

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 15 JULY 1999

Meeting No 224

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 15 July 1999 commencing at 5.15pm.

INDEX TO MINUTES

Subject	Page No
1. Confirmation of Minutes	37
2. Matters Arising from the Minutes	37
3. Development Application: 259-293 Kent Street, 20-66 Sussex Street, 1 Sussex Lane and 1A Napoleon Street, Sydney	37
4. Development Application: 653-659 George Street, Sydney (known as Citivilla)	39
5. Development Application: 469-481 Kent Street Sydney (Civic House).....	52
6. Heritage Floor Space System: Report on Supply and Demand	53
7. Plan Making in NSW - Discussion Paper Regarding the Review of Part III of the Environmental Planning and Assessment Act 1979	54
8. Development Application: Department of Urban Affairs and Planning Referral - Sydney Cove Passenger Terminal, Circular Quay West	54
9. Submission on the Draft Master Plan for the former Government Printing Office Site and the former Australian Mortgage Land and Finance Company Site, Harries Street, Ultimo - Referral from the Department of Urban Affairs and Planning.....	55
10. Department of Urban Affairs and Planning Referral - Draft Masterplan Amendment McCaffery's Hill, former CSR Site, Pyrmont	55
11. Development Application: McCaffery's Hill - Residential Development, Lend Lease CSR Site, Pyrmont - Department of Urban Affairs and Planning Referral.....	56
12. Development Application: Sites 4/5 and 8/9, Wharves 9 and 10, Darling Harbour	56
13. Development Application: Bond Store 4 East, Walsh Bay - Department of Urban Affairs and Planning Referral.....	57
14. Development Application: Pier 8/9, Walsh Bay - Department of Urban Affairs and Planning Referral.....	58
15. Presentations by Applicants and Preliminary Advice	58
16. New Development Application Lodgements and Delegated Items	58
17. Progress Report on Development Applications	58
18. General Business.....	59

PRESENT

Councillor Graham Jahn (Alternate Member for The Hon Councillor Henry Tsang MLC)
(Chairman)

The Right Hon the Lord Mayor Councillor Frank Sartor, Mr Neil Bird, Dr Deborah Dearing (Alternate Member for Ms Sue Holliday (Director-General Department of Urban Affairs and Planning), Mr Chris Johnson, Mr Paul Reid (Alternate Member for Ms Antoinette le Marchant) and Councillor Julie Walton.

The Director City Development was also present.

ELECTION OF CHAIRMAN

An apology was received from the Lord Mayor, Councillor Frank Sartor, who was unable to attend the start of the meeting owing to a prior commitment. An election for the position of Chairman was held in accordance with Clause 14(1) of Schedule 1 of the City of Sydney Act 1988. Nominations for the position of Chairman were called. One nomination was received and accepted by the candidate, as follows:

Councillor Jahn - nominated by Mr Bird, seconded by Councillor Walton.

On being put to the vote, Councillor Jahn was declared elected as Chairman and took the Chair at 5.15pm.

The Lord Mayor, Councillor Frank Sartor, arrived at the meeting of the Central Sydney Planning Committee at 7.14pm during discussion on Item 13 and left at 7.18pm.

The Lord Mayor, Councillor Frank Sartor, returned to the meeting of the Central Sydney Planning Committee at 7.50pm at the conclusion of discussion on Item 14.

Councillor Jahn continued as Chairman of the meeting.

APOLOGIES (S006712)

An apology was received from The Hon Councillor Henry Tsang MLC who was unable to attend the meeting owing to a prior commitment.

An apology was received from Ms Sue Holliday who was unable to attend the meeting owing to a prior commitment.

An apology was received from Ms Antoinette le Marchant who was unable to attend the meeting owing to a prior commitment.

Resolved on the motion of Councillor Walton, seconded by Councillor Jahn -

That the apologies from Councillor Tsang, Ms Holliday and Ms le Marchant be received and leave of absence granted.

ITEM 1. CONFIRMATION OF MINUTES (S006712)

Resolved on the motion of Mr Johnson, seconded by Mr Bird -

That the Minutes of the Central Sydney Planning Committee held on 10 June 1999 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S006712)

There were no matters arising from the Minutes of the Central Sydney Planning Committee meeting held on 10 June 1999.

ITEM 3. DEVELOPMENT APPLICATION: 259-293 KENT STREET, 20-66 SUSSEX STREET, 1 SUSSEX LANE AND 1A NAPOLEON STREET, SYDNEY (D1999/00078)

Resolved on the motion of Councillor Walton, seconded by Dr Dearing -

That arising from consideration of a report by the Executive Manager to the Central Sydney Planning Committee on 15 July 1999, in relation to Development Application D99-00078 made by Multistar Pty Ltd to retain the existing Moreton's Hotel and adjoining stairs and to demolish all other existing structures on the site, and to construct a mixed use development comprising three residential towers over a podium consisting of 441 apartments and a 7 level commercial building and including 476 residential and tenant car spaces and a public car park for 800 spaces, it be resolved that the application be refused for the following reasons:-

- (A) the proposed development is inconsistent with Clause 12 (f), (h), (i), (j), (l), (m), (n) of the General Objectives and Clause 18 (c), (d), (f), (i), (j) and (l) of the City Centre Zone Objectives and Central Sydney Development Control Plan 1996 in general, in that the proposed development would result in:
- (1) an inadequate separation between the towers;
 - (2) poor residential amenity as a result of the proximity of residential towers A and B adjacent to the Western Distributor;
 - (3) excessive bulk created by the relationship of the proposed width to height of towers B and C;

- (4) an adverse impact on the heritage significance of the Moreton Hotel and the Erskine Street group of terraces as a result of the scale of the development, compounded by the minimal setback proposed from Sussex Lane in relation to the Erskine Street terraces and the stairway in relation to the Moreton Hotel;
 - (5) an adverse impact of the proposed development with its streetscape setting as a result of the scale and massing of the podium which fully infills the block;
 - (6) an undesirable impact on the streetscape and cityscape as a result of the unsatisfactory external design detail and selected materials and finishes;
 - (7) a detrimental impact on views into the city and from the city as a result of the proposed bulk and placement of the towers and inadequate setbacks above street wall height from Kent, Sussex and Napoleon Streets, and new Sussex Lane, inadequate setbacks above street wall height from Kent, Sussex and Napoleon Streets, and new Sussex Lane;
 - (8) an undesirable impact on the level of activity at street level as a result of an inadequate provision for active uses;
 - (9) a detrimental impact to the environmental quality of the city and the aim of encouraging the greater use of public transport as a result of the proposed operation of the public car park as a commuter car park;
 - (10) an undesirable impact on the streetscape as a result of the location of the car park above ground level in Sussex Street;
 - (11) an undesirable impact on the streetscape as a result of the introduction of four vehicular crossovers from Kent Street and Sussex Street to provide vehicular ingress/egress to the retail tenant and residential car spaces and public car park to the detriment of the Kent Street and Sussex Street streetscape;
 - (12) an undesirable impact on the heritage significance and amenity of the Moreton Hotel which is a heritage item, as a result of the location of the Sussex Street vehicular crossovers adjacent to the Moreton Hotel;
 - (13) an undesirable environmental effect as a result of adverse wind conditions arising from the development; and
 - (14) an undesirable effect as a result of the adverse impact of reflectivity created by the development;
- (B) the proposed development is inconsistent with draft Central Sydney Local Environmental Plan Amendment No 8 - Urban Form;
- (C) the proposed development is inconsistent with Central Sydney Development Control Plan 1996 Amendment No 5 - Residential Amenity;
- (D) the proposed development is inconsistent with exhibited draft Central Sydney Development Control Plan Amendment No 7 - KENS Site Development Control Plan;

- (E) the proposed development is inconsistent with clause 7 (9) of Central Sydney Local Environmental Plan 1992 - Conservation of Heritage Items;
- (F) the proposed development is inconsistent with clause 17 of exhibited draft Central Sydney Heritage Local Environmental Plan 1998;
- (G) the inclusion of a public car park for 800 cars is inconsistent with Clause 12 (l) General Objectives, and Clause 47 (a) (b) and (d) of Central Sydney LEP 1996 which aim to minimise commuter traffic and encourage the greater use of public transport; and
- (H) the inclusion of a public car park at the proposed location and hours of operation is inconsistent with exhibited draft Local Environmental Plan 1996 Amendment No 9 - Public Car Parking.

ITEM 4. DEVELOPMENT APPLICATION: 653-659 GEORGE STREET, SYDNEY (KNOWN AS CITIVILLA) (D99/00373)

Ms Sandra Robinson, JBA Berkhout, addressed the meeting of the Central Sydney Planning Committee on this matter.

Resolved on the motion of Councillor Walton, seconded by Mr Johnson -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 July 1999 in relation to Development Application D99-00373 made by Krikis Tayler Architects Pty Ltd for the site at 653-659 George Street, Sydney for change of use of the existing building to serviced apartments and alterations and additions, it be resolved that:-

- (A) the objection made under State Environmental Planning Policy No 1 - Development Standards, in respect of the development's non-compliance with clause 36 concerning the site's maximum floor space ratio control of 9:1 under the provisions of Central Sydney Local Environmental Plan 1996 is supported as strict compliance with the standard would be unreasonable and unnecessary in the circumstances of the case for the following reasons:
 - (1) the additional floor space proposed does not affect the approved envelope of the building (see DA No.94/00535) nor the environmental effects resulting from that envelope;
 - (2) the works associated with the additional floor space proposed improve the amenity of the proposed service apartments;
 - (3) the building is substantially constructed; and
 - (4) the additional floor space and associated works allow for a use of the building that is considered to be in the public interest in respect to the provision of visitor accommodation prior to the Sydney 2000 Olympics;

(B) consent be granted subject to the following conditions:

Schedule 1A

Approved Development, Contributions and Covenants

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. 1999/00373 dated 31 May 1999 and Statement of Environmental Effects titled "Proposed change of use from residential to serviced apartments" prepared by JBA Urban Planning Consultants Pty Ltd dated May 1999 and drawings numbered DA-01 to DA-11 prepared by Krikis Tayler Architects dated 25 May 1999 and as amended by the following conditions:

FLOOR SPACE RATIO

- (2) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 12.8 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development is 8,819 sqm.
 - (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development.

HERITAGE FLOOR SPACE

- (3) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979 the applicant is required to purchase 0.7 of the approved floor space ratio as Heritage Floor Space, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced that 482 sqm of Heritage Floor Space was allocated (purchased and transferred) to the development, being that floor space in excess of 12.1 as specified in the Central Sydney Local Environmental Plan 1996.

DEMOLITION/SITE RECTIFICATION

- (4) The following conditions apply to the development:-
 - (a) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.

- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided that the owner of the site has entered into a Deed with Council, the cost of preparation and execution of such Deed (including stamp duty and registration fees) to be borne by the applicant, which contains such conditions as the General Manager of the Council reasonably requires to ensure the matters set out in this condition are adequately provided for.
- (c) Without limiting the generality of paragraph (b), the Deed must provide for:-
- i. a bank guarantee to be provided in the sum of \$400,000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed \$400,000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works that meet the objectives of the condition.
 - ii. Council to be given sufficient contractual rights to be able to ensure that in any of the following events namely:
 - a. demolition of the existing building has commenced but not been completed;
 - b. the existing building has been demolished; or
 - c. the site has been excavated; or
 - d. the structure has commenced to be erected;
 - e. that it, or any person authorised by it, may enter the site and carry out such works at the cost of the applicant (or such other person as the consent authority may approve) as may be then appropriate in the circumstances in each of the abovementioned events, to:
 - f. make the building safe and attractive at ground level;
 - g. allow the ground level to be landscaped and made attractive from any public vantage point; or
 - h. for the hole to be covered to allow it to be landscaped and made attractive from any public vantage point; or
 - i. in the event that the new building is constructed beyond the ground floor, to allow any hoardings to be removed and the ground floor development to be completed to a tenatable stage;

- j. AND to call on such bank guarantee to cover the cost thereof.
- (d) If the site is commenced to be developed and there is suspension in activity for 6 months (or suspensions of activity which in the aggregate exceed 6 months), resulting in an unattractive building site appearance, then the Council will have the readily enforceable rights to:
- i. require certain works including but not limited to those works necessary to achieve the results referred to in sub-clause (c) (ii)e. - h. to take place on the site; and
 - ii. in the event of default, shall have the right to enter and carry out these works and to call upon security in the nature of a bank guarantee to cover the cost of the works.

APPROVED DESIGN

- (5) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

Note:

In this instance the proposal amends the external appearance of the subject building in respect to the north side elevation otherwise all the remaining conditions and approved details of Development Application 1994/00535 remain in force.

CONSISTENCY OF DRAWINGS

- (6) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.

BOUNDARY WINDOWS

- (7) All windows adjacent to the side boundaries of the site must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. A covenant to the approval of Council is to be placed on the title of all units facing the affected boundary to this effect. Evidence of the creation of the covenant is to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note:

The covenant will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.

PROVISION OF BICYCLE FACILITIES

- (8) A secure bicycle storage area for a minimum of 5 bicycle is to be provided in the basement car parking level.

SERVICE CAR PARKING

- (9) All car parking within the basement level is to be used for service and delivery vehicle parking only and not commuter car parking.

Schedule 1B

Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority

PUBLIC ART

- (10) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

ACCESS FOR PERSONS WITH A DISABILITY

- (11) Access for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (Form 10 Environmental Planning and Assessment Act Regulation 1998) must be provided, and copy submitted to Council.
- (12) Access to a minimum of 1 unit shall be provided in accordance with AS 1428.1.

DESIGN OF FOOD PREMISES

- (13) All parts of the premises to be used for or in connection with the delivery, storage, preparation or service of food or beverages must be designed, constructed and have facilities which comply with the National Code for the Construction and Fitout of Food Premises, the Food Act 1989, and the Food (General) Regulation 1997. The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.
- (a) Plans and specifications of the design together with Certification of Design, must be submitted to the satisfaction of either:
- i. the Certifying Authority with the construction certificate application, ie.

- a. *an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
- b. *Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Certifying Authority is the Council,

OR

- ii. the Principal Certifying Authority prior to the commencement of the work, ie.
 - a. *an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate; or
 - b. *Certification in the form of Attachment F1 signed by an Architect or other persons appropriately qualified and experienced in the design, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council.

Note:

Separate Certification is required for all new or altered Mechanical Ventilation systems, compliance with Councils Code for Waste Handling in Buildings and for major food areas, hotels, food courts and similar establishments.

- (14) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council:
 - (a) Structural Drawings prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (Form 10 of the Environmental Planning and Assessment Regulation 1998), after the structural drawings have been checked and comply with:
 - i. The relevant clauses of the Building Code of Australia (BCA);
 - ii. The relevant conditions of Development Consent;
 - iii. The Architectural Plans incorporated with the Construction Certificate; and
 - iv. The relevant Australian Standards listed in the BCA (Specifications A1.3);

- v. Any other relevant report/s or documents. Specify on form S1A.
- (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (d) Notes:
- i. An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
 - Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - Evidence of relevant experience in the form of a CV/Resume;
 - Appropriate current professional indemnity insurance.
 - ii. An appropriately qualified practising structural engineer certifying by issuing a Form 10 Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
 - iii. An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination.
 - iv. Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.
 - v. Council reserves the right to randomly audit any structural documentation.
- (15) The design of the building and the methods of storage and handling of waste and recyclable material must comply with the Code for Waste Handling in Buildings adopted by Council 17 October 1994. The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of Code).
- (a) The project may require a garbage room, which must be large enough to store, and allow easy removal of the waste, which will be generated by the proposed use. Allowance must be made for the separation of putrescible waste from waste suitable for recycling.

- (b) The Waste Management Plan for the project must be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. The Waste Management Plan must be submitted by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.

Note:

Special requirements exist in Council's Code for premises such as medical and dental surgeries, food premises, skin penetration premises, laboratories and the like.

The Code recognises the constraints imposed by existing buildings and design issues. In circumstances where full compliance is not possible, an "Alternative Solution" must be submitted to the Certifying Authority.

SANITARY FACILITIES

- (16) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.

CARE OF BUILDING SURROUNDS

- (17) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

Schedule 1C

Conditions to be complied with prior to commencement of construction or demolition or work to the satisfaction of the Principal Certifying Authority

CONTROL OF VERMIN

- (18) Measures for the eradication of vermin from the site during construction work shall be implemented prior to the commencement of any work to the satisfaction of the Principal Certifying Authority. All service ducts and cable entries to existing premises should be sealed prior to any demolition being carried out.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (19) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-

- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Interim Policy for Temporary Protective Structures.
- (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
- (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.

HOURS OF WORK AND NOISE

- (20) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
 - (c) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the making of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979, and the granting of approval thereto.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (21) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;

- (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
- (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

CONSTRUCTION DURING THE OLYMPICS

- (22) Should construction be required to take place during the period 1 September 2000 to 1 October 2000 it may only be carried out in accordance with a Traffic and Pedestrian Management Plan and a Construction Program submitted and approved by Council, after consultation with the relevant Olympic authorities, such submission to be made at least three months prior to September 2000.
- (23) The public way must not be obstructed by any materials, vehicles refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

Schedule 1D

Conditions to be complied with during construction

CERTIFICATION OF MECHANICAL VENTILATION

- (24) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority prior to commencement of any mechanical services work.
 - (a) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:
 - (b) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
 - (c) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).

- i. Supply Air Ducts, Shafts and Fans - Blue
 - ii. Return Air Ducts, Shafts and Fans - Pink
 - iii. Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - iv. Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - v. Mixing Boxes and Conditions - Yellow
 - vi. Fire Dampers and Electric Heaters - Red
- (d) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (e) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (f) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.
- (25) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2 must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

Note:

Council reserves the right to randomly audit any mechanical ventilation documentation.

- (26) All evaporative cooling warm water or water cooling systems installed on the premises must comply with the Public Health Act 1991 and Public Health Regulation 1991 and be registered by Council.
- (27) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (28) Certification of completion of waste handling works in accordance with the relevant Development Approval Conditions and Councils Code for Waste Handling in Buildings 1994, must be submitted in the form of Attachment W2 to the satisfaction of the Principal Certifying Authority (PCA), (Council or a private accredited certifier) prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 or prior to use of the premises. A copy of the Certificate shall be submitted to Council if it was not the PCA.

Such Certification must be given by the Architect or other appropriated qualified person experienced in Waste Handling Design and Environmental Management.

- (29) Unobstructed access shall be provided and maintained to all exits at all times from tenancies and from public areas.

Schedule 1E

Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority

NOISE

- (30) The use of the premises must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 8.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 8.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
 - (c) A sound level at any point on the boundary of the site greater than the background levels specified in Australian Standard 1055. "Acoustics - Description and Measurement of Environmental Noise".
 - (d) An "offensive noise" as defined in the Noise Control Act 1975.
 - (e) The emission into the surrounding environment of gases, vapours, dust, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health.

(f) The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

(31) Any intruder alarm must be fitted with a timing device in accordance with the requirements of Regulation 12A of the Noise Control Act, 1975, and Australian Standard 2201, Parts 1 and 2 - 1978, Intruder Alarm Systems.

NUMBERING

(32) Prior to issue of an Occupation Certificate street, numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

(33) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the "Policy on Numbering of Premises within the City of Sydney".

FOOD PREMISES

(34) Prior to the use of any part of the premises for or in connection with the delivery, storage, preparation or service of food or beverages, or prior to issue of an Occupation Certificate, a Certificate of Completion must be submitted to the satisfaction of the Principal Certifying Authority;

EITHER

an Environmental Planning and Assessment Regulation 1994 Form 10 Compliance Certificate;

OR

a Food Premises Certificate of Completion in the form of Attachment F2 signed by an Architect or other person appropriately qualified and experienced in construction, fitout, codes and legislative provisions for food premises, when the Principal Certifying Authority is the Council; and

(C) any applications under Section 96 relating to Conditions (B) (2), (3), (4) or (5) are not to be dealt with under delegated authority.

ITEM 5. DEVELOPMENT APPLICATION: 469-481 KENT STREET SYDNEY (CIVIC HOUSE) (D99-00098)

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter -

Mr David Ireland - Objector.

Dr W G Hughes - Objector.

Mr Phil Hitchcock - Objector.

Mr John Richardson - Cox Richardson Architects and Planners.

Resolved on the motion of Mr Johnson, seconded by Mr Bird -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 July 1999, in relation to Development Application D98-00098 made by Cox Richardson Architects and Planners for the site at 469-481 Kent Street Sydney for demolition of the existing buildings and construction of a new 18 level commercial building, it be resolved that consent be refused for the following reasons:-

- (A) the proposed building would result in additional overshadowing of Sydney Square and the development, as proposed, is prohibited under the provisions of Clause 31 No Additional Overshadowing of Central Sydney Local Environmental Plan 1996;
- (B) the summer shadowing impacts of the proposed building on Sydney Square are unacceptable pursuant to the objectives and provisions of Central Sydney Local Environmental Plan and Development Control Plan 1996;
- (C) the proposed development does not comply with the general aim in Clause 11, "(f) to encourage the orderly development of land and resources within Central Sydney", of Central Sydney Local Environmental Plan 1996;
- (D) the proposed development is not an acceptable development in the City Centre zone of Central Sydney Local Environmental Plan 1996, in particular the proposal does not comply with the following stated objectives of that zone -
 - (i) to recognise and enhance the character of Special Areas; and
 - (ii) to protect the fine-grain urban fabric of central Sydney, especially the existing network of streets and lanes;
- (E) the proposal is an overdevelopment of the site and does not comply with the site's maximum floor space ratio of 10:1 under Central Sydney Local Environmental Plan 1996;

Note: In this instance the use of Heritage Floor Space to increase the maximum floor space ratio for the site to 12.5:1 is prohibited under the provisions of Central Sydney Local Environmental Plan 1996 (Amendment No. 4).

- (F) Civic House at 477-481 Kent Street and the former warehouse at 469-475 Kent Street are of local significance to the City of Sydney, and have consequently been listed on Schedule 1 of Draft Central Sydney Heritage LEP 1998. The proposal, if implemented, would destroy the individual and collective significance of the subject buildings;
- (G) Civic House and 469-475 Kent Street are important components of the Heritage Streetscape comprising the western side of Kent Street between Nos. 433 to 509, inclusively listed under Draft Central Sydney Heritage LEP 1998. The loss of these buildings from the Heritage Streetscape would diminish its significance to such a degree that continued listing would be prejudiced, irrespective of the design merit of the replacement building;
- (H) the proposal would adversely impact on the architectural heritage of the locality;
- (I) the proposal does not comply with Central Sydney Development Control Plan 1996, in particular with the following provisions -
 - (i) street frontage heights Clause 2.2;
 - (ii) street frontage setbacks (required average of 8m) Clause 2.3;
 - (iii) side setbacks Clause 2.3;
 - (iv) building exteriors Clause 2.7; and
 - (v) sunlight to publicly accessible spaces Clause 4.1;
- (J) the proposal is not acceptable in respect to the controls of Draft Central Sydney Local Environmental Plan No. 8 in respect to overdevelopment of the site, the scale of the proposed building and the quality of the external architecture proposed;
- (K) the proposal is not acceptable having regard to the aims and provisions of Draft Central Sydney Heritage Local Environmental Plan 1998;
- (L) the proposal is not considered to be in the public interest; and
- (M) the proposal would alienate the orderly development of the adjoining site to the north and result in an inappropriate relationship between building forms.

ITEM 6. HERITAGE FLOOR SPACE SYSTEM: REPORT ON SUPPLY AND DEMAND (S006408)

Resolved on the motion of Councillor Walton, seconded by Mr Reid -

That arising from consideration of a report by the Acting Senior Urban Designer to the Central Sydney Planning Committee on 15 July 1999 regarding the Heritage Floor Space system and the impacts of Central Sydney Local Environment Plan 1996 Draft Amendment No. 8, it be resolved that the report be received and noted.

ITEM 7. PLAN MAKING IN NSW - DISCUSSION PAPER REGARDING THE REVIEW OF PART III OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (S008206)

Declaration of Interest

Dr Dearing declared an interest in that the Department of Urban Affairs and Planning has an interest in this matter.

Resolved on the motion of Councillor Walton, seconded by Mr Bird -

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Central Sydney Planning Committee on 15 July 1999, regarding Council's submission to Plan - Making in NSW: Opportunities for the Future, it be resolved that the Central Sydney Planning Committee:-

- (A) submit Attachment A to this report, as amended at the meeting of the Central Sydney Planning Committee, to the Department of Urban Affairs and Planning as the comment from the Central Sydney Planning Committee in response to the discussion paper; and
- (B) support the inclusion of a representative of the Central Sydney Planning Committee in any working party initiated by the Department of Urban Affairs and Planning, to progress the review of Part III of the Environmental Planning and Assessment Act 1979.

ITEM 8. DEVELOPMENT APPLICATION: DUAP REFERRAL - SYDNEY COVE PASSENGER TERMINAL, CIRCULAR QUAY WEST (O1999/00036)

Declaration of Interest

Dr Dearing declared an interest as the Minister for Urban Affairs and Planning is the consent authority for this matter.

Declaration of Interest

Mr Johnson declared an interest in that the Department of Public Works and Services is involved with this project.

Resolved on the motion of Mr Reid, seconded by Councillor Walton -

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 15 July 1999, in relation to the referral from the Department of Urban Affairs and Planning of a Development Application made by Sydney Ports Corporation for the site known as Sydney Cove Passenger Terminal at Circular Quay West for partial demolition of the existing building and construction of additions and alterations to allow for rationalisation of the shipping facilities and provision of retail units, it be resolved that the submission at Attachment A to the subject report, as amended at the meeting of the Central Sydney Planning Committee, be endorsed and forwarded to the Department of Urban Affairs and Planning for consideration.

ITEM 9. SUBMISSION ON THE DRAFT MASTER PLAN FOR THE FORMER GOVERNMENT PRINTING OFFICE SITE AND THE FORMER AUSTRALIAN MORTGAGE LAND AND FINANCE COMPANY SITE, HARRIS STREET, ULTIMO - REFERRAL FROM DUAP (099/00043)

Declaration of Interest

Dr Dearing declared an interest as the Minister for Urban Affairs and Planning is the consent authority for this matter.

Resolved on the motion of Councillor Walton, seconded by Councillor Jahn -

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 15 July 1999 in relation to the Draft Master Plan for the redevelopment of the Government Printing Office and Australian Mortgage Land and Finance Company sites, Ultimo it be resolved that:-

- (A) the report by the Area Planning Manager be received and noted; and
- (B) a submission in the form of that contained in Attachment G, as amended at the meeting of the Central Sydney Planning Committee, be forwarded to the Department of Urban Affairs and Planning for its consideration in the assessment of the Draft Master Plan.

ITEM 10. DUAP REFERRAL - DRAFT MASTERPLAN AMENDMENT MCCAFFERY'S HILL, FORMER CSR SITE, PYRMONT (O1999/00041)

Declaration of Interest

Dr Dearing declared an interest as the Department of Urban Affairs and Planning is the consent authority for this matter.

Resolved on the motion of Councillor Walton, seconded by Mr Johnson -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 July 1999, in relation to the referral from the Department of Urban Affairs and Planning relating to the McCaffery's Hill Amendment to the Lend Lease Master Plan, it be resolved that the submission included as Attachment D to the subject report, as amended at the meeting of the Central Sydney Planning Committee, be endorsed and forwarded to the Department for Urban Affairs and Planning for consideration.

ITEM 11. DEVELOPMENT APPLICATION: MCCAFFERY'S HILL - RESIDENTIAL DEVELOPMENT, LEND LEASE CSR SITE, PYRMONT - DUAP REFERRAL (0/1999/)

Declaration of Interest

Dr Dearing declared an interest as the Department of Urban Affairs and Planning is the consent authority for this matter.

Resolved on the motion of Councillor Walton, seconded by Mr Bird -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 July 1999, in relation to the Department of Urban Affairs and Planning Referral DA No. 97-06-99 made by Lend Lease for the site at McCaffery's Hill for demolition of the existing structures and construction of a residential development which is to comprise 165 apartments and 239 car spaces it be resolved that the submission at Attachment C to the subject report, as amended at the meeting of the Central Sydney Planning Committee, be forwarded to the Department of Urban Affairs and Planning for consideration in the determination of the development application.

ITEM 12. DEVELOPMENT APPLICATION: SITES 4/5 AND 8/9, WHARVES 9 AND 10, DARLING HARBOUR (01999/00042)

Declaration of Interest

Dr Dearing declared an interest in that the Department of Urban Affairs and Planning is involved in this project.

Note - A set of plans from Cox Richardson Architects and Planners was circulated to members of the Central Sydney Planning Committee.

Resolved on the motion of Mr Johnson, seconded by Mr Reid -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 July 1999, in relation to the Development Application referral Planning DA-101-06-99 from The Department of Urban Affairs and Planning made by Wharves 9 and 10 Pty Ltd for the sites identified as Sites 4, 5, 8 and 9 Wharves 9 and 10 Darling Harbour, it be resolved as follows:-

- (A) the report by the Specialist Planner be received and noted; and
- (B) a copy of the submission contained at Attachment D to the subject report, as amended at the meeting of the Central Sydney Planning Committee, be forwarded to the Department of Urban Affairs and Planning for its consideration in the determination of the development application.

ITEM 13. DEVELOPMENT APPLICATION: BOND STORE 4 EAST, WALSH BAY - DUAP REFERRAL (01999/00033)

Declaration of Interest

Dr Dearing declared an interest in that the Minister for Urban Affairs and Planning is the consent authority for this matter.

Declaration of Interest

Mr Johnson declared an interest in that the Department of Public Works and Services has been involved in this project.

Note - A submission from Walsh Bay Partnership was circulated to members at the meeting of the Central Sydney Planning Committee.

The following persons from Walsh Bay Finance Pty Limited addressed the meeting of the Central Sydney Planning Committee on this matter -

Mr Gavin Carrier.
Mr Michael Mandl.
Mr Malcolm Scholl.

Resolved on the motion of Mr Bird, seconded by Mr Reid -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 July 1999, in relation to the Development Application referral DA 96-06-99 from the Department of Urban Affairs and Planning for the redevelopment of Pier 8/9, Walsh Bay made by Multiplex Constructions Pty Ltd, it be resolved that:-

- (A) the report by the Specialist Planner be received and noted; and
- (B) a copy of the submission contained at Attachment E to the subject report, as amended at the meeting of the Central Sydney Planning Committee, be forwarded to the Department of Urban Affairs and Planning for its consideration in the determination of the development application.

ITEM 14. DEVELOPMENT APPLICATION: PIER 8/9, WALSH BAY - DUAP REFERRAL (01999/00034)

Declaration of Interest

Dr Dearing declared an interest in that the Minister for Urban Affairs and Planning is the consent authority for this matter.

Declaration of Interest

Mr Johnson declared an interest in that the Department of Public Works and Services has been involved in this project.

Resolved on the motion of Councillor Walton, seconded by Mr Bird -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 July 1999, in relation to the Development Application referral DA 96-06-99 from the Department of Urban Affairs and Planning for the redevelopment of Pier 8/9, Walsh Bay made by Multiplex Constructions Pty Ltd, it be resolved that:-

- (A) the report by the Specialist Planner be received and noted; and
- (B) a copy of the submission contained at Attachment E to the subject report be forwarded to the Department of Urban Affairs and Planning for its consideration in the determination of the development application.

Note - Members of the Central Sydney Planning Committee acknowledged the quality design work of this proposal.

ITEM 15. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S002287)

There were no presentations at this meeting of the Central Sydney Planning Committee.

ITEM 16. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S002287)

No new development application lodgements were received.

ITEM 17. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

Resolved on the motion of Councillor Walton, seconded by Mr Johnson -

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 15 July 1999, in regard to the monthly report on Development Applications, it be resolved that the report be received and noted.

ITEM 18. GENERAL BUSINESS

There were no items of General Business raised at the meeting of the Central Sydney Planning Committee on 15 July 1999.

The meeting concluded at 7.55pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 29 July 1999.