

Resolution of Local Planning Panel

14 August 2024

Item 5

Development Application: 104 Pitt Street, Redfern - D/2023/1179

The Panel:

- (A) upheld the variation requested to Clause 4.4 Floor Space Ratio in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application Number D/2023/1179 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 southern timber fencing is not permitted for demolition as no landowners consent has been submitted from 98 Pitt Street Redfern, for the demolition of this structure. To ensure structure integrity of the timber fence as a whole, this fence must be retained in full and not demolished.~~ ***The existing timber gate and posts located within the Right of Footway easement are to be retained. Demolition of this gate is not approved.***
- (b) ~~No~~ ***The*** new masonry southern side boundary fencing is permitted to be constructed ***on the subject site only and to a maximum height of 1.8m above the existing natural ground level.*** ~~as the existing timber fence is required to be retained by (a) above.~~
- (c) No structures or works are permitted to or encroach within the Right of Footway easement or over the land of 98 Pitt Street Redfern, as no land owners consent from this property has been submitted with this development application.

- (d) The western facade glazing (Window WG.06) of the floor to ceiling sliding doors adjacent to the living area at the ground floor level must be amended to comply with the **deemed to satisfy provisions within the NCC 2022 Australian Building Codes Board (ABCB) Part 9.1 Scope and Application of Section 9 and Part 9.2 Fire Separation of External Walls Volume 2 Part 3.7.2 Fire Separation of External Walls**. This may require change to the FRL of the glazing, change to solid non-openable masonry wall or alternative fire protection measures as required to comply with the NCC. **Alternatively, fire protection may be addressed via a performance-based solution that achieves the requirements of the National Construction Code.**
- (e) Details of the proposed landscaping species, densities and irrigation measures for the Level 1 garden bed adjacent to Bedroom 3 and the Level 2 terrace garden bed must be submitted to the satisfaction of Council's Area Planning Manager

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

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(3) ~~FLUSH FITTING OF NEW ROOF STRUCTURES~~

~~The two approved skylights must be fitted flush to the roof slope and not intrude the ridge lines or damage the flashings.~~

Reason

~~To ensure an appropriate heritage/streetscape outcome.~~

Reasons for Decision

The application was approved for the following reasons:

- (A) The development is consistent with the objectives of the E1 Local Centre zone of the Sydney Local Environmental Plan 2012.
- (B) 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 Clause 4.4 Floor Space Ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify the contravention.
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the E1 Local Centre zone and the Clause 4.4 Floor Space Ratio development standard.

- (iii) the proposed works relate and are located wholly on the subject property, being 104 Pitt Street, Redfern.
- (C) The development has been designed to be sympathetic to the character of the locality and is visually unobtrusive when viewed from the Pitt Street and Turner Street frontages.
- (D) The development will not result in any significant adverse environmental impacts to the streetscape or to the amenity of adjoining neighbours.
- (E) The development is generally consistent with the relevant objectives and controls of the Sydney Local Environmental Plan 2012 and the Sydney Development Control Plan 2012.
- (F) Condition 2 was amended in line with a request by the applicant, to clarify the extent of the approved works.
- (G) Condition 3 was deleted to avoid any misinterpretation at certification stage, as the drawings demonstrate that the skylights satisfy the intention to keep a low profile.

Carried unanimously.

D/2023/1179