

Item 7.**Development Application: 107-125 Railway Parade, Erskineville - D/2019/842****File No.: D/2019/842****Summary**

Date of Submission:	7 August 2019 Amended by updated drawings received 11 October 2019.
Applicant:	Solgen Energy Pty Ltd
Owner:	The City of Sydney
Cost of Works:	\$164,000
Zoning:	R1 Residential Zone. The proposed works are defined as 'electricity generating works' that are ancillary to the existing use of the site as an emergency services facility. These works and existing land use are permissible with consent.
Proposal Summary:	<p>The subject application seeks consent for the installation of photovoltaic solar panels to rooftop of the existing building at 107-125 Railway Parade, Erskineville.</p> <p>The application is reported to the Local Planning Panel for determination as the land owner of the site is the City of Sydney Council.</p> <p>The application was notified for a 14-day period between 16 July 2019 and 10 August 2019. As a result, no submissions were received.</p> <p>The applicant submitted amended plans and additional information on 11 October 2019 and 22 October 2019.</p> <p>The proposal has been assessed as being generally consistent with the planning controls applicable to the site and is recommended for approval, subject to the imposition of conditions.</p>
Summary Recommendation:	The development application is recommended for approval, subject to conditions.

- Development Controls:**
- (i) State Environmental Planning Policy (Infrastructure) 2007
 - (ii) Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEP)
 - (iii) Sydney Local Environmental Plan 2012
 - (iv) Sydney Development Control Plan 2012

- Attachments:**
- A. Recommended Conditions of Consent
 - B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2019/842 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that it achieves the objectives of the planning controls for the site and does not result in adverse environmental impacts for the reasons outlined in this report.
- (B) The proposal is consistent with the objectives of the R1 General residential zone, and will have an acceptable impact on neighbouring amenity.
- (C) The proposal complies with Sydney Local Environmental Plan 2012 Clause 4.3 Height of Buildings control.
- (D) The proposal complies with the provisions of State Environmental Planning Policy (Infrastructure) 2007.
- (E) The proposal respects the heritage significance of the conservation area and nearby heritage items.
- (F) For the reasons above and as outlined in this report, the proposed development is in the public interest.

Background

The Site and Surrounding Development

1. A site visit was carried out by staff on 23 September 2019.
2. The site is irregularly shaped, with an area of approximately 2514sqm. It has a primary street frontage to Railway Parade and secondary street frontages to Clara Street, Ada Street and Sydney Street.
3. The site is divided into two uses:
 - (a) the western part of the site houses the PACT performing arts building and ancillary structures. The main building is a single storey warehouse style building.
 - (b) the eastern part of the site houses the State Emergency Services (City of Sydney), providing emergency and rescue services. The building is a single storey warehouse style building with sawtooth roof, supplemented by a lower single storey extension.
4. The subject development application concerns the State Emergency Services building on the eastern portion of the site.
5. Surrounding land uses are predominately residential and commercial. To the north of the site, on the opposite side of Railway Parade, is land that houses railway infrastructure and ancillary depot and office uses associated with the railway. The majority of other surrounding uses are residential. A three storey residential flat building is sited on land to the east of the site, on the opposite side of Clara Street. The remainder of the surrounding development to the south of the site consists of two-storey residential terrace houses.
6. The site is located within Kingsclear Heritage Conservation Area (C3), and the existing buildings on site are classified as detracting buildings within the conservation area.
7. There a number of heritage listed properties within the vicinity of the site, as detailed below:
 - (a) To the north of the site, on the opposite side of Railway Parade, is State heritage item (Eveleigh Railway Workshop, 01140);
 - (b) Another State heritage item is the Pressure Tunnel and Shafts (01630) that runs partly underneath the site, but is not categorised as being part of the site. The state heritage item listing specifies the properties included in the listing, however the subject site is not one of the properties included;
 - (c) To the east of the site, on the opposite side of Clara Street and within the residential apartment building property at 127 Railway Parade is the locally listed heritage item, a former factory chimney stack (I2247);
 - (d) To the southeast of the site, on the opposite side of Clara Street, is the residential terrace group at 14-18 Clara Street (I607); and
 - (e) To the west of the site, on the opposite side of Sydney Street, is the residential terrace group (I620) at 91-105 Railway Parade.

8. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area. The red polygon identifies the full extent of the site. The green polygon identifies the part of the site to which the proposal relates.



Figure 2: Site viewed from Railway Parade, looking east. The dotted red line identifies the wider site. The dashed green line identifies the part of the site to which the proposal relates. The locally heritage listed former factory chimney stack at 127 Railway Parade can be seen in the background.



Figure 3: The part of the site to which the proposal relates, looking south west along Railway Parade.



Figure 4: View from Ada Street looking north along Clara Street towards Railway Parade. The site is located on the left of the photo. The three storey residential flat building is on the right of the photo.

Proposal

9. The application seeks consent for the installation of photovoltaic solar panels to the sawtooth roof of the existing warehouse building and to the single storey extension on the west side of the building. The building is currently occupied by the State Emergency Services (SES).
10. A total of 337 solar panels are proposed to be installed on the roof. The panels are to be installed parallel to the roof slopes, 132mm above the plane of the roof.
11. Structures required for access and maintenance of the solar panels are also proposed, comprising of a ladder, walkway and handrail to the roof above the western single storey part of the site.
12. A Plan and elevation of the proposed development are provided below at Figures 5 and 6

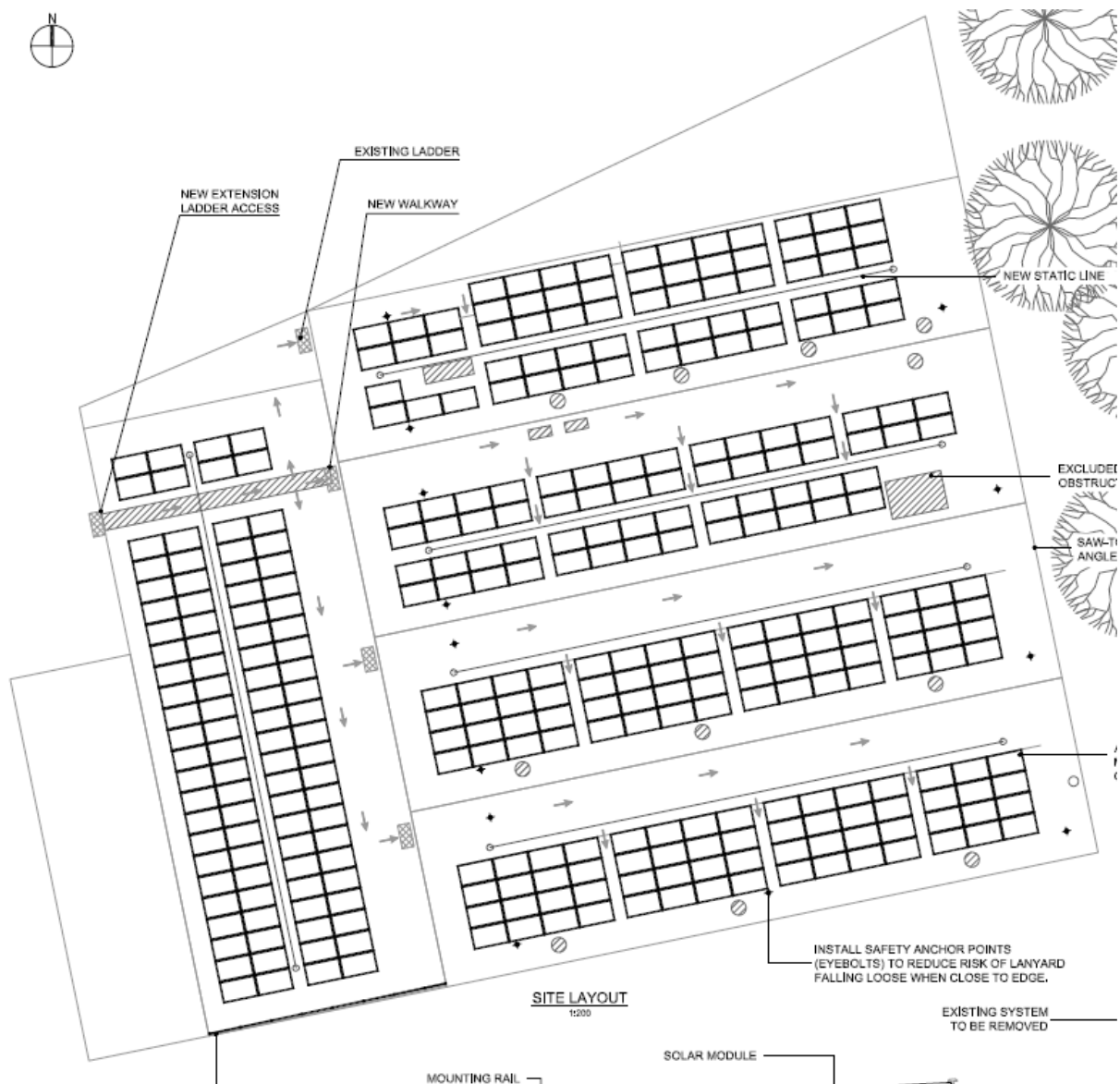


Figure 5: Roof plan of the site to illustrate the siting and number of solar panels proposed

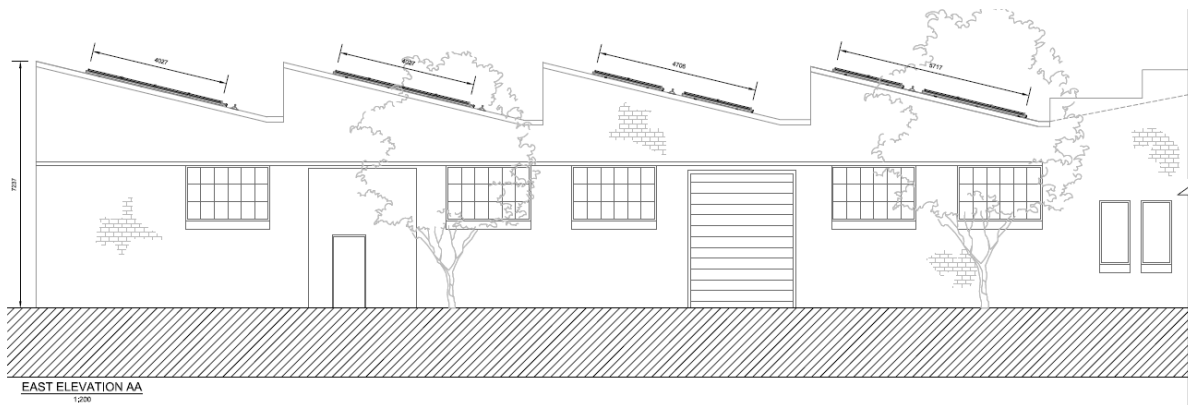


Figure 6: East elevation (Clara Street)

History Relevant to the Development Application

13. The development application was lodged on 7 August 2019.
14. In correspondence, dated 14 August 2019, it was requested that the applicant provide the following further information:
 - Elevations of the proposal showing the height of the solar panels above ground level and
 - Completion of a section of the application form.
15. On 5 September 2019, an additional request to the application for further information was made requesting a clear and accurate roof plan.
16. On 11 October 2019, the applicant provided the following:
 - An elevation showing the height of the solar panels.
 - An amended roof plan.
17. This elevation and amended roof plan are the subject of the current assessment report.
18. On 22 October 2019, the applicant provided an amended application form, as had been requested on 14 August 2019.

Economic/Social/Environmental Impacts

19. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:
 - (a) Environmental Planning Instruments and DCPs.

State Environmental Planning Policy (Infrastructure) 2007

20. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

21. The proposal is not exempt development under clause 39, as the solar panels cover an area greater than 150sqm,

Clause 34

22. The application is subject to Division 4 (Electricity generating works or solar energy systems) Clause 34 (Development permitted with consent). Clause 34(7) and 34(8) of this SEPP permits the installation of solar energy systems in the R1 residential zone up to a maximum capacity of 100kW, with consent.
23. The proposed solar panels have a direct current (DC) rating of 111.12kW and an alternating current (AC) of 92kW. The electricity from the solar panels will be converted to AC, therefore the capacity of the installation will be 92kW, in compliance with the provisions of Clause 34.

Clause 45

24. The application is subject to Clause 45 (Subdivision 2 Development likely to affect an electricity transmission or distribution network) of the SEPP as the development will be carried out within 5m of an exposed overhead electricity power line.
25. In accordance with the Clause, the application was referred to Ausgrid for a period of 21 days and no response was received. The application can therefore be determined.

Clause 85

26. The application is subject to Clause 85 (Subdivision 2 Development in or adjacent to rail corridors - notification and other requirements) of the SEPP as the development involves the placing of a metal finish on a structure and is adjacent to a rail corridor used by electric trains.
27. In accordance with the Clause, the application was referred to Sydney Trains on 9 August 2019. Sydney Trains wrote back on 18 September 2019, asking whether additional information about the proposal was available beyond the exhibition information. The assessing planning officer responded stating no further information was available, and to reiterate the description of the proposal. Sydney Trains' initial response was not received within 21 days of the notification, and no further response was received. As such, the application can be determined.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP)

28. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
29. The Sydney Harbour Catchment Planning Principles must be considered in the carrying out of development within the catchment. The key relevant principles include:
 - (a) protect and improve hydrological, ecological and geomorphologic processes;
 - (b) consider cumulative impacts of development within the catchment;
 - (c) improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
 - (d) protect and rehabilitate riparian corridors and remnant vegetation.

30. The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

Sydney Local Environmental Plan 2012

31. The site is located within the R1 - General Residential zone. The proposed works are defined as 'electricity generating works' that are ancillary to the existing use of the site as an 'emergency services facility'. These works and existing land use are permissible, with consent in the zone.
32. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

Compliance Tables

Development Control	Compliance	Comment
4.3 Height of Buildings	Yes	A maximum height of 15m is permitted. A maximum height of the proposed new works are is 6.7m, which complies with the building height development standard.
4.4 Floor Space Ratio	Yes	A maximum floor space ratio of 1.75:1 is permitted. The proposal does not alter the gross floor area of the building.

Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The proposal will not detract from the heritage significance of nearby heritage items and of the conservation area.</p> <p>The proposal is not within the curtilage of nearby State listed heritage items, being either the Eveleigh Railway Workshop or the Pressure Tunnel and Shafts. These heritage items are not affected by the proposal.</p> <p>The site is in Kingsclear Heritage Conservation Area (C3), and is classified as a detracting building. The majority of the proposed solar panels will not be visible from public spaces due to their minimal projection above the plane of the roof (132mm), orientation, the shape of the roof and the existence of a parapet to Railway Parade. The most visible solar panels will be those to the single storey western part of the building, which will be visible when viewed from Railway Parade from the west.</p> <p>The proposal is in keeping with the industrial style of the subject building. The limited visibility of the proposal ensures it does not detract from the character of the surrounding heritage conservation area nor from the neighbouring heritage items.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
6.21 Design excellence	Yes	<p>The proposed development satisfies the requirements of this provision</p> <p>The location of the development, taking into consideration the surrounding uses and the character of the existing and surrounding buildings, is suitable for the proposed solar panel installation.</p> <p>The proposal also respects the characteristics of the heritage conservation area and nearby heritage items. See clause 5.10 Heritage conservation, above, for further discussion regarding heritage issues</p>
7.22A Use of other existing non-residential buildings in Zone R1	Yes	The building is currently a non-residential building in Zone R1. The proposal does not change the use of the building, and therefore the provisions of clause 7.22A do not apply.

Part 7 Local provisions - general	Compliance	Comment
Division 1 Car parking ancillary to other development	Yes	No change is proposed to the number of car parking spaces on site.
7.14 Acid Sulfate Soils	Yes	The site is identified as containing class 5 acid sulfate soil. There are no ground level works proposed, therefore no special measures are required.

Sydney Development Control Plan 2012

33. The relevant matters to be considered under Sydney Development Control Plan 2012 for the proposed development are outlined below.

2. Locality Statements – Erskineville Oval

The subject site is located in the Erskineville Oval locality. The proposed solar energy system is considered to be in keeping with the unique character of the area and design principles in that it respects the built form of the heritage conservation area and character of nearby heritage items.

3. General Provisions	Compliance	Comment
3.2.7 Reflectivity	Yes	Glare from the solar panels will be minimised as the panels are not angled towards any buildings of a similar height, and the windows of nearby buildings do not look down onto the proposed location of the solar panels.
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will not adversely impact on the local urban ecology.
3.6 Ecologically Sustainable Development 3.6.3 Photovoltaic solar panels	Yes	Under Section 3.6.3, consideration must be given to the location and placement of the solar panels to factor in development potential on adjacent sites. Permissible building forms on nearby sites are unlikely to affect the operation of the solar panels in the future. The site is separated by a minimum distance of 11m from neighbouring sites to the north, west and east.
3.9 Heritage	Yes	The subject site is a detracting building located in a heritage conservation area, with heritage items nearby. The proposal will conserve the heritage significance of the conservation area and nearby heritage items. See further discussion under the heading 5.10 Heritage Conservation within the LEP compliance table above.
3.14 Waste	Yes	A condition is recommended for the development to comply with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development to ensure waste is managed effectively during the installation of the solar panels.

3. Development Types	Compliance	Comment
4.11 Building height	Yes	The proposal does not affect the number of storeys of the existing building.
4.1.2 Building setbacks	Yes	There is no numerical setback requirement for development at the site. The proposal does not affect the setbacks of the existing building, and the solar panels are setback a minimum of 1.5m from the edge of the site.
4.1.3 Residential amenity 4.1.1.1 Solar access	Yes	The solar panels will have a maximum protrusion of 132mm above the existing roof plane, will be set in a minimum of 1.5m from the edge of the existing roof, and will be lower than the highest point of the existing roof. The panels will therefore not cause any reduction in solar access to neighbouring properties.

Other Impacts of the Development

34. The proposed development is capable of complying with the BCA. It is part of a Class 5 building.
35. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

Suitability of the site for the Development

36. The proposal is of a nature in keeping with the overall function of the site. The premises are in a mixed commercial and residential surrounding, and the proposal is ancillary to the existing use of the site.

Internal Referrals

37. The application was discussed with the Heritage and Urban Design Specialists. No objection was raised to the proposal.

External Referrals

38. Ausgrid and Sydney Trains were notified of the application, and no responses were received after a period of 21 days. As such, the application can be determined. See under the heading State Environmental Planning Policy (Infrastructure) 2007 for further discussion.

Notification, Advertising and Delegation

39. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified. The application was notified for a period of 14 days between 9 August 2019 and 24 August 2019. 140 properties were notified, and no submissions were received.

Public Interest

40. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

S7.11 Contribution

41. The development is not subject to a S7.11 development contribution. The proposal will not result in a net increase in the number of residents, workers or visitors, and there is no change of use of the site. Therefore, a contribution is not payable.

Relevant Legislation

42. Environmental Planning and Assessment Act 1979.

Conclusion

43. The application seeks consent for the installation of photovoltaic solar panels onto the rooftop of the existing building and associated works to allow access and maintenance.
44. Additional information has been submitted during the assessment of the application to clarify the height of the proposed structures and clarity on the siting of the panels on the roof top.
45. The application was notified in accordance with the Sydney DCP 2012, and no submissions were received.
46. The proposed installation of the solar panels and associated structures have been assessed of being appropriately sited on the building in minimise their visibility from the public domain to minimise any impacts on the character of the conservation area and on neighbouring amenity.
47. The proposal has been assessed as being consistent with the relevant planning legislation and policies applicable to the site and type of development.
48. The application is recommended for approval, subject to the imposition of conditions.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

David Knight, Planner