

## Resolution of Local Planning Panel

**8 April 2020**

### Item 5

#### **Development Application: 86 Foveaux Street, Surry Hills - D/2019/412**

The Panel:

- (A) upheld the variation requested to Floor Space Ratio (FSR) in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) granted consent to Development Application No. D/2019/412 subject to the conditions set out in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***):

#### **(2) DESIGN AMENDMENTS**

- (a) The Level 2 bathroom for the Corben Street dwelling is to have a wash basin and the shower area adjusted accordingly.
- (b) The Level 1 Juliet balcony to the Foveaux Street Dwelling must have secured glazing to prevent a fall from the staircase adjacent to the opening.
- (c) ***The door from the Unit 2 spiral stair that opens to the courtyard must be relocated to open directly into the common store.***

The amended drawings should be submitted to, and approved by the Council's Area Coordinator Planning Assessment prior to a Construction Certificate being issued.

#### **(5) MATERIALS AND FINISHES**

Materials, colours and finishes shall be as follows:

- (i) The proposed perforated screening at second floor and roof level must be either: Aluminium Naturel Antique Copper, or AMA Vestis Copper without substitute.
- (ii) All window frames should be finished or retained in black.
- (iii) The balustrade to the first floor balcony on Corben Street should be finished in black.

- (iv) The timber framing to the first floor balcony on Corben Street should be finished in black.
- (v) All existing brickwork is to remain unpainted.
- (vi) ***The shadow gap of the parapet is to be recessive and coloured black.***

## **Reasons for Decision**

The application was approved for the following reasons:

- (A) The development, subject to conditions is consistent with the objectives of the Sydney LEP 2012 and Sydney DCP 2012.
- (B) Subject to the recommended conditions of consent, the proposal will not have an adverse impact on the amenity of neighbouring properties.
- (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 Floor Space Ratio (FSR) development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 mixed use zone and the relevant development standards.
- (D) Conditions 2 and 5 were amended to improve amenity.

Carried unanimously.

D/2019/412