

Resolution of Local Planning Panel

18 March 2020

Item 8

Development Application: 38 Princess Avenue, Rosebery - D/2019/1168

The Panel, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted deferred commencement consent to Development Application No. D/2019/1168 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~~):

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement between the COUNCIL OF THE CITY OF SYDNEY and ~~EPSOM PROPERTY GROUP PTY LIMITED~~ ***Brett William Ebert*** which was placed on public exhibition between 17 March 2020 and 7 April 2020 shall be executed and submitted to Council; and
- (b) ~~The Voluntary Planning Agreement, as executed, must be registered on the title of the land; and~~
 - (b)*** The payment of the monetary contribution must be provided to Council ***upon execution of*** ~~in accordance with~~ the Voluntary Planning Agreement.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposed development is consistent with the aims and objectives of the R1 - General Residential zone.
- (B) Subject to conditions, the proposed development will not adversely impact neighbouring residential amenity.
- (C) The proposal is considered to be suitable for the site.
- (D) The proposal will have no detrimental effect on the public interest, subject to appropriate conditions.
- (E) Subject to conditions, the proposed development is considered to achieve design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.

- (F) The proposal generally satisfies the relevant strategy, objectives and provisions of the Sydney LEP 2012 and the Sydney DCP 2012.
- (G) The consent authority is satisfied that the proposed bonus floor space is in accordance with the requirements of Clause 6.14 of the Sydney LEP 2012 and is acceptable subject to Deferred Commencement awaiting the execution of the Voluntary Planning Agreement.
- (H) Condition 1 was amended to reflect the legal entities the VPA is between and to reflect that the monetary contribution will be provided to Council upon the execution of the VPA.

Carried unanimously.

D/2019/1168