

Local Planning Panel

18 December 2024

Application details

Address: 117 Victoria Street, Potts Point

Application Number: D/2024/524

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 maximum height of buildings and floor space ratio development standards of Sydney LEP by more than 10%

Notification

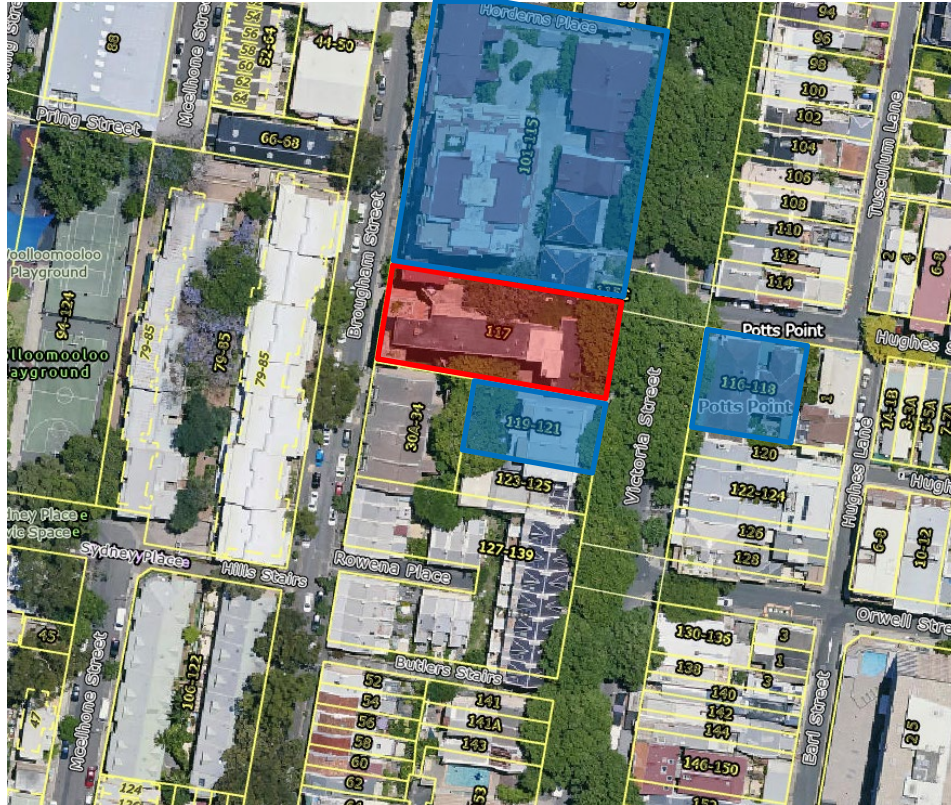
- exhibition period 24 July 2024 to 22 August 2024
- 1,354 owners and occupiers notified
- 10 submissions received



Submissions

issues raised:

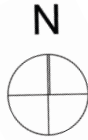
- loss of affordable housing
- height, bulk and scale
- traffic, noise and excavation construction impacts
- heritage impacts
- impacts to trees and insufficient landscaping
- noise and privacy amenity
- overshadowing
- impacts on views
- flooding

Submissions



-  subject site
-  submitters

Site





site viewed from Victoria Street



101-115 Victoria Street to the north



119 – 121 Victoria Street to the south



site viewed from Brougham Street



30A – 34 Brougham Street to south



101 – 115 Victoria Street to north

Proposal



Victoria Street



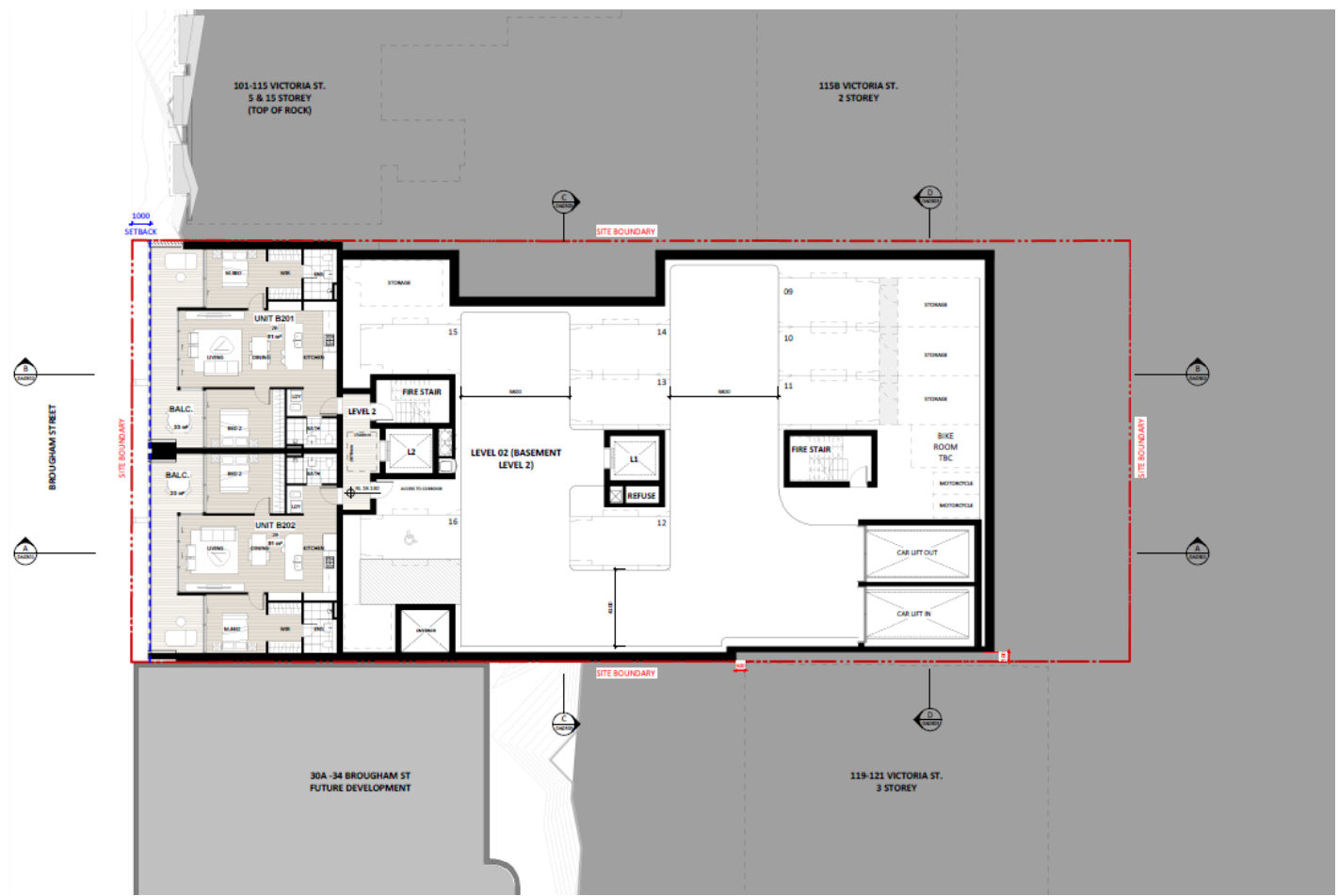
Brougham Street



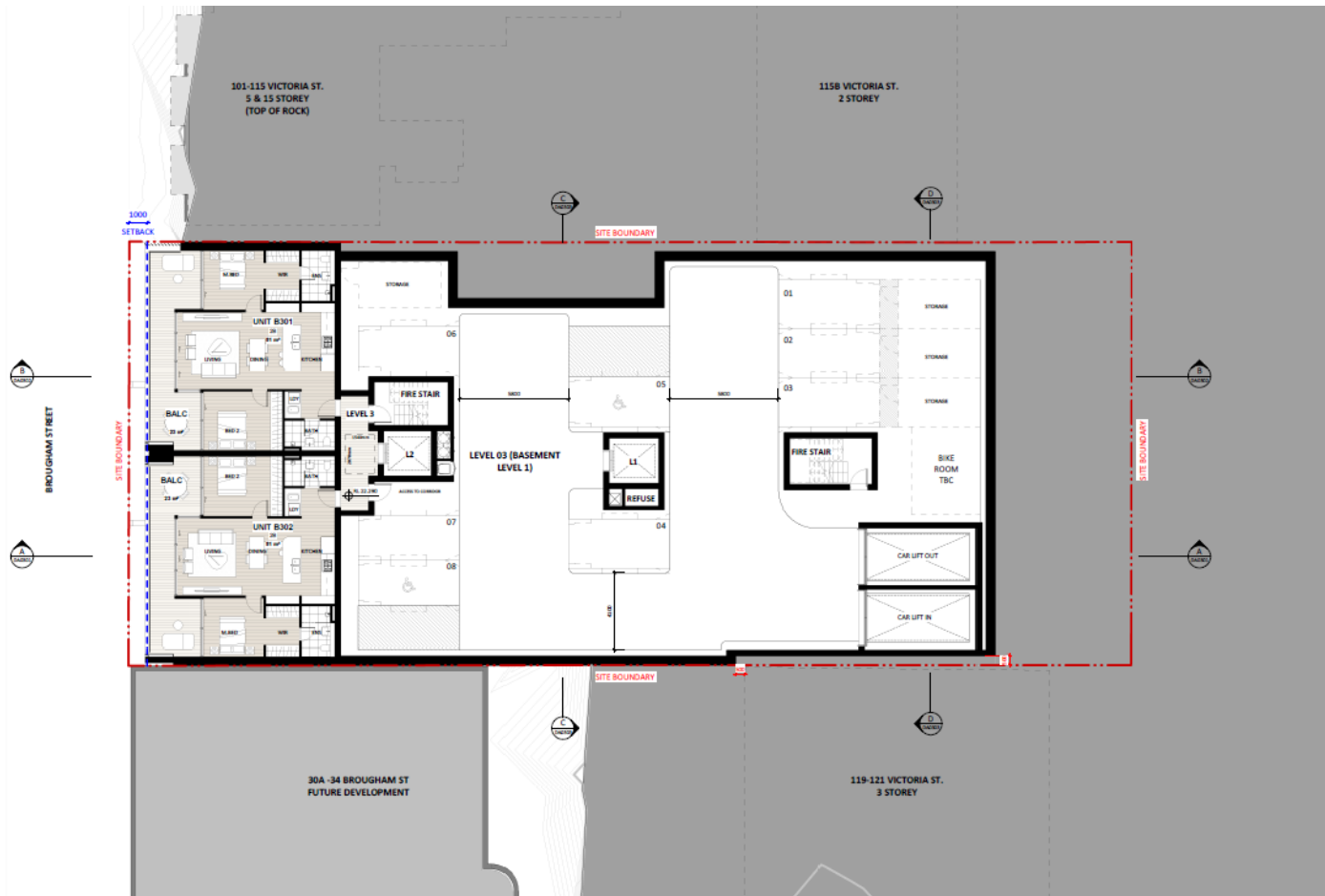
ground level plan – Brougham street



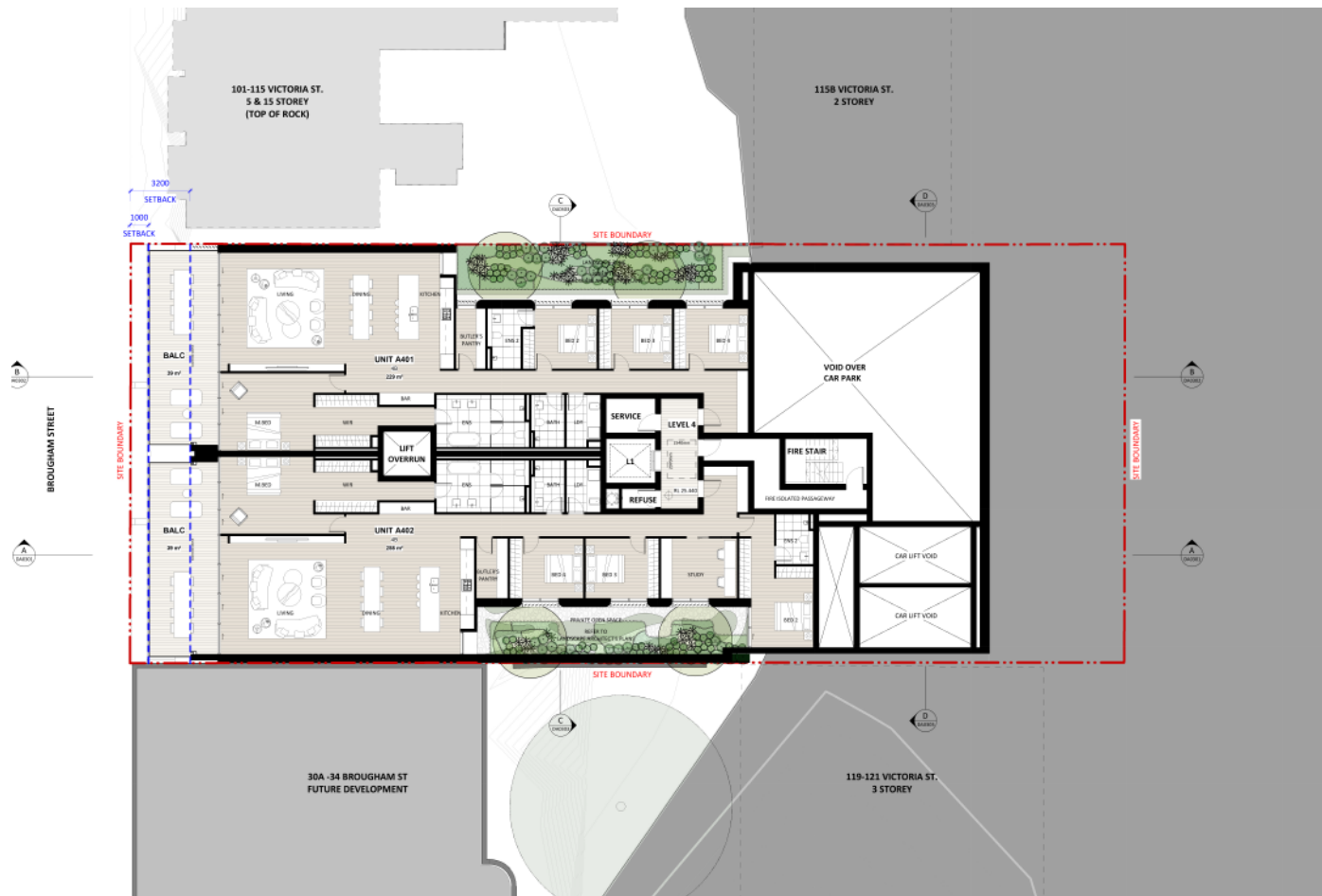
level 1 – Brougham street and basement level 3



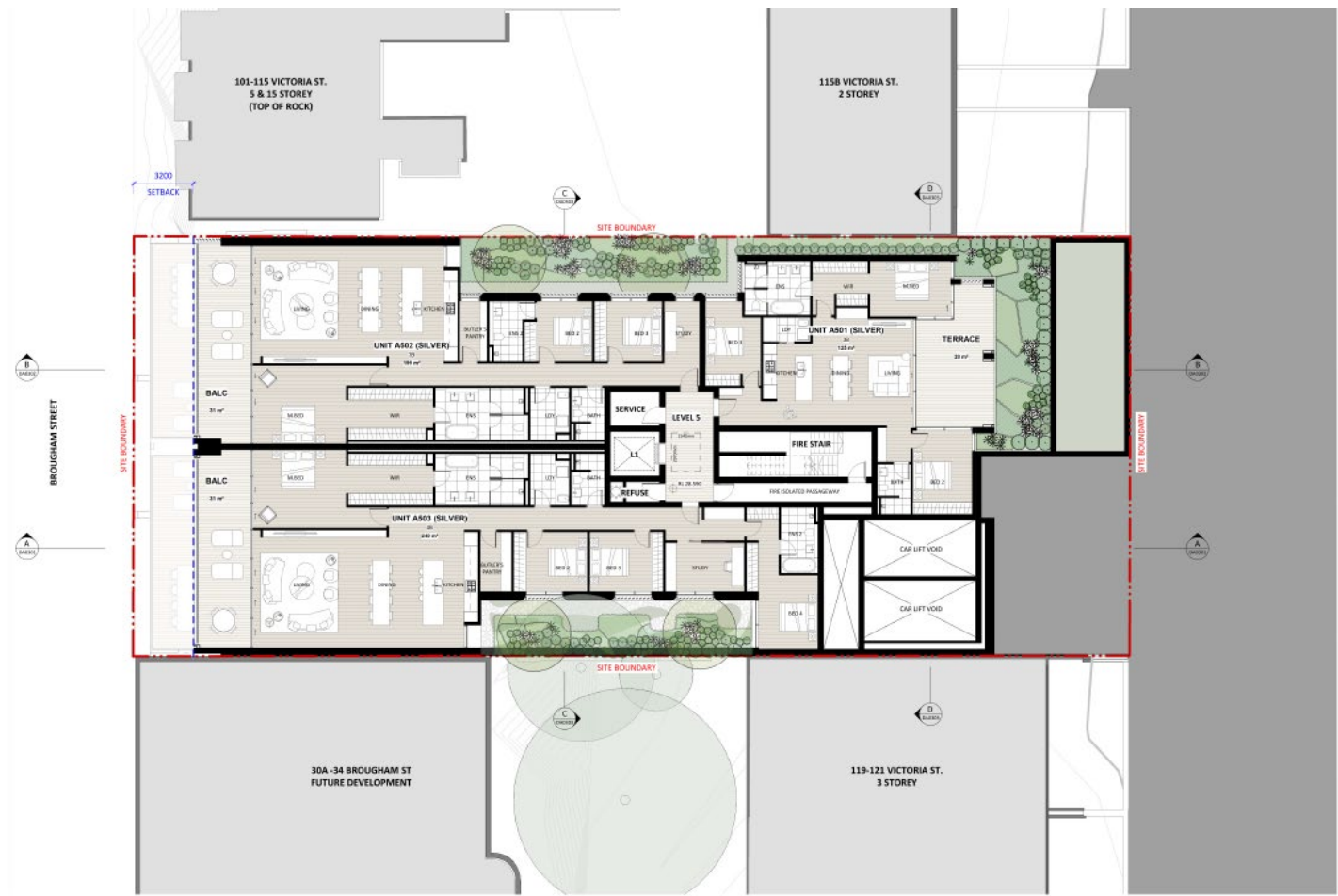
level 2 – Brougham street and basement level 2



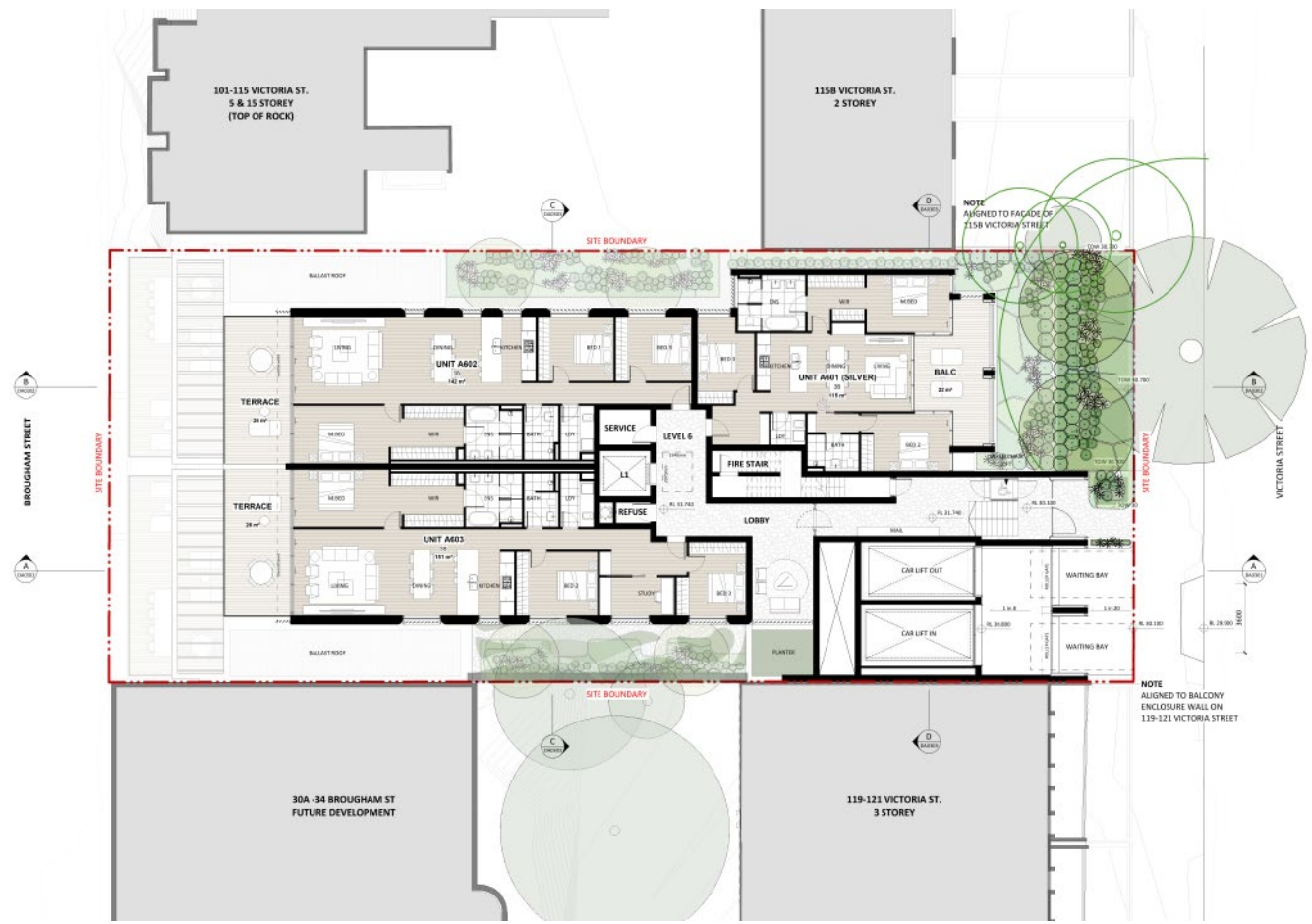
level 3 - Brougham street and basement level 1



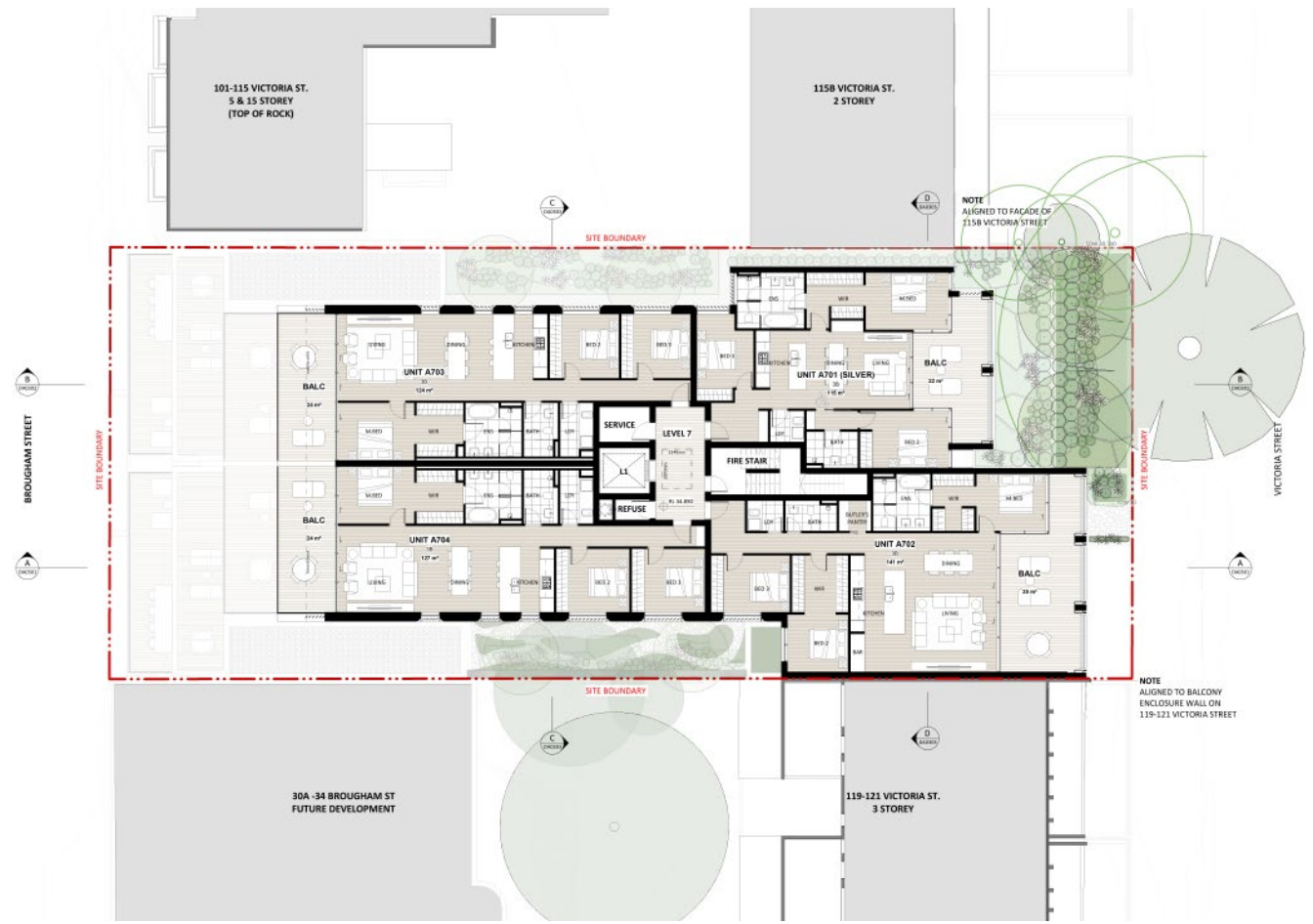
level 4 floor plan – Brougham Street



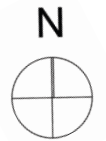
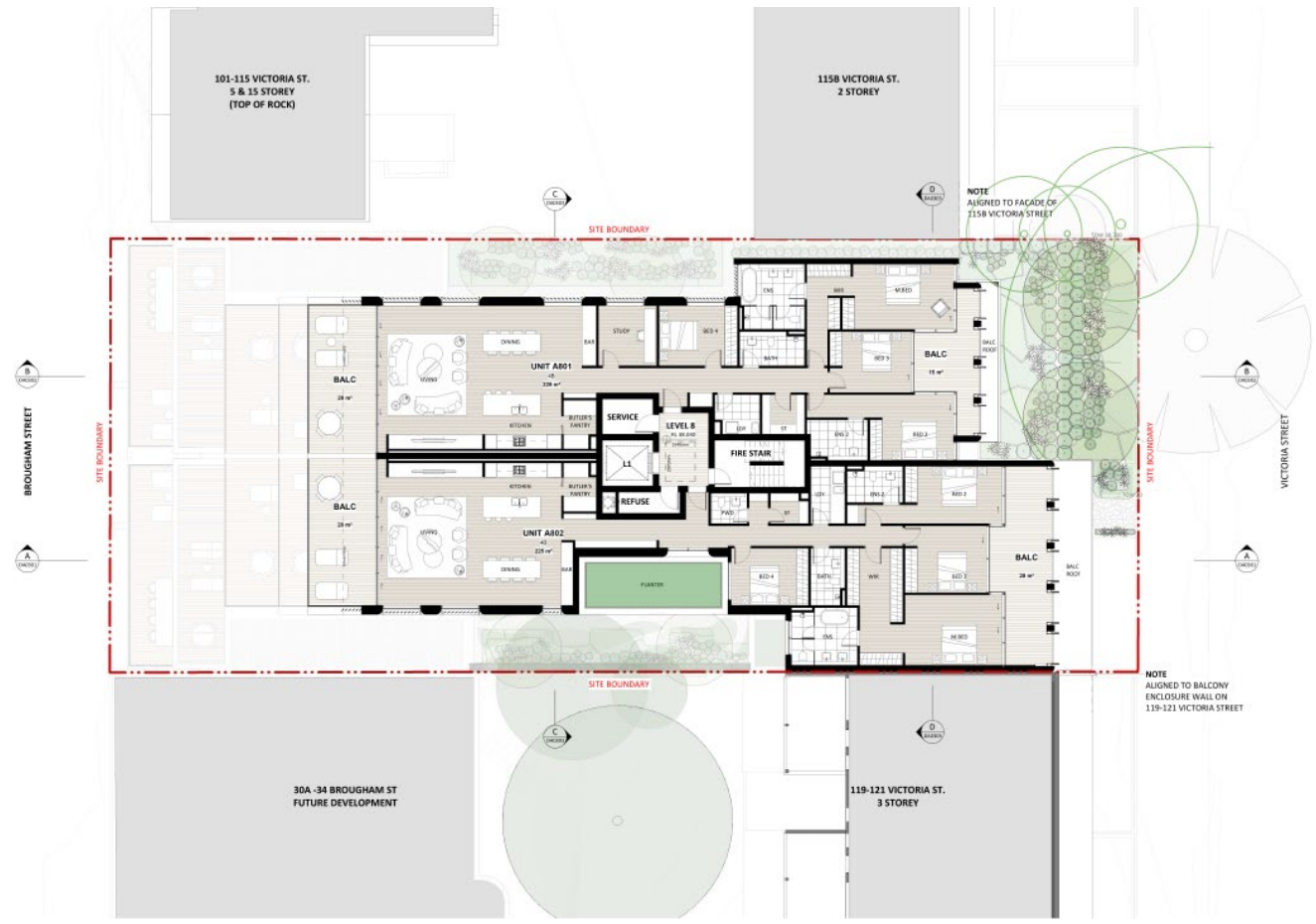
level 5 floor plan



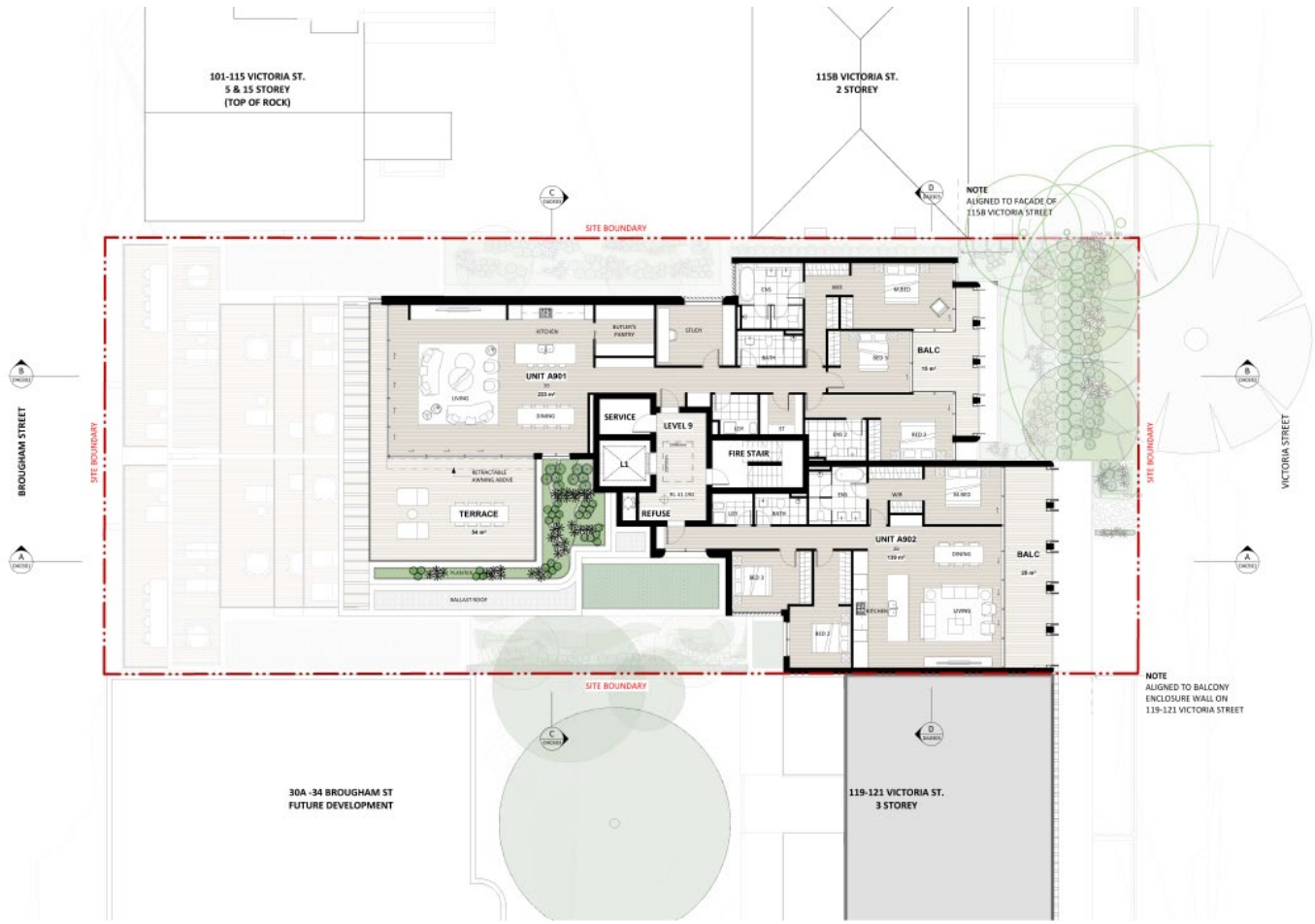
level 6 floor plan



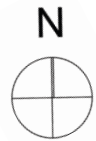
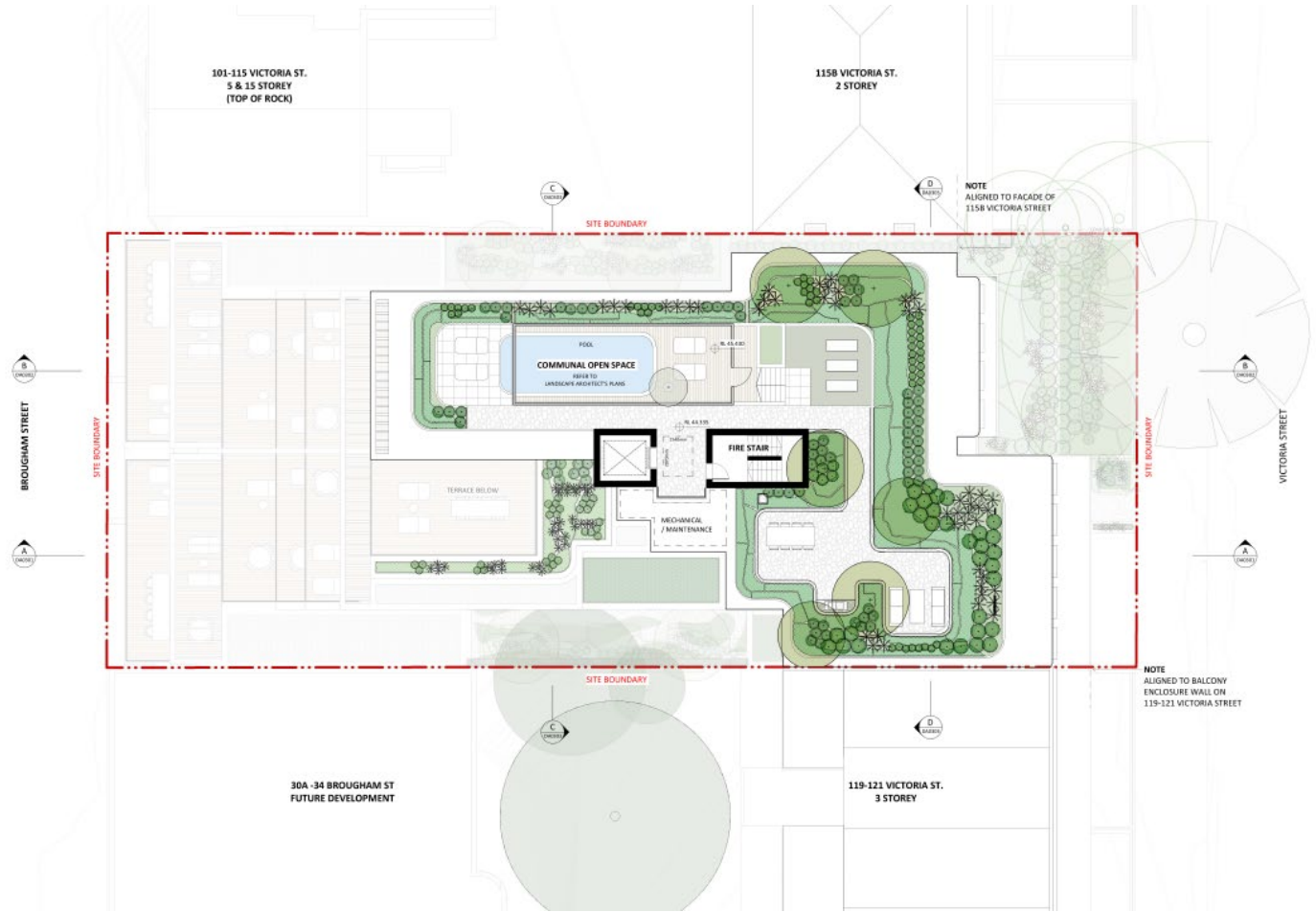
level 7 floor plan



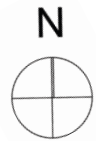
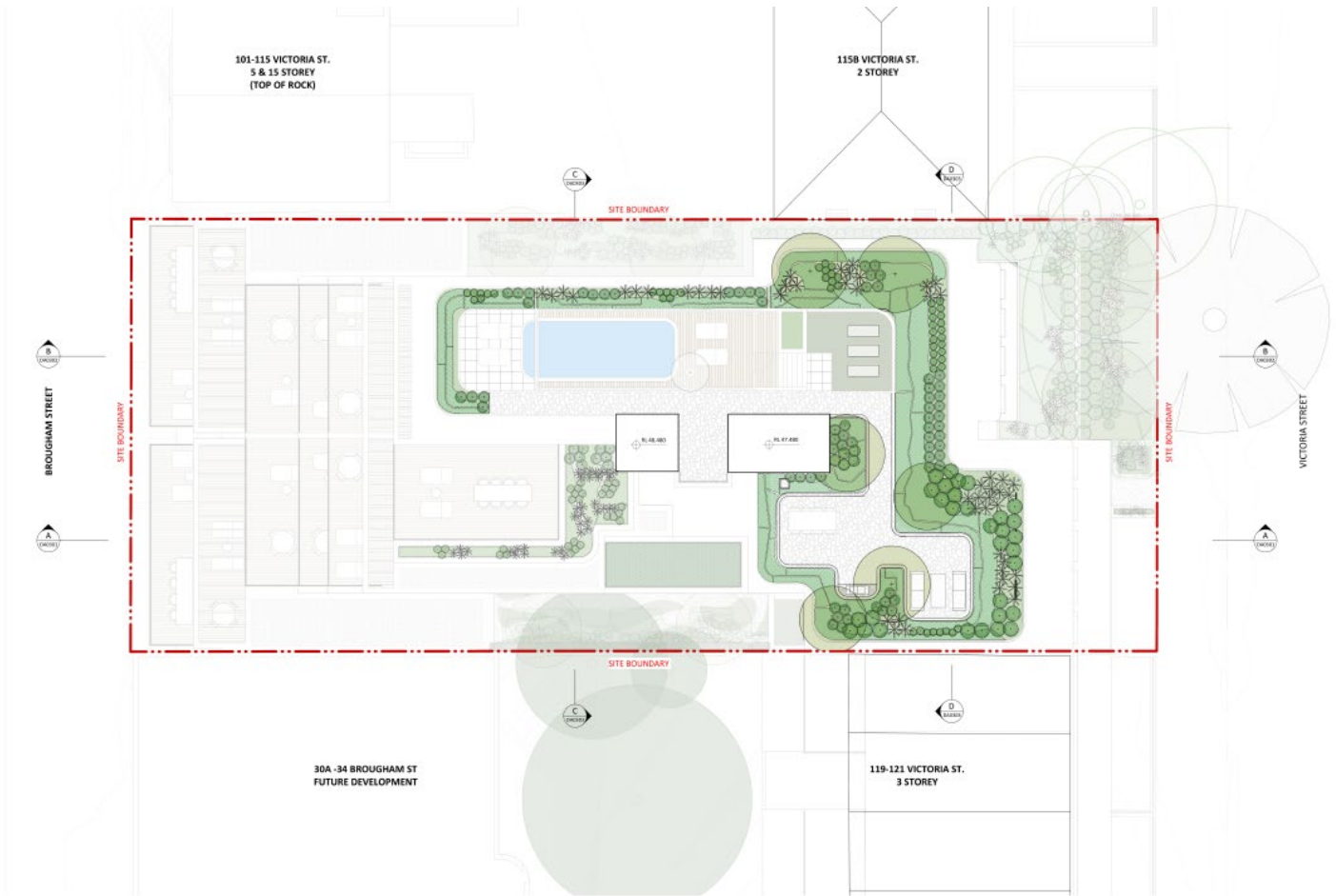
level 8 floor plan



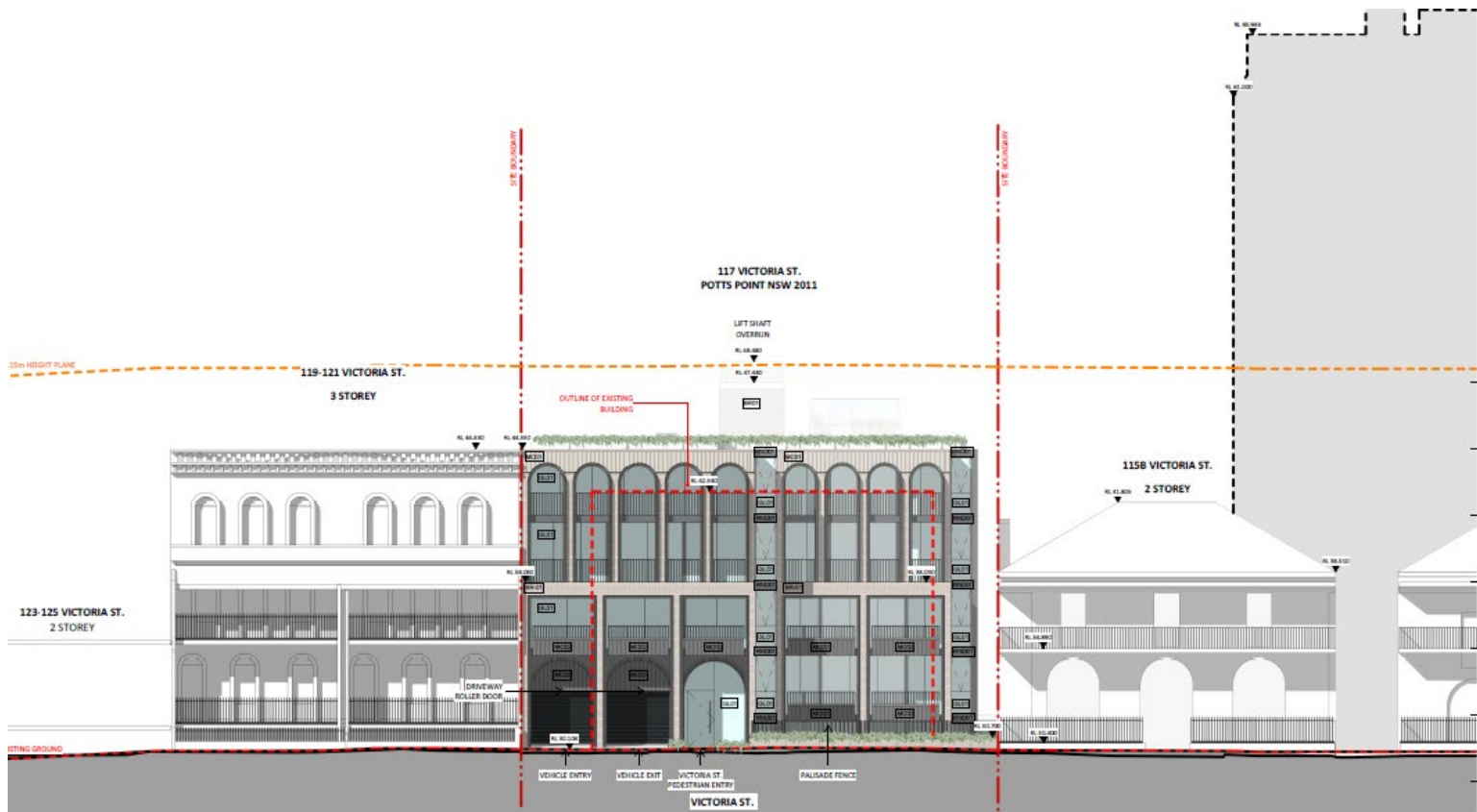
level 9 floor plan



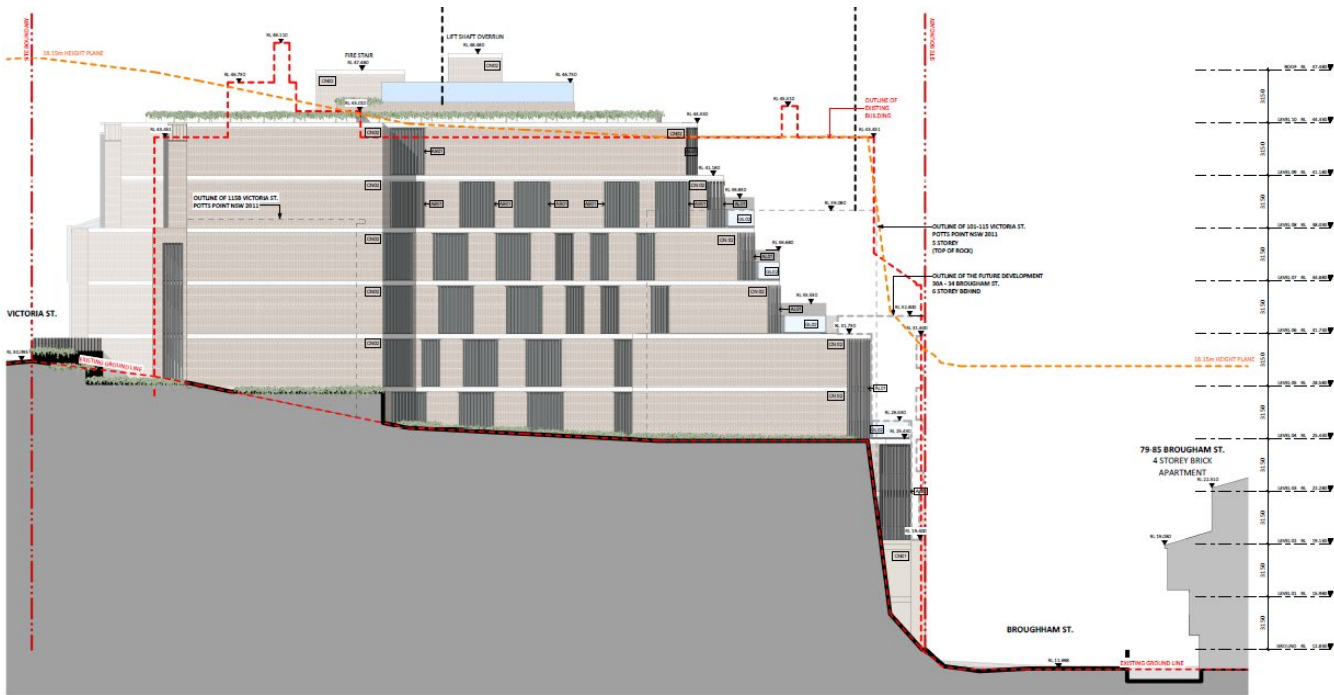
level 10 - rooftop



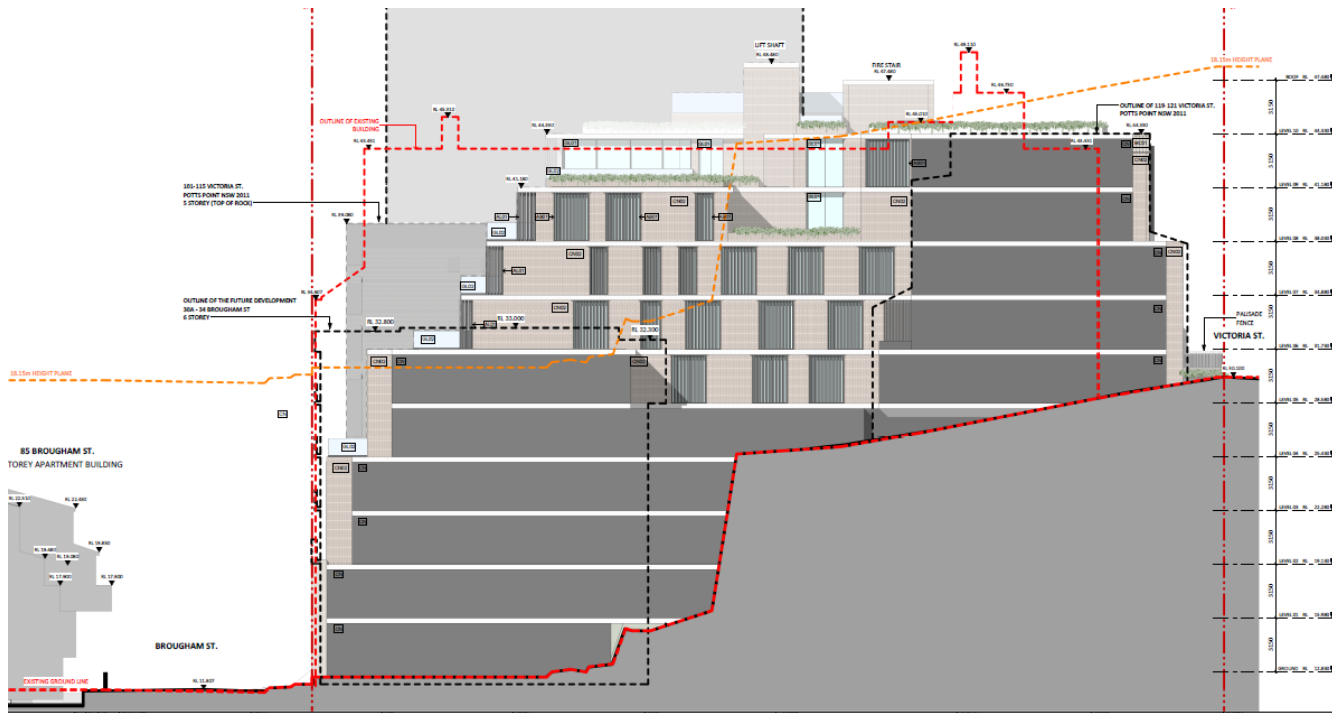
level 10 – roof plan



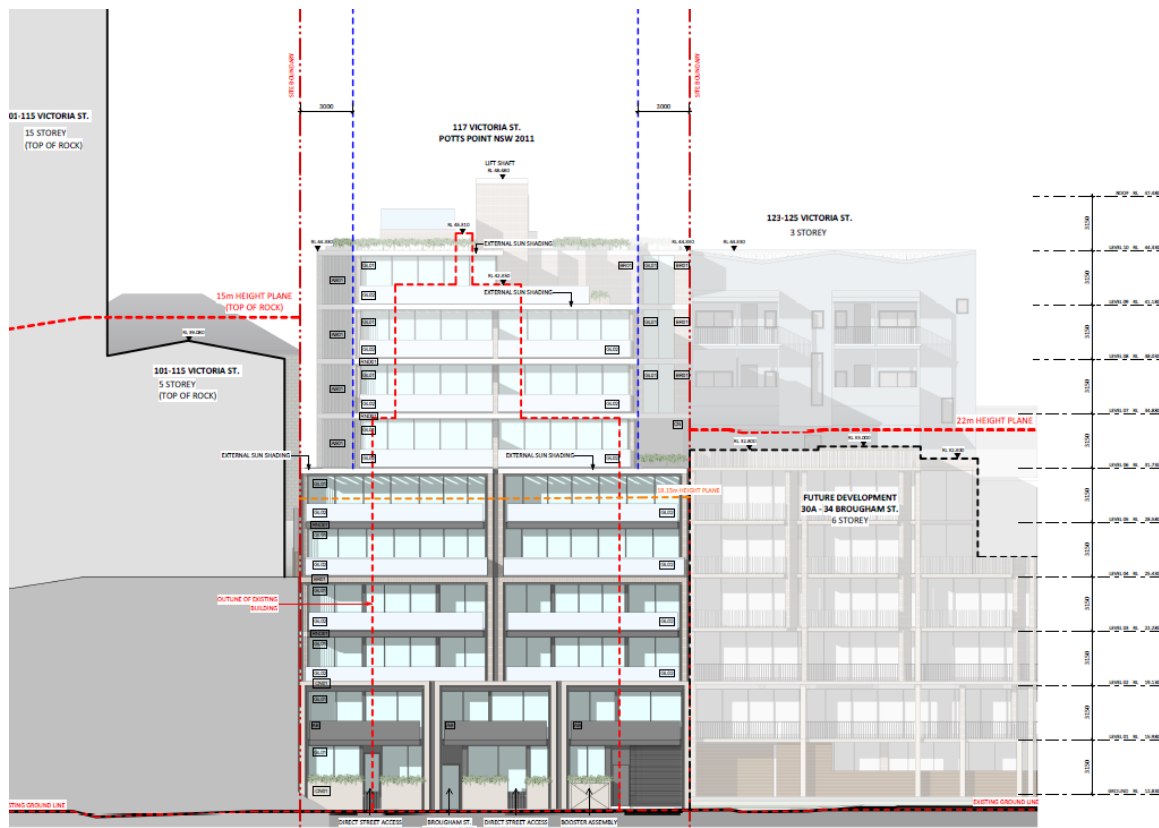
east elevation – Victoria Street



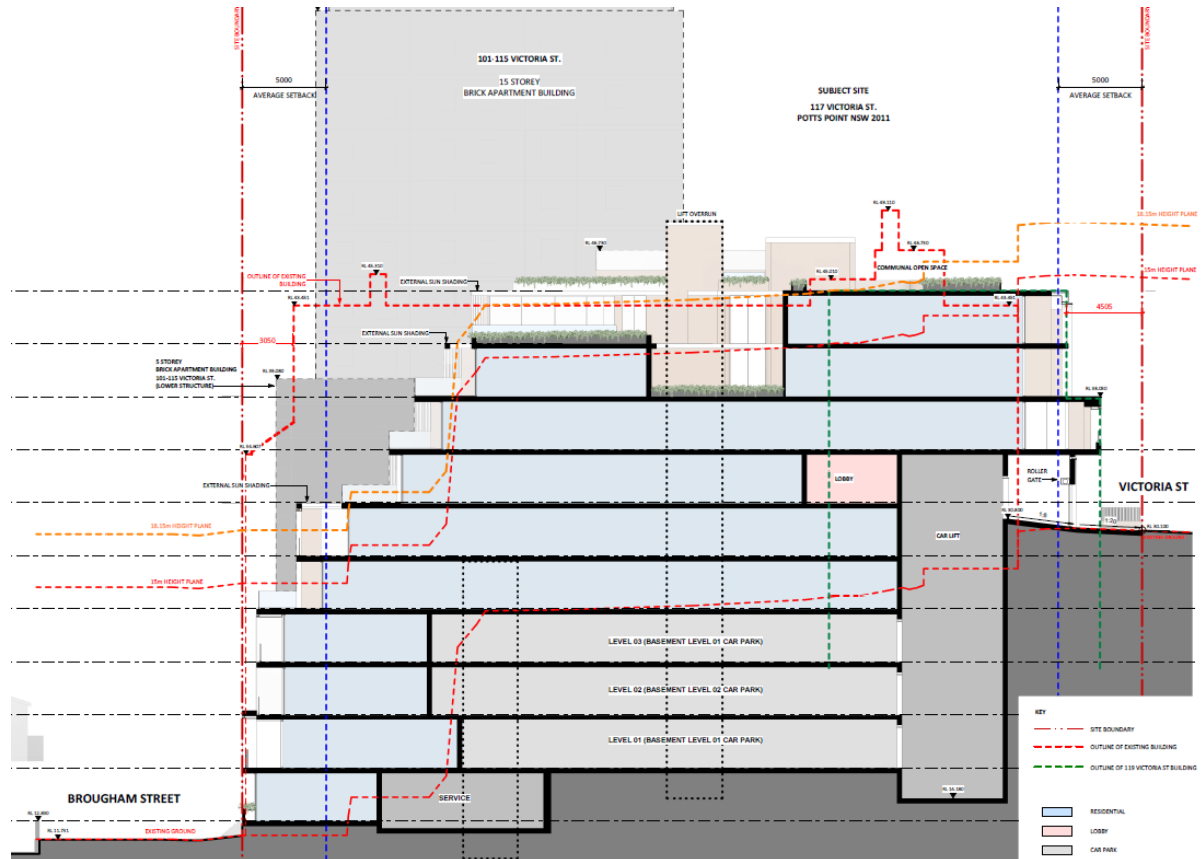
north elevation

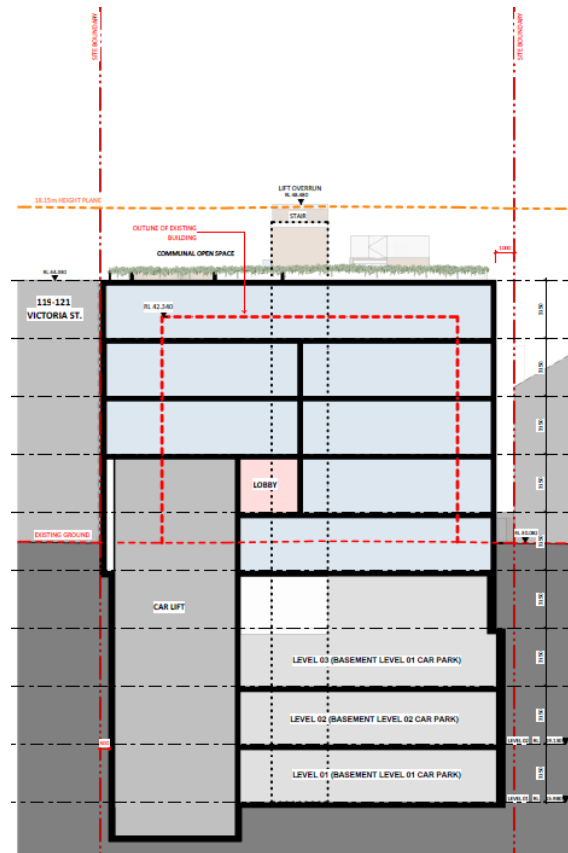
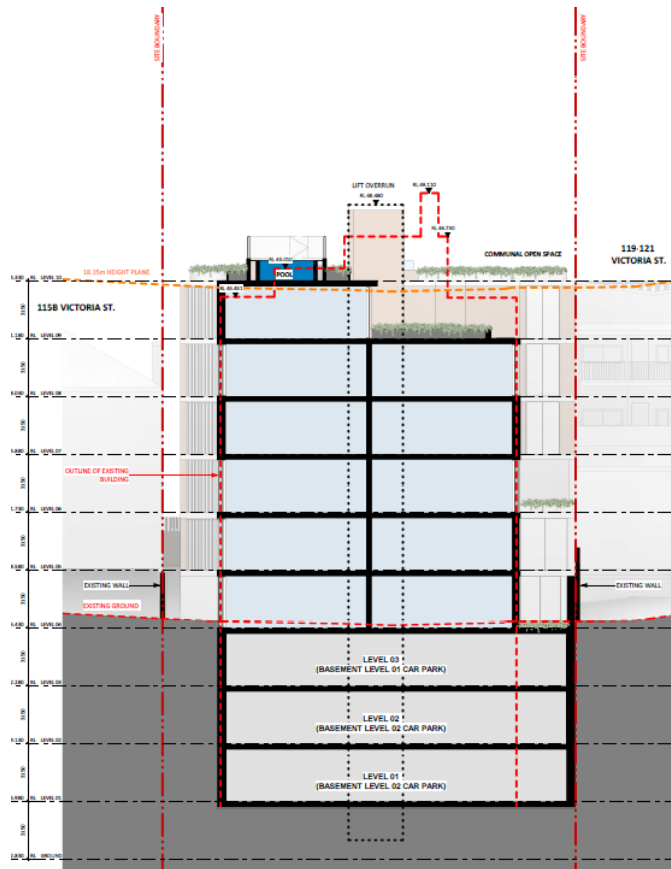


south elevation



proposed west elevation – Brougham Street





sections C and D

Compliance with key LEP standards

	control	proposed	compliance
height	15m	SEE states 24.88m (65.8% variation and 37% variation if bonus was available)	no
floor space ratio	2.5:1	3.02:1m (20.8% variation without bonus)	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% fragmented	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 8 ² and min dimension less than 1m ground level Brougham less than 15m ²	no

Design Advisory Panel Residential Subcommittee

The Panel reviewed the application on 3 September 2024.

The panel raised the following concerns:

- loss of affordable housing
- excessive height, bulk and massing
- impacts to trees
- overshadowing and privacy impacts
- poor amenity for street level apartments
- inadequate deep soil
- loss of public views from Victoria Street

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 had a rental yield below median during the relevant period (5 years preceding lodgement of the application)

Apartment No.	Bedrooms	Weekly Rent	Median Range Potts Point	Above / Below median	
1	1 Bed	20.07.23-24.08.23	\$380	\$595-\$650	Below
		17.08.23-30.07.24	\$425		
2	1 Bed	31.07.23-20.02.24	\$400	\$595-\$650	Below
		24.02.24-30.07.24	\$450		

excerpt of rental data provided

Loss of affordable rental housing

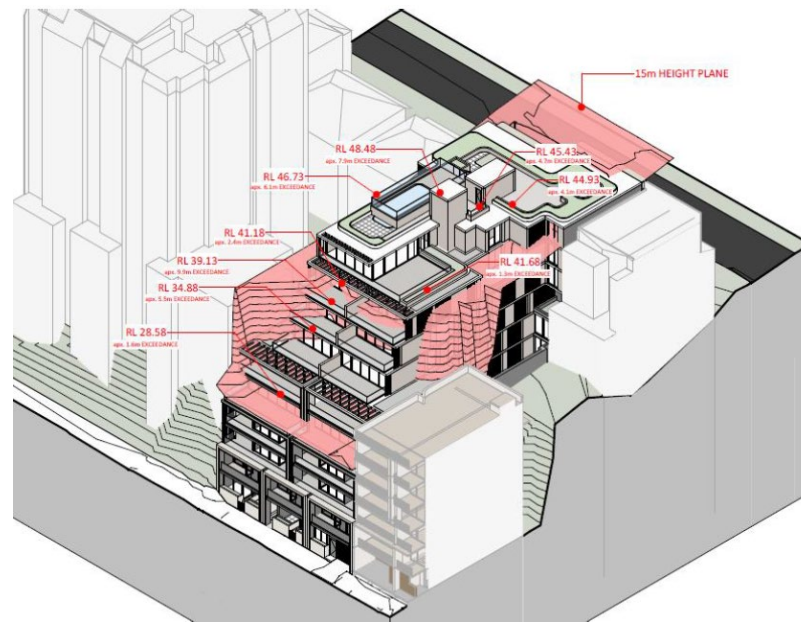
- proposal does not adequately address Clause 47(2) of the Housing SEPP:
 - reduces affordable housing in the area
 - sufficient comparable accommodation not available in the area
 - results in adverse social effects on community
 - inadequate arrangements are proposed to assist displaced residents
 - contributes to cumulative loss of affordable housing in LGA
 - existing building not demonstrated to be structurally unsound
 - monetary contribution insufficient to mitigate loss of affordable housing

Height and FSR – infill affordable housing

- additional floor space and height between 20% and 30% available where development provides at least 10% affordable housing
- proposed affordable housing component, excluding shared corridors, is 353sqm which is only 9.7% of overall GFA
- bonus floor space and height under Clause 15C therefore not available

Height and FSR – bulk and scale

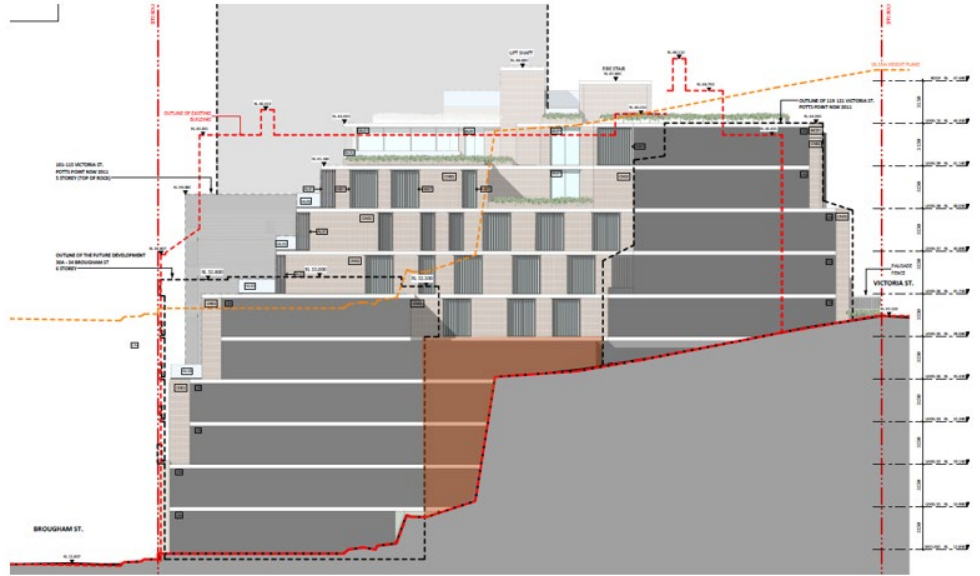
- 65.8% variation to 15m height control
- 20.8% variation to FSR control (no clause 4.6 supplied)
- building not appropriately stepped with topography



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 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