

Resolution of Local Planning Panel

24 February 2021

Item 4

Development Application: 39-41 Sophia Street, Surry Hills - D/2020/225

The Panel:

- (A) supported the variation sought to the Height of Buildings development standard under Clause 4.3 of the Sydney Local Environmental Plan 2012, in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in the circumstance of this application;
- (B) supported the variation sought to the minimum motorbike parking spaces required under Clause 30(1)(h) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in the circumstances of this application; and
- (C) granted consent to Development Application No. D/2020/225 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions in ***bold italics***):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) Elevation, plan and section details at a scale of 1:20 of the fire hydrant cabinet on Sophia Street are to be provided.
- (b) The blank western wall of the development is to be modified with consideration provided to the expression of joints and panel sizes in the event that the adjacent site is not developed in the near future. Amended drawings detailing the proposed panel layout and sizes and including 1:10 details of the panel joints are required. A high level of finish and detailing must be represented on the amended drawings.
- (c) The fixed concrete awning on the rooftop terrace is not approved and is to be changed to a lightweight shade pergola. Details at a scale of 1:50 are to be provided.

- (d) The proposed small awning on the Sophia Street Frontage of the property must be deleted and the building must be specified to be fully within the boundary on this frontage.
- (e) The proposed basement boundary must be amended to be an additional 60cm away from the Sophia Street boundary line. The plans must be amended so that the soil grade in this area is maintained.
- (f) ***Bicycle storage spaces must be increased by at least two spaces to provide a minimum of five bicycle storage spaces on-site.***
- (g) ***The layout of resident rooms must be amended to increase the amenity of the primary living spaces of each sole occupancy unit. This may also require changes to the services core/common lobby planning layout.***

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development complies with the objectives of the B4 Mixed Use zone pursuant to the Sydney Local Environmental Plan 2012.
- (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 LEP 2012, that compliance with the Height of Buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 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 Buildings development standard.
- (C) 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 LEP 2012, that compliance with the motorcycle parking development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 30(1)(h) of the State Environmental Planning Policy (Affordable and Rental Housing) 2009; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the State Environmental Planning Policy (Affordable and Rental Housing) 2009 development standards.
- (D) The proposal is consistent with the aims and objectives of Division 3 of State Environmental Planning Policy (Affordable and Rental Housing) 2009.

- (E) The development complies with the permitted Floor Space Ratio pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (F) The development subject to conditions, generally demonstrates design excellence, appropriately responding to the context of the site. The development is consistent with the desired future character of the area as per Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (G) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (H) Suitable conditions of consent have been applied and the development is considered to be in the public interest.
- (I) Clause (2) (f) was added to increase bicycle storage facilities for residents.
- (J) Clause (2) (g) was added to provide greater amenity to residents.

Carried unanimously.

D/2020/225