

Resolution of Local Planning Panel

18 March 2020

Item 6

Development Application: 13 Brodrick Street, Camperdown - D/2019/663

The Panel:

- (A) supported the variation sought to the height of buildings development standard under Clause 4.3 of the Sydney Local Environmental Plan 2012 in accordance with the provisions of Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in the circumstances of this application;
- (B) supported the variation sought to the minimum motorbike parking spaces required under Clause 30(1)(h) of State Environmental Planning Policy (Affordable Rental Housing) 2009 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 in the circumstances of this application; and
- (C) granted consent to Development Application No. D/2019/663 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal involves construction of a new boarding house, which is permissible with consent within the B4 Mixed Use zone;
- (B) The proposal is consistent with the aims and objectives of Division 3 of the State Environmental Planning Policy (Affordable Rental Housing) 2009;
- (C) The proposal complies with the relevant provisions of the Sydney Local Environmental Plan 2012 with regard to the aims of the Plan and in relation to the objectives of the B4 Mixed Use zone;

- (D) The applicant's written request for variation to Clause 4.3 height of building standard has adequately addressed the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012, and the proposed development would be in the public interest because it is consistent with the objectives of the height of building development standard and the B4 Mixed use zone. The applicant's written request has demonstrated that strict compliance with the Clause 4.3 height of building standard is unreasonable and unnecessary in the circumstances of the application and there are sufficient environmental grounds to justify contravening the height of the building development standards;
- (E) The applicant's written request seeking exemption from provision of motorcycle parking spaces under SEPP (Affordable Rental Housing) has adequately addressed the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of Clause 30(1)(h) Motorcycle parking of the SEPP (Affordable Rental Housing) and the B4 Mixed use zone. The written request has demonstrated that strict compliance with Clause 30(1)(h) motorcycle parking of the SEPP (Affordable Rental Housing) is unreasonable and unnecessary in the circumstances of the application and there are sufficient environmental grounds to justify contravening the development standards requiring provision of motorcycle parking spaces under SEPP (Affordable Rental Housing);
- (F) Having considered the matters in Clause 6.21(4) of the Sydney Local Environmental Plan 2012, the amended proposal is considered to display design excellence and as such complies with Clause 6.21(3) of the Sydney Local Environmental Plan 2012.
- (G) The amended proposal is considered to be acceptable with regard to the relevant provisions of the Sydney Development Control Plan 2012 in relation to boarding houses; and
- (H) Suitable conditions of consent have been applied and the development is considered to be in the public interest.

Carried unanimously.

D/2019/663