

Resolution of Local Planning Panel

31 August 2022

Item 5

Development Application: 650 Botany Road, Alexandria - D/2022/165

The Panel refused consent for Development Application No. D/2022/165 for the reasons outlined below.

Reasons for Decision

The application was refused for the following reasons:

- (A) Insufficient justification has been provided to demonstrate that the proposed development complies with the height of buildings development standard pursuant to Clause 4.3 of the Sydney Local Environmental Plan 2012. A written request to vary the height standard has not been submitted in accordance with Clause 4.6 of the Sydney LEP 2012.
- (B) The proposed development fails to comply with the floor space ratio development standard pursuant to Clause 4.4 of the Sydney LEP 2012. A written request to vary the floor space ratio standard has not been submitted in accordance with Clause 4.6 of the Sydney LEP 2012.
- (C) The proposal has not adequately demonstrated that the proposed development meets the definition of shop top housing. The proposed development and lack of ground floor commercial does not satisfy the objectives of the B7 Business Park zone which focuses on the delivery of employment uses.
- (D) The proposal fails to demonstrate design excellence in accordance with Clause 6.21C of the Sydney LEP 2012. The development does not exhibit a high standard of architectural design, materials and detailing, results in adverse impacts to the public domain on both Botany Road and Birmingham Street, provides poor amenity for future occupants of the site and neighbouring properties and does not achieve excellence and integration of landscape design.
- (E) The proposal results in a poor level of amenity for future occupants and neighbouring properties due to issues such as noise, visual privacy, natural ventilation and cross ventilation, communal open space, access, landscaping and overshadowing. Specifically, the development fails to comply with the following controls:

- (i) State Environmental Planning Policy (SEPP) No. 65 Design Quality of Residential Apartment Development - the development is not in accordance with the Design Quality Principles under Schedule 1 of the SEPP.
 - (ii) Apartment Design Guideline - the development has not demonstrated compliance with the objectives and controls contained in Part 3D Communal and public open space, 3E Deep soil zones, 3F Visual privacy, 4A Solar and daylight access, 4B Natural ventilation, 4D Apartment size and layout, 4F Common circulation and spaces, 4G Storage and 4J Noise and pollution.
 - (iii) Sydney Development Control Plan 2012 - the development has not demonstrated compliance with the objectives and controls contained in Section 2 – Locality statements; Section 3 relating to public domain, urban ecology, ESD, water and flood management, heritage, accessible design, social and environmental responsibilities and waste; and Section 4 relating to amenity including solar access, lightwells, internal common areas, deep soil, common open space, ventilation, acoustic privacy and dwelling mix.
- (F) The application fails to demonstrate that the land can be made suitable for the purpose for which the development is proposed to be carried out, in accordance with Section 4.6 (Remediation of Land) of the SEPP (Resilience and Hazards) 2021.
- (G) The application contains inaccurate and insufficient information to adequately assess the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The application has failed to provide a Design Verification Statement signed by a nominated architect, a Public Benefit Offer for the required 1.4m land dedication on Botany Road, an arborist report, an adequate BCA report, accurate BASIX/ NatHERS certification, a peer review of the Remediation Action Plan, a flood assessment and a Heritage Impact Statement.
- (H) The various non compliances and their impacts results in a development that is not in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

Carried unanimously.

D/2022/165