

# CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 19 AUGUST 1999

Meeting No 225

**MINUTES** of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 19 August 1999 commencing at 5.10pm.

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## **PRESENT**

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

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

Councillor Jahn was declared elected as Chairman and took the Chair at 5.10pm.

The Lord Mayor, Councillor Frank Sartor, arrived at the meeting of the Central Sydney Planning Committee at 5.30pm during discussion on Item 5. Councillor Jahn continued as Chairman of the meeting for the remainder of discussion on Item 5.

The Lord Mayor, Councillor Frank Sartor, assumed Chairmanship of the meeting at 6.00pm at the commencement of Item 4.

Mr Neil Bird left the meeting of the Central Sydney Planning Committee at 6.38pm during discussion on Item 4 because of a prior commitment and did not return. Mr Bird's Alternate Member, Mr Reid, joined the proceedings of the Committee at that point.

Councillor Jahn left the meeting of the Central Sydney Planning Committee at 7.18pm during discussion on Item 6, and returned at 7.35pm at the conclusion of discussion on Item 6.

## **APOLOGIES (S006712)**

An apology was received from The Hon Councillor Henry Tsang MLC who was unable to attend the meeting as he was overseas.

An apology was received from Ms Sue Holliday 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 and Ms Holliday be received and leave of absence granted.

## **ORDER OF BUSINESS (S002287):**

### **Resolved:**

That in accordance with Clause 11(2) of the Local Government (Meetings) Regulation 1993, the order of business be altered for the convenience of the public present, such that the agenda items be dealt with in the following order:

1. Confirmation of Minutes
2. Matters Arising from the Minutes
3. Development Application: 93 - 105 Quay Street, Haymarket
5. Development Application: the Powerhouse Apartments, 82 Mary Ann Street, Ultimo
4. Development Application: 97-103 Pyrmont Bridge Road, Pyrmont (corner Wattle Street and Wattle Crescent)
6. Section 96(2) Application: Buckle House: 569-581 George Street Sydney
7. Central Sydney Development Control Plan 1996 (Draft Amendment No. 12) - Heritage Floor Space Provisions
8. Presentations By Applicants and Preliminary Advice
9. New Development Application Lodgements and Delegated Items
10. Progress Report on Development Applications
11. General Business

### **ITEM 1. CONFIRMATION OF MINUTES (S006712)**

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

That the Minutes of the Central Sydney Planning Committee held on 15 July 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 held on 15 July 1999.

### **ITEM 3. DEVELOPMENT APPLICATION: 93-105 QUAY STREET, HAYMARKET (D1999/00453 PART 1)**

Mr David Wolski, architect for the project, addressed the meeting of the Central Sydney Planning Committee on this matter.

**Resolved** on the motion of Dr Dearing, seconded by Ms le Marchant -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 19 August 1999, in relation to Development Application D99-00453 made by Ricky Developments Pty Ltd for the site at 93 - 105 Quay Street, Haymarket for the demolition of the existing structure and the erection of a residential development incorporating a retail space at street level and construction of a 17 storey residential development comprising 104 apartments and associated above ground car parking for 101 cars, it be resolved that:-

- (A) having regard to the development exceeding the 50m height limit pursuant to CSLEP 1996, the Central Sydney Planning Committee refuse to support the objection made under SEPP No.1 - Development Standards as the degree of non compliance is unacceptable and the height standard is considered reasonable and necessary in this instance; and

(B) that the development application be refused for the following reasons:-

- (1) pursuant to Section 79C(a) (b) and (e) of the Environmental Planning and Assessment Act 1979 and pursuant to Central Sydney Local Environmental Plan 1996 Clause 32(1) the proposal exceeds the nominated height control of 50m;
- (2) pursuant to Section 79C(a) (b) and (e) of the Environmental Planning and Assessment Act 1979 and pursuant to Central Sydney Development Control Plan 1996 the car park and plant equipment located adjacent to the southern boundary of the site will have an adverse impact upon the amenity and outlook of the units;
- (3) pursuant to Section 79C(a) (b) and (e) of the Environmental Planning and Assessment Act 1979 and pursuant to Clause 6.1.3 Central Sydney Development Control Plan 1996 the proposal is not in accordance with the Lightwell and Internal Courtyard requirements;
- (4) pursuant to Section 79C(a) (b) and (e) of the Environmental Planning and Assessment Act 1979 and pursuant to Clause 2.1 Central Sydney Development Control Plan 1996 the proposal is not in accordance with the Building to Street Alignment requirements;
- (5) in particular the development is unacceptable for the following reasons:
  - (a) due to the proximity of mechanical plant on an adjoining property (including air conditioning and car park exhaust units) the proposal does not provide an appropriate level of amenity for the residential units and common open space areas;
  - (b) the proposal has not adequately addressed the potential for noise disturbance to occur to units adjoining the Hotel boundary and external open space areas as a result of its proximity to an adjoining car park; and
  - (c) the proposal has not adequately addressed the potential for light disturbance to occur from adjoining car parks to units within the development;
- (6) pursuant to Section 79C(a) (b) and (e) of the Environmental Planning and Assessment Act 1979 the proposal is not in the public interest.

### **Closed Meeting**

At 6.40pm, following some discussion on Item 4 in open session, the Central Sydney Planning Committee resolved -

That the meeting be closed to the public in accordance with the provisions of Section 10A (2)(g) of the Local Government Act 1993 to discuss Item 4 on the agenda as this matter comprised discussion of advice concerning litigation;

and it was further resolved that the meeting be closed for this item on the basis that discussion of this matter in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matter and the circumstances of communications.

Item 4 was then dealt with by the Central Sydney Planning Committee while the meeting was closed to the public.

**ITEM 4. DEVELOPMENT APPLICATION: 97-103 PYRMONT BRIDGE ROAD, PYRMONT (CORNER WATTLE STREET AND WATTLE CRESCENT) (D1999/00470)**

Note - Correspondence from the Department of Urban Affairs and Planning dated 19 August 1999 was circulated to members prior to the meeting of the Central Sydney Planning Committee.

The following persons addressed the meeting of the Central Sydney Planning Committee on this matter, while the meeting was open to the public -

Mr Robert McMahon, Objector  
 Ms Margaret Bailey, Objector  
 Mr Harry Sternberg, Objector  
 Mr Glenn Sargeant, CSR  
 Mr Ed Hood, Objector  
 Ms Jocelyn Frederick, Objector  
 Mr Derek Bebbington, City West Housing Pty Ltd  
 Mr Russell Prescott, City West Housing Pty Ltd

**Moved** by Councillor Jahn, seconded by Ms le Marchant -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 19 August 1999, in relation to Development Application D1999/00470 made by City West Housing Pty Ltd for the site at 97-103 Pyrmont Bridge Road, Pyrmont for demolition of the existing building and construction of a part 6 and part 8 storey residential building containing 57 “affordable housing” units with 31 basement level parking spaces, it be resolved that:

- (A) having regard to the proposed development exceeding the maximum building height of 21m and the maximum floor space limit of 3:1 and the extent of non-compliance proposed, the Central Sydney Planning Committee refuse to support the objection made under State Environmental Planning Policy No. 1 - Development Standards regarding non-compliance with the maximum building height and maximum floor space limit controls as both standards are considered reasonable and necessary in this instance; and

(B) consent be refused for the following reasons:

- (1) the proposed development does not comply with the Urban Design Planning Principles for the Ultimo-Pyrmont Precinct in Clause 15 of Sydney Regional Environmental Plan No. 26 (City West) in that the height and scale of the new building fails to respect the existing buildings in the locality, particularly the heritage item;
- (2) the proposed development does not comply with the Residential-Business zone requirements in Clause 18 of Sydney Regional Environmental Plan No. 26 (City West) in that the amenity of the development is likely to be adversely affected by excessive odour from the nearby Sydney Fishmarkets;
- (3) the proposed development does not comply with the maximum building height control in Clause 23 of Sydney Regional Environmental Plan No. 26 (City West);
- (4) the proposed development does not comply with Clause 26 of Sydney Regional Environmental Plan No. 26 (City West) in that it fails to provide an appropriate transition in scale with the heritage listed Sydney Water Pumping Station;
- (5) the proposed development does not comply with the floor space limit of Clause 27A of Sydney Regional Environmental Plan No. 26 (City West);
- (6) the proposed development does not maintain an acceptable heritage curtilage and setting for the heritage listed Sydney Water Pumping Station;
- (7) the proposed development does not comply with the Built Form, Character and Detail, Sustainable Residential Development, and Access, Parking and Circulation provisions of the Urban Development Plan for the Ultimo-Pyrmont Precinct (1999 Update);
- (8) the proposed development has not obtained adequate legal rights over the adjoining land to permanently secure the borrowed light and ventilation from the curtilage of the Sydney Water Pumping Station;
- (9) the proposed development does not comply with the provisions of Council's Code for Waste Handling in Buildings;
- (10) any development on the site should not be considered in the absence of a Master Plan or Urban Development Plan being prepared, exhibited and adopted by the Department of Urban Affairs and Planning for the block bounded by Wattle Street, Wattle Crescent and Pyrmont Bridge Road;
- (11) the applicant has not demonstrated that the requirements of the Roads and Traffic Authority have been satisfied; and
- (12) the proposal is not in the interest of the public.

The motion was carried on the following show of hands -

Ayes (4) The Chairman (the Lord Mayor), Councillor Jahn, Ms le Marchant, Councillor Walton,

Noes (3) Dr Dearing, Mr Johnson, Mr Reid.

Motion carried.

At 7.10pm, at the conclusion of discussion on the confidential aspects of this matter, the meeting of the Central Sydney Planning Committee was reopened to the public.

When the meeting was reopened to the public, the Chairman announced the resolution of the Central Sydney Planning Committee in relation to Item 4.

**ITEM 5. DEVELOPMENT APPLICATION: THE POWERHOUSE APARTMENTS, 82 MARY ANN STREET, ULTIMO (D1999-00225)**

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

Mr Peter Tomasetti, Howard Silvers Investments  
Mr Lawrence Kalnin, Lawrence Kalnin Pty Ltd  
Mr Robin Graham, Ultimo Precinct Committee  
Mr Richard Seidman, The Satellite Group (Ultimo) Pty Ltd

**Resolved** on the motion of Councillor Jahn, seconded by Ms le Marchant -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 19 August 1999, in relation to Development Application D99-00225 made by The Satellite Group (Ultimo) Pty Ltd for the site at 82 Mary Street Ultimo for change of use of 8 ground floor retail units to residential associated works, it be resolved that consideration of this matter be deferred to the next appropriate meeting of the Central Sydney Planning Committee to enable a site inspection to be held and further consideration to be given to matters discussed at the meeting of the Central Sydney Planning Committee.

**ITEM 6. SECTION 96(2) APPLICATION: BUCKLE HOUSE: 569-581 GEORGE STREET SYDNEY (Z94-00133)**

**Declaration of Interest**

Councillor Jahn declared an interest in that he has previously undertaken work with Meriton Apartments Pty Ltd in the Waverley Council area.

Ms Sylvia Hrovatin of Meriton Apartments Pty Ltd addressed the meeting of the Central Sydney Planning Committee on this matter.

**Resolved** on the motion of Councillor Walton, seconded by Ms le Marchant -

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 19 August 1999 in relation to a Section 96(2) Application Z94-00133 (H) made by Meriton Apartments Pty Ltd for the site at 569-581 George Street, Sydney for modifications to the allocation of car-parking within the approved development, it be resolved that:

- (A) the objection pursuant to State Environmental Planning Policy No 1 against the development standard relating to the maximum car parking development standard (commercial component) within Clause 48 of Central Sydney Local Environmental Plan 1996 not be supported, on the following basis:-
- (1) the variation to the standard would be contrary to the objectives and provisions of Central Sydney Local Environmental Plan 1996 and Central Sydney Development Control Plan 1996;
  - (2) variation to the development standard would set an undesirable precedent;
  - (3) the extent of the variation to the standard is unacceptable; and
  - (4) strict compliance with the standard is considered both reasonable and necessary in this instance.
- (B) consent be refused for the following reasons:-
- (1) non-compliance with the CSLEP 1996 car parking controls would set an undesirable precedent and undermine the objectives and provisions of CSLEP 1996 and DCP 1996;
  - (2) provision of the additional commercial spaces at the expense of the residential users will increase the demand for on-street car parking by residents;
  - (3) approval of additional commercial parking within the development, at the expense of the residential users, would not be in the public interest; and
  - (4) there is plentiful alternative car parking in the vicinity available to service the needs of commercial tenants.



**ITEM 7. CENTRAL SYDNEY DEVELOPMENT CONTROL PLAN 1996 (DRAFT AMENDMENT NO. 12) - HERITAGE FLOOR SPACE PROVISIONS (S008451)**

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

That arising from consideration of a report by the Specialist Planner - Strategic/Section 94 to the Central Sydney Planning Committee on 19 August 1999, regarding Draft Amendment No. 12 to Central Sydney Development Control Plan 1996, it be resolved that the Central Sydney Planning Committee:-

- (A) endorse Draft Amendment No. 12 to Central Sydney Development Control Plan 1996, as shown in Attachment A to the subject report;
- (B) make drafting changes to Draft Amendment No. 7 to Central Sydney Development Control Plan 1996, as a result of any further requirements of Council; and
- (C) endorse the notification of the amendment in accordance with section 72 (Development control plans) of the Environmental Planning and Assessment Act 1979 and part 3 (Development control plans) of the Environmental Planning and Assessment Regulation 1994.

**ITEM 8. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S002287)**

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

**ITEM 9. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S002287)**

No new development applications were received at this meeting of the Central Sydney Planning Committee.

**ITEM 10. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)**

**Resolved** on the motion of Councillor Walton, seconded by Ms le Marchant -

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 19 August 1999, in regard to the monthly report on Development Applications, it be resolved that the report be received and noted.

**ITEM 11: GENERAL BUSINESS**

There were no items of General Business raised at the meeting of the Central Sydney Planning Committee on 19 August 1999.

At this stage of the meeting, at the suggestion of Ms le Marchant, the Committee agreed to record appreciation for the contribution given to the Central Sydney Planning Committee during the last term by Councillor Walton, Councillor Tsang and Councillor Jahn.

The Chairman (the Lord Mayor) also thanked the Councillors and all members of the Committee and their alternates for their conscientious work, and the Director - City Development and relevant staff for their advice and good work on behalf of the Central Sydney Planning Committee during this period.

The meeting concluded at 7.45pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is now scheduled for 26 August 1999.