

Resolution of Local Planning Panel

28 February 2024

Item 3

Development Application: 545-549 South Dowling Street, Surry Hills - D/2023/403

The Panel:

- (A) upheld the variation requested to clause 4.3 'Height of Buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) upheld the variation requested to clause 30(b) 'Minimum Internal Apartment Size' of the State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (C) granted consent to Development Application Number D/2023/403 subject to the conditions set out in Attachment A to the subject report to the Local Planning Panel on 28 February 2024, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strikethrough~~):

(85) PLAN OF MANAGEMENT / ADDENDUM MANAGEMENT LETTER

The use must always be managed in accordance with the Plan of Management, prepared by The Salvation Army dated 11 July 2023 and the Addendum Management Letter, prepared by the Salvation Army dated 27 July 2023. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

Remaining conditions to be renumbered accordingly.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal generally complies with the relevant controls of the Sydney Local Environmental plan 2012 and the Sydney Development Control Plan 2012.
- (B) The proposal represents an appropriate development for the site and will deliver safe medium term transitional accommodation for homeless youth.
- (C) 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 Height of Buildings development standard and Minimum Internal Apartment Size development standard is considered unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening the standards in this instance; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use zone, Height of Buildings development standard and Minimum Internal Apartment Size standard.
- (D) Condition 85 was added to ensure clarity of management.

Carried unanimously.

D/2023/403