

12157
12 February 2013

Panel Secretariat
Joint Regional Planning Panel
Post GPO Box 3415
Sydney NSW 2001

Dear Sir/Madam,

**DEVELOPMENT APPLICATION JRPP REF - 2012SYE097 / DA REF – 343/12
211 – 223 PACIFIC HIGHWAY, NORTH SYDNEY**

We write with reference to the abovementioned Development Application (DA) and the upcoming Sydney East Joint Regional Planning Panel on 14 February 2013 where the DA will be determined. First and foremost, we support North Sydney Council officers' recommendation for approval of the DA, subject to conditions. In this regard, we would implore Panel members to support the recommendation put forward by Council's professional planning staff.

The purpose of this correspondence is to provide Panel members with additional information in order to seek to amend/delete specific conditions recommended by North Sydney Council to be imposed on any approval given. For ease of reference, a summary of proposed conditions sought to be amended/deleted is provided, along with the reasons/justification for the amendment sought.

1.0 CONDITIONS

Overall, the conditions recommended to be imposed by Council officers on any approval granted are considered to be reasonable and relevant. There are however a relative small number of conditions which we would request Panel members to re-consider and accordingly seek to have amended/deleted. The tables below outline those relevant conditions.

	Council Condition	Proponent Response
C7	c) The length of vehicular layback shall be 43.0 m, including the wings (no rolled kerb) on Angelo Street.	<p>It is not clear where the distance of 43m originates from? This could potentially be a typo?</p> <p>The length of the layback within the proposal is 15m and is incorporated with rolled kerb. This solution has been based on advice from our Traffic expert and has not been raised previously by Council as an issue during any of the pre-lodgement discussions nor during the assessment process.</p> <p>It is recommended that the condition is amended accordingly to reflect the design of the layback as per the architectural plans to be approved.</p>

	Council Condition	Proponent Response
C20All walls and floors separating units must have a weight sound reduction index (RW) of not less than 55, and an impact isolation less than IIC 55 above habitable areas.	<p>Acoustic Logic have reviewed this condition and advise of concerns with respect to its current drafting (refer to Attachment A).</p> <p>Acoustic Logic recommend that the condition is amended accordingly to either one of the following suggestions:</p> <p><i>"All walls and floors separating units must have a weighted sound reduction index (Rw) of not less than 55, and an impact isolation class (IIC) of not less than 50 excluding wet areas"</i></p> <p>or</p> <p><i>"All walls and floors separating units must have a weighted sound reduction index (Rw) of not less than 55, and an impact isolation of less than 60 Lnw excluding wet areas"</i></p>
C32	Shower facilities shall be provided and made accessible without charge to cyclists who work in the building. Details demonstrating compliance are to be submitted to the Certifying Authority for approval with the Construction Certificate.	<p>The current wording of the condition requires details of the shower facilities to be provided prior to the issue of a CC.</p> <p>It is intended however that shower facilities will be provided within each individual tenancy as required depending on the specific use. The responsibility will therefore fall to each individual tenancy (as relevant) to provide these facilities as part of the future fit-out of the spaces. It is recommended that the condition is amended accordingly to reflect this approach as follows:</p> <p><i>'Shower facilities shall be provided within each individual retail/commercial tenancy, dependent on the specific use. Details demonstrating compliance are to be submitted to the Certifying Authority prior to issue of the relevant Occupation Certificate for each tenancy.'</i></p>
C33	A total four (4) car-parking spaces for use by persons with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the carparking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate.....	<p>There appears to be a typo in this condition, and it should refer to a total of twenty-four (24) disabled car-parking spaces.</p> <p>Amend accordingly.</p>
C40	A Security Bond of \$10,000.00 for protection of trees in public places shall be deposited with Council prior to the issue of a Construction Certificate. (See schedule below).....	<p>A security of bond of \$10,000 for the protection of only one (1) tree seems to be high.</p> <p>It is requested that this bond either be waived or reduced.</p>
E1	The colour, texture and substance of all external materials shall be generally as detailed in the application as shown on Materials Image Board – drawing numbered DA-A-915A dated 12 December 2010 prepared by Dickson Rothschild.	<p>This condition seems to reference a plan from the previously approved scheme on the site.</p> <p>It is recommended that the condition is amended accordingly to reference the External Finishes Plan (Drawing A480) prepared by Koichi Takada.</p>

	Council Condition	Proponent Response
H2	One hundred and eighty nine (189) carparking spaces shall be provided and maintained at all times on the subject site. The spaces shall be allocated in the following proportions: 186 - Residential (including 3 disabled spaces) 3 - Non residential spaces	There appears to be a typo in this condition, and it should refer to a total of twenty-four (24) disabled car-parking spaces. Amend accordingly.
J6	All easements, rights-of-way, right- of- carriageway, and restrictions-asto-user as indicated on the plans submitted with the application for a Subdivision Certificate are to be registered on the title of the relevant lots, together with the following additional easements/ rights-of-way/ restrictions, naming North Sydney Council as the sole authority empowered to release or modify the same: - a) a right of footway a minimum of 3m wide as shown on the submitted plans (plan A100 Revision B).	As Council is requiring an easement for access (1.5m) along Angelo Street, it is recommended that this condition also list this requirement. Amend accordingly.

2.0 SUMMARY

We hope this submission to the Panel is useful in its consideration of the proposed DA.

In light of the merits of the proposal, we have no hesitation in supporting Council officer's recommendation for the proposed development to be approved, subject to reasonable and relevant conditions. Should you have any queries about this matter, please do not hesitate to me on 9956 6962.

Yours faithfully



Alexis Cella
Principal Planner

cc – North Sydney Council (Attention: Geoff Mossemeneer)