

Item 7.**Development Application: 113 Commonwealth Street, Surry Hills - D/2020/762****File No.: D/2020/762****Summary****Date of Submission:** 11 August 2020**Applicant:** Helen Reynolds**Architect:** Margaret Desgrand**Owner:** Helen Reynolds**Cost of Works:** \$277,541.00**Zoning:** B4 Mixed Use, proposal permissible with consent**Proposal Summary:** Alterations and additions to an existing two storey terrace dwelling.

A conflict of interest has been identified in relation to the application and therefore the application is referred to the Local Planning Panel for determination. The conflict of interest is that the applicant is a relative of a member of council staff who is principally involved in the exercise of council's functions under the Environmental Planning and Assessment Act 1979.

The application includes a request pursuant to Clause 4.6 for works above the height of buildings development standard. Works above the height control include repair works to the existing building.

The application has been assessed by an external consultant planner in accordance with the protocols of the City's Planning Assessments Unit.

The external consultant's assessment report is provided at Attachment A. Recommended conditions of consent are provided at Attachment B.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012

Attachments:

- A. Independent Assessment Report
- B. Recommended Conditions of Consent
- C. Selected Drawings
- D. Clause 4.6 Variation Request - Building Height

Recommendation

It is resolved that:

- (A) the variation requested to Clause 4.3 'Height of Building' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) consent be granted to Development Application No. D/2020/762 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 proposal is consistent with the objectives of the B4 Mixed Use Zone.
- (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 Local Environmental Plan 2012, that compliance with the 'Height of Building' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney Local Environmental Plan 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 Building' development standard.
- (C) The proposal complies with the floor space ratio development control.
- (D) The proposal satisfies the provisions of clause 6.21 of Sydney Local Environmental Plan 2012
- (E) The development accords with the objectives of relevant planning controls.
- (F) The proposal is considered to be in the public interest.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Shannon Rickersey, Senior Planner