

Local Planning Panel

13 December 2023

application details

107-109 Darlinghurst Road, Potts Point

D/2022/1107

Architect: James Burns Architect

Planner: Navon Planning

Heritage: Heritage21

Proposal

Alterations and additions to an existing mixed-use building and backpacker accommodation, including two additional levels. Proposed use mix consists of backpacker accommodation split over 8 levels and some small retail tenancies at street level arcade.

Backpacker occupancy:

94 guests existing

91 guests proposed

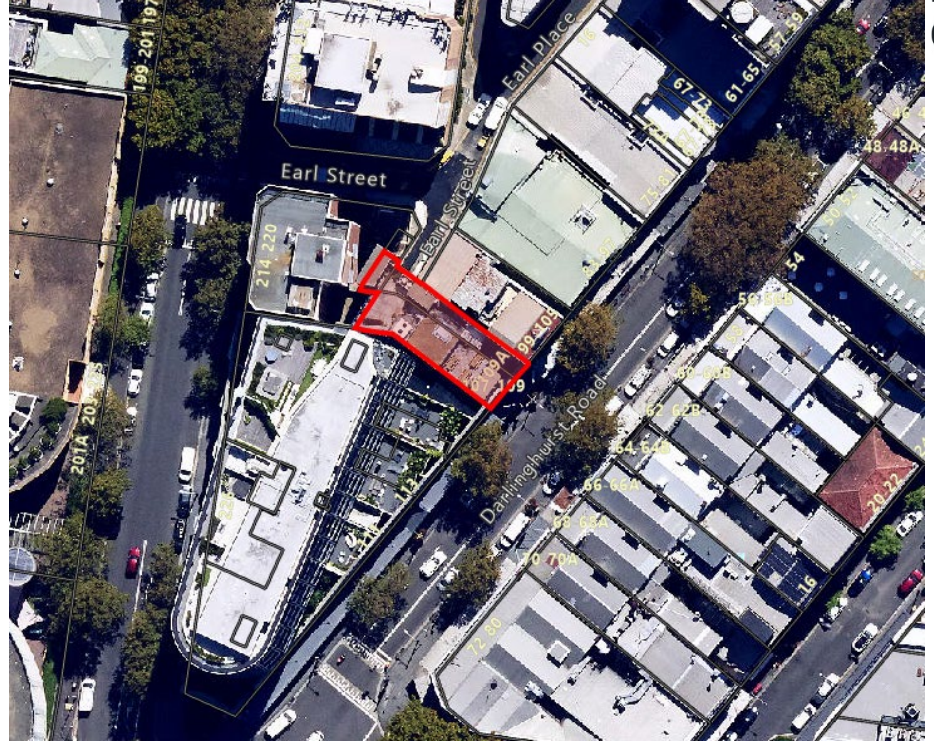
Recommendation

Refusal

Notification

- exhibition period 19 December 2022 to 30 January 2023
- 615 owners and occupiers notified
- 0 submissions received

Site













existing basement level 2



existing basement level 1



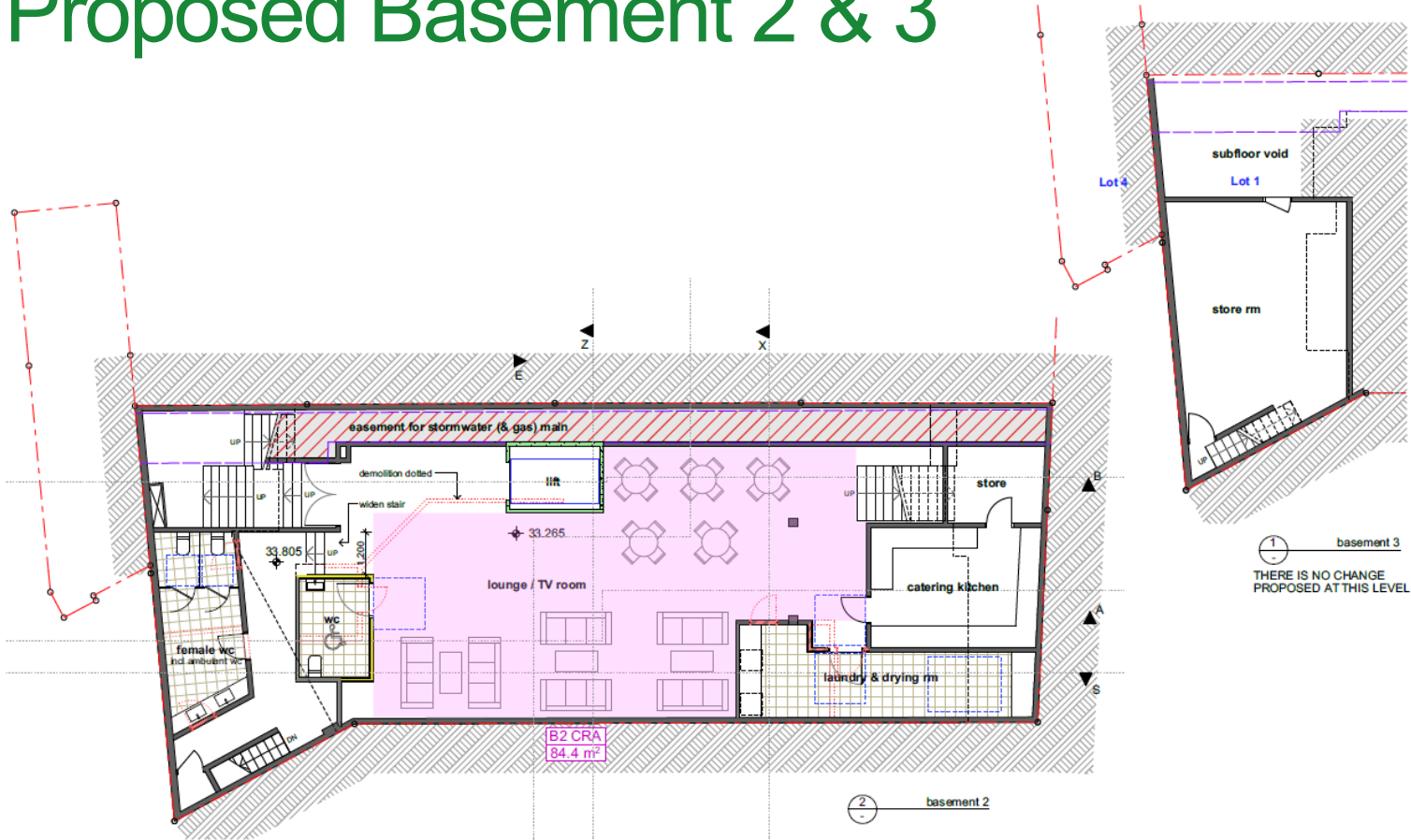
retail arcade entrance to Kings Cross Station (Ground floor)



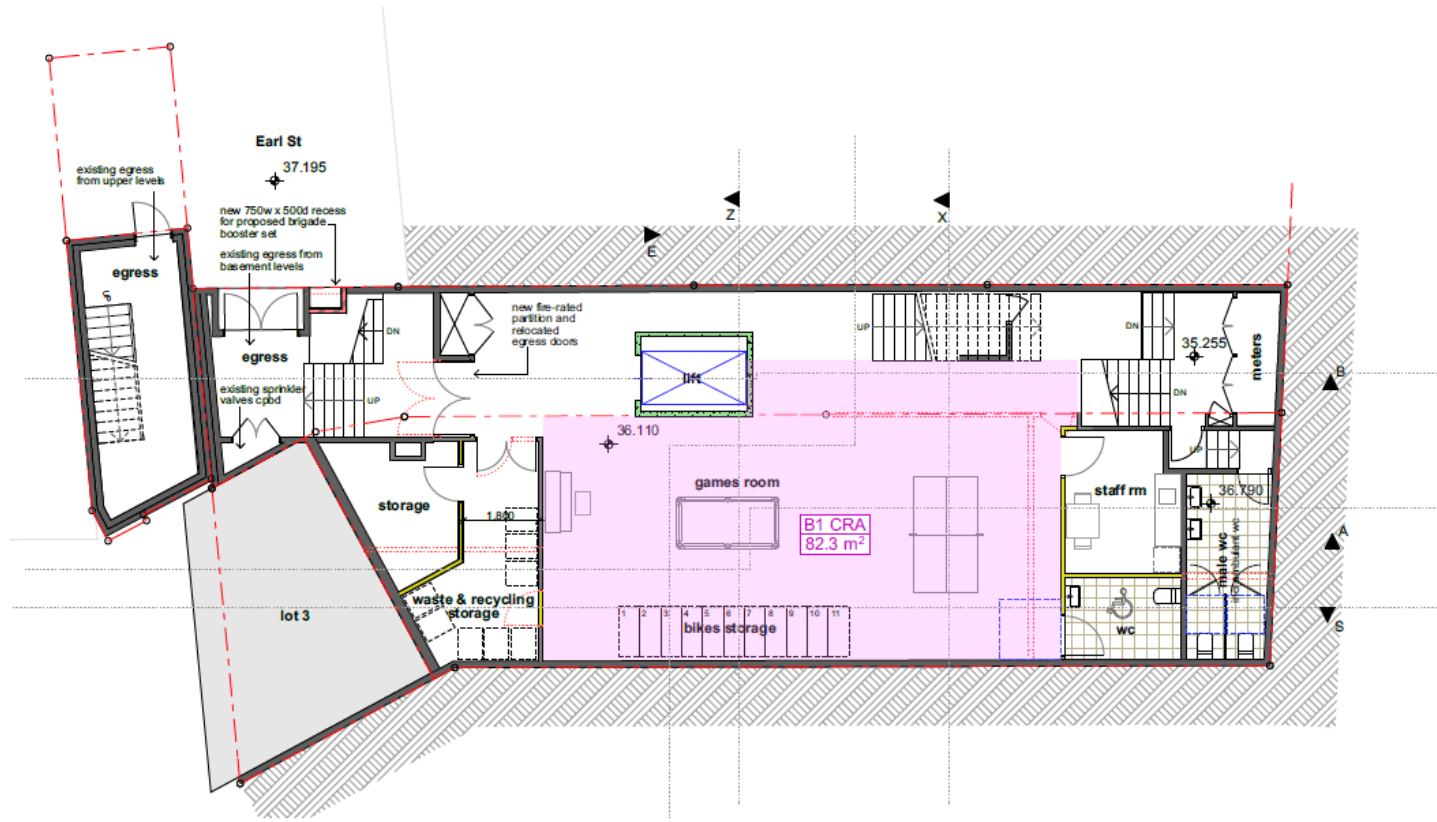
backpacker rooms with outlook to Darlinghurst Road (left) and Earl Street (right)



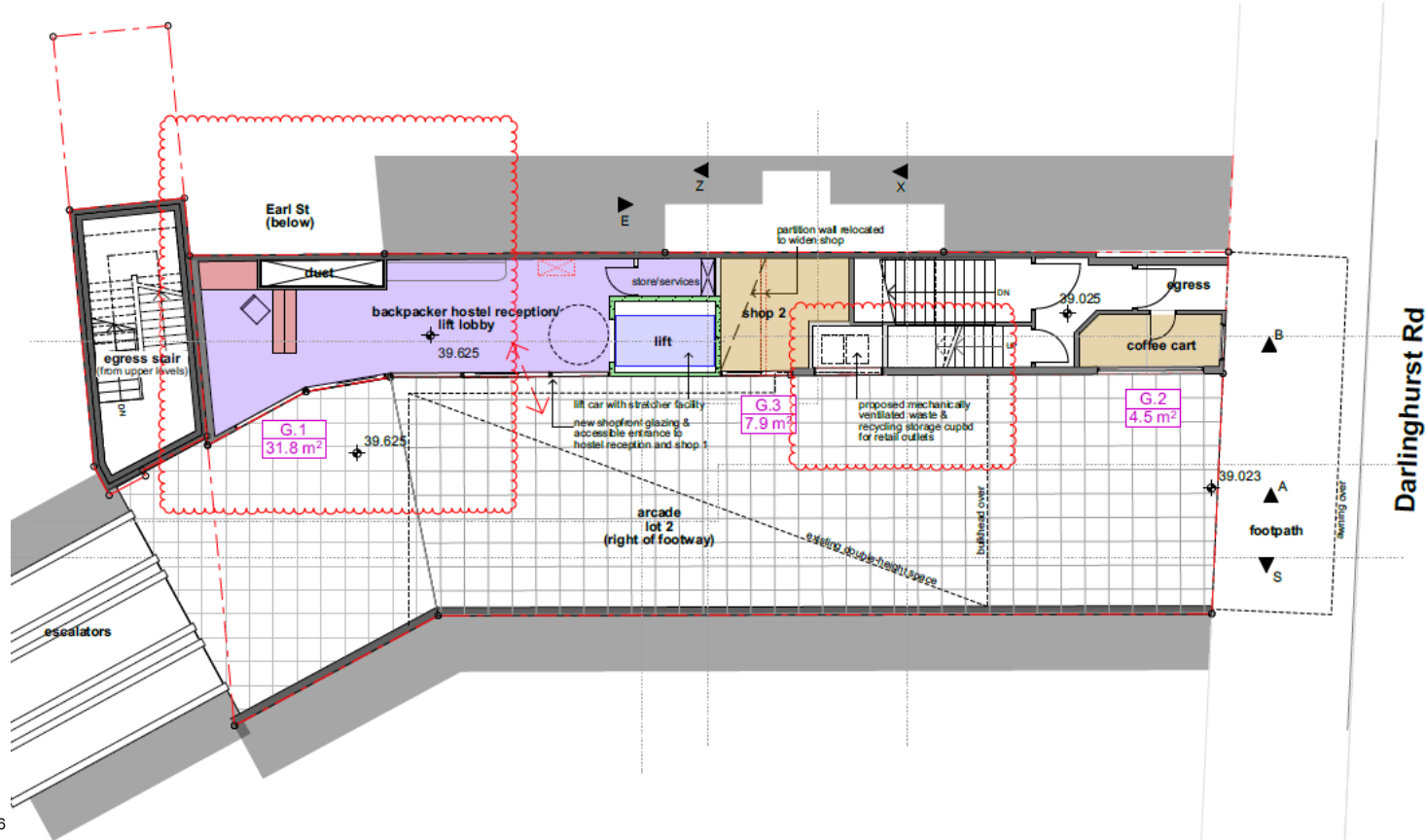
Proposed Basement 2 & 3



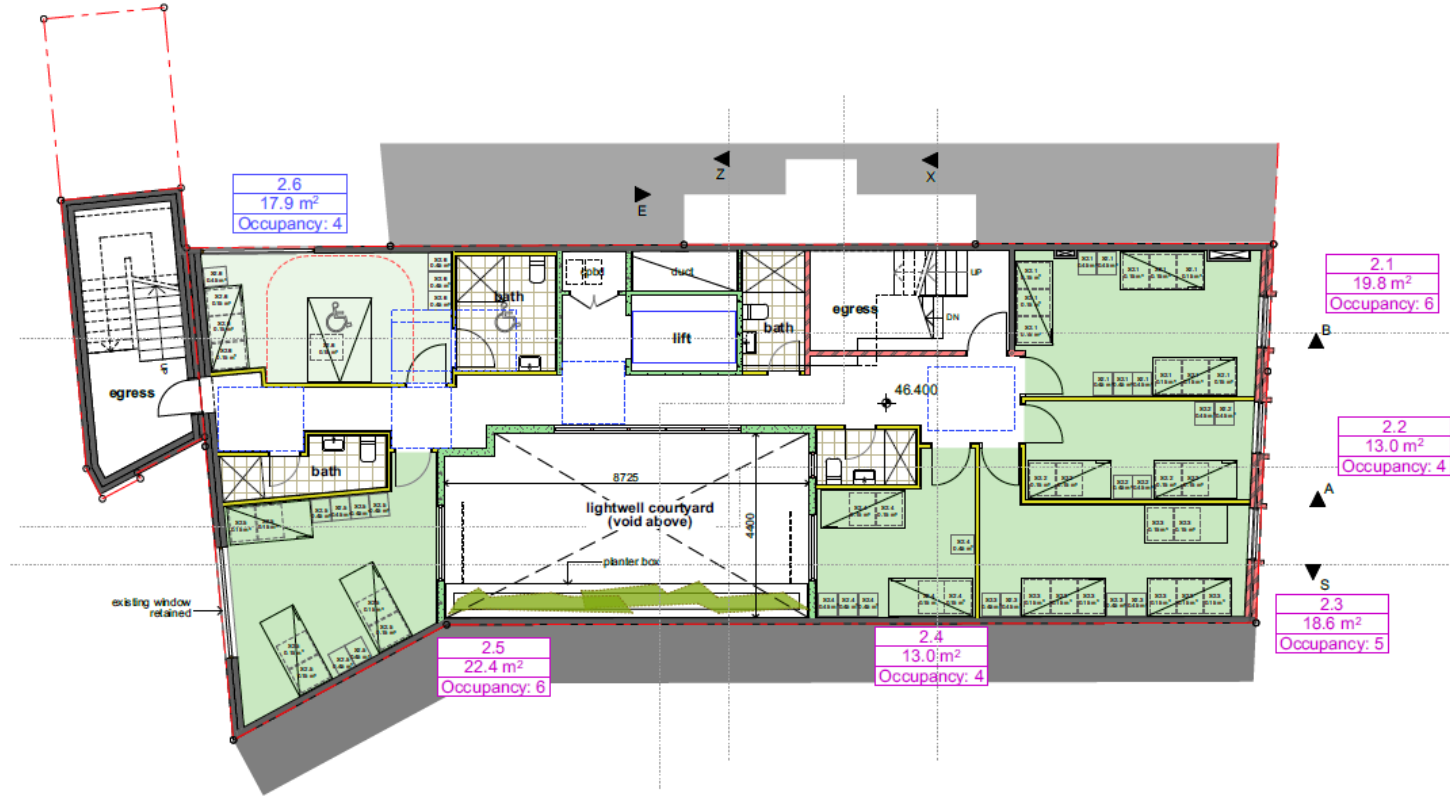
Proposed Basement 1



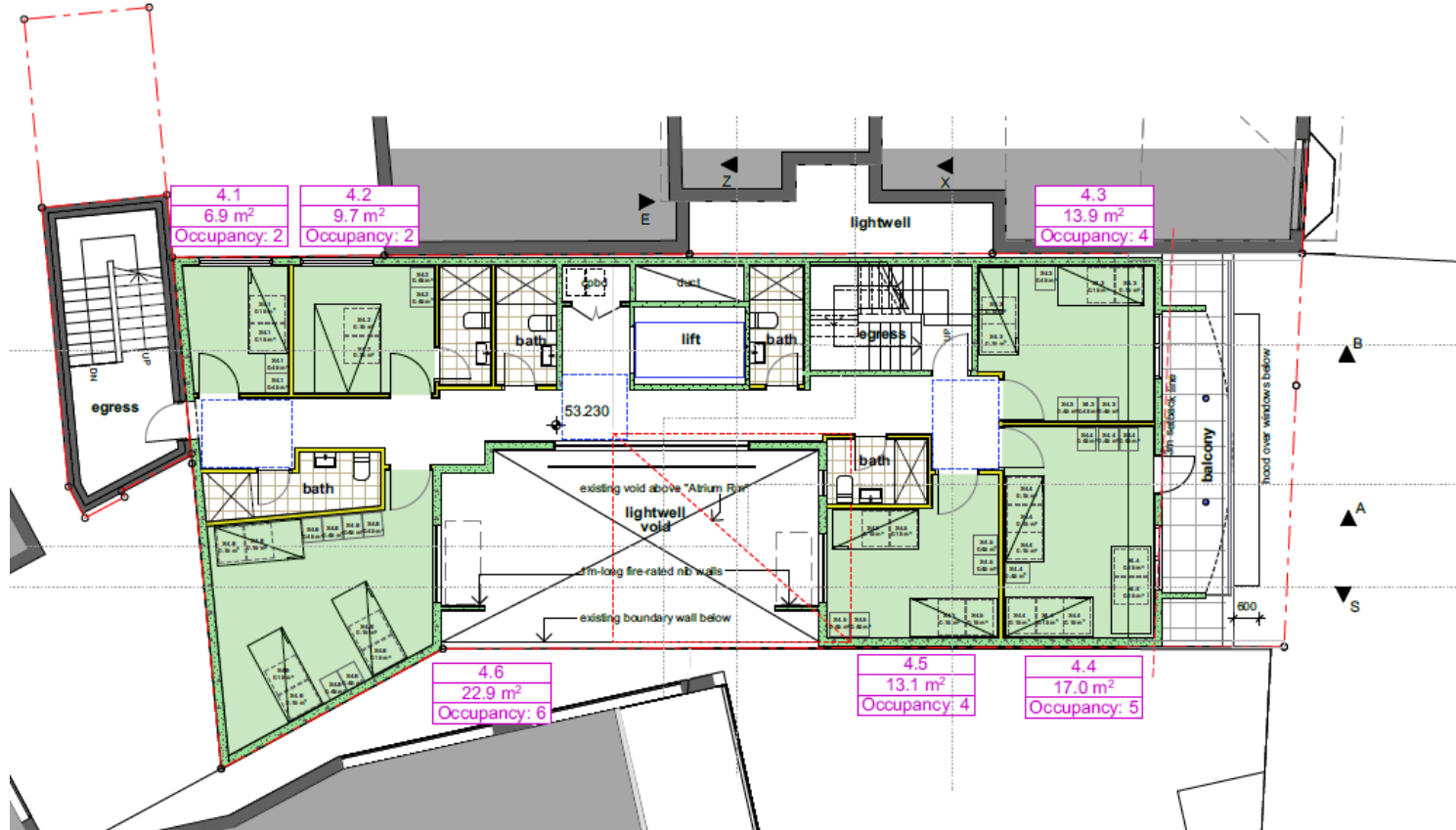
Proposed Ground



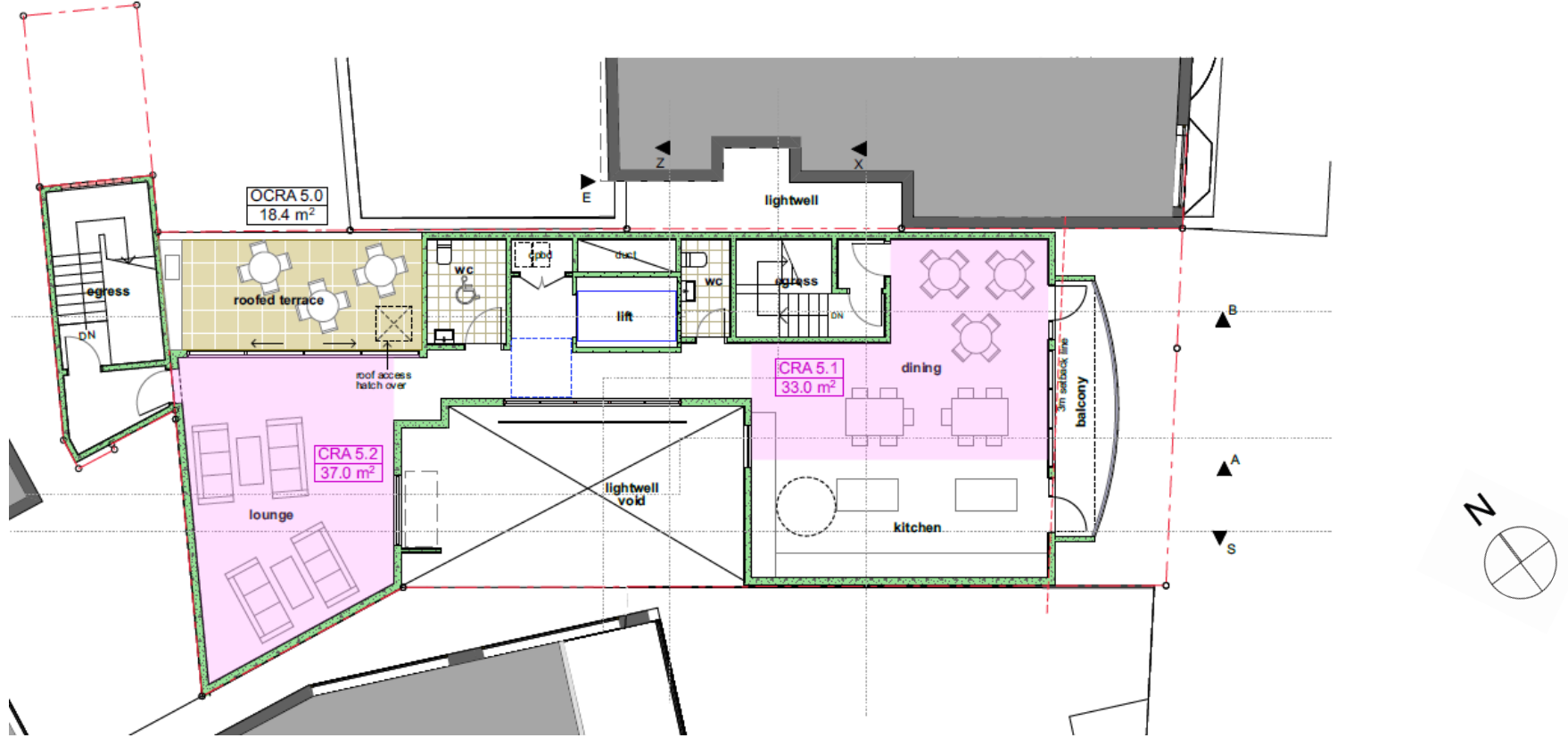
Proposed Second Floor



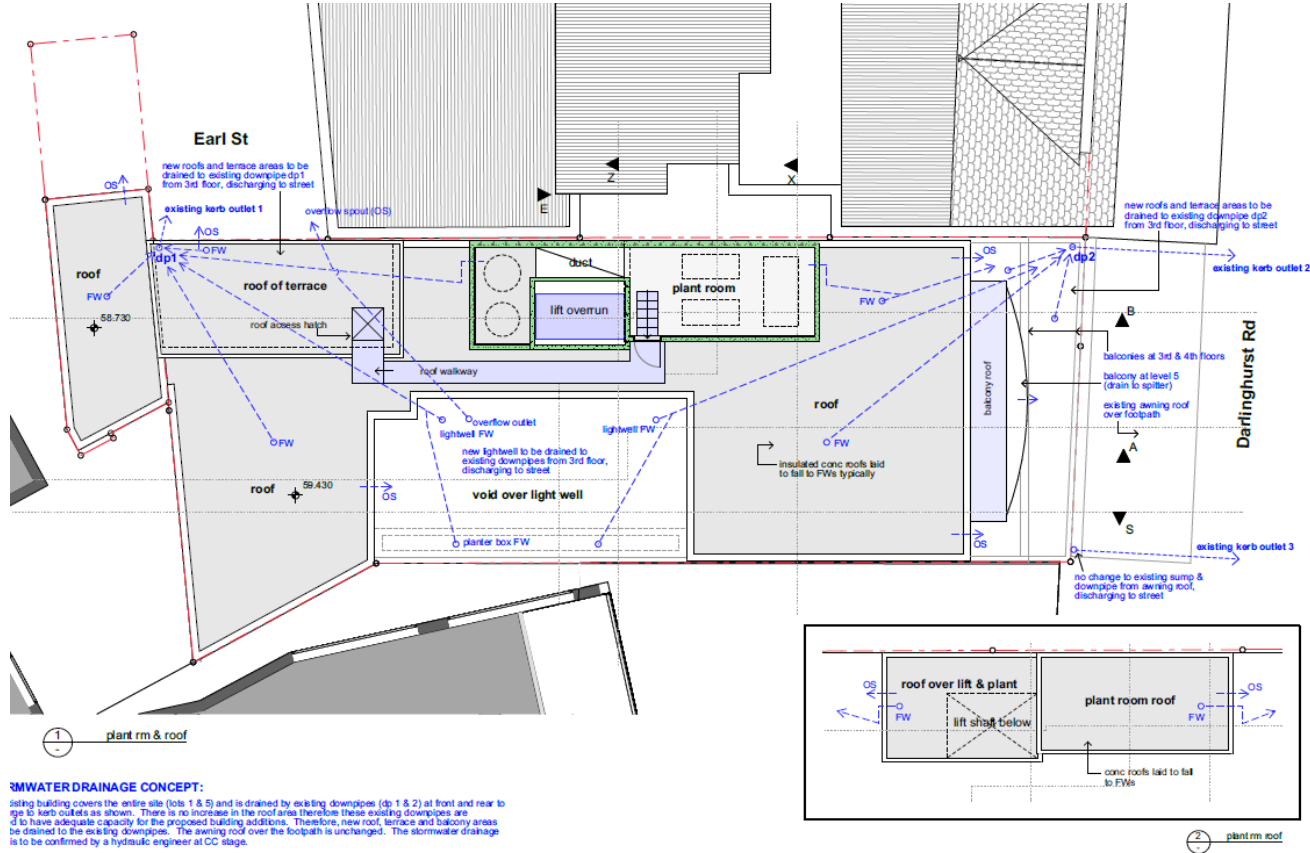
Proposed Fourth Floor



Proposed Fifth Floor



Proposed Roof Plan

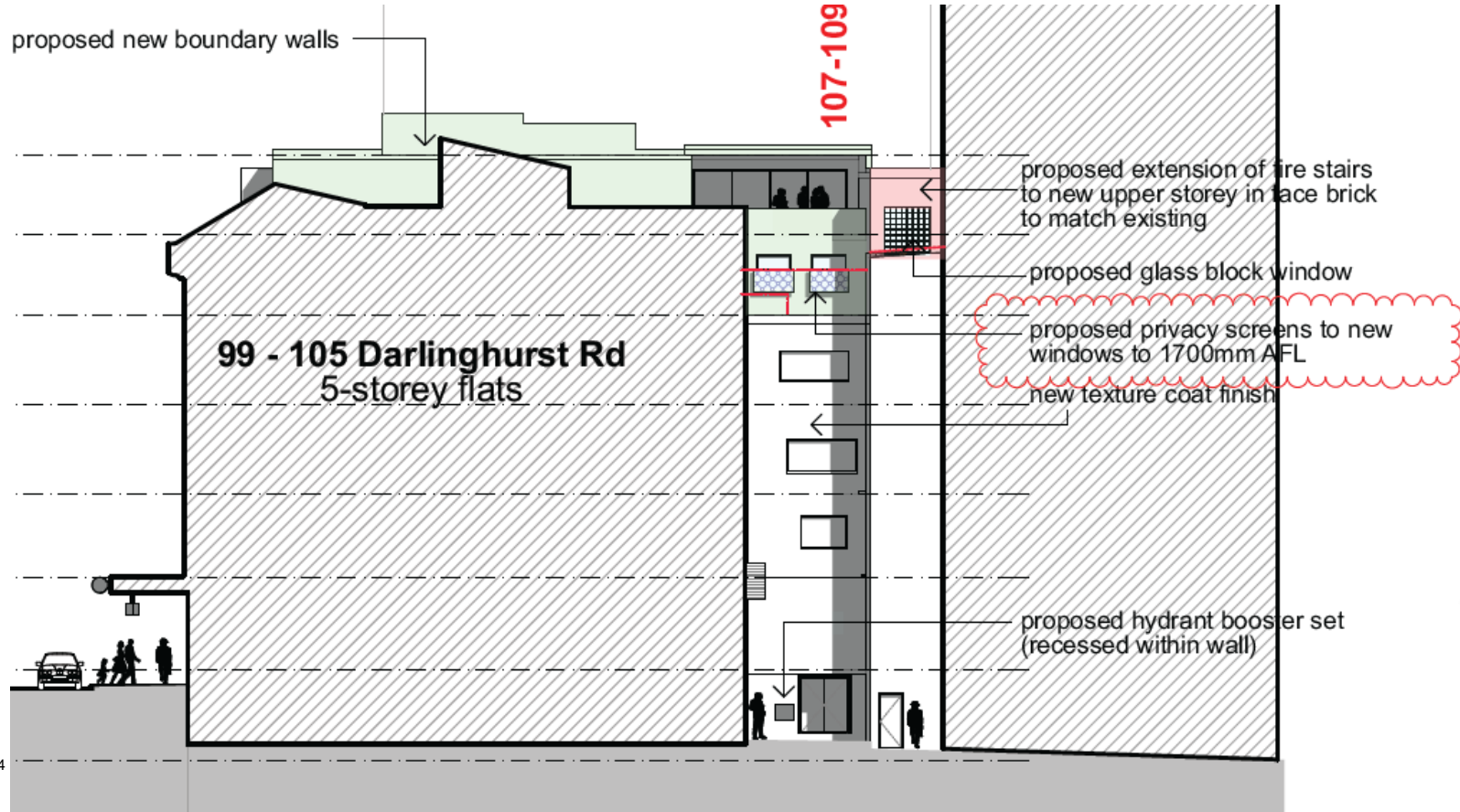


STORMWATER DRAINAGE CONCEPT:
 Existing building covers the entire site (lots 1 & 5) and is drained by existing downpipes (dp 1 & 2) at front and rear to kerb outlets as shown. There is no increase in the roof area therefore these existing downpipes are considered to have adequate capacity for the proposed building additions. Therefore, new roof, terrace and balcony areas are drained to the existing downpipes. The awning roof over the footpath is unchanged. The stormwater drainage is to be confirmed by a hydraulic engineer at CC stage.

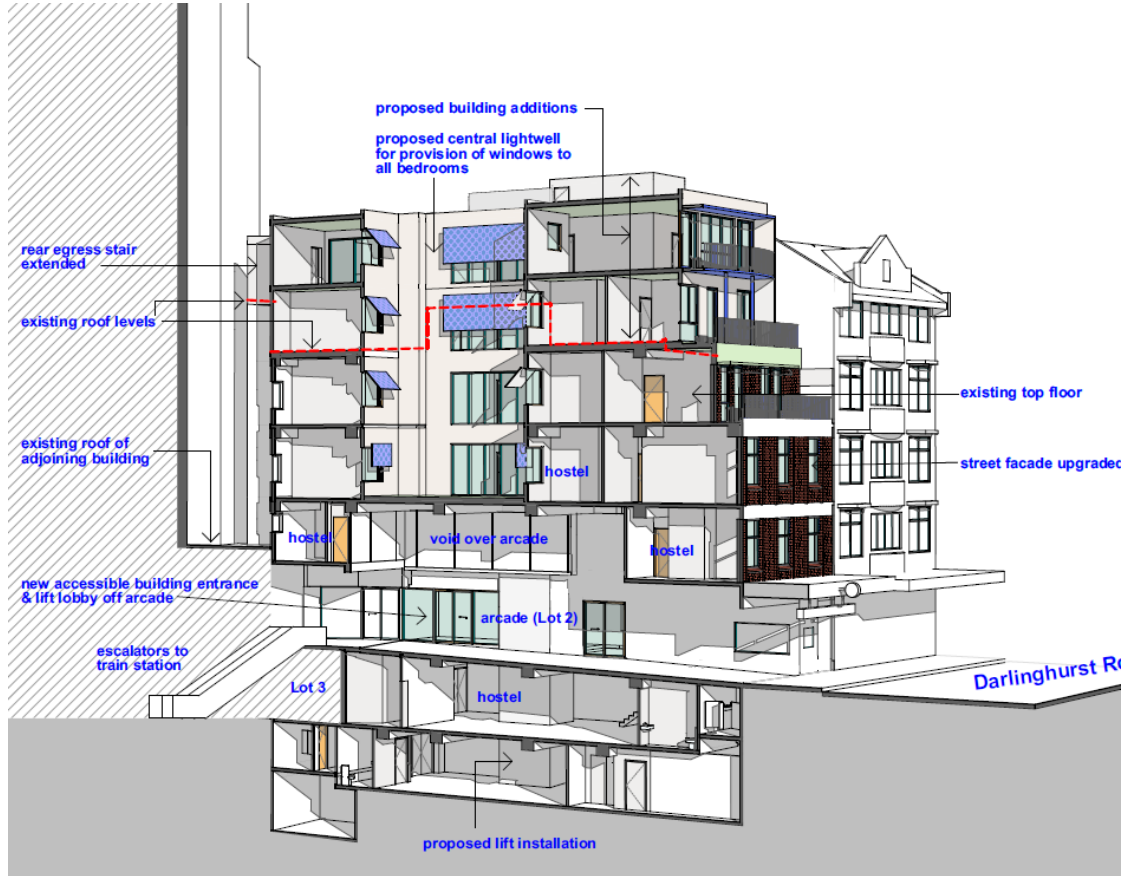
Proposed Front Elevation



Proposed Side / Earl Street Elevation



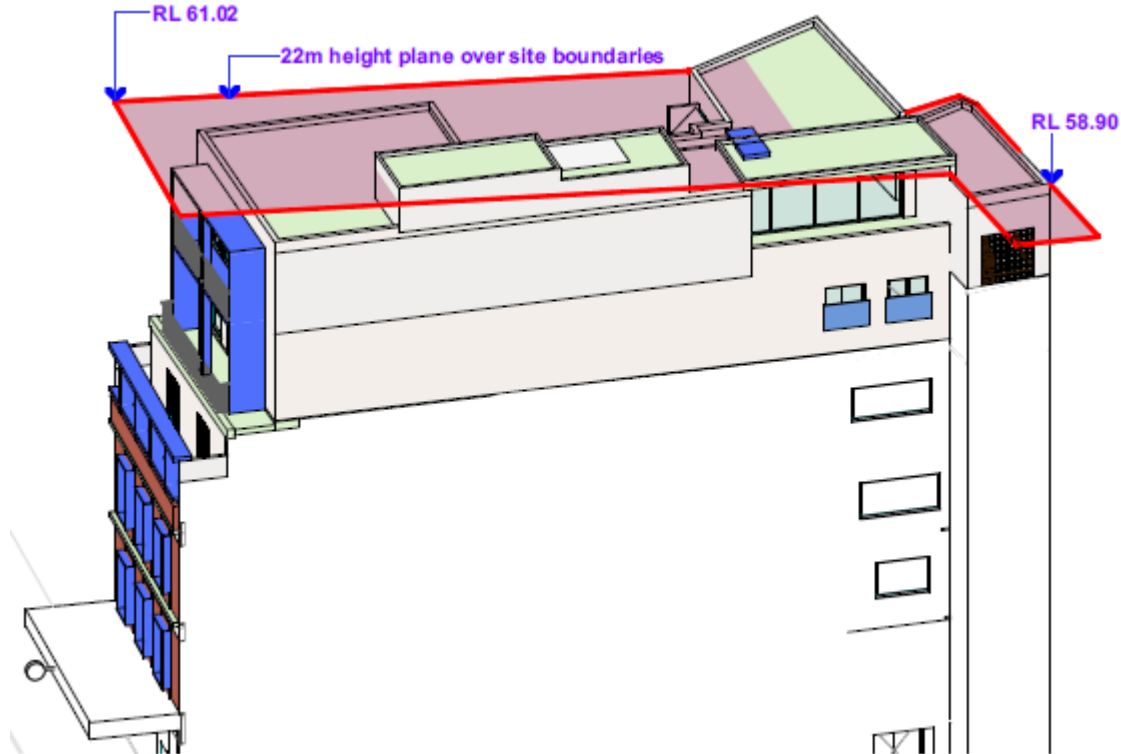
Section / Perspective (south)



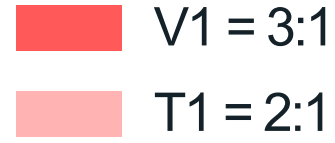
Compliance with key LEP standards

	control	proposed	Compliance
height	22m	22.95m	no
floor space ratio	2:1 & 3:1 (605.1sqm across site)	4.02:1 (1,038 sqm across site)	no

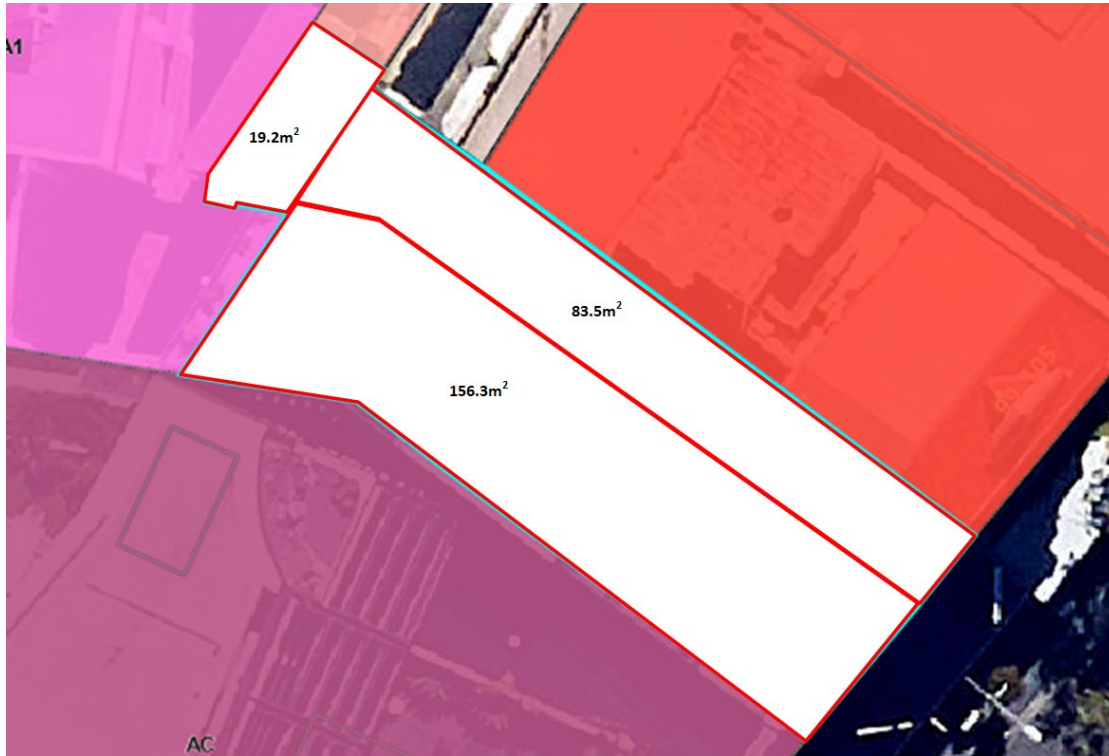
LEP Height Control



FSR Control



FSR Control



$$= 156.3 + 19.2 @ 2:1$$

$$= 83.5 @ 3:1$$

TOTAL PERMITTED

GFA = (351sqm +
250.5sqm)

601.5sqm

FSR Calculation

	applicant calculation*	city's calculation
Permissible GFA	516sqm	601sqm
Proposed GFA	1,038sqm	1,038sqm
FSR	4.02:1 (101% variation)	4.02 73% (variation)

* applicant calculation incorrectly applies 2:1 control across entire site

Compliance with DCP controls

	control	proposed	compliance
height in storeys	6 storey	6 storey	yes
street frontage height	4 storey	6 storey*	no*

** upper levels do not provide strict 3m front setback to Darlinghurst Road, pursuant to setback provisions of the DCP (Section 4.2.2.2)*

Issues

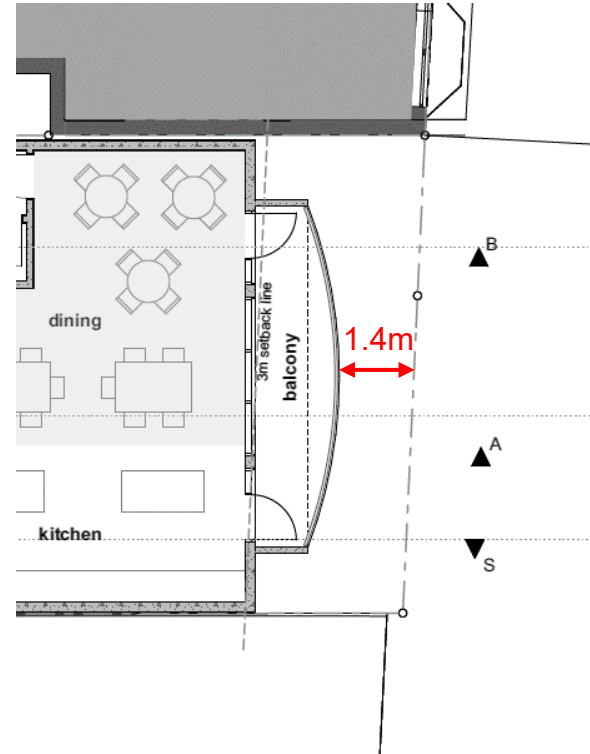
- FSR and Height – inadequate Cl4.6 requests
- Height, Bulk and Massing
- Overshadowing
- Design Excellence

Inadequate Clause 4.6 Requests

- clause 4.6 requests for breaches of FSR and height
- requests inadequate as they do not address the current updated zoning of the land (E1 Local Centre Zone)
- Cl4.6 for FSR does not address the two different controls applying to the site (2:1 and 3:1)
- insufficient environmental planning grounds

Height, Bulk and Scale

- proposal in breach of 22m LEP height control and 4-storey DCP street frontage height control
- DCP requires 3m setback of upper levels above street frontage height
- proposed upper levels setback only 1.4m from the street frontage and highly visible from Darlinghurst Road
- causes excessive bulk and massing at the street frontage

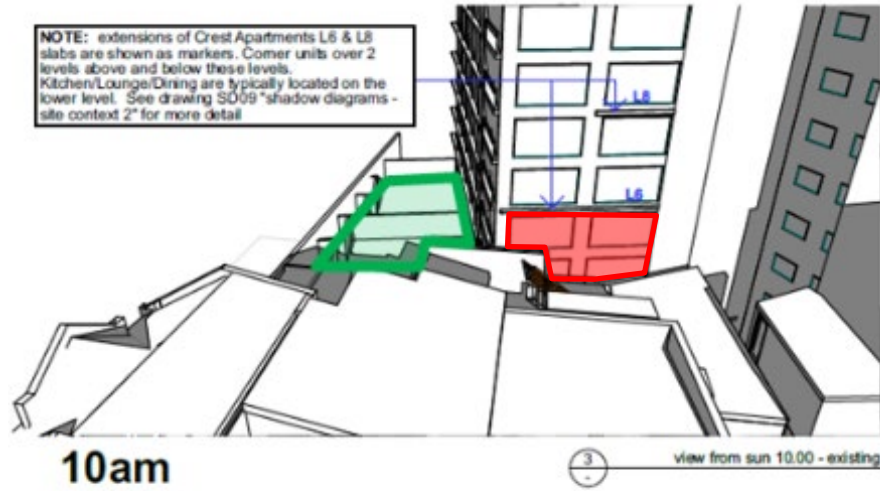


Overshadowing

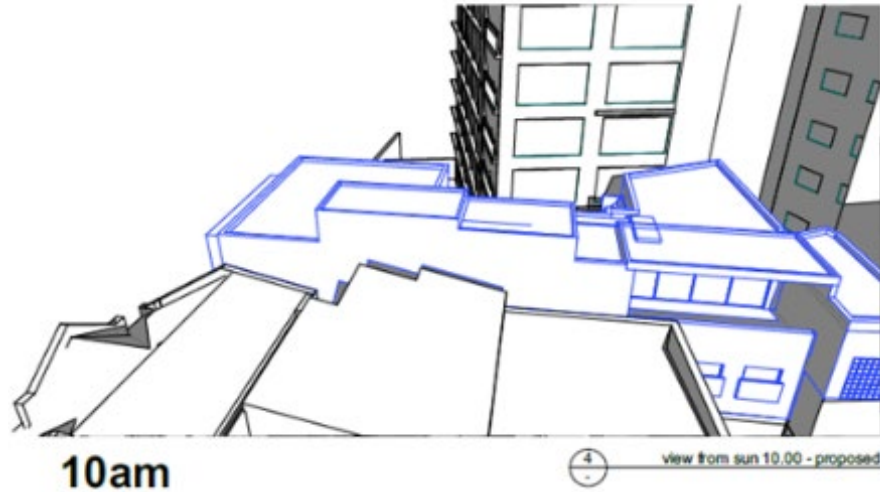
- proposal blocks all existing sunlight to POS areas or living room windows of 3 apartments within Omnia RFB adjacent
- only 65% of apartments within Omnia building achieve compliant solar access as existing
- additional overshadowing directly associated with proposal's significant exceedance of FSR control

Overshadowing

existing



proposed



Design Excellence

- uncoordinated ad-hoc design
- uncharacteristic elements
- excessive bulk and scale
- inadequately addresses environmental impacts upon neighbours



Recommendation

- refusal