

## Resolution of Local Planning Panel

**3 February 2021**

### Item 5

#### Development Application: 397-399 Harris Street, Ultimo - D/2020/593

The Panel:

- (A) upheld the variation requested to the motorcycle parking development standard required under State Environmental Planning Policy (Affordable Housing) 2009 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application No. D/2020/593 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~~):

#### **(2) DESIGN MODIFICATIONS**

The design of the building must be modified as follows:

- (a) Rooms ***3 and 4*** on the ground floor ~~are~~ is to be deleted and the area is to be combined with the adjoining communal living/dining area.
- (b) A bulky goods storeroom is to be provided on the ground floor.
- (c) ***Operable skylights or clerestories (for both natural light and ventilation) are to be provided on the first floor to Rooms 3 and 4.***
- (d) ***The existing pergola roof is to be demolished and may be replaced with a smaller solid sloping roof or pergola to provide adequate light, air and protection from the adjacent elevated walkway.***
- (e) ***The provision of an external access door to the 'Bin Store' room for waste collection from outside the premises, including access from the adjacent footpath, shall be investigated.***

The modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

## Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is consistent with the objectives of the B4 Mixed Use Zone.
- (B) The proposal generally satisfies the relevant controls relating to boarding houses.
- (C) The proposal, subject to conditions, satisfies the provisions of clause 6.21 of Sydney LEP 2012.
- (D) 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 LEP 2012, that compliance with the motorcycle parking development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 30 (1)(H) of SEPP Affordable Rental Housing 2009; and
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the motorcycle parking development standard.
- (E) Condition 2 was amended to provide greater amenity to residents.

Carried unanimously.

D/2020/593