

Relevant Information for Local Planning Panel

FILE: D/2023/878 **DATE:** 16 October 2024

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager, Planning and Development

SUBJECT: Information Relevant To Item 3 – Development Application: 1 Challis Avenue, Potts Point – D/2023/878

For Noting

That the Local Planning Panel note the information contained in this memo.

Background

Attachment A to this memorandum includes a submission which was not included in the Local Planning Panel (LPP) meeting papers package for Item 3 of the above 16 October LPP meeting.

The LPP report states that there were 39 submissions. This additional submission results in a total of 40 submissions received by Council in relation the development application. The submitter had made a number of other submissions raising substantially the same concerns.

Notwithstanding, all of the matters raised within the submission were considered during the assessment of the proposed development and are addressed within the planning assessment report.

The following points are raised within the submission:

1. Bulk and scale of Bethania considered excessive and suggested redesign.

Response: The amendments to the siting, bulk and form of the Bethania building made by the applicant during the assessment process resolved design issues raised by Council staff.

2. The relocation of roof top plant from the roof (not to the eastern boundary wall) and conditions requiring compliance with an acoustic report.

Response: The air conditioning units on the rooftop of the Bethania building have been rationalised and relocated to the rooftop of the Garcia building.

Condition (19) is recommended requiring compliance with the acoustic report submitted with the application.

3. A view loss assessment should be prepared and proper considerations made of the impacts.

Response: A View Loss Assessment (and revised View Loss Assessment on amended design) was prepared. View sharing is considered to be achieved by the proposed development, in accordance with the relevant planning principle.

4. No demolition or works are to be proposed on the shared eastern boundary wall with 21-23 Challis Avenue. The consent of the owner of this property has not been provided.

Response: The amended design relocates the Bethania building off the eastern boundary and provides a moderate setback from the western elevation of Hotel Challis. No demolition is now proposed on the eastern boundary wall.

A request was made by the submitter for Council staff to pass on the suggested redesign option outlined within the submission to the applicant. The alternative design provided by the submitter is not the subject of this development application. However, the alternative design was reviewed by assessment staff as a submission. The issues the alternative design sought to address are addressed by design amendments, recommended conditions or the impacts were found to be acceptable.

There is no legislative requirement for Council staff to undertake these actions on behalf of the submitter.

Prepared by: Julie Terzoudis, Planner

Attachments

Attachment A. Copy of submission

Approved



ANDREW THOMAS

Executive Manager, Planning and
Development

Attachment A

Copy of Submission

From: [Anthony Boskovitz](#)
To: [Julie Terzoudis](#); [Peter Magiros](#)
Cc: [DASubmissions](#)
Subject: RE: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point
Date: Tuesday, 9 July 2024 3:51:04 PM
Attachments: [~WRD2745.jpg](#)
[image001.png](#)
[image002.png](#)
[Methodology Statement July 2024.pdf](#)
[2024.07.08_Challis Ave-21 23 Potts Point\(1\).pdf](#)

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Dear Julie,

Thank you for coming out to our client's site a few months ago and thank you for advising that the School had uploaded amended plans and other documents.

We have had an opportunity to review the documents submitted and have also had an opportunity to run them past our client's architect X.Pace.

We consider that the plans are a slight improvement but still go nowhere near far enough to resolve our client's concerns as well as the issues raised in the Council's RFI letter dated 21 February 2024.

We are instructed to ask that our original letter and supporting heritage submission continue to stand and to supplement that correspondence with the following matters:

Planning

-

Bulk

Please see attached a set of plans prepared by X.Pace as well as a methodology statement of even date.

We briefed X.Pace to see if they could prepare a more sympathetic design to allow for a greater building separation between our client's building and the subject addition whilst at the same time providing the school with the internal areas they require.

X.Pace came up with a plan which has done exactly that. They have also ensured that equitable access remains available and that the uses for this multi-purpose music and arts space continues to provide for the benefits of the students of the campus.

It was very clear to us that there were wasted lobby and void spaces which could be used more effectively and we have endeavoured to come up with a plan that more effectively and efficiently uses the space provided.

We ask that the Council send this to the Applicant and seeks their adoption of this plan which would be highly beneficial to our client's hotel rooms amenity whilst not having any substantial impact on the School.

Architectural Expression and Urban Design

We note that there has been very little work done on the expression of the building. There have been some minor changes to the bulk and scale but we continue to raise concerns about the nature of the building form including the plant and equipment proposed.

We reiterate that there is a far more beneficial outcome in respect of the suitability of the building form should our client's proposal is adopted.

Air-Conditioning

The RFI states:

'The aircon condensers from the roof should be relocated to the basement similar to the new NW corner building. This will help reduce visual bulk arising from louvre screens around the condensers. No mechanical plant should be located on the roof of the Bethania building.'

The Applicant continues to have a substantial area of mechanical plant and equipment on the new building adjoining our client. As viewed in elevation and section, this area of equipment appears to be close to a full storey in size and is contrary to the RFI.

There has been no detail provided by the Applicant as to the need for the plant and equipment to be located as proposed and we submit that it is contrary to good planning and heritage planning and will have a substantial impact not only on the amenity of our client but also on the heritage of the heritage item when viewed from the rear or from Victoria Street.

We support the proposition of the Council in their RFI and submit that this should be reissued to the Applicant as a third RFI so that a more suitable location can be identified up front to ensure that the compliance with any condition of consent does not result in the plant and equipment being attached to the side boundary wall proximate to our client.

Further the consideration of the location of this plant and equipment must be supported by an acoustic report before any approval is granted.

View Loss

We note that the RFI called for a view loss assessment.

The extent of the response to this issue is a couple of lines in a written response document which states:

The façade of the hall and pool building has been modified to increase the solid to void ratio with the use of face brickwork and a reduced amount of glazing. The rhythm and proportion of the terraces in the local area has been referenced in the elevation using recessive 'bays' of brickwork.

Concrete has been removed from the material palette. Blonde coloured brick is proposed to better integrate with the heritage context and streetscape.

The structure of the rooftop sports courts netting is now aligned with the structural grid/ brick bays of the multipurpose hall building below.

Respectfully we are not sure if the School is considering issues raised by the Council in their RFI seriously. As we advised you on Site, the School was quite flippant in respect to consultation with our client prior to the lodgment of the DA and their attitude appears not to have changed.

It is noted that between the lack of adequate amendments to the plans to resolve the concerns in the RFI together with the total disregard for issues such as the plant and equipment on the roof and the proper environmental amenity assessment asked of them, the School is seemingly paying lip service to the community and the Council, all of whom are trying to work with them to realise an outcome.

Without a fulsome assessment of view impacts, the development should not be permitted to proceed.

Boundary Wall

We note that the RFI raised the need for Owner's Consent to do any work to the boundary wall between our client's property and the School.

We note that the addition provided in response to the RFI provides no response to this matter.

We do however note that there has been a small reduction in building bulk which pulls the building away from the boundary wall.

Otherwise, there are no notations on the plans as to any work proceeding or not.

We seek for assurances from the Council that any concern will expressly exclude works to the boundary wall.

We thank the Council for their further consideration of our submissions

Regards,

Anthony Boskovitz
Boskovitz Lawyers
Suite 110, 203-233 New South Head Road
EDGECLIFF NSW 2027

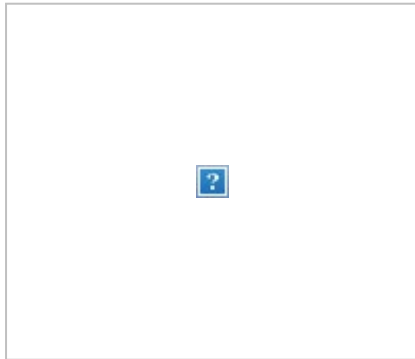
[REDACTED]

[REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

Website: www.boskovitzlawyers.com
<https://au.linkedin.com/in/anthony-boskovitz-1679154>



We have changed our contact details. All mail should be sent to PO Box 305, Edgecliff NSW 2027

Check out our new website www.boskovitzlawyers.com

Like us on Facebook
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From: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>
Sent: Monday, May 13, 2024 1:09 PM
To: Peter Magiros <peter.magiros@gmail.com>
Cc: Anthony Boskovitz <anthony@boskovitzlawyers.com>
Subject: RE: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1

Challis Avenue, Potts Point

Hi Peter,

The applicant requested an extension to the submission of amended information until the 29th May 2024.

Kind regards,

Julie

Julie Terzoudis
Planner
Planning Assessments



Telephone: [+612 9246 7650](tel:+61292467650)
cityofsydney.nsw.gov.au



The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our local area.

From: Peter Magiros [REDACTED]
Sent: Monday, May 13, 2024 1:03 PM
To: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>
Cc: Anthony Boskovitz [REDACTED]
Subject: Re: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

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Hi Julie,

I hope you are well. I have checked online today and there are no amended documents from the applicant – nothing online post the RFI uploaded on 16/3/24. Do you have any updates on this?

Thank you

Regards,

Peter Magiros
m: [REDACTED]

From: Peter Magiros [REDACTED] >

Date: Thursday, 11 April 2024 at 4:06 PM

To: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Subject: Re: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

Hi Julie,

Thank you for your time yesterday in listening to our concerns regarding the new plans next door.

I would also like to thank you for letting us know about your letter – it is very comprehensive.

Enjoy the rest of your week.

Regards,

Peter Magiros

m: [REDACTED]

From: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Date: Monday, 25 March 2024 at 11:53 AM

To: Peter Magiros [REDACTED]

Subject: RE: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

Hi Peter,

Wednesday 10th April at 2pm will be fine. I have booked the slot and will see you then.

Kind regards,

Julie

Julie Terzoudis
Planner
Planning Assessments



Telephone: +612 9246 7650
cityofsydney.nsw.gov.au



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From: Peter Magiros [REDACTED]

Sent: Friday, March 15, 2024 11:35 AM

To: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Subject: Re: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

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Hi Julie,

No problem. Can you do either the 9th or 10th April @ 2pm?

Thanks

Regards,

Peter Magiros

m: [REDACTED]

From: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Date: Thursday, 14 March 2024 at 12:38 pm

To: Peter Magiros [REDACTED]

Subject: RE: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

Hi Peter,

I do apologise, but due to ill health I will need to cancel our appointment next Wednesday 20 March at 1:30pm.

Please could you propose some availability after Easter and I will undertake a visit then.

Thanks for your understanding.

Kind regards,

Julie

From: Peter Magiros [REDACTED]

Sent: Monday, March 4, 2024 11:12 AM

To: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Subject: Re: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

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Thanks Julie,

See you then!

Regards,

Peter Magiros

m: [REDACTED]

From: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Date: Monday, 4 March 2024 at 11:04 am

To: Peter Magiros [REDACTED]

Subject: RE: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

Hi Peter,

No problem, I have scheduled the following in for you:

Wednesday, 20th March at 1:30pm.

Kind regards,

Julie

Julie Terzoudis
Planner
Planning Assessments



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cityofsydney.nsw.gov.au



The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our local area.

From: Peter Magiros [REDACTED]

Sent: Monday, March 4, 2024 11:01 AM

To: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Subject: Re: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

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Hi Julie,

Great can we please lock in 20th March @ 1.30pm?

Regards,

Peter Magiros

m: [REDACTED]

From: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Date: Monday, 4 March 2024 at 9:11 am

To: Peter Magiros [REDACTED]

Subject: RE: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

Hi Peter,

I am on leave for much of the following two weeks after this week. I will be available on Weds 20th March 10:30-4pm, otherwise my next available date between 10-4pm will be 25, 26, 27 March.

Thanks,

Julie

Julie Terzoudis
Planner
Planning Assessments



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From: Peter Magiros [REDACTED]

Sent: Monday, March 4, 2024 8:58 AM

To: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Subject: Re: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

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Morning Julie,

Not a problem. I have spoken to our property consultant for a next available date that is only

next Friday 15th at 2.30pm. He is in court all other days until then.

Is that time okay for you?

Thanks

Kind regards,

Peter Magiros

m: [REDACTED]

From: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Sent: Monday, March 4, 2024 8:40:14 AM

To: [REDACTED] [REDACTED]

Subject: RE: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

Morning Peter,

I am still testing positive for Covid and still exhibiting symptoms, so it would not be responsible for me to undertake a site visit today.

I can tentatively rebook for Wednesday, Thursday or Friday this week if you can provide some availability?

Kind regards,

Julie

Julie Terzoudis
Planner
Planning Assessments



Telephone: [+612 9246 7650](tel:+61292467650)

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From: Julie Terzoudis

Sent: Thursday, February 29, 2024 10:47 AM

To: Peter Magiros [REDACTED]

Subject: RE: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

Hi Peter,

Lets try for Monday 4th March 2:30pm. If I am still symptomatic, I will have to rearrange. I am not about that week of the 20th and I am reticent to leave the visit for another 3 weeks if we can avoid it.

Look forward to meeting you Monday.

Kind regards,

Julie

Julie Terzoudis
Planner
Planning Assessments



Telephone: [+612 9246 7650](tel:+61292467650)
cityofsydney.nsw.gov.au



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From: Peter Magiros <[REDACTED]>
Sent: Thursday, February 29, 2024 9:53 AM
To: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>
Cc: Spiro Magiros <[REDACTED]>; Anthony Boskovitz
[REDACTED]
Subject: Re: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

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Hi Julie,

Hope you are feeling better today.

Unfortunately we all have commitments next Thursday. Are you available on Monday 4th March @ 2.30pm or Wednesday 20th March 2.30pm?

Thanks

Regards,

Peter Magiros

m: [REDACTED]

From: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Date: Wednesday, 28 February 2024 at 4:32 pm

To: Peter Magiros [REDACTED]

Cc: Spiro Magiros [REDACTED] Anthony Boskovitz
[REDACTED]

Subject: RE: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

Hi Peter,

Unfortunately I tested positive for Covid on Sunday and have still tested positive today and displaying symptoms, so I will need to postpone my site visit for tomorrow.

If possible, I would like to retain the same time slot at 2:30pm, but move it to next Thursday 7th March 2023.

Please could you confirm this is acceptable.

Many thanks,

Julie

Julie Terzoudis
Planner (working days Tues-Fri)
Planning Assessments



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cityofsydney.nsw.gov.au



The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our local area.

From: Peter Magiros [REDACTED]

Sent: Thursday, February 15, 2024 5:46 PM

To: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Cc: Spiro Magiros [REDACTED]; Anthony Boskovitz
[REDACTED]

Subject: Re: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

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Thanks Julie,

See you then.

Regards,

Peter Magiros

m: [REDACTED]

From: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Date: Thursday, 15 February 2024 at 5:45 pm

To: Peter Magiros [REDACTED]

Cc: Spiro Magiros [REDACTED] Anthony Boskovitz
[REDACTED]

Subject: RE: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

Hi Peter,

Thank you for your email.

I can confirm I have booked a slot at 2:30pm on Thursday 29th February to visit 21-23 Challis Avenue.

Please let me know if you need to make any change to the appointment.

Kind regards,

Julie

Julie Terzoudis
Planner
Planning Assessments



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The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our local area.

From: Peter Magiros [REDACTED]
Sent: Thursday, February 15, 2024 5:22 PM
To: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Cc: Spiro Magiros [REDACTED] Anthony Boskovitz

Subject: Re: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

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Hi Julie,

Thank you for your email below. Confirming that we will only need to undertake a site visit on the 21-23 Challis Ave premise, not 71 Macleay St.

Can we lock in **Thursday 29th February @ 2.30pm?**

The authors of our objection will also be present and are cc'd on this email.

Thanks

Regards,

Peter Magiros

m: [REDACTED]

From: Julie Terzoudis <JTerzoudis@cityofsydney.nsw.gov.au>

Date: Wednesday, 14 February 2024 at 7:15 pm

To: [REDACTED]

Subject: Site visit request - Development application ref: D/2023/878 - St Vincent's College, 1 Challis Avenue, Potts Point

Dear Peter,

I am a planning officer at the City of Sydney and am undertaking the assessment of the above development application at St Vincent's College, 1 Challis Avenue, Potts Point.

As part of the assessment, I would like to undertake a site visit to your two premises being 21-23 Challis Avenue (Hotel Challis) & 71 Macleay Street. The visits will aid the understanding of any potential view loss impacts, and any other amenity impacts which may occur as a result of the proposed development.

I will be undertaking visits on Thursday 22nd and 29th February 2024 during the following times:

	Thursday 22 Feb	Thursday 29 Feb	Comment
10:30am			
11:00am			
11:30am			
12:00pm			
12:30pm			

1:30pm			
2:00pm			
2:30pm			

Please could you confirm suitable dates/times and I will allocate a spot if it is still available.
Please confirm a time slot for each site.

If you cannot make either of these dates, please confirm when you will be available and I will try to accommodate.

There is no obligation to have a site visit undertaken at your properties. If you would prefer that a visit was not completed, please confirm in a reply email.

Kind regards,

Julie

Julie Terzoudis
Planner
Planning Assessments



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09.07.2024

St Vincent's College . Potts Point _Proposed modification to DA submission

We have been asked to investigate the planning and design options that would enable greater separation between the proposed building at the rear of No 19 Challis Avenue [known as Garcia] and No 21-23 Challis Avenue, Potts Point.

No 21-23 Challis Avenue is a heritage item and for the protection of it's integrity it is critical to create a reasonable curtilage zone. The building is a terrace with the typical footprint of a primary building with a lean-on to the east and a breezeway to the west. The established pattern of the terraces would suggest that the next building in the row would have a breezeway to the east, so that two breezeways would form one open space.

The submitted DA proposes a rear extension with zero setback against their eastern boundary. In fact the proposal includes demolition of the original shared party wall which is an integral element of the heritage item.

Such approach goes against the established pattern and demonstrates strong disrespect towards the heritage item. In addition it obliterates any of the views towards the city and creates an unacceptable sense of enclosure. While 21-23 Challis Avenue is a large terrace with multiple orientation it is a hotel and the individual rooms within the hotel have a single orientation and a single view. The proposed extension will affect 20 rooms, which will obviously have a major economic impact on the hotel.

As a minimum the proposed DA should be changed to provide a separation equal to that of an expected traditional breezeway, in other words at this scale of terraces about 3m. Such separation would allow for a landscaped buffer zone which in turn would provide for a greater solar access and it would reduce a sense of enclosure.

Our initial investigation suggests that there is a very pronounced inefficiency in the zone of the foyer on the western end of Garcia.

We have focused on rationalisation of that space and with a simple reorientation and relocation of the vertical core we have been able to shift the rear extension to be in line with the west face of Garcia

which would provide clear alignment between the two - the main building and the associated extension.

The alignment of the two buildings would contribute to the architectural expression and visual clarity. More importantly from urban design point of view shifting the extension to the west would provide a relief between the buildings.

Our initial calculations indicate that the separation that can be achieved would be in part 3 and in part 6.5 meters, which is sufficient for a reasonable landscape space with small size trees.

It should be noted that to achieve that we had to reorganise the basement level and shift the excavation line. However, we have NOT lost any of the functional requirements and the spaces that applicant is relying on are still available. The excavation volume is similar and probably slightly more efficient due to a more square nature of it.

On the upper levels the spaces have been retained in the same or similar configuration as proposed. Therefore there would be no net space of functional loss to the proponent.

In addition to creating a landscaped, setback buffer zone we have also explored a relief that would come with the reduction of height.

To achieve that we had to relocate the Collaboration Room from Level 5 to Level 4. While in doing that we have lost about 40m² and reduced it from 170 to 130m², we believe that there is ample space available to compensate for the apparent shortfall.

More importantly we have also managed to relocate the proposed Plant Room from Level 6. The suggestion is that the plant be relocated to the space along the south facade of the Multipurpose Court building, facing the Middle Courtyard. This is a large facade that can be well ventilated. Having it centrally located would assist with the likely acoustic impacts on the residential properties along Rockwell Lane and it would clean the associated visual noise.

From technical point of view the remote Plant Room can work in this location. Our understanding is that a high end multi VRV systems can have up to 90m between the condenser and the fan coil units, which here would be the sufficient.

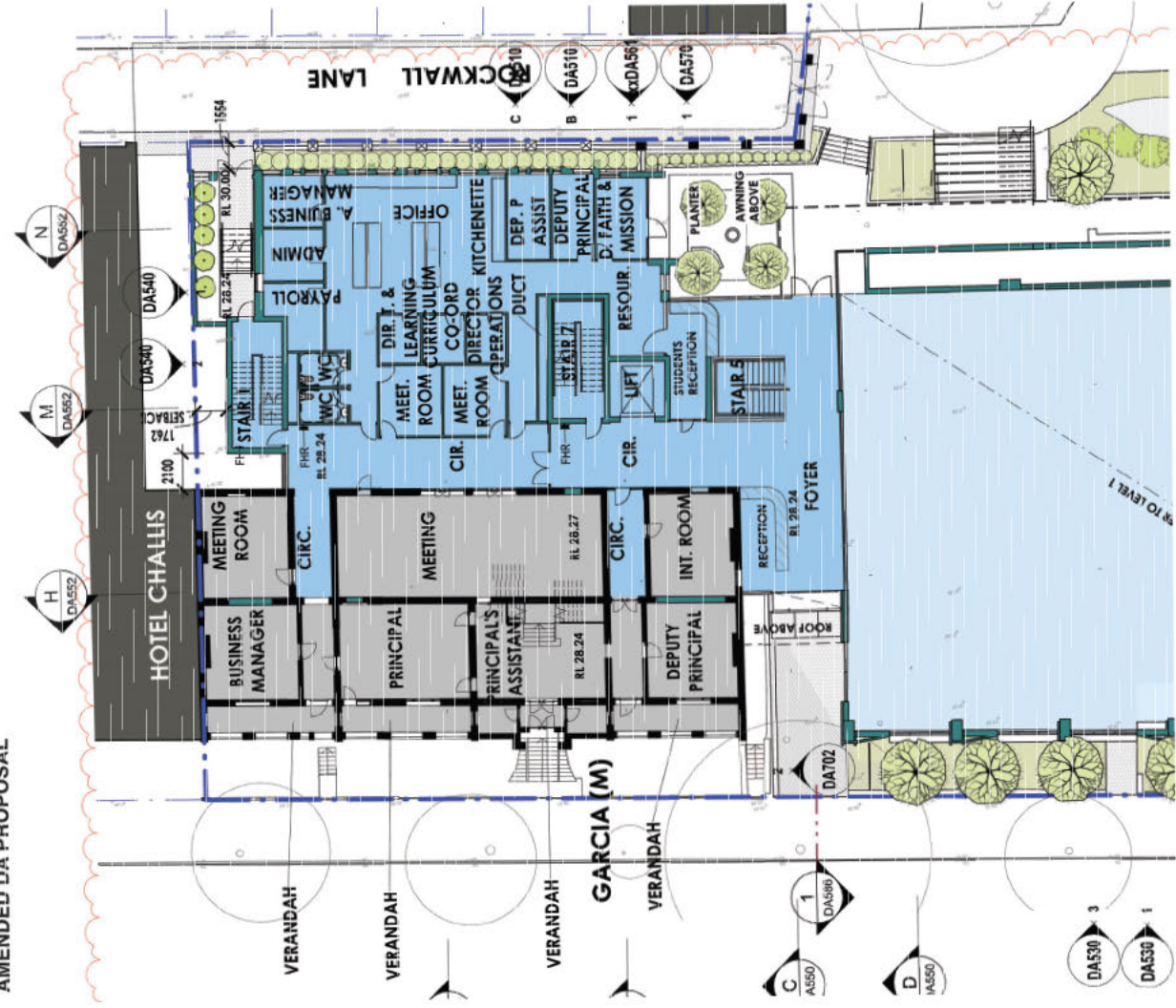
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In conclusion we are of the opinion that the proposal as is breaches good design principles of both heritage preservation and urban design. With some rigorous and well directed planning effort these breaches can be avoided without losing any of the desired spatial and organisational functionality.

Goran Stojanovic _director

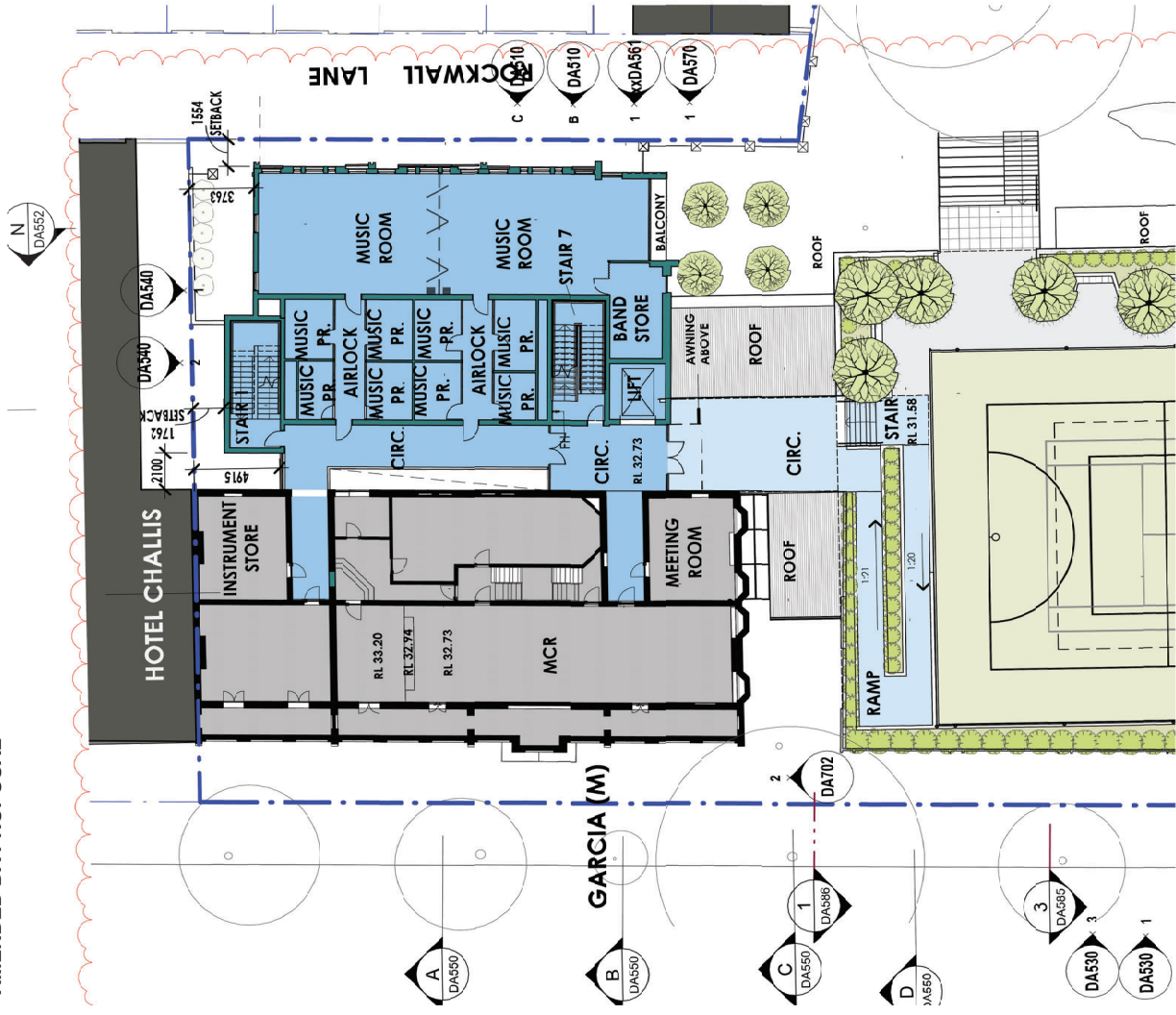
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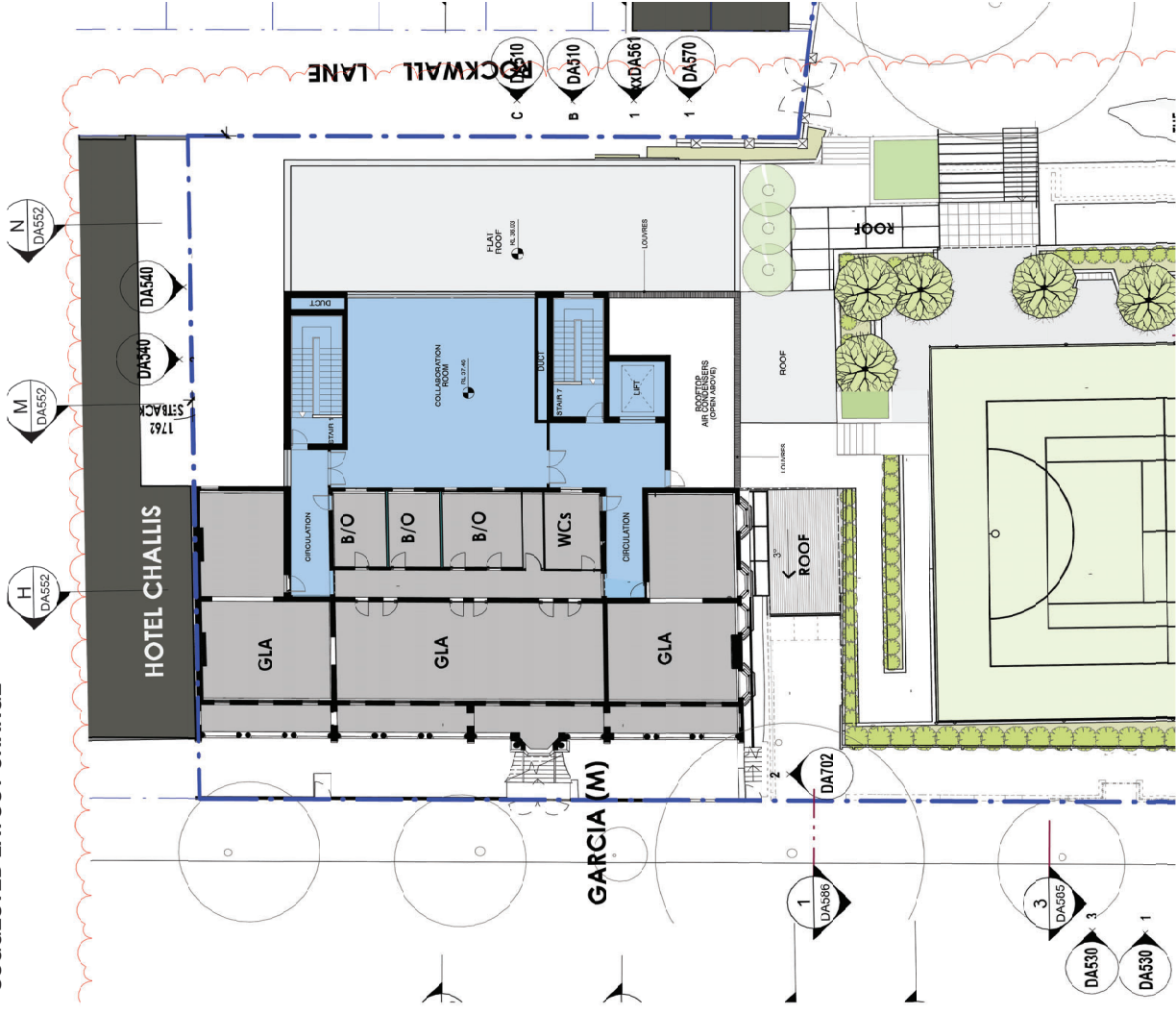
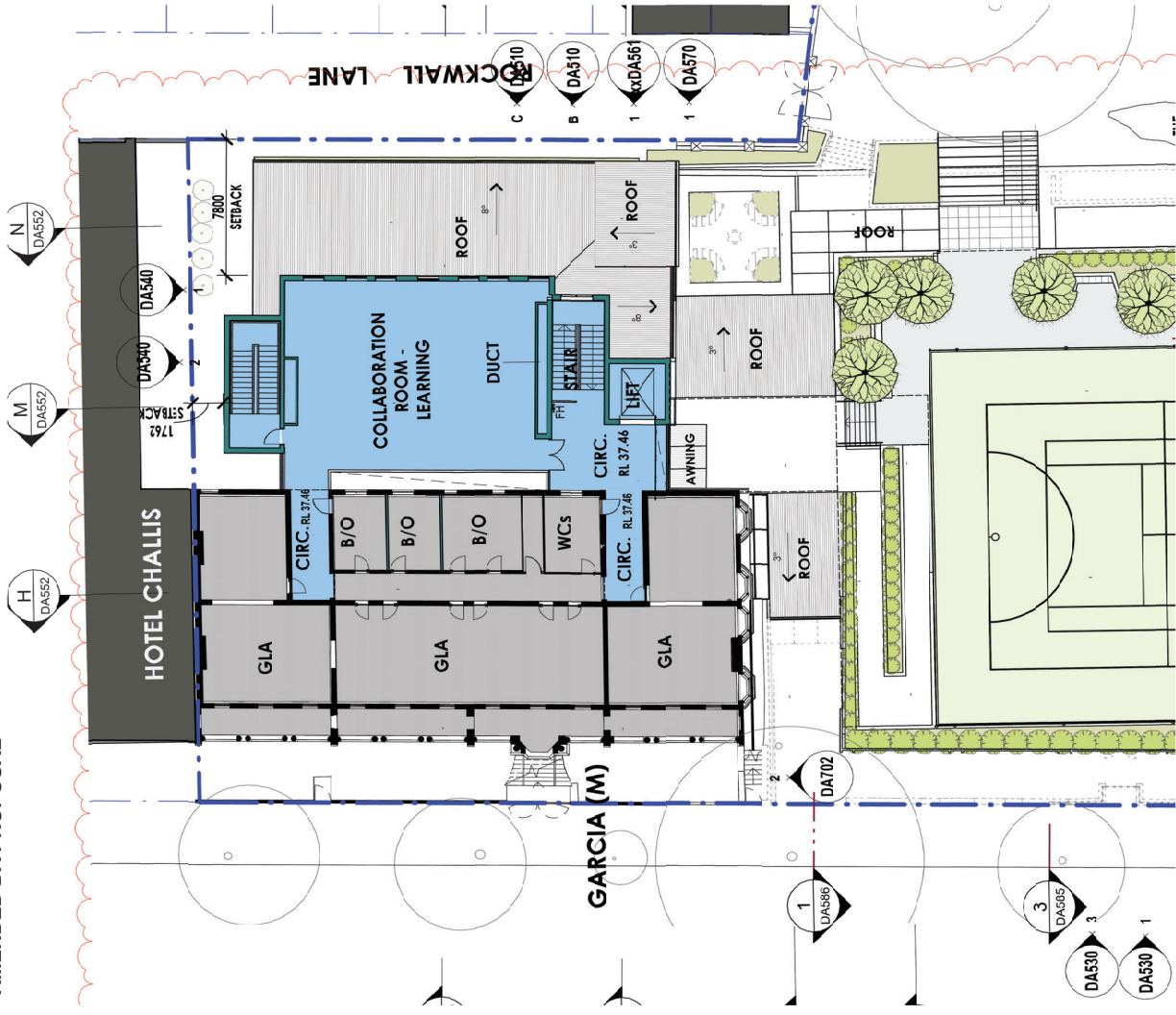
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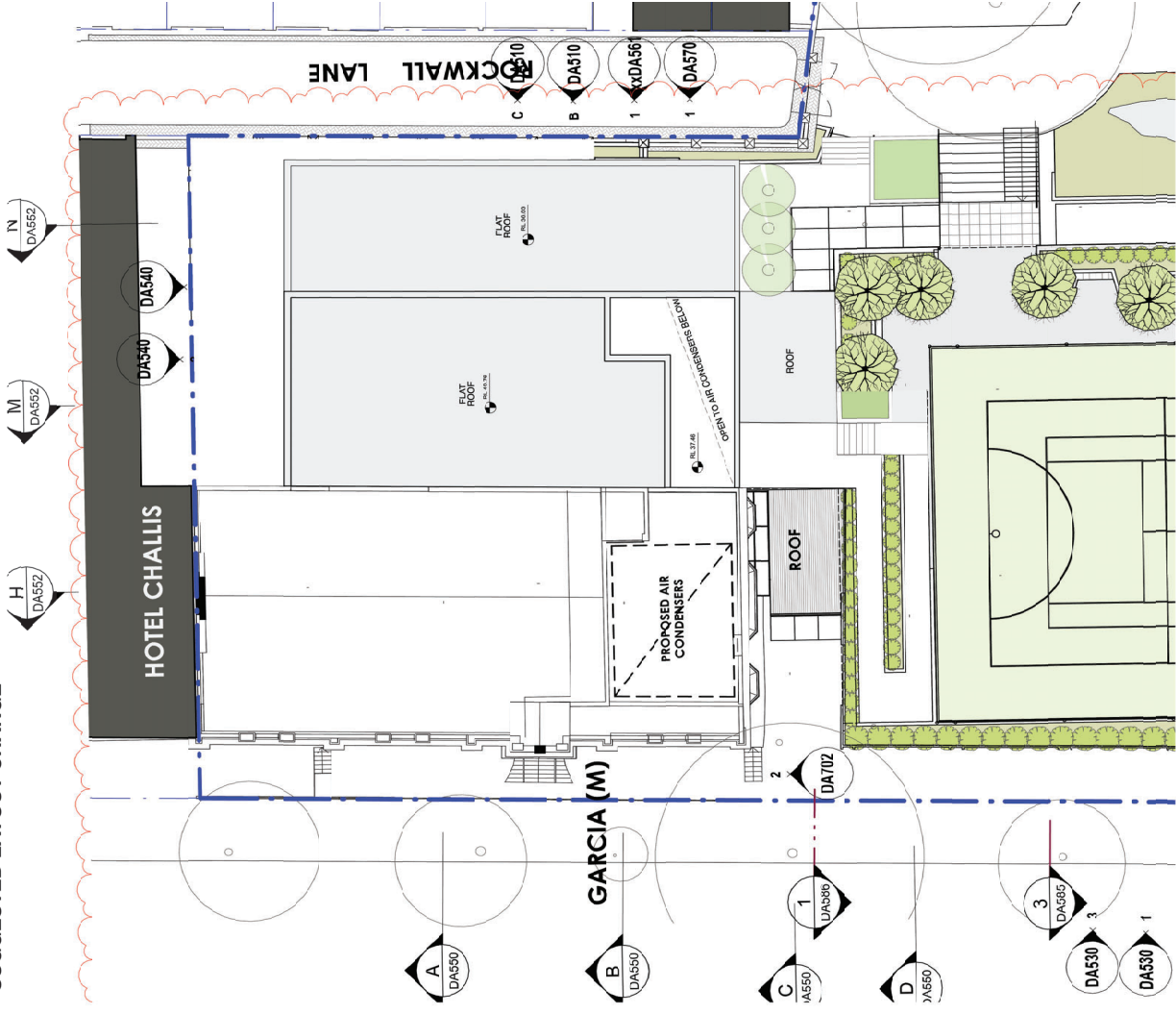
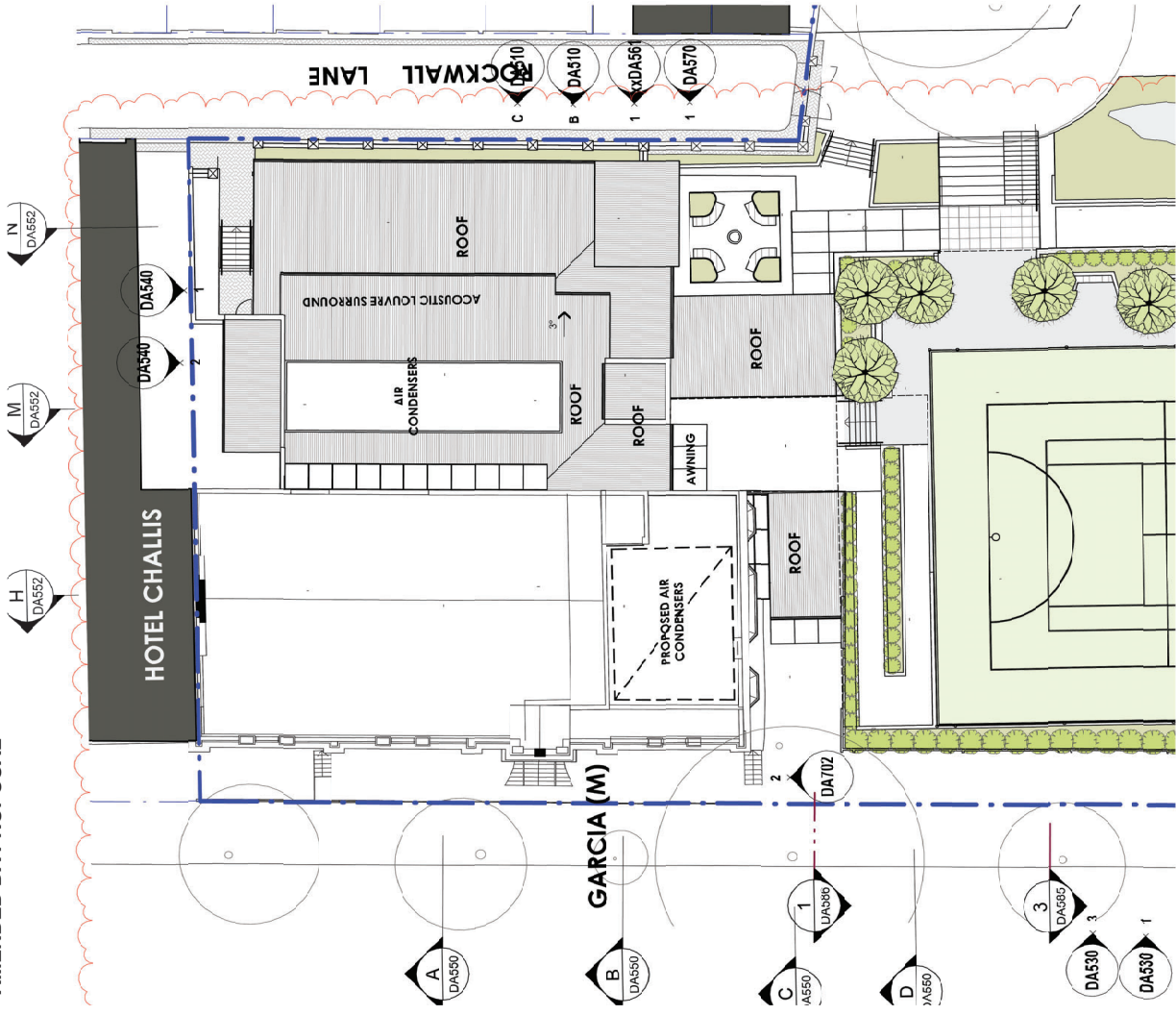
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 Level 6 Plan
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 Roof Plan

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