

## Relevant Information for Local Planning Panel

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**FILE:** D/2021/927 **DATE:** 14 December 2022

**TO:** Local Planning Panel Members

**FROM:** Andrew Thomas, Executive Manager, Planning and Development

**SUBJECT:** Information Relevant To Item 3 – Development Application: 169-173 Victoria Street and 92-98 Brougham Street, Potts Point - D/2021/927

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### Alternative Recommendation

It is resolved that:

- (A) the variations requested to Clause 4.3 'Height of buildings' and Clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be supported; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979, a deferred commencement consent be granted to Development Application No. D/2021/927, subject to the conditions detailed in Attachment A to the subject report to the Local Planning Panel on 14 December, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strike through~~) to deferred commencement condition (3) and condition (51):

#### (3) FIRE HYDRANT DESIGN MODIFICATION AND DETAILS – VICTORIA STREET

No consent is granted or implied for the proposed hydrant booster arrangement in front of the former Golden Apple building at 169 Victoria Street, Potts Point.

The design and details of fire hydrant booster arrangement in the front yard of that property must be amended to ~~delete the proposed hydrant cupboard and~~ provide a revised design, which is sympathetic to the heritage fabric and character of the adjoining buildings.

The amended design and details must be submitted to the satisfaction of Council's Area Planning Manager.

#### Reason

To ensure an appropriate heritage outcome.

**(51) ACOUSTIC UPGRADE OF EXISTING ORIGINAL DOORS AND WINDOWS OF PICCADILLY HOTEL AND THE TERRACES**

No consent is granted or implied for the replacement of existing glazing within retained original windows and doors within the Piccadilly Hotel at 171-173 Victoria Street, Potts Point.

Detailed drawings and specifications for **any** alternative acoustic options for those doors and windows that does not involve replacement of original fabric must be **included with a report detailing the appropriateness of any replacement glazing or alternatives, which must be** prepared and submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued.

**Reason**

To ensure an appropriate heritage outcome.

**Background**

In response to the draft conditions in Attachment A to Item 3 – Development Application: 169-173 Victoria Street and 92-98 Brougham Street, Potts Point - D/2021/927, the applicant has requested the following changes to deferred commencement condition (3) and condition (51):

**(3) FIRE HYDRANT DESIGN MODIFICATION AND DETAILS – VICTORIA STREET**

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The design and details of fire hydrant booster arrangement in the front yard of that property must be amended to ~~delete the proposed hydrant cupboard and~~ provide a revised design, which is sympathetic to the heritage fabric and character of the adjoining buildings.

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**Reason**

To ensure an appropriate heritage outcome.

**(51) ACOUSTIC UPGRADE OF EXISTING ORIGINAL DOORS AND WINDOWS OF PICCADILLY HOTEL AND THE TERRACES**

No consent is granted or implied for the replacement of existing glazing within retained original windows and doors within the Piccadilly Hotel at 171-173 Victoria Street, Potts Point.

Detailed drawings and specifications for **any** alternative acoustic options for those doors and windows that does not involve replacement of original fabric must be **included. A report detailing the appropriateness of any replacement glazing or alternatives is to be** prepared and submitted to and approved by Council's

Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued.

**Reason**

To ensure an appropriate heritage outcome.

The following comments have been provided by the applicant in relation to the proposed condition amendment in relation to deferred commencement condition (3):

Minor amendments to wording to allow the design and configuration to be considered, and remove any inference that the existing booster arrangement is to be deleted.

Note: the resolution of this condition will remain at the satisfaction of the Area Planning Manager.

The following comments have been provided by the applicant in relation to the proposed condition amendment in relation to condition (51):

The proposed amendment seeks to clarify that if, following investigation, the most suitable outcome is to replace existing glazing (rather than adding additional panels to existing windows/doors to meet acoustic /BCA requirements) it can be considered in the boundaries of this condition, and not require separate approvals or new DA.

Both deferred commencement condition (3) and condition (51) were originally recommended for inclusion in any development consent granted by the Local Planning Panel by the City's Heritage Specialist in order to ensure an appropriate heritage outcome.

The City's Heritage Specialist has been consulted in relation to the proposed condition amendments and has raised no objections.

The condition amendments are supported, given the original intent of each of the conditions is retained in relation to addressing the potential for heritage impacts in an appropriate manner, however the proposed condition amendments will permit a degree of flexibility in responding to the requirements of each condition.

Prepared by: David Reynolds, Acting Area Planning Manager

**Attachments**

**Attachment A.** Applicant's Email Requesting Changes to Draft Conditions

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Approved

AJT

**ANDREW THOMAS**

Executive Manager, Planning and  
Development

# **Attachment A**

**Applicant's Email Requesting Changes to  
Draft Conditions**

**From:** [Stephen Gouge](#)  
**To:** [David Reynolds](#)  
**Subject:** RE: Local Planning Panel (LPP) Meeting Notification - 14 December 2022 - D/2021/927 - 169-173 Victoria Street & 92-98 Brougham Street, Potts Point  
**Date:** Monday, 12 December 2022 3:35:28 PM  
**Attachments:** [image001.png](#)  
[image157630.png](#)  
[image513329.png](#)  
[image677933.png](#)  
[image239027.png](#)

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Hi David,

We've had a chance to get feedback on the proposed conditions of consent from the consultant team and wanted to discuss the following three conditions with you.

At this stage, we do not intend to raise these with the Panel direct, and were hoping these could be reviewed and incorporated by Council in the briefing/relevant to prior to the meeting.

No.	Condition	Condition + Requested Amendment	Comments
3	FIRE HYDRANT DESIGN MODIFICATION AND DETAILS – VICTORIA STREET	<p><i>The design and details of fire hydrant booster arrangement in the front yard of that property must be amended <b>to delete the proposed hydrant cupboard</b> and provide a revised design, which is sympathetic to the heritage fabric and character of the adjoining buildings.</i></p> <p><i>The amended design and details must be submitted to the satisfaction of Council's Area Planning Manager.</i></p>	<p>Minor amendments to wording to allow the design and configuration to be considered, and remove any inference that the existing booster arrangement is to be deleted.</p> <p>Note: the resolution of this condition will remain at the satisfaction of the Area Planning Manager.</p>
51	ACOUSTIC UPGRADE OF EXISTING ORIGINAL DOORS AND WINDOWS OF PICCADILLY HOTEL AND THE TERRACES	<p><i>No consent is granted or implied for the replacement of existing glazing within retained original windows and doors within the Piccadilly Hotel at 171-173 Victoria Street, Potts Point.</i></p> <p><i>Detailed drawings and specifications for <b>any</b> alternative acoustic options for those doors and windows that does not involve replacement of original fabric must be <b>included. A report detailing</b></i></p>	<p>The proposed amendment seeks to clarify that if, following investigation, the most suitable outcome is to replace existing glazing (rather than adding additional panels to existing windows/doors to meet acoustic /BCA requirements) it can be considered in the boundaries of this condition, and not require separate</p>

		<b><i>the appropriateness of any replacement glazing or alternatives is to be prepared and submitted to and approved by Council's Area Coordinator Planning Assessments or Area Planning Manager prior to a Construction Certificate being issued.</i></b>	approvals or new DA.  See also Condition 73 – compliance with Acoustic Report
<b>73</b>	COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES	<i>All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by "Stantec Australia", Ref: 301350236, dated 18 June 2021, and the Acoustic Review, prepared by "Stantec Australia", dated 14 July 2022 must be implemented in the development prior to the commencement of its use.</i>	This condition is proposed to remain, and recommendations implemented. However, suitable amendments to the corresponding condition at No 51 are considered appropriate.

Cheers,

Stephen

**Stephen Gouge**

Associate Director  
Planning



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