

Local Planning Panel

30 April 2025

Application details

Address: 310A Botany Road, Alexandria

Application: D/2025/114

Applicant: James Lidis

Owner: TH Investments (greensquare) Pty Ltd

Designer: Darren Mah Design

Proposal

- substantial demolition of existing building with retention of facade elements
- construction of a new part 2, part 3 storey building
- use the premises as a licensed pub
- trading hours of 5.00am to 12.00 Midnight, Monday to Sunday (inclusive)
- capacity of 320 patrons.

Recommendation

Refusal

Reason reported to LPP

Application reported to the LPP for determination as:

 the proposal is classified as a 'sensitive development' - pub operating under a general bar licence under the Liquor Act 2007

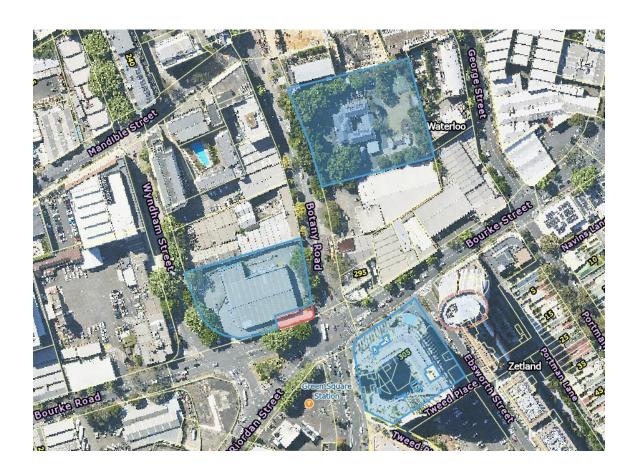
Notification

- exhibition period 18 February 2025 to 12 March 2025
- 682 owners and occupiers notified
- 4 submissions received

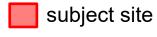
Submissions

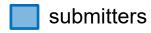
- lack of public domain setback
- proximity to sensitive land uses (Yudi Gunyi School)
- noise impacts
- odour impacts
- light spill

Submissions









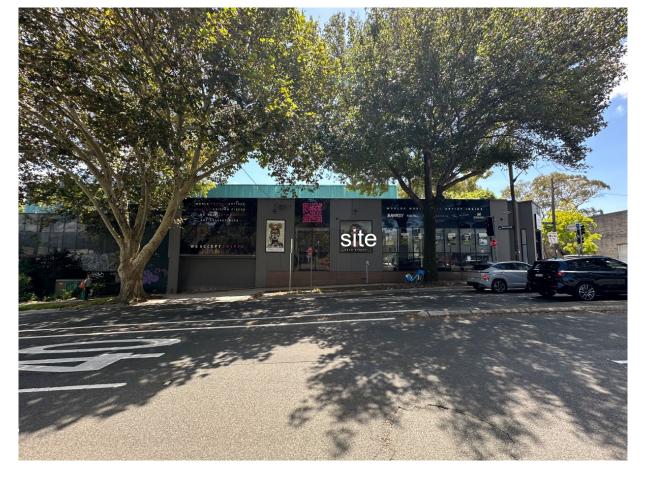
Site



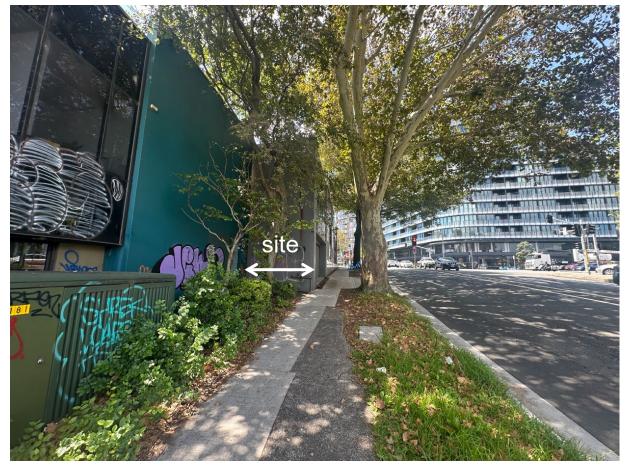




Corner of Bourke Road and & Botany Road



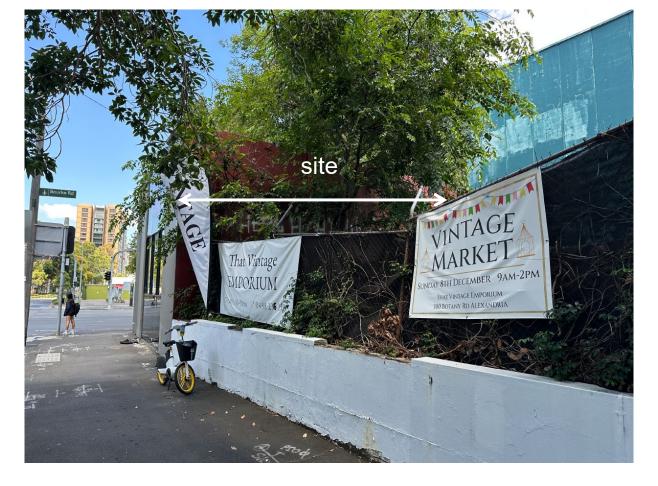
Bourke Road - southelevation



looking east along Bourke Road



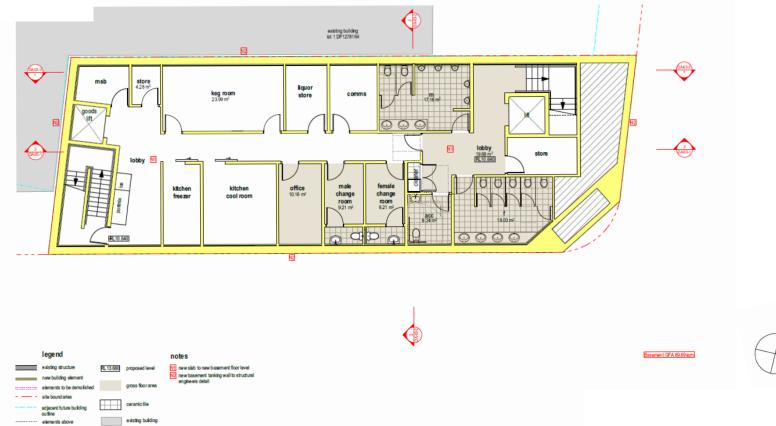
Botany Road - east elevation

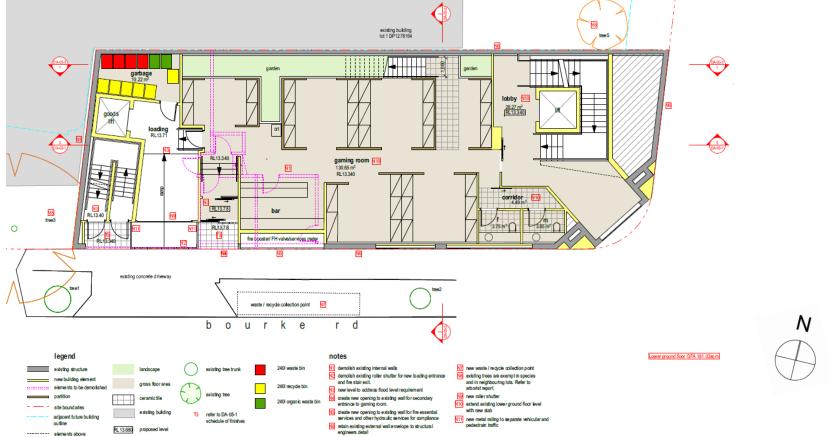


looking south along Botany Road

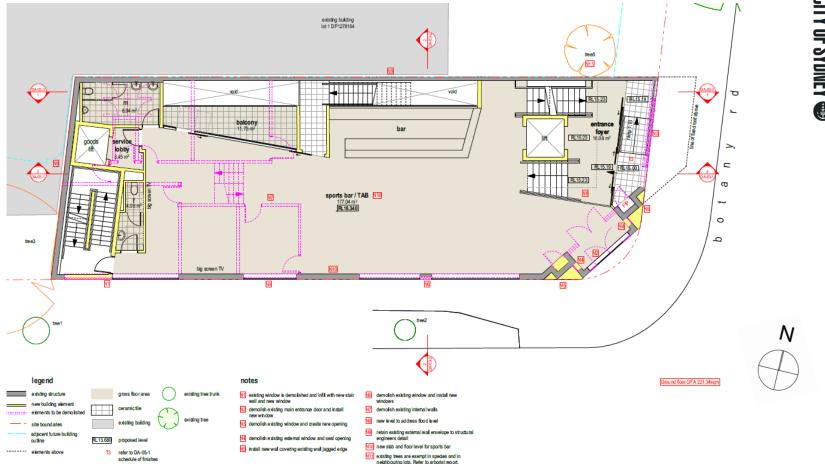
Proposal

not accessible area

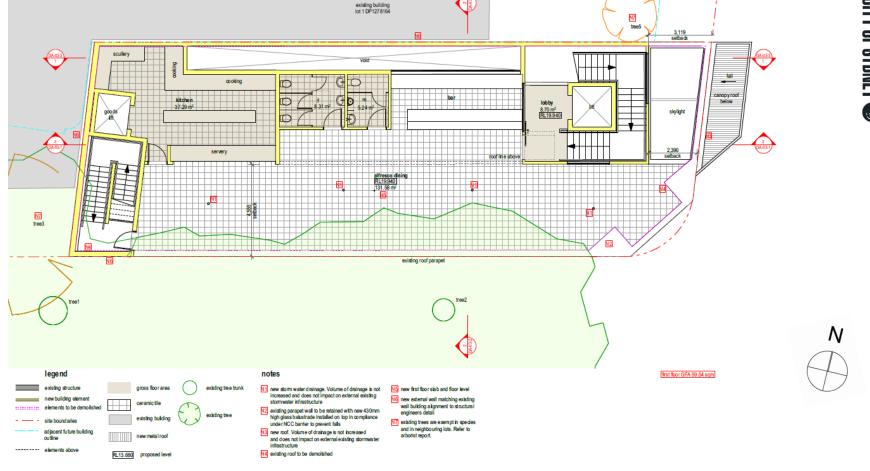




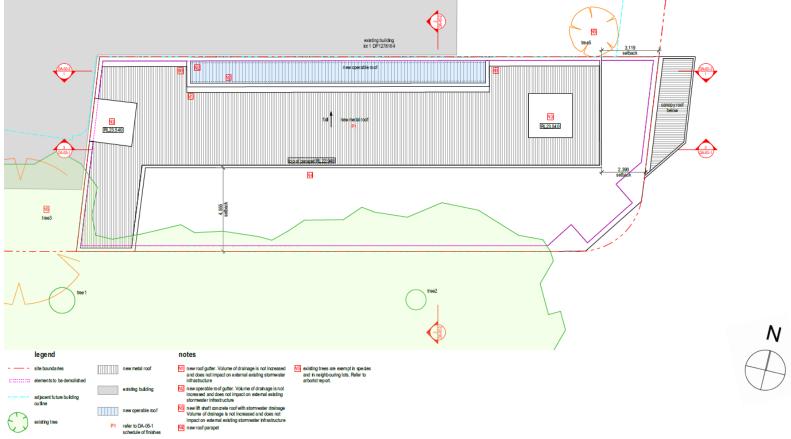
lower ground floor plan

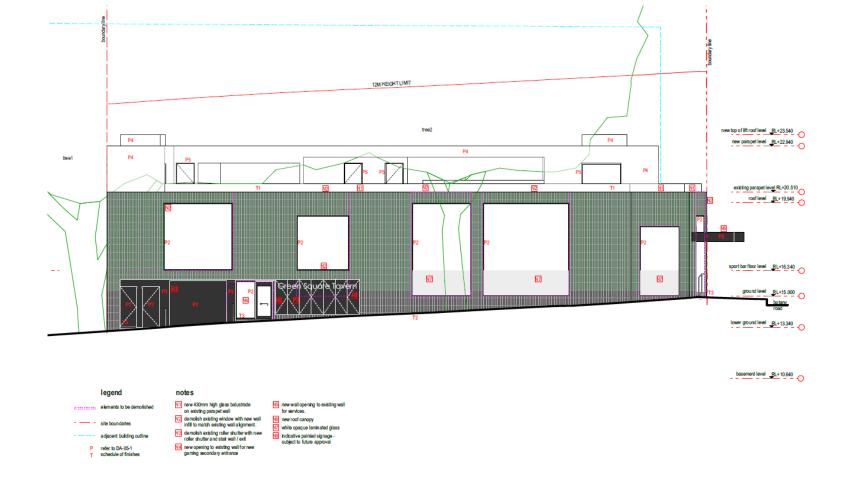


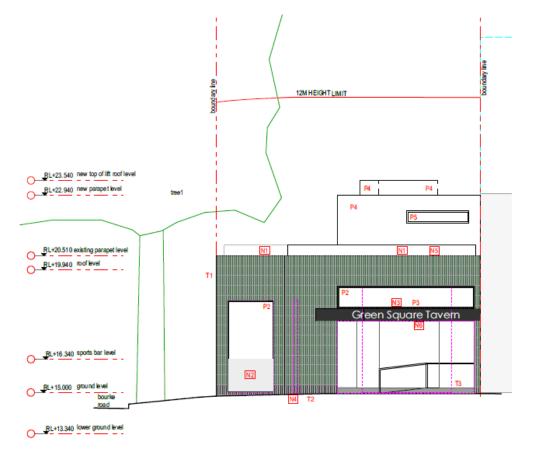
ground floor plan

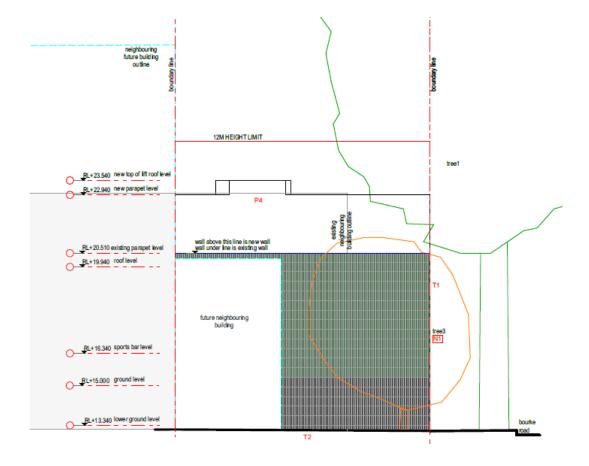


first floor plan

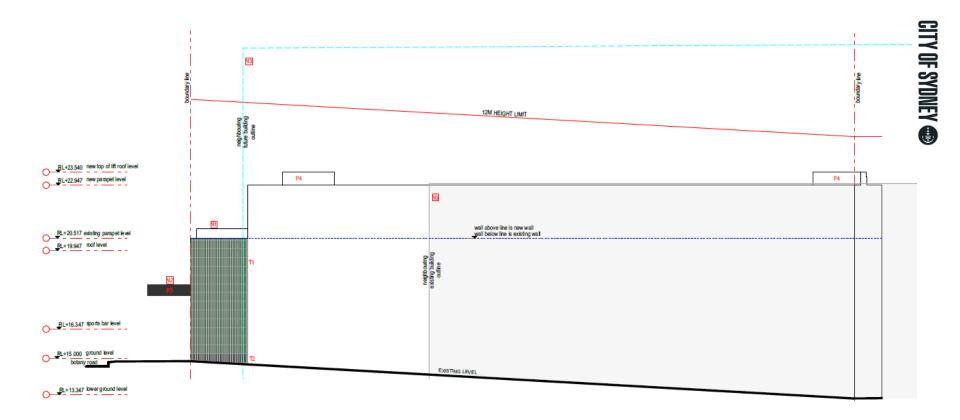




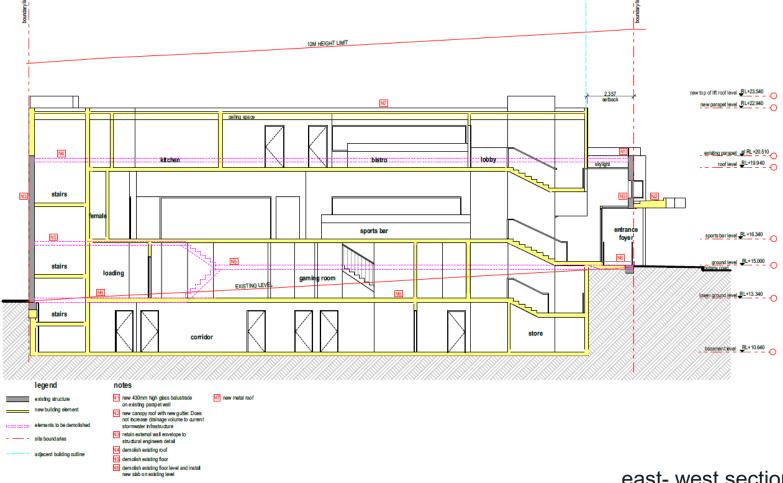




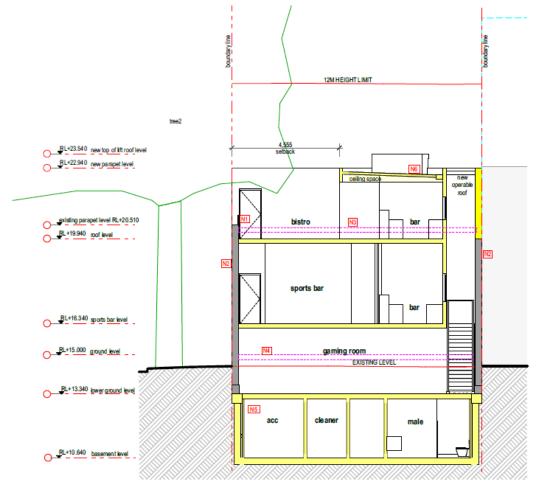




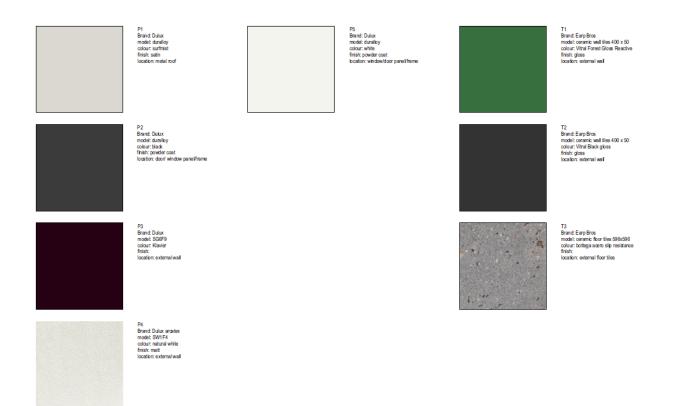
BL+10.647 basement level



east- west section



north – south section



Compliance with Transport & Infrastructure SEPP

	objective	proposed	compliance
clause 2.119	ensure that new development does not compromise the effective and ongoing operation and function of classified roads	development is not appropriately located and designed – not supported by Transport for NSW	no

Compliance with key LEP standards

	control	proposed	compliance
height	12m	10.3m	yes
floor space ratio	2:1	2.19:1m	no Clause 4.6 request submitted

Compliance with DCP controls

	control	proposed	compliance
setbacks	2.4m to Bourke Road and Botany Road	no setback proposed	no
active frontage	80% active	Botany Road – 34%	no
		Bouke Road – 43%	

Hours of operation

	base hours & extended hours	proposed hours	recommended hours
Monday to Sunday (inclusive)	indoor Base - 9am to 10pm Extended - 9am to 12am outdoor base + extension 9am to 10pm	indoor 5am to 12am outdoor 5am to 12am	If application were to be supported extended trading could be considered in the context of a trial period

Issues

- no clause 4.6 request floor space ratio
- traffic/servicing
- public domain setback
- design excellence
- flood planning
- unsuitable use

Clause 4.6 – floor space ratio

- FSR control 2:1
- proposed FSR = 2.19:1
- applicant's calculation has excluded areas of vertical circulation across all floors and the covered bar area at the rooftop terrace
- no Clause 4.6 submitted
- Application cannot be approved in the absence of a Clause 4.6 request

Traffic and servicing

- TfNSW does not support the proposal in its current form due to:
 - pedestrian safety concerns near the intersection
 - requirement for a pedestrian fence along Botany Road frontage
 - kerbside garbage collection on Bourke Rd is not supported given the intensified use and proximity to traffic signals
 - site lacks capacity for an internal loading dock with forward entry/exit, making it unsuitable for the proposed use
- Under Clause 2.119(2)(c) consent must not be granted unless the development is appropriately located and designed

Public domain setback

- site requires a 2.4m footpath setback
- works amount to a new build, not alterations, due to extent of demolition and excavation
- retained elements of facade lacks architectural merit and is unlikely to be structurally viable
- strategic location near Green Square and 284 Wyndham Street (approved development provides the required setback)
- no setback results in a narrow, constrained footpath at a key pedestrian/cycleway intersection
- development fails to exhibit design excellence

Design excellence

- site is a highly visible corner
- proposal lacks design excellence, with poor-quality facades, opaque glazing, and exposed services
- gaming room visibility restrictions and raised floor levels reduce street engagement which results in 'inactive frontage'
- no continuous footpath awning, impacting pedestrian amenity
- fails to improve the public domain (no setback and poor interface with street)

Flood planning

- proposal does not satisfy the considerations contained under Clause
 5.21(3)c) Flood Planning of SLEP 2012
- Bourke Road basement entry is below the Probable Maximum Flood level posing a flood risk to life and property

Unsuitable use

- use of the site as a pub as proposed is not suitable
- the site is located in a prominent location in a high pedestrian and cycling area
- as proposed the development will have adverse impacts on the functionality and safety of the public domain (inadequate footway width and onsite servicing)
- the development is not in the public interest

Recommendation

- the application is recommended for refusal
- deemed refusal appeal to Land & Environment Court was lodged on 17 April 2025