

RELEVANT INFORMATION FOR THE CENTRAL SYDNEY PLANNING COMMITTEE

FILE: D/2014/1703 **DATE:** 22 April 2015
TO: Members of the Central Sydney Planning Committee
FROM: Graham Jahn, Director City Planning, Development and Transport
SUBJECT: Information Relevant To Item 6 - Development Application: Units 39-41 -
1A Coulson Street Erskineville - At CSPC - 23 April 2015

Alternative Recommendation

It is resolved that:

- (A) the requirement for the preparation of a Development Control Plan under clause 7.20 is waived. The recent Sydney Development Control Plan 2012 contains Part 5.5 which has detailed controls which specifically addressed the environmental concerns for the site as raised by the Local Environmental Plan clause;
- (B) the clause 4.6 variations for height be supported as the proposal will not detract from the amenity of the site or area, and still achieves the objectives of the control and the zone;
- ~~(C) pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, a deferred commencement consent be granted to Development Application No. D/2014/1703 subject to the following:~~

~~(1) PLANNING AGREEMENT~~

~~Prior to activation of this consent:~~

- ~~(a) The Voluntary Planning Agreement is to be entered into Council's satisfaction, placed on public exhibition and shall be executed and submitted to Council;~~
- ~~(b) The guarantee must be provided to Council in accordance with the Planning Agreement at the time of execution; and~~
- ~~(c) The Planning Agreement, as executed, must be registered on the title of the land in accordance with the Planning Agreement.~~
- ~~(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 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;~~

- ~~(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.~~
- (C) authority be delegated to the Chief Executive Officer (CEO) to determine the application after the:**
- (1) draft Voluntary Planning Agreement (VPA) is publicly exhibited and any submissions considered;**
 - (2) Planning Agreement is executed; and**
 - (3) Planning Agreement, as executed, is registered on the title of the land; and**
- (D) if the CEO determines to approve the application, then consideration be given to granting consent pursuant to section 80(1)(a) of the Environmental Planning and Assessment Act 1979, in accordance with the conditions shown in Schedules 1A, 1B, 1C, 1D, and Schedules 2 and 3 of the subject report to the Central Sydney Planning Committee of 23 April 2015.**

Background

The site subject to the application is in the process of preparing a Voluntary Planning Agreement (VPA) between The Council of the City of Sydney and Fridcorp Pty Ltd. The subject proposal requires finalisation of the details of this VPA in order to proceed.

However, delays in finalising the details and the drafting of the VPA have occurred and as of the meeting of the Central Sydney Planning Committee on 23 April 2015, the VPA is yet to be exhibited.

In the recommendation of the subject report, the requirement for finalisation to the VPA prior to the activation of the consent is stipulated, and consideration of the proposed requirements and any matters raised in the public exhibition is required by the recommendation.

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

Prepared by: Rohan Johnston, Planner

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Approved

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

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