

## Resolution of Local Planning Panel

**17 March 2021**

### Item 3

#### **Development Application: 33-37 Sophia Street, Surry Hills - D/2020/766**

The Panel granted consent to Development Application No D/2020/766, subject to the conditions detailed in Attachment A to the subject report, subject to the following amendments (additions shown in ***bold italics***, deletions shown in ~~strikethrough~~):

#### ~~**PART A – DEFERRED COMMENCEMENT CONDITIONS (CONDITIONS TO BE SATISFIED PRIOR TO CONSENT OPERATING)**~~

~~The consent is not to operate until the following conditions are satisfied, within 24 months of the date of this determination:~~

#### ~~(1) – LAND REMEDIATION – SITE AUDITOR REVIEW REQUIRED~~

~~The Remediation Action Plan (RAP) prepared for this site is to be peer reviewed by a NSW Environment Protection Authority Accredited Site Auditor and include a Section B Site Audit Statement or a letter of Interim Advice from the Site Auditor, certifying that the RAP is practical and confirming that the site will be suitable after remediation for the proposed use.~~

~~The above is to be submitted to the satisfaction of Council's Area Planning Manager prior to this consent becoming operational.~~

~~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 12 months of the date of determination of this deferred commencement consent failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.~~

~~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.~~

~~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 conditions of consent, as detailed in Part B Conditions of Consent (Once the Consent is Operation) of the subject report.~~

## **PART BA - CONDITIONS OF CONSENT**

### **SCHEDULE 1A**

#### **APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION**

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

#### **(2) DESIGN MODIFICATIONS**

- (a) The blank eastern wall of the development is to be modified with consideration provided to the expression of joints and panel sizes, in the event that the adjacent site is not developed in the near future. Amended drawings detailing the proposed panel layout and sizes and including 1:10 details of the panel joints are required. A high level of finish and detailing must be represented on the amended drawings.
- (b) ***The door of the Sophia Street garage entry is to be a folding glass door.***

The above modifications are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

#### **(85) LAND REMEDIATION**

The site is to be remediated and validated in accordance with the Remedial Action Plan prepared by "JK Environments", Ref: E32153PLrpt3-RAP, dated 11 February 2021 and the ~~Site Audit Statement required under Deferred Commencement Condition 1 of this consent~~ ***Letter of Interim Advice or Section B Site Audit Statement prepared by NSW Environment Protection Authority accredited Site Auditor, Louise Walkden (EPA Accredited Site Auditor 1903), dated 15 March 2021, Ref no 318001143.***

All remediation work carried out shall be conducted in accordance with the guidelines in force from time to time under the *Contaminated Land Management Act 1997*.

Any variations to any approved Remediation Action Plan shall be approved in writing by the Site Auditor and Council's Area Coordinator Planning Assessments / Area Planning Manager prior to the commencement of such work.

### **Reasons for Decision**

The application was approved for the following reasons:

- (A) The development complies with the objectives of the B4 Mixed Use zone pursuant to the Sydney Local Environmental Plan 2012.
- (B) Based upon the material available to the Panel at the time of determining this application, the Panel is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney LEP 2012, that compliance with the floor space ratio development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clause 4.4 of the Sydney LEP 2012; and
  - (ii) the proposal is in the public interest because it is consistent with the objectives of the B4 Mixed Use zone and the floor space ratio development standard.
- (C) The proposal meets the objectives of the Apartment Design Guide and is consistent with the design quality principles under the State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.
- (D) The development complies with the Height of Buildings development standard pursuant to Clause 4.3 of the Sydney Local Environmental Plan 2012.
- (E) The development exhibits design excellence and appropriately responds to the context of the site. The development is consistent with the desired future character of the area as per Clause 6.21 of the Sydney Local Environmental Plan 2012.
- (F) The development is consistent with the objectives of the Sydney Development Control Plan 2012.
- (G) The application is supported by a Detailed Environmental Site Investigation and Remediation Action Plan that demonstrates that the site can be made suitable for the proposed development, in accordance with State Environmental Planning Policy No. 55 - Remediation of Land.
- (H) Suitable conditions of consent have been applied and the development is considered to be in the public interest.
- (I) Part A – Deferred Commencement Conditions was removed as the applicant has submitted an interim audit advice letter and review of the Remediation Action Plan, prepared by a NSW Environmental Protection Authority Accredited Site Auditor, who advised that the submitted information satisfies the requirements of the deferred commencement condition.

- (J) Condition 2(b) was added to ensure the Sophia Street garage door is a folding glass door, to improve the interface with the public domain.
- (K) Condition 85 was amended to remove reference to the deferred commencement condition and to make reference to the submitted Letter of Interim Advice/Section B Site Audit Statement.

Carried unanimously.

D/2020/766