

Resolution of Local Planning Panel

19 May 2021

Item 5

Development Application: 117-119 Flinders Street, Surry Hills - D/2020/1178

The Panel:

- (A) upheld the variation requested to Clause 4.3 'Height of Buildings' 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/2020/1178 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

- (a) The terraces on Level 3 located at the southern and western edges are to be deleted from the plans and replaced with a non-trafficable green roof. The amended plans must illustrate access for maintenance only.
- (b) The design of the rooftop is to be modified to provide an integrated inaccessible and extensive green roof, comprising not less than 25% of the rooftop area.
- (c) Drawings at a scale of 1:20 of the rooftop pergola and adjoining screen are to be provided. The structure is to be made of lightweight material and the roof is to be louvered (these may be adjustable). The design of the structure must ensure access for maintenance of the adjoining planter beds.
- (d) ~~The awning above the lobby entry is to be reduced and setback in line with the other feature awnings.~~
- (e) All projections for decoration or sun shading devices over or into the public footpath are to comply with Section 3.2.4 of the Sydney Development

Control Plan 2012. A section drawing at a scale of 1:20 is to be provided to demonstrate this.

- (f) A section drawing at a scale of 1:20 illustrating flashing between the subject site and the existing boundary wall of 457 South Dowling Street is to be provided.
- (g) A glazing schedule is to be submitted which demonstrates the environmental performance provided by coatings and the manner of assembly, such as double-glazed units, closed cavity facade systems, or double-glazed skins. All glazing is to be clear and achieve a high level of transparency to provide visual depth and a neutrality of colour. A consistency in appearance and colour characteristics between all facades is to be achieved. The glass is to not have a black, brown, green, blue or grey tint.
- (h) The Basement Plan is to be amended to illustrate the location of the bin lifter and accurate bin sizes and layout within the waste storage area. For council bin sizes/dimensions, see Guidelines for Waste Management in New Developments 2018.
- (i) ***Awnings are to be provided above the southernmost window bays of the Flinders Street frontage, and the northernmost window bay of the South Dowling Street frontage. The awnings are to extend no more than 2m from the face of the building, and the design is to be commensurate in appearance with the design of the feature awnings elsewhere on the building frontages.***

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

Note - at the conclusion of Item 6, Item 5 was recommitted to additionally amend a typographical error in Condition 6(a):

(6) FLOOR SPACE RATIO - ALL OTHER AREAS

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the commercial use must not exceed 3:1; and for the End of Journey facilities must not exceed 0.18:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the Gross Floor Area of the commercial component is 2,934.9 sqm, for the end of journey component is 173.9 sqm, and the total Gross Floor Area is ~~3,108.8~~ **3,108.8** sqm.
- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under Sydney Local Environmental Plan 2012, applicable at the time of development consent, to the satisfaction of the Principal Certifier.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed commercial uses are permissible with consent within the B4 Mixed Use zone.
- (B) Subject to conditions the proposal will have no impact to the significance of the Heritage Conservation Area.
- (C) Subject to the conditions of consent, the development will not adversely impact the amenity of the locality.
- (D) 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.
- (E) Condition 2 was amended to provide additional shade and protection from the elements.
- (F) Condition 6(a) was amended to correct a typographical error.

Carried unanimously.

D/2020/1178