

Resolution of Central Sydney Planning Committee

14 November 2024

Item 4

Section 4.55 Application: 338 Botany Road, Alexandria - D/2019/87/C

Moved by the Chair (the Lord Mayor), seconded by Councillor Miller -

It is resolved that consent be granted to Section 4.55(2) Application Number D/2019/87/C subject to the amendment of the following conditions (with modifications shown in **bold italics** (additions) and ~~striketrough~~ (deletions) as follows:

(2) APPROVED STAGE 1 DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2019/87 dated 12 December 2017 and the following drawings prepared by DKO Architecture (NSW) Pty Ltd:

Drawing Number	Drawing Name	Date
Stage 1 Envelope Envelope Plan	Project Number 11942 Page 37 DA100 C	16.10.2019 24/09/2024
Stage 1 Envelope Envelope Plan	Project Number 11942 Page 38 DA101 B	16.10.2019 24/09/2024
Envelope Plan - Overall	Project Number 11942 DA102 B	24/09/2024
Stage 1 Envelope Stage 1 Envelope Elevations	Project Number 11942 Page 39 DA200 B	16.10.2019 24/09/2024

Drawing Number	Drawing Name	Date
Stage 1 Envelope	Project Number 11942	16.10.2019
Stage 4 Envelope Elevations	Page 40 DA201 B	24/09/2024

as amended by plans other conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Condition amended via Section 4.55(2) on 14 November 2024

(8) DETAILED DESIGN OF BUILDINGS

The competitive design process brief and subsequent detailed design development application must incorporate the following requirements:

- (a) Minimise overshadowing on adjoining properties in accordance with ADG objective 3B-2.
- (b) ~~Ensure no overshadowing of approved residential apartments at 499 and 501 — 509 Botany Road, Alexandria~~
- (c) Provide a compliant amount of communal open space in accordance with the ADG that receives adequate solar in accordance with the ADG.
- (d) If roof top communal open space is proposed it must provide equitable access **and** be designed to prevent overlooking and noise impacts. ~~and all structures (including but not limited to plant and lift overruns) must be within the 33m height limit.~~
- (e) Acoustic and ventilation treatments to the east and northern frontages in accordance with the requirements of the Sydney DCP and ADG.
- (f) Waste management facilities in accordance with Section 4.2.6 of the Sydney DCP 2012.
- (g) An awning is to be provided over any building entries on Botany Road in accordance with Section 3.2.4 of the Sydney DCP 2012.

Condition amended via Section 4.55(2) on 14 November 2024

(13) FLOOR SPACE RATIO

- (a) The Floor Space Ratio for all detailed development applications on the site must not exceed 4.~~09~~:1 calculated in accordance with Clauses 4.4 and 6.14 of the Sydney Local Environmental Plan 2012.
- (b) ~~Notwithstanding (a) above, the proposal may be eligible for up to 10% additional floor space pursuant to the provisions of Clause 6.21(7) of the Sydney Local Environmental Plan 2012 if the consent authority is satisfied that the resulting detailed design development application exhibits design excellence and is the result of a competitive design process in accordance with the requirements of the Sydney Local Environmental Plan 2012.~~
- (c) Precise calculations and details of the distribution of floor space must be provided with any subsequent detailed design development application or applications.

Condition amended via Section 4.55(2) on 14 November 2024

(14) BUILDING HEIGHT

The maximum height of the buildings must not exceed ~~33~~ **36.2** metres in accordance with the Sydney LEP 2012 **as provided for under D/2024/273**. No structures are to exceed the ~~33~~ **36.2** metres height limit.

Condition amended via Section 4.55(2) on 14 November 2024

Reasons for Decision

The application was approved for the following reasons:

- (A) The development as modified is substantially the same as was originally approved and is consistent with the requirements of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979.
- (B) The development has been considered against the reasons given by the Central Sydney Planning Committee for the grant of consent that is to be modified, and the proposal is consistent and acceptable, as per Section 4.55(3) of the Environmental Planning and Assessment Act, 1979.
- (C) The proposed modifications ensure that the detailed design development application is consistent with the concept approval to satisfy Section 4.24 of the Environmental Planning and Assessment Act, 1979.
- (D) The changes to the building envelope are in keeping with the desired future character of the area and will not adversely impact the amenity of the surrounding area. These variations are reasonable and justified with regard to the detailed design development application D/2024/273.

- (E) The proposed building envelope is capable of accommodating a future building design which is capable of exhibiting design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.

Carried unanimously.

D/2019/87/C