

Relevant Information for Local Planning Panel

FILE: D/2023/388 **DATE:** 28 February 2024

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning and Development

SUBJECT: Information Relevant To Item 7 - Development Application: 12-18 Stokes Avenue, Alexandria - D/2023/388

Alternative Recommendation

It is resolved that:

- (A) 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) be upheld;
- (B) authority be delegated 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) if the Chief Executive Officer determines to approve Development Application No. D/2023/388, then 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 detailed in Attachment A to the report to the Local Planning Panel on 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
	\$300,181.58
Community Facilities	\$46,463.26
	\$46,668.55
Traffic and Transport	\$379,384.32
	\$381,060.54
Stormwater Drainage	\$150,021.20
	\$150,684.03
Total	\$874,729.91
	\$878,594.70

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_{payment} = Is the contribution at time of payment;

C_{consent} = Is the contribution at the time of consent, as shown above;

CPI_{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_{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 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.~~

Background

On 22 February 2024, the City received correspondence from the applicant seeking amendments to the proposed conditions of consent. The applicant's correspondence is shown at Attachment A.

Condition 3 – Section 7.11 Development Contributions

The Section 7.11 development contribution is indexed for inflation at the time of consent and again at the time of payment using quarterly updates to the Consumer Price Index (All Groups Index) for Sydney.

The contribution amount was calculated erroneously using the CPI at the September 2023 quarter (135.8). At the time of reporting this application to the Local Planning Panel, the CPI amount has been amended for the December 2023 quarter to 136.4 resulting in an amended contribution amount

Condition 24 – Archaeological Assessment

Condition 24 requires that an archaeological assessment be carried out and be approved prior to the issue of a construction certificate. The applicant has requested this condition be deleted. Council's Urban Design and Heritage Manager considers the deletion of this

condition to be acceptable on the basis that there is evidence of multiple developments at the site, with the earliest dating back to 1922.

Notwithstanding the deletion of Condition 24, Condition 34 of the recommended conditions relates to archaeological discovery during excavation. This condition requires all works stop immediately, and that the Heritage Council of NSW should be contacted if any relics, remains or Aboriginal objects are discovered.

Prepared by: Lotti Wilkinson, Senior Planner

Attachments

Attachment A. Applicant's correspondence

Approved

Handwritten signature in black ink, appearing to read 'AJT'.

ANDREW THOMAS

Executive Manager City Planning,
Development and Transport