Resolution of Local Planning Panel

3 November 2021

Item 6

Development Application: 576A-580 Harris Street, Ultimo - D/2021/499

The Panel:

(A) upheld the variation requested to the Floor Space Ratio development standard under Clause 4.4 of the Sydney Local Environmental Plan 2012, 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/2021/499 subject to the conditions set out in Attachment A to the subject report, subject to the following amendment (additions shown in ***bold italics***):

(2) DESIGN MODIFICATIONS

The design of the building must be modified as follows:

(a) the window on the ground floor facade of 576A Harris Street, Ultimo is be amended to be two vertically proportioned windows. These windows are to contain obscure glazing which complies with Section 4.4.6.2(5) of the Sydney DCP 2012***; and***

(b) ***the window on the ground floor facade of 578 Harris Street, Ultimo is to be amended to be two vertically proportioned windows. The design of these windows is to be based on historic archival research where possible. These windows are to contain obscure glazing which complies with section 4.4.6.2(5) of the Sydney DCP 2012.***

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 LEP 2012.

(B) The use as a sex services premises is considered to be in keeping with the character of the area given its broad mix of commercial uses.

(C) The revised Plan of Management adequately addresses the operational, safety and security requirements of the premises.

(D) The development, subject to conditions generally demonstrates design excellence and satisfies the provisions of Clause 6.21 of the Sydney LEP 2012.

(E) Subject to conditions, the proposal generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and Sydney DCP 2012.

(F) Suitable conditions of consent have been applied and the development is considered to be in the public interest.

(G) 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 Floor Space Ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and

(H) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the Floor Space Ratio development standard.

(I) Condition 2 (b) was added to provide consistent frontage to the public domain in terms of architectural and heritage character.

Carried unanimously.

D/2021/499