

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

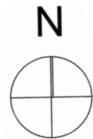
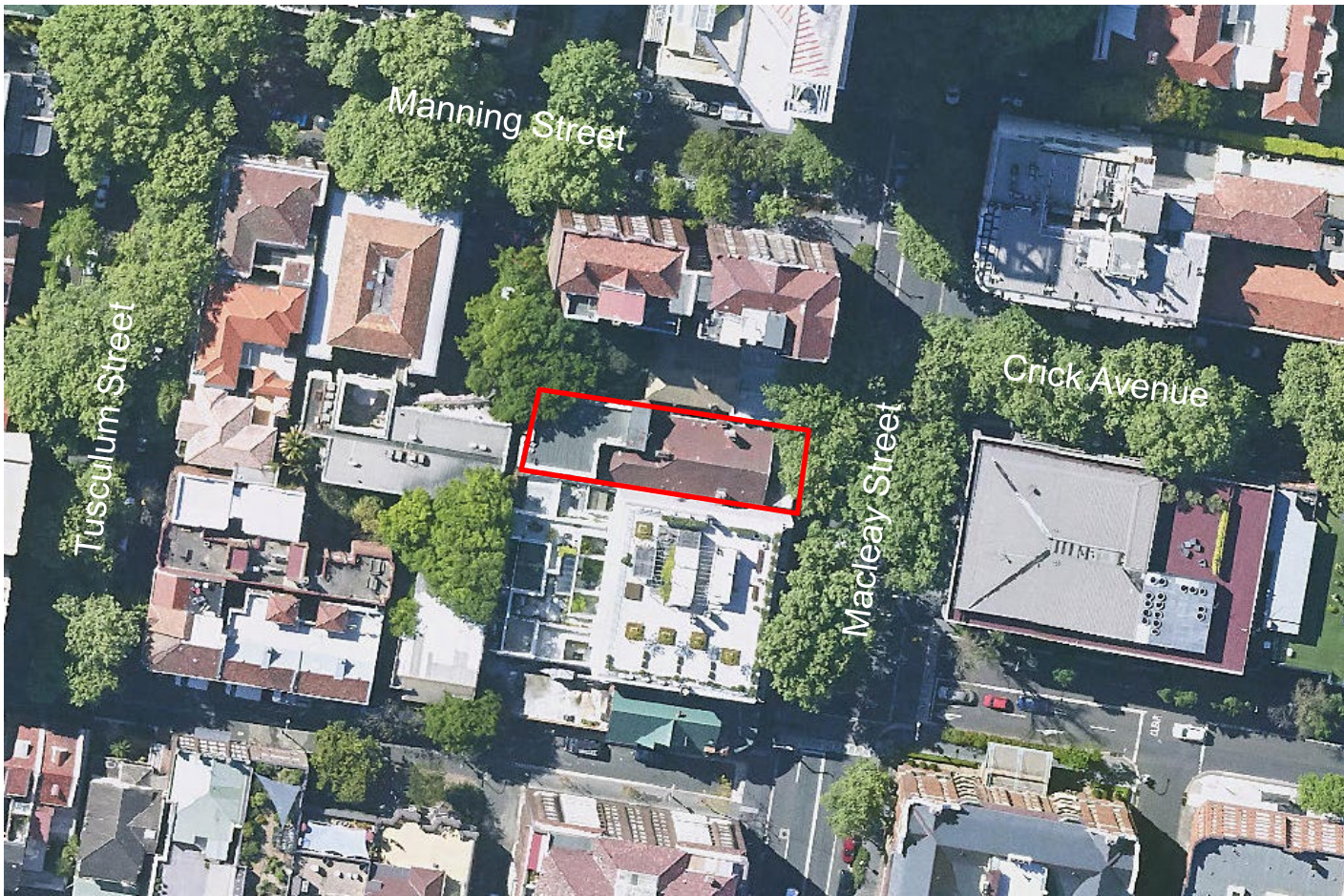
Submissions



-  subject site
-  submissions

note: one
submission out
of LGA

Site





Macleay Street



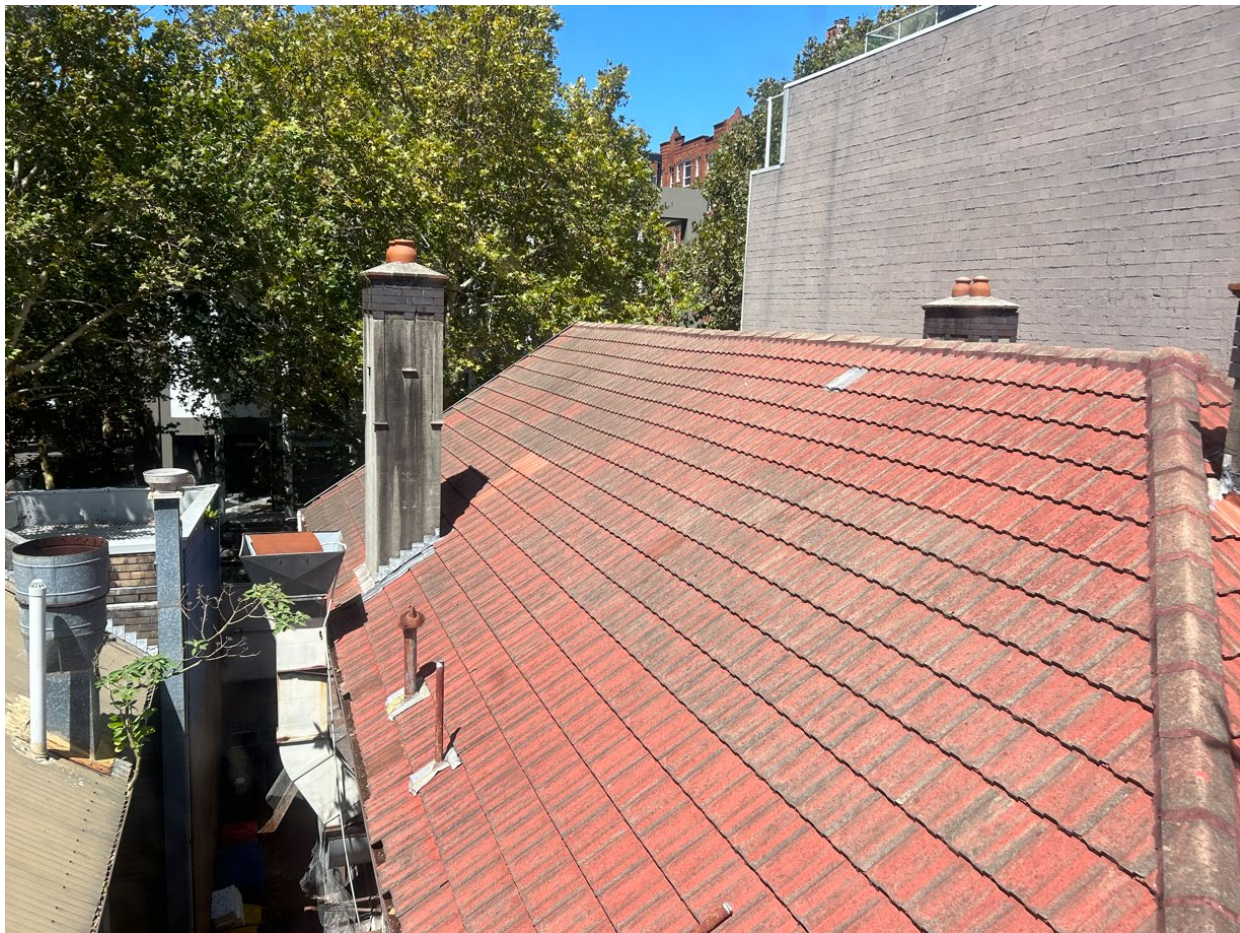
Macleay Street



north side setback



south side setback



view towards Macleay Street from level 3 corridor



neighbouring sites viewed from roof, looking east



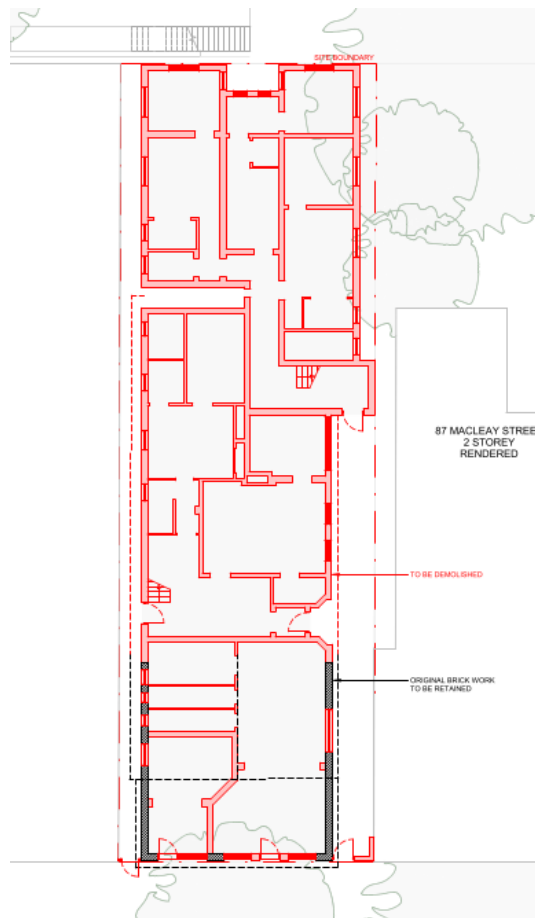
roof of AIA auditorium at 8C Hughes Street west of the site



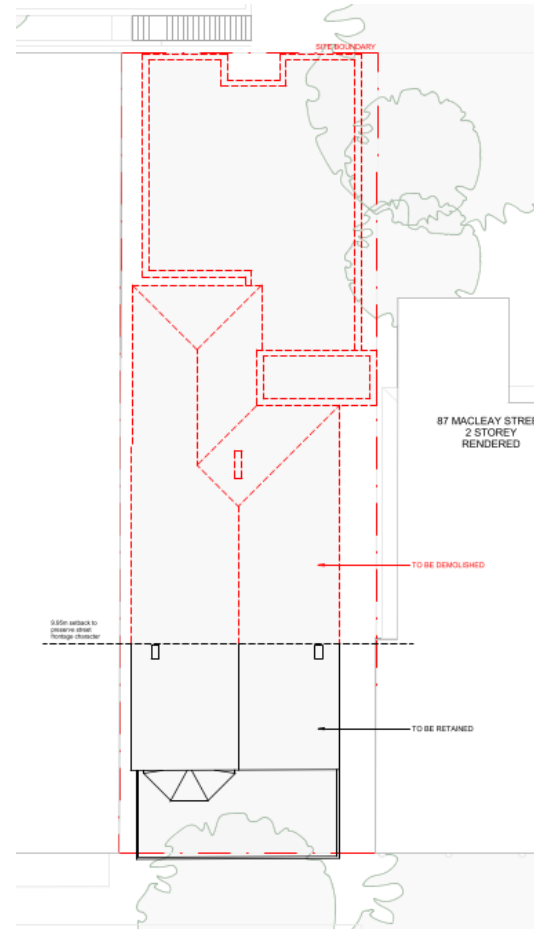
rear courtyard of backpacker's premises north of the site

Proposal

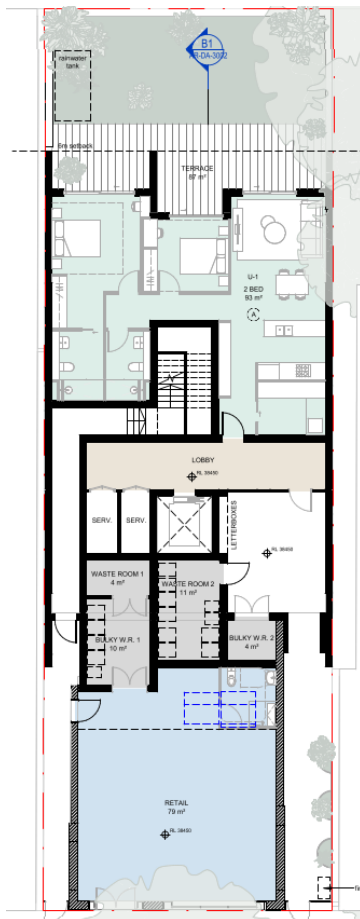




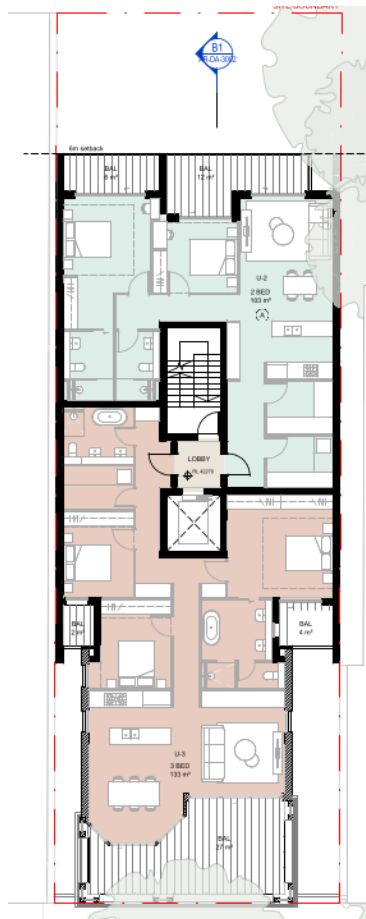
Ground Floor Demolition Plan



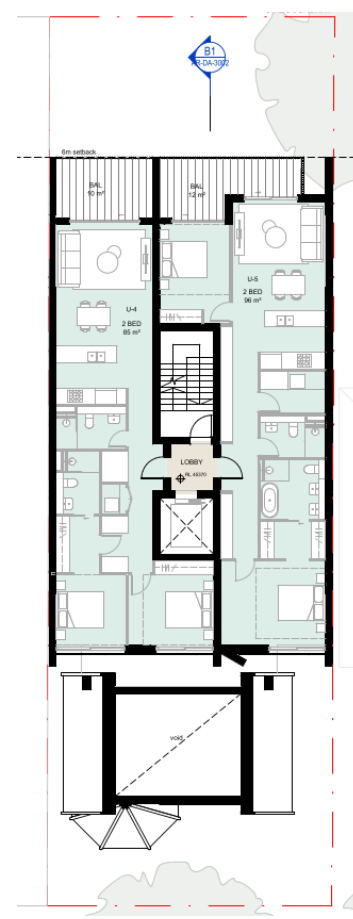
Roof Demolition Plan



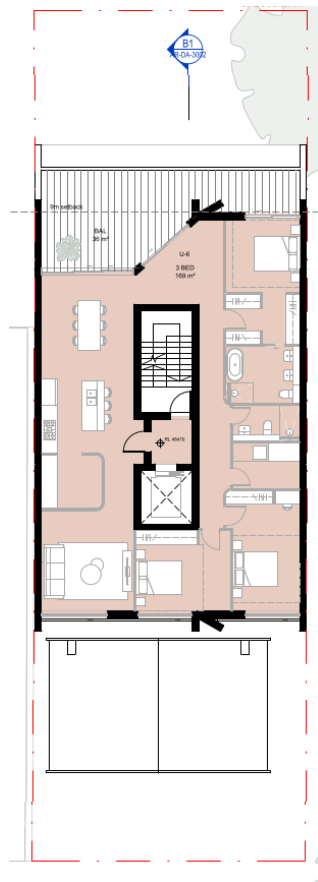
Ground Floor
(Unit 1 and Retail)



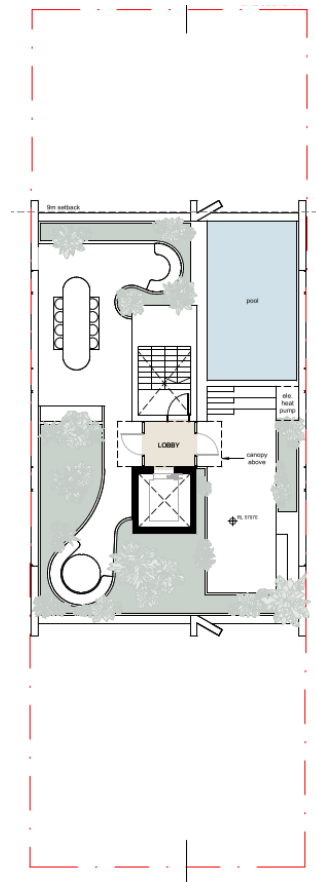
First Floor
(Unit 2 and 3)



Second Floor
(Unit 4 and 5)



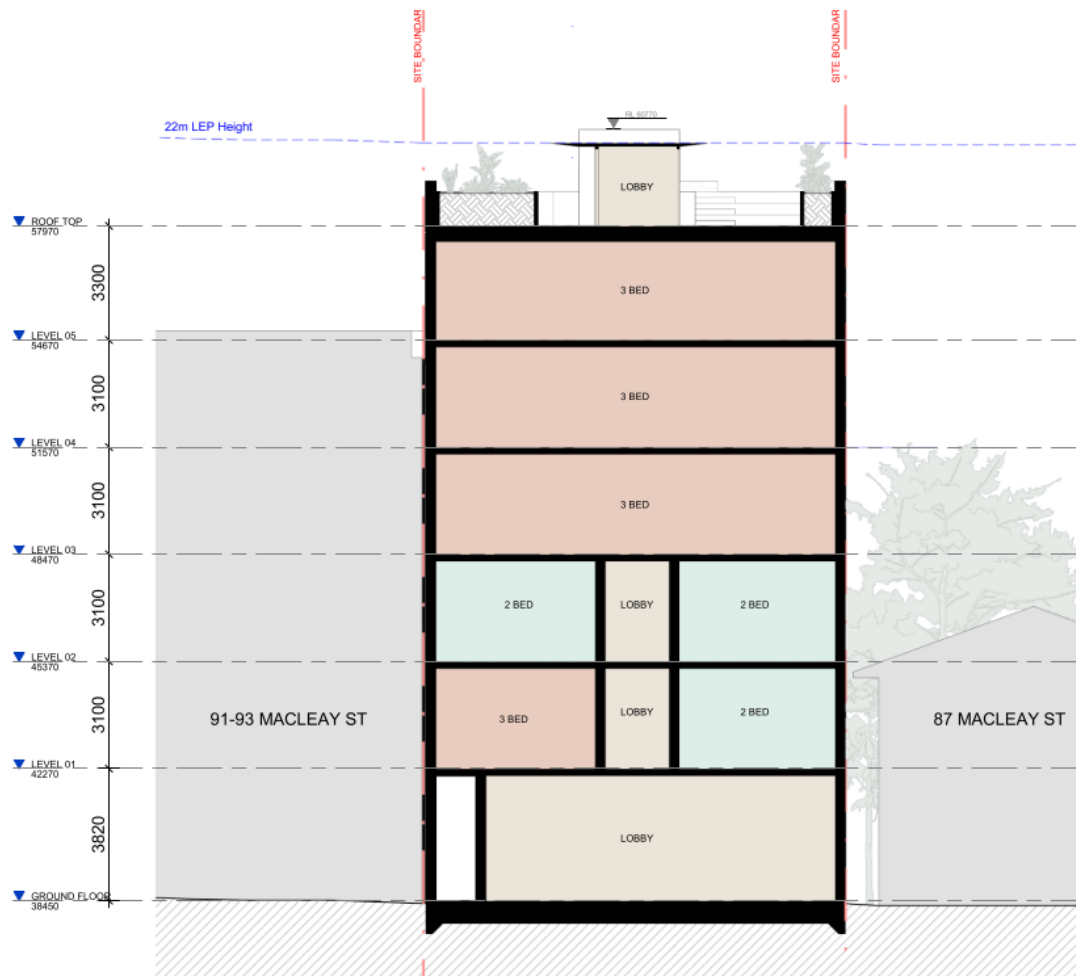
Levels 3-5
(Units 6 to 8)



Rooftop (communal
open space and pool)



Long Section



Short Section



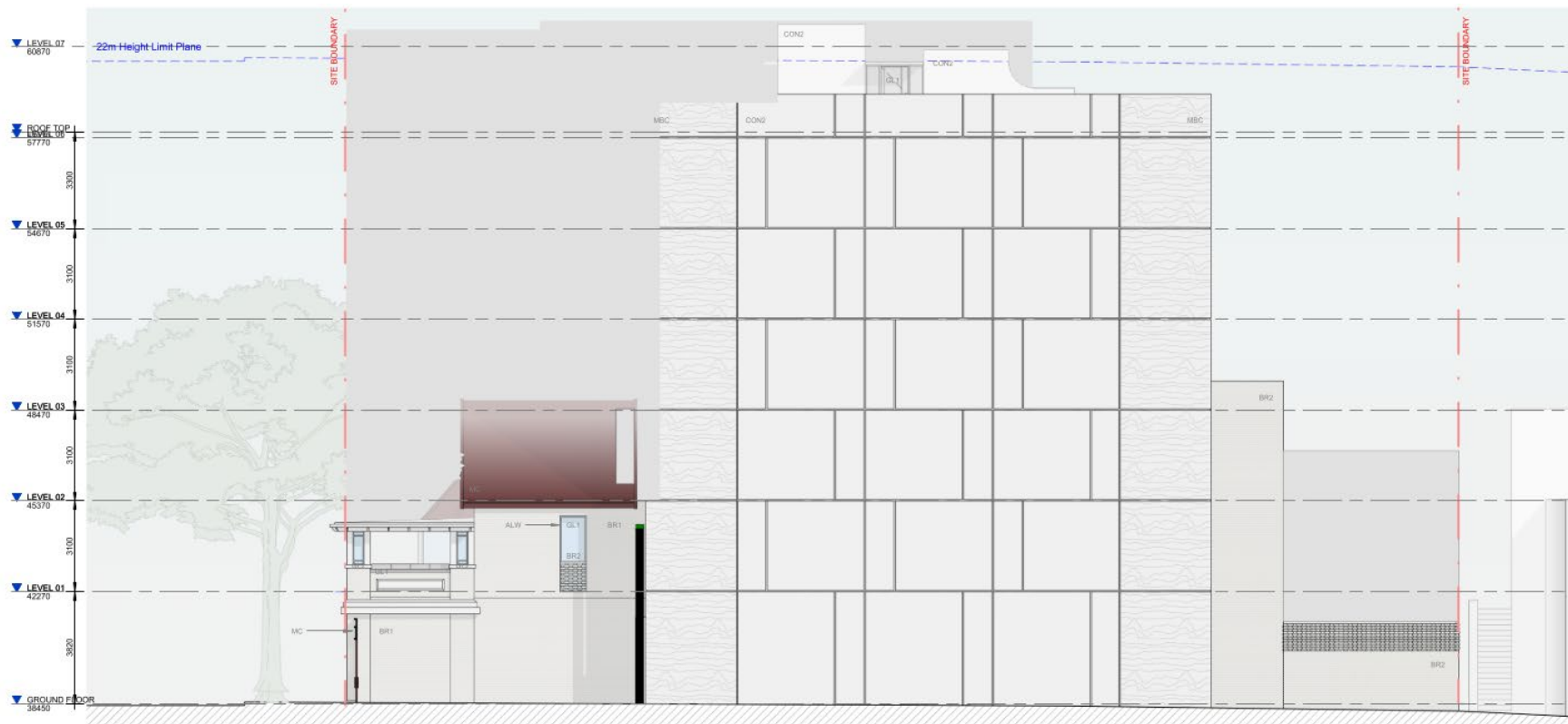
Macleay Street context elevation



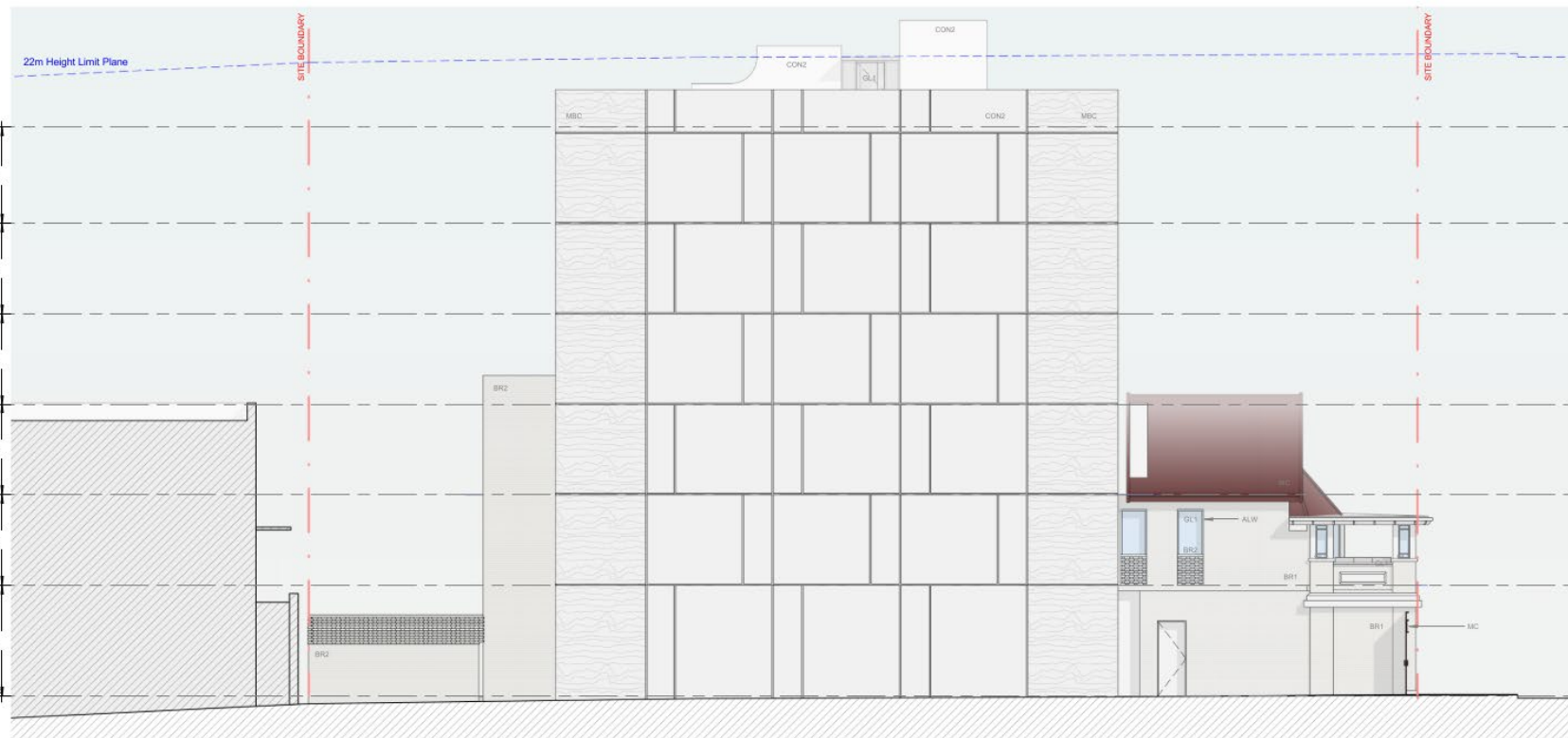
Macleay Street – east elevation



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 ²)	2.64:1 (1224.9m ²)	no (5.64% - 65.4m ² 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 ²)	10% (51.53m ²)	yes
apartment size	2 bed 70m ² 3 bed 90m ²	2 bed: 90-103m ² 3 bed: 133-169m ²	yes
floor to ceiling heights	2.7m	2.8m	yes

Consistency with ADG

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

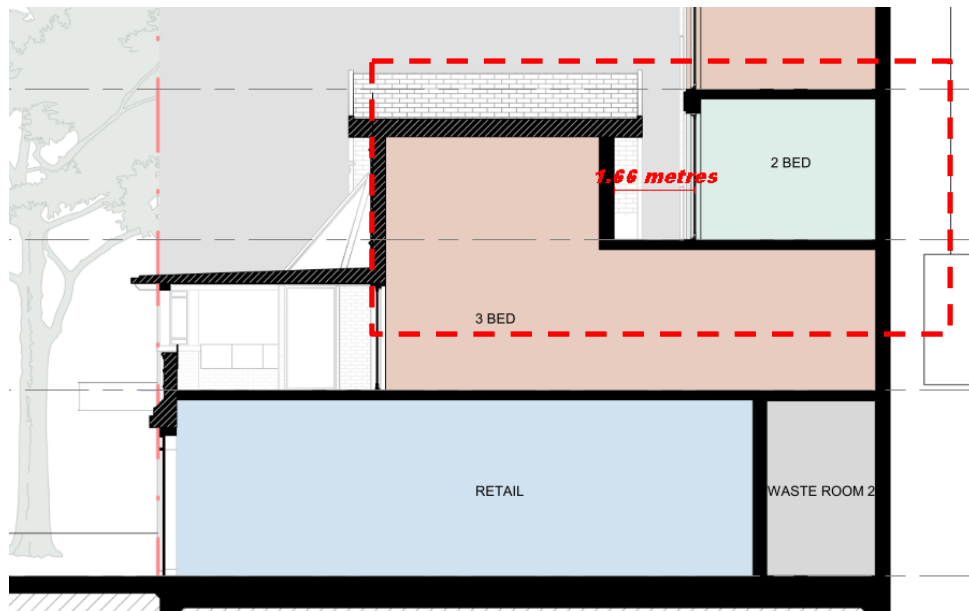
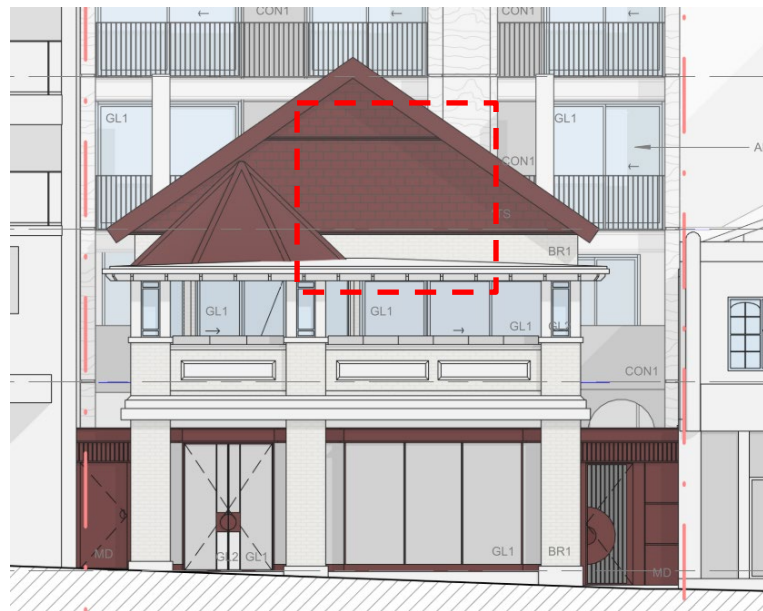
- demolition of 12 low-rental accommodation dwellings, as identified within Chapter 2 of SEPP (Housing) 2021
- consent authority must take into account the provisions of clause 47(2) and the Guidelines for the Retention of Existing Affordable Rental Housing
- application failed to adequately address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

Clause 4.4 – Floor space ratio

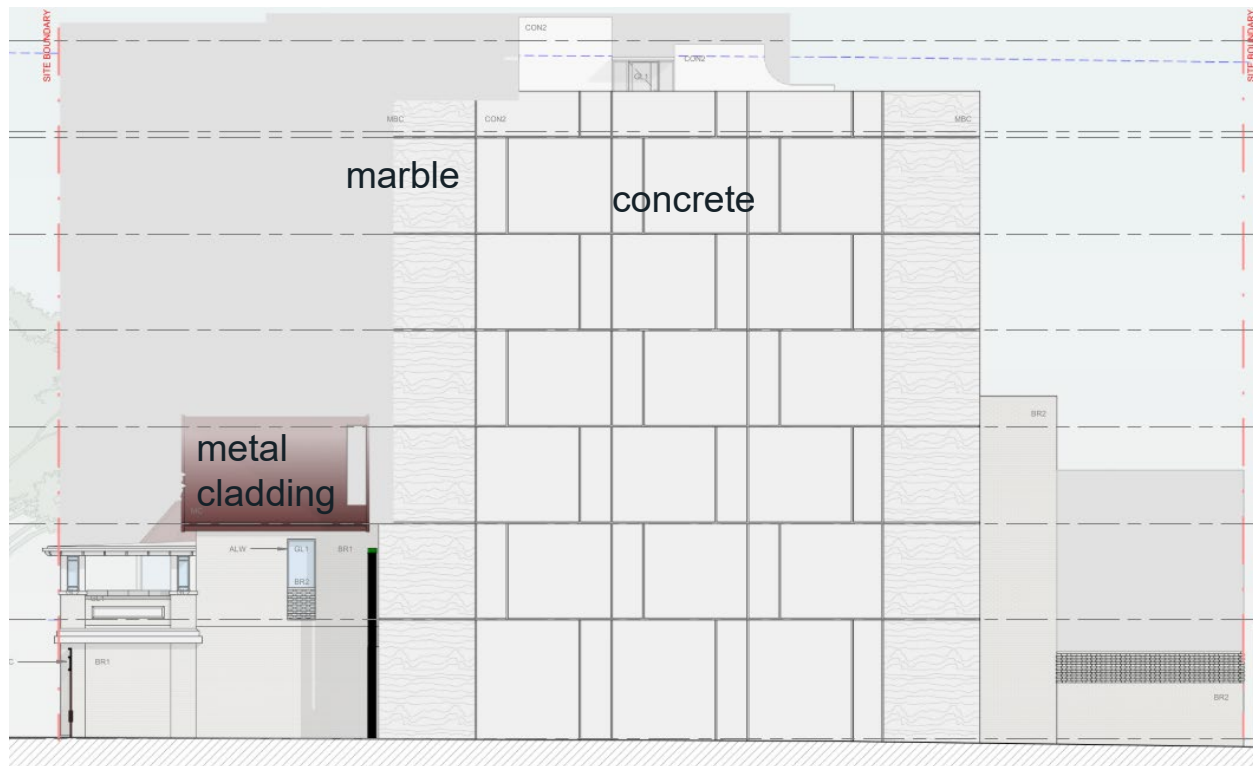
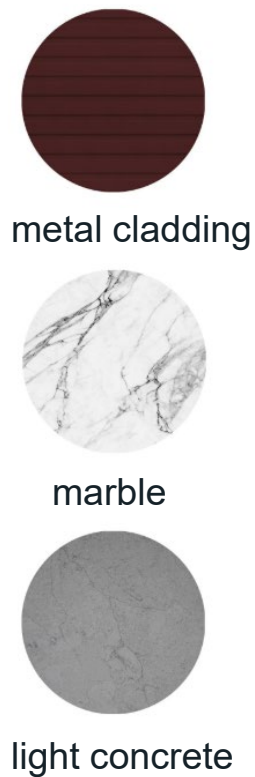
- proposed FSR of 2.64:1 - exceeds development standard by 5.46% - 65.4sqm
- no Clause 4.6 Variation Request to justify the proposed exceedance
- proposal is not able to be approved

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

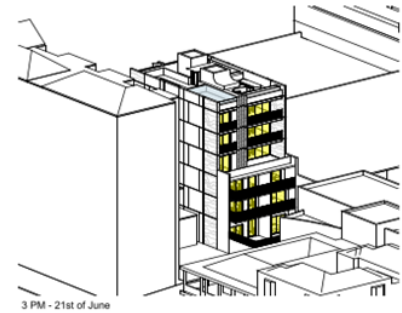
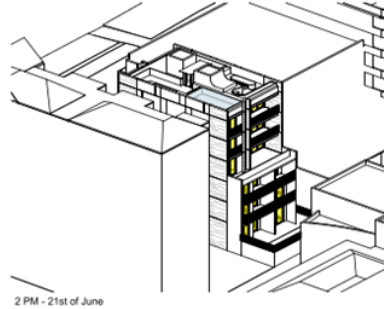
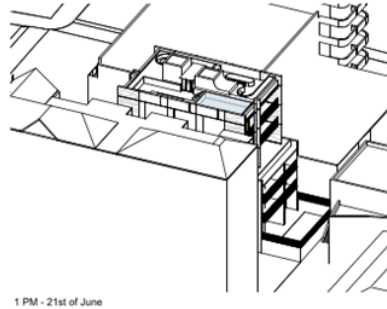
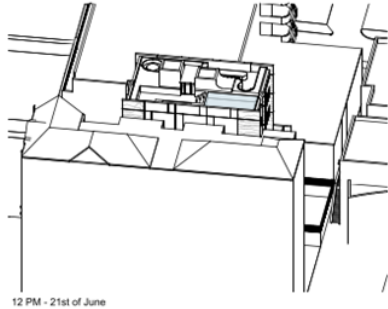
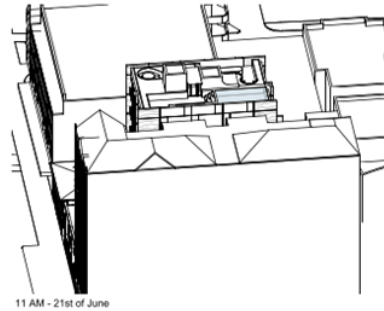
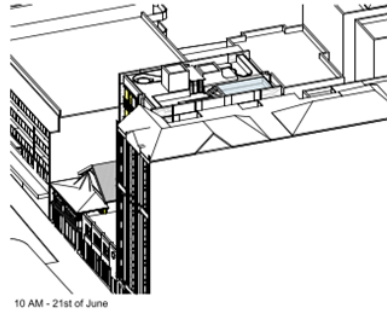
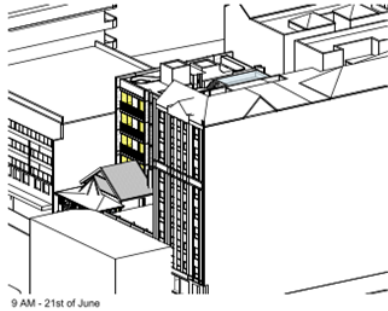


proximity of addition to contributory building



proximity of addition to contributory building

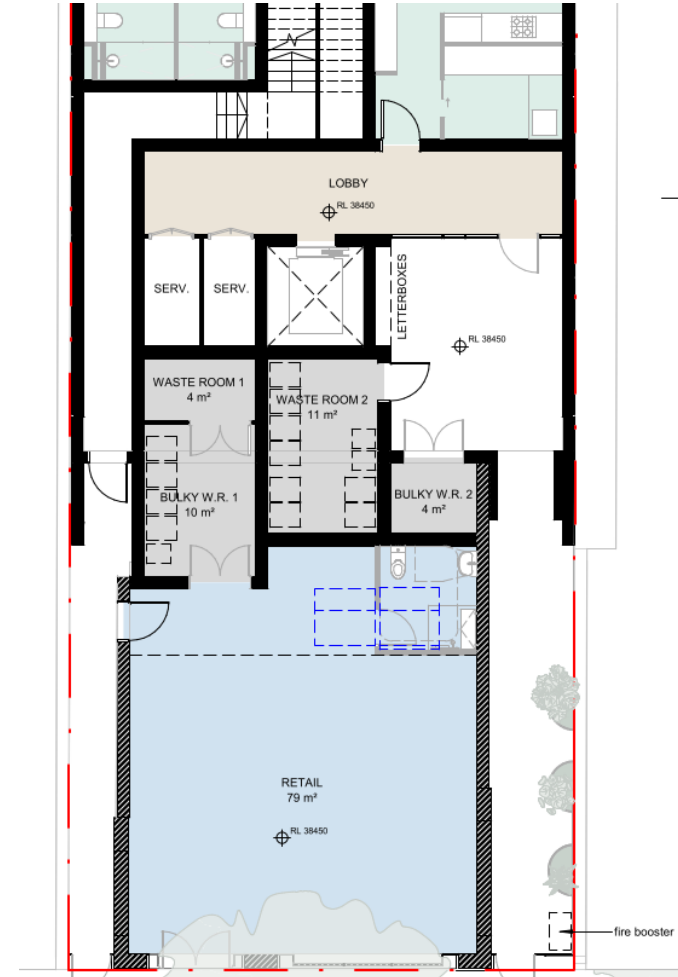
Solar access



- 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