

SECTION 79C EVALUATION

DA 241-7-2002

Subdivision of Land and Construction of Residential Flat Building: 41 Mount Street, Pyrmont

Section 79C (1) of the *Environmental Planning and Assessment Act, 1979* (the Act) requires a consent authority to consider prescribed matters as are of relevance to the development the subject of the development application. These matters are detailed below.

1. Section 79C (1) (a)

This subsection requires the consent authority to consider

(a) *the provisions of:*

- (i) *any environmental planning instrument, and*
- (ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- (iii) *any development control plan, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

that apply to the land to which the development application relates.

The environmental planning instruments, draft environmental planning instruments, and regulations applicable to the land to which the development application relate are as follows:

- *Sydney Regional Environmental Plan No. 26 – City West.*
- *Pyrmont – McCafferys Hill and Distillery Hill Precinct Master Plan*
- *State Environmental Planning Policy No. 65 – Design of Quality Residential Flat Buildings*
- *Ultimo-Pyrmont UDP*

Applicability of these instruments and plans to the proposed development is considered below.

79C (a)(i) Any Environmental Planning Instruments:

The site is located within the SREP 26 area under which a master plan for this area has been prepared; this is the Lend Lease McCaffery's Hill and Distillery Precincts Pyrmont Site Master Plan.

Lend Lease Pyrmont Site Master Plan – McCaffery's Hill and Distillery Hill Precincts

The subject site forms part of the McCaffery's Hill Precinct, controls for which are set out in the above Master Plan. The following presents a review of the application in relation to this EPI.

The proposed site is located in Mount Street. This street is a cul de sac on which a number of heritage-listed terraces are located. There are a number of gap sites along the street and in recent years, there have been new additions to the traditional terraces. These modern terraces have been well sited along the existing building line and address the original streetscape through their bulk, scale and design.

It is considered that the current proposal does not address the existing built form in such a way. The existing street is characterised by traditional terraces that are lavish in their detail. Newer developments are consistent with this streetscape feature. The scale, bulk and volume of the proposed development (although within the 9m limitation) does not address this streetscape and the blank wall presented by the screening to the public street adds little interest or activity to the area. In general the proposal presents an overdevelopment of the site. The following non-compliances with the Master Plan have been identified:

- It would appear that in excess of 80% of the building envelope is proposed for development.
- The density of the 168sm site exceeds the 120 dwellings/ha limit.
- Overshadowing is likely to occur as indicated by the shadow diagrams included with the application. The light well to the rear of No. 43 Mount Street would be overshadowed throughout the day during the winter solstice.
- Overlooking is likely to occur comprising privacy of residents. Balconies which are considered to be habitable areas are screened from the adjoining development by way of full height screening around the development. This is not considered to be a suitable design solution. Overlooking should be addressed through the design of the building itself. There is also a rear balcony to No. 39 Mount Street which would be overlooked by the proposed development; this issue has not been addressed.
- Specific controls for the Mount Street precinct envisage town houses for the infill development on gap sites rather than flat buildings.
- Heritage and Archaeology issues have not been adequately addressed. The proposal is not compatible with the conservation of the heritage significance of the terraced buildings on Mount Street.

79C (a)(ii) Any Draft Environmental Instrument

None

79C (a)(iii) Any Development Control Plan

Ultimo-Pyrmont UDP

The site is also subject to the development controls set down in the Ultimo-Pyrmont UDP. The following issues have been identified:

- S.3.3 requires that a Heritage Impact Statement accompanies any application to subdivide land on which a heritage item is situated. This has not been included with the application.
- There is no justification that the façade relates sympathetically to the existing buildings/streetscape.
- There is no indication that the building is suitable for disabled access, ie principally the main steps into the building.
- Section 4.2 indicates that facades should '*be rich in detail and modelling*'. The complete screening of the development means that this principle cannot be met.
- Section 4.4 Rooves indicated a preference for pitched or sloping rooves in this area, although this is not a requirement.

- There is no active street frontage to the street to support Sustainable Residential Development.
- Bulky goods storage and bicycle storage at the rate of 0.5/dwelling have not been provided.
- Both of the ground floor flats have balcony areas that do not meet the 20sm per dwelling requirement of the UDP.
- There is no provision for private on-site parking, which is considered acceptable having regard to the ease of accessibility to public transport in the area.
- There is no Energy and Water Conservation Report, which should accompany all DA's over two dwellings.

79C (a)(iv) The Regulations

None

2. Section 79C (1) (b)

This subsection requires the consent authority to consider

the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The proposed development would occupy a largely vacant site which is not currently used/used on a casual basis for parking. There is a small amount of vegetation on the site, which will presumably be removed during construction.

The proposed development will provide a welcome infill to a site which is designated for such development. The proposal in its current form however would not contribute to streetscape value and would serve to diminish the value of the existing heritage terraces.

The proposed units would fulfil a social role in providing residential units for the area as outlined in the master plan for the area. However negative social impacts of the proposed development are considered likely to include overshadowing, overlooking and loss of privacy, insufficient private open space and lack of on-site car parking provision. Economically, after construction they would have a negligible effect on the surrounding community.

3. Section 79C (1) (c)

This subsection requires the consent authority to consider

the suitability of the site for the development

The site in question is zoned for residential development under SREP 26. In this regard the site is suitable for an appropriate development of this nature.

4. Section 79C (1) (d)

This subsection requires the consent authority to consider

any submissions made in accordance with this Act or the regulations

Submissions relating to the proposed development have been received from City of Sydney Council, Sydney Harbour Foreshore Authority and two local landholders. These raised objections to the proposed development.

5. Section 79C (1) (e)

This subsection requires the consent authority to consider
the public interest.

The public interest would not be served through permitting the proposal development in its current form. The proposal will cause overshadowing to adjoining terraces and detract from the heritage terraces to which it is adjoined.