

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