

Resolution of Local Planning Panel

20 July 2022

Item 4

Development Application: 219-231 Botany Road, Waterloo - D/2020/1419

The Panel resolved:

- (A) to delegate authority to the Chief Executive Officer (CEO) to determine Development Application No. D/2020/1419, subject to receipt of an approval from Water NSW, pursuant to the Water Management Act 2000;
- (B) to uphold the variation requested to the Height of Buildings development standard in accordance with clause 4.6 exceptions to development standards of the Sydney Local Environmental Plan 2012; and
- (C) that if the Chief Executive Officer determines to approve the Development Application No. D/2020/1419 then consideration be given to granting development consent subject to the conditions set out in Attachment A to the subject report.

Reasons for Decision

The Panel resolved to delegate authority to the Chief Executive Officer (CEO) to determine Development Application No. D/2020/1419, subject to receipt of an approval from Water NSW, pursuant to the Water Management Act 2000, for the following reasons:

- (A) The site is located in the Zone B4 Mixed Use. The proposed development comprises retail and residential uses and which are permitted with consent in the zone.
- (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 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; and
 - (ii) the proposal is in the public interest because it is consistent with the objectives of the Zone B4 Mixed Use and the Height of Buildings development standard.

- (C) The proposed development complies with the maximum floor space ratio development standard contained in clause 4.4 of the Sydney Local Environmental Plan 2012.
- (D) The proposed development is consistent with the Voluntary Planning Agreement between The Council of the City of Sydney and Waterloo 1 Pty Ltd.
- (E) Subject to the approval of section 4.56 modification application D/2015/1358/C the detailed design development application is not inconsistent with the concept development consent and therefore satisfies section 4.24(2) of the Environmental Planning and Assessment Act, 1979.
- (F) The proposed development provides an appropriate contribution that is suitable in terms of its context, scale and built form and which is consistent with the desired future character of the area. As such the detailed design scheme exhibits design excellence in accordance with the requirements contained in clause 6.21 of the Sydney Local Environmental Plan 2012.

Carried unanimously.

D/2020/1419