

# Resolution of Central Sydney Planning Committee

**15 August 2024**

## Item 6

### Development Application: 155 Mitchell Road, Erskineville - D/2023/842

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

It is resolved that:

- (A) 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 (LEP) 2012 be upheld; and
- (B) consent be granted to Development Application Number D/2023/842 subject to the conditions detailed in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

#### ***(1A) STAGED APPROVAL – D/2023/842 AND D/2023/850***

- (a) This development consent is the detailed design development consent D/2023/842.***
- (b) The following shall be provided to Council's Area Planning Manager/Area Coordinator Planning Assessments prior to any construction certificate being issued for this consent D/2023/842.***
  - (i) Confirmation, in the form of a letter of interim advice or Section B site audit statement from a NSW EPA accredited site auditor, that all remediation approved under the early works consent D/2023/850 that does not rely on the construction of the basement has been undertaken.***

#### **Reason**

***To ensure that the site is appropriately remediated before construction can occur under this consent.***

## Reasons for Decision

The application was approved for the following reasons:

- (A) 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.
  - (ii) The proposal is in the public interest because it delivers planned housing from this site and is consistent with the objectives of the E1 - Local Centre zone and the 'Height of buildings' development standard.
  - (iii) The proposal has been assessed against the aims and objectives of the relevant planning controls, including the State Environmental Planning Policy (Housing) 2021, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
  - (iv) The development achieves a high standard of architectural design, materials and detailing, and will contribute positively to the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore exhibits design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
  - (v) The proposal is consistent with the amended concept approval for the site, being D/2015/66/G, and is consistent with the design intent of the winning scheme of a competitive design process.
  - (vi) The proposal is appropriate within its setting and is a development comprising a compatible use that will support the vitality of the area, consistent with the desired future character for the locality.
- (B) Condition 1A was added and the deferred commencement recommendation amended to an approval recommendation in line with a request made by the applicant, as sufficient measures are in place to ensure the public domain works are completed.

Carried unanimously.

D/2023/842