

Date: 31 May 2011
Our Ref: RS: D25/11

Angela Kenna
Panel Secretariat
Joint Regional Planning Panel
Level 13, 310 George Street
SYDNEY, NSW 2000

Dear Madam

Re: 2011SYE030 – DA25/11 at 290 Burns bay Road, Lane Cove

I refer to the letter from Gridcorp Pty Ltd enclosing a table of submissions to the report prepared for the Panel to consider in its meeting of 1 June 2011. The response to the issues raised with regard to the conditions in the letter is as follows:

	Comment No	Applicant's Summery Comments	Assessment Officer's Comments
1	Conditions 2-4 Bay windows	Conditions 2, 3 and 4 should be deleted.	<p>The setback projections are not considered as "Bay Windows". The entire rooms or substantial portion of the rooms project within the setbacks. The windows to the northern elevation would become closer to the windows of the approved residential flat building on the adjoining property towards the north which would impact upon the amenity of the residents.</p> <p>Recommendation: Conditions 2, 3 and 4 be retained</p>
2	Condition 6 s94 contribution	Amend condition 6 - Section 94 offset - credit should be allowed for existing development.	<p>It is agreed that credit should be given for the Section 94 contribution for retail/commercial and industrial developments as indicated on page 73 of Council's contribution Plan.</p> <p>Recommendation: Condition 6 be amended as suggested by the applicant which is as follows:</p> <p><i>"The payment of a contribution for an additional 68.5 persons in accordance with Council's Section 94 Contributions Plan. This payment being made prior to the issue of a construction certificate. The amount payable is to be calculated by taking into account the existing commercial/ industrial development and will be calculated by as follows:</i></p>

	Comment No	Applicant's Summery Comments	Assessment Officer's Comments
			<p><i>a) Calculating the amount for the additional 68.5 persons using the rate current at time of payment (the current rate being \$8595.00 per person) (A)</i></p> <p><i>b) Deducting from (A) a credit for the existing GFA of the industrial building, using the rate current at the time of payment (the current rate being of \$37.80/m² GFA). The existing GFA of the building is to be confirmed with Council by way of survey before payment."</i></p>
3	Condition 43 Access to garbage room	Delete condition 43 - the condition is unreasonable.	<p>It is agreed that there is a 1.3m level difference between the garbage room and car park levels. It would be unreasonable to provide access to the garbage room from car park level 2.</p> <p>Recommendation: Condition 43 be deleted.</p>
4	Condition 44 (read together with condition 127) - Footpaths	The condition lacks specificity, and involves the provision of a public amenity; the condition should be deleted.	<p>This condition requires the applicant to provide disabled access to the proposed building from a public areas and transport.</p> <p>These works are directly connected with proposed works and provide better amenity to the residents and visitors.</p> <p>This application to council can be made prior to issue to construction certificate.</p> <p>Recommendation: Condition 44 be retained.</p>
5	Condition 49 Garbage room / number of bins	The condition should be amended.	<p>It is agreed that the applicant has indicated garbage compacting in the garbage collection room in carpark level 2. It is reasonable to amend the condition.</p> <p>Recommendation: Condition 49 be amended as suggested by the applicant which is as follows:</p> <p><i>"Basement waste and recycling storage rooms must be designed with adequate space for manoeuvring of garbage and recycling bins in accordance with the following.</i></p> <ul style="list-style-type: none"> <i>o Minimum clearance between bins of 300mm;</i> <i>o Minimum door openings of 1700mm; and</i> <i>o Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room)."</i>
6	Condition 59 Garbage room size	Condition is unreasonable. The condition should be reworded.	<p>The proposed 11m³ of storage capacity is considered acceptable.</p> <p>Recommendation: Condition 59 be amended as follows:</p> <p><i>"A readily accessible bulky waste storage room(s) located near the main garbage rooms must be provided for the use of all residents in accordance with the following:</i></p> <ul style="list-style-type: none"> <i>o A bulky waste storage room with a minimum storage capacity of 11m³ must be provided. Doorways and travel paths must be a minimum width</i>

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			<i>of 1700mm and of sufficient height and be free of obstructions to permit easy transport from individual units to the storage area, and from the storage area to collection point."</i>
7	Condition 60 Waste collection point	The condition is required to be amended	<p>The waste collection is on-site but not within the building.</p> <p>Recommendation: Condition 60 be amended as follows:</p> <p><i>"All waste must be collected on-site access by Council's garbage collection vehicles</i></p> <ul style="list-style-type: none"> <i>• The garbage and recycling bins must be moved to the collection point no earlier than the evening before the collection day and returned to their storage areas no later than the evening of the collection day. Bins must remain in their on-site storage areas at all other times.</i> <i>• Council's waste collection vehicles must enter and exit the building in a forward direction</i> <i>• Where security gates are proposed, a Council master key system must be installed to permit unimpeded access"</i>
8	Condition 61 Indemnity	The condition should be deleted. It is outside the scope of section 80A of the EPA Act and fails to satisfy Newbury test.	<p>Council reserves the right to indemnify itself and its waste collection contractors against claims for loss or damage to the pavement or other driving surface. Council also requires indemnity against liabilities, losses, damages and any other demands arising from any on-site collection service.</p> <p>Recommendation: Condition 61 be retained.</p>
9	Condition 67 Truck swept path	Delete this condition	<p>It is agreed that waste collection are should be in accordance with AS2890.2-2002".</p> <p>Recommendation: Condition 67 be amended as follows:</p> <p><i>"The waste collection area and service vehicle area shall be in accordance with AS2890.2-2002 to allow for safe manoeuvrability of vehicles"</i></p>
10	Condition 69 RTA letter	Please provide us with a copy of the RTA letter. Delete condition 69	<p>RTA's requirements have been reproduced in conditions 75-81. Therefore condition 69 may be deleted.</p> <p>Recommendation: Condition 69 be deleted.</p>

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11	Condition 71 service vehicle bay	Condition 71 should be deleted.	The requirements of this conditions have already been included in condition 67. Therefore condition 71 may be deleted. Recommendation: Condition 71 be deleted.
12	Condition 123 Depreciation	The condition is unlawful and should be deleted.	It is agreed that Council should not charge depreciation of an RTA road, even though it would be expected that the construction vehicles would use Council's "loop road" which would depreciate as a result of construction vehicles. Recommendation: Condition 123 be deleted.
13	Condition 127 (refer to condition 44) Footpath reconstruction	The condition should be deleted.	This matter has already been discussed in point 4 above. Recommendation: Condition 127 be retained.
14	Comments at the top of page 10 relating to land acquisition	These comments should be deleted	There is no condition which requires acquisition of any portion of land. Recommendation: No change
14			Council's engineer has stated that condition 111 is related to condition 123 which has already been recommended for deletion. Condition 111 should also be deleted. Recommendation: Condition 111 be deleted.

Should you require any further information, please contact me on 9911 3607.

Yours sincerely

Rajiv Shankar
Acting Manager Development Assessment