

Resolution of Central Sydney Planning Committee

9 November 2023

Item 4

Development Application: 28-30 Orwell Street, Potts Point - D/2021/893

Moved by the Chair (the Lord Mayor), seconded by Ms Galvin -

It is resolved that:

- (A) the variation requested to the Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (B) pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act, 1979, a deferred commencement consent be granted to Development Application Number D/2021/893, subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The application is approved for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the MU1 Mixed Use zone pursuant to Sydney Local Environmental Plan 2012.
- (B) Based upon the material available to the Committee at the time of determining this application, the Committee 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 Local Environmental Plan 2012; and
 - (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.
- (C) The development conserves the heritage significance of the heritage item and satisfies Clause 5.10 of the Sydney Local Environmental Plan 2012.

- (D) The development exhibits design excellence to satisfy Clause 6.21C of Sydney Local Environmental Plan 2012.
- (E) The development is consistent with the character and principles identified in the locality statement for Kings Cross in Section 2.4.7 of the Sydney Development Control Plan 2012.
- (F) The development, subject to conditions, has addressed environmental impacts, will improve the quality and amenity of the public domain, and does not detrimentally impact any significant view corridors.
- (G) The proposal, subject to conditions, provides acceptable amenity for the proposed hotel accommodation use.
- (H) The site is suitable for the proposed development.
- (I) The public interest is served by the approval of the proposal, as amendments to the development application have generally addressed the matters raised by the City. This is subject to the recommended conditions of consent imposed relating to the appropriate management of the potential environmental impacts associated with the development.

Carried unanimously.

D/2021/893