

## Resolution of Local Planning Panel

**17 July 2019**

### Item 7

#### **Development Application: 117-119 Foveaux Street, Surry Hills - D/2018/761**

The Panel:

- (A) Upheld the written request seeking a variation to Clause 4.3 'height of buildings' development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012.
- (B) Granted consent to Development Application No. D/2018/761 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 is permissible in the B4 – Mixed Use zone and consistent with the zone objectives.
- (B) The requested variation to the height of buildings development standard is upheld because the consent authority is satisfied that the applicant's written request has adequately addressed the matters required to be addressed by Clause 4.6 of the Sydney Local Environmental Plan 2012 and the proposed development would be in the public interest because it is consistent with the objectives of height of buildings development standard and the B4 - Mixed Use zone.
- (C) The development as amended achieves design excellence having regard to the form and scale of the apartment building, its relationship to the streetscape and neighbouring buildings, the provision of landscaping and consideration of neighbour's amenity.
- (D) The development will have an acceptable impact on the character and appearance on the Little Riley Street conservation area (C65) in accordance with Clause 5.10 of the Sydney Local Environmental Plan 2012 and Section 3.9 of the Sydney Development Control Plan 2012.

- (E) The development addresses the design quality principles of State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide, providing a good standard of amenity for residents and protecting the character and amenity of the surrounding area.
- (F) The extent of overshadowing caused by the proposal has been reduced through amendments during the assessment of the application and meets Objective 3B-2 of the Apartment Design Guide. Non-compliance with overshadowing controls under Section 4.2.3.1 of the Sydney Development Control Plan 2012 are acceptable in accordance with Section 1.1.
- (G) For the reasons above, the development is in the public interest.

Carried unanimously.

D/2018/761