

# Local Planning Panel

21 May 2025

# Application details

Address: 89 Macleay Street, Potts Point

D/2024/1237

Applicant: Mr James Alexander-Hatziplis

Owner: CRISFILL PTY LTD

Architect: Place Studio

# Proposal

- demolition of the rear portion of a mixed-use contributory building (currently residential and retail)
- construction of a six-storey residential flat building (and seventh storey rooftop lobby)
- alterations to the retained contributory building for retail use and residential uses integrated with the proposed RFB

# Recommendation

The application is recommended for refusal

# Reason reported to LPP

The application is reported to the LPP for determination as:

- the proposal is development to which State Environmental Planning Policy (Housing) 2021, Chapter 4 (Design of residential apartments) applies and is more than four storeys in height

# Notification


- exhibition period between 21 January 2025 to 19 February 2025
- 1211 owners and occupiers notified
- 6 submissions received

# Submissions

- view loss
- overshadowing and solar access impacts
- heritage impacts
- privacy concerns
- waste storage

# Submissions



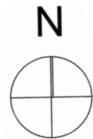
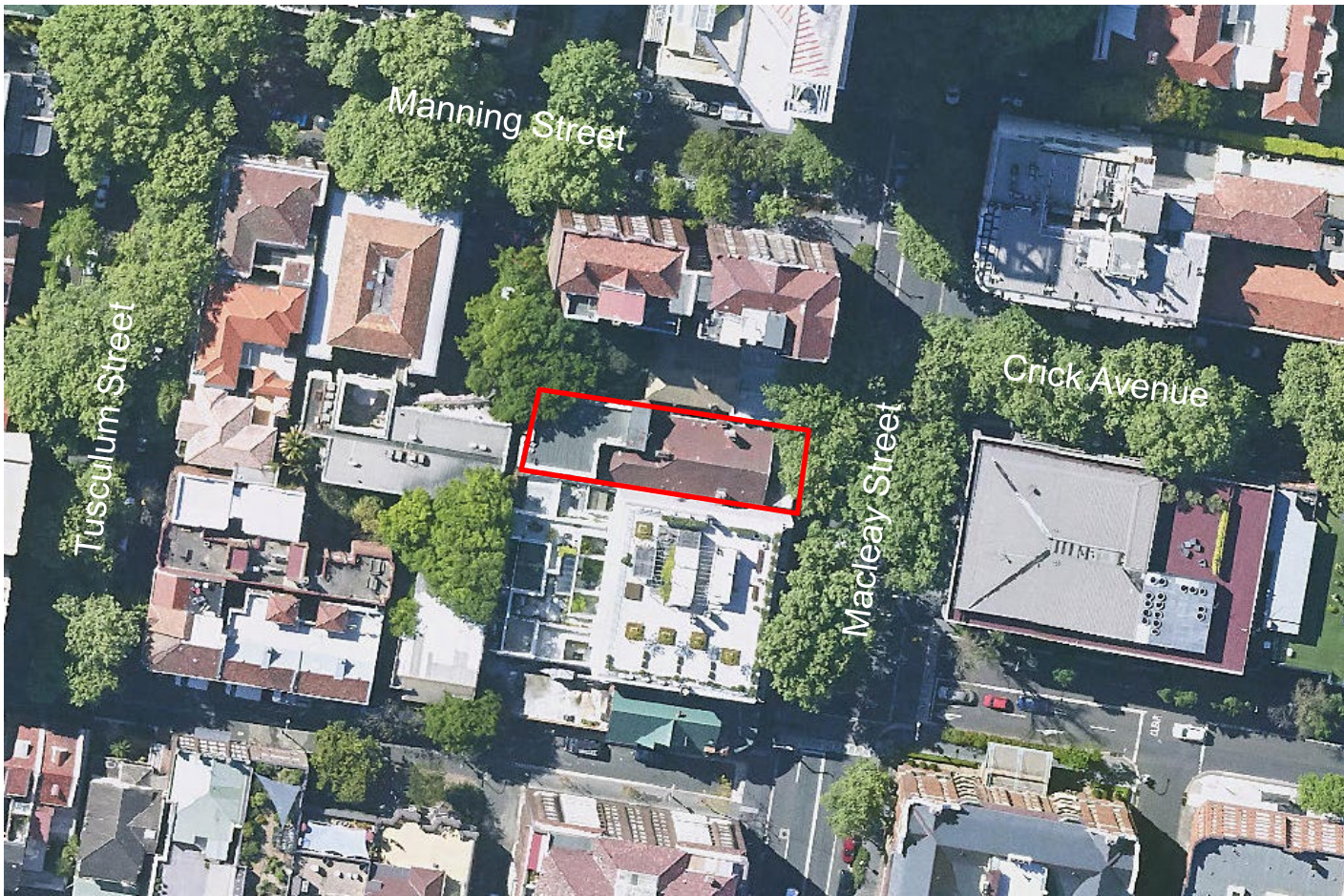
 subject site

 submissions

note: one  
submission out  
of LGA



# Site







Macleay Street



Macleay Street



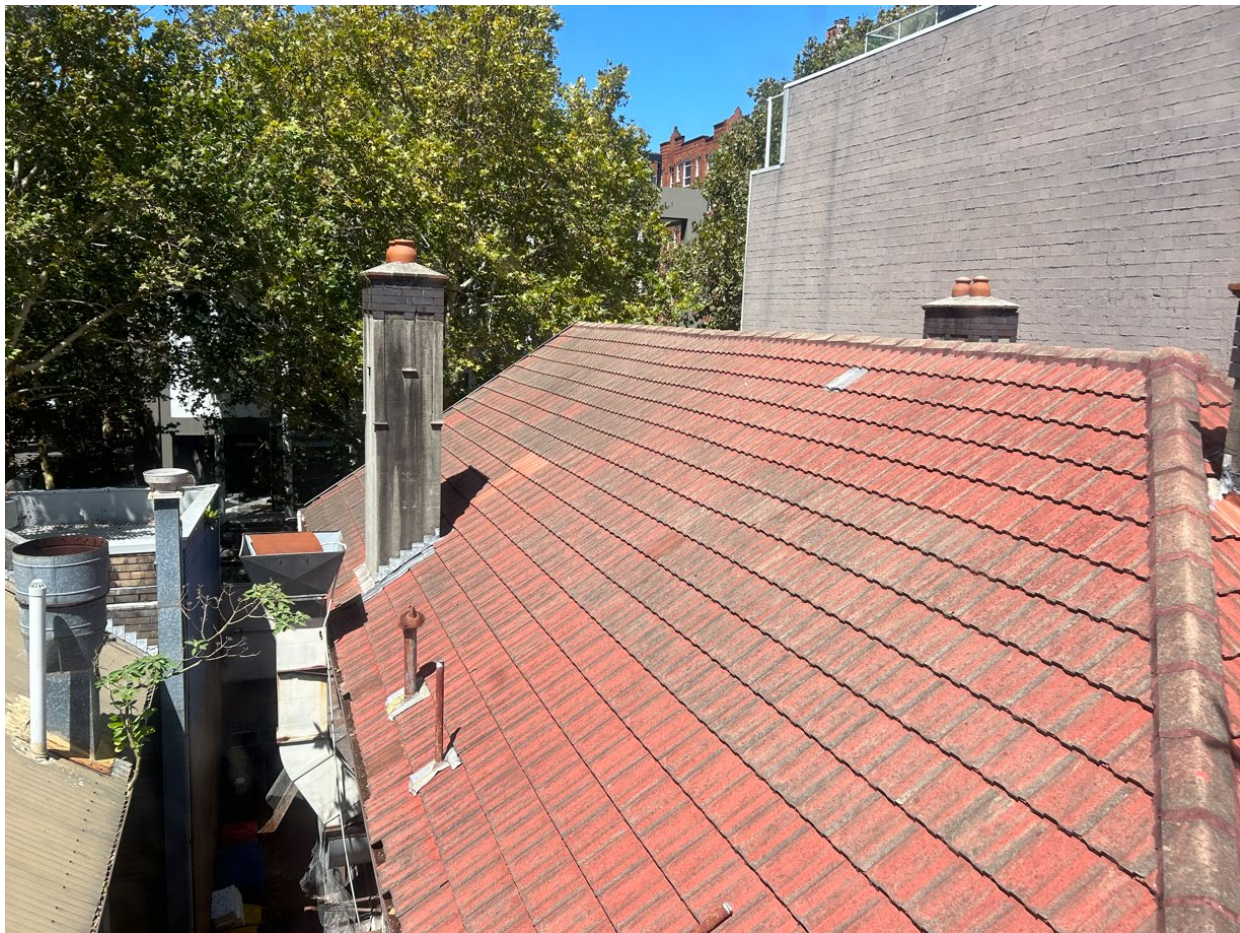


north side setback



south side setback





view towards Macleay Street from level 3 corridor



neighbouring sites viewed from roof, looking east





roof of AIA auditorium at 8C Hughes Street west of the site

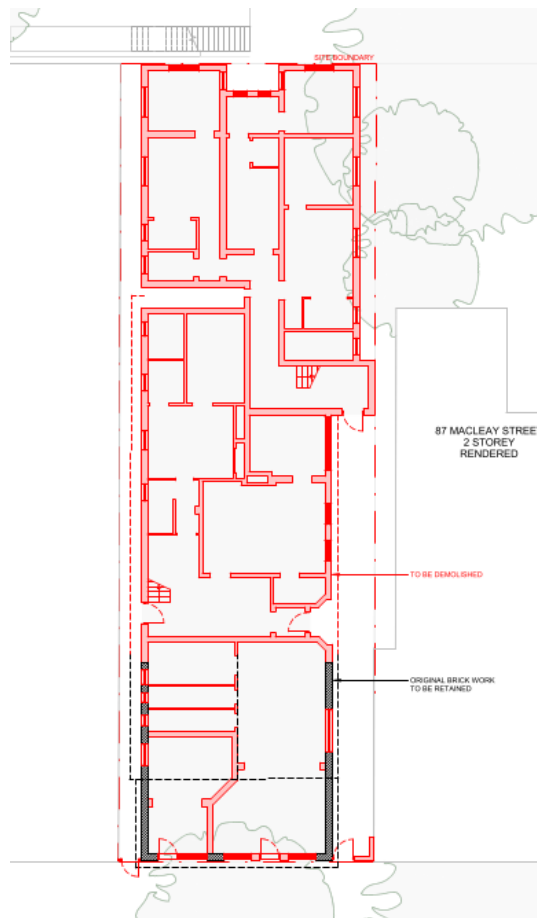




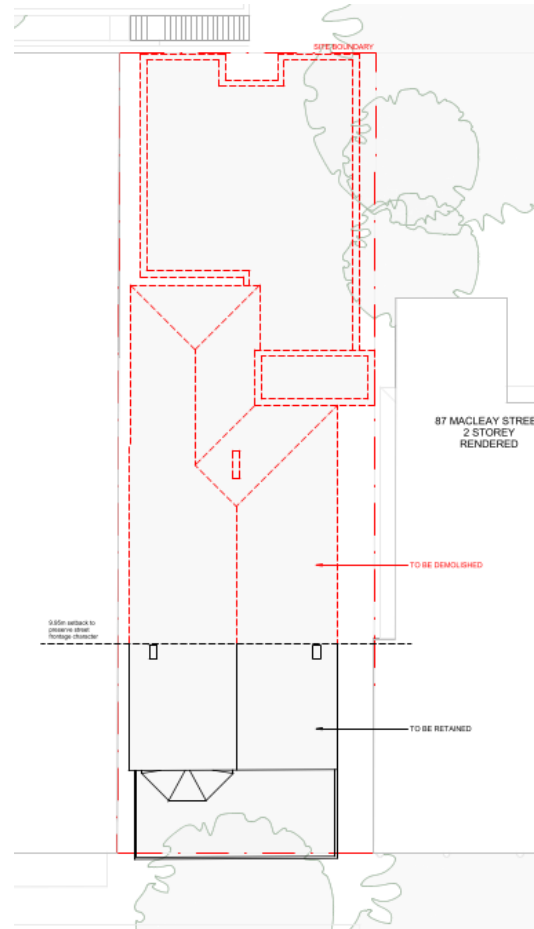
rear courtyard of backpacker's premises north of the site

# Proposal



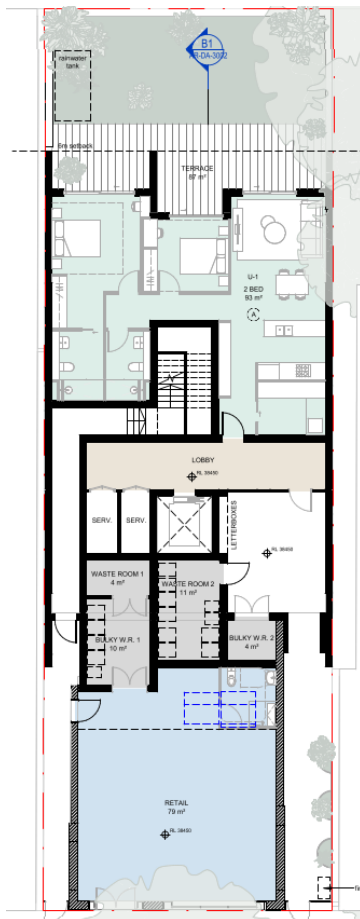


Ground Floor Demolition Plan

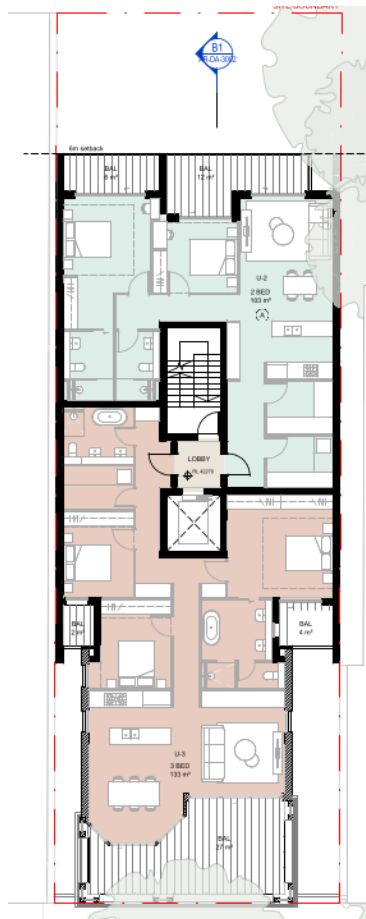


Roof Demolition Plan

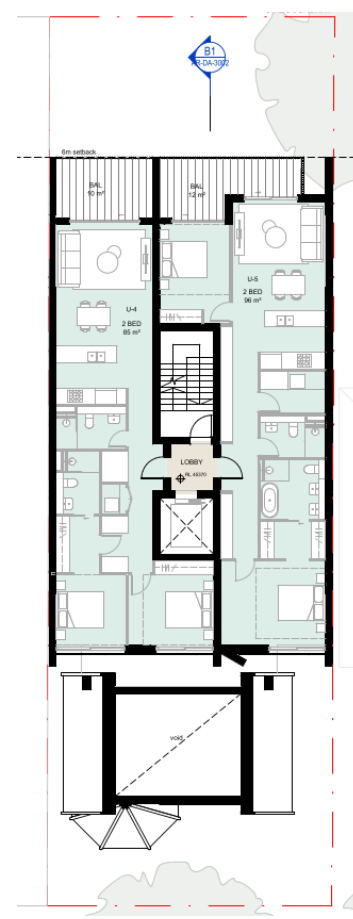




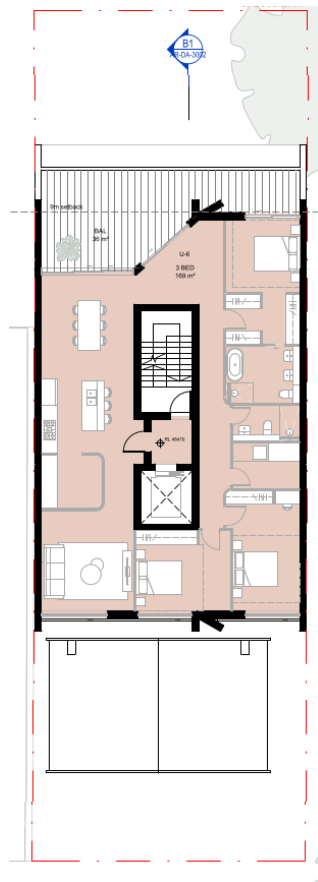
Ground Floor  
(Unit 1 and Retail)



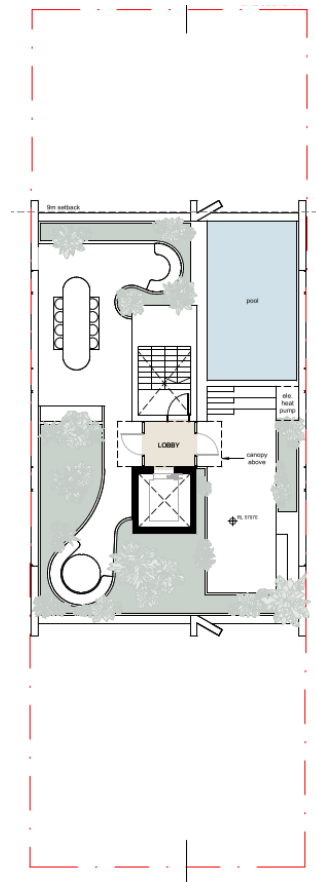
First Floor  
(Unit 2 and 3)



Second Floor  
(Unit 4 and 5)



Levels 3-5  
(Units 6 to 8)

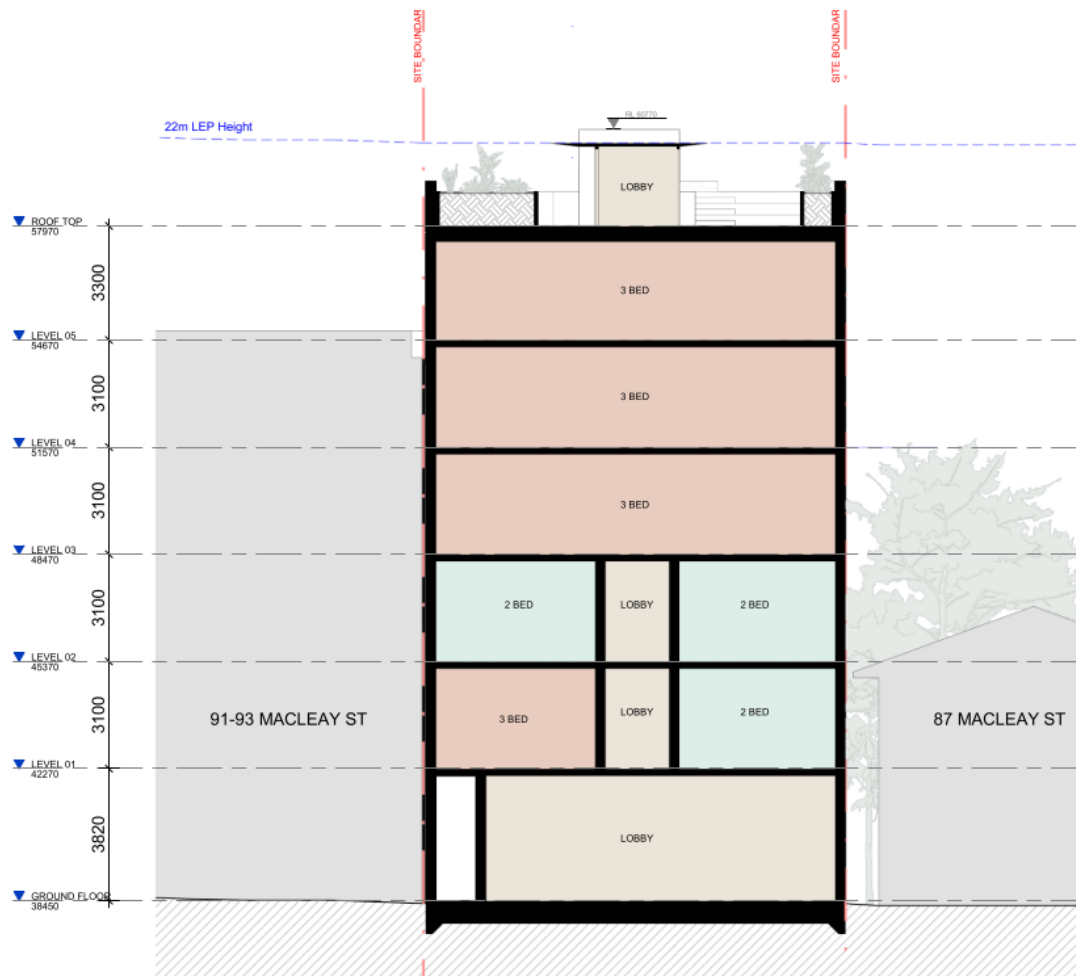


Rooftop (communal  
open space and pool)



Long Section





Short Section



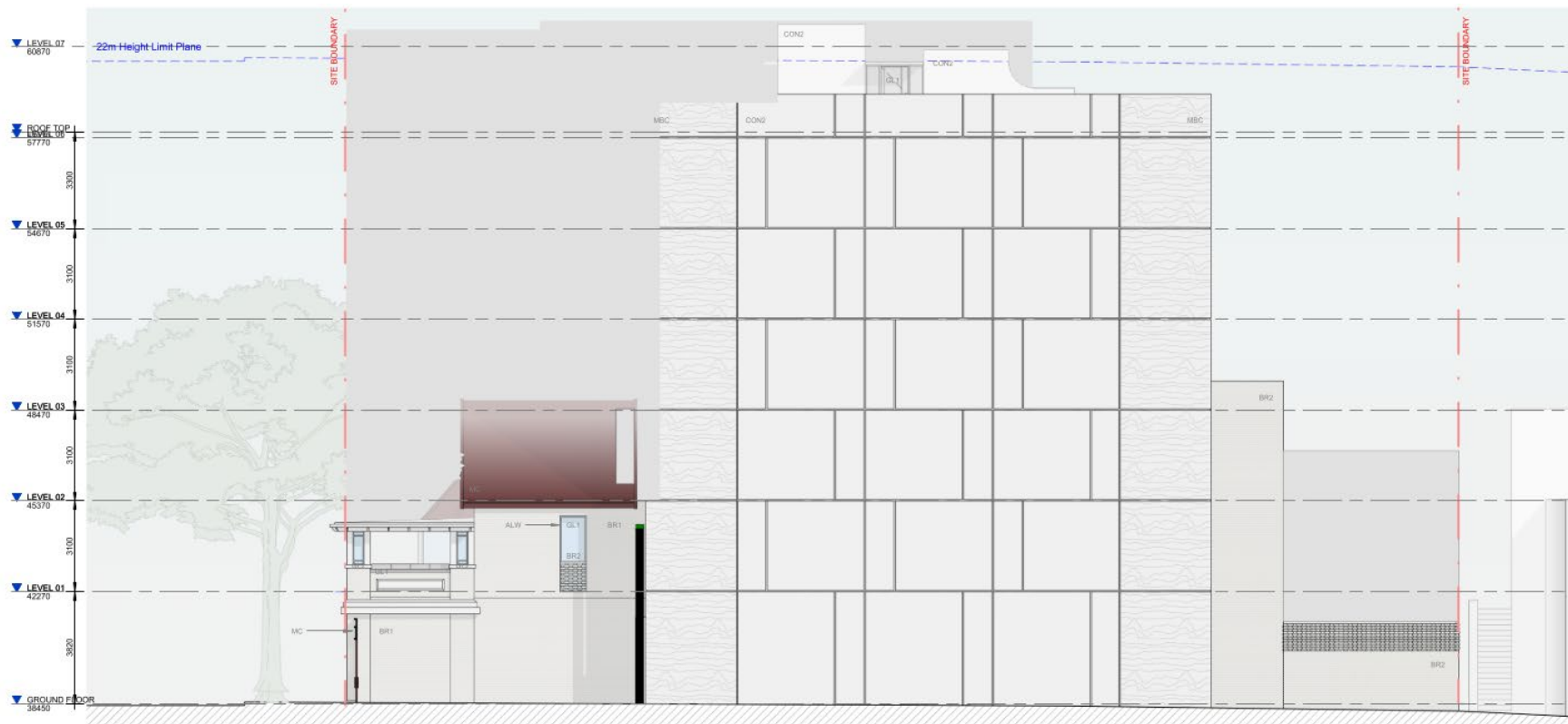
Macleay Street context elevation



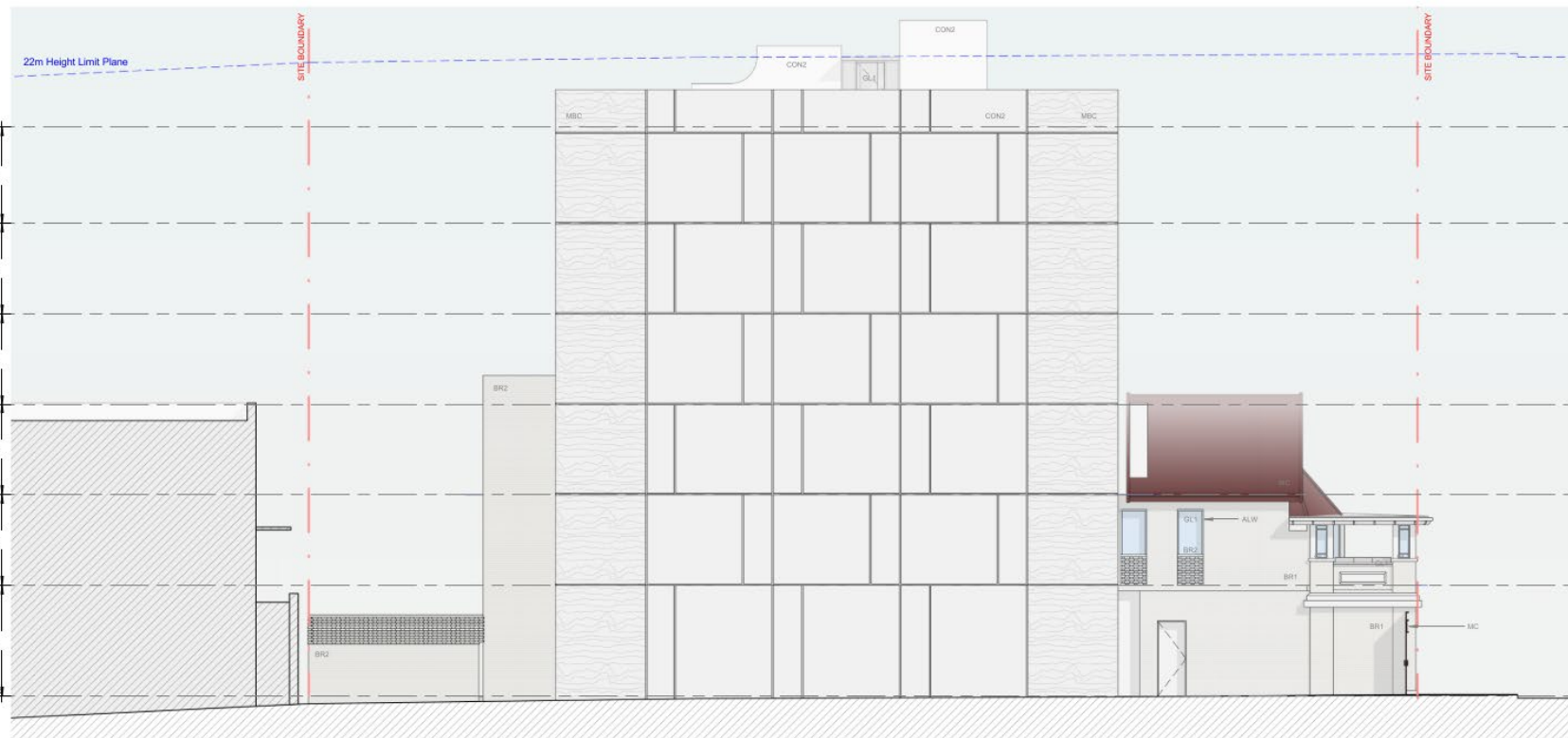
Macleay Street – east elevation



Rear – west elevation



north elevation



south elevation

# Background

- PDA/2018/155 - 87, 89, 91-93 and 95 Macleay Street and 10-12 Hughes Street

demolition of the existing buildings (across multiple sites) and the construction of a multi-storey, mixed-use development

- PDA/2022/84 - 87 and 89 Macleay Street

construction of a mixed-use multi-storey building



# Background

- PDA/2022/270 - 89 Macleay Street  
refurbishment of existing contributing item & construction of an attached 6 storey commercial building at the rear half of the site
- PDA/2024/84 - 87, 89, 91-93 Macleay Street  
construction of a 7-storey mixed-use development, parking, retail, residential apartments and seniors living

# Compliance with LEP & DCP controls

	control	proposed	compliance
height	22m	23.2m	no (5.45% - 1.2m variation for lift overrun) Clause 4.6 supported
floor space ratio	2.5:1 (1,159.5m <sup>2</sup> )	2.64:1 (1224.9m <sup>2</sup> )	no (5.64% - 65.4m <sup>2</sup> variation) no Clause 4.6
height in storeys	6	predominantly 6 (Level 7 - rooftop lobby)	no

# Consistency with ADG

	control	proposed	consistency
solar	70% receiving min 2 hours during mid-winter	12.5% to 25% (1-2 units) (uncertainty about unit 7)	no
	max 15% receive no direct sunlight	75% to 87.5% (6-7 units)	no
cross ventilation	60%	75% (6 out of 8 units)	yes

# Consistency with ADG

	control	proposed	consistency
deep soil	7% (32.47m <sup>2</sup> )	10% (51.53m <sup>2</sup> )	yes
apartment size	2 bed 70m <sup>2</sup> 3 bed 90m <sup>2</sup>	2 bed: 90-103m <sup>2</sup> 3 bed: 133-169m <sup>2</sup>	yes
floor to ceiling heights	2.7m	2.8m	yes

# Consistency with ADG

	control	proposed	consistency
communal open space	25% (115.95m <sup>2</sup> )	roof: 35.3% (163.6sqm)	yes
private open space	2 bed 10m <sup>2</sup> 3 bed 12m <sup>2</sup>	2 bed: 10-18m <sup>2</sup> 3 bed: 27-36m <sup>2</sup>	yes

# Issues

- land remediation
- loss of low rental dwellings
- FSR exceedance – no clause 4.6
- solar access
- heritage impacts - scope of demolition and structural works, built form, materiality, refurbishment, shopfront facade
- ground floor servicing - bicycle storage and waste storage



# Land remediation

- Preliminary Site Investigation identifies site contaminants from historic neighbouring uses (a motor garage and several dry cleaners)
- requested Detailed Site Investigation and Remediation Action Plan have not been submitted by the applicant
- provisions of SEPP (Resilience and Hazards) 2021, Chapter 4 Remediation of land have not been satisfied

# Loss of low rental dwellings

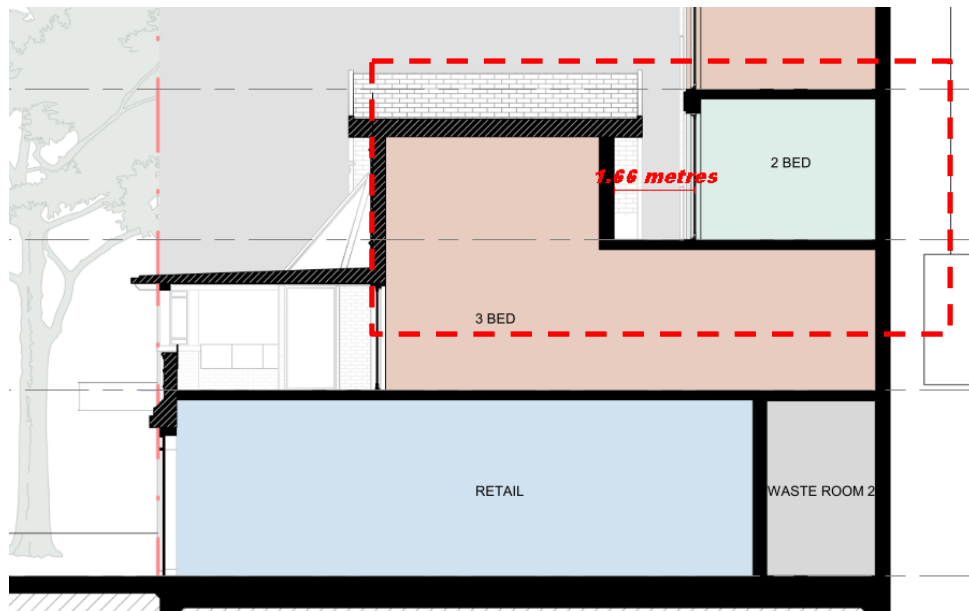
- demolition of 12 low-rental accommodation dwellings, as identified within Chapter 2 of SEPP (Housing) 2021
- consent authority must take into account the provisions of clause 47(2) and the Guidelines for the Retention of Existing Affordable Rental Housing
- application failed to adequately address relevant matters for consideration established by Clause 47(2) of the Housing SEPP

## Clause 4.4 – Floor space ratio

- proposed FSR of 2.64:1 - exceeds development standard by 5.46% - 65.4sqm
- no Clause 4.6 Variation Request to justify the proposed exceedance
- proposal is not able to be approved

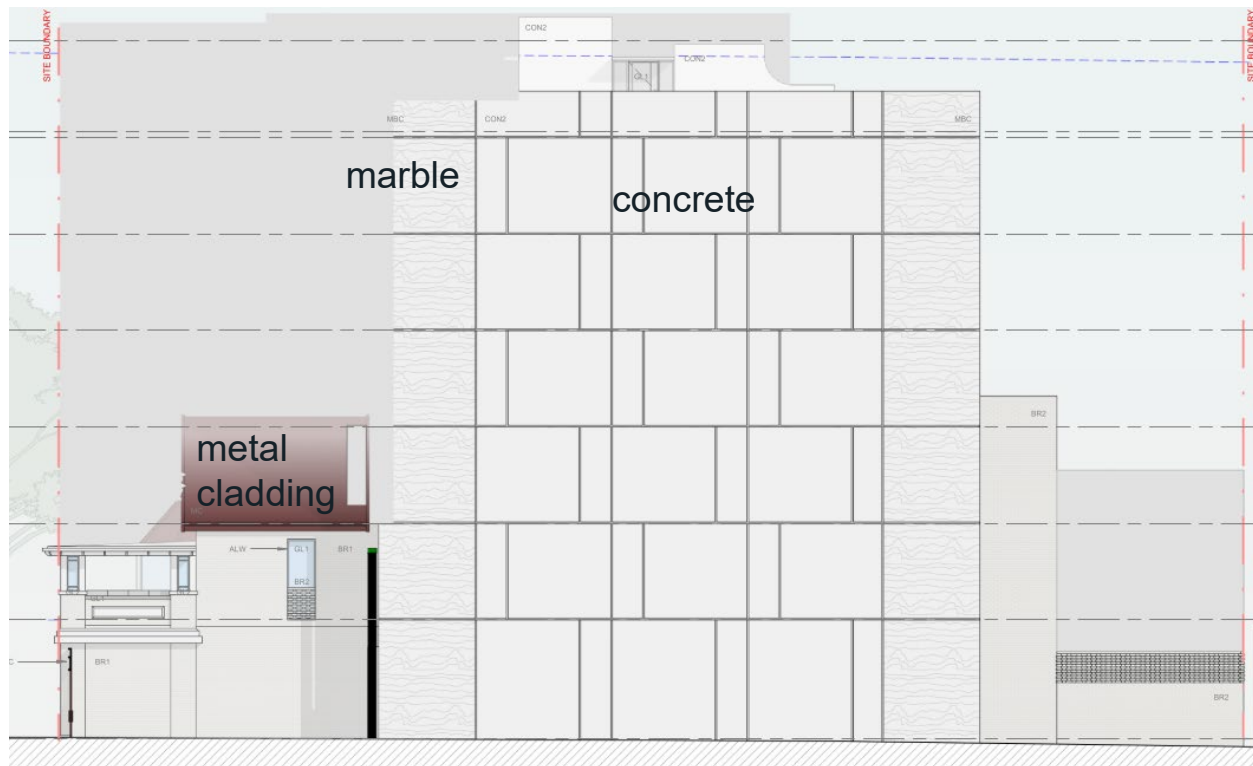
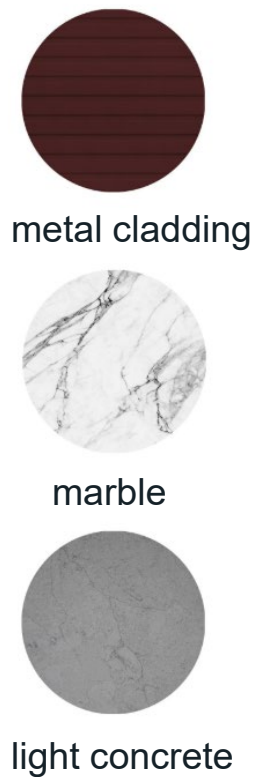
# Heritage

- insufficient details demonstrating structural works, such as slab replacement
- insufficient demolition details – extent of demolition and relationship to retained building is unknown
- proximity between the proposed and existing building
- materials – predominant use of concrete and marble with the HCA which predominantly consists of brick RFBs
- shopfront alterations – unsympathetic to HCA



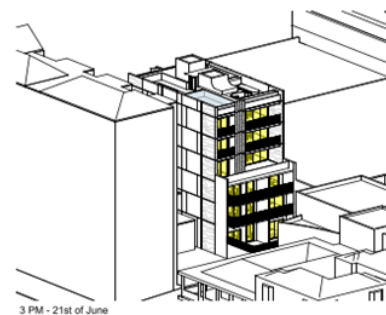
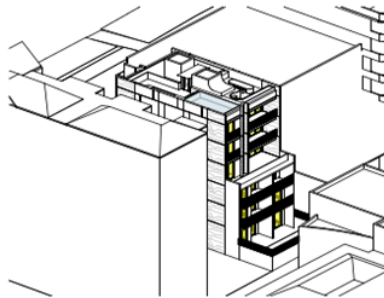
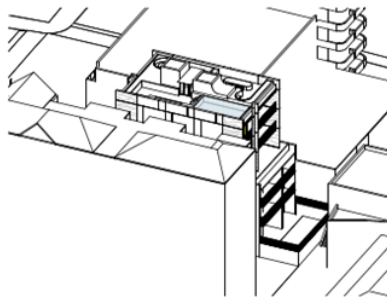
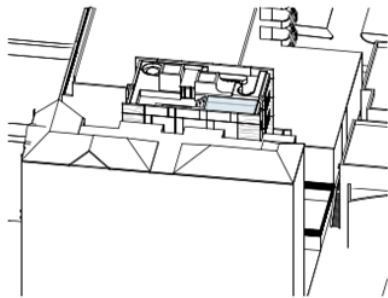
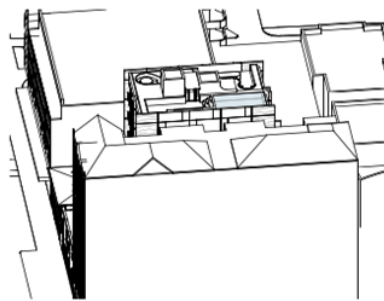
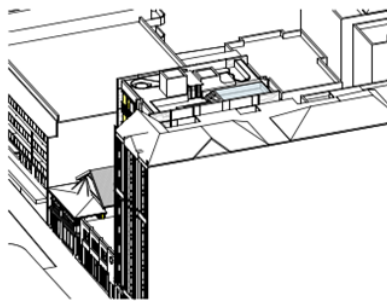
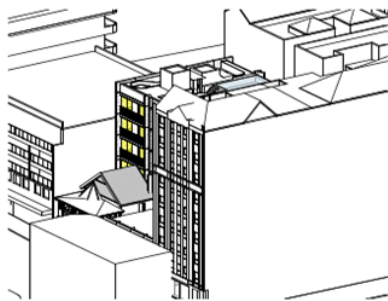
proximity of addition to contributory building





proximity of addition to contributory building

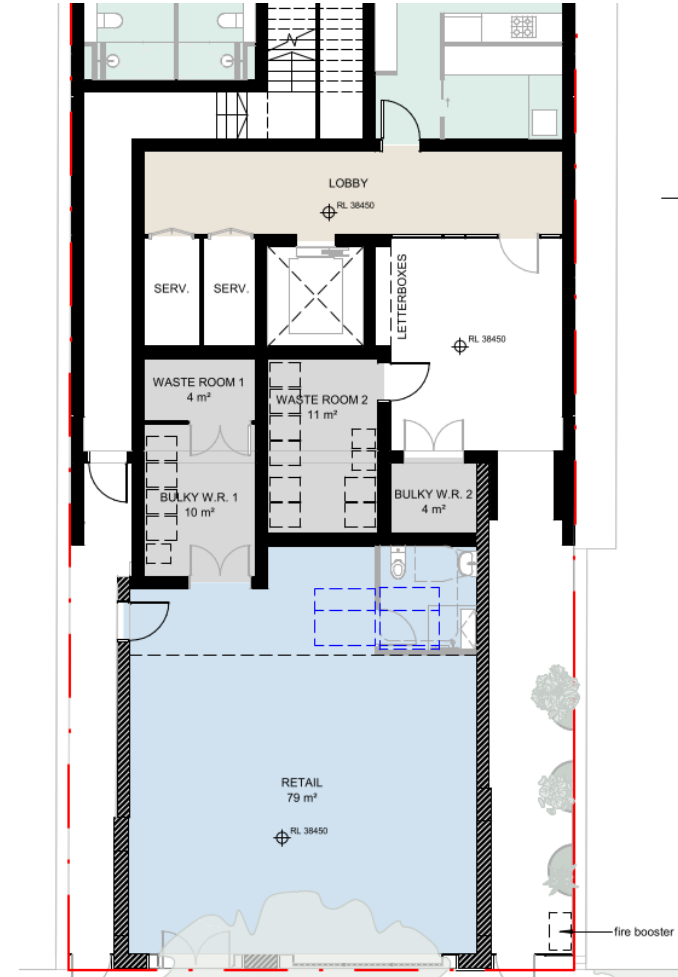
# Solar access



- each unit achieves at least one hour
- one out of eight units is known to achieve two hours of solar access

# Waste & bicycle storage

- a wheel out/ wheel in service is proposed
- CoS Waste Management Policy specifies 10m travel distance for bins
- the application proposes 20-25m
- no bicycle storage proposed. A total of ten spaces required (for residents, visitors, retail staff)



# Recommendation

The application is recommended for refusal