

Attachment B

**Meriton email requesting modifications to
recommended conditions 22.06.20**

Ben Chamie

From: Walter Gordon <walterg@meriton.com.au>
Sent: Monday, 22 June 2020 4:00 PM
To: Andrew Thomas; Ben Chamie
Subject: 94-104 Epsom Road
Attachments: Correspondance.pdf

Andrew and Ben,

We are disappointed with the proposed conditions as they do not allow construction activity to commence upon Development Application approval because many conditions require further approval by Council before we start on site, which was sought in our letter dated the 13 May 2020 and email dated the 29 April 2020. The conditions sought to be changed are consistent with what was changed for 811 Elizabeth Street, and it would be better to change them now rather than after the CSPC.

For settlement to proceed, the conditions must be amended as follows and the retaining wall encroachment resolved as we are not getting a clear title.

Condition 2(e) Colours and designs

Delete Colours and designs are notated on the DA plans.

Condition 2(f) – Music Room

Delete. Any requirement for a music room should have been sought during the design competition and excluded from floor space calculations. Consistent with 811 Elizabeth Street Zetland, this condition is to be deleted.

Condition 3 – Plenum - timing

The information requested does not affect any works below ground level. As with 811 Elizabeth Street Zetland, this condition be reworded to provide the information prior to above ground works. Note in general, we object to the entire condition.

Condition 4(a) – paving in communal open space.

Communal open space has been provided in accordance with the ADG and is onerous by excluding pathways. Communal open space requires access and there is nothing saying pathways are to be excluded. No condition for 811 Elizabeth St Zetland required this.

Condition 4 – put back original extent of green roofs

This has no effect on above ground works and the information must be provided to Council prior to the final fitout construction certificate.

Condition 5 tree management and design

Delete – this can require a total redesign which is unacceptable. The condition should only require the protection of the trees during construction. No such similar condition was required for 811 Elizabeth Street Zetland.

Condition 7(a)(i) – Design Architect involvement

Remove the wording contract documentation. Architects are not involved with contracts as they are sensitive business details.

Condition 10(b) – Public Art timing

This condition was amended for 811 Elizabeth Street to have the information prior to the issues of a fitout construction certificate. We request this to be the same for consistency, given the time it take to get approved.

Condition 10(c)

This condition was amended for 811 Elizabeth Street to have the public work installed prior to the issue of the first Occupation Certificate for the last building within the development. We request this to be the same for consistency, given the time it take to get approved.

Condition 11 – Waste Management

A Waste Management plans was submitted. Why are we having to get approval again?

Do we comply

Condition 13(a) - Root Investigation

Timing should be prior to a shoring wall construction certificate along Epsom Road.

Condition 20(a) – Public Domain

The consent for 811 Elizabeth Street Zetland required a public domain plan to be approved prior to the issue of the public domain construction certificate as it does not relate to the construction of the development on private land. This must be amended accordingly.

Condition 21 - Contributions

We are very disappointed that this condition was not staged as requested given the COVID-19 pressure on financing projects. The State Government has given clear guidance on this matter and under the unusual circumstances the conditions should at the very least be paid proportionately prior to occupation of each completed building.

Condition 27 – Loading Dock Management Plan

811 Elizabeth St was conditioned prior to occupation to be submitted and approved by Council. This condition should be amended as it is not related to construction.

Condition 34 – Cost of Roads

This condition is in correct. The VPA states the road construction is at the cost of Council. Please amend accordingly.

Condition 35(b) - timing of information for bicycle parking

811 Elizabeth St condition was amended to be submitted to Council prior to Construction Certificate for above-ground works. This should be prior to Occupation of the first building.

Condition 43 and 44

This is a typographical error. Condition 43 should relate to the RMS requirements and no separate DA Required for Use. Condition 44 should be Use – Separate DA Required as it relates to fitout of specific commercial /retail uses.

Condition 52(d) - timing of information for acoustic report

The timing of the approval by Council should be prior to the issue of the fitout construction certificate next to Gunyama Park. Acoustic requirements do not relate to the structure of the building and only relates to the units directly facing the park.

Condition 53 - timing of information for excavation management plan

Information should be prior to the construction certificate for the basement. Council should already have one during excavation already undertaken of the site and for the separate excavation DA lodged with the Council.

Condition 91 - Demolition

Delete – Council has already demolished buildings and excavated.

Condition 92 - Dilapidation

All reference to Gunyama Park to be removed. The park is not completed and Council has built retaining walls encroaching on the site to be purchased.

Condition 93

Typographical errors in the report.

Condition 126(a) – Stormwater and Drainage

The timing is inconsistent with how 811 Elizabeth Street was approved. Reference to any construction certificate be replaces with “a” construction certificate.

Condition 129

Typographical errors. The Note is for condition 128 and the remainder for the art works on scaffold.

Condition 132

Typographical errors. Relates to condition 131 and the Road Network and Geometric Road Design heading is for the next condition.

Condition 157(a) – Hours

Can you please include Saturday to 5.30pm for finishing concrete pours of large slabs and washing of concrete pumps.

These are the immediate conditions that will delay work commencing after a Development Application is approved as further Council approvals are required for construction certificates, which will delay settlement.

Can you please confirm that these conditions can be amended prior to the CSpC meeting as there are many people that rely on jobs to commence work during these difficult times.

Yours sincerely,

Walter Gordon

Head of Planning and Development



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Please consider the environment before printing this email

Walter Gordon

From: Walter Gordon
Sent: Wednesday, 29 April 2020 2:00 PM
To: 'athomas@cityofsydney.nsw.gov.au'; Ben Chamie; Cindy Ch'ng; Ross Meachin
Cc: Norelle Jones
Subject: 94 Epsom Road Zetland

Andrew,

Council now has everything to process the Development Application approval for 94 Epsom Road Zetland. The changes to the plans and reports have addressed all relevant comments and we now look forward to a recommendation for approval to the next CSPC meeting.

Draft conditions must be provided at least 2 weeks prior to the CSPC meeting to ensure the DA is operational in accordance with the contract of sale. This mean there are to be no conditions that require us to get further approvals from the Council.

As previously discussed, we request that payment of contributions occur at occupation. Our business is just like others. We have been hit hard with the closure of 90% of all Serviced Apartment/Hotel rooms across Australia. Just like other businesses, we need to carefully manage cashflow and keep people employed, and for us, we are not eligible for the Job Seeker payments, so it is even more paramount that contributions are payable at occupation.

To manage the cashflow, we are also going to construct in two stages. The first stage consists of us constructing buildings north of Rose Valley Way, and the second stage being south of Rose Valley Way. Therefore payment of contributions at occupation is to occur following completion of each stage. Under the current pandemic circumstances this the only way for us to manage construction commencing on site, and we would see this as being part of an operational consent in accordance with the contract of sale.

Can you please confirm when the next available CSPC meeting will take place, and that Council agrees with payment staging and occupation during these times.

Yours sincerely

Walter Gordon
Head of Planning and Development



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13 May 2020

Ben Chamie
Planning Assessments
City of Sydney
Town Hall House
456 Kent Street
SYDNEY NSW 2000

By e-mail: bchamie@cityofsydney.nsw.gov.au

Dear Ben

**D/2019/976 94-104 EPSOM ROAD, ZETLAND
MIXED USE DEVELOPMENT – RESIDENTIAL APARTMENTS AND CHILD CARE CENTRE
SECTION 7.11 DEVELOPMENT CONTRIBUTIONS**

We write with reference to our development application (DA) for a mixed use development at the above site. The additional information requested by Council has now been lodged; we trust that Council is now in a position to finalise the assessment of the DA and that we will shortly receive the draft conditions of consent for review.

We request that in drafting these conditions Council refer to Section 3.17.2 of our Statement of Environmental Effects (SEE) which requests that the wording of conditions relating to development contributions payable under Council's Development Contributions Plan be flexible enough for payment to be made in instalments. We further request that the timing for payments be deferred to prior to the Occupation Certificate of the final apartment for each component of the development that creates a demand for the services and facilities listed in the works schedule of the Contributions Plan.

In addition, and in light of the current pandemic and the flow on effects that this is having on the construction industry and wider economy we have reviewed the staging of this development and have determined that the future development of the site will proceed in three stages as follows:

- Stage 1 – Building A
- Stage 2 – Building B
- Stage 3 – Building C

Stage 1, involving the building fronting Gunyama Park, will commence immediately upon issue of a workable development consent. Stages 2 and 3 will proceed at a later date in response to market conditions.

Finally, we would like to take this opportunity to remind Council of the provisions of the Sale Contract, which stipulate that the sale is subject to the issue of a workable development consent and that development conditions applied to the consent must not require further approvals from Council before a Construction Certificate may be issued.

Yours faithfully

Karimbla Constructions Services (NSW) Pty Ltd



Walter Gordon
Head of Planning & Development