

Resolution of Central Sydney Planning Committee

23 June 2022

Item 4

Development Application: 6-12 O’Riordan Street, 320-322 and 324 Botany Road, Alexandria - D/2021/894

Moved by the Chair (the Lord Mayor), seconded by Ms Galvin -

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application D/2021/894 by way of deferred commencement approval, subject to the recommended conditions set out in Attachment A to the subject report and subject to the site being undeferred from the Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013.

Note: For avoidance of doubt, under this delegation, the Chief Executive Officer may determine Development Application D/2021/894 once the subject site is undeferred from the Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013.

- (B) the Central Sydney Planning Committee receive and note the recommendation in the subject report that:
 - (i) the requests to vary the height of buildings and floor space ratio development standards in accordance with Clause 4.6 of the Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013 be upheld; and
 - (ii) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2021/894 subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The authority to determine the application by granting deferred commencement approval to Development Application D/2021/894, subject to the recommended conditions set out in Attachment A to the subject report, was delegated to the Chief Executive Officer of the City of Sydney for the following reasons:

- (A) The subject site is currently a 'deferred matter' under the Sydney Local Environmental Plan (Green Square Town Centre - Stage 2) 2013, until a Planning Agreement is executed on the site. A Planning Agreement was executed on 30 March 2022 and has been registered on title. Therefore, Council has written to the Department of Planning and Environment requesting that, in accordance with Section 59 of the Environmental Planning and Assessment Act 1979, the site be undeferred from the Town Centre LEP. The subject application cannot be determined until the site is undeferred and the planning controls are activated.
- (B) The proposal satisfies the objectives of the Environmental Planning and Assessment Act 1979 in that, subject to conditions of consent, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (C) 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 requests relating to height of buildings and floor space ratio have adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP (Green Square Town Centre - Stage 2) 2013, that compliance with the height of buildings and floor space ratio development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 and 4.4 of the Sydney LEP (Green Square Town Centre - Stage 2) 2013; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the B3 - Commercial Core zone and the height of buildings and floor space ratio development standards.
- (D) The proposal demonstrates design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.9 of the Sydney LEP (Green Square Town Centre - Stage 2) 2013.
- (E) The proposed development is consistent with the design intent of the winning scheme of a competitive design alternatives process, held in accordance with the City of Sydney Competitive Design Policy.
- (F) The proposed development has a form, bulk and massing that is suitable for the site and its context and is appropriate in the setting of the Green Square Town Centre.
- (G) The proposed mix of commercial uses are consistent with the objectives of the B3 - Commercial Core zone and will serve the needs of the local and wider community.
- (H) The proposal is consistent with the terms of the executed Planning Agreement that has been registered on the title of the land and will facilitate the improvement of the public domain through the dedication of land for the future Transport Place and footpath widening on Botany Road and O'Riordan Street.

Carried unanimously.

D/2021/894