

Item 5.**Development Application: 55-67 Clarence Street, Sydney – D/2019/60**

File No.: D/2019/60

Summary

Date of Submission:	25 January 2019
Applicant:	Zone Q Rise Total Investments PTY LTD
Architect/Designer:	GrayPuksand
Developer:	Eastview Commercial
Owner:	Eastview Commercial and City of Sydney
Cost of Works:	\$6,983,419
Zoning:	The site is zoned B8 - Metropolitan Centre. Food and drink premises and commercial premises are permitted with consent.
Proposal Summary:	<p>Alterations to the existing commercial building on the site including enlargement of ground floor lobby to incorporate larger cafe space, new awning and public domain improvements to Clarence Street, and reconfigured ground floor food and drink tenancy.</p> <p>The proposal seeks to create an additional 85.6sqm of floor area. The existing building exceeds the applicable Floor Space Ratio (FSR) control and seeks to utilise the opportunity floor space provisions under Clause 6.9 of Sydney Local Environmental Plan 2012 (LEP). This provision allows additional floor space over the FSR control.</p> <p>The proposed works will improve the building's ground floor appearance as well as the legibility of the existing through site link.</p> <p>The application is referred to the Local Planning Panel as part of the proposal involves City of Sydney owned land.</p>
Summary Recommendation:	The development application is recommended for approval, subject to conditions.

- Development Controls:**
- (i) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
 - (ii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

- Attachments:**
- A. Planning Report to 5 June 2019 Local Planning Panel Meeting
 - B. Amended Recommended Conditions of Consent
 - C. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2019/60 subject to the conditions set out in Attachment B to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed additional floor space satisfies the opportunity site floor space provisions under Clause 6.9 of Sydney Local Environmental Plan 2012.
- (B) The proposed development exhibits design excellence and is consistent with the provisions of Clause 6.21 of Sydney Local Environmental Plan 2012.
- (C) The proposed development is in the public interest.
- (D) The proposed works will improve the building's ground floor appearance as well as the legibility of the existing through site link.

Background

The Site and Surrounding Development

1. The subject development application was considered by the Local Planning Panel on 5 June 2019. The Planning Report submitted to the Local Planning Panel recommended approval of the application. The report can be found in Attachment A.
2. At the Panel meeting the applicant raised concerns with the lack of clarity in the recommended conditions of consent with regard to the public domain works that would be required.
3. The Panel deferred determination of the application and provided the following comments:

The Panel deferred the matter to allow for further discussions to be held between Council staff and the applicant in relation to Condition 25 Public Domain Plan and the scope of public domain works required. Following these discussions a report is to be presented back to the Local Planning Panel for consideration.
4. A meeting was held between City staff and the applicant on 12 June 2019 to discuss the expected public domain works arising from the recommended conditions of consent.
5. City Staff were able to advise that the following works to the public domain works were expected to be undertaken:
 - (i) Removal of existing asphalt and clay paving and construction of granite paving to City of Sydney's technical specifications from back of kerb to the property boundary along Clarence Street, in line with the northern boundary of the site to the kerb on Margaret Street.
 - (ii) Resurfacing the tree surrounds as per the City's Street Tree Masterplan Part D Technical Guidelines with porous paving along the Clarence Street frontage of the site.
 - (iii) Removal of existing bin along the Clarence Street frontage of the site and replacement with new City of Sydney bin.
6. The applicant advised of no objection to these works being required to be undertaken as a condition of consent.
7. Discussions between City staff and the applicant also determined that various public domain lighting conditions which were contained in the 5 June 2019 Local Planning Panel report were not necessary due to the scale of the proposed works.
8. The recommended conditions of consent (Attachment B) have been updated to reflect the above discussions with modifications shown in ***bold italics*** (additions) and ~~strikethrough~~ (deletions).

GRAHAM JAHN, AM

Director City Planning, Development and Transport

Patrick Quinn, Senior Planner