

Attachment F2

Submissions

From: Rebecca Gordon <[REDACTED]> on behalf of Rebecca Gordon
<[REDACTED]> <Rebecca.Gordon@[REDACTED]>
Sent on: Thursday, November 2, 2023 4:37:05 PM
To: DAsubmissions <[REDACTED]>
CC: Jordan Faeghi <[REDACTED]>
Subject: RE: Submission to DA-2023-878 - St Vincent's College
Attachments: DA2023-878 - Mecone Submission Final.pdf (9.8 MB)

Attention: DA submission

Please register the attached submission to D/2023/878. It would be appreciated if an acknowledge could also be sent to:
Jordan Faeghi [REDACTED]

Kind regards

Rebecca

Rebecca Gordon
Senior Planner
Planning Assessments



Telephone: [+612 9288 5842](tel:+61292885842)
[REDACTED]



The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our local area.

From: Jordan Faeghi <[REDACTED]>
sent: Thursday, November 2, 2023 4:31 PM
To: Rebecca Gordon <[REDACTED]>
Cc: City of Sydney <council@[REDACTED]> Ian Cady <[REDACTED]> Natasha Ridler <[REDACTED]>
subject: Submission to DA-2023-878 - St Vincent's College

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Dear Rebecca,

We act on behalf of the Owners Corporation SP4595 at 6-9 Rockwall Crescent, Potts Point.

Please find attached our planning submission in relation to the DA/2023/878 for alterations and additions to St Vincent's College.

The Owners Corporation would also welcome an inspection of their site to fully appreciate the impacts raised within our letter. Please let me know if you would like this to be arranged following review of our submission.

If you could please confirm receipt that would be appreciated.

Do not hesitate to contact me if you have any questions.

Regards

JORDAN FAEGHI

685

Associate Director

02 [REDACTED]

Level 12, 179 Elizabeth St, Sydney NSW 2000

mecone.com.au



Mecone Based in Sydney CBD, Western Sydney,
Melbourne, Perth, Brisbane & Regional Australia



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2 November 2023

City of Sydney
Town Hall House
Level 2, 456 Kent Street
Sydney NSW 2000

ATTN: Rebecca Gordon – Senior Planner

Dear Rebecca,

RE: DEVELOPMENT APPLICATION REF. DA/2023/878: 1 CHALLIS AVENUE AND 1 TUSCULUM STREET, POTTS POINT, NSW 2011

**SUBMISSION ON BEHALF OF OWNERS CORPORATION SP45495
6-8 ROCKWALL CRECENT, POTTS POINT**

This submission has been prepared by Mecone Group Pty Ltd (**Mecone**) on behalf of Owners Corporation SP45495 (the **client**) of 6-8 Rockwall Crescent, Potts Point in relation to DA/2023/878.

The DA includes alterations and additions to St Vincent's College, including demolition/excavation works, tree removal and the construction of new structures.

Mecone was engaged in May 2023 to review initial documents prepared for the St Vincent's College Masterplan and to advise the client of any potential impacts to 6-8 Rockwall Crescent that should be addressed prior to lodgement of a DA.

Mecone wrote to St Vincent's College on 26 June 2023 and expressed several areas of concern in relation to the proposed Masterplan and identified further actions for engagement. The key issues included privacy, overshadowing, noise and visual impacts as a result of the *Bethenia Building*.

Following this, Mecone attended a workshop conducted by SEC Newgate and the St Vincent's College consultant team on 11 July 2023. The workshop outlined St Vincent's College response to various issues raised by stakeholders. This submission identifies the following key issues:

- **Privacy impacts** with respect to the immediate proximity of the *Bethenia Building* and the introduction of large windows, which will directly look into bedrooms, living areas, bathrooms and private open spaces,
- **Overshadowing impacts** as a result of the bulk and scale of the *Bethenia Building* and its minimal setback to Rockwall Lane, potentially impacting residential living areas and bedrooms, which already receive limited sunlight,
- **Visual impacts** including the need for additional assessment to determine loss of harbour views and views to the Sydney Harbour bridge from additional viewpoints, and
- **Landscaping impacts** including the minimal deep soil provided for the *Bethenia Building* setback to Rockwall Lane to provide an additional level of screening between the building and existing residents.

We would welcome a Council inspection of our site to fully appreciate the impacts raised within our letter.

This submission should be read in conjunction with the following correspondence:

- **Attachment A** – Letter addressed to the Principal of St Vincent's College and SEC Newgate on the subject proposal dated 26 June 2023, and

Our client's property is legally defined as SP45495 and has a site area of approximately 311m². It comprises two 5 storey terrace houses, which have been subdivided into six apartments. The site forms part of a local heritage item known as the 'Brunswick Terrace including interiors and front fences (**Item 1154**)'

It has a primary frontage on the northern side of Rockwall Crescent with a secondary frontage to the rear at Rockwall Lane.

An extract of SP45495 in relation to St Vincent's College is provided in **Figure 1** and views of individual apartments looking north towards the proposed development are provided in **Figures 2 – 5**.

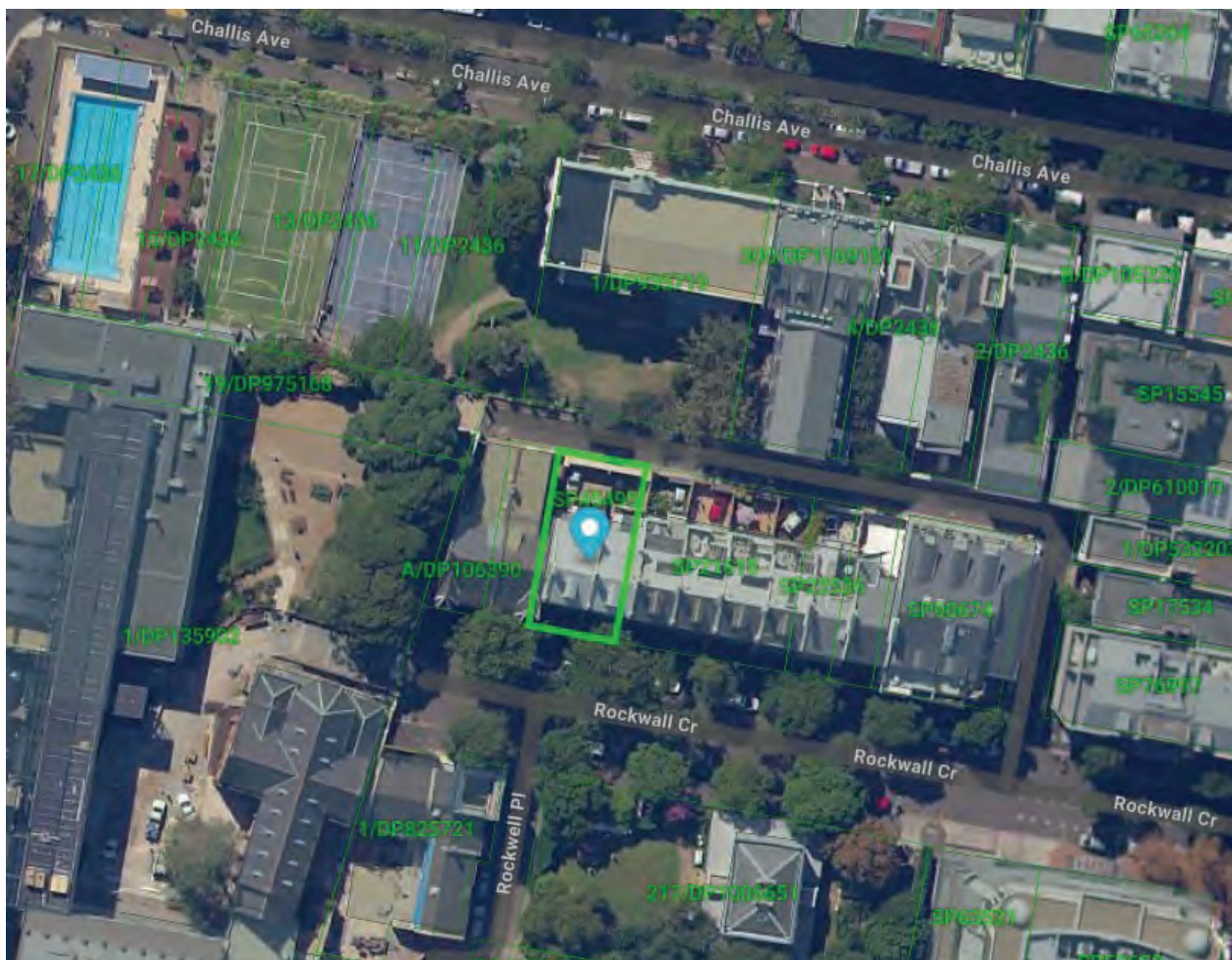


Figure 1 – Site location in relation to the College
Source: Mecone



Figure 2 – Photographs taken from Unit 3 balcony (left) and master bedroom (right)
Source: Mecone



Figure 3 – Photographs taken from Unit 2 master bedroom
Source: Mecone

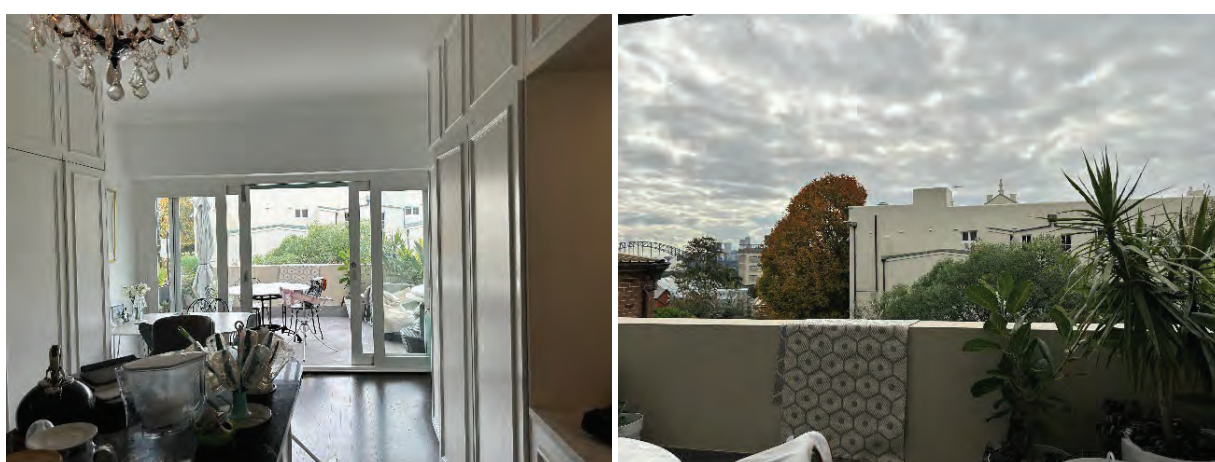


Figure 4 – Photographs taken from Unit 6 primary living area (left) and balcony (right)
Source: Mecone



Figure 5 – Photographs taken from Unit 5 master bedroom
Source: Mecone

Based on our review of the submitted DA documents, the proposed development seeks approval for:

- Site preparation and demolition of existing structures, removal of 12 trees and excavation works,
- Construction of a new partially sunken multi-purpose facility on the corner of Challis Avenue and Victoria Street,
- Construction of a new three storey music and administration building (the Bethania Building) interconnecting with the rear of the existing Garcia Building,
- Minor internal alterations to the existing boarding facilities,



- Tree planting and landscaping,
- A new pedestrian access and foyer structure from Challis Avenue,
- Two new school signs, and
- Upgrades and augmentation of existing services to support the development including a new chamber substation fronting Challis Ave.

Of notable importance is the construction of the *Bethania Building*, which is proposed within the immediate vicinity of our client's property. Refer to **Figure 6 – 7**.

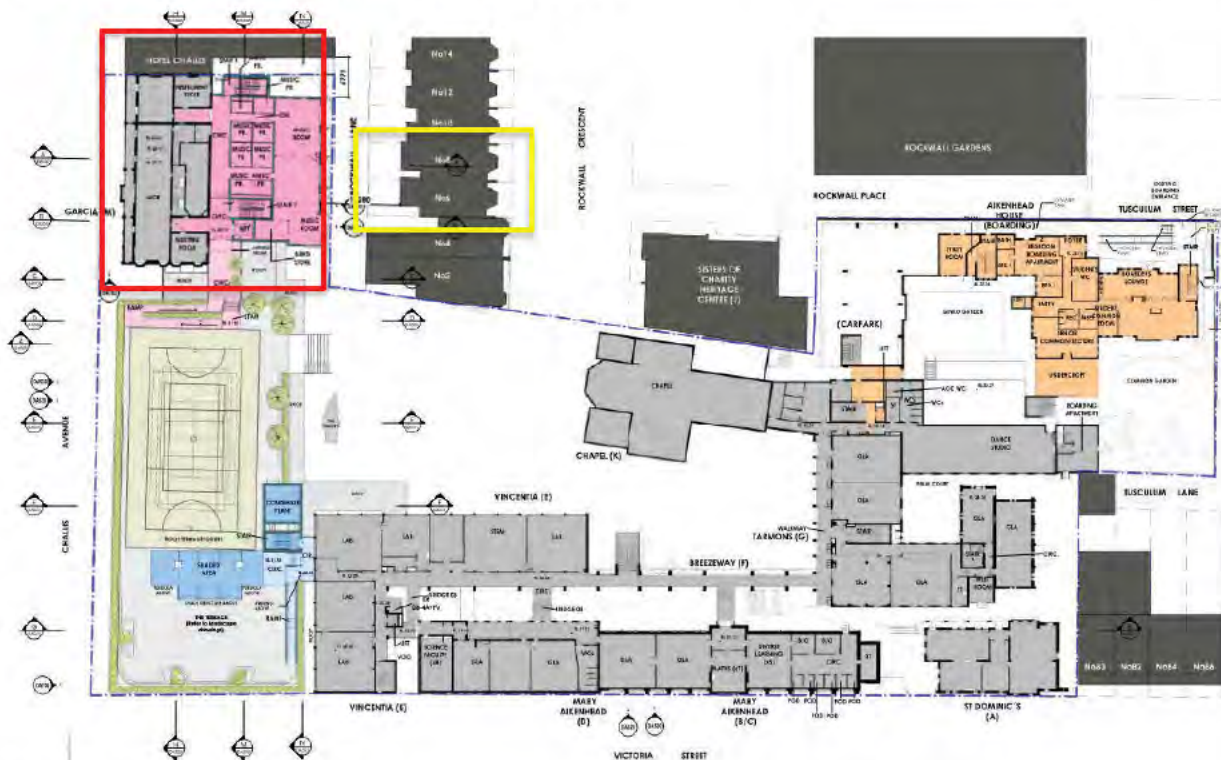


Figure 6 – Level 4 Floor Plan Extract
Source: Leaf Architecture

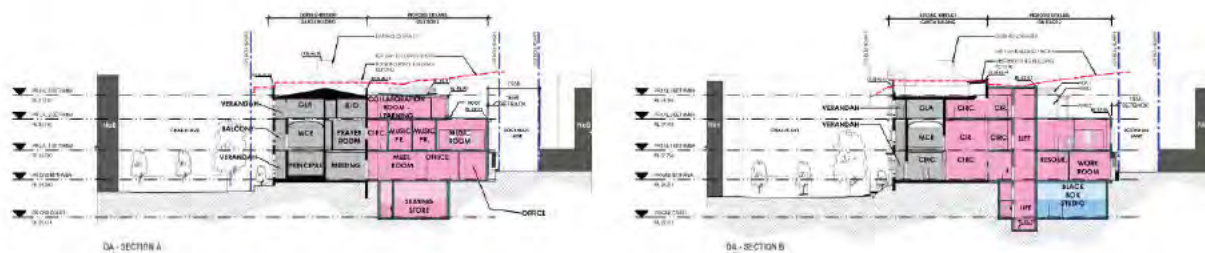


Figure 7 – Section A and B Extract
Source: Leaf Architecture

Primarily, the concerns of our client are a result of the proposed *Bethania Building* and are expanded upon below. The key issues include the following:

- **Privacy** – all apartments have their primary living spaces, bedrooms and open spaces facing north, which will be directly impacted by the proposed *Bethania Building* and its associated significant windows and proximity,
- **Overshadowing** – the scale of the *Bethania Building* and its immediate proximity to Rockwall Lane is likely to result in ongoing overshadowing of key habitable rooms,
- **Visual** – the siting and scale of the *Bethania Building* will impact existing views enjoyed by residents, particularly the complete iconic views to Sydney Harbour, and

- **Landscaping** – the siting and scale of the *Bethania Building* will result in the removal of existing screening and landscaping presently enjoyed as a means of implementing privacy.

PRIVACY CONCERNS

The *Bethania Building* proposes large rectangular windows on Level 4, which are within close proximity to our client’s property, as shown in **Figure 8-10**.

On Level 4, rooms at this location are identified as “*Music Rooms*”, while on Level 5, there is a continuous glass panel/window to support a “*Collaboration Room – Learning*”.

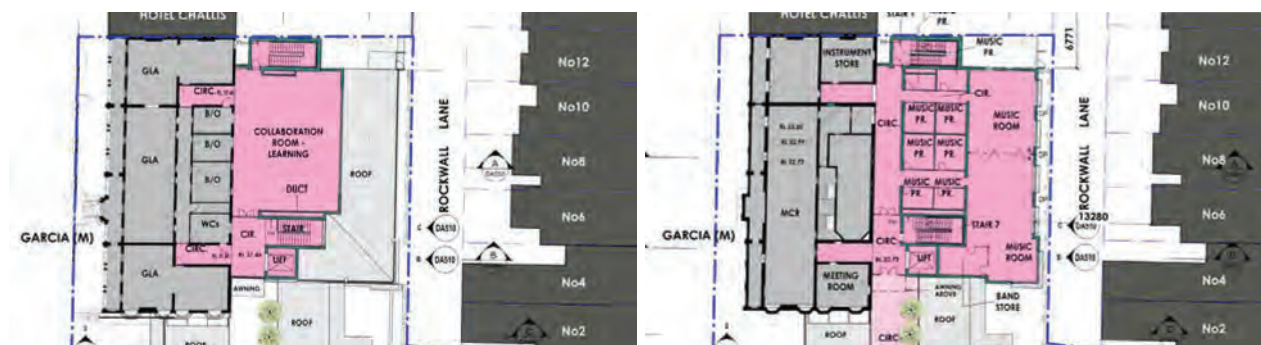


Figure 8 – Proposed Floor Plan Level 5 (left) and Level 4 (right)
Source: Leaf Architecture

The *Bethania Building* is set back a minimum 1.058m from the boundary of Rockwall Lane, positioning the proposed windows on Level 4 approximately 13.3m from the location of sensitive residential rooms (i.e. bedrooms, balconies and bathrooms) (refer to **Figure 8**). Refer to **Figure 9 – 10**, which depicts the appearance of these windows in relation to Rockwall Lane.

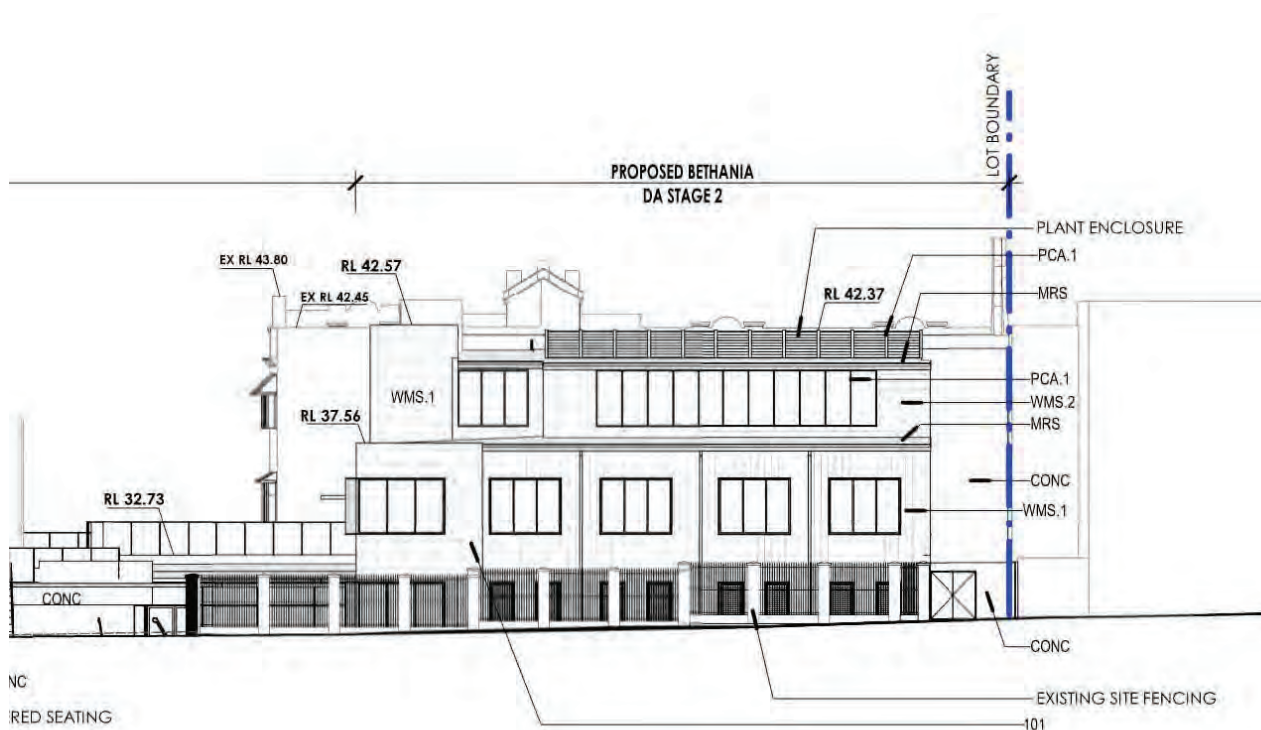


Figure 9 – Streetscape (Rockwall Lane) Extract
Source: Leaf Architecture

There are no external privacy devices or treatments (such as fixed louvres or screening) proposed to mitigate overlooking into 6-8 Rockwall Crescent. In the absence of such devices or carefully considered

design treatments at this location, the proposal will result in unacceptable privacy impacts of habitable rooms and private spaces of residential dwellings. It should be noted, that the residential dwellings secondary frontage to Rockwall Lane possess sensitive residential rooms including main bedrooms, kitchens and living rooms. These areas are enjoyed and occupied frequently by residents and will be compromised without appropriate privacy treatments being considered. Refer to **Figure 3 – 5**.

This was a key issue raised by the client during a consultation session conducted by the applicant on 11 July 2023 via Microsoft Teams. At the session, the client expressed concern of several large windows proposed on the *Bethania Building*, where it was advised blinds would be controlled internally to manage privacy concerns.



Figure 10 – Render of Bethania Building
Source: Leaf Architecture

The units of 6-8 Rockwall Crescent locate bedrooms, private open spaces, living areas and kitchens facing north, looking directly into the *Bethania Building*.

The approximate 13.3m setback from the proposed *Bethania Building* along Rockwall Lane to the residential rooms within 6-8 Rockwall Crescent complies with the *Apartment Design Guide (ADG)* and the minimum separation distances. However, the ADG is a performance-based document where the focus is on the achievement of qualitative objectives rather than solely compliance with the design criteria.

In this instance, the sensitivity of uses of the residential rooms (i.e. bedrooms, bathrooms, living rooms and kitchens) and the proposed use of the “*Music Rooms*” should result in an increased setback to assist in “*providing residential amenity including visual and acoustic privacy*”. ADG separation compliance is typically between dwellings, where privacy concerns are mutual. In contrast, while practising music students are unlikely to be concerned by overlooking from residents, the noise and activity of such students would disproportionately impact on residents.

To ensure privacy impacts are appropriately considered, it is recommended that the setback of the *Bethania Building* to Rockwall Lane is increased. An increased setback would also facilitate the opportunity for increased landscaping and deep soil, which would soften the interface of the *Bethania Building* with 6-8 Rockwall Crescent and provide another layer of natural screening.

The proposed windows along the eastern façade of the *Bethania Building* should be amended to ensure suitable mitigation measures are implemented. This should include reduced window sizes, introduction of highlight windows with a minimum ceiling sill height of 1.6m from the finished floor level, or external privacy

screens. These measures would provide a greater degree of certainty that privacy can be adequately addressed, in contrast to the current arrangement where blinds would be controlled internally.

INCREASE IN OVERSHADOWING

The proposed *Bethania Building's* immediate proximity to the boundary of Rockwall Lane results in a notable increase in overshadowing over the northern facade from 9am-10am which results in the site being impacted during the key periods of the day.

Following this, the ground and lower levels of the site, which provide windows from bedrooms, appear to be constantly shadowed from 10am to 3pm. It is to be noted that the dwellings at 6-8 Rockwall Crescent benefit from minimal daylight access and a further reduction in sunlight access will have significant impact on their amenity (**Figure 11**).

While the shadow diagrams are suitable, the impacts appear to be understated. They are not clear in relation to which building elements are impacted, (i.e. balconies and windows) (Refer to **Figure 11**) and do not appear to factor in the building forms when determining overshadowing despite the potential significant impact upon the residential amenity of these properties.

We recommend the shadow diagrams be amended to include elevations of building elements and/or that sun view diagrams be provided to identify the extent of shadowing of windows and balconies.

To assist in mitigating the significant overshadowing impacts, it is recommended that the *Bethania Building* or the upper levels of the *Bethania Building* be setback at a greater distance from Rockwall Lane.

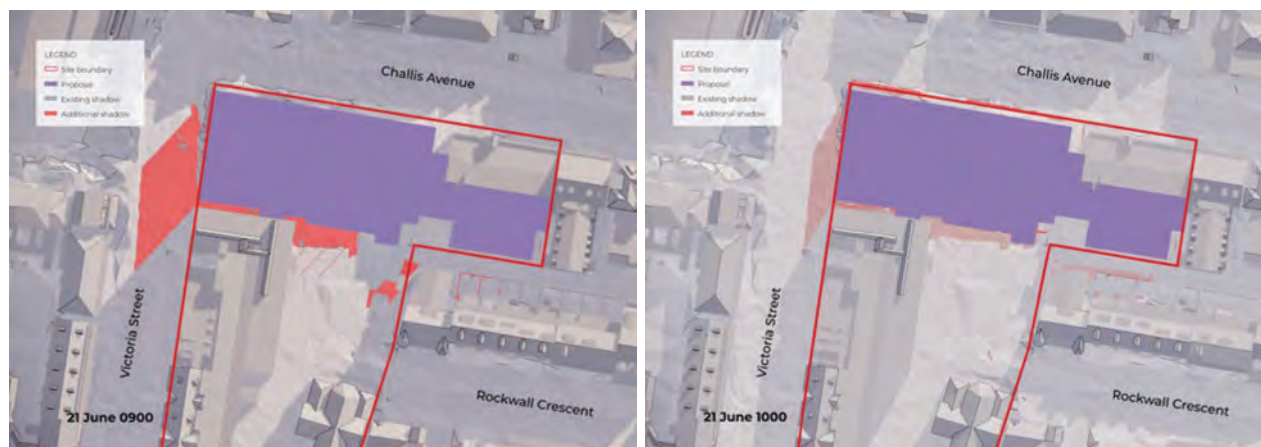


Figure 11 – Shadow diagram 9am (left) and 10am (right)
Source: Leaf Architecture



Figure 12 – Areas of 6-8 Rockwall Lane that appear impacted by overshadowing
Source: Mecone

VIEW LOSS

The proposed *Bethania Building* introduces a notable bulk and scale, which results in significant loss of iconic views towards the Sydney Opera House and Harbour. It is of note that the existing views from the frequently inhabited residential rooms including, living rooms, bedrooms and kitchens possess a complete view of the Sydney Opera House and Sydney Harbour Bridge as well as a water interface.

As demonstrated in *Figures 7 and 8* of the View Loss Assessment prepared by Ethos Urban (**Figure 14**), 6-8 Rockwall Crescent results in a change in view from *View to all test points* to *No view to any test points*, to both the Sydney Harbour Bridge and Sydney Opera House solely due to the *Bethania Building*.

The analysis of *Tables 5 – 10* of the View Loss Assessment concludes that the loss of all six identified views is minor on the basis the most valuable elements and the extent of distant viewing are largely preserved given the arrangement of the proposed volume.

However, the assessment conducted within *Tables 5 – 10* does not adequately consider the visual impact of iconic views from Units 3 and 6, which comprise land and water interface. **Figure 13** below is taken from Unit 3 terrace at ground, which functions as a de-facto dining space and provides a complete pylon-to-pylon view of the Harbour Bridge and views to the Opera House and provides a greater appreciation of the views currently enjoyed that would likely be impacted by the *Bethania Building*.



Figure 13 View from living room terrace of Unit 3 depicting Harbour Bridge and Opera House views
Source: Mecone

Furthermore, also it omits visual assessment of the lower ground units, which are also susceptible to view loss. As shown in this submission, there are a number of units that sit at ground or on the lower levels that will undergo a significant visual impact, due to the immediate proximity of the *Bethania Building* to the Rockwall Lane boundary.

Therefore, an updated View Loss Assessment should be prepared, which provides an assessment of visual impact from the lower units of 6-8 Rockwall Crescent and a clearer assessment for Units 3 and 6. We would also request that the images shown in the View Loss Assessment are provided in a larger format with a location plan to appropriately assess the location and extent of impact.

The visual impact from lower and ground units is confirmed by the viewing exposure analysis to Sydney Harbour Bridge and the Opera House, noting that lower levels would have 'no view' or 'view to some' to the test points as a result of the *Bethania Building*.

Furthermore, the View Loss Assessment refers to a "*Complaint LEP/DCP envelope*", however, there is no discussion as to what controls have informed the basis of this envelope.

Consequently, the analysis presented within *Tables 5 – 10* may overstate the level of impact of a compliant LEP/DCP envelope versus what is proposed. The View Loss Assessment should be updated to clearly outline what controls and planning parameters have informed the base case. Through first principles (consideration of uses, amenity, heritage, views) the base case envelope would likely be smaller than what is currently shown.



Table 6 CAM02: Unit 3, 8 Rockwall Crescent Potts Point - Level 1, terrace off kitchen



Table 7 CAM03: Unit 3, 8 Rockwall Crescent Potts Point - Level 2, balcony off bedroom



Table 8 CAM04: Unit 5, 6 Rockwall Crescent Potts Point - Upper ground, bedroom



Figure 14 – View Loss Assessment extract
Source: Ethos Urban

LANDSCAPE IMPACTS

The proposed *Bethania Building* results in a significant reduction in landscaping and significant planting along the Rockwall Lane frontage that presently exists. This includes the removal of existing planting which has resulted in significant natural screening towards Rockwall Lane (Refer to **Figure 15**). The proposed setback ranges from 1.668m to 1.058m however, much of 1.668m setback is impeded by external window frames, reducing this setback considerably.

The limited capacity for natural planting and mature trees at this location is a by-product of what is considered to be an inadequate setback of the *Bethania Building* to the Rockwall Lane boundary. As shown,

in **Figure 15**, the Rockwall Lane elevation shows minimal treatments at this location, which currently assist in providing natural screening to sensitive receivers.

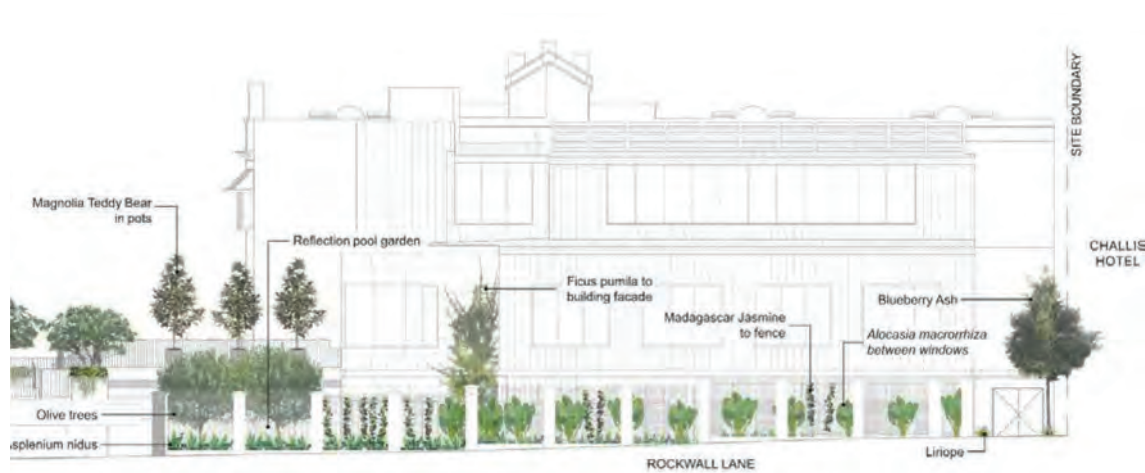


Figure 15 – Rockwall Lane elevation
Source: Umbaco Landscape Architects

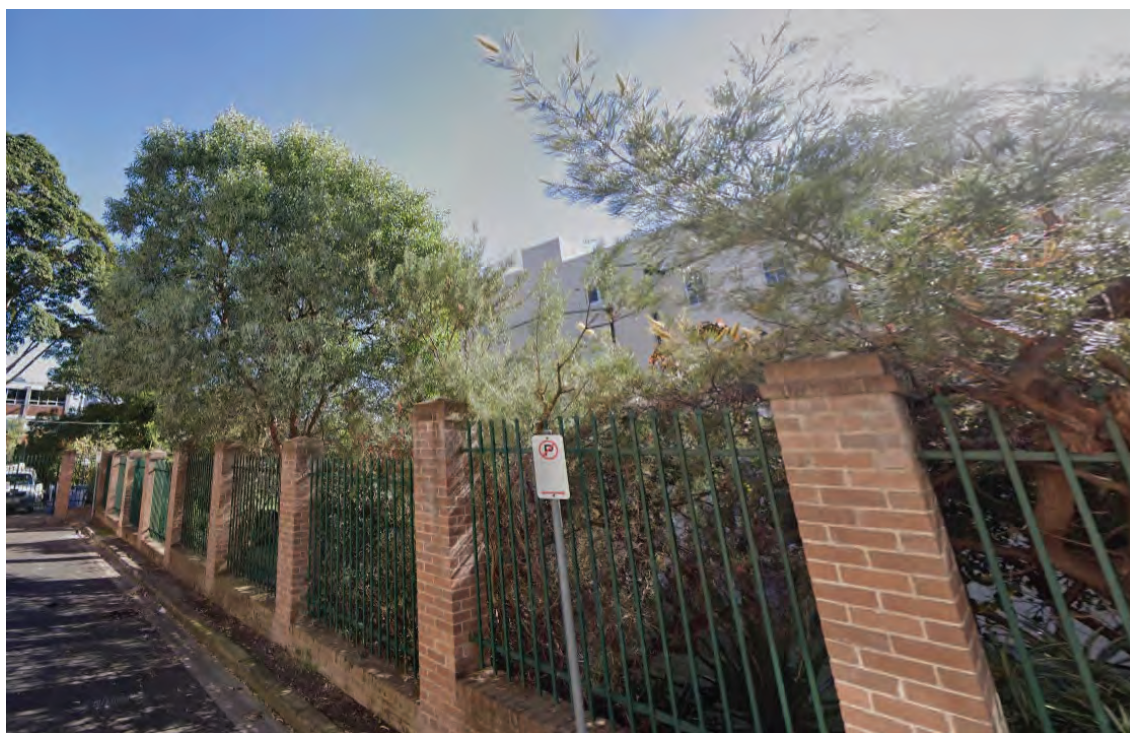


Figure 16 – Existing screening vegetation along the boundary
Source: Google Images

When footings of the existing wall and those of the new building are constructed, the remaining deep soil and landscaping area will be minimal. Furthermore, the setback does not appear wide enough allow landscape contractors to access this area for maintenance and upkeep. Refer to **Figure 17**.

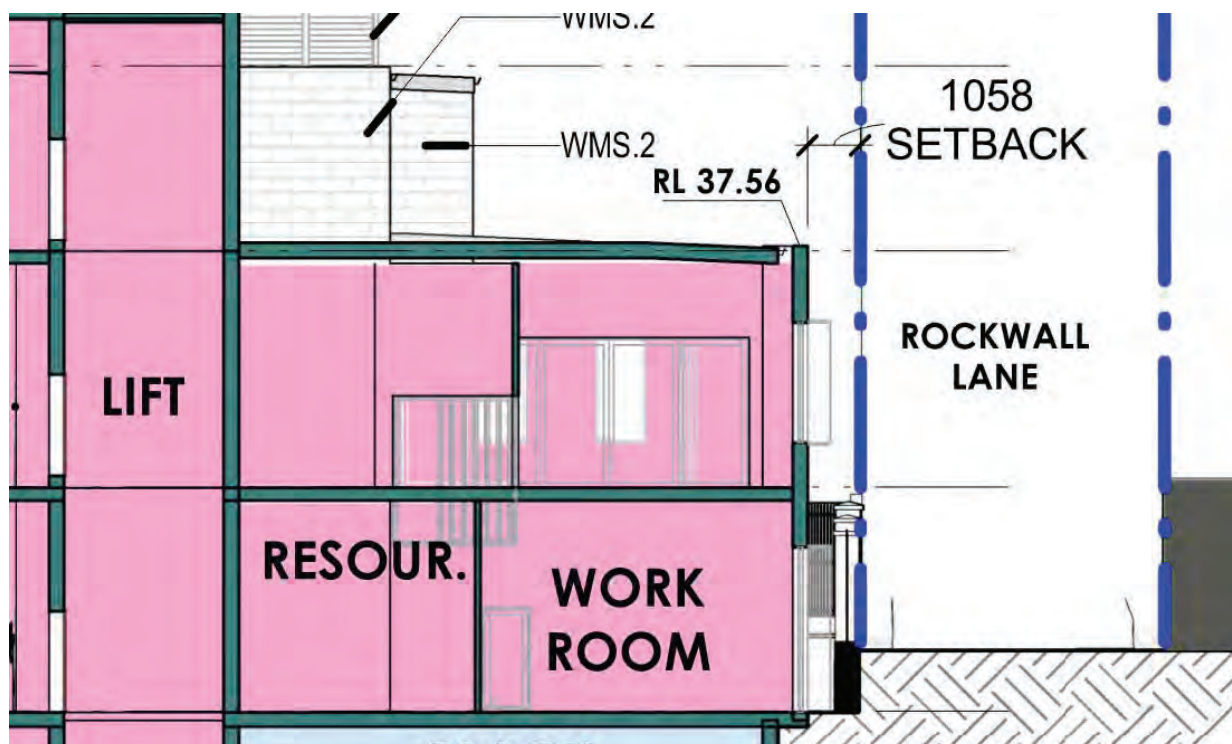


Figure 17 – Section Extract
Source: Leaf Architecture

To maintain or enhance the level of natural screening, it is recommended the setback of the *Bethania Building* is clear of the existing fence and any other articulation elements, window frames or ancillary features to provide a true deep soil planting zone.

CONCLUSION

This submission has been prepared by Mecone on behalf of Owners Corporation SP45495 of 6-8 Rockwall Crescent, Potts Point in relation to DA/2023/878. It sets out a number of concerns raised by our client in relation to the proposed development, which are summarised as:

- **Privacy and amenity** – all apartments have their primary living spaces, bedrooms and open spaces facing north, which will directly impacted by the immediate proximity and treatment of the *Bethania Building*. Several recommendations have been prepared in this letter to address this concern including increased setbacks, reconfiguration of the windows with minimum ceiling sill height of 1.6m from the finished floor level and external privacy louvres.
- **Overshadowing** – the scale of the *Bethania Building* and its immediate proximity to Rockwall Lane is likely to result in additional overshadowing impacts to 6-8 Rockwall Lane, which have not been clearly identified in the DA documents. Updates to the shadow diagrams or view from the sun diagram should be prepared to clearly assess and, if necessary, mitigate this impact.
- **Visual** – the siting and scale of the *Bethania Building* will impact existing views enjoyed by residents, particularly iconic views to Sydney Harbour. An update to the View Loss Assessment is required from additional areas particularly at Unit 3, Unit 6 and the lower levels to determine the extent of impact of the *Bethania Building*.
- **Landscaping** – the siting and scale of the *Bethania Building* will remove existing screening and landscaping presently enjoyed as a means of implementing privacy between our client’s property at the site. The current configuration of landscaping at this location fails to consider the sensitive interface of development at this location and should be reviewed to provide another natural layer of screening. This is particularly important given much of the proposed setback includes the existing fence and external window frames at lower levels, reducing the capacity for meaningful deep soil.



We welcome and encourage Council's assessing officer to conduct a site visit to 6-8 Rockwall Crescent, Potts Point, to allow for a thorough and comprehensive assessment of the extent of the concerns raised above.

We trust this letter will inform Council's assessment of the DA and require additional information from the Applicant as part of the assessment process. Do not hesitate to contact me on [REDACTED] or [REDACTED]

Yours sincerely,



Ian Cady
Director



**Attachment A – Letter addressed to the Principal of St Vincent’s College and SEC
Newgate on the subject proposal dated 26 June 2023**

26 June 2023

Anne Fry
Principal
St Vincent's College
Rockwall Crescent
Potts Point NSW 2011

Via email: [REDACTED]

Attention: Fiona Court and Alex Lawrence: [REDACTED]

Submission from SP45495 – St Vincent's College Masterplan 2022

Dear Anne,

We act on behalf of Owners Corporation SP45495 (the **client**) at 6-8 Rockwall Crescent, Potts Point (the **site**) in relation to the St Vincent's College (the **College**) Draft Masterplan 2022 (the **Masterplan**).

This letter outlines key areas of concern raised by our client in relation to the proposed Masterplan and identifies further actions for engagement. Specifically, this letter covers the following:

1. Summary of the site in relation to the College,
2. Understanding of the current Masterplan,
3. Overview of initial concerns from the client, and
4. Steps forward for further engagement with the client.

To summarise the key issues of this letter include:

- Privacy and amenity impacts – all apartments have their primary living spaces, bedrooms and open spaces facing north, which will be directly fronting the Bethenia building,
- Overshadowing impacts – the scale of development and its immediate proximity to Rockwall Lane is likely to result in ongoing overshadowing of key habitable spaces,
- Acoustic impacts – the intended use of the Bethenia building and outdoor play areas and its location to existing bedrooms is highly likely to result in unacceptable noise impacts,
- Alternative options – no other concept plans have been made publicly available to the residents to demonstrate that a thorough and rigorous design process has been undertaken, and
- Visual impacts – the siting and scale of the Bethenia building will impact existing views enjoyed by residents, particularly iconic views to Sydney Harbour.

We request the above matters are presented to the client prior to the next stakeholder meeting.

1. The Site

The site is legally defined as SP45495 and has a site area of approximately 311m².

It has a primary frontage on the northern side of Rockwall Crescent with a secondary frontage to the rear at Rockwall Lane. The site comprises two 4 storey terrace houses, which have been subdivided into six apartments. The site forms part of a local heritage item known as the 'Brunswick Terrace including interiors and front fences (**Item 1154**)'.

An extract of SP45495 in relation to St Vincent's College is provided in **Figure 1** and images from individual apartments are provided in **Figures 2 – 5**.

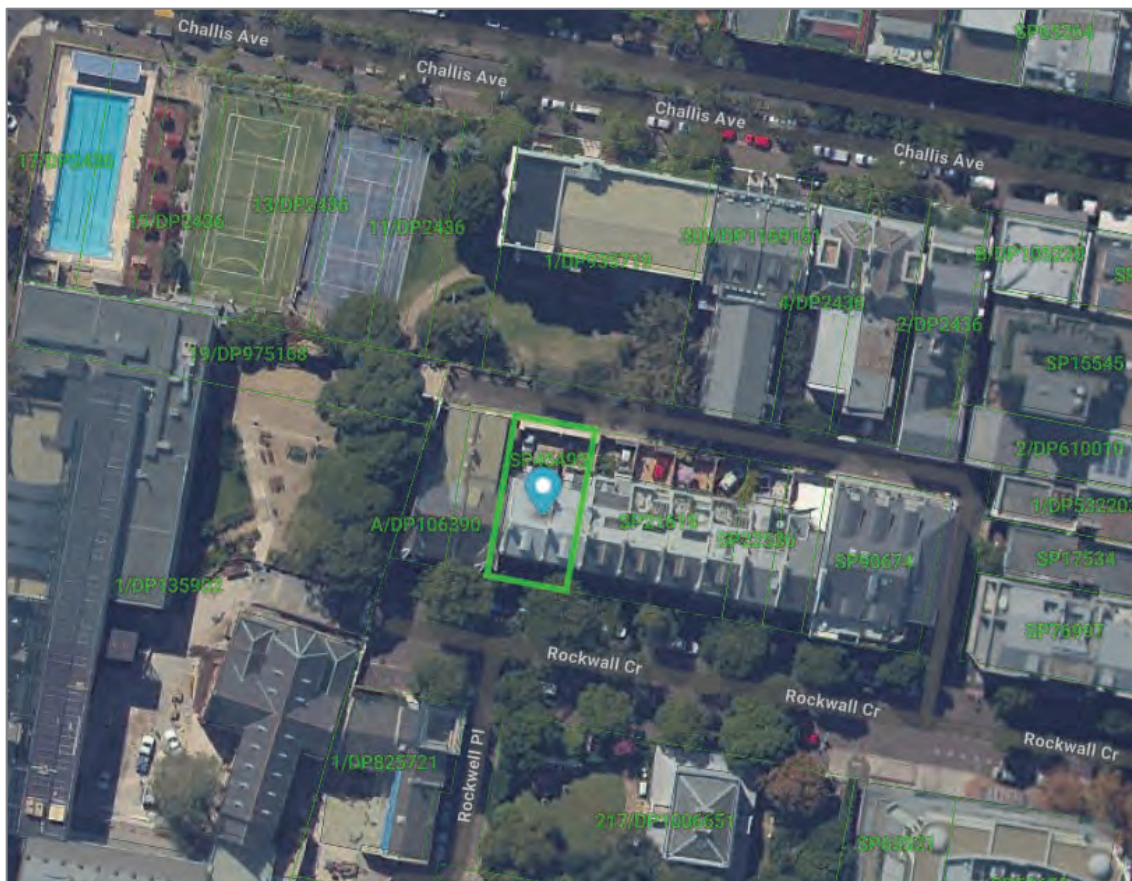


Figure 1 – Site location in relation to the College
Source: Mecone



Figure 2 – Photographs taken from Unit 3 balcony (left) and master bedroom (right)
Source: Mecone



Figure 3 – Photographs taken from Unit 2 master bedroom
Source: Mecone

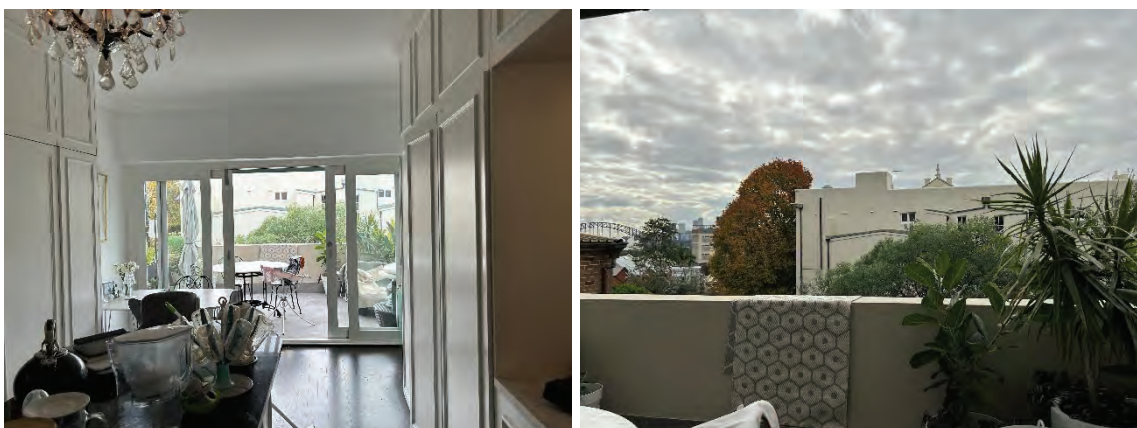


Figure 4 – Photographs taken from Unit 6 primary living area (left) and balcony (right)
Source: Mecone



Figure 5 – Photographs taken from Unit 5 master bedroom
Source: Mecone

As one can appreciate, the proposed Masterplan is located within the immediate proximity of the site and has the potential to significantly impact the amenity currently afforded it.

2. The Masterplan

We understand St Vincent's College is intending to upgrade the existing college to provide new academic, social and physical spaces.

Specifically, we understand the proposed development includes:

- Construction of a new partially sunken multi-purpose hall/sports building at the corner of Challis Avenue and Victoria Street, including a water polo pool facility,
- Construction of a new 2/3 storey building with general and music learning facilities fronting Rockwall Lane at the rear of the site (the new Bethania Building), connecting with the existing Garcia Building,
- Improvements to the site access from Challis Avenue,
- Minor internal alterations to the existing facilities,
- Landscaping works including a new sports court on the roof of the new hall building,
- Upgrades and augmentation of existing services as required, and
- No increase in student/staff population.

This letter relates specifically to the construction of the new Bethania Building, which appears to be built immediately along the boundary with Rockwall Lane in close proximity to the site.

3. Key Issues

The residents of Rockwall Crescent acknowledge the objectives of the College to upgrade facilities to meet growing enrolment demand and deliver high standards of student learning.

However, given the proximity of the proposed Masterplan in relation to the site and the scale of upgrades proposed, our client is seeking the opportunity to engage with the College at the earliest possible stages to have their concerns considered as part of the Masterplan process, prior to a formal application being submitted.

The residents would also like to ensure their concerns are taken into consideration during the design stage as a primary stakeholder. Continued engagement and collaboration between the residents of Rockwall Crescent and the College has the potential to result in an outcome beneficial to both parties.

The key concerns of our client are discussed broadly below:

Privacy and Overlooking

We note the Bethania building is proposed to be built along the Rockwall Lane boundary with minimal setbacks applied, as shown in **Figure 2** below. Further illustrations in the Masterplan also depict part of the rooftop being utilised as outdoor open space.

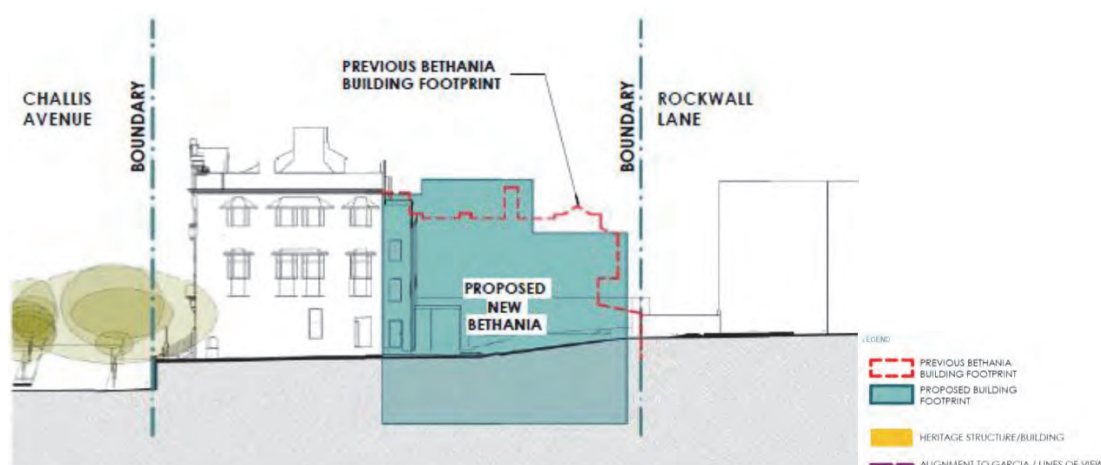


Figure 6: Section of the proposed Masterplan along Rockwall Lane
Source: Draft Masterplan

While setbacks are not clearly identified on the Masterplan, **Figure 2** indicates the Bethania building will be built close to the boundary of Rockwall Lane.



The rear setback of the site is approximately 12m-15m to the boundary of the College. Given the close proximity of the Bethania building, which is proposed to be 2-3 storeys with outdoor play areas, overlooking and privacy impacts are a significant concern for the residents.

It is not clear from the Masterplan whether windows are proposed along the southern elevation of the Bethania building, facing onto Rockwall Lane. However, if windows are proposed along this elevation, they would directly face the windows and habitable spaces of the residences along Rockwall Lane, resulting in privacy impacts for residents.

It is noted most, if not all, of the living rooms, open spaces and bedrooms at Rockwall Crescent face north and are the primary spaces used and enjoyed by residents.

We note the Masterplan identifies measures to reduce views into the neighbouring properties through proposed perimeter planting and a balustrade. It is also noted that the proposed development has been designed to be compliant with the 15m height control for the site, being 2-3 storeys. However, further analysis and information is required to properly assess the privacy impacts of the proposal.

The residents also request to be part of any design refinement discussions, with the aim of reaching a mutually beneficial design.

Overshadowing Impacts

Given the bulk and scale of the proposed Bethania building and the proposed 12m separation from the rear of existing residences along Rockwall Lane, it is requested that shadow diagrams be prepared in order to demonstrate the extent of any overshadowing impacts of the proposed development.

As previously noted, all apartments in the site are designed with primary living areas, balconies and bedrooms facing north.

The residents require shadow diagrams in order to understand the potential overshadowing impacts of the proposed development.

Acoustic Analysis

It is understood the proposed development would not result in any increase in staff or students. It would be beneficial for the residents of Rockwall Crescent to receive confirmation that the proposed development will not result in increased staff or student numbers.

If this is the case, no significant noise increases would be anticipated as a result of the continued operation of the college. However, given the proposed proximity of the Bethania building to the rear of the residences, it is requested that an acoustic assessment be prepared in order to determine whether the proximity of the Bethania building would result in any adverse noise impacts on residents.

Additional details are required with respect to the specific activities proposed on the roof.

It is also requested that the acoustic assessment establish acceptable construction and operational noise levels anticipated from the development of the Bethania building.

Alternative Options

The Corporation would also like to understand what alternative design options have been considered through the masterplanning process.

The residents would like to understand any alternative design options that have been considered and if these represented better outcomes in response to surrounding properties. To date, only one option has been presented, which does not demonstrate how the built form has arrived at a first principles approach.

It is recommended that alternative options should be communicated at the next engagement session to understand the potential design options which were considered.



Visual Impacts

We note the scale of the proposed Masterplan more broadly has the potential to significantly impact existing views and outlook enjoyed by the residents of Rockwall Crescent and in particular, those at ground and lower ground.

In order to establish the potential visual impacts of the Masterplan, it is requested that a preliminary visual assessment be prepared, based on the current building envelopes and accurate survey information, in order to establish the potential level of impact on residents.

Access to the site was provided in March 2023 so that a visual assessment and line of sight surveys may be prepared. To date these surveys have not been made available to the residents of Rockwall Crescent. It is considered that these should be presented to the client at the earliest possible convenience for review and comment.

Stage of the Planning Process

We understand that the intended approval pathway for the proposal will be a State Significant Development Application (**SSDA**) to be submitted to the NSW Department of Planning and Environment (**DPE**). We acknowledge through this process, Secretary's Environmental Assessment Requirements (**SEARS**) will be issued to inform application requirements, including many of the technical information requested in this letter.

At the next workshop, we request that the residents be briefed on the status of the proposed development. The residents wish to understand the status and how far the documentation and design has progressed. The residents would also like to be made aware of the timeframe in which to raise a dilapidation report.

4. Conclusion

The residents of Rockwall Crescent seek the opportunity to work in collaboration with the College, in order to achieve a final design outcome that is acceptable to all stakeholders. It is considered that, given the proposed bulk and scale of the development, moving forward a strategy needs to be established in order mitigate the impact to the residents of Rockwall Crescent as far as possible.

We kindly request that ongoing channels of communication between the College and the residents of Rockwall Crescent are established and maintained regarding the progression of the proposed development. Communications should preferably be via myself and Michael Roset, the Chair of the Strata Committee.

The residents would greatly appreciate the opportunity to discuss any future revisions to the Masterplan, or any potential design development.

If you have any queries regarding the above or would like to discuss any of the matters raised, please contact me on [REDACTED] or via email at [REDACTED]

Yours sincerely,

[REDACTED]

Director

From: Keith Duong <[REDACTED]> on behalf of Keith Duong <[REDACTED]>
<Keith Duong <[REDACTED]>

Sent on: Thursday, November 2, 2023 12:35:39 PM

To: council@[REDACTED]

Subject: D/2023/878 - Objection, 1 Challis Avenue Potts Point 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Ms Gordon,

Please ensure my name and all contact details are private and are not shown on your website

My name is Keith Duong, living in Melbourne at 13B Chambers Street, South Yarra. As a property owner and investor in the City of Sydney (Pelican St, St Margarets), I strongly object to development application D/2023/878. I have been considering purchasing a further property in the Victoria St/Challis Ave/Macleay St area, however approving this proposal in its current form would persuade me to invest elsewhere.

My objections are:

[1] The area is attractive because of the established trees and greenery. To allow the school to remove such a large expanse of green space (which surely the students themselves value?) and overbuild would be counter to everything we are already seeing about climate change, as well as destroying the outlook enjoyed by properties in the area and the benefits to the local community. Permitting so much green space to be removed would create a dangerous precedent for further building applications. I could not invest in the area with this risk.

[2] The area is also attractive because of its heritage architecture and in particular the pale stone buildings both at the school and the surrounding area. Permitting an enormous dark clad box to be built, would destroy the area's heritage feel and its identity. The proposed Bethania building is at complete odds with its surroundings. A much smaller structure (that did not involve removing all the green areas), and entirely made of pale stone, could be the only acceptable construction.

[3] The sheer size of this building and its intended proximity to neighbouring properties is surely going to impact residents' views, the sunlight they enjoy, and their privacy. This is also made worse by proposing to put up 7 metre high netting and poles for sports - no sport requires this. I noted that there seemed to be a few photos taken by the school of the upper most apartments in neighbouring buildings, but strikingly there were no assessments of the impact on apartments on lower floors. Did the school actually test the effects on these apartments? Or did they not report on the results?

[4] There is no benefit to the community here. Other private schools provide the public access to their facilities, however St Vincent's does not appear to have agreed to this. The school also states that no increase in student numbers are expected. This seems unrealistic given the cost of the build. The entire cost will be recouped through an increase in each existing students' fees? That does not seem plausible. There is no mention of how old buildings will be used when people are transferred to the new proposed buildings. When you put all that together you have massive disruption of construction equipment on narrow streets that are filled with residents and people eating over multiple years to build an unnecessary building that takes away the school's almost only outdoor green space, with the local community not being provided any access to any facilities. It makes no sense.

[5] Local businesses are going to suffer as a result of this construction - the local community will go elsewhere for products and services to avoid the traffic, noise, dust etc. And then after the construction phase, the school says it will have no increase in its student numbers. So if local businesses have not gone insolvent before this very lengthy construction is completed, they will have no chance to recoup losses after.

Approving this DA would be a disastrous decision for attracting investment to the area and the City of Sydney.

Yours sincerely,
Keith Duong

From: Kiara FILARDI <[REDACTED]> on behalf of Kiara FILARDI
<[REDACTED]> <Kiara FILARDI <[REDACTED]>

Sent on: Tuesday, October 31, 2023 9:34:47 PM

To: dasubmissions@[REDACTED]

Subject: DA St Vincent's College

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear DA Submission team,

My name is Kiara Filardi and I am the owner of 1/6-8 Rockwall Crescent Potts Point and I have been living in my apartment for 3.5 years.

I am writing to express my concerns and reservations regarding the upcoming development proposal for St Vincent College. While I understand the importance of growth and development, I believe it is crucial to address certain key concerns that affect our community's well-being and quality of life.

1. **Building Placement:** I am concerned about the proximity of the proposed building to our residential area. Could the building be set further back from our homes to maintain the existing sense of space and privacy?
2. **Building Height:** The proposed building's height will cast shadows and diminish the amount of natural light reaching our homes. Is it possible to consider a reduced building height that would mitigate this concern?
3. **Privacy:** The inclusion of large windows in the design has raised concerns about our privacy. What measures will be taken to ensure that the new development does not compromise the privacy of our residents?
4. **Noise Pollution:** Soundproofing is vital to minimise disturbances from the proposed development. What soundproofing measures are planned to prevent the transmission of sound, particularly in regard to loud music or other activities that could disrupt the peace within the residential area.
5. **Exterior Aesthetics:** The choice of black for the building's colour seems stark and out of place in our neighbourhood. Could the colour scheme be reconsidered, opting for a more neutral or white shade that better complements the surrounding environment?
6. **Access to Garages:** As a resident with a garage, my primary concern is whether we will have uninterrupted access to our garages during the construction phase. I would like assurance that development project will not disrupt our ability to park and access our garages.
7. **Reduction of Disruption:** Given that I work from home on most days, I am particularly concerned about the potential disruptions and noise caused by construction activities. What strategies or schedules will be implemented to minimise disruption to residents, especially those who work from home?

I believe that addressing these concerns is essential for fostering a positive relationship between the proposed development and our community. I kindly request that you consider these points during the planning and execution of the project. Open and transparent communication with the residents throughout the process would be greatly appreciated.

I look forward to your response and a productive dialogue regarding these concerns. Thank you for your attention to these issues, and for your commitment to the well-being of our community.

Sincerely,

709

From: Lisa Harvey <[REDACTED]> on behalf of Lisa Harvey <[REDACTED]>
<[REDACTED]> <Lisa Harvey <[REDACTED]>

Sent on: Monday, October 30, 2023 4:03:35 PM

To: dasubmissions@[REDACTED]

Subject: RE: Objection to DA Reference# D/2023/878

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Apologies correction below. Please use this version.

Lisa Harvey

From: [Lisa Harvey](#)

Sent: Monday, 30 October 2023 3:37 PM

To: [dasubmissions@\[REDACTED\]](#)

Subject: Objection to DA Reference# D/2023/878

Dear Ms Gordon,

I am writing to oppose the proposed Development Application submitted by St Vincent's College (DA #D/2023/878). As a resident of Elizabeth Bay, I am troubled by the implications it holds for the existing and future generation who attend St Vincent's College and our community more broadly and generally ongoing irresponsibility in how we develop property in relation to purpose and environment.

Three key points to consider;

1. The proposed Bethania building will result in a complete and devastating depletion of the only open and green space in the foilage in the school grounds. A total of 19 mature trees are to be removed and replaced by shrubs and potted plants impacting carbon sequestration, biodiversity, and air quality. The Potts point area is one of the most densely populated in Australia. We need to protect and preserve our green spaces.
2. Extensive research emphasizes the vital role of green spaces in promoting mental and physical well-being. We have a mental health crisis across all decades with technology being a significant contributor to our younger generations. The removal of these green areas and the trees within them sends a powerful message to the current attendees and future generations of St Vincent College about the value we assign to our environment. Importantly, it denies students critical access to spaces that are proven to enhance their overall health and well-being and introducing them to wellbeing practices at a critical age in how nature can assist and enhance their wellbeing in the decades to come.
3. My final primary concerns is the environmental impact of the proposed construction. Building new structures contributes significantly to carbon emissions and waste. Refurbishing and repositioning current buildings not only preserves the heritage but also aligns with sustainable practices, reducing the carbon footprint associated with new construction. Preserving the existing buildings and adapting them to modern needs not only respects the heritage and character of our neighbourhood and also demonstrates a commitment to sustainable urban development. Utilizing adaptive reuse techniques can significantly reduce construction waste, energy consumption, and overall environmental impact. I urge the school and the City of Sydney Development Proposal Review Board to consider sustainable alternatives. Responsible development should prioritize the preservation of existing structures, minimize waste, and reduce carbon emissions. Repositioning and refurbishing the current buildings can meet the school's requirements while safeguarding our community's environment and heritage.

In light of the aforementioned concerns, I request that the City of Sydney Development Proposal Review Board deny approval of this project in its current form. I urge you to prioritize the well-being of the current and future generations and the community of Potts Point. I believe there are alternative, more sustainable ways to provide contemporary learning facilities in the existing structures while not damaging the environment and that would be in harmony with our community's values and principles.

Lisa Harvey
71 Elizabeth Bay Road, Elizabeth Bay 2011

From: Lois Diamond <[REDACTED]> on behalf of Lois Diamond
<[REDACTED]> <Lois Diamond <[REDACTED]>
Sent on: Thursday, November 2, 2023 9:49:39 AM
To: dasubmissions@[REDACTED]
Subject: Submission - D/2023/878 - 1 Challis Avenue POTTS POINT NSW 2011 - Attention Rebecca Gordon
Attachments: D 2023 878 St Vincents College.docx (427.71 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Please find attached my submission in response to D/2023/87, alterations and additions to St Vincent's College in Potts Point.

Regards
Lois Diamond
Owner/resident, 6 Challis Ave Potts Point

COMMENTS IN RELATION TO D/2023/878

Address: 1 Tusculum St and 1 Challis Avenue Potts Point NSW 2011

Applicant: St Vincent's College Ltd

I am a long-term owner/resident of 6 Challis Ave, a multi-story residential dwelling maintained to the north of the project site, on Challis Avenue. 6 Challis Ave directly faces the Garcia Centre, the sports courts, and the current swimming pool with an extended, distance view through the centre of the whole St Vincent's site.

In such a location, I believe that the proposed redevelopment will have direct impact in relation to change of view (including addition of a further building level above the current sports courts and loss of greenery) and increased noise from activities in the new building (long term) and construction noise (short term).

I have read the reports associated with the Development Application (DA) and wish to raise the following issues:

ISSUE 1: LACK OF CONSIDERATION OF THE IMPACT ON THE NORTH SIDE OF CHALLIS AVE

6 Challis Avenue, and apparently all the properties on the north side of Challis Ave, was omitted from the community workshops which occurred on 20 March and 11 July 2023. Despite the Owners Corporation writing to the Principal of the College on 8 May 2023, requesting inclusion as an interested party, we were not advised of the second workshop and therefore had no opportunity to raise concerns specific to the north side of Challis Ave.

Consequently, the owners/residents of 6 Challis Ave were not aware of the extent of the proposed upgrade to St Vincent's College until the DA was placed on exhibition by the Council.

NOTE: The *Stakeholder Engagement Report* in the DA contains a number of statements that indicate that consultation occurred with residents of Challis Ave. 6 Challis Ave did NOT receive any of the listed workshop invitations, fact sheets, door knocking visits or 'sorry we missed you' notices. It appears that these were only left for adjoining properties eg Hotel Challis.

If the DA is approved, I request that Council requires:

- *clear and regular communication with all neighbouring properties so that owners/residents are aware of what is happening and when, and have the opportunity to respond and/or make arrangements to avoid the resultant construction noise.*

ISSUE 2: CONCEPT OF 'VIEW LOSS'

The *View Loss Assessment* document in the DA sets out the process for considering which properties would suffer a loss of view, and identifies such views as including the city, Sydney Harbour Bridge and Woolloomooloo.

It states that for 6 Challis Ave 'only a minor portion of distant viewing was estimated to be occluded'.

This concept of 'view loss', while pertinent to buildings in Rockwall Crescent, does not recognize that the view from the north side of Challis Ave will be significantly changed.

The direct view from 6 Challis Ave is of the St Vincent's College site and a change to this will affect 12 of the 14 apartments in our block which all face onto the school, reducing the greenery and the distance outlook.



Current views from 6 Challis Ave

The process for assessing 'view loss', as stated in the document, comprised 'surveying and photography from effected locations'. No surveying or photography from 6 Challis Ave occurred and no discussion was had with owners/residents about the impact of the changes to their view.

If the DA is approved, I request that Council requires:

- ***consultation/visit to 6 Challis Ave to see how the upgrade to St Vincent's will impact the direct view of the owners/residents.***

ISSUE 3: NOISE IMPACT

The *Noise Impact Assessment* document in the DA identifies 6 Challis Ave as being part of 'multi-storey residential dwellings maintained to the north of the project site, on Challis Avenue'. It labels the buildings as a Sensitive Receiver and tags the buildings as R2.

This recognition of the precinct as a 'Sensitive Receiver' is appreciated, as is the significant work undertaken to consider noise levels both during normal school activities and during the construction phase.

However, I remain concerned about increased noise levels as follows:

Noise from Internal Hall Multipurpose Court

I note that this new area is to have appropriate glazing on the side facing Challis Ave and that the noise levels will meet the NSW Educational SEPP noise emission requirements.

However, I wish to point out that, as there is currently no facility approximating the internal hall multipurpose court, any noise from this new space (hall multipurpose court and stage area) will be in addition to that which currently is heard from the outside courts and the swimming pool.

In addition, meeting these requirements is not just being met by the building design but is contingent on the school and staff remembering to close various doors/and windows at certain times.

If the DA is approved, I request that Council requires:

- ***an internal school management plan for the use of the new Internal Hall Multipurpose Court outlining activities, times, noise control and staff roles.***

Construction Noise

Noise from construction is inevitable but the standard hours listed in this document (p.24) are broader than Sydney City Council guidelines for work in the local government area (other than the CBD).

Additionally, the document contains the statement that 'there are some situations...where construction work may need to be undertaken outside of these hours'.

The document recognizes that Challis Ave (R2) will be subject to Highly Affected Noise Levels and notes that 'strong community reaction to noise is expected'. It recommends that management controls be utilized such as the scheduling of noisy periods or respite periods.

If the DA is approved, I request that Council requires:

- ***construction to occur within Council Guidelines for work in the local government area,***
- ***clear and regular communication with all neighbouring properties as to when building works will occur,***
- ***the recommended Construction Noise and Vibration Management Plan to be prepared and implemented, to minimize the noise impact on all neighbouring properties.***

ISSUE 4: STREETSCAPE

The *Arboricultural Impact Assessment* and the *Landscape Plans and Design* documents both refer to changes that will directly impact on the view of the college grounds from 6 Challis Ave.

Currently, 6 Challis Ave enjoys a direct view of street trees (brush box and evergreen magnolias) and a number of trees on the St Vincent's College site - noting that the street trees will be retained and protected.

However, at least 5 of the onsite trees which are in direct view of 6 Challis Ave, are slated for removal because they are in the footprint of the new development. Of these, 4 have been classified as of high or moderate retention value, and are substantial, tall, and imposing trees.

I note that the planned new landscape will be formed from low shrubs, native grasses and 5 water gums and, while this fits with the new development, will not replace the beautiful leafy view that we currently have from 6 Challis Ave.

If the DA is approved, I request that Council requires:

- ***a reconsideration of the removal of the trees that have been classified as of high or moderate retention value.***

ISSUE 5: HERITAGE IMPACT

The *Statement of Heritage Impact* document recognizes that the new building on the corner of Challis Avenue and Victoria Street is situated in the Potts Point Heritage Conservation Area and has heritage items in the vicinity. It also recognizes that the new building will alter the existing streetscape.

The report concludes that the new building will have minimal impact on the Conservation Area and heritage items in the vicinity, and attributes this to features designed to be sympathetic to the precinct including: replacement of the sandstone retaining wall, building height and maintenance of views. Additionally, the report notes that the building facade is modern, recessive and modulated to reduce expansiveness in the streetscape.

However, again the conclusions that relate to 'view loss' do not consider changes to direct views and the new building will be in the direct line of sight of 12 of the 14 apartments in 6 Challis Ave. Despite the modern, recessive, and modulated design, the building will significantly reduce the open distance that is the view from 6 Challis into St Vincent's.

If the DA is approved, I request that Council requires:

- ***consultation/visit to 6 Challis Ave to see how the upgrade to St Vincent's will impact the direct view of the owners/residents (as for Issue 2).***

CONCLUSION

Potts Point is a unique, densely populated, heritage, and desirable area where developments of sites are expected.

The Potts Point community, in general, has co-existed with St Vincent's College for many years and is supportive of its presence and its ethos.

It can be seen through the DA documents that St Vincent's has undertaken significant planning work on the proposed upgrade and is cognizant of the unique type of area in which they are situated and the specific concerns that may arise in response to the development.

However, if the DA is approved, more direction needs to come from Council to ensure that the development is undertaken in the best possible manner:

- to maximize communication about the work,
- to undertake best practice in relation to noise management,
- to consider individual concerns, and ultimately
- to minimize the impact on the neighbourhood while achieving the broad aims of the upgrade of St Vincent's College.

If needed, I can be contacted via the details below to speak further to this response to D/2023/878.

Regards

Lois Diamond

11/6 Challis Ave

POTTS POINT NSW 2011

m) [REDACTED]

email) [REDACTED]

From: Nicos & Despina Heracleous <[REDACTED]> on behalf of Nicos & Despina Heracleous <[REDACTED]>
Sent on: Tuesday, October 31, 2023 5:24:49 PM
To: dasubmissions@[REDACTED]
Subject: OBJECTION TO DEVELOPMENT APPLICATION DA/2023/878

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Dear General Manager

RE: OBJECTION TO DEVELOPMENT APPLICATION DA/2023/878

PROPERTY: 1 CHALLIS AVENUE, POTTS POINT AND 1 TUSCULUM STREET, POTTS POINT

I am writing on behalf of my parents Nicos and Despina Heracleous, to express their strong objections to Development Application DA/2023/878 for the property located at 1 Challis Avenue and 1 Tusculum Street, Potts Point.

As property owners at 31 Challis Avenue, Potts Point, they have reviewed the proposal presented by St. Vincent's School. Their concerns are shared by their neighbours, who are also in the process of submitting objections.

Additionally, we have consulted with the property representative at 21-23 Challis Avenue, Potts Point, and have had access to a submission from Boskovitz Lawyers.

My parent's objections are primarily rooted in concerns about increased congestion in the Potts Point area and potential adverse effects on its heritage, which has been carefully preserved over time.

Please consider my parents' strong objections, which align with the concerns outlined in Boskovitz Lawyers' letter dated 1 November 2023.

We would also like to invite you to meet with the affected property owners, residents, tenants, and local business owners. Such a meeting will provide you with an insight into our collective concerns and strong objections regarding this proposed development.

Sincerely,

Maria Peppas
on behalf of
Nicos and Despina Heracleous

From: Michael Roset <[REDACTED]> on behalf of Michael Roset <[REDACTED]> <Michael Roset <[REDACTED]>>
Sent on: Friday, October 27, 2023 10:04:44 AM
To: [REDACTED]
CC: Clover Moore <cmoore@[REDACTED]>
Subject: Submission - D/2023/878 - 1 Challis Avenue POTTS POINT NSW 2011 - Attention Rebecca Gordon

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

M D Roset
3/8 Rockwall Crescent
POTTS POINT NSW 2011
[REDACTED]

Dear Ms Gordon

REFERENCE – D/2023/878

As an owner and resident in my Rockwall Crescent home for the last 25 years I am one of the most affected by the above application. I strongly oppose the application in its present form.

It is impossible for you to determine the application without attending the school site and neighbouring homes. All are heritage items. My home enjoys an iconic view that is not properly represented in the reports the developer has submitted.

The developer's View Loss Assessment provides, on page 27, a floor plan for 6/6 Rockwall but my floor plan (3/8) is vastly different with my living room opening onto the entertaining terrace. The Assessment report is totally incorrect-the view is misdescribed and not from a "terrace off kitchen" for unit 3/8 Rockwall Crescent. These errors are inexplicable and misleading and presumably arise from the author and reviewer of the Assessment having never attended my property.

Also the bedroom photos do not show the view from within the room and selectively impose the one verandah post into the view.

The failure to attend the site will devalue and undermine any determination and will amount to procedural unfairness to the local resident/objectors.

SUBMISSION

I will not over burden you with voluminous details, but simply point to issues to consider on your view of the school and terraces all located in a densely populated area of the city. The development proposal by a large educational institution imposes gravely as to the social impact on residents.

Garcia Centre

Iconic View

The Iconic view from my and other homes. The planning principle is clear in John Roseth's decision in Tenacity Consulting.

Four steps –

1. Assessment of view from my home –it is “pylon to pylon and the full arch” of Sydney Harbour Bridge. It is all parts of the Sydney Opera House with only a minor interruption by a thinly leafed tree. There can be no issue it is an “iconic view” and that is admitted by the developer.
2. The view is from our living room, our terrace, where we eat mornings and most evenings and entertain and which adjoins our living room and also our verandah from our bedroom – I see both icons uninterrupted from my bed.
3. The effect on the iconic view is extreme.
4. The overdevelopment of the site is unreasonable in blocking, not just an expansive iconic view (sadly even the proposed building will not even share our iconic view) but a view which is highly valued.

Heritage

Garcia is a heritage building. The Rockwall terraces are heritage buildings. Views of heritage buildings should not be lost. It does not “fit” the heritage precinct.

Overdevelopment of Site

The proposed development is monolithic and encroaches upon rare open space in Potts Point.

The only real open space for students is to be built over - a remarkable loss of amenity for students. The new extension is to be a music centre with admin staff moving from other parts of the school to occupy Garcia. The vacated current admin areas and old school hall (a new larger one in the proposal under the sports courts) are large and their future use unaccounted for. The statement in the proposal for no increase in student numbers carries little weight as the Principal recently admitted that numbers under her term have already increased perhaps up to 100 and this with no notice to residents nor consultation.

Privacy

The setback from Rockwall Lane is unacceptable. It must be greater to allow shrubbery, not trees, to screen the building and for privacy.

To say decades ago another building occupied part of

the site is no justification for this proposal as is that other buildings in the lane (but not all) are to the boundary is also a reasonable basis for this proposal.

My bed and my bathroom could be viewed directly from the proposed building. I would be observed in bed, in my bathroom etc. through my French doors that are the bedroom “window”.

Window blinds and relying on students to close them (and when) is of no effect to maintain privacy nor alleviate noise if windows are opened.

Light

The building will shadow our northern light which is vital in a north/south terrace.

Noise

As a past hopeless music student myself, the noise of a music school within feet of my living, entertaining and sleeping is unacceptable.

All should be addressed by way of further setback and reduction in height and size and sound proofing. A condition should be imposed restricting hours of use for musical activity.

The open grassed space and trees are a lung for Potts Point. To destroy such amenity by removing grassed areas used everyday by students so none is left and destroying trees adversely affects both students and Potts Point residents. It defies logic in our changing climate that demands more grassed areas and trees and with a Council trumpeting the planting of tree coverage. Screening of works by shrubs should not further interfere with views.

Tennis/Basketball Courts

Excavation for new school hall and elevation of Courts with wire court fencing and posts.

The elevation should be reduced as it will impose active sports facilities over the neighbourhood. The proposed shading should be carefully calibrated so as to not further interfere with the iconic views and open aspect of the neighbourhood.

No lights for evening play should be permitted as the elevation will increase the distribution of noise in all directions and flood lighting affecting many residents. A condition should be imposed as to hours of use.

A condition could also be imposed for community use of the courts and swimming pool in school holidays. The application does not acknowledge that school holidays removes any concern for students.

Other private schools agree to such access.

Private schools receive public funding and operate under a social contract. The contract with the community should be honoured.

Finally Rockwall Lane, as you will see on your view, cannot accommodate heavy vehicles, the removal of materials or the delivery of materials. It is narrow and is the only access and egress for residents of both Challis Avenue and Rockwall Crescent to their off street parking.

I look forward to arranging ~~723~~ ⁷²³ for your view.

Yours faithfully
Michael Roset
Sent from my iPad

From: Peta Drake <[REDACTED]> on behalf of Peta Drake <[REDACTED]> <Peta Drake <[REDACTED]>
Sent on: Thursday, November 2, 2023 9:06:16 AM
To: [REDACTED]
Subject: DA submission D/2023/878
Attachments: 1 Challis Ave submission P Drake.pdf (401.75 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

My submission is attached

Kind regards

Peta Drake
18 Rockwall Crescent Potts Point 2011 | [REDACTED]

November 2, 2023

Mr B Mackay
Manager Planning Assessments
City of Sydney
Town hall House
Kent St Sydney NSW 2000

council@ [REDACTED]

Dear Mr Mackay
DA ref D/2023/878 St Vincents College Ltd

INTRODUCTION

I live at 18 Rockwall Cr Potts Point and in 2017 together with my husband lodged a development application with the City of Sydney (CoS) for alterations and additions to our heritage listed terrace home which was badly in need of internal upgrade. At that time we were hopeful of getting lift access from the rear of our property to all floors of our home so that we could continue to live here should we become infirm in later years. We were advised that this would be unacceptable to CoS as it was not in keeping with the presentation and amenity of the rear of the existing terraces which CoS required to be preserved in accordance with the Sydney Local Environmental Plan 2012 (LEP). (see image 1 below).



Image 1

FAIRNESS CONSISTENCY & HERITAGE VALUE

I expect CoS to apply the same principle when considering a new building placed at the rear of 15-19 Challis Avenue. St Vincent's College is listed as a local heritage item and within the Potts Point Heritage Conservation Area on the LEP and two LEP listings apply to the College, St Vincent's Convent Group and former Bethania and Carmelita buildings, Items I1121 and I1122 respectively comprising the gracious building referred to by the College as Garcia which is

18 rockwall crescent potts point nsw 2088
e [REDACTED] [REDACTED]

accorded high significance on the heritage register (see image 2 below of rear of Garcia/Bethania and Carmelita building).



Image 2

These listings and the related buildings should be respected and protected given their recognised value within Potts Point Heritage Conservation Area and to the State of NSW in accordance with the principles CoS applied in considering our 2017 DA under the LEP.

PRIVACY VIEW AND OUTLOOK

Part of our 2017 DA was for a new 2m deep steel terrace adjoining our dining room on the upper ground floor of our home at the rear overlooking Rockwall Lane. During review of our application City of Sydney planners asked that we reduce the terrace to 1.5m deep largely for privacy reasons relating to our adjoining neighbours' and add privacy screens at each end. We amended our architectural plans accordingly despite this impact causing the terrace to be a walkway rather than an area that can be used for seating.

The proposed Bethania building is an infill development at the rear of 15-19 Challis Avenue in what was the former convents Bethania & Carmelita which such building as noted above is of high significance in the State Heritage register and a heritage item of high significance within the Potts Point Conservation Area. As such specific controls apply to any development proposal for those buildings in accordance with the LEP. We ask that CoS respects those controls and protects the Garcia building in accordance with its high significance on the heritage register including to the rear of the building.

The 2012 DCP states in relation to outlook from a residential property:

18 rockwall crescent potts point nsw 2088
e [REDACTED] [REDACTED]

'viewing from existing residential properties, Section 4.2.3.10 Outlook states:

- 1) Provide a pleasant outlook, as distinct from views, from all apartments.
- 2) Views and outlooks from existing residential development should be considered in the site planning and massing of new development.

Note: Outlook is a short-range prospect, such as building to building, while views are more extensive or long range to particular objects or geographic features.

Accordingly, it is clear that the focus of the DCP provisions are for the attainment of a pleasant outlook, with opportunities to retain existing views obtained from buildings to be considered in design but not prioritized. This is quoted by the applicant at p11-12 of the document headed View Loss Assessment. Clearly the applicant's DA will dramatically alter the current outlook over gardens and the few remaining trees currently enjoyed by all properties located on Rockwall Lane with northerly aspects with additional dramatic loss of privacy and light by the properties located at 6-16 Rockwall Crescent.

Should CoS be minded to allow the infill development despite its adverse affect on the high significance Garcia building, CoS must require the applicant to ameliorate the outlook, light and privacy losses suffered by the building of the new Bethania building , consistent with CoS requirement of us in 2018, by increasing the setback of the new Bethania building and addition of substantial landscaping including use of mature planting in the area between the building and Rockwall Lane and on the eastern section of the proposed new multi purpose building. This could go some way towards mitigating the significant loss of privacy and light to be suffered by the northerly aspect of those properties located at 6-16 Rockwall Crescent . A condition requiring privacy screening on all south facing windows of the proposed Bethania building should be imposed.

USEFULNESS

St Vincents College has lodged the above referenced DA described as alterations and additions including demolition, excavation, tree removal and construction of new buildings. If approved the College will benefit from a new multi-purpose building at the corner of Challis Avenue and Victoria Street, accommodating a sports hall and indoor water polo facility as well as the Bethania Building, a part two, part three storey building with general and music learning facilities described as to the rear of the Garcia building and adjacent Rockwall Lane. These facilities are already provided for by the College in the existing heritage listed Garcia building at 15-19 Challis Avenue the heritage value of which is which is significantly and forever adversely affected by the proposed infill development.

LANDSCAPING

Landscaping is dealt with at appendix D to the Statement of Environmental Effects. It is completely inadequate for the size and scale of the new buildings proposed and does not meet CoS expectations in line with announced plans to cover 40% of the city in greenery by 2050, in line with its Greening Sydney 2012 and 2030 strategies including new and improved parks, green roofs and walls, streetscape gardening and hundreds of new trees planted throughout the city in the coming years. 4 olive trees within a central circular reflection pond adjacent to Rockwall Lane are simply not sufficient to replace the 12 trees proposed to be removed.

Our tiny thin steel terrace had and has a negligible impact on our neighbours' privacy and no impact on light, view or any other amenity. The proposed Bethania building including its proposed volume 'presents a considerable change to the existing landscaped and sporting

grounds of St Vincent's College, and thus presents significant change to the immediate foreground viewing' (applicant's document headed View Loss Assessment p40 item 7). That document acknowledges that 'the immediate foreground viewing falls outside the remit of a Tenacity assessment, which assesses view loss in relation to precinct views of iconic and significant outlook'. Further thoughtful consideration of outlook and its loss in addition to privacy and light is therefore warranted and required before the application can proceed.

TRAFFIC MANAGEMENT COLLEGE

It is encouraging to see that a new entrance is proposed as part of the DA however I note with alarm that the Applicant's Statement of Environmental Effects states there will be no change to school drop off or traffic management with the creation of the new entrance. I am astonished that this is not something the College seeks to address given the obvious safety issues daily with the current adhoc student drop off at the corner of Challis Ave and Victoria St. It is a miracle there hasn't yet been a serious road accident and only a matter of time before there is one.

Despite it being specifically precluded by CoS previously, day students and their parents frequently daily access the College from the gate at the end of Rockwall Crescent and parents frequently park, often illegally and with car engines running, to drop off or waiting to collect students in the Crescent. We appreciate the opportunity for CoS to remind the College of conditions regarding this use of Rockwall Crescent which I understand to be specifically disallowed for day students and parents.

In addition a traffic management plan should and must be implemented for arrivals and departures from the school by car to the new Challis Avenue entrance for the protection of local residents as well as the College population.

TRAFFIC MANAGEMENT CONSTRUCTION

Rockwall Lane is a narrow single lane public lane with one entry/exit point at Rockwall Crescent, used by residents to access their private onsite parking and CoS waste collection services. It is simply unworkable for it to be used for construction access by the College. It will be impossible to manage and the lane is simply inadequate for large construction vehicles and likely casual parking by contractors. Please exclude all construction access via Rockwall Lane and inform how this can be enforced.

SYMPATHETIC ARCHITECTURAL STYLE

Figure 6 on p 10 of the document called View loss Assessment shows a pictorial view of the proposed new Bethania Building – in view is a red brick fence with a second storey black box shaped building and what appears to be a third storey red brick building at the rear. These proposed buildings are not in any way sympathetic to the architectural style and period of the Victorian period buildings in Rockwall Cr and the overall Victorian character of the terraces and the character of Potts Point Heritage Conservation Area including the gracious buildings known by the College as Garcia fronting Challis Avenue which is of high significance in the State Heritage register.

Somehow in recent years City of Sydney allowed the College to build the 'Sisters of Charity Heritage Centre' located at 1 Rockwall Crescent. The design of this building is not in any way sympathetic to the architectural style and period of the Victorian period buildings in Rockwall

Crescent and the overall Victorian character of the terraces and the character of Potts Point Heritage Conservation Area. The proposed new Bethania building appears to replicate this unsympathetic design and colour scheme.

In its Notice of Determination issued midway through 2018 to us City of Sydney specified a condition relating to the external colour scheme as follows:

'The external colour scheme is to be sympathetic to the architectural style and period of the group heritage item 'Pamela Terrace' at 16-20 Rockwall Crescent. The external colour scheme should respect the colour scheme of this row of three terraces as well as other Victorian period buildings on Rockwall Crescent.

Earthy or stone colours available and used in the 1880s would be in keeping with the overall Victorian character of the terraces and the character of Potts Point Heritage Conservation Area. It is recommended that reference be made to the book "Colour Schemes for Old Australian Houses" by Ian Evans, Clive Lucas and Ian Stapleton'

For consistency we would very much appreciate CoS imposing a similar condition should it be minded to approve this development including the new Bethania building.

CORRECTION

P21 of the document headed View Loss Assessment incorrectly states that an image is from 18 Rockwall Cr. No images were taken with our consent from our property and the image described as 18 Rockwall Cr top floor is not an image of or taken from our property. We currently benefit from views of trees and green space to the immediate west of our upper ground floor over Rockwall Lane. Given that there is very little landscaped area in the vicinity of Rockwall Lane we are very reluctant to see this diminished further.

SCHOOL POPULATION

The notification we received from CoS for some reason states in its preamble under the heading 'Proposed development' 'No change to existing student or teacher population is proposed'. This statement is repeated at item 4.14 on p 31 of the Statement of Environmental Effects. I find this statement to be somewhat disingenuous. If there is no intended change then why spend \$50,000,000.00? In any event the statement is merely an expression of current intention and as such has no value, it has no future meaning nor can it be relied upon in future when student /staff numbers inevitably increase. It cannot be relied on nor taken into account by CoS when considering the application.

CONCLUSION

It is apparent that the applicant has failed to adopt design principles to respect the abutting residential zone and the heritage values of the local area will be adversely impacted if this DA is approved. In particular, the Bethania Building should not be permitted as an infill development adversely affecting the Garcia building with its stated value of high significance on the State Heritage Register. If CoS intends to permit the infill development it should be redesigned to minimise its impact on privacy and light of existing residential buildings and with sufficient setback allowed to provide adequate landscaping and privacy screening to ameliorate these issues.

Yours sincerely
Peta Drake



18 rockwall crescent potts point nsw 2088

e [REDACTED] [REDACTED]

From: [REDACTED] on behalf of [REDACTED]
<[REDACTED]>
Sent on: Thursday, November 2, 2023 1:52:08 AM
To: dasubmissions@[REDACTED]
CC: [REDACTED]
Subject: D/2023 878 1 Challis Avenue Potts Point, 1 Tusculum Street Potts Point
Attachments: Resident Response DA - D-2023 878.pdf (753.53 KB), School Pick-Up Drop-Off-20.30-01.11.2023.JPG (71.6 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Ms Gordon

Please accept my response to the DA application D/2023 878.

I attach my letter and a photo demonstrating current use of Rockwall Crescent for student pick-up and drop-off.

Thank you for the opportunity to register my comments.

With best regards - [REDACTED]

1 November 2023

City of Sydney
Town Hall House
SYDNEY NSW 2000

Re: DA Ref: D/2023 878

Dear Ms Gordon

I write to raise my objections and queries regarding the proposed development of St Vincent's College, D/2023 878 - 1 Challis Avenue Potts Point, 1 Tusculum Street Potts Point.

I reside at [redacted]/6-8 Rockwall Crescent and have done so for over 16 years and I appreciate the opportunity to contribute to the City of Sydney's consultation process. I read the application's supporting documents with interest and my concerns are as a long-time resident of this street and an even longer-term resident of the City of Sydney.

The terraces along Rockwall Crescent date from approximately the late 1870s and, as the St Vincent's College DA application Heritage Report acknowledges, these terraces are part of the rich and unique heritage examples seen in Potts Point and Woolloomooloo. Although the DA documents are very detailed and show the school has taken steps to put up a thoughtful submission, this proposed construction still contains elements that have the potential to adversely impact on the ordinary and peaceful enjoyment I as a resident of Rockwall Crescent can reasonably expect in my home.

The issue I wish to address and query are these:

Shadowing

The Shadow Plan diagrams supporting this DA are not clear enough for me to know where the shadowing will be and for how long.

- Can the school provide a clearer idea of exactly how much shadow will fall into 6-8 Rockwall Crescent and where? The diagrams don't seem to reflect the commentary offered elsewhere in other documents. Currently It looks like the ground floor apartments will be overshadowed all day in Winter.
- The only sunlit windows in the ground floor apartments are the North facing (Rockwall Lane) windows.
- From the documents provided, the shadowing seems to have the potential to significantly reduce the current passive solar we get from many hours of direct sun on the car spaces, building walls and windows, particularly on the ground floor. Although the minimum requirement is to afford 2hrs of sun exposure at the Winter Solstice, it is inadequate time to heat up those surfaces – and most particularly the concrete slab and ground on which the ground floor properties rest, and will impact in the form of considerable additional heating costs. I also note that the Winter Solstice is not actually the day in the year with the fewest daylight hours, and that reduced passive solar over time (i.e. a number of days or weeks) has a cumulative effect.

Resident Response - DA Ref: D/2023 878

- To get a realistic idea of how this overshadowing may impact, would it be possible to have time of day modelling covering the months of May-June and July.
- Reduced passive solar may contribute to additional damp issues. Heritage buildings, the material and physical characteristics of which the terraces in Rockwall Crescent all share, are subject to damp. I am aware of a couple of occasions in the past 15 years where residents in Rockwall Crescent have had to undertake damp mitigation or damp course strategies.
- The terraces are built approx North-South facing and only the South facing windows get sunlight and, in the case of 6-8 Rockwall Crescent, the majority of those south facing rooms are bedrooms. These rooms have during my time in Rockwall Crescent have always had sunlight and it is a reasonable expectation that I should continue to have access to sunlight and passive solar benefits.
- Shadowing against and over the car spaces will limit or negate any future opportunity for the Strata for 6-8 Rockwall Crescent to establish solar water heating or other solar capture strategies.

Loss of ground level views

Due to the Sports Hall construction, there will be no more views of the city and Harbour Bridge from Rockwall Lane behind 2-6 Rockwall Crescent.

- I wish to highlight this building project will create an overall feeling of being enclosed within the St Vincent's College campus.

Loss of Sydney Harbour breezeways

Bethania and the Sports Hall will enclose the end of the laneway, and reduce the natural breezeway that exists from the Harbour. In addition to passive solar, ventilation and breezeway opportunities are essential for older properties to combat the effects of damp

Noise, pollution and vibration (during construction and once the site is operational)

- During the construction phase will the school undertake to advise early (at least 2 weeks) regarding particularly heavy construction?
- Will the school provide relevant contact details for the Site Manager and the College Community Relations nominee?
- Post-construction: I see the Sports Hall will be able to accommodate 1000 seated attendees for Assembly and the school will hold its annual musical there, ticketed for students and parents. Apart from the windows, what sound mitigation / acoustic treatment will be in place?
- What hours will these events take place?
- Will these events be commercial in any way, leading to or example a season of musicals or drama events?
- Does this mean 1000 people will be regularly accessing the school via Rockwall Crescent?
- Will the Black Box Studio within the Bethania building have additional vibration and acoustic treatment as part of its construction? Even though lower or underground, contemporary technology – sound and theatre effects – is bass-heavy and transfers underground unless the correct mitigation has been completed.
- What hours will the music rooms be open? I recall several years ago I could hear one of the girls faithfully practising the tuba at 7.30am every weekday leading up to the HSC.

Loss of privacy (during construction and once the site is operational)

I am concerned that the proposed Bethania windows facing Rockwall Lane will adversely impact my privacy.

- Could the windows be smaller (shallower) and higher – above head height of those in the rooms? I would still allow light to enter the school spaces but maximise the privacy of the residents. As stated above, the majority of residential living spaces facing Rockwall Lane are bedrooms and it's a reasonable request to ask for privacy.
- During the construction process what strategies will be in place to minimise privacy impact on residents in Rockwall Crescent?

Access and egress (during construction and once the site is operational)

The documents advise that construction access / egress will be via established entry points to the school.

- My concern is that Rockwall Laneway will be utilised as an access / egress / collection point during construction and request that it is kept strictly off-limits.

It is stated that regular school access will not change, with school pick-up and drop-off taking place at the Victoria Street entrance and staff and visitors entry via Rockwall Crescent. There will be additional access afforded by the Challis Avenue entry.

- I note the incomplete transport survey provided in the application, and request the school enforces pick-up and drop-off to take place in Victoria Street as it is currently happening in Rockwall Crescent before and after school, weekends and at night. It will alleviate some of the incidental noise and align the practise to the statements made in the DA and on the St Vincent's College website.
- The survey does not show the numbers of bus and train commuters accessing the school via Rockwall Crescent. The 311 bus sets down and picks up n Macleay Street at the end of Rockwall Crescent, and daily there are numbers of St Vincent's College students walking from the train to school via Macleay Street and Rockwall Crescent – not via Victoria Street.
- To illustrate, I attach a photo taken on the footpath outside 6 Rockwall Crescent, 8.30pm Wednesday 01 November 2023 showing a parent picking up their daughter, parked initially and the stopped illegally, and with other students awaiting their parents just inside the gate. Between 3pm and 6pm same day several cars were idling for 15-20 minutes each outside nos 2 and 4 Rockwall Crescent. This happens every school day, and when the girls return from camp we have the coach idling for up to 40 minutes outside our homes, creating both air and noise pollution. I've also learned to look forward to the annual burnt toast fire alarm event which brings the fire brigade to Rockwall Crescent

Building works timeline and hours of operation

I see the construction works will run from 07:00 to 18:00 weekdays and from 08:00 to 13:00 Saturdays, with no construction Sundays and Public Holidays.

- I request this reverts to 07:00 to 15:00 weekdays and 08:00 to 13:00 Saturdays due to the increased industrial noise and traffic, trades and waste vehicles that will be accessing via Rockwall Crescent and audible whilst onsite.
- Can you please confirm the building construction timeline.

- I have hybrid work from the office and home and it's important to be able to schedule virtual meetings being confident there won't be heavy construction also joining the meeting. If works stops mid afternoon at least residents can schedule WFH virtual meetings, put their kids to bed for a nap, or just have an hour or so of peaceful ordinary and reasonable enjoyment of their living or sleeping spaces.

Green space losses

The supporting documents describe the removal of some 54 trees with the trees and shrubs being mulched and used on the new landscaping onsite or sent to a native garden centre nursery.

- This is a significant loss of greenery, most of these trees are established and host a diverse range of birdlife and small marsupials as part of a corridor that ranges periodically from the Botanic Gardens up through the Eastern Suburbs. I've seen many come into Rockwall Crescent from the school over the years, including Tawny Frogmouths, Powerful Owls, Rainbow Lorikeets, Magpies, Currawongs, Kookaburras, Cockatoos, possums, sugar gliders and fruit bats.
- The proposed rooftop space on the Sports building isn't really a replacement for this loss of habitat, and indeed the netting and lighting around the roof top spaces are likely to present a physical danger and a light pollution issue to those nocturnal animals that use this corridor.
- It is not a great green shade replacement for the students, as the roof top is exposed to the sun, wind and on view to surrounding neighbours on all sides.

Clarification on sporting court/s

In several supporting documents it seems two playing courts will be indoors and one on the roof of the new Sports building, which means an increase of spaces to three playing courts. The rooftop court will have netting and lights.

- What are the hours of use for this rooftop space
- With light towers there does this mean the space will be used at night? If so for what purpose?

Mechanical plant location

The DA documents note this location is to be decided. Due to the usual faint but audible noise and vibration emissions from mechanical plant rooms, I request that this is not located on or near the Rockwall Lane area or Bethania new building.


Consultation process

I may have received a letterbox drop flyer from St Vincent's College early this year – but I've had a close family relative in and out of hospital for most of this year and may have overlooked it. I don't recall having received the subsequent 'we missed you' drop nor the in-person meeting or virtual link to the consultation workshop however am glad to participate in this City of Sydney part of the process.

An increase in student population is not part of this DA

This statement only means that this DA does not include increased students as a possibility, not that it is yet to be (formally) planned.

- Given the estimated cost of this proposed building project is just under \$43.5M can St Vincent's College advise how this construction project is being funded?
- School funding in the NSW public education sector is tied to enrolment numbers – what guarantee do the residents have that the school will not increase its student population in a bid to obtain a Return on Investment? Part of the DA includes refurbishment of the existing boarding facilities on campus but includes no specific details.
- Has the school investigated potential partnership opportunities, for example partnering with St Mary's Cathedral School for music lessons?

With thanks – 



From: [REDACTED] <[REDACTED]> on behalf of [REDACTED]
<[REDACTED]> <Robin Chadwick <[REDACTED]>

Sent on: Thursday, November 2, 2023 1:13:39 PM

To: council@[REDACTED]

Subject: D/2023/878 - Objection, 1 Challis Avenue Potts Point 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Ms Gordon and City of Sydney Council

My name is [REDACTED] I am objecting to D/2023/878 - please make sure my name, address and email address are not published on your website.

I own an apartment in the City of Sydney (St Margarets), and was a long-term resident of the area until recently. I have been looking to buy a property in Potts Point (around Challis Avenue in particular). If approved, this DA would convince me to look elsewhere.

I object to the DA for these reasons:

- The monolithic proposed new building is going to reduce daylight enjoyed by surrounding properties, reduce privacy, increase noise (music rooms being built near residences!!), and obstruct iconic views. How can I be confident to invest in the area if the council allowed residents to suffer these effects? If the council accepts this DA, it would create a dangerous precedent for other overbuilding to be allowed in the area.
- The proposed ugly modern black-clad building will devalue the special architecture of the area with its light coloured stone period buildings.
- The area is one of the greenest in the City of Sydney, the large plant life offers calm and is part of the DNA of the area most valued by the community. Allowing a large area of well established trees to be removed for the sake of a noisy, monolithic ugly structure would be utterly unreasonable and surely a breach of all that planning regulations are intended to protect. Climate change is accelerating and surely the council does not want to accelerate the negative impacts of climate change by allowing the destruction of a large green area!
- St Vincent's states that student numbers will not increase. And there doesn't appear to be any access to anything at St Vincent's for the community. So this proposal has no positives at all for the community and only negatives - harming the environment, increasing noise, reducing light, privacy and iconic views of residents.

I suspect residents will strongly contest this and likely fight any decision to approve this ridiculous DA via all possible legal channels.

Yours faithfully,

[REDACTED]

From: [REDACTED] <[REDACTED]> on behalf of [REDACTED]
<[REDACTED]> <Sean Simpson <[REDACTED]>

Sent on: Wednesday, November 1, 2023 1:00:59 PM

To: council@[REDACTED]

Subject: Objection to D/2023/878, 1 Challis Avenue Potts Point 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Ms Gordon

My name is [REDACTED] I would like my name, address and email to be kept private and not shown on your website. .

As a very local resident to St Vincents, I spend a lot of time every week in the Challis Avenue/Macleay St area. What makes the area so great for the community is its heritage, architecture and trees.

I strongly object to the application for several reasons.

First, the school is proposing to remove many well established trees, removing the largest outdoor space that the school has. That is not only terrible for the students but for me and the community - it's 2023, the climate crisis is here, we absolutely need to preserve all well established trees and green spaces.

Second, the proposal is to build a massive, ugly new building in black cladding. If anything is going to be built it should be much smaller and built in light brown coloured stone, so that it fits with the surrounding architecture of both the school and the houses next to it. The proposed building is an eyesore.

Third, allowing construction of this scale with trucks going down the cafe lined streets of this already built-up area would be terrible for the community. No one, including myself, would want to frequent businesses during what I am sure will be a lengthy construction period. These businesses will suffer, many will go bankrupt. The council should be opposing this application and instead supporting local businesses.

Fourth, I read that the school believes this construction is good for the community. But the new buildings and facilities don't look to be open to the community? I see nothing where the school is offering the community access outside school hours to tennis courts, gym etc (which I note that other private schools provide).

The local community will only suffer as a result of this development, there is nothing positive about it for the community.

Yours sincerely,
[REDACTED]

From: Sharen Turner <[REDACTED]> on behalf of Sharen Turner

<[REDACTED]> <Sharen Turner <[REDACTED]>

Sent on: Wednesday, November 1, 2023 3:16:06 PM

To: dasubmissions@[REDACTED]

Subject: Response to D/2023/878

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hello,

Please find below my concerns about the development proposal for St Vincents school in Potts point.

In its current form I do not agree with the design proposal for the additions and alterations.

I am concerned about an additional entrance on Challis Avenue and that it will encourage parents to drop their children off in this street, with a single lane each direction this would create traffic issues.

I find the overall height of the structure to be overbearing and imposing on the neighbourhood streets. Not only would the Challis Avenue side have basically another 3 story building in this space, but residents on rockwell lane and other properties looking out that way will either loose some or all of their views. Some residents will now have a large imposing wall where before they were able to see trees and views and the negative impact on property values due to the loss of this view is unnacetable. I think that the height of the structure, and the top story basketball court and fencing need to be looked at so that the additions or alterations are more sympatehtic to the neighbourhood and do not resemble an imposing monolith.

Kind Regards,

Sharen Turner

From: [REDACTED] on behalf of [REDACTED] <[REDACTED]>

Sent on: Wednesday, November 1, 2023 1:03:39 PM

To: dasubmissions@[REDACTED]

Subject: RE: OBJECTION TO DEVELOPMENT APPLICATION DA/2023/878 PROPERTY: 1 CHALLIS AVENUE, POTTS POINT AND 1 TUSCULUM STREET, POTTS POINT

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear General Manager

We are the owners of the property at 71 Macleay st , Potts Point.

We have had an opportunity to review the development proposed by St Vincent's school.

We have had an opportunity to speak to many neighbours whom object to this proposal and will be putting in objections.

We have also spoken to the owner's representative of the property at 21-23 Challis Avenue, Potts Point and have seen a submission prepared by their solicitor Boskovitz Lawyers.

We strongly object to the proposed development of the school. It will add immeasurable further demands on the streets of Potts Point and public infrastructure, will impact upon the well protected heritage of the area.

In this regard we strongly support the submissions of Boskovitz Lawyers and ask that you consider our objection as mirroring all of the concerns that their letter of 1 November 2023 raises.

We would invite you to meet with all of the affected landowners, residents, tenants and shopkeepers to understand their concerns and strong objections.

Regards,

Spiro Magiros
Director
Darton Holdings P/L

M: [REDACTED]

From: Suzanne Cole <[REDACTED]> on behalf of Suzanne Cole
<[REDACTED]> <Suzanne Cole <[REDACTED]>

Sent on: Thursday, November 2, 2023 4:29:03 PM

To: dasubmissions@[REDACTED]

Subject: DA: D/2023/878 - 1 Challis Avenue, Potts Point 2011

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Attention: Ms Gordon

Proposed Development Application D/2023/878 - 1 Challis Avenue, Potts Point 2011
1 Tusculum Street, Potts Point (The Proposed Development)

We, Suzanne Cole and Antonino Cargnelutti, are the owners/residents of 2/14 Rockwall Crescent, Potts Point. We have lived here for 23 years and have had no desire nor intentions to leave. However, we are now facing a situation where the impact of this development would result in our life in our home being so adversely changed, that we feel will result in the need to move from our home.

Under the current proposed plans we would suffer partial and full loss of views including:

- * Views of the harbour, the Harbour Bridge, the Opera House, the water at Garden Island and to the Finger Wharf.

Also, although this has not been made clear, the green space of the Domain towards Government House.

Most importantly in terms of impact on our amenity in our home:

- * Loss of privacy
- * Loss of light
- * Increased noise impact

The development in its current form would result in:

- * Unacceptable intensification of use exceeding site capacity
- * Loss of open and green space with mature trees in an area that as we know green space is precious.

A formal objection to this development proposal has been submitted on our behalf by our representative and Architect Bill Tulloch.

This objection covers the 4 strata properties in numbers 12 and 14 Rockwall Crescent, Potts Point. Strata Plan 21615, Lots 3,4,5,6.

Mr. Tulloch has pointed out the areas of concern, and most importantly, outlined points of failure in process and adherence to planning, construction and environmental laws/legislation. We of course trust that the Council will investigate all these issues.

We also, and importantly, trust that the Council will respond to his request that the school erect sight poles to clearly and unambiguously show the positions of buildings and sight line impacts on our homes and those of our neighbours.

The school conducted two "community" meetings, the second via Zoom, where unfortunately they selectively and very quickly displayed plans that could not be interpreted on a distant screen, models as we requested were never provided. Our questions and concerns were not, in our opinion, treated with genuine respect and seriousness.

From the start our homes were not included/represented as they should have been on drawings.

We all agreed to providing access for surveyors and associated photography, however, again we fear we were not treated in a professional and respectful manner as images were used selectively and at times incorrectly in the development application.

While we joined the meetings and allowed the photography in good faith we can't help but feel we were in fact simply allowing "box ticking" on community inclusion and consultation.

As we know other neighbours have requested, we ask that the Council conduct an on-site inspection of our homes.

We believe this together with sight poles will make our formal and individual objections very clear, and result in increased recognition of the need for imposing realistic conditions on St. Vincent's school to reduce the impact of the development on our homes and the community.

In addition to the clear and many impacts on our lives and home, we have a great sadness that the proposed development would obliterate the distant sight of the rear of this row of historic and beautiful five level terraces. Time and change (and in some ways progress) has left too few visual statements linking us to the past, and our row of terraces can be seen from the Harbour Bridge, the eastern side of the Opera House, the Harbour and the northern side of the Harbour, as well as closer points in the area. With this development this image will be no more, which is a sad loss of Sydney's early history.

With kind regards,
Suzanne Cole and Antonino Cargnelutti

Sent from my iPad
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From: Josh Dunne [redacted] on behalf of Josh Dunne [redacted] Josh Dunne

Sent on: Monday, November 6, 2023 9:51:51 AM

To: dasubmissions@cityofsydney.nsw.gov [redacted]

Subject: 1 Challis Ave Potts Point

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear General Manager

RE: OBJECTION TO DEVELOPMENT APPLICATION DA/2023/878

PROPERTY: 1 CHALLIS AVENUE, POTTS POINT AND 1 TUSCULUM STREET, POTTS POINT

I am the tenant of the property at 71a Macleay St, Potts Point.

I have had an opportunity to review the development proposed by St Vincent's school.

I have had an opportunity to speak to many neighbours whom object to this proposal and will be putting in objections.

I have also spoke to the owner's representative of the property at 21-23 Challis Avenue, Potts Point and have seen a submission prepared by their solicitor Boskovitz Lawyers.

I strongly object to the proposed development of the school. It will add immeasurable further demands on the streets of Potts Point and public infrastructure, and will impact upon the well protected heritage of the area.

In this regard we strongly support the submissions of Boskovitz Lawyers and ask that you consider our objection as mirroring all of the concerns that their letter of 1 November 2023 raises.

We/I would invite you to meet with all of the affected landowners, residents, tenants and shopkeepers to understand their concerns and strong objections.

Regards

Josh Dunne

Enoteca Ponti/Bistro Rex



From: Rebecca Gordon <RGordon@cityofsydney.nsw.gov [REDACTED]> on behalf of Rebecca Gordon <RGordon@cityofsydney.nsw.gov [REDACTED]> <Rebecca Gordon <RGordon@cityofsydney.nsw.gov [REDACTED]>>
Sent on: Thursday, November 9, 2023 1:02:36 PM
To: DAsubmissions <DAsubmissions@cityofsydney.nsw.gov [REDACTED]>
Subject: FW: *OBJECTION TO 2153 PROPOSED DEVELOPMENT AT 1 CHALLIS AVENUE, POTTS POINT & 1 TUSCULUM STREET, POTTS POINT DA/2023/878
Attachments: 2153.07.01.R1 Objection Letter V02R04 231101 ef.pdf (960.41 KB)

Attention: DA submissions

Please register the submission to D/2023/878

Kind regards

Rebecca

Rebecca Gordon
Senior Planner
Planning Assessments



Telephone: [+612 9288 5842](tel:+61292885842)
cityofsydney.nsw.gov.au



The City of Sydney acknowledges the Gadigal of the Eora Nation as the Traditional Custodians of our local area.

From: Clover Moore <cmoore@cityofsydney.nsw.gov [REDACTED]>
Sent: Wednesday, November 8, 2023 4:42 PM
To: OLM Reception Mailbox <OLMReceptionMailbox@cityofsydney.nsw.gov [REDACTED]>
Subject: FW: *OBJECTION TO 2153 PROPOSED DEVELOPMENT AT 1 CHALLIS AVENUE, POTTS POINT & 1 TUSCULUM STREET, POTTS POINT DA/2023/878

From: Peter Magiros [REDACTED]
Sent: Wednesday, November 8, 2023 4:38 PM
To: Clover Moore <cmoore@cityofsydney.nsw.gov [REDACTED]>
Subject: *OBJECTION TO 2153 PROPOSED DEVELOPMENT AT 1 CHALLIS AVENUE, POTTS POINT & 1 TUSCULUM STREET, POTTS POINT DA/2023/878

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Lord Mayor Clover Moore,

We hope this email finds you well.

My family and I are owners of various property in the Potts Point Heritage Conservation Area including the heritage listed 21-23 Challis Avenue, Potts Point and 71 Macleay Street Potts Point.

Firstly I wish to acknowledge the original owners of the land, the Gadigal of the Eora Nation.

My family and I are proud of our history in the City (both before and after amalgamation). We have respected the heritage of property held by us and take care to maintain and cherish it for now and into the future.

I write to inform you of a significant development at St Vincent's School Potts Point which will have a significant impact on the neighbourhood as well as a prominent heritage item. To assist your understanding of the impacts I attach a copy of an objection prepared for the family by our long time solicitor Anthony Boskovitz as well as a letter by pre-eminent heritage architect and consultant Ms Jennifer Hill.

My family and I are very concerned about the proposal which seeks to substantially intensify the school grounds by adding substantial built form across the site including a huge building behind the existing heritage listed building.

Our family's solicitor has outlined our personal concerns, but I draw your attention to Ms Hill's report which raises considerable concerns about the impact of the proposed building form on the character of the heritage area and the heritage listed buildings.

I also wish to point out that the school proposes to invest a purported \$43million into the site without any design contest which would ordinarily be required but for the SEPP in place. I think that they have understated the value of the build to avoid the need for a design concept which I think is essential.

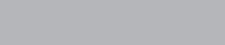
Additionally, we have not seen any social impact assessment, a plan of management or anything to outline how the operation of the school will change. I think that this level of investment will lead to a substantially different use of the school, but this remains a mystery to all because the school is not providing the community with any detail.

We seek your assistance to temper this project and to ensure that it is required to be considered in the normal way a development of this scale would ordinary require. I think that just because they are a school, it should not mean that they can give little detail to tick boxes without adequate scrutiny.

I thank you for your consideration.

Regards,

Peter Magiros

m: 

2153/JH:ef
01 November 2023

Chief Executive Officer
City of Sydney
456 Kent Street
Sydney NSW 2000

2153 – PROPOSED DEVELOPMENT AT 1 CHALLIS AVENUE, POTTS POINT & 1 TUSCULUM STREET, POTTS POINT – DA/2023/878.

Architectural Projects were commissioned by Hotel Challis at 21-23 Challis Avenue, Potts Point to assess the Heritage Impact of the proposal related to DA/2023/878 . Hotel Challis is located directly to the east of the Portion of the subject site.

The Development Application by St Vincent’s College relates to the site of 1 Challis Avenue, Potts Point and 1 Tusculum Street, Potts Point.

HERITAGE SENSITIVITY

The site is listed as a Heritage Item in Sydney LEP 2012.

Two LEP listings apply to the College, St Vincent’s Convent Group and former Bethania and Carmelita, Items I1121 and I1122 respectively.

The site lies within the Potts Point Heritage Conservation Area.

Potts Point Heritage Conservation Area specifically mentions the importance of landscaping at rear of school and the need to reinforce this. (refer attached)

Heritage Items and Conservation Areas within the vicinity include:

- Sydney Harbour Naval Precinct, including Garden Island (I1116);
- 2 and 4 Challis Avenue – Terrace group “Korein” and “Maroura” (I1123);
- 2A Challis Avenue - Flat building “Camelot Hall” (I1124);
- 8 Challis Avenue – Terrace house “Belgravia” (I1125);
- 21-23 Challis Avenue – Terrace group “Byrock” and “Uralla”(I1126);
- 25-27 Challis Avenue – Terrace group “Highclere” and “Romney Hall”(I1127);
- 29 Challis Avenue – Terrace house “Saraville”(I1128);
- 55 MacLeay Street – Terrace house “Santa Fe”(I1139);
- 57-59 MacLeay Street – Former artists’ studio “The Yellow House”(I1140);
- McElhone Stairs (I1148);
- 2-4 Rockwall Crescent – Terrace group (I1152);
- 5 Rockwall Crescent – House “Rockwall” (I1153);
- 6-16 Rockwall Crescent – Terrace group “Brunswick Terrace”(6–14 Rockwall Crescent) (I1154);
- 10-20 Rockwall Crescent – Terrace group “Pamela Terrace”(16-20 Rockwall Crescent) (I1155);
- 46-52 Victoria Street – Terrace group (I1164);

- 55-69 Victoria Street – Terrace house (55 Victoria Street) (I1165);
- 55-69 Victoria Street – Terrace group (57-59 Victoria Street) (I1166);
- 55-69 Victoria Street – Terrace group “Hortonbridge Terrace”(61–69 Victoria Street) (I1167);
- 75-99 Victoria Street – Terrace house “Edina”(75 Victoria Street) (I1168);
- 75-99 Victoria Street – Terrace house “Hordern House” (77–79 Victoria Street) (I1169);
- 75-99 Victoria Street – Terrace house (81 Victoria Street) (I1170);
- 75-99 Victoria Street – Terrace group (83-85 Victoria Street) (I1171);
- 75-99 Victoria Street – Terrace house (97-99 Victoria Street) (I1172); and
- 80-102 Victoria Street – Terrace group (I1173).

SIGNIFICANCE

The Potts Point Heritage Conservation Area is highly significant.

The following statement of significance is taken from the State Heritage Inventory listing sheet for the Potts Point Heritage Conservation Area:

The Potts Point Conservation Area provides evidence of the subdivision of the early land grants and the consolidation of development in Potts Point during the nineteenth and twentieth centuries, reflecting the evolution of the locality from a district of substantial nineteenth century villas, to one characterised by terraces of late nineteenth and early twentieth century interspersed with early to mid-twentieth century apartment housing and several surviving grand houses. Together with adjoining Elizabeth Bay and Rushcutters Bay, nowhere else in Australia were apartments built to this height or level of density. This creates streetscapes of strong urban form and Victorian, Federation and Inter - war character.

The area provides building types which represents the last 150 years of development and coexist in a harmonious way. Despite the intrusive nature of later high rise towers, whose impact is disproportionate to their proportion of built area, the area provides a highly cohesive character although the towers visually dominate the background of low scale streetscapes.

The commercial strip along Darlinghurst Road, together with Fitzroy Gardens and the El Alamein Fountain, provide a continuing civic and visual focus for the area.

The site and building are highly significant.

The following statement of significance is taken from the State Heritage Inventory listing sheet for St Vincent’s Convent Group including buildings and their interiors and grounds:

St Vincent’s College is of historic significance for its long association with the historical development of Potts Point and with Tarmons, one of the earliest residences, and with the Sisters of Charity, the founding order of the school.

There are early historical associations with Sir Maurice O’Connell and Sir Charles Nicholson the first and second owners of the original Tarmons House.

The site is associated with a number of architects of note. The 1886 building was designed by prominent architects Sheering and Hennessey. The 1863 building was possibly designed by

Government Architect Mortimer Lewis. The Chapel was transposed to Gothic details by Sydney architect Arthur Polin. The 1938 College Building was designed by Clement Glancy Senior, an architect who designed a number of institutional buildings for the Catholic Church.

The Victoria street frontage of the buildings on the site have high aesthetic significance and landmark qualities, in particular the main 1866 building, smaller 1886 building on the southern and the 1938 building.

The main 1886 Victorian Gothic style building and the Small School Hall in the same style, and the 1901 Federation Gothic Revival Style red brick and sandstone building have high significance for their architecture.

Bethania (now Garcia) on Challis Avenue has high aesthetic significance as a terrace group of building built in 1910 transitional from the Victorian Italianate architecture to the front façade to the Art Nouveau Interiors.

The 1938 building has medium significance for its inter-war architecture which references the Gothic Revival style of the 1886 school building and interpreted this style through modernist architectural influences.

St Vincent's College has strong associations with students and their families, staff, and the Sisters of Charity and with numerous significant events over the years in its operation as a school. St Vincent's School has strong association with the Sisters of Charity and with educational philosophy associated with the order which contributes to the contemporary esteem held by the college.

St Vincent's College, its site and fabric as an institution is important in demonstrating the development of the school founded by the Sisters of Charity that had its origins in 1853 and that has been operating as St Vincent's College since 1882.

DESCRIPTION

The main northern elevation of Garcia Building faces Challis Avenue. The building appears as rows of grand white three storey terrace dwellings of the Federation Free Classical style with rendered stucco finish.

There is an open space that links Challis Avenue to the internal courtyard and including 2 trees of high significance, brush box and liquid amber, 3 trees of moderate significance, and 2 frangipanis.

The Statement of Heritage Impacts (SOHi) prepared by Vivian Sioutas include the following key points regarding the history of the site.

The Sisters of Charity have a long association with this site at Potts Point, having purchased the Tarmons Estate in 1856.

The current subdivision pattern along Challis Avenue was formed from the subdivision of two larger estates or original land grants to Dr HG Douglas and John Busby. .

Garcia building (formerly known as Bethania and Carmelita) were completed in 1910

Only minor changes have been made to the buildings since their construction. These changes include refurbishment of bathroom areas, enclosure of fire stairs, demolition of rear wings, changes to room division.

Demolition of 3-storey rear wings is not considered a minor change and there is huge scope to interpret the form of these rear wings in any new development.

The heritage impact statement report notes:

The proposed new building on the corner of Challis Avenue and Victoria Street will have minimal impact on the Potts Point Conservation area.

With respects to the Potts Point Heritage Conservation Area, the (new) Bethania Building is considered to have a negligible impact as it replaces the rear wings with a new building of similar bulk, scale and form and is sufficiently setback. The multi-purpose and sporting facility will also have a minimal impact on the Potts Point Heritage Conservation Area as it will not significantly affect views, retains the sandstone wall that defines the corner and contributes to the character of the area and will be sunken and recessed to reduce the expansiveness perceived from the street.

Sandstone boundary wall

The existing sandstone boundary wall will be replaced like for like for the base of the new building. Sandstone will be sourced to match and will be sized, finished and fixed to match the existing wall.

The new building is not of similar bulk, scale, form and setback.

The footprint of the original building provided a minimum setback of 3m, which should guide any new development in terms of impact to retain a garden buffer to adjacent heritage item, scope exists to interpret the footprint of the original building which will enhance its interpretation.

The sandstone wall that defines the corner and contributes to the character of the area is not retained but rebuilt.

IMPACT ASSESSMENT

A review DA/2023/878 submitted to City of Sydney Council raises the following key issues:

1. Loss of Landscape setting
2. Bulk and Scale of the new Bethania building
3. Lack of adequate setback
4. The lack of contextual fit
5. Building Height non-compliance

1. Loss of Landscape setting

The proposed Bethania building will be located in an area which currently has substantial planting and landscape setting to the large extent of development within the grounds of the school. Substantial planting to the perimeter is removed which impacts on the adjacent heritage items and heritage conservation area. The loss of all mature landscaping and the retention of an area of deep soil which is not compatible with the provision of any reasonable landscaping is not considered appropriate. There is no significance grading of trees that are proposed to be removed in the Heritage Impact Statement.

Trees of high significance, brush box and liquid amber, 3 trees of moderate significance, and 2 frangipanis are removed.

The development results in a loss of mature tree canopy on the Eastern side of the block which is an important element in the visual softening of the site and restricts visibility to the internal landscape courtyard of the school.

2. Bulk and Scale of the new Bethania Building

The proposed new Bethania building has the appearance of a five (5) storey and reduces the setback off both boundaries and is visible to the HCA from Rockwell Lane and within the site of St Vincent's college.

The new sports facility is a much larger building and its form and scale of the development as viewed from Challis Ave and Rockwell Place is not consistent with the requirements for the site or for the heritage conservation area which is known as the Potts Point/Elizabeth Bay Heritage Conservation Area. The expansion of the site of the sports facility results in removal of 2 trees of high significance, and 3 trees of moderate significance.

3. Lack of adequate setback

The lack of setback associated with the new building form is not consistent with the setbacks of the original rear wing. The setback to the reconstructed wall fails to reinforce the masonry character of the corner sandstone boundary wall.

4. The lack of contextual fit

While the building sits below the height plane there is still a significant increase in mass and the articulation of the sports facility results in a building of commercial appearance with an overly strong horizontal proportion which is not compatible with the character of the HCA.

The reference to the 1970's school block on the site with overly strong horizontal is the wrong reference for the new building. The 1970's building provide a contemporary masonry façade that related to other significant buildings on site. The current building does not provide contemporary masonry façade.

5. Building Height non compliance

The relevant maps identify the maximum number of storeys as 4.

We do not consider that the Bethania Building complies with the 4 storey control.

The provisions of 4.2.1.1 which state:

(2) The maximum may only be achieved where it can be demonstrated that the

proposed development:

- (a) reinforces the neighbourhood character;*
- (b) is consistent with the scale and form of surrounding buildings in heritage conservation areas; and*
- (c) does not detract from the character and significance of the existing building.*

The internal void level makes the building appear as a 5 storey building except for its with a small setback to the East boundary in part and set down to the Southern built form is only 4 storeys. The floor to floor heights of the new addition can be substantially reduced. The appropriate scale is the original building.

6. Setbacks non compliance

The objectives of this clause 4.2.2 of the SDCP states:

- (a) Ensure development:*
 - (i) is generally consistent with existing, adjacent patterns of building setbacks on the street; and*
 - (ii) maintains the setting of heritage items and is consistent with building Setbacks in heritage conservation areas.*
- (b) Establish the street frontage setback of the upper levels of residential flat buildings, and commercial and retail buildings.*
- (c) Encourage new building setbacks where appropriate to reinforce the areas desired future character.*

The development provides for, in the most part, a nil setback to the shared boundary with 21 Challis Avenue which is not consistent with existing, adjacent patterns of building setbacks on the street; or maintains the setting of heritage items.

The SEE prepared by Ethos notes:

The proposed building envelope has undergone significant design development through multiple iterations in order to present a more skilful design, with collaborative advice from Ethos Urban.

The proposal includes:

- Additional setback from the Rockwall Lane boundary to the top floor of the Bethania Building*
- The multipurpose facility is lowered into the site, well below the LEP maximum height, inclusive of the rooftop sports court netting*
- When viewed from the Rockwall Crescent properties, the Bethania Building volume is generally constrained to be within the extent of the existing Garcia Building, which currently occludes views from to iconic elements.*

CONCLUSION

While the significant design development may have improved the appearance of the proposal. It still falls far short of what would be considered an appropriate development in a highly sensitive HCA. There is no dialogue with the character of the site. The setback to stone wall fails to reinforce the corner and the masonry character of the façade.

The grid of sports facility relates to the 1970s building and not the more significant buildings on the site.

As such the proposal does not conserve the heritage significance of the heritage item or the heritage significance of the heritage conservation area.

The proposal does not appropriately respond to the character of the site or the heritage conservation area.

Designer **Builder/Maker**

Sodersten, Joseland & Gilling,
Magoffin, Dellit, Crick & Furse,
Ward,Hamilton, Halligan &
Wilton etc

Various

Physical Description**Updated**

The Conservation Area adjoins Garden Island Naval Depot to the north. The boundary follows roughly the rear of properties that front the western side of Victoria Street whilst Kings Cross Road forms its southern boundary. Ward Avenue and the rear of properties fronting Macleay Street are along its eastern boundary.

The area slopes north along Victoria Street and Macleay Street which is the highest point. The area has a dense urban character. Around Victoria Street and Tusculum Street the scale is predominantly three storey Victorian Terraces. Around Rockwall Crescent, Manning Street and Onslow Place high early twentieth century apartments cluster around the original villas, Rockwall and Tusculum, on subdivided allotments.

There are some fine examples of grand terraces particularly in Challis Avenue and parts of Victoria Street and Rockwell Crescent.

Macleay Street provides a mixture of ten storey high-rise early twentieth apartment and late nineteenth three storey residential and commercial. Significant 20th century apartment blocks in the street include 4 Macleay Street, Macleay Regis at Nos 10-12, Seldson at No 16, 20 Macleay Street, Manar at Nos 40A-42, Kingsclere at No 48, Werrington at No 85, Byron Hall at Nos 97-99 and Cahors at 117 Macleay Street.

The north-western side of Wylde Street, which falls within the conservation area, is a continuation of Macleay Street and is characterised by a number of 20th century residential flats, mainly 2-3 storeys with the exception being the post-war International Style building at No 17, and a number of grand villas including Bomera at No 1 and Tarana at No 1A.

There are also several high-quality post-war apartment developments that represent an important later phase of development including Gemini by Harry Seidler and the former Sheraton Hotel at 40 Macleay Street.

Darlinghurst Road forms part of a "bright light" entertainment and commercial strip, featuring various forms of commercial and retail enterprises along with cafes, take away food shops, gaming venues, bars, hotels and adult entertainment venues. The built form is predominantly 3-4 storey commercial with some residential.

Important institutional sites include the St Vincent's School Group in Victoria Street, which includes a Victorian Gothic style chapel, and the Wayside Chapel.

There are patches of open space provided at Springfield Gardens at the northern end of Springfield Avenue, Arthur McElhone Reserve in front of Elizabeth Bay House and Fitzroy Gardens.

STREET RATINGS

Darlinghurst Road: Predominantly 3-4 storey commercial / residential development of mixed character. Strong street alignment and continuous awning. Detracting shopfronts. Rating B

Macleay Street: Predominantly turn of the century and Inter-war residential development, symmetrical masonry construction, intact foyers. Fine street planting. Detracting shops. Rating A.

Wylde Street (north-western side): Predominantly 2-3 storeys inter-war flats, the post-war international style flats at No 17 and some early villas, Bomera and Tarana. Rating A

Victoria Street: Predominantly low scale Victorian residential development, grand villas, 2-storey. Detracting high rise hotel development at south end, detracting development at 117 (render), 113 (screen), 107, 95, 71, 40, additions to St. Vincent's. Views to city at low end. Fine street planting. Rating A

McDonald Street: 3-4 storey Victorian terraces and post WW II flats. Central street planting. Detracting unit development. Rating A

St. Neot Avenue: Variety of styles, open view to rear, private plantings give leafy character. Detracting No.13. Rating A

Grantham Street: Rear lane character, garages. Rating B

Challis Avenue: Victorian terraces and inter-war flats, street tree planting, **landscape** rear of school. Detracting development at No. 2 (render). Central street planting. Rating A

Rockwall Crescent: Detracting large scale contemporary development surrounding 'Rockwall', 3 storey Victorian terraces. Master Plan for St. Vincent's required. Tree planting recommended around Rockwall. Central street planting. Rating A/B

POLICY RECOMMENDATIONS

1. Protection of Significance

(a) Subdivision

- Retain Victorian subdivision
- Do not allow amalgamation of sites

(b) Key Period Significant (Contributory) Development:

- Retain 1-2 Storey Victorian terraces
- Retain Victorian / Federation / Inter-war Public Buildings
- Retain Victorian-Federation Commercial development.
- Retain Inter-war apartment buildings
- Retain Post-war-1975 apartment buildings identified as Contributory
- Retain Scale
- Maintain building alignment
- Retain form
- Retain finishes and details particularly face brick and now rare slate roofing
- Reinstate verandahs, front fences, lost detail
- Protect intact rear lane
- Additions to rear of low scale building not to exceed ridge height and retain original roof form
- Discourage front dormers to terrace

2. Redevelopment of Non-Contributory Sites

- For post-war (1945-1960) and late-twentieth century (1960-) buildings, investigate and consider potential individual architectural significance when planning major external change
- Encourage reinterpretation of earlier Subdivision on amalgamated sites by facade treatment
- Retain small scale of development in low scale areas
- Respect scale and form of significant development
- Respect building line of significant development
- Encourage rendered and painted finishes. Face brick finishes need to be carefully selected and detailed.
- Encourage contemporary detail
- Limit car parking access from street
- Do not allow car parking forward of building line
- Do not allow additions forward of building line
- Rationalise existing additions forward of building line

3. Enhance Significance of Area

- Reinforce the existing landscaped character
- Provide landscape screening to detracting sites

4. FSR and Height Controls

Controls to reflect desired future character of area.

- Revise height controls to reflect 3-storey scale of significant development to terrace area.
- Revise FSR controls to encourage retention of significant development patterns of high-rise adjacent to low rise dwelling. As the area is already densely populated revise FSR to restrict further development

5. Other Recommendations:

- Investigate for possible heritage listing:
Francis Hall, 16 Kings Cross Rd, 8 storey, Federation period flats
- Provide detail height and topography analysis and assessment of view sheds. Identify sites with potential for redevelopment to address their detracting nature by a FSR bonus.
- Contributory buildings should be retained and conserved. A Heritage Assessment and Heritage Impact Statement should be prepared for contributory buildings prior to any major works being undertaken. There shall be no vertical additions to such buildings and no alterations to the façade of the building other than to reinstate original features. Any additions and alterations should be confined to the rear in areas of less significance, should not be visibly prominent and shall be in accordance with the relevant planning controls.
- Neutral and detracting buildings should where possible be enhanced. Where not of individual architectural significance as a potential heritage item, replacement of such buildings should be of sympathetic scale and character and in accordance with the infill provisions of the relevant planning controls.

From: Kerry Ford <kerryford@gmail.com> on behalf of Kerry Ford <kerryford@gmail.com> <Kerry Ford <kerryford@gmail.com>>

Sent on: Sunday, June 30, 2024 4:59:02 PM

To: council@cityofsydney.nsw.gov.au

Subject: Feedback on Development Application - reference D/2023/878

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Dear Sir/ Madam,

Thank you for the opportunity to provide views on this proposal.

We are the owners of Apartment 202, Rockwall Gardens, Tusculum Street which adjoins the eastern border of St Vincent's College.

We would like our names and apartment details to be treated as confidential.

Having reviewed the amended architectural plans, we wish to express our concerns/ objection about the new lift on the southern border of the Boarders residential courtyard.

It is not apparent from the plans of this new lift shaft exceeds the existing height of the roof profile. If it does, we object to the height increase which detrimentally impacts the western and only view from our apartment.

Please acknowledge receipt and advise the outcome of our objection.

Yours sincerely,
K G Ford and S M D Willcox
Owners Apartment 202 Rockwall Gardens

K G Ford phone number: 0452591938

From: Anthony Boskovitz <anthony@boskovitzlawyers.com> on behalf of Anthony Boskovitz <anthony@boskovitzlawyers.com> <Anthony Boskovitz <anthony@boskovitzlawyers.com>>
Sent on: Tuesday, December 19, 2023 9:47:22 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: RE: Coudounaris objection to DA/2023/878
Attachments: Surveyor Report.pdf (3.62 MB)

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Dear General Manager

We refer to our original submission dated 1 November 2023.

Please see attached a Survey Report prepared by Paul Byrne Surveyor which deals with the issue of the boundary wall proposed to be demolished as part of this application.

It is the view of our client and their surveyor that this is a party wall which straddles the boundary and is jointly owned. We reiterate our comments that the wall cannot be demolished without owners consent from our client and any approval to undertake said works would be unlawful and subject of an appeal by our client.

We have sought as best as we can to put Council on notice in this regard to ensure steps are taken to amend the design to retain the wall noting our client's firm opinion that the proposed development proximate to their property is a substantial overdevelopment of the Site.

Regards,

Anthony Boskovitz
Boskovitz Lawyers
Suite 110, 203-233 New South Head Road
EDGECLIFF NSW 2027
Tel: 8711-0944
Fax: 8711-0955
Mobile: 0414829953
Email: anthony@boskovitzlawyers.com
Website: www.boskovitzlawyers.com
<https://au.linkedin.com/in/anthony-boskovitz-1679154>



We have changed our contact details. All mail should be sent to PO Box 305, Edgecliff NSW 2027

Check out our new website www.boskovitzlawyers.com

Like us on Facebook
<https://www.facebook.com/boskovitzlawyersau/>

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From: Anthony Boskovitz
Sent: Wednesday, November 1, 2023 3:29 PM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Coudounaris objection to DA/2023/878

Dear General Manager

Please see attached letter of objection and supporting heritage objection.

Regards,

Anthony Boskovitz
Boskovitz Lawyers
Suite 110, 203-233 New South Head Road
EDGECLIFF NSW 2027
Tel: 8711-0944
Fax: 8711-0955
Mobile: 0414829953
Email: anthony@boskovitzlawyers.com
Website: www.boskovitzlawyers.com
<https://au.linkedin.com/in/anthony-boskovitz-1679154>



We have changed our contact details. All mail should be sent to PO Box 305, Edgecliff NSW 2027

Check out our new website www.boskovitzlawyers.com

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Byrne&Associates

Registered Surveyors

SURVEY REPORT

Nos. 21-23 CHALLIS AVENUE, POTTS POINT

Our Reference: 11251M ISSUE A
11 December, 2023

The Manager
Madeax Holdings
21-23 Challis Avenue,
POTTS POINT NSW 2011
Attention: Mr Spiros Magiros

Dear Mr Magiros,

RE: Nos. 21-23 CHALLIS AVENUE, POTTS POINT.

INSTRUCTIONS

Our firm has received instructions from your solicitor Mr. Anthony Boskovitz of Boskovitz Lawyers to carry out an investigation to the position of the wall that stands along part of the common boundary of Nos. 21-23 Challis Avenue (SITE) and part of St Vincent's College at Potts Point.

TITLE DESCRIPTION

- The SITE is described as being Lot 300 in Deposited 1169151. (Folio Identifier 300/1169151 copy attached).
- The second schedule of Folio Identifier 300/1168151 contains no notation in reference to any easement either benefitting or burdening the subject land.
- The part of the St Vincent's College that's boundary is common with the SITE is Lot 1 in DP935719. (Folio Identifier 1/935719 copy attached).
- The second schedule of Folio Identifier 1/935719 contains no notation in reference to any easement either benefitting or burdening the subject land.

BACKGROUND

- DP1169151 (copy attached) is a plan of survey registered in the offices of NSW Land Registry Services on the 4 June, 2015.
This plan was prepared as a Plan of Consolidation of Lots 1 and 2 in DP234886.
- DP234886 (copy attached) is a plan of survey registered in the then offices of the Land Titles Office on the 7 November 1967.
This plan was prepared as a Plan of Subdivision of Land in Certificate of Title Volume 2047 Folio 244 (copy attached) being Lot 5 & part Lot 6 in DP2438.
- The diagram on the face of Certificate of Title Volume 2047 Folio 244 is the only plan that I have been able to locate that indicates the position of boundaries of the land prior to its subdivision. It is the residue of land shown in DP935719 which accompanied Transfer No.558162 (copy attached).
This title was first registered in the offices of the then Land Titles Office on the 5 April, 1910.
- DP 935719 (prepared on 31 January 1910) is a plan that is referred to in Transfer No.558162 involving part of Lots 6 & 10 and Lots 7 to 9 in DP2438. Transfer No.558162 was registered in the offices of the then Land Titles Office on 23 March 1910.
- All Plans mentioned above are based on the Torrens Title System

The feature that is common in all the plans in relation to the common boundary of the SITE (Lot 300 in DP1169151) and the part of St Vincent's College (Lot 1 in DP935719) is the description that part of the common boundary is defined by the centre of a 0.355 metre wide brick party wall and the centre of a 0.23 metre wide brick party wall. Refer to Figure 1 below which is a copy of part of DP1169151.

COMMENTS

- From our discussions, as shown in figure 1, I have high lighted the section of the common boundary of Lot 300 in DP1169151 and Lot 1 in DP935719 that you are concerned with, that being the 0.23 metre wide brick party wall.
- This part of the common boundary is referred to as being the centre of a 0.23 wide brick party wall. This description, in my opinion would appear to have first been recorded on DP935719(prepared on 31 January, 1910) and referred to in Transfer No.558162 registered on the 23 March 1910. As such and from the photographs provided by you the 0.23 wide brick party wall would appear to be over 100yrs old.
- Cross Easement for Support over this party wall have not been recorded on either the title for the SITE (300/1169151) or the part of St Vincent's College that enjoys a common boundary with the SITE (1/935719).
- Under Section 181B of the Conveyancing Act 1919 (1 January 1931 and 31 July 1996) and Section 88BB of the Conveyancing Act 1919 (1 August, 1996) the description of a wall as a party wall on a plan leads to the creation of Cross Easements for Support.
- DP935719 (Transfer No.558612) was registered before the commencement of either Section 181B or Section 88BB of the Conveyancing Act 1919.
- The use of the term boundary is centre of 0.23 metres brick party wall in the area high lighted on figure 1 would appear to indicate that half of this wall (115 mm) stands within the boundaries of the SITE (300/1169151) and half (115mm) within the boundaries of the part of St Vincent's College that has a common boundary with the SITE (1/935719). Removal of any part of wall from one side of the common boundary in my opinion, may affect the support of the wall on the other side.

CONCLUSION

IN MY OPINION:

1. The wall that is of concern the 0.23 metre brick party wall would appear to be over 100yrs old.
2. The wall would appear to have been first recorded as being a 0.23 metre wide brick party wall with its centre being located along the line of the current common boundary between the SITE and part of St Vincent's College in DP935719 (prepared on 31 January, 1910) referred to in Transfer No.558162 registered on the 23 March 1910.
3. Cross Easements for support have not been recorded on either the title for the SITE (300/116915) or the part of St Vincent's College that has a common boundary with the SITE (1/935719) because the description of the wall along the common boundary as a "party wall" was first recorded on a Plan (DP935719 prepared on 31 January,1910) referred to in Transfer No.558162 which was registered prior to the commencement of either Section 181B of the Conveyancing Act 1919 (1January 1931 to 31 July 1996) or Section 88BB of the Conveyancing Act (1 August, 1996)
4. Half of the 0.23 wide brick party wall appears to belong to the SITE and half appears to belong to the part of St Vincent's College that enjoys a common boundary with the SITE.

5. Removal of any part of the wall from one side of the boundary may affect the support of the wall on the other side of the boundary.
6. It may be beneficial to both Lot owners (300/1169151 & 1/935719) to create Cross Easements for Support over the both the 0.23 metres wide brick party wall and the 0.355 metres wide brick party wall that stand as shown in DP1169151 centrally along part of the common boundary of Lot 300 in DP1169151 and Lot 1 in DP935719.



.....
Paul Barry Byrne
Registered Surveyor
Registration No.711

DP1169151

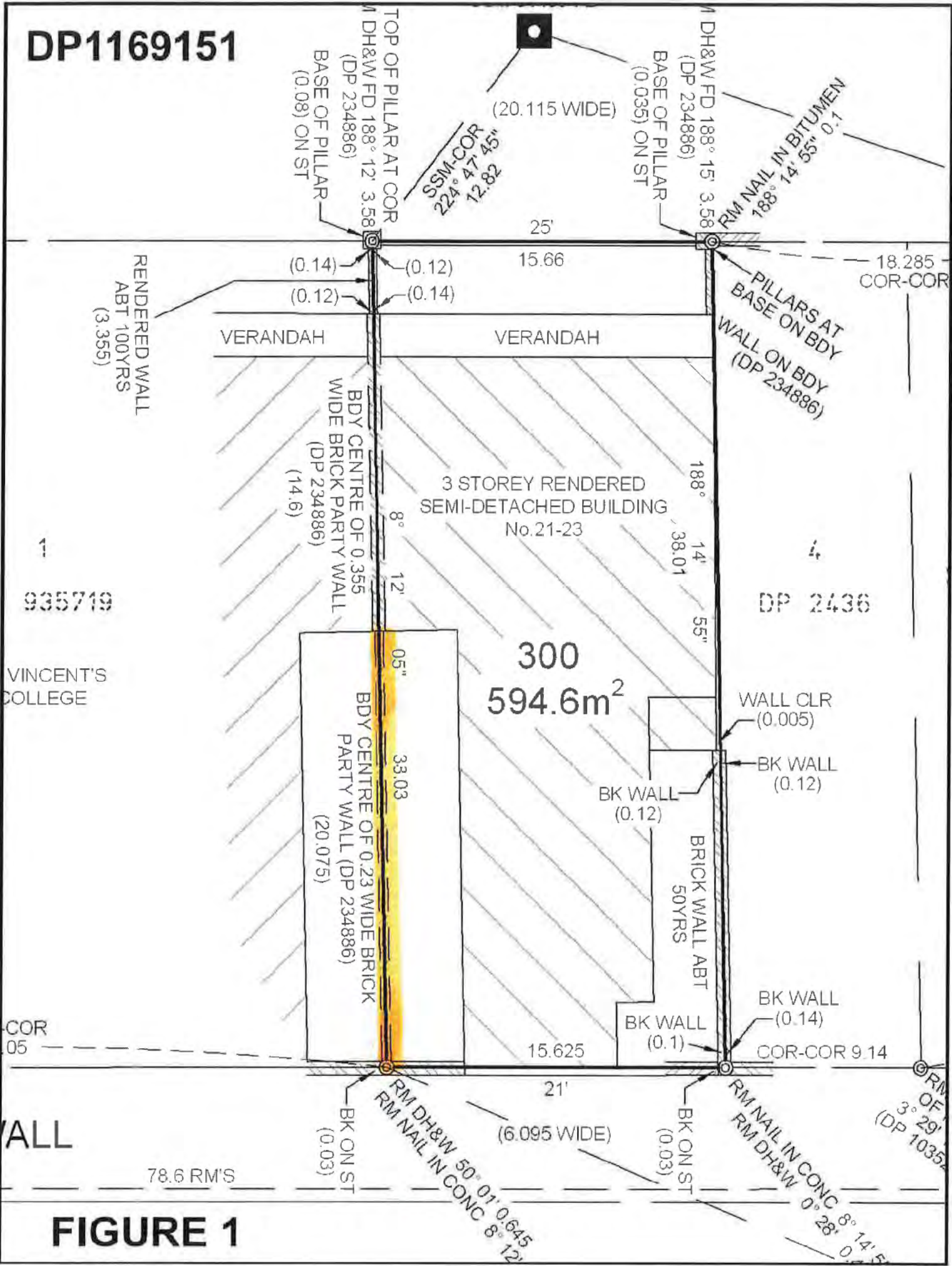


FIGURE 1

LIST OF ATTACHMENTS

- A** *Folio Identifier 300/1169151*
- B** *Folio Identifier 1/ 935719*
- C** *DP1169151*
- D** *DP234886*
- E** *Cancelled Certificate of Title Volume 2047 Folio 244*
- F** *Transfer No.558162*
- G** *DP935179*



ATTACHMENT A

FOLIO: 300/1169151

SEARCH DATE	TIME	EDITION NO	DATE
22/11/2023	11:19 AM	2	13/7/2022

LAND

LOT 300 IN DEPOSITED PLAN 1169151
 AT POTTS POINT
 LOCAL GOVERNMENT AREA SYDNEY
 PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
 TITLE DIAGRAM DP1169151

FIRST SCHEDULE

STELIOS COUDOUNARIS (AD AS300275)

SECOND SCHEDULE (1 NOTIFICATION)

1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.



ATTACHMENT B

FOLIO: 1/935719

SEARCH DATE	TIME	EDITION NO	DATE
22/11/2023	6:21 PM	4	9/8/2018

LAND

LOT 1 IN DEPOSITED PLAN 935719
LOCAL GOVERNMENT AREA SYDNEY
PARISH OF ALEXANDRIA COUNTY OF CUMBERLAND
TITLE DIAGRAM DP935719

FIRST SCHEDULE

MARY AIKENHEAD EDUCATION LIMITED (T AG173341)

SECOND SCHEDULE (3 NOTIFICATIONS)



- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 AG173343 MORTGAGE TO TRUSTEES OF THE SISTERS OF CHARITY OF AUSTRALIA (SEE AG173344)
- 3 AM988981 LEASE TO ST VINCENT'S COLLEGE LIMITED EXPIRES: 28/2/2037. OPTION OF RENEWAL: 20 YEARS.

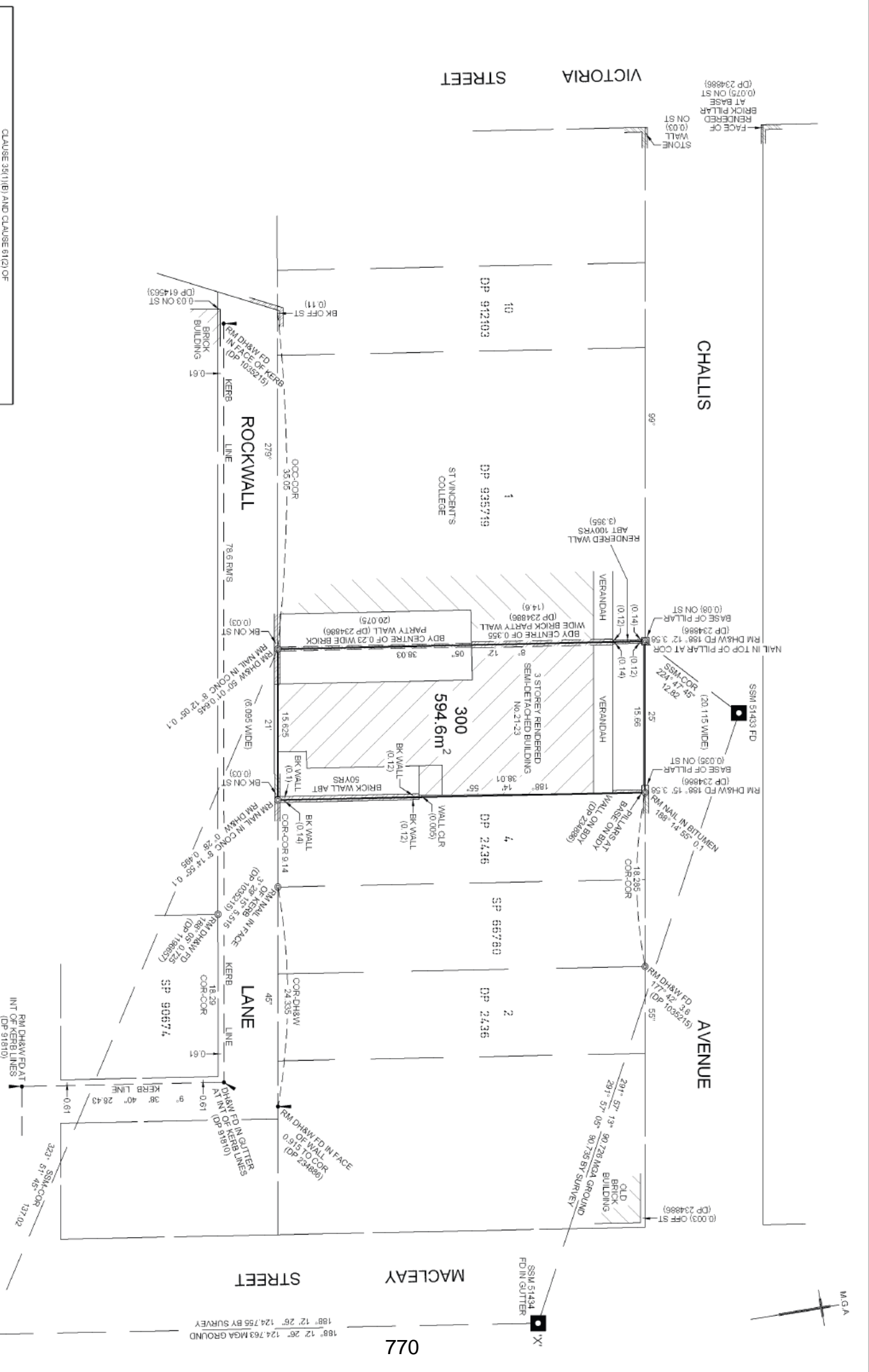
NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: The information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)
<p>Registered:  4.6.2015</p> <p>Title System: TORRENS</p> <p>Purpose: CONSOLIDATION</p>	<p style="text-align: center;">Office Use Only</p> <div style="text-align: center;">  DP1169151 S </div> <p style="text-align: right;">Public Use Only</p>	
<p>PLAN OF CONSOLIDATION OF LOTS 1 AND 2 IN DP 234886</p> <p style="text-align: center; font-size: 1.5em;">ATTACHMENT C</p>	<p>LGA: SYDNEY</p> <p>Locality: POTTS POINT</p> <p>Parish: ALEXANDRIA</p> <p>County: CUMBERLAND</p>	
<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	<p style="text-align: center;">Survey Certificate</p> <p>I, ANDREW CHU</p> <p>of KEVIN BROWN AND ASSOCIATES PTY LTD P. O BOX 500 HURSTVILLE BC NSW 1481 a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p><i>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on 19-1-15</i></p> <p>*(b) The part of the land shown in the plan ("being" excluding ^ was surveyed in accordance with the Surveying and Spatial Information Regulation 2012, is accurate and the survey was completed on, the part not surveyed was compiled in accordance with that Regulation.</p> <p><i>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2012.</i></p> <p>Signature: <i>A.Chu</i> Dated: 21-1-15</p> <p>Surveyor ID: 58</p> <p>Datum Line: 'X' - 'Y'</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep Mountainous.</p> <p><i>*Strike through if inapplicable.</i></p> <p><i>^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</i></p>	
<p style="text-align: center;">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p><i>*Strike through if inapplicable.</i></p>	<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p> <p>Plans used in the preparation of survey/compilation:</p> <p>DP 2436 DP 91810 DP 234886 DP 614563 DP 935719 DP 1035215 DP 1196657</p> <p style="text-align: right;">If space is insufficient continue on PLAN FORM 6A</p>	
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	<p>Surveyor's Reference: S-23435X (20306)</p>	



CLAUSE 31(1)(B) AND CLAUSE 61(2)(F) OF THE SURVEYING AND SPATIAL INFORMATION REGULATION 2012

MARK	M.G.A. EASTING	M.G.A. NORTHING	CLASS	ORDER	METHOD	ORIGIN
SSM 51433	330796.909	6230963.110	B	2	FROM SCIMS	SCIMS
SSM 51434	335881.130	6230929.194	B	2	FROM SCIMS	SCIMS
SSM 51435	335883.321	6230905.718	B	2	FROM SCIMS	SCIMS

M.G.A. COORDINATES ADOPTED FROM SCIMS AS AT 13-01-2015
COMBINED SEA LEVEL SCALE FACTOR 0.99924 ZONE 56

Surveyor: ANDREW CHU
Date of Survey: 19-01-2015
Surveyor's Ref: S-23435X (20306)

PLAN OF CONSOLIDATION OF LOTS 1 AND 2
IN DP 234886

LGA: SYDNEY
Locality: POTTS POINT
Subdivision No: _____
Lengths are in metres
Reduction Ratio: 1:250

Registered
4.6.2015

DP1169151

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140

Table of mm

Table of mm

Table of mm

Table of mm

Table of mm

ATTACHMENT E

CERTIFICATE OF TITLE.

(C)

New South Wales.



[Appⁿ No. 73444
 Reference to Last Certificate]
 [Vol. 988 Folio 176]

(Joint Tenancy)
 (Order N° 21346)
 (Residue after transfer N° 558162)
 REGISTER BOOK,
 Vol. 2047. Folio 244

Louisa Gilbert of Darlinghurst, Widow, and *John Vincent* of Leichhardt Government Inspector by virtue of Certificate of Title Volume 988 Folio 176 now surrendered as to Residue after transfer N° 558162 are now the proprietors of an estate in the simple as joint tenants subject nevertheless to the reservations and conditions, if any, contained in the Grant hereinafter referred to, and also subject to such encumbrances, liens, and interests as are notified hereon, in that piece of land situated at Platts Point in the City of Sydney, Parish of Alexandria, and County of Cumberland containing Twenty three and one quarter perches, or thereabouts as shown on the Plan hereon, and therein edged red, being Lot 5 and part of Lot 6 on a plan deposited in the Land Titles Office Sydney N° 2436 and also part of eight acres nine perches delineated in the Public Map of the said parish deposited in the Department of Lands originally granted to Henry Gratian Douglas by Crown Grant dated the nineteenth day of October one thousand eight hundred and thirty one

In witness whereof, I have hereunto signed my name and affixed my Seal, this 5th day of April one thousand nine hundred and ten

Signed the 5th day of April 1910

in the presence of

J. H. Selby

J. H. Selby
 Deputy Registrar General.

NOTIFICATION REFERRED TO.



N° 548051 caveat dated the 8th day of December 1909 by the Registrar-General produced and entered in Register Book the 8th day of December 1909 at 4 o'clock in the afternoon

J. H. Selby
 Deputy Registrar General

Withdrawal of above caveat N° 548051 dated 8th August 1913 - Produced 8th August 1913 and entered 30th September 1913 at 4 o'clock in the afternoon

J. H. Selby
 Registrar General.

ATTACHMENT F

New South Wales.

558162



DEED OF TRANSFER

REAL PROPERTY ACT, 1900.

N.S.W. DEPARTMENT OF TITLES
10.2.1970

FREE SIMPLE.

Dower should be registered if a beneficial interest will be noted on the new certificate. A statutory declaration should accompany, stating whether the transferee is married, and, if so, the date of marriage. If before 1907, the wife must execute and acknowledge Release. A form for the latter purpose can be obtained at the Land Titles Office. It will be forwarded on application. If the marriage was since 1836 no dower attaches.

Name, residence, occupation, or other designation, in full, of Transferee

WE, LOUISA GILCHRIST and JOHN VINCENT both of Sydney in the State of New South Wales Executors of the Will of the late **JAMES GILCHRIST** late of Sydney aforesaid Gentleman

If a lease estate, strike out "in fee simple" and interline the required alteration.

being registered as the proprietors of an Estate in *fee simple* in the land hereinafter described, subject, however, to such encumbrances, liens, and interests, as are notified by memorandum underwritten or endorsed hereon, - in consideration of **FOUR THOUSAND FIVE HUNDRED POUNDS** (£4,500:0:0)

All subsisting encumbrances must be noted hereon. (See page 3.)

If the consideration be not pecuniary, alter accordingly.

Name, residence, occupation, or other designation of transferee. If a minor, state of what age, and forward certificate or declaration as to date of birth. If a married woman, state name, residence, and occupation of husband.

paid to me by **BRIDGET McGUIGAN, JULIA O'CONNOR and MARY ELLEN CHRISTIAN** all of Sydney aforesaid Spinsters ~~HELENA BOURKE, ELLEN DANIEL and ISABEL LAURA HOOKE~~ all of Sydney aforesaid Spinsters the receipt whereof ~~whereby~~ acknowledge

935719

If to two or more, state whether as joint tenants or tenants in common.

do hereby transfer to the said **BRIDGET McGUIGAN, JULIA O'CONNOR and MARY ELLEN CHRISTIAN** as joint Tenants ~~HELENA BOURKE, ELLEN DANIEL and ISABEL LAURA HOOKE~~ as joint Tenants **ALL** Estate and Interest, as such registered proprietor, in **ALL THAT** piece of land containing

Area, in acres, rods, or perches.

situated at Potts Point in the Parish of Alexandria and County of Cumberland

"The whole" or "part," as the case may be.

being **part** of the land comprised in **Certificate of Title**

"Crown Grant," or "Certificate of Title."

dated **5th November 1890** registered volume No. **988**

Repeat if more than one. These references will suffice, if the whole land in the grant or certificate be transferred. But if a part only unless a plan has been deposited, in which case a reference to the No. of allotment and No. of plan will be sufficient), a description and plan will be required and may be inserted or annexed with the prefix: - "as delineated in the plan hereon" or "annexed hereto" and described as follows, viz. Here also should be set forth any right-of-way or easement, or exception, if there be any such not fully disclosed either in the principal description or memorandum of encumbrances.

folio **176** and being the land shown by Surveyor's Plan endorsed hereon and therein edged red

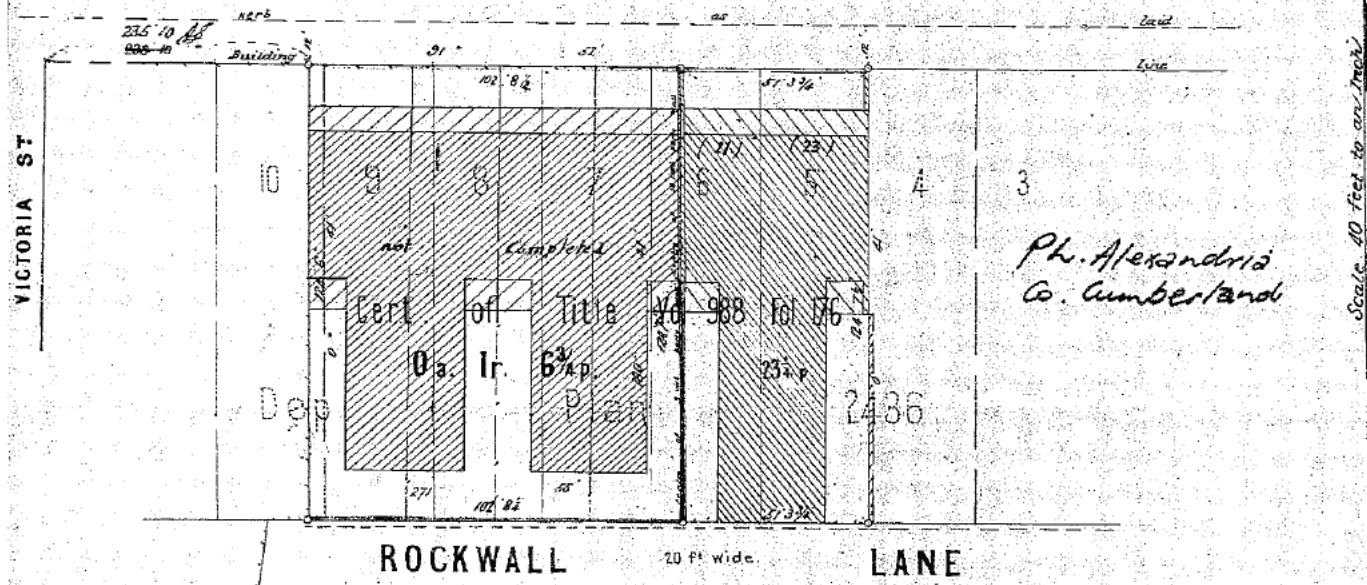
Any provision in addition to, or modification of, the covenants implied by the Act, may also be inserted.

No alteration should be made by erasure. The words rejected should be scored through with the pen, and those substituted written over them, the alteration being verified by signature or initials in the margin, or noticed in the attestation.

[Price, 6d.]

CHALLIS

AVENUE



This is the Plan marked A* referred to in the annexed declaration of Adelbert Schlicher made before me at Sydney this 31st day of January 1910.

Walter Clive
 Licensed Surveyor under N.P. Act.
 Date of Survey November 1909

m If this instrument be signed or acknowledged before the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, to whom the Transferrer is known, no further authentication is required. Otherwise the attesting witnesses must appear before one of the above functionaries to make a declaration in the annexed form.

This applies only to instruments signed within the State. If the parties be resident without the State, but in any British Possession, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Judge, Notary Public, Governor, Government Resident, or Chief Secretary of such Possession. If resident in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if resident at any foreign place, then before the British Consular Officer at such place. If the Transferrer or Transferee signs by a mark, the attestation must state "that the instrument was read over or explained to him, and that he appeared fully to understand the same."

n Repeat attestation for additional parties if required.
 o For the signature of the Transferee hereto an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be dispensed with in cases where it is established that it cannot be procured without difficulty. It is, however, always desirable to afford a clue for detecting forgery or personation, and for this reason it is essential that the signature should, if possible, be obtained.

In witness whereof, I have hereunto subscribed my names at the Twenty fifth day of January in the year of our Lord one thousand nine hundred and ten

Signed in my presence by the said LOUISA GILCHRIST and JOHN VINCENT WHO IS PERSONALLY KNOWN TO ME

James Gilchrist
 Signed in my presence by the said John Vincent who is personally known to me
J. Vincent
 of Sydney

Signed in my presence by the said Budget McGuigan Julia O'Connor Mary Ellen Christian Julia Rawster Eleanor Daniel and Emma Isabel Cooke WHO IS PERSONALLY KNOWN TO ME
Thomas Hughes
 of Sydney

our names at Sydney in the year of our Lord one thousand nine hundred and ten
Louisa Gilchrist
 Transferrer.*

(Who will also sign Declaration in accordance with Dower Note at the top of the last page.)
John Vincent

* Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.
Budget McGuigan Julia O'Connor Mary Ellen Christian Julia Rawster Eleanor Daniel and Emma Isabel Cooke Transferee.
Thomas Hughes
 (Who above may be signed by the Solicitor, when the signature of Transferee cannot be procured. See note "o" in margin.)
 It is provided that the above Certificate be signed by Transferee or his Solicitor, and renders liable any person falsely or negligently certifying to a penalty of £50; also, to damages recoverable by parties injured.



Declaration by Licensed Surveyor.

(REAL PROPERTY ACT, No. 25 of 1900, Sec. 113.)

I, Mr Walter Cliveley
of Eldon Chambers 92 Pitt Street Sydney
Licensed Surveyor, specially Licensed under the Real Property Act,

1900, do hereby solemnly and sincerely declare that the boundaries
and measurements shown on the plan of † part of land comprised

in certificate of title Vol 988 fol 176 endorsed on
Memo of Transfer hereto annexed, and marked "A,"
Situated in the City of Sydney, Parish of Alexandria
County of Cumberland

are correct for the purposes of the said Act, and that the said plan
and the survey of the land to which the same relates have been
prepared and made by me, or under my immediate supervision; and
I make this solemn declaration, conscientiously believing the same to
be true, and by virtue of the provisions of the Oaths Act, 1900.

B

SUBSCRIBED and declared at

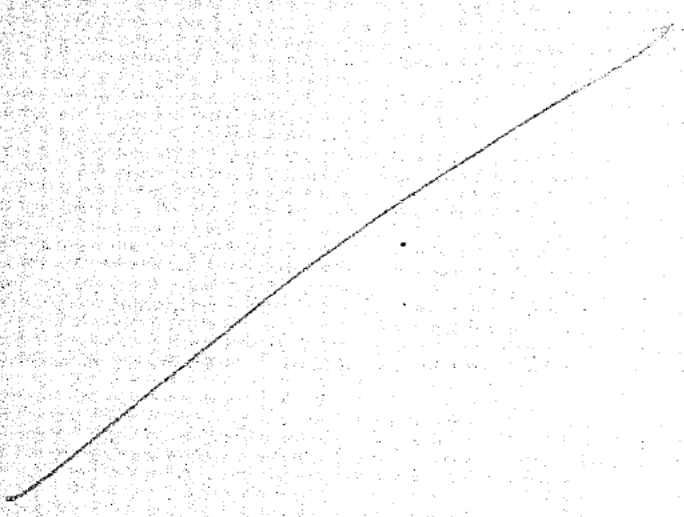
Sydney this
thirty first day of
January 1910,
before me,

Mr Walter Cliveley

W. J. Pegg J.P.

* Name. † Residence and Occupation. ‡ Particulars of the Estate—Title and Situation.

p See note "c," page 1.
This, when filled up,
should be signed by
the Transferrer.
A very short note of
the particulars will
suffice.



Transferrer.
(See note p.)

FORM OF DECLARATION BY ATTESTING WITNESS.*

Appeared before me at Levone, the twentieth -

day of January, one thousand nine hundred and ten

James Joseph Galchrist

the attesting witness to this instrument, and declared that he personally knew

Louisa Galchrist

the person signing the same, and whose signature thereto he has attested; and that the

name purporting to be such signature of the said Louisa Galchrist

is his own handwriting, and that she was of

sound mind, and freely and voluntarily signed the same.

- q May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.
- r Name of witness and residence.
- s Name of Transferrer.
- t Name of Transferrer.

u Registrar-General, Deputy, Notary Public, J.P., or Commissioner for Affidavits.

776 Ch. Foreman J.P.

No.

558162

Memorandum of Transfer of

1 road 6³/₄ Lots 7, 8 + 9 + pt
of Lot 6 + 10 D.P. 2436
at Potts Point City of
Sydney - Sts Alexandria

Lodged by

(Name) Hughes Hughes
(Address) Mercer Street

L. Gilchrist & Co

Bridget Mac Guigan }
Julia O'Connell } Transferror.
Mary Ellen Christian }
Helena Bourke }
Eleanor Daniel and }
Laura Isabel Bourke } Transferee.

Particulars entered in the Register Book, Vol. 988

Folio 146

the 23 day of March, 1900,

at _____ minutes 4 o'clock

in the afternoon.

[Signature]
Deputy Registrar General

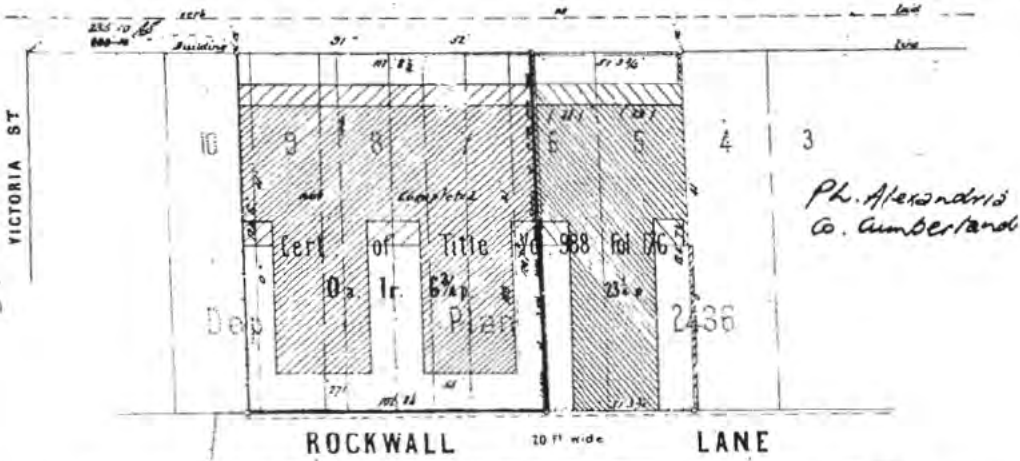


- 19.2.10 *[Signature]* 8/3/00 *[Signature]*
- 21.2.10 *[Signature]* 8/3/00 *[Signature]*
- 10.3.10 *[Signature]*
- 11.3.10 *[Signature]*
- 1.4.10 *[Signature]*
- 31.3.10 *[Signature]*
- 5.4.10 *[Signature]*
- to *[Signature]*
- 6.4.10 *[Signature]*
- 7 *[Signature]*

2047 - 240

SPECIAL ATTENTION IS DIRECTED TO THE FOLLOWING INFORMATION:-
No Transfer can be registered until the fees are paid.
If a part only of the land be transferred, and it is desired to have a Certificate for the remainder, this should be stated, and a new Certificate will then be prepared on payment of an additional fee; but to save this expense, if it be intended to make several Transfers of portions, the Certificate may remain in the Land Titles Office, either until the whole be sold, or formal application be made for a Certificate of the subsisting residue.
Tenants in common need separate Certificates. Fees will be required for each additional Certificate.
The fees on Transfer are 5s. and 5s. for every new Certificate, whether issued to a Transferee or required for the residue. By the Amendment Act of 1875, the purchaser is not compelled to take out a new Certificate of Title if the office of the land is transferred, and he may have the original Title returned to him, with a memorial of his Transfer endorsed thereon, at a cost of 10s. only.
The Transfer is complete from the moment it is registered.
Certificates will only be delivered on personal application of Purchasers or their Solicitors, or upon an order attested before a Magistrate.

558162 F.P.935719 ~~EP935719~~
ATTACHMENT G CHALLIS AVENUE 6



This is the Plan marked A referred to by the approved declaration of Aggelos Schlicher made before me at Sydney this 21st day of January 1969

Michael Buckley
 Licensed Surveyor under Act 101
 Date of Survey November 1968

11 If this instrument is a declaration of assignment of land under the Registrar-General or Deputy Registrar-General, or a Notary Public, a J.P., or Commissioner for Affidavits, or when the Transferee is known, no further authentication is required. Otherwise the ATTESTING WITNESS must appear before one of the above functionaries to make a declaration in the attached form.

This applies only to instruments so made within the State. If the parties are resident without the State, but in any British Possession, the instrument must be signed in accordance with the Registrar-General or Recorder of Titles of such Possession, or before any Justice, Notary Public, Governor, Lieutenant-Governor, or the Secretary of such Possession. If present in the United Kingdom, then before the Mayor or Chief Officer of any Corporation, or a Notary Public. And if absent as any foreign place, then before the British Consular Officer at such place.

If the Transferee or Transferees signify a mark, the attestation must state "that the instrument was read over as explained to them, and that it appeared fully to understand the same."

In witness whereof, I have hereunto subscribed my name at the City of Sydney the 21st day of January in the year of our Lord one thousand nine hundred and sixty-nine

Signed in my presence by the said
LOUISA GILCHRIST and
DOAN KENNEDY
 WHO ARE PERSONALLY KNOWN TO ME

James Schlicher
 Signed in my presence by the said *John Vincent* who is personally known to me
J. Vincent
 of Sydney

our my name at *Sydney* in the year of our Lord one thousand nine hundred and sixty-nine
Wilson
 Transferrer.*

(Who will also sign Declaration in accordance with former Note at the top of the 1st page.)
John Vincent

SHEET 1 OF 2

12 Special attestation for additional parties is required.

13 For the signature of the Transferee before an ordinary attestation is sufficient. Unless the instrument contains some special covenant by the Transferee, his signature will be accepted with no more ado than is required that it cannot be procured without difficulty. It is, however, always desirable to afford a vice for detecting forgery or perjury, and for this reason it is essential that the signature should, if possible, be obtained.

Signed in my presence by the said *Christina Julia Burke & James Daniel* and *James Daniel* WHO ARE PERSONALLY KNOWN TO ME
Thomas Skidgel
Solbydney

* Accepted, and I hereby certify this Transfer to be correct for the purposes of the Real Property Act.
Christina Julia Burke & James Daniel
James Daniel
 Transferees.
Thomas Skidgel
 Solicitor for the Transferees.

* If signed by virtue of any power of attorney, the original must be produced, and an attested copy deposited, accompanied by the usual declaration that no notice of revocation has been received.

I, Jack Hayward Watson, Registrar General, certify that this negative is a photograph made as a permanent record of an instrument in my custody this 25th day of July 1969.
Jack Hayward Watson

From: [Michael Roset](#)
To: [Julie Terzoudis](#)
Subject: Photo
Date: Monday, 26 February 2024 6:14:10 PM
Attachments: [IMG_6287.jpg](#)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Julie,

Sorry to disturb you but a planner friend said I should send a sitting down photo as that is our real view when we are on our terrace rather than standing

Regards

Michael Roset

3/6-8 Rockwall Crescent



Sent from my iPhone

