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15 August 2017

Ms Kim Holt
Planning Panels Secretariat
Sydney Central Planning Panel
Level 22, 320 Pitt Street
Sydney NSW 2000

Dear Ms Holt,

2017SCL024 DA – RANDWICK – DA/132/2017 – 32-36 DANGAR STREET, RANDWICK NSW 2031

1. INTRODUCTION

We write on behalf of our client, Sir Moses Montefiore Jewish Home (SMMJH), in respect of the above matter scheduled before the Sydney Central Planning Panel (the Panel) on 17 August 2018 at 1:30pm–**DA/132/2017**.

Draft conditions of consent have been provided to us by Council along with their assessment report dated 25 July 2017. We provided Council with some preliminary comments for their consideration on 7 August 2017 and we were advised these comments 'could be discussed with the Panel at the meeting'.

The purpose of this letter is to outline to the Panel (in advance of the meeting) which conditions we seek to amend as part of the Panel meeting. These proposed amendments are largely administrative matters or clerical errors, rather than matter that change the outcome of the overall development.

We have provided a summary of each of the conditions below, including their proposed amendments shown as strike-through or amended **in red**, as well as the reason for the change.

We hope this letter allows the matter to be addressed easily at the panel meeting.

2. DRAFT CONDITIONS SOUGHT TO BE AMENDED

Approved Plans & Supporting Documentation

Condition 1 - *The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:*

| Plan | Drawn by | Dated | Received by Council |
|------------------|---|--------------|----------------------------|
| DA0000 Issue 2 | Jackson Teece | 13/02/2017 | 13 June 2017 |
| DA0100 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA0103 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA1201 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA1202 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA1203 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA1204 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA1205 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA1206 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA1207 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA1208 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA1209 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA1210 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA3202 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA3203 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA4201 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA4202 Issue 2 | | 13/02/2017 | 13 June 2017 |
| DA9030 Issue 1 | | 29/05/17 | 13 June 2017 |
| DA9031 Issue 1 | | 29/05/17 | 13 June 2017 |
| DA – L-101 Rev K | Jackson Teece Oculus | 19/05/17 | 13 June 2017 |

Reason – The correct author of Drawing DA – L-101 Rev K is Oculus (not Jackson Teece).

Section 94A Development Contributions

Condition 5 – *In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$88,726,000 the following applicable monetary levy must be paid to Council: \$887,260.00.*

*The levy must be paid in **cash, bank cheque** or by **credit card** prior to ~~a construction certificate~~ **an occupation certificate for the first completed building (i.e. Building E or F, whichever occurs first) being issued for the proposed development**. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.*

To calculate the indexed levy, the following formula must be used:

$$IDC = ODC \times CP2/CP1$$

Where:

IDC = the indexed development cost

ODC = the original development cost determined by the Council

CP2 = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment
CP1 = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at www.randwick.nsw.gov.au.

Reason – The proponent seeks to revise the date of payment from ‘prior to Construction Certificate’ to ‘prior to Occupation Certificate’.

The proposed construction will also be occurring along with Building D (a separate matter for approval with the Department of Planning and Environment) and consequently, there is significant up-front expenditure in the overall construction process. The deferred payment will greatly provide Montefiore, a not-for-profit organisation, greater ability to manage cashflow and already committed programs and services for its residents during the construction process.

We note that the payment is indexed, and consequently the payment to council at a later time will reflect this. Furthermore, the principle of Section 94, being the provision (or funding) of services and amenities to meet the demand for additional needs, will not be jeopardised as the potential demand for these services will only arise once the residents of the building move in (i.e. after an Occupation certificate is provided).

Sydney Airport

Condition 29 - *The maximum height of the proposed buildings, is granted to a maximum of ~~RL64.83 for Building E~~ RL 64.83 and RL58.53 for Building ~~RL66.73 (including antennas)~~. A maximum building height for Building E of RL 64.83 +900mm and RL58.53 +900mm for Building F, as denoted in the Sydney Airport Corporation Limited letter to Council dated 4 April 2017 (Reg No: 17/0269). Should these heights be exceeded, a new application may be required to be submitted unless written consent is obtained to exceed these heights. SACL advises that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct. Information requirements are contained in the letter identified above. Details demonstrating compliance shall be incorporated in the Construction Certificate drawings to the satisfaction of the Certifier.*

Reason – The RLs approved as part of the Concept Plan approval are Building E RL 64.83 + 900m and RL58.53 + 900mm for Building F. This equates to a maximum RL of the buildings to RL65.73 with an additional 1m for antennas. As such Building E will have a maximum RL of 65.73 and Building F a maximum RL of 59.43 as per the Concept Plan Approval. It is noted that an antenna does not contribute to maximum building height as defined in the Standard Instrument, however needs to be taken into consideration by SACL for the purpose of this condition. To reflect the above, we have provided Council with a revised form for formal approval by SACL.

Design Alignment levels

Condition 39 – *The above alignment levels and the site inspection by Council’s Development Engineering Section have been issued at a prescribed fee of ~~\$10164~~ \$5985 calculated at \$57.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.*

Reason – The King St frontage for Buildings E & F is only 105m, Buildings C and D are not included in this proposal. At a rate of \$57/m, the fee should equate to \$5,985.

Undergrounding of Power

Condition 126 – *The applicant shall meet the full cost for the overhead power lines and/or telecommunication cables located along the ~~Danger Street~~ King Street site frontage to be relocated underground. The applicant shall liaise directly with the relevant service utility authorities to organise for the cables to be relocated. All cables must be relocated underground to the satisfaction of the relevant service utility authority prior to the issuing of an occupation certificate for the development.*



Reason – As no works are proposed on Dangar Street, this condition should instead reference the King Street frontage.

If you have any questions please don't hesitate to contact me on 02 8233 9900.

Yours sincerely,

A handwritten signature in black ink, appearing to read "efh", written in a cursive style.

Emma Fitzgerald
Consultant - Planning

CC Roger Quinton - Randwick City Council