



8 March 2010

Environmental and Customer Services

Joint Regional Planning Panel
(Sydney West Regional)
GPO Box 3415
SYDNEY NSW 2001

Reference: X/821/2009
JRPP Reference: 2009SYW012

Attn: Panel Secretariat

Dear Sir/Madam,

Land Use Application for Retail Development at 152-160 Leura Mall, LEURA and various other Council owned parcels

Reference is made to the land use application X/821/2009 for the above property (JRPP ref: 2009SYW012). This application will be reported to the JRPP on 11 March 2010.

The assessment report and conditions (Attachment 1) were published by the JRPP on 4 March 2010, with the report having been forwarded to the JRPP on 23 February 2010.

The report was provided to the applicant (Woolworths) on 26 February 2010. Since that time Woolworths have made representations to the Council in relation to certain proposed conditions of consent. Whilst some of the issues raised are not agreed, there have been some matters that may be satisfactorily resolved by alterations to the conditions. In addition there are three (3) typos/ mis-descriptions that have been identified.

Accordingly, the Council recommends that as part of its deliberations that the JRPP give consideration to the proposed changes to the conditions contained in Attachment A to this letter. The Council understands that this approach has narrowed the points of contention between the applicant and the Council to two (2) issues involving toilet facilities and potentially the basement parking capacity indicator.

Should you have any further enquiries regarding this matter, I may be contacted on 4780 5759 or wlangevad@bmcc.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be "Will Langevad", written over a light blue horizontal line.

WILL LANGEVAD
Acting Manager, Planning

ATTACHMENT A: RECOMMENDED CHANGES TO CONDITIONS (8 MARCH 2010)

Condition 1 (Confirmation of relevant plans), p. 1

Incorrect date reference:

Site/Roof plan	D & R Architects	04006 (SK04.03H) DA01.03	J	20 January 2010 <u>15 January 2010</u>
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Condition 22 (Capacity indicator for basement parking facility), p. 9

Concern raised by applicant that sourcing an indicator would delay construction process. As the capacity indicator can be satisfactorily installed and integrated later in the construction process, it is agreed that details can be provided to the Council prior to the issue of any occupation certificate rather than at construction certificate stage.

**Capacity indicator for
basement parking facility**

- 22 To promote the utilisation of the basement parking facility and to enable its safe and convenient use by customers of retail facilities, an electronic capacity indicator (depicting the number of available spaces) shall be provided at the entrance of the basement facility or within the public car park. Details of the electronic capacity indicator and its location shall be submitted to and approved by the Council prior to the issue of any occupation certificate ~~construction certificate~~.

[Condition to be re-located to Section G, after Condition 62 (Acoustic Report)]

Condition 32 (Construction Management Plan), p. 12

To ensure no duplication between conditions 32 and 41, it is proposed to modify condition 32 (j) as follows:

- j. Days & hours of construction. ~~Note that the site and building works (including the delivery or removal of materials) shall only be carried out on Monday to Friday between 7am-5pm only. No site and building works or delivery or removal of materials is to be carried out on Saturdays, Sundays or public holidays, which are peak visitation days for the Leura Town Centre.~~

Note changes to days of construction are proposed in relation to Condition 41 below.

Condition 41 (Site Management), p. 14

Concern was raised by applicant that the restriction of construction on Saturdays would delay construction until after the Christmas holiday period. However, it was acknowledged that specific measures were required to manage impacts on Saturdays, as this is a peak visitation day for Leura Mall. On balance, there are public benefits in completing the development ahead of the Christmas period. It is proposed that the condition 41 (a) be modified to read:

Site management

- 41 To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, all works are to be managed in accordance with the approved Construction Management Plan, and the following:
- a) ~~Site and building works (including the delivery or removal of materials) shall only be carried out on Monday to Friday between 7am - 5pm only. No site and building works or delivery or removal of materials is to be carried out on Saturdays, Sundays or public holidays, which are peak visitation days for the Leura Town Centre.~~
- a) Days & hours of construction:
- Monday to Friday: site and building works (including the delivery or removal of materials) shall only be carried out between the hours of 7am to 5pm.
 - Saturday: only those site and building works that result in no adverse noise impact are permitted and shall only be carried out between the hours of 8am to 3pm. No delivery or removal of materials is permitted on that day and workers' vehicles are not to be parked within the public car park area.
 - Sunday, Public Holidays and the Leura Fair: No site or building works or delivery or removal of materials is to be carried out on the Saturday of the Leura Fair, any Sunday or Public Holiday, which are peak visitation days for the Leura Town Centre.
- b)

Condition 51 (Works required within the Council's car park), p. 17

Concern was raised by the applicant that condition 51 (d) imposed a requirement to amplify the existing system. The condition is proposed to be altered to require the extension of existing pipes and installation of pits as determined necessary by engineering design.

Works required within the Council's car park

51. Prior to the issue of any Occupation Certificate, the following engineering works shall be constructed to Council's satisfaction within the Council car park:
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- d. ~~the provision of under ground piped drainage systems in accordance with ARR 2001 The minimum pipe size is to be 375mm diameter RCP/RRJ The existing drainage line from the car park east to Grose Street via the laneway is to be amplified subject to engineering design.~~

the reconstruction/reconfiguration of the Council car park is to include the extension of the existing pipelines and the construction of stormwater pits as determined necessary by engineering design.

Condition 52 (Works required within the proposed retail development), p. 18

The reference in 52 (a) to “in sketch B” is to be deleted.

The reference in 52 (c) to an “onsite detention system” is to be deleted.

Condition 63 (Hours of operation), p. 22

Concern raised by the applicant in relation to the term “opening hours”; this is proposed to be changed to “trading hours”.

Condition 64 (Advertising signs), p.22

The drawing number should read 04006 (SK04.07K) DA01.07 H dated 15 January 2010.

Condition 68 (Public use of basement parking facility), p. 24

This condition agreed in principle, subject to only requiring Council's approval for time restrictions that are less than 2 hours.

Public use of basement parking facility

68 As the basement parking facility is partially located on land previously providing car parking spaces within the public car park, the basement parking facility is to be made available for use by the public during operating hours of the retail complex.

The Council is to provide written approval prior to the implementation of any time restrictions, or changes to those restrictions, that are proposed in relation to the use of the basement parking facility, but only where such restrictions limit the use of the facility to less than 2 hours.

Condition 71 (Shopping Trolley positive covenant)

This condition is proposed to be deleted.

Woolworths object to these matters being subject to a covenant, but agree in principle to these matters being addressed. The matters subject to this condition could be resolved via a licence or other asset agreement between the Council and Woolworths related to the use of the Council car park.