

SUPPLEMENTARY REPORT

This supplementary report should be read in conjunction with the original development application assessment report.

Property: 86-90 Christie Street and 75-79 Lithgow Street, St Leonards

DA No: 2012SYE007, DA 11/224

Applicant: Winten Property Group

PROPOSAL

The proposed development involves demolition of all existing structures and construction of an 18 storey commercial building with basement car park for 206 cars.

REASONS FOR SUPPLEMENTARY REPORT

The applicant has lodged a submission to Council on 7 August 2012 regarding the assessment report submitted to the JRPP and identified some minor typographical errors in condition 1 of the recommendation.

The applicant also states that some plans were upgraded during the development process and their plan numbers should be amended.

Recommendation:

The following amendments to the Recommendation of the JRPP report are recommended:

1). Amend Part A of the recommendation

From:

Part A

THAT pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney East Joint Regional Planning Panel grant deferred development consent to Development Application 11/224 for the demolition of all existing structures on the following lots

To read as follows:

Part A

THAT pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney East Joint Regional Planning Panel grant deferred development consent to Development Application 11/224 for the demolition of all existing structures and construction of an 18 storey commercial building with basement car park for 206 cars on the following lots

2). Amend Condition 1 to read as follows:

1. That the development be strictly in accordance with the following drawings dated November 2011, prepared by Batess Smart except as amended by the following conditions.

- Site Plan, A02-001, Revision 2;
- Basement 001, A03-001, Revision 2, dated 21.02.2012;
- Basement 002, A03-002, Revision 2, dated 21.02.2012;
- Basement 003, A03-003, Revision 1;
- Basement 004, A03-004, Revision 1;
- Basement 005, A03-005, Revision 2, dated 21.02.2012;
- Lower Ground, A03-100, Revision 1;
- L00-Ground Level, A03-200, Revision 1;
- Level 01, A03-201, Revision 1;
- Level 02, A03-202, Revision 1;
- Level 03, A03-203;
- Level 04, A03-204, Revision 1;
- Level 05, A03-205, Revision 1;
- Level 06, A03-206, Revision 1;
- Level 07, A03-207, Revision 1;
- Level 08, A03-208, Revision 1;
- Level 09, A03-209, Revision 1;
- Level 10, A03-210, Revision 1;
- Level 11, A03-211, Revision 1;
- Level 12, A03-212, Revision 1;
- Level 13, A03-213, Revision 1;
- Level 14, A03-214, Revision 1;
- Level 15, A03-215, Revision 1;
- Level 16, A03-216, Revision 1;
- Plant Room Level, A03-217, Revision 1;
- Elevation – West, A04-001, Revision 1;
- Elevation – North, A04-002, Revision 1;
- Elevation – East, A04-003, Revision 1;
- Elevation – South, A04-004, Revision 1;
- Section AA, A05-101, Revision 1;
- Section BB, A05-102, Revision 2, dated 14.04.2012;
- Landscape Plan, LP-DA-01, Revision C, dated 23/02/12;
- Rooftop Landscape Plan, LP-DA-02, Revision B, dated 23/02/12.

3). Council officers do not agree with other requested amendments in the submission.

Attachment 1 - The submission from the applicant

Attachment 2: Council officer's response to the applicant



May Li
Senior Development Assessment Officer
Lane Cove Council



11510
7 August 2012

Peter Brown
General Manager
Lane Cove Council
PO Box 20
LANE COVE NSW 1595

Attention: May Li

Dear Sir

**DA 224/2011 COMMENTS ON DRAFT CONDITIONS
ST LEONARDS COMMERCE CENTRE**

We write on behalf of Winten Property Group (Winten) in response to Council's draft conditions for DA 224/2011. We have reviewed the draft conditions and whilst we are generally supportive of them, we have identified a few issues that we would like Council to address prior to finalisation of the conditions. These issues are discussed below.

Description of Development

The proposed description of the development in Part A states:

...Sydney East Joint Regional Planning Panel grant deferred development consent to Development Application 11/224 for the demolition of all existing structures on the following lots...

As Council is aware, the proposed development is not only for demolition but also for the construction of a 18 storey (plus plant room) commercial building. Whilst we note that the approval references the complete set of plans, to avoid any uncertainty we request that the description be amended to reflect the full description of the approved development, being:

...demolition of all existing structures, and construction of an 18 storey (plus plant room) building to a maximum height of RL 149.05 and a maximum GFA of 31,211m², including 206 car parking spaces on the following lots...

Part A

In its letter to Council, RailCorp requested that the consent not operate until the applicant satisfies the Council's Chief Executive Officer that the owners have entered into an Agreement with RailCorp.

In adopting RailCorp's request for a deferred commencement condition, Council also added the following words to the end of the condition:

*Documentary evidence as requested or the above information must be submitted to the consent authority within 12 months of the granting of this deferred commencement consent.
Commencement of the approval cannot commence until written approval of the submitted information has been given by Council.*

The reference to 'submitted information' could be interpreted as the information required by RailCorp as part of the agreement rather than just the agreement, as requested by RailCorp. The additional wording has therefore inadvertently made the condition ambiguous, as it could be interpreted that commencement of the approval cannot occur until written approval of the information required by RailCorp has been given by Council.

To prevent any ambiguity it is requested that the condition be amended to reflect RailCorp's specific request. To achieve this it is requested that Council remove the additional words at the end of the condition and insert the following words (taken verbatim from RailCorp's letter) at the start of the condition:

This is a deferred commencement consent, pursuant to section 80(3) of the Environmental Planning and Assessment Act 1979. This consent does not operate until the applicant satisfies the Council's Chief Executive Officer that the owners have entered into an Agreement with Rail Corporation NSW (RailCorp) as required in the following condition.

Condition 1

There are some minor typographical errors in the list of plans, being:

- Basement 004, A03-001, Revision 1: The plan reference refers to Basement 001 not Basement - 004 and should read: Basement 004, A03-004, Revision 1
- Level 12, A03-21-, Revision 1: A hyphen has been accidentally used instead of a 2 and should read: Level 12, A03-212, Revision 1

During the response to submissions there were also a number of revisions to the plans that should be referenced in the list of approved plans, being:

- Basement 001, A03-001, Revision 1: The plan was amended to include additional service vehicle parking and OSD, and should read: Basement 001, A03-001, Revision 2
- Basement 002, A03-002, Revision 1: The plan was amended to include additional service vehicle parking and should read: Basement 002, A03-002, Revision 2
- Basement 005, A03-005, Revision 1: The plan was amended to include additional service vehicle parking, and should read: Basement 005, A03-005, Revision 2
- Section BB, A05-102, Revision 1: This plan was amended to include the wind baffle and should read: Section BB, A05-102, Revision 2
- Landscape Plan, LP-DA-01, Revision B, dated 24/11/11: The landscape plan was amended to not show landscaping on Council's land and should read: Landscape Plan, LP-DA-01, Revision C, dated 23/02/12:
- Rooftop Landscape Plan, LP-DA-02, Revision A, dated 24/11/11: The landscape plan was not amended but was reissued as part of the revised landscape set: Rooftop Landscape Plan, LP-DA-02, Revision B, dated 23/02/12

Condition 75

Condition 75 requires a Stage 2 Site Investigation to be undertaken and that upon completion of all related earth works, a Site Audit Statement (SAS) be submitted to Council confirming the site has been made suitable for commercial use and is not subject to contamination.

It is acknowledged that a Stage 2 Site Investigation is necessary in order to determine if the site is contaminated. However a SAS can only be prepared if there is contamination on the site and that contamination has been remediated in accordance with the Remediation Action Plan prepared. If the Stage 2 Site Investigation finds that there is no contamination on the site a SAS cannot be prepared and Winten will not be able to satisfy the condition.

Accordingly, we recommend the following alternative wording:

A Stage 2 Environmental Site Assessment (ESA) is to be undertaken in accordance with the provisions of SEPP 55 and submitted to Council. Should the Stage 2 ESA require preparation of a Remediation Action Plan then upon completion of all related earth works, a Site Audit Statement is to be submitted to Council from an EPA accredited site Auditor confirming that the validation report has been completed and that the site is suitable for the commercial use and is not subject to contamination.

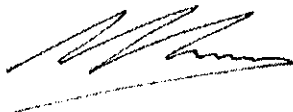
Conditions 83-85

These conditions appear to replicate the request for further information made by the RMS as part DA assessment process. This information was provided to Council and the RMS at the time of the request. On pages 13-14 of Council's assessment report, Council notes that the traffic issues raised by the RMS (following a review of the information they requested) have been adequately addressed. Conditions 83-85 are therefore not a matter of relevance to the development consent and we request that Council remove them.

Winten would appreciate if Council could make the requested amendments prior to Thursday's meeting to allow the JRPP to approve the development subject to Council recommended conditions (as amended).

Please do not hesitate to contact me on 9409 4921 or mrowe@jbaplanning.com.au.

Yours faithfully



Michael Rowe
Senior Planner

Rajiv Shankar

From: May Li
Sent: Wednesday, 8 August 2012 3:42 PM
To: Michael Rowe
Cc: Nick Karahlis; David Wilson; Rajiv Shankar; Michael Mason
Subject: 88-90 Christie Street, St Leonards, DA11/224

Hi Michael,

Council officers have reviewed your submission regarding the assessment report and would like to provide the following response:

Description of Development in Part A of the recommendation

The proposed development description in Part A should be consistent with the description of proposal to appeal on determination in Page 1 of the report.

The proposed description of the development in Part A of the recommendation could be amended as:

Demolition of all existing structures and construction of an 18 storey commercial building with basement car park for 206 cars

Part A

The consent authority of this development is JRPP. RailCorp is not the consent authority. The written approval of the commencement of the approval must be obtained from Council. We do not agree to amend this requirement to meet your request.

Condition 1

I agree that there were typographical errors in this condition and some of the plans were not updated to their latest versions. I'll amend the condition and send a memo to JRPP today.

Condition 75

The Manager of Environmental Health of Council does not agree with your comment. A SAS will address the methodology used to assess all aspects of the contamination review from preliminary investigation, detailed investigation, preparation of remedial action plan and the validation report.

The condition is to remain in its current form.

Condition 83-85

These conditions were recommended by Council's traffic engineer. Council's traffic conditions will remain, as the Council's traffic conditions are complementary to RMS's conditions. Council endorsement of RMS's conditions does not necessarily mean that the removal of conditions 83, 84 & 85 are warranted.

Regards,

May Li
Senior Development Assessment Officer
Lane Cove Council
48 Longueville Road, Lane Cove, NSW 2066
Phone: (2) 9911 3521
Fax: (02) 9911 3600

8/08/2012

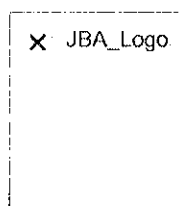
From: Michael Rowe [mailto:MRowe@jbaplanning.com.au]
Sent: Tuesday, 7 August 2012 4:50 PM
To: May Li
Cc: Rajiv Shankar; Anthony Otto; Stuart Vaughan; Michael Mason
Subject: TRIM: DA224/2011 Comments on Draft Conditions

Hi May

We have reviewed the draft conditions for DA224/2011 and whilst we are generally supportive of them, we have identified a few small issues that are outlined in the attached letter, that we would like Council to address prior to Thursday's JRPP meeting.

If you want to discuss any of them or ask any questions feel free to call me. Otherwise we'll see you on Thursday.

Regards



MICHAEL ROWE
Senior Planner

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