

Item 8.**Development Application: 55 Pitt Street Redfern****File No.:** D/2019/843**Summary**

Date of Submission:	7 August 2019 Amended by updated drawings received 21 October 2019
Applicant:	Solgen Energy Pty Ltd
Owner:	City of Sydney
Cost of Works:	\$40,000
Zoning:	SP2 Infrastructure zone. The proposed works are defined as 'electricity generating works' that are ancillary to the existing use of the site as a centre based childcare facility. These works and existing land use are permissible with consent.
Proposal Summary:	<p>The application seeks consent for the installation of photovoltaic solar panels on the rooftop of the existing building at 55 Pitt Street, Redfern.</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 applicant submitted amended plans and additional information on 14 October and 22 October.</p> <p>The application was notified for 14 day period between 9 August and 29 August 2019. No submissions were received.</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: Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
State Environmental Planning Policy (Infrastructure) 2007
Sydney Local Environmental Plan 2012 (Gazetted 12 December 2012, as amended)
Sydney Development Control Plan 2012 (in force on 12 December 2012, as amended)

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2019/843 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 SP2 Infrastructure 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 the 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, subject to conditions.

Background

The Site and Surrounding Development

1. A site visit was carried out by Council staff on 17 October 2019.
2. The site is rectangular in shape, with an area of approximately 1052sqm. It has a primary street frontage to Pitt Street and a secondary street frontage to Burnett Street. The site is located close to the intersection of Pitt Street and Redfern Street.
3. A single storey building with a skillion roof is contained within the site occupied by a centre-based childcare facility known as 'Redfern Occasional Child Care'.
4. The land falls from the north-west to south-east by approximately 1 metre.
5. Surrounding land uses are predominately single and two storey residential dwellings. Adjoining the site are two storey attached terrace dwellings. To the east is a residential unit complex bounded by Burnett Street, Wells Street and Chalmers Street in Redfern.
6. The site is not a heritage item but is located within the Redfern Estate Heritage Conservation Area (C56)
7. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area



Figure 2: Site viewed from Pitt Street, Redfern



Figure 3: Looking eastward from the front boundary within the site.



Figure 4: Looking north-westward from Burnett Street, Redfern



Figure 5: Looking south-westward from Burnett Street

Proposal

8. The application seeks development consent for the installation of photovoltaic solar panels to the skillion roof. The building is currently occupied by a centre-based childcare facility known as 'Redfern Occasional Childcare'.
9. The photovoltaic panels are to have a direct current (DC) rating of 33kWp (kilowatt peak). The panels are to be flush mounted to the roof.
10. Structures required for access and maintenance of the solar panels are also proposed, comprising a new ladder and static line to the roof.
11. Plans and elevations of the proposed development are provided below.

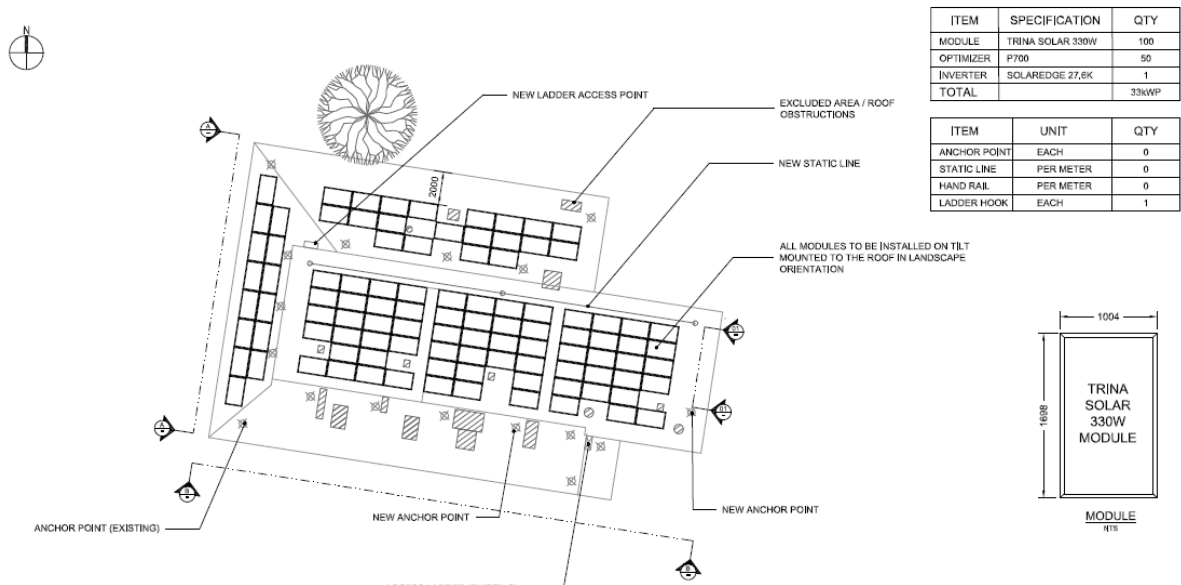


Figure 6: Roof plan

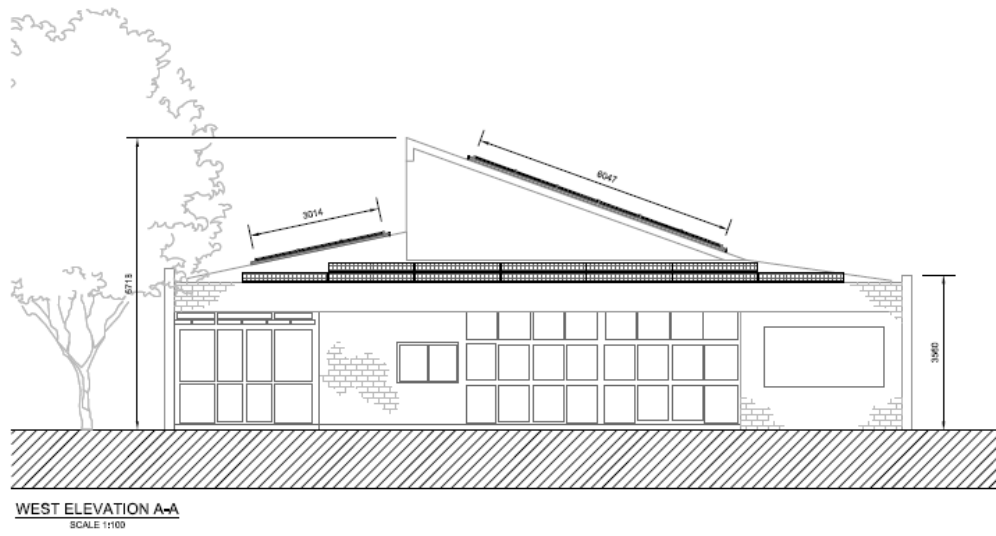


Figure 7: West elevation

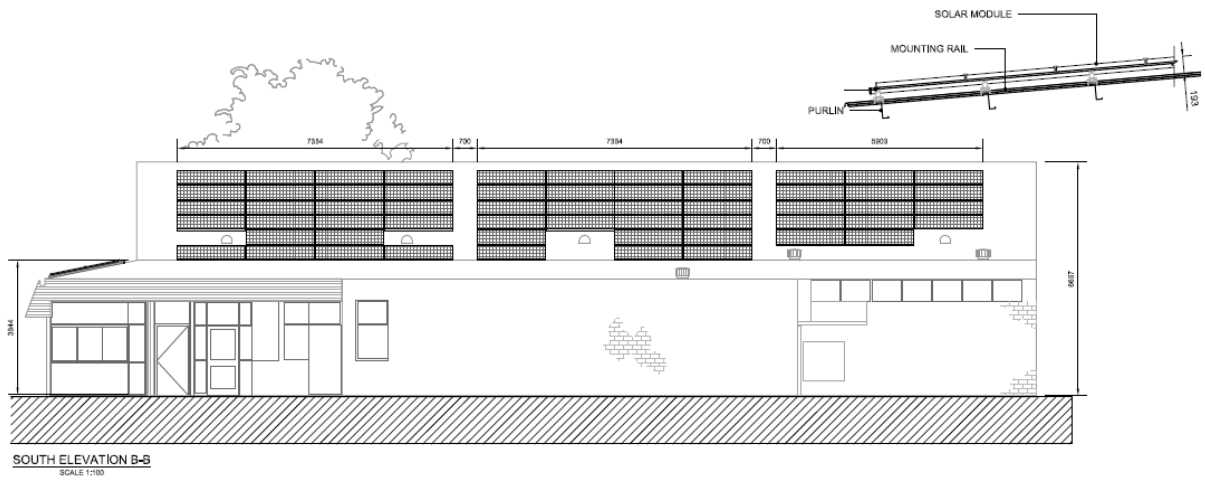


Figure 8: South elevation

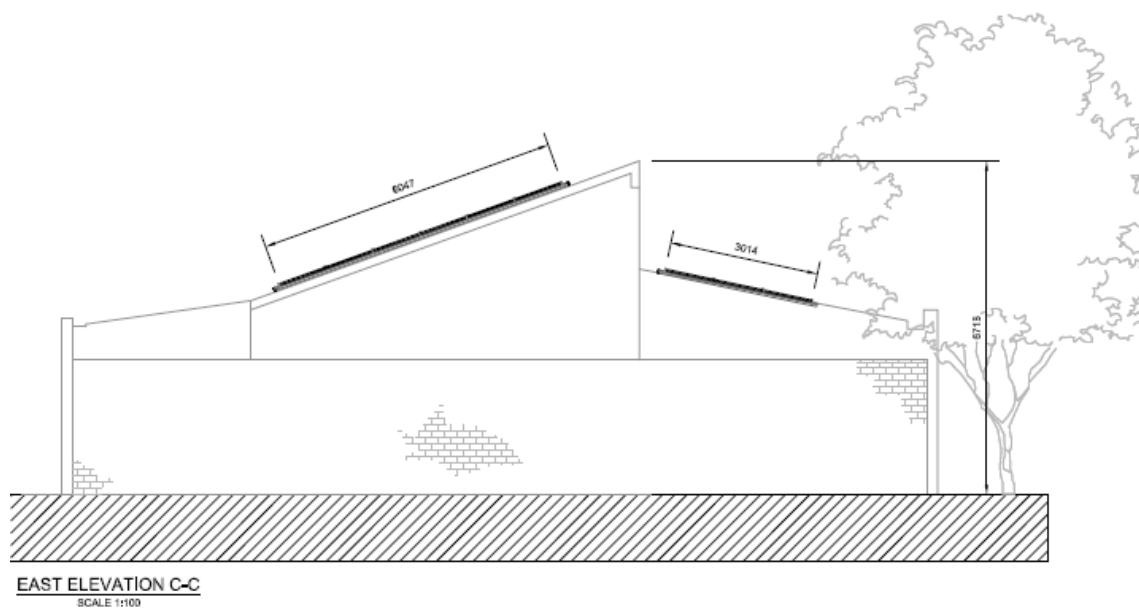


Figure 8: East elevation

History Relevant to the Development Application

12. On 27 October 1994, development consent (U94/000759) was granted for a change of use of an existing aged persons activity centre to a child care centre for up to 20 children. The approval also included an ancillary office for the Council's Family Day Care Scheme.

Economic/Social/Environmental Impacts

13. 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

14. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.
15. The proposal is not exempt development as the solar panels cover an area greater than 150sqm, the panels are within 10 metres of adjoining properties, and the maximum capacity of the system is greater than 10kW. The application is subject to Division 4 (Electricity generation works or solar energy systems) Clause 34 (Development permitted with consent). Clause 34 (7) permits the installation of solar energy systems on any land. Clause 34 (8) permits a maximum capacity of 100kW. The site is within the SP2 - Infrastructure Zone adjoining the R1 Residential Zone. The maximum capacity of the system is 33kW.

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

16. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.
17. 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.
18. 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

19. The site is located within the SP2 - Infrastructure zone. The proposal is consistent the 'Community Purpose' listed on the Land Zoning Map and is permissible with consent. The installation of solar panels is ancillary to the existing use of the site as a centre-based childcare facility and is permissible. The proposal will provide a source of renewable electricity to the facility.
20. 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 12 metres is permitted. A maximum height of the proposed new works are is 6.7 metres, which complies with the building height development standard.
4.4 Floor Space Ratio	Yes	A maximum FSR of 1.25:1 is permitted. The proposal will not alter the gross floor area of the building.

Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The proposed development would not result in adverse heritage impacts.</p> <p>The site is a detracting building in a heritage conservation area.</p> <p>The proposal is not attached to any wall or roof facing a primary road.</p> <p>See discussion under the heading Issues.</p>

Part 6 Local Provisions - Height and Floor Space	Compliance	Comment
Division 4 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 appropriate. It respects the characteristics of the heritage conservation area and nearby heritage items.</p>

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 Sulphate Soils		The site is identified as containing class 5 Acid Sulphate Soil. There are no ground level works proposed.

Sydney Development Control Plan 2012

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

2. Locality Statements – Prince Alfred Park South

The subject site is situated in the Prince Alfred Park 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 existing built form, the character of the heritage conservation area and the 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. The habitable room windows of nearby buildings do not look directly down upon 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 as adjoining sites are low density residential.
3.9 Heritage	Yes	The proposed development would not result in adverse heritage impacts. The site is a detracting building in a heritage conservation area. The proposal is not attached to any wall or roof facing a primary road. See discussion under the heading issues

3. General Provisions	Compliance	Comment
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	<p>There is no numerical setback requirement for development at the site.</p> <p>The proposal does not affect the setbacks of the existing building, and the solar panels are setback a minimum of 1.9m from the edge of the site.</p>
4.1.3 Residential amenity 4.1.1.1 Solar access	Yes	The solar panels will have a maximum protrusion of 193mm above the existing roof plane, will be set in a minimum of 1.8m 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.

Issues

Heritage

22. The site is within the Redfern Estate Heritage Conservation Area (C56) and is identified as a detracting building. The panels are flush mounted to the roof facing north, west and south elevations. The panels are not attached to any wall or roof facing a primary road.
23. The panels have been positioned in such a way that they minimise visual impact to adjoining properties and the heritage conservation area. The majority of the solar panels will not be readily visible from the public domain due to their height, orientation and shape of the roof.

24. The most visible panels will be those to the southern facing roof viewed from Burnett Street and the balconies of the residential apartments adjoining Burnett Street to the south east. The roof is angled to the south and is set back greater than 10 metres to the closest residential balcony south-east of the roof. While the roof can be clearly seen from these balconies, this is an oblique angled view and is acceptable. The setbacks ensure panels will not pose an adverse amenity impact on any habitable room windows.
25. The proposal generally complies with the relevant aims, objectives and controls of the DCP.

Other Impacts of the Development

26. The proposed development is capable of complying with the BCA.
27. 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

28. The proposal is of a nature in keeping with the overall function of the site. The premises are in a community/residential surrounding.

Internal Referrals

29. The application was discussed with the Heritage and Urban Design Specialists. They advised the application is acceptable subject to recommended conditions.

External Referrals

Notification, Advertising and Delegation

30. 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. A total of 306 properties were notified, and no submissions were received.

Public Interest

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

S7.11 Contribution

32. The development is not subject to a S7.11 development contribution as it comprises alterations to an existing building for the installation of photovoltaics. No change of use or increase in floor area is proposed. A contribution is therefore not payable.

Relevant Legislation

33. Environmental Planning and Assessment Act 1979.

Conclusion

34. The application seeks consent for the installation of photovoltaic solar panels on the rooftop of the existing building and associated works to allow access and maintainance.
35. Additional information has been submitted during the assessment of the application to clarify the height of the proposed structures and clarify the siting of the panels on the rooftop.
36. The application was notified in accordance with the Sydney DCP 2012, and no submissions were received.
37. 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.
38. The proposed development is compatible with the character of the heritage conservation area and will not detract from the existing building.
39. The applicaiton is recommended for approval, subject to the imposition of conditions.

GRAHAM JAHN, AM

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