

# Resolution of Central Sydney Planning Committee

**25 June 2020**

## Item 10

### Development Application: 94-104 Epsom Road, Zetland - D/2019/976

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

It is resolved that:

- (A) the variations requested to Clauses 4.3 'Height of Building' and 4.4 'Floor Space Ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (B) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan is unreasonable or unnecessary in the circumstances; and
- (C) 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/2019/976 subject to the conditions detailed in Attachment B to the subject report to the Central Sydney Planning Committee on 25 June 2020, subject to the amendments shown at Attachment A to the Information Relevant To Item 10 Memorandum (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~).

### Reasons for Decision

The application was granted deferred commencement approval for the following reasons:

- (A) The applicant's written requests have adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the 'Height of Building' and 'Floor Space Ratio' development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clauses 4.3 and 4.4 of the Sydney LEP 2012; and
- (B) The proposal is in the public interest because it is consistent with the objectives of the B4 - Mixed Use zone and the 'Height of Building' and 'Floor Space Ratio' development standards.

- (C) The proposal has been assessed against the aims and objectives of the relevant planning controls including SEPP 65, the Sydney Local Environmental Plan 2012 and the 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.
- (D) The development is consistent with the design intent of the winning scheme of a competitive design process. The scale, form, articulation, materiality and architectural contribution of the proposed development is consistent with the Sydney DCP 2012 provisions for the Epsom Road precinct and the proposed development is consistent with the desired future character of the locality. The development satisfies design excellence provisions pursuant to Clause 6.21 of Sydney LEP 2012.
- (E) The proposed development is considered to be appropriate within its setting and is a mixed-use development comprising compatible uses that will support the vitality of the Epsom Park precinct, consistent with the desired future character for the locality.
- (F) Several recommended conditions of consent shown at Attachment B of the subject report were modified to facilitate the commencement of works upon determination of the application.

Carried unanimously.

D/2019/976