Attachment D

Submissions

From: Anson Li [redacted]

Sent on: Thursday, July 9, 2026 1:48:53 AM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/650 - 163 Victoria Street POTTS POINT NSW 2011 - Attention

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 City of Sydney,

As a Potts Point local, I strongly support this application.

This is an exemplary Victorian Terrace alteration that secures the long-term conservation while meeting modern living standards. This proposal retains the heritage from the streetscape and respectfully restores the terrace back to a single residence that was its original use when built, ensuring its ongoing preservation.

The proposed front elevation is successful. The addition of the two dormer windows is sympathetic to the Victorian architectural style, enhancing the building's proportions and restoring a more complete and elegant roof form without diminishing its heritage significance.

Importantly, the proposal is a high-quality alteration project that will improve the streetscape. I strongly encourage Council to approve this application.

Best regards,
Anson Li

From: rebeccamccarthy [redacted]

Sent on: Tuesday, July 14, 2026 2:22:46 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/650 - 163 Victoria Street POTTS POINT NSW 2011 - Attention Kaitlin McCaffery

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 Assessment Officer,

How are you? I am a local resident with a longstanding interest in Potts Point's heritage architecture, and I wish to express my support for D/2026/650.

In my view, the most important heritage outcome for this property is the conservation and recovery of its genuine Victorian character, rather than the preservation of every later alteration made when the building was converted into three units.

The exhibited Heritage Impact Statement explains that 163 Victoria Street was originally constructed as a single terrace residence and was subsequently divided into three units. That conversion substantially altered the interior, with much of the original flooring, joinery, doors, ceilings and decorative detailing removed or replaced. It would be unfortunate if those later interventions were now treated as more important than the opportunity to restore the building's architectural coherence.

Returning the property to one residence would not erase its history. Rather, it would recover its original residential purpose and allow the building to function and be understood once again as a complete Victorian terrace.

I also support the proposed adjustment of the internal floor structures. The heritage report identifies the relevant concrete floors as later additions rather than original Victorian fabric. Removing or modifying those structures to increase the ceiling heights would help re-establish room proportions more characteristic of a Victorian terrace whereas now the proportions of ceiling heights are so low due to changes from before not standard like Victorian terraces on Victoria.

Heritage conservation should allow unsympathetic later work to be carefully corrected, particularly where the building's original use and character are strengthened.

I respectfully ask Council to approve the application and support the return of 163 Victoria Street to use as a single residence. This would provide a balanced heritage outcome: significant surviving fabric would be protected, while the building would once again function and read as a coherent Victorian terrace home.

Yours sincerely,

Rebecca M.

From: Leon Barker [redacted]

Sent on: Tuesday, July 14, 2026 4:24:31 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/650 - 163 Victoria Street POTTS POINT NSW 2011 - Attention Kaitlin McCaffery

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 McCaffery,

Hope you are well. I support the proposed works at 163 Victoria Street because they offer a coherent, long-term future for a Victorian terrace that has been heavily altered over time.

The question is not simply whether the property should change. Council has already approved substantial alterations and additions under an existing consent that remains valid until 2028. The realistic issue is therefore which design provides the better heritage, architectural and residential outcome.

In my view, the current proposal is the more considered scheme. It improves the Victoria Street presentation, creates more appropriate internal proportions for a family home, introduces a landscaped courtyard and establishes a carefully designed relationship with Hourigan Lane that will be more coherent with the row of neighbours.

The internal layout and overall design are also a significant improvement on the currently approved scheme, which appears more compartmentalised and less residential in character. If the current valid DA is built, for certain there will be more additional changes and add on in the future for the unused back area. The present proposal reads as a complete and thoughtfully designed home.

The courtyard is particularly valuable. Rather than filling the entire site with continuous building mass, the proposal retains an open landscaped area between the main terrace and the rear pavilion. This provides breathing space within the site and creates a more balanced outcome, particularly in the context of the much larger apartment building next door and the substantial rear terraces found along this row that takes the whole site.

The additional space will support one household and help secure the ongoing maintenance of a heritage property. Given the level of investment required to undertake work of this scale, the proposal is also likely to support the building's conservation for decades to come.

Council's role is not simply to prevent change, but to balance heritage, amenity and the reasonable adaptation of buildings. Council should also enable good conservation outcomes and support investment in the long-term care of these Victorian terrace properties.

For these reasons, I believe approval of the current application would be the more constructive and publicly beneficial outcome.

Regards,

L Barker

From: [redacted]

Sent on: Friday, July 17, 2026 9:42:01 PM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: Comment for D/2026/650 , 163 Victoria Street POTTS POINT NSW 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 City of Sydney,

Please do not publish my email address or personal details.

I support this DA for this Victorian terrace. Potts Point is one of Sydney's most densely developed inner-city areas. In such a location, scarce urban land should be used reasonably and efficiently, provided that new development respects the heritage character and amenity of the surrounding area.

Some effect on neighbouring terraces/units is an ordinary and unavoidable part of development in an established terrace neighbourhood. The traditional terrace form was itself created on narrow sites, with attached buildings, party walls and construction from boundary to boundary. Changes to light, outlook or a sense of enclosure are therefore not unusual in this urban setting and should be assessed reasonably and proportionately rather than treated as grounds to prevent appropriate development altogether.

The proposal at 163 Victoria Street achieves a sensible balance. It preserves the Victorian presentation and character of Victoria Street while concentrating the additional built form toward Hourigan Lane, where the surrounding buildings are already larger and more varied in scale.

It also retains a landscaped courtyard rather than building continuously across the entire property. This allows the land to be used more effectively while maintaining the charm, rhythm and historic character of the Victoria Street streetscape.

In my view, the proposal is a positive example of how appropriate development can be accommodated in a dense inner-city area without losing the qualities that make Victoria Street distinctive. Neighbouring amenity should not result in a substantially smaller property being prevented from achieving an appropriate and well-designed development outcome.

For these reasons, I support the approval of D/2026/650. Thank you.

From: Jean-Louis Amiel [redacted]

Sent on: Thursday, July 30, 2026 1:17:36 PM

To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>

Subject: Submission - D/2026/650 - 163 Victoria Street POTTS POINT NSW 2011 - Attention Kaitlin McCaffery

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 Kaitlin,

I reviewed Development Application D/2026/650 for 163 Victoria Street, Potts Point NSW 2011.

I wish to lodge a formal objection to this application due to the significant adverse impact it will have on my property, Unit 4/165 Victoria Street, Potts Point.

The proposed construction over the existing car spaces will substantially reduce the amount of natural light entering my ground floor apartment. Natural light is one of the defining characteristics of my home and contributes significantly to its liveability, comfort, and value.
The loss of daylight will negatively affect my kitchen, living areas, and overall quality of life.

I purchased my property in good faith, with the expectation that its existing level of natural light would be preserved. The proposed development represents a significant loss of residential amenity and will diminish my reasonable enjoyment of my home. The reduction in natural light will create a darker living environment, increase the need for artificial lighting during the day, and adversely affect the overall amenity of my apartment.

I previously raised these concerns in 2022 (D/2022/686), and my apartment was inspected and assessed by Isaac Toledano of the City of Sydney Council. Despite this, I remain concerned that the current application does not adequately demonstrate or accurately assess the true extent of the impact on my apartment.

I respectfully request that the developer and the architect prepare a comprehensive and realistic daylight and overshadowing assessment that accurately reflects the effect of the proposed structure on my apartment. In my opinion the documentation submitted with the application significantly understates the extent of the loss of residential amenity.

The City of Sydney should carefully consider whether this proposal unreasonably impacts the amenity of neighbouring properties. Protecting the reasonable enjoyment of existing residents is an important planning consideration, and I believe this proposal fails to achieve appropriate balance between redevelopment and the preservation of neighbouring residential amenity.

Please find attached photographs showing the current levels of natural light within my apartment at different times of the day. These photographs demonstrate the importance of the existing light to my living environment and should be taken into account when assessing this application.

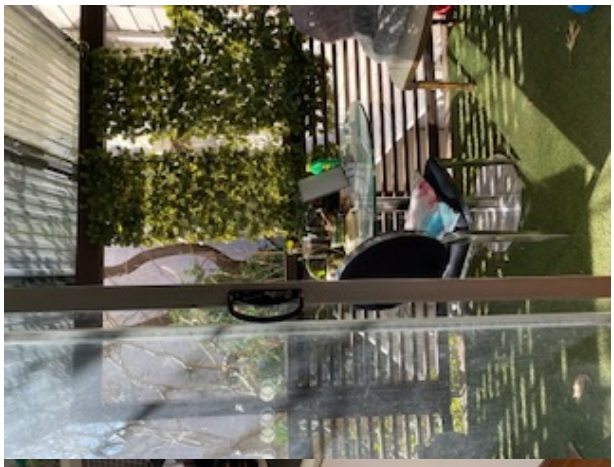
Thank you for your time and consideration. I look forward to your response.

Kind regards,

Jean-Louis Amiel

Unit 4/165 Victoria Street
Potts Point NSW 2011
[redacted]









From: Katrina Israel [redacted]

Sent on: Friday, July 31, 2026 3:25:38 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/650 - 163 Victoria Street POTTS POINT NSW 2011 - Attention Kaitlin McCaffery

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,
Hope you are well? As an owner of a next door apartment at 165 Victoria Street, Potts Point, I would like to object to the multi story garage that is proposed to be built at 163 as it will block light into the apartments next door by adding this whole new building that was not an existing structure. As it is now this is a backyard/driveway and in addition to the construction it will mean these apts next door look right into concrete and have zero natural light.

Thank you,
Katrina Israel

Katrina Israel | [redacted]

From: [redacted]

Sent on: Friday, July 31, 2026 3:29:11 PM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: D/2026/650 - feedback on development proposal

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.

Keeping identifying information private: please do not publish the below:

- Name
- Address
- Phone number
- [redacted]
- [redacted]
- This sentence: [redacted]

Hi there,

I am writing to provide feedback regarding the proposed development at 163 Victoria Street, Potts Point NSW 2011 (**D/2026/650).**

I am the owner and resident of a studio apartment on [redacted] 165 Victoria Street. All windows in my apartment face [redacted] the proposed development.

I strongly object to this proposal due to the significant adverse impacts it will have on the amenity and liveability of my property.

My concerns include the following:

- **Loss of natural light:** The proposed building will substantially reduce the amount of natural light entering my apartment. As my apartment relies entirely on its north-facing windows, this will have a significant impact on the comfort and liveability of my home.
- **Loss of outlook:** My apartment currently has views of the Sydney Harbour Bridge and the city skyline. These views will be entirely lost, significantly reducing the amenity and enjoyment of my property, plus devaluing it.
- **Proximity to the boundary:** The proposed building [redacted] close to my windows, meaning my outlook will become a nearby wall and roof rather than open sky. This will create an enclosed feeling and further reduce access to daylight.
- **Construction impacts:** The construction period will have a substantial effect on my ability to live in the apartment. Due to dust allergies and overall health concerns, I will be unable to keep my windows open due to dust generated by the works. Dust infiltration is also likely to damage or contaminate my belongings. In addition, I work from home, and prolonged construction noise will make it difficult to carry out my work - or just enjoy peace in my unit in general.
- **Emergency exit options:** The proposed development will remove the ability to exit through my windows (as we are built in) in the event that my apartment door cannot be used during an emergency. I am concerned that this will reduce the overall safety of my apartment.

My apartment [redacted] living space. Because the entire apartment depends on one aspect for light and outlook, the impacts of this development will be felt throughout the whole property. The reduction in natural light, openness and outlook will make an already compact living space feel [redacted] less habitable.

[redacted] I am concerned that the proposed development will significantly

diminish its value due to the loss of natural light, outlook and overall amenity. This may also reduce its rental appeal and resale value, causing substantial financial hardship.

I respectfully ask that these impacts on neighbouring residents be given careful consideration when assessing this proposal. In its current form, I believe the development will have an unreasonable and significant adverse effect on the amenity, liveability and value of my home.

Thank you for considering my submission.

[redacted]
165 Victoria Street, Potts Point
[redacted]

From: Katrina Israel [redacted]

Sent on: Friday, July 31, 2026 3:22:49 PM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: D/2026/650 Address 163 Victoria Street POTTS POINT NSW 2011 Applicant

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,
Hope you are well? As an owner of a next door apartment at 165 Victoria Street, Potts Point, I would like to object to the multi story garage that is proposed to be built at 163 as it will block light into the apartments next door by adding this whole new building that was not an existing structure. As it is now this is a backyard/driveway and in addition to the construction it will mean these apts next door look right into concrete and have zero natural light.

Thank you,
Katrina Israel

Katrina Israel | [redacted]

From: Yang L [redacted]
Sent on: Monday, August 3, 2026 10:19:27 AM
To: dasubmissions@cityofsydney.nsw.gov.au
Subject: Fw: Attention: Kaitlin McCaffery - re: Submission D/2026/650

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 Kaitlin and Sydney Council team,

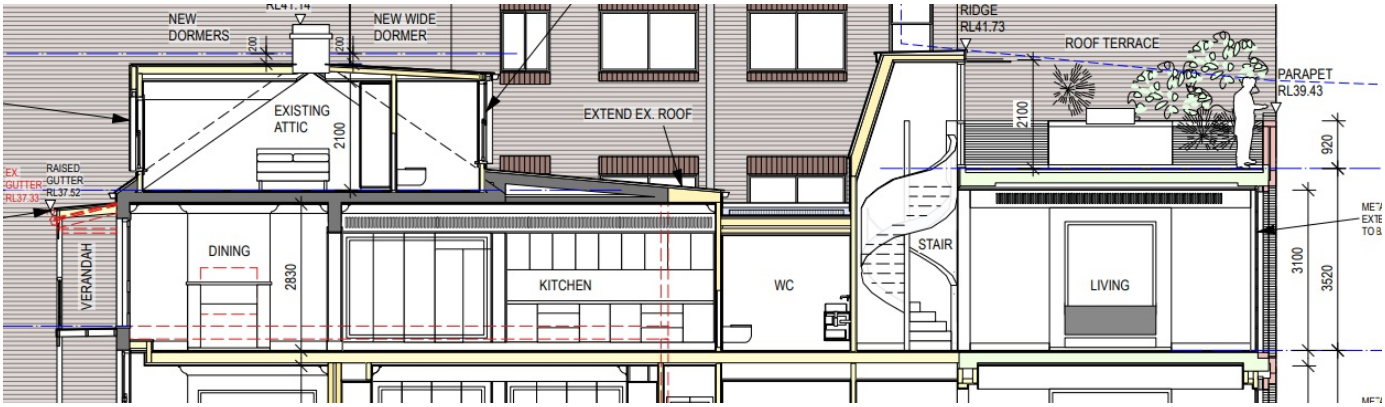
We would like to raise our concerns and objection to the Development Application D/2026/650 for 163 Victoria Street, Potts Point.

We are the owner of Lot 2, 165 Victoria St, Potts Point. This DA proposal of 163 Victoria Street is a substantial development that will have a significant impact to our building.

1. Structural impact: the demolition, new dwelling and extension will likely affect our building's foundation and stability, as two buildings almost having the shared wall at the moment (see photo as below).
   If in the long-term, anything happens to our building's foundation or stability after the renovation and extension, the owner of 163 Victoria Street has the obligation to the damage and repair, and the value loss of the building of 165 Victoria St. We will need the insurance from the owner of 163 Victoria Street on this point.



2. New DA will have one level up than the existing condition; it will block the lights and view for many apartments in our building. These are the new obstacles right in front of the windows of our building; this will result decrease in value of the affecting apartments in the building.



3. The light and sun from the north will be blocked, which may affect in the rising damp of the external all of our building in the long term. There will be moulds growing on the wall. It will be a big concern when this happens, because of the water penetration from the external wall may damage the membrane and will result in leaks when it rains heavily (we had one apartment having the similar issues right now!)





Based on the above facts and concerns, we object to the DA plan of 163 Victoria St.

Please keep us updated about the DA progress. Thank you.

Cheers,

Daniel Walker and Yang Liu
Lot 2, 165 Victoria St.

From: Mackay, Scott [redacted]

Sent on: Monday, August 3, 2026 12:55:50 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/650 - 163 Victoria Street POTTS POINT NSW 2011 - Attention Kaitlin McCaffery

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.

I have not any particular issue with this DA (conversion to a micro bar) other than to note that Kellett Street has laboured for years under mismanagement of bins by a number of the property owners on that stretch and there should be very STRICT requirements in their DA approval around not leaving the bins on the street all day. Also if they are looking for sidewalk seating it sould be included in the DA seating plan.

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From: Robert Gerrish [redacted]

Sent on: Monday, August 3, 2026 10:06:02 AM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: Attn: Kaitlin McCaffery, Submission D/2026/650

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 McCaffery

As owners of Unit 20, 165 Victoria Street, Potts Point we would like to formally register our objection to the Submission D/2026/650 regarding the adjoining property at 163 Victoria Street.

In our opinion the height of the rear addition (AND its roof terrace that will clearly add further visual elements - plants, umbrellas and other inevitable shading structures), is unacceptably tall and will impact the light into our property in a substantial manner.

To have the development of one dwelling negatively impact the multiple dwellings and lives of so many others does seem totally unreasonable.

Kind regards

Jane & Robert Gerrish

From: Robert Gerrish [redacted]

Sent on: Monday, August 3, 2026 12:57:43 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Attn: Kaitlin McCaffery, Submission D/2026/650

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 McCaffery

As owners of Unit 20, 165 Victoria Street, Potts Point we would like to formally register our objection to the Submission D/2026/650 regarding the adjoining property at 163 Victoria Street.

In our opinion the height of the rear addition (AND its roof terrace that will clearly add further visual elements - plants, umbrellas and other inevitable shading structures), is unacceptably tall and will impact the light into our property in a substantial manner.

To have the development of one dwelling negatively impact the multiple dwellings and lives of so many others does seem totally unreasonable.

Kind regards

Jane & Robert Gerrish

From: Luke Bowen [redacted]

Sent on: Tuesday, August 4, 2026 10:56:27 AM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

CC: Luke Bowen [redacted]

Subject: Submission D/2026/650

Attachments: Council Objection.pdf (247.29 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 McCaffery,

Please see attached.

Regards,

Luke Bowen | ***Managing Director*** | ***Sky Living Strata***
Level 7, 234 George Street, Sydney NSW 2000
PO Box 2345, Strawberry Hills NSW 2012
P. 02 9299 1100 | **F**. 02 9299 7729 | [redacted]
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Finalist of National Strata Management Business of the year (SCA)
Finalist of NSW Strata Management Business of the year (SCA)
Finalist of National Property Business of the year (Mybusiness Awards)

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Attention Kaitlin McCaffery
City of Sydney Council
Town Hall House, 456 Kent Street
Sydney NSW 2000

3 August 2026

Dear Sir / Madam,

RE: STRATA PLAN 69426 | 165-167 VICTORIA STREET, POTTS POINT
Objection to Development Application D/2026/650 – 163 Victoria Street, Potts Point (alterations and additions to existing residential flat building and change of use to dwelling house)

We write to formally object to the above development application. We represent the Strata Committee of 165-167 Victoria Street, Potts Point, which directly adjoins the subject site to the south and shares a common boundary along which the proposed rear pavilion addition is to be built.

We have reviewed the Statement of Environmental Effects (PCN Urban, ref. P843_01, 1 June 2026), the Statement of Heritage Impact (Weir Phillips Heritage, ref. J6844_03, June 2026) and the accompanying architectural plans. While I do not object to the principle of sensitive alterations to this heritage-listed terrace, I consider that the application as lodged should be refused, or substantially amended, for the reasons set out below.

1. The application does not comply with the floor space ratio standard, and the scale of non-compliance is not adequately justified

The proposal has a floor space ratio of 1.82:1 (270.6m²), against a maximum permitted under clause 4.4 of the Sydney Local Environmental Plan 2012 of 1.5:1 (223.5m²) – an excess of approximately 21%. This is a significant departure from a key development standard.

It is relevant that Council's own pre-DA advice (PDA/2025/182) told the applicant that the floor space ratio proposed was "unlikely to be supported given the impacts arising from the non-compliance," and that any new application should be compliant with this. The current application has not reduced the non-compliance in any material way and we submit that the request does not overcome the real, on-the-ground amenity impacts of the additional floor area, which are set out further below.

2. The loss of two dwellings reduces housing supply

The site currently comprises three residential dwellings. The proposal would reduce this to a single dwelling house – a loss of two dwellings, where clause 7.36(2) of the SLEP 2012 permits a maximum reduction of only one dwelling (or 15%, whichever is greater) without a clause 4.6 variation.

P. 02 9299 1100 | F. 02 9299 7729 | A. PO Box 2345, STRAWBERRY HILLS NSW 2012 | E. ENQUIRIES@SKYLIVINGSTRATA.COM.AU | A.B.N. 74 609 258 246

The applicant's justification rests solely on the property having been owner-occupied since mid-2024 and therefore not currently used as low-rental accommodation. This does not, in my submission, answer the underlying planning objective of clause 7.36, which is to protect housing supply and diversity within the City of Sydney LGA independent of current tenure. Approving the loss of two dwellings on this basis would set an unwelcome precedent for the amalgamation of multi-dwelling buildings into single dwelling houses across the Potts Point/Kings Cross area at a time of acute housing pressure in inner Sydney.

I note that the applicant's own Statement of Heritage Impact confirms the building currently comprises three genuine, self-contained residential units (Unit 1 on the lower ground floor, Unit 2 on the ground floor, and Unit 3 on the first floor and attic), each with its own kitchen, bathroom and bedroom(s). The heritage consultant's further submission that the conversion to a single dwelling would simply 'return' the building to its original nineteenth century configuration is a heritage argument about historic form, and is not a planning justification for extinguishing two lawfully existing homes. Heritage authenticity and housing supply are separate statutory considerations, and the former should not be used to outweigh the latter under clause 7.36.

I also note that the Statement of Heritage Impact states that the return to a single dwelling "is consistent with the change of use approved under the 2023 DA, which is valid until 2028," separately from the demolition consent (referenced elsewhere in that report) said to remain valid until the same year. To the extent the applicant relies on an earlier change-of-use approval to justify the current loss of two dwellings, we submit that any such earlier consent does not relieve this application of the need to independently satisfy clause 7.36(2) on its own merits, and I ask Council to clarify the status, scope and currency of that earlier approval as part of its assessment of this DA.

3. The scale of the rear pavilion is excessive and out of keeping with the laneway built form controls

The proposed pavilion addition fronting Hourigan Lane is three storeys with a wall height of approximately 11.2m, built to the rear boundary immediately adjoining my building. Clause 4.1.6.1(1) of the Sydney DCP 2012 contemplates a one-storey structure with an attic above (maximum height 5.4m) as the default built form for laneway sites – the proposed pavilion is more than double this height.

While the applicant has sought to justify this by reference to other larger-scale buildings along Hourigan Lane, several of the comparison buildings cited (including the 5-storey apartment building at No. 165 and the 10-storey tower behind No. 145-153) are of a scale and context materially different to this fine-grain heritage laneway. The cumulative bulk of the pavilion, together with the three-storey link to the main dwelling, will present an overbearing wall of built form hard against the boundary shared with our building, well in excess of what the laneway controls anticipate.

I am also concerned that the Statement of Heritage Impact asserts that the laneway building 'is in keeping with the scale of No. 165-167 Victoria Street as recommended by the City of Sydney'. This is not, in my reading, an accurate characterisation of Council's pre-DA advice (PDA/2025/182). That advice stated only that a single-level link addition, sitting near the height of the existing roller door structure, might be considered – not a three-storey pavilion matching the height of a five-storey Interwar apartment building. We ask Council to look closely at whether the scale now proposed is consistent with what was actually conveyed at pre-lodgement stage, rather than the applicant's characterisation of it.

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4. The rooftop terrace over the pavilion is contrary to the DCP and will increase overlooking

Clause 4.1.4.4(3) of the Sydney DCP 2012 states that the roof of a pavilion addition is not to accommodate a roof terrace or usable open space. The application proposes exactly this – a roof terrace above the pavilion addition, directly adjacent to my building. The privacy screen proposed along the northern boundary does not, in my submission, adequately address the elevated sightlines and additional overlooking that a roof-level terrace at this height and this proximity will create for the apartments at 165-167 Victoria Street.

We note that the Statement of Heritage Impact seeks to justify the roof terrace on the basis that roof terraces have been introduced at several neighbouring terraces, including Nos. 157, 159, 161 and 165 Victoria Street. That is, at most, an argument about heritage character and streetscape consistency; it is not an answer to clause 4.1.4.4(3) of the DCP, which prohibits a roof terrace on a pavilion addition specifically, nor to the amenity and overlooking impacts on my building that a roof-level terrace in this location will create. Heritage character and residential amenity are separate assessment criteria, and consistency with the former should not be treated as satisfying the latter.

5. Loss of solar access and views to adjoining apartments

The additional height and bulk of the rear built form will overshadow the north-facing windows of the apartments at 165-167 Victoria Street, including units 4, 8 and 14. We note that Council's own pre-DA advice specifically identified that the adjoining impacted dwellings are studio apartments whose only windows face this boundary, and that the adverse amenity impact on units 4, 8 and (to a lesser extent) 14 was "very unlikely to be supported," particularly given the floor space ratio non-compliance.

While clause 4.1.3.1(5) of the DCP generally permits overshadowing of windows facing side boundaries, this general permission should not be applied mechanically where Council's own detailed pre-DA assessment has already identified an unacceptable amenity outcome for these specific, light-starved dwellings. This violates the core amenity protections of the Sydney DCP 2012, which mandates a minimum of 2 hours of direct mid-winter sunlight. Where existing solar access is already limited, planning principles dictate that any further reduction must be rigorously minimized. Reducing an adjoining dwelling's sunlight to practically zero hours is an unreasonable and unacceptable impact.

We therefore believe that the loss of solar access to these units' only windows should be given significant weight in the assessment of this application.

The applicant's own Statement of Heritage Impact also acknowledges, in terms, that the proposed three-storey link will block views from the northern units of No. 165 Victoria Street. The report seeks to dismiss this on the basis that these are not 'public domain' views and are therefore of lesser heritage significance. That may be a valid observation for the purposes of assessing streetscape and heritage setting, but it is not an answer to the separate question of residential amenity for the affected occupants. The loss of outlook and views experienced by residents inside their own homes is a real amenity impact that should be assessed on its own terms under the residential amenity provisions of the DCP, not discounted because the view happens not to be visible from the street.

This is consistent with the Statement of Heritage Impact's own stated methodology, which describes itself as "a merit-based assessment" that "does not consider compliance or otherwise with numerical controls unless non-compliance will result in an adverse heritage impact." On its own terms, therefore, that report does not purport to assess, and cannot substitute for, a proper assessment of the residential amenity impacts of the proposal under the DCP.

P. 02 9299 1100 | F. 02 9299 7729 | A. PO Box 2345, STRAWBERRY HILLS NSW 2012 | E. ENQUIRIES@SKYLIVINGSTRATA.COM.AU | A.B.N. 74 609 258 246

6. Deep soil provision is deficient

The proposal provides only 11% (16m²) deep soil area, against the DCP requirement of a minimum 15% (21.81m²) for a site of this size. This shortfall is symptomatic of the overall overdevelopment of the site and reduces the capacity for on-site stormwater absorption, canopy cover and heat mitigation for a development that is already over the permitted floor space ratio.

We note that the Statement of Heritage Impact confirms the proposed deep soil courtyard between the existing dwelling and the pavilion addition is intended primarily to accommodate the site's existing frangipani tree, transplanted from its current position in the rear yard. The genuine, unencumbered deep soil provision available to the site is therefore likely to be smaller in practice than the bare percentage figures suggest, further underscoring the overdevelopment of this small site.

7. Cumulative impact

Taken individually, several of the above departures from the development standards and DCP controls might be capable of justification. Taken together – a proposed 21% FSR overshoot, the loss of two dwellings, a laneway pavilion more than double the anticipated height, a roof terrace expressly discouraged by the DCP, and a deep soil shortfall – they represent a cumulative overdevelopment of a heritage-constrained site that will materially reduce the amenity of neighbouring residents.

Conclusion and request

For the reasons set out above, I request that Council refuse the application in its current form. In the alternative, I request that Council require the application to be amended to substantially reduce the floor space ratio, retain at least two of the three existing dwellings (consistent with clause 7.36), reduce the height and bulk of the rear pavilion to align with the DCP laneway controls, remove the roof terrace over the pavilion, and provide compliant deep soil area – consistent with the built form previously approved under D/2022/686 and with Council's own pre-DA advice (PDA/2025/182).

Yours faithfully,

Luke Bowen
Managing Director
Sky Living Strata

P. 02 9299 1100 | F. 02 9299 7729 | A. PO Box 2345, STRAWBERRY HILLS NSW 2012 | E. ENQUIRIES@SKYLIVINGSTRATA.COM.AU | A.B.N. 74 609 258 246

From: [redacted]

Sent on: Tuesday, August 4, 2026 6:51:41 PM

To: council@cityofsydney.nsw.gov.au; dasubmissions@cityofsydney.nsw.gov.au

Subject: D/2026/650 163 Victoria Street POTTS POINT NSW 2011

Attachments: 163 Vic St Objection_Letter_D2026_650_165_Victoria_St.pdf (58.64 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.

D/2026/650 163 Victoria Street POTTS POINT NSW 2011

TO: Kaitlin McCaffery
FROM: Mary and Michiel Berkhout, 165-167 Victoria St Potts Point
The following identifying Information to be kept PRIVATE:
- Names
- email address
- mobile number
- Address
- document content

Dear Kaitlin
As an owner of a unit on the North side of 165-167 Victoria St, Potts Point, we object to the development D/2026/650. Please refer to the attached document.
Best wishes

[redacted]

FORMAL OBJECTION LETTER

Date: 4 August 2026
To: The Chief Executive Officer / Assessment Officer
Council: City of Sydney Council
Email: dasubmissions@cityofsydney.nsw.gov.au
Application Reference: D/2026/650
Subject Property: 163 Victoria Street, Potts Point NSW 2011
Objector Property: 165 Victoria Street, Potts Point NSW 2011 (Adjoining Property)

> **SUBJECT: SUBMISSION OF OBJECTION – Development Application D/2026/650 at 163 Victoria Street, Potts Point**

Dear Kaitlin,

I am writing as one of the owners of the directly adjoining property at 165 Victoria Street, Potts Point. I wish to lodge a formal objection to Development Application D/2026/650 in its current form due to specific adverse amenity, structural, and operational impacts on the adjoining property at 165 Victoria St, Potts Point.

I request that Council address the following planning and amenity concerns prior to determining this application:

1. Excessive Floor Space Ratio (Clause 4.6 Exception Request)

The applicant is proposing a Floor Space Ratio (FSR) of 1.82:1 (270.6 m² GFA), which exceeds the maximum permissible standard of 1.5:1 (223.5 m² GFA) under the Sydney LEP 2012 by 47.1 m² (approx. 21%).

- **Impact on 165 Victoria Street:** This substantial bulk and floor area over-development—specifically across upper levels and attic conversions—creates unnecessary visual bulk and scale along our shared boundary.
- **Requested Relief:** Council should strictly enforce the 1.5:1 FSR development standard or require reductions in upper-level building mass to prevent an unreasonable bulk impact on 165 Victoria Street.

2. Privacy & Overlooking Impacts (31 m² First-Floor Roof Terrace & Rear Dormers)

The proposal includes a new 31 m² elevated roof terrace on the first floor and new rear dormer windows on the second floor.

- **Impact on 165 Victoria Street:** Direct visual privacy impacts into balcony, lounge, bedroom and kitchen windows on the north side.

- **Requested Condition of Consent:** Should Council be minded to approve the roof terrace, a strict condition of consent must be imposed requiring a minimum 1.8-meter high fixed, opaque privacy screen along the southern boundary facing 165 Victoria Street to prevent direct overlooking.

3. Structural Integrity & Party Wall Protection

Given the age and terrace-style building fabric along Victoria Street, major internal alterations across four levels—including structural modifications, lift core installation, and lower ground works—pose structural risks to the shared party wall and building stability.

- **Requested Condition of Consent:** A comprehensive pre-construction Dilapidation Report of 165 Victoria Street must be undertaken by an independent, qualified structural engineer at the applicant's expense prior to the issue of any Construction Certificate, followed by a post-construction inspection.

4. Construction Traffic & Amenity Management

The proposed works represent an estimated project value of $1,720,000, requiring extensive demolition, structural work, and trades access via Hourigan Lane over an extended construction timeline.

- **Impact on 165 Victoria Street:** Significant potential for noise, vibration, dust, and traffic congestion affecting tenancy retention and quiet enjoyment.
- **Requested Condition of Consent:** Council must require a detailed Construction Environmental & Traffic Management Plan (CTMP) specifying strict construction hours, dust suppression measures, and noise management to ensure rear access along Hourigan Lane remains unobstructed.

Conclusion

I trust Council will carefully consider the impacts on the adjoining residence at 165 Victoria Street. I request to be kept informed of any amended plans, public hearing dates, or final assessment determinations regarding DA D/2026/650.

Yours sincerely,

[redacted]
Owner, 165 Victoria Street, Potts Point NSW 2011
Email: [redacted]
Phone: [redacted]

From: Unit 16 Paul Nathan [redacted]

Sent on: Tuesday, August 4, 2026 5:25:41 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2026/650 - 163 Victoria Street POTTS POINT NSW 2011 - Attention Kaitlin McCaffery

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 Kaitlin.

I object to the DA proposal D/2026/650 because the proposed dwelling would be built directly against the side of our building.

If our building ever requires repairs or maintenance to the side wall, it would not be possible to carry out that work due to the lack of access created by the proposed development. This raises significant concerns about the ongoing maintenance and preservation of our property.

For these reasons, we object to the proposal.

Regards,

Paul & Kathy Nathan

Paul Simon Nathan

16/165-167 Victoria Street
Potts Point
NSW 2011

T: Paul - [redacted]
E: [redacted]

Paul Simon Nathan

16/165-167 Victoria Street
Potts Point
NSW 2011

T: [redacted]
E: [redacted]

From: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>
Sent on: Wednesday, August 12, 2026 3:32:35 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: Objection to Development Application D/2026/650 – 163 Victoria Street, Potts Point

---

From: Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au>
Sent: Wednesday, 12 August 2026 3:24 PM
To: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>
Subject: FW: TRIM CM: Objection to Development Application D/2026/650 – 163 Victoria Street, Potts Point

Hi Team,

Could you please register this submission.

Kind regards

Kaitlin McCaffery (she/her)
Specialist Planner
Planning Assessments

CITY OF SYDNEY

Telephone: +612 9246 7240
cityofsydney.nsw.gov.au



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

From: Mikel Crawley [redacted]>
Sent: Saturday, 8 August 2026 11:48 PM
To: Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au>
Subject: TRIM CM: Objection to Development Application D/2026/650 – 163 Victoria 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.

Attn: City of Sydney Local Planning Panel

I want to write to again object to the proposal put forward for the development of 163 Victoria St, Potts Point, for the same reasons, twice previously, that saw the proposals rejected.

The two previous rejections were for;
* **D/2024/204**
* **RD/2011/1505/A**

This development represents a complete overdevelopment of the site with the building being extended to the height of the current frontage and to the back boundary of the land.

Directly impacting to the building of my residence, 165 Victoria St Potts Point, the development will completely cover one side of the building, with the proposed development providing plans for a building up to the height of of the current frontage extending to the back of the block. This will mean that appartments on the south side of the building (165 Victoria St) will loose all available sunlight and airflow.
There are appartments on the south side of the building, including my own, that only has external wall on the south side of the building, so there will be no other available natural light, for appartments that are small studio appartments with no balcony, making them largely inhabitable.
This will also significantly impact he the value of the building as a whole, more significantly for the appartments on the south side of the building.

For the apartments at the back of the building, there will be further impact from the additional structure to the roof of 90 Brougham lane reducing light, as well as additional noise with Hourigan lane providing the access for 6 additional car spaces.

As a testament to the unacceptable development proposed for the reasons outlined within this objection directly negatively impacting the south side of 165 Victoria St, Potts Point, City of Sydney council already rejected twice similar development submitted in 2012:- **RD/2011/1505/A, and D/2024/204 in 2024,**

which created the same negative impact as the current DA now being reviewed. This rejections in 2012 was made after significant consideration, consultations, as well as site visits in order to see the direct impact on the residents living in the building.

I request this current DA submission is considered with the same understanding of impact and seriousness in order to maintain an acceptable way of living for the residents in the Crosspoint building, 165 Victoria St, Potts Point, and is rejected.

Many Thanks,
Mikel Crawley
11/165 Victoria St, Potts Point.

Begin forwarded message:

From: Mikel Crawley <[redacted]>
Subject: Submission - D/2024/204 - 169 Victoria Street POTTS POINT NSW 2011 - Attention Rebecca Gordon
Date: 29 April 2024 at 11:57:39 pm AEST
To: dasubmissions@cityofsydney.nsw.gov.au

Attn: City of Sydney Local Planning Panel

I want to write to you stating my OBJECTION to the Submission **D/2024/204 - 169 Victoria Street POTTS POINT NSW 2011.**

This development represents a complete overdevelopment of the site with the building being extended to the height of the current frontage and to the back boundary of the land.

Directly impacting to the building of my residence, 165 Victoria St Potts Point, the development will completely cover one side of the building, with the proposed development providing plans for a building up to the height of of the current frontage extending to the back of the block. This will mean that appartments on the south side of the building (165 Victoria St) will loose all

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Many Thanks,
Mikel Crawley.

From: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>
Sent on: Wednesday, August 12, 2026 3:32:35 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: Objection to Development Application D/2026/650 – 163 Victoria Street, Potts Point

---

From: Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au>
Sent: Wednesday, 12 August 2026 3:24 PM
To: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>
Subject: FW: TRIM CM: Objection to Development Application D/2026/650 – 163 Victoria Street, Potts Point

Hi Team,

Could you please register this submission.

Kind regards

Kaitlin McCaffery (she/her)
Specialist Planner
Planning Assessments

CITY OF SYDNEY

Telephone: +612 9246 7240
cityofsydney.nsw.gov.au



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

From: Mikel Crawley <
Sent: Saturday, 8 August 2026 11:48 PM
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Attn: City of Sydney Local Planning Panel

I want to write to again object to the proposal put forward for the development of 163 Victoria St, Potts Point, for the same reasons, twice previously, that saw the proposals rejected.

The two previous rejections were for;
* **D/2024/204**
* **RD/2011/1505/A**

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As a testament to the unacceptable development proposed for the reasons outlined within this objection directly negatively impacting the south side of 165 Victoria St, Potts Point, City of Sydney council already rejected twice similar development submitted in 2012:- **RD/2011/1505/A, and D/2024/204 in 2024,**

which created the same negative impact as the current DA now being reviewed. This rejections in 2012 was made after significant consideration, consultations, as well as site visits in order to see the direct impact on the residents living in the building.

I request this current DA submission is considered with the same understanding of impact and seriousness in order to maintain an acceptable way of living for the residents in the Crosspoint building, 165 Victoria St, Potts Point, and is rejected.

Many Thanks,
Mikel Crawley
11/165 Victoria St, Potts Point.

Begin forwarded message:

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Subject: Submission - D/2024/204 - 169 Victoria Street POTTS POINT NSW 2011 - Attention Rebecca Gordon
Date: 29 April 2024 at 11:57:39 pm AEST
To: dasubmissions@cityofsydney.nsw.gov.au

Attn: City of Sydney Local Planning Panel

I want to write to you stating my OBJECTION to the Submission **D/2024/204 - 169 Victoria Street POTTS POINT NSW 2011.**

This development represents a complete overdevelopment of the site with the building being extended to the height of the current frontage and to the back boundary of the land.

Directly impacting to the building of my residence, 165 Victoria St Potts Point, the development will completely cover one side of the building, with the proposed development providing plans for a building up to the height of of the current frontage extending to the back of the block. This will mean that appartments on the south side of the building (165 Victoria St) will loose all

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I request this current DA submission is considered with the same understanding of impact and seriousness in order to maintain an acceptable way of living for the residents in the Crosspoint building, 165 Victoria St, Potts Point, and is rejected.

Many Thanks,
Mikel Crawley.

From: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>
Sent on: Monday, August 24, 2026 2:22:36 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: D/2026/650 Address: 163 Victoria Street POTTS POINT NSW 2011

From: [redacted] <[redacted]
Sent: Saturday, 22 August 2026 6:45 PM
To: Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au>
Subject: D/2026/650 Address: 163 Victoria Street POTTS POINT NSW 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 McCaffery,

We refer to the above DA and write as next-door neighbours, being the owners and residents (with family) at 161 Victoria St.

We did not receive any notification whatsoever of the DA despite being the next-door neighbours.

We only learned of the planned works today.

On a superficial view of the architectural plans on your website, this email serves to notify you that**we strongly object to the DA** and will, after having reviewed the documents more fully, write in more detail.

For the moment, suffice it to say, the description *"Alterations and additions to existing residential flat building and change of use to single dwelling"* is disingenuous and misleading. It represents a MASSIVE change to the DA lodged in 2022 (D/2022/686) which, incidentally, we supported.

Please feel free to call at your convenience.

Yours sincerely,
Les Schmalzbach & Samantha Tidbeck
161 Victoria St, Potts Point
[redacted]

From: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>
Sent on: Monday, September 7, 2026 2:33:43 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: DA D/2026/650
Attachments: DA objection Isla Tooth.docx (14.4 KB)

From: Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au>
Sent: Monday, 7 September 2026 1:45 PM
To: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>
Subject: FW: DA D/2026/650

Hi team,

Can you please register this submission in TRIM.

Kind regards

Kaitlin McCaffery (she/her)
Specialist Planner
Planning Assessments

CITY OF SYDNEY

Telephone: +612 9246 7240
cityofsydney.nsw.gov.au



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

From: [redacted] <[redacted]>
Sent: Monday, 7 September 2026 11:29 AM
To: Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au>
Subject: DA D/2026/650

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 letter of objection to the proposed developments at 163 Victoria Street Potts Point.
Thank you for considering my comments on these plans.

Regards
Isla

Isla Tooth
Funeral Celebrant
88 Brougham St
POTTS POINT 2011

Ph [redacted]
Mob [redacted]

88 Brougham St

POTTS POINT 2011

Kaitlin McCaffery

Town Planner

City of Sydney

7th September 2026

Having only just been made aware of this DA I would like to lodge an objection to the proposed plans for the extension of the house at

163 Victoria Street Potts Point

DA D/2026/650

My house (where I have lived for 40 years) is across Hourigan Lane from this property. It will have closer and more direct view into my home than the flats at 165 Victoria Street. There will be potential noise from the roof top terrace (The noise from balcony /terrace is already bad from 159 as they were allowed to extend right up to the lane.)

There is also potential for Western sun to be bouncing off the proposed windows. We should be keeping more backyards as green spaces and relief from hard surfaces and increasing heat. We have lost more greenery and space with development behind the Piccadilly Hotel which is significantly increasing the built space in this pocket of Potts Point.

I understand the need for increasing density in the city but this property has gone from being 3 flats to one house to accommodate one family. This extension is not about housing more people.

Please consider all these factors when assessing the proposed plans.

Your sincerely

Isla Tooth

Ph

From: Melinda Futcher <MFutcher@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>
Sent on: Tuesday, September 15, 2026 1:41:45 PM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: Objection to DA D/2026/650 @ 163 Victoria St, Potts Point
Attachments: OBJECTION to 163 DEVELOPMENT PROPOSAL - 11 September 2026.pdf (3.26 MB)

From: Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au>
Sent: Tuesday, 15 September 2026 1:28 PM
To: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>
Subject: FW: Objection to DA D/2026/650 @ 163 Victoria St, Potts Point

Hi team,

Could you please register this objection.

Kind regards

Kaitlin McCaffery (she/her)
Specialist Planner
Planning Assessments

CITY OF SYDNEY

Telephone: +612 9246 7240
cityofsydney.nsw.gov.au



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

From: [redacted] <[redacted]>
Sent: Friday, 11 September 2026 6:22 PM
To: Michael Soo <MSoo@cityofsydney.nsw.gov.au>; Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au>
Cc: Samantha Tidbeck <[redacted]>
Subject: Objection to DA D/2026/650 @ 163 Victoria St, 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.

Hi Kaitlin & Michael,

Attached please find our detailed objection to the proposed development next door at 163 Victoria St, Potts Point.

Would you kindly acknowledge receipt and advise when we will be able to address the Planning Committee.

Kind regards,
Les Schmalzbach

att x 1

On Tue Sep 01 2026 < [redacted] wrote:
---------- Original Message ----------
Hi Kaitlin & Michael,

Thank you for your time today.

To summarise our meeting, in brief:
- we are not opposed to renovation of the existing building at 163 Victoria St;
- we have serious objections to the proposed extensions/additions;
- we will provide a written, detailed, documented submission to Council, hopefully by the end of next week.

Kind regards,
Les Schmalzbach

> On Tue Aug 25 2026 Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au> wrote:
> ---------- Original Message ----------
>
> **In person meeting to be held at Town Hall House, 456 Kent Street, Sydney.** Please sign in at level 1 concierge and we will escort you to the conference room.

_____ This email and any files transmitted with it are intended solely for the use of the addressee(s) and may contain information that is confidential or subject to legal privilege. If you receive this email and you are not the addressee (or responsible for delivery of the email to the addressee), please note that any copying, distribution or use of this email is prohibited and as such, please disregard the contents of the email, delete the email and notify the sender immediately.

OBJECTION to PROPOSED DEVELOPMENT

Response to a **Development Application**
Submitted via the **NSW Planning Portal** to **City of Sydney Council**
D/2026/650,
for Alterations + Additions to an Attached Dwelling at

163 VICTORIA STREET, POTTS POINT, NSW 2011

Submission on behalf of the owners and occupants of 161 Victoria Street

Revision: Final submission

Prepared for: Les Schmalzbach & Samantha Tidbeck

Prepared by: Rupert Ansted, B.Sc (EnvDsgn), B.Arch

Date: 11.Sep.2026

EXECUTIVE SUMMARY

This submission is made on by and on behalf of the owners and occupants of 161 Victoria Street, Potts Point, the property immediately adjoining the subject site to the north, to formally object to the development proposed at No.163 in its present form.

We do not object to the reasonable renovation or redevelopment of No.163. The objection concerns the particular scale, height, intensity and configuration of the proposed rear development, comprising a three-storey pavilion, three-storey connecting element and elevated 31m² roof terrace.

The proposal should be refused or substantially redesigned on the following grounds, which are described in detail below:

1. Excessive scale and bulk — the three-storey pavilion and three-storey link do not provide the low-scale, subordinate rear development contemplated by Sydney DCP 2012;
2. Prohibited pavilion roof terrace — Sydney DCP 2012 cl 4.1.4.4(3) expressly provides that the roof of a pavilion addition is not to accommodate a roof terrace or usable open space;
3. Unacceptable privacy impacts — the proposal creates new elevated sightlines toward No.161 from the roof terrace, pavilion windows and windows/openings within the three-storey link;
4. Increased enclosure and loss of outlook, visible sky and spatial separation — substantial new building mass is introduced into the immediate foreground of occupied areas of No.161;
5. Adverse heritage relationship — the proposed rear development does not remain subordinate to the principal terrace building and materially compresses the setting of adjoining heritage item No.161;
6. Floor space ratio (clause 4.6), unjustified 21% FSR exceedance — the application seeks approximately 47.1m² of GFA above the applicable development standard and has not demonstrated that the resulting development intensity produces an acceptable site-specific outcome;
7. Inadequate information concerning excavation and shared-boundary works — no site-specific structural or geotechnical reports have been identified in the application material.

These impacts are interrelated and should also be assessed cumulatively under s4.15 of the Environmental Planning and Assessment Act 1979.

In addition, we provide a brief appendix outlining the negative effects of this proposal on other, neigbouring properties.

THE DEVELOPMENT MUST BE ASSESSED AS A WHOLE

A central problem with the application is that different components are justified independently by reference to different surrounding examples.

The three-storey rear form is justified by reference to No.159 and the substantially larger building at No.165. Existing roof terraces are relied upon to justify the proposed roof terrace. The three-storey link is said to be low scale because portions of its roof are sloping or skillion.

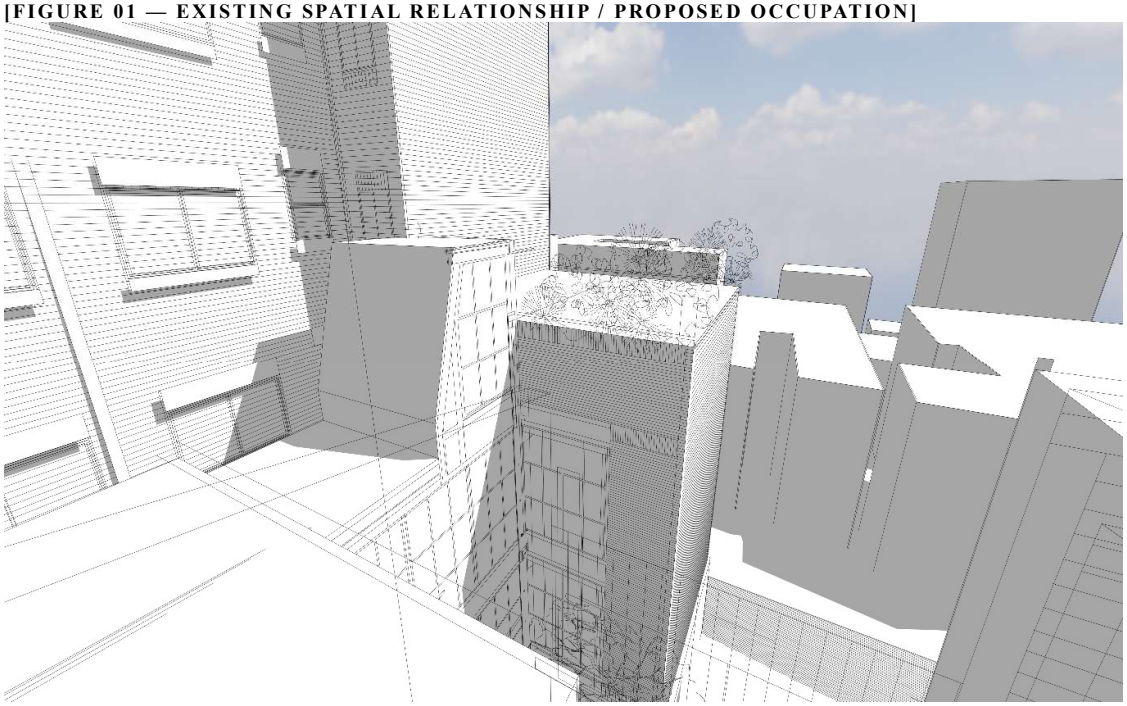
Those propositions do not adequately address the physical outcome of the development as a whole.

The applicant's Heritage Impact Statement itself describes the pavilion and link as three storeys and says that they "modulate" between No.161 and the substantially larger No.165.

The proposal instead introduces a substantial three-storey rear building, a three-storey connection back to the primary structure, an elevated recreational terrace and substantial privacy screening into an area which presently provides separation between buildings of markedly different scale.

The cumulative effect is an unacceptable planning outcome.

[FIGURE 01 — EXISTING SPATIAL RELATIONSHIP / PROPOSED OCCUPATION]



OBECTION GROUND 1: EXCESSIVE SCALE AND BULK

Relevant controls: Sydney DCP 2012 ss4.1.4 and 4.1.4.4(2).

Sydney DCP 2012 cl 4.1.4.4(2) requires the element linking a pavilion addition to the existing building to be "of low scale" and minimise its impact.

Applicant's position

The applicant acknowledges this requirement but states that the partial sloping and skillion roof forms "ensure the link is of a low scale."

Objection

We disagree.

The proposed link is a three-storey occupied connecting structure. Its scale is determined by its actual height, volume and relationship to surrounding buildings, not merely by the shape of part of its roof.

A sloping or skillion roof does not convert a three-storey structure into a low-scale link.

The rear pavilion is similarly substantial. Although described as a pavilion addition, it no longer reads as a subordinate rear element when considered in three dimensions.

The submitted sections identify successive pavilion floor-to-floor heights of approximately 3.38m, 3.00m and 3.52m, with the elevated roof terrace and privacy screen above.

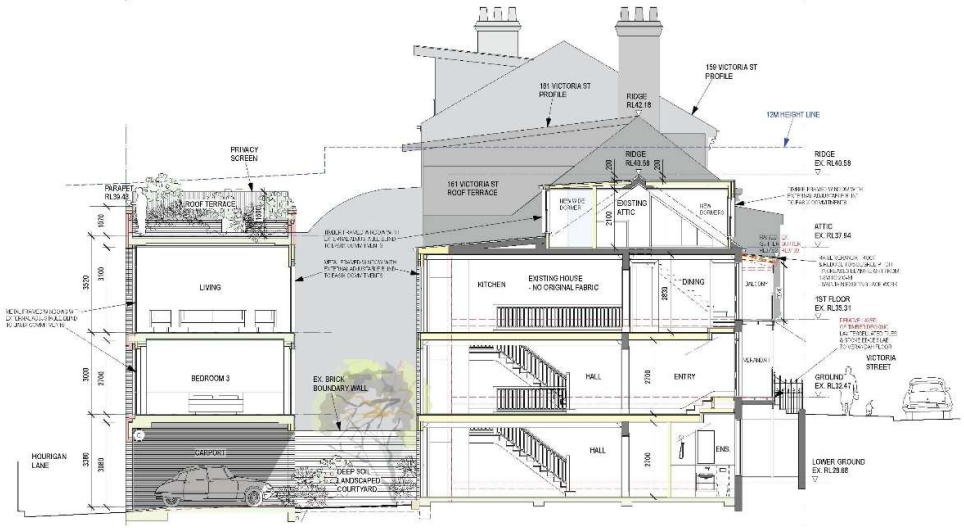
The generous upper vertical dimension is particularly significant because it directly raises:

the overall rear building envelope;
the roof terrace;
the privacy screening; and
the amount of built form experienced from No.161.

The resulting pavilion/link arrangement is substantially more dominant than the low-scale rear relationship contemplated by the pavilion provisions.

We submit the proposal does not satisfy cl 4.1.4.4(2).

[FIGURE 02 — PAVILION / LINK VERTICAL SECTION + RELATIVE HEIGHTS]



OBJECTION GROUND 2: PROHIBITED PAVILION ROOF TERRACE

Relevant control: Sydney DCP 2012 cl 4.1.4.4(3).

The relevant provision is clear:

"The roof of a pavilion addition is not to accommodate a roof terrace or useable open space."

The applicant nevertheless proposes approximately 31m² of usable open space on the pavilion roof.

The applicant also identifies a compliant 16m² lower-level private open space area, satisfying the stated minimum private-open-space requirement.

The elevated roof terrace is therefore additional recreational space rather than space required to achieve the minimum provision.

Applicant's comparator argument

The applicant relies upon existing roof terraces at Nos.159 and 161, amongst others, as evidence that the proposed terrace is consistent with the area. The HIS expressly relies upon those terraces.

That comparison is not persuasive.

We advise that the terraces at Nos.159 and 161 have existed certainly for more than 35 years and substantially predate Sydney DCP 2012.

More importantly, their physical relationships are materially different.

The No.159 terrace is approximately 2.1m below the proposed No.163 roof terrace, based on our scaled comparison of the available drawings. Its rear development remains visually subordinate to the principal terrace building and the terrace itself is substantially contained within the surrounding building form.

The existing terrace at No.161 likewise does not create the same elevated and direct overlooking relationship with adjoining residential property.

By contrast, the proposed No.163 terrace:

+ sits above a substantial three-storey rear pavilion;
+ is positioned at a materially higher and more exposed level;
+ creates a new elevated recreational interface immediately beside No.161; and
+ requires substantial privacy screening because of that relationship.

The fact that older roof terraces exist elsewhere does not demonstrate that this terrace, in this position and at this level, achieves the current control.

We submit the departure from cl 4.1.4.4(3) is not justified.

[FIGURE 03 — ROOF TERRACE COMPARISON: NOS.159 / 161 / PROPOSED 163]



OBJECTION GROUND 3: UNACCEPTABLE PRIVACY IMPACTS

Relevant control: Sydney DCP 2012 cl 4.1.3.6.

The proposal creates multiple new elevated viewing relationships with No.161.

These arise from:

a. the elevated roof terrace;

b. windows/openings within the rear pavilion; and

c. windows/openings within the three-storey connecting element.

The applicant's privacy assessment principally relies upon orientation of openings and a privacy screen along the northern boundary of the roof terrace.

The SEE also states that the three-storey link assists in reducing overlooking from No.165 into the proposed dwelling. That does not address the separate question of overlooking from the proposed development toward No.161.

The applicant has therefore not adequately demonstrated the actual sightline relationships between these new elevated openings/recreational areas and the existing occupied rooms and external areas of No.161.

The submitted documents also appear inconsistent as to the proposed northern privacy-screen height, variously indicating approximately 1.5m, 1.6m and 1.65m.

Increasing screening does not necessarily resolve the planning problem.

A more substantial screen may reduce direct overlooking but will simultaneously increase:

visual bulk;
enclosure;
obstruction; and
loss of visible sky.

The fundamental issue is the elevation and location of the roof terrace itself.

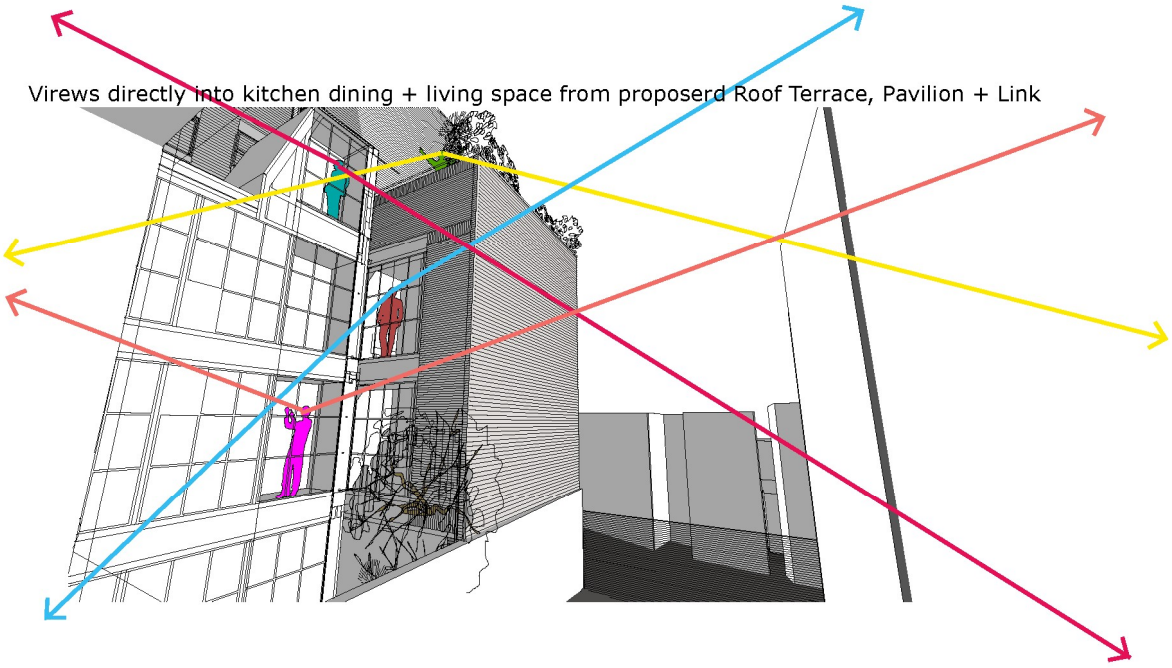
The submitted drawing set also does not contain a dedicated northern elevation showing the proposal directly in relation to No.161, despite this being the principal elevation at which privacy and built-form impacts arise.

The application has not demonstrated that reasonable visual privacy to No.161 will be maintained.

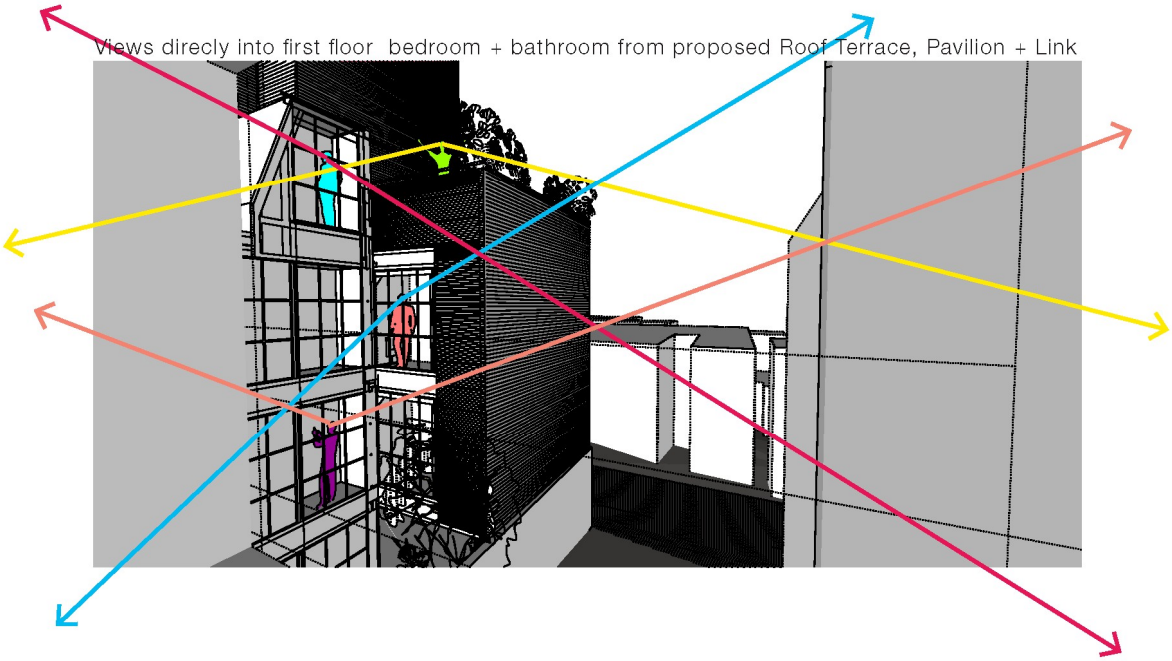
We assert it will not maintain reasonable privacy.

See following sightlines.

[FIGURE 04A + 04B— VISUAL PRIVACY / NEW ELEVATED SIGHTLINE RELATIONSHIPS]



Level 2 Entry/Ground Floor



Level 3 Bedroom + Bathroom

OBJECTION GROUND 4: ENCLOSURE, OUTLOOK, VISIBLE SKY, SPATIAL SEPARATION

Relevant considerations: Environmental Planning and Assessment Act 1979, s4.15(1)(b) and (c); *Tenacity Consulting Pty Ltd v Warringah Council* [2004] NSWLEC 140.

The proposal would materially alter the outlook presently enjoyed from No.161 Victoria Street.

This objection does not assert a proprietary right to retain all existing views across No.163. The issue is whether the scale and configuration of the proposed development produces a reasonable view-sharing and residential amenity outcome.

The principal impact is not simply the removal of a particular distant object or skyline view. It is the introduction of a substantial three-storey building form into the immediate foreground of No.161, substantially reducing visual depth and visible sky and increasing the sense of enclosure from occupied areas of the dwelling.

The impact is particularly significant from Level 2 — Entry / Ground / Living Level, which contains the principal living accommodation of No.161 and experiences the greatest change.

1.1 Existing outlook

The existing outlook from No.161 comprises a layered urban view incorporating:

+ substantial visible sky;
+ mature vegetation;
+ separation between adjoining building forms;
+ surrounding roofscape and district outlook; and
+ from all levels, views toward the Sydney CBD skyline and identifiable city buildings.

The applicant's own Heritage Impact Statement records that views and glimpses toward the city skyline and harbour are integral to the character of the Potts Point Heritage Conservation Area.

That does not create an entitlement to preservation of a private view. It does, however, confirm that the wider district and skyline outlook forms an established characteristic of the locality.

1.2 View-sharing assessment

The view impacts have been considered having regard to the four-step approach established in *Tenacity Consulting Pty Ltd v Warringah Council*.

Step 1 — Nature of the views affected

The affected views are predominantly urban district and skyline views rather than water views.

They nevertheless have substantial amenity value because they combine distant outlook with open sky, vegetation and significant visual depth.

The more significant effect is that the proposed pavilion introduces a large new foreground obstruction into an outlook which is presently substantially open.

Accordingly, the impact should be understood as a combination of:

partial view loss + substantial loss of visual depth + reduced visible sky + increased foreground enclosure.

Step 2 — Where the views are obtained – The relevant levels of No.161 are:

Level 1 — Lower Ground

Level 2 — Entry / Ground / Living Level
This level contains the principal living accommodation and is the most significantly affected viewpoint.

Level 3 — Bedroom Level

Level 4 — Master Bedroom Level

The most important affected view is therefore not from a bathroom, circulation space or incidental viewing position. It is obtained from the principal living level of the dwelling.

The photographic analysis accordingly gives greatest weight to Level 2 — Entry / Ground / Living Level.

Views from the upper bedroom levels remain relevant, but the degree of impact is assessed separately rather than assuming that every level is affected equally.

Step 3 — Extent of impact – The effect varies materially by level.

Level 2 — Entry / Ground / Living Level – This is the primary affected viewpoint.

From the principal living accommodation, the proposed pavilion would occupy a substantial part of the presently open foreground.

The principal effects are:

+ substantial introduction of close-range building mass;
+ significant reduction in visible sky;
+ loss of visual depth between the buildings;
+ substantial loss of district and skyline outlook; and
+ a materially increased sense of enclosure.

The impact at this level is therefore significantly greater than a simple partial loss of distant skyline.

The existing spatial character of the view changes from an open, layered outlook to one substantially dominated by the proposed rear building.

See following current and indicative view analysis/loss photos.

[FIGURE 05A — LEVEL 2 / ENTRY-GROUND-LIVING LEVEL — EXISTING]



[FIGURE 05B — LEVEL 2 / ENTRY-GROUND-LIVING LEVEL — INDICATIVE PROPOSED]



Level 3 — Bedroom Level

At Level 3, a greater proportion of the district outlook remains available.

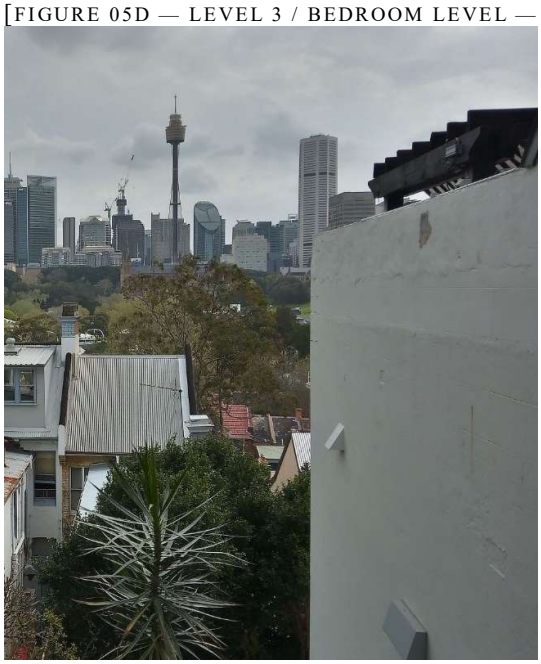
The proposed development nevertheless introduces substantial new foreground mass and materially reduces visible sky and spatial depth.

The effect is therefore considered material, but less severe than at the principal living level.

[FIGURE 05C — LEVEL 3 / BEDROOM LEVEL — EXISTING]



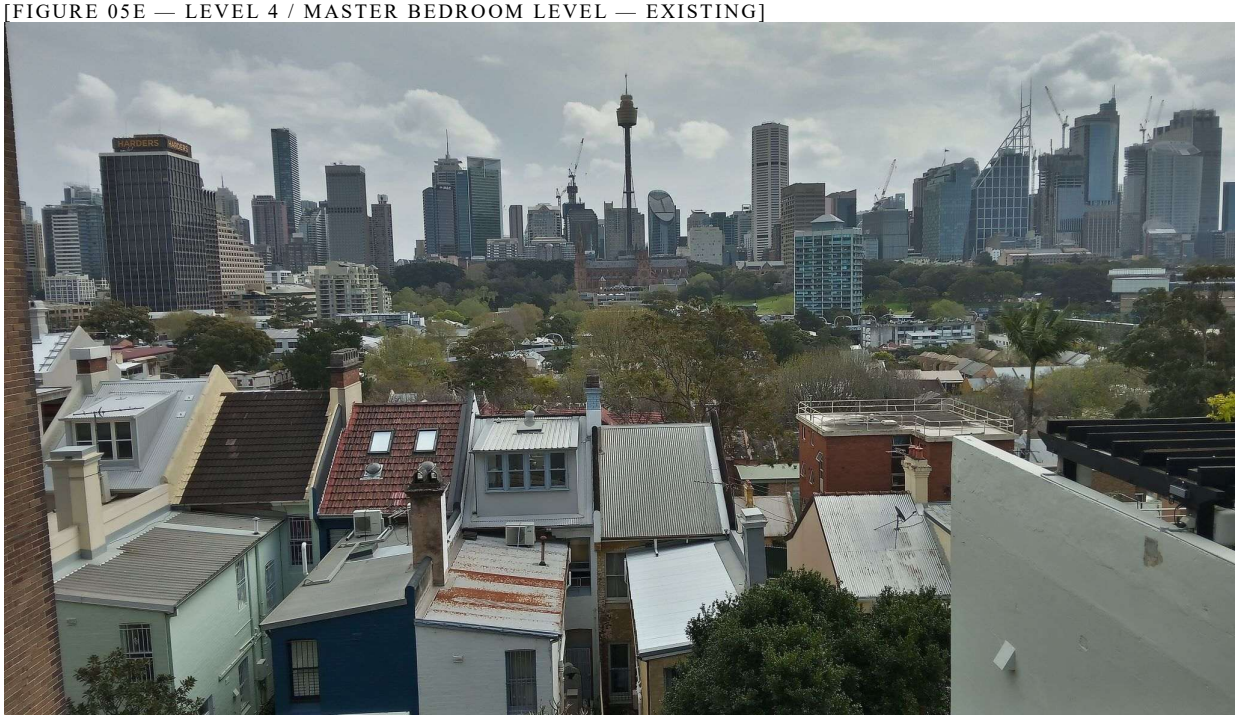
[FIGURE 05D — LEVEL 3 / BEDROOM LEVEL — INDICATIVE PROPOSED]



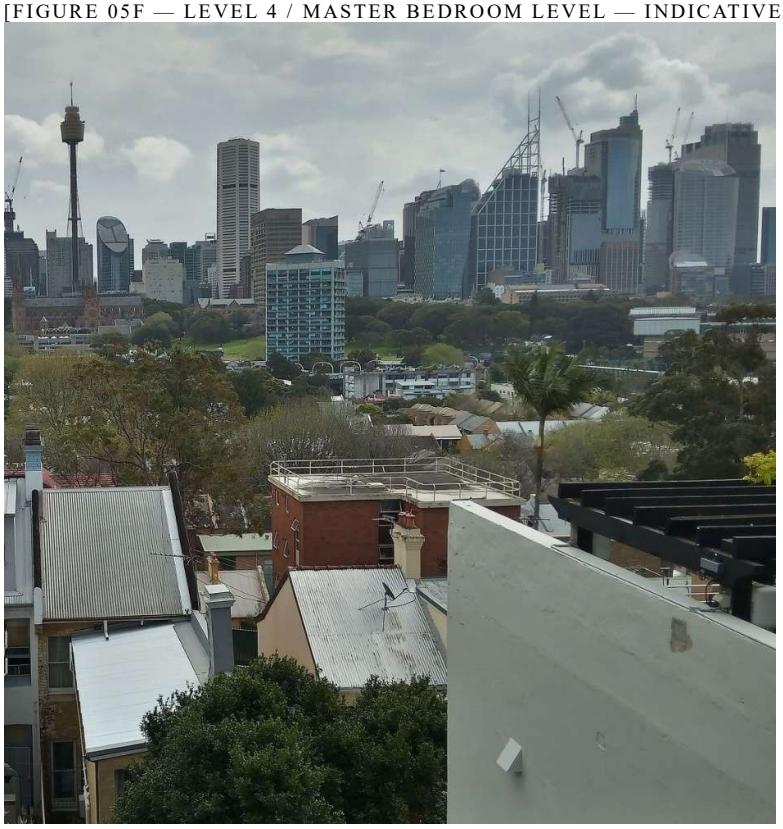
Level 4 — Master Bedroom Level

The material change is the introduction of substantial new building mass into the immediate foreground and partial obstruction of the existing district/city outlook.

[FIGURE 05E — LEVEL 4 / MASTER BEDROOM LEVEL — EXISTING]



[FIGURE 05F — LEVEL 4 / MASTER BEDROOM LEVEL — INDICATIVE PROPOSED]



Taken across the dwelling as a whole, the effect ranges from substantial at the principal Level 2 living space to moderate at the uppermost level, with increased foreground enclosure occurring throughout the affected levels.

1.3 Scale of the pavilion as foreground obstruction

The extent of view and enclosure impact is directly related to the vertical scale of the proposed pavilion.

The applicant's sections show three successive pavilion levels of approximately 3.38m, 3.00m and 3.52m, with a roof terrace and privacy screening above.

Based upon the submitted levels, the pavilion therefore presents an approximately 10–11m high building form across the rear of the site before the additional roof-terrace privacy screen is considered.

Despite the direct relationship between this building form and No.161, no dedicated northern elevation showing the pavilion as experienced from No.161 has been identified in the submitted architectural set.

When reconstructed directly from the applicant's submitted plans, sections and levels, the pavilion presents as a substantial vertical building plane within the immediate outlook of No.161.

This is materially different from a conventional subordinate rear pavilion.

The resulting enclosure is therefore a direct consequence of the scale and vertical configuration of the proposal rather than an unavoidable consequence of any reasonable redevelopment of the site.

1.4 Reasonableness of the impact

The final tenacity consideration is whether the impact is reasonable in the circumstances of the development proposed.

That question is particularly important here because the impacts do not arise from a wholly compliant, low-scale rear addition.

The proposal includes:

+ a three-storey rear pavilion;
+ a three-storey connecting element;
+ a link described as "low scale" despite its physical height and occupied volume;
+ a 31m² roof terrace contrary to Sydney DCP 2012 cl 4.1.4.4(3);
+ privacy screening above the pavilion roof;
+ a 21% FSR exceedance; and
+ a rear built form which is materially greater in scale than the more subordinate rear development relied upon as surrounding precedent.

The applicant's Heritage Impact Statement itself relies upon the proposition that the rear extension, pavilion and link "modulate" between No.165 and No.161 and should not have undue prominence.

The accompanying view analysis demonstrates that, when experienced from No.161, the proposed pavilion does not perform as an unobtrusive or subordinate transition. *It becomes a substantial foreground object.*

There appears to be clear scope for a materially lower-scale rear development which would retain reasonable development potential while substantially reducing:

+ foreground obstruction;
+ loss of visible sky;
+ enclosure;
+ privacy impacts; and
+ loss of spatial separation.

Accordingly, we do not consider the view and outlook impacts of the proposal to represent a reasonable view-sharing outcome.

1.5 Conclusion

The objection is not based upon preservation of every existing view from No.161.

The objection is that the proposed development introduces an unnecessarily large building form into the immediate foreground of No.161, with its greatest effect occurring from the principal Level 2 living accommodation.

The combination of view loss, reduced visible sky, diminished visual depth and substantially increased enclosure is a material residential amenity impact and should be afforded significant weight in Council's assessment of the proposal under s4.15 of the Environmental Planning and Assessment Act 1979.

OBJECTION GROUND 5: ADVERSE HERITAGE RELATIONSHIP AND SUBORDINATION

Relevant controls: Sydney LEP 2012 cl5.10; Sydney DCP 2012 heritage provisions and s4.1.4.

No.161 Victoria Street is an adjoining local heritage item.

The applicant's Heritage Impact Statement argues that the three-storey pavilion and link "modulate" between the larger apartment building at No.165 and No.161. It relies in particular upon the three-storey rear extension at No.159 and the scale of No.165.

We disagree.

The existing spatial separation between the buildings already performs an important mediating function between the fine-grain terrace form and the substantially larger apartment building.

The appropriate response to a disparity in neighbouring building scale is not necessarily to fill the intervening space with progressively larger development.

The rear development at No.159 demonstrates a materially different relationship; despite its alterations and roof terrace, the rear form remains visually subordinate to the principal terrace building.

The proposed No.163 pavilion does not maintain that hierarchy.

Its three-storey height, generous upper-level dimension, elevated roof terrace and screening result in a rear building form of substantial prominence in its own right.

The proposal therefore materially compresses the setting of No.161 and weakens the legibility of the principal terrace buildings as the dominant historic building forms.

[SEE FIGURES 01–03 ABOVE]

OBJECTION GROUND 6: FLOOR SPACE RATIO / CLAUSE 4.6

Relevant controls: Sydney LEP 2012 cls4.4 and 4.6.

The applicable FSR is 1.5:1.

The applicant identifies:

Site area: 149m²

Permitted GFA: 223.5m²

Proposed GFA: 270.6m²

Proposed FSR: 1.82:1\

Contravention: approximately 47.1m² or 21%.

The applicant states that the entire contravention arises from approximately 26m² of lower-ground area and approximately 21m² of attic space, and that compliance could be achieved if those areas were not used as GFA.

That does not remove the relevance of the development standard.

FSR regulates the amount and intensity of usable floor space on a site, not simply the external dimensions of the building envelope.

If these areas constitute GFA, their use is precisely what creates the excess.

The relevant question is therefore not whether additional floor area can physically fit within the building.

It is whether allowing an additional 47.1m² of GFA above the development standard produces an acceptable planning outcome on this site.

That question must be considered together with the excessive rear scale, heritage relationship, elevated roof terrace, privacy impacts and residential amenity consequences identified above.

The applicant itself acknowledges that the objectives of the FSR standard remain relevant.

We submit the Clause 4.6 request has not demonstrated that the proposed exceedance produces a better planning outcome in the circumstances of this site.

OBJECTION GROUND 7: EXCAVATION, SHARED BOUNDARY AND ENGINEERING INFORMATION

Relevant controls: Sydney DCP 2012 heritage excavation provisions; EP&A Act s4.15(1)(b).

The proposal includes lowering existing floor levels and excavation immediately adjacent to No.161 within a constrained heritage setting.

We have reviewed the application material available through both the City of Sydney development application record and the NSW Planning Portal and have been unable to identify a site-specific:

Structural Engineering Report; or

Geotechnical Engineering Report

addressing the proposed excavation and its relationship to the shared boundary and adjoining heritage building.

If such reports have been submitted, we request that Council make them available to the owners of No.161.

If they have not been submitted, Council should not determine the application until sufficient information has been provided to assess:

existing/shared footings;

excavation depth;

temporary support and underpinning requirements;

likely ground movement;

construction sequencing; and

protection of adjoining heritage fabric.

This is not an assertion that damage will occur.

We object to substantial excavation works adjacent to a heritage property without the technical information necessary to assess the likely consequences.

CONCLUSION AND REQUESTED OUTCOME

The owners of No.161 do not seek to prevent renovation of the existing terrace nor reasonable development of No.163.

We object to the particular scale, height and intensity of the development presently proposed.

The proposal combines:

- a three-storey rear pavilion of substantial vertical scale;
- a three-storey connecting element said to be “low scale”;
- a 31m² roof terrace expressly contrary to the pavilion provision;
- new elevated privacy relationships;
- substantial occupation of the existing separation between adjoining buildings; and
- a 21% exceedance of the applicable FSR development standard.

These are not minor or isolated departures.

Taken together, they produce a rear development which is neither subordinate to the principal terrace nor compatible with the amenity and heritage relationship of No.161.

There appears, however, to be scope for a materially lower-scale and more compliant rear development of No.163 without producing the cumulative impacts identified in this submission.

The owners of No.161 seek neither to prescribe an alternative design nor indicate acceptance of any particular non-compliance.

Accordingly, we request that Council not grant consent to the application.

APPENDIX: NEGATIVE EFFECTS ON OTHER NEIGHTBOURING PROPERTIES

The following are our brief observations of likely negative impacts on the properties at 165 Victoria St (apartment building) and the terraces at 82, 84, 86, 88 and 88A Brougham St.

In respect of 165 Victoria St:

Several of the north-facing apartments will be completely bricked in – no light, no sky, no setback, essentially turning cheery homes into cells;

Other apartments will have their outlook completely changed.

In respect of the terraces on Brougham St:

Loss of residential amenity – 3 levels directly looking down into the properties just across Hourigan Lane;

Light & heat reflection – the rear of the proposed extension will have large windows. Especially in the summer afternoons, hours of reflected glare straight into homes. Also, likely reflection of heat as well as light.

From: Melinda Futcher <MFutcher@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>

Sent on: Tuesday, October 6, 2026 11:16:11 AM

To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>

Subject: FW: Query: D/2026/650 - 163 Victoria Street POTTS POINT NSW 2011

Urgent: High

-----Original Message-----
From: Michael Silman <
Sent: Monday, 5 October 2026 11:40 AM
To: Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au>
Subject: Query: D/2026/650 - 163 Victoria Street POTTS POINT NSW 2011
Importance: High

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 City of Sydney Planning Team,

I am the owner of 86 Brougham St Potts Point directly behind this property. I have just returned from a long trip overseas and have therefore only just become aware of this application.

I have very strong objections to the size of the windows and the very large rooftop terrace that directly face my property - the rear courtyard and bedrooms. It would be appropriate that the rooftop terrace is rejected and the windows are scaled back to be similar in size and scale to the apartments next door.

I also would prefer that the development not be constructed right up to the boundary but this is a lower order objection to the significant scale of the windows and the large rooftop terrace.

I hope that you can consider my two objections so that the amenity of my property is not impacted.

Please call me if needed to inspect my property or to give me an update on the application.

Kind regards

Michael Silman

From: Melinda Futcher <MFutcher@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>
Sent on: Tuesday, October 6, 2026 11:15:27 AM
To: DASubmissions <DASubmissions@cityofsydney.nsw.gov.au>
Subject: FW: Query: D/2026/650 - 163 Victoria Street POTTS POINT NSW 2011

From: gavin sommer <[redacted]>
Sent: Monday, 5 October 2026 11:46 AM
To: Kaitlin McCaffery <KMcCaffery@cityofsydney.nsw.gov.au>
Subject: Query: D/2026/650 - 163 Victoria Street POTTS POINT NSW 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 City of Sydney Planning Team,

I am a resident of 86 Brougham Street, Potts Point, directly behind the proposed development. I am writing to formally object to the proposal in its current form, particularly the substantial rooftop terrace and the size of the windows facing our home.

Having recently returned from an extended overseas trip, I have only just become aware of this application. I ask that Council acknowledge and consider this submission before determining the application.

Overlooking and loss of privacy

The proposed rooftop terrace and large windows would directly overlook our rear courtyard and bedrooms. These are private spaces we use daily, and I am deeply concerned that the proposal would significantly compromise our privacy and enjoyment of our home.

The scale of the rooftop terrace also raises concerns about noise and disturbance in close proximity to our bedrooms and courtyard. I ask that the terrace be removed from the proposal.

The windows facing our property should also be substantially reduced to a size and scale comparable with those of the neighbouring apartments, with appropriate measures to prevent direct overlooking into our home.

Development at the boundary

I also object to the proposal being constructed directly up to the boundary and ask Council to seek a greater setback. While this is secondary to my concerns about privacy and the rooftop terrace, it adds to the development's impact on our property.

Requested action

I ask Council to:

- Register this letter as a formal objection and confirm its receipt.
- Seek amendments addressing the rooftop terrace, window size and overlooking before granting any approval.
- Arrange a site inspection from our property so the relationship between the proposed development, our bedrooms and our courtyard can be properly understood.

- Confirm the application's current status and advise how my concerns will be addressed.

These concerns relate directly to the everyday liveability of our home. I urge Council not to approve the application in its current form and to give proper weight to the impact on neighbouring residents.

I am available to discuss this objection and facilitate a site inspection. Please contact me on

Kind regards,
Gavin Sommer
86 Brougham Street
Potts Point