

Relevant Information for Local Planning Panel

FILE: D/2019/120 **DATE:** 12 July 2019

TO: Local Planning Panel Members

FROM: Graham Jahn AM, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 3 – Development Application: 810-812A George Street Haymarket – D/2019/120

Additional reason for refusal

That the Local Planning Panel note the information contained in this memo and include an additional reason for refusal within the Notice of Determination, being:

- (J) The application proposes a floor space ratio of 7.89:1 which exceeds the maximum permitted floor space ratio of 7.5:1 pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012. A request to vary the maximum permitted floor space ratio in accordance with Clause 4.6 of the Sydney Local Environmental Plan 2012 has not been submitted. As such, the development cannot be granted in accordance with Clause 4.4(2) of the Sydney Local Environmental Plan 2012.

Background

The application proposes a gross floor area of 2,336.82sqm, resulting in a floor space ratio of 7.89:1 and exceeding the maximum floor space ratio of 7.5:1 permitted under Clause 4.4 of the Sydney Local Environmental Plan 2012.

End of journey floor space

The applicant states in the Statement of Environmental Effects that the development benefits from additional floor space up to 0.3:1 for providing end of journey facilities pursuant to Clause 6.6 of the Sydney Local Environmental Plan 2012. However, only development for the purposes of commercial premises may benefit from the additional floor space under the Clause.

Commercial premises is defined under Clause 1.4 of the Sydney Local Environmental Plan 2012 as any of the following:

- (a) business premises

- (b) office premises
- (c) retail premises

The application proposes a backpackers' accommodation which is a type of tourist and visitor accommodation. As such, the development does not benefit from the provisions of Clause 6.6 of the Sydney Local Environmental Plan 2012.

Accommodation floor space

The planner's report states that the development complies with the provisions of Clause 6.4 of the Sydney Local Environmental Plan 2012 which provides additional floor space above the maximum under Clause 4.4 where it regards accommodation floor space. Clause 6.4 provides additional floor space ratio for the following land uses: residential accommodation, serviced apartments, hotel or motel accommodation, community facilities or centre-based child care facilities. Backpackers' accommodation is not listed above and is not a subset of any of the aforementioned land uses. As such, the development does not benefit from Clause 6.4 of the Sydney Local Environmental Plan 2012.

The development therefore exceeds the maximum floor space ratio for the site, contrary to Clause 4.4(2) of the Sydney Local Environmental Plan 2012. As such development consent cannot be granted for this reason and is recommended as an additional reason for refusal.

Prepared by: David Zabell, Senior Planner

Approved



GRAHAM JAHN AM

Director City Planning, Development and Transport