

Council DA reference number	Lot number	DP number	Apartment/Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
DA-18/11161	20	60879		31	Albert Street	Botany	2019	2: Residential - Single new dwelling	Botany Local Environmental Plan 2013	R2 - Low Density	FSR permitted 0.5:1; proposed 0.62:1	The proposed development has been assessed against Councils' Botany Bay Local Environmental Plan 2013 and Botany Bay Development Control Plan 2013 controls and is compliant with all controls except for the FSR development standard. The site is adjacent to a high density residential zone and provides a transition in scale. It has been established that the proposed development is appropriate and adherence to the development standard in this instance is unreasonable and unnecessary.	23.6%	Council	8/10/2019
DA-2019/160	80	81425		10/30	Stephen Road	Botany	2019	1: Residential - Alterations & additions	Botany Local Environmental Plan 2013	R2 - Low Density	cl4.3 - Height of Building	The Clause 4.6 exception to the height of building control has been assessed in accordance with relevant case law, being the principles of <i>Wehbe v Pittwater Council</i> [2007] NSW LEC 827, <i>Four2Five Pty Ltd v Ashfield Council</i> [2015] NSWLEC 1009 & NSW LEC 90 (<i>Four2Five</i>) and <i>Initial Action Pty Ltd v Woollahra Municipal Council</i> [2018] NSWLEC 118. The proposal is consistent with the underlying objectives of the zone and of the development standard identified. The proposed development has been assessed against The Apartment Design Guide, Council's Botany Bay Local Environmental Plan 2013 and Botany Bay Development Control Plan 2013 controls and the proposal is compliant with all objectives and the majority of the controls. Council's assessment of the proposal concludes that compliance with the height of building development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.	17%	Council	22/10/2019
DA-2018/378	A	399233		13A-17	Swinbourne Street	Botany	2019	4: Residential - New multi unit	Botany Local Environmental Plan 2013	B1 - Neighbourhood Centre	cl 4.3 - Building Height	The elements in breach of the height limit relate to rooftop structures associated with the communal open space which offers a high level of amenity. The proposed development is consistent with the objectives of the development standard and is consistent with the B1 zoning. The applicant's clause 4.6 statement identifies sufficient environmental planning grounds. The non-compliant elements do not generate any additional adverse amenity impacts for neighbouring properties	1.8m or 15%	Council	22/10/2019
DA-2019/143	1	518481		24	Albert Street	Botany	2019	2: Residential - Single new dwelling	Botany Local Environmental Plan 2013	R2 - Low Density	cl4.4 - Floor Space Ratio	The development has satisfied the objectives relating to bulk and scale through skilful design given the proposal complies with the solar access requirements despite exceeding the maximum FSR. The increased internal amenity resulting from the additional FSR will benefit any future occupants without comprising the amenity of the surrounding residential area. Additionally, compliance with the development standard in this instance will reduce the internal amenity of the dwellings. Floor Space Ratio Objectives: The proposed bulk and scale is compatible with the character as it does not compromise the amenity of the surrounding residential environment; and as such, the proposed development promotes good residential amenity. R2 – Low Density Residential Zone Objectives: The proposed development provides for the needs of the community within a low density area by minimising impacts onto adjoining development.	Lot 11 is 0.57:1 (13%) Lot 12 is 0.62:1 (23%)	Council	26/11/2019
DA-2019/191	21	Sec G DP 939785		32	William Street	Botany	2019	2: Residential - Single new dwelling	Botany Local Environmental Plan 2013	R2 - Low Density	cl4.4 - Floor Space Ratio	Minimal impacts, clause 4.6 variation request supported.	35% and 28%, respectively for the north and south side semis	Council	17/12/2019
DA-2017/11211	8	554690		2A	Baker Street	Banksmeadow	2019	9: Mixed	Botany Local Environmental Plan 2013	B1 - Neighbourhood Centre	cl4.3 - Height of Building	No impact, not visible from street, improves amenity of roof top open space	varying between 1.2m to 2.2m	Council	17/12/2019