

Resolution of Local Planning Panel

3 November 2021

Item 4

Development Application: 634 Botany Road and 45-47 Ralph Street, Alexandria - D/2020/1409 and D/2019/684/B

The Panel:

- (A) upheld the variation requested to clause 4.3 'Height of buildings' in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 ;
- (B) granted consent to section 4.55 Application Number D/2019/684/B, subject to the following amendments (additions shown in **bold italics**, deletions shown in ~~strikethrough~~):

(7) ENVELOPE HEIGHT

(i) The merits of any rooftop elements are be assessed as part of any future detailed design development application. With the exception of lift overruns, fire stairs, plant, pergolas, architectural roof features, the maximum height of future buildings must not exceed the following envelope height:

~~In accordance with the stamped approved plans as modified by the DESIGN MODIFICATIONS—ENVELOPE DRAWINGS condition above, the height of the envelope must not exceed:~~

- (a) RL 33,681 (AHD) at its north-eastern corner;
 - (b) RL 33,664 (AHD) at its southern corner;
 - (c) RL 33,513 (AHD) at its north-western corner adjacent to the interwar functionalist building on Ralph Street; and
 - (d) RL 33,203 (AHD) at its northern corner; and
- (C) granted consent to Development Application Number D/2020/1409 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 proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.
- (B) The concept development, as proposed to be modified, is substantially the same development as that originally approved and is consistent with Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.
- (C) The proposed modification of condition 7 of the concept development consent D/2019/684 will ensure that the detailed design development application D/2020/1409 is not inconsistent with the concept approval, in order to satisfy Section 4.24(2) of the Environmental Planning and Assessment Act, 1979.
- (D) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012, the Sydney Development Control Plan 2012, the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development and the Apartment Design Guide for the reasons set out in the report.
- (E) 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 Local Environmental Plan 2012, that compliance with the 'Height of buildings' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.3 of the Sydney Local Environmental Plan 2012.
 - (ii) The proposal is in the public interest because it is consistent with the objectives of the B7 Business Park zone and the 'Height of buildings' development standard.
- (F) The proposal complies with the maximum floor space ratio development standard in Clause 4.4 of the Sydney Local Environmental Plan 2012.
- (G) The articulation, materiality and architectural contribution of the proposal combine to exhibit design excellence in accordance with the relevant provisions and matters for consideration in Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (H) The proposed development is consistent with the design intent of the winning scheme of a competitive design process, held in accordance with the City of Sydney Competitive Design Policy.
- (I) The proposed development has a height, scale and form suitable for the site and its context, and subject to conditions, satisfactorily addresses the heights and setbacks of neighbouring developments, is appropriate in the streetscape context and setting of the broader locality.
- (J) Subject to the recommended conditions of consent, the proposed development achieves acceptable amenity for the existing and future occupants of the subject and adjoining sites.

- (K) The proposed development is consistent with the executed Voluntary Planning Agreement between the Council of the City of Sydney and Ralph TA Pty Limited, Ralph NA Pty Limited and BR Alexandria Pty Limited.
- (L) The proposed mix of compatible land uses will support the vitality of the area and do not result in any significant adverse environmental or amenity impacts on the subject or surrounding properties, the public domain and the broader Southern Employment Lands, subject to the recommended conditions.
- (M) The public interest is served by the approval of the proposal, as amendments to the development application have addressed the matters raised by the City and the community, subject to recommended conditions imposed relating to the appropriate management of potential environmental impacts associated with the development.

Carried unanimously.

D2020/1409

D/2019/684/B