

Response to letter submitted by Gyde Consulting dated 6 September 2022

Condition 13 – Basement Car Park Design & Construction

Council accepts the applicant's proposed wording which amends sub-clause ii) to read as follows:

“(ii) Parking bays must not be enclosed, caged or doors provided, with the exception of designated parking for Units A8.01 – A8.03 and Units B8.01 – B8.03, inclusive.”

Condition 20 – Lot Consolidation

The applicant is seeking to delay consolidation of the lots until just prior to the issue of an occupation certificate. Council understands the applicant's issue with not wanting to hold up construction certificate issue and is therefore accepting of a modification to the wording of the condition but not as requested. The modified wording would state that:

“Prior to the issue of a construction certificate the application for consolidation of the lots is lodged with Land Registry Services and registered prior to the issue of an occupation certificate....

Condition 45 – Sydney Water

The wording of this condition is as specified by Sydney Water. Any change to it would require Council liaison with Sydney Water. This could be achieved but would have to occur by way of a s4.55 modification.

Condition 50 – Car Parking Areas

The applicant is seeking that sub-clause i) be deleted from the condition on the basis that timed parking will need to be incorporated within the commercial carpark in order to limit it being used by beach goers or commuters. The applicant has advised that a 1 hour free period for parking would be permitted, after which users would be charged. Condition 50 currently states the following:

50. Car parking Areas

A. Ongoing

To ensure that the car parking area satisfies the demands of the development:

- i) All commercial car parking must be made available on an unrestricted basis and*

free of charge at all times for employees' and visitors' vehicles

- ii) Any residential car parking nominated as visitor parking must be continually available as common property in any future subdivision.*

B. Ongoing

The car parking provided must only be used in conjunction with the dwellings and / or tenancies contained within the development and not for any other purpose.

Council's standard policy is to require that all development required to meet the needs of the development be provided free of cost. This requirement has been varied on occasion however, particularly for larger retail developments. Council will consider an amendment to the condition but will require further information from the applicant and assessment by Council in order to resolve the appropriate time-frame for the free parking period.

Condition 54 – NSW Police

This issue will be discussed further with the Panel at the briefing.

In addition to the above, the applicant emailed Council on 8 September to request clarification around Condition 16 of the draft conditions.

Condition 16 – Design of Structures Adjoining Drainage Easements

There are a number of easements affecting the site (right of carriageway, sewage, and for electrical transmission wires) but none for stormwater. Council's engineers have advised that this conditions was included in error and can be removed from the draft conditions.