

Resolution of Local Planning Panel

22 November 2023

Item 5

Development Application: 193 Harris Street, Pyrmont - D/2023/132

The Panel refused consent for Development Application Number D/2023/132 for the reasons outlined below.

Reasons for Decision

The application was refused for the following reasons:

Floor Space Ratio

- (A) The proposed floor space ratio exceeds the maximum floor space ratio (FSR) for the site contrary to Sydney Local Environmental Plan (SLEP) 2012 clause 4.4 *Floor space ratio*. The applicant's clause 4.6 written request is factually inaccurate given the request has been prepared on the basis that the assumed extent of variation is 1.08:1. This is incorrect as the extent of variation is 1.14:1. The applicant's written request to justify the contravention of the FSR development standard is therefore flawed and cannot be relied upon.
- (B) The applicant has failed to demonstrate that compliance with the standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

Design Excellence and Amenity

- (C) The proposal provides poor residential amenity in terms of an inadequately sized communal kitchen, poor amenity of the indoor communal facilities, inadequate solar access to the indoor and outdoor communal facilities and poor amenity of the outdoor communal open space. As such, the proposal does not achieve design excellence under the provisions of SLEP 2012 clause 6.21C in regard to the matters at subclauses (2)(a), (2)(d)(v), (vii) and (xiii). Development consent cannot be granted to development that does not achieve design excellence under the provisions of Clause 6.21C(1).

- (D) The proposal is contrary to the amenity provisions of the Sydney Development Control Plan (SDCP) 2012 Section 4.4.1 relating to Boarding houses and student accommodation as it does not provide an acceptable level of amenity and accommodation to meet the needs of residents and owners.
- (E) The proposal is contrary to the aims of the SLEP 2012, specifically Clause 1.2(h) which aims to enhance the amenity and quality of life of local communities.
- (F) In the absence of providing adequate residential amenity, the proposal is inconsistent with the objectives of the E1 Local Centre zone which seek to provide uses that serve the needs of people who live in the area.

Canopy Cover

- (G) The proposal does not provide appropriate tree canopy cover and is contrary to Section 3.5 of the SDCP 2012 relating to urban ecology.

Inadequate Information

- (H) Insufficient information has been provided in the form of a Plan of Management which is required as per Section 4.4.1.7 of the SDCP 2012.
- (I) The applicant has not demonstrated that sufficient waste facilities will be provided for occupants and that waste can be appropriately managed which is contrary to Section 3.14 of the SDCP 2012 relating to waste management.

Public Interest

- (J) For the reasons set out above, the application is not in the public interest, contrary to the requirements of the Environmental Planning and Assessment Act 1979 section 4.15 Evaluation.

Carried unanimously.

D/2023/132