

RELEVANT INFORMATION FOR CSPC

FILE: D/2010/2029 **DATE:** 10 May 2012
TO: Lord Mayor and Members of the Central Sydney Planning Committee
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 4 - 1 Alfred Street, Sydney - At CSPC 10 May 2012

Alternative Recommendation

That the Central Sydney Planning Committee approve the development application in accordance with the recommendation contained in the subject report, subject to modified conditions (B)(1), (E)(21) and (E)(79) as detailed below:

(B)(1)VOLUNTARY PLANNING AGREEMENT

Prior to the activation of this consent:

- (a) The Voluntary Planning Agreement (Reference: AMH/S093181: Exhibition Draft 21.03.12), prepared by Council and placed on public exhibition on 27 March 2012 shall be executed and submitted to Council; and
- (b) ~~The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement; and~~
- (c) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

(E)(21)SERVICE VEHICLE SIZE LIMIT

~~The size of vehicles servicing the property must be a maximum length of 8.8 metres.~~

The maximum length of any vehicle servicing the property or accessing the adjacent site via the right of carriageway and breakthrough panel shall be 9.24 metres.

(E)(79)PUBLIC ART

~~In accordance with the commitments contained within the Voluntary Planning Agreement, high quality public art work/s must be provided within the development in publicly accessible locations, in accordance with the Central Sydney DCP 1996 and the Public Art Policy. Details of the art work must be submitted to and approved by Council prior to the issue of a Construction Certificate for any above ground works to Building A or Building B. Installation of the art work must be completed to Council's satisfaction prior to the issue of an Occupation Certificate.~~

Additional submission received on Draft Voluntary Planning Agreement

As detailed at paragraphs 110 to 112 of the Development Application Assessment Report, the draft Voluntary Planning Agreement (VPA) was notified for a 28-day period, which concluded on 26 April 2012.

Since the time of writing of the assessment report, a further submission, dated 30 April 2012, has been received on behalf of the owner/s of the property at 174-176A George Street, Sydney (known as Jacksons on George). A copy of this further submission is included at Attachment A.

Applicant's response to submissions received on Draft Voluntary Planning Agreement

Since the time of writing of the assessment report, the developer has prepared a response to the submissions received during the exhibition period of the draft VPA. A copy of this response is provided at Attachment B.

The developer was forwarded a copy of the abovementioned further submission received, dated 30 April 2012. In response, the developer indicated that the content of this further submission was largely related to the issues with the site specific APDG planning controls and not the content of the draft VPA.

After consideration of the submissions received, the developer has not altered their offer of commitments or the general terms contained within the exhibited draft VPA.

However, as detailed within Attachment B, the developer has agreed to some minor drafting changes to the VPA to address matters raised in the submission from the adjoining land owner at 19-31 Pitt Street, Sydney.

Council's response to submissions received on Draft Voluntary Planning Agreement

The developer's response to the submissions on the draft VPA (Attachment B) includes several instances where comment is deferred on the basis that these are matters for Council. These issues are outlined and addressed in the table, below:

Objector	Objection	Response
19-31 Pitt Street	It should be clear that if the developer for any reason does not complete the carriageway works then the Council "will" as opposed to "may" ensure the works are carried out so that the access to the Cambooya site is guaranteed.	The existing wording of the draft VPA is assessed as acceptable in achieving the intended outcome of the agreement. No modification to the existing draft VPA is recommended.
	The Planning Agreement assumes that the Valad site will be developed before the Cambooya site. In the event that the Planning Agreement is entered into but for some unforeseen circumstance the Valad consent is not activated or completed and the right of carriageway is not provided then the Planning	In the event of such a scenario occurring, this would be a matter for consideration during the assessment of any future Stage 2 development application for the site at 19-31 Pitt Street. This is not

Objector	Objection	Response
	Agreement cannot be used against the owner of the Cambooya site regarding reasonable efforts being made to achieve the outcome of Option "A" (access of Cambooya site via Valad site as per condition 3 of the Cambooya consent).	relevant in the consideration of the draft VPA or the commitments proposed.
BBC Planners	We request the opportunity for a further review of the redrafted planning agreement should any amendments be made, either in the respect of our submission or otherwise.	No amendments have been made to the draft VPA exhibited in April/May 2012. Council has satisfied its legislative requirements with regard to the notification/exhibition of the VPA.
The Rugby Club	We submit that it would be beneficial for all Councillors to visit and view the site so as to gain an appreciation of the relevance of the factors addressed by this submission.	The decision to defer determination to allow inspection of the site and its neighbours is a matter for consideration for the members of the CSPC.

Conditions of consent

The draft conditions of consent require modification to ensure their consistency with the timing of the commitments within the draft VPA and the relevant servicing requirements of Council's garbage trucks.

Graham Jahn, Director City Planning, Development and Transport

Prepared by: Nicola Reeve, Senior Planner

TRIM Document Number: 2012/135873

Attachments:

- A - Submission, dated 30 April 2012, prepared by Aubrey F. Crawley & Co; and
- B - Response to Draft Voluntary Planning Agreement Objections, prepared by Valad Commercial Management Limited.

Approved



**Graham Jahn, Director City Planning,
Development and Transport**