

## Resolution of Local Planning Panel

**21 May 2025**

### Item 3

#### **Development Application: 89 Macleay Street, Potts Point - D/2024/1237**

The Panel refused consent for Development Application Number D/2024/1237.

#### **Reasons for Decision**

The application was refused 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 fails to satisfactorily address clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, as the application has not demonstrated additional testing or remediation measures for the site which is likely to be contaminated.
- (C) The proposed development is in breach of the 'floor space ratio' development standard pursuant to clause 4.4 of the Sydney LEP 2012. A clause 4.6 variation request to seek approval to vary the standard has not been submitted by the applicant.
- (D) The application is inconsistent with 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.
- (E) The proposed development fails to exhibit 'design excellence' pursuant to clause 6.21C of the Sydney LEP 2012 for the following reasons:
  - (i) The application fails to demonstrate a high standard of architectural design and detailing appropriate to the building type and location, pursuant to clause 6.21C(2)(a),
  - (ii) The application fails to appropriately address heritage issues, pursuant to clause 6.21C(2)(d)(iii),

- (iii) The application fails to adequately address environmental impacts of overshadowing, solar access, and views, pursuant to clause 6.21C(2)(d)(vii),
  - (iv) The proposed development does not adequately demonstrate an appropriate interface at ground level between the building and the public domain, pursuant to clause 6.21C(2)(d)(xii).
- (F) The proposed development provides inadequate amenity to apartments within the development and is non-compliant with Objective 4A - Solar and Daylight Access of the ADG.
- (G) The proposal fails to respect the heritage significance of the contributory building and will have an unsympathetic impact upon the surrounding heritage conservation area and retained component of the existing contributory building, in breach of the provisions outlined within Section 3.9.7 of the Sydney DCP 2012.
- (H) The application fails to demonstrate 15% tree canopy coverage within 10 years of completion, pursuant to Section 3.5.2 of the Sydney DCP 2012.
- (I) The proposal fails to provide adequate bicycle storage in the building, and as such is inconsistent with the requirements of Section 3.11 of the Sydney DCP 2012.
- (J) The development is unsatisfactory when assessed pursuant to the matters for consideration at section 4.15(1) of the EP&A Act and is therefore not in the public interest pursuant to section 4.15(1)(e) of the Act.

Carried unanimously.

D/2024/1237