

RELEVANT INFORMATION FOR CENTRAL SYDNEY PLANNING COMMITTEE

FILE: D/2012/1823 **DATE:** 13 March 2014
TO: Central Sydney Planning Committee
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 4 – Development Application - Unit 35-35B/1A Coulson Street, Erskineville - At CSPC 13 March 2014

Recommendation

That the recommendation in the subject report be amended with the deferred commencement condition contained in Part A deleted and inserted into the operational consent conditions (shown as Part B in the report).

The condition is to be amended requiring the preparation, public exhibition, and execution of the Voluntary Planning Agreement (VPA) prior to the determination of any future Stage 2 development application for the detailed design of the site.

The deleted text is shown as ~~strike through~~ and inserted text as ***bold italics***:

~~PART A~~

~~CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING~~

~~The consent is not to operate until the following condition is satisfied, within 24 months from the date of this determination:~~

(1) VOLUNTARY PLANNING AGREEMENT

- (a) The Voluntary Planning Agreement, as detailed in the letter of offer submitted by the applicant, shall be prepared by Council and placed on public exhibition and shall be executed and submitted to Council prior to the ~~submission~~ ***determination*** of any Stage 2 Development Application for the detailed design for the site;
- (b) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement.
- (c) The Voluntary Planning Agreement as executed must be registered on the Title of the Land.

- ~~(B) Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions (1)(a), (b) and (c), must be submitted to Council within 24 months of the date of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979.~~
- ~~(C) The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions (1)(a), (b) and (c), have been satisfied.~~
- ~~(D) Upon Council giving written notification to the Applicant that the deferred commencement conditions (1)(a), (b) and (c) have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.~~

Background

The development application comprises 2 components. The first involves the consideration of and approval of building envelopes (Stage 1) and the second, the demolition of existing buildings and site preparation including site remediation.

Given the lengthy time period associated with the negotiation and preparation of a voluntary planning agreement, a deferred commencement consent will delay the commencement of site preparation and remediation works to be undertaken which have been included in the development application to expedite the construction process.

Deferring the VPA at this stage will enable the detailed design works and costings to occur concurrently with the Stage 2 detailed design.

In this instance there is minimal risk in postponing the VPA to the Stage 2 Detailed Design development application given the public benefit offer and VPA relates only to roads which are mandatory in order to facilitate access to the subject site. Any determination of a future Stage 2 detailed design development application will be subject to the VPA being in place.

There is no additional risk to Council as a result of the amendment given the applicant's detailed offer to enter into the VPA, and a condition imposed requiring it being in place prior to any determination of a future Stage 2 DA.

Prepared by: Mark Solomon, Specialist Planner

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Approved



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