

## Resolution of Local Planning Panel

**4 November 2020**

### Item 7

#### Development Application: 113 Commonwealth Street, Surry Hills- D/2020/762

The Panel:

- (A) upheld the variation requested to Clause 4.3 'Height of Building' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application No. D/2020/762 subject to the conditions set out in Attachment B to the subject report to the Local Planning Panel of 4 November 2020, subject to the following amendments (deletions shown in strikethrough):

**(9) ~~PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN~~**

~~*Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.*~~

~~*The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.*~~

~~*The form of the recording is to be as follows:-*~~

- ~~*(a) A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;*~~
- ~~*(b) Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;*~~
- ~~*(c) Each image is to be numbered and cross referenced to a site location plan;*~~

~~(d) A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;~~

~~(e) Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.~~

~~Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.~~

**(10) PUBLIC DOMAIN DAMAGE BOND**

- ~~(a) A Public Domain Damage Bond calculated on the basis of 4.5 square metres of concrete site frontage Beauchamp Lane must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Bond must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).~~
- ~~(b) The Guarantee must be lodged with Council prior to an approval for demolition being granted or any Construction Certificate being issued, whichever is earlier.~~
- ~~(c) The Guarantee in this condition will be retained in full until the final Occupation Certificate has been issued, or the public domain works bond has been lodged and any rectification works to the footway and Public Domain, are completed to Council's satisfaction. The Guarantee will be released in full unless rectification works are required where upon 90% of the total securities will be released, with the remaining 10% to be retained for the duration of a 6 months Defect Liability Period.~~

**Reasons for Decision**

The application was approved for the following reasons:

- (A) The proposal is consistent with the objectives of the B4 Mixed Use Zone.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney Local Environmental Plan 2012,

that compliance with the 'Height of Building' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney Local Environmental Plan 2012; and

- (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the 'Height of Building' development standard.
- (C) The proposal complies with the floor space ratio development control.
- (D) The proposal satisfies the provisions of clause 6.21 of Sydney Local Environmental Plan 2012
- (E) The development accords with the objectives of relevant planning controls.
- (F) The proposal is considered to be in the public interest.
- (G) Conditions 9 and 10 were deleted due to the minor scale of the proposed works.

Carried unanimously.

D/2020/762