

Relevant Information for Local Planning Panel

FILE: D/2017/1479 **DATE:** 31 July 2018

TO: Local Planning Panel Members

FROM: Graham Jahn, Director City Planning, Development and Transport

SUBJECT: Information Relevant To Item 4 – Development Application: 174-186 & 200A George Street and 33-35 Pitt Street, Sydney

Alternative Recommendation

Additions shown in ***bold italics*** and deleted text shown in ~~strikethrough~~.

It is resolved that:

- (A) the requirement under Clause 7.20 of the Sydney Local Environmental Plan 2012 requiring the preparation of a development control plan are unreasonable or unnecessary in this instance; and
- (B) ***authority be delegated to the Chief Executive Officer (CEO) to determine Development Application No. D/2017/1479, subject to receiving advice from the Heritage Council of NSW that the matters a) and b) included in their letter dated 27 July 2018 have been addressed; and*** ~~consent be granted to Development Application No. D/2017/1479, subject to the conditions set out in Attachment A to the subject report;~~
- (C) ***if the CEO determines to approve the application, then consideration be given to granting development consent, pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979, subject to the conditions as detailed in Attachment A to the subject report, and the deletion of Condition 10 (and renumbering of subsequent conditions), and the deletion of Schedule 4 (and the inclusion of any new General Terms of Approval provided by the Heritage Council of NSW).***

Background

Heritage

The State heritage listed item “Tank Stream including tanks and tunnels” is located adjacent to the subject site.

General Terms of Approval (GTA) for the proposal were originally issued by the Heritage Council of NSW on 11 July 2018. The original GTAs are included in the Recommended Conditions of Consent in Attachment A Schedule 4 to the agenda item.

On 27 July 2018, the Heritage Council of NSW issued revised GTAs for the proposal (attached). The revised GTAs supersede the previous terms of approval and are issued as deferred commencement conditions.

The deferred commencement conditions recommended by the Heritage Council do not provide sufficient certainty in their outcome to be applied. It is therefore recommended that the determination of the application be delegated to the CEO, subject to receiving advice from the Heritage Council that items a) and b) in their letter have been satisfied; and that in any granting any approval, any revised General Terms of Approval from the Heritage Council be included. This would provide certainty to both the applicant and the Heritage Council without unnecessarily delaying determination of the application.

Public Domain Conditions

Assessment of the subject application was completed by Council’s Public Domain Unit prior to finalising the assessment of the associated basement and above ground building works application (D/2017/1620) which is intended to be considered at the Central Sydney Planning Committee meeting of 9 August 2018. Condition 10 which is included in the recommended conditions for the subject application reads:

(10) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) *Prior to issue of any Construction Certificate for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, a detailed engineering design for drainage including calculations and design for the stormwater overland flow path for the development must be:*
 - (i) *Prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and*
 - (ii) *Prepared in accordance with the City of Sydney’s Stormwater Drainage Manual, technical specifications, standards and policies, as amended from time to time; and*
 - (iii) *Submitted to and be approved by the City of Sydney and a copy of the City’s letter of approval must be provided to the Principal Certifier.*
- (b) *For approval of a connection into the City of Sydney’s drainage system an “Application for Approval of Stormwater Drainage Connections” must be submitted to the City, together with an application fee in accordance with the City of Sydney’s adopted Schedule of Fees and Charges.*

- (i) *The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.*
- (ii) *All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to an Occupation Certificate being issued, including an Interim Occupation Certificate.*

On-site Detention

- (c) *The requirements of Sydney Water with regard to the on-site detention of stormwater must be ascertained and complied with.*
 - (i) *Evidence of the approval by Sydney Water of the detailed design for on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Principal Certifier prior to any Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.*
 - (ii) *Prior to the issue of any Occupation Certificate, including any Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.*

Stormwater Quality Assessment

- (d) *Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifier.*

The stormwater quality assessment must:

- (i) *Be prepared by a suitably qualified hydraulic engineer with experience in Water Sensitive Urban Design;*
- (ii) *Use modelling from an industry-standard water quality model (e.g. MUSIC Model or equivalent); and*
- (iii) *Demonstrate through reports, design plans and calculations, what water sensitive urban design and other drainage measures will be used to ensure that the development will achieve the following post-development pollutant loads:*
 - a. *reduce the baseline annual pollutant load for litter and vegetation larger than 5mm by 90%;*
 - b. *reduce the baseline annual pollutant load for total suspended solids by 85%;*

- c. *reduce the baseline annual pollutant load for total phosphorous by 65%;*
 - d. *reduce the baseline annual pollutant load for total nitrogen by 45%.*
- (iv) *Include certification from a suitably qualified practicing professional that the requirements of parts (d) (i), (ii) and (iii) of this condition have been met.*

Prior to the issue of an Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifier and a copy provided to the City of Sydney.

Completion / Works-as-Executed Documentation

- (e) *Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:*
- (i) *All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.*
 - (ii) *Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked.*
 - (iii) *Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the Public Domain Manual, the Stormwater Drainage Manual, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.*
- (f) *Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):*
- (i) *A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifier;*
 - (ii) *A Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifier. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans*

issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;

- (iii) A Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifier;*
- (iv) Evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifier;*
- (v) The Principal Certifier must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.*

The referenced stormwater works form part of the main building works application (D2017/1620) and this same condition now forms part of the recommended conditions for that application. It is therefore considered suitable for the condition not to be included as part of the conditions for the subject application.

Prepared by: Shannon Rickersy, Senior Planner

Attachments

Attachment A. Revised General Terms of Approval

Attachment B. Email from Heritage Council

Approved



GRAHAM JAHN AM

Director City Planning, Development and Transport

Attachment A

Revised General Terms of Approval



Our Ref.
D/2017/1497
DOC18/315267
DOC18/519240

Mr Shannon Rickersey
Planning Assessments
City of Sydney Council
Level 2 456 Kent Street
SYDNEY NSW 2000
SRickersey@cityofsydney.nsw.gov.au

Attention: Mr Shannon Rickersey

Dear Mr Rickersey

**HERITAGE COUNCIL OF NSW – REVISED GENERAL TERMS OF APPROVAL
INTEGRATED DEVELOPMENT APPLICATION IDA/2018/42**

Site: Tank Stream, various addresses SHR 0636
Proposal: Bulk Excavation, Shoring Works, construction of footings lower basement slab and lift core slab and associated site works.

Additional Information Requested: Yes, received 19 June 2018; 25 July 2018

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the approval of the bulk excavation, shoring works, construction of footings, lower basement slab, lift core and associated site works within the curtilage of the SHR listed Tank Stream (SHR 00686) is subject to **Deferred Commencement** in accordance with s63A of the *Heritage Act 1977*. This approval is subject to the following condition:

- a) **The physical location of the tank stream and its 3m curtilage requires confirmation. Based on these results, the impact of the proposed development on this item should be reassessed in an amended Statement of Heritage Impact. This should also be supported by amended engineering and architectural plans which clearly show the relationship of the item (The Tank Stream and its curtilage) to the proposed development in plan and section. These must be submitted for the satisfaction and approval of the Heritage Council of NSW or its delegate.**
- b) **Based on this revised submission, additional conditions as general terms of approval, may be issued by the Heritage Council of NSW or its delegate to protect the Tank Stream during construction.**

Reason: The supporting documents for this IDA refer to the extrapolated, not confirmed location of the Tank Stream and its curtilage. This needs to be confirmed to understand the impact of the proposal to this item and how best to manage the proposed change.

Advice regarding concurrence with existing Heritage Act approvals

Your attention is drawn towards the S140 application previously approved for this development (not including works within the curtilage of the Tank Stream). Based on the information in this development changes may be required to this approval. It is advised that the applicant and the

heritage team review the approved S140 application and make any variations required in a timely manner through the submission of a S144 variation to the Heritage Council of NSW.

Reason: The development also contains the potential for archaeological relics outside the curtilage of the Tank Stream. The continue appropriate management of these relics is required.

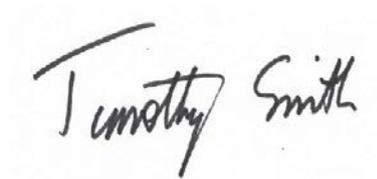
ADVICE

Your attention is drawn towards the powers of entry and inspection under s.148 of the Heritage Act 1977 for authorised persons. If entry and inspection are required, reasonable notice will be provided as per the Act. The owner could voluntarily agree to allow non-authorised persons, such as Heritage Division (Office of Environment and Heritage) staff who are acting in a supporting role to the authorised persons, to enter their property for the purpose of inspection. Owners may also voluntarily grant permission to take photograph, take samples or request records.

Reason: Section 148 of the Heritage Act 1977, allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

If you have any questions regarding the above matter please contact Rebecca Newell, Archaeologist at the Heritage Division, Office of Environment and Heritage, on 9873 8632 or Rebecca.Newell@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "Timothy Smith". The signature is written in a cursive style with a large initial 'T'.

TIM SMITH, OAM

Director, Heritage Operations
Heritage Division
Office of Environment and Heritage

As Delegate of the Heritage Council of NSW

27 July 2018

Attachment B

Email from Heritage Council

From: Felicity Barry
To: [Shannon Rickersey](#)
Cc: [Rebecca Newell](#)
Subject: re: HPRM: HERITAGE COUNCIL OF NSW – REVISED GENERAL TERMS OF APPROVAL INTEGRATED DEVELOPMENT APPLICATION IDA/2018/42
Date: Monday, 30 July 2018 12:23:17 PM
Attachments: [image001.png](#)

Dear Shannon,

To confirm the correspondence issued by the Heritage Division last week (27/7/2018), please accept the letter dated 27 July 2018 regarding IDA/2017/1479. Please note our reference within the Heritage Division is IDA/2018/42.

The correspondence issued on 27 July 2018 supercedes previously issued General Terms of Approval issued by the Division under delegated authority on 6 July 2018.

The current General Terms request that Council issue the IDA as a Deferred Commencement consent, subject to Conditions a) and b) being satisfied as included in the letter prior to the approval being activated.

Should you have any further questions I am happy to discuss.

Kind regards
Felicity



Felicity Barry
Acting Senior Team Leader
Specialist Services
Heritage Operations

Level 6, 10 Valentine Ave, Parramatta
Locked Bag 5020, Parramatta 2124
T 02 9995 6914

I acknowledge and respect the traditional custodians and ancestors of the lands I work across.

Take a look at [Portraits of New South Wales](#), a celebration of heritage in NSW and 40 years of the *Heritage Act 1977*.

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