

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 15 JUNE 2000

Meeting No 237

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 15 June 2000 commencing at 5.20 pm.

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PRESENT

The Right Hon the Lord Mayor Councillor Frank Sartor
(Chairman)

Mr Neil Bird, Councillor Robert Ho, Ms Sue Holliday (Director-General, Department of Urban Affairs and Planning), Mr Chris Johnson, Ms Antoinette le Marchant and Councillor Lucy Turnbull.

The Director City Development was also present.

Note - The Lord Mayor congratulated Mr Bird on being awarded a Member of the Order of Australia in the Queen's Birthday Honours List, for service to the urban development industry, particularly as a contributor to numerous government and non-government advisory bodies and the Urban Development Institute of Australia.

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

That in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, 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:

6. Central Sydney Local Environmental Plan 1996 - Draft Amendment No. 11: Height Issues
5. Development Application: MSB Stores, 1 High Street, 125A Kent Street and 30-38 Hickson Road, Millers Point
3. Development Application: The Glasshouse - 135 King Street, Sydney
4. Section 96 (2) Application: 35-43 Clarence Street, Sydney
1. Confirmation of Minutes
2. Matters Arising from the Minutes
7. Presentations by Applicants and Preliminary Advice
8. New Development Application Lodgements and Delegated Items
9. Progress Report on Development Applications
10. General Business

ITEM 1. CONFIRMATION OF MINUTES (S006712)

Resolved on the motion of Ms le Marchant, seconded by Mr Bird -

That the Minutes of the meeting of the Central Sydney Planning Committee held on 4 May 2000 be taken as read and confirmed.

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 25 May 2000 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S006712)

There were no matters arising from the Minutes of the meetings of the Central Sydney Planning Committee held on 4 May or 25 May 2000.

ITEM 3. DEVELOPMENT APPLICATION: THE GLASSHOUSE - 135 KING STREET, SYDNEY (D2000/00229)

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

Mr David Kunde

Mr Graeme Smith - Rice Daubney

Mr Tom Zarimis - AMP

Councillor Kathryn Greiner

Ms Julie Bindon - JBA Urban Planning Consultants

Resolved on the motion of Ms Holliday, seconded by Ms le Marchant -

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 June 2000, in relation to Development Application 2000/00229 made by Rice Daubney for the site at 135 King Street, Sydney for refurbishment of the King Street retail arcade and use as a late opening licensed cafe and brasserie, it be resolved that the Central Sydney Planning Committee defer consideration of this matter to enable the applicant to resubmit amended plans for consideration at the next meeting; such amended plans to address issues such as the sense of public entrance on King Street, signage for the arcade, and the glass protrusions to the south of the subject site.

ITEM 4. SECTION 96 (2) APPLICATION: 35-43 CLARENCE STREET, SYDNEY (Z/95/00807)

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

That arising from consideration of a report by the Specialist Planner to the Central Sydney Planning Committee on 15 June 2000, in relation to the Section 96 (2) Application D/DB/95/00807F made by City Plan Services for the site at 35-43 Clarence Street for the modification of conditions to enable the conversion of part of the ground and lower ground floors from 'convenience' retailing to 'regular' commercial/retail uses, and the creation of an outdoor terrace area opening from the lower ground floor level, it be resolved that:-

- (A) the CSPC supports the SEPP 1 objection to the non-compliance with the maximum Floor Space Ratio for the site of 11:1, as the proposal results in no physical alterations to the building's shell and the use has been previously approved. In these circumstances the standard is considered unnecessary and unreasonable; and
- (B) consent be granted and relevant conditions inserted as follows:-
 - (1) Condition No. 1 be amended to insert the following plan numbers:
9736/ADA 04 E, 05 D and 06 D.

- (2) Amend Condition No. 2 as follows:

FLOOR SPACE RATIO

The Floor Space Ratio of the proposal must not exceed 12.5:1, 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 17,090 sqm.

Prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component of Floor Space Areas (by use) in the development.

- (3) Amend Condition No. 4 as follows:

TRANSFERABLE FLOOR SPACE

Prior to building approval under section 68 of the Local Government Act 1993 for the construction of the development, evidence to the satisfaction of Council must be produced that 3418 sq.m of Transferable Floorspace was purchased, being that floorspace in excess of a floorspace ratio of 10:1 as specified in the Central Sydney Local Environmental Plan 1996.

- (4) Insert new Condition No. 7A as follows:

DETAILS, FINISHES AND MATERIALS

Final details of the materials and finishes to be used on the new terrace area must be submitted to and approved by the Director City Development prior to the issue of a Construction Certificate.

- (5) Delete Condition No. 80 which restricts the area to which this application relates to convenience retailing.
- (6) Insert a new condition No. 81 requiring a separate Development Application for the use of the terrace area.

Note - Prior to dealing with Item 5, the Central Sydney Planning Committee dealt with Item 6 on the agenda.

ITEM 5. DEVELOPMENT APPLICATION: MSB STORES, 1 HIGH STREET, 125A KENT STREET AND 30-38 HICKSON ROAD, MILLERS POINT (D99/00857)

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 15 June 2000, in relation to Development Application D1999/00857 made by Delmo No. 2 Pty Ltd for the site at 1 High Street, 125A Kent Street and 30-38 Hickson Road, Millers Point, for a stage 1 development application for the demolition of the buildings and construction of two new residential/commercial buildings and conservation and adaptive reuse of the existing building, it be resolved that the application be refused for the following reasons:-

- (A) the proposal does not comply with the objectives or provisions of Central Sydney LEP 1996 in relation to the maximum height limit of 45m for the site;
- (B) the applicant has not lodged an objection pursuant to State Environmental Planning Policy No. 1 - Development Standards in relation to non-compliance with the 45m height limit, and as such the CSPC is unable to consider any variation to that development standard;
- (C) the proposal, by virtue of its height, bulk and scale, would result in an inappropriate building form on the site with unacceptable heritage and urban design impacts;
- (D) the proposal does not comply with the objectives and provisions of Central Sydney DCP 1996 - Clause 2.6.2 in relation to the maximum horizontal dimension of 40m for buildings over 45m in height;
- (E) the proposal does not comply with the objectives and provisions of Central Sydney DCP 1996 - Clause 2.3 and 6.1.11 in relation to the provision of appropriate setbacks from the cliff face to facilitate adequate outlook, ventilation, daylight access and amenity to future occupants of the development;
- (F) the scale relationship of the proposal to the existing buildings and heritage items in High Street is unacceptable and will have an adverse impact on the significance of those heritage items and the heritage streetscape as a whole;
- (G) the height of the proposal in relation to heritage items within the site including Jenkins Street, the MSB stores and the cliff face creates an inappropriate scale relationship that adversely impacts upon their heritage significance and the character of adjoining heritage streetscapes;
- (H) the location of the High Street pedestrian entry to the development is inappropriate and will result in unacceptable noise and pedestrian traffic impacts on existing residents in High Street;
- (I) the height of elements within the development are inappropriately tall for the context and result in a diminution of the character of the Millers Point Special Area and the adjoining cliff face; and
- (J) the proposal is not in the public interest.

Carried unanimously.

Note - Item 6 was the first item dealt with at this meeting of the Central Sydney Planning Committee.

ITEM 6. CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 - DRAFT AMENDMENT NO. 11: HEIGHT ISSUES (S0011712)

Note - Correspondence from Delmo No. 2 Pty Limited dated 15 June 2000 was circulated to members prior to the meeting of the Central Sydney Planning Committee.

Note - After considering the letter from Delmo Pty Limited, the Lord Mayor stated that he did not believe that that part of the letter which attributed statements to him was accurate.

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

Mr José de la Vega - Delmo No. 2 Pty Limited
Mr Henry Braude - Stamford Apartments

Resolved on the motion of Ms Antoinette le Marchant, seconded by Councillor Turnbull:

That arising from consideration of the report by the Specialist Planner - Strategic/Section 94 to the Central Sydney Planning Committee on 15 June 2000, regarding Draft Amendment No. 11 to Central Sydney Local Environmental Plan 1996, it be resolved that the Central Sydney Planning Committee:-

- (A) exhibit Central Sydney Local Environmental Plan 1996 - Draft Amendment No. 11 generally in accordance with the Draft Amendment that is Attachment "B", as circulated at the meeting, for a period of 28 days;
- (B) authorise the Lord Mayor to finalise matters relating to Central Sydney Local Environmental Plan 1996 - Draft Amendment No.11 for the purposes of public exhibition; and
- (C) approve Council's use of its delegated powers under Section 65 (Certificate of Director) and Section 69 (Report by Director) of the Environmental Planning and Assessment Act 1979, in accordance with the Best Practice Guidelines published by the Department of Urban Affairs and Planning in January 1997 and titled "LEPs and Council land - Guidelines for Councils using delegated powers to prepare LEPs involving land that is or was controlled by Council".

ITEM 7. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S002287)

There were no presentations by applicants and preliminary advice at this meeting of the Central Sydney Planning Committee.

ITEM 8. NEW DEVELOPMENT APPLICATION LODGEMENTS AND DELEGATED ITEMS (S00-2287)

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

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 15 June 2000, in regard to the report on new development application lodgements and delegated items, it be resolved that the report be received and noted.

ITEM 9. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

Resolved on the motion of Ms le Marchant, seconded by Mr Johnson -

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 15 June 2000, in regard to the progress report for the month of May 2000, it be resolved that the report be received and noted.

ITEM 10. GENERAL BUSINESS

10.1 Progress Report on the Management Plan, Woolloomooloo Public Domain

The Director City Development is to provide Ms Holliday with a progress report on the implementation of the Management Plan of the Woolloomooloo public domain area, at her request.

10.2 Leave of Absence - Ms le Marchant

The Central Sydney Planning Committee accepted Ms le Marchant's request for leave of absence for the next meeting to be held on 6 July 2000.

The meeting concluded at 6.32 pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 6 July 2000.