

# Local Planning Panel

27 November 2024

# Application details

Address: 28-36 Bayswater Road, Potts Point

Application: D/2023/71

Applicant: Hamptons Property Services P/L

Owner: Cantabri Pty Ltd

Architect: Squillace Architects

Planning consultant: Kristy Hodgkinson c/- Hamptons Property Services

Heritage consultant: Weir Phillips Heritage and Planning

# Proposal

- 22 apartments above 4 commercial tenancies including:
  - demolition of existing structures
  - excavation for 2 new basement levels
  - substantial alterations and additions to 4 existing terraces
  - construction of a new building

# Recommendation

- approval subject to conditions

# Proposal



Photomontage - Bayswater Road

# Reason reported to LPP

DA is reported to the LPP for determination due to:

- exceeding the 15m height of building development standard by more than 10% (33.7% non compliance)
- being classified as 'sensitive development' - Housing SEPP applies and the building is 4 or more storeys

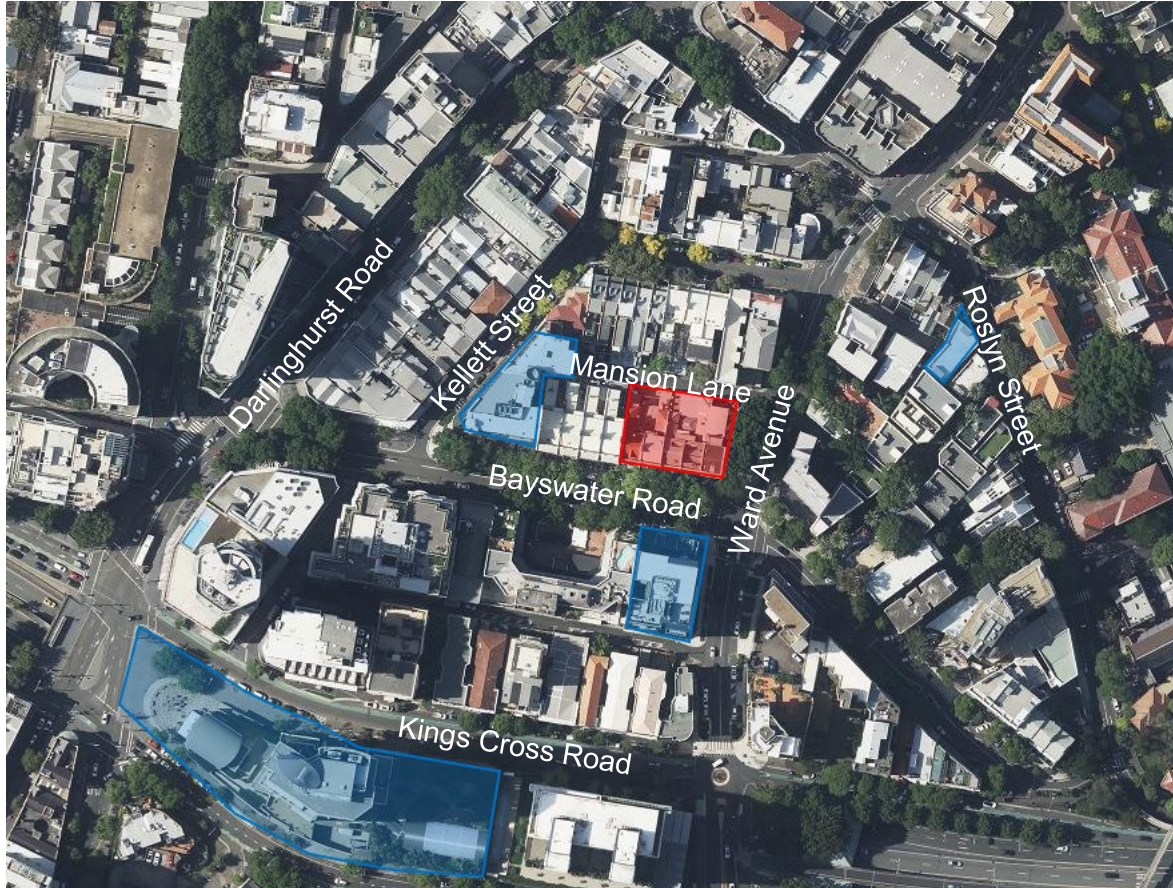
# Notification



- notification period 7 March and 5 April 2023
- 1,616 owners and occupiers notified
- 8 submissions received (6 in objection, 1 comment and 1 in support)
- re-notified 13 June to 12 July 2024
- a further 6 submissions received (3 objections, 2 comment and 1 in support)

# Submissions

- height, bulk and scale of corner building
- extent of demolition
- loss of heritage fabric
- unsympathetic architectural styling
- noise and privacy impacts
- overshadowing and wind impacts
- poor amenity to proposed apartments
- undersized waste storage areas
- traffic, parking and delivery impacts
- construction impacts
- impact to street trees
- light pollution
- misinterpretation of planning controls

# Submissions



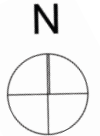
-  subject site
-  submitters (objectors)

1 additional objector outside of NSW

3 objector's addresses unknown



# Site



aerial view of site (outlined red) and surrounds



part of site (no. 28-30) viewed from Bayswater Road



part of site (no. 28-34) viewed from Bayswater Road



part of site (no. 36) viewed from corner of Bayswater Road and Ward Avenue



no. 36

site

site viewed from Mansion Lane - looking west



rear of no. 28-34 as viewed from Mansion Lane

# Proposal



Photomontage - Bayswater Road

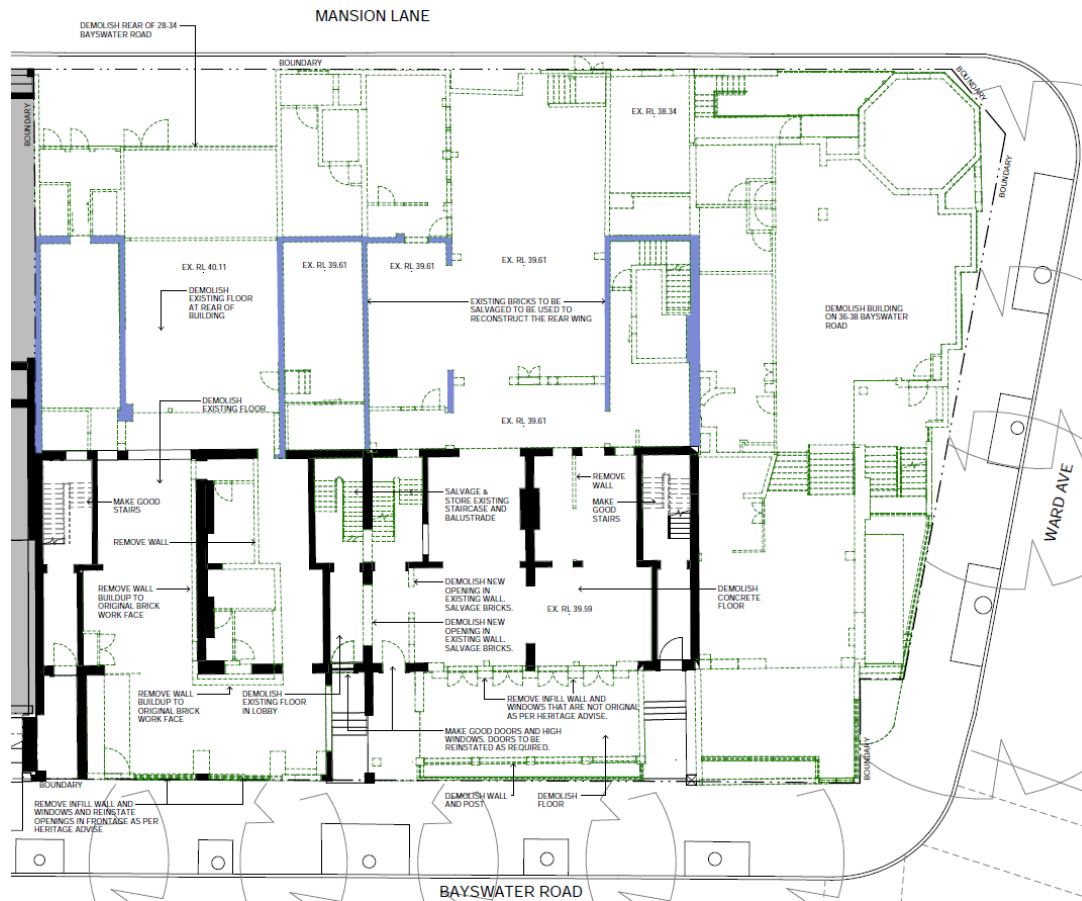


Photomontage - corner Bayswater Road and Ward Avenue

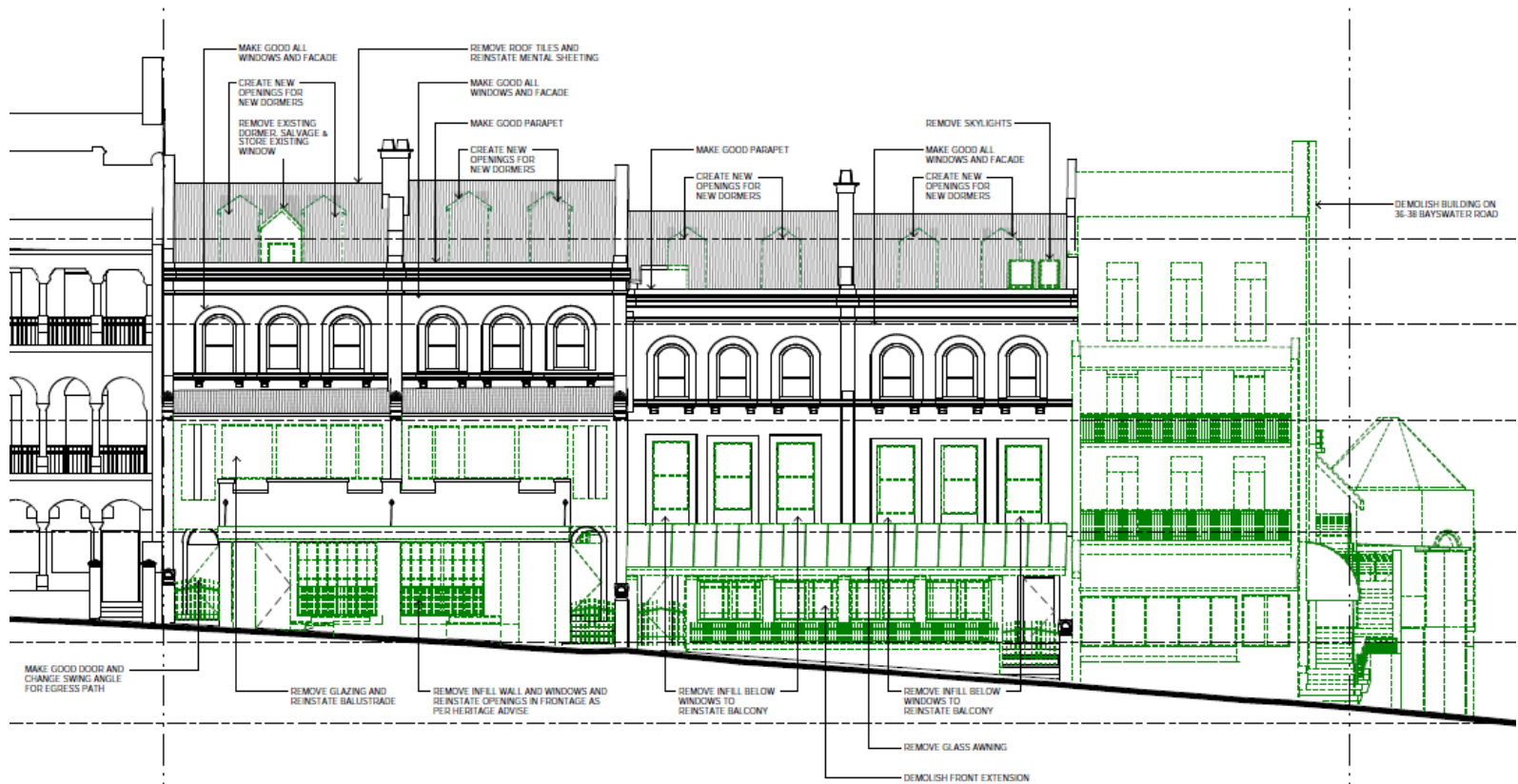




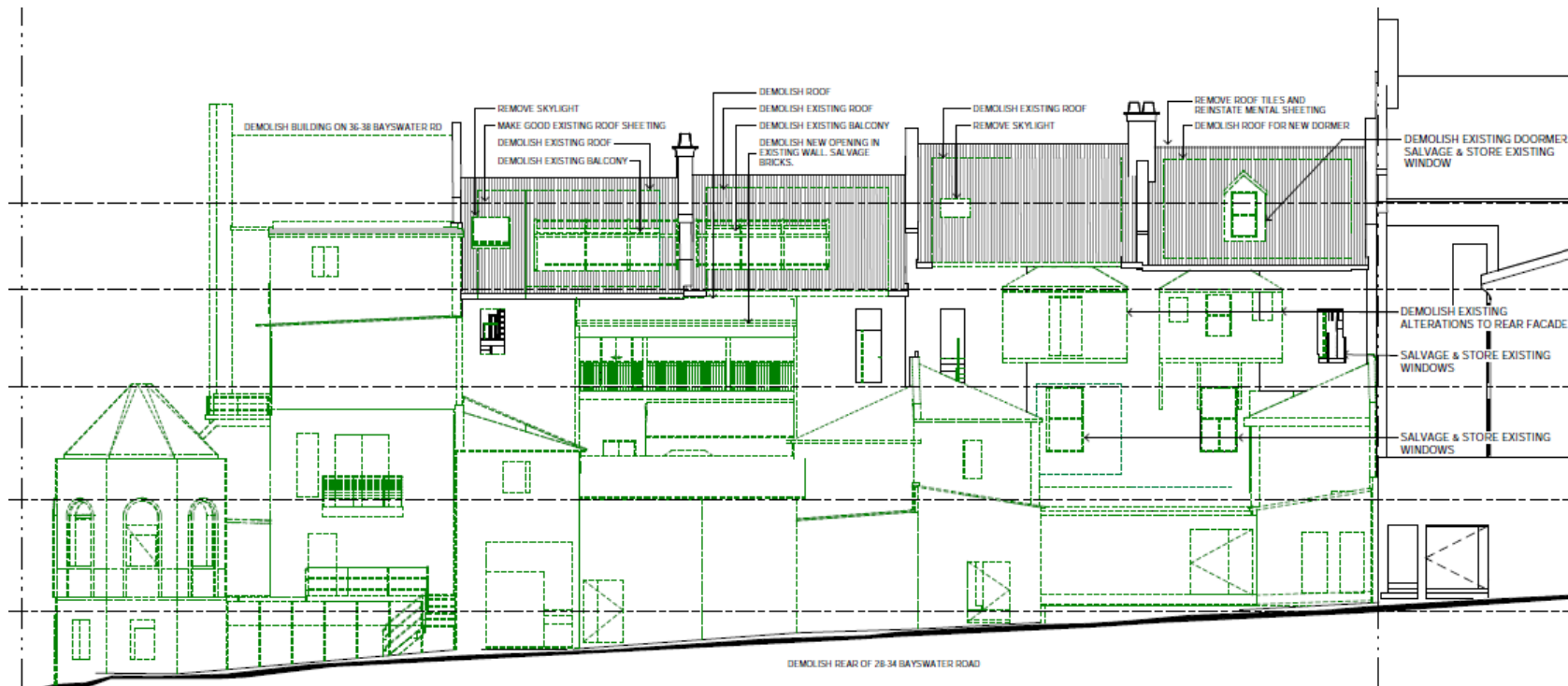
Photomontage - corner Ward Avenue and Mansion Lane



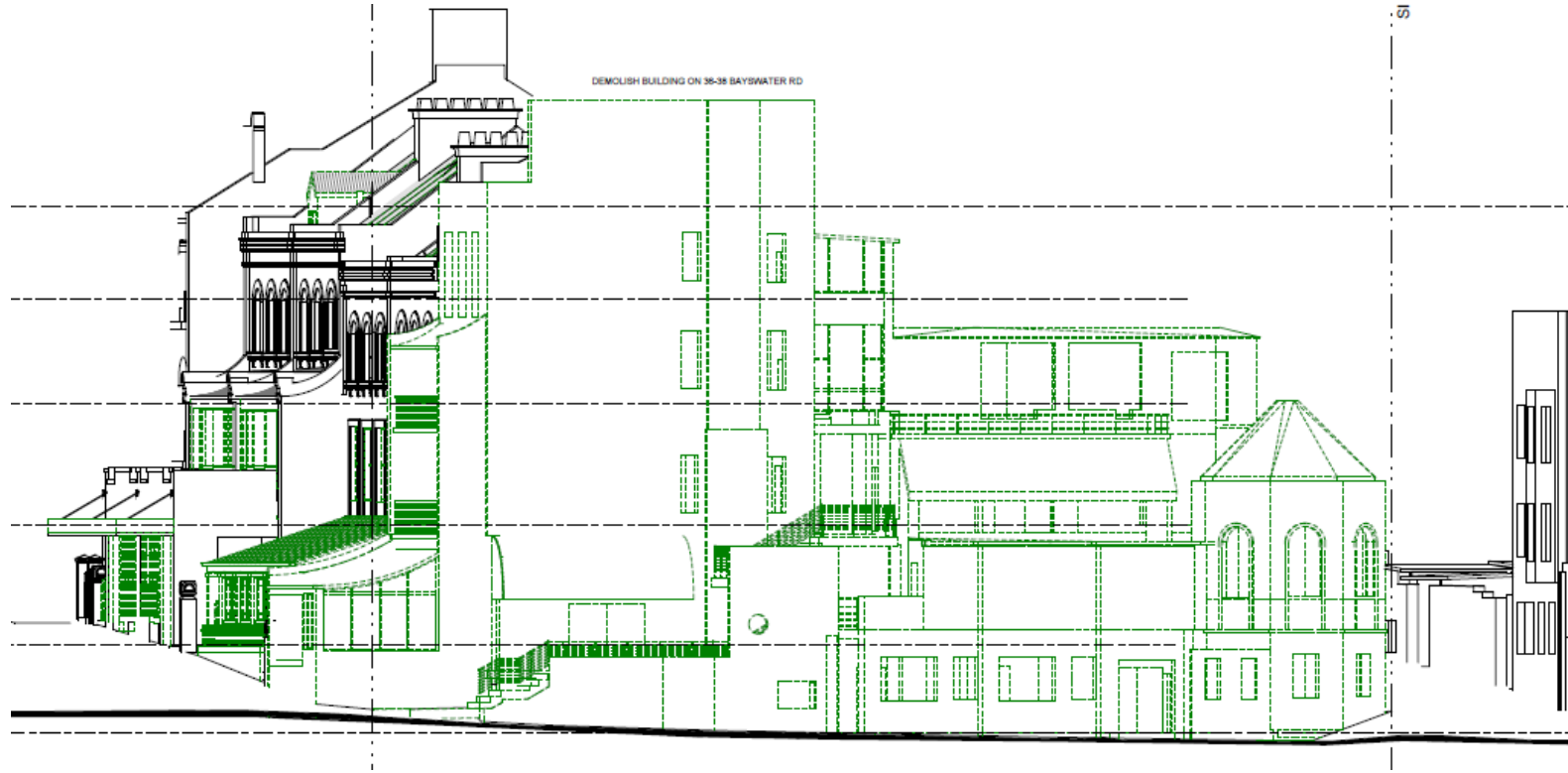
demolition plan – ground floor



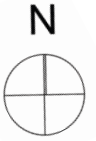
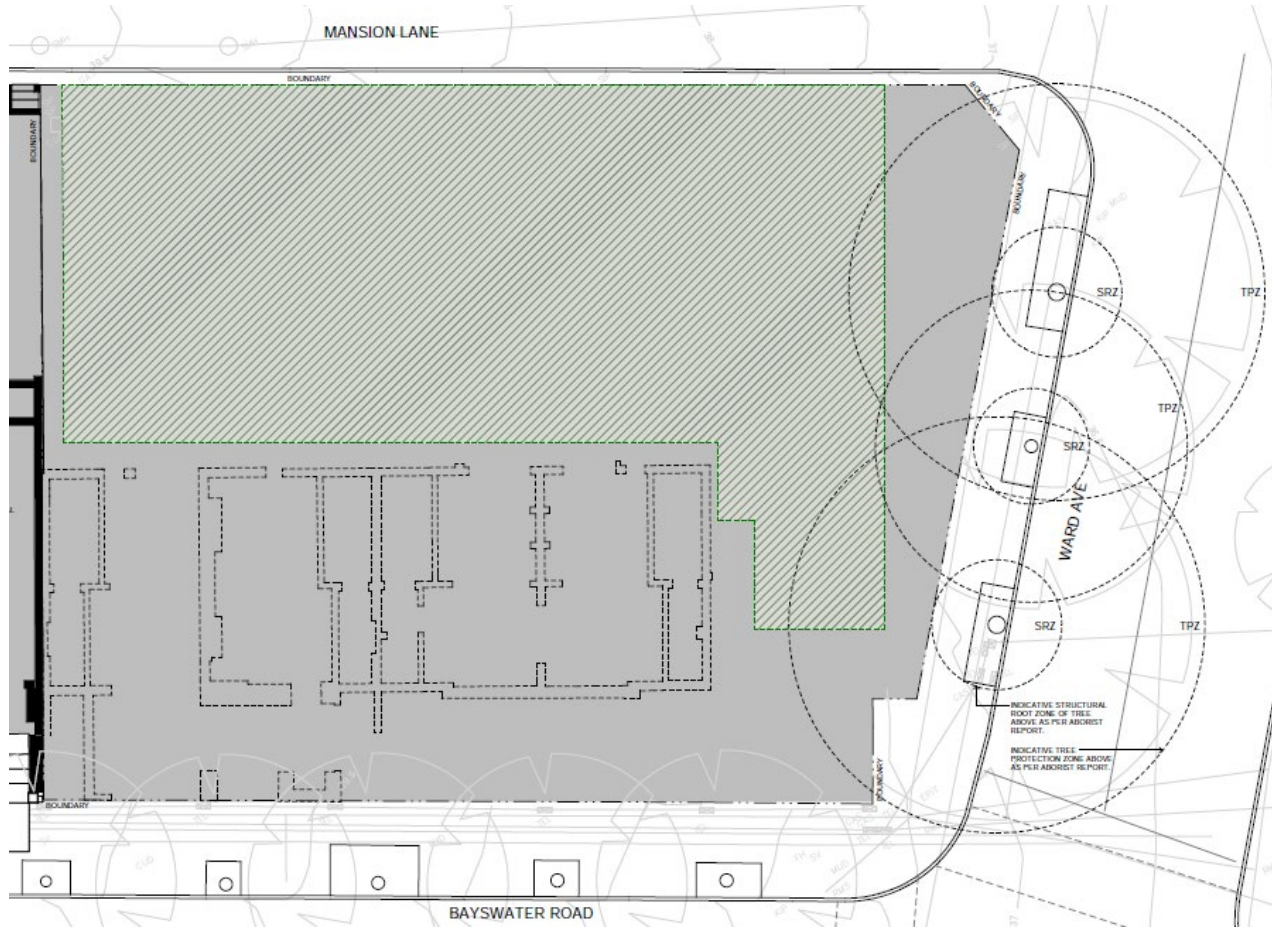
demolition plan – Bayswater Road



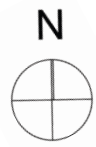
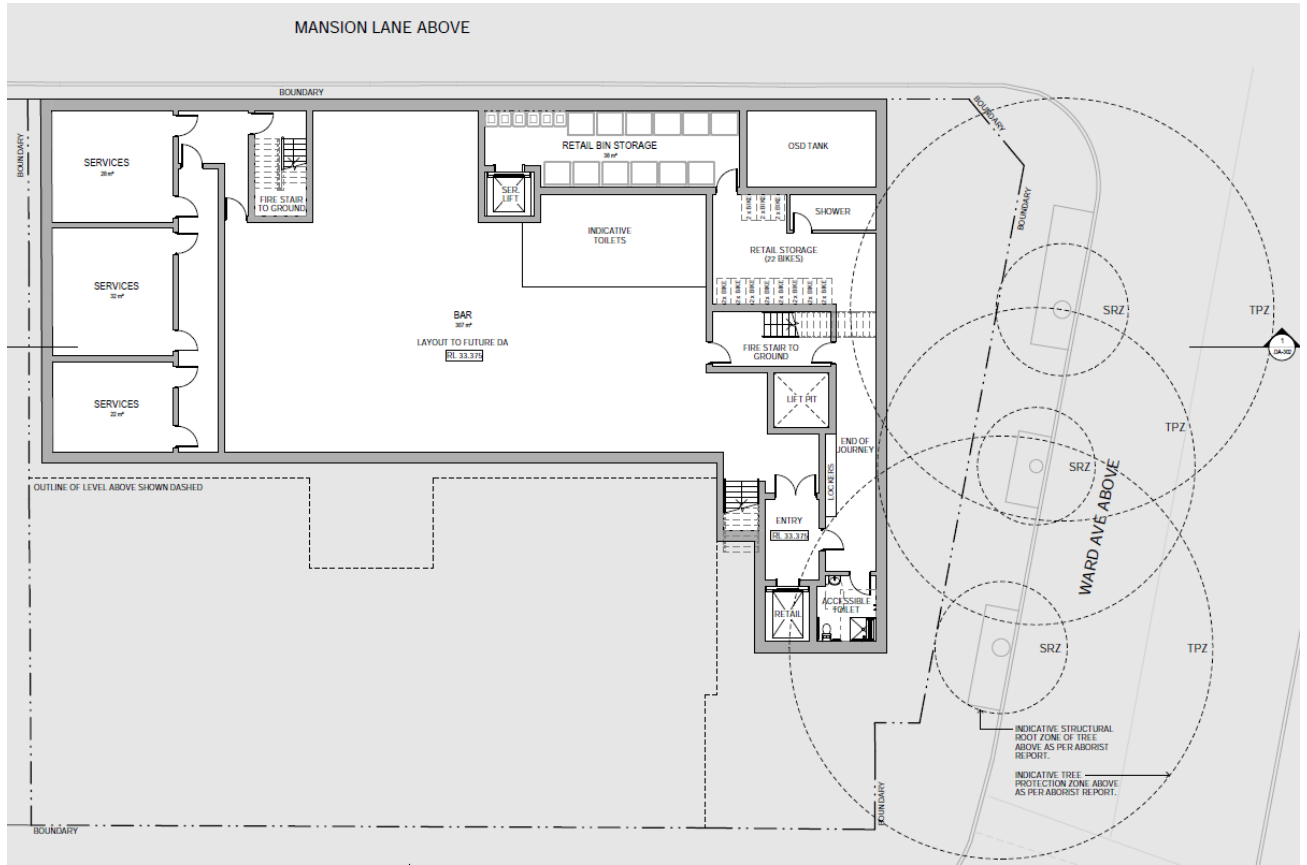
demolition plan – Mansion Lane



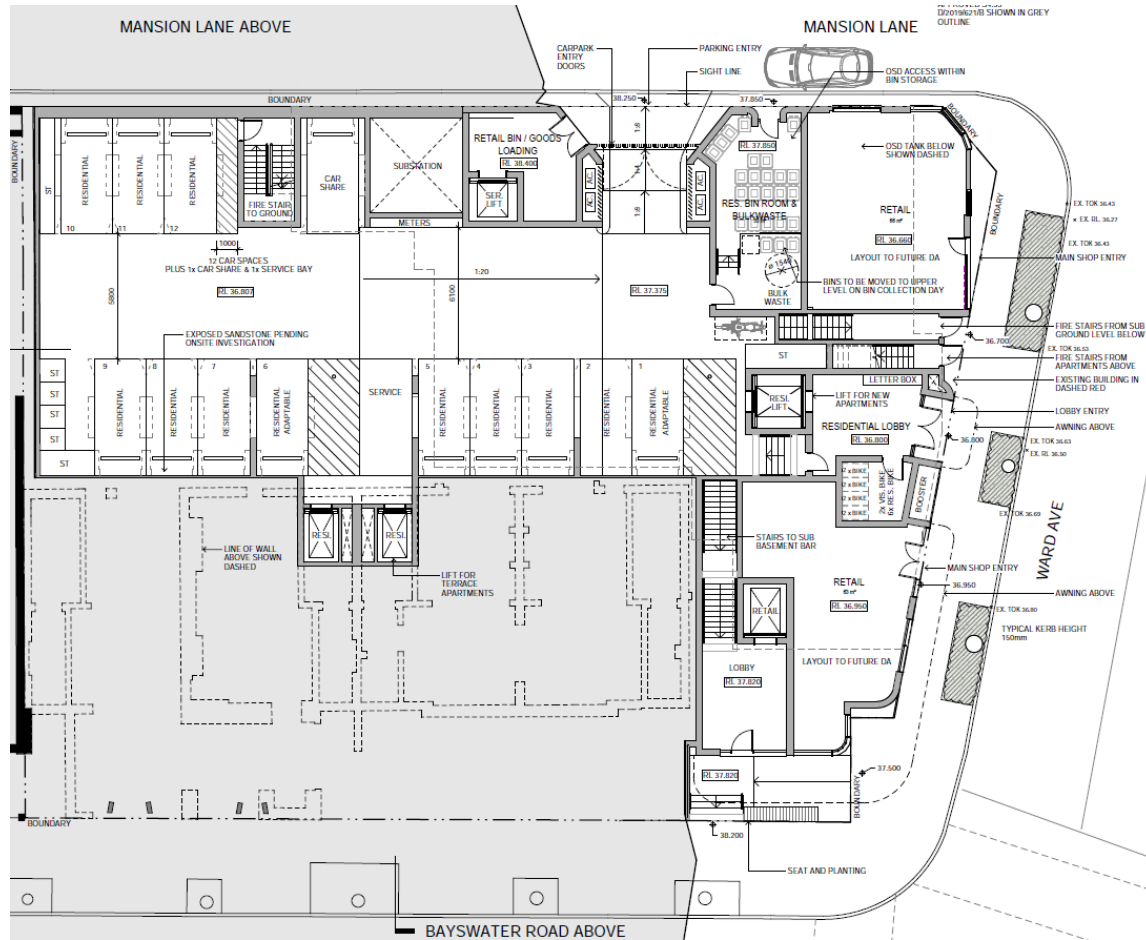
demolition plan – Ward Avenue



excavation plan

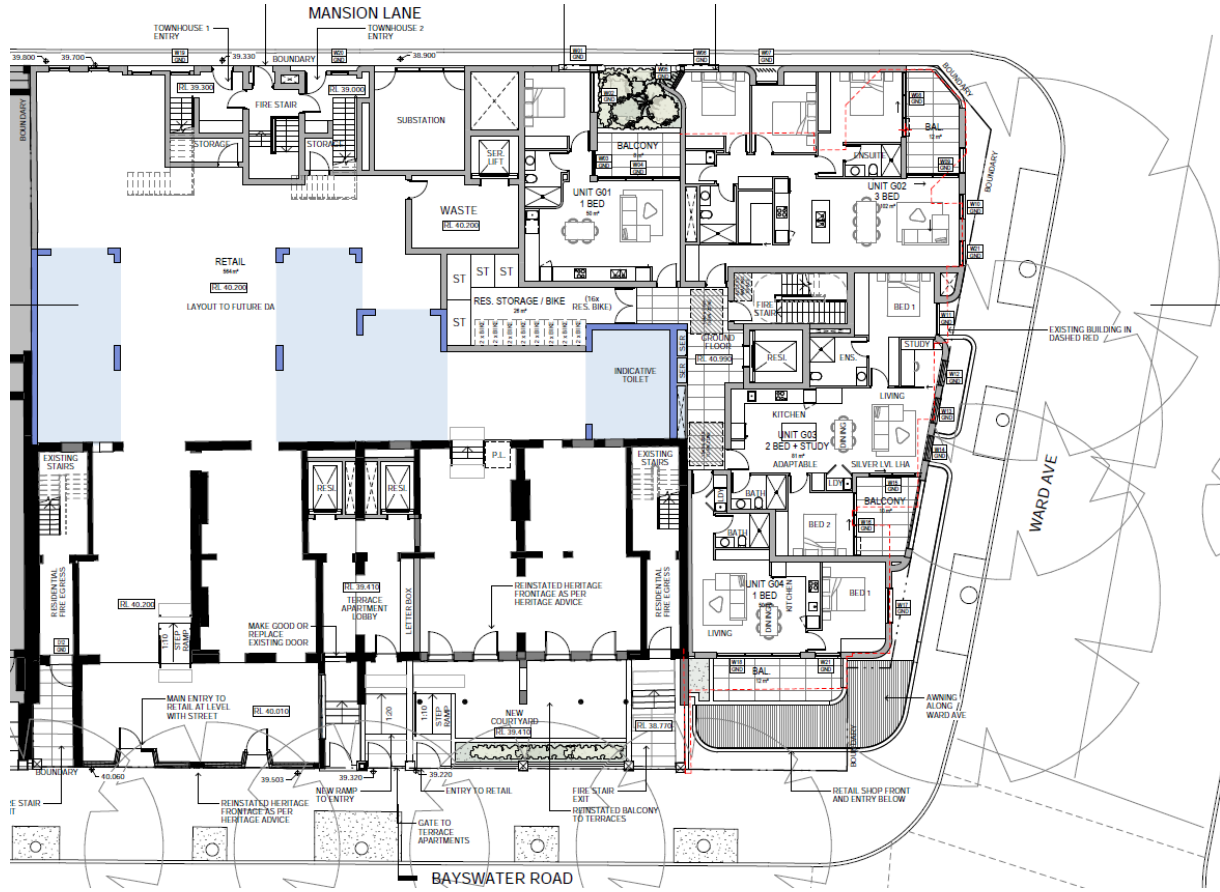


sub-ground floor plan

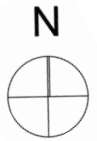
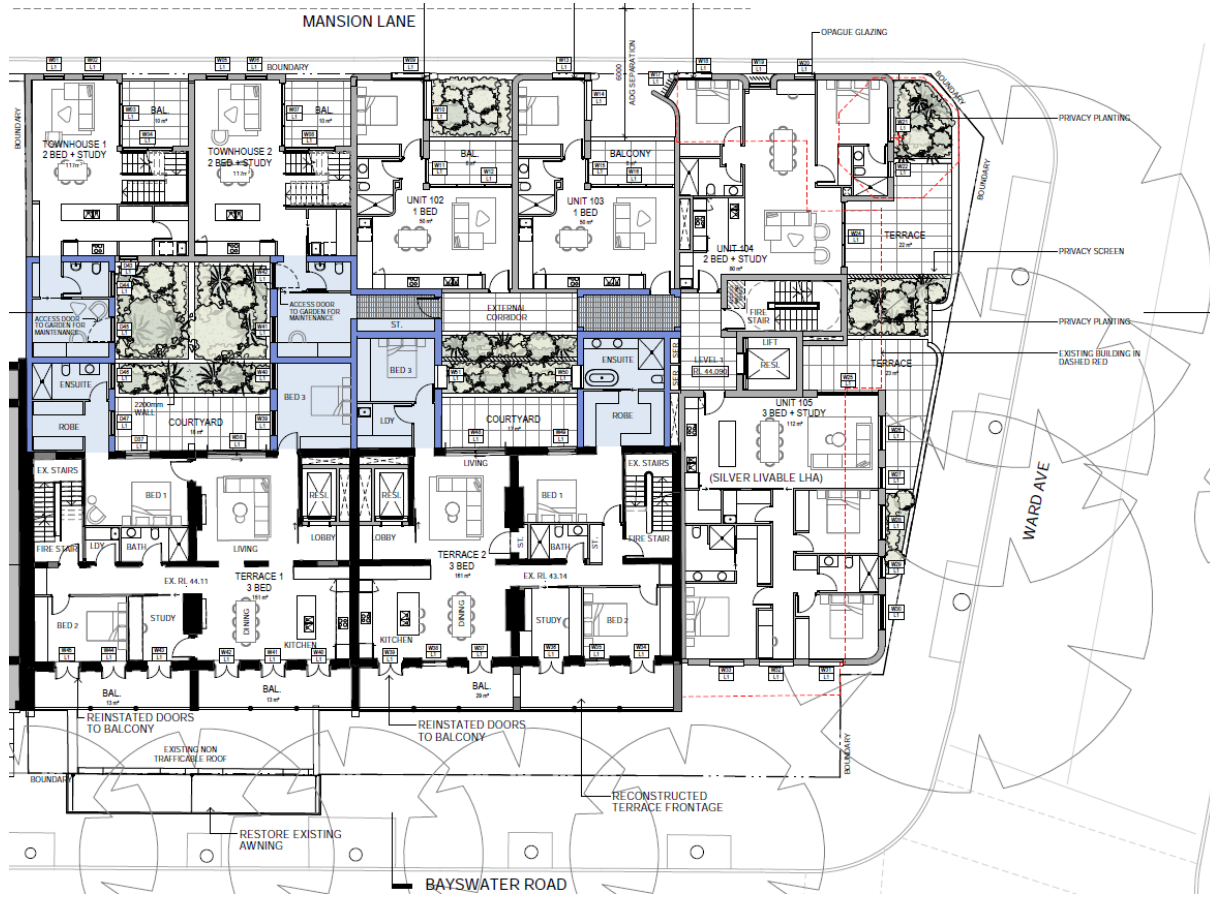


lower-ground floor plan

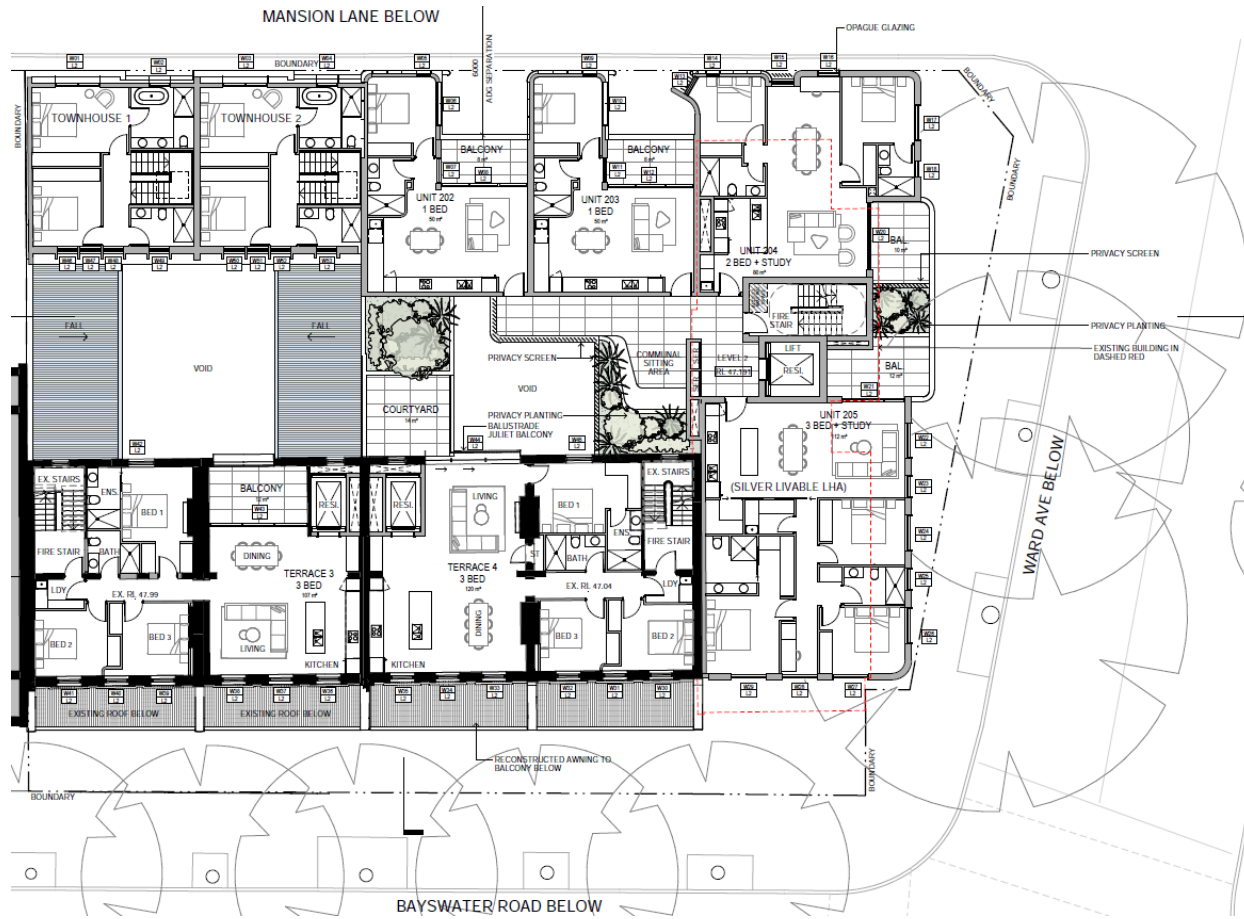




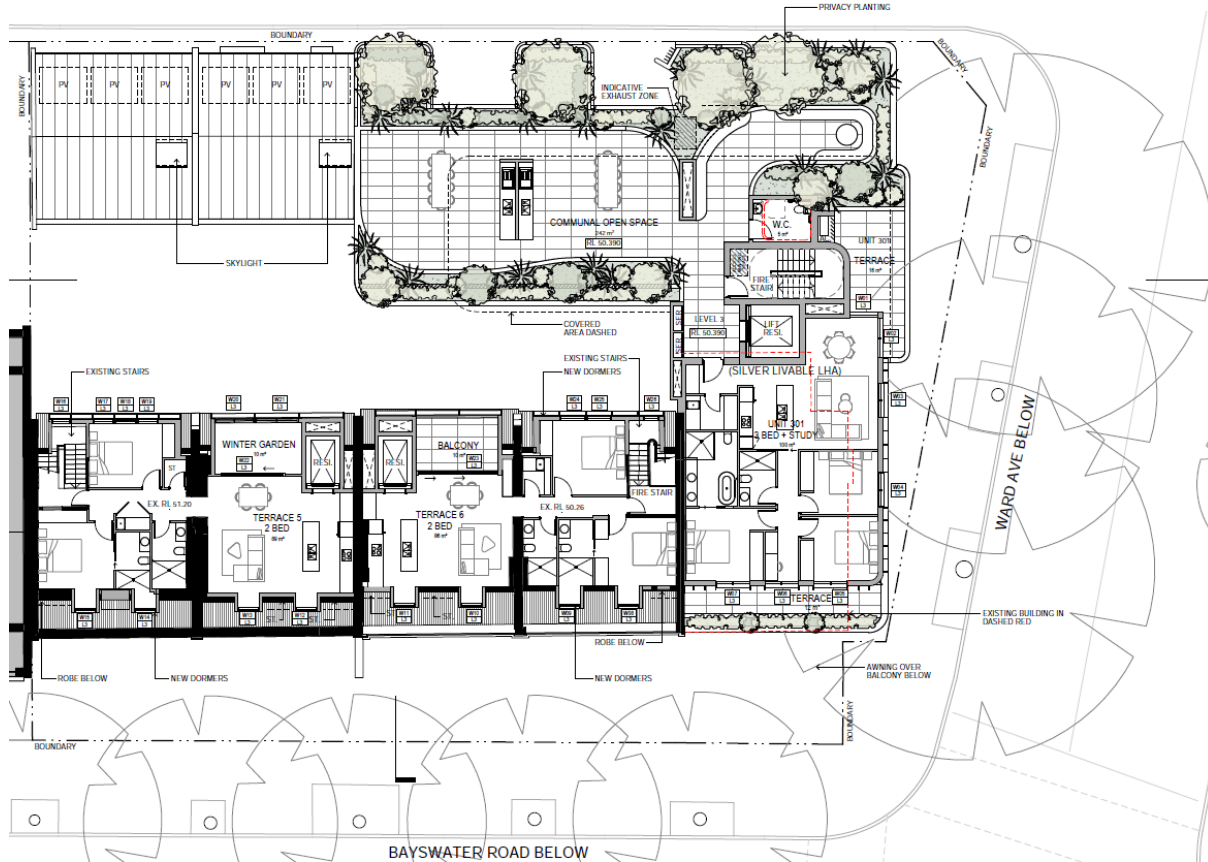
ground floor plan



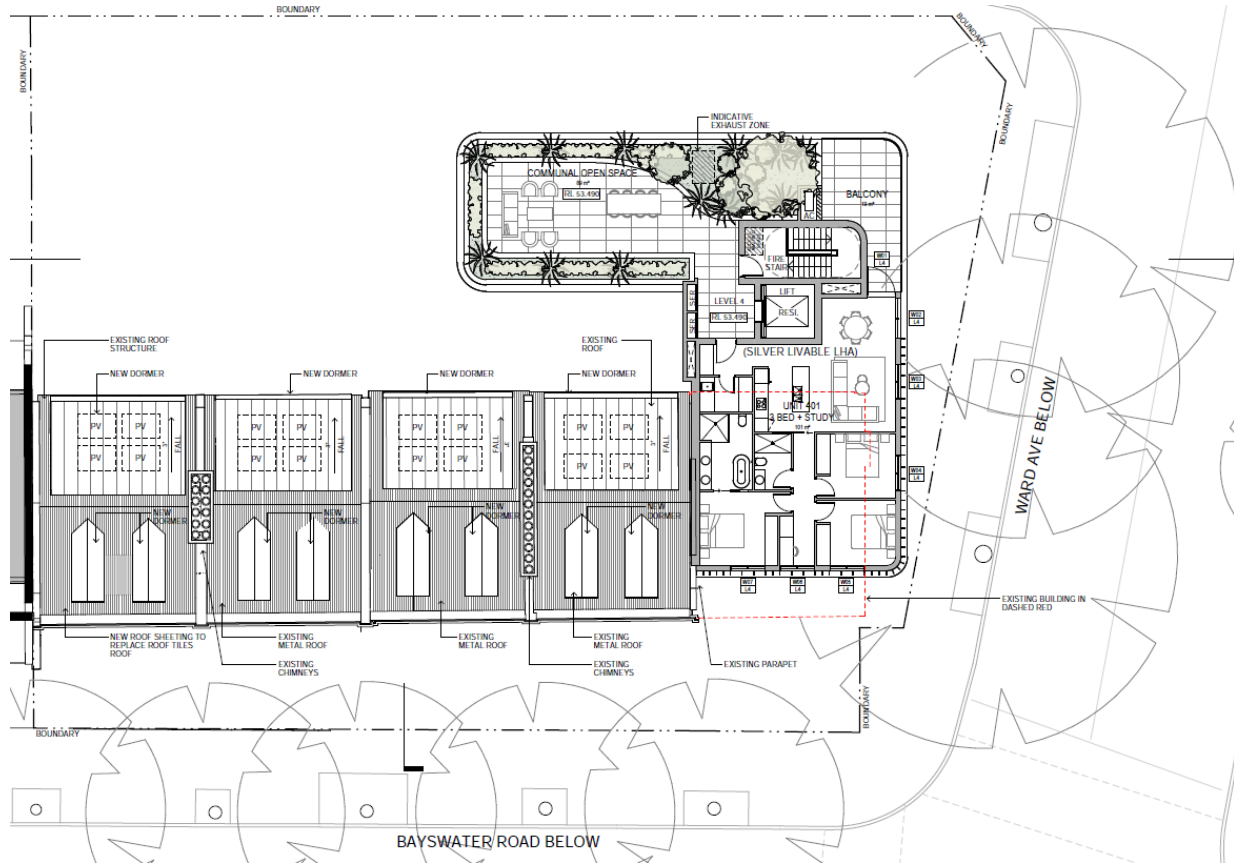
level 1 floor plan



level 2 floor plan

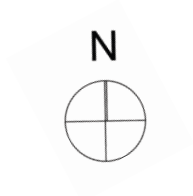
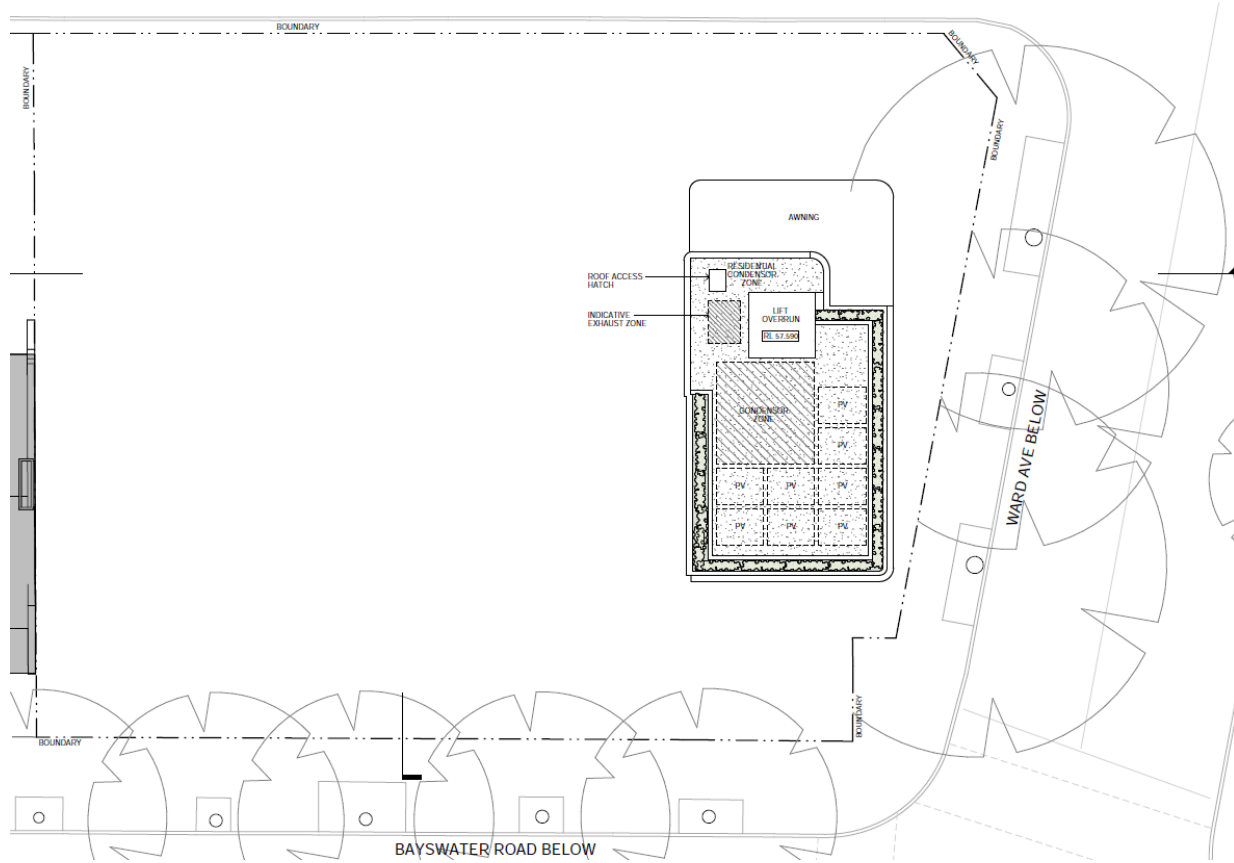


level 3 floor plan



level 4 floor plan

MANSION LANE BELOW



roof plan



Bayswater Road – south elevation



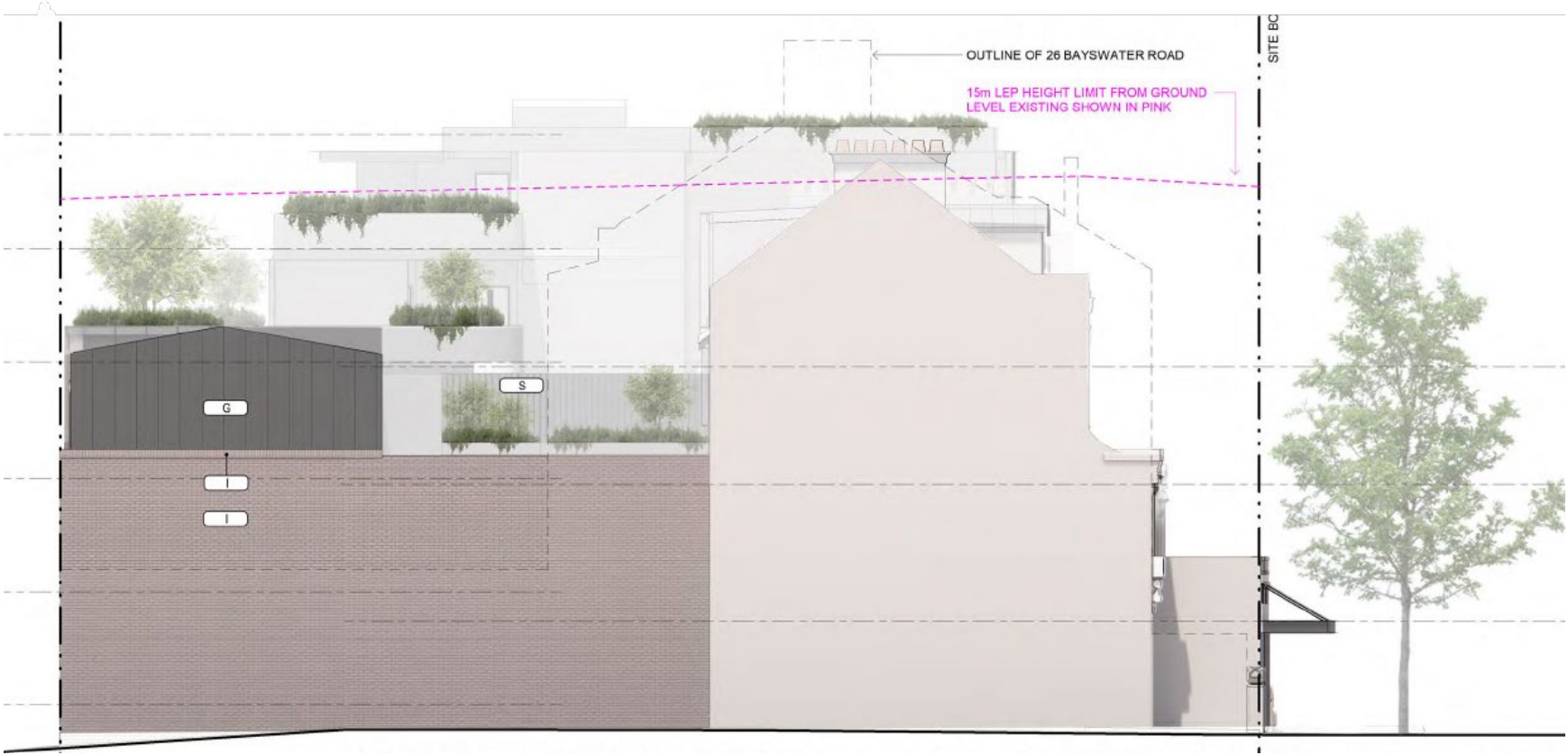
MANSION LANE  
 15m LEP HEIGHT LIMIT FROM GROUND LEVEL  
 EXISTING SHOWN IN PINK

Ward Avenue – east elevation

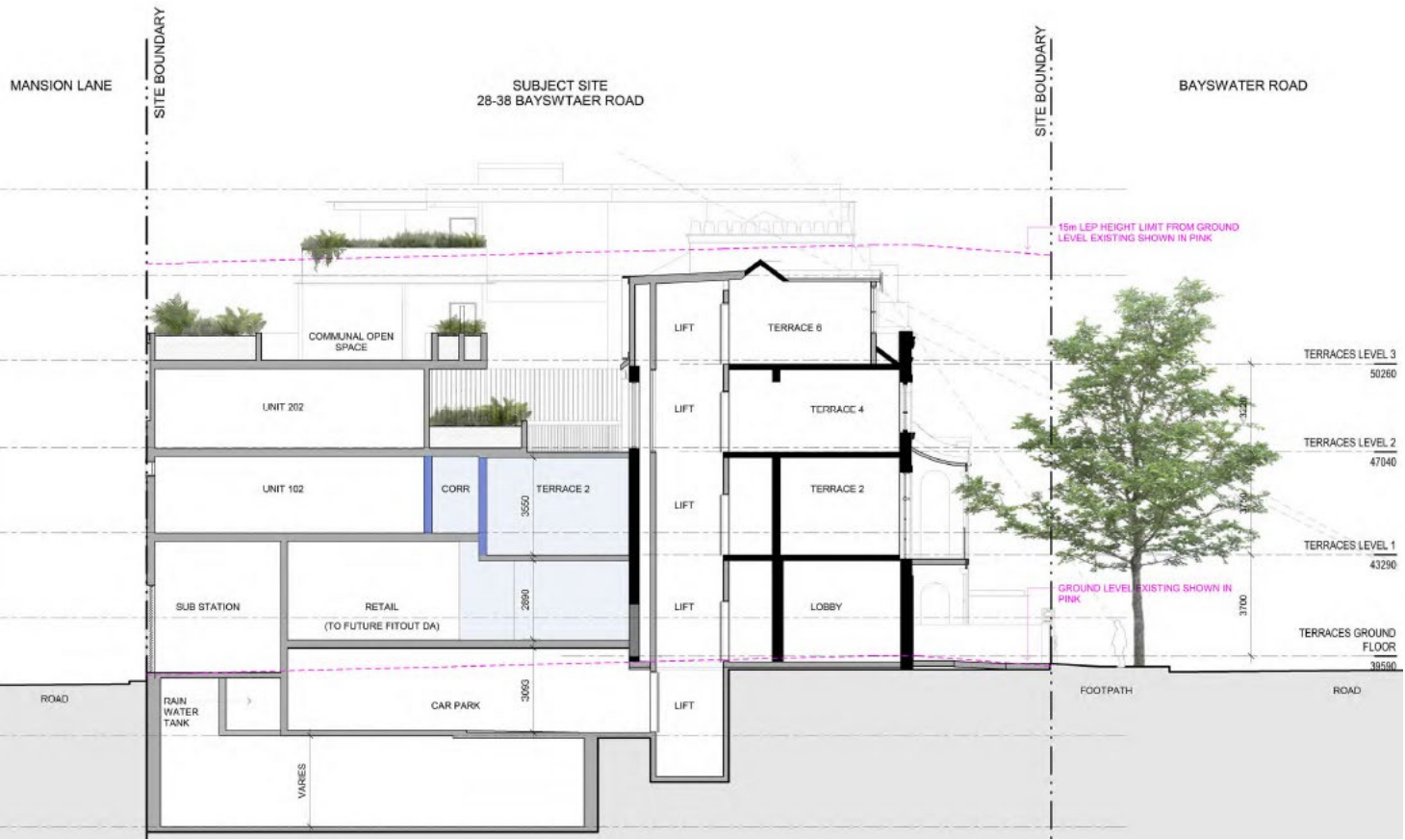




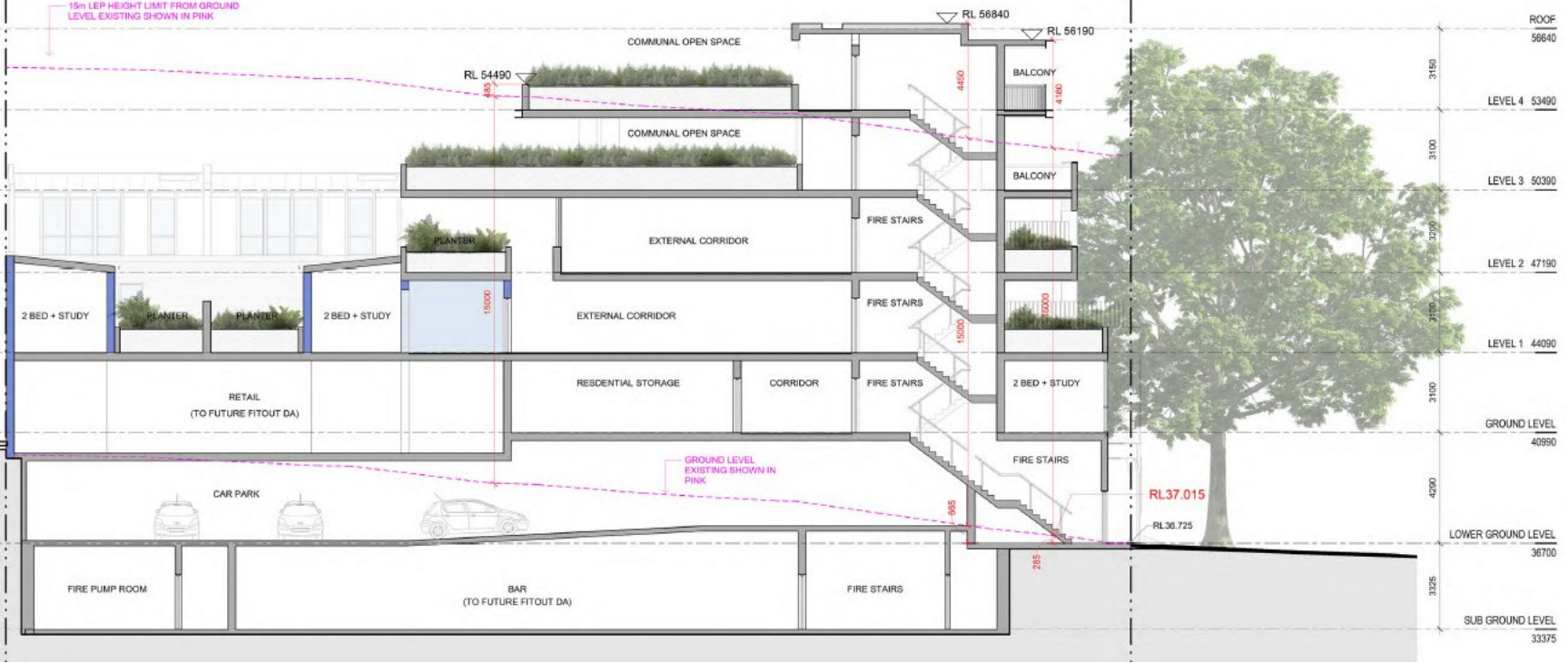
Mansion Lane – north elevation



West elevation



section



section



A - FINE BLACK STEEL  
FRAME WINDOWS



B - HERITAGE CREAM  
WHITE PAINT  
SIMILAR TO DULUX  
DANISH CREAM



D - INTERWAR BRICK  
SIMILAR TO AUSTRAL  
BRICK - BOWRAL  
76, RENOVATION  
GERTRUDIS BROWN



G - ZINC  
ANTHRACITE  
SHEETING



I - CREAM BRICK  
SIMILAR TO AUSTRAL  
BRICK - BOWRAL 76, ST  
PAULS CREAM



J - STEEL  
BALUSTRADE



K - DARK BRONZE  
WINDOW FRAMES



L - CHARCOAL PAINT



H - HERITAGE WHITE  
PAINT TO DETAILING  
SIMILAR TO DULUX  
NATURAL WHITE



O - TIMBER WINDOW  
FRAMES PAINTED  
CHARCOAL



P - METAL LOUVRES



Q - CEMENT SHEET  
CLADDING WITH  
BRONZE FINISH



R - GLASS  
BALUSTRADE



S - VERTICAL  
LOUVRE



T - GLAZED BRICK  
SIMILAR TO AUSTRAL  
BRICK - PARK LANE,  
CHESTERFIELD



U - CHARCOAL  
VERTICAL BLADES



V - MIXED CREAM  
BRICK



X - COPPER  
SHINGLES



Y - GREEN METAL



Z - INDICATIVE  
RECONSTRUCTED  
CAST IRON  
BALUSTRADE

# Compliance with key LEP standards

	control	proposed	compliance
height	15m	20.055m	No Clause 4.6 request supported
floor space ratio	2.5:1 (3,482.5m <sup>2</sup> )	2.5:1m (3,478.5m <sup>2</sup> )	yes

# Compliance with DCP controls

	control	proposed	compliance
height in storeys	3 storeys	max. 6 storeys	no
dwelling mix	studio – 5 - 10% 1 bed – 10 - 40% 2 bed – 40 - 75% 3 bed – 10 - 100%	studio – 0% 1 bed – 27% 2 bed – 32% 3 bed – 41%	no yes yes yes

# Compliance with ADG

	control	proposed	compliance
solar	70%	63.6%	no
cross ventilation	60%	73%	yes
deep soil	7%	0%	no



# Compliance with ADG

	control	proposed	compliance
building separation to side/rear boundaries	blank walls – 0m 4 storeys – 3-6m 5+ storeys – 4.5-9m	blank walls - 0m addresses street on remaining 3 boundaries	yes
apartment size	1 bed 50m <sup>2</sup> 2 bed 70m <sup>2</sup> 3 bed 95m <sup>2</sup>	1 bed min. 50m <sup>2</sup> 2 bed min. 70m <sup>2</sup> 3 bed min. 95m <sup>2</sup>	yes

# Compliance with ADG

	control	proposed	compliance
floor to ceiling heights	2.7m – habitable 2.4m – non-habitable	min 2.7m – habitable min 2.4 – non-habitable	yes
communal open space	25%	25.4%	yes
private open space	1 bed 8m <sup>2</sup> 2 bed 10m <sup>2</sup> 3 bed 12m <sup>2</sup>	1 bed min. 8m <sup>2</sup> 2 bed min. 10m <sup>2</sup> 3 bed min. 12m <sup>2</sup>	yes

# Design Advisory Panel Residential Subcommittee

The Panel reviewed the application on 6 June 2023 and raised the following concerns:

- overdevelopment
- excessive height of corner building
- excessive demolition and excavation impacts
- loss of heritage fabric
- architectural expression of corner building unrelated to terrace group
- active frontages to laneway inappropriate
- impacts to street trees

## DAPRS continued:

- visual/acoustic privacy impacts on buildings to the north
- lack of solar access to proposed units
- heritage impacts from required fire separation and BCA compliance
- constrained entry to basement bar
- poor amenity to central courtyard communal open space and inequitable access
- no access to enclosure within front setback
- poor internal layouts
- no natural light and ventilation to residential lobby
- insufficient ceiling heights

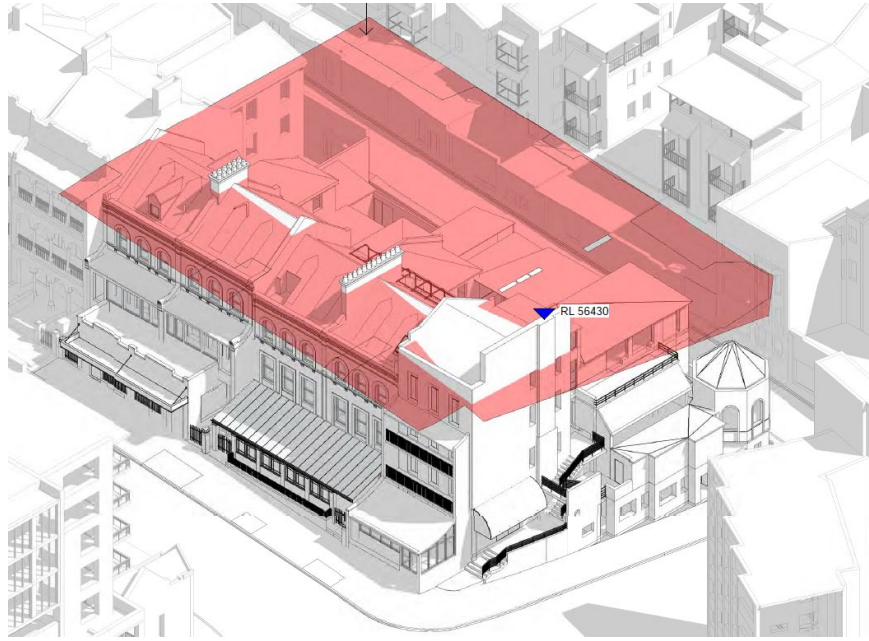
These issues have been addressed in amended plans

# Issues

- height, bulk and scale
- heritage
- solar access and overshadowing
- deep soil, canopy coverage and tree protection
- communal open space
- visual privacy
- acoustic privacy

# Height, bulk and scale

- existing height exceedance 27.47%, proposed height exceedance 33.7%
- non-compliance mainly from level 4 and rooftop/lift overrun of no. 36
- exceedance acceptable given:
  - lower building elements and parapet consistent with the adjoining buildings
  - upper levels setback so recessive in streetscape
  - materiality (lightweight cladding) reduces dominance of level 4
  - other buildings at the intersection are taller (8-9 storeys)
  - respectful of heritage significance of site and laneway character
  - existing building at no. 36 already higher than adjoining terraces
  - no unreasonable overshadowing, privacy or view sharing impacts

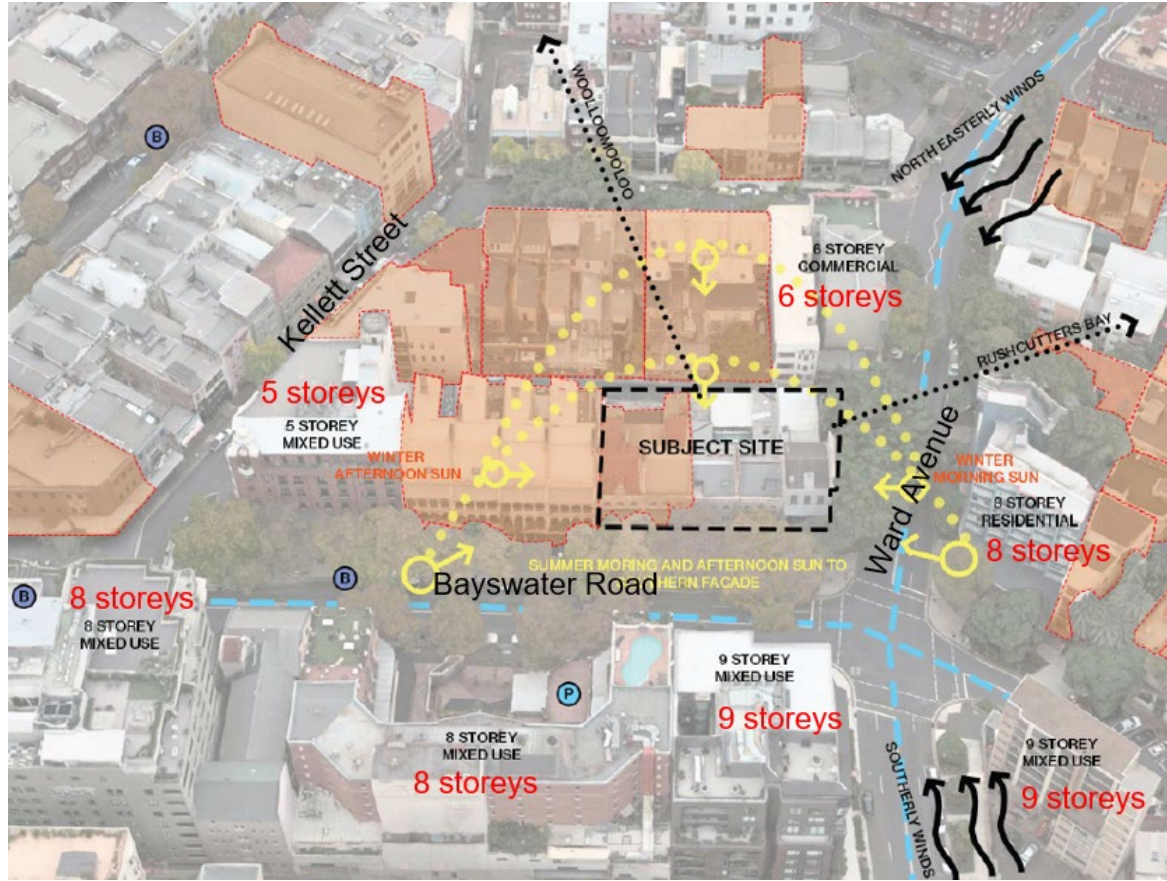


existing



proposed

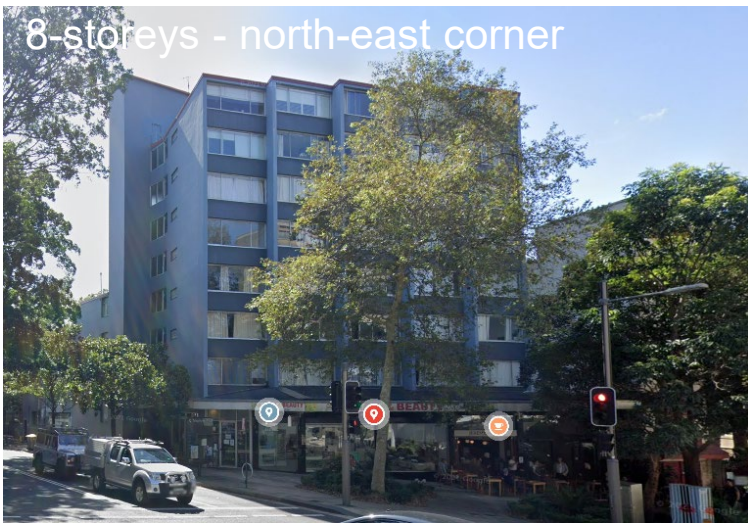
height plane diagrams



height of surrounding buildings



8-storeys - north-east corner



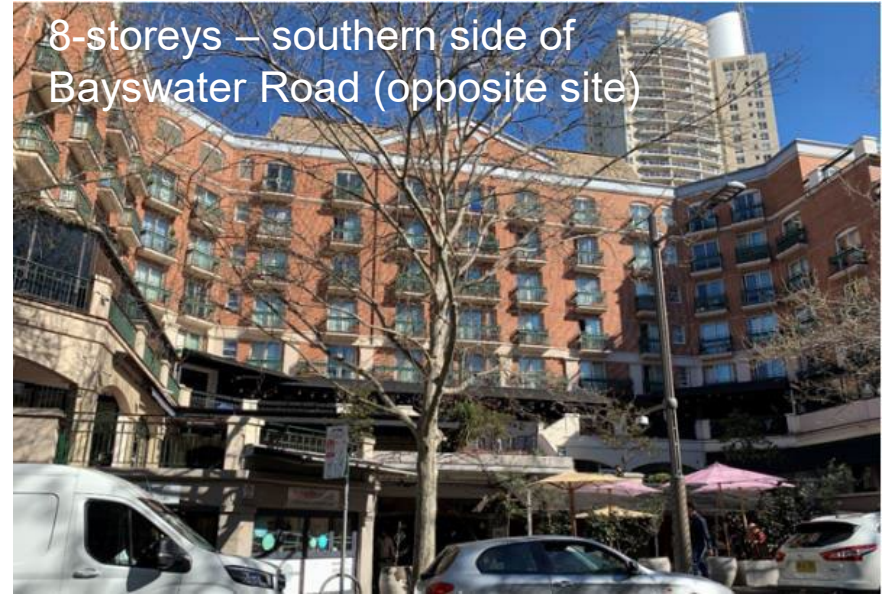
9-storeys - south-east corner



9-storeys at south-west corner



height of existing buildings Bayswater Road and Ward Avenue intersection



8-storeys – southern side of  
Bayswater Road (opposite site)

heights of buildings in Bayswater Road



existing and proposed built form and streetscape along Bayswater Road



41 Bayswater Road  
9 Storey Mixed-use building

Subject Site 28-38 Bayswater Road

21 Kellett Street  
6 Storey terraces, Commercial



EXISTING 9 STOREY RESIDENTIAL BUILDING  
No. 33-41 BAYSWATER RD

28 - 38 BAYSWATER ROAD  
SUBJECT SITE

EXISTING 6 STOREY HOTEL BUILDING  
No. 21 KELLETT ST

existing and proposed built form and streetscape along Ward Avenue

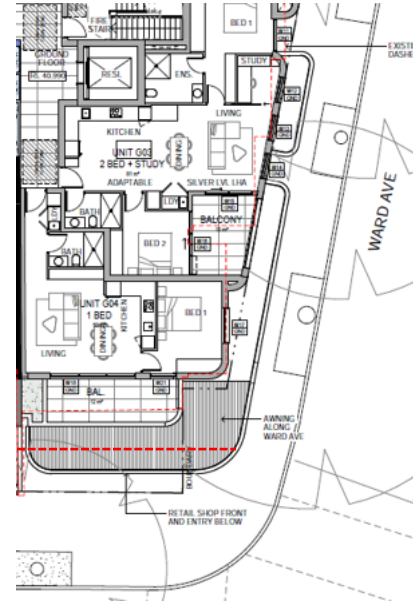
# Height, bulk and scale



lodged



amended DA



condition recommended to reduce size of ground floor awning

# Heritage

- site in Potts Point heritage conservation area
- no. 28-30 is a local heritage item
- 4 retained terraces are heritage significant and 'contributing' buildings
- no. 36 classified as 'neutral'



LEP Heritage Map - heritage items shaded brown, subject site outlined red

# Heritage

- extent of excavation reduced and behind principle building form
- extent of demolition to terraces reduced
- no. 36 classified as 'neutral' - complete demolition not an entitlement - but supported because:
  - significant change, intrusive interventions and loss of original fabric
  - its 'pair' was demolished when Ward Avenue was widened



- demolition of no. 36 appropriate in context of other works being proposed
  - high/moderate significant fabric within the 4 terraces retained
  - acoustic and fire separation provisions are reversible
  - non-original later additions removed, including enclosure to no. 32-34
  - intrusive and unsympathetic elements removed
  - frontages to terraces to be restored to original details
  - rear wings and crucial structural elements to be reconstructed
  - appropriate replacement building being proposed

# Solar access and overshadowing

- plans state 16/22 (73%) comply with 2-hour solar access
- council officers calculate 14/22 (63.6%) comply with 2-hour solar access
- units 301 and 401 achieve solar for 1hr 45min (i.e. 15 min variation)
- north facing units maximised
- additional overshadowing minimal impacts - 2hr sunlight maintained
- elements that encroach height standard, no overshadowing impacts to internal/external spaces of surrounding properties



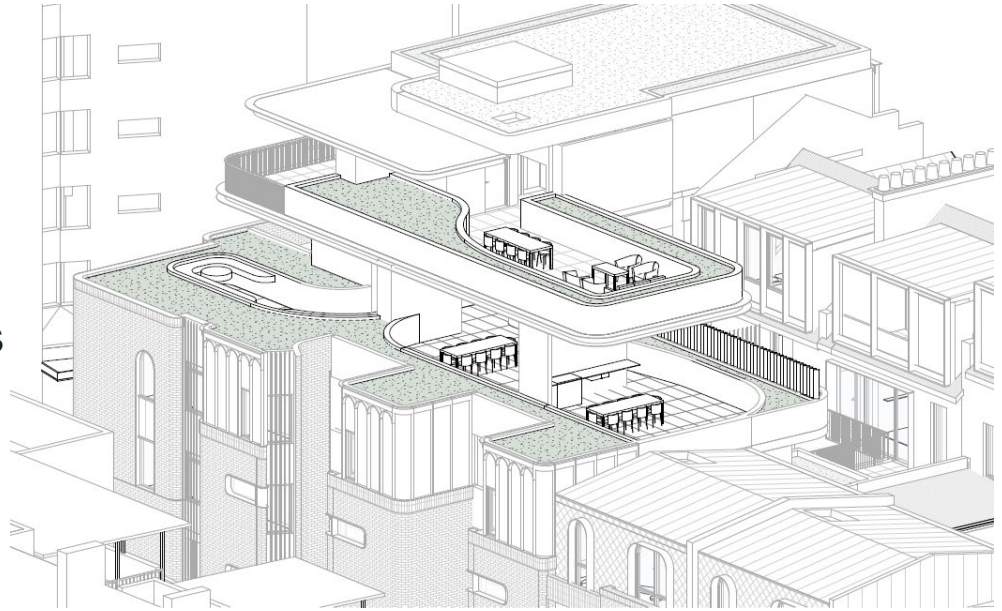
sun' eye view diagram at 11am

# Deep soil, canopy coverage and tree protection

- DCP requires 10% deep soil – 0% provided
- amount of on-site landscaping is however significantly increased
- tree canopy exceeds 15% requirement (23%)
- building envelope and excavation amended to protect street trees
- conditions recommended to protect trees, including:
  - hydraulic plan to demonstrate works outside of SRZ
  - Ward Avenue awnings to not impact on lower tree canopy (otherwise delete awnings)
  - construction methodology for new works outside existing building footprint

# Communal open space

- complies with 25% requirement (25.4%)
- well designed, usable spaces
- compliant solar access
- access from retained terraces via Ward Street or basement car park
- setback from northern boundary with landscaped edges



Level 3 and 4 communal open space areas

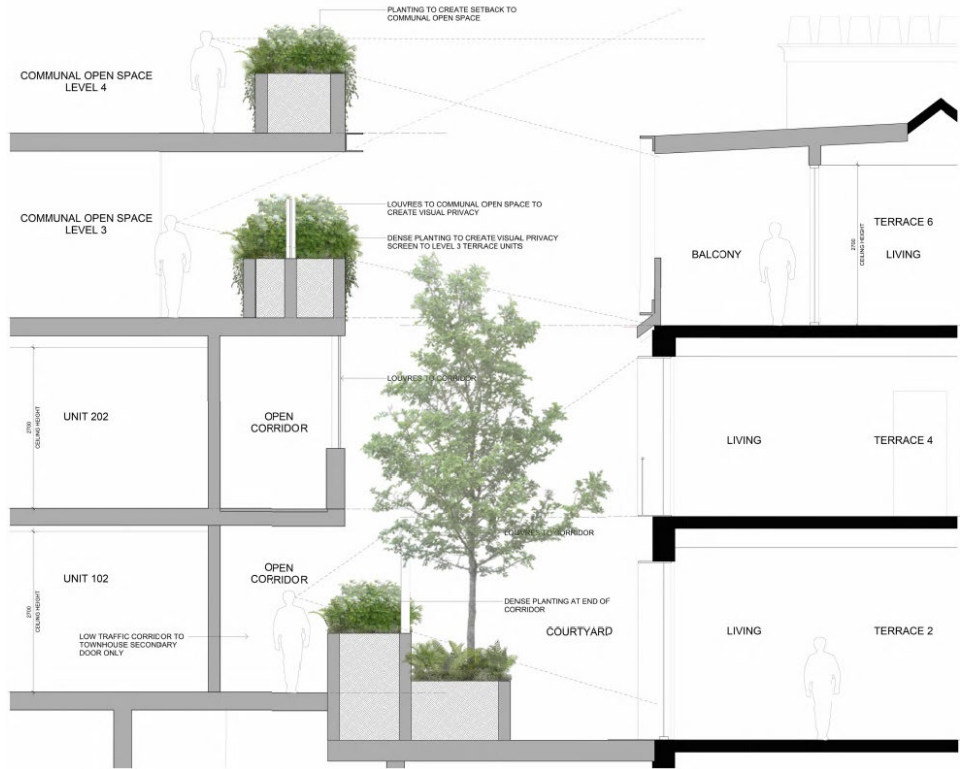
# Visual privacy

- distance separation requirements of ADG do not apply
- to maintain privacy to the north:
  - reduced built form to rear of no. 28-30
  - balconies to no. 32-34 provided with 6m setback to centreline of Mansion Lane
  - privacy devices - planter boxes/screen planting, privacy screens and opaque glazing
  - dual orientated units provide 'primary' openings to the east/west
  - rooms with 2 windows provide high-level windows to the north
  - angled windows to direct views along the laneway (instead of across)



development on northern side of Mansion Lane opposite subject site

- to maintain privacy within the site
  - communal open space provided with planter boxes and privacy screening
  - corridors provided with louvres
  - conditions recommended requiring details of fencing and privacy screens



relationship between communal open space and terrace apartments



# Acoustic privacy

- Noise from external sources (e.g. traffic, entertainment and plant/equipment)
  - acoustically rated windows/doors and appropriate building materials recommended by acoustic report
  - solutions proposed by acoustic report (e.g. awning/hopper windows, window orientation, acoustic linings and screening) allows compliant internal noise level when windows/doors are open
- Noise impacts from proposal (e.g. commercial uses, plant/equipment, traffic)
  - detailed review of plant/equipment at CC stage
  - condition recommended to restrict loading/unloading to 7am-8pm

- separate DA/s required for commercial uses and fit-out
- to “future-proof” commercial tenancies acoustic report recommends:
  - minimum glazing requirements
  - acoustic seals and fixing of commercial windows
  - acoustic ceilings/flooring
  - absorptive treatments
  - additional airlock to future bar
- condition recommended requiring details of noise attenuation
- operational recommendations of the acoustic report (e.g. operating times, when doors remain closed, playing of music, location of speakers, etc.) would be subject to separate DA/s

# Recommendation

Approval subject to conditions