

Relevant Information for Local Planning Panel

FILE: D/2024/1165 **DATE:** 20 August 2025

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning and Development

SUBJECT: Information Relevant To Item 3 – Development Application: 184-200
Broadway Chippendale – D/2024/1165

Alternative Recommendation

It is resolved that:

- (A) the request to vary the height of buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (B) the request to vary the floor space ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (C) ***the requirement under Clause 6.21D of the Sydney Local Environmental Plan 2012 that the development be subject to a competitive design process is considered unreasonable and unnecessary in the circumstances of the site and the proposed development; and***
- (D) ***the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 that a development control plan be prepared is unreasonable and unnecessary in the circumstances of the site and the proposed development; and***
- (E) consent be granted to Development Application Number D/2024/1165 subject to the conditions set out in Attachment A to the subject report.

Background

The site is located on land outside of Central Sydney and the development involves works above 25m in height. The proposal triggers requirements for a site specific development control plan (DCP) and a competitive design process, under the provisions of Clauses 7.20(2)(b) and 6.21D(1) of the Sydney LEP 2012, respectively.

Clause 7.20(3) and Clause 6.21D(2) of the Sydney LEP 2012 specify that a development control plan and a competitive design process are not required if the consent authority is satisfied that such a plan or process would be unreasonable or unnecessary in the circumstances.

The applicant has requested that the requirements for the preparation of a site specific DCP and competitive design process be waived for the following reasons:

1. The development involves only alterations and additions to the existing Telstra Exchange building. No change is proposed to the existing building height, which is largely below the 25m height control. The only element of the building above the 25m height control contains no floor space.
2. Whilst the development does result in some increase in floor space, this is largely as a consequence of the difference in calculation of gross floor area under the SLEP 2012 Dictionary, compared to the existing use for a services exchange building.
3. The development represents an improvement to adjoining heritage buildings and the public domain as a consequence of the external alterations to facade and materials.
4. Whilst the facade and materials of the building are improved compared to the existing precast cladding, the building massing and form will be largely unchanged when viewed from public places.

The City has noted that it is unreasonable or unnecessary for developments such as this to be subject to the creation of a site specific DCP or a competitive design process, and as such an amendment to the relevant Clauses of the LEP has been approved pending Gazettal.

This amendment involves the relevant development trigger, being development in respect of a building that had a height above ground level of 25 metres on any other land, is to be amended to 35 metres per the Policy and Housekeeping Amendments 2023 (PP-2024-709) which has received Gateway approval in October 2024, pending Gazettal:

4. Clause 6.21D of Sydney LEP 2012 is to be amended to:
 - a. Raise the threshold for requiring a competitive design process on land outside of Central Sydney from 25 metres to 35 metres

Noting the above, Council staff concur with these reasons and consider the development of a site specific DCP and the holding of a competitive design process to be unreasonable or unnecessary in accordance with Clause 7.20(3) and Clause 6.21D(2) of the Sydney LEP 2012.

Prepared by: Joel Stuart - Planner

Approved

AJT

ANDREW THOMAS

Executive Manager Planning and
Development