

Resolution of Local Planning Panel

15 December 2021

Item 3

Development Application: 888 Bourke Street, Zetland - D/2021/514

The Panel granted consent to Development Application No. D/2021/514 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) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE

In accordance with Clause 7.13 of *Sydney Local Environmental Plan 2012* and prior to a Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning, Industry and Environment or a bank guarantee in favour of the Department of Planning, Industry and Environment to the value of the required contribution has been lodged. The contribution is ~~\$3,080,318.42~~ ***\$4,579,369.12*** based on the in lieu monetary contribution rate for non-residential development at \$76.16 per square metre of total non-residential floor area (~~9,913~~ ***78***sqm), and for residential development at \$228.58 per square metre of total residential floor area (~~10,173~~ ***20,008***sqm). Contributions will be indexed in accordance with the formula set out below.

Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted 1 March 2021 to 28 February 2022, the amount of the contribution will be indexed in accordance with the formula set out below.

Reasons for Decision

The application was approved for the following reasons:

- (A) The development is consistent with the concept approval conditions in accordance with the provisions of Division 4.4 Concept Development Application of the Environmental Planning and Assessment Act 1979.
- (B) The development is consistent with the design principles under SEPP No 65 Design Quality of Residential Apartment Development and the NSW Apartment Design Guideline.
- (C) The development is consistent with the objectives of the B4 Mixed Use zone in accordance with Sydney Local Environmental Plan 2012.
- (D) The development complies with the permitted Floor Space Ratio pursuant to Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (E) The development retains the approved height, built form, scale and overall design and external appearance of the building and improves the amenity for future occupants. Therefore, similarly to the approved design, the amended development achieves design excellence in accordance with Clause 6.21 of the Sydney LEP 2012.
- (F) The development is compatible with the character of the Mary O'Brien Park Locality Statement, as per Section 2 of the Sydney Development Control Plan 2012.
- (G) The development is consistent with the objectives of the Sydney Development Control Plan 2012 in particular, Section 4.2 Residential Flat Buildings and Section 5.2 Green Square.
- (H) Suitable conditions of consent have been applied and the development is considered to be in the public interest.
- (I) Condition 2 was amended to ensure the affordable housing contribution applies to the total area of residential floor space.

Carried unanimously.

D/2021/514