

Local Planning Panel

07 February 2024

Application details

95 Macleay Street, Potts Point

D/2022/1251

Applicant: David Mitchell Architects Pty Ltd

Owner: Peter Metzner

Architect: David Mitchell Architects PTY Ltd

Proposal

demolition of existing building and construction of a six storey shop top housing development including:

- basement
- ground floor commercial
- four residential apartments above

Recommendation

approval

Notification



- exhibition period 15 December 2022 to 26 January 2023
- re-exhibition period 24 July 2023 to 08 August 2023
- 802 owners and occupiers notified
- 57 submissions received

Submissions

- view loss
- overshadowing
- overlooking/privacy impacts
- loss of existing building
- heritage impacts to conservation area
- traffic impacts
- noise impacts from development
- construction noise

Submissions



-  subject site
-  submitters

Site





Macleay Street looking south-west



Macleay Street looking south-west



site viewed from Hughes Street



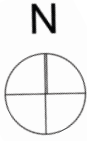
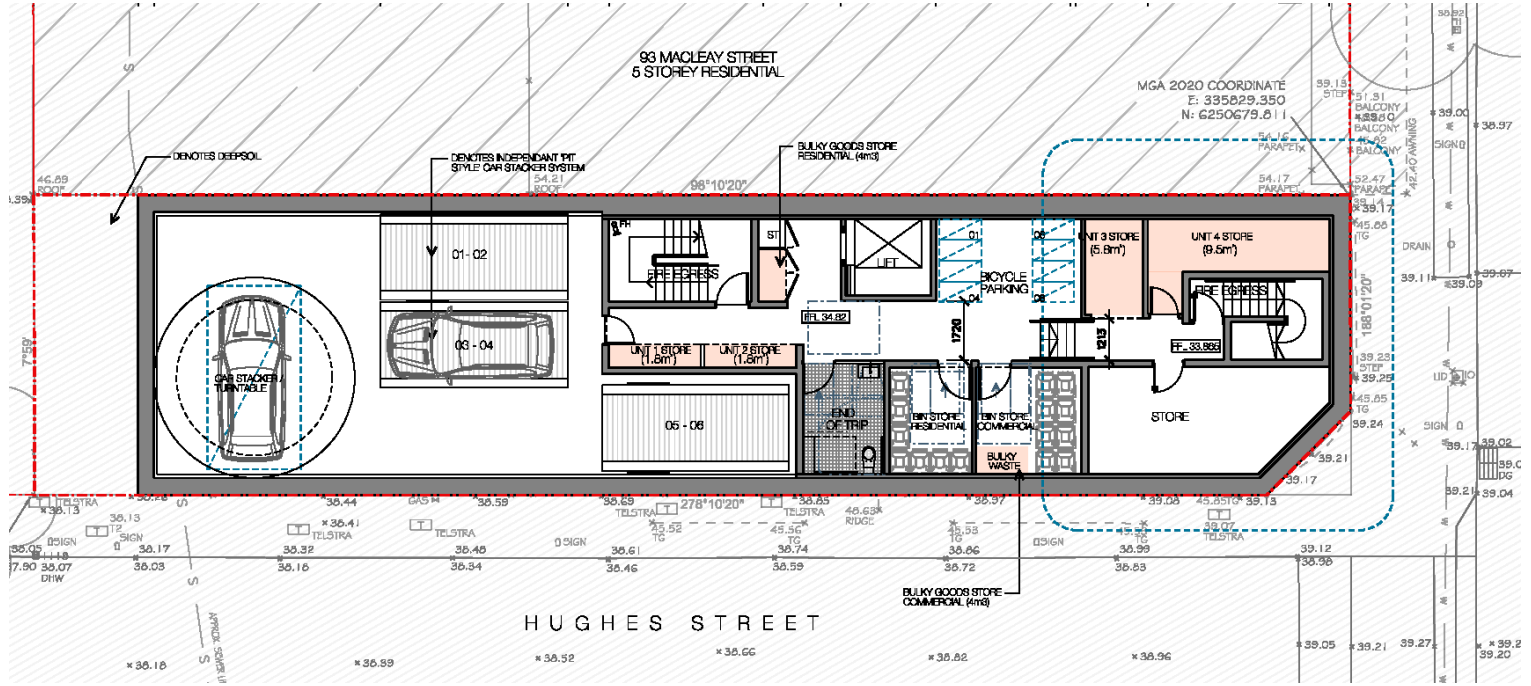
'Kingsclere' to the east - opposite side of Macleay Street



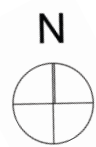
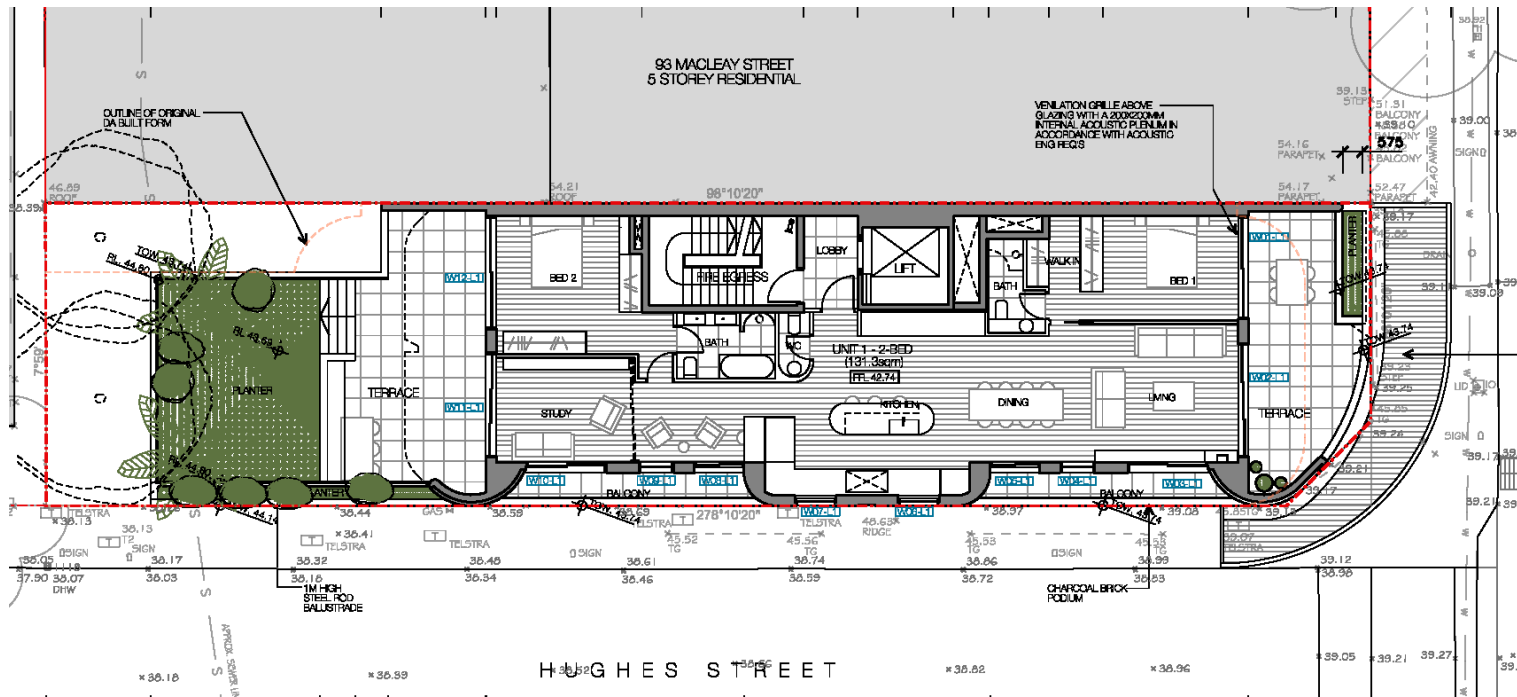
'Byron Hall' to the south - corner Macleay and Hughes Street

Proposal

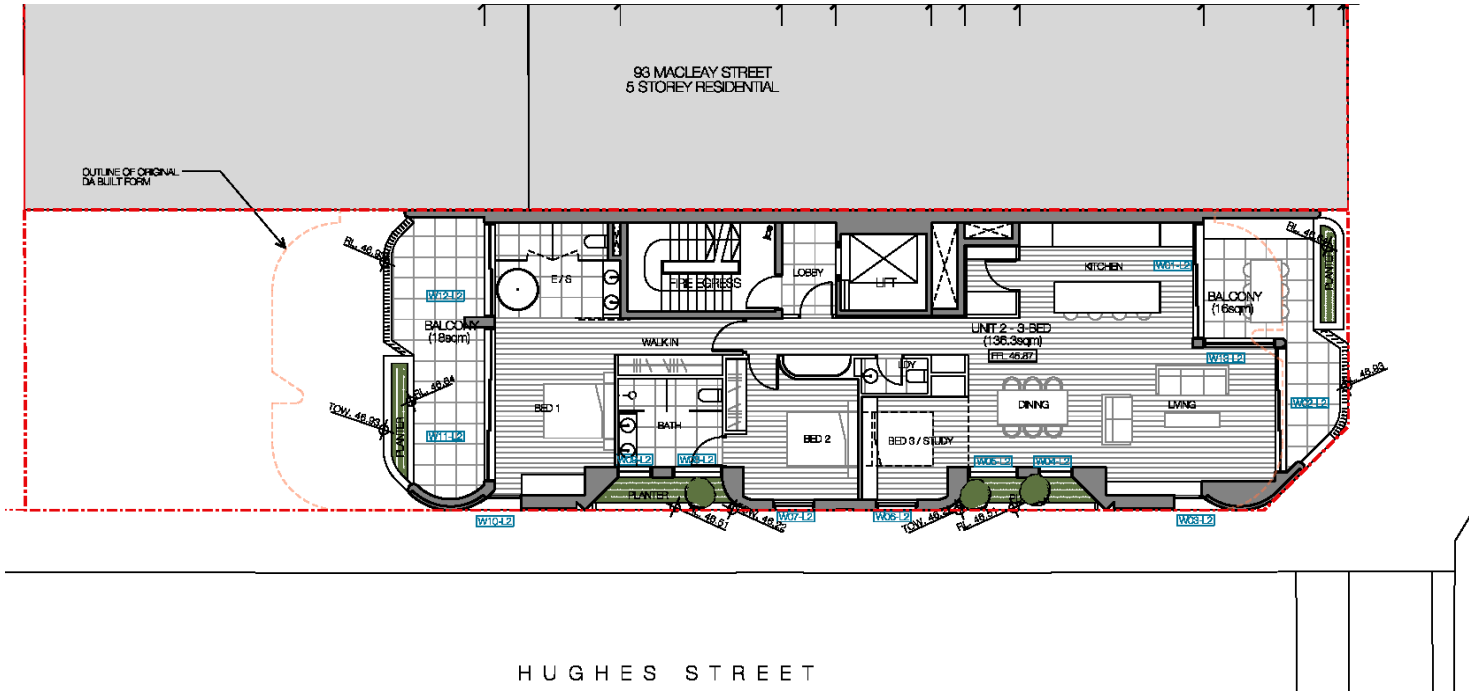




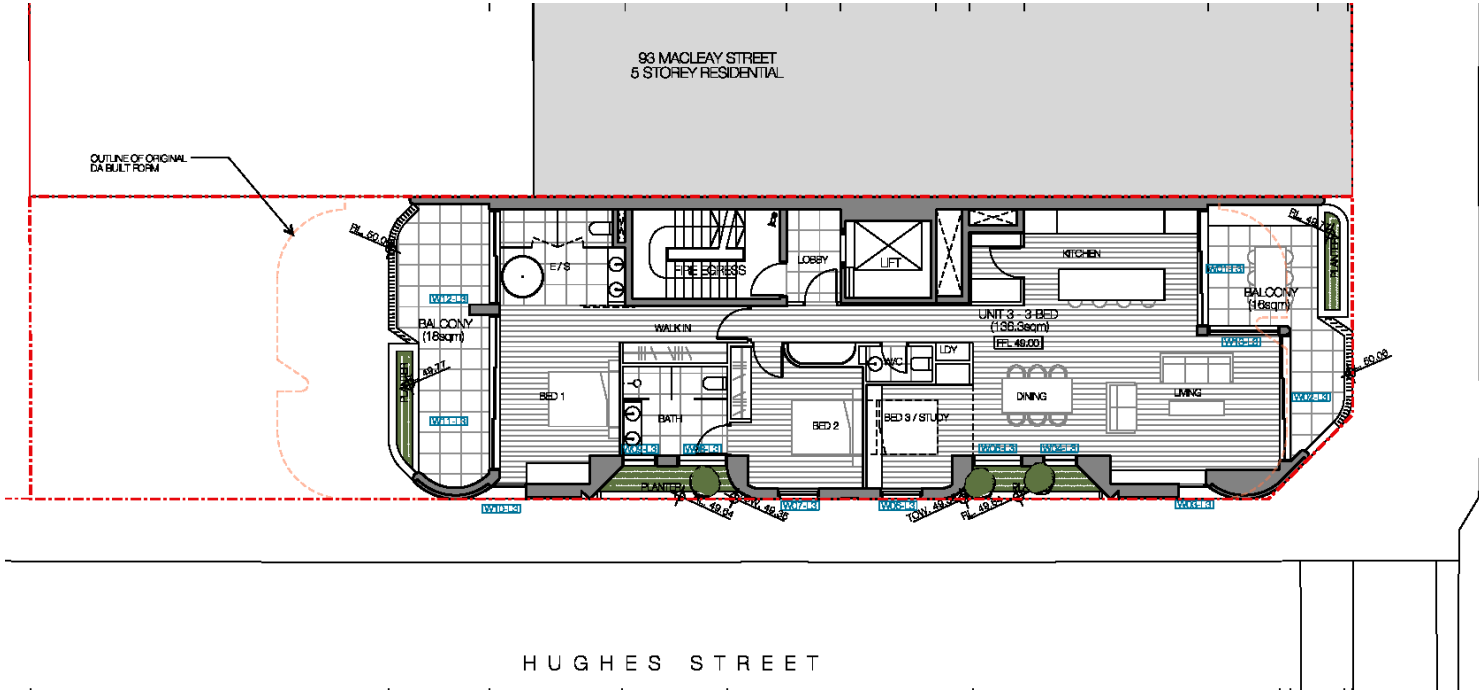
basement



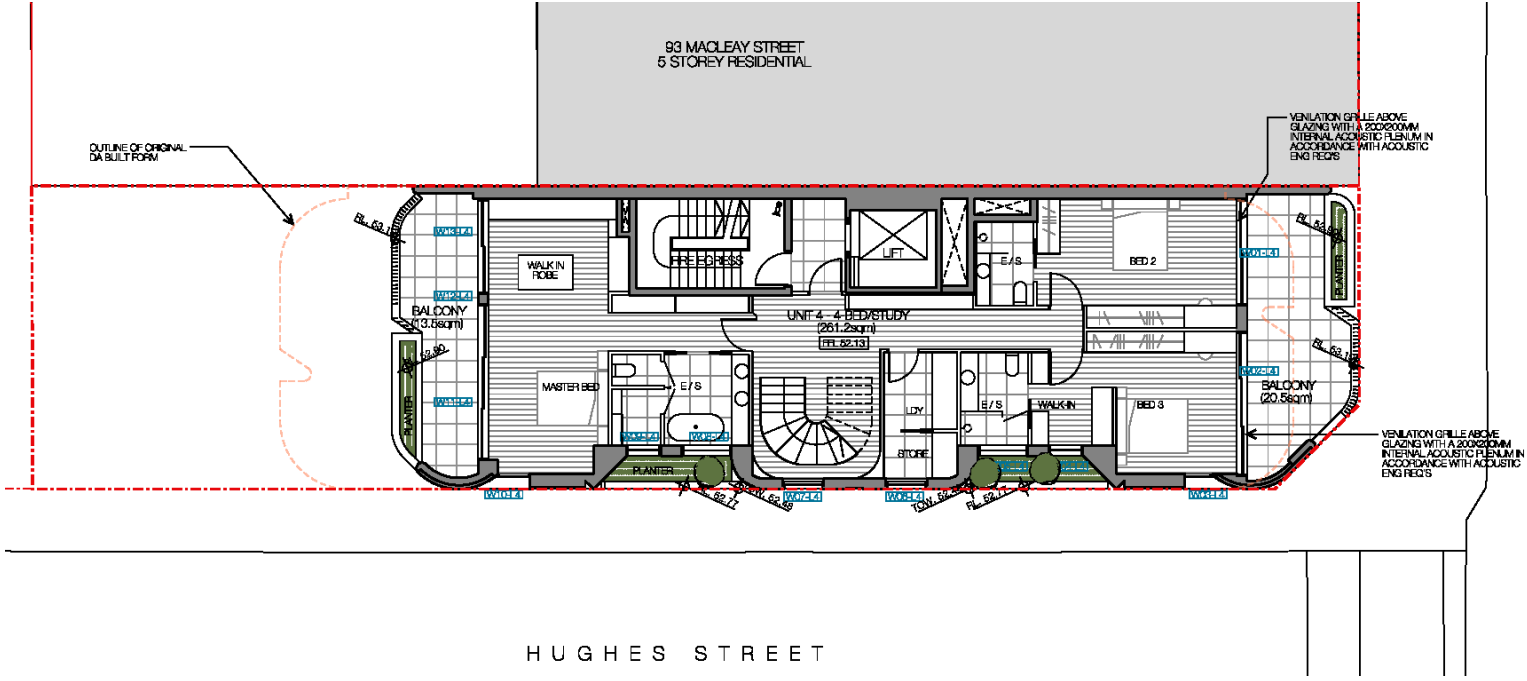
level 1



level 2



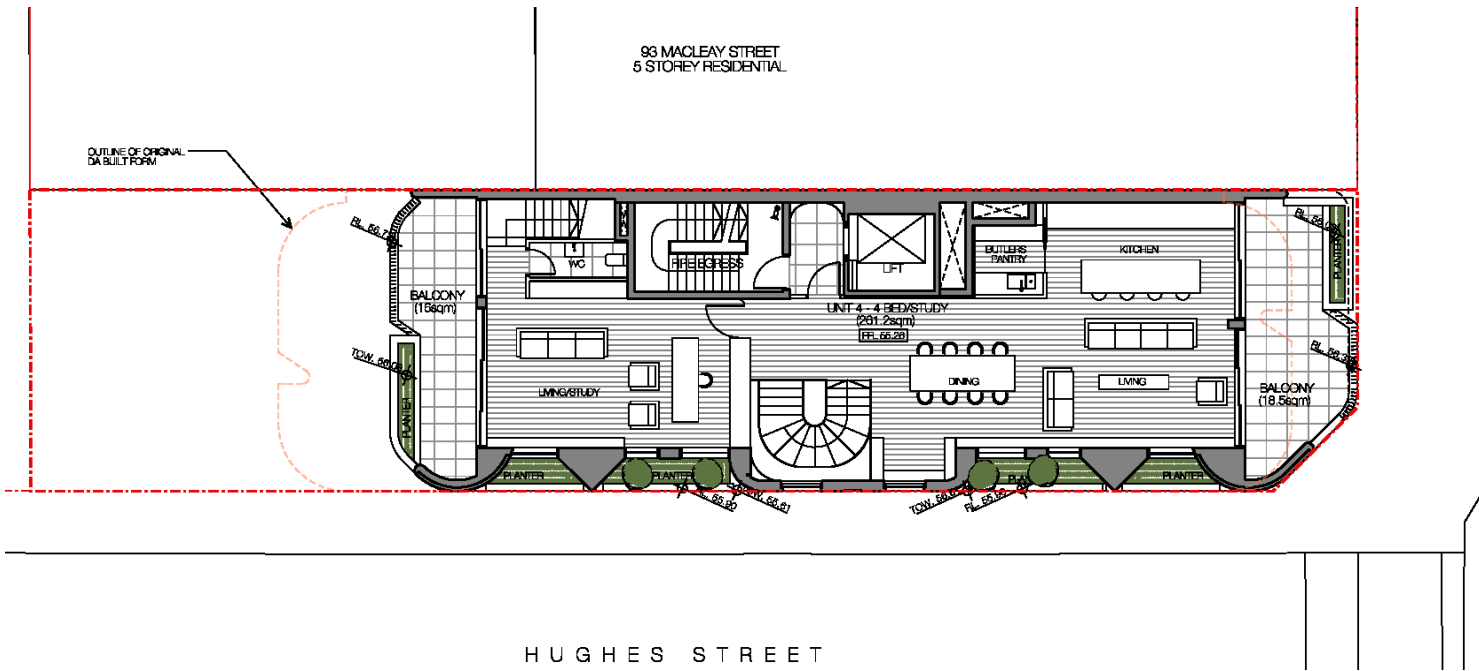
level 3

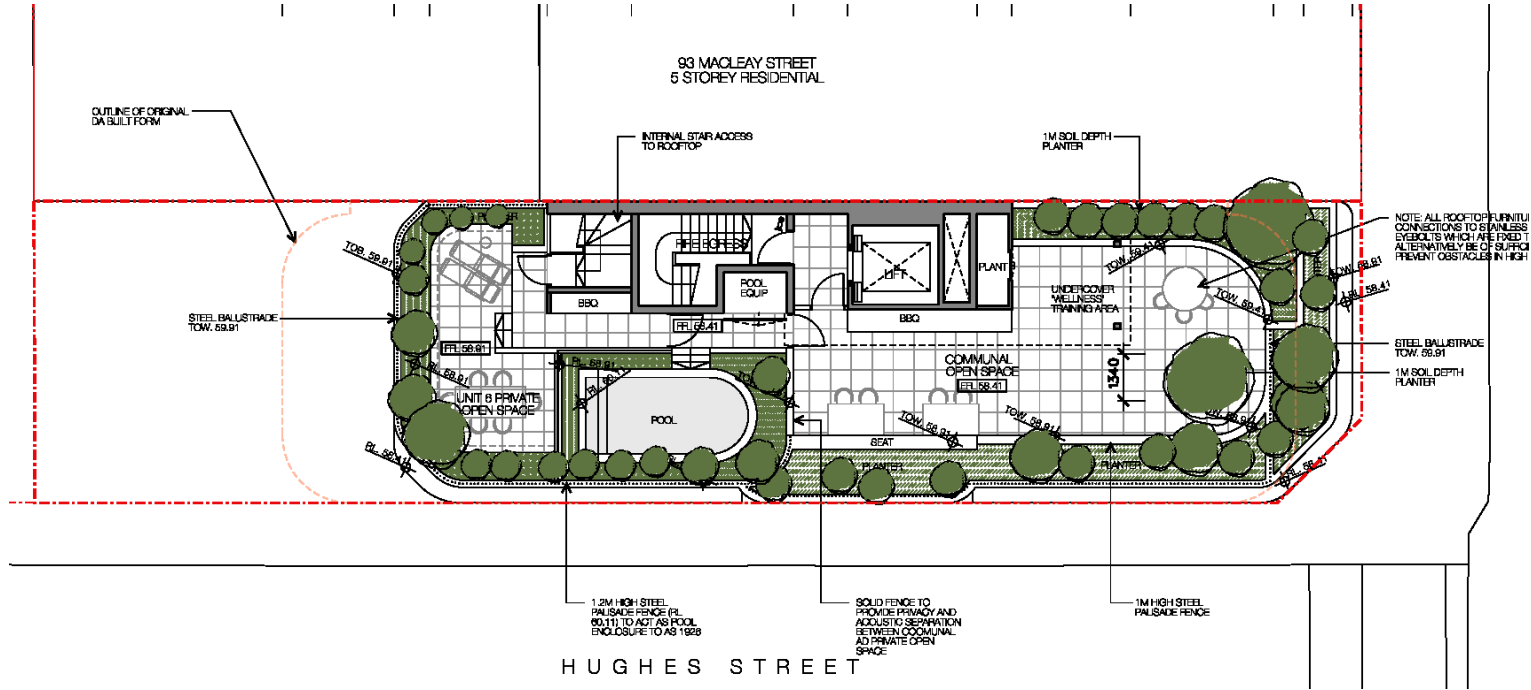


level 4

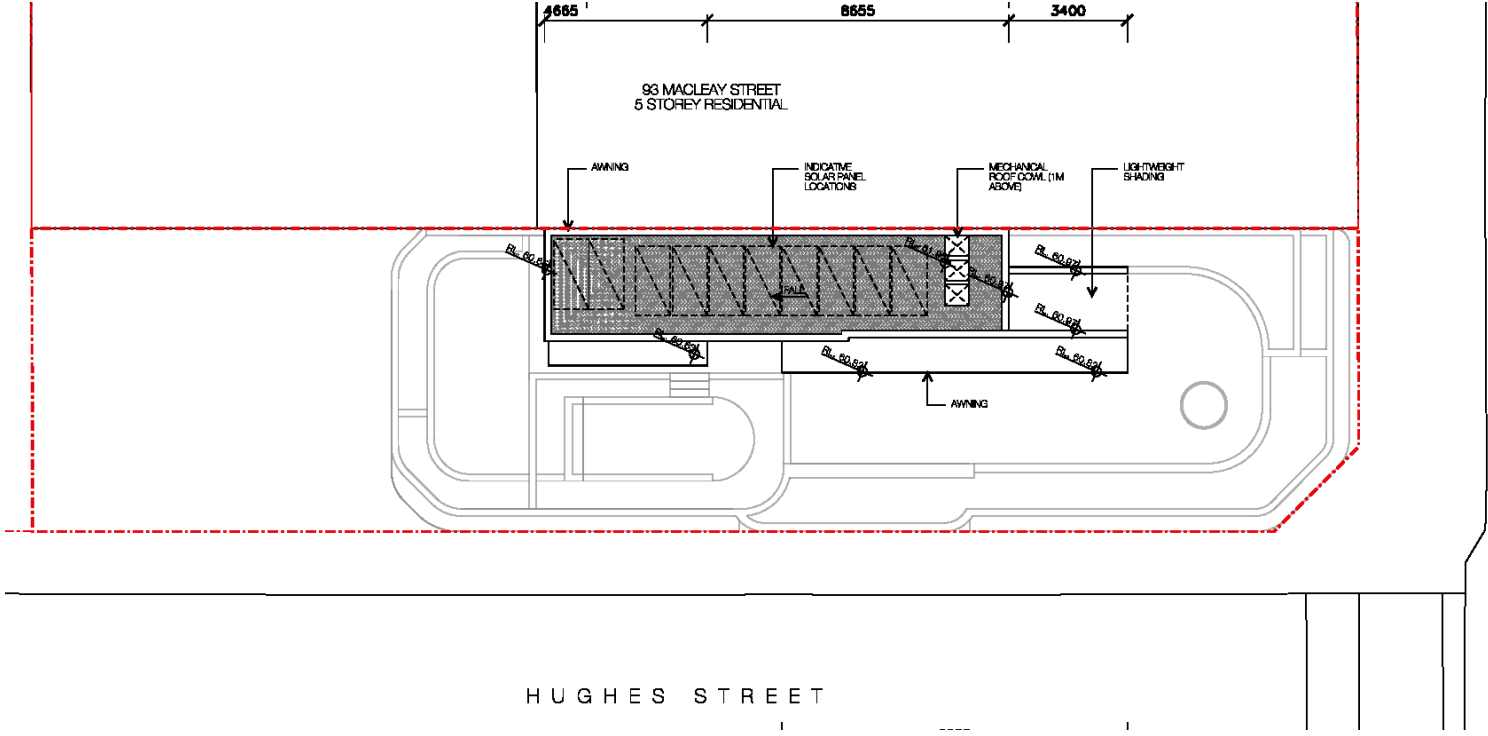


level 5

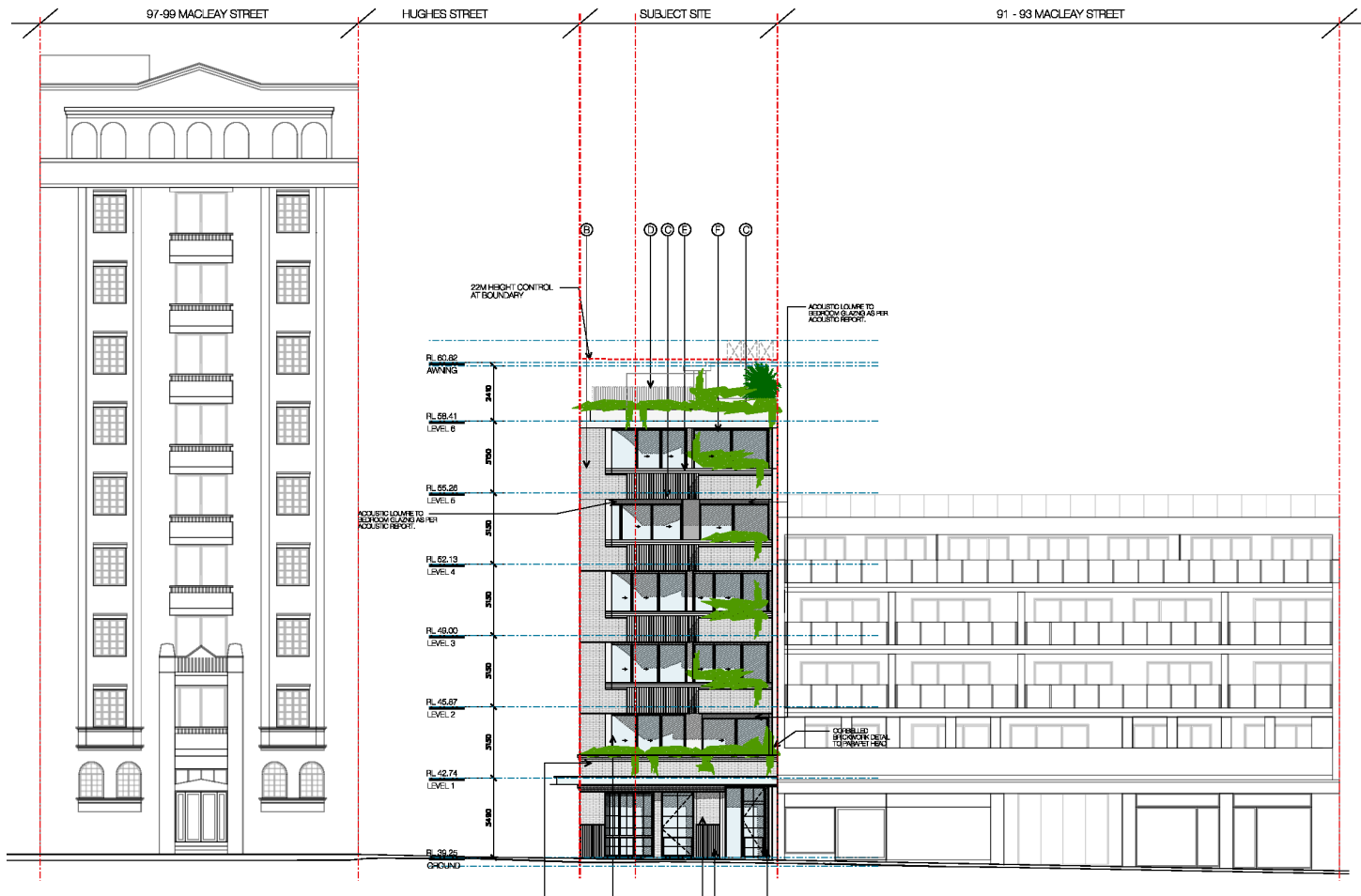




level 6



roof plan



Macleay Street - east elevation

10-12 HUGHES STREET

SUBJECT SITE

MACLEAY STREET

A

C

D

E

F

G

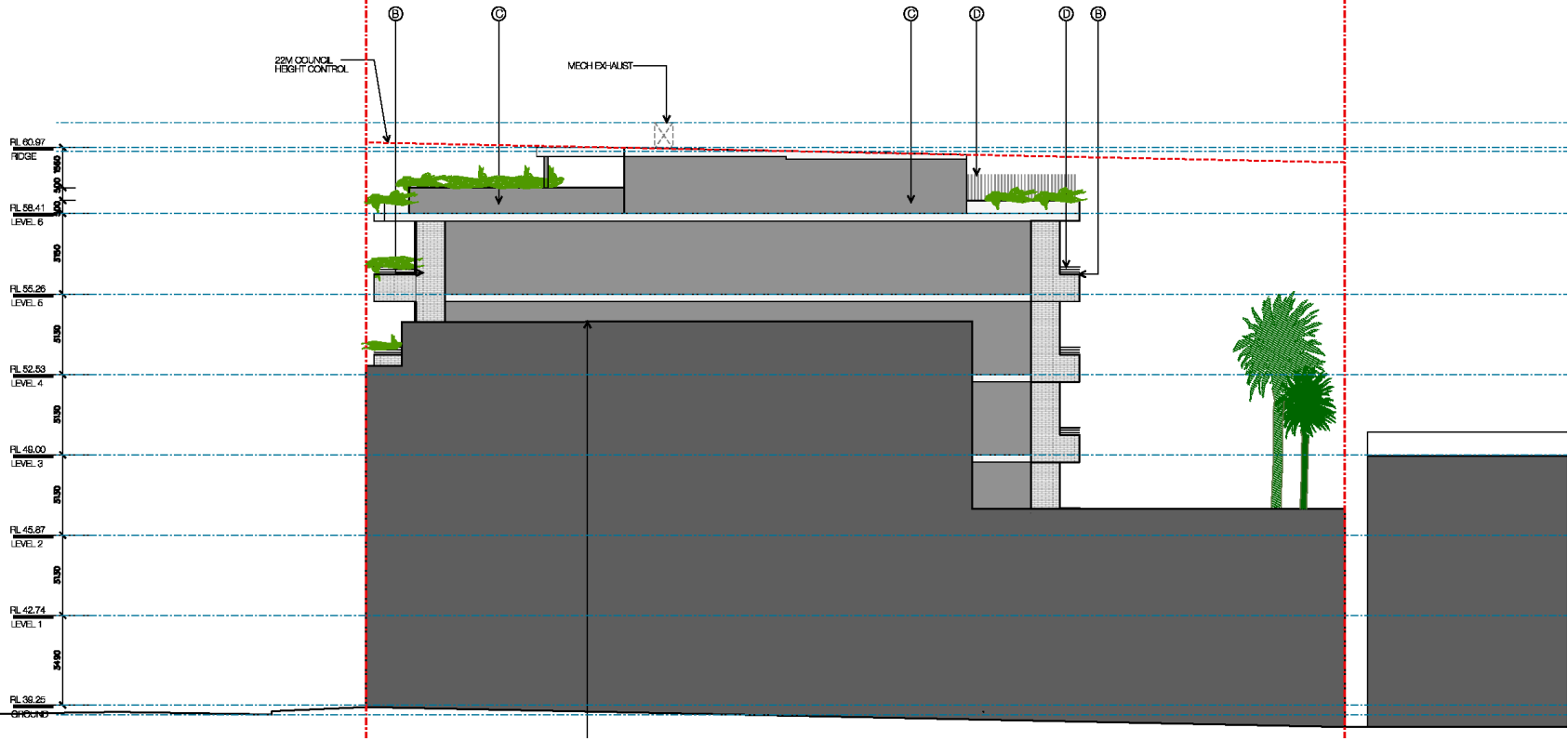
H

23m COUNCIL HEIGHT CONTROL ON BOUNDARY

10-12 HUGHES STREET 3 / 4 STOREY RESIDENTIAL

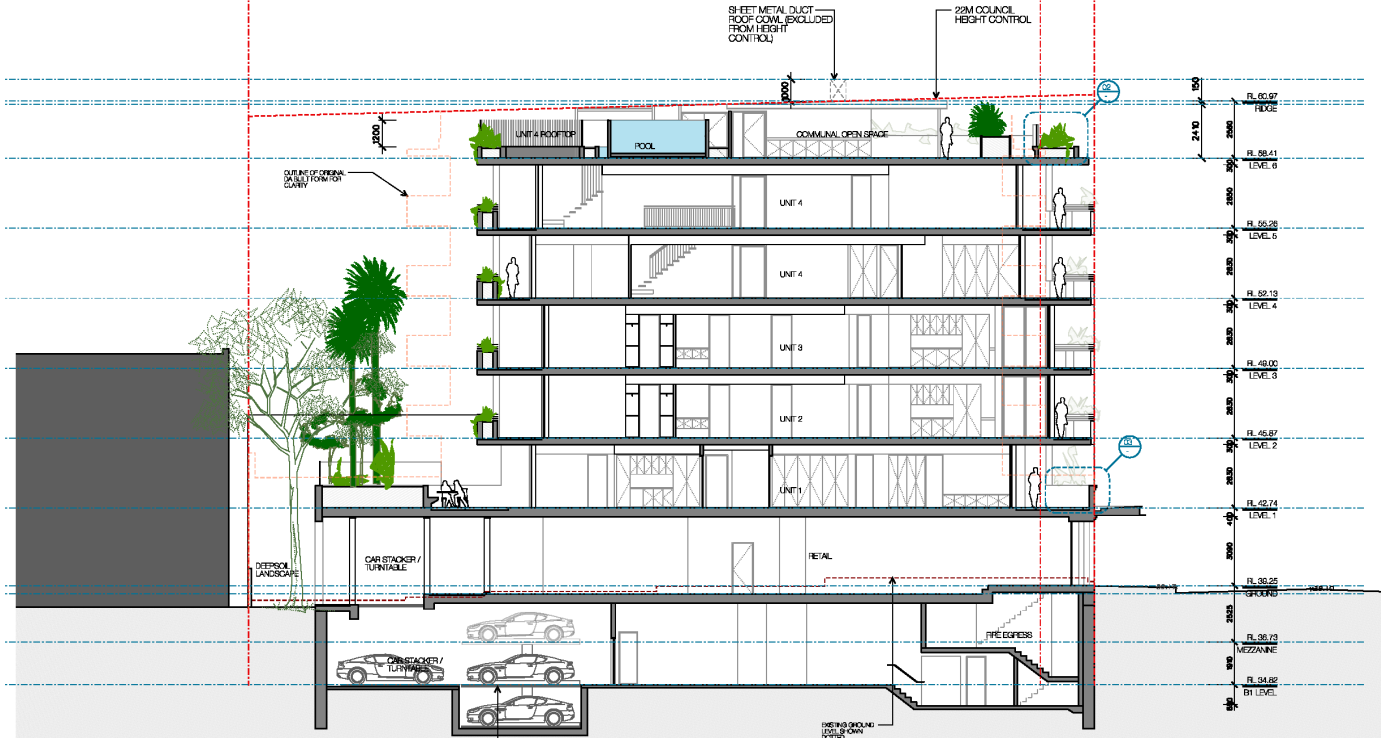
RL 60.97 RIDGE
2560
RL 58.41 LEVEL 6
3150
RL 56.26 LEVEL 5
3150
RL 52.13 LEVEL 4
3150
RL 48.00 LEVEL 3
3150
RL 45.67 LEVEL 2
3150
RL 42.74 LEVEL 1
3480
3700
RL 39.25 GROUND
RL 38.88 GROUND

Hughes Street - south elevation



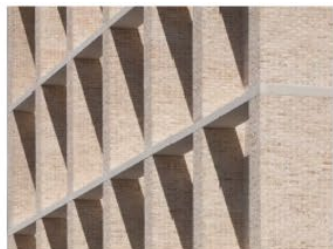
north elevation







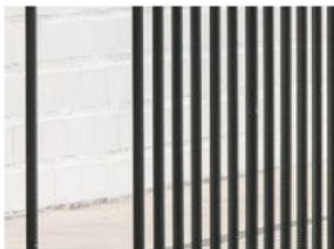
A HANDMADE PETERSONS DANISH
CHARCOAL BRICK D99(90%), D58(10%)



B HANDMADE PETERSONS DANISH
GREY BRICK D71



C OFF FORM CONCRETE -
COLOUR 2C (GREY)



D & E GREY PAINTED CUSTOM
STEEL BALUSTRATE



F CHARCOAL GREY ANODISED
ALUMINIUM WINDOW GLAZING

Compliance with key LEP standards

	control	proposed	compliance
height	22m	21.57m	yes
floor space ratio	2.5:1 (818 sqm)	2.5:1m (818 sqm)	yes

Compliance with DCP controls

	control	proposed	compliance
height in storeys	6	6	yes
deep soil	10%	7%	no

Compliance with ADG

	control	proposed	compliance
solar	70%	50% 2 apartments	no
cross vent	60%	100% 4 apartments	yes
deep soil	7%	7%	yes

Compliance with ADG

	control	proposed	compliance
building separation	up to four storeys - 12m five to eight storeys 18m between habitable rooms / balconies	9.3m to 9.7m across Hughes Street	no
apartment size	1 bed 50m ² 2 bed 70m ² 3 bed 95m ²	2 bed 131.3 sqm 3 bed 136.3 sqm 4 bed 261.3 sqm	yes

Compliance with ADG

	control	proposed	compliance
floor to ceiling heights	2.7m	2.7m	yes
communal open space	25%	18.3% (rooftop)	no
private open space	2 bed 10m ² 3 bed 12m ²	2 bed 87 sqm 3 bed 34 sqm 4 bed 120.5 sqm	yes

Design Advisory Panel Residential Subcommittee

Generally supportive - recommended:

- investigate heritage value, opportunities, constraints of existing building
- improved ADG compliance
- reduction in height and footprint of building
- architectural expression to be simplified and materials improved
- rooftop terrace should all be communal
- increased landscaping to ground level and deep soil provision

Issues addressed in amended plans or resolved through recommended conditions

Issues

- demolition of existing building
- view impacts/view sharing
- building separation and privacy
- solar access for neighbouring buildings
- solar access for proposed building

Demolition of existing building

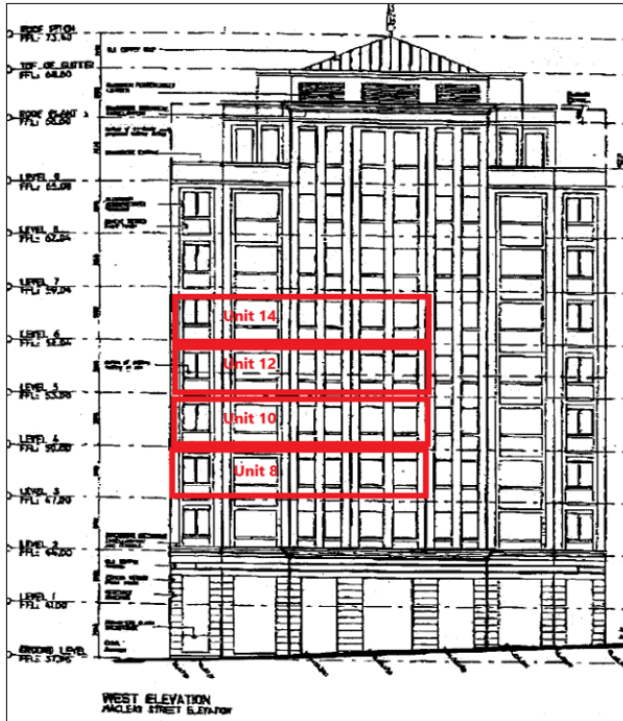
- existing building identified as neutral contribution to conservation area
- building has been significantly modified
- heritage significance investigated, further information provided by applicant, but significance has been severely compromised
- demolition of building considered acceptable
- retention of building/part of building would push built form to the rear increasing impacts

View impacts

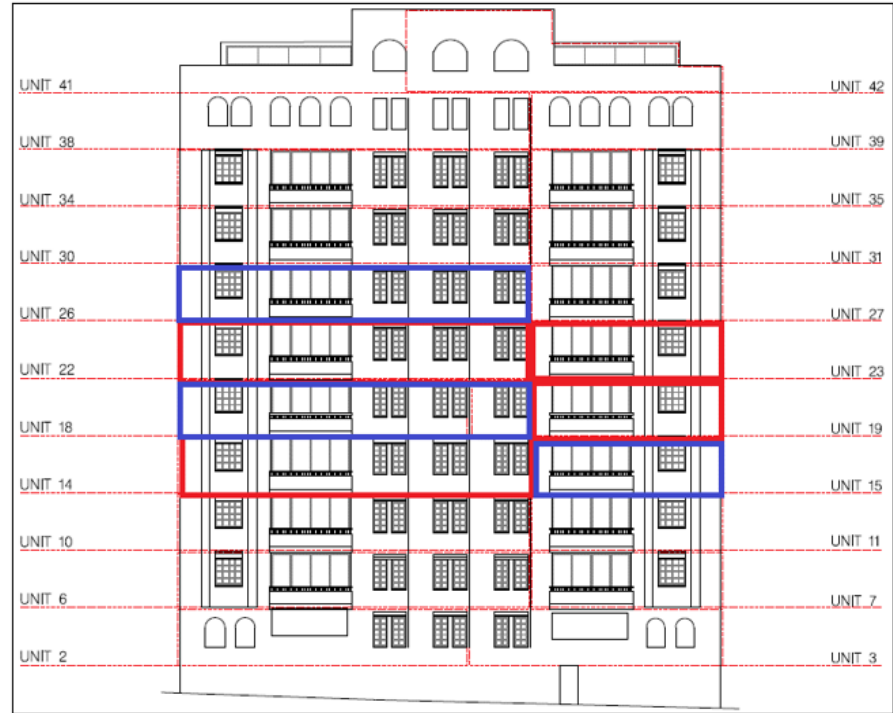


impacted buildings

View sharing - impacted units



Kingsclere

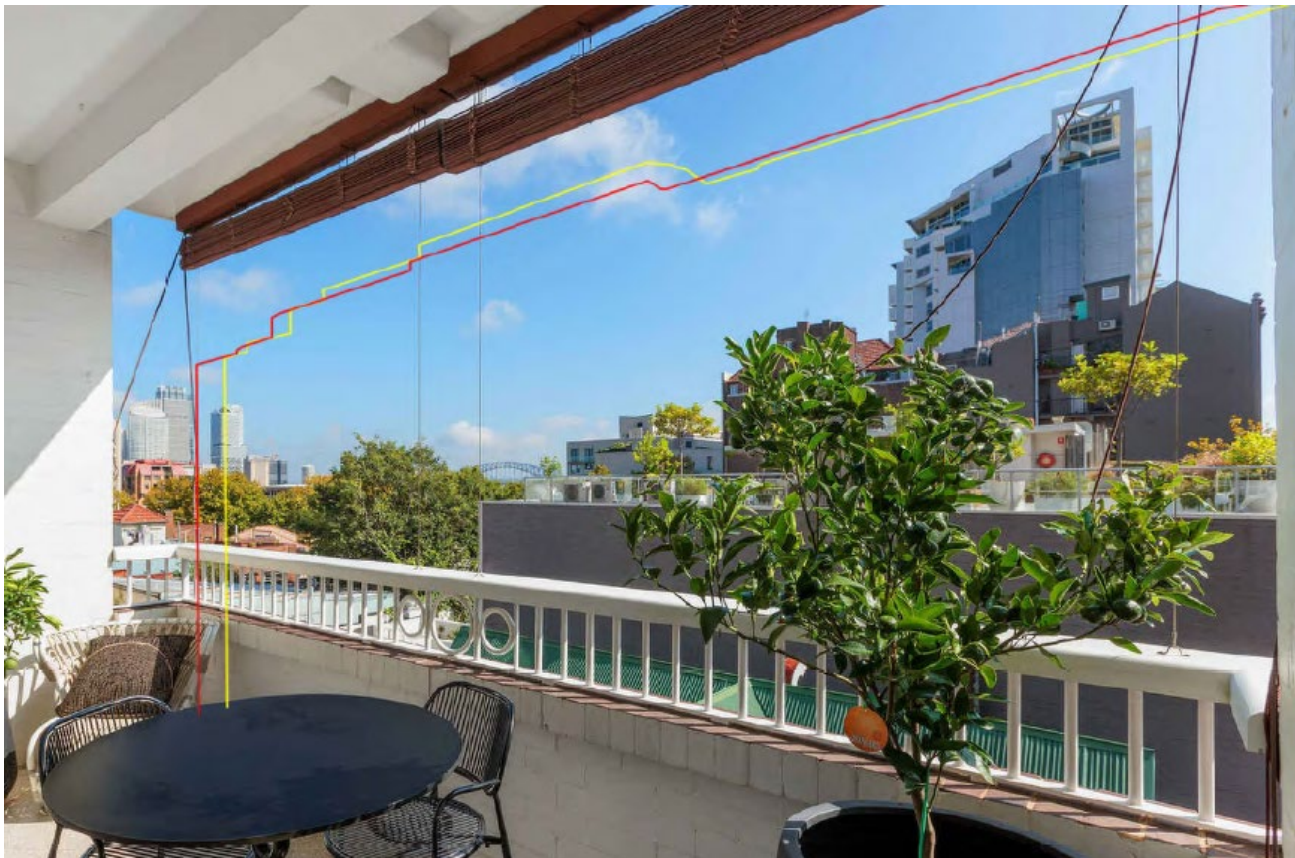




Byron Hall

Units 18, 22 and 26 Byron Hall most impacted

Unit 18 - Byron Hall

- loss of views of the Sydney Harbour Bridge, treetops and part of the city skyline to the northwest
- views to the north of the site over the tops of existing residential flat buildings and a significant portion of open sky will be lost





-  original proposal
-  amended proposal

Unit 18 Byron Hall – standing view from balcony

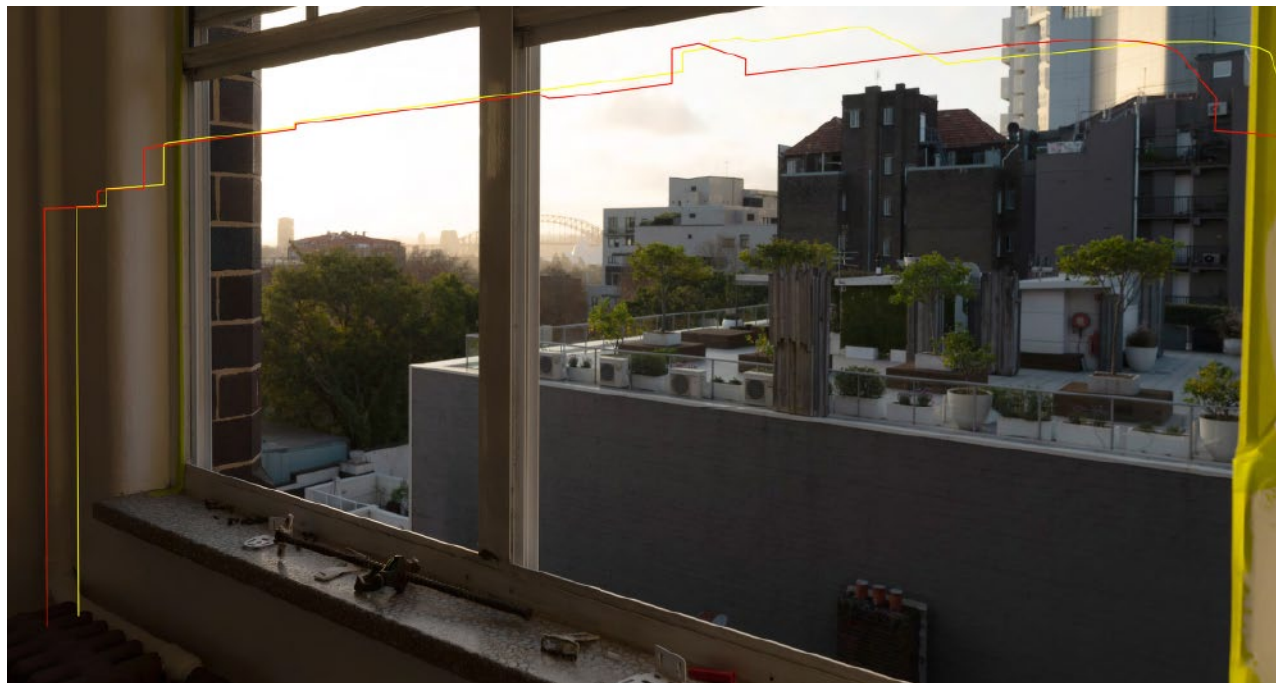
Unit 22 - Byron Hall

- loss of views of Sydney Harbour Bridge, treetops, most of the harbour water views and view of the Opera House roof, from the balcony, living room, study and bedroom
- loss of view of existing structures, buildings and vegetation to the north over 91-93 Macleay Street



-  original proposal
-  amended proposal

Unit 22 Byron Hall - standing view from balcony





- original proposal
- amended proposal

Unit 22 Byron Hall - sitting view from living room



Unit 26 - Byron Hall

- partial view loss of lower context of Harbour Bridge, Opera House roof and intervening vegetation from balcony, study, bedroom and living room
- water views of Harbour lost from the study
- wider views toward vegetation and buildings to the north and northwest lost



-  original proposal
-  amended proposal



-  original proposal
-  amended proposal

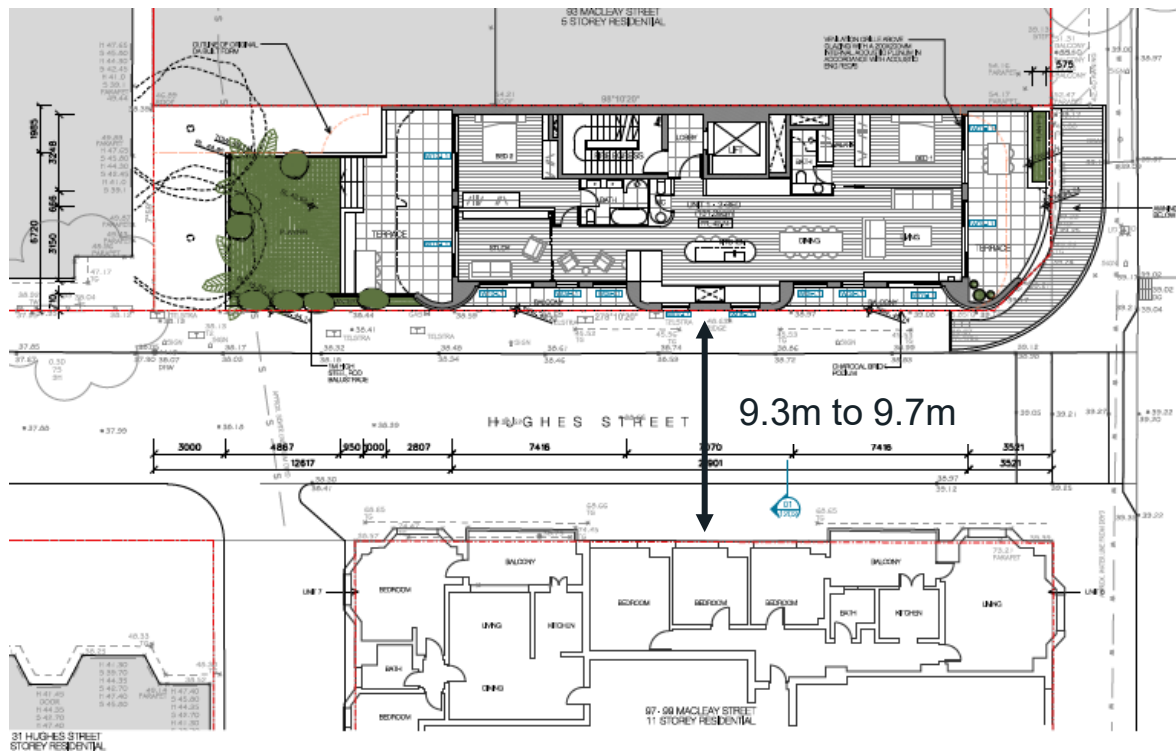
Unit 26 Byron Hall – standing view from living room

View sharing

- impacts assessed against the Tenacity Principles
- “devastating” view loss to Units 18 and 22 within Byron Hall
- “severe” view loss to Unit 26 within Byron Hall
- others assessed as moderate impact or less
- highly valued impacted views intersect the centre of the site
- proposal is compliant with the height and FSR controls
- view impacts acceptable as assessed as reasonable against the Tenacity Principles

Building separation and privacy

- proposed building separation with Byron Hall - 9.3 to 9.7m minimum separation proposed
- mutual overlooking between south elevation of development and north elevation of Byron Hall



proposed building separation levels 1 to 6



sight lines – level 1



sight lines - levels 2 & 3





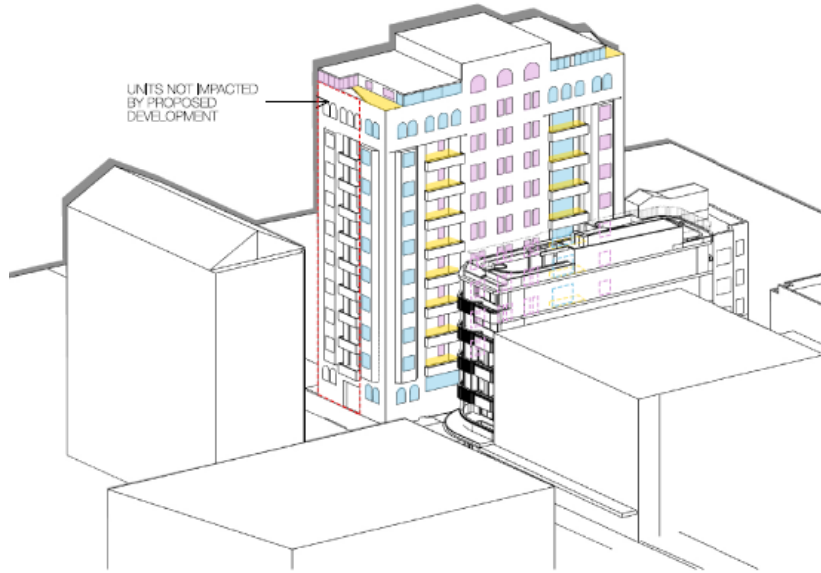
Building separation and privacy

- design amendments incorporated include:
 - south balconies revised to non-accessible solid planters
 - south glazing levels reduced
 - offset for sensitive windows and balconies
 - offset floor levels heights between buildings
 - ‘wings’ added to front / rear balconies
- recommended conditions for obscure glazing to sensitive windows

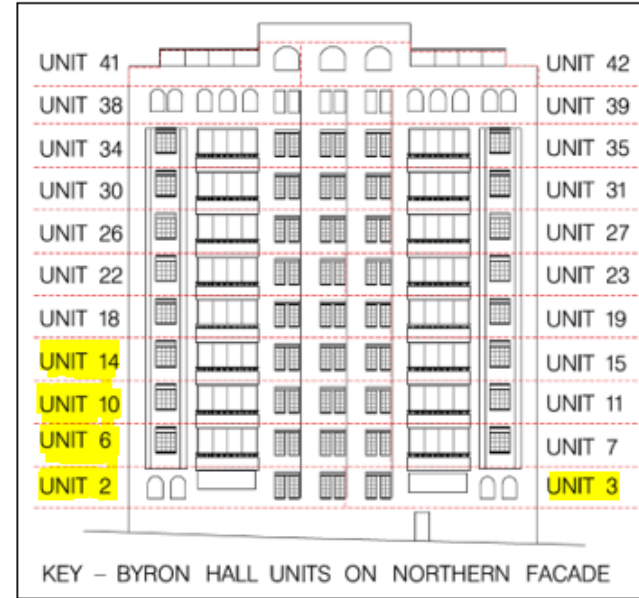
Solar access - Byron Hall

- Byron Hall currently achieves 100% solar access at mid winter (Units 2 & 3 enclosed balconies)
- Units 2, 3, 6, 10 & 14 lose solar access compliance from private open space
- proposal reduces solar access compliance to 75% - exceeding ADG 70% requirement

Solar access - Byron Hall



view from the sun - 09:00



non-compliant units

Solar access - proposal

- non-compliance with ADG 70% solar access at mid-winter - 50% proposed
- Units 2 & 3 receive 1 hour of solar access to the living area
- solar access to balconies for all units is compliant
- site constrained by east/west orientation, small site area and adjacent built form
- generous apartment size and private open space provision
- all apartments receive sunlight

Recommendation

- approval subject to conditions