

Resolution of Local Planning Panel

6 May 2026

Item 4

Development Application: 125A Kent Street, Millers Point - D/2026/97

The Panel refused consent for Development Application Number D/2026/97.

Reasons for Decision

The application was refused for the following reasons:

- (A) The application fails to satisfy all objectives of the SP5 Metropolitan Centre Zone of the Sydney Local Environmental Plan 2012 as it fetters development on adjoining sites and undermines the efficient and orderly development of land in a compact urban centre.
- (B) The proposed development does not appropriately respond to nor complement adjoining heritage items. The proposal is also inconsistent with the Conservation Management Plan for the adjoining heritage item at 123 Kent Street. The proposal is therefore contrary to Clause 5.10 of the Sydney Local Environmental Plan 2012 (SLEP 2012) and Sections 3.9.5(1)(c), 3.9.5(1)(4)(d), 3.9.5(1)(f), 3.9.5(1)(h) and 3.9.5(3) and 5.1.3.2 of the Sydney Development Control Plan 2012 (SDCP 2012).
- (C) The proposed development is contrary to principles 1 to 6 of the design principles for residential apartment development in Schedule 9 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP). The proposal provides inadequate amenity to apartments and unjustifiably impinges on the amenity of neighbouring residential buildings, due to non-compliance with multiple provisions of the Apartment Design Guide, including Objectives 2F, 3E, 3F, 4B and 4E.
- (D) The proposed development fails to exhibit Design Excellence pursuant to Clause 6.21C of the Sydney Local Environmental Plan 2012 due to the following:
 - (i) The form and external appearance of the proposed development will not improve the quality of the public domain, inconsistent with Clause 6.21C(2)(b) and Clause 6.21C(2)(d)(x)
 - (ii) The application fails to appropriately address heritage issues and streetscape constraints, inconsistent with Clause 6.21C(2)(d)(iii)

- (iii) The application fails to adequately address all environmental impacts, pursuant to the provisions outlined under Clause 6.21C(2)(d)(vii)
 - (iv) The application fails to adequately consider vehicular and service access and circulation requirements, inconsistent with Clause 6.21C(2)(d)(ix) and
 - (v) The proposed development does not achieve an appropriate interface at ground level between the building and the public domain, inconsistent with Clause 6.21C(2)(d)(xii).
- (E) The development does not provide appropriate amenity for residents. The development does not provide adequate building setbacks, private open space, internal common area or tree canopy. Poor outlook is also provided to apartments on the ground floor and level one due to proximity to the site boundary and proposed screening. As such, the proposal is non-compliant with Sections 3.5, 4.2.3.3, 4.2.3.6, 4.2.3.7, 4.2.3.10, 5.1.1.3(7) and 5.1.2 of the Sydney Development Control Plan 2012.
- (F) The primary building entrance is recessed and concealed. The development fails to activate the street frontage and address the public domain. As such, the proposal is contrary to Section 3.2 of the Sydney Development Control Plan 2012.
- (G) Inadequate information has been submitted to properly assess the application and the proposed development therefore fails to satisfy the following requirements:
 - (i) The application provides insufficient information to determine the impacts of potential footing reinforcement works upon the structural integrity of neighbouring heritage buildings, inconsistent with Section 3.9.13 of the Sydney Development Control Plan 2012.
 - (ii) The application fails to demonstrate 15% tree canopy coverage within 10 years of completion, inconsistent with Sections 3.5.1 and 3.5.2 of the Sydney Development Control Plan 2012.
 - (iii) The application fails to demonstrate compliance with the City of Sydney Guidelines for Waste Management in New Development and Section 3.11.13(3) of the Sydney Development Control Plan 2012.
 - (iv) The Acoustic Report assesses the proposal against the incorrect criteria. As such, the proposal has not demonstrated compliance with Provision 4.2.3.11 of the Sydney Development Control Plan 2012, and it remains unclear whether the proposal is capable of compliance with the City's Acoustic privacy controls.
 - (v) The proposal lacks certainty regarding works outside the site and is therefore contrary to provision 5.1.1.3(7) of the Sydney Development Control Plan 2012.
 - (vi) The proposal is incongruent with the established pattern of scale and form in the context of the site and is likely to impact views from and to the setting of Observatory Hills and Millers Point. As such, insufficient information has been provided to satisfy Provision 5.1.8(4) of the Sydney Development Control Plan 2012.

- (H) The development is unsatisfactory when assessed pursuant to the matters for consideration at section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and is therefore not in the public interest.
- (I) The proposed multi residential use and its building form is not suitable for the site as required to be considered under section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

D/2026/97