

## Resolution of Central Sydney Planning Committee

**7 April 2022**

### **Item 5**

#### **Development Application: 189-197 Kent Street, Sydney - D/2021/690**

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

It is resolved that:

- (A) authority be delegated to the Chief Executive Officer to determine Development Application Number D/2021/690 by way of approval, subject to the recommended conditions set out in Attachment A, and subject to the precondition that a duly signed notice of modification of development consent D/2018/1014 is submitted to the City of Sydney, in accordance with the conditions of consent for D/2021/696, on or before 7 October 2022;

Note: For avoidance of doubt, under this delegation, the Chief Executive Officer may determine Development Application Number D/2021/690 once a duly signed notice of modification of development consent D/2018/1014 is submitted to the City of Sydney in accordance with the conditions of consent for D/2021/696, but only if that notice is received on or before 7 October 2022;

- (B) the Chief Executive Officer be directed to report D/2021/690 to the Central Sydney Planning Committee for further advice or determination if a duly signed notice of modification of development consent to D/2018/1014, submitted in accordance with the conditions of consent for D/2021/696, is not received by the City of Sydney on or before 7 October 2022; and

- (C) the Central Sydney Planning Committee receive and note the recommendation in this report that:
- (i) the variations requested to Clause 4.3 'Height of buildings' and Clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
  - (ii) the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 for a competitive design process to be carried out in relation to the proposal is unreasonable and unnecessary in the circumstances of the site and the proposed development; and
  - (iii) consent be granted to Development Application Number D/2021/690 subject to the recommended conditions set out in Attachment A to the subject report.

### **Reasons for Decision**

The authority to determine the application by the granting of development consent to Development Application Number D/2021/690, subject to the recommended conditions set out in Attachment A to the subject report, was delegated to the Chief Executive Officer of the City of Sydney for the following reasons:

- (A) The subject application cannot be determined until a duly signed notice of modification of development consent D/2018/1014 is submitted to the City of Sydney, in accordance with the conditions of consent for D/2021/696, in order to ensure appropriate sequencing and consistency between staged applications, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (B) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979 in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Central Sydney Planning Committee.
- (C) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Apartment Design Guide.
- (D) Based upon the material available to the Committee at the time of considering this application, the Committee is satisfied that:
  - (i) the applicant's written requests have adequately addressed the matters required to be demonstrated by Clause 4.6(3) of the Sydney Local Environmental Plan 2012, that compliance with the 'Height of buildings' and 'Floor space ratio' development standards is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening Clause 4.3 and Clause 4.4 of the Sydney Local Environmental Plan 2012; and
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the B8 Metropolitan Centre zone and the 'Height of buildings' and 'Floor space ratio' development standards.
- (E) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21 of the Sydney Local Environmental Plan 2012.

- (F) The requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 for a competitive design process to be carried out in relation to the proposal is unreasonable and unnecessary in the circumstances of the site and the proposed development.
- (G) The proposed amendments to the approved development are generally consistent with the original design intent of the winning scheme of a competitive design process, as subject to a Design Integrity Assessment Process held in accordance with the City of Sydney Competitive Design Policy.
- (H) The proposed amendments to the approved development will be consistent with the amended concept approval for the site, being D/2018/1014 as amended by a duly signed notice of modification required under the concurrent development application D/2021/696, in accordance with Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (I) The proposed amendments to the approved development have a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (J) Subject to the recommended conditions of consent, the proposed amendments to the approved development achieve acceptable amenity for the existing and future occupants of the subject and adjoining sites.
- (K) The proposed amendments to the approved development will result in a mix of compatible land uses which will support the vitality of the area and do not result in any significantly adverse environmental or amenity impacts on either the subject or surrounding properties, the public domain or the broader Sydney Central Business District, subject to the recommended conditions.
- (L) 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, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.

Carried unanimously.

D/2021/690