

## Resolution of Local Planning Panel

**1 July 2020**

### Item 5

#### **Development Application: 94-104 Epsom Road, Zetland - D/2019/1159**

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, the Panel granted deferred commencement consent to Development Application No. D/2019/1159, subject to the conditions set out in Attachment A to the subject report, subject to the addition of Condition 17 to Schedule 1A, to read:

#### ***(17) ARCHAEOLOGICAL DISCOVERY DURING EXCAVATION***

- (a) ***Should any relics be unexpectedly discovered on the site during excavation, all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.***
- (b) ***Should any Aboriginal objects be unexpectedly discovered then all excavation or disturbance of the area is to stop immediately and NSW Government Office of Environment and Heritage is to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974***
- (c) ***Should any archaeological remains or Aboriginal objects be discovered, a copy of recording of the finds and the final archaeological summary report is to be submitted to Council prior to the issue of any Occupational Certificate.***
- (d) ***If the discovery is on Council's land, Council must be informed.***

Remaining conditions are to be renumbered accordingly.

#### **Reasons for Decision**

The application was approved for the following reasons:

- (A) The early works are to facilitate the redevelopment of the site for mixed-use buildings and which is consistent with the objectives of the B4 Mixed Use zone.

- (B) The proposed early works satisfy the relevant requirements of the Sydney Local Environmental Plan 2012 (the LEP) and will not impede the redevelopment of the site in a way that is consistent with the desired future character of the area.
- (C) Subject to the recommended conditions the early works can be carried out without unacceptable impacts to the amenity of the area.
- (D) Condition 17 was added to ensure the development meets all obligations should any archaeological material be uncovered.

Carried unanimously.

D/2019/1159