

RELEVANT INFORMATION FOR THE CENTRAL SYDNEY PLANNING COMMITTEE

FILE: D/2013/1995 **DATE:** 3 December 2014
TO: Lord Mayor and CSPC Members
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 7 - Sydneygate Masterplan Amendment and Development Application: 2 Sam Sing Street, Waterloo (Formerly 2B Archibald Avenue Waterloo) - At CSPC - 4 December 2014

Alternative Recommendation

It is resolved that:

- (A) the Masterplan amendment M/2014/2 be endorsed by deleting Term 5 from the Masterplan (U03/00828):

(5) ~~**PERCENTAGE OF NON-RESIDENTIAL FLOOR SPACE ACROSS THE WHOLE MASTERPLAN**~~

~~*The percentage of Gross Floor Area across the whole masterplan for the purposes of residential uses must not exceed 75% of the total endorsed floor space for the whole masterplan.*~~

- (B) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, and only after public notification of the Masterplan amendment in accordance with clause 27F of *South Sydney Local Environmental Plan 1998*, a deferred commencement consent be granted to Development Application No. D/2013/1995, subject to the following conditions contained in Part A and **the conditions contained in Part B (Conditions of Consent (Once the Consent is in Operation)), subject to the amendment of Conditions (4) and (14) in Part B such that they read as follows (with additions shown in **bold italics underlined text** and deletions in **strikethrough underlined text**):**

(4) **FLOOR SPACE RATIO - ALL OTHER AREAS**

The following applies to Floor Space Ratio:

- (a) The Floor Space Ratio for the mixed use must not exceed 4.4:1 calculated in accordance with South Sydney LEP 1998. For the purposes of the calculation of FSR, the total Gross Floor Area is 14,912sqm comprising of:
- (i) **residential retail** component is 425sqm,
 - (ii) the child care centre component is 1,105sqm
 - (iii) **retail residential** component is 13,382sqm; and

- (b) Prior to an Occupation Certificate being issued, a Registered Surveyor must provide certification of the total and component Gross Floor Areas (by use) in the development, utilising the definition under South Sydney LEP 1998, applicable at the time of development consent, to the satisfaction of the Principal Certifying Authority.

(14) AFFORDABLE HOUSING CONTRIBUTION - GREEN SQUARE - PAYMENT OF MONEY IN LIEU OF FLOOR SPACE

In accordance with Clause 27P of *South Sydney Local Environmental Plan 1998 (as amended)* and prior to a Stage 2 Construction Certificate being issued, the applicant must provide evidence that a monetary contribution towards the provision of affordable housing has been paid at the office of the Department of Planning or a bank guarantee in favour of the Department of Planning and Environment to the value of the required contribution has been lodged. The contribution is **\$2,417,441.10** based on the in lieu monetary contribution rate for non-residential development at \$50.05 per square metre of total non-residential floor area ~~15,537sqm~~ **1674sqm**, and for residential development at \$150.20 per square metre of total residential floor area ~~1674sqm~~ **15,537sqm**. Contributions will be indexed in accordance with the formula set out below.

Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the applicant must provide evidence that the bank guarantee referred to above has been redeemed as payment of this contribution. If the contribution is paid after the indexation period in which the consent is granted (1 March 2013 to 28 February 2014), the amount of the contribution will be indexed in accordance with the formula set out below.

Notes:

- (a) Applicants have two payment options:

Option 1 is payment by bank cheque using "Form B - Receipt to Release Certificate of Construction after payment by Bank Cheque". Form B must be obtained from the Green Square Project Team in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a bank cheque with the NSW Department of Planning and Environment.

Option 2 is lodgement of a bank guarantee using "Form A - Receipt to Release Certificate of Construction after lodgement of Bank Guarantee". Form A must be obtained from the Green Square Project Team GSPT@cityofsydney.nsw.gov.au in the City Strategy and Design Unit at the City of Sydney, and then must be lodged with a Bank Guarantee with the NSW Department of Planning and Environment.

Where Form A has been used, an Occupation Certificate will not be released until payment by bank cheque using "Form C - Receipt to Release Certificate of Occupancy after payment by Bank Cheque". Form C must be obtained from the Green Square Project Team GSPT@cityofsydney.nsw.gov.au in the City Strategy and Design Unit at the City of Sydney and then must be lodged with a bank cheque with the NSW Department of Planning and Environment.

- (b) Applicants are made aware that the contribution amount quoted in this condition may not be final and that a correct indexed affordable housing contribution amount can be obtained from the relevant Form A, B or C at time of payment.

- (c) Forms A, B or C for payment of the affordable housing contribution can only be obtained from the City of Sydney, 456 Kent Street Sydney. Quote the development application number and the relevant Council officer will provide the applicant with an indexed contribution amount which must be paid at the Department of Planning and Environment. To arrange payment, contact the Housing Policy Team, NSW Department of Planning and Environment on Ph: 9228 6111 or Fax: 9228 6455 to arrange a time for payment.
- (d) The contribution will be indexed on the basis of the Established House Price Index for Sydney as published by the Australian Bureau of Statistics.
- (e) Contributions at Time of Payment = $C \times \text{HPI2} / \text{HPI1}$, where:
- (i) C is the original contribution amount as shown above;
 - (ii) HPI2 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics at the time of the payment; and
 - (iii) HPI1 is the Established House Price Index: All Groups Index for Sydney available from the Australian Bureau of Statistics that applied at the date of the consent 1 March 2013 to 28 February 2014.

The amount of the monetary contribution is calculated on the total floor area (not a percentage of it). Contribution = (total residential floor area sqm) x residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$) + (total non-residential floor area (sqm) x non-residential rate (\$)).

PART A - DEFERRED COMMENCEMENT CONDITIONS

(CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)

- The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:
 - (1) AMENDED VOLUNTARY PLANNING AGREEMENT**
 - (a) That the second deed of modification to the registered Voluntary Planning Agreement is executed and submitted to council; and
 - (b) The second deed of modification, as executed, must be registered on the title of the land in accordance with the amended Voluntary Planning Agreement.
- Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within **24 months** of the date of this determination 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.

- The consent will not operate until such time that the Council notifies the Applicant in writing that deferred commencement consent conditions, as indicated above, have been satisfied.
- Upon Council giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Part B (Conditions of Consent (Once the Consent is Operation)) of the subject report,

PART B

CONDITIONS OF CONSENT

(ONCE THE CONSENT IS IN OPERATION)

Upon written confirmation from Council that the deferred commencement conditions contained in Part A above have been satisfied, the consent will become operative from the date of that written confirmation, subject to the following conditions of consent **as shown in Part B (Conditions of Consent (Once the Consent is in Operation)) of the subject report as amended shown in clause (B) above**, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions:

SCHEDULE 1A

Approved Development/Design Modifications/Covenants and Contributions/Use and Operation

Note: Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

That deferred development consent is granted to Development Application No D/2013/1995, subject to the conditions as detailed in the subject report to the Central Sydney Planning Committee on 4 December 2014, amended as follows:

Background

There is a typographical error in draft conditions (4) and (14). It is recommended that the condition is amended to correlate the correct land use to the relevant GFA/TFA figure.

Prepared by: Amy Allen, Senior Planner

TRIM Document Number: 2014/539081

Approved

A handwritten signature in black ink, appearing to be 'GJahn', written in a cursive style.

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