

Resolution of Local Planning Panel

3 July 2024

Item 4

Development Application: 355-357 Liverpool Street, Darlinghurst - D/2024/230

The Panel refuses to grant consent for Development Application Number D/2024/230 for the following reasons:

- (A) 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 and the Guidelines for Retention of Existing Affordable Rental Housing.
- (B) The application is inconsistent with the Clause 1.2(2)(e) aim of the Sydney LEP as it fails to encourage the growth and diversity of the residential population of the City of Sydney by providing for a range of appropriately located housing, including affordable housing.
- (C) The application fails to satisfy the objectives of the R1 General Residential Zone of the Sydney LEP as it does not provide for the housing needs of the community and does not contribute to a variety of housing types and densities.
- (D) The proposed development is in breach of the Height of Buildings development standard pursuant to Clause 4.3 of the Sydney LEP. The applicant's Clause 4.6 variation request to contravene the Height of Buildings standard is not supported.
- (E) The proposed development is in breach of the Floor Space Ratio development standard pursuant to Clause 4.4 of the Sydney LEP. A Clause 4.6 variation request to seek approval to vary the standard has not been submitted by the applicant.
- (F) The proposed development fails to provide compliant floor to ceiling heights to non-habitable areas pursuant to Objective 4C of the ADG. Minimum ceiling heights are non-discretionary development standards as identified by Clause 148(2)(c) of the Housing SEPP 2021. A Clause 4.6 variation request to seek approval to vary the standard has not been submitted by the applicant.
- (G) The proposed development fails to provide compliant minimum internal areas to several apartments within the development pursuant to Objective 4D of the ADG. Minimum internal areas of apartments are non-discretionary development standards as identified by Clause 148(2)(b) of the Housing SEPP 2021. A Clause 4.6 variation request to seek approval to vary the standard has not been submitted by the applicant.

- (H) The application fails to demonstrate a high standard of architectural design and detailing appropriate to the building type and surrounding heritage character, pursuant to Clause 6.21C(2)(a) of the Sydney LEP.
- (I) The application fails to adequately address environmental impacts of overshadowing, solar access, views and visual privacy, pursuant to the provisions outlined under Clause 6.21C(2)(d)(vii) of the Sydney LEP.
- (J) The proposed development fails to exhibit Design Excellence pursuant to Clause 6.21C of the Sydney LEP.
- (K) The proposed development provides inadequate amenity to apartments within the development and is non-compliant with multiple provisions of the ADG, including Objectives 3D, 3E, 3F, 4A, 4B and 4E.
- (L) The proposal fails to respect the heritage significance of the contributory building and will have an overbearing impact upon the surrounding heritage conservation area and the adjoining heritage item at 1 Darley Street, in breach of the provisions outlined within Section 3.9.7 of the Sydney DCP.
- (M) The proposal provides no deep soil and is non-compliant with Objective 3E of the ADG and Section 4.2.3.6 of the Sydney DCP.
- (N) The application provides insufficient information to determine the impacts of the proposed excavation upon the structural integrity of neighbouring properties and the retained building fabric, pursuant to Section 3.9.13 of the Sydney DCP.
- (O) The application fails to demonstrate 15 per cent tree canopy coverage within 10 years of completion, pursuant to Section 3.5.2 of the Sydney DCP.
- (P) The application fails to satisfactorily address Section 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 and the Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land.
- (Q) 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/2024/230