

Resolution of Central Sydney Planning Committee

10 December 2020

Item 6

Section 4.55 Application: 189-197 Kent Street, Sydney - D/2018/1014/A

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

It is resolved that consent be granted to Section 4.55 Application Number D/2018/1014/A, subject to the following amendments (addition shown in **bold italics**, deletions shown in ~~strikethrough~~):

(2) APPROVED DEVELOPMENT

| Drawing Number | Drawing Name | Date |
|--------------------------------|---|---|
| 201 (Revision E J) | Proposed Envelope Diagrams | 8 April 2019 10/9/20 |
| 202 (Revision E J) | Proposed Envelope Diagrams | 8 April 2019 10/9/20 |
| 203 (Revision E J) | Proposed Envelope Diagrams | 8 April 2019 10/9/20 |
| 301 (Revision E H) | Kent Street Envelope Elevation – Proposed Envelope | 8 April 2019 10/9/20 |
| 302 (Revision E H) | Jenkins Lane Envelope Elevation – Proposed Envelope | 8 April 2019 10/9/20 |

| Drawing Number | Drawing Name | Date |
|------------------|----------------------------|--------------|
| 404 (Revision E) | Indicative Typical Section | 8 April 2019 |

(Condition amended - D/2018/1014/A - 10 December 2020)

(5A) ARCHITECTURAL ROOF FEATURE ZONES

The design of any future architectural roof features within architectural roof feature zones in a future detailed design development application must:

- (a) Comprise only decorative elements on the uppermost portion of the buildings;*
- (b) Not comprise an advertising structure; and*
- (c) Not include floor space area and not be reasonably capable of modification to include floor space area.*

(Condition inserted - D/2018/1014/A - 10 December 2020)

(5B) ARTICULATION ZONES

The design of any future fenestration within articulation zones encroaching into the Kent Street road reserve in a future detailed design development application must:

- (a) Comprise only decorative fenestration or shading devices;*
- (b) Not comprise any useable floor space or Gross Floor Area; and*
- (c) Be constructed primarily of masonry, reinforced concrete, steel or other non-combustible material.*

(Condition inserted - D/2018/1014/A - 10 December 2020)

(29) PUBLIC DOMAIN PLAN

- (a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be ~~lodged with any detailed design Development Application for the site submitted to and approved by Council's Area Planning Manager or Area Coordinator, Planning Assessments, prior to the issue of any Construction Certificate for the development other than for demolition or excavation.~~*

- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's *Public Domain Manual*, *Sydney Streets Code* and *Sydney Streets Technical Specification*, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.
- (c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the *Public Domain Manual* before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.
- (d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the *Public Domain Manual*. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.
- (e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.
- (f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(Condition amended - D/2018/1014/A - 10 December 2020)

(39) PUBLIC DOMAIN PLAN

- ~~(a) A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with any Stage 2 Development Application for the site.~~

- ~~(b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Code and Sydney Streets Technical Specification, including requirements for road pavement, traffic measures, footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps, lighting, street trees and landscaping, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.~~
- ~~(c) The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.~~
- ~~(d) A Public Domain Works Deposit will be required for the public domain works, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.~~
- ~~(e) Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.~~
- ~~(f) The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.~~

~~(Condition deleted - D/2018/1014/A - 10 December 2020)~~

Reasons for Decision

The application was approved for the following reasons:

- (A) The development, as modified, is substantially the same development as that originally approved and is consistent with Section 4.55(2)(a) of the Environmental Planning and Assessment Act, 1979.
- (B) The proposed modifications ensure that the detailed design development application is consistent with the concept approval, in order to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (C) The proposal is consistent with the aims, objectives and relevant provisions of the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 for the reasons set out in the report.
- (D) The modified building envelopes can accommodate a building design which is capable of exhibiting design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (E) The increased height and bulk of the building envelopes are in keeping with the desired future character of the area. These variations are reasonable and justified with regard to the concurrent detailed design development application D/2020/399.
- (F) The changes to the approved building envelopes are appropriate and are not likely to significantly impact the overall use of the building or the amenity of surrounding sites or locality.
- (G) The development as modified is in the public interest.

Carried unanimously.

D/2018/1014/A