

Local Planning Panel

14 August 2024

Application details

117 Victoria Street, Potts Point

D/2023/862

Applicant: Mitchell Favaloro - Ceerose

Owner: ERD 1 Pty Ltd

Architect: Koichi Takada Architects

Heritage Consultant: Urbis Pty Ltd

Planning Consultant: Planning Ingenuity

Proposal

demolition of the existing residential building and construction of a new part-four and part-eight storey residential flat building comprising:

- 25 apartments (5 affordable housing)
- three levels of basement for car parking, servicing and storage
- rooftop communal open space with pool

Recommendation

The application is recommended for refusal

Reason reported to LPP

The application is reported to LPP for determination as the application:

- is subject to previous SEPP 65 – Design Quality of Residential Apartment Development (now Chapter 4 of the Housing SEPP)
- contravenes the Height of buildings and FSR development standards of Sydney LEP by more than 10%
- represents contentious development with more than 25 unique submissions received

Proposal



Victoria Street



Brougham Street

Notification

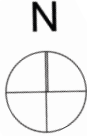
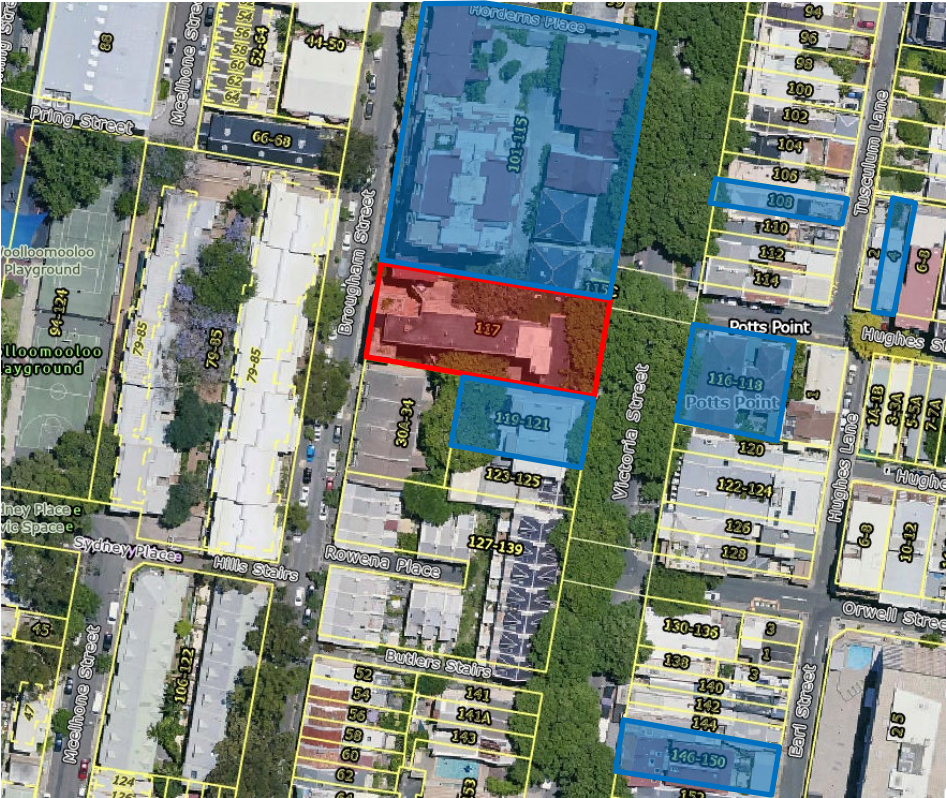
- exhibition period 28 September 2023 to 27 October 2023 and renotified between 14 November 2023 and 29 November 2023
- 1,353 owners and occupiers notified
- 30 submissions received



Submissions

issues raised:

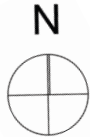
- loss of affordable housing
- height, bulk and scale
- traffic, excavation and construction impacts
- heritage
- impacts to trees and insufficient landscaping
- noise and privacy amenity
- overshadowing

Submissions



-  subject site
-  submitters

Site





site

site viewed from Victoria Street



101-115 Victoria Street to north



119-121 Victoria Street to south



site viewed from Brougham Street



30A – 34 Brougham Street to south



101 – 115 Victoria Street to north

Proposal



Victoria Street



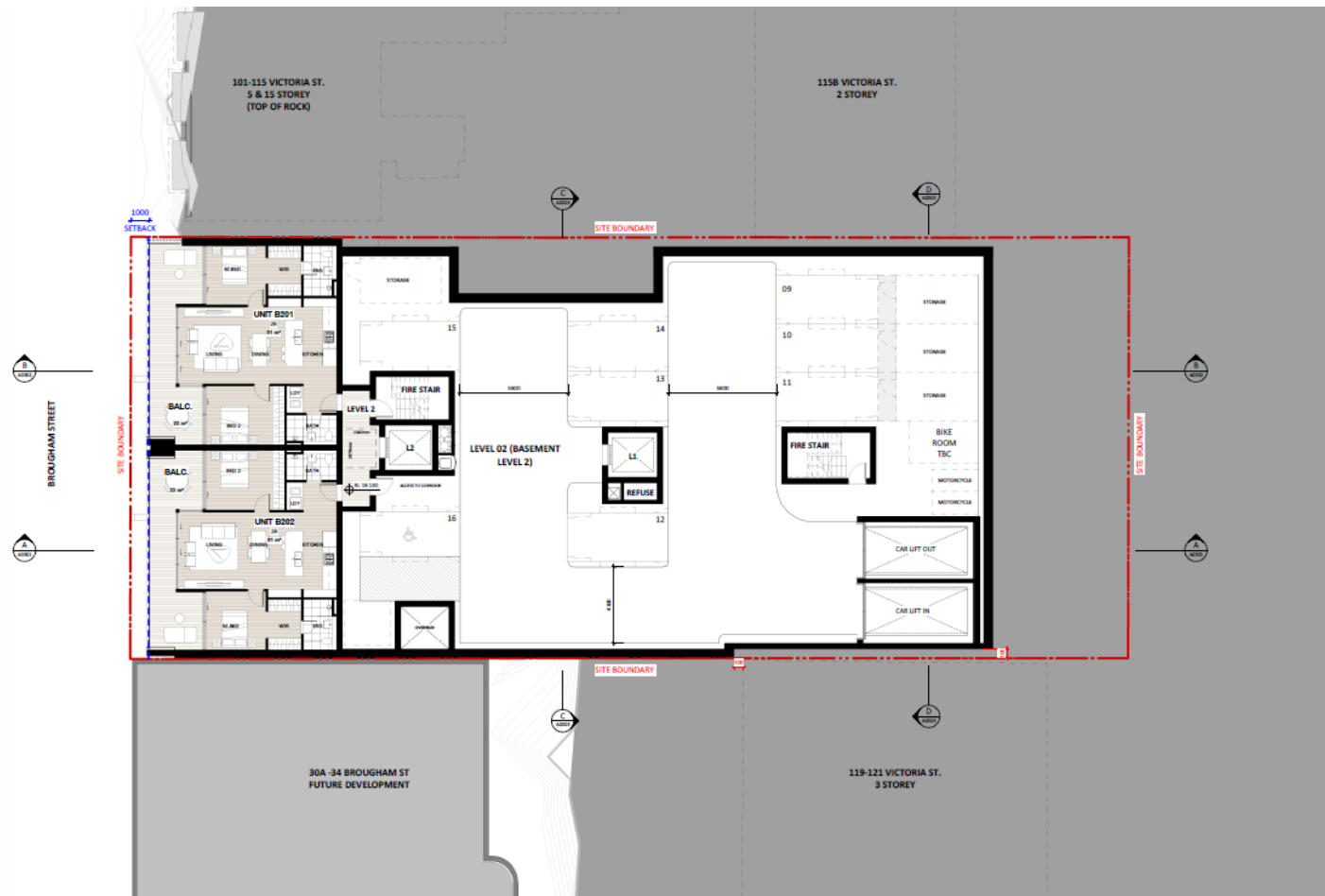
Brougham Street



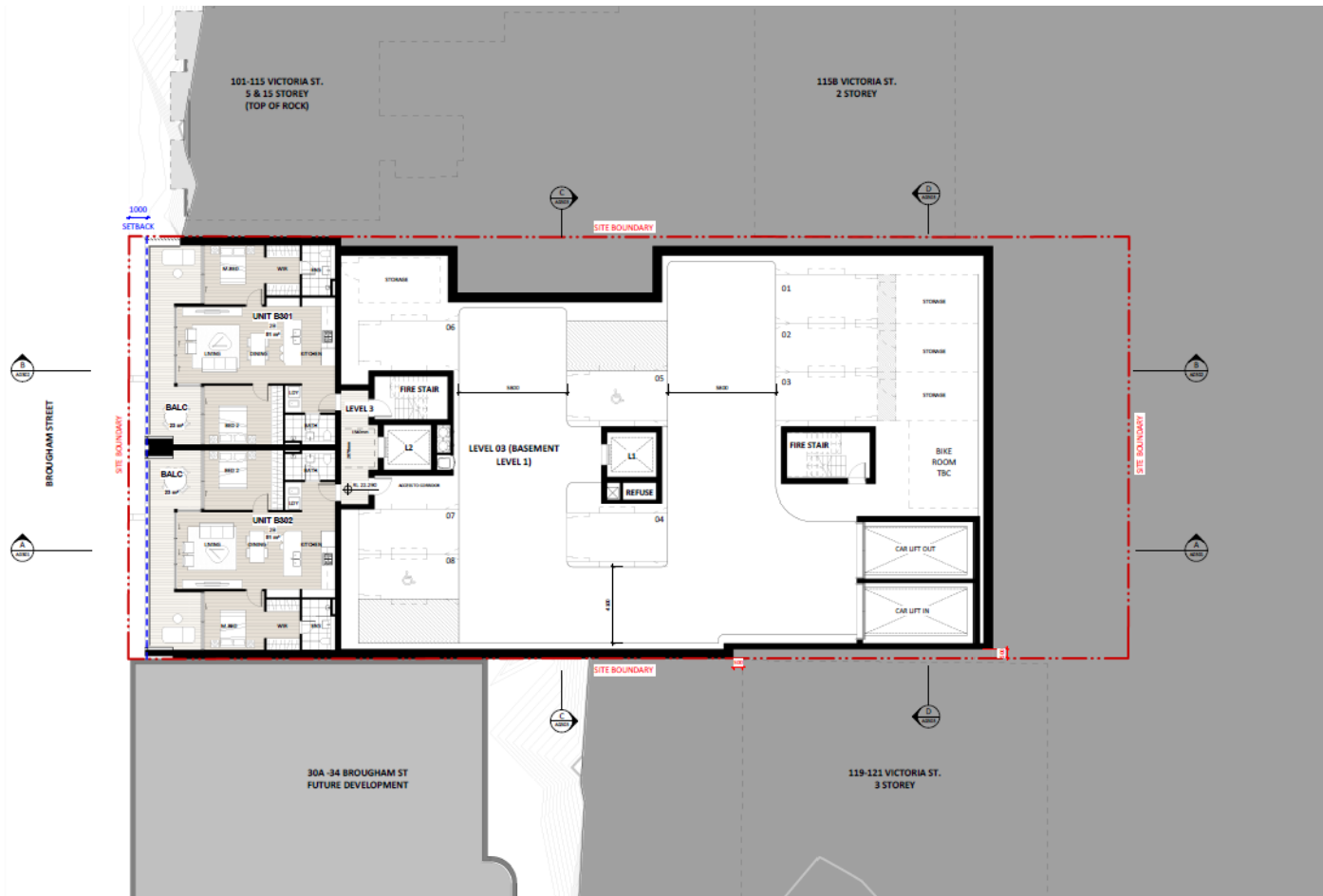
ground level plan – Brougham street



level 1 – Brougham street and basement level 3



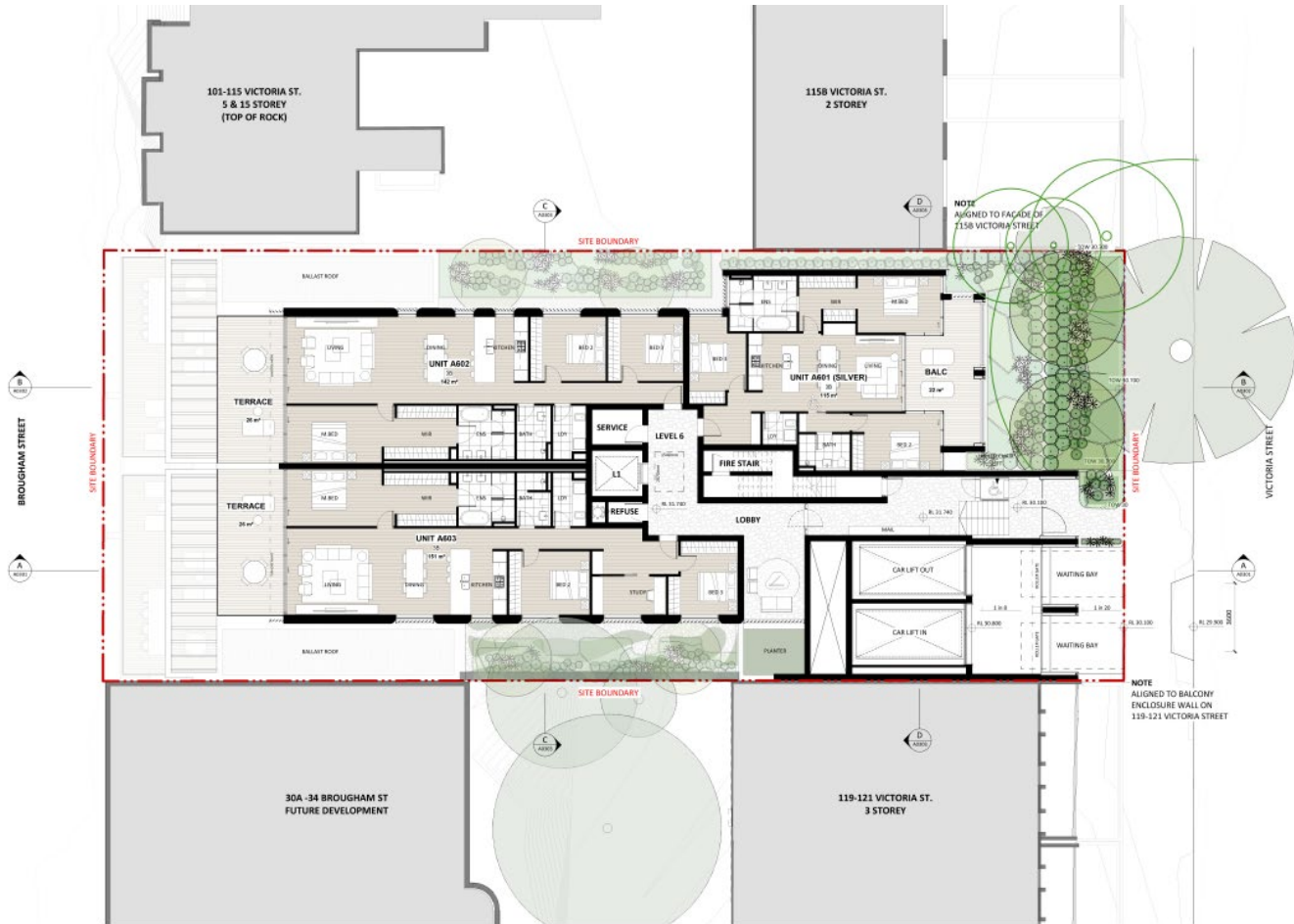
level 2 – Brougham street and basement level 2



level 3 - Brougham street and basement level 1



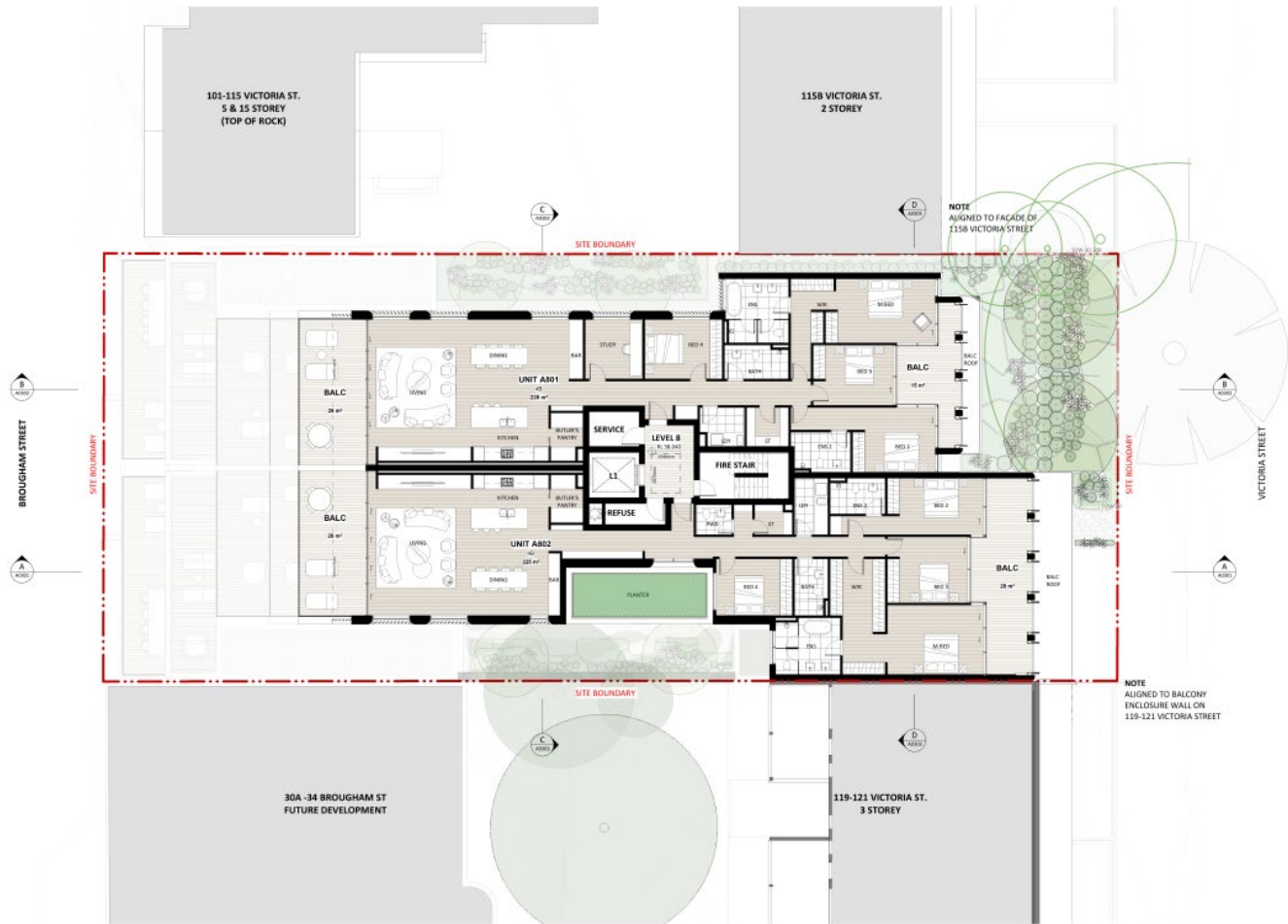
level 5 floor plan



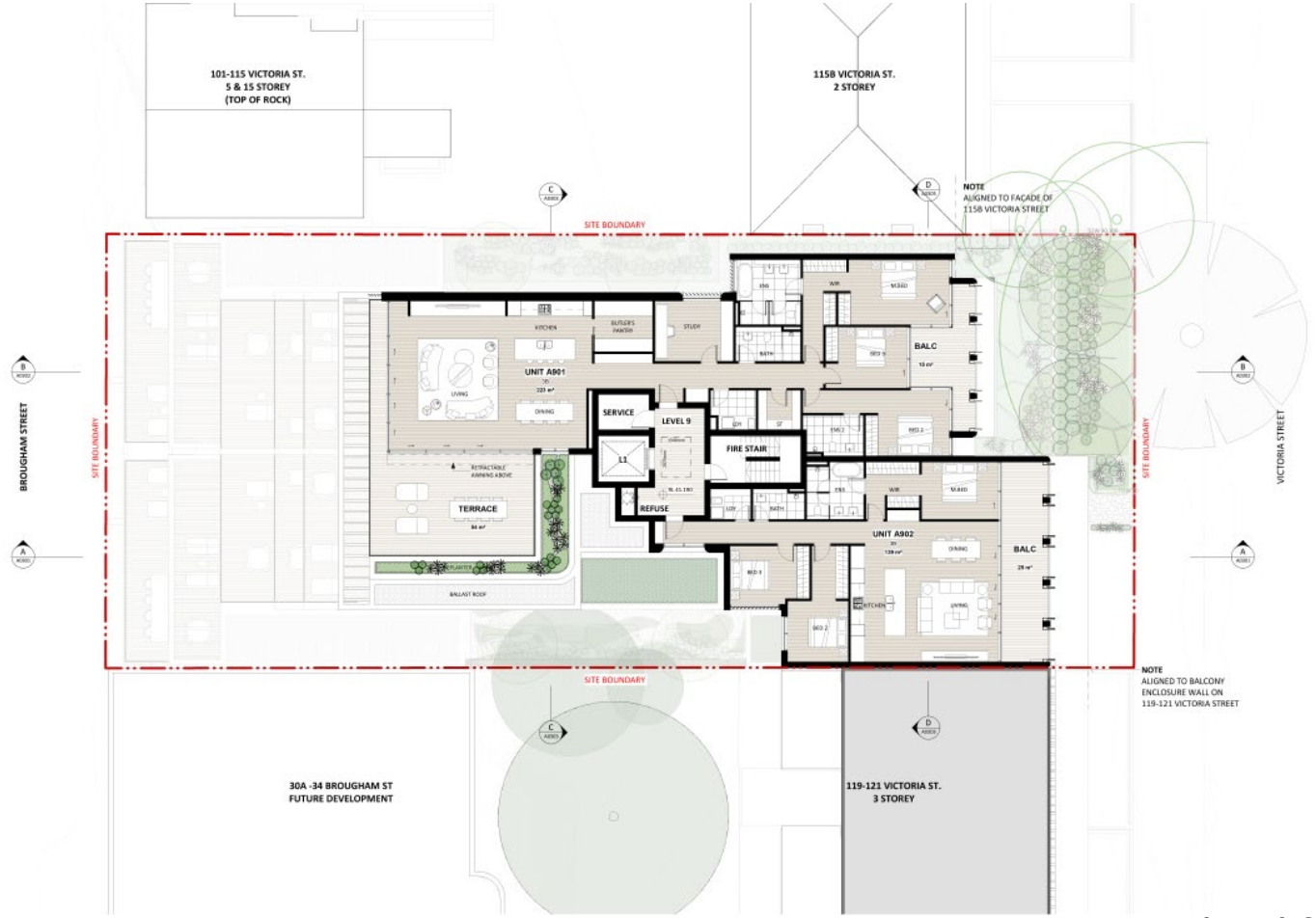
level 6 floor plan



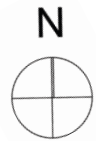
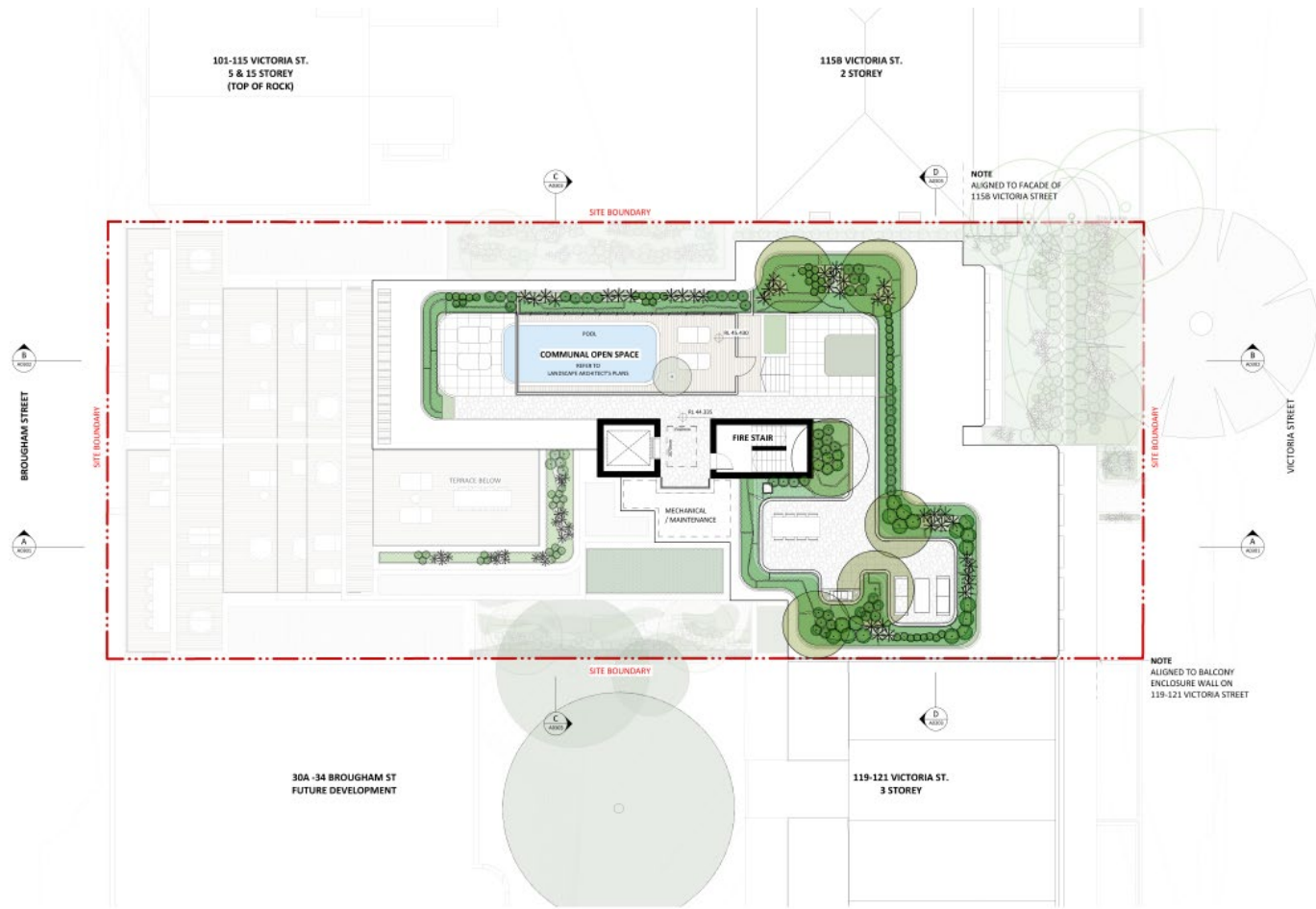
level 7 floor plan



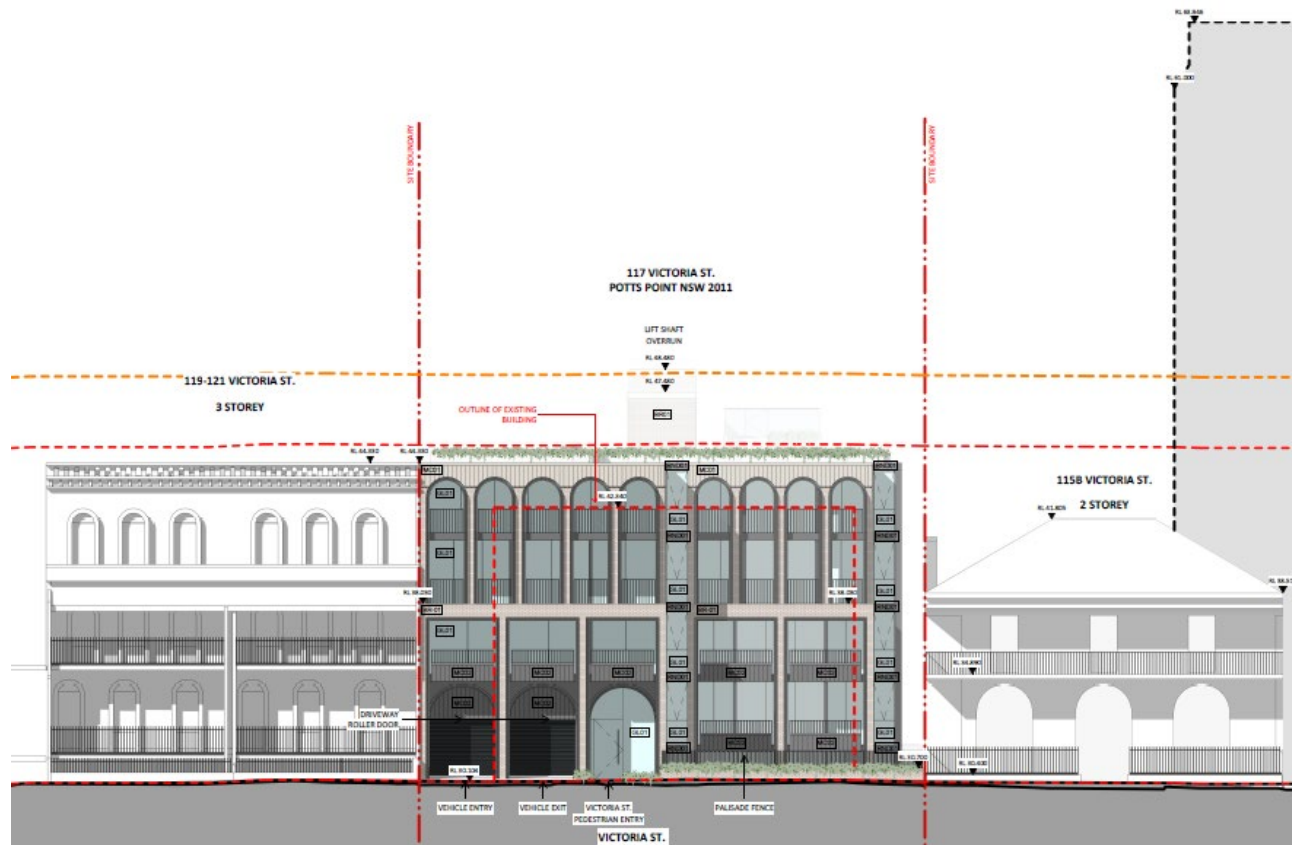
level 8 floor plan



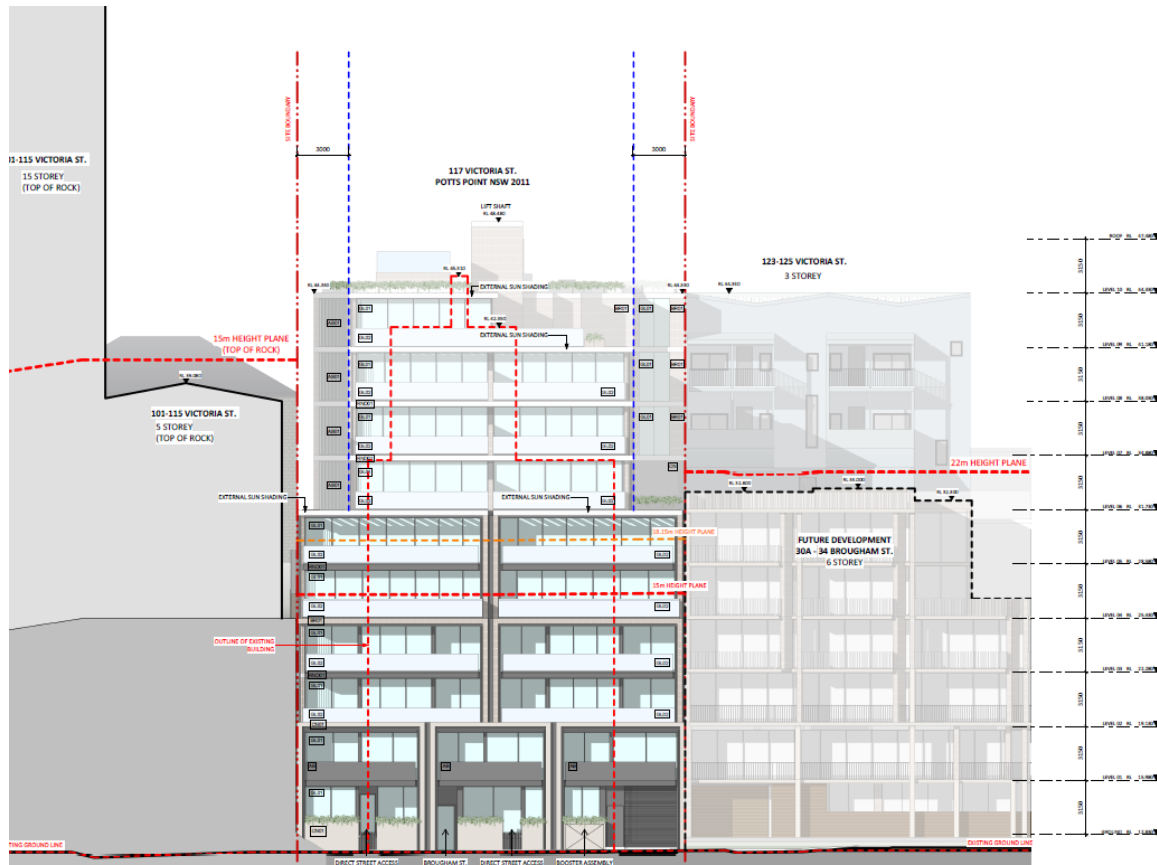
level 9 floor plan



level 10 - rooftop



east elevation – Victoria Street



proposed west elevation – Brougham Street

compliance with key LEP standards

	control	proposed	compliance
height	15m	SEE states 24.88m (65.8% variation)	no
floor space ratio	2.5:1	3.02:1m (20.8% variation)	no
parking	max. 23 resident spaces	23 resident spaces	yes

compliance with key DCP controls

	control	proposed	compliance
height in storeys	4 storeys	4 storeys to Victoria Street 6 storeys to Brougham Street 6-8 storeys centrally	no
solar access	2 hours between 9am and 3pm	64% of proposed apartments achieve solar access requirements Impacts on neighbouring properties unclear	no
bicycle parking	22 resident 3 visitor	bike room shown TBC	no

compliance with key DCP controls

	control	proposed	compliance
dwelling mix	1 bed – 10 - 40% 2 bed – 40 - 75% 3 bed – 10 – 100%	1 bed – 20% 2 bed – 16% 3-4 bed – 64%	acceptable
deep soil	10% minimum 3m dimension	8.8%	no
common open space	25% (300sqm)	appears to be 24% (290sqm)	no

compliance with ADG

	control	proposed	compliance
solar	70% achieve 2 hours during mid-winter	64%	no
cross vent	60% of apartments naturally cross ventilated	64%	yes
deep soil	7% (84sqm)	8% fragmented	partial compliance

compliance with ADG

	control	proposed	compliance
building separation	Up to 4 storeys 6m (habitable) and 3m (non-habitable) 5-8 storeys 9m (habitable) and 4.5m (non-habitable)	3m setback (habitable) nil setback (non-habitable)	no
apartment size	1 bed 50m ² 2 bed 70m ² 3 bed 95m ²	1 bed – min 64sqm 2 bed – 80sqm 3 bed – min 115sqm 4 bed – min 223sqm	yes

compliance with ADG

	control	proposed	compliance
floor to ceiling heights	2.7m	2.7m	yes
communal open space	25%	24 % approx to rooftop	no
private open space	1 bed 8m ² 2 bed 10m ² 3 bed 12m ² ground level 15m ²	1 bed less than 8sqm and min dimension less than 1m	no

Design Advisory Panel Residential Subcommittee

The Panel reviewed the application on 7 November 2023.

The panel raised the following concerns:

- loss of affordable housing
- excessive bulk and massing
- overshadowing
- inadequate deep soil
- materiality and solid to void ratio

Issues

- loss of affordable rental housing
- Height and FSR non compliance - bulk and scale
- setbacks
- excavation
- deep soil
- protection of trees
- solar access

Loss of affordable rental housing

- loss of affordable housing provisions of Housing SEPP apply
- existing building includes 45 apartments (1 two bedroom, 34 one bedroom and 10 studios)
- all apartments have a rental yield below median for the last 12 months

Table 1 Rental yield per apartment – 1 Year, 15/09/22-18/10/23

Apartment No.	Bedrooms	Weekly Rent	Median Range Potts Point	Above / Below median
1	1 Bed	15.09.22-16.08.23 \$380	\$525-\$595	Below
		17.08.23-18.10.23 \$425		
2	1 Bed	1.10.22-24.02.23 \$375	\$525-\$595	Below
		24.02.23-27.10.23 \$400		

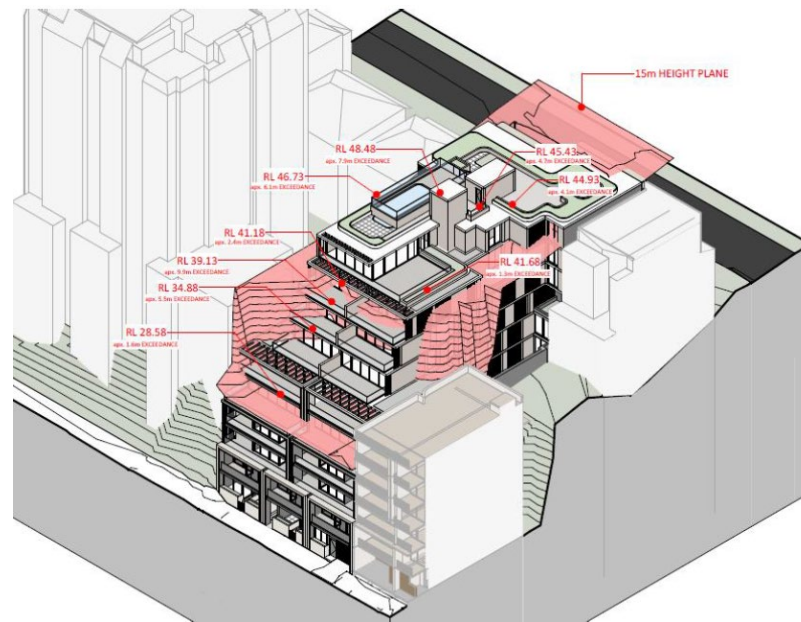
excerpt of rental data provided

Loss of affordable rental housing

- proposal does not adequately address Clause 47(2) of the Housing SEPP
- sufficient comparable accommodation not available in the area
- proposal results in loss of 45 existing low rental dwellings

Height and FSR - bulk and scale

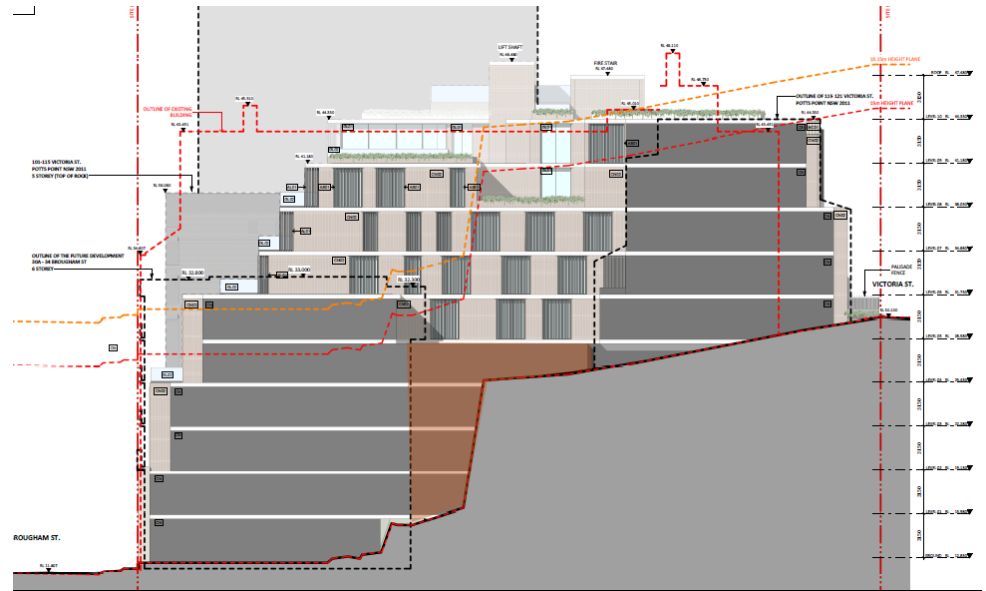
- 65.8% variation to 15m height control
- 20.8% variation to FSR control
- building not appropriately stepped with topography



15m height plane shown in red

Setbacks

- inadequate building separation and setbacks
- insufficient information to assess efficacy of screening to side elevations
- basement walls built to boundary



southern elevation – built to boundary basement shown in orange

Excavation

- proposed excavation across most of the site for 3 level basement
- adjacent to heritage items and adjoining properties
- Geotech report only preliminary and no investigation into the location and size of adjoining footings
- underpinning of neighbouring footings is suggested as an option in the Geotech report

Deep soil

- DCP requires 10% consolidated deep soil
- insufficient fragmented deep soil proposed
- located in private open space areas



proposed deep soil zones

Protection of trees

- proposed works within tree protection zone and structural root zone of neighbouring trees
- insufficient detail of impacts to trees within the Arboricultural report
- no pruning specification report submitted
- does not provide 15% canopy cover as required by controls



existing trees surrounding the site

Solar access

- insufficient information to allow fully detailed solar analysis of proposal and impact on adjoining sites
- no elevational plans provided and views from sun lack details of surrounding buildings
- more than 15% of proposed units likely to receive no sun on 21 June
- overshadowing impacts to 119-121 Victoria Street which are unquantified

Recommendation

The application is recommended for refusal