

## Resolution of Local Planning Panel

**24 October 2018**

### Item 4

#### Development Application: 44-48 O'Dea Avenue, Waterloo (Building D)

The Panel:

- (A) Upheld that the requirement under Clause 6.21 of the Sydney Local Environmental Plan 2012 requiring a competitive design process is unreasonable and unnecessary in the circumstances and is consistent with the approved design excellence strategy; and
- (B) Granted consent to Development Application No. D/2018/304 subject to the conditions set out in [Attachment A](#) to this report, subject to the following amendments (additions shown in ***bold italics*** and deleted text shown in ~~strikethrough~~):

#### **(9) LANDSCAPING – BUILDING A**

In the event that no construction certificate has been issued for a mixed use development ***and work has not commenced to erect the building*** on the site identified on the concept consent D/2016/1450 as “Building A”, all landscaping in drawing LC02, revision P1, ‘landscaping design – lot 6, prepared by Taylor Brammer and dated 8 October 2017 is to be completed prior to the issue of an Occupation Certificate for building D.

That Condition 43 be added and the remaining conditions renumbered accordingly.

#### **(43) 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 Occupational Certificate;**
- (d) if the discovery is on Council's land, Council must be informed.**

### **Reasons for Decision**

The Panel approved the application for the following reasons:

- (A) The development is consistent with the objectives of the B4 mixed use zone pursuant to the Sydney Local Environmental Plan 2012.
- (B) The development is consistent with the permitted height under Clause 4.4 of Sydney Local Environmental Plan 2012.
- (C) The development demonstrates design excellence as per Clause 6.21 of Sydney Local Environmental Plan 2012. In particular, the development exceeds the minimum BASIX targets for water and energy.
- (D) The development is consistent with the concept approval (as modified) pursuant to Section 4.24(2) of the Environmental Planning and Assessment Act 1979.
- (E) The development, subject to conditions, meets the objectives of the Apartment Design Guide (ADG) and is consistent with the design quality principles as per SEPP 65.
- (F) The development is consistent with the objectives of the Sydney DCP 2012.
- (G) The Panel required an amendment to Condition 9 to ensure that the landscaping requirement is triggered in the event that no construction certificate has been issued and no works have commenced to erect Building A.
- (H) Condition 43 was added to ensure that the applicant is aware of their obligations should any relics be discovered on site during excavation.

Carried unanimously.

D/2018/304