

## Resolution of Local Planning Panel

**24 February 2021**

### Item 5

#### **Development Application: 74 Rosebery Avenue, Rosebery - D/2020/529**

The Panel:

- (A) upheld the variation requested to the LEP's building height standard in accordance with Clause 4.6 'Exceptions to development standards'; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted deferred commencement consent to Development Application No. D/2020/529 subject to the conditions set out in Attachment A to the subject report.

#### **Reasons for Decision**

- (A) The application was approved for the following reasons:
- (B) The proposed development is permissible with consent in the R2 Low Density Residential zone.
- (C) The applicant's written request to vary the height standard adequately addresses the matters required to be demonstrated by Clause 4.6(3) of the LEP. The applicant's request demonstrates that compliance with the building height development standard is unreasonable and unnecessary, and that there are sufficient planning grounds to justify the school building contravening Clause 4.3 of the LEP. The proposal is also in the public interest because it is consistent with the objectives of the R2 Low Density Residential zone and the building height development standard.
- (D) The proposed development complies with 0.6:1 floor space ratio control prescribed under Clause 4.4 of the LEP.
- (E) The proposed development provides an appropriate architectural outcome that is suitable in terms of its scale, built form and response to the site's context. It is consistent with the desired future character of the area, as expressed in the applicable planning policies. As such, it is considered to satisfy the design excellence provisions under Clause 6.21 of the LEP.
- (F) The proposed development satisfies the relevant objectives and provisions of the DCP.

- (G) The proposed development will not unreasonably impact the amenity of surrounding residential properties.
- (H) The proposed development is located close to areas of significant residential growth. The school will provide a vital piece of social infrastructure, which will support the growing population of the area.

Carried unanimously.

D/2020/529