

Resolution of Central Sydney Planning Committee

12 August 2021

Item 4

Development Application: 331-337 Kent St, Sydney - D/2021/35

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

It is resolved that:

- (A) the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable or unnecessary in the specific circumstances;
- (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) consent be granted to Development Application No. D/2021/35 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

Schedule 1 – Recommended conditions of consent

(7) HERITAGE CONSERVATION WORKS (*HISTORIC VICTORIAN FACADE ONLY*)

- (a) Prior to the issue of the Construction Certificate, a schedule of conservation works to be undertaken concurrent with the works is to be submitted to Council's Urban Design and Heritage Manager for approval.
- (b) The schedule is to detail the conservation of all fabric identified as having a heritage value.
- (c) The schedule is to be supported by outline specifications, methodologies and detailed architectural sections, elevations and plans at 1:20 and 1:5 scales. The details should incorporate any structural and/or building services design for the building.

- (d) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing building.
- (e) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013. Appropriate qualified contractors and tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works within the heritage building.
- (f) INSPECTION AND APPROVAL: The conservation works are to be progressively inspected by and be implemented to the satisfaction of the Council's Urban Design and Heritage Manager prior to the issue of any Occupation Certificate or commencement of the use, whichever is the earlier.

(17) FUTURE FOOD USE – MECHANICAL VENTILATION PROVISION

~~Prior to the issue of a Construction Certificate, the mechanical exhaust systems and/or shafts must be designed to allow for the discharge of effluent air above roof level and must be designed with capacity to accommodate exhaust ducts and mechanical ventilation systems for all commercial tenancies proposed with the potential to become a food premises in the future. Systems must be designed in accordance with AS1668.2 – The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings, and AS1668.1 – The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings.~~

(18) HOURS OF OPERATION

~~The hours of the commercial and retail premises are restricted to between 7am and 10pm Monday to Sunday.~~

(a) The internal hours of operation of any upper level business premises or office premises are permitted to operate 24 hours daily.

(b) The hours of operation of any ground floor retail premises is restricted to between 6am and 7pm daily.

(96A) INTERNAL LIGHTING SYSTEM

The internal lighting system for the commercial office spaces must provide for the efficient use of energy including the use of energy efficient light fittings, zoned lighting and controls and sensors to ensure automatic switch off during non-working hours. LED lighting technology (or other technology with an improved lighting power density – watts per square metre) must be implemented. Details of the internal lighting system must be submitted to and approved by the Accredited Certifier prior to a Construction Certificate being issued.

Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is consistent with Section 4.15 of the Environmental Planning and Assessment Act 1979, in that it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (B) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (C) The proposal is consistent with the objectives of the B8 Metropolitan Centre zone.
- (D) The proposal complies with the maximum height of buildings development standard in Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (E) The proposal complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (F) The proposal exhibits design excellence in accordance with Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (G) The proposal has a height and form suitable for the site and its context and satisfactorily addresses the heights and setbacks of neighbouring developments and is appropriate in the streetscape context and broader locality.
- (H) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (I) The proposed land uses do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader Sydney Central Business District, subject to the recommended conditions.
- (J) The requirement for the preparation of a site-specific development control plan and the undertaking of a competitive design process is unreasonable and unnecessary in the specific and particular circumstances of the site and proposed development, pursuant to Clauses 7.20(3) and 6.21(6) of the Sydney Local Environmental Plan 2012.
- (K) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed, including those relating to materials, public art, landscape plans, and construction management.
- (L) Condition 7 was amended to clarify that the condition applies only to the historic Victorian facade.
- (M) Condition 17 was deleted because the proposed retail tenancies will not have commercial kitchens.
- (N) Condition 18 was amended to align with surrounding café uses in the vicinity, given the intended use of the retail tenancies as advised by the applicant.
- (O) Condition 96A was added because of the proposed allowance for 24-hour internal office use on the upper floors.

Carried unanimously.

D/2021/35