

Local Planning Panel

19 July 2023

Application details

28-30 Orwell Street, Potts Point

D/2021/893

Applicant: Central Element

Owner: CE Minerva Pty Ltd

Architect: Tonkin Zulaikha Greer

Proposal

- alterations and additions to 'The Metro / Minerva' for mixed use development
- 63 hotel rooms
- entertainment facility – mix of dining, music shows and live entertainment
- cafe and basement small bar
- two storey addition to main building
- two storey addition to fly tower
- two basement levels

Recommendation

deferred commencement approval

Notification

exhibition period 17 August to 15 September 2021

- 2,041 owners and occupiers notified
- 178 submissions received
- 11 in support, 164 objections, 3 comments, petition with 1,799 signatures

re-notified between 31 March and 15 April 2023



- 55 submissions received
- 7 in support, 47 objections, 1 comment, petition with 1,773 signatures

Submissions

- theatre use should be reinstated
- heritage impacts
- vertical additions are inappropriate
- noise and amenity impacts
- inappropriate hours of operation
- anti-social behaviour
- view loss
- privacy
- traffic and pedestrian impacts
- construction impacts

Submissions



-  subject site
-  submitters

Site





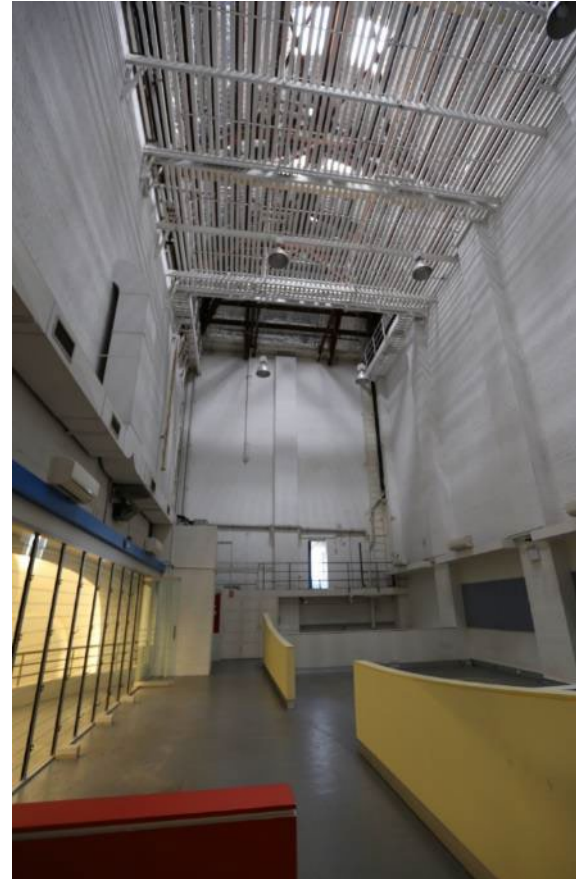
aerial view



corner of Orwell Street and Orwell Lane



fly tower and corner feature



auditorium and fly tower



foyer and bathrooms



Gowrie Gate residential building opposite to south-east



Springfield Gardens opposite to south



'The Roosevelt' restaurant on opposite side of Orwell Lane



heritage building immediately to north



Orwell Lane looking north



Llankelly Place opposite looking south



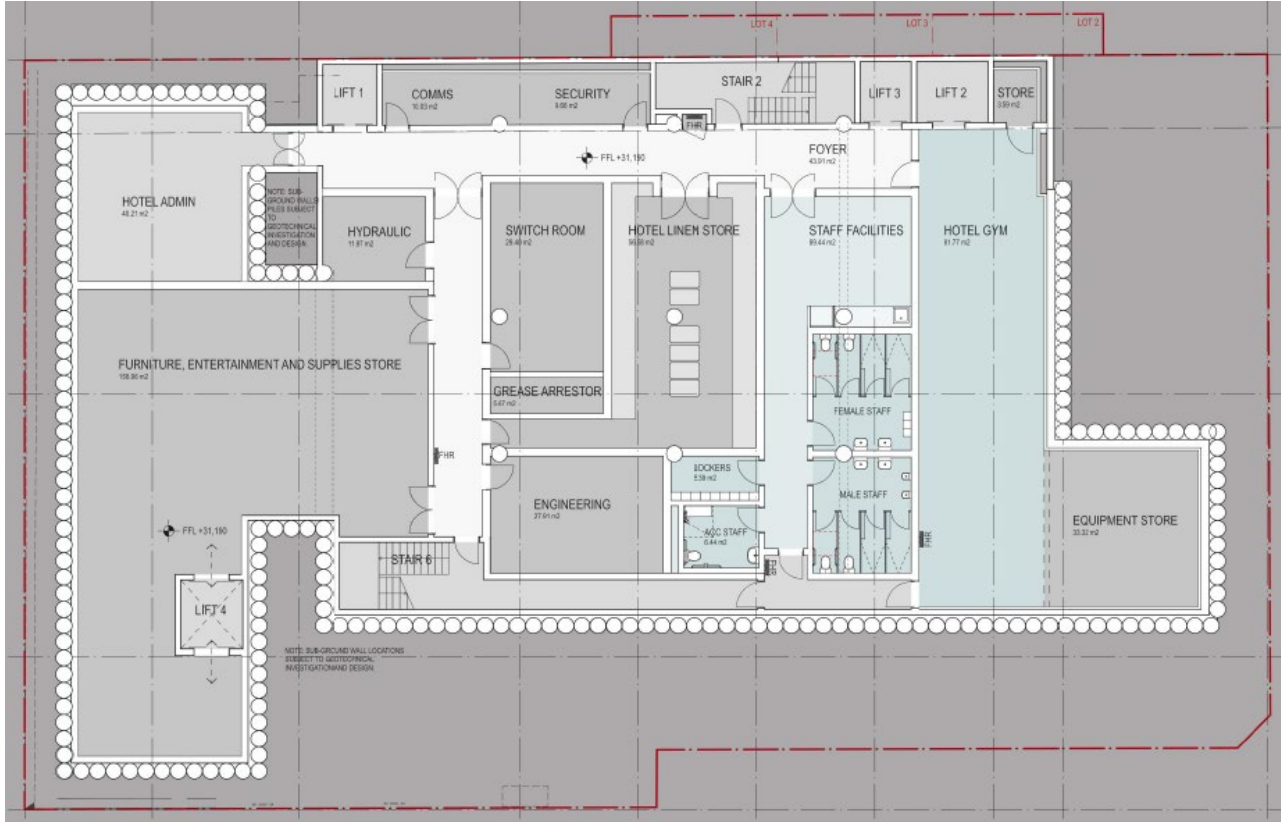
site

neighbouring residential buildings - Orwell Street

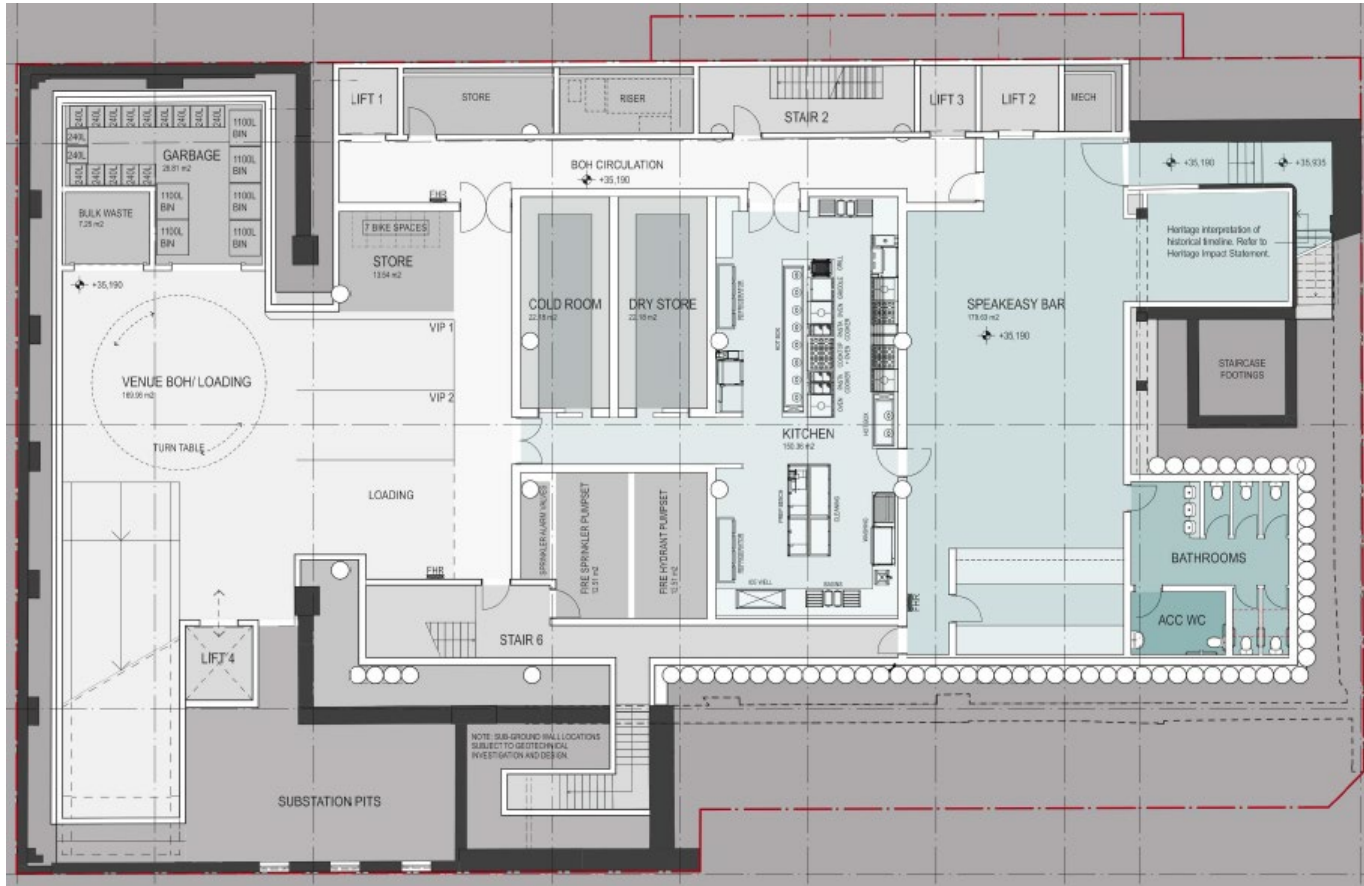


view south from communal rooftop of 25 Hughes Street

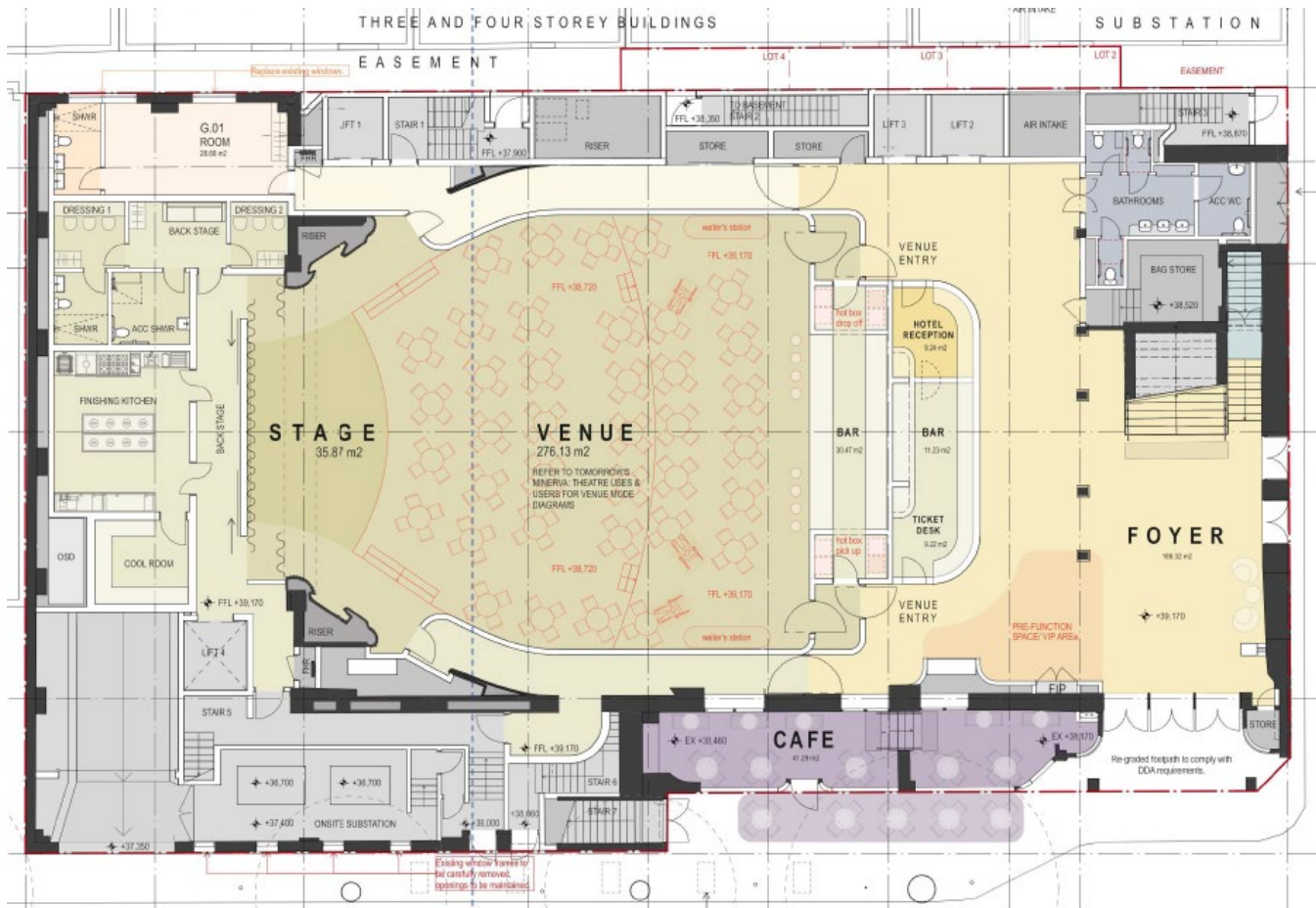
Proposal



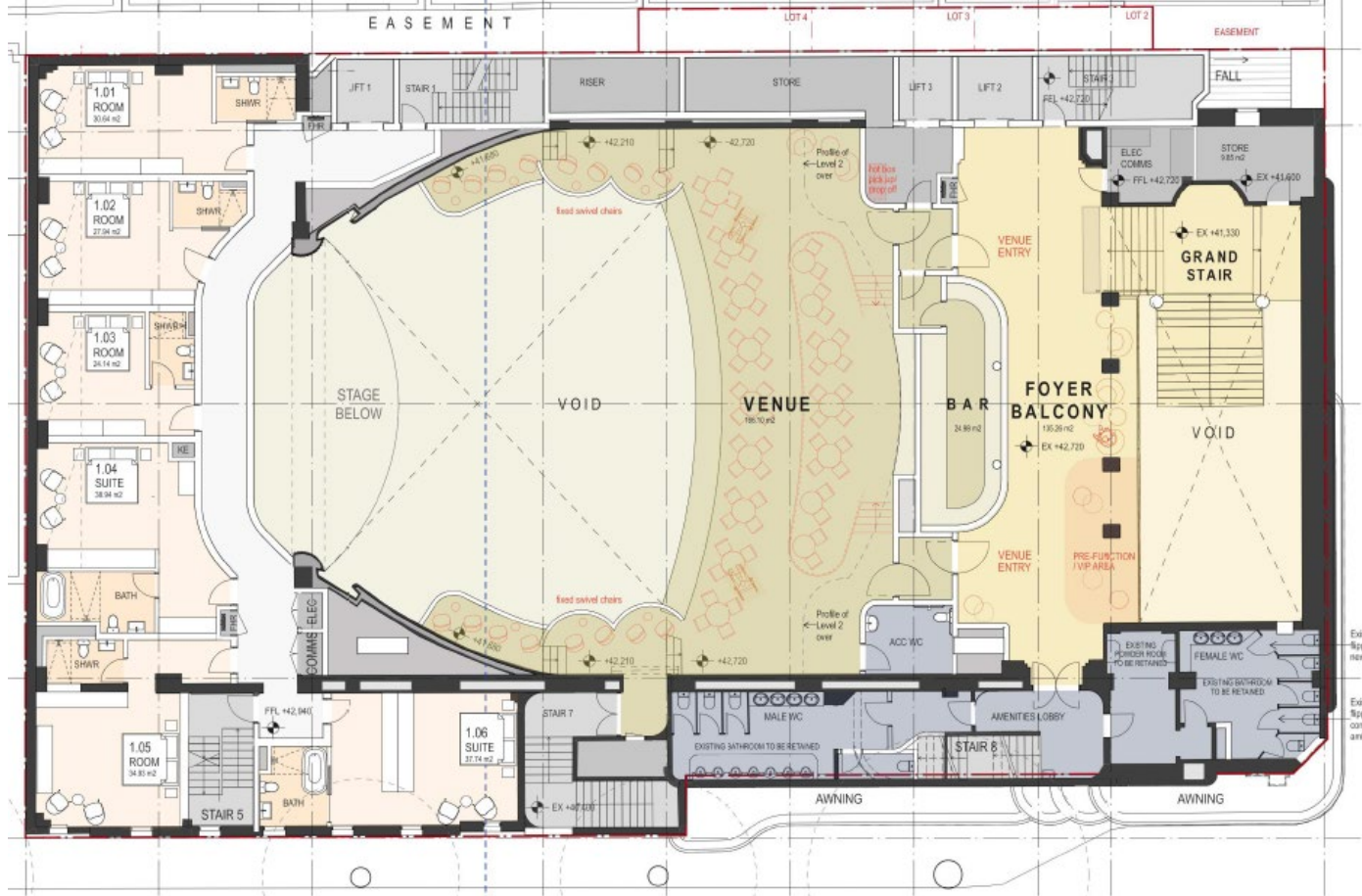
basement 2 floor plan



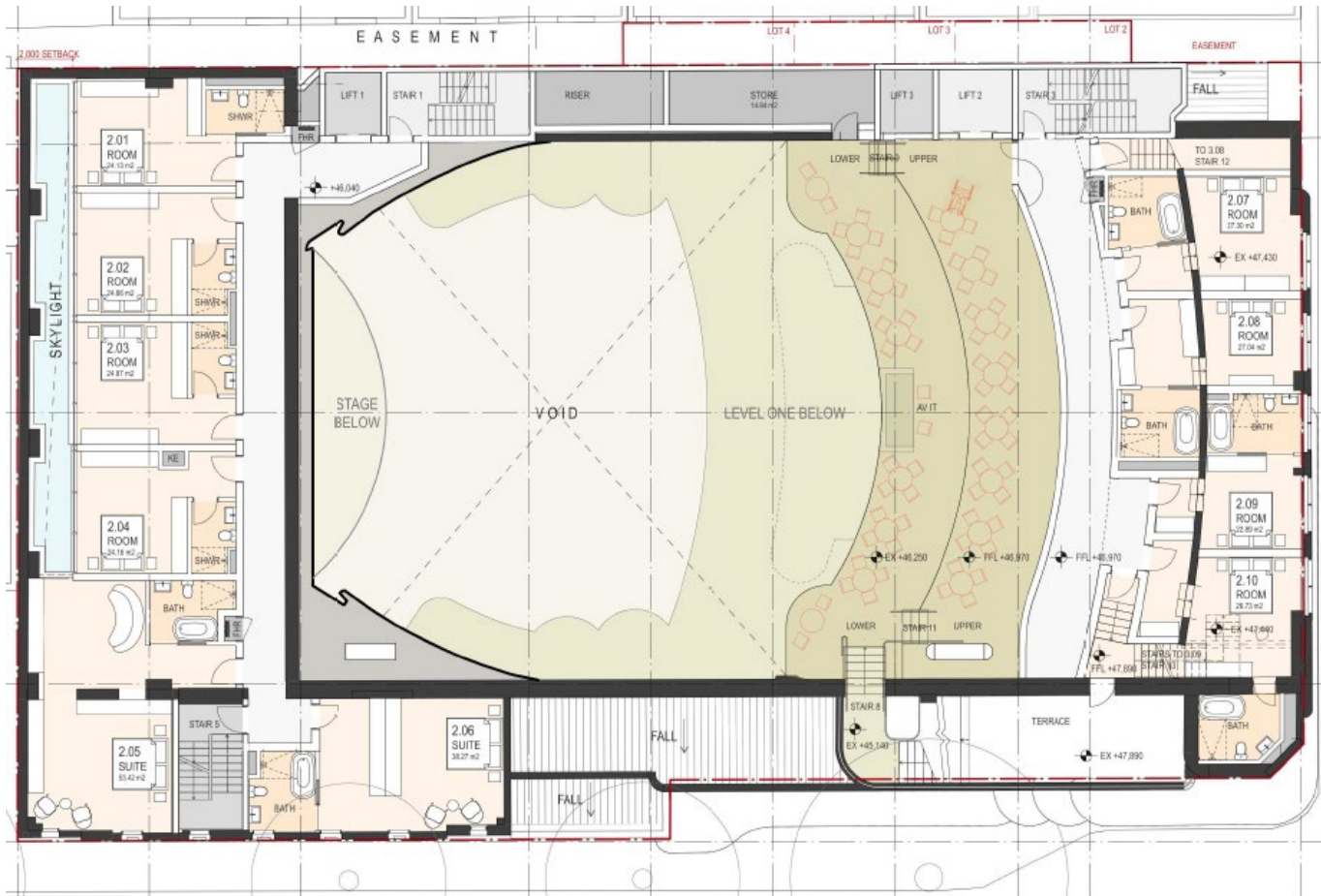
basement 1 floor plan



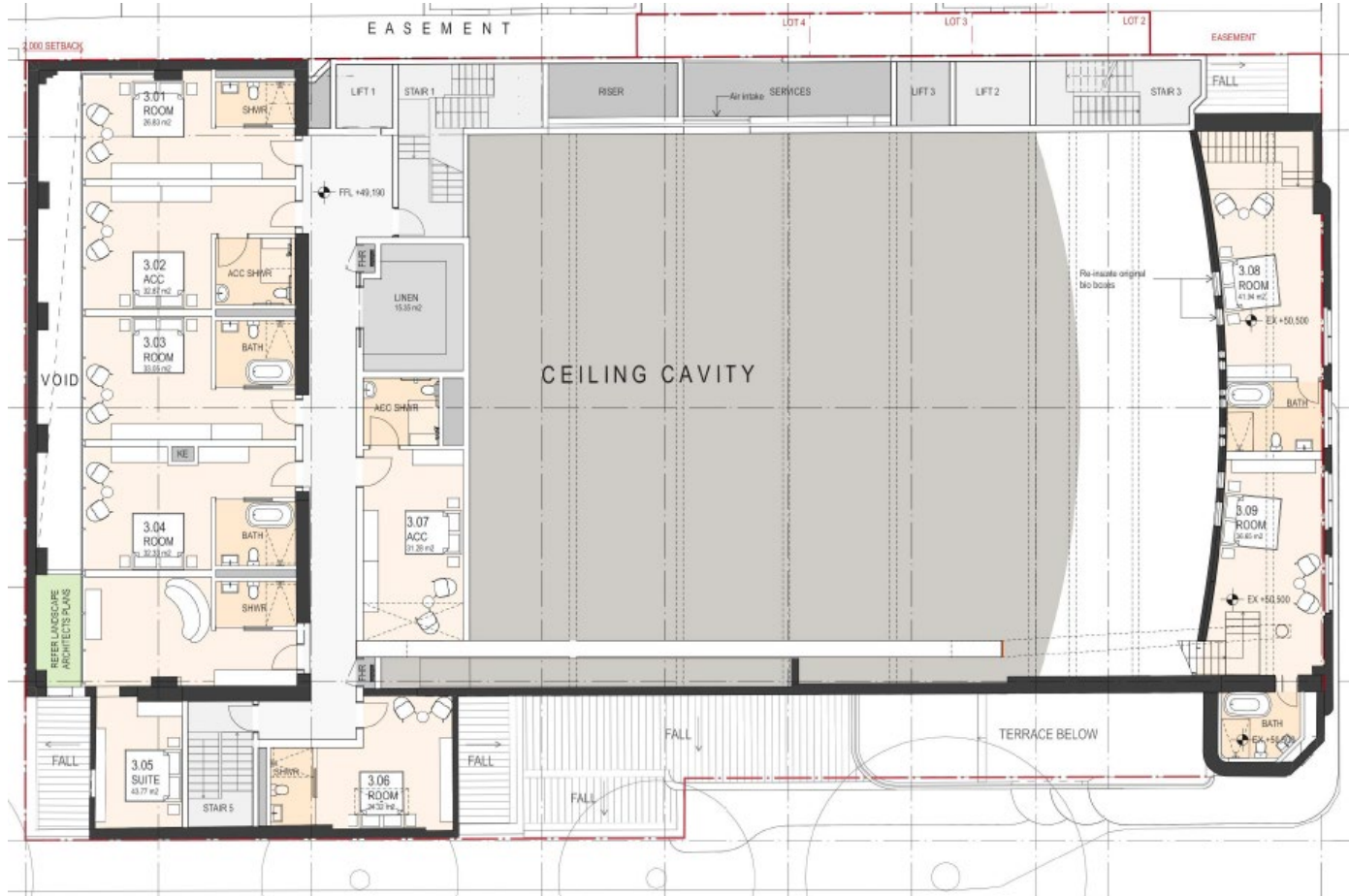
ground floor plan



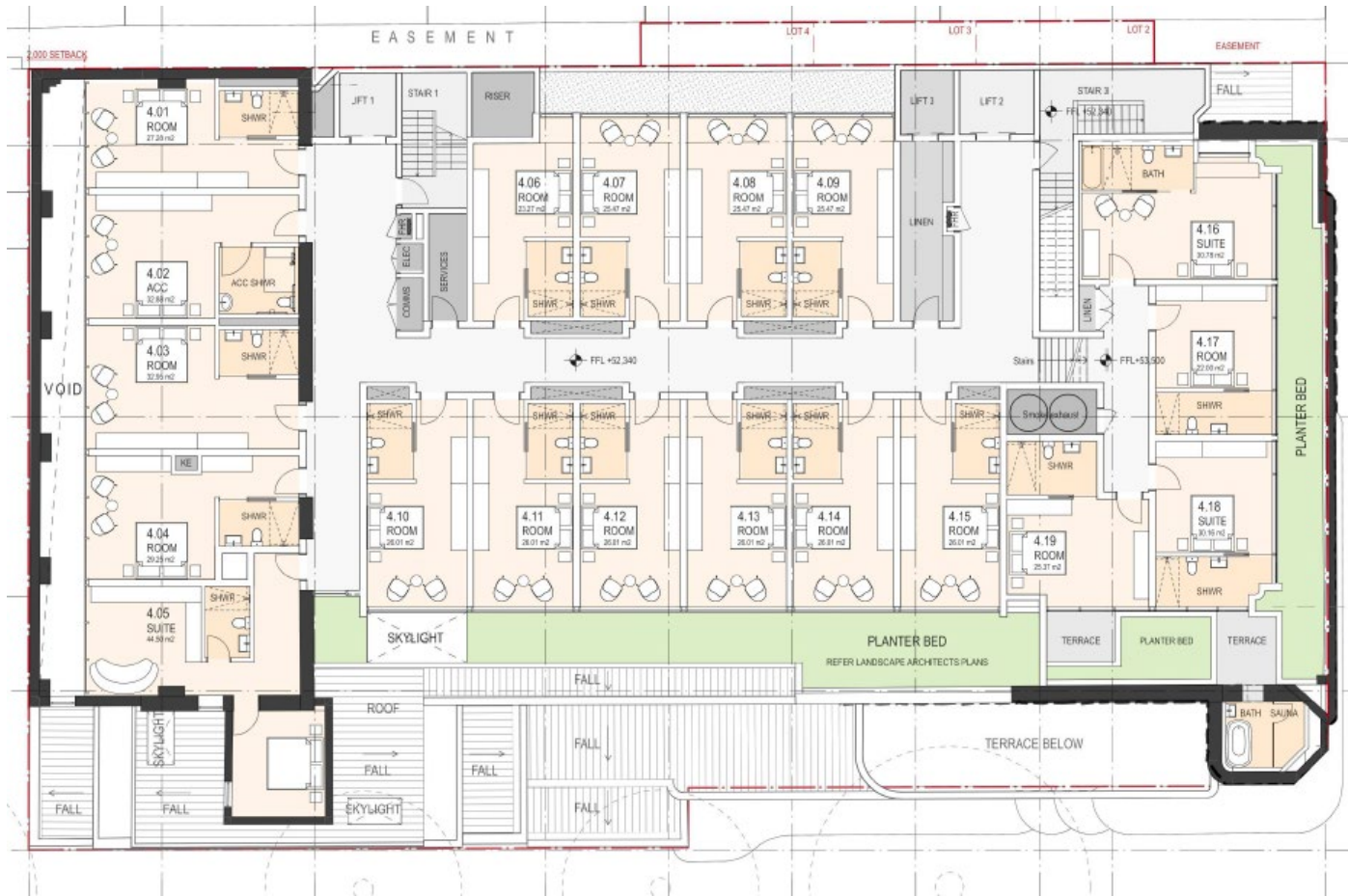
first floor plan



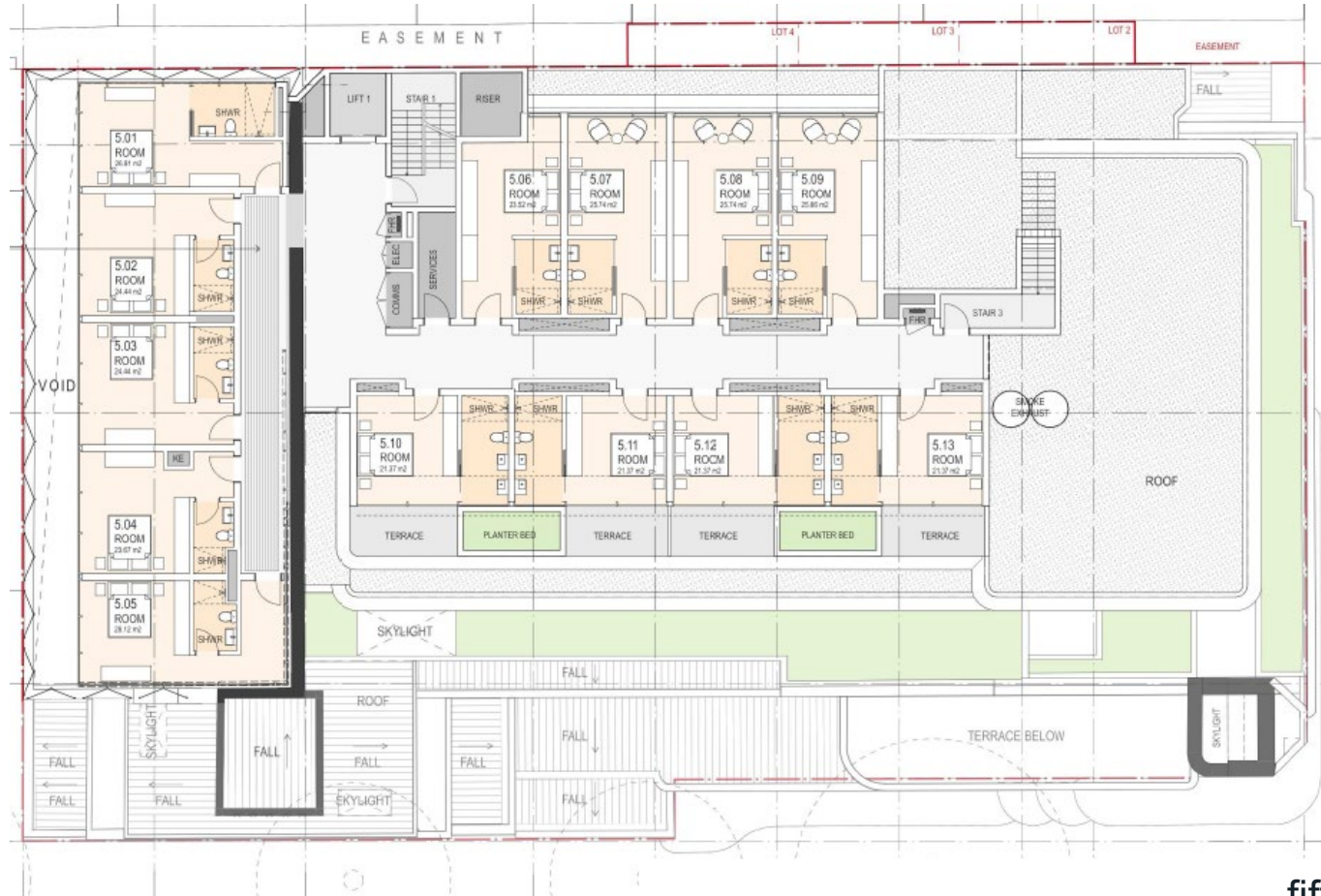
second floor plan



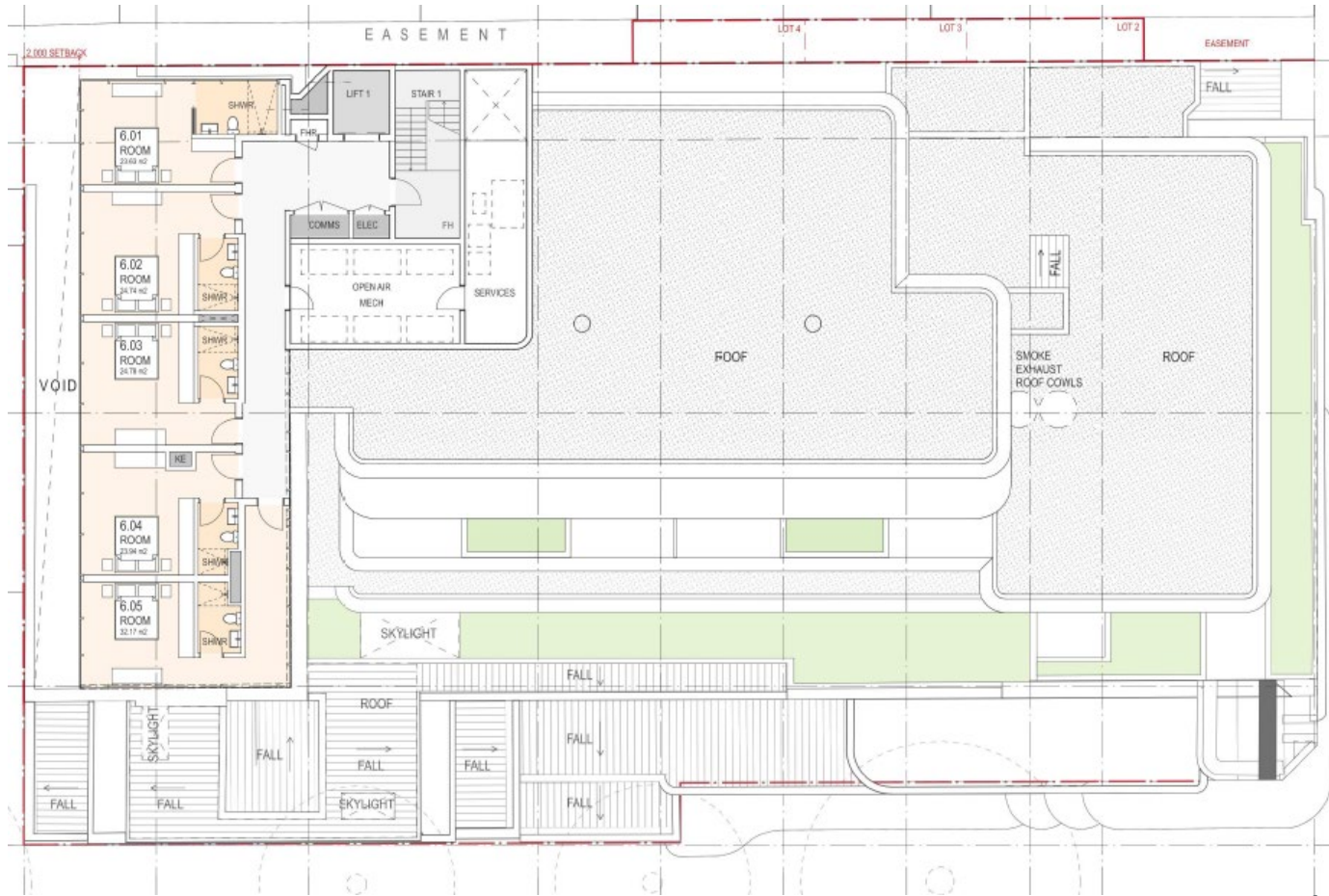
third floor plan



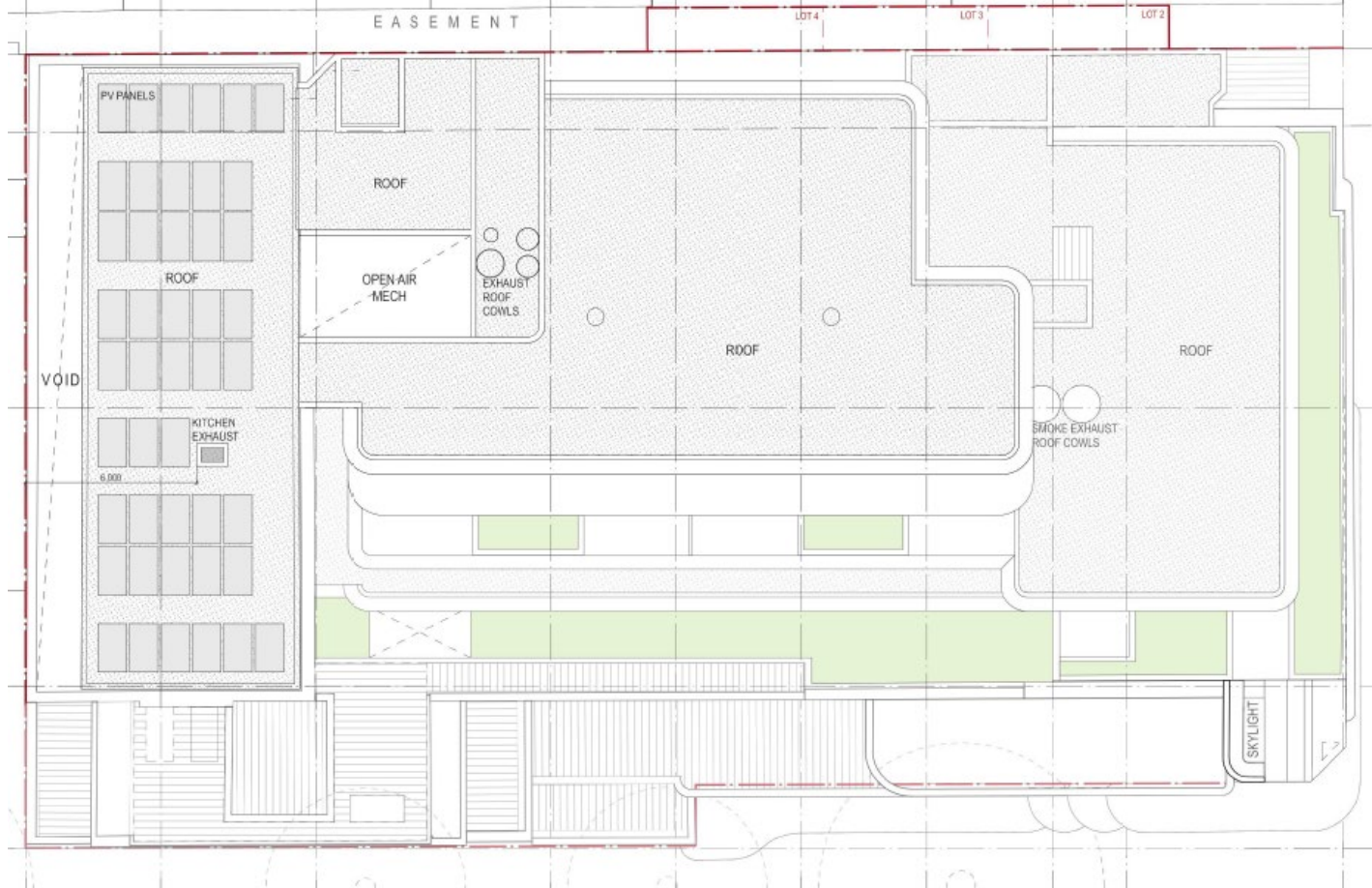
fourth floor plan



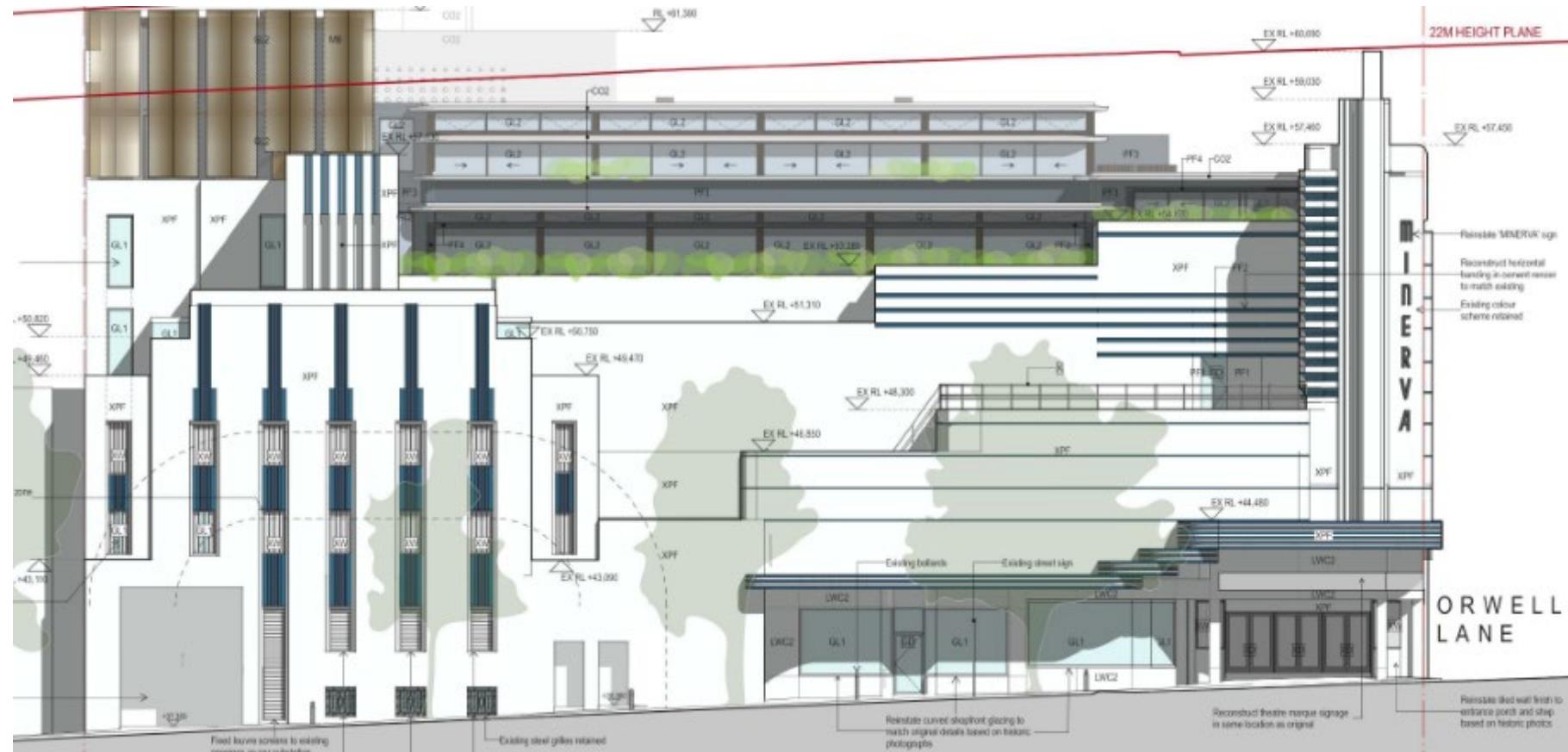
fifth floor plan



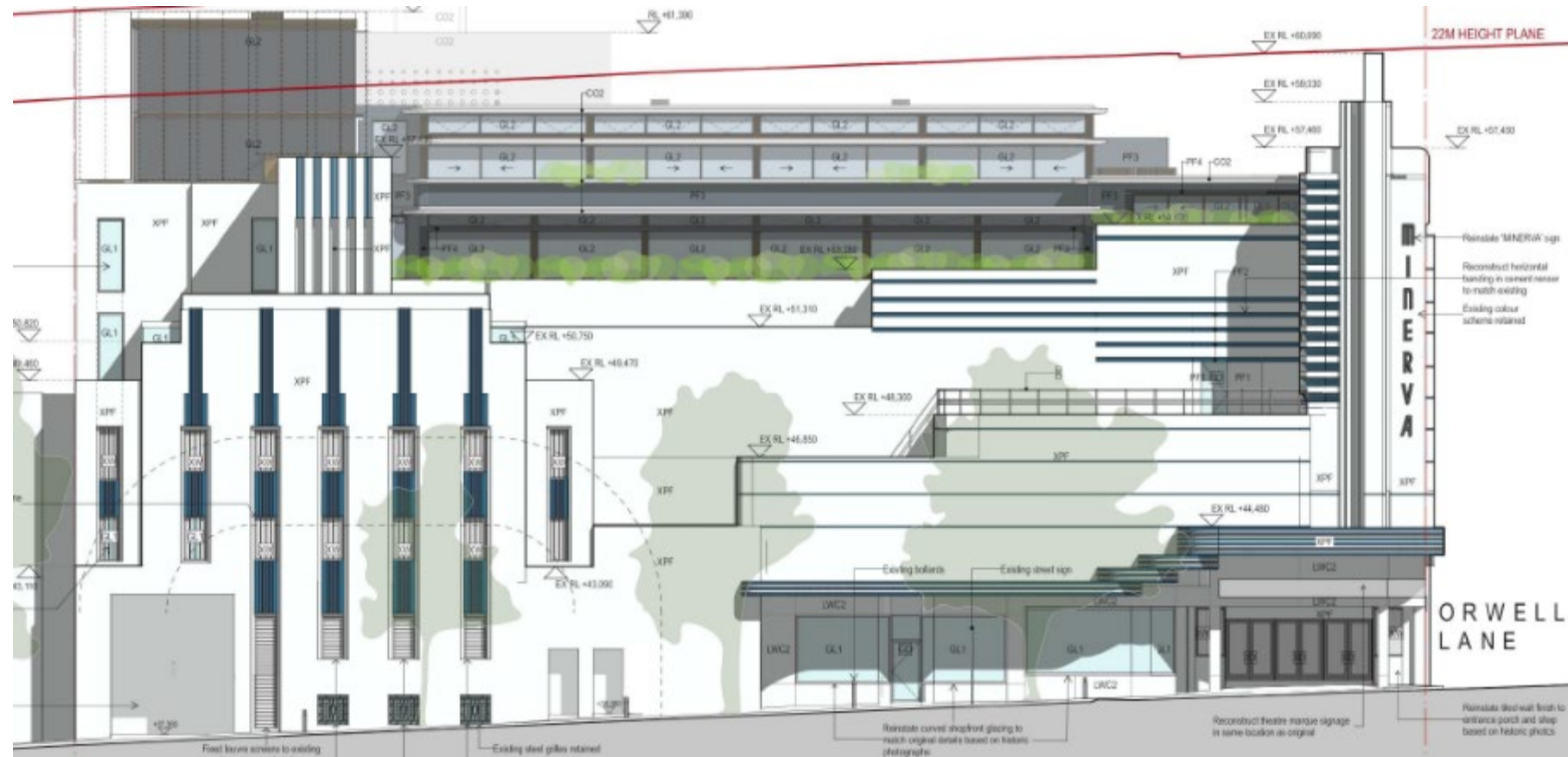
sixth floor plan



roof plan



Orwell Street/ south elevation



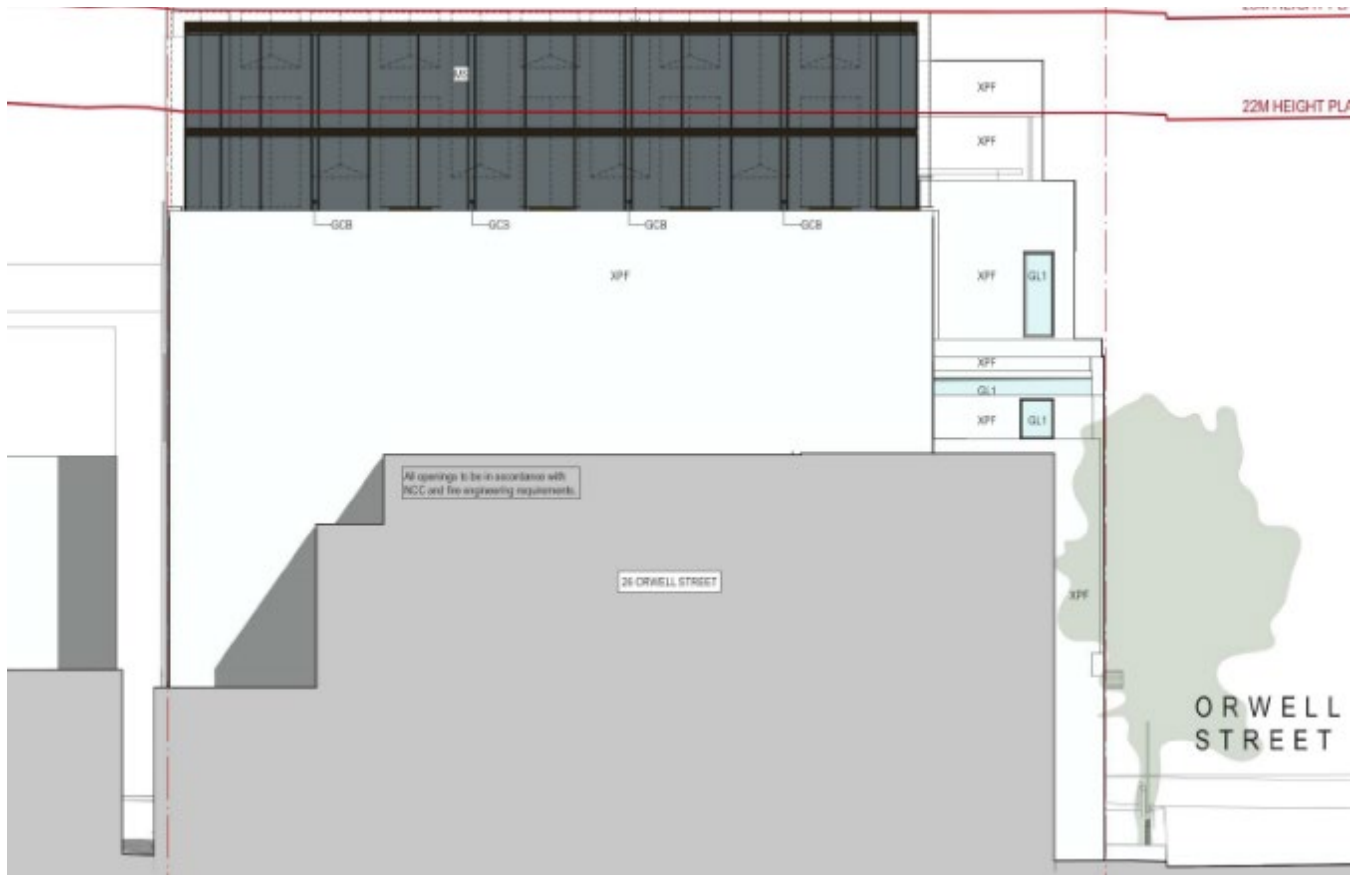
Orwell Street/ south elevation (behind the screen)



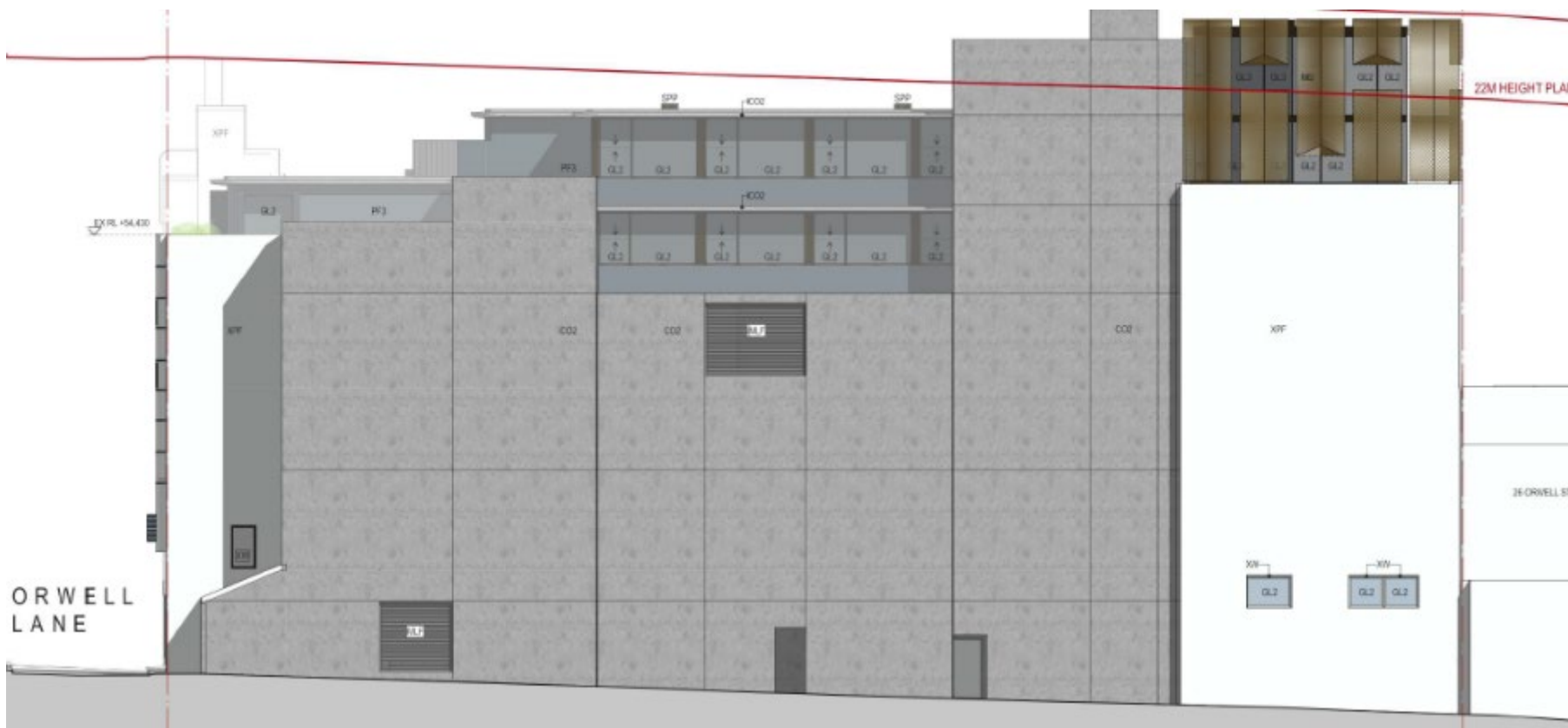
Orwell Lane/ east elevation



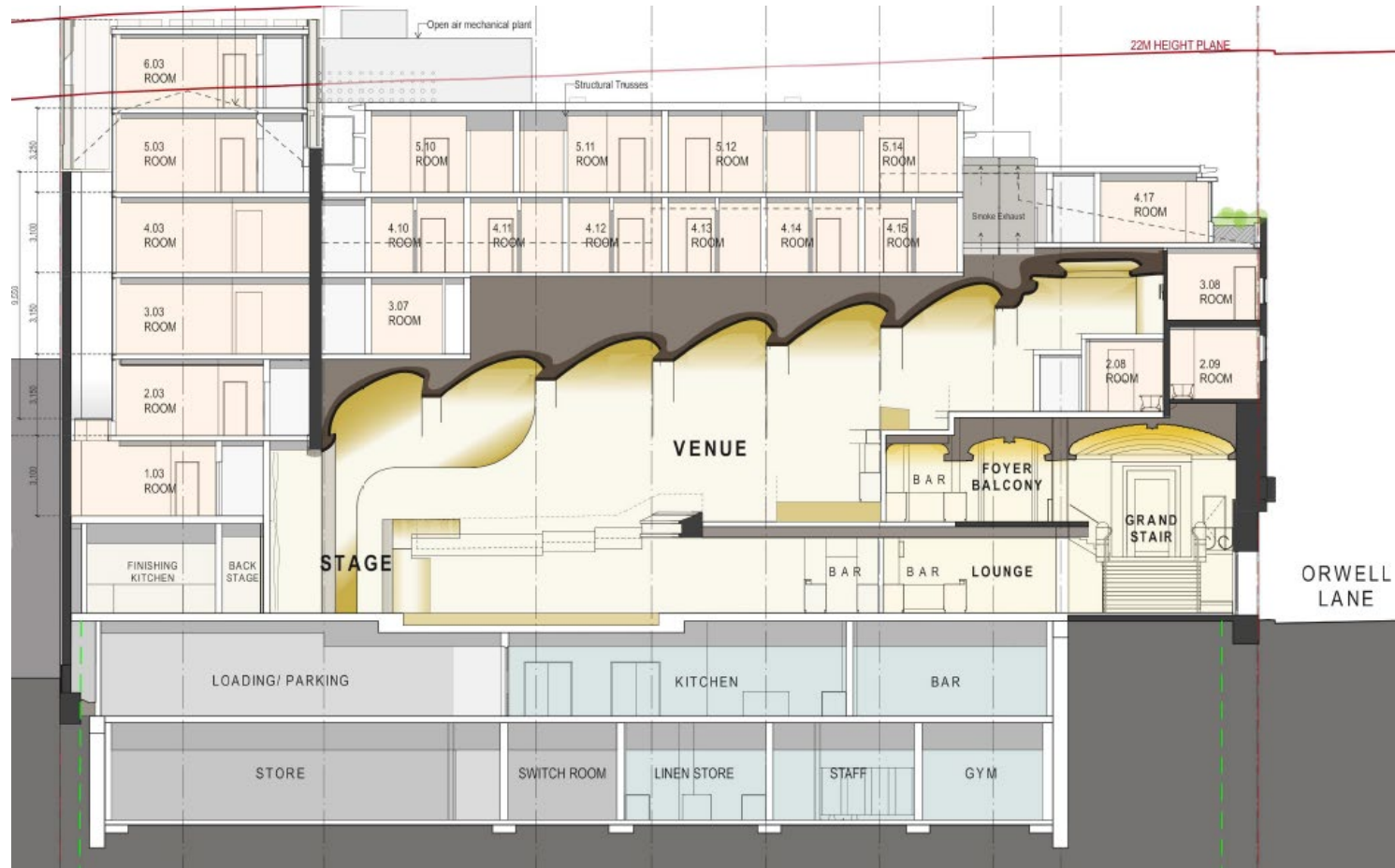
west elevation



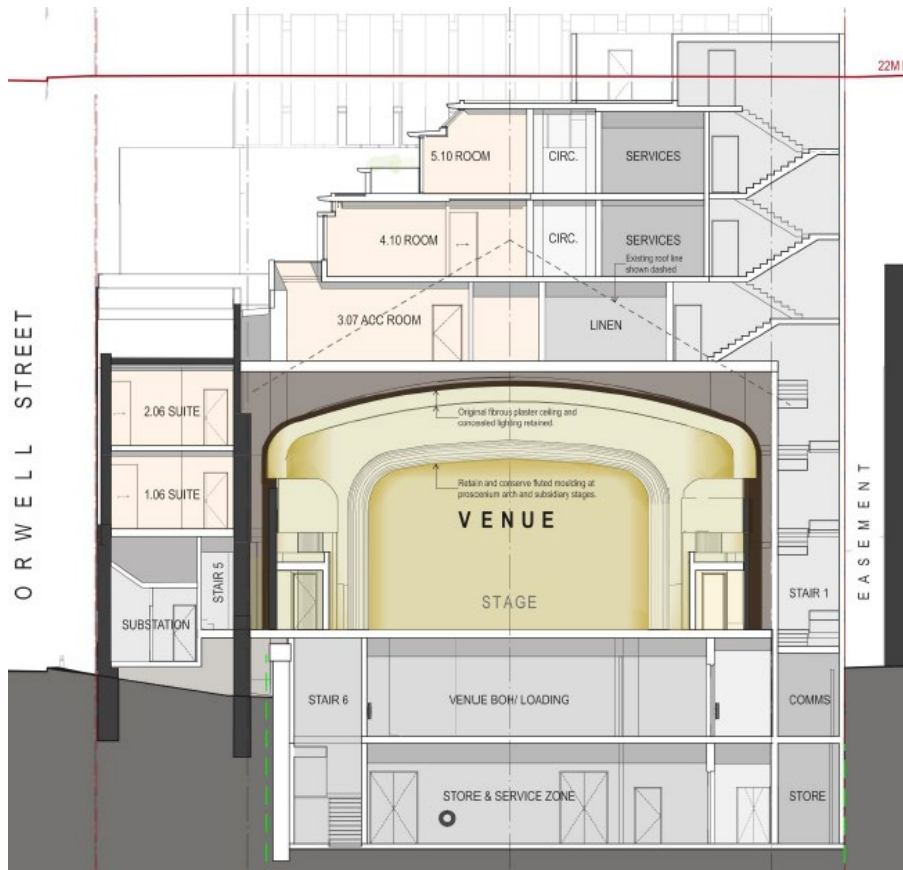
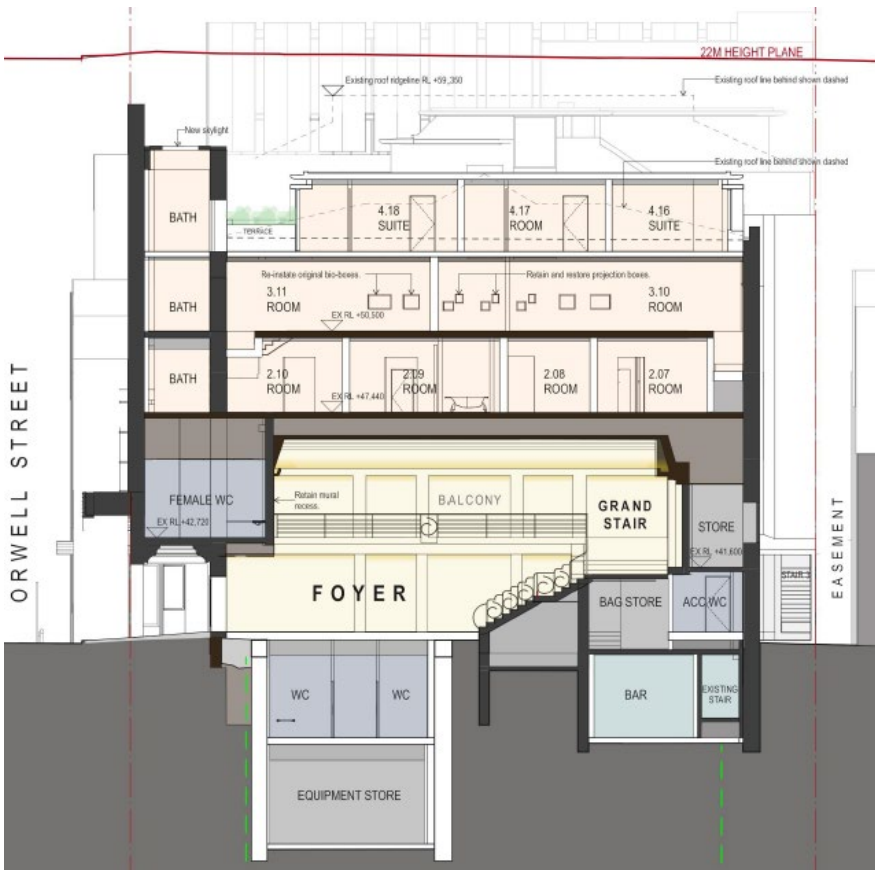
west elevation (behind screens)



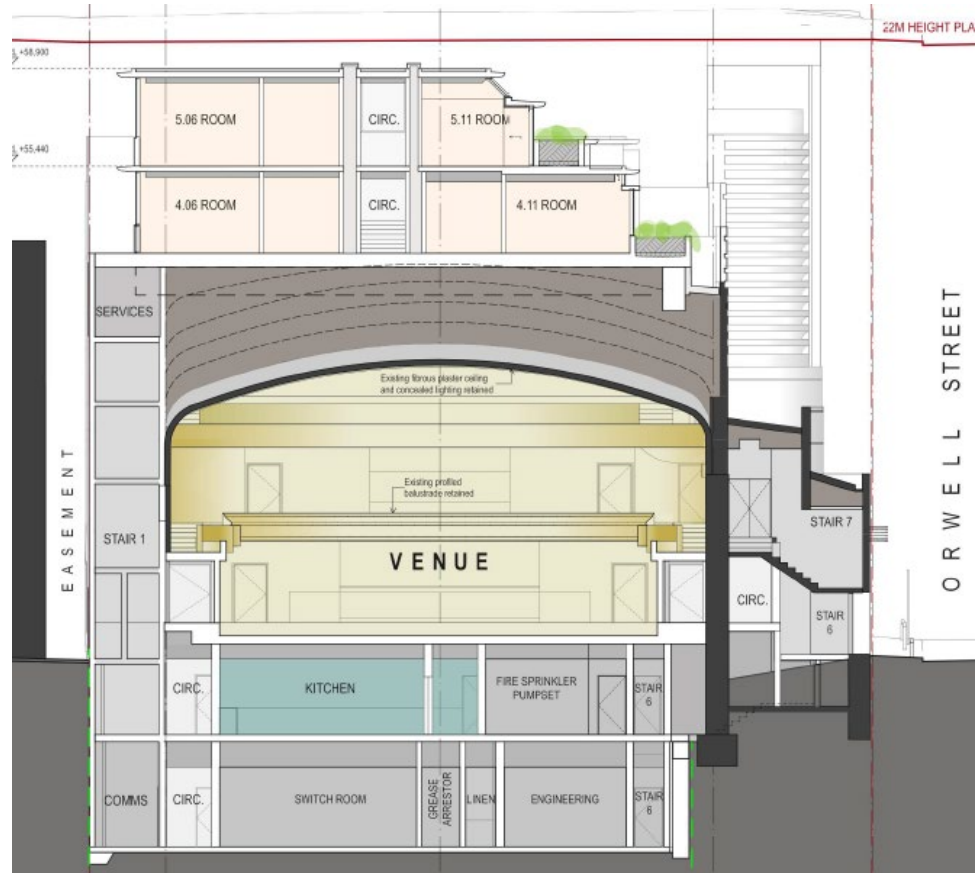
rear/north elevation



long section – east/west



short sections – north/south



short section – north/south

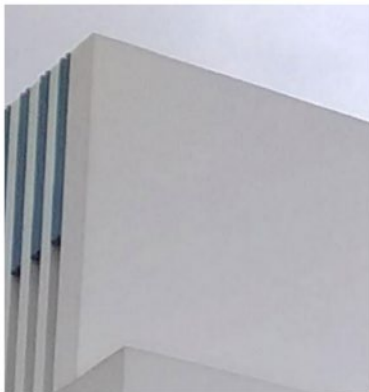


fly tower section – north/south



long section – east west

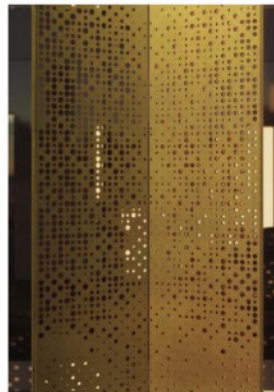
Materials



PF1 - White paint finish to match existing



PF2 - Blue paint finish to match existing



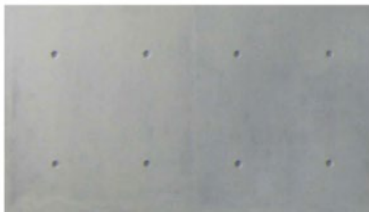
MS - Metal screen, dull aged brass, perforated



MB - Metal, dull aged brass



LWC1 - Light marbled stone tile, polished finish - interpretation of original wall finish



CO2 - Class 2 off form concrete



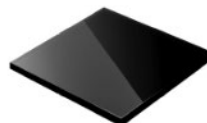
GL1 - Glass, clear



GL2 - Glass, tinted



GL3 - Glass, privacy



GCB - Glass, colour back



MLO, MLF to be finished in dark grey powdercoat finish
- Dulux Duratec Zeus Monument matt or similar



SPP - Light grey powdercoat finish
- Dulux Duratec Silver Grey matt or similar



photomontage - Orwell Street



photomontage – from Springfield Gardens



photomontage –
from Macleay Street



photomontage –
venue space

Compliance with key LEP standards

	control	proposed	compliance
height	22m	21.5m – main vertical addition 24.95m – fly tower addition	yes No Clause 4.6 supported
floor space ratio	3.5:1	3.49:1	yes

Compliance with DCP controls

	control	proposed	compliance
height in storeys	6	6 storeys (main addition)	yes
		7 storeys (fly tower)	no

Issues

- reinstatement of former theatre use
- heritage
- design advisory panel
- height
- hours and acoustics
- view sharing

Reinstatement of theatre use

- submissions request reinstatement as a theatre
- operated as a theatre/cinema use between 1939 and 1979
- Create NSW commissioned a feasibility study for 1,000 seat theatre
- applicant contests the findings of the study

Reinstatement of theatre use

- use defined as entertainment facility - provides dining, music shows and entertainment
- proposal returns an entertainment use to the site for the first time in 44 years
- use permissible in the zone and acceptable under the planning controls

Heritage

- site listed on the State Heritage Register
- proposal was referred to Heritage NSW and:
 - archaeological test excavations were requested
 - Technical Advisory Panel requested amendments
 - amended proposal was referred to the Approvals Committee
- General Terms of Approval granted
- DA cannot be refused on heritage grounds in accordance with the EP&A Act

Heritage

- Heritage Committee formed as required by the DCP
- the committee did not support the proposal, because:
 - it alters the building form to an extent that is unacceptable
 - the works will prevent the return to the original use
- the committee's report was provided to Heritage NSW
- conditions are to address a number of Committee recommendations

Heritage

conditions recommended include:

- deferred commencement condition for final structural solution
- details of ceiling works and staircase upgrade
- archival recording and photographic records
- dilapidation reports and vibration monitoring
- protection strategy
- schedule of conservation works
- costed heritage asset maintenance plan
- Section 60 application required under the GTA's

Design Advisory Panel

DAP reviewed the application on 23 March 2023. The Panel:

- supported the adaptive reuse of the building
- raised concern with:
 - day light access to hotel rooms within the fly tower
 - access and circulation - not legible
 - facade sustainability

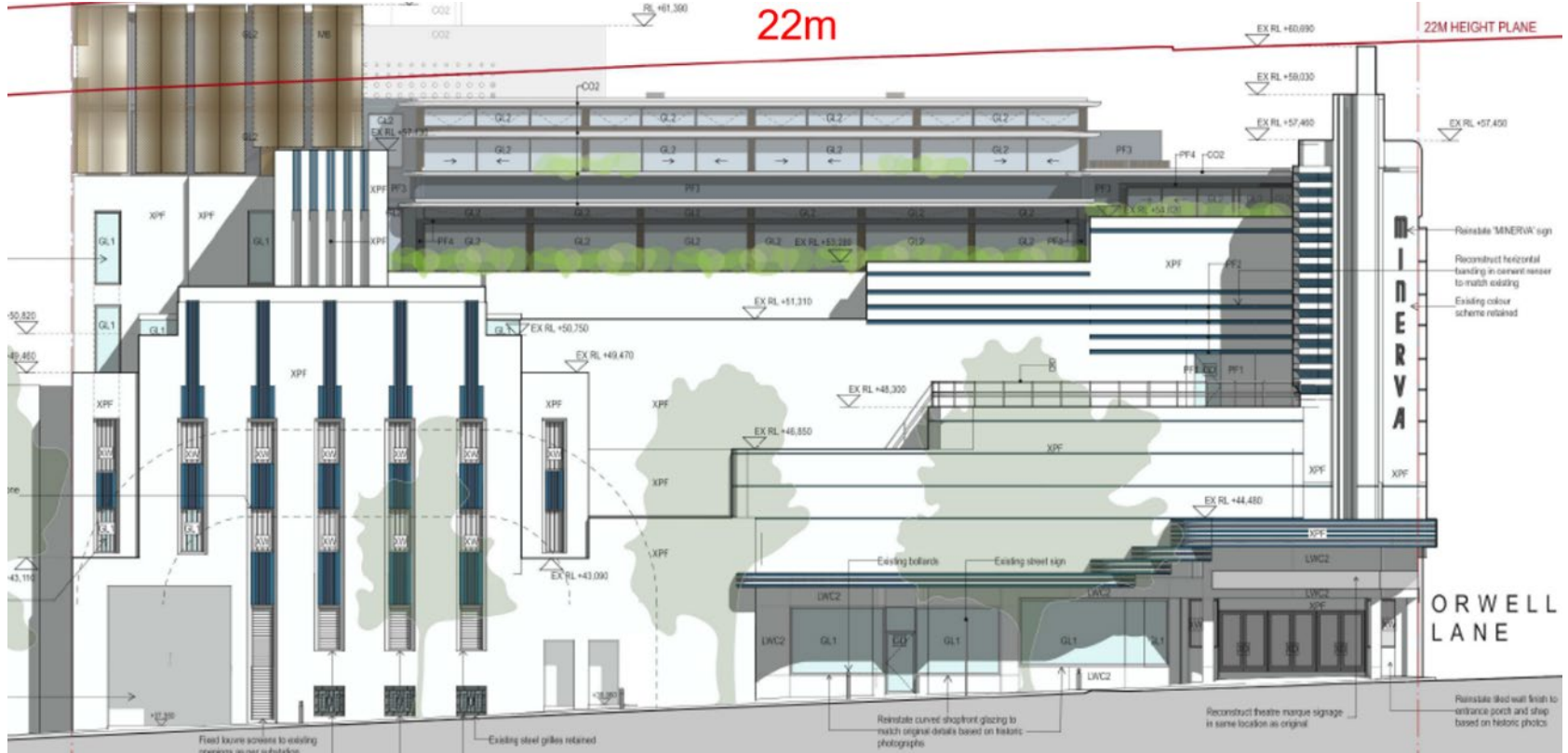
Design Advisory Panel

Conditions recommended require/address:

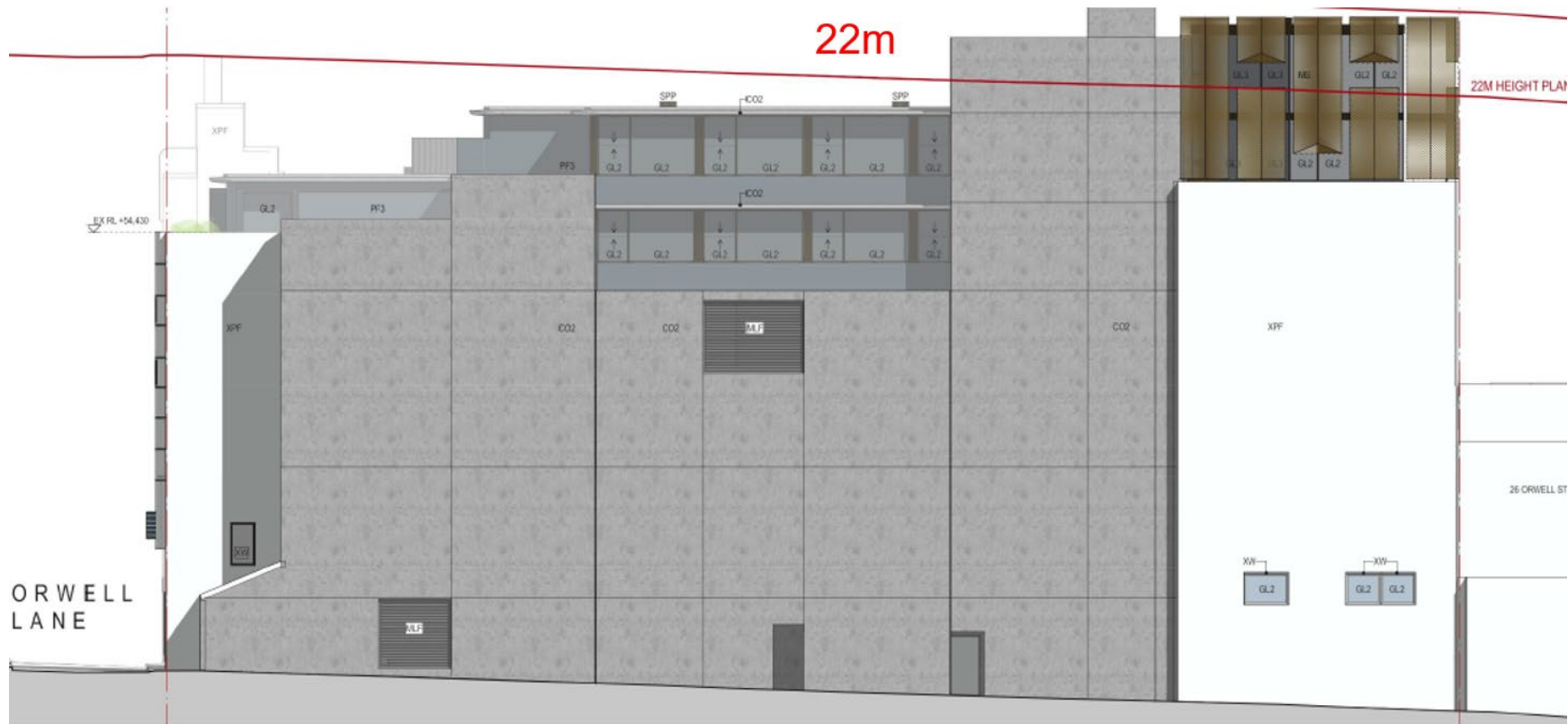
- increase the width of the lightwell to the fly tower
- wayfinding signage
- sustainability

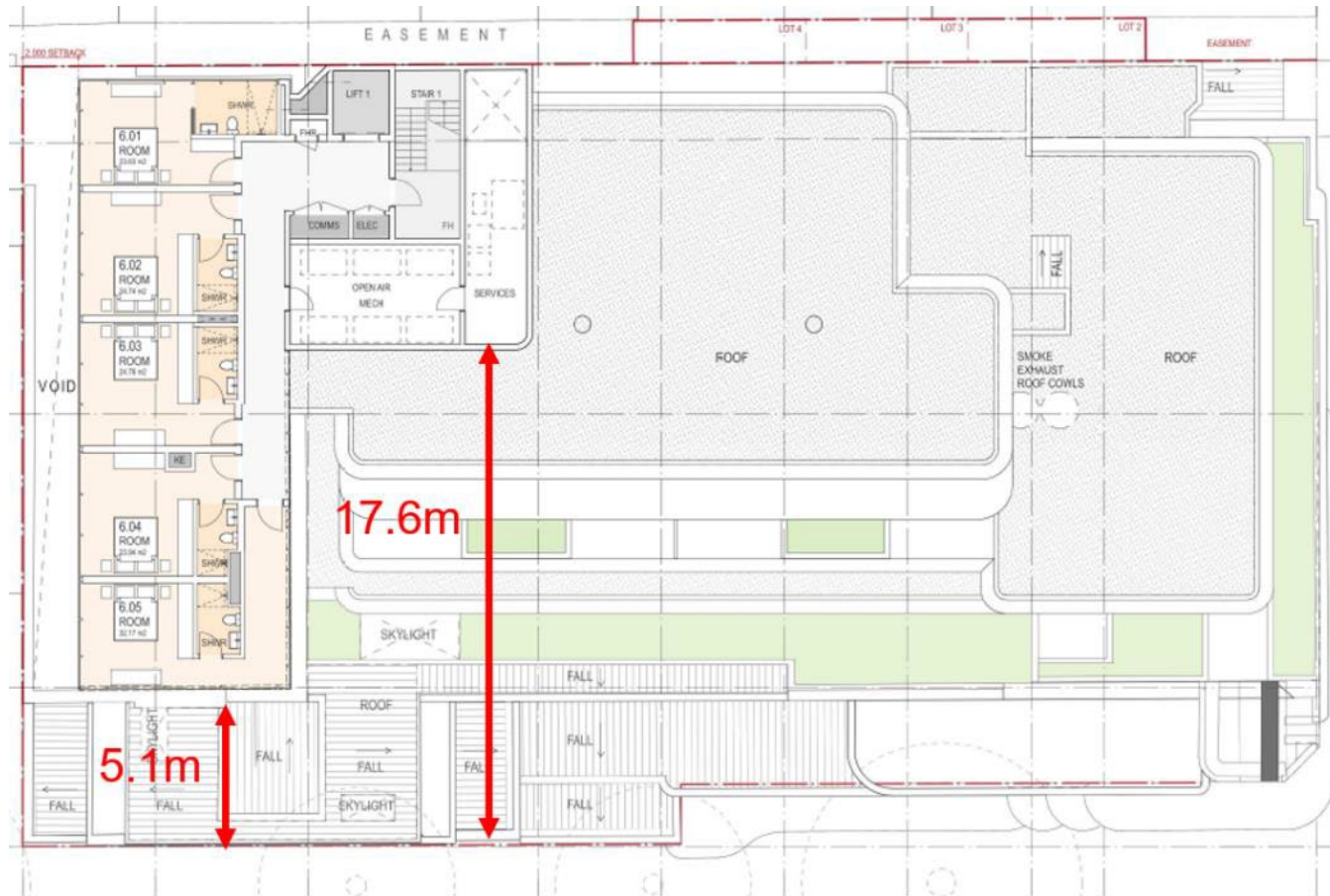
Height

- the main vertical addition complies with 22m height control
- non-compliance of up to 24.95m to:
 - fly tower addition
 - rooftop plant
 - stair and lift overrun



Orwell Street/ south elevation





set backs to sixth floor

Height

Clause 4.6 request supported:

- applicants written request addresses the matters to be considered under CI 4.6
- consistent with objectives of MU1 Mixed Use zone
- consistent with objectives of height of buildings development standard
- compliance unreasonable and unnecessary in the circumstances of the case
- sufficient environmental planning grounds to justify contravening the standard
- no significant impacts arise from non compliance

Hours and acoustics

- entertainment facility is proposed to operate until 2am with 250 patrons and with 450 patrons up to 20 days a year
- small bar is proposed to operate until 3am with 110 patrons
- proposed hours exceed the DCP requirements
- acoustic report has not demonstrated the acoustic criteria can be met for these hours or capacity
- conditions recommend:
 - 250 patrons for entertainment venue
 - maximum of 12am for both venues

Hours of operation

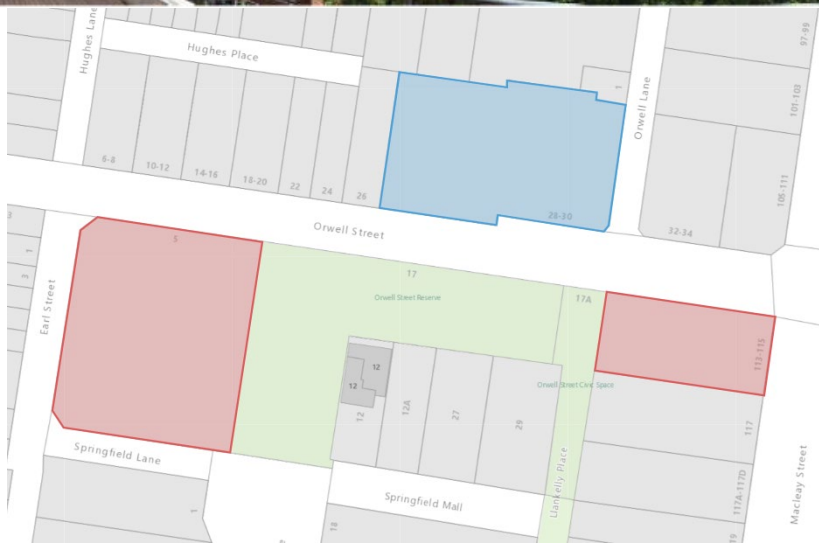
	base hours & extended hours	proposed hours	recommended hours
Entertainment facility	7am to 11pm extended to 12am additional hour to 1am for Category B premises	7am to 2am Tuesday to Saturday 7am to 12am Sunday to Monday	7am to 11pm base 1 year trial to 12am

Hours of operation

	base hours & extended hours	proposed hours	recommended hours
Cafe	7am to 11pm extended to 12am	7am to 12am	7am to 11pm base 1 year trial to 12am
Small bar	7am to 11pm extended to 12am	7am to 3am	7am to 11pm base 1 year trial to 12am

View sharing

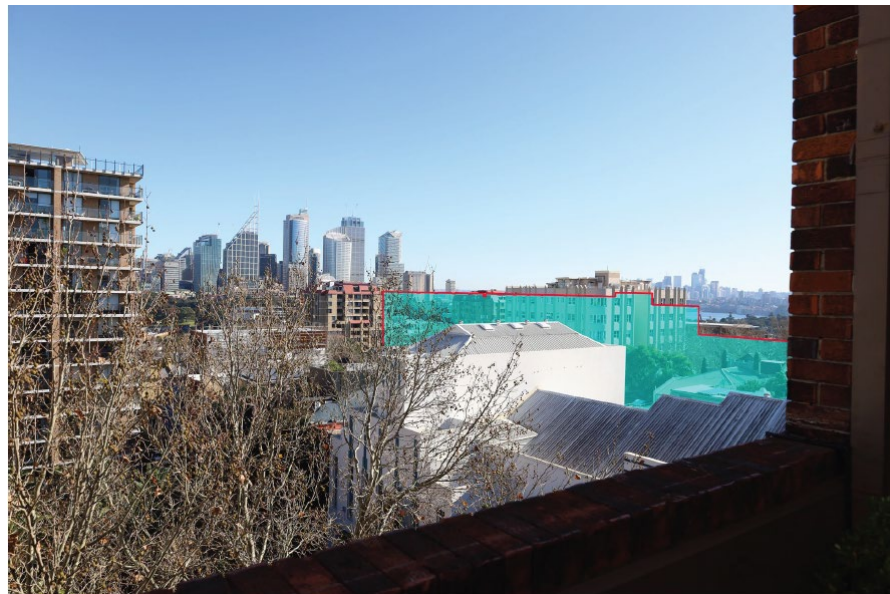
- 9 submissions relate to view loss of Sydney Harbour Bridge, Opera House and city skyline
- modelling prepared by the applicant
- 4 of 9 have some impact



premises subject to view analysis

View sharing

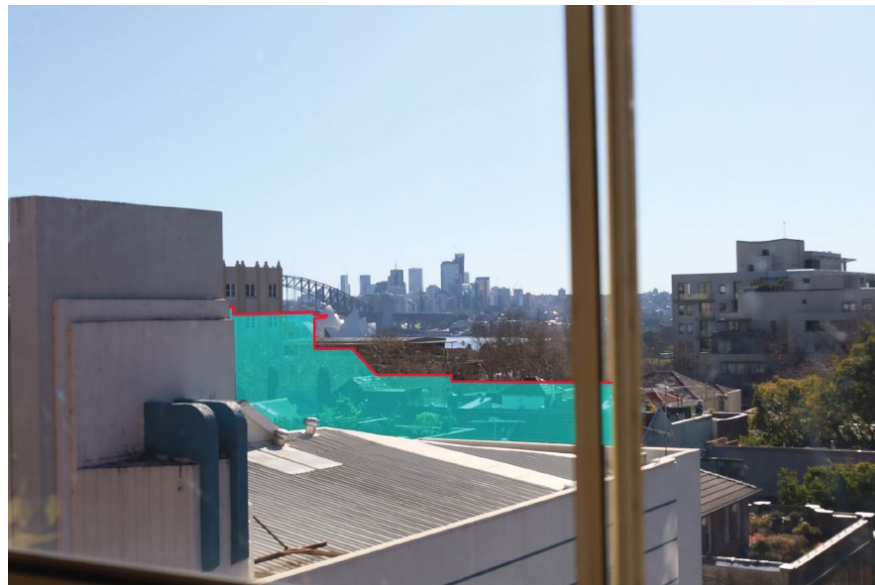
- objectives of the building height *"to promote the sharing of views"*
- design excellence *"whether the development detrimentally impacts on view corridors"*
- principles of view sharing - *Tenacity Consulting v Warringah Council*:
 - first step - assessment of views to be affected
 - second step - what part of the property the views are obtained
 - third step - assess the extent of the impact
 - fourth step - assess the reasonableness of the proposal that is causing the impact



western balcony - Unit 604, Level 6, 113-115 Macleay Street



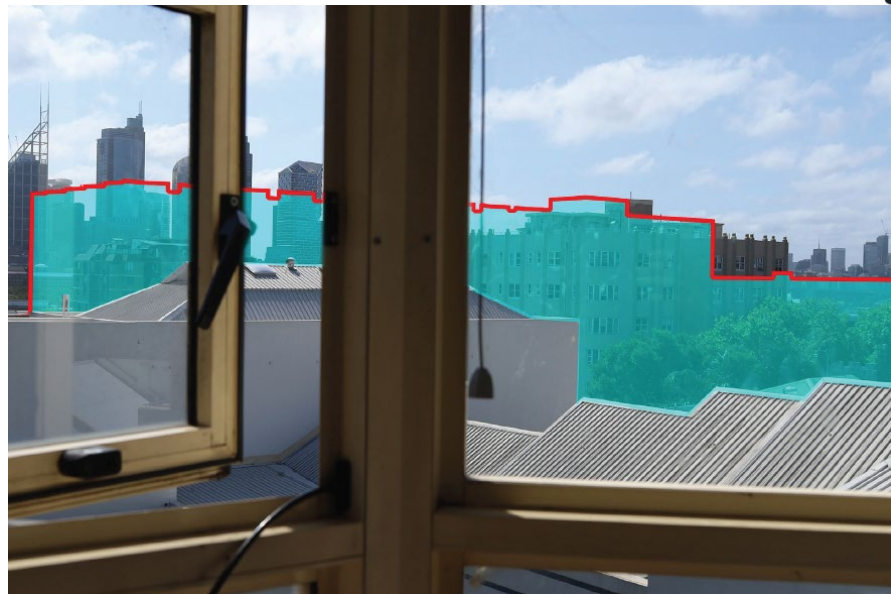
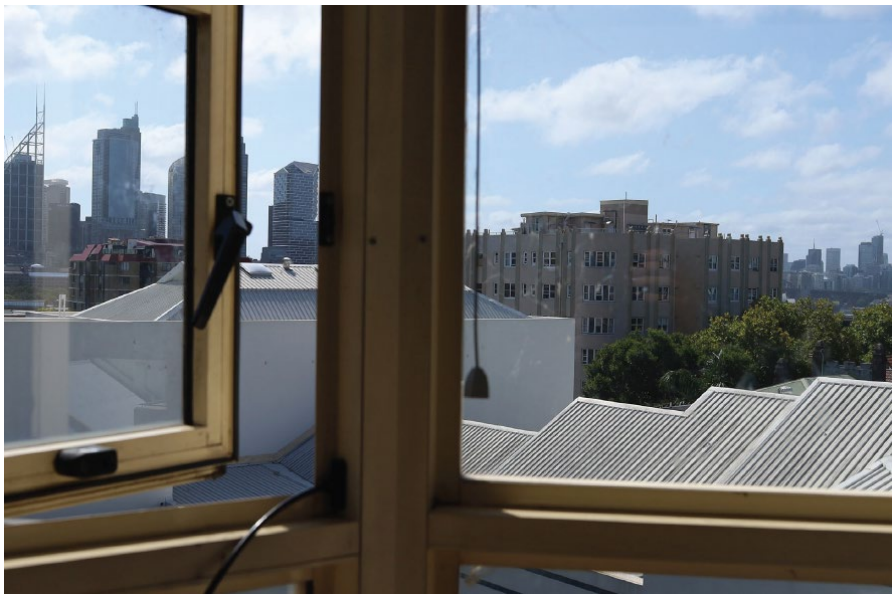
primary balcony - Unit 604, Level 6, 113-115 Macleay Street



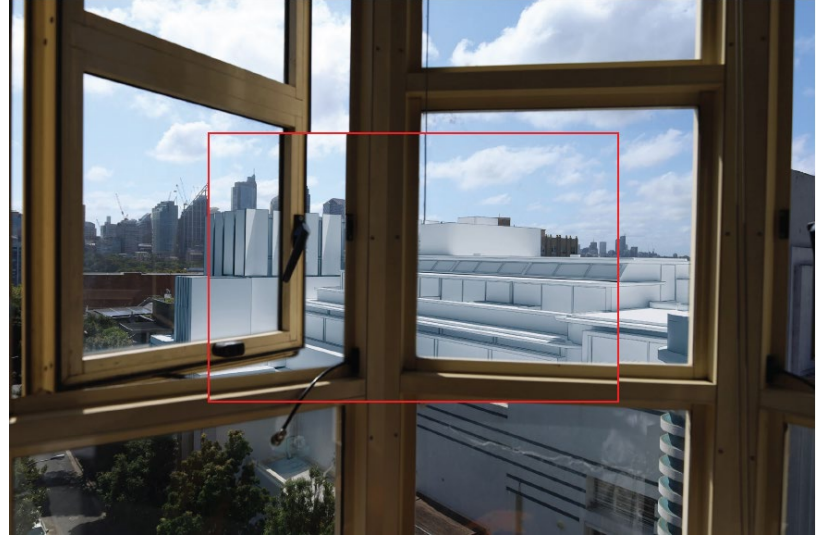


amended proposal (purple) has reduced impacts

Unit 505, Level 5, 113-115 Macleay Street



bedroom - Unit 506, Level 5, 113-115 Macleay Street



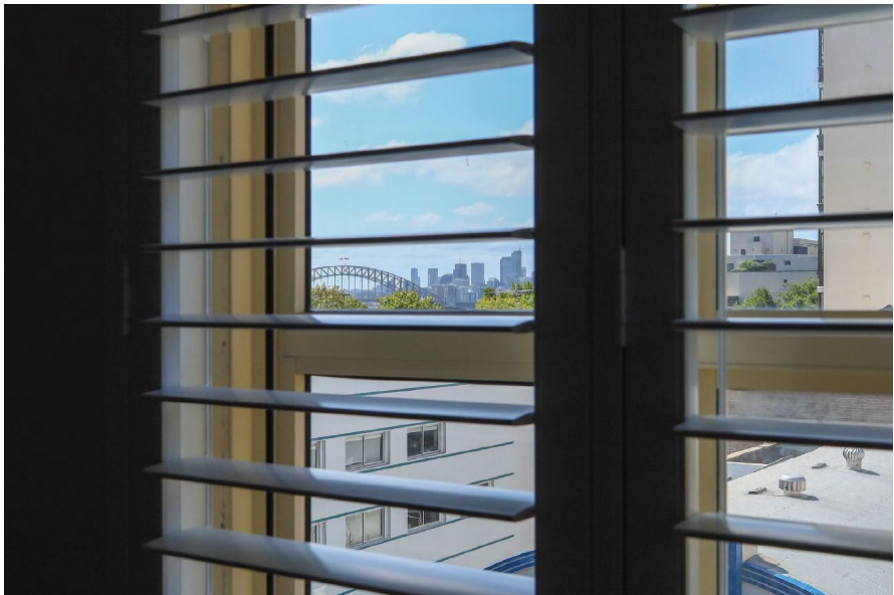
views of city skyline impacted – although views of some skyline retained



living room - Unit 404, Level 4, 113-115 Macleay Street



living room (different position) - Unit 404, Level 4, 113-115 Macleay Street



partial views of Sydney Harbour Bridge are retained from 2 of 3 view points

View sharing

- the proposal was amended to reduce impacts on views to the Opera House
- only partial views of the Sydney Harbour Bridge and Opera House are currently achieved (with the nearest objector being 1.74km from the Opera House and 2.4km from the Sydney Harbour Bridge)
- partial views are retained to all properties
- opportunities for a alternative design to further reduce the view impact may result in other impacts - such as streetscape and heritage impacts

Recommendation

Deferred commencement approval subject to conditions