CITY OF SYDNEY

Local Planning Panel

Meeting No 139

Wednesday 4 November 2026

Notice Date 28 October 2026

minutes

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Present

Graham Brown (Chair), Alison McCabe, Marcus Trimble and Gary Pogson.

At the commencement of business at 5:03pm, those present were:

Mr Brown, Ms McCabe, Mr Trimble and Mr Pogson.

The Executive Manager Planning and Development was also present.

The Chair opened the meeting with introductory comments about the purpose and format of the meeting and an acknowledgement of country.

Item 1 Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all panel members have signed a declaration of interest in relation to each matter on the agenda.

No members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Item 2 Confirmation of Minutes

The Panel noted the minutes of the Local Planning Panel of 23 September 2026, which have been endorsed by the Panel Members and Chair of that meeting.

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

Speakers

Dr Les Schmalzbach, Rupert Ansted (Octavius) and Jean-Louis Amiel.

The meeting of the Local Planning Panel concluded at 5:20pm.

CHAIR