

Resolution of Central Sydney Planning Committee

7 April 2022

Item 6

Section 4.55 Application (D/2019/817/B) and Development Application (D/2021/977) - 23-27 Bourke Road and 41-43 Bowden Street, Alexandria

Moved by the Chair (the Lord Mayor), seconded by Councillor Scully -

It is resolved that:

- (A) consent be granted to Section 4.55 Modification Application No. D/2019/817/B subject to the conditions set out in Attachment A to the subject report;
- (B) subject to consent being granted under (A) above, that consent be granted to Development Application No. D/2021/977 subject to the conditions set out in Attachment B to the subject report; and
- (C) the variation requested under D/2021/977 to Cl. 4.3 - 'Height of Buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 set out in Attachment E to the subject report be upheld.

Reasons for Decision

The applications were approved for the following reasons:

Concept Modification Application 4.55(2) – D/2019/817/B

- (A) The modified development is consistent with the objectives contained in the Sydney Local Environmental Plan (LEP) 2012 and the Sydney Development Control Plan 2012, subject to conditions.
- (B) The modification is considered to be substantially the same as that originally approved and satisfies Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

- (C) The small section of increased building envelope and the modification of conditions to allow rooftop treatments and services and shade devices on the façade is not considered to have detrimental impact on surrounding properties, the public domain nor the design intent of the winning scheme of the competitive design process. These modifications also meet the requirements of the design excellence provisions in the Sydney LEP.
- (D) For the reasons outlined above and as detailed in the report to Central Sydney Planning Committee, the proposed development is in the public interest subject to conditions.

Detailed Design Development Application -D/2021/977

- (A) Subject to the adoption of Council officer recommendations that amend the concept development consent, the proposed Detailed Design DA satisfies Section 4.24(2) of the Environmental Planning and Assessment Act, 1979. The Detailed Design DA will not be inconsistent with the concept plan as modified under D/2019/817/B.
- (B) The Detailed Design DA delivers community infrastructure commitments made under the associated executed Voluntary Planning Agreement.
- (C) The development is consistent with the objectives contained in the Sydney Local Environmental Plan (LEP) 2012 and the Sydney Development Control Plan 2012, subject to conditions.
- (D) The articulation, materiality and architectural contribution of the detailed design proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21 of the Sydney Local Environmental Plan 2012, subject to conditions.
- (E) The proposed development is considered to be generally consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (F) The proposed development has a height, scale and form suitable for the site and its context, and is appropriate in the streetscape context and setting of the broader locality, subject to conditions.
- (G) The proposal is generally consistent with the provisions of the Sydney Development Control Plan (DCP) 2012, particularly the Green Square and Southern Employment Lands provisions that apply to the site, being Sections 5.2 and 5.8; and

- (H) Based upon the material available to the Committee at the time of determining this application, the Committee 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 is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 of the Sydney LEP 2012; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B6 Enterprise Corridor zone and the Height of Buildings development standard.

Carried unanimously.

D/2019/817/B

D/2021/977