

Resolution of Local Planning Panel

30 April 2025

Item 4

Development Application: 169-173 Victoria Street and 90-98 Brougham Street, Potts Point - D/2024/947

The Panel:

- (A) supported the variations requested to the 'height of buildings' and "FSR' development standards in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2024/947 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strike through~~):

(19) DESIGN MODIFICATIONS

Amended plans/documentation providing the following details must be provided:

Level 1 rear balcony to former Golden Apple

- (a) The Level 1 balcony at the rear of the former Golden Apple is ***not approved. If a balcony is to be proposed at Level 1, it is to be redesigned to address potential amenity, outlook and acoustic impacts to the adjoining south facing apartments at 165-167 Victoria Street, Potts Point.*** ~~to be reduced in size, to address potential amenity impacts to the adjoining studio apartments at 165-167 Victoria Street, as follows:~~
 - (i) ~~The width of the balcony is to be a maximum of 4m so that it aligns with the inner edge of the northern most glass panel of the sliding door.~~
 - (ii) ~~A portion of the balcony is to be recessed into the building envelope (similar to the Level 2 balcony) and the sliding doors are to be relocated so that they face parallel to the rear boundary.~~

Front verandah to the former Golden Apple

- (b) The existing front filigree cast iron column is to be reinstated to its original position in the centre of the verandah as shown in historical 1930s photography.

Coloured louvres to 90 Brougham Street

- (c) The buildings at 90 Brougham Street are an award-winning development which has been designed by Smart Design Studio. A key feature of the design is the external multi-coloured metal louvres. ***Any replacement louvres are to be redesigned in consultation with Smart Design Studios, in recognition of the original architect's moral rights.*** ~~These louvres are to be retained (or replaced on a like-for-like basis).~~ ***The northern elevation of the proposed new addition to 90 Brougham Street is to be provided with louvres to match the rest of the building.***
- (d) ~~The northern elevation of the proposed new addition to 90 Brougham Street is to be provided with coloured louvres to match the rest of the building. ***Documentation of the consultation in (c) above, including a written response from Smart Design Studios, is to be provided to Council.*** The existing louvres provided to the secondary dwelling could be salvaged and reused in the addition, or alternatively new louvres could be provided.~~

Heritage

- (e) All new floor structures within the principal building form of the terrace group (92-98 Brougham Street) are to be shown as timber framed and lightweight. Concrete slabs are not supported in the attic or the front two rooms.
- (f) The existing front ground floor terrace windows are to be retained, and matching windows are to be reinstated to the new building at 96 Brougham Street. The approved demolition elevation plans are to be updated to show this detail.
- (g) The front lower ground floor verandahs and access path to the Brougham Street terrace group at 92-98 Brougham Street is to have tessellated tiles consistent with Victorian period detailing.
- (h) The rear facade of the Piccadilly Hotel is to be provided with a new metal spandrel panel. The material and finish of this panel is required, with the colour to match the existing red brick.
- (i) The chrome panels above the Piccadilly Hotel entries are to be painted in a compatible colour. Details are to be provided.

Planter boxes

- (j) The planter box to the Level 2 balcony of the Piccadilly Hotel at 171-173 Victoria Street is to continue along the southern edge of the balcony to prevent potential overlooking of 175 or 177-179 Victoria Street.

Privacy

- (k) Obscure etched glazing is to be provided to the rear ground floor windows of the Piccadilly Hotel to prevent future staff/patrons overlooking the Brougham Street terraces private open spaces. The windows are to be fixed to address potential acoustic impacts associated with the future use.

Gate to Hourigan Lane

- (l) The proposed boundary wall interface with Hourigan Lane is to be amended to address vehicle circulation as detailed at Figure 1 in Ason Group's letter of 12 February 2025 (Council TRIM ref: 2025/131941).
- (m) Details of the proposed shared driveway gate are to be provided. The gate is to be a permeable finish to allow passive surveillance and to increase driver safety.

Fencing

- (n) Details of all fencing, including height, finishes and materials of:
 - (i) Proposed new iron palisade and masonry front fences to the Brougham Street terrace.
 - (ii) Pool fencing.

Fire hydrant

- (o) The approved ground floor plan demolition (DA-2020) is to be updated to show the demolition and removal of the existing hydrant booster in front of the former Golden Apple building at 169 Victoria Street.

Photovoltaic system

- (p) Details of the required solar panels, including their proposed location/s and level of projection.

Rooftop plant and equipment

- (q) Details of all rooftop plant and equipment, and the associated screening/enclosure, is limited to the designated rooftop area of the Piccadilly Hotel and must not exceed a maximum height of RL 44.5 to ensure that it is not visible above the building parapet.

Rainwater tank

- (r) Details of the rainwater tank, including its height and location. Any proposal to provide the tank underground must not impact have any structural or heritage impacts.

The modifications are to be submitted to and approved by Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the issue of a Construction Certificate.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the 'height of buildings' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney Local Environmental Plan 2012; and
 - (ii) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the 'FSR' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney Local Environmental Plan 2012.
- (C) Having considered the matters in Clause 6.21C(2) of the Sydney Local Environmental Plan 2012, the development displays design excellence because:
 - (i) subject to appropriate conditions in relation to the materials and finishes, the proposed development provides a high standard of architectural design, materials and detailing appropriate to the building type and its location
 - (ii) the proposal will have a positive impact on the subject site, the original heritage fabric, the heritage conservation area and the streetscape
 - (iii) the proposed development is compatible with the built form and density of surrounding developments; and
 - (iv) the proposed development will not result in any detrimental visual privacy, overshadowing, view loss, wind or reflectivity impacts.
- (D) The development is consistent with the objectives of the MU1 Mixed Use and R1 General Residential zones pursuant to the Sydney Local Environmental Plan 2012.
- (E) The development is generally consistent with the objectives of the relevant planning controls.
- (F) Appropriate conditions are recommended to ensure the development does not detrimentally impact on the heritage significance of the site.
- (G) The development will not adversely affect the character of the Kings Cross and Woolloomooloo localities or the Potts Point and Woolloomooloo Heritage Conservation Areas.
- (H) The development will not unreasonably compromise the amenity of nearby properties.

- (I) Suitable conditions of consent are recommended, and the development is in the public interest.
- (J) Condition 19 was amended to address potential fire safety issues whilst retaining the original design intent for the louvres, and to address potential amenity impacts of the balcony to the adjoining property.

Carried unanimously.

D/2024/947