

Resolution of Local Planning Panel

15 December 2021

Item 5

Development Application: 26-28 Rainford Street, Surry Hills - D/2021/759

The Panel:

- (A) upheld the variation requested to the height of buildings standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) upheld the variation requested to the floor space ratio standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (C) granted consent to Development Application No. D/2021/759 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 Level 3 planter bed is to be raised in height to the balustrade height across the length of the north elevation terrace.
- (b) ***The ground floor window to the north elevation to the 'gymnasium area' must be deleted and infilled.***

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 proposal is consistent with the objectives of the R1 General Residential Zone.
- (B) The proposal generally satisfies the controls relating to dwellings.
- (C) The proposal subject to conditions satisfies the provisions of clause 6.21 of Sydney Local Environmental Plan 2012 and demonstrates a high level of design excellence.
- (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;
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential Zone and the height of buildings development standard; and
 - (iii) 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
 - (iv) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential Zone and the floor space ratio development standard.
- (E) Condition 2 was amended to remove an unserviceable window and protect the privacy of the adjoining property.

Carried unanimously.

D/2021/759