

Resolution of Local Planning Panel

31 August 2022

Item 3

Development Application: 242 Cleveland Street, Surry Hills - D/2020/1361

The Panel:

- (A) upheld the variation requested to the height of buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted deferred commencement consent to Development Application No. D/2020/1361 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was approved for deferred commencement for the following reasons:

- (A) The proposed land uses are permissible with consent within the B4 Mixed Use zone.
- (B) The proposal complies with the FSR development standard prescribed by the Sydney Local Environmental Plan 2012.
- (C) The proposal involves a heritage item of State significance. It has been reviewed and approved by the Heritage Council of NSW, and General terms of Approval have been issued.
- (D) Subject to the recommended conditions of consent, the proposal is generally consistent with the relevant provisions of the Sydney Development Control Plan 2012. Where variations to the Development Control Plan provisions are approved, impacts to the locality are acceptable.

- (E) Subject to conditions of consent, the development will not adversely impact the amenity of the locality.
- (F) 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.

Carried unanimously.

D/2020/1361