

## Relevant Information for Local Planning Panel

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**FILE:** D/2023/388 **DATE:** 28 February 2024

**TO:** Local Planning Panel Members

**FROM:** Andrew Thomas, Executive Manager Planning and Development

**SUBJECT:** Information Relevant To Item 7 - Development Application: 12-18 Stokes Avenue, Alexandria - D/2023/388

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### Alternative Recommendation

It is resolved that:

- (A) the variation requested to the height of buildings development standard in accordance with clause 4.6 'exceptions to development standards' of the Sydney Local Environmental Plan 2012 (SLEP 2012) be upheld;
- (B) authority be delegated to the Chief Executive Officer to determine Development Application No. D/2023/388, after the completion of the public exhibition period of the draft Voluntary Planning Agreement and after considering any public submissions received; and
- (C) if the Chief Executive Officer determines to approve Development Application No. D/2023/388, then consideration be given to granting a deferred commencement consent, pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions detailed in Attachment A to the report to the Local Planning Panel on 28 February 2024, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

**(3) SECTION 7.11 CONTRIBUTIONS PAYABLE - CONTRIBUTION TOWARDS PUBLIC AMENITIES – CITY OF SYDNEY DEVELOPMENT CONTRIBUTIONS PLAN 2015 – SOUTH PRECINCT**

Council has identified the development will increase demand for public amenities and facilities. Pursuant to Section 7.11 of the Environmental Planning and Assessment Act, 1979 (as amended), and the City of Sydney Development Contributions Plan 2015 the following monetary contributions are required towards the cost of public amenities.

<u>Contribution Category</u>	<u>Amount</u>
Open Space	\$298,861.13
	<b>\$300,181.58</b>
Community Facilities	\$46,463.26
	<b>\$46,668.55</b>
Traffic and Transport	\$379,384.32
	<b>\$381,060.54</b>
Stormwater Drainage	\$150,021.20
	<b>\$150,684.03</b>
Total	\$874,729.91
	<b>\$878,594.70</b>

The City of Sydney will index the above contribution for inflation at the time of payment using the following formula.

$$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$$

Where:

$C_{\text{payment}}$  = Is the contribution at time of payment;

$C_{\text{consent}}$  = Is the contribution at the time of consent, as shown above;

$CPI_{\text{payment}}$  = Is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment; and

$CPI_{\text{consent}}$  = Is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being ~~135.8~~ **136.4** for the ~~September~~ **December** 2023 quarter.

The contribution must be paid prior to the issue of any Construction Certificate in relation to this development.

Please contact Council's Planning Administration staff at [planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:planningsystemsadmin@cityofsydney.nsw.gov.au) to request a letter confirming the indexed contribution amount payable.

Once the letter confirming the indexed contribution is obtained, payment may be made at any of the City's Neighbourhood Service Centres or the One Stop Shop at Town Hall House. Acceptable payment methods are EFTPOS (debit card only), cash (up to 10K only), Credit Card (up to 50K only) or a bank cheque made payable to the City of Sydney. Personal or company cheques will not be accepted.

The section 7.11 contributions payable may be offset in accordance with the requirements and obligations identified in the Planning Agreement between The Council of the City of Sydney and Smart Design Property Pty Ltd.

### **Reason**

To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

### **(24) ~~ARCHAEOLOGICAL ASSESSMENT~~**

~~An archaeological assessment undertaken by a suitably qualified archaeologist must be submitted to and approved by Council's Urban Design and Heritage Manager prior to the issue of a Construction Certificate. The report must assess whether the proposed works have the potential to disturb any archaeological remains and the need for any archaeological investigation prior to commencement of any works on site. The report should also recommend measures and documentation to be undertaken during the process of demolition and excavation work.~~

~~Recommendations by the archaeological assessment are to be implemented during the process of demolition and excavation work.~~

~~Should the assessment report suggest the site may contain relics and the proposed work may disturb them, council may request the applicant to amend the proposal so that the relics are properly protected or interpreted.~~

### **Reason**

~~To ensure that the archaeology of the site is appropriately managed and protected.~~

## **Background**

On 22 February 2024, the City received correspondence from the applicant seeking amendments to the proposed conditions of consent. The applicant's correspondence is shown at Attachment A.

### **Condition 3 – Section 7.11 Development Contributions**

The Section 7.11 development contribution is indexed for inflation at the time of consent and again at the time of payment using quarterly updates to the Consumer Price Index (All Groups Index) for Sydney.

The contribution amount was calculated erroneously using the CPI at the September 2023 quarter (135.8). At the time of reporting this application to the Local Planning Panel, the CPI amount has been amended for the December 2023 quarter to 136.4 resulting in an amended contribution amount

### **Condition 24 – Archaeological Assessment**

Condition 24 requires that an archaeological assessment be carried out and be approved prior to the issue of a construction certificate. The applicant has requested this condition be deleted. Council's Urban Design and Heritage Manager considers the deletion of this

condition to be acceptable on the basis that there is evidence of multiple developments at the site, with the earliest dating back to 1922.

Notwithstanding the deletion of Condition 24, Condition 34 of the recommended conditions relates to archaeological discovery during excavation. This condition requires all works stop immediately, and that the Heritage Council of NSW should be contacted if any relics, remains or Aboriginal objects are discovered.

Prepared by: Lotti Wilkinson, Senior Planner

## **Attachments**

**Attachment A.** Applicant's correspondence

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Approved

Handwritten signature in black ink, appearing to read 'AJT'.

**ANDREW THOMAS**

Executive Manager City Planning,  
Development and Transport

# **Attachment A**

**Applicant's Correspondence**

## Lotti Wilkinson

**From:** William Smart [REDACTED]  
**Sent:** Thursday, 22 February 2024 2:11 PM  
**To:** Lotti Wilkinson; [REDACTED]  
**Subject:** RE: SDS 2202 Stokes 18 - D/2023/388 - Planning Agreement – QS Costing Estimate

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Hi Lotti,

Thank you for clarifying how the contributions are calculated. It makes sense that the floor areas are attributed to the building type rather than level by level.

I've taken a look at the areas again and the 35 sqm relates to part of the existing office building over the 18 Stokes Avenue site which will be removed, so I understand this would need to be included and that your original calculation was correct. You can see that in the floor plans of existing GFA. I've had another go at the calculations (see below) and this brings the contributions to \$878,594.70

Tourist and visitor accommodation

Residential accommodation

Commercial

	Existing GFA m <sup>2</sup>	Proposed GFA m <sup>2</sup>
Office premises (3 storeys or less)	35	GFA m <sup>2</sup>
Office premises (4 or more storeys)	GFA m <sup>2</sup>	3884
Business premises (including banks, post offices and hairdressers)	GFA m <sup>2</sup>	GFA m <sup>2</sup>
Business premises (private colleges)	GFA m <sup>2</sup>	GFA m <sup>2</sup>
Bulky goods premises	GFA m <sup>2</sup>	GFA m <sup>2</sup>
Shops including neighbourhood shops (excluding supermarkets)	GFA m <sup>2</sup>	GFA m <sup>2</sup>

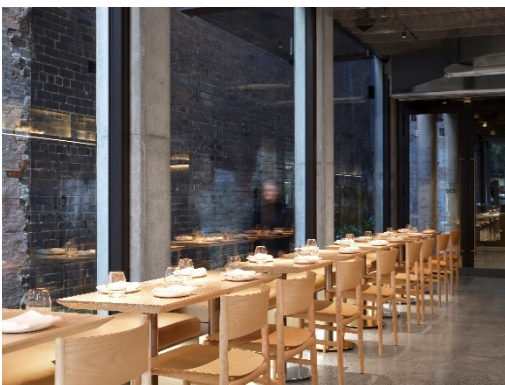
	Existing	Proposed
Light industry (including home industry and high technology)	GFA m <sup>2</sup>	GFA m <sup>2</sup>
General industry	1756	GFA m <sup>2</sup>

<b>Contribution</b>	
Open space	
Community facilities	
Traffic and transport	

regards

william smart  
principal  
smart design studio

14 stokes avenue alexandria 2015  
[REDACTED]  
[smartdesignstudio.com](http://smartdesignstudio.com) [@smart.design.studio](https://www.instagram.com/smart.design.studio)



architecture from the inside out

nominated architect william smart nsw 6381  
 nominated architect christina markham nsw 5569

we acknowledge the gadigal people of the eora nation, the traditional custodians of the land on which we practice and we pay our respects to elders past, present and emerging.

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**From:** Lotti Wilkinson <LWilkinson@cityofsydney.nsw.gov.au>  
**Sent:** Thursday, February 22, 2024 10:15 AM  
**To:** William Smart [REDACTED]  
**Subject:** RE: SDS 2202 Stokes 18 - D/2023/388 - Planning Agreement – QS Costing Estimate  
**Importance:** High

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Hi William,

Thanks for your email. The contributions are only applicable to the part of the site that is being developed and would not include the existing office development approved under D/2017/1443. As such, we would not apply a credit for the adjacent building which is to be retained. A credit is applied only to the warehouse building (i.e. 1,756sqm – as confirmed in your GFA drawing which is attached). The warehouse building would be defined as “general industry”.

In terms of proposed floorspace, again this only relates to the new works proposed. The GFA of the proposal is 3,924sqm and would fall under the definition of “office premises – 4 or more storeys” (3,884sqm) and food and drink premises (40sqm). Please note we do not break down the floorspace as you have done below with some allocated to the 3 storeys or less category and some allocated to the 4 storeys or more category.

I have just re-run the figures and for some reason I had included 35sqm as existing office space which attracted a credit. This appears to be incorrect. Refer attached document titled “Previous...” which was used to calculate the contribution amount stated in the draft conditions.

The new 7.11 contribution calculation is attached and works out at \$884,529.64.

Please can you review and advise ASAP. Greg is finalising the VPA today and if required, I will need to prepare a relevant memo to amend the contribution amount stated in the draft conditions.

Happy to discuss over the phone if easier.

Kind regards  
Lotti

**From:** William Smart [REDACTED]  
**Sent:** Wednesday, February 21, 2024 6:01 PM  
**To:** Greg Longmuir <GLongmuir@cityofsydney.nsw.gov.au>; Lotti Wilkinson <LWilkinson@cityofsydney.nsw.gov.au>  
**Cc:** Daniel Harden [REDACTED]; Lin Yang <LYang@cityofsydney.nsw.gov.au>; Alphonsus Rajaratnam <arajarat@cityofsydney.nsw.gov.au>; Christian Bock [REDACTED]  
**Subject:** RE: SDS 2202 Stokes 18 - D/2023/388 - Planning Agreement – QS Costing Estimate

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Hi Greg and Lotti

I've been reviewing the contributions as included in your email below. I understand the 7.11 contributions are based on GFA, which I've entered into CoS online calculator. I've come up with quite a different contribution cost so was wondering if you could please check this: these areas are consistent with the areas that were issued in our development application. Please note that we have calculated the caretakers residence (with is only 60m2 of that top floor) as commercial as this space is part of the commercial office (we have entered into a deed with CoS to confirm that it is part of the office and cannot be on sold or separated in the future).

#### 7.11 CONTRIBUTIONS

- Office (3 storeys or less)
  - Existing 1522
  - Proposed 3971
- Office (4 or more storeys)
  - Existing 0
  - Proposed 1370
- Café
  - Existing 0
  - Proposed 40
- General Industrial
  - Existing 1651



○ Proposed 0  
 Total 7.11 Contribution **\$639,540.71**

	Existing GFA m <sup>2</sup>	Proposed GFA m <sup>2</sup>
Office premises (3 storeys or less)	1522	3971
Food & drink premises (restaurants, cafes & take away premises)	40	

[Residential accommodation](#)   **Commercial premises**   [Industrial](#)

	Existing GFA m <sup>2</sup>	Proposed GFA m <sup>2</sup>
Light industry (including home industry and high technology)		
<b>Precinct location</b>	South	
<b>Indexation for inflation</b>	Base CPI quarter: Jun 2015 (value: 108.3) Current CPI quarter: Dec 2023 (value: 136.4) Change: 25.9%	
<b>Net population increase</b>	Workers: 114.3	

<b>Contribution</b>	
Open space	

regards

william smart  
 principal  
 smart design studio

14 stokes avenue alexandria 2015  
 smartdesignstudio.com @smart.design.studio



architecture from the inside out

nominated architect william smart nsw 6381  
 nominated architect christina markham nsw 5569

## Lotti Wilkinson

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**From:** William Smart [REDACTED]  
**Sent:** Thursday, 22 February 2024 3:45 PM  
**To:** Lotti Wilkinson; Greg Longmuir  
**Cc:** Daniel Harden  
**Subject:** TRIM CM: SDS 2202 Stokes 18 - DA Conditions - Archaeological Assessment  
**Attachments:** SDS 2202 Stokes 18 - AHIMS Search Result.pdf

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Hi Lotti,

I've had time to read through the DA Conditions which we're very happy with.

My only concern is Condition 24 which requires an Archaeological Assessment to be undertaken prior to the issue of a Construction Certificate.

This project does require a large number of consultants and I wanted to confirm if this report is necessary, as it's a rather costly report to get done.

Given the site has been redeveloped multiple times since its first subdivision 100 years ago, it would be difficult to assume any archaeological relics still remain. As part of the DA, our heritage consultant identified that the subject site was originally subdivided in 1922 and included single story residences. An existing warehouse at 18 Stokes Avenue was built as early as 1943, which was then demolished and replaced with the current warehouse in 1984. We have also done a Heritage NSW AHIMS (Aboriginal Heritage Information Management System) web search of the site which shows that no Aboriginal sites or places have been recorded in the local area. I've attached this for your reference.

We are also bound by DA Condition 34 – 'Archaeological Discovery During Excavation', which stipulates that all works stop immediately, and that the Heritage Council of NSW should be contacted if any relics, remains or Aboriginal objects are discovered. Our company is actively working with indigenous architects and designers and would seriously honour this condition of consent.

I also note that a similar and nearby development at 25 Bourke Road did not require an Archaeological Assessment as part of their DA conditions. This site is around the corner from 18 Stokes Avenue and involves offices with basement parking.

Noting the above, and the additional costs associated with obtaining an Archaeological Assessment, may we please have this condition reconsidered?

Attached are a few excerpts from our heritage report that shows some recent history of development for this site.







2024 aerial image of subject site.

regards

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william smart  
principal  
smart design studio

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14 stokes avenue alexandria 2015

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architecture from the inside out

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we acknowledge the gadigal people of the eora nation, the traditional custodians of the land on which we practice and we pay our respects to elders past, present and emerging.

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