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Department of Planning & Infrastructure
Metropolitan & Regional Projects South
Attention: Simon Truong
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PCU023843

GM (PDS)

Department of Planning
Received
4 JUL 2011
Scanning Room

27 June 2011

Dear Simon

**Re: Part 3A – 71-81 Berry Street & 88 Walker Street, North Sydney
s.94 Contributions and existing GFA calculations**

I refer to your letter dated 14 June 2011 concerning the Section 75W modification of the development consent at the above address.

You are advised that Council scheduled a meeting with JBA, the proponents for the above development application, on 19 April 2011 to discuss the potential for undertaking works in kind in lieu of paying development contributions as required under Condition B4 of the development consent for the Part 3A application applying to the property.

During the review of the s.94 Contributions conditions under the development consent and the amendment to the development consent, a number of discrepancies were noted. The discrepancies revolve around the extent of existing gross floor area (GFA) applying to the development. The discrepancy is indicated in the table below:

	Original Application	Modified Application	Difference
Proposed GFA	70,950 sqm♠	63,782 sqm♠	
Existing GFA	11,156 sqm	14,800 sqm	3,644 sqm
Additional GFA*	59,794 sqm	48,982 sqm	

♠ Figures specifically stated within either the applicant's documentation or the DoP's assessment as provided on the DoP's website.

* The additional GFA figures were determined from the amount of contributions payable.

The difference between the existing GFA figures are questioned, given that these figures should not have changed between applications. A review of all the documentation on the Part 3A register section of the DoP's website determined that nowhere in the applicant's documentation or the Department's assessment of the applications reveal the extent of the existing gross floor space.

Ben Boyd, Council's Strategic Planner spoke to Andrew Smith on 19 April 2011 regarding the discrepancy in the existing GFA figures. Andrew was the Team Leader for the assessment of the original and modification applications. He had also written the assessment report for the original application. He advised that the proponent had not provided existing GFA figures for the original application. However, figures were obtained from Andy Nixey of North Sydney Council who had determined the existing GFA figures based on information available to Council at the time. With respect to the modification application, he advised that whilst the applicant had not originally provided the relevant information with the lodgement of the application, the applicant had provided the Department with the existing GFA figures via email during the assessment of the modification application. A copy of this email was forwarded to Council for information purposes.

The email contained a spreadsheet which outlined how the existing GFA had been calculated. The spreadsheet indicated that the site had a total existing GFA of 14,800 sqm. This comprised a breakdown of 3,524 sqm for 88 Walker Street and 6,094 sqm for 77-81 Berry Street. However, when the two individual existing GFAs are added together, they are short by 5,182 sqm. The matter was raised with Andrew Smith who advised that he was unable to provide an answer to this discrepancy at this point in time due to the relevant assessment planner of the modification application being on leave. Andrew suggested that Council raise the issue with the applicant during the meeting with JBA.

If the existing GFA as determined by Council is deemed correct, the modified application results in a loss of \$405,478.44 in section 94 contributions.

If the applicant's individual property existing GFAs are deemed correct, the modified application results in a loss of \$576,616.16 in section 94 contributions.

The difference in the existing GFA will also have an impact on the Railway Contributions Payable. The difference is almost to the same quantum as indicated under the scenarios above (\$390,782.56 and \$555,717.68 respectively).

Accordingly, further investigation is required to determine the extent of the existing GFA to ensure that the correct level of Section 94 Contributions and Railway Contributions are paid.

At its meeting with Council officers on 19 April 2011, the applicant was advised of the discrepancy in the existing GFA figures. Jenny Buchanan from JBA advised that they would forward to Council the detailed surveys that had been undertaken to determine the extent of the existing gross GFA.

On 20 June 2011 Jenny Buchanan advised that they have been in the process of reviewing the existing GFA information to ensure that the correct figures have been identified. This review has yet to be completed.

With regard to the current Section 75W application, Council requests that the information on existing GFA is sought from the applicant. The GFA should be shown on plans and certified by Surveyor or Architect. Once the correct (or verified) information is received the contributions can be amended/corrected. With regard to the remaining modifications Council seeks until Friday 8 July to provide a submission to the Department.

Should you wish to discuss this matter please contact Geoff Mossemeneer on 9936 8354 or by email: Geoff.Mossemeneer@northsydney.nsw.gov.au.

Yours faithfully



Geoff Mossemeneer
EXECUTIVE PLANNER