Resolution of Local Planning Panel

4 November 2026

Item 3

Development Application: 163 Victoria Street, Potts Point - D/2026/650

The Panel refused consent for Development Application Number D/2026/650.

Reasons for Decision

The application was refused for the following reasons:

(A) The application fails to sufficiently justify that compliance with the Dwelling Retention development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the departure from the standard, with consideration of Clause 4.6(3) of the Sydney Local Environmental Plan 2012.

(B) The application fails to sufficiently justify that compliance with the Floor Space Ratio development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the departure from the standard, with consideration of Clause 4.6(3) of the Sydney Local Environmental Plan 2012.

(C) The application fails to sufficiently justify that compliance with the Height of Building development standard is unreasonable or unnecessary in the circumstances, and that there are sufficient environmental planning grounds to justify the departure from the standard, with consideration of Clause 4.6(3) of the Sydney Local Environmental Plan 2012, as the application was not accompanied by a document pursuant to s35B(2) of the Environmental Planning and Assessment Regulations 2021.

(D) The proposal is contrary to and fails to adequately satisfy the matters for consideration set out in Section 47(2) of Part 3: Retention of existing affordable rental housing of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) and the Guidelines for Retention of Existing Affordable Rental Housing.

(E) The development fails to exhibit design excellence pursuant to clause 6.21C of the Sydney Local Environmental Plan 2012 for the following reasons:

(i) The development fails to provide a high standard of architectural design, materials and detailing appropriate to the building type and location, contrary to Clause 6.21C(2)(a) and fails to provide a building with a suitable bulk, massing and modulation, contrary to Clause 6.21C(2)(d)(v).

(ii) The application fails to appropriately address heritage issues and streetscape constraints, pursuant to Clause 6.21C(2)(d)(iii).

(iii) The development fails to demonstrate acceptable environmental impacts, including sustainable design, solar access, visual and acoustic privacy, contrary to Clause 6.21C(2)(d)(vii).

(F) The proposal results in unacceptable impacts to the heritage significance of the heritage item and the heritage conservation area and fails to meet Clause 5.10 of SLEP 2012.

(G) The proposed development is inconsistent with the built form and rear addition controls within Section 4.1 of Sydney DCP 2012 and therefore offers an unsatisfactory level of residential amenity to adjoining neighbours.

(H) The proposal does not provide 16sqm deep soil private open space in a consolidated area and is therefore non-compliant with Section 4.1.3.5 of the Sydney DCP 2012.

(I) Inadequate information has been submitted to properly assess the application in respect of flooding, architectural details and BASIX requirements and therefore it fails to satisfy the following requirements:

(i) compliance with the City's Interim Flood Planning Policy and stormwater drainage and quality requirements and is therefore contrary to Clause 5.21 of the Sydney LEP 2012, and Sections 3.7.1, 3.7.2 and 3.7.3 of the Sydney DCP 2012.

(ii) Insufficient drawing details are provided in relation to materials, colours and finishes.

(iii) The drawings fail to show the required BASIX details relating to air conditioning and water in accordance with SEPP Sustainable Buildings 2022.

(iv) The survey plan submitted does not relate to the current application, applicant, or consultant.

(J) For the reasons listed above, the development is unsatisfactory when assessed pursuant to the matters for consideration at section 4.15(1)(e) of the EP&A Act and is therefore not in the public interest.

Carried unanimously.

D/2026/650