

Item 5.**Development Application: 338 Botany Road, Alexandria - D/2024/273**

File No.: D/2024/273

Summary

Date of Submission:	12 April 2024
Amended Plans/ Additional Information:	Amended plans and additional information were submitted on 25 September 2024
Applicant/ Developer:	St George Community Housing Portfolio Limited
Architect:	DKO
Owner:	The Council of the City of Sydney
Planning Consultant:	Keylan
Design Advisory Panel	13 June 2024
Cost of Works:	\$72,339,256
Zoning:	The site is zoned E3 Productivity Support. The proposal is permissible in accordance with Clause 7.13A of the Sydney LEP 2012.
Proposal Summary:	<p>Approval is sought for the construction of a 10 storey mixed use development including 111 dwellings for affordable housing and ground floor retail/commercial use.</p> <p>A separate and concurrent section 4.55 modification application (D/2019/87/C) has been submitted to align the approved concept consent with this detailed design development application. The section 4.55 modification application is concurrently reported to the CSPC and is recommended for approval.</p> <p>The application has been assessed by an independent external planning consultant (as the City of Sydney is the landowner) to address any perceived conflicts of interest and in accordance with the City's protocol for the external assessment of Development Applications.</p>

The independent assessment report is provided at Attachment A.

The Development application is referred to the CSPC for determination as the cost of works exceeds \$50 million.

The assessment of the application by the independent planner concludes that as amended and subject to conditions, the proposal exhibits design excellence and is recommended for approval.

Summary Recommendation: It is recommended that the assessment report prepared by the independent external planning consultant, shown at Attachment A and recommended conditions shown at Attachment B to the subject report, be considered for approval by the Central Sydney Planning Committee.

Development Controls:

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012
- (iii) SEPP (Resilience and Hazards) 2021
- (iv) SEPP (Housing) 2021
- (v) SEPP (Transport and Infrastructure) 2021

Attachments:

- A. Independent Assessment Report
- B. Recommended Conditions of Consent
- C. Selected Drawings
- D. Clause 4.6 Variation Request - Height of Buildings
- E. Clause 4.6 Variation Request - Floor Space Ratio

Recommendation

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:

Reasons for Recommendation

The application is recommended for approval 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; and
 - (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.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Matthew Girvan, Area Planning Coordinator