

## Resolution of Local Planning Panel

**11 October 2023**

### Item 6

#### Development Application: 86-90 Bay Street, Ultimo - D/2023/445

The Panel:

- (A) upheld the variation requested to clause 4.3 'Height of buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012;
- (B) upheld the variation requested to clause 4.4 'Floor space ratio' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (C) granted consent to Development Application Number D/2023/445 subject to the conditions set out in Attachment A to the subject report.

#### Reasons for Decision

The application was approved for the following reasons:

- (A) The proposal is permissible within and consistent with the objectives of the MU1 Mixed Use Zone.
- (B) The proposal satisfies the design excellence provisions of clause 6.21C of Sydney Local Environmental Plan 2012.
- (C) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the height of buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney LEP 2012;
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use Zone and the height of buildings development standard;

- (iii) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and
- (iv) the proposal is in the public interest because it is consistent with the objectives of the MU1 Mixed Use Zone and the floor space ratio development standard.

Carried unanimously.

D/2023/445