

## Resolution of Local Planning Panel

**28 February 2024**

### Item 7

#### **Development Application: 12-18 Stokes Avenue, Alexandria - D/2023/388**

The Panel:

- (A) upheld 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);
- (B) delegated authority 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) recommended that, if the Chief Executive Officer determines to approve Development Application No. D/2023/388, 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 set out in Attachment A of the subject report to the Local Planning Panel of 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.~~

*Remaining conditions to be renumbered accordingly.*

**Reasons for Decision**

The application was recommended for deferred commencement approval for the following reasons:

- (A) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that subject to the imposition of the recommended conditions of consent, it is generally consistent with the planning controls applicable to the site, and where variances are proposed these are acceptable for the reasons outlined in the report to the Local Planning Panel.
- (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 height of buildings development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening clauses 4.3 'Height of buildings' of the Sydney LEP 2012; and

- (ii) the proposal is in the public interest because it is consistent with the objectives of the E3 'Productivity Support' zone and the height of buildings development standards.
  
- (D) The proposal satisfies the objectives and provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, the SLEP 2012, and the Sydney Development Control Plan 2012.
  
- (E) The proposal is consistent with the objectives of the E3 'Productivity Support' zone.
  
- (F) The proposed development appropriately responds to the site and its context, with a building that is appropriate in terms of its height, floorspace and architectural expression, and achieves design excellence.
  
- (G) The proposed office premises land use is permissible within the zone and will support the vitality of the area. Subject to the recommended conditions of consent, the proposed land use will positively contribute to the amenity of the locality and will not result in adverse impacts.
  
- (H) The public interest is served by the approval of the development, as amendments to the design have generally addressed the concerns of Council staff and the recommended conditions of consent will mitigate any environmental impacts that could potentially arise from the construction and operation of the proposed development.
  
- (I) Condition 3 was amended to reflect the CPI at the December 2023 quarter.
  
- (J) Condition 24 was deleted in line with a request made by the applicant.

Carried unanimously.

D/2023/388