

ADDENDUM REPORT

JOINT REGIONAL PLANNING PANEL (East)

JRPP No	2014SYE122DA
DA Number	DA2014/10
Local Government Area	Hurstville City Council
	Construction of mixed use development comprising retail uses; 227 residential apartments and a maximum building height of 55 metres and basement parking
Street Address	23-31 Treacy Street, Hurstville
Applicant/Owner	Henlia 24 Pty Ltd - Owner Piety THP Capital Pty Ltd – applicant
Number of Submissions	Nil during notification/exhibition period. 1 Submission received following exhibition
Regional Development Criteria (Schedule 4A of the Act)	Value over \$20M
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none">▪ State Environmental Planning Policy No 55 - Remediation of Land▪ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development▪ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004▪ State Environment Environmental Planning Policy (Infrastructure) 2007▪ Hurstville Local Environmental Plan 1994▪ Draft Hurstville (City Centre) Local Environmental Plan 2014• Hurstville Development Control Plan No 2
List all documents submitted with this report for the panel's consideration	Plans and information as previously submitted
Recommendation	Deferred Commencement Approval
Report by	Laura Locke – Team Leader Major Projects

ADDENDUM

Following the publication of the original assessment report by the JRPP, Council and the Panel Secretariat have received correspondence from representatives of the adjoining owners at 33-35 Treacy Street. Council officers are also in receipt of a submission made by Hurstville City Council at its meeting on 6 May 2015.

These submissions are discussed below:

Submission by Hurstville City Council

Council at its meeting of 6 May 2015 gave consideration to a report on recent and current matters before the Joint Regional Planning Panel Sydney East.

At this meeting Council resolved as follows:

“THAT Council puts in a submission that the properties on either side of the Treacy Street application be included as part of this development application.”

According to the Council submission:

“The reasoning behind this resolution is that concern was expressed about the possibility of this development application, if approved, being inconsistent with the concept approval which extended over adjoining properties (21 and 33-35 Treacy Street Hurstville).

Notwithstanding the staging proposed it was considered that all the land subject to the concept approval should form part of the current development consent, relating in building over the entire site.”

Council officer comment: The submission has been forwarded to the JRPP for their consideration in the determination of this application.

Submission by adjoining owners at 33-35 Treacy Street

During the assessment of the proposal council received correspondence from the owners of the adjoining property (33-35 Treacy St) in relation to ensuring access for future stages would be legally available for both construction purposes and the ongoing use and management of the future stages.

Council officers are aware that meetings were held between the two parties and council officers are in receipt of several pieces of correspondence between the parties in an attempt to satisfactorily resolve access issues.

Condition 85 of the council officer's assessment report as published stated:

85. Access for Future Stages - *Prior to the issue of a strata certificate or occupation certificate over the subject site, (stage 1) easements relating to access, fire egress, support, wall openings, construction, common space and garbage shall be registered on the title of the subject land in favour of the adjoining stages 1 & 2 and consistent with the plans approved under MPI0-0101 granted by the Planning Assessment Commission, dated 1 July 2011 as modified on 4 Sept 2012 and this development consent*

Following the publication of the JRPP report a submission was received by the JRPP and council from the adjoining owners stating that the existing condition 85 was inadequate to ensure certainty for access.

As part of the submission a suggested re-wording of condition 85 was put forward along with proposed easement plans and a draft S88B Instrument. Council officers reviewed this information and sought acceptance of such by the applicant. On 19 May 2015 the applicant confirmed that they accept the condition and easements as proposed by the adjoining owner.

Council officers are satisfied that the proposed conditions as agreed on by the parties are sufficient to ensure access to the future stages is maintained.

RECOMMENDATION:

It is recommended that the Joint Regional Planning Panel approve the development as per the conditions in the original assessment report, with the modifications to the following conditions:

Condition 1 is amended as follows:

1. GEN1001 - **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Ref No.	Date	Description	Revision	Prepared by
DA03	27/01/15	Site Plan	A	Stanisic Associates Architects

DA04	27/01/15	Basement 4	A	Stanisic Associates Architects
DA05	27/01/15	Basement 3	A	Stanisic Associates Architects
DA06	27/01/15	Basement 2	A	Stanisic Associates Architects
DA07	27/01/15	Basement 1	A	Stanisic Associates Architects
DA08	27/01/15	Ground Level	A	Stanisic Associates Architects
DA09	27/01/15	Level 1	A	Stanisic Associates Architects
DA10	27/01/15	Level 2	A	Stanisic Associates Architects
DA11	27/01/15	Level 3	A	Stanisic Associates Architects
DA12	27/01/15	Level 4	A	Stanisic Associates Architects
DA13	27/01/15	Level 5	A	Stanisic Associates Architects
DA14	27/01/15	Level 6	A	Stanisic Associates Architects
DA15	27/01/15	Level 7	A	Stanisic Associates Architects
DA16	27/01/15	Level 8	A	Stanisic Associates Architects
DA17	27/01/15	Level 9	A	Stanisic Associates Architects
DA18	27/01/15	Level 10	A	Stanisic Associates Architects
DA19	27/01/15	Level 11	A	Stanisic Associates Architects

DA20	27/01/15	Level 12	A	Stanisic Associates Architects
DA21	27/01/15	Level 13	A	Stanisic Associates Architects
DA22	27/01/15	Level 14	A	Stanisic Associates Architects
DA23	27/01/15	Level 15	A	Stanisic Associates Architects
DA24	27/01/15	Roof	A	Stanisic Associates Architects
DA25	27/01/15	North Elevation	A	Stanisic Associates Architects
DA26	27/01/15	South Elevation	A	Stanisic Associates Architects
DA27	27/01/15	East & West Elevation	A	Stanisic Associates Architects
DA28	27/01/15	Section AA	A	Stanisic Associates Architects
DA29	27/01/15	Section BB	A	Stanisic Associates Architects
DA30	27/01/15	Section CC	A	Stanisic Associates Architects
DA31	27/01/15	Section DD	A	Stanisic Associates Architects
101	21/01/15	Ground floor/Streetscape	C	Site Image
102	21/01/15	Level 1 Summer Courtyard	C	Site Image
103	21/01/15	Level 4 Central Courtyard	C	Site Image
104	21/01/15	Level 7 Sunset Courtyard	C	Site Image

105	21/01/15	Level 10 Sunrise Courtyard	C	Site Image
-	11/05/12	Materials Finishes and Colours Board		Stanisic Associates
34357-41796EA SE Sheets 1-9	14/04/15	Easement Plans		LTS Lockley Registered Surveyors NSW
34357-41796 Annexure B	17/04/15	88B Instrument		LTS Lockley Registered Surveyors NSW

Condition 85 is amended to read:

85. Access for Future Stages & Other Easements - Prior to the issue of any strata certificate or any interim or final occupation certificate over the subject site, (Stage 1 - Centre Stage) easements relating to access, fire egress, support, wall openings, construction, common space and garbage shall be registered on the title of the subject land in favour of the adjoining stages 2 & 3.

The easements must be created and registered accordance with:

a) LTS Lockley Registered Surveyors NSW Plan Ref 34357-41796EASE dated 14-042015 Sheets 1 to Sheet 9 inclusive.

b) LTS Lockley Registered Surveyors NSW Draft Section 88B Instrument "Annexure B - 34357-41796 Annexure B Draft part1 88B

The terms of the extent and terms of the required easements may only be varied or released with the consent of the benefited lots and the relevant consent authority