

# Local Planning Panel

27 November 2024

# Application details

Address: 28-36 Bayswater Road, Potts Point

Application: D/2023/71

Applicant: Hamptons Property Services P/L

Owner: Cantabri Pty Ltd

Architect: Squillace Architects

Planning consultant: Kristy Hodgkinson c/- Hamptons Property Services

Heritage consultant: Weir Phillips Heritage and Planning

# Proposal

- 22 apartments above 4 commercial tenancies including:
  - demolition of existing structures
  - excavation for 2 new basement levels
  - substantial alterations and additions to 4 existing terraces
  - construction of a new building

# Recommendation

- approval subject to conditions

# Proposal



Photomontage - Bayswater Road

# Reason reported to LPP

DA is reported to the LPP for determination due to:

- exceeding the 15m height of building development standard by more than 10% (33.7% non compliance)
- being classified as 'sensitive development' - Housing SEPP applies and the building is 4 or more storeys

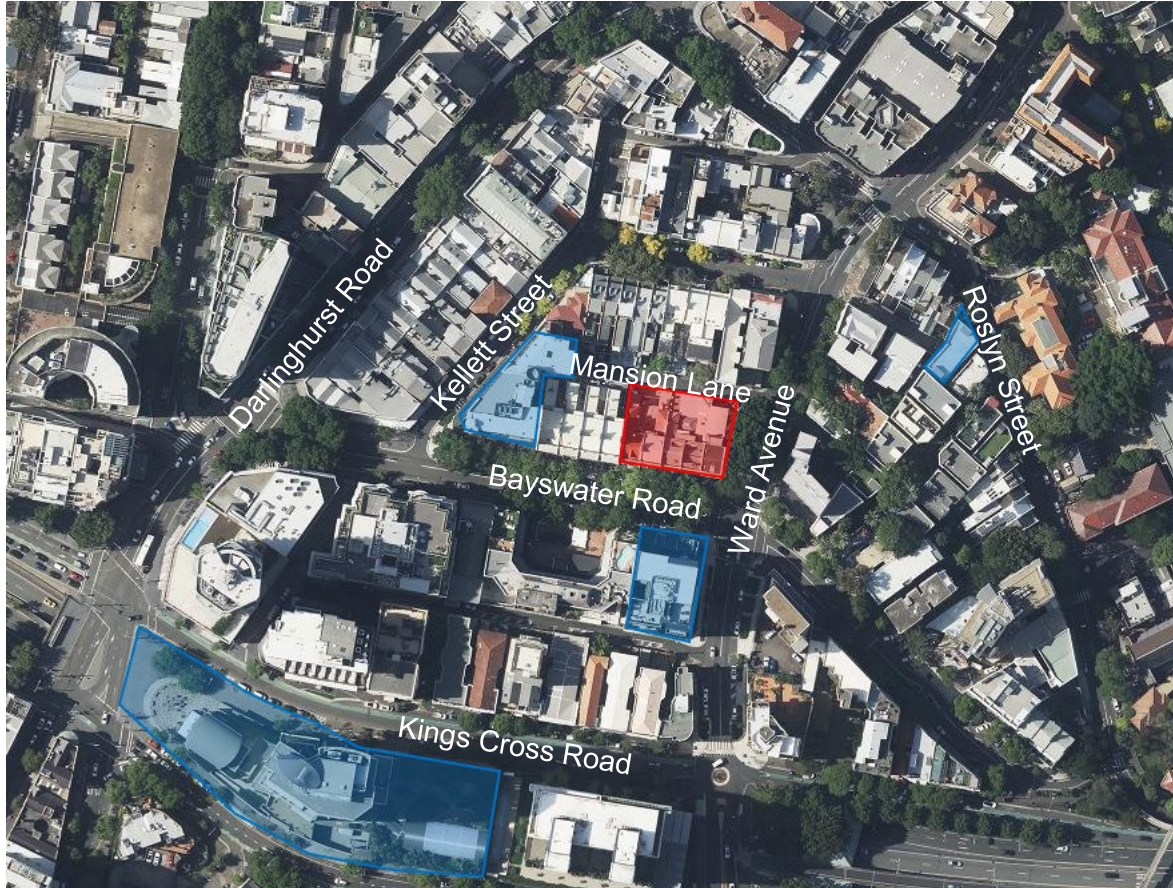
# Notification

- notification period 7 March and 5 April 2023
- 1,616 owners and occupiers notified
- 8 submissions received (6 in objection, 1 comment and 1 in support)
- re-notified 13 June to 12 July 2024
- a further 6 submissions received (3 objections, 2 comment and 1 in support)

# Submissions

- height, bulk and scale of corner building
- extent of demolition
- loss of heritage fabric
- unsympathetic architectural styling
- noise and privacy impacts
- overshadowing and wind impacts
- poor amenity to proposed apartments
- undersized waste storage areas
- traffic, parking and delivery impacts
- construction impacts
- impact to street trees
- light pollution
- misinterpretation of planning controls

# Submissions



 subject site

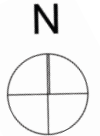
 submitters (objectors)

1 additional objector outside of NSW

3 objector's addresses unknown



# Site



aerial view of site (outlined red) and surrounds



part of site (no. 28-30) viewed from Bayswater Road



part of site (no. 28-34) viewed from Bayswater Road



part of site (no. 36) viewed from corner of Bayswater Road and Ward Avenue



no. 36

site

site viewed from Mansion Lane - looking west



rear of no. 28-34 as viewed from Mansion Lane

# Proposal



Photomontage - Bayswater Road

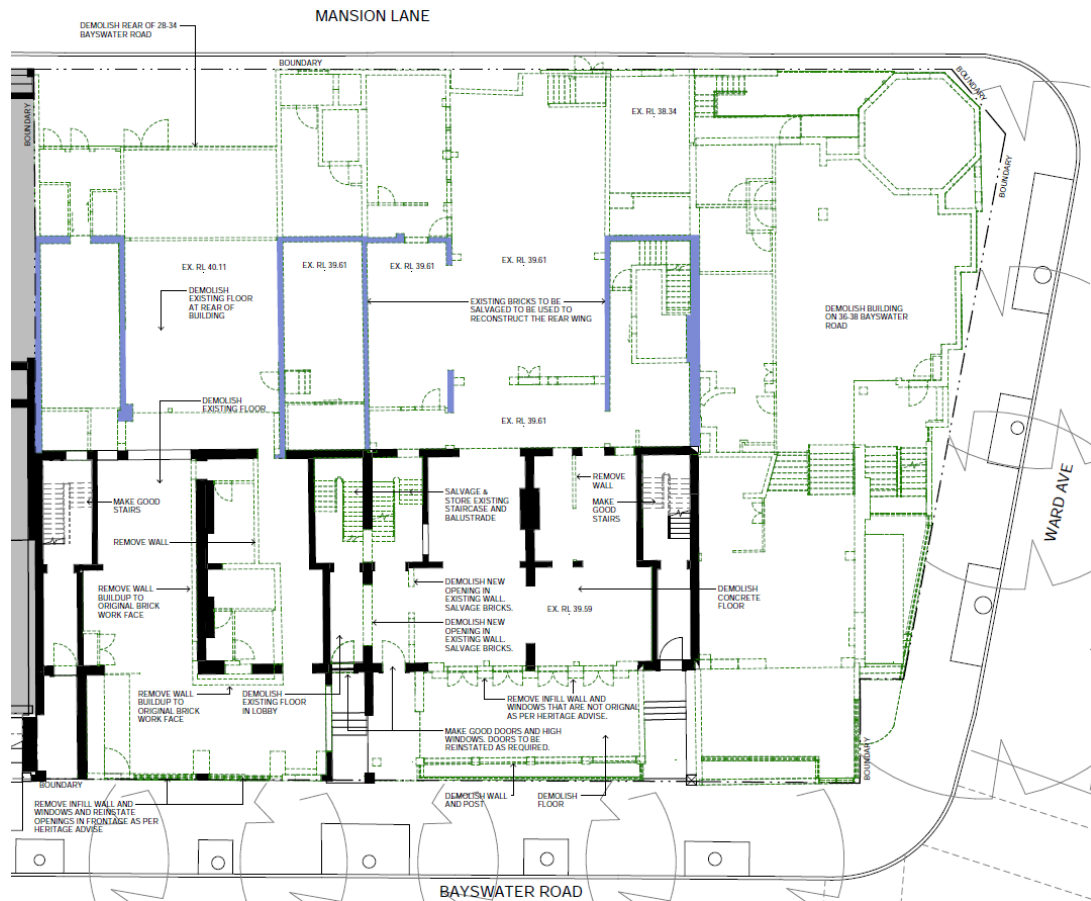


Photomontage - corner Bayswater Road and Ward Avenue

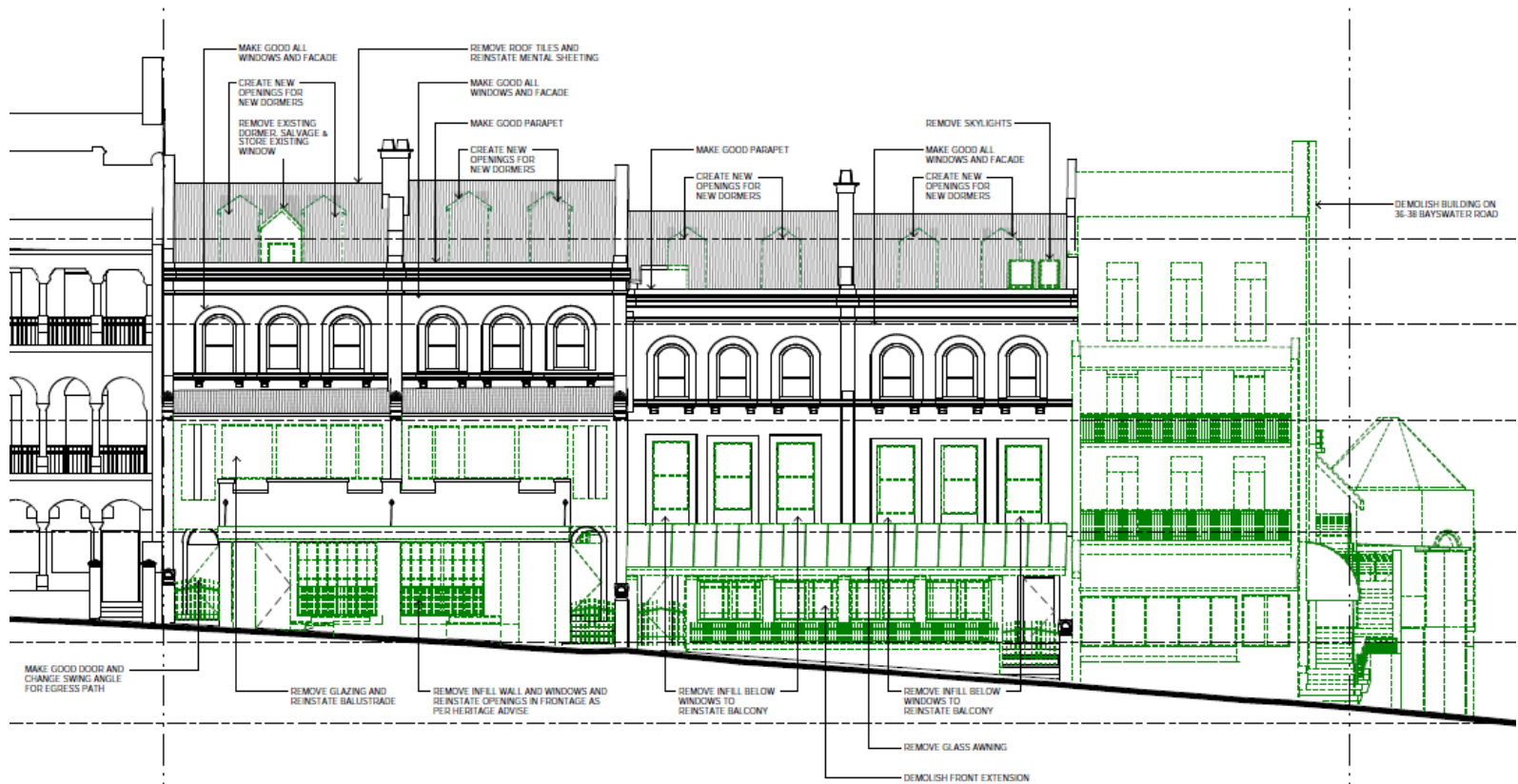




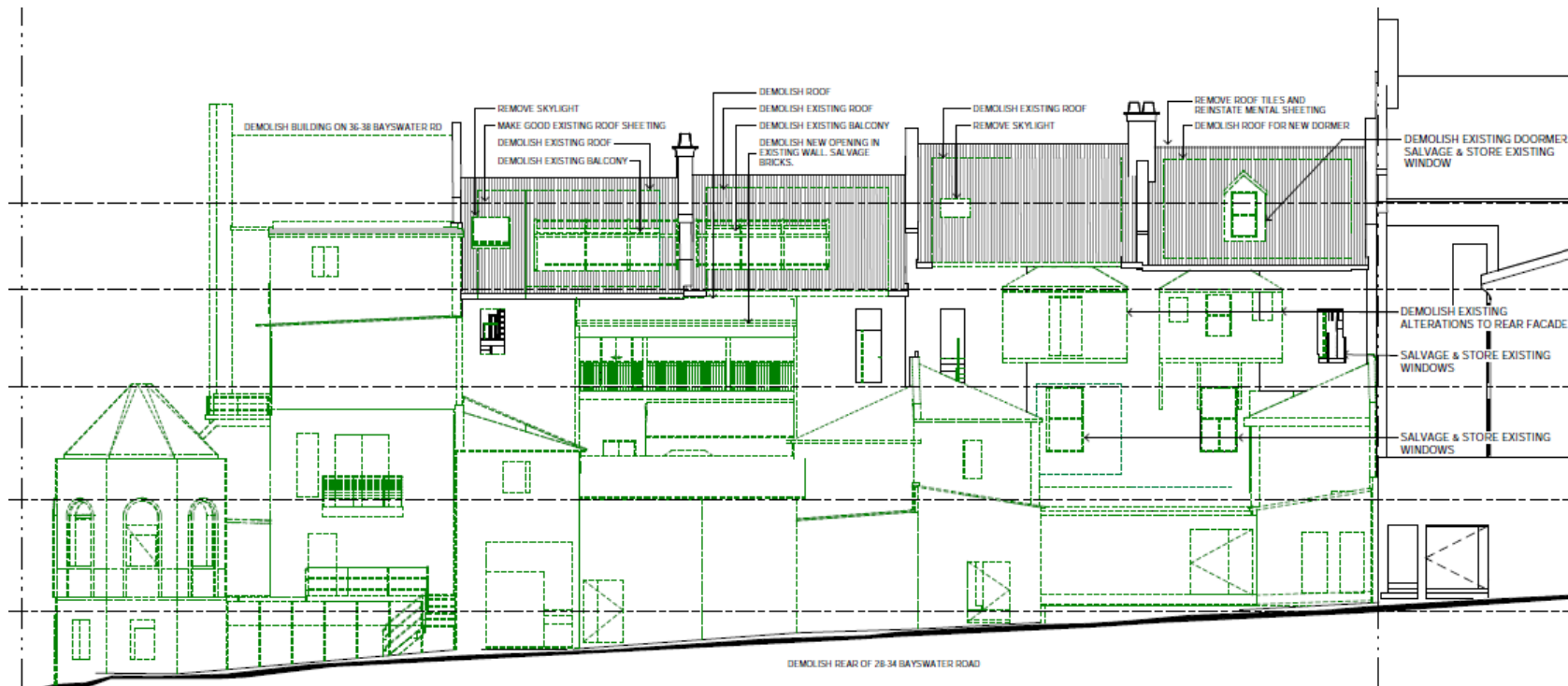
Photomontage - corner Ward Avenue and Mansion Lane



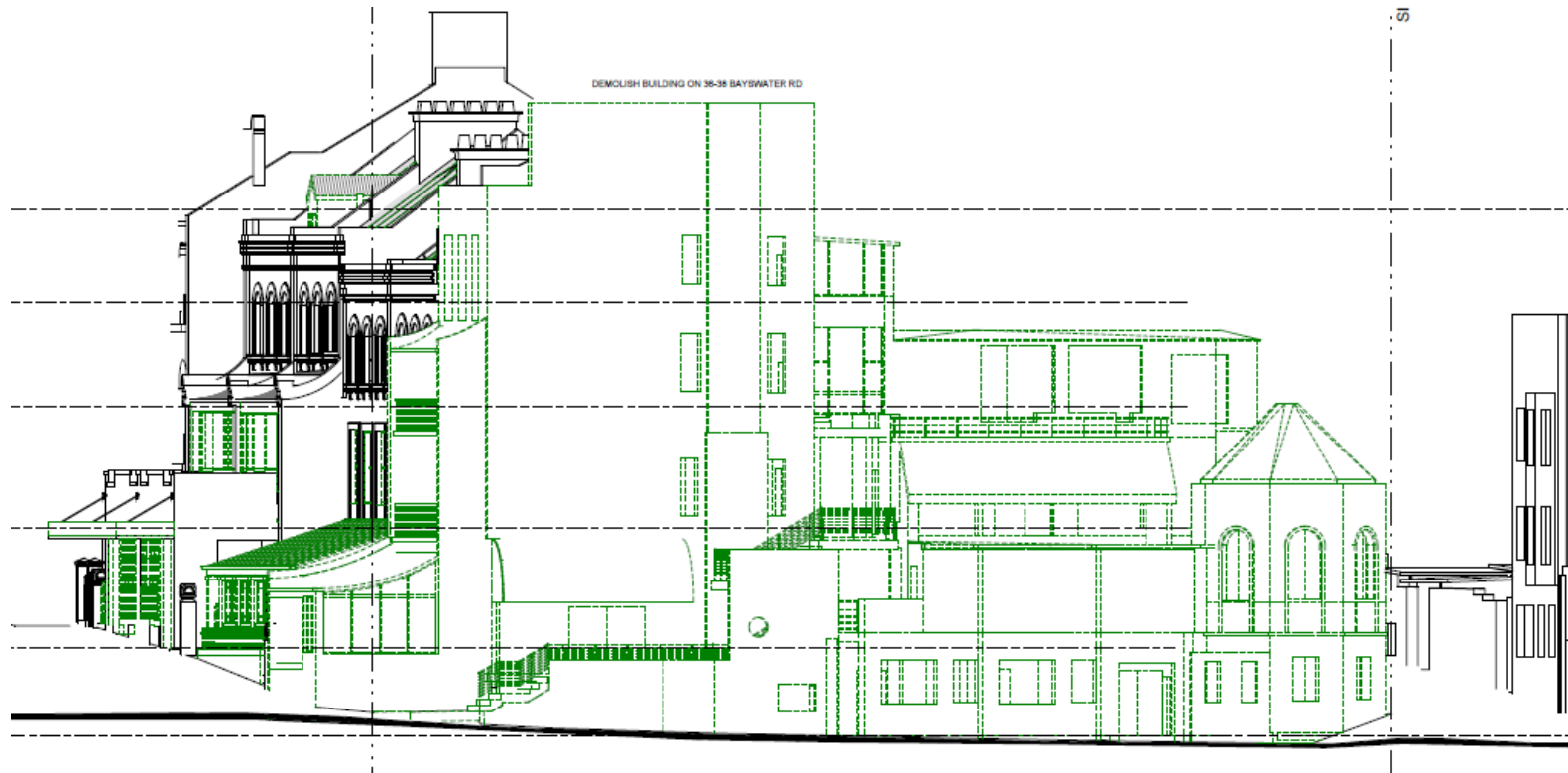
demolition plan – ground floor



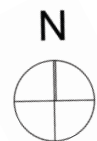
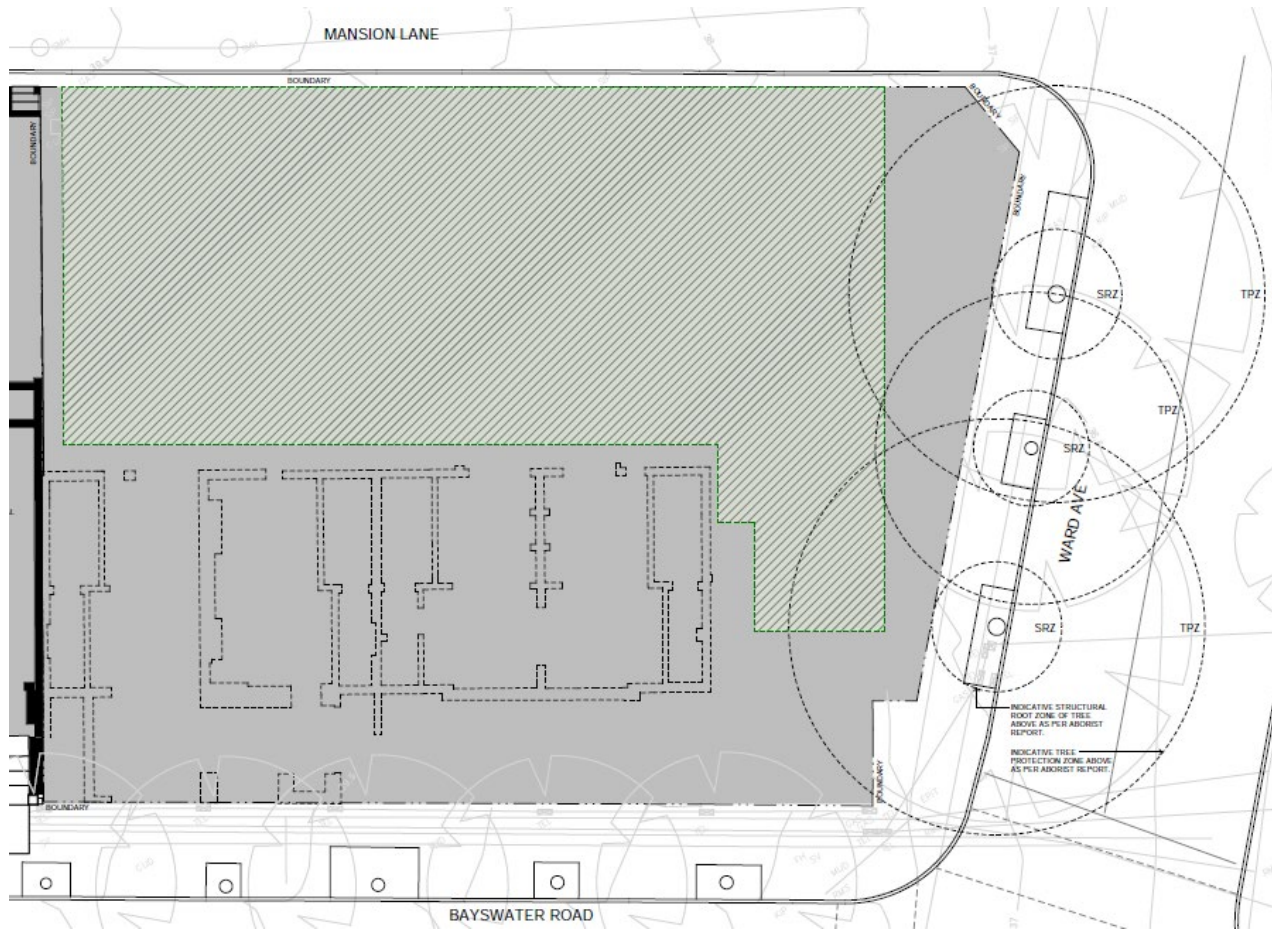
demolition plan – Bayswater Road



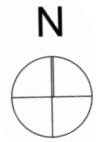
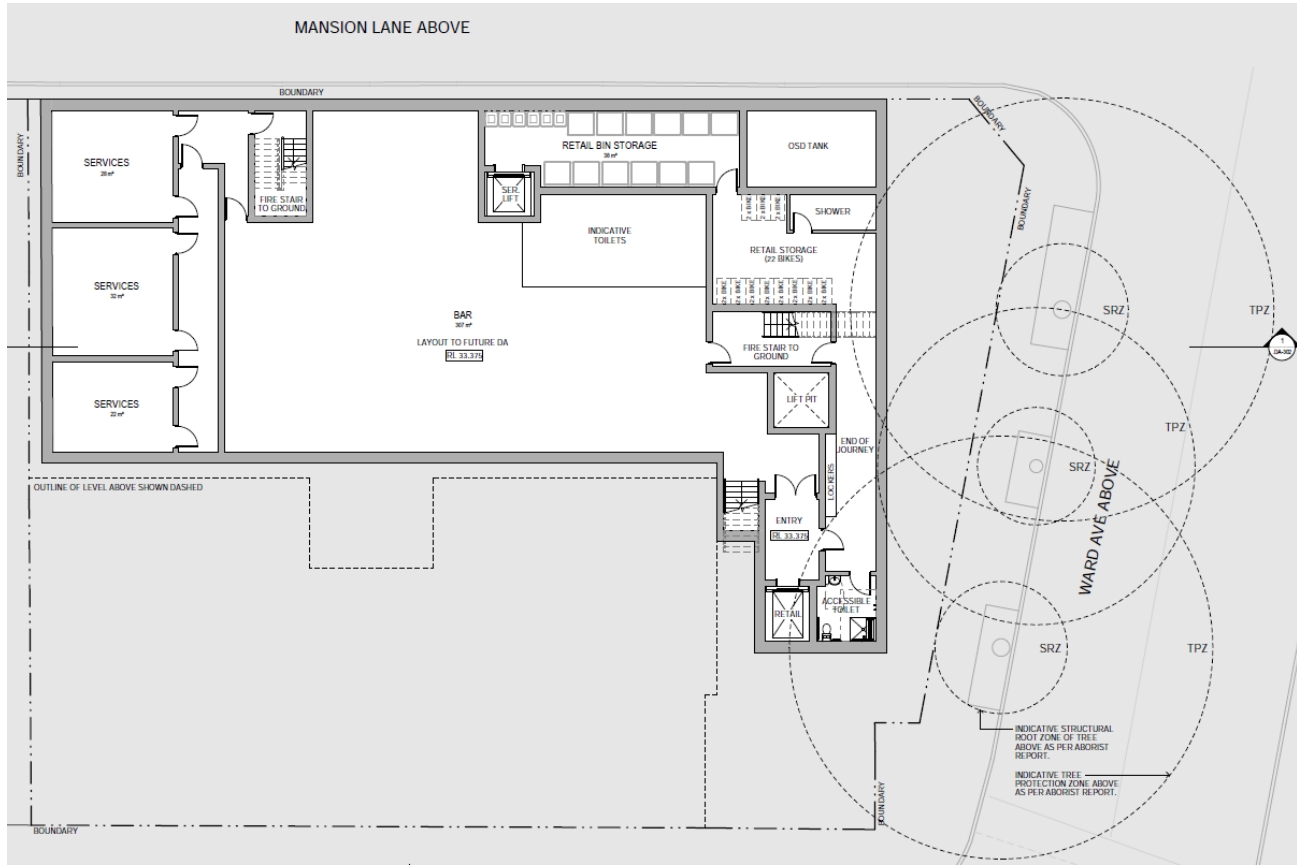
demolition plan – Mansion Lane



demolition plan – Ward Avenue



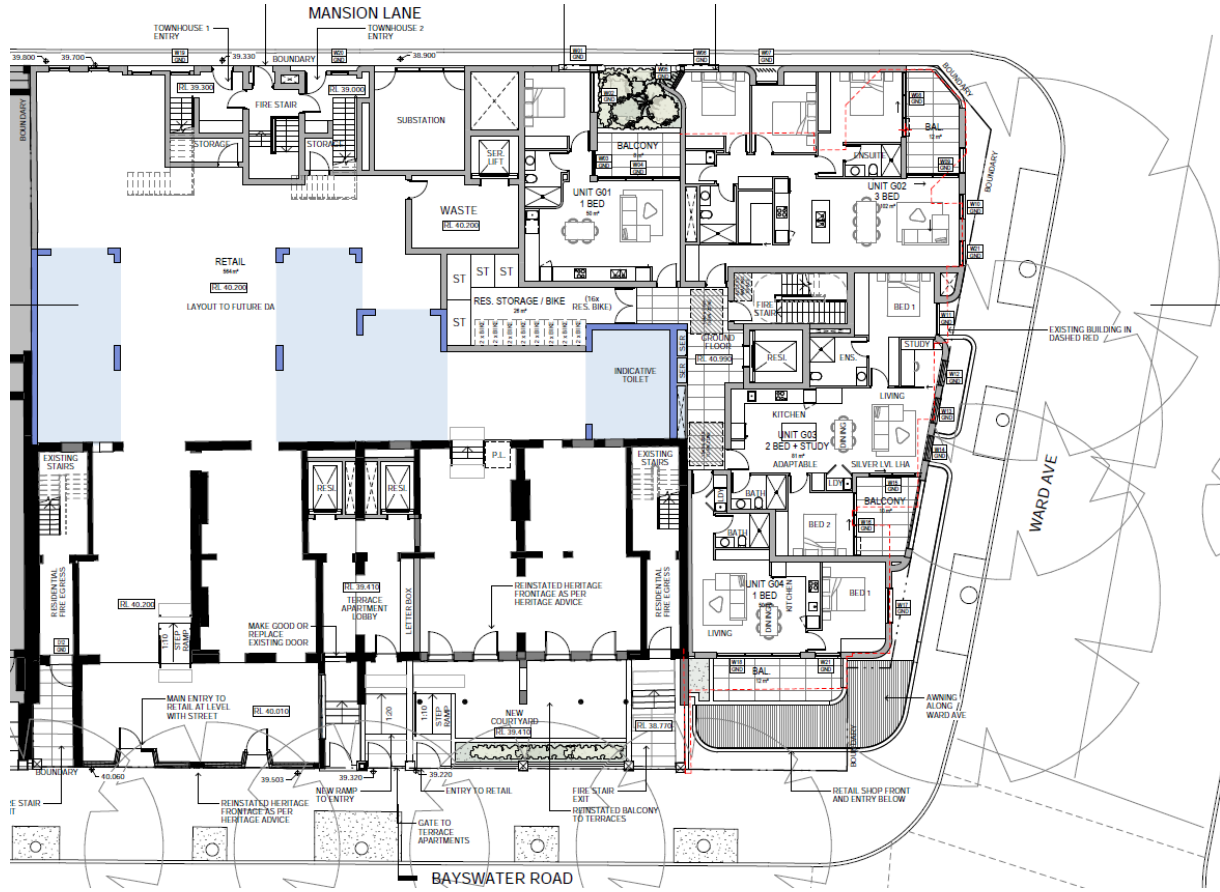
excavation plan



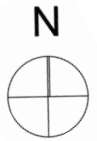
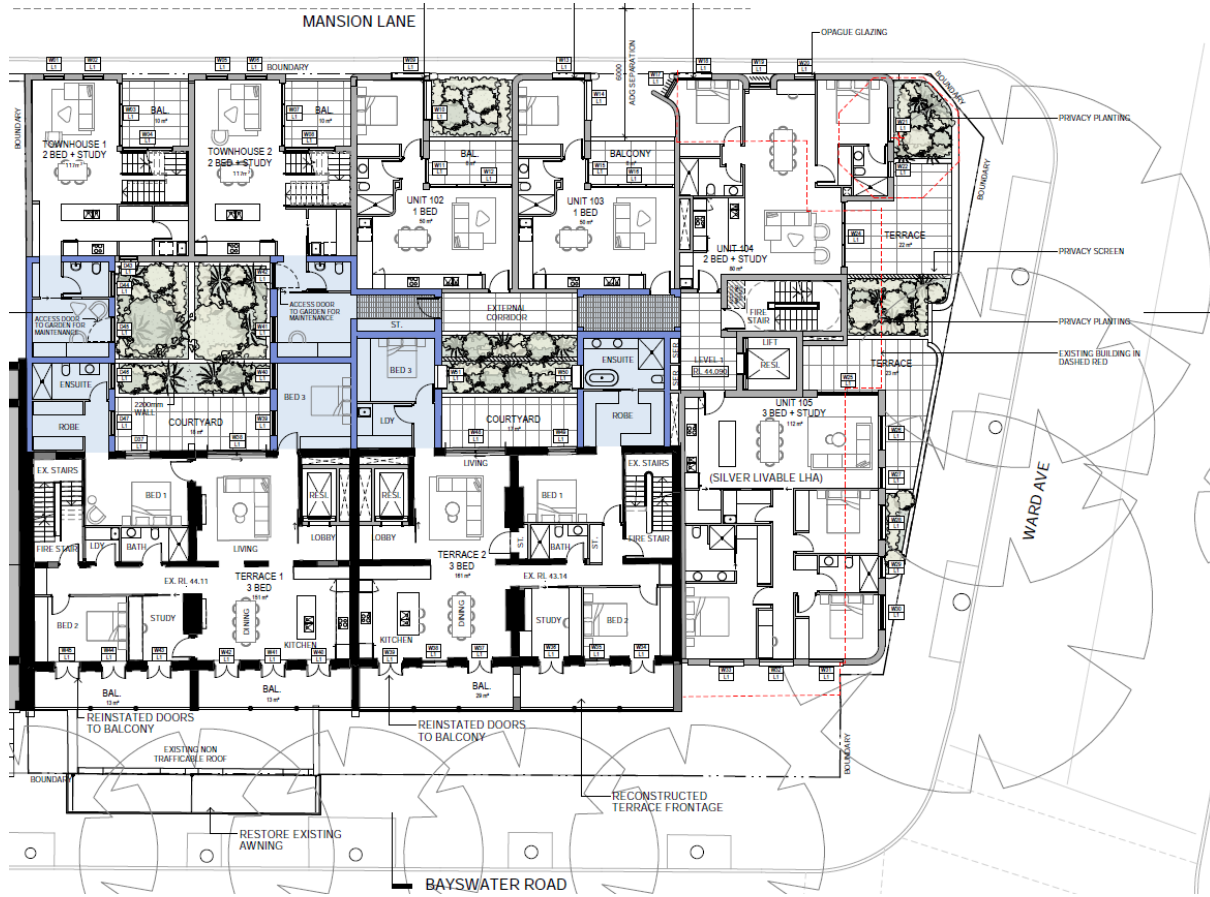
sub-ground floor plan



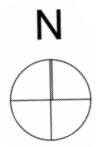
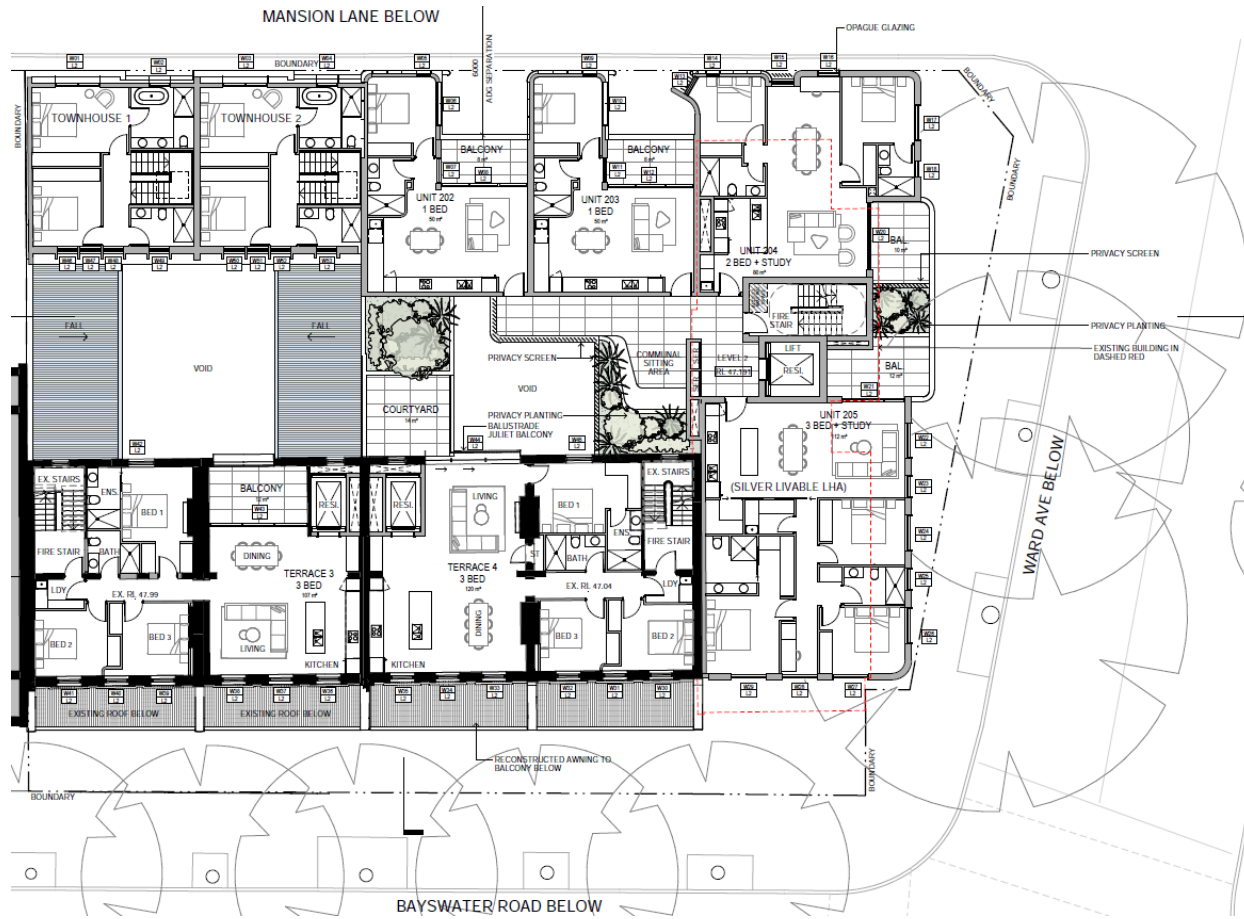




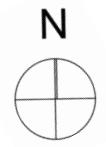
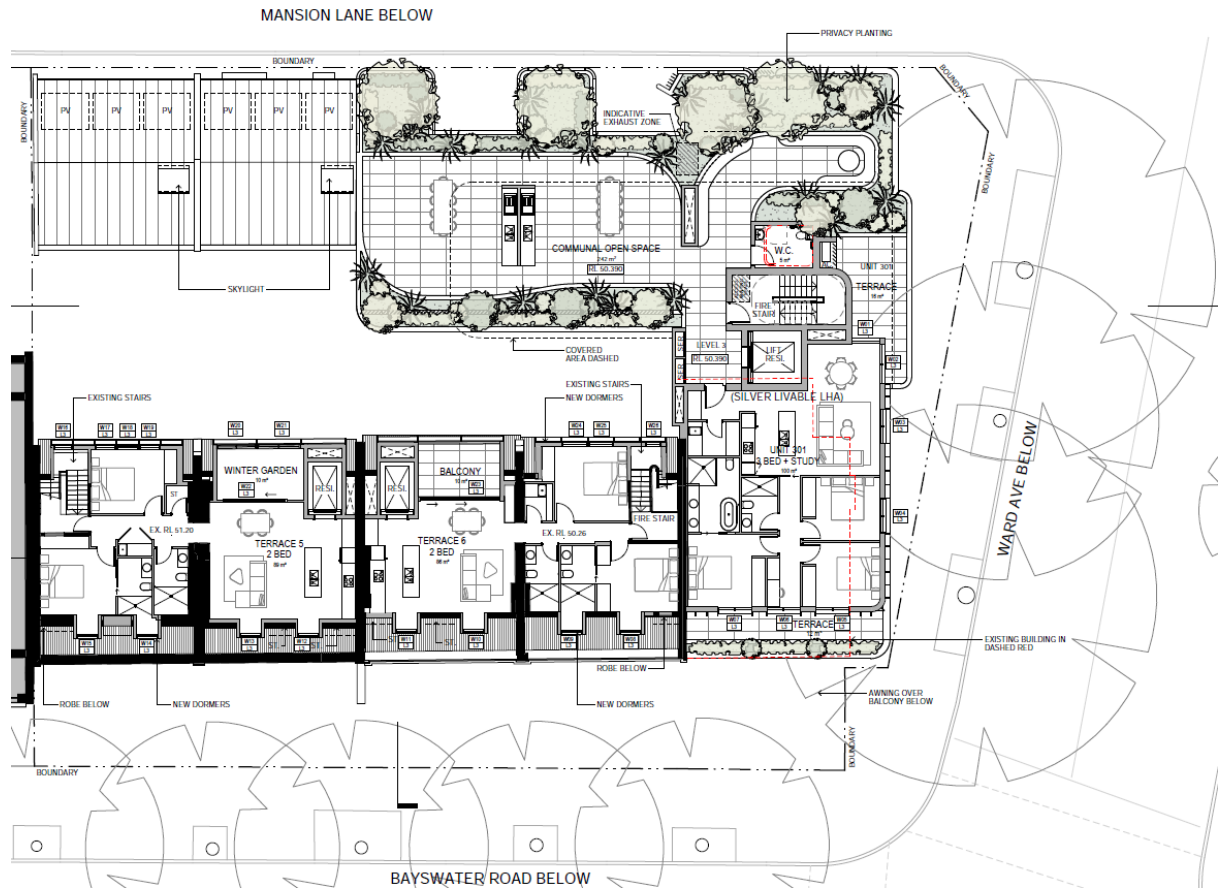
ground floor plan



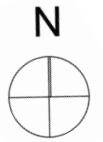
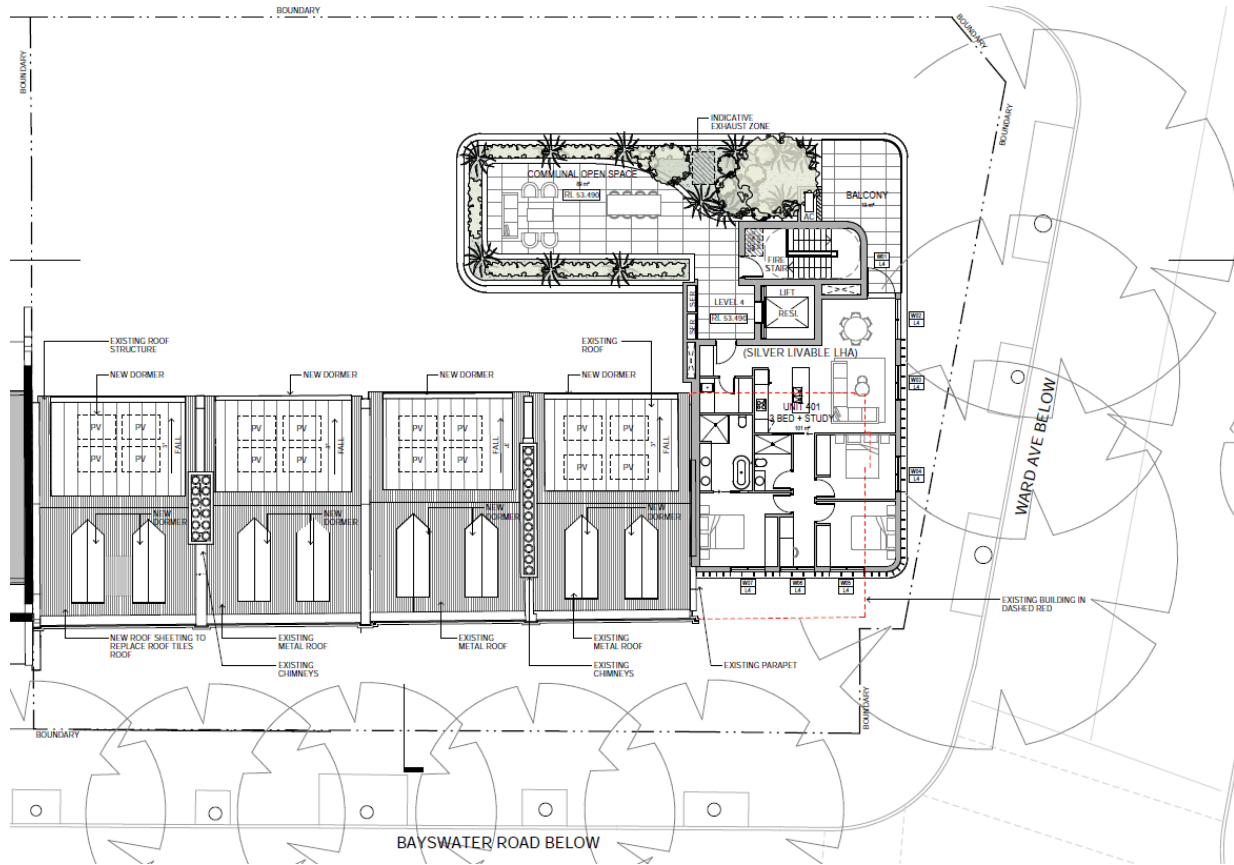
level 1 floor plan



level 2 floor plan

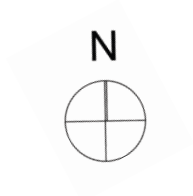
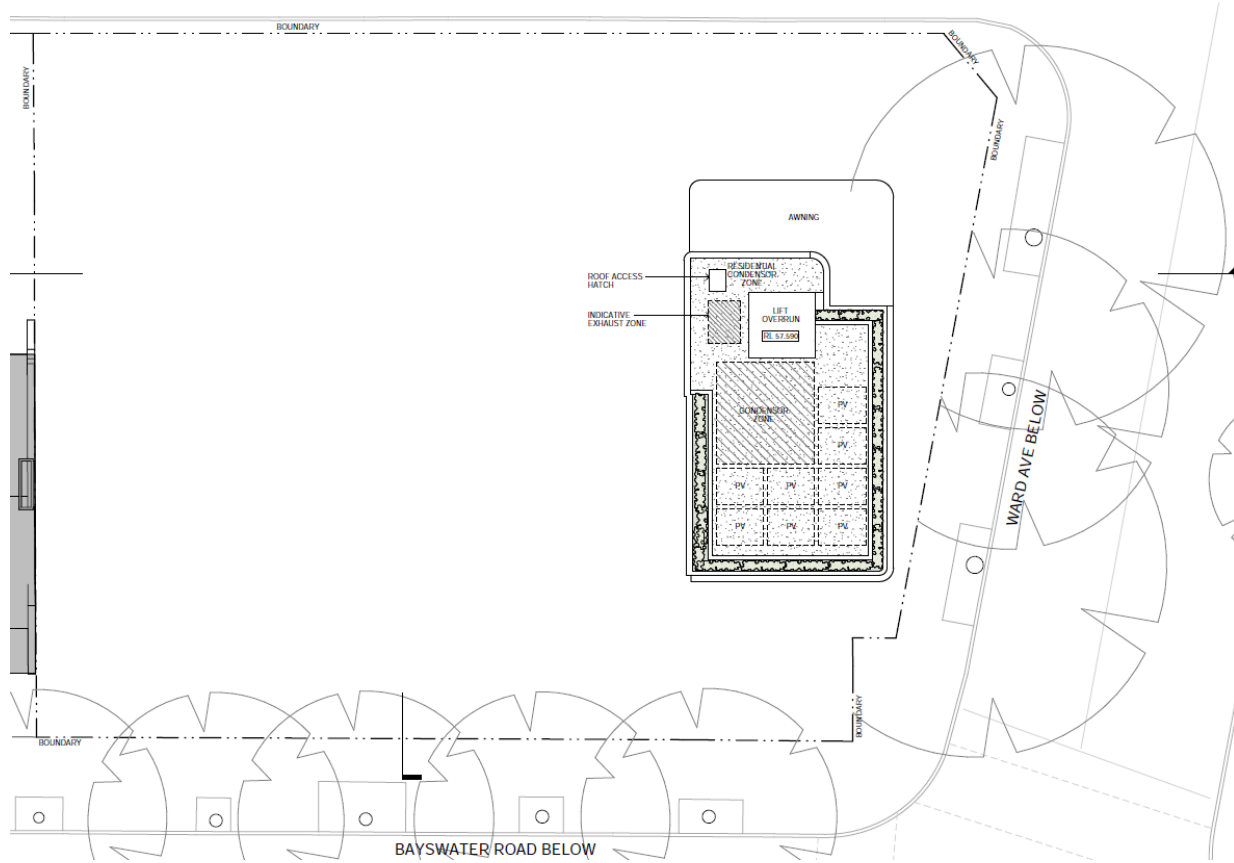


level 3 floor plan



level 4 floor plan

MANSION LANE BELOW



roof plan



Bayswater Road – south elevation

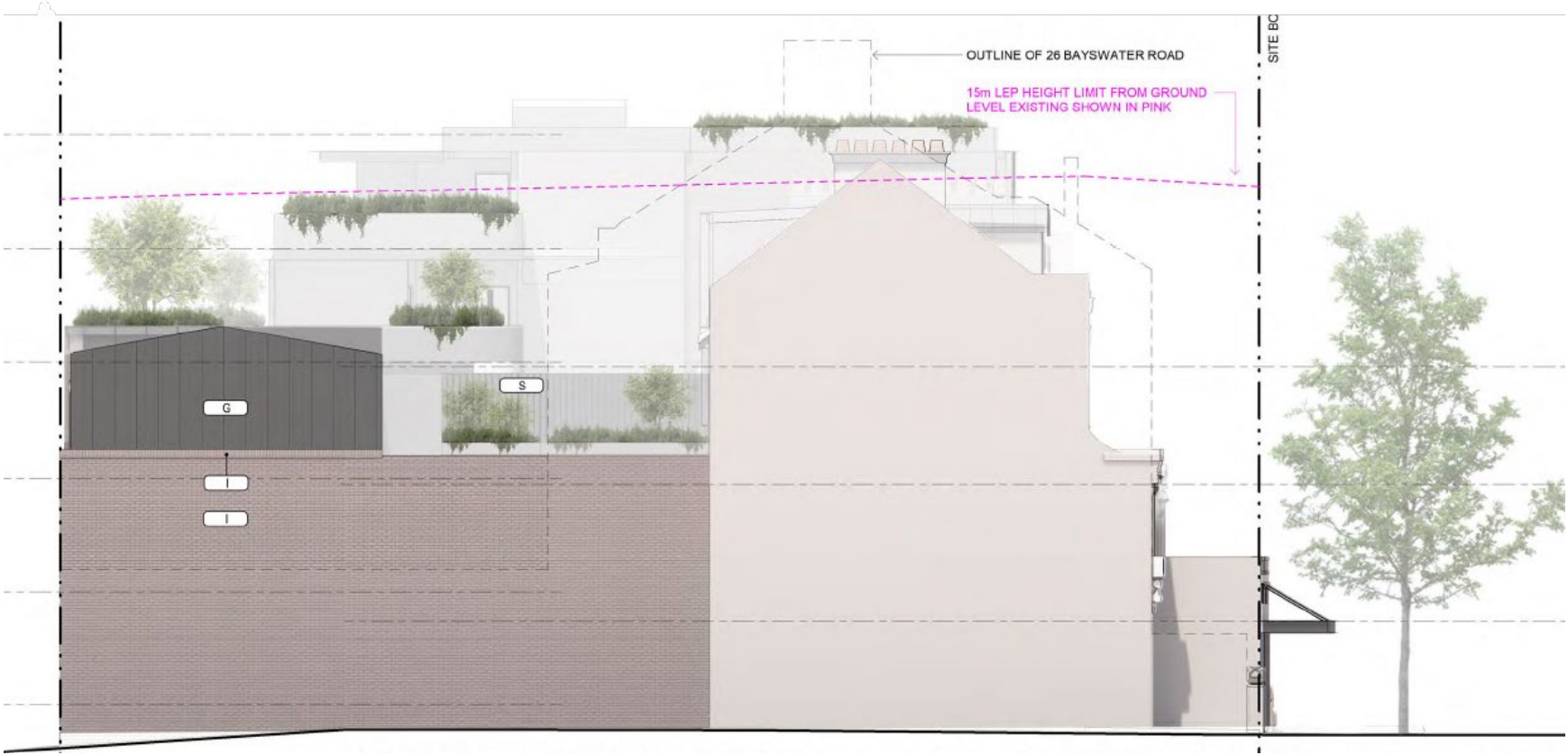


Ward Avenue – east elevation

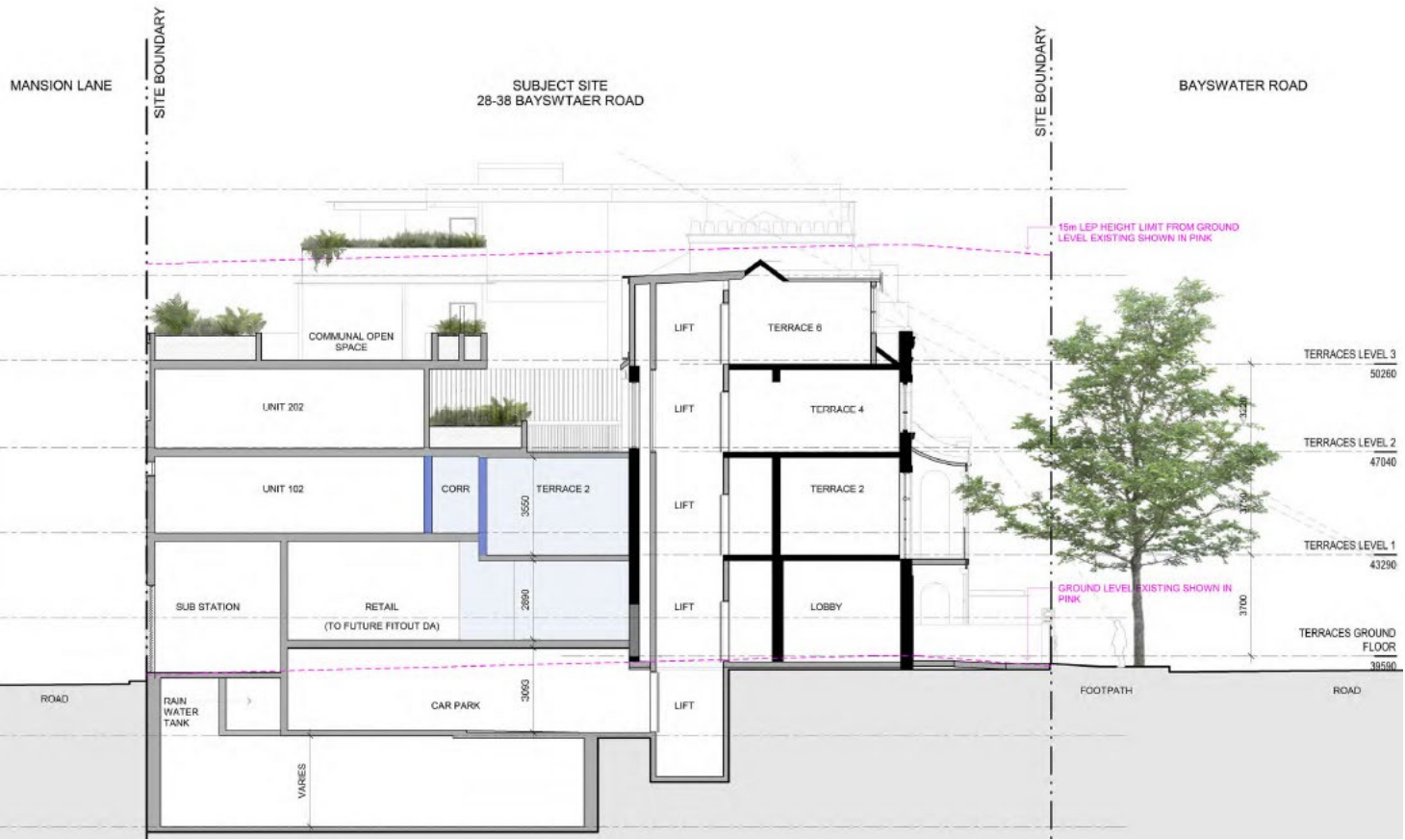




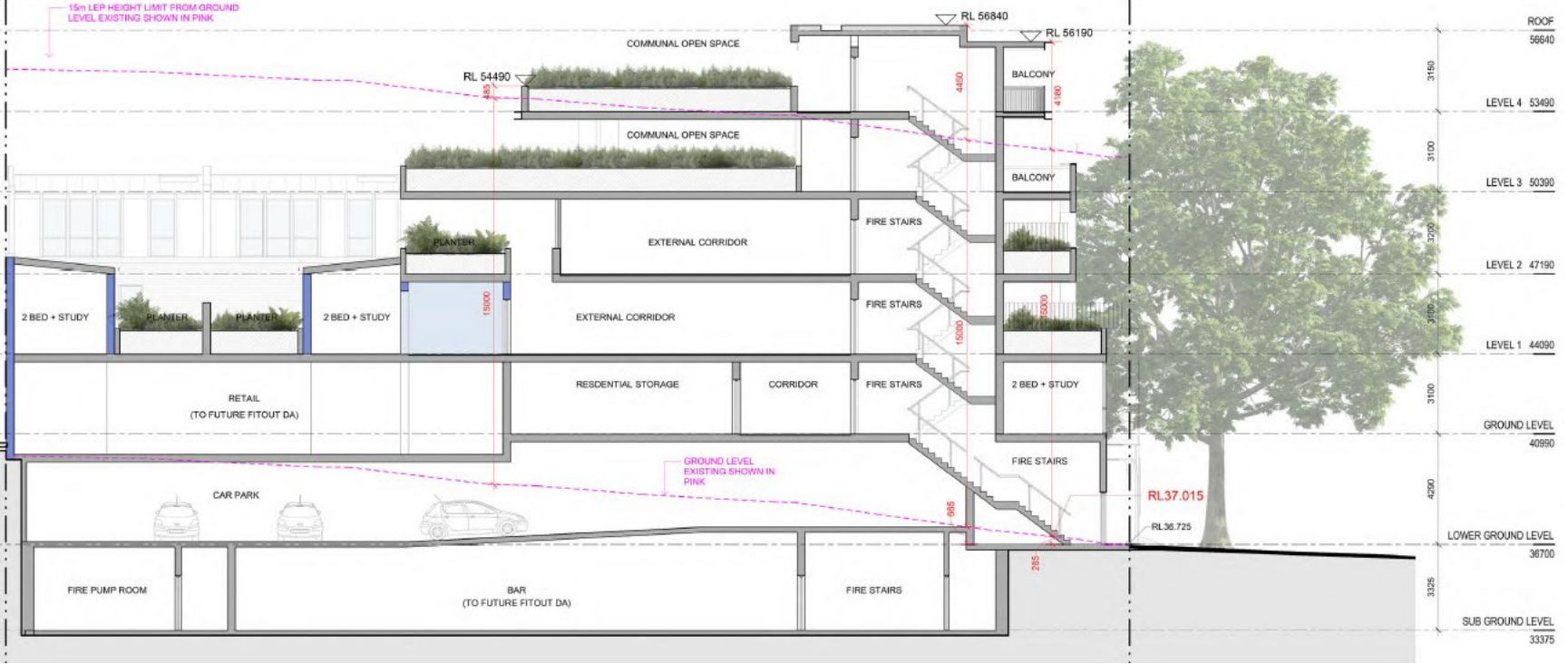
Mansion Lane – north elevation



West elevation



section



section



A - FINE BLACK STEEL  
FRAME WINDOWS



B - HERITAGE CREAM  
WHITE PAINT  
SIMILAR TO DULUX  
DANISH CREAM



D - INTERWAR BRICK  
SIMILAR TO AUSTRAL  
BRICK - BOWRAL  
76, RENOVATION  
GERTRUDIS BROWN



G - ZINC  
ANTHRACITE  
SHEETING



I - CREAM BRICK  
SIMILAR TO AUSTRAL  
BRICK - BOWRAL 76, ST  
PAULS CREAM



J - STEEL  
BALUSTRADE



K - DARK BRONZE  
WINDOW FRAMES



L - CHARCOAL PAINT



H - HERITAGE WHITE  
PAINT TO DETAILING  
SIMILAR TO DULUX  
NATURAL WHITE



O - TIMBER WINDOW  
FRAMES PAINTED  
CHARCOAL



P - METAL LOUVRES



Q - CEMENT SHEET  
CLADDING WITH  
BRONZE FINISH



R - GLASS  
BALUSTRADE



S - VERTICAL  
LOUVRE



T - GLAZED BRICK  
SIMILAR TO AUSTRAL  
BRICK - PARK LANE,  
CHESTERFIELD



U - CHARCOAL  
VERTICAL BLADES



V - MIXED CREAM  
BRICK



X - COPPER  
SHINGLES



Y - GREEN METAL



Z - INDICATIVE  
RECONSTRUCTED  
CAST IRON  
BALUSTRADE

# Compliance with key LEP standards

	control	proposed	compliance
height	15m	20.055m	No Clause 4.6 request supported
floor space ratio	2.5:1 (3,482.5m <sup>2</sup> )	2.5:1m (3,478.5m <sup>2</sup> )	yes

# Compliance with DCP controls

	control	proposed	compliance
height in storeys	3 storeys	max. 6 storeys	no
dwelling mix	studio – 5 - 10%	studio – 0%	no
	1 bed – 10 - 40%	1 bed – 27%	yes
	2 bed – 40 - 75%	2 bed – 32%	yes
	3 bed – 10 - 100%	3 bed – 41%	yes

# Compliance with ADG

	control	proposed	compliance
solar	70%	63.6%	no
cross ventilation	60%	73%	yes
deep soil	7%	0%	no



# Compliance with ADG

	control	proposed	compliance
building separation to side/rear boundaries	blank walls – 0m 4 storeys – 3-6m 5+ storeys – 4.5-9m	blank walls - 0m addresses street on remaining 3 boundaries	yes
apartment size	1 bed 50m <sup>2</sup> 2 bed 70m <sup>2</sup> 3 bed 95m <sup>2</sup>	1 bed min. 50m <sup>2</sup> 2 bed min. 70m <sup>2</sup> 3 bed min. 95m <sup>2</sup>	yes

# Compliance with ADG

	control	proposed	compliance
floor to ceiling heights	2.7m – habitable 2.4m – non-habitable	min 2.7m – habitable min 2.4 – non-habitable	yes
communal open space	25%	25.4%	yes
private open space	1 bed 8m <sup>2</sup> 2 bed 10m <sup>2</sup> 3 bed 12m <sup>2</sup>	1 bed min. 8m <sup>2</sup> 2 bed min. 10m <sup>2</sup> 3 bed min. 12m <sup>2</sup>	yes

# Design Advisory Panel Residential Subcommittee

The Panel reviewed the application on 6 June 2023 and raised the following concerns:

- overdevelopment
- excessive height of corner building
- excessive demolition and excavation impacts
- loss of heritage fabric
- architectural expression of corner building unrelated to terrace group
- active frontages to laneway inappropriate
- impacts to street trees

# DAPRS continued:

- visual/acoustic privacy impacts on buildings to the north
- lack of solar access to proposed units
- heritage impacts from required fire separation and BCA compliance
- constrained entry to basement bar
- poor amenity to central courtyard communal open space and inequitable access
- no access to enclosure within front setback
- poor internal layouts
- no natural light and ventilation to residential lobby
- insufficient ceiling heights

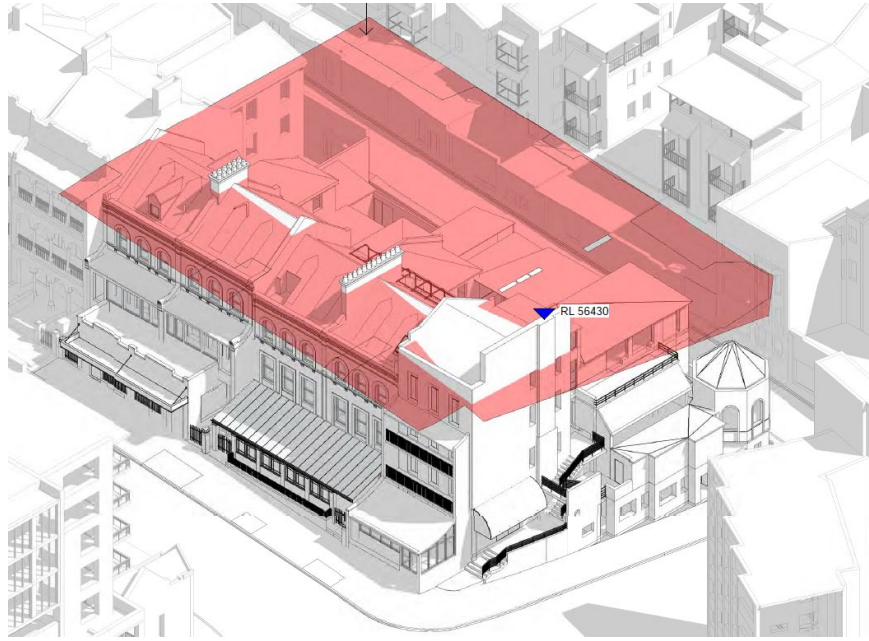
These issues have been addressed in amended plans

# Issues

- height, bulk and scale
- heritage
- solar access and overshadowing
- deep soil, canopy coverage and tree protection
- communal open space
- visual privacy
- acoustic privacy

# Height, bulk and scale

- existing height exceedance 27.47%, proposed height exceedance 33.7%
- non-compliance mainly from level 4 and rooftop/lift overrun of no. 36
- exceedance acceptable given:
  - lower building elements and parapet consistent with the adjoining buildings
  - upper levels setback so recessive in streetscape
  - materiality (lightweight cladding) reduces dominance of level 4
  - other buildings at the intersection are taller (8-9 storeys)
  - respectful of heritage significance of site and laneway character
  - existing building at no. 36 already higher than adjoining terraces
  - no unreasonable overshadowing, privacy or view sharing impacts

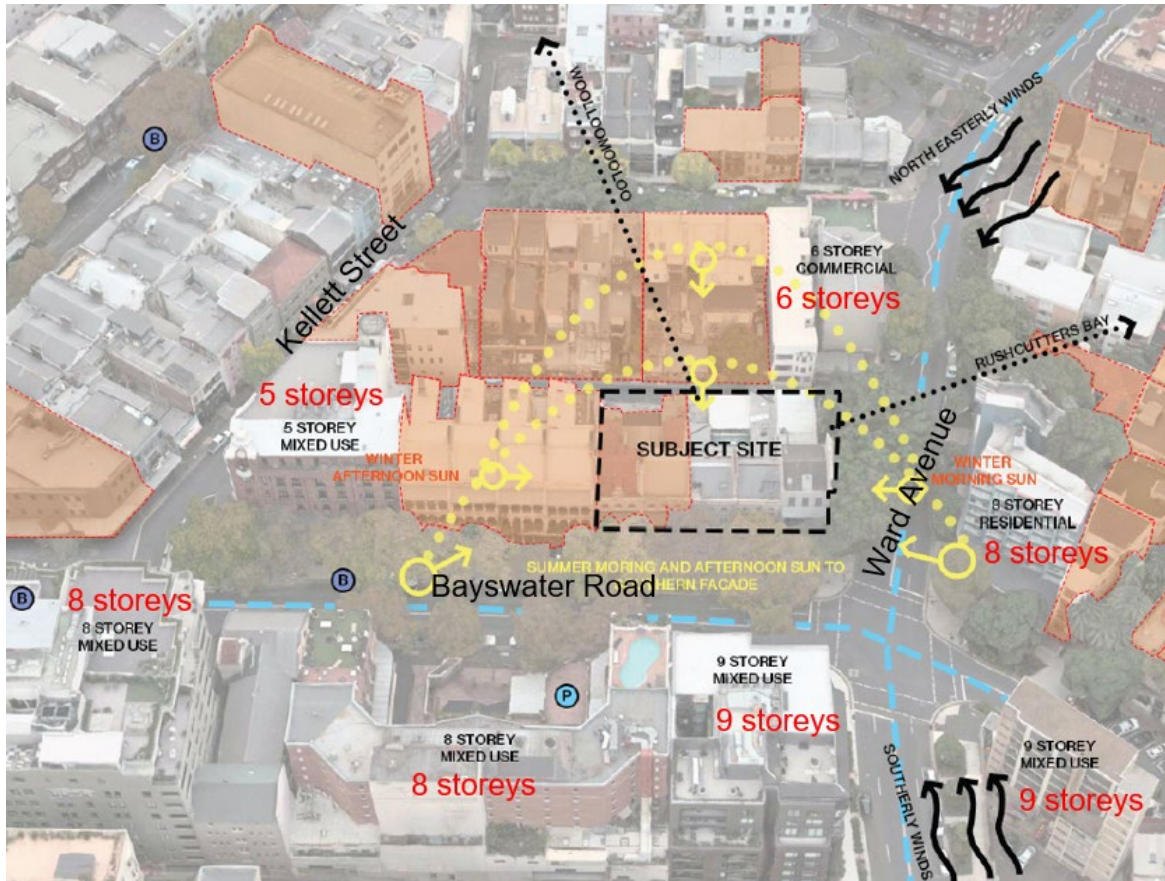


existing



proposed

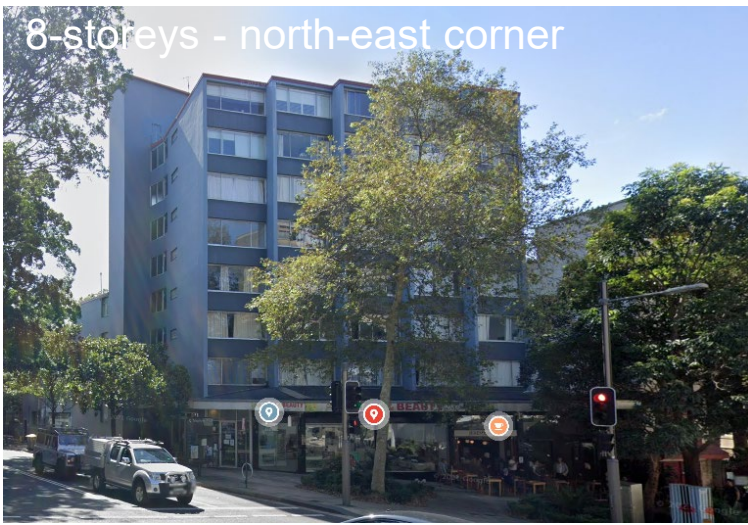
height plane diagrams



height of surrounding buildings



8-storeys - north-east corner



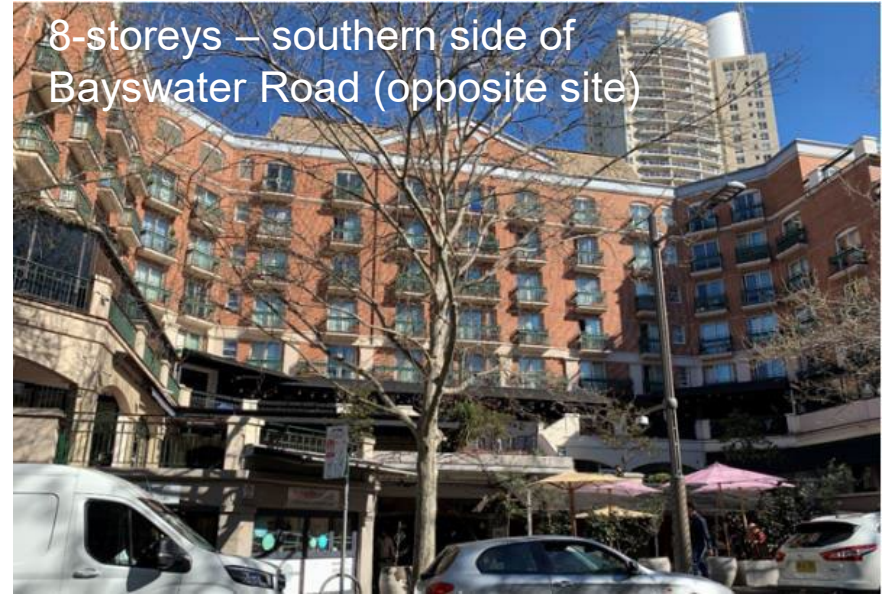
9-storeys - south-east corner



9-storeys at south-west corner



height of existing buildings Bayswater Road and Ward Avenue intersection

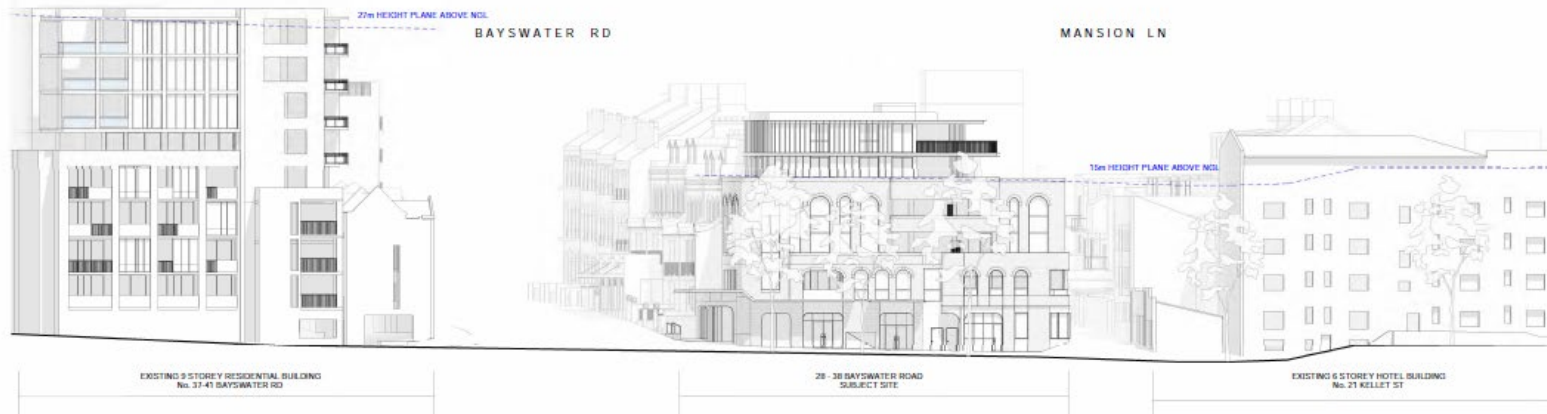


8-storeys – southern side of  
Bayswater Road (opposite site)

heights of buildings in Bayswater Road



existing and proposed built form and streetscape along Bayswater Road



existing and proposed built form and streetscape along Ward Avenue

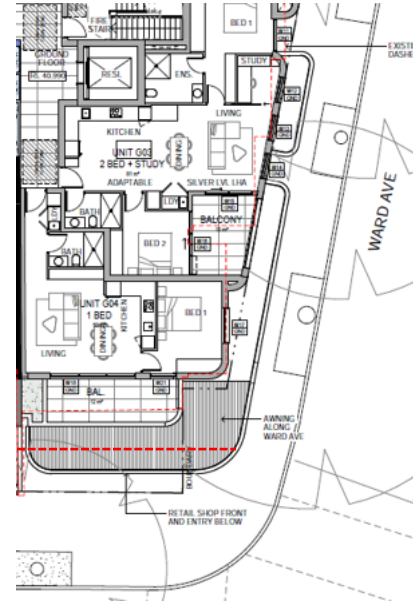
# Height, bulk and scale



lodged



amended DA



condition recommended to reduce size of ground floor awning

# Heritage

- site in Potts Point heritage conservation area
- no. 28-30 is a local heritage item
- 4 retained terraces are heritage significant and 'contributing' buildings
- no. 36 classified as 'neutral'



LEP Heritage Map - heritage items shaded brown, subject site outlined red

# Heritage

- extent of excavation reduced and behind principle building form
- extent of demolition to terraces reduced
- no. 36 classified as 'neutral' - complete demolition not an entitlement - but supported because:
  - significant change, intrusive interventions and loss of original fabric
  - its 'pair' was demolished when Ward Avenue was widened



- demolition of no. 36 appropriate in context of other works being proposed
  - high/moderate significant fabric within the 4 terraces retained
  - acoustic and fire separation provisions are reversible
  - non-original later additions removed, including enclosure to no. 32-34
  - intrusive and unsympathetic elements removed
  - frontages to terraces to be restored to original details
  - rear wings and crucial structural elements to be reconstructed
  - appropriate replacement building being proposed

# Solar access and overshadowing

- plans state 16/22 (73%) comply with 2-hour solar access
- council officers calculate 14/22 (63.6%) comply with 2-hour solar access
- units 301 and 401 achieve solar for 1hr 45min (i.e. 15 min variation)
- north facing units maximised
- additional overshadowing minimal impacts - 2hr sunlight maintained
- elements that encroach height standard, no overshadowing impacts to internal/external spaces of surrounding properties



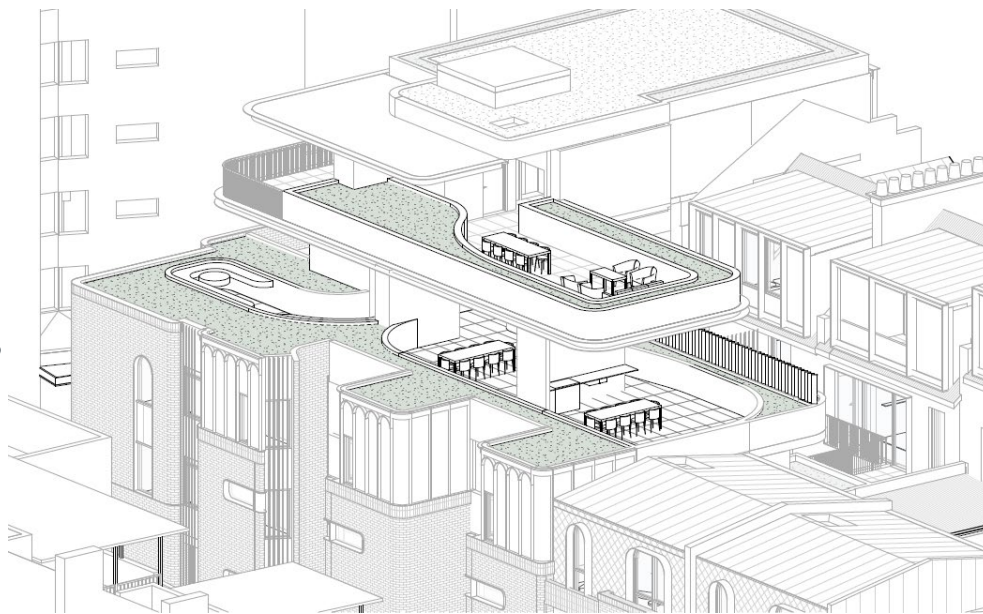
sun' eye view diagram at 11am

# Deep soil, canopy coverage and tree protection

- DCP requires 10% deep soil – 0% provided
- amount of on-site landscaping is however significantly increased
- tree canopy exceeds 15% requirement (23%)
- building envelope and excavation amended to protect street trees
- conditions recommended to protect trees, including:
  - hydraulic plan to demonstrate works outside of SRZ
  - Ward Avenue awnings to not impact on lower tree canopy (otherwise delete awnings)
  - construction methodology for new works outside existing building footprint

# Communal open space

- complies with 25% requirement (25.4%)
- well designed, usable spaces
- compliant solar access
- access from retained terraces via Ward Street or basement car park
- setback from northern boundary with landscaped edges



Level 3 and 4 communal open space areas

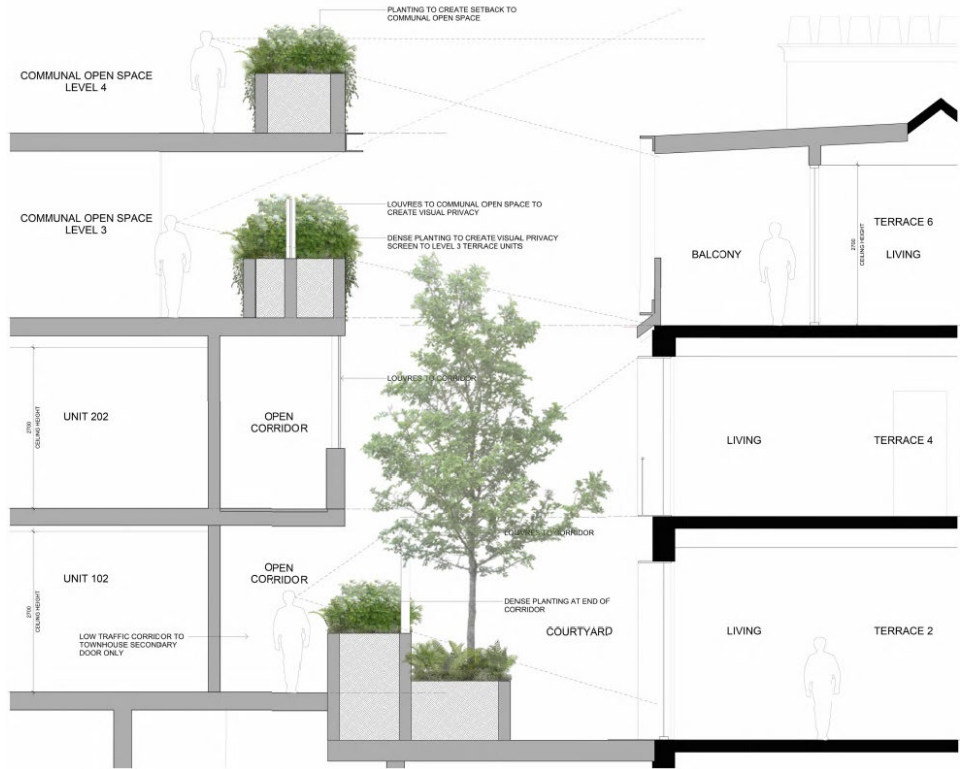
# Visual privacy

- distance separation requirements of ADG do not apply
- to maintain privacy to the north:
  - reduced built form to rear of no. 28-30
  - balconies to no. 32-34 provided with 6m setback to centreline of Mansion Lane
  - privacy devices - planter boxes/screen planting, privacy screens and opaque glazing
  - dual orientated units provide 'primary' openings to the east/west
  - rooms with 2 windows provide high-level windows to the north
  - angled windows to direct views along the laneway (instead of across)



development on northern side of Mansion Lane opposite subject site

- to maintain privacy within the site
  - communal open space provided with planter boxes and privacy screening
  - corridors provided with louvres
  - conditions recommended requiring details of fencing and privacy screens



relationship between communal open space and terrace apartments



# Acoustic privacy

- Noise from external sources (e.g. traffic, entertainment and plant/equipment)
  - acoustically rated windows/doors and appropriate building materials recommended by acoustic report
  - solutions proposed by acoustic report (e.g. awning/hopper windows, window orientation, acoustic linings and screening) allows compliant internal noise level when windows/doors are open
- Noise impacts from proposal (e.g. commercial uses, plant/equipment, traffic)
  - detailed review of plant/equipment at CC stage
  - condition recommended to restrict loading/unloading to 7am-8pm

- separate DA/s required for commercial uses and fit-out
- to “future-proof” commercial tenancies acoustic report recommends:
  - minimum glazing requirements
  - acoustic seals and fixing of commercial windows
  - acoustic ceilings/flooring
  - absorptive treatments
  - additional airlock to future bar
- condition recommended requiring details of noise attenuation
- operational recommendations of the acoustic report (e.g. operating times, when doors remain closed, playing of music, location of speakers, etc.) would be subject to separate DA/s

# Recommendation

Approval subject to conditions