

RELEVANT INFORMATION FOR THE CENTRAL SYDNEY PLANNING COMMITTEE

FILE: D/2014/1521 **DATE:** 23 April 2015
TO: Members of the Central Sydney Planning Committee
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 5 – Development Application: 87 Bay Street,
Glebe - At CSPC - 23 April 2015

Alternative Recommendation

It is resolved that:

(A) pursuant to the provisions of Clause 7.20(3) of Sydney Local Environmental Plan 2012, the consent authority waive the requirement for a development control plan to be prepared, as it would be unreasonable or unnecessary in the circumstances due to the Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012, containing site specific planning controls against which the application has been prepared;

(B) pursuant to the provisions of Clause 6.21(7) of Sydney Local Environmental Plan 2012, the consent authority award 10% additional floor space to the development as the proposal exhibits design excellence;

~~(C) Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, deferred commencement consent be granted to Development Application No. D/2014/1521 subject to the following:~~

~~(1) **PLANNING AGREEMENT**~~

~~Prior to activation of this consent:~~

~~(C) **authority be delegated to the Chief Executive Officer (CEO) to determine the application after:**~~

~~(a) The **amendments** to the Voluntary Planning Agreement (executed 6 December 2013 between The Council of the City of Sydney and M.T. Management Pty Ltd), prepared by Council and placed on public exhibition on **XXXXXX**, shall be executed and submitted to Council **are prepared, publicly exhibited, and any submissions considered;**~~

~~(b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and **The amended Planning Agreement is executed; and**~~

- (c) The **amended** Planning Agreement, as executed, ~~must be~~ **is** registered on the title of the land in accordance with the Planning Agreement., **and**

~~(2) SECTION B SITE AUDIT STATEMENT~~

~~Prior to activation of this consent:~~

~~A Section B Site Audit Statement (SAS) must be obtained from a NSW EPA Accredited Site Auditor and be submitted to the Council's Area Planning Manager for written approval.~~

~~The SAS must confirm that the nature and extent of the contamination has been appropriately investigated and determined in the contamination assessment undertaken by Urban Environmental Ref UES108PH2.RO1 dated 11 October 2012 and the submitted Remediation Action Plan prepared by DLA Environmental reference DL3346_S001803 dated July 2014 is appropriate to make the site suitable for the proposed land use.~~

~~Should the Site Auditor require any additional site assessment be undertaken to fully delineate the extent of the contamination existing onsite then this must be carried out and the results of the additional testing be provided to the Auditor and the Remediation Action Plan amended to take into account any comments/recommendations raised by the Auditor.~~

~~A copy of the final Remediation Action Plan as referenced by the Auditor in the Site Audit Statement must be submitted to the City along with the Site Audit Statement for written approval.~~

~~On no account must any works associated with the development be undertaken until this condition has been fully satisfied and the condition discharged.~~

- ~~(D) 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 the determination.~~
- ~~(E) 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.~~
- ~~(F) 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 following conditions of consent, and any other additional conditions reasonably arising from consideration of the deferred commencement consent conditions.~~
- (D) if the CEO determines to approve the application, consent be granted to Development Application D/2014/1521 subject to the conditions contained in Schedule 1A, Schedule 1B, Schedule 1C, Schedule 2 and Schedule 3 of the planning report to the Central Sydney Planning Committee on 23 April 2015.**

Background

Planning Agreement

The site subject to the application has an existing Voluntary Planning Agreement (VPA) executed 6 December 2013 between The Council of the City of Sydney and M.T. Management Pty Ltd. The subject proposal requires amendment to this VPA in order to proceed.

In the report recommendation, the requirement for amendment to the VPA prior to the activation of the consent is stipulated, and consideration of the proposed amendments and any matters raised in the public exhibition was inferred in the deferred commencement condition. However, delays in finalising the details and the drafting of the amendments to the VPA have occurred and the amendments are yet to be exhibited.

The proposed alternative recommendation provides increased clarity and certainty to the VPA process and ensures the amendments are to the satisfaction of the City/CEO prior to the consent being determined.

Site Audit Statement

In the time between the report being finalised and the date of this Central Sydney Planning Committee meeting, the applicant has submitted a Site Audit Interim Advice letter from a NSW EPA Contaminated Land Site Auditor. The advice letter confirms that in general the Remediation Action Plan (RAP) meets the requirements of the guidelines and in their opinion the site can be made suitable with the implementation of the RAP. The City's Environmental Health officers have reviewed the Site Audit Interim Advice letter, and are satisfied that the deferred commencement condition can be removed, and that the requirements for a Site Audit Statement prior to the execution of works and for the land to be appropriately remediated and validated are covered under the remaining conditions of consent.

Prepared by: Alistair Smith, Senior Planner

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Attachments

Nil

Approved



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