

Resolution of Local Planning Panel

10 April 2024

Item 4

Development Application: 190-192 Victoria Street, Potts Point - D/2023/967

The Panel:

- (A) upheld the variation requested to floor space ratio development standard and height of buildings development standard 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/2023/967 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 MU1 Mixed Use 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 floor space ratio and height of buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 and 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 MU1 mixed use zone and the floor space ratio and height of buildings development standard.
- (C) Having considered the matters in clause 6.21C(2) of the Sydney LEP 2012, the proposal displays design excellence because:
 - (i) the form and external appearance of the proposed alterations and additions will not have a detrimental impact on the quality or amenity of the public domain;

- (ii) the alterations and additions will not have a detrimental impact on any private or public view corridors and will not result in any detrimental amenity impacts in terms of overshadowing, visual privacy or noise; and
 - (iii) the proposed bulk, massing and modulation of the alterations and additions are acceptable.
- (D) The development is generally consistent with the relevant objectives and controls of the Sydney LEP 2012 and Sydney DCP 2012.
- (E) Suitable conditions of consent have been applied and the development is considered to be in the public interest.

Carried unanimously.

D/2023/967