

CENTRAL SYDNEY PLANNING COMMITTEE

THURSDAY 17 AUGUST 2000

Meeting No 240

MINUTES of the Meeting of the Central Sydney Planning Committee held in the Council Chamber, Sydney Town Hall, on Thursday 17 August 2000 commencing at 5.20pm.

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PRESENT

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

Mr Neil Bird AM, Councillor Dixie Coulton (Alternate Member for 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.

APOLOGY

An apology was received from Councillor Robert Ho who was unable to attend the meeting owing to a prior commitment.

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

That the apology from Councillor Ho be received and leave of absence granted.

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
4. Development Plan Application: 124-142 Phillip Street and 69 Hunter Street, Sydney
3. Stage 1 Development Application: 124-142 Phillip Street and 69 Hunter Street, Sydney
1. Confirmation of Minutes
2. Matters Arising from the Minutes
5. Referral on Draft Master Plan and Two Development Applications: Darling Island, Pyrmont - Submission to Department of Urban Affairs and Planning
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 (S010833)

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

That the Minutes of the meeting of the Central Sydney Planning Committee held on 27 July 2000 be taken as read and confirmed.

ITEM 2. MATTERS ARISING FROM THE MINUTES (S010833)

There were no matters arising from the Minutes of the Central Sydney Planning Committee meeting of 27 July 2000.

Note - At the applicant's request, the Central Sydney Planning Committee dealt with Item 4 on the agenda before dealing with Item 3.

ITEM 3. STAGE 1 DEVELOPMENT APPLICATION: 124-142 PHILLIP STREET AND 69 HUNTER STREET, SYDNEY (D2000/00562)

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 17 August 2000 in relation to Stage 1 Development Application under the provisions of section 80(4) of the Environmental Planning and Assessment Act 1979 (D2000/00562) made by BT Funds Management c/o JBA Urban Planning Consultants for the site at 124-142 Phillip Street and 69 Hunter Street for demolition of the existing buildings and redevelopment of the site for a new commercial/retail development, it be resolved that:-

- (A) the applicant should note that the approval of the Stage 1 development application does not infer that a Stage 2 development application lodged in accordance with the Stage 1 development application will necessarily be acceptable as a full and thorough assessment under the provisions of section 79A of the Environmental Planning and Assessment Act 1979 will be required at that time; and
- (B) consent be granted for the amalgamation of the application site, demolition of all existing buildings and redevelopment of the land for a new commercial development, the building envelope indicated on drawings DP-10A (as annotated), DP-11A, DP-12A, the use of the site for commercial/retail purposes, a maximum floor space area of 49,187.5sqm representing a Floor Space Ratio of 12.5:1, a single vehicular access (entry and exit) located on Phillip Street towards the southern site boundary, accommodating combined vehicular access for cars, service vehicles, and bicycles to the basement car park levels generally in accordance with drawing DP-7, pedestrian access providing cross-site movement between Hunter Street and Phillip Street, bulk excavation of the site to a maximum finished floor depth of RL12.15 to accommodate three levels of basement parking, plus service vehicle, plants and ancillary storage, subject to the following conditions:-

Conditions to be complied with prior to lodgement of a Stage 2 Development Application

APPROVED DEVELOPMENT

- (1) The Stage 2 development application must be in accordance with the Stage 1 Development Application No. D2000/00562 dated 30 June 2000 and Staged Development Application Statement of Environmental Effects to City of Sydney Council - 126 Phillip Street, Sydney prepared by JBA Urban Planning Consultants dated June 2000, and additional information prepared by JBA Urban Planning Consultants dated 16 August 2000, and drawings numbered DP-1A, DP-2, DP-3, DP-4, DP-5, DP-6, DP-7, DP-8, DP-9, DP-10A, DP-11A, DP-12A, DP-50, DP-51, DP-52, DP-53, DP-54, DP-55 and generally consistent with the indicative concept diagrams numbered DP-31, DP-32, DP-33, DP-34, DP-35, DP-36, DP-37, DP-38, DP-39, DP-40, DP-41, DP-42, DP-43, DP-44, DP-45, DP-46, DP-47, DP-48, DP-49 prepared by Foster and

Partners, Hassell dated June 2000 and as amended by the following conditions.

- (2) No excavation, demolition or construction shall commence in relation to this Stage 1 development application until a Stage 2 development application is approved and a construction certificate issued in respect of the substantive building.

BUILDING ENVELOPE

- (3) The building envelope is only approved on the basis that the ultimate building design will be considerably smaller than the envelope and provide an appropriate relationship with neighbouring buildings, particularly those buildings fronting Macquarie Street and the Westpac building fronting Martin Place and Phillip Street. In this regard, the Stage 2 development application should demonstrate a consistency with the objectives and provisions of the Central Sydney LEP and DCP 1996 and the Central Sydney Heritage LEP 2000.
- (4) The approved envelope amends the submitted envelope by the removal of the void/open space at the NW corner of the building and setbacks from Hunter Street and Phillip Street as annotated on plan DP-10A to enable greater flexibility in the final design to address the urban design, heritage and amenity issues.
- (5) An architectural roof feature is not necessarily required by the consent authority, but if it is provided it is to be limited in extent as shown in the Stage 1 development application, comply with all the requirements of the LEP and in particular be an integral part of the overall building design. In this regard the applicant is to note the issues raised in the report and that in approving such an envelope the consent authority has had particular regard to the concept plans and design philosophy incorporated in the application.
- (6) The tower floorplate of the final building must not completely fill the approved envelope, which is larger than necessary to facilitate a highly articulated building form as part of the Stage 2 development application.

URBAN DESIGN

- (7) The Stage 2 development application must provide full details in relation to the following urban design issues:
 - (a) The final design of the building must have a remote core separated by a predominantly transparent atrium.
 - (b) The Phillip Street elevation must be designed to achieve the following:
 - (i) a high degree of design compatibility with adjacent building podia and a form which appropriately relates to the 'human scale';
 - (ii) a high degree of visibility of interiors from the footpath into the building;

- (iii) a high degree of transparency in the Phillip Street elevations which may incorporate innovative design solutions resulting a façade which makes a significant contribution to the urban form and character of the precinct;
- (iv) a high level of active uses, such as entries, retail etc;
- (v) the objectives of the DCP relating to street frontage height and street frontage activity to minimise impacts of a tower form rising directly from the footpath, particularly in relation to daylight access and wind conditions.

HERITAGE

- (8) The Stage 2 development application must have full regard to the optimum design solution identified by Godden Mackay Logan in the Heritage Impact Statement and detailed on pages 28 and 29 of the Staged Development Application Statement of Environmental Effects to City of Sydney Council dated June 2000 to the satisfaction of the consent authority.

BUILDING USES

- (9) The use of the upper levels of the southern podium for plant and service equipment is not approved as part of this Stage 1 development application. The acceptability of such a use is dependent upon submission of appropriate details with the Stage 2 development application to satisfy the consent authority that the development would not prejudice the appearance of the streetscape and/or the amenity of occupiers of neighbouring buildings.

LOT CONSOLIDATION

- (10) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 pursuant to a Stage 2 development consent.

DEMOLITION/SITE RECTIFICATION

- (11) 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 pursuant to a Stage 2 development consent.

- (b) Prior to issue of the Construction Certificate, documentary evidence must be provided to Council 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 500 000 dollars as security for the costs of such works provided that:-
 - a. the maximum liability under the Deed shall not exceed 500 000 dollars; and
 - b. the Council may accept a lesser amount as security if substantiated by detailed design and costing for works which 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 tenantable 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.

ARCHAEOLOGICAL INVESTIGATION

(12)

- (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
- (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.
- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

- (g) In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

FLOOR SPACE RATIO

- (13) 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 not to exceed 49,187.50sqm.

VEHICULAR ENTRY

- (14) The principle of one vehicular entry at the southern end of the site's frontage to Phillip Street is only approved subject to the Stage 2 development application satisfactorily addressing any concerns of Council's Transport and Access Unit, the Sydney Regional Traffic Committee and the provisions of the CSLEP and DCP 1996. In this regard the applicant shall ensure that sound attenuation measures are incorporated in the detail of the Stage 2 development application.

PEDESTRIAN ACCESS AND CIRCULATION

- (15) The Stage 2 development application shall ensure that any pedestrian access and circulation space is accessible to the whole community, is safe and secure and provides a high level of amenity and protects the amenity and security of adjoining buildings.

THROUGH SITE LINK

- (16) The Stage 2 development application shall provide a link from Phillip Street to the adjoining St Stephens Uniting Church consistent with the location of any approved access point to the Church.

PARKING

- (17) The basement envelope is approved to allow flexibility of design. However, the Stage 2 development application shall comply with the requirements of the LEP and DCP in relation to the maximum number of parking spaces proposed.

BUILDING HEIGHT

- (18) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 196 (AHD).

SURRENDER OF CONSENT

- (19) The applicant shall surrender the existing consent given in Notice of Determination No. D1998-00399 dated 1 February 1999, in accordance with the prescribed Form 3 of the Environmental Planning and Assessment Amendment Regulation 1998, prior to issue of a Construction Certificate for any part or stage of the development pursuant to a Stage 2 development consent.

PUBLIC ART

- (20) 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 strategy must be submitted for the approval of Council with the Stage 2 development application.

LANDSCAPING OF THE SITE

- (21) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be submitted for the approval of Council with the Stage 2 development application. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;
 - (e) Details of drainage and watering systems;
 - (f) Special attention must be paid to the treatment of landscaping above a slab.

PUBLIC DOMAIN PLAN

- (22) The following requirements apply:-

Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be submitted for the approval of Council with the Stage 2 development application.

- (a) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.

- (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (b) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (c) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.

- (v) The repair and, where required, the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
- (vi) The retention and repair of any existing pavement lights.
- (vii) The retention and repair of any existing serviceable stone gutters.
- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.

ELECTRICITY SUBSTATION

- (23) The owner must liaise with Energy Australia prior to submission of the stage 2 development application to establish whether the development would result in the need for an electricity substation. If Energy Australia determine that such a substation is required then the size, design and location of the substation shall be included in the stage 2 development application to the satisfaction of Energy Australia.

PUBLIC TELEPHONES

- (24) The Stage 2 development application shall provide details of the provision of two public telephones within the development (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (a) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
 - (b) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.

TOILETS AVAILABLE FOR USE BY PUBLIC

- (25) The Stage 2 development application shall include details of the provision of toilet facilities at ground floor level.

RECEPTACLES FOR CIGARETTE BUTTS

- (26) The Stage 2 development application shall include details of the provision of an adequate number of receptacles for the disposal of cigarette butts and general rubbish.

DETAILS OF SHADOW IMPACT

- (27) The Stage 2 development application shall provide a detailed assessment of the shadow impact of the proposed development, including any architectural roof feature, particularly in regard to the impact on adjoining and neighbouring streets and buildings and places of heritage significance.

WIND ASSESSMENT

- (28) The Stage 2 development application is to provide a full wind assessment report based on wind tunnel tests. The design of the building is to fully address all wind amelioration issues arising out of the wind report having regard to issues of urban design and heritage.

DETAILS OF ACCESS FOR PEOPLE WITH DISABILITIES

- (29) The Stage 2 development application must demonstrate access and facilities for people with disabilities in accordance with Part D3 of the Building Code of Australia and Council's Access Policy.

ACCESS FOR TELECOMMUNICATIONS CARRIERS

- (30) Appropriate access to the building shall be provided for up to three telecommunications carriers. Details shall be submitted with the Stage 2 development application.

SIGNAGE STRATEGY

- (31) A signage strategy shall be provided with the Stage 2 Development application which identifies the number, type, size and location of signs required to ensure appropriate wayfinding and naming of buildings and tenancies within the development.

LIGHTING STRATEGY

- (32) A lighting strategy shall be provided with the Stage 2 Development application which identifies the number, type, size, design, luminosity (lux) and location of lighting in relation to the exterior of the building and public space. The strategy will address safety, light spill and pollution, energy efficiency and contribution to design excellence.

BUILDING CODE OF AUSTRALIA REQUIREMENTS

- (33) The Stage 2 development application shall address the following matters;
- (a) That the operation of any easement for light and ventilation, benefiting the adjoining allotments, shall not be compromised by the development.
 - (b) That the low-rise tower levels shall provide complying travel distances to points of choice to alternate exits as appropriate to comply with BCA Part D.

- (c) That the high-rise tower levels shall provide complying travel distances to alternate exits as appropriate to comply with BCA Part D.
- (d) That the proposed atrium shall be designed in accordance with the requirements of Part G of the BCA.

SYDNEY REGIONAL DEVELOPMENT ADVISORY COMMITTEE

- (34) A Traffic Management Plan (TMP) for the demolition/construction period be submitted with the Stage 2 development application.
- (35) The Stage 2 development application will address the width of the driveway off Phillip Street and provide details of the exact location of the car parking and loading docks, bicycle storage, shower facilities and motorcycle storage to the satisfaction of the consent authority.
- (36) The vehicle exit ramp leading onto Phillip Street shall be designed with a minimum 6 metre length of near flat grade commencing from just behind the footpath to ensure satisfactory sight distance from existing drivers to passing pedestrians.
- (37) The Stage 2 development application shall ensure that all trucks using the site must be able to enter and leave the site in a forward direction. Trucks must be wholly within the site before being required to stop. This arrangement must ensure that the amenity of the street, the character and appearance of the building and the safety and amenity of pedestrians is maintained.
- (38) Any trucks associated with the development should not stand on the surrounding street system.
- (39) The Stage 2 development application must demonstrate that the carpark layout/ramp grades etc conform with AS 2890.1-1993 and the commercial parking layout to conform with AS 2890.2-1989.
- (40) Service vehicle/loading bay spaces are to be clearly designated and signposted.
- (41) The Stage 2 development application shall ensure that the design of the building and the methods of storage and handling of waste and recyclable material comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).

SECTION 61 CONTRIBUTION

- (42) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:

(a) Cash Contribution Required

- (i) In accordance with the adopted “Central Sydney Contributions Plan 1997” a cash contribution must be paid to Council in accordance with this condition.
- (ii) Payment shall be by bank cheque made payable to the City of Sydney.

(b) Amount of Contribution

- (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the “Central Sydney Contributions Plan 1997”.

(c) Certification of the calculation of the contribution in accordance with the “Central Sydney Contribution Plan 1997” shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

- (i) If the Construction Certificate is to be issued by a private accredited certifier, they must seek Council’s endorsement of the calculation prior to the issue of the Construction Certificate.
- (ii) For developments over \$2 million in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor.

(d) Timing of Payment

- (i) The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

(43) As part of the design excellence provisions, the applicant shall demonstrate with the Stage 2 development application its commitment to obtaining a future occupier of the building that is committed to ecologically sustainable principles and willing to pursue the chilled beam technology.

(44) The applicant shall demonstrate its commitment to the attainment of a building which is at the forefront of sustainable design. Details shall be provided with the Stage 2 development application.

(45) The “zone for architectural projections” and the “mast zone” indicated on drawings numbered DP-10A, DP-11A and DP-12A shall be reduced to project no more than 450mm over Council owned land. Should additional projection be required over Council land, the development consent shall be amended and a report to Council seeking its approval as land owner be prepared.

- (46) The development consent shall lapse after a period of three years from the date of this consent.

Schedule 2

The prescribed conditions in accordance with Clause 78 of the Environmental Planning and Assessment Regulation 1998 apply to this development.

Note - At the applicant's request, the Central Sydney Planning Committee dealt with Item 4 on the agenda before dealing with Item 3.

ITEM 4. DEVELOPMENT PLAN APPLICATION: 124-142 PHILLIP STREET AND 69 HUNTER STREET, SYDNEY (M2000/00001)

Mr Chris Waggett of BT Funds Management Limited addressed the meeting of the Central Sydney Planning Committee on this matter.

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

That arising from consideration of a report by the Area Planning Manager to the Central Sydney Planning Committee on 17 August 2000 in relation to a draft development plan application M2000/00001 made by BT Funds Management c/o JBA Urban Planning Consultants for the site at 124-142 Phillip Street and 69 Hunter Street for demolition of the existing buildings and redevelopment of the site for a new commercial/retail development, it be resolved that the development plan be adopted in accordance with clause 28C (4)(b) of the Central Sydney Local Environmental Plan 1996, subject to the following variations:-

- (A) The applicant should note that the adoption of the Development Plan does not infer that a subsequent development application lodged in accordance with the adopted Development Plan will necessarily be acceptable as a full and thorough assessment under the provisions of section 79A of the Environmental Planning and Assessment Act 1979 will be required at that time.

Variations to the Development Plan to be addressed in the submission of a subsequent detailed development application.

APPROVED DEVELOPMENT

- (1) A subsequent development application must be in accordance with the Development Plan Application No.M2000/00001 dated 30 June 2000 and Draft Development Plan to the City of Sydney Council - 126 Phillip Street, Sydney prepared by JBA Urban Planning Consultants, dated June 2000, and additional information prepared by JBA Urban Planning Consultants dated 16 August 2000, and drawings numbered DP-1A, DP-2, DP-3, DP-4, DP-5, DP-6, DP-7, DP-8, DP-9, DP-10A, DP-11A, DP12A, DP-50, DP-51, DP-52, DP-53, DP-54, DP-55, and generally consistent with the indicative concept diagrams numbered DP-31, DP-32, DP-33, DP-34, DP-35, DP-36, DP-37,

DP-38, DP-39, DP-40, DP-41, DP-42, DP-43, DP-44, DP-45, DP-46, DP-47, DP-48, DP-49 prepared by Foster and Partners, Hassell dated June 2000 and as amended by the following conditions.

BUILDING ENVELOPE

- (2) The building envelope is only approved on the basis that the ultimate building design will be considerably smaller than the envelope and provide an appropriate relationship with neighbouring buildings, particularly those buildings fronting Macquarie Street and the Westpac building fronting Martin Place and Phillip Street. In this regard the subsequent development application should demonstrate a consistency with the objectives and provisions of the Central Sydney LEP and DCP 1996 and the Central Sydney Heritage LEP 2000.
- (3) The approved envelope is amended by the removal of the void/open space at the NW corner of the building and setbacks from Hunter Street and Phillip Street as annotated on plan DP-10A to enable greater flexibility in the final design to address the urban design, heritage and amenity issues.
- (4) An architectural roof feature is not necessarily required by the consent authority, but if it is provided it is to be limited in extent as shown in the development plan application, comply with all the requirements of the LEP and in particular be an integral part of the overall building design. In this regard, the applicant is to note the issues raised in the report and that in approving such an envelope the consent authority has had particular regard to the concept plans and design philosophy incorporated in the application.
- (5) The tower floorplate of the final building must not completely fill the approved envelope, which is larger than necessary to facilitate a highly articulated building form as part of the subsequent development application.

URBAN DESIGN

- (6) The subsequent development application must address the following urban design issues:
 - (a) The final design of the building must have a remote core separated by a predominantly transparent atrium.
 - (b) The Phillip Street elevation must be designed to achieve the following:
 - (i) a high degree of design compatibility with adjacent building podia and a form which appropriately relates to the 'human scale':
 - (ii) a high degree of visibility of interiors from the footpath into the building;
 - (iii) a high degree of transparency in the Phillip Street elevations which may incorporate innovative design solutions resulting a façade which makes a significant contribution to the urban form and character of the precinct;

- (iv) a high level of active uses, such as entries, retail etc;
- (v) the objectives of the DCP relating to street frontage height and street frontage activity to minimise impacts of a tower form rising directly from the footpath, particularly in relation to daylight access and wind conditions.

HERITAGE

- (7) The subsequent development application must have full regard to the optimum design solution identified by Godden Mackay Logan in the Heritage Impact Statement and detailed on pages 28 and 29 of the Draft Development Application to City of Sydney Council dated June 2000 to the satisfaction of the consent authority.

BUILDING USES

- (8) The use of the upper levels of the southern podium for plant and service equipment is not adopted as part of this development plan. The acceptability of such a use is dependent upon submission of appropriate details with the subsequent development application to satisfy the consent authority that the development would not prejudice the appearance of the streetscape and/or the amenity of occupiers of neighbouring buildings.

FLOOR SPACE RATIO

- (9) 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 not to exceed 49,187.50sqm.

VEHICULAR ENTRY

- (10) The principle of one vehicular entry at the southern end of the site's frontage to Phillip Street is only adopted in this development plan subject to the subsequent development application satisfactorily addressing any concerns of Council's Transport and Access Unit, the Sydney Regional Traffic Committee and the provisions of the CSLEP and DCP 1996. In this regard, the applicant shall ensure that sound attenuation measures are incorporated in the detail of the subsequent development application.

PEDESTRIAN ACCESS AND CIRCULATION

- (11) The subsequent development application shall ensure that any pedestrian access and circulation space is accessible to the whole community, is safe and secure and provides a high level of amenity and protects the amenity and security of adjoining buildings.

THROUGH SITE LINK

- (12) The subsequent development application shall provide a link from Phillip Street to the adjoining St Stephens Uniting Church consistent with the location of any approved access point to the Church.

PARKING

- (13) The basement envelope is approved to allow flexibility of design. However, the subsequent development application shall comply with the requirements of the LEP and DCP in relation to the maximum number of parking spaces proposed.

BUILDING HEIGHT

- (14) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) in the subsequent development application must not exceed RL 196 (AHD).

SURRENDER OF CONSENT

- (15) The applicant shall surrender the existing consent given in Notice of Determination No. D1998-00399 dated 1 February 1999, in accordance with the prescribed Form 3 of the Environmental Planning and Assessment Amendment Regulation 1998, prior to issue of a Construction Certificate for any part or stage of the development pursuant to a subsequent development consent.

PUBLIC ART

- (16) 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 strategy must be submitted for the approval of Council with the subsequent development application.

LANDSCAPING OF THE SITE

- (17) The site must be landscaped and maintained to the approval of Council. A detailed landscape plan, to scale, drawn by a landscape architect or approved landscape consultant, must be submitted for the approval of Council with the subsequent development application. The plan must include:
- (a) Location of existing and proposed structures on the site including existing trees (if applicable);
 - (b) Details of earthworks including mounding and retaining walls and planter boxes (if applicable);
 - (c) Location, numbers and type of plant species;
 - (d) Details of planting procedure and maintenance;

- (e) Details of drainage and watering systems;
- (f) Special attention must be paid to the treatment of landscaping above a slab.

PUBLIC DOMAIN PLAN

(18) The following requirements apply:-

Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall must be submitted for the approval of Council with the subsequent development application.

- (a) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (b) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (c) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.

- (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
- (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
- (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
- (v) The repair and, where required, the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
- (vi) The retention and repair of any existing pavement lights.
- (vii) The retention and repair of any existing serviceable stone gutters.
- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.

ELECTRICITY SUBSTATION

- (19) The owner must liaise with Energy Australia prior to submission of the subsequent development application to establish whether the development would result in the need for an electricity substation. If Energy Australia determine that such a substation is required then the size, design and location of the substation shall be included in the stage 2 development application to the satisfaction of Energy Australia.

PUBLIC TELEPHONES

- (20) The subsequent development application shall provide details of the provision of two public telephones within the development (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (a) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
 - (b) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.

TOILETS AVAILABLE FOR USE BY PUBLIC

- (21) The subsequent development application shall include details of the provision of toilet facilities at ground floor level.

RECEPTACLES FOR CIGARETTE BUTTS

- (22) The subsequent development application shall include details of the provision of an adequate number of receptacles for the disposal of cigarette butts and general rubbish.

DETAILS OF SHADOW IMPACT

- (23) The subsequent development application shall provide a detailed assessment of the shadow impact of the proposed development, including any architectural roof feature, particularly in regard to the impact on adjoining and neighbouring streets and buildings and places of heritage significance.

WIND ASSESSMENT

- (24) The subsequent development application is to provide a full wind assessment report based on wind tunnel tests. The design of the building is to fully address all wind amelioration issues arising out of the wind report having regard to issues of urban design and heritage.

DETAILS OF ACCESS FOR PEOPLE WITH DISABILITIES

- (25) The subsequent development application must demonstrate access and facilities for people with disabilities in accordance with Part D3 of the Building Code of Australia and Council's Access Policy.

ACCESS FOR TELECOMMUNICATIONS CARRIERS

- (26) Appropriate access to the building shall be provided for up to three telecommunications carriers. Details shall be submitted with the subsequent development application.

SIGNAGE STRATEGY

- (27) A signage strategy shall be provided with the subsequent development application which identifies the number, type, size and location of signs required to ensure appropriate wayfinding and naming of buildings and tenancies within the development.

LIGHTING STRATEGY

- (28) A lighting strategy shall be provided with the subsequent development application which identifies the number, type, size, design, luminosity (lux) and location of lighting in relation to the exterior of the building and public space. The strategy will address safety, light spill and pollution, energy efficiency and contribution to design excellence.

BUILDING CODE OF AUSTRALIA REQUIREMENTS

- (29) The subsequent development application shall address the following matters:
- (a) That the operation of any easement for light and ventilation, benefiting the adjoining allotments, shall not be compromised by the development.
 - (b) That the low-rise tower levels shall provide complying travel distances to points of choice to alternate exits as appropriate to comply with BCA Part D.
 - (c) That the high-rise tower levels shall provide complying travel distances to alternate exits as appropriate to comply with BCA Part D.
 - (d) That the proposed atrium shall be designed in accordance with the requirements of Part G of the BCA.

SYDNEY REGIONAL DEVELOPMENT ADVISORY COMMITTEE

- (30) A Traffic Management Plan (TMP) for the demolition/construction period be submitted with the subsequent development application.
- (31) The subsequent development application will address the width of the driveway off Phillip Street and provide details of the exact location of the car parking and loading docks, bicycle storage, shower facilities and motorcycle storage to the satisfaction of the consent authority.
- (32) The subsequent development application shall ensure the vehicle exit ramp leading onto Phillip Street is designed with a minimum 6 metre length of near flat grade commencing from just behind the footpath to ensure satisfactory sight distance from existing drivers to passing pedestrians.
- (33) The subsequent development application shall ensure that all trucks using the site must be able to enter and leave the site in a forward direction. Trucks must be wholly within the site before being required to stop. This arrangement must ensure that the amenity of the street, the character and appearance of the building and the safety and amenity of pedestrians is maintained.
- (34) The subsequent development application must demonstrate that the carpark layout/ramp grades etc conform with AS 2890.1-1993 and the commercial parking layout to conform with AS 2890.2-1989.
- (35) The subsequent development application shall ensure that the design of the building and the methods of storage and handling of waste and recyclable material comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).

- (36) As part of the design excellence provisions, the applicant shall demonstrate at the subsequent development application stage its commitment to obtaining a future occupier of the building that is committed to ecologically sustainable principles and willing to pursue the chilled beam technology.
- (37) The applicant shall demonstrate its commitment to the attainment of a building which is at the forefront of sustainable design. Details shall be provided at the subsequent development application stage.
- (38) The “zone for architectural projections” and the “mast zone” indicated on drawings numbered DP-10A, DP-11A and DP-12A shall be reduced to project no more than 450mm over Council owned land. Should additional projection be required over Council land, the development plan shall be amended and a report to Council seeking its approval as land owner be prepared.
- (39) The development plan shall lapse after a period of three years from the date of this consent.

Note - On behalf of the members of the Central Sydney Planning Committee, the Lord Mayor expressed appreciation to Ms Lucy Richards, Area Planning Manager, and other members of the Development Unit for producing reports on Items 3 and 4 in a very efficient manner.

ITEM 5. REFERRAL ON DRAFT MASTER PLAN AND TWO DEVELOPMENT APPLICATIONS: DARLING ISLAND, PYRMONT - SUBMISSION TO DEPARTMENT OF URBAN AFFAIRS AND PLANNING (S012014; O /OR/00/00042; O /OR/00/00044)

Declaration of Interest

The Chairman (the Lord Mayor) declared an interest in this matter in that he is a Board member of the Sydney Harbour Foreshore Authority. The Chairman (the Lord Mayor) took part in discussion and voting on this item.

Declaration of Interest

Ms Holliday declared an interest in that she is a Board member of the Sydney Harbour Foreshore Authority. Ms Holliday took part in discussion and voting on this item.

Moved by Mr Johnson, seconded by Ms le Marchant -

That arising from consideration of a report by the Director City Development to the Central Sydney Planning Committee on 17 August 2000, in relation to the referrals from the Department of Urban Affairs and Planning (DUAP) for:

- (1) a proposal to replace the lapsed “Pymont Bay Master Plan Amendment No. 3 Darling Island” with a new “Darling Island Master Plan May 2000”;

- (2) a Development Application for the Stage 1 of the Darling Island Public Domain Concept which includes new streets, landscaping and services, and the demolition of existing Wharf 14; and
- (3) a Development Application for the demolition of the Wharf 13 building (former temporary Casino), the development of 6 storey residential (totalling 111 units) buildings on each of Sites 1, 2 and 3, together with basement level under all three sites,

it be resolved that the proposed development of Stage 1 be supported, and the Central Sydney Planning Committee recommend that the Department of Urban Affairs and Planning review the remainder of the Master Plan area in consultation with Council and the Central Sydney Planning Committee.

The motion was carried on the following show of hands -

Ayes (4) - Mr Bird, Ms Holliday, Mr Johnson, Ms le Marchant.

Noes (3) - The Chairman (the Lord Mayor), Councillors Coulton and Turnbull.

Motion carried.

ITEM 6. CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 - DRAFT AMENDMENT NO. 11: HEIGHT ISSUES (S011712)

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

Mr Bob Murphy - Waterways Authority of N.S.W.
 Mr David Shashall - Waterways Authority of N.S.W.
 Mr Henry Braude - Stamford Apartments
 Mr Ian Stapleton - representing Stamford Plaza Hotel
 Mr Michael Harrison - representing Stamford Plaza Hotel
 Mr Ray Newey - Chair of Body Corporate, Highgate Apartments
 Ms Janet Thompson - Delmo No. 2 Pty Limited
 Mr José de la Vega - Delmo No. 2 Pty Limited

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Director City Development to the Central Sydney Planning Committee on 17 August 2000, regarding Draft Amendment No. 11 to Central Sydney Local Environmental Plan 1996, it be resolved that the Central Sydney Planning Committee:-

- (A) approve Draft Amendment No. 11 to Central Sydney Local Environmental Plan 1996 for submission to the Minister for Urban Affairs and Planning;
- (B) advise those who made submissions regarding Draft Amendment No. 11 of this resolution; and

(C) request that a master plan be prepared for the Hickson Road area and including the wharf precinct.

Amendment moved by Ms Holliday, seconded by Mr Johnson -

That the motion be amended by the deletion of the entire motion and the substitution of the following motion -

That arising from consideration of a report by the Director City Development to the Central Sydney Planning Committee on 17 August 2000, regarding Draft Amendment No. 11 to Central Sydney Local Environmental Plan 1996, it be resolved that the Central Sydney Planning Committee defer consideration of this matter to the next meeting of the Central Sydney Planning Committee when this item will be dealt with together with a Section 82A Application lodged in respect of 30-38 Hickson Road, Millers Point.

The amendment was carried on the following show of hands -

Ayes (4) - Mr Bird, Ms Holliday, Mr Johnson, Ms le Marchant.

Noes (3) - The Chairman (the Lord Mayor), Councillors Coulton and Turnbull.

The substantive motion was declared carried.

ITEM 7. PRESENTATIONS BY APPLICANTS AND PRELIMINARY ADVICE (S010833)

There were no presentations by applicants nor 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 Ms le Marchant, seconded by Councillor Coulton -

That arising from consideration of a report by the Manager Development to the Central Sydney Planning Committee on 17 August 2000, in regard to new development application lodgements and delegated items, it be resolved that the report be received and noted.

ITEM 9. PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (S00-2287)

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

That arising from consideration of a report by the Manager Development, to the Central Sydney Planning Committee on 17 August 2000, in regard to progress on development applications for the month of June 2000, it be resolved that the report be received and noted.

ITEM 10: GENERAL BUSINESS

There were no items of general business raised at the meeting of the Central Sydney Planning Committee on 17 August 2000.

The meeting concluded at 6.38pm.

CHAIRMAN

The next meeting of the Central Sydney Planning Committee is scheduled for 31 August 2000.