

Resolution of Local Planning Panel

13 December 2023

Item 4

Development Application: 82 Wentworth Park Road, Glebe - D/2023/21

It is resolved that:

- (A) the variation requested to Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (B) the variation requested to Landscaped Area development standard under subsection 18(2)(b) of State Environmental Planning Policy (Housing) 2021 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (C) the variation requested to Solar Access development standard under subsection 18(2)(e) of State Environmental Planning Policy (Housing) 2021 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (D) the variation requested to Parking Spaces development standard under subsection 18(2) (f) of State Environmental Planning Policy (Housing) 2021 in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (E) 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/2023/21 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 development complies with the objectives of the R1 General Residential zone pursuant to the Sydney LEP 2012.
- (B) 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; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential zone and the Height of Buildings development standard.
- (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 Landscaped Area development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 18(2)(b) of State Environmental Planning Policy (Housing) 2021; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential zone and the Landscaped Area development standard.
- (D) 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 Solar Access development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 18(2)(e) of State Environmental Planning Policy (Housing) 2021; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential zone and the Solar Access development standard.
- (E) 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 Parking Spaces development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 18(2)(f) of State Environmental Planning Policy (Housing) 2021; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the R1 General Residential zone and the Parking Spaces development standard.
- (F) The development exhibits design excellence under Clause 6.21C of Sydney LEP 2012.
- (G) The development meets the objectives of the Apartment Design Guide and is consistent with the design quality principles under State Environmental Planning Policy No 65 - Design Quality of Residential Apartments.

- (H) The development generally meets the objectives and provisions of the Housing SEPP 2021.
- (I) The development is generally consistent with the objectives of Sydney LEP 2012 and Sydney Development Control Plan 2012.

A show of hands on the motion resulted in an equality of voting as follows -

Ayes (2) Abigail Goldberg and Megan Jones

Noes (2) Brendan Randles and John McInerney

The Chair (Ms Goldberg) exercised her casting vote in favour of the motion.

Pursuant to clause 41 of the City of Sydney Local Planning Panel Operational Procedures the motion was declared carried.

D/2023/21

Note – Mr McInerney and Mr Randles voted against the motion as they could not support the demolition of a purpose built, relatively recent building, when its modification and expansion (such as flagged at the meeting) would appear capable of achieving a feasible outcome in a more sustainable and less disruptive manner. In addition, the proposal's various non compliances (required to achieve its own feasibility) cannot be supported by Mr McInerney and Mr Randles.