

Resolution of Central Sydney Planning Committee

14 November 2024

Item 5

Development Application: 338 Botany Road, Alexandria - D/2024/273

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

It is resolved that:

- (A) the variation requested to Height of Buildings development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld;
- (B) the variation requested to Floor Space Ratio development standard in accordance with Clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012 be upheld; and
- (C) consent be granted to Development Application Number D/2024/273 subject to the conditions set out in Attachment B to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~striketrough~~):

(9) FLOOR SPACE RATIO

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio ~~for the business use~~ must not exceed 4.09:1 calculated in accordance with Sydney Local Environmental Plan 2012. For the purposes of the calculation of FSR, the total Gross Floor Area is 9,198sqm.

Reason

To ensure the constructed development complies with the approved floor space ratio.

(47) FLOOD PLANNING LEVELS

The development must be constructed to comply with the recommended flood planning levels indicated in Table 3 of the report titled Site Flood Assessment for Development Application prepared by ~~insert~~ WMA Water dated 31 January 2024.

Details must be submitted to the Registered Certifier prior to the issue of any Construction Certificate demonstrating that the development will comply with the recommended flood planning levels.

Reason

To ensure the development complies with the recommended flood planning levels.

Reasons for Decision

The application was approved for the following reasons:

- (A) Based upon the material available to the Committee at the time of determining this application, the Committee 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 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 LEP 2012.
 - (ii) 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 development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012.
 - (iii) The proposal is in the public interest because it is consistent with the objectives of the E3 (Productivity support) zone and the 'height of buildings' and 'floor space ratio development standards.
 - (iv) The proposal has been assessed against the aims and objectives of the relevant planning controls, including the State Environmental Planning Policy (Housing) 2021, Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012. Where non-compliances exist, they have been demonstrated to be acceptable in the circumstances of the case or can be resolved by the recommended conditions of consent.
 - (v) The development achieves a high standard of architectural design, materials and detailing, and will contribute positively to the public domain. The development achieves the principles of ecologically sustainable development and has an acceptable environmental impact with regard to the amenity of the surrounding area and future occupants. The development therefore exhibits design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
 - (vi) The proposal is consistent with the amended concept approval for the site, being DA/2019/87, and is consistent with the design intent of the winning scheme of a competitive design process albeit that is not the winner of the process.

(vii) The proposal is appropriate within its setting and is a development comprising a compatible use that will support the vitality of the area, consistent with the desired future character for the locality.

(viii) The proposal provides for much needed affordable housing in a location which is highly accessible from a range of transport options and will have excellent access to facilities and services.

(B) Conditions 9 and 47 were amended to correct typographical errors.

Carried unanimously.

D/2024/273