

## Resolution of Local Planning Panel

**5 April 2023**

### Item 4

#### **Development Application: 171B Botany Road, Waterloo - D/2022/79**

The Panel:

- (A) upheld the variation requested to the Height of Buildings development standard, 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/2022/79 subject to the conditions set out in Attachment A to the Assessment Report.

#### **Reasons for Decision**

The application was approved for the following reasons:

- (A) The proposed development comprises retail and residential uses which are permitted with consent in 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 to contravene the Height of Buildings development standard has demonstrated the matters specified under clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the Height of Buildings development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard provided in 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 Zone B4 Mixed Use and the Height of Buildings development standard.
- (C) The proposed development complies with the maximum floor space ratio development standard contained in clause 4.4 of the Sydney Local Environmental Plan 2012.

- (D) The proposed development provides an appropriate contribution that is suitable in terms of its context, scale and built form which is consistent with the desired future character of the area. As such, the proposed development exhibits design excellence in accordance with the requirements contained in clause 6.21C of the Sydney Local Environmental Plan 2012.
- (E) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (F) Suitable conditions of consent are proposed and the development is considered to be in the public interest.

Carried unanimously.

D/2022/79