation should be carried out to provide adequate site coverage and to assess whether the sandstone bedrock is likely to be stable when cut vertically and the extent of any shoring.
- Care is required in relation to the basement structures at 10 Onslow Avenue.
- The JK Geotechnics report recommends additional investigation should include test pits (to be inspected by the project geotechnical and structural engineers) along the site boundaries to assess the footing details and foundation materials of any boundary structures, so that the structural engineer can provide advice on the extent of any shoring and/or underpinning that may be required.
- As the proposed basement excavation will extend below groundwater, construction of the basement is considered to be an aquifer interference activity and these activities are subject to *the Water Management Act 2000 and NSW Aquifer Interference Policy* and are regulated by the Department of Planning, Housing and Infrastructure (DPHI) [formerly the Department of Planning, and Environment (DPE)], WaterNSW and Natural Resource Access Regulator (NRAR).
- DPHI's policy on basements is that ongoing or frequent dewatering of basements over their life is inconsistent with the principles of sustainable development and, where such dewatering is required, basements should be tanked. Dewatering during construction is permitted but is regulated through licencing which must either be obtained from WaterNSW. The DPE document, 'Minimum Requirements for Building Site Groundwater 7 36892Hlet Investigations and Reporting', dated October 2022 outlines the minimum scope of investigation required where a proposed basement intersects groundwater. Therefore, the additional geotechnical investigation must also meet the requirements of this document, including the requirement for long term groundwater level and quality monitoring.
- Given the age and position of buildings and older structures, Dilapidation Surveys should be provided.

- The existing sandstone remnant wall which straddles the common boundary with No. 23 is suggested to be retained. Information is required in terms of how the excavation is to occur to protect this wall.

Privacy Impact:

- *The amended plans worsen privacy impacts due to the lack of separation and interfacing boundaries and the large, elevated roof top terraces.*
- Reasonable privacy should be provided in this setting to meet compliance with DCP and ADG controls.
- Inadequate building separation is provided to the southern side adjacent to No. 23 Billyard Avenue and this is non-compliant with the ADG privacy/separation *criteria* (the expected standard for a new apartment building).
- The applicant seeks to utilise the non-habitable separation provisions of the ADG rather than acknowledging that there will be interfacing/closely located living areas between the open plan living areas across the impacted elevation of No. 23 and the proposed living areas and balconies.
- As seen at the S34 Conference view, key living areas will be impacted by the scale, height and lack of setback proposed. The sunny north facing windows which provide significant amenity for open plan kitchen and living areas along No. 23 and provide northern sun well into the apartments/across the floors (as demonstrated in our previous submission/photographs) are openable for light and ventilation.
- *North facing, primary living areas will be impacted visually, with less light, breezes and more noise given the proximity of other living areas and balconies.*
- Habitable areas and balconies are included within the relevant proposed elevation to impact on the adjoining living areas.
- The proposal should comply with expected separation guidelines in order to protect the existing older style units which rely on these critical amenities for their apartment living.
- The applicant indicates the need to comply with the balcony size requirements of the ADG (after disregarding the separation control). This adds to the scale of elevated balconies close to the boundaries, with limited ability to separate and off-set to protect privacy for the interfacing homes in No. 23.
- Both proposed building elements (the Onslow and Billyard sections) provide living areas opening out to elevated balconies which are next to/near living areas and living area windows facing north at No. 23.
- The proposed *elevated large balconies and roof top terraces have the potential to overlook the residents of No. 23, into all windows (bedrooms, bathrooms, kitchens and living area windows).*
- Solid *privacy screening measures are now 'designed in' recognising this adverse privacy impact* and exacerbates the visual scale, appearance, solar and solid scale impacts close to the boundary.
- The *large roof top terraces proposed are unreasonable*, particularly the large one close to No. 23. These are large and can accommodate large and noisy gatherings to generate acoustic and privacy issues.

- Common open space areas are provided within the building and should instead be provided at ground level in terms to balance planting and open space with building area.
- The Council DCP controls indicate roof terraces would only be considered where: *'(a) (b) (c) a location at ground level is not possible due to conditions of the site; the proposed common open space will provide a similar level of amenity as a common open space at ground level; and there will be no significant impact on surrounding properties in respect to the loss of privacy'*. There will be significant privacy to surrounding properties and common open space should be improved at ground level.
- Mechanical plant should be considered given the proximity to the boundary and direct impact to the bedroom and living windows of the homes at No. 23.
- The Acoustic Reports submitted have been peer reviewed due to concern over acoustic privacy impact. A report by Rodney Stevens Acoustics is attached for assessment.
- The Rodney Stevens assessment indicates that *'Section 5.7 of the submitted acoustic assessment does not address the noise impact from the proposed terrace. The report makes a single mention of a noise level of 1 person being 69 dB(A). The terrace has an approximate floor area of 150m² which calculates to an estimated capacity of 100 people. The report does not provide numeric assessment based on a scenario of 100 people (maximum) capacity and the resulting noise levels at the most affected sensitive receivers including the units within the development and presenting them against the noise criteria.*
- *Section 5.7.2 provides a number of treatments that include limiting the use of the terrace to 20 people, the hours of operation and forbids the use of amplified music. These measures will be difficult to control as the terrace provides capacity for more than 20 people and people using the terrace can bring portable speakers.*
- *A detailed assessment of the use of the terrace must be carried out where patron sound power levels must be presented as well as the different vocal efforts as per The Association of Australasian Acoustical Consultants guidelines or any suitable published or measured noise level for vocal efforts.*
- *A scenario must be presented where the maximum patron capacity of the terrace is assessed with the correct vocal effort i.e. raised vocal and the resulting noise levels at each sensitive receiver are compared with the relevant noise criteria for day, evening and nighttime (where applicable).'*
- The Rodney Stevens Acoustic Review indicates that *'a revised noise assessment using the correct methodology as per relevant guidelines must be prepared to determine if the proposed development complies with noise criteria requirements.'*
- The documentation provided with the DA does not provide a thorough or balanced assessment of likely acoustic impacts.
- The suggestion that acoustic privacy impacts can be resolved via a 'cap' on people numbers on the rooftop, 'no amplified music' and a time curfew are impractical. Who is to enforce these. What about in the case of travellers and short stay accommodation? This will lead to issues for Council's Compliance Team and the Police and the type of acoustic impacts involved with not being able to practically and effectively manage this space. The potential use of the rooftop

for up to 100 (as forecast above) is completely unreasonable in this sensitive residential setting.

- *Acoustic impacts from the large-scale use of roof top terraces day and night would create an unreasonable and adverse impact on quiet residential amenity, working from home and sleeping opportunities for long standing residents in this sensitive residential setting. This is unreasonable when improved common open space should be provided similar to other courtyards, at ground level.*

Loss of Housing in a Housing and Affordability Crisis:

- The proposal results in a *considerable* loss of units (28 existing to now 20). This is a *worse impact to the previously proposed reduction* of numbers to 22, during a housing crisis, in this well-located area.
- The proposal creates 90% of 3 bedroom types (18 out of 20 units and only 5% 2 bedroom and 4 bedroom apartments). This is not considered to represent apartment mix and there are no single bedroom offerings to accommodate any degree of affordability and smaller housing types. This results in a loss of housing and opportunities.
- Loss of housing, in the context of substantial design non-compliances and ranging residential impacts on others, does not accord with public interest objectives involved with planning requirements. This is a social and economic issue for this area and is not addressed in the documentation.
- The proposal results in a loss of existing 1 bedroom units. Based on publicly available real estate information, it appears that 75% of these may be rented. Some also appear to be low rentals.
- This development will displace people who have lived in the area for some time and currently can have an affordable opportunity to live and work in this area and community.
- Providing equity in housing provides social, economic, community and metropolitan benefits and this *does* warrant consideration in evaluation under the *Environmental Planning and Assessment Act, 1979*, in terms of the assessment of social and economic impacts and the public interest under Section 4.15.
- The proposal is inconsistent with Clause 1.2 Aims/(e) of the *SLEP 2012* which seeks *'to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing'*.
- The proposed *removal of housing opportunities is inconsistent* with the *objectives of the R1 (General Residential) zoning* which state that development should *'provide for the housing needs of the community and provide for a variety of housing types and densities'*. Also, the *Council's Housing for All/Local Housing Strategy*.
- Irrespective of whether the application was made prior to the implementation of a draft LEP to avoid net loss of housing, the proposed loss of housing requires consideration given the *mandated objectives of Council in minimising housing loss via planning*. This is important for the community of the City of Sydney.
- Loss of affordable housing and loss of housing types is a well reported State Government issue. All NSW Councils are required to contribute. *This proposal conflicts with State Government Housing Policies to retain and provide affordable housing and to promote varied housing to suit all parts of the population/meet housing needs.*

Boundary Comments:

- *Concern is raised to the impact of the scale of development and excavation on structures at the boundary, including remnant artifacts associated with the history of Elizabeth Bay (sandstone wall).*
- The sandstone boundary wall is in part on the side of No. 23.
- The boundaries of SP 67057 have been checked.
- Concern is raised as to the height of retaining walls at the boundary with No. 23 and the potential additional scale and shadow impact. These structures are not clearly shown on all plans.
- *Planting has the potential to worsen solar and light access impacts. This should be considered with the cumulative scale, lack of building separation, wall and planting and the 'closing in' of the boundary.*

Yours sincerely,



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

Attachments:

Rodney Stevens Acoustic Assessment/Peer Review, August 2024

JK Geotechnics, Geotechnical Peer Review, August 2024

Natalie Richter Planning, Original Planning Submission/DA with Photos, September 2023

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Date: 7 August 2024

Ref: 36892Hlet

The Owners – Strata Plan 67057
C/- GK Strata Management Pty Ltd
Locked Bag 22
HAYMARKET NSW 1240

GEOTECHNICAL OPINION

PEER REVIEW OF PROPOSED DEVELOPMENT AT 21C BILLYARD AVENUE, ELIZABETH BAY, NSW

1 INTRODUCTION

This letter has been prepared by Adrian Hulskamp, a Principal Associate Geotechnical Engineer at JK Geotechnics, and presents his geotechnical peer review of the proposed development at the above site.

I understand from a letter prepared by Bill MacKay of City of Sydney (COS) dated 24 July 2024, that the development proposal (D/2023/727) was refused by COS and is being appealed in the Land and Environment Court.

I was instructed to carry out the peer review by Natalie Richter Planning in an email dated 31 July 2024, on behalf of The Owners – Strata Plan 67057.

A summary of the proposed development is provided in Section 2 below. A site location plan is presented as Figure 1. For the purpose of this letter, I have taken Billyard Avenue and Onslow Avenue to bound the development site to the north-east and south-west, respectively.

My peer review is presented in Section 6 below

I am a practicing Geotechnical Engineer with a Bachelor of Engineering (in Environmental Engineering) and a Master of Engineering Science (in Geotechnical Engineering) from the University of NSW. I have over 24 years experience as a Geotechnical Engineer, a significant portion of which has been providing geotechnical advice to avoid the damage to structures as a result of deep excavation, shoring and construction works for developments in Sydney, as well as carrying out inspections and providing geotechnical advice during construction. My Curriculum Vitae is attached in Appendix A.



2 SUMMARY OF PROPOSED DEVELOPMENT

From the provided architectural drawings by Smart Design Studio (Project. 2235 Billyard 21C, Issue F, dated 18 July 2024), I understand that following demolition of the existing buildings at 21C Billyard Avenue and 10 Onslow Avenue ("the site"), the proposed development will comprise construction of two residential towers up to eight storeys high over several basement levels that will extend to, or relatively close to, the north-western, south-western and south-eastern site boundaries.

The outlines of the three lowest proposed basement levels (B06, B07 and B08) are shown on the attached Existing and Proposed Basement Layout Plan presented as Figure 2. The finished floor levels (FFL) of these basement levels are at RL3.3m (B06), RL1.725m (B07) and RL0.197m (B08). To achieve the basement FFLs, I envisage that excavation to maximum depth of about 13.1m will be required most of which will be within the south-western portion of the site and below the existing basement within 10 Onslow Avenue.

The ground floor FFL of the proposed tower to be located within the north-eastern portion of the site will range from RL6.45m to RL6.9m. To achieve these levels, excavation to a maximum depth of about 4.6m will be required within the central portion of the site outside the footprint of the existing basement within 10 Onslow Avenue with the depth of excavation tapering to about on-grade along the Billyard Avenue frontage.

3 ASSESSMENT PROCEDURE

As part of the peer review, I carried out a walkover inspection within the neighbouring properties (i.e. 21B and 23 Billyard Avenue and 8 and 12 Onslow Avenue) and along Billyard Avenue and Onslow Avenue adjacent to the site on 2 August 2024, to observe the topographic, surface drainage and geological conditions of the area and its immediate environs.

No access to the site was possible at the time of my inspection, and no additional subsurface investigation was carried out.

I referred to the following relevant documents for the proposed development as part of the review:

- Survey plans prepared by Beveridge Williams (Project No. 2202698, Drawing Ref. DET-001, Sheets 1 to 11, dated 5 July 2024). The survey datum is the Australian Height Datum (AHD);
- Architectural drawings by Smart Design Studio as referenced in Section 2 above;
- Geotechnical Investigation Report by Morrow Geotechnics Pty Ltd, Ref. P2843_01 rev3, dated 2 July 2024 [Morrow2024];
- A Structural Letter by Eckersley O'Callaghan Pty Ltd (Ref. 723013.C020001.0m dated 4 July 2023); and
- A DA Acoustic Assessment report by Pulse White Noise Acoustics (Report Ref. 230100 – EB1 Elizabeth Bay – DA Acoustic Assessment – R2, dated 12 July 2023, Issue 2).

Morrow2024 included the drilling of six cored boreholes (BH1 to BH6) to the depths/RLs tabulated below. The approximate borehole locations are shown on Figure 2.

Borehole	Approximate Surface RL (mAHD)	Depth(m)/RL(mAHD)
1	6.5	5.0/1.5
2	6.5	5.0/1.5
3	10.7	9.98/0.72
4	10.7	10.69/0.01
5	14.7	15.35/-0.65
6	10.8	20.84/-10.04

4 SUBSURFACE CONDITIONS

From the results of Morrow2024, reference to the core photographs provided and my site observations, I provide the following summary of the subsurface conditions encountered in Morrow2024, along with some comments.

1. The 1:100,000 series geological map of Sydney (Geological Survey of NSW, Geological Series Sheet 9130) indicates the site, as well as the neighbouring properties to the north-west and south-east, to be underlain by man-made fill close to the contact with the underlying Hawkesbury Sandstone. From my experience, the boundaries between the different geological units shown on the geological map are approximate only, as I would expect the majority of the site to be underlain by sandstone bedrock at shallow depth noting the presence of sandstone bedrock outcrops in the neighbouring properties.
2. The boreholes generally encountered sandy or gravelly fill ranging in depth from 0.48m (BH3) to 0.8m (BH1) overlying sandstone bedrock. BH5, which was drilled inside the existing P1 basement, encountered a 100mm thick concrete floor slab directly underlain by sandstone bedrock. Morrow2024 made no assessment of the fill compaction, but from my experience on other nearby sites, I would expect the fill to be poorly compacted.
3. The sandstone bedrock was assessed by Morrow Geotechnics to be mostly highly and moderately weathered from first contact improving with depth to slightly weathered and fresh, and of predominantly medium to high strength. The rock cores show the sandstone bedrock encountered in the boreholes contained relatively few and often widely spaced defects.
4. In accordance with the paper 'Classification of Sandstones and Shales in the Sydney Region: A Forty Year Review' by Pells et al., Australian Geomechanics, June 2019, I consider that most of the sandstone bedrock encountered in the rock cores to be Class III and Class II sandstone, with some Class IV sandstone, which is broadly the same as interpreted in Morrow2024.
5. Morrow2024 reports the shallow groundwater measured in the monitoring wells installed into BH1 and BH2 to be affected by surface water infiltration so should not be relied upon. The reported groundwater levels in BH5 between 3 May 2023 and 12 June 2024, were between depths of 7.09m and 7.53m. No other long term groundwater monitoring was carried out. A groundwater monitoring well was installed into BH6 with a response zone within the bedrock, though no groundwater level monitoring from BH6 was reported in Morrow2024.

5 NEIGHBOURING BUILDINGS

Morrow2024 did not describe the neighbouring buildings to the site. To provide some context when I present by geotechnical opinion in Section 6, I note below some of the relevant observations of the neighbouring structures from my walkover inspection.

21B Billyard Avenue

The first neighbouring property to the north-west (21B Billyard Avenue) contained a brick apartment building that was set back at least 0.2m from the common boundary, though most of the building was set back about 1.8m from the common boundary.

There was a brick fence along most of the common boundary which supported ground surface levels within the neighbouring property to a maximum height of about 0.3m, but up to about 0.7m at its north-eastern end. As the rear (south-western portion) of the building had been constructed by excavating into the hillside, cut faces of moderately weathered sandstone bedrock of generally medium strength were exposed behind the rear of the building and near the staircase at the south-western corner. An exposure of sandstone bedrock is outlined by the red circle in Plate 1 below.



Plate 1: View looking south-west between 21C Billyard Avenue (left side) and 21B Billyard Avenue (right side).

8 Onslow Avenue

The second neighbouring property to the north-west (8 Onslow Avenue) contained a brick apartment building that abutted the common boundary. The survey plan indicates a two level basement car park below the building, however I have been advised by the neighbour that is incorrect. From our walkover inspection and observations from Onslow Avenue, it was difficult to assess the surface levels across the common boundary but I note the adjoining basement within 10 Onslow Avenue which extends to the common boundary and is at a lower level. Refer to Plate 2 below.



Plate 2: View looking north-east between 8 Onslow Avenue (left side) and 10 Onslow Avenue (right side)

23 Billyard Avenue

The first neighbouring property to the south-east (23 Billyard Avenue) contained a brick apartment building that was set back about 2.0m from the common boundary. Along the north-eastern end of the common boundary was a mortared sandstone block wall, which I understand is to be retained as part of the proposed development. There was erosion of the mortar between some blocks and the wall appeared to have a slight lean to the north-west. Ground surface levels on either side of the wall were generally similar. Refer to Plates 3 and 4 below.

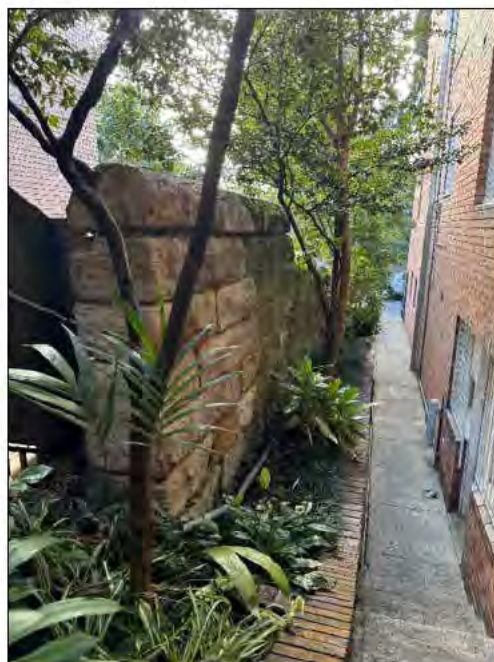


Plate 3: View looking north-east between 21C Billyard Avenue (left side) and 23 Billyard Avenue (right side)



Plate 4: View looking south-west between 23 Billyard Avenue (left side) and 21C Billyard Avenue (right side)

12 Onslow Avenue

The second neighbouring property to the south-east (12 Onslow Avenue) contained a rendered brick apartment building that was set back between about 1.0m and 3.0m from the common boundary. Ground surface levels across the common boundary were lower noting the adjoining ramp down into the basement within the site, however, I note the adjoining basement within 10 Onslow Avenue which extends to the common boundary and is at a lower level. Refer to Plate 5 below.



Plate 5: View looking north-east between 10 Onslow Avenue (left side) and 12 Onslow Avenue (right side)

6 GEOTECHNICAL OPINION

I outline my geotechnical opinion below in response to the subsurface investigation that has been completed, the recommendations provided in Morrow2024 and any inadequacies therein. My opinion is based on a review of the provided information, my understanding of the proposed development, my site observations, the available subsurface information and my experience as a geotechnical engineer.

Additional Geotechnical Investigation

1. Whilst Morrow2024 included the drilling of cored boreholes to assess the depth to and quality of the underlying sandstone bedrock, no advice on any further geotechnical investigation was provided. I note that five of the six boreholes were located within the north-eastern portion of the site, and only one borehole was drilled within the south-western portion of the site where the majority of the excavation will be carried out. Apart from BH6, the other boreholes were only just drilled to be below the lowest proposed basement level. In my opinion, an additional geotechnical investigation should be carried out to provide adequate site coverage and to assess whether the sandstone bedrock will likely be stable when cut vertically and the extent of any shoring.
2. I consider that at least an additional four deep cored boreholes should be drilled to at least 3m below the lowest proposed basement level within the south-western portion of the site.
3. There is an existing basement below 10 Onslow Avenue, and the basement retaining walls extend to the north-western, south-western and south-eastern site boundaries. As the existing basement structure will be demolished as part of the proposed development, care must be taken during demolition and subsequent excavation to not remove support from the site boundaries, as this may result in damage to the adjoining buildings and any boundary walls. Temporary propping of the existing basement retaining walls along with a staged removal process will probably be required, with the details of the propping to be advised by the project structural engineer.
4. Prior to or during demolition, but before the commencement of bulk excavation, the additional investigation must include test pits (to be inspected by the project geotechnical and structural engineers) along the site boundaries to assess the footing details and foundation materials of any boundary structures, so that the structural engineer can provide advice on the extent of any shoring and/or underpinning that may be required.
5. As the proposed basement excavation will extend below groundwater, construction of the basement is considered to be an aquifer interference activity. Such activities are subject to the Water Management Act 2000 and NSW Aquifer Interference Policy and are regulated by the Department of Planning, Housing and Infrastructure (DPHI) [formerly the Department of Planning, and Environment (DPE)], WaterNSW and Natural Resource Access Regulator (NRAR). DPHI's policy on basements is that ongoing or frequent dewatering of basements over their life is inconsistent with the principles of sustainable development and, where such dewatering is required, basements should be tanked. Dewatering during construction is permitted but is regulated through licencing which must either be obtained from WaterNSW. The DPE document, 'Minimum Requirements for Building Site Groundwater

Investigations and Reporting', dated October 2022 outlines the minimum scope of investigation required where a proposed basement intersects groundwater. Therefore, the additional geotechnical investigation must also meet the requirements of this document, including the requirement for long term groundwater level and quality monitoring.

Dilapidation Surveys

6. Morrow2024 provides no advice on completing dilapidation surveys on the neighbouring structures. Dilapidation survey reports can be used as a benchmark against which to set vibration limits for rock excavation and for assessing possible future claims for damage arising from the works.
7. Prior to the commencement of any demolition, dilapidation surveys should be completed on the neighbouring buildings to the north-west (8 Onslow Avenue and 21B Billyard Avenue) and south-east (12 Onslow Avenue and 23 Billyard Avenue), as well as any boundary walls/fences, or other landscape walls, which are to be retained. The respective owners should be asked to confirm in writing that the dilapidation survey report on their property presents a fair assessment of the existing conditions. As dilapidation survey reports are relied upon for the assessment of potential future damage claims, they must be carried out thoroughly with all defects rigorously described (ie. defect type, defect location, crack width, crack length etc) and defects photographed where practical. I note that Council may also request dilapidation surveys on their assets (ie. roadways, footpaths, kerb and gutters etc).
8. Dilapidation survey reports where only photographs and very brief or no defect descriptions are provided and without a plan showing the defect locations should be rejected.

Batter Slopes and Shoring

9. Morrow2024 provides general advice and earth pressure parameters in relation to excavation retention, but does not provide specific shoring recommendations for the subsurface conditions, i.e. shallow sandy fill over expected good quality sandstone bedrock. Subject to completion of the additional geotechnical investigation and inspection of the test pits as discussed above, the likely scenario for the shoring along the site boundaries would be concrete gravity retaining walls constructed in stages along the crest of sandstone cut faces to support the soils, with permanent sandstone cut faces below. The exception might be where there is already a boundary wall, that is either founded on bedrock, or underpinned to the bedrock.
10. Although unlikely, if the results of the additional investigation indicate areas of potentially deeper soils or poorer quality bedrock, alternative shoring would need to be installed such as an anchored soldier pile or contiguous pile wall terminated in the underlying better quality sandstone bedrock.
11. Subject to completion of, and confirmation by, the additional geotechnical investigation, as well as frequent geotechnical inspection of the cut faces at regular depth intervals during excavation (usually not more than about 1.5m apart), it is likely the sandstone bedrock along the sides of the excavation can be cut vertically. The purpose of the inspections is to identify adversely orientated defects which can isolate blocks or wedges of sandstone and/or bands of weaker rock which may require

stabilisation, such as with rock bolts, reinforced shotcrete, etc. Temporary rock bolts which extend across the site boundary will require permission from the neighbouring property owner to install. In the permanent case, a retaining wall would need to be constructed in front of the cut face and backfilled with no-fines concrete, as I expect permission to install permanent rock bolts will not be provided by the neighbours as an easement would be required.

Excavation and Vibration Monitoring

12. Whilst Morrow2024 provides advice on the type of plant and rock excavation equipment to excavate the fill and sandstone bedrock, Morrow2024 states that *'Monitoring of vibration levels may be required to ensure vibrations levels remain below threshold values during the construction period'*. In my opinion, the use of hydraulic rock hammers on the site must be strictly controlled as there will almost certainly be transmission of ground vibrations to the neighbouring buildings which are all expected to be founded on sandstone bedrock, and buried services.
13. Rather than recommending 'safe working distances for vibration intensive plant' as stated in Morrow2024, I consider it more appropriate to carry out continuous quantitative vibration monitoring whenever hydraulic rock hammers are used during demolition and excavation to check that the vibrations are within acceptable limits. If the vibrations are too high, such vibrations may cause damage to nearby structures. Vibration monitors should therefore be set up on the neighbouring buildings to the north-west and south-east and the monitors fitted with flashing warning lights and sirens which would warn if vibrations exceed the pre-set limits.
14. The vibrations on the neighbouring buildings should be tentatively limited to a peak particle velocity of 5mm/sec, subject to confirmation by the structural engineer following their review of the dilapidation survey reports. A lower vibration limit may be applicable for any sandstone block walls, or other more sensitive structures. If higher vibrations are recorded, they should be assessed against the values in the German Standard DIN 4150 – Part 3: 1999, as higher velocities may be acceptable depending on the associated vibration frequency.
15. Where vibrations are monitored and within acceptable limits, they may still be perceptible to humans inside the neighbouring buildings.
16. Apart from advising on 'safe working distances' depending on the type of plant being used, Morrow2024 does not provide any other specific advice on ways to manage or reduce vibrations, such as by providing saw cuts around the perimeter of the rock excavation, ahead of the bulk excavation, or what precautions should be implemented if the transmitted vibrations are excessive, such as changing to alternative lower vibration emitting excavation equipment like a smaller rock hammer, rotary grinder or sawing into blocks, etc.
17. Depending on the set back and construction methodology of the neighbouring basement structures, there is a possibility that the proposed excavation may result in rock plinths being formed along some sections of the site boundaries. Prior to bulk excavation, a surveyor under the direction of the architect,

should prepare sections across the north-western and south-eastern site boundaries at approximately 3m intervals. If a potentially unstable rock plinth may be formed, then the plinth will need to be supported such as by using vertical rock bolts or a retaining wall, or may be able to be removed, subject to further geotechnical assessment.

Stress Relief

18. Morrow2024 provides no comment that in Sydney, there is a relatively high in-situ horizontal stress field. When an excavation extends into sandstone bedrock, horizontal stresses can be relieved, resulting in possible movement of the cut faces into the excavation. These movements can be in the order of about 0.5mm but up to 2.5mm for each metre depth of excavation into sandstone bedrock. These movements are expected to reduce with distance away from the cut faces and are expected to occur during excavation.
19. As the site is on the side of a hill and there has already been excavation carried out for the existing basement below 10 Onslow Avenue, these factors will counteract the effects of any further stress relief and I would expect the range of possible movement to be towards the lower to mid-range of the values reported above in item 18.
20. Due to the insitu stresses in the bedrock, it is not feasible to restrain the cut faces from these movements. To predict the magnitude of possible lateral ground movements due to horizontal stress relief, the additional geotechnical investigation should allow for 3D finite element modelling of the proposed basement excavation. Once the magnitude of ground movements due to stress relief are predicted, the project structural engineer must advise how the effects of such will be managed during construction with such advice to be included in the GHMP and CMS; refer to items 21 and 22 below.

Concluding Remarks and Preparation of a Geotechnical and Hydrogeological Monitoring Program (GHMP)

21. The proposed development will require demolition of the existing buildings within the site followed by a deep excavation that is expected to extend through shallow fill but mostly into sandstone bedrock of at least medium strength. The neighbouring buildings are in close proximity to the existing/proposed basement excavation and all within the 'zone of influence' of the excavation. Therefore, demolition, temporary support measures, shoring and retaining wall construction, excavation, provision of drainage and subsequent construction activities will require careful sequencing so that support is not removed from the site boundaries and any transmitted vibrations are kept within acceptable limits.
22. Prior to the commencement of any site works, the builder should submit a Construction Method Statement (CMS). The CMS should include, but not be limited to, the proposed demolition, shoring and excavation sequencing, the type of equipment and plant to be used and the various inspection intervals and/or hold points. Each activity must be satisfactorily completed and signed off by the relevant consultant, before the next activity is commenced. The project geotechnical engineer and structural engineer must review and approve the CMS, prior to its implementation.
23. Prior to any site works, the project geotechnical engineer should prepare a GHMP which must set out the geotechnical and hydrogeological monitoring required during construction. Part of the GHMP is to

review and approve the structural and hydraulic drawings for the development. The GHMP must set out a Vibration Monitoring Program (VMP) and a Movement Monitoring Program (MMP). The VMP is to prescribe the vibration limits, the type of vibration monitoring instrumentation to be used, the monitoring frequency and a recommended work procedure. The MMP is to prescribe settlement and lateral deflection limits, the proposed monitoring locations, the survey monitoring instrumentation, the monitoring frequency and a recommended work procedure.

24. Once the GHMP has been prepared, it should also be peer reviewed.

Should you require any further information regarding the above, please do not hesitate to contact the undersigned.

Yours faithfully
For and on behalf of
JK GEOTECHNICS



Adrian Hulskamp
Principal Associate I Geotechnical Engineer
NSW Fair Trading RPE No. PRE0000739

Figure 1: Site Location Plan
Figure 2: Existing and Proposed Basement Layout Plan
Appendix A: Curriculum Vitae for Adrian Hulskamp

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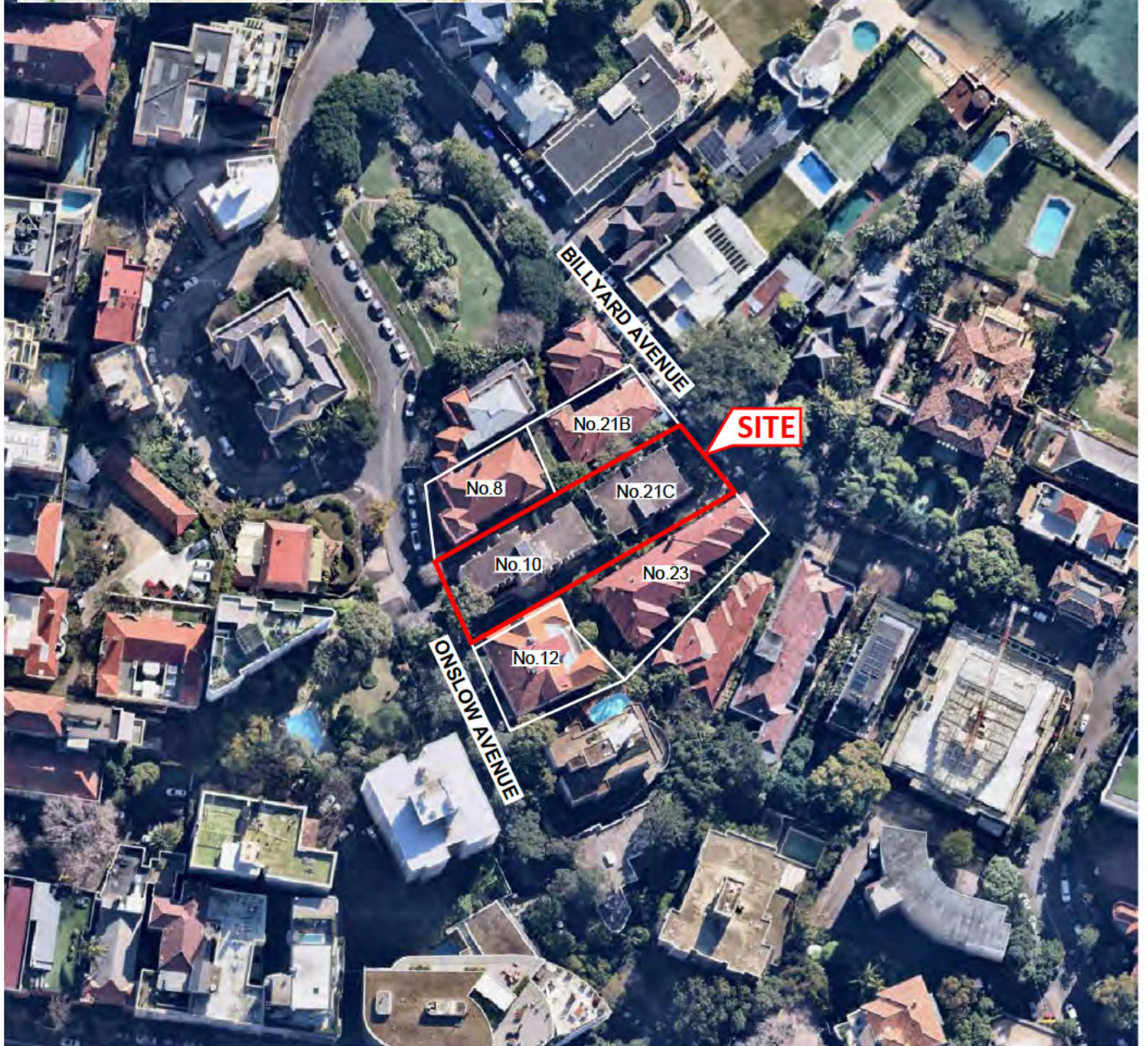
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AERIAL IMAGE SOURCE: MAPS.AU.NEARMAP.COM

Title:

SITE LOCATION PLAN

Location: 21C BILLYARD AVENUE AND 10 ONSLOW AVENUE,
ELIZABETH BAY, NSW

Report No: 36892PH

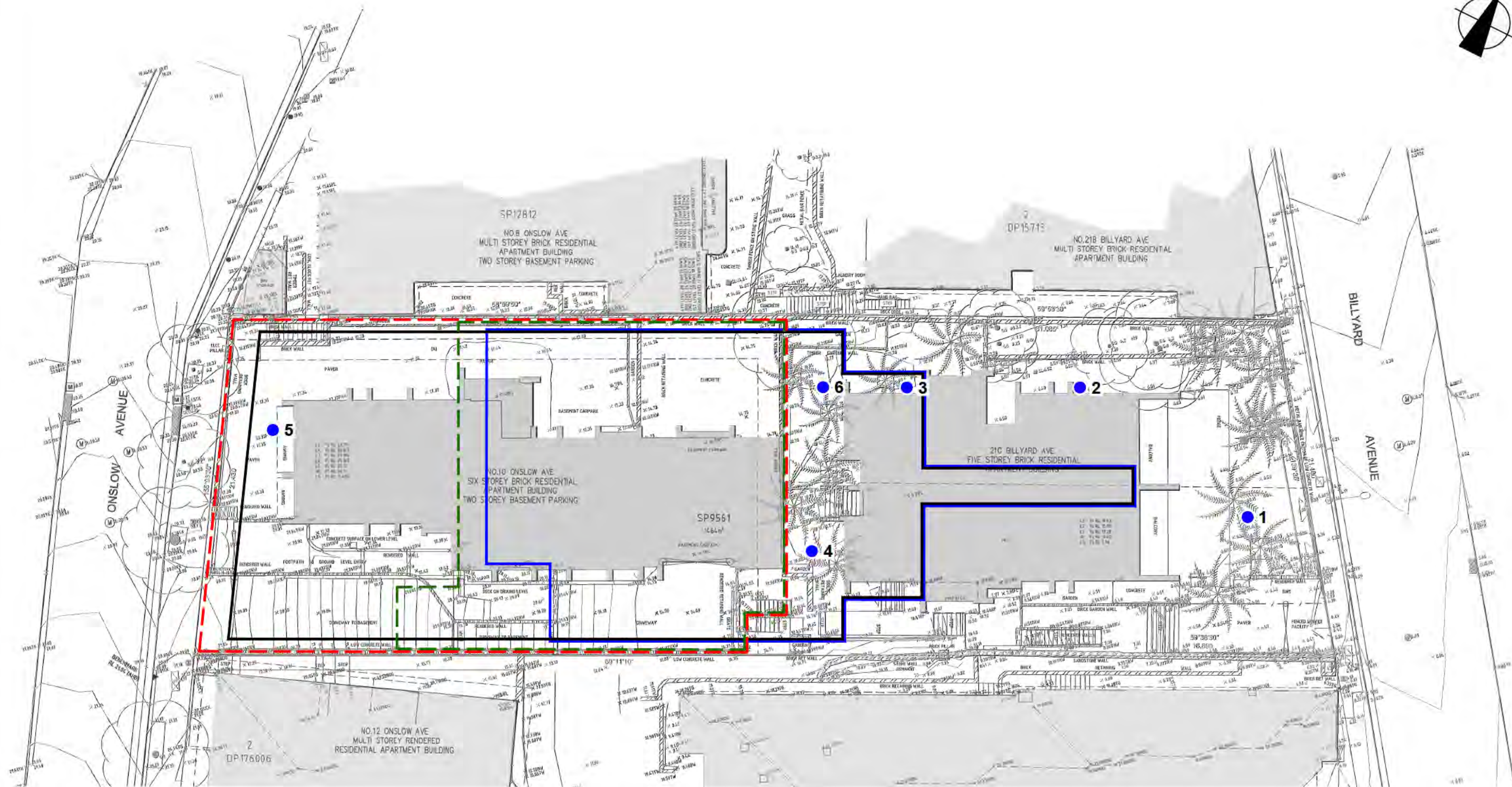
Figure No:

1

This plan should be read in conjunction with the JK Geotechnics report.

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LEGEND

- APPROXIMATE PREVIOUS BOREHOLE LOCATION BY MORROW GEOTECHNICS
- APPROXIMATE OUTLINE OF EXISTING BASEMENT LEVEL P1 RL14.73
- APPROXIMATE OUTLINE OF EXISTING BASEMENT LEVEL P2 RL12.10
- APPROXIMATE OUTLINE OF PROPOSED BASEMENT LEVEL B07-B06 RL1.725 AND RL3.300
- APPROXIMATE OUTLINE OF PROPOSED BASEMENT LEVEL B08 RL0.197

0 2.5 5 7.5 10 12.5
SCALE 1:250 @A3 METRES

This plan should be read in conjunction with the JK Geotechnics report.

Title: **EXISTING AND PROPOSED BASEMENT LAYOUT PLAN**

Location: 21C BILLYARD AVENUE AND 10 ONSLOW AVENUE, ELIZABETH BAY, NSW

Report No: 36892PH

Figure No: 2

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APPENDIX A

Adrian Hulskamp

EDUCATIONAL QUALIFICATIONS	Bachelor of Engineering (Environmental), UNSW (Honours Class 2) 2000 Master of Engineering Science (Geotechnical Engineering) UNSW 2008
MEMBERSHIPS	Member, Engineers Australia (EA) ID1480317 Member, Australian Geomechanics Society NSW Fair Trading Registered Professional Engineer (RPE) PRE0000739 Chartered Professional Engineer (CPEng), NER
PROFESSIONAL HISTORY	
2000 – Present	<p>Principal Associate, formerly Senior Associate (2014 – October 2023), Associate (2010 – 2014), Senior Geotechnical Engineer (2005 – 2010) and Geotechnical Engineer (2000 – 2005) JK Geotechnics, Sydney, NSW</p> <p>Responsibilities and achievements:</p> <ul style="list-style-type: none"> • Coordination of insitu investigation techniques including spiral auger drilling, hollow flight auger drilling, mud drilling, diamond coring (NMLC and TT56) and test pit excavations. Experienced in a variety of sampling techniques such as disturbed auger sampling, disturbed bulk sampling, U50 tube sampling, environmental soil sampling and Acid Sulphate Soil Sampling. Responsible for directing the geotechnical field investigation for proposed development at East Darling harbour (now Barangaroo) which included the direction of drilling of 120 geotechnical boreholes. • Field testing experience includes Dynamic Cone Penetrometer, Standard Penetration Testing, insitu permeability tests, soil index tests, hand penetrometer tests, vane shear testing, Water Pressure 'Packer' testing, Point Load Strength Index testing, fill compaction, stockpile sampling, PID testing and Schmidt Hammer testing. • Assisted and coordinated a number of large geotechnical inspection projects including site supervision of the shoring piles and internal footings for the 'Arena' apartments in Rockdale, Sydney, NSW and the Special Operations Working Accommodation project at Holsworthy Barracks, NSW. Inspection experience for different types of footing solutions include pad/strip footings, bored piles and grout injected auger piles. Inspection experience also includes proof rolling inspections for the detection of 'soft' or 'unstable' subgrade. • Piezometer installation (including VW Piezometer and Casagrande Piezometer), groundwater monitoring and sampling. • Stability assessments including detailed walkover surveys, geotechnical mapping, and comprehensive drilling, test pit, inclinometer and piezometer monitoring. • Computer based stability analyses have been undertaken to assess the stability of existing seawalls for projects located at Mosman Bay, Cronulla Beach and Kogarah Bay, both in their existing condition as well as effects of erosion, saturation, rapid drawdown on stability and proposed designs. • Investigations for several seawalls, marinas and waterway rehabilitation works along the Sydney coastline and Sydney Harbour, Georges River, Woronora River and Pittwater, comprising detailed investigations including boreholes, off-shore drilling from barges, test pits and computer based stability analyses. • Preparation of Expert Witness reports. • Project Management, analysis and reporting for all types of geotechnical investigations, including large residential developments with deep basements, bridges, bridge upgrades and pavement investigations. • Forensic investigations, including the geotechnical investigation into the Pacific Highway collapse above Piles Creek in Somersby, NSW and the failure of the IDAL embankments at West Camden STD, NSW • Investigations for proposed track reconditioning works for Rail Corporation NSW (now Sydney Trains). Fieldwork included excavation of test pits both within the four foot and at the base of platform retaining walls and other structures to assess ballast depth, thickness of capping and subgrade formation.





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| | <ul style="list-style-type: none">• Completion of the AGS Engineering Geology Course in Wollongong in 2010• Completion of IAMA Expert Witness Course in Sydney in 2012.• JK Geotechnics Training Committee Member. |
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Adrian Hulskamp is a Chartered Professional Engineer, has over 24 years experience as a geotechnical engineer and has a wide range of experience throughout the Sydney metropolitan area, regional NSW and selected interstate and overseas locations. Adrian's experience ranges from directing the fieldwork for a geotechnical investigation, preparing tenders and scopes of work including costing for geotechnical investigations and assessments, analysis of the results, assessing the stability of excavations, preparing geotechnical reports and delivering to the Client.

Adrian has extensive experience assessing the geotechnical stability of sites for projects in the Snowy Mountains region of NSW, in accordance with the requirements of the Kosciuszko Alpine Resorts Geotechnical Policy.

Key Projects	<ul style="list-style-type: none">• IKEA Tempe: Geotechnical investigations and over 50 site inspections during construction over an 18 month period. IKEA Tempe comprises the largest warehouse store in the southern hemisphere with a total area of 39,000m².• Information Technology and Engineering (ITE) Building at Broadway for UTS: The 12 storey building was constructed over 4 basement levels, requiring excavation to a maximum depth of 23m, immediately adjacent to existing roads and buildings. Adrian was responsible for directing the site investigation which included the drilling of deep cored boreholes (both vertical and inclined boreholes) below the lowest basement level and preparing the geotechnical and hydrogeological investigation report with advice on excavation conditions, excavation support, retaining wall design parameters and footings. Key constraints for the project included the possible presence of future twin railway tunnels adjacent to the basement and an existing Transgrid tunnel.• Barangaroo, Sydney: Adrian was directly responsible for leading the geotechnical investigation which included a grid of over 100 cored boreholes across the site.• Digital Train Radio System (DTRS) for UGL Infrastructure: Geotechnical investigation and provision of design services for proposed communication towers at over 100 individual sites, as well as providing advice on construction issues.• Proposed Mixed Use Development at Campbelltown: Development approval was given for a multi-level apartment building underlain by two basement car parking levels that was located immediately adjacent to the rail corridor. The initial geotechnical investigation included both augered and cored boreholes. Adrian carried out 2D finite element analysis to assess the potential impact of the proposed development on the adjoining rail corridor. A track monitoring program was also prepared and submitted to Sydney Trains.• Manly Oval Carpark: Geotechnical investigations and groundwater monitoring for a complex geological site in Manly, Sydney. The investigation included deep cored boreholes ranging in depth up to 38m for a proposed two level basement carpark.• Expert Witness for a Damaged Property, Rushcutters Bay: Provision of geotechnical expert advice in relation to a damaged property in Rushcutters Bay, due to adverse retaining wall movements and vibrations on an adjoining property.• Friday Flat Car Park CP2, Thredbo Ski Resort: Adrian was responsible for carrying out a geotechnical investigation and stability assessment for a proposed new car park on the northern side of Friday Drive in Thredbo Ski resort. The project continued to design and construction and included review of the civil drawings and carrying out several geotechnical inspections during construction. These inspections provided specific advice to the builder and
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earthworks contractor on subgrade preparation, including design and construction of a 'bridging layer' where heaving of the subgrade occurred during proof rolling. Our advice was in consultation with the project civil engineer.

- **Existing Warehouses, Wetherill Park:** Geotechnical investigations and load rating assessments of two very large warehouses in Wetherill Park. The load rating assessment was based on the rigorous design methods outlined in the Cement and Concrete and Aggregates Australia (CCAA) T48 'Guide to Industrial Floors and Pavements'.
 - **Rock Face Stabilisation Works, Cronulla:** Following a rock slide from a portion of a heritage cliff face along The Esplanade in Cronulla, NSW, Adrian was responsible for assessing the stability of the cliff face within, and adjacent to, the property where the slide occurred, and providing subsequent geotechnical advice on stability, risk levels and stabilisation measures to the property owner, Council and contractor.
 - **Expert Witness for a Damaged Property, Sans Souci:** Provision of geotechnical expert advice in relation to a damaged property in Sans Souci, due to adverse retaining wall movements from an excavation on an adjoining property.
 - **Expert Witness for Two Damaged Properties, Maroubra:** Provision of geotechnical expert advice in relation to damaged properties in Maroubra, due to ground disturbance from an excavation on an adjoining property.
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