

Resolution of Local Planning Panel

7 November 2018

Item 4

Development Application: 29-33 Bourke Road, Alexandria

The Panel:

- (A) Upheld that the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable and unnecessary in the circumstances;
- (B) Upheld that the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable and unnecessary in the circumstances ; and
- (C) Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, granted deferred commencement consent to Development Application No. D/2018/360 subject to the conditions set out in [Attachment A](#) to the subject report, subject to the following amendments (additions shown in ***bold italics*** and deleted text shown in ~~strikethrough~~):
- (D) That Condition 38 be added and the remaining conditions renumbered accordingly.

(38) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION

- (a) ***Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.***
- (b) ***Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974***

(c) Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the Occupational Certificate;

(d) if the discovery is on Council's land, Council must be informed.

Reasons for Recommendation

The Panel approved the application for the following reasons:

- (A) The proposed development is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that subject to the design amendments and the imposition of appropriate conditions as recommended, it achieves the objectives of the planning controls for the site and does not result in any unreasonable environmental impacts for the reasons outlined in the report to the Local Planning Panel.
 - (B) The development, subject to conditions, is consistent with the objectives and provisions contained in Sydney Development Control Plan 2012 and Sydney Local Environmental Plan 2012.
 - (C) The height, bulk and scale is commensurate with that of surrounding built form and the design standard is consistent with the desired character of the area of Green Square.
 - (D) The development, subject to conditions, is considered to exhibit design excellence through its positive contribution to the public domain including landscaping and activation of the future Liveable Green Network and through-site link.
 - (E) The proposed development contributes to the delivery of community infrastructure for Green Square through the dedication and embellishment works for a widened footpath, as well as a monetary contribution.
 - (F) For the reasons above and as outlined in this report, the proposed development is in the public interest subject to conditions.
 - (G) Condition 38 was added to ensure that the applicant is aware of their obligations should any relics be discovered on site during excavation.
- (E) Carried unanimously.

D/2018/360